



Planning & Zoning Commission Regular Meeting AGENDA

Monday, October 14, 2019
Ketchum City Hall
480 East Avenue North, Ketchum, ID 83340

SITE VISITS

1. 4:30 PM – SITE VISIT – Webb Conditional Use Permit: 251 Northwood Way, Unit 7
a. Call to Order
2. 4:55 PM –SITE VISIT – Cerutti Conditional Use Permit: 471 E. Tenth St, Unit B9
3. 5:10 PM – SITE VISIT – Onyx @ Leadville Residence Project

CALL TO ORDER

4. RECONVENE: City Hall at 5:30 PM: 480 East Avenue North, Ketchum, Idaho

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

PUBLIC COMMENT - Communications from the public for items not on the agenda.

CONSENT CALENDAR—ACTION ITEMS

5. [**ACTION – Minutes of September 9, 2019**](#)
6. [**ACTION – Findings of Fact and Conclusions of Law for the Hamond House Design Review**](#)
7. [**ACTION – Findings of Fact and Conclusions of Law for the Hammond House Variance**](#)
8. [**ACTION – Findings of Fact and Conclusions of Law for the Hammond House Conditional Use Permit**](#)

STAFF AND COMMISSION COMMUNICATIONS (Planning & Zoning Commission Deliberation, Public Comment may be taken)—ACTION ITEMS

9. [**ACTION – Findings of Fact and Conclusions of Law for the Biddle Residence at 220 Lava St.**](#)

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

10. [**ACTION –Cerutti Conditional Use Permit: 471 E. Tenth St, Unit B9 \(Tenth Street Light Industrial Complex, Building 8, Unit 9\) The Commission will consider and take action on a Conditional Use Permit submitted by Dean Cerutti for a work/live space.**](#)
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11. [**ACTION – Webb Conditional Use Permit: 251 Northwood Way, Unit 7 \(Redwood Industrial Condo, Unit 7\) The Commission will consider and take action on a Conditional Use Permit submitted by Rob Webb for a work/live space.**](#)
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12. [**ACTION – Onyx @ Leadville Residences Preliminary Plat: 341 S. Leadville Ave. \(Block 1A of Trail Creek Condominiums Amended: Blocks 1A and 2A\) The Commission will consider and take**](#)

[action on a Preliminary Plat Application submitted by Sean Flynn of Galena Engineering for the J. Peterman Development, LLC.](#)

STAFF REPORTS & CITY COUNCIL MEETING UPDATE

ADJOURNMENT

Any person needing special accommodations to participate in the meeting should contact the City Clerk’s Office as soon as reasonably possible at 726-3841. All times indicated are estimated times, and items may be heard earlier or later than indicated on the agenda.



Planning and Zoning

Regular Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
<http://ketchumidaho.org/>

Maureen Puddicombe
208-726-7801

Monday, September 09, 2019

5:30 PM

Ketchum City Hall

SITE VISITS

- 1. **4:00 PM - SITE VISIT - Sun Valley Co. Monument Sign:** Warm Springs Rd and Jane Ln
 - a. **Call to Order**

PRESENT

Chairman Neil Morrow

Commissioner Jennifer Cosgrove

Vice-Chairman Matthew Mead

Commissioner Kurt Eggers

Commissioner Tim Carter

- 2. **4:20 PM - SITE VISIT - Lofts @ 660 N First Ave:** 660 N. First Ave.
- 3. **4:35 PM - SITE VISIT - Sun Valley Co Monument Sign:** Highway 75 and Serenade Lane
- 4. **4:50 PM - SITE VISIT - Biddle Residence:** 220 Lava St.
- 5. **5:05 PM - SITE VISIT - Biddle Residence:** From the intersection of Fourth and East Sts
- 6. **5:15 PM - SITE VISIT - Chess Lot Line Shift:** 520/540 Walnut Ave.
- 7. **5:30 PM - RECONVENE: City Hall:** 480 East Ave, North, Ketchum, Idaho

The meeting was reconvened at 5:30 PM by Chairman Neil Morrow.

8. COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

There were no Commission reports nor Ex Parte discussion disclosures.

9. PUBLIC COMMENT - Communications from the public for items not on the agenda.

Chairman Neil Morrow opened the floor to Public Comment. There were no Public Comments and the floor was closed.

10. CONSENT AGENDA - ACTION ITEMS

a. ACTION ITEM: Minutes of July 29, and July 30, 2019

Commissioner Eggers recused himself from this agenda item.

Vice-Chairman Mead commented he wanted to see more detail in the minutes as to the Commission discussions when the discussions lead to conditions of approval.

Motion to approve the Minutes of July 29 and 30, 2019 as amended.

Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.

Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,

Commissioner Cosgrove

Recused: Commissioner Eggers

b. ACTION ITEM: Minutes of August 12, 2019

Commissioner Cosgrove noted a correction to the voting record for the Gabbert matter.

Motion to approve the minutes of August 12, 2019, as amended.

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

c. ACTION ITEM: Minutes of August 13, 2019

Motion to approve the minutes of August 13, 2019.

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

11. ACTION ITEM: Ordinance 1202: The Commission will consider and take action on proposed amendments to Community Core (CC) District Dimensional Standards and Matrix pertaining to community housing projects as set forth in §17.12.040 of Ketchum Municipal Code Title 17 Zoning Regulations.

Director John Gaeddert gave the proposed changes to the Ordinance including 1) averaging of fourth floor setbacks, 2) increasing the allowable height from 50 feet to 52 feet for buildings devoted 100% to community work-force housing, and 3) clarify the definition of a community work-force housing project in the CC Subdistrict 1, which allows housing on the second floor and above.

Vice-Chairman Mead asked for clarification on the height and setback changes. Director Gaeddert explained the changes would allow more flexibility in construction and design. Changing the setbacks to average ten feet, would allow more undulation of the building. Commissioner Cosgrove commented on the undesirable aspect to an average setback. Vice-Chairman Mead asked about the definition of Community Housing. Director Gaeddert indicated it now stands at 80% of Average Median Income (AMI) which is currently \$56,000 per year.

Chairman Morrow opened the floor to Public Comment. No comments were made.

Commissioner Eggers was concerned about the change to the setback requirement and did not support the change. Commissioner Cosgrove agreed. Director Gaeddert agreed to eliminate the change to the setbacks. Vice-Chairman Mead agreed with the setback for pedestrian right-of-way but questioned the 10-foot setback for interior sides. He didn't want it to impact the availability of work-force housing. Commissioner Cosgrove felt a responsibility for the overall esthetics of Ketchum and supported the setbacks.

Motion to recommend approval to City Council of Ordinance 1202 with the exception of the change to the setback requirements.

*Motion made by Commissioner Eggers, Seconded by Commissioner Carter.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

12. ACTION ITEM: Sun Valley Company Monument Signs: 1) Warm Springs Rd and Jane Ln; 2 and 3) Highway 75 and Serenade Ln. A Sign Permit application submitted by Ruscitto Latham Blanton Architectura PA on behalf of Sun Valley Company for the installation of three (3) permanent signs, including two (2) directional signs for the River Run and Warm Springs ski areas.

Commissioner Eggers recused himself.

Architect Michael Bull gave the overview of the proposed signs. The sign at Jane Lane and Warm Springs Road is on the bus route and skier drop-off. It would be in the public right-of-way. Streets Department indicated it would allow for snow removal. It would have a 3-foot tall stone base, signpost, and a plaque sign overhanging Warm Springs Road. It is 13 feet tall, with the Sun Valley logo and a back-lit sign.

The second sign is at Serenade Lane and Highway 75. It is proposed to replace the current sign located on Sun Valley property. The site would be built-up four (4) feet to be level with the highway. The monument has a large stonework base, a large etched copper sun, and a copper plaque inscribed "River Run Plaza". The monument measures 17 feet in height. Landscaping will include trees on the side.

Vice-Chairman Mead asked about how the mass might obscure the view and about the landscaping surface. Bulls stated the trees are meant to screen the utility tower and confirmed the landscaping surface would be the same as it is now. Commissioner Carter asked about the lighting. Bull indicated there would be no exterior up lighting, but the signs would be back-lit. Commission Cosgrove objected to the size and mass of the monument. Chairman Morrow emphasized the lighting should be Dark Skies compliant.

Director Gaeddert brought up the future round-about intersection at Serenade and Highway 75 as to the positioning of the monument.

Chairman Morrow opened the floor to Public Comment. No comments were made.

Vice-Chairman Mead liked the Warm Springs sign but was opposed to the trees behind the monument at Serenade, he felt it was a distraction from the Mountain.

No motion was taken as this was an advisory session only.

13. ACTION ITEM: Chess Lot Line Shift: 520 and 540 Walnut St. (Lots 1 & 2, Block 90, Ketchum) The Commission will consider and take action on a Lot Line Shift (Readjustment of Lot Lines) application from Robert and Stacey Chess to combine two adjacent non-conforming lots of record in the Limited Residential (LR) zone, 540 N.

Walnut (NW 34' x 75' of Lot 2, Block 90, Ketchum Townsite) and 520 N. Walnut (SW 21' x 75' of Lot 2, Block 90, Ketchum Townsite) into one lot.

Associate Planner Abby Rivin presented the Lot Line Shift. The Commission did not have any questions.

Chairman Morrow opened the floor to Public Comment. No comments were made.

The Commission commented on the quaintness of the present buildings and the hope they would remain but acknowledged the reality of real estate in Ketchum.

Motion to approve the Chess Lot Line Shift and authorize the Chair to sign the Findings of Fact and Conclusions of Law.

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

14. ACTION ITEM: Biddle Residence Mountain Overlay Design Review: 220 Lava Street (Lot 1A, Block 1, Lava Street Subdivision) The Commission will consider and take action on a Design Review Application McLaughlin and Associates on behalf of property owners Leslie and George Biddle have submitted a Mountain Overlay Design Review application for the construction of a new 8,982 single-family residence located at 220 Lava Street (Lava Street Subdivision: Block 1: Lot 1A) in the Limited Residential (LR) Zoning District.

The overview was given by Ben Young, landscape architect. The changes from the Pre-Design Review included moving the structure completely out of the Mountain Overlay to minimize site disturbance and the addition of at the North-East corner. As a result of a conversation concerning a drainage ditch during the Site Visit, the driveway could be altered to avoid filling in the ditch. Jim McLaughlin informed the Commission that the applicant would be amenable to allowing the neighbor to tap into the water line.

Richard Schaffer spoke to the story pole visible from 4th and East Streets which represented the single-story Great Room. He gave an overview of the floor plan, exterior materials and heights. Ben Young continued the discussion of landscaping and tree options to shield the structure. There was a discussion of re-routing the location of the Lava Trail. The new trail route is to be: 1) Approved by the City Planning Department prior to construction: 2) Constructed by the applicant as a condition of building permit issuance: and 3) the new easement to be recorded on the plat.

Chairman Morrow opened the floor to Public Comment.

Heather O'Leary, attorney for Susan Matthes, spoke to the water rights and access easement of the neighbor. She requested the water delivery system still be fully functional and the final plat to show the access easement.

No further comments were made.

Vice-Chairman Mead asked about the driveway and the catch-basin. Ben Young indicated they were willing to work with the neighbor for water access.

Motion To: Approve the Biddle Residence Mountain Overlay Design Review with attached Conditions of Staff Report, with amendments to the Trail Conditions as noted, including the City staff to approve the location, construction and re-recording of the new trail easement; added condition to protect the catchment area as it relates to the driveway; protection of access easement to adjacent lot with Staff approval prior to issuance of Building Permit; Applicants’ offer to allow adjacent property to tap into water line at adjacent property owner’s request; Three (3) Douglass Fir Trees of adequate height and size to be installed prior to Certificate of Occupancy; and authorize the Chair to sign the Findings of Fact and Conclusions of Law.

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

- 15. ACTION ITEM: Lofts @ 660 N First Ave. Design Review: 660 N First Ave. (Lot 6, Block 34, Ketchum) The Commission will consider and take action on a Design Review Application submitted by Hollis Rumpeltes Architects on behalf of Galena Peak Partners LLC has submitted a Design Review application for the development of a new 3 story, 12,129 sq. ft multi-family residential building located at 660 N 1st Avenue (Ketchum Townsite: Block 34: Lot 6) in the Mixed-Use Subdistrict of the Community Core (CC-2). The proposed three-story building is comprised of seven dwelling units including one community housing unit studio.**

Commissioner Eggers recused himself from this agenda item.

Architect Daniel Hollis of Hollis Rumpeltes Architects gave the project overview. He spoke of elevations, exterior materials, roof lines, parking, construction plan, floor plan, and utilities.

Commissioner Carter asked about the elevations. Commissioner Cosgrove asked for clarification of the rooflines. Vice-Chairman Mead had questions on heights and parking. Chairman Morrow commented on the excessive Construction Activity (parking) at the Onyx site and wanted to be sure it is not repeated at this site.

Chairman Morrow opened the floor to Public Comment.

Pam Morrison, publisher Idaho Mountain Express, asked when construction starts, parking be allowed in the center of the street. She also asked about snow melt from the sidewalk and natural lighting in the Community Housing unit.

Sean Flynn, Galena Engineering, stated the roof drainage would go to the dry well and there were no other drainage issues for this site. Planner Rivin added that drainage was reviewed by staff prior to the building permit.

There were no further comments made.

Director Gaeddert will bring the parking suggestion for center lane parking to the Ketchum Traffic Authority meeting.

Vice-Chairman Mead liked the affordable housing aspect. Chairman Morrow appreciated that the adjoining blank wall will be covered and liked the overall design.

Motion To: Approve the Lofts at 660 N First Ave. Design Review with Conditions as noted by Staff and authorize the Chair to sign the Findings of Fact and Conclusions of Law.

*Motion made by Vice-Chairman Mead, Seconded by Commissioner Carter.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove
Recused: Commissioner Eggers*

16. ACTION ITEM: Hammond House Mountain Overlay Design Review: 102 Sage Road (Warm Springs Village 4, Block 3, Lot 1) The Commission will consider and take action on a Mountain Overlay Design Review application submitted by Lars Guy & Neil Middleton, architect, on behalf of property owner Dr. Rockwell Hammond, Jr. for the proposed construction of a new 4,080 square foot single-family residence in the General Residential Low Density (GR-L) Zoning District with Avalanche and Mountain Overlays. Continued from August 12, 2019.

17. ACTION ITEM: Hammond House Conditional Use Permit: 102 Sage Road (Warm Springs Village 4, Block 3, Lot 1) The Commission will consider and take action on a Conditional Use Permit application submitted by Lars Guy & Neil Middleton, architect, on behalf of property owner Dr. Rockwell Hammond, Jr. for a new 4,080 square foot single-family residence in the Mountain Overlay and Avalanche Zones. The project includes the installation of an avalanche attenuation device, which requires review and approval of a Conditional Use Permit.

18. ACTION ITEM: Hammond House Variance: 102 Sage Road (Warm Springs Village 4, Block 3, Lot 1) The Commission will consider and take action on a Variance application submitted by Lars Guy & Neil Middleton, architect, on behalf of property owner Dr. Rockwell Hammond, Jr. for a new 4,080 square foot single-family residence in the General Residential Low Density (GR-L) Zoning District with Avalanche and Mountain Overlays. The applicant is requesting a variance from the rear and side setbacks required in the GR-L Zone (KMC §17.12.030) as the avalanche attenuation device and building appendages encroach into the setback area.

The Conditional Use Permit, Design Review, and Variance were heard as a single project.

Associate Planner Abby Rivin gave an update of the project with updated drawings, summary letter from previous hearing comments, and the staff recommendation to restrict short-term rentals in the winter months and have a third-party review for the engineering of the avalanche mitigation .

Architect Lars Guy introduced the project. Paul Bastian, avalanche engineer, described the avalanche conditions of the site. He explained the factors of slope, velocity, flow, impact pressure, force of potential avalanche, and how snow moves, and compresses. He calculated an avalanche would have an impact of less than 490 pounds per square foot for momentum and 600-pound impact load.

Vice-Chairman Mead asked about the avalanche gate and was told it has been eliminated. Commissioner Eggers asked about the purpose of the wall to protect the patio. Commissioner Carter emphasized that the Commission was relying on the expertise of the engineer. Bastian outlined his credentials and experience in Idaho.

Director Gaeddert noted a third-party review was recommended by Staff for the avalanche study, since it is a niche area of study and the Conditional Use Permit has a higher standard than a Design Review. It would be administered administratively. Lars Guy did not think a third-party review was reasonable or prudent due to the limited number of professionals in this field and the precedent it would set. Chairman Morrow was in favor of an independent review. Director Gaeddert commented that the parties could each submit a list of licensed, professional engineers (not limited to the State of Idaho) and someone common to both lists would be chosen.

Lars Guy gave the overview for the revised Design Review for the project. He pointed out the changes to the south wall and a cantilevered second level. There were improvements to the driveway, garage, façade, landscaping, parking area, and avalanche wall.

Chairman Morrow opened the floor to Public Comment.

Stephanie Reed, attorney for Daniel Johnston, neighbor at 100 Sage Road, read a letter from the owner questioning the size, setbacks, buffering, landscaping, and avalanche dangers. It was requested that a landscaping screen be a condition of approval. He expressed concern over how a neighboring structure would affect his house in the event of an avalanche.

Katie Bastian questioned a third-party review by an out-of-state engineer, since the State of Idaho requires an engineer to be licensed by Idaho in order to practice in Idaho.

No further comments were made.

Commissioner Eggers thought the changes were an improvement over the original design.

The Commission discussed the merits of the Variance Request. Vice-Chairman Mead thought the site was a challenge, but the owner does have a right to develop it. Commissioner Eggers asked what the *undue hardship* factor was. Staff indicated it was due to the non-conformity of the lot, the crossing of the driveway, and the nature of the avalanche potential. Commissioner Carter asked about the history of the cross easement. Planner Rivin revealed it was for access to the house and was platted in the 1950's.

Commission Cosgrove asked if there were any aspects of the property not known to the owner at the time of purchase. Lars Guy replied it was known to be a challenging site. Commissioner Cosgrove felt it didn't qualify as a hardship. Chairman Morrow also questioned the hardship claim but liked the changes to the design. Commissioner Eggers asked Bastian about the avalanche wall and the non-conforming patio. Bastian indicated the wall was needed to protect the east side of the house.

Commissioner Eggers was in favor of granting the variance due to the lot size and the cross easement; Commissioner Cosgrove was opposed since the buyer knew the challenges of the property. Commissioner Carter would consider granting a variance due to the scale of the structure to the size of the lot; and Vice-Chairman Mead supported the variance since only the avalanche wall was non-conforming.

Motion To: Approve the Hammond House Variance Request.

Motion made by Vice-Chairman Mead, Seconded by Commissioner Carter.

Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Eggers

Voting Nay: Commissioner Cosgrove

Associate Planner Abby Rivin stated the Conditional Use Permit pertained to the site characteristics as related to public health, life, and safety. The request is for a restriction on short-term rentals and a third-party review of the avalanche engineering as conditions of approval.

Chairman Morrow and Vice-chairman Mead agreed those terms should be included. Commissioner Eggers asked if other sites have a short-term rental restriction. Staff replied there were not, due to the differences in design, but felt the nature of this site warranted the restriction. Staff noted the Ketchum Municipal Code had previously made such restrictions, but the recent House Bill prevented cities from restricting short-term rentals, except for Public Health and Safety. Commissioner Eggers asked about review of the design. Staff replied the plans need to be stamped by an engineer licensed in the State of Idaho and are then reviewed by the State of Idaho Department of Building Safety.

Chairman Morrow opened the floor to Public Comment. No comments were made.

Staff noted that any changes to the design recommended by a third-party review, other than a minor modification, would be brought back before the Commission for approval. Chairman Morrow was in favor; Commissioner Carter agreed. Commissioner Eggers, although generally opposed to the third-party review, thought it was valuable; Vice-Chairman Mead thought it wasn't necessary but would help to assure neighbors. Commissioner Cosgrove was still opposed to the Conditional Use Permit.

Motion to approve the Mountain Overlay Design Review and the Conditional Use Permit for the Hammond House at 102 Sage Road with two (2) conditions added; 1) limiting short-term rentals during the winter season and 2) requiring a third-party review of the avalanche study.

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Eggers
Voting Nay: Commissioner Cosgrove*

19. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

The full Design Review application for the Hotel would be before the P & Z on October 14th including recent changes. Next City Council meeting will hear the Pre-Design Review for the Ketchum Boutique Hotel on September 16 and October 7, 2019.

The October P & Z Meeting will also have two (2) Conditional Use Permits for live/work spaces in the LI.

20. ADJOURNMENT

Motion to adjourn at 8:44 PM.

*Motion made by Vice-Chair, Seconded by Commissioner Carter.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

Neil Morrow
Chairperson
Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)	
)	
Hammond House (120 Sage Rd SFR))	KETCHUM PLANNING AND ZONING COMMISSION
Mountain Overlay Design Review)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: October 14, 2019)	DECISION
)	
File Number: 19-021)	

PROJECT: Hammond House (102 Sage Rd SFR)

APPLICATION TYPE: Mountain Overlay Design Review

FILE NUMBER: P19-021

PROPERTY OWNER: Rockwell Hammond

REPRESENTATIVES: Neil Middleton (Architect) & Lars Guy (Local Representative)

REQUEST: Mountain Overlay Design Review for the development of a new 4,080 sq ft single-family residence

LOCATION: 102 Sage Road (Warm Springs Village 4th Addition: Block 3: Lot 1)

ZONING: General Residential Low Density (GR-L) Zoning District

OVERLAY: Mountain Overlay and Avalanche Zone

NOTICE: A public hearing notice for the three interrelated applications associated with the Hammond House project, including the subject Mountain Overlay Design Review, was mailed to all property owners within 300 ft of the development site on July 24th, 2019. The public hearing notice was published in the Idaho Mountain Express on July 24th, 2019. A public hearing notice was posted on the subject property on August 6th, 2019 and was posted to the City website on August 7th, 2019.

Findings Regarding Applications Filed

The Hammond House project is comprised of three interrelated development applications for the construction of a new 4,080 sq ft single-family residence located at 102 Sage Road (Warm Springs Village 4th Addition: Block 3: Lot 1). In conjunction with Mountain Overlay Design Review, the applicant has submitted a Conditional Use Permit application for the installation of an avalanche attenuation device (KMC §17.92.010.D2) as well as a Variance request for relief from the required front, rear, and side yard setbacks.

Pursuant to Ketchum Municipal Code (KMC) §17.104.050.A, the construction or placement of structures within the Mountain Overlay District is subject to all applicable Design Review improvements and standards (KMC §17.96.060) as well as to the Mountain Overlay Design Review requirements set forth in KMC §17.104.070. The purpose of the MO Zoning District is to encourage land uses harmonious with existing natural resources,

13 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 by siting building footprint away from higher elevations.

The Sage Road neighborhood is characterized by hazards associated with red and blue avalanche zones. Building in the Avalanche Zone must meet the standards and comply with certain restrictions specified in KMC §17.92.010. New construction in the Avalanche Zone must be certified by an engineer licensed in the State of Idaho certifying that the proposed construction as designed will withstand the avalanche forces specific to the development site (KMC §17.02.010.D.3). Avalanche structures or earthwork that threaten to deflect avalanches toward the property of others or otherwise threaten to increase the danger to persons or property are prohibited (KMC §17.02.010.D.2). Avalanche attenuation and protective structures require the review and approval of a Conditional Use Permit. The applicant has submitted a Variance request from the required yard setbacks in order to accommodate the required avalanche attenuation structural components. The applicant has requested the variance as the minimum relief necessary in order to accommodate the necessary avalanche attenuation and mitigation structural components due to the unique size and topography of the lot.

Findings Regarding Subject Property

The property is located in the General Residential Low Density (GR-L) Zoning District and also within the Mountain Overlay and Avalanche Zone. The subject property is within Warm Springs Village Subdivision 4th Addition, which was created in 1961 prior to the adoption of the City's first comprehensive zoning ordinance in 1974 (Ordinance No. 208) as well as the City's first subdivision ordinance in 1979 (Ordinance No. 316). The subject undeveloped, infill site has a total lot area of 0.16 acres. The dimensions of the subject property are noncompliant as the lot has both an area of 6,934 sq ft, which is less than the 8,000 sq ft minimum lot area required in the GR-L Zone, and a lot width of 29 ft, which is less than the 80 ft average required. The lot is also nonconforming in relation to the maximum 35% of linear footage of street frontage that may be dedicated to access off-street parking as an improved access easement spans the width of the parcel. The subject property is located on the north side of Sage Road approximately 185 ft from its intersection with Warm Springs. The Ski Hut Townhomes development borders the subject property to the southeast and an existing single-family residence is sited on the adjacent lot to the northwest. The subject property is bounded at the rear by one 83.66 acre parcel in the county and zoned Rural Residential (R-10) with a permitted density of one unit per 10 acre.

The subject property has a minimum elevation of 5898' at the southeast corner and a maximum elevation of 5920' at the northwest corner for a total elevation gain of 22'. Unlike the lots further east on Sage Road with depths exceeding 1,000 ft up the hillside, the subject trapezoidal lot has a maximum depth of 112 ft at the western property line. In addition to the nonconforming lot dimensions and topographical challenges, the subject lot is also constrained by an approximately 20 ft wide cross easement (Instrument No. 363233 & 574032) providing access for the benefit of the adjacent single-family residence at 104 Sage Road and the L & A Townhomes located at 108 Sage Road.

Findings Regarding Public Hearings

At the August 12th, 2019 meeting, the Planning & Zoning Commission held a site visit and considered the three interrelated applications associated with the Hammond House project, including the subject Mountain Overlay Design Review, as well as Staff analysis, the applicant's presentation, and public comment. After providing feedback to the applicant, the Commission continued review of the three interrelated applications requesting additional information and material from the applicant. At the September 9th, 2019 meeting, the Planning & Zoning Commission reconvened the public hearing and approved [4-1] the three interrelated applications.

Table 1: Findings Regarding City Department Comments**City Department Comments**

Note: City Department comments are preliminary and based on the project concept as proposed with the subject Design Review application. All City Departments shall review and approve the project through the Building Permit application process. All comments pertaining to the Design Review drawings are subject to change. All right-of-way improvements shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project. All City Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

Fire Department:

- It is the General Contractor's responsibility to understand and adhere to all Fire Protection Ordinance #1125 requirements in addition to any and all other City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties.
- The above project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances.
- IF a monitored fire detection system exists or is installed, it shall meet NFPA 72 and be monitored by an approved alarm monitoring station. An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department.
- Approved address numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers and letters shall be a minimum of four (4) inches tall, contrast with their background and be positioned a minimum of forty-eight (48) inches above final grade.
- Vehicle parking and material storage during construction shall not restrict or obstruct public streets or access to any building. A minimum twenty-foot travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times.
- An approved access roadway per 2012 International Fire Code Appendix D (www.ketchumfire.org) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. Grades shall not exceed 7%. Gates, if installed, are required to be siren activated for emergency vehicle access.
- Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building.
- Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers.
- Final inspections of all fire department permit required installations by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. A Final Inspection Checklist can be found at www.ketchumfire.org.
- Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

City Engineer & Streets Department:

- Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site.
- All construction for the project must comply with the standards set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards. The applicant shall submit a Construction Activity Plan addressing all applicable activities including excavation, material storage and deliveries, screening, and site clean-up (KMC §15.06.030) to be reviewed and approved by the Building Department prior to issuance of a Building Permit for the project. Pursuant to KMC §15.06.030.A.2, the applicant shall provide notice of the project, construction schedule, and general contractor's contact information to all neighbors with properties adjacent to the project site.
- The design shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code including design

criteria for private driveways (KMC §12.04.030.L).

- The public right-of-way adjacent to the subject property shall be improved to the City’s right-of-way standards for local-residential street right-of-ways. Material within the first eight (8) feet from the edge of asphalt shall be (1) distinct from the driveway in order to visually appear to be available for parking, (2) pervious and permeable to enhance drainage, and (3) the surface must allow for vehicle parking and be consistent along the entire property frontage. No live plant materials or obstructions, such as boulder or berms, are permitted within the first 8 ft from the edge of asphalt.
- The applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DIG”) Permit application with an associated traffic control plan for all construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).
- City Engineer & Streets Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

Utilities:

- The applicant will be responsible for installing connections to the water and sewer system at Sage Road.
- Requirements and specifications 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.
- Pursuant to KMC §17.92.010.D, all utilities providing services to the building shall be installed underground in order to minimize possible avalanche damage to such utilities and injury to persons or property.

Building:

- The building must meet the 2012 International Building Code and Title 15 Buildings and Construction of Ketchum Municipal Code.
- Building Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

Planning and Zoning:

Comments are denoted throughout Tables 2, 3, and 4.

Table 2: Findings Regarding Zoning and Dimensional Standards

Compliance with Zoning and Dimensional Standards				
Compliant			Standards and <i>Commission Findings</i>	
Yes	No	N/A	Ketchum Municipal Code Standard	City Standards and <i>Commission Findings</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Lot Area
			<i>Commission Findings</i>	Required: 8,000 square feet minimum Existing: 6,934 sq ft <i>Subdivided prior to the adoption of the City’s first subdivision ordinance in 1979, subject Lot 1 is an existing nonconforming lot in the GR-L Zoning District.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Coverage
			<i>Commission Findings</i>	Permitted: 35% Proposed: 31% (2,121 square feet/ 6,934 sq ft lot area)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Building Setbacks

16			Commission Findings	<p>Minimum Required Setbacks: <i>Front: 15'</i> <i>Side: > of 1' for every 3' in building height, or 5' (11'-5" required)</i> <i>Rear: 15'</i></p> <p>Proposed: <i>Front (S): The single-family residence is setback 26'-3" from the front property line, but the retaining wall and driveway pad extend into the front setback area.</i> <i>Side (E): 10'</i> <i>Side (W): < 1'</i> <i>Rear (N): <1'</i></p> <p><i>As noted in condition #1, this Mountain Overlay Design Review approval is subject to Variance P19-082 for relief from the front, rear, and side property lines required in the GR-L Zone.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040 Commission Findings	<p>Building Height</p> <p>Maximum Permitted: 35' Proposed: <i>As indicated on Sheet A-4.0, the maximum height of the single-family residence including the avalanche attenuation retaining component is 34'-6". The maximum height of the single-family residence from the top of the avalanche attenuation retaining wall is 29'-10".</i></p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.125.030.H Commission Findings	<p>Curb Cut</p> <p>Permitted: <i>A total of 35% of the linear footage of any street frontage can be devoted to access off street parking.</i></p> <p>Proposed: <i>The existing paver driveway developed within the cross easement is separated by a curb and extends across the width of the subject property. The applicant has proposed removing the existing curb in order to accommodate driveway access to the garage. The proposed driveway will extend the width of the cross easement along Lot 1. The applicant has proposed retaining the existing nonconforming curb cut.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.020.A.2 & 17.125.050 Commission Findings	<p>Parking Spaces</p> <p><i>Off-street parking standards of this chapter apply to any new development and to any new established uses.</i></p> <p>Required: <i>One-Family Dwelling Units in all Zoning Districts: 2 parking spaces per dwelling unit.</i></p> <p>Proposed: <i>The applicant is proposing a three parking spaces within the enclosed garage.</i></p>

Table 3: Findings Regarding Mountain Overlay Design Review Standards

Mountain Overlay Design Review Standards				
EVALUATION STANDARDS: Ketchum Municipal Code § 17.107.070.A				
Compliant			Standards and Commission Findings	
Yes	No	N/A	Reference	City Standards and Commission Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.1	<p>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.</p> <p>Commission Findings <i>No ridges or knolls are present on the subject development parcel—the ridge line is located beyond the extent of the rear property line.</i></p> <p><i>The property is not located adjacent to an identified or protected view corridor. The most prominent street in the vicinity is Warm Springs Road. The existing Ski Hut Townhomes development located at 100 Sage Road and existing vegetation will sufficiently screen the residence from Warm Springs Road corridor.</i></p>

17				<p>The eastern portion of Sage Road, where the subject property is located, has relatively shallow lot depths compared to properties further west along Sage Road. As the subject lot depth is relatively shallow compared to the existing developed lots along Sage Road, the proposed residence has less visual impact compared to the existing single-family residences and townhomes in the neighborhood. Existing development and vegetation provide sufficient screening.</p>
☒	☐	☐	<p>17.104.070.A.2</p>	<p>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.</p>
			<p>Commission Findings</p>	<p>Building, excavation, filling, and vegetation disturbance will not have a material visual impact visible from a public vantage point entering into or within the City due to the siting of the building footprint at the lower elevation portion of the Sage Road hillside.</p>
☒	☐	☐	<p>17.104.070.A.3</p>	<p>Driveway standards as well as other applicable standards contained in Street Standards Chapter 12.04 are met.</p>
			<p>Commission Findings</p>	<p>As indicated on Sheet C-1 of the submittal, the proposed driveway will extend from the existing improved cross easement. The paver driveway will include a snowmelt system. The proposed driveway design has been reviewed by the Streets Department and Fire Code Official. The driveway grade varies from 0 to 5%, which is less than the 7% maximum permitted by the International Fire Code.</p> <p>The public right-of-way adjacent to the subject property shall be improved to the City's right-of-way standards for local-residential street right-of-ways. Material within the first eight (8) feet from the edge of asphalt shall be (1) distinct from the driveway in order to visually appear to be available for parking, (2) pervious and permeable to enhance drainage, and (3) the surface must allow for vehicle parking and be consistent along the entire property frontage. No live plant materials or obstructions, such as boulder or berms, are permitted within the first 8 ft from the edge of asphalt.</p> <p>As indicated on Sheet A-1.0 of the MO Design Review submittal drawings, a stairway and associated retaining walls encroach onto the cross easement. Per the cross easement, no owner may erect, build, locate, or maintain any improvement on the easement premises. Prior to issuance of a Building Permit for the project, the applicant shall submit written consent from the adjacent property owners and easement beneficiaries (Instrument #363233 and #574032) for all proposed encroachments within the easement area.</p> <p>See Table 1 for comment from the Streets and Fire departments. Fire and Streets department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</p>
☒	☐	☐	<p>17.104.070.A.4</p>	<p>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.</p>
			<p>Commission Findings</p>	<p>Sufficient access is provided for fire and emergency apparatus to reach within 150 ft of the furthest exterior wall of the building. The Fire Department has reviewed the proposed design and has found that all access requirements for emergency vehicles has been met. Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</p>
☒	☐	☐	<p>17.104.070.A.5</p>	<p>Significant rock outcroppings are not disturbed.</p>
			<p>Commission Findings</p>	<p>No significant rock outcroppings have been identified on the subject site.</p>
☒	☐	☐	<p>17.104.070.A.6</p>	<p>International Building Code (IBC) and International Fire Code (IFC) and Ketchum Fire Department requirements shall be met.</p>
			<p>Commission Findings</p>	<p>The project must comply with the 2012 International Building Code, the 2012 International Fire Code and Ketchum Fire Department requirements, as well as Title 15</p>

18				<i>of Ketchum Municipal Code. All IBC, IFC, Building Department, and Fire Department requirements shall be verified and met 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.7	Public water and sewer service comply with the requirements of the City.
			Commission Findings	<i>As indicated on Sheet C-1 of the submittal, the applicant has proposed connecting to the municipal water and sewer systems from existing lines within the Sage Road right of way. 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	Drainage is controlled and maintained to not adversely affect other properties.
			Commission Findings	<i>The applicant has proposed a combination drywells and catch basins to control drainage on site. Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site. The applicant has submitted specifications and details for the drywells and catch basins as indicated on Sheet C-2 of the Design Review submittal. 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	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.
			Commission Findings	<i>No new roadway is proposed with the project. Serving as an avalanche mitigation feature, the driveway pad spans the depth of the lot at the east interior property line for approximately 75 ft. The eastern portion of the property is located at the lowest elevation of the site, which minimizes the visual impact of the driveway. While the Mountain Overlay Design Review criteria include minimizing the length of driveways, the applicant's proposed location is the most appropriate site for concealing the driveway. As the driveway pad also serves as an avalanche mitigation component, the Commission finds that the proposed driveway access to be in the most appropriate location for the specific site. The proposed driveway access does not significantly increase the curb cut from Sage Road.</i> <i>As indicated on Sheet LS-01 of the Design Review submittal, the landscape plan includes the installation of two fir and three aspen trees to serve as a landscape buffer between the proposed development and the adjacent single-family residence to the west. A variety of shrubs including clematis, hops, dogwood, viburnum, spirea, snowberry, and lilac are proposed in beds surrounding the entry porch. The applicant has proposed a natural grasses to revegetate the west side yard. A limited amount of lawn grass is proposed in the front yard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070. A.10	There are not other sites on the parcel more suitable for the proposed development in order to carry out the purposes of this Ordinance.
			Commission Findings	<i>The trapezoidal development site is characterized by both dimensional and topographical constraints. The dimensions of the subject property are noncompliant as the lot has both an area of 6,934 sq ft, which is less than the 8,000 sq ft minimum lot area required in the GR-L Zone, and a lot width of 29 ft, which is less than the 80 ft average required. Unlike the lots further east on Sage Road with depths exceeding 1,000 ft up the hillside, the subject lot has a maximum depth of 112 ft at the western property line. In addition to dimensional and topographical challenges, the site is further constrained by the cross easement, which serves as driveway access to three adjacent dwelling units to the west. The proposed avalanche attenuation device at the rear of the property is approximately 18 ft in width. These factors constrain the total feasible buildable area of the lot. The Commission finds that due to these constraints,</i>

19				<i>the applicant has utilized the area of the property the most suitable for the development of single-family residence. As noted in condition #1, this Mountain Overlay Design Review approval is subject to Variance P19-082 for relief from the front, rear, and side property lines required in the GR-L Zone.</i>
<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.
			Commission Findings	<i>The proposed driveway access does not traverse 25% or greater slopes. The applicant has chosen to site the driveway at the lowest elevation of the site, which minimizes required cuts or fills.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070. A.12	Utilities shall be underground.
			Commission Findings	<i>All on-site utilities shall be located underground. The project will connect to municipal water and sewer services in the Sage Road right of way.</i>
<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.
			Commission Findings	<i>Due to site constraints, the Commission anticipates the most of the lot area will be subject to construction disturbance. As the avalanche attenuation patio is sited adjacent to the rear property line, construction disturbance may extend over the property line. The limits of disturbance must be established on the construction activity plan submitted with the Building Permit application to be reviewed and approved by the Planning & Building Department prior to issuance of a Building Permit for the project. The applicant will be required to submit written consent from adjacent property owners if construction disturbance extends over the property line. As conditioned, the project will meet this standard.</i>
<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.
			Commission Findings	<i>Excavation, fill, and vegetation disturbances that are not associated with building construction have been minimized - all excavation, fill and vegetation disturbance is associated with construction of the building, driveway, and avalanche attenuation walls that will serve the development.</i>
<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.
			Commission Findings	<i>No significant landmarks have been identified on the subject property.</i>

Table 4: Findings Regarding Design Review Standards

Design Review Requirements				
IMPROVEMENTS AND STANDARDS: 17.96.060				
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(1) Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.
			Commission Findings	<i>The driveway access connects to the existing cross easement connected to Sage Road.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(A)(2) Streets	All street designs shall be approved by the City Engineer.
			Commission Findings	<i>No changes to the lanes of travel in the street are proposed at this time. However, should improvements be deemed necessary by the Streets Department, such designs shall be approved by the City Engineer.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(B)(1)	All projects under 17.96.010(A) that qualify as a "Substantial Improvement" shall install sidewalks as required by the Public Works Department.
			Commission Findings	<i>N/A as sidewalks are not required or existing in the subject low density residential area.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(2)c	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.

20			<i>Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(3)	<p>Sidewalks may be waived if one of the following criteria is met:</p> <ol style="list-style-type: none"> 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>Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(4)	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>Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(5)	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>Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(6)	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.
			<i>Commission Findings</i>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(1)	All storm water shall be retained on site.
			<i>Commission Findings</i>	<p><i>All storm water shall be retained on site. As indicated on Sheet C-1 of the Design Review submittal, drainage is proposed to be maintained and controlled through a system of catch basins and drywells. The specifications for the catch basins and drywells are included on Sheet C-2.</i></p> <p><i>The final drainage plan shall be submitted with the Building Permit to be verified, reviewed, and approved by the City Engineer and the Streets Department prior to issuance of a Building Permit for the project.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
			<i>Commission Findings</i>	<i>The proposed drainage improvements span the width of the subject lot. See above analysis for KMC §17.96.060(C)(1).</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(3)	The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
			<i>Commission Findings</i>	<i>The final drainage plan shall be submitted with the Building Permit to be verified, reviewed, and approved by the City Engineer and the Streets Department prior to issuance of a Building Permit for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(4)	Drainage facilities shall be constructed per City standards.
			<i>Commission Findings</i>	<i>Drainage facilities shall be constructed per City standards. All drainage improvements shall be verified, 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)	All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
			<i>Commission Findings</i>	<i>The applicant is aware that any service connections to utilities are the sole responsibility of the applicant.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(2)	Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.

			Commission Findings	<i>All on-site utilities shall be located underground. The project will connect to existing water and sewer lines within the Sage Road ROW and the associated existing infrastructure is underground.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(D)(3)	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.
			Commission Findings	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(E)(1)	The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.
			Commission Findings	<i>As indicated on Sheet A-4.0 of the Design Review submittal, exterior materials include a core-ten metal standing seam roof, aluminum gutters and downspouts with a charcoal finish, vertical seam metal siding with a rust patina finish, core-ten metal siding panels, and concrete with a natural finish. Adjacent residential development includes similar exterior materials including wood, stucco, and stone. The Commission finds that the project's proposed materials and colors complement the Sage Road neighborhood and surrounding hillside.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(2)	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.
			Commission Findings	<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)	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.
			Commission Findings	<i>N/A. The subject property is currently undeveloped except for the improved cross access improvement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(1)	Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.
			Commission Findings	<i>N/A. No sidewalks are located on Sage Road, but the multi-use path along Warm Springs Road is adjacent to the property. The building design provides unobstructed access to Sage Road. The entry landing and stairs are proposed to include a snowmelt system.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(2)	The building character shall be clearly defined by use of architectural features.
			Commission Findings	<i>Building elevations are included on Sheets A-4.0 and A-4.1 of the submittal. Sheet A-5.0 depicts 3D renderings of the proposed residence. The façade design includes both vertical elements, such as the vertical seam metal garage doors, and horizontal elements such as the core-ten metal siding panels and guardrails, to provide visual interest. The combination of materials, color variation, and the vertical and horizontal finishes provide undulation and relief to the façade design.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(3)	There shall be continuity of materials, colors and signing within the project.
			Commission Findings	<i>The proposed materials and color palette minimize visual impact to the hillside through the use of neutral and unreflective elements. 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)	Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.
			Commission Findings	<i>The concrete retaining walls echo the concrete components of the structure. The applicant has incorporated planter beds within the avalanche attenuation patio to soften the visual impact of the concrete mass.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(5)	Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.
			Commission Findings	<i>Material differentiation and fenestration provide relief to the front and rear façades. The side facades lack undulation and relief. The applicant has proposed recessed elements at the side facades in order to provide visual interest.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(6)	Building(s) shall orient towards their primary street frontage.
			Commission Findings	<i>The building orients toward Sage Road.</i>

	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(7)	Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.
			<i>Commission Findings</i>	<i>No satellite receivers are proposed. This is a residential project that will not have an exterior commercial garbage receptacle that requires screening.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(8)	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>Commission Findings</i>	<i>The applicant has proposed the installation of a snow fence or clips as gutters and downspouts in order to enhance weather protection.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(1)	Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.
			<i>Commission Findings</i>	<i>The subject property is an infill site located within a residential neighborhood. The site is not contiguous to an existing pedestrian, equestrian, or bicycle access although there is a multi-use path adjacent to Warm Springs Road. No new pedestrian, equestrian, or bicycle accesses are anticipated or proposed for the subject property,</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(2)	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.
			<i>Commission Findings</i>	<i>N/A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(3)	Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.
			<i>Commission Findings</i>	<i>Sage Road is located in a low-traffic residential and traffic is anticipated to flow safely within the project and onto adjacent streets.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(4)	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.
			<i>Commission Findings</i>	<i>The driveway entrances are located over 150 ft from the nearest intersection located at Sage Road and Warm Springs.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(5)	Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.
			<i>Commission Findings</i>	<i>Unobstructed access to the site is provided by Sage Road.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(1)	Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
			<i>Commission Findings</i>	<i>The applicant has proposed a snowmelt system in lieu of providing a snow storage area.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(2)	Snow storage areas shall be provided on-site.
			<i>Commission Findings</i>	<i>The applicant has proposed a snowmelt system in lieu of providing a snow storage area.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(3)	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.
			<i>Commission Findings</i>	<i>The applicant has proposed a snowmelt system in lieu of providing a snow storage area.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(4)	In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.
			<i>Commission Findings</i>	<i>The applicant has proposed a snow melt system for all vehicular and pedestrian circulation areas.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	Landscaping is required for all projects.
			<i>Commission Findings</i>	<i>Landscape plans have been submitted with this proposal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(2)	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>Commission Findings</i>	<i>As indicated on Sheet LS-01 of the Design Review submittal, the landscape plan includes the installation of two fir and three aspen trees to serve as a landscape buffer between the proposed development and the adjacent single-family residence to the west. A variety of shrubs including clematis, hops, dogwood, viburnum, spirea, snowberry, and lilac are proposed in beds surrounding the entry porch. The applicant has proposed a natural grasses to revegetate the west side yard. A limited amount of lawn grass is proposed in the front yard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(3)	All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.
			<i>Commission Findings</i>	<i>As noted on Sheet LS-01, the applicant has indicated that the proposed landscape materials require limited irrigation.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(4)	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>Commission Findings</i>	<i>The landscaping proposed for this residential project in the Mountain Overlay is appropriate. Staff recommends enhancing the landscape screening in order to buffer the multiple driveway accesses in this corridor.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(J)(1)	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>Commission Findings</i>	<i>N/A. Sidewalks are not required for the project.</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 Mountain Overlay Design Review Application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Design Review Application pursuant to Chapter 17.96 of Ketchum Code Title 17.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
2. The Mountain Overlay Design Review Application is governed under Ketchum Municipal Code Chapters 17.96, 17.104, 17.92, 17.116, 17.148, 17.124, and 17.128.
3. The proposed Mountain Overlay Design Review for the development of a new 4,080 sq ft single-family residence meets the standards of approval under Title 17 of KMC subject to conditions of approval.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Design Review application this Monday, September 9th, 2019 subject to the following conditions:

CONDITIONS OF APPROVAL

1. The Mountain Overlay Design Review approval is subject to Conditional Use Permit P19-081 and Variance Request P19-082. All associated conditions of approval shall apply.
2. All City Department conditions as described in Table 1 shall be met. All City Departments shall verify comments, review, and approve the project prior to issuance of a Building Permit for the project. All comments pertaining to the Mountain Overlay Design Review application are subject to change.
3. The limits of disturbance must be established on the construction activity plan submitted with the Building Permit application to be reviewed and approved by the Planning & Building Department prior to issuance of a Building Permit for the project. The applicant will be required to submit written consent from adjacent property owners if construction disturbance extends over the property line. Construction fencing at the limits of disturbance shall be installed on the site prior to any excavation or earthwork and remain in place throughout the duration of construction.
4. As indicated on Sheet A-1.0 of the MO Design Review submittal drawings (Exhibit B1), a stairway and associated retaining walls encroach onto the improved cross easement. Per the cross easement, no owner may erect, build, locate, or maintain any improvement on the easement premises. Prior to issuance of a Building Permit for the project, the applicant shall submit written consent from the adjacent property owners and easement beneficiaries (Instrument #363233 and #574032) for all proposed encroachments within the easement area.
5. Prior Building Permit issuance for the project, an independent third-party review of the avalanche evaluation, associated design loads, and structural plans shall be submitted to the Planning & Building Department for review and approval. Subject evaluation, among other items, shall assure the project (1) does not deflect the avalanche onto neighboring properties, (2) does not create hazards for occupants of the structure due to blocked egress or other design considerations (glazing, gathering areas, etc.), and (3) does not threaten to increase the danger to persons or property. Any significant modifications to the approved set of plans that result from the third-party review will be forwarded to the Planning & Zoning Commission for review and approval. Any changes that qualify as a minor modification as defined by KMC §17.08.020 may be reviewed and approved by the Administrator.
6. As the property is located within the Avalanche Zone, the project shall comply with all applicable standards specified in Chapter 17.92 Avalanche Zone District.
7. A final drainage/grading plan for the subject property and final civil drawings for the adjacent right-of-way shall be submitted to the Planning & Building Department for review and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.
8. The public right-of-way adjacent to the subject property shall be improved to the City's right-of-way standards for local-residential street right-of-ways. Material within the first eight (8) feet from the edge of asphalt shall be (1) distinct from the driveway in order to visually appear to be available for parking, (2) pervious and permeable to enhance drainage, and (3) the surface must allow for vehicle parking and be consistent along the entire property frontage. No live plant materials or obstructions, such as boulder or berms, are permitted within the first 8 ft from the edge of asphalt.
9. This Design Review approval is based on the plans and information presented and approved at the meeting on the dates 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.
10. All construction for the project must comply with the standards set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards.
11. All governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer shall be met prior to issuance of Certificate of Occupancy.

12. The applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DIG”) Permit application with an associated traffic control plan for any construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).
13. Design Review approval shall expire one (1) year from the date the Findings of Fact, Conclusions of Law, and Decision are adopted by the Planning & Zoning Commission, unless is an extension is requested and granted consistent with KMC §17.96.090.
14. All Design Review elements shall be completed prior to final inspection.
15. 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 Occupancy for the project.
16. 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 October, 2019.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)	
)	
Hammond House (120 Sage Rd SFR))	KETCHUM PLANNING AND ZONING COMMISSION
Variance)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: October 14, 2019)	DECISION
)	
File Number: 19-082)	

PROJECT: Hammond House (102 Sage Road SFR)

APPLICATION TYPE: Variance

FILE NUMBER: P19-082

PROPERTY OWNER: Rockwell Hammond

REPRESENTATIVE: Neil Middleton & Lars Guy

REQUEST: Conditional Use Permit for the installation of an associated avalanche attenuation device

LOCATION: 102 Sage Road (Warm Springs Village 4th Addition: Block 3: Lot 1)

ZONING: General Residential Low Density (GR-L) Zoning District

OVERLAY: Mountain Overlay and Avalanche Zone

NOTICE: A public hearing notice for the three interrelated applications associated with the Hammond House project, including the subject Variance, was mailed to all property owners within 300 ft of the development site on July 24th, 2019. The public hearing notice was published in the Idaho Mountain Express on July 24th, 2019. A public hearing notice was posted on the subject property on August 6th, 2019 and was posted to the City website on August 7th, 2019.

Findings Regarding Applications Filed

The Hammond House project is comprised of three interrelated development applications for the construction of a new 4,080 sq ft single-family residence located at 102 Sage Road (Warm Springs Village 4th Addition: Block 3: Lot 1). In conjunction with Mountain Overlay Design Review, the applicant has submitted a Conditional Use Permit application for the installation of an avalanche attenuation device (KMC §17.92.010.D2) as well as a Variance request for relief from the required front, rear, and side yard setbacks.

Pursuant to Ketchum Municipal Code (KMC) §17.104.050.A, the construction or placement of structures within the Mountain Overlay District is subject to all applicable Design Review improvements and standards (KMC §17.96.060) as well as to the Mountain Overlay Design Review requirements set forth in KMC §17.104.070. The purpose of the MO Zoning District is to encourage land uses harmonious with existing natural resources, protect natural land features and wildlife habitat, prohibit detrimental alteration and minimize impacts to the

27 Existing topography, preserve hillsides and ridges, and minimize the visual impact by siting building footprint away from higher elevations.

The Sage Road neighborhood is characterized by hazards associated with red and blue avalanche zones. Building in the Avalanche Zone must meet the standards and comply with certain restrictions specified in KMC §17.92.010. New construction in the Avalanche Zone must be certified by an engineer licensed in the State of Idaho certifying that the proposed construction as designed will withstand the avalanche forces specific to the development site (KMC §17.02.010.D.3). Avalanche structures or earthwork that threaten to deflect avalanches toward the property of others or otherwise threaten to increase the danger to persons or property are prohibited (KMC §17.02.010.D.2). Avalanche attenuation and protective structures require the review and approval of a Conditional Use Permit. The applicant has submitted a Variance request from the required yard setbacks in order to accommodate the required avalanche attenuation structural components.

The applicant has requested the variance as the minimum relief necessary in order to accommodate the necessary avalanche attenuation and mitigation structural components due to the unique size and topography of the lot. Ketchum Municipal Code specifies different standards for decks and walls in relation to required setbacks and building coverage calculations. Pursuant to KMC §17.128.020.H, decks less than 30" in height from grade may be constructed to the property line and are not included in the calculation for building coverage (KMC §17.08.020). Decks greater than 30" in height from grade are included in the building coverage calculation and must comply with all setbacks unless considered to be a similar architectural feature to a cornice, canopy, or chimney chase, which may encroach into a required yard setback a maximum of 3 ft (KMC §17.128.020.A). Fences, hedges, and walls may not exceed 4 ft in height when located less than 30 ft from the front lot line and may not exceed 6 ft when located more than 30 ft from the front lot line. Fences, hedges, and freestanding walls are not qualified as structures for the purposes of determining setbacks (Definition of *Structure* KMC §17.08.020). Appendages to structures, such as the attached patio and driveway pad proposed by the applicant, are considered to be part of the building for the purpose of determining setback and building coverage unless otherwise specified (Definition of *Building* KMC §17.08.020). While serving as avalanche containment and mitigation features, the patio and driveway pad are appendages of the residence and as such are subject to setback requirements.

The patio at the rear elevation, avalanche retaining walls, and driveway pad encroach into the required setbacks from the front, rear, and side property lines required in the GR-L Zone. The applicant has submitted a Variance request from the required yard setbacks in order to accommodate the required avalanche attenuation structural components. The applicant has requested the variance as the minimum relief necessary in order to accommodate the necessary avalanche attenuation and mitigation structural components due to the unique size and topography of the lot.

Ketchum Municipal Code defines a variance as:

A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, parking areas, height of buildings, or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots (KMC §17.08.020).

Per KMC §17.148.010, a variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of unique characteristics of the site, and that the variance is not in conflict with the public interest. A variance may be granted by the Planning & Zoning Commission only if the applicant demonstrates compliance with all of the variance criteria as outlined in KMC §17.148.010.

Findings Regarding Subject Property

The property is located in the General Residential Low Density (GR-L) Zoning District and also within the Mountain Overlay and Avalanche Zone. The subject property is within Warm Springs Village Subdivision 4th Addition, which was created in 1961 prior to the adoption of the City's first comprehensive zoning ordinance in 1974 (Ordinance No. 208) as well as the City's first subdivision ordinance in 1979 (Ordinance No. 316). The subject undeveloped, infill site has a total lot area of 0.16 acres. The dimensions of the subject property are noncompliant as the lot has both an area of 6,934 sq ft, which is less than the 8,000 sq ft minimum lot area required in the GR-L Zone, and a lot width of 29 ft, which is less than the 80 ft average required. The lot is also nonconforming in relation to the maximum 35% of linear footage of street frontage that may be dedicated to access off-street parking as an improved access easement spans the width of the parcel. The subject property is located on the north side of Sage Road approximately 185 ft from its intersection with Warm Springs. The Ski Hut Townhomes development borders the subject property to the southeast and an existing single-family residence is sited on the adjacent lot to the northwest. The subject property is bounded at the rear by one 83.66 acre parcel in the county and zoned Rural Residential (R-10) with a permitted density of one unit per 10 acre.

The subject property has a minimum elevation of 5898' at the southeast corner and a maximum elevation of 5920' at the northwest corner for a total elevation gain of 22'. Unlike the lots further east on Sage Road with depths exceeding 1,000 ft up the hillside, the subject trapezoidal lot has a maximum depth of 112 ft at the western property line. In addition to the nonconforming lot dimensions and topographical challenges, the subject lot is also constrained by an approximately 20 ft wide cross easement (Instrument No. 363233 & 574032) providing access for the benefit of the adjacent single-family residence at 104 Sage Road and the L & A Townhomes located at 108 Sage Road.

Findings Regarding Public Hearings

At the August 12th, 2019 meeting, the Planning & Zoning Commission held a site visit and considered the three interrelated applications associated with the Hammond House project, including the subject Mountain Overlay Design Review, as well as Staff analysis, the applicant's presentation, and public comment. After providing feedback to the applicant, the Commission continued review of the three interrelated applications requesting additional information and material from the applicant. At the September 9th, 2019 meeting, the Planning & Zoning Commission reconvened the public hearing and approved [4-1] the three interrelated applications.

Findings Regarding Variance Evaluation Standards (KMC Chapter 17.148)

KMC §17.148.010.A. The strict enforcement of the provisions of this title creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship.

The subject property is within Warm Springs Village Subdivision 4th Addition, which was created in 1961 prior to the adoption of the City's first comprehensive zoning ordinance in 1974 (Ordinance No. 208) as well as the City's first subdivision ordinance in 1979 (Ordinance No. 316). The subject undeveloped, infill site has a total lot area of 0.16 acres. The dimensions of the subject property are noncompliant as the lot has both an area of 6,934 sq ft, which is less than the 8,000 sq ft minimum lot area required in the GR-L Zone, and a lot width of 29 ft, which is less than the 80 ft average required. Unlike the lots further east on Sage Road with depths exceeding 1,000 ft up the hillside, the subject trapezoidal lot has a maximum depth of 112 ft at the western property line. In addition to the nonconforming lot dimensions and topographical challenges, the subject lot is also constrained by an approximately 20 ft wide cross easement (Instrument No. 363233 & 574032) providing access for the benefit of the adjacent single-family residence at 104 Sage Road and the L & A Townhomes located at 108 Sage Road.

Commission Finding: This standard has been met. The Commission finds that the dimensional constraints and topographical challenges create an undue hardship to the property owners.

KMC §17.148.010.B. The variance is necessary because of the unique size, shape, topography or location of the subject property.

The trapezoidal development site is characterized by both dimensional and topographical constraints. The dimensions of the subject property are noncompliant as the lot has both an area of 6,934 sq ft, which is less than the 8,000 sq ft minimum lot area required in the GR-L Zone, and lot width of 29 ft, which is less than the 80 ft average required. In addition to dimensional and topographical challenges, the site is further constrained by the cross easement, which serves as driveway access to three adjacent dwelling units to the west. The proposed avalanche attenuation device at the rear of the property is approximately 18 ft in width. These factors constrain the total feasible buildable area of the lot. The Commission has found that due to these constraints, the applicant has utilized the area of the property the most suitable for the development of single-family residence.

Commission Finding: The standard has been met. The applicant has provided sufficient support that a Variance is the minimum relief required due to the unique size, shape, and topography of the subject lot.

KMC §17.148.010.C. The subject property is deprived, by provision of this title, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone.

The subject property is denied the same rights and privileges enjoyed legally by other properties in the vicinity and under the GR-L Zone as the dimensional and topographical constraints in conjunction with the associated avalanche hazards would preclude the development of a residential dwelling unit.

Commission Finding: This standard has been met due to the dimensional and topographical constraints in conjunction with the associated avalanche hazards would preclude the development of a residential dwelling unit. The avalanche mitigation required for the site precludes an alternative design for a single-family residence that would comply with the zoning and dimensional standards within Title 17 of Ketchum Municipal Code.

KMC §17.148.010.D. The need for the variance is not the result of actions of the applicant or property owner.

The need for the variance is not the result of the actions of the applicant or property owner, but is due to the subject properties topographical challenges and dimensional constraints as well as the avalanche hazards associated with the site.

Commission Finding: This standard has been met. The subject property is within Warm Springs Village Subdivision 4th Addition, which was created in 1961 prior to the adoption of the City's first comprehensive zoning ordinance in 1974 (Ordinance No. 208) as well as the City's first subdivision ordinance in 1979 (Ordinance No. 316).

KMC §17.148.010.E. The variance does not create health and safety hazards.

The plans submitted for a Building Permit shall include a certification stamped by an engineer licensed in the State of Idaho confirming that the single-family residence and associated avalanche protection devices will resist the avalanche forces associated with the site and that all proposed improvements will not deflect avalanche debris toward the property of others. Prior Building Permit issuance for the project, an independent third-party review of the avalanche evaluation, associated design loads, and structural plans shall be submitted to the Planning & Building Department for review and approval. Subject evaluation, among other items, shall assure the project (1) does not deflect the avalanche onto neighboring properties, (2) does not create hazards

or occupants of the structure due to blocked egress or other design considerations (glazing, gathering areas, etc.), and (3) does not threaten to increase the danger to persons or property. As conditioned, the variance does not create health or safety hazards.

Commission Finding: As conditioned, this standard has been met.

KMC §17.148.010.F. The variance does not relieve an applicant from any of the procedural provisions of this title.

The variance request does not relieve the applicant from any of the procedural provisions of Title 17. All standard permitting processes would apply to any further construction at the site. As noted in condition #1, the Variance is subject to Mountain Overlay Design Review P19-021 and Conditional Use Permit P19-081. The applicant will be required to submit a Building Permit for the proposed construction of the new single-family residence. Excepting any regulations that may be relieved through the approval of the associated variance, the Planning & Building Department would ensure that the project comply with dimensional standards of the GR-L Zoning District as well as all applicable standards and regulations specified within KMC Title 17 as part of Building Permit application review.

Commission Finding: This standard has been met.

KMC §17.148.010.G. The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted.

Ketchum Municipal Code defines a variance as:

A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, parking areas, height of buildings, or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots (KMC §17.08.020).

The applicant's request for a variance is in accordance with the definition of variance as defined in Ketchum Municipal Code and with the procedural standards for processing variance requests as outlined in KMC §17.148.020. No request has been made from any standard that prohibits the option to request a variance.

Commission Finding: This standard has been met.

KMC §17.148.010.H. The variance does not relieve an applicant from conditions established during prior permit review.

The variance does not relieve the applicant from conditions established during any prior permit review. Pursuant to condition #1, the Variance is subject to Mountain Overlay Design Review P19-021 and Conditional Use Permit P19-081. As indicated on Sheet A-1.0 of the MO Design Review submittal drawings, a stairway and associated retaining walls encroach onto the improved cross easement. Per the cross easement, no owner may erect, build, locate, or maintain any improvement on the easement premises. Prior to issuance of a Building Permit for the project, the applicant shall submit written consent from the adjacent property owners and easement beneficiaries (Instrument #363233 and #574032) for all proposed encroachments within the easement area.

Commission Finding: This standard has been met.

KMC §17.148.010.I. The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the subject property is located.

A single-family dwelling as proposed with the three interrelated applications is a permitted use within the GR-L Zoning District (KMC §17.12.020).

Commission Finding: This standard has been met.

KMC §17.148.010.J. The variance is the minimum necessary to grant relief to the applicant.

Due to the topographical constraints and dimensional constraints, the variance is the minimum necessary to grant relief to the applicant.

Recommendation: This standard has been meet due to the dimensional and topographical constraints in conjunction with the associated avalanche hazards would preclude the development of a residential dwelling unit. The avalanche mitigation required for the site precludes an alternative design for a single-family residence that would comply with the zoning and dimensional standards within Title 17 of Ketchum Municipal Code.

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 Variance Application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Variance Application pursuant to Chapter 17.116 of Ketchum Code Title 17.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
2. The Conditional Use Permit Application is governed under Ketchum Municipal Code Chapters 17.96, 17.104, 17.92, 17.116, 17.148, 17.124, and 17.128.
3. The proposed Variance application for relief from the front, rear, and side setbacks required in the GR-L Zone in order to accommodate the required avalanche attenuation device meets the standards of approval under Title 17 of KMC subject to conditions of approval.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Variance application this Monday, September 9th, 2019 subject to the following conditions:

CONDITIONS OF APPROVAL

1. The Variance is subject to Mountain Overlay Design Review P19-021 and Conditional Use Permit P19-081. All associated conditions of approval shall apply.
2. Per Ketchum Municipal Code §17.148.050, all variances shall be issued and construction shall commence within six (6) month from the date that such variance is granted, otherwise, the variance shall no longer be considered valid.
3. The plans submitted for a Building Permit shall be stamped by an engineer licensed in the State of Idaho certifying that the single-family residence and associated avalanche protection devices will resist

the avalanche forces associated with the site and that all proposed improvements will not deflect avalanche debris toward the property of others.

4. As the property is located within the Avalanche Zone, the project shall comply with all applicable standards specified in Chapter 17.92 Avalanche Zone District.
5. This Variance approval is based on the application presented at the Planning and Zoning Commission meetings of August 12th, 2019 and September 9th, 2019.
6. All governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer shall be met prior to issuance of Certificate of Occupancy.
7. 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 October, 2019.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)	
)	
Hammond House (120 Sage Rd SFR))	KETCHUM PLANNING AND ZONING COMMISSION
Conditional Use Permit)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: October 14, 2019)	DECISION
)	
File Number: 19-081)	

PROJECT: Hammond House

APPLICATION TYPE: Conditional Use Permit

FILE NUMBER: P19-081

PROPERTY OWNER: Rockwell Hammond

REPRESENTATIVE: Neil Middleton & Lars Guy

REQUEST: Conditional Use Permit for the installation of an avalanche attenuation device associated with the development of a new 4,080 sq ft single-family residence

LOCATION: 102 Sage Road (Warm Springs Village 4th Addition: Block 3: Lot 1)

ZONING: General Residential Low Density (GR-L) Zoning District

OVERLAY: Mountain Overlay and Avalanche Zone

NOTICE: A public hearing notice for the three interrelated applications associated with the Hammond House project, including the subject Conditional Use Permit, was mailed to all property owners within 300 ft of the development site on July 24th, 2019. The public hearing notice was published in the Idaho Mountain Express on July 24th, 2019. A public hearing notice was posted on the subject property on August 6th, 2019 and was posted to the City website on August 7th, 2019.

Findings Regarding Applications Filed

The Hammond House project is comprised of three interrelated development applications for the construction of a new 4,080 sq ft single-family residence located at 102 Sage Road (Warm Springs Village 4th Addition: Block 3: Lot 1). In conjunction with Mountain Overlay Design Review, the applicant has submitted a Conditional Use Permit application for the installation of an avalanche attenuation device (KMC §17.92.010.D2) as well as a Variance request for relief from the required front, rear, and side yard setbacks.

Pursuant to Ketchum Municipal Code (KMC) §17.104.050.A, the construction or placement of structures within the Mountain Overlay District is subject to all applicable Design Review improvements and standards (KMC §17.96.060) as well as to the Mountain Overlay Design Review requirements set forth in KMC §17.104.070. The purpose of the MO Zoning District is to encourage land uses harmonious with existing natural resources, protect natural land features and wildlife habitat, prohibit detrimental alteration and minimize impacts to the

34 Existing topography, preserve hillsides and ridges, and minimize the visual impact by siting building footprint away from higher elevations.

The Sage Road neighborhood is characterized by hazards associated with red and blue avalanche zones. Building in the Avalanche Zone must meet the standards and comply with certain restrictions specified in KMC §17.92.010. New construction in the Avalanche Zone must be certified by an engineer licensed in the State of Idaho certifying that the proposed construction as designed will withstand the avalanche forces specific to the development site (KMC §17.02.010.D.3). Avalanche structures or earthwork that threaten to deflect avalanches toward the property of others or otherwise threaten to increase the danger to persons or property are prohibited (KMC §17.02.010.D.2). Avalanche attenuation and protective structures require the review and approval of a Conditional Use Permit. The applicant has submitted a Variance request from the required yard setbacks in order to accommodate the required avalanche attenuation structural components. The applicant has requested the variance as the minimum relief necessary in order to accommodate the necessary avalanche attenuation and mitigation structural components due to the unique size and topography of the lot.

Conditional Use Permits for avalanche attenuation devices have been granted within the neighborhood including the adjacent L & A Townhome development (Application Number 95-011) located at 108 Sage Road. The proposed avalanche attenuation devices are structurally integrated into the design of the single-family residences. The applicant has submitted an XCell Engineering Avalanche Evaluation and Plan Review Summary. According to the XCell Engineering Avalanche Evaluation and Plan Review Summary, the avalanche attenuation device is incorporated in the design of the structure and is comprised of five components. The east wall of the residence serves as the primary buffer to dissipate most of the impact force in the case of an avalanche event. The patio area at the rear elevation serves as a secondary control for snow overtopping the avalanche wall at the northeast corner of the house. Additional avalanche attenuation components include the north wall of the structure and the driveway pad along the east interior property line.

Findings Regarding Subject Property

The property is located in the General Residential Low Density (GR-L) Zoning District and also within the Mountain Overlay and Avalanche Zone. The subject property is within Warm Springs Village Subdivision 4th Addition, which was created in 1961 prior to the adoption of the City's first comprehensive zoning ordinance in 1974 (Ordinance No. 208) as well as the City's first subdivision ordinance in 1979 (Ordinance No. 316). The subject undeveloped, infill site has a total lot area of 0.16 acres. The dimensions of the subject property are noncompliant as the lot has both an area of 6,934 sq ft, which is less than the 8,000 sq ft minimum lot area required in the GR-L Zone, and a lot width of 29 ft, which is less than the 80 ft average required. The lot is also nonconforming in relation to the maximum 35% of linear footage of street frontage that may be dedicated to access off-street parking as an improved access easement spans the width of the parcel. The subject property is located on the north side of Sage Road approximately 185 ft from its intersection with Warm Springs. The Ski Hut Townhomes development borders the subject property to the southeast and an existing single-family residence is sited on the adjacent lot to the northwest. The subject property is bounded at the rear by one 83.66 acre parcel in the county and zoned Rural Residential (R-10) with a permitted density of one unit per 10 acre.

The subject property has a minimum elevation of 5898' at the southeast corner and a maximum elevation of 5920' at the northwest corner for a total elevation gain of 22'. Unlike the lots further east on Sage Road with depths exceeding 1,000 ft up the hillside, the subject trapezoidal lot has a maximum depth of 112 ft at the western property line. In addition to the nonconforming lot dimensions and topographical challenges, the subject lot is also constrained by an approximately 20 ft wide cross easement (Instrument No. 363233 & 574032) providing access for the benefit of the adjacent single-family residence at 104 Sage Road and the L & A Townhomes located at 108 Sage Road.

Findings Regarding Public Hearings

At the August 12th, 2019 meeting, the Planning & Zoning Commission held a site visit and considered the three interrelated applications associated with the Hammond House project, including the subject Mountain Overlay Design Review, as well as Staff analysis, the applicant’s presentation, and public comment. After providing feedback to the applicant, the Commission continued review of the three interrelated applications requesting additional information and material from the applicant. At the September 9th, 2019 meeting, the Planning & Zoning Commission reconvened the public hearing and approved [4-1] the three interrelated applications.

Table 1: Findings Regarding 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>Commission Findings</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.
			Commission Findings	<i>The Sage Road neighborhood is characterized by hazards associated with red and blue avalanche zones. Conditional Use Permits for avalanche attenuation devices have been granted within the area including the adjacent A&L Townhome development (Application Number 95-011) located at 108 Sage Road. The avalanche attenuation devices are structurally integrated into the design of the single-family residences. Both single-family and multiple-family dwelling units are a permitted use in the GR-L Zoning District.</i>
<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.
			Commission Findings	<i>Consistent with KMC §17.92.010.D.2, avalanche protective, deflective, and preventative structures, which threaten to deflect avalanches toward the property of others or otherwise threaten to persons or property are prohibited. The construction of avalanche attenuation devices is permitted only as a Conditional Use. Prior to issuance of a Building Permit for the project, the applicant shall submit a certification signed by an engineer licensed in Idaho certifying that the proposed construction as designed will withstand the associated avalanche forces and that the single-family residence is deflection neutral.</i>
<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.
			Commission Findings	<i>The applicant has proposed three parking spaces within the enclosed garage and three parking spaces may also be accommodated on the driveway. The applicant has provided 6 total parking spaces, which is four more required per KMC §17.125.040. The proposed single-family residential use is not anticipated to generate a high volume of trips. As such, hazards to pedestrian and vehicular traffic will not be generated by this proposal.</i>
<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.
			Commission Findings	<i>The proposed single-family residence will be adequately supported by public services and facilities. See Table 1 of associated Mountain Overlay Design Review P19-021 for comments, requirements, and conditions from the Fire, Utilities, and Streets Department. As noted in condition #1, the Conditional Use Permit is subject to Mountain Overlay Design Review P19-021 and Variance P19-082.</i>
<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.

36		Commission Findings	<i>As referenced in Table 2 below, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>
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Table 1: Findings Regarding Compliance with the 2014 Comprehensive Plan

SUPPORTING SECTION	SUMMARY OF COMPLIANCE WITH THE 2014 COMPREHENSIVE PLAN
Future Land Use	
Low Density Residential	<p>Primary Uses: Single-family and duplex residences and accessory units.</p> <p>Secondary Uses: Supporting and complementary uses, including open space and recreation, agriculture/gardens, schools, places of worship, and other public uses. Senior housing facilities are also appropriate if compatible with the surrounding areas.</p> <p>The intent is for the average density of a residential area in this category is not to exceed about five units per acre.</p> <p>Characteristics and Location: New residences should be within neighborhoods that have pedestrian-oriented, connected local streets and sidewalks. New housing should also have access to parks, open space, schools, and other civic activities. Neighborhoods within this category should be accessible via local streets with access to collector streets for circulation.</p>
Community Design and Neighborhoods	
Goal CD-2 Protect and enhance views of the surrounding mountains and natural features.	<p>Policy CD-2.2 - Mountain Overlay Zone 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.</p> <p>Policy CD-2.4 Development Designed for Natural Feature Preservation Protect and incorporate natural features into newly developing areas. Conserve the natural patterns of streams, ridgelines, topography, riparian areas, and wildlife habitat areas.</p>
Public Safety and Utilities	
Safety	<p>Avalanche Prone Areas The history of avalanche activity in the Warm Springs canyon dates back to the 1920s. Numerous avalanches are observed on the upper and lower slopes annually. The number of observed avalanches along with the terrain, vegetation and weather of the area, is sufficient to verify frequent avalanche hazard to the canyon floor. The occurrence of avalanches on the west slope of Dollar Mountain above Trail Creek is also regularly observed. Due to the potential avalanche hazard in these areas the City established an avalanche zone overlay district where special regulations apply.</p>

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 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 Code Title 17.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.

- 2. The Conditional Use Permit Application is governed under Ketchum Municipal Code Chapters 17.96, 17.104, 17.92, 17.116, 17.148, 17.124, and 17.128.
- 3. The proposed Conditional Use Permit application for the development of an avalanche attenuation device associated with the construction of a new 4,080 sq ft single-family residence meets the standards of approval under Title 17 of KMC subject to conditions of approval.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Conditional Use Permit application this Monday, September 9th, 2019 subject to the following conditions:

CONDITIONS OF APPROVAL

- 1. The Conditional Use Permit is subject to Mountain Overlay Design Review P19-021 and Variance Request P19-082. All associated conditions of approval shall apply.
- 2. The plans submitted for a Building Permit shall be stamped by an engineer licensed in the State of Idaho certifying that the single-family residence and associated avalanche protection devices will resist the avalanche forces associated with the site and that all proposed improvements will not deflect avalanche debris toward the property of others.
- 3. For health and safety reasons, the single-family residence located at 102 Sage Road shall not be leased, rented, or sublet as a Short Term Rental.
- 4. Prior Building Permit issuance for the project, an independent third-party review of the avalanche evaluation, associated design loads, and structural plans shall be submitted to the Planning & Building Department for review and approval. Subject evaluation, among other items, shall assure the project (1) does not deflect the avalanche onto neighboring properties, (2) does not create hazards for occupants of the structure due to blocked egress or other design considerations (glazing, gathering areas, etc.), and (3) does not threaten to increase the danger to persons or property. Any significant modifications to the approved set of plans that result from the third-party review will be forwarded to the Planning & Zoning Commission for review and approval. Any changes that qualify as a minor modification as defined by KMC §17.08.020 may be reviewed and approved by the Administrator.
- 5. As the property is located within the Avalanche Zone, the project shall comply with all applicable standards specified in Chapter 17.92 Avalanche Zone District.
- 6. This Conditional Use Permit approval is based on the application presented at the Planning and Zoning Commission meetings of August 12th, 2019 and September 9th, 2019.
- 7. All governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer shall be met prior to issuance of Certificate of Occupancy.
- 8. In addition to the requirements set forth in this Conditional Use Permit approval, this project shall comply with all applicable local, state, and federal laws.

Findings of Fact **adopted** this 14th day of October, 2019.

Neil Morrow, Chair
 City of Ketchum
 Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)
)
220 Lava St SFR (Biddle Residence)) **KETCHUM PLANNING AND ZONING COMMISSION**
Mountain Overlay Design Review) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
Date: September 9, 2019) **DECISION**
)
File Number: 19-084)

PROJECT: 220 Lava Street Single-Family Residence
FILE NUMBER: P19-085
APPLICATION TYPE: Mountain Overlay Design Review
REPRESENTATIVE: McLaughlin & Associates Architects
OWNER: George and Leslie Biddle (220 Lava Street LLC per Blaine County Assessor's Office Data as of 9/3/19)
REQUEST: Mountain Overlay Design Review
LOCATION: 220 Lava Street (Lava Street Subdivision: Block 1: Lot 1A)
ZONING: Limited Residential (LR)
OVERLAY: Mountain Overlay (MO) & Avalanche Overlay (A)
NOTICE: A public hearing notice was mailed to adjacent property owners on August 30th, 2019.

Findings Regarding Applications Filed

The subject Mountain Overlay (MO) Design Review is for the development of a new 8,982 sq ft single-family residence located at 220 Lava Street (Lava Street Subdivision: Block 1: Lot 1A). The site is located in the Limited Residential (LR) Zoning District and also within both the Mountain Overlay and Avalanche Overlay. 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. Building in the Avalanche Zone must meet the standards and comply with certain restrictions specified in KMC §17.92.010. Prior to issuance of a Building Permit, new construction in the Avalanche Zone must be certified by an engineer licensed in the State of Idaho certifying that the proposed construction as designed will withstand the avalanche forces specific to the subject site (KMC §17.02.010.D.3).

Findings Regarding Public Hearings

At the June 10th, 2019 meeting, the Planning & Zoning Commission held a site visit and considered the Pre-Application Mountain Overlay Design Review submittal as well as Staff analysis, the applicant's presentation, and public comment. After providing feedback to the applicant, the Commission unanimously moved to

advance the project to final Design Review. At the September 9th, 2019 meeting, the Planning & Zoning Commission held a site visit and considered the final Mountain Overlay Design Review submittal as well as Staff analysis, the applicant's presentation, and public comment and unanimously approved the application.

Findings Regarding Subject Property

In addition to the Mountain Overlay design criteria and standards as specified Ketchum Municipal Code §17.104.070, development on the property is also subject to plat notes with additional parameters pertaining to the placement of structures on the site. The subject 9.83 acre property is currently undeveloped and is characterized by significant grade change from Lava Street to the rear property line. The recorded building envelope slopes uphill gaining approximately 65 ft of elevation.

Lava Street Subdivision: Block 1: Lot 1A Plat Notes

Plat notes affecting the subject property include easements for ingress, egress, and utilities (plat notes #1-#6 and #18). Descriptions regarding the red and blue avalanche zones present on the site are included in plat notes #8 and #11. Plat notes #10 and #17 highlight City Department standards including Fire Department requirements regarding heating the driveway and providing a turnaround. Standards pertaining to site drainage are included in plat note #20. The following plat notes pertain to Mountain Overlay standards as well as the bulk, mass, and scale of development:

#12: The maximum building height for that portion of building on Lot 1A which is visible from the centerline intersection of East Avenue and Fourth Street shall not exceed an elevation of 5921 feet (or 16 ft above the base of the lower story pole location as identified on the plat), or as determined by Mountain Overlay Design Review. Story pole shown on plat is to show location only, actual story pole will need to be reset in field if required for Design Review.

Commission Findings: No portion of the proposed single-family residence exceeds an elevation of 5921' except for portions of three chimneys. Pursuant to KMC §17.08.020, chimneys are excluded from maximum building height regulations. The applicant has included a reference to the 5921' elevation on the renderings included on Sheet A-4.1 as well as the building sections indicated on Sheets A-3.1 and A-3.2.

#13: In the event that any portion of the Lot 1A building is visible from the centerline intersection of East Avenue and Fourth Street landscaping shall be installed to minimize visibility pursuant to Ketchum Mountain Overlay Design Review.

Commission Findings: With the Pre-Application MO Design Review submittal, the applicant included a conceptual perspective from the intersection of 4th Street and East Avenue. The perspective image included landscaping with healthy green foliage, which serves to enhance screening. During review of the Pre-Application, the Commission commented that the proposed Swedish Aspens will not provide the same degree of screening during the fall and winter seasons when the trees lose their foliage. The Commission recommended installing Douglas Fir trees instead of Swedish Aspen to enhance screening the single-family residence on the hillside from this view corridor. As indicated on Sheet L2 of the MO Design Review submittal, the applicant modified the landscape plan and has proposed installing ten Evergreen trees to screen the building from the intersection of East Avenue and Fourth Street.

#14: The maximum building square footage for Lot 1A shall be no larger than 12,000 square feet. The maximum building footprint shall be no larger than 8,000 square feet.

Commission Findings: The total proposed floor area of the single-family residence is 8,982 sq ft, which is 3,018 sq ft less than the maximum building square footage permitted pursuant to Plat Note #14. The total proposed

40 Building coverage is 5,995 sq ft, which is 2,005 sq ft less than the maximum permitted pursuant to Plat Note #14.

#15: The maximum building height for any portion of Lot 1A not visible from the centerline intersection of East Avenue and Fourth Street shall not exceed 25 feet above existing grade, and/or elevation 5950 feet, at the highest point of the building envelope, or as determined by Ketchum Mountain Overlay Design Review.

Commission Findings: The proposed single-family residence is contained below the 5921' elevation as prescribed by Plat Note #12 and within the lower portion of the recorded building envelope. While the recorded building envelope extends to an elevation of 5925', the proposed limits of disturbance do not extend beyond 5910' in elevation.

#16: The Lot 1A building height for any portion of the building below 5921 feet shall be subject to Ketchum Mountain Overlay Design Review.

Commission Findings: As measured pursuant to KMC §17.08.020, the maximum building height of the proposed single-family residence is 31'-1". As indicated on Sheet A-4.1, the greatest vertical distance as measured from the lowest exposed finished grade at the garage (5889.89') to the roof ridge (5921') is 31'-1". While the 5921' elevation is referenced as a threshold maximum building height, the plat notes give the Planning & Zoning Commission discretion to further restrict building height through Mountain Overlay Design Review. Minimizing visual impact on the hillside through the use of natural materials and colors as well as the low-profile design, the proposed single-family residence exemplifies the intent of Mountain Overlay Design standards as the project complements the natural land features and preserves the hillside and ridgeline.

#19: Building materials and colors may be required to be natural to meet the standards of Ketchum Mountain Overlay Design Review.

Commission Findings: The proposed material palette is included on Sheet A-4.5 of the MO Design Review submittal. Exterior materials include a charcoal standing seam metal roof, stone veneer, exposed cedar rafter tails and beams, finished cedar vertical planking and soffits, wood clad windows, steel lift and slide glass doors, as well as transparent glass connectors. Providing relief to each façade, the proposed fenestration celebrates the surrounding hillside as the window, door, and connector openings fully immerse the building within the landscape. Balancing this openness, the stone veneer, cedar siding, and charcoal metal roof articulate the facades and ground the building within the hillside. The natural materials and colors harmonize with the surrounding landscape.

Easements: Water Right No. 37-7787 and Grant of Irrigation Pipeline Easement

As indicated on Sheet L3.0 of the Pre-Application MO Design Review submittal, portions of the building and hardscape improvements were proposed to encroach outside of the recorded building envelope. Pursuant to KMC §16.04.020, building envelopes are defined as the site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. The encroachment outside of the recorded building envelope was over a knoll. Pursuant to KMC §17.104.070.A5, significant rock outcroppings within the Mountain Overlay District shall not be disturbed. With the final Design Review submittal (Sheet L2), the applicant has modified the design to contain the entirety of the residence and associated site improvements within the recorded building envelope. The Grading Plan (Sheet L3) specifies that the existing knoll will be preserved. While the knoll is proposed to be preserved, associated site grading may impact the flow of water into the existing cistern and pipeline system associated with water right no. 37-7787.

Easements: Pedestrian Access

Existing Lot 1a is encumbered by a 10 ft wide pedestrian and non-motorized access easement for access through Lava Street Subdivision through to Sun Valley Company Land. The easement connects to an existing trail system that links to Dollar Mountain. The existing easement borders the southern property line. As indicated on Sheet L5 of the MO Design Review submittal, the applicant has proposed an alternative trail that meanders through this area of the property.

Table 1: Findings Regarding City Department Comments

City Department Comments
<p><i>Note: City Department comments are preliminary and based on the project concept as proposed with the subject Design Review application. All City Departments shall review and approve the project through the Building Permit application process. All comments pertaining to the Design Review drawings are subject to change. All right-of-way improvements shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project. All City Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</i></p>
<p>Fire Department:</p> <ul style="list-style-type: none"> • It is the General Contractor’s responsibility to understand and adhere to all Fire Protection Ordinance #1125 requirements in addition to any and all other City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties. • The above project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances. • Approved address numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers and letters shall be a minimum of four (4) inches tall, contrast with their background and be positioned a minimum of forty-eight (48) inches above final grade. • Vehicle parking and material storage during construction shall not restrict or obstruct public streets or access to any building. A minimum twenty-foot travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times. • An approved automatic fire sprinkler system shall be installed throughout the building per City of Ketchum Ordinance #1125 (www.ketchumfire.org) and the National Fire Protection Association Standard 13. An approved fire sprinkler flow bell, Knox box and Fire Department Connection shall be installed in an approved location visible to approaching firefighters. Water service lines to structures shall be hydraulically calculated for size to meet fire sprinkler flow requirements. Fire sprinkler systems shall be annually tested and maintained per NFPA 25. An approved fire department connection and flow bell shall be installed in a location approved by the fire department and the system shall be supervised by an approved alarm system. <ul style="list-style-type: none"> ○ NOTE: One electronic set of fire sprinkler system plans must be submitted to the Ketchum Fire Department as well as the State Fire Marshal’s office and a Ketchum Fire Department Permit must be obtained prior to installation of fire sprinkler systems. Inspections of fire sprinkler systems by the Fire Chief or an appointee are required. Inspections must be scheduled at least 48 hours in advance. • An approved fire sprinkler alarm system shall be installed per City of Ketchum Ordinance #1125 (ww.ketchumfire.org) and the requirements of NFPA 12. Two (2) sets of alarm system plans shall be submitted to the Ketchum Fire Department for approval and a permit is required prior to installation of alarm systems. Inspections of fire detection systems by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. • An approved access roadway per 2012 International Fire Code Appendix D (www.ketchumfire.org) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet

in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. Grades shall not exceed 7%. Dead end access roadways exceeding 150 feet in length shall be provided with an approved turnaround. Gates, if installed, are required to be siren activated for emergency vehicle access. **NOTE: This driveway shall be heated in its entirety to include the approved turnaround.**

- Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building.
- Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers.
- **A fifty (50) foot Defensible Space shall be provided due to this property's urban interface high hazards,** as defined by Blaine County Ordinance 2019-08 (www.ketchumfire.org), is required to be maintained at all times around all structures. Information on Defensible Space can be found at www.firewise.org. **Exterior walls shall be covered with non-combustible and fire resistive products.**
- A Class "A" rated roof covering shall be installed on the entire building per Ketchum Ordinance 1125 (www.ketchumfire.org). Proof of installation of Class "A" rated roof covering materials, such as product packaging, shall be kept available on-site for inspection at all times during construction.
- An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department. The key box shall be a Knox box brand and sized to accommodate keys to every door of the project.
- Final inspections of all fire department permit required installations by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. A Final Inspection Checklist can be found at www.ketchumfire.org.
- An 8 ½ by 11 color coded site map of this project shall be provided on paper and electronically to the Fire Department. This site map shall show the locations of gas shut-off, fire sprinkler riser rooms, fire department connections, alarm panels, Knox boxes, access doors, egress windows, stairways, and any additional fire department requirements. Exact details of color coded "On-Sites" can be found at www.ketchumfire.org.
- Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

City Engineer & Streets Department:

- The design shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code including design criteria for private driveways (KMC §12.04.030.L), ballast thickness design (KMC §12.04.030.H), cut and fill slopes (KMC §12.04.030.I), drainage plans (KMC §12.04.030.J), and erosion protection (KMC §12.04.030.K).
- Prior to issuance of a Building Permit, the applicant shall submit civil plans stamped by an Idaho licensed engineer for review and approval by the City Engineer and Streets Department. The civil plans shall include a driveway profile due to the slope and length of the proposed access.
- Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site.
- All construction for the project must comply with the standards set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards. The applicant shall submit a Construction Activity Plan addressing all applicable activities including excavation, material storage and deliveries, screening, and site clean-up (KMC §15.06.030) to be reviewed and approved by the Building Department prior to issuance of a Building Permit for the project. Pursuant to KMC §15.06.030.A.2, the applicant shall provide notice of the project, construction schedule, and general contractor's contact information to all neighbors with properties adjacent to the project site.
- The public right-of-way adjacent to the subject property shall be improved to the City's right-of-way standards for local-residential street right-of-ways. Material within the first eight (8) feet from the edge of asphalt shall be (1) distinct from the driveway in order to visually appear to be available for parking, (2) pervious and permeable to enhance drainage, and (3) the surface must allow for vehicle parking and be

consistent along the entire property frontage. No live plant materials or obstructions, such as boulder or berms, are permitted within the first 8 ft from the edge of asphalt.

- The applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DIG”) Permit application with an associated traffic control plan for all construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).
- City Engineer & Streets Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

Utilities:

- The applicant will be responsible for installing connections to the municipal water and sewer system at Lava Street.
- Requirements and specifications 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.
- Pursuant to KMC §17.92.010.D, all utilities providing services to the building shall be installed underground in order to minimize possible avalanche damage to such utilities and injury to persons or property.

Building:

- The building must meet the 2012 International Building Code and Title 15 Buildings and Construction of Ketchum Municipal Code.
- Building Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

Planning and Zoning:

Comments are denoted throughout Tables 2, 3, and 4.

Table 2: Findings Regarding Zoning and Dimensional Standards

Compliance with Zoning and Dimensional Standards				
Compliant			Standards and Commission Findings	
Yes	No	N/A	Ketchum Municipal Code Standard	City Standards and Commission Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Minimum Lot Area
			Commission Finding	Required: 9,000 square feet minimum Existing: 428,370 square feet (9.83 acres)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Building Coverage
			Commission Finding	Permitted: 35% Proposed: 2% (5,995 square feet/ 428,370 square feet lot area)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Minimum Building Setbacks
			Commission Finding	Minimum Required Setbacks: Front: 15' Side: > of 1' for every 2' in building height, or 10' (15'-7" required) Rear: 20' Proposed: The proposed single-family residence and associated site improvements are sited within the building envelope recorded to the Lava Street Subdivision: Block 1: Lot 1A plat. Front (W): > 15' The single-family residence is setback 26'-3" from the front property line, but the retaining wall and driveway pad extend into the front setback area. Side (N): >15'-7" Side (S): >15'-7" Rear (E): >20'

44	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Building Height
			Commission Finding	Maximum Permitted: 35' Proposed: 31'-1". As indicated on Sheet A-4.1, the greatest vertical distance as measured from the lowest exposed finished grade at the garage (5889.89') to the roof ridge (5921') is 31'-1".
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.125.030.H
			Commission Finding	Curb Cut Permitted: A total of 35% of the linear footage of any street frontage can be devoted to access off street parking. Proposed: This standard does not apply as Lava Street is a private road with ingress and egress easements to benefit Lots 1A, 2, and 3 of Lava Street Subdivision as well as Tax Lots 3595 and 7318 (Instrument No. 99644). Lava Street is accessed from Leadville Avenue S. As indicated on Sheet L2, the proposed width of the driveway access from Lava Street is 20 feet, which complies with the minimum width permitted for Fire Department apparatus access roadways. Pursuant to Fire Department requirements, the driveway shall include a snowmelt system and an approved turnaround. Fire Department comments and conditions are attached as Exhibit B1 to the Staff Report.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.020.A.2 & 17.125.050
			Commission Finding	Parking Spaces 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.

Table 3: Findings Regarding Mountain Overlay Design Review Standards

Mountain Overlay Design Review Standards (KMC §17.107.070.A)				
Compliant			Standards and Commission Findings	
Yes	No	N/A	Reference	City Standards and Commission 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"/>	Commission Findings	As the subject property is characterized by a prominent ridge visible from the intersection of 4 th Street and East Avenue, the plat notes affecting Lot 1A include restrictions related to the height as well as the bulk, mass, and scale of development. Plat Note #13 specifically addresses this public vantage point. <i>#13: In the event that any portion of the Lot 1A building is visible from the centerline intersection of East Avenue and Fourth Street landscaping shall be installed to minimize visibility pursuant to Ketchum Mountain Overlay Design Review.</i> With the Pre-Application MO Design Review submittal, the applicant included a conceptual perspective from the intersection of 4th Street and East Avenue. The perspective image included landscaping with healthy green foliage, which serves to enhance screening. During review of the Pre-Application, the Commission commented that the proposed Swedish Aspens will not provide the same degree of screening during the winter season when the existing trees lose their foliage. The Commission recommended installing Douglas Fir trees instead of Swedish Aspen to enhance screening the single-family residence on the hillside from this view corridor. As indicated on Sheet L2 of the MO Design Review submittal, the applicant modified the landscape plan and has proposed installing ten Evergreen trees to screen the building from the intersection of East Avenue and Fourth Street.

45			<p>The proposed single-family residence is sited at the lower elevation of the property and the entirety of the building and associated site improvements are sited within the building envelope recorded to subject Lot 1A.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.2	<p>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.</p>
		Commission Findings	<p>The applicant has minimized visual impact by siting the building footprint at the lower elevation of the hillside, limiting the height and footprint of the building, and installing a landscape buffer to enhance screening.</p> <p>The following Lava Street Subdivision: Block 1: Lot 1A plat notes limit the height, bulk, mass, and scale of development on the subject site:</p> <p><i>#12: The maximum building height for that portion of building on Lot 1A which is visible from the centerline intersection of East Avenue and Fourth Street shall not exceed an elevation of 5921 feet (or 16 ft above the base of the lower story pole location as identified on the plat), or as determined by Mountain Overlay Design Review. Story pole shown on plat is to show location only, actual story pole will need to be reset in field if required for Design Review.</i></p> <p>Commission Finding: No portion of the proposed single-family residence exceeds an elevation of 5921' except for portions of three chimneys. Pursuant to KMC §17.08.020, chimneys are excluded from maximum building height regulations. The applicant has included a reference to the 5921' elevation on the renderings included on Sheet A-4.1 as well as the building sections indicated on Sheets A-3.1 and A-3.2.</p> <p><i>#14: The maximum building square footage for Lot 1A shall be no larger than 12,000 square feet. The maximum building footprint shall be no larger than 8,000 square feet.</i></p> <p>Commission Finding: The total proposed floor area of the single-family residence is 8,982 sq ft, which is 3,018 sq ft less than the maximum building square footage permitted pursuant to Plat Note #14. The total proposed building coverage is 5,995 sq ft, which is 2,005 sq ft less than the maximum permitted pursuant to Plat Note #14.</p> <p><i>#15: The maximum building height for any portion of Lot 1A not visible from the centerline intersection of East Avenue and Fourth Street shall not exceed 25 feet above existing grade, and/or elevation 5950 feet, at the highest point of the building envelope, or as determined by Ketchum Mountain Overlay Design Review.</i></p> <p>Commission Finding: The proposed single-family residence is contained below the 5921' elevation as prescribed by Plat Note #12.</p> <p><i>#16: The Lot 1A building height for any portion of the building below 5921 feet shall be subject to Ketchum Mountain Overlay Design Review.</i></p> <p>Commission Finding: As measured pursuant to KMC §17.08.020, the maximum building height of the proposed single-family residence is 31'-1". As indicated on Sheet A-4.1, the greatest vertical distance as measured from the lowest exposed finished grade at the garage (5889.89') to the roof ridge (5921') is 31'-1". While the 5921' elevation is referenced as a threshold maximum building height, the plat notes give the Planning & Zoning Commission discretion to further restrict building height through Mountain Overlay Design Review.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070.A.3</p> <p>Driveway standards as well as other applicable standards contained in Street Standards Chapter 12.04 are met.</p>

46			Commission Findings	<p>The driveway design shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code including design criteria for private driveways (KMC §12.04.030.L), ballast thickness design (KMC §12.04.030.H), cut and fill slopes (KMC §12.04.030.I), drainage plans (KMC §12.04.030.J), and erosion protection (KMC §12.04.030.K).</p> <p>Pursuant to Fire Department requirements, the driveway must include a snowmelt system as well as an emergency turnaround.</p> <p>Prior to issuance of a Building Permit for the project, the applicant shall submit civil drawings stamped by an Idaho licensed engineer as well as a driveway profile for review and approval by the City Engineer and Streets Department. The public right-of-way adjacent to the Lava Street shall be improved to the City's right-of-way standards for local-residential street right-of-ways. Material within the first eight (8) feet from the edge of asphalt shall be (1) distinct from the driveway in order to visually appear to be available for parking, (2) pervious and permeable to enhance drainage, and (3) the surface must allow for vehicle parking and be consistent along the entire property frontage. No live plant materials or obstructions, such as boulder or berms, are permitted within the first 8 ft from the edge of asphalt.</p> <p>See Exhibit B1 for City Department comments including Fire Department, City Engineer, and Streets Department conditions. Fire Department, City Engineer, and Streets Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070.A.4</p> <p>Commission Findings</p>	<p>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.</p> <p>Fire Department comments and conditions have been included with Exhibit B1 to the Staff Report. In addition to the requirements referenced in plat note #17, the Fire Department requires that all portions of the single-family residence be protected with a fire sprinkler system, the driveway must be heated and include an emergency turnaround, the roof covering and exterior of the structure must be covered in non-combustible material, and 50 ft of defensible space is required to be maintained around the residence. In addition to the 50 ft defensible space requirement, KMC §17.104.070.A9 recommends that revegetation of hillsides maintain a 30 ft clear zone around all structures in order to serve as defensible space to reduce the potential for damage to homes from wildfires. In this zone, plant species should be low-growing and fire-resistant. The proposed landscape plan shall meet NFPA Firewise standards including utilizing hardscape to minimize continuous fuels, utilizing low-growing and fire-resistant plants, reducing plant density by spacing trees and shrubs, and minimizing overlapping branches between trees and shrubs.</p> <p>Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070.A.5</p> <p>Commission Findings</p>	<p>Significant rock outcroppings are not disturbed.</p> <p>As indicated on Sheet L3.0 of the Pre-Application MO Design Review submittal, portions of the building and hardscape improvements were proposed to encroach outside of the recorded building envelope. Pursuant to KMC §16.04.020, building envelopes are defined as the site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. The encroachment outside of the recorded building envelope was over a knoll. With the final Design Review application, the entirety of the residence and associated site improvements are contained within the recorded building envelope. The Grading Plan (Sheet L3) specifies that the existing knoll will be preserved.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070.A.6</p> <p>Commission Findings</p>	<p>International Building Code (IBC) and International Fire Code (IFC) and Ketchum Fire Department requirements shall be met.</p> <p>The project must comply with the 2012 International Building Code, the 2012 International Fire Code and Ketchum Fire Department requirements, as well as Title 15 of Ketchum</p>

47				Municipal Code. All IBC, IFC, Building Department, and Fire Department requirements shall be verified and met prior to issuance of a Building Permit for the project. See City Department comments attached as Exhibit B1 to the Staff Report.
<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.
			Commission Findings	As indicated on Sheet C-1 of the submittal, the applicant has proposed connecting to the municipal water and sewer systems from existing lines within Lava 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.
<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.
			Commission Findings	As indicated on Sheet L3 of the MO Design Review submittal, the applicant has proposed a system drywells and catch basins to control drainage on site. Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site. Prior to issuance of a Building Permit, the applicant shall submit a final drainage and grading plan stamped by an Idaho licensed engineer with associated specifications and details for the proposed drywells and catch basins. 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.
<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.
			Commission Findings	<p>Revegetation on hillsides with a clear zone of thirty feet (30') around all structures is recommended. Said clear zone shall include low combustible irrigated vegetation with appropriate species, on file with the Ketchum planning department. Revegetation outside of this clear zone should be harmonious with the surrounding hillsides.</p> <p>As described by the applicant in the submitted Mountain Overlay District (MOD) and Design Review Ordinance/Regulations Narrative (Exhibit A4), "the proposed driveway follows the existing grade to the lowest possible portion of the allowable building envelope which is suitable for construction. The design eliminates any required cuts and/or fill in order to construct the driveway." Pursuant to Fire Department requirements, the driveway must be heated and include an emergency turnaround. Native willows, native trees, and aspens are proposed to be installed in order to conceal the driveway.</p> <p>Due to the subject property's urban interface high hazard, 50 ft of defensible space is required to be maintained around the residence pursuant to Fire Department requirements. The proposed landscape plan shall meet NFPA Firewise standards including utilizing hardscape to minimize continuous fuels, utilizing low-growing and fire-resistant plants, reducing plant density by spacing trees and shrubs, and minimizing overlapping branches between trees and shrubs.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.10	There are not other sites on the parcel more suitable for the proposed development in order to carry out the purposes of this Ordinance.
			Commission Findings	The subject 9.83 acre property is currently undeveloped and is characterized by significant grade change from Lava Street to the rear property line. The recorded building envelope slopes uphill gaining approximately 65 ft of elevation. In addition to the Mountain Overlay design criteria and standards as specified Ketchum Municipal Code §17.104.070, development on the subject property is also subject to plat notes with additional parameters pertaining to the placement of structures on the site. No portion of the proposed single-family residence exceeds an elevation of 5921' except for portions of three chimneys. Pursuant to KMC §17.08.020, chimneys are excluded from maximum building height regulations. While Plat Note #15 extends the maximum building height for any portion of Lot 1A not visible from the centerline intersection of Ease Avenue and Fourth Street to a maximum elevation of 5950', the entirety of the proposed single-family residence is contained below the 5921' elevation as prescribed by Plat Note #12. The applicant has utilized the area of the property most suitable for development at the lower elevation of the property.

48	<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.
				Commission Findings	The proposed driveway access does not traverse 25% or greater slopes. The applicant has chosen to site the driveway at the lowest elevation of the site, which minimizes required cuts or fills.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.12	Utilities shall be underground.
				Commission Findings	All on-site utilities shall be located underground. The project will connect to municipal water and sewer services with Lava Street.
<input checked="" type="checkbox"/>	<input 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.
				Commission Findings	The limits of disturbance are indicated on Sheet L3 of the MO Design Review submittal. The limits of disturbance must be established on the construction activity plan submitted with the Building Permit application to be reviewed and approved by the Planning & Building Department prior to issuance of a Building Permit for the project. The silt and construction fencing demarcating the limits of disturbance shall be installed along the entire perimeter of the construction area and shall remain in place for the duration of construction.
<input checked="" type="checkbox"/>	<input 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.
				Commission Findings	Excavation, fill, and vegetation disturbances that are not associated with building construction have been minimized - all excavation, fill and vegetation disturbance is associated with construction of the single-family residence, driveway, and associated site improvements.
<input checked="" type="checkbox"/>	<input 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.
				Commission Findings	No significant landmarks have been identified on the subject property.

Table 4: Findings Regarding Design Review Standards

Design Review Requirements					
IMPROVEMENTS AND STANDARDS: 17.96.060					
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(1) Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.	
			Commission Findings	<i>The driveway access connects to Lava Street, an existing private road.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(A)(2) Streets	All street designs shall be approved by the City Engineer.	
			Commission Findings	<i>No changes to the lanes of travel in the street are proposed at this time. However, should improvements be deemed necessary by the Streets Department, such designs shall be approved by the City Engineer.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(B)(1)	All projects under 17.96.010(A) that qualify as a "Substantial Improvement" shall install sidewalks as required by the Public Works Department.	
			Commission Findings	<i>N/A as sidewalks are not required or existing in the subject low density residential area.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(2)c	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.	
			Commission Findings	<i>N/A</i>	
			17.96.060 (B)(3)	Sidewalks may be waived if one of the following criteria is met:	

49	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<p>a. The project comprises an addition of less than 250 square feet of conditioned space.</p> <p>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.</p>
			<i>Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(4)	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>Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(5)	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>Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(6)	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.
			<i>Commission Findings</i>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(1)	All storm water shall be retained on site.
			<i>Commission Findings</i>	As indicated on Sheet L3 of the MO Design Review submittal, the applicant has proposed a system drywells and catch basins to control drainage on site. Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site. Prior to issuance of a Building Permit, the applicant shall submit a final drainage and grading plan stamped by an Idaho licensed engineer with associated specifications and details for the proposed drywells and catch basins. 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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
			<i>Commission Findings</i>	The proposed shall drainage improvements span the width of the subject lot. See above analysis for KMC §17.96.060(C)(1).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(3)	The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
			<i>Commission Findings</i>	The final drainage plan shall be submitted with the Building Permit to be verified, reviewed, and approved by the City Engineer and the Streets Department prior to issuance of a Building Permit for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(4)	Drainage facilities shall be constructed per City standards.
			<i>Commission Findings</i>	Drainage facilities shall be constructed per City standards. All drainage improvements shall be verified, reviewed, and approved by the City Engineer prior to issuance of a Building Permit for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(1)	All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
			<i>Commission Findings</i>	The applicant is aware that any service connections to utilities are the sole responsibility of the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(2)	Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.

50			Commission Findings	<i>All on-site utilities shall be located underground. The project will connect to existing water and sewer lines within Lava Street and the associated existing infrastructure is underground.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(D)(3)	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.
			Commission Findings	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(E)(1)	The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.
			Commission Findings	<i>Plat Note #19 of Lava Street Subdivision: Block 1: Lot 1A requires development to utilize natural materials and colors. The proposed material palate is included on Sheet A-4.5 of the MO Design Review submittal. Exterior materials include a charcoal standing seam metal roof, stone veneer, exposed cedar rafter tails and beams, finished cedar vertical planking and soffits, wood clad windows, steel lift and slide glass doors, as well as transparent glass connectors. Providing relief to each façade, the proposed fenestration celebrates the surrounding hillside as the window, door, and connector openings fully immerse the building within the landscape. Balancing this openness, the stone veneer, cedar, and charcoal metal roof articulate and ground the building within the hillside. The natural materials and colors harmonize with the surrounding landscape.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(2)	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.
			Commission Findings	<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)	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.
			Commission Findings	<i>N/A. The subject property is currently undeveloped.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(1)	Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.
			Commission Findings	<i>N/A. No sidewalks are located in the neighborhood. The proposed site plan includes concrete walkways, which provide unobstructed pedestrian access to the patio areas.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(2)	The building character shall be clearly defined by use of architectural features.
			Commission Findings	<i>Building renderings included on Sheet A-4.1 as well as the building sections indicated on Sheets A-3.1 and A-3.2. The proposed single-family residence is comprised of three masses separated by glass connectors.. Uniquely angled on the hillside, each mass is characterized by a low-profile design to minimize visual impact on the hillside. The building is characterized by significant fenestration, including the transparent glass connectors.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(3)	There shall be continuity of materials, colors and signing within the project.
			Commission Findings	<i>The proposed material palate is included on Sheet A-4.5 of the MO Design Review submittal. Exterior materials include a charcoal standing seam metal roof, stone veneer, exposed cedar rafter tails and beams, finished cedar vertical planking and soffits, wood clad windows, steel lift and slide glass doors, as well as transparent glass connectors. Providing relief to each façade, the proposed fenestration celebrates the surrounding hillside as the window, door, and connector openings fully immerse the building within the landscape. Balancing this openness, the stone veneer, cedar, and charcoal metal roof articulate and ground the building within the hillside. The natural materials and colors harmonize with the surrounding landscape.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(4)	Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.
			Commission Findings	<i>No accessory structures have been proposed with this project. The landscape features include paver patios, balconies, and spa areas. The boulder retaining walls and</i>

51				landscape plantings including native trees and shrubs complement the principal building.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(5)	Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.
			Commission Findings	<i>The design incorporates variation in architectural features and materials across all facades. The proposed elevation views provided by the applicant show that all building walls provide undulation and relief, serving to reduce the appearance of flatness at all facades.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(6)	Building(s) shall orient towards their primary street frontage.
			Commission Findings	<i>The building orients toward Lava Street.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(7)	Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.
			Commission Findings	<i>No satellite receivers are proposed. This is a residential project that will not have an exterior commercial garbage receptacle that requires screening.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(8)	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.
			Commission Findings	<i>As conditioned, the single-family residence will meet this standard. The applicant shall install a snow fence or clips as well gutters and downspouts in order to enhance weather protection to the satisfaction of the Building Official.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(1)	Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.
			Commission Findings	<i>Existing Lot 1a is encumbered by a 10 ft wide pedestrian and non-motorized access easement for access through Lava Street Subdivision through to Sun Valley Company Land. The existing easement directly borders the southern property line. As indicated on Sheet L5 of the MO Design Review submittal, the applicant has proposed an alternative trail that meanders through this area of the property. Staff has added the following recommended condition of approval regarding the proposed trail: 13. Prior to issuance of a Building Permit, the applicant shall install a public access sign at the intersection of Lava Street with subject Lot 1A to demarcate the pedestrian easement. The trail circulation as proposed by the applicant on Sheet L5 of the Design Review submittal shall be cleared of brush, shrubs, and other obstructions to a width of 5 ft in width and 8 ft in height and the tread width shall be surfaced with gravel, decomposed gravel, wood chips, or similar material.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(2)	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.
			Commission Findings	<i>N/A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(3)	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.
			Commission Findings	<i>Lava Street is located in a low-traffic residential and traffic is anticipated to flow safely within the project and onto adjacent streets.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(4)	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.
			Commission Findings	<i>The driveway entrances are located over 150 ft from the nearest intersection located at Lava Street and S Leadville Avenue.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(5)	Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.

52			Commission Findings	<p>Unobstructed access to the site is provided by Lava Street. The driveway design shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code including design criteria for private driveways (KMC §12.04.030.L), ballast thickness design (KMC §12.04.030.H), cut and fill slopes (KMC §12.04.030.I), drainage plans (KMC §12.04.030.J), and erosion protection (KMC §12.04.030.K).</p> <p>Pursuant to Fire Department requirements, the driveway must include a snowmelt system as well as an emergency turnaround.</p> <p>See Exhibit B1 for City Department comments including Fire Department, City Engineer, and Streets Department conditions. Fire Department, City Engineer, and Streets Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(1)	Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
			Commission Findings	Pursuant to Fire Department requirements, the driveway shall be heated. As indicated on Sheet L2, the applicant has also provided 2,300 sq ft of snow storage on site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(2)	Snow storage areas shall be provided on-site.
			Commission Findings	The applicant has proposed both a snowmelt system and 2,300 sq ft of snow storage on site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(3)	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.
			Commission Findings	The designated snow storage exceed these dimensions.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(4)	In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.
			Commission Findings	The applicant has proposed a snow melt system for all vehicular circulation areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	Landscaping is required for all projects.
			Commission Findings	Landscape plans have been submitted with this proposal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(2)	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.
			Commission Findings	Pursuant to Fire Department requirements, 50 ft of defensible space is required to be maintained around the residence. In addition to the 50 ft defensible space requirement, KMC §17.104.070.A9 recommends that revegetation of hillsides maintain a 30 ft clear zone around all structures in order to serve as defensible space to reduce the potential for damage to homes from wildfires. In this zone, plant species should be low-growing and fire-resistant. The proposed landscape plan shall meet NFPA Firewise standards including utilizing hardscape to minimize continuous fuels, utilizing low-growing and fire-resistant plants, reducing plant density by spacing trees and shrubs, and minimizing overlapping branches between trees and shrubs.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(3)	All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.
			Commission Findings	As noted on Sheet L2, the applicant has indicated that the proposed landscape materials include native trees and shrubs. The applicant has incorporated an irrigated area into the landscape design in order to serve as a defensible space buffer.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(4)	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.
			Commission Findings	The landscaping proposed for this residential project in the Mountain Overlay is appropriate. With the Pre-Application MO Design Review submittal, the applicant

53				<p><i>included a conceptual perspective from the intersection of 4th Street and East Avenue. The perspective image included landscaping with healthy green foliage, which serves to enhance screening. During review of the Pre-Application, the Commission commented that the proposed Swedish Aspens will not provide the same degree of screening during the winter season when the existing trees lose their foliage. The Commission recommended installing Douglas Fir trees instead of Swedish Aspen to enhance screening the single-family residence on the hillside from this view corridor. As indicated on Sheet L2 of the MO Design Review submittal, the applicant modified the landscape plan and has proposed installing ten Evergreen trees to screen the building from the intersection of East Avenue and Fourth Street.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(J)(1)	<p>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.</p>
			Commission Findings	<p><i>N/A. Sidewalks are not required for the project.</i></p>

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 Mountain Overlay Design Review Application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Design Review Application pursuant to Chapter 17.96 of Ketchum Code Title 17.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
2. The Mountain Overlay Design Review Application is governed under Ketchum Municipal Code Chapters 17.96, 17.104, 17.92, 17.124, and 17.128.
3. The proposed Mountain Overlay Design Review for the development of a new single-family residence meets the standards of approval under Title 17 of KMC subject to conditions of approval.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Design Review application this Monday, September 9th, 2019 subject to the following conditions

CONDITIONS OF APPROVAL

1. The applicant shall comply with all City Department conditions in Exhibit B1 and all Planning & Zoning Conditions as specified in Exhibits B2, B3, and B4.
2. All governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer shall be met prior to the issuance of a Certificate of Occupancy for the project.

3. As the property is located within the Avalanche Zone, the project shall comply with all applicable standards specified in Chapter 17.92 Avalanche Zone District prior to issuance of a Building Permit for the project.
4. Prior to issuance of a Building Permit, the applicant shall submit final civil drawings stamped by an Idaho licensed engineer including a driveway profile as well as a final drainage and grading plan for review and approval by the City Engineer and Streets Department.
5. The applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DiG”) Permit application with an associated traffic control plan for all construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).
6. The silt and construction fencing demarcating the limits of disturbance shall be installed along the entire perimeter of the construction area and shall remain in place for the duration of construction.
7. This Design Review approval is based on the plans and information presented and approved at the meeting on 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.
8. All new exterior lighting on the property shall be in compliance with Ketchum Municipal Code, Chapter 17.132, Dark Skies. Exterior lighting shall be inspected by Planning Staff and conformity shall occur prior to issuance of Certificate of Occupancy for the project.
9. Design Review approval shall expire one year from the date the Findings of Fact, Conclusions of Law, and Decision are adopted by the Planning & Zoning Commission, unless an extension is requested and granted consistent with KMC §17.96.090.
10. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.
11. The proposed retaining and site walls as indicated on Sheets L2 and L3 of the MO Design Review submittal shall not exceed 4 feet when located less than 30 ft from the front property line and shall not exceed 6 ft when located more 30 ft from the front property line.
12. The existing irrigation pipeline as well as the catchment area and cistern associated with the Grant of Irrigation Pipeline Easement (Instrument #47886) shall be protected and preserved throughout the duration of construction and any damage associated with construction activity shall be repaired and replaced at the sole expense of the applicant. The proposed driveway installation shall not encroach within the associated catchment area above the cistern without written consent from the easement beneficiary. As offered by the applicant, the proposed water line shall include a stub to Tax Lot 7318 in the vicinity of the associated access easement recorded as Instrument #478787.
13. No permanent encroachment including landscaping, structure, or use shall be permitted within the Grant of Access Easement dated February 17, 2003 and recorded as Instrument No. 478786. The access easement shall be indicated on the site plans submitted with the Building Permit application. If temporary encroachment for vehicle parking or material storage within the access easement is proposed as part of the construction management plan, then the applicant shall submit written consent from the easement beneficiary prior to issuance of a Building Permit for the project.
14. Prior to issuance of a Building Permit, the applicant shall install a public access sign at the intersection of Lava Street with subject Lot 1A to demarcate the pedestrian easement. The trail circulation design as proposed by the applicant on Sheet L5 of the Design Review submittal shall be finalized and approved by the Planning & Building Department prior to installation. The applicant shall amend the 10 ft wide pedestrian and non-motorized access easement to reflect the new trail circulation and record the amended easement prior to issuance of a Certificate of Occupancy for the project.
15. In accordance of Plat Note #13 of Lava Street Subdivision: Block 1: Lot 1A, the applicant shall incorporate three (3) Douglass Fir trees to the proposed landscape plan.

Findings of Fact **adopted** this 14th day of October, 2019.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF OCTOBER 14, 2019

PROJECT: Cerutti Work/Live Conditional Use Permit

FILE NUMBER: P19-094

OWNER: Unit B9 LLC (Dean Cerutti)

APPLICANT: Dean Cerutti

REQUEST: Conditional Use Permit (CUP) for a work/live unit

LOCATION: 471 E. Tenth Street, Unit B-9 (Tenth St Light Industrial Complex, Building B, Unit 9)

ZONING: Light Industrial District No. 2 (LI-2)

OVERLAY: None

NOTICE: Notice was mailed to property owners within a 300-foot radius and was published in the Idaho Mountain Express on September 25, 2019. Notice was posted at the subject location and on the city website on October 7, 2019.

REVIEWER: Brittany Skelton, Senior Planner

ATTACHMENTS:

- A. Application
- B. As built floor plan
- C. 10th Street Light Industrial condominium plat site plan with ADA bathroom for development noted
- D. Business license application

BACKGROUND

Dean Cerutti, owner/operator of Wood River Joiners, has applied for a Conditional Use Permit to bring into compliance the work/live unit he lives in and operates his business from in the LI-2 zoning district. Wood River Joiners is a woodworking business and is a permitted use in the LI-2 zone. Work/Live units are a new category of residential use permitted in the Light Industrial zoning districts, made possible through the light industrial zone amendments considered by the Planning and Zoning Commission and City Council in 2018 and 2019.

Work/Live units are defined by Ketchum Municipal Code as follows:

Work/live units incorporate residential living space in a non-residential building. Work/live units are held jointly in common ownership and the work and live spaces cannot be sold or platted as separate condominiums, as documented with a City-approved restrictive covenant recorded against the property. are permitted in the LI-2 zone provided a Conditional Use Permit for the live component is approved by the Planning and Zoning Commission.

The existence of the work/live use was discovered during the city's publicized efforts to locate and bring non-conforming and unpermitted residential living spaces in the LI zones into compliance with building, fire, and zoning codes.

The Fire, Building, Utilities and Streets/Engineering Departments have reviewed this permit application and the Fire and Building departments have conducted site visits to verify compliance with fire and building codes. At this time no issues with the work/live unit are of concern to the Fire, Building, Utilities, or Streets/Engineering departments.

The work/live unit has a 994 square foot upper-floor (815 square feet of residential / 179 square feet of office space associated with the business) and a 1558 square foot ground floor that consists exclusively of workspace associated with the Wood River Joiners woodworking business. The total square footage of the unit is 2,552 square feet.

Introduction of the new Work/Live category gives the Commission discretion to consider new site-specific characteristics of proposed Work/Live units on a case by case basis. In this instance, the Commission could consider allowing this Conditional Use Permit to be transferrable to a new residential owner or tenant with the same or a new business.

The location of the residential use (upper floor) and the size of the residential component (under 1,000 square feet) make this unit a candidate for a transferrable Work/Live conditional use permit and the transferability, with the residential size and location noted, could be incorporated into the CUP and restrictive covenant that will go before Council for approval (and is required to be recorded against the property). Compliance with the covenant (to ensure a valid business remains in operation and the residential requirements are adhered to) would be determined during routine inspections by the City Fire Department (such inspections are required for all commercial properties and operations) or by special inspections by the Planning and Building.

Benefits of transferability include the ability for the property owner to market the property as approved for work/live use to future tenants or buyers. A potential drawback is that each new resident and each new proposed business will not be subject to approval during a public hearing (instead, a hearing would only occur if a violation of the terms of the Conditional Use Permit and/or covenant occur).

Table 1. Comprehensive Plan Analysis

<p>Land Use Category: Mixed-Use Industrial</p> <p>PRIMARY USES <i>Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</i></p> <p>SECONDARY USES <i>A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.</i></p> <p>CHARACTERISTICS AND LOCATION <i>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum's economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</i></p>
<p>A work/live unit with a woodworking business being the work component meets both the primary and secondary intention of the light industrial area.</p>
<p>Policy E-2(e) Live-Work Opportunities and Home Businesses <i>Support small home-based businesses that allow people to live and work from their residences and evaluate existing home-occupation, live/work, and related land use standards.</i></p>
<p>The applicant is applying for work/live approval under the provisions of the newly amended light industrial residential standards.</p>
<p>Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas <i>Housing should be integrated into the downtown core and light industrial areas, and close to the ski bases, The resulting mix of land use will help promote a greater diversity of housing opportunities as well as social interactions.</i></p>
<p>The proposal integrates housing into the light industrial area in a mixed-use building.</p>

Table 2. City Department Comments

City Department Comments			
Compliant			City Standards and City Department Comments
Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fire: No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City Engineer and Streets Department: No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utilities: No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Building: No comments at this time.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning and Zoning: Comments are denoted throughout the Staff Report.

Table 3. Standards for Residential, Light Industrial Districts

IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS: Residential units in the light industrial districts shall comply with the following minimum criteria:				
Yes	No	N/A	City Code	City Standards and Staff Comments
			17.124.090 A (1)	Dwelling units shall not occupy the ground floor.

59	<input type="checkbox"/>	<input type="checkbox"/>	Staff Comments	<i>The application is for a work/live unit with the living area and working area (office space related to the business) located on the upper (lofted) floor and work space located on the ground floor.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (2)	Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.
			Staff Comments	<i>Design Review is not required as this application does not change the exterior of the building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (3)	Dwelling Units: Unless otherwise specified in this section, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units and up to fifty percent (50%) of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.
			Staff Comments	<p><i>There are 13 units in Building B of the Tenth Street Light Industrial Complex consisting of 24,279 square feet (per Blaine County Assessor records).</i></p> <p><i>One additional Conditional Use Permit for the B building has been issued (P19-045, Good Medicine Pottery) for a work/live unit with 420.88 square feet of residential living area. Adding this 815 square foot residential area would result in 1,235 total residential square footage, equal to 5% of the square footage of the development.</i></p> <p><i>Within this particular work/live unit, 815 square feet of living area represents 32% of the total square footage of the wok/live unit (815 square feet of 2552 total square feet).</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (4)	<p>Individual Units: Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:</p> <ul style="list-style-type: none"> a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A5 of this section; b. Three-story projects in the LI-3 where not less than one-third (1/3) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section; c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds (2/3) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A7 of this section; d. Existing non-conforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance #85, as enacted on May 27, 1965; e. Existing condominiums and work/live units with less than one thousand (1,000) square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.
			Staff Comments	<i>This individually owned condominium is eligible for ownership because it is a work/live unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (5)	<p>5. Work/Live Units: In the approval of work/live units, the City shall also find that:</p> <ul style="list-style-type: none"> a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to Council approval of a restrictive covenant; b. The work unit is: <ul style="list-style-type: none"> (1) Suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire Codes; (2) Signed and posted with regular hours of operation; (3) Served by the prominent means of access for the work/live unit; and, (4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.

				<p>c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:</p> <ul style="list-style-type: none"> (1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed one thousand (1,000) gross square feet; (2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and (3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title.
			Staff Comments	<p>Criteria 5b 1-5 and 5c 1-3 are met:</p> <p>B1. The property is suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire codes.</p> <p>B2. Staff has spoken with the applicant the hours of operation will be posted.</p> <p>B3. The work area is served by a prominent means of access (front door)</p> <p>B4. The applicant has a valid business license with the City of Ketchum for a permitted use.</p> <p>C1. The size of the live component is less than 1,000 square feet (it is 815 square feet), and is less than the work component, which is 1,737 square feet (1558 square feet lower level, 179 square feet upper level).</p> <p>C2. The means of access to the residential portion of the unit is not prominent (it is within the interior).</p> <p>C3. Parking requirements are met (1 space allocated for the residential use and 1 space for the light industrial operation). No concerns have been expressed by adjacent property owners regarding the work/live unit interfering with snow removal operations or the operation of other nearby businesses.</p> <p>The Findings of Fact and Conclusions of Law for this application will be forwarded to City Council for approval of a restrictive covenant in accordance with 17.124.090 A (5).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (6)	<p>6. Size: Dwelling units in the Light Industrial District shall be a minimum of four hundred (400) square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of two thousand (2,000) square feet, contain more than two (2) bedrooms, and all units shall not exceed a mean average of one thousand (1,000) square feet.</p>
			Staff Comments	<p>N/A, this is a work/live unit.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (7)	<p>7. Fourth Or Fifth Floor: Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:</p> <ul style="list-style-type: none"> a. If dwelling units are to be sold, a minimum of two-thirds (2/3) of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines; b. The area designated as light industrial shall be as follows: <ul style="list-style-type: none"> (1) The area designated as light industrial shall be a minimum of twenty five percent (25%) of the gross floor area in four story buildings.

				<p>(2) The area designated as light industrial shall be a minimum of twenty percent (20%) of the gross floor area in five story buildings.</p> <p>(3) Subject light industrial use shall not be for personal storage by dwelling occupants;</p> <p>c. Up to seventy five percent (75%) of the gross square footage of any four-story building and up to eighty percent (80%) of the gross square footage of a five story building may be devoted to dwelling units; and</p> <p>d. Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four story buildings and 2:3 for five story buildings.</p>
			<i>Staff Comments</i>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	<p>8. Anti-Nuisance And Notice Provisions:</p> <p>a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.</p> <p>b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.</p> <p>c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.</p> <p>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</p>
			<i>Staff Comments</i>	<i>The applicant is aware that the property is located in a light industrial zone and operates a valid light industrial use as part of the work/live operation. The applicant is aware of all other standards described in this subsection.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (9)	<p>Compliance: Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.</p>
			<i>Staff Comments</i>	<i>The applicant meets parking ordinance requirements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (10)	<p>10. Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</p> <p>a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;</p> <p>b. Separation of residential and light industrial parking on the site to minimize conflicts;</p> <p>c. Restrictions on exterior storage of personal property of tenants;</p>

			<p>d. Certificate of occupancy required prior to occupancy of units; e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy; f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations; g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged; i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or, j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section.</p>
		Staff Comments	<i>Staff recommends the conditions of approval noted in the last section of this staff report.</i>

Table 4. Conditional Use Permit Requirements

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)	<p>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</p> <p><i>Staff Comments</i> The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the purpose of the LI-2 Zone is to, “provide for a permanent year round employment base and the location of light manufacturing, wholesale trade and distribution, research and development, service industries, limited related, bulk retail and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public.”</p> <p>The proposed work/live unit includes a permitted use, wood working, and the conditionally permitted residential use. The 10th Street Light Industrial Complex is comprised of individually owned condominium units, several of which have been converted to work/live uses in the past.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	<p>The conditional use will not materially endanger the health, safety and welfare of the community.</p> <p><i>Staff Comments</i> The building inspector and Fire Marshal have conducted a walk-through of this unit and found that it currently meets all life safety codes. The proposed light industrial use is an existing use within the unit and does not pose health, safety, or welfare concerns to the community.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	<p>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.</p> <p><i>Staff Comments</i> The Tenth Street Light Industrial Complex has an adequately sized parking lot for the development. This unit is allocated two dedicated parking spaces. The business is currently in operation and does not cause hazardous pedestrian or vehicular traffic.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	<p>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.</p> <p><i>Staff Comments</i> The work/live unit is within an existing development that is adequately served by public services and facilities. The work/live operation will not adversely affect public services to the surrounding area.</p>

63	<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.
			Staff Comments	<i>As described in Table 2 of this staff report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>

The Planning and Zoning Commission may attach additional conditions to the application approval as it determines necessary in order to ensure the residential use is compatible with the vicinity and adjoining uses, mitigate adverse impacts, and enhance public health, safety, and welfare. Such conditions may include, but are not limited to (KMC §17.116.050):

- A. Minimizing adverse impact on other development;
- B. Controlling the sequence and timing of development;
- C. Controlling the duration of development;
- D. Assuring that development is maintained properly;
- E. Designating the exact location and nature of development;
- F. Requiring the provision for on site or off site public facilities or services;
- G. Requiring more restrictive standards than those generally required in an ordinance; and
- H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the city.

Additionally, KMC §17.124.090 pertaining to residential standards in light industrial districts states that the following conditions may be attached to the Conditional Use Permit:

- a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;
- b. Separation of residential and light industrial parking on the site to minimize conflicts;
- c. Restrictions on exterior storage of personal property of tenants;
- d. Certificate of occupancy required prior to occupancy of units;
- e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;
- f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;
- g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;
- h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;
- i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or,
- j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section [KMC §17.124.090].

STAFF RECOMMENDATION

Staff recommends holding the public hearing, considering the application and public comment, and approving the Cerutti Work/Live Conditional Use Permit with conditions.

RECOMMENDED MOTION

“I MOVE to approve the Cerutti Work/Live Conditional Use Permit with conditions 1-9, optional condition 10 (A or B), and any other conditions determined necessary by the Commission.

RECOMMENDED CONDITIONS

- 1. Hours of operation for the business shall be posted and remain posted;

- 2.** The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms;
- 3.** No residential use shall occur on the ground level (first floor);
- 4.** Because of the mixed-use nature of this space, and in order to ensure compliance with the zoning code requirement that residential dwellings do not exceed 1,000 square feet in the LI-2 zoning district, the Fire Marshal shall conduct routine inspections of the work/live building;
- 5.** Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff;
- 6.** The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
- 7.** All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
- 8.** Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
- 9.** All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

Condition 10 – Option A

This Work/Live Conditional Use Permit is transferable to a new residential tenant or owner provided the residential floor area remains entirely on the upper level and does not exceed 1,000 square feet and a permitted Light Industrial use, operating with a valid City of Ketchum business license, occurs concurrently for the duration of the residential use and all other applicable building, fire, and zoning code standards are met.

Condition 10 – Option B

The Conditional Use Permit is non-transferable and is valid only for residential occupancy by the applicant, Dean Cerutti, for the duration that Wood River Joiners is in operation. If the light industrial operation ceases this permit shall be void. If a new residential tenant or new light industrial use is proposed a new Conditional Use Permit shall be applied for.

ATTACHMENTS

- A. Application
- B. As built floor plan
- C. 10th Street Light Industrial condominium plat site plan with ADA bathroom for development noted
- D. Business license

A. Application



City of Ketchum
Planning & Building


OFFICIAL USE ONLY	
File Number:	P19-094
Date Received:	8-21-19
By:	ml
Fee Paid:	1100.00
Approved Date:	
Denied Date:	
By:	

Conditional Use Permit Application

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code.

OWNER INFORMATION	
Project Name: B9 Cerutti CUP	
Name of Owner of Record: (B9 LLC) Unit B9, LLC	
Physical Address: 471 E Tenth Street Ketchum Idaho	
Property Legal Description: Condominium Unit B9 10 th St Light Industrial Complex	
Property Zoning District: LI Bldg 8, Unit 9	
Contact Phone: 208 720 4684	Contact Email: dencerutti@gmail.com
PROJECT INFORMATION	
Description of Proposed Conditional Use: Residential Unit	
Description of Proposed and Existing Exterior Lighting: motion sensor light at entrance	
ADDITIONAL COMMENTS	
ACCOMPANYING SUPPORTING INFORMATION REQUIRED	
<ul style="list-style-type: none"> Existing Site Plan Proposed Site Plan Landscape Plan Grading and Drainage Plan Exterior Lighting Plan and Specifications Other plans and studies related to the social, economic, fiscal, environmental, traffic, and other effects of the proposed conditional use, as required by the Administrator 	

Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortious conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

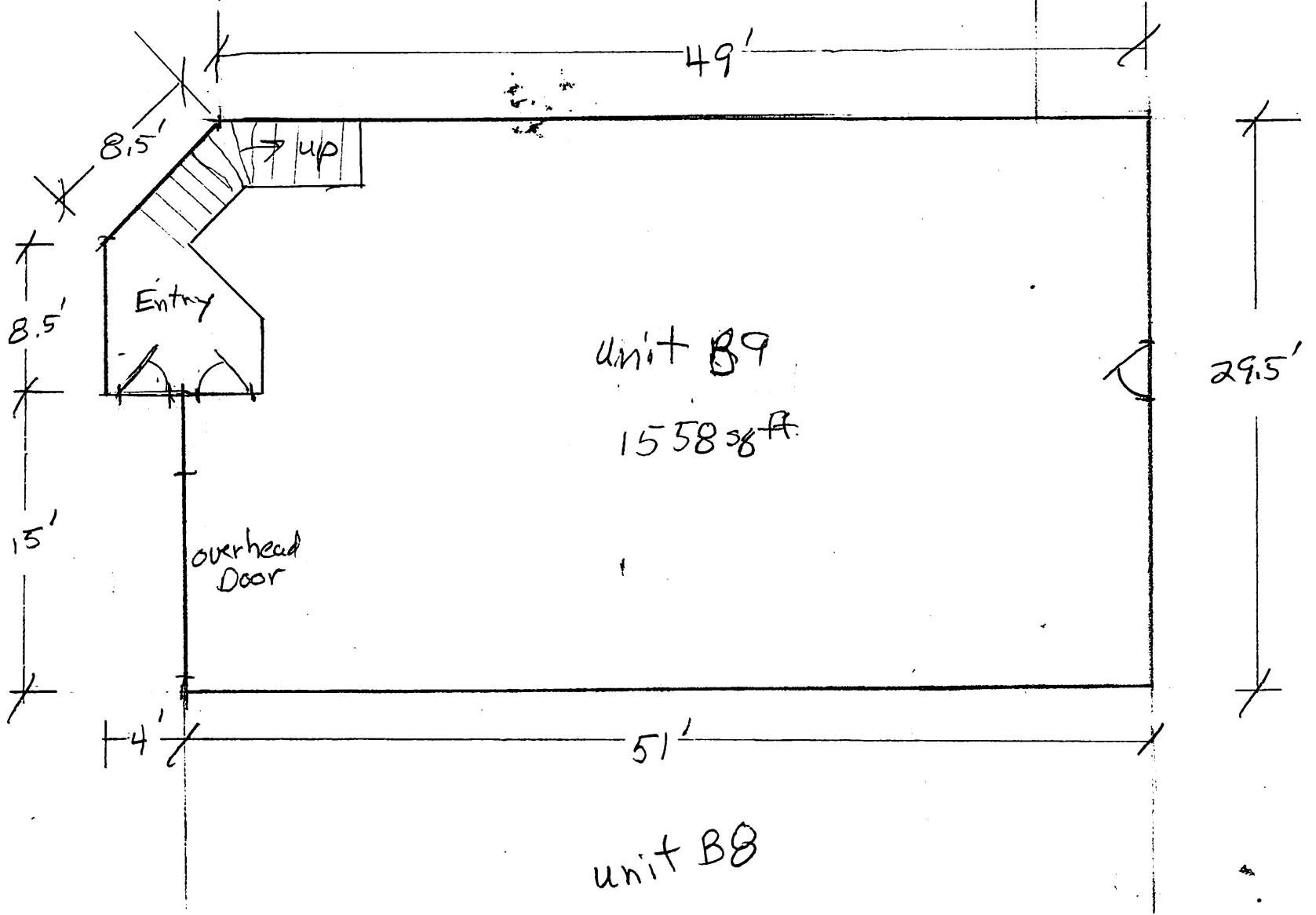

8-19-19

Applicant Signature Date

B. As built floor plan

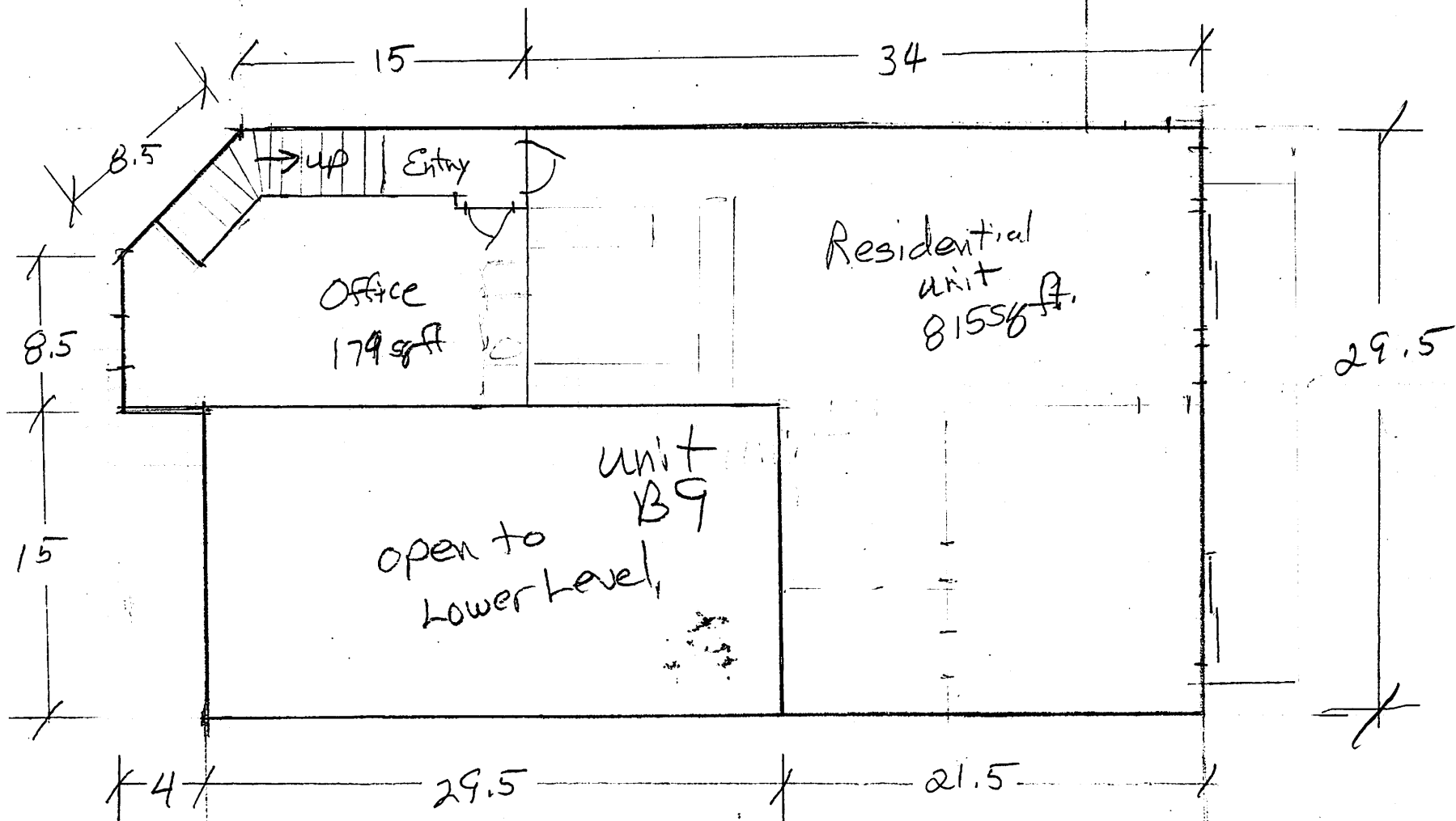
Tenth Street
LI Complex
Lower level

unit B10



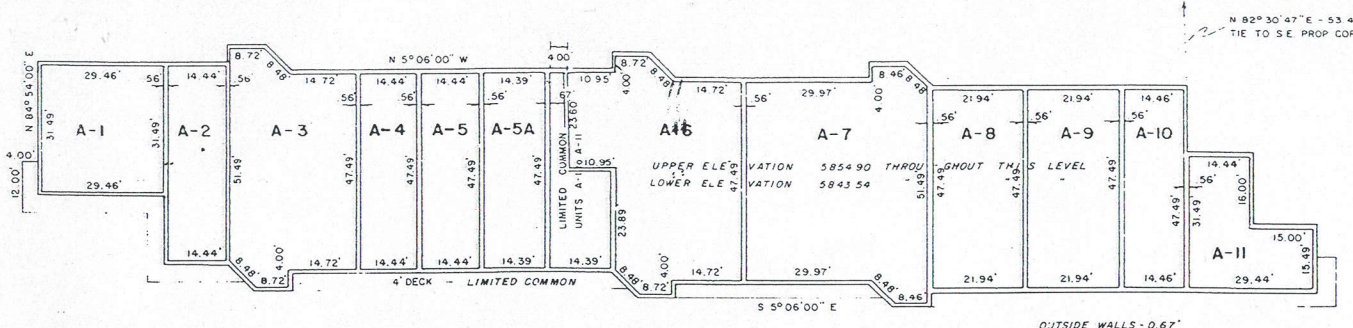
Tenth Street
LI Complex
upper Level

unit B10

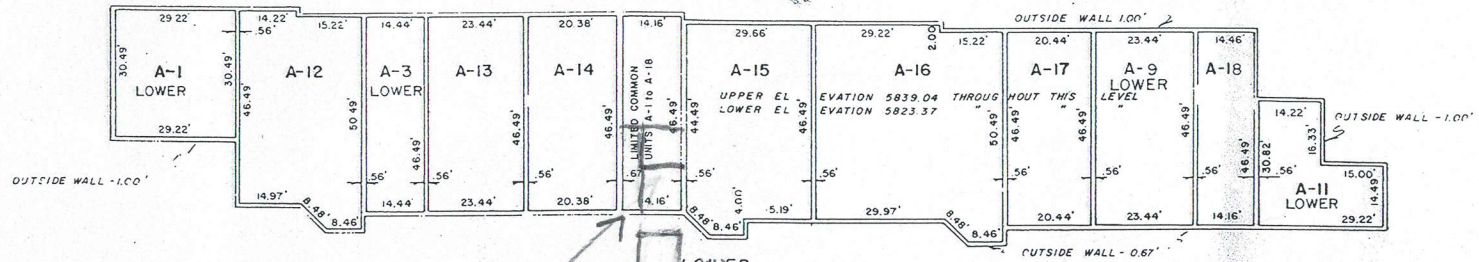


unit B8

C. 10th Street Light Industrial condominium plat site plan with ADA bathroom for development noted



UPPER



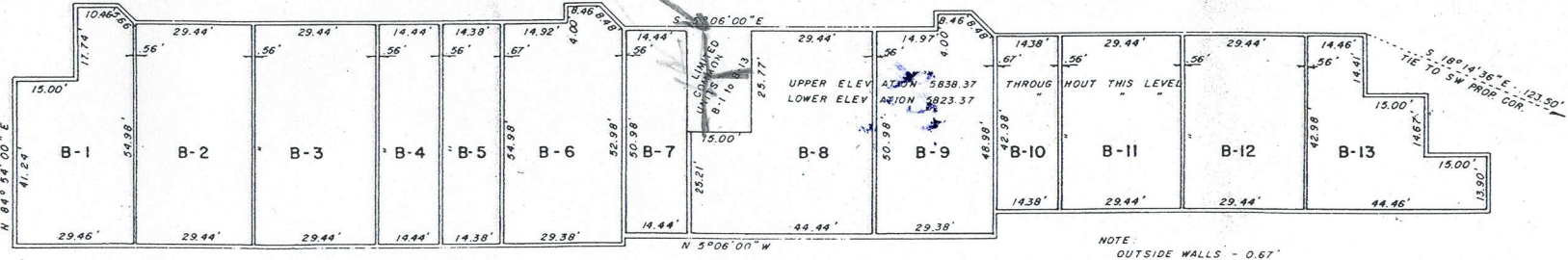
LOWER
 ADA BUILDING - A
 Parking

Association
 maintained
 Restrooms

NOTES:
 ELEVATIONS ARE REFERENCED TO U.S.C. & G.S.
 DATUM OF 1929, USGS BM WOOD RIVER - W.S. RD.
 SOME STRUCTURAL MEMBERS EXTEND INTO
 UNITS.

SAWTOOTH TITLE CO., INC.
 While this is a photographic reproduction
 of the recorded plat, the Company
 assumes no liability for variations,
 if any, with a re-survey.

Handwritten signature and date: 12/7/54



BUILDING - B

NOTE:
 OUTSIDE WALLS - 0.67'

TENTH STREET LIGHT
 INDUSTRIAL COMPLEX

SHEET 2 of 3



D. Business license



BUSINESS LICENSE

CITY OF KETCHUM
480 EAST AVE NORTH
BOX 2315
KETCHUM ID 83340

Grant Gager, Director, Finance and Internal Services

This certifies that the above named business or person is hereby authorized to do business in the City of Ketchum and has paid the necessary amount to operate such business for the time stated. The receipt of a business license does not indicate compliance with other pertinent laws, ordinances, rules and regulations.

THIS IS NOT TRANSFERABLE BETWEEN OWNER AND / OR LOCATIONS

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE AT THE BUSINESS LOCATION

LICENSE #: 220
EXPIRATION DATE: 10/31/2019
ISSUED TO: WOOD RIVER JOINERS
DBA: WOOD RIVER JOINERS
LOCATION: 471 TENTH STREET EAST
OWNER: DEAN W. CERUTTI

BUSINESS ACTIVITY:
Business License

Neil Bradshaw, Mayor



**City of Ketchum
Planning & Building**

**STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF OCTOBER 14, 2019**

PROJECT: Webb Work/Live Conditional Use Permit

FILE NUMBER: P19-096

OWNER: Rob Webb

APPLICANT: Rob Webb

REQUEST: Conditional Use Permit (CUP) for a work/live unit

LOCATION: 251 Northwood Way, Unit J (Redwood Industrial Condo, Unit 7)

ZONING: Light Industrial District No. 2 (LI-2)

OVERLAY: None

NOTICE: Notice was mailed to property owners within a 300-foot radius and was published in the Idaho Mountain Express on September 25, 2019. Notice was posted at the subject location and on the city website on October 7, 2019.

REVIEWER: Brittany Skelton, Senior Planner

ATTACHMENTS: A. Application
B. As built floor plan

Rob Webb, owner/operator of Mobile Cycle Repair, has applied for a Conditional Use Permit to bring into compliance the work/live unit he lives in and operates his business from in the LI-2 zoning district. Mobile Cycle Repair and is a permitted use in the LI-2 zone (“repair shop”). Work/Live units are a new category of residential use permitted in the Light Industrial zoning districts, made possible through the light industrial zone amendments considered by the Planning and Zoning Commission and City Council in 2018 and 2019.

Work/Live units are defined by Ketchum Municipal Code as follows:

Work/live units incorporate residential living space in a non-residential building. Work/live units are held jointly in common ownership and the work and live spaces cannot be sold or platted as separate condominiums, as documented with a City-approved restrictive covenant recorded against the property. are permitted in the LI-2 zone provided a Conditional Use Permit for the live component is approved by the Planning and Zoning Commission.

The existence of the work/live use was discovered during the city’s publicized efforts to locate and bring non-conforming and unpermitted residential living spaces in the LI zones into compliance with building, fire, and zoning codes.

The Fire, Building, Utilities and Streets/Engineering Departments have reviewed this permit application and the Fire and Building departments have conducted site visits to verify compliance with fire and building codes. At this time there is an outstanding issue regarding fire separation between the work and live portions of the unit. The owner has received a building permit to install two self-closing fire rated doors and additional drywall in order to provide the required fire separation. Work has not yet commenced. However, upon completion of the work and receipt of a Certificate of Completion no issues with the work/live unit will be of concern to the Fire, Building, Utilities, or Streets/Engineering departments.

The work/live unit has a 994 square foot upper-floor (815 square feet of residential / 179 square feet of office space associated with the business) and a 1558 square foot ground floor that consists exclusively of workspace associated with the Wood River Joiners woodworking business. The total square footage of the unit is 2,552 square feet.

Introduction of the new Work/Live category gives the Commission discretion to consider new site-specific characteristics of proposed Work/Live units on a case by case basis. In this instance, the main point of deliberation for the Commission is whether the upper floor “work” area should be physically separated from the “live” area in order to delineate the “live” from “work”. The live area is limited to 1,000 square feet by code and the upper story is 1,642 square feet. The owner has indicated that a portion of the upper floor is used for office work related to the business but currently there is no physical separation between the two uses. (See staff comments for 17.124.090 A (3))

Due to the excess of square footage on the upper floor beyond the 1,000 square feet limit for “live” area, staff does not recommend that this unit be considered for a transferable Conditional Use Permit. However, this is another point of deliberation for the Commission that the Commission has discretion over.

Table 1. Comprehensive Plan Analysis

<p>Land Use Category: Mixed-Use Industrial</p> <p>PRIMARY USES <i>Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</i></p> <p>SECONDARY USES <i>A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.</i></p> <p>CHARACTERISTICS AND LOCATION <i>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum’s economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</i></p>
<p>The proposed use, a work/live unit with a bicycle repair/maintenance business being the work component, meets both the primary and secondary intention of the light industrial area.</p>
<p>Policy E-2(e) Live-Work Opportunities and Home Businesses <i>Support small home-based businesses that allow people to live and work from their residences and evaluate existing home-occupation, live/work, and related land use standards.</i></p>
<p>The proposed use is work/live.</p>
<p>Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas <i>Housing should be integrated into the downtown core and light industrial areas, and close to the ski bases, The resulting mix of land use will help promote a greater diversity of housing opportunities as well as social interactions.</i></p>
<p>The proposal integrates housing into the light industrial area in a mixed-use building.</p>

Table 2. City Department Comments

City Department Comments			
Compliant			City Standards and City Department Comments
Yes	No	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fire: Owner has applied for a building permit to install required fire separation between the work and live spaces. Work has not yet started. Upon Certificate of Occupancy for completion of the work the unit will be in compliance.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City Engineer and Streets Department: This is an existing building that is not being substantially improved. No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utilities: No comments at this time.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Building: Owner has applied for a building permit to install required fire separation between the work and live spaces. Work has not yet started. Upon Certificate of Occupancy for completion of the work the unit will be in compliance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning and Zoning: Comments are denoted throughout the Staff Report.

Table 3. Standards for Residential, Light Industrial Districts

IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:

Residential units in the light industrial districts shall comply with the following minimum criteria:

Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (1)	Dwelling units shall not occupy the ground floor.
			Staff Comments	<i>The application is for a work/live unit with the living area and part of the work area (office space related to the business) located on the upper floor and work space/storage related to the mobile bicycle repair business located on the ground floor.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (2)	Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.
			Staff Comments	<i>Design Review is not required as this application does not change the exterior of the building.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (3)	Dwelling Units: Unless otherwise specified in this section, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units and up to fifty percent (50%) of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.
			Staff Comments	<p><i>This standard is primary for the Commission's attention and is intended to be met along with 17.124.090 A (5) c.1, which states the "live" square footage can not exceed 1,000 square feet.</i></p> <p><i>The total square footage of the condominium unit, per the Blaine County Assessor records, is 3135 square feet with 1,492 square feet on the ground floor (48% of the unit's square footage) and 1,642 square feet on the upper floor (52%) of the unit's square footage.</i></p> <p><i>The owner/applicant has expressed that a portion of the upper story's floor area is used for office work related to the business. However, the upper story's floorplan does not clearly define (physically, with separation such as a wall) the boundaries between "working" and "living".</i></p> <p><i>When the new work/live standards for work/live in the light industrial standards were developed it was not specified that there shall be physical separation between work and live spaces. However, the topic of physical separation has been discussed in the context of other light industrial residential proposals reviewed by the Commission with previous permits.</i></p> <p><i>As such, the Commission has the discretion to require physical separation or not. The Commission could require as a condition of approval that the upper story office and living spaces be separated, as evidenced by a building permit, construction, final inspection, and Certificate of Completion.</i></p> <p><i>Staff has included this condition as an option to attach to this permit.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (4)	<p>Individual Units: Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:</p> <p>a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A5 of this section;</p> <p>b. Three-story projects in the LI-3 where not less than one-third (1/3) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section;</p> <p>c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds (2/3) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A7 of this section;</p>

				<p>d. Existing non-conforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance #85, as enacted on May 27, 1965;</p> <p>e. Existing condominiums and work/live units with less than one thousand (1,000) square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.</p>
			Staff Comments	<i>This unit is eligible for individual ownership because it is a work/live unit.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (5)	<p>5. Work/Live Units: In the approval of work/live units, the City shall also find that:</p> <p>a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to Council approval of a restrictive covenant;</p> <p>b. The work unit is:</p> <ul style="list-style-type: none"> (1) Suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire Codes; (2) Signed and posted with regular hours of operation; (3) Served by the prominent means of access for the work/live unit; and, (4) Associated with a business license for a use allowed (either conditionally or permitted) in the district. <p>c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:</p> <ul style="list-style-type: none"> (1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed one thousand (1,000) gross square feet; (2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and (3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title.
			Staff Comments	<p><i>See 17.124.090 A (3) for discussion of the 1,000 square foot living area requirement.</i></p> <p><i>17.124.090.A.5.b.4 – The owner has maintained a sales tax permit with the City of Ketchum for a number of years but during this process it was discovered that the owner did not have a business license with the city. Rob Webb has applied for a Ketchum business license and the license is pending approval at the time of this staff report due to an employee with the clerk’s office being out of the office.</i></p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (6)	<p>6. Size: Dwelling units in the Light Industrial District shall be a minimum of four hundred (400) square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of two thousand (2,000) square feet, contain more than two (2) bedrooms, and all units shall not exceed a mean average of one thousand (1,000) square feet.</p>
			Staff Comments	<i>See 17.124.090 A (3) for discussion of the 1,000 square foot living area requirement.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (7)	<p>7. Fourth Or Fifth Floor: Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:</p> <p>a. If dwelling units are to be sold, a minimum of two-thirds (2/3) of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;</p>

				<p>b. The area designated as light industrial shall be as follows:</p> <p>(1) The area designated as light industrial shall be a minimum of twenty five percent (25%) of the gross floor area in four story buildings.</p> <p>(2) The area designated as light industrial shall be a minimum of twenty percent (20%) of the gross floor area in five story buildings.</p> <p>(3) Subject light industrial use shall not be for personal storage by dwelling occupants;</p> <p>c. Up to seventy five percent (75%) of the gross square footage of any four-story building and up to eighty percent (80%) of the gross square footage of a five story building may be devoted to dwelling units; and</p> <p>d. Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four story buildings and 2:3 for five story buildings.</p>
			<i>Staff Comments</i>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	<p>8. Anti-Nuisance And Notice Provisions:</p> <p>a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.</p> <p>b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.</p> <p>c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.</p> <p>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</p>
			<i>Staff Comments</i>	<i>The applicant currently works and lives within the unit, is aware of the nature of the light industrial zone, and is aware of the other standards within this section.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (9)	<p>Compliance: Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.</p>
			<i>Staff Comments</i>	<i>The applicant is required one parking space for the residential unit and two parking spaces for the work square footage. There are two interior parking spaces and several exterior parking spaces allocated to the unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (10)	<p>10. Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</p>

			<p>a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;</p> <p>b. Separation of residential and light industrial parking on the site to minimize conflicts;</p> <p>c. Restrictions on exterior storage of personal property of tenants;</p> <p>d. Certificate of occupancy required prior to occupancy of units;</p> <p>e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;</p> <p>f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;</p> <p>g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;</p> <p>h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;</p> <p>i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or,</p> <p>j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section.</p>
		Staff Comments	<i>Recommended conditions of approval are below.</i>

Table 4. Conditional Use Permit Requirements

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)	<p>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</p> <p><i>The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the purpose of the LI-2 Zone is to, “provide for a permanent year round employment base and the location of light manufacturing, wholesale trade and distribution, research and development, service industries, limited related, bulk retail and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public.”</i></p> <p><i>Many permitted light industrial uses, such as manufacturing, maintenance service facilities, repair shops, and motor vehicle service, may not occur elsewhere within the City of Ketchum, and these uses are largely permitted by-right in this district by right. In contrast, residential dwellings are permitted by Conditional Use Permit only – in order to both mitigate the impact of residential uses on light industrial operations and to ensure the proposed residential will be located and constructed in such a manner that existing light industrial has limited negative externalities on it.</i></p> <p><i>The proposed work/live unit includes a use that aligns with the LI zoning districts, a bicycle repair/maintenance business, and the conditionally permitted residential use.</i></p> <p><i>The Redwood Industrial Condominium building is a fully-sprinklered, modern condominium building (built 1990) that has adequate indoor and outdoor parking for owners/tenant and business patrons. The building has one other work/live unit (Unit 8, which was permitted under a prior version of the zoning code in 2011) units over the years and residential occupancy and commercial occupancy on the same floor and ground floor have co-existed. Staff finds that the proposed live/work use is not unreasonably incompatible with the types of uses permitted in this district.</i></p>

81	<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.
			Staff Comments	<i>The building inspector and Fire Marshal have conducted a walk-through of this unit and identified one deficiency: lack of adequate fire separation between the work and live spaces. The unit owner has applied for a building permit (B19-089) to install two self-closing fire rated doors and additional drywall that will provide adequate fire separation. This building permit has been approved but construction has not yet commenced.</i> <i>As a condition of approval staff recommends requiring that the scope of work approved with the building permit be complete by January 1, 2020. Upon receipt of the Certificate of Occupancy the work/live unit will not endanger the health, safety, and welfare of the public.</i>
<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.
			Staff Comments	<i>The Redwood Industrial building has an adequately sized parking lot, defined curb cuts providing ingress and egress to the parking lot and has sidewalk along the street frontage. The work/live use is not anticipated to generate a high volume of trips as an integral part of the business model is traveling to clients' homes and performing bicycle maintenance off-site. As such, hazards to pedestrian and vehicular traffic will not be generated by this proposal.</i>
<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.
			Staff Comments	<i>The existing building and this unit are adequately served by public facilities and services. Use of this unit for the proposed live/work will not adversely affect the delivery of public services to the surrounding area.</i>
<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.
			Staff Comments	<i>As described in Table 2 of this staff report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>

The Planning and Zoning Commission may attach additional conditions to the application approval as it determines necessary in order to ensure the residential use is compatible with the vicinity and adjoining uses, mitigate adverse impacts, and enhance public health, safety, and welfare. Such conditions may include, but are not limited to (KMC §17.116.050):

- A. Minimizing adverse impact on other development;
- B. Controlling the sequence and timing of development;
- C. Controlling the duration of development;
- D. Assuring that development is maintained properly;
- E. Designating the exact location and nature of development;
- F. Requiring the provision for on site or off site public facilities or services;
- G. Requiring more restrictive standards than those generally required in an ordinance; and
- H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the city.

Additionally, KMC §17.124.090 pertaining to residential standards in light industrial districts states that the following conditions may be attached to the Conditional Use Permit:

- A. Access to the apartments relative to design and relationship to light industrial uses;
- B. Location of residential and light industrial parking on the site;

- C. Restrictions on exterior storage of personal property of tenants;
- D. Certificate of Occupancy required prior to occupancy of units;
- E. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;
- F. Permit shall be reviewed when light industrial occupancies within the building change;
- G. Snow removal required to ensure utility of residential spaces;
- H. Such proof of long term occupancy as deemed appropriate;
- I. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; and/or
- J. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A9 of this section.

STAFF RECOMMENDATION

Staff recommends approval of the work/live application with conditions.

RECOMMENDED MOTION

"I MOVE to approve the Webb Work/Live Conditional Use Permit with conditions 1-10 (or 1-11 with optional condition 11) and any other conditions determined necessary by the Commission.

RECOMMENDED CONDITIONS

- 1.** The Conditional Use Permit is non-transferable;
- 2.** Hours of operation for the business shall be posted and remain posted;
- 3.** The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms;
- 4.** No residential use shall occur on the ground level (first floor);
- 5.** Because of the mixed-use nature of this space, and in order to ensure compliance with the zoning code requirement that residential dwellings do not exceed 1,000 square feet in the LI-2 zoning district, the Fire Marshal shall conduct routine inspections of the work/live building;
- 6.** Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff;
- 7.** The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
- 8.** All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
- 9.** Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
- 10.** All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

Condition 11 – Option A

The upper floor "work" area shall be physically separated by construction of walls, with an entry door, and the work area's square footage shall sized to result in a living area that is 1,000 square feet or less.

ATTACHMENTS

- A. Application
- B. As built floor plan

A. Application



City of Ketchum
Planning & Building

OFFICIAL USE ONLY
P19-096
8-23-19
MP
\$1100-

Conditional Use Permit Application

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: [and click on Municipal Code.](#)

OWNER INFORMATION	
Project Name: <i>Webb Wilson Building Unit J LI Res CUP</i>	
Name of Owner of Record: <i>Rob Webb</i>	
Physical Address: <i>251 Northwood Way, Unit J Ketchum, Id</i>	
Property Legal Description: <i>Redwood Industrial Condo, Unit 7</i>	
Property Zoning District: <i>LI 2</i>	
Contact Phone: <i>208.720.8562</i>	Contact Email: <i>R3Webb1@yahoo.com</i>
PROJECT INFORMATION	
Description of Proposed Conditional Use: <i>Work/Live</i>	
Description of Proposed and Existing Exterior Lighting:	
ADDITIONAL COMMENTS	
ACCOMPANYING SUPPORTING INFORMATION REQUIRED	
<ul style="list-style-type: none"> Existing Site Plan Proposed Site Plan Landscape Plan Grading and Drainage Plan Exterior Lighting Plan and Specifications Other plans and studies related to the social, economic, fiscal, environmental, traffic, and other effects of the proposed conditional use, as required by the Administrator 	

Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortuous conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

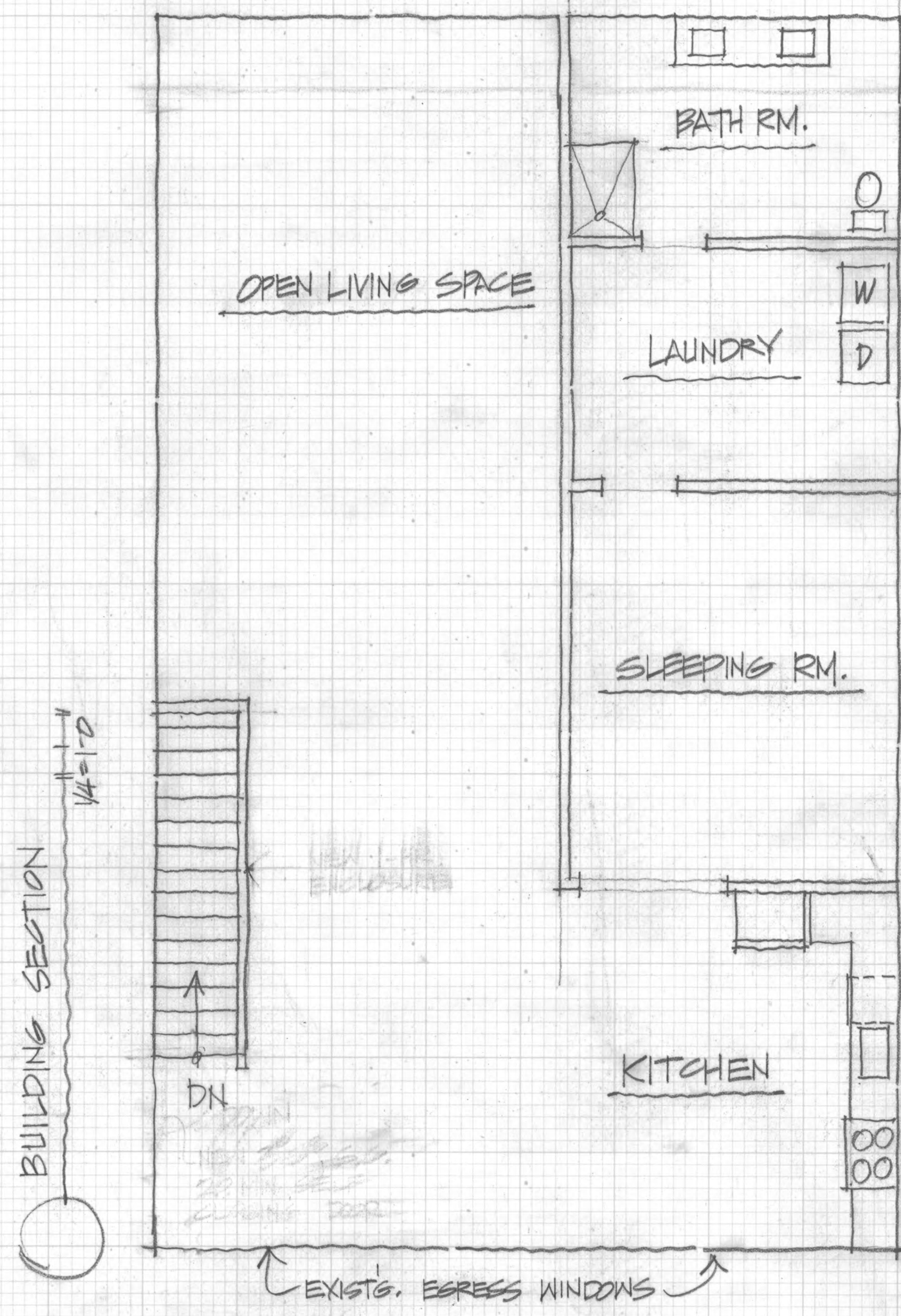
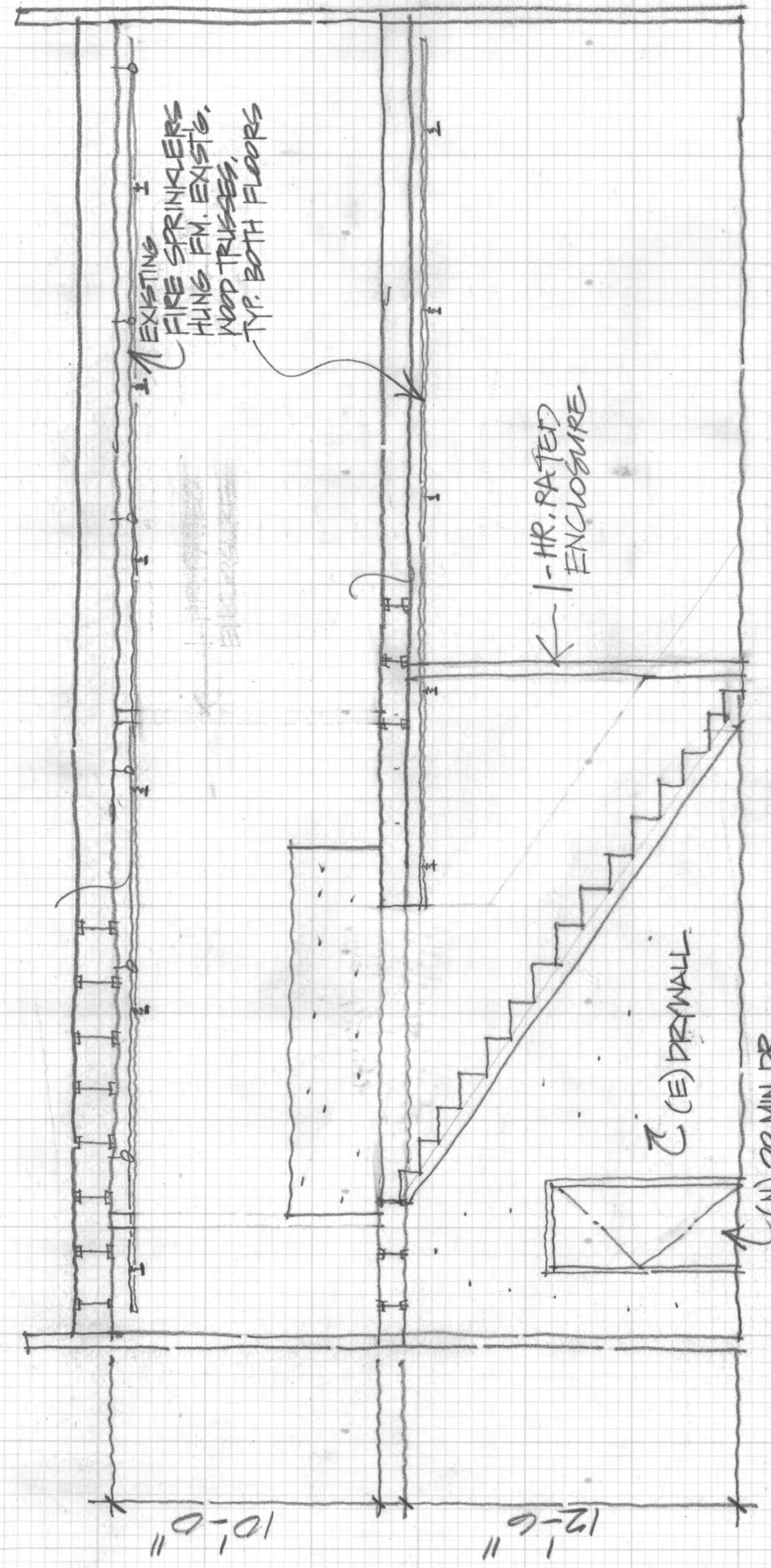
Aug 12, '19

Applicant Signature

Date

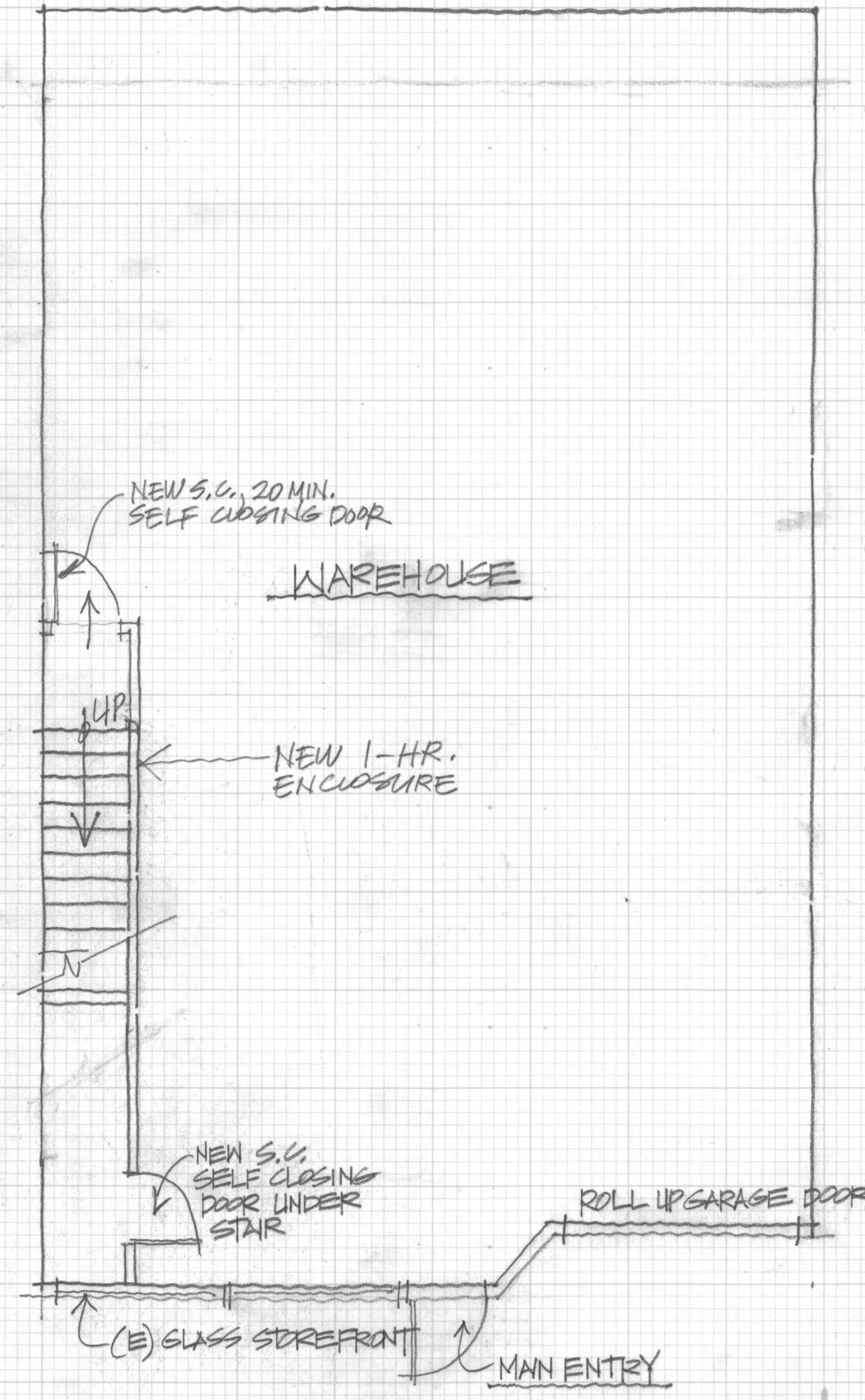
B. As built floor plan

REVISIONS	BY



EXISTING SECOND FLOOR PLAN

1/4"=1'-0"



EXISTING GROUND FLOOR PLAN

1/4"=1'-0"

251 NORTHWOOD WAY, UNIT 7
CITY OF KETCHUM

Date	08/20/19
Scale	AS NOTED
Drawn	T.E.M.
Job	NA
Sheet	
Of	Sheets



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF OCTOBER 14, 2019

PROJECT: Onyx at Leadville Residences Condominium Subdivision Preliminary Plat

FILE NUMBER: P19-093

ASSOCIATED PERMITS: Pre-Application Design Review 17-090, Design Review 18-005, Lot Line Shift P18-010, Building Permit 18-016

OWNERS: J Peterman Development LLC

REPRESENTATIVE: Sean Flynn PE, Galena Engineering

REQUEST: Preliminary Plat to create eight condominium units within a multi-family residential development currently under construction

LOCATION: 341 S Leadville Avenue (Trail Creek Condominiums: Block 1A)

NOTICE: A public hearing notice was mailed to all property owners within 300 ft of the development site and political subdivision on September 25th, 2019. The public hearing notice was published in the Idaho Mountain Express on September 25th, 2019.

ZONING: Tourist (T)

OVERLAY: None

REVIEWER: Abby Rivin, Associate Planner

EXHIBITS:

- A. Application
- B. Condominium Subdivision Preliminary Plat dated August 2019
- C. City Engineer Review Comments
- D. Draft Findings of Fact and Conclusions of Law

INTERVIEW – CONDOMINIUM SUBDIVISION PROCEDURE (KMC §16.04.060)

All land subdivisions in the City of Ketchum are subject to the standards contained in Ketchum, Municipal Code, Title 16, Subdivision. Many standards are related to the design and construction of multiple new lots that will form new blocks and infrastructure, such as streets that will be dedicated to and maintained by the City. The standards for certain improvements (KMC §16.04.040) including street, sanitary sewage disposal, planting strip improvements are not applicable to the subject project as the application proposes to subdivide a building currently under construction into eight condominium units. The request to subdivide meets all applicable standards for Condominiums Preliminary Plats contained in Ketchum Municipal Code’s Subdivision (Title 16) and Zoning (Title 17) regulations. The Condominium Subdivision Preliminary Plat does not change the proposed residential use or alter the proposed development as reviewed and approved through Design Review P18-005 and Building Permit B18-016.

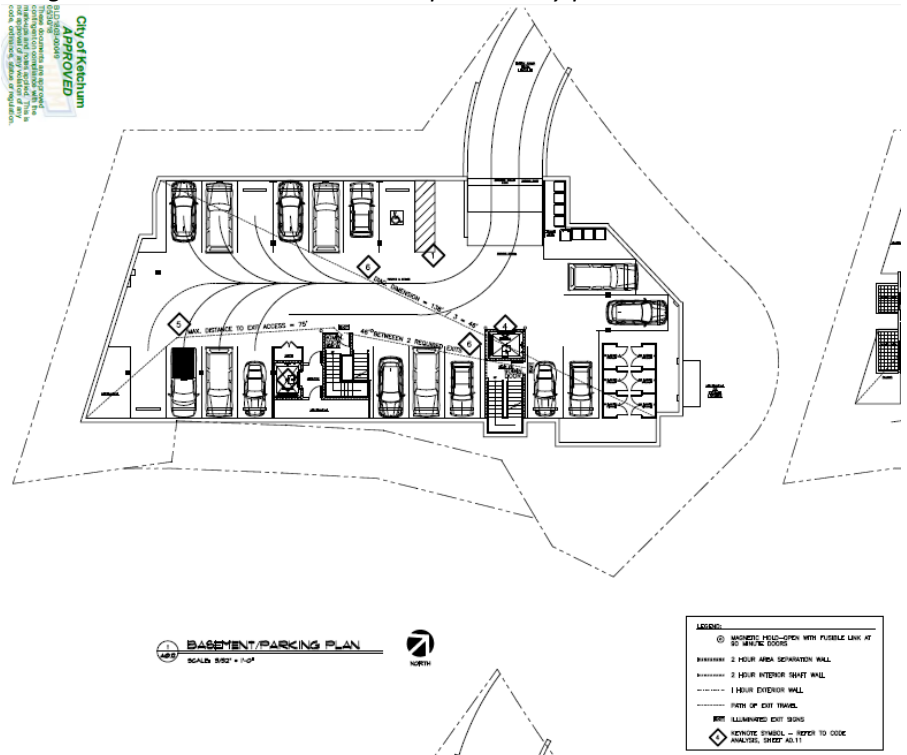
The first step in the condominium platting process is Preliminary Plat review and to receive a recommendation from the Planning and Zoning Commission. After receiving a recommendation for approval and upon commencement of construction, the Preliminary Plat application is forwarded to the City Council for review and approval. After City Council approval of the Preliminary Plat, the subdivider may submit an application for Final Plat. The Commission may review and recommend approval of the Final Plat provided the Final Plat substantially conforms to the Preliminary Plat. City Council, however, shall not review or approve the Final Plat until a Certificate of Occupancy has been issued for the building and all design review elements have been installed.

Table 1: Condominium Preliminary Plat Requirements

Condominium Preliminary Plat Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.B	The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities and open space.
			Staff Comments	<i>Draft CC&Rs and Articles of Incorporation for the property owner association have been submitted by the applicant and are included in the project file. The CC&Rs address maintenance of the building and common areas.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.D	All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.
			Staff Comments	<i>All underground garage parking spaces have been designated as Limited Common Area tied to a specific condominium unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.E	Adequate storage areas shall be provided for boats, campers and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.
			Staff Comments	<i>Storage areas for certain units have been designated as limited common area within the underground parking garage. A storage locker area has also been included within basement floor plan and is designated as common area on the Preliminary Plat.</i> <i>All eight residential condominium units provide adequate interior storage space for personal property.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.F	A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.

Staff Comments

The architectural plans approved with the Building Permit correspond to the Preliminary Plat and include a maintenance and mechanical room, trash area, and mechanical or storage lockers in the basement, which have been designated as Common Area on the preliminary plat.



Basement/Parking Plan as approved with Building Permit B18-016 (Sheet A0.12)

16.04.060.G

The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.

Staff Comments

All proposed units include outdoor terraces, patios, and balconies, which have been designated as limited common area on the Preliminary Plat. The site plan as approved through Design Review P18-005 also includes walkways for pedestrian circulation, which have been designated as common area for the development.



Exterior 3D Model Views (Sheet A0.7)

<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.H	All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.
		Staff Comments	<i>All other provisions of Title 16, Title 17, and applicable City ordinance, rules, and regulations have been reviewed and approved through the Design Review and Building Permit application processes.</i>

Table 2: Preliminary Plat Requirements for All Projects

Compliant			Preliminary Plat Requirements	
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
			Staff Comments	<i>The application has been reviewed and determined to be complete.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application.
			Staff Comments	<i>All required materials for the Preliminary Plat application have been submitted.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following: The scale, north point and date.
			Staff Comments	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .2	The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.
			Staff Comments	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
			Staff Comments	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted.
			Staff Comments	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
			Staff Comments	<i>This standard has been met. Adjacent Trail Creek Condominiums is referenced within the parking lot easement description.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .6	A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			Staff Comments	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I 7	The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.
			Staff Comments	<i>This standard has been met. The parking lot easement as incorporated through the Readjustment of Lot Lines Procedure (P18-010) as well as the adjacent street S Leadville Avenue has been indicated on the Preliminary Plat.</i>

93	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	Boundary description and the area of the tract.
			Staff Comments	<i>The legal description appears on the proposed plan and references the tract, which is within Section 18, T.4 N., R.18 E., B.M., City of Ketchum, Blaine County, Idaho.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	Existing zoning of the tract.
			Staff Comments	<i>As conditioned, the Preliminary Plat will meet this standard. The Tourist zoning designation was not included and will be required to be added to the Preliminary Plat prior to forwarding the application to City Council for review.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .10	The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.
			Staff Comments	<i>As conditioned, the Condominium Subdivision will meet this standard. No new streets or blocks are proposed as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots. As noted within the City Engineer Review Comments included as Exhibit C to the Staff Report, the applicant shall indicate the required 5 ft utility easement on the Final Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .11	The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
			Staff Comments	<i>Common areas and limited common areas are designated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .12	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
			Staff Comments	<i>The civil drawings (C1.0 & C2.0) approved with Building Permit B18-016 correspond to the Preliminary Plat and include specifications for the proposed sidewalk, curb, and gutter as well as drywells.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .13	The direction of drainage, flow and approximate grade of all streets.
			Staff Comments	<i>Not applicable. All streets are existing.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .14	The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.
			Staff Comments	<i>Not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .15	All percolation tests and/or exploratory pit excavations required by state health authorities.
			Staff Comments	<i>At this time, no state health authority has required this condition. Notice of this subdivision has been mailed to all outside agencies.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .16	A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
			Staff Comments	<i>Draft documents have been submitted and are included in the project record.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .17	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
			Staff Comments	<i>This standard is not required because the development is located within an existing platted subdivision—Trail Creek Condominiums Amended, which is recorded with Blaine County and serves as a vicinity map for reference.</i>

	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .18	The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.
			<i>Staff Comments</i>	<i>There is no floodplain, floodway, or avalanche zone within the proposed Condominium Subdivision. The floodplain associated with Trail Creek is located to the west of the existing Trail Creek Condominiums Development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .19	Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
			<i>Staff Comments</i>	<i>This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			<i>Staff Comments</i>	<i>This standard is not applicable. No new lots are being created as the proposed subdivision is a condominium plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			<i>Staff Comments</i>	<i>Not applicable. Proposed landscaping for the project was reviewed and approved by the Planning & Zoning Commission through Design Review P18-005.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .22	A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.
			<i>Staff Comments</i>	<i>A Lot Book Guarantee has been submitted with the subdivision application and has been included in the project record.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .23	Three (3) copies of the preliminary plat shall be filed with the administrator.
			<i>Staff Comments</i>	<i>A digital copy for reproduction was submitted with the application. Therefore, Staff required only one (1) full size copy of the preliminary plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.
			<i>Staff Comments</i>	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.B	Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			<i>Staff Comments</i>	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project</i>

				<i>subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.
			Staff Comments	<i>All required improvements shall be installed prior to issuance of a Certificate of Occupancy for the project. The Streets Department and City Engineer shall conduct a final inspection prior to issuance of a Certificate of Occupancy for the project to ensure compliance with all applicable standards and regulations. Prior to Ketchum City Council review of the Condominium Subdivision Final Plat, the applicant must obtain a Certificate of Occupancy for the development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.D	As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.
			Staff Comments	<i>All required improvements shall be installed prior to issuance of a Certificate of Occupancy for the project. The Streets Department and City Engineer shall conduct a final inspection prior to issuance of a Certificate of Occupancy for the project to ensure compliance with all applicable standards and regulations. Prior to Ketchum City Council review of the Condominium Subdivision Final Plat, the applicant must obtain a Certificate of Occupancy for the development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.E	Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows: <ol style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat.

				<p>3. All street corner lines ending at boundary line of final plat. 4. All angle points and points of curves on all streets. 5. The point of beginning of the subdivision plat description.</p>
			Staff Comments	<i>Monumentation shall occur following completion of required improvements and prior to City Council review of the Final Plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.F	<p>Lot Requirements:</p> <p>1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings.</p> <p>2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following:</p> <ul style="list-style-type: none"> a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met. b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section. <p>3. Corner lots shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.</p> <p>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</p> <p>5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot(s) be created out of necessity, then such lot(s) shall be reversed frontage lot(s).</p> <p>6. Minimum lot sizes in all cases shall be reversed frontage lot(s).</p> <p>7. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.</p>

			Staff Comments	<i>Not applicable. This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements: <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.
			Staff Comments	<i>Not applicable. This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots or blocks.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H	Street Improvement Requirements: <ol style="list-style-type: none"> 1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land; 2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified; 3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features; 4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods; 5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing; 6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated; 7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround

easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;

8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;

9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);

10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;

11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;

12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;

13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to council for preliminary plat approval;

14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;

15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;

16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;

17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;

18. Street lighting may be required by the commission or council where appropriate and shall be installed by the subdivider as a requirement improvement;

19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section;

20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city;

21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such

				<p>construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters may be a required improvement installed by the subdivider; and</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council.</p>
			Staff Comments	<i>This proposal does not create new street, private road, or bridge. Sidewalks, curb, and gutter are required to be installed and the associated civil drawing have been reviewed and approved through review of the Building Permit B18-016.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	<p>Alley Improvement Requirements: Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
			Staff Comments	<i>This standard is not applicable as the proposed condominium is located in a residential neighborhood and alleys are not required to be provided.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J	<p>Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.</p> <p>1. A public utility easement at least ten feet (10') in width shall be required within the street right of way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the city engineer to be necessary for the provision of adequate public utilities.</p> <p>2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.</p> <p>3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.</p> <p>4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or</p>

			<p>constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.</p>
			<p>Staff Comments <i>As noted in the City Engineer review comments attached as Exhibit C, the applicant shall include the required 5 ft utility easement on the Final Plat. As conditioned, the subdivision shall meet this standard.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.K</p> <p>Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider.</p> <p>Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the city engineer, council and Idaho health department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho department of health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.</p>
			<p>Staff Comments <i>The Utilities Department reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.L</p> <p>Water System Improvements: A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the city under the supervision of the Ketchum fire department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the municipal water system and shall meet the standards of the following agencies: Idaho department of public health, Idaho survey and rating bureau, district sanitarian, Idaho state public utilities commission, Idaho department of reclamation, and all requirements of the city.</p>
			<p>Staff Comments <i>The Utilities Department reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.M</p> <p>Planting Strip Improvements: Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall</p>

				<p>provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.</p>
			<p>Staff Comments</p>	<p><i>This standard is not applicable. The multi-family residential development's proposed landscaping was reviewed and approved by the Planning & Zoning Commission through Design Review P18-010.</i></p>
<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>16.04.040.N</p>	<p>Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p> <ol style="list-style-type: none"> 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or council as part of the preliminary plat application. 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: <ol style="list-style-type: none"> a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns. d. Areas where trees and/or natural vegetation will be preserved. e. Location of all street and utility improvements including driveways to building envelopes. f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements. 3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways. 4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision. 5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion. 6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply: <ol style="list-style-type: none"> a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability. b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American standard testing methods).

				<p>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</p> <p>d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.</p> <p>e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.</p>
			Staff Comments	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements including the Grading Plan associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.O	<p>Drainage Improvements: The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the city on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.</p>
			Staff Comments	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements including the Drainage Plan, associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.P	<p>Utilities: In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.</p>
			Staff Comments	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>

103	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	Off Site Improvements: Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			Staff Comments	<i>No off-site improvements have been required for the condominium project.</i>

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission recommend approval of the Onyx at Leadville Residences Condominium Subdivision Preliminary Plat to the City Council, subject to conditions 1-10 below. Staff also recommends authorizing the Chair to sign the draft Findings of Fact and Conclusions of Law that are attached as Exhibit D.

RECOMMENDED MOTION

“I MOVE TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE ONYX AT LEADVILLE RESIDENCES CONDOMINIUM SUBDIVISION PRELIMINARY PLAT, WITH CONDITIONS 1-10, AND TO AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FINDINGS OF FACT AND CONCLUSIONS OF LAW”

RECOMMENDED CONDITIONS

1. Pursuant to KMC §16.04.030.I9, the zoning designation for the subject property, Tourist, shall be added to the Preliminary Plat prior to forwarding the Plat to City Council for review.
2. Approval of the Condominium Subdivision Preliminary Plat is subject to Design Review P18-005 and Building Permit B18-016. All conditions of approval shall apply. All City Department conditions shall be met prior to issuance of a Certificate of Occupancy for the project. All conditions as described in Tables 1 and 2 shall be met.
3. As noted in the City Engineer review comments dated October 9, 2019, the applicant shall include the following items on the Final Plat: (a) the 5 ft public utility easement as required pursuant to KMC §16.04.030.I9, (b) certifications, (c) certificate of owner, (d) surveyor approval, and (e) agency approvals.
4. The Covenants, Conditions, and Restrictions (CC&R’s) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of the CC&R’s.
5. The failure to obtain Final Plat approval by the Council, of an approved preliminary plat, within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void.
6. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map.
7. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder’s office concurrent with the recording of the Plat containing the following minimum data:
 - a. Line work delineating all parcels and roadways on a CAD layer/level designated as “parcel”;
 - b. Line work delineating all roadway centerlines on a CAD layer/level designated as “road”; and,
 - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as “control”
8. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County

Survey Control Network. Electronic CAD files shall be submitted in a “.dwg”, “.dgn” or “.shp” format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.

9. The applicant shall provide a copy of the recorded Final Plat to the Planning and Building Department for the official file on the application.
10. Pursuant to KMC §16.04.060, the final plat shall not be signed by the City Clerk and recorded until the condominium has received: (a) a Certificate of Occupancy issued by the City of Ketchum and (b) completion of all Design Review elements as approved by the Planning & Zoning Administrator.

Exhibit A: Application



City of Ketchum
Planning & Building

**CERTIFIED
COMPLETE**

8-20-19

OFFICIAL USE ONLY

Application Number	29-093
Date Received	8-20-19
By:	NA
Fee Paid	4200.00
Approved Date:	
By:	

Subdivision Application

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code.

APPLICANT INFORMATION			
Name of Proposed Subdivision: The Onyx at Leadville Residences			
Owner of Record: J Peterman Development LLC			
Address of Owner: 2809 Curry Parkway, Madison, WI 53713			
Representative of Owner: Sean Flynn PE, Galena Engineering; 317 N. River St., Hailey, Idaho 83333			
Legal Description: Block 1A of Trail Creek Condominiums Amended : Blocks 1A and 2A			
Street Address: 341 South Leadville Avenue, Ketchum			
SUBDIVISION INFORMATION			
Number of Lots/Parcels: 8 Condominium Units			
Total Land Area: 0.37 Acres			
Current Zoning District: T, Tourist			
Proposed Zoning District: Same			
Overlay District: None			
TYPE OF SUBDIVISION			
Condominium <input checked="" type="checkbox"/>	Land <input type="checkbox"/>	PUD <input type="checkbox"/>	Townhouse <input type="checkbox"/>
Adjacent land in same ownership in acres or square feet: None			
Easements to be dedicated on the final plat: None			
Briefly describe the improvements to be installed prior to final plat approval: Construction of Condominium Units			
ADDITIONAL INFORMATION			
All lighting must be in compliance with the City of Ketchum's Dark Sky Ordinance			
One (1) copy of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations			
One (1) copy of current title report and owner's recorded deed to the subject property			
One (1) copy of the preliminary plat			
All files should be submitted in an electronic format.			

Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Subdivision Application in which the City of Ketchum is the prevailing party to pay reasonable attorney's fees and costs, including fees and costs of appeal for the City of Ketchum. Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortuous conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

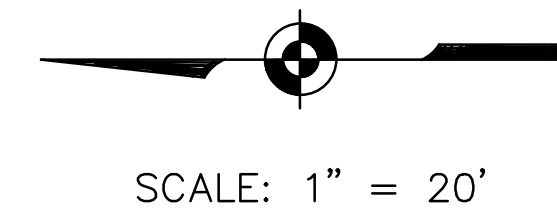
Sean Flynn with Galena Engineering 08/20/19
Applicant Signature Date

Exhibit B:
Condominium Subdivision
Preliminary Plat
dated August 2019

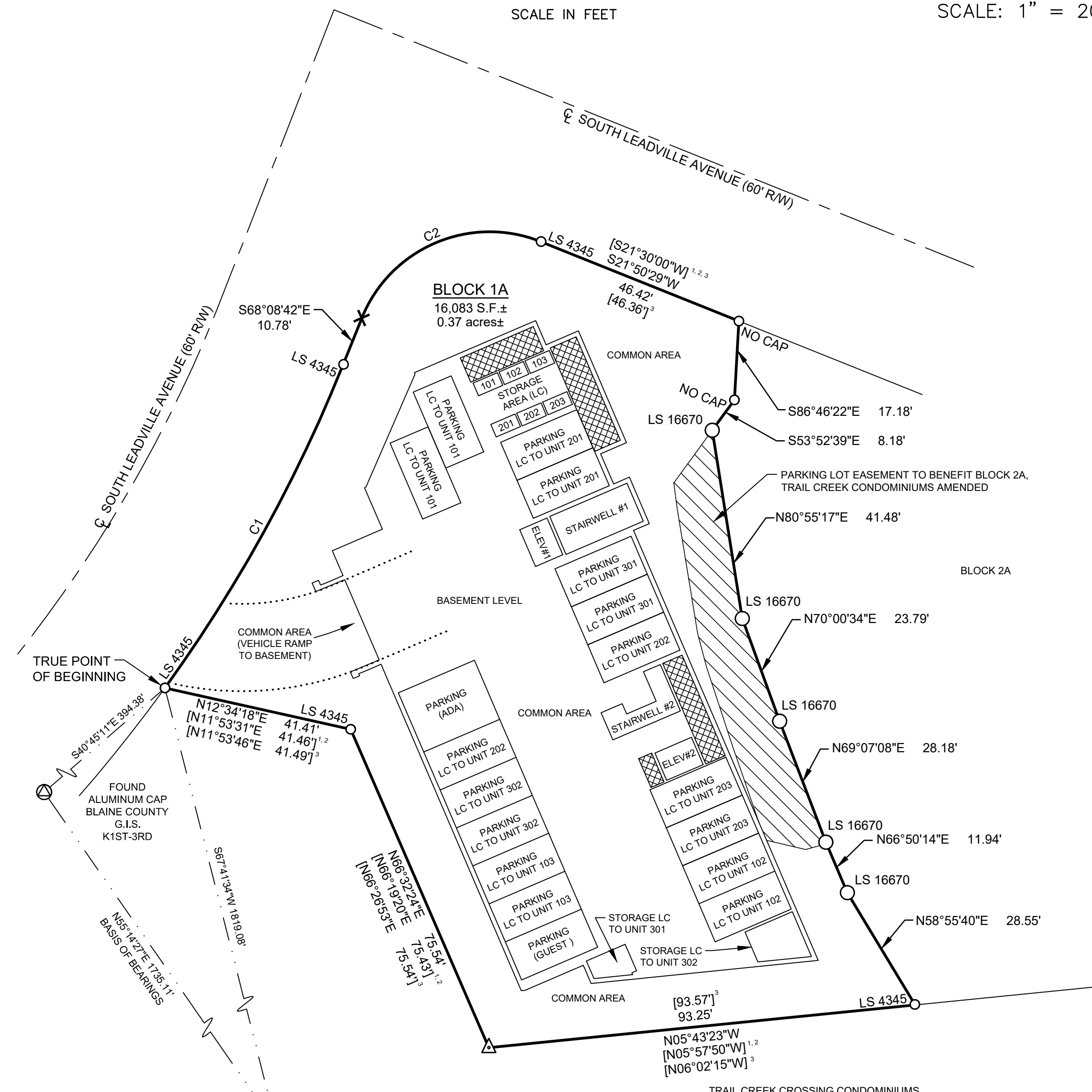
A CONDOMINIUM PLAT SHOWING THE ONYX AT LEADVILLE RESIDENCE

WHEREIN TRAIL CREEK CONDOMINIUMS AMENDED, BLOCK 1A IS SUBDIVIDED
LOCATED WITHIN SECTION 18, T.4 N., R.18 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

AUGUST 2019



- LEGEND**
- Property Line
 - Adjoiner's Lot Line
 - Right-of-Way Centerline
 - Unit Tie to True Point of Beginning
 - GIS Tie Line
 - Basement Parking Access
 - Parking Lot Easement to Benefit Block 2A Trail Creek Condominiums Amended
 - Found Aluminum Cap
 - Found 5/8" Rebar
 - Found 1/2" Rebar
 - Found Magnail/Nail
 - Found Chiseled X in Concrete
 - Calculated Point, Corner Not Set
 - []' Record Bearing & Distance with Document referenced by Number (See Notes)
 - Mechanical Rooms / Area
 - LC = Limited Common
 - FE = Finished Floor Elevation
 - CE = Ceiling Elevation



- NOTES**
1. REFER TO THE PLAT OF TRAIL CREEK CONDOMINIUMS AMENDED: BLOCKS 1A AND 2A RECORDED AS INSTRUMENT NUMBER 651978. REFER TO ORIGINAL PLAT OF TRAIL CREEK CONDOMINIUMS AMENDED: BLOCKS 1 AND 2, INSTRUMENT. NO. 521472, FOR ADDITIONAL NOTES, CONDITIONS, COVENANTS, RESTRICTIONS, EASEMENTS AND OTHER ENCUMBRANCES.
 2. THERE EXISTS A 5' PUBLIC UTILITY EASEMENT ON THE EXTERIOR PROPERTY LINE OF THIS LOT.
 3. PREVIOUSLY RECORDED DOCUMENTS WITH RECORD BEARINGS & DISTANCES SHOWN INCLUDE:
 - 1. LEADVILLE SUBDIVISION, INSTRUMENT NUMBER 191260
 - 2. TRAIL CREEK CONDOMINIUMS, INSTRUMENT NUMBER 199464
 - 3. TRAIL CREEK CONDOMINIUMS AMENDED: BLOCKS 1 AND 2, INSTRUMENT NUMBER 521472
 4. IN INTERPRETING THE DECLARATION, PLAT OR PLATS, AND DEEDS, THE EXISTING PHYSICAL BOUNDARIES OF THE UNIT AS ORIGINALLY CONSTRUCTED, OR RECONSTRUCTED IN LIEU THEREOF, SHALL BE CONCLUSIVELY PRESUMED TO BE ITS BOUNDARIES RATHER THAN THE METES AND BOUNDS EXPRESSED OR DEPICTED IN THE DECLARATION, PLAT OR PLATS, AND/OR DEEDS, REGARDLESS OF SETTLING OR LATERAL MOVEMENT OF THE BUILDING AND REGARDLESS OF MINOR VARIANCES BETWEEN BOUNDARIES SHOWN IN THE DECLARATION, PLAT OR PLATS, AND/OR DEEDS, AND THE ACTUAL BOUNDARIES OF THE UNITS IN THE BUILDINGS.
 5. DIMENSIONS SHOWN HEREON WILL BE SUBJECT TO SLIGHT VARIATIONS, OWING TO NORMAL CONSTRUCTION TOLERANCES.
 6. HORIZONTAL OR SLOPING PLANES SHOWN HEREON ARE TOP OF FINISHED SUBFLOOR AND BOTTOM OF FINISHED CEILING: VERTICAL PLANES ARE FINISHED SURFACES OF INTERIOR WALLS. SOME STRUCTURAL MEMBERS EXTEND INTO UNITS, LIMITED COMMON AREAS AND PARKING SPACES.
 7. CONSULT THE CONDOMINIUM DECLARATIONS FOR THE DEFINITION OF COMMON AND LIMITED COMMON AREA.
 8. ALL AREA OUTSIDE OF UNITS THAT IS NOT DESIGNATED AS LIMITED COMMON IS COMMON AREA. AREAS OF "COMMON" OR "LIMITED COMMON" ARE SHOWN BY DIAGRAM.
 9. BUILDING TIES ARE TO THE INTERIOR CORNERS OF UNIT WALLS.
 10. UTILITY EASEMENTS NECESSARY TO ALLOW FOR ACCESS AND MAINTENANCE OF UTILITIES SERVING UNITS OTHER THAN THE UNIT THEY ARE LOCATED IN ARE HEREBY GRANTED BY THIS PLAT.



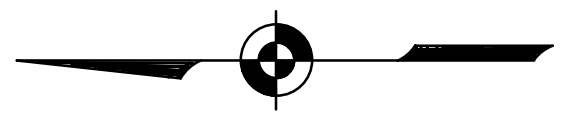
MARK E. PHILLIPS, PLS 16670

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD DIRECTION
C1	80.61'	330.00'	40.51'	13°59'45"	80.41'	S 61°08'51" E
[C1] ^{1,2}	[80.60'] ^{1,2}	[330.00'] ^{1,2}	[40.50'] ^{1,2}	[13°59'30"] ^{1,2}	[80.40'] ^{1,2}	[S 61°30'11" E] ^{1,2}
[C1] ³	[80.61'] ³	[330.00'] ³	[40.50'] ³	[13°59'42"] ³	[80.41'] ³	[S 61°29'20" E] ³
C2	47.12'	30.00'	29.99'	89°59'27"	42.42'	S 23°09'05" E
[C2] ^{1,2}	[47.12'] ^{1,2}	[30.00'] ^{1,2}	[30.00'] ^{1,2}	[90°00'00"] ^{1,2}	[42.43'] ^{1,2}	[S 23°30'00" E] ^{1,2}
[C2] ³	[47.12'] ³	[30.00'] ³	[29.99'] ³	[89°59'11"] ³	[42.42'] ³	[S 23°29'36" E] ³
C3	144.55'	283.20'	73.89'	29°14'44"	142.99'	S 07°13'06" W
[C3] ^{1,2}	[144.67'] ^{1,2}	[283.20'] ^{1,2}	[73.95'] ^{1,2}	[29°16'10"] ^{1,2}	[143.11'] ^{1,2}	[S 06°51'51" W] ^{1,2}
[C3] ³	[144.56'] ³	[283.20'] ³	[73.89'] ³	[29°14'47"] ³	[142.99'] ³	[S 06°52'37" W] ³

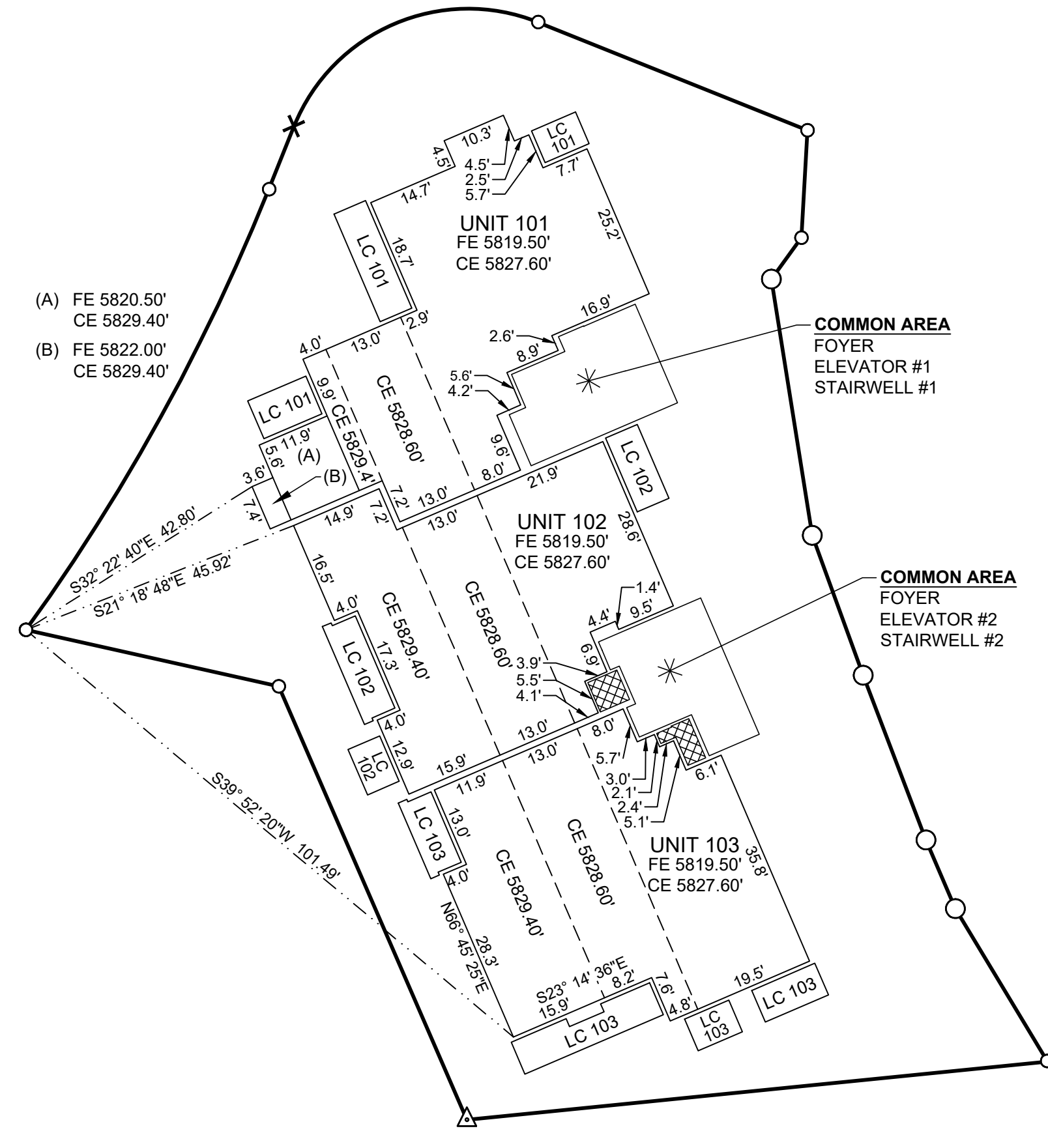
HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.

Date _____ South Central Public Health District

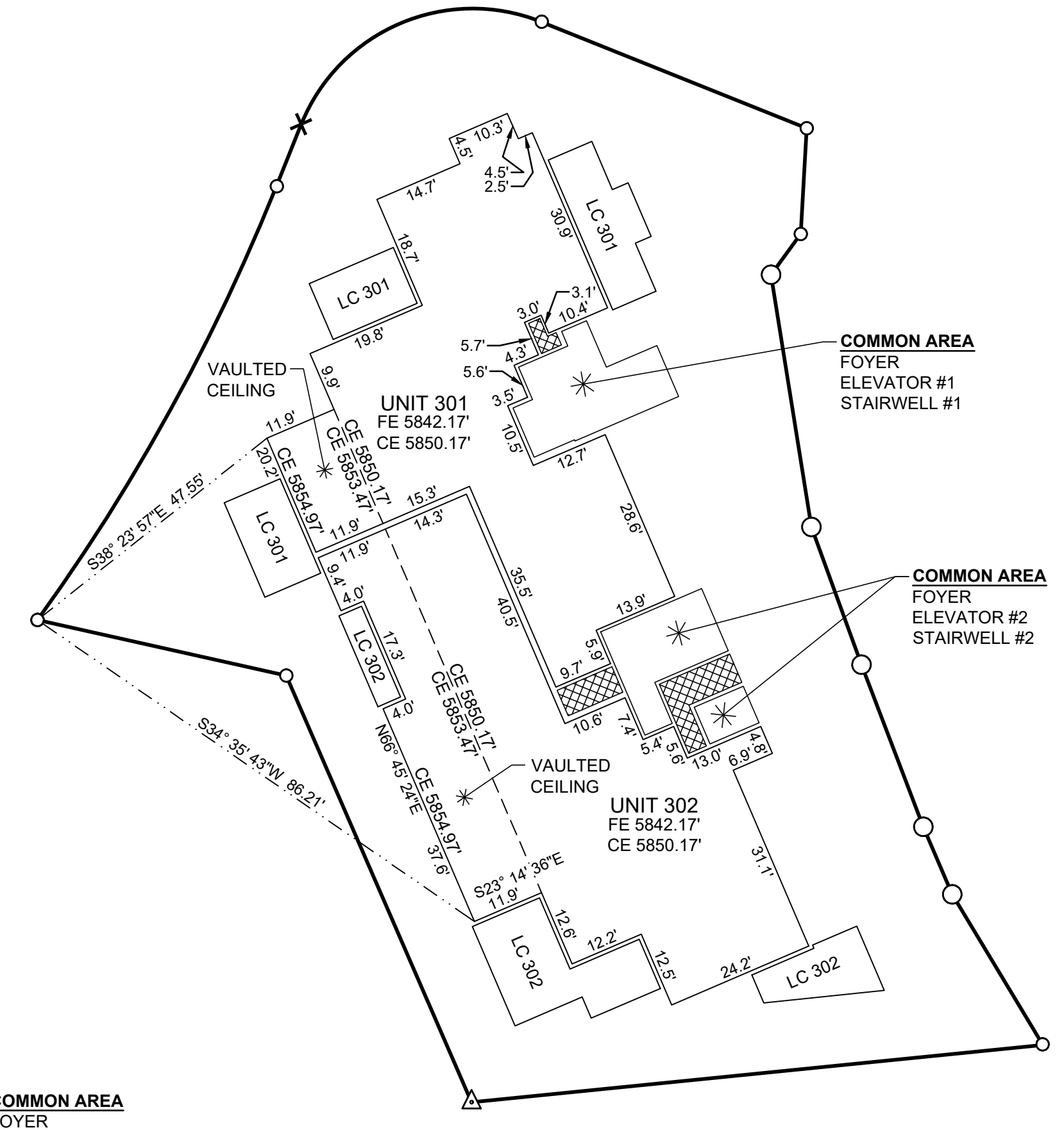
A CONDOMINIUM PLAT SHOWING THE ONYX AT LEADVILLE RESIDENCE



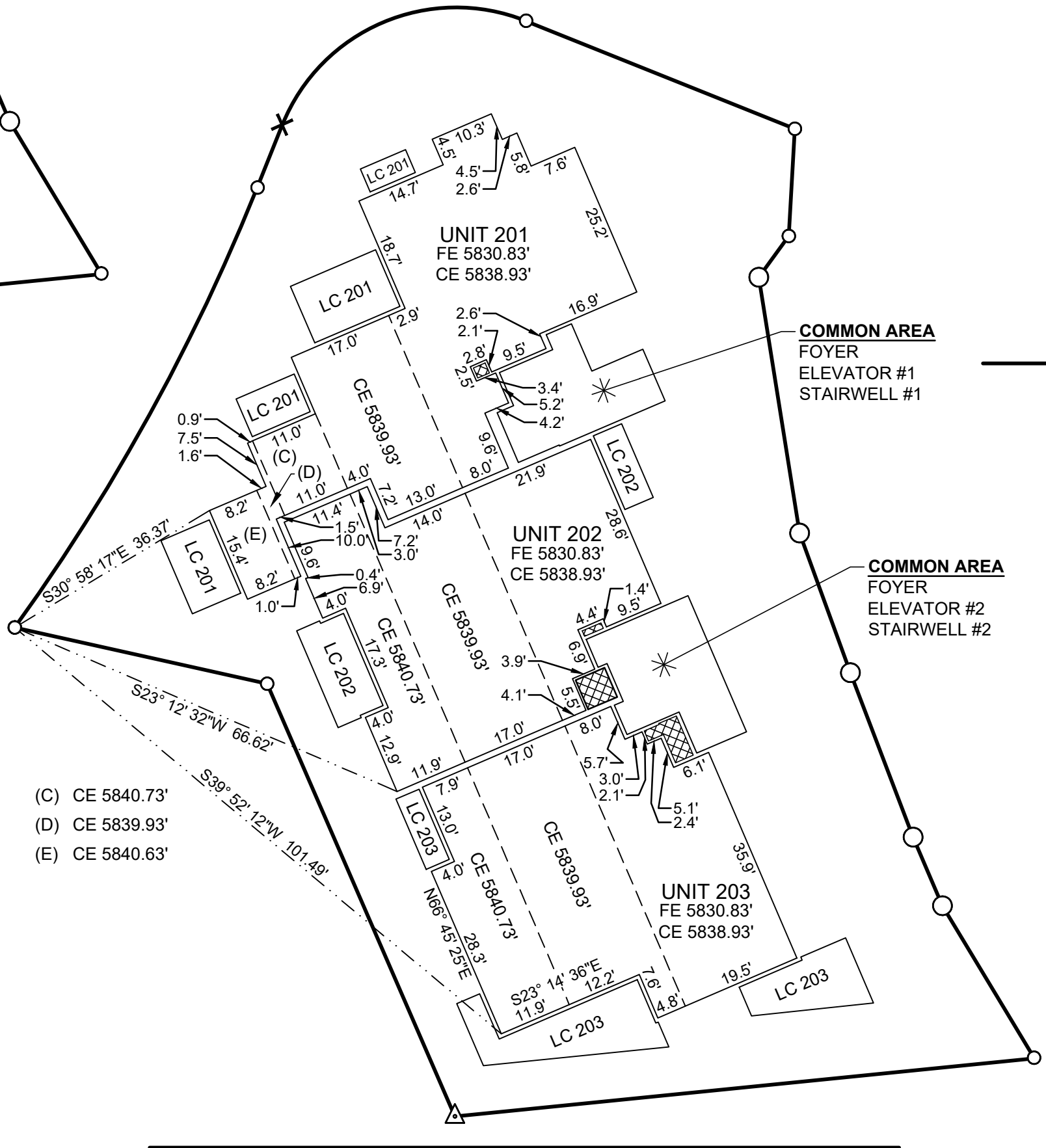
SCALE: 1" = 20'



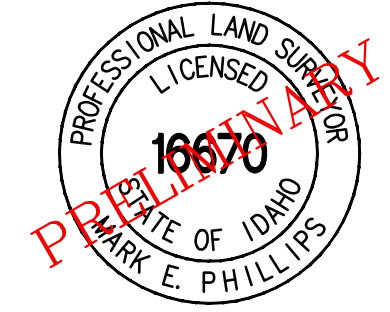
FIRST FLOOR



THIRD FLOOR



SECOND FLOOR



MARK E. PHILLIPS, PLS 16670

Exhibit C:
City Engineer
Review Comments



TO: City of Ketchum
FROM: Sherri Newland, PE
DATE: October 9, 2019
RE: Preliminary Plat Review – The Onyx at Leadville Residence

NO.	ITEM	PROVIDED	COMMENT
1	Subdivision Name tied to at least 2 corners	X	
2	Surveyor Stamp/certification	X	
3	Date	X	
4	Sheet Title and Preamble	X	
5	Basis of Bearing	X	
6	North Arrow	X	
7	Scale	X	
8	Plat Closure	X	
9	Total Area	X	
10	Monuments	X	
11	Land Corners	X	
13	Street Names & Width & Centerlines	X	
14	Easements – Utilities		Show 5' easement on Final Plat
15	Lot & Block Numbers	X	
16	Lot Dimensions	X	
17	Curve & Line Tables	X	
18	Certifications		Provide on final plat
19	Certificate of Owner		Provide on final plat
20	Surveyor Approval		Provide on final plat
21	Sanitary Restriction/Health Certificate	X	
22	Agency Approvals:		Provide on final plat
23	Public Dedication:	NA	
24	Common Areas:	X	
25	Legend	X	
26	Notes	X	
27	Condominium CC&R or CC&R reference		Provide copy of CC&R's to city
28	18" x 24" Mylar		Provide on final plat
29	Garages shown	X	

Exhibit D:
Draft
Findings of Fact
and
Conclusions of Law



City of Ketchum
Planning & Building

IN RE:)
)
Onyx at Leadville Residence) KETCHUM PLANNING AND ZONING COMMISSION
Condominium Preliminary Plat) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: October 14, 2019) DECISION
)
File Number: 19-093)

Findings Regarding Application Filed

PROJECT: Onyx at Leadville Residences Condominium Subdivision Preliminary Plat

FILE NUMBER: P19-093

ASSOCIATED PERMITS: Pre-Application Design Review 17-090, Design Review 18-005, Lot Line Shift P18-010, Building Permit 18-016

OWNERS: J Peterman Development LLC

REPRESENTATIVE: Sean Flynn PE, Galena Engineering

REQUEST: Preliminary Plat to create eight condominium units within a multi-family residential development currently under construction

LOCATION: 341 S Leadville Avenue (Trail Creek Condominiums: Block 1A)

NOTICE: A public hearing notice was mailed to all property owners within 300 ft of the development site and political subdivision on September 25th, 2019. The public hearing notice was published in the Idaho Mountain Express on September 25th, 2019.

ZONING: Tourist (T)

OVERLAY: None

Findings Regarding Associated Development Applications

The subject property, Block 1A of Trail Creek Condominiums Amended, is located at the northwest corner of S Leadville Avenue and Onyx Street within the Tourist (T) Zoning District. Currently under construction, the Onyx at Leadville Residences project is a three-story, 19,888 gross sq ft, multi-family residential building containing eight dwelling units and 18 underground parking spaces.

The Planning & Zoning Commission approved the Design Review (P18-005) for the project on February 12th, 2019. Consistent with condition of approval #12 of Design Review P18-005, the applicant received approval for a Lot Line Shift application (P18-010) to adjust the recorded lot lines for Blocks 1 and 2 of the Trail Creek Condominiums Amended Subdivision. The adjustment moved the shared boundary line to expand Block 1 in order to accommodate the underground parking garage proposed within the Onyx at Leadville building. The lot

The readjustment also incorporated a new parking lot easement to benefit the adjacent Trail Creek Condominiums on Block 2A. In accordance with Ketchum Municipal Code (KMC) §17.124.040 and memorialized through FAR Exceedance Agreement (Contract 20171), the applicant secured an off-site dwelling unit to satisfy the community housing contribution for the associated increase above the permitted FAR.

The Planning & Building Department issued a Building Permit (B18-016) for the construction of the new multi-family residential development in May of 2018. All eight dwelling units within the building were designed and intended to be condominium units.

Findings Regarding City Department Comments

City Departments including Fire, Utilities, Building, and Streets have reviewed the Condominium Subdivision and have no comments or concerns regarding the proposed Preliminary Plat. All City Department standards as well as required ROW improvements were vetted and reviewed through the Design Review and Building Permit processes. Prior to issuance of a Certificate of Occupancy for the building, City Departments will conduct final inspections to ensure compliance with all conditions and requirements. As required pursuant to conditions of approval #3, the applicant shall comply with all conditions as specified within the City Engineer review comments dated October 9th, 2019.

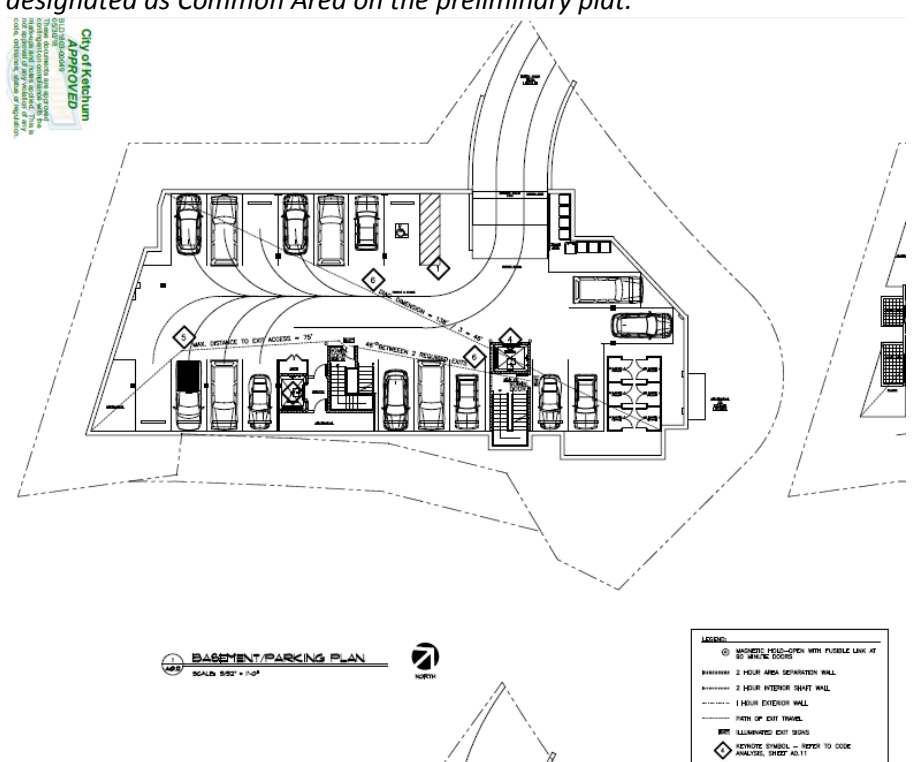
Findings Regarding Condominium Subdivision Procedure (KMC §16.04.060)

All land subdivisions in the City of Ketchum are subject to the standards contained in Ketchum, Municipal Code, Title 16, Subdivision. Many standards are related to the design and construction of multiple new lots that will form new blocks and infrastructure, such as streets that will be dedicated to and maintained by the City. The standards for certain improvements (KMC §16.04.040) including street, sanitary sewage disposal, planting strip improvements are not applicable to the subject project as the application proposes to subdivide a building currently under construction into eight condominium units. The request to subdivide meets all applicable standards for Condominiums Preliminary Plats contained in Ketchum Municipal Code’s Subdivision (Title 16) and Zoning (Title 17) regulations. The Condominium Subdivision Preliminary Plat does not change the proposed residential use or alter the proposed development as reviewed and approved through Design Review P18-005 and Building Permit B18-016.

The first step in the condominium platting process is Preliminary Plat review and to receive a recommendation from the Planning and Zoning Commission. After receiving a recommendation for approval and upon commencement of construction, the Preliminary Plat application is forwarded to the City Council for review and approval. After City Council approval of the Preliminary Plat, the subdivider may submit an application for Final Plat. The Commission may review and recommend approval of the Final Plat provided the Final Plat substantially conforms to the Preliminary Plat. City Council, however, shall not review or approve the Final Plat until a Certificate of Occupancy has been issued for the building and all design review elements have been installed.

Table 1: Findings Regarding Condominium Subdivision Preliminary Plat Requirements

Condominium Preliminary Plat Requirements				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.B	The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities and open space.
			<i>Commission Findings</i>	<i>Draft CC&Rs and Articles of Incorporation for the property owner association have been submitted by the applicant and are included in the project file. The CC&Rs address maintenance of the building and common areas.</i>

	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.060.D</p>	<p>All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.</p>
			<p>Commission Findings</p>	<p><i>All underground garage parking spaces have been designated as Limited Common Area tied to a specific condominium unit.</i></p>
☒	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.060.E</p>	<p>Adequate storage areas shall be provided for boats, campers and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.</p>
			<p>Commission Findings</p>	<p><i>Storage areas for certain units have been designated as limited common area within the underground parking garage. A storage locker area has also been included within basement floor plan and is designated as common area on the Preliminary Plat.</i></p> <p><i>All eight residential condominium units provide adequate interior storage space for personal property.</i></p>
☒	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.060.F</p>	<p>A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.</p>
			<p>Commission Findings</p>	<p><i>The architectural plans approved with the Building Permit correspond to the Preliminary Plat and include a maintenance and mechanical room, trash area, and mechanical or storage lockers in the basement, which have been designated as Common Area on the preliminary plat.</i></p>  <p><i>Basement/Parking Plan as approved with Building Permit B18-016 (Sheet A0.12)</i></p>
☒	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.060.G</p>	<p>The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.</p>
			<p>Commission Findings</p>	<p><i>All proposed units include outdoor terraces, patios, and balconies, which have been designated as limited common area on the Preliminary Plat. The</i></p>


			<p>site plan as approved through Design Review P18-005 also includes walkways for pedestrian circulation, which have been designated as common area for the development.</p>  <p><i>Exterior 3D Model Views (Sheet A0.7)</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.060.H All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.</p> <p>Commission Findings All other provisions of Title 16, Title 17, and applicable City ordinance, rules, and regulations have been reviewed and approved through the Design Review and Building Permit application processes.</p>

Table 2: Preliminary Plat Requirements for All Projects

Preliminary Plat Requirements					
Compliant			Standards and Commission Findings		
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	<p>The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.</p> <p>Commission Findings <i>The application has been reviewed and determined to be complete.</i></p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	<p>Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application.</p> <p>Commission Findings <i>All required materials for the Preliminary Plat application have been submitted.</i></p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	<p>The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following:</p> <p>The scale, north point and date.</p> <p>Commission Findings <i>This standard has been met.</i></p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .2	<p>The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.</p>	

			Commission Findings	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
			Commission Findings	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted.
			Commission Findings	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
			Commission Findings	<i>This standard has been met. Adjacent Trail Creek Condominiums is referenced within the parking lot easement description.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .6	A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			Commission Findings	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I 7	The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.
			Commission Findings	<i>This standard has been met. The parking lot easement as incorporated through the Readjustment of Lot Lines Procedure (P18-010) as well as the adjacent street S Leadville Avenue has been indicated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	Boundary description and the area of the tract.
			Commission Findings	<i>The legal description appears on the proposed plan and references the tract, which is within Section 18, T.4 N., R.18 E., B.M., City of Ketchum, Blaine County, Idaho.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	Existing zoning of the tract.
			Commission Findings	<i>As conditioned, the Preliminary Plat will meet this standard. The Tourist zoning designation was not included and will be required to be added to the Preliminary Plat prior to forwarding the application to City Council for review.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .10	The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.
			Commission Findings	<i>As conditioned, the Condominium Subdivision will meet this standard. No new streets or blocks are proposed as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots. As noted within the City Engineer Review Comments dated October 9th, 2019, the applicant shall indicate the required 5 ft utility easement on the Final Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .11	The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
			Commission Findings	<i>Common areas and limited common areas are designated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .12	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water

				mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
			Commission Findings	<i>The civil drawings (C1.0 & C2.0) approved with Building Permit B18-016 correspond to the Preliminary Plat and include specifications for the proposed sidewalk, curb, and gutter as well as drywells.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .13	The direction of drainage, flow and approximate grade of all streets.
			Commission Findings	<i>Not applicable. All streets are existing.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .14	The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.
			Commission Findings	<i>Not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .15	All percolation tests and/or exploratory pit excavations required by state health authorities.
			Commission Findings	<i>At this time, no state health authority has required this condition. Notice of this subdivision has been mailed to all outside agencies.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .16	A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
			Commission Findings	<i>Draft documents have been submitted and are included in the project record.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .17	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
			Commission Findings	<i>This standard is not required because the development is located within an existing platted subdivision—Trail Creek Condominiums Amended, which is recorded with Blaine County and serves as a vicinity map for reference.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .18	The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.
			Commission Findings	<i>There is no floodplain, floodway, or avalanche zone within the proposed Condominium Subdivision. The floodplain associated with Trail Creek is located to the west of the existing Trail Creek Condominiums Development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .19	Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
			Commission Findings	<i>This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			Commission Findings	<i>This standard is not applicable. No new lots are being created as the proposed subdivision is a condominium plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			Commission Findings	<i>Not applicable. Proposed landscaping for the project was reviewed and approved by the Planning & Zoning Commission through Design Review P18-005.</i>

	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .22	A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.
			Commission Findings	<i>A Lot Book Guarantee has been submitted with the subdivision application and has been included in the project record.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .23	Three (3) copies of the preliminary plat shall be filed with the administrator.
			Commission Findings	<i>A digital copy for reproduction was submitted with the application. Therefore, Staff required only one (1) full size copy of the preliminary plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.
			Commission Findings	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.B	Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			Commission Findings	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.

			Commission Findings	<i>All required improvements shall be installed prior to issuance of a Certificate of Occupancy for the project. The Streets Department and City Engineer shall conduct a final inspection prior to issuance of a Certificate of Occupancy for the project to ensure compliance with all applicable standards and regulations. Prior to Ketchum City Council review of the Condominium Subdivision Final Plat, the applicant must obtain a Certificate of Occupancy for the development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.D	As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.
			Commission Findings	<i>All required improvements shall be installed prior to issuance of a Certificate of Occupancy for the project. The Streets Department and City Engineer shall conduct a final inspection prior to issuance of a Certificate of Occupancy for the project to ensure compliance with all applicable standards and regulations. Prior to Ketchum City Council review of the Condominium Subdivision Final Plat, the applicant must obtain a Certificate of Occupancy for the development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.E	Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows: <ol style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat. 3. All street corner lines ending at boundary line of final plat. 4. All angle points and points of curves on all streets. 5. The point of beginning of the subdivision plat description.
			Commission Findings	<i>Monumentation shall occur following completion of required improvements and prior to City Council review of the Final Plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.F	Lot Requirements: <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations,

			<p>and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following:</p> <ul style="list-style-type: none"> a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met. b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section. <p>3. Corner lots shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.</p> <p>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</p> <p>5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot(s) be created out of necessity, then such lot(s) shall be reversed frontage lot(s).</p> <p>6. Minimum lot sizes in all cases shall be reversed frontage lot(s).</p> <p>7. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.</p>
			<p>Commission Findings</p> <p><i>Not applicable. This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.G</p> <p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ul style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.
			<p>Commission Findings</p> <p><i>Not applicable. This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots or blocks.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.H</p> <p>Street Improvement Requirements:</p>

1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;
2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified;
3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features;
4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;
5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing;
6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated;
7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;
8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;
9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);
10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;
11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;
12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;
13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names

				<p>within the proposed subdivision from the commission before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</p> <p>16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p> <p>18. Street lighting may be required by the commission or council where appropriate and shall be installed by the subdivider as a requirement improvement;</p> <p>19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section;</p> <p>20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city;</p> <p>21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters may be a required improvement installed by the subdivider; and</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council.</p>
			Commission Findings	<i>This proposal does not create new street, private road, or bridge. Sidewalks, curb, and gutter are required to be installed and the associated civil drawing have been reviewed and approved through review of the Building Permit B18-016.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	<p>Alley Improvement Requirements: Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
			Commission Findings	<i>This standard is not applicable as the proposed condominium is located in a residential neighborhood and alleys are not required to be provided.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.J</p> <p>Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.</p> <ol style="list-style-type: none"> 1. A public utility easement at least ten feet (10') in width shall be required within the street right of way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the city engineer to be necessary for the provision of adequate public utilities. 2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse. 3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision. 4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion. 5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans. 6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.
<p>Commission Findings</p>			<p><i>As noted in the City Engineer review comments attached as Exhibit C, the applicant shall include the required 5 ft utility easement on the Final Plat. As conditioned, the subdivision shall meet this standard.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.K</p> <p>Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the city engineer, council and Idaho health department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho department of health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such</p>

				<p>alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.</p>
			Commission Findings	<p><i>The Utilities Department reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.L	<p>Water System Improvements: A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the city under the supervision of the Ketchum fire department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the municipal water system and shall meet the standards of the following agencies: Idaho department of public health, Idaho survey and rating bureau, district sanitarian, Idaho state public utilities commission, Idaho department of reclamation, and all requirements of the city.</p>
			Commission Findings	<p><i>The Utilities Department reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	<p>Planting Strip Improvements: Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.</p>
			Commission Findings	<p><i>This standard is not applicable. The multi-family residential development's proposed landscaping was reviewed and approved by the Planning & Zoning Commission through Design Review P18-010.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.N	<p>Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p> <ol style="list-style-type: none"> 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or council as part of the preliminary plat application. 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: <ol style="list-style-type: none"> a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns. d. Areas where trees and/or natural vegetation will be preserved.

				<p>e. Location of all street and utility improvements including driveways to building envelopes.</p> <p>f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements.</p> <p>3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.</p> <p>4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.</p> <p>5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.</p> <p>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</p> <ul style="list-style-type: none"> a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability. b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American standard testing methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability. d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope. e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
		<input checked="" type="checkbox"/>	<p>Commission Findings</p>	<p><i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements including the Grading Plan associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.O</p>	<p>Drainage Improvements: The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage</p>

				<p>courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the city on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.</p>
			Commission Findings	<p>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements including the Drainage Plan, associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.P	<p>Utilities: In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.</p>
			Commission Findings	<p>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	<p>Off Site Improvements: Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.</p>
			Commission Findings	<p>No off-site improvements have been required for the condominium project.</p>

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 Condominium Subdivision Preliminary Plat application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Condominium Subdivision Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
2. The Condominium Subdivision Preliminary Plat application is governed under Sections 16.04.010, 16.04.020, 16.04.030, and 16.04.060 of Ketchum Municipal Code Chapter 16.04.
3. The proposed Condominium Subdivision for the Onyx at Leadville Residences meets the standards for Preliminary Plats under Title 16 of KMC subject to conditions of approval.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Condominium Subdivision Preliminary Plat application this Monday, October 14th, 2019 subject to the following conditions:

CONDITIONS OF APPROVAL

1. Pursuant to KMC §16.04.030.19, the zoning designation for the subject property, Tourist, shall be added to the Preliminary Plat prior to forwarding the Plat to City Council for review.
2. Approval of the Condominium Subdivision Preliminary Plat is subject to Design Review P18-005 and Building Permit B18-016. All conditions of approval shall apply. All City Department conditions shall be met prior to issuance of a Certificate of Occupancy for the project. All conditions as described in Tables 1 and 2 shall be met.
3. As noted in the City Engineer review comments dated October 9, 2019, the applicant shall include the following items on the Final Plat: (a) the 5 ft public utility easement as required pursuant to KMC §16.04.030.19, (b) certifications, (c) certificate of owner, (d) surveyor approval, and (e) agency approvals.
4. The Covenants, Conditions, and Restrictions (CC&R’s) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of the CC&R’s.
5. The failure to obtain Final Plat approval by the Council, of an approved preliminary plat, within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void.
6. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map.
7. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder’s office concurrent with the recording of the Plat containing the following minimum data:
 - a. Line work delineating all parcels and roadways on a CAD layer/level designated as “parcel”;
 - b. Line work delineating all roadway centerlines on a CAD layer/level designated as “road”; and,

- c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as “control”
8. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a “.dwg”, “.dgn” or “.shp” format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
9. The applicant shall provide a copy of the recorded Final Plat to the Planning and Building Department for the official file on the application.
10. Pursuant to KMC §16.04.060, the final plat shall not be signed by the City Clerk and recorded until the condominium has received: (a) a Certificate of Occupancy issued by the City of Ketchum and (b) completion of all Design Review elements as approved by the Planning & Zoning Administrator.

Findings of Fact **adopted** this 14th day of October, 2019.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission