



**City of Ketchum
Planning & Building**

IN RE:)
)
Walnut Ave Residence) KETCHUM PLANNING AND ZONING COMMISSION
Mountain Overlay Design Review) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
File Number: P23-052) DECISION
)
Date: October 24, 2023)
)

PROJECT: Walnut Ave Residence
APPLICATION TYPE: Mountain Overlay Design Review
FILE NUMBER: P23-052
ASSOCIATED APPLICATIONS: Lot Consolidation Preliminary Plat (File No. P23-052A)
PROPERTY OWNER: Breyman Properties LLC
REPRESENTATIVE: Lucas Winter, Jarvis Group Architects (Architect)
LOCATION: Ketchum Townsite: Block 91, Lot 3 & 4
ZONING: Limited Residential (GR-L) & Mountain Overlay (MO)

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the Walnut Residence Mountain Overlay Design Review Application File No. P23-052 during their meeting on September 26, 2023. The application was considered concurrently with a Lot Consolidation Preliminary Plat Application File No. P23-052A and the public hearings were combined in accordance with Idaho Code §67-6522.

Public Hearing Notice & Public Comment

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 September 6, 2023. The public hearing notice was published in the Idaho Mountain Express on September 6, 2023. A notice was posted on the project site and the city’s website on September 11, 2023. The story pole was installed on the project site on upon submitting of the application.

FINDINGS OF FACT

The Planning and 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 applicant is proposing to construct a new 5,805 square foot three-story residence (the “project”), located on Ketchum Townsite Block 91, Lots 3 & 4 (the “subject property”). The subject property is zoned Limited Residential (LR) in the Mountain Overlay District (MOD), and both lots are currently vacant.

Pursuant to Ketchum Municipal Code (KMC) §17.104.050.A, design review is required for the “construction or placement of new buildings or structures, including additions to any such structures or buildings existing at the effective date hereof, upon real property within the Mountain Overlay Zoning District.” The project is subject to all MOD review criteria and standards specified in KMC §17.104.070 as well as all applicable design review standards specified in KMC §17.96.060.

The project also proposes to consolidate Lots 3 & 4, requiring a preliminary plat following procedures outlined in KMC 16.04.030 as per section 5.C of Ordinance 1234. Preliminary plats require a public hearing in front of the Planning & Zoning Commission where the Commission will approve, approve with conditions, or deny the preliminary plat.

The planning and Building Department received the MOD and Preliminary Plat applications for the project on June 5th, 2023. Following receipt of the applications, staff routed the application materials to all city departments for review. The applications were reviewed concurrently and scheduled for hearing on August 18th, 2023, after 3 rounds of department review.

Before granting Design Review approval, the Commission must determine that the application meets two criteria: (1) the project doesn’t jeopardize the health, safety, or welfare of the public, and (2) the project conforms to all Design Review standards and zoning regulations (KMC 17.96.050.A).

Criteria 1: Health, Safety, and Welfare of the Public

The 2014 Comprehensive Plan contains the community’s vision for Ketchum and sets goals and policies to guide future development. The vision is shaped by 10 core values identified by Ketchum residents as important to consider for all future land uses decisions. The community’s core values include protecting the community character of Ketchum and preserving its environmental quality and scenic beauty. Ketchum’s undeveloped hillsides are visual assets that define the character of our community. Protecting and preserving Ketchum’s natural resources is critical to maintaining our economy, quality of life, and community identity. The comprehensive plan states:

Community Character: You know when you have entered Ketchum; this is a place centered on the “town” and identifiable from the “country” by distinct edges. Residents and visitors desire this clear division that has been lost in so many American cities through strip commercial development and sprawling residential subdivisions. Protecting and enhancing the visual

character of our community gateways, the undeveloped hillsides, and night skies is a priority (page 9).

Environmental Quality and Scenic Beauty: Ketchum's citizens place great value on the exceptional natural setting and resources of the Wood River Valley. The community is surrounded by rugged alpine peaks, forested and sage-covered open spaces, pristine wildlife habitat, and beautiful rivers and riparian areas. Key open spaces create visual buffers between the built and natural environment. Unobstructed views exist in every direction in large part due to Ketchum's wide streets and lack of hillside development. These environmental features and resources sustain our economy and are why many people choose to live in Ketchum. We will be excellent stewards of these resources in order to preserve them for the future (page 10).

The comprehensive plan sets policies to guide land-use decisions and identifies the following goals regarding hillside development:

- Policy OS-3.2: Establish and maintain open space buffers in important scenic areas to maintain the community's separate identity from surrounding communities and to protect views and open space.
- Goal CD-2: Protect and enhance views of the surrounding mountains and natural features.
- Policy CD-2.2: 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: Protect and incorporate natural features into newly developing areas. Conserve the natural patterns of streams, ridgelines, topography, riparian areas, and wildlife habitat areas.

The MOD ensures the preservation of Ketchum's surrounding hillsides and ridgelines and minimizes impacts on natural topography, geology, soils, drainage, wildlife, and native vegetation. The MOD review standards reduce visual impact by directing building sites away from higher elevations and keeping hillsides open and unobstructed. Additionally, Mountain Overlay standards protect public health, safety, and welfare by ensuring the adequate provision of emergency services, fire protection, and utilities.

The comprehensive plan's future land use map identifies the subject property as low-density residential. Desired primary uses within this future land use category include single-family and duplex residences as well as accessory units. The single-family residence falls within the primary uses of the low-density residential land use category.

Protecting the visual character of the hillsides is a vital aspect of the Mountain Overlay. The proposed single family residence will not be seen from public vantage points as shown through the installation of story poles.

The goals and policies of the comprehensive plan related to hillside development are met with the proposed project as single family residences are within the list of primary uses anticipated in the future land use category and due to the location of the structure, the visual character of the hillside is not impacted.

FINDINGS REGARDING COMPLIANCE WITH ZONING REGULATIONS

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 minimum Existing: 16,523 square feet
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Building Coverage
			Finding	Permitted: 35% Proposed: 25% (4,188 square feet / 16,523 square feet lot area)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Minimum Building Setbacks
			Finding	Minimum Required Setbacks: Front: 15' Side: > of 1' for every 2' in building height, or 10' (18'-11" required) Rear: > of 1' for every 2' in building height, or 20' Proposed: Front (Walnut Ave): 19' Side (east): 18' – 11" Side (west): 18' – 11" Rear (north): 5' (lots abutting alleys may measure rear setback from centerline of alley, provided no building is located within the right-of-way of the alley)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Building Height
			Finding	Maximum Permitted: 35' (properties which step up or down hillsides may extend 5 feet above the maximum height permitted in the zoning district) Proposed: 37' – 10"
<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: 14.5% (16-foot-wide driveway/110 feet of frontage along Walnut Ave)
<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: Residential one family dwelling: 2 parking spaces per dwelling unit Proposed: 2

FINDINGS REGARDING COMPLIANCE WITH MOUNTAIN OVERLAY DESIGN REVIEW STANDARDS

Mountain Overlay Design Review Standards (KMC §17.104.070.A)				
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"/>	17.104.070.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.
			Findings	The project is not sited on a ridge or knoll that would have a material visual impact on a significant skyline visible from a public vantage point entering or within the city. Story poles for the project were not seen from vantage points such as Town Square, bike path at 6 th St & 3 rd Ave, and intersection of East Ave & E 1 st St.
<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.
			Findings	Staff looked towards to project site from various vantage points including Town Square, bike path at 6 th St & 3 rd Ave, and intersection of East Ave & E 1 st St. From all vantage point listed, staff was not able to view story poles erected for the project.
<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.
			Findings	The proposed driveway improvements have been reviewed by the City Engineer, Streets Department, and Fire Department. The driveway

				<p>improvements comply with all applicable standards for private driveway specified in Ketchum Municipal Code §12.03.030.L.</p> <p>If approved, the applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho that provide specifications for the proposed driveway and right-of-way improvements for final review and approval by the City Engineer and Streets Department prior to issuance of a building permit for the project.</p>
<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.
			Findings	Sufficient access is provided for fire and other emergency vehicles to reach within 150 feet of the furthest exterior wall of the building. The Fire Department has reviewed the project plans and has found that all access requirements for emergency vehicles have been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.5	Significant rock outcroppings are not disturbed.
			Findings	There are no significant rock outcroppings within the property boundary of the subject property. Rock outcroppings further up the hillside are not blocked from view by the proposed residence.
<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.
			Findings	The project must comply with the 2018 International Residential Code, the 2018 International Fire Code, all local amendments specified in Title 15 of Ketchum Municipal Code, and Ketchum Fire Department requirements. All building code and Fire Department requirements will be verified for compliance by the Building and Fire departments prior to building permit issuance.
<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.
			Findings	As shown on C2.0 of the project plans, the applicant has proposed connecting to the municipal water and sewer systems from existing lines within Walnut Ave. 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.
<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.
			Findings	Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site. Drainage improvements are specified on Sheet C1.0 of the project plans. The drainage improvements include the installation of a trench drain bordering the length of the driveway. A combination of drywells and catch basins will be installed to collect stormwater from the

				<p>rest of the property. The City Engineer has reviewed the proposed drainage plan and believes the trench drain and drywell improvements are sufficient to maintain all storm water drainage on-site.</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 for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.9	<p>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> <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>
			Findings	<p>The driveway accesses the site as high on Walnut Ave as possible to allow a more direct approach onto the site which results in less cut and fill as opposed to having a driveway perpendicular to Walnut Ave and further south on the subject property.</p> <p>The landscape plan proposes a variety of trees, shrubs, and grasses that will conceal any cuts and fills the project has.</p> <p>The Fire Department has reviewed the project plans and has not recommended a 30-foot-clear-zone for the project. Fire Protection Ordinance No. 1217 (KMC §15.08.080) requires that: (1) tree crowns extending within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet, (2) tree crowns within 30 feet of any structure shall be pruned to remove limbs less than 6 feet above the ground surface adjacent to trees, and (3) non-fire resistive vegetation or growth shall be kept clear of buildings and structures in order to provide a clear area for fire suppression operations. The project complies with the fire protection and defensible space standards specified in KMC §15.08.080.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.10	<p>There are not other sites on the parcel more suitable for the proposed development in order to carry out the purposes of this Ordinance.</p>
			Findings	<p>The location of the proposed residence allows for the building to be tucked into the hillside and step up with the cross slope, resulting in the project not having a material visual impact.</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.11	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.
			Findings	A majority of the driveway traverses sections of the property over 25% slope. The City Engineer reviewed the proposed driveway access and determined that the proposal does not have significant impact on drainage, snow and earth slide potential and erosion on the subject property and adjacent properties. The final access plan shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.12	Utilities shall be underground.
			Findings	The utility improvements are indicated on Sheet C1.0 of the project plans. The redevelopment project will utilize sewer, gas, and electrical service from Sage Rd. The Utilities Department reviewed the project plans and the service connections complies with city requirements. Pursuant to condition no. 2, the applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho that provide specifications for the proposed utility improvements for final review and approval by the Utilities Department prior to issuance of a building permit for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.13	Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction.
			Findings	Sheet L-2.00 shows the proposed limits of disturbance on the subject property for the proposed residence. A construction management plan that addresses all construction activity standards specified in Ketchum Municipal Code §15.06.030 will be required to be submitted with the building permit application. City Departments will conduct a comprehensive review of the proposed construction management plan during plan review for the building permit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.14	Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized.
			Findings	The project minimizes excavation and disturbance on the site not associated with building construction as seen on Sheet L-2.00. The proposed cut and fill quantities are specified on Sheet C4.0. The total volume of the proposed cut is 3053 cubic yards. The proposed fill comes out to 199 cubic yards. Areas disturbed will be revegetated with native plantings upon completion of construction.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070.A.15	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.

			Findings	No significant landmarks have been identified on-site. The significant landmark uphill of the property will not be negatively impacted by the proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070.A.16	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.
			Findings	This standard is not applicable as the project does not propose below-grade structures that encroach into required setbacks.

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: As the lot is vacant, the applicant is providing a driveway to connect the residence to Walnut Ave. Applicant is responsible for the costs of the driveway construction.	

17.96.060.A.2 - Streets	Conformance
<i>All street designs shall be approved by the City Engineer.</i>	N/A
Finding: No new streets or changes to the design of Walnut Ave are proposed with this project.	

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
Finding: Ketchum Municipal Code 17.124.140 outlines the zone districts where sidewalks are required when substantial improvements are made, which include the Community Core, all tourist zone districts, and all light industrial districts. The subject property is located within the LR Zone and sidewalks are not required to be installed for the project. This standard is not applicable.	

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
Finding: N/A. The subject property is located within the LR Zone and sidewalks are not required to be installed for this project.	

17.96.060.B.3 - Sidewalks	Conformance
<i>Sidewalks may be waived if one of the following criteria is met:</i>	N/A
<ul style="list-style-type: none"> a) <i>The project comprises an addition of less than 250 square feet of conditioned space.</i> b) <i>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> 	
Finding: N/A. The subject property is located within the LR Zone and sidewalks are not required to be installed for this project.	

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
Finding: N/A. The subject property is located within the LR Zone and sidewalks are not required to be installed for this project.	

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: N/A. Ketchum Municipal Code 17.124.140 outlines the zone districts where sidewalks are required when substantial improvements are made, which include the CC, all tourist zone districts, and all light industrial districts. The subject property is located in the LR Zone and sidewalks are not required to be installed for this 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</i>	N/A

<i>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>	
Finding: N/A. The subject property is located within the LR Zone and sidewalks are not required to be installed for this 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 Sheet C1.0 of the project plans. The drainage improvements include the installation of a trench drain bordering the length of both driveways. Drywells will be installed to collect stormwater from the rest of the property. The City Engineer has reviewed the proposed drainage plan and believes the trench drain and drywell improvements are sufficient to maintain all storm water drainage on-site.</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 for the project.</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 Sheet C1.0 of the project plans. The drainage improvements include the installation of a trench drain bordering the length of both driveways. A combination of drywells and catch basins will be installed to collect stormwater from the rest of the property. The City Engineer has reviewed the proposed drainage plan and believes the trench drain and drywell improvements are sufficient to maintain all storm water drainage on-site.</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 for the project.</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 and believes the trench drain and drywell improvements are sufficient to maintain all storm water drainage on-site. 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 include the installation of a trench drain bordering the length of the driveway. Drywells will be installed to collect stormwater from the rest of the property. The City Engineer has reviewed the proposed drainage plan and believes the proposed trench drain 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 for the project.</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. The applicant has not made requests for funding to the City for utility improvements. No funds have been provided by the City for the project.</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 C2.0 of the project plans, the applicant has proposed connecting to the municipal water and sewer systems from existing lines within Walnut Ave. 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.</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</i>	N/A

<i>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>	
Finding: The location of the subject property is already served by fiber optic cable and therefore no conduit is required in this location.	

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
Finding: Walnut Ave features residences built at varying timeframes resulting in a diverse range of materials and architectural styles. This has resulted in a mix of architectural styles used with newer residences leaning towards a mountain modern style (flat roofs, high percent of glazing, and less warm materials) and older residences featuring more traditional mountain architecture materials (logs and native stone with a more rustic feel). The proposed residence blends the two architectural styles by utilizing more traditional materials and roof form, while also including larger amounts of glazing on the third floor.	

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: 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 project site 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>	N/A
Finding: N/A. Ketchum Municipal Code 17.124.140 outlines the zone districts where sidewalks are required when substantial improvements are made, which include the Community Core, all tourist zone districts, and all light industrial districts. The subject property is located within the LR Zone and sidewalks are not required to be installed for the project. This standard is not applicable.	

17.96.060.F.2 – Architectural	Conformance
--------------------------------------	--------------------

<i>The building character shall be clearly defined by use of architectural features.</i>	YES
--	-----

Finding: The project includes the use of multiple step backs on two sides of the residence and a pitched roof form to reduce bulk and mass. These features along with the material palette used provide 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 project uses primarily stucco and stone throughout the project. The use of these materials provide enough contrast between the different levels of the floor while still being an aesthetically pleasing combination.

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: No accessory structures are proposed. Landscaping within the project provides a variety of shrubs and trees as well as low lying grasses and sagebrush to blend in with the natural hillside.

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: The proposed residence is three stories in height and each floor of the structure is stepped back into the hillside, providing undulation and relief to reduce the appearance of bulk and flatness.

17.96.060.F.6 – Architectural	Conformance
-------------------------------	-------------

<i>Building(s) shall orient toward their primary street frontage.</i>	YES
---	-----

Finding: The single family residence is proposed to be oriented towards the primary street frontage along Walnut Ave

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. As shown on Sheet A2.0, the garage contains storage space to accommodate garbage bins. The garbage storage area will be contained with the enclosed garage and fully screened from public view.

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: Due to building design, no snow or water will slide or drip onto adjacent properties. Per building code requirements, rooftop snow retention is required and will be verified upon building permit submittal.	

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>	N/A
Finding: N/A. This redevelopment project is located within the Knob Hill area, an existing low-density residential neighborhood. The site is not contiguous to existing pedestrian, equestrian, or bicycle easements or pathways.	

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: N/A. Ketchum Municipal Code 17.124.140 outlines the zone districts where sidewalks are required when substantial improvements are made, which include the CC, all tourist zone districts, and all light industrial districts. The subject property is located in the LR Zone and sidewalks are not required to be installed for this 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>	N/A
Finding: N/A. The proposal is a residential development along a low traffic area on Walnut Ave. The driveways to both townhomes meet city standards.	

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</i>	YES

<i>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>	
--	--

Finding: The proposed driveways are further than 20 feet away from the nearest intersection of Walnut Ave and 6th St.
--

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 provided along Walnut Ave.
--

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: Sheets L1.0 show the proposed snow storage area to include 660 square feet, greater than the required 30% (1900 * .30 = 570 square feet).

17.96.060.H.2 – Snow Storage	Conformance
------------------------------	-------------

<i>Snow storage areas shall be provided on site.</i>	YES
--	-----

Finding: Sheet L1.0 shows the snow storage areas to be provided are on site.

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: Sheet L-1.00 shows that no snow storage area has dimensions less than five feet.
--

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: Applicant is not proposing snowmelt.

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 L1 of the project plans.

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: Plantings include native evergreens and shrubs around the proposed residence. The proposed vegetation is readily adaptable to the site’s microclimate, soil conditions, orientation, and aspect and will restored disturbed hillside areas on the subject property.

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 proposes drought-tolerant and native materials, including firs, pines, 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 proposal intends to provide landscaping on the side yards allowing for privacy between adjacent properties.

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: N/A. The subject property is located within the LR Zone and sidewalks are not required to be installed 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 below grade encroachments 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 below grade encroachments are proposed.	

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 Mountain Overlay Design Review application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Mountain Overlay Design Review Application pursuant to Chapters 17.104 and 17.96 of Ketchum Municipal Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §17.96.080.
4. The Mountain Overlay Design Review application is governed under Ketchum Municipal Code Chapters 17.96, 17.104, 17.124, 17.08, 17.12, 17.18, and 17.128.
5. The Walnut Ave Residence Mountain Overlay Design Review Application File No. P23-052 meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission approves this Mountain Overlay Design Review Application File No. P22-052 this Tuesday, October 24, 2023 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. This Design Review approval is based on the project plans presented at the September 26, 2023, Planning and Zoning Commission meeting. The project plans for all on-site improvements submitted for the building permit 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 review by the Commission and/or removal.
2. The applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho which include specifications for right-of-way, circulation design, utilities, and drainage improvements for review and approval by the City Engineer, Streets, and Utilities departments prior to issuance of a building permit for the project.
3. 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.
4. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.
5. Prior to issuance of a building permit, project plans shall identify that no landscaping shall exceed the height of the building roof ridge.

Findings of Fact **adopted** this 24th day of October 2023.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission