

IN RE: )  
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McDermott Residence ) KETCHUM PLANNING AND ZONING COMMISSION  
Mountain Overlay Design Review ) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
Date: July 26, 2022 ) DECISION  
 )  
File Number: P22-002 )

**PROJECT:** McDermott Residence  
**APPLICATION TYPE:** Mountain Overlay Design Review  
**FILE NUMBER:** P22-002  
**REPRESENTATIVE:** Jeffrey Johnston, CLB Architects  
**OWNER:** Ed McDermott, Betsy McDermott  
**LOCATION:** 600 Walnut Ave – Ketchum Townsite: Block 91, Lot 1A  
**ZONING:** Limited Residential (LR)  
**OVERLAY:** Mountain Overlay (MO)

**RECORD OF PROCEEDINGS**

The City of Ketchum received a Mountain Overlay Design Review Application on January 8, 2022. The application was reviewed and deemed complete on May 6, 2022.

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 May 25, 2022. The public hearing notice was published in Idaho Mountain Express on May 25, 2022. A notice was posted on the project site and the city’s website on May 25, 2022.

The Planning and Zoning Commission (the “Commission”) considered the 600 N Walnut Ave Mountain Overlay Design Review (Application No. P22-002) application during a regular meeting on June 14, 2022. After considering staff’s analysis, the applicant’s presentation, and public comment, the Commission approved the Design Review application with a vote of 4 to zero.

**BACKGROUND**

The subject Mountain Overlay (MO) Design Review is for the development of a new 10,760 sq ft single-family residence known as the McDermott Residence (the “project”) at 600 N. Walnut Avenue (the “subject property”). The subject property, Lot 1A of Block 91 Ketchum Townsite, is a vacant 16,523 square foot lot within the Mountain Overlay (MO) District and the underlying zoning is Limited

Residential (LR). The subject property previously contained a residence which was demolished in 2015 and has since then been used for construction staging. The property was formed through a lot line shift, consolidating two Ketchum Townsite lots, in 2018 and is currently undeveloped. In 2018 the Planning & Zoning Commission approved a residence on the subject property through Mountain Overlay Design Review, but the project never continued to building permit. The subject property is relatively flat with the only remaining natural hillside locate on the northern side property boundary and rear property boundary. Staff researched what may have been the cause of this but was unable to determine whether it was due to the previous development located on the property, demolition of the structure, or reconfiguration of the lot when in use as construction staging, or some other activity.

Pursuant to Ketchum Municipal Code (KMC) 17.104.050.A, the construction or placement of structures within the MO District is subject to all applicable Design Review improvements and standards (KMC 17.96.060) as well as subject to the Mountain Overlay Design Review requirements set forth in KMC 17.104.070. The purpose of the MO Zoning District is to encourage development to be 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 of building sites by siting building footprint away from higher elevations.

**CRITERIA FOR SWIMMING POOLS IN MOUNTAIN OVERLAY**

As part of the project submittal the applicant proposed an in ground swimming pool and spa in the backyard. Staff was not aware of previous development in the Mountain Overlay District containing a pool and requested that the Commission determine if pools are aligned with the objectives and standards of the Mountain Overlay District. The Commission determined this specific pool could be permitted and did not set a precedent for other pools proposed in the Mountain Overlay District. The Commission determined the proposed pool could be approved because it met the following criteria:

1. The footprint of the pool was included in the building coverage of the lot and the overall building coverage of the project did not exceed the permitted building coverage requirement.
2. The project site was disturbed from previous development, therefore the pool caused minimal disruption to the project site.
3. Prior to issuance of building permit, applicant must demonstrate the pool cover is sufficient to withstand the weight of wildlife in the area and that pool will not endanger wildlife when the residents are not present on the property.
4. The pool does not result in excavation into the hillside and does not have a visual impact on the hillside
5. Pool size is minimal in size (SF of pool) and causes minimal disruption to hillside

Below is staffs review of whether the proposed project meets these criteria:

<b>Criteria #1</b>	<b>Conformance</b>
<i>Adding the footprint of the pool to the building coverage of the lot does not take the building coverage of the project over the permitted building coverage requirement.</i>	YES
<b>Finding:</b> The proposed pool & spa have an area of 200 sq ft. Adding this to the building coverage of the residence brings the total coverage to 5,284 sq ft. The building coverage of the residence and pool together is 31.9% which is below the permitted 35% in the Limited Residential (LR) zone.	

Criteria #2	Conformance
<i>The project site must be disturbed from previous development therefore the pool causes minimal disruption to the project site.</i>	YES
<b>Finding:</b> The existing lot previously had a residence on site which has disturbed the natural hillside. The pool and spa have been reduced in size and shifted to an area on the lot that would reduce the amount of cut required.	

Criteria #3	Conformance
<i>Prior to issuance of the building permit, the applicant must demonstrate that the pool cover is sufficient to withstand the weight of wildlife and the pool does not endanger wildlife.</i>	YES
<b>Finding:</b> Prior to issuance of a building permit for the proposed residence, the applicant will have to demonstrate that the pool cover can withstand the weight of elk and deer. Applicant will provide information on how the pool will be secured when the residents are not present on the property.	

Criteria #4	Conformance
<i>Pools construction shall not excavate into a hillside and shall not have a visual impact on the hillside.</i>	YES
<b>Finding:</b> Due to the pool being situated in the rear yard behind the proposed residence, and not causing excavation into the hillside, no visual impact will be created.	

Criteria #5	Conformance
<i>Pool size shall be minimal in size and not cause disruption to the hillside</i>	YES
<b>Finding:</b> The total size of the pool/spa is 200sf with dimensions of 10ft by 20ft. The size, location, and existing site conditions cause the pool to be small and located in a location that does not create disturbance to the hillside.	

### Findings of Fact

**Table 1: Findings Regarding Zoning and Dimensional Standards**

Compliance with Zoning Standards				
Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	<b>Minimum Lot Area</b>
			<i>Staff Comment</i>	<b>Required:</b> 9,000 square feet minimum. <b>Existing (Lot 1A):</b> 16,523 sf
			17.12.040	<b>Building Coverage</b>
			<i>Staff Comment</i>	<b>Permitted:</b> 35% <b>Proposed:</b> 30.7% (5084 sf)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	<b>Minimum Building Setbacks</b>

			<i>Staff Comment</i>	<p><b>Minimum:</b> Front: 15' Side: &gt; of 1' for every 2' in building height, or 10' (16.19' required) Rear: 20'</p> <p><b>Proposed:</b> Front: 15' Side: 16.25' Side: 16.25' Rear: 20' as measured from alley centerline</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	<b>Building Height</b>
			<i>Staff Comment</i>	<p><b>Maximum Permitted: 35'</b></p> <p><b>Proposed: 32.475'</b></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.030.H	<b>Curb Cut</b>
			<i>Staff Comment</i>	<p><b>Permitted: 35% of street frontage or 38.5' for the subject property (street frontage 110.11')</b></p> <p><b>Proposed: 25.3'</b></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.040.B	<b>Parking Spaces</b>
			<i>Staff Comment</i>	<p><b>Required:</b> Residential one family: 2 parking spaces per dwelling unit</p> <p><b>Proposed:</b> The applicant is proposing a two (2) car garage. One (1) additional parking space is proposed for the driveway.</p>

**Table 2: Findings Regarding Mountain Overlay Design Review Standards**

<b>IMPROVEMENTS AND STANDARDS: 17.104.070 – Mountain Overlay Design Review:</b>				
The following list of criteria and those contained in section 17.96.080 of this title must be considered and addressed by each applicant seeking design review approval.				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (1)	<p><b>There shall be 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 section.</b></p> <p><i>Staff Comment</i> The proposed residence complies with this requirement as the structure is not located 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. The overall design will serve to protect the visual integrity of the adjacent hillside.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (2)	<p><b>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 shall be 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 section.</b></p> <p><i>Staff Comment</i> Hillside disturbance has been minimized and the project will not have a material visual impact from a public vantage point within or upon entering the city.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (3)	<p><b>Driveway standards as well as other applicable standards contained in chapter 12.04 of this code shall be met.</b></p> <p><i>Staff Comment</i> The proposed paver driveway is sited in the same location as the existing, gravel driveway. The City Engineer and Fire Department have approved the proposed design</p>

				<i>of the paver driveway. The driveway must meet all applicable standards and shall receive approval from the City Engineer and Fire Department prior to the issuance of a building permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (4)	<b>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.</b>
			<i>Staff Comment</i>	<i>The Fire Department has reviewed the proposed design and has found that all access requirements for emergency vehicles has been met</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (5)	<b>Significant rock outcroppings shall not be disturbed.</b>
			<i>Staff Comment</i>	<i>There are no significant rock outcroppings within the property boundary of the subject property.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (6)	<b>International building code (IBC) and international fire code (IFC) and Ketchum fire department requirements shall be met.</b>
			<i>Staff Comment</i>	<i>The project must comply with the International Building Code 2018 and the Ketchum Fire Department requirements. All IBC, IFC, and Ketchum Fire Department requirements shall be verified and met prior to the issuance of a building permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (7)	<b>Public water and sewer service shall comply with the requirements of the city.</b>
			<i>Staff Comment</i>	<i>As indicated on Sheet C2 of the submittal, the applicant has proposed connecting to the municipal water and sewer systems from existing lines within 6<sup>th</sup> Street. Requirements and specification for the water and sewer connections will be verified, reviewed, and approved by the Utilities Department prior to issuance of a Building Permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (8)	<b>Drainage shall be controlled and maintained to not adversely affect other properties.</b>
			<i>Staff Comment</i>	<i>As indicated on Sheet C2 of the submittal, the applicant has proposed a system of drywells to control drainage on the site. Pursuant to KMC 17.96.060.C.1, all storm water drainage shall be retained on site. All drainage plans and specifications shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (9)	<b>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. 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.</b>
			<i>Staff Comment</i>	<i>The proposed paver driveway will not require significant cuts or fill as it is sited in the same location as the existing, gravel driveway.</i>  <i>An existing cut on the northern side of the property where the proposed driveway is located will be concealed with boulders and vegetation. Revegetation of the hillside includes species such as native grasses, serviceberry, sagebrush, sumac, pines, aspen and other drought tolerant plants.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (10)	<b>No other sites on the parcel are more suitable for the proposed development in order to carry out the purposes of this section.</b>
			<i>Staff Comment</i>	<i>No alternative site for the residence exists on the property. The proposed residence will not have a material visual impact on a significant skyline, does not impact a significant rock outcropping, and will minimize the disturbance to native and natural vegetation. The residence is situated at the rear of the subject property resulting in the building tucking into the hillside.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (11)	<b>Access traversing twenty five percent (25%) or greater slopes does not have significant impact on drainage, snow and earthslide potential and erosion as it relates to the subject property and to adjacent properties.</b>
			<i>Staff Comment</i>	<i>Access will not traverse slopes greater than 25%. The proposed driveway will be situated over the existing gravel driveway and will not traverse additional areas of the hillside.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (12)	<b>Utilities shall be underground.</b>
			<i>Staff Comment</i>	<i>All utilities shall be undergrounded.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (13)	<b>Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction.</b>
			<i>Staff Comment</i>	<i>The applicant has provided fencing around the property on the Construction Activity Plan. The final construction management plan shall be approved by the City Engineer, Streets Department, and Planning Department prior to issuance of a building permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (14)	<b>Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized.</b>
			<i>Staff Comment</i>	<i>With the exception of the proposed pool excavation and fill is limited to the proposed residence.  Vegetation on the hillside has been minimized with this proposal.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (15)	<b>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.</b>
			<i>Staff Comment</i>	<i>No significant landmarks have been identified on-site.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (16)	<b>Encroachments of below grade structures into required setbacks are subject to subsection 17.128.020K 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.</b>
				<i>No encroachments of below grade structures into setbacks are proposed.</i>

**Table 3: Findings Regarding Design Review Standards**

Design Review Requirements				
IMPROVEMENTS AND STANDARDS: 17.96.060				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(1) Streets	<b>The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.</b>
			<i>Staff Comments</i>	<i>The proposed project connects the residence to Walnut Ave. The applicant is aware that construction of the driveways is their expense.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(A)(2) Streets	<b>All street designs shall be approved by the City Engineer.</b>
			<i>Staff Comments</i>	<i>N/A. No new street is proposed.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(B)(1)	<b>All projects under 17.96.010(A) that qualify as a “Substantial Improvement” shall install sidewalks as required by the Public Works Department.</b>
			<i>Staff Comments</i>	<i>N/A. Sidewalks are not required in this zoning district, LR.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(2)c	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A. Subject property is located within the LR zone which does not require sidewalks. Project to meet right-of-way standards for 60’ &amp; 80 ROW which include supplying areas for on-street parking. ROW improvements will be verified at building permit submittal.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(3)	<b>Sidewalks may be waived if one of the following criteria is met:</b> a. The project comprises an addition of less than 250 square feet of conditioned space. b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.
			<i>Staff Comments</i>	<i>N/A. See above Staff comment for Ketchum Municipal Code §17.96.060(B)(2).</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(4)	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A. See above Staff comment for Ketchum Municipal Code §17.96.060(B)(2).</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(5)	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A. See above Staff comment for Ketchum Municipal Code §17.96.060(B)(2).</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(6)	<b>The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy.</b>
			<i>Staff Comments</i>	<i>N/A. See above Staff comment for Ketchum Municipal Code §17.96.060(B)(2).</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(1)	<b>All storm water shall be retained on site.</b>
			<i>Staff Comments</i>	<i>The applicant proposes to retain all stormwater on site. See sheet C1. The drainage and grading plan will be reviewed and approved by the City Engineer and Streets Department Director through the Building Permit review and approval process.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	<b>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</b>
			<i>Staff Comments</i>	<i>See sheet C1. Drainage improvements constructed along Walnut Ave &amp; 6<sup>th</sup> St property lines.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(C)(3)	<b>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</b>
			<i>Staff Comments</i>	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(4)	<b>Drainage facilities shall be constructed per City standards.</b>
			<i>Staff Comments</i>	<i>The specifications for the drywells and catch basins are included on Sheet C3. The drainage plan and associated specifications shall be reviewed and approved by the City Engineer prior to issuance of a Building Permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(1)	<b>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</b>

			<i>Staff Comments</i>	<i>All project costs associated with the development, including installation of utilities are the responsibility of the applicant. The applicant has not made requests for funding to the City, and no funds have been provided by the city for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(2)	<b>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</b>
			<i>Staff Comments</i>	<i>All utilities are proposed to be located underground.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(3)	<b>When extension of utilities is necessary all developers will be required to pay for and install two (2") inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with city of Ketchum standards and at the discretion of the City Engineer.</b>
			<i>Staff Comments</i>	<i>Any extension of utilities will be done in accordance with the city of Ketchum standards and at the discretion of the City Engineer.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(E)(1)	<b>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</b>
			<i>Staff Comments</i>	<i>As indicated on Sheet A3.1, the proposed materials for the project include stone, horizontal wood siding, steel panel, and bonderized metal roof. The proposed materials and colors are complementary to existing homes around 6<sup>th</sup> St and Walnut Ave.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(2)	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A. There are no identified landmarks on the property.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(3)	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A. The proposal is for new construction.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(1)	<b>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</b>
			<i>Staff Comments</i>	<i>N/A. Sidewalks do not exist in this zoning district.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(2)	<b>The building character shall be clearly defined by use of architectural features.</b>
			<i>Staff Comments</i>	<i>Building elevations are included on Sheets A3.1, A3.2, A3.3 of the Design Review Submittal. Chimneys, bump outs, balconies and undulation help to provide visual interest. The use of windows on the Walnut Ave &amp; 6<sup>th</sup> St frontages assists in breaking up the buildings façade.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(3)	<b>There shall be continuity of materials, colors and signing within the project.</b>
			<i>Staff Comments</i>	<i>The proposed materials and color palette enhance the mountain modern design of the single-family residence. The natural materials and colors complement the surrounding landscape.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(4)	<b>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</b>
			<i>Staff Comments</i>	<i>The proposed boulders and retaining wall in the front yard connect to the residence by using a similar color palette. Plant species and boulders for the project provides a natural appearance in which the residence sits within.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(5)	<b>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</b>
			<i>Staff Comments</i>	<i>The Walnut Ave elevation of the proposed residence provides undulation through a recessed entry between the two main wings of the residence. From 6<sup>th</sup> St the Chimney and bump out on the second floor help to provide variation and reduce flatness on that side of the building. The</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(6)	<b>Building(s) shall orient towards their primary street frontage.</b>
			<i>Staff Comments</i>	<i>Both buildings orient towards Walnut Ave.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(7)	<b>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</b>



			<i>Staff Comments</i>	<i>N/A. Satellite receivers are not proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(8)	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(1)	<b>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</b>
			<i>Staff Comments</i>	<i>The alley behind the property will remain open and unobstructed to allow for pedestrian use</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(2)	<b>Awnings extending over public sidewalks shall extend five (5') feet or more across the public sidewalk but shall not extend within two (2') feet of parking or travel lanes within the right of way.</b>
			<i>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(3)	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(4)	<b>Curb cuts and driveway entrances shall be no closer than twenty (20') feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right of way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.</b>
			<i>Staff Comments</i>	<i>The proposed driveway entrance is further than 20' to the intersection of Walnut Ave &amp; 6<sup>th</sup> Street.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(5)	<b>Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.</b>
			<i>Staff Comments</i>	<i>Access for emergency vehicles, snowplows, and garbage trucks is provided from Walnut Avenue &amp; 6<sup>th</sup> Street.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(1)	<b>Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.</b>
			<i>Staff Comments</i>	<i>Proposed parking and pedestrian circulation areas are snowmelted</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(2)	<b>Snow storage areas shall be provided on-site.</b>
			<i>Staff Comments</i>	<i>Proposed parking and pedestrian circulation areas are snowmelted</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(3)	<b>A designated snow storage area shall not have any dimension less than five (5') feet and shall be a minimum of twenty five (25) square feet.</b>
			<i>Staff Comments</i>	<i>Proposed parking and pedestrian circulation areas are snowmelted</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(4)	<b>In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.</b>
			<i>Staff Comments</i>	<i>Proposed parking and pedestrian circulation areas are snowmelted</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	<b>Landscaping is required for all projects.</b>
			<i>Staff Comments</i>	<i>See sheet L0-02.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(2)	<b>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.</b>
			<i>Staff Comments</i>	<i>Proposed landscape plan (Sheet L0-02) includes native drought tolerant trees such as Ponderosa Pine, Quaking Aspen and radiant Crabapple. Shrubs include drought tolerant species like western sagebrush, serviceberry, and fragrant sumac. Ground covers and grasses which are proposed are also drought tolerant species.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(3)	<b>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</b>
			<i>Staff Comments</i>	<i>See above Staff comment for Ketchum Municipal Code §17.96.060(I)(2).</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(4)	<b>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.</b>
			<i>Staff Comments</i>	<i>Proposed landscape plan (Sheet L0-02) indicates planting surrounding the residence so as to provide a buffer between streets and any future development on the lots to the north or across the alley.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(J)(1)	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A.</i>

### CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum City Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which city ordinances govern the applicant’s application for the development and use of the project site.
  
2. The Commission has authority to hear the applicant’s Design Review Application pursuant to Chapter 17.96 of Ketchum Code Title 17.
  
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
  
4. The Mountain Overlay Design Review Application is governed under Ketchum Municipal Code Chapters 17.96, 17.104, 17.92, 17.124, and 17.128.
  
5. The 600 N Walnut Mountain Overlay Design Review Application File P22-002 does meet the standards of approval under Chapter 17.104 of Zoning Code Title 17 subject to conditions of approval.

### DECISION

**THEREFORE**, the Ketchum Planning & Zoning Commission **approves** the 600 Walnut Mountain Overlay Design Review Application this Tuesday, July 26<sup>th</sup>, 2022 subject to the following conditions:

## CONDITIONS OF APPROVAL

1. This Design Review approval is based on the plans and information presented and approved at the meeting the date noted herein. Building Permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal;
2. 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.
3. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.
4. Limits of disturbance/construction fencing indicated on the Construction Activity Plan shall remain in place for the duration of construction;
5. All building and fire code requirements as dictated by 2018 family of international codes and Title 15 of Ketchum Municipal shall apply to all construction onsite;
6. All Design Review elements shall be completed prior to final inspection;
7. 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;

Findings of Fact **adopted** this 26<sup>th</sup> day of July 2022

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Neil Morrow, Chair

City of Ketchum

Planning & Zoning Commission