



City of Ketchum
Planning & Building

IN RE:)	
)	
771 E 5 th Street Accessory Building)	KETCHUM PLANNING AND ZONING COMMISSION
Mountain Overlay Design Review)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: January 13, 2020)	DECISION
)	
File Number: 19-123)	
PROJECT:		771 E 5 th Street (Bierbaum) Accessory Building
APPLICATION TYPE:		Mountain Overlay Design Review
FILE NUMBER:		P19-123
ASSOCIATED DEVELOPMENT APPLICATIONS:		Lot Line Shift Application 16-100 & Fence Permit P19-056
PROPERTY OWNER:		Benjamin & Annabelle Bierbaum
REPRESENTATIVE:		Haavik Consulting, LLC & TND Architects
REQUEST:		Mountain Overlay Design Review for a new accessory building
LOCATION:		771 E 5 th Street (Kinderhorn Subdivision: Block 1: Lot 4A)
ZONING:		Limited Residential (LR) & Agricultural and Forestry (AF) Zoning Districts
OVERLAY:		Mountain Overlay
NOTICE:		A public hearing notice was mailed to property owners adjacent to the development site on November 27 th , 2019.

Findings Regarding Applications Filed

The subject Mountain Overlay (MO) Design Review is for the development of a new 2,127 sq ft accessory building located at 771 E 5th Street (Kinderhorn Subdivision: Block 1: Lot 4A) and associated site improvements. The proposed two-story accessory building will be utilized as an art studio by the property owners. Through review of the subject application, the Planning & Zoning Commission has found that the retaining wall system as reviewed and approved through Fence Permit Application P19-056 and installed in the summer of 2019 complies with the Mountain Overlay Design Review criteria as specified in Ketchum Municipal Code (KMC) §17.104.070.A. Fence Permit Application P19-056 was reviewed and approved administratively consistent with KMC §17.124.130 and §17.96.010.B6, which authorizes the Administrator to approve minor modifications including the installation the fences, hedges, and walls in overlay districts.

Lot 4A of Kinderhorn Subdivision has an area of 49,150 sq ft and is surrounded to the north by the Kinderhorn Subdivision, to the east by Val D'Sol Condominiums located in the City of Sun Valley, and to the west by the Sunalta Place and Sunnyside Condominiums. Amended Lot 4A consists of former Parcel BB, which is zoned

Agricultural and Forestry (AF), and former Lot 4 within the Limited Residential (LR) Zoning District. In 2017, former Parcel BB and Lot 4 were combined in accordance with the Readjustment of Lot Lines Procedure (Lot Line Shift Application File #16-100) as outlined in the Subdivision Regulations (Title 16) of Ketchum Municipal Code (KMC) to form amended Lot 4A recorded as Instrument No. 645775. While the parcels were combined, the associated zoning designations remained the same with former Lot 4 within the LR Zone and former Parcel BB within the AF Zone.

Findings Regarding Kinderhorn Subdivision: Block 1: Lot 4A Subdivision Plat

Plat Note #6 of the amended Kinderhorn Subdivision: Block 1: Lot 4A subdivision states that, “a portion of Lot 4A is located in the Mountain Overlay (MO) District. City of Ketchum Design Review is required for any future development within Lot 4A, pursuant to applicable codes. No development within Lot 4A shall be located in 25% or greater slopes.” With the subject MO Design Review application, the applicant proposes to develop a new accessory building and associated site improvements. The improvements are proposed to be sited within the buildable portion of former Parcel BB to the south of the 25% slope area within the AF Zone. Below the adjacent hillside, the development site is not within a highly visible location from a public vantage point and former Parcel BB contains no rock outcroppings, ridges, or knolls. Former Parcel BB is relatively flat with approximately 10 ft of elevation change from the lowest point to the highest point.

North of the development site, former Lot 4 contains areas of 25% slope as well as a significant rock outcropping. Irregularly shaped Lot 4A is encumbered by three easements—a 15 ft landscape easement adjacent to Tax Lot 3155, a triangular landscape easement (Instrument No. 499751) adjacent to Val D’Sol Subdivision, and a private driveway and public utility easement extending from 5th Street through the property.

Plat Note #4 of the Kinderhorn Subdivision: Block 1: Lot 4A subdivision states:

The area shown on the plat as “Former Kinderhorn Subdivision Parcel BB” shall have no dwelling unit density except that an accessory dwelling unit and other accessory buildings and uses shall be allowed and located thereon, pursuant to applicable codes; and is intended for the specified access, utility and landscape easements.

Former Lot 4 within the LR Zone is developed with an existing single-family residence, which was constructed in 2003. Existing development on former Lot BB includes a retaining wall system that was constructed in the summer of 2019 (Fence Permit File No. P19-056). The applicant has proposed the development of a new 2,127 sq ft art studio. The total enclosed floor area exceeds the maximum 1,200 sq ft net livable floor area permitted for an accessory dwelling unit pursuant to KMC §17.124.070.B. Containing only a bathroom on the first floor (Sheet A100), the accessory building is not classified as a dwelling unit pursuant to KMC §17.08.020, which requires that accessory dwelling units (ADU) contain a kitchen. While the floor plan does not include the necessary components to be qualified as a dwelling unit, the Planning & Zoning Commission expressed concerns during deliberations that a future remodel may convert the accessory building to a noncompliant ADU exceeding the maximum net livable floor area. Any future remodel proposed for the accessory building shall comply with all applicable standards as specified in Title 17 Zoning Regulations of Ketchum Municipal Code including the maximum unit size permitted for ADUs as specified within KMC §17.124.070.B.

Findings Regarding Accessory Buildings and Uses

Accessory buildings and uses as defined pursuant to KMC §17.08.020 are permitted within the AF Zone (KMC §17.124.020 & KMC §17.12.020).

ACCESSORY BUILDING AND USE: A subordinate use of a building, other structure or tract of land, or subordinate building or other structure:

A. Which is clearly incidental to the use of principal building, other structure or use of land;

- B. Which is customary in connection with the principal building, other structure or use of land; and*
- C. Which is ordinarily located on the same lot with the principal building, other structure or use of land (Ketchum Municipal Code §17.08.020).*

In addition to the accessory use types listed within the District Use Matrix, additional requirements for specific uses are included in Chapter 17.124 Development Standards of Ketchum Municipal Code. KMC §17.124.020 includes a non-exclusive list of buildings and uses that may be permitted as accessory to principal buildings and uses including garages and sheds. Many of the buildings and uses listed in KMC §17.124.020 are not specified within the District Use Matrix (KMC §17.12.020). For example, detached garages are not listed within the District Use Matrix but have been permitted as accessory uses to single-family residences in residential neighborhoods throughout Ketchum.

The Planning & Zoning Commission upon hearing a description of the uses proposed within the accessory building as represented by the applicant and upon reviewing the site drawings finds that the proposal meets the definitional and development standards for an accessory building and use as specified in KMC §17.12.020 and §17.124.020. The Planning & Zoning Commission has qualified the artist studio as a permitted accessory use to the existing single-family residence as the building is similar to the types of permitted buildings and uses as listed within KMC §17.124.020. Furthermore, an accessory building was contemplated as an approved use for Former Parcel BB as referenced in Plat Note #4 of the Kinderhorn Subdivision: Block1: Lot 4A amended subdivision plat. Additionally, the art studio may also be defined as a home occupation, which is permitted as an accessory use in the AF Zone as specified in the District Use Matrix. The art studio meets all applicable standards for home occupations as specified within KMC §17.124.030 as the use will be carried on only by the inhabitants living on the lot, is clearly incidental and secondary to the use of the dwelling, and does not negatively impact the surrounding neighborhood.

Findings Regarding the Mountain Overlay Zoning District

Pursuant to Ketchum Municipal Code (KMC) §17.104.050.A, the construction or placement of structures within the MO District is subject to all applicable Design Review improvements and standards (KMC §17.96.060) as well as subject to the Mountain Overlay Design Review requirements set forth in KMC §17.104.070. The purpose of the MO Zoning District is to encourage land uses harmonious with existing natural resources, to protect natural land features and wildlife habitat, minimize impacts to the existing topography, preserve hillsides and ridges, and minimize the visual impact of building sites by siting building footprints away from higher elevations.

The project fulfills the intent of the Mountain Overlay Zoning District to minimize the visual impact of building sites and to preserve hills and ridgelines by siting the accessory building at the lowest elevation of Lot 4A at the base of the hillside. The total building coverage for the proposed accessory building 3.44%. With the addition of the accessory building, total building coverage on Lot 4A will be 7.41% (3,644 sq ft building coverage/49,150 sq ft lot area), which is 13,539 sq ft less than the 35% maximum allowable building coverage permitted in the LR Zone and 1,251 sq ft less than the 10% maximum allowable building coverage permitted in the AF Zone. The maximum height of the proposed accessory building is 29', which is 6' less than the maximum height (35') permitted in the LR and AF Zones.

Findings Regarding Compliance with the 2014 Comprehensive Plan

The lots located in Kinderhorn Subdivision are designated within the Open Space, Parks & Recreation Future Land Use Categories as many of the properties are sited on the hillside and contain slopes greater than 25%. The proposed development site (Former Parcel BB of Amended Lot 4A) at the lowest portion of Kinderhorn Subdivision is relatively flat. The proposed accessory building located at 771 E 5th Street is consistent with the uses, goals, and policies listed below as specified within the 2014 Comprehensive Plan.

Table 1: Findings Regarding Comprehensive Plan Analysis

SUPPORTING SECTION	SUMMARY OF COMPLIANCE WITH THE 2014 COMPREHENSIVE PLAN
Community Design and Neighborhoods	
Goal CD-2 Protect and enhance views of the surrounding mountains and natural features.	Policy CD-2.2 - Mountain Overlay Zone Continue to protect hillsides within the City and the Area of City Impact from further development. Enforce and encourage strengthening of the Mountain Overlay standards of the City and County, by using a variety of techniques; such as clustering at lower elevations, creating conservation easements, or purchasing private property on hillsides.
Policy CD-2.4 Development Designed for Natural Feature Preservation	Protect and incorporate natural features into newly developing areas. Conserve the natural patterns of streams, ridgelines, topography, riparian areas, and wildlife habitat areas.

Table 2: Findings Regarding City Department Comments

City Department Comments
<p><i>Note: City Department comments are preliminary and based on the project concept as proposed with the subject Design Review application. All City Departments shall review and approve the project through the Building Permit application process. All comments pertaining to the Design Review drawings are subject to change. All right-of-way improvements shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project. All City Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</i></p>
<p>Fire Department:</p> <ul style="list-style-type: none"> • It is the General Contractor's responsibility to understand and adhere to all Fire Protection Ordinance #1125 requirements in addition to any and all other City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties. • The above project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances. • IF a monitored fire detection system exists or is installed, it shall meet NFPA 72 and be monitored by an approved alarm monitoring station. An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department. • Approved address numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers and letters shall be a minimum of four (4) inches tall, contrast with their background and be positioned a minimum of forty-eight (48) inches above final grade. • Vehicle parking and material storage during construction shall not restrict or obstruct public streets or access to any building. A minimum twenty-foot travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times. • An approved access roadway per 2012 International Fire Code Appendix D (www.ketchumfire.org) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. Grades shall not exceed 7%. Gates, if installed, are required to be siren activated for emergency vehicle access. • Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building. • Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from

<p>burning embers.</p> <ul style="list-style-type: none"> Final inspections of all Fire Department permit required installations by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. A Final Inspection Checklist can be found at www.ketchumfire.org. Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.
<p>City Engineer & Streets Department:</p> <ul style="list-style-type: none"> Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site. All construction for the project must comply with the standards set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards. The applicant shall submit a Construction Activity Plan addressing all applicable activities including excavation, material storage and deliveries, screening, and site clean-up (KMC §15.06.030) to be reviewed and approved prior to issuance of a Building Permit for the project. Pursuant to KMC §15.06.030.A.2, the applicant shall provide notice of the project, construction schedule, and general contractor's contact information to all neighbors with properties adjacent to the project site. The design shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code including design criteria for private driveways (KMC §12.04.030.L). The public right-of-way adjacent to the subject property shall be improved to the City's right-of-way standards for local-residential street right-of-ways. The applicant shall submit a Street and Alley Digging, Excavation, and Trenching ("DIG") Permit application with an associated traffic control plan for any proposed construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit ("TURP"). City Engineer & Streets Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.
<p>Utilities:</p> <ul style="list-style-type: none"> The applicant will be responsible for installing extending the existing connections to the municipal water and sewer system. Requirements and specifications for the water and sewer connections will be verified, reviewed, and approved by the Utilities Department prior to issuance of a Building Permit for the project.
<p>Building:</p> <ul style="list-style-type: none"> The building must meet the 2012 International Building Code and Title 15 Buildings and Construction of Ketchum Municipal Code. Building Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.
<p>Planning and Zoning: Comments are denoted throughout Tables 3, 4, and 5.</p>

Table 3: Findings Regarding Zoning and Dimensional Standards Analysis

Compliance with Zoning and Dimensional Standards				
Compliant			Standards and Planning & Zoning Commission Findings	
Yes	No	N/A	Ketchum Municipal Code Standard	City Standards and Planning & Zoning Commission Findings
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.12.030	Minimum Lot Area
			Planning & Zoning Commission	Required: LR Zone: 9,000 sq ft AF Zone: 10 acres

			Findings	<p>Existing: Former Lot 4 (LR Zone): 20,000 sq ft Former Parcel BB (AF Zone): 29,195 sq ft Subject Lot 4A is nonconforming to the minimum 10 acre lot area required in the AF Zone, but conforms to the minimum 9,000 sq ft required in the LR Zone.</p> <p>Pursuant to KMC §17.128.010, where an individual lot was held in separate ownership from adjoining properties or was platted in a recorded subdivision approved by the city council prior to April 21, 1966, or was in such a condition at the time the lot was subsequently annexed to the city, or was of legal area and dimensions when held in separate ownership from adjoining properties or when platted in a recorded subdivision, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located, provided the proposed uses, building construction and all other regulations in regard to setbacks, supplemental yard regulations and parking areas are strictly adhered to and complied with.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Building Coverage
			Planning & Zoning Commission Findings	<p>Permitted: 10% LR Zone: 35% AF Zone: 10%</p> <p>Existing: Single-Family Residence on Former Lot 4 (LR Zone): 10% (1,949 sq ft building coverage/20,000 sq ft lot area)</p> <p>Proposed: Accessory Building on Former Parcel BB (AF Zone): 6% (1,695 sq ft building coverage/29,195 sq ft lot area)</p> <p>Total Single-Family Residence (LR Zone) & Accessory Building (AF Zone): 8% (3,644 sq ft building coverage/49,195 sq ft lot area)</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Minimum Building Setbacks
			Planning & Zoning Commission Findings	<p>Minimum Required Setbacks (AF Zone): Front: 25' Side: 25' Rear: 25'</p> <p>Proposed Accessory Building: Side (W): 25'-2" Side (S): 27'-6"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Building Height
			Planning & Zoning Commission Findings	<p>Maximum Permitted (AF Zone): 35' Proposed Accessory Building : 29' from existing grade (Sheet A300)</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.125. 030.H	Curb Cut
			Planning & Zoning Commission	<p>Permitted: A total of 35% of the linear footage of any street frontage can be devoted to access off street parking.</p>

			Findings	Existing: The proposed accessory building will be accessed from a paver landing area that connects to the existing private driveway and public utility easement (Sheet L100).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.020.A.2 & 17.125.040	Parking Spaces
			Planning & Zoning Commission Findings	Off-street parking standards of this chapter apply to any new development and to any new established uses. Required: One-Family Dwelling Units in all applicable zoning districts require 2 parking spaces per dwelling unit. KMC §17.125.050 specifies parking spaces required for primary uses, but not for accessory uses. The proposed studio does not generate additional parking demand. Proposed: The proposed studio is accessory to the primary use of the existing single-family residence. No additional parking spaces are required or proposed.

Table 4: Findings Regarding Mountain Overlay Design Review Standards Analysis

Mountain Overlay Design Review Standards				
EVALUATION STANDARDS: Ketchum Municipal Code § 17.107.070.A				
Compliant			Standards and Planning & Zoning Commission Findings	
Yes	No	N/A	Reference	City Standards and <i>Planning & Zoning Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.1	There is no building on ridges or knolls which would have a material visual impact on a significant skyline visible from a public vantage point entering the City or within the City. Material, as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this Ordinance.
			Planning & Zoning Commission Findings	<i>No ridges or knolls are present on former Parcel BB— the 25% slope area is located to the north within former Lot 4 and the ridge line lies beyond the extent of the rear property line. Below the adjacent hillside, former Parcel BB is relatively flat with approximately 10 ft of elevation change from the lowest point to the highest point.</i> <i>While the property neighbors the Sun Valley Road (Horsemen's Center) gateway corridor, the accessory building will not be visible from any public vantage point entering or within the City. Existing development including the Val D' Sol condominiums within the City of Sun Valley as well as the Sunnyside and Sunalta Place condominiums on Spruce Street will sufficiently screen the accessory building from the Sun Valley Road gateway corridor.</i> <i>Former Parcel BB is located at the southernmost and flattest portion of Kinderhorn Subdivision. Compared to the existing single-family residences to the north on the adjacent hillside, the accessory building has significantly less visual impact. In addition to the adjacent development, the existing and proposed landscaping as indicated on Sheet L102 will provide sufficient screening.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.2	Building, excavating, filling and vegetation disturbance on hillsides which would have a material visual impact visible from a public vantage point entering the City or within the City is minimized. Material, as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this Ordinance.
			Planning &	<i>Building, excavation, filling, and vegetation disturbance will not have a</i>

			Zoning Commission Findings	<i>material visual impact visible from a public vantage point entering into or within the City due to the siting of the building footprint at the lowest elevation of Lot 4A and the flattest portion of Kinderhorn Subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.3	Driveway standards as well as other applicable standards contained in Street Standards Chapter 12.04 are met.
			Planning & Zoning Commission Findings	<i>No changes are proposed to the existing driveway access. Subject Lot 4A adjoins the east end of 5th Street. From the terminus of the 5th Street ROW, a private driveway and public utility easement bisects Lot 4A.</i> <i>See Table 2 for comment from the Streets and Fire departments. Fire and Streets department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.4	All development shall have access for fire and other emergency vehicles to within one hundred fifty feet (150') of the furthest exterior wall of any building.
			Planning & Zoning Commission Findings	<i>Sufficient access is provided for fire and emergency apparatus to reach within 150 ft of the furthest exterior wall of the building. Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.5	Significant rock outcroppings are not disturbed.
			Planning & Zoning Commission Findings	<i>No significant rock outcroppings have been identified on former Parcel BB. The rock outcropping indicated on the Kinderhorn Subdivision: Block 1: Lot 4A plat is located at the northernmost portion of the lot and will remain undisturbed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.6	International Building Code (IBC) and International Fire Code (IFC) and Ketchum Fire Department requirements shall be met.
			Planning & Zoning Commission Findings	<i>The project must comply with the 2012 International Building Code, the 2012 International Fire Code and Ketchum Fire Department requirements, as well as Title 15 of Ketchum Municipal Code. All IBC, IFC, Building Department, and Fire Department requirements shall be verified and met prior to issuance of a Building Permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.7	Public water and sewer service comply with the requirements of the City.
			Planning & Zoning Commission Findings	<i>See Table 2 for comment from the Utilities Department. Requirements and specification for the water and sewer connections will be verified, reviewed, and approved by the Utilities Department prior to issuance of a Building Permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.8	Drainage is controlled and maintained to not adversely affect other properties.
			Planning & Zoning Commission Findings	<i>As indicated on Sheet L101, the applicant has proposed a combination drywells and catch basins to control drainage on site. Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site. The applicant shall submit specifications and details for the drywells and catch basins with the Building Permit application for review and approval by the City Engineer and Streets Department. All drainage plans and specifications shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.9	Cuts and fills allowed for roadways shall be minimized; lengths of driveways allowed shall be minimized; all cuts and fills shall be concealed with landscaping, revegetation and/or natural stone materials.

				<p>Revegetation on hillsides with a clear zone of thirty feet (30') around all structures is recommended. Said clear zone shall include low combustible irrigated vegetation with appropriate species, on file with the Ketchum planning department. Revegetation outside of this clear zone should be harmonious with the surrounding hillsides.</p>
			Planning & Zoning Commission Findings	<p><i>No new roadway is proposed with the project and the driveway access is existing. Former Parcel BB is located at the southernmost portion of Lot 4A at the base of the adjacent hillside. Fill will be utilized to adjust the grade adjacent to the accessory building, which will be reseeded with native grasses following construction. The applicant has provided a grading plan on Sheet L101 and a landscape plan on Sheet L102 of the Mountain Overlay Design Review submittal included as Attachment B to the Staff Report.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070. A.10	<p>There are no other sites on the parcel more suitable for the proposed development in order to carry out the purposes of this Ordinance.</p>
			Planning & Zoning Commission Findings	<p><i>The proposed accessory building is sited within the buildable portion of former Parcel BB to the south of the 25% slope area. Below the adjacent hillside, former Parcel BB is relatively flat with approximately 10 ft of elevation change from the lowest point to the highest point. The applicant has chosen the most suitable portion of Lot 4A to develop the proposed accessory building.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070. A.11	<p>Access traversing 25% or greater slopes does not have significant impact on drainage, snow and earth slide potential and erosion as it relates to the subject property and to adjacent properties.</p>
			Planning & Zoning Commission Findings	<p><i>The existing driveway access remains unchanged with this proposal and does not traverse 25% or greater slopes.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070. A.12	<p>Utilities shall be underground.</p>
			Planning & Zoning Commission Findings	<p><i>All on-site utilities shall be located underground. Existing underground municipal water and sewer connections as well as gas and power will be extended to connect to the new accessory building.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070. A.13	<p>Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction.</p>
			Planning & Zoning Commission Findings	<p><i>The limits of disturbance must be established on the construction activity plan submitted with the Building Permit application to be reviewed and approved by the Planning & Building Department prior to issuance of a Building Permit for the project.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070. A.14	<p>Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized.</p>
			Planning & Zoning Commission Findings	<p><i>N/A as former Parcel BB is located at the lowest elevation of Lot 4A at the base of the adjacent hillside.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070. A.15	<p>Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.</p>
			Planning & Zoning Commission	<p><i>Pursuant to KMC §17.104.030.B, all properties within Kinderhorn Subdivision are designated as a significant landmark within the City of Ketchum. Staff has not identified any significant landmarks within former Parcel BB. The</i></p>

			Findings	<i>significant rock outcropping within Lot 4A at the northernmost portion of Lot 4A will remain undisturbed with this project.</i>
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Table 5: Findings Regarding Design Review Standards Analysis

Design Review Requirements				
IMPROVEMENTS AND STANDARDS: 17.96.060				
Yes	No	N/A	Ketchum Municipal Code Standard	City Standards and <i>Planning & Zoning Commission Findings</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(A)(1) Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.
			<i>Planning & Zoning Commission Findings</i>	N/A as the driveway access is existing.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(A)(2) Streets	All street designs shall be approved by the City Engineer.
			<i>Planning & Zoning Commission Findings</i>	N/A as no changes to the 5 th Street ROW contiguous to the property are proposed and the driveway access is existing.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(B)(1)	All projects under 17.96.010(A) that qualify as a “Substantial Improvement” shall install sidewalks as required by the Public Works Department.
			<i>Planning & Zoning Commission Findings</i>	N/A as sidewalks are not required or existing in the subject low density residential area.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(2)c	Sidewalk width shall conform to the City’s right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.
			<i>Planning & Zoning Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(3)	Sidewalks may be waived if one of the following criteria is met: a. The project comprises an addition of less than 250 square feet of conditioned space. b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.
			<i>Planning & Zoning Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(4)	The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.
			<i>Planning & Zoning Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(5)	New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.
			<i>Planning & Zoning Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(6)	The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy.
			<i>Planning & Zoning Commission Findings</i>	N/A

			Findings	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(1)	All storm water shall be retained on site.
			<i>Planning & Zoning Commission Findings</i>	<p>All storm water shall be retained on site. Drainage is proposed to be maintained and controlled through a system of catch basins and drywells.</p> <p>The final drainage plan shall be submitted with the Building Permit to be verified, reviewed, and approved by the City Engineer and the Streets Department prior to issuance of a Building Permit for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
			<i>Planning & Zoning Commission Findings</i>	<p>The drainage improvements shall span the length of the property line contiguous with the 5th Street ROW. The final drainage plan shall be submitted with the Building Permit to be verified, reviewed, and approved by the City Engineer and the Streets Department prior to issuance of a Building Permit for the project. See above analysis for KMC §17.96.060(C)(1).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(3)	The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
			<i>Planning & Zoning Commission Findings</i>	<p>The final drainage plan shall be submitted with the Building Permit to be verified, reviewed, and approved by the City Engineer and the Streets Department prior to issuance of a Building Permit for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(4)	Drainage facilities shall be constructed per City standards.
			<i>Planning & Zoning Commission Findings</i>	<p>Drainage facilities shall be constructed per City standards. All drainage improvements shall be verified, reviewed, and approved by the City Engineer prior to issuance of a Building Permit for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(1)	All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
			<i>Planning & Zoning Commission Findings</i>	<p>The applicant is aware that any service connections to utilities are the sole responsibility of the applicant.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(2)	Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.
			<i>Planning & Zoning Commission Findings</i>	<p>All on-site utilities shall be located underground. Existing municipal water and sewer connections as well as gas and power shall be extended to connect to the new accessory building.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(D)(3)	When extension of utilities is necessary all developers will be required to pay for and install two (2") inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with city of Ketchum standards and at the discretion of the City Engineer.
			<i>Planning & Zoning Commission Findings</i>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(E)(1)	The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.
			<i>Planning & Zoning Commission Findings</i>	<p>As indicated on Sheet A-900 of the Design Review submittal, exterior materials include a stucco painted to match the existing residence, black metal fascia and chimney cap, cedar soffit painted black, and aluminum clad windows and doors. Adjacent residential development includes similar exterior materials including stucco, metal, and wood. Staff finds that the project's proposed materials and colors complement the existing single-family residence and the surrounding neighborhood.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(E)(2)	Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.
			<i>Planning & Zoning Commission Findings</i>	<p>The significant rock outcropping is located at the northernmost portion of Lot 4A and will remain undisturbed with this project.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(3)	Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.

			<i>Planning & Zoning Commission Findings</i>	<i>N/A. The accessory building is detached from the adjacent single-family residence.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(1)	Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.
			<i>Planning & Zoning Commission Findings</i>	<i>N/A. No sidewalks are located within Kinderhorn Subdivision. The entryway of the accessory building is clearly defined. Doors from the accessory building open to a paver landing, walkway, and patio.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(2)	The building character shall be clearly defined by use of architectural features.
			<i>Planning & Zoning Commission Findings</i>	<i>Building elevations are indicated on Sheets A200, A201, and A900 of the MO Design Review submittal and are included as Attachment B to the Staff Report. The façade design includes significant fenestration. The window and door openings as well as the balcony at the north elevation provide variation and relief from the portions of flat stucco façade.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(3)	There shall be continuity of materials, colors and signing within the project.
			<i>Planning & Zoning Commission Findings</i>	<i>As noted on Sheet A900 of the MO Design Review submittal included as Attachment B to the Staff Report, the stucco will be painted to match the existing single-family residence on former Lot 4.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(4)	Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.
			<i>Planning & Zoning Commission Findings</i>	<i>As noted on Sheet A900, the stucco will be painted to match the existing single-family residence. The proposed design includes privacy fences that match the metal finishes of the accessory building including the black metal fascia, chimney cap, and balcony railing. The landscape plan indicated on Sheet L102 will enhance the design of the development and will serve to augment screening.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(5)	Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.
			<i>Planning & Zoning Commission Findings</i>	<i>The proposed design utilizes fenestration through multiple window and door openings to provide relief to the flat stucco of the front, side, and rear façades. The balcony railing serves as a horizontal element to provide relief to the vertical stucco wall at the north elevation. The contrast between the painted stucco and the black metal finishes enhances visual interest.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(6)	Building(s) shall orient towards their primary street frontage.
			<i>Planning & Zoning Commission Findings</i>	<i>N/A as subject Lot 4A is contiguous to the terminus of the E 5th Street ROW. The building orients towards the existing private driveway access and utility easement, which is contiguous to the terminus of the E 5th Street ROW.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(7)	Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.
			<i>Planning & Zoning Commission Findings</i>	<i>N/A. No satellite receivers are proposed. This is a residential project that will not have an exterior commercial garbage receptacle that requires screening.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(8)	Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.
			<i>Planning & Zoning Commission Findings</i>	<i>The applicant has proposed the installation of gutters and downspouts in order to enhance weather protection.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(1)	Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.
			<i>Planning & Zoning Commission Findings</i>	<i>The subject property is an infill site located within a residential neighborhood. The site is not contiguous to an existing pedestrian, equestrian, or bicycle access although there is a multi-use path adjacent to Sun Valley Road. No new pedestrian, equestrian, or bicycle accesses are anticipated or proposed for the subject property,</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(2)	Awnings extending over public sidewalks shall extend five (5') feet or more across the public sidewalk but shall not extend within two (2') feet of parking or travel lanes within the right of way.
			<i>Planning & Zoning Commission Findings</i>	<i>N/A.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(3)	Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.
			<i>Planning & Zoning Commission Findings</i>	<i>The development site is located in a low-traffic residential neighborhood adjacent to the Community Core and traffic is anticipated to flow safely within the project and onto adjacent streets.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(4)	Curb cuts and driveway entrances shall be no closer than twenty (20') feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right of way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.
			<i>Planning & Zoning Commission Findings</i>	<i>The driveway access remains unchanged with this proposal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(5)	Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.
			<i>Planning & Zoning Commission Findings</i>	<i>Unobstructed access to the site is provided from the E 5th Street and the contiguous private driveway and public utility easement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(1)	Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
			<i>Planning & Zoning Commission Findings</i>	<i>As indicated on the amended snow storage plan presented at the December 9th, 2019 Planning & Zoning Commission Meeting, the applicant has proposed two snow storage areas - 188 sf and 164 sf - outside the driveway and utility easement leaving that unobstructed. In addition, the snow storage area for the accessory building is only needed to clear the entrance to the building. No additional parking space are required or proposed as needing additional snow storage area. The private driveway easement can accommodate 20 feet of width without encroachment by snow storage. City of Ketchum Ordinance No.1146 prohibits the storage of snow or ice from private properties within public rights-of-way.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(2)	Snow storage areas shall be provided on-site.
			<i>Planning & Zoning Commission Findings</i>	<i>As indicated on the amended snow storage plan presented at the December 9th, 2019 Planning & Zoning Commission Meeting, the applicant has proposed two snow storage areas - 188 sf and 164 sf - outside the driveway and utility easement leaving that unobstructed. In addition, the snow storage area for the accessory building is only needed to clear the entrance to the building. No additional parking space are required or proposed as needing additional snow storage area. The private driveway easement can accommodate 20 feet of width without encroachment by snow storage. City of Ketchum Ordinance No.1146 prohibits the storage of snow or ice from private properties within public rights-of-way.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(3)	A designated snow storage area shall not have any dimension less than five (5') feet and shall be a minimum of twenty five (25) square feet.
			<i>Planning & Zoning Commission Findings</i>	<i>The proposed dimensions of the snow storage areas meet these minimum standards.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(4)	In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.
			<i>Planning & Zoning Commission Findings</i>	<i>N/A as snow storage areas have been designated on-site.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	Landscaping is required for all projects.
			<i>Planning & Zoning Commission Findings</i>	<i>The landscape plan is indicated on Sheet L102 of the MO Design Review submittal and included as Attachment B to the Staff Report.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(2)	Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.
			<i>Planning & Zoning</i>	<i>The applicant has proposed retaining groupings of existing trees within Lot 4A and</i>

			Commission Findings	<i>installing two new Colorado Spruce trees. The landscape plan includes a perimeter of shrubs and grasses that will enhance the newly installed retaining wall system. Techny Arborvitae is the common name of the proposed shrub and Foerester's Feather Reed Grass is the common name of the proposed grass. The yard adjacent to the paver patio will be reseeded with a native mix of grasses.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(3)	All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.
			Planning & Zoning Commission Findings	<i>All trees, shrubs, grasses, and perennial shall be drought tolerant.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(4)	Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.
			Planning & Zoning Commission Findings	<i>The landscaping proposed will serve to screen the accessory buildings from the adjacent residential developments and enhance the appearance of the design of the new development by providing visual relief.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(J)(1)	Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the Commission.
			Planning & Zoning Commission Findings	<i>N/A. Sidewalks are not required for the project.</i>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the Ordinances and regulations, which Ordinances are codified in the Ketchum City Code ("KMC") and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant's Mountain Overlay Design Review Application for the development and use of the project site.
2. The Commission has authority to hear the applicant's Design Review Application pursuant to Chapter 17.96 of Ketchum Code Title 17.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
2. The Mountain Overlay Design Review Application is governed under Ketchum Municipal Code Chapters 17.96, 17.104, 17.124, and 17.128.
3. The proposed Mountain Overlay Design Review for the development of a new accessory building meets the standards of approval under Title 17 of KMC subject to conditions of approval.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Design Review application this Monday, December 9th, 2019 subject to the following conditions:

CONDITIONS OF APPROVAL

1. All City Department conditions as described in Table 2, 3, 4, and 5 shall be met. All City Departments shall verify comments, review, and approve the project prior to issuance of a Building Permit for the project.
2. This Mountain Overlay Design Review approval is based on the plans dated November 1, 2019, the amended snow storage plan presented at the December 9th, 2019 Planning & Zoning Commission Meeting, and the retaining wall system plan as indicated on Sheets L1.2, L1.3, and L1.4 associated with Fence Permit Application P19-056. Building Permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal.
3. Any future remodel proposed for the accessory building shall comply with all applicable standards as specified in Title 17 Zoning Regulations of Ketchum Municipal Code including the maximum unit size permitted for ADUs as specified within KMC §17.124.070.B.
4. The limits of disturbance must be established on the construction activity plan submitted with the Building Permit application to be reviewed and approved by the Planning & Building Department prior to issuance of a Building Permit for the project. Construction fencing at the limits of disturbance shall be installed on the site prior to any excavation or earthwork and remain in place throughout the duration of construction.
5. The Construction Management Plan as indicated on Sheet L103 is not approved with the subject Mountain Overlay Design Review application. Contractor parking and material storage is prohibited within the private driveway and public utility easement. The final Construction Management Plan shall be submitted to the Planning & Building Department for review and approval prior to issuance of a Building Permit for the project. All construction for the project must comply with the standards set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards.
6. Final civil drawings including the drainage/grading plan for the proposed development shall be submitted to the Planning & Building Department for review and approval by the City Engineer and Streets Department prior to issuance of a Building Permit for the project. All stormwater drainage shall be contained on site and the applicant shall ensure adequate drainage is provided on site adjacent to Sunnyside Condominiums.
7. All governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer shall be met prior to issuance of Certificate of Occupancy.
8. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit ("TURP").
9. Design Review approval shall expire one (1) year from the date the Findings of Fact, Conclusions of Law, and Decision are adopted by the Planning & Zoning Commission, unless an extension is requested and granted consistent with KMC §17.96.090.
10. All Design Review elements shall be completed prior to final inspection and issuance of a Certificate of Occupancy for the accessory building.

11. All exterior lighting shall be in compliance with Ketchum Municipal Code, Chapter 17.132, Dark Skies, and approved prior the issuance of a Certificate of Occupancy for the project.
12. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.

Findings of Fact **adopted** this 13th day of January, 2020.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission