



**City of Ketchum
Planning & Building**

IN RE:)	
)	
Pratt Residence)	KETCHUM PLANNING & ZONING COMMISSION
Conditional Use Permit)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: August 8, 2023)	DECISION
)	
File Number: 23-009A)	

PROJECT: Pratt Residence

FILE NUMBER: P23-009A

APPLICATION TYPE: Conditional Use Permit

REPRESENTATIVE: Nathan Hecker – Farmer Payne Architects (architect)

PROPERTY OWNER: Bradley and Gail Pratt

LOCATION: 406 Sage Road (Lot 23, Block 3, Warm Springs Valley Subdivision Fourth Addition)

ZONING: General Residential – Low Density (GR-L), Mountain Overlay (MO), Avalanche Overlay (A)

REVIEWER: Paige Nied – Associate Planner

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the 406 Sage Road Design Review (Application File No. 23-009) and Conditional Use Permit (Application File No. 23-009A) applications during their regular meeting on July 11, 2023. The development applications were considered concurrently, and the associated public hearings were combined in accordance with Idaho Code §67-6522.

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 June 21, 2023. The public hearing notice was published in the Idaho Mountain Express on June 21, 2023. A notice was posted on the project site and the city’s website on July 3, 2023. Story poles were documented on the project site as of July 3, 2023.

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

The applicant is proposing to demolish an existing 2,016 square foot single family residence and construct a new 5,939 gross square foot three-story single-family residence (the “project”), located at 406 Sage Road (the “subject property”). The project contains four bedrooms and an attached two car garage. The subject property is zoned General Residential – Low Density (GR-L) in the Mountain Overlay District (MOD) and Avalanche District (A).

The project will construct improvements in the right-of-way per the City of Ketchum improvement standards. The project proposes a paver driveway with a snowmelt system. The snowmelt system is located entirely on the property and not within the Sage Road right-of-way. All improvements to the right-of-way have been preliminarily reviewed by the Streets Department and the City Engineer. Final review of the proposed improvements will be conducted by the City Engineer and Streets Department prior to issuance of building permit.

FINDINGS REGARDING COMPLIANCE WITH CONDITIONAL USE PERMIT CRITERIA

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.
			<i>Staff Comments</i>	The project includes an avalanche retaining wall to the rear of the residence, which requires a conditional use permit. The function of the avalanche wall is to protect the proposed structure, adjacent structures, and to prevent snow from sliding onto the Sage Road right-of-way. Staff finds the avalanche protective structure for the project to be compatible with the zoning district, as other conditional use avalanche protective structures have been permitted on Sage Road, including the adjacent townhomes at 400 and 402 Sage Road (File No. P22-070A), and in the surrounding neighborhood.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	The conditional use will not materially endanger the health, safety and welfare of the community.
			<i>Staff Comments</i>	As previously mentioned, the function of the avalanche wall is to protect the proposed structure, adjacent structures, and to prevent snow from sliding onto the Sage Road right-of-way. The applicant submitted a site-specific avalanche study and avalanche wall plans designed by a structural engineer to withstand the anticipated forces. The wall’s exposed height is 24’ above grade and it is located perpendicular to the projected avalanche flow to not deflect

				avalanches onto adjacent properties or damage/endorse persons or property in the vicinity of the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
			<i>Staff Comments</i>	The proposed development is platted within the Warm Springs Village Subdivision, Fourth Addition that was recorded in 1961. The subject property was identified as being within an Avalanche Zone by the City of Ketchum in 1979. The proposed conditional use avalanche protective wall will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. A function of the avalanche protective wall is to prevent snow from sliding onto the Sage Road right-of-way.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.
			<i>Staff Comments</i>	As mentioned above, all departments have reviewed the proposed conditional use including streets, fire, water, wastewater, planning and engineering. The conditional use permit is for the structure's avalanche protective wall. Avalanche protective walls do not require public facilities or services.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.
			<i>Staff Comments</i>	The community's core values in the City of Ketchum's 2014 Comprehensive Plan 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. Staff believes that the goals and policies of the comprehensive plan related to hillside development are met with the proposed project as the single-family residence is within the list of primary uses anticipated in the future land use category and due to the location of the structure sited at the lower elevation of the lot and has a front yard setback of 15'-2 1/2" which is just slightly above the minimum front yard setback of 15' to cause minimal impact on the visual character of the hillside.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code ("KMC") and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this

reference and which City Ordinances govern the applicant's Conditional Use Permit application for the development and use of the project site.

2. The Commission has authority to hear the applicant's Conditional Use Permit Application pursuant to Chapter 17.116 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 §17.116.040.
4. The 406 Sage Road Conditional Use Permit application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Planning and Zoning Commission **approves** this Conditional Use Permit Application File No. P23-009A this Tuesday, August 8, 2023, subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. This conditional use permit approval is based on the project plans presented at the July 11, 2023, Planning and Zoning Commission meeting. Building Permit Plans must conform to the approved plans unless otherwise approved in writing by the Commission or the Planning and Zoning Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal.
2. This Conditional Use Permit is not transferable from one parcel of land to another.
3. The conditional use permit is subject to all conditions of approval associated with Design Review approval P23-009.
4. The term of this Conditional Use Permit shall be that of Design Review approval P23-009. In the event the Design Review approval expires, this Conditional Use Permit approval shall also expire and become null and void.

Findings of Fact **adopted** this 8th day of August 2023.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission