



City of Ketchum  
Planning & Building

IN RE:	)	
	)	
402 Evergreen Lane	)	<b>KETCHUM PLANNING &amp; ZONING COMMISSION</b>
Conditional Use Permit	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND</b>
Date: April 11, 2023	)	<b>DECISION</b>
	)	
File Number: 22-033	)	

**PROJECT:** 402 Evergreen Ln Addition

**APPLICATION TYPE:** Conditional Use Permit

**FILE NUMBER:** P22-033

**APPLICANT:** Junior Sealy, Owner

**OWNER:** Junior Sealy

**LOCATION:** 402 Evergreen Lane (Lot 14, Block 2, The Pines P.U.D.)

**ZONING:** General Residential – Low Density (GR-L)

**OVERLAY:** None

**RECORD OF PROCEEDINGS**

The City of Ketchum received the application for a Planned Unit Development Conditional Use Permit on June 3, 2022. The application was reviewed by staff and deemed complete on June 21, 2022. All department comments have been addressed satisfactorily through applicant revision of project plans or conditions of approval.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on July 6, 2022. The public hearing notice was published in the Idaho Mountain Express on July 6, 2022. A notice was posted on the project site and the city’s website on July 19, 2022. The project was heard at the July 26, 2022 meeting of the Planning and Zoning Commission (the “Commission”) and continued to a date uncertain. The project was heard again as an informal review on November 29, 2022, and provided feedback for the applicant to consider.

The Planning and Zoning Commission (the “Commission”) conducted their final consideration of the Planned Unit Development Conditional Use Permit (Application No. P22-033) application at their

March 14, 2023 hearing. After considering staff’s analysis, the applicant’s presentation, and public comment, the Commission approved the Planned Unit Development Conditional Use Permit application with a vote of 5-0.

## BACKGROUND

### *Pines PUD History*

The Pines PUD was approved, with conditions, on May 1, 1989, to create a 26-unit, single family detached home subdivision on 3.8 acres of land in the West Ketchum neighborhood. The Pines has a master plan which establishes building envelopes for each sub-lot and landscaping for the entire development. The Pines requested, and received, waivers for certain setbacks within the development. The subject property was one of nine properties within the development to receive a waiver for the requirement of a 15 ft front yard setback, allowing for 0 ft setbacks.

### *Process to Date*

In the Commission’s first review of the proposed addition at their July 26<sup>th</sup>, 2022 meeting, three aspects of the project were highlighted where staff requested the Commission’s feedback as to whether the project met the intent of the Pines PUD:

- Architectural compatibility & increased size
- Landscaped entryway
- Open space, privacy, and solar access

Upon review of the application materials, staff and applicant presentation, and public comment, the Commission provided feedback at the July 26<sup>th</sup>, 2022 meeting as follows:

- The Commission felt the proposed addition’s “tiered” design was not architecturally compatible.
- The Commission expressed concern at the lack of entryway landscaping due to the addition extending to the north yard. The landscaping plan of 4 lilac bushes and 4 evergreen trees not sufficient to meet landscaped entryway intent.
- No concern from Commission regarding open space, privacy, and solar access as proposed addition oriented away from adjacent residences

The applicant provided a revised proposal for the November 29<sup>th</sup>, 2022 hearing which sought to address the comments provided by the Commission. This resubmittal included the following changes:

- Proposed master bedroom addition relocated from north side of existing residence to east side.
- Additional landscaping located in the open space on the northern end of the subject property. Proposed landscaping is within property boundaries, not the public right of way

The Commission believed the revised proposal better addressed the architectural compatibility than the first design and better met the intent of the landscaped entryway. The Commission did express concern that the existing aspen trees within the Williams St Right-of-Way (ROW) may not be present in the future and the proposed addition wouldn’t be sufficiently vegetatively screened as the building extended to the eastern property line.

## FINDINGS OF FACT

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

The Pines PUD was approved in 1989 based upon 17 evaluation standards contained in KMC 16.08.080. The Commission reviewed the following PUD CUP application against the PUD standards and the intent of the original Pines PUD approval. Aspects of the project which warranted further discussion from the Commission included expansion of building footprint & architectural compatibility, entryway landscaping, and open space, privacy, and solar access.

### *Expansion of Footprint & Architectural Compatibility*

As a Planned Unit Development, the design, size, and placement of the single-family homes are similar to each other and have been planned as a cohesive development through the PUD/CUP process. This is unlike single family homes on separate parcels within Ketchum which are only subject to the underlining development standards.

All other additions to homes in the Pines PUD have been subject to a Conditional Use Permit reviewed by the Planning and Zoning Commission. Five Conditional Use Permits for additions have been approved since its creation in 1989. These additions occurred from 1993 to 2006. Additions ranged from 18 sq ft to 388 square feet. A brief description of the size of previous additions include:

- 502 Evergreen Lane: 388 sq ft addition to building footprint in 1993
- 404 Evergreen Lane: 130 sq ft addition to building footprint in 1993
- 108 Buss Elle: 18 sq ft addition to building footprint in 1995
- 310 Williams St: 130 sq ft addition to building footprint in 1996
- 310 Williams St: 40 sq ft addition to building footprint in 2006

The additions which took place in 1993 received numerous public comments concerned about the addition and whether it would set a precedent. Commission members in the meetings for the approvals believed that because any addition would have to come through a public hearing, the Commission would then be able to review each proposal on a case-by-case basis. Additions which occurred in 1995 and for 310 Williams St (1996 and 2006) did not have any public comment and no substantive conversation between Commissioners regarding the additions. The addition at 310 Williams, approved in 2006, was permitted to extend to the property line with a zero-foot setback. The 2006 addition does differ from the current application as the zero foot setback was situated interior to the Pines development, not along the perimeter.

The project has proposed additions on the east and south side of the existing residence as shown in Attachment B. The proposed addition extends beyond the existing footprint with a storage room on the south side of the existing residence and a master bedroom to the east. The addition would increase the building footprint from its existing 1,498 sq ft to 2,208 sq ft. As stated above, there have been five requests for enlarging of the footprints within the Pines PUD which have been approved since the original PUD. This addition would be the largest, adding 710 sq ft to the building footprint while the previous largest addition was 388 sq ft.

Design review for the original approval of the Pines PUD occurred on April 24<sup>th</sup>, 1989. The conditions of approval for the design review stated that the development would use three typical designs and

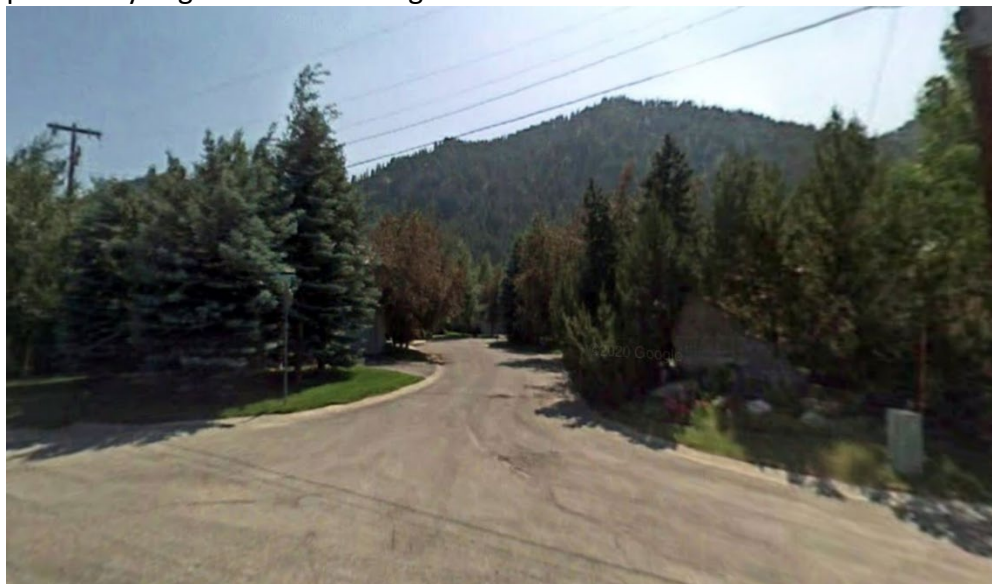
floor plans to be used interchangeably within project lots. As the addition would extend beyond the existing footprint, the residence would differ in floor plan compared to other units within the PUD. The addition will use materials to match the existing siding and roofing. The proposed storage room and master bedroom additions use similar architectural styles as seen on the existing residence and other residences within the Pines.

As stated previously, the Commission had concern regarding the addition extending to the eastern property line as the existing aspen trees which are currently present adjacent to the subject property may not be present in the future. After the November 29<sup>th</sup>, 2022, hearing, staff conducted additional research and was able to locate a ROW Encroachment Agreement for the plantings within the Williams St & 4<sup>th</sup> Avenue ROW. This includes the existing aspen trees which are present along the eastern property line of the subject property.

The Commission found that while the addition is larger than previous approvals, the project is architecturally compatible and meets the PUD standards and intent of the Pines PUD.

### *Landscaping*

The Pines PUD was approved with 10 conditions. One of those conditions applies to the proposed addition and is indicated as Condition #2 in Attachment C. Condition #2 states, “the access entry width at 6<sup>th</sup> St shall be narrowed by additional landscaping or other means to be approved by the Ketchum Planning and Zoning Commission through design review to help deter general public use of Pine Lane”. Said access entry was developed with landscaping on both sides of the entryway as seen on the master plan. Although Condition #2 lists Pine Lane as the private road which cuts through the Pines development, the road has been renamed to present day Evergreen Lane. While the master plan does identify landscaping on the norther portion of the subject property, no species or quantity of plantings are specified. As seen in Figure 1, it appears this portion of the subject property was previously vegetated with evergreen and deciduous trees.



*Figure 1. Entry way landscaping as of July 2008. Subject property is on left behind trees.*

The trees present in Figure 1 were removed in 2022 as shown in Figure 2. To conform with the entryway landscaping requirement as conditioned in the original Pines PUD approval and the master plan, staff advised the applicant to reestablish landscaping in this area.





*Figure 2. Subject property as of July 2022*

At the July 26th meeting, the Commission requested additional landscaping which the applicant has responded to with a revised landscape plan (Sheet L1.0) as seen in Attachment B. The proposed landscape plan includes a diverse range of species as well as more plantings overall. The species includes Subalpine Fir, Lodgepole Pine, Black Hill Spruce, Spirea and ornamental grasses.

As the addition is situated towards the exterior of the Pines boundaries, landscaping is able to be provided at the entryway as well as on the outside of the eastern property boundary due to the ROW Encroachment Agreement discussed previously. The Commission found the proposed landscape plan meets the intent of a landscaped entryway. The mix of proposed vegetation including trees, shrubs, and grasses provides a visually appealing entryway much like the landscaping on the northern side of the entryway, adjacent to 401 Evergreen Ln, which also includes a variety of plant species and heights.

#### *Open Space, Privacy, and Solar Access*

Standards #11 and #12 in the Pines PUD approval, speak to how the original development would allow for open space, provide privacy between units and neighboring properties, and maintain solar access. Open space for the Pines PUD was provided through a combination of separate open space parcels and limited building footprints thereby creating open space between housing units. Parcel A and Parcel B are dedicated parcels in the PUD which are used for open space and snow storage as shown in the master plan. The rest of the open space is throughout the development between structures which was left open as a result of the PUD setbacks and lot coverage. With the proposed addition, the total lot coverage for the Pines PUD would increase from 39,096.5 sq ft to 39,806.5 sq ft giving the PUD a total coverage of 23.79%, below the required 35% allowable lot coverage in the GR-L Zone. This lower lot coverage created a more open and landscaped development and was in exchange for waiving reduced building setbacks. Standard #12 states how the PUD would maximize privacy and protect solar access. The “zipper lot” configuration allowed for buildings to undulate along the street frontage allowing each residence to have privacy from adjacent properties. The

original development only proposed 1 and 2 story buildings allowing for solar access within the PUD and for adjacent properties. The proposed addition does not increase the height of the existing residence and the proposed master room slopes downward away from adjacent structures therefore preserving the open space, privacy, and solar access within the Pines.

The Commission found the proposed additions do not conflict with the goal of allowing for open space, providing privacy between residences and neighboring properties and maintaining solar access. The master bedroom addition which extends to the east does not reduce privacy as the property boundary borders Williams St ROW. This reorienting of the master bedroom preserves the opportunity for re-establishing the entryway landscaping on the northern side of the subject property. The garage addition which extends to the south four feet does not encroach further than the existing residence already does and so the Commission did not believe the proposal compromises the open space or privacy intent of the original Pines PUD.

### FINDINGS REGARDING CONDITIONAL USE PERMIT CRITERIA

Pursuant to KMC Section 16.08.080, Planned Unit Development conditional use permits can be granted if and only if the criteria listed below are met. The Commission finds the following:

#### Planned United Development Standards

Planned Unit Developments: 16.08.080 – Standards:				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080 A	<p>Minimum lot size of three acres. All land within the development shall be contiguous except for intervening waterways. Parcels that are not contiguous due to intervening streets are discouraged. However, the commission and the council may consider lands that include intervening streets on a case by case basis. The commission may recommend waiver or deferral of the minimum lot size, and the council may grant such waiver or deferral only for projects which:</p> <ol style="list-style-type: none"> <li>1. Include a minimum of 30 percent of community or employee housing, as defined in section 16.08.030 of this chapter;</li> <li>2. Guarantee the use, rental prices or maximum resale prices based upon a method proposed by the applicant and approved by the Blaine County Housing Authority and/or the Ketchum City Council; and</li> <li>3. Are on parcels that are no less than one and one-half acres (65,340 square feet). Application for waiver or deferral of this criteria shall include a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost or resale cost.</li> <li>4. For a hotel which meets the definition of "hotel" in section 17.08.020, "Terms defined", of this Code, and conforms to all other requirements of section 17.18.130, "Community Core District (CC)", or section 17.18.100, "Tourist District (T)", of this Code. Waivers from the provisions of section 17.18.130 of this Code may be granted for hotel uses only as outlined in section 17.124.040 of this Code. Waivers from the provisions of section 17.18.100 of this Code may be granted for hotel uses only as outlined in section 17.124.040 of this Code.</li> </ol>
			<i>Staff Comment</i>	<i>N/A. The subject property is currently within the Pines PUD which has a lot area greater than three (3) acres. The applicant is requesting a modification to the existing PUD.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080 B	<b>The proposed project will not be detrimental to the present and permitted uses of surrounding areas.</b>
			<i>Staff Comment</i>	<i>The subject property is currently zoned General Residential – Low Density (GR-L) and exists as a single family residence. Other properties adjacent to the subject property and across Fourth Avenue are zoned the same and have either single family homes or duplexes. No change in use is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080 C	<b>The proposed project will have a beneficial effect not normally achieved by standard subdivision development.</b>
				<i>N/A. The proposed project is not proposing a subdivision development.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080 D	<b>The development shall be in harmony with the surrounding area.</b>
			<i>Staff Comment</i>	<i>The subject property is currently zoned General Residential – Low Density (GR-L) and exists as a single family residence. Other properties adjacent to the subject property and across Fourth Avenue are zoned the same and have either single family homes or duplexes. The proposed addition does not change the proposed use and does not negatively impact the surrounding area.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080 E (1)	<b>Densities and uses may be transferred between zoning districts within a PUD as permitted under this chapter, provided, the aggregate overall allowable density of units and uses shall be no greater than that allowed in the zoning district or districts in which the development is located. Notwithstanding the above, the commission may recommend waiver or deferral of the maximum density and the council may grant additional density above the aggregate overall allowable density only for projects which construct community or employee housing and which:</b> <b>a. Include a minimum of 30 percent of community or employee housing, as defined in section 16.08.030 of this chapter; and</b> <b>b. Guarantee the use, rental prices or maximum resale prices thereof based upon a method proposed by the applicant and approved by the Blaine County Housing Authority and/or the Ketchum City Council.</b>
			<i>Staff Comment</i>	<i>N/A. Densities are not proposed to be transferred.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080 E (2)	<b>Application for waiver or deferral of this criteria shall include a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost or resale cost.</b>
			<i>Staff Comment</i>	<i>N/A. No waiver requested as density transfer not being proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080 F	<b>The proposed vehicular and nonmotorized transportation system:</b> <b>1.</b> <b>Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties.</b> <b>2.</b> <b>Will not generate vehicular traffic to cause undue congestion of the public street network within or outside the PUD.</b> <b>3.</b> <b>Is designed to provide automotive and pedestrian safety and convenience.</b> <b>4.</b> <b>Is designed to provide adequate removal, storage and deposition of snow.</b> <b>5.</b> <b>Is designed so that traffic ingress and egress will have the least impact possible on adjacent residential uses. This includes design of roadways and access to connect to</b>

			<p>arterial streets wherever possible, and design of ingress, egress and parking areas to have the least impact on surrounding uses.</p> <p>6. Includes the use of buffers or other physical separations to buffer vehicular movement from adjacent uses.</p> <p>7. Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized.</p> <p>8. Includes trails and sidewalks that create an internal circulation system and connect to surrounding trails and walkways.</p>
			<p><i>Staff Comment</i></p> <p>N/A. There will be no changes to the vehicular and nonmotorized transportation system.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.08.080 G</p> <p><b>The plan is in conformance with and promotes the purposes and goals of the comprehensive plan, zoning ordinance, and other applicable ordinances of the City, and not in conflict with the public interest:</b></p> <p>1. Pursuant to subsection 16.08.070.D of this chapter, all of the design review standards in chapter 17.96 of this Code shall be carefully analyzed and considered. This includes detailed analysis of building bulk, undulation and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood.</p> <p>2. The influence of the site design on the surrounding neighborhood, including relationship of the site plan with existing structures, streets, traffic flow and adjacent open spaces, shall be considered.</p> <p>3. The site design should cluster units on the most developable and least visually sensitive portion of the site.</p>
			<p><i>Staff Comment</i></p> <p>Proposed addition conforms to comprehensive plan. The future land use map identifies the location as Medium Density Residential which includes a “variety of residential types including single-family residences, duplexes, and other attached-unit types.” The proposal is in keeping with the future land use in the area.</p> <p>1. Addition has been reviewed for architectural compatibility within the Pines development. Architectural features and styles used by addition are seen in existing building and other residences with the Pines. Proposed materials are to match existing and addition does not increase height of residence.</p> <p>2. The proposed addition will not significantly affect streets or traffic flow. Majority of addition is located on eastern portion of lot, away from adjacent structures.</p> <p>3. Addition is oriented towards the eastern portion of the subject property, away from Evergreen Lane. Proposed addition is adjacent to Williams St ROW where a ROW Encroachment Agreement was approved in 1990 allowing for planting of aspen trees. These aspen trees help to reduce visibility of subject property and other lots within the Pines seen from 4<sup>th</sup> Avenue &amp; Williams St. Williams St ROW is wider than surrounding streets and contains a large distance between the roadway and subject property, further reducing any potential visual impact.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.08.080 H</p> <p><b>The development plan incorporates the site's significant natural features.</b></p>
			<p><i>Staff Comment</i></p> <p>The original Pines PUD approval included preserved five out of fourteen existing mature pine trees. Location of five pine trees were not identified in review of Pines PUD documents. The subject property does not contain existing pine trees. No other significant features are found on the subject property. As noted in Condition #4, if aspen trees within Williams St ROW are damaged or do not survive construction, applicant will replace with new 3 inch caliper aspen trees.</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080 I	<b>Substantial buffer planting strips or other barriers are provided where no natural buffers exist.</b>
			<i>Staff Comment</i>	<i>The east side of the property currently has a row of aspen trees to shield view of the PUD from 4<sup>th</sup> Avenue &amp; Williams St. These aspen trees are permitted through a Right of Way Encroachment Agreement approved in 1990. The northern end of the subject property previously contained multiple coniferous &amp; deciduous trees to achieve the entry way landscaping requirement of the Pines PUD. The proposal includes Black Hill Spruce, Lodgepole Pine, Subalpine Fir, Spirea shrubs and ornamental grasses. The proposed plantings achieve the entry way landscaping required by the Pines and is a substantial buffer planting strip.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080 J	<b>Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner.</b>
			<i>Staff Comment</i>	<i>The proposed project will be completed in one phase.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080 K	<b>Adequate and usable open space shall be provided. The applicant shall dedicate to the common use of the homeowners or to the public adequate open space in a configuration usable and convenient to the residents of the project. The amount of usable open space provided shall be greater than that which would be provided under the applicable aggregate lot coverage requirements for the zoning district or districts within the proposed project. Provision shall be made for adequate and continuing management of all open spaces and common facilities to ensure proper maintenance.</b>
			<i>Staff Comment</i>	<i>Parcels A &amp; B of the Pines PUD still remain and provide open space, snow storage and recreation facilities for all residents of the Pines. Proposed project is located on private property and does not encroach on open space within the Pines PUD.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080 L	<b>Location of buildings, parking areas and common areas shall maximize privacy within the project and in relationship to adjacent properties and protect solar access to adjacent properties.</b>
			<i>Staff Comment</i>	<i>A majority of the addition will be located on the eastern side of the subject property. No other lots are adjacent to this portion of the project. The southern portion of the subject property is where the proposed garage addition would be located. This proposed addition does not extend further south than the existing residence. A fence also exists between the subject property and property to the south. Orientation of bedroom addition and size of garage addition do not minimize privacy within the project or negatively impact solar access.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080 M	<b>Adequate recreational facilities and/or daycare shall be provided. Provision of adequate on site recreational facilities may not be required if it is found that the project is of insufficient size or density to warrant same and the occupant's needs for recreational facilities will be adequately provided by payment of a recreation fee in lieu of such facilities to the City for development of additional active park facilities. On site daycare may be considered to satisfy the adequate recreational facility requirement or may be required in addition to the recreational facilities requirement.</b>
			<i>Staff Comment</i>	<i>N/A. The proposed project is on an existing lot and is not proposing a new development which would require recreational facilities.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080 N	<b>There shall be special development objectives and special characteristics of the site or physical conditions that justify the granting of the PUD conditional use permit.</b>
			<i>Staff Comment</i>	<i>Special development objectives of the Pines PUD include entry way landscaping, privacy, open space, &amp; solar access as well as architectural compatibility. The proposed addition does not reduce privacy, open space, &amp; solar access due to the orientation of the bedroom addition and the size of the garage addition. The entry-way landscaping is being achieved through the proposed tree, shrub, and grass species. The addition uses the same architectural elements present in the existing residence &amp; other residences within the Pines PUD.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080 O	<b>The development will be completed within a reasonable time.</b>

			<i>Staff Comment</i>	<i>Project will be completed within reasonable amount of time per building permit expiration timeline.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080 P	<b>Public services, facilities and utilities are adequate to serve the proposed project and anticipated development within the appropriate service areas.</b>
			<i>Staff Comment</i>	<i>N/A. The existing lot is a single family residence which will not change. Existing public services will not be significantly impacted from the proposed addition.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080 Q	<b>The project complies with all applicable ordinances, rules and regulations of the City of Ketchum, Idaho, except as modified or waived pursuant to this section.</b>
			<i>Staff Comment</i>	<i>The proposed project will require PUD amendment and building permit approval by the City. All applicable ordinances, rules and regulations of the City of Ketchum will be complied with through these processes.</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 Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Conditional Use Permit application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Conditional Use Permit Application pursuant to Chapter 16.08 of Ketchum Municipal Code Title 16.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §16.08.110.
4. The Planned Unit Development Conditional Use Permit application is governed under Ketchum Municipal Code Chapter 16.08.
5. The 402 Evergreen Lane Addition (Lot 14, Block 2, The Pines P.U.D.) Planned Unit Development Conditional Use Permit application meets all applicable standards specified in Title 16 & Title 17 of the Ketchum Municipal Code.

**DECISION**

**THEREFORE**, the Commission **approves** this Planned Unit Development Conditional Use Permit Application File No. P22-033 this Tuesday, April 11, 2023, subject to the following conditions of approval.

**CONDITIONS OF APPROVAL**

1. The issuance of the CUP shall not be considered a binding precedent for the issuance of other conditional use permits. The issuance of the CUP is based solely on the facts and conditions of this particular application and the facts and conditions existing at the time of this approval as it

comes before the Commission. This conditional use permit is not transferable from one parcel of land to another.

2. Failure to comply with any conditions or term of said permit shall cause said permit to be void. A PUD – Conditional Use Permit may be revoked at any time for violation of the permit or any condition thereof by motion of the City Council after a due process hearing upon ten (10) days written notice to the holder of the PUD - Conditional Use Permit.
3. 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 Completion;
4. If within one year after the issuance of certificate of completion by the City, any aspen trees are determined to be diseased or deceased as a result of the construction, the applicant shall replace such diseased or deceased aspen trees with new aspen plantings at 3 inch caliper size.

Findings of Fact **adopted** this 11<sup>th</sup> day of April 2023.

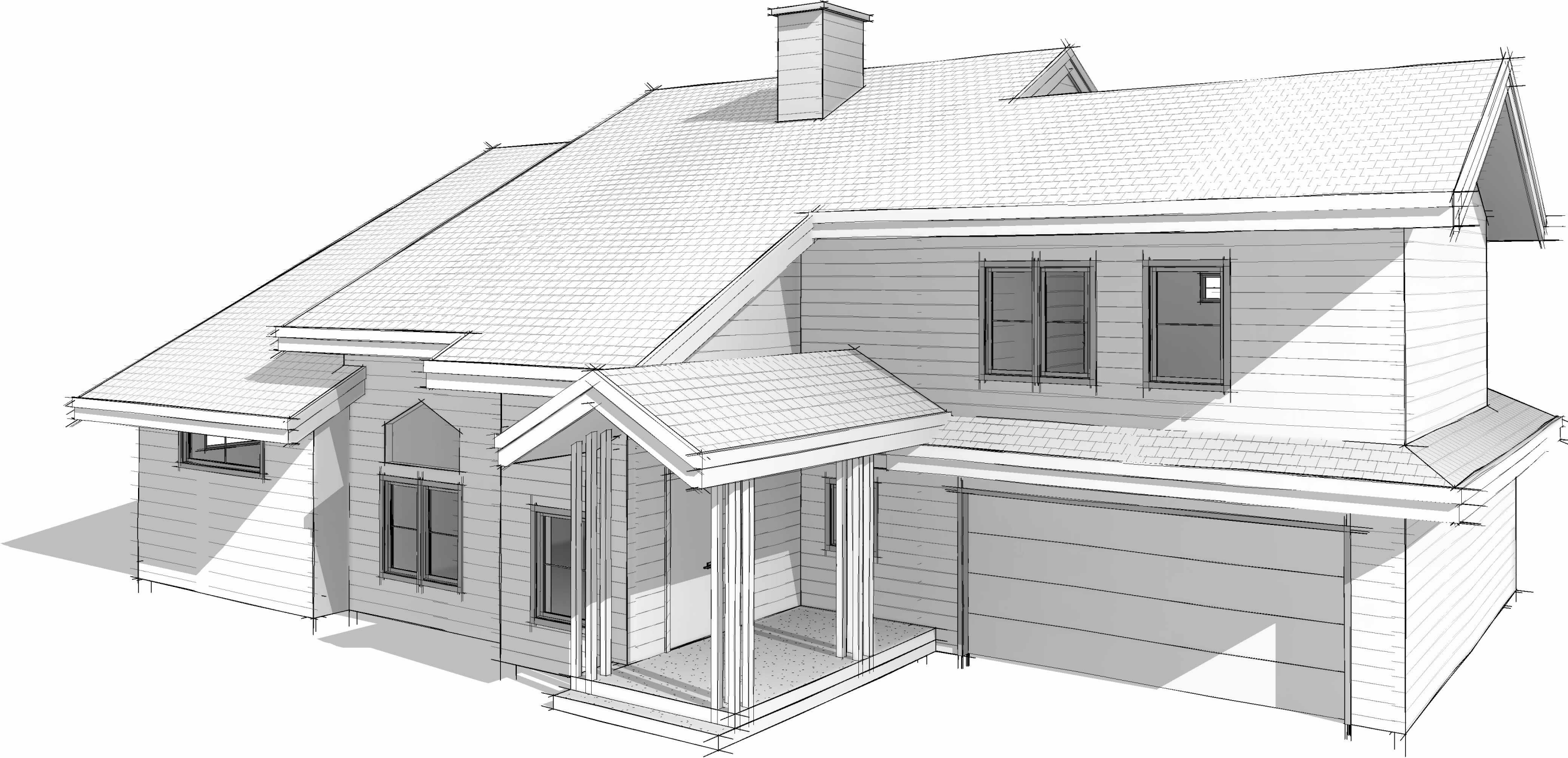
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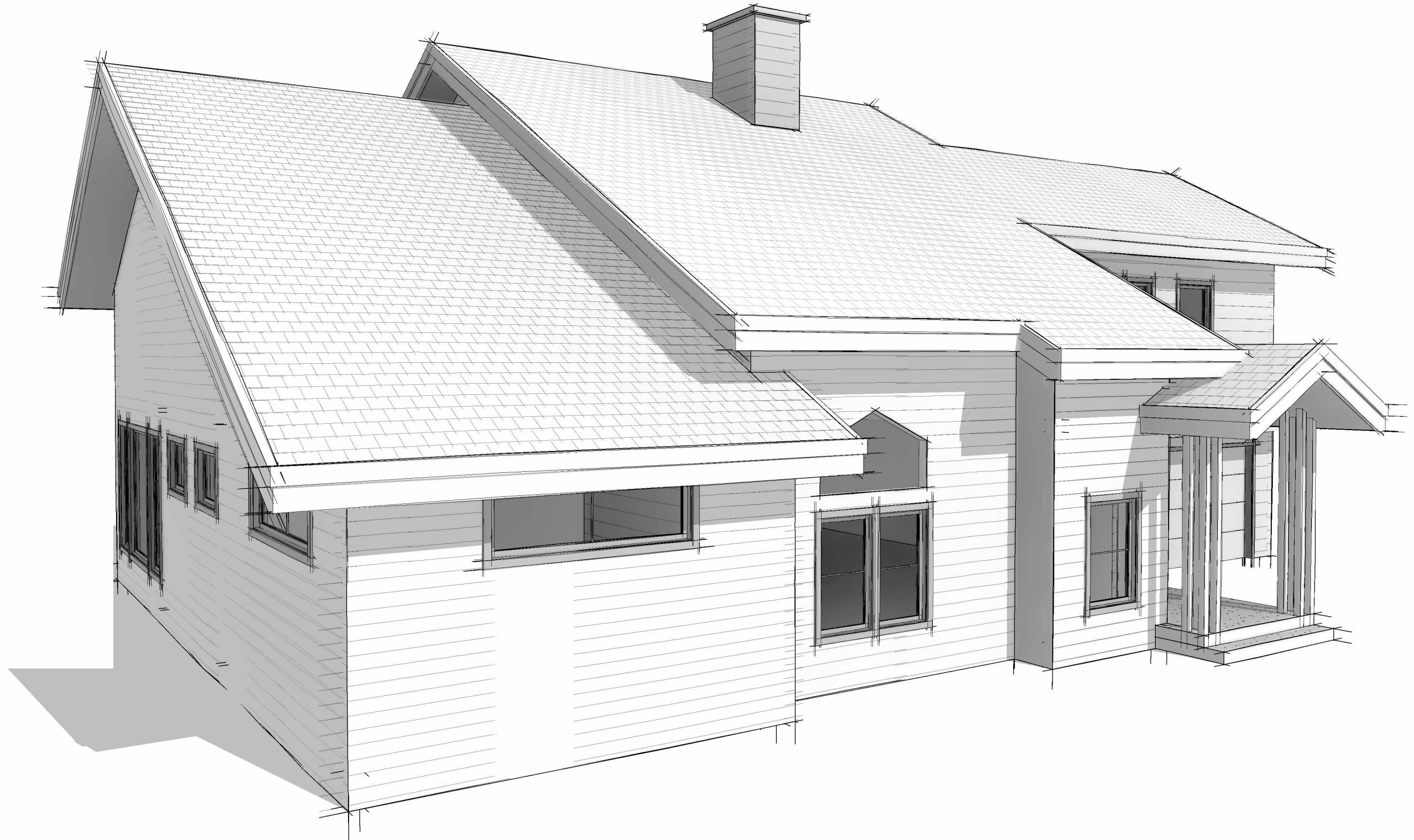
Neil Morrow, Chair  
City of Ketchum  
Planning and Zoning Commission

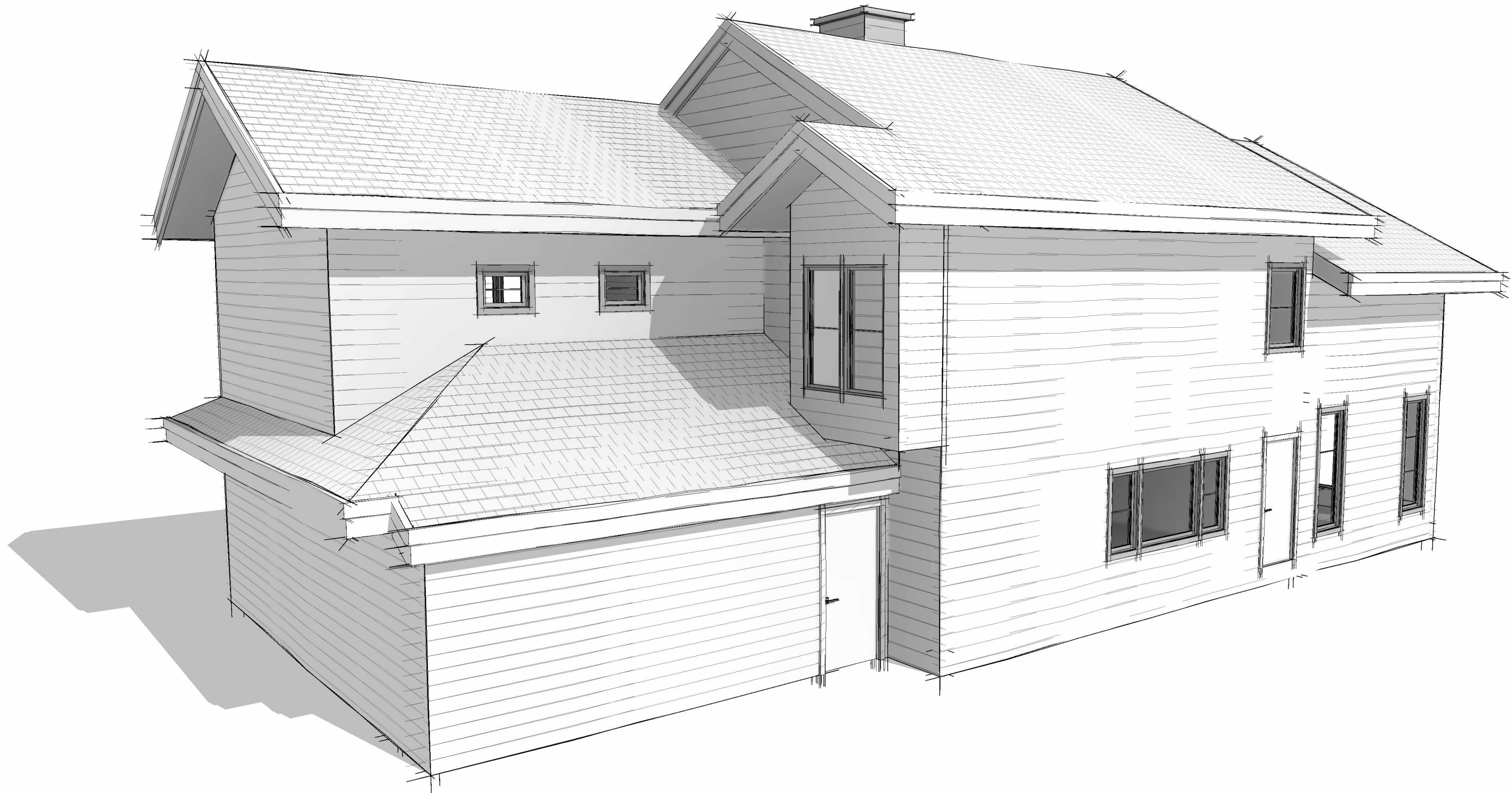
Exhibit A

Conditional Use Permit Application File  
No. P22-033 Plan Set

















① NORTH ELEVATION  
1/8" = 1'-0"



① EAST ELEVATION  
1/8" = 1'-0"



① SOUTH ELEVATION  
1/8" = 1'-0"

PROJECT

**402 EVERGREEN LANE**  
KETCHUM, IDAHO

DRAWING

SOUTH ELEVATION

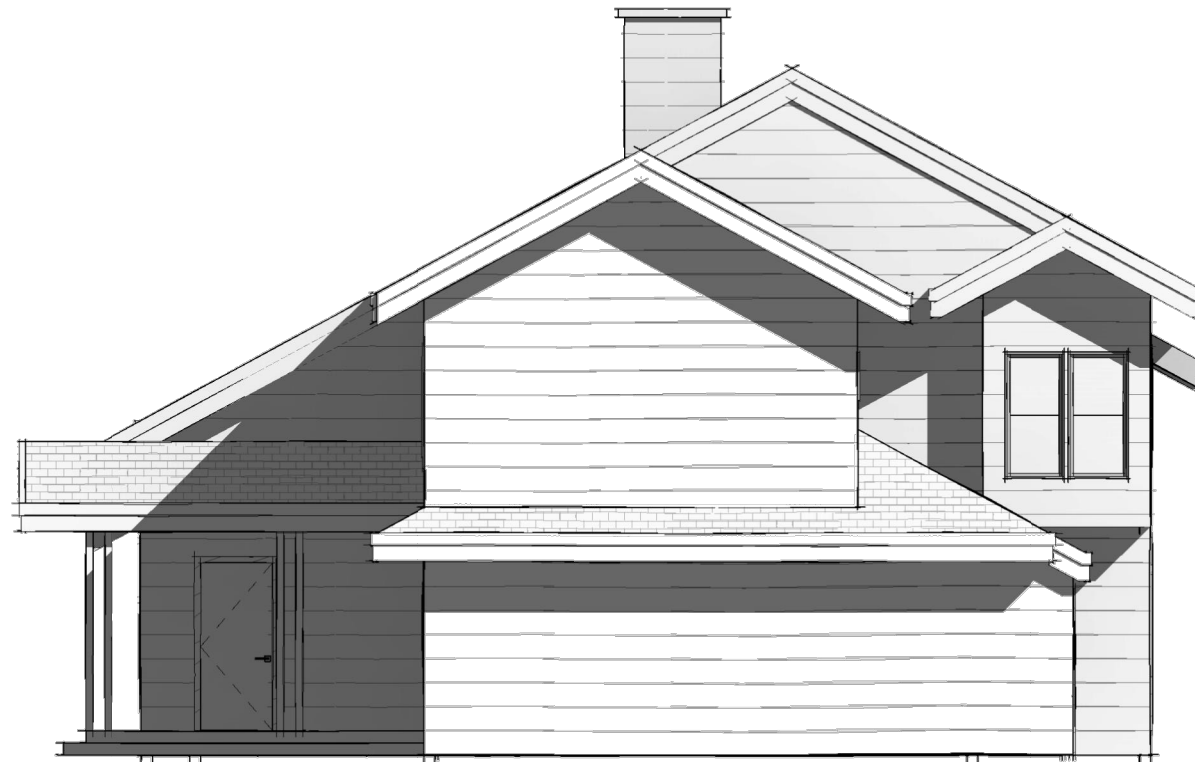
DATE

02.01.2023

DWG. #

**A2.2**





① WEST ELEVATION  
1/8" = 1'-0"

PROJECT

**402 EVERGREEN LANE**  
KETCHUM, IDAHO

DRAWING

WEST ELEVATION

DATE

02.01.2023

DWG. #

**A2.3**





	PROJECT	DRAWING	DATE	DWG. #	
208.727.7936 208.727.7335 KETCHUM, IDAHO	DEMARCHI - AUCAPURI ARCHITECTS	402 EVERGREEN LANE KETCHUM, IDAHO	3D VIEW	02.01.2023	A3.0





- LEGEND**
- Subject Property Boundary
  - Adjoiners Property Boundary
  - Centerline Road
  - Building Setbacks per City of Ketchum for Detached Townhomes
  - EOA = Edge of Asphalt
  - Existing Building/Structure
  - Existing Deck
  - Proposed Addition
  - FNC = Existing Fence
  - PVR = Existing Pavers
  - 5' Major Contour (Alpine 2022)
  - 1' Minor Contour (Alpine 2022)
  - Proposed 1' Minor Contour
  - Proposed Drainage Flowline
  - Existing Asphalt Driveway
  - Existing Curb & Flowline
  - Existing Sidewalk
  - Existing Water Main
  - Existing Water Service
  - Existing Sewer Main
  - Existing Sewer Service
  - Found 1/2" Rebar as Shown
  - GMTR = Gas Meter
  - SMH = Sewer Manhole
  - FND 1/2" = Found 1/2" Rebar
  - PHBOX = Phone Box
  - TVBOX = CA/TV Box
  - CMTR = Gas Meter
  - DT = Deciduous Tree
  - SIGN = Road Sign
  - SIGN = Road Sign
  - IC Illegible Cap
  - HSE House
  - GRG Garage
  - TRESH Threshold Elevation
  - SLB Slab
  - COR Corner
  - BOSW Back of Sidewalk
  - TBC Top Back of Curb
  - LIP Lip of Curb
  - TP Top of Pavement/Spot Elevation
  - GS Ground Shot/Spot Elevation
- ( ) Record Bearing and Distance per Inst. No. 313977

- NOTES**
- 1) Basis of Bearings is Idaho State Plane Coordinate System, NAD83, Central Zone, at Grid in US Survey Feet. Vertical Datum is assumed 100.00' at point 103.
  - 2) Boundary Information is from the Plat of The Pines P.U.D. Townhouses Phase 1, Instrument Number 313977; Records of Blaine County, Idaho.
  - 3) Refer to the Plat Notes, Conditions, Covenants, and Restrictions on Original Plat.
  - 4) Utility Locations shown are based on visual surface evidence and should be verified before any Excavation.
  - 5) Current Zoning appears to be GR-L, General Residential Low Density, but are considered Townhouse Sublots.
  - 6) Several Boundary Monuments are missing, so a Record of Survey will be prepared and Recorded.

ISSUED

**DEMARCHI & AUCAPURI ARCHITECTS**  
 tlf: (208) 727 7335 - (208) 727 7936

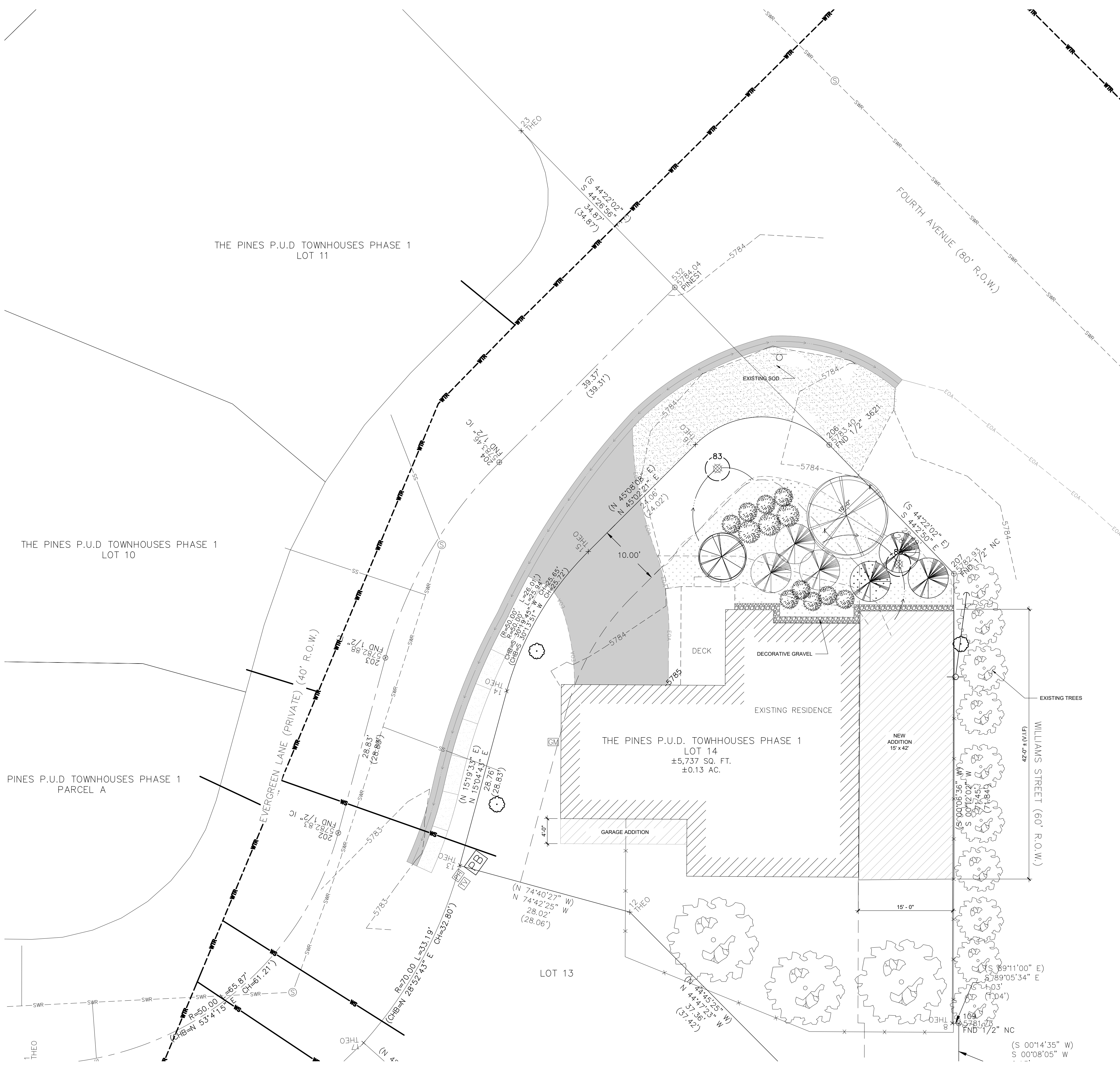
402 EVERGREEN LANE  
 KETCHUM, IDAHO BLAINE COUNTY

DRAWING

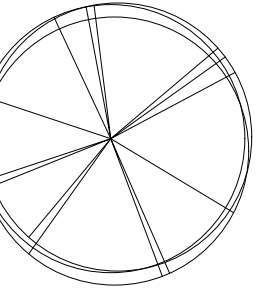
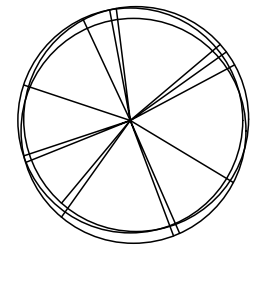
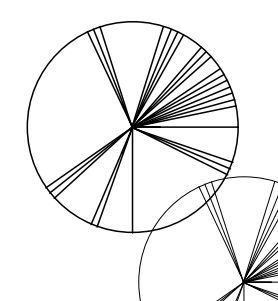
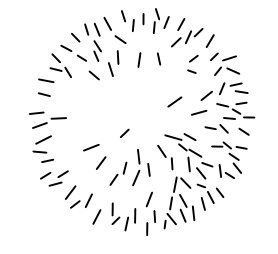

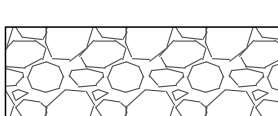
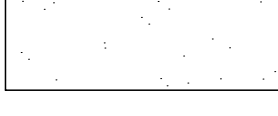
LANDSCAPE

DWG. #

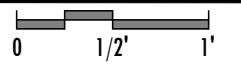
**L1.0**



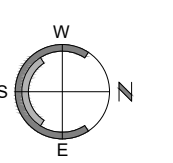
### PLANT LEGEND

-  **BLACK HILL SPRUCE**  
 PICEA GLAUCA DENSATA  
 1 @ 16'
-  **LOGEPOLE PINE**  
 PINUS CONTORTA  
 1 @ 14'
-  **SUBALPINE FIR**  
 ABIES LASIOCARPA  
 1 @ 10'  
 2 @ 12'  
 2 @ 14'  
 1 @ 16'
-  **SHRUBS**
  - 5 BIRCHLEAF SPIREA  
 SPIRAEA BETULIFOLIA
  - 7 TRIUMPH SPIREA  
 SPIREA X BILLARDIA
-  **PLANTING BED**  
 PERENNE ORNAMENTAL GRASSES  
 1 gal. @ 18" O.C.
-  **DECORATIVE GRAVEL BORDER**
-  **EXISTING SOD**

LANDSCAPE



SCALE: 1"= 1'-0"



Materials



Lighting

