



CITY OF KETCHUM

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IN RE:)	
)	
Warm Springs Preserve Building)	KETCHUM PLANNING & ZONING COMMISSION
Design Review)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: May 14, 2024)	DECISION
)	
File Number: P23-104)	

PROJECT: Warm Springs Preserve Building

FILE NUMBER: P23-104

APPLICATION TYPE: Design Review

REPRESENTATIVE: Mike Allaire – Michael Doty Associates (architect)

PROPERTY OWNER: City of Ketchum

LOCATION: 201-311 Bald Mountain Road (Warm Springs Ranch Resort PUD Blk 6)

ZONING: Tourist (T)

OVERLAY: Avalanche

RECORD OF PROCEEDINGS

The Planning and Building Department received the Design Review application on November 20, 2023. While the subject property is greater than 11,000 square feet, KMC 17.96.010.D4 permits the Administrator to “waive the requirement for preapplication review if the project is found to have no significant impact.” Due to the size of the proposed building and its isolation from other structures, staff determined the pre-application requirement would be waived in this instance. The application was reviewed and scheduled for hearing after two rounds of review.

A public hearing notice for the project was mailed to all property owners within 300 feet of the project site and all political subdivisions on April 3, 2024. The notice was published in the Idaho Mountain Express on April 3, 2024. A notice was posted on the project site on April 16, 2024 and the city’s website on April 8, 2024. The building corners were staked and story pole erected on April 16, 2024.

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:

BACKGROUND

Warm Springs Preserve

The City of Ketchum acquired the subject property and surrounding land known as the Warm Springs Preserve in April of 2022. A deed restriction was placed upon the property, permitting the development of “a pump house, public restroom and a single story building up to one thousand square feet and not exceeding a height of twenty-seven feet from natural grade for storage of equipment and supplies needed for maintenance of the Property”. This development was discussed and shown in preliminary concepts in the Warm Springs Preserve Master Plan which was adopted by City Council in April of 2023. Pages 39-44 of the plan show renderings of the redesigned parking lot, a preliminary floor plan of the welcome building, and highlights aspects of the building including a donor recognition wall, preserve map, bike racks, and a leash hook board.

FINDINGS REGARDING COONFORMANCE WITH COMPREHENSIVE PLAN

The 2014 Comprehensive Plan’s future land use designation for the subject property is Low Density Residential. This category speaks to “single-family and duplex residences and accessory units” as appropriate primary uses. Secondary uses for this category include, “open space and recreation, agriculture/gardens, schools, places of worship, and other public uses”. During the adoption of the 2014 Comprehensive Plan, the subject property was part of the development plans for the Warm Springs Ranch Resort project. As discussed previously, the City of Ketchum has since purchased the subject property and surrounding property to maintain open space for public use in perpetuity and implement a floodplain restoration project. The use of the property for open space aligns with the anticipated secondary uses of property within the Low-Density Residential land use designation. At the time of purchase and subsequent adoption of the Warm Springs Master Plan, no change was made to the Future Land Use Map to reflect the change in use. Staff plans to update the land use designation of the property as part of the update to the comprehensive plan that is currently underway. Through the purchase period and formulation of the master plan, many rounds of public engagement were open for feedback on the use of the property. As the proposed development is consistent with the secondary uses listed in the 2014 Comprehensive Plan and aligned with the Warm Springs Master Plan adopted by the city council, staff finds the project meets criteria #1 & #2.

FINDINGS REGARDING COMPLIANCE WITH ZONING CODE AND DIMENSIONAL STANDARDS

Compliance with Zoning and Dimensional Standards				
Compliant			Standards and Findings	
Yes	No	N/A	Ketchum Municipal Code	City Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Minimum Lot Area
			Finding	Required: 8,000 square feet Existing: 195,622 square feet (4.5 acres)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	FAR
			Finding	Permitted: 0.5 FAR

				Proposed: .01 FAR (1,260
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Minimum Building Setbacks
			Finding	Minimum Required Setbacks*: Front: 15' Side: 15' Rear: 15' Proposed: Front (east): 445' 5" Side (north): 15' Side (south): 100' 10" Rear (west): 484' 7"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Building Height
			Finding	Maximum Permitted: 35' (27' maximum height per deed restriction) Proposed: 18' 4"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.030.H	Curb Cut
			Finding	Permitted: A total of 35% of the linear footage of any street frontage can be devoted to access off street parking. Proposed: 9% (26-foot-wide driveway/280 feet of property frontage along Lopey Ln).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.020.A. 2 & 17.125.050	Parking Spaces
			Finding	Off-street parking standards of this chapter apply to any new development and to any new established uses. Required: Nonresidential, in zoning districts other than LI-1, LI-2, and LI-3 require 1 parking space per 1,000 gross square feet. Deed restriction permits 24 parking spaces. Proposed: 24 parking spaces

FINDINGS REGARDING COMPLIANCE WITH DESIGN REVIEW STANDARDS

17.96.060.A.1 - Streets	Conformance
<i>The applicant shall be responsible for all costs associated with providing a connection from an existing City street to their development.</i>	YES
Finding: The project proposes to replace the existing gravel driveway and parking lot with asphalt up to Lopey Ln bridge.	

17.96.060.A.2 - Streets	Conformance
<i>All street designs shall be approved by the City Engineer.</i>	YES
<p>Finding: The City Engineer has reviewed the proposed driveway design and finds it to be sufficient for the project.</p> <p>All street designs shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.</p>	

17.96.060.B.1 - Sidewalks	Conformance
<i>All projects under subsection 17.96.010.A of this chapter that qualify as a "substantial improvement" shall install sidewalks as required by the Public Works Department.</i>	N/A
<p>Finding: Sidewalks not required for the proposed project.</p>	

17.96.060.B.3 - Sidewalks	Conformance
<p><i>Sidewalks may be waived if one of the following criteria is met:</i></p> <ul style="list-style-type: none"> <i>a) The project comprises an addition of less than 250 square feet of conditioned space.</i> <i>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> 	N/A
<p>Finding: Sidewalks waived due to low speed limit of Lopey Lane, trail access off of Lopey Lane, and additional disturbance sidewalks would create for the upcoming restoration.</p>	

17.96.060.B.2 - Sidewalks	Conformance
<i>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>	N/A
<p>Finding: Sidewalks not required for the proposed project.</p>	

17.96.060.B.4 - Sidewalks	Conformance
<i>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>	N/A
<p>Finding: Sidewalks were not required for the proposed project.</p>	

17.96.060.B.5 – Sidewalks	Conformance
<i>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>	N/A
Finding: Sidewalks were not required for the proposed project.	

17.96.060.B.6 - Sidewalks	Conformance
<i>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 110 percent 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>	YES
Finding: Sidewalks were not required for the proposed project.	

17.96.060.C.1 - Drainage	Conformance
<i>All stormwater shall be retained on site.</i>	YES
<p>Finding: Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site. Drainage improvements are specified on Sheets C1 -C3 on the project plans. The drainage improvements include the installation of swales and driveways. The City Engineer has reviewed the proposed drainage plan and believes the swales and drywell improvements are sufficient to maintain all storm water drainage on the subject property.</p> <p>All drainage plans and specifications shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit.</p>	

17.96.060.C.2 - Drainage	Conformance
<i>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</i>	YES
<p>Finding: Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site. Drainage improvements are specified on Sheets C1 - C2.1 on the project plans. The drainage improvements include the installation of swales and driveways. The City Engineer has reviewed the proposed drainage plan and believes the swales and drywell improvements are sufficient to maintain all storm water drainage on the subject property.</p> <p>All drainage plans and specifications shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit.</p>	

17.96.060.C.3 - Drainage	Conformance
<i>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</i>	YES
Finding: The City Engineer has reviewed the proposed drainage plan for proposed project and believes the swale and drywell improvements are sufficient to maintain storm water drainage on the subject	

property. The City Engineer may require additional drainage improvements if necessary. If approved, the applicant shall submit final civil drawings for all drainage improvements with the building permit application to be verified, reviewed, and approved by the City Engineer and Streets Department.

17.96.060.C.4 - Drainage	Conformance
<i>Drainage facilities shall be constructed per City standards.</i>	YES
<p>Finding: The drainage improvements for the proposed project include the installation of swales & drywells to collect stormwater from the parking lot and driveway. The City Engineer has reviewed the proposed drainage plan and believes the proposed swale and drywell improvements meet city standards.</p> <p>All drainage plans and specifications shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit.</p>	

17.96.060.D.1 - Utilities	Conformance
<i>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</i>	YES
<p>Finding: All project costs associated with the development, including the installation of utilities, are the responsibility of the applicant.</p>	

17.96.060.D.2 - Utilities	Conformance
<i>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</i>	YES
<p>Finding: As shown on Sheet C3 of the project plans, the applicant proposes connecting to the municipal water and sewer systems from existing lines on Irene St. 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.</p>	

17.96.060.D.3 - Utilities	Conformance
<i>When extension of utilities is necessary all developers will be required to pay for and install two-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>	N/A
<p>Finding: N/A. Extension of utilities is not necessary to service the proposed storage & restroom buildings.</p>	

17.96.060.E.1 – Compatibility of Design	Conformance
<i>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</i>	YES
<p>Finding: While the subject property is isolated from other development, the project utilizes natural materials which are found in the nearby developments along Bald Mountain Road & Irene St. These materials also assist in the building fitting well within the future open space/park.</p>	

17.96.060.E.2 – Compatibility of Design	Conformance
<i>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>	N/A
Finding: N/A. The subject property does not contain any significant landmarks.	

17.96.060.E.3 – Compatibility of Design	Conformance
<i>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>	N/A
Finding: N/A. The subject property is vacant.	

17.96.060.F.1 – Architectural	Conformance
<i>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</i>	YES
Finding: Nearest sidewalks to the proposed structure are located on Bald Mountain Rd. Pedestrians would access sidewalk by walking through preserve and on Lopey Ln. Primary use of building for the public is to use the restrooms which are accessed by using the walkway through the building.	

17.96.060.F.2 – Architectural	Conformance
<i>The building character shall be clearly defined by use of architectural features.</i>	YES
Finding: The sloped roof used throughout the project results in the segments of the building having varied façade heights, providing visual interest.	

17.96.060.F.3 – Architectural	Conformance
<i>There shall be continuity of materials, colors and signing within the project.</i>	YES
Finding: The building utilizes primarily wood siding with metal trim. The same wood siding is used as slats in certain locations.	

17.96.060.F.4 – Architectural	Conformance
<i>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</i>	YES
Finding: The proposed trash enclosure looks to use the same materials as the building (either wood or metal). A 3ft board form concrete wall is proposed on the downhill side of the storage room and matches the wood siding well in staff's review. Landscaping is primarily native and will be planted all around the structure.	

17.96.060.F.5 – Architectural	Conformance
<i>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</i>	YES

Finding: Staff finds the walkway splitting the two segments of the building and the offsetting of those segments to assist in providing relief to the bulk and mass of the building and minimized the perceived flatness of the structures.

17.96.060.F.6 – Architectural	Conformance
<i>Building(s) shall orient toward their primary street frontage.</i>	YES
Finding: The structure is proposed to orient towards the parking area.	

17.96.060.F.7 – Architectural	Conformance
<i>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</i>	YES
Finding: No satellite receivers are proposed for the project. Sheet L1.03 indicates a trash enclosure area to be located near the parking area and to be surrounded by a metal or wood enclosure.	

17.96.060.F.8 – Architectural	Conformance
<i>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>	YES
Finding: Architectural sheets indicate that gutters will be installed, and the roofs will be sloped to downspouts. The roof form does not slope towards pedestrian gathering areas.	

17.96.060.G.1 – Circulation Design	Conformance
<i>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</i>	YES
Finding: All bicycle access will occur along Lopey Lane as currently exists. Pedestrian access will occur either on Lopey Lane as currently exists or through trails once restoration project is approved.	

17.96.060.G.2 – Circulation Design	Conformance
<i>Awnings extending over public sidewalks shall extend five feet or more across the public sidewalk but shall not extend within two feet of parking or travel lanes within the right-of-way.</i>	N/A
Finding: Sidewalks are not required for the proposed project.	

17.96.060.G.3 – Circulation Design	Conformance
<i>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>	YES
Finding: The existing driveway & parking area is similar to what is proposed by the project. The City Engineer has reviewed the proposed driveway & parking area for the project and finds the circulation design to meet city standards. Final circulation design shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit.	

17.96.060.G.4 – Circulation Design	Conformance
<i>Curb cuts and driveway entrances shall be no closer than 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>	YES
Finding: The proposed driveway for the project is located further than 20 feet away from the nearest intersection of Bald Mountain Road and Lopey Ln.	

17.96.060.G.5 – Circulation Design	Conformance
<i>Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.</i>	YES
Finding: Access for emergency vehicles, snowplows, and garbage trucks is provided along Lopey Ln.	

17.96.060.H.1 – Snow Storage	Conformance
<i>Snow storage areas shall not be less than 30 percent of the improved parking and pedestrian circulation areas.</i>	YES
Finding: Sheet L1.02 shows the proposed snow storage areas to include a total of 7,692 square feet, greater than the required 30% (23,810 * .30 = 7,143 square feet).	

17.96.060.H.2 – Snow Storage	Conformance
<i>Snow storage areas shall be provided on site.</i>	YES
Finding: The location of the snow storage area is indicated on Sheet L1.02 of the project plans.	

17.96.060.H.3 – Snow Storage	Conformance
<i>A designated snow storage area shall not have any dimension less than five feet and shall be a minimum of 25 square feet.</i>	YES
Finding: The snow storage areas for the proposed project do not have dimensions less than five feet as seen on Sheet L1.02.	

17.96.060.H.4 – Snow Storage	Conformance
<i>In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.</i>	N/A
Finding: The project does not propose snowmelt or hauling of snow.	

17.96.060.I.1 – Landscaping	Conformance
<i>Landscaping is required for all projects.</i>	YES
Finding: Landscaping has been provided for the project as indicated on Sheet L2.00.	

17.96.060.I.2 – Landscaping	Conformance
<i>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>	YES
Finding: The landscape plan for the project proposes primarily species which are native to the area. These species are readily adaptable to the microclimate as many are present naturally within the Warm Springs Preserve.	

17.96.060.I.3 – Landscaping	Conformance
<i>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</i>	YES
Finding: The landscape plan for the project proposes drought-tolerant and native species, including douglas fir, aspens, native shrubs, and drought tolerant grasses.	

17.96.060.I.4 – Landscaping	Conformance
<i>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.</i>	YES
Finding: The project proposes many trees & shrubs to screen the proposed structure.	

17.96.060.J.1 – Public Amenities	Conformance
<i>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.</i>	N/A
Finding: Sidewalks were not required for this project.	

17.96.060.K.1 – Underground Encroachments	Conformance
<i>Encroachments of below grade structures into required setbacks are subject to subsection 17.128.020.K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.</i>	N/A
Finding: N/A. No encroachments of below grade structures are proposed.	

17.96.060.K.2 – Underground Encroachments	Conformance
<i>No below grade structure shall be permitted to encroach into the riparian setback.</i>	N/A

Finding: N/A. No encroachments of below grade structures are proposed, and the structure is not located within the riparian setback.

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 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 Municipal Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of the application in accordance with Ketchum Municipal Code §17.96.080.
4. The Design Review application is governed under Ketchum Municipal Code Chapters 17.96, 17.124, 17.08, 17.12, 17.18, and 17.128.
5. The Warm Springs Preserve Building Design Review application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Planning and Zoning Commission **approves** the Design Review Application File No. P23-104 this Tuesday, May 14, 2024, subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. The term of Design Review approval shall be twelve (12) months from the date that the Findings of Fact, Conclusions of Law, and Decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations (KMC §17.96.090). Any extension shall comply with KMC §17.96.090.
2. 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 14th day of May 2024.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission