



Planning and Zoning Commission Regular Meeting AGENDA

Monday, August 12, 2019
Ketchum City Hall
480 East Avenue North, Ketchum, ID 83340

SITE VISITS

1. 4:45 PM –SITE VISIT – Hammond House: 102 Sage Road (Warm Springs Village 4, Block 3, Lot 1)
2. 4:55 PM – SITE VISIT – Deep Powder Townhomes: 255 Hillside Dr. (Warm Springs Sub #5, Lot 33, Block 2)
3. 5:15 PM – SITE VISIT – Gabbert Residence: 105 Boulder View Lane (Lot 17, Beaver Springs Sub)

CALL TO ORDER

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

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

CONSENT CALENDAR—ACTION ITEMS

4. ACTION – Minutes: July 8, 2019
5. ACTION – Ketchum Boutique Hotel Floodplain Development and Waterways Design Review Findings of Fact and Conclusions of Law
6. ACTION – Ketchum Boutique Hotel Lot Line Shift Findings of Fact and Conclusions of Law
7. ACTION – Ketchum Boutique Hotel Pre-Design Review Findings of Fact and Conclusions of Law
8. ACTION – Ketchum Boutique Hotel Planned Unit Development/Conditional Use Permit Findings of Fact and Conclusions of Law

STAFF REPORTS & CITY COUNCIL MEETING UPDATE

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

9. ACTION – Ketchum Boutique Hotel Development Agreement:260 E River Street (Ketchum Townsite Lots 3, 21, FR 22 Blk 82 N 10' x 110' of alley S 20' x 230' of alley, Ketchum Townsite Lot 2 Block 82 10' x 110' of alley, Ketchum Townsite Lot 1 Block 82)The Commission will consider and take action on a Development Agreement application for the proposed hotel project and associated conditions.
10. ACTION – Chapter 16 Code Amendment: Proposed amendments (edits) to Title 16, Chapter 16.04, Subdivision Ordinance of the City of Ketchum.
11. ACTION – Gabbert Residence Lot Line Shift Application: 105 Boulder View Lane (Lot 17, Beaver Springs Sub) The Commission will consider and take action on Lot Line Shift application submitted by Garth McClure of Benchmark Associates on behalf of the Boulder View Revocable Trust, to reconfigure the building envelope platted on Lot 17B, Beaver Springs Subdivision, to align with the building footprint proposed for a new single-family residence. The subject property is currently undeveloped, is located at 105 Boulder View Lane, is in the LR-2 zoning district, and has a lot size of 126,033 square feet.
12. ACTION – Hammond House Mountain Overlay Design Review: 102 Sage Road (Warm Springs Village4, 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.

- 13. ACTION – Hammond House Conditional Use Permit: 102 Sage Road** (Warm Springs Village4, 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.
- 14. ACTION – Hammond House Variance: 102 Sage Road** (Warm Springs Village4, 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.
- 15. ACTION – Deep Powder Townhomes Mountain Overlay Design Review: 255 Hillside Dr.** (Warm Springs Sun #5, Lot 33, Block 2) The Commission will consider and take action on a Mountain Overlay Design Review application submitted by Lars Guy for a new 3,219 square foot 2-Unit townhome in the Avalanche and Mountain Overlays.

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, July 8, 2019

5:30 PM

Ketchum City Hall

1. **5:15 PM – SITE VISIT – Lofts at 660 1st St. Design Review: 660 N 1st St: (Lot 6, Block 34, Ketchum)**
2. **5:30 PM – CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho**
3. **Call to Order**

Motion made by Commissioner Kurt Eggers to have Commissioner Tim Carter chair the meeting until Vice-Chair Matthew Mead’s arrival. Seconded by Commissioner Jennifer Cosgrove. Ayes: Eggers, Carter, Cosgrove.

The meeting was called to order at 5:35 PM.

Attendee Name	Title	Status	Arrived
Neil Morrow	Chairperson	Absent	
Matthew Mead	Vice-Chairperson	Late	5:43 PM
Kurt Eggers	Commissioner	Present	
Tim Carter	Commissioner	Present	
Jennifer Cosgrove	Commissioner	Present	

4. **Commission reports and ex parte discussion disclosure**

Commissioner Kurt Eggers related the results of the PZ Commissioner Training held July 3, 2019 in Hailey. Senior Planner Brittany Skelton spoke to Chris Meyer’s discussion concerning site visits and comments by Commissioners during site visits.

Vice-Chair Matthew Mead joined the meeting at 5:43 PM.

There was no further ex parte disclosure.

5. **PUBLIC COMMENT – Communications from the public for items not on the agenda.**

Vice-Chair Matthew Mead opened the meeting for Public Comment.

No comments were offered.

Public Comment was closed.

6. CONSENT CALENDAR–ACTION ITEMS

- a. ACTION – Minutes: June 10, 2019

Commissioner Eggers requested a change to the minutes on item 8d.

Motion to: Approve minutes as amended.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kurt Eggers, Commissioner
SECONDER:	Tim Carter, Commissioner
AYES:	Matthew Mead, Tim Carter, Jennifer Cosgrove, Kurt Eggers
ABSENT:	Neil Morrow

7. PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

- a. ACTION – First and Fourth Development Agreement: 391 N 1st Avenue (Ketchum, Block 57, Lots 1 & 2) The Commission will consider and take action on a Development Agreement submitted by Jack Bariteau for a proposed mixed-use building consisting of residential dwelling units, 6,456 square feet of commercial space, and a parking garage.

Senior Planner Brittany Skelton noted at the June 10th meeting, public comment was taken out of order on this item, so it was re-noticed and placed on this agenda. There were no changes from the previous meeting.

Vice-chair Mead opened the meeting for public comment.

Jim Speck, representing Carol Theilen, adjacent property owner, objected to creating a "dead-end" alley, and suggested the City obtain consent from all property owners adjacent to the alley. He wanted a "will-serve" consent from Clear Creek for garbage pick-up and a statement from Fire Dept as to fire protection. He expressed that the City or Mr Bariteau be responsible for maintenance and snow removal.

Charles Holt, property owner on the alley, stated the alley was closed with snow last winter but still has garbage service. He felt the Fire Department and Garbage already had a plan for the alley.

Courtney Cline, neighbor, objected to the height and mass of the building and compromising views.

There were no further comments and public comments were closed.

Vice-Chair Mead agreed with health and safety concerns and would like to see garbage and fire contacted. Director John Gaeddert noted all items pertaining to the alley vacation would be memorialized in the Development Agreement. Commissioner Jennifer Cosgrove preferred to see a change to the code rather than approving exceptions. Vice-Chair Mead wanted to see the rights of the property owners maintained and the conditions included in the Development Agreement and Commissioner Eggers agreed.

Motion To: Recommend approval of First and Fourth Development Agreement to City Council with additional language to Paragraph Five (5) as referenced by Staff and to approve the draft Development Agreement with additional sentence. In addition, to authorize the Vice-Chair to sign the Findings of Fact.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Tim Carter, Commissioner
SECONDER:	Matthew Mead, Vice-Chairperson
AYES:	Matthew Mead, Tim Carter, Jennifer Cosgrove
NAYS:	Kurt Eggers
ABSENT:	Neil Morrow

- b. ACTION – Apple Park Townhomes Final Plat: 371 W. 7th Street (Apple Park Sub, Block 1, Lot 1) The Commission will consider and take action on a Townhouse Subdivision Final Plat Application submitted by owners Thad and Anette Farnham to subdivide a 10,454 sq. ft lot in the General Residential Low Density (GR-L) Zoning District into two (2) townhouse sublots.

Planner Abby Rivin gave the background of the final plat.

Vice-Chair opened the meeting for public comment.

No comments were made.

Vice-Chair closed the comments.

MOTION TO: Recommend approval to city council of the final plat for the Apple Park Townhomes and authorize the Chair to sign the Findings of Fact.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kurt Eggers, Commissioner
SECONDER:	Tim Carter, Commissioner
AYES:	Matthew Mead, Kurt Eggers, Tim Carter, Jennifer Cosgrove
ABSENT:	Neil Morrow

- c. ACTION – 100 Seventh Street Condominiums Final Plat: (Lot 5, Block 34, Ketchum Townsite) The Commission will consider and take action on a Final Plat Application submitted by Benchmark Associates, on behalf of owner Ben Franz, to subdivide an existing building into five (5) condominium units.

Planner Brittany Skelton gave the background for the final plat and the platting process.

Garth McClure, of Benchmark Associates, represented the applicant and confirmed agreement with the conditions in the Staff Report.

Vice-Chair opened the meeting for public comment.

No comments were made.

Vice-Chair closed the comments.

Motion To: Amend the Motion recommending approval to City Council of the Final Plat for the Apple Park Townhomes to include authorizing the Vice-Chair to sign the Finding of Fact.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kurt Eggers, Commissioner
SECONDER:	Tim Carter, Commissioner
AYES:	Matthew Mead, Kurt Eggers, Tim Carter, Jennifer Cosgrove
ABSENT:	Neil Morrow

Motion TO: Recommend approval to city council of the final plat for the 100 Seventh Condos and authorize the Chair to sign the Findings of Fact.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kurt Eggers, Commissioner
SECONDER:	Jennifer Cosgrove, Commissioner
AYES:	Matthew Mead, Kurt Eggers, Tim Carter, Jennifer Cosgrove
ABSENT:	Neil Morrow

- d. ACTION – Lofts at 660 1st. Pre-Design Review: 660 N 1st St: (Lot 6, Block 34, Ketchum) The Commission will consider and take action on a Pre-Design Review Application submitted by Daniel Hollis, on behalf of Galena Peak Partners, LLC., for a proposed new multi-family residence at 660 N. First Ave. located in the Community Core (CC) Zoning District. The 12,129 square foot building will consist of seven (7) market-rate units and seven (7) parking spaces.

Commissioner Eggers recused himself from this project.

Daniel Hollis of Hollis-Rumpeltes gave the pre-design review, covering the landscaping, exterior materials, lighting, floor plans, heights, and setbacks.

Vice-Chair opened the meeting for public comment.

No comments were made.

Vice-Chair closed the comments.

Commissioner Cosgrove asked for renderings to include the adjacent building. Also asked about the alley width and shadows to be included in the renderings for the full Design Review. Vice-Chair Mead asked about first floor privacy regarding screening and venting of underground garage spaces. There was a discussion of the durability of the proposed exterior materials, entrances, parking, and setbacks.

Motion To: Advance the Lofts at 660 1st to full Design Review.

RESULT:	ADOPTED [3 TO 0]
MOVER:	Tim Carter, Commissioner
SECONDER:	Jennifer Cosgrove, Commissioner
AYES:	Matthew Mead, Tim Carter, Jennifer Cosgrove
ABSENT:	Neil Morrow
RECUSED:	Kurt Eggers

8. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

Director John Gaeddert related the agenda for the special meeting noticed for July 29th highlighting the Ketchum Boutique Hotel, starting with a site visit. A total of 6 applications, including a Floodplain Overlay Application and Lot Line Shift. It was anticipated that the

meeting would continue to the following night (Tuesday, July 30). The City attorney would be present at the meetings to ensure the process is followed correctly.

Director Gaeddert started the workshop for the administrative edits proposed on the Subdivision Ordinance. He explained what the ordinance covers and how it is currently used. He then named the proposed changes and how it would change the definition of a townhouse unit. He also noted the procedures involved, including Lot Line Shifts, noticing, and public hearings.

9. ADJOURNMENT

Motion To: Adjourn

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kurt Eggers, Commissioner
SECONDER:	Tim Carter, Commissioner
AYES:	Matthew Mead, Kurt Eggers, Tim Carter, Jennifer Cosgrove
ABSENT:	Neil Morrow

Matthew Mead
Vice-Chairperson



City of Ketchum
Planning & Building

IN RE:)	
)	
PEG Ketchum Hotel, LLC	)	KETCHUM PLANNING AND ZONING COMMISSION
251 S. Main Street	)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND
Floodplain Development/	)	DECISION
Waterways Design Review)	
)	
File Number: 19-062)	

BACKGROUND FACTS

PROJECT: Ketchum Boutique Hotel

OWNER: PEG Ketchum Hotel, LLC

REPRESENTATIVE: Sean Flynn, Galena Engineering

LOCATION: 251 S. Main Street (Lots 3, 21, FR 22 Blk 82 N 10' x 110' of alley S 20' x 230' of alley, Ketchum Townsite), 260 E. River Street (Lot 2, Block 82, 10' x 110' of alley, Ketchum Townsite), and 280 E. River Street (Lot 1, Block 82, Ketchum Townsite)

ZONING: Tourist (T) with Floodplain Management Overlay with Floodplain, Floodway, and Waterways Design Review subdistricts

REQUEST: Floodplain Development Permit and Waterways Design Review

ASSOCIATED PERMITS: P19-061, P19-063, P19-064, P19-065, P19-066

PUBLIC NOTICE: Property owners within 300 feet and affected agencies were mailed on Friday, July 12, 2019. Public notice was published in the Idaho Mountain Express on Wednesday, July 17, 2019.

FINDINGS OF FACT

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code. Under Chapter 65, Title 67 of the Idaho Code, the City is required to pass certain ordinances regarding land use, including a zoning ordinance.
2. The subject property, in particular the parcel addressed 251 S. Main Street, contains 100-year floodplain, floodway, and is adjacent to Trail Creek and therefore contains a regulated riparian zone. As such, the property is within the Floodplain Management Overlay with Floodplain, Floodway, and Waterways Design Review subdistricts. The southerly property boundary is the mean high-water mark on the north side of Trail Creek.

3. Pursuant to Zoning Code Title 17, Section 17.88.050(D)1, the administrator shall have the authority to consider and approve, approve with conditions, or deny applications for floodplain development permits and for waterways design review, but in accordance with 17.88.050(D)2 has the discretion to forward the application to the Planning and Zoning Commission for review during a noticed public meeting.

4. The subject parcels have previously been developed. No existing development encroaches into the riparian zone, floodplain, or floodway. Existing development consists of two vacant structures and an asphalt parking area. The asphalt parking area abuts a 10' wide sewer easement and the 25' riparian zone is adjacent to the southside of the 10' sewer easement. The 25' riparian zone is delineated on the plat associated with the hotel project (application P19-064) as a proposed riparian and scenic easement consistent with KMC § 17.88.040.D.2. The riparian zone is currently in a natural state and the north side of the bank, which is the southern boundary line of the subject property, does not contain man-made bank armoring or riprap. The 10' sewer easement combined with the 25' riparian easement provide a buffer ranging from 35' or more from the existing development and new development proposed on site (see civil sheet 3.0 in the applicant's submittal package dated July 29, 2019).

5. The applicant proposes to demolish and clear the existing development, including the asphalt surface parking area, from the site and to construct a new 100-room hotel, approximately 139,295 gross square feet in size. The hotel and all other site improvements are proposed to be located outside of the 1% annual chance floodplain, floodway, and riparian zone. Because of the sewer easement, the hotel will be located 35' or more from the mean high-water mark of Trail Creek. As indicated on the preliminary civil plans and preliminary landscape plan included in the applicant's submittal package dated July 29, 2019, all construction activity and all permanent site improvements will be located outside of the riparian zone, floodplain, and floodway.

6. As indicated in civil sheet 2.0, Storm Water Pollution Prevention Plan, measures will be taken to protect the adjacent waterway and riparian area. These measures include installation of a silt fence and inlet protection around the existing catch basin, development of a Storm Water Pollution Prevention Plan and Best Management Practices document for erosion control.

7. The applicant is put on notice that city review and approval of this application does not guarantee that flooding will not occur as the subject property is located partially within in the Special Flood Hazard Area (100-year floodplain). Purchasing flood insurance is recommended; standard property owner's insurance policies do not cover losses due to flooding.

Floodplain Development Requirements				
Chapter 17.88, Floodplain Management Overlay Zoning District (FP)				
Compliant			Standards and Staff Comments	
Yes	No	N/A	Regulation	City Standards and <i>Staff Comments</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.040.D.3	<p>Prior to issuance of any building permit for a structure located partially or wholly within the one percent (1%) annual chance floodplain, a preconstruction elevation certificate shall be completed by a registered professional engineer, architect or surveyor and submitted to the City of Ketchum building inspector. The elevation certificate form shall be made available from the City. The certificate shall again be completed by the owner and/or his/her agents and submitted to the City upon completion of the foundation and construction of the lowest floor, and again prior to issuance of a certificate of occupancy or a final inspection by the building inspector to evidence the as built elevation of the lowest floor including basement.</p>
			<i>Staff Comments</i>	<p><i>Civil sheet C3.0 best represents the location of the proposed building with respect to the one percent (1%) annual chance floodplain. As indicated on the plan, the building footprint is located entirely outside of the 1% annual chance floodplain. Therefore, Elevation Certificates are not required.</i></p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.040.D.5	Prior to issuance of any floodplain development permit, the property owner or his or her authorized agent shall acknowledge by executed written affidavit that said property is located within the one percent (1%) annual chance floodplain as defined herein and that a violation of the terms of this article shall cause the City to seek legal remedies.
			Staff Comments	<i>The applicant is aware of this requirement and as a condition of approval, the affidavit shall be submitted prior to the Commission Chair signing the Findings of Fact and Conclusions of Law for this permit.</i>

17.88.060: PROVISIONS FOR FLOOD HAZARD REDUCTION

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)1	<p>Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.</p> <p><i>Staff Comments</i></p> <p><i>The southern boundary of the property coincides with the mean high water mark of the north side of Trail Creek. Regulatory floodplain, including floodway, exists on the subject property along the southern boundary of the property and the 25'-wide riparian and scenic easement (riparian zone) is offset, landward, from the mean high water mark on the north side of Trail Creek. The riparian zone largely provides a buffer between the limit of the 1% annual chance floodplain and the remainder of the site, with the riparian buffer and floodplain boundary aligning and slightly overlapping only near the southeast corner of the site. An additional 10' wide sewer easement exists on the landward side of the riparian zone, which provides further distance between the developable portion of the property and the floodplain and Trail Creek.</i></p> <p><i>Civil sheet C 1.0 indicates existing development on the subject property with respect to the sewer easement, riparian zone, and the floodplain and floodway boundaries. Currently, two vacant buildings and an asphalt parking surface are located on the subject property. The asphalt parking surface extends directly to the north side of the 10' sewer easement. Therefore, the extent of existing development on the site is offset approximately 10' from the riparian zone and existing development is located entirely outside of the regulatory floodplain. The floodplain and riparian zone are characterized as being in an undisturbed, naturalized state.</i></p> <p><i>Civil sheet 2.0, Storm Water Pollution Prevention Plan, includes the following details: During demolition and clearance of the existing development a silt fence will be installed along the south, west, and east property. Along the southern property boundary the silt fence will be installed along the northern side of the 10' easement, therefore providing at least a 10' buffer from the riparian zone and an even larger buffer (ranging from 10' to 20'+) from the regulatory floodplain. Drain inlet protection will also be installed around the existing catch basin that retains the site's drainage. No encroachment into the floodplain or riparian zone will occur during demolition and clearance.</i></p> <p><i>The proposed new construction with respect to the floodplain and riparian zone is best indicated in Civil sheet 3.0, which includes the footprint of the proposed hotel building. The entirety of the hotel will be located outside of the riparian zone, which in turn means no portion of the hotel will be located within the regulatory floodplain. Additionally, the Landscape plan 1.0 indicates that all proposed landscaping for the project will occur outside of the riparian zone.</i></p> <p><i>Drainage improvements will be located outside of the riparian zone, and the portions of the site that are currently covered with asphalt will largely be replaced with landscaping (per the preliminary Landscape Plan), thereby reducing the impervious surface on the subject property.</i></p>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)2	Preservation or enhancement of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty-five (25) foot setback or riparian zone. No construction activities, encroachment or other disturbance into the twenty five foot (25') riparian zone shall be allowed at any time without written City approval per the terms of this ordinance.
			<i>Staff Comments</i>	<i>As described in 17.88.060(E)1, no construction activity, encroachment, or other disturbance is proposed to occur within the riparian zone. The riparian zone is currently in a natural state and the new development is proposed to occur at 10 or more feet from the riparian zone boundary. No enhancement to the riparian zone is proposed at this time.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)3	No development, other than development by the City of Ketchum or development required for emergency access, shall occur within the twenty five foot (25') riparian zone with the exception of approved stream stabilization work. The Administrator may approve access to property where no other primary access is available. Private pathways and staircases shall not lead into or through the riparian zone unless deemed necessary by the Administrator.
			<i>Staff Comments</i>	<i>Consistent with the plans submitted as part of this application, no development is proposed in the riparian zone.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)4	A landscape plan and time frame shall be provided to restore any vegetation within the twenty five foot (25') riparian zone that is degraded, not natural or which does not promote bank stability.
			<i>Staff Comments</i>	<i>As described in 17.88.060(E)1, the riparian zone will be protected during demolition of the existing structures and for the duration of construction of the hotel. A restoration plan is not necessary at this time as disturbance to the riparian zone is not proposed. However, should the riparian zone inadvertently be disturbed, restoration shall be required, with a restoration plan submitted as part of an amendment to this permit.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)5	New or replacement planting and vegetation shall include plantings that are low growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings include: red osier dogwood, common chokecherry, serviceberry, elderberry, river birch, skunk bush sumac, Beb's willow, Drummond's willow, little wild rose, gooseberry, and honeysuckle.
			<i>Staff Comments</i>	<i>No new or replacement plantings are required or are proposed.</i>

Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)6	Landscaping and driveway plans to accommodate the function of the floodplain to allow for sheet flooding. Floodwater carrying capacity is not diminished by the proposal. Surface drainage is controlled and shall not adversely impact adjacent properties including driveways drained away from paved roadways. Culvert(s) under driveways may be required. Landscaping berms shall be designed to not dam or otherwise obstruct floodwaters or divert same onto roads or other public pathways.
			<i>Staff Comments</i>	<i>Floodwater carrying capacity is not diminished by the proposal, which will improve site drainage (reduction of pervious surface) and direct all of its drainage to a on-site drywells/catch basins; site drainage shall not drain to Trail Creek. No landscaping berms are proposed and all proposed landscaping and vehicular accesses will be located outside of the floodplain.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)7	Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not adverse.
			<i>Staff Comments</i>	<i>Adverse impacts on aquatic life, recreation, and water quality are not anticipated. The existing riparian zone will remain intact.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)8	Building setback in excess of the minimum required along waterways is encouraged. An additional ten foot (10') building setback is encouraged to provide for yards, decks and patios outside the twenty five foot (25') riparian zone.
			<i>Staff Comments</i>	<i>The required 25' riparian setback is being respected. Further, a 10' wide sewer easement exists beyond the riparian zone and will provide an additional buffer from the waterway.</i>

Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)9	The top of the lowest floor of a building located in the one percent (1%) annual chance floodplain shall be a minimum of twenty four inches (24") above the base flood elevation of the subject property. (See section 17.88.060, figures 1 and 2 of this chapter.) <i>Staff Comments</i> This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)10	The backfill used around the foundation in the floodplain shall provide a reasonable transition to existing grade but shall not be used to fill the parcel to any greater extent. Compensatory storage shall be required for any fill placed within the floodplain. An LOMA-F shall be obtained prior to placement of any additional fill in the floodplain. <i>Staff Comments</i> No fill is proposed in the floodplain; the proposed new development will be located entirely outside of the 1% annual chance floodplain. The standard for backfill around the foundation applies only to buildings that are located partially or entirely within the 1% annual chance floodplain.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)11	All new buildings shall be constructed on foundations that are approved by a licensed professional engineer. <i>Staff Comments</i> This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)12	Driveways shall comply with effective street standards; access for emergency vehicles has been adequately provided for. <i>Staff Comments</i> The vehicular access to the hotel (ramp to a parking garage) and lower-level fire access will receive final approval from the Fire Marshal, City Engineer, and Streets Department Director prior to issuance of a building permit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)13	Landscaping or revegetation shall conceal cuts and fills required for driveways and other elements of the development. <i>Staff Comments</i> A preliminary landscaping plan has been submitted. All area of the site disturbed during construction are proposed to be finished with landscaping.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)14	(Stream alteration) The proposal is shown to be a permanent solution and creates a stable situation. <i>Staff Comments</i> N/A, stream alteration is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)15	(Stream alteration) No increase to the one percent (1%) annual chance floodplain upstream or downstream has been certified, with supporting calculations, by a registered Idaho hydraulic engineer. <i>Staff Comments</i> N/A, stream alteration is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)16	(Stream alteration) The recreational use of the stream including access along any and all public pedestrian/fisher's easements and the aesthetic beauty shall not be obstructed or interfered with by the proposed work. <i>Staff Comments</i> N/A, stream alteration is not proposed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)17	Where development is proposed that impacts any wetland, first priority shall be to move development from the wetland area. Mitigation strategies shall be proposed at time of application that replace the impacted wetland area with a comparable amount and/or quality of new wetland area or riparian habitat improvement. <i>Staff Comments</i> James Joyner, Senior Regulatory Project Manager with the U.S. Army Corps of Engineers, Walla Wall District, provided comment that wetlands exist along the southern property boundary, which is Trail Creek. However, staff discussed the location of the proposed development, which will occur only in areas of the site that have already been developed and will be located 35'+ from Trail Creek, with Mr. Joyner. As such, no change to the proposed project is necessary.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)18	(Stream alteration) Fish habitat shall be maintained or improved as a result of the work proposed. <i>Staff Comments</i> N/A, stream alteration is not proposed.

Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)19	(Stream alteration) The proposed work shall not be in conflict with the local public interest, including, but not limited to, property values, fish and wildlife habitat, aquatic life, recreation and access to public lands and waters, aesthetic beauty of the stream and water quality. <i>Staff Comments</i> N/A, stream alteration is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)20	(Stream alteration) The work proposed is for the protection of the public health, safety and/or welfare such as public schools, sewage treatment plant, water and sewer distribution lines and bridges providing particularly limited or sole access to areas of habitation. <i>Staff Comments</i> N/A, stream alteration is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060.A.1	A. General Standards: In all areas of special flood hazard, the following standards are required: 1. Anchoring: a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference the Federal Emergency Management Agency's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). <i>Staff Comments</i> N/A. This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060.A.2	2. Construction Materials And Methods: a. All structural and nonstructural building materials utilized at or below the base flood elevation must be flood resistant. Flood damage resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork. If flood damage resistant materials are not used for building elements, those elements must be elevated above the base flood elevation. This requirement applies regardless of the expected or historical flood duration. b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. c. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. <i>Staff Comments</i> N/A. This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060.A.3	3. Utilities: a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system; b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and c. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. <i>Staff Comments</i> This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060.B.3.a	3. Nonresidential Construction: a. New construction and substantial improvement of any commercial, industrial, nonresidential portion of a mixed use or other nonresidential structure in any A1-30, AE and AH zone shall either have the top of the floor structure of the lowest floor, including basement, elevated to twenty four inches (24") above the base flood elevation or, together with attendant utility and sanitary facilities, shall: (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
				<p>(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;</p> <p>(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this article based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection 17.88.050D3c(2) of this chapter;</p> <p>(4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection B2c of this section; and</p> <p>(5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).</p>
			<i>Staff Comments</i>	<i>N/A. This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060.B.2.b	<p>b. All new construction and substantial improvement of nonresidential structures within AO zones shall:</p> <p>(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least twenty four inches (24") higher than the depth number specified in feet on the FIRM; or</p> <p>(2) Together with the attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in subsection B3a of this section.</p>
			<i>Staff Comments</i>	<i>N/A. The subject property is in the AE zone, not the AO zone. Further, this standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.</i>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use ordinance, Title 17.
3. The Commission has the authority to hear the applicant's Floodplain Development and Waterways Design Review application pursuant to Chapter 17.88 of Ketchum Municipal Code Title 17.
4. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the Commission for review of this application.
5. The project **does** meet the standards of approval under Chapter 17.88 of Zoning Code Title 17.

DECISION

THEREFORE, the Ketchum Planning & Zoning **approves** this application by PEG Ketchum Hotel LLC this Monday, August 12th, 2019, subject to the following conditions:

1. The term of floodplain development permit and waterways design review shall be twelve (12) months from the date that findings of fact, conclusions of law and decision are signed by the Administrator or upon appeal, the date the approval is granted by the Planning and Zoning Commission, subject to changes in zoning regulations. Application must be made for a building permit (if required) with the Ketchum Building Department during the twelve (12) month term. Once a building permit (if required) has been issued, the approval shall be valid for the duration of the building permit. Unless an extension is granted as set forth in KMC 17.88.050.G, failure to file a complete building permit application (if required) for a project in accordance with these provisions shall cause said approval to be null and void.
2. This Waterways Design Review and Floodplain Development Permit approval is based on the plans presented during the July 29th and July 30th 2019 meetings, and information presented and approved at the meeting on the date noted herein. Any building or site discrepancies which do not conform to the approved plans will be subject to removal;
3. Pursuant to Chapter 17.88.040.C, no chemicals or soil sterilants are allowed within 100 feet of the mean high-water mark. No pesticides, herbicides, or fertilizers are allowed within 25 feet of the mean high-water mark unless approved by the City Arborist. All applications of herbicides and/or pesticides within one hundred feet (100') of the mean high-water mark, but not within twenty-five feet (25') of the mean high-water mark, must be done by a licensed applicator and applied at the minimum application rates. Application times for herbicides and/or pesticides will be limited to two (2) times a year; once in the spring and once in the fall unless otherwise approved by the city arborist. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed;
4. Prior to commencement of any construction activity on the subject parcel the silt fence and inlet protection shall be installed as indicated in civil sheet 2.0;
5. No maintenance, including the mowing, trimming, and removal of vegetation, and no construction activities, encroachment, or disturbance within the riparian zone shall take place without approval through an amendment to this permit, during the time period the permit is in effect, or through approval of a subsequent permit;
6. It shall be unlawful to dump, deposit or otherwise cause any trash, landscape debris or other material to be placed in any stream, channel, ditch, pond or basin that regularly or periodically carries or stores water.

Findings of Fact **adopted** this 12th day of August 2019.

Neil Morrow, Chair
Ketchum Planning & Zoning Commission



City of Ketchum
Planning & Building

IN RE:)	
)	
PEG Ketchum Hotel, LLC	)	KETCHUM CITY COUNCIL
Lot 3A, Block 82	)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND
Subdivision	)	DECISION
)	
File Number: 19-064)	
)	

BACKGROUND FACTS

PROJECT: Lot 3A, Block 82, Ketchum Townsite

OWNER: PEG Ketchum Hotel LLC

REPRESENTATIVE: Galena Engineering

REQUEST: The applicant proposes to combine three parcels (251 S. Main Street – Ketchum Townsite Lots 3, 21, FR 22 Blk 82 N 10’ x 110’ of alley S 20’ x 230’ of alley, 260 E. River Street – Ketchum Townsite Lot 2 Block 82 10’ x 110’ of alley, and 280 E. River Street – Ketchum Townsite Lot 1 Block 82) into one lot, referenced herein as Lot 3A, Block 82, Ketchum Townsite (“new Lot 3A”).

PUBLIC NOTICE: Property owners within 300 feet and affected agencies were mailed on Friday, July 12, 2019. Public notice was published in the Idaho Mountain Express on Wednesday, July 17, 2019.

ZONING: The property is zoned Tourist (T) with Floodplain/Waterways Design Review overlay.

FINDINGS OF FACT

1. The applicant proposes to combine three parcels into a new Lot 3A, Block 82, Ketchum Townsite.
2. The proposal is subject to the City Subdivision requirements as set forth in Title 16, Chapter 16.04 of the Ketchum Municipal Code (“KMC”).
3. The application meets the definition of “readjustment of lot line” as set forth in Title 16, Chapter 16.04.030.L.

4. Applicant has submitted a Master Plan as part of its Planned Unit Development application, pursuant to Title 16, Chapter 16.08. Subject Master Plan includes a request for waiver or deferral of requirements (KMC §16.08.070.F).
5. Consistent with §16.08.070.F, Applicant requests city allow building permit issuance prior to final plat recordation and defer the requirements of KMC §16.04.030.H, which states that “No building permit shall be issued with regard to any parcel of land within a proposed subdivision until the final plat has been recorded.”
6. As set forth in the Applicant’s PUD application and Master Plan, waivers are requested to the following dimensional standard provisions: Floor Area Ratio (“FAR”), front and side yard setbacks, and height and four-story requirements.
7. Title 16, Chapter 16.04.020 defines Waiver as a “Modification of a relevant provision and regulation of this chapter not contrary to public interest or public health, safety or welfare, and due to physical characteristics of the particular parcel of land and not the result of actions of the subdivision where literal enforcement of this chapter would result in undue hardship. The granting of waiver(s) ... rests with the sound discretion of the commission and council, on a case by case basis.”
8. Details of the Applicant’s Master Plan are set forth in Attachment B. Included in Attachment B is Galena Engineers plat map showing a new Lot 3A, which combines the three existing lots owned by the Applicant within Block 82 of the Ketchum Townsite Plat into one larger lot. Subject map was prepared by Galena Engineers and was stamped by Mark Phillips on 6/12/2019.
9. New Lot 3A is 47,249 square feet and exceeds the minimum Tourist zone lot size of 8,000 square feet. Further, the property exceeds the eighty-foot (80’) minimum lot width established for the Tourist zone and includes the required twenty-five foot (25’) Riparian and Scenic Easement from the Ordinary High Water Mark (“OHWM”) established by the KMC for building setbacks along Trail Creek.
10. The following provides the Planning and Zoning Commission’s recommendations to the Ketchum City Council regarding the new Lot 3A subdivision plat within the City.

Table 1: Zoning Standards Analysis

Compliance with Zoning Standards				
Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Lot Area: 9,000 square feet minimum.
			<i>Staff Comment</i>	<i>New Lot 3A is 47,249 square feet</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Coverage
			<i>Staff Comment</i>	<i>A Planned Unit Development Application, pursuant to Title 16, Chapter 16.08 Project proposes a waiver to the FAR requirements and, subject to approval of the PUD application with conditions as noted herein, complies with this zoning standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Building Setbacks Minimum: <i>Front: 15'</i>

				Side: > of 1' for every 2' in building height, or 10', whichever is greater Trail Creek/Rear: 25' State Highway 75: 25' to 32' (varies)
			Staff Comment	The Project proposes a waiver to the front & side yard setback requirements and, subject to approval of the PUD application with conditions as noted herein, complies with this provision of the Tourist zoning standard.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Height Maximum Permitted: 35' or greater for hotels
			Staff Comment	The Project proposes a waiver to the height/4-story Tourist zone requirements for hotels and, subject to approval of the PUD application with conditions as noted herein, complies with this zoning standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.030.H	Curb Cut Permitted: A total of 35% of the linear footage of any street frontage can be devoted to access off street parking.
			Staff Comment	There are no curb cuts proposed along State Highway 75. The new configuration results in < 35% of the linear footage of street frontage devoted to access the off street parking within the parking garage.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.020.A.2 & 17.125.050	Parking Spaces Off-street parking standards of this chapter apply to any new development and to any new established uses.
			Staff Comment	As analyzed by staff and consistent with §17.125 of the KMC, the Project has adequate parking for the proposed uses on the property.

Table 2: Plat Requirements

Plat Requirements				
Compliant			Standards and Staff Comments	
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	The application has been reviewed and determined to be complete.
<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. 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:
			Staff Comments	All required materials for the Subdivision Plat application have been submitted.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	The scale, north point and date.
			Staff Comments	This standard has been met.
<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	This standard has been met.
<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	This standard shall be met with the Final Plat with the signed Certificate of Ownership.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted.
			Staff Comments	This standard has been met.

<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.
			<i>Staff Comments</i>	<i>This standard has been met.</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.
			<i>Staff Comments</i>	<i>This standard has been met. The Subdivision Plat indicates contour lines at 1 ft intervals.</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.
			<i>Staff Comments</i>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	Boundary description and the area of the tract.
			<i>Staff Comments</i>	<i>The legal description appears on the Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	Existing zoning of the tract.
			<i>Staff Comments</i>	<i>Each of the affected lots are located in the Tourist Zoning District.</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.
			<i>Staff Comments</i>	<i>Subject items are reflected on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.
				<i>No land for common or public use is required or proposed.</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.
			<i>Staff Comments</i>	<i>The plat indicates the existing locations of all utilities. An encroachment permit will be required for all improvements to public right of way. A full utility plan will be required prior to final plat recordation and infrastructure construction.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .13	The direction of drainage, flow and approximate grade of all streets.
			<i>Staff Comments</i>	<i>These details are indicated. An encroachment permit will be required for all improvements to public right of way. A full utility plan will be required prior to final plat recordation and infrastructure construction.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			<i>Staff Comments</i>	<i>Drainage infrastructure exists within Idaho Transportation Department (ITD) right of way (ROW) near the SE corner of the property. This and related infrastructure are shown on the plat, including a drywell easement (instrument #440075) and two sanitary sewer easement (instrument #130085 and 130089). Also, a proposed new twenty-five foot (25') riparian and scenic easement is shown on the plat. Any work in this area is subject to separate floodplain rules and regulations.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .15	All percolation tests and/or exploratory pit excavations required by state health authorities.
			<i>Staff Comments</i>	<i>Applicant has submitted results of percolation and related tests.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.
			<i>Staff Comments</i>	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			<i>Staff Comments</i>	<i>This has been provided.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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>New Lot 3A is located within the City's Floodplain Overlay District. The applicant has included an easement on the plat to protect this area.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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>KMC §16.040.020 defines Building Envelope as, "the site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. A building envelope shall conform to all minimum zoning ordinance requirements and requirements of this chapter." This application is a minor amendment to shift an interior boundary line in order to for the Applicant to not build over existing lot lines. Applicant has shown a new easement to assure no building is constructed within 25' of Trail Creek. A building envelope ("BE") will be reflected on the final plat consistent with the approved final Agreement for the Project. Subject BE will reflect the Council's final approval on FAR, corner lot radii sight line requirements, and front/side yard setbacks. The BE shall not encroach within 25' of Trail Creek or the edge of ITD ROW.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			<i>Staff Comments</i>	<i>The areas of each lot are indicated on the Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			<i>Staff Comments</i>	<i>Existing mature trees and established shrub masses exist on the Property. Subject vegetation along Trail Creek helps provide important habitat and benefits to the stream. Mature trees along River Street provide a visual buffer for the old, dilapidated structures. A landscaping plan has been submitted for the Project, as well as a separate Floodplain Development Permit. The removal of existing mature trees and/or established shrub masses is subject to approval and adoption of the Applicant's landscape plan through the Design Review and/or Floodplain Development Permit process.</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 current title report and a copy of the both owners' recorded deed to the subject properties were included in the Plat application submittal.</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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.

				<p>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.</p>
			Staff Comments	<p><i>The property is served by city water and sewer services, as well as other public and private utilities (TV, gas, electric, etc). Also serving new Lot 3A is an existing six-foot (6') wide sidewalk within ITD ROW. Subject sidewalk width is less than the current eight-foot (8') wide city sidewalk standard. Further, no sidewalks exist for the Property along River Street, which also has an eight-foot (8') wide sidewalk requirement. An encroachment permit from ITD as well as the City will be required for all improvements to public right of way, including the construction of a sidewalk not less than eight-feet (8') in width along River Street. As a condition of Plat approval, subject sidewalk shall be installed prior to final plat recordation unless otherwise approved by the Ketchum City Council.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.B	<p>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.</p>
			Staff Comments	<p><i>Subject plans are required.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.C	<p>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.</p>
			Staff Comments	<p><i>Subject plans and sidewalk improvement is required.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.D	<p>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.</p>
				<p><i>Subject plans are required.</i></p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.E	<p>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:</p> <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.
			<i>Staff Comments</i>	<i>Monumentation required.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.F	<p>Lot Requirements:</p> <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, 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: <ol 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. 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. 4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line. 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). 6. Minimum lot sizes in all cases shall be reversed frontage lot(s).

				<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>
			<i>Staff Comments</i>	<p><i>The Project complies with each of these requirements. A building envelope ("BE") will be reflected on the final plat consistent with the approved final Agreement for the Project. Subject BE will reflect the Council's final approval on FAR, corner lot radii sight line requirements, and front/side yard setbacks. The BE shall not encroach within 25' of Trail Creek or the edge of ITD ROW.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	<p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <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.
			<i>Staff Comments</i>	<p><i>This application does not create a new block. This requirement is not applicable. Notwithstanding, a Building Envelope ("BE") will be reflected on the final plat consistent with the approved final Agreement for the Project. Subject BE will reflect the Council's final approval on corner lot radii sight line requirements.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H	<p>Street Improvement Requirements:</p> <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

			<p>subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated;</p> <p>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;</p> <p>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;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>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;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>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;</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</p>
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				<p>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>
			Staff Comments	<i>The Project does not create a new street. With the exception of Street lighting these standards are not applicable. Street lighting in compliance with City standards is required of the Applicant consistent with this standard.</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 proposal does not create a new alley. This standard is not applicable.</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 constructing required improvements within a proposed subdivision unless same</p>

				<p>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>
			Staff Comments	<i>A ten-foot (10') fishermen's easement needs to be shown on the plat in accordance with subsection 3 herein. The required twenty-five foot (25') riparian and scenic easement along Trail Creek is established in accordance with subsection 4. Standards #1,2, 5 & 6 are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.K	<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 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>
			Staff Comments	<i>N/A as the existing development connects to the public sewage system.</i>
<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>
			Staff Comments	<i>N/A as water system improvements are existing.</i>
<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>
			Staff Comments	<i>This standard is not applicable.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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,</p>

				<p>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). 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.
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			Staff Comments	<i>The Applicant has submitted a soils report and landscaping plan for the Project. As conditioned herein, prior to grading occurring on the new Lot 3A, City approval of the Applicant's grading, drainage and landscaping construction drawings is required. Subject construction drawings shall be consistent in concept with approved Design Review, Encroachment Permit, and related drawings.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.O	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.
			Staff Comments	<i>Prior to grading occurring on the new Lot 3A, City approval of the Applicant's grading, drainage and landscaping construction drawings is required. Subject construction drawings shall be consistent in concept with approved Design Review, Encroachment Permit, and related drawings.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.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.
			Staff Comments	<i>N/A as the subject property is served by existing utilities.</i>
<input type="checkbox"/>	<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 are required as a condition of platting new Lot 3A.</i>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and subdivision ordinance, Title 16.
3. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the Council for review of this application.

4. The proposed plat does meet the standards of approval under Title 16, Chapter 16.04, subject to conditions of approval.
5. Approval is granted for the combination of three parcels (251 S. Main Street – Ketchum Townsite Lots 3, 21, FR 22 Blk 82 N 10' x 110' of alley S 20' x 230' of alley, 260 E. River Street – Ketchum Townsite Lot 2 Block 82 10' x 110' of alley, and 280 E. River Street – Ketchum Townsite Lot 1 Block 82) into one lot, referenced as Lot 3A, Block 82, Ketchum Townsite, as stamped by Mark Phillips with Galena Engineers on 6/12/2019.

DECISION

THEREFORE, the Ketchum Planning & Zoning **recommends for approval** to the Ketchum City Council the request of PEG Ketchum Hotel LLC to reconfigure subject lots as depicted on the 6/12/2019 Plat prepared by Galena Engineers consistent with the following fifteen (15) conditions of approval.

1. Subject to City Council approval of the Master Plan and PUD, including deferment of the final plat Time Limitations set forth in KMC §16.04.030.H, the Applicant may be issued a building permit prior to final plat recordation and shall record the new Lot 3A plat concurrently with a Certificate of Occupancy being issued by the City for the Project;
2. 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;
3. 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";
4. 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;
5. The applicant shall provide a copy of the recorded final plat with its recorded instrument number to the Department of Planning and Building for the official file on the application;
6. All requirements of the Fire, Utility, Building, Planning and Public Works departments of the City of Ketchum shall be met. All public improvements shall meet the requirements of the Public Works Department;

7. All other provisions of Ketchum Municipal Code, Chapter 16, Subdivision Regulations, and all applicable ordinances rules and regulations of the city and other governmental entities having jurisdiction shall be complied with by the subdivision;
8. The Project proposes waivers to the floor area ratio, front and side yard setbacks, and height and four-story requirements and, subject to approval of the PUD application with conditions as noted herein, complies with each of the Tourist Zone dimensional standards for hotels;
9. An encroachment permit will be required for all improvements to public right of way. A full utility plan will be required prior to final plat recordation and infrastructure construction;
10. A twenty-five foot (25') riparian and scenic easement is shown on the plat. Any work in this area is subject to separate floodplain rules and regulations;
11. A ten-foot (10') fishermen's easement adjacent to the OHWM of Trail Creek needs to be shown and recorded on the plat;
12. A Building Envelope ("BE") will be reflected on the final plat consistent with the approved final Agreement for the Project. Subject BE will reflect the Council's final approval on FAR, corner lot radii sight line requirements, and front/side yard setbacks. The BE shall not encroach within 25' of Trail Creek or the edge of ITD ROW;
13. The removal of existing mature trees and/or established shrub masses is subject to approval and adoption of the Applicant's landscape plan through the Design Review and/or Floodplain Development Permit process;
14. An encroachment permit from ITD as well as the City will be required for all improvements to public right of way, including the construction of a sidewalk not less than eight-feet (8') in width along River Street. As a condition of Plat approval, subject sidewalk and street lighting to city standards shall be installed prior to final plat recordation unless otherwise approved by the Ketchum City Council; **and**
15. Prior to grading occurring on the new Lot 3A, City approval of the Applicant's grading, drainage and landscaping construction drawings is required. Subject construction drawings shall be consistent in concept with approved Design Review, Encroachment Permit, and related drawings.

Findings of Fact **adopted** this 12th day of August 2019.

Neil Morrow, Chair
Ketchum Planning & Zoning Commission



IN RE:)
)
PEG Ketchum Hotel, LLC) **KETCHUM PLANNING AND ZONING COMMISSION**
251 S Main Street &) **REASONED STATEMENT**
260 & 280 E River St) **MEMORIALIZING MOTION TO**
Pre-Application Design Review) **ADVANCE HOTEL PROJECT TO FINAL DESIGN REVIEW**
)
File Number: 19-061)

PROJECT: Ketchum Boutique Hotel Pre-Application Design Review

FILE NUMBER: P19-061

OWNER/DEVELOPER: PEG Ketchum Hotel, LLC

REPRESENTATIVES: AJC Architects, Eggers Associates Landscape Architecture, Galena Engineering

REQUEST: Pre-Application Design Review for the development of a new 100-room hotel at the southwest corner of River Street and State Highway 75/Main Street. See Attachment B for Applicant Project Site Submittal Drawings, Narratives & Studies.

LOCATION: 251 S. Main Street – Ketchum Townsite Lots 3, 21, FR 22 Blk 82 N 10’ x 110’ of alley S 20’ x 230’ of alley, 260 E. River Street – Ketchum Townsite Lot 2 Block 82 10’ x 110’ of alley, and 280 E. River Street – Ketchum Townsite Lot 1 Block 82

NOTICE: Public notice is not required for Pre-Application Design Review. Property owners within 300 feet and affected agencies were mailed a public hearing notice regarding the hotel project on Friday, July 12, 2019. Public notice was published in the Idaho Mountain Express on Wednesday, July 17, 2019.

ZONING: Tourist (T) Zoning District

OVERLAY: Floodplain & Waterways Design Review Subdistricts

The subject Pre-Application Design Review is for the development of a new 100-room hotel at the southwest corner of River Street and State Highway 75/Main Street located in the Tourist (T) Zoning District with Floodplain Overlay. The project site currently consists of three lots which are proposed to be combined into a single parcel through Lot Line Shift Application P19-064. The total area of the combined parcel will be 47,248 sq ft. The two existing, vacant structures on the site will be removed, as will the existing asphalt surface parking lot. The property is bounded to the east by State Highway 75 (named Main Street as it passes through Ketchum city limits) and to the west by commercial mixed-use buildings. The Limelight Hotel is located directly north of the development site across River Street. Two commercial office buildings located at 220 E River Street are sited to the west of the hotel project development parcel. Adjacent development to the east across Main Street includes residential development including single-family residences, Trail Creek Crossings condominiums, and the Onyx at Leadville condominiums currently under construction.

Design Review is required for developing new non-residential projects, such as the proposed hotel, in all zoning districts. Prior to granting Design Review approval, the Planning & Zoning Commission must determine that (1) the project does not jeopardize the health, safety, or welfare of the public and (2) that the project conforms to all applicable standards and criteria set forth in Chapter 17.96 Design Review of Ketchum Municipal Code (KMC), Title 17 Zoning Regulations, and all applicable standards and ordinances as adopted and amended by the City of Ketchum. Hotels may exceed certain dimensional standards as specified in KMC §17.124.050.A through a planned unit development (Chapter 16.08 of KMC) and an associated subarea analysis (KMC §16.08.050) addressing impacts on the character and scale of the surrounding neighborhood. Pursuant to KMC §16.08.070.D, all Design Review standards shall be carefully analyzed and considered. This includes detailed analysis of building bulk, undulation, and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood.

Four (4) waivers are submitted for the Project. These include waivers to minimum lot size, setback (front and side yards), height, and floor area ratio (FAR) limitations. These waivers were requested by the Applicant consistent with KMC §16.04.120, §16.08.080 and §17.124.050, in part, as the literal enforcement of city code in the context of the special physical characteristics and conditions affecting the property would result in undue hardship. In particular, the Hotel site has a significant slope with a grade differential of approximately thirty-seven feet (37') from Trail Creek at the south end of the lot to the north end along River Street. The site is constrained by the river to the south and development is prohibited within the associated riparian area. The City also desires to setback structures from State Highway 75 (SH75) in this location to help preserve the entry to town and minimize shading of the highway during winter months. Further, the grade along SH75, future Idaho Transportation Department (ITD) bridge and highway expansion plans, and a desire for no access onto SH75 in this location create unique conditions for development. See the Planned Unit Development and Conditional Use Permit (File No. 19-063) *Findings of Fact, Conclusions of Law, Order of Decision and Recommendation to the City Council* for analysis regarding the hotel project's requested waivers and potential impacts to public health, safety, and welfare as well as recommended remedies. The Commission must balance the waivers requested due to the site specific constraints with the merits of the proposed design.

Pursuant to KMC §17.96.020, the purpose of Design Review is to maintain and enhance the appearance, character, beauty, and function of the City, to ensure that new development is complementary to the design of existing City neighborhoods, and to protect and enhance the economic base of the City of Ketchum. Design Review criteria and standards encourage new development to align with the community's vision for Ketchum as identified in the 2014 Comprehensive Plan—as an authentic mountain community with a world-class character, yet small town feel (Ketchum Comprehensive Plan, 7).

The hotel project is subject to Pre-Application Design Review per KMC §17.96.010.C.1. The purpose of Pre-Application Design Review is to allow the Commission to exchange ideas and give direction to the applicant on the preliminary design concept in relation to all Design Review criteria and evaluation standards (KMC §17.96.060). The Pre-Application phase is an opportunity for the Commission to provide input to the applicant in order enhance the proposed architectural design, material selection, and compatibility with the surrounding neighborhood as well as provide direction to enhance the project's alignment with Ketchum's values and vision as identified in the Comprehensive Plan.

Design Review standards include criteria regarding street design (KMC §17.96.060.A), sidewalks (KMC §17.96.060.B), circulation design (KMC §17.96.060.G), drainage (KMC §17.96.060.C), and utilities (KMC §17.96.060.C). City Department comments, which include analyses of standards pertaining to public improvements, such as the installation of sidewalk, drainage, and utilities, have been included as Attachment C. Additional analysis related to circulation design and traffic impacts is contained in the Exhibit 4 of Attachment E addressing the PUD CUP criteria and standards. The purpose of the Pre-Application Design

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Review Reasoned Statement is (1) to provide an analysis of Design Review standards related to the proposed architectural and landscape designs as well as the preliminary design concept's compatibility with the adjacent neighborhood and the character of Ketchum, (2) to document the Commission's feedback to the applicant regarding the design concept, and (3) to memorialize the Commission's motion to recommend the hotel project to final Design Review.

ANALYSIS

Architectural Design Review Standards (KMC §17.96.060.F)

While located in the Tourist (T) Zoning District, the hotel project is sited directly adjacent to the Community Core, Ketchum's distinct downtown area. While elements of the community's existing physical design speak to the town's mining history and ski town heritage, Ketchum does not have one exclusive design aesthetic or architectural vernacular. Rather, Ketchum has developed over time to form a unique blend of eclectic design styles that range from historic mining sheds to alpine lodges to modern residential development. As identified in the 2014 Comprehensive Plan, Ketchum strives to protect and enhance those elements of the natural and built environment that contribute to its unique mountain resort community (Comprehensive Plan, 23). Protecting and enhancing the visual quality of the community including downtown entryways, undeveloped hillsides, and streetscapes is a key component of the community's vision (Comprehensive Plan, 23).

With more modern design characteristics, the proposed hotel project will complement new development within the downtown area, such as the Argyros Performing Arts Center. The proposed design creates a more urban, pedestrian oriented environment serving to invite the public and hotel guests into the proposed common areas including the restaurant, lounge, meeting rooms, and rooftop bar. With features that enhance the streetscape within the southern gateway area, the hotel project will enhance the vibrancy of downtown with pedestrian oriented design features that will allow hotel guests, the resident workforce, and the public to access and enjoy all of the amenities offered in downtown Ketchum. Utilizing window openings, balconies, patios, and terraces, the proposed design celebrates Ketchum's natural surroundings, hillsides, and water resources by encouraging an interface between outdoor areas and interior space.

The Planning & Zoning Commission values preserving Ketchum's mountain town character through the gateway corridor. During review of the Pre-Application, the Commission expressed support for the new hotel project as enhancing the vibrancy of downtown Ketchum. As opposed to other permitted uses in the Tourist (T) Zoning District, such as multi-family residential development, the hotel use offers public amenities such as the restaurant, lounge, and rooftop bar that may be enjoyed by the community as well as hotel guests.

KMC §17.96.060.F.1: Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.

The subject property is a corner lot with street frontage along River Street and State Highway 75/Main Street. As a substantial improvement, the hotel project is required to install sidewalks equal to the length of the subject property lines adjacent to River and Main Streets. All sidewalks shall be constructed to City standards contained in KMC §12.04.030.M as well as all applicable City right-of-way standards. The proposed elevations as included within Exhibit 2.01 (Attachment B) of the applicant submittal drawings indicate the preliminary design concept of the entryway to the hotel lobby from River Street, which includes a porte-cochere providing weather protection for pedestrians accessing the sidewalk. All sidewalks are proposed to include a snowmelt system, which serves to further activate the corner of River and Main Streets by enhancing the pedestrian streetscape. The proposed front façade has been designed with ground floor windows and glass doors, which invites the public and hotel guests into the hotel. The Commission expressed concern regarding the traffic circulation at intersection of River and Main Streets and requested that the Applicant incorporate appropriate treatments in order to enhance pedestrian safety at this intersection.

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KMC §17.96.060.F.2: The building character shall be clearly defined by use of architectural features.

Congruous with the natural topography of the development parcel, the mass of the building steps up the sloping grade from the south corner of the parcel adjacent to Trail Creek to the front property line at River Street. The vertical mass at the east elevation fronting Main Street is broken up by variation in roof heights, material differentiation, and a combination of horizontal and vertical elements. Projecting balconies and canopy elements serve to articulate breaks within the vertical plane. The circulation corridor design at the center of building serves as a prominent architectural feature anchoring the hotel to the site. Characterized with window openings at the east elevation fronting Main Street, the fenestration proposed with the circulation corridor serves as a visual invitation welcoming the public inside the hotel in order to enjoy the rooftop bar, restaurant, and lounge. The rooftop bar overhang element echoes the porte-cochere and overhangs proposed at the corner of Main & River Streets linking the public amenities proposed with the project including the restaurant, dining area, and lounge.

The Commission expressed concern regarding the height of the prominent tiered patio feature at the corner Main and River Streets. This element of the hotel design combines canopy elements associated with the public outdoor dining areas with three floors of patios that provide terraced outdoor living areas for certain suites. The Commission noted that the subject tower feature may be too imposing in relation to the pedestrian interface at this intersection. During the public hearing, concern was expressed regarding the rooftop bar in relation to noise and light pollution. KMC §17.132.030.H requires all exterior lighting be full cutoff fixtures with the light source fully shielded. Fixtures shielded underneath canopies must be flush mounted or side shielded. KMC §9.08.040.8 enumerates standards for noise levels permitted in the nighttime, daytime, and evening. The Commission encouraged the applicant to consider treatments to mitigate the impact of noise and light emanating for the proposed rooftop bar.

KMC §17.96.060.F.3: There shall be continuity of materials, colors and signing within the project.

Exhibit 2.07 of the applicant submittal (Attachment B) includes an exterior color palate and schematic mood board. The applicant has derived inspiration from Ketchum's mountainous backdrop and surrounding natural splendor. The material concept plan is characterized by natural materials including stone, steel, and wood with fenestration to celebrate the outside environment within interior common areas and living space. The Commission requested the Applicant incorporate material differentiation at all facades and in particular at the west façade in order to mitigate the impact of the reduced side yard setback.

KMC §17.96.060.F.4: Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.

No accessory structures have been proposed with the hotel project. Preliminary landscape drawings are included in Exhibit 02.06 (Attachment B) of the applicant submittal package. The applicant has proposed a landscape buffer adjacent to State Highway 75 comprised of shade and conifer trees that soften the façade at the east elevation. The preliminary landscape design concept includes a planting hedge serving to buffer the outdoor dining area from the adjacent street intersection. During review of the Pre-Application, the Commission as well as the public doubted whether the landscape buffer would sufficiently mitigate the noise impacts associated with traffic at the intersection. The Commission requested that the applicant provide a more detailed landscape plan in order to soften the design of the building façade and mitigate noise pollution.

The Pre-Application Design Review submittal did not indicate the proposed design of any signs related to the hotel and associated operations. Pursuant to KMC §17.127.030.B.1, a complete master signage plan must be submitted at the time of Design Review application for the new hotel.

KMC §17.96.060.F.5: Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.

As the building form terraces down towards Trail Creek following the contours of the development parcel, the façade is distinguished by a combination of horizontal and vertical elements, such as the balcony railing and window openings, providing additional relief to the staggered facade. Horizontal elements terminate at the southernmost portion of the building, which is characterized by large vertical windows providing views of adjacent Trail Creek. The proposed staggered façade design at all elevations incorporates fenestration through window and door openings, varying roof heights, and material differentiation to provide relief the bulk and mass of the hotel.

The Commission expressed concern regarding the proposed bulk, mass, and height of the building and the associated impact to view corridors, appropriateness of the proposed scale of the hotel and compatibly with the surrounding neighborhoods, and safety hazards resulting from the accumulation of ice and snow due to shadowing of the adjacent street. In order to mitigate these impacts, the Commission encouraged the Applicant to open the mass of the building in order to accommodate solar access and decrease impacts to view corridors.

The Commission called for more consideration to the design of the west façade at the northwest corner of the building due to the reduced side yard setback. The Commission requested the Applicant provide more undulation and relief to the façade design including more steps and terraced elements. The Commission critiqued the design for its lack of modulation and monolithic appearance and encourage more undulation, stepping of the facades, and material differentiation.

KMC §17.96.060.F.6: Building(s) shall orient toward their primary street frontage.

The building orients to the primary street frontages adjacent to River and Main Streets. Through large window openings that span the hotel entrance, the front elevation adjacent to River Street, and the corner of the east facade fronting Main Street as well as canopy elements overhanging public sidewalks, the hotel incorporates human scale design features fostering a pedestrian friendly environment. The Commission encourage the Applicant to incorporate design features and treatments that balance the mass of the building particularly at the northeast and northwest corners in order to provide more undulation and relief.

KMC §17.96.060.F.7: Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.

As the development site is not located adjacent to an alley, the proposed garbage storage area is located within the building adjacent to River Street. The trash/loading area as depicted on the Main Level Floor Plan indicated within Exhibit 02.01 (Attachment B) of the applicant submittal drawings is fully enclosed within the building and screened from public view.

KMC §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.

The building design includes a prominent porte-cochere at the entrance to the hotel lobby and cantilevered overhangs projecting over the public sidewalk, which will serve as weather protection and activate the corner of River and Main Streets with pedestrian oriented design. The project design incorporates a flat roof. The final Design Review application requires a roof plan indicating the setback of all proposed non-habitable structures and mechanical and electrical equipment affixed to the roof from the building façade.

Landscaping Design Review Standards (KMC §17.96.060.I)

Pursuant to KMC §17.96.060.I, landscaping shall serve to enhance and complement the neighborhood and townscape as well as provide a buffer between land uses. The preliminary landscape design concept

incorporates a landscape buffer separating the hotel Main Street comprised of shade and conifer trees. Street trees are proposed to be incorporated into the streetscape design adjacent to River Street. All proposed street trees will require electrical outlets and irrigation and must maintain a minimum of 6 ft of clearance within the public sidewalk. Materials and vegetation types are required to be readily adaptable to the site's microclimate, soil conditions, and orientation. All trees, grasses, and perennials must be drought tolerant and native species are recommended.

Due to the requested waiver to reduce the side setback to 5 ft from the west interior property line, the Commission requested the applicant enhance the landscape design in order to provide a buffer between the hotel and the adjacent office buildings located at 220 E River Streets. The Commission called for the proposed landscape design to include a comprehensive strategy for the riparian area including a point of access for the public to access Trail Creek. The Commission noted the landscape plan should provide details for the proposed rooftop garden. The final landscape plan submitted with the final Design Review application shall be reviewed and approved by the City Arborist.

Public Amenities (KMC §17.96.060.J)

Public amenities are required to be provided wherever sidewalks are installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, or art. The applicant is encouraged to propose public amenities that will enhance the human scale, pedestrian friendly design of the proposed hotel and that contribute to a high-quality public streetscape. All public amenities proposed to be installed shall meet all applicable City right-of-way standards and receive approval from the City Engineer and Streets Department.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use ordinance, Title 17.
3. The Commission has the authority to consider the Pre-Application Design Review in order to exchange ideas and give direction to the applicant on the design concept of a project pursuant to Chapter 17.96 of Ketchum Municipal Code Title 17.
4. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the Commission for review of this application.

MOTION TO ADVANCE TO FINAL DESIGN REVIEW

THEREFORE, the Ketchum Planning & Zoning Commission moves to advance the hotel project to final Design Review provided that the Applicant specifically address the following through the final Design Review submittal:

- The Landscape Plan shall provide a comprehensive strategy for the riparian area including public access to Trail Creek, provide a substantial buffer between land uses and particularly between the adjacent office buildings to the west, provide relief and soften the design of the building façade, and mitigate noise pollution;
- The submittal shall specifically address traffic, circulation, and pedestrian safety as well as associated mitigation measures and remedies;
- In order to soften the hotel's impact to the adjacent property located at 220 E River Street, the Applicant shall incorporate more undulation, relief, and material differentiation at the west façade;

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- A detailed plan addressing lighting, noise, and signage shall be submitted for review with the final Design Review submittal;
- The submittal shall address sustainability measures related to building design and hotel operations as well as incorporate above code green standards; and
- The Applicant shall meaningfully address all feedback provided by the Planning & Zoning Commission, including critiques related to the bulk and mass of the building, the tiered outdoor terrace architectural feature at the northeast corner, and solar access with the final Design Review submittal package.

Reasoned Statement **adopted** this 12th day of August 2019.

Neil Morrow
Chair
Ketchum Planning & Zoning Commission

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE
CITY OF KETCHUM**

IN RE:	)	FILE NO. P19-063
)	
PEG KETCHUM HOTEL, LLC	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW, ORDER
Applicant for	)	OF DECISION AND
Planned Unit Development	)	RECOMMENDATION TO THE
Conditional Use Permit	)	CITY COUNCIL
)	

THIS MATTER coming on regularly for hearing at a special meeting of the Planning and Zoning Commission of the City of Ketchum (the “Commission”), which hearing was convened by the Commission at 4:30 p.m. on July 28, 2019 pursuant to Ketchum City Code (“KMC”) sections 16.08.110 and 17.116.040 and this hearing was then continued to and reconvened by the Commission at 5:30 p.m. July 29, 2019, and which hearing was again continued to and reconvened by the Commission at 5:30 p.m. August 12, 2019 for the receipt and consideration and approval by the Commission of these Findings of Fact, Conclusions of Law and Order of Decision and Recommendation to the City Council.

The members of the Commission, do hereby make and set forth the Record of Proceedings, Findings of Fact, Conclusions of Law, and Order of Decision and Recommendation to the City Council as follows:

I. RECORD OF PROCEEDINGS

The record of the proceedings of the above-referenced matter consists of the following,

to-wit:

1.1 Exhibits Admitted into the Record from the Applicant, including Owner's Project Master Plan and Submittal Documents as follows:

- 1.1.1. Subject Real Property Legal Description
- 1.1.2. Narrative 01.01 - Project Description
- 1.1.3. Narrative 01.02 - Development Plan
- 1.1.4. Narrative 01.03 – Project Analysis | Social Impact Study
- 1.1.5. Narrative 01.05 – Development Schedule
- 1.1.6. Narrative 01.06 – Hales Parking & Traffic Analyses
- 1.1.7. Narrative 01.07 – Employee Housing Plan
- 1.1.8. Narrative 01.08 – Subarea Analysis
- 1.1.9. Narrative 01.09 – Contextual Hotel Components
- 1.1.10. Narrative 01.11 – Standards Evaluation
- 1.1.11. Exhibit 02.01 – Plans, Elevations & Sections
- 1.1.12. Exhibit 02.02 – FAR calculations, plans, and sections
- 1.1.13. Exhibit 02.03 – Height Analyses
- 1.1.14. Exhibit 02.04 – Sun Studies
- 1.1.15. Exhibit 02.05 – Civil Drawings C1.0 - C4.0
- 1.1.16. Exhibit 02.06 – Landscape Drawings sheet L1.0
- 1.1.17. Exhibit 02.07 – Exterior Color Palate
- 1.1.18. Exhibit 02.08 – Dark Sky Compliant Fixtures
- 1.1.19. Exhibit 02.09 – Traffic Study Diagrams
- 1.1.20. Exhibit 02.10 – Plat Map | Lot Line Adjustment
- 1.1.21. Exhibit 02.11 – ROW Improvements
- 1.1.22. Exhibit 02.12 – Soils Report | Perc Test
- 1.1.23. Exhibit 02.13 – Flood Plain | Riparian Corridor
- 1.1.24. Exhibit 02.14 – List of Adjacent Property
- 1.1.25. Exhibit 02.15 – Waiver List
- 1.1.26. Galena Staking Exhibit
- 1.1.27. AJC Architecture Virtual Reality Images
- 1.1.28. AJC Architecture PowerPoint Presentations
- 1.1.29. Hales Engineering PowerPoint Presentation

1.2 Hearings:

- 1.2.1 The public hearing was commenced by the Commission, at 4:30 p.m. on July 28, 2019 followed with a site view of PEG Ketchum Hotel, LLC's (the "Applicant") subject real property of the above entitled Application located at 280 E. River Street Ketchum, Idaho and which hearing on said day was continued in City

Council chambers at Ketchum City Hall 480 East Avenue North, Ketchum, Idaho for the receipt of testimony and comment from City staff, the Applicant and the public and which hearing was then continued to July 29, 2019 and reconvened at 5:30 p.m. a.m. at City Council chambers at City Hall for the continued receipt of testimony and comment from City staff, the Applicant and the public and for deliberation by the Commissioners and which hearing was again continued to August 12, 2019 and reconvened at 5:30 p.m. for the receipt and consideration and approval of these Findings of Fact, Conclusions of Law and Order of Decision and Recommendation to the City Council.

1.3 Witness Testimony:

1.3.1 Those who testified at the July 29, 2019 hearing are as follows, to-wit:

- 1.3.1.1 Ed O’Gara
- 1.3.1.2 Ben Worst
- 1.3.1.3 Mark Pynn
- 1.3.1.4 Lars Guy
- 1.3.1.5 Bruce Hinckley
- 1.3.1.6 Bob Korb
- 1.3.1.7 John Salberg
- 1.3.1.8 Robert Adolph
- 1.3.1.9 Susan Sahlberg

1.3.2 Those who testified at the July 30, 2019 hearing are as follows, to-wit:

- 1.3.2.1 Jima Rice
- 1.3.2.2 Pat Duggan
- 1.3.2.3 Ben Worst
- 1.3.2.4 Bruce Hinkley
- 1.3.2.5 Jerry Seiffert
- 1.3.2.6 Lars Guy
- 1.3.2.7 Lane Thompson
- 1.3.2.8 Mark Pynn
- 1.3.2.9 Harry Griffith
- 1.3.2.10 Susan Sahlberg

1.3.3 No other witnesses appeared at the hearing on July 29, 2019 and July 30, 2019, which was then closed for the receipt of evidence and testimony by the Planning and Zoning Commission who then after duly reviewing testimony and exhibits, including written public and agency comment as set forth in **Attachments C and D**, proceeded to then deliberate.

DECISION

WHEREUPON THE COMMISSIONERS being duly informed and having reviewed the record, evidence, and testimony received and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF DECISION AND RECOMMENDATION TO THE CITY COUNCIL, to-wit:

**II.
FINDINGS OF FACT**

2.1 Findings Regarding Notice:

2.1.1 Notice Required: Notice has been given in accordance with the Law as required by KMC Sections 16.08.110 and 17.116.040.

2.1.2 Notice Provided:

2.1.2.1 Notice was published for the July 28, 2019 public hearing in the *Idaho Mountain Express*, the official newspaper, which has general circulation within the boundaries of the City of Ketchum.

<i>Newspaper</i>	<i>Date Published</i>
Idaho Mountain Express	Wednesday, July 17, 2019

2.1.2.2 Notice of the July 29-30, 2019 hearing was mailed on Friday, July 12, 2019 to the property owners within 300 feet of the subject real property and affected Agencies and was posted on the subject property on Friday, July 19, 2019.

2.2 Findings Regarding Applications Filed:

2.2.1 PEG Ketchum Hotel, LLC has submitted an Application for a Planned Unit Development of a Master Plan for a hotel development on a 1.08-acre site located at the southwest corner of the State Highway 75 and River Street intersection at 280 E. River, (the “Project Site”).

2.2.2 The Application is subject to the City Planned Unit Development and Conditional Use Permit requirements as set forth in Titles 16 and 17 of the Ketchum Municipal Code (KMC).

2.2.3 KMC §16.08.020.B states:

The provisions for planned unit developments contained in this chapter are intended to encourage the total planning of developments. In order to provide the flexibility necessary to achieve the purposes of this chapter, specified uses may be permitted subject to the granting of a conditional use permit. Because of their unusual or special characteristics, PUD conditional uses require review and evaluation so that they may be located properly with respect to the purposes of this chapter, the comprehensive plan, and all other applicable ordinances, and with respect to their effects on surrounding properties and the community at large. In the event of conflict between this PUD chapter and any other ordinance of the city, this PUD chapter shall control. The review process prescribed in this chapter is intended to assure compatibility and harmonious development between conditional uses and surrounding properties and the city at large.

- 2.2.4** Applicant has submitted a Master Plan as part of its Planned Unit Development application, pursuant to Title 16, Chapter 16.08. Subject Master Plan (also herein referred to as the “Project”) includes a request for waiver or deferral of requirements (KMC §16.08.070.F).
- 2.2.5** As set forth in the Applicant’s PUD Application and Master Plan, waivers are requested to the following dimensional standards: Floor Area Ratio (FAR), front and side yard setbacks, and height and four-story requirements. Additionally, a waiver is requested for the PUD to occur on a Project Site with a minimum lot size of less than three (3) acres, which is permissible subject to stipulations set forth in KMC §16.08.080.A.
- 2.2.6** *Minimum Lot Size.* The Commission may waive the three (3) acre minimum lot size requirement consistent with KMC §16.08.080.A.4 as allowed for hotels. To do so, the Commission must find the Project meets the definition of hotel as set forth in KMC §17.08.020 and complies with the purpose of the Tourist zone as set forth in KMC §17.180 by providing the opportunity for tourist use. Additional relevant analysis is consistency of the Project with the Subarea Analysis and Gateway Study Excerpts, as set forth in **Attachment A**.
- 2.2.7** *Waiver.* Title 16, Chapter 16.04.020 defines Waiver as a:

Modification of a relevant provision and regulation of this chapter not contrary to public interest or public health, safety or welfare, and due to physical characteristics of the particular parcel of land and not the result of actions of the

subdivision where literal enforcement of this chapter would result in undue hardship. The granting of waiver(s) ... rests with the sound discretion of the commission and council, on a case by case basis.

Similarly stated relevant standards for the analysis of waiver requests are set forth in KMC §16.08.070.L and KMC §16.04.120.

- 2.2.8. *Four (4) waivers are submitted for the Project.*** These include waivers to minimum lot size, setback (front and side yards), height, and floor area ratio (FAR) limitations. These waivers were requested by the Applicant consistent with KMC §16.04.120, §16.08.080 and §17.124.050, in part, as the literal enforcement of city code in the context of the special physical characteristics and conditions affecting the property would result in undue hardship. In particular, the Hotel site has a large slope with a grade differential of approximately thirty-seven feet (37') from Trail Creek at the south end of the lot to the north end along River Street. The site is constrained by the river to the south and the City desires to setback structures from riparian and flood areas. The City also desires to setback structures from State Highway 75 (SH75) in this location to help preserve the entry to town and minimize shading of the highway during winter months. Further, the grade along SH75, future Idaho Transportation Department (ITD) bridge and highway expansion plans, and a desire for no access onto SH75 in this location create unique conditions for development.
- 2.2.9 *Floor Area Ratio.*** KMC §17.124.050.A states: "Hotels may exceed the maximum floor area ... requirements of this title subject to ... [a] Planned Unit Development ... which specifically outlines the waivers to bulk regulations requested." A subarea analysis is also required in the review process (KMC §17.124.050.A.2). The total developed gross floor area of the Project, as defined in KMC §17.08.020, is proposed to not exceed a FAR of 1.9 or approximately 88,917 gross floor area exclusive of basement areas and underground parking as shown in **Attachment B**. Total building area when each of the three (3) basement and parking garage levels and four (4) hotel stories are calculated in aggregate, as set forth in the PUD Findings and **Attachment B**, total approximately 135,915 square feet for the Project.
- 2.2.10 *Height.*** KMC§17.124.050.A states: "Hotels may exceed the ... height ... requirements of this title subject to ... [a] Planned Unit Development ... which specifically outlines the waivers to bulk regulations requested." A subarea analysis is also required in the review process (KMC §17.124.050.A.2). As noted, the Project Site has a large slope from Trail Creek at the south end of the lot to the north end along River Street. The hotel is proposed as a four-story structure on River Street that then stair steps and terraces down to three floors near Trail Creek. As depicted in the **Attachment B** Height Analysis, the maximum height of the building along River Street does not exceed forty-seven feet (47') and the

building scales down to forty-one feet (41') closer to the river on the south end of the property. The exception to this height analysis is in the center of the structure where 4-stories of hotel use are sandwiched between two public amenities (employee housing and a roof top bar for the public). At this more central site location, the existing grade drops at a fairly acute angle resulting in a portion of the building having a maximum height of seventy-two feet (72') as measured from existing grade (and a maximum of seventy-five feet based on the KMC definition of building height). In comparison to both the built Limelight hotel and approved Bariteau hotel on opposing corners, the height of the proposed Project will be lower and more closely align to the fourth-floor elevation of each of these buildings.

2.2.11 Setback. KMC§17.124.050.A, subsections 1 and 2, specifies that a PUD and Subarea Analysis process shall be used in the granting of waivers to bulk regulations for hotels. KMC §17.12.040 sets forth the following minimum front and rear yard setbacks: (A) Fifteen-foot (15') front setback on River Street; (B) One-foot (1') for every three-feet (3') of building height, but no less than ten-feet (10') for the west side setback; and (C) Twenty-five foot (25') to thirty-two foot (32') setbacks adjacent to State Highway 75 (SH75), as calculated based on the adjacent right of way width. The Project proposes a five-foot (5') front yard setback along River Street, a twenty-five-foot (25') setback along the SH75, and a five-foot (5') setback on the west-side of the building.

2.2.12 Details of the Project are set forth in **Attachment B** and include both narratives and maps. Narratives include a written project description, development plan, project analysis, social impact study, schedule, parking analysis, traffic study, employee housing plan, Subarea Analysis, and contextual hotel component analysis. Exhibit maps include plans, elevations, sections, sun study, height analysis, civil drawings, landscape plan, exterior color palate, dark sky compliant fixtures, traffic study diagrams, plat map, and public way improvements. Also provided are application forms, analyses of code compliance, soils report, and a waiver list.

2.3 Findings Regarding the Application for the Planned Unit Development Conditional Use Permit: The Planning and Zoning Commission having reviewed the Project Master Plan, as set forth in **Attachment B** to these Findings , as well as public comment, staff analyses, and agency/peer review/department inputs as set forth in **Attachments A, C and D** to these Findings and makes the following findings and recommendations as set forth in Tables 1, 2, and 3 below to the Ketchum City Council regarding the Planned Unit Development Conditional Use Permit as follows:

Table 1: PUD Standards of Evaluation Compliance Analysis

Planned Unit Development (PUD)
EVALUATION STANDARDS: 16.08.080

The standards set forth in this section shall apply to review of all PUD conditional use permit applications. The standards shall be used to review and evaluate the proposal in comparison to the manner of development and effects of permitted uses and standard development allowed on the property in question. Modification or waiver from certain standard zoning and subdivision requirements may be permitted subject to such conditions, limitations and/or additional development standards, pursuant to section 16.08.130 of this chapter, as the city council may prescribe to mitigate adverse impact at the proposed planned unit development, or to further the land use policies of the city, or to ensure that the benefits derived from the development justify a departure from such regulations. Where the city council determines that conditions cannot be devised to achieve the objectives, and/or the standards contained in this chapter are not met, applications for conditional use permits shall be denied. The city council shall make findings that each of the following evaluation standards have been met. The evaluation standards are as follows:

Compliant			City Standard & Finding	
Yes	No	N/A	KMC Section	City Standard & Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.A	<p>Minimum lot size of three (3) acres. All land within the development shall be contiguous except for intervening waterways. Parcels that are not contiguous due to intervening streets are discouraged. However, the commission and the council may consider lands that include intervening streets on a case by case basis. The commission may recommend waiver or deferral of the minimum lot size, and the council may grant such waiver or deferral only for projects which: ....4. For a hotel which meets the definition of "hotel" in section 17.08.020, "Terms Defined", of this code, and conforms to all other requirements of section 17.18.130, "Community Core District (CC)", or section 17.18.100, "Tourist District (T)", of this code. Waivers from the provisions of section 17.18.130 of this code may be granted for hotel uses only as outlined in section 17.124.040 of this code. Waivers from the provisions of section 17.18.100 of this code may be granted for hotel uses only as outlined in section 17.124.040 of this code.</p>
			Finding	<p><i>The Project Site is approximately 1.08 acres and does not meet the minimum standard of (3) acres for a PUD. However, as noted herein below, the Commission finds that this requirement may be waived consistent with KMC §16.08.080.A.4 as allowed for hotels. Specifically, this Project:</i></p> <p><i>(A) Meets the definition of hotel as set forth in KMC §17.08.020. The Project consists of one hundred (100) rooms, includes on site food and beverage service with kitchen facilities, common reservation and cleaning services, meeting room space, combined utilities, on site management and reception services, access to all sleeping rooms through an inside lobby supervised by a person in charge no less than eighteen (18) hours per day, and adequate on site recreational facilities. There are no other residential uses proposed in connection with the hotel operation.</i></p> <p><i>(B) Complies with the purpose of the Tourist zone as set forth in KMC §17.180 by providing the opportunity for tourist use. Consistent with the sub-area analysis and Gateway Study Excerpts, as set forth in Exhibit A, the Project is compatible both in design and use</i></p>

Compliant			City Standard & Finding	
Yes	No	N/A	KMC Section	City Standard & Findings
				<p>with the surrounding uses and development.</p> <p>and</p> <p>(C) Allows the granting of waivers for hotel-related Tourist District Floor Area Ratio (FAR), setback, and height dimensional standards as outlined in KMC §17.124.040. The Project proposes to exceed the 0.5 Tourist Zone permitted Gross FAR as set forth in KMC §17.124.040.A and may exceed its FAR maximum in accordance with the pertinent code provisions allowing for fourth floor hotel uses, as set forth in KMC §17.124.040.B.3 and by reference KMC §17.124.050. In accordance with the aforementioned and also precedent (e.g., entitled Bariteau hotel site at 300 E. River Street across SH75 was also approved as a PUD on an approximately 0.9 acre site and the Limelight was approved as a PUD on an approximately 1.08 acre site), the Commission finds this evaluation standard to have been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.B	The proposed project will not be detrimental to the present and permitted uses of surrounding areas.
			16.08.080.D	The development shall be in harmony with the surrounding area.
			Finding	<p>As set forth in the Attachment A Gateway Study and the Attachment B Subarea Analysis, the proposed hotel is both by design and use consistent with envisioned plans for the corner of SH75 and River Street. Further, the proposed hotel project is consistent with current Tourist Zoning District zoning allowances for hotels. Each of the attendant uses, including restaurant/bar, meeting rooms, and employee housing are also permitted in the Tourist Zoning District. The site was defined as Site 2 in the 2007 Gateway Scale and Massing Study and was identified as a priority urban infill site for potential hotel development. As such, the Property is in the Ketchum Urban Renewal District (KURA) Revenue Allocation Area. The Project Site borders three other hospitality focused uses. The Limelight Hotel is located directly across River Street to the North. The Best Western Hotel is located diagonally across Main Street from the Project Site. The Planned Future Hotel by Bariteau is located directly across Main Street to the East. The two closest properties to the West are commercial office buildings, (220 and 200 East River Street). The site is bordered by commercial uses to its North, East, and West and is separated from the multifamily residential uses to the South by Trail Creek. Accordingly, the Commission finds this Project will (A) not be detrimental to the present and permitted uses of surrounding areas and (B) be in harmony with the surrounding area.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.C	The proposed project will have a beneficial effect not normally achieved by standard subdivision development.
			Finding	<p>The proposed hotel will benefit the city in ways not normally achieved by standard subdivision. These include public access to the river and, open space in excess of thirty-five percent (35%), and access to a 3,000 square foot bar patio terrace, which features landscaping and solar exposure unique for a built project. The Project will have</p>

Compliant			City Standard & Finding	
Yes	No	N/A	KMC Section	City Standard & Findings
				<p><i>significant economic and public amenity benefits to Ketchum that would not be achievable on this site without the PUD process due to the constraints created by the topography of the site (37' differential in grade between front property line on River and rear property line along Trail Creek), access constraints on the east side due to the east side bordering SH 75, and development constraints due to the south side of the property being Trail Creek. The provision of waivers through the PUD process allows the design of the building, interior layout, operations and programmatic aspects of the hotel to infuse economic and public benefits beyond what would be accomplished by hotel rooms alone.</i></p> <p><i>Economic benefits of the development include local option taxes generated by the 100 new hotel rooms that will be booked through the international reach of the internationally recognized hotel brand's reservation network. The hotel will feature a number of public amenities, including a street front restaurant and lounge, banquet/meeting rooms, and a roof top bar with panoramic views of Bald Mountain and Dollar Mountain; there is no other publicly accessible rooftop space in Ketchum city limits with a similarly large footprint (approximately 1,672 net square feet of roof-top Bar Patio on Level 04 and 3,008 net square feet of roof-top Bar Terrace on Level 03) or that has 280-degree views and is operational in all four seasons. The hotel will also provide on-site employee housing, with a minimum of 30 beds, in a mix of traditional apartments and dorm style apartment units.</i></p> <p><i>The hotel's inclusion of on-site employee housing will result in the project providing more on-site for employees than any other development in Ketchum city limits and the mix of housing unit styles (12 suites and 2 bunk rooms) will accommodate employees at different life stages and career stages (seasonal vs. long-term, full-time). Further, although the employee units are located on Lower Level 1 and Lower Level 2, which are partially below grade on the River Street portion of the building, because the grade of the site drops toward the south all employee units are above grade.</i></p> <p><i>If the rooftop bar and lower floor employee housing units were removed from the project (or if the employee housing were located in a basement) the benefits of this project to the community would be lessened; the employee housing and roof-top amenity comprise approximately 20,000 square feet of the approximately 140,000 gross square foot development. Due to the site constraints, the allowance for waivers from the typical standards of the code is what makes inclusion of these public benefits truly benefits, and is what makes these benefits possible.</i></p>

Compliant			City Standard & Finding	
Yes	No	N/A	KMC Section	City Standard & Findings
				<i>Accordingly, the Commission finds the PUD process as having a beneficial effect not normally achieved by standard development.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.D	The development shall be in harmony with the surrounding area.
			Finding	<i>The Commission finds this Project to be in harmony with the surrounding area. Details of this finding are presented jointly with KMC §16.08.080.B (above).</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080.E	<p>1. Densities and uses may be transferred between zoning districts within a PUD as permitted under this chapter, provided, the aggregate overall allowable density of units and uses shall be no greater than that allowed in the zoning district or districts in which the development is located. Notwithstanding the above, the commission may recommend waiver or deferral of the maximum density and the council may grant additional density above the aggregate overall allowable density only for projects which construct community or employee housing and which:</p> <ul style="list-style-type: none"> a. Include a minimum of thirty percent (30%) of community or employee housing, as defined in section 16.08.030 of this chapter; and b. Guarantee the use, rental prices or maximum resale prices thereof based upon a method proposed by the applicant and approved by the Blaine County housing authority and/or the Ketchum city council. <p>2. Application for waiver or deferral of this criteria shall include a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost or resale cost.</p>
			Finding	<i>N/A. The Applicant is not requesting any density transfers.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.F	<p>The proposed vehicular and nonmotorized transportation system:</p> <ul style="list-style-type: none"> 1. Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties. 2. Will not generate vehicular traffic to cause undue congestion of the public street network within or outside the PUD. 3. Is designed to provide automotive and pedestrian safety and convenience. 4. Is designed to provide adequate removal, storage and deposition of snow. 5. Is designed so that traffic ingress and egress will have the least impact possible on adjacent residential uses. This includes design of roadways and access to connect

Compliant			City Standard & Finding	
Yes	No	N/A	KMC Section	City Standard & Findings
				<p>to arterial streets wherever possible, and design of ingress, egress and parking areas to have the least impact on surrounding uses.</p> <p>6. Includes the use of buffers or other physical separations to buffer vehicular movement from adjacent uses.</p> <p>7. Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized.</p> <p>8. Includes trails and sidewalks that create an internal circulation system and connect to surrounding trails and walkways.</p>
			Finding	<p><u>Attachment B</u> includes documents from the Applicant that address how vehicular and pedestrian traffic will circulate in and around the proposed Project. Foremost of these exhibits is the detailed traffic impact study (TIS) prepared by Hales Engineering, which AECOM (on behalf of the city) has provided a peer analysis. <u>Attachment B</u> also includes River Street Public ROW Encroachment details that feature the Applicant's circulation plan, sidewalk improvements, and proposed snowmelt system for the Project. Finally, <u>Attachment A</u> includes two excerpts of professional studies. The first is an excerpt from the Idaho Transportation District (ITD) Record of Decision (ROD) and proposed Fiscal Year 2025 (FY25) road improvements to State Highway 75 (SH75) adjacent the property between the Trail Creek Bridge and River Street. These include a 3-lane urban section with curb, gutter and sidewalk. Importantly, the middle lane features a left turn lane for north bound traffic on SH75 that would permit adequate queuing and protected westbound (WB) turning movement onto River Street and the Project. The second excerpt is from Vitruvian and references a city-sponsored recommendation to upgrade the unsignalized crossing at SH75/River Street (north-side of intersection between Limelight Hotel and the Best Western) with a Rectangular Rapid Flashing Beacon (RRFB) to enhance pedestrian safety. Also proposed to improve vehicular level of service (LOS) movements is making east bound (EB) and WB River Street at the intersection with SH75 right turn only movements (signing and striping required). To further reduce traffic and to meet City sustainability goals, as expressed throughout the Ketchum Comprehensive Plan, the operation of the hotel will integrate strategies to reduce vehicular impact on Ketchum's streets from this Project. These include strategies such as a Guest Shuttle (airport and to local destinations), Employee Car Share Program, and Employee Transit Passes. As conditioned herein, the Commission finds this standard to have been met. The Project will be adequately served by necessary vehicular and nonmotorized transportation systems.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.G	The plan is in conformance with and promotes the purposes and goals of the comprehensive plan, zoning ordinance, and other

Compliant			City Standard & Finding	
Yes	No	N/A	KMC Section	City Standard & Findings
				<p>applicable ordinances of the city, and not in conflict with the public interest:</p> <ol style="list-style-type: none"> 1. Pursuant to subsection 16.08.070D of this chapter, all of the design review standards in chapter 17.96 of this code shall be carefully analyzed and considered. This includes detailed analysis of building bulk, undulation and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood. 2. The influence of the site design on the surrounding neighborhood, including relationship of the site plan with existing structures, streets, traffic flow and adjacent open spaces, shall be considered. 3. The site design should cluster units on the most developable and least visually sensitive portion of the site.
			Finding	<p><i>As previously set forth in the findings for KMC §16.08.080 subsections B, D and F (above), the Project as conditioned, will be adequately served by necessary vehicular and nonmotorized transportation systems and will be in harmony with the surrounding area. The Project will pay applicable fees, from Local Option Taxes for construction materials to applicable building permit fees and impact fees for such items as water and sewer connections. Pursuant to KMC §16.08.070.D, all of the design review standards set forth in KMC §17.96 are conditionally attached to the City's approval of the Planned Unit Development and are memorialized in the Project Development Agreement. Staff has analyzed and the Commission has found, as noted in Attachment A, Staff Analysis Project Compliance with the Ketchum Comprehensive Plan subsection, that the Project both conforms with and promotes the purposes and goals of the comprehensive plan. As noted in Attachment B and the Applicant's site design drawings, Project massing has been carefully designed with a four-story bench design on River Street that terraces down (southward) to follow the topography drop from River Street to Trail Creek. Subject terraces then become gathering spots for guests and the public to enjoy the outdoor and take in the scenic views from the hotel. As noted by the Applicant, "the massing also provides for a façade that steps in and out of plane, which is enhanced by a layer balconies and articulation of those forms. The building pulls back over 35' from Trail Creek and has minimal visual impact on Forest Service Park." The building footprint near the front property line is confined to a 5' setback off of the River Street frontage where it has an appropriate relationship to the sidewalk and street scape. The footprint is then pulled back to respect the riparian setback along Trail Creek to minimize the impact of the new building adjacent to a natural feature. Site landscape design has been designed to complement the bench topography and creek bank features of the site." As conditioned</i></p>

Compliant			City Standard & Finding	
Yes	No	N/A	KMC Section	City Standard & Findings
				<i>herein, this standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.H	The development plan incorporates the site's significant natural features.
			Finding	<i>Three significant natural features are recognized by the Commission, including: the site's location on a bench; Trail Creek along the south property line; and, the 360 degree scenic views from the site including Bald Mountain and Dollar Mountain. The hotel has been designed to step down, following the bench topography, creating rooftop terraces and public spaces that take advantage of solar orientation and available views. The landscape plan includes pedestrian pathways for hotel guest and the public to access Trail Creek viewpoint areas set outside of the riparian zone setback. As conditioned herein, this standard has been met and the Master Plan is found to properly incorporate the site's significant natural features.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.I	Substantial buffer planting strips or other barriers are provided where no natural buffers exist.
			Finding	<i>As noted in Table 2 and KMC §17.12.040, 21,825 square feet of the property will remain open space, which is approximately forty-six percent (46%) of the 47,249 square foot site. The Project has greater than the required thirty-five percent (35%) minimum open space set forth in the KMC for the Tourist Zoning District. Three notable buffer strips that benefit the public are proposed. The first is the twenty-five foot (25') setback from SH75/Main Street that will be landscaped. Subject setback, as set forth in Attachment B, averages thirty-nine feet (39'). Portions of this area are proposed to include an outdoor dining patio toward the intersection of Main Street and River Street and will have landscape and architectural barriers such as raised planters, raised water features, and architecturally integrated railings separating the dining patio from the street. The second buffer is a twenty-five foot (25') Riparian Easement along with a ten foot (10') Utility Easement that combine to create a thirty-five foot (35') setback from the property line adjacent Trail Creek. The third design element includes the placement of a buffer landscape island between the hotel's Porte Cochere drive along River Street. Given the significant public amenities integrated into the hotel design and invitation of the public into the building, the Commission finds a favorable exchange to exist and recommends the Ketchum City Council look favorably on the proposed River Street encroachment permit request by the applicant. This design element is subject to a separate Encroachment Permit application that will be reviewed by Council concurrently with the PUD. As conditioned herein, this standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.J	Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner.
			Finding	<i>As set forth in Attachment B, the Applicant proposes to develop the Project in a single phase. To assure that that the development contains all the necessary elements and improvements to exist in a stable manner, the Commission finds this standard (KMC §16.08.080.J) to be met, provided as a conditioned of the issuance of any Building Permit</i>

Compliant			City Standard & Finding	
Yes	No	N/A	KMC Section	City Standard & Findings
				<i>for the construction of the Project that an appropriate project completion assurance (e.g., an irrevocable letter of credit on a bank acceptable to the City in an amount equal to 130% of engineering estimates of the Master Plan) and relevant fees, such as building permit and impact fees, be provided to the satisfaction of the Council.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.K	Adequate and usable open space shall be provided. The applicant shall dedicate to the common use of the homeowners or to the public adequate open space in a configuration usable and convenient to the residents of the project. The amount of usable open space provided shall be greater than that which would be provided under the applicable aggregate lot coverage requirements for the zoning district or districts within the proposed project. Provision shall be made for adequate and continuing management of all open spaces and common facilities to ensure proper maintenance.
			Finding	<i>As previously noted, 21,825 square feet of the property will remain open space, which is approximately forty-six percent (46%) of the 47,249 square foot site. Further, subject rooftop bar also includes patio space plus an additional 3,000 square feet of landscaped terrace area devoted to public use. The open space provided exceeds the requirement by more than eleven percent (11%), which is an amount “greater than that which would be provided under the applicable aggregate lot coverage requirements for the zoning district or districts within the proposed project.” The Commission finds that subject open space is both adequate and useable and complemented by the Project’s addition of the outdoor roof top bar space with adjacent living garden terrace, which is available to the public and managed and maintained by the Project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.L	Location of buildings, parking areas and common areas shall maximize privacy within the project and in relationship to adjacent properties and protect solar access to adjacent properties.
			Finding	<i>The Commission has reviewed the Applicant’s response to this standard of evaluation, including reference to its sun study and height analysis/compatibility view drawings as set forth in Attachment B, and generally concurs with the finding that “The Ketchum Boutique Hotel is configured along a northwest spine that has allowed for the building’s mass to be pulled back from the roadway view corridor leading to Main Street. All onsite parking is contained below grade and will have no visual impact on the site. The hotel features an interior courtyard located on level 2 that faces south, the courtyard will be hotel’s ‘private’ exterior amenities space that is reasonably shielded from the view of most adjacent properties. The hotel features many architectural balcony elements that serve to create another layer of structure between the guests and the exterior, enhancing a sense of a perimeter of privacy in those guest rooms. The Sun Studies provided ... demonstrate that the massing of the hotel will have very minimal shade impact on adjacent buildings, only during the December studies do any shadows from the hotel intrude appreciably on any adjacent</i>

Compliant			City Standard & Finding	
Yes	No	N/A	KMC Section	City Standard & Findings
				<i>properties, and in those cases the shadow impacts from [the PEG Ketchum] hotel are not any more intrusive than the affected buildings have on their adjacent neighbors.” As conditioned herein, the Commission finds this standard to have been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.M	Adequate recreational facilities and/or daycare shall be provided. Provision of adequate on site recreational facilities may not be required if it is found that the project is of insufficient size or density to warrant same and the occupant's needs for recreational facilities will be adequately provided by payment of a recreation fee in lieu of such facilities to the city for development of additional active park facilities. On site daycare may be considered to satisfy the adequate recreational facility requirement or may be required in addition to the recreational facilities requirement.
			Finding	<i>Programmed recreation facilities within the Project, as depicted in Attachment B, include a 1,039 square foot fitness center and a 3,277 square foot outdoor terrace, including hot tubs. The Commission finds these on-site guest amenities to adequately meet the recreational needs appropriate to the scale of the Project. In addition, the Commission finds that the proposed use, inclusive of the employee housing units, does not warrant the provision of on-site daycare services.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.N	There shall be special development objectives and special characteristics of the site or physical conditions that justify the granting of the PUD conditional use permit.
			Finding	<i>As noted in the Gateway Study set forth in Attachment A, the City of Ketchum has established special development objectives for the four corners surrounding the intersection of River Street/SH75. The Commission has reviewed and analyzed this Study, visited the site, and recognizes subject Project Site is on a bench with approximately 37 feet of grade change and without the PUD process would unlikely be developable as a hotel as it would have to have one building along River Street, and a second building at the bottom of the hotel accessible via SH75 Street. This latter access is not desirable for site visibility and safe ingress/egress. Accordingly, the Commission finds there to be special development objectives and special characteristics of the site and its physical conditions that justify the granting of the PUD conditional use permit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.O	The development will be completed within a reasonable time.
			Finding	<i>As set forth in the Applicant's submittal, as set forth in Attachment B, a Spring 2020 construction start and an Autumn 2021 opening are proposed. Similar to the Commission's finding on KMC §16.08.080.J, the Commission finds this standard is met; provided that a project completion assurance agreement is entered into between the Applicant and City Council for the Project prior to the issuance of any Building Permit for the construction of the Project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.P	Public services, facilities and utilities are adequate to serve the proposed project and anticipated development within the appropriate service areas.
			Finding	<i>Street, water, sewer, and fire personnel have met with the Applicant</i>

Compliant			City Standard & Finding	
Yes	No	N/A	KMC Section	City Standard & Findings
				and found that adequate city services are available to serve the Project. See Attachment C for details on various departmental reviews. The Applicant and the City have also met with ITD regarding the Project and, as conditioned herein, is requesting improvements be installed by the Applicant at the intersection of SH75/River Street as a condition of Certificate of Occupancy. Formally, this will occur upon acceptance by ITD of a specific Encroachment Permit application submitted by the Applicant in conjunction with city recommendations to ITD for approval. Prior to building permit issuance, the Applicant will need will-serve letters from other utility providers (gas, electric, waste and recycling). To date, no issues of service have been identified. The payment of impact, local option tax, and building permit fees pursuant to approved city schedules are required. The Commission finds this standard has been met. Subject to the conditions set forth herein, public services, facilities and utilities are adequate to serve the Project and anticipated development within this area.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080.Q	The project complies with all applicable ordinances, rules and regulations of the city of Ketchum, Idaho, except as modified or waived pursuant to this section
			Finding	KMC §16.08.080 Subsections G and Q both stipulate that the Project conform with and promote the purposes of applicable ordinances and not conflict with the public interest. This Project involves six (6) interrelated permits (floodplain, subdivision, design review, PUD, CUP, and a development agreement), as well as encroachment permits that will be required for SH75 from ITD and for River Street from the Ketchum City Council. Each of these eight (8) sets of approvals, as well as future compliance of Project construction drawings with other city regulations, such as Building, Fire, and Green Building Codes are required of the Applicant. As conditioned herein, the Commission finds that this Project complies with all applicable rules and regulations of the City. The Commission makes this finding in recognition of its previous finding in favor of waiving the three (3) acre minimum PUD eligibility criteria as detailed under KMC §16.08.080.A as allowed for hotels. Further, the Commission makes this finding in recognition of the following <u>Table 1</u> dimensional standard and project waiver analysis for the proposed FAR, height/story, and setbacks proposed for the Project. Further, as noted in general finding #3 herein, Ketchum's planned unit development ordinance is intended to encourage the total planning of developments, provide flexibility, and work with unusual or special characteristics of the land or a development project. Notably, KMC §16.08.020.B states, "[i]n the event of conflict between this PUD chapter and any other ordinance of the city, this PUD chapter shall control."

Table 2: Tourist Zoning District Dimensional Standards and Project Waiver Analysis

Compliance with Zoning Standards	
Compliant	City Standard & Finding

Yes	No	N/A	KMC Section	City Standard & Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Lot Area: 9,000 square feet minimum.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Coverage
			Finding	<i>As set forth in Attachment B, 21,825 square feet of the property will remain open space, which is approximately forty-six percent (46%) of the 47,249 square foot site. The Project has greater than the required thirty-five percent (35%) minimum open space set forth in the KMC for the Tourist Zoning District. The Commission finds that this standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.040	Permitted Gross Floor Area Ratio: 0.5 or greater for hotels
			Finding	<i>The Commission finds the Project meets the definition of hotel as set forth in KMC §17.08 and, as a consequence, is eligible to exceed listed FAR consistent with the Commission's previous finding within Table 1, KMC §17.08.080, subsections B and D. A FAR of 1.9 is proposed for the hotel, which incorporates employee housing and other public amenities within the Project. Significantly, the Commission has reviewed the Attachment B Subarea Analysis and two Attachment A documents - the Gateway Study and a Comparative Hotel PUD Summary Chart. The Commission finds the proposed hotel is both by design and use consistent with envisioned plans for the corner of SH75 and River Street. The FAR of the Project is significantly less than the CC-Limelight Hotel and Tourist Zone Bariteau Project – neither of which incorporate community housing on the hotel site. The Project Site was defined as Site 2 in the 2007 Gateway Scale and Massing Study and was identified as a priority urban infill site for potential hotel development. As such, the Property is in the Ketchum Urban Renewal District (KURA) Revenue Allocation Area. The allowance of a 1.9 FAR, as herein conditionally approved by the Commission, is warranted due to special development objectives and special characteristics of the site and its physical conditions. In reaching this finding, the Commission finds that the proposed FAR, as stipulated, will not be detrimental to the public welfare, health and safety nor injurious to property owners in the immediate area.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.124.040</p> <p>Finding</p>	<p>Permitted Gross Floor Area Ratio: 0.5 or greater for hotels</p> <p><i>The Commission finds the Project meets the definition of hotel as set forth in KMC §17.08 and, as a consequence, is eligible to exceed listed FAR consistent with the Commission’s previous finding within Table 1, KMC §17.08.080, subsections B and D. A FAR of 1.9 is proposed for the hotel, which incorporates employee housing and other public amenities within the Project. Significantly, the Commission has reviewed the Attachment B Subarea Analysis and two Attachment A documents - the Gateway Study and a Comparative Hotel PUD Summary Chart. The Commission finds the proposed hotel is both by design and use consistent with envisioned plans for the corner of SH75 and River Street. The FAR of the Project is significantly less than the CC-Limelight Hotel and Tourist Zone Bariteau Project – neither of which incorporate community housing on the hotel site. The Project Site was defined as Site 2 in the 2007 Gateway Scale and Massing Study and was identified as a priority urban infill site for potential hotel development. As such, the Property is in the Ketchum Urban Renewal District (KURA) Revenue Allocation Area. The allowance of a 1.9 FAR, as herein conditionally approved by the Commission, is warranted due to special development objectives and special characteristics of the site and its physical conditions. In reaching this finding, the Commission finds that the proposed FAR, as stipulated, will not be detrimental to the public welfare, health and safety nor injurious to property owners in the immediate area.</i></p> <p><i>Subject to the approval of the PUD application with conditions as noted herein, the Commission finds that the Project FAR warrants a waiver and, as a result, complies with this provision of the Tourist Zoning District.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.12.040</p> <p>Finding</p>	<p>Building Height Maximum Permitted: 35’ or greater for hotels</p> <p><i>The Project proposes to exceed the thirty-five foot (35’) height limit, which is permissible subject to the city’s fourth floor hotel use allowance in the Tourist Zoning District provisions, as set forth in KMC §17.124.040.B.3 and by reference KMC §17.124.050.A and B.6. Evidence in support of the Project height waiver up to seventy-two feet (72’) from existing grade (and up to seventy-five feet as measured by the KMC definition of building height) and an interpretation that the “hotel” does not exceed four floors are as follows:</i></p> <ul style="list-style-type: none"> <i>(A) The Project site has a large slope from Trail Creek at the south end of the lot to the north end along River Street. The hotel is proposed as a four-story structure on River Street, and step / terrace down to three floors along Trail Creek.</i> <i>(B) The KMC does not specify the maximum height of a four-story building. Historic references in the KMC, as well as the top floor plate of the adjoining Limelight Hotel show the hotel fourth floor to equal approximately fifty-eight feet (58’).</i>

				<p>(C) <i>Maximum height of the building shall not exceed forty-seven feet (47') along River Street or forty-one feet (41') closer to the river on the south end of the property, as depicted in the Attachment B Height Analysis.</i></p> <p>(D) <i>During the transition where the four-story building along River Street steps down approximately thirty feet (30') toward Trail Creek, the forty-seven foot (47') high 4-story building reads like 6-stories at seventy-two feet (72') high. This is permissible consistent with KMC §16.08.020.B and desirable as follows: first, the height of the building at subject central location is below the fifty-eight (58') 4-story horizontal plane established by precedent and with the top of the fourth floor at the adjacent Limelight; second, the Commission recognizes that in this central location of the structure, that the 4-stories of hotel use are sandwiched between two public amenities (employee housing and a roof top bar for the public). The unique characteristics of the site at this location, where the existing grade drops quickly in the center of the site, result in a portion of the building having a taller element of seventy-two feet (72') as measured from existing grade. The Commission finds this consistent with general finding #3 herein and KMC §16.08.020.B, "[i]n the event of conflict between this PUD chapter and any other ordinance of the city, this PUD chapter shall control."</i></p> <p>(E) <i>In comparison to both the Limelight and approved Bariteau hotels on opposing corners, the height of the proposed Boutique Hotel is lower and more closely aligned to the fourth floor of each building.</i></p> <p>(F) <i>The Attachment A Gateway Study and Attachment B Subarea Analysis indicate that the proposed hotel is both by design and use consistent with envisioned plans for the corner of SH75 and River Street.</i></p> <p><i>and,</i></p> <p>(G) <i>Further, the proposed hotel project is consistent with current Tourist Zoning District zoning allowances for hotels. Each of the attendant uses, including restaurant/bar, meeting rooms, and employee housing are also permitted in the Tourist Zoning District. The Project proposes a height waiver for hotels in the Tourist Zone District and, subject to approval of the PUD application with conditions as noted herein, complies with this zoning standard.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.125.030.H</p>	<p>Curb Cut Permitted: <i>A total of 35% of the linear footage of any street frontage can be devoted to access off street parking.</i></p>

			Finding	<i>There are no curb cuts proposed along State Highway 75. The new configuration results in less than thirty-five percent (< 35%) of the linear footage of street frontage devoted to access the off street parking within the parking garage.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.020.A.2 & 17.125.050	Parking Spaces <i>Off-street parking standards of this chapter apply to any new development and to any new established uses.</i>
			Finding	<i>As analyzed by staff and consistent with KMC §17.125 and the Applicant’s parking study by Hales Engineering dated July 16, 2019 (see Attachment B), the Project has adequate parking for the proposed uses on the property. The project is parked with ninety (90) on-site garage parking spaces. Of the ninety (90) spaces provided for the Project not less than six (6) spaces are reserved for public use and fourteen (14) spaces are reserved for employee housing use. As conditioned herein, the Project complies with this standard.</i>

Table 3: Conditional Use Permit Standards Analysis

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030				
A conditional use permit shall be granted by the commission only if the applicant demonstrates that:				
Compliant			Standards and Staff Conclusions	
Yes	No	N/A	KMC Section	City Standards and Findings
<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.
			Finding	<i>The proposed hotel and each of the attendant uses within the Project, including restaurant/bar, meeting rooms, and employee housing, are permitted uses in the Tourist Zoning District. The characteristics of the conditional use for the Planned Unit Development CUP and the waivers approved herein pursuant to KMC §17.124.050 are compatible with the types of uses permitted in the Tourist Zoning District. The Commission finds this standard of evaluation has been met.</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.
			Finding	<i>The Project will be served with essential public services and facilities, an acceptable level of service for traffic operations and pedestrian safety as set forth in the applicable findings noted in Table 1. As conditioned herein, the Commission finds this standard has been met.</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.
			Finding	<i>The Commission found in <u>Table 1</u> KMC §16.08.080.F herein above that the Project will be adequately served by necessary vehicular and nonmotorized transportation systems. This finding was made after reviewing Attachment B, which includes documents from the Applicant that address how vehicular and pedestrian traffic will circulate in and around the proposed Project. Foremost of these exhibits is the detailed traffic impact study (TIS) prepared by Hales Engineering, which</i>

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030				
A conditional use permit shall be granted by the commission only if the applicant demonstrates that:				
Compliant			Standards and Staff Conclusions	
Yes	No	N/A	KMC Section	City Standards and Findings
				<p><i>AECOM (on behalf of the city) has provided a peer analysis. Attachment B also includes River Street Public ROW Encroachment details that feature the Applicant’s circulation plan, sidewalk improvements, and proposed snowmelt system for the Project. Finally, Attachment A includes two excerpts of professional studies. The first is an excerpt from the Idaho Transportation District (ITD) Record of Decision (ROD) and proposed Fiscal Year 2025 (FY25) road improvements to State Highway 75 (SH75) adjacent the property between the Trail Creek Bridge and River Street. As conditioned herein, the Commission finds this standard to have been met. In particular, three off-site mitigation measures that will be required as a condition of development, including:</i></p> <p><i>(A) Developer to accommodate a northbound left-turn lane plus taper at River/Main. The developer will need to coordinate with ITD to determine where the west edge of SH-75 will be and whether ITD will accept temporary paving. The developer would install sidewalk, curb and gutter to the city’s standard. AECOM to follow up with whether the southbound approach should also have a left-turn lane. AECOM also to follow up with some references in the study to back this up. In addition, it’s understood that this will help prevent queuing and also be a safety improvement.</i></p> <p><i>(B) Developer to install “right-turn only” signs on the eastbound and westbound approaches (City would likely pay for the cost on the westbound approach).</i></p> <p><i>and,</i></p> <p><i>(C) At the discretion of the Ketchum City Council, the developer shall install rectangular rapid flashing beacon (RRFB) on the crosswalk on the north leg. No crosswalk required on the south leg.</i></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>Consistent with the findings made for KMC §17.116.03 subsections B and C, the Commission finds this standard to have been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	<p>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this Section.</p> <p><i>The proposed conditional use is supported by the following goals and policies of the 2014 Comprehensive Plan. Specific findings and analysis</i></p>

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030				
A conditional use permit shall be granted by the commission only if the applicant demonstrates that:				
Compliant			Standards and Staff Conclusions	
Yes	No	N/A	KMC Section	City Standards and Findings
				<i>are as set forth in Attachment A. As noted herein, the proposed conditional does not conflict with the policies of the Comprehensive Plan or the basic purposes of Chapter 17.116 Conditional Uses.</i>

2.4 Findings Regarding Applicant’s PUD Bulk Area Waivers:

- 2.4.1** The Applicant’s Project includes waivers to the floor area ratio, front and side yard setbacks, and height and four-story requirements and, subject to compliance by the Applicant with conditions as noted herein, the Project complies with each of the Tourist Zone dimensional standards for hotels.
- 2.4.2** The proposed Planned Unit Development and Conditional Use Permit Application meets the standards of approval under KMC Title 16 and Title 17, subject to conditions of approval.
- 2.4.3** The Project may exceed the maximum floor area, height, setback or minimum lot size requirements of Title 17 KMC, subject to a planned unit development having been prepared for the Project’s proposed hotel and subject to approval by the City Council which outlines the waivers to bulk regulations requested.
- 2.4.4** All height and bulk Project limitations shall be in accordance with Tourist District except those items waived as an incident of the PUD Development Plan approval. The approved Project plans illustrate areas where buildings may exceed height and bulk limitations. As conditioned herein, the Commission refers to the zoning and subdivision waivers set forth in these PUD Findings.

**III.
CONCLUSIONS OF LAW**

The following are the legal principles that provide the basis for the Planning and Zoning Commissioners’ decisions and recommendations to the City Council which the Commissioners have applied to the facts presented at the hearing of the above entitled matter:

- 3.1** The City 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 codified in the Ketchum City Code (“KMC”) which are identified in Section II of Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the Applicant’s Project Applications for the Development and use of the Project Site.

- 3.2** KMC section 16.08.120 C provides that prior to final approval of a PUD conditional use permit, the City Council may require a written agreement executed by the Applicant to secure performance of any requirement or condition to be imposed as part of the approval, including, but not limited to Development and may also require recordation of documents establishing and guaranteeing the operation and maintenance of the Project; and
- 3.3** The Project Applications, which includes waivers to the floor area ratio, front and side yard setbacks, and height and four-story requirements is governed under KMC Sections 16.08.020 B, 16.08.030, 16.08.040, 16.08.070, 16.08.080 and 17.124.050 are reviewed and considered by the Commission in accordance with the following:
- 3.3.1** In the event of a conflict Chapter 8 of Title 16 KMC controls over any other City ordinance; and
- 3.3.2** A planned unit development involves a development of land in which the standard land use regulations of the City may be modified or waived in order to promote beneficial development of an entire tract of land in conformance with an approved planned unit development conditional use permit accentuating usable open space, recreational uses, public amenities, community housing, and harmonious development with surrounding properties and the city at large; and
- 3.3.3** Any person wishing to develop a planned unit development shall comply with the requirements of chapter 8 of Title 16 KMC in addition to the zoning, subdivision and other applicable laws, ordinances, regulations and rules, subject to any modification or waiver granted as part of the planned unit development (PUD) conditional use permit; and
- 3.3.4** The Planning and Zoning Commission can make recommendations and the City Council has authority to grant waivers or deferrals of any of the requirements of sections 16.08.070 and 16.08.080 KMC on a case-by-case basis when the waiver or deferral will not be detrimental to the public welfare, health and safety nor injurious to property owners in the immediate area; and
- 3.3.5** The proposed Planned Unit Development and Conditional Use Permit meets the standards of approval under Title 16 and Title 17 KMC, subject to conditions of approval.

**IV.
DECISION and RECOMMENDATION TO CITY COUNCIL**

The Planning and Zoning Commissioners, having reviewed the above-entitled record, having listened to the arguments and presentations at the hearing and, being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, **DO HEREBY DECIDE AND RECOMMEND TO THE CITY COUNCIL** approval of PEG Ketchum Hotel, LLC PUD Project Master Plan the Project as set forth in **Attachment B** subject to the following terms and conditions of approval:

4.1 Emergency Services Conditions: The following are emergency services and safety terms and conditions:

4.1.1 Completion of Fire Improvements. The City Building Official or the City Fire Marshal may withhold building and/or fire inspection approval for any phase of construction until all necessary components of the water and/or fire alarm system sufficient to provide protection for that portion of the Project are complete.

4.1.2 Fire Access During Construction. Vehicle parking and material storage during Project construction shall not restrict or obstruct public streets or access to any building. Emergency vehicle access shall be maintained as required by the Fire Chief. Once construction begins on the second floor and above, 26-foot aerial ladder truck access is required along one entire side of the building, in a location approved by the Fire Marshal, for evacuation of injured persons from upper floors. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times.

4.1.3 Fire Code Requirements. The Project shall comply with all the terms and conditions set forth in the Ketchum Fire Department Pre-application Requirements Memo dated June 24, 2019 from Tom Ancona, Assistant Chief & Fire Marshall, inclusive of subsequent amendments thereto, as well as all 2012 International Fire Code requirements and any additional specific City Building (Chapter 2 15.04 and 15.06) and Fire Ordinances (Chapter 15.08).

4.2 ROW Improvements Conditions: The following ROW Improvements are required of the Applicant:

4.2.1 DIG. 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 ROW to be reviewed and approved by the City Streets Department.

4.2.2 TURP. The use of City right-of-way for construction which includes the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).

4.2.3 River Street Encroachment Permit Improvements. KMC §17.96.030.C states: “The City Council shall approval all permanent encroachments within the City-owned ROW associated with a development project.” Applicant has made application as a part of the Project to the City for a license to encroach into the River Street Public Right of Way (“River Street ROW”) for the following improvements: guest pick-up/drop-off, underground utilities, landscaping, street trees with decorative tree grates, public art, bike racks, sidewalks, pedestrian walkway lighting, and street lighting, and related improvements along River Street, pursuant to KMC §12.08.040. Further, the Applicant proposes that all walkway and driving surfaces within this encroachment area be hooked into its private boiler or similar snowmelt system within the Project mechanical room. The snow melt system is proposed to be operational every winter after the Hotel Operations begins operations. Final approval of the River Street ROW improvement plans is required and will is subject to review and approval by the Ketchum City Council through a separate encroachment agreement. If approved via separate City encroachment process, such order or decision on encroachment, including any and all conditions thereon, is hereby incorporated by reference and made a part of these findings.

4.2.4 SH75 Encroachment Permit. ITD has an approved Record of Decision (“ROD”) that includes a 3-lane section with a six-foot (6’) wide sidewalk abutting the Subject Real Property. Subject ITD improvements to the SH75 ROW are proposed to be installed by ITD in Fiscal Year 2025 with road work in the vicinity, at the earliest, occurring in October of 2025. The installation of these SH75 Improvements by ITD and, particularly, the striping of a dedicated left turn lane West Bound onto River Street with adequate queuing for cars turning onto River Street is important to traffic flow both along SH75 and into the Project.

4.2.4.1 Given the Applicant’s timeframe for construction and Certificate of Occupancy, subject SH75 work will not be conducted by ITD prior to the Developed Project and the commencement of Hotel Operations opening. Given that the City finds that a center turn lane with adequate queuing of approximately fifty to one hundred feet (50’ – 100’) is necessary for the SH75/River Street intersection to retain its current Level of Service (“LOS”) for vehicular car movement, therefore the Applicant shall file with ITD an application for an encroachment permit. The Applicant and City shall work together to attain approval from ITD for the construction and striping of a partial center turn near the River Street intersection north

of the Trail Creek bridge. The Applicant shall pay for engineering, traffic control and construction costs for subject SH75 improvements adjacent to the Project.

4.2.4.2 Further, to avoid excessive delays for East Bound traffic on River Street, the Applicant shall work with the City and ITD to install appropriate signage and improvements to allow only a right turn onto southbound SH75 at this intersection.

4.2.4.3 Pedestrian Safety. To help assure pedestrian safety and consistent with KMC, at the discretion of the Ketchum City Council, the Applicant shall work with the City and ITD to upgrade the unsignalized SH75 and River Street crossing (on north-side) to include a rectangular rapid flashing beacon (RRFB) crosswalk similar to 4th Street. The circulation design shall meet all standards as specified in KMC §17.96.060.G.

4.2.5 Letter of Credit. The Applicant shall provide an irrevocable letter of credit to the City for the aforementioned ROW Improvements affecting both the SH75 and River Street ROWs.

4.3 Terrace Walls. Construction of terrace walls or features of the outdoor dining patio with landscaping and architectural features adjacent to SH75 may be subject to future design review at the time the application is filed for approval at the discretion of the Administrator.

4.4 Time Limits: The following are the time limits that govern this Project:

4.4.1 Pursuant to KMC §17.96.090, the **Design Review Permit No. P 19-0** is valid for twelve (12) months from the date of final decision on the associated Findings of Fact, Conclusions of Law, and Decision. The Application for the Project building permit must be filed within the time as specified in KMC §17.96.090(A)(2). Any extension shall only be as allowed and specified in KMC §17.96.090.

4.4.2 Unless extended by the Ketchum City Council, a building permit shall be issued within twelve (12) months from the date of the last issued Permit.

4.4.3 A certificate of occupancy shall be issued for the Project no later than 18 months after the building permit is issued unless the time for completion of the Project is extended by the City Council.

4.5 Certificate of Occupancy: No Certificate of Occupancy shall be issued for the use and occupancy of this Project until the following items are complete:

- 4.5.1 All Design Review elements of the Project have been completed and approved by the Planning & Building Department; and
 - 4.5.2 All proposed encroachments within the City's River Street right-of-way have been installed in accordance with the Project Master Plan and approved by the City Engineer; and
 - 4.5.3 All rooftop mechanical and electrical equipment is fully screened from public vantage points and approved by the Planning & Building Department; and
 - 4.5.4 The City's Fire, Utilities, Building, Arborist, Streets, and Planning Departments have conducted final inspections and authorized issuance of Certificate of Occupancy; and
 - 4.5.5 Prior to Certificate of Occupancy, a Parking Plan verifying public use, validation processes for determining parking charges (if any) for the public and the six (6) displaced public parking spaces, and other details at the discretion of the City, shall be provided and approved by Ketchum City Council for the Project Parking Garage.
- 4.6 **City Permit Performance Fees:** The Applicant shall be charged and shall pay the City Permit Performance Fees for the administration of the City's performance of the *Permit Conditions Acceptance Development Agreement*.
- 4.7 **Conditions to Applicant's Obligations.** The Applicant's obligations hereunder are conditioned upon (1) receiving all the referenced approvals from the City and (2) securing financing as provided in the *Permit Conditions Acceptance Development Agreement*.
- 4.8 **Drainage.** Project Drainage system plans shall be submitted to the City Engineer for review and approval. Pursuant to KMC §17.96.060.C, all storm water shall be retained on site, drainage improvements constructed shall be equal to the length of the Subject Real Property boundary lines, and all drainage facilities shall be constructed per City standards. All drainage improvements shall meet the applicable design criteria as specified in KMC §12.04.030.
- 4.9 **Utilities Plan:** The Applicant shall submit a Project Utility Plan indicating the location and size of water and sewer mains as well as gas, electric, TV and phone services (KMC §17.96.040.C.2c & KMC §17.96.060.D.1-3). Per KMC §17.96.060.D.2, utilities shall be located underground and utility, power, and communications lines within the Project Site should be concealed from public view.
- 4.10 **Employee Housing Units.** The Applicant shall either maintain or enter into a master lease with the Hotel Operator for apartment units within the Developed Project containing 30 beds and thereby fulfill and satisfy the employee housing obligation of this

Project consistent with the KMC. All leased apartment units must be subleased, assigned or otherwise made available to employees of the Hotel Operator on terms and conditions determined by it in the exercise of its discretion. The Applicant may enter into a master lease with the Hotel Operator for apartment units containing thirty (30) beds and thereby fulfill and satisfy the employee housing obligation of this Project consistent with KMC §17.124.050. All leased apartment units must be subleased, assigned or otherwise made available to employees of the Hotel Operator on terms and conditions determined by it in the exercise of its discretion.

- 4.11 Hotel Operations.** The core feature of the Project is a hotel building operated at an industry acknowledged Four Star Hotel Operations Standard. Adherence to a Four-Star Hotel Operations Standard, particularly during Peak Travel Season, affects the sufficiency of on-site parking and traffic circulation in the immediate vicinity of the Project and is a requirement of the occupancy and use of the Developed Project.
- 4.12 Lower Parking Demand and Traffic Impacts.** To assure that the Applicant and/or Hotel Operator provides guest shuttle, employee shuttle, car share program, transit passes, carpool program, and alternative transportation (such as bike storage for employees), the Applicant and/or Hotel Operator shall include in the irrevocable letter of credit a Lower Parking Demand and Traffic Impacts amount of \$ [REDACTED] for a period of not greater than five (5) years upon which the City Council may request a draw to cover the City's costs in the mitigation of lowering traffic impacts and/or parking demands associated with the Applicant and/or Hotel Operator's failure to comply.
- 4.13 Parking & Loading.** Prior to Certificate of Occupancy, a Project Parking Plan verifying public use, validation processes for determining parking charges (if any) for the public and the six (6) displaced public parking spaces, and other details at the discretion of the City, shall be provided and approved by Ketchum City Council for the Project Parking Garage. The Project has a total of 90 parking spaces. Of those 90 spaces, 66 spaces are required for the Four-Star Hotel Operations Standard, 14 spaces are required for employee housing, 1 space is required for the restaurant/bar, and 6 are required for the public to mitigate displaced public parking spaces from River Street. Of this total, not less than:
- 4.13.1** Fourteen (14) stalls shall be allocated for employee housing, inclusive of at least one (1) car share vehicle; and
 - 4.13.2** Six (6) underground parking stalls will be available to the general public at no charge to the public while using the conference center, spa, restaurant and bar. A validation system may be employed by the Applicant and/or Hotel Operator with regard to the monitoring of public use of the six, free-of-charge, underground public spaces located in the Project Parking Garage; and
 - 4.13.2** Guest shuttle, employee shuttle, car share program, transit passes, and bike storage shall be provided as a part of the Four-Star Hotel Operations Standard.

- 4.13.3** During and upon completion of the construction of the Project, delivery vehicles associated with the Project shall not interfere with the regular flow of traffic surrounding the Project Site. Delivery vehicles shall not block the regular flow of traffic along River Street.
- 4.14 Local Option Tax.** The Project shall be subject to the provisions of KMC Section 3.12, relating to local option taxes.
- 4.14.1 Beverage, Food & Retail Sales.** All retail, food and beverage sales on the Project Site and in the Project shall be subject to the local option tax.
- 4.14.2 Building Materials.** The Project and Project Site shall be subject to the local option tax on building materials.
- 4.14.3 Employee Housing.** The obligation to pay local option tax shall not apply to the rental of employee housing units.
- 4.14.4 Future Amendments to LOT Ordinance.** Any amendments to or repeal of Ketchum's Local Option Tax Ordinance and/or Idaho law relating to such local option taxes shall also apply to and modify this Section to the extent of such amendment(s) and/or repeal.
- 4.14.5 Hotel Rooms.** All hotel rentals in the Project Four-Star Hotel Operations Standard shall be subject to the local option tax, regardless of who makes the reservation, including independent third-party travel agencies or other independent parties.
- 4.14.6 Short-term rentals.** All non-hotel rentals, if any, shall be subject to the local option tax on short-term rentals.
- 4.15 Waivers.** Setbacks, FAR, and height for the Project shall comply with final Design Review for the Project as approved by the City. The final plans once approved and integrated into the Permit Conditions Acceptance Development Agreement by the Ketchum City Council illustrate areas where buildings may exceed height and bulk limitations. As conditioned herein above, Ketchum acknowledges the zoning and subdivision waivers set forth in the PUD Findings.
- 4.16** All requirements of the Fire, Utility, Building, Planning and Public Works departments of the City of Ketchum shall be met. All public improvements shall meet the requirements of the Public Works Department.
- 4.17** All other provisions of Ketchum Municipal Code, Chapters 16 and 17 and all applicable ordinances rules and regulations of the City and other governmental entities having jurisdiction shall be complied with by the Project.
- 4.18 Building Permit Requirements.** The building permit for the Project shall not be issued until:

- 4.18.1 The Project is subject to completion assurances and a letter of credit, which shall be detailed by the City Attorney and Finance Director and approved by the Ketchum City Council as provided in the Permit Conditions Acceptance Development Agreement governing this Project; and
- 4.18.2 The project shall pay the plan check and building permit fees that are in effect at the time of plan check and building permit submittal. Prior to issuance of a building permit, project impact fees (police, fire, parks and streets) and water and sewer connection fees shall be paid in an amount not too exceed \$ _____ in accordance with the methodology established in the KMC Chapter 15.12 and any subsequent changes made prior to issuance of a building permit.
- 4.18.3 Storm Water Management Pollution Prevention Plan (“SWPPP”) in accordance with local, state and federal laws and regulations is in place for the Project; and
- 4.18.4 A detailed Project Construction Staging and Mitigation Plan which is consistent with the standards specified in Chapter 15.06 of KMC, including provisions for off-site parking for contractors, sub-contractors, and other trades associated with the construction of the Project, off-site storage of bulk materials, and required right of way encroachments during construction, shall be submitted and approved by the City Planning and Building Administrator prior to building permit approval.
- 4.18.5 The Applicant has secured a will serve letter from Idaho, Clear Creek Disposal and other applicable public and private utility providers prior to issuance of a Building Permit.
- 4.18.6 The River Street Encroachment Permit encroachment agreement shall be obtained.
- 4.18.7 The Applicant shall cause to be issued in irrevocable letter of credit for the aforementioned Public ROW Improvements affecting both the SH75 and River Street ROWs. The amount of the financial guarantee shall be at 150% of engineering estimates for the guaranteed improvements. Partial and/or full release(s) of the letter of credit may be made upon: (i) Acceptance of subject River Street ROW improvements by the City; (ii) formal commencement of work by ITD of the SH75 ROW improvements adjacent the Subject Real Property and/or upon complete installation of the SH75 ROW improvements adjacent the Property.
- 4.18.8 **Written Permit Conditions Agreement:** The Applicant has entered into the *Permit Conditions Acceptance Development Agreement* consistent in form with **Attachment E**.

Findings of Fact **adopted** this 12th day of August 2019.

Neil Morrow, Chair
Ketchum Planning & Zoning Commission

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City of Ketchum

August 12, 2019

Ketchum Planning & Zoning Commission
City of Ketchum
Ketchum, Idaho

**Recommendation to hear from the applicant and staff,
hold a public hearing, and recommend to council approval of the proposed development agreement for the
PEG Ketchum Hotel at the Gateway Site**

Background

On July 30, 2019 the Ketchum Planning and Zoning Commission (Commission) continued the public hearing on the proposed development agreement for the PEG Ketchum Hotel at the Gateway Site. The Commission directed staff to update the agreement, as necessary, to reflect conditions of approval for each of the inter-related applications (floodplain, subdivision, pre-application design review, and planned unit development CUP) approved / recommended for approval by the Commission on July 29 and July 30, 2019. Staff has worked with the City Attorney to prepare the attached updated agreement, referenced herein as **Attachment E.5**.

Recommendation and Summary

Staff recommends the Commission review Attachment E.5, hold a public hearing, and adopt the following motion:

Move to recommend approval to the Ketchum City Council of the proposed Development Agreement consistent with the draft terms and conditions of approval as set forth in **Attachment E.5**, finding that the Project as conditioned herein complies with city codes and both conforms with and promotes the purposes and goals of the Ketchum Comprehensive Plan.

Analysis

To help memorialize key provisions of both the Commission (and, subsequently, the Council's) deliberations, a Development Agreement is proposed that will be recorded against the Project. This is a best practice and staff has updated the Development Agreement with all the key provisions contained in the Commission's Findings of Fact and Conclusions of Law. See Attachment E.5.

Attachments

E.5 - Development Agreement (***draft***)

Attachment E.5 - Development Agreement

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**Recording Requested By and
When Recorded Return to:**

City of Ketchum
Attn: City Clerk
P.O. Box 2315
Ketchum, Idaho 83340

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

City of Ketchum / PEG Ketchum Hotel, LLC

Permits Conditions Acceptance Development Agreement

Parties to the Agreement:

City of Ketchum	“City”	City Hall P.O. Box 2315 480 East Ave. N. Ketchum, Idaho 83340
PEG Ketchum Hotel, LLC	“Developer”	Attn: Nick Blayden 180 N. University Avenue, #200 Provo, Utah 84601
PEG Ketchum Hotel, LLC	“Owner”	Attn: Nick Blayden 180 N. University Avenue, #200 Provo, Utah 84601

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[insert commencing with final drafts]

LIST OF EXHIBITS

EXHIBIT A: ORDINANCE EXHIBITS:

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2. DESIGN REVIEW ORDINANCE
3. FLOODPLAIN MANAGEMENT OVERLAY ZONING ORDINANCE
4. SUBDIVISION ORDINANCE / LOT LINE SHIFT
5. PLANNED UNIT DEVELOPMENT ORDINANCE
6. CONDITIONAL USE PERMIT ORDINANCE
7. OFF STREET PARKING AND LOADING
8. DEVELOPMENT STANDARDS

EXHIBIT B: PROJECT MASTER PLAN / OWNER SUBMITTAL DOCUMENTS:

1. SUBJECT REAL PROPERTY LEGAL DESCRIPTION
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3. NARRATIVE 01.02 - DEVELOPMENT PLAN
4. NARRATIVE 01.03 – PROJECT ANALYSIS | SOCIAL IMPACT STUDY
5. NARRATIVE 01.05 – DEVELOPMENT SCHEDULE
6. NARRATIVE 01.06 – HALES PARKING & TRAFFIC ANALYSES
7. NARRATIVE 01.07 – EMPLOYEE HOUSING PLAN
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9. NARRATIVE 01.09 – CONTEXTUAL HOTEL COMPONENTS
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26. GALENA STAKING EXHIBIT
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EXHIBIT C: FINDINGS OF FACT:

- 1. FLOODPLAIN DEVELOPMENT PERMIT**
- 2. PLAT / READJUSTMENT OF LOT LINES**
- 3. PRE-APPLICATION DESIGN REVIEW REASONED STATEMENT
[PLACEHOLDER - FULL DESIGN REVIEW FINDINGS]**
- 4. PUD CONDITIONAL USE PERMIT AND CUP**
- 5. DEVELOPMENT AGREEMENT**

Permits Conditions Acceptance Development Agreement

City of Ketchum/PEG Ketchum Hotel, LLC

THIS Permits Conditions Acceptance Development Agreement (this “**Agreement**”) is entered into by and between the CITY OF KETCHUM, a municipal corporation organized and existing under the laws of the state of Idaho, and PEG Ketchum Hotel, LLC, a Utah limited liability company authorized to do business in the state of Idaho as a foreign limited liability company (“**Developer**”) and (“**Owner**”).

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, and in consideration of the premises and the mutual representations, covenants and agreements hereinafter contained, City and Developer/Owner represent, covenant and agree as follows:

SECTION 1 DEFINITIONS

For all purposes of this Agreement, the following words in **bold** print that appear in this Section have the definitions as herein provided in this Section unless the context of the term clearly requires otherwise and/or is not capitalized:

- 1.1 **Act:** Means and refers to the Local Land Use Planning Act as codified in Chapter 65 of Title 67, Idaho Code.
- 1.2 **Administrator:** Means and refers to the person appointed by the Mayor and City Council to interpret and administer Title 17 of the KMC also designated as the Director of Planning and Building.
- 1.3 **Agreement:** Means and refers to this “*Permits Conditions Acceptance Development Agreement.*”
- 1.4 **Applications:** Means and refers collectively to all of Owner’s applications to the City regarding the Development of the Subject Real Property in accordance with the Project Development Plan inclusive of: Pre-Application Design Review, Building Demolition Application [pending], Lot Line Shift Application, Floodplain Management Overlay Application, Planned Unit Development/Conditional Use Application, Design Review Application [pending] and Right of Way Encroachment Permit.
- 1.5 **Building Official:** Means and refers to the City Building Official.
- 1.6 **Building Permit:** Means and refers to the Building Permit/s issued by the Building Official for the construction of the Project Development Plan pursuant to Chapters 15.6 and 15.16 KMC.

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- 1.7 City:** Means and refers to the City of Ketchum, an Idaho Municipal Corporation and Party to this Agreement.
- 1.8 City Administrative Review Fees:** Means and refers to the Administrative Review Fee, inclusive of use of outside consultants for plan checking and inspections or both for the City Services provided to the Developer/Owner for the City's administration of the Developer/Owner's Permits compliance. [need to clarify this process in city fee resolution]
- 1.9 City Council:** Means and refers to the City Council of the City.
- 1.10 City Project Development Plan Agent:** Means and refers to the City's _____ or their designee/s who acts on behalf of the City in the Section 4 approval process of the Project Development Plan Completion Assurance Process and Conditions and Section 6 Default process.
- 1.11 Construction Plans:** Means and refers to the construction drawings for the Project Development Plan as approved by the City.
- 1.12 Default Cure Remedy:** Means and refers to any remedy inclusive of a City draw on the letter of credit issued pursuant to Section 4 that will cure the default and will provide for the specific performance of the terms of this Agreement.
- 1.13 Demolition Of Buildings Ordinance:** Means and refers to the Demolition Of Building Ordinance of the KMC Codified at Section 15.16.040, a true and correct copy of which is attached marked *Exhibit A*.
- 1.14 Design Review Development Application:** Means and refers to the Developer/Owner's application to the City for design review approval of the proposed construction and Development by the Developer/Owner on the Subject Real.
- 1.15 Design Review Ordinance:** Means and refers to the Design Review Ordinance of the KMC Codified at Section 17.96.010 et. seq., a true and correct copy of which is attached marked *Exhibit A*.
- 1.16 Design Review Permit No. P 19-0__:** Means and refers to that certain approved Permit issued to Developer by the City Planning and Zoning Commission subject to conditions pursuant to the Design Review Development Application issued on the ____ day of _____, 2019. [pending]
- 1.17 Developed:** Means and refers to the completion of construction of the Project Development Plan as the development of the Project by the Developer/Owner in accordance with the provisions of this Agreement.

- 1.18 Developer:** Means and refers to PEG Ketchum Hotel, LLC, a Utah limited liability company, authorized to do business in the state of Idaho as a foreign limited liability company, which is developing the Project and is also the Project Owner and is a Party to this Agreement.
- 1.19 Developer/Owner:** Means and refers to both the Developer and the Owner as of the Effective Date, but subsequently if there are assignments of either the Developer and/or the Owner's Rights, pursuant to this Agreement, this term is inclusive of Developer/Owner assigns.
- 1.20 Developer/Owner's Representative:** Means and refers to the representatives for the Developer/Owner, which is Mr. Nick Blayden, AJC Architects/ Mr. Justin Heppler, BHD Structural Engineers/ Brett Goodman and is inclusive of any designee appointed by Developer as provided herein.
- 1.21 Development:** Means and refers to the process by which the Project is Developed.
- 1.22 Development Rights:** Means and refers to the Subject Real Property land use and development rights in connection with entitlements as provided in the Permits issued by the City in the process of the Applications as provided in this Agreement.
- 1.23 Development Standards Ordinance:** Means and refers to the Development Standards Ordinance of the KMC Codified at Section 17.124.010 et. seq. a true and correct copy of which is attached marked *Exhibit A*.
- 1.24 Effective Date:** Means and refers to the _____ day of _____, 2019.
- 1.25 Encroachment Permit City:** Means and refers to encroachment permit issued by the City as a part and parcel of the Project Development Plan.
- 1.26 Encroachment Permit ITD:** Means and refers to encroachment permit issued by the ITD as a part and parcel of the Project Development Plan.
- 1.27 Four Star Hotel Operations Standard:** Means and refers to the operation of the Developed Project as an upscale hotel providing guests with a luxury experience in a distinctive setting, including expanded amenities and exceptional service which includes the following characteristics:
- An impressive, well integrated and excellent architectural design; and
 - A lobby area located away from main traffic areas with multiple conversation groupings and recognizable guest services; and
 - A full service restaurant, separate lounge and bar area; and
 - An onsite fitness center and hot tubs; and
 - Conference rooms; and

- Turn down service, valet parking, baggage service, laundry service, newspaper service, room service, computer access, fitness center service, ice service, and concierge service; and
- Staff preparation and training to ensure integrate services from initial reservation call to departure.

- 1.28 Floodplain Management Application:** Means and refers to the Developer/Owner's application to the City for approval of the Developer/Owner's plan for floodplain management of the Developed Subject Real Property as the third part of City Development approval.
- 1.29 Floodplain Management Overlay Zoning Ordinance:** Means and refers to the Flood Damage Prevention Ordinance of the KMC Codified at Section 17.88.010 et. seq., a true and correct copy of which is attached marked *Exhibit A*.
- 1.30 Floodplain Management Permit No. P 19-062:** Means and refers to that certain City approved Permit issued to Developer/Owner by the City Planning and Zoning Department subject to conditions pursuant to the Floodplain Management Development Application issued on the ____ day of _____, 2019.
- 1.31 Building Demolition Development Application:** Means and refers to the Developer/Owner's application to the City for a demolition permit for buildings upon the Subject Real Property as the first part of City Development approval.
- 1.32 Building Demolition Permit No. P 19-__:** Means and refers to that certain approved Permit issued to Developer/Owner by the Building Official subject to conditions pursuant to the Building Demolition Development Application issued on ____ day of _____, 2019. [pending]
- 1.33 Hotel Operator:** Means and refers to the person and or entity that is in possession of the Developed Project and using and occupying the same as a Four Star Hotel Operations Standard.
- 1.34 Hotel Operations:** Means and refers to the occupation and use of the Developed Project in compliance with a Four Star Hotel Operations Standard.
- 1.35 International Codes:** Means and refers to any Building, Residential, Energy, Mechanical, Rules of Building Safety, Plumbing Code, National Electrical Code or other codes adopted by the Idaho Division of Building Safety and by the Idaho State Fire Marshall and/or by the City which govern the Development.
- 1.36 ITD:** means and refers to the Idaho Transportation Department, an administrative department of the state of Idaho.
- 1.37 KMC:** means and refers to the Ketchum Municipal Code, which is the codified ordinances of the City.

- 1.38 Level of Service:** Means and refers to an identified standard by which service is provided in the context of the terms appearance in this Agreement.
- 1.39 Lot Line Shift Development Application:** Means and refers to the Developer/Owner's application to the City for a Lot Line Shift of the existing Parcels of the Subject Real Property into one parcel as the second part of City Development approval.
- 1.40 Lot Line Shift Ordinance:** Means and refers to the Readjustment of Lot Line Procedures Lot Line Shift Ordinance of the KMC Codified at Section 16.04.030, a true and correct copy of which is attached marked *Exhibit D*.
- 1.41 Lot Line Shift Permit No. P 19-064:** Means and refers to that certain Lot Line Shift Permit issued to Developer by the approval of the City Council subject to conditions pursuant to the Lot Line Shift Development Application issued on ____ day of _____, 2019.
- 1.42 Master Plan:** Means and refers to the Master Plan filed by the Developer/Owner in support of their Project Development Plan, including the Planned Unit Development/Conditional Use Permit Application which depicts the Project proposed for construction.
- 1.43 Off Street Parking and Loading Ordinance:** Means and refers to the Off Street Parking and Loading Ordinance of the KMC Codified at Section 17.125.010 et. seq., a true and correct copy of which is attached marked *Exhibit A*.
- 1.44 Ordinances:** Means and refers collectively to the Demolition of Buildings Ordinance, Lot Line Shift Ordinance, Floodplain Management Overlay Zoning Ordinance, Planned Unit Development/Conditional Uses Ordinances, Design Review Ordinance, Off Street Parking and Loading Ordinance and the Development Standards Ordinance. This term may appear in this Agreement in the singular or the plural.
- 1.45 Owner:** Means and refers to PEG Ketchum Hotel, LLC, a Utah limited liability company, authorized to do business in the state of Idaho as a foreign limited liability company, who is the owner of the Subject Real Property on the Effective Date and Party to this Agreement, and after the Effective Date of this Agreement shall refer to the owner or owners of the Subject Real Property.
- 1.46 Peak Travel Season:** Means and refers to that period in each calendar year that commences on June 15th and continues to September 15th and then resumes on December 15th and end on the following President's Day holiday.
- 1.47 Parcels:** Means and refers to tract or parcels of distinctly legally described real property located within the Subject Real Property. This term may appear in this Agreement in the singular or the plural.

- 1.48 Party or Parties:** Means and refers to the City and/or the Developer/Owner, as the Parties to this Agreement, depending upon the context of the term as used in this Agreement.
- 1.49 Permits:** Means and collectively refers to the following permits approved and issued by the City [inclusive of ITD issued encroachment permit] to the Developer/Owner for the Development of the Project as part and parcel of the Project Development Plan are inclusive of the following:
- River Street ROW Encroachment Permit City P 19-____; and [pending]
 - State Highway 75 ROW Encroachment Permit ITD; and
 - Building Demolition Permit No. P 19-____; and [pending]
 - Lot Line Shift Permit No. P 19-064; and
 - Floodplain Management Permit No. P 19-062; and
 - Planned Unit Development/Conditional Use Permit No. P 19-063; and
 - Design Review Permit No. P 19-____; and [pending]
 - Waiver Applications granted by the City in conjunction with the above stated Permits; and
 - Building Permits.
- 1.50 Planned Unit Development/Conditional Use Permit Application:** Means and refers to the Developer/Owner's application to the City for approval of the proposed construction and development of the Project by the Developer/Owner as a planned unit development/conditional use.
- 1.51 Planned Unit Development/Conditional Use Permit No. P 19-063:** Means and refers to that certain Planned Unit Development/Conditional Use Permit issued to Developer/Owner approved by the City Council subject to conditions pursuant to the Planned Unit Development/Conditional Use Permit Development Application issued on the ____ day of _____, 2019.
- 1.52 Planned Unit Development/Conditional Uses Ordinances:** Means and refers to the Planned Unit Development Ordinance of the KMC codified at Section 16.08.060 et. seq., a true and correct copy of which is attached marked *Exhibit A* and the Conditional Uses Ordinance of the City Codified at Section 17.116 et. seq. of the KMC, a true and correct copy of which is attached marked *Exhibit A*.
- 1.53 Project:** Means and refers to the intended development of the Subject Real Property in accordance with the Project Development Plan and subsequent occupation and use conduction Hotel Operations in accordance with a Four Star Hotel Operations Standard and as governed by this Agreement.
- 1.54 Project Development Plan:** Means and refers to and is all-inclusive of all City approved Developer/Owner plans, specifications and Permits for the completion of the Developed Project and is inclusive of the following:

- July 29, 2019 submittal package:
 - Written Description of Project
 - Narrative 01.02 – Development Plan
 - Narrative 01.03 – Project Analysis | Social Impact Study
 - Narrative 01.04 – Application of Standards 16.08.080
 - Narrative 01.05 – Development Schedule
 - Narrative 01.06 – Parking Analysis, July 16, 2019, Hales Engineering and Traffic Impact Study, July 12, 2019, Hales Engineering
 - Narrative 01.07 – Employee Housing Plan
 - Narrative 01.08 – Sub-Area Analysis
 - Narrative 01.09 – Contextual Hotel Components
 - Narrative 01.11 – Standards of Evaluation, Design Review, Conditional Use Permit, Development Agreement, and Hotels
 - Exhibit 02.01 – Plans, June 18, 2019 | Elevations, July 2, 2019 | Sections, July 2, 2019
 - Exhibit 02.02 – Floor Area Ratio (includes calculations, plans, and sections)
 - Exhibit 02.03 – Height Analysis (includes Contextual Elevations, Invisible Plane Diagram, Existing Topography Diagram, Compatibility Views, Gateway Study Recommendations)
 - Exhibit 02.04 – Sun Studies
 - Exhibit 02.05 – Civil Drawings, sheets C0.1, C0.2, C1.0, C2.0, C3.0, and C4.0
 - Exhibit 02.06 – Landscape Drawings sheet L1.0
 - Exhibit 02.07 – Exterior Color Palette
 - Exhibit 02.08 – Dark Sky Compliant Fixtures
 - Exhibit 02.09 – Traffic Study Diagrams

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- Exhibit 02.10 – Plat Map | Lot Line Adjustment
- Exhibit 02.11 – ROW Improvements
- Exhibit 02.12 – Soils Report | Perc Test
- Exhibit 02.13 – Flood Plain | Riparian Corridor
- Exhibit 02.14 – List of Adjacent Property
- Exhibit 02.15 – Waiver List
- July 29, 2019 and July 30, 2019 hearing submittal documents
 - Galena Staking Exhibit
 - AJC Architecture Virtual Reality Images
 - AJC Architecture PowerPoint Presentation
 - Hales Engineering PowerPoint Presentation
- River Street Encroachment Permit [pending]
- Any additional documents submitted by Applicant for Council’s review of PUD/CUP etc [pending]
- Full Design Review submittal package to Planning & Zoning Commission [pending]

1.55 ROW: Means and refers to public right-of-way for streets and utilities either owned by the City or ITD.

1.56 ROW Improvements: Means and refers to ROW improvements.

1.57 Section: Means and refers to a Section of this Agreement.

1.58 SH75: Means and refers to State Highway 75 as it lies within the City under the ownership and jurisdiction of ITD.

1.59 Subject Real Property: Means and refers to 1.048 acres more or less located within the City and Blaine County, Idaho, legally described and depicted in *Exhibit B*.

- This definition is inclusive of the real property described in the Preliminary Plat prepared by Galena Engineering for the purpose of removing the lot line that bisects the Subject Real Property and will revise pursuant to this Agreement the legal description of record in Blaine County.

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- 1.60 Term:** Means and refers to the duration of this Agreement which is perpetual as is set forth herein unless the word “term” is not capitalized.
- 1.61 Waiver Applications:** Means and refers to four (4) waiver Developer/Owner’s applications to the City for approval of the following requirements:
- Floor Area Ratio; and
 - Height/Stories; and
 - Minimum Lot Size; and
 - Front and Side Setbacks

SECTION 2 RECITALS

The Parties recite and declare:

- 2.1** The Developer/Owner is the owner of the Subject Real Property which is within the City limits of the City; and
- 2.2** The Developer/Owner intends to develop its Project upon the Subject Real Property in accordance with the Project Development Plan and thereafter occupy and possess the same in the conduct of Hotel Operations. In order to accomplish its intentions, the Developer/Owner has filed the Applications which have resulted in the City’s approval of the Permits which include terms and conditions of compliance by the Developer/Owner; and
- 2.3** The City 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 which govern the Developer/Owner’s intentions for the Developed Project and use of the Subject Real Property; and
- 2.4** The City has the following authority pursuant to Idaho Code Section 50-335 which provides:

50-335. DESTRUCTION OF BUILDINGS INIMICAL TO SAFETY AND HEALTH. All cities in the state of Idaho shall have power to declare any building or structure to be a nuisance which, in the opinion of the city council, is so dilapidated or is in such condition as to menace the public health or the safety of persons or property on account of increased fire hazard or otherwise; and any council may cause the destruction or

removal of any such building or structure at the expense of the person or persons, associations, corporations or copartnerships holding, owning or maintaining the same, and to levy a special assessment as provided in section 50-1008 [, Idaho Code], on the land or premises whereon the nuisance is situated, to defray the cost or to reimburse the city for the cost of destruction or removal of said building or structure so declared to be a nuisance.

- 2.5 A failure of the Developer/Owner to construct and occupy the Project has great potential to result in a vacant and abandoned partially completed Project. The Project is located in a very visible and central location within the City. A vacant and abandonment Project, particularly due to its size and location, will become an eyesore, become a negative effect upon neighboring properties, tourism and the commerce and the health and welfare of the residents, and property owners of the City and would resultantly become a nuisance; and
- 2.6 KMC section 16.08.120 C provides that prior to final approval of a PUD conditional use permit, the City Council may require a written agreement executed by the Developer/Owner to secure performance of any requirement or condition to be imposed as part of the approval, including, but not limited to Development and may also require recordation of documents establishing and guaranteeing the operation and maintenance of the Project; and
- 2.7 A special consideration for the City to issue the Permits to the Developer/Owner for the Project Development Plan is the Developer Owner's assurance of financial performance of the timely completion of the Developed Project in accordance with the terms and conditions of this Agreement.
- 2.8 The City's approval of the Permits and granting to the Developer/Owner's Development Rights is conditioned upon and is in consideration of the Developer/Owner's acceptance of the terms and conditions of the Permits which acceptance is in accordance with and governed under the terms and conditions of this Agreement.

SECTION 3 PERMIT CONDITIONS

The Developer/Owner, by entering into this Agreement for its Term, does hereby accept and agrees to perform in accordance with and abide by the terms and conditions of the Permits which terms and conditions are herein stated and to abide by the terms and conditions of the issuance of a Building Permit which are also stated in Sections 4 and 5 of this Agreement as follows:

- 3.1 **Construction and Occupancy Time Limits:** The following are the time limits that govern construction and occupancy of this Project:

3.1.1 Design Review Permit: Pursuant to KMC §17.96.090, the Design Review Permit is valid for twelve (12) months from the date of final decision on the associated Findings of Fact, Conclusions of Law, and Decision.

3.1.2 Building Permit: A completed application for the Project Development Plan building permit must be filed within twelve (12) months, the time as specified in KMC §17.96.090(A)(2). Any extension shall only be as allowed and specified in KMC §17.96.090.B.

3.1.2.1 Agreement Termination: In the event the Developer/Owner fails to complete the process of obtaining the issuance of the Building Permit for the Project within _____ months from the Effective Date, the Project Development Plan approvals and Permits and this Agreement shall then immediately terminate and be null and void.

3.1.3 Project Development Plan Phase Completion Timelines: The Developer/Owner shall complete the following Project Development Plan Phases in accordance with the following timelines following the issuance of Building Permit for the Project Development Plan: [detailed construction sequencing & approximate inspection dates – pending]

3.1.3.1 Demolition of existing structures on Subject Real Property: _____[date of completion]

3.1.3.2 Project site preparation after demolition including utility connection work: _____[date of completion]

3.1.3.3 Project foundation construction _____[date of completion]

3.1.3.4 Lower level basement and parking garage project framing including mechanical, fire sprinkler, electrical, windows and exterior doors _____[date of completion]

3.1.3.5 River Street first floor level project framing including mechanical, fire sprinkler, electrical, windows and exterior doors _____[date of completion]

3.1.3.6 River Street second floor level project framing including mechanical, fire sprinkler, electrical, windows and exterior doors _____[date of completion]

3.1.3.7 River Street third floor level project framing including mechanical, fire sprinkler, electrical, windows and exterior doors _____[date of completion]

3.1.3.8 River Street fourth floor level project framing including mechanical, fire sprinkler, electrical, windows and exterior doors _____[date of completion]

3.1.3.9 Project Roofing and siding -- HVAC _____[date of completion]

3.1.3.10 Project Interior, including utilities _____[date of completion]

3.1.3.11 Project construction outside of the hotel, including all required Public ROW improvements and Landscaping _____[date of completion]

3.1.4 Certificate of Occupancy: The following are Certificate of Occupancy issuance conditions:

3.1.4.1 Time Limits: A certificate of occupancy shall be issued for the Project no later than 365 days after the building permit is issued, unless an extension is granted in accordance with KMC §15.04.020.A.

3.1.4.2 Conditions Precedent: No Certificate of Occupancy shall be issued until the following items are complete:

3.1.4.2.1 All Design Review elements are complete to the satisfaction of the Planning & Building Department, and

3.1.4.2.2 All proposed encroachments within River Street right-of-way have been installed in accordance with the Approved Plans and to the satisfaction the City Engineer; and

3.1.4.2.3 All rooftop mechanical and electrical equipment is fully screened from public vantage points to the satisfaction of the Planning & Building Department, and

3.1.4.2.4 The Fire, Utilities, Building, Arborist, Streets, and Planning Departments have conducted final inspections and authorized issuance of a Certificate of Occupancy.

3.1.4.2.5 All River Street and SH75 ROW Improvements shall be completed in accordance with approved encroachment permit approvals to the satisfaction of the City Engineer and the ITD Engineer, respectively.

3.2 Building Permit Requirements. The following are the conditions precedent to the issuance of the Building Permit for the Project Development Plan:

- 3.2.1 Project Development Plan Approval.** The Project Development Plan, including Final Design Review approval and the recordation of this Agreement, shall be approved by the City; and
- 3.2.2 Building Demolition Permit Conditions:** The Developer/Owner right to proceed to demolish all or any portion of the existing structures on the Subject Real Property pursuant to the Building Demolition Permit approval shall follow the permit process as specified in KMC §15.16.040 including a 60 day waiting period for the demolition of historic buildings, prior to demolishing any historic structure on the Subject Real Property.
- 3.2.3 Subdivision Lot Line Shift Development Application Conditions:** The Developer/Owner as part of the process for approval of the Project Development Plan has made application to the City for removal of the common lot lines shared between the three lots that comprise the Subject Real Property, pursuant to subsection L of KMC §16.04.030. As set forth in the Preliminary Plat by Galena Engineering, subject plat amendment will remove the lot line bisecting the Property into a new one-lot subdivision. The Lot Line Shift Permit No. P 19-064 approved final Plat Map reflecting such changes shall not be recorded and become effective until after all River Street ROW improvements and utilities have been installed to the satisfaction of the City Council as set forth in §16.04 of the City Subdivision Ordinance.
- 3.2.3.1 Deferment of Final Plat Recordation:** Subject to City Council approval of the Project Development Plan inclusive of the PUD, including deferment of the final plat Time Limitations set forth in KMC §16.04.030.H, the Applicant may be issued a Building Permit prior to final plat recordation and shall record the new Lot 3A plat concurrently with a Certificate of Occupancy being issued by the City for the Project.
- 3.2.3.2 City Department Requirements:** All requirements of the fire, utility, building, planning and streets and facilities departments of the City shall be met and all public improvements shall meet the requirements of the City Engineer.
- 3.2.3.3 Utility Plan:** A full utility plan will be required prior to final plat recordation and infrastructure construction.
- 3.2.3.4 Riparian and Scenic Easement:** A twenty-five foot (25') riparian and scenic easement is shown on the plat. Any work in this area is subject to separate floodplain rules and regulations; and
- 3.2.3.5 Fisherman's Easement:** A ten-foot (10') fishermen's easement adjacent to the OHWM of Trail Creek and access through the Subject Real Property shall be shown on the plat; and

- 3.2.3.6 Building Envelope:** A Building Envelope (“BE”) will be reflected on the final plat consistent with the approved final Agreement for the Project. Subject BE will reflect the Council’s final approval on FAR, corner lot radii sight line requirements, and front/side yard setbacks. The BE shall not encroach within 25’ of Trail Creek or within 25’ of the edge of ITD ROW; and
- 3.2.3.7 Removal Existing Vegetation:** The removal of existing mature trees and/or established shrub masses is subject to approval and adoption of the Applicant’s landscape plan through the Design Review and/or Floodplain Development Permit process; and
- 3.2.3.8 Encroachment Permits:** An encroachment permit from ITD as well as the City will be required for all improvements to public right of way. As a condition of Plat approval, subject sidewalk and street lighting to city standards shall be installed prior to final plat recordation unless otherwise approved by the City Council; and
- 3.2.3.9 Drawing Approvals:** Prior to grading occurring on the new Lot 3A, City approval of the Applicant’s grading, drainage and landscaping construction drawings is required. Subject construction drawings shall be consistent in concept with approved Design Review, Encroachment Permit, and related drawings.
- 3.2.4** Storm Water Management Pollution Prevention Plan (“SWPPP”) in accordance with local, state and federal laws and regulations is in place for the Project Development Plan.
- 3.2.5** A detailed Project Development Plan Construction Staging and Mitigation Plan which is consistent with the standards specified in Chapter 15.06 of KMC, including provisions for off-site parking for contractors, sub-contractors, and other trades associated with the construction of the Project, off-site storage of bulk materials, and required right of way encroachments during construction, shall be submitted and approved by Building Administrator prior to Building Permit approval.
- 3.2.6** The Developer/Owner has secured a will serve letter from Idaho Power, Clear Creek Disposal and other applicable public and private utility providers prior to issuance of a Building Permit.
- 3.2.7** The River Street Encroachment Permit from the City has been issued.
- 3.2.8** The Developer/Owner has completed the process set forth in Section 4 with the issuance of the irrevocable letter of credit and the City Project Development Plan Agent has accepted and secured subject irrevocable letter of credit consistent with this Agreement. As set forth in §4.5 herein, the irrevocable letter of credit shall include: an amount equal to 130% of the approved Project Development Plan Bid;

an amount equal to 150% of engineering estimates of the ROW Improvements; and, an amount to lower parking demand and traffic impacts.

3.2.9 The project shall pay the plan check and building permit fees that are in effect at the time of plan check and building permit submittal. Prior to issuance of a building permit, project impact fees (police, fire, parks and streets) and water and sewer connection fees shall be paid in an amount not too exceed \$ [REDACTED] in accordance with the methodology established in the KMC Chapter 15.12 and any subsequent changes made prior to issuance of a building permit.

3.3 Emergency Services and Standards Conditions: The following are emergency services and safety terms and conditions of the Project Development Plan construction:

3.3.1 Completion of Fire Improvements. The City Building Official or the City Fire Marshal may withhold building and/or fire inspection approval for any phase of construction of the Project Development Plan until all necessary components of the water and/or fire alarm system sufficient to provide protection for that portion of the Project are complete.

3.3.2 Fire Access During Construction. Vehicle parking and material storage during Project construction shall not restrict or obstruct public streets or access to any building. Emergency vehicle access shall be maintained as required by the Fire Chief. Once construction begins on the second floor and above, 26-foot aerial ladder truck access is required along one entire side of the building, in a location approved by the Fire Marshal, for evacuation of injured persons from upper floors. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times.

3.3.3 Fire Code Requirements. The Project shall comply with all the terms and conditions set forth in the City Fire Department Pre-application Requirements Memo dated June 24, 2019 from Tom Ancona, Assistant Chief & Fire Marshall, inclusive of subsequent amendments thereto, as well as all 2012 International Fire Code requirements and any additional specific City Building (Chapter 2 15.04 and 15.06) and Fire Ordinances (Chapter 15.08).

3.4 Project Development Plan Construction Plans and Master Plan Conditions: The following are conditions of Construction Plans and the Master Plan approval for the Project Development Plan:

3.4.1 ROW Improvements and Use Conditions: The following are Project Development Plan ROW Improvements and use terms and conditions of Project Development Plan construction:

3.4.1.1 DIG Permit: The Developer/Owner 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 ROW to be reviewed and approved by the Streets and Facility Department.

3.4.1.2 Temporary Use of Right-of-Way Permit: The use of City right-of-way for Project Development Plan construction which includes the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).

3.4.1.3 Public ROW Encroachments. Abutting the Subject Real Property are two public rights of way (“ROW”). To the east is State Highway 75 (“SH75”), which is owned and maintained by the Idaho Transportation Department (“ITD”). To the north is River Street, which is owned and maintained by the City. This Project qualifies as a substantial improvement, therefore for the Project Development Plan must include the installation of sidewalks equal to the length of the subject Real Property boundary line adjacent to any public street (KMC §17.96.060). Prior to issuance of a Building Permit, the Developer/Owner shall obtain approval of all ROW encroachments within the ROW pursuant to a separate ROW encroachment agreement approved by the City Council.

3.4.1.3.1 SH75 Encroachment Permit. ITD has an approved Record of Decision (“ROD”) that includes a 3-lane section with a six-foot (6’) wide sidewalk abutting the Subject Real Property. Subject ITD improvements to the SH75 ROW are proposed to be installed by ITD in Fiscal Year 2025 with road work in the vicinity, at the earliest, occurring in October of 2025. The installation of these SH75 Improvements by ITD and, particularly, the striping of a dedicated left turn lane West Bound onto River Street with adequate queuing for cars turning onto River Street is important to traffic flow both along SH75 and into the Project.

3.4.1.3.2 Center Turn Lane for SH 75/River Street Intersection: Given the Owner’s timeframe for construction and Certificate of Occupancy, subject SH75 work will not be conducted by ITD prior to the Developed Project and the commencement of Hotel Operations. Given that the City has determined that a center turn lane with adequate queuing of approximately fifty to one hundred feet (50’ – 100’) is necessary for the SH75/River Street intersection to retain its current Level of Service (“LOS”) for vehicular car movement, therefore the Developer/Owner shall file with ITD an application for an encroachment permit. The Developer/Owner and City shall work together to attain approval from ITD for the construction and striping of a partial center turn near the River Street intersection north of

the Trail Creek bridge. The Developer/Owner shall pay for engineering, traffic control and construction costs for subject SH75 improvements adjacent the Project.

- 3.4.1.3.3 Signage & Striping:** To avoid excessive delays for east bound traffic on River Street, subject to review and approval by ITD and the City, the Developer/Owner shall fund and install appropriate signage and improvements to allow only a right turn onto southbound SH75 as the intersection of SH75 and River Street.
- 3.4.2 Pedestrian Safety.** To help assure pedestrian safety and consistent with KMC §§16.08.080 and 17.116.030, at the discretion of the Council and subject to review and approval by ITD, the Developer/Owner shall work with the City and ITD to upgrade the unsignalized SH75 and River Street crossing (on north-side) to include a rectangular rapid flashing beacon (RRFB) crosswalk similar to 4th Street. The circulation design shall meet all standards as specified in KMC §17.96.060.G.
- 3.4.3 Terrace Walls.** Developer/Owner plans for and construction of terrace walls on the Subject Real Property adjacent to SH75 and neighboring property to the west will be subject to future design review as provided by KMC at the time the application is filed for approval at the discretion of the Administrator.
- 3.4.4 Setback, FAR and Height Waivers Limitations:** The approval of the Developer/Owner Waiver Applications which concern setbacks, FAR, and height of the Project shall comply with Final Design Review for the Project as approved by the City. The final plans once approved and integrated into the Project Development Agreement by the Ketchum City Council illustrate areas where buildings may exceed height and bulk limitations. As conditioned herein above, City acknowledges the zoning and subdivision waivers set forth in the in the City Council Findings granting Planned Unit Development/Conditional Use Permit.
- 3.4.5 Floodplain.** All conditions of Floodplain Development Permit P19-062 shall be adhered to. Any deviations to said permit shall be issued in writing through an amendment to the permit process in accordance with the terms and conditions and process of Section 5 of this Agreement.

 - 3.4.5.1** At minimum, structures on the north side of Trail Creek shall be set back a minimum of twenty-five feet (25') from the mean high water mark. No unauthorized construction activity shall occur within the riparian setback. Riparian vegetation shall be maintained in its natural state.
 - 3.4.5.2** The term of floodplain development permit and waterways design review shall be twelve (12) months from the date that findings of fact, conclusions of law and decision are signed by the Administrator or upon

appeal, the date the approval is granted by the Planning and Zoning Commission, subject to changes in zoning regulations. Application must be made for a Building Permit (if required) with the City Building Department during the twelve (12) month term. Once a Building Permit (if required) has been issued, the approval shall be valid for the duration of the Building Permit. Unless an extension is granted as set forth in KMC 17.88.050.G, failure to file a complete Building Permit application (if required) for a project in accordance with these provisions shall cause said approval to be null and void.

- 3.4.5.3** This Waterways Design Review and Floodplain Development Permit approval is based on the plans, as referenced above, and information presented and approved at the meeting on the date noted herein. Any building or site discrepancies which do not conform to the approved plans will be subject to removal.
- 3.4.5.4** Pursuant to Chapter 17.88.040.C, no chemicals or soil sterilants are allowed within 100 feet of the mean high-water mark. No pesticides, herbicides, or fertilizers are allowed within 25 feet of the mean high-water mark unless approved by the City Arborist. All applications of herbicides and/or pesticides within one hundred feet (100') of the mean high-water mark, but not within twenty-five feet (25') of the mean high water mark, must be done by a licensed applicator and applied at the minimum application rates. Application times for herbicides and/or pesticides will be limited to two (2) times a year; once in the spring and once in the fall unless otherwise approved by the city arborist. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.
- 3.4.5.5** Prior to commencement of any construction activity on the Subject Real Property the silt fence and inlet protection shall be installed as indicated in civil sheet 2.0.
- 3.4.5.6** No maintenance, including the mowing, trimming, and removal of vegetation, and no construction activities, encroachment, or disturbance within the riparian zone shall take place without approval through an amendment to this permit, during the time period the permit is in effect, or through approval of a subsequent permit.
- 3.4.5.7** It shall be unlawful to dump, deposit or otherwise cause any trash, landscape debris or other material to be placed in any stream, channel, ditch, pond or basin that regularly or periodically carries or stores water.
- 3.4.5.8** This Waterways Design Review and Floodplain Development Permit approval is based on the plans, as referenced above, and information presented and approved at the meeting on the date noted herein. Any

building or site discrepancies which do not conform to the approved plans will be subject to removal.

3.4.5.9 Pursuant to Chapter 17.88.040.C, no chemicals or soil sterilants are allowed within 100 feet of the mean high-water mark. No pesticides, herbicides, or fertilizers are allowed within 25 feet of the mean high-water mark unless approved by the City Arborist. All applications of herbicides and/or pesticides within one hundred feet (100') of the mean high-water mark, but not within twenty-five feet (25') of the mean high water mark, must be done by a licensed applicator and applied at the minimum application rates. Application times for herbicides and/or pesticides will be limited to two (2) times a year; once in the spring and once in the fall unless otherwise approved by the city arborist. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.

3.4.5.10 Prior to commencement of any construction activity on the Subject Real Property the silt fence and inlet protection shall be installed as indicated in civil sheet 2.0.

3.4.5.11 No maintenance, including the mowing, trimming, and removal of vegetation, and no construction activities, encroachment, or disturbance within the riparian zone shall take place without approval through an amendment to this permit, during the time period the permit is in effect, or through approval of a subsequent permit.

3.4.5.12 It is unlawful to dump, deposit or otherwise cause any trash, landscape debris or other material to be placed in any stream, channel, ditch, pond or basin that regularly or periodically carries or stores water.

3.4.6 Utilities Plan: As a part of the Construction Plans the Developer/Owner shall submit Project utilities plan indicating the location and size of water and sewer mains as well as gas, electric, TV and phone services (KMC §17.96.040.C.2c & KMC §17.96.060.D.1-3). Per KMC §17.96.060.D.2, utilities shall be located underground and utility, power, and communications lines within the Project Development Plan site should be concealed from public view.

3.4.7 Water & Sewer: Developer/Owner shall engineer, construct and extend, at its sole expense, the City water and sewer system improvements throughout the Project.

3.4.7.1 Connection Fee Credit. Owner requests water and sewer service from the City to the Subject Real Property and the City agrees to provide such water and sewer service at the same fees as charged to equivalent users of City's water and sewer systems in accordance with the fee methodology in effect at the issuance of the Building Permit. Final fee calculations shall credit, as applicable, services abandoned with the

demolition of the previous mixed use buildings on Subject Real Property.

3.4.7.2 Improvements. All such improvements shall be designed and constructed in accordance with the standards of, and Construction Plans and specifications approved by, the State of Idaho, Department of Health and Welfare, Division of Environmental Quality, and City.

3.4.7.3 As-built Drawings. All construction plans shall be approved by the City and as-built drawings provided to the City upon acceptance of the Project improvements by the City.

3.4.8 Drainage. Project Drainage system Construction Plans shall be submitted to the City Engineer for review and approval. Pursuant to KMC §17.96.060.C, all storm water shall be retained on site, drainage improvements constructed shall be equal to the length of the Subject Real Property boundary lines, and all drainage facilities shall be constructed per City standards. All drainage improvements shall meet the applicable design criteria as specified in KMC §12.04.030.

3.4.9 Landscaping. Developer/ Owner shall install all landscaping and related improvements for the Project located on private property in accordance with Design Review requirements which includes the detailed landscape Construction Plans as submitted as part of the Design Review Permit. The landscape Construction Plans shall include the following, which is not exhaustive: species sizes, quantities and location; significant stepping and retaining walls between the Subject Real Property and State Highway 75; in compliance with all floodplain and riparian regulations. Pursuant to KMC §17.96.060.I, landscape materials and vegetation types specified shall be readily adaptable to the microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the townscape. All trees, shrubs, grasses, and perennials shall be drought tolerant. Any landscaping or improvements within the ROW shall be installed consistent with the approved ROW Encroachment Agreement.

3.4.10 Lighting. All Project lighting shall comply with the City Dark Sky Standards, Chapter 17, KMC. The Design Review Permit includes the required exterior lighting plan identifying the location, height, type, lumen output, and specifications for fixtures (KMC §17.96.040.C.2h). All exterior lighting fixtures shall be full cutoff fixtures with the light source fully shielded and an associated color temperature not to exceed 2700 Kelvin (KMC §17.132.030). Street lights shall be installed within the ROW subject to the review and approval of the City Engineer.

3.4.11 Employee Housing Units. The Developer/Owner shall use and maintain the Subject Real Property for Hotel Operations and shall either maintain or enter into a master lease with the Hotel Operator for apartment units within the Developed Project containing thirty (30) beds and thereby fulfill and satisfy the employee housing obligation of this Project consistent with KMC §17.124.050. All leased

apartment units must be subleased, assigned or otherwise made available to employees of the Hotel Operator on terms and conditions determined by it in the exercise of its discretion.

3.4.12 Hotel Operations. The core intended feature of the Developed Project is a hotel building being used for Hotel Operations at an industry acknowledged Four Star Hotel Operations Standard. Adherence to a Four Star Hotel Operations Standard, particularly during Peak Travel Season, affects the sufficiency of on-site parking and traffic circulation in the immediate vicinity of the Project and is a requirement of the Hotel Operator's occupancy and use of the Developed Project.

3.4.13 Lower Parking Demand and Traffic Impacts. To assure that the Developer/Owner and/or Hotel Operator provides guest shuttle, employee shuttle, car share program, transit passes, carpool program, and alternative transportation (such as bike storage for employees), the Developer/Owner and/or Hotel Operator shall include in the irrevocable letter of credit a Lower Parking Demand and Traffic Impacts amount of \$ [REDACTED] for a period of not greater than five (5) years upon which the City Council may request a draw to cover the City's costs in the mitigation of lowering traffic impacts and/or parking demands associated with the Developer/Owner and/or Hotel Operator's failure to comply. The process to be followed for a request for a draw, pursuant to this Section on the letter of Credit is governed chronologically first by Section 4 and then Section 5 of this Agreement.

3.4.14 Parking & Loading. Prior to Certificate of Occupancy, a Project Parking Plan verifying public use, validation processes for determining parking charges (if any) for the public and the six (6) displaced public parking spaces, and other details at the discretion of the City, shall be provided and approved by Ketchum City Council for the Project Parking Garage. The Project Development Plan has a total of 90 parking spaces. Of those 90 spaces, 66 spaces are required for the Four Star Hotel Operations Standard, 14 spaces are required for employee housing, 1 space is required for the restaurant/bar, and 6 are required for the public to mitigate displaced public parking spaces from River Street. Of this total, not less than:

3.4.14.1 Fourteen (14) stalls shall be allocated for Hotel Operations employee housing, inclusive of at least one (1) car share vehicle; and

3.4.14.2 Six (6) underground parking stalls s will be available to the general public at no charge to the public while using the conference center, spa, restaurant and bar. A validation system may be employed by the Developer/Owner and/or Hotel Operator with regard to the monitoring of public use of the six, free-of-charge, underground public spaces located in the Project Parking Garage; and

3.4.14.3 Guest shuttle, employee shuttle, car share program, transit passes, carpool program, alternative transportation (bike storage) – shall be provided as a part of the Four Star Hotel Operations Standard.

3.4.14.4 During and upon completion of the construction of the Project Development Plan, delivery vehicles associated with the Project shall not interfere with the regular flow of traffic surrounding the Subject Real Property. Delivery vehicles shall not block the regular flow of traffic along River Street.

3.5 Planned Unit Development Conditional Use Permit Conditions: Planned Unit Development/Conditional Use Permit No. P 19-063 approval includes the following conditions and other conditions as provided in this Agreement:

3.5.1 Project Height Limitations: The maximum height of the Project shall comply with the provisions of Section 3.4.4.

3.5.2 Final Plat Time Limitation: The Project final plat time limitations are set forth in Section 3.2.3.

3.5.3 Certificate of Occupancy Conditions: No Certificate of Occupancy shall be issued until the Certificate of Occupancy Conditions [Section 3.1.4 of this Agreement] have been complied with.

3.5.4 Drainage system plans: The drainage system conditions are set forth in Section 3.4.8.

3.5.5 Utility plans: The Utility Construction Plans conditions are set forth in Section 3.4.6.

3.5.6 Hotel Operations Employee Housing: The Hotel Operations employee housing conditions are set forth in Section 3.4.11.

3.5.7 Hotel Operations: The Hotel Operations Conditions are set forth in Section 3.4.12.

3.5.8 Parking Spaces: The Developed Project and Hotel Operations parking space conditions are set forth in Section 3.4.13.

3.5.9 Letter of Credit Conditions and Process: The letter of credit issuance and process Project completion assurance conditions are set forth in Section 4.

3.5.10 Public ROW Improvements and Use: Public ROW improvements and use conditions are set forth in Section 3.4.1.

3.5.11 Emergency Services and Safety Conditions: The emergency services conditions and safety conditions as set forth in Section 3.3.

3.5.12 City Department Requirements: All requirements of the Fire, Utility, Building, Planning and Streets and Facilities departments of the City shall be met. All

public improvements shall meet the requirements of the Public Works Department.

3.5.13 KMC Compliance Conditions: All other provisions of KMC, Chapters 16 and 17 and all applicable ordinances rules and regulations of the City and other governmental entities having jurisdiction shall be complied with in the Project Development process.

3.6 Loading Requirements. During and upon completion of the construction of the Project Development Plan, delivery vehicles associated with the Project shall not interfere with the regular flow of traffic surrounding the Subject Real Property. Delivery vehicles shall not block the regular flow of traffic along River Street.

3.7 Utilities and Warranty. All Project Development Plan utilities, including water, sewer, gas, cable, phone and electric shall be installed underground within the street rights-of-way. This includes on site and off site utilities: no above-ground utility lines are permitted on the Subject Real Property. Detailed engineered construction drawings and specifications for construction of such improvements shall be prepared by Developer/Owner and approved by the City prior to construction. Prior to acceptance of any such improvements to be dedicated to City, the City shall inspect and approve same and Developer/Owner shall provide the City with “as built” drawings thereof. The Developer/Owner warrants to the best of its knowledge the “as built drawings” are substantially correct and Developer/Owner shall, for a period of one (1) year from the date of the City’s receipt of said drawings, be liable and hold the City harmless for any damage proximately caused by reason of a material error in said drawings.

3.7.1 Transfer of Warranties. Developer/Owner agrees to assign any warranties accruing to it and arising out of construction of the improvements described in this Section remaining in effect at the time such improvements are transferred and/or dedicated to and accepted by the City.

3.8 Certificate of Occupancy: No Certificate of Occupancy shall be issued for the use and occupancy of this Project until the following items are complete:

3.8.1 All Design Review elements of the Project Development Plan have been completed and approved by the Planning & Building Department; and

3.8.2 All proposed encroachments within the City’s River Street right-of-way have been installed in accordance with the Project Development Plan and approved by the City Engineer; and

3.8.3 All rooftop mechanical and electrical equipment is fully screened from public view and approved by the Planning & Building Department; and

3.8.4 The City’s Fire, Utilities, Building, Arborist, Streets, and Planning Departments have conducted final inspections and authorized issuance of a Certificate of Occupancy.

- 3.9 City Administrative Review Fees:** The Developer/Owner shall be charged and shall pay the City Administrative Review Fees for the administration of the Developer/Owner's and the City's performance of this Agreement.
- 3.10 Conditions to Owner's Obligations.** Owner's obligations hereunder are conditioned upon (1) receiving all the referenced approvals from the City and (2) securing financing. If either of those conditions (or part of one) is not satisfied, then this Agreement shall no longer be valid.
- 3.11 Local Option Tax.** Hotel Operations shall be subject to the provisions of KMC Section 3.12 (the City "Local Option Tax Ordinance") and any amendments or recodifications thereof relating to local option taxes inclusive of the following:
- 3.11.1 Beverage, Food & Retail Sales.** All retail, food and beverage sales on the Subject Real Property and in the Project shall be subject to the local option tax.
 - 3.11.2 Building Materials.** The Project and Subject Real Property building materials shall be subject to the local option tax on building materials.
 - 3.11.3 Employee Housing.** The obligation to pay local option tax shall not apply to the rental of employee housing units.
 - 3.11.4 Future Amendments to LOT Ordinance.** Any amendments to or repeal of Local Option Tax Ordinance and/or Idaho law relating to such local option taxes shall also apply to and modify this Section to the extent of such amendment(s) and/or repeal.
 - 3.11.5 Hotel Rooms.** All hotel rentals shall be subject to the local option tax, regardless of who makes the reservation, including independent third party travel agencies or other independent parties.
 - 3.11.6 Short-term rentals.** All non-hotel rentals, if any, shall be subject to the local option tax on short-term rentals.

**SECTION 4
PROJECT DEVELOPMENT PLAN COMPLETION ASSURANCE PROCESS AND
CONDITIONS**

- 4.1** This Section contains the terms and conditions of the process to assure that the Developed Project is constructed in compliance with the Project Development Plan and completed in accordance with the Project Development Plan Phase Condition Timelines and the performance by the City of the provisions of this section shall be conducted by the City Project Development Plan Agent.

- 4.1.1** In the event the City Project Development Plan Agent designates a designee/s the same shall be in writing and a copy thereof shall be provided to the Developer/owner.
- 4.2** Within Sixty Days of the Effective Date the Developer/Owner shall obtain and provide to the City Project Development Plan Agent an irrevocable bid or commitments from licensed contractor/s [and construction managers if desired] to enter into construction contract with the Developer/Owner to construct the Project Development Plan in accordance with the Project Development Plan Phase Condition Timelines (the “Project Development Plan Bid”) which bid or commitments includes all of the following:
- 4.2.1** Each separate and total bid cost; and
- 4.2.2** The respective schedules of values apportioned to the various divisions or phases of the Project Development Plan Work with each line item containing a schedule of monetary price values such that the total of all items shall equal the total bid cost; and
- 4.2.3** A reasonable liquidated damages penalty for failure to timely construct; and
- 4.2.4** A Developer/Owner option for failure to timely construct to secure another contractor to timely construct the Project Development Plan; and
- 4.2.5** Performance bond and a payment bond equal to the total bid costs to assure the timely completion of the construction of the Project Development Plan; and
- 4.2.6** Permission to allow City Project Development Plan Agent or their designee to inspect as may be reasonably needed in compliance with this Agreement.
- 4.3** The Developer/Owner shall then provide a copy of the Project Development Plan Bid to the City Project Development Plan Agent who shall review the same and determine (within 28 days) whether or not it is:
- Complete; and
 - Complies with this Agreement; and
 - Has been submitted by a reasonably responsible bidder.
- 4.3.1** The City Project Development Plan Agent shall, within the 28 days, conduct a reasonable inspection and provide a written report to the Developer/Owner either approving the Project Development Plan Bid or specify any failures and identifying what is needed to obtain compliance and approval.
- 4.4** Subsequent to the City Project Development Plan Agent’s approval of the Project Development Plan Bid, the Developer/Owner shall enter into a contract/s for the Project Development Plan construction (the “Project Development Plan Construction Contract”) in accordance with the approved Project Development Plan Bid.

4.5 Letter of Credit: In coordination with the entering into the Project Development Plan Construction Contract the Developer/Owner shall cause to be issued an irrevocable letter of credit on a bank, acceptable to the City Finance Manager and in a form acceptable to the City Project Development Plan Agent and the City Attorney which complies with the following which shall govern its use:

4.5.1 In an amount equal to 130% of the approved Project Development Plan Bid [the additional 30% to cover contingencies, and City Administrative Review Fees costs] and additionally:

4.5.2 An amount equal to 150% of engineering estimates of the ROW Improvements; and

4.5.3 A Lower Parking Demand and Traffic Impacts amount of \$_____.

4.5.4 For a period of sixty-four (64) months from the date of issue as a financial guarantee to the City

4.5.5 Which letter of credit shall provide for and accommodate the following process:

4.5.5.1 Requests for partial releases of the amount of letter of credit shall be made by the Developer/Owner to the City Project Development Plan Agent in writing in amounts equal to an approved request for payment in accordance with the Project Development Plan Construction Contract. In the event the request involves Partial release involving ROW Improvements the same may be made when there has been an acceptance of subject River Street ROW Improvements by the City; and when there has been formal commencement of work by ITD of the SH75 ROW Improvements adjacent the Subject Real Property; and/or upon complete installation of the SH75 ROW Improvements adjacent the Subject Real Property.

4.5.5.1.1 The City Project Development Plan Agent shall then have 5 business days to review and conduct a reasonable inspection and provide a written report to the Developer/Owner of review either approving or denying the request in which approval or denial shall be based upon whether or not the request is in compliance with the terms of this Agreement together with an invoice for the then accrued City Administrative Review Fees which the Developer/Owner may elect to pay directly or to authorize a draw on the line of credit by the City equal to the amount of the accrued City Administrative Review Fees. In the event of a denial of the request, the City Project Development Plan Agent shall specify any failures and identify what is needed for compliance and approval.

4.5.5.1.2 The Developer/Owner shall then within 5 business days provide to the City Project Development Plan Agent their response.

- In the event the City Project Development Plan Agent draws on the letter of credit, the funds received shall then be placed by the City Finance Manager in the City's Custodial Holding Fund for expenditure in accordance with the City Council's Findings of Fact, Conclusions of Law and Order of Decision and order finding a default in the enforcement of the specific performance of this Agreement.

4.5.5.3.2 In the circumstance of an approved partial release and Developer/Owner consent to an authorized City Administrative Review Fees draw by the City the request is made in writing by the City Project Development Plan Agent together with the following proof with a copy to the Developer/Owner:

- The Developer/Owner's written authorization of the draw on the line of credit.

4.6 City Project Development Plan Agent: The City officials, who are involved in the process of approval of the Developer/Owner's performance of the terms and conditions of this Agreement, shall notify the City Project Development Plan Agent of the timely performance or default of the Developer/Owner and the Project Development Plan Agent shall coordinate with the Developer/Owner on such matters in the process of the completion of the Developed Project and subsequent Developer/Owner performance matters governed under this Agreement.

4.6.1 In the event the City Project Development Plan Agent appoints a designee, written notice of the name and contact information and authority designated shall be immediately provided to the Developer/Owner.

SECTION 5 PROJECT DEVELOPMENT PLAN MODIFICATIONS SUBSEQUENT TO BUILDING PERMIT ISSUANCE

- 5.1** The construction of the Project pursuant to the Building Permit issue shall substantially comply with the Project Development Plan and comply with any other applicable KMC and approved plan submittals required and relied upon for the issuance of the Building Permit.
- 5.2** The Administrator is authorized to approve minor modifications, as defined by KMC §17.08.020, to the Project Development Plan.
- 5.3** Any material change to the Project Development Plan, after the Building Permit has been issued, must be applied for by Developer/Owner in accordance with the following process and authorization:

- 5.3.1 The proposed change shall be submitted in writing as a Design Review request to the Planning & Building Department for review by the Administrator; and
- 5.3.2 A written description shall be included which depicts all proposed modifications and all changes which are clearly indicated on the associated drawings; and
- 5.3.3 Pursuant to KMC §17.96.030.A, the Administrator reviews the Design Review requests and determines whether the request must be reviewed by the Administrator or by the Planning and Zoning Commission for recommendation to the City Council of denial or approval of the request; and
- 5.3.4 The recommendation of the Administrator or the Planning and Zoning Commission, as the case may be, is submitted to the City Council who shall conduct a public hearing and provide notice in accordance with the PUD approval process to decide the matter as the final administrative action of the City.

SECTION 6 DEFAULT

- 6.1 **Enforcement of Terms and Conditions of the Agreement.** The enforcement of the terms and conditions of this Agreement and the Permits issued by the City, excepting any terms and conditions which are based upon International Codes under the jurisdiction of the Building Official or the Fire Marshall, are as follows:
 - 6.1.1 **International Code Defaults:** The failure of the Developer/Owner, or the failure of the City to comply or perform, in accordance with the terms and conditions of this Agreement which involve conditions of Permits governed under International Codes shall be processed in accordance with the provisions of the applicable International Code involved.
 - 6.1.2 **All Other Defaults:** Otherwise the failure of the Developer/Owner, or the failure of the City to comply or perform, in accordance with the terms and conditions of this Agreement or the terms and conditions of any Permit which is the subject of this Agreement, shall be a Default of this Agreement (“Default”) and processed as follows:
 - 6.1.2.1 **City Default Claims.** A claim of Default by the City will be made by the City Project Development Plan Agent may be made against the Developer/ Owner.
 - 6.1.2.2 **Developer, Owner Default Claims:** A claim of Default may be made by the Developer/Owner against the City.
 - 6.1.3 **Claimant and Accused.** For purposes of this Section of the Agreement, a claim of Default is made by a (“**Claimant**”) against an (“**Accused**”).

6.1.4 Written Default Notice of Intent. The Claimant shall serve the Accused with a Written Default Notice of Intent (“**Notice of Intent**”).

6.1.4.1 The Notice of Intent shall state the factual and legal basis for the claim of Default, the actions required to be taken by the Accused to cure the claim of Default and shall state the Default Cure Remedy that will be sought if the Default is not cured and a demand that the Accused respond in writing, within a reasonable stated time, as to whether or not the Accused consents to comply with the Notice of Intent or denies the claim of Default. The reasonable time frame shall depend upon the exigencies surrounding the matters and facts set forth in said Notice of Intent.

6.1.4.2 The Accused shall have a minimum of fourteen (14) days to remedy to the Notice of Intent.

6.1.4.3 The Notice of Intent shall be served as follows upon:

- **Developer:** by U.S. Mail to the address herein designated by Developer; and
- **Owner:** by U.S. Mail to the address of its registered agent; and
- **City:** by U.S. Mail to the address herein designated by the City.

6.1.5 Notice to Show Cause. In the event the Accused fails to correct and remedy a Notice of Intent, within the reasonable time designated in the Notice of Intent, to the satisfaction of the Claimant, the Claimant shall then request the City Council to proceed to set a hearing and provide written notice of the hearing to show cause to the Accused why the Claimant’s Default Cure Remedy to cure the claim of Default as identified in the Notice of Intent should not be ordered.

6.1.5.1 The written notice of the hearing to show cause shall be served upon the Claimant and the Accused at least twenty-eight (28) days in advance of the hearing.

6.1.5.2 At the hearing to show cause, the Accused may present evidence as to why it or they are not in Default.

6.1.5.3 Following any presentation of evidence by the Accused and any rebuttal by the Claimant and any other interested persons, the City Council shall determine the matter and issue Findings of Fact, Conclusions of Law and an Order of Decision in accordance with the evidence presented at the Show Cause hearing.

6.1.5.4 The Findings of Fact, Conclusions of Law and Order of Decision issued by the City Council shall be the final administrative remedy of

any claim of Default under this Agreement and the Parties may thereafter seek legal action in a court of competent jurisdiction for any legal or equitable remedy, including, without limitation, declaratory relief and or specific performance of this Agreement as the case may be, but the Parties shall not be entitled to consequential damages in any such action.

- 6.1.6 Prevailing Party.** In the event any Party shall file suit or action at law or equity to interpret or enforce this Agreement, the provisions of Idaho Code Section 12-117, or any subsequent amendment or recodification of the same, shall apply to the determination of the prevailing Party and the award of reasonable attorney's fees, witness fees and other reasonable expenses.

SECTION 7 SHARED LEGAL DEFENSE OF THIS AGREEMENT

- 7.1 Shared Agreement Legal Defense Costs.** In the event that any legal or equitable action or other proceeding is instituted by a third-party challenging the validity of any provision of this Agreement, the Parties will cooperate in defense of such action or proceeding. The City and the Developer may agree to select mutually agreeable legal counsel to defend such action or proceeding with the Parties sharing equally in the cost of such joint legal counsel, or each Party may select its own legal counsel at each Party's expense. All other costs of such defense(s) shall be shared equally by the Parties. Each Party retains the right to pursue its own independent legal defense.

SECTION 8 NOTICES AND FILINGS

- 8.1 Manner of Serving.** All notices, filings, consents, approvals and other communications provided for herein or delivered in connection herewith shall be validly delivered, filed, made, or served if in writing and delivered personally or delivered by a nationally recognized overnight courier or sent by certified United States Mail, postage prepaid, return receipt requested, if to:

City:

City Project Development Plan Agent
P.O. Box 2315
480 East Ave. N.
Ketchum, Idaho 83340

Developer:

PEG Ketchum Hotel, LLC
Attn: Nick Blayden
180 N. University Avenue, No. 200
Provo, Utah 84601

With a copy to:

William F. Gigray, III
WHITE PETERSON
5700 E. Franklin Rd., Suite 200
Nampa, ID 83687

Owner:

PEG Ketchum Hotel, LLC
Attn: Nick Blayden
180 N. University Avenue, No. 200
Provo, Utah 84601

or to such other addresses as either Party hereto may from time to time designate in writing and delivery in a like manner.

- 8.2 Mailing Effective.** Notices, filings, consents, approvals and communication given by mail shall be deemed delivered immediately if personally delivered, 24 hours following deposit with a nationally recognized courier, or 72 hours following deposit in the U.S. mail, postage prepaid and addressed as set forth above.

**SECTION 9
DEVELOPER/OWNER ASSIGNMENT OF AGREEMENT RIGHTS**

- 9.1 Developer/Owner Assignment:** The assignment of any of the Developer/Owner's rights and obligations of this Agreement shall in accordance with the following:

9.1.1 Complete Assignment of Developer/Owner's rights. A total assignment of the Developer/Owner's rights and obligations under this Agreement in connection with all undeveloped portions of the Subject Real Property shall be assigned subject to written consent of the City Council which shall not be unreasonably withheld, conditioned or delayed subject only to the following conditions:

9.1.1.1 Prior written notice from the Developer/Owner to the City Council together with the identification of the proposed assignee together with the proposed assignee's proof of their intentions and ability to perform and be bound to the conditions of this Agreement inclusive to provisions of Section 4 of this Agreement; and

9.1.1.2 Developer/Owner is not in Default of this Agreement or the Assignee tenders to the City a guarantee of the Assignee's performance of the Developer/Owner's Default upon assignment; and

9.1.1.3 The total assignment by the Developer/Owner shall be by a written instrument including the acceptance of the assignee to the terms and conditions of this Agreement, and the City Council's written consent and shall then be recorded in the official records of Blaine County, Idaho, expressly assigning such rights and obligations.

9.1.1.4 In the event of such total assignment of the Developer's Owner's rights and obligations hereunder, the Developer/Owner's liability under this Agreement shall then terminate.

9.1.2 **Successors and Assigns.** Notwithstanding any other provisions of this Agreement, the Developer/Owner may assign all or part of the Developer's or Owner's rights and duties under this Agreement as collateral to any financial institution from which the Developer/Owner has borrowed funds for use in Development of the Project. Such an assignment shall not relieve the Developer/Owner from any subsequent obligations of this Agreement.

SECTION 10 MISCELLANEOUS

10.1 **Agreement runs with the Subject Real Property.** The burdens of this Agreement for the Term of this Agreement and are binding upon, and the benefits inure to, all successors in interest of the Parties to this Agreement and constitute covenants that run with the Subject Real Property. Each commitment and restriction of this Agreement on the Subject Real Property shall be a burden on the Subject Real Property and shall be appurtenant to and for the benefit of the Subject Real Property and shall run with the land.

10.1.1 This Agreement shall be binding on the Developer and the Owner, and their respective heirs, administrators, executors, agents, legal representatives, successors, and assigns.

10.2 **Agreement Amendment.** This Agreement may only be amended in accordance with the following process:

10.2.1 An amendment may be proposed by a Party; and

10.2.2 A proposed amendment must be in writing and include this entire Agreement as then existing and shall therein include a strikethrough of any language to be deleted and underline of any new language of the proposed amendment; and

10.2.3 A proposed Amendment shall contain Statement of Purpose (which shall include a statement of how the Parties will be affected by the amendment); the Party to contact for information; the amended Agreement text; and

- 10.2.4** City approval of a proposed Amendment must be processed in the same manner as the affected provision or provisions of the Agreement were originally approved subject to final approval of the City Council.
- 10.3 Choice of Law.** This Agreement shall be construed in accordance with the laws of the state of Idaho in effect on the Effective Date. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in Blaine County, Idaho.
- 10.4 Construction.** All Parties hereto have either been represented by separate legal counsel or have had the opportunity to be so represented. Thus, in all cases, the language herein shall be constructed simply in accord with its fair meaning and not strictly for or against a Party, regardless of whether such Party prepared or caused the preparation of this Agreement.
- 10.5 Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single document so that the signatures of all Parties may be physically attached to a single document.
- 10.6 Entire Agreement.** This Agreement constitutes the entire agreement between the Parties, except for the Permits and or approvals issued pursuant to this Agreement, pertaining to the subject matter hereof. All prior and contemporaneous agreements, representations and understandings of the Parties, oral or written, are hereby superseded and merged herein. No modification or amendment to this Agreement of any kind whatsoever shall be made or claimed by Developer/Owner or City shall have any force or effect whatsoever unless the same shall be endorsed in writing and signed by the Party against which the enforcement of such modification or amendment is sought, and then only to the extent set forth in such instrument. Such approved amendment shall be recorded in the Official Records of Blaine County, Idaho.
- 10.7 Exhibits and Recitals.** Any exhibit attached hereto shall be deemed to have been incorporated herein with the same force and effect as if fully set forth in the body hereof. The Recitals set forth at the beginning of this Agreement are hereby acknowledged and incorporated herein and the Parties hereby confirm the accuracy thereof. The Definitions set forth prior to the Recitals are hereby acknowledged and incorporated herein.
- 10.8 Further Acts.** Each of the Parties shall promptly execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.
- 10.9 Good Standing; Authority.** Each of the Parties represents to the other as follows:

- 10.9.1 Developer/Owner.** Developer/Owner represents that it is a Utah limited liability company duly qualified to do business in Idaho; and
- 10.9.2 City.** City represents that it is an Idaho municipal corporation in the state of Idaho; and
- 10.9.3 Authority.** Each Party represents to the other that the individual(s) executing this Agreement on behalf of the Parties are authorized and empowered to bind the Party on whose behalf each such individual is signing.
- 10.10 Headings.** This Agreement shall be construed according to its fair meaning and as if prepared by both Parties hereto. Table of Contents, titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.
- 10.11 Names and Plans.** Developer/Owner shall be the sole owner of all names, titles, plans, drawings, specifications, ideas, programs, designs and work products of every nature at any time developed, formulated or prepared by or at the request of the Developer/Owner in connection with the Project Development Plan and the Project; provided, however, that in connection with any conveyance of portions of the Subject Real Property to the City, such rights pertaining to the portions of the Subject Real Property so conveyed shall be assigned to the City to the extent that such rights are assignable.
- 10.12 No Partnership; Third-Parties.** It is hereby specifically understood, acknowledged and agreed that neither the City nor the Developer/Owner shall be deemed to be an agent of the other for any purpose whatsoever. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Developer/Owner and the City. No term or provision of this Agreement is intended to, or shall, be for the benefit of any third-party, person, firm, organization or legal entity not a Party hereto, and no such other third-party, person, firm, organization or legal entity shall have any right to cause of action hereunder.
- 10.13 Obligation to Complete Development.** The obligation of the Developer/Owner to complete any part or all of the Development of the Project within a specific time line, phasing schedule or other schedules, or any other plan, are provided in this Agreement as required as a condition of the Permits.
- 10.14 Parties' Intent.** It is the Parties' express intention that the terms and conditions be construed and applied as provided herein, to the fullest extent possible. It is the Parties' further intention that, to the extent any such term or condition is found to constitute an impermissible restriction of the police power of the City, such term or condition shall be construed and applied in such lesser fashion as may be necessary to not restrict the police power of the City.

8/7/19

10.15 Recordation. After its execution, this Agreement shall be recorded in the real property records of Blaine County, Idaho by the City.

10.16 Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect.

10.17 Time of Essence. Time is of the essence in implementing the terms of this Agreement.

10.18 Waiver. No delay in exercising any right or remedy shall constitute a waiver by either Party thereof, and no waiver by the City or the Developer of the breach of any covenant or condition of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this Agreement.

10.19 Agreement Term. The Term of this Agreement is effective upon the Effective Date and is thereafter perpetual unless terminated pursuant to Section 3.1.2.1 of this Agreement.

IN WITNESS WHEREOF, the Parties hereto, having been duly authorized, have executed this Development Agreement to be effective on the Effective Date.

CITY:

CITY OF KETCHUM, Idaho, a municipal corporation organized and existing under the laws of the state of Idaho

By: _____
Neil Bradshaw, Mayor

Attest:

By: _____
Robin Crotty, City Clerk

CITY ATTORNEY APPROVAL AS TO FORM AND AUTHORITY:

The foregoing Agreement has been received by the undersigned attorney, who has opined that it is in proper form and within the power and authority granted under the laws of the state of Idaho to the City of Ketchum

DEVELOPER:

PEG Ketchum Hotel, LLC

By: The PEG Ketchum Hotel, L.L.C., an Utah limited liability company,

By: _____
Nick Blayden, Manager

OWNER:

PEG Ketchum Hotel, LLC, an Utah limited liability company

By: _____
Nick Blayden, Manager

8/7/19

Wm. F. Gigray, III, City Attorney

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)

On this ____ day of _____, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared **Neil Bradshaw**, known or identified to me to be the Mayor of the City of Ketchum, the municipal corporation that executed the instrument or the person who executed the instrument on behalf of said municipal corporation, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[seal]

Notary Public for Idaho
My Commission expires: _____

8/7/19

STATE OF _____)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared **Nick Blayden**, Manager of PEG Ketchum Hotel, L.L.C., an Utah limited liability company, the limited liability company that executed the instrument, or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[seal]

Notary Public for _____
My Commission expires: _____

W:\Work\K\Ketchum, City of 24892\Gateway Hotel Development Proposal .015\Permit Acceptance Agreement Drafts\Permit Conditions Acceptance Agreement 8-05-19 lh with JG edits.docx

8/7/19

EXHIBIT A
Ordinances

EXHIBIT A

8/7/19

EXHIBIT B
Project Development Plans

EXHIBIT B

8/7/19

EXHIBIT C
Approved Findings

EXHIBIT C



City of Ketchum

August 12, 2019

Ketchum Planning & Zoning Commission
City of Ketchum
Ketchum, Idaho

Recommendation to hold a public hearing, deliberate, and recommend approval of the proposed Ordinance #1198 amendments to the City of Ketchum Subdivision regulations

Recommendation and Summary

Staff is recommending the Commission:

Move to recommend approval to the Ketchum City Council of proposed Ordinance #1198 as set forth in **Attachment A** [Please note any specific edits/changes to the ordinance, as shown in Exhibit A]

The primary reasons for the recommendation are to:

- Make the city's subdivision noticing provisions consistent with Idaho Code.
- Clarify procedural and improvement requirements for different subdivision types: land, condominium, townhouse, readjustment of lot lines
- Allow building permit issuance on legal lots of record concurrent with applications for townhome or land subdivision.
- Clarify conditions when a performance bond to complete improvements is allowable.
- Recognize that dead end alleys within the original Ketchum Townsite have been allowed and are desirable in certain instances. See **Attachment B** excerpts from alley research.

Introduction and History

Ketchum's subdivision ordinance addresses various procedural and design standards for the subdivision of land, PUDs, mobile home parks, the creation of townhouse and condominium units, phased developments and the readjustment of lot lines. Each of these "subdivision types" are subject to defined procedural and substantive compliance requirements. However, in the processing of recent applications staff has noted:

- (1) inconsistencies in defined terms between Title 16 and other chapters of the Ketchum Municipal Code, as well as undefined terms and outdated subdivision code references and cites;
- (2) public hearing procedures that are inconsistent with state code;
- (3) code provisions that unnecessarily inhibit building permit or performance bond issuance;
- (4) time limits that are too short for project completion;
- (5) unclear site improvement requirements for the realignment of lot lines;
- (6) design and development standards for alley ways and corner lots in the original townsite that are overly restrictive and inconsistent with past practices
- (7) building coverage tracking issues with townhouse developments dividing "parent lots" into townhouse sublots, as well as owner/builder challenges with financing townhouses given subplot platting restrictions; and
- (8) uncertainty whether phased development projects may be used for townhouse construction and subplot platting.

Attachment

A - Proposed Ordinance #1198 (*draft*)

B – Excerpts from City of Ketchum Alleyways project, dated July 2019

ATTACHMENT A

Proposed Ordinance #1198

Title 16 SUBDIVISION REGULATIONS

All new text proposed to be added to the Title 16, Chapter 16.04 is underlined. Text that is proposed to be repealed is ~~stricken~~.

16.04.010: GENERAL PROVISIONS:

- A. Title: This chapter shall be known and may be cited as the ~~CITY~~ *SUBDIVISION ORDINANCE*.
- B. Purposes: The general purpose of this chapter is to protect and promote the public health, safety, convenience and welfare by establishing regulations and a process of review for all proposed subdivisions of land, townhouses, condominiums, and readjustment of lot lines. This chapter establishes standards for land subdivision in order to accomplish the following:
1. To promote orderly, harmonious and integrated development of land;
 2. To provide safe, adequate and efficient pedestrian and vehicular traffic systems and circulations;
 3. To provide adequate all weather ingress and egress to subdivisions and lots;
 4. To prevent unplanned development overcrowding of land and congestion on streets and highways;
 5. To provide for adequate air, light, solar access, privacy, and open space;
 6. To provide for adequate fire protection;
 7. To prevent inadequate or inappropriate provision of water, sewer, streets, pedestrian easements and public expenditures to provide and maintain such improvements;
 8. To protect and conserve wildlife, streams, natural topography, and other desirable natural features by providing for maximum retention of natural topographic features and qualities such as, but not limited to, skyline and ridge tops, knoll ridges, established trees and shrub masses, topsoil, streambeds and banks, drainage swales, and preventing damage to the natural environment or scenic beauty;
 9. To safeguard and enhance the character, appearance, and economic stability of the community;
 10. To provide adequate and uniform monumenting of land subdivisions and promote accurate legal descriptions;

11. To protect the economic base of the community, including property values;
 12. To provide access to public lands and waters;
 13. To ensure the provision and construction of adequate improvements including, but not limited to, water, sewer, and other utilities, streets, bridges, drainage, street lighting and easements;
 14. To encourage and promote energy conservation and alternative energy sources as well as other advanced building technology;
 15. To ensure conformance of proposed subdivisions with the above stated purposes and to ensure design and construction of improvements in conformance with the standards and purposes of this chapter and all other municipal ordinances relating to this chapter, including subsequent amendments.
- C. Jurisdiction: The regulations and procedures as set forth in this chapter shall apply to each and every subdivision of land, townhouse and condominium development, and readjustment of lot lines within the corporate limits of the city of Ketchum, Idaho, ~~and all lands within one mile of such corporate limits,~~ and all jurisdictional areas of the city presently existing or hereafter adopted.
- D. Scope: The regulations and procedures contained in this chapter shall be complied with prior to any of the following:
1. Division of a parcel of land into two (2) or more tracts, lots or parcels for transfer of ownership, building development, leasing or encumbering with mortgage or deed of trust.
 2. The establishment of a "condominium", "townhouse", or "planned unit development", as defined in section [16.04.020](#) of this chapter.
 3. Addition to, or creation of a cemetery.
 4. The change or modification of boundary lines whether or not any additional lot(s) is created.
 5. Any alteration, modification, change, addition to or deletion from any plat of record, and including boundary shifts and/or removal of lot lines between existing platted or unplatted lots or parcels of land.
- E. Exceptions: These regulations shall not apply to the following:
1. The subdivision of land into parcels of ten (10) acres or more solely for agricultural use which does not create a new street nor widen an existing street and upon which no residential building shall be constructed.
 2. The unwilling sale of land by legal condemnation.
 3. The enlargement of municipal streets, facilities and easements.

4. The acquisition of collector or arterial street rights of way by any public agency in conformance with the comprehensive plan.

F. Interpretation: All proposed subdivisions of land shall comply with the regulations of this chapter. The regulations contained in this chapter shall be considered minimum standards. The regulations of this chapter are in addition to all other regulations, and where at variance with other laws, regulations, ordinances or resolutions of the city, or any other governmental body having jurisdiction, the more restrictive requirements shall apply. ~~Furthermore, where appropriate for the protection of the public health, safety, convenience or welfare, more stringent standards may be imposed by the commission or council.~~

G. Administration: The mayor shall appoint, with the approval of the council, an administrator to receive and process all subdivision applications and make recommendations to the commission and the council. The administrator shall serve at the will of the council. If no administrator exists, then the commission shall act as the administrator. (Ord. 460 § 3, 1987: Ord. 316 § 1, 1979)

H. ~~Furthermore, where~~ Minimum Standards: Where appropriate for the protection of the public health, safety, convenience or welfare, more stringent standards may be imposed by the commission or council.

16.04.020: DEFINITIONS:

For interpretation of this chapter, certain terms and words are defined in this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural shall include the singular; the word "shall" is always mandatory, and the word "may" indicates the use of discretion in making the decision.

ADMINISTRATOR: The Planning and Zoning Administrator of the City of Ketchum, Idaho.

AGRICULTURE USE: The growing of timber or crops, including grazing, horticulture, floriculture, nurseries, and fruit trees, together with necessary accessory and secondary uses for processing, packing, treating or storage, and shall not include feedlots, slaughterhouses, rendering plants or sawmills.

ALLEY: ~~A minor public way providing secondary access to the back or the side of property otherwise abutting a street.~~ A minor public right of way, between twenty (20) and thirty feet (30') wide, that provides vehicle access to the rear or side of a parcel that has front and/or side access to another street and is not intended for general traffic circulation.

AS BUILT DRAWINGS: Plans and specifications, certified by the subdivider's engineer, depicting the location, type and details of improvements installed by the subdivider. "As constructed drawings" and "as built drawings" are synonymous.

BLOCK: ~~A group of lots, tracts or parcels within well defined boundaries, usually streets.~~ A group of lots within a defined or fixed boundary, generally surrounded by public streets, not including alleys, or a boundary line of a subdivision that has been legally surveyed.

BOARD: The Blaine County board of county commissioners.

BUILDING: ~~Any structure, either permanent or temporary, fixed or placed upon land for housing or supporting any use or occupancy. Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is permanently affixed to the land and has one or more floors and a roof.~~

BUILDING ENVELOPE: The site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. A building envelope shall conform to all minimum zoning ordinance requirements and requirements of this chapter.

CLERK: The city clerk of the city of Ketchum, Idaho.

COMMISSION: The Ketchum planning and zoning commission.

COMMON AREA: AS defined in the Condominium Property Act means the entire project excepting all units.

COMPREHENSIVE PLAN: The officially adopted comprehensive plan of the city of Ketchum, Idaho.

CONDOMINIUM: An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or any combination, together with a separate estate in real property in an interest or interests in real property, or any combination thereof.

COUNCIL: The city council of the city of Ketchum, Idaho.

COUNTY RECORDER: The office of the Blaine County recorder, Hailey, Idaho.

COVENANT, PRIVATE: A written promise, covenant, restriction or rule imposed upon land by the property owners or land developers which are private in nature and enforced accordingly. Such covenants do not replace or impair the validity of the restrictions or regulations imposed by this chapter or any other applicable ordinance of the city of Ketchum or governmental entity having jurisdiction.

DEDICATION: The setting apart of land, or interest in land, for use by the public. Land becomes dedicated when accepted by the council as a public dedication by ordinance, resolution, or by approval and acceptance on a final plat.

DEVELOPMENT PLAN: A master plan for development of a planned unit development (PUD) or a phased project establishing location of required improvements and all existing and proposed structures, together with a schedule for development.

DOUBLE FRONTAGE LOT: A double frontage lot is a through lot or "reverse frontage" lot, other than a corner lot, where vehicular access is restricted to the abutting thoroughfare, and where the lots have vehicular access provided by an interior public or private street.

DRIVEWAY: A nondedicated vehicular access constructed on private property which provides vehicular and/or pedestrian access to not more than four (4) dwelling units (excluding accessory dwelling units) and is constructed in conformance with the applicable international fire code.

DWELLING UNIT: One or more rooms, including at least one a bathroom and ~~single~~ kitchen.

designed for or occupied as a unit by one a person or family for living purposes and located in a one-family, ~~duplex~~ or multiple-family dwelling.

EASEMENT: A grant by a property owner to a specific person(s) or the public of the right to use land for specific purpose(s); also, such a right acquired by prescription. A property interest (less than fee simple estate) which one person has in land owned by another, entitling the owner of his interest to limited use or enjoyment of the other's land, such as for a driveway, utility lines or similar.

ENGINEER: An officially licensed and registered engineer by the state of Idaho.

ENGINEER, CITY: A representative of the city building department authorized to check plats and provide on site inspections to ensure compliance with the provisions of this chapter.

FLOODPLAIN: The relatively flat area or low land adjoining the channel of a stream of a river, stream, lake or other body of water which is subject to the hazards and inundation on a one hundred (100) year frequency, as identified and defined in the flood insurance study and flood boundary and floodway map prepared by the federal insurance administration of the U.S. department of housing and urban development in conjunction with the U.S. army corps of engineers.

FLAG LOT: A flag lot is an irregularly shaped building lot or parcel that has a very limited amount of street or road frontage.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'), as identified and defined in the flood insurance study and flood boundary and floodway map prepared by the federal insurance administration of the U.S. department of housing and urban development in conjunction with the U.S. army corps of engineers. No building construction shall be permitted in the floodway.

GOVERNING BODY: The board or council composed of elected officials of the county or city having jurisdiction.

HIGHWAY: A street designed or designated as a highway by the state or federal agency responsible.

IMPROVEMENTS: Any alteration to the land or construction associated with the construction or installation of streets, easements, drainage facilities, curbs, gutters, sidewalks, water system, sewage system, storm sewers, gas, electric or telephone lines, lot pin monuments and other such items associated with the subdivision and/or development of land, including grading or fill of land.

IMPROVEMENTS, REQUIRED: Those subdivision improvements required to be constructed after preliminary plat approval and prior to final plat approval by the council.

KITCHEN: A room or other portion of a structure intended for cooking of food, which, at a minimum, contains a sink, refrigerator and cooking facilities to include a range or built-in cooktop.

LIFE SAFETY INSPECTION: The Ketchum building official has inspected and approved the following items within the building as completed, including, but not limited to: handrails, guardrails, tempered glass, address, smoke detectors and fire separation requirements.

LIMITED COMMON AREA: As defined in the Condominium Property Act means those common areas and facilities designated in the declaration for use of a certain condominium owner or owners to the exclusion, limitation or restriction of others.

LOT: The parcel, plot, tract, or other area of real property intended for sale, transfer, lease, or encumbrance.

LOT AREA: The area within the boundaries of a lot, exclusive of any of the area contained within a public or private street, alley, fire lane or private driveway easement. Also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street.

LOT, BUILDABLE: A lot that contains land outside of the floodway which conforms to all ordinance requirements and where the slope is less than twenty five percent (25%).

MOBILE HOME OR TRAILER: Any vehicle or structure constructed in such a manner that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power, and which may be moved in substantially one section into the city.

OWNER: The individual, firm, association, syndicate, partnership or corporation holding fee simple title evidenced by a deed recorded in the office of the Blaine County recorder.

PERFORMANCE BOND: Either the amount of money, or other negotiable security deposited by the subdivider with the city clerk, or a bond executed by a qualified surety company registered to do business in the state of Idaho, which guarantees that the subdivider will perform all actions and install all required improvements or his or her surety will pay the costs and damages up to a limit of the amount of bond or security deposited. No personal checks shall be allowed as performance bonds.

PHASED DEVELOPMENT: Development of a parcel of land in stages either as a series of subdivisions or as a single parcel with construction of buildings and/or improvements over a series of years.

PLANNED UNIT DEVELOPMENT: Development of a tract of land primarily for residential use in which the normal land use regulations set forth in this chapter may be waived in order to promote beneficial development of the entire tract in conformance with an approved development plan for the entire parcel accentuating usable open space, recreational uses and public easements.

PLANNING AND ZONING COMMISSION: The planning and zoning commission of the city of Ketchum, Idaho.

PLANTING STRIP: A strip of land within a subdivision not less than ten feet (10') in width across which there is no driveway, street, or other access, and which is devoted exclusively to landscaping, primarily trees of not less than five feet (5') in height. The primary purpose of planting strips is screening of streets, highways, adjacent incompatible land uses, and off street parking areas.

PLAT, FINAL: A map of a subdivision, planned unit development (PUD) or dedication, and in conformance with the approved preliminary plat, and prepared in accordance with this chapter, and title 50, chapter 13, Idaho Code, as amended or subsequently codified.

PLAT, PRELIMINARY: A preliminary plan prepared in conformance with this chapter, submitted

together with such other documentation as required by this chapter.

PLAT, RECORDED: A final plat which has been accepted by the council and filed with the Blaine County recorder.

PUBLIC HEARING NOTICE: Notice of a public hearing before the council or planning and zoning commission, published at least fifteen (15) days prior to such meeting in the official newspaper of the city of Ketchum, Idaho. Furthermore, all property owners within three hundred feet (300') of the subject property shall be notified by first class mail. Such written notification shall be deemed sufficient if deposited in the mail to all property owners according to the records of the Ketchum city clerk at least fifteen (15) days prior to such meeting and public hearing. Clerical omission of the names of property owners shall not affect the sufficiency of notice as set forth in this chapter. The notice shall contain a description of the size and location of the subject property and shall inform the reader of the time and place of the meeting at which the public hearing will be held.

READJUSTMENT OF LOT LINES: A change or modification of the boundary lines between existing lots or parcels of land or between dwelling units which does not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements and which does not create additional lots or dwelling units. "Readjustment of lot lines" includes other minor changes to a subdivision, condominium, or townhouse final plat such as, but not limited to, notation changes, boundary shifts and removal of lot line(s), each of which do not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements nor create additional lots or dwelling units.

SOLAR ACCESS: Unobstructed access to direct sunlight upon land or a building.

STANDARD SPECIFICATIONS: Specifications for design and construction of improvements as specified in this chapter or other ordinances or resolutions of the city of Ketchum, or by any other governmental entity having jurisdiction, including subsequent amendment or codification.

STATE: State of Idaho.

STREET: A public right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. "Street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and all such terms, except "driveway" as defined in this section.

STREET, ARTERIAL: A street designated for the purpose of carrying fast and/or heavy traffic, connecting major districts of the city.

STREET, COLLECTOR: A street designated for the purpose of carrying traffic from residential streets to other collector streets and/or arterial streets.

STREET, CUL-DE-SAC: A dead end street provided with turnaround space at its terminus.

STREET, DEAD END: A street connected to another street at one end only and not having provision for vehicular turnaround at its terminus.

STREET, FRONTAGE: A minor street, parallel to and adjacent to an arterial street, which has the primary purpose of providing access to abutting properties.

STREET, LOOP: A residential street with both terminal points on the same street of origin.

STREET, PARTIAL: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land where remaining right of way widths can be obtained from adjacent properties where such properties are subdivided.

STREET, PRIVATE: A street constructed on private property, which provides vehicular and pedestrian access to multiple-family dwelling units or more than four (4) dwelling units (excluding accessory dwelling units), and constructed to standard street specifications and the international fire code, however, not accepted for dedication or maintenance by the city.

STREET, RESIDENTIAL: A minor street which has the primary purpose of providing access to abutting residential dwelling units or properties and carries no heavy, through or collector traffic.

SUBDIVIDER: The individual, firm, corporation, partnership, association, syndicate, trust, or any other legal entity that files application and initiates proceedings for subdivision of land in accordance with provisions of this chapter. If the subdivider is not the owner of the property, he or she shall be the agent of the owner as is evidenced by a recorded power of attorney for such purpose.

TOWNHOUSE DEVELOPMENT: A planned project of two (2) or more townhouse units that may be constructed as single building(s) containing two (2) or more townhouse units erected generally in a row, each unit being separated from the adjoining unit or units by a one hour fire resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse subplot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole; and/or may be constructed as single buildings containing single townhouse units, provided the separation between units and/or buildings complies with applicable codes. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.

TOWNHOUSE SUBLOTS: The lots resulting from platting a townhouse development. "Townhouse sublots" shall have a minimum area equal to that of the perimeter of each individual townhouse unit measured at the foundation, whether located independently or within a building containing two (2) or more townhouse units in a townhouse development. Such sublots shall not be buildable for structures other than a "townhouse unit" as defined in this section. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. Detached garages may be allowed in a townhouse development and may be platted on separate sublots; provided, that the ownership of such detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

TOWNHOUSE UNIT: Townhouse units are a type of housing where independent houses often, but not always, share walls. Units are characterized by one ~~One~~ or more rooms, including at least one a bathroom and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse subplot.

TWENTY FIVE PERCENT GRADE: One foot (1') change in elevation for every four feet (4') of land measured horizontally.

UTILITIES: Installations for providing services to and used by the public, e.g., water, sewer, electricity, gas, television, cable, and similar facilities.

VICINITY MAP: A small map showing the location of a tract of land in relation to the city, including existing major streets and highways and surrounding subdivision(s) or large parcels of land.

WAIVER: Modification of a relevant provision and regulation of this chapter not contrary to public interest or public health, safety or welfare, and due to physical characteristics of the particular parcel of land and not the result of actions of the subdivision where literal enforcement of this chapter would result in undue hardship. The granting of waiver(s) shall be upon written application, and granting rests with the sound discretion of the commission and council, on a case by case basis.

WATERCOURSE: A natural depression or channel which carries or gives direction to a current of water any time of the year. (Ord. 893 § 1, 2002: Ord. 884 § 1, 2001: Ord. 879 § 1, 2001: Ord. 749 § 1, 1999: Ord. 460 §§ 1, 4, 1987: Ord. 316 § 2, 1979)

16.04.030: PROCEDURE FOR SUBDIVISION APPROVAL:

- A. Administration: The administrator shall have the duty of administering the regulations contained in this chapter and shall prepare and require the use of such forms as are necessary for the reasonable administration of these regulations.
- B. Plat Approval Required: Any person desiring to subdivide or resubdivide land shall submit an application to the administrator. No final plat shall be filed with the county recorder until the same has been acted upon ~~by the commission~~ and approved by the council consistent with the respective procedures set forth herein for the subdivision of land, townhouses, condominiums, and readjustment of lot lines as a preliminary plat and as a final plat. No lots or parcels of land described by metes and bounds or otherwise shall be sold or offered for sale until a final plat has been recorded in the office of the Blaine County recorder.
- C. Preliminary Plat Procedure:
 - 1. Application: The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
 - 2. Certification By Administrator: Upon receipt of the preliminary plat application and data, the administrator shall certify the application as complete and affix the date of acceptance on the application. Thereafter, the administrator shall place such preliminary plat on the commission agenda for consideration at a regular meeting of the commission.
 - 3. Review By Departments And Agencies: After certification of a preliminary plat application, the administrator shall transmit one copy of the application and preliminary plat to other city departments and to such other agencies as have jurisdiction over, or interest in, the proposed subdivision for recommendation and review. If no written recommendation or request for extension of time is received from any such department or agency within thirty (30) days from date of transmittal, the approval of the preliminary plat by such department or agency will be considered granted. The department and agencies to which preliminary plats may be referred include all pertinent city departments, district health department, Idaho public utilities commission, commissions of other governing bodies having joint jurisdiction, appropriate utility companies, soil conservation district, and such other departments or agencies as the administrator deems necessary in order to carry out the full intent of this chapter.

4. Review By Administrator: The administrator shall review the preliminary plat application and data as well as the recommendations received from the various departments and agencies to ensure that such application and plat are in conformance with all applicable rules and regulations. The administrator shall report and make recommendations to the commission.
 5. Public Notice and Hearing Procedures: Consistent with the Local Land Use Planning Subdivision Ordinance requirements of Idaho Code Section 67-6513, the notice and hearing procedures set forth under 67-6509 shall be followed by the City for the processing of all subdivision applications, including:
 - a. The Commission shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposed action shall be published in the official newspaper or paper of general circulation within the jurisdiction.
 - b. The Council, prior to adoption, amendment, or denial of the subdivision, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. Council action upon the proposed subdivision shall not take place until recommendations have been received from the commission. Following consideration by the Council, if the Council makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or denial of the subdivision, further notice and hearing shall be provided before the Council adopts, amends or denies the subdivision.
 - c. The public notice and hearing procedure for readjustment of lot lines shall follow the final plat procedure as set forth in §16.04.060.
 - d. The public notice and hearing procedure for a phased development project shall follow the preliminary plat procedure set forth in §16.04.030.C.5a and b (above) for the preliminary plat. After preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow §16.04.030.G herein (below).
- D. Commission Action On Preliminary Plat: Consideration by the commission of a subdivision application and data shall take place at a regularly scheduled commission meeting, unless a special meeting of the commission is requested by the subdivider and granted by the commission. At that meeting, the commission shall do the following:
1. The commission shall hold a public hearing on all subdivision applications with public hearing notice; ~~except, applications to convert existing structure(s) containing eight (8) dwelling units or less into condominiums shall not require a public hearing be held; and except, applications to subdivide property and structure(s) into a maximum of two (2) townhouse sublots shall not require a public hearing be held.~~
 2. After the public hearing, the commission shall review the preliminary plat and supporting data, recommendations of administrator, and testimony of the subdivider and the public. The commission shall approve, approve with specific conditions, or disapprove the preliminary plat. If the preliminary plat is disapproved, the reasons for such action shall be stated in

writing, and a copy signed by the administrator attached to one copy of the preliminary plat shall be returned to the applicant.

3. Upon approval of a preliminary plat, the administrator shall transmit to the council the subdivision application, preliminary plat and other data and a copy of the commission findings and report.

E. Council Action On Preliminary Plat: Submission of a preliminary plat upon approval by the commission to the council shall be mandatory. ~~The council shall consider the subdivision application at its next regular meeting. The subdivider, at his or her request, shall be entitled to at least one continuance.~~ The council shall consider the preliminary plat, subdivision application and data, and the report and recommendations of the commission, and may conduct a public hearing to shall hear testimony of the subdivider and any witnesses in his or her behalf, and testimony of representatives of the commission, and any witnesses including interested citizens.

F. Preparation and Commencement of Required Improvements: Upon conclusion of its consideration of the preliminary plat, the council shall approve, conditionally approve or disapprove the plat and make findings consistent with law and this chapter. Upon approval of the preliminary plat by the council, the subdivider shall prepare required improvement design plans in accordance with this chapter and additional condition(s) imposed by the council. Upon approval of the improvement designs by the city engineer, the subdivider shall commence construction on the required improvements.

G. Final Plat Procedures: After approval of the preliminary plat, the subdivider shall cause the subdivision to be surveyed and a final plat to be prepared in conformance with the preliminary plat as approved, and title 50, chapter 13, Idaho Code. Upon completion of such final plat, the subdivider shall file same and all other documents required with the administrator. ~~Then the administrator shall place such final plat upon the commission's next regular meeting agenda.~~ In the event ~~that the commission finds that the~~ final plat does not substantially conform to the approved preliminary plat, the Administrator commission shall consider such plat a preliminary plat and the public notice and hearing procedures set forth herein in §16.04.030.D shall apply.

The subdivider shall submit two (2) sets of the final plat and plan specifications of all required improvements, together with a current title report showing proof of ownership in the land to be subdivided. When submitted to the administrator, the final plat shall bear all required certificates, acknowledgments and signatures.

Upon receipt of a final plat in compliance with all requirements, the Administrator commission shall approve the final plat and ~~the chairperson of the commission shall~~ affix the date of acceptance and his or her signature on such final plat. Thereafter, the administrator shall place the final plat upon the council's next regular meeting agenda. If the final plat conforms to all requirements of this chapter, all conditions placed upon preliminary plat by the council, and all requirements of Idaho law, the council shall approve such final plat.

H. Acceptance Of Dedications: Approval of the final plat by the council shall constitute acceptance of all dedications for public streets, rights of way, easements, and other lands dedicated for public purpose or use as shown on such final plat. As a condition precedent to the acceptance of any streets or required improvements, the council shall require that the subdivider install such improvements in accordance with the construction standards, and that condition shall be noted on the final plat.

I.H. Time Limitations: ~~With the exception of phased development projects approved by Council, the~~ failure to obtain final plat approval by the council of an approved preliminary plat within ~~one year~~ two years after approval by the council shall cause all approvals of such preliminary plat to be null and void. The final plat shall be filed with the Blaine County recorder within one year after final plat approval by the council. Failure to file such final plat within that time shall cause all approvals of such final plat to be null and void. ~~No building permit shall be issued with regard to any parcel of land within a proposed subdivision until the final plat has been recorded.~~

J.I. ~~Application and Contents Of~~ Preliminary Plat Contents: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. 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:

To be shown on Plat

1. The scale, north point and date.
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.~~
3. The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
4. Legal description of the area platted.
5. The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
6. A contour map of the subdivision with contour lines and a maximum interval of ~~two~~ five feet ~~(2')~~ ~~(5')~~ to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
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.
8. Boundary description and the area of the tract.
9. Existing zoning of the tract.
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.
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.
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.

13. The direction of drainage, flow and approximate grade of all streets.
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.
15. ~~All percolation tests and/or exploratory pit excavations required by state health authorities.~~
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.~~
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.
18. ~~16.~~ The boundaries of the floodplain, floodway and avalanche zoning overlay district shall also be clearly delineated and marked on the preliminary plat or a note provided if the entire project is in the floodplain, floodway or avalanche overlay district.
19. ~~17.~~ 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.
20. 18. Lot area of each lot.
21. ~~19.~~ Existing mature trees and established shrub masses.
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.~~
23. ~~Three (3) copies of the preliminary plat shall be filed with the administrator.~~

To be provided to Administrator:

20. Subdivision names shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho and shall be approved by the Blaine County Assessor.
21. All percolation tests and/or exploratory pit excavations required by state health authorities.
22. 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.
23. 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.

24. A digital copy of the preliminary plat shall be filed with the administrator.

- K. Contents Of Final Plat: The final plat shall be drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of eighteen inch by twenty four inch (18" x 24") Mylar paper with no part of the drawing nearer to the edge than one-half inch (1/2"), and shall be in conformance with the provisions of title 50, chapter 13, Idaho Code. The reverse side of such sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information. The contents of the final plat shall include all items required under title 50, chapter 13, Idaho Code, and also shall include the following:
1. Point of beginning of subdivision description tied to at least two (2) governmental survey corners, or in lieu of government survey corners, to monuments recognized by the city engineer.
 2. Location and description of monuments.
 3. Tract boundary lines, property lines, lot lines, street right of way lines and centerlines, other rights of way and easement lines, building envelopes as required on the preliminary plat, lot area of each lot, boundaries of floodplain and floodway and avalanche district, all with bearings, accurate dimensions in feet and decimals, in degrees and minutes and radii, arcs, central angles, tangents and chord lengths of all curves to the above accuracy.
 4. Names and locations of all adjoining subdivisions.
 5. Name and right of way width of each street and other public rights of way.
 6. Location, dimension and purpose of all easements, public or private.
 7. The blocks numbered consecutively throughout each block.
 8. The outline of any property, other than a street, alley or easement, which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked "Dedicated to the City of Ketchum for Public Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated.
 9. The title, which shall include the name of the subdivision, the name of the city, if appropriate, county and state, and the location and description of the subdivision referenced to section, township, range.
 10. Scale, north arrow and date.
 11. Location, width, and names of all existing or dedicated streets and other public ways within or adjacent to the proposed subdivision.
 12. A plat note provision in the owner's certificate referencing the county recorder's instrument number where the condominium declaration(s) and/or articles of incorporation of homeowners' association governing the subdivision are recorded.

13. Certificate by registered engineer or surveyor preparing the map certifying to the accuracy of surveying plat.
14. A current title report of all property contained within the plat shall be provided to the city and used, in part, as the basis for the dedication of easements and encumbrances on the property.
15. Certification of owner(s) of record and all holders of security interest(s) of record with regard to such property.
16. Certification and signature of engineer (surveyor) verifying that the subdivision and design standards meet all city requirements.
17. Certification and signature of the city engineer verifying that the subdivision and design standards meet all city requirements.
18. Certification and signature of the city clerk of the city of Ketchum verifying that the subdivision has been approved by the council.
19. Notation of any additional restrictions imposed by the council on the development of such subdivision to provide for the public health, safety and welfare.

LK Final Plat Copies: Both a hard copy and a digital copy ~~Three (3) copies~~ of the final plat shall be filed with the administrator prior to being placed upon the Council's commission's agenda. A digital copy ~~Three (3) copies~~ of the final plat as approved by the council and signed by the city clerk shall be filed with the administrator and retained by the city. The Applicant shall also provide the city with a digital copy of the recorded document with its assigned legal instrument number.

~~L. Readjustment Of Lot Lines Procedures: An owner or subdivider wishing to readjust lot lines, as defined in section 16.04.020 of this chapter, shall be required to file two (2) copies of a plat and application with the administrator for administrative review. Additional information reasonably required for thorough review of the application and plat may be required by the administrator to be provided by the applicant. Waivers shall be requested according to section 16.04.120 of this chapter. The administrator shall provide written notice of such application to owners of property immediately adjacent to the subject property. Such notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on such application. Following expiration of the comment period, and upon a finding by the administrator that the plat conforms to the "readjustment of lot line" definition and is in compliance with the provisions of this chapter, the administrator shall approve same or approve with conditions necessary to find same in compliance with the provisions of this chapter. Upon a finding by the administrator that the application does not conform to such definition or is not in compliance with this chapter, the administrator shall deny such application and shall state the reasons in writing, and a copy signed by the administrator attached to one copy of the plat shall be returned to the applicant. Upon approval of an application and upon satisfaction by the applicant of any conditions attached to the application, the administrator shall inform the city clerk, and the city clerk shall sign the plat. Any questions with regard to the interpretation and/or applicability of this subsection or other sections shall be referred to the council by the administrator for determination. (Ord. 871 § 1, 2001; Ord. 504 § 1, 1989; Ord. 488 § 1, 1988; Ord. 460 § 5, 1987; Ord. 316 § 3, 1979) [MOVED TO OWN SECTION, BELOW]~~

16.04.040: DEVELOPMENT AND DESIGN:

- 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.~~ [Moved to new subsection S.]
- B. Improvement Plans: Prior to approval of final plat by the ~~Council 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.
- C. Performance Bond: 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, ~~or other conditions as determined acceptable at the sole discretion of the city~~, 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 ~~two one years~~ 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.
- 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.
- 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:
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.

F. Lot Requirements:

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, 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:
 - 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.
3. Corner lots [outside of the original Ketchum Townsite](#) 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.
4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.
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).~~

6. ~~Minimum lot sizes in all cases shall be reversed frontage lot(s).~~

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.

G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:

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. Except in the original Ketchum Townsite, cCorner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.

H. Street Improvement Requirements:

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 [County Assessor's office](#) ~~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 ~~shall be required consistent with adopted city standards may be required by the commission or Council where appropriate~~ and where designated 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 and chapter 12.04 of this code;
 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 construction or improvement shall be in accordance with adopted standard specifications;
 22. Sidewalks, curbs and gutters shall be required consistent with adopted city standards and may where designated shall be a required improvement installed by the subdivider;
 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; and
 24. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone.
- I. 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.
- J. 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.
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.
- K. 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 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.
- L. 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.
- M. 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.

- N. 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:
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:
 - 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:
 - 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 ($\frac{1}{5}$) 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 ($\frac{1}{5}$) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
- O. 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. 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.
- Q. Off Site Improvements: Where the off site 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.
- R. Avalanche And Mountain Overlay: All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in [title 17](#) of this Code. (Ord. 1181, 2018: Ord. 1061 § 1, 2009: Ord. 943 § 1, 2004: Ord. 884 § 2, 2001: Ord. 803 § 1, 1999: Ord. 316 § 4, 1979)

S. 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.

16.04.050: VACATIONS AND DEDICATIONS:

- A. Application: Any property owner desiring to vacate an existing public street, alley or easement right-of-way, or desiring to dedicate a street or alley right-of-way shall file an application with the Administrator. Upon receipt of the completed application and other information reasonably required by the Administrator, the date of acceptance of the application shall be affixed on the application. Thereafter, such application shall be placed upon the commission agenda for consideration at a regular meeting of the commission, and the procedures followed for such vacations shall comply with Idaho Code sections 50-1321, 50-1325 and 50-1306(A), including subsequent amendment or codification.
- B. Commission Action: The commission shall consider the application and testimony of the applicant and such other information as may come before it with regard to the proposed vacation or dedication. The commission shall consider the interests of the adjacent property owners, public utilities, conformance of the proposal with the comprehensive plan and the future development of the neighborhood, and shall make its recommendations for accepting or rejecting such application. If dedication of a street is accepted, recommendations for improvements to be made prior to the acceptance shall be made by the commission.
- C. Council Action: In considering an application for vacation of an existing street, alley or easement right-of-way, the Council shall establish a date for public hearing and give such notice as required by law. The council shall hear and consider the public testimony, applicant testimony, recommendations of the commission, and any other information as may be brought before the council. Whenever the council vacates an existing public street, the city shall provide adjacent property owners with a quitclaim deed for the vacated street as prescribed by law. Such vacation shall become effective upon delivery of such deed(s). When considering an application for dedication to the public of a street, alley or easement right of way, the council may require certain improvements be constructed or performance bond furnished prior to acceptance of the dedication. To complete the acceptance of any dedication, the council shall accept same by resolution or by approval of a final subdivision plat.
- D. Exemptions: The provisions of this section shall not apply to the widening of any street which is shown in the comprehensive plan or the dedication of nonvehicular easements to the city. (Ord. 316 § 5, 1979)

16.04.060: READJUSTMENT OF LOT LINES PROCEDURES. Readjustment of lot line applications shall be reviewed and approved pursuant to the final plat regulations and procedures established in §16.04.030 as modified below.

- A. Application: An owner or subdivider wishing to readjust lot lines, as defined in section 16.04.020 of this chapter, shall be required to file with the administrator for administrative review an application and both a digital and hard copy two (2) copies of a the proposed final plat in accordance with §16.04.030. Additional information reasonably required for thorough review of the application and plat may be required by the administrator to be provided by the applicant.

- B. Certification by the Administrator and Review by Departments: Upon receipt of the readjustment of lot line final plat application and data, the administrator shall certify the application as complete and transmit the application and plat to other city departments and to such other agencies as have jurisdiction over, or interest in, the proposed subdivision for recommendation and review.
- C. Review by Administrator: The administrator shall review the application and data as well as the recommendations received from the various departments and agencies to ensure that such application and plat are in conformance with all applicable rules and regulations, including Development and Design improvements to be constructed by the applicant in conformance with §16.04.040.
- D. Waivers: Any applicable waivers shall be requested according to ~~section 16.04.120~~ §16.04.130 of this chapter.
- E. Notice: The administrator shall provide written notice of such application to owners of property immediately adjacent to the subject property. Such notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on such application.
- F. Findings:
1. Following expiration of the comment period, and upon a finding by the administrator that the plat conforms to the "readjustment of lot line" definition, the Administrator will: (a) review the submittal; (b) department comments; (c) conformance of the submittal with required development and design standards as set forth in §16.04.040; is in compliance with the provisions of this chapter, the administrator shall approve same or approve with (c) recommend conditions necessary to find the final plat same in compliance with the provisions of this chapter, including the installation of required improvements prior to recordation of the final plat, and (d) notice the matter for final plat review before the Council.
 2. Upon a finding by the administrator that the application does not conform to such definition or is not in compliance with this chapter, the administrator shall deny such application and shall state the reasons in writing, and a copy signed by the administrator attached to one copy of the plat shall be returned to the applicant.
 3. Any questions with regard to the interpretation and/or applicability of this subsection or other sections shall be referred to the council by the administrator for determination following the notice provisions set forth in §16.04.060.G (below).
- G. Council Notice: The council shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposed action shall be published in the official newspaper or paper of general circulation within the jurisdiction.
- H. Upon Council approval of an application and upon satisfaction by the applicant of any conditions attached to the application, the administrator shall inform the city clerk, and the city clerk shall sign the plat. ~~Any questions with regard to the interpretation and/or applicability of this subsection or other sections shall be referred to the council by the administrator for~~

~~determination.~~ (Ord. 871 § 1, 2001: Ord. 504 § 1, 1989: Ord. 488 § 1, 1988: Ord. 460 § 5, 1987: Ord. 316 § 3, 1979)

16.04.~~060-070~~: CONDOMINIUMS:

- A. Purpose: The purpose of this section is to set forth special provisions for property created or converted pursuant to the condominium property act, title 55, chapter 15, Idaho Code, as amended, revised or compiled. The provisions of this section are found necessary in order to provide for the public health, safety, and welfare of purchasers and residents of such condominiums.
- B. Preliminary Plat Procedure: 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. The commission and council shall act on the preliminary plat pursuant to subsections [16.04.030](#)D and E of this chapter.
- C. Final Plat Procedure:
1. The final plat procedure contained in subsection [16.04.030](#)~~F G~~ of this chapter shall be followed. However, 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 and zoning administrator.
 2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to [title 17, chapter 17.96](#) of this code. Prior to final plat approval, the subdivider shall submit to the city a copy of the final bylaws and condominium declarations which shall be approved by the council and filed with the Blaine County recorder, including the instrument number(s) under which each document was recorded.
- D. Garage: 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.
- E. Storage Areas: 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.
- F. Maintenance Building: 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.

- G. Open Space: 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.
- H. General Applicability: 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. (Ord. 1061 § 2, 2009: Ord. 902 § 1, 2002: Ord. 879 §§ 2, 3, 2001: Ord. 316 § 6, 1979)

16.04.070-080: TOWNHOUSES:

- A. Purpose: The purpose of this section is to set forth provisions for real property subdivided into townhouse sublots, such provisions found necessary in order to provide for the public health, safety and welfare of purchasers and residents of such townhouse developments.
- B. Townhouse Owners' Documents: The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.
- C. Preliminary Plat Procedure: Townhouse developments shall be administered consistent with the procedures and design and development regulations established in §16.04.030 and §16.04.040 and the standards of this subsection.
 - 1. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.
 - 2. The subdivider may apply for preliminary plat approval from the commission pursuant to subsection 16.04.030D of this chapter at the time application is made for design review approval pursuant to title 17, chapter 17.96 of this code. The commission may approve, deny or conditionally approve such preliminary plat upon consideration of the action taken on the application for design review of the project.
 - 3. The preliminary plat, other data, and the commission's findings ~~shall not~~ may be transmitted to the council prior to commencement of ~~until~~ construction of the project ~~has commenced~~ under a valid building permit issued by the ~~City~~ Ketchum building inspector. The council shall act on the preliminary plat pursuant to subsection 16.04.030E and F of this chapter.
 - 4. In the event a phased townhouse development project is proposed, after preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow §16.04.030.G and comply with the additional provisions of §16.04.110 of this code.

D. Final Plat Procedure:

1. The final plat procedure contained in subsection ~~16.04.030~~^{FG} of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the townhouse has received either:

a. A certificate of occupancy issued by the city of Ketchum for all structures in the townhouse development; and b. Completion and completion of all design review elements as approved by the planning and zoning administrator; or

b. Signed council approval of a phased development project consistent with §16.04.110 herein.

2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this code.

E. Required Findings: In addition to all Townhouse Developments complying with the applicable provisions of Title 17 and this Subdivision Chapter (§16.04), the Administrator shall find that

1. All Townhouse Developments, including each individual subplot, shall not exceed the maximum building coverage requirements of the zoning district.

2. Garage: All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

3. ~~F.~~ General Applicability: 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 townhouse subdivisions. (Ord. 1061 § 3, 2009: Ord. 879 § 4, 2001: Ord. 460 § 2, 1987)

16.04.080-090: MOBILE HOME SUBDIVISIONS:

A. General: Mobile home subdivisions shall be treated the same as any residential subdivision subject to the requirements set forth in the zoning ordinance, building code, and any other statute, ordinance, or regulations of any governmental entity having jurisdiction.

B. Requirements: Mobile home subdivisions shall also be subject to the following requirements:

1. Such subdivisions may be submitted and reviewed as a planned unit development as set forth in this chapter.

2. Such subdivisions shall be screened from adjacent areas other than subdivisions of the same type by an aesthetically acceptable fence and/or planting strip.

3. Adequate provision shall be made for the maintenance of the subdivision.
4. Side lot lines shall be within thirty degrees (30°) of right angle or radial line to the street line.
(Ord. 316 § 7, 1979)

16.04.090.100: PLANNED UNIT DEVELOPMENT (PUD):

In addition to the requirements set forth in this chapter, a proposed planned unit development shall comply with the Ketchum planned unit development ordinance. (Ord. 383 § 1, 1983)

16.04.100-110: PHASED DEVELOPMENT PROJECTS:

- A. Compliance With Provisions: Any subdivider wishing to develop a subdivision (condominium, townhouses, land subdivision) or planned unit development over a series of years shall comply with the additional requirements and regulations set forth in this section. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner, including the extension of services and implementation of an interim landscaping plan for all future phases, and shall comply with all applicable zoning regulations.
- B. Development Plan: In addition to the preliminary plat, subdivision application and data, the subdivider shall submit to the administrator a development plan with a and development schedule for the entire project, containing all of the information required in subsection 16.04.030 of this chapter. The development plan, if approved, shall be the master plan for the entire project subject to modification by the subdivider through the same procedures as required for approval of the preliminary plat, original plan; and Phased development projects or portions of phased development projects that have not received final plat approval are subject to additional regulations of subsequently adopted or amended ordinances and statutes; and subject to additional requirements imposed by the commission or council due to changes in the development plan or as a result of subsequent subdivision or development of neighboring properties. After The approval of the development plan, the subdivider shall submit to the city a shall occur concurrently with preliminary plat approval, and final Final plat approval for of each phase of the a built project, built or to be built as evidenced by the receipt of a valid building permit and issuance of a certificate of occupancy, shall follow the procedures set forth in §16.04.110.D herein (below). The time limitations set forth in subsection 16.04.030H of this chapter shall apply to phased developments.
- C. Planning And Zoning Commission Action: Upon receipt of the preliminary plat, subdivision application, and application for a phased development plan and schedule project, the administrator shall place the same on the agenda of the next available regular meeting of the planning and zoning commission and give notice of a public hearing. The planning and zoning commission shall review the preliminary plat, subdivision application, phased development plan and development schedule project and make such recommendations on the proposed project as required by the applicable design review ordinance(s) and all other applicable ordinances or portions. After the planning and zoning commission has made its findings and recommendations,

~~the administrator shall give notice of a public hearing before the planning and zoning commission.~~ At the ~~regular~~ commission meeting where the public hearing is held, the commission shall take public comment, testimony from the subdivider and all interested parties, and review all information and data available to it. After review of the ~~development plan and schedule project~~, the commission shall make findings and recommendations.

- D. Council Action: The administrator, upon receiving the findings and recommendation of the commission, shall place the preliminary plat, subdivision application, development plan and schedule on the agenda of the next regular city council meeting. The council shall shall act on the preliminary plat, subdivision application, development plan and schedule pursuant to subsections 16.04.030 E of this chapter by reviewing the recommendations of the planning and zoning commission, ~~the commission~~, and all information and data contained in the file and shall approve, amend, or deny the application and development plan.
- E. Preliminary Plats: ~~Upon Concurrent with the approval of a the development plan and schedule,~~ the subdivider shall prepare a preliminary plat. ~~The preliminary plat shall show for~~ each stage of ~~the his or her~~ development in conformance with the approved development plan, including designation of future phases, sublots, and/or common areas. Upon approval of the preliminary plat, the subdivider may commence construction of the required improvements as provided in this chapter.
- F. Required Improvements: The city council may require that the subdivider install all or a portion of the required improvements for the entire project as set forth in the development plan. Such required improvements shall be constructed prior to approval of the final plat for any phase of the development. (Ord. 316 § 9, 1979)
- G. Final Plat(s): The final plat procedure for each phase of a phased development project shall follow §16.04.030.G.

16.04.~~110~~.120: IMPACT STATEMENT:

- A. Impact Statement Required: The subdivider proposing a subdivision of more than ten (10) lots or condominium units, or townhouses, or a planned unit development may be required by the commission or council to prepare an impact statement prior to approval of a preliminary plat. The statement shall discuss the potential effects of the proposed development upon the city in terms of impact upon economics, public facilities or environment as set forth in this chapter.
- B. Requirements: The impact statement shall include a study of the potential impact upon:
 - 1. Sewer facilities.
 - 2. Domestic water facilities.
 - 3. Fire protection, including fire protection water supply.
 - 4. Police protection.

5. Utilities.
 6. Schools.
 7. Roads and traffic.
 8. Other public facilities.
 9. Noise, water and air pollution.
 10. Environmental impact, including impact upon vegetation, wildlife, and wildlife habitat, ground and surface water, and soil erosion.
 11. Public transportation.
 12. Public easements, created or threatened, and recreational availability.
 13. Avalanche hazard and flood hazard.
 14. Drainage.
 15. Grading of slopes.
 16. Adjacent properties and the neighborhoods.
 17. Snow removal areas and services.
 18. Designating and defining impact upon areas of historical significance.
 19. Effects upon agriculture.
- C. Additional Requirements: The commission or council may reasonably require the impact statement to be extended to include other factors and criteria not listed above due to unusual characteristics of the land or character of the proposed development or improvements. Furthermore, the subdivider may be required to provide additional information and studies with regard to any of the factors or criteria required in the impact statement.
- D. Contiguous Or Adjacent Property: When an owner or subdivider owns or controls contiguous or adjacent land to that which he or she proposes to subdivide under the terms of this chapter, the commission or council may require that the contiguous or adjacent property be included in the subdivision or that a development plan for the entire tract be presented. Furthermore, the commission or council may require that the entire parcel or parcels of land be platted. (Ord. 316 § 10, 1979)

16.04.120.130: WAIVER AND APPEAL:

- A. General Requirements: Waiver of any of the requirements of this chapter may be granted by the council on a case by case basis upon the recommendation of the commission. Application for such waiver(s) must be in writing and must show that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this chapter would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health and safety, nor injurious to property owners in the immediate area.
- B. Application For Waiver: Applications shall be made to the administrator in writing at the time of subdivision application. Such waiver, together with such related data and maps as are necessary to fully illustrate the relief sought, shall be filed at that time. Such application shall be processed and considered with the preliminary plat application.

16.04.140: APPEALS:

- A.C. Appeals: Any interested party may appeal in writing the decision of the planning and zoning commission, planning administrator or building inspector relative to any matter(s) with regard to this chapter. Such appeals shall be filed in writing with the Ketchum city clerk within ten (10) days from the date of such decision. Such appeal shall state the exact decision or recommendation appealed and the reasons for appeal. If no appeal is filed within ten (10) days as provided in this subsection, the decision shall be final. (Ord. 316 § 11, 1979)

16.04.~~130~~.150: FEES AND COSTS AND TIME PERIODS FOR APPROVAL:

- A. Fees And Costs: The subdivider shall pay to the city by depositing with the city administrator certain fees and costs. There shall be a preliminary plat application fee and a final plat application fee. Such fees shall be set by resolution of the city council.
- B. Time Periods For Approval:
 - 1. The planning and zoning commission shall have sixty (60) days to examine and consider all applications made pursuant to this chapter and to make its recommendations. Such sixty (60) day period shall commence upon the first meeting at which the commission considers such an application. If no recommendation is made within such period, the application shall be placed upon the appropriate agenda without recommendation.
 - 2. The council shall have ninety (90) days to examine and consider all applications made pursuant to this chapter and make its finding(s) and/or decision(s).
 - 3. The time periods set forth in this subsection may be extended for a reasonable period of time by the planning and zoning commission or council upon a finding that, due to the complexity of an application or changes made in an application during the review process, additional time to examine or consider same is reasonably required. (Ord. 316 § 12, 1979)

16.04.140-160: ENFORCEMENT, VIOLATIONS AND PENALTIES:

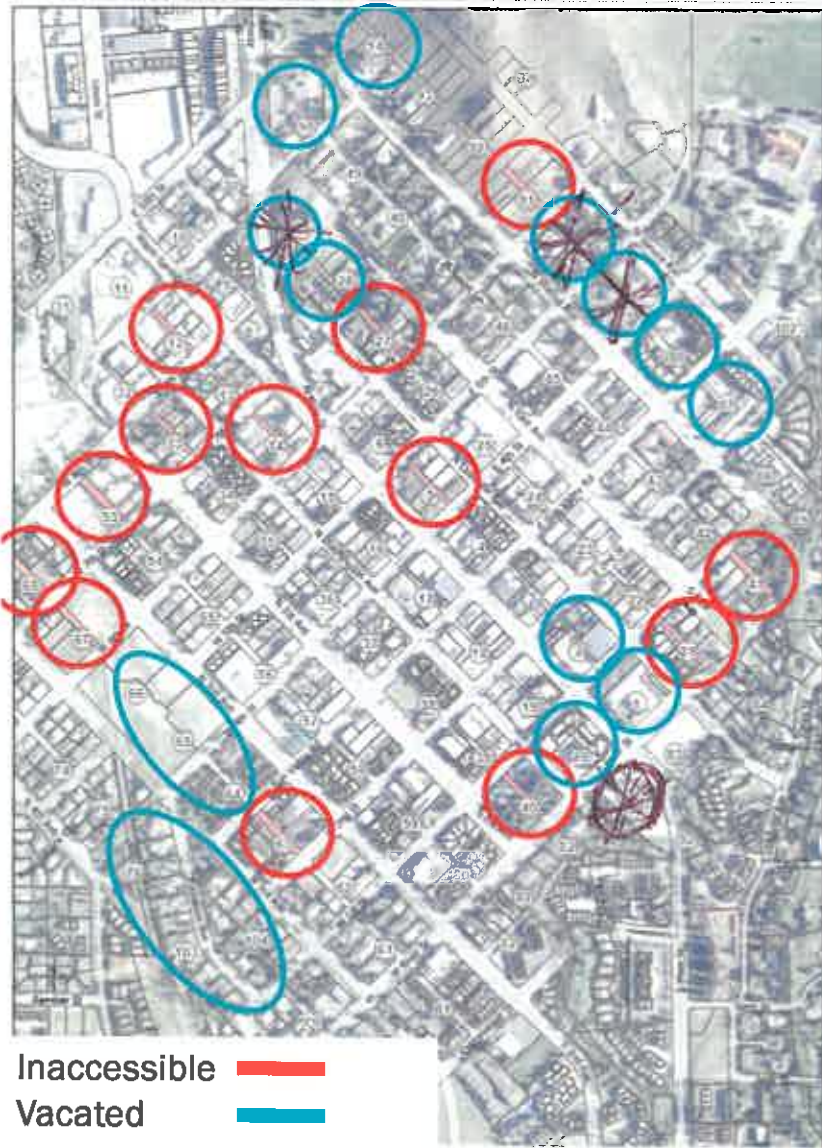
- A. Investigations: It shall be the duty of the administrator and building inspector to investigate compliance with these regulations and to bring to the attention of the city council and the city attorney any violations of this chapter.
- B. Sale Of Portions Of Unsubdivided Property: No owner, or agent of the owner, shall transfer, sell, encumber by mortgage or deed of trust or offer to sell any portion of an unsubdivided parcel of real property before a final plat has been approved by the council and filed with the office of the Blaine County recorder as required by law.
- C. Sale Of Property By Metes And Bounds: The subdivision of any lot or of any parcel of land by the use of a metes and bounds description for the purpose of sale, transfer, encumbrance by mortgage or deed of trust, or lease shall not be permitted without the filing of a final plat as required in this chapter. All such divisions of land shall not be recognized by the city nor shall building permits be issued for any improvements until such subdivisions have received final plat approval and met all requirements of this chapter.
- D. Penalties: Any person, firm, association or corporation that fails to comply with or violates any of these regulations shall be subject to a fine not more than three hundred dollars (\$300.00) or imprisonment for a period not exceeding six (6) months, or both. Each day that such violation continues shall be considered a separate offense.
- E. Civil Enforcement: Appropriate actions and proceedings at law or in equity may be instituted by the city attorney to prevent or rectify illegal subdivisions, to recover damages, to restrain, correct or abate any violation, or to prevent illegal occupancy of a building, structure or premises. These remedies shall be cumulative and in addition to the penalties described in this section.
- F. Conditions: Regulation of the subdivision of land and the attachment of reasonable conditions to such subdivisions is a proper exercise of valid police power granted to the city by article XII, section 2 of the Idaho constitution. The subdivider has the duty of compliance with reasonable conditions laid down by the council and commission for design, dedication, improvement and restrictive use of land so as to conform with the physical and economic development of the city and the safety and general welfare of future plot owners in such subdivision and the public at large. (Ord. 316 §§ 13, 14, 1979)

ATTACHMENT B



CITY OF KETCHUM ALLEYWAYS

July, 2019



CITY OF KETCHUM GIS

Vacated Alleys



BLOCK 29

- Ordinance No. 169
- Alley Vacated in 1971
 - *Portion of alley adjoining lots 1, 2, 3, 5, 6, 7*
- Comment: Area inaccessible and irremediable due to topography



BLOCK 82

- Ordinance No. 322
- Vacated in 1980
 - *Alley running between lot 3 and lots 2, 21, 22*
- Currently occupying the vacated area: Parking lot for adjacent commercial buildings
- Additional comment: Sharp drop off at the end of paved lot.

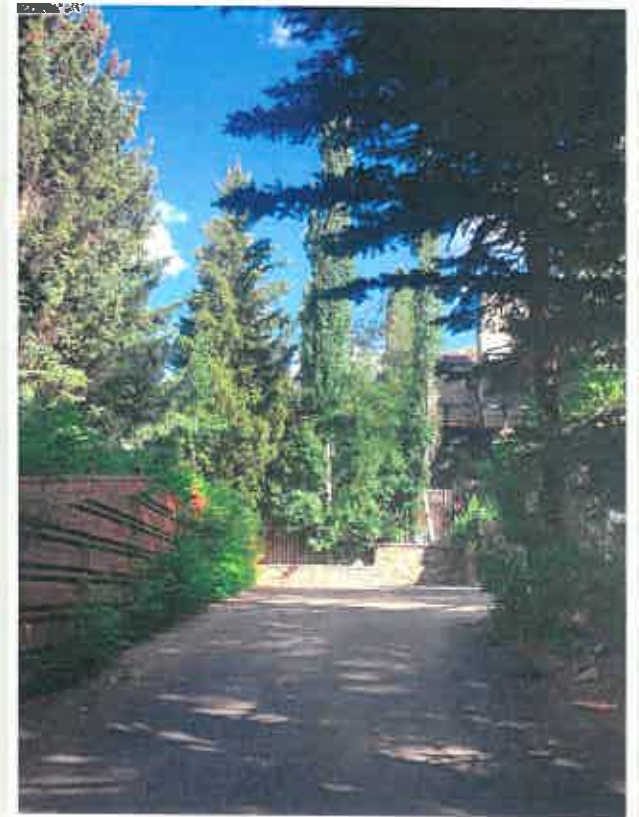
BLOCK 89

- Ordinance No. 479
- Vacated in 1988
 - *Only Northern half of alley vacated*
- Comment: Alley was never opened, improved, or maintained by the City of Ketchum before vacation.



BLOCK 90

- Ordinance No. 46
- Vacated in 1959
 - *Portion of alley vacated*
- Comment: Portion vacated is between 5th and 6th street, between Walnut and Spruce Street on Block 90





City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
MEETING OF AUGUST 12, 2019

PROJECT: Gabbert Lot Line Shift

FILE NUMBER: P19-054

REPRESENTATIVE: Garth McClure, Benchmark Associates

OWNER: The Boulder View Revocable Trust c/o John Gabbert

REQUEST: Lot Line Shift to amend the platted building envelope

LOCATION: 105 Boulder View Lane (Lot 17, Beaver Springs Subdivision)

ZONING: Limited Residential, 2 Acre – LR-2

OVERLAY: None

NOTICE: Notice was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on July 24th, 2019. Notice was published in the July 19th, 2019 edition of the Idaho Mountain Express.

REVIEWER: Brittany Skelton, Senior Planner

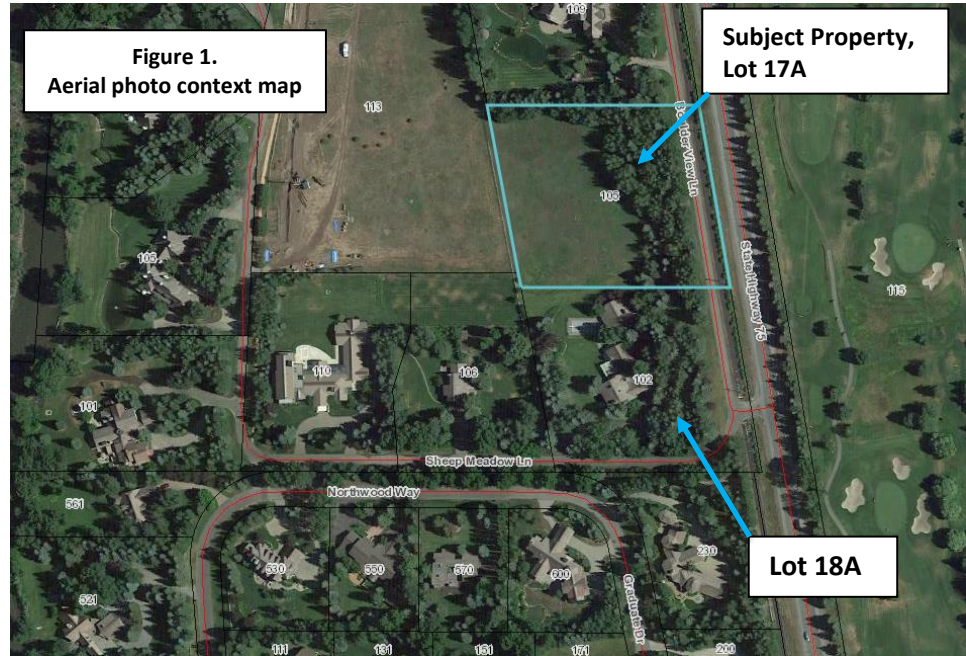
BACKGROUND AND ANALYSIS

Beaver Springs Subdivision was platted in 1978, under jurisdiction of Blaine County, and a circular shaped building envelope was designated for every buildable lot in the subdivision. In 1990 the subdivision was annexed into the City of Ketchum at the request of the property owners. Over the past several decades nearly all of the lots in this 22-lot subdivision have been developed. Several lots (4, 7, 11, 12, and 20) previously utilized the Lot Line Shift procedure to amend and reconfigure their original platted building envelopes in order to accommodate siting of a dwellings in locations desired by the respective property owners.

The subject property, Lot 17A, was previously amended in 1986. The amendment reduced the size of the original Lot 17 and increased the size of the adjacent Lot 18. Lot 17A is one of the last remaining lots in the subdivision to be developed. The existing circular-shaped building envelope is 17,672 square feet in size. The proposed building envelope is 17,640 square feet in size. The applicant has proposed to amend reconfigure the building envelope to match the footprint of a proposed new single-family home. While the Homeowners Association (HOA) and adjacent neighbors have not provided comment to the City of Ketchum regarding this Lot Line Shift application, the applicant has submitted the HOA's approval of the design of the proposed single-family home.

There are several easements located within the subject property: a private roadway easement for Boulder View Lane, an easement for the bike path, a non-motorized ingress and egress easement benefiting Lot 19

(located at the southwest corner of the subject property). Notably, a viewshed protection easement exists on the southwest portion of the lot as well; this easement benefits Lot 18A. The proposed amendment to the building envelope respects all existing easements on the subject property, including the viewshed protection easement that benefits Lot 18A.



Additionally, the plat notes the required 100' setback from State Highway 75 (State Highway 75 runs parallel to Boulder View Lane and is located to the east of the subject property) as well as side and rear yard setbacks required by the subdivisions CC&Rs. The proposed building envelope respects the required setbacks.

Where building envelopes exist, the Lot Line Shift procedure is the appropriate tool to review and approve an amendment. Typically, Lot Line Shifts have been reviewed and approved administratively in the past. However, in part because the original building envelopes were approved during a public hearing (concurrent with the original subdivision plat), and partially due to recent recognized conflicts within the subdivision ordinance, this Lot Line Shift is scheduled for a public hearing with the Planning and Zoning Commission.

Finding no conflict with the proposed building envelope and existing easements, and having received no concerns from the Fire, Engineering, Streets and Utility departments nor public comment by the time of publication of the staff report, staff recommends approval of this Lot Line Shift application.

Table 1: City Department Comments

City Department Comments				
Compliant				
Yes	No	N/A	City Code	City Standards and <i>City Department Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fire Department:	<i>No comment at this time. Comment will be provided with the application for building permit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Engineer:	<ol style="list-style-type: none"> <i>Bar scale and dimensions shown on plat do not correlate.</i> <i>Existing zoning needs to be noted on plat</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Utilities:	<ol style="list-style-type: none"> <i>The annexation agreement for Beaver Springs subdivision (1990) permits each lot to remain on well and septic. Lots also do not have access to city water for anything except fire protection provided to the subdivision in the form of the fire hydrants in place.</i> <i>No domestic taps are required whatsoever.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building: <i>No comment at this time.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning and Zoning: <i>Comments are denoted throughout the Staff Report.</i>

Table 2: Preliminary Plat Requirements

Compliant			Preliminary Plat Requirements	
Ye s	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<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. <i>Staff Comments</i> The application has been reviewed and determined to be complete.
<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. 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: <i>Staff Comments</i> All required materials for the Preliminary Plat application have been submitted.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	The scale, north point and date. <i>Staff Comments</i> This standard has been met.
<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. <i>Staff Comments</i> This standard has been met. This is an amendment to an existing subdivision, Beaver Springs Subdivision.
<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. <i>Staff Comments</i> This standard shall be met with the Final Plat with the signed Certificate of Ownership.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted. <i>Staff Comments</i> This standard has been met.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property. <i>Staff Comments</i> N/A. The subject lot does not intersect or adjoin another subdivision.
<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. <i>Staff Comments</i> This standard has been met. The Preliminary Plat indicates contour lines at 1 ft intervals.
<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. <i>Staff Comments</i> This standard has been met. All easements and the adjacent private street, Boulder View Lane, as well as State Highway 75, are indicated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	Boundary description and the area of the tract. <i>Staff Comments</i> The legal description appears on the proposed Preliminary Plat.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	Existing zoning of the tract. <i>Staff Comments</i> The existing zoning designation, LR-2, is not currently indicated on the plat. Staff recommends Condition of Approval #1 – zoning shall be added to the plat prior to the plat being signed by the city engineer.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>N/A. No new streets, lot lines, or easements are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>N/A as this is an amendment to the building envelope on an existing lot in an existing subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>N/A as this is an amendment to the building envelope on an existing lot in an existing subdivision.</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>N/A, Boulder View Lane is existing and there is no proposal to modify the street or to create a new street.</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>N/A as no new drainage canals or structures are proposed.</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>No state health authority has required this condition.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>N/A as this is an existing subdivision.</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 this plat is an adjustment of a building envelope on a lot located in an existing subdivision. The original plat for the subdivision serves as the vicinity map.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			Staff Comments	<i>N/A. The subject property is not located in the floodplain, floodway, or avalanche zone.</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.
			Staff Comments	<i>A building envelope exists on the plat for the subject property and the application proposes modifying the existing building envelope.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			Staff Comments	<i>The areas of each lot are indicated on the Preliminary Plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			Staff Comments	<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</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.
			Staff Comments	<i>A current title report and a copy of the both owners' recorded deed to the subject properties were included in the Preliminary Plat application submittal.</i>
			16.04.030.I .23	Three (3) copies of the preliminary plat shall be filed with the administrator.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff Comments	<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.
			Staff Comments	<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</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.
			Staff Comments	<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</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>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</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.
				<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</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,

				<p>shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <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.
			Staff Comments	<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.F	<p>Lot Requirements:</p> <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, 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: <ol 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. 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. 4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line. 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). 6. Minimum lot sizes in all cases shall be reversed frontage lot(s). 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.
			Staff Comments	<p><i>Standards #1, and 3-7 are not applicable as this is an existing lot in an existing subdivision.</i></p> <p><i>Regarding standard #2, the existing platted building envelope encroaches into an area of the site that contains slopes +/- 25%. However, this lot is not in the</i></p>

				<p><i>Mountain Overlay district as it is not a hillside lot. Rather, the east side of the site and subdivision is approximately at the same grade as Highway 75 to the east. The topography drops approximately 17' from the northeast corner of the northeast wing of the proposed building envelope to the southwest corner of the northeast wing of the proposed building envelope. This approximately 17' grade change occurs over approximately 60', for an approximate slope of 28%.</i></p> <p><i>The majority of the proposed building envelope is located on the flat portion of the site.</i></p> <p><i>Because the building envelope within the steep part of the site is reduced through the amendment, and because the subject property is not a hillside lot located in the Mountain Overlay district, the proposed building envelope amendment is consistent with criteria 16.04.04.F.2.b. – the building envelope contains only a small, isolated pocket of slope that is approximately 25% or greater.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	<p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <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>This application does not create a new block. This requirement is not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H	<p>Street Improvement Requirements:</p> <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

				<p>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;</p> <p>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;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>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;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>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;</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>
			Staff Comments	<i>This proposal does not create a new street. These standards are not applicable.</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 proposal does not create a new alley and the subdivision is not located in a business, commercial or light industrial zone. This standard is not applicable.</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 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>
			Staff Comments	<i>All required easements are included on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.K	<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</p>

				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.
			Staff Comments	<i>Beaver Springs subdivision is not connected to municipal water or sewer and all lots use well and septic. As indicated by the Utilities Director in Table 1, lack of connection to municipal water and sewer was memorialized in the subdivision's annexation agreement.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.L	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.
			Staff Comments	<i>Beaver Springs subdivision is not connected to municipal water or sewer and all lots use well and septic. As indicated by the Utilities Director in Table 1, lack of connection to municipal water and sewer was memorialized in the subdivision's annexation agreement.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	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.
			Staff Comments	<i>This standard is not applicable. This is an existing lot in an existing subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.N	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: 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: 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.

				<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.
			Staff Comments	<i>These standards are not applicable; this is an existing lot in an existing subdivision.</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>These standards are not applicable; this is an existing lot in an existing subdivision.</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>This is an existing lot in an existing subdivision. Upon issuance of a building permit, and prior to issuance of the Certificate of Occupancy, all utility services on the property will be installed underground.</i>

<input type="checkbox"/>	<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 are required.</i>

STAFF RECOMMENDATION

Staff recommends approval of the Gabbert Lot Line Shift application.

RECOMMENDED MOTION

“I MOVE TO APPROVE THE GABBERT LOT LINE SHIFT AND TO AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FINDINGS OF FACT AND CONCLUSIONS OF LAW.”

RECOMMENDED CONDITIONS:

1. Existing zoning needs to be noted on plat prior to the plat being signed by the City Engineer;
2. Bar scale and dimensions shown on plat do not correlate and shall be updated to correlate prior to the plat being signed by the City Engineer;
3. 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;
4. 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”; and,
5. 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.
6. The applicant shall provide a copy of the recorded final plat to the Department of Planning and Building for the official file on the application.
7. All requirements of the Fire, Utility, Building, Planning and Engineering and Streets departments of the City of Ketchum shall be met.

ATTACHMENTS

- A. Application
- B. Preliminary Plat
- C. Original Beaver Springs subdivision plat, 1978
- D. Homeowners Association Design Review approval e-mail
- E. Draft Findings of Fact, Conclusions of Law, and Decision

A. Application



City of Ketchum
Planning & Building

**CERTIFIED
COMPLETE**

5-22-19
MP

OFFICIAL USE ONLY	
File Number	P19-054
Date	5-22-19
By:	MP
Fee Paid:	475 ⁰⁰
Approved Date:	
Denied Date:	
By:	

Lot Line Shift Application

Gabbert LLS

OWNER INFORMATION	
Owner Name: THE BOULDER VIEW REVOCABLE TRUST c/o JOHN GABBERT	
Mailing Address: 2349 1ST AVE EAST, SEATTLE WA 98112	
Phone: 415-672-4237	
Email: GABBERT@GMAIL.COM	
PROJECT INFORMATION	
Name of Proposed Plat: BEAVER SPRINGS SUB'D: LOT 17B	
Representative of Owner: GARTH McCLURE, BENCHMARK ASSOCIATES	
Phone: 208-726-9512 EXT. 111	
Mailing Address: PO BOX 733	
Email: garth@bma5b.com	
Legal Land Description: LOT 17, BEAVER SPRINGS SUB'D	
Street Address: 105 BOULDER VIEW LANE	
Number of Lots: 1	Number of Units:
Total Land Area in Square Feet: +/- 126,033 SF	Current Zoning District: LR-2
Overlay District: <input type="checkbox"/> Flood <input type="checkbox"/> Mountain <input type="checkbox"/> Avalanche	
Easements to be Dedicated on the Final Plat (Describe Briefly):	
NO NEW EASEMENTS	
ATTACHMENTS	
Attachments Necessary to Complete Application:	
1. A copy of a current lot book guarantee and recorded deed to the subject property;	
2. One (1) copy of preliminary plat; and,	
3. A CD or email of an electronic (.pdf) of the plat.	

Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Lot Line Shift Application, in which the City of Ketchum is the prevailing party, to pay reasonable attorney fees, including attorney fees on appeal, and expenses of the City of Ketchum. I, the undersigned, certify that all information submitted with and upon this application form is true and accurate to the best of my knowledge and belief.


Signature of Owner/Representative

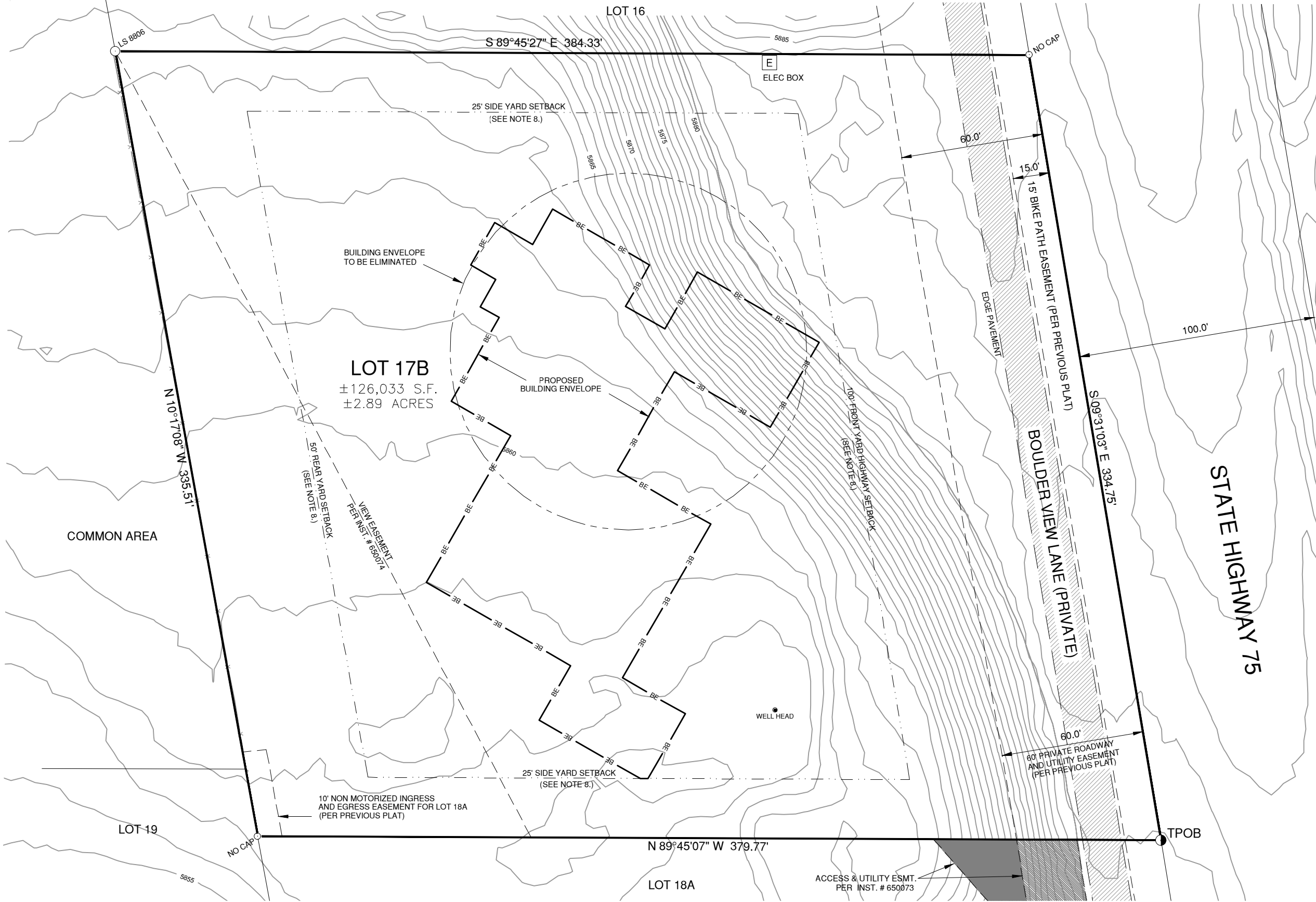
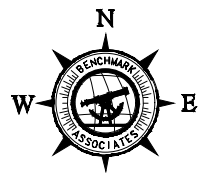
5.21.19
Date

B. Preliminary Plat

BEAVER SPRINGS SUBDIVISION: LOT 17B

WHEREIN THE BUILDING ENVELOPE ON BEAVER SPRINGS SUBDIVISION,
AMENDED LOT 17 IS RECONFIGURED, CREATING LOT 17B.
LOCATED WITHIN: SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M.,
CITY OF KETCHUM, BLAINE COUNTY, IDAHO

MAY 2019
PRELIMINARY PLAT



LEGEND

- PROPERTY BOUNDARY
- EASEMENT LINE
- PROPOSED BUILDING ENVELOPE
- BUILDING ENVELOPE TO BE ELIMINATED
- BUILDING SETBACK (SEE NOTE 8.)
- EDGE PAVEMENT
- EXISTING POWER LINE
- FOUND 1/2" REBAR
- FOUND 5/8" REBAR
- ALUMINUM CAP

NOTES:

1. REFER TO THE ORIGINAL PLATS OF "BEAVER SPRINGS SUBDIVISION" (INST. NO. 181497), "AMENDED LOTS 17 & 18, BEAVER SPRINGS SUBDIVISION", (INST. NO. 276419), "BEAVER SPRINGS SUBDIVISION: LOTS 17A & 17B", (INST. NO. 366269), "THE DECLARATION OF RESTRICTIONS OF BEAVER SPRINGS SUBDIVISION", (INST. NO. 181805, AND AS AMENDED BY INST. NOS. 278727, 515751, 554935), AND TO THE CITY OF KETCHUM ORDINANCE FOR CONDITIONS AND/OR RESTRICTIONS REGARDING THIS PROPERTY.
2. NO BUILDING, FENCES, OR OTHER CONSTRUCTION SHALL BE ALLOWED ON THE 10' NON-MOTORIZED INGRESS AND EGRESS EASEMENT ON LOT 17B.
3. THE 60' WIDE PRIVATE ROADWAY EASEMENT SHOWN HEREON BENEFITS OWNERS OF ALL LOTS WITHIN THIS SUBDIVISION.
4. THE 60' WIDE PRIVATE ROADWAY EASEMENT SHOWN HEREON IS ALSO A DESIGNATED PRESSURE SEWER LINE EASEMENT TO LEACH FIELDS FOR LOTS 1, 3-9, 31 & 22.
5. POWER LINE EASEMENTS ARE RESERVED FOR IDAHO POWER AS RECORDED IN BLAINE COUNTY AS INSTRUMENT NOS. 201024, 209216 AND 242614.
6. A 15' WIDE BIKE PATH EASEMENT IS RESERVED FOR THE CITY OF KETCHUM AS RECORDED IN BLAINE COUNTY UNDER INSTRUMENT NO. 353410.
7. A VIEW EASEMENT TO BENEFIT LOT 18A EXISTS AS SHOWN HEREON, PER INSTRUMENT NO. 650074.
8. BUILDING SETBACKS: SIDE AND REAR YARD SETBACKS PER THE "THIRD AMENDMENT AND RESTATEMENT OF DECLARATION OF RESTRICTIONS OF BEAVER SPRINGS SUBDIVISION", INST. NO. 554935. FRONT YARD HIGHWAY SETBACK PER CHAPTER 17.12.020 KETCHUM MUNICIPAL CODE.

EXISTING BUILDING ENVELOPE: 17,672 SF
PROPOSED BUILDING ENVELOPE: 17,640 SF

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: _____ South Central Public Health District, REHS



**BEAVER SPRINGS SUBD.
LOT 17B**
LOCATED WITHIN
SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M.,
CITY OF KETCHUM, BLAINE COUNTY, IDAHO

PREPARED FOR: JOHN GABBERT

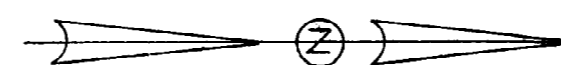
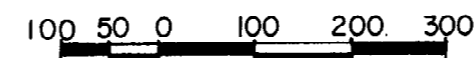
PROJECT NO. 19037 DWG BY: DWS/CPL CRD: 17020.CRD 19037PRE.DWG
PRELIMINARY PLAT DATE: 05/22/2019 SHEET: 1 OF 1

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C. Original Beaver Springs subdivision plat, 1978

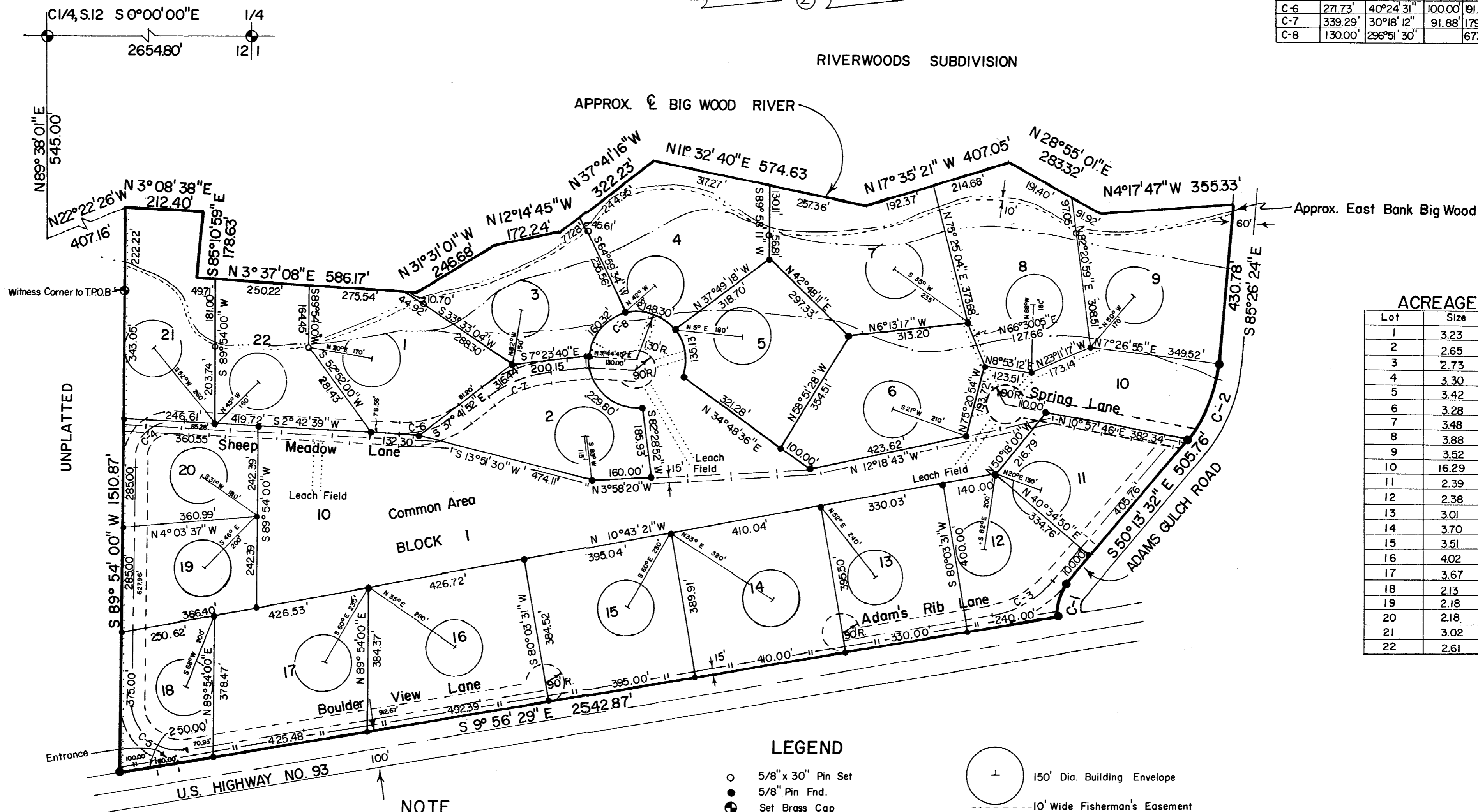
PLAT SHOWING BEAVER SPRINGS SUBDIVISION

IN SECTIONS 1&12, T.4N., R. 17E, B.M.
BLAINE COUNTY, IDAHO
1978



CURVE DATA

Curve	R	Δ	T	L	Ch L.	Ch Bearings
C-1	103.42'	49° 41' 54"	47.90'	89.72'	86.92'	S 75° 04' 29" E
C-2	364.57'	35° 12' 52"	115.70'	224.07'	220.56'	S 67° 49' 58" E
C-3	272.64'	40° 17' 03"	100.00'	191.69'	187.77'	
C-4	125.00'	92° 48' 39"	131.29'	202.48'	181.06'	
C-5	"	99° 50' 29"	148.55'	217.82'	191.29'	
C-6	271.73'	40° 24' 31"	100.00'	191.64'	187.69'	
C-7	339.29'	30° 18' 12"	91.88'	179.45'	177.36'	
C-8	130.00'	236° 51' 30"		673.55'		



ACREAGE

Lot	Size
1	3.23
2	2.65
3	2.73
4	3.30
5	3.42
6	3.28
7	3.48
8	3.88
9	3.52
10	16.29
11	2.39
12	2.38
13	3.01
14	3.70
15	3.51
16	4.02
17	3.67
18	2.13
19	2.18
20	2.18
21	3.02
22	2.61

LEGEND

- 5/8" x 30" Pin Set
- 5/8" Pin Fnd.
- ⊙ Set Brass Cap
- ⊙ 1/2" x 24" Pin Set
- ⊙ 1/2" x 24" Pin Set For Witness Corner
- ⊙ 60' Wide Private Roadway & Public Utility Easement
- ⊙ 3' Wide Sportsman Access To Wood River, South Boundary
- ⊙ 20' Wide Roadway & Utility Easement To Lots 4,5,6,7,8,3
- ⊙ I.R.F. Line (Corps of Engineers)
- ⊙ Floodway Limits " " "
- ⊙ 150' Dia. Building Envelope
- ⊙ 10' Wide Fisherman's Easement
- ⊙ 15' " Pedestrian "
- ⊙ 15' " Bicycle "

NOTE

1. Approx. average ground elev. at center of envelopes on Lots 3,4,7,8 and 10 is certified to be above I.R.F. by the engineer.
2. The 20' & 60' wide private roadway easements shown hereon are also designated pressure sewer line easements to leach fields for Lots 21, 22, 1, 3, 4, 5, 6, 7, 8, & 9.

Jim W. Koonce
Consulting Engineer
Ketchum, Idaho

CERTIFICATE OF OWNERSHIP

This is to certify that we, the undersigned, are the owners in fee simple of the following described property. A portion of Sections 1 and 12, T. 4 N., R. 17 E., B. M., Blaine County, Idaho, more particularly described as follows:

Commencing at an iron pin marking the Center 1/4 Corner, said Section 12, thence N 89° 38' 01" E 545.00 feet; thence N 22° 22' 26" W 407.16 feet to a point on the centerline of the Big Wood River, which point is also the REAL POINT OF BEGINNING; thence along said centerline of the Big Wood River the following courses and distances; N 3° 08' 38" E 212.40 feet; S 85° 10' 59" E 178.63 feet; N 3° 37' 08" E 586.17 feet; N 31° 31' 01" W 248.68 feet; N 12° 14' 43" W 172.24 feet; N 37° 41' 16" W 322.23 feet; N 11° 32' 40" E 574.63 feet; N 17° 35' 21" W 407.05 feet; N 28° 55' 01" E 283.32 feet; N 4° 17' 47" W 355.33 feet to a point on the Southerly Boundary of the Adam's Gulch Road; thence S 85° 26' 24" E 430.78 feet; thence 224.07 feet around a curve to the right with a radius of 364.57 feet; a central angle of 35° 12' 52", a tangent of 115.70 feet and a long chord of 220.56 feet that bears S 67° 49' 58" E; thence S 50° 13' 32" E 505.76 feet; thence 89.71 feet around a curve to the left with a radius of 103.42 feet; a central angle of 49° 41' 54"; a tangent of 49.90 feet and a long chord of 86.92 feet that bears S 75° 04' 29" E to the Westerly Boundary of U.S. Highway No. 93; thence S 9° 56' 29" E 2542.87 feet; thence S 89° 54' 00" W 1510.87 feet to the place of beginning, containing 80.58 acres. It is the intention of the owners to, and they do hereby, include said land in this plat.

The purchaser and/or owner of this lot or parcel understands and agrees that private road construction, maintenance, and snow removal shall be the obligation of the owner, his successors in interest, or homeowner's association, and that Blaine County is in no way obligated to accept, maintain or improve these roads until the roads are brought up to county standards, dedicated, and accepted by the county, and that each owner shall notify in writing any successor in interest of these facts.

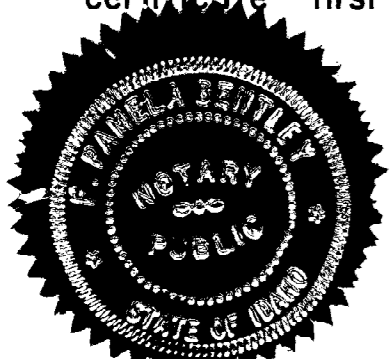
Alvin H. Otley
John J. Smith
John A. Smith
John A. Smith

Paul S. Smith
David J. Ward
David Rosenberg
James M. Davies
Patricia P. Davies

ACKNOWLEDGEMENT

STATE OF IDAHO]-ss
COUNTY OF BLAINE]

On this 13th day of March, 1978, before me, a Notary Public for Idaho, personally appeared the persons who signed above, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same. IN WITNESS WHEREOF I have set my hand and affixed my seal the day and year in this certificate first above written.



Pamela Bentley
Notary Public
My Commission expires: Lifetime

BLAINE COUNTY PLANNING AND ZONING APPROVAL

The foregoing plat of Beaver Springs Subdivision was approved this 14th day of FEB., 1978 by the Blaine County Planning and Zoning Commissioner.

Alan J. Reynolds
Administrator

KETCHUM CITY COUNCIL'S APPROVAL

The foregoing plat of Beaver Springs Subdivision was approved this 6th day of February, 1978, by the Ketchum City Council.

Ray A. Coles
City Clerk

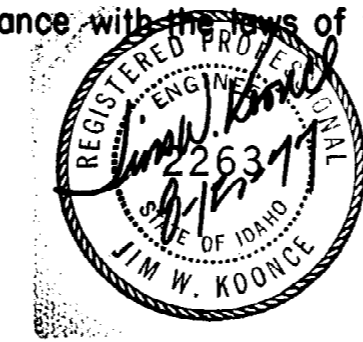
KETCHUM ZONING COMMISSION'S APPROVAL

The foregoing plat of Beaver Springs Subdivision was approved this 23 day of January, 1978, by the Ketchum Planning and Zoning Commission.

Robert Karbe
Chairman

CERTIFICATE OF ENGINEER

This is to certify that I, Jim W. Koonce, am a registered professional engineer in the State of Idaho and that this plat of Beaver Springs Subdivision is a true and accurate map of the land surveyed under my direct supervision and that it is in strict accordance with the laws of the State of Idaho relating to plats and subdivisions.

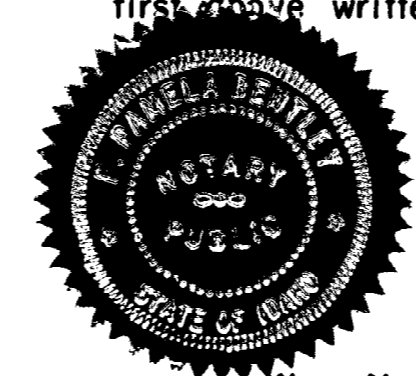


Jim W. Koonce
Jim W. Koonce

ACKNOWLEDGEMENT

STATE OF IDAHO]-ss
COUNTY OF BLAINE]

On this 13th day of March, 1978, before me, a Notary Public for Idaho, personally appeared Jim W. Koonce, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same. IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.



Pamela Bentley
Notary Public
My Commission expires: Lifetime

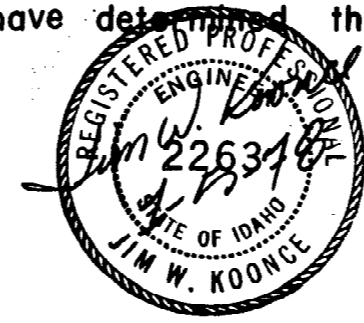
CITY ENGINEERS' APPROVAL

I, Wes Nash, City Engineer in and for the City of Ketchum, Blaine County, Idaho do hereby approve this plat of Beaver Springs Subdivision.

Wes Nash
Wes Nash

COUNTY ENGINEER'S APPROVAL

This is to certify that I, Jim W. Koonce, County Engineer for Blaine County, Idaho, have checked the foregoing plat and have determined that it complies with the laws of the State of Idaho relating thereto.



Jim W. Koonce
County Engineer

SANITARY RESTRICTIONS

COUNTY COMMISSIONER'S APPROVAL

The foregoing plat was approved and accepted by the Board of County Commissioners of Blaine County Idaho on this 14th day of March, 1978.

Ray J. Sulek
Chairman

No: 181497

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO]-ss
COUNTY OF BLAINE]

This is to certify that the foregoing plat was filed in the office of the Recorder of Blaine County, Idaho on this 19 day of March, 1978, at 9:00 A. M., and duly recorded in Plat Book 17 at Page 12.

MARIE MELLYA
Ex-officio Recorder
Hazel Barber
Deputy

D. Homeowners Association Design Review approval e-mail

Cinda Lewis

From: Garth McClure
Sent: Tuesday, May 21, 2019 10:28 AM
To: Cinda Lewis
Subject: FW: Gabbert project
Attachments: 1815 C1-0 Site Plan 2019-1-24.pdf

Cinda,
To be included in application submittal.
G

From: Chad Brown <chad@hallbrown.com>
Sent: Monday, May 20, 2019 4:50 PM
To: Garth McClure <garth@bma5b.com>
Subject: FW: Gabbert project

Garth,
See below and attached.
Thx.
Chad

From: Greg Dennee <gdennee@locatiarchitects.com>
Sent: Monday, May 20, 2019 4:03 PM
To: Chad Brown <chad@hallbrown.com>
Cc: Joel Riendeau <JRiendeau@locatiarchitects.com>
Subject: FW: Gabbert project

Chad,
Below is the paragraph from Laura confirming preliminary approval from the Beaver Springs ADC. They do not have a formal process/form to grant such a thing, but I asked for something in writing that indicates ADC support for the home's location, size and proposed envelope as presented. Also attached is the site plan presented to the ADC for reference.

Let me know if you think we need to push Laura to give us something more formal, or if this level of endorsement will suffice.

Thanks
Greg

GREG DENNEE | **LOCATI ARCHITECTS**
PARTNER
1007 EAST MAIN | SUITE 202
BOZEMAN MONTANA 59715
406.587.1139 | OFFICE

From: Sun Country Management <sunco1007@cox-internet.com>
Sent: Friday, February 22, 2019 12:57 PM
To: Greg Dennee <gdennee@Locatiarchitects.com>
Subject: Gabbert project

Hi Greg,

Thank you for your cooperation in providing the Beaver Springs ADC with the materials they requested for the preliminary design review of the Gabbert home. As confirmation, the two items noted in the email to you on February 1 (referenced below) have been addressed by the information you provided and the preliminary review is now complete. Please proceed with preparation of the final submittal package and advise our office when you are ready to submit so that we can schedule a meeting of the ADC. As always, please let me know if you have any questions!

Thanks,
Laura

SUN COUNTRY MANAGEMENT
P.O. Box 1672 Sun Valley, ID 83353 (mailing)
675 Sun Valley Road, Suite I-1 Ketchum (office)
(208) 726-3858 (phone); (208) 725-0145 (fax)
sunco1007@cox-internet.com

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From: Sun Country Management <sunco1007@cox-internet.com>
Sent: Friday, February 1, 2019 3:49 PM
To: Greg Dennee <gdennee@Locatiarchitects.com>
Subject: Gabbert project

Hi Greg,

Please see email below from the ADC who reviewed the most recent information you provided.

Have a good weekend!
Laura

Dear Greg,

Bill Freuhling, Janet Jarvis and I had a conference call last Monday, Jan.28th, to discuss your latest submittal of drawings and notes for the proposed Gabbert Residence in Beaver Springs.

We accept your premise that the garage on the northeast corner of the building meets the "75% buried rule" to therefore the garage is not included in the total square footage calculations.

We have one detail and one concern:

1. Detail: we would like you to show the roof heights from FINISHED GRADE as specified in our guidelines, not finished floor. We understand from your cross sections the height of the roof off finished floor is maximum 32'-0" but what is it off finished grade. A technicality as it appears you are fine but we would to see it writing.

2. Concern: One of the most visible parts of the finished project will be the driveway coming down that hill. It appears that the construction of the driveway will require a lot of disturbance because of the required amount of cutting and filling. We would find a cross section thru the worst case of the embankment and driveway which would be very helpful to all. The embankment along the east side of the driveway looks very steep as drawn. Will you need any retaining rocks or walls? How many trees are coming down? How will you avoid erosion. What does the entrance look like off the upper road? What are the plans for revegetation of the scarred hill? Do you have enough water to adequately irrigate the new plantings with?

We are ready to give you "Preliminary Approval" once you satisfy our concerns about the driveway which will be very visible as I said.

Any questions please let Laura know.

Sincerely,
Austen Gray
Beaver Springs Design Review Committee

SUN COUNTRY MANAGEMENT
P.O. Box 1672 Sun Valley, ID 83353 (mailing)
675 Sun Valley Road, Suite I-1 Ketchum (office)
(208) 726-3858 (phone); (208) 725-0145 (fax)
sunco1007@cox-internet.com

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E. Draft Findings of Fact, Conclusions of Law, and Decision



City of Ketchum
Planning & Building

IN RE:)	
)	
Gabbert Lot Line Shift	)	KETCHUM PLANNING AND ZONING COMMISSION
Lot Line Shift Preliminary Plat	)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: August 12, 2019	)	DECISION
)	
File Number: 19-054)	

PROJECT: Gabbert Lot Line Shift

FILE NUMBER: P19-054

REPRESENTATIVE: Garth McClure, Benchmark Associates

OWNER: The Boulder View Revocable Trust c/o John Gabbert

REQUEST: Lot Line Shift to amend the platted building envelope

LOCATION: 105 Boulder View Lane (Lot 17, Beaver Springs Subdivision)

ZONING: Limited Residential, 2 Acre – LR-2

OVERLAY: None

NOTICE: Notice was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on July 24th, 2019. Notice was published in the July 19th, 2019 edition of the Idaho Mountain Express.

FINDINGS OF FACT

1. Beaver Springs Subdivision was platted in 1978, under jurisdiction of Blaine County, and a circular shaped building envelope was designated for every buildable lot in the subdivision. In 1990 the subdivision was annexed into the City of Ketchum at the request of the property owners. Over the past several decades nearly all of the lots in this 22-lot subdivision have been developed. Several lots (4, 7, 11, 12, and 20) previously utilized the Lot Line Shift procedure to amend and reconfigure their original platted building envelopes in order to accommodate siting of a dwellings in locations desired by the respective property owners.
2. The subject property, Lot 17A, was previously amended in 1986. The amendment reduced the size of the original Lot 17 and increased the size of the adjacent Lot 18. Lot 17A is one of the last remaining lots in the subdivision to be developed. The existing circular-shaped building envelope is 17,672 square feet in size. The proposed building envelope is 17,640 square feet in size. The applicant has proposed to amend reconfigure the building envelope to match the footprint of a proposed new single-family home. While the Homeowners Association (HOA) and adjacent neighbors have not provided comment

to the City of Ketchum regarding this Lot Line Shift application, the applicant has submitted the HOA’s approval of the design of the proposed single-family home.

3. There are several easements located within the subject property: a private roadway easement for Boulder View Lane, an easement for the bike path, a non-motorized ingress and egress easement benefiting Lot 19 (located at the southwest corner of the subject property). Notably, a viewshed protection easement exists on the southwest portion of the lot as well; this easement benefits Lot 18A. The proposed amendment to the building envelope respects all existing easements on the subject property, including the viewshed protection easement that benefits Lot 18A.
4. Additionally, the plat notes the required 100’ setback from State Highway 75 (State Highway 75 runs parallel to Boulder View Lane and is located to the east of the subject property) as well as side and rear yard setbacks required by the subdivisions CC&Rs. The proposed building envelope respects the required setbacks.
5. Where building envelopes exist, the Lot Line Shift procedure is the appropriate tool to review and approve an amendment. Typically, Lot Line Shifts have been reviewed and approved administratively in the past. However, in part because the original building envelopes were approved during a public hearing (concurrent with the original subdivision plat), and partially due to recent recognized conflicts within the subdivision ordinance, a public hearing with the Planning and Zoning Commission was held.

Table 1: City Department Comments

City Department Comments					
Compliant					
Yes	No	N/A	City Code	City Standards and <i>City Department Comments</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C	Complete Application	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fire Department: <i>No comment at this time. Comment will be provided with the application for building permit.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Engineer: <ol style="list-style-type: none"> 1. Bar scale and dimensions shown on plat do not correlate. 2. Existing zoning needs to be noted on plat 		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Utilities: <ol style="list-style-type: none"> 1. The annexation agreement for Beaver Springs subdivision (1990) permits each lot to remain on well and septic. Lots also do not have access to city water for anything except fire protection provided to the subdivision in the form of the fire hydrants in place. 2. No domestic taps are required whatsoever. 		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building: <i>No comment at this time.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning and Zoning: <i>Comments are denoted throughout the Staff Report.</i>		

Table 2: Preliminary Plat Requirements

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"/>	16.04.030.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.	
			<i>Staff Comments</i>	<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. 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:	
			<i>Staff Comments</i>	<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 scale, north point and date.	
			<i>Staff Comments</i>	<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.	
			<i>Staff Comments</i>	<i>This standard has been met. This is an amendment to an existing subdivision, Beaver Springs Subdivision.</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.	
			<i>Staff Comments</i>	<i>This standard shall be met with the Final Plat with the signed Certificate of Ownership.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted.	
			<i>Staff Comments</i>	<i>This standard has been met.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.	
			<i>Staff Comments</i>	<i>N/A. The subject lot does not intersect or adjoin another subdivision.</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.	
			<i>Staff Comments</i>	<i>This standard has been met. The Preliminary Plat indicates contour lines at 1 ft intervals.</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.	
			<i>Staff Comments</i>	<i>This standard has been met. All easements and the adjacent private street, Boulder View Lane, as well as State Highway 75, are indicated.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	Boundary description and the area of the tract.	
			<i>Staff Comments</i>	<i>The legal description appears on the proposed Preliminary Plat.</i>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	Existing zoning of the tract.	
			<i>Staff Comments</i>	<i>The existing zoning designation, LR-2, is not currently indicated on the plat. Staff recommends Condition of Approval #1 – zoning shall be added to the plat prior to the plat being signed by the city engineer.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.	
			<i>Staff Comments</i>	<i>N/A. No new streets, lot lines, or easements are proposed.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.	

				<i>N/A as this is an amendment to the building envelope on an existing lot in an existing subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>N/A as this is an amendment to the building envelope on an existing lot in an existing subdivision.</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>N/A, Boulder View Lane is existing and there is no proposal to modify the street or to create a new street.</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>N/A as no new drainage canals or structures are proposed.</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>No state health authority has required this condition.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>N/A as this is an existing subdivision.</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 this plat is an adjustment of a building envelope on a lot located in an existing subdivision. The original plat for the subdivision serves as the vicinity map.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			Staff Comments	<i>N/A. The subject property is not located in the floodplain, floodway, or avalanche zone.</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.
			Staff Comments	<i>A building envelope is exists on the plat for the subject property and the application proposes modifying the existing building envelope.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			Staff Comments	<i>The areas of each lot are indicated on the Preliminary Plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			Staff Comments	<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</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.
			Staff Comments	<i>A current title report and a copy of the both owners' recorded deed to the subject properties were included in the Preliminary Plat application submittal.</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.
			Staff Comments	<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.

				<p>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.</p>
			Staff Comments	<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.B	<p>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.</p>
			Staff Comments	<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.C	<p>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.</p>
			Staff Comments	<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.D	<p>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.</p>
				<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.E	<p>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:</p> <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.

				<p>4. All angle points and points of curves on all streets.</p> <p>5. The point of beginning of the subdivision plat description.</p>
			<i>Staff Comments</i>	<i>This is an existing lot in an existing subdivision; the proposal is to amend the building envelope. This standard is not applicable.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">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> <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>
			<i>Staff Comments</i>	<p><i>Standards #1, and 3-7 are not applicable as this is an existing lot in an existing subdivision.</i></p> <p><i>Regarding standard #2, the existing platted building envelope encroaches into an area of the site that contains slopes +/- 25%. However, this lot is not in the Mountain Overlay district as it is not a hillside lot. Rather, the east side of the site and subdivision is approximately at the same grade as Highway 75 to the east. The topography drops approximately 17' from the northeast corner of the northeast wing of the proposed building envelope to the southwest corner of the northeast</i></p>

				<p>wing of the proposed building envelope. This approximately 17' grade change occurs over approximately 60', for an approximate slope of 28%.</p> <p>The majority of the proposed building envelope is located on the flat portion of the site.</p> <p>Because the building envelope within the steep part of the site is reduced through the amendment, and because the subject property is not a hillside lot located in the Mountain Overlay district, the proposed building envelope amendment is consistent with criteria 16.04.04.F.2.b. – the building envelope contains only a small, isolated pocket of slope that is approximately 25% or greater.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	<p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <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>This application does not create a new block. This requirement is not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H	<p>Street Improvement Requirements:</p> <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;

				<p>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;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>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;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>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;</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>
			Staff Comments	<i>This proposal does not create a new street. These standards are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.1	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.
			Staff Comments	<i>This proposal does not create a new alley and the subdivision is not located in a business, commercial or light industrial zone. This standard is not applicable.</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 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>
			Staff Comments	<i>All required easements are included on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.K	<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 alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable</p>

				requirements which it deems necessary to protect public health, safety and welfare.
			Staff Comments	<i>Beaver Springs subdivision is not connected to municipal water or sewer and all lots use well and septic. As indicated by the Utilities Director in Table 1, lack of connection to municipal water and sewer was memorialized in the subdivision's annexation agreement.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.L	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.
			Staff Comments	<i>Beaver Springs subdivision is not connected to municipal water or sewer and all lots use well and septic. As indicated by the Utilities Director in Table 1, lack of connection to municipal water and sewer was memorialized in the subdivision's annexation agreement.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	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.
			Staff Comments	<i>This standard is not applicable. This is an existing lot in an existing subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.N	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: 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: 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

				<p>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.
			<i>Staff Comments</i>	<i>These standards are not applicable; this is an existing lot in an existing subdivision.</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>
			<i>Staff Comments</i>	<i>These standards are not applicable; this is an existing lot in an existing subdivision.</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>
			<i>Staff Comments</i>	<i>This is an existing lot in an existing subdivision. Upon issuance of a building permit, and prior to issuance of the Certificate of Occupancy, all utility services on the property will be installed underground.</i>
<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</p>

				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 are required.</i>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67, of the Idaho Code the City has passed a subdivision ordinance, Title 16.
3. The City of Ketchum Planning Department provided adequate notice of the time, place, and summary of the applicant’s proposal to be heard by the Commission for review of this application during a public hearing.
4. The Commission has authority to hear the applicant’s Lot Line Shift Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
5. The project **does** meet the standards of approval under Chapter 16.04 of Subdivision Code Title 16.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Lot Line Shift Preliminary Plat application this Monday, August 12th, 2019 subject to the following conditions:

1. Existing zoning needs to be noted on plat prior to the plat being signed by the City Engineer;
2. Bar scale and dimensions shown on plat do not correlate and shall be updated to correlate prior to the plat being signed by the City Engineer;
3. 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;
4. 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”; and,
5. 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.
6. The applicant shall provide a copy of the recorded final plat to the Department of Planning and Building for the official file on the application.
7. All requirements of the Fire, Utility, Building, Planning and Engineering and Streets departments of the City of Ketchum shall be met.

Findings of Fact **adopted** this 11th day of March, 2019

Neil Morrow
Chair
Planning and Zoning Commission



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF AUGUST 12, 2019

PROJECT: Hammond House

APPLICATION TYPES: Mountain Overlay Design Review, Variance Request, Conditional Use Permit

FILE NUMBER: P19-021, P19-081, and P19-082

PROPERTY OWNER: Rockwell Hammond

REPRESENTATIVE: Neil Middleton & Lars Guy

REQUEST: Mountain Overlay Design Review for a new 4,080 sq ft single-family residence, Conditional Use Permit for the installation of an associated avalanche attenuation device, and a Variance request for relief from required front, rear, and side yard setbacks

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 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.

REVIEWER: Abby Rivin, Associate Planner

BACKGROUND

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 as well as a Variance request for relief from the required front, rear, and side yard setbacks. The Staff Report provides an overview of the project and highlights specific issues and standards for review and consideration by the Planning & Zoning Commission. Additional analysis, including City Department comments, is attached as Exhibit A. The applicant submittal package including drawings and renderings, avalanche evaluation and plan review summary, and narrative responses to criteria and standards of evaluation is included as Exhibit B.

ANALYSIS

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.

Mountain Overlay Design Review

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

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. As indicated on the survey submitted with the Design Review application, the Mountain Overlay District Boundary bisects the property at the northwest corner. A comprehensive Staff Analysis of Mountain Overlay Design Review Standards as well as recommended conditions of approval are attached as Exhibit A3. The submittal drawings and renderings are included as Exhibit B1 and the applicant response to Mountain Overlay Design Review criteria is attached as Exhibit B3.

Building elevations are included on Sheet A-4.0 and A-4.1 of the applicant submittal drawings. 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. The south elevation adjacent to the east interior property line lacks fenestration and appears as monolithic, concrete mass. Staff recommends that the

applicant provide visual relief through material differentiation or incorporate more undulation at the south elevation.

Conditional Use Permit

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. 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 that is included as Exhibit B2 to the Staff Report and the associated applicant responses to the Conditional Use Permit criteria is included as Exhibit B4. Staff analysis of the Conditional Use Permit criteria is included as Exhibit A5.

According to the XCell Engineering Avalanche Evaluation and Plan Review Summary, the flow path expected in the event of an avalanche runs from the northwest of the project site and shifts approximately 45 degrees to the east toward the property. 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.

Variance

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. Staff analysis of the variance required is attached as Exhibit A6. The applicant analysis of the proposal in relation to the variance criteria is included as Exhibit B5.

RECOMMENDATION

Staff recommends the Planning & Zoning Commission consider the analysis contained in the Staff Report and Exhibit A, the applicant submittal package included as Exhibit B, the applicant's presentation, and any public comment received. Following consideration of the applicant's presentation, Staff analysis, and public comment, Staff recommends the Commission deliberate and consider the project in relation to the applicable Mountain Overlay Design Review standards (KMC §17.104.070), Design Review standards (KMC §17.96.060), Conditional Use Permit criteria (KMC §17.116.030), and Variance criteria (KMC §17.148.010). Staff recommends the Commission move to approve the Mountain Overlay Design Review application, Conditional Use Permit, and Variance request subject to the recommended conditions of approval included in Exhibits A3, A5, and A6.

Commission Options

The Commission may either (1) approve the applications as recommended by Staff, (2) move to continue review of the applications to a date certain requesting additional information, material, or evidence from the applicant or Staff to support the applicable evaluation standards, or (3) move to deny the applications and draft findings supporting denial.

EXHIBITS

A: Staff Analysis

1. City Department Comments
2. Zoning and Dimensional Standard Analysis
3. Mountain Overlay Design Review Standards
4. Design Review Standards
5. Conditional Use Permit Criteria Analysis
6. Variance Criteria Analysis
7. Comprehensive Plan Analysis

B: Applicant Submittal Drawings, Avalanche Review, and Narratives

1. Mountain Overlay Design Review Submittal Drawings and Renderings
2. XCell Engineering Avalanche Evaluation and Plan Review Summary
3. Mountain Overlay Design Review Standards Narrative
4. Conditional Use Permit Criteria Narrative
5. Variance Criteria Narrative

Exhibit A: Staff Analysis



Exhibit A1
City Department Comments

PROJECT: Hammond House

APPLICATION TYPES: Mountain Overlay Design Review, Variance Request, Conditional Use Permit

FILE NUMBER: P19-021, P19-081, and P19-082

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 Exhibit A.



**Exhibit A2
Zoning and Dimensional Standards Analysis**

PROJECT: Hammond House

APPLICATION TYPES: Mountain Overlay Design Review, Variance Request, Conditional Use Permit

FILE NUMBER: P19-021, P19-081, and P19-082

Compliance with Zoning and Dimensional Standards				
Compliant			Standards and Staff Comments	
Yes	No	N/A	Ketchum Municipal Code Standard	City Standards and Staff Comments
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Lot Area
			<i>Staff Comment</i>	Required: 8,000 square feet minimum Existing: 6,934 sq ft 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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Coverage
			<i>Staff Comment</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
			<i>Staff Comment</i>	Minimum Required Setbacks: Front: 15' Side: > of 1' for every 3' in building height, or 5' (11'-5" required) Rear: 15' Proposed: 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.' Side (E): 10' Side (W): < 1' Rear (N): <1' 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. If the Planning & Zoning Commission moves to approve the Variance request, Staff recommends adding as a condition of approval that the applicant submit a setback encroachment exhibit specifying the dimensioned encroachments into the required yards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Height
			<i>Staff Comment</i>	Maximum Permitted: 35' Proposed: As indicated on Sheet A-4.0, the maximum height of the single-family

				<i>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>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.125.030.H	Curb Cut
			<i>Staff Comment</i>	<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: 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.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.020.A.2 & 17.125.050	Parking Spaces
			<i>Staff Comment</i>	<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>



**Exhibit A3
Mountain Overlay Design Review Standards Analysis**

PROJECT: Hammond House

APPLICATION TYPES: Mountain Overlay Design Review, Variance Request, Conditional Use Permit

FILE NUMBER: P19-021, P19-081, and P19-082

Mountain Overlay Design Review Standards				
EVALUATION STANDARDS: Ketchum Municipal Code § 17.107.070.A				
Compliant			Standards and Staff Comments	
Yes	No	N/A	Reference	City Standards and <i>Staff Comments</i>
<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>
			<i>Staff Comments</i>	<p><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> <p><i>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.</i></p>
<input checked="" type="checkbox"/>	<input 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>
			<i>Staff Comments</i>	<p><i>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.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.3	<p>Driveway standards as well as other applicable standards contained in Street Standards Chapter 12.04 are met.</p>

			Staff Comments	<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 (Exhibit B1), 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 Exhibit A1 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>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.4	All development shall have access for fire and other emergency vehicles to within one hundred fifty feet (150') of the furthest exterior wall of any building.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff Comments	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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.5	Significant rock outcroppings are not disturbed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff Comments	No significant rock outcroppings have been identified on the subject site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.6	International Building Code (IBC) and International Fire Code (IFC) and Ketchum Fire Department requirements shall be met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff Comments	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 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.
<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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff Comments	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

				<i>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.
			Staff Comments	<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.
			Staff Comments	<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, Staff finds the proposed driveway access to be in the most appropriate location for the specific site. While the proposed driveway access does not significantly increase the curb cut from Sage Road, its addition in conjunction with the existing cross easement access and adjacent Ski Hut Townhomes driveway creates a significant aesthetic impact. While the siting of the driveway minimizes hillside impact, Staff recommends the applicant explore treatments to decrease its visual impact, such as vegetative screening.</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 as well as in the planter beds at the rear patio. The planter beds proposed at the rear elevation serve to soften the concrete mass of the avalanche attenuation wall. 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.
			Staff	<i>The trapezoidal development site is characterized by both dimensional and</i>

			Comments	<i>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. 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. Staff 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.</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.
			Staff Comments	<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.
			Staff Comments	<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 type="checkbox"/>	<input checked="" 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.
			Staff Comments	<i>The applicant has not indicated the limits of disturbance on the Design Review submittal drawings. Due to site constraints, Staff 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.</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.
			Staff Comments	<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.
			Staff Comments	<i>No significant landmarks have been identified on the subject property.</i>

Recommended 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 Exhibit A1 shall be met. All City Departments shall verify comments, review, and approve the project through the Building Permit application process. 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. 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. 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.
7. 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.
8. 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.
9. All construction for the project must comply with the standards set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards.
10. 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.
11. 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").
12. 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.
13. All Design Review elements shall be completed prior to final inspection.

14. 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.
15. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.



**Exhibit A4
Design Review Standards Analysis**

PROJECT: Hammond House

APPLICATION TYPES: Mountain Overlay Design Review, Variance Request, Conditional Use Permit

FILE NUMBER: P19-021, P19-081, and P19-082

Design Review Requirements IMPROVEMENTS AND STANDARDS: 17.96.060				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(1) Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.
			<i>Staff Comments</i>	<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.
			<i>Staff Comments</i>	<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.
			<i>Staff Comments</i>	<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.
			<i>Staff Comments</i>	<i>N/A</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(3)	Sidewalks may be waived if one of the following criteria is met: <ul 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>Staff Comments</i>	<i>N/A</i>
<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>Staff Comments</i>	<i>N/A</i>
<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>Staff Comments</i>	<i>N/A</i>
<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>Staff Comments</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>Staff Comments</i>	<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>
				<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)(2)	Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
			<i>Staff Comments</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>Staff Comments</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>Staff Comments</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>Staff Comments</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.
			<i>Staff Comments</i>	<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.
			<i>Staff Comments</i>	N/A
<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.
			<i>Staff Comments</i>	<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. Staff 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.
			<i>Staff Comments</i>	<i>N/A. There are no identified landmarks on the property.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(3)	Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.
			<i>Staff Comments</i>	<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.
			Staff Comments	<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.
			Staff Comments	<i>Building elevations are included on Sheet 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. The south elevation adjacent to the east interior property line lacks fenestration and appears as monolithic, concrete mass. Staff recommends that the applicant provide visual relief through material differentiation or incorporate more undulation at the south elevation.</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.
			Staff Comments	<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.
			Staff Comments	<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.
			Staff Comments	<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, however, the south façade in particular appears as monolithic and flat. Staff recommends the applicant incorporate more material differentiation and undulation in order to provide more relief to the side elevation façades.</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.
			Staff Comments	<i>The building orients toward Sage Road.</i>
<input checked="" type="checkbox"/>	<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.
			Staff Comments	<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.
			Staff Comments	<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.
			Staff Comments	<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.
			Staff Comments	<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>Staff Comments</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>Staff Comments</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>Staff Comments</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>Staff Comments</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>Staff Comments</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>Staff Comments</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>Staff Comments</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>Staff Comments</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>Staff Comments</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 as well as in the planter beds at the rear patio. The planter beds proposed at the rear elevation serve to soften the concrete mass of the avalanche attenuation wall. 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>Staff Comments</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>Staff Comments</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>Staff Comments</i>	<i>N/A. Sidewalks are not required for the project.</i>

Recommended Conditions of Approval

Recommended Conditions of Approval for the Mountain Overlay Design Review application are included as Exhibit A3 to the Staff Report.



**Exhibit A5
Conditional Use Permit Criteria**

PROJECT: Hammond House

APPLICATION TYPES: Mountain Overlay Design Review, Variance Request, Conditional Use Permit

FILE NUMBER: P19-021, P19-081, and P19-082

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 Staff Comments
<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.
			Staff Comments	<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.
			Staff Comments	<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 Sue. 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.
			Staff Comments	<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.

			Staff Comments	<i>The proposed single-family residence will be adequately supported by public services and facilities. See Exhibit A1 for comment from the Fire, Utilities, and Streets Department. existing Redfish building and this unit are adequately served by public facilities and services.</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 referenced in Exhibit A7 of the Staff Report, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>

Recommended 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. 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.
4. This Conditional Use Permit approval is based on the application presented at the Planning and Zoning Commission meeting of August 12th, 2019.
5. 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.
6. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.



**Exhibit A6
Variance Criteria**

PROJECT: Hammond House

APPLICATION TYPES: Mountain Overlay Design Review, Variance Request, Conditional Use Permit

FILE NUMBER: P19-021, P19-081, and P19-082

Variance Evaluation Standards Analysis

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.

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

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. Staff 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.

Recommendation: 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.

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.

Recommendation: This standard has been meet.

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.

Recommendation: This standard has been met.

E. The variance does not create health and safety hazards.

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. As conditioned, the variance does not create health or safety hazards.

Recommendation: This standard has been met.

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. If a variance is granted, the project would require a Building Permit. 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 part of Building Permit application review.

Recommendation: This standard has been met.

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.

Recommendation: This standard has been met.

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. 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.

Recommendation: This standard has been met.

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.

One-family dwelling uses are permitted within the GR-L Zoning District (KMC §17.12.020).

Recommendation: This standard has been met.

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: The standard has been met.

Recommended 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 meeting of August 12th, 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.



**Exhibit A7
Comprehensive Plan Analysis**

PROJECT: Hammond House

APPLICATION TYPES: Mountain Overlay Design Review, Variance Request, Conditional Use Permit

FILE NUMBER: P19-021, P19-081, and P19-082

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>

Exhibit B:
Applicant Submittal Drawings,
Avalanche Review, and
Narratives

Exhibit B1:
Mountain Overlay Design
Review Submittal Drawings and
Renderings

PERSPECTIVE - RENDERINGS



PROJECT TEAM

OWNER: Dr. Rockwell Hammond Jr. + Jill Hammond
35611 SE David Powell Road, Fall City WA 98024
P: 206.919.8009

PROJECT: NEW RESIDENCE
102 Sage Road
KETCHUM, ID 83340

ARCHITECT: Neil B. Middleton, AIA
45 Weston Road, Lincoln MA 01773
P: 781.259.1380 C: 617.281.6996
middleton.nb@gmail.com

ARCHITECT REPRESENTATIVE: Lars Guy • Provisualization, Inc.
220 River Street East • PO Box 2675
Ketchum, ID 83340
C: 208.720.9684 lars@provisualization.com

STRUCTURAL ENGINEER: Markel Bateman, PE, Principal
Frost Engineering
1020 Lincoln Road, Idaho Falls 83401
P: 208.227.8404 C: 208.390.4597
markell.bateman@frost-structural.com

GEOTECHNICAL ENGINEER: Steve Butler, PE • Butler Associates, Inc.
208 Spruce Avenue North
Ketchum ID 83340
P: 208.720.6432
svgeotech@gmail.com

AVAILANCHE ENGINEER: Chris Wilbur, PE, Principal
Wilbur Engineering, Inc.
150 E 9th Street, #201
Durango, CO 81301
P: 970.247.1488
geowilbur@gmail.com

CIVIL ENGINEER: Don Sewell
Benchmark Associates, PA
100 Bell Drive, P.O. Box 733
Ketchum, ID 83340
P: 208.726.9512
Don@bma5b.com

SHEET SCHEDULE

A-0.0	COVER SHEET & PROJECT INFORMATION
C-01	SITE PLAN-SURVEY
C-1	CIVIL SITE PLAN-GRADING
C-2	CIVIL DETAILS
ARCHITECTURAL (NEIL MIDDLETON)	
A-1.0	ARCHITECTURAL SITE PLAN
LS-1.0	LANDSCAPE PLAN
A-2.0	GARAGE LEVEL PLAN
A-2.1	LIVING LEVEL PLAN
A-2.1	ROOF PLAN
A-3.0	BUILDING SECTIONS
A-4.0	EXTERIOR ELEVATIONS
A-4.1	EXTERIOR ELEVATIONS
A-5.0	3D IMAGES
MECHANICAL	
ELECTRICAL	
STRUCTURAL (FROST ENGINEERING)	

ARCHITECT
Neil B. Middleton, AIA
45 Weston Road
Lincoln MA 01773
P: 781.259.1380
C: 617.281.6996
middleton.nb@gmail.com

PROJECT NO.

CONTRACTOR

A NEW RESIDENCE FOR:
DR. ROCKWELL HAMMOND JR. & JILL HAMMOND
Lot 1, Block 3, Warm Springs Village Subdivision No. 4
102 Sage Road • Ketchum, ID 83340

ADDITIONAL INFORMATION

DRAINAGE: GUTTERS AND DOWNSPOUTS TO DRYWELLS WILL BE PROVIDED WHERE REQUIRED.

SNOWCLIPS: TO BE PROVIDED AT ALL OVERHANGS AT AREAS OF PEDESTRIAN CIRCULATION

LANDSCAPE PLAN: SUBJECT PROPERTY CONTAINS MATURE LANDSCAPING. MINIMAL ADDITIONAL IS PLANNED

LIGHTING: ANY LIGHTING WILL BE SHIELDED LED NIGHT SKY COMPLIANT FIXTURES

STREET R.O.W.: PROJECT WILL NOT CREATE ANY NON COMPLIANCE TO CITY OF KETCHUM R.O.W. STANDARDS

PROJECT INFORMATION

LOT: 102 Sage Road, Ketchum
LOT 1, BLOCK 3,
WARM SPRINGS VILLAGE SUB NO. 4

SIZE: 6,933.6 SQ FT (.16± ACRES)

ZONE: GR-L

SETBACKS: FRONT/WEST 26' 3 1/2" (@ CLOSEST CORNER)
SIDE 10'-0"
SIDE 10'-0"
REAR 15'-0"

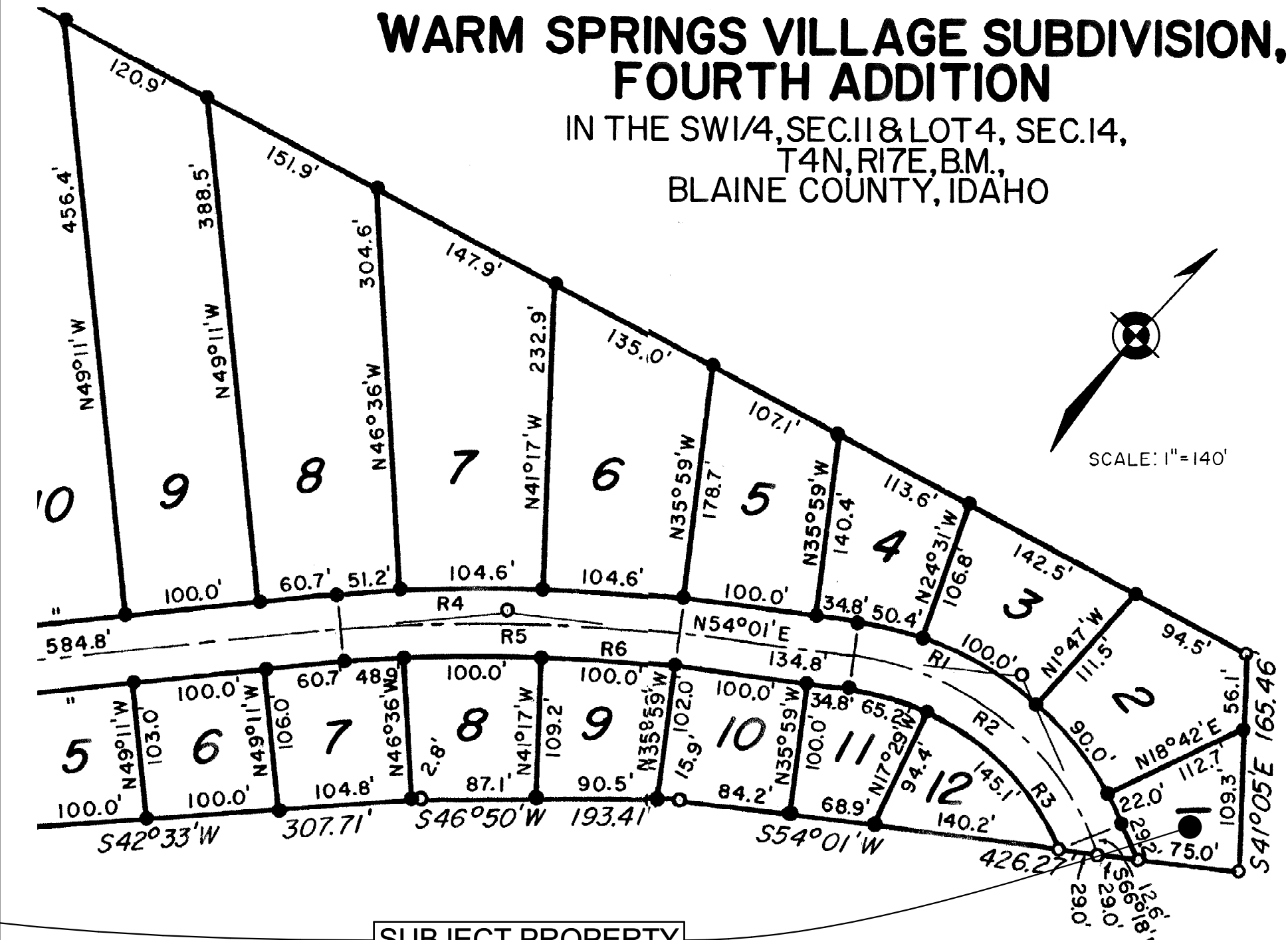
AREA ANALYSIS: (GROSS ENCLOSED SQUARE FOOTAGE)

BASEMENT/GARAGE 2,032 S.F.
1ST FLOOR 2,048 S.F.
TOTAL ENCLOSED STRUCTURE 4,080 S.F.
FOOTPRINT ON SITE 2,121 S.F.
LOT COVERAGE 30.5%
MAXIMUM BUILDING HEIGHT 29'-10" (ALLOWED) 30'-0" PER S.B.

VICINITY MAP



SUBDIVISION MAP



EXT. LIGHT FIXTURES



SITE PHOTO



BUILDING CODE

ALL WORK SHALL MEET OR EXCEED THE CURRENT ADOPTED CODES:

2012 INTERNATIONAL BUILDING CODE (2012 IBC)
2012 INTERNATIONAL RESIDENTIAL CODE (2012 IRC)
2012 ENERGY CONSERVATION CODE (2012 IEC)
2012 FIRE CODE (2012 IEC)
(AS ADOPTED BY ORDINANCE NUMBER 1125, 2014)

COMPLIANCE WITH KETCHUM MUNICIPAL CODE, CHP 15.078 REQUIRED

PROVIDE REQUIRED UNDERFLOOR VENTING/RADON MITIGATION AS REQUIRED.

PROVIDE REQUIRED UNDERFLOOR VENTING MOLD MITIGATION AS REQUIRED.

PROVIDE UNDERFLOOR (CRAWL SPACE) VENTILATION OF 1 S.F. PER 150 S.F. OF FLOOR AREA

PROJECT TO MEET ADOPTED NGBS SILVER STANDARD, MINIMUM (REFER TO RATER DOCUMENTS)

PROJECT TO MEET ADOPTED R.O.W. STANDARDS (JULY 2015)

D R A W I N G :
COVER SHEET

DATE

5/17/19

SHEET NUMBER

A-00

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NOTES

GENERAL RESTRICTIONS & TITLE INFORMATION:

1. THE PURPOSE OF THIS MAP IS TO SHOW TOPOGRAPHICAL/SITE INFORMATION AS IT EXISTED ON THE DATE THE FIELD SURVEY WAS PERFORMED. CHANGES MAY HAVE OCCURRED TO SITE CONDITIONS SINCE SURVEY DATE.
2. THIS MAP WAS PREPARED FOR THE EXPRESS USE OF THE CLIENT AND IS NOT TRANSFERABLE TO OTHERS WITHOUT WRITTEN CONSENT.
3. A TITLE POLICY HAS NOT BEEN SUBMITTED TO BENCHMARK ASSOCIATES, NOR HAS A TITLE SEARCH BEEN REQUESTED. CERTAIN INFORMATION CONTAINED WITHIN SAID POLICY MAY NOT APPEAR ON THIS MAP OR MAY AFFECT ITEMS SHOWN ON THIS MAP.
4. ELECTRONIC DATA: BENCHMARK ASSOCIATES ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR THE REUSE, DISTRIBUTION OR ACCURACY OF DATA CONTAINED ON ELECTRONIC COPIES OF THIS DRAWING. THE STAMPED HARD COPY OF THIS DRAWING IS THE FINAL PRODUCT.
5. THIS DRAWING IS VOID AFTER 2 YEARS AND NO FURTHER COPIES OR DIGITAL FILES WILL BE TRANSMITTED.

EASEMENTS, ENCUMBRANCES AND RESTRICTIONS:

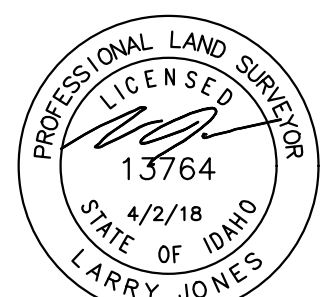
6. BUILDING AREA: BUILDING ENVELOPE IF SHOWN, IS PER PLAT. SETBACK AND FOOTPRINT REQUIREMENTS PER CURRENT CITY/COUNTY ORDINANCES MAY VARY FROM PLAT. IT IS RECOMMENDED THAT SAID ORDINANCES BE REVIEWED PRIOR TO DESIGN.
7. GENERAL RESTRICTIONS: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY APPLICABLE TO THE SUBJECT OF REAL ESTATE: EASEMENTS, OTHER THAN THOSE SHOWN OR LISTED HEREON, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING, WETLANDS OR ANY OTHER LAND-USE REGULATIONS.
8. STORM WATER PLAN: IF SOIL DISTURBANCE, CLEARING, GRADING AND/OR EXCAVATION OF ONE (1) ACRE OR MORE IS TO TAKE PLACE A FEDERAL GENERAL CONSTRUCTION PERMIT, INCLUDING A STORM WATER POLLUTION PREVENTION PLAN (SWPPP), MUST BE PREPARED AND SUBMITTED TO AND APPROVED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY PRIOR TO ANY SITE DISTURBANCE.

SURVEY AND SITE FEATURES:

9. BASIS OF BEARINGS IS IDAHO STATE PLANE COORDINATE SYSTEM, NAD83, CENTRAL ZONE AS DERIVED BY GPS OBSERVATIONS. BOUNDARY LINES AND CERTAIN EASEMENTS SHOWN HEREON ARE PER PLAT. REFER TO PLAT & CC&R'S FOR CONDITIONS AND/OR RESTRICTIONS REGARDING THIS PROPERTY. ALL DISTANCES SHOWN ARE GROUND DISTANCES IN U.S. SURVEY FEET.
10. ELEVATIONS BASED ON NAVD 88 (GEOID03) DATUM.
11. UTILITIES AND DRAIN PIPES IF SHOWN HEREON ARE PER SURFACE EVIDENCE ONLY. OTHER UNDERGROUND UTILITIES MAY EXIST. LOCATION OF UNDERGROUND UTILITIES AND SERVICES SHOULD BE CONFIRMED PRIOR TO EXCAVATION OR DESIGN.
12. BUILDING WALLS IF SHOWN HEREON ARE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
13. SPRINKLER HEADS AND IRRIGATION LINES ARE NOT SHOWN HEREON.
14. TREE LOCATIONS AND DRIP LINES IF SHOWN HEREON ARE APPROXIMATE.
15. ORTHOPHOTOGRAPHY: PHOTO RECTIFIED AT GROUND LEVEL ONLY. IMAGES OF OBJECTS ABOVE GROUND LEVEL (TREES, BUILDINGS, POWER POLES, ETC.) MAY BE DISPLACED. DATE OF PHOTOGRAPHY: JUNE 2017.
16. CONTOUR INTERVAL: 1' - CONTOURS IN AREAS OF DENSE VEGETATION MAY DEVIATE FROM TRUE ELEVATION BY ONE HALF THE HEIGHT OF THE VEGETATION. DATE OF LIDAR FLIGHT FOR CONTOURS: 2016.
17. MAP SCALE: DUE TO ELECTRONIC MAP DELIVERY AND ALTERNATE PRINTING METHODS, PLEASE USE BAR SCALE TO DETERMINE ACTUAL PRINTED SCALE.
18. FEATURES OBSCURED BY DEBRIS, SNOW OR VEHICLES AT THE TIME OF SURVEY, DO NOT APPEAR ON THIS MAP.
19. THE ENTIRE PROPERTY LIES WITHIN A RED AVALANCHE ZONE AND THE CITY OF KETCHUM'S AVALANCHE OVERLAY. REFER TO THE CITY OF KETCHUM ORDINANCES FOR CONDITIONS/RESTRICTIONS THAT MAY APPLY.

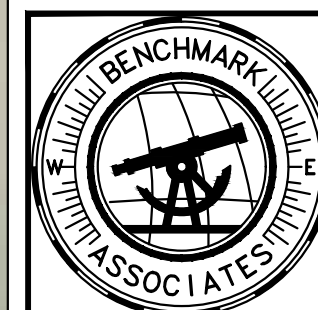
PREPARED BY:

BENCHMARK ASSOCIATES, P.A.
 P.O. BOX 733 - 100 BELL DRIVE, KETCHUM, IDAHO, 83340
 PHONE (208)726-9512 FAX (208)726-9514
 WEB: <http://benchmark-associates.com/>
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SHEET NUMBER

C-01

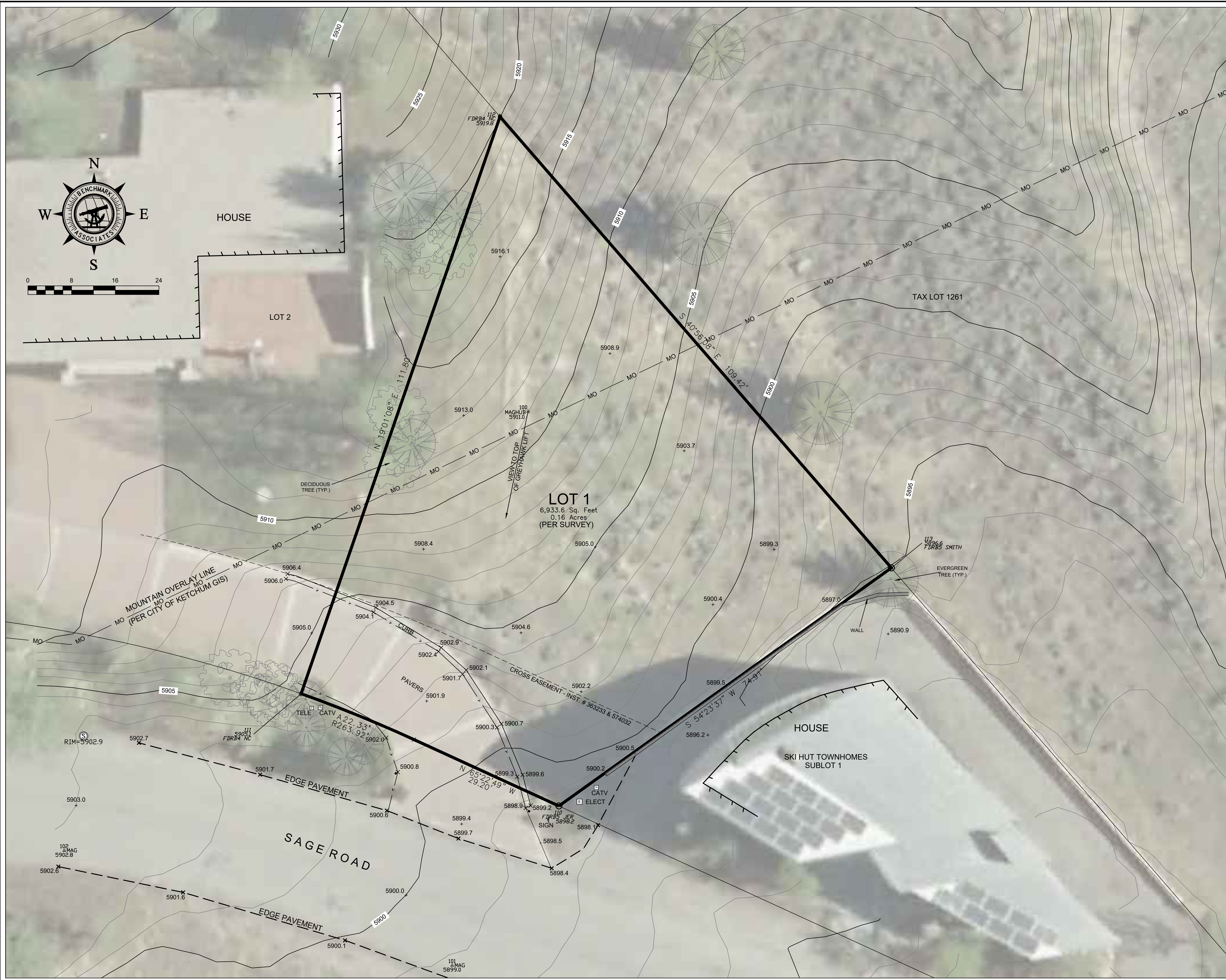


**WARM SPRINGS VILLAGE 4
 BLOCK 3, LOT 1**

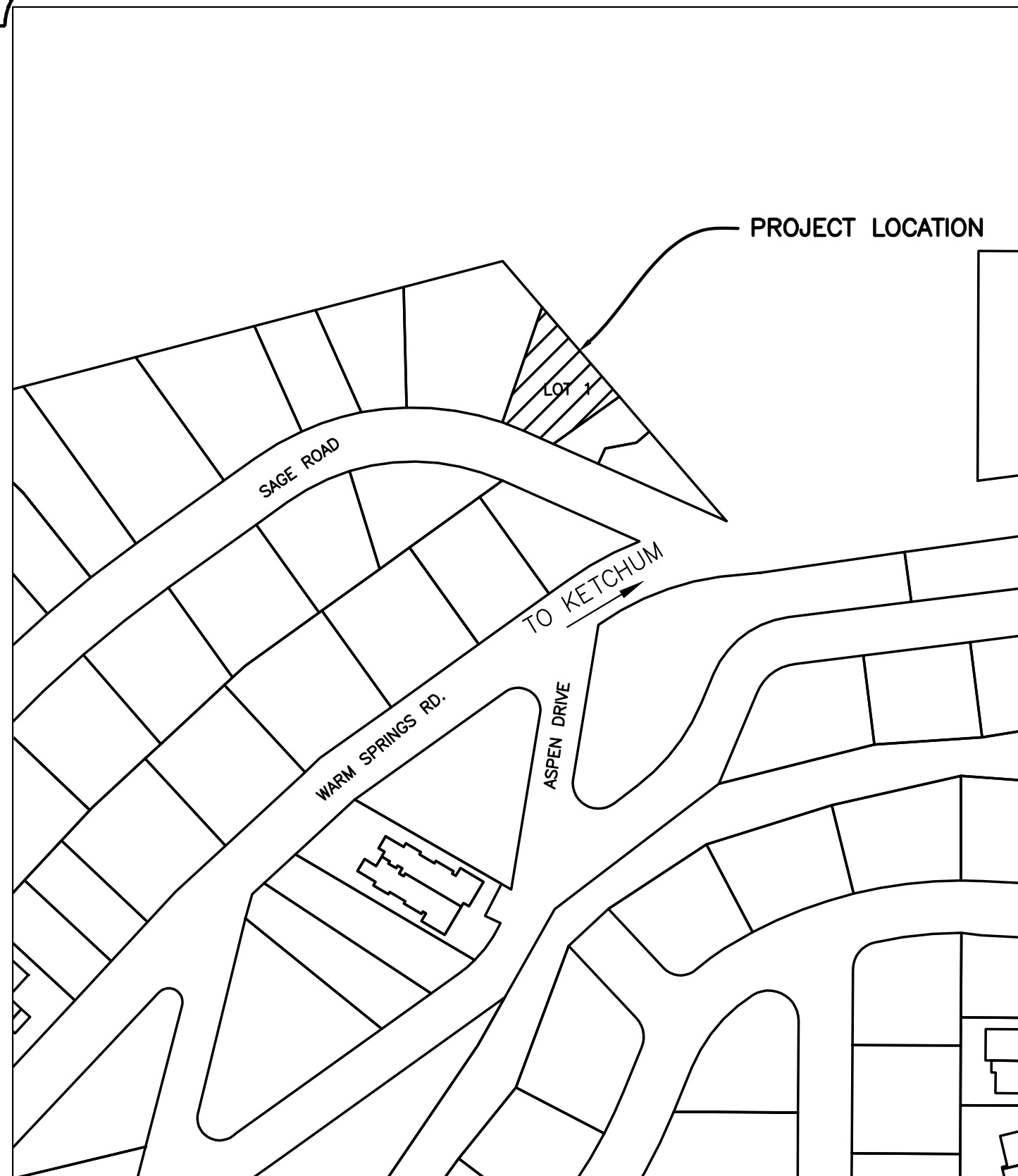
LOCATED WITHIN
 SECTION 11, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M.,
 CITY OF KETCHUM, BLAINE COUNTY, IDAHO

PREPARED FOR: DR. ROCKWELL HAMMOND JR.

PROJECT NO. 18031	DWG BY: DWS	CRD: 18031.CRD	18031.TPO.DWG
A TOPOGRAPHIC MAP	DATE OF SURVEY: 3/29/2018	SHEET: 1 OF 1	



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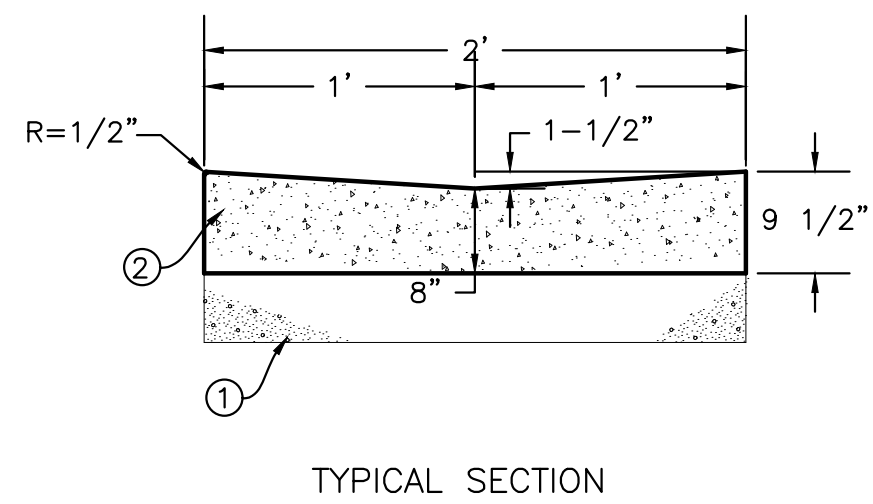


VICINITY MAP
NOT TO SCALE

LEGEND	EXISTING	PROPOSED
PROPERTY LINE	---	---
ADJOINING PROPERTY LINE	---	---
CENTERLINE	---	---
ASPHALT PAVEMENT	▬	▬
FENCE	---	---
SEWER	---	---
SEWER MANHOLE	○	○
WATER	---	---
GAS	---	---
POWER	---	---
TELEPHONE LINE	---	---
CABLE TV LINE	---	---
TELEPHONE RISER	□	□
ELEVATION CONTOUR	---	---
SAWCUT LINE	---	---
FLOW LINE	---	---
DRYWELL	○	○
LANDSCAPE DRYWELL	○	○
STORM DRAIN PIPE	---	---
CATCH BASIN	○	○
DOWN SPOUT	○	○

GENERAL NOTES

- CONTRACTOR SHALL FIELD VERIFY LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING CONSTRUCTION. ANY CONFLICT SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER.
- CONTRACTOR SHALL NOTIFY DIGLINE (1-800-342-1585) AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DUST CONTROL DURING THE CONSTRUCTION OF ALL ITEMS HEREON. DUST CONTROL SHALL BE CONTINUOUS DURING CONSTRUCTION, 24 HOURS PER DAY 7 DAYS PER WEEK. THE CONTRACTOR SHALL FOLLOW THE REQUIREMENTS OF THE STORM WATER POLLUTION PREVENTION PROGRAM AT ALL TIMES UNTIL PERMANENT EROSION CONTROL IS ESTABLISHED.
- CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM THE UPHILL SIDE OF HOUSE.
- REFER TO THE PROJECT GEOTECHNICAL REPORT FOR FOUNDATION CUT-OFF TRENCH DETAIL.

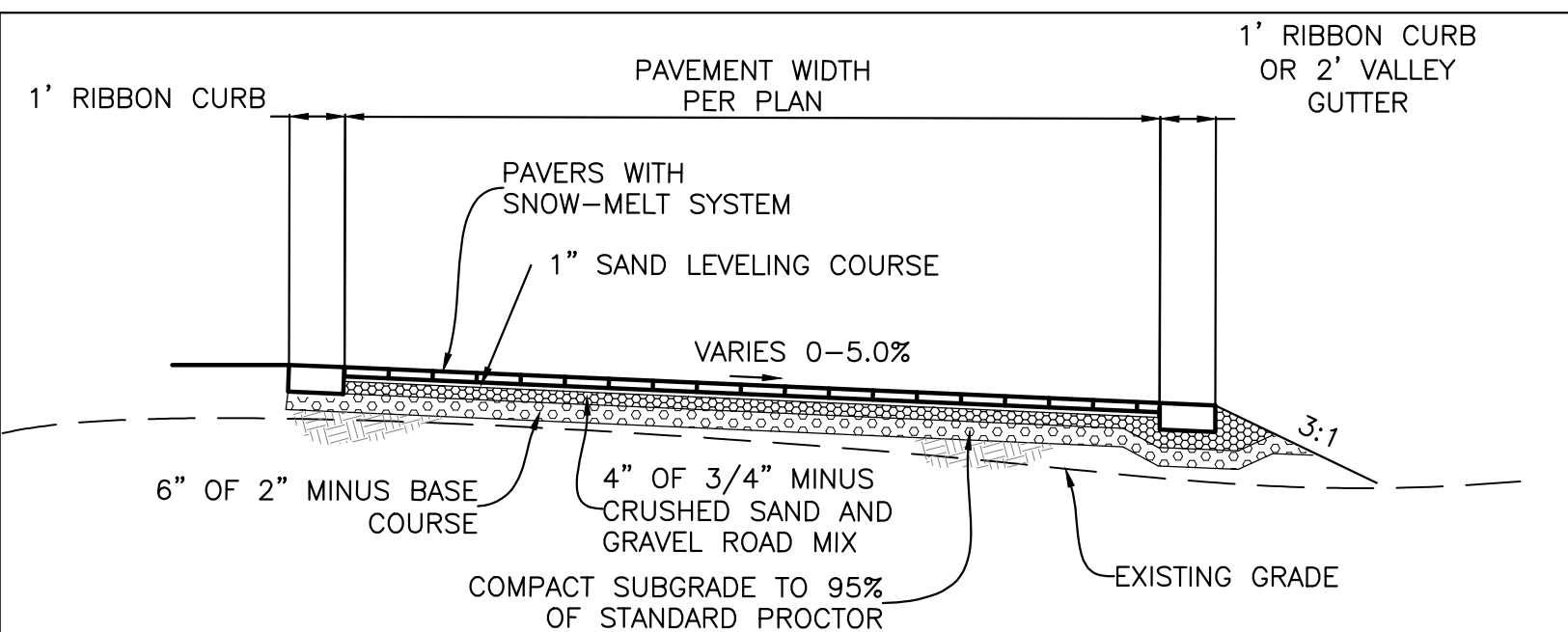


TYPICAL SECTION

- LEGEND
- ① AGGREGATE BASE PER ROAD DESIGN.
 - ② CONCRETE
 - ③ 1/2" EXPANSION JOINT

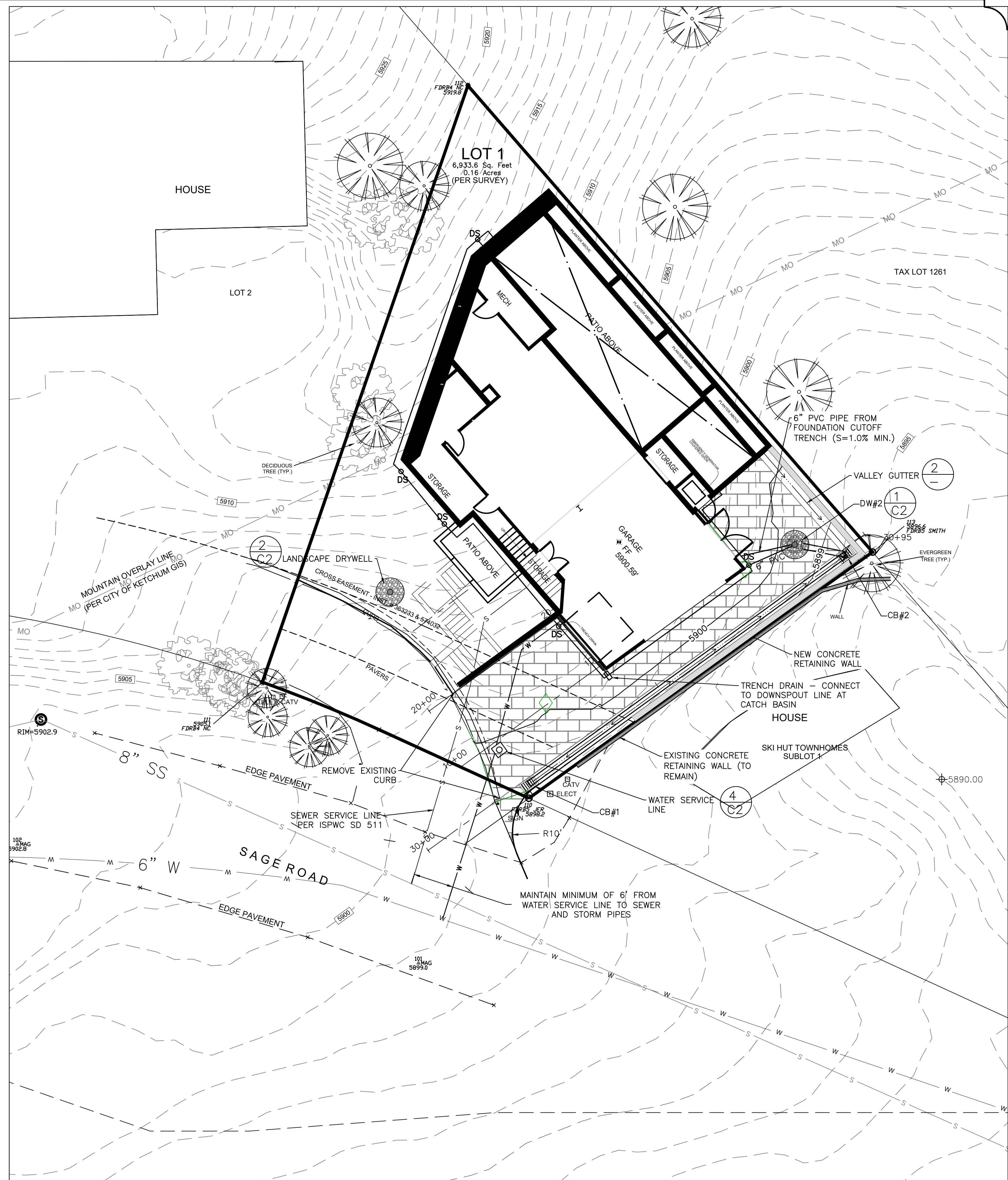
- NOTES:
- (A) GRADE OF GUTTER MINIMUM 0.5%.
 - (B) EXPANSION JOINT 1/2-INCH PREFORMED JOINT MATERIAL (AASHTO M 213.)

② VALLEY GUTTER DETAIL
SCALE: NONE



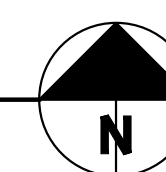
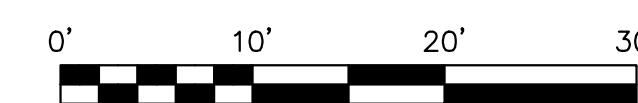
- NOTES:
- COMPACT DRIVEWAY SUBGRADE AND ALL STRUCTURAL FILL MATERIAL TO AT LEAST 95% OF THE MAXIMUM DENSITY OF EACH MATERIAL ACCORDING TO STANDARD PROCTOR ASTM D-698.

① DRIVEWAY TYPICAL SECTION
SCALE: N.T.S.

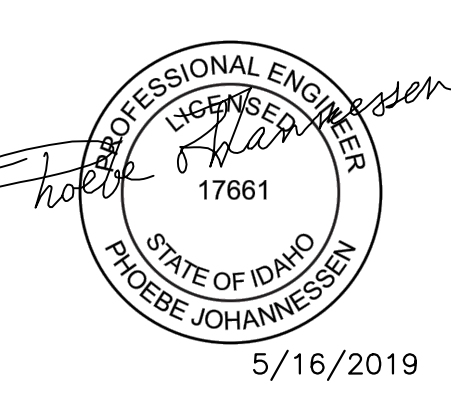


PLAN

SCALE IN FEET



PRELIMINARY - FOR DESIGN REVIEW



REVISIONS	DESCRIPTION	DATE	BY
No. 1			



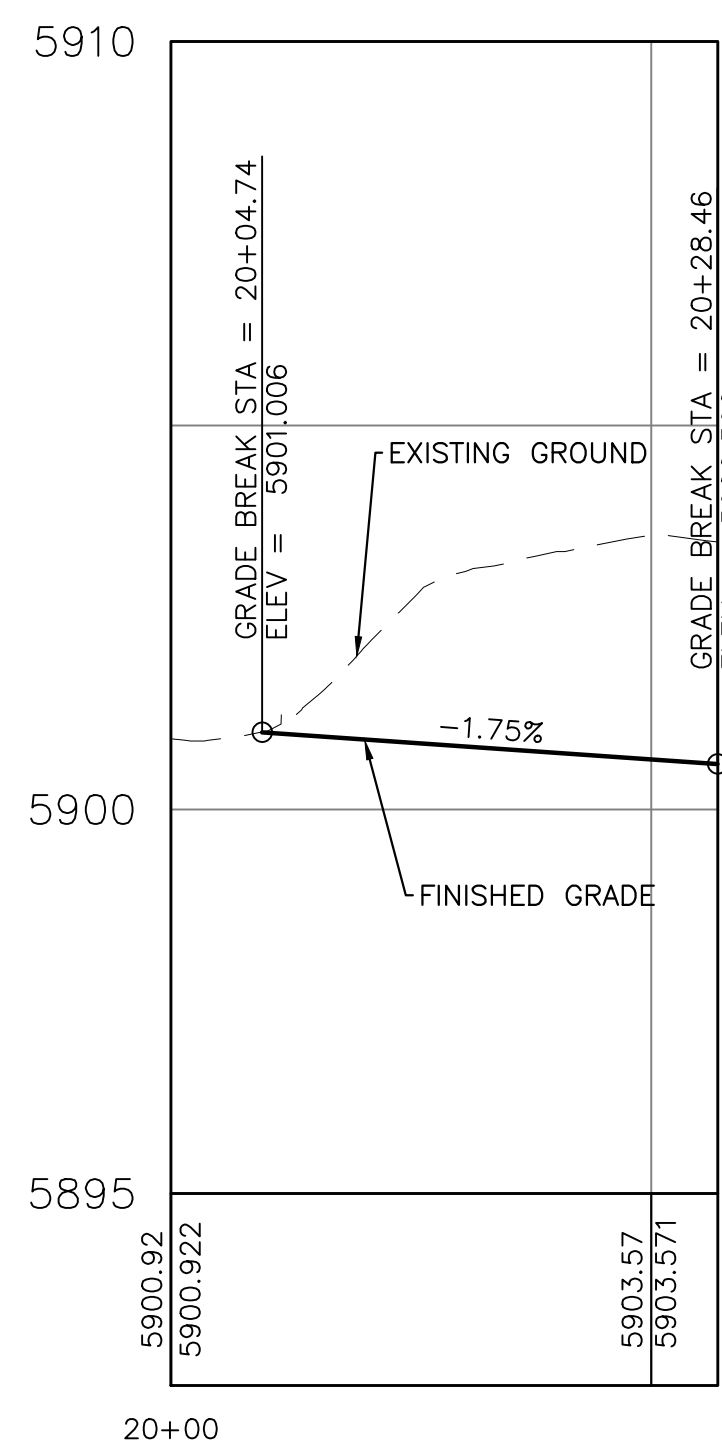
PREPARED BY:
BENCHMARK ASSOCIATES, P.A.
P.O. BOX 733 100 BELL DRIVE
KETCHUM, IDAHO 83340
(208) 726-9512
FAX 726-9514
WEB: WWW.BMA5B.COM
MAIL: WWW.BMA5B.COM

SITE PLAN
WARM SPRINGS VILLAGE 4, BL 3 LOT 1
T4N, R18E, SEC 11, B.M., CITY OF KETCHUM, IDAHO
PREPARED FOR: DR. ROCKWELL HAMMOND JR.

DRAWN BY: PLJ
DESIGNED BY: PLJ
CHECKED BY: SB
DATE: 05/16/19
PROJECT NO.: 19068

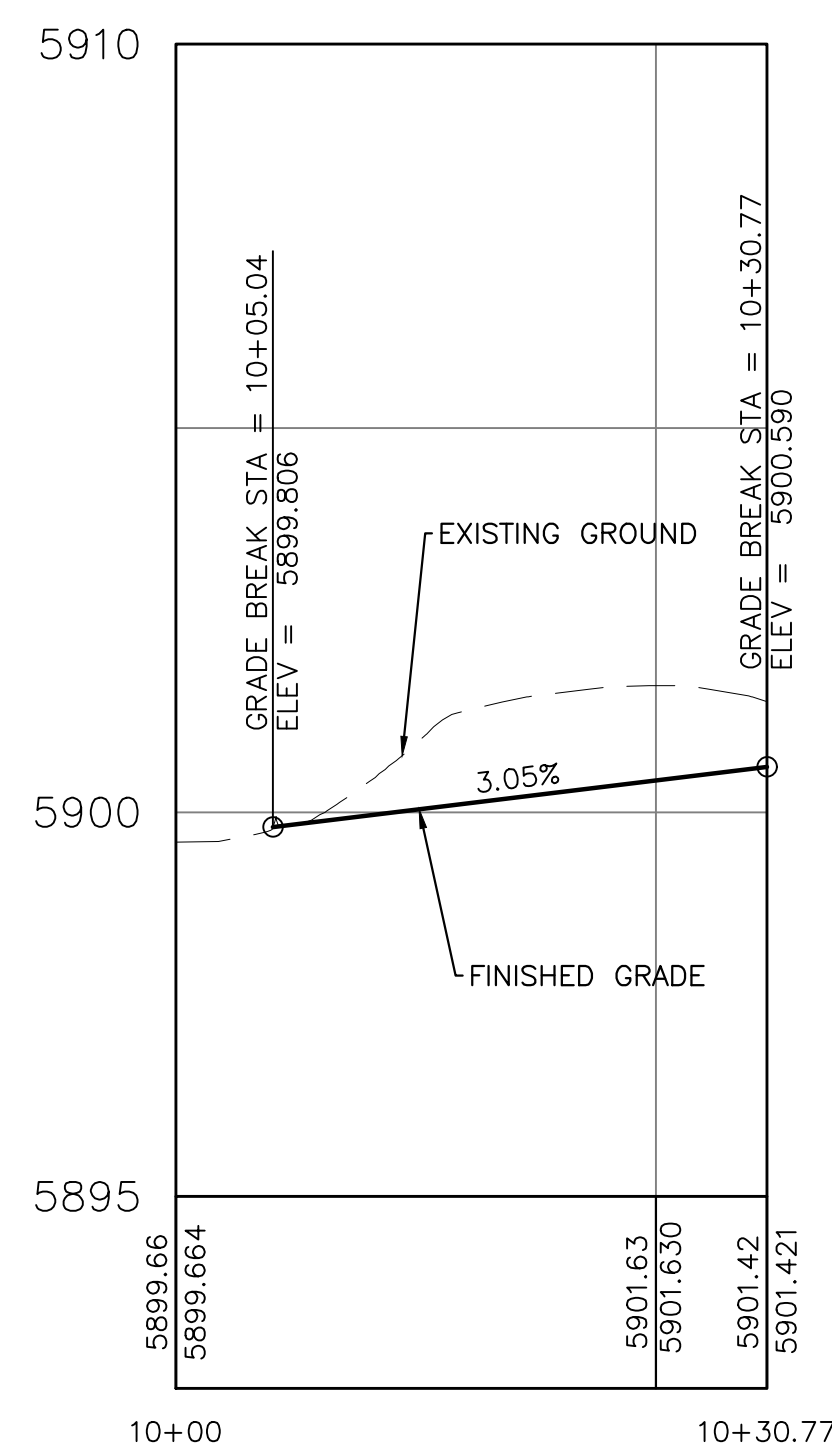
DRAWING NO.

C-1



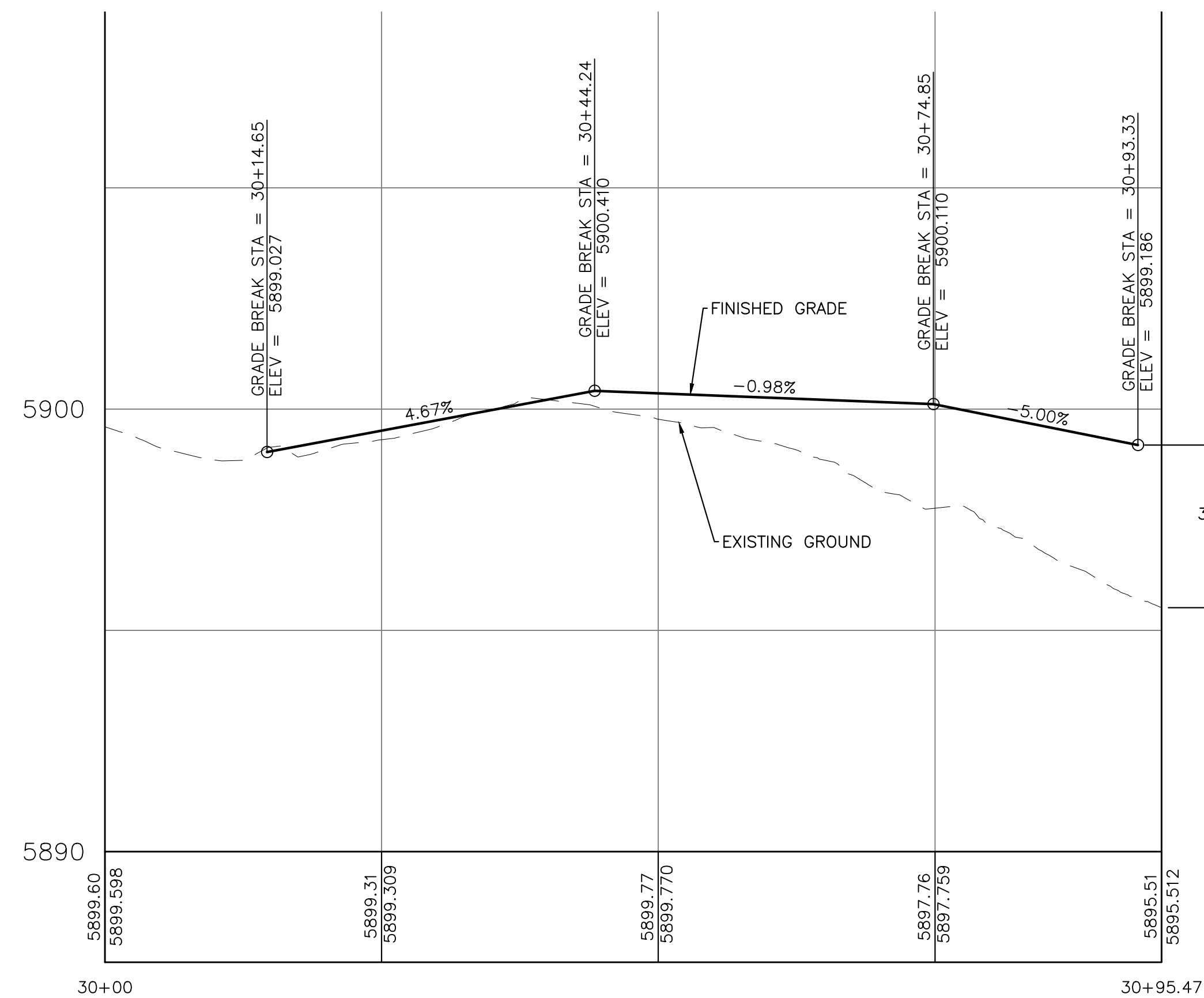
DRIVEWAY PROFILE (LEFT)

HORIZ: 1"=10'
VERT: 1"=5'



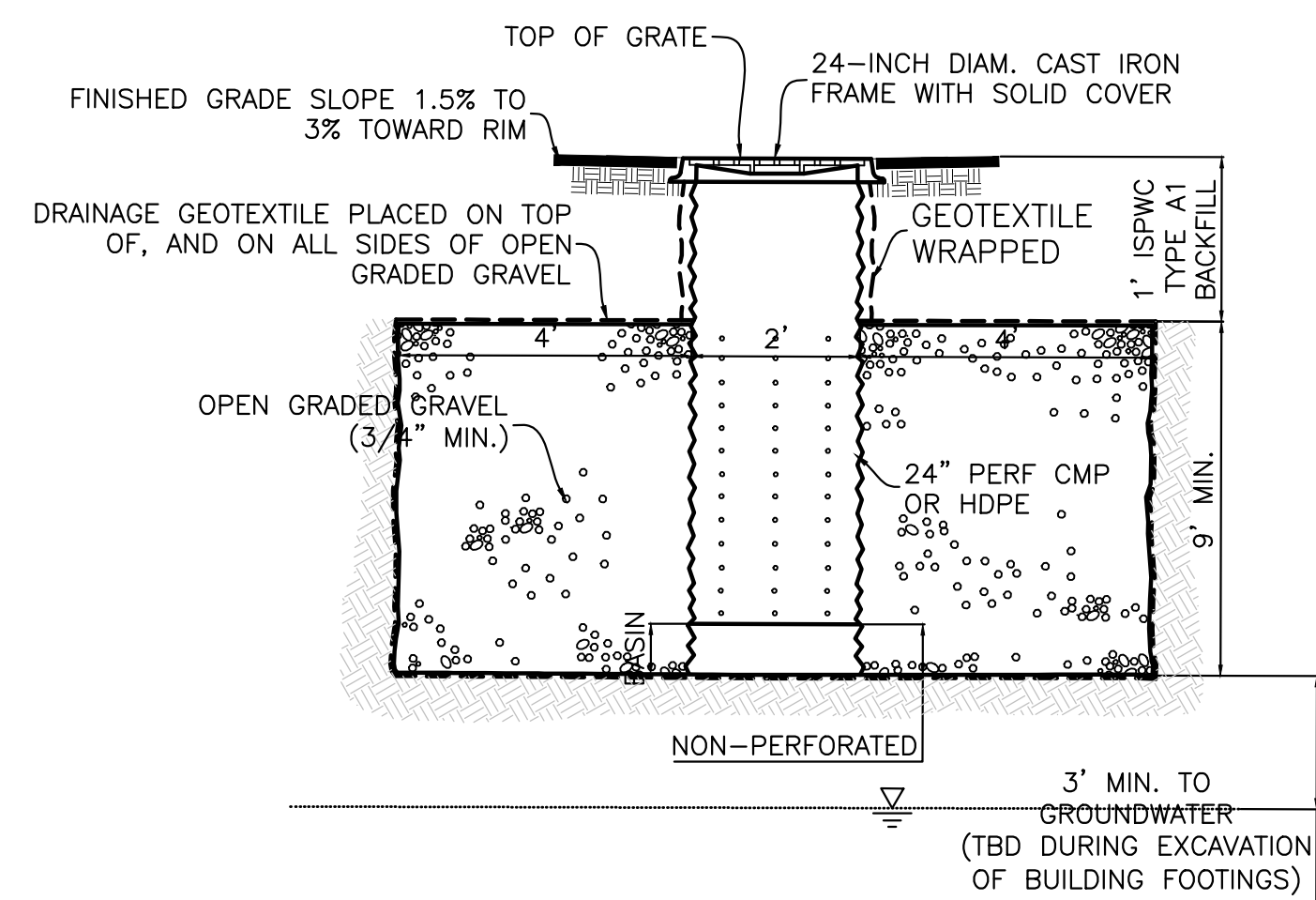
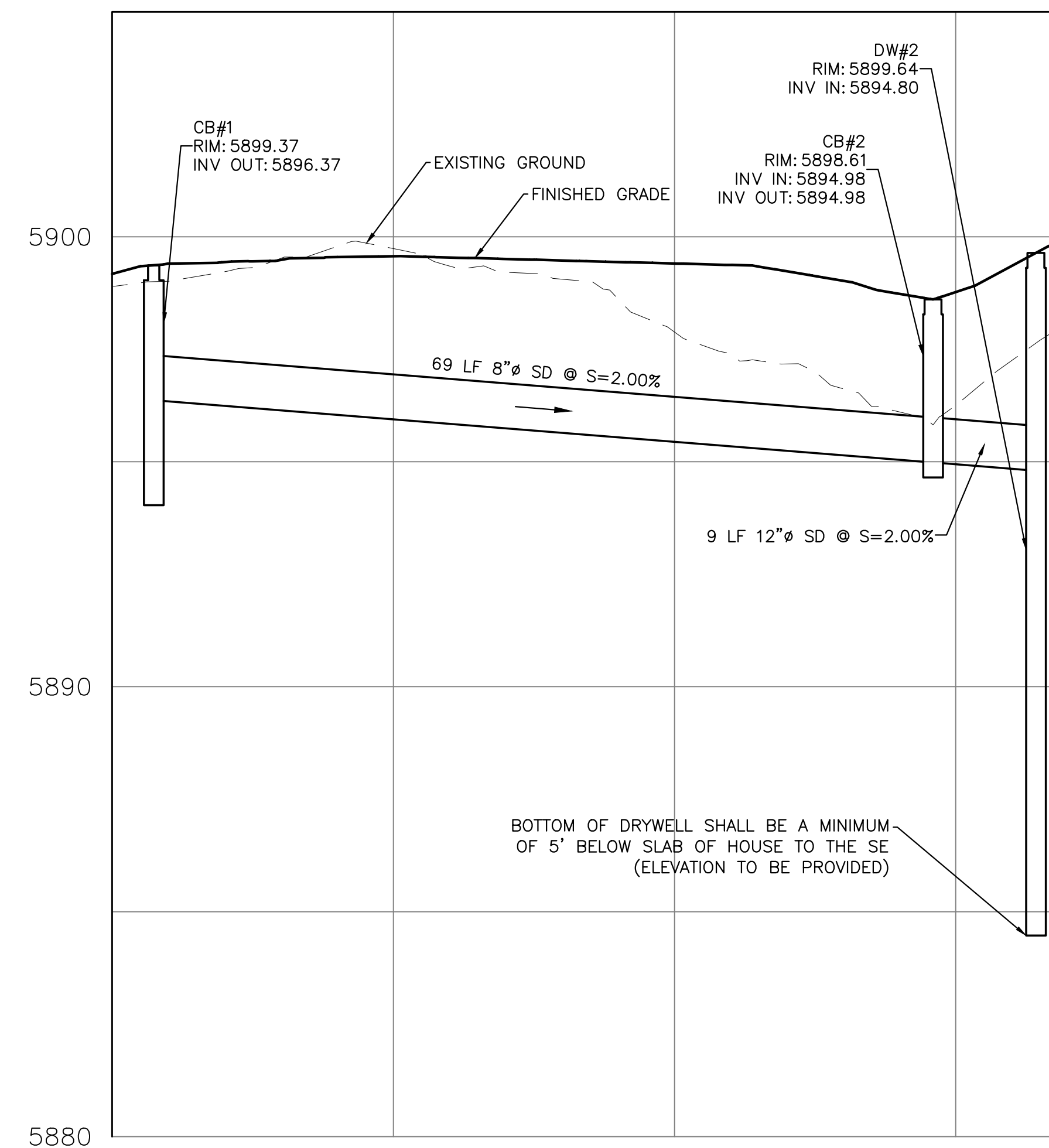
DRIVEWAY PROFILE (CENTER)

HORIZ: 1"=10'
VERT: 1"=5'



DRIVEWAY PROFILE (RIGHT)

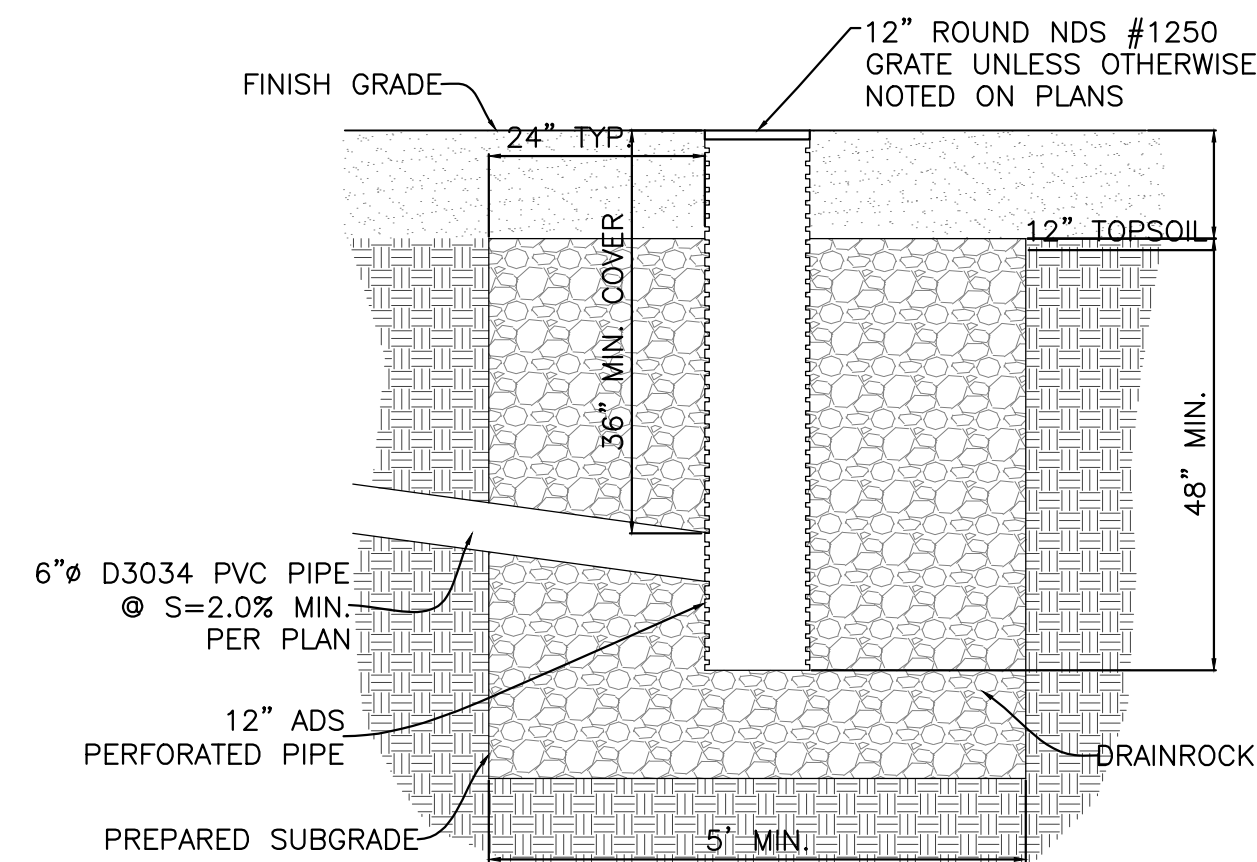
HORIZ: 1"=10'
VERT: 1"=5'



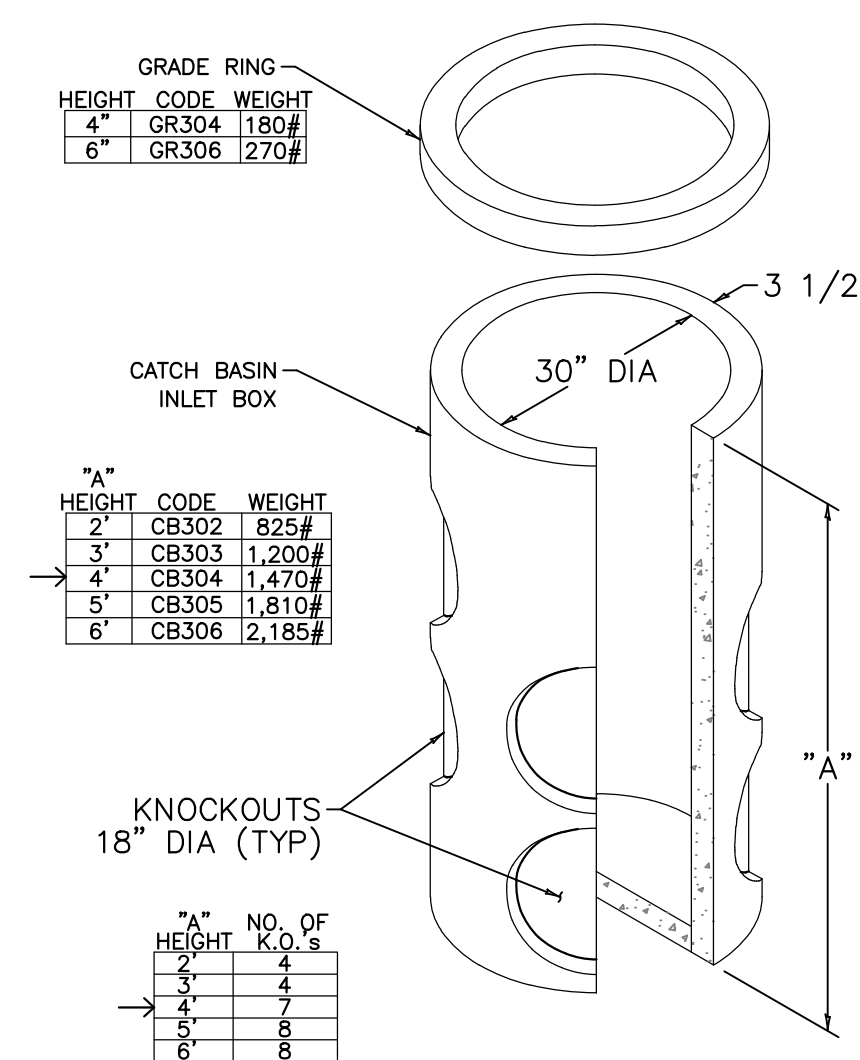
NOTES:

- 1 ALL PRODUCTS AS NOTED OR APPROVED SUBSTITUTION.

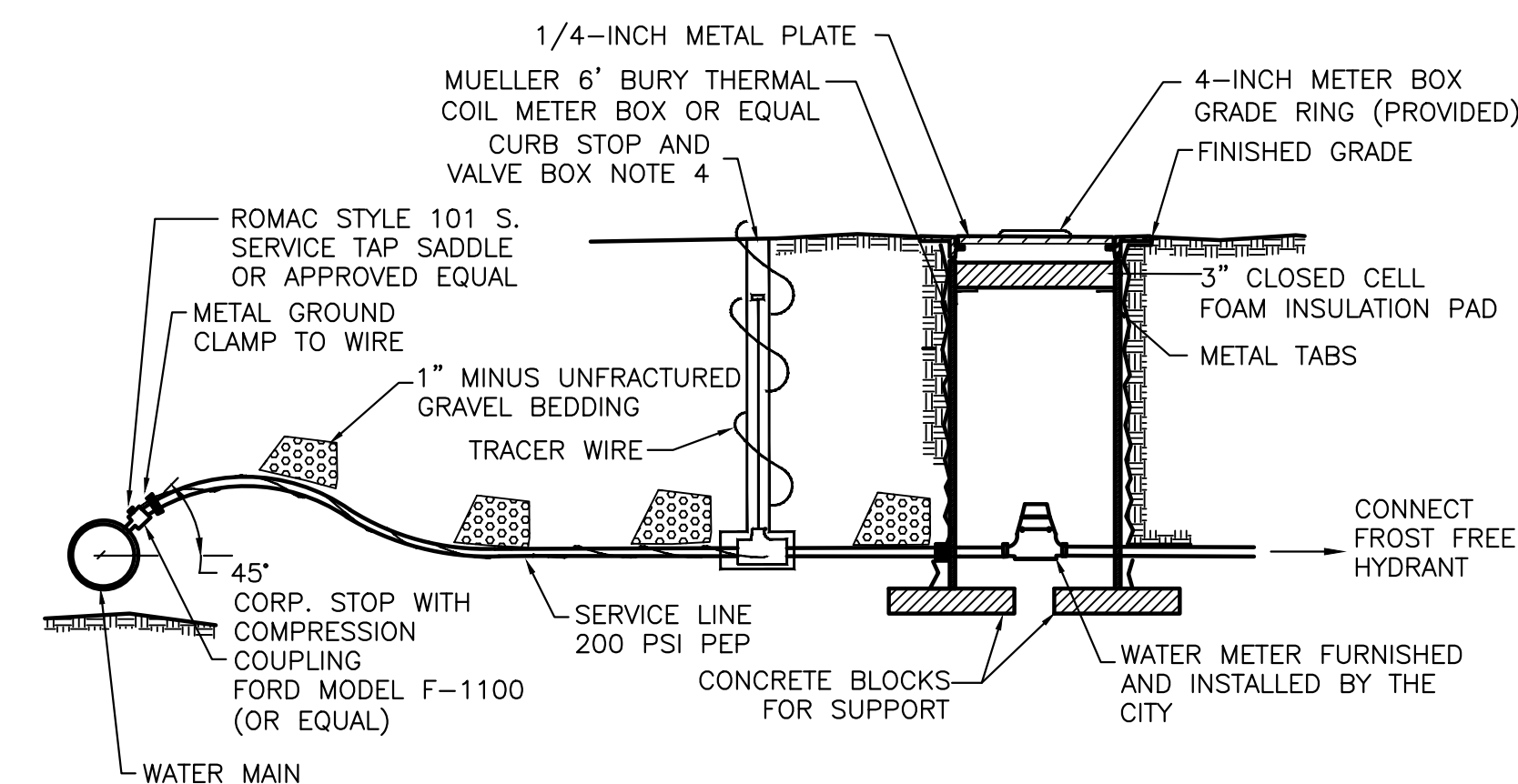
1 DRYWELL DETAIL
SCALE: N.T.S.



2 LANDSCAPE DRYWELL
SCALE: N.T.S.



3 30-INCH CATCH BASIN DETAIL
SCALE: N.T.S.



NOTES

1. WATER SERVICE LINE SHALL HAVE A 6' MIN. BURY DEPTH
2. SERVICE LINE SHALL BE 1" DIAMETER POLYETHYLENE PIPE UNLESS OTHERWISE SPECIFIED.
3. WATER SERVICE LINES SHALL BE BEDDED WITH 1" MINUS UNFRACTURED GRAVEL BEDDING SHALL BE INSTALLED 4" UNDER THE PIPE AND 6" OVER THE PIPE.
4. FORD MODEL B-111 RESILIENT SEAT, CURB BALL VALVE (OR EQUAL), FORD EXTENSION CURB BOX WITH ARCHED BASE, 1-INCH UPPER SECTION, AND 2 HOLE "ERIE" PATTERN LID.

4 WATER SERVICE AND METER CONNECTION
SCALE: N.T.S.

PROFESSIONAL ENGINEER
STATE OF IDAHO
PRIDE JOHANNESSEN
17661
5/16/2019

REVISIONS	DATE	BY
No. 1		



PREPARED BY:
BENCHMARK ASSOCIATES, P.A.
P.O. BOX 733 100 BELL DRIVE
KETCHUM, IDAHO 83340
(208) 726-9512
FAX 726-9514
WEB: WWW.BMA5B.COM
MAIL: WWW.BMA5B.COM

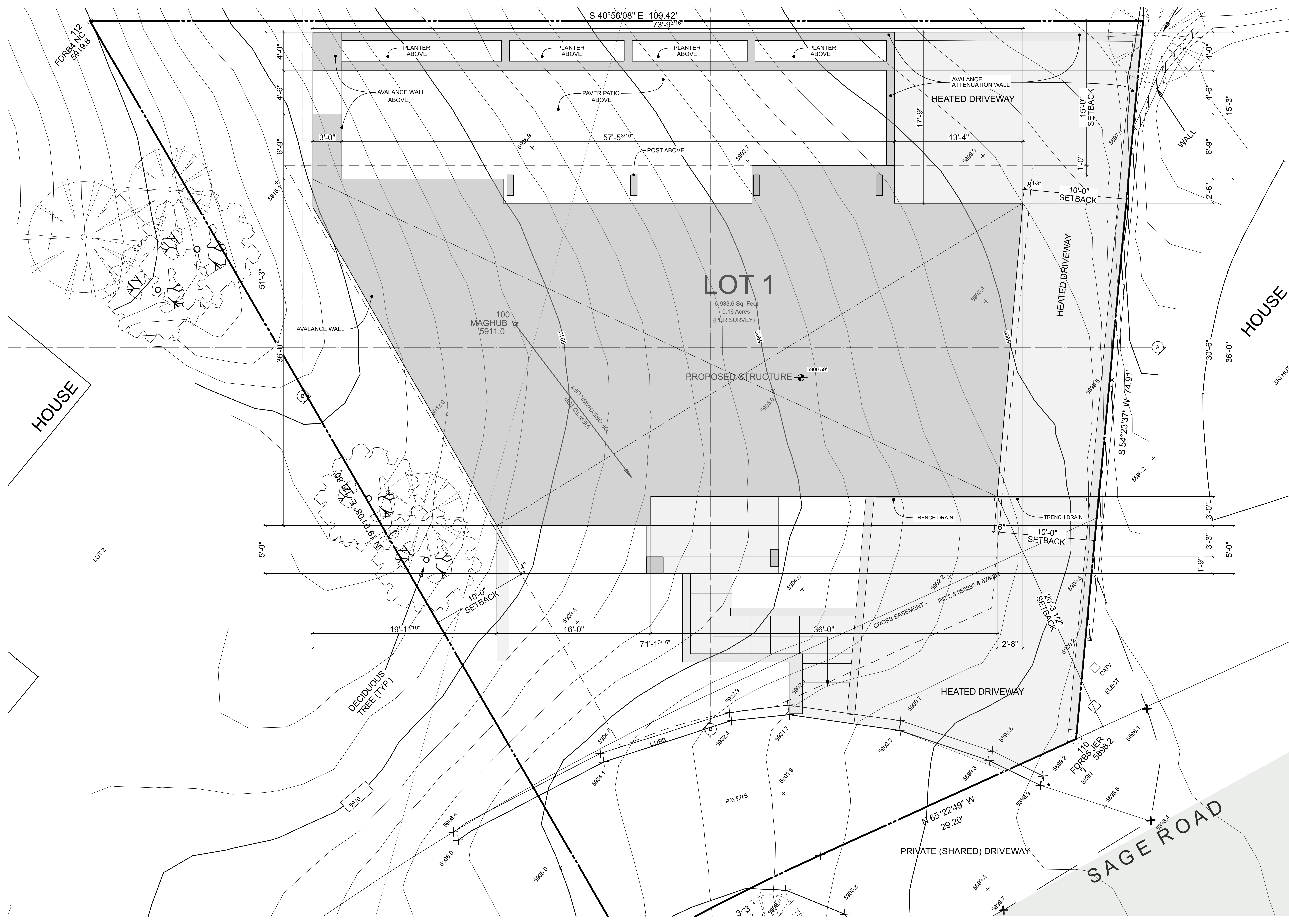
DETAILS
WARM SPRINGS VILLAGE 4, BL 3 LOT 1
T4N, R18E, SEC 11, B.M., CITY OF KETCHUM, IDAHO
PREPARED FOR: DR. ROCKWELL HAMMOND JR.

DRAWN BY: PLJ
DESIGNED BY: PLJ
CHECKED BY: SB
DATE: 05/16/19
PROJECT NO.: 19068

DRAWING NO.

C-2

PRELIMINARY - FOR DESIGN REVIEW



S 40°56'08" E 109.42'
73°-93'16"

LOT 1
6,933.6 Sq. Feet
0.16 Acres
(PER SURVEY)

100
MAGHUB
5911.0

PROPOSED STRUCTURE

ARCHITECT
Neil B. Middleton, AIA
45 Weston Road
Lincoln, MA 01773
P: 781.259.1380
C: 617.281.6996
middleton.nb@gmail.com

PROJECT NO.

CONTRACTOR

A NEW RESIDENCE FOR:
DR. ROCKWELL HAMMOND JR. & JILL HAMMOND
Lot 1, Block 3, Warm Springs Village Subdivision No. 4
102 Sage Road • Ketchum, ID 83340

D R A W I N G :
ARCHITECTURAL SITE PLAN

DATE

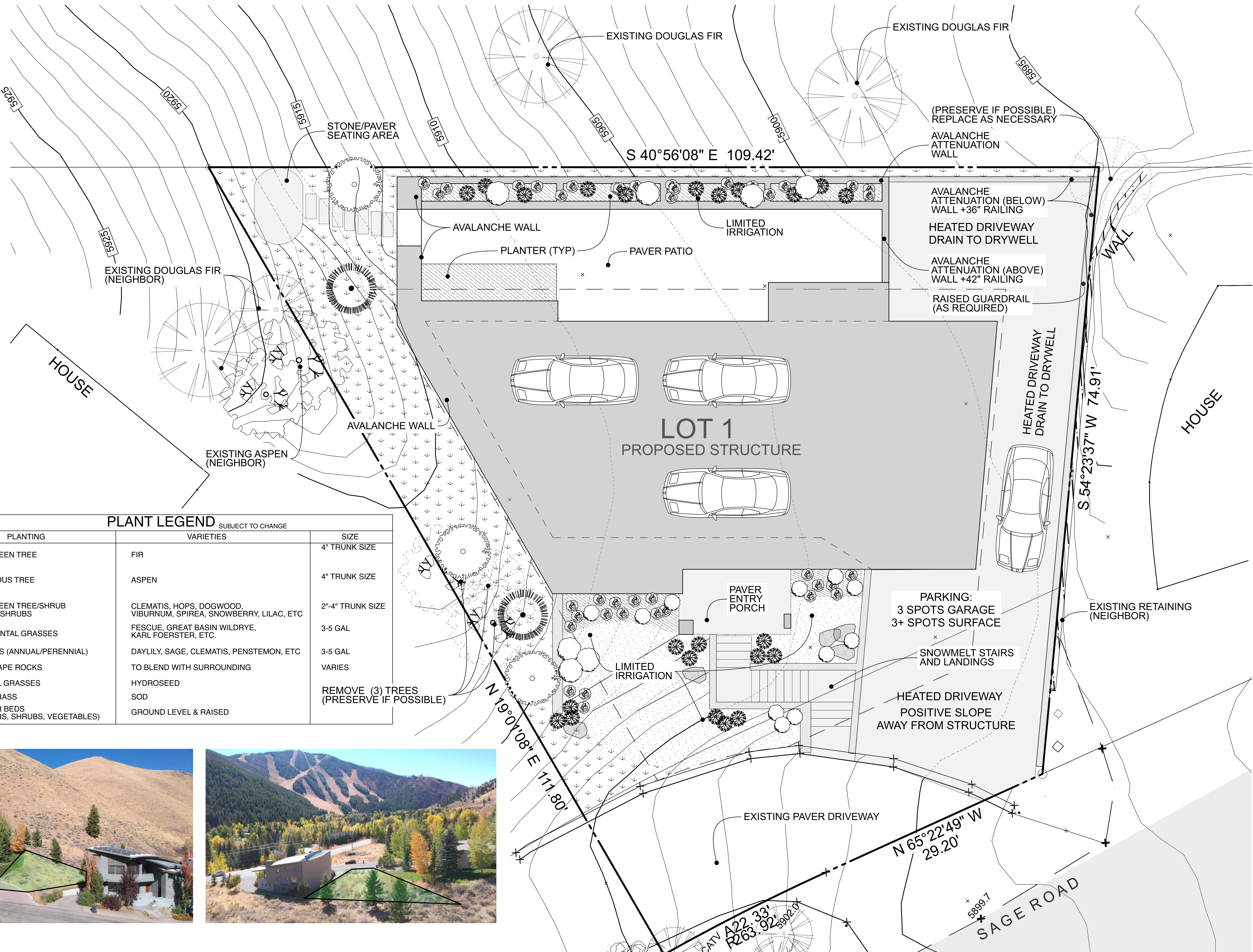
5/17/19

SHEET NUMBER

A-1.0

SCALE: 1/4" = 1'-0"

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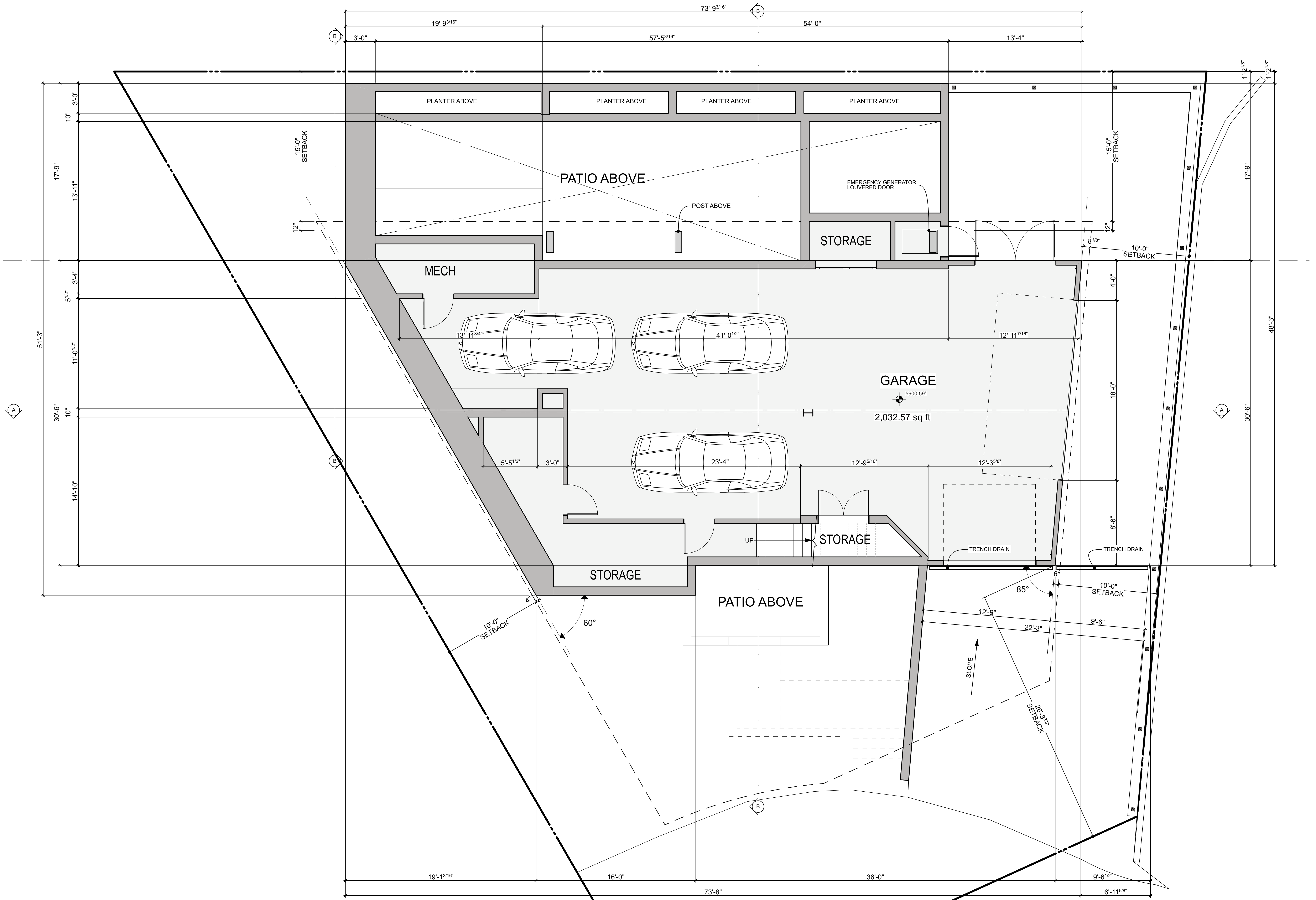


PLANT LEGEND SUBJECT TO CHANGE

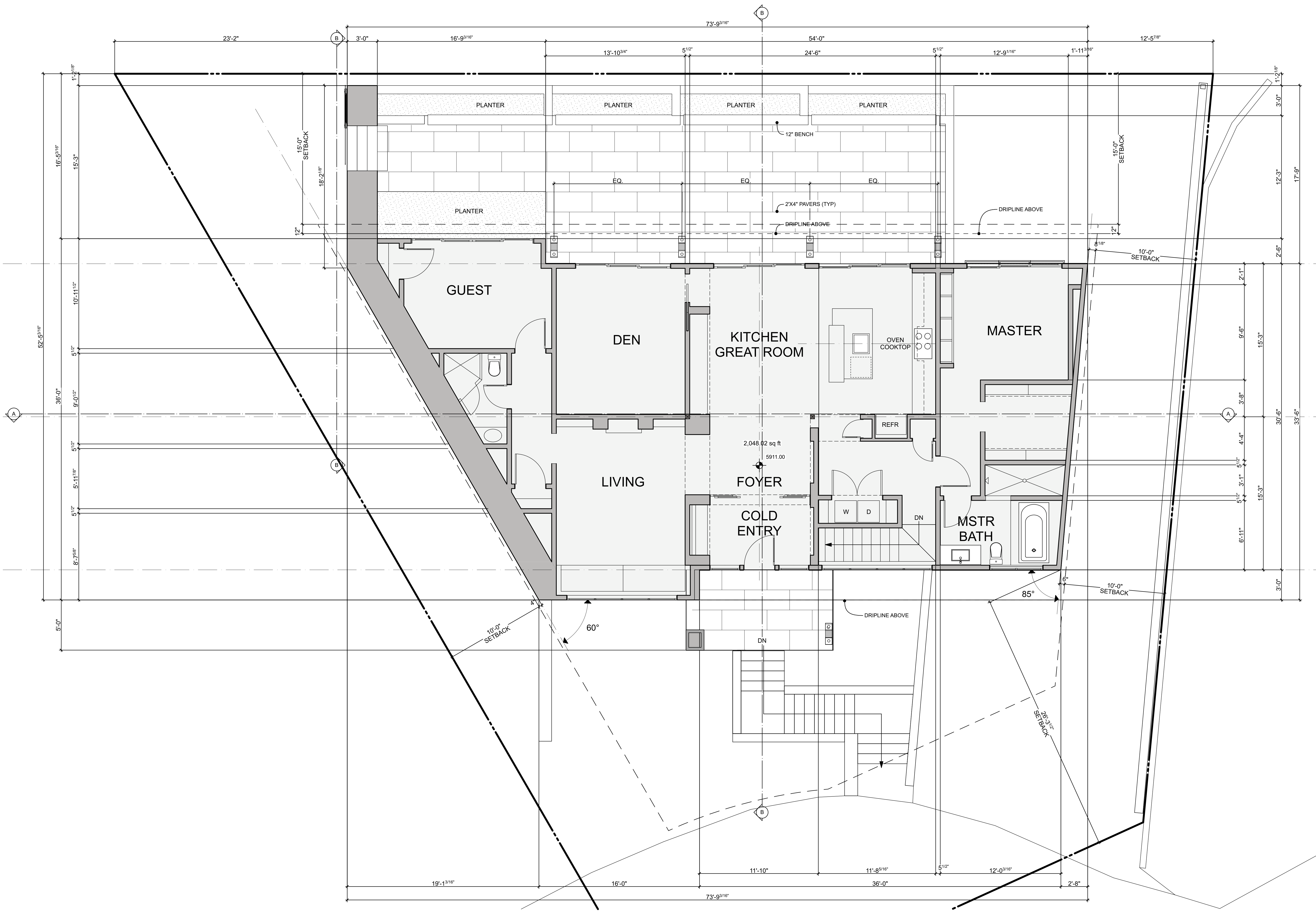
SYMBOL	PLANTING	VARIETIES	SIZE
	EVERGREEN TREE	FIR	4" TRUNK SIZE
	DECIDUOUS TREE	ASPEN	4" TRUNK SIZE
	EVERGREEN TREE/SHRUB BUSHES/SHRUBS	CLEMATIS, HOPS, DOGWOOD, VIBURNUM, SPIREA, SNOWBERRY, LILAC, ETC	2"-4" TRUNK SIZE
	ORNAMENTAL GRASSES	FESCUE, GREAT BASIN WILDRIE, KARL FOERSTER, ETC.	3-5 GAL
	FLOWERS (ANNUAL/PERENNIAL)	DAYLILY, SAGE, CLEMATIS, PENSTEMON, ETC	3-5 GAL
	LANDSCAPE ROCKS	TO BLEND WITH SURROUNDING	VARIES
	NATURAL GRASSES	HYDROSEED	REMOVE (3) TREES (PRESERVE IF POSSIBLE)
	LAWN GRASS	SOD	
	PLANTER BEDS (FLOWERS, SHRUBS, VEGETABLES)	GROUND LEVEL & RAISED	



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ARCHITECT
 Neil B. Middleton, AIA
 45 Weston Road
 Lincoln, MA 01773
 P: 781.259.1380
 C: 617.281.6996
 middleton.nb@gmail.com

PROJECT NO.

CONTRACTOR

A NEW RESIDENCE FOR:
DR. ROCKWELL HAMMOND JR. & JILL HAMMOND
 Lot 1, Block 3, Warm Springs Village Subdivision No. 4
 102 Sage Road • Ketchum, ID 83340

D R A W I N G :
LIVING LEVEL PLAN

DATE

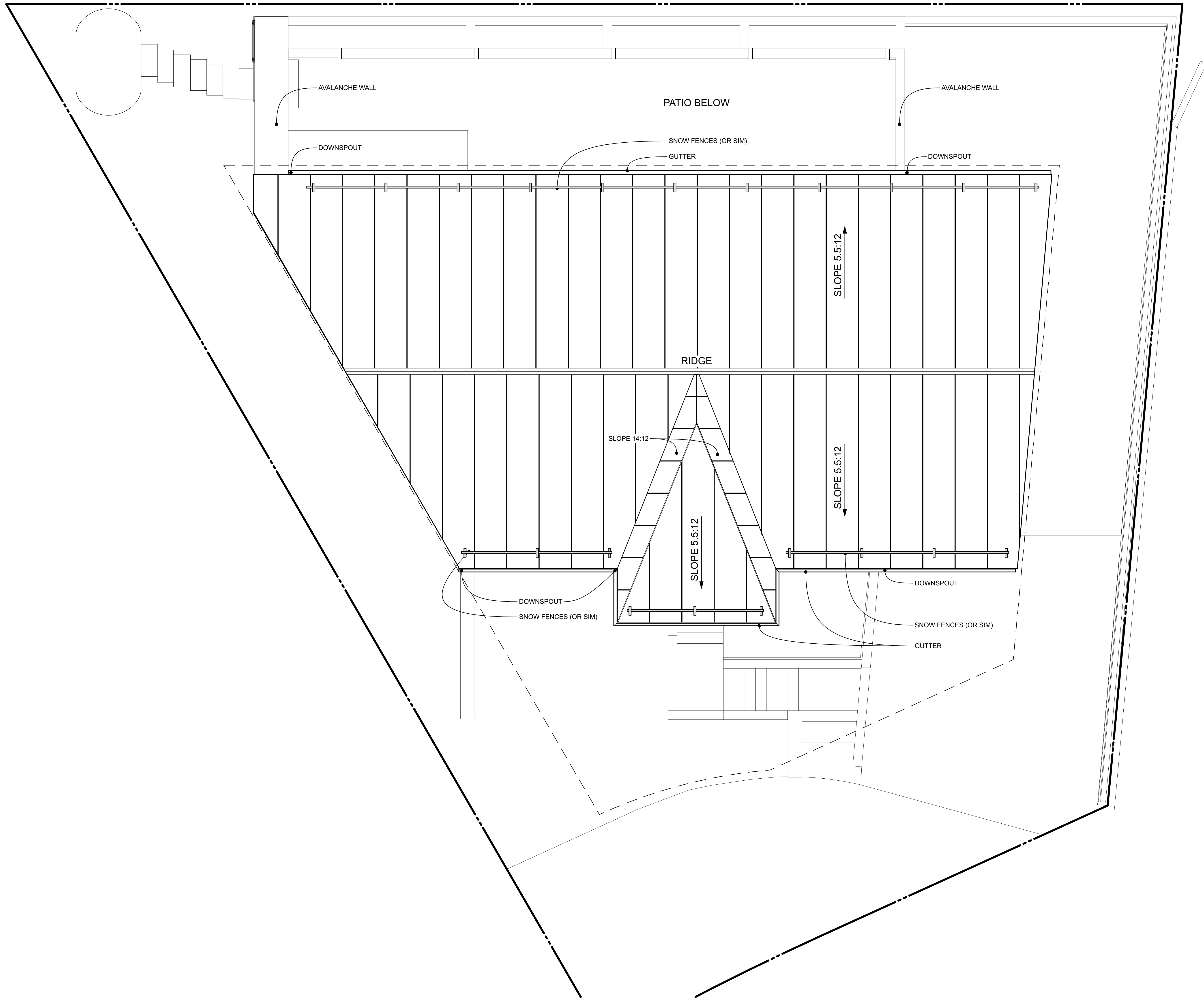
5/17/19

SHEET NUMBER

A-2.1

SCALE: 1/4" = 1'-0"

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 Lincoln, MA 01773
 P: 781.259.1380
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DR. ROCKWELL HAMMOND JR. & JILL HAMMOND
 Lot 1, Block 3, Warm Springs Village Subdivision No. 4
 102 Sage Road • Ketchum, ID 83340

D R A W I N G :
ROOF PLAN

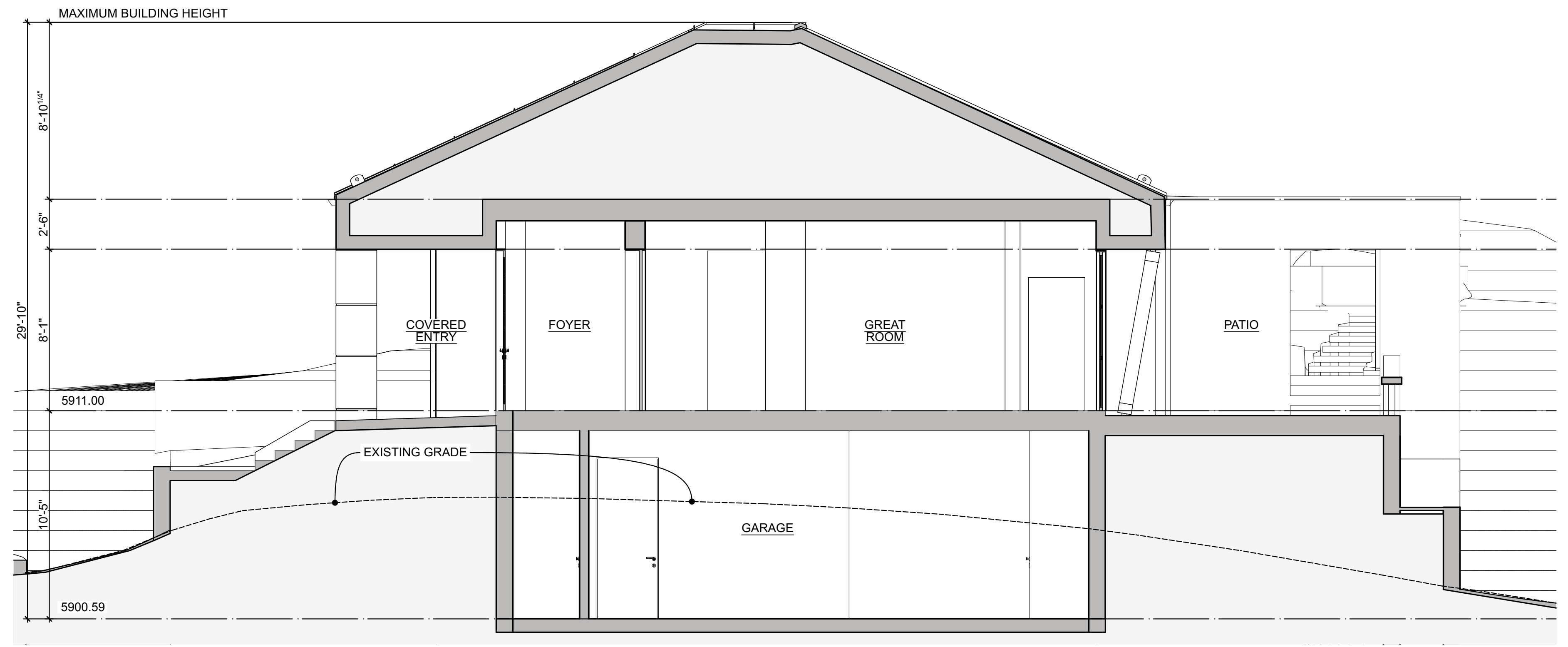
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5/17/19

SHEET NUMBER

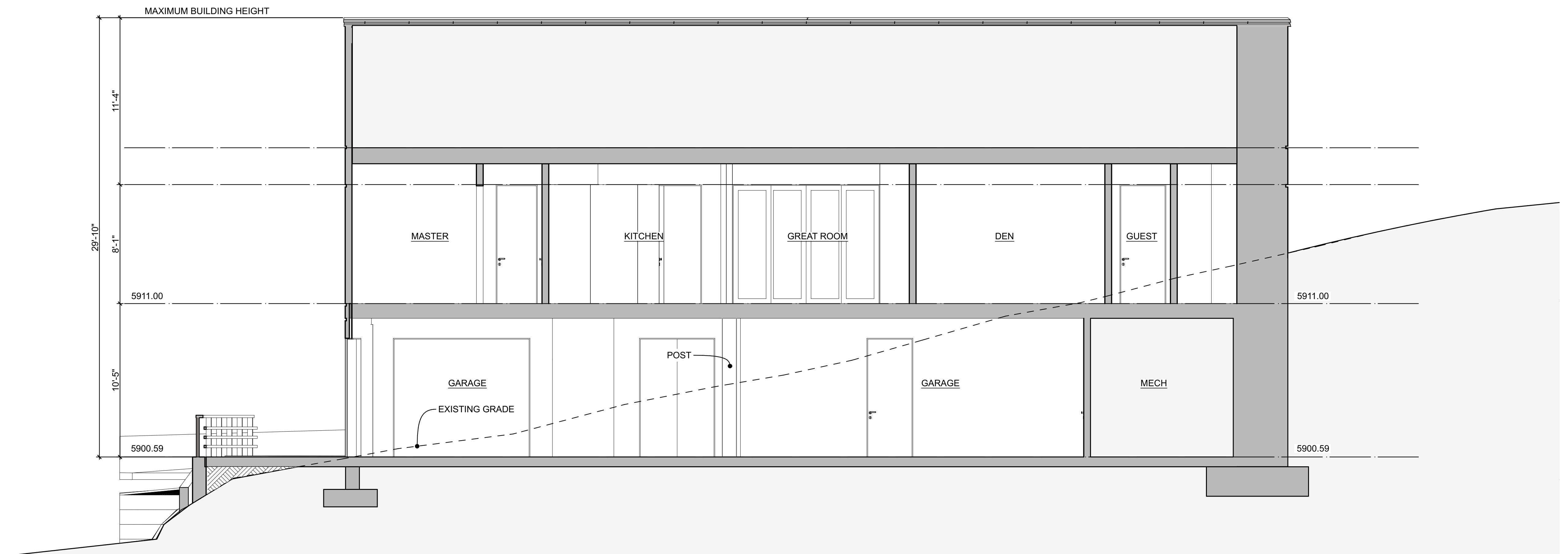
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CROSS SECTION

SCALE: 1/4" = 1'-0"



SITE SECTION (NORTH-SOUTH)

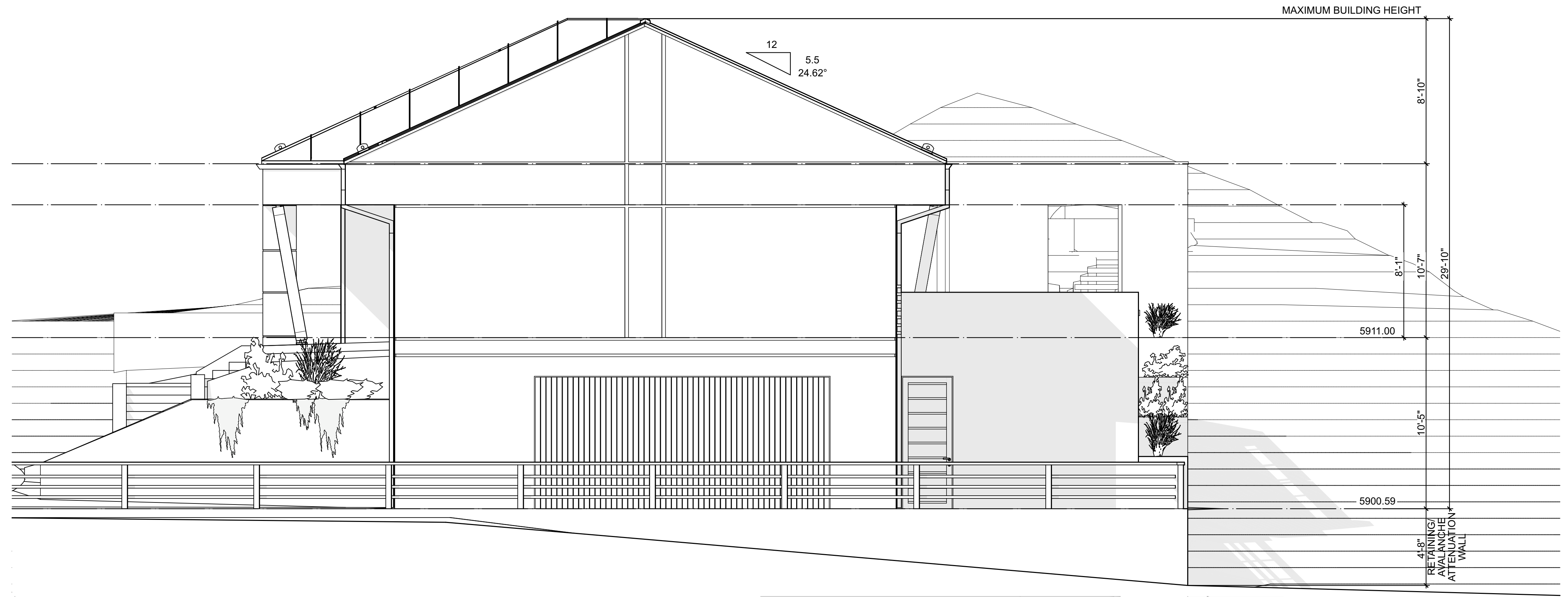
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WEST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

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ARCHITECT
Neil B. Middleton, AIA
45 Weston Road
Lincoln, MA 01773
P: 781.259.1380
C: 617.281.6996
middleton.nb@gmail.com

PROJECT NO.

CONTRACTOR

A NEW RESIDENCE FOR:
DR. ROCKWELL HAMMOND JR. & JILL HAMMOND
Lot 1, Block 3, Warm Springs Village Subdivision No. 4
102 Sage Road - Ketchum, ID 83340

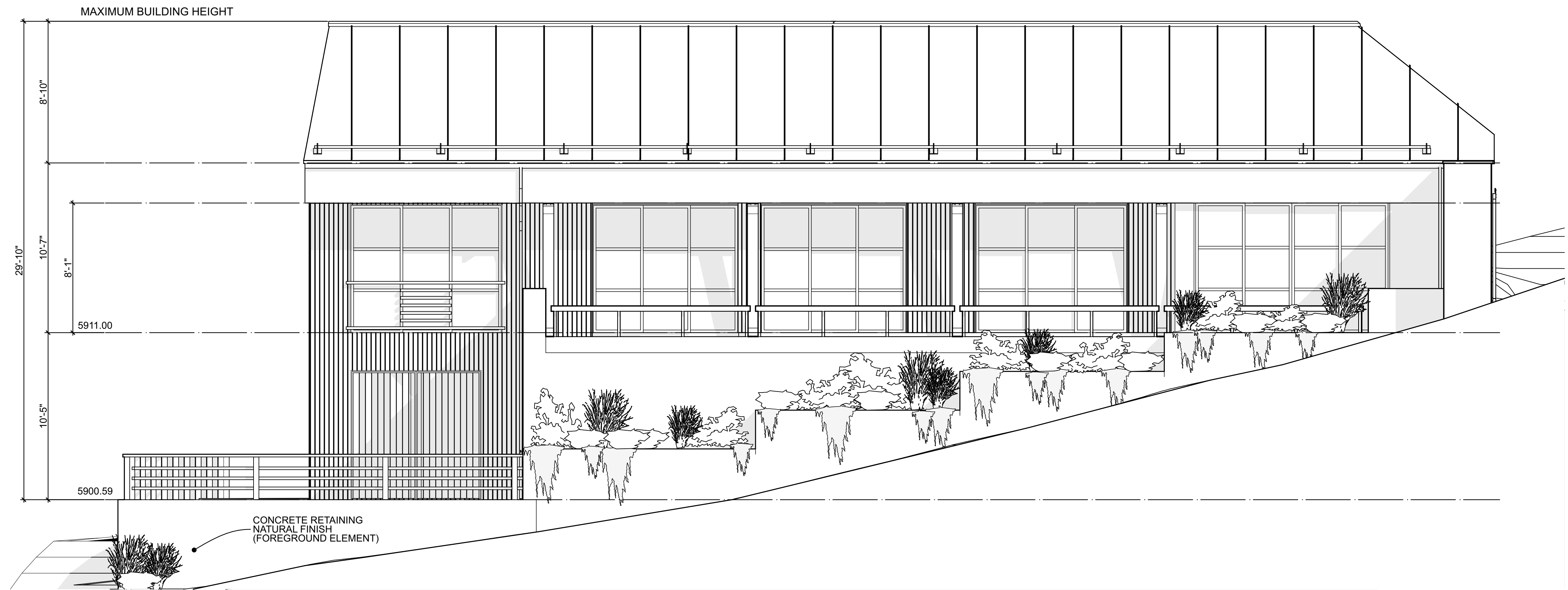
D R A W I N G :
EXTERIOR ELEVATIONS

DATE

5/17/19

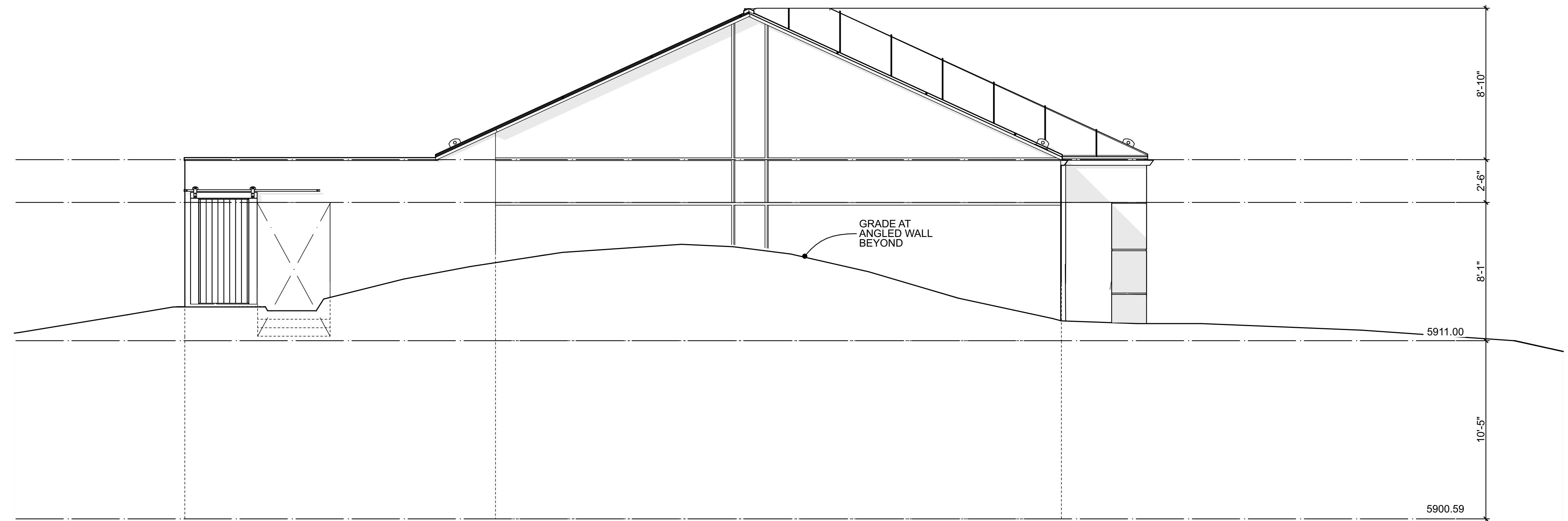
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EAST ELEVATION

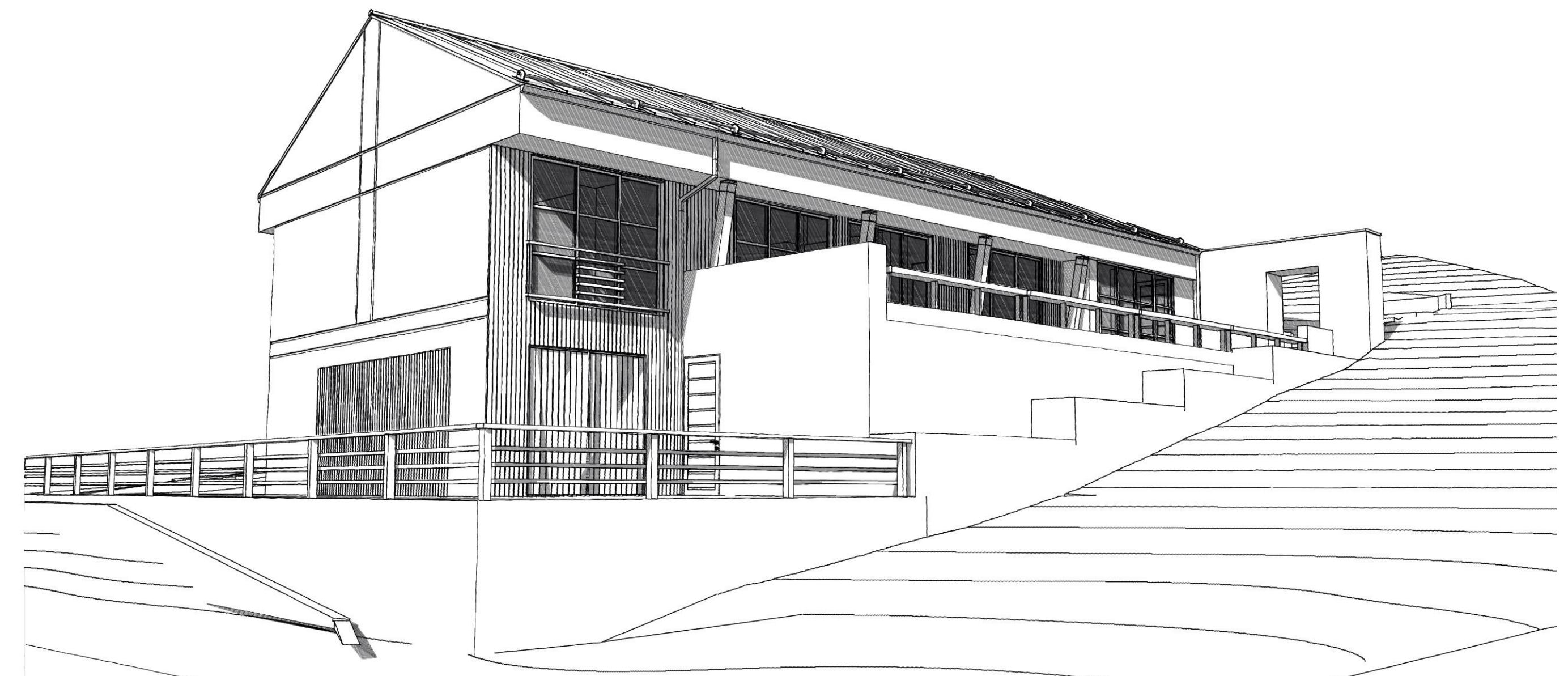
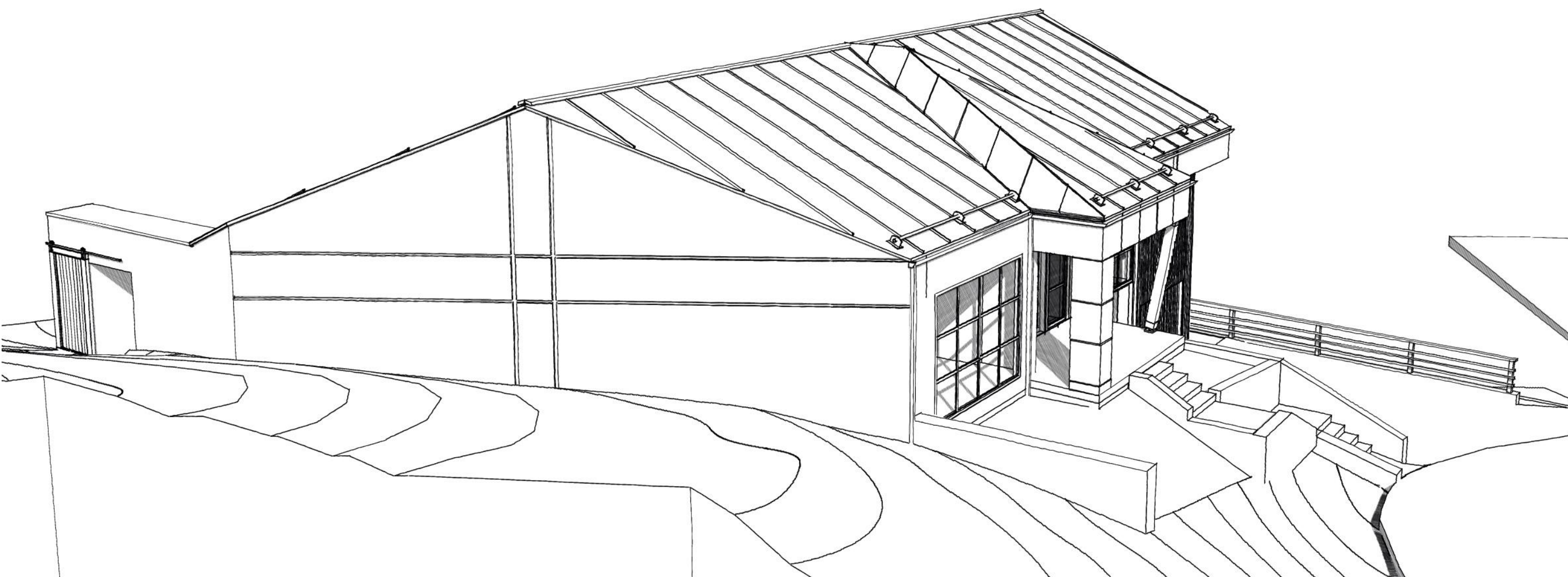
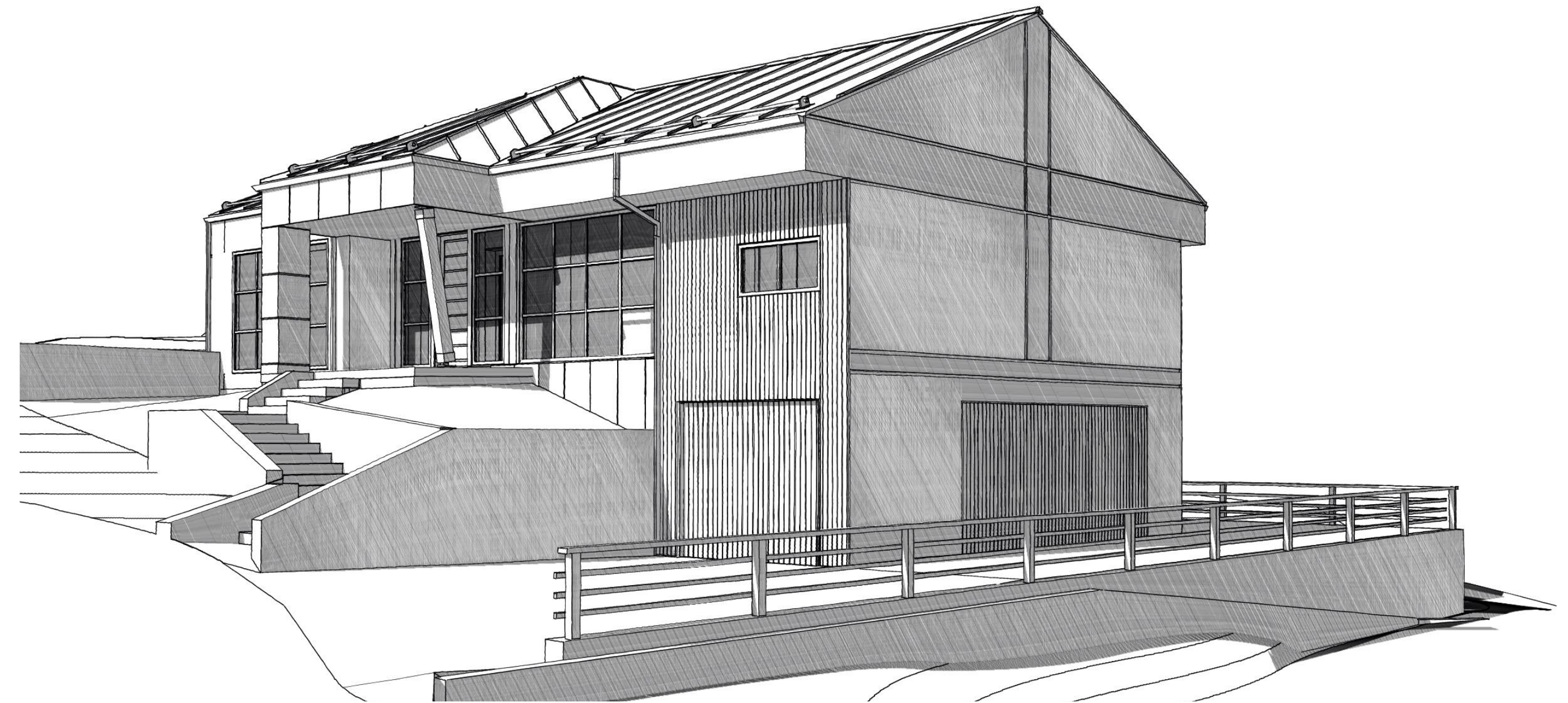
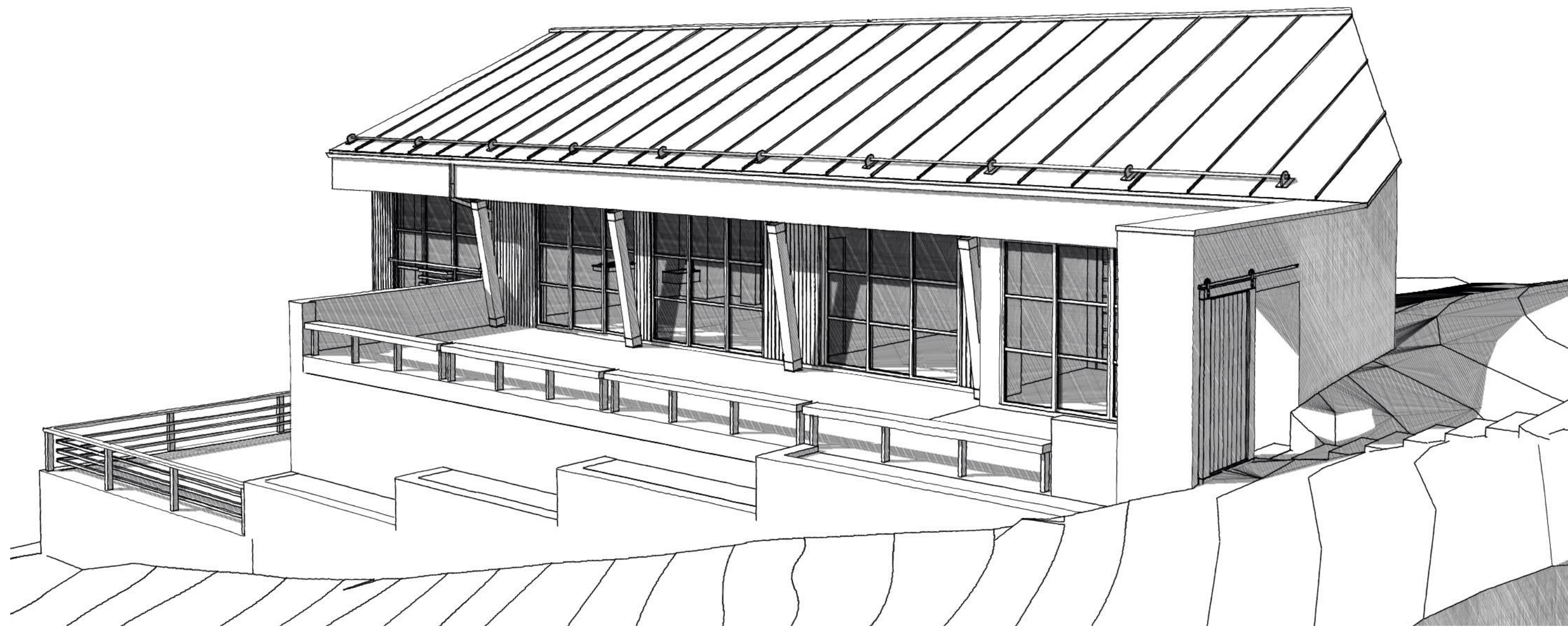
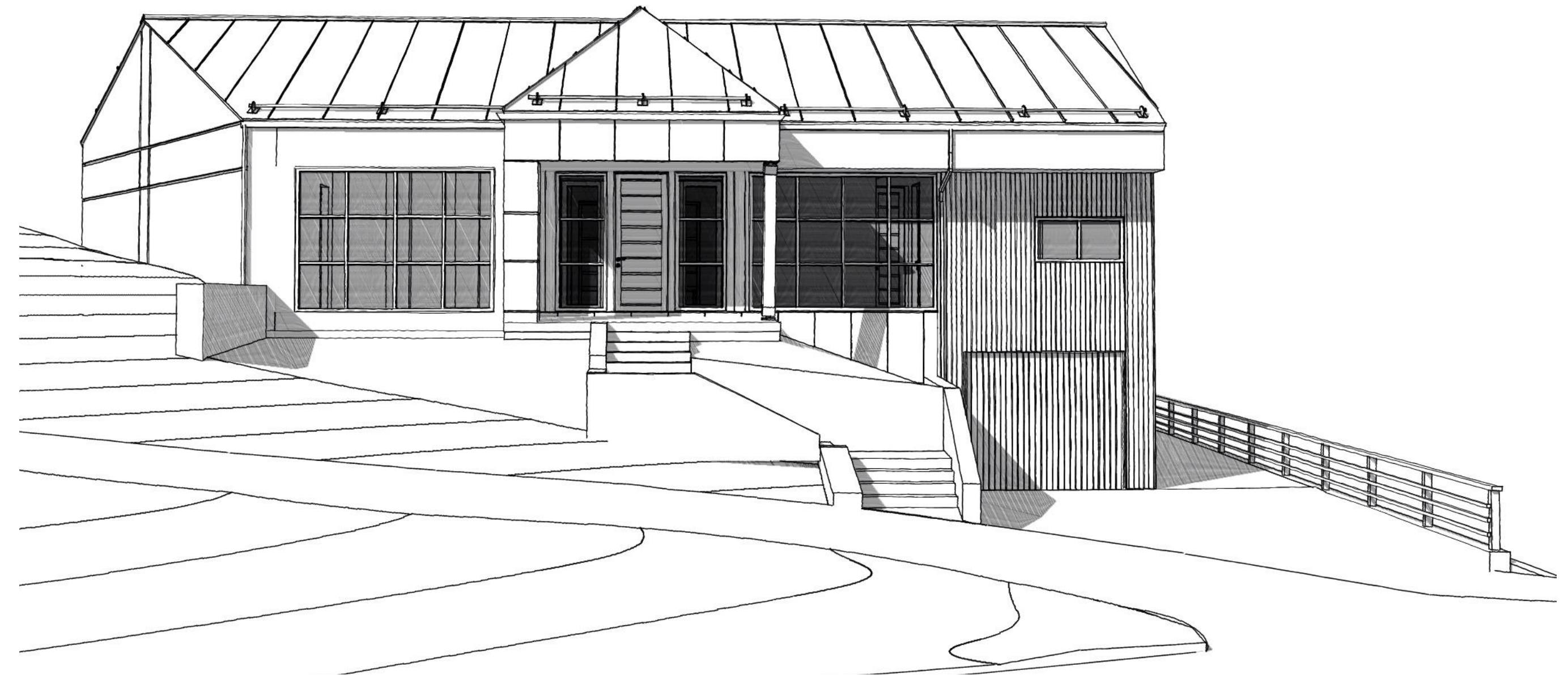
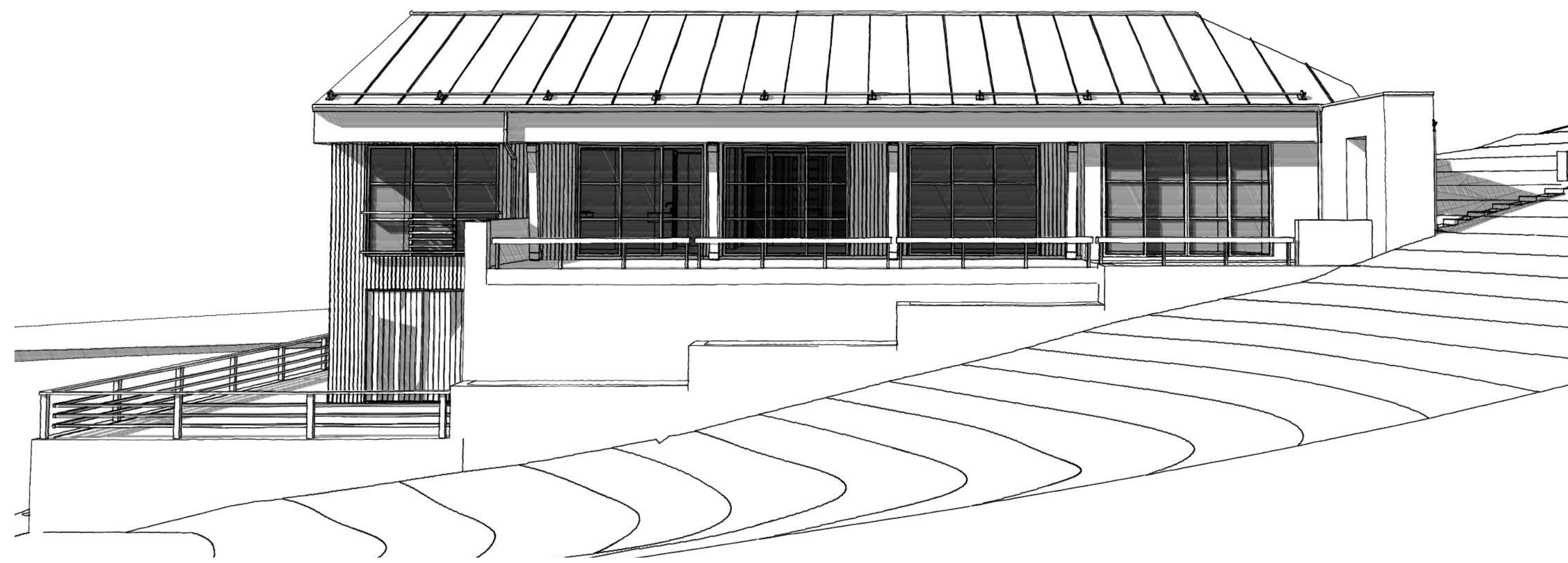
SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

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ARCHITECT
 Neil B. Middleton, AIA
 45 Weston Road
 Lincoln, MA 01773
 P: 781.259.1380
 C: 617.281.6996
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PROJECT NO.

CONTRACTOR

A NEW RESIDENCE FOR:
DR. ROCKWELL HAMMOND JR. & JILL HAMMOND
 Lot 1, Block 3, Warm Springs Village Subdivision No. 4
 102 Sage Road • Ketchum, ID 83340

D R A W I N G :
3D LAYOUT

DATE

5/17/19

SHEET NUMBER

A-5.0

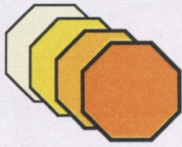
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Exhibit B2:
XCell Engineering Avalanche
Evaluation and Plan Review
Summary

XCELL ENGINEERING, LLC



260 Laurel Lane
Chubbuck, ID 83202
Phone (208) 237-5900
Fax (208) 237-5925
E-mail: xcelleng@qwestoffice.net

May 8, 2019
File: P19380

Dr. Rockwell Hammond Jr.
35611 SE David Powell Road
Fall City, WA 98204

RE: **SUMMARY**
Avalanche Evaluation
Sage Road
Ketchum, Idaho

Dr. Rockwell:

At your request we have evaluated the avalanche potential of the subject lot with respect to future construction per preliminary drawings provided by Neil Middleton. It is our understanding that the planned construction will be a 1-2 story wood and concrete structure with a walk out basement on the downhill side. The site is located beneath natural topographic and slope features that will collect and direct avalanche movement of snow and debris toward your property. The upper reaches of the collection area have slopes ranging from 32 to 37 degrees and the lower portions are inclined 35 to 37 degrees. The existing slope inclination is sufficient to generate and accelerate moving snow under the right conditions. Review of the site revealed that snow avalanche has occurred on the slope in the past and therefore recurrence of the same conditions is expected in the future. Any construction on the site must take into account the anticipated impact forces of the design avalanche and the risk associated with construction in this location.

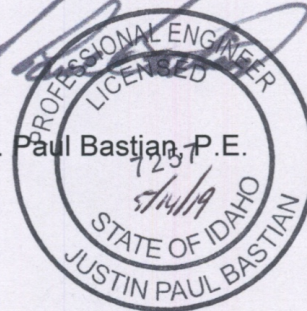
Plate 1, attached, shows the contributory area and flow path that is expected in the event of an avalanche. You will note that the direction of flow (to the northwest of your site) shifts approximately 45 degrees to the east toward your property. At this point of course change it is anticipated that a significant portion of the sliding mass will not be redirected to your property but will continue in a relatively linear direction in line with the up-gradient ravine. Deceleration of the avalanche will begin slightly above the point of course change and again at the toe of slope. The Torrecelli Theorum, which is a specialized case of the Bernoulli Equation, was used to calculate energy of a falling fluid based on gravitational acceleration, inclination of slope and length of vertical fall. This assumes steady state velocity for slope inclination uphill of your site will be achieved within 500 vertical feet of fall. This assumption is based on steady state avalanche velocity previously measured by others on similar slopes in the area. Calculations indicate that the moving mass will enter your property at a velocity of 48 feet per second or about 33 miles per hour. Direction of flow is nearly perpendicular to the leading wall of the planned construction. This will result in an impulse (or impact) force of 300 pounds per square foot at the instant contact is made. As additional snow piles up against the leading (or strong) wall of your building pressure will increase over a period of about 1-second to approximately 475 pounds per square foot. This pressure will diminish linearly with height as snow accumulates on the upper portions of the strong wall to a minimum value of 320 pounds per square foot. As lateral deposition of snow and ice increase on the strong wall, the rate at which lateral pressure on the wall increases will decrease and stabilize. This may occur while the avalanche is still in progress. After sufficient accumulation the snow and ice stopped by the strong wall will act as a buffer between your building and the moving snow, ice and debris that may continue for a significantly longer duration. The preceding

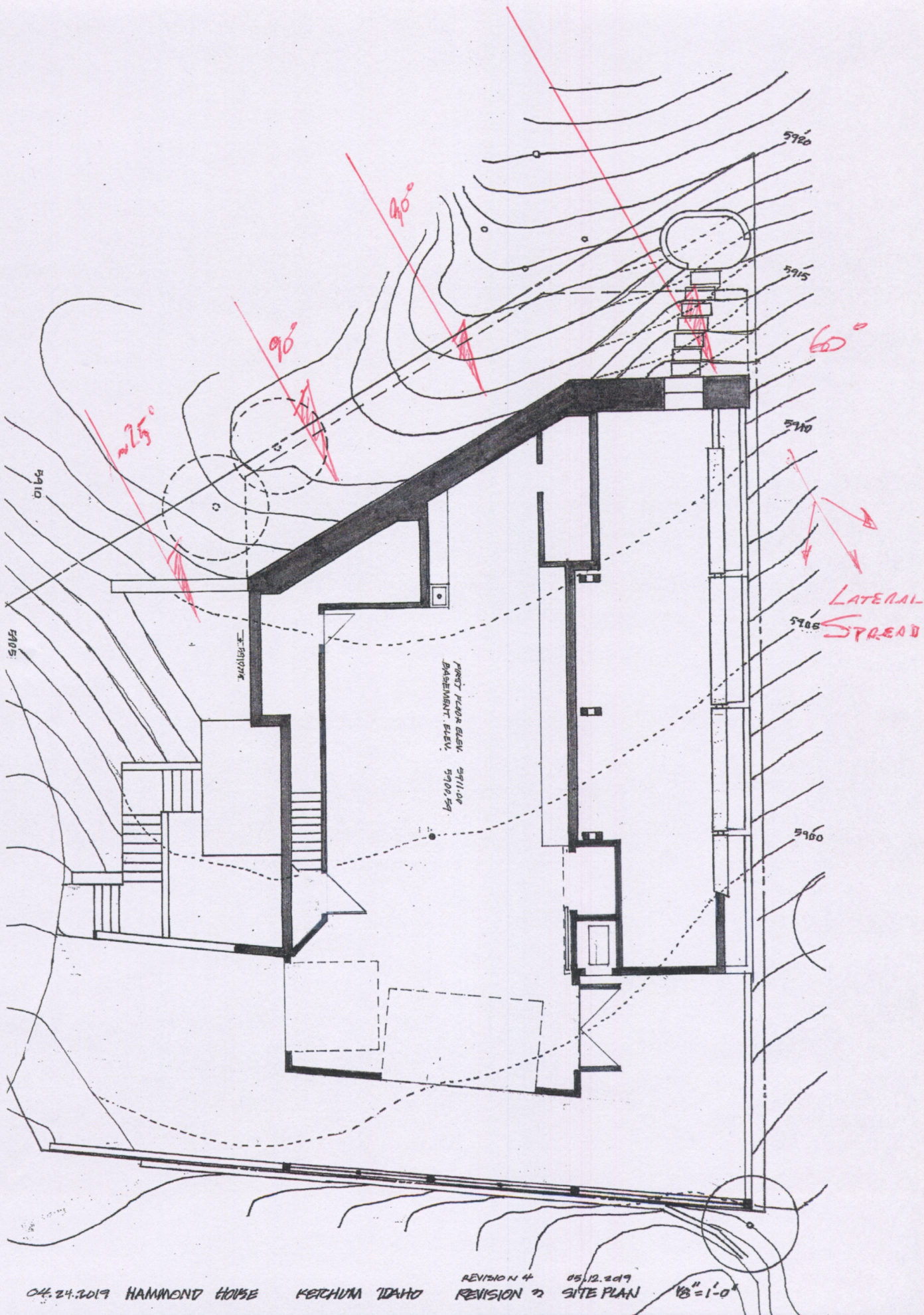
pressures assume no impact point loading. However, snow avalanche rarely occur in pristine, snow only, conditions and debris such as rocks, trees and etc. contained within the mass of moving snow and ice should be anticipated. It is also critical that the wing wall on the east end of the strong wall be a higher wall, as shown in the plans, to help control flow.

Design of the structure should take into account the probability of isolated point loads from a 20-pound object moving at a velocity of 48 feet per second on the lower third of the strong wall. This equates to an average point load impulse force of 600 pounds over a time period of 0.05 seconds in addition to the contact pressure indicated above. We anticipate depth of snow deposited on your property could be 15 to 20 feet. Roof structures are planned that may allow snow and ice to pass over your building. Leading corners of the gable end should be secured to resist damage from moving snow and ice. It will be necessary to account for the vertical weight of snow and ice that may be deposited and come to rest on the roof of your building. Therefore the roof should be designed to support 120 pounds per cubic foot and resist a lateral friction load of 24 pounds per square foot based on a friction factor of 0.2. The preceding is based on the geometry and anticipated snow depth on the slopes above your property. It should be understood that risk is inherent in plans to construct on this site and, in spite of the information gathered and analysis performed to help mitigate it, risk will remain as a part of the planned construction. If you have questions or require additional information, please call.

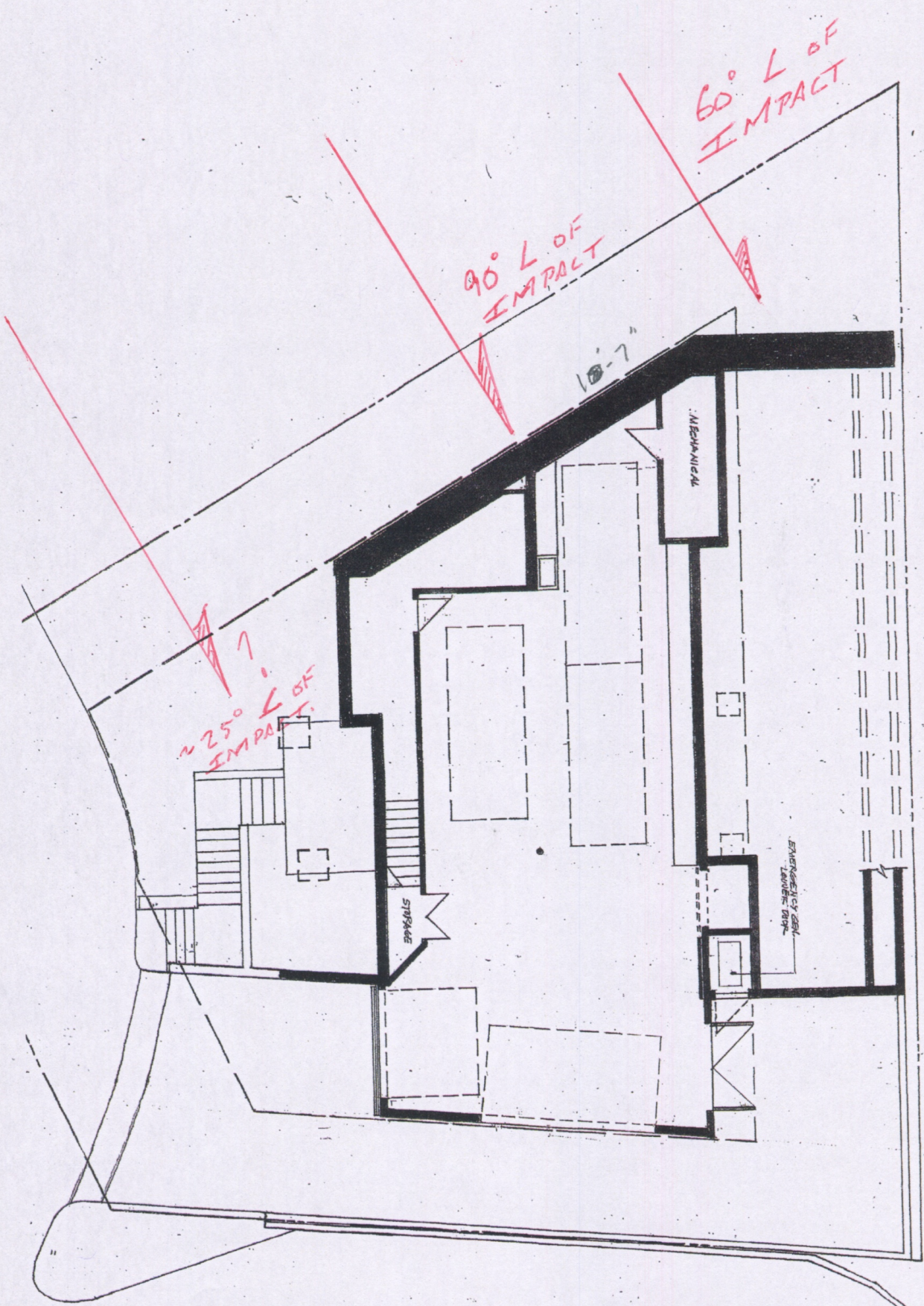
Sincerely,
Xcell Engineering, LLC

J. Paul Bastian, P.E.





04.24.2019 HAMMOND HOUSE KETCHUM IDAHO REVISION 4 05.12.2019 REVISION 2 SITE PLAN 1/8" = 1'-0"



05.12.2019
 04.22.2019 HAMMOND HOUSE KETCHUM IDAHO REVISION 3 BASEMENT 1/8"=1'-0"
 REVISION 4

Estimation of Avalanche Flow Velocity

Using The Torricelli Theorum as a specialized case of the Bernoulli Equation

- Assumptions:**
1. The average slope above 22 degrees inclination may be used to determine Steady State Average Velocity
 2. On slopes 28 to 34 degrees inclination steady state velocity will be reached in 500 feet of vertical fall (=850' slope distance)
 3. Deceleration begins to occur on slopes below 22 degrees inclination
 4. No reduction for frictional resistance by air and ground have been considered beyond the run length

Toricelli Theorum: $V = \sqrt{2GnH}$

Velocity = Steady State velocity - amount deceleration during runout

Velocity = Square root of $(2 * \text{gravity} * \text{Sin of the slope Inclination} * \text{vertical height of drop}) - \text{Square root}(2 * \text{gravity} * \text{the Cos of the inclination of deceleration slope} * \text{Length})$

$$V = (\sqrt{2 * Gn * \text{Sin}(\Phi 1) * (H)} * \mu - (\sqrt{2 * Gn * \text{Cos}(\Phi 2) * (L)})$$

Where:

V = Velocity

Gn = Gravitational Acceleration = 32.2ft/s^2

H = The vertical Height of Fall

$\Phi 1$ = Inclination of acceleration slope

$\Phi 2$ = Inclination of the deceleration slope

L = Length of runout

Acceleration

Vertical Fall	500
Slope Inclination	30
Gravity	32.2

Max Velocity	127	Feet Per Second
or	87	Miles Per Hour

Deceleration

Length of Run out in Feet	100
Slope Inclination in Degrees	16
Gravity ft/s^2	32.2

Deceleration Velocity	79	Feet Per Second
or	54	Miles Per Hour

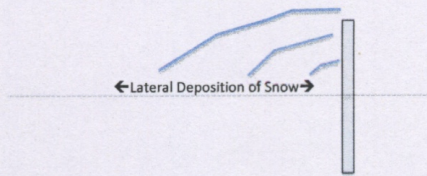
Velocity on Impact	48	Feet Per Second
or	33	Miles Per Hour

Impulse Momentum

$$\text{Impulse} = J = (W/g) * (V_i - V_f)$$

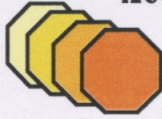
Where:

W=Weight in pcf	20
g = acceleration in feet/sec^2	32
V_i = Velocity on impact in feet/sec	48
V_f = Final Velocity = 0	0



Wall Height in Feet	8
Time to reach lateral deposition of twice wall height (sec)	1.328

Impulse in lb- Sec	Time in Seconds	Distance of impact face from Wall (ft)	Dynamic Pressure on wall (psf)	Static Pressure on Wall (psf)
30	0.1	1	300	300
15	0.2	2	75	375
10	0.3	4	33	408
8	0.4	5	19	427
6	0.5	6	12	439
5	0.6	5	8	447
4	0.7	5	6	453
4	0.8	5	5	458
4	0.9	5	5	463
4	1.0	5	4	467



Xcell Engineering, LLC

260 Laurel Lane
Chubbuck, ID 83202
Phone (208) 237-5900
Fax (208) 237-5925
E-mail: paul@xcelleng.com

June 12, 2019
P19380

Neil Middleton
45 Weston Road
Lincoln, MA 01773

RE: **Plan Review Summary**
Lot 1 Block 3 Warm Springs Village
Subdivision #4
Ketchum, Idaho

Neil:

I have recently reviewed the plans with the project structural engineer. Based on that review there is some risk of snow in the design event overtopping the avalanche wall on the northeast corner of the house and flowing into the patio area. Based on geometry of the structure, we anticipate the avalanche wall will dissipate all but a small fraction of energy associated with the design event. The patio area and planters will channel snow overtopping the avalanche wall and should provide secondary control of snow that may overtop and enter the patio area. Given this condition, there is risk of debris and snow entering the patio area during the design event. Therefore, we recommend signage be placed on the inside of the door on the northeast corner of the house indicating the risk of overtopping snow during avalanche season and associated danger of using the area when the risk of avalanche is high.

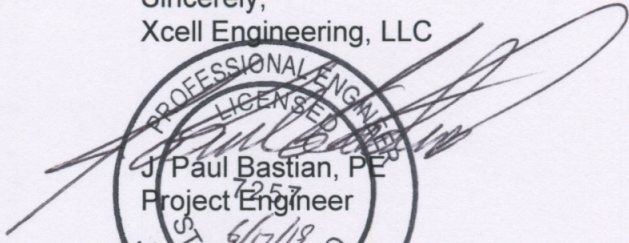
Secondary containment and mitigation features are placed to provide additional separation and energy dissipation. They include the following:

1. The North wall of the house, which slopes parallel with the property line and directs snow along the northwest property boundary so as to avoid flow onto the adjacent property.
2. The 10 foot high wall running west to east extending from the house into the rear yard setback.
3. The patio and the 42-inch wall at the end of the patio.
4. The stepping planters along the patio east and south wall.
5. The driveway pad and the wall along the Southern Property line.

Based on the plans and geometry of the slope, anticipated velocity and calculated impact forces the plans appear adequate given the risks associated with construction in an avalanche zone. The preceding statement may not be construed to provide warranty or guarantee against any damage or loss resulting from the design avalanche event. Since nature is inherently

unpredictable it is not possible to predict with certainty all possible conditions or factors and their potential outcome. The risk and potential outcome is assumed in its entirety by the homeowner. If you have questions or require more information, please call.

Sincerely,
Xcell Engineering, LLC



J Paul Bastian, PE
Project Engineer
6/17/19
STATE OF IDAHO
JUSTIN PAUL BASTIAN

Exhibit B3:
Mountain Overlay Design
Review Standards Narrative

master planning and design

May 16, 2019

Ms. Abby Rivin
Associate Planner
PO Box 2315
Town of Ketchum
480 East Avenue North
Ketchum ID 83340

Re. Mountain Overlay District Review
Hammond House, 102 Sage Road, Ketchum, Idaho

Dear Ms. Rivin:

We appreciate the Commission taking the time to review this Application submittal for the construction of a single-family home at 102 Sage Road. In our design we have sought to address the site development issues that attend this particular parcel of land, while achieving the Owner's desired program.

We have addressed, below in summary form, the Commission's Evaluation Criteria. The reports and drawings that accompany this letter represent the formal submission and are complimentary to each other.

1. There shall be no building on ridges or knolls, which would have a material visual impact on a significant skyline visible from a public vantage point entering the City or within the City. "Material", as a term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.

The site is a part of the approved Warm Springs Subdivision No.4. The adjacent lots are built out with a multiple story house to the northwest and a duplex condominium to the southeast. The proposed structure is a single story home built into the sloping site with a garage below grade. This profile minimizes the project's impact on the skyline and is thought to be less impactful than its neighbors.

2. Building, excavating, filling and vegetation disturbance on hillsides, which would have a material visual impact visible from a public vantage point entering the City or within the City shall be minimized. "Material", as a term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.

There is minimum disturbance to the lot outside the limits of construction. The finished grades will be similar to existing, modified only to receive the construction of the house, patio and the front entry stair. The intention is to let the natural landscape proliferate around the house with the exception of the west/entry side, where new plantings and a modest grass lawn area are planned. The planters, which step down the east elevation retaining wall, will receive a variety of plants to tie the house visually with the landscape. Natural species on the Planning Board's list are utilized in this plan. *See Landscape Plan.*

3. *Driveway standards, as well as other applicable standards contained in Chapter 12.04 of this code shall be met.*

It is the design intention to comply with all regulations pertaining to the construction of the driveway. The driveway, the entry landing, the entry stair and the patio will be paved with heated pavers. See *Civil Engineering Drawings and Landscape Plan*.

4. *All developments shall have access for fire and other emergency vehicles to within one hundred fifty feet (150') of the furthest exterior wall of any building.*

This requirement has been satisfied by the current design.

5. *Significant rock outcroppings shall not be disturbed.*

There are, to our knowledge as determined in our geotechnical report by Mr. Steve Butler, and by personal inspection of the site, no significant outcroppings in the area of construction or on the property. See *Geotechnical Report*.

6. *International building code (IBC) and international fire code (IFC) and Ketchum fire department requirements shall be met.*

The project intent is to comply with all local and State Codes having jurisdiction, as required by law. This includes the IBC and IFC.

7. *Public water and sewer service shall comply with the requirements of the City.*

It is the project intention to comply with the requirements of the City of Ketchum with regard to water and sewer service. Both are available at the site. See *Benchmark Civil Engineering Drawings*.

8. *Drainage shall be controlled and maintained to not adversely affect other properties.*

The project will comply with this requirement. We intend to execute the drainage systems and design recommended by Mr. Steve Butler in his Geotechnical Report. This reports recommendations will be integrated into the design documents developed by us and Benchmark Associates. See *Benchmark Engineering Drawings for drainage and water management*.

9. *Cuts and fills allowable for roadways shall be minimized; lengths of driveways allowed shall be minimized; all cuts and fills shall be concealed with landscaping, re-vegetation and/or natural stone materials. Re-vegetation 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.*

The Civil and Engineering and the Landscape design drawings address these criteria. We believe they address the intent of this guideline.

10. Are there other sites on the parcel more suitable for the proposed development in order to carry out the purposes of this section?

There are no other sites on the parcel that are more suitable. The site is small at 6,933.6 square feet, grandfathered by the earlier accepted subdivision, allowing for no other sound option for a single story house of 2,121 square feet of coverage.

11. *Access traversing twenty five percent (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 to adjacent properties.*

The north elevation wall will be structurally reinforced concrete in thickness from three to one foot to act as a buffer to stop slides. Stepping retaining walls on the East side of the house and along the driveway, parallel to the property line will act as catchment areas for any overflow from slides.

12. *Utilities shall be underground.*

All utilities will be underground. *See Benchmark Engineering Drawings.*

13. *Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of the construction.*

The illustration of these limits will most likely cover a majority of the site. They will be demarked on the construction documents submitted for Application review.

14. Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized.

To the degree achievable, given the small size of the lot, this criteria will be met.

15. *Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is on which gives historical and/or cultural importance to the neighborhood and/or community.*

To our knowledge, there are no significant landmarks on the property.

We look forward to meeting with you and answering any questions you may have. Thank you for your consideration.

Sincerely,



Neil B. Middleton
Architect

Lars Guy
Architectural Team

Exhibit B4:
Conditional Use Permit Criteria
Narrative

Conditional Use Permit

Ketchum Municipal Code, Section 17.116.030

1. The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district;

The surrounding houses are in the GR-L Zone and the avalanche zone that runs along Sage Road. The conditional use for avalanche attenuation devices is characteristic of all our abutters.

2. The conditional use will not materially endanger the health, safety and welfare of the community;

The proposed avalanche attenuation devices and the house itself serve to improve the health safety and welfare of those individuals using that portion of Sage Road adjacent to development. This is done by the house and attenuation devices absorbing a good deal of the avalanche flow from the large hillside above the property. The two condominiums at the corner of Sage Road will be beneficially impacted by this absorption of flow, since currently, all flow crosses the 102 Sage Road property and hits the driveway and north elevation of that structure.

3. 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;

The house is accessed by a shared driveway off of Sage Road. This one curb cut serves three lots, ours is the first. It is anticipated that there will be no significant increase in neighborhood traffic beyond the impact of an additional single-family residence.

4. 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; and

The property is part of the Warm Springs Subdivision No. 4. As such all lots were designed to utilize the utilities provided in the Sage Road street development. Those existing utilities are adequate to serve Lot 1. We are aware and know of no known other adverse affects to public services generated by the development of the proposed house on Lot 1.

5. The conditional use is not in conflict with the policies of the comprehensive plan or the basic purposes of the Zoning Ordinance.

The only known provisions of the proposed design that are in conflict with the Zoning Ordinance are the Construction of avalanche attenuation devices in the rear and side yard setbacks. These are necessary due to the nature of the typography and the small size of the grandfathered lot. They are the result of conscious design strategies to survive and quell the impacts of an avalanche in this avalanche zone.

Avalanche Protective, Deflective and Preventative Structures

Ketchum Municipal Code §17.92.010.D.2

1. Avalanche protective, deflective and preventative structures, devices or earthwork which threaten to deflect avalanches toward property of others or otherwise threaten to increase the danger to persons or property are prohibited. The construction of such structures, devices or earthwork shall be permitted only as a conditional use. Prior to granting of a conditional use permit, the applicant shall submit to the City plans signed by an engineer licensed in the State, certifying that the proposed construction will withstand the avalanche forces set forth in the avalanche studies on file with the City and that the proposed construction will not deflect avalanches toward the property of others. Other information and engineering

studies may be requested in consideration of an application for a conditional use permit. As a further condition of any conditional use permit, appropriate landscaping may be required where such structures, devices or earthwork alter the natural slope or beauty of the land. This shall not apply to reforestation. Alteration or removal of any existing natural barriers is prohibited.

The house and its appurtenances are designed to protect against avalanches and, to the reasonable extent possible, to quell their flow to minimize impact. These design components of the development are discussed in more detail in the following responses.

This submission includes a letter and report from both our Avalanche Engineer and a letter from our structural engineer certifying that the proposed construction will withstand the avalanche forces set forth in the avalanche studies on file with the City and that the proposed construction will not deflect avalanches toward the property of others.

2. Avalanche Report by a Licensed Idaho Engineer

Paul Bastian of Xcell Engineering, Chubbuck ID was retained to do an avalanche study and loading analysis on this specific house design on the property at 102 Sage Road. That study and its projected loading is used as the basis of design on this project. *See Avalanche Report by Xcell Engineering.*

3. Avalanche Devices

There are five specific avalanche attenuation devices built into the design:

First, the North wall of the house, which is angled parallel with the property line will resist impact flow and direct snow in the northwest property setback to avoid flow onto the abutters property.

Second, the 10 foot high wall running west to east extending from the house into the rear yard setback will resist and in many cases stop flow. In the most extreme design case, the flow can rise up to 19 feet high and will partially overflow the wall and flow onto the house roof and patio.

Third, the patio and the forty-two inch wall at the end of the patio will act as a catchment area and slow flow. In extreme cases an overflow will occur.

Fourth, the stepping planters along the patio east and south wall will trap debris and slow flow.

Fifth, the wall along the driveway's south property line will trap and eliminate most remaining flow, except in extreme cases.

These devices will attenuate an avalanche flow by slowing down the speed of flow and gathering debris at the base of the flows trapping snow.

4. Appropriate Landscaping

To blend with the natural beauty of the existing landscape an array of locally appropriate species of plantings will be introduced. In many areas away from the house on the northwest and southwest sides of the property the natural landscape will prevail. See the Landscape Plan in the accompanying documents.

Conditional Use Permit

Ketchum Municipal Code 17.116.050

The Planning and Zoning Commission may attach additional conditions to the Conditional Use Permit including, but not limited to (Ketchum Municipal Code §17.116.050):

A. Minimizing adverse impact on other development;

It is our belief that there are no adverse impacts resulting from the proposed development of 102 Sage Road. There are two developed properties on either side of 102 Sage Road, a house to the northwest and a two-unit condominium to the southeast. The property to the east is conservation land and the property to the west is a shared driveway and Sage Road.

B. Controlling the sequence and timing of development;

Assuming approvals are in hand as a result of this process and there are no appeals, construction would preferably start in the latter weeks of September, seeking enclosure of the framed house before Christmas 2019.

C. Controlling the duration of development;

It is estimated that construction will take twelve to sixteen months.

D. Assuring that development is maintained properly;

Our associated designer, Lars Guy, will monitor construction on a weekly basis.

E. Designating the exact location and nature of development;

The exact nature and location of construction are as proposed in the plans and documents composing this Application.

F. Requiring the provision for on site or off site public facilities or services;

There are no such facilities that have been discussed or mentioned; none are anticipated.

G. Requiring more restrictive standards than those generally required in an ordinance; and

None have been discussed or mentioned; none are anticipated.

H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the city.

There has been no discussion with the City to date, or mention, of any such mitigation. None is anticipated

Exhibit B5:
Variance Criteria Narrative

Variance Application

Ketchum Municipal Code (KMC) §17.148.010

The applicant, Dr. Rockwell Hammond Jr., is seeking a variance to allow the construction of a ten foot high wall, a patio, stepping planters along the patio east and south walls, a driveway and driveway retaining wall in the rear and side yard of Lot 1, Block 4 of the Warm Springs Subdivision No. 4 in Ketchum ID.

Pursuant to Ketchum Municipal Code (KMC) §17.148.010, a variance may be granted to an applicant only upon a showing of undue hardship because of the unique characteristics of the site. Variances may only be granted by the Planning & Zoning Commission if the applicant demonstrates all of the following criteria:

1. The strict enforcement of the provisions of this Code creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship.

Lot 1 has nonconforming dimensions for lots located in the GR-L Zone. The dimensions of the subject property are noncompliant as lot 1 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 subject property is characterized by a unique size, shape, and topography.

The Owners purchased Lot 1 of the Warm Springs Subdivision No. 4 over 20 years ago, before much of the current Zoning Code and other regulations were in place. It has always been their intention to develop a retirement house on the lot, hence the current development proposal. The proposed house is not large, with the living spaces all on the first floor, anticipating future personal mobility issues. The first floor has a gross enclosed area of 2,048 square feet. It is a two bedroom, two bathroom property with a study and an open plan containing the living room, dining and kitchen area. It is a small house on a small steeply sloped lot with an atypical shape.

Once the setbacks are drawn on the site -- 10 foot side yards, 15 foot and front yards – the allowable footprint area is small and unforgiving.

The external amenities include a patio on the east side of the house, front steps and covered entryway on the west side of the house and a driveway along the south property line. In order to fit these onto the property, they and their retaining walls extend into the side and rear yard setbacks. These components, the ten foot wall on the north side of the lot, the patio, patio east and south stepped planter retaining walls and the south wall retaining the driveway along the south property line all serve double purposes. They all provide significant avalanche attenuation and enable the design. These walls all extend into the setbacks and, due to the steep property slope from north to south are higher than thirty inches.

2. The variance is necessary because of the unique size, shape, topography or location of the subject property.

There are no feasible alternative designs or building sitings for the proposed single-family residence within the required setbacks on the site. The unique shape of the trapezoidal lot, combined with the small buildable footprint area and the steep site typography do not allow for alternative configurations of the house with living space all on one floor that address the safety issues attending its location in an avalanche red zone.

3. The subject property is deprived, by provision of this Code, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone.

There are twelve lots in the Warm Springs Subdivision No.4. Almost all of these lots have been developed. Both abutting lots have been developed. All of the subdivision lots are in the GR-L Zone. The unique size and shape of Lot 1 deprive the subject property of the rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone. For these rights and privileges to be obtained a variance is required.

4. The need for the variance is not the result of actions of the applicant or property owner.

The lot has been undeveloped and unaltered since it was purchased. The Owner/Applicant has done nothing to create the need for the variance other than support the efforts to design his house on the lot.

5. The variance does not create health and safety hazards.

To our knowledge there are no health and safety hazards that will be created by the granting of the variance.

6. The variance does not relieve an applicant from any of the procedural provisions of this Code.

The granting of the variance does not relieve the applicant/owner from any of the procedural provisions of the applicable Code.

7. 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.

To our knowledge, the variance does not relieve the applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted.

8. The variance does not relieve an applicant from conditions established during prior permit review.

To our knowledge there have been no conditions established prior to this permit review that must be adhered to.

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

The use proposed – single-family dwelling – is fully compatible and permitted in the GR-L Zone in which the property falls.

10. The variance is the minimum necessary to grant relief to the applicant.

The variance is the minimum necessary to grant relief to the applicant for the construction of the proposed house and appurtenances on Lot 1, Block 3 of the Warm Springs Subdivision No.4.

We look forward to meeting with you and answering any questions you may have. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil B. Middleton", with a horizontal line extending to the right.

Neil B. Middleton
Architect



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF AUGUST 12, 2019

PROJECT: Deep Powder Townhomes Mountain Overlay Design Review

FILE NUMBER: P19-074

REPRESENTATIVE: Joe Marks, Idaho Mountain Builders

OWNER: Deep Powder LLC

REQUEST: Mountain Overlay Design Review

LOCATION: 255 Hillside Drive (Warm Springs Subdivision #5, Block 2, Lot 33)

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

OVERLAY: Mountain Overlay (MO) & Avalanche Overlay (A)

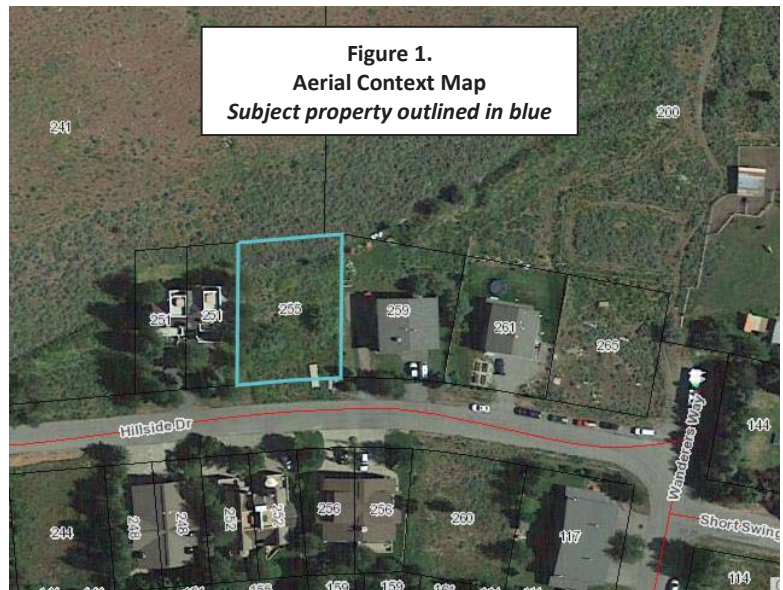
NOTICE: Notice was mailed to adjacent property owners on July 31, 2019

REVIEWER: Brittany Skelton, Senior Planner

BACKGROUND

The subject property is within the Avalanche and Mountain Overlay Design Review districts. The Commission previously approved a Mountain Overlay Design Review application (#P18-111) for the subject property on September 10, 2018; the previous proposal was to construct a single-family home. Prior to construction commencing the lot sold to new owners. The new owners, Deep Powder LLC (Idaho Mountain Builders), are now proposing to construct two detached, one-family residential dwelling units.

The subject property is zoned General Residential – Low Density (GR-L) and in the GR-L zone two detached one-family residential dwelling units are permitted to be constructed on a single lot. On lots that are at least 8,000 square feet in size townhouse developments are also permitted. The subject property is over 11,000 square feet in size



and the property owners intend to plat the two proposed dwellings as detached townhomes at a later date. As such, each dwelling unit has been designed with its own separate utilities (water, sewer, electric, et cetera).

Table 1: City Department Comments

City Department Comments				
Compliant				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104 & 17.96	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fire Department: <i>See attachment C.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Engineer and Streets Department: <ol style="list-style-type: none"> <i>Detailed review and approval of ROW improvements to occur upon Building Permit submittal.</i> <i>All drainage will need to be retained on site. Including water from any roof drains.</i> <i>A detailed construction activity plan meeting section 15.06 of the City of Ketchum’s Municipal code will be necessary when submitting for building permit. Items should include items such as: how materials will be off loaded at site, plan for coordinating with neighbors on temporary closures, temporary traffic control, construction fence with screening</i> <i>Building/Construction drawings will need to meet applicable sections of Chapter 12 of the City of Ketchum’s Municipal Code</i> <i>ROW improvements required to be prepared by a professional engineer per section 12.04.020 ROW. ROW improvements are shown on sheet L1.1</i> <i>A dig permit will be necessary for ROW work</i> <i>Recommended separation distance between a dry well and watermain is 25’. If a dry well is installed closer than 25’ to the watermain install 20 mil HDPE groundwater barrier along the water main side of drywell. Barrier should extend of 18 inches below the water main pipe. Minimum distance between a dry well and watermain must be 10’.</i> 	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Utilities: <ol style="list-style-type: none"> <i>Each townhouse will require separate taps for both water and sewer.</i> <i>Each townhouse will have its own independent irrigation system.</i> 	

Table 2: Zoning Standards Analysis

Compliance with Zoning Standards				
Compliant			Standards and <i>Staff Comments</i>	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Lot Area
			<i>Staff Comment</i>	<i>Required: 8,000 square feet minimum. Existing (Lot 25): 11,150 sf</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Coverage
			<i>Staff Comment</i>	<i>Permitted: 35% Proposed: 33% (3,717 sf)</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Building Setbacks

			Staff Comment	<p>Minimum: Front: 15' Exterior Side: > of 1' for every 3' in building height, or 5' Interior Side: 0' Rear: > of 1' for every 3' in building height, or 15'</p> <p>Proposed: Note 1: There is a discrepancy between the setbacks indicated on A-1.0 and L1.0. The applicant indicates that sheet L1.0 represents accurate setbacks.</p> <p>Note 2: The elevation plans indicate a partial avalanche protection wall on the west side of the western building (Unit A). The design is to be determined. The applicant is aware that the wall can not exceed 6' in height and that the wall can not encroach more than 3' into the setback that has been established by the building's height. If final design results in a wall that is greater than 3' wide the western building's footprint will be shifted east (toward Unit B) in order to meet the side yard setback requirement.</p> <table border="1"> <tr> <td>West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"</td> <td>East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"</td> </tr> </table>	West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"	East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"
West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"	East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"					
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Height		
			Staff Comment	<p>Maximum Permitted: 35'</p> <p>Proposed:</p> <table border="1"> <tr> <td>West building (Unit A) 29'-10"</td> <td>East building (Unit B) 29'-10"</td> </tr> </table>	West building (Unit A) 29'-10"	East building (Unit B) 29'-10"
West building (Unit A) 29'-10"	East building (Unit B) 29'-10"					
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.125.030.H	Curb Cut		
			Staff Comment	<p>Permitted: 35% or street frontage or 32' for the subject property (street frontage 90')</p> <p>Proposed: Note 1: There is a discrepancy between the curb cut/driveway widths indicated on A-1.0 and L1.0. The applicant indicates that sheet L1.0 represents accurate curb cuts/driveway widths, which are 16' each for a total of 32'.</p>		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.125.040.B	Parking Spaces		
			Staff Comment	<p>Required: Residential one family: 2 parking spaces per dwelling unit</p> <p>Proposed: Two garage spaces per building</p>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.18.050 & 17.08.020	Zoning Districts & Definitions		
			Staff Comment	<p>17.18.050: General Residential - Low Density District (GR-L): The purpose of the GR-L General Residential - Low Density District is to provide areas where low and medium density uses can be properly developed in proximity to each other while still maintaining neighborhood amenities and favorable aesthetic surroundings. The intent of the general residential - low density district is to permit a reasonable amount of flexibility in both land use and development in residential development areas.</p> <p>17.08.020 – Definitions Dwelling, One-family: A building, under single or multiple ownership, containing two (2) or more dwelling units used for residential occupancy.</p>		

Table 3: Mountain Overlay Design Review Standards

IMPROVEMENTS AND STANDARDS: 17.104.070 – Mountain Overlay Design Review:				
The following list of criteria and those contained in section 17.96.080 of this title must be considered and addressed by each applicant seeking design review approval.				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (1)	There shall be no building on ridges or knolls which would have a material visual impact on a significant skyline visible from a public vantage point entering the city or within the city. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.
			<i>Staff Comment</i>	<i>There are no ridges or knolls identified on the subject parcel; the ridge line is located beyond the extent of the property boundary.</i> <i>Further, this property is not visible from an identified or protected view corridor. The most prominent street in the vicinity is Warm Springs Road. Because the eastern portion of Hillside Drive, where the subject property is located, has relatively shallow lot depths (under 150') where maximum elevations are relatively low, existing residences and vegetation located on the southside of Hillside Drive, Belmont Drive, and the north side of Warm Springs Road provides ample screening.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (2)	Building, excavating, filling and vegetation disturbance on hillsides which would have a material visual impact visible from a public vantage point entering the city or within the city shall be minimized. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.
			<i>Staff Comment</i>	<i>Building, excavation, filling and vegetation disturbance will not have a material visual impact visible from a point within the city due to the location of the subject property and site characteristics described in evaluation of the previous criteria 17.104.070.A.1</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (3)	Driveway standards as well as other applicable standards contained in chapter 12.04 of this code shall be met.
			<i>Staff Comment</i>	<i>Refer to comments from the City Engineer and Streets Superintendent in Table 1. Detailed review and approval of ROW improvements to occur upon Building Permit submittal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (4)	All development shall have access for fire and other emergency vehicles to within one hundred fifty feet (150') of the furthest exterior wall of any building.
			<i>Staff Comment</i>	<i>Refer to Attachment C, Fire Marshal comments.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (5)	Significant rock outcroppings shall not be disturbed.
			<i>Staff Comment</i>	<i>There are no significant rock outcroppings within the property boundary of the subject property.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (6)	International building code (IBC) and international fire code (IFC) and Ketchum fire department requirements shall be met.
			<i>Staff Comment</i>	<i>All IBC and IFC codes will be met; this will be verified during the Building Permit review process.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (7)	Public water and sewer service shall comply with the requirements of the city.
			<i>Staff Comment</i>	<i>Water and sewer services are proposed for each unit. As required, each unit will have its own water and sewer service.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (8)	Drainage shall be controlled and maintained to not adversely affect other properties.
			<i>Staff Comment</i>	<i>An extensive drainage plan has been prepared (sheet L2.0). All drainage is proposed to be controlled and maintained on site. The city engineer notes in Table 1 stormwater from roofs must be retained on site as well.</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

				<p>the Ketchum planning department. Revegetation outside of this clear zone should be harmonious with the surrounding hillsides.</p> <p><i>Staff Comment</i> No new roadways are proposed; the garages and associated driveways are located closest to the existing street and the driveway lengths are therefore minimized; the northwest portion of the site and parts of the eastern and western side yards are proposed to be re-contoured to accommodate the residential dwellings. In these recountoured portions of the site the proposed revegetation consists of primarily of natural grasses, to be hydroseeded.</p> <p>There is a 30' or greater 'clear zone' proposed for the majority of the rear yard; natural grasses, lawn, and at-grade patios are proposed to the rear of each structure. However, a limited amount of trees and shrubs are proposed in the rear yard (one evergreen tree, several aspens, and several deciduous shrubs) and the purpose of the landscaping is to provide a privacy buffer between the two residential units. Vegetation proposed for the east side yards consists primarily of natural grasses and deciduous trees (east side of Unit B) and vegetation proposed for the west side yard (west side of Unit A) consists primarily of natural grasses. In between the buildings gravel is proposed to groundcover and deciduous trees are proposed in between the buildings.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (10)</p> <p>No other sites on the parcel are more suitable for the proposed development in order to carry out the purposes of this section.</p> <p><i>Staff Comment</i> The subject property is 0.26 acres in size (11,150 square feet) and is 125' deep with a minimum elevation of 5867' and a maximum elevation of 5887', a slope of 16% on the western property boundary and 11% on the eastern property boundary. In contrast, there are a dozen parcels further west on Hillside Drive and Huffman Drive that range from 500' to over 1,000' in depth, with maximum elevations above 6300' and slopes exceeding 25% where location of development is of greater concern with respect to Mountain Overlay standards. In other words, the subject property is relatively small in size and relatively flat in comparison to other properties within the Mountain Overlay.</p> <p>The two proposed dwelling units are both located in in the flatter/less steep portion of the site (as opposed to the steepest portion of the site, which is the rear of the property).</p> <p>All things considered, staff finds the proposed development to be sited in a location that is suitable for carrying out the purposes of this Ordinance.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>17.104.070 A (11)</p> <p>Access traversing twenty five percent (25%) or greater slopes does not have significant impact on drainage, snow and earthslide potential and erosion as it relates to the subject property and to adjacent properties.</p> <p><i>Staff Comment</i> The project does not include accesses that traverse 25% or greater slopes.</p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (12)</p> <p>Utilities shall be underground.</p> <p><i>Staff Comment</i> All utilities will be located underground. See sheet L1.1.</p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (13)</p> <p>Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction.</p> <p><i>Staff Comment</i> Sheet L2.0 indicates fencing will be installed along the rear, west and east property lines to delineate the limits of disturbance. Fencing shall remain in place for the duration of construction.</p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (14)</p> <p>Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized.</p> <p><i>Staff Comment</i> Excavation is limited to the locations of the two proposed buildings. Recontouring along the eastern and western property lines is a response to the two buildings being constructed.</p> <p>Vegetation disturbance at the rear of the buildings is justified in part to create a modest amount of usable, outdoor space for each dwelling.</p>	

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (15)	Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.
			<i>Staff Comment</i>	<i>No significant landmarks have been identified on-site.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (16)	Encroachments of below grade structures into required setbacks are subject to subsection 17.128.020K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.
				<i>No below grade encroachments into required setbacks are proposed.</i>

Table 4: Design Review Standards for all projects

Design Review Requirements IMPROVEMENTS AND STANDARDS: 17.96.060				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(1) Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.
			<i>Staff Comments</i>	<i>Two driveways will connect to the existing street, Hillside Drive. The applicant is aware that construction of the driveways is their expense.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(A)(2) Streets	All street designs shall be approved by the City Engineer.
			<i>Staff Comments</i>	<i>N/A. No new street is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(B)(1)	All projects under 17.96.010(A) that qualify as a “Substantial Improvement” shall install sidewalks as required by the Public Works Department.
			<i>Staff Comments</i>	<i>N/A. Sidewalks are not required in this zoning district, GR-L.</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.
			<i>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(3)	Sidewalks may be waived if one of the following criteria is met: a. The project comprises an addition of less than 250 square feet of conditioned space. b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.
			<i>Staff Comments</i>	<i>N/A.</i>
<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>Staff Comments</i>	<i>N/A.</i>
<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>Staff Comments</i>	<i>N/A.</i>
<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>Staff Comments</i>	<i>N/A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(1)	All storm water shall be retained on site.

			<i>Staff Comments</i>	<i>The applicant proposes to retain all stormwater on site. See sheet L2.0. A final drainage and grading plan will be reviewed and approved by the City Engineer and Streets Department Director through the Building Permit review and approval process.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
			<i>Staff Comments</i>	<i>See sheet L2.0.</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>Staff Comments</i>	<i>See City Engineer comments, table 1.</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>Staff Comments</i>	<i>The applicant is aware of this requirement.</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>Staff Comments</i>	<i>The applicant is aware of this requirement.</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.
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</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.
			<i>Staff Comments</i>	<i>The applicant proposes a color scheme of grey hues (weathered barnwood siding, metal roofing, trim and fascia) and windows glad in dark grey. The materials palette is comprised of natural materials – primarily wood and metal.</i>
				<i>The color scheme is muted and appropriate for the Mountain Overlay district.</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.
			<i>Staff Comments</i>	<i>N/A. There are no identified landmarks on the property.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(3)	Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.
			<i>Staff Comments</i>	<i>N/A. The proposal is for new construction.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(1)	Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.
			<i>Staff Comments</i>	<i>N/A. Sidewalks do not exist in this zoning district.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(2)	The building character shall be clearly defined by use of architectural features.
			<i>Staff Comments</i>	<i>The two proposed dwellings are complementary in design and share the same pitched roof, front-loaded ground-floor two car garage, and second-story outdoor deck located on top of the garage. The same exterior materials are proposed for both projects.</i>
				<i>Architecturally, each building is defined by a pitched roof, ample glazing on all facades (including floor-to-ceiling windows on the second story of the front façade), a prominent chimney stack, and the incorporation of side staircases that provide access from each dwelling to exterior patios.</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.
			<i>Staff Comments</i>	<i>The two proposed dwellings utilize the same material and color palette.</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.
			<i>Staff Comments</i>	<i>The landscaping plan features paver and stone staircases that provide access from the exterior sides of each building to the exterior paver patios. Drystack walls (max 2' in</i>

				<i>height on the east side and 3' in height on the west side) are incorporated into the site as is extensive landscaping.</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.
			<i>Staff Comments</i>	<i>The pitched roof overhangs on all four sides of the building, providing relief against the walls on the sides and rear of each building. The most prominent relief is on the street-fronting, front faced. The upper floor has been eroded to create an outdoor living space above the ground floor garage and the pitched roof of the building serves as a roof for the outdoor living area as well.</i> <i>Additionally, each façade has windows and variations in materials, which break up the appearance of bulk and reduce appearance of flatness.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(6)	Building(s) shall orient towards their primary street frontage.
			<i>Staff Comments</i>	<i>Both buildings orient towards Hillside Drive.</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.
			<i>Staff Comments</i>	<i>N/A. There is no alley behind the property. Satellite receivers are not proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Staff Comments</i>	<i>N/A.</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>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Staff Comments</i>	<i>N/A as access for emergency vehicles, snowplows, and garbage trucks is provided from Hillside Drive.</i>
<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.
			<i>Staff Comments</i>	<i>465 square feet of snow storage is required, and 600 square feet is proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(2)	Snow storage areas shall be provided on-site.
			<i>Staff Comments</i>	<i>Proposed snow storage is located on the subject property in between the two residences, and in the southwest and southeast corners of the site.</i>
<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.
			<i>Staff Comments</i>	<i>All three snow storage areas exceed the minimum dimension standards.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(4)	In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.
			<i>Staff Comments</i>	<i>N/A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	Landscaping is required for all projects.

			<i>Staff Comments</i>	<i>See sheet L3.0.</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>Staff Comments</i>	<i>The applicant proposes to use a natural grass mix for the majority of the property and a limited amount of lawn (1,000 square feet). The proposed evergreen trees (Colorado Spruce) and deciduous trees (Quaking Aspen) are common in the vicinity and throughout Ketchum.</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>Staff Comments</i>	<i>The applicant proposes to use a natural grass mix for the majority of the property and a limited amount of lawn (1,000 square feet). The proposed evergreen trees (Colorado Spruce) and deciduous trees (Quaking Aspen) are drought tolerant once established, with Colorado Spruce being among the most drought-tolerant species of spruces.</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>Staff Comments</i>	<i>Residential development exists on both sides of the subject property and therefore a substantial landscape buffer along all property sides is not required. The applicant has broken up the impact of the driveway curb-cuts by siting landscaping (evergreen trees) in between the two proposed driveways.</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>Staff Comments</i>	<i>N/A.</i>

STAFF RECOMMENDATION:

Staff recommends approval of the Mountain Overlay Design Review application and the draft Findings of Fact and Conclusions of Law subject to conditions 1-9 below.

RECOMMENDED MOTION:

“I MOVE TO APPROVE THE MOUNTAIN OVERLAY DESIGN REVIEW APPLICATION FOR DEEP POWDER TOWNHOMES, SUBJECT TO CONDITONS 1-8, AND TO AUTHORIZE THE CHAIR TO SIGN THE FINDINGS OF FACT AND CONCLUSIONS OF LAW.”

RECOMMENDED CONDITIONS

1. All departmental conditions as described in Tables 1, 2, 3, 4, and 5;
2. Limits of disturbance/construction fencing indicated on Sheet L2.0 shall remain in place for the duration of construction;
3. The elevation plans indicate a partial avalanche protection wall on the west side of the western building (Unit A). The design is to be determined. The applicant is aware that the wall cannot exceed 6' in height and that the wall cannot encroach more than 3' into the setback that has been established by the building's height. If final design results in a wall that is greater than 3' wide the western building's footprint will be shifted east (toward Unit B) in order to meet the side yard setback requirement.
4. 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;

5. All building and fire code requirements as dictated by 2012 family of international codes and Title 15 of Ketchum Municipal shall apply to all construction onsite;
6. Per Title 17, Section 17.96.090: TERM OF APPROVAL: The term of design review approval shall be twelve (12) months from the date that findings of fact, conclusions of law and decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations;
7. All Design Review elements shall be completed prior to final inspection;
8. All exterior lighting shall be in compliance with Ketchum Municipal Code, Chapter 17.132, Dark Skies, and approved prior the issuance of a Certificate of Completion;
9. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.

ATTACHMENTS:

- A. Application
- B. Plans
- C. Fire Department review comments
- D. Findings of Fact and Conclusions of Law

A. Application



City of Ketchum
Planning & Building

**CERTIFIED
COMPLETE**

7-3-19
m

OFFICIAL USE ONLY	
File Number:	19-074
Date Received:	7-3-19
By:	m
Fee Paid:	2150 ⁰⁰
Approved Date:	
Denied Date:	
By:	

Mountain Overlay Design Review Application

OWNER INFORMATION			
Project Name: DEEP POWDER TOWNHOMES			
Owner Name: DEEP POWDER LLC			
Mailing Address: PO Box 3761 KETCHUM 83340			
Phone: 208 720-8605			
Email:			
PROJECT INFORMATION			
Architect/Representative: LARS GUY			
Phone: (208) 720-9684			
Mailing Address:			
Email: LARS@PROVISUALIZATION.COM			
Engineer of Record:			
Engineer Email:			
Legal Land Description: WARM SPRINGS SUB #5 LOT 33 BLK 2			
Project Address: 255 HILLSIDE DR			
Lot Area: 11,325			
Zoning District: GR-L			
Anticipated Use: (2) DETACHED TOWNHOMES			
Number of Residential Units: 2			
TYPE OF CONSTRUCTION			
<input checked="" type="checkbox"/> New	<input type="checkbox"/> Remodel	<input type="checkbox"/> Addition	<input type="checkbox"/> Other, please explain:
TOTAL FLOOR AREA			
Proposed		Existing	
Basement:			
1 st Floor: 1769/ea			
2 nd Floor: 1450/ea			
3 rd Floor:			
Decks: 322/ea			
Mezzanine:			
Total: 3219/ea			
Building Coverage:	SF 3712 % 33%	Curb Cut:	SF % 35%
PROPOSED SETBACKS			
Front: 15'	Side: 10'	Side: 10'	Rear: 15'
ADDITIONAL INFORMATION			
Building Height: 30'		Parking Spaces Provided:	
Will Fill or Excavation Be Required? <u>Yes</u> No			
If Yes, Amount in Cubic Yards Fill:		Excavation: 1500	
Will Existing Trees or Vegetation Be Removed? Yes <u>No</u>			

Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Mountain Overlay Design Review Application, in which the City of Ketchum is the prevailing party, to pay reasonable attorney fees, including attorney fees on appeal, and expenses of the City of Ketchum. I, the undersigned, certify that all information submitted with and upon this application form is true and accurate to the best of my knowledge and belief.

12 Carty
Signature of Owner/Representative

7.1.19
Date

B. Plans

PROJECT TEAM

OWNER:
DEEP POWDER LCC
PO BOX 3761
KETCHUM ID 83340

PROJECT:
NEW DUPLEX RESIDENCES
255 HILLSIDE DRIVE
KETCHUM, ID 83340

CONTRACTOR:
DAHO HOME BUILDERS
204 EAST MAIN STREET
KETCHUM, ID 83340
208.726.1603

STRUCTURAL ENGINEER:
ALPINE ENTERPRISES
PO BOX 2207
KETCHUM, ID 83340
TEL: 208.727.1650

SURVEYOR:
PROVIS, NICIARS (GVY)
1000 WEST MAIN, IDAHO 83340
TEL: 208.720.8684

PLANNING & BUILDING DEPARTMENT:
KETCHUM PLANNING & BUILDING DEPARTMENT
208.726.7901

FIRE DEPARTMENT:
KETCHUM FIRE NORTH
KETCHUM, IDAHO 83340
208.726.7805

HEALTH DEPARTMENT:
SOUTH CENTRAL HEALTH DISTRICT
117 EAST ASH AVENUE
BELLEVUE, IDAHO 83313

SHEET SCHEDULE

A-0.0	COVER SHEET & PROJECT INFORMATION
C-1	SITE PLANS/SURVEY
A-1.0	ARCHITECTURAL SITE PLAN
LS-1.0	LANDSCAPE PLAN
ARCHITECTURAL	
A-2.0	GARAGE LEVEL FLOOR PLAN
A-2.1	SECOND FLOOR PLAN
A-3.0	EXTERIOR ELEVATIONS
A-3.1	EXTERIOR ELEVATIONS
A-4.0	BUILDING SECTIONS

PROJECT INFORMATION

LOT: 0.256 AC or 11,150 S.F.
BX4.2.11

ZONE: LR

SETBACKS:
FRONT 15'-0"
SIDE/EAST (1'-3") 10'-0"
SIDE/WEST (1'-3") 10'-0"
REAR (1'-3") 15'-0"

AREA ANALYSIS: (GROSS ENCLOSED SQUARE FOOTAGE)
UPPER LEVEL 1,450 S.F. (UNIT) X 2
GARAGE LEVEL/LIVING 1,217 S.F. (UNIT) X 2
GARAGE 552 S.F. (UNIT) X 2
TOTAL STRUCTURE 3,219 S.F. (UNIT) X 2
FOOTPRINT ON SITE 1,769 S.F. (UNIT) X 2
MAXIMUM BUILDING HEIGHT 30'-0" (PER SETBACKS) (ALLOWED) 35'-0"

ADD'L INFORMATION

GUTTERS AND DOWNSPOUTS TO DRYWELLS WILL BE PROVIDED WHERE REQUIRED.

DRAINAGE PLAN: ANY FUTURE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE IBC.

LIGHTING: COMPLIANT WITH THE IBC AND LOCAL ORDINANCES.

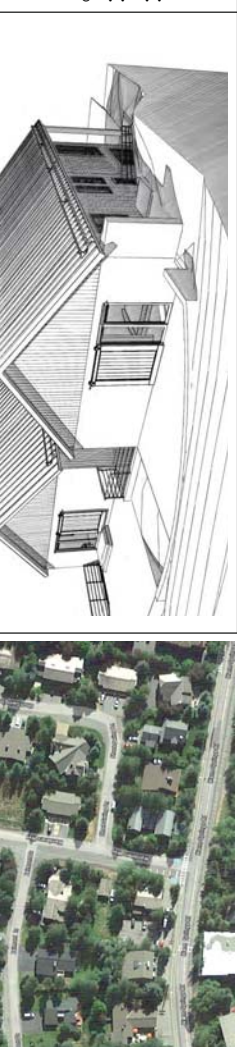
STREET ROW: PROJECT SHALL NOT OBSTRUCT OR ENCLOSE ANY ROW.

CONSTRUCTION TYPE:
• 2X8 WOOD FRAMING AT 16" O.C.
• PRE-MANUFACTURED ROOF TRUSSES
• METAL ROOFS
• EXPOSED CONCRETE

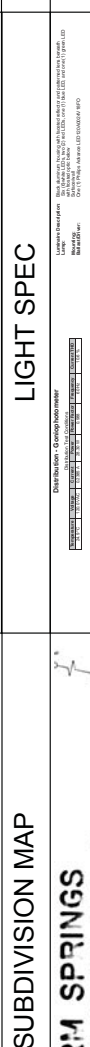
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EXT. LIGHT SPEC



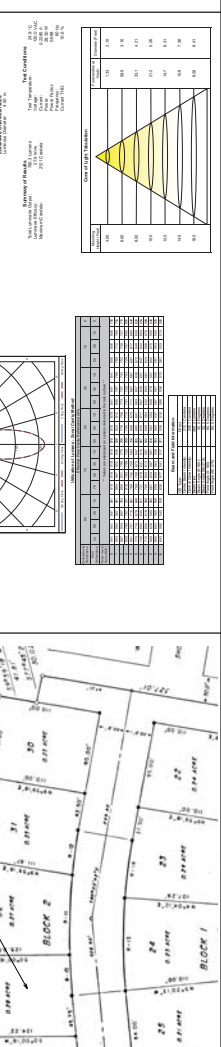
PERSPECTIVES



VICINITY MAP



SUBDIVISION MAP



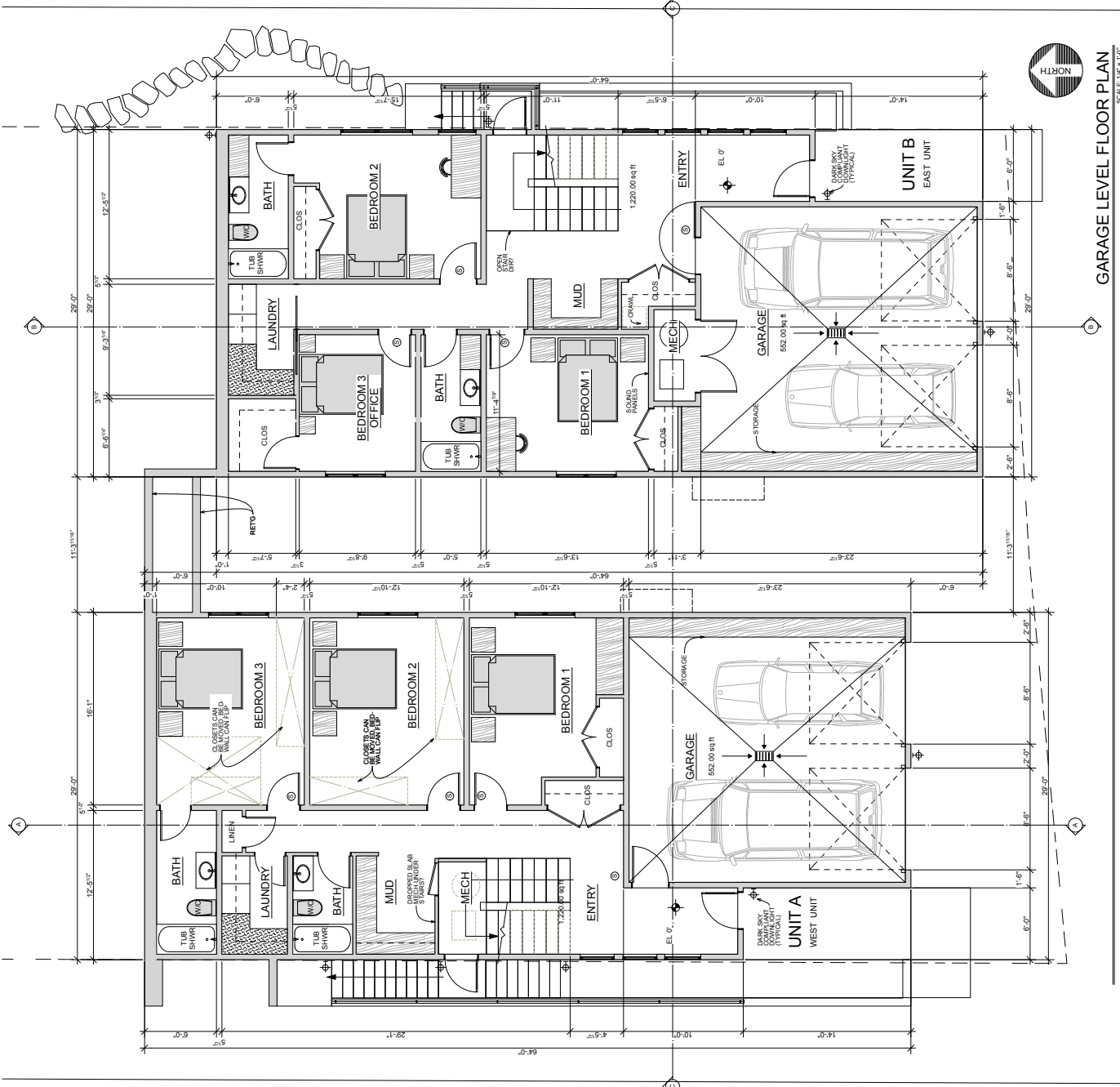
OWNER INFO
PROJECT NO.
CONTRACTOR

DEEP POWDER LCC
NEW RESIDENCES FOR
255 HILLSIDE DRIVE
KETCHUM, ID 83340

GARAGE LEVEL PLANS
DRAWING :

DATE: 6/19/19
SHEET NUMBER: A-2.0

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GARAGE LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"

OWNER INFO
 PROJECT NO.
 CONTRACTOR

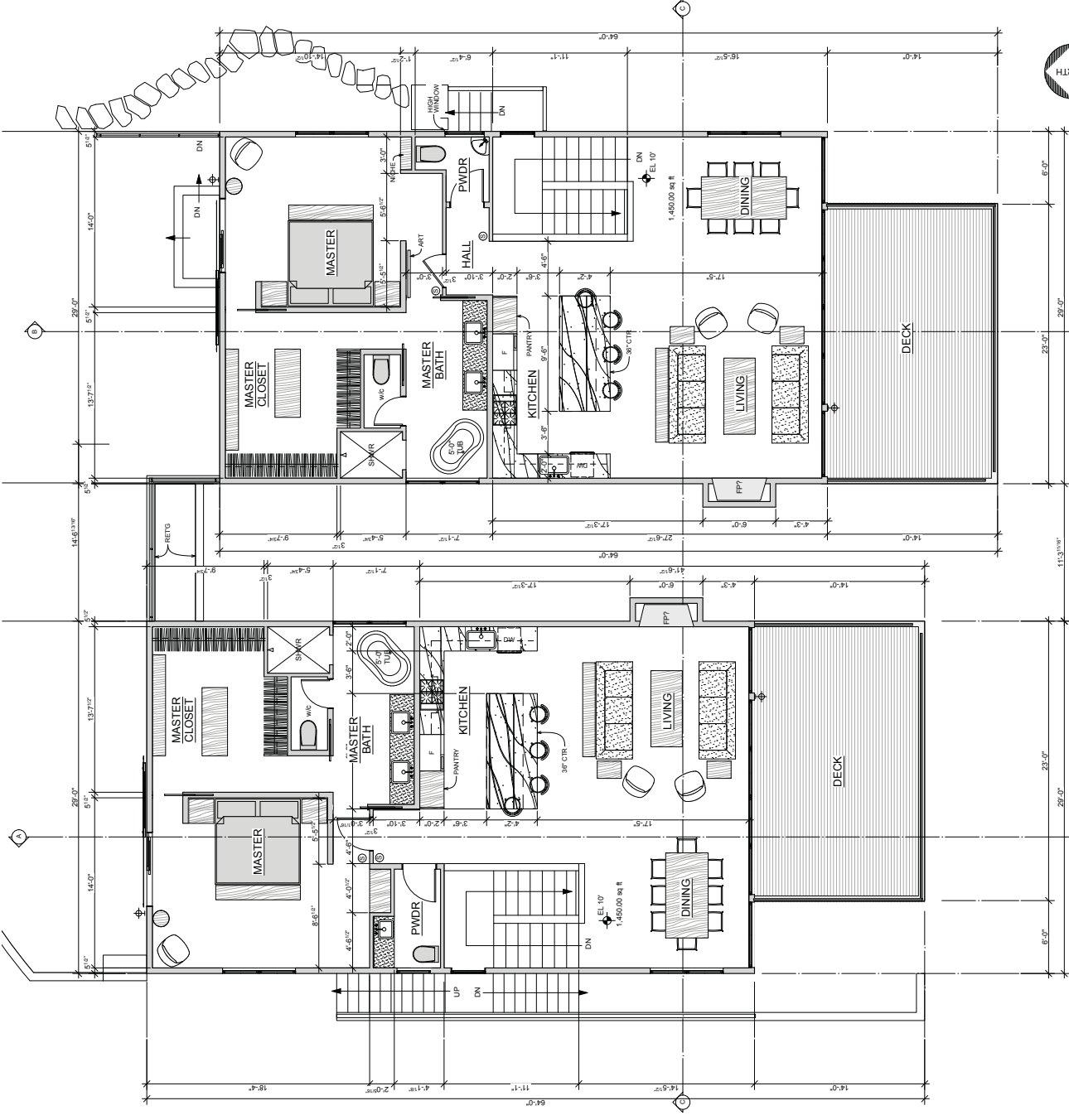
NEW RESIDENCES FOR
DEEP POWDER LCC
 255 HILLSIDE DRIVE
 KETCHIKAN, ID 83340

DRAWING :
UPPER LEVEL PLANS

DATE: 6/18/19
 SHEET NUMBER:
A-2.1



UPPER LEVEL FLOOR PLAN
 SCALE: 1/8" = 1'-0"



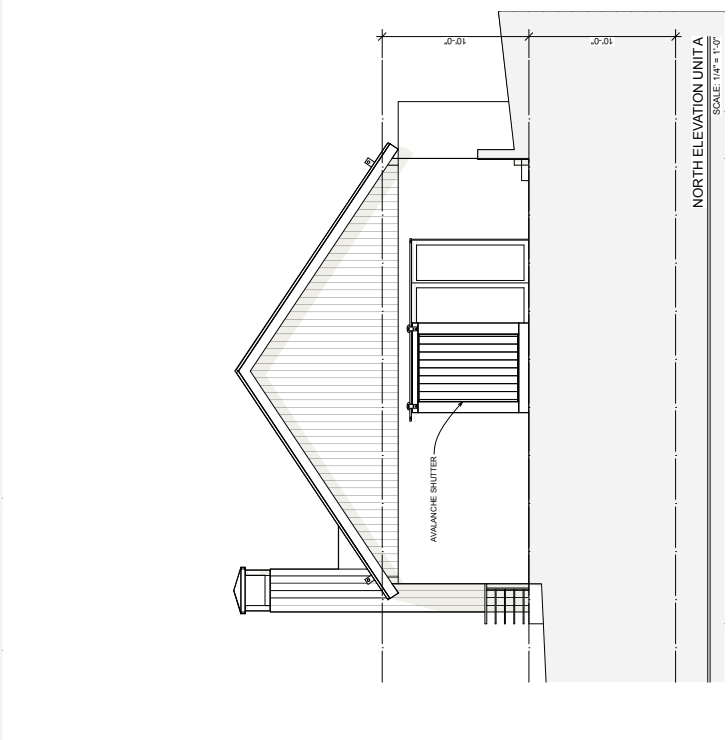
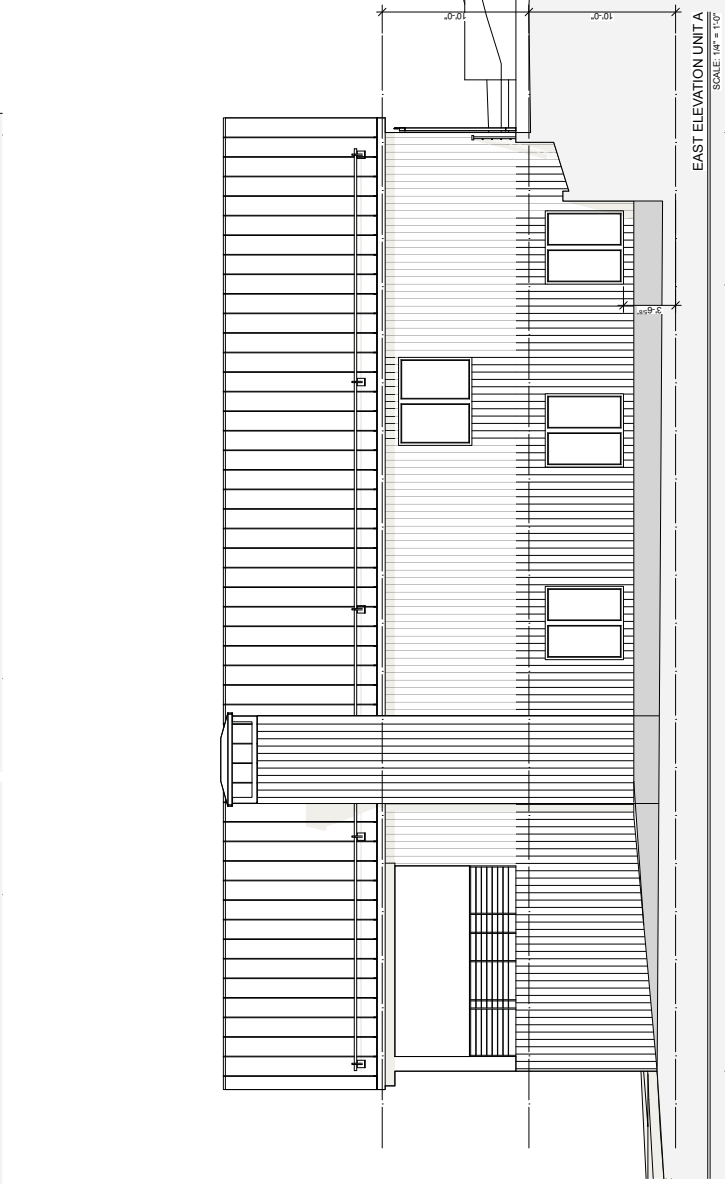
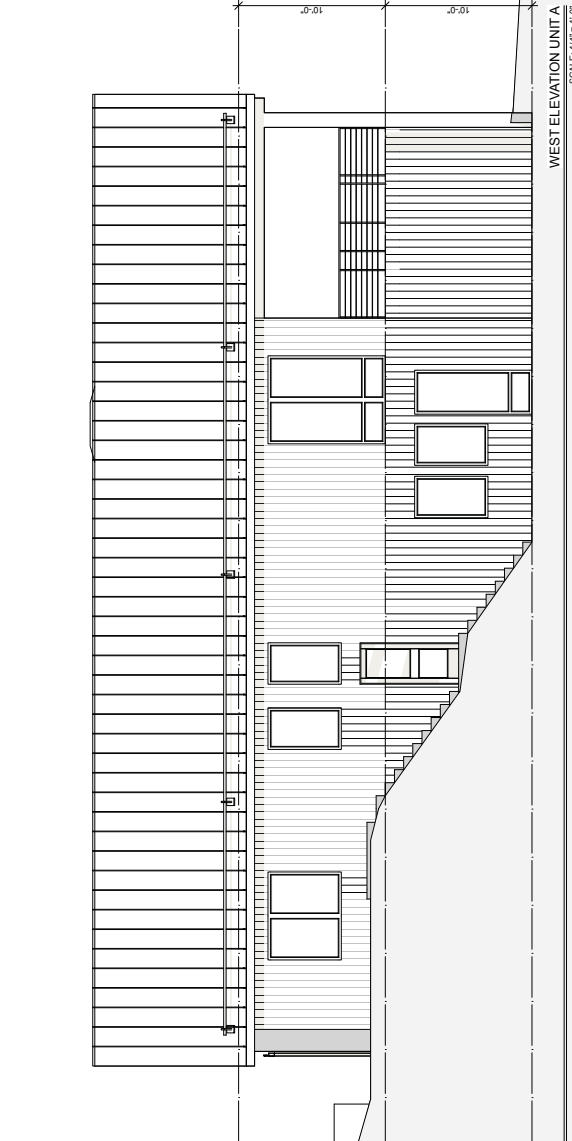
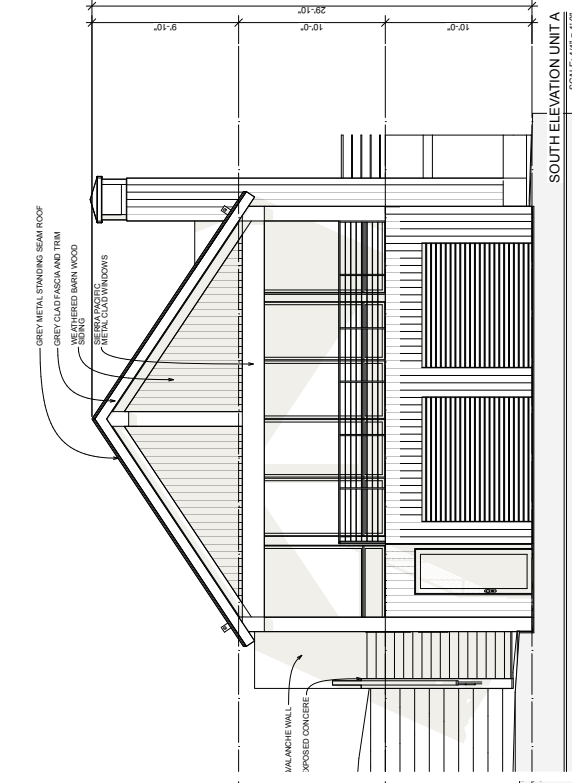
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OWNER INFO
 PROJECT NO.
 CONTRACTOR

NEW RESIDENCES FOR
DEEP POWDER LCC
 255 HILLSIDE DRIVE
 KETCHUM, ID 83340

A ELEVATIONS
 DRAWING :

DATE: 6/18/19
 SHEET NUMBER:
A-3.0



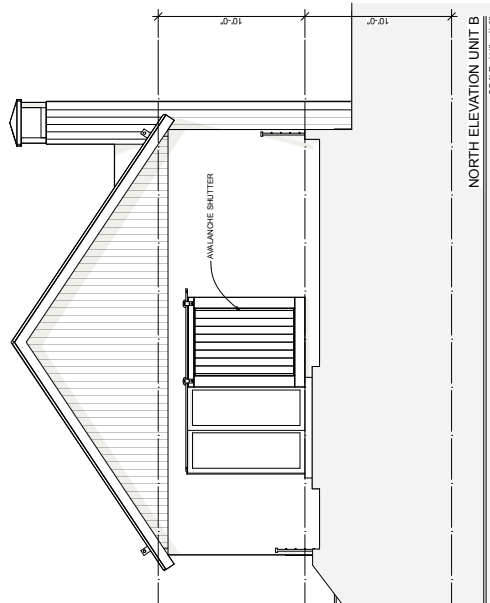
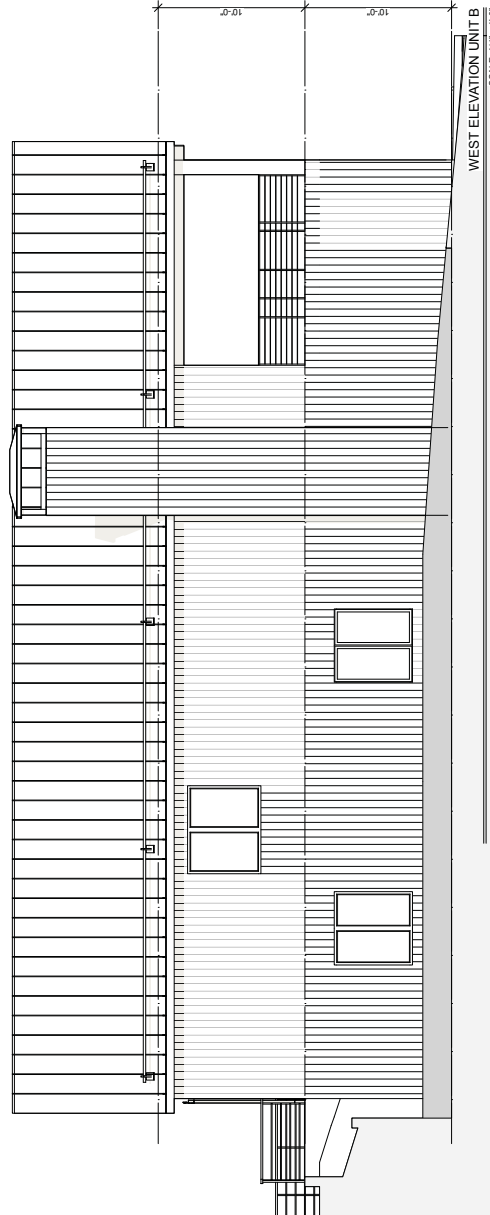
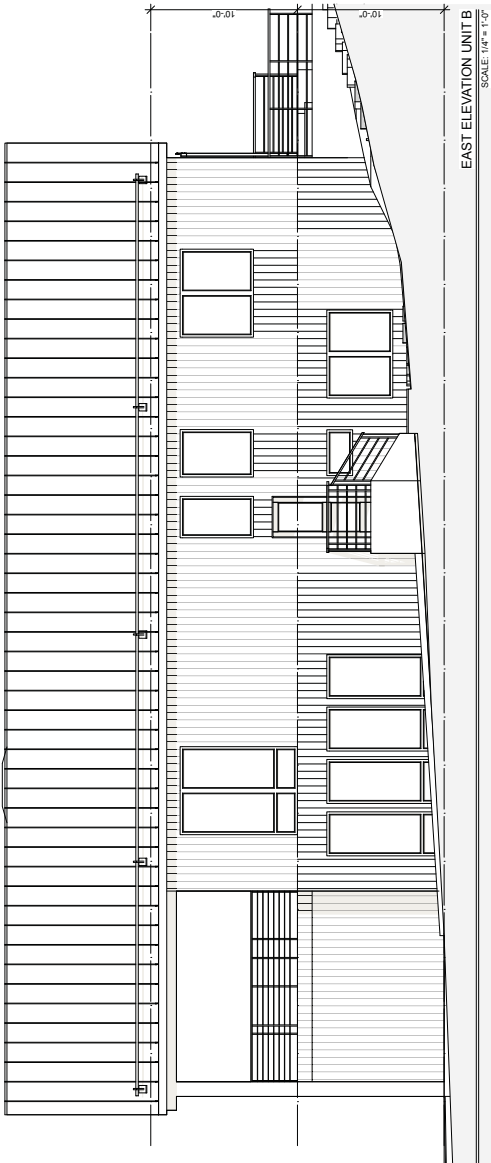
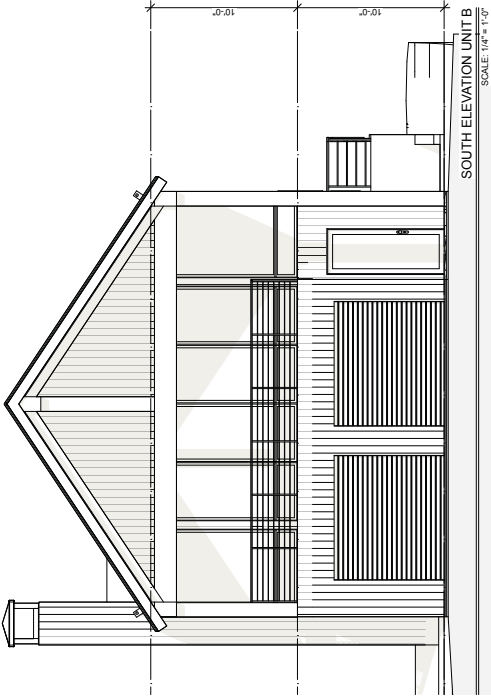
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NEW RESIDENCES FOR
DEEP POWDER LCC
255 HILLSIDE DRIVE
KETCHUM, ID 83340

B ELEVATIONS
DRAWING :

DATE: 6/18/19
SHEET NUMBER:
A-3.1

OWNER INFO
PROJECT NO.
CONTRACTOR

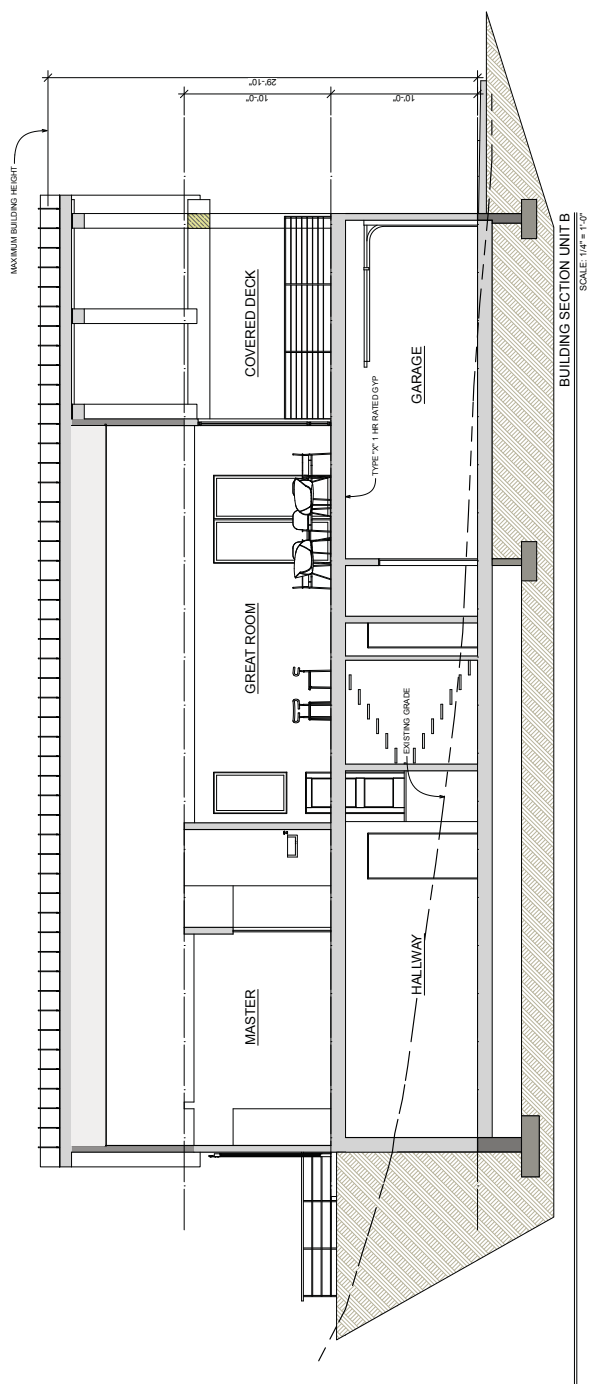
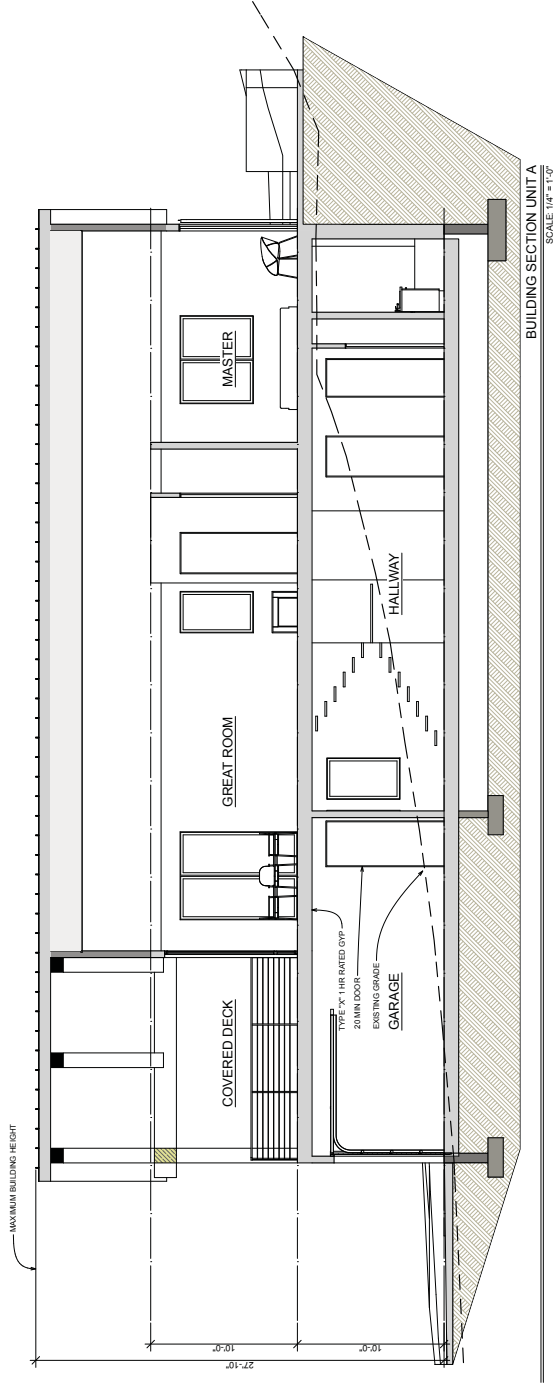


OWNER INFO
 PROJECT NO.
 CONTRACTOR

NEW RESIDENCES FOR
DEEP POWDER LCC
 256 HILLSIDE DRIVE
 KETCHUM, ID 83340

DRAWING :
SITE SECTIONS

DATE: 6/18/19
 SHEET NUMBER:
A-4.0

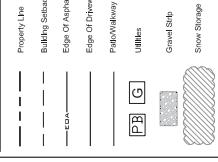


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General Notes

1. Base map information taken from survey by ALPINE ENTERPRISES; received PROVIS, INC. received 06/20/10. Contractor shall verify conditions in the field prior to construction.
2. Landscape architect is not responsible for any deviation from these plans, unless such changes are authorized by the landscape architect in writing.
3. All existing utilities are underground. All new utilities shall be underground.
4. Site serviced by City of Ketchum.

Plan Legend



Existing Tree Legend



Curbcut Calculations

Property Frontage:	302.4'
Allowable:	15%
Allowable:	532'
Lot A:	16'
Lot B:	16'
Total:	32.4' (10.5%)

Lot Coverage

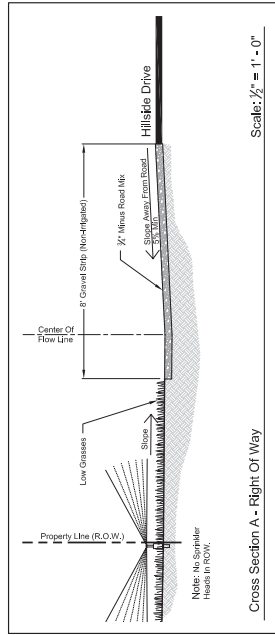
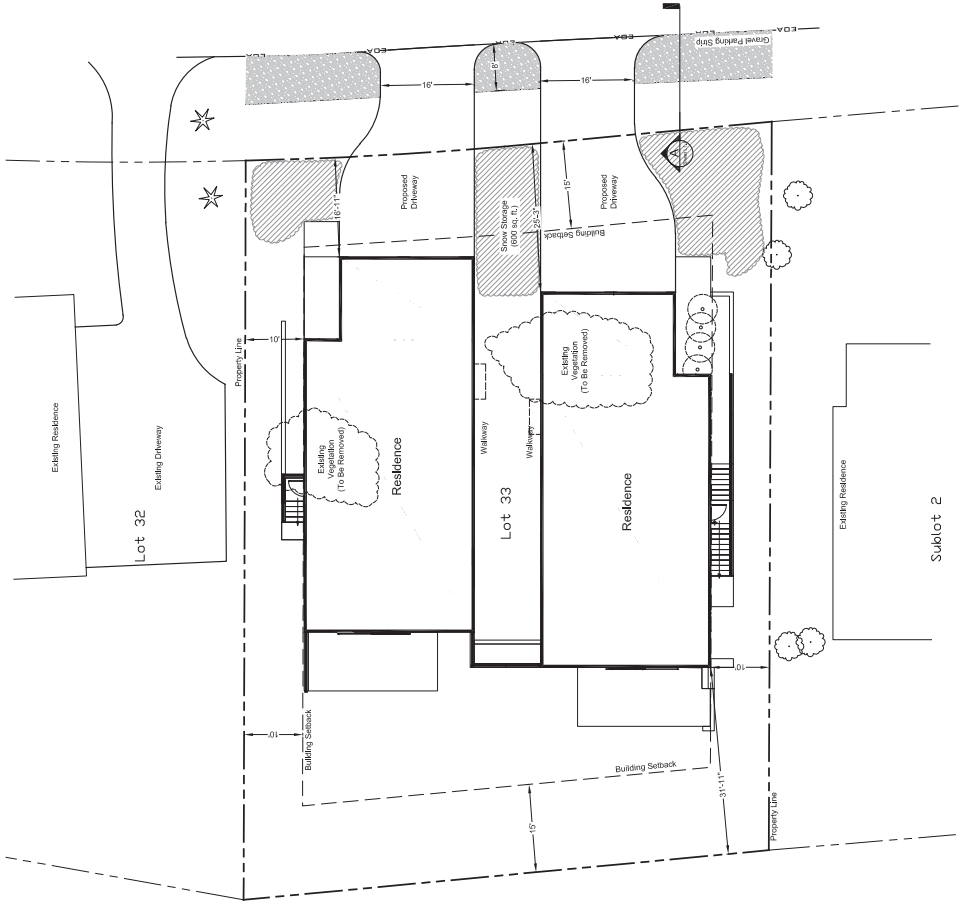
Total Parcel:	11,159 Sq. Ft.
Building:	3,338 Sq. Ft.
Driveway/Parking:	1,550 Sq. Ft.
	(13.8% of 280)

Snow Storage

Driveway:	1,400 Sq. Ft.
Snow Storage:	600 Sq. Ft.
	(400 Sq. Ft. Required)

NOTE:

See Grading Plan For Dip Line.



Landscape Plan Notes

- All disturbed areas shall be revegetated and irrigated with an automatic underground fertilizer system.
- All planting beds to have 3" cover of bark or compost mulch.
- Trees shown at approximately 20% mature diameter.
- All shrubs are underground and shall be located prior to any work.

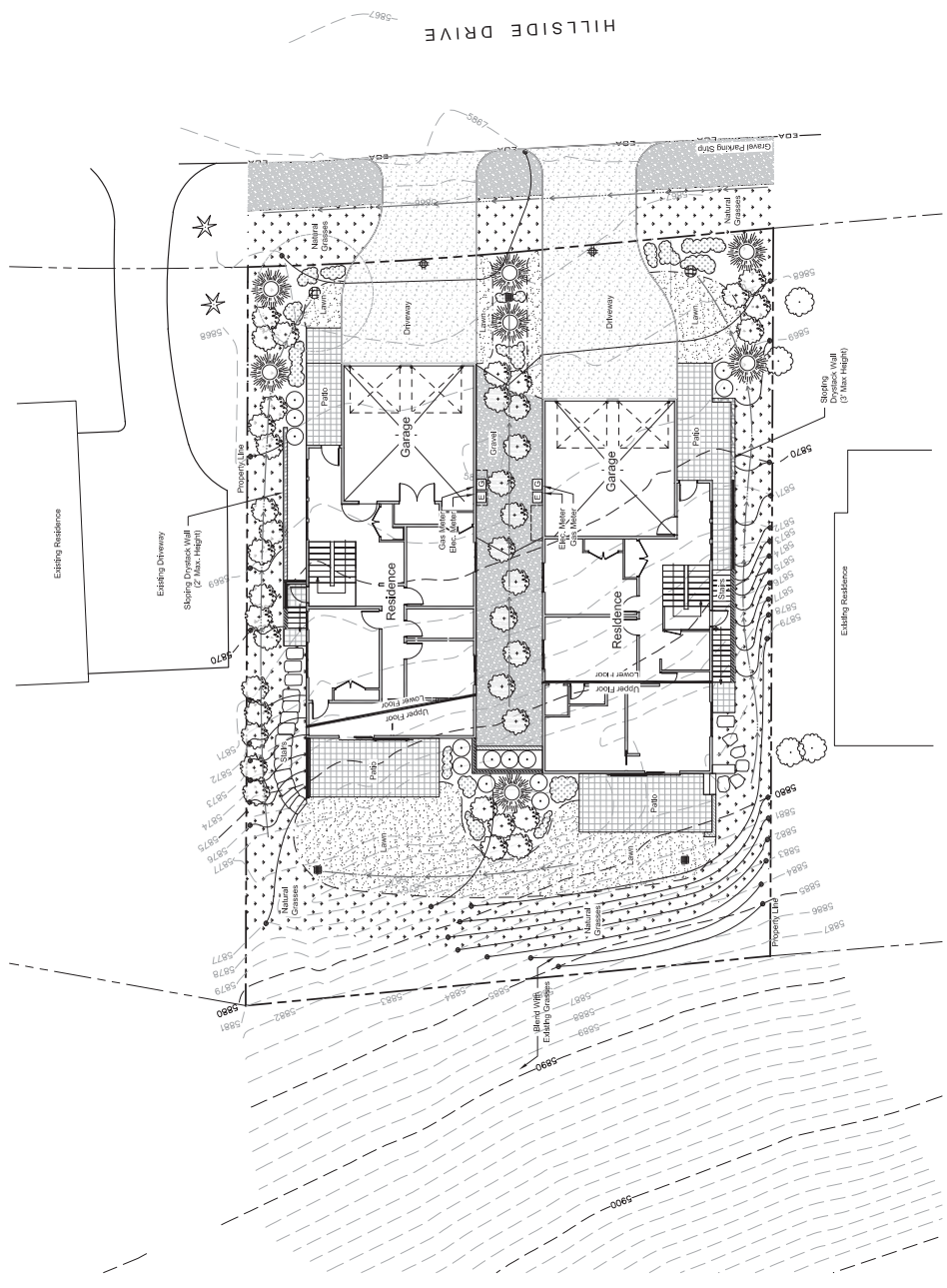
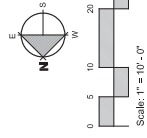
Qty	Species	Scientific Name	Size
7	Evergreen Trees	Alaska Juniper	12"
	Colorado Spruce	Populus tremuloides	
57	Deciduous Trees	Quaking Aspen	3" Cal.
	Deciduous Shrubs	Various	5 gal.
12	Ground Cover	Various	Flat
	Hydroseed	Hydroseed	
	Mulch	Mulch	
	1,000 sq. ft. Grasses	Lawn Mix	
	2,000 sq. ft. Natural Grasses	Natural Grasses	

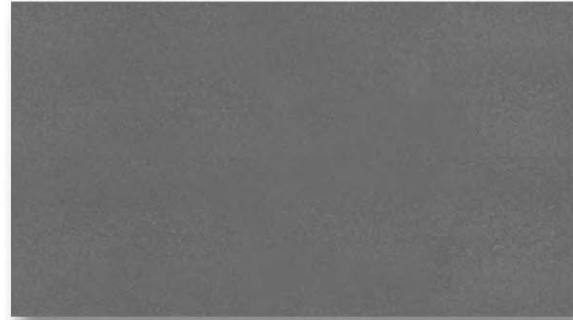
Existing Tree Legend

- Star symbol: Existing Mature Tree (To Remain)
- Cloud symbol: Existing Sub-mature Tree (To Remain)

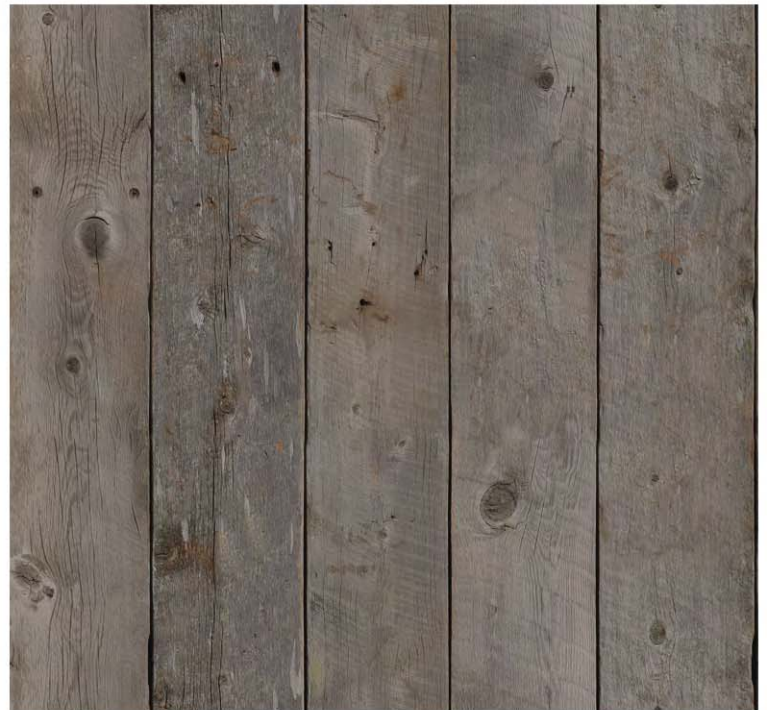
Plan Legend

- Property Line
- Edge Of Asphalt
- Driveway
- Path/Walkway
- Existing Contour
- Proposed Contour
- Drainage Swale
- Proposed Drystack Wall
- Utilities
- Building Footprint & Surface Driveway
- Catch Basin - 15' Precip
- Catch Basin
- Path/Walkway Pavers
- Gravel Parking Strip





Kynar coated metal roofing, trim and fascia
Dark grey or carbon colored

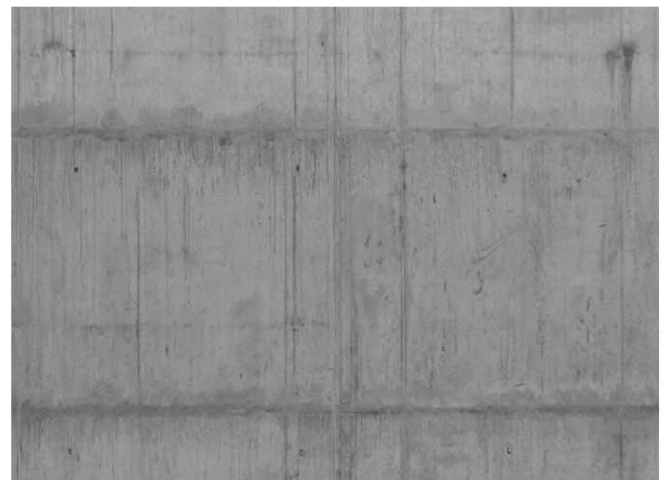


Weather Barnwood Siding - Grey



SIERRA PACIFIC CLAD WINDOWS
BATTLESHIP GREY (OR SIM)

Deep Powder, Ilc
Color Sample Board



Natural Concrete

C. Fire Department review comments

Ketchum Fire Department M E M O R A N D U M

Preapplication

CC: Jim Lynch, Building Official
From: Tom Ancona, Fire Marshal
Date: July 29, 2019
Subject: Deep Powder Townhomes, 225 Hillside Drive

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 for each unit 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. 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.

D. Findings of Fact, Conclusions of Law, and Decision



City of Ketchum
Planning & Building

IN RE:)	
)	
Deep Powder Townhomes)	
Mountain Overlay Design Review	)	KETCHUM PLANNING AND ZONING COMMISSION
Date: August 12, 2019	)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND
	)	DECISION
File Number: #19-074)	

BACKGROUND FACTS

PROJECT: Deep Powder Townhomes Mountain Overlay Design Review

FILE NUMBER: P19-074

REPRESENTATIVE: Joe Marks, Idaho Mountain Builders

OWNER: Deep Powder LLC

REQUEST: Mountain Overlay Design Review

LOCATION: 255 Hillside Drive (Warm Springs Subdivision #5, Block 2, Lot 33)

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

OVERLAY: Mountain Overlay (MO) & Avalanche Overlay (A)

NOTICE: Notice was mailed to adjacent property owners on July 31, 2019

FINDINGS OF FACT

1. The subject property is zoned General Residential – Low Density (GR-L) and in the GR-L zone two detached one-family residential dwelling units are permitted to be constructed on a single lot. The applicant has proposed to construct two detached one-family dwellings.
2. On lots that are at least 8,000 square feet in size townhouse developments are also permitted. The subject property is over 11,000 square feet in size and the property owners intend to plat the two proposed dwellings as detached townhomes at a later date. As such, each dwelling unit has been designed with its own separate utilities (water, sewer, electric, et cetera).
3. Mountain Overlay Design Review approval for both dwellings is occurring concurrently with this single application.

Table 1: City Department Comments

City Department Comments					
Compliant					
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104 & 17.96	Complete Application	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Fire Department:</p> <p>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.</p> <p>The above project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances.</p> <p>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.</p> <p>Approved address numbers for each unit 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.</p> <p>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.</p> <p>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. Gates, if installed, are required to be siren activated for emergency vehicle access.</p> <p>Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building.</p> <p>Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers.</p> <p>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.</p>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>City Engineer and Streets Department:</p> <ol style="list-style-type: none"> 1. <i>Detailed review and approval of ROW improvements to occur upon Building Permit submittal.</i> 2. <i>All drainage will need to be retained on site. Including water from any roof drains.</i> 3. <i>A detailed construction activity plan meeting section 15.06 of the City of Ketchum’s Municipal code will be necessary when submitting for building permit. Items should include items such as: how materials will be off loaded at site, plan for coordinating</i> 		

			<p>with neighbors on temporary closures, temporary traffic control, construction fence with screening</p> <p>4. Building/Construction drawings will need to meet applicable sections of Chapter 12 of the City of Ketchum's Municipal Code</p> <p>5. ROW improvements required to be prepared by a professional engineer per section 12.04.020 ROW. ROW improvements are shown on sheet L1.1</p> <p>6. A dig permit will be necessary for ROW work</p> <p>7. Recommended separation distance between a dry well and watermain is 25'. If a dry well is installed closer than 25' to the watermain install 20 mil HDPE groundwater barrier along the water main side of drywell. Barrier should extend of 18 inches below the water main pipe. Minimum distance between a dry well and watermain must be 10'.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Utilities:</p> <p>1. Each townhouse will require separate taps for both water and sewer.</p> <p>2. Each townhouse will have its own independent irrigation system.</p>

Table 2: Zoning Standards Analysis

Compliance with Zoning Standards						
Compliant			Standards and Staff Comments			
Yes	No	N/A	Guideline	City Standards and Staff Comments		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Lot Area		
			<i>Staff Comment</i>	Required: 8,000 square feet minimum. Existing (Lot 25): 11,150 sf		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Coverage		
			<i>Staff Comment</i>	Permitted: 35% Proposed: 33% (3,717 sf)		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Building Setbacks		
			<i>Staff Comment</i>	<p>Minimum: Front: 15' Exterior Side: > of 1' for every 3' in building height, or 5' Interior Side: 0' Rear: > of 1' for every 3' in building height, or 15'</p> <p>Proposed: Note 1: There is a discrepancy between the setbacks indicated on A-1.0 and L1.0. The applicant indicates that sheet L1.0 represents accurate setbacks.</p> <p>Note 2: The elevation plans indicate a partial avalanche protection wall on the west side of the western building (Unit A). The design is to be determined. The applicant is aware that the wall can not exceed 6' in height and that the wall can not encroach more than 3' into the setback that has been established by the building's height. If final design results in a wall that is greater than 3' wide the western building's footprint will be shifted east (toward Unit B) in order to meet the side yard setback requirement.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"</p> </td> <td style="width: 50%; vertical-align: top;"> <p>East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"</p> </td> </tr> </table>	<p>West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"</p>	<p>East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"</p>
<p>West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"</p>	<p>East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"</p>					
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Height		
			<i>Staff Comment</i>	Maximum Permitted: 35' Proposed:		

			West building (Unit A) 29'-10"	East building (Unit B) 29'-10"
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.125.030.H <i>Staff Comment</i>	Curb Cut Permitted: 35% or street frontage or 32' for the subject property (street frontage 90') Proposed: Note 1: There is a discrepancy between the curb cut/driveway widths indicated on A-1.0 and L1.0. The applicant indicates that sheet L1.0 represents accurate curb cuts/driveway widths, which are 16' each for a total of 32'.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.125.040.B <i>Staff Comment</i>	Parking Spaces Required: Residential one family: 2 parking spaces per dwelling unit Proposed: Two garage spaces per building
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.18.050 & 17.08.020 <i>Staff Comment</i>	Zoning Districts & Definitions 17.18.050: General Residential - Low Density District (GR-L): The purpose of the GR-L General Residential - Low Density District is to provide areas where low and medium density uses can be properly developed in proximity to each other while still maintaining neighborhood amenities and favorable aesthetic surroundings. The intent of the general residential - low density district is to permit a reasonable amount of flexibility in both land use and development in residential development areas. 17.08.020 – Definitions Dwelling, One-family: A building, under single or multiple ownership, containing two (2) or more dwelling units used for residential occupancy.

Table 3: Mountain Overlay Design Review Standards

IMPROVEMENTS AND STANDARDS: 17.104.070 – Mountain Overlay Design Review:				
The following list of criteria and those contained in section 17.96.080 of this title must be considered and addressed by each applicant seeking design review approval.				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (1)	There shall be no building on ridges or knolls which would have a material visual impact on a significant skyline visible from a public vantage point entering the city or within the city. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.
			<i>Staff Comment</i>	<i>There are no ridges or knolls identified on the subject parcel; the ridge line is located beyond the extent of the property boundary.</i> <i>Further, this property is not visible from an identified or protected view corridor. The most prominent street in the vicinity is Warm Springs Road. Because the eastern portion of Hillside Drive, where the subject property is located, has relatively shallow lot depths (under 150') where maximum elevations are relatively low, existing residences and vegetation located on the southside of Hillside Drive, Belmont Drive, and the north side of Warm Springs Road provides ample screening.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (2)	Building, excavating, filling and vegetation disturbance on hillsides which would have a material visual impact visible from a public vantage point entering the city or within the city shall be minimized. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.
			<i>Staff Comment</i>	<i>Building, excavation, filling and vegetation disturbance will not have a material visual impact visible from a point within the city due to the location of the subject property and site characteristics described in evaluation of the previous criteria 17.104.070.A.1</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (3)	Driveway standards as well as other applicable standards contained in chapter 12.04 of this code shall be met.
			<i>Staff Comment</i>	<i>Refer to comments from the City Engineer and Streets Superintendent in Table 1. Detailed review and approval of ROW improvements to occur upon Building Permit</i>

				<i>submittal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (4)	All development shall have access for fire and other emergency vehicles to within one hundred fifty feet (150') of the furthest exterior wall of any building.
			<i>Staff Comment</i>	<i>Refer to Attachment C, Fire Marshal comments.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (5)	Significant rock outcroppings shall not be disturbed.
			<i>Staff Comment</i>	<i>There are no significant rock outcroppings within the property boundary of the subject property.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (6)	International building code (IBC) and international fire code (IFC) and Ketchum fire department requirements shall be met.
			<i>Staff Comment</i>	<i>All IBC and IFC codes will be met; this will be verified during the Building Permit review process.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (7)	Public water and sewer service shall comply with the requirements of the city.
			<i>Staff Comment</i>	<i>Water and sewer services are proposed for each unit. As required, each unit will have its own water and sewer service.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (8)	Drainage shall be controlled and maintained to not adversely affect other properties.
			<i>Staff Comment</i>	<i>An extensive drainage plan has been prepared (sheet L2.0). All drainage is proposed to be controlled and maintained on site. The city engineer notes in Table 1 stormwater from roofs must be retained on site as well.</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.
			<i>Staff Comment</i>	<i>No new roadways are proposed; the garages and associated driveways are located closest to the existing street and the driveway lengths are therefore minimized; the northwest portion of the site and parts of the eastern and western side yards are proposed to be re-contoured to accommodate the residential dwellings. In these recountoured portions of the site the proposed revegetation consists of primarily of natural grasses, to be hydroseeded.</i> <i>There is a 30' or greater 'clear zone' proposed for the majority of the rear yard; natural grasses, lawn, and at-grade patios are proposed to the rear of each structure. However, a limited amount of trees and shrubs are proposed in the rear yard (one evergreen tree, several aspens, and several deciduous shrubs) and the purpose of the landscaping is to provide a privacy buffer between the two residential units. Vegetation proposed for the east side yards consists primarily of natural grasses and deciduous trees (east side of Unit B) and vegetation proposed for the west side yard (west side of Unit A) consists primarily of natural grasses. In between the buildings gravel is proposed to groundcover and deciduous trees are proposed in between the buildings.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (10)	No other sites on the parcel are more suitable for the proposed development in order to carry out the purposes of this section.
			<i>Staff Comment</i>	<i>The subject property is 0.26 acres in size (11,150 square feet) and is 125' deep with a minimum elevation of 5867' and a maximum elevation of 5887', a slope of 16% on the western property boundary and 11% on the eastern property boundary. In contrast, there are a dozen parcels further west on Hillside Drive and Huffman Drive that range from 500' to over 1,000' in depth, with maximum elevations above 6300' and slopes exceeding 25% where location of development is of greater concern with respect to Mountain Overlay standards. In other words, the subject property is relatively small in size and relatively flat in comparison to other properties within the Mountain Overlay.</i> <i>The two proposed dwelling units are both located in in the flatter/less steep portion of the site (as opposed to the steepest portion of the site, which is the rear of the</i>

				property). All things considered, staff finds the proposed development to be sited in a location that is suitable for carrying out the purposes of this Ordinance.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (11)	Access traversing twenty five percent (25%) or greater slopes does not have significant impact on drainage, snow and earthslide potential and erosion as it relates to the subject property and to adjacent properties. <i>Staff Comment</i> The project does not include accesses that traverse 25% or greater slopes.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (12)	Utilities shall be underground. <i>Staff Comment</i> All utilities will be located underground. See sheet L1.1.
<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. <i>Staff Comment</i> Sheet L2.0 indicates fencing will be installed along the rear, west and east property lines to delineate the limits of disturbance. Fencing shall remain in place for the duration of construction.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (14)	Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized. <i>Staff Comment</i> Excavation is limited to the locations of the two proposed buildings. Recontouring along the eastern and western property lines is a response to the two buildings being constructed. Vegetation disturbance at the rear of the buildings is justified in part to create a modest amount of usable, outdoor space for each dwelling.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (15)	Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community. <i>Staff Comment</i> No significant landmarks have been identified on-site.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (16)	Encroachments of below grade structures into required setbacks are subject to subsection 17.128.020K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare. No below grade encroachments into required setbacks are proposed.

Table 4: Design Review Standards for all projects

Design Review Requirements				
IMPROVEMENTS AND STANDARDS: 17.96.060				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(1) Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development. <i>Staff Comments</i> Two driveways will connect to the existing street, Hillside Drive. The applicant is aware that construction of the driveways is their expense.
<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. <i>Staff Comments</i> N/A. No new street is proposed.
<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. <i>Staff Comments</i> N/A. Sidewalks are not required in this zoning district, GR-L.
<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.

			<i>Staff Comments</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>Staff Comments</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>Staff Comments</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>Staff Comments</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>Staff Comments</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>Staff Comments</i>	<i>The applicant proposes to retain all stormwater on site. See sheet L2.0. A final drainage and grading plan will be reviewed and approved by the City Engineer and Streets Department Director through the Building Permit review and approval process.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
			<i>Staff Comments</i>	<i>See sheet L2.0.</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>Staff Comments</i>	<i>See City Engineer comments, table 1.</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>Staff Comments</i>	<i>The applicant is aware of this requirement.</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>Staff Comments</i>	<i>The applicant is aware of this requirement.</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.
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</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.
			<i>Staff Comments</i>	<i>The applicant proposes a color scheme of grey hues (weathered barnwood siding, metal roofing, trim and fascia) and windows glad in dark grey. The materials palette is comprised of natural materials – primarily wood and metal.</i>
				<i>The color scheme is muted and appropriate for the Mountain Overlay district.</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.
			<i>Staff Comments</i>	<i>N/A. There are no identified landmarks on the property.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(3)	Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.
			<i>Staff Comments</i>	<i>N/A. The proposal is for new construction.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(1)	Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.
			<i>Staff Comments</i>	<i>N/A. Sidewalks do not exist in this zoning district.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(2)	The building character shall be clearly defined by use of architectural features.
			<i>Staff Comments</i>	<i>The two proposed dwellings are complementary in design and share the same pitched roof, front-loaded ground-floor two car garage, and second-story outdoor deck located on top of the garage. The same exterior materials are proposed for both projects.</i> <i>Architecturally, each building is defined by a pitched roof, ample glazing on all facades (including floor-to-ceiling windows on the second story of the front façade), a prominent chimney stack, and the incorporation of side staircases that provide access from each dwelling to exterior patios.</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.
			<i>Staff Comments</i>	<i>The two proposed dwellings utilize the same material and color palette.</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.
			<i>Staff Comments</i>	<i>The landscaping plan features paver and stone staircases that provide access from the exterior sides of each building to the exterior paver patios. Drystack walls (max 2' in height on the east side and 3' in height on the west side) are incorporated into the site as is extensive landscaping.</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.
			<i>Staff Comments</i>	<i>The pitched roof overhangs on all four sides of the building, providing relief against the walls on the sides and rear of each building. The most prominent relief is on the street-fronting, front faced. The upper floor has been eroded to create an outdoor living space above the ground floor garage and the pitched roof of the building serves as a roof for the outdoor living area as well.</i> <i>Additionally, each façade has windows and variations in materials, which break up the appearance of bulk and reduce appearance of flatness.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(6)	Building(s) shall orient towards their primary street frontage.
			<i>Staff Comments</i>	<i>Both buildings orient towards Hillside Drive.</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.
			<i>Staff Comments</i>	<i>N/A. There is no alley behind the property. Satellite receivers are not proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Staff Comments</i>	<i>N/A.</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>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Staff Comments</i>	<i>N/A.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Staff Comments</i>	N/A.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Staff Comments</i>	N/A as access for emergency vehicles, snowplows, and garbage trucks is provided from Hillside Drive.
<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.
			<i>Staff Comments</i>	465 square feet of snow storage is required, and 600 square feet is proposed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(2)	Snow storage areas shall be provided on-site.
			<i>Staff Comments</i>	Proposed snow storage is located on the subject property in between the two residences, and in the southwest and southeast corners of the 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.
			<i>Staff Comments</i>	All three snow storage areas exceed the minimum dimension standards.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(4)	In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.
			<i>Staff Comments</i>	N/A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	Landscaping is required for all projects.
			<i>Staff Comments</i>	See sheet L3.0.
<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>Staff Comments</i>	The applicant proposes to use a natural grass mix for the majority of the property and a limited amount of lawn (1,000 square feet). The proposed evergreen trees (Colorado Spruce) and deciduous trees (Quaking Aspen) are common in the vicinity and throughout Ketchum.
<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>Staff Comments</i>	The applicant proposes to use a natural grass mix for the majority of the property and a limited amount of lawn (1,000 square feet). The proposed evergreen trees (Colorado Spruce) and deciduous trees (Quaking Aspen) are drought tolerant once established, with Colorado Spruce being among the most drought-tolerant species of spruces.
<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>Staff Comments</i>	Residential development exists on both sides of the subject property and therefore a substantial landscape buffer along all property sides is not required. The applicant has broken up the impact of the driveway curb-cuts by siting landscaping (evergreen trees) in between the two proposed driveways.
<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>Staff Comments</i>	N/A.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code;
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and zoning code, Title 17;
3. The Commission has authority to hear the applicant's Mountain Overlay Design Review Application pursuant to Chapters 17.96 and 17.104 of Ketchum Code Title 17;
4. The project **does** meet the standards of approval under Chapter 17.104 of Zoning Code Title 17;
5. The City of Ketchum Planning Department provided adequate notice for the review of this application;

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Mountain Overlay Design Review application this Monday, August 12th, 2019 subject to the following conditions:

1. All departmental conditions as described in Tables 1, 2, 3, 4, and 5;
2. Limits of disturbance/construction fencing indicated on Sheet L2.0 shall remain in place for the duration of construction;
3. The elevation plans indicate a partial avalanche protection wall on the west side of the western building (Unit A). The design is to be determined. The applicant is aware that the wall can not exceed 6' in height and that the wall can not encroach more than 3' into the setback that has been established by the building's height. If final design results in a wall that is greater than 3' wide the western building's footprint will be shifted east (toward Unit B) in order to meet the side yard setback requirement.
4. 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;
5. All building and fire code requirements as dictated by 2012 family of international codes and Title 15 of Ketchum Municipal shall apply to all construction onsite;
6. Per Title 17, Section 17.96.090: TERM OF APPROVAL: The term of design review approval shall be twelve (12) months from the date that findings of fact, conclusions of law and decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations;
7. All Design Review elements shall be completed prior to final inspection;
8. All exterior lighting shall be in compliance with Ketchum Municipal Code, Chapter 17.132, Dark Skies, and approved prior the issuance of a Certificate of Completion;
9. 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 12th day of August, 2019

Neil Morrow
Chairperson
Planning and Zoning Commission