



Planning and Zoning Special Meeting AGENDA

Tuesday, March 30, 2021 at 4:30 PM
Ketchum City Hall
480 East Avenue North, Ketchum, ID 83340

In recognition of the Coronavirus (COVID-19), members of the public may observe the meeting live on the City's website at ketchumidaho.org/meetings.

If you would like to comment on the agenda item, please submit your comment to participate@ketchumidaho.org by noon the day of the meeting. Comments will be provided to the Planning and Zoning Commission.

If you would like to phone in and provide comment on a public hearing item, please find the phone number, access code and instructions on the following page.

CALL TO ORDER

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

CONSENT CALENDAR — ACTION ITEMS

1. Minutes of March 9, 2021
2. Recommendation to approve Findings of Fact and Conclusions of Law for 128 Saddle Road Design Review and Preliminary Plat with Phasing Agreement

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

3. ACTION ITEM: Amendment to P18-131 - Swan Streambank Alteration: 401 Northwood Way (Lot 12, Chateau of Northwood), owned by Bob and Sandra Swan, and adjacent riverbed (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed) owned by the City of Ketchum. The Commission will consider a proposed amendment to Floodplain Development / Stream Alteration permit P18-131, the Swan Stream Alteration/Bank Stabilization Floodplain Development and Waterways Design Review Permit. *Continued from March 9, 2021, March 23, 2021*
4. ACTION ITEM: Deep Powder Townhomes Design Review and Townhouse Subdivision Preliminary Plat: 255 Hillside Drive (Warm Springs Subdivision #5: Block 2: Lot 33) The Commission will consider Mountain Overlay Design Review and Townhouse Subdivision Preliminary Plat applications for a new two-unit detached townhome development located within the City's General Residential Low Density (GR-L) Zone and the Mountain Overlay and Avalanche Zone. *Continued from March 23, 2021.*

STAFF REPORTS & CITY COUNCIL MEETING UPDATE

ADJOURNMENT

PUBLIC CALL-IN INFORMATION

You may listen to the meeting through your phone or watch and listen by live streaming. If you would like to provide public comment on a public hearing item on the agenda, please following these instructions.

1. Dial the number below and provide the meeting ID. You may only provide comment by phone.
2. Mute your phone until the last four digits of your phone number are called out by staff.
3. **When your phone number is identified to testify, mute the sound on your computer or other device that is live streaming the meeting. Press *6 to unmute your phone to speak.**
4. Provide your testimony on your phone and respond to any questions on your phone. You can hear the meeting through your phone.
5. When your testimony is complete, hang up the phone. You can continue watching the meeting through live steaming.

You will be muted until you are called upon to testify,
please do not unmute your phone until you are asked to testify.

The public has 3 minutes to provide testimony to the
Planning and Zoning Commission.
Please keep your comments to 3 minutes.

March 30, 2021
Public Call-In Number: 1-253-215-8782
Meeting ID: 935 5114 1810

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 Commission Meeting - Regular MINUTES

Tuesday, March 09, 2021 at 4:30 PM
Ketchum City Hall
480 East Avenue North, Ketchum, ID 83340

CALL TO ORDER

The meeting was called to order at 4:36 pm by Chairman Neil Morrow.

PRESENT

Chairman Neil Morrow
Vice-Chairman Mattie Mead
Commissioner Tim Carter
Commissioner Jennifer Cosgrove
Commissioner Brenda Moczygemba

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

There were no ex parte disclosures by the Commissioners.

CONSENT CALENDAR—ACTION ITEMS

1. 4th and Main Findings of Fact and Conclusions of Law

Commissioner Moczygemba commented on the bus stop and available parking. She thought the project should not be penalized for off-site parking when Main Street is partially dedicated to a bus stop. She also asked about the access to the garage on 5th street versus 4th Street alley. Vice- Chair Mead agreed with the 5th Street access as 4th Street is a pedestrian walkway.

Motion to approve the 4th and Main Findings of Fact and Conclusions of Law with the change to the parking garage access as noted.

Motion made by Commissioner Moczygemba, Seconded by Commissioner Carter.

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

2. Warm Springs Ranch Development and Rezoning Agreement, Large Block Preliminary Plat, and Block 1 Subdivision Preliminary Plat Findings of Fact and Conclusions of Law.

Motion to approve the Warm Springs Ranch Development and Rezoning Agreement, Large Block Preliminary Plat, and Block 1 Subdivision Preliminary Plat Findings of Fact and Conclusions of Law.

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

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

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

3. Adi's Townhomes: 124 Short Swing Drive (Lot 7 within Block 1 of Warm Springs Subdivision No. 3)
The Commission will consider and take action on a Townhouse Subdivision Preliminary Plat application submitted by Bruce Smith, PLS, of Alpine Enterprises on behalf of property owner Adi Erber. The application proposes to convert an existing duplex building containing two dwelling units into two townhomes.

Associate Planner Abby Rivin introduced the project.

Bruce Smith, Alpine Enterprises, representing the applicant, described the division of the single duplex into two separately platted dwellings.

Chair Morrow opened the floor to Public Comment.

Being no Public Comment, the floor was closed.

Motion to approve the Adi's Townhome #2 Preliminary Plat to the City Council subject to Conditions of approval 1-10 and authorize the Chair to sign the Findings of Fact and Conclusions of Law and Decision.

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

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

4. Amendment to P18-131 - Swan Streambank Alteration: 401 Northwood Way (Lot 12, Chateau of Northwood), owned by Bob and Sandra Swan, and adjacent riverbed (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed) owned by the City of Ketchum. The Commission will consider a proposed amendment to Floodplain Development / Stream Alteration permit P18-131, the Swan Stream Alteration/Bank Stabilization Floodplain Development and Waterways Design Review Permit.

Senior Planner Brittany Skelton introduced the project with a presentation of the history of the project from 2019 and the effects of the 2017 Flood. Skelton presented the original project and the proposed amendment.

Bob Swan, applicant, related the flood damage from 2017 and asked for approval of the amendment.

Chuck Brockway, Brockway Engineering, spoke to the project and why the amendments were needed. He noted the alterations were done within FEMA regulations. They were asking for a restoration to Pre-2017 flood conditions and restoration to the original grade while meeting the No-Rise Certificate conditions. An agreement could not be reached with the upstream neighbor. He added that if nothing is done, erosion will continue along the East Channel, endangering the town homes downstream.

Evan Robertson, attorney for applicant, asked Staff about the work being done on the adjacent property to stabilize the streambank.

Director Frick responded such application had been received but not approved. This application must stand alone and be decided on its own merits.

Commissioner Moczygemba asked Jennifer Zung of Harmony Design and Engineering, Consultants for the City of Ketchum, about the rock sill. Zung expressed concern over the placement of the rock sill below the channel grade causing upstream erosion. Commissioner Moczygemba asked about the potential collapse of the stream bank and effects downstream. Zung replied the rock sill would redistribute downstream.

The Commission discussed the channel bed gravel, rock sill, the impact to properties upstream or downstream, and increased river velocity. Bank stabilization, gravel removal, potential flooding, and the future impact of the proposed alterations to neighboring properties were also discussed.

Chair Morrow opened the floor to Public Comment.

Ryan Santo, Wood River Land Trust, agreed with Staff conclusions, he supported opening side channels on the West side of the river. He thought riprap was not a long-term solution.

Nick Miller, Hemingway Chapter of Trout Unlimited, agreed with Santo of the Wood River Land Trust. He urged looking at the whole eco-system of the river and not as just as one small project.

Ed Lawson, Attorney representing the Rusacks (neighbor upstream), noted there was an agreement for the work on the Rusack property specified on the original permit but by not doing it, there would be damage to the Rusack property. He questioned why the applicant can't continue with the original plan without the requested amendment. The Rusacks requested their Baldy view across the Swans property not be obstructed.

Brian Collins, Red Fox Lane homeowner, supported the Swan Amendment application.

Nick Krouse, Quadrant Consulting engineer representing Rusacks, worked with Brockway on a follow-along project. The application for the subsequent project was approved by State of Idaho, Army Corp of Engineers, and the Idaho Department of Environmental Quality. This amendment would create a dis-continuity of projects. He was concerned with how to resolve the disparity and felt the original project was the best project.

John Phillips, Red Fox Lane homeowner, supported the Swan application, as 14 homes along the side stream would be affected by not doing the work. He felt the wildlife and fish would be adversely affected if the stream dried up. He urged the permit be issued. He questioned why the Rusacks weren't doing the work on their property. He urged the approval of the Permit Amendment.

Scott Patton, Red Fox Lane homeowner, supported the Swan application and felt his property would be impacted without the amendment.

Jim Connelly, Red Fox Lane homeowner, thought a stable East Channel flow would be a benefit to the property and wildlife. He supported approval of the Swan application.

Steve Johnson, President of the Chateau of Northwood HOA (Red Fox Lane), south of the Swan property on the East Channel, thought they would be in jeopardy of damage without the Swan project. Their owners supported the application.

Jeff Rusacks, upstream homeowner, sympathized with the downstream homeowners. He noted the Red Fox owners had agreed to the original plan. He commented on the potential loss of his Baldy view due to the Swan project.

Brandon Marion, Red Fox Lane homeowner, questioned if there was a remediation process to resolve the situation.

Being no further comment, Chairman Morrow closed Public Comment.

Chair Morrow questioned if there was a way to accomplish the work in a holistic manner instead of several partial projects. Director Frick indicated the original Swan application, which encompassed a holistic approach to include the Rusacks property, was approved with the Condition that the Rusacks gave permission to work on their property. The permit was extended and is still valid. If either party wanted to apply separately, then each project would be evaluated on its own with no impact upstream or downstream. The Rusacks had submitted an application but a permit had not been granted.

Commissioner Carter asked if the Swans' and Rusacks' permits could be connected? Director Frick indicated the City could not compel the Rusacks to take action to mitigate conditions created by the neighboring property.

Sandra Swan commented that the downstream neighbors were in support but the Rusacks had not agreed.

Chuck Brockway clarified the type of construction proposed and that this would be a permanent solution.

Evan Robertson, for applicant, questioned why Rusacks would not co-operate. He questioned why the Rusacks could not be compelled to take action.

The Commission discussion emphasized the need to protect the health of the river without putting the downstream residents on Red Fox Lane in jeopardy. They tended to agree that the original permitted project was the preferred action. The Commission expressed their frustration with the property owners not acting to the benefit of the river and downstream property owners. They wanted to see remediation between the owners.

Director Frick explained the City could not approve a project that might negatively affect an adjoining property or that might put the City in jeopardy. The downstream property owners could make their own application for a course of action if they feel their property was in jeopardy. This proposal cannot be required to remedy problems on downstream properties. While this proposal creates an impact on adjoining properties, another solution could be proposed that would not create an impact on other properties.

Director Frick suggested the Rusacks put their position in writing and the Swans respond in writing. The Commission agreed.

Motion to continue to March 23, 2021 to allow for Staff to request a written statement from the Rusacks and a response from the Swans to move the originally approved plan forward, the amendment to be withdrawn, and work to commence.

Motion made by Commissioner Cosgrove, Seconded by Commissioner Carter.

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

STAFF REPORTS & CITY COUNCIL MEETING UPDATE

March 15th City Council:

- Review the Warm Springs Ranch Project.
- Appoint the Historic Preservation Commission.
- Approve the contract for Logan-Simpson to develop design guidelines and evaluation of the 26 identified properties.

March 23rd PZ Meeting:

- Design Review and Preliminary Plat for 2 new projects.

ADJOURNMENT

Motion to adjourn at 7:20 PM

Motion made by Chairman Morrow, Seconded by Commissioner Cosgrove.

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

Neil Morrow, Chairman
Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)
)
128 Saddle Road Townhomes) KETCHUM PLANNING & ZONING COMMISSION
Design Review) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: March 30, 2021) DECISION
)
File Number: 20-13)

PROJECT: 128 Saddle Road Townhomes

FILE NUMBERS: P21-013

APPLICATION: Design Review

REPRESENTATIVE: Richard Childress

OWNER: Bowry LLC

LOCATION: 128 Saddle Road (Kneeland Subdivision: Lot 2)

ZONING: Tourist (T) Zoning District

OVERLAY: None

NOTICE: A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivision on March 3rd, 2021. The public hearing notice was published in the Idaho Mountain Express the on March 3rd, 2021. A notice was posted on the project site and the city's website on March 16th, 2021.

FINDINGS OF FACT

The 128 Saddle Road townhome development is a 4-unit detached townhome on a vacant lot to the east of the Kneeland building within the Tourist (T) Zoning District. The project site is a 1.282-acre undeveloped parcel with frontage on Saddle Road and flag -frontage along Valleywood Drive. Design Review (Application No. P21-013) is required for developing multi-family dwellings, including detached townhomes. The Townhouse Subdivision Preliminary Plat (Application P21-012) will subdivide the development into 4 townhouse sublots and common area. The Phased Development Agreement allows each townhome unit to be platted individually as each building receives its Certificate of Occupancy.

Table 1: City Department Findings

City Department comments are based on the project concept as proposed with the Design Review project plans. 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 must be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.

City Department Comments
<i>All City Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</i>
<p>Fire Department:</p> <ul style="list-style-type: none"> • It is the General Contractor's responsibility to understand and adhere to all Fire Protection Ordinance #1125 requirements in addition to any and all other City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties. • The above project shall meet all 2018 International Fire Code requirements in addition to specific City Building and Fire Ordinances. • An approved fire detection system shall be installed per City of Ketchum Ordinance #1125 and the requirements of NFPA 72. Two sets of alarm system plans shall be submitted to the Ketchum Fire Department for approval and a permit is required prior to installation of alarm systems. Inspections of fire detection systems by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. • An approved key box shall be installed on each unit, with the appropriate keys, for emergency fire department access in a location approved by the Fire Department. The key box shall be a Knox Box brand and sized to accommodate keys to every door of the unit. • An approved access roadway per 2012 International Fire Code Appendix D (www.ketchumfire.org) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. Grades shall not exceed 7%. Dead end access roadways exceeding 150 feet in length shall be provided with an approved turnaround. Gates, if installed, are required to be siren activated for emergency vehicle access. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, an approved aerial fire apparatus access road shall be provided. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. • 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. • 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. <p><u>Addressing for the project shall be the following:</u> Unit #1 shall be 116 Valleywood Drive</p>

Unit #2 shall be 118 Valleywood Drive

Unit #3 shall be 123 Valleywood Drive

Unit #4 shall be 120 Valleywood Drive

- Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building. During construction fire extinguishers shall be placed in a conspicuous, easy to access, unobstructed location that is less than 75 feet travel distance to any combustibles on site, 30 feet to any hot work. Upon completion of project every single-family residence will have a minimum of one extinguisher per garage and one extinguisher per kitchen area. Extinguishers shall be mounted in a conspicuous, easy to access, unobstructed location.
- This project shall comply with the City of Ketchum Fire Protection and defensible space characteristics. All exterior windows shall be glazed, and all exterior doors shall be solid core construction, both shall have a fire rating of not less than 20 minutes. All exterior vents shall be designed and approved to prevent flame or ember penetration and all exterior mess shall have openings that do not exceed 1/8". Gutters and downspouts shall be non-combustible and shall be provided with an approved means to prevent the accumulation of leaves and debris.
- Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers.
- An 8 ½ by 11 color coded site map of this project shall be provided on paper and electronically to the fire department. This site map shall show the locations of gas shut-offs, power shut-offs, fire sprinkler riser rooms, fire department connections, alarm panels, Knox boxes, access doors, egress windows, stairways and any additional fire department requirements. Exact details for color coded "On-Sites" can be found at www.ketchumfire.org.
- 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:

- All drainage shall be retained on site (KMC §17.96.060.C.1). Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street (KMC §17.96.060C). The existing deficiencies in the Valleywood right-of-way related to Valleywood's drainage can be addressed during the building permit review process, but the site's own drainage must be retained on site. The catch basin in the Valleywood ROW noted as existing on the plans can not be used for the site's drainage.
- 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 (KMC §15.06.030), including how materials will be off-loaded at the site, plan for coordinating with neighbors on temporary closures, temporary traffic control, and construction fencing with appropriate screening, to be reviewed and approved 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 building permit plans and construction drawings shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code.

- The applicant shall submit a drainage and geotechnical report with the building permit application for review by the City Engineer and the Streets Department.
- The plans for the ROW improvements must be prepared by a professional engineer licensed in Idaho (KMC §12.04.020).
- 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”).
- Final civil drawings for all associated ROW improvements shall be submitted with the Building Permit application to be verified, reviewed, and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.

Utilities & Wastewater:

- The applicant will be responsible for installing connections to the water and sewer system.
- The private water main and service lines must be indicated on the Townhouse Subdivision preliminary plat.
- If meter vaults are required, then curb stops shall be installed to the City’s specifications.
- The phased development agreement notes two connections—one connection at Valleywood Drive and one at Saddle Road. Both connections must be shown on the project plans.
- The blow out hydrant shall be a frost-free hydrant with an associated drain field.
- Drywells must have proper separation from potable water lines.
- All plans must have DEQ approval prior to issuance of a building permit for the project.
- The applicant must purchase a common area water meter and vault in addition to the connection fees.
- The owner shall be responsible for any driveway repair and/or maintenance to the snowmelt system and paver that result from the city maintenance and repair of the public sewer lines.
- Requirements and specifications for the water and sewer connections will be verified, reviewed, and approved by the Utilities and Wastewater departments prior to issuance of a building permit for the project.

Building:

- The building must meet the 2018 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 within the analysis of the project’s compliance with zoning and dimensional standards, design review evaluation standards, and subdivision design and development standards.

Table 2: Zoning and Dimensional Standards Findings

Zoning and Dimensional Standards Findings				
Compliant			Standards and Commission Findings	
Yes	No	N/A	Guideline	City Standards and Commission Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Minimum Lot Area
			Commission Findings	Required Minimum Lot Area: 8,000 square feet minimum

				<p>Required Minimum Townhouse Sublot Area: equal to the of the perimeter of the townhouse unit</p> <p>Proposed: Lot 2 of Kneeland Subdivision has a total area of 55,843 square feet (1.282 acres). As noted on the preliminary plat, the townhouse sublots contain each townhome's building footprint, roof overhangs, patios, and garages.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<p>Minimum Open Space</p> <p>Required: 35%(Footnote 5: 5% open site area may be used for private decks or patios and walkways subject to Design Review approval)</p> <p>Proposed: 25,508 square feet of open space is provided on site, which is 46% of the project site (Sheet A0.00)</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.040	<p>Floor Area Ratios and Community Housing</p> <p>Commission Findings</p> <p>Floor Area Ratio Permitted in Tourist (T) Zoning District FAR Permitted in T Zone: 0.5 FAR Permitted with Inclusionary Housing Incentive: 1.6</p> <p>Proposed Floor Area Ratio Total Gross Floor Area: 16,704 gross square feet Floor Area Ratio: 0.30 (16,704 gross square feet/55,843 square feet lot area)</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<p>Minimum Building Setbacks</p> <p>Commission Findings</p> <p>Required: Footnote 1: If the lot adjoins a more restrictive district on the side or rear, the more restrictive setbacks of that district shall apply. The east interior side property line is adjacent to the General Residential Low Density (GR-L) Zoning District.</p> <p>Front: 15 feet Side (east): 1 foot for every 3 feet in building height or 5 feet minimum Side (west): 1 foot for every 3 feet in building height, but no less than 5 feet and no less than 10 feet for one-family dwellings Rear: 1 foot for every 3 feet in building height, but no less than 10 feet and no less than 15 feet for one-family dwellings</p> <p>KMC §17.128.020: Supplementary Yard Regulations A. Cornices, canopies, eaves, chimney chases or similar architectural features may extend into a required yard not more than 3 feet. H. Decks less than 30 inches in height from existing grade may be constructed to the property line.</p>

				<p>Proposed: The site plan is provided on Sheet A0.01 of the project plans. Front (South/Saddle Road): 15 feet Side (East/Interior): 14 feet-8 inches Side (West/Interior and Valleywod Drive Flag): 11 feet-3 inches Rear (North/Interior): 19 feet-1 inch</p> <p>Unit 1's roof overhangs extend into the setback area 3 feet, which is the maximum permitted by KMC §17.128.020.A.</p> <p>Unit 3's at-grade patios, retaining walls, and overhangs extend into the required 11'-3" side setback area. Unit 2's at-grade patios, retaining walls, and overhangs extend into the required 11'-3" side yard setback area and required 15' front yard setback area. The project plans submitted with the building permit application must include dimensions for all encroachments within the setback area.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<p>Building Height</p>
			Commission Findings	<p>Maximum Permitted: 35 feet Proposed: All townhome units are less than 34 feet in height. Unit 1: 33'-9" from lowest grade (finished) to highest point of roof Unit 3: 32'-5" from lowest grade (finished) to highest point of roof</p> <p>Unit 2: 33'-6" from finished grade to the highest point of the roof Sheet A2.40 indicates unit 4's height is 33'-6" from finished grade to the highest point of the roof. Sections 2, 3, and 4 indicate that existing grade is lower than the finished grade adjacent to townhome unit 4. The project plans submitted with the building permit application must include the maximum height dimension as measured from lowest existing grade.</p> <p>Unit 4: 33'-3" from finished grade to the highest point of the roof Sheet A4.40 indicates unit 4's height is 33'-3" from finished grade to the highest point of the roof. Section 3 indicates that existing grade is lower than the finished grade surrounding townhome unit 4. The project plans submitted with the building permit application must include the maximum height dimension as measured from lowest existing grade.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.030H	<p>Curb Cut</p>
			Commission Findings	<p>Required: A total of 35% of the linear footage of any street frontage can be devoted to access to off street parking.</p> <p>Proposed: The private driveway access off Valleywood Drive is 20 feet wide. 29% (20-foot curb cut/70 linear feet along Valleywood Drive) of the property's street frontage along Valleywood Drive is used for the private driveway access to the townhome development.</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.040	Parking Spaces
			Commission Findings	<p>Off-street parking standards apply to any new development and to any new established uses.</p> <p>Required: Multiple-Family Residential Dwelling Units in the T Zone Units 2,001 square feet and above: 2 parking spaces</p> <p>Proposed: All townhome units exceed 2,001 square feet. Each townhome unit has its own attached 2-car garage.</p>

Table 3: Design Review Standards Findings

Design Review Improvements and Standards (KMC §17.96.060)				
Yes	No	N/A	City Code	City Standards and Commission Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.A1 Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.
			Commission Findings	The 4-unit townhome development will be accessed from one 20-foot wide driveway along Valleywood Drive. The asphalt driveway extends to a shared paver driveway that serves each of the four townhome units. Private driveways may access no more than 4 dwelling units pursuant to Ketchum Municipal Code §12.04.030.L9a.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.A2 Streets	All street designs shall be approved by the City Engineer.
			Commission Findings	The project site has street frontage along Valleywood Drive and Saddle Road. Valleywood Drive right-of-way improvements are indicated on Sheet C1.0 of the project plans. These improvements include portions of new asphalt roadway. Drainage improvements include the installation of a new drywell and catch basin.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.B1 Sidewalks	All projects under 17.96.010(A) that qualify as a “Substantial Improvement” shall install sidewalks as required by the Public Works Department.
			Commission Findings	The project qualifies as a substantial improvement and the developer is required to install sidewalks to city right-of-way standards. As indicated on Sheet C1.0 of the project plans, the applicant will install an 8-foot-wide sidewalk along Valleywood Drive. As indicated on Sheet C1.1, the applicant will improve the bike path along the property’s Saddle Road frontage. These improvements include widening the bike path to 14 feet. These improvements will extend west along the Kneeland Condominiums’ frontage. The city will pay for this bike path improvement extension, but the bike path improvements shall be installed concurrently by the same contractor.

				<p>Final civil drawings for all associated ROW improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and Streets Department prior to issuance of a building permit for the project.</p> <p>See Table 1 for comments and conditions from the City Engineer & Streets Department.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.B2 Sidewalks	Sidewalk width shall conform to the City's right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.
			Commission Findings	<p>The sidewalk along Valleywood Drive is 8 feet wide. The existing bike path along Saddle Road will be widened to 14 feet.</p> <p>Final civil drawings for all associated ROW improvements shall be submitted with the Building Permit application to be verified, reviewed, and approved by the City Engineer and Streets Department prior to issuance of a building permit for the project. See Table 1 for review comments and conditions from the City Engineer & Streets Department.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.B3 Sidewalks	<p>Sidewalks may be waived if one of the following criteria is met:</p> <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.
			Commission Findings	The developer is required to install sidewalks for the townhome development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.B4 Sidewalks	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.
			Commission Findings	<p>As indicated on Sheet C1.0 of the project plans, the applicant will install an 8-foot wide sidewalk along Valleywood Drive. As indicated on Sheet C1.1, the applicant will improve the bike path along the property's Saddle Road frontage. These improvements include widening the bike path to 14 feet. These improvements will extend west along the Kneeland Condominiums' frontage. The city will pay for this bike path improvement extension, but the bike path improvements shall be installed concurrently by the same contractor.</p> <p>Final civil drawings for all associated ROW improvements shall be submitted with the Building Permit application to be verified, reviewed, and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project. Table 2 lists</p>

				comments from the City Engineer & Streets Department regarding the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.B5 Sidewalks	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.
			Commission Findings	As indicated on Sheet C1.1, the applicant will improve the bike path along the property's Saddle Road frontage. These improvements include widening the bike path to 14 feet. These improvements will extend west along the Kneeland Condominiums' frontage. The sidewalk along Valleywood Drive will enhance the pedestrian network within the neighborhood linking to sidewalks across the street bordering the Thunder Spring Residences. New sidewalks along Valleywood Drive will be required to be installed for any future substantial improvement proposed at the Kneeland Condominiums property.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.B6 Sidewalks	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.
			Commission Findings	N/A. Staff does not recommend a voluntary cash contribution in-lieu of improvements for this project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.C1 Drainage	All storm water shall be retained on site.
			Commission Findings	The drainage system must keep all storm water within the project site. Storm water is prohibited from draining onto the Valleywood Drive or Saddle Road rights-of-way. All drainage improvements must meet city standards. Drainage improvements are indicated on Sheet C1.0, C1.1, C1.2, L1, and L2 of the project plans. Proposed drainage improvements include a system of drywells, catch basins, and storm drain pipes. Prior to issuance of a building permit for the project, the applicant shall submit a final drainage plan indicating grading, catch basins, piping, and drywells (KMC §17.96.040.C.2b & KMC §17.96.060.C.1-4) prepared by a civil engineer licensed in the state to be submitted for review and approval by the City Engineer and Streets Department. Additionally, the applicant shall submit a drainage and geotechnical report. See Table 1 for City Department comments including City Engineer and Streets Department conditions.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.C2 Drainage	Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
			Commission Findings	See above analysis for Ketchum Municipal Code §17.96.060C1. All drainage improvements are required to meet City standards. All drainage improvements shall be indicated on civil plans prepared by an Idaho licensed engineer and require review and approval from the City Engineer & Streets Department prior to issuance of a Building Permit for the project. See Table 2 for review comments and conditions from the City Engineer & Streets Department.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.C3 Drainage	The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
			Commission Findings	The application will be required to install drainage improvements on the Valleywood Drive right-of-way to the satisfaction of the City Engineer. A final drainage plan prepared by a civil engineer licensed in the state of Idaho shall be submitted with the building permit application to be reviewed and approved by the City Engineer and the Streets Department. The City Engineer may require additional drainage improvements as necessary.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.C.4 Drainage	Drainage facilities shall be constructed per City standards.
			Commission Findings	All drainage facilities within the project site and the public right-of-way shall meet city standards. Final drainage specifications must be included with the civil drawings submitted with the building permit application to be reviewed and approved by the City Engineer & Streets Department.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.D1 Utilities	All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
			Commission Findings	All utilities necessary must be improved and installed at the sole expense of the applicant. Final plans will be reviewed and approved by the Utilities Department prior to issuance of a building permit for the project. See Table 1 for review comments and conditions from the Utilities Department.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.D2 Utilities	Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.
			Commission Findings	All utilities within the development site shall be underground and concealed from public view. The Idaho Power transformer requires screening beyond the shrub massing shown on the landscape plan. Sufficient screening may include substantial landscaping alive year-round or permanent improvements like site walls or ornamental fencing.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.D3 Utilities	When extension of utilities is necessary all developers will be required to pay for and install two (2") inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with city of Ketchum standards and at the discretion of the City Engineer.
			Commission Findings	The applicant is aware of this requirement to install services for high-speed internet to the site. The applicant will work with the City Engineer to identify the location of a fiber line to serve the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.E1 Compatibility of Design	The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.
			Commission Findings	<p>The surrounding neighborhood and adjacent structures contain a variety of colors, including grey, beige, and sienna. Exterior materials include painted wood, stucco, and stone veneer.</p> <p>The site is adjacent to: (a) the Kneeland Condominiums to the west, a commercial office building, which is clad in sand-color stucco and cobble stone veneer, (b) the Saddle View Condominiums to the north-four-plex dwellings comprised of wood painted dark gray, and (c) the College View and Saddlelight Condominiums to the east, which are light grey wood-clad buildings. The neighboring residential buildings are two-stories. The Kneeland office building is comprised of two distinct two-story masses and a one-story mass.</p> <p>Development to the south of the property across Saddle Road includes single-family residences and Big Wood Condominiums #3. The homes and condos are setback from Saddle Road and buffered by sufficient screening, including landscaping and a berm.</p> <p>All four townhomes share the same color palette, which consists of warm-hued dark brown and dark grey. The material pallet consists of charred/stained cedar (warm, dark brown color), Manchurian rust pitched stone, Manchurian rust honed stone (dark grey), and dark grey metal cladding, standing seam roofing, and fascia.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.E2 Compatibility of Design	Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.
			Commission Findings	N/A. No significant landmarks of historical or cultural importance have been identified on the property. The site is vacant and the townhome development is an infill project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.E3 Compatibility of Design	Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.
			Commission Findings	N/A This standard does not apply because the project is new construction.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F1 Architectural	Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.
			Commission Findings	The front door of each townhome unit is framed by columns of board formed concrete tile and projecting canopy elements. The front door to each townhome unit connects to heated, paver walkways that lead to the shared motor court and driveway. The shared driveway will extend to the new driveway along Valleywood Drive.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F2 Architectural	The building character shall be clearly defined by use of architectural features.
			Commission Findings	The modern townhomes are defined by shed roof overhangs and projecting upper-level balconies. The front façade of each townhome units orients towards Saddle Road to take advantage of the Baldy views. The front façades are defined by large rectangular windows and upper-level balconies with glass railings. The shed roof elements at varying heights provide visual relief dividing the building into distinct rectangular masses. The second-level balconies project prominently over the at-grade patios. These balcony projections are supported by columns comprised of board from concrete tile.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F3 Architectural	There shall be continuity of materials, colors and signing within the project.
			Commission Findings	The same colors and materials are used for each detached townhome unit throughout the project. Exterior materials include board formed concrete tile, wood siding, dark gray fiber cement panels, and dark gray metal fascia.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F4 Architectural	Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.
			Commission Findings	The project does not propose any accessory structures. The landscape plan includes 4-foot-tall block retaining walls framing the at-grade patios and bordering portions of the rear and east side property lines. Landscaping includes evergreen trees, deciduous shade trees, shrub massing, ornamental grasses, and perennials. The evergreen trees will soften the mass of the rectangular-shaped buildings. The landscaping buffers the townhome development from Saddle Road. Landscaping borders the development's private driveway.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F5 Architectural	Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.
			Commission Findings	The townhomes are defined by the front façade's tall down-slope walls comprised of large rectangular windows. Horizontal and vertical wall setbacks and offsets break the building into smaller discrete masses. These discrete masses are further defined by the shed roof forms at varying heights. Material differentiation further defines each façade providing visual interest. Each facade includes horizontally or vertically placed wood siding, rectangular fiber cement panels, and windows
			17.96.060.F6	Building(s) shall orient towards their primary street frontage.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Architectural	
			Commission Findings	Each townhome unit orients towards Saddle Road. The front façade design is characterized by tall down-slope walls comprised of large rectangular windows and projecting upper-level balconies.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F7 Architectural	Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.
			Commission Findings	The garbage storage areas shall be screened from public view. The applicant has submitted a letter from Clear Creek Disposal regarding serving the new townhome development. Special services are required because the townhomes are accessed off a private driveway. The letter indicates that Clear Creek will serve the address with the developer's assurance that the entire width of the driveway will be properly plowed and sanded. The project plans do not indicate the installation of any satellite receivers. Any future installations of satellite receivers must be screened from public view.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F8 Architectural	Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.
			Commission Findings	Enhancing weather protection, the shed roof's pitch will prevent water from dripping or snow from sliding from the building. Roof overhangs and projecting balconies will cover the at-grade patios and front doorways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.G1 Circulation Design	Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.
			Commission Findings	The front entrance to each townhome unit connects to a heated paver walkway that connects to the shared motor court and driveway. The driveway extends to the new sidewalk along Valleywood Drive.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.G2	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.
			Circulation Design	N/A. No awnings are proposed to extend across the public sidewalk.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.G3 Circulation Design	Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.
			Commission Findings	The townhome development will be accessed from Valleywood Drive. Traffic is anticipated to flow safely within the project and onto adjacent streets. Prior to issuance of a building permit for the project, the City Engineer and Streets Department shall review the civil drawings to ensure

				adequate sight distances and proper signage for the proposed driveway access.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.G4 Circulation Design	Curb cuts and driveway entrances shall be no closer than twenty (20') feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right of way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.
			Commission Findings	The project site is located over 200 feet from Valleywood Drive's intersection with Saddle Road to the south and over 50 feet from Valleywood Drive's intersection with Raven Road. Prior to issuance of a building permit for the project, the City Engineer and Streets Department shall review the civil drawings to ensure adequate sight distances and proper signage for the proposed parking access.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.G5 Circulation Design	Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.
			Commission Findings	The four townhome units are accessed from a shared private driveway. The private driveway is accessed along Valleywood Drive. The 20-foot-wide asphalt driveway transitions to a shared paver motor court. A turnaround is included in the driveway design to accommodate the fire apparatus turnaround. The shared private drive extends to driveways leading to each townhome garage. The snow-melted interior circulation system provides unobstructed access for emergency vehicles, snowplows, and garbage trucks.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.H1 Snow Storage	Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
			Commission Findings	The snow storage plan includes both on-site snow storage areas and a snowmelt system as permitted by KMC §17.96.060.H4. The total area of unheated circulation is 5,605 square feet. 3,060 square feet of the site is allocated for snow storage, which is 54% of the paved circulation area.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.H2 Snow Storage	Snow storage areas shall be provided on-site.
			Commission Findings	3,060 square feet of the site is allocated for snow storage, which is 54% of the paved circulation area.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.H3 Snow Storage	A designated snow storage area shall not have any dimension less than five (5') feet and shall be a minimum of twenty-five (25) square feet.
			Commission Findings	The snow storage areas meet these dimensional requirements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.H4 Snow Storage	In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.
			Commission Findings	The snow storage plan includes both on-site snow storage areas and a snowmelt system as permitted by KMC §17.96.060.H4. The total area

				of unheated circulation is 5,605 square feet. 3,060 square feet of the site is allocated for snow storage, which is 54% of the paved circulation area.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.I1 Landscaping	Landscaping is required for all projects.
			Commission Findings	The landscape plan is indicated on Sheet L2 of the project plans. Landscaping includes evergreen trees, deciduous shade trees, shrub massing, ornamental grasses, and perennials.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.I2 Landscaping	Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.
			Commission Findings	The landscape materials and vegetation types shall be readily adaptable to the site's microclimate, soil conditions, orientation, and aspect. The City Arborist reviewed the project plans and indicated that all the proposed species are readily available in the Wood River Valley and are appropriate for the site and proposed townhome development. The proposed landscaping will soften the townhome units' rectangular mass. The trees, shrubs, and grasses provide relief from the building walls and screens the townhome development from the street and adjacent residential developments.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.I3 Landscaping	All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.
			Commission Findings	All proposed landscape materials and vegetation types shall be drought tolerant. The applicant is encouraged to select native species.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.I4 Landscaping	Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.
			Commission Findings	The landscaping provides a sufficient buffer along Saddle Road and the property line shared with the Kneedland office building. The buffer provides adequate screening without including a quantity of vegetation that would lead to crowding and subsequent issues in the future. Additionally, the landscaping is considerate of the adjacent residential development's view corridors (i.e. lower growing vegetation planted along the eastern property line).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.J1 Public Amenities	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.
			Commission Findings	Sidewalks are required for this project. As sidewalks are required pedestrian amenities shall be installed. While the site has frontage along both Valleywood Drive and Saddle Road, the property is constrained by its shape and topography. The developer will work

				with the Planning Department, City Engineer, and Streets Department regarding the installation of the required pedestrian amenity.
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CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code ("KMC") and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the Applicant's Design Review Application for the development and use of the project site.
2. The Commission has authority to hear the applicant's Design Review Application pursuant to Chapter 17.96 of Ketchum Municipal Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code § 17.96.080.
4. The Design Review application is governed under Ketchum Municipal Code Chapters 17.96, 17.124, 17.08, 17.12, 17.18, and 17.128.
5. The 128 Saddle Road Townhomes Design Review application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Design Review application this Tuesday, March 23rd, 2021 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. Landscaping improvements are prohibited from encroaching within the 10-foot-wide non-motorized, public use easement for the bike path bordering the front property line along Saddle Road.
2. All drainage shall be retained on site as required by Ketchum Municipal Code §17.96.060.C.1. Storm water is prohibited from draining onto adjacent properties or the Valleywood Drive or Saddle Road rights-of-way.

3. This Design Review approval is subject to all comments and conditions as described in Tables 2, 3, and 4.
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 for all on-site improvements 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 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 Certificate of Occupancy.
6. The applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho to include specification for the ROW, utilities, and drainage improvements to be reviewed and approved by the City Engineer, Streets, and Utilities departments prior to issuance of a Building Permit for the project.
7. The term of Design Review approval shall be twelve (12) months from the date that the Findings of Fact, Conclusions of Law, and Decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations (KMC §17.96.090).
8. All Design Review elements shall be completed prior to issuance of a Certificate of Occupancy for the building.
9. All exterior lighting on the property shall be in compliance with Ketchum Municipal Code, Chapter 17.132, Dark Skies, and shall be inspected by Planning Staff and approved prior the issuance of a Certificate of Occupancy for the building.
10. The project shall comply with the requirements of §17.124.040 Development Standards as adopted on the date a Building Permit is submitted for the project.
11. Prior to issuance of a Building Permit for the project, the applicant shall submit a construction management plans, which addresses each of the standards as set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards.
12. 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 30th day of March 2021.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)
)
128 Saddle Road Townhomes Subdivision) KETCHUM PLANNING & ZONING COMMISSION
Preliminary Plat & Phasing Agreement) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: March 30, 2021) DECISION
)
File Number: 20-12)

PROJECT: 128 Saddle Road Townhomes

FILE NUMBERS: P21-012

APPLICATION: Townhouse Subdivision Preliminary Plat and Phased Development Agreement

REPRESENTATIVE: Richard Childress

OWNER: Bowry LLC

LOCATION: 128 Saddle Road (Kneeland Subdivision: Lot 2)

ZONING: Tourist (T) Zoning District

OVERLAY: None

NOTICE: A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivision on March 3rd, 2021. The public hearing notice was published in the Idaho Mountain Express the on March 3rd, 2021. A notice was posted on the project site and the city's website on March 16th, 2021.

FINDINGS OF FACT

The 128 Saddle Road townhome development is a 4-unit detached townhome on a vacant lot to the east of the Kneeland building within the Tourist (T) Zoning District. The project site is a 1.282-acre undeveloped parcel with frontage on Saddle Road and flag -frontage along Valleywood Drive. Design Review (Application No. P21-013) is required for developing multi-family dwellings, including detached townhomes. The Townhouse Subdivision Preliminary Plat (Application P21-012) will subdivide the development into 4 townhouse sublots and common area. The Phased Development Agreement allows each townhome unit to be platted individually as each building receives its Certificate of Occupancy.

Table 1: City Department Findings

City Department Findings
<i>All City Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</i>
<p>Fire Department:</p> <ul style="list-style-type: none"> • It is the General Contractor’s responsibility to understand and adhere to all Fire Protection Ordinance #1125 requirements in addition to any and all other City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties. • The above project shall meet all 2018 International Fire Code requirements in addition to specific City Building and Fire Ordinances. • An approved fire detection system shall be installed per City of Ketchum Ordinance #1125 and the requirements of NFPA 72. Two sets of alarm system plans shall be submitted to the Ketchum Fire Department for approval and a permit is required prior to installation of alarm systems. Inspections of fire detection systems by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. • An approved key box shall be installed on each unit, with the appropriate keys, for emergency fire department access in a location approved by the Fire Department. The key box shall be a Knox Box brand and sized to accommodate keys to every door of the unit. • An approved access roadway per 2012 International Fire Code Appendix D (www.ketchumfire.org) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. Grades shall not exceed 7%. Dead end access roadways exceeding 150 feet in length shall be provided with an approved turnaround. Gates, if installed, are required to be siren activated for emergency vehicle access. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, an approved aerial fire apparatus access road shall be provided. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. • 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. • 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. <p><u>Addressing for the project shall be the following:</u></p> <p>Unit #1 shall be 116 Valleywood Drive Unit #2 shall be 118 Valleywood Drive Unit #3 shall be 123 Valleywood Drive Unit #4 shall be 120 Valleywood Drive</p> <ul style="list-style-type: none"> • Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building. During construction fire extinguishers shall be

placed in a conspicuous, easy to access, unobstructed location that is less than 75 feet travel distance to any combustibles on site, 30 feet to any hot work. Upon completion of project every single-family residence will have a minimum of one extinguisher per garage and one extinguisher per kitchen area. Extinguishers shall be mounted in a conspicuous, easy to access, unobstructed location.

- This project shall comply with the City of Ketchum Fire Protection and defensible space characteristics. All exterior windows shall be glazed, and all exterior doors shall be solid core construction, both shall have a fire rating of not less than 20 minutes. All exterior vents shall be designed and approved to prevent flame or ember penetration and all exterior mess shall have openings that do not exceed 1/8". Gutters and downspouts shall be non-combustible and shall be provided with an approved means to prevent the accumulation of leaves and debris.
- Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers.
- An 8 ½ by 11 color coded site map of this project shall be provided on paper and electronically to the fire department. This site map shall show the locations of gas shut-offs, power shut-offs, fire sprinkler riser rooms, fire department connections, alarm panels, Knox boxes, access doors, egress windows, stairways and any additional fire department requirements. Exact details for color coded "On-Sites" can be found at www.ketchumfire.org.
- 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:

- All drainage shall be retained on site (KMC §17.96.060.C.1). Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street (KMC §17.96.060C). The existing deficiencies in the Valleywood right-of-way related to Valleywood's drainage can be addressed during the building permit review process, but the site's own drainage must be retained on site. The catch basin in the Valleywood ROW noted as existing on the plans can not be used for the site's drainage.
- 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 (KMC §15.06.030), including how materials will be off-loaded at the site, plan for coordinating with neighbors on temporary closures, temporary traffic control, and construction fencing with appropriate screening, to be reviewed and approved 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 building permit plans and construction drawings shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code.
- The applicant shall submit a drainage and geotechnical report with the building permit application for review by the City Engineer and the Streets Department.
- The plans for the ROW improvements must be prepared by a professional engineer licensed in Idaho (KMC §12.04.020).
- 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-

<p>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”).</p> <ul style="list-style-type: none"> Final civil drawings for all associated ROW improvements shall be submitted with the Building Permit application to be verified, reviewed, and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.
<p>Utilities & Wastewater:</p> <ul style="list-style-type: none"> The applicant will be responsible for installing connections to the water and sewer system. The private water main and service lines must be indicated on the Townhouse Subdivision preliminary plat. If meter vaults are required, then curb stops shall be installed to the City’s specifications. The phased development agreement notes two connections—one connection at Valleywood Drive and one at Saddle Road. Both connections must be shown on the project plans. The blow out hydrant shall be a frost-free hydrant with an associated drain field. Drywells must have proper separation from potable water lines. All plans must have DEQ approval prior to issuance of a building permit for the project. The applicant must purchase a common area water meter and vault in addition to the connection fees. The owner shall be responsible for any driveway repair and/or maintenance to the snowmelt system and paver that result from the city maintenance and repair of the public sewer lines. Requirements and specifications for the water and sewer connections will be verified, reviewed, and approved by the Utilities and Wastewater departments prior to issuance of a building permit for the project.
<p>Building:</p> <ul style="list-style-type: none"> The building must meet the 2018 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.
<p>Planning and Zoning:</p> <p>Comments are denoted within the analysis of the project’s compliance with zoning and dimensional standards, design review evaluation standards, and subdivision design and development standards.</p>

Table 2: Townhouse Subdivision Findings

Townhouse Plat Requirements				
Compliant			Standards and Commission Findings	
Yes	No	N /A	City Code	City Standards and Commission Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.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.
			Commission Findings	The applicant has submitted a complete preliminary plat application including the CC&Rs. The applicant shall submit a final copy of the Townhouse Declaration and Party Wall Agreement document to the Planning & Building Department and file such document prior to recordation of the final plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.1	<p>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.</p> <p>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.</p>
			Commission Findings	The townhouse subdivision shall be platted under the procedures contained in the subdivision ordinance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.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.
			Commission Findings	The townhome subdivision preliminary plat and design review applications for the development are being reviewed concurrently.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.3	The preliminary plat, other data, and the commission's findings may be transmitted to the council prior to commencement of construction of the project under a valid building permit issued by the City. The council shall act on the preliminary plat pursuant to subsection 16.04.030E and F of this chapter.
			Commission Findings	The preliminary plat, phased development agreement, and the Planning & Zoning Commission's findings will be transmitted to the City Council for their review prior to the issuance of a building permit for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.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.
			Commission Findings	The applicant has proposed a phased development project. The final plat procedure for each phase shall follow KMC §16.04.030.G and comply with the additional provisions of KMC §16.04.110.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.D	<p>D. Final Plat Procedure:</p> <p>1. The final plat procedure contained in subsection 16.04.030G 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:</p>

				<p>a. A certificate of occupancy issued by the city of Ketchum for all structures in the townhouse development and completion of all design review elements as approved by the planning and zoning administrator; or</p> <p>b. Signed council approval of a phased development project consistent with §16.04.110 herein.</p> <p>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.</p>
			Commission Findings	The applicant shall follow the final plat procedure as specified in the city's subdivision ordinance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E.1	<p>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</p> <p>All Townhouse Developments, including each individual subplot, shall not exceed the maximum building coverage requirements of the zoning district.</p>
			Commission Findings	The townhome project is located within the Tourist (T) Zone. The townhomes development has a Floor Area Ratio of 0.30.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E.2	<p>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.</p>
			Commission Findings	Each townhome units includes an attached 2-car garage.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E.3	<p>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)</p>
			Commission Findings	This townhouse subdivision will comply with all applicable local, state, and federal ordinances, rules, and regulations.

Table 3: Subdivision Preliminary Plat Findings

Subdivision Preliminary Plat Requirements				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and Staff Findings
<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.
			Findings	The application has been reviewed and determined to be complete.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J	Application and 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:
			Findings	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.
			Findings	This standard has been met. The preliminary plat contains a scale, north point, and date.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.2	The name of the proposed subdivision.
			Findings	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
			Findings	This information has been provided on the application form and indicated on the Preliminary Plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.4	Legal description of the area platted.
			Findings	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
			Findings	This standard has been met. Neighboring condominiums, including the Kneeland building, College View, Saddlelight, See View, and Saddle View are indicated on the plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.6	A contour map of the subdivision with contour lines and a maximum interval of two feet (2') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			Findings	This project plans include a topographic map.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.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.
			Findings	Valleywood Drive and Saddle Road are indicated on the plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.8	Boundary description and the area of the tract.
			Findings	This boundary description and the area of the tract is noted on the Preliminary Plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.9	Existing zoning of the tract.
			Findings	The property is within the T Zone.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.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.
			Findings	This standard has been met. No new streets are proposed. The subplot lines and dimensions are indicated on the preliminary plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.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.

			Findings	Common area, including the shared private driveway and motor court, is indicated on the plat map.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.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.
			Findings	The project plans indicate the locations of all utilities that serve the townhome development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.13	The direction of drainage, flow and approximate grade of all streets.
			Findings	The project plans include drainage improvements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.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.
			Findings	All drainage improvements have been indicated on the project plans.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.15	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
			Findings	The project plans include a vicinity map.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.J.16	The boundaries of the floodplain, floodway and avalanche 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.
			Findings	N/A. The property is not currently mapped to be in the floodplain/floodway. The property is not within the avalanche overlay.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.J.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.
			Findings	N/A. The property is not located within the floodway, floodplain, or avalanche zone. The property doesn't lie adjacent to a river or creek. The lot doesn't contain slopes of 25% or greater. The subject property is not a corner lot.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.18	Lot area of each lot.
			Findings	The existing and proposed size of each subplot is indicated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.19	Existing mature trees and established shrub masses.
			Findings	The project plans indicate existing mature trees and shrub masses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.20	To be provided to Administrator:
				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.
			Findings	A Townhome Plat showing 128 Saddle Road subdivision name is unique

				and is not the same as another townhouse subdivision in Blaine County.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.J.21	All percolation tests and/or exploratory pit excavations required by state health authorities.
			Findings	N/A. This project will connect to municipal services.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.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.
			Findings	The applicant has submitted a complete preliminary plat application including the CC&Rs. The applicant shall submit a final copy of the Townhouse Declaration and Party Wall Agreement document to the Planning & Building Department and file such document prior to recordation of the final plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.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.
			Findings	This standard has been met. The applicant has submitted a Lot Book Guarantee and the Last Deed of Record.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.24	A digital copy of the preliminary plat shall be filed with the administrator.
			Findings	This standard has been met.
<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. 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.
			Findings	This standard has been met. The landscape plan indicates existing trees and vegetation to be removed. The landscape plan on Sheet L2 proposed the installation of new landscaping, including evergreen trees, deciduous shade trees, shrub massing, and ornamental grasses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			Findings	Improvement plans shall be reviewed and approved by City Departments through the building permit application process.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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

				<p>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>
			Findings	The completion of improvements shall follow the construction schedule specified in the phased development agreement.
<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>
			Findings	The completion and acceptance of improvements shall follow the construction schedule specified in the phased development agreement.
<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.
			Findings	The applicant shall meet the required monumentation standards prior to recordation of the final plat.
<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.

			<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: a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met. b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section.</p> <p>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.</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.</p> <p>6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat..</p>
			<p>Findings</p> <p>Standards 4, 5, and 6 have been met.</p> <p>Standards 2 and 3 are not applicable.</p> <p>Standard 1 has been met. The lot size, width, and depth comply with the dimensional standards for lots required in the T Zone. The proposed townhome development complies with setbacks from front, rear, and side property lines required in the T Zone.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.G</p> <p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p>

				<p>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.</p> <p>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</p> <p>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.</p> <p>4. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.</p>
			Findings	N/A. No new blocks are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.1	<p>H. Street Improvement Requirements:</p> <p>1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;</p>
			Findings	N/A, the subject properties are within an existing subdivision. No new streets are proposed. The townhomes are accessed from a shared private driveway.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.2	<p>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;</p>
			Findings	This proposal does not create a new street. These standards are not applicable.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.3	<p>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;</p>
			Findings	N/A. No street frontage improvements like planting strips are required.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.4	<p>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</p>
			Findings	N/A. This proposal does not create a new street. These standards are not applicable.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.5	<p>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;</p>
			Findings	N/A. This proposal does not create a new street. These standards are not applicable.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.6	<p>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</p>

				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;
			Findings	N/A. This proposal does not create a new street. These standards are not applicable.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.7	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;
			Findings	N/A. This proposal does not create a new street. These standards are not applicable.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.8	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;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.9	9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.10	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;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.11	11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.12	12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.13	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 before submitting same to council for preliminary plat approval;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.14	14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.15	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;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.16	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;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.17	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;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.18	18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.19	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;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed. The townhomes are accessed from a shared private driveway
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.20	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;
			Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.21	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;
			Findings	N/A. This proposal does not require construction of a new bridge or impact any existing bridges.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H.22	22. Sidewalks, curbs and gutters shall be required consistent with adopted city standards and where designated shall be a required improvement installed by the subdivider;
			Findings	<p>The project qualifies as a substantial improvement and the developer is required to install sidewalks to city right-of-way standards. As indicated on Sheet C1.0 of the project plans, the applicant will install an 8-foot-wide sidewalk along Valleywood Drive. As indicated on Sheet C1.1, the applicant will improve the bike path along the property's Saddle Road frontage. These improvements include widening the bike path to 14 feet. These improvements will extend west along the Kneeland Condominiums' frontage. The city will pay for this bike path improvement extension, but the bike path improvements shall be installed concurrently by the same contractor.</p> <p>Final civil drawings for all associated ROW improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and Streets Department prior to issuance of a building permit for the project.</p> <p>See Table 1 for comments and conditions from the City Engineer & Streets Department.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H.23	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
			Findings	No gates are proposed—gates are prohibited on private driveways accessing more than one home. The proposed private driveway accesses 4 homes.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.24	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
			Findings	N/A. The townhouse sublots are not located within the Avalanche Zone and no new public or private streets or flag lots are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	I. Alley Improvement Requirements: Alleys shall be provided in, 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 permitted only within the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead end alley including, but not limited to, the provision of fire protection, snow removal and trash collection services to such properties. 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.
			Findings	N/A. The townhouse sublots are located in the T Zone and do not abut an alley.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.J.1	<p>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.</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>
			Findings	N/A these easements are not required as the project create or new street and the property is not adjacent to Warm Springs Road.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.J.2	<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>
			Findings	N/A. The townhouse sublots do not border a waterway.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.J.3	<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>
			Findings	N/A. The townhouse sublots do not border a waterway.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.J.4	<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>
			Findings	N/A. The townhouse sublots do not border a waterway.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.J.5	<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>
			Findings	N/A. No changes to ditches, pipes, or other irrigation structures are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.J.6	<p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be</p>

				dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the City.
			Findings	N/A. The townhouse sublots are within the existing, platted Kneeland Subdivision.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.K	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.
			Findings	All townhome units will connect to the municipal sewer systems. The project shall meet all requirements of the Wastewater Department.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.L	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.
			Findings	The townhome development will connect to the municipal water system. All utilities necessary must be improved and installed at the sole expense of the applicant. Final plans will be reviewed and approved by the Utilities Department prior to issuance of a building permit for the project. See Table 1 for review comments and conditions from the Utilities Department.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	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.
			Findings	N/A. The townhouse sublots are within an existing subdivision with adequate plantings where necessary. The applicant has provided more landscaping on the project site, which is indicated on Sheet L2 of the project plans.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.1	<p>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:</p> <p>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.</p>
			Findings	The applicant shall submit a geotechnical report with the building permit application for review by the City Engineer. The project shall meet all cut, fill, and grading standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.2	<p>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:</p> <ul 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.
			Findings	The project plans include a grading plan prepared by an Idaho-licensed engineer.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.3	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.
			Findings	The proposed grading meets these requirements.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.N.4	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.
			Findings	N/A. The townhome development is an infill project on a vacant lot surrounding by existing development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.5	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

				<p>revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.</p>
			Findings	<p>The project shall meet this requirement regarding soil stabilization and revegetation.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.6	<p>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</p> <p>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</p> <p>b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHTO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods).</p> <p>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</p> <p>d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.</p> <p>e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.</p>
			Findings	<p>The project shall meet this development standards.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.0	<p>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>
			Findings	<p>The drainage system must keep all storm water within the project site. Storm water is prohibited from draining onto the Valleywood Drive or Saddle Road rights-of-way. All drainage improvements must meet city standards. Drainage improvements are indicated on Sheet C1.0, C1.1, C1.2, L1, and L2 of the project plans. Proposed drainage improvements include a system of drywells, catch basins, and storm drain pipes.</p>

				Prior to issuance of a building permit for the project, the applicant shall submit a final drainage plan indicating grading, catch basins, piping, and drywells (KMC §17.96.040.C.2b & KMC §17.96.060.C.1-4) prepared by a civil engineer licensed in the state to be submitted for review and approval by the City Engineer and Streets Department. Additionally, the applicant shall submit a drainage and geotechnical report. See Table 1 for City Department comments including City Engineer and Streets Department conditions.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			Findings	All utilities, including electricity, natural gas, telephone, and cable services, shall be installed underground.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	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.
			Findings	N/A. The townhouse subdivision does not trigger off-site improvements.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.R	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.
			Findings	N/A. The townhouse sublots are not located in the Avalanche or Mountain overlay zoning districts.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.S	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.
			Findings	The existing mature trees indicated on the preliminary plat shall be preserved.

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.
4. The Commission has authority to review and recommend approval of the applicant's Townhouse Subdivision 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 **recommends approval** of this Preliminary Plat application and Phased Development Agreement to the City Council this Tuesday, March 23rd, 2021 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. The project shall meet all requirements of the Fire, Utility, Building, Streets/City Engineer, and Planning requirements as specified in Table 1.
2. The project shall comply with all conditions and comments as specified in Table 4 and 5.
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,
 - d. 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 to the Department of Planning and Building for the official file on the application.

6. The Townhouse Declaration shall be simultaneously recorded with the Final Plat. The developer shall submit a final copy of the document to the Planning & Building Department and file such document prior to recordation of the final plat. The City will not now, nor in the future, determine the validity of the Townhouse Declaration.
7. The project shall meet all requirements specified in the phased townhouse subdivision agreement.

Findings of Fact **adopted** this 30th day of March 2021.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum
Planning & Building

PROJECT: Swan Stream Alteration/Bank Stabilization

PERMIT #: P18-131

OWNER: Robert and Sandra Swan (401 Northwood Way)
City of Ketchum (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed)

APPLICANT: Robert and Sandra Swan

REPRESENTATIVE: Chuck Brockway, Brockway Engineering PLLC and Evan Robertson, Robertson & Slette PLLC for Robert and Sandra Swan

LOCATION: 401 Northwood Way (Lot 12, Chateaux of Northwood)
Adjacent riverbed (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed)

ZONING: General Residential – Low Density (GR-L) and Floodplain Management Overlay (FP), Waterways and Floodway subdistricts

REQUEST: Amendment to permit P18-131 issued October 19, 2019. Construction has not commenced. Permit remains valid under an administrative extension. Scope of work includes stream alteration, bank stabilization, land reclamation and restoration.

PRIOR/ASSOCIATED: 15-144, P17-055, P17-134, P19-044

BACKGROUND

At the March 9, 2021 Planning and Zoning Commission meeting, the Commission continued the request to amend Permit P18-131 to March 23, 2021. On March 23, 2021, the hearing was continued to March 30, 2021. Attached are all the comments that were submitted between publication of March 23, 2021 staff report and the March 23, 2021 meeting date. No new staff analysis is provided.

Attachments:

Public Comments submitted between March 18, 2021 and March 23, 2021.

March 23, 2021 Staff report and attachments

GEOFFREY CLAFLIN RUSACK

411 Northwood Way
Ketchum, Idaho

Planning & Zoning Commission
City of Ketchum
c/o Suzanne Frick
P.O. Box 2315
Ketchum, Idaho 83340
sfrick@ketchumidaho.org

March 23, 2021

Via Email Only

Re: Revised Swan River Restoration Project
Stream Alteration Permit (P17-134)

Dear Commissioners:

I am in receipt of and have had a chance to review the Swans' letter to you of March 21, 2021. Unfortunately, once again, the Swans are trying to portray me in as dark a light as possible. At absolutely no time have I been trying to take advantage of their misfortune. Rather, Alison and I are simply asking for a fair exchange. It is mind boggling to me that, after years of discussing this work and their agreeing 100% to granting a view corridor covenant, they, in these last few months, are saying that it is unfair, and they never agreed to it.

Again, and again, both orally and in writing, the Swans not only agreed to providing a view corridor, but they wanted to do so because it was best for all parties. It was they and their counsel that prepared a formal agreement with the view corridor in it – including that it would run with the land. On November 10, 2019, in an email Sandra wrote to her engineers and attorney, she stated in pertinent part, the following:

"Hello All,

Geoff and I just had a very productive conversation regarding the terms of an ongoing agreement to complete the work as permitted. I am hoping that we can provide Geoff with everything he needs by end of day Wednesday for review. I am including all parties on this email, to ensure we are all on the same page. Geoff - If I have misrepresented our conversation in anyway, please reply to all of us so we can correct the wrong. We want to do what is best for all parties, and I think we all share the same intent.

I believe we need all the following to happen to reach an agreement, nothing else:

View Corridor - We have agreed to maintain our vegetation in a manner consistent with not impeding Rusack's view corridor. We will agree to trim the riparian vegetation to a specific height regularly, and if we fail to do so, we will give Rusack permission to enter our property and trim the vegetation accordingly. Maybe someone can simply draw lines on a plan in overview that outlines what constitutes the "view corridor".

Later, on November 26, 2019, she sent me the agreement that her attorney had drawn up and wrote the following (and despite her now claiming that I am at fault for things taking so long, in this email below she thanks me for my patience!):

"Hi Geoff,

I can't believe it took this long, but here it is. LMK your thoughts - if all looks good I will have my attorney forward it to yours. Thanks for your patience! - Sandra"

This agreement was clearly written by Sandra and her counsel (not my attorneys) and contained the following language with regard to the view corridor:

"Swan agrees, for itself and all succeeding owners of the Swan Parcel, not to allow any vegetation located upon or within the east bank of the River or the adjacent twenty-five foot wide Riparian Zone on the Swan Parcel to exceed five feet in height, and further agrees that in the event Swan fails or refuses to maintain such vegetation height restriction, Marsupial, and any succeeding owner of the Marsupial Parcel, shall be entitled to enter upon the Swan Parcel to trim any such vegetation accordingly, or to seek a court order of specific performance compelling the owner of the Swan Parcel to adhere to this requirement."

All of this was done as bargained-for consideration, and the agreement they prepared was sent to me well over a year and a half ago. In point of fact, the Swans were accepting of the terms of that agreement when I wrote Sandra on September 4, 2018 about the view corridor.

On a separate note, very oddly, even though the Swans work will immediately start eroding my river floor and my application plans include addressing that issue, they are now opposed to doing both projects simultaneously. Previously, however, the Swans were once concerned that my application might get approved before their project could start, and they asked that I wait until both projects could be completed at the same time. On July 19, 2020, Sandra wrote my engineer requesting the following:

"Thanks for the summary Nick. We appreciate the concession to add the riffle, but would ask that one additional item be added to the permit. We can only support this permit if there is a clause that ties our two permits together in terms of the water diversion. We would like there to be a condition that clearly states if the Swan's remediation has not yet taken place at the time Rusack diverts the river, the two projects need to be completed simultaneously. It is inconceivable to ask us to take the risk of Rusack obtaining approval and completing his work prior to us obtaining permission from Rusack. I suspect the regulatory agencies will require this anyway, but we need to see it in the submittal."

Please note that, once again, the Swans had refused to amend their application to include the riffle, even though it was needed due to the immediate damage their work would cause. Despite that, thinking that we had an agreement with the Swans over all of these issues, we put the riffle into our application, as well as readily agreeing to do both projects at the same time.

In our remediation work, we ultimately will put a barb into our property. However, that work is taking place on our land, not theirs, and is being done to protect our property. In contrast, the Swans want to do work on our land for the purpose of protecting their property.

The Swans have said that they will be amenable to negotiating a resolution. We, of course, will as well. We will not, however, go in with terms changed. Everything needs to be on the table, and it needs to be done in a structured fashion, possibly using a mediator of both of our counsels' choosing. If not, I would hope you will follow the law and deny the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoff Rusack", with a stylized flourish at the end.

Geoffrey Claflin Rusack

cc: Alison Wrigley Rusack
Ed Lawson
Katie Franklin
Nick Kraus

Robertson & Slette, p.l.l.c.

ATTORNEYS AT LAW



J. Evan Robertson
erobertson@rsidaholaw.com

134 THIRD AVENUE EAST
P.O. BOX 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 933-0700
FAX (208) 933-0701

MEMORANDUM

TO: Ketchum Planning and Zoning Commissioners

VIA EMAIL: Suzanne Frick: sfrick@ketchumidaho.org

FROM: EVAN ROBERTSON

DATE: March 22, 2021

RE: Swan Stream Alteration/Bank Stabilization

Commissioners,

As you know, I represent Bob and Sandra Swan in their effort to obtain an amendment to their current Stream Alteration Permit No. P18-131 which was approved by Ketchum on October 19, 2019. The proposed amendment was discussed in depth at your meeting of March 9th, and the matter was continued to your meeting of March 23rd for final action.

The purpose of this memo is not to belabor the history of the Swan Permit No. P18-131 nor the merits of the pending amendment to it, but simply to provide comments on the staff report provided to you for the meeting on March 23rd, by, I assume, Suzanne Frick and/or Brittany Skelton. My comments are also intended only to augment the written response to the staff report submitted separately by my clients, a copy of which is also being included with this submittal to make sure it reaches you.

My comments include the following:

1. Assuming, for the sake of argument only, that the staff report is correct in suggesting that the actions you can take on the Swans pending application for an amendment to Permit No. P18-131 are limited to the three options listed on page 6 of the staff report, I concur with my clients in urging you select Option No. 2, requiring one last round of negotiations between the Swans and Marsupial Properties LLC in an effort to reach a mutually acceptable agreement that would eliminate the need for the pending amendment and allow immediate completion of all bank stabilization work already approved, including stabilization of approximately seventy (70) feet of the riverbank abutting the Marsupial Property. I recognize this is your option, not ours, but we support it and would appreciate your continuation of these amendment proceedings to allow a reasonable amount of time to facilitate such negotiations.

2. My clients and I do not approve of Option No. 3 in the staff report, which would result in the immediate denial of our pending application for an amendment to Permit No. P18-131, coupled with a request that my clients join with an amorphous group of participants in search of an undefined “holistic comprehensive solution” to a Big Wood River problem that is not defined or described in the staff report. This option would likely take years to explore, during which time the Swan property would continue its current vulnerability to additional damage from subsequent flood events. We do not believe this option has been properly investigated or defined, and asking the Swans to incur further delays in repairing and protecting their property is unacceptable.

3. Option No. 1 of the staff report is also unacceptable, and like Option No. 3 likely result in an appeal to the City Council and, if necessary, then an appeal and lengthy proceedings in the judicial system particularly if the denial is based upon the unacceptably vague standard of evaluation in Section 17.88.050(e) 14 of the Ketchum City Code, as was suggested in the earlier staff report for your meeting of March 9, authored, I believe, by Brittany Skelton.

My clients are extremely anxious to complete their proposed stream alteration project, which was professionally designed by Charles G. Brockway of Brockway Engineering, PLLC, to repair and reclaim areas of their property destroyed or damaged in the 2017 flood, but even more importantly to protect their property and home from future flood events. Despite all of their efforts, and the approval by the U.S. Army Corps of Engineer, IDWR, and Ketchum of their original Stream Alteration Permit No. P18-131, my client’s property remains seriously damaged, and vulnerable to future flooding after almost

Monday, March 22, 2021

Page | 3

four years. This is a travesty, and they need your help. Please continue proceeds on our amendment application to allow the Swans to attempt further negotiations with Marsupial Properties, LLC and the Rusacks, and if negotiation prove unsuccessful, please allow us an opportunity to then present additional information and arguments before taking final action on our amendment application.

Thank you,

A handwritten signature in blue ink, appearing to read "J. Evan Robertson", with a stylized, cursive script.

J. Evan Robertson

Planning & Zoning Commission
City of Ketchum
% Suzanne Frick
sfrick@ketchumidaho.org

March 21st, 2021

Via Email Only

Re: Swan Response to Rusack's Letter

Dear Commissioners,

From the very start of this process we have strived to work with ALL parties to mitigate risks, alleviate concerns and comply with all written laws and ordinances. Despite our best efforts, our neighbors are clearly trying to take advantage of our misfortune to garner benefits unrelated to our permitted work. We consider this to be wholly unacceptable, not to mention it has placed us all in this very uncomfortable position of having to work around the Rusack's demands, rather than the law and common sense.

To put it very simply, our original offer still stands - we will pay to mitigate all known risks and will agree that unless otherwise required in our permit, no vegetation associated with our permitted work will impede the Rusack's view for as long as we own the property. We will not grant them view corridor rights across our property for eternity, nor will we tie our two permits together. We have amended our permits in an attempt to detach ourselves from the constraints the Rusack's are imposing, not increase them. Furthermore, the suggestion that the version of the legal agreement they presented was both written and agreed to by us is utterly false. The document was coauthored by both our attorneys and was never agreed to by either party. It was simply yet another attempt to get the Rusack's constantly changing demands down in writing.

We find it very disconcerting that the Rusack's feel they deserve something in return for allowing us to reclaim some of their most valuable land and reinforce their unstable and unprotected bank, while trying to protect our property. Both of his hired engineers recommended he protect his entire bank, and both Mr. Rusack and his current engineer admitted these actions would make the Rusack's far better off than they are today. Furthermore, we are asking nothing more of the Rusack's than they are asking of their upstreams neighbors or are seeking permission to do to their own property. Our permit does not require staging ANY heavy equipment on his land yet his permitted work would. He is

requesting a temporary diversion dam be placed in front of his neighbors, and his permit includes log barbs, vegetation and bank reinforcement on both his and his neighbors property. Why are these things acceptable to him on his own permit but not ours, especially when we have made it clear our permitted work will NOT impede his view? Similarly, if the Rusack's are so concerned with erosion why won't they agree to our work or amend their own permit?

In summary, we have always been, and remain more than willing to mitigate all risks, but we are not willing to endure more delays or decrease our property value for the sole benefit of increasing the value of the Rusack's, by granting them something no homeowner in Ketchum is entitled to by law. Despite more than 3 years of trying to reach an agreement with the Rusack's, we are willing to make one more attempt to reach a mutually acceptable agreement prior to the next meeting, if they are willing to drop their request for view corridor rights.

Sincerely,

Handwritten signatures of Bob and Sandra Swan, separated by a plus sign.

Bob & Sandra Swan

Hemingway Chapter
Trout Unlimited

121 Audubon Place
Hailey, ID 83333
208 720 9218
Richardsonah1@gmail.com
www.hemingwaytu.org



MARCH 19, 2021

Planning and Zoning Commission
City of Ketchum
City Hall
Ketchum, ID 83340

Comment regarding Swan Modified Stream Alteration Permit

Dear Commission and Staff:

These comments are filed on behalf of the Hemingway Chapter of Trout Unlimited.

The Planning & Zoning Commission is facing a difficult decision with precedent implications for the Big Wood River. In these comments, we explain why the decision is important and must be made within the context of the accumulated knowledge of the River and the most recent Big Wood River Atlas recently completed by Blaine County.

The Big Wood River (BWR) is a wonderful asset for our valley, but its health has been severely impacted over the years by development and poor planning. The local jurisdictions, adjoining property owners, and river users need to fix it.

Development along the River has dramatically reduced the river's normal hydrologic function and damaged its habitat for trout and other wildlife. Cottonwoods, willows and other native vegetation and the woody debris that gave the river its name have been removed from the river, jeopardizing bank stability and eliminating shade. Over 40% of the river's banks have been armored to protect properties. This has had the effect of increasing the velocity of the river, altering the natural sinuosity of a free-flowing river, preventing the river from accessing its normal floodplain, and increasing flood damage potential.

The expected outcomes of any major restoration effort must be tempered by recognition of the existing human constraints -- residences, roads, bridges, irrigation diversions and other infrastructure -- imposed on the River. While we can never restore the River to its former wild state, many studies indicate there is a lot we can do to remediate the harm we have caused and to stop further deterioration of its natural hydrology and habitat for trout and other wildlife.

Studies Overview

Below are some notable studies, including two very expensive \$100,000 -150,000 studies of the River, with their major conclusions and recommendations to restore a healthy stream supporting abundant fish and other wildlife that will mitigate flood damage:

* *Effects of Stream Alterations on Rainbow Trout in the Big Wood River, Idaho*, Russell F. Thurow, Fisheries Research Biologist, Id. Dept. of Fish and Game, 1988.

The study found that, while the BWR “may be a shadow of its former fishery”, it still had a respectable wild rainbow population with growth rates comparable to the Henry’s Fork and Silver Creek. A significant finding was that **unaltered reaches contained 8 to 10 times the fish densities of stretches where rock revetments (riprap) had been installed and/or cover and woody debris had been removed.**

**Big Wood Fishery Assessment*, Wood River Land Trust, May 23, 2005

This assessment by a staff member of the Wood River Land Trust (WRLT) used existing studies and research to identify the factors that limited the health and productivity of the BWR. Noting the “vital role” the river has “in our vibrant local economy”. The report describes the importance of local jurisdictions and the **“adoption of local ordinances and state laws to regulate development of the floodplain, specifically with regard to buffer zones, steps to maintain “natural sheet flooding across the floodplain”, alternatives to riprap, requiring river and bank restoration as part of the subdivision approval process and limiting water withdrawals. “**

**Geomorphic Assessment of the Big Wood River*, Cygnia Rapp, Consulting Geomorphologist, December 2006

The study advises that bank hardening activities (e.g., riprap) “do not provide a long-term solution posed by flood and erosion hazards”, but actually contribute to the problem. It does suggest that preserving and restoring sinuous reaches that are not entrenched, have intact riparian cover, and connect other braided or meandering sections may provide “the greatest biological benefit for the lowest cost”.

**Final Geomorphic Assessment Report, Big Wood River, Blaine County, Idaho*, Biota Research and Consulting, Inc. (Biota), 2016

A major study commissioned by Trout Unlimited (TU), the Wood River Land Trust, the Bureau of Land Management (BLM) and others describes the functioning and impaired channel conditions from the SNRA to Magic Reservoir. **It specifies various approaches that can be utilized throughout the river to**

improve “flood attenuation” and thereby reduce flood hazard, improve the continuity of sediment movement, increase channel stability and reduce bank erosion, including improving functional channel geometry, utilizing wood revetment bank stabilization techniques instead of rip-rap rock, installing rock stabilization with willow bundles where suitable, floodplain improvements”.

**Preliminary Estimates of the Economic Effects of Stream Restoration on the Big Wood Valley, Idaho, Philip S. Cook and Dennis R. Becker of the University of Idaho College of Natural Resources, August 2016*

This report estimates that improved fishing alone would increase non-resident angler spending by \$69,000 in year 1 to almost \$1.3 million in years 15-20. The benefits from reduced flood risk, improved water quality and increased aesthetic appeal were not considered, nor was the benefit to resident anglers.

Finally the last study, completed in 2020, by the County is a **game changer** for the information, river recommendations and GIS overlays that it provides as a resource for government and private decisionmakers. This \$150,000 three-year study should be the new “North Star” for identifying and judging ALL future projects affecting the River.

**Big Wood River Atlas, Cardno and Ecosystem Sciences (Cardno). 2020*
<https://www.co.blaine.id.us/509/Big-Wood-River-Atlas-2020>

This major study, which was commissioned by Blaine County and covers the 42 miles from the SNRA to Stanton Crossing, was designed to accomplish five objectives:

1. Build community trust and collaboration over river management issues.
2. Understand historic and current processes.
3. Develop a flood risk management framework that supports the connectivity of floodplains.
4. Develop a decision-making framework to identify and evaluate projects that work to restore natural river processes and encourage aquatic habitat formation.
5. **Assist river managers with identifying best management practices for development within the river.**

The study points out that, as a trout fishery, the Big Wood River is “a significant contributor to the economic health of the valley”. The most critical factor limiting the trout population is the amount and quality of fish habitat, with trout densities in unaltered reaches 8 to 10 times greater than altered reaches (cover impaired or having rock revetments). The study emphasizes the importance of large woody debris in providing good habitat for trout and improving the river’s hydrology. Large stable log jams played a major role in the development and maintenance of the pre-development “anastomosing” channel system described in the Rapp study. This type of channel system is more resilient to disturbances such as flood, fire and large sediment events and creates a more complex mosaic of habitat types that support fish. The study recommends reintroducing large wood to the river but only after proper geomorphic and engineering analysis (see Appendix A). Other factors noted in the study as influencing channel form behavior and habitat are (a) sedimentation, (b) riparian vegetation (which reduces the risk of flood, erosion and bank

failure and improves aquatic habitat and water quality), and (3) rock revetments or “riprap” (which adversely affects stream morphology, degrades fish populations, and exacerbates flooding and erosion). The study recommends removal of riprap deemed not critical, modification of existing riprap to achieve greater hydraulic complexity and limiting construction of new riprap, warning that riprap “does not eliminate the potential of an area to be re-captured by the river or be subject to future bank loss.” In terms of steps to be taken to maintain and restore the river, the **study recommends projects in the following priority:**

1. Protect remaining intact functional floodplain through acquisition, easements, and legislation.
2. Reconnect channels where evidence shows that removing confinements such as riprap and levees would open “prior channel occupation”.
3. Reconnect floodplain processes in areas where development has encroached into the floodplain and embankments have been constructed restricting access to the floodplain.
4. Restore riparian vegetation where it has been removed or modified to the point of compromised river function.
5. Use flood fence and engineered LWD [large woody debris] jams to stabilize “dynamic channel planform” (control sediment in a way that reduces flooding and channel erosion while improving habitat).

The study identifies 22 river sections with opportunities and challenges in each of the sections. Pages 26-28 of the study (see attachment labeled Flood Hazard Overlay Sequence) show how overlays denoting FEMA boundaries, historic flooding, specific flood years, aerial photography and more are illustrated graphically in each section. The Swan’s amended SAP falls into Section 5 (see attachment) and can be found on page 46 of the BWR Atlas:

Adams Gulch to Warm Springs Creek. The 1.8 mile section in north Ketchum has largely maintained uniform channel position except in the Hemingway/Northwood Natural Area above Warm Springs Bridge. This natural undeveloped area has a high value in floodplain function since it is upstream of a highly developed zone. Side channels in this area offer excellent opportunities for reconnection. The section has significant bank armoring, especially along the east bank above Warm Springs Bridge.

Applying these principles and information accumulated from the various studies, the Hemingway Trout Unlimited chapter recommends that the Ketchum Planning and Zoning Commission deny the Swan’s modified SAP application. We come to this conclusion for the following reasons:

1. This reach of the River is an area with high value for floodplain function and therefore affects all of the properties downstream.

2. The current application will not be a long-term solution, even to the Swans' own bank erosion.
3. The Commission should recommend that the property owners in this reach, including the City of Ketchum, the Community Library, the Swans, the Rusacks, and the Northwood Town Homes develop a reach-wide solution that will reduce bank erosion, open the east and west channels to the River, remove bank hardening where possible, and restore the riparian zone.

For our part, the Chapter commits to cooperate in this effort, including seeking funding for an initial concept study that applies the standards in the Big Wood River Atlas. And we hope the City will commit to expedite the necessary permitting to allow work in the river to be completed before the high-water season in 2022.

The River deserves the opportunity to reconnect channels and reconnect floodplain processes in this area where development has encroached into the floodplain, and to restore riparian vegetation where it has been removed or modified to the point of compromised function. The Big Wood River Atlas lays out the standards. The City should use this first, Atlas Study SAP as a model for all future SAPs, reaching a result based on the study's recommendations.

Sincerely,

Alan Richardson
President

Adams Gulch to Warm Springs Crk



River Reach Locator Map

REACH 5

Legend

- 2017 Channel Trace
- Irrigation Diversion
- Bridge
- FEMA 100 Year
- Levee
- Rock Armoring
- Historic Channel Migration Zone

Flood Risk Zone

- Flood Risk Zone I
- Flood Risk Zone II

Zone of Recent Erosion

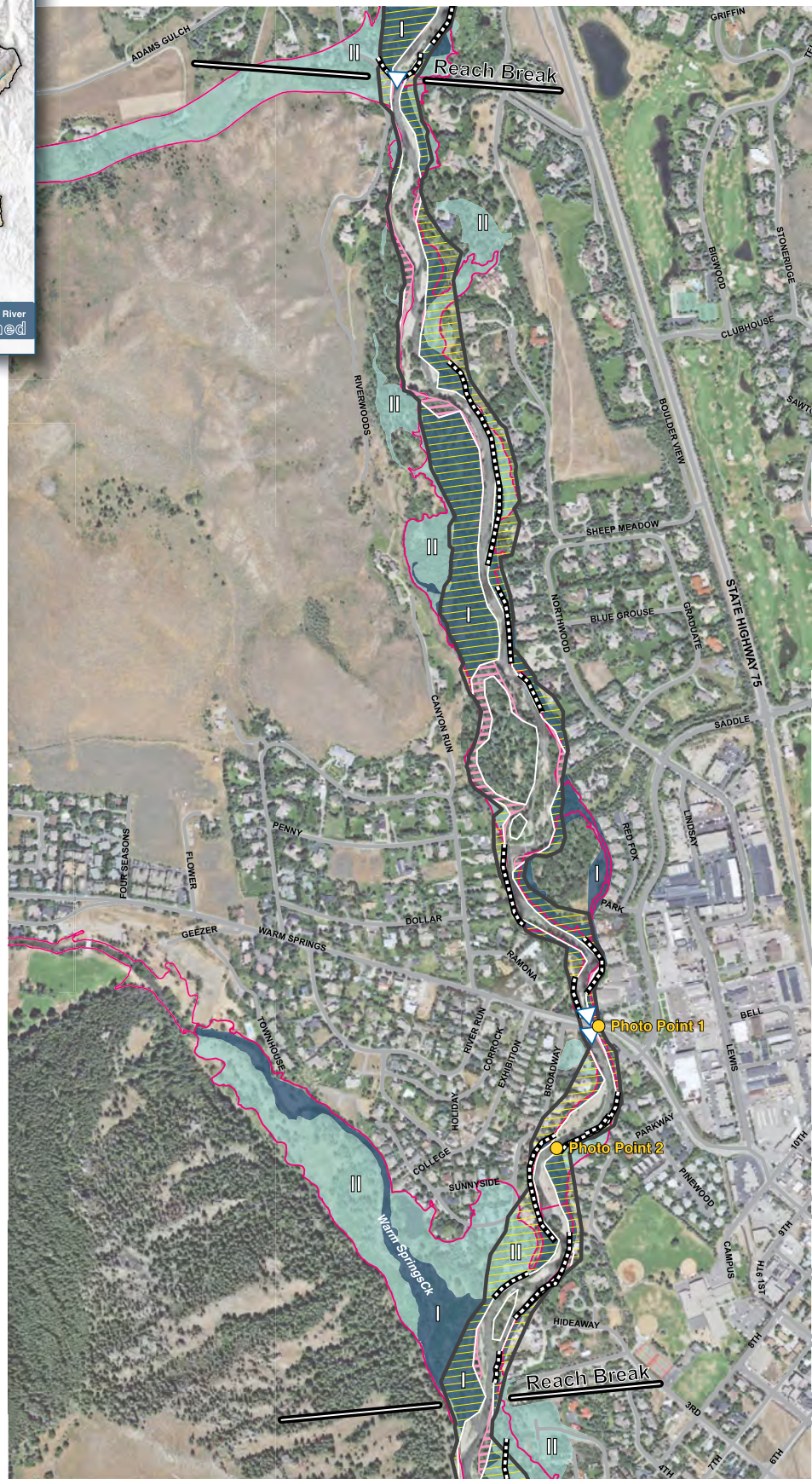
- 2015 to 2017 Erosion

Zone of Potential Erosion

- High Erosion Potential
- Moderate Erosion Potential
- Photo Point

Reach Description

The 1.8-mile reach from Adams Gulch to Warm Springs Creek runs through the heart of the City of Ketchum. The channel has maintained uniform channel position within this reach since photo records are available (1943-present), with the notable exception of the river corridor through the Hemingway/Northwood Natural Area. Significant bank armoring is located along the eastern bank upstream of Warm Springs Bridge and along both banks downstream to protect homes from river erosion.



REACH MAP -AERIAL

2015 Aerial Photo and Flood Risk

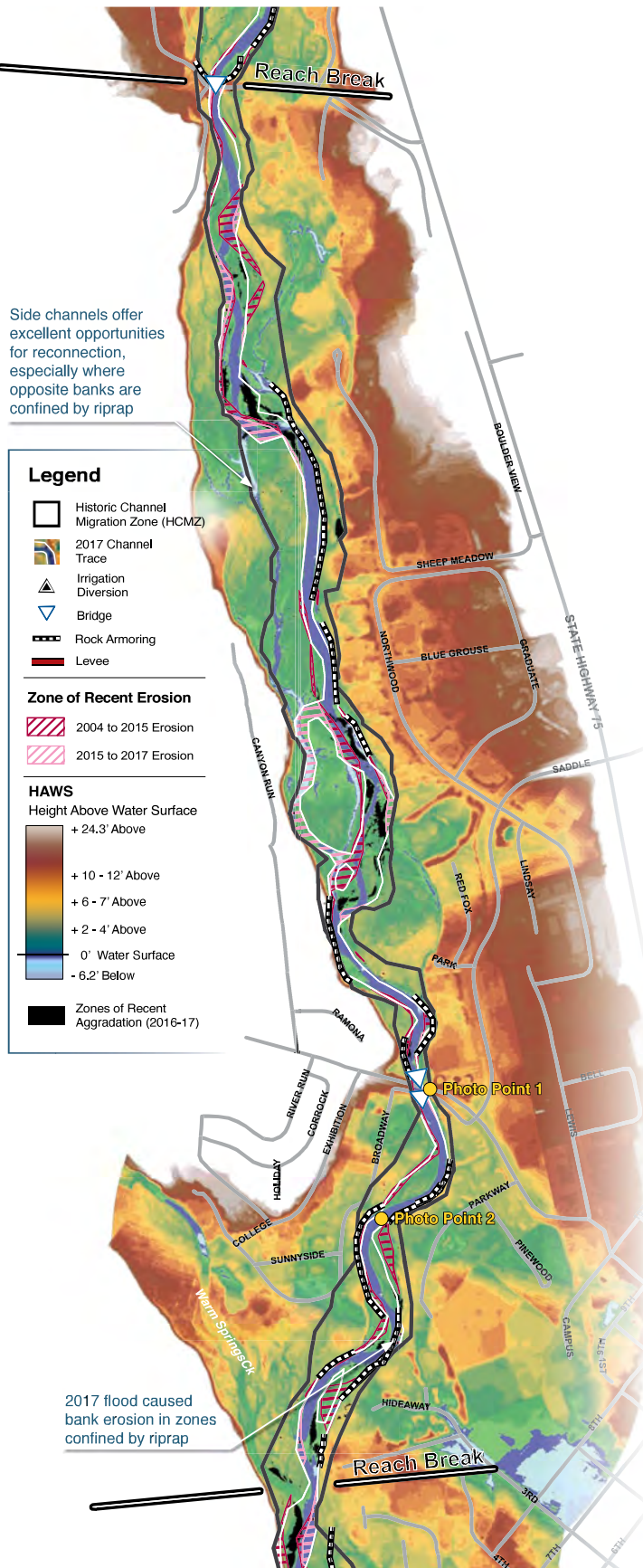


0 1,000 2,000
Feet

Average FEMA Floodplain Width: 444 feet
2017 Average Bankfull Channel Width: 118 feet

REACH 5

Reach Characteristics



REACH MAP - HAWS

Height Above Water Surface (HAWS), Erosion Hazards, HCMZ

Height Above Water Surface mapping of the Big Wood River uses a technique to show elevation difference of the floodplain topography relative to the river water surface. The map shows relic features in the floodplain created by the river, such as abandoned channels, meander bends, and oxbows. This illustrates how the river has actively meandered across the width of the geomorphic floodplain.



Reach 5 - Photo Point 1

Looking downstream from Warm Springs Rd bridge

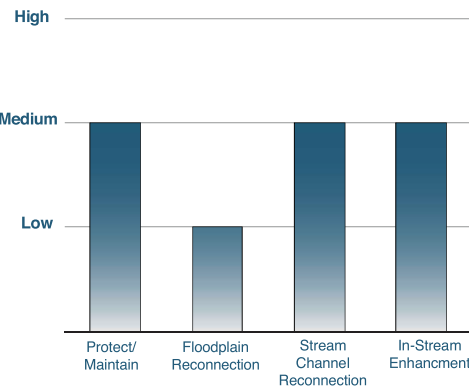


Reach 5 - Photo Point 2

Looking downstream, riprap wall in background

Reach Characteristics	Reach Average	Big Wood River Average
Sinuosity	1.13	1.15
Gradient (ft/ft)	0.0087	0.0064
HCMZ Width (ft)	350	513
Bankloss 2015-2017 (acre/river mile)	2.5	4.9
Bankloss 2004-2015 (acre/river mile)	3.7	6.8
Bank Stabilization (%)	30%	24%

This reach presents a relatively narrow HCMZ and FEMA floodplain potentially caused by its close proximity to Ketchum. The reach also experienced about 2x less bankloss between 2015-2017 than average, has the fourth steepest river gradient, and was the first reach to experience noticeable areas of aggradation between 2016-2017.



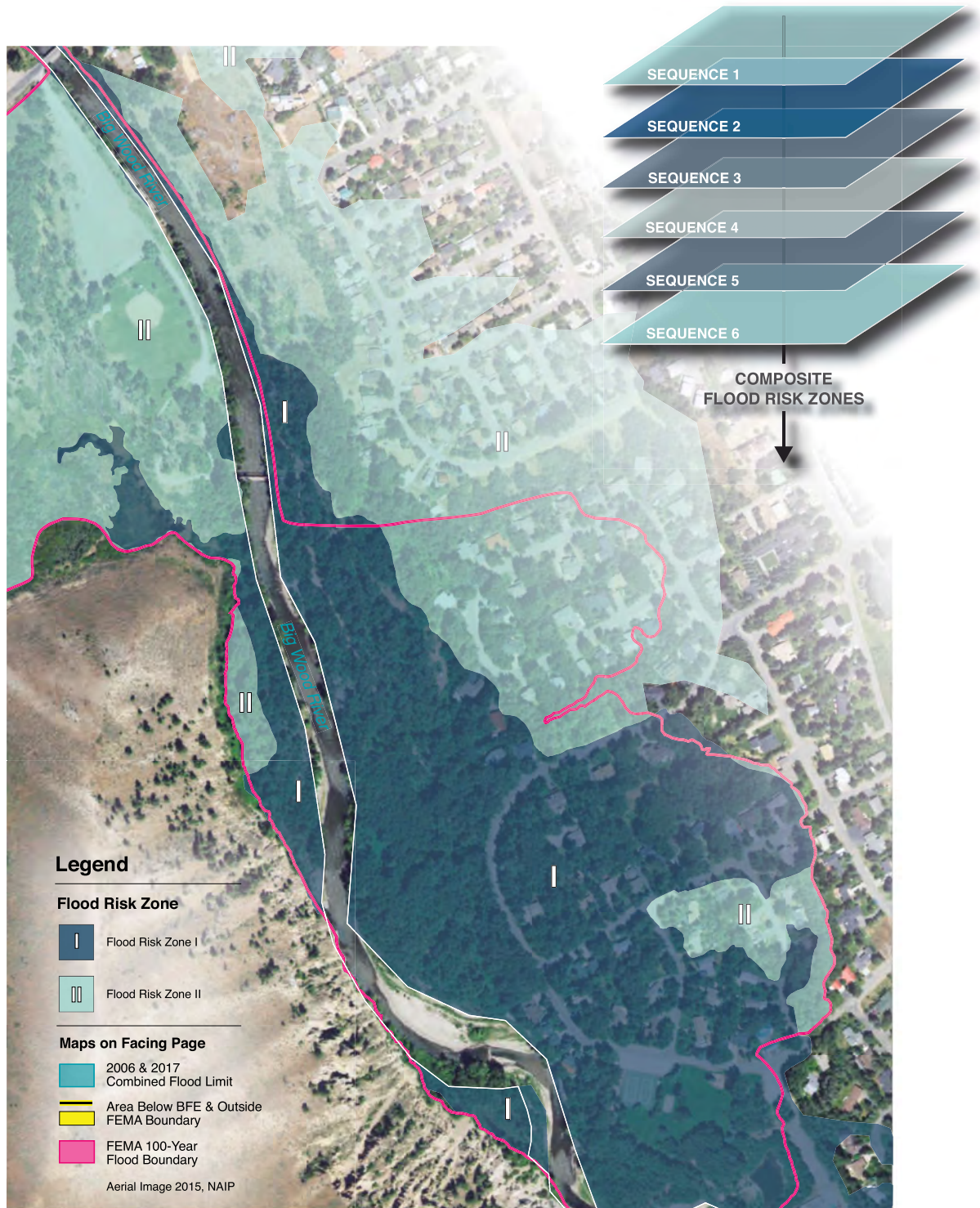
Reach Project Potential

The western floodplain throughout the upper sections of this reach are currently undeveloped and subject to some protection in the Northwood Natural Area. These areas serve a high value in floodplain function upstream of a highly developed zone. Efforts should be made to maintain and expand protected status, as well as restore channel processes in areas of prior channel occupation.

Flood Hazard Sequence

Step 5 - Develop Preliminary Flood Zones. Four initial flood zones were created based on the overlay of the zones developed through steps 1-4. Those 4 zones are: (1) Within the FEMA Zone SFHA and within the known flood limits; (2) Within the FEMA Zone SFHA and beyond the known flood limits; (3) Outside the FEMA Zone SFHA and within the known flood limits; and (4) Outside the FEMA boundary but below the BFE flood surface.

Step 6 - Develop Two Flood Risk Zones. Using the overlay of the various sources of flood analysis, two flood risk zones were developed, shown on the opposite page, and presented in the reach maps. Flood Risk Zone 1 represents areas that have experienced flooding in either 2006 or 2017, and fall within the FEMA Zone SFHA. Flood Risk Zone 2 represents areas that fall within the FEMA Zone SFHA. Flood Risk Zone 2 represents areas that fall within the FEMA Zone SFHA, but may have not flooded during 2006 or 2017, and adjacent areas below the BFE elevation.



FLOOD RISK ZONES
Composite Map Layer / Sequence 6

0 750 1,500
Feet



Map Sequence 1



Sequence 1: FEMA 100-Year Flood Boundary

Map Sequence 2



Sequence 2: Observed Flood Limits from 2006 & 2017

Map Sequence 3



Sequence 3: FEMA 100-Year Flood Boundary and Base Flood Elevation (BFE)

Map Sequence 4a



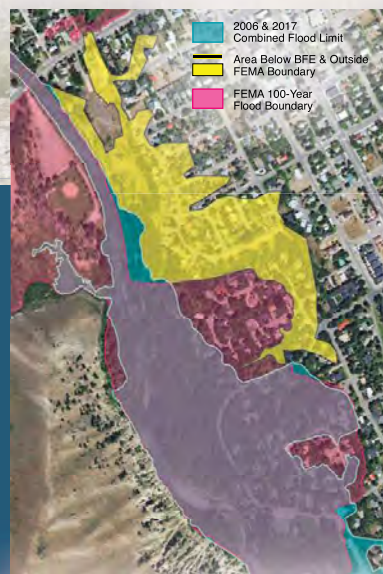
Sequence 4a: Relative Elevation Model (REM) and BFE

Map Sequence 4b



Sequence 4b: BFE / REM comparison with FEMA 100-Year Flood Boundary

Map Sequence 5



Sequence 5: Output of Layered Analyses

Channel Migration/Erosion Hazard Sequence

The purpose of this channel migration study is to inform the community of the dynamic nature of the river, and identify areas susceptible to channel migration and riverbank erosion. Mapping of the Historical Channel Migration Zone (HCMZ) and identification of the Zones of Potential Erosion relied upon a procedure modified from two methodologies outlined in the following documents: (1) A Framework for Delineating Channel Migration Zones (Rapp and Abbe, 2003) and, (2) A Methodology for Delineating Planning-Level Channel Migration Zones (Olson et al, 2014). Historical channel migration rates were not determined in this study, nor projected into the future to estimate future channel positions. The intent of this study was not to develop regulated CMZ boundaries.

The following steps were completed to identify the Historical Channel Migration Zone and to develop the Zones of Potential Erosion, both of which are presented on a reach-by-reach basis in Chapter 4 of this Atlas:

Step 1- Georectification of historical aerial photos.

The Aerial photos of the project area were accessed from multiple sources, including Blaine County and the National Aerial Imagery Program (NAIP). These aerial images were then georectified and projected to the NAD 1983 Central Idaho State Plane coordinate system. Time periods selected for aerial photo analysis are intended to span significant flood events and other meaningful watershed events such as fires and land development. The following years were georectified and used in the analysis- 1943, 1966, 1986, 2004, 2015, and 2017.

Step 2 - Delineation of the active channel margins for each photoperiod.

The margins of the active, or bankfull channel, were delineated for each georectified photoperiod and digitized using Geographic Information System (GIS) ArcMap software. The extents of the active channel were identified using geomorphic and vegetative indicators. To maintain consistency in interpretive bias, a single analyst completed all channel boundary delineations, with review conducted by a senior geomorphologist.

Step 3 - Overlay all historical channel traces and set the landward limits of the combined channel occupation area as the HCMZ.

The total area occupied by the channel within the known historical record delineates the Historical Channel Migration Zone.

Step 4 - Compare HCMZ to modern (2017) channel boundary and delineate Zones of Moderate Erosion Potential.

This step considers the potential of the river to re-occupy areas between the current channel location and areas of prior channel occupation. River channels tend to migrate within their former HCMZ unless cut off or confined from doing so. The area in between the 2017 channel and the edge of the HCMZ is considered to have Moderate Erosion Potential unless a High Potential Area is identified.

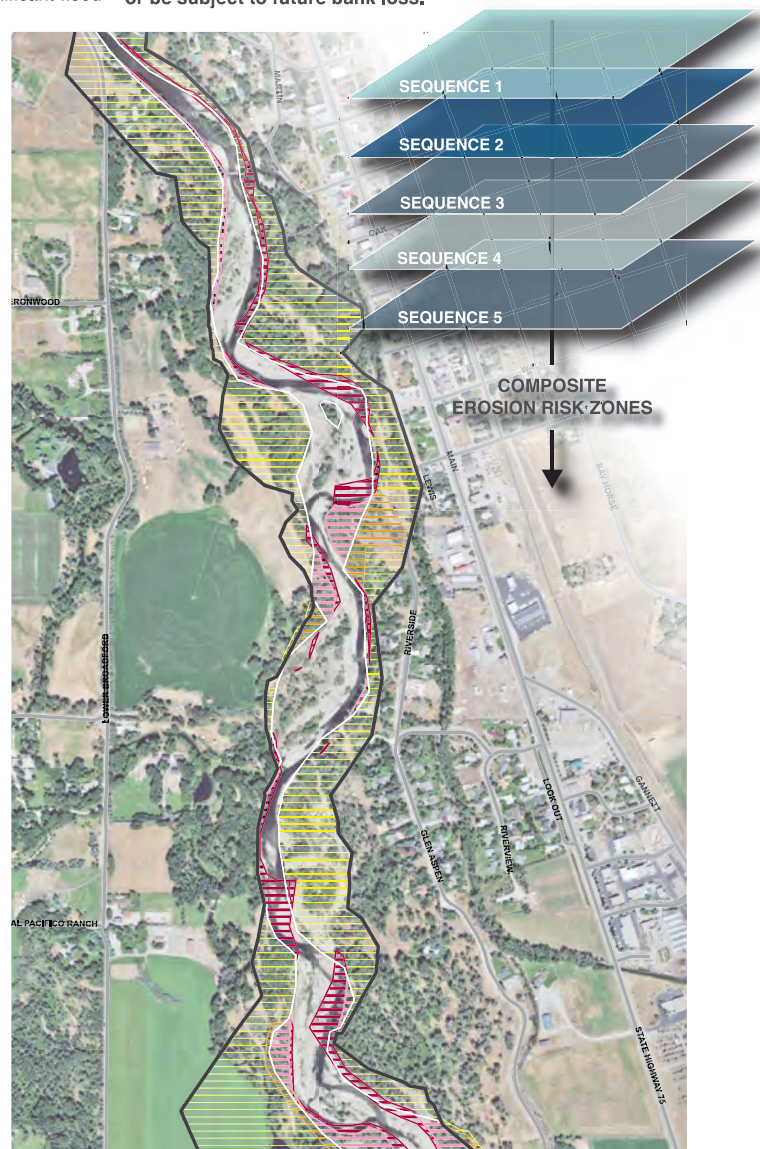
Step 5 - Identify Zones of High Erosion Potential.

Some areas along the channel margins are observed to be eroding at a more rapid pace, putting adjacent riparian and upland zones at a higher risk of erosion. Channel migration during the 2017 floods was delineated by comparing the 2015 channel trace and the 2017 channel trace (in blue on Map Sequence 5). The areas between the traces represent the current directional trends of channel erosion. These zones were compared to underlying topographic information using the HAWS mapping. Where

erosion trends intersected with topographically favorable (i.e. low lying) conditions, areas of high erosion potential were identified and delineated. Where these zones are identified within the HCMZ, the remaining area to the edge of the HCMZ is delineated as moderate; where these zones extend beyond the HCMZ, a narrow buffer of moderate erosion potential is applied beyond the HCMZ.

A Note on Riprap and Channel Migration/Erosion Potential.

In some cases, armored banks, levees, roads, and other infrastructure can act as a barrier to channel migration. Nearly 40% of the entire Big Wood River is lined with some sort of bank armoring, and much of it acts as a temporary barrier to migration, while some may act as a more permanent barrier (levees or roads that are maintained by government of flood control district entities). As part of the assessment, areas identified by others (Rapp 2016, Biota 2016, or Blaine County 2018) as armored by riprap or levees were included in the geospatial analysis and presented in the reach maps (Chapter 4), but a detailed evaluation of the condition of those areas was not conducted. The mapping efforts identified reaches where riprap banks failed or where migration upstream of riprap banks risks flanking and failure from the landward side. Efforts were not made in this assessment to determine which armored banks are more prone to failure than others. Therefore, it is assumed that, without maintenance, all banks are prone to failure over the long term. **The presence of rock-lined banks does not eliminate the potential of an area to be re-captured by the river or be subject to future bank loss.**



EROSION RISK
Composite Map Layer

Zone of Potential Erosion
 High Erosion Potential
 Moderate Erosion Potential

Zone of Recent Erosion
 2004 to 2015 Erosion
 2015 to 2017 Erosion



City of Ketchum Planning & Building

PROJECT: Swan Stream Alteration/Bank Stabilization

PERMIT #: P18-131

OWNER: Robert and Sandra Swan (401 Northwood Way)
City of Ketchum (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed)

APPLICANT: Robert and Sandra Swan

REPRESENTATIVE: Chuck Brockway, Brockway Engineering PLLC and Evan Robertson, Robertson & Slette PLLC for Robert and Sandra Swan

LOCATION: 401 Northwood Way (Lot 12, Chateaux of Northwood)
Adjacent riverbed (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed)

ZONING: General Residential – Low Density (GR-L) and Floodplain Management Overlay (FP), Waterways and Floodway subdistricts

REQUEST: Amendment to permit P18-131 issued October 19, 2019. Construction has not commenced. Permit remains valid under an administrative extension. Scope of work includes stream alteration, bank stabilization, land reclamation and restoration.

PRIOR/ASSOCIATED: 15-144, P17-055, P17-134, P19-044

BACKGROUND

At the March 9, 2021 Planning and Zoning Commission meeting, the Commission continued the request to amend Permit P18-131 so staff could reach out to the two property owners, the Rusacks at 411 Northwood Way and the Swans at 401 Northwood Way to determine each Owner's requirements for moving forward with the original plan approved under Permit P18-131.

A response has been received by the Rusacks which is currently under review by the Swans. The Swans were asked to provide a response by end of day Monday March 22nd. Once the response is received, both responses will be forwarded to the Planning and Zoning Commission.

In the event the two property owners cannot come to agreement, staff has provided several options for Commission consideration. Those options are presented at the end of this report.

At the March 9, 2021 meeting there was testimony about the side channel, protection of properties to the south of the site and the condition of the property at 401 Northwood Way. Staff has researched the history of this area which is provided in this report.

Site History

The following provides the Commission with history of development and improvements at 401 Northwood Way and the Chateaux of Northwood Subdivision. The research comes from the Planning and Zoning Commission, City Council and staff approvals of the subdivision plats, stream alteration permits, design review permits and building permits for development in the area.

As identified on the adopted subdivision map for Chateaux of Northwood, which includes 401 Northwood Way, close to half the property at 401 Northwood Way is in the 100-year floodplain and use of the site as a floodplain for river expansion during high water was recognized when the site was originally created in the Northwood PUD (1984) and in 1992-95 when the property was split off from the Northwood PUD and became part of the Chateaux of Northwood Subdivision. The following provides the background.

- 1992-1995: The Chateaux of Northwood Subdivision was established creating Lots 1-10 on Red Fox Lane and Lot 12, the subject property, at 401 Northwood Way. As noted in Attachment A, close to half the property of 401 Northwood Way was in the floodplain. Notes on the plat include:
 - Floodway and floodplain information was established in accordance with the Federal Flood Insurance Map, prepared by the US Department of Housing and Urban Development, 1978. The floodplain area designated on this plat is considered by the City of Ketchum as reasonable for regulatory purposes. Prospective buyers are warned that sheet flooding can and will occur and that flooding may extend beyond the floodway and floodplain boundary lines identified.
 - No building may occur west of the 100-year floodplain line (IRF).
 - A 25-foot scenic easement shall exist along the east bank of the Big Wood River. There shall be no construction of any fence, deck, or other structure within said easement and said easement shall shift to follow any changes in the location of the river bank. Said easement shall be measured from the mean high-water mark. Riparian vegetation shall be maintained in its natural state within said 25-foot easement.
 - Any alterations or improvements to the overflow ditch, such as, but not limited to, introducing water into the overflow ditch shall require prior approval from the Ketchum Water Department.

According to the plat conditions and approvals for the subdivision, sheet flooding and river movement was anticipated to occur on the property at 401 Northwood Way. It was expected that owners of the property were aware of the potential for flooding and the property would serve as the location for sheet flooding and river expansion during high water. The house was permitted to be constructed outside of the 100-year flood area, however, the plat note indicated flooding may occur beyond the 100-year boundary as identified on the plat. When the building permit was issued for the house at 401 Northwood, there was a condition that no landscape work shall take place at or beyond the 100-year floodplain line (Attachment B). It was envisioned the natural riparian vegetation would continue to exist.

Overflow Channel

The ditch along Chateaux of Northwood Subdivision was a dry overflow ditch and was characterized as such during approval of the subdivision application. It was believed to be an abandoned irrigation ditch. If there was water in the ditch at the time of the Chateaux of Northwood Subdivision approvals, the ditch would have been considered a waterway and properties along the ditch would have been subject to the floodplain management regulations in effect at the time, including conditions related to riparian vegetation and setbacks. It was clear during the subdivision approval, no water flowed in the ditch. There were no riparian conditions of approval associated with this area of the subdivision.

City records indicate the previous owner of 401 Northwood Way requested approval to activate the ditch and divert water from the river into the overflow ditch. The request was approved, provided the owner indemnify and cover potential damage that may occur to a downstream property owner. After the work was performed, records indicate water in the ditch was intermittent. Records also show there was a city and state investigation of the previous owner for making modifications to the overflow ditch to deepen the channel and divert more water into the ditch. The improvements proposed as part of Permit P18-131 will enable water to flow in the ditch year-round which enhances the properties adjacent to the ditch. Those properties will be required to comply with the city's floodplain regulations including the riparian setback regulations. If the improvements as part of Permit P18-131 are not installed, there is no evidence the properties along the ditch will be at risk.

River and Riparian Evolution at 401 Northwood Way. City records indicate that modifications have been made within the 100-year floodplain area at 401 Northwood Way that are inconsistent with original permits and approvals and more recent conditions of approval. The following illustrates the history of the site.



1987 Photo before Chateaux Northwood and 401 Northwood are developed. Rusack's property is upstream of the vacant site. The overflow ditch is not activated.



2002 Photo—Riparian vegetation exists up to the home. The overflow ditch is not visible.



2009 Photo—No change in riparian vegetation adjacent to river or house. Change in river braiding.



2013 Photo—Some riparian vegetation at river bank removed, overflow ditch more prominent. Vegetation remains adjacent to the house in the floodplain.



2015 Photo—There appear to be no changes to vegetation. Vegetation remains adjacent to the house within the floodplain.



2016 Photo—As part of a house remodel, riparian landscaping was removed next to river and house to enhance yard space. A requirement of the building permit prohibited work and removal of vegetation in the floodplain. This condition was not followed.



June 2017 after the spring flood.

Note the river path where trees and vegetation were removed in 2016. The 100-year floodplain was activated.

The photos illustrate the value and importance of riparian vegetation and minimizing disruption of the floodplain. Unfortunately, as a result of a remodel that occurred in 2016 that included unauthorized changes to the floodplain and vegetation, the changes may have exacerbated water intrusion during high water. The property owner is requesting installation of intensive measures to not only protect the property but also restore the rear yard within the floodplain to its pre-flood condition.

Based on the original approvals for the lot, the rear yard area within the floodplain that is currently targeted for restoration was never envisioned for use as a rear yard lawn. Instead, this area was to be a natural floodplain with native riparian landscaping.

OPTIONS FOR COMMISSION CONSIDERATION

As explained at the March 9, 2021 hearing, the Planning and Zoning Commission cannot approve a project that is shown to have an adverse impact on another property. The project must be redesigned to eliminate the impact. This impact has been verified by the City's independent engineer. Concern was also expressed that without the proposed improvements, properties downstream within the Chateaux of Northwood Subdivision would be at risk. There is no evidence or analysis to support this claim.

The following options are provided for Commission consideration. Depending on the direction the Commission takes, staff will return with findings reflecting the decision.

- Option 1: Deny the amendment to Permit P18-131 and direct the application to revise their design to eliminate any impact to other properties.
- Option 2: In the event the two property owners appear close to a mutual agreement to implement the original plans for Permit P18-131, continue the hearing to a date certain to allow time for the parties to reach an agreement.
- Option 3: Deny the amendment to Permit P18-131 and request all parties who own property along that stretch of the river that include the City, Community Library, the Swans, the Rusacks, Chateaux Northwood Subdivision, and others, to work together to develop a holistic comprehensive solution.

Attachments

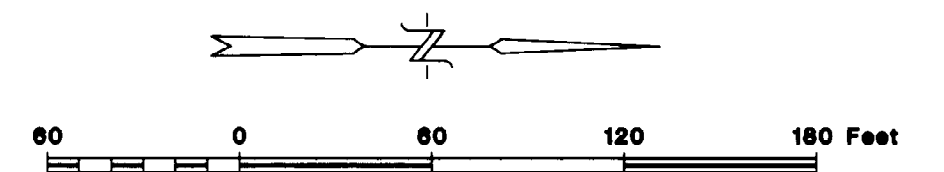
- A: Approved and Recorded Chateaux of Northwood Subdivision
- B: July 1990 City of Ketchum Conditions of Approval for House Building Permit 89-061 for 401 Northwood Way
- C: March 9, 2021 Staff Report and Attachments

CURVE TABLE

No.	Delta	Radius	Arc Length	Tangent	Chord
1	35°20'48"	50.44	17.07	16.07	30.63
2	43°05'14"	229.80	172.81	90.72	168.77
3	71°12'53"	25.00	31.07	17.90	29.11
4	71°12'53"	55.00	68.36	39.38	64.04
5	00°40'06"	450.00	5.25	2.62	5.25
6	35°20'48"	20.44	12.61	6.51	12.41
7	17°13'42"	259.80	78.12	39.36	77.83
8	25°51'32"	259.80	117.25	59.64	116.26
9	44°31'47"	15.00	11.66	6.14	11.37
10	41°30'25"	58.00	42.02	21.98	41.10
11	109°10'48"	58.00	110.52	81.58	94.54
12	109°55'36"	58.00	111.28	82.73	94.98
13	22°35'09"	58.00	22.87	11.58	22.72
14	58°40'11"	15.00	15.36	8.43	14.70
15	21°40'51"	199.80	75.61	38.26	75.15
16	21°24'23"	199.80	74.65	37.76	74.21
17	34°38'44"	80.44	48.64	25.09	47.90
18	16°07'56"	25.00	7.04	3.54	7.02
19	17°54'55"	490.00	153.21	77.24	152.59
20	17°14'06"	490.00	147.39	74.26	146.84
21	2°06'26"	490.00	18.02	9.01	18.02
22	9°49'34"	350.00	60.02	30.09	59.95
23	38°40'24"	350.00	256.29	122.84	231.81
24	37°15'27"	490.00	318.63	156.18	313.05
25	47°38'25"	350.00	291.02	154.52	282.71
26	20°12'32"	450.00	158.72	80.19	157.90
27	67°31'54"	25.00	29.47	16.71	27.79
28	62°10'55"	25.00	27.13	15.08	25.82
29	62°10'56"	50.00	54.26	30.15	51.64

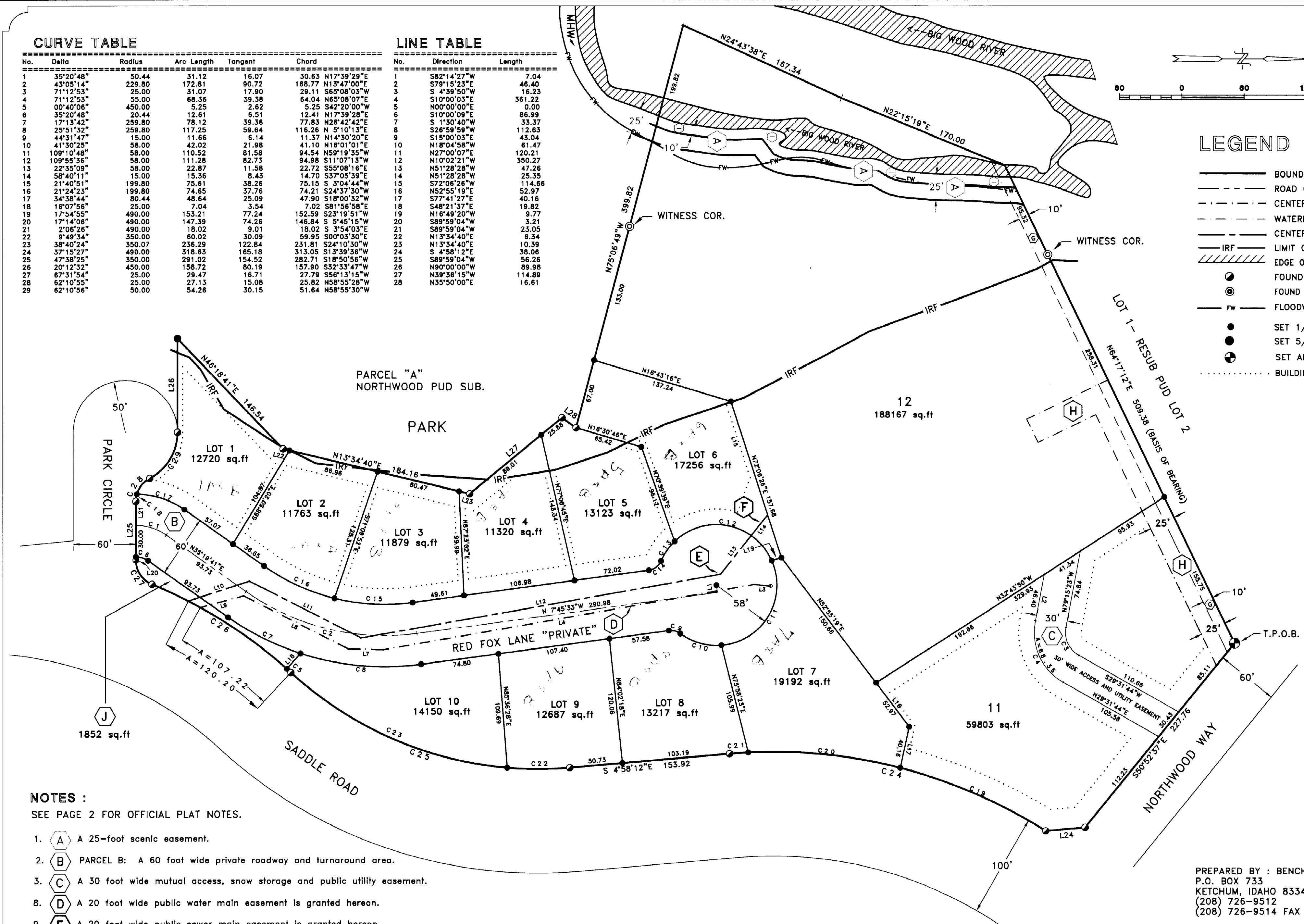
LINE TABLE

No.	Direction	Length
1	S82°14'27"W	7.04
2	S79°15'23"E	46.40
3	S 4°39'50"W	16.23
4	S10°00'03"E	361.22
5	N00°00'00"E	0.00
6	S10°00'09"E	86.99
7	S 1°30'40"W	33.37
8	S28°59'59"W	112.63
9	S19°00'03"E	43.04
10	N18°04'58"W	61.47
11	N27°00'07"E	120.21
12	N10°02'21"W	350.27
13	N51°28'28"W	47.26
14	N51°28'28"W	25.35
15	S72°06'28"W	114.86
16	N52°55'19"E	52.97
17	S77°41'27"E	40.16
18	S48°21'37"E	19.82
19	N16°49'20"W	9.77
20	S89°59'04"W	3.21
21	S89°59'04"W	23.05
22	N13°34'40"E	6.34
23	N13°34'40"E	10.39
24	S 4°58'12"E	36.06
25	S89°59'04"W	56.26
26	N90°00'00"W	89.98
27	N39°36'15"W	114.89
28	N35°50'00"E	16.61



LEGEND

- BOUNDARY LINES
- ROAD CENTERLINE
- - - CENTERLINE WATERLINE ESMNT.
- - - WATERLINE EASEMENT
- - - CENTERLINE SEWER ESMNT.
- IRF — LIMIT OF 100 YEAR FLOOD
- /// EDGE OF WATER — MHW
- FOUND 5/8" RB
- ⊙ FOUND 1/2" RB
- FW — FLOODWAY LIMIT
- SET 1/2" RB
- SET 5/8" RB
- ⊙ SET ALUM. CAP
- BUILDING ENVELOPE



NOTES :

SEE PAGE 2 FOR OFFICIAL PLAT NOTES.

1. (A) A 25-foot scenic easement.
2. (B) PARCEL B: A 60 foot wide private roadway and turnaround area.
3. (C) A 30 foot wide mutual access, snow storage and public utility easement.
8. (D) A 20 foot wide public water main easement is granted hereon.
9. (E) A 20 foot wide public sewer main easement is granted hereon.
10. (F) A 10 foot wide private sewer easement through Lot 6 to benefit Lot 12 is granted hereon.
11. (G) A 10 foot wide Fisherman's Access easement is granted to the public to the East bank of the Big Wood River.
12. (H) A 25 foot wide water main easement is granted hereon.
14. (I) A 10-foot Fisherman's / Pedestrian Access / Nature Study easement is dedicated to the public hereon.
17. (J) Parcel J : A parcel owned and maintained by the Chateaux of Northwood Homeowners Association.

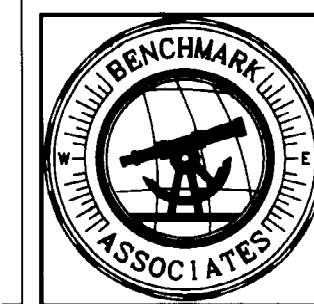
HEALTH CERTIFICATE

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: 7-14-95

Robert L. Enlow
South Central District Health Dept., EHS

PREPARED BY : BENCHMARK ASSOCIATES
P.O. BOX 733
KETCHUM, IDAHO 83340
(208) 726-9512
(208) 726-9514 FAX



CHATEAUX OF NORTHWOOD

A 12 LOT SUBDIVISION

A REPLAT OF LOTS 3A AND 3B,
NORTHWOOD P.U.D. SUBDIVISION.

T4N, R17E, SEC. 12, B.M., KETCHUM, BLAINE CO., ID.

A SUBDIVISION PLAT PLOT BY : LLJ PLOT FILE 95078.DWG
PROJECT NO. 95078 DATE : JULY 1995

NOTES :

1.

A

(A) A 25-foot scenic easement shall exist along the east bank of the Big Wood River. There shall be no construction of any fence, deck or other structure within said easement and said easement shall shift to follow any changes in the location of the river bank. Said easement shall be measured from the mean high water mark. Riparian vegetation shall be maintained in its natural state within said 25-foot scenic easement.
2.

B

(B) PARCEL B: A 60 foot wide roadway and turnaround area is a fee simple parcel owned and maintained by the Chateaux of Northwood Homeowners Association. Parcel B is a private street providing access to Lots 1 through 10, off-street parking, public utilities, drainage and snow storage for the benefit of Lots 1 through 10. The maintenance of Parcel B and removal of snow therefrom shall be the obligation of the Chateaux of Northwood Homeowners Association, and the City of Ketchum shall not maintain or improve this private street for any reason. There shall be no construction of any fence, deck or other structure or placement of landscaping within said Parcel B which would obstruct the mutual access, off-street parking, public utilities, drainage and snow storage.
3.

C

(C) A 30 foot wide mutual access, snow storage and public utility easement shall exist within Lot 11 for the benefit of Lot 12. Access to Lots 11 and 12 shall be within said easement.
4.

Ten foot (10') public utility easements are centered on all lot lines.
5.

Floodway and floodplain information was established in accordance with the Federal Flood Insurance Map, prepared by the U.S. Department of Housing and Urban Development, 1978. The floodplain area designated on this plat is considered by the City of Ketchum as reasonable for regulatory purposes. Prospective buyers are warned that sheet flooding can and will occur and that flooding may extend beyond the floodway and floodplain boundary lines identified.
6.

All new utilities shall be placed underground.
7.

There shall be a minimum 10 foot separation between water and sewer lines.
8.

D

(D) A 20 foot wide public water main easement is granted hereon to the City of Ketchum.
9.

E

(E) A 20 foot wide public sewer main easement is granted hereon to the City of Ketchum.
10.

F

(F) A 10 foot wide private sewer easement through Lot 6 to benefit Lot 12 is granted hereon. Lot 12 is responsible for maintenance and repair of said private sewer service.
11.

G

(G) A 10 foot wide Fisherman's Access easement is granted to the public along the north boundary of Lots 11 and 12.
12.

H

(H) A 25 foot wide water main easement is granted hereon to the City of Ketchum to maintain the hydrant on Lot 12.
13.

The Chateaux of Northwood Homeowners Association shall be responsible for the removal and replacement of landscape features that hinder the use of all easements described in these notes.
14.

I

(I) A 10-foot Fisherman's / Pedestrian Access / Nature Study easement is dedicated to the public along the east bank of the Big Wood River which shall shift to follow any changes in the location of the river bank. Said easement shall be measured from the mean high water mark.
15.

Lot 11 is limited to single family residential use.
16.

No building west of the 100-year floodplain line (IRF).
17.

J

Parcel J : A parcel owned and maintained by the Chateaux of Northwood Homeowners Association for landscape and snow storage.
18.

Any alterations or improvements to the overflow ditch such as but not limited to introducing water into the overflow ditch shall require prior approval from the Ketchum Water Department.



CHATEAUX OF NORTHWOOD
A 12 LOT SUBDIVISION
A REPLAT OF LOTS 3A AND 3B,
NORTHWOOD P.U.D. SUBDIVISION.
T4N, R17E, SEC. 12, B.M., KETCHUM, BLAINE CO., ID.

SUBDIVISION NOTES	PLOT BY : LLJ	PLOT FILE 95078.DWG
PROJECT NO. 95078	DATE : JULY 1995	

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that JAMES P. BALDWIN and NANCY L. BALDWIN, husband and wife, do hereby certify that they are the owners of certain parcels of land described as follows;

Lots 3A and 3B REPLAT OF : P.U.D. LOT 3 NORTHWOOD P.U.D. SUBDIVISION, located within Section 12, Township 4 North, Range 17 East, Boise Meridian, City of Ketchum, Blaine County, Idaho, according to the official plat thereof, recorded as instrument no. 323620 records of Blaine County, Idaho.

The above described parcels contains 9.87 acres.
It is the intention of the undersigned to and they do hereby include said land in this plat.

IN WITNESS WHEREOF, I have hereunto set my hand.

James P. Baldwin
JAMES P. BALDWIN

Signed this 7 day of July, 1995.

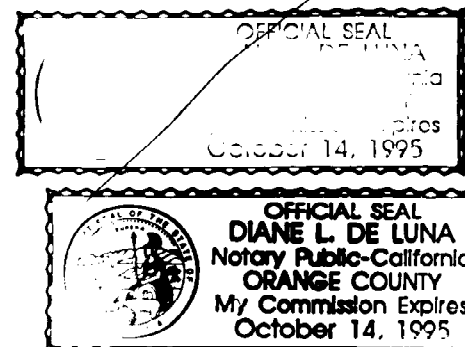
ACKNOWLEDGMENT

STATE OF California
COUNTY OF Orange)ss

On this 7 day of July, 1995, before me, the undersigned, a Notary Public for said State, personally appeared JAMES P. BALDWIN, a married man known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

My commission expires: October 14, 1995
Diane L. DeLuna
Notary Public



IN WITNESS WHEREOF, I have hereunto set my hand.

Nancy L. Baldwin
NANCY L. BALDWIN

Signed this 7 day of July, 1995.

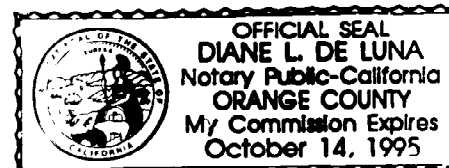
ACKNOWLEDGMENT

STATE OF California
COUNTY OF Orange)ss

On this 7 day of July, 1995, before me, the undersigned, a Notary Public for said State, personally appeared NANCY L. BALDWIN, a married woman known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

My commission expires: October 14, 1995
Diane L. DeLuna
Notary Public



SURVEYOR'S CERTIFICATE

I, GORDON K. WILLIAMS, a duly Registered Land Surveyor in the State of Idaho, do hereby certify that this is a true and accurate map of the land surveyed under my direct supervision, that the location of the lot has definitely been established and perpetuated in strict accordance with the State of Idaho Code relating to plats and surveys and it is, as shown hereon, a portion of Sec. 12, T4N., R17E., Blaine Co., Idaho as shown in the owners certificate.

Gordon K. Williams
GORDON K. WILLIAMS, P.L.S. 6/29/95



CITY ENGINEER'S APPROVAL

I, _____, City Engineer for Ketchum, Idaho do hereby approve the foregoing plat.

BY Richard Fossbury 7/10/95

COUNTY SURVEYOR'S APPROVAL

This is to certify that I, Jim W. Koonce, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Jim W. Koonce

KETCHUM CITY COUNCIL'S APPROVAL

The foregoing plat was approved and accepted this 11th day of July, 1995, by the Ketchum City Council, Ketchum, Idaho.

By: Sandra E. Colby

BLAINE COUNTY TREASURER'S CERTIFICATE

On this 27th day of June, 1996, the foregoing plat was approved and accepted by the Blaine County Treasurer, Blaine County, Idaho.

By: Debbie A. Deek by Neil Peterson

COUNTY RECORDER'S CERTIFICATE

I hereby certify that this instrument was filed at the request of Sawtooth Title at 36 minutes past 1:00 o'clock, P.m., on this 27 day of June, 1996, A.D., in my office and duly recorded in book _____ of plats at page _____.

Instrument No. 391749 Fee: \$ 12.00

By: Mary Green
J.R. Drum

	CHATEAUX OF NORTHWOOD		
	A 12 LOT SUBDIVISION		
	A REPLAT OF LOTS 3A AND 3B,		
	NORTHWOOD P.U.D. SUBDIVISION.		
T4N, R17E, SEC. 12, B.M., KETCHUM, BLAINE CO., ID.			
CERTIFICATE PAGE	PLOT BY : LLJ	PLOT FILE 95078.DWG	
PROJECT NO. 95078	DATE : JULY 1995		



PLANNING AND ZONING DEPARTMENT P.O. BOX 2315 KETCHUM, IDAHO 83340

July 9, 1990

Jim Speck
Attorney-at-Law
P. O. Box 987
Ketchum, Idaho 83340

Re: James Baldwin
Landscape Plan

Dear Jim:

Upon review of the landscape plan submitted for the Baldwin property at 401 Northwood Way, the Building Inspector and I have concluded that it will be considered part of Building Permit Number 89-061, under which the residence is being constructed. No additional excavation permit will be required for the work approved on this landscape plan and described herein. Further, the work necessary to complete the plan may commence subject to compliance with the following conditions:

1. That no work shown on the plan or otherwise shall take place at or beyond the 100-year floodplain line, as defined in the Floodplain Management Overlay Zoning District in Ketchum Zoning Ordinance Number 208. That floodplain line shall be surveyed and field staked at the owners' expense. Any grading, filling or other alteration within the 100-year floodplain boundary will require at a minimum City design review approval and may involve review and approval by other state or federal agencies; and
2. That the five (5) foot wide public pedestrian easement along the north property line shall remain open and unobstructed by berms or trees. Ground cover, such as sod, is acceptable; however, the pedestrian way must remain useable by the general public as access to the Big Wood River, as contemplated when originally platted.

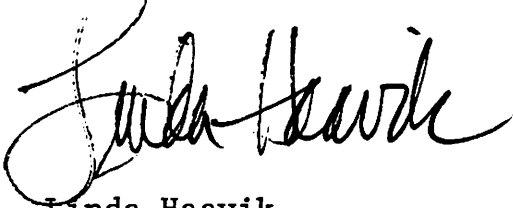
Enclosed please find two (2) copies of the plan submitted, each containing notes reflecting the conditions stated above. One copy has been retained by the City under Building Permit Number 89-061.

Jim Speck
Page 2
July 9, 1990

Should you have any questions or wish to discuss this matter,
please do not hesitate to contact me or Dennis Wheeler, Building
Inspector.

Sincerely,

CITY OF KETCHUM

A handwritten signature in dark ink, appearing to read "Linda Haavik". The signature is fluid and cursive, with the first name "Linda" being more prominent than the last name "Haavik".

Linda Haavik
Planning and Zoning Administrator

Enclosure

cc: Building Permit File Number 89-061



City of Ketchum Planning & Building

PROJECT: Swan Stream Alteration/Bank Stabilization

PERMIT #: Amendment to Permit P18-131

OWNER: Robert and Sandra Swan (401 Northwood Way)
City of Ketchum (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed)

APPLICANT: Robert and Sandra Swan

REPRESENTATIVE: Chuck Brockway, Brockway Engineering PLLC and Evan Robertson, Robertson & Slette PLLC for Robert and Sandra Swan

LOCATION: 401 Northwood Way (Lot 12, Chateaux of Northwood)
Adjacent riverbed (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed)

ZONING: General Residential – Low Density (GR-L) and Floodplain Management Overlay (FP), Waterways and Floodway subdistricts

REQUEST: Amendment to permit P18-131 issued October 19, 2019. Construction has not commenced. Permit remains valid under an administrative extension. Scope of work includes stream alteration, bank stabilization, land reclamation and restoration.

PRIOR/ASSOCIATED: 15-144, P17-055, P17-134 original, P17-135 amended, P18-131 (original approval), P19-044

BACKGROUND

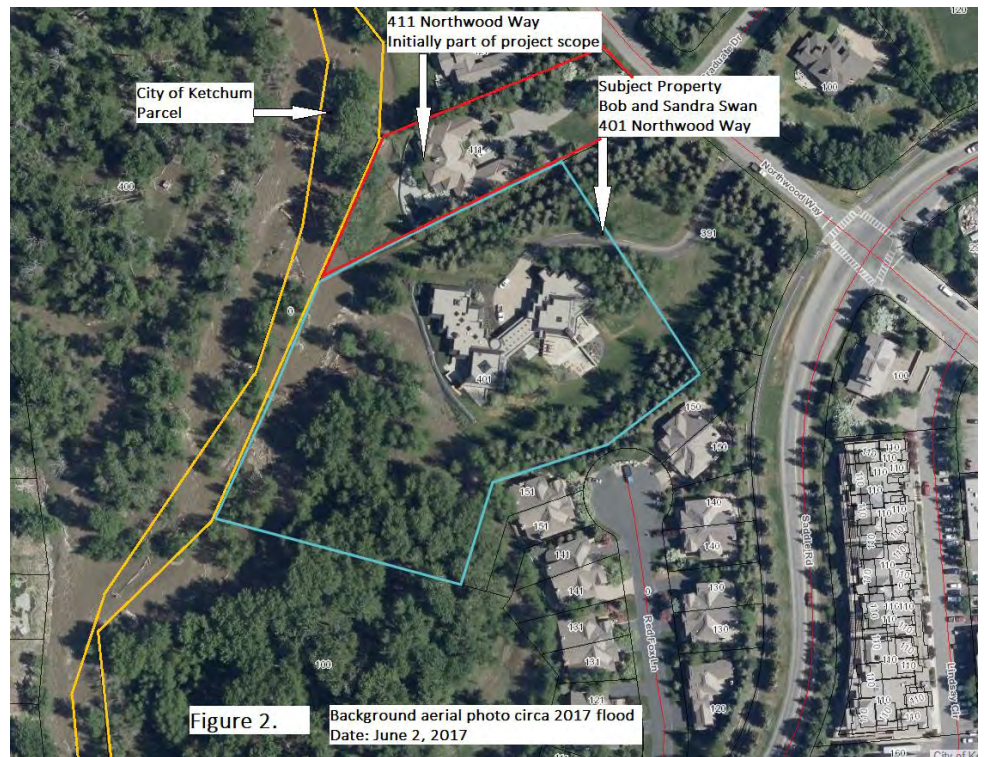
The applicants, Bob and Sandra Swan, own 401 Northwood Way. The property is developed with a single-family residence constructed in 1991. 401 Northwood Way is the subject property, with the majority of the scope of work proposed by this application occurring on 401 Northwood Way. The City of Ketchum owns a parcel of land directly adjacent to 401 Northwood Way to the west. The Big Wood River's channel is located on both the city's parcel and the subject property. **See Figure 1.** This proposal includes work on both the subject property and the city's parcel.



In addition to the main channel of the Big Wood River, the subject property also contains a side channel of the Big Wood River (the “eastern side channel”) as well as locally and federally regulated floodway and 1% annual chance floodplain (also known as Special Flood Hazard Area or SFHA). The subject property also contains locally regulated Riparian Zone (the first 25’ of land that is landward of the mean high-water mark) that is governed by the city’s floodplain ordinance. The city’s parcel contains floodway, SFHA, and Riparian Zone.

The 2017 flood affected the subject property. For a prolonged period of time the Big Wood River overtopped the banks and the SFHA was activated. An emergency permit (17-055) was issued to allow the installation of temporary flood control barriers. Subsequent temporary permits were issued via permits 17-134 original, 17-134 amended, and 19-044 for other measures to prevent further flooding on the subject property until a permanent intervention could be permitted and constructed.

In 2018 the property owners submitted an application to make permanent interventions on the subject property, the city’s parcel, and the parcel of land directly upstream and adjacent to the subject property, which is addressed 411 Northwood Way. **See Figure 2.** A permit was issued, via an administrative approval, for these three parcels on October 19, 2019. Ketchum City Council approved an Encroachment Permit approving work on the city-owned parcel on November 4, 2019. The permit remains active via an extension that is valid until May 1, 2019 (see **Attachment G, Letter, City of Ketchum/Brittany Skelton to Charles Brockway and Evan Robertson, dated January 26, 2021**).



The proposed amendment to Permit 18-131 removes all components of the project that were previously designed to occur on 411 Northwood Way. The proposed amendment contains all work on the subject property and the city-owned parcel.

Because work is no longer proposed to occur on 411 Northwood Way, elements of the overall project were redesigned to meet the property owner’s goals while also adhering to local, state and federal regulations. Both the Idaho Department of Water Resources (IDWR) and the U.S. Army Corps of Engineers (USACE) have approved the amended scope of work. However, based on the city’s independent analysis, the proposed amendment creates an impact to the upstream property that must be mitigated prior to city approval.

Table 1. compares the proposed amendments to project components as approved via P18-131.

Table 1.	
Approved vs. Proposed Amendment	
Approved via original P18-131 permit approval	Proposed amendment

Work proposed on city parcel, 401 Northwood Way and 411 Northwood Way	Work proposed on city parcel and 401 Northwood Way. Work stops just south of the property line shared by and 401 Northwood Way and 411 Northwood Way
1,423 cubic yards of gravel extraction	1,243 cubic yards of gravel extraction
Excavation along approximately 405 linear feet of river channel	Excavation along approximately 300 linear feet of river channel
Installation of approximately 183 cubic yards of bank stabilization materials	Installation of approximately 131 cubic yards of bank stabilization materials
Installation of bank stabilization materials along approximately 252 linear feet of streambank	Installation of bank stabilization materials along approximately 180 linear feet of streambank
	<u>New</u> : Buried rock sill traversing the channel of the main channel of the Big Wood River just downstream of the property line shared by 401 Northwood Way and 411 Northwood Way. Buried rock sill

Table 2. contains a description of project components and their purposes. Table 2 describes the purpose of project components that are proposed to be amended, as well as the project components for which there are no changes proposed, and the one new project component (buried rock sill). **See plans included with Attachment A, original permit, and Attachment C, proposed amended plans, for reference.**

Table 2.	
Purpose of project components	
Project component	Purpose
<u>Project components proposed to be amended</u>	
Work proposed on multiple parcels (see Sheets 1 and 2, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C or Sheets 1 and 2, Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A)	Facilitates a design that works with the characteristics of the river in this reach, rather than a design that looks at one parcel in isolation.
Gravel extraction from main channel of Big Wood River (see Sheet 1, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C and Sheet 1, Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A to compare changes in locations)	Facilitate the ability of the project to cause "No Net Rise" in water surface elevation; also to remove gravel deposited during 2017 floods due to downstream log jam.
Regrading of the slope of the bottom of the main channel of the Big Wood River (see Sheets 1 and 3, Cross Sections 105 and 106, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C and see Sheets 1 and 3, Cross Sections 105 and 106,	To tie in the upstream and downstream limits of the project.

Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A to compare changes)	
Recontouring the slopes of the eastern and western banks of the main channel of the Big Wood River (see Sheets 1 and 3, Cross Sections 105 and 106, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C and see Sheets 1 and 3, Cross Sections 105 and 106, Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A to compare changes)	To remove gravel deposited during 2017 floods and tie the regraded channel into existing top of banks.
Installation of riprap along the eastern bank of the main channel of Big Wood River (see Sheet 1, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C and Sheet 1, Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A to compare changes in locations)	Aids in bank stability/mitigates bank erosion and protects against loss of lands.
Installation of embedded cottonwoods along eastern bank of the main channel of the Big Wood River (see Sheet 1, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C and Sheet 1, Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A to compare changes in locations)	Aids in bank stability/mitigates bank erosion. Also provides a “roughing effect” and slows velocity of water, which mitigates downstream erosion.
<p><u>New</u>: Buried rock sill traversing the channel of the main channel of the Big Wood River just downstream of the property line shared by 401 Northwood Way and 411 Northwood Way. (see Site Plan, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C for specific location)</p>	<p>Because project components previously approved for upstream on 411 Northwood Way have been removed, the buried rock sill has been introduced. Previously, gravel extraction continued upstream and created a uniform slope from 411 Northwood to 401 Northwood. Riprap and cottonwoods embedded in the bank were also previously contiguous from 411 Northwood to 401 Northwood.</p> <p>The purposes of the buried rock sill, as designed, are:</p> <ul style="list-style-type: none"> • To increase the stability of the re-graded channel. • Account for the change in grade of the bottom of the river channel’s bed at 411 Northwood and the bottom of the river channel’s bed at 401 Northwood Way. • Prevent bed erosion below the level of the rock sill from migrating upstream of the location where riprap on 401 Northwood now terminates.
<u>Project components proposed to remain the same</u>	

Installation of underground (buried) gabions parallel to the eastern bank of the main channel of the Big Wood River but offset landward (further east, closer to the residence) of the embedded riprap and cottonwood trees	Serves as a bank up to the riprap and embedded cottonwood trees to prevent the main channel of the Big Wood River from enlarging, braiding, or migrating further east toward the residence during major flood events
Removal of select accumulations of woody debris along main channel of the Big Wood River (see Sheet 1, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C or Sheet 1, Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A for specific locations)	Mitigate for potential of excessive woody debris from becoming mobilized during a flood event and causing log jams in problematic areas.
Installation of new topsoil on the 401 Northwood Way parcel, landward of the banks of the main channel and eastern side channel of the Big Wood River (see Sheets 1 and 2, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C or Sheets 1 and 2, Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A)	Topsoil was eroded during the 2017 flood event and subsequent flooding in 2018 and 2019. Installation of new topsoil will also reclaim the prior “finished grade” of the property.
Installation of new riparian vegetation in the 25’ Riparian Zone (see Zone 2 on River Restoration, Swan Residence, Ben Young Landscape Architecture, dated September 16, 2019 and included with Attachment A)	Prior to the 2017 flood event 401 Northwood Way’s regulated riparian zone was non-compliant. Turfgrass lawn dominated the riparian zone and the riverbank was largely void of riparian shrubs. Installation of riparian vegetation will aid in bank stability, soil retention during flood events, and will enhance the riparian habitat for animals and aquatic species (riparian plantings provide shading and cooling, which helps regulate the temperature of water in the river).
Installation of new riparian vegetation in the regulated floodplain that does not overlap with the 25’ Riparian Zone (see Zone 1 on River Restoration, Swan Residence, Ben Young Landscape Architecture, dated September 16, 2019 and included with Attachment A)	Intended to provide a “roughing effect” when the floodplain is activated, which can slow down the velocity of floodwaters. Additionally, riparian vegetation can aid in retention of topsoil (i.e. mitigate erosion) during flood events.
Installation of a buried rock sill at the mouth of the eastern side channel of the Big Wood River (see Sheets 1 and 2, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C or Sheets 1 and 2, Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A)	The rock sill is designed to prevent enlargement of the eastern side channel. Enlargement of the eastern side channel could result in the eastern channel becoming a primary channel of the Big Wood River, which could threaten the townhomes that are currently adjacent to the side channel.
Sloping the buried rock sill at the mouth of the eastern side channel (see Sheets 1 and 2, Brockway Engineering, PLLC, dated September 28, 2020 and included as Attachment C or Sheets 1 and 2, Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A)	The slope and geometry of the rock sill is designed to divert water year-round to the side channel but prevent it from becoming the main channel.
Installation of riprap along the eastern side channel (see Sheets 1 and 2, Brockway Engineering, PLLC, dated	Mitigates bank erosion, promotes bank stability

September 28, 2020 and included as Attachment C or Sheets 1 and 2, Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A)	
Installation of riparian plantings in the Riparian Zone adjacent to the eastern side channel (see Zone 2 on River Restoration, Swan Residence, Ben Young Landscape Architecture, dated September 16, 2019 and included with Attachment A)	Improves riparian habitat for animals and fish, restores the natural characteristics of the floodplain, provided roughness to reduce velocity of flow across the floodplain.

The scope of work proposed under the initial permit, and with conditions of approval, mitigated adverse impacts to upstream and downstream properties.

Table 3 identifies components of the project, as proposed to be amended, that have the potential to cause adverse impacts to upstream or downstream properties. As the project is designed currently, these impacts have not been demonstrated to be mitigated.

<p>Table 3.</p> <p>Amended project components with potential to cause adverse impacts</p>	
Project Component	Potential adverse impact
Removal of riprap and embedded cottonwood trees from 411 Northwood Way	<p>These components of the project previously mitigated increases in velocity caused by the project. Without these project features on 411 Northwood Way the project, as currently designed, threatens 411 Northwood Way's bank with under cutting and erosion.</p> <p>See Cross Section 105 at flow of 1,000 cfs in Table 1 of the October 10, 2020 narrative (Attachment #) for demonstration of velocity increase caused by the project. Velocity increases at lower more frequent flows can cause erosion of unstable banks.</p>
Rock sill traversing the main channel of the Big Wood River just downstream (south) of the property line shared by 411 Northwood Way and 401 Northwood Way	Without bank stability components on 411 Northwood Way described above, the elevation of the rock sill has been designed to promote bed erosion and downcutting of the channel upstream of the project onto the 411 Northwood Way property. This will cause the channel to create the hydraulic conditions included in the original design but without the previously proposed bank protection.

Due to the issues detailed in Table 3, staff's recommended is to deny the proposed amendment to P18-131, for the following reasons:

- Ketchum Municipal Code, Title 17, Zoning, Chapter 17.88, Floodplain Management Overlay Zoning District, standard of evaluation 17.88.050(E)14 states: "The proposal is shown to be a permanent solution and creates a stable situation."

- The proposed amendment to the plans originally approved via P18-131 does not create a stable situation or permanent solution. The amendment to the project, as designed, increases velocity at Cross Section 105 at flows of 1,000 cfs. Velocity increase at lower, more frequent flows can cause erosion of unstable banks.
- Without bank stability components on 411 Northwood Way originally included in the project but proposed to be removed with this amendment, the elevation of the rock sill has been designed to promote bed erosion and downcutting of the channel upstream of the project onto the 411 Northwood Way property. This will cause the channel to create the hydraulic conditions included in the original design but without the previously proposed bank protection.

Recommended Motion:

1. "I move to deny the amendment to P18-131, the Swan Stream Alteration/Bank Stabilization project, finding the project as designed does not meet standard of evaluation 17.88.050(E)14 for the following reasons:
 - The proposed amendment to the plans originally approved via P18-131 does not create a stable situation or permanent solution. The amendment to the project, as designed, increases velocity at Cross Section 105 at flows of 1,000 cfs. Velocity increase at lower, more frequent flows can cause erosion of unstable banks.
 - Without bank stability components on 411 Northwood Way originally included in the project but proposed to be removed with this amendment, the elevation of the rock sill has been designed to promote bed erosion and downcutting of the channel upstream of the project onto the 411 Northwood Way property. This will cause the channel to create the hydraulic conditions included in the original design but without the previously proposed bank protection."

And

2. "I move to direct staff to prepare the Findings of Fact, Conclusions of Law, and Decision for review at the March 23, 2021 meeting."

Attachments – Plans and Correspondence:

- A. *Original Permit*: Findings of Fact, Conclusion of Law, and Decision, P18-131, issued October 11, 2019
 - a. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications: Final for City Approval, Brockway Engineering, PLLC, dated September 30, 2019
 - b. Swan, Sandra River Restoration Project sheets 0-3, Brockway Engineering, PLLC, dated September 16, 2019
 - c. Draft River Restoration, Swan Residence, BYLA, dated September 16, 2019
- B. *Original Permit*: Encroachment Agreement 20292 – City of Ketchum and Sandra Swan
- C. Plans, "Swan, Sandra River Restoration Project," Three (3) sheets: Site Plan, Sections and Details, and Channel Cross-Sections, dated September 28, 2020
- D. Memo, Charles Brockway, "Information Regarding Channel Sills," dated October 10, 2020
- E. Narrative, Charles Brockway, "Amendment to Swan River Restoration Project," dated September 28, 2020
- F. Engineering No-Rise Certificate, Charles Brockway, dated September 28, 2020
- G. Letter, City of Ketchum/Brittany Skelton to Charles Brockway and Evan Robertson, dated January 26, 2021 (*one (1) attachment to letter: Memo, Harmony Design and Engineering, dated January 22, 2021*)
- H. Letter, City of Ketchum/Brittany Skelton to Charles Brockway, dated January 4, 2021 (*one (1) attachment to letter: Memo, Harmony Design and Engineering, dated December 6, 2020*)
- I. Letter, City of Ketchum/Brittany Skelton to Edward Lawson, dated November 6, 2020
- J. Letter, Evan Robertson to Brittany Skelton, dated October 26, 2020
- K. Letter, Charles Brockway to Brittany Skelton, dated October 22, 2020
- L. E-mail, Charles Brockway, dated January 20, 2021

- M. E-mail, Evan Robertson, dated January 11, 2021
- N. E-mail, Charles Brockway, dated January 11, 2021 *(two (2) attachments to e-mail: HEC-RAS model file included in project record and Engineering No-Rise Certificate, Charles Brockway, dated September 28, 2020 included as Attachment E to staff report)*
- O. E-mail, Charles Brockway, dated October 13, 2020 *(two (2) attachments to e-mail: HEC-RAS model file included in project record and Memo, Charles Brockway, "Information Regarding Channel Sills," dated October 10, 2020, included as Attachment C to staff report)*
- P. E-mail, Brittany Skelton to Charles Brockway, dated September 30, 2020
- Q. E-mail, Charles Brockway to Brittany Skelton, dated September 29, 2020 *(one (1) attachment to e-mail, Plans, three (3) sheets, included as Attachment B.)*

Attachments – Public Comment - Permit Amendment:

- 1. Lawson, March 4, 2021
- 2. Trout Unlimited – Hemingway Chapter, March 3, 2021
- 3. Pioneer West, February 23, 2021
- 4. Pioneer West, November 6, 2021
- 5. Lawson, November 4, 2020
- 6. Quadrant, October 15, 2020

Additional information included in the record, associated with permit amendment:

- HEC-RAS Model "Swan2-forCityAmendmentOct 2020", attached to e-mail dated October 13, 2020 from Charles Brockway to Brittany Skelton

Included in the record, associated with original permit approval:

Public Comment – Original Permit

- 1. Trout Unlimited, March 11, 2019
- 2. Wood River Land Trust, March 11, 2019
- 3. Katie Franklin, November 9, 2018
- 4. Trout Unlimited, October 29, 2018
- 5. Wood River Land Trust, October 29, 2018
- 6. Barbara Patton, October 29, 2018
- 7. John E. Philips, October 24, 2018
- 8. Donald White, October 23, 2018

Documents

- I. Floodplain Management Overlay Application coversheet, signed by Sandra Swan and dated August 23, 2018
- II. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications (including project drawings and HEC-RAS model results), Brockway Engineering, dated August 27, 2018
- III. Project drawings and exhibits, Brockway Engineering, dated September 28, 2018
- IV. Jennifer Zung, PE, Harmony Design & Engineering, memo dated October 11, 2018
- V. Response to Review by Harmony Engineering of Swan Phase 2 Stream Alteration Permit Application, C. G. Brockway, PhD, PE, dated October 17, 2018
- VI. Email, Charles G. Brockway to Brittany Skelton, dated October 17, 2018
- VII. Letter, Bob and Sandra Swan, to Mayor Neil Bradshaw, Brittany Skelton and John Gaeddert, received via email from Robert Swan October 28, 2018
- VIII. Email, Sandra Swan, dated November 6, 2018, with photo attachments
- IX. Email, Jennifer Zung, dated November 9, 2018
- X. Email, Charles G. Brockway, dated November 14, 2018, 3:40 p.m. with attachment, memo "Information Requested by Jennifer Zung Regarding Sandra Swan SAP Application", dated November 13, 2018
- XI. Email, Jennifer Zung, dated November 14, 2018, 5:21 p.m.

- XII. Email, Charles G. Brockway, dated November 14, 2018, 6:23 p.m.
- XIII. Emails, Charles G. Brockway, dated November 16, 2018
- XIV. Emails, Jennifer Zung, dated November 16, 2018
- XV. Email, Jennifer Zung, dated November 26, 2018, with attachments
- XVI. Revised stand alone revegetation plan, Brockway Engineering, dated December 7, 2018, including attachment, River Restoration landscape plan, BYLA, dated November 27, 2018
- XVII. Letter, Brittany Skelton to Evan Robertson, dated December 10, 2018
- XXVIII. Swan, Sandra River Restoration Project plan set, Brockway Engineering, dated January 4, 2019
- XIX. "No Rise" Certificate, Charles G. Brockway, PE, dated January 4, 2019
- XX. HEC-RAS model files, Brockway Engineering
- XXI. Response to City of Ketchum Deficiency Letter for the Swan Phase 2 SAP Application, Charles G. Brockway, dated January 4, 2019
- XXII. Letter, Evan Robertson to Brittany Skelton, Aaron Golart (IDWR), John Gaeddert, and Tim Luke (IDWR) dated January 29, 2019
- XXIII. Jennifer Zung, PE, Harmony Design & Engineering, memo dated February 20, 2019
- XXIV. Swan, Sandra River Restoration Project plan set, Brockway Engineering, dated July 19, 2019
- XXV. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications: Final for City Approval, Brockway Engineering, dated August 14, 2019
- XXVI. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications: Final for City Approval, Brockway Engineering, dated September 16, 2019
- XXVII. Swan, Sandra River Restoration Project plan set, Brockway Engineering, dated September 16, 2019
- XXVIII. IDWR Amended Approval of Joint Application for Permit No. S37-20546, dated July 8, 2019
- XXIX. IDWR Approval, in Part, of Joint Application for Permit No. S37-20546, dated February 28, 2019
- XXX. USACE permit NWW-2017-639-I02 dated September 11, 2018
- XXXI. Email, Frank Edelmann, Idaho Fish and Game, September 19, 2018
- XXXII. Email, Kristine Hilt, Blaine County, September 20, 2018
- XXXIII. Email, Frank Edelmann, Idaho Fish and Game, September 24, 2018
- XXXIV. Public comment
- XXXV. Site photos dated September 27, 2010 (Ketchum Planning and Building Department)
- XXXVI. Site photos dated May 11, 2017 (Ketchum Planning and Building Department)
- XXXVII. Site photos dated May 24, 2017 (Ketchum Planning and Building Department)
- XXXVIII. Site photos dated April 6, 2018 (Ketchum Planning and Building Department)
- XXXIX. Site photos dated May 2, 2018 (Ketchum Planning and Building Department)
- XL. Site photos dated November 1, 2018 (Ketchum Planning and Building)
- XLI. Site photos dated November 2, 2018 (Ketchum Planning and Building)
- XLII. P15-144 Findings of Fact, Conclusions of Law, and Decision – 401 Northwood Way
- XLIII. P17-055 Findings of Fact, Conclusions of Law, and Decision – 401 Northwood Way
- XLIV. P17-134 Findings of Fact, Conclusions of Law, and Decision, original – 401 Northwood Way
- XLV. P17-134 Findings of Fact, Conclusions of Law, and Decision, amended – 401 Northwood Way
- XLVI. P19-044 Findings of Fact, Conclusions of Law, and Decision – 401 Northwood Way
- XLVII. P19-047 Approval – 411 Northwood Way (tree removal)
- XLVIII. Chateaux of Northwood subdivision plat, 1995
- XLIX. City Council meeting minutes, January 13, 1992
 - L. Planning and Zoning Commission meeting minutes, February 10, 1992
 - LI. Planning and Zoning Commission meeting minutes, March 23, 1992
 - LII. Letter, Idaho Conservation League to Ketchum Planning and Zoning Commission, with attachment, dated March 23, 1992

LIII. Planning and Zoning Commission meeting minutes, May 8, 1995

Attachments – Plans and Correspondence

- A. *Original Permit*: Findings of Fact, Conclusion of Law, and Decision, P18-131, issued October 11, 2019
 - a. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications: Final for City Approval, Brockway Engineering, PLLC, dated September 30, 2019
 - b. Swan, Sandra River Restoration Project sheets 0-3, Brockway Engineering, PLLC, dated September 16, 2019
 - c. Draft River Restoration, Swan Residence, BYLA, dated September 16, 2019



City of Ketchum
Planning & Building

IN RE:)
)
Swan Stream Alteration/Bank Stabilization) KETCHUM PLANNING AND BUILDING DEPARTMENT
Floodplain Development and Waterways) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Design Review Permit) DECISION
Date: October 11, 2019)
)
File Number: P18-131)

PROJECT: Swan Stream Alteration/Bank Stabilization

ADFP#: P18-131

OWNER: Robert and Sandra Swan (401 Northwood Way)
Marsupial Properties LLC, Alison and Geoffrey Rusack (411 Northwood Way)
City of Ketchum (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed)

APPLICANT: Robert and Sandra Swan

REPRESENTATIVE: Chuck Brockway, Brockway Engineering PLLC and Evan Robertson, Robertson & Slette PLLC for Robert and Sandra Swan

LOCATION: 401 Northwood Way (Lot 12, Chateaux of Northwood)
411 Northwood Way (Lot 1, Resub of Northwood PUD Lot 2)
Adjacent riverbed (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed)

ZONING: General Residential – Low Density (GR-L) and Floodplain Management Overlay (FP), Waterways and Floodway subdistricts

REQUEST: Stream alteration, bank stabilization, land reclamation and restoration

PRIOR/ASSOCIATED: 401 Northwood Way

- 15-144
- P17-055
- P17-134
- P19-044

411 Northwood Way

- P19-047

BACKGROUND FACTS

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. 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.
3. The subject properties contain floodway, stream channel and bank, and riparian area. The proposed scope of work is to occur on three (3) separate parcels, held by three separate owners, with the bulk of the work occurring on 401 Northwood Way. The proposed scope of work is interrelated, with the overall project design dependent on completion of all components of the project. As such, the proposal is being reviewed and approved as a comprehensive, integrated project with the understanding all project components will be completed.
4. 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 in the Special Flood Hazard Area (1% annual chance floodplain, also known as the 100-year floodplain).
5. The scope of work approved by this permit involves excavation from the river channel, bank stabilization along the main channel and eastern side channel, land reclamation, and restoration.

FINDINGS OF FACT

Floodplain Design Review Requirements				
1. EVALUATION STANDARDS: 17.88.050(E)				
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)1 FLOODPLAIN DEVELOPMENT/ WATERWAYS DESIGN REVIEW	<p>Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.</p>
			<i>Staff Comments</i>	<p><i>Prior to the 2017 flood event the area east of the eastern bank of the main channel of the Big Wood River now proposed for bank stabilization and land reclamation/restoration was largely in a manicured, non-native state. Groundcover was largely turfgrass with minimal shrubs and trees. Turfgrass extended to the bank of the river on the bank that abuts the main channel of the Big Wood River.</i></p> <p><i>The majority of work associated with this permit is proposed to occur on 401 Northwood Way and this parcel contains river channel, floodway (both within and landward to of the channel), and a significant amount of 1% annual chance floodplain. Minor, yet integral to the overall scope of the project, amounts of work are proposed on 411 Northwood Way (riverbed gravel removal, bank stabilization and associated willow plantings) and the parcel owned by the City of Ketchum (riverbed gravel removal, tree and woody debris removal).</i></p>

			<p><i>The project area at 411 Northwood Way contains river channel and a minor amount of floodway (largely aligning with the river channel). The project area on the City of Ketchum parcel contains river channel and is entirely within the floodway.</i></p> <p><i>As described in the narrative and plans submitted by Brockway Engineering, the 2017 flood event resulted in deposition of significant quantities of gravel within the main channel of the Big Wood River in the vicinity of the subject parcels and erosion/land loss due to bank erosion. Subsequent runoff occurred in the spring of 2018 and 2019 with overland flooding both years. Emergency permits were issued for 401 Northwood Way in 2018 and 2019, allowing placement of large grain-feed sacks filled with gravel (“supersack” sandbags), in order to prevent migration of the main channel of the Big Wood River further eastward onto 401 Northwood Way. A tree removal permit was approved for 411 Northwood Way for at-risk trees; the trees have not yet been removed.</i></p> <p><i>The scope of work approved by this permit involves excavation from the river channel, bank stabilization along the main channel and eastern side channel, land reclamation, and restoration.</i></p> <p><i>Alteration of the river channel is a permitted action through an approved streambank stabilization project (KMC 17.88.060(E)3).</i></p> <p><i>Both the 401 Northwood Way and 411 Northwood Way edge-of-banks (east banks of Big Wood River) and the north bank of the side channel on 401 Northwood Way will be stabilized with bank hardening techniques (riprap) and bioengineering techniques (installation of logs with root wads to function as bank barbs, installation of willows within the interspatial voids of the riprap). 401 Northwood Way’s land east of the eastern bank will be further protected with the installation of a buried rock sill and the mouth of the eastern side channel is to be protected from widening by installation of buried angular stones.</i></p> <p><i>In terms of restoration, post-2017 flooding and 2018 and 2019 runoff, land areas on 401 Northwood Way affected by sheet flow are being reclaimed by native, riparian vegetation. If left unaltered by human intervention, a healthy riparian area would likely reestablish naturally.</i></p> <p><i>However, because the scope of this project at 401 Northwood Way includes land reclamation, bank stabilization, a well as the burying of a rock wall, all existing vegetation will be removed, the land regraded to spot elevations shown in the plan set, and new grasses and shrubs will be installed. As such, the 25’ riparian zone on 401 Northwood Way will be restored to a state that is more characteristic of a native riparian zone than what existed prior to the 2017 flood; 401 Northwood Way was first developed with a residence after the city’s adoption of riparian standards and riparian zone requirements therefore apply.</i></p>
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				<p>411 Northwood Way will not have its riparian zone restored (although staff recommends restoration due to the bank-stabilizing and ecosystem health functions such vegetation provides) because the property was first developed with a residence prior to the city's adoption of riparian standards.</p> <p>On the city parcel several leaner trees and one discrete area of accumulated woody debris is proposed for removal. As actions on the city's parcel are subject to City Council approval through an Encroachment Agreement, this permit notes approval of trees and accumulated woody debris on the city's parcel is subject to a decision by Ketchum City Council.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)2	<p>Preservation or enhancement of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty five foot (25') setback or riparian zone. No construction activities, encroachment or other disturbance into the twenty five foot (25') riparian zone, including encroachment of below grade structures, shall be allowed at any time without written City approval per the terms of this chapter.</p>
			Staff Comments	<p>Disturbance to the 25' riparian zone is limited to the plans approved through this permit. Any amendment to the proposed scope of work shall be approved in writing as an amendment to this permit.</p> <p>See 17.88.060(E)1 for discussion of riparian vegetation.</p> <p>Accumulated woody debris and riparian plantings have benefits for aquatic life and the overall riparian ecosystem. Staff does not routinely recommend approval of removal of in-stream wood or woody debris accumulated adjacent to streambanks and in floodplain areas. However, the applicant proposes removal of some, but not all woody debris in order to accomplish the project goals; the applicant also states that much of the woody debris will be reused within the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.50(E)3	<p>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.</p>
			Staff Comments	<p>Currently, no pathways and staircases lead into or through the riparian zone. None are proposed.</p> <p>Development activity approved to occur within the riparian zone is described in the plan set attached hereto, as conditioned.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)4	<p>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.</p>
			Staff Comments	<p>A riparian vegetation restoration plan has been proposed with this project. See Brockway Engineering plan set and BYLA plan.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)5	<p>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.</p>

			<p>Staff Comments</p> <p><i>A riparian planting restoration plan has been proposed (BYLA) and includes golden currants, red-osier dogwoods, river alder and woods rose in the riparian zone.</i></p> <p><i>The proposed grasses are per the seed mix identified in the September 30, 2019 Brockway Engineering plan: Idaho fescue, streambank wheatgrass, creeping red fescue, bluebunch wheatgrass and silky lupine.</i></p>
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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"/>	17.88.050(E)6	<p>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.</p>
			Staff Comments	<p><i>The project has been designed (channel geometry design, stabilized bank elevations, and reclaimed land finished elevations) to allow sheet flooding.</i></p> <p><i>However, staff finds greater densities of plantings than what are proposed, within both the riparian zone and the remainder of the Special Flood Hazard Area at 401 Northwood Way, are recommended and would result in better control of surface drainage (sheet flow would be slowed down due to the roughness provided by dense vegetation) and would have the added benefits of erosion mitigation and habitat benefit.</i></p> <p><i>No culverts or berms are proposed.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)7	<p>Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not adverse.</p>
			Staff Comments	<p><i>The proposal is designed to balance the goals of protecting land area from erosion, preventing migration of the main channel of the Big Wood River to the east (closer to structures), and protecting private property owners' (401 and 411 Northwood Way) views of the river and enjoyment of their outdoor properties with the characteristics of an unaltered floodplain and riparian area.</i></p> <p><i>The proposed riparian zone restoration will be an improvement compared to the riparian zone's state prior to the 2017 flood event, which will aid in water quality, thereby benefiting aquatic life.</i></p> <p><i>The public access easements that are located on 401 Northwood Way will remain in effect.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)8	<p>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.</p>
			Staff Comments	<p><i>N/A, no new building is proposed.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)9	<p>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.)</p>

Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
			<i>Staff Comments</i>	<i>N/A, no new building is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>	<i>N/A, no new building is proposed.</i>
<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>	<i>N/A, no new building is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>	<i>N/A, no alteration of driveway is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>	<i>N/A, no alteration of driveway is proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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>	<i>The applicant's engineer has designed the stream channel to be a permanent and stable solution. Bank stabilization, protection of the mouth of the eastern side channel, and the buried rock sill are designed to further ensure stability.</i> <i>Monitoring and maintenance are addressed in Section G of the restoration plan dated September 30, 2019 and are approved as conditioned by this permit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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>	<i>The applicant's engineer has completed a no-rise analysis and submitted a no-rise certification.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)16	(Stream alteration.) The recreational use of the stream including access along any and all public pedestrian/fisherman's easements and the aesthetic beauty is not obstructed or interfered with by the proposed work.
			<i>Staff Comments</i>	<i>401 Northwood Way contains a 10' wide Fisherman's Access Easement providing public access to the river and a 10' Fisherman's / Pedestrian Access / Nature Study easement, offset 10' landward from the eastern bank of the Big Wood River, that is dedicated to the public.</i> <i>Prior to the 2017 flood, neither access into the river channel via the pedestrian access easement nor access along the easement that parallels the bank were inhibited by physical barriers. The bank stabilization treatment proposed may introduce access challenges for persons with mobility impairments (climbing onto and over riprap). As such, staff includes as a condition of approval that the bank stabilization material placed in the most upland (least prone to bank overtopping during highwater) 5' section of the 10' wide Fisherman's Access Easement be arranged in an intentional, deliberate manner to mimic a 'stairstep' leading into the river channel.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)17	(Stream alteration.) 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

Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
				a comparable amount and/or quality of new wetland area or riparian habitat improvement.
			<i>Staff Comments</i>	<i>N/A, the subject property does not contain wetlands.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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>	<i>Use of woody treatments in the eastern side channel's stabilization will aid in maintaining fish habitat. Juvenile fish have been observed in this side channel. Incorporation of woody treatments into the stabilization of the bank of the main channel of the river will aid in maintaining fish habitat as well.</i>
				<i>Removal of the woody debris that has accumulated post-2017 flood will disrupt fish habitat. However, upon completion of this project, the willows and woody treatment incorporated into the stabilized bank should enhance the fish habitat above and beyond the habitat that existed adjacent to the eastern bank of the main channel prior to the 2017 flood. Prior to the 2017 flood the eastern bank of the river contained little to no riparian vegetation and showed signs of incision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(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>	<i>The proposed work is designed to strike a balance between private property values and the natural characteristics of the main and eastern side channel of the Big Wood River, the floodplain, and riparian area, as such natural characteristics of an unaltered landscape relate to fish and wildlife habitat, aquatic life, recreation, access to the river, aesthetic beauty of the river, and water quality.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(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>	<i>N/A.</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 zoning ordinance, Title 17;
3. The City of Ketchum Planning Department provided adequate notice of opportunity to comment on this application pursuant to Chapter 17.88 of the zoning ordinance, Title 17;
4. The Administrator has authority to hear the applicant's Preliminary Plat Application pursuant to Section 17.88.050.D.1 of Ketchum Municipal Code, Title 17;
5. The project **does** meet the standards of approval under Chapter 17.88 of Zoning Code Title 17.

DECISION

THEREFORE, the Administrative Floodplain Development Permit for the proposed project, Swan Stream Alteration/Bank Stabilization, is approved on this date, October 11th, 2019, with the following conditions:

1. This approval is subject to the scope of work described in the following documents:
 - a. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications: Final for City Approval, Brockway Engineering, PLLC, dated September 30, 2019
 - b. Swan, Sandra River Restoration Project sheets 0-3, Brockway Engineering, PLLC, dated September 16, 2019
 - c. Draft River Restoration, Swan Residence, BYLA, dated September 16, 2019 with the exception of Zone 2 riparian grasses, which shall be the seed mix specified in the September 30, 2019 Brockway Engineering plan.
2. Commencement of construction of any component of this project is subject to approval by the City Council of an Encroachment Agreement and any conditions of approval for the Encroachment Agreement imposed by Council.
3. Commencement of construction of any component of this project is subject to written approval from the adjacent upstream property owners, Marsupial Properties LLC (Alison and Geoffrey Rusack), and/or their attorneys, to the City of Ketchum, attention: Brittany Skelton, Planning and Building Department, because the scope of work includes alteration of the Rusack's private property 411 Northwood Way (Lot 1, Resub of Northwood PUD).
4. The owner's representative shall notify the City of Ketchum Senior Planner Brittany Skelton via e-mail 48 hours in advance of the day construction of the project is scheduled to begin and notify via e-mail on the day construction begins.
5. The owner's representative shall notify the City of Ketchum Senior Planner Brittany Skelton via e-mail within 48 hours of the next business day after the scope of work is complete.
6. The owner's representative shall facilitate a site visit with city staff to occur within five (5) business days of completion of the project.
7. Within 30 days of completion of the project the owner's representative shall submit a construction completion report certifying the project has been completed as proposed. This report shall at minimum include:
 - a. A letter prepared and stamped by Brockway Engineering confirming the project was completed in accordance with the plans dated September 16 and September 30, 2019.
 - i. Verify elevations of reclaimed areas and top of bank or riprapped portions of streambank do not exceed elevations specified in plans
 - ii. Survey cross sections to show channel graded as proposed
 - iii. Verify mouth to east side channel constructed as proposed
 - b. A letter prepared by Ben Young Landscape Architects confirming landscaping has been installed as indicated in the plan dated September 16, 2019, with the exception of the riparian seed mix, which shall be per the seed mix specified in the September 30, 2019 Brockway plan
8. Follow up reports Monitoring Reports due to the city by December 31, 2020, 2021, and 2022. Monitoring reports to reflect all maintenance performed during the given calendar year.
9. For the purpose of maintaining the public access to the river, bank stabilization material placed in the most upland (least prone to bank overtopping during highwater) 5' section of the 10' wide

Fisherman's Access Easement shall be arranged in an intentional, deliberate manner to mimic a 'stairstep' leading into the river channel.

10. Maintenance of barbs, riprap, and east sill shall be limited to reconfiguration of dislodged material used in original construction.
 - a. Replacement of any material that has been washed downstream may be approved administratively if quantity does not exceed 1 cubic yard per year.
11. Floodplain Development Permit approval shall expire one (1) year from the date of signing of approved Findings of Fact per the terms of KMC, Section 17.88.050.G, Terms of Approval;
12. No use of restricted use chemicals or soil sterilants will be allowed within one hundred feet (100') of the mean high-water mark on any property within the city limits at any time (KMC 17.88.040.C.3);
13. No use of pesticides, herbicides, or fertilizers will be allowed within twenty-five feet (25') of the mean high water mark on any property within the City limits unless approved by the City Arborist (KMC 17.88.040.C.4);
14. 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 (KMC 17.88.040.C.4);
15. 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 (KMC 17.88.040.C.5);
16. The application of dormant oil sprays and insecticidal soap within the Riparian Zone may be used throughout the growing season as needed (KMC 17.88.040.C.6);
17. 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.

Decision: Approved, subject to conditions above.

DATED this 11th day of October, 2019



Brittany Skelton
Senior Planner, CFM

Attachments:

- A. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications: Final for City Approval, Brockway Engineering, PLLC, dated September 30, 2019
- B. Swan, Sandra River Restoration Project sheets 0-3, Brockway Engineering, PLLC, dated September 16, 2019
- C. Draft River Restoration, Swan Residence, BYLA, dated September 16, 2019

Public Comment:

1. Trout Unlimited, March 11, 2019
2. Wood River Land Trust, March 11, 2019
3. Katie Franklin, November 9, 2018
4. Trout Unlimited, October 29, 2018
5. Wood River Land Trust, October 29, 2018

6. Barbara Patton, October 29, 2018
7. John E. Philips, October 24, 2018
8. Donald White, October 23, 2018

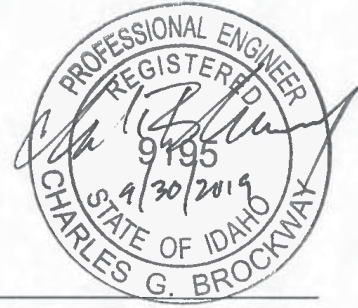
Included in the record:

- I. Floodplain Management Overlay Application coversheet, signed by Sandra Swan and dated August 23, 2018
- II. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications (including project drawings and HEC-RAS model results), Brockway Engineering, dated August 27, 2018
- III. Project drawings and exhibits, Brockway Engineering, dated September 28, 2018
- IV. Jennifer Zung, PE, Harmony Design & Engineering, memo dated October 11, 2018
- V. Response to Review by Harmony Engineering of Swan Phase 2 Stream Alteration Permit Application, C. G. Brockway, PhD, PE, dated October 17, 2018
- VI. Email, Charles G. Brockway to Brittany Skelton, dated October 17, 2018
- VII. Letter, Bob and Sandra Swan, to Mayor Neil Bradshaw, Brittany Skelton and John Gaeddert, received via email from Robert Swan October 28, 2018
- VIII. Email, Sandra Swan, dated November 6, 2018, with photo attachments
- IX. Email, Jennifer Zung, dated November 9, 2018
- X. Email, Charles G. Brockway, dated November 14, 2018, 3:40 p.m. with attachment, memo "Information Requested by Jennifer Zung Regarding Sandra Swan SAP Application", dated November 13, 2018
- XI. Email, Jennifer Zung, dated November 14, 2018, 5:21 p.m.
- XII. Email, Charles G. Brockway, dated November 14, 2018, 6:23 p.m.
- XIII. Emails, Charles G. Brockway, dated November 16, 2018
- XIV. Emails, Jennifer Zung, dated November 16, 2018
- XV. Email, Jennifer Zung, dated November 26, 2018, with attachments
- XVI. Revised stand alone revegetation plan, Brockway Engineering, dated December 7, 2018, including attachment, River Restoration landscape plan, BYLA, dated November 27, 2018
- XVII. Letter, Brittany Skelton to Evan Robertson, dated December 10, 2018
- XXVIII. Swan, Sandra River Restoration Project plan set, Brockway Engineering, dated January 4, 2019
- XIX. "No Rise" Certificate, Charles G. Brockway, PE, dated January 4, 2019
- XX. HEC-RAS model files, Brockway Engineering
- XXI. Response to City of Ketchum Deficiency Letter for the Swan Phase 2 SAP Application, Charles G. Brockway, dated January 4, 2019
- XXII. Letter, Evan Robertson to Brittany Skelton, Aaron Golart (IDWR), John Gaeddert, and Tim Luke (IDWR) dated January 29, 2019
- XXIII. Jennifer Zung, PE, Harmony Design & Engineering, memo dated February 20, 2019
- XXIV. Swan, Sandra River Restoration Project plan set, Brockway Engineering, dated July 19, 2019
- XXV. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications: Final for City Approval, Brockway Engineering, dated August 14, 2019
- XXVI. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications: Final for City Approval, Brockway Engineering, dated September 16, 2019
- XXVII. Swan, Sandra River Restoration Project plan set, Brockway Engineering, dated September 16, 2019
- XXVIII. IDWR Amended Approval of Joint Application for Permit No. S37-20546, dated July 8, 2019
- XXIX. IDWR Approval, in Part, of Joint Application for Permit No. S37-20546, dated February 28, 2019
- XXX. USACE permit NWW-2017-639-I02 dated September 11, 2018

- XXXI. Email, Frank Edelmann, Idaho Fish and Game, September 19, 2018
- XXXII. Email, Kristine Hilt, Blaine County, September 20, 2018
- XXXIII. Email, Frank Edelmann, Idaho Fish and Game, September 24, 2018
- XXXIV. Public comment
- XXXV. Site photos dated September 27, 2010 (Ketchum Planning and Building Department)
- XXXVI. Site photos dated May 11, 2017 (Ketchum Planning and Building Department)
- XXXVII. Site photos dated May 24, 2017 (Ketchum Planning and Building Department)
- XXXVIII. Site photos dated April 6, 2018 (Ketchum Planning and Building Department)
- XXXIX. Site photos dated May 2, 2018 (Ketchum Planning and Building Department)
- XL. Site photos dated November 1, 2018 (Ketchum Planning and Building)
- XLI. Site photos dated November 2, 2018 (Ketchum Planning and Building)
- XLII. P15-144 Findings of Fact, Conclusions of Law, and Decision
- XLIII. P17-055 Findings of Fact, Conclusions of Law, and Decision
- XLIV. P17-134 Findings of Fact, Conclusions of Law, and Decision
- XLV. P19-044 Findings of Fact, Conclusions of Law, and Decision
- XLVI. P19-047 Approval
- XLVII. Chateaux of Northwood subdivision plat, 1995
- XLVIII. City Council meeting minutes, January 13, 1992
- XLIX. Planning and Zoning Commission meeting minutes, February 10, 1992
- L. Planning and Zoning Commission meeting minutes, March 23, 1992
- LI. Letter, Idaho Conservation League to Ketchum Planning and Zoning Commission, with attachment, dated March 23, 1992
- LII. Planning and Zoning Commission meeting minutes, May 8, 1995

**A. Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit
Applications: Final for City Approval, Brockway Engineering, PLLC, dated September 30, 2019**

Swan Property Restoration Plan: Stream Alteration and Floodplain Development Permit Applications: Final for City Approval



Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC

September 30, 2019

The project scope and this narrative have been revised multiple times at the request of the City of Ketchum. In the previous version, the erosion protection of the reclaimed land on the floodplain was removed from the project. This change was necessary to obtain an administrative approval of the permit, and is not desired by the applicant nor recommended by the project engineer. Newly-placed soil must be protected from erosion so that it does not wash away during sheet flooding, which may lead to exactly the same situation that exists today; vegetation alone is insufficient. In the present version, the language has been clarified in a few locations as requested by the City. This revised narrative pertains to City of Ketchum permitting only.

A. Background

This project consists of a follow-up to previously-permitted work to address flooding on the applicants' property. Previously-issued permits include the following:

1. Removal of a large debris dam which had formed during the flood of 2017. The dam had raised water levels, caused major gravel deposition in the main river channel, and caused water to leave its banks and cut eastward through the applicant's yard. This dam was the primary source of the flooding problems on the subject property and its removal was the first step toward a long-term solution.
2. Emergency work in May 2018 to place 1-yard gravel bags across the breach area. Even though runoff magnitude in 2018 was moderate (a peak flow of only 836 cfs), water overtopped the bank and cut eastward and the bags were placed to prevent further property damage. At this flow, there would have been zero floodplain inundation but for the gravel deposition in the river channel.

The current proposal is intended to be a long-term solution to the ongoing threat to the applicant's property. Due to gravel deposition in the channel to depths of 2 to 3 feet in 2017, confirmed by topographic surveys, river water levels are now nearly the same as the elevation of the applicant's adjacent property even at base flows. In 2018, water overtopped the bank at very low flows of 150 to 200 cfs. The river continued to cut a channel eastward through the property, exacerbating the erosion that occurred in 2017. This erosion was finally halted by the emergency placement of the gravel bags, but not before major damage to land had occurred. The same effects were observed in 2019,

during which the peak flow was slightly above the median level. The flow in 2019 was not sufficient to mobilize gravel or cause channel changes to any significant degree. The river channels today are essentially in the same configuration as when the permit application was originally submitted in August 2018.

Topographic surveys were performed in November 2017 and July 2018. As noted above, no channel changes have occurred and no new surveying was or will be completed in 2019. Comparing the 2017 and 2018 datasets, it is evident that the runoff in 2018, even though it was very high, failed to mobilize the gravel deposition in any appreciable quantities. The data confirms what is evident by visual inspection –the gravel deposition must be removed in order to restore conveyance to this reach and prevent the river from cutting a new channel eastward through private property.

At the same time, the east floodplain should continue to function as it has historically, but without allowing the major erosion observed in 2017 and 2018. Sheet flow in this area is appropriate and consistent with historical occurrence; however, the river cutting a major new channel through private property is not. This objective will be accomplished by regrading and protecting the floodplain as described below.

The minor channel known as the “East Channel” has important riparian value and should be maintained and protected. This channel has historically flowed year-round and has contributed significantly to flood-carrying capacity of the river system. These values should be preserved, but the channel must be stabilized to prevent it from turning into a major river channel and impacting adjacent properties.

Finally, bank protection measures consisting of both rock and wood-based treatments are warranted along the excavated banks to prevent undercutting and potential bank failure.

The project consists of seven (7) components. The components are described below and are illustrated on the accompanying drawings.

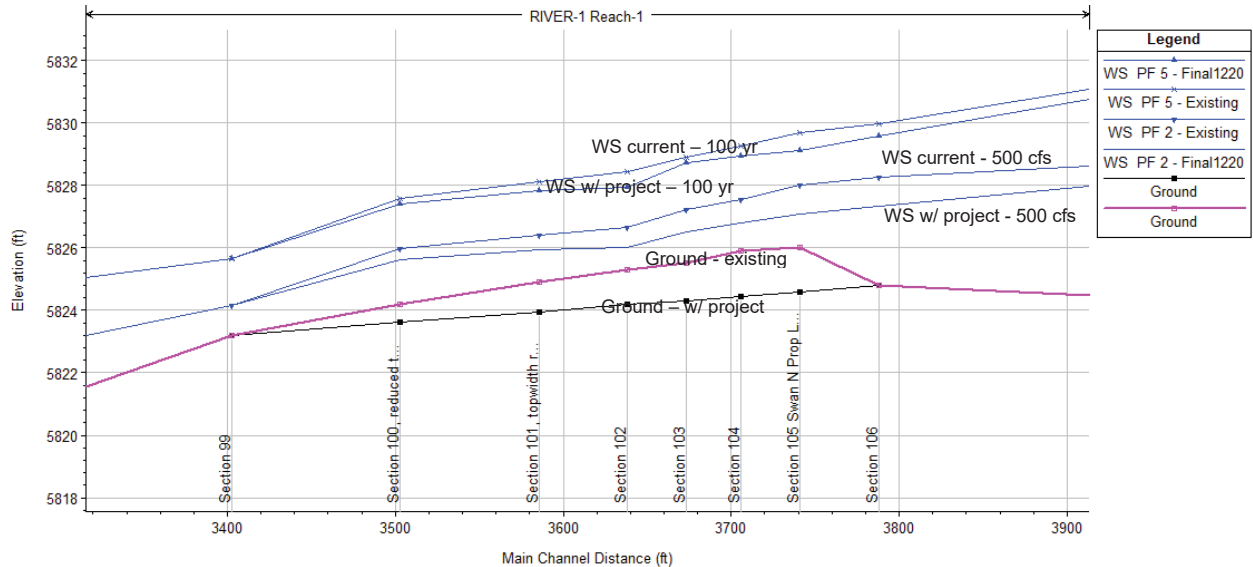
B. Project Components

1. Removal of gravel and sediment deposition

The accretion of gravel in 2017 did not adequately mobilize in 2018 and very little gravel was transported. Gravel must be removed and the channel re-graded to a stable section which can transport flows without overtopping the east bank except in very high flow conditions, as it has historically. The figure below shows the existing channel “hump” of gravel and the proposed grade. Also shown are computed values of the water surface at a flow of 500 cfs and the 100-year flow.

The grade of the channel was set by assuming a constant gradient from the northern to the southern cross-section (see plan drawing). This results in a slope of 1.1%. The excavated channel will be generally trapezoidal, with bottom width varying from 40 to 60

feet and side slope of 4:1. The exception is at section 106 north of the Swan property line, which must have a narrower section to match property with adjacent conditions. The hydraulic modeling performed for the project indicates that this geometry will result in a net decrease in water levels at all river flows (see Section E, below).



Excavated gravel will be utilized for the reclamation component, but most of the gravel will be excess and will be hauled off site.

The logistics of river channel construction dictate that some material stockpiling must occur in the dry channel for a very short time. A typical approach would involve one loader excavating the channel to grade, and a second loader picking up stockpiled material and transporting it out of the channel.

2. Reclamation of eroded land

This component will involve restoring eroded turf and riparian areas to substantially pre-2017 extents and grade, i.e. prior to the discrete flood event of 2017. This area must still be allowed to function as a flood plain, but must be adequately protected from erosion. Original grade was estimated from the topographic survey data collected in 2017 and 2018, in which the surveyor was directed to obtain shots from obvious pre-flood points such as bases of trees, undisturbed turf areas, etc. These data were used to estimate final grade elevations and a contour map for the landscaper to follow. Final grades were set approximately 0.5' higher than estimated pre-flood grades to account for soil settling and the overall higher flood elevations due to gravel deposition (see Section E).

It will be vitally important to ensure that the reclaimed area can withstand shallow sheet flow without succumbing to the erosion seen in 2017 and 2018. The modeling indicates that during the 100-year event as much as 232 cfs (8% of the total streamflow) will flow

in the east floodplain at velocities from 1.4 to 2.0 ft/s. To obtain an administrative approval, the City has prohibited the inclusion of a stabilization product and therefore it is not included in the plan.

The reclaimed area will be revegetated with same or similar vegetation that was in place prior to the 2017 flood, including turfgrass. However, appropriate riparian vegetation will be used in the 25-foot riparian zone, and riparian woody shrubs will be incorporated to increase surface roughness and provide habitat value. See the revegetation plan, Section F, and the attached revegetation map from BYLA.

3. Protection of southern boundary of reclaimed land

This component involves armoring the south boundary of reclaimed land. The reason for this action is twofold: 1) water flowing southeasterly over the reclaimed area during a flood will “fall” into the east channel, which is an erosion risk, and 2) the east channel flow itself could undercut and erode the southern boundary of the reclaimed area. The armoring treatment will include riprap with willow plantings.

4. Stabilization of East Channel entrance

Water should be allowed to flow into East Channel, but the channel is now at risk of down-cutting and allowing excessive flow to occur. The flood risk to owners of property along the channel has been elevated significantly. During the 2018 runoff, very large amounts of water entered the channel – much more than would ordinarily occur during such a modest runoff event. The objective is to reestablish the channel as a functioning minor channel that will both increase flood conveyance and provide water supply for riparian values during low river flows, as it has for many years. The intent is to put the channel back in essentially the same configuration as it was historically, but with sufficient protection at the entrance.

The work involves re-grading the unstable entrance section of the channel from the river to about 80 feet downstream, and placing erosion protection consisting of 1) a rock sill across the channel to prevent downcutting, and 2) a rip-rap bank upstream and downstream of the sill consisting of buried rock and embedded root wads. These measures are intended to prevent down-cutting and stabilize the flow into the channel.

5. Bank stabilization

This component includes log barbs embedded in the east bank of the river and projecting into water at the toe of the slope. Between the barbs, toe logs, rock, and additional wood will be placed. The benefits of this action include erosion protection, encouraging the high velocity flow to remain waterward of the bank, encouraging the river to curve westward, and improving habitat.

6. Buried rock sill

A line of rock will be buried along the top of the bank to provide a final backstop against downcutting or bank migration in the event of a severe, unforeseen occurrence. The top of the rock will be about 8" below finished grade and approximately 10 feet waterward of the ordinary high water mark.

7. Removal of debris and at-risk trees

Woody debris and unstable trees will be removed and the wood utilized in the bank protection measures wherever possible. Tree removal will be minimized to the extent possible, but it is vital that unstable trees which may fall into the river and restart the debris dam accretion process be removed. The removal areas are specifically designated on the plan drawing. Trees on city property as marked in the field will be removed, and deadwood on city property in the area of water bypass will likely need to be removed to accomplish the bypass. It appears likely that all woody material can be utilized in the project.

C. Quantities

Quantities of excavation and fill were calculated for components #1 through #5 and are shown in Table 1. OHW was assumed to be the line existing prior the 2017 discrete event. Component #6 involves work landward of the OHW and therefore no quantities are given. Component #7 involves removal of trees and debris and the volume is difficult to estimate.

As noted in Table 1, the total volume of gravel removal is 1,423 cubic yards. Of this amount, gravel removal proposed on City of Ketchum property, which would occur at Sections 104, 105, and 106 is estimated to be 215 cubic yards. Additional detailed information on the channel grading after gravel removal activity is provided in Table 2, including cross-sectional areas of removal and channel geometry.

D. Water Bypass

The project work area will be dewatered to reduce or eliminate turbidity impacts and to allow proper grade and geometric control on all features of the project. This will be accomplished by placing 1-yard gravel bags north of the work and diverting the flow into the western river channel at a location which is feasible and will provide the necessary flow path. To do this will likely require removal of the debris as shown on the plan drawing and may require creation of a shallow bypass channel across the gravel bar on City property, not on the Community Library's property. It is possible that the gravel bags alone will be sufficient to bypass the flow, depending on the magnitude of the river flow. Material removed for the bypass channel will be temporarily placed on the gravel bar just adjacent to the channel and the gravel bar restored after the work is complete.

Table 1. Quantities.

Project Component	River Length (ft)	Plan Area (acres)	Total excavation (cu. yd.)	Excavation below OHW* (cu. yd.)	Total fill (cu. yd.)	Fill below OHW* (cu. yd.)
1. Gravel removal	405	0.54	1,423	1,423	0	0
2. Reclamation	n/a	0.27	0	0	447	0
3. Reclaimed land south boundary protection	165	0.03	0	0	77	65
4. East chan entrance stabilization	88	0.03	86	86	54	54
5. Bank stabilization	252	0.06	0	0	183	183
6. Gabions	Landward of OHW					
7. Wood removal	n/a	0.10	150	150	0	0
Temporary bypass and coffer	32	0.03	65	65	18	12
TOTALS		1.05	1,724	1,724	586	314
TOTALS (not including temporary work)		1.02	1,659	1,659	568	302

Notes:

Gravel removal: Length is total north-south length along Big Wood River from upper to lower limits of removal.

Reclamation: Fill volume is for reclamation of land within floodplain.

Reclaimed land south boundary protection: Length is west-east along north bank of East Channel.

East channel entrance stabilization: Length is the west-east length of the east channel entrance protection and re-grading; total excavation is for channel re-grading from entrance eastward; fill is rock at entrance.

Bank stabilization: Length is north-south along Big Wood River, fill is riprap and logs.

* OHW prior to 2017 discrete event.

Table 2. Post-project channel geometry.

Section	River Station (ft)	Bottom width (ft)	Side slope	Cut area (ft2)
106	106085	20	2:1	25
105	106038	30	4:1	98
104	106003	40	4:1	114
103	105970	40	4:1	113
102	105935	50	4:1	154
101	105883	60	4:1	96
100	105800	60	4:1	116
99	105700	30	4:1	21

E. HEC-RAS Modeling

Hydraulic modeling using HEC-RAS 4.1 was performed for the project. The FEMA effective model for the Big Wood River was run, and found to reproduce the base flood elevations at Sections EN and EM. The project is located between these two sections.

Eight new cross-sections were developed using the survey data described above to reflect current conditions through the project reach. The same roughness coefficients used by FEMA were used for the new cross-sections.

A Corrected Effective model was developed by inserting the new cross-sections and adjusting reach lengths accordingly. A Post-Project model was developed which incorporates both the reclamation of land within the floodplain, the proposed gravel removal, and the bank stabilization actions.

The Corrected Effective model indicates that current 100-year flood heights are 1.1 to 1.3 feet greater than the published base flood elevations due to the gravel deposition described herein.

With the proposed project in place the Post-Project model indicates reductions in flood height compared to the Corrected Effective model during the 100-year event and all other flows in the river. The reduction in water level adjacent to the applicant's property will be considerable as shown in Table 3. The model indicates that the project clearly meets the required "no-rise" criteria for work within a regulatory floodway, as it will result in a decrease in 100-year flood height compared to current conditions.

Table 3. Change in computed water level from existing (Corrected Effective) to Post-Project conditions.

Section	Streamflow (cfs)				
	100	500	1000	2000	2880 (100-yr)
106	-0.95	-0.98	-0.88	-0.66	-0.42
105	-1.21	-1.00	-0.84	-0.58	-0.63
104	-1.15	-0.88	-0.72	-0.55	-0.50
103	-1.05	-1.05	-0.78	-0.48	-0.38
102	-0.84	-0.79	-0.71	-0.82	-0.64
101	-0.78	-0.69	-0.54	-0.48	-0.46
100	-0.60	-0.56	-0.44	-0.38	-0.35

The model also indicates that the inundated area of the east 100-year floodplain on the applicant's property will be essentially the same as delineated by FEMA, i.e. no loss of floodplain value will occur. The model predicts the floodplain will begin to be inundated

at a flow of 1,400 cfs or about a 7-year event, which is an appropriate level. The model predicts the overland flow in the east floodplain during the 100-year event ranges from 77 to 232 cfs through the study reach. In short, the floodplain conveyance is being adequately preserved.

F. Revegetation Plan

Revegetation of the all disturbed areas will be a vital component of the restoration plan. The project is divided in two three revegetation zones according to the treatment received: the reclaimed area outside of the riparian zone, the 25-foot riparian zone, and the bank stabilization zone. Each treatment is described below. Consultation was made with the owner's landscape professional, Ben Young Landscape Architects (BYLA), to refine the plan from the original plan submitted with the application. The plan described below and depicted on the attached map from BYLA is consistent with the plan approved by IDWR and will supersede any previously-submitted plans.

Zone 1: Reclaimed land outside of the 25-foot riparian zone:

Grasses

Match original vegetation: Scottish Links Fine Fescue by Magic Valley Sod.

Shrubs (3 per 1000 ft²)

Golden currant	<i>Ribes aureum</i>
Red-osier dogwood	<i>Cornus sericea</i>
River alder shrub	<i>Alnus incana</i>
Woods rose	<i>Rosa woodsii</i>

Cottonwood seedlings (5)

Zone 2: Riparian zone within 25 feet of ordinary high water (prior to 2017 discrete event) of the Big Wood River and East Channel

Note: the riparian grass list has been modified slightly to reflect the requirements of the City in order to obtain administrative approval.

Riparian Grasses (approximately equal proportions)

Idaho fescue	<i>Festuca idahoensis</i>
Streambank wheatgrass	<i>Agropyron riparium</i>
Creeping red fescue	<i>Festuca rubra</i>
Bluebunch wheatgrass	<i>Pseudoroegneria spicata</i>
Silky lupine	<i>Lupinus sericeus</i>

Shrubs (12 per 1000 ft²)

Golden currant	<i>Ribes aureum</i>
Red-osier dogwood	<i>Cornus sericea</i>
River alder shrub	<i>Alnus incana</i>
Woods rose	<i>Rosa woodsii</i>

Zone 3: Bank stabilization

Booth willow	<i>Salix boothii</i>
Geyer willow	<i>Salix geyeria</i>
Pacific willow	<i>Salix lasiandra</i>

Planting Methods and Coverage

The owner's landscape professional will be retained to oversee and/or perform the revegetation work in accordance with the specifications herein.

The reclaimed area will be topped with 6 inches of organic-rich topsoil and graded to provide an adequate seed bed. Grasses will be planted by the hydroseed method at 25 lb/acre or as recommended by the landscape professional. Broadcast application will only be used in areas unreachable by hydroseeding equipment.

Shrubs will typically be 1-gallon or 5-gallon containerized nursery stock, planted in accordance with accepted practices for containerized plantings. The shrub location and density will be selected to harmonize with existing vegetation, with target coverages described above. An exact number of shrubs cannot be specified.

Willow plantings within the bank stabilization will be made at a target spacing of 6 feet, with the willows placed deep enough to reach permanent water.

G. Monitoring and Maintenance

At the City's request, the performance of the project will be monitored for a period of three (3) years from the date of completion. Monitoring is agreed to by the owner only if the permit from the City also allows maintenance to address damage found during the monitoring period under the existing permit and without a new permit process.

Monitoring will consist of a site inspection and qualitative assessment by a qualified professional incorporating the following items:

1. Riprap integrity
2. Barb integrity
3. East channel sill integrity

4. East channel flow rate magnitudes at different river levels
5. Gravel and debris accumulation
6. Vegetation establishment, target survival 80% after 3 years

It is understood that debris accumulation/felled trees located outside of the bank stabilization area included in the scope of this permit, both waterward of the ordinary high water mark and landward of the ordinary high water mark and within the boundaries of the special flood hazard area, are subject to a separate permit process. A report will be submitted to the City by December 31 of each year during the monitoring period.

H. Construction Drawings

The City has requested final plans for the project. In anticipation of permit approval and project construction, a set of construction drawings have been prepared on 18"x24" sheets. These drawings contain four sheets: a cover page with specifications, plan view, details, and sections. As noted above, these have been modified slightly from the originally-submitted 8-1/2" x 11" drawings in accordance with the above discussions. The cross-sections shown thereon are the basis of the HEC-RAS modeling. The City is being provided with these large-format plans, as they are easier to follow than smaller-scale sheets. These plans are noted as Revision F and reflect the exclusion of the erosion protection product on the reclaimed land for the City only.

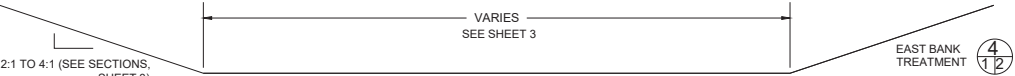
B. Swan, Sandra River Restoration Project sheets 0-3, Brockway Engineering, PLLC, dated September 16, 2019

1. EXCAVATE GRAVEL. ELEVATIONS AND SIDE SLOPES SHOWN.
2. RECLAIM ERODED LAND TO ESTIMATED GRADE EXISTING PRIOR TO 2017 FLOOD AND STABILIZE. PLACE TOPSOIL AND REVEGETATE. FINAL ELEVATIONS AND CONTOURS SHOWN.
3. PROTECT SOUTH EXTENT OF RECLAMATION WITH RIPRAP, 8" TO 24" ANGULAR STONE KEYED INTO TOE OF EAST CHANNEL.
4. PROTECT ENTRANCE TO EAST CHANNEL WITH ROCK SILL AND 8" TO 24" BURIED ANGULAR STONE BLANKET. FLUSH WITH RIVER BED. REMOVE DEBRIS BLOCKING EAST CHANNEL. RE-SHAPE CHANNEL TO LIMIT SHOWN.
5. BANK STABILIZATION: COTTONWOOD LOGS WITH INTACT ROOT BALL PROTECTING 5' FROM TOE, RIPRAP BETWEEN LOGS 8" TO 24" UNIFORM GRADATION KEYED INTO TOE, LONGITUDINAL TOE LOGS, WILLOW CUTTINGS 5' SPACING IN RIPRAP.
6. BURIED SILL, TOP 8" BELOW FINISHED GRADE.
7. REMOVE WOODY DEBRIS INCLUDING UNSTABLE TREES AND UTILIZE IN BANK STABILIZATION. FOR CLARITY, NOT ALL WOODY TREATMENT IN BANK IS SHOWN. SEE DETAILS.

100 — — — — — CROSS-SECTION

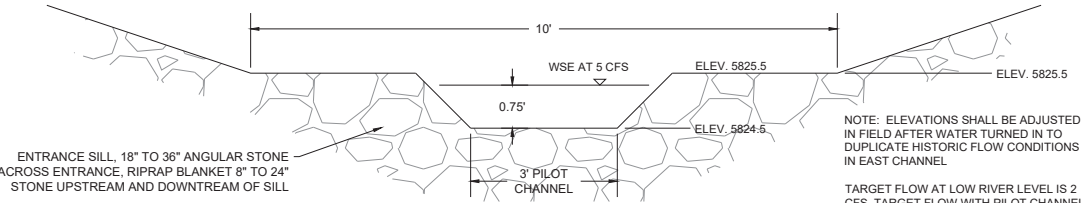
1 SITE PLAN
- 1 SCALE: 1" = 25'

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.	F	GEOGRID REMOVAL FOR CITY	9/18/19			DESIGNED BY CDB	DRAFTED BY KBR	BROCKWAY ENGINEERING, PLLC HYDRAULICS - HYDROLOGY - WATER RESOURCES 2016 NORTH WASHINGTON, SUITE 4 TWIN FALLS ID, 83301 (208) 736-8543	SWAN, SANDRA RIVER RESTORATION PROJECT	PROJECT # 113
	E	FOR FINAL PERMIT	7/19/19							
	D	MODIFICATIONS TO CHANNEL	1/4/19							
	C	ISSUE FOR BIDDING	10/18/18							
	B	ADDED PROPERTY NAMES	9/28/18							
	A	ISSUE FOR PERMITTING	8/27/18							
REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS		SCALE 1" = 25' (18"X 24") DWG ONLY				

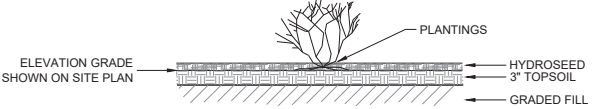


A MAIN RIVER CHANNEL TYP. SECTION
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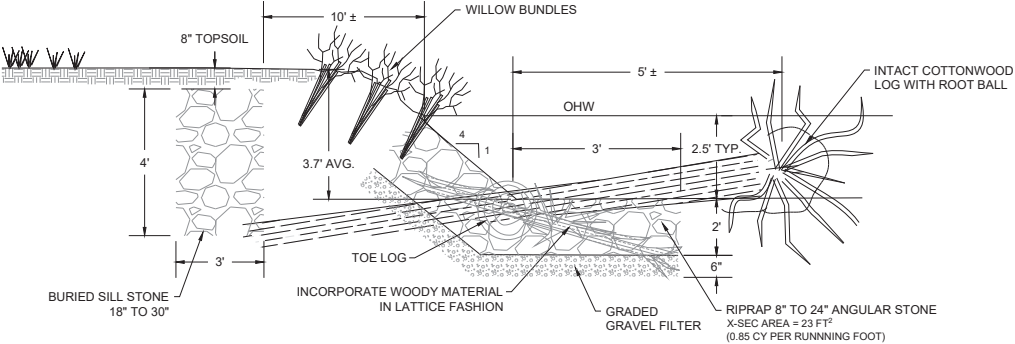
NOT FOR CONSTRUCTION



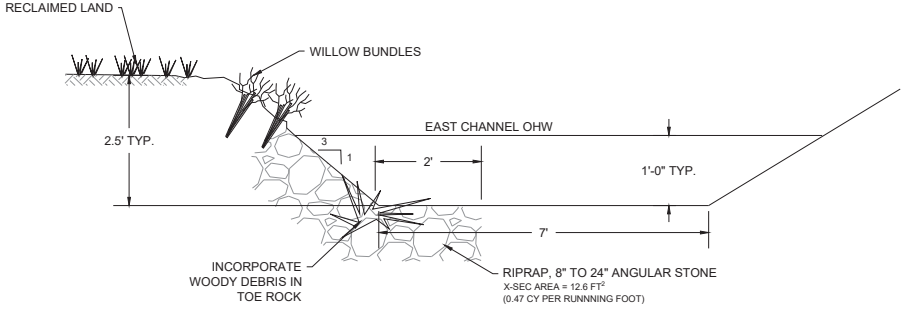
B EAST CHANNEL ENTRANCE SECTION
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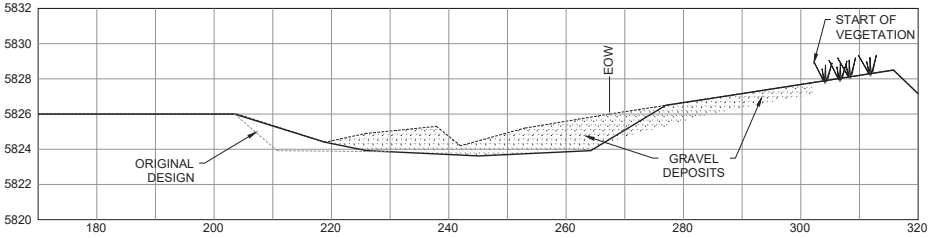
3 LAND RECLAMATION TREATMENT
SCALE: N.T.S.



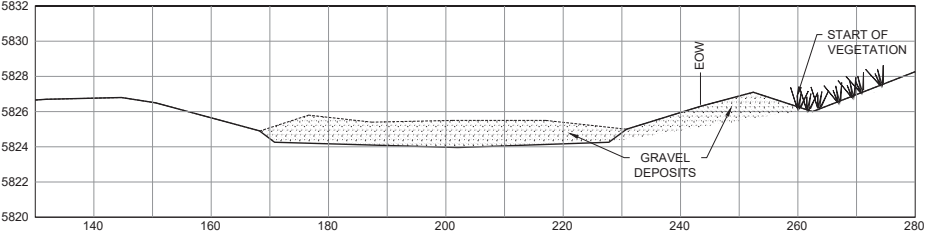
2 BANK TREATMENT - MAIN RIVER
SCALE: N.T.S.



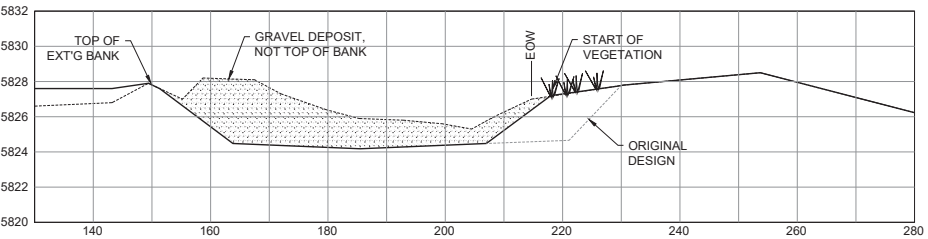
4 BANK TREATMENT - SOUTH EDGE OF RECLAMATION
SCALE: N.T.S.



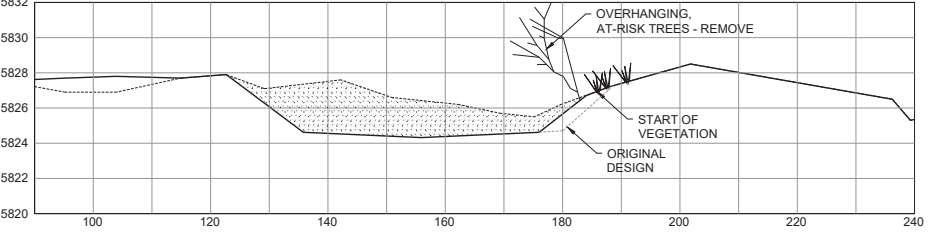
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SECTION 100
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VERTICAL SCALE: 1" = 5'



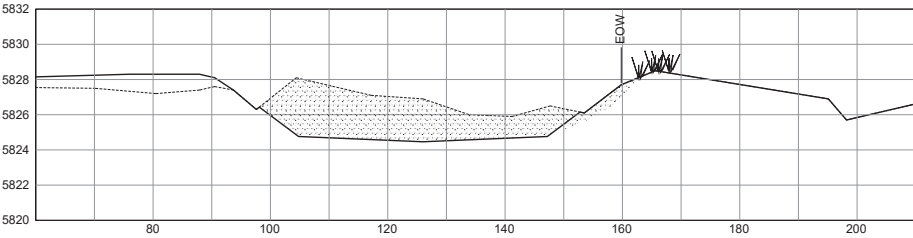
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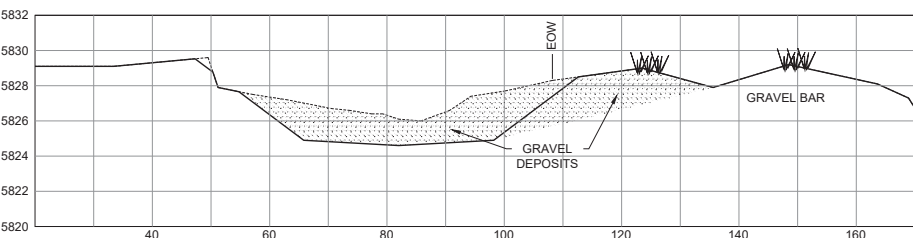
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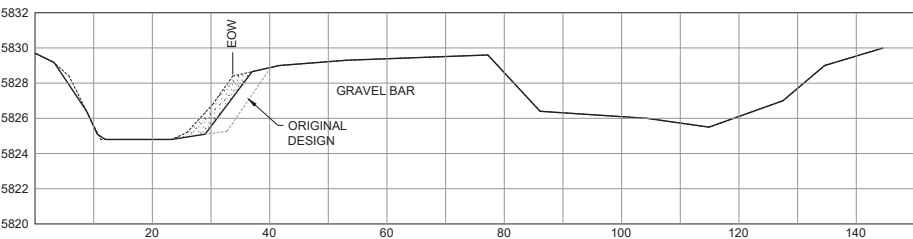
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SECTION 103
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VERTICAL SCALE: 1" = 5'



C.4
1 | 3
SECTION 104
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



C.5
1 | 3
SECTION 105
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



C.6
1 | 3
SECTION 106
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'

----- EXISTING CHANNEL - SURVEYED JULY 17, 2018
----- PROPOSED CHANNEL
EOW EDGE OF WATER AT TIME OF SURVEY

NOT FOR CONSTRUCTION

C. Draft River Restoration, Swan Residence, BYLA, dated September 16, 2019



Symbol	Description
---	Property Line
(Z1)	ZONE 1 - NON RIPARIAN RECLAIMED LAND & DISTURBED AREAS
(Z2)	ZONE 2 - 25' RIPARIAN ZONE
(Z3)	ZONE 3 - BANK STABILIZATION
.....	ORDINARY HIGH WATER (OHW)
----	25' RIPARIAN SETBACK

REVEGETATION PLAN - PLANTING SCHEDULE

ZONE 1 - Reclaimed Land Outside of 25' Riparian Zone

SHRUBS: (3) Placed per every 1,000 Sq. Ft.

Botanical Name	Common Name
Ribes aurum	Golden Currant
Cornus sericea	Red-osier dogwood
Alnus incana	River Alder
Rosa woodsii	Woods Rose

TREES: (6) Cottonwood Seedlings

Grasses	Seeds	Match original Fore Fencer

ZONE 2 - Riparian Zone w/ 25' of Big Wood River & East Channel

SHRUBS: (12) Placed per every 1,000 Sq. Ft.

Botanical Name	Common Name
Ribes aurum	Golden Currant
Cornus sericea	Red-osier dogwood
Alnus incana	River Alder
Rosa serotina	Woods Rose

Riparian Grasses

Botanical Name	Common Name
Festuca idahoensis	Idaho Fescue
Agropyron riparium	Streamside Bromegrass
Festuca rubra	Crested Red Fescue
Pseudobromus spicata	Bluegrass Wheatgrass
Lupinus serotinus	Silky Lupine

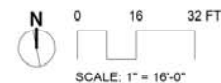
ZONE 3 - Bank Stabilization

SHRUBS: Placed 5' apart maximum

Botanical Name	Common Name
Salix boothii	Booth Willow
Salix glauca	Geyer Willow
Salix lasiolepis	Pacific Willow

PLAN NOTES:

1. THIS PLAN IS A GRAPHIC REPRESENTATION OF THE PROPOSED RESTORATION PLAN BY BROCKWAY ENGINEERING DATED SEPT. 18, 2019. APPROXIMATE SHRUB LOCATIONS SHOWN.
2. ALL NATIVE WOODY VEGETATION SHALL BE PLANTED WITHIN BANK STABILIZATION (ZONE 3) AT INTERVALS NO GREATER THAN 5 FEET SPACING STARTING FROM THE TOE OF SLOPE AND EXTENDING UP SLOPE ALONG THE TOP OF BANK.



Attachments – Plans and Correspondence

- B. *Original Permit:* Encroachment Agreement 20292 – City of Ketchum and Sandra Swan

G

WHEN RECORDED, PLEASE RETURN TO:

OFFICE OF THE CITY ATTORNEY
CITY OF KETCHUM
POST OFFICE BOX 2315
KETCHUM, IDAHO 83340

ENCROACHMENT AGREEMENT NO 20292

THIS AGREEMENT, made and entered into this 4th day of November 2019, by and between the CITY OF KETCHUM, IDAHO, a municipal corporation ("Ketchum"), whose address is Post Office Box 2315, Ketchum, Idaho and SANDRA SWAN, (collectively referred to as "Owner"), whose address is 8 Brittany Meadows, Atherton CA, 94027.

RECITALS

WHEREAS, Owner is the owner of real property described as 401 Northwood Way located within the City of Ketchum, State of Idaho; and

WHEREAS, Owner wishes to: construct stream bank protection measures on City property as described in this agreement and identified in Exhibit A attached hereto and incorporated herein (collectively referred to as the "Improvements"); and

WHEREAS, Ketchum finds that said Improvements subject to the conditions identified in this Agreement will not impede the use of the public property at this time;

NOW, THEREFORE, in contemplation of the above stated facts and objectives, it is hereby agreed as follows:

TERMS AND CONDITIONS

1. Ketchum shall permit Owner to construct and maintain the improvements on City property described below until notified by Ketchum to remove all or a portion of the improvements. Permitted improvements consist of:
 - a. Excavate gravel and establish elevations and side slopes in accordance with the plans and specifications in Exhibit A.
 - b. Install a temporary water bypass consisting of gravel bags as identified in Exhibit A during the period of construction.
 - c. If necessary, install a temporary shallow by-pass channel across the gravel bar on city property.
2. If a temporary shallow by-pass channel is determined to be necessary, prior to installation of such channel or removal of debris for the channel, the project contractor shall meet with City representatives to obtain approval of the work to be performed.
3. No logs or woody debris may be removed from City property downstream, upstream or adjacent to 401 Northwood Way.

4. No removal of any trees located on City property may occur unless prior approval has been granted by the City Arborist.
5. Prior to any work commencing, a survey shall be conducted and the boundaries of the City property shall be delineated with survey stakes.
6. Owner shall be responsible for the maintenance of said Improvements. Repairs on City property shall be reviewed and approved by Ketchum prior to work commencing.
7. In consideration of Ketchum allowing Owner to construct and maintain the Improvements on City property, Owner agrees to indemnify and hold harmless Ketchum from and against any and all claims of liability for any injury or damage to any person or property arising from the Improvements constructed, installed and maintained on City property. Owner shall further indemnify and hold Ketchum harmless from and against any and all claims arising from any breach or default in the performance of any obligation on Owner's part to be performed under this Agreement, or arising from any negligence of Owner or Owner's agents, contractors or employees and from and against all costs, attorney's fees, expenses and liabilities incurred in the defense of any such action or proceeding brought thereon. In the event any action or proceeding is brought against Ketchum by reason of such claim, Owner, upon notice from Ketchum, shall defend Ketchum at Owner's expense by counsel satisfactory to Ketchum. Owner, as a material part of the consideration to Ketchum, hereby assumes all risk of damages to property or injury to persons in, upon or about the Improvements constructed, installed and maintained on City property arising from the construction, installation and maintenance of said Improvements and Owner hereby waives all claims in respect thereof against Ketchum.
8. Ketchum shall not be liable for injury to Owner's business or loss of income therefrom or for damage which may be sustained by the person, goods, wares, merchandise or property of Owner, its tenants, employees, invitees, customers, agents or contractors or any other person in or about the Subject Property caused by or resulting from the Improvements constructed, installed, removed or maintained on City property.
9. Owner understands and agrees that by maintaining the Improvements on City property pursuant to this Agreement, Owner obtains no claim or interest in said City property which is adverse to that of Ketchum and that Owner obtains no exclusive right to said City property nor any other right to use the City property not specifically described herein.
10. This Agreement shall be a covenant running with the Subject Property and the terms and provisions hereof shall inure to the benefit of and be binding upon the parties and the respective heirs, personal representatives, successors and assigns of the parties hereof.
11. In the event either party hereto retains an attorney to enforce any of the rights, duties and obligations arising out of this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party reasonable attorney's fees at the trial and appellate levels and, whether or not litigation is actually instituted.

12. This Agreement shall be governed by, construed, and enforced in accordance with the laws and decisions of the State of Idaho. Venue shall be in the District Court of the fifth Judicial District of the State of Idaho.
13. This Agreement sets forth the entire understanding of the parties hereto, and shall not be changed or terminated orally. It is understood and agreed by the parties hereto that there are no verbal promises or implied promises, agreements, stipulations or other representations of any kind or character pertaining to the Improvements maintained in the public right-of-way other than as set forth in this Agreement.
14. No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of this document.
15. This Agreement shall be recorded with the Blaine County Recorder by Ketchum.
16. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

OWNER:

By: 

Sandra Swan




CITY OF KETCHUM:

By: 

Neil Bradshaw, Mayor

ATTEST:


Robin Crotty
City Clerk

STATE OF California)
) ss.
County of San Mateo)

On this 6th day of Nov, 2019, before me, the undersigned Notary Public in and for said State, personally appeared SANDRA SWAN, known to me to be the person who executed the foregoing instrument and acknowledged to me that ~~he~~ she executed the same.

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



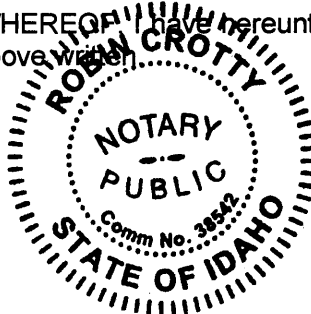
Chetna S. Nayak
Notary Public for California
Residing at Mentor Park
Commission expires 02/25/2021

STATE OF Idaho)
) ss.
County of Blaine)

STATE OF IDAHO)
) ss.
County of Blaine)

On this 19th day of November, 2019, before me, the undersigned 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, IDAHO, and the person who executed the foregoing instrument on behalf of said municipal corporation and acknowledged to me that said municipal corporation executed the same.

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

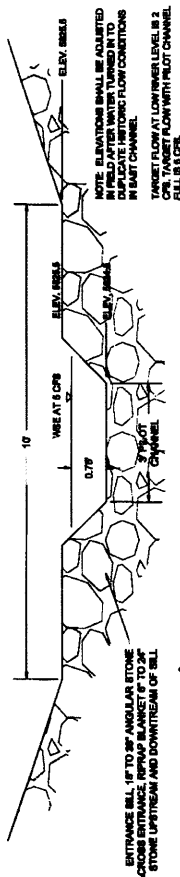


Roben Crotty
Notary Public for State of Idaho
Residing at Ketchum
Commission expires 12/25/2020

EXHIBIT "A"



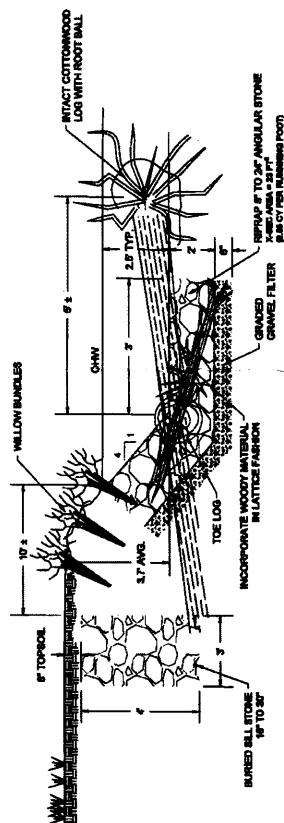
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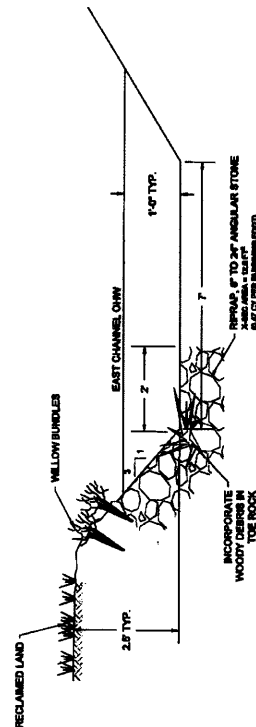
B EAST CHANNEL ENTRANCE SECTION
1 2 SCALE: N.T.S.



3 LAND RECLAMATION TREATMENT
1 2 SCALE: N.T.S.

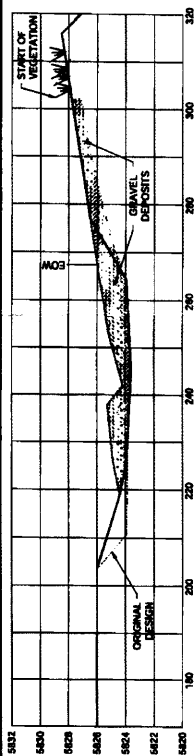


2 BANK TREATMENT - MAIN RIVER
1 2 SCALE: N.T.S.

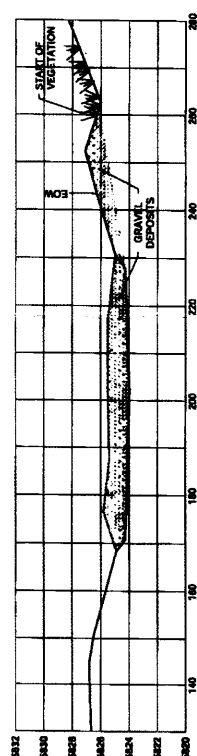


4 BANK TREATMENT - SOUTH EDGE OF RECLAMATION
1 2 SCALE: N.T.S.

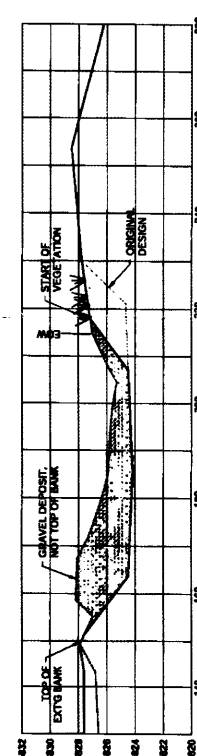
PROJECT #		PROJECT #	
598-17-2018		598-17-2018	
SWAN, SANDRA		SWAN, SANDRA	
RIVER RESTORATION PROJECT		RIVER RESTORATION PROJECT	
SECTIONS AND DETAILS		SECTIONS AND DETAILS	
2		2	
A		A	



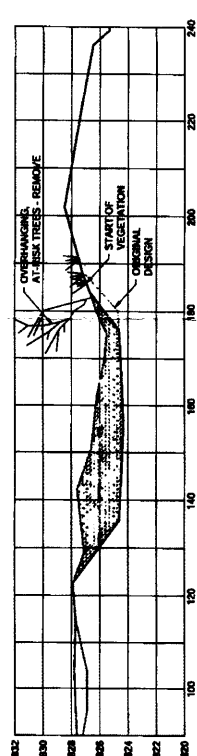
SECTION 100
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



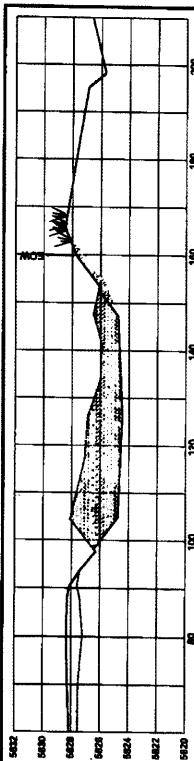
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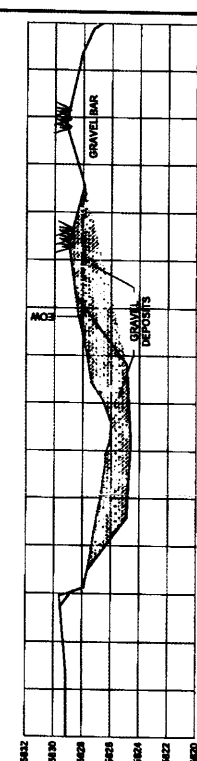
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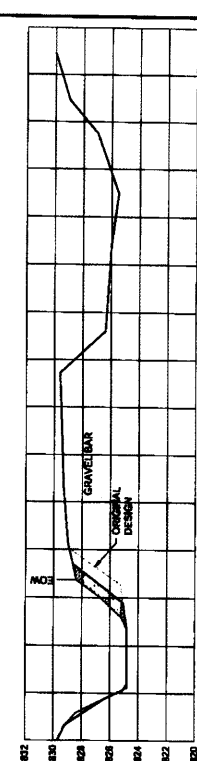
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VERTICAL SCALE: 1" = 5'



SECTION 104
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



SECTION 105
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



SECTION 106
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'

EXISTING CHANNEL - SURVEYED JULY 17, 2018
PROPOSED CHANNEL - SURVEYED JULY 17, 2018
EDGE OF WATER AT TIME OF SURVEY

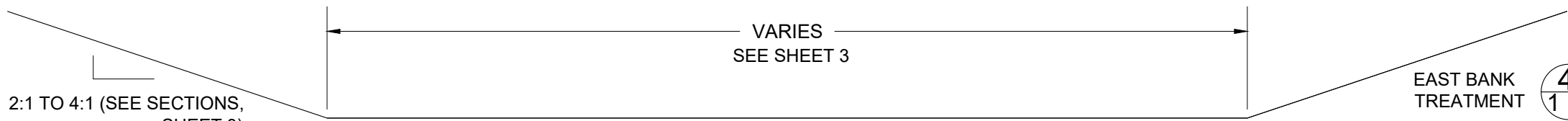
NOT FOR CONSTRUCTION

BROCKWAY ENGINEERING, PLLC 2016 NORTH WASHINGTON, SUITE 4 TWIN FALLS ID 83301 (208) 738-8643		SWAN, SANDRA RIVER RESTORATION PROJECT CHANNEL CROSS-SECTIONS		PROJECT # 588-17-2018
DESIGNED BY CHECKED BY DATE		REV 3		DWG # 3
REFERENCE DRAWINGS DATE APPR. DATE		REV 3		PROJECT # 588-17-2018

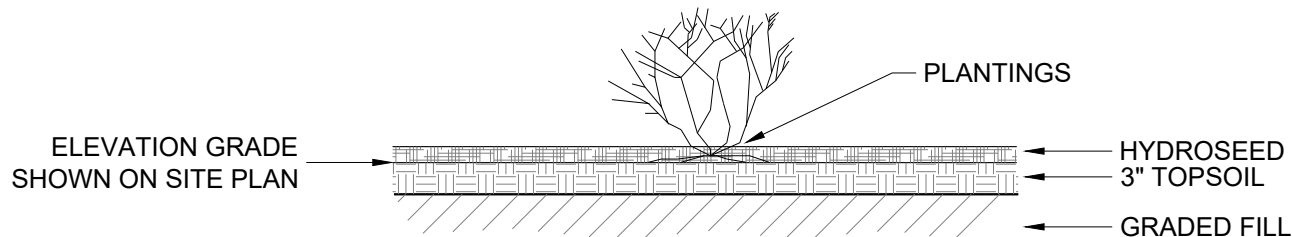
Attachments – Plans and Correspondence

- C. Plans, “Swan, Sandra River Restoration Project,” Three (3) sheets: Site Plan, Sections and Details, and Channel Cross-Sections, dated September 28, 2020

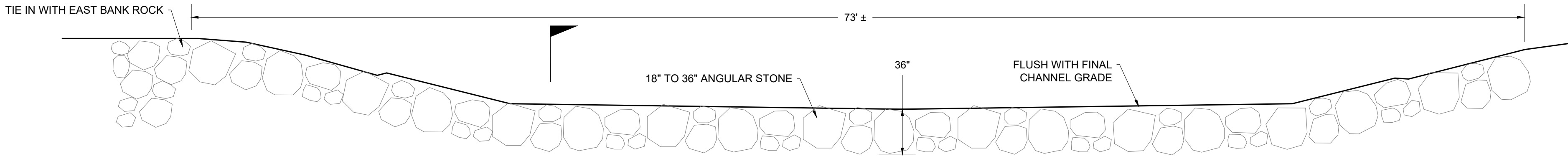
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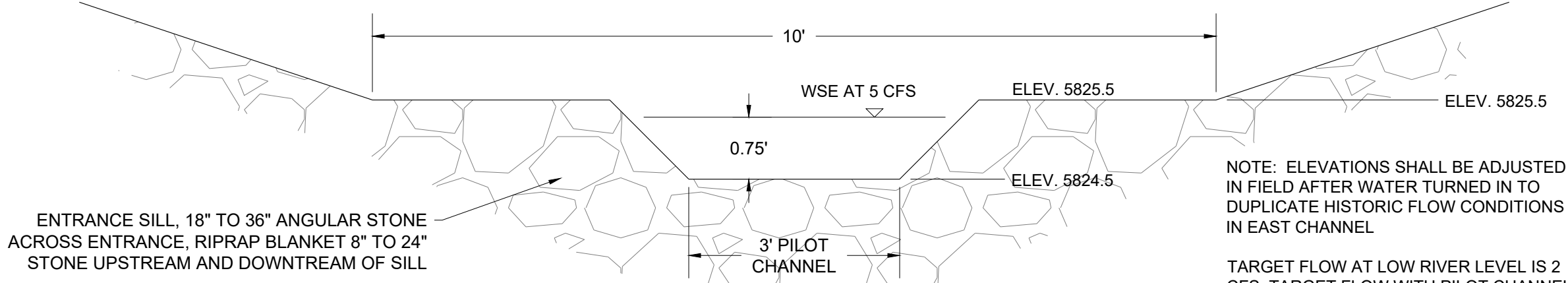
A MAIN RIVER CHANNEL TYP. SECTION
1 2 SCALE: N.T.S.



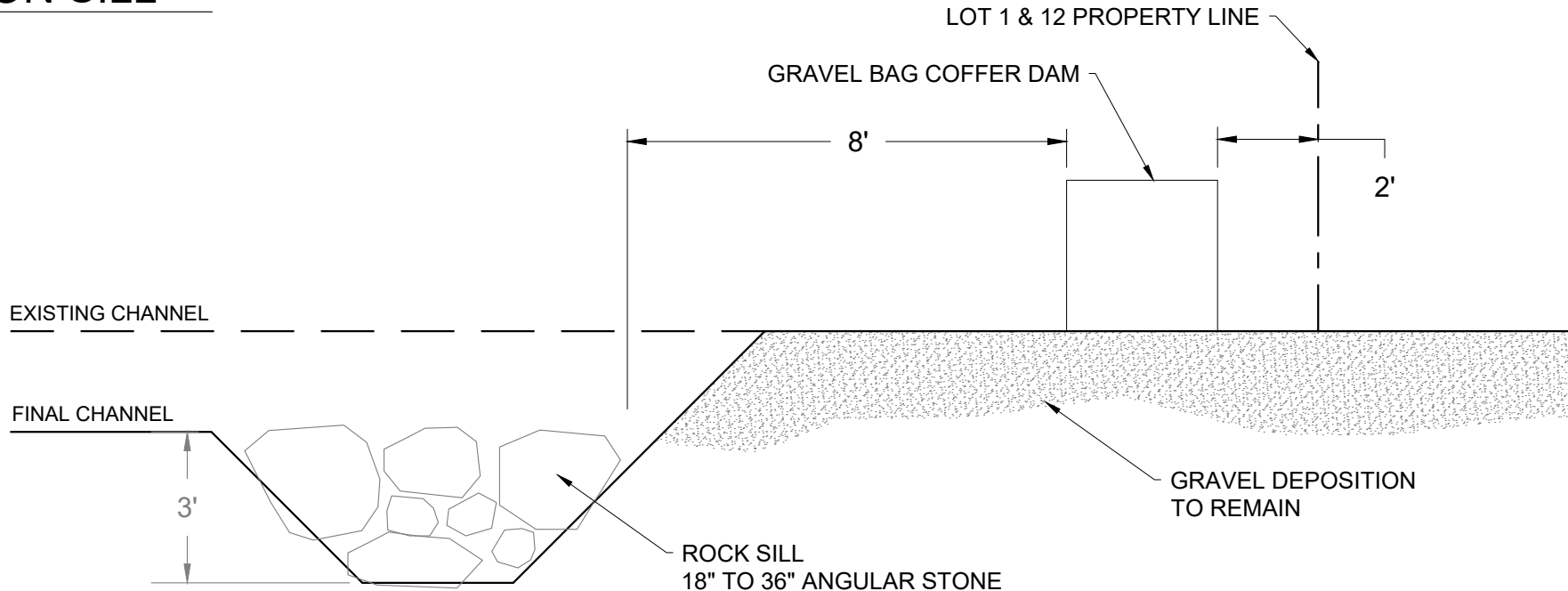
3 LAND RECLAMATION TREATMENT
1 2 SCALE: N.T.S.



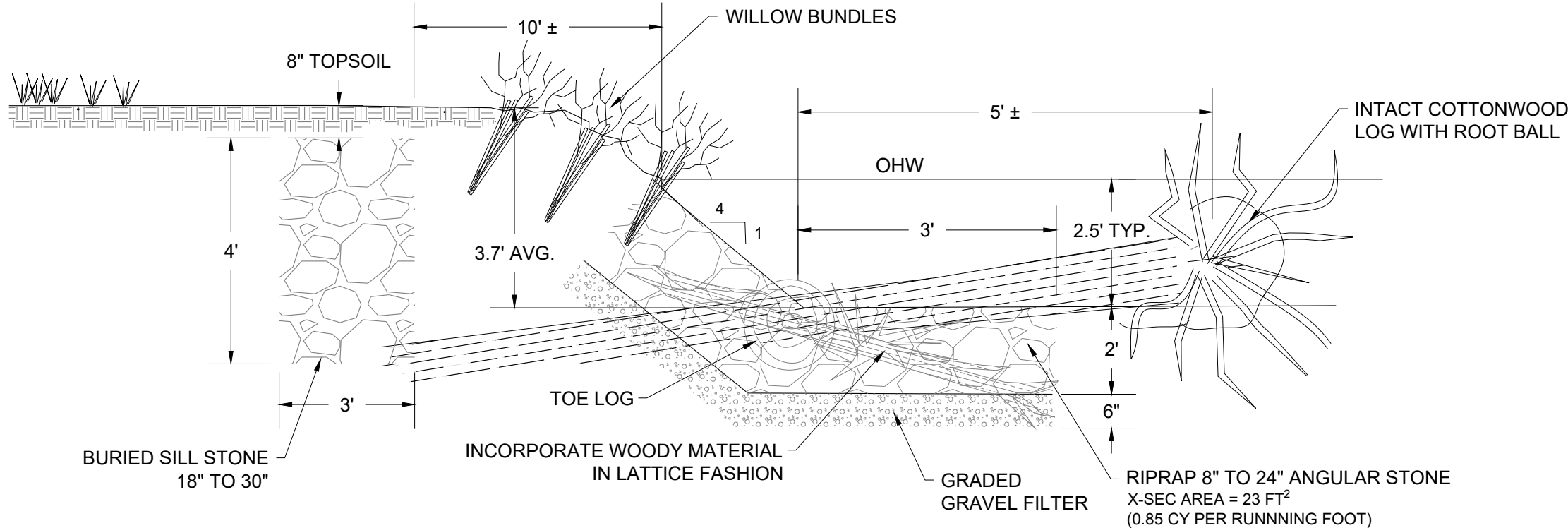
5 CHANNEL STABILIZATION SILL
1 2 SCALE: N.T.S.



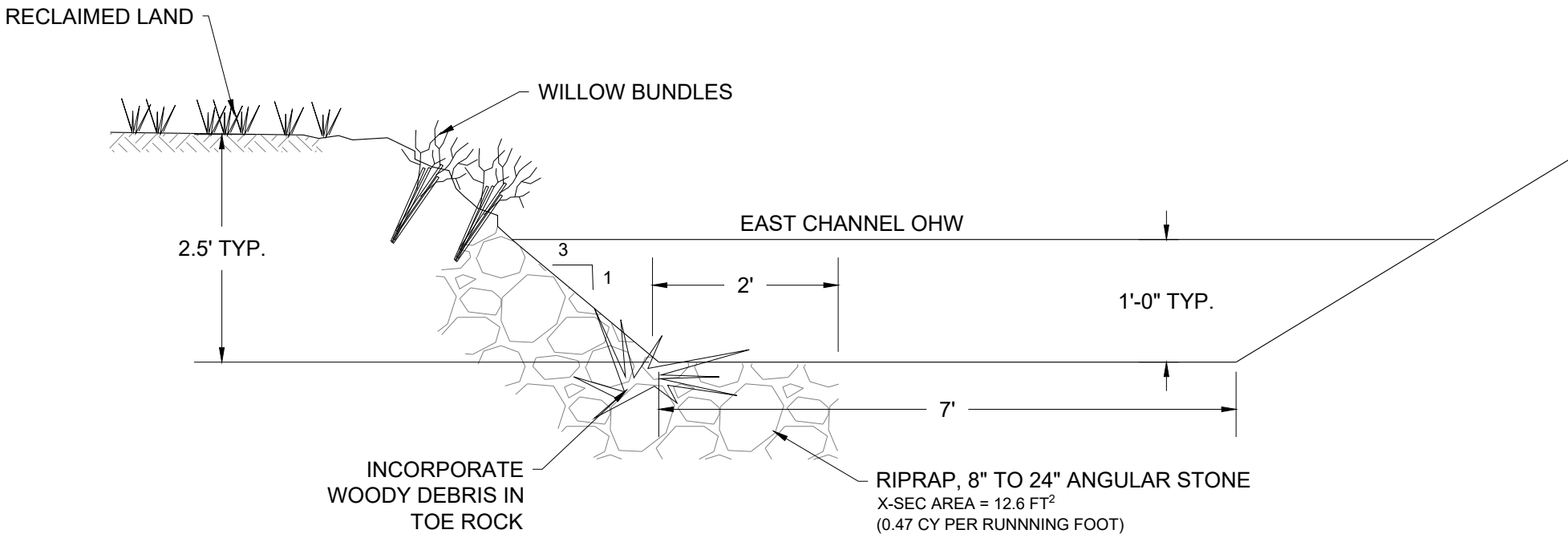
B EAST CHANNEL ENTRANCE SECTION
1 2 SCALE: N.T.S.



C CHANNEL STABILIZATION SILL SECTION
2 2 SCALE: N.T.S.



2 BANK TREATMENT - MAIN RIVER
1 2 SCALE: N.T.S.



4 BANK TREATMENT - SOUTH EDGE OF RECLAMATION
1 2 SCALE: N.T.S.

AMENDMENT 9/28/2020

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.

G	AMENDMENT - REMOVE LOT 1 WORK	9/28/20			
F	GEOGRID REMOVAL FOR CITY	9/16/19			
E	FOR FINAL PERMIT	7/19/19			
D	MODIFICATIONS TO CHANNEL	1/4/19			
C	ISSUE FOR BIDDING	10/18/18			
B	ADDED PROPERTY NAMES	9/28/18			
REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS	

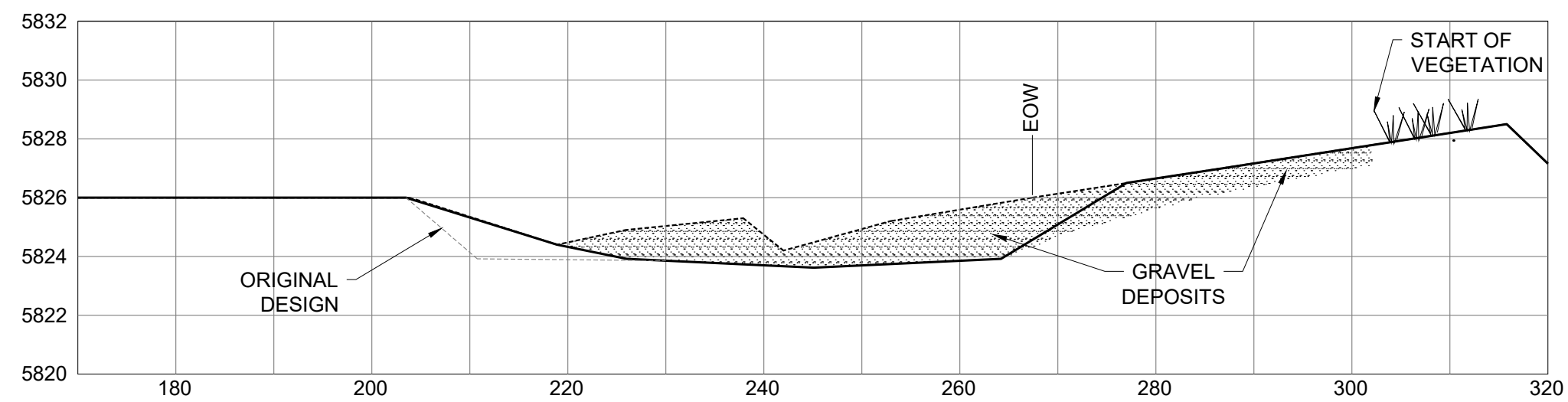
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CGB	ICB
(18 X 24) DWG ONLY	


BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS ID, 83301
(208) 736-8543

SWAN, SANDRA
RIVER RESTORATION PROJECT

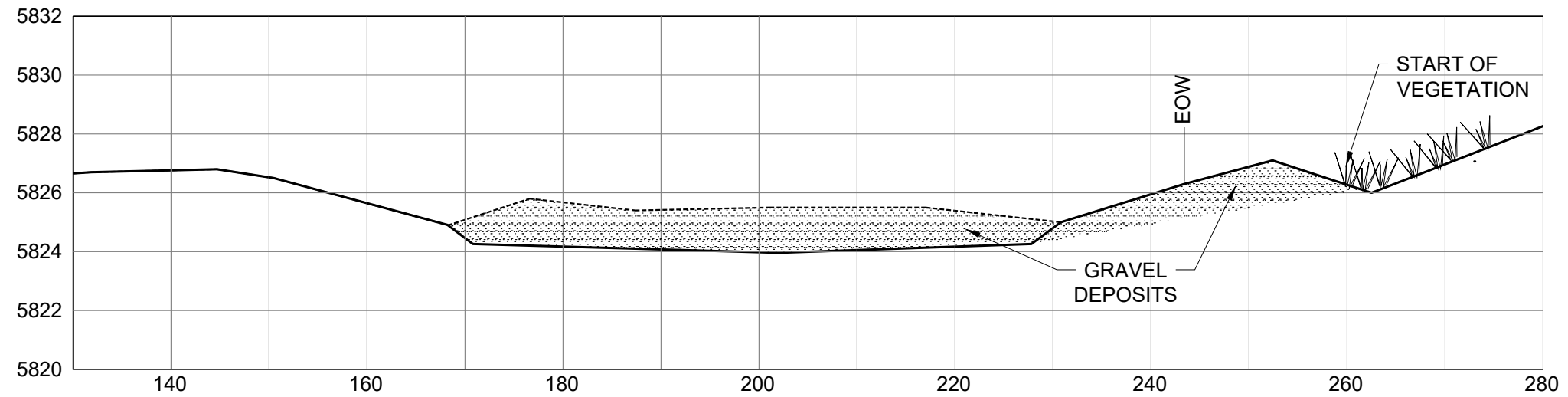
SECTIONS AND DETAILS


PROJECT #	538-17-2016
DWG #	2
REV	130



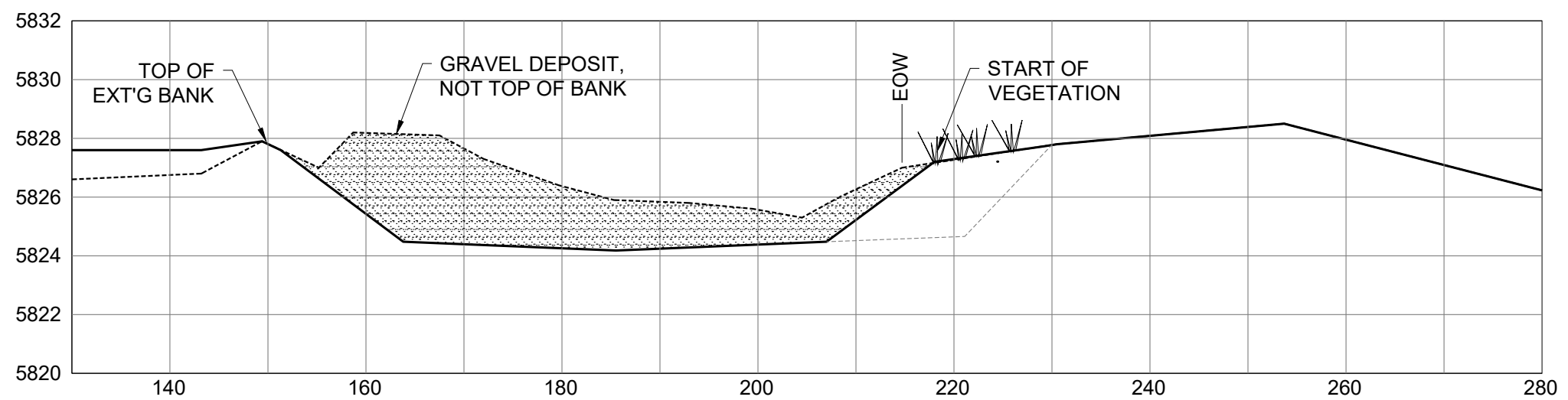


SECTION 100
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



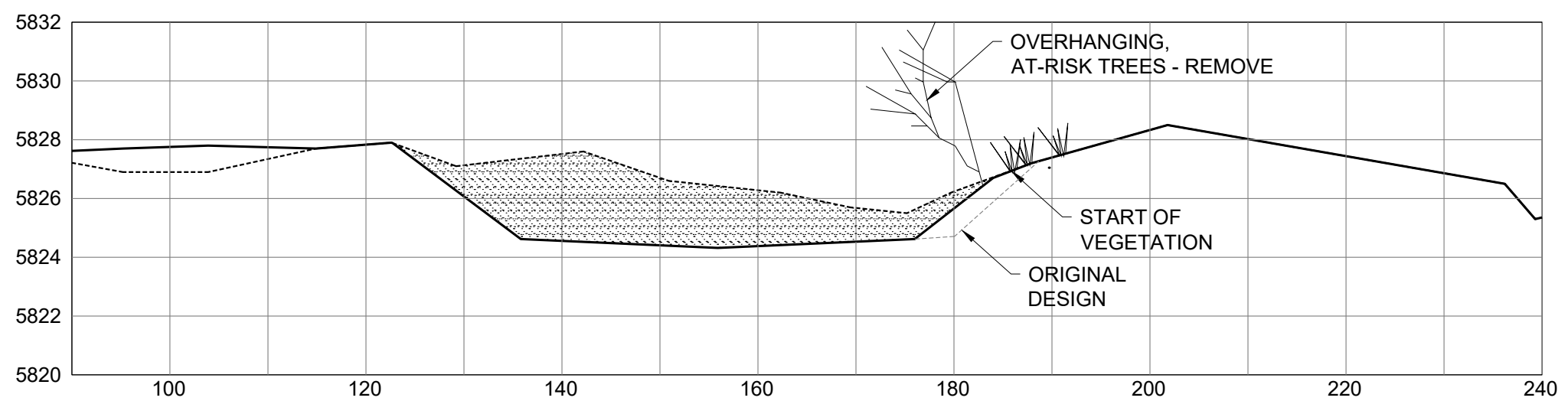


SECTION 101
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VERTICAL SCALE: 1" = 5'





SECTION 102
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VERTICAL SCALE: 1" = 5'

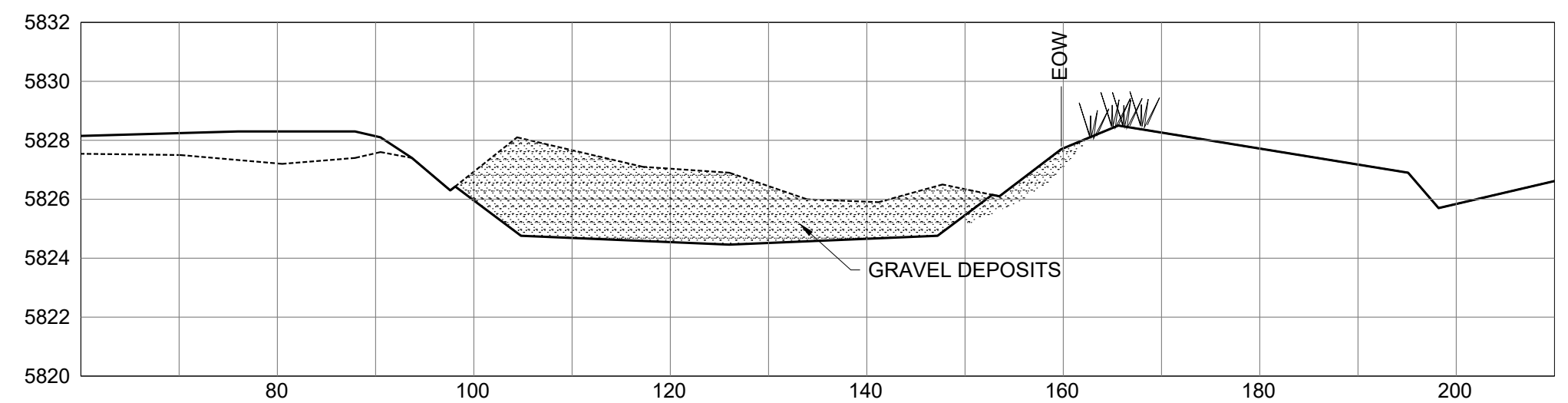





SECTION 103

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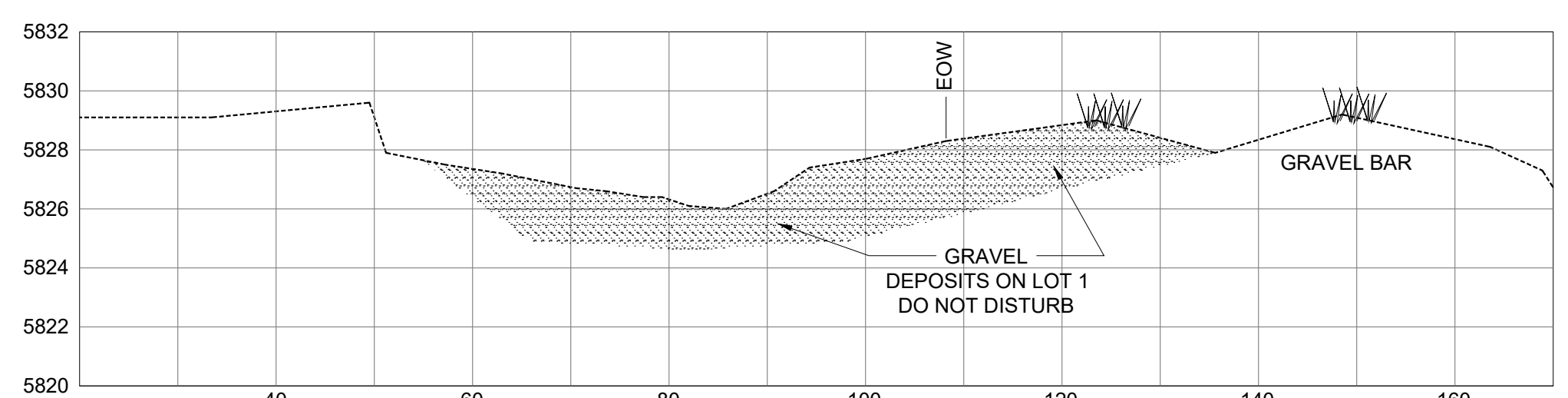





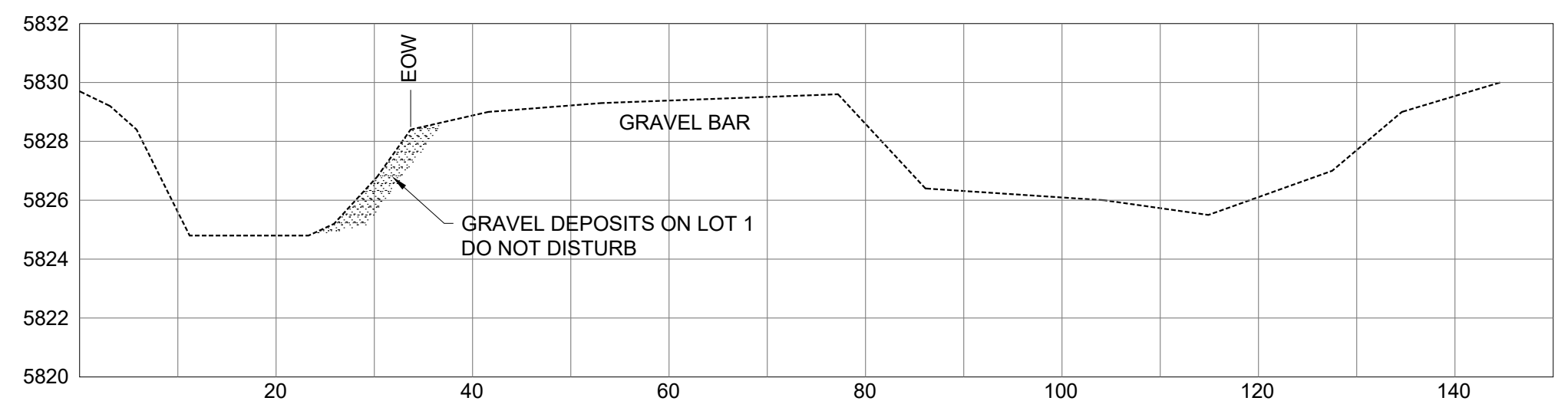
SECTION 104

HORIZONTAL SCALE: 1" = 15'

VERTICAL SCALE: 1" = 5'




SECTION 105
 HORIZONTAL SCALE: 1" = 15'
 VERTICAL SCALE: 1" = 5'



C.6
1 3

SECTION 106
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'

LEGEND

----- EXISTING CHANNEL - SURVEYED JULY 17, 2018

_____ PROPOSED CHANNEL

EOW EDGE OF WATER AT TIME OF SURVEY

NOT FOR CONSTRUCTION

AMENDMENT 9/28/2020

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.	G	AMENDMENT - REMOVE LOT 1 WORK	9/28/20			DESIGNED BY CGB	DRAFTED BY ICB	BROCKWAY ENGINEERING, PLLC HYDRAULICS - HYDROLOGY - WATER RESOURCES 2016 NORTH WASHINGTON, SUITE 4 TWIN FALLS ID, 83301 (208) 736-8543	SWAN, SANDRA RIVER RESTORATION PROJECT		PROJECT # 538-17-2016	
	F	GEOGRID REMOVAL FOR CITY	9/16/19									
	E	FOR FINAL PERMIT	7/19/19									
	D	MODIFICATIONS TO CHANNEL	1/4/19									
	C	ISSUE FOR BIDDING	10/18/18									
	B	ADDED PROPERTY NAMES	9/28/18									
	REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS	(18 X 24) DWG ONLY	CHANNEL CROSS-SECTIONS		DWG # 3	REV 131		

Attachments – Plans and Correspondence

- D. Memo, Charles Brockway, “Information Regarding Channel Sills,” dated October 10, 2020

Information Regarding Channel Sills

Prepared at the request of the City of Ketchum for the Swan project amendment

Brockway Engineering, PLLC

October 10, 2020



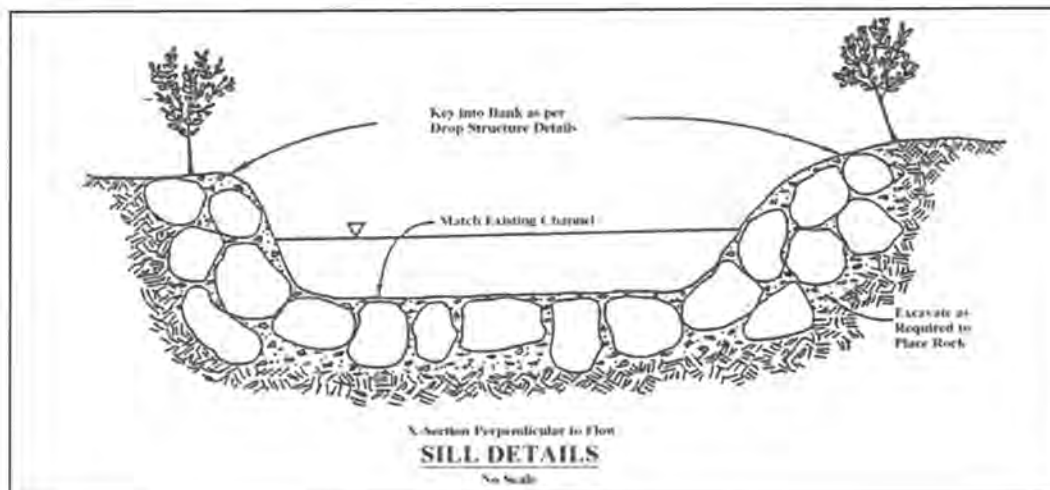
The Swan project amendment proposes a sill across the channel at the owner's north property line. The City of Ketchum has requested additional information about the nature and functionality of a sill and the justification for it.

A. What is a sill?

A sill is a line of large rock, buried in the channel bed, typically aligned perpendicularly to the channel. The sill is fully-buried with no part of the rock exposed above the bed of the channel. A sill is a grade control device; it inhibits an erodible channel from cutting downward, which can lead to a progressive head-cut in which the erosion proceeds upstream in an unwanted fashion. A sill is essentially a variation of a drop structure, sometimes called a "rock weir" or "boulder weir," that does not protrude above the bed. A drop structure could not be approved for this application due to the "no-rise" restriction imposed by FEMA.

B. Is a sill a standard channel control feature?

Yes. A sill is recognized as a standard method by the Idaho Department of Water Resources Stream Channel Protection Program as outlined in IDAPA 37.03.07.058.02. That paragraph states "The top of the sill may not exceed the elevation of the bottom of the channel. The purpose of a sill is to halt the upstream movement of a headcut, thus precluding the widening or deepening of the existing channel." Appendix G of the above-referenced rules contains a figure depicting a sill, as shown below:



Federal agencies such as the Natural Resources Conservation Service (NRCS), the U.S. Bureau of Reclamation, and the U. S. Forest Service also recognize rock sills in their design guidelines. For example, the NRCS describe them in its Technical Supplement 14G, “Grade Stabilization Techniques” and 14H, “Flow Changing Techniques”

C. Have sills and/or boulder weirs been used on the Big Wood River system?

Yes. Five examples are:

1. At the North Gimlet diversion headgate, a sill was used to inhibit further down-cutting of the channel that had impaired the ability to divert the full water right. In the photo below, there is a sill across the river just downstream of the headgate within the yellow rectangle, but it is not visible.



2. The Heart Rock Ranch project involved a major stream restoration effort and included a number of boulder weirs on Willow Creek and Crystal Creek.

3. A variation of a boulder weir known as a V-weir was installed on Silver Creek for one of the diversions as the Susie Q Ranch.

4. The project at the Cooper property near the hospital, designed by Biota Research and Consulting, includes a grade control sill / riffle across the entrance to a flood channel to be excavated and restored to reduce the risk of the flood channel capturing too much of the river flow (project not yet constructed).

5. A variation of a buried rock sill was used by the City of Ketchum to halt down-cutting of the Warm Springs Creek channel that had threatened a sewer line, shown below:



D. Is a sill “unnatural”?

They are placed by machine, but that would be a very narrow view of “unnatural.” Sills simply comprise a change in channel erodibility. This type of feature exists within every river in the world. Whenever there is a difference in erodibility, softer material downstream will tend to erode and the harder material will not, resulting in riffles, pools, or waterfalls. Differences in erodibility are one reason why rivers do not look like canals. They result in a diversity of flow patterns.

E. Why is grade control needed in this case?

With the removal of all work on the Rusack property, the channel regrading will not daylight on the Rusack property. Instead, there will be a discontinuity or vertical jump in the channel bed

height at the property line. The rock sill will help stabilize the channel at this point and mitigate the erosive instability of the channel bed.

It is understood that Rusack will be amending his permit application to extend the bank stabilization and proposed rock riffle downstream to the property line. In that case, this work will meet up with the Swan work and the sill on the Swan property could be seen as the downstream end of the rock riffle. If the Rusack project does not get built, the sill will continue to function. Ms. Swan cannot speculate on whether the Rusack project will get approved as proposed, or approved with changes, or get built even if it is approved. The intent is to develop a standalone project.

It should also be noted that the top of the sill will be at an elevation that has already been approved by all agencies. The Rusack work, if approved, will tie into that elevation. The amendment request does not involve any difference in channel grade on the Swan property.

F. What will be the effect on channel velocity of the channel sill and stopping the Swan work at the property line?

Concerns have been raised as to whether the Swan project as a standalone effort will result in undue velocity increases on the Rusack property. The HEC-RAS model representing the approved permits was modified to include the gravel discontinuity and remove all work on the Rusack property. The computed channel velocities during flood conditions (100-year event, 2880 cfs) and during lower flows of 1000 cfs and 500 cfs are shown in Table 1.

During the 100-year event, all models indicate essentially the same velocities. This is because during the flood, the entire floodplain is inundated and differences on Swan and Rusack are marginal and make little difference.

During lower flows (1000 cfs and 500 cfs), the velocity is greater at Section 105 with the Amended model compared to the Original Permit model. This is because the hump of gravel deposition at Section 105 is not excavated and water therefore falls over it into the lower, excavated Swan reach (this is the same effect as happens at Section 106 in the Original Permit model). The velocities at Section 106 decrease with the Amended model compared to the Original Permit model.

It must be noted that each model assumes a fixed, immovable bed. In reality, with the Amended model the hump of gravel at Section 105 will be transported downstream and the velocities will tend to converge to those for the Original Permit model. The bank stabilization to be included on Rusack's forthcoming amended permit will need to account for these velocities in the same way that the original Swan design did.

Other models developed by other people will no doubt differ to some degree. This is the nature of models. The owner does not intend to get drawn into a "battle of the models."

Table 1. Computed channel velocities (ft/s) during the 100-year flood (2880 cfs), and lower flows of 1000 cfs and 500 cfs.

Model	HEC-RAS Model Plan	Flow (cfs)	Location / River Station		
			Section 104 (downstream of property line)	Section 105 (just upstream of property line)	Section 106 (approx. 65' upstream of property line)
			106003	106038	106085
Existing conditions model (Nov. 2017 and Aug. 2018 surveys)	Plan01	2880	8.6	10.3	15.0
		1000	5.8	5.9	6.7
		500	4.4	6.2	4.9
Original Swan Approved Permits (including work on Rusack)	Plan08	2880	8.8	10.3	14.5
		1000	5.7	5.9	8.9
		500	4.4	4.2	7.4
Amended Swan Project (work on Rusack removed)	Plan10	2880	8.9	10.3	15.0
		1000	5.7	8.0	6.8
		500	4.4	6.2	4.9

Attachments – Plans and Correspondence

- E. Narrative, Charles Brockway, “Amendment to Swan River Restoration Project,” dated September 28, 2020

Amendment to Swan River Restoration Project

September 28, 2020

A. Elements of Amendment

The Amendment pertains to the river restoration project approved by the Corps of Engineers (NWW-2017-639-I02), the Idaho Department of Water Resources (S37-20546 as Amended July 8, 2019) to the project includes the following elements, all of which are depicted on Revision G of the project drawings, dated September 28, 2020. The specific elements of the Amendment are as follows:

- a. Remove all work of any kind on Lot 1 (Marsupial Investments)
- b. For water bypass, place temporary gravel bags across the channel just south of the Lot 1 / Lot 12 line. The line of bags will extend westward onto City of Ketchum property just as in the approved permit (the temporary gravel bags on City property were previously approved in the encroachment permit). As before, it is likely that water can be bypassed without removal of debris or gravel on City property; however, if this becomes necessary the same provision as previously approved would apply.
- c. Stop the channel excavation and re-grading just downstream of the temporary gravel bags (stopping short of the bags to avoid undermining them).
- d. To increase the stability of the re-graded channel and prevent down-cutting and a potential head cut moving upstream onto Lot 1, a below-grade rock sill will be placed across the channel. Such sills are included in the IDWR minimum standards and are commonly used. The top of the sill will be flush with the finished of the channel, i.e. all of the rock will be below the channel bed and thus there will be no hydraulic impact from the sill.

Material quantities for the reduced-scope amended project are shown in Tables 1 and 2. These are the same tables found in the September 30, 2019 narrative for the approved project, with Items #1 and #2 revised and an Item #8 added to reflect the sill across the channel. All other elements of the project are unchanged.

Table 1. Material quantities, Items #1 and #2 revised per amendment.

Project Component	River Length (ft)	Plan Area (acres)	Total excavation (cu. yd.)	Excavation below OHW* (cu. yd.)	Total fill (cu. yd.)	Fill below OHW* (cu. yd.)
1. Gravel removal	300	0.50	1,243	1,243	0	0
2. Reclamation	n/a	0.27	0	0	447	0
3. Reclaimed land south boundary protection	165	0.03	0	0	77	65
4. East chan entrance stabilization	88	0.03	86	86	54	54
5. Bank stabilization	180	0.05	0	0	131	131
6. Bank sill	Landward of OHW					
7. Wood removal	n/a	0.10	150	150	0	0
8. Sill across channel to stabilize gravel cut	12	0.02	49	49	49	49
Temporary bypass and coffer	32	0.03	65	65	18	12
TOTALS		1.03	1,593	1,593	776	311
TOTALS (not including temporary work)		1.00	1,528	1,528	758	299
Notes: Gravel removal: Length is total north-south length along Big Wood River from upper to lower limits of removal. Reclamation: Fill volume is for reclamation of land within floodplain. Reclaimed land south boundary protection: Length is west-east along north bank of East Channel. East channel entrance stabilization: Length is the west-east length of the east channel entrance protection and re-grading; total excavation is for channel re-grading from entrance eastward; fill is rock at entrance. Bank stabilization: Length is north-south along Big Wood River, fill is riprap and logs. * OHW prior to 2017 discrete event.						

Table 2. Post-project channel geometry, revised per Amendment.

Section	River Station (ft)	Bottom width (ft)	Side slope	Cut area (ft2)
106	106085	No disturbance		
105	106038	No disturbance		
104	106003	40	4:1	114
103	105970	40	4:1	113
102	105935	50	4:1	154
101	105883	60	4:1	96
100	105800	60	4:1	116
99	105700	30	4:1	21

B. Revised No-Rise Analysis

The HEC-RAS model for the proposed conditions that was approved by the City of Ketchum was modified by removing the gravel excavation and bank protection obstruction from Sections 105 and 106 (the sections on Lot 1) and creating an interpolated section 10' downstream of the property line to reflect the stoppage of gravel excavation at that point. This model when compared to the existing conditions model shows no rise in 100-year flood elevation in accordance with FEMA criteria.

Attachments – Plans and Correspondence

- F. Engineering No-Rise Certificate, Charles Brockway, dated September 28, 2020

Engineering “No-Rise” Certification

(for projects located in a mapped floodway)

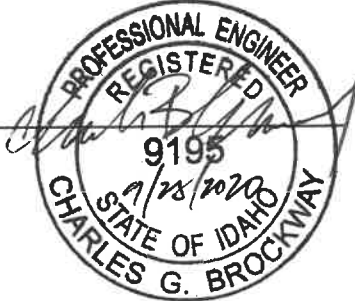
44 CFR 60.3(d)(3) requires that local communities participating in the National Flood Insurance Program “Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;”

City of Ketchum ordinance 17.88.060.C requires the City to “Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification, with supporting calculations, by a registered professional hydraulic engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.”

This is to certify that I am a duly qualified engineer licensed to practice in the State of Idaho. Pursuant to the above statute and ordinance, this further certifies that the attached data support the fact that the proposed Swan Phase 2 Project as Amended September 28, 2020, will not increase the base flood (100-year flood) elevation on Warm Springs Creek at published sections in the Flood Insurance Study for Ketchum, Idaho dated November 26, 2010 and will not increase the 100-year flood elevations at unpublished cross-sections in the effective HEC-RAS model.

9/28/2020
Date

Signature



A circular professional engineer seal for the State of Idaho. The outer ring contains the text "PROFESSIONAL ENGINEER" at the top and "CHARLES G. BROCKWAY" at the bottom. The inner ring contains "REGISTERED" at the top and "STATE OF IDAHO" at the bottom. In the center, the number "9195" is printed, and the date "9/28/2020" is handwritten. A signature is written across the seal.

Attachments – Plans and Correspondence

- G. Letter, City of Ketchum/Brittany Skelton to Charles Brockway and Evan Robertson, dated January 26, 2021 (*one (1) attachment to letter: Memo, Harmony Design and Engineering, dated January 22, 2021*)



**City of Ketchum
Planning & Building**

January 26th, 2021

Via e-mail only

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
charles.g.brockway@brockwayeng.com

Evan Robertson
Robertson & Slette, PLLC
134 3rd Ave E
Twin Falls, ID 83301
erobertson@rsidaholaw.com

Re: Proposed amendments to P18-131

Mr. Brockway and Mr. Robertson:

Thank you for the following items:

- January 11, 2021 e-mail, Charles Brockway to Brittany Skelton, and three attachments
 - Engineering "No-Rise" Certification dated September 28, 2020, 1 page
 - Swan2-forCityAmendmentOct 2020.zip
 - HEC-RAS Model Output: Swan Amended Project October 2020, Swan2.p01, and HEC-RAS Model Output: Swan Existing Conditions, Swan2.p10, 2 pages total
- January 11, 2021 email, Evan Robertson to Brittany Skelton, requesting an administrative extension of existing permit P18-131 to October 11, 2021.
- January 20, 2021 e-mail, Charles Brockway to Brittany Skelton, further addressing the design of the proposed amendment to the project

The materials have been reviewed by the city and our consulting engineer, Jennifer Zung, P.E., Harmony Design & Engineering.

The attached review memo from the city's consulting engineer, Harmony Design & Engineering, details the outstanding concerns regarding the proposed project amendment as designed.

However, understanding that your clients, Bob and Sandra Swan, desire for the city to reach a decision on this matter, we can proceed to schedule the proposed amendment to application P18-131 for consideration by the Planning and Zoning Commission during a public hearing. The next available meeting date is Tuesday, March 9th, 2021 with a start time of 4:30 p.m. MDT.

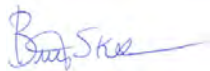
Please let us know by this Friday, January 29th, 2021 if you would like to proceed with a public hearing with the Planning and Zoning Commission on March 9th, 2021.

Regarding the request to extend the existing entitlement for P18-131 to October 11th, 2021:

This letter serves as an extension of the existing entitlement to May 1, 2021. The extension to this date will allow evaluation of the snowpack through February and March of 2021 and the potential for runoff to alter the

conditions the approval of the permit was based on. The extension to May 1, 2021 does not preclude further extension of the permit to October 11, 2021 and neither does the snowpack. Rather, this extension provides time to consider whether additional information may be necessary to evaluate an extension of the permit to October 11, 2021 based on the snowpack and the magnitude of the spring 2021 snowmelt/runoff season. Whether this additional extension can be approved will be subject to the regulations contained in Ketchum Municipal Code section §17.88.050.G.

Regards,



Brittany Skelton, CFM
Senior Planner, Ketchum Planning and Building Department

Attachments:

Memo, Re: Revised Swan River Restoration Project Stream Alteration Permit Review (P17-134), Harmony Design & Engineering, dated January 22, 2020

CC:

Suzanne Frick, Director of Planning and Building, via email sfrick@ketchumidaho.org

Matthew Johnson, City Attorney, via mjohnson@whitepeterson.com

Jennifer Zung via email jen.zung@harmonydesigninc.com

Sandra Swan via email emtiswan@comcast.net



Memo

To: Brittany Skelton, City of Ketchum

From: Jennifer Zung, PE, CFM

CC:

Date: 1/22/2021

Re: Revised Swan River Restoration Project Stream Alteration Permit Review (P17-134)



In response to our comments dated 12/6/2020, Brockway Engineering provided the following items in an email dated 1/11/2021.

1. No-Rise Certification
2. Zip file containing HEC-RAS model files and an explanation why they believe the updated model for the Big Wood River is not appropriate.
3. Comparison tables showing existing and proposed elevations and velocities for the 100-year flood event.

The submitted information addresses comments 1, 2, and 3 under “No Rise Certification and Hydraulic Model” in the Harmony memo dated 12/6/2020. However, the comments regarding long term stability have not been addressed and are copied here:

1. In the Brockway Engineering letter dated October 22, 2020, it is stated that downward erosion of the channel bed gravel upstream of the project is planned and expected. It should be demonstrated that this degradation will not cause adverse impacts such as erosion downstream or upstream.
2. The October 22 letter also states that “modest” increases in velocity upstream of cross section 104 will occur. The letter from Brockway Engineering regarding channel sills dated October 10, 2020, further states that bank stabilization on the Rusack property will need to be installed to account for these increased velocities. Each project must stand alone and show no adverse impacts to other properties or that impacts are being mitigated. Please either add mitigation for the velocity increases to this project or modify the design so that there are no adverse impacts with respect to water surface elevations, velocities, or increased potential for erosion on other properties.

Since the revised design as currently proposed will cause downward erosion of the channel bed and increased velocities at low flows upstream of the project site, the project does not provide a permanent solution or create a stable situation as required in Ketchum Code 17.88.050(E)14.

END OF DOCUMENT

Attachments – Plans and Correspondence

- H. Letter, City of Ketchum/Brittany Skelton to Charles Brockway, dated January 4, 2021 (*one (1) attachment to letter: Memo, Harmony Design and Engineering, dated December 6, 2020*)



**City of Ketchum
Planning & Building**

January 4th, 2021

Via e-mail only

**Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
charles.g.brockway@brockwayeng.com**

Re: Proposed amendments to P18-131

Mr. Brockway:

I apologize for the delay in responding to your revised application. We have reviewed your application and accompanying supporting documentation to amend permit P18-131 regarding the Swan Stream Alteration/Bank Stabilization Floodplain Development and Waterways Design Review permit issued on October 11th, 2019.

The materials have been reviewed by the city and our consulting engineer, Jennifer Zung, P.E., Harmony Design & Engineering. Reviewed materials include:

- Amended plan set, 3 sheets, dated September 28, 2020, Brockway Engineering
- Narrative "Amendment to Swan River Restoration Project", dated September 28, 2020
- Extension request e-mail, dated September 29, 2020, Charles Brockway
- Letter "Information Regarding Channel Sills", Brockway Engineering, dated October 10, 2020
- HEC-RAS model files Swan2.p10, Swan2.g11, Swan2.f01, Swan2.O10 attached to email dated October 13, 2020, Charles Brockway
- Letter "Re: Proposed Amendments to Swan River Restoration Project", Nicholas Kraus, Quadrant Consulting, dated October 15th, 2020
- Letter "RE: Pending Swan SAP Application", Evan Robertson, dated October 26, 2020
- Letter "Re: Pending Swan SAP Application", via email, Ed Lawson, dated November 4, 2020
- Letter, Diane Renfro, PioneerWest Property Management on behalf of Chaeau Northwood HOA, dated November 6, 2020
- Email dated November 8, 2020, Sandra Swan, with attachments A and B


The proposed amendments are complex and represent a significant change to the project plans as approved in permit P18-131 approved on October 11th, 2019. The proposed amendments do not constitute a minor modification. Further, it appears that the amended project as proposed will negatively impact the upstream, adjacent property located at 411 Northwood Way due to the removal of project components previously designed, and approved by the city, to mitigate impact on this parcel.

The attached review memo from the city's consulting engineer, Harmony Design & Engineering, details the additional information needed to evaluate the project.

Further, in accordance with Ketchum Municipal Code section §17.88.050.D.2, the Administrator has determined that this revised project cannot be approved administratively. A review of this permit will require a public hearing with the Planning and Zoning Commission. This decision was reached due to the complexity of the proposed amendment. In order to schedule a hearing with the Commission the issues raised in the attached memo must be resolved.

Lastly, in accordance with Ketchum Municipal Code section §17.88.050.G.4, an administrative extension for the original project permitted by permit P18-131 is in place until March 15th, 2021. March 15th is the start date of the prohibition of in-stream work in the Big Wood River. The extension was limited to March 15th, 2021 to ensure that the work as approved would occur prior to the 2021 spring snowmelt/runoff season; it is unknown whether winter 2020-2021 snowpack will result in a flood event that could alter the site conditions in such a way that that would void or modify the analyses that led to the initial permit approval. The Administrator reserves the right to issue an amendment to the extension for the period of time covering July 15th, 2021 through October 11th, 2021. July 15th is the annual date that in-stream work can commence in the Big Wood River. Whether this additional extension can be approved will be subject to the regulations contained in Ketchum Municipal Code section §17.88.050.G.

Regards,



Brittany Skelton, CFM
Senior Planner, Ketchum Planning and Building Department

Attachments:

Memo, Re: Revised Swan River Restoration Project Stream Alteration Permit Review (P17-134), Harmony Design & Engineering, dated December 6, 2020

CC:

Suzanne Frick, Director of Planning and Building, via email sfrick@ketchumidaho.org

Matthew Johnson, City Attorney, via mjohnson@whitepeterson.com

Jennifer Zung via email jen.zung@harmonydesigninc.com

Sandra Swan via email emtiswan@comcast.net

Evan Robertson via email erobertson@rsidaholaw.com



Memo

To: Brittany Skelton, City of Ketchum

From: Jennifer Zung, PE, CFM

CC:

Date: 12/06/2020

Re: Revised Swan River Restoration Project Stream Alteration Permit Review (P17-134)



Per your request, I have reviewed the revised Stream Alteration Permit for the Swan River Restoration Project (permit No. P17-134) dated September 28, 2020 with respect to City of Ketchum municipal code Chapter 17.88, Article 1. Flood Damage Prevention.

Long Term Stability

Ketchum Code 17.88.050(E)14 states that the proposal should be a permanent solution and create a stable situation. Additionally, criteria 1 states that the development should not alter the river channel, and the inherent natural characteristics of the river and floodplain areas should be preserved or restored.

1. In the Brockway Engineering letter dated October 22, 2020, it is stated that downward erosion of the channel bed gravel upstream of the project is planned and expected. It should be demonstrated that this degradation will not cause adverse impacts such as erosion downstream or upstream.
2. The October 22 letter also states that “modest” increases in velocity upstream of cross section 104 will occur. The letter from Brockway Engineering regarding channel sills dated October 10, 2020, further states that bank stabilization on the Rusack property will need to be installed to account for these increased velocities. Each project must stand alone and show no adverse impacts to other properties or that impacts are being mitigated. Please either add mitigation for the velocity increases to this project or modify the design so that there are no adverse impacts with respect to water surface elevations, velocities, or increased potential for erosion on other properties.

No Rise Certification and Hydraulic Model

Ketchum Code 17.88.050(E)15 states that the proposed project shall result in no increase to the one percent (1%) annual chance floodplain upstream or downstream. The enclosed 2013 FEMA Region X publication, *Procedures for "No-Rise" Certification of Proposed Developments in the Regulatory Floodway*, was used to evaluate the submitted no-rise.

1. Please provide a new No-Rise Certification for the revised project.
2. The geometry and project files for the HEC-RAS model provided were missing so the model could not be reviewed. As you know, FEMA is currently in the process of a county-wide DFIRM update for Blaine County and the City of Ketchum. Thus, a draft 1D hydraulic model for the Big Wood River based on 2017 LiDAR and channel surveys is available and can be used as the best available data for the analysis.
3. Please add a comparison table that shows the existing and proposed base flood elevations to 0.00-ft.

END OF DOCUMENT

Attachments – Plans and Correspondence

- I. Letter, City of Ketchum to Edward Lawson, dated November 6, 2020



City of Ketchum
Planning & Building

November 6th, 2020

Via e-mail only

Lawson Laski Clark, PLLC
c/o Edward A. Lawson
675 Sun Valley Road, Suite A
P.O. Box 3310
Ketchum, ID 83340
eal@lawsonlaski.com

Re: Letter dated November 4, 2020, Pending Swan SAP Application

Mr. Lawson:

We have received your letter dated November 4, 2020 regarding the pending Swan Stream Alteration Project (SAP) Application for the project proposed at 401 Northwood Way ("Swan Property"). The letter has been included in the project file.

On page two (2), in paragraph three (3), you write that it is your understanding that prior to an administrative approval the City will notify all neighboring property owners within 300 feet of the Swan Property and will set the matter for hearing before the City Council for an amended encroachment permit. You ask that the city advise as soon as possible if this understanding is not accurate.

To clarify: Prior to an administrative decision on a stream alteration application the city will notify all property owners within 300 feet of the subject property via postal mail. Mailed notifications will be sent to the mailing addresses on file with the Blaine County Assessor for each property. Notices will be mailed at minimum ten (10) days prior to an administrative action being taken. This procedure will be followed for the pending Swan application.

In addition to the issuance of a Floodplain Development Permit allowing for stream alteration, when projects include work on city-owned land an Encroachment Permit from City Council authorizing work on city-owned land is required. This was the case for the original scope of work for the Swan project and City Council approved an Encroachment Permit in 2019. Because the scope of work approved is proposed to be amended you are correct that an amendment to the Encroachment Permit is required from City Council. The matter will be set for consideration before City Council during a public meeting.

Regards,

A handwritten signature in blue ink, appearing to read "Brittany Skelton".

Brittany Skelton, CFM
Senior Planner, Ketchum Planning and Building Department

CC:

Katie Franklin, Lawson Laski Clark via email krf@lawsonlaski.com

Geoff Rusack via email geoff@rusack.com

Nicholas Kraus via email nick@quadrant.cc

Suzanne Frick via email sfrick@ketchumidaho.org

Jennifer Zung via email jen.zung@harmonydesigninc.com

Attachments – Plans and Correspondence

- J. Letter, Evan Robertson to Brittany Skelton, dated October 26, 2020

Robertson & Slette, p.l.l.c.

J. EVAN ROBERTSON
GARY D. SLETTE

Legal Assistant - Cassie Chapman
cchapman@rsidaholaw.com

ATTORNEYS AT LAW

134 Third Avenue East
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 933-0700
FAX (208) 933-0701



J. EVAN ROBERTSON
erobertson@rsidaholaw.com

October 26, 2020

VIA E-MAIL: bskelton@ketchumidaho.org

Brittany Skelton
City of Ketchum
P.O. Box 2315
Ketchum, ID 83340

RE: Pending Swan SAP Application

Dear Brittany,

I have been asked by Bob and Sandra Swan to respond to your October 19, 2020 email chain to them related to their revised SAP application now pending before the City, and to Mr. Rusack's objection to approval of that application, including the report he filed from his consultants, Quadrant Consulting. As you know, my client's residential property at 411 Northwood Way was extensively damaged by the Big Wood River 2017 spring flood event which obliterated the riverbank, riparian zone, and floodplain along the front of their property and stopped flows into the east channel of the river near the south end of the Swan property. As you also know, the Swan property has remained vulnerable since 2017 to additional damage from similar flood events since they have not been allowed to complete stream channel improvements to strengthen the bank of the river on their property through no fault of their own. Promptly after the 2017 flood subsided, the Swans, at their cost, retained the services of Charles G. Brockway, P.E. to design a stream alteration project to repair and reclaim property eroded by the flood, and to reinforce the river bank to prevent future flood damages all along their property and extending upstream along a portion of the neighboring property belonging to Marsupial, LLC/Rusacks. Those plans were completed with Mr. Rusack's knowledge and tacit, if not formal, approval and participation. This "Original Swan Application" received approvals from the Army Corps of Engineers, and IDWR, and also from the City, whose approval conditioned construction of the project upon receipt of formal consent of the Rusacks but it still appeared at that time that the entire project could be constructed in 2019. What went wrong? To put it simply, all efforts to work with the Rusacks were unsuccessful, and their consent to construct the portion of project planned for the riverbank abutting the Marsupial property proved elusive, and could not be obtained under terms acceptable to my clients. Negotiations nevertheless continued throughout 2019 and into 2020, until several months ago when the Swans, desperate to begin river bank improvements to prevent future flood damage to their property and frustrated with the futile negotiations with Mr. Rusak, requested Mr. Brockway revise the approved permit by reducing its scope to exclude any improvements on the Marsupial property. That revised application, after all the wasted time and money expended on

the Original Swan Application, has now received approval from the Army Corps and IDWR, and awaits approval from Ketchum, which we believe strongly should be administratively approved without delay, and without any condition requiring consent from, or coordination with, Rusacks or Marsupial, LLC. With that brief history of events, now let me respond specifically to the objections to the revised Swan application raised by Rusacks and their consultant, Quadrant Consulting, and set forth what we believe are compelling reasons why the City should immediately approve the pending application:

1. The suggestion in the Quadrant Report that Swans should delay construction of their revised project, and negotiate further with Rusacks in an effort to coordinate construction of their project with a similar project being proposed for the Marsupial property is unacceptable, since the entire purpose of revising the Original Swan Application, as detailed above, was to avoid any further involvement with the Rusacks, and my clients are unwilling to revisit that decision.

2. Speculation in the Quadrant Report that the revised Swan project poses "a high probability of creating an imminent adverse impact to the Marsupial Property" is just that, speculation, and is professionally countered by the attached opinion letter to you from Mr. Charles Brockway, P.E. Further, no such hazard was noted in the approvals the revised Swan project has received from the Army Corps and IDWR, both of which agencies have professionally trained staff involved reviewing all SAP applications.


3. The Swans have an urgent need and desire to protect their property, and believe strongly that the City should appreciate and support their efforts to do so, particularly since this year's exceptionally low flows in the Big Wood River provide excellent conditions for completing the Swan project yet this year, but that window is tight and no further delays can be tolerated.

4. Completion of the revised Swan project is designed to promote immediate restoration of the perennial flows that were in the east channel of the river prior to 2017, which will not only benefit fish and wildlife resources in the area, as touched on in the attached letter from Mr. Brockway, but will also be greatly appreciated by all of the residential property owners along that channel.

5. We are not aware of any provisions in the Ketchum SAP Ordinances or regulations which would permit the City to place a condition on its approval of the Swans' application which would require them to coordinate the construction of their project with the SAP project being proposed by Rusacks for the Marsupial property.

Based on all of the foregoing facts and circumstances I am requesting on behalf of my clients that you complete immediate administrative processing and approval of the pending application ASAP! Thank you.

Sincerely,



J. EVAN ROBERTSON

cc: clients

Attachments – Plans and Correspondence

- K. Letter, Charles Brockway to Brittany Skelton, dated October 22, 2020



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

October 22, 2020

Brittany Skelton
City of Ketchum
P.O. Box 2315
Ketchum, ID 83340

VIA E-MAIL

Re: Swan Project Amendment

Dear Brittany:

I have reviewed the letter dated October 15, 2020 from Quadrant Consulting regarding the proposed amendment to the Swan River Restoration Project. Our comments are as follows:

The discontinuity in the channel bed gravel will indeed erode downward as described in Quadrant's analysis. This is a planned and expected feature of the amended plan. However, the grade control sill will halt the erosion when the channel elevation at Section 104 reaches the design elevation in the original plan. The associated head cutting will also then stop, because head cutting cannot continue without downstream erosion as its instigator. As noted in our supplemental analysis submitted on October 10, 2020, the most likely result will be a channel grade on the Marsupial property very similar to the original design.

Modest increases in velocity upstream of Section 104 are predicted to occur at low to moderate river flows, but not during flood events when bank erosion is of concern. The undercutting of the bank at Sections 105 and 106 on the Marsupial property has been an acute and obvious problem since the 2017 flood, with no steps taken since then to protect the bank or the cottonwood trees which are at risk of falling into the river. This situation presents an imminent risk to the Swan property for two reasons: 1) the bank erosion may continue downstream and further exacerbate the erosion problem on the property, and 2) it is a near certainty that the undercut cottonwood trees will fall into the channel at some point, potentially shunting water onto the Swan property.

Dewatering of the project reach can be accomplished with ordinary effort, especially if the work is done this fall when the river flow is near record lows.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

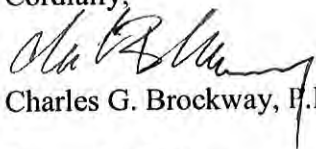
FAX: 736•8506

Flow across the island will not occur in an uncontrolled fashion but will be monitored and regulated as required. Water backed up in the river will not cause an adverse impact to any property owner. The dewatering operation will be temporary, lasting approximately two weeks. This level of dewatering is no more than Marsupial will be asking of its upstream neighbors.

The two parties have been trying to coordinate projects for more than a year and it has proven impossible. The Swan project was thus amended in a reasonable fashion to act as a standalone project which accomplishes the same goals.

Understandably, the Quadrant analysis pertains only to the Marsupial property and does not address the benefits to other property owners and to the natural habitat. Approximately ten property owners adjacent to and downstream of the Swan property (including the City of Ketchum) will benefit from stabilization of the east channel with the consequent reduction of flood risk and maintenance of the historic perennial flow in this reach. The fishery will also greatly benefit: just in the past year, significant fish kills have occurred in the east channel due to stranding of juveniles. Maintenance of flow in the east channel is imperative to avoid this injury to the resource. Health of the riparian along both the Swan and Marsupial parcels has suffered – no vegetation is taking root and the land still consists of sand and small gravel deposition which is more susceptible to erosion.

Cordially,



Charles G. Brockway, P.E.

Cc: Sandra Swan
Evan Robertson

Attachments – Plans and Correspondence

- L. E-mail, Charles Brockway, dated January 20, 2021

Brittany Skelton

From: Charles Brockway <charles.g.brockway@brockwayeng.com>
Sent: Wednesday, January 20, 2021 8:43 AM
To: Brittany Skelton
Cc: 'Jen Zung'; 'Sandra Swan'; 'Zach Latham'
Subject: Swan amendment

Follow Up Flag: Follow up
Flag Status: Flagged

Brittany,

I understand from speaking with Sandra that you are meeting today with Jen regarding the amendment proposal, and I wanted to address the statements in your letter of January 4, 2021 that the design of the project should be modified. An immense amount of engineering and design effort has been put into this project. There have been, and continue to be, three primary objectives or constraints: 1) the Swans backyard must be brought back to original grade; 2) the river bank must be stabilized, which involves placing material within the floodway; and 3) the “no-rise” criteria must be met. Since FEMA requires the baseline for the “no rise” to be the existing conditions, which includes the substantial gravel deposition in the channel, and since objectives 1) and 2) both necessarily cause a rise in flood height, the mitigation by excavating the channel enables the no-rise to be met (and has the additional benefit of reducing water elevation during all high water conditions).

We are not able to contemplate another way to meet all project objectives including the no-rise, without either compromising the objectives or proposing some very undesirable way of mitigating the rise such as cutting a “relief channel” across the island on City property. When you meet with Jen, if you come up with any creative ideas for a different design that could meet all objectives, both Sandra and I would be very willing to hear them. Barring another solution, given Marsupial’s decision to decline the offer to provide additional stabilization on his bank without conceding valuable “view corridor rights”, we believe we are proposing the best engineered design possible, which is in the best interests of the Swans, their ten downstream neighbors, as well as the fishery and riparian function along the riverbank.

Thank you,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

Attachments – Plans and Correspondence

M. E-mail, Evan Robertson, dated January 11, 2021

Brittany Skelton

From: Evan Robertson <erobertson@rsidaholaw.com>
Sent: Monday, January 11, 2021 2:37 PM
To: Brittany Skelton
Subject: RE: Proposed amendment to Swan permit P18-131

Follow Up Flag: Follow up
Flag Status: Flagged

Brittany: Obviously we are not in a position to complete the Swan revised project prior to March 15th and would request an administrative extension to Oct. 11th, to give us time to respond to Ms. Zung's assessment that our amended application project will adversely impact upstream properties. That response will be coming from Brockway. Also, what is the status of Rusack's application(s) and any extensions which have been granted for them? Thanks for considering this request and we shall look forward to your response. Evan

From: Brittany Skelton <BSkelton@ketchumidaho.org>
Sent: Monday, January 4, 2021 11:19 AM
To: charles.g.brockway@brockwayeng.com
Cc: Suzanne Frick <sfrick@ketchumidaho.org>; Jen Zung <jen.zung@harmonydesigninc.com>; Sandra Swan (emtiswan@comcast.net) <emtiswan@comcast.net>; Evan Robertson <erobertson@rsidaholaw.com>; Matthew A. Johnson (mjohnson@WHITEPETERSON.com) <mjohnson@WHITEPETERSON.com>
Subject: Proposed amendment to Swan permit P18-131

Chuck,

Please find the attached review/comment letter regarding the proposed amendments to permit P18-131, the Swan Stream Alteration/Bank Stabilization Floodplain Development and Waterways Design Review permit.

Please let me know if you have any questions.

Thanks,
Brittany

BRITTANY SKELTON | CITY OF KETCHUM

SENIOR PLANNER

P.O. Box 2315 | 480 East Ave. N. | Ketchum, ID 83340

office: 208-726-7801 | direct: 208-727-5085

bskelton@ketchumidaho.org | www.ketchumidaho.org

Attachments – Plans and Correspondence

- N. E-mail, Charles Brockway, dated January 11, 2021 *(two (2) attachments to e-mail: HEC-RAS model file included in project record and Engineering No-Rise Certificate, Charles Brockway, dated September 28, 2020 included as Attachment E to staff report)*

Brittany Skelton

From: Charles Brockway <charles.g.brockway@brockwayeng.com>
Sent: Monday, January 11, 2021 4:22 PM
To: Brittany Skelton
Cc: 'Sandra Swan'; 'Evan Robertson'
Subject: Swan amendment response
Attachments: No-rise Swan amended.pdf; Swan2-forCityAmendmentOct 2020.zip; Swan amended plan model comparison tables.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Brittany,

This e-mail concerns the additional information request in the Harmony memo dated 12/6/2020, as transmitted via your letter dated January 4, 2021.

Item 1. No-rise certification is attached.

Item 2. The zip file sent to you by e-mail on 10/13/2020 contained the following HEC-RAS model files for the amended plan. That zip is attached again to this e-mail. If there is some problem opening the files, let me know, but they are all there.

Swan2.prj – project file
Swan2.g11 – geometry file
Swan2.f01 – flow file
Swan2.p10 – plan file

The draft model mentioned in the Harmony memo is in the process of being revisited by FEMA. In addition, section spacing in that model is much wider than what is needed to characterize the very localized effects on the Swan property.

Item 3. The attached PDF file contains the requested comparison tables, confirming no change to flood elevation anywhere, and no change to velocity on the upstream property during the 100-year event (the velocity changes occur during lower flows when the system is more channelized, as outlined in my submittal on 10/13/2020).

I believe Evan will be sending you a letter addressing other items.

Cordially,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

Attachments – Plans and Correspondence

- O. E-mail, Charles Brockway, dated October 13, 2020 (*two (2) attachments to e-mail: HEC-RAS model file included in project record and Memo, Charles Brockway, “Information Regarding Channel Sills,” dated October 10, 2020, included as Attachment C to staff report*)

Brittany Skelton

From: Charles Brockway <charles.g.brockway@brockwayeng.com>
Sent: Tuesday, October 13, 2020 11:48 AM
To: Brittany Skelton
Cc: 'Sandra Swan'; Suzanne Frick; zach.latham@brockwayeng.com
Subject: Swan amendment
Attachments: Information Regarding Channel Sills.pdf; Swan2-forCityAmendmentOct 2020.zip

Brittany,

You requested information regarding channel sill functionality and usage and the HEC-RAS files for the amendment model. Please see attached.

For the HEC-RAS model, the following files apply to the amendment model:

Plan: Swan2.p10

Geometry: Swan2.g11

Flow: Swan2.f01

Output: Swan2.O10

The existing conditions and original approved permit model file have already been submitted.

Thank you,
Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

Attachments – Plans and Correspondence

- P. E-mail, Brittany Skelton to Charles Brockway, dated September 30, 2020

Brittany Skelton

From: Brittany Skelton
Sent: Wednesday, September 30, 2020 10:47 AM
To: 'Charles Brockway'; Suzanne Frick
Cc: 'Sandra Swan'; 'Zach Latham'
Subject: RE: Amendment to Swan project - reduction in scope

Chuck,

Suzanne and I have discussed the proposed amendment at a high level and have the following direction/information.

- 1) This is an amendment to the existing permit, the city's fee to review is \$500 + applicable consultant review fees (per Resolution 20-023, Fee Resolution). Formal review of the application can begin upon receipt of the base application fee (\$500) and acknowledgement via e-mail that you agree to pay associated engineering consultant review fees.
- 2) After analyzing the amendment and understanding the project in its entirety, and in context with what is proposed upstream (we have a pending application from the Rusacks for their own project), we will determine the process (i.e. administrative approval vs. consideration before the Planning and Zoning Commission during a public hearing).
- 3) As with all floodplain development applications that involve in-stream work, our ordinance requires that we have a copy of the IDWR and USACOE approvals prior to the city issuing it's approval. We will need a copy of the IDWR and Army Corps permits reflecting approval of the amendment.
- 4) The scope of work proposed to occur on the city-owned parcel has changed. As such, the existing Encroachment Agreement with City Council (Agreement 20292) will need to be amended. This can't occur administratively and has to occur with Council.

Please let me know if you have any questions.

Thanks,
Brittany

From: Charles Brockway <charles.g.brockway@brockwayeng.com>
Sent: Tuesday, September 29, 2020 11:34 AM
To: Brittany Skelton <BSkelton@ketchumidaho.org>; Suzanne Frick <sfrick@ketchumidaho.org>
Cc: 'Sandra Swan' <emtiswan@comcast.net>; 'Zach Latham' <zach.latham@brockwayeng.com>
Subject: Amendment to Swan project - reduction in scope

Brittany and Suzanne,

The Swan restoration project in Ketchum is being reduced in scope by removing all work on Lot 1 (the Swan's neighbor to the north). In order to stabilize the resulting gravel excavation discontinuity, a rock sill across the channel is being added at the north end. All other aspects of the project will remain the same. I am attaching a short narrative and revised quantity tables describing the smaller project.

This amendment was made necessary by the inability to reach a suitable agreement between the landowners that would allow construction this fall. I'd be grateful if you could take a look at this as soon as possible as this project does need to be completed this fall to avoid yet another year of delay. Because this is a reduction in scope with no hydraulic or other change in impacts, I am requesting that it be approved administratively. If there is anything I can do to help clarify this amendment, please contact me any time.

On a related issue, the existing permit expires on October 11, 2020. By this e-mail I am requesting an extension of time on that deadline by one year.

Thank you,
Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543

charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

Attachments – Plans and Correspondence

- Q. E-mail, Charles Brockway to Brittany Skelton, dated September 29, 2020 *(one (1) attachment to e-mail, Plans, three (3) sheets, included as Attachment B.)*

Brittany Skelton

From: Charles Brockway <charles.g.brockway@brockwayeng.com>
Sent: Tuesday, September 29, 2020 11:34 AM
To: Brittany Skelton; Suzanne Frick
Cc: 'Sandra Swan'; 'Zach Latham'
Subject: Amendment to Swan project - reduction in scope
Attachments: 1436-02-2018-G-AllSheets.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Brittany and Suzanne,

The Swan restoration project in Ketchum is being reduced in scope by removing all work on Lot 1 (the Swan's neighbor to the north). In order to stabilize the resulting gravel excavation discontinuity, a rock sill across the channel is being added at the north end. All other aspects of the project will remain the same. I am attaching a short narrative and revised quantity tables describing the smaller project.

This amendment was made necessary by the inability to reach a suitable agreement between the landowners that would allow construction this fall. I'd be grateful if you could take a look at this as soon as possible as this project does need to be completed this fall to avoid yet another year of delay. Because this is a reduction in scope with no hydraulic or other change in impacts, I am requesting that it be approved administratively. If there is anything I can do to help clarify this amendment, please contact me any time.

On a related issue, the existing permit expires on October 11, 2020. By this e-mail I am requesting an extension of time on that deadline by one year.

Thank you,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

Attachments – Public Comment - Permit Amendment

1. Lawson, March 4, 2021

March 4, 2021

Via Email Only

Planning & Zoning Commission
City of Ketchum
P.O. Box 2315
Ketchum, ID 83340
participate@ketchumidaho.org

Re: Revised Swan River Restoration Project Stream Alteration Permit (P17-134)
Our File No. 12135-001

Dear Commissioners:

We represent Geoff and Alison Rusack (the "Rusacks") who, through their LLC, own the real property located at 411 Northwood Way, Ketchum, Idaho 83340 ("Rusack Property"). The Rusack Property is located upstream of the real property located at 401 Northwood Way ("Swan Property") owned by Robert and Sandra Swan's Trust (the "Swans"). Both the Rusacks and the Swans currently have pending stream alteration permits before the City.

The Swans initially received a conditional permit on October 11, 2019 to complete certain river work and bank stabilization work ("Original Permit") on both the Swan Property and the Rusack Property ultimately to repair damage that had occurred on the Swan Property after the 2017 Big Wood River spring flood event and to protect it from further damage. The Original Permit was contingent upon the Swans receiving the Rusacks' written approval to complete the proposed work on the Rusack Property.

After the Swans received their Original Permit, the Rusacks began evaluating what work should be done on their property in conjunction with the work permitted by the Swans' Original Permit. To that end, the Rusacks submitted a Floodplain Management Overlay Application ("Rusack Application") and related construction plans, narrative, and design report in the fall of 2020 (see project file P20-073). The Rusack Application is largely contingent upon and related to the work the Swans were permitted to do in the Original Permit.

Both before and after the Swans received their Original Permit, the Swans and the Rusacks have been engaged in continuous negotiations in an attempt to come to agreeable terms for the Rusacks to consent to the work on their property. The Rusacks have been consistent with their conditions during the entirety of the negotiation process with the Swans – in fact, the Rusacks clearly expressed their conditions years prior to

the Swans receipt of the Original Permit. The Rusacks have always made it clear that they wanted to ensure their property and their view of Baldy was protected and, only until recently, the Swans were amenable to the Rusacks' wishes.

Indeed, as the upstream neighbors to the Swans, any downstream river work in either of the Swans proposed plans puts the Rusack Property at increased risk of erosion and degradation in property value. Moreover, uncared for/untrimmed vegetation implemented on a relatively small part of the Swan Property is likely to interrupt the Rusacks' view corridor of Baldy – a view which is of paramount importance to the Rusacks and their property's aesthetic. Once these concerns are appropriately mitigated, the Rusacks are more than willing to consent to the Swans beginning their work consistent with the Original Permit.

After extensive discussions between the Swans and the Rusacks about these issues, the Swans submitted an initial draft of a Flood Protection Agreement to the Rusacks which contained these terms. The Rusacks then reviewed the draft and made some suggested changes in pursuit of further negotiation. After a review of the suggested changes, the Swans unilaterally chose to end negotiations and pursue their amended application ("Amended Swan Application").

The Amended Swan Application removes all work proposed on the Rusack Property in an effort to avoid needing the Rusacks' written consent to begin the work. To approve and permit the Amended Swan Application and allow the proposed work to be completed, however, would undeniably create an adverse impact on the Rusack Property. The technical details of this adverse impact are explained in the letter from Nicholas Kraus of Quadrant Consulting to the City of Ketchum dated October 15, 2020.

This adverse impact has been recognized by the City and the City's Engineer in two Memos from Jennifer Zung ("Zung") dated December 6, 2020 and January 22, 2021 and two letters from Brittany Skelton ("Skelton") dated January 4, 2021 and January 26, 2021. Even the Swans' engineer, Chuck Brockway ("Brockway") recognizes that the Amended Swan Application will cause an adverse impact on the Rusack Property in his letters dated October 10, 2020 and October 22, 2020 letter.

Indeed, Brockway's October 22, 2020 letter states that downward erosion of the channel bed gravel upstream of the project is planned and expected and that "modest" increases in velocity upstream of cross section 104 will occur. Further, Brockway's October 10, 2020 letter states that bank stabilization on the Rusack Property will need to be installed to account for these increased velocities.

Zung's December 6, 2020 letter recognizes these issues and states that the Swan Amended Application must demonstrate that it will not cause any adverse impacts either upstream or downstream and that the projects must stand alone. Skelton's January 4, 2021 letter also explicitly states that the Swans' Amended Application "as proposed will negatively impact the upstream, adjacent property located at 411 Northwood Way due to the removal of project components previously designed, and approved by the city, to mitigate impact on this parcel."

After receipt of these comments, Brockway provided some additional information, but still did not address the foregoing comments regarding long term stability of the project and the same issues were then reiterated by Zung and Skelton in their respective January 22, 2021 Memo and January 26, 2021 letter. Despite not addressing these concerns and the clear determination that the Amended Application would have an adverse impact on the Rusack Property in violation of Ketchum Code 17.88.050(E), the Swans opted to proceed with having their Amended Application be heard by the Planning and Zoning Commission.

These issues cannot be addressed properly, however, without the originally contemplated bank stabilization work and the recently discovered need for river bed work being done on the Rusack Property. The Rusacks have been amenable to this work being done on their property so long as their property and their view of Baldy are properly protected. However, just as the parties were near reaching a favorable agreement for both the Rusacks and the Swans, the Swans unilaterally opted to end negotiations. The Rusacks remain ready and willing to continue negotiations in pursuit of an agreement that addresses both parties concerns satisfactorily.

Notwithstanding the foregoing, the Amended Application simply cannot exist as a standalone project as required by the City. Importantly, the Brockway letter dated October 10, 2020, includes, on the second to last paragraph of page 4, the following statement: "The bank stabilization to be included on Rusack's forthcoming amended permit will need to account for these velocities in the same way that the original Swan design did." This statement clearly shows that the Swans' engineer understands that the Amended Swan Application will require the Rusacks to do work on their property to mitigate the increased velocity that will be caused by the Amended Swan Permit. It also assumes that the Rusacks' pending application (permit application P20-73) will be approved and constructed. Notably, the Rusacks' pending application does not address the river bank work because the Swan's Original Permit did and because the river bank work was necessitated by the increased erosion which would result from the work proposed on the Swan Property.

Despite Brockway's assurances contained in the same document that the Amended Swan Application is meant to be a standalone project, this unequivocal statement clearly shows that the Amended Swan Application is predicated on the Rusacks having to amend their application to include the bank stabilization work proposed on the Rusack Property in the Original Swan Application or suffer the material adverse consequences.¹ This, of course, would require the Rusacks to expend significant time and resources to undertake this work that was originally proposed and permitted in the Original Swan Application. Should the Rusacks not do this work, Brockway essentially acknowledges that the Rusack property will be damaged by the Swans' proposed work.

¹ It should again be noted that the omission of such work from the project is not a result of changes from an engineering standpoint, but rather, the Swans resistance to come to a formal agreement with the Rusacks.

City of Ketchum
Planning and Zoning Commission
March 4, 2021
Page 4

Moreover, the Rusacks' pending application includes a riffle in its application to protect the river bottom on the Rusack Property from erosion that would be caused by the increased velocity resulting from the Original Swan Application. Although this riffle should be the responsibility of the Swans and the Swans' contractors should do the work, the Rusacks elected to include it in their application both because the Swans refused to amend their own plans (even though Brockway agreed that the river floor work was prudent to help protect the Rusack Property from increased velocity caused by the Original Swan Application) and because they thought they had an informal agreement with the Swans that they expected to be memorialized in the written Agreement.

The fact of the matter is that the work that needs to be done to restore the river bank and to protect the Swans' property necessarily includes bank stabilization work on the Rusacks' property. The proposed work which completely eliminates the previously permitted work on the Rusacks' property will undoubtedly adversely impact the Rusacks' which conflicts with the City's code and could expose the City to potential liability. Such a result cannot be allowed.

In light of the foregoing, we are urging you to deny the Amended Swan Application and to encourage the Swans to continue to work with the Rusacks regarding a formal agreement and a joint comprehensive project to remediate the concerns of both the Swans and the Rusacks.

Sincerely,

LAWSON LASKI CLARK, PLLC



Edward A. Lawson

cc: Client
Nick Kraus [nick@quadrant.cc]

Attachments – Public Comment - Permit Amendment

2. Trout Unlimited – Hemingway Chapter, March 3, 2021

Planning and Zoning Commission Members
City of Ketchum
480 East Ave. N.
Ketchum, ID 83340



Attn: Brittany Skelton

March 3, 2021

Dear Commission Members,

Thank you for accepting Trout Unlimited's comment letter on the revised, pending Stream Alteration Permit (SAP) for the Swan property at 401 Northwood Way, described as "Amendment - Swan Stream Alteration/Bank Stabilization Floodplain Development and Waterways Design Review Permit (P18-131).

Trout Unlimited is concerned about all potential Big Wood River SAP applications because of possible impacts to the long-term health of the Big Wood River. The River is essential to the resilience and vitality of our natural and human communities.

In 2019, when the earlier version of the Swan SAP was before the Commission and City Council, we recommended and still suggest:

1. Removal of leaner trees and large woody debris should only take place if necessary. The continual removal of vegetation and large wood within the Big Wood River has degraded natural conditions over time. To restore natural ecosystem processes, large wood and vegetation should be left within riverine and riparian areas wherever possible. In particular, the large cotton woods should be left in place if possible, or the wood should be reused to armor the banks in place of rock riprap. No wood should be removed from the site. It should be put in the river as habitat and fish cover.
2. Gravel extraction should occur only in accordance with a stream channel design that represents natural geomorphic conditions and stream channel configuration, as indicated by Jennifer Zung, PE, Harmony Design & Engineering in Public Record IV, memo dated October 11, 2018. According to the 2016 Biota Research and Consulting Big Wood Geomorphic Assessment, the recovery of natural sediment transport regimes is essential to restoring the health of the Big Wood River. Gravel deposition is a natural occurrence throughout freestone river systems, such as the Big Wood. Extraction should occur only to restore geomorphic conditions that promote sediment transport regimes to help alleviate the need for future gravel extraction and channel manipulations.

Consistent with the above, we now suggest:

1. The entire project should make much more extensive use of wood and woody debris, in preference to rock riprap where possible.

2. The City should retain Jennifer Zung, PE, Harmony Design & Engineering to comment on the consequence of the proposed main channel drop sill and whether it will protect the Rushack property from head-cutting.
3. The City's consultant should comment on whether the planned gravel removal is still appropriate to restore geomorphic conditions that promote sediment transport regimes.
4. The City needs to decide whether it is possible to coordinate the proposed Rushack project with the Swan project—and avoid the installation of the drop sill entirely.

Trout Unlimited appreciates the City staff's solicitation of our review and comments. Thank you for your consideration of these comments and interest in protecting the health of the Big Wood River watershed. Trout Unlimited representatives are readily available to meet with City staff to further discuss this matter and respond to questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Richardson", is written over a light blue rectangular background.

Alan Richardson

Hemingway Chapter Board President

Attachments – Public Comment - Permit Amendment

3. Pioneer West, February 23, 2021



February 23, 2021

Ketchum Planning and Zoning Commission

RE: Swan Permit Amendment (P18-131)

We are writing on behalf of Chateaux Northwood Homeowner Association ("Association"). The Association strongly supports issuance of the Amended permit for the Swan's to do their work on the Big Wood River, and especially on the side stream abutting the Association owners' properties, immediately south of the Swan's property. The Association has 14 homes that abut the very critical side stream which will be improved by this permit's project.

The side stream is a very important part of the owners' property for the continued protection of small fish, their habitat and other wildlife, as well as the amenity provided for the Ketchum homeowners.

The Association supported the previous approval and now supports the Amendment to the permit.

Thank you.

Best Regards,

A handwritten signature in black ink, appearing to read "Diane Renfro", with a long, sweeping horizontal line extending to the right.

Diane Renfro
President
PioneerWest Property Management
diane@pioneerwestsunvalley.com

cc: Mayor Neil Bradshaw nbradshaw@ketchumidaho.org
Sandra Swan emtiswan@comcast.net

100 E. Fifth Street Ketchum, Idaho 83340
Office (208) 726-9897 Fax (208) 726-1602
pioneerwestsunvalley.com

Attachments – Public Comment - Permit Amendment

4. Pioneer West, November 6, 2021



Experts in Managing Homeowner Associations

November 6, 2020

Dear Suzanne and Brittany,

I am writing on behalf of Chateau Northwood Homeowner Association ("Association"). The Association strongly supports immediate issuance of the permit for the Swan's to do their work on the Big Wood River, especially on the side stream abutting the Association owners' properties.

The side stream is a very important part of the owners' property for the continued protection of small fish and other wildlife, as well as the amenity provided for the homeowners, Ketchum residents.

The Swans and additional owners have gone without this work for over 3 years. Now is the time to do the work before another year is lost.

Thank you for your immediate attention to this matter.

Best Regards,

A handwritten signature in blue ink, appearing to read 'D. Renfro', with a stylized flourish extending to the right.

Diane Renfro
President
PioneerWest Property Management
diane@pioneerwestsunvalley.com

cc: Mayor Neil Bradshaw nbradshaw@ketchumidaho.org
Sandra Swan emtiswan@comcast.net

100 E. Fifth Street Ketchum, Idaho 83340
Office (208) 726-9897 Fax (208) 726-1602
pioneerwestsunvalley.com

Attachments – Public Comment - Permit Amendment

5. Lawson, November 4, 2020

November 4, 2020

Via Email Only

City of Ketchum
c/o Brittany Skelton
P.O. Box 2315
Ketchum, ID 83340
bskelton@ketchumidaho.org

Re: Pending Swan SAP Application
Our File No. 12135-001

Dear Ms. Skelton:

As you know, we represent Geoff and Alison Rusack (the "Rusacks") who, through their LLC, own the real property located at 411 Northwood Way, Ketchum, Idaho 83340 ("Rusack Property"). The Rusack Property is located upstream of the real property located at 401 Northwood Way ("Swan Property") owned by Robert and Sandra Swan's Trust (the "Swans"). Both the Rusacks and the Swans currently have pending stream alteration permits before the City.

We are in receipt of: (1) Information Regarding Channel Sills dated October 10, 2020; (2) Chuck Brockway's ("Brockway") letter dated October 22, 2020; and (3) Evan Robertson's ("Robertson") letter dated October 26, 2020. Thank you for providing this information to us.

To start, Robertson's letter mischaracterizes the circumstances which lead to the current situation. He alleges that the Swans' original stream alteration application ("Original Swan Application") was "completed with Mr. Rusack's knowledge and tacit, if not formal, approval and participation." He also alleges that "all efforts to work with the Rusacks were unsuccessful, and their consent to construct the portion of the project planned for the riverbank abutting the Marsupial property proved elusive." This is simply not true.

The Rusacks have been consistent with their conditions during the entirety of the negotiation process with the Swans. They have always made it clear that they wanted to ensure their property and their view of Baldy was protected. Indeed, the Swans submitted an initial draft to the Rusacks containing these terms. The Rusacks then reviewed the draft and made some suggested changes in pursuit of further negotiation. After a review of the suggested changes, the Swans unilaterally chose to end negotiations and pursue their amended application ("Amended Swan Application").

While we understand that the City likely will opt to not comment on the negotiations between the Rusacks and the Swans, the Swans should understand and appreciate that if they were to continue to negotiate the latest draft of the Flood Protection Agreement ("Agreement"), which they were provided in September 2020, the Rusacks were and are open and willing to discuss any issues the Swans may have with the current draft and to come to a reasonable resolution of the same. This willingness to negotiate was clearly expressed by Geoff Rusack to Sandra Swan on multiple occasions and by myself to Evan Robertson on at least one occasion. Once we can finalize and agree upon the terms contained in the Agreement, the Swans will be able to move forward with the work as originally proposed in the Original Swan Application. It should again be emphasized that the material terms of the Agreement are consistent with the terms the Rusacks made known when the Swans began their work on the Original Swan Application years ago.

Robertson states that the Swans have "an urgent need and desire to protect their property" and that the City should support those efforts, especially since the low flows in the Big Wood River this year "provide excellent conditions" to complete the Amended Swan Application. Robertson also states that the Swan Amended Application "will be greatly appreciated by all of the residential property owners along that channel." Again, this position is simply not true and, importantly, does not recognize that the Amended Swan Application will cause damage to the Rusack Property as outlined in Nick Kraus's ("Kraus") letter dated October 15, 2020 (which, as further explained below, is a fact that is at the very least acknowledged by the Swan's engineer, Brockway). The City cannot, and certainly should not, approve of an application knowing that it will cause damage to a neighboring property. As we have previously discussed, the City should view the projects holistically and should refuse to allow any work to be done that will cause harm to any other property.

Multiple times throughout his letter, Robertson urges the City to quickly grant an administrative approval of the Amended Swan Application citing unnecessary delay and favorable river conditions. It is, however, our understanding that prior to an administrative approval, the City will have to notify all neighboring property owners within 300 feet of the Swan Property and will have to set the matter for hearing before the City Council for an amended encroachment permit. Please advise as soon as possible if this understanding is not accurate.

Robertson also claims that he is "not aware of any provisions in the Ketchum SAP Ordinances or regulations which would permit the City to place a condition on its approval of the Swans' application which would require them to coordinate the construction of their project with the SAP project being proposed by Rusacks for the Marsupial Property." However, Section 17.88.050(D) of the Ketchum City Ordinances grants the City Administrator the authority to "approve with conditions" any stream alteration permit. The same section even provides a non-exclusive list of certain conditions that may be placed on approval of a stream alteration permit, but states the conditions of approval is "not limited" to the list identified. Section 17.88.050(F). Clearly, the City has the authority to place such a condition on the Amended Swan Application.

Importantly, the Brockway (Swan) document you recently forwarded us, titled Information Regarding Channel Sills, dated October 10, 2020, includes, on the second to last paragraph of page 4, the following statement: "The bank stabilization to be included on Rusack's forthcoming amended permit will need to account for these velocities in the same way that the original Swan design did." This statement clearly shows that the Swans' engineer understands that the Amended Swan Application will require the Rusacks to do work on their property to mitigate the increased velocity that will be caused by the Amended Swan Permit. It also assumes that the Rusacks' pending application (permit application P20-73) will be approved and constructed.

Despite Brockway's assurances contained in the same document that the Amended Swan Application is meant to be a standalone project, this unequivocal statement clearly shows that the Amended Swan Application is predicated on the Rusacks having to amend their application to include the bank stabilization work proposed on the Rusack Property in the Original Swan Application.¹ This, of course, would require the Rusacks to expend significant time and resources to undertake this work that was originally proposed and permitted in the Original Swan Application. Should the Rusacks not do this work, Brockway essentially acknowledges that the Rusack property will be damaged by the Swans' proposed work.

Moreover, the Rusacks' pending application includes a riffle in its application to protect the river bottom on the Rusack Property from erosion that would be caused by the increased velocity resulting from the Original Swan Application. Although this riffle should be the responsibility of the Swans and the Swans' contractors should do the work, the Rusacks elected to include it in their application both because the Swans refused to amend their own plans (even though Brockway agreed that the river floor work was prudent to help protect the Rusack Property from increased velocity caused by the Original Swan Application) and because they thought they had an informal agreement with the Swans that they expected to be memorialized in the written Agreement.

Based on the foregoing, we are urging the City to deny the Amended Swan Application and to encourage the Swans to continue to work with the Rusacks regarding the Agreement and a joint comprehensive project to remediate the concerns of both the Swans and the Rusacks.

¹ It should be noted that the Original Swan Application included bank stabilization work on the Rusack Property because all involved in the development of the project clearly understand that such work would be the best course of action. To now omit such work from the project is not a result of changes from an engineering standpoint, but rather, the Swans resistance to come to a formal agreement with the Rusacks.

City of Ketchum
November 4, 2020
Page 4

Sincerely,

LAWSON LASKI CLARK, PLLC



Edward A. Lawson

cc: Client
Nick Kraus [nick@quadrant.cc]
Evan Robertson [erobertson@rsidaholaw.com]
Chuck Brockway [Charles.g.brockway@brockwayeng.com]
Jennifer Zung [jen.zung@harmonydesigninc.com]

Attachments – Public Comment - Permit Amendment

6. Quadrant, October 15, 2020

October 15, 2020

City of Ketchum
c/o Brittany Skelton
P.O. Box 2315
Ketchum, ID 83340

via email attachment

Re: Proposed Amendment to Swan River Restoration Project

At the request of Mr. Geoff Rusack of Marsupial Properties LLC (“Marsupial”), the owner of the residence at 411 Northwood Way in Ketchum, we have reviewed the amended Swan River Restoration Project Drawings (the “Amended Drawings”) and Amendment to Swan River Restoration Project Narrative (the “Amended Narrative”) (collectively, “Amended Swan Project”), both dated September 28, 2020, attached.

As described in Paragraph A of the Amended Narrative, the Amended Drawings remove all work of any kind on Lot 1, referring to 411 Northwood Way, which is owned by Marsupial. Prior to the proposed amendment, the Swan River Restoration Project (the “Swan Project”) proposed to complete both river channel grading and bank stabilization work extending upstream approximately 60 feet onto the Marsupial property. As one component of the Swan Project is to lower the river channel elevation adjacent to the Swan property as shown in Sections 100 through 104 on Sheet 3 of the Amended Drawings, the work previously proposed as taking place on the Marsupial property was reasonable and necessary to provide a transition section between the Swan Project and existing upstream channel elevations. Also, as lowering the river channel elevation adjacent to the Swan property led to a predicted increase in river flow velocity, the Swan Project included a provision to stabilize the river bank adjacent to the Marsupial property through the aforementioned transition section.

As depicted on the amended Drawings, the river channel excavation and grading work is now proposed to terminate just downstream of the shared Swan/Marsupial property line. This abrupt project transition will effectively create a vertical discontinuity in the river channel bottom between 18 and 30 inches in height over a horizontal length of approximately 15 to 25 feet as demonstrated by Sections 104 and 105 on Sheet 3 of the Amended Drawings. This resultant over-steepened section of river channel will be highly unstable and is expected to rapidly headcut upstream onto the Marsupial property. As the Amended Swan Project is no longer proposing to stabilize the approximately 60 feet of river bank through the transition section along the Marsupial property, the anticipated effect will be to further exacerbate the bank erosion issue already being experienced by Marsupial in this area as shown in Figure 1. The Amended Drawings do include a rock sill (Note 8, Sheet 3) that will serve to limit the height of the headcut to the previously mentioned 18 to 30 inches, but will not limit upstream headcut migration.



Figure 1: Eroding channel bank in project transition area.

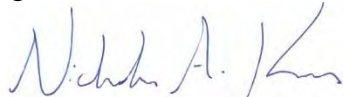
The abrupt vertical project transition proposed by the Amended Swan Project has a high probability of creating an imminent adverse impact to the Marsupial property. To mitigate for this adverse impact, Marsupial would either be required to expend significant time and expense to amend its own permit application (P20-73) to account for the proposed elevation transition between the Swan and Marsupial Projects and to provide for stabilization of the 60 feet of bank previously included in the original Swan Project, or accept the increased erosion risk. Should Marsupial apply for and be granted a permit amendment to accommodate the proposed revisions to the Swan Project, we recommend that either the two projects be constructed concurrently or the Marsupial Project be constructed prior to the Swan Project to avoid impacts due to upstream headcut migration.

Combining the two projects will greatly simplify overall project dewatering as the combined Swan/Marsupial Project reach can readily be isolated from active flowing water at the upstream end of the Marsupial Project. Dewatering will be accomplished by directing all flow in a controlled manner down the adjacent main river channel without the need for a temporary bypass channel.

A standalone Swan Project requires a dewatering plan that backs water up onto the Marsupial property and will result in a more uncontrolled water diversion across an alluvial island into the adjacent main river channel, and may require temporary excavation as referenced in the Amended Narrative.

Based on our review, we request a denial of the Amended Swan Project until the concerns presented above have been addressed to the satisfaction of Marsupial, or both the Swan and Marsupial Projects have been coordinated to function as a single cohesive project that provides for long term channel stability and appropriate protections to the affected landowners.

Sincerely,
QUADRANT CONSULTING, INC.

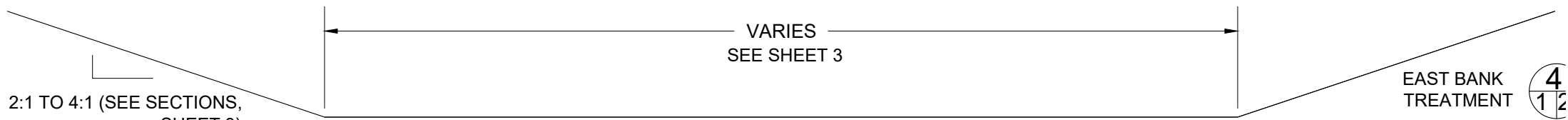
A handwritten signature in blue ink, appearing to read "Nicholas A. Kraus".

Nicholas A. Kraus, PE

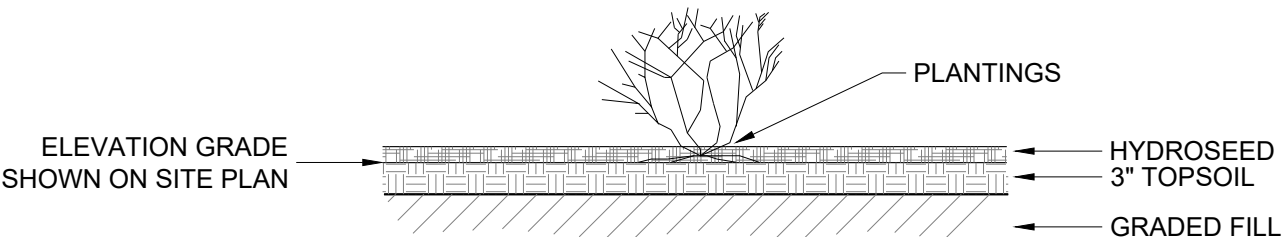
cc: Geoff Rusack, Marsupial Properties, LLC
Katie Franklin, Lawson Laski Clark, PLLC
Ed Lawson, Lawson Laski Clark, PLLC
Jennifer Zung, PE, Harmony Design & Engineering

Attachments: Amended Swan River Restoration Project Drawings
Amendment to Swan River Restoration Project Narrative

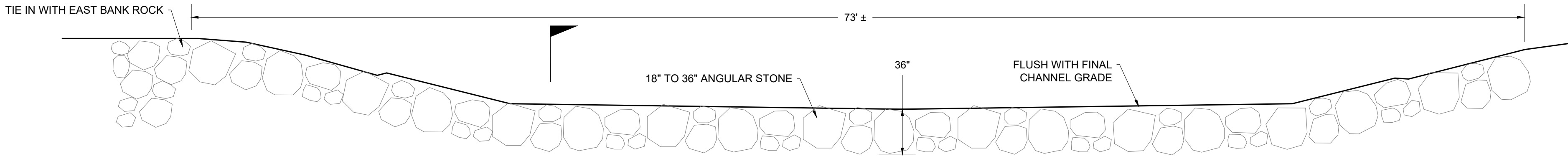
THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.	G	AMENDMENT - REMOVE LOT 1 WORK	9/28/20						DESIGNED BY CGB	DRAFTED BY ICB	BROCKWAY ENGINEERING, PLLC HYDRAULICS - HYDROLOGY - WATER RESOURCES 2016 NORTH WASHINGTON, SUITE 4 TWIN FALLS ID, 83301 (208) 736-8543	SWAN, SANDRA RIVER RESTORATION PROJECT		PROJECT # 1436-02-2018	
	F	GEOGRID REMOVAL FOR CITY	9/16/19												
	E	FOR FINAL PERMIT	7/19/19												
	D	MODIFICATIONS TO CHANNEL	1/4/19												
	C	ISSUE FOR BIDDING	10/18/18												
	B	ADDED PROPERTY NAMES	9/28/18												
	REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS										
SCALE 1" = 25' (18 X 24) DWG ONLY											SITE PLAN		DWG # 1	REV 196	



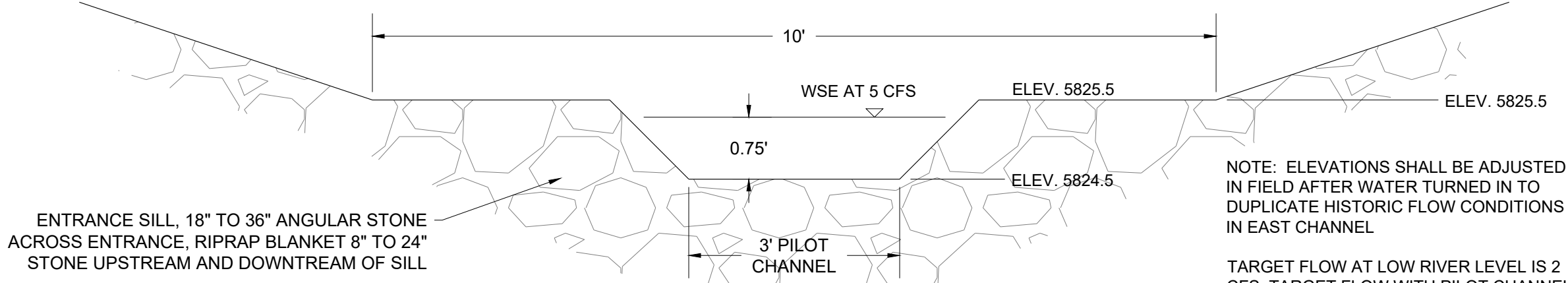
A MAIN RIVER CHANNEL TYP. SECTION
1 2 SCALE: N.T.S.



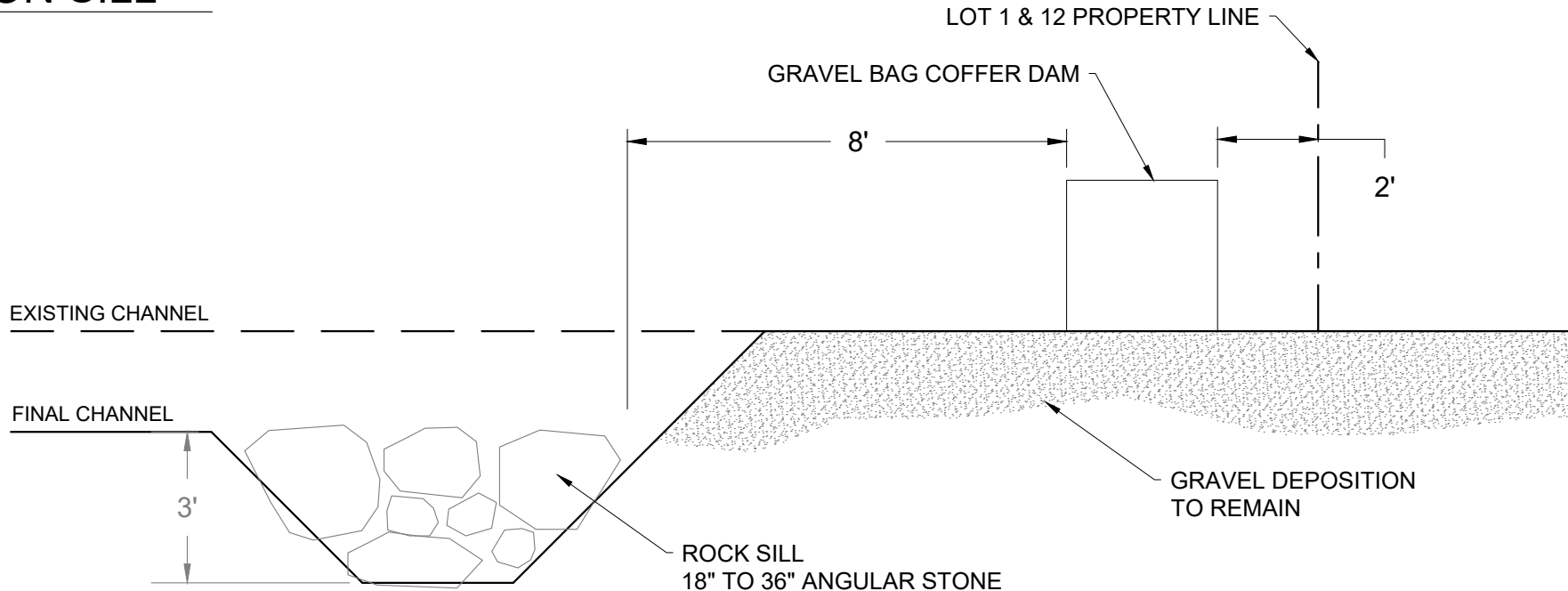
3 LAND RECLAMATION TREATMENT
1 2 SCALE: N.T.S.



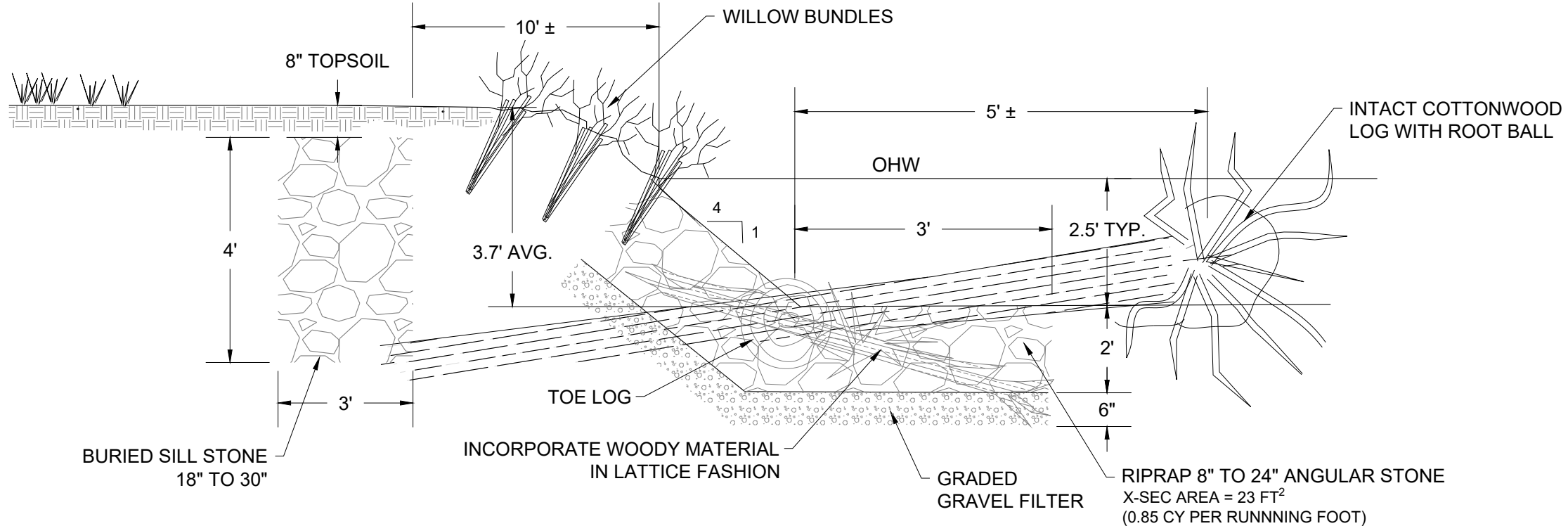
5 CHANNEL STABILIZATION SILL
1 2 SCALE: N.T.S.



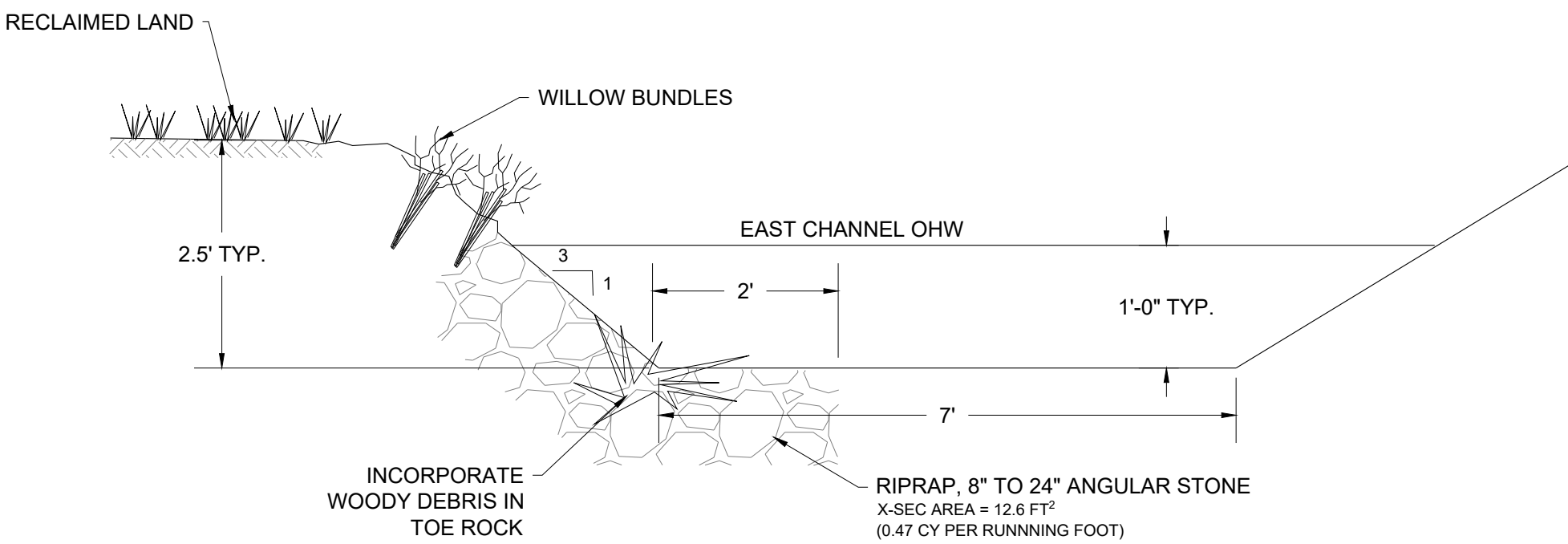
B EAST CHANNEL ENTRANCE SECTION
1 2 SCALE: N.T.S.



C CHANNEL STABILIZATION SILL SECTION
2 2 SCALE: N.T.S.



2 BANK TREATMENT - MAIN RIVER
1 2 SCALE: N.T.S.



4 BANK TREATMENT - SOUTH EDGE OF RECLAMATION
1 2 SCALE: N.T.S.

AMENDMENT 9/28/2020

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.

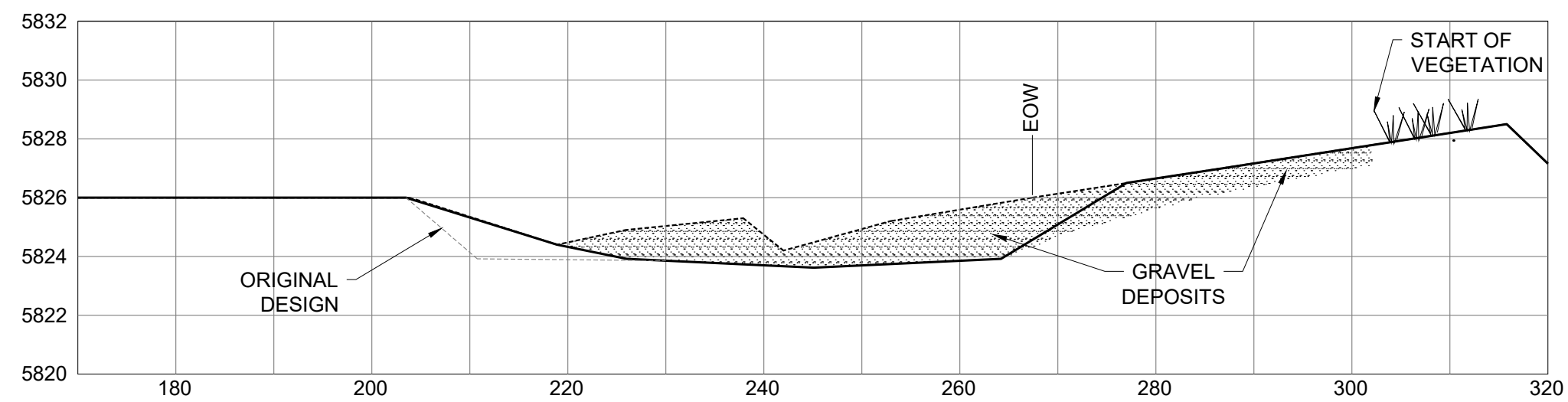
G	AMENDMENT - REMOVE LOT 1 WORK	9/28/20			
F	GEOGRID REMOVAL FOR CITY	9/16/19			
E	FOR FINAL PERMIT	7/19/19			
D	MODIFICATIONS TO CHANNEL	1/4/19			
C	ISSUE FOR BIDDING	10/18/18			
B	ADDED PROPERTY NAMES	9/28/18			
REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS	


DESIGNED BY	DRAFTED BY
CGB	ICB
(18 X 24) DWG ONLY	

BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS ID, 83301
(208) 736-8543

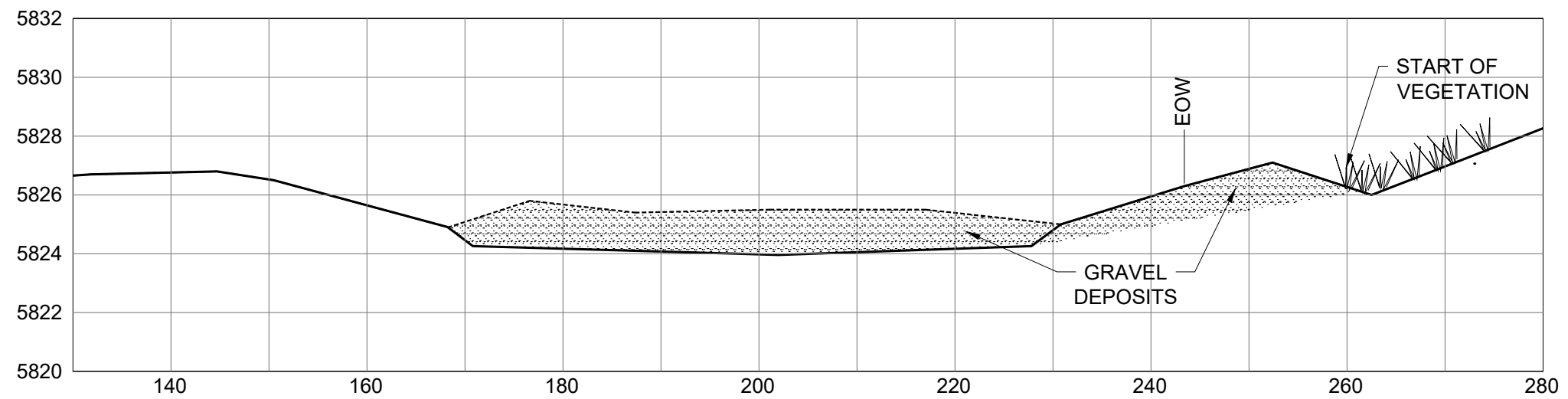
SWAN, SANDRA
RIVER RESTORATION PROJECT
SECTIONS AND DETAILS

PROJECT #	538-17-2016
DWG #	2
REV	197

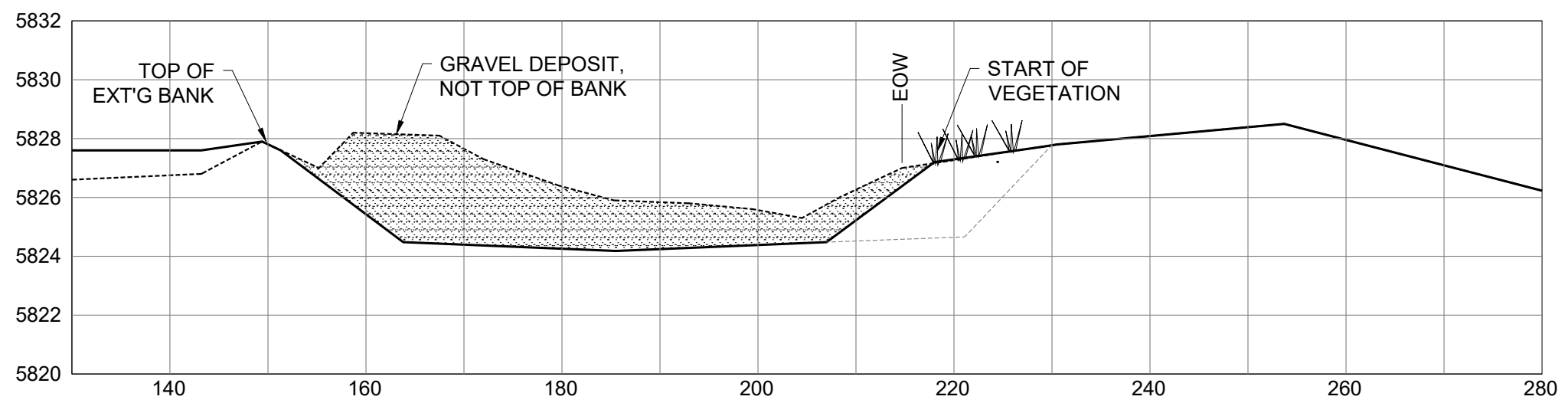




SECTION 100
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'




SECTION 101
 HORIZONTAL SCALE: 1" = 15'
 VERTICAL SCALE: 1" = 5'

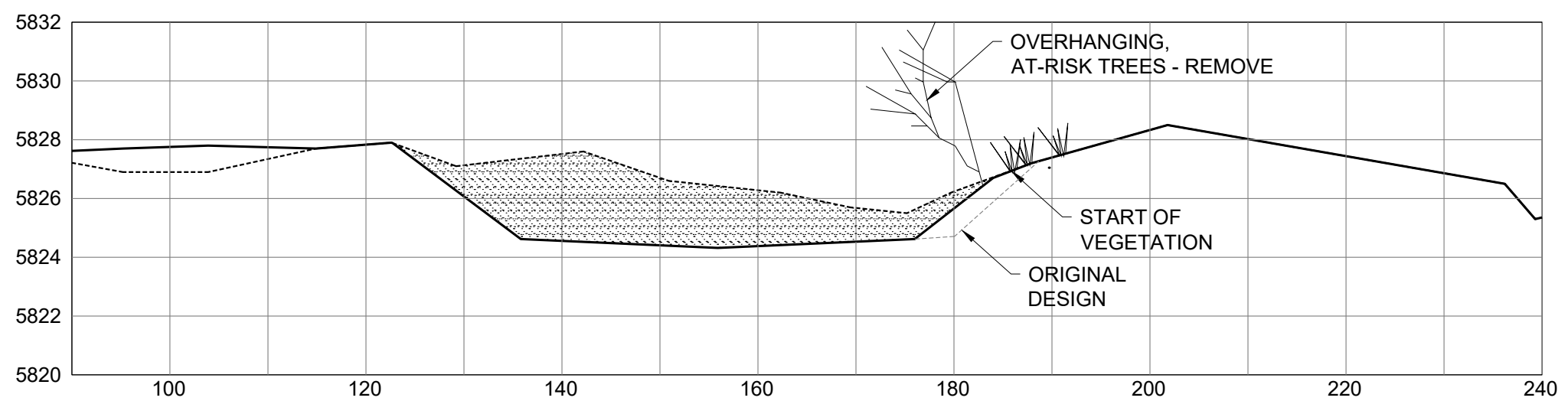




SECTION 102

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VERTICAL SCALE: 1" = 5'

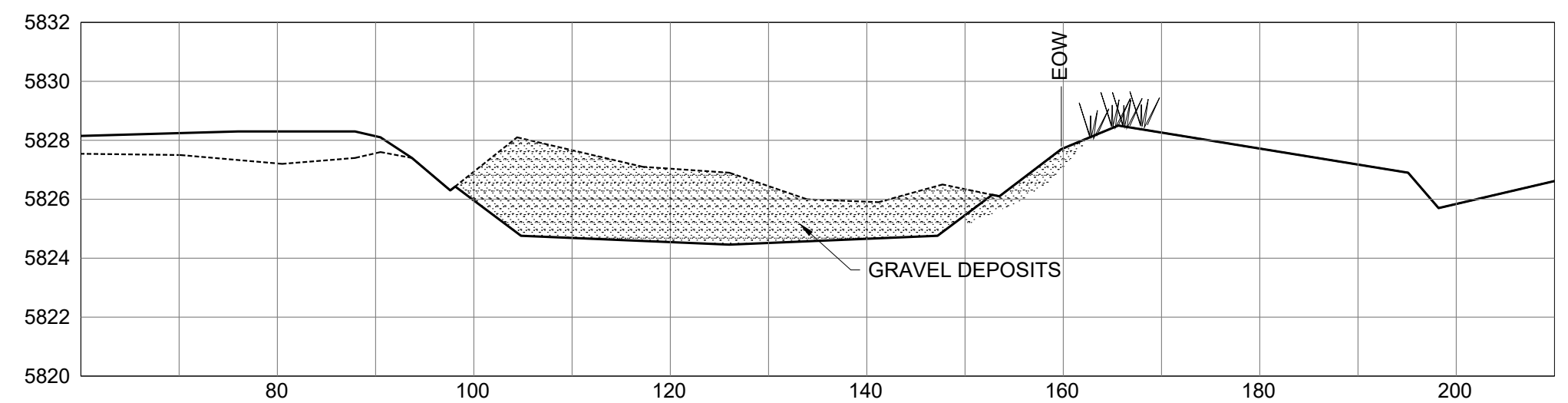





SECTION 103

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VERTICAL SCALE: 1" = 5'

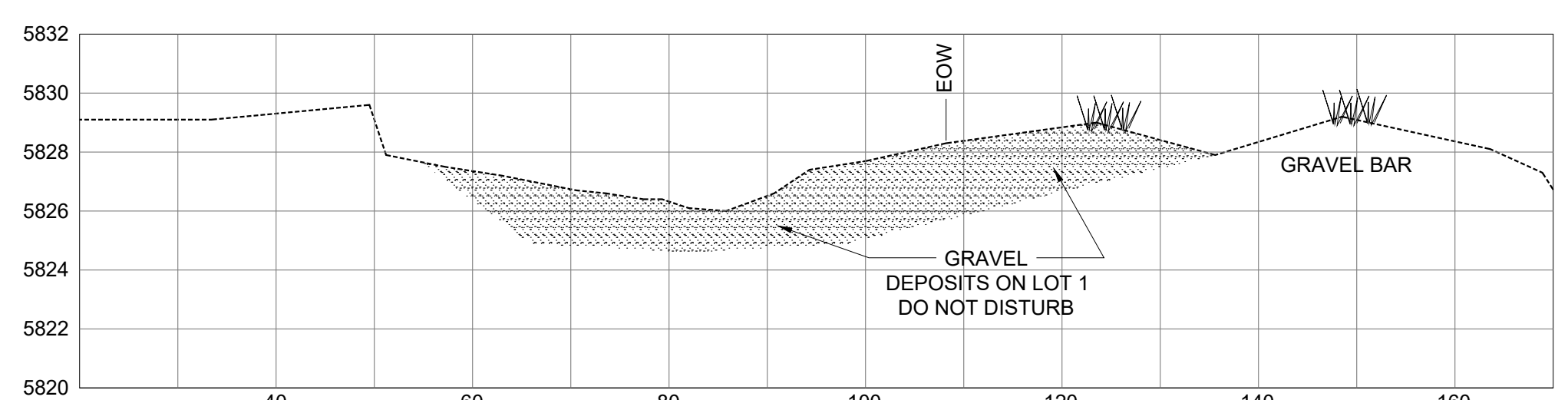





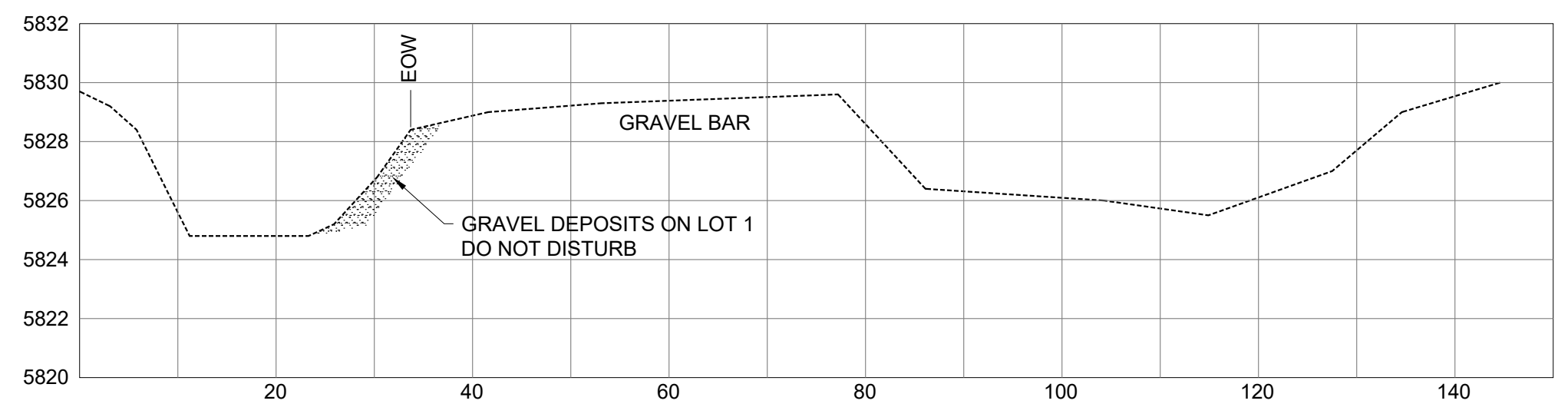
SECTION 104

HORIZONTAL SCALE: 1" = 15'

VERTICAL SCALE: 1" = 5'




SECTION 105
 HORIZONTAL SCALE: 1" = 15'
 VERTICAL SCALE: 4" = 5'



C.6
1 3

SECTION 106
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'

LEGEND

----- EXISTING CHANNEL - SURVEYED JULY 17, 2018

_____ PROPOSED CHANNEL

EOW EDGE OF WATER AT TIME OF SURVEY

NOT FOR CONSTRUCTION

AMENDMENT 9/28/2020

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.	G	AMENDMENT - REMOVE LOT 1 WORK	9/28/20			DESIGNED BY CGB	DRAFTED BY ICB	BROCKWAY ENGINEERING, PLLC HYDRAULICS - HYDROLOGY - WATER RESOURCES 2016 NORTH WASHINGTON, SUITE 4 TWIN FALLS ID, 83301 (208) 736-8543	SWAN, SANDRA RIVER RESTORATION PROJECT		PROJECT # 538-17-2016	
	F	GEOGRID REMOVAL FOR CITY	9/16/19									
	E	FOR FINAL PERMIT	7/19/19									
	D	MODIFICATIONS TO CHANNEL	1/4/19									
	C	ISSUE FOR BIDDING	10/18/18									
	B	ADDED PROPERTY NAMES	9/28/18									
	REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS							
						(18 X 24) DWG ONLY						
								CHANNEL CROSS-SECTIONS		DWG # 3	REV 198	

Amendment to Swan River Restoration Project

September 28, 2020

A. Elements of Amendment

The Amendment pertains to the river restoration project approved by the Corps of Engineers (NWW-2017-639-I02), the Idaho Department of Water Resources (S37-20546 as Amended July 8, 2019) to the project includes the following elements, all of which are depicted on Revision G of the project drawings, dated September 28, 2020. The specific elements of the Amendment are as follows:

- a. Remove all work of any kind on Lot 1 (Marsupial Investments)
- b. For water bypass, place temporary gravel bags across the channel just south of the Lot 1 / Lot 12 line. The line of bags will extend westward onto City of Ketchum property just as in the approved permit (the temporary gravel bags on City property were previously approved in the encroachment permit). As before, it is likely that water can be bypassed without removal of debris or gravel on City property; however, if this becomes necessary the same provision as previously approved would apply.
- c. Stop the channel excavation and re-grading just downstream of the temporary gravel bags (stopping short of the bags to avoid undermining them).
- d. To increase the stability of the re-graded channel and prevent down-cutting and a potential head cut moving upstream onto Lot 1, a below-grade rock sill will be placed across the channel. Such sills are included in the IDWR minimum standards and are commonly used. The top of the sill will be flush with the finished of the channel, i.e. all of the rock will be below the channel bed and thus there will be no hydraulic impact from the sill.

Material quantities for the reduced-scope amended project are shown in Tables 1 and 2. These are the same tables found in the September 30, 2019 narrative for the approved project, with Items #1 and #2 revised and an Item #8 added to reflect the sill across the channel. All other elements of the project are unchanged.

Table 1. Material quantities, Items #1 and #2 revised per amendment.

Project Component	River Length (ft)	Plan Area (acres)	Total excavation (cu. yd.)	Excavation below OHW* (cu. yd.)	Total fill (cu. yd.)	Fill below OHW* (cu. yd.)
1. Gravel removal	300	0.50	1,243	1,243	0	0
2. Reclamation	n/a	0.27	0	0	447	0
3. Reclaimed land south boundary protection	165	0.03	0	0	77	65
4. East chan entrance stabilization	88	0.03	86	86	54	54
5. Bank stabilization	180	0.05	0	0	131	131
6. Bank sill	Landward of OHW					
7. Wood removal	n/a	0.10	150	150	0	0
8. Sill across channel to stabilize gravel cut	12	0.02	49	49	49	49
Temporary bypass and coffer	32	0.03	65	65	18	12
TOTALS		1.03	1,593	1,593	776	311
TOTALS (not including temporary work)		1.00	1,528	1,528	758	299
Notes: Gravel removal: Length is total north-south length along Big Wood River from upper to lower limits of removal. Reclamation: Fill volume is for reclamation of land within floodplain. Reclaimed land south boundary protection: Length is west-east along north bank of East Channel. East channel entrance stabilization: Length is the west-east length of the east channel entrance protection and re-grading; total excavation is for channel re-grading from entrance eastward; fill is rock at entrance. Bank stabilization: Length is north-south along Big Wood River, fill is riprap and logs. * OHW prior to 2017 discrete event.						

Table 2. Post-project channel geometry, revised per Amendment.

Section	River Station (ft)	Bottom width (ft)	Side slope	Cut area (ft2)
106	106085	No disturbance		
105	106038	No disturbance		
104	106003	40	4:1	114
103	105970	40	4:1	113
102	105935	50	4:1	154
101	105883	60	4:1	96
100	105800	60	4:1	116
99	105700	30	4:1	21

B. Revised No-Rise Analysis

The HEC-RAS model for the proposed conditions that was approved by the City of Ketchum was modified by removing the gravel excavation and bank protection obstruction from Sections 105 and 106 (the sections on Lot 1) and creating an interpolated section 10' downstream of the property line to reflect the stoppage of gravel excavation at that point. This model when compared to the existing conditions model shows no rise in 100-year flood elevation in accordance with FEMA criteria.



**City of Ketchum
Planning & Building**

**STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
SPECIAL MEETING OF MARCH 30, 2021**

PROJECT: Deep Powder Townhomes

APPLICATIONS: Mountain Overlay Design Review (File No. P21-018) & Townhouse Subdivision Preliminary Plat (File No. P21-017)

REPRESENTATIVE: Joe Marx, Idaho Mountain Builders

OWNER: Deep Powder LLC

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: A public hearing notice was mailed to property owners within 300 feet of the project site and political subdivisions on March 3rd, 2021. Notice was published in the Idaho Mountain Express on March 3rd, 2021. Notice was posted on site and on the city's website on March 16th, 2021. The public hearing for the project has been continued from the March 23rd, 2021 Special P&Z Commission Meeting. Public comment is attached as Exhibit 2 to the Staff Report.

REVIEWER: Abby Rivin, Senior Planner

BACKGROUND

The Planning & Zoning Commission reviewed the Deep Powder Townhomes Mountain Overlay Design Review and Townhouse Subdivision Preliminary Plat applications during their meeting on March 23rd, 2021. The Commission considered the project plans (Exhibit 1: Attachments B & G), the applicant's presentation, and public testimony. Following their deliberations, the Commission moved to continue review of the project to a date certain of March 30th, 2021.

Ketchum Municipal Code §17.96.40.C2j requires that building corners for all proposed buildings must be staked on the site, all trees proposed to be removed must be flagged, and story poles must be installed at the maximum roof peaks at least one week prior to the Commission meeting. The applicant has fulfilled this requirement.

The March 23rd Staff Report for the Deep Powder Townhomes project is attached as Exhibit 1. The March 23rd Staff Report provides a comprehensive analysis of the project. The project plans and application submittal materials as well as draft Findings of Fact and Conclusions of Law are included

as attachments to the March 23rd Staff Report (Exhibit 1). Public comment has been attached as Exhibit 2.

STAFF RECOMMENDATION

After considering the project plans, Staff's analysis, the applicant's presentation, and public comment, Staff recommends the Planning & Zoning Commission deliberate and move to approve the Mountain Overlay Design Review application and move to recommend approval of the Townhouse Subdivision Preliminary Plat application to the City Council. Staff recommends the Commission adopt the Findings of Fact and Conclusions of Law included as Attachments H and I to the March 23rd Staff Report (Exhibit 1).

RECOMMENDED MOTIONS

- "I move to approve the Deep Powder Townhomes Mountain Overlay Design Review subject to conditions of approval #1-9 and adopt the Findings of Fact and Conclusions of Law."
- "I move to recommend approval of the Deep Powder Townhomes Subdivision Preliminary Plat to the City Council subject to conditions of approval #1-7 and adopt the Findings of Fact and Conclusions of Law."

EXHIBITS:

1. March 23rd Staff Report with Attachments:
 - A. Mountain Overlay Design Review Application
 - B. Plans
 - C. Fire Department review comments
 - D. Townhouse Preliminary Plat Application
 - E. Draft CC&Rs
 - F. Title Policy and Warranty Deed
 - G. Preliminary Plat
 - H. Draft Mountain Overlay Design Review Findings of Fact and Conclusions of Law
 - I. Draft Townhouse Subdivision Preliminary Plat Findings of Fact and Conclusions of Law
2. Public Comment

Exhibit 1:

March 23rd Staff Report

with

Attachments:

- A. Mountain Overlay Design Review Application
- B. Plans
- C. Fire Department review comments
- D. Townhouse Preliminary Plat Application
- E. Draft CC&Rs
- F. Title Policy and Warranty Deed
- G. Preliminary Plat
- H. Draft Mountain Overlay Design Review Findings of Fact and Conclusions of Law
- I. Draft Townhouse Subdivision Preliminary Plat Findings of Fact and Conclusions of Law



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
SPECIAL MEETING MARCH 23, 2021

PROJECT: Deep Powder Townhomes Mountain Overlay Design Review and Townhouse Preliminary Plat

FILE NUMBER: P21-017 Townhouse Preliminary Plat and P21-018 Mountain Overlay Design Review

REPRESENTATIVE: Lars Guy, Architect

OWNER: Deep Powder LLC

REQUEST: Mountain Overlay Design Review and Townhouse Preliminary Plat Approval

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 March 2, 2021

REVIEWER: Abby Rivin, Senior Planner

BACKGROUND

The project was approved by the Planning and Zoning Commission on August 12, 2019 (P19-074). The approvals expired before the project obtained a building permit. The applicant is resubmitting the project as previously approved in order to reactivate the approvals.

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 Staff Comments
	<input type="checkbox"/>	<input type="checkbox"/>	17.104 & 17.96	Complete Application
	<input type="checkbox"/>	<input type="checkbox"/>	Fire Department: <i>See attachment C.</i>	
	<input type="checkbox"/>	<input type="checkbox"/>	City Engineer and Streets Department: <ol style="list-style-type: none"> Detailed review and approval of ROW improvements to occur upon Building Permit submittal. All drainage will need to be retained on site. Including water from any roof drains. 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 Building/Construction drawings will need to meet applicable sections of Chapter 12 of the City of Ketchum's Municipal Code ROW improvements required to be prepared by a professional engineer per section 12.04.020 ROW. ROW improvements are shown on sheet L1.1 A dig permit will be necessary for ROW work 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'. 	
	<input type="checkbox"/>	<input type="checkbox"/>	Utilities: <ol style="list-style-type: none"> Each townhouse will require separate taps for both water and sewer. Each townhouse will have its own independent irrigation system. 	

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 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 type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Coverage
			<i>Staff Comment</i>	Permitted: 35% Proposed: 33% (3,717 sf)
	<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>	
				<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 type="checkbox"/>	17.12.040	Building Height	
			Staff Comment	<p>Maximum Permitted: 35'</p> <p>Proposed:</p>	
				<p>West building (Unit A) 29'-10"</p>	<p>East building (Unit B) 29'-10"</p>
<input type="checkbox"/>	<input 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"/>		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 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 <i>Staff Comments</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (1)	<p>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.</p>
			<i>Staff Comment</i>	<p><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></p> <p><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></p>
	<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 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.</p>
			<i>Staff Comment</i>	<p><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></p>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (3)	<p>Driveway standards as well as other applicable standards contained in chapter 12.04 of this code shall be met.</p>
			<i>Staff Comment</i>	<p><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></p>
	<input type="checkbox"/>		17.104.070 A (4)	<p>All development shall have access for fire and other emergency vehicles to within one hundred fifty feet (150’) of the furthest exterior wall of any building.</p>
			<i>Staff Comment</i>	<p><i>Refer to Attachment C, Fire Marshal comments.</i></p>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (5)	<p>Significant rock outcroppings shall not be disturbed.</p>
			<i>Staff Comment</i>	<p><i>There are no significant rock outcroppings within the property boundary of the subject property.</i></p>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (6)	<p>International building code (IBC) and international fire code (IFC) and Ketchum fire department requirements shall be met.</p>
			<i>Staff Comment</i>	<p><i>All IBC and IFC codes will be met; this will be verified during the Building Permit review process.</i></p>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (7)	<p>Public water and sewer service shall comply with the requirements of the city.</p>
			<i>Staff Comment</i>	<p><i>Water and sewer services are proposed for each unit. As required, each unit will have its own water and sewer service.</i></p>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (8)	<p>Drainage shall be controlled and maintained to not adversely affect other properties.</p>
			<i>Staff Comment</i>	<p><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></p>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (9)	<p>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>

				<p>the Ketchum planning department. Revegetation outside of this clear zone should be harmonious with the surrounding hillsides.</p> <p><i>Staff Comment</i></p> <p>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 type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (10)</p> <p><i>Staff Comment</i></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>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"/>		<p>17.104.070 A (11)</p> <p><i>Staff Comment</i></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>The project does not include accesses that traverse 25% or greater slopes.</p>
	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (12)</p> <p><i>Staff Comment</i></p>	<p>Utilities shall be underground.</p> <p>All utilities will be located underground. See sheet L1.1.</p>
	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (13)</p> <p><i>Staff Comment</i></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>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 type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (14)</p> <p><i>Staff Comment</i></p>	<p>Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized.</p> <p>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"/>		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"/>		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 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"/>		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"/>		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"/>		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"/>		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"/>		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"/>		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"/>		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 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 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 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 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 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 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 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 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 clad 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"/>		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"/>		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"/>		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 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 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 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>

				height on the east side and 3' in height on the west side) are incorporated into the site as is extensive landscaping.
	<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 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"/>		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"/>		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"/>		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"/>		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"/>		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"/>		17.96.060(G)(4)	Curbs 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"/>		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 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 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 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"/>		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 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 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 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 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"/>		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>

Table 2: Preliminary Plat Requirements for Townhouse Preliminary Plat

Please see Attachment C: Draft Findings of Fact, Conclusions of Law, and Decision for analysis of all preliminary plat development standards.

STAFF RECOMMENDATION:

Staff recommends the Commission review the proposed plans and townhouse preliminary plat and provide direction to the applicant. Because the story poles were not installed one week prior to the Planning and Zoning Commission hearing, the applications cannot be approved at this meeting. Staff is recommending the Commission continue the hearing to a date certain for approval of the applications and adoption of the findings for the Mountain Overlay Design Review AND Townhouse Preliminary Plat applications.

RECOMMENDED MOTION:

"I MOVE TO CONTINUE THE MOUNTAIN OVERLAY DESIGN REVIEW AND TOWNHOUSE PRELIMINARY PLAT APPLICATIONS FOR DEEP POWDER TOWNHOMES."

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 and Preliminary Plat 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 2018 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. Mountain Overlay Design Review Application
- B. Plans
- C. Fire Department review comments
- D. Townhouse Preliminary Plat Application
- E. Draft CC&Rs
- F. Title Policy and Warranty Deed
- G. Preliminary Plat
- H. Draft Mountain Overlay Design Review Findings of Fact
- I. Draft Townhouse Preliminary Plat Findings of Fact and Conclusions of Law



City of Ketchum
Planning & Building

Design Review Application

OFFICIAL USE ONLY	
File Number:	
Date Received:	
By:	
Pre-Application Fee Paid:	
Design Review Fee Paid:	
Approved Date:	
Denied Date:	
By:	
ADRE: Yes <input type="checkbox"/> No <input type="checkbox"/>	

APPLICANT INFORMATION			
Project Name: <u>DEEP POWDER TOWNHOMES</u>		Phone: <u>208 720-8605</u>	
Owner: <u>DEEP POWDER LLC</u>		Mailing Address: <u>Po Box 3761</u>	
Email:		<u>Ketchum ID 83340</u>	
Architect/Representative: <u>LARS GUY</u>		Phone: <u>208 720-9684</u>	
Email: <u>LARS@Provisualization.com</u>		Mailing Address:	
Architect License Number:			
Engineer of Record:		Phone:	
Email:		Mailing Address:	
Engineer License Number:			
All design review plans and drawings for public commercial projects, residential buildings containing more than four (4) dwelling units and development projects containing more than four (4) dwelling units shall be prepared by an Idaho licensed architect or an Idaho licensed engineer.			
PROJECT INFORMATION			
Legal Land Description: <u>Warm Springs Sub #5 LOT 33 BLOCK 2</u>			
Street Address: <u>255 Hillside Drive</u>			
Lot Area (Square Feet): <u>11,325</u>			
Zoning District: <u>GR-L</u>			
Overlay District: <input type="checkbox"/> Floodplain <input checked="" type="checkbox"/> Avalanche <input type="checkbox"/> Mountain			
Type of Construction: <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Other			
Anticipated Use: <u>(2) Detached Townhomes</u>		Number of Residential Units: <u>2</u>	
TOTAL FLOOR AREA			
	Proposed		Existing
Basements	ϕ	Sq. Ft.	Sq. Ft.
1 st Floor <u>1769/ea</u>	<u>1769/ea</u>	Sq. Ft.	Sq. Ft.
2 nd Floor	<u>1450/ea</u>	Sq. Ft.	Sq. Ft.
3 rd Floor	ϕ	Sq. Ft.	Sq. Ft.
Mezzanine	ϕ	Sq. Ft.	Sq. Ft.
Total	<u>3219/ea</u>	Sq. Ft.	Sq. Ft.
FLOOR AREA RATIO			
Community Core:		Tourist:	General Residential-High:
BUILDING COVERAGE/OPEN SPACE			
Percent of Building Coverage: <u>$(1769 \times 2) / 11,325 = 31\%$</u>			
DIMENSIONAL STANDARDS/PROPOSED SETBACKS			
Front: <u>15'</u>	Side: <u>10'</u>	Side: <u>10'</u>	Rear: <u>15'</u>
Building Height: <u>30'</u>			
OFF STREET PARKING			
Parking Spaces Provided:			
Curb Cut:	Sq. Ft.	<u>35 %</u>	
WATER SYSTEM			
<input checked="" type="checkbox"/> Municipal Service		<input type="checkbox"/> Ketchum Spring Water	

The Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Design Review Application in which the city of Ketchum is the prevailing party, to pay the 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

02/21/21

Date

DESIGN REVIEW EVALUATION STANDARDS

(May not apply to Administrative Design Review):

17.96.060: IMPROVEMENTS AND STANDARDS FOR ALL PROJECTS

A. Streets:

1. The applicant shall be responsible for all costs associated with providing a connection from an existing city streets to their development.
2. All streets designs shall be in conformance with the right-of-way standards and approved by the Public Works Director.

B. Sidewalks:

1. All projects under 17.96.010(A) that qualify as a "Substantial Improvement" shall install sidewalks in conformance with the right-of-way standards. Sidewalk improvements may be waived for projects that qualify as a "Substantial Improvement" which comprise additions of less than 250 square feet of conditioned space.
2. 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.
3. 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.
4. 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 Public Works Director. Any approved in-lieu contribution shall be paid before the city issues a certificate of occupancy.

C. Drainage:

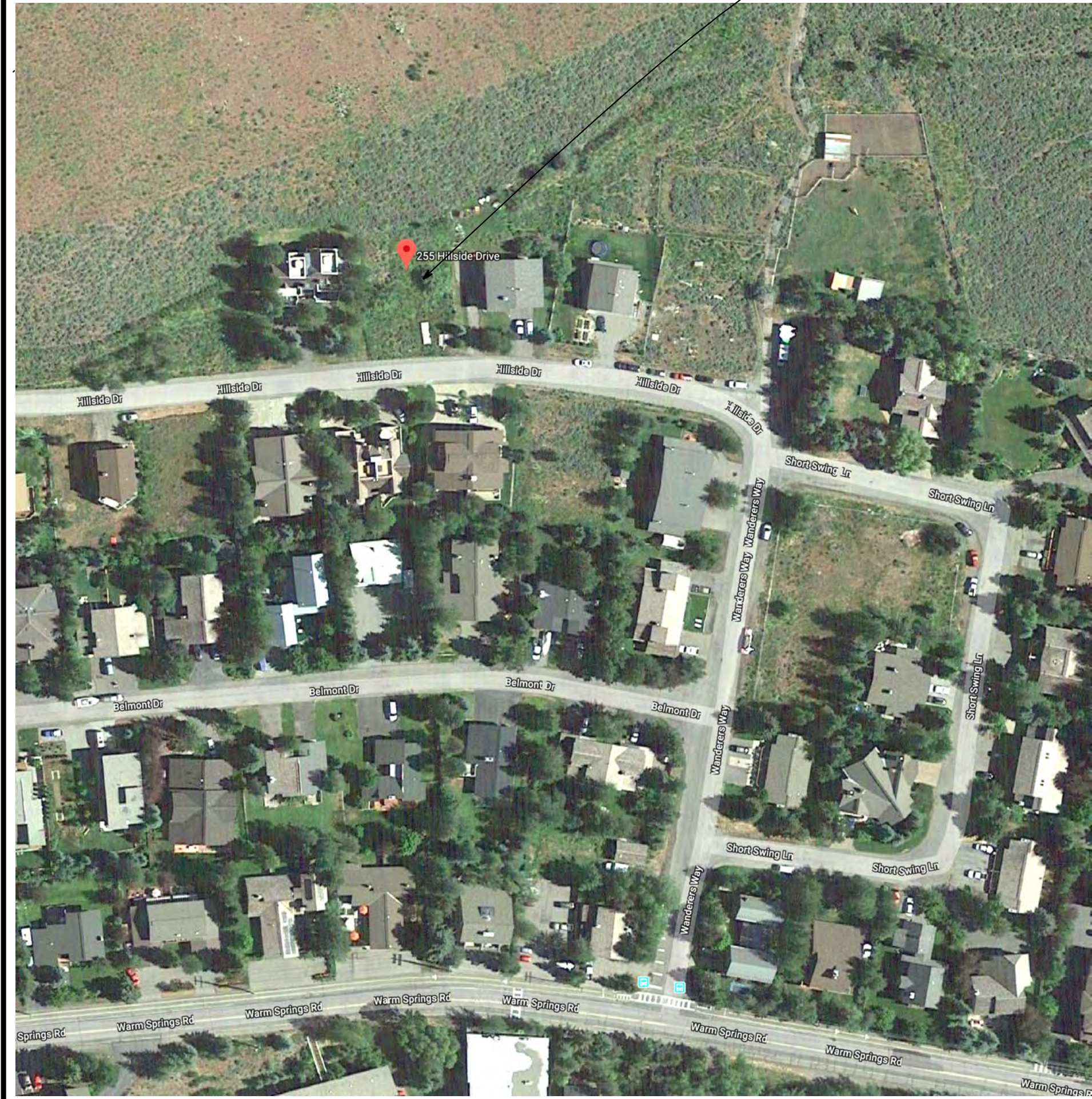
1. All storm water shall be retained on site.
2. Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
3. The Public Works Director may require additional drainage improvements as necessary, depending on the unique characteristics of a site.

B. Plans



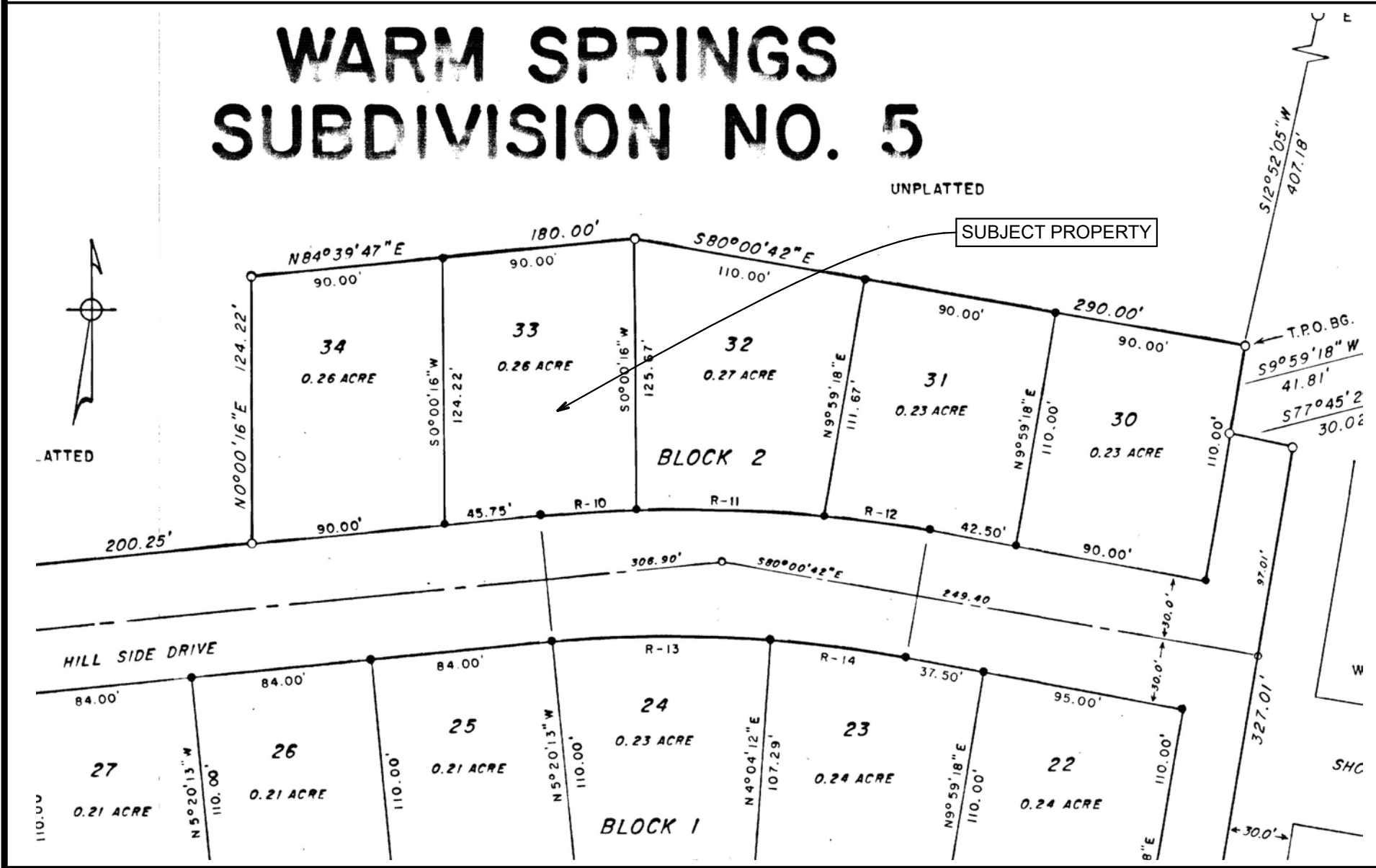
VICINITY MAP

SUBJECT PROPERTY

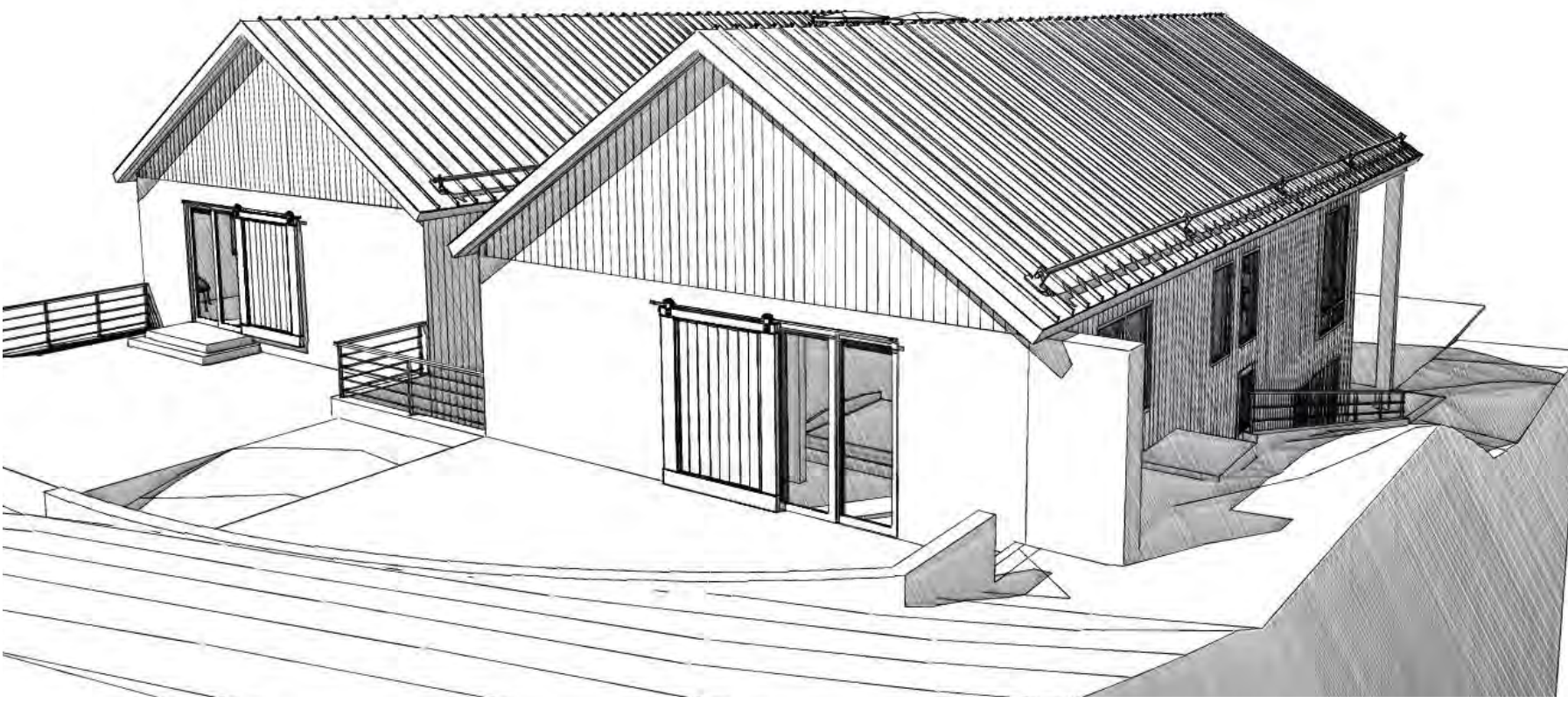
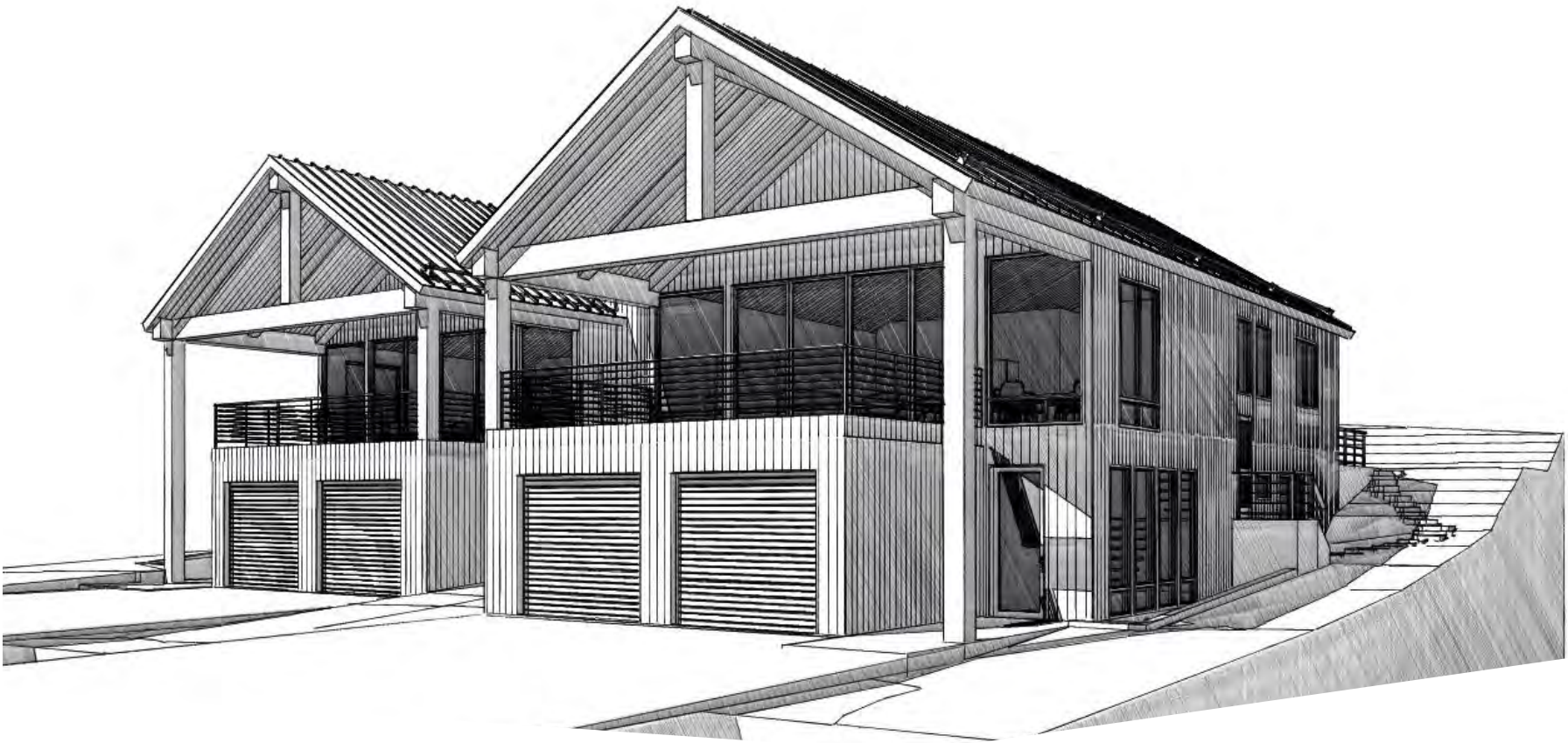


SUBDIVISION MAP

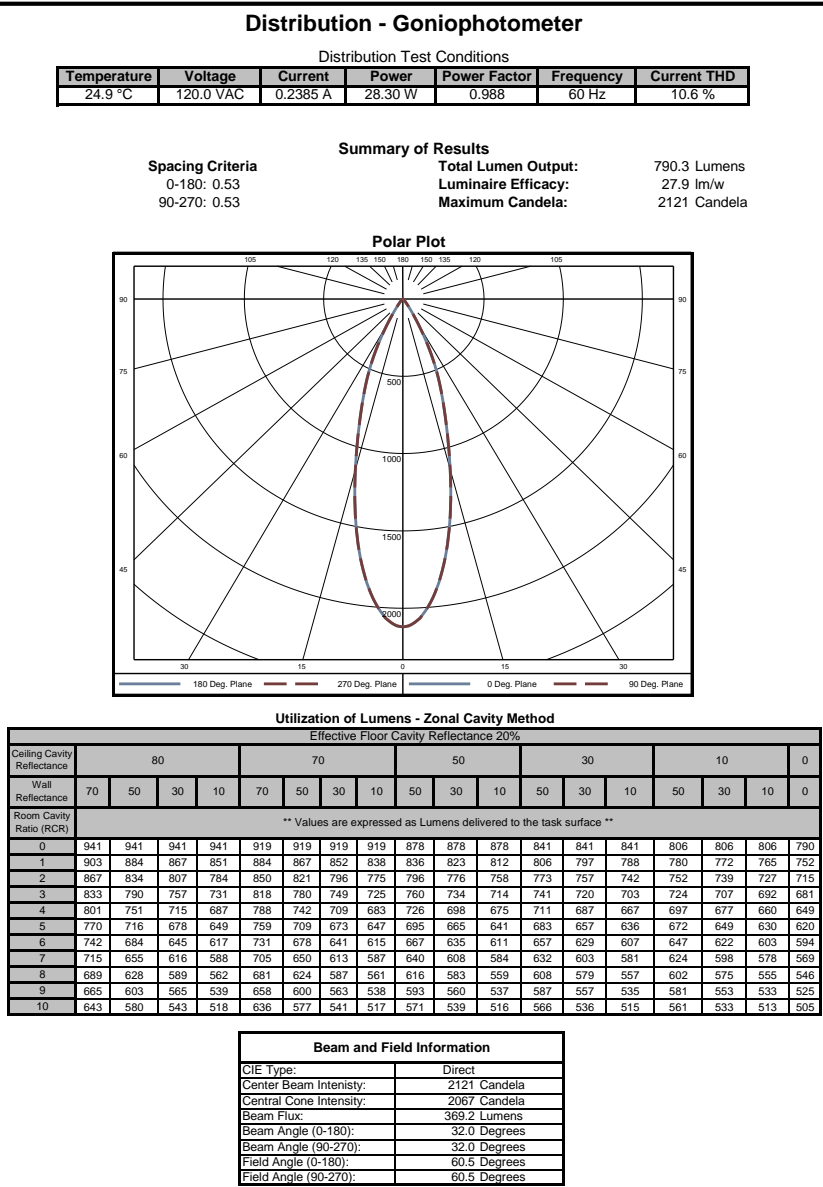
WARM SPRINGS SUBDIVISION NO. 5



PERSPECTIVES



LIGHT SPEC



PROJECT TEAM

OWNER:	DEEP POWDER LLC PO BOX 3761 KETCHUM ID 83340
PROJECT:	NEW DUPLEX RESIDENCES 255 HILLSIDE DRIVE KETCHUM, ID 83340 208.726.1603
CONTRACTOR:	IDAHO MOUNTAIN BUILDERS 251 B 1ST AVE NORTH KETCHUM, ID 83340 208.726.1603
STRUCTURAL ENGINEER:	
SURVEYOR	ALPINE ENTERPRISES PO BOX 2307 KETCHUM, IDAHO 83340 TEL: 208.727.1988
DESIGN CONSULTING:	PROVIS, INC (LARS GUY) BOX 2675 KETCHUM, IDAHO 83340 TEL: 208.720.9684
PLANNING, ZONING & BUILDING DEPARTMENT:	KETCHUM P & Z 480 EAST AVNUE NORTH KETCHUM, IDAHO 83340 208.726.7801
FIRE DEPARTMENT:	KETCHUM F.D. 480 EAST AVNUE NORTH KETCHUM, IDAHO 83340 208.726.7805
HEALTH DEPARTMENT:	SOUTH CENTRAL HEALTH DISTRICT MATT WILDHAGEN 117 EAST ASH AVENUE BELLEVUE, IDAHO 83313

SHEET SCHEDULE

A-0.0	COVER SHEET & PROJECT INFORMATION
C-1	SITE PLAN-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

ADD'L INFORMATION

DRAINAGE:	GUTTERS AND DOWNSPOUTS TO DRYWELLS WILL BE PROVIDED WHERE REQUIRED.
DRAINAGE PLAN:	FINISH GRADE WILL PROVIDE POSITIVE DRAINAGE AWAY FROM STRUCTURE. EXISTING GRADE TO REMAIN
LIGHTING:	ANY LIGHTING WILL BE SHIELDED LED NIGHT SKY COMPLIANT FIXTURES
STREET ROW:	PROJECT WILL NOT CREATE ANY NON COMPLIANCE TO R.O.W. STANDARDS
CONSTRUCTION TYPE:	<ul style="list-style-type: none">2X6 WOOD FRAMING AT 16" O.C.PRE-MANUFACTURED ROOF TRUSSES OR ENGINEERED ROOF JOISTSMETAL ROOFSEXPOSED CONCRETE

PROJECT INFORMATION

LOT:	255 HILLSIDE DRIVE • WARM SPRINGS SUB #5 LOT 33 BLK 2 11
SIZE:	0.256 /AC or 11,150 S.F.
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"

EXT. LIGHT FIXT



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 IECC)
2012 FIRE CODE (2012 IFC)

(AS ADOPTED BY ORDINANCE NUMBER 1125, 2014)

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

OWNER INFO

PROJECT NO.

CONTRACTOR

NEW RESIDENCES FOR:
DEEP POWDER LLC
255 HILLSIDE DRIVE
KETCHUM, ID 83340

DRAWING:
COVER

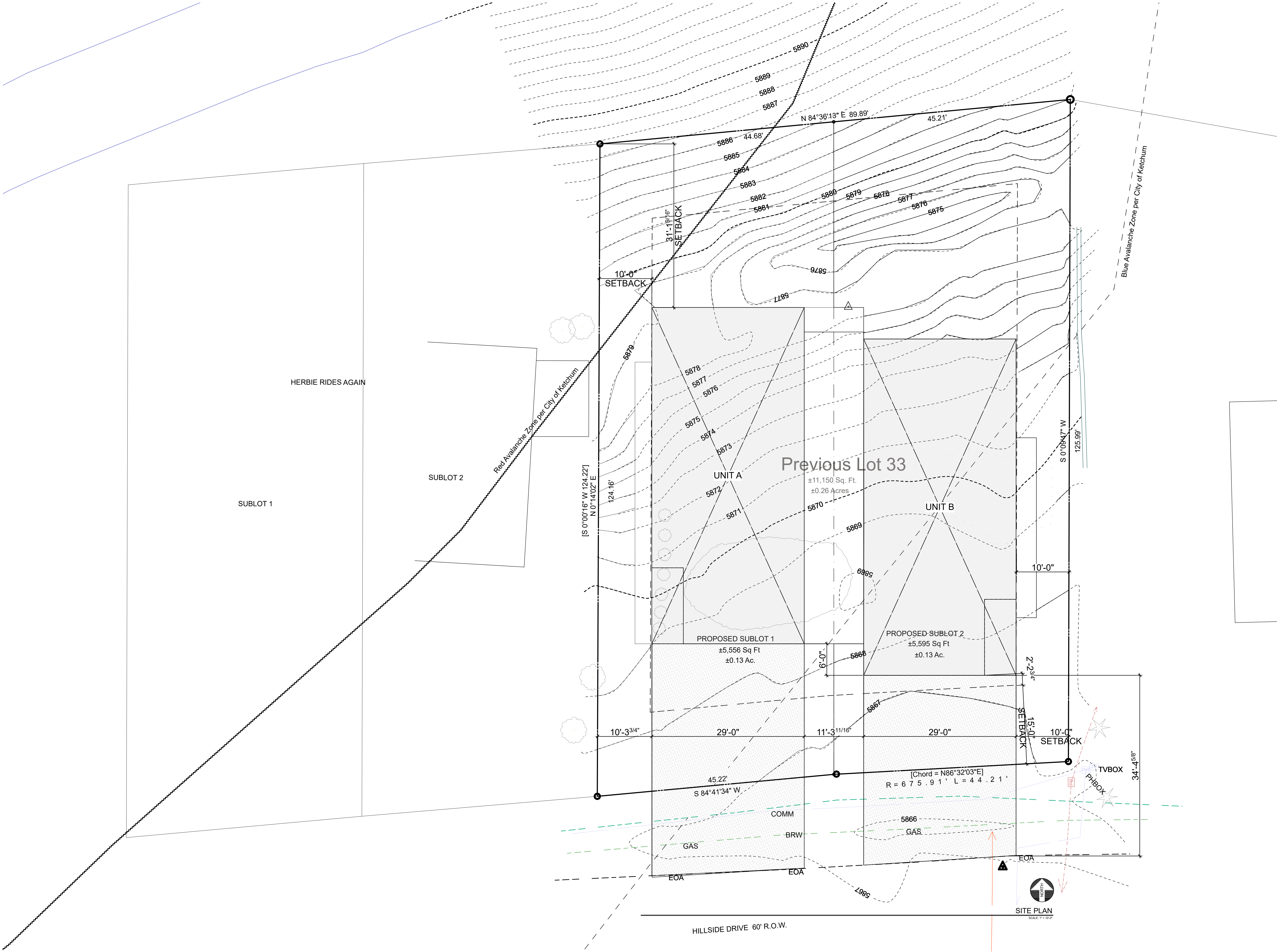
DATE

6/19/19

SHEET NUMBER

A-0.0

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OWNER INFO

PROJECT NO.

CONTRACTOR

NEW RESIDENCES FOR:
DEEP POWDER LLC
255 HILLSIDE DRIVE
KETCHUM, ID 83340

D R A W I N G :
SITE PLAN

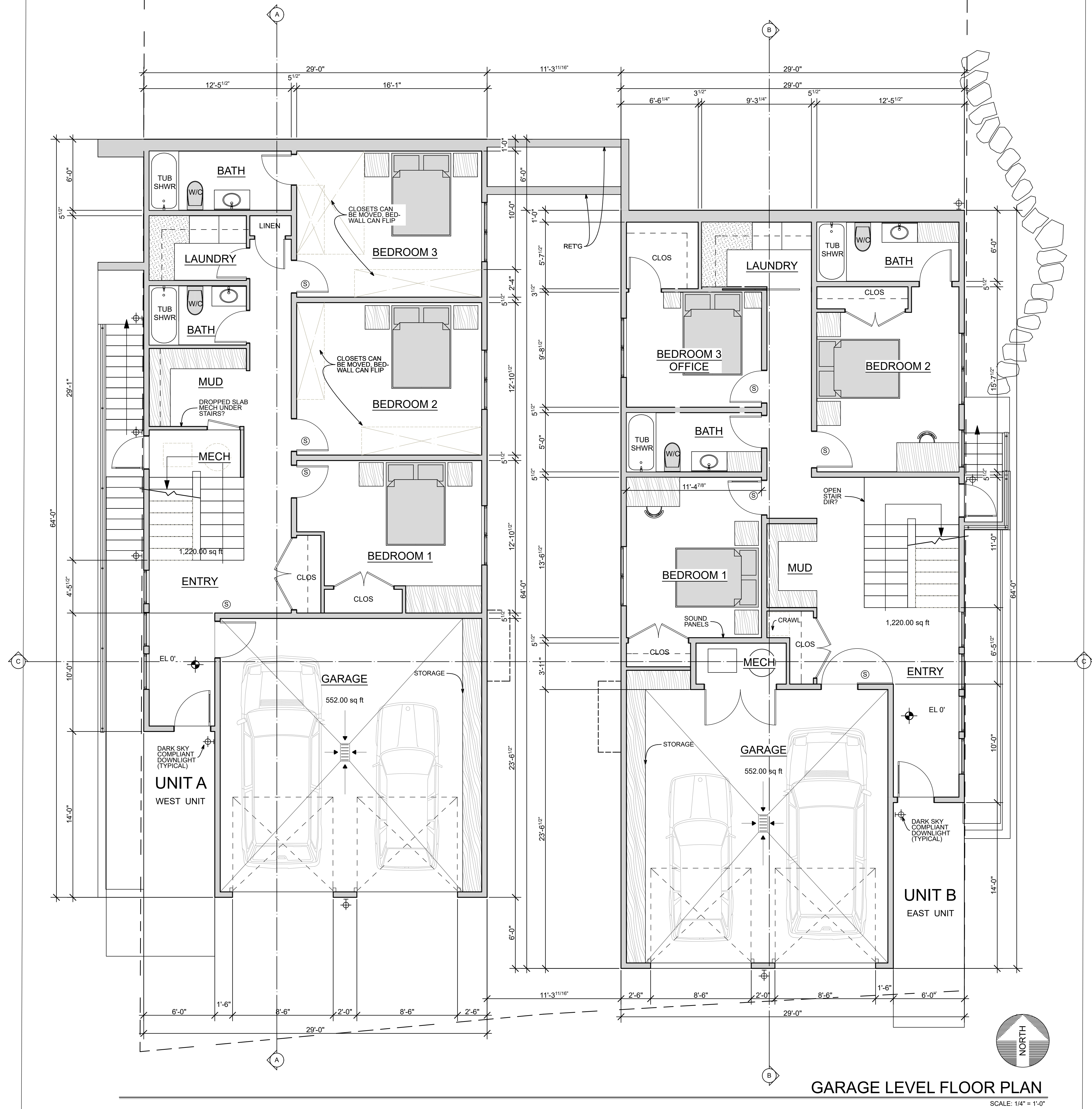
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OWNER INFO

PROJECT NO.

CONTRACTOR

NEW RESIDENCES FOR:
DEEP POWDER LLC
255 HILLSIDE DRIVE
KETCHUM, ID 83340

D R A W I N G :
GARAGE LEVEL PLANS

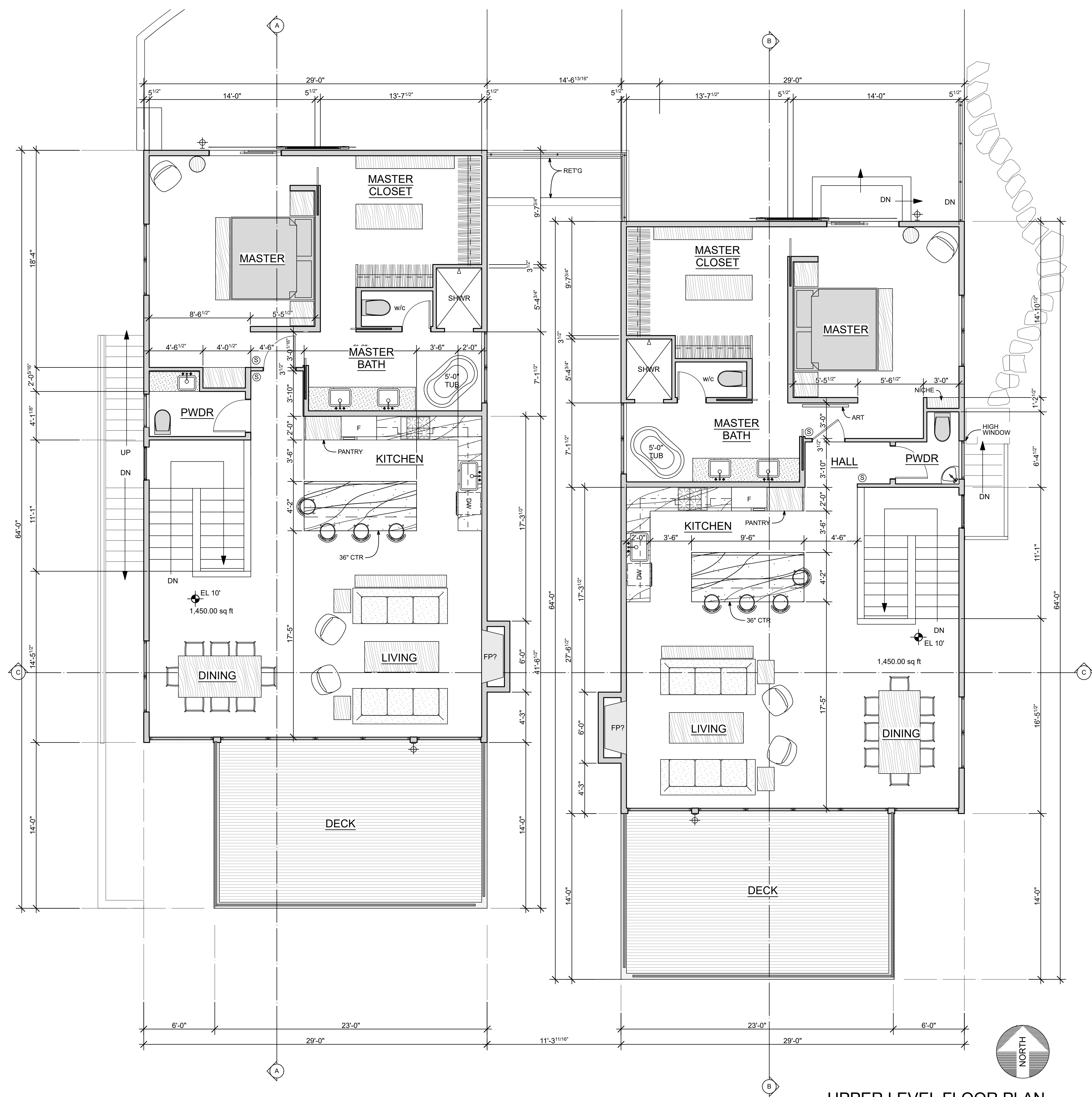
DATE

6/19/19

SHEET NUMBER

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UPPER LEVEL FLOOR PLAN

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

OWNER INFO

PROJECT NO.

CONTRACTOR

NEW RESIDENCES FOR:
DEEP POWDER LLC
255 HILLSIDE DRIVE
KETCHUM, ID 83340

D R A W I N G :
UPPER LEVEL PLANS

DATE

6/19/19

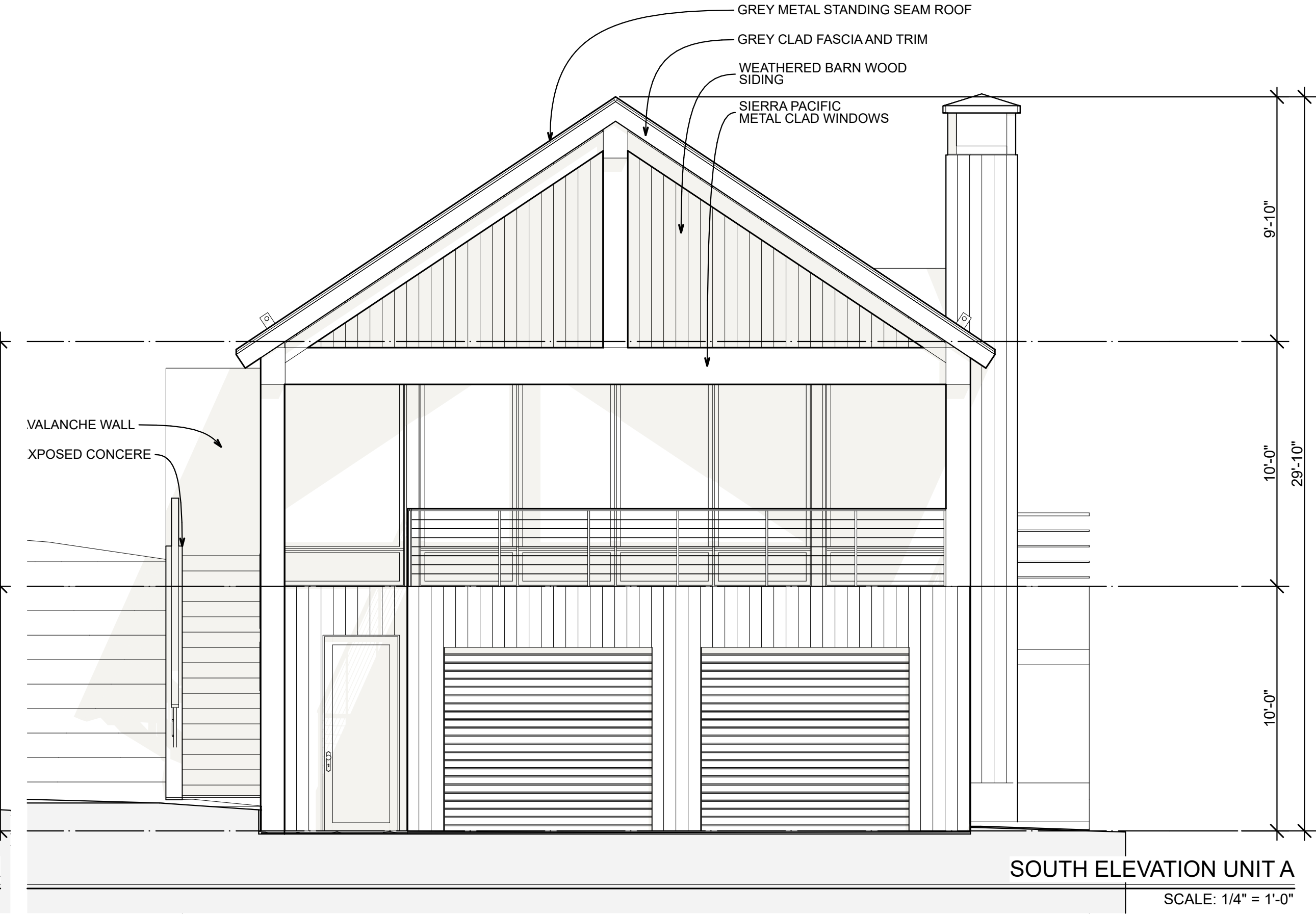
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WEST ELEVATION UNIT A
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION UNIT A
SCALE: 1/4" = 1'-0"



NORTH ELEVATION UNIT A
SCALE: 1/4" = 1'-0"



EAST ELEVATION UNIT A
SCALE: 1/4" = 1'-0"

OWNER INFO

PROJECT NO.

CONTRACTOR

NEW RESIDENCES FOR:
DEEP POWDER LLC
255 HILLSIDE DRIVE
KETCHUM, ID 83340

D R A W I N G :
A ELEVATIONS

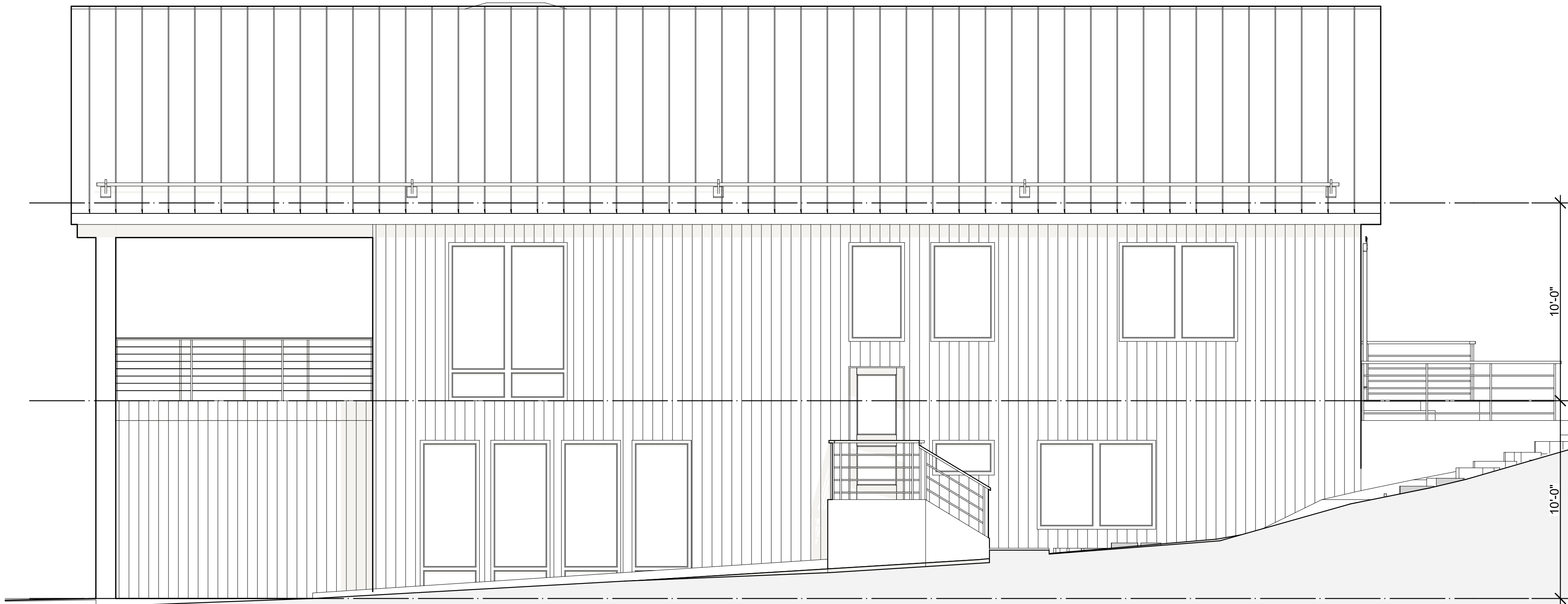
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6/19/19

SHEET NUMBER

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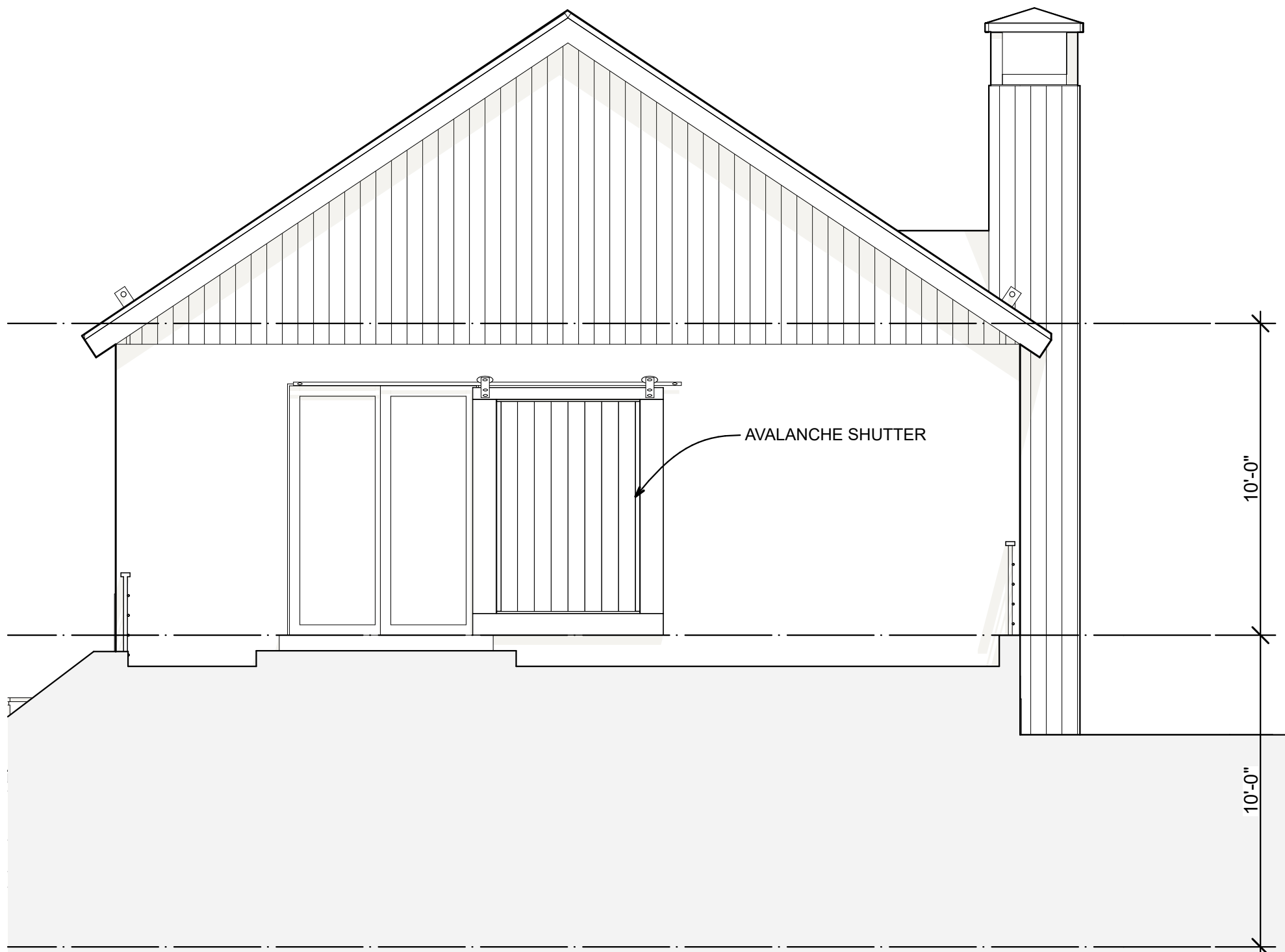
EAST ELEVATION UNIT B

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



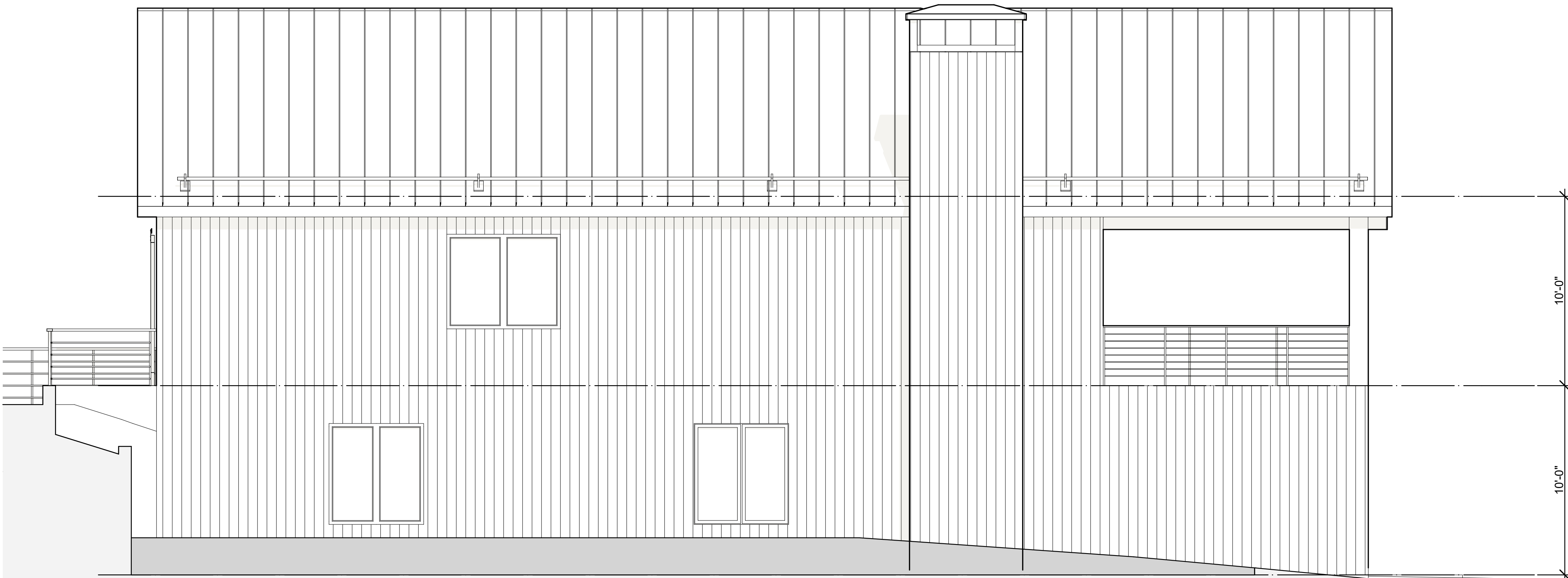
SOUTH ELEVATION UNIT B

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



NORTH ELEVATION UNIT B

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



WEST ELEVATION UNIT B

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

OWNER INFO

PROJECT NO.

CONTRACTOR

NEW RESIDENCES FOR:
DEEP POWDER LLC
265 HILLSIDE DRIVE
KETCHUM, ID 83340

D R A W I N G :
B ELEVATIONS

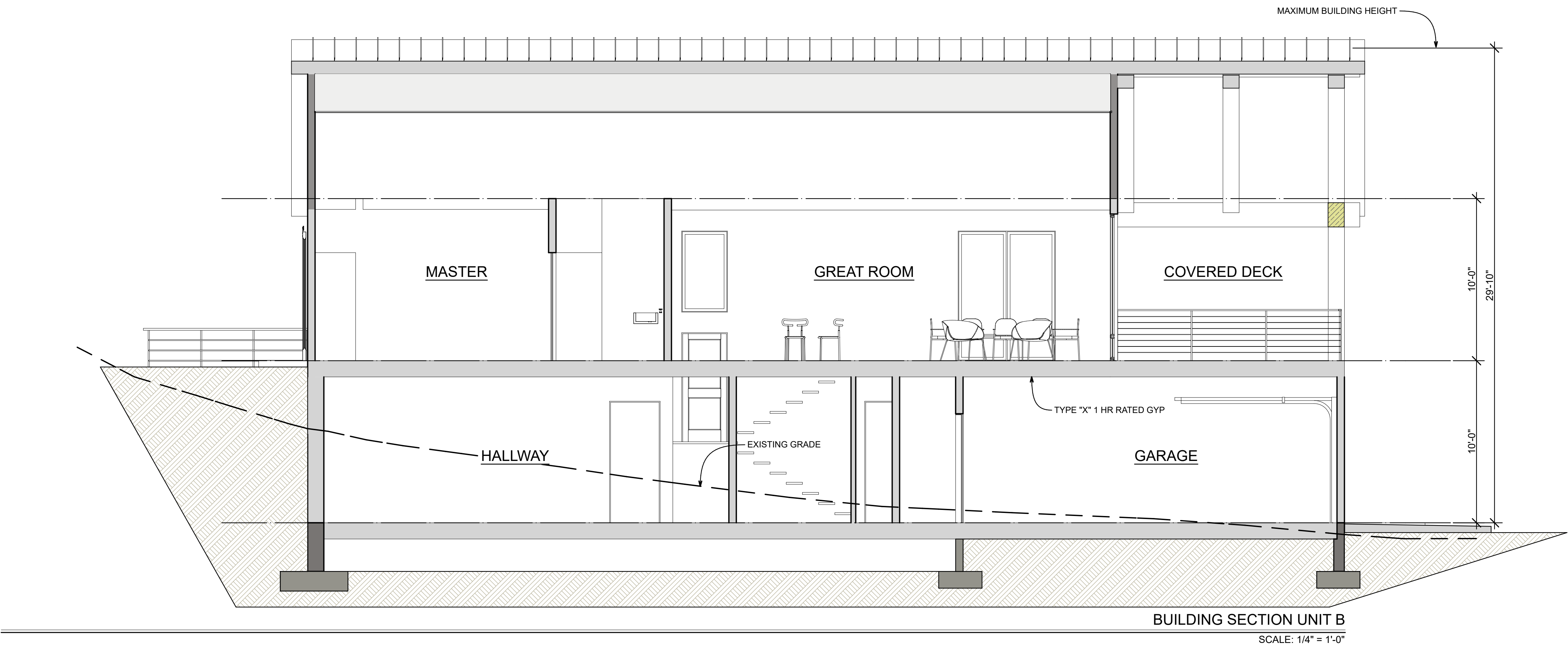
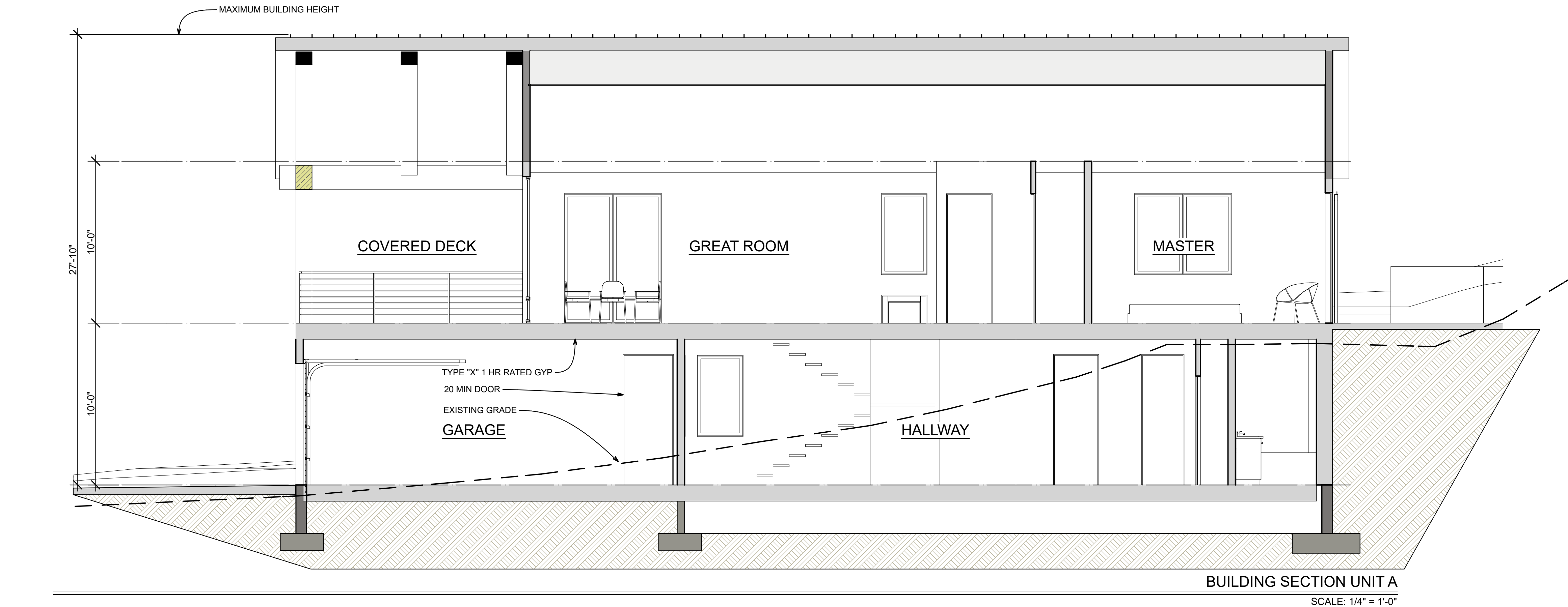
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6/19/19

SHEET NUMBER

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OWNER INFO

PROJECT NO.

CONTRACTOR

NEW RESIDENCES FOR:
DEEP POWDER LLC
265 HILLSIDE DRIVE
KETCHUM, ID 83340

D R A W I N G :
SITE SECTIONS

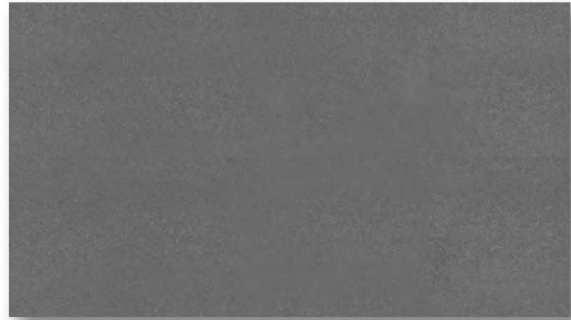
DATE

6/19/19

SHEET NUMBER

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Kynar coated metal roofing, trim and fascia
Dark grey or carbon colored

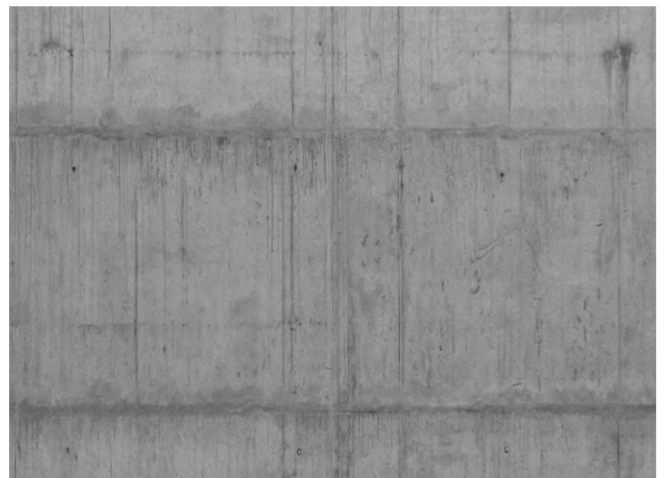


Weather Barnwood Siding - Grey

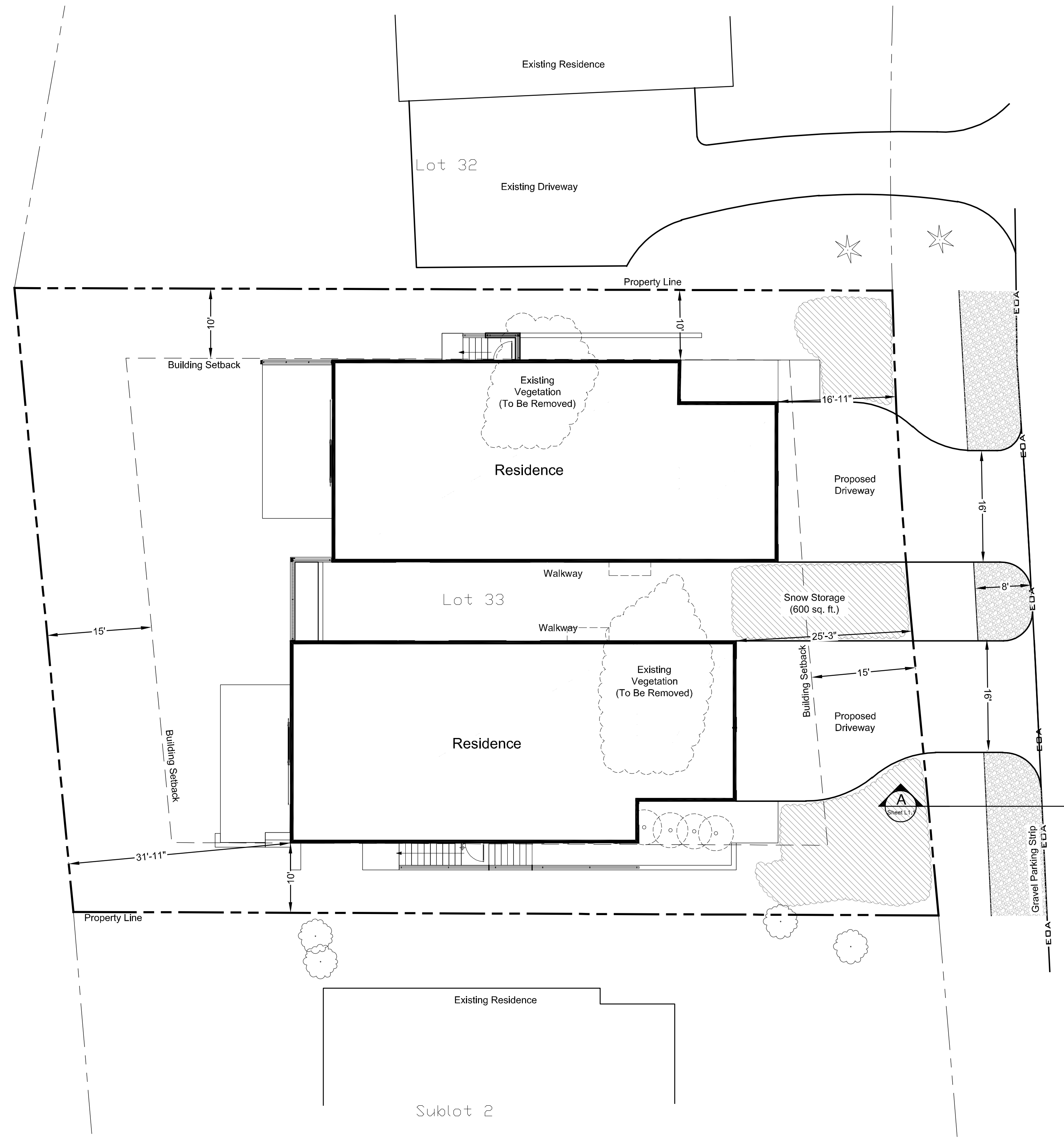


SIERRA PACIFIC CLAD WINDOWS
BATTLESHIP GREY (OR SIM)

Deep Powder, Ilc
Color Sample Board



Natural Concrete











HILLSIDE DRIVE





General Notes

1. Base map information taken from survey by ALPINE ENTERPRISES received 09/09/15 and from on-site information. Architectural information provided by PROVIS, INC. received 06/20/19. 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

- | | |
|---|------------------|
|  | Property Line |
|  | Building Setback |
|  | Edge Of Asphalt |
|  | Edge Of Driveway |
|  | Patio/Walkway |
|  | Utilities |
|  | Gravel Strip |
|  | Snow Storage |

Existing Tree Legend

- | | |
|---|---|
|  | Existing Evergreen Tree (To Remain) |
|  | Existing Deciduous Tree (To Remain) |
|  | Existing Vegetation (To Be Removed) |
|  | Existing Deciduous Tree (To Be Removed) |

Curbcut Calculations

Property Frontage: 90'-0"	
x 35%	
=32' Allowable	
Unit A:	16'
Unit B:	16'
<hr/> Total:	<hr/> 32 ft (35%)

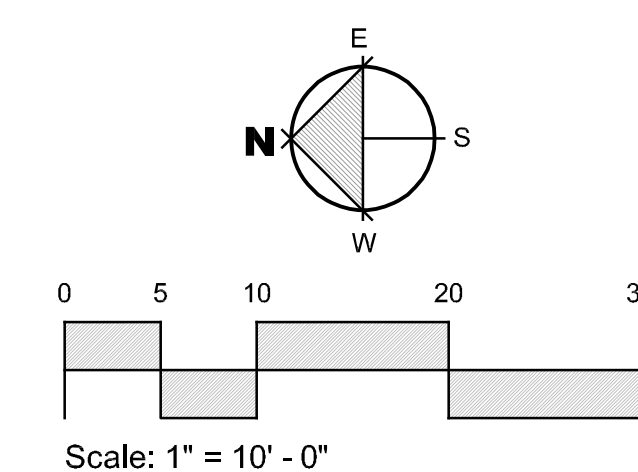
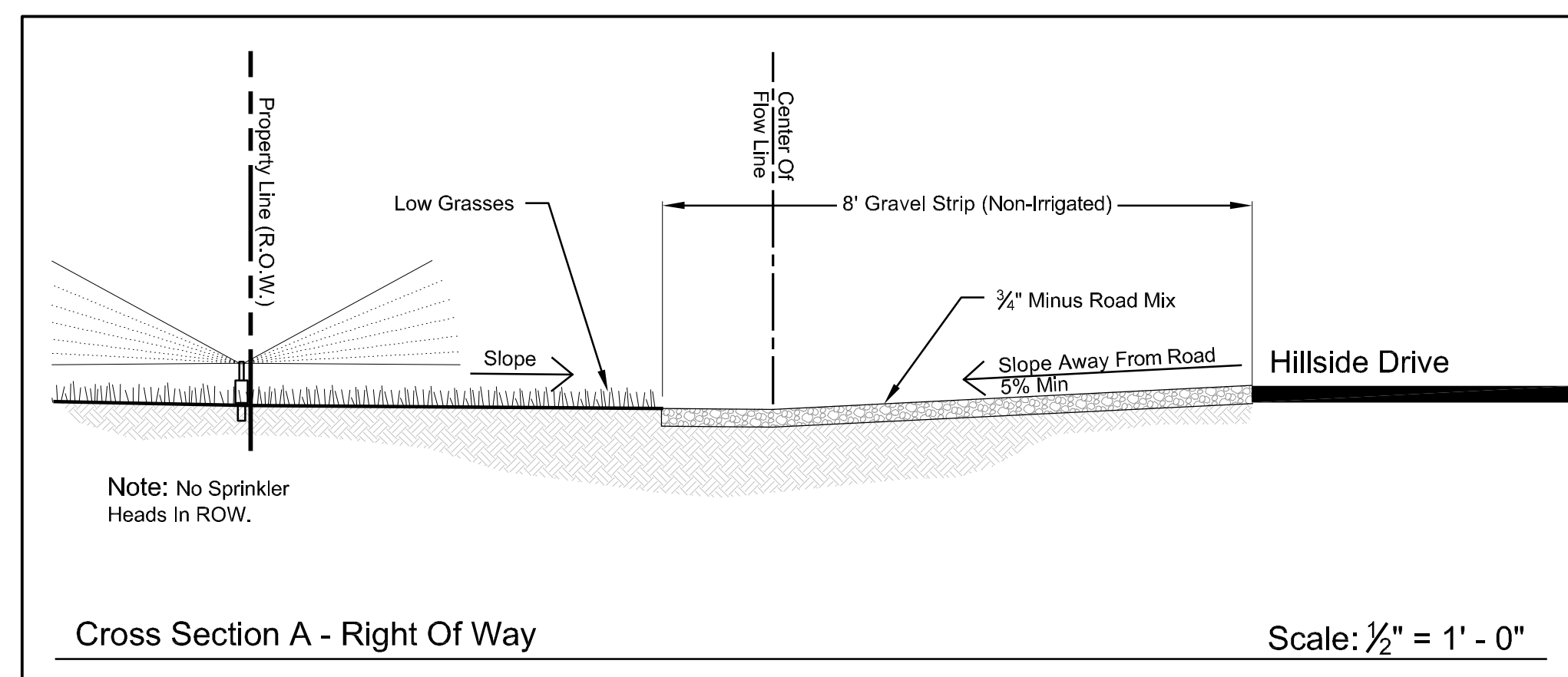
Lot Coverage

Total Parcel:	11,150 Sq. Ft.
Buildings:	3,538 Sq. Ft. (31.7% Of Site)
Driveway/Parking:	1,550 Sq. Ft. (13.9% Of Site)

Snow Storage

Driveway	1,550 Sq. Ft. (30% = 465 Sq. Ft.)
Snow Storage	600 Sq. Ft. (465 Sq. Ft. Required)

NOTE:
See Grading Plan For Drip Line.



DESIGN REVIEW SET - 07/03/19

Deep
Powder

EGGERS ASSOCIATES, P.A.
landscape architecture

P.O. Box 953
Ketchum, ID 83340

T: (208) 725-0988
F: (208) 725-0972

Deep Powder LLC
255 Hillside Dr.
Lot 33, BLK 2, Warm Springs Sub 5
Ketchum, Idaho

Job No: 19.16

Scale: 1" = 10'-0"

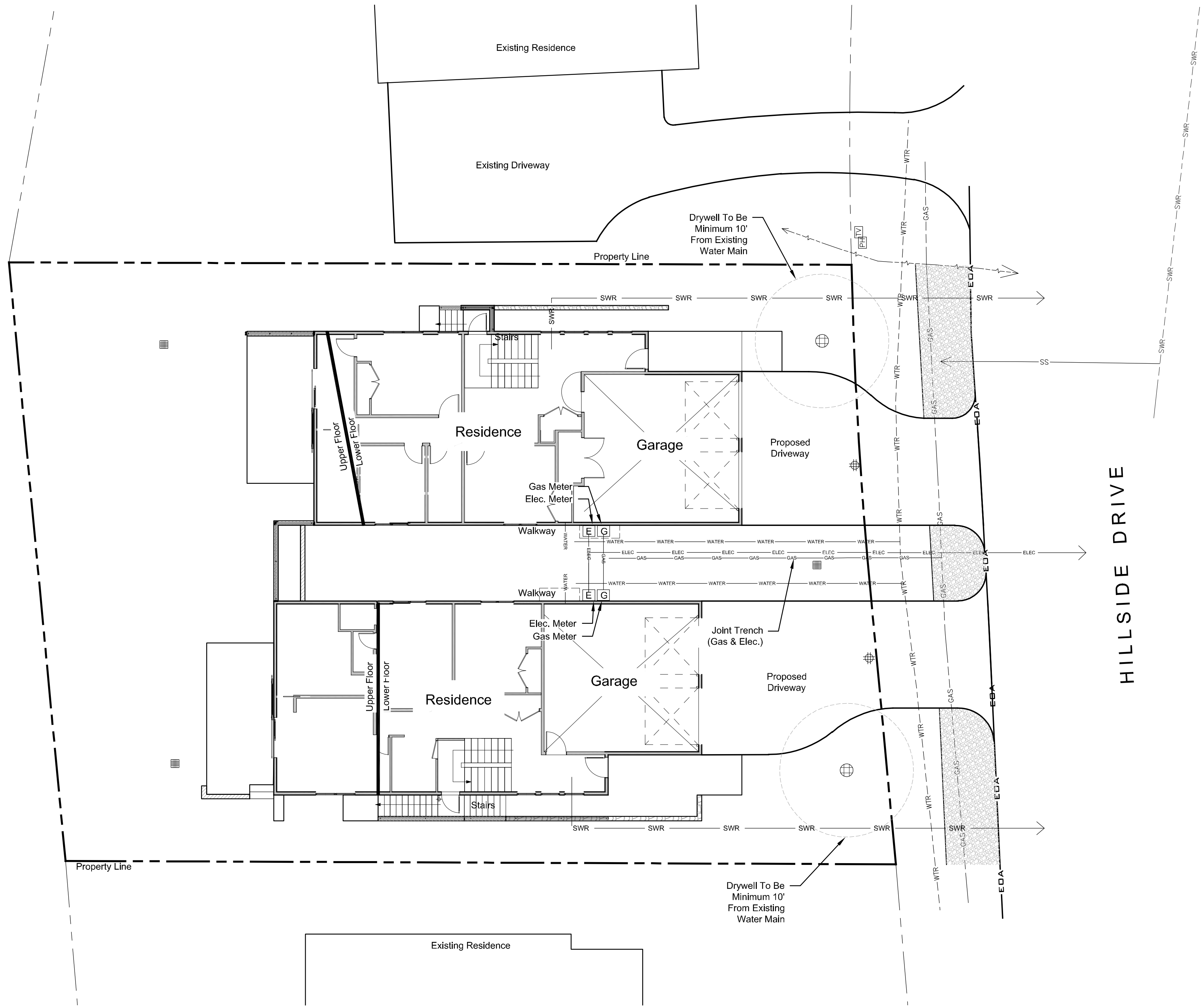
Issue/Revisions: Date:












Design Review	07/03/19
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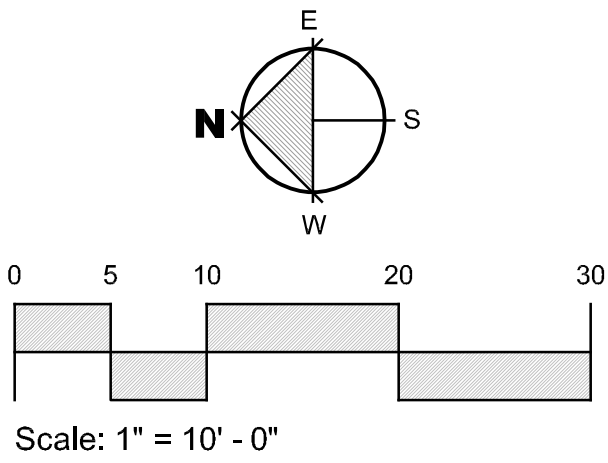
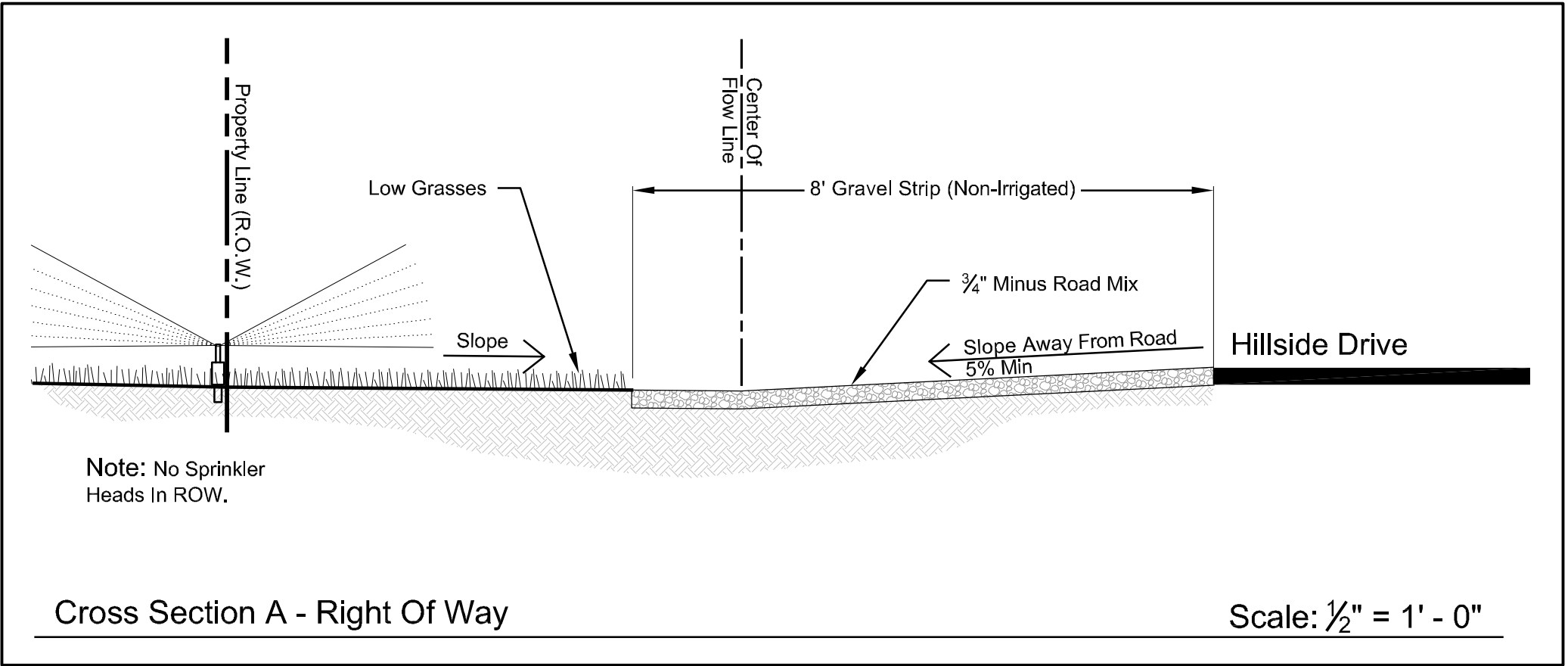
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Sheet Title:
Site
Plan

Sheet No: 1.0



Plan Legend	
	Property Line
	Edge Of Asphalt
	Edge Of Driveway
	Patio/Walkway
	Gas Main Line
	Existing Water Line
	Sewer Main Line
	Water Line
	Electrical Line
	Gas Line
	Sewer Line



DESIGN REVIEW SET - 07/03/19

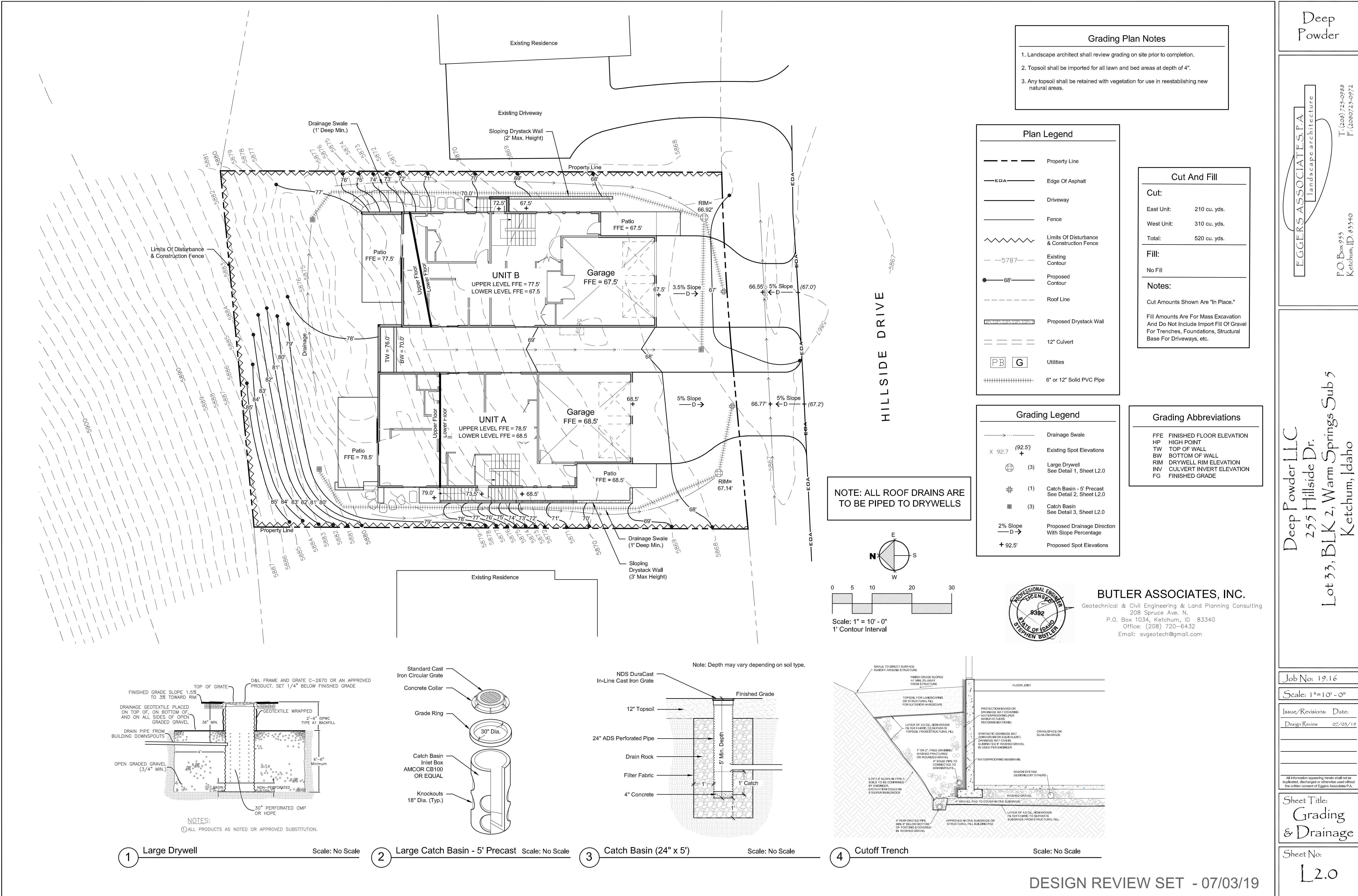
Deep Powder

EGGERS ASSOCIATES, P.A.
landscape architecture
T: (208) 725-0958
F: (208) 725-0972
P.O. Box 933
Ketchum, ID 83340

Deep Powder LLC
255 Hillside Dr.
Lot 33, BLK 2, Warm Springs Sub 5
Ketchum, Idaho

Job No: 19.16
Scale: 1" = 10'-0"
Issue/Revisions: Date:
Design Review 07/03/19
All information appearing herein shall not be duplicated, discharged or otherwise used without the written consent of Eggers Associates P.A.
Sheet Title:
Utility Plan
Sheet No:
L1.1

228



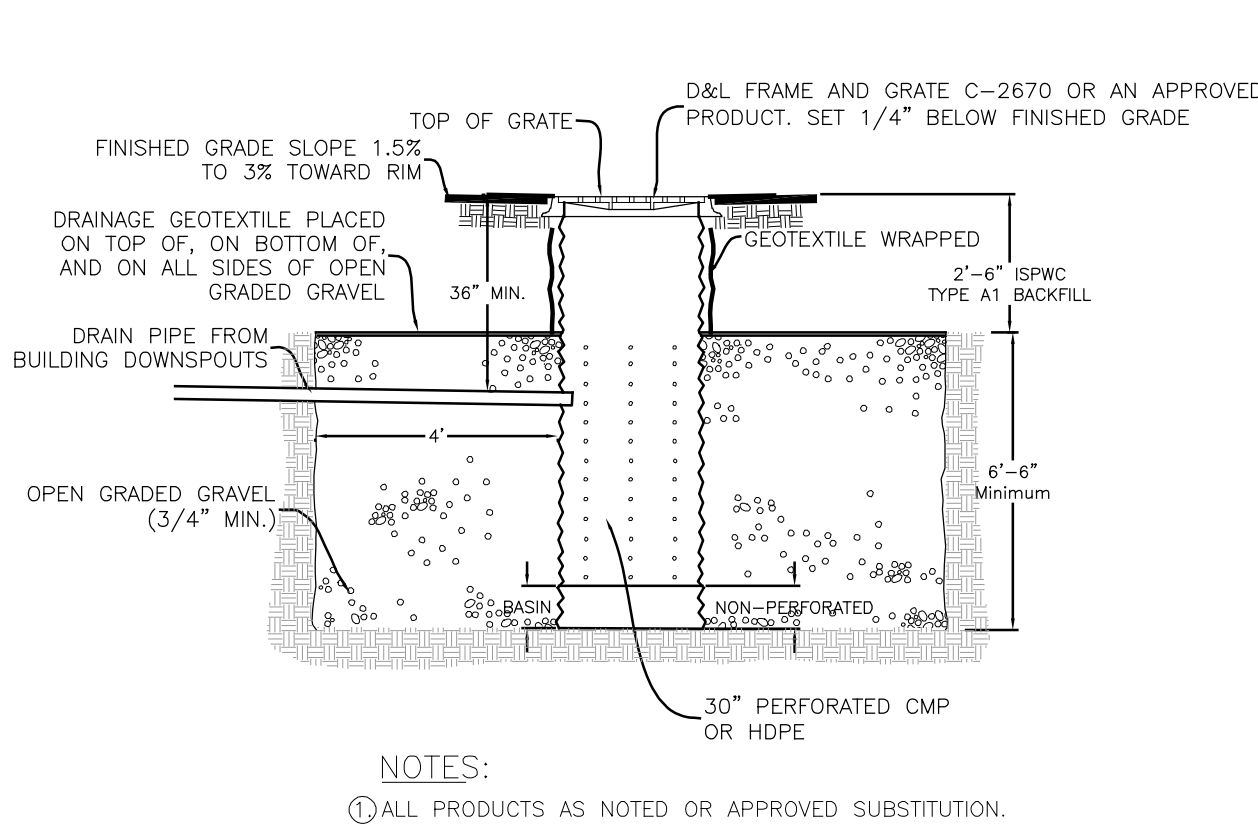
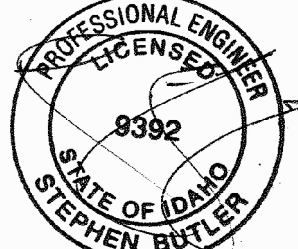
Deep Powder

EGGERS ASSOCIATES, P.A.
landscape architecture
T: (208) 725-0958
F: (208) 725-0972
P.O. Box 953
Ketchum, ID 83340

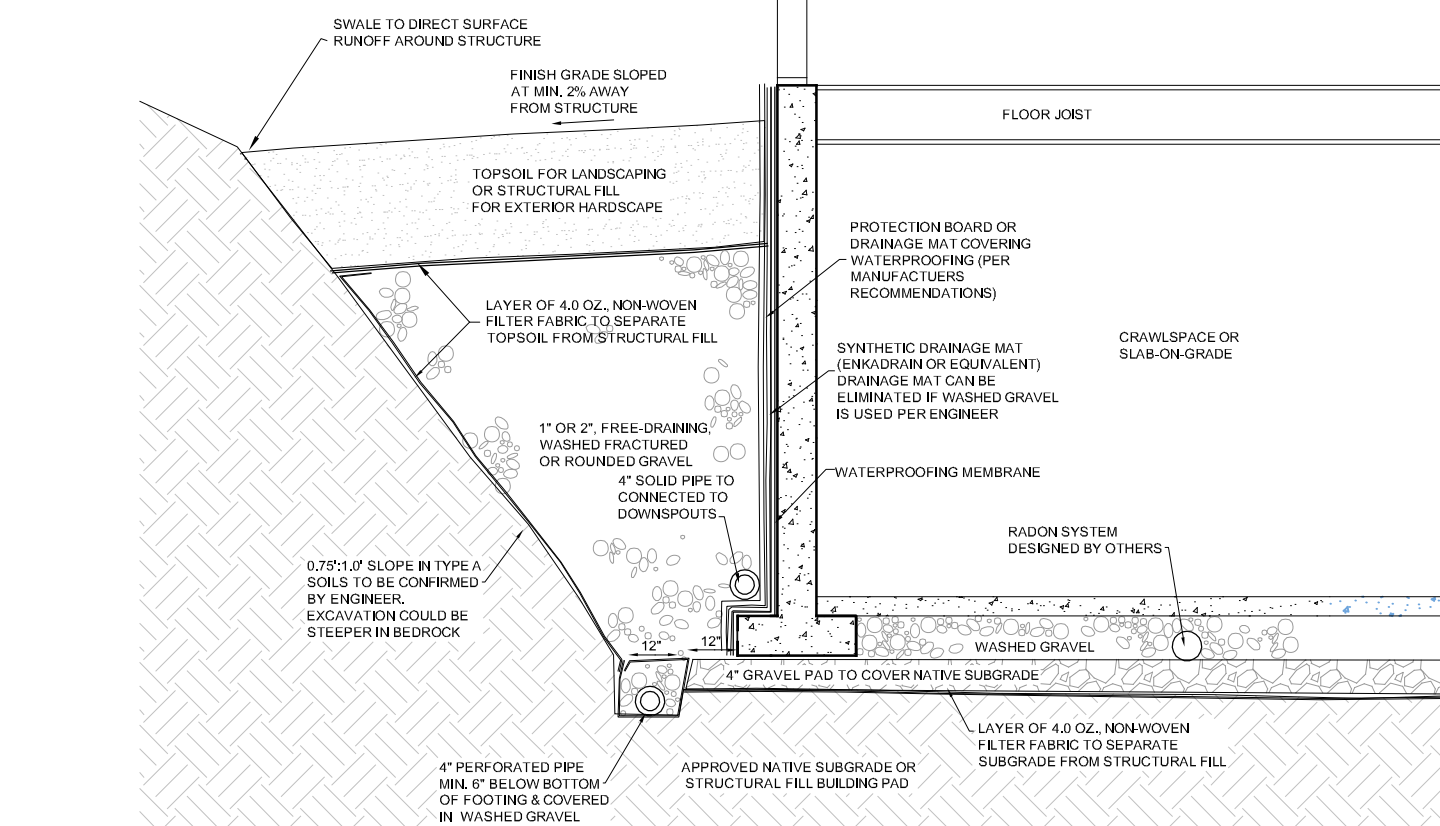
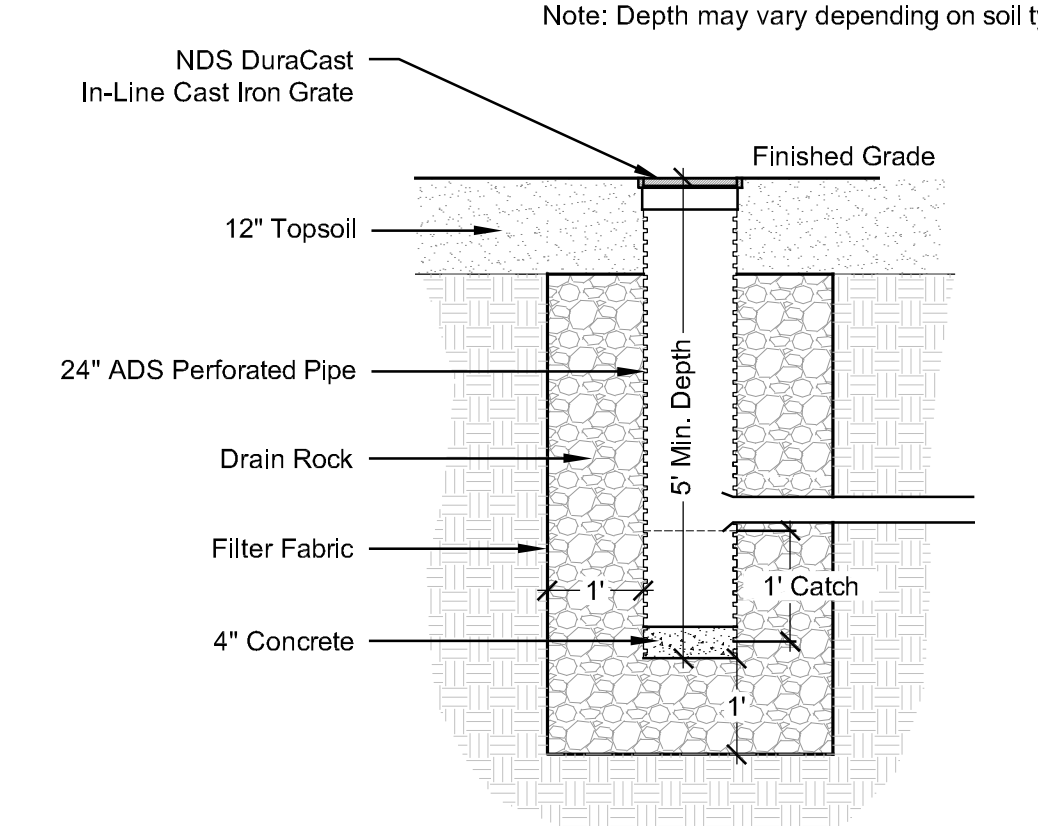
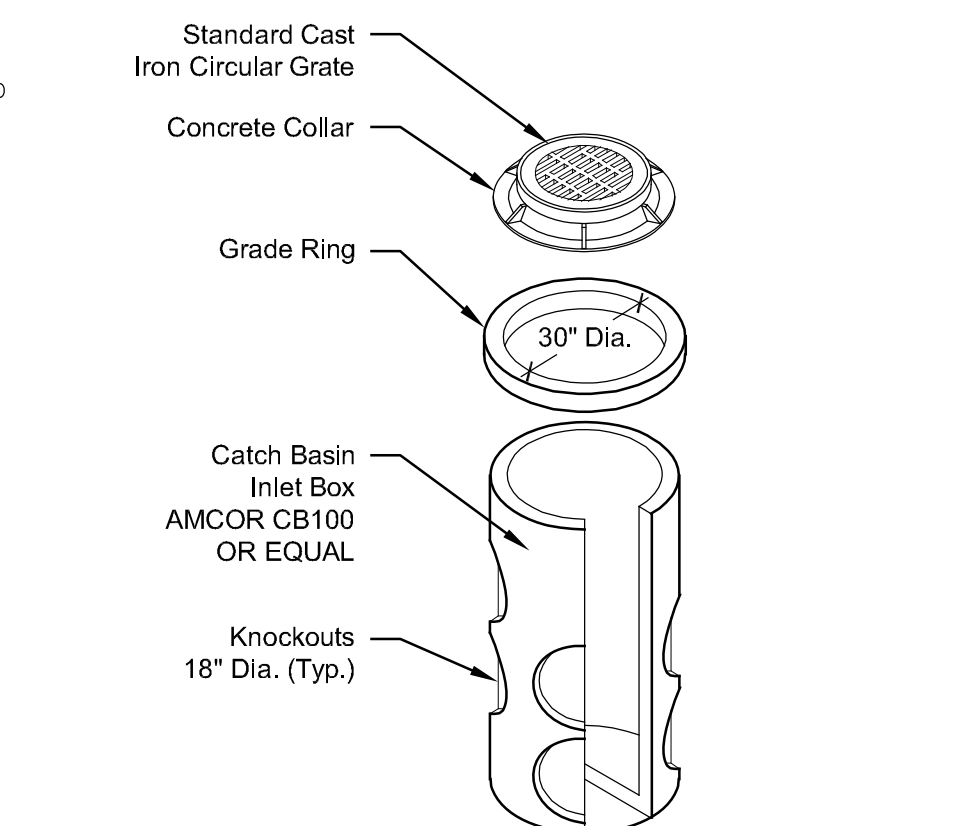
Deep Powder LLC
255 Hillside Dr.
Lot 33, BLK 2, Warm Springs Sub 5
Ketchum, Idaho

BUTLER ASSOCIATES, INC.

Geotechnical & Civil Engineering & Land Planning Consulting
208 Spruce Ave. N.
P.O. Box 1034, Ketchum, ID 83340
Office: (208) 720-6432
Email: svgeotech@gmail.com



1 Large Drywell Scale: No Scale



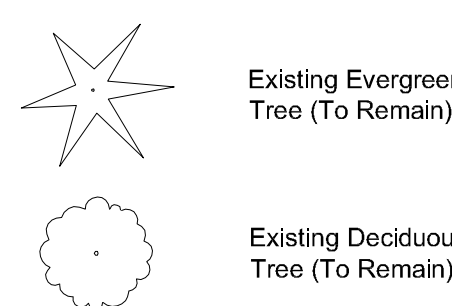
Landscape Plan Notes

1. All Disturbed areas shall be revegetated and irrigated with an automatic underground sprinkler system.
2. All planting beds to have 3" cover of bark or compost mulch.
3. Trees shown at approximately 2/3 mature diameter.
4. All utilities are underground and shall be located prior to any work.

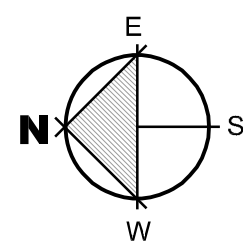
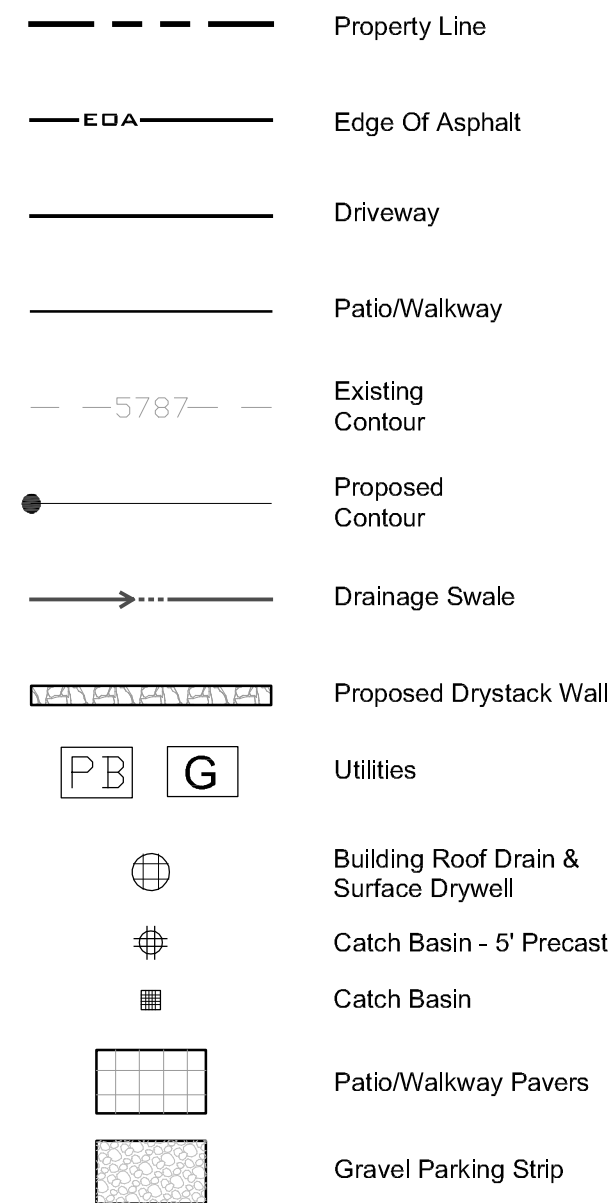
Plant Legend

Qty.	Species	Scientific Name	Size
7	Evergreen Trees		12"
	Colorado Spruce	<i>Picea pungens</i>	
57	Deciduous Trees		3" Cal.
	Quaking Aspen	<i>Populus tremuloides</i>	
12	Deciduous Shrubs		5 gal.
	Various		
75 sq.ft.	Ground Cover		Flats
	Various		
1,000 sq.ft.	Grasses		Hydroseed
	Lawn Mix		
2,600 sq.ft.	Natural Grasses		Hydroseed

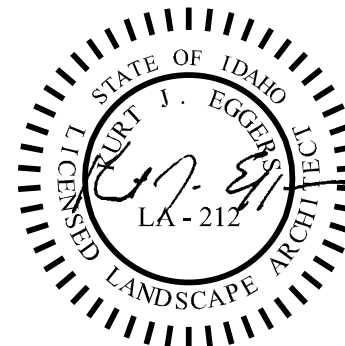
Existing Tree Legend



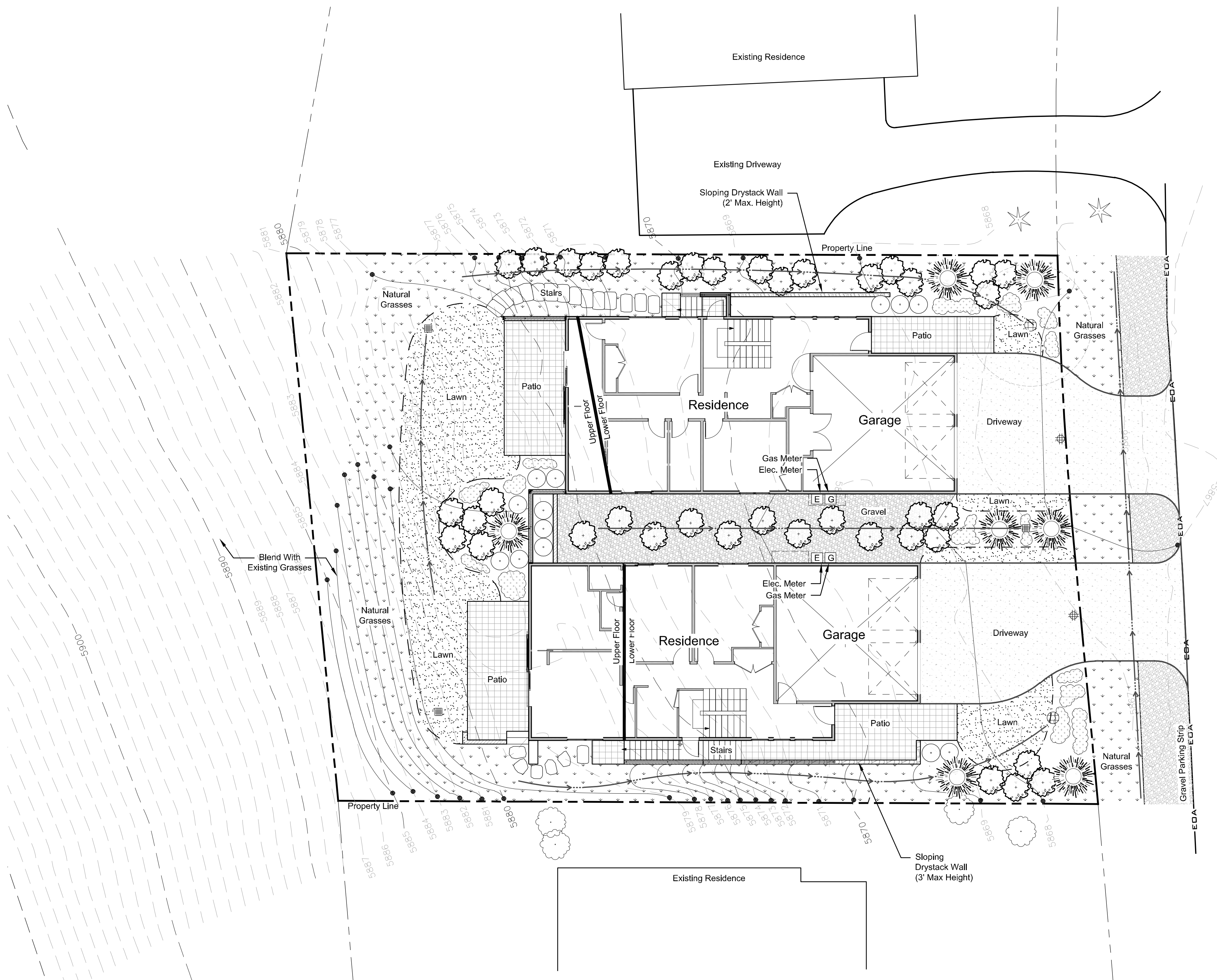
Plan Legend



Scale: 1" = 10' - 0"



DESIGN REVIEW SET - 07/03/19



HILLSIDE DRIVE

Attachment C Fire Department Comments

Ketchum Fire Department

MEMORANDUM

To: Deep Powder LLC
CC: Jim Lynch, Building Official
From: Seth Martin, Assistant Chief / Fire Marshal
Date: February 24, 2021
Subject: 225 Hillside Dr – Deep Powder Townhomes



It is the General Contractor's responsibility to understand and adhere to all Fire Protection Ordinance #1217 requirements in addition to all 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 2018 International Fire Code requirements in addition to specific City Building and Fire Ordinances.

Smoke and Carbon Monoxide Detectors shall be installed per NFPA and the International Fire Code. Smoke detectors shall be installed inside each bedroom, within 21' of each sleeping area, and on every level of the occupancy, including the basement. CO alarms shall be installed in a central location outside each sleeping area and on every level of the home.

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 fire detection system shall be installed per City of Ketchum Ordinance #1217 (www.ketchumfire.org) and the requirements of NFPA 72. Two (2) sets of alarm system plans shall be submitted to the Ketchum Fire Department for approval and a permit is required prior to installation of alarm systems. Inspections of fire detection systems by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance.

An approved access roadway per 2018 International Fire Code Appendix D (www.ketchumfire.org) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. Grades shall not exceed 7%. Dead end access roadways exceeding 150 feet in length shall be provided with an approved turnaround. Gates, if installed, are required to be siren activated for emergency vehicle access. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. Aerial fire apparatus access roads shall have a minimum

unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

Fire extinguishers shall be installed and maintained per 2018 IFC Section 906 both during construction and upon occupancy of the building. During construction fire extinguishers shall be placed in a conspicuous, easy to access, unobstructed location that is less than 75' travel distance to any combustibles on site, 30' to any hot work. Upon completion of project every single-family residence shall have a **minimum of one extinguisher per garage and one extinguisher per kitchen area**. Extinguishers shall be mounted in a conspicuous, easy to access, unobstructed location. **(four (4) five lb. class A fire extinguishers per unit shall be required for this project)**

Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers. A minimum 10' separation from all chimneys to combustible vegetation and tree crowns shall be maintained at all times.

An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department. The key box shall be a Knox box brand and sized to accommodate keys to every door of the project.

This project shall comply with the City of Ketchum Fire Protection and defensible space characteristics. All exterior windows shall be glazed, and all exterior doors shall be solid core construction, both shall have a fire rating of not less than 20 minutes. All exterior vents shall be designed and approved to prevent flame or ember penetration and all exterior mesh shall have openings that do not exceed 1/8". Gutters and downspouts shall be non-combustible and shall be provided with an approved means to prevent the accumulation of leaves and debris. **All materials within 12" vertical of finished grade shall be 1 hour rated, non-combustible, or covered with minimum 28-gauge flashing. The area 12" horizontal from the base of a wall shall be finished in a way to prevent any vegetation growing, and for vegetative debris to be easily removed.** Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. Tree crowns within 30 feet of any structure shall be pruned to remove limbs located less than 6 feet above the ground surface adjacent to the trees. Non fire-resistive vegetation or growth shall be kept clear of buildings and structures, in such a manner as to provide a clear area for fire suppression operations.

An 8 ½ by 11 color coded site map of this project shall be provided on paper and electronically to the fire department. This site map shall show the locations of gas shut-offs, power shut-offs, fire sprinkler riser rooms, fire department connections, alarm panels, Knox boxes, access doors, egress windows, stairways and any additional fire department requirements. Exact details for color coded "On-Sites" can be found at www.ketchumfire.org.

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.

Note: Additional requirements may be added upon final plan review.

Attachment D Townhouse Preliminary Plat Application



City of Ketchum
Planning & Building

**CERTIFIED
COMPLETE**
2-18-21
MP

OFFICIAL USE ONLY	
Application Number:	20-1007
Date Received:	2-17-21
By:	MP
Fee Paid:	2600.00
Approved Date:	
By:	

Subdivision Application

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

APPLICANT INFORMATION			
Name of Proposed Subdivision: DEEP POWDER TOWNHOMES			
Owner of Record: DEEP POWDER, LLC			
Address of Owner: BOX 3761, KETCHUM, ID 83340			
Representative of Owner: BRUCE SMITH, PLS; ALPINE ENTERPRISES INC.			
Legal Description: LOT 33, BLOCK 2, WARM SPRINGS SUBD. NO. 5			
Street Address: 255 HILLSIDE DR.			
SUBDIVISION INFORMATION			
Number of Lots/Parcels: 2 TOWNHOUSE SUBLOTS			
Total Land Area: ± 11,150 SQ. FT. = ± 0.26 ACRES			
Current Zoning District: CR-L			
Proposed Zoning District: NO CHANGE			
Overlay District: AVALANCHE			
TYPE OF SUBDIVISION			
Condominium <input type="checkbox"/>	Land <input type="checkbox"/>	PUD <input type="checkbox"/>	Townhouse <input checked="" type="checkbox"/>
Adjacent land in same ownership in acres or square feet: NONE			
Easements to be dedicated on the final plat: PUBLIC UTILITIES			
Briefly describe the improvements to be installed prior to final plat approval: CONSTRUCT 2 TOWNHOUSE UNITS, DRIVEWAY, LANDSCAPING			
ADDITIONAL INFORMATION			
All lighting must be in compliance with the City of Ketchum's Dark Sky Ordinance			
✓ One (1) copy of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations			
✓ One (1) copy of current title report and owner's recorded deed to the subject property			
✓ One (1) copy of the preliminary plat			
All files should be submitted in an electronic format.			

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

BRUCE S. PLS; ALPINE ENTERPRISES INC. 16 FEB 2021

Applicant Signature

Date

REPRESENTATIVE

235

Attachment E Draft CC&Rs

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Deep Powder LLC
Post Office Box 3761
Ketchum, ID 83340

(Space above line for Recorder's Use)

**TOWNHOME DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
DEEP POWDER TOWNHOMES**

THIS DECLARATION is made on the ____ day of _____, 2021 by Deep Powder, a limited liability company, (collectively "Declarant").

RECITALS

A. Declarant is the owner of certain real property described as Lot 33 in Block 2 of Warm Springs Subdivision No. 5 according to the official plat thereof, recorded as Instrument No. 204448, Blaine County, Idaho ("Property"). Declarant has changed the legal character of the real property by replatting to townhome ownership.

B. The Property is presently improved by two unattached townhome residential family dwellings thereon described as Sublot 1 and Sublot 2, Deep Powder Townhomes, Blaine County, Idaho.

C. The street address of Sublot 1 is _____ Hillside Drive, Ketchum, ID 83340. The street address of Sublot 2 is _____ Hillside Drive, Ketchum, ID 83340.

D. Declarant intends that townhome subplot owners of Deep Powder Townhomes shall be subject to this Declaration and shall be members of the management body created hereby.

DECLARATION

NOW, THEREFORE, DECLARANT HEREBY DECLARES THAT:

1. Declaration. This Declaration is hereby established upon Deep Powder Townhomes in furtherance of a general plan for improvement and sale of townhome sublots within the Property for the purpose of enhancing and perfecting the value of each townhome unit therein, and for the benefit of each owner of a townhome unit in Deep Powder Townhomes.

a) Townhome sublots within Deep Powder Townhomes shall be held, conveyed, encumbered, leased, occupied or otherwise used, improved or transferred, in whole or in part, subject to this Declaration and any supplemental declaration.

b) This Declaration and any supplemental declaration shall run with Deep Powder Townhomes real property and all townhome sublots located therein, and shall be binding upon and inure to the benefit of all parties having or hereafter acquiring any right, title or interest in Deep Powder Townhomes or any portion thereof.

2. Definitions.

a) Townhome Sublot. A "townhome sublot" means an estate in real property with a fee interest in a townhome sublot shown and described on the plat for Deep Powder Townhomes.

b) Townhome Unit. A "townhome unit" means a building on a townhome sublot shown and described on the plat for Deep Powder Townhomes.

3. Property Rights.

a) Utilities. All townhome sublot owners shall have mutual non-exclusive reciprocal easements for existing and future water, cable tv, sewage, telephone and electrical lines under and across their townhome units and townhome sublots for the repair, maintenance and replacement thereof subject to the restoration of the easement premises for any damage resulting from such repair or replacement.

b) Encroachments. If any portion of a townhome sublot or unit encroaches on the other townhome sublot or unit, regardless of the cause, a valid easement exists for such encroachment and for the maintenance of it so long as it remains.

c) Drywells. There are approximately four (4) dry wells located on the Property as shown on Exhibit "A" attached hereto and by this reference made a part hereof. A reciprocal easement for maintenance and repair exists for the dry wells and connecting underground conduit. Each sublot owner is responsible to keep the dry well and connecting conduit on their sublot free from debris. Both sublot owners are equally responsible to keep the dry wells on their common sublot property boundary free from debris.

4. Use Restrictions.

a) Residential Use. The townhome sublots are restricted to residential uses

permitted by the Ketchum Zoning Ordinance as amended from time to time.

b) Maintenance. Each owner of a townhome subplot shall be responsible for maintaining their townhome subplot landscaping and all improvements thereon in a clean, sanitary, and attractive condition.

c) Offensive Conduct. No noxious or offensive activities shall be conducted within a townhome unit or townhome subplot. Nothing shall be done on or within the townhome units or townhome sublots that may be or may become an annoyance or nuisance to the residents of the townhome sublots, or that in any way interferes with the quiet enjoyment of the occupants of townhome units.

5. Parking Restrictions. No inoperative vehicle, unsightly vehicle, or any improperly parked or stored vehicle shall be located on a townhome subplot.

6. External Fixtures. No television or radio poles, antenna, flag poles, clotheslines, or other external fixtures other than those originally installed by Declarant or unanimously approved by the subplot owners shall be constructed, erected or maintained on or within Deep Powder Townhomes.

7. Trash. Trash, garbage or other waste shall be keep only in sanitary containers situated within the garage of the townhome unit. No owner shall permit or cause any trash or refuse to be keep on any portion of the Deep Powder Townhomes other than receptacles customarily used for it, which shall be located in the garage of the townhome unit, except on the scheduled day for trash pickup.

8. Architectural Control.

a) Architectural Committee. The architectural committee shall be the subplot owners of Deep Powder Townhomes as constituted from time to time. The architectural committee shall exercise its best judgment to see that all improvements, construction, landscaping and alterations that affect the exterior of Deep Powder Townhomes conform and harmonize with the existing structures as to external design, materials, color and topography.

b) Approval. No improvements of any kind or of any nature shall ever be altered, constructed, erected or permitted, nor shall any excavating, clearing or landscaping be done on any townhome subplot within Deep Powder Townhomes unless the same are approved by the architectural committee prior to the commencement of such work. The management body shall consider the materials to be used on the exterior features of said proposed improvements, including exterior colors and harmony of the exterior design with existing structures within Deep Powder Townhomes.

9. Insurance. The townhome subplot owners shall provide and be responsible for their

own townhome subplot casualty, liability and property damage insurance.

10. Amendment. This Declaration shall not be revoked nor shall any of its provisions herein be amended without the unanimous written consent of the townhome subplot owners, duly and properly recorded with the Blaine County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this instrument on the day and year first above written.

DECLARANT:

Tim Carter

Joe Marx

ACKNOWLEDGMENTS

STATE OF IDAHO)
) ss:
County of Blaine)

On this _____ day of _____, 2021, before me, the undersigned, a Notary Public, personally appeared TIM CARTER, known or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND SEAL

NOTARY PUBLIC for Idaho

Residing at _____

Commission Expires _____

STATE OF IDAHO)
) ss:
County of Blaine)

On this_____day of_____, 2021, before me, the undersigned, a Notary Public, personally appeared JOE MARX, known or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND SEAL

NOTARY PUBLIC for Idaho
Residing at _____
Commission Expires _____

Attachment F Title Policy and Warranty Deed



OWNER'S POLICY OF TITLE INSURANCE

Policy Number ORN-12395600

Issued by Old Republic National Title Insurance Company

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from:
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to:
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

Issued By:

Pioneer Title Company of Blaine County
100 10th Avenue South
Nampa, ID 83651

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(512) 371-1111

An authorized Agent of:
Old Republic National Title Insurance Company

Authorized Signatory

By

President

Attest

Secretary

COVERED RISKS Continued

6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
 7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
 8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
 9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
 10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.
- The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS AND STIPULATIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.-

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

CONDITIONS AND STIPULATIONS Continued

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

CONDITIONS AND STIPULATIONS Continued

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

- (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
- (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
 - (i) the Amount of Insurance; or
 - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
 - (i) the Amount of Insurance shall be increased by 10%, and
 - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

CONDITIONS AND STIPULATIONS Continued

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefore in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at 400 Second Avenue South, Minneapolis, Minnesota 55401-2499.



PioneerTitleCo.
GOING BEYOND

Owner's Policy

Policy Issuing Agent For:
Old Republic National Title Insurance Company
400 Second Avenue South
Minneapolis, MN 55401

File No.: 682766

Policy No.: OX-12399608

Date of Policy: May 17, 2019 at 12:22PM

Amount of Insurance: \$538,500.00

Address Reference: 255 Hillside Drive, Ketchum, ID
83340

Premium: \$1,911.00

Endorsement Premium: \$0.00

Schedule A

1. Name of Insured:

Deep Powder LLC, an Idaho limited liability company

2. The estate or interest in the Land that is insured by this policy is:

FEE SIMPLE

3. Title is vested in:

Deep Powder LLC, an Idaho limited liability company

4. The land referred to in the Policy is described as follows:

Lot 33 in Block 2 of Warm Springs Subdivision No. 5, according to the official plat thereof, recorded as Instrument No. 204448, records of Blaine County, Idaho.

Schedule B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Rights or claims of parties on possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matter contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims to title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices to such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions:

1. General taxes for the year 2019, which are liens and are not yet due and payable.
Parcel No.: RPH05710000330
2. Sewer charges and special assessments, if any, for the City of Ketchum.
No delinquencies appear of record.
3. Said property lies within the Avalanche Zone as disclosed by Affidavit as to Identification of Plats and Descriptions of Real Property
Recorded: October 10, 1979
Instrument No.: 197578
4. Covenants, conditions, restrictions and easements as set forth on the plat.
Name of Plat: Warm Springs Subdivision No. 5
Instrument No.: 204448
Deleting or omitting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

5. Reservations contained in an instrument

Document: Warranty Deed

Executed by: The Andreas Schernthanner and Alice E. Schernthanner Declaration of Trust

Recorded: April 3, 1996

Instrument No.: 388796

As Follows: All water and water rights on or under said parcel and any ditch rights associated with or appurtenant to said parcel of land or any part thereof.

END OF EXCEPTIONS



PioneerTitleCo.
GOING BEYOND

491 N. Main Street, Suite 102
Ketchum, ID 83340

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 682766 /TG

WARRANTY DEED

For Value Received 5050 Ventures LLC, a California limited liability company (as to an undivided 80% interest) and Sawtooth EIE LLC, a Delaware limited liability company (as to an undivided 20% interest)

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Deep Powder LLC, an Idaho limited liability company

hereinafter referred to as Grantee, whose current address is PO Box 3761 Ketchum, ID 83340

The following described premises, to-wit:


Lot 33 in Block 2 of Warm Springs Subdivision No. 5, according to the official plat thereof, recorded as Instrument No. 204448, records of Blaine County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: May 14, 2019

5050 Ventures LLC, a California limited liability company

By:


Clayton Sammis, Manager

Sawtooth EIE LLC, a Delaware limited liability company

By:


Clayton Sammis, Manager

State of Idaho, County of Blaine

This record was acknowledged before me on May 17, 2019 by Clayton Sammis, as Manager of 5050 Ventures LLC, a California limited liability company.

F. Paige McAllister

Signature of notary public

Commission Expires: 1/5/24



State of Idaho, County of Blaine

This record was acknowledged before me on May 17, 2019 by Clayton Sammis, as Manager of Sawtooth EIE LLC, a Delaware limited liability company.

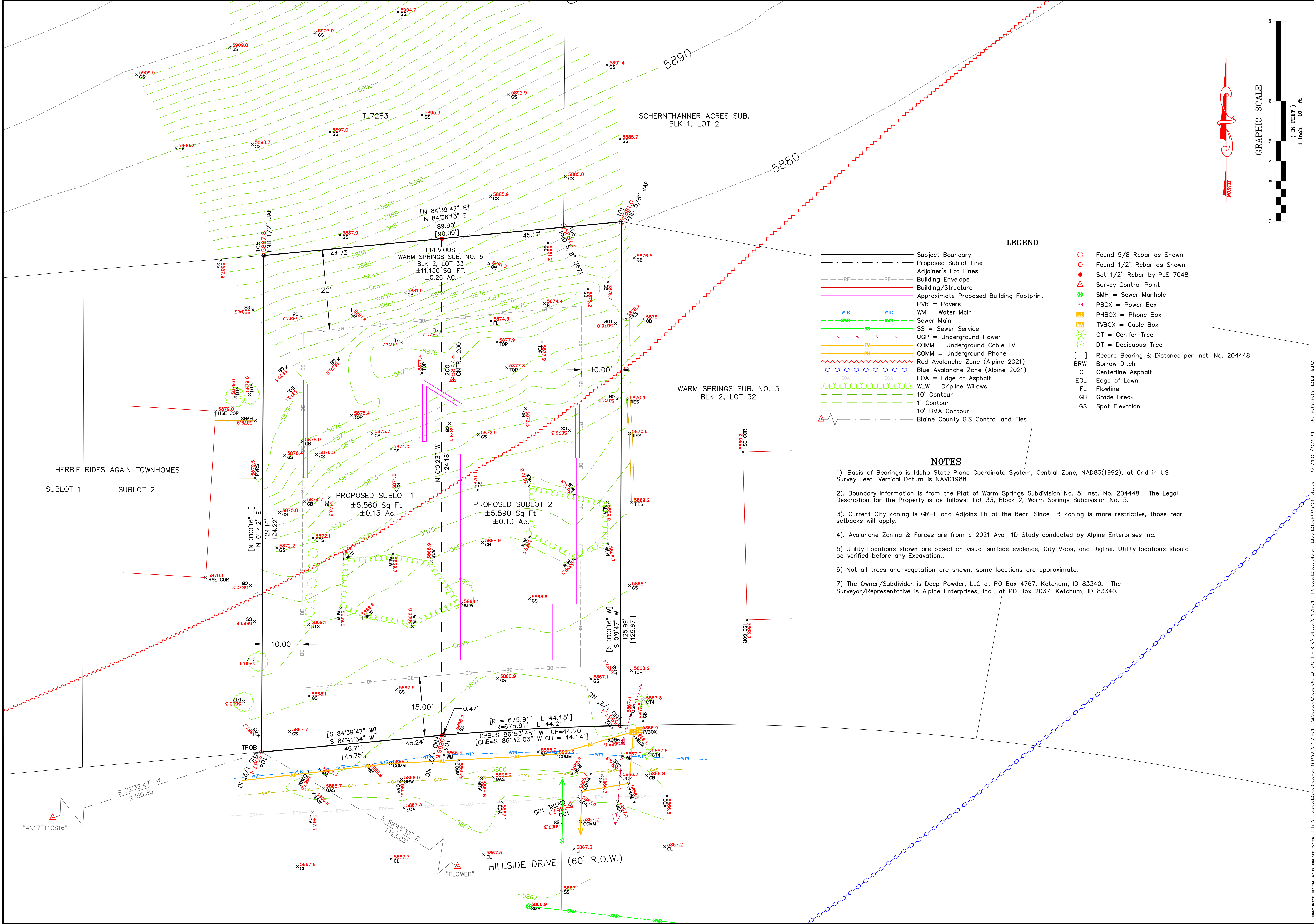
F. Paige McAllister

Signature of notary public

Commission Expires: 1/5/24



Attachment G Preliminary Plat



PROJECT PATH AND PRINT DATE U:\LandProjects2004\1451_WarmSprgs5.Blk2.Lt33.dwg 2/16/2021 5:50:59 PM MST

REVISIONS

NO	DATE	BY

ALPINE ENTERPRISES INC.
Surveying, Mapping, Civil Engineering
and Natural Hazards Consulting
660 Bell Dr., Unit 1 83340 USA
P.O. Box 2037, Ketchum, ID 83340
(208) 727-1988
email: bsrmth@alpineenterprisesinc.com

PROFESSIONAL LAND SURVEYOR
7048
16FEB21
STATE OF IDAHO
BRUCE SWINOW

Sheet 1 of 1

A PRELIMINARY PLAT SHOWING
DEEP POWDER TOWNHOMES
WITHIN S11, T.4N., R.17E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
PREPARED FOR DEEP POWDER, LLC

Attachment H Draft Mountain Overlay Design Review Finding of Fact



City of Ketchum
Planning & Building

IN RE:)	
)	
Deep Powder Townhomes)	
Mountain Overlay Design Review)	KETCHUM PLANNING AND ZONING COMMISSION
Date: To be inserted)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND
)	DECISION
File Number: #21-018)	

BACKGROUND FACTS

PROJECT: Deep Powder Townhomes Mountain Overlay Design Review

FILE NUMBER: P21-018

REPRESENTATIVE: lars Guy, Architect

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 March 2, 2021

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"> <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</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
			Staff Comment	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
			Staff Comment	Permitted: 35% Proposed: 33% (3,717 sf)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Building Setbacks
			Staff Comment	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' 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. 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.
				West building (Unit A) Front: 25'-3" 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	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	Curb Cut	
			Staff Comment	Permitted: 35% or street frontage or 32' for the subject property (street frontage 90') Proposed: <i>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'.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.125.040.B	Parking Spaces	
			Staff Comment	Required: <i>Residential one family: 2 parking spaces per dwelling unit</i> Proposed: <i>Two garage spaces per building</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.18.050 & 17.08.020	Zoning Districts & Definitions	
			Staff Comment	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 <i>Dwelling, One-family: A building, under single or multiple ownership, containing two (2) or more dwelling units used for residential occupancy.</i>	

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.	
			Staff Comment	<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.	
			Staff Comment	<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.	
			Staff Comment	<i>Refer to comments from the City Engineer and Streets Superintendent in Table 1.</i> <i>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>	<p><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></p> <p><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></p>
<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>	<p><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></p> <p><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></p>

				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.
			Staff Comment	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.
			Staff Comment	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.
			Staff Comment	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.
			Staff Comment	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.
			Staff Comment	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 Staff Comments
<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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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> <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>	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>	<p><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></p> <p><i>The color scheme is muted and appropriate for the Mountain Overlay district.</i></p>
<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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	N/A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	Landscaping is required for all projects.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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 Tuesday **(Insert date)** 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 insert date**

Neil Morrow
Chairperson
Planning and Zoning Commission

Attachment I Draft Townhouse Preliminary Plat Findings of Fact



City of Ketchum
Planning & Building

IN RE:)	
)	
Deep Powder Townhouse)	KETCHUM PLANNING AND ZONING COMMISSION
Preliminary Plat)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: To be inserted)	DECISION
)	
File Number: P21-017)	

Findings Regarding Application Filed

PROJECT: Deep Powder Townhouse Preliminary Plat

APPLICATION TYPE: Townhouse Subdivision Preliminary Plat

FILE NUMBER: P21-017

OWNERS: Deep Powder LLC

REPRESENTATIVE: Alpine Enterprises

REQUEST: Preliminary Townhouse Plat to create two (2) townhouse sublots

LOCATION: 255 Hillside Drive (Warm Springs Subdivision #5, Block 2, Lot 33)

NOTICE: Notice was mailed to property owners within a 300' radius of the subject property on March 2, 2021 and was published in the Idaho Mountain Express on March 3, 2021. Notice was posted on premises and on the City of Ketchum website on March 16, 2021.

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

OVERLAY: Mountain Overlay (MO) & Avalanche Overlay (A)

Findings Regarding Associated Development Applications

The subject property is owned by Deep Powder LLC and is located on Hillside in the GR-L Zoning District. The subject development is two new 2-story detached townhomes.

The Planning and Zoning Commission approved Mountain Overlay Design Review for the building in 2021 (P21-018).

The Preliminary Plat proposes to plat the townhomes and associated common areas with the result being two (2) residential townhomes.

Findings Regarding City Department Comments

All City Department standards as well as required right-of-way improvements were reviewed through the Design Review and all conditions of approval of Mountain Overlay Design review Permit 21-018 shall be incorporated into the approval of this Townhouse Preliminary Plat.

Findings Regarding Condominium Subdivision Procedure (KMC§16.04.070)

All land subdivisions in the City of Ketchum are subject to the standards contained in Ketchum, Municipal Code, Title 16, Subdivision. Many standards are related to the design and construction of multiple new lots that will form new blocks and infrastructure, such as streets that will be dedicated to and maintained by the City. As conditioned, the request to subdivide meets all applicable standards for Townhouse Preliminary Plats contained in Ketchum Municipal Code's Subdivision (Title 16) and Zoning (Title 17) regulations.

The first step in the townhouse condominium platting process is Preliminary Plat review and to receive a recommendation from the Planning and Zoning Commission. The Planning and Zoning Commission held a public hearing and recommended approval of the Townhouse Preliminary Plat application to the City Council **on Insert date**.

Table 1: City Department Comments

City Department Comments					
Compliant					
Yes	No	N/A			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Department Comments	Utilities:	
				<ul style="list-style-type: none"> No comment at this time. 	
				Fire Department:	
				<ul style="list-style-type: none"> See comments for MO Design Review 21-018. 	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Department Comments	Engineering and Streets:	
				<ul style="list-style-type: none"> Detailed drawings of improvements in the right of way shall be submitted and approved prior to approval of the building permit 	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Department Comments	Planning and Zoning:	
				<ul style="list-style-type: none"> See comments throughout the Findings 	

Table 2: Preliminary Plat Requirements for All Projects and Condominium Preliminary Plats

Preliminary Plat Requirements				
Present on Preliminary Plat?			Standards	
Yes	No	N/A	City Code	City Standards and Preliminary Review Comments
X	<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.

			Comments	All items present.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J	Application and 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:
			Comments	All present.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	The scale, north point and date.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .2	The name of the proposed subdivision.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J.3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J.4	Legal description of the area platted.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J.6	A contour map of the subdivision with contour lines and a maximum interval of two feet (2') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			Comments	Contours present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J.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.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J .8	Boundary description and the area of the tract.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.9	Existing zoning of the tract.

			Comments	Present -GR-L
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.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.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.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.
			Comments	Present
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030.J.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.
			Comments	Present
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030.J.13	The direction of drainage, flow and approximate grade of all streets.
			Comments	Present
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030.J.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.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.15	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials
			Comments	The project is located on a residential street, Hillside Drive
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030.J.16	The boundaries of the floodplain, floodway and avalanche 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.
			Comments	N/A subject property is not located in floodplain or avalanche overlays.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030.J.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.
			Comments	Present

X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .18	Lot area of each subplot.
			Comments	Present – 5,560 s.f. for Sublot 1 and 5,590 for Sublot 2
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030. J .19	Existing mature trees and established shrub masses.
			Comments	Not applicable – none existing.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .20	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.
			Comments	Name is unique Deep Powder Townhomes
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030. J .21	All percolation tests and/or exploratory pit excavations required by state health authorities.
			Comments	NA
X	<input type="checkbox"/>	<input type="checkbox"/>	Comments	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.
			Comments	CC&Rs provided
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .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.
			Comments	Provided.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .24	A digital copy of the preliminary plat shall be filed with the administrator.
			Comments	Provided.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.A	<p>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> <p>Construction design plans shall be submitted and approved by the city engineer.</p> <p>All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city.</p> <p>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>
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			Comments	Plans will be provided as part of the building permit.
<input type="checkbox"/>	<input type="checkbox"/>	X	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.
			Comments	Plans will be provided as part of building permit.
		X	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.
			Comments	Noted
<input type="checkbox"/>	<input type="checkbox"/>	X	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.
			Comments	Noted

X	<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.
			Comments	Noted on the Plat

<input type="checkbox"/>	<input type="checkbox"/>	X	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 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. 6. 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..
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			Comments	N/A. This is a condominium plat for a building that is currently under construction.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.G	G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements: <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.
			Comments	No new blocks are being created. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.1	H. Street Improvement Requirements: <ol style="list-style-type: none"> 1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;
			Comments	No new streets are proposed. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.2	<ol style="list-style-type: none"> 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;
			Comments	No new streets are proposed. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.3	<ol style="list-style-type: none"> 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;
			Comments	NA the subdivision does not contain an existing or propose a new arterial street, railroad, or limited access highway.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.4	<ol style="list-style-type: none"> 4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;
			Comments	N/A, the construction of a new street is not proposed.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.5	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;
			Comments	NA, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.6	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;
			Comments	N/A dedication of right-of-way is not necessary.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.7	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;
			Comments	N/A, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.8	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;
			Comments	N/A, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.9	9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);
			Comments	N/A, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.10	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;
			Comments	N/A, the construction of a new street is not proposed.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.11	11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;
			Comments	N/A, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.12	12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.13	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 before submitting same to council for preliminary plat approval;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.14	14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.15	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;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.16	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;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.17	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;
			Comments	N/A
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H.18	18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;
			Comments	Street lighting per Design Review / Building Permit approvals.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.19	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;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.20	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;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.21	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;
			Comments	N/A
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H.22	22. Sidewalks, curbs and gutters shall be required consistent with adopted city standards and where designated shall be a required improvement installed by the subdivider;
			Comments	Sidewalks were addressed with Design Review and Building Permit approvals and are covered by Encroachment Agreement #20518.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.23	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
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.24	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
			Comments	N/A

X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.I	I. Alley Improvement Requirements: Alleys shall be provided in, 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 permitted only within the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead end alley including, but not limited to, the provision of fire protection, snow removal and trash collection services to such properties. 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.
			Comments	Subject property is not adjacent to an alley as the subject parcel is ½ of an Ketchum townsite lot, and it happens to be the ½ that does not abut an alley
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J.1	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.
			Comments	Plat note #8 addresses this – “Utility easements necessary to allow for access and maintenance of utilities serving units other than the unit they are located in are hereby granted by this plat.”
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.2	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.
			Comments	N/A parcels do not border a waterway, drainageway, channel or stream.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.3	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.
			Comments	N/A parcels do not border a waterway.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.4	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.
			Comments	N/A parcels do not border a waterway.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.5	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.
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.6	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.
			Comments	N/A this is an infill parcel on half of a lot in the Ketchum townsite.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.K	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.
			Comments	Sewer services to the existing sewer main are being installed per building permit requirements.

<input type="checkbox"/>	X	<input type="checkbox"/>	16.04.040.L	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.
			Comments	Water services to the existing water main are being installed per building permit requirements.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.M	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.
			Comments	N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.1	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.
			Comments	Item #1, soil report, not required – this plat is to condominiumize an existing building that is currently under construction.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.2	<p>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:</p> <ul 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.
			Comments	N/A – project is condominiumizing an existing building
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.3	<p>3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.</p>
			Comments	N/A – project is condominiumizing an existing building
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.4	<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>
			Comments	N/A – project is condominiumizing an existing building
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.5	<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>
			Comments	N/A – project is condominiumizing an existing building
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.6	<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).
			Comments	N/A – project is condominiumizing an existing building

X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.O	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.
			Comments	Drainage was addressed with Building Permit review and approval.
X	<input type="checkbox"/>	<input 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.
			Comments	Utilities are being extended to this site concurrent with the building that is under construction.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.Q	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.
			Comments	Building is under construction. No off-site improvements were determined to be necessary.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.R	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.
			Comments	N/A property is not in Avalanche or Mountain Overlay.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.S	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.

			Comments	N/A.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.B	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 16.04.030D and E of this chapter.
			Comments	Submitted.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.070.C	C. Final Plat Procedure: 1. The final plat procedure contained in subsection 16.04.030G 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.
				N/A at this time, pertains to Final Plat.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.D	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.
				Garages are allocated to residential units 201 and 301
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.E	E. Storage Areas: Adequate interior storage space for personal property of the resident of each condominium unit.
				Limited Common Area storage rooms and/or garages are indicated on the plat for all units - Units 101, 102, 201 and 301.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.F	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.

				Mechanical rooms are indicated on the plat.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.G	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.
				Units 101 and 102 have outdoor spaces located at the entries of the units, albeit small. Units 201 and 301 have extensive outdoor deck space indicated as Limited Common areas associated with these units.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.H	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
				All requirements associated with the Building Permit and Design Review approvals remain in effect.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the Ordinances and regulations, which Ordinances are codified in the Ketchum City Code ("KMC") and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the Applicant's Condominium Subdivision Final Plat application for the development and use of the project site.
2. The Commission has authority to hear the applicant's Condominium Subdivision application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
4. The Condominium Subdivision Preliminary Plat application is governed under Sections 16.04.010, 16.04.020, 16.04.030, and 16.04.070 of Ketchum Municipal Code Chapter 16.04.
5. The proposed Condominium Subdivision for the Mindbender development meets the standards for Preliminary Plats under Title 16 of Ketchum Municipal Code subject to conditions of approval.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **recommends approval of** this Condominium Subdivision Preliminary Plat application this Tuesday, November 10th, 2020 subject to the following conditions:

CONDITIONS OF APPROVAL

1. The Covenants, Conditions, and Restrictions (CC&R's) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of the CC&R's;
2. The failure to obtain Final Plat approval by the Council, of an approved preliminary plat, within two (2) years after approval by the Council shall cause all approvals of said preliminary plat to be null and void;
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 Planning and Building Department for the official file on the application.
7. All requirements of the Fire, Utility, Building, Planning, and Public Works departments of the City of Ketchum shall be met, including completion of the right-of-way improvements prior to issuance of the Certificate of Occupancy for the building and signing of the Final Plat.

Findings of Fact **adopted** this 10th day of November, 2020

Neil Morrow, Commission Chair

Suzanne Frick, Planning and Building Director

Exhibit 2:

PUBLIC COMMENT

■

MARTIN HENRY KAPLAN, ARCHITECTS AIA

SEATTLE, WASHINGTON • SUN VALLEY, IDAHO

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22 March 2021

City of Ketchum Idaho
Department of Planning and Building
P. O. Box 2315
Ketchum, Idaho 83340

Transmitted via Email

Re: Ketchum Planning and Zoning Meeting 23 March 2021
255 Hillside Drive, P21-017 Townhouse Preliminary Plat
and P21-018 Mountain Overlay Design Review

To City of Ketchum Planning & Zoning, Brittany Skelton, Senior Planner, Suzanne Frick, Director:

Hello Brittany and Suzanne,

Pursuant to receiving the notice of the P&Z hearing on 23 March 2021 referencing the above project, I have listed a few questions and conditions that we would like you and the P&Z to consider as you review the 255 Hillside application. As you know Brittany, my wife Leslie and I together with our friends Leslie Phinney and Karl Bischoff built our townhomes next door to the west in 1996. As the architect and homeowner, I am writing today advancing our concerns together with those representing our collective neighborhood interests including all our neighbors signed below.

A few years ago, prior to their last hearing, I met with the developing principals onsite to discuss their project.

Background

As we have previously discussed, I designed and built our townhomes in 1996 under a different code that was much more restrictive relative to setbacks. Since that time, in about 2006 the codes changed allowing for much more flexibility. We realize that the developers have the right to develop their property according to the current codes and although we were held to a different standard at the time, our concerns are more related to one specific impact for which we have proposed a simple and respectful mitigation.

1. As they depict on their Site Plan, page A.1.0, their west building sits 10' from our common property line and extends approximately 8' north of our building and 16' south of our building. It is a very long structure.
2. On sheet A.3.0, their building elevations show the 64' length of their west elevation sitting just 10' from our common property line. Their plans contemplate continuing their roof south covering a 14' deck over the garage. This unnecessary imposing roof structure will severely impact and take away light and air from our indoor and outdoor living areas.

3. I have proposed within this letter that the developer and P&Z strongly consider removing the roof structure over this deck which would greatly reduce the severe impact. One might argue that the utility for their deck, as well as the increased in light into their living spaces, would be enhanced and a favorable change in plan for all of us. I met with Joe, the developer, on the 22nd, who confirmed that their sole intent is to build and sell these houses ASAP as spec and therefore they do not have a vested interest in our neighborhood or impacts their project may unintentionally impart directly upon the adjacent Phinney Bischoff House, the Schernthanner House, and nearby neighbors.
4. We hope that you and the P&Z would consider the severe impacts to our property and ask the developer to consider the proposed relief. I have attached a simple sketch of my proposal for your consideration.

In addition:

5. We request that the finish grading of 255 Hillside at our common property line will respect and match the grades as they exist today. In no case shall the 255 Hillside finish grade at the property line be higher than our adjacent existing grade in any way.
6. While we expect the 255 Hillside project to be well maintained, we also recognize that from what we've been told it is a speculative development and any delay in selling could result in reduced maintenance. We expect the P&Z to specifically note their requirements for maintenance of all landscaping and the building envelope as well.
7. From reviewing the design submission, it appears that the unit entry extends up our common property line and is located directly across from our living areas. As such, we ask the P&Z to review and approve any exterior lighting fixtures and ensure that they project downward and conceal from us and our neighbors all sources of illumination per code.
8. We request that as a condition of the P&Z approval, language be inserted to require the 255 Hillside development applicant and any future owners to respect our common property line and any future fencing by meeting with us to agree upon a finish, color and construction details that equally respect both sides of such a fence.
9. Regarding appropriate and private snow storage together with the new policy restricting snow storage from public right-of-ways, we request that the 255 Hillside developers and future owners be required to take all precautions to ensure that no such storage interferes with our common property line and jeopardizes the health of our mature 24-year-old trees and landscaping. Their snow storage areas are quite limited.
10. We request that the P&Z condition their approval as well on a stamped engineering surveyed confirmation that the project is sited as designed and the garage slab, upper floors and decks, and roof finish elevations are built as permitted and no higher.

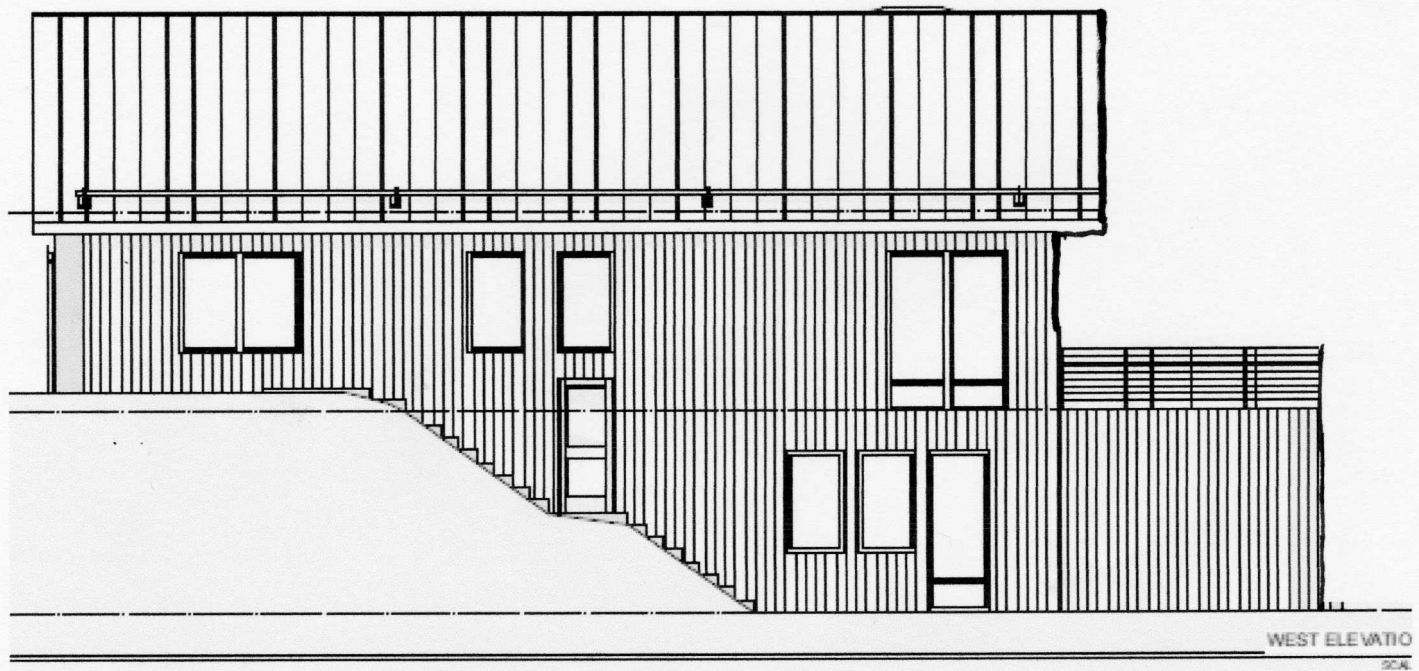
Thanks Brittany and Suzanne for considering our concerns and please distribute this letter to the P&Z ASAP so that it may help inform their deliberations on Tuesday the 23rd. All neighbors are here in Ketchum and will be attending online. We look forward to your comments addressing our concerns in the meeting. I can always be reached at 206-972-9972.

On behalf of all of us, thanks again for your attention to this matter of great importance. Please review my proposed west elevation attached as the next page for your consideration.

Martin Henry Kaplan, AIA & Leslie Kaplan (251W Hillside Dr)



Leslie Phinney & Karl Bischoff (251E), Jack Alkire & Karen Harensberger (252W), Ron & Kendal Johnson (252E), Jim Fosler (256W), Ron Straditto (256E), and Liesl Schernthanner (259)



MHK Proposed Rev.
16 JULY 2019