



City of Ketchum
Planning & Building

IN RE:)	
)	
Hammond House (120 Sage Rd SFR))	KETCHUM PLANNING AND ZONING COMMISSION
Conditional Use Permit)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: October 14, 2019)	DECISION
)	
File Number: 19-081)	

PROJECT: Hammond House

APPLICATION TYPE: Conditional Use Permit

FILE NUMBER: P19-081

PROPERTY OWNER: Rockwell Hammond

REPRESENTATIVE: Neil Middleton & Lars Guy

REQUEST: Conditional Use Permit for the installation of an avalanche attenuation device associated with the development of a new 4,080 sq ft single-family residence

LOCATION: 102 Sage Road (Warm Springs Village 4th Addition: Block 3: Lot 1)

ZONING: General Residential Low Density (GR-L) Zoning District

OVERLAY: Mountain Overlay and Avalanche Zone

NOTICE: A public hearing notice for the three interrelated applications associated with the Hammond House project, including the subject Conditional Use Permit, was mailed to all property owners within 300 ft of the development site on July 24th, 2019. The public hearing notice was published in the Idaho Mountain Express on July 24th, 2019. A public hearing notice was posted on the subject property on August 6th, 2019 and was posted to the City website on August 7th, 2019.

Findings Regarding Applications Filed

The Hammond House project is comprised of three interrelated development applications for the construction of a new 4,080 sq ft single-family residence located at 102 Sage Road (Warm Springs Village 4th Addition: Block 3: Lot 1). In conjunction with Mountain Overlay Design Review, the applicant has submitted a Conditional Use Permit application for the installation of an avalanche attenuation device (KMC §17.92.010.D2) as well as a Variance request for relief from the required front, rear, and side yard setbacks.

Pursuant to Ketchum Municipal Code (KMC) §17.104.050.A, the construction or placement of structures within the Mountain Overlay District is subject to all applicable Design Review improvements and standards (KMC §17.96.060) as well as 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, protect natural land features and wildlife habitat, prohibit detrimental alteration and minimize impacts to the

existing topography, preserve hillsides and ridges, and minimize the visual impact by siting building footprint away from higher elevations.

The Sage Road neighborhood is characterized by hazards associated with red and blue avalanche zones. Building in the Avalanche Zone must meet the standards and comply with certain restrictions specified in KMC §17.92.010. New construction in the Avalanche Zone must be certified by an engineer licensed in the State of Idaho certifying that the proposed construction as designed will withstand the avalanche forces specific to the development site (KMC §17.02.010.D.3). Avalanche structures or earthwork that threaten to deflect avalanches toward the property of others or otherwise threaten to increase the danger to persons or property are prohibited (KMC §17.02.010.D.2). Avalanche attenuation and protective structures require the review and approval of a Conditional Use Permit. The applicant has submitted a Variance request from the required yard setbacks in order to accommodate the required avalanche attenuation structural components. The applicant has requested the variance as the minimum relief necessary in order to accommodate the necessary avalanche attenuation and mitigation structural components due to the unique size and topography of the lot.

Conditional Use Permits for avalanche attenuation devices have been granted within the neighborhood including the adjacent L & A Townhome development (Application Number 95-011) located at 108 Sage Road. The proposed avalanche attenuation devices are structurally integrated into the design of the single-family residences. The applicant has submitted an XCell Engineering Avalanche Evaluation and Plan Review Summary. According to the XCell Engineering Avalanche Evaluation and Plan Review Summary, the avalanche attenuation device is incorporated in the design of the structure and is comprised of five components. The east wall of the residence serves as the primary buffer to dissipate most of the impact force in the case of an avalanche event. The patio area at the rear elevation serves as a secondary control for snow overtopping the avalanche wall at the northeast corner of the house. Additional avalanche attenuation components include the north wall of the structure and the driveway pad along the east interior property line.

Findings Regarding Subject Property

The property is located in the General Residential Low Density (GR-L) Zoning District and also within the Mountain Overlay and Avalanche Zone. The subject property is within Warm Springs Village Subdivision 4th Addition, which was created in 1961 prior to the adoption of the City's first comprehensive zoning ordinance in 1974 (Ordinance No. 208) as well as the City's first subdivision ordinance in 1979 (Ordinance No. 316). The subject undeveloped, infill site has a total lot area of 0.16 acres. The dimensions of the subject property are noncompliant as the lot has both an area of 6,934 sq ft, which is less than the 8,000 sq ft minimum lot area required in the GR-L Zone, and a lot width of 29 ft, which is less than the 80 ft average required. The lot is also nonconforming in relation to the maximum 35% of linear footage of street frontage that may be dedicated to access off-street parking as an improved access easement spans the width of the parcel. The subject property is located on the north side of Sage Road approximately 185 ft from its intersection with Warm Springs. The Ski Hut Townhomes development borders the subject property to the southeast and an existing single-family residence is sited on the adjacent lot to the northwest. The subject property is bounded at the rear by one 83.66 acre parcel in the county and zoned Rural Residential (R-10) with a permitted density of one unit per 10 acre.

The subject property has a minimum elevation of 5898' at the southeast corner and a maximum elevation of 5920' at the northwest corner for a total elevation gain of 22'. Unlike the lots further east on Sage Road with depths exceeding 1,000 ft up the hillside, the subject trapezoidal lot has a maximum depth of 112 ft at the western property line. In addition to the nonconforming lot dimensions and topographical challenges, the subject lot is also constrained by an approximately 20 ft wide cross easement (Instrument No. 363233 & 574032) providing access for the benefit of the adjacent single-family residence at 104 Sage Road and the L & A Townhomes located at 108 Sage Road.

Findings Regarding Public Hearings

At the August 12th, 2019 meeting, the Planning & Zoning Commission held a site visit and considered the three interrelated applications associated with the Hammond House project, including the subject Mountain Overlay Design Review, as well as Staff analysis, the applicant’s presentation, and public comment. After providing feedback to the applicant, the Commission continued review of the three interrelated applications requesting additional information and material from the applicant. At the September 9th, 2019 meeting, the Planning & Zoning Commission reconvened the public hearing and approved [4-1] the three interrelated applications.

Table 1: Findings Regarding Conditional Use Permit Criteria

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	<p>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</p> <p><i>Commission Findings</i> The Sage Road neighborhood is characterized by hazards associated with red and blue avalanche zones. Conditional Use Permits for avalanche attenuation devices have been granted within the area including the adjacent A&L Townhome development (Application Number 95-011) located at 108 Sage Road. The avalanche attenuation devices are structurally integrated into the design of the single-family residences. Both single-family and multiple-family dwelling units are a permitted use in the GR-L Zoning District.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	<p>The conditional use will not materially endanger the health, safety and welfare of the community.</p> <p><i>Commission Findings</i> Consistent with KMC §17.92.010.D.2, avalanche protective, deflective, and preventative structures, which threaten to deflect avalanches toward the property of others or otherwise threaten to persons or property are prohibited. The construction of avalanche attenuation devices is permitted only as a Conditional Use. Prior to issuance of a Building Permit for the project, the applicant shall submit a certification signed by an engineer licensed in Idaho certifying that the proposed construction as designed will withstand the associated avalanche forces and that the single-family residence is deflection neutral.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	<p>The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.</p> <p><i>Commission Findings</i> The applicant has proposed three parking spaces within the enclosed garage and three parking spaces may also be accommodated on the driveway. The applicant has provided 6 total parking spaces, which is four more required per KMC §17.125.040. The proposed single-family residential use is not anticipated to generate a high volume of trips. As such, hazards to pedestrian and vehicular traffic will not be generated by this proposal.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	<p>The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.</p> <p><i>Commission Findings</i> The proposed single-family residence will be adequately supported by public services and facilities. See Table 1 of associated Mountain Overlay Design Review P19-021 for comments, requirements, and conditions from the Fire, Utilities, and Streets Department. As noted in condition #1, the Conditional Use Permit is subject to Mountain Overlay Design Review P19-021 and Variance P19-082.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	<p>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</p>

		Commission Findings	<i>As referenced in Table 2 below, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>
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Table 1: Findings Regarding Compliance with the 2014 Comprehensive Plan

SUPPORTING SECTION	SUMMARY OF COMPLIANCE WITH THE 2014 COMPREHENSIVE PLAN
Future Land Use	
Low Density Residential	<p>Primary Uses: Single-family and duplex residences and accessory units.</p> <p>Secondary Uses: Supporting and complementary uses, including open space and recreation, agriculture/gardens, schools, places of worship, and other public uses. Senior housing facilities are also appropriate if compatible with the surrounding areas.</p> <p>The intent is for the average density of a residential area in this category is not to exceed about five units per acre.</p> <p>Characteristics and Location: New residences should be within neighborhoods that have pedestrian-oriented, connected local streets and sidewalks. New housing should also have access to parks, open space, schools, and other civic activities. Neighborhoods within this category should be accessible via local streets with access to collector streets for circulation.</p>
Community Design and Neighborhoods	
Goal CD-2 Protect and enhance views of the surrounding mountains and natural features.	<p>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.</p> <p>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.</p>
Public Safety and Utilities	
Safety	<p>Avalanche Prone Areas The history of avalanche activity in the Warm Springs canyon dates back to the 1920s. Numerous avalanches are observed on the upper and lower slopes annually. The number of observed avalanches along with the terrain, vegetation and weather of the area, is sufficient to verify frequent avalanche hazard to the canyon floor. The occurrence of avalanches on the west slope of Dollar Mountain above Trail Creek is also regularly observed. Due to the potential avalanche hazard in these areas the City established an avalanche zone overlay district where special regulations apply.</p>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the Ordinances and regulations, which Ordinances are codified in the Ketchum 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 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 17.116 of Ketchum Code Title 17.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.

2. The Conditional Use Permit Application is governed under Ketchum Municipal Code Chapters 17.96, 17.104, 17.92, 17.116, 17.148, 17.124, and 17.128.
3. The proposed Conditional Use Permit application for the development of an avalanche attenuation device associated with the construction of a new 4,080 sq ft single-family residence 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 Conditional Use Permit application this Monday, September 9th, 2019 subject to the following conditions:

CONDITIONS OF APPROVAL

1. The Conditional Use Permit is subject to Mountain Overlay Design Review P19-021 and Variance Request P19-082. All associated conditions of approval shall apply.
2. The plans submitted for a Building Permit shall be stamped by an engineer licensed in the State of Idaho certifying that the single-family residence and associated avalanche protection devices will resist the avalanche forces associated with the site and that all proposed improvements will not deflect avalanche debris toward the property of others.
3. For health and safety reasons, the single-family residence located at 102 Sage Road shall not be leased, rented, or sublet as a Short Term Rental.
4. Prior Building Permit issuance for the project, an independent third-party review of the avalanche evaluation, associated design loads, and structural plans shall be submitted to the Planning & Building Department for review and approval. Subject evaluation, among other items, shall assure the project (1) does not deflect the avalanche onto neighboring properties, (2) does not create hazards for occupants of the structure due to blocked egress or other design considerations (glazing, gathering areas, etc.), and (3) does not threaten to increase the danger to persons or property. Any significant modifications to the approved set of plans that result from the third-party review will be forwarded to the Planning & Zoning Commission for review and approval. Any changes that qualify as a minor modification as defined by KMC §17.08.020 may be reviewed and approved by the Administrator.
5. As the property is located within the Avalanche Zone, the project shall comply with all applicable standards specified in Chapter 17.92 Avalanche Zone District.
6. This Conditional Use Permit approval is based on the application presented at the Planning and Zoning Commission meetings of August 12th, 2019 and September 9th, 2019.
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. In addition to the requirements set forth in this Conditional Use Permit approval, this project shall comply with all applicable local, state, and federal laws.

Findings of Fact **adopted** this 14th day of October, 2019.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission