



**City of Ketchum
Planning & Building**

IN RE:)
)
691 N Spruce Avenue Residence) KETCHUM PLANNING AND ZONING COMMISSION
Mountain Overlay Design Review) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
File Number: P22-042B) DECISION
)
Date: March 14, 2023)
)

PROJECT: 691 N Spruce Avenue Residence
APPLICATION TYPE: Mountain Overlay Design Review
FILE NUMBER: P22-042B
ASSOCIATED APPLICATIONS: Lot Consolidation Preliminary Plat & Waiver (File No. P22-042A)
PROPERTY OWNER: Spruce and 6th LLC
REPRESENTATIVE: Jake Watkins, Roger Ferris + Partners (Architect)
LOCATION: 691 N Spruce Avenue (Ketchum Townsite: Block 91: Lots 7 & 8)
ZONING: Limited Residential (LR) & Mountain Overlay (MO)
OVERLAY: None

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the 691 N Spruce Avenue Design Review Application File No. P22-042B during their meeting on February 28, 2023. The application was considered concurrently with Lot Consolidation Preliminary Plat and Waiver Request Application File No. P22-042A 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 February 8, 2023. The public hearing notice was published in the Idaho Mountain Express on February 8, 2023. A notice was posted on the project site and the city’s website on February 13, 2023. The story pole was installed on the project site on February 21, 2023.

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 develop a new one-family dwelling (the “project”) located at 691 N Spruce Avenue (the “subject property”) within the Limited Residential Zoning District (the “LR Zone”) and Mountain Overlay. The proposed residence is 4,534 gross square feet and contains five bedrooms and a two-car garage with storage space. The project proposes site improvements, including re-grading the existing driveway to comply with Fire Department requirements. The rear- and side-yard setback areas will be restored and revegetated with native grasses and sage brush. New aspen trees will be installed to enhance the existing grove on the property and new native chokecherries will be installed to screen utilities.

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 Mountain Overlay design 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 subject property is comprised of two separate lots located on Knob Hill. These lots are part of the original Ketchum Townsite that was created in 1948. Topography was not considered when the townsite was established, and Knob Hill contains platted blocks with multiple unimproved lots and unimproved public rights-of-way located high on the hillside.

The subject property is developed with an existing single-family residence that was constructed in 1977 and is proposed to be demolished. While the existing home is more than 50 years old, the building is not designated on the city’s adopted Historic Building/Site List. Review by the Historic Preservation Commission is not required; however, a demolition permit cannot be issued for the existing residence until a 60-day waiting period has concluded (KMC §15.16.040.B3) and a complete building permit application for a replacement project on the property has been accepted by the city and required fees have been paid (KMC §17.20.010.B).

The existing home was developed prior to the city’s establishment of the Mountain Overlay in 1989 and does not comply with current hillside development standards. Current code requires new buildings to be constructed in areas with less than 25% slope (KMC §16.04.020). The contours of the site and the adjacent undisturbed hillside show that the natural slope of the development parcel exceeded 25% prior to the construction of the existing nonconforming home in 1977.

Additionally, the existing home and structures, including retaining walls, encroach within the front, rear, and side yard setback areas and are nonconforming with the dimensional standards required in

the LR Zone. The existing nonconforming home is proposed to be demolished. Since the existing nonconforming home is proposed to be demolished, the new development, including all existing and proposed site improvements, must comply with all current code standards.

The applicant has proposed consolidating the two lots so that the new single-family residence will comply with the setbacks required in the LR Zone. The lot consolidation preliminary plat must comply with all subdivision design and development standards specified in KMC §16.04.040. Building envelopes are required to be established on lots that contain areas of 25% or greater slope based on natural contours. These building envelopes must be established outside of hillsides with 25% and greater slopes (KMC §16.04.040.F2) unless the request qualifies for one of two waivers outlined in the subdivision code. The application qualifies for the first waiver outlined, which states a waiver may be considered, “for lot line shifts of parcels that are entirely within slopes of 25% or greater to create a reasonable building envelope, and mountain overlay design review standards and all other City requirements are met.” The applicant has requested a waiver to create a reasonable building envelope on the consolidated development parcel.

Zoning Code Interpretation 22-001

The City of Ketchum Planning and Zoning Commission (the “Commission”) considered the question of whether nonconforming properties on hillsides of 25% and greater slope would be permitted to be redeveloped if the existing non-conforming home were to be demolished during their special meeting on February 15, 2022. Zoning Code Interpretation 22-001.

The Commission determined that existing nonconforming properties may be redeveloped under the following conditions:

- A. If the property configuration is proposed to be modified (lot line adjustment, lot consolidation etc.), then the new property configuration must establish a building envelope on the lowest portion of the property. Existing non-conforming building footprints are not permitted to be redeveloped outright. If a more compliant alternative at a lower elevation on the hillside property exists, then the new home must be sited in the more suitable area for redevelopment.
- B. If the property configuration is not being altered or changed, then a new home may be constructed at the Commission’s discretion through Mountain Overlay Design Review provided that the project does not exceed the height or limits of disturbance of the existing nonconforming home. The building footprint shall conform as close as possible to the existing building.

As mentioned above, the property configuration is proposed to be modified by combining lots 7 and 8, therefore the evaluation of the redevelopment falls under scenario A. The proposed building envelope has been established at the lower elevation of the consolidated parcel and complies with the minimum setbacks required in the LR Zone. KMC §17.104.070.A10 directs the Commission to

consider if there are other sites on the property more suitable for the proposed development in order to carry out the purposes of the Mountain Overlay. The new home is sited within the most suitable area for redevelopment at the lower elevation of the parcel.

The project also conforms to the requirements outlined for scenario B as well. The maximum height of the proposed home is 33 feet, which is 1.22 feet less than the maximum height of the existing home. The proposed residence's building footprint conforms to the building footprint of the existing home as shown on Sheet C1.1 of the project plans. The existing development's total building coverage is 4,084 square feet. The proposed redevelopment's building coverage is 2,478 square feet, which is 1,606 square feet less than existing.

The site survey on Sheet C1.0 of the project plans shows the existing development's limits of disturbance. The total area of existing site disturbance is 8,469 square feet. The site photos on Sheets EX003 and EX004 of the project plans show the existing disturbed areas on the subject property. Existing disturbance within the front-yard setback area includes the driveway and retaining walls. Existing disturbance within the rear-yard setback area includes drystack retaining walls, landscape steps, a paver patio, and a drainage swale.

Existing disturbance within the south-side-yard setback area includes railroad tie retainage and a tall concrete retaining wall. Sheet C1.1 shows that the new single-family residence and all associated site improvements are contained within the existing limits of disturbance on the subject property.

The project complies with Interpretation 22-001, zoning code requirements, design review standards, and subdivision regulations.

The Planning and Building Department received the Pre-Application Design Review for the project on July 1, 2022 and received the Lot Consolidation Preliminary Plat application and waiver request on September 1, 2022. The preliminary plat was reviewed by planning staff and city departments concurrently with the Pre-Application, and the applications were deemed complete on October 13, 2022. The Commission reviewed the Pre-Application on November 8, 2022 and unanimously advanced the project to final Mountain Overlay Design Review. During their review of the Pre-Application, the Commission commented that the proposed home was thoughtfully designed and met the requirements outlined in Zoning Code Interpretation 22-001.

The Planning and Building Department received the final Mountain Overlay Design Review application on November 22, 2022. The application was reviewed by planning staff and city departments, and review comments were provided to the applicant on January 6, 2023. The application was deemed complete on February 3, 2023.

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).

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 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:

- 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.
- Protect and enhance views of the surrounding mountains and natural features.
- 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.
- Protect and incorporate natural features into newly developing areas. Conserve the natural patterns of streams, ridgelines, topography, riparian areas, and wildlife habitat areas.

The Mountain Overlay ensures the preservation of Ketchum's surrounding hillsides and ridgelines and minimizes impacts on natural topography, geology, soils, drainage, wildlife, and native vegetation. The Mountain Overlay design 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 designates the future land use for 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. Open space is identified as an appropriate secondary use that complements the low-density residential units.

The proposed home is sited at the lower elevation of the parcel preserving the natural topography of the hillside above. The project protects the natural hillside by: (1) conforming to the existing home's building footprint and (2) containing all construction activity within the existing limits of disturbance on the subject property. Additionally, the project proposes to further preserve the hillside by restoring and revegetating existing disturbed areas within rear- and side-yard setback areas. The project meets the desired future land-use type, locational characteristics, and character of development specified in the comprehensive plan.

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: 9,000 square feet minimum Existing: 16,681 square feet (0.38 acres)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Building Coverage
			Finding	Permitted: 35% Proposed: 15% (2,478 square feet / 16,681 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' (15'-7'' required) Rear: 20' Proposed: Front (Spruce Avenue): 41.57' Side (north): 58.73' Side (south): 16.75' Rear (west): 28.29'

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Building Height
			Finding	Maximum Permitted: 35' Proposed: 33'
<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: 21% (23-foot-wide driveway/110 feet of frontage along Spruce 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: One-Family Dwelling Units in all Zoning Districts: 2 parking spaces per dwelling unit. Proposed: The applicant is proposing two parking spaces within the enclosed garage.

FINDINGS REGARDING COMPLIANCE WITH MOUNTAIN OVERLAY DESIGN REVIEW STANDARDS

Mountain Overlay Design Review Standards (KMC §17.107.070.A)				
Compliant			Standards and Findings	
Yes	No	N/A	Ketchum Municipal Code	City Standards and Findings
			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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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. The proposed home is sited at the lower elevation of the parcel preserving the natural topography of the hillside above. The project protects the natural hillside by: (1) conforming to the existing home's building footprint and (2) containing all construction activity within the existing limits of disturbance on the subject property. Additionally, the project proposes to further preserve the hillside by restoring and revegetating existing disturbed areas within rear- and side-yard setback areas. The maximum height of the proposed home is 33 feet,

				which is 1.22 feet less than the maximum height of the existing home further reducing its visibility on the hillside.
<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	<p>The project minimizes building, excavating, filling, and vegetation disturbance by containing all construction activity within the existing disturbed area on the subject property. The existing development's total building coverage is 4,084 square feet. The proposed redevelopment's building coverage is 2,478 square feet, which is 1,606 square feet less than existing. The site survey on Sheet C1.0 of the project plans shows the existing development's limits of disturbance. The total area of existing site disturbance is 8,469 square feet. The site photos on Sheets EX003 and EX004 of the project plans show the existing disturbed areas on the subject property. Existing disturbance within the front-yard setback area includes the driveway and retaining walls. Existing disturbance within the rear-yard setback area includes dry-stack retaining walls, landscape steps, a paver patio, and a drainage swale. Existing disturbance within the south-side-yard setback area includes railroad tie retainage and a tall concrete retaining wall. Sheet C1.1 shows that the new single-family residence and all associated site improvements are contained within the existing limits of disturbance on the subject property. The proposed cut and fill quantities are specified on Sheet C1.1. The total volume of the proposed cut is 460 cubic yards. No new fill is proposed to be added to the subject property.</p> <p>The minimal building, excavating, filling, and vegetation will not have a material visual impact visible from a public vantage point entering or within the city. The proposed home is sited at the lower elevation of the parcel preserving the natural topography of the hillside above. Additionally, the project proposes to further preserve the hillside by restoring and revegetating existing disturbed areas within rear- and side-yard setback areas. The maximum height of the proposed home is 33 feet, which is 1.22 feet less than the maximum height of the existing home further reducing its visibility on the hillside.</p>
<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 applicant has proposed improving the existing driveway by re-grading to comply with Fire Department requirements, installing a

				<p>snowmelt system that terminates at the front property line, and resurfacing with new asphalt. The existing grade of the existing driveway slopes uphill 14.5% towards the garage from its access along Spruce Avenue, exceeding the 7% maximum grade permitted by the Fire Department. The applicant has proposed grading improvements that flatten the existing driveway. The proposed driveway grade slopes down 1.4% towards the garage from its access along Spruce Avenue and complies with Fire Department requirements.</p> <p>The proposed driveway improvements have been reviewed by the City Engineer, Streets Department, and Fire Department. The driveway improvements comply with all applicable standards for private driveway specified in Ketchum Municipal Code §12.03.030.L.</p> <p>Pursuant to condition no. 4, 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	Sheet C1.1 of the project plans shows that the disturbance proposed for the new home does not extend beyond the existing limits of disturbance on the site. The project protects the natural hillside area by concentrating redevelopment within the existing disturbed area on the subject property. The proposed home is sited at the lower elevation of the parcel conserving the natural topography of the hillside above. Additionally, the project proposes to further preserve the hillside by restoring and revegetating existing disturbance within rear- and side-yard setback areas.
<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 C1.1 of the project plans, the redevelopment project will utilize the existing sewer service. The existing water service will be abandoned and replaced with a new water service connection. The Utilities Department reviewed the project plans and the new water service connection complies with city requirements. Pursuant to condition no. 4, 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.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 C1.1 of the project plans. The drainage improvements include the installation of a French drain bordering the length of the south-side property line. A landscape drywell will be installed to collect stormwater from the driveway. A detail of the French drain and drywell has been provided on Sheet C1.2. The City Engineer has reviewed the proposed drainage plan and believes the French drain and drywell improvements are sufficient to maintain all storm water drainage on-site. Pursuant to condition no. 4, the applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho that provide specifications for the proposed drainage improvements for final review and approval 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.9	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.

			<p>Findings</p> <p>No new roadways or driveways are proposed with this redevelopment project. The project proposes to improve the existing driveway that accesses the property along Spruce Avenue. The applicant has proposed improving the existing driveway by re-grading to comply with Fire Department requirements, installing a snowmelt system that terminates at the front property line, and resurfacing with new asphalt.</p> <p>The project minimizes building, excavating, filling, and vegetation disturbance by containing all construction activity within the existing disturbed area on the subject property. The proposed cut and fill quantities are specified on Sheet C1.1. The total volume of the proposed cut is 460 cubic yards. No new fill is proposed to be added to the subject property. The proposed home is sited at the lower elevation of the parcel preserving the natural topography of the hillside above. Additionally, the project proposes to further preserve the hillside by restoring and revegetating existing disturbed areas within rear- and side-yard setback areas. The rear- and side-yard setback areas will be restored and revegetated with native grasses and sage brush. New aspen trees will be installed to enhance the existing grove on the property and new native chokecherries will be installed to screen utilities. 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"/>	<p>17.104.070.A.10</p> <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>
			<p>Findings</p> <p>The new home is sited within the most suitable area for redevelopment at the lower elevation of the parcel. Sheet C1.1 shows that the new single-family residence and all associated site improvements are contained within the existing limits of disturbance on the subject property. The proposed home is sited at the lower elevation of the parcel preserving the natural topography of the hillside above. The project protects the natural hillside by: (1) conforming to the existing home’s building footprint and (2) containing all construction activity within the existing limits of disturbance on the subject property.</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	<p>The applicant has proposed improving the existing driveway by re-grading to comply with Fire Department requirements, installing a snowmelt system that terminates at the front property line, and resurfacing with new asphalt. The proposed driveway improvements have been reviewed by the City Engineer, Streets Department, and Fire Department. The driveway improvements comply with all applicable standards for private driveway specified in Ketchum Municipal Code §12.03.030.L. Drainage improvements are specified on Sheet C1.1 of the project plans. The drainage improvements include the installation of a French drain bordering the length of the south-side property line. A landscape drywell will be installed to collect stormwater from the driveway. A detail of the French drain and drywell has been provided on Sheet C1.2. The City Engineer has reviewed the proposed drainage plan and believes the French drain and drywell improvements are sufficient to maintain all storm water drainage on-site. The proposed driveway improvements will not have adverse impacts on drainage, snow, earth-slide potential, or erosion.</p> <p>Pursuant to condition no. 4, 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.12	Utilities shall be underground.
			Findings	<p>The utility improvements are indicated on Sheet C1.1 of the project plans. The redevelopment project will utilize the existing sewer, gas, and electrical service. The existing water service will be abandoned and replaced with a new water service connection. The Utilities Department reviewed the project plans and the new water service connection complies with city requirements. Pursuant to condition no. 4, 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. Four above-grade AC condensers are proposed to be installed within the rear-yard setback area bordering the proposed residence. The landscape plan on Sheet L2.0 shows that new native chokecherries will be installed to screen the AC condensers. In accordance with KMC</p>

				§17.96.060.D2, the proposed landscaping improvements within the rear yard will sufficiently screen the AC condensers from public view.
<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 C1.1 shows that the new single-family residence and all associated site improvements are contained within the existing limits of disturbance on the subject property. The applicant has submitted a preliminary construction management plan that indicates the limits of disturbance will be protected by fencing during construction. 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. Pursuant to condition no. 5, the limits of disturbance shall be established on the construction management plan submitted with the building permit application and protected by fencing for the duration of construction.
<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 building, excavating, filling, and vegetation disturbance by containing all construction activity within the existing disturbed area on the subject property. The proposed cut and fill quantities are specified on Sheet C1.1. The total volume of the proposed cut is 460 cubic yards. No new fill is proposed to be added to the subject property. The proposed home is sited at the lower elevation of the parcel preserving the natural topography of the hillside above. Additionally, the project proposes to further preserve the hillside by restoring and revegetating existing disturbed areas within rear- and side-yard setback areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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	Ordinance No. 996 adopted in 2006 amended the Mountain Overlay boundaries by designating the Knob Hill area as a significant landmark. The subject property is comprised of two separate lots located on Knob Hill. These lots are part of the original Ketchum Townsite that was created in 1948. Topography was not considered when the townsite was established, and Knob Hill contains platted blocks with multiple unimproved lots and unimproved public rights-of-way located high on the hillside.

				The project protects the natural hillside area by concentrating the redevelopment within the existing disturbed area on the property. The proposed home is sited at the lower elevation of the parcel conserving the natural topography of the hillside above. Additionally, the project proposes to further preserve the hillside by restoring and revegetating existing disturbance within rear- and side-yard setback areas.
<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>	N/A
Finding: This standard is not applicable as no new roadways or driveways are proposed with this redevelopment project. The project proposes to improve the existing driveway that accesses the property along Spruce Avenue. The applicant has proposed improving the existing driveway by re-grading to comply with Fire Department requirements, installing a snowmelt system that terminates at the front property line, and resurfacing with new asphalt.	

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 Spruce Avenue 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
<p><i>Sidewalks may be waived if one of the following criteria is met:</i></p> <ul style="list-style-type: none"> <i>a) The project comprises an addition of less than 250 square feet of conditioned space.</i> <i>b) The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.</i> 	N/A
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
<p><i>The City may approve and accept voluntary cash contributions in lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be 110 percent of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in lieu contribution shall be paid before the City issues a certificate of occupancy.</i></p>	N/A
<p>Finding: N/A. The subject property is located within the LR Zone and sidewalks are not required to be installed for this project.</p>	

17.96.060.C.1 - Drainage	Conformance
<p><i>All stormwater shall be retained on site.</i></p>	<p>YES Condition #4</p>
<p>Finding: Pursuant to KMC §17.104.070.A.8, drainage must be controlled and maintained to not adversely affect other property. Drainage improvements are specified on Sheet C1.1 of the project plans. The drainage improvements include the installation of a French drain bordering the length of the south-side property line. A landscape drywell will be installed to collect stormwater from the driveway. A detail of the French drain and drywell has been provided on Sheet C1.2. The City Engineer has reviewed the proposed drainage plan and believes the French drain and drywell improvements are sufficient to maintain all storm water drainage on-site. Pursuant to condition #4, the applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho that provide specifications for the proposed drainage improvements for final review and approval 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
<p><i>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</i></p>	<p>YES Condition #4</p>
<p>Finding: Drainage improvements are specified on Sheet C1.1 of the project plans. The drainage improvements include the installation of a French drain bordering the length of the south-side property line. A landscape drywell will be installed to collect stormwater from the driveway. A detail of the French drain and drywell has been provided on Sheet C1.2. The City Engineer has reviewed the proposed drainage plan and believes the French drain and drywell improvements are sufficient to maintain all storm water drainage on-site.</p> <p>Pursuant to condition #4, the applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho that provide specifications for the proposed drainage</p>	

improvements for final review and approval by the City Engineer and Streets Department prior to issuance of a building permit for the project.

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 Condition #4
<p>Finding: The City Engineer has reviewed the proposed drainage plan and believes the French drain and drywell improvements are sufficient to maintain all storm water drainage on-site. The City Engineer may require additional drainage improvements if necessary. Pursuant to condition #4, 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.</p>	

17.96.060.C.4 - Drainage	Conformance
<i>Drainage facilities shall be constructed per City standards.</i>	YES Condition #4
<p>Finding: Drainage improvements are specified on Sheet C1.1 of the project plans. The drainage improvements include the installation of a French drain bordering the length of the south-side property line. A landscape drywell will be installed to collect stormwater from the driveway. A detail of the French drain and drywell has been provided on Sheet C1.2. Pursuant to condition #4, 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.</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 Condition #4
<p>Finding: The utility improvements are indicated on Sheet C1.1 of the project plans. The redevelopment project will utilize the existing sewer, gas, and electrical service. The existing</p>	

water service will be abandoned and replaced with a new water service connection. The Utilities Department reviewed the project plans and the new water service connection complies with city requirements. Pursuant to condition no. 4, 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. Four above-grade AC condensers are proposed to be installed within the rear-yard setback area bordering the proposed residence. The landscape plan on Sheet L2.0 shows that new native chokecherries will be installed to screen the AC condensers. In accordance with KMC §17.96.060.D2, the proposed landscaping improvements within the rear yard will sufficiently screen the AC condensers from public view.

17.96.060.D.3 - Utilities	Conformance
<i>When extension of utilities is necessary all developers will be required to pay for and install two-inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with City of Ketchum standards and at the discretion of the City Engineer.</i>	N/A
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: No new signage is proposed for the new single-family home. The exterior materials are specified on Sheet G002 of the project plans and include wood windows and doors, wood louvers, wood cladding, wood soffits, stone cladding, zing, cable guardrails, and a green roof. The natural materials and colors are compatible with the existing homes in the Knob Hill neighborhood and complement the surrounding hillside.	

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>	YES
Finding: Ordinance No. 996 adopted in 2006 amended the Mountain Overlay boundaries by designating the Knob Hill area as a significant landmark. The subject property is comprised of	

two separate lots located on Knob Hill. These lots are part of the original Ketchum Townsite that was created in 1948. Topography was not considered when the townsite was established, and Knob Hill contains platted blocks with multiple unimproved lots and unimproved public rights-of-way located high on the hillside.

The project protects the natural hillside area by concentrating the redevelopment within the existing disturbed area on the property. The proposed home is sited at the lower elevation of the parcel conserving the natural topography of the hillside above. Additionally, the project proposes to further preserve the hillside by restoring and revegetating existing disturbance within rear- and side-yard setback areas.

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
<p>Finding: The subject property is developed with an existing nonconforming single-family residence that was constructed in 1977 and is proposed to be demolished. While the existing home is more than 50 years old, the building is not designated on the city’s adopted Historic Building/Site List. Review by the Historic Preservation Commission is not required; however, a demolition permit cannot be issued for the existing residence until a 60-day waiting period has concluded (KMC §15.16.040.B3) and a complete building permit application for a replacement project on the property has been accepted by the city and required fees have been paid (KMC §17.20.010.B).</p>	

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
<p>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.</p>	

17.96.060.F.2 – Architectural	Conformance
<i>The building character shall be clearly defined by use of architectural features.</i>	YES
<p>Finding: Elevations for the proposed home are included on Sheet A201 and A202 of the project plans. The home’s character is defined by the curved wall of second-level great room that</p>	

connects to this terrace. These features create an eye-catching building form that provides visual interest. The project design is mountain modern combining more rustic and natural materials with large windows, clean lines, hard edges, and a flat green roof.

17.96.060.F.3 – Architectural	Conformance
<i>There shall be continuity of materials, colors and signing within the project.</i>	YES
<p>Finding: The project uses wood, stone, and glass along all facades of the building. The different shapes, sizes, and placement of these exterior materials add variety and animates each facade.</p>	

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
<p>Finding: No accessory structures or fences are proposed. The project proposes landscaping improvements that restore disturbed hillside areas. These landscaping improvements complement and soften the visual appearance of the single-family residence. The rear- and side-yard setback areas will be restored and revegetated with native grasses and sage brush. New aspen trees will be installed to enhance the existing grove on the property and new native chokecherries will be installed to screen utilities.</p>	

17.96.060.F.5 – Architectural	Conformance
<i>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</i>	YES
<p>Finding: The design incorporates variation in architectural features and materials across all facades. The elevations included on Sheets A201 and A202 of the project plans show that the building walls provide visual relief through exterior material differentiation and slight modulations in building mass to reduce the appearance of bulk and flatness.</p>	

17.96.060.F.6 – Architectural	Conformance
<i>Building(s) shall orient toward their primary street frontage.</i>	YES
<p>Finding: The project will improve the existing driveway access along Spruce Avenue. A new gravel path is proposed connecting the driveway to the home’s main entrance at the south elevation fronting 6th Street.</p>	

17.96.060.F.7 – Architectural	Conformance
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<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 A101, 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: The roof plan provided on Sheet A104 shows that roof drains will be installed on the sedum-green roof system. These roof drains will lead to vertical drainpipes within wall assemblies. The entry patio at the south elevation is partially covered providing weather protection for residents.	

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.</i>	YES Condition #4

<i>Consideration shall be given to adequate sight distances and proper signage.</i>	
<p>Finding: The applicant has proposed improving the existing driveway by re-grading to comply with Fire Department requirements, installing a snowmelt system that terminates at the front property line, and resurfacing with new asphalt. The existing grade of the existing driveway slopes uphill 14.5% towards the garage from its access along Spruce Avenue, exceeding the 7% maximum grade permitted by the Fire Department. The applicant has proposed grading improvements that flatten the existing driveway. The proposed driveway grade slopes down 1.4% towards the garage from its access along Spruce Avenue and complies with Fire Department requirements.</p> <p>The proposed driveway improvements have been reviewed by the City Engineer, Streets Department, and Fire Department. The driveway improvements comply with all applicable standards for private driveway specified in Ketchum Municipal Code §12.03.030.L.</p> <p>Pursuant to condition no. 4, 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>	

17.96.060.G.4 – Circulation Design	Conformance
<i>Curb cuts and driveway entrances shall be no closer than 20 feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right-of-way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.</i>	YES
<p>Finding: The existing driveway is located over 150 feet away from the nearest intersection of Spruce Avenue and 6th Street.</p>	

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 Condition #2
<p>Finding: The portion of Spruce Avenue north from 6th Street is not, and cannot be, maintained by the city due to its steep grade. During department review, planning staff requested the applicant provide more information on how this portion of Spruce Avenue is currently maintained, including who is responsible for snow removal. The applicant responded that there is a shared verbal agreement between all property owners on north Spruce Avenue to remove</p>	

snow whenever necessary. Condition #2 will ensure that unobstructed access to the project will be maintained:

Condition of Approval No. 2: *A roadway maintenance agreement with between the impacted properties on north Spruce Avenue and the city, or at a minimum between the subject property owner and the city, to memorialize that the property owners are responsible for providing unobstructed access by removing snow, maintaining, and repairing the portion of Spruce Avenue north from 6th Street is required. The roadway maintenance agreement must be approved by the City Council and recorded with the office of the Blaine County Clerk and Recorder executed prior to or concurrent with final plat approval. The final plat shall include a note that references the instrument number for the recorded roadway maintenance agreement.*

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>	N/A
<p>Finding: The site grading and drainage plan on Sheet C1.1 has been revised to show the location and dimensions of the heated driveway area and snowmelt system. The entirety of the driveway on the subject property will be heated. The proposed snowmelt system terminates at the property line and does not encroach into the Spruce Avenue public right-of-way. All improved parking and pedestrian circulation areas on the subject property are heated, which is permitted as an alternative to providing on-site snow storage areas by Ketchum Municipal Code §17.96.060.H4.</p>	

17.96.060.H.2 – Snow Storage	Conformance
<i>Snow storage areas shall be provided on site.</i>	N/A
<p>Finding: The applicant has proposed to snowmelt all parking and pedestrian circulation areas, which is permitted as an alternative to providing on-site snow storage area by Ketchum Municipal Code §17.96.060.H4.</p>	

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>	N/A
<p>Finding: N/A as no snow storage areas have been provided on-site. The applicant has proposed snowmelt in lieu of providing any snow storage areas on site.</p>	

17.96.060.H.4 – Snow Storage	Conformance
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<i>In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.</i>	YES
Finding: The site grading and drainage plan on Sheet C1.1 has been revised to show the location and dimensions of the heated driveway area and snowmelt system. The entirety of the driveway on the subject property will be heated. The proposed snowmelt system terminates at the property line and does not encroach into the Spruce Avenue public right-of-way.	

17.96.060.I.1 – Landscaping	Conformance
<i>Landscaping is required for all projects.</i>	YES
Finding: Landscaping has been provided for the project as indicated on Sheet L2.0 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: The rear- and side-yard setback areas will be restored and revegetated with native grasses and sage brush. New aspen trees will be installed to enhance the existing grove on the property and new native chokecherries will be installed to screen utilities. The proposed vegetation is readily adaptable to the site's microclimate, soil conditions, orientation, and aspect and will restore 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 native grasses and sage brush, chokecherries, dogwoods, and aspen trees.	

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 subject property is surrounded by compatible low-density residential uses within the Knob Hill neighborhood. The proposed landscaping will soften the hard edges of the mountain-modern home and restore the surrounding hillside.

17.96.060.J.1 – Public Amenities	Conformance
<p><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></p>	N/A

Finding: The project’s pedestrian amenities including retaining and protecting the City’s existing art pedestal and street tree planters along the 4th Street sidewalk and a bicycle rack for public use. In the project narrative, the applicant states: “With over 3,100 square feet of activated sidewalk, this project will provide the only safe, uninterrupted, and fully ADA compliant access to Main Street on the block as it stretches up the hill. The heated sidewalk wraps the corner with covered awnings, five trees for natural screening and shade, planter boxes with native plantings, multiple sitting space for up to 16 seats, 8 bicycle parking stalls, and a designated art pedestal.”

17.96.060.K.1 – Underground Encroachments	Conformance
<p><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></p>	N/A

Finding: N/A

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

Finding: N/A

CONCLUSIONS OF LAW

- 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 691 N Spruce Avenue Residence Mountain Overlay Design Review Application File No. P22-042B meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission approves this Design Review Application File No. P22-042B this Tuesday, February 28, 2023 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. The project is subject to all conditions of approval associated with Lot Consolidation Preliminary Plat and Waiver Request Application File No. P22-042A.
2. A roadway maintenance agreement with between the impacted properties on north Spruce Avenue and the city, or at a minimum between the subject property owner and the city, to memorialize that the property owners are responsible for providing unobstructed access by removing snow, maintaining, and repairing the portion of Spruce Avenue north from 6th Street is required. The roadway maintenance agreement must be approved by the City Council and recorded with the office of the Blaine County Clerk and Recorder executed prior to or concurrent with final plat approval. The final plat shall include a note that references the instrument number for the recorded roadway maintenance agreement.
3. The applicant shall submit specifications for the glass film that will be installed on all glazed surfaces to reduce the light transmittance of the glazing as specified in the applicant’s presentation for the February 28, 2023 Planning and Zoning Commission Meeting prior to issuance of building permit. The glass film shall be inspected by Planning staff prior to issuance of a Certificate of Occupancy for the project.
4. This Design Review approval is based on the project plans dated January 13, 2023 and information presented and approved at the February 28, 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.

5. The applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho to include specifications for the 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.
6. The limits of disturbance shall be established on the construction management plan submitted with the building permit application and protected by fencing for the duration of construction.
7. The term of Design Review approval shall be twelve (12) months from the date that the Findings of Fact, Conclusions of Law, and Decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations (KMC §17.96.090). Any extension shall comply with KMC 17.96.090.
8. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.

Findings of Fact **adopted** this 14th day of March 2023.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission