



Planning and Zoning Commission - Special Meeting AGENDA

Tuesday, March 23, 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 the agenda item, please dial the number below. You will be called upon for comment during that agenda item.

Dial-in: 253-215-8782
Meeting ID: 954 4015 5304

CALL TO ORDER

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

CONSENT CALENDAR — ACTION ITEMS

1. Minutes of January 23, 2021
2. Minutes of February 9, 2021

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*
4. ACTION ITEM: 128 Saddle Road Design Review and Preliminary Plat with Phasing Agreement: 128 Saddle Road (Lot 2, Kneeland Subdivision) The Commission will consider and take action on applications for a new development of four (4) detached townhome units to be accessed from a private driveway taking access from Valleywood Drive. The proposed Floor Area Ratio, cumulatively, for the proposed development is 0.31.
5. 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, and take action on 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. The development is comprised of two 3,219-square-foot detached townhome units and associated site improvements. The project's proposed total building coverage is 33%.

6. ACTION ITEM: Discussion and decision to cancel the April 13, 2021 meeting of the Planning and Zoning Commission

7. **ACTION ITEM: Continue to April 27, 2021:** Westcliff Townhomes Design Review and Townhouse Subdivision Preliminary Plat with Phased Development Agreement: 106 and 110 Rember Street (Bavarian Village Subdivision: Lot 3B) The Commission will consider and take action on a new four-unit, multi-family residential development comprised of four detached 3,737-square-foot townhome units and associated site improvements. The project's proposed FAR with a parking credit for the site's groundwater issues is .67.

STAFF REPORTS & CITY COUNCIL MEETING UPDATE

ADJOURNMENT

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



Planning and Zoning Commission - Special Meeting MINUTES

Tuesday, February 23, 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 4:30 PM by Vice-Chair Mattie Mead.

PRESENT

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

ABSENT

Chairman Neil Morrow

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

Commissioner Moczygemba had discussed the project with Planner Abby Rivin.

Commissioner Cosgrove discussed the project with Director Frick and the subject had come up in general conversations.

Commissioner Carter discussed the project with Director Frick and with John Gaeddert of the Wood River Land Trust.

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

1. Warm Springs Ranch Project: The Planning and Zoning Commission will hold a public hearing, consider, and take action on the proposed Development and Rezoning Agreement (P21-003), Large Block Preliminary Plat (P21-010), Block 1 Subdivision Preliminary Plat (P21-001), and Floodplain Development/Waterways Design Review (P21-002) applications for the Warm Springs Ranch project. The applications have been submitted by Kurt Eggers, Eggers Associates P.A., on behalf of property owner Brennan Holdings No 300 LLC (Robert Brennan). Warm Springs Ranch is located at 1803 Warm Springs Road. The Development Agreement would authorize the development of 36 single-family residential lots within Block 1 of Warm Springs Ranch Subdivision in accordance with the proposed Preliminary Plat. The project will rezone Warm Springs Ranch Block 1 from Tourist (T) to the General Residential Low Density (GR-L) Zoning District and the remainder of the property will retain its existing zoning.

The project was introduced by Associate Planner Abby Rivin.

Applicant Kurt Eggers presented the project showing property boundaries, the proposed development area in Block 1, the Master Plan for Block 1, grading, bus stop, floodplain boundaries, Warm Springs Road access, and paved roadways. Eggers spoke to the configuration of the proposed roads, the degree of slope on Bald Mountain Road, and proposed traffic patterns. Eggers reviewed a map of the Floodplain as it related to the project area.

Questions from the Commission covered the traffic patterns on Bald Mountain Rd and Townhouse Lane. They had concerns about access during project construction. They discussed a gravel path vs asphalt path for bikes and pedestrians. Riparian restoration, the location of the parking lot, floodplain location and proposed home sites were discussed.

Garth McClure, Benchmark Associates and Eggers related the traffic study for the area, including stop-signs, speed limits, projected restoration of the riparian area, parking area options, and FEMA floodplain plans.

David Patrie, Benchmark Associates, related traffic flow and trip generations for the Development and how it impacted the current traffic flow.

Director Frick explained the City Traffic Authority's role in the development of traffic management. Stop signs would be determined after the project is developed and the traffic patterns are established.

Vice-Chair Mead opened the floor to Public Comment:

Pamela Colesworthy, asked when the project would start?

John Crews, local resident, spoke to the traffic pattern on Bald Mountain Road.

Sally Gillespie, SPUR Community Foundation, indicated the Foundation could help with funding for the Open Space portion of the public park.

Perry Boyle, Fox Run resident, commented on private vs public roads and thought some of the Open Space property should be used for Community Housing.

John Gaeddert, Wood River Land Trust, supported preserving Blocks 2-8 as open space, and thanked Bob Brennan for this project. He spoke to the past uses and proposals for the park and fund raising. He supported the recommendations in the Staff Report. He thought the PZ should be involved now in defining the future uses of the Park.

Jeff Lamoureux, resident and Civil Engineer, supported the project. He spoke to changes in the intersection on Warm Springs Road, inadequate parking, and the challenges of construction activity.

Janet Edmonds, Townhouse Lane resident, objected to the location of the road. She thought it was too close to the existing townhouses.

Being no further comments, Public Comment was closed.

Applicant Bob Brennan offered rebuttal to Public Comment:

He acknowledged the differing ideas for the parcel. His goal was to preserve the park for the Community. As to the congestion of construction, he was willing to allow use of vacant lots for construction staging and parking.

Commissioner Carter wanted to see the use of vacant lots for construction staging as a condition for recommendation.

Director Frick indicated there would be two Construction Activity Plans: one for grading and infrastructure and one for the construction for each parcel.

Carter did not want to see the construction activity impact the surrounding neighborhood. Vice Chair Mead and Commissioners Moczygemba and Cosgrove concurred.

Commissioner Carter asked about parking for the public and the residents. Applicant wanted to limit parking for the open space to avoid over-crowding in the park and ensure a good experience. He did not want to see the preserve over-run. Parking along the private road would be allowed for residents but not for the use of the park.

The Commission discussed the traffic patterns, street width standards, and dedicated turn lanes to and from Warm Springs Road. The applicant agreed that it made sense to add a left-turn lane.

The Commission clarified that no development of Blocks 2-8 is currently proposed. The City of Ketchum had signed an Option Agreement to purchase Blocks 2-8 as an Open Space Preserve. The approval of the Development Agreement is linked to the signing of that Option Agreement. Should that option not be exercised, application for any possible future development would have to be approved by the Planning and Zoning Commission and the City Council.

Commissioner Carter requested the roads and building envelopes be removed from the Large Block Plat for Blocks 2-8. The applicant agreed as long as there were no changes to the zoning. Eggers noted that the roads and building envelopes would be removed from the plat when the prior Development was repealed and replaced with the new agreement. The removal of the roads and building envelope from the Large Block Plat for Blocks 2-8 was made a condition of recommendation.

Commissioner Carter suggested the Option to Purchase the property be amended to include milestones on the fund-raising, so a specified amount would be raised by a certain date, which would then allow another time-period to raise the next amount. This would be a condition of recommendation. The applicant indicated his intention was not to develop Blocks 2-8, but to keep that area as open space for the Community.

The Commission recommended that Section 5 of the Development Agreement concerning restricted public access to Blocks 2-8, be stricken upon the signing of the Option Agreement.

The Commission discussed the idea that the Development Agreement is only valid if the Option Agreement is signed. Attorney for Applicant, Ed Lawson suggested if the Option Agreement were not signed, the applicant would come back with a Master Plan for Blocks 2-8.

Commissioner Moczygemba agreed with the points made by Commissioner Carter and felt confident that Blocks 2-8 would be protected even if the Option Agreement were not signed.

Commissioner Cosgrove liked the concept of the project but wanted to consider the many aspects, including transportation and traffic, stewardship of Warm Springs Creek, and long-term future of Parcel 2.

Vice-Chair Mead felt there was always risk but it should not be shouldered entirely by the applicant. He felt the PUD would add protection. He felt comfortable moving forward on the project on Block 1.

Motion to recommend approval to City Council of the Warm Springs Ranch Large Block Preliminary Plat Block 1 with the following Conditions: 1) Allow resident parking on private streets but not parking for the Open Space, 2) Right-turn lane at Warm Springs and Bald Mountain Road, 3) Convert Lopi Lane to a public road if the City owns Blocks 2-8, 4) Paved bike/pedestrian path to the park from Warm Springs Road.

Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.

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

Commissioner Moczygemba expressed concern over lots that could only be built upon with the granting of variances or waivers.

Applicant Brennan stated he would not sell a lot that could only be built upon with variances or waivers.

Staff recommended a pedestrian walkway and a separate, striped bike lane on the street from Warm Springs Rd. Plat notes could specify that waivers or variances would not be granted to build on a challenging parcel. Commissioners Carter and Mead agreed. This was to be added as a Condition for recommendation.

The Commission discussed and approved the following language: This Agreement will become effective upon the Owner and the City signing the Purchase and Sale Option Agreement for Blocks 2-8.

Motion to recommend approval of the Warm Springs Ranch Development and Re-Zoning Agreement to City Council with attached Conditions as noted.

1) Require Construction Activity Plans to limit impact to the adjacent neighborhood; 2) Staging and deliveries to occur on-site; 3) Only resident parking on streets; 4) Modify Clause 5 limiting access to the Public upon City ownership of Block 2-8; 5) Lopi Lane to be designated as a Public road; 6) Paved 6-ft wide pedestrian path; 7) The Development Agreement and the Option Agreement are tied together; 8) The use of vacant lots for construction staging; 9) Challenging parcels shall not be eligible for waivers or variances.

Motion made by Commissioner Carter, Seconded by Commissioner Moczygemba.

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

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

Senior Planner Brittany Skelton related the upcoming meetings:

- March 9th
 - Stream Alteration Permit Amendment
 - Preliminary Plat
 - Findings for 4th and Main Design Review
 - Findings for Warm Springs Ranch Development Agreement
- City Council March 15th
 - 2 Lot Line Shift
- March 23rd PZ meeting
 - Prelim Plat and Design Review Application for 128 Saddle Rd

STAFF REPORTS & CITY COUNCIL MEETING UPDATE

ADJOURNMENT

The meeting was adjourned at 9:05 PM

Motion to Adjourn.

Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.

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

Matthew Mead, Vice-Chairman and Acting Chairman
Planning and Zoning Commission



Planning and Zoning Commission Meeting - Regular MINUTES

Tuesday, February 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 4:30 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.

CONSENT CALENDAR—ACTION ITEMS

1. ACTION ITEM - Minutes of December 22, 2020
2. ACTION ITEM - Minutes of January 12, 2021
3. ACTION ITEM - Minutes of January 26, 2021

Commissioner Moczygemba requested change to Minutes of January 12, 2021 to change “demolition” to “excavation”.

Motion to approve the Consent Calendar with Minutes of January 12, 2021 as amended.

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

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

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

4. ACTION ITEM: Recommendation to conduct a public hearing, consider, and take action on Design Review P-20-118, Lot Line Shift P21-009, and Condominium Subdivision Preliminary Plat P20-118 applications for the 4th & Main Street (Solstice Condominiums) Mixed-Use Building located at Hot Dog Hill—the West Half of Block 5 along Main Street between 4th & 5th Streets—within the Retail Core of the Community Core (CC-1). - The Design Review application is for the development of a new four-story, 48.5-foot tall, 2.21 FAR, 59,090-square-foot mixed-use building. The Lot Line Shift application will vacate the lot lines between lots 1, 2, 3, and 4 within block 5 of Ketchum’s townsite to consolidate the lots into one amended development parcel for the future Solstice Condominiums. The Condominium Subdivision Preliminary Plat proposes to subdivide the mixed-use building into 4 retail units, 17 residential dwelling units, and common area.

The project was introduced by Associate Planner Abby Rivin. All Public Comment received after the Staff Report was published, was emailed to the Commissioners today. Staff did not find the

project met the Design Objectives or the Community Vision for the downtown and was incompatible with the surrounding environment. Staff recommended denial of this Design Review Application, Lot Line Shift Application and Condominium Subdivision Preliminary Plat.

Jim Laski, attorney for the applicant, objected to the Staff Findings and urged the Commission to take an objective look at the application.

Peter Paulos, Architect, spoke to the evolution of the building design giving nod to Old Ketchum with canopies, landscaping, railings. He spoke to the changes that had been made and how the design was reminiscent of the mining history of Ketchum. He noted this project exceeded the requirement for Community Housing. Summer and Winter Shadow patterns were shown.

Samantha Stahlnecker, Galena Engineering, spoke to the traffic patterns and access to the underground parking. She noted the application met all design standards.

Kurt Eggers, Landscape Architect, spoke to the landscaping along the Main Street and Fourth Street sides of the building. He noted this was not a highly landscaped area of Ketchum and this project was consistent with other Main Street buildings.

Chris Ensign, applicant, stressed the advantages of the project, including the Community Housing component. He questioned why the project was recommended to be denied when all Design Standards were met. He asked the Commission for approval of the project.

Planner Rivin commented on the setback and landscaping requirements along 4th Street and 5th Street. She also mentioned the bus stop is moving to this block of Main Street.

Commissioner Moczygemba asked Stahlnecker about the 4th and Main bulb out. Stahlnecker replied the bulb-out complied with the Ketchum Standards.

Vice-Chair Mead thought the character of the Staff should not be attacked. He asked Paulos about the parking spaces provided. He responded the parking spaces were allocated by square footage of each living unit and retail unit with a total of 17 parking spaces. All parking was for the retail and living units but could be changed by the City. Mead asked about the height of the East side of the building. Paulos responded it was 28' on the facade with the third floor setback. From the ground to top of building is 44'10".

Commissioner Moczygemba asked about ADA access to retail space since it has a step-down entrance. Paulos indicated access from the Main Street side was without steps.

Chair Morrow expressed concern about the garage access on 5th Street with traffic and pedestrians on 5th Street. He questioned if the garage could be accessed from the alley? Paulos replied the grade change made it unfeasible.

Chair Morrow opened the floor to Public Comment.

Mitch Long, was concerned with the aesthetics of the building and asked if the building needed to be LEEDS Certified.

Reid Sanborn, Ketchum business owner, supported the project and the Community Housing.

Bob Crosby, Sun Valley Board of Realtors, objected to the Staff recommendation to deny. He felt a project conforming to the Zoning Code should be accepted. He felt the Design Review should only address the design elements and not mass and height.

Harry Griffith, Sun Valley Economic Development, urged looking at the project from the economic development aspect with Community Housing, retail spaces, job creation.

Garrick Ryan, neighbor to the project, thought the project would add vibrancy, that it met the standards, and should be advanced with specific recommendations.

Being no further comment, the floor was closed.

Applicant had no rebuttal comments.

Sam Stahlnecker commented on the driveway and traffic study as showing low pedestrian volume on 5th Street and 5th Street being the preferred access to the parking garage.

Commissioner Carter asked Staff or City Attorney if scale was a factor and if the Commission can consider the FAR.

Attorney Matt Johnson stated the scale dimension was tied to compatibility of design. The FAR was subject to interpretation, the term "may" means it is permissive but discretionary.

Attorney Lasky objected to definition of the word "may". He stated it was not discretionary.

Commissioner Carter thought scale was the main factor and Chair Morrow agreed.

Vice- Chair Mead agreed with the approach. He felt the present project had improved but lacked the small-town Character. He questioned if Ketchum wanted large scale projects covering multiple blocks? He felt this was a very sensitive part of town and while he wanted to encourage development, he felt uncomfortable with the scale, concluding it was not right for Ketchum. He felt multiple buildings would be more in scale.

Commissioner Moczygemba appreciated the changes made over the last year had made a better product. She thought it was exactly right for Main Street. She liked keeping the density within the Community Core. She thought the scale was correct. She pointed out there are not many narrow lots left on Main Street and encouraged the block to be developed as a single project on a single lot.

Commissioner Cosgrove thought the comments of the PZ had been incorporated into the current design. She agreed with Vice-Chair Mead and thought it had evolved in a positive manner but questioned the developer's reticence to engage with the Community. She felt it indicated a lack of commitment to understanding Ketchum and fitting the design into the existing Main Street buildings.

Chair Morrow thought Community engagement would improve the project. He thought the prior input had already resulted in a better product. He supported having a community workshop.

Vice-chair Mead asked Commissioner Moczygemba her opinion on sprawl and density in Ketchum as it related to a developer maximizing density to increase their financial benefit.

Commissioner Moczygemba thought the Community Core should be used for the highest and best use. She thought this project did just that by including desperately needed Community Housing. She thought the 4 contiguous retail shops added vitality.

Vice-Chair Mead questioned if “highest and best use” of the property included additional luxury penthouses at the top.

Commissioner Carter noted that the scale of the project had not changed. He felt although there was support from the business and real estate communities, planners did not have the same incentives. Their concerns were with the health of the City. He was uncertain of the scale, considering the strong objection from Staff. He was willing to continue discussion on the project if the applicant was willing to negotiate on the scale of the project. If not, he would vote to deny.

Vice-Chair Mead noted this project conflicted with the Comprehensive Plan. He felt it had a domineering presence and did not harmonize with neighboring buildings. He felt the scale broke the connection to the Mountain.

Chair Morrow noted he would not have approved the buildings cited as comparable examples in town. He questioned how much smaller the building would be if the Community Housing were removed. He agreed there was more work to do if the applicant was amenable to doing so. He also thought all housing units should be ADA accessible.

Commissioner Moczygemba commented that the Comprehensive Plan indicated a maximum height limit was 42'. She asked if the Commission was uncomfortable with that height limit. If so, the Zoning Code should be changed so applicants can design accordingly.

Commissioner Carter noted the developer was asking for an increased FAR, based on a discretionary part of the Code, which related back to the scale.

Chair Morrow felt the building was too bulky and it did not feel right for the location.

Commissioner Cosgrove objected to the Design Team characterizing the Formula Building as a decrepit A-Frame. She felt it had great nostalgic value for Ketchum.

Vice-Chair Mead would vote to deny as not being compatible with the Comprehensive Plan, being in conflict with the goal of preserving small town character, and not protecting views of the Mountain.

Commissioners Moczygemba and Carter thought approval or denial of the Lot Line Shift and the Design Review were inter-related.

Chair Morrow called for a straw vote.

Commissioner Cosgrove would deny on scale, the lack of cooperation, lack of community input, and lack of commitment to Main Street Ketchum.

Chair Morrow had issues with the lack of parking and the garage access on 5th Street. And so, would vote to deny.

Chair Morrow asked applicant if he wished to comment.

Applicant Ensign felt he was being held to a different standard than other buildings in the Core. He encouraged a change to the Code. He noted other buildings in the Community Core that were approved at 42' in height. He did not do outreach in the Community because he felt this was a public hearing and the public could comment at this time.

Chair Morrow pointed out Marriott made substantial changes in design and mass based on comments from the public and the Commission.

They discussed previous projects and how they had changed during Design Review.

Commissioner Cosgrove noted that community input at a Public Hearing is different from outreach dialogue.

Director Frick added the Marriott project has a projected FAR of 1.6 in contrast to the FAR of this project at 2.21.

Vice-Chair Mead was concerned with the inconsistency of ADA accessibility standards.

Commissioner Moczygemba added that HUD and FHA state a portion of units need to be 100% ADA accessible. Not all Community Housing units would need to be ADA compliant.

Commissioner Carter thought the applicant was maximizing the FAR and it should be a point of negotiation but the applicant was unwilling to address those concerns, so he would vote to deny.

Motion to deny the Design Review, Lot Line Shift Application, and associated Preliminary Plat, for the 4th and Main Street Condominiums and Instruct Staff to prepare the Findings of Fact and Conclusions of Law.

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

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

Voting Nay: Commissioner Moczygemba

5. ACTION ITEM: Recommendation to consider and take action on Pre-Application Design Review P21-007 for the Westcliff Townhomes project - a new multi-family development with four detached townhome units and associated site improvements located at the southwest corner of Rember Street and Bird Drive within the General Residential High Density (GR-H) Zoning District.

The project was introduced by Associate Planner Abby Rivin. She outlined the parking regulations as related to ground water issues, placement of the transformer, and circulation design.

Pete Anderson, of Anderson Architects, presented the pre-application Design Review. They were asking for an increase in FAR to .67 with the payment of In-Lieu Housing fees. He described the location of this project and the surrounding projects, the configuration of the structures on the parcels, including the Fire Department approved driveways, dry wells and drainage, fencing, and landscaping.

Rob King, Landscape Architect, described the exterior materials, privacy walls, building heights, and heated driveway pavers.

Garth McClure, Galena Engineering, spoke to the Preliminary Plat showing 4 townhouse lots and the public right-of-way.

Commissioner Carter asked staff about the FAR.

Planner Rivin explained there is a 350 square foot parking credit for sites with ground water issues. Rivin indicated the proposed FAR for this project was .67 including the parking space ground water credit.

Commissioner Carter asked if the screening panels met the Code. Rivin indicated the screening height was within the code.

Vice-Chair Mead liked the landscaping and asked about the water table and how it might affect the foundations. Garth McClure indicated the ground water was always present, but it was below the foundation and so would not be affected. Mead liked the design and thought it was a good addition to the area.

Commissioner Moczygemba thought it was a well thought out project and liked the plantings.

Commissioner Cosgrove liked the way the exterior was staggered to add interest.

Chair Morrow agreed and appreciated the applicant working with the neighboring properties.

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

Senior Planner Brittany Skelton reported the City Council meeting on February 16th would be hearing the following:

- The 3rd reading of the Building Code update.
- The Findings of Fact for Council approval of PEG Lot Line Shift, Floodplain, and PUD applications. The project will then return to the PZ Commission for Design Review.

There will be a Special PZ Meeting on February 23rd for the Warm Springs Ranch project.

The PZ meeting on March 9th to include a Streambank Alteration Amendment.

ADJOURNMENT

Motion to adjourn at 8:30 PM

Motion made by Commissioner Moczygemba, Seconded by Commissioner Carter.

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



**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

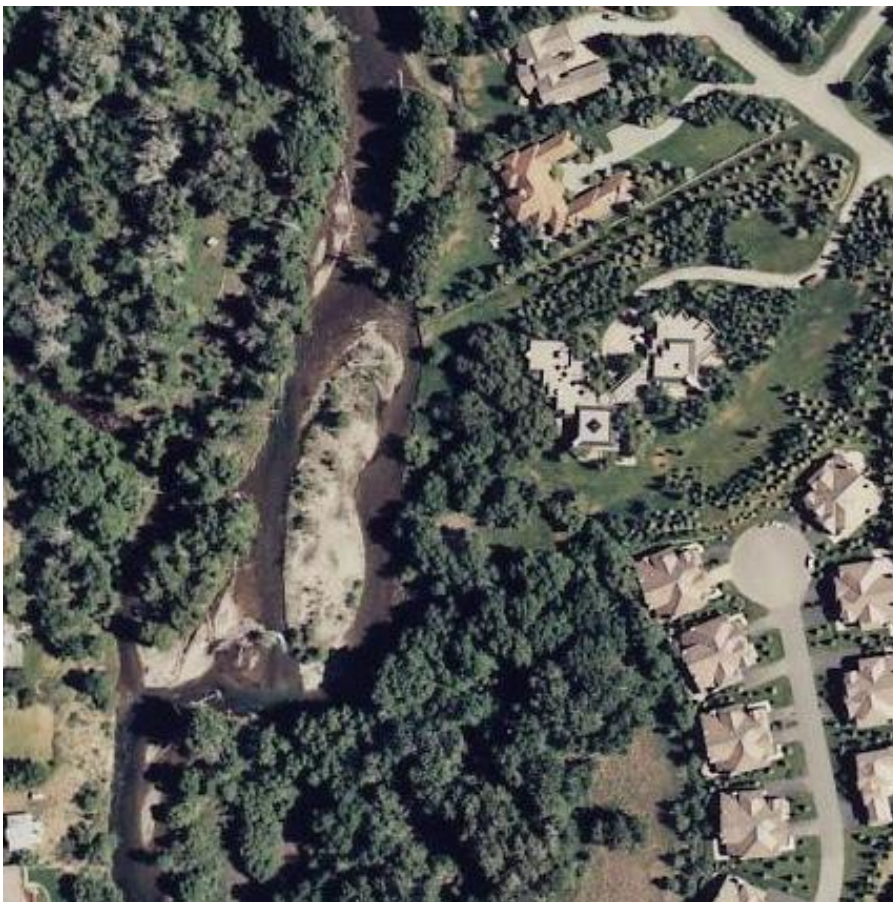
The ditch along Chateaux of Northwood Subdivision was a dry overflow ditch and was characterized as such during approval of the subdivision application. It was believed to be an abandoned irrigation ditch. If there was water in the ditch at the time of the Chateaux of Northwood Subdivision approvals, 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.

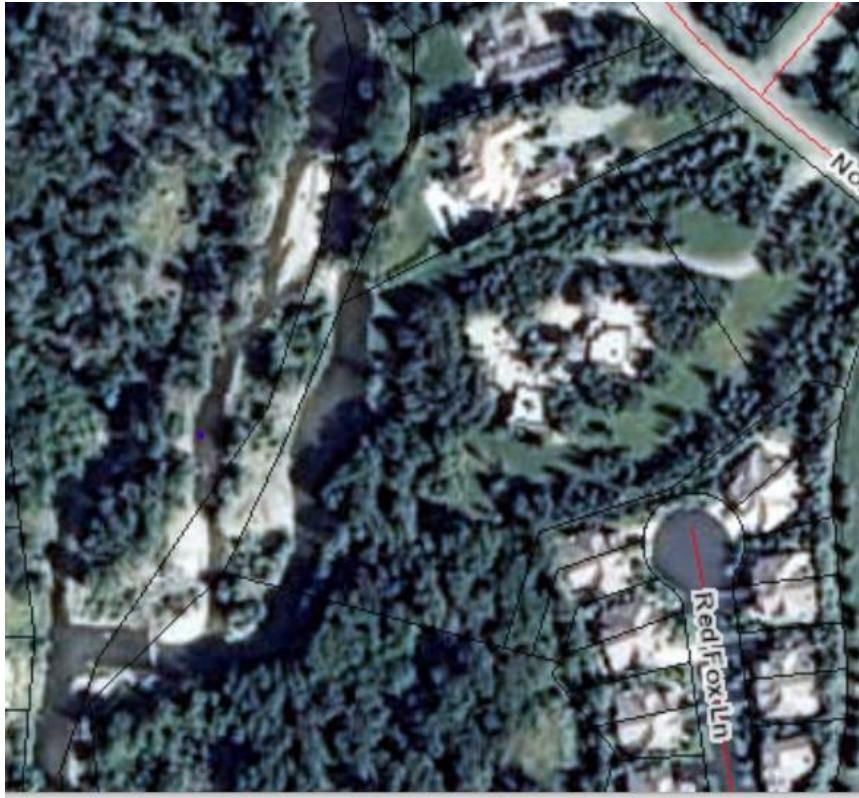
River and Riparian Evolution at 401 Northwood Way. City records indicate that modifications have been made within the 100-year floodplain area at 401 Northwood Way that are inconsistent with original permits and approvals and more recent conditions of approval. The following illustrates the history of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



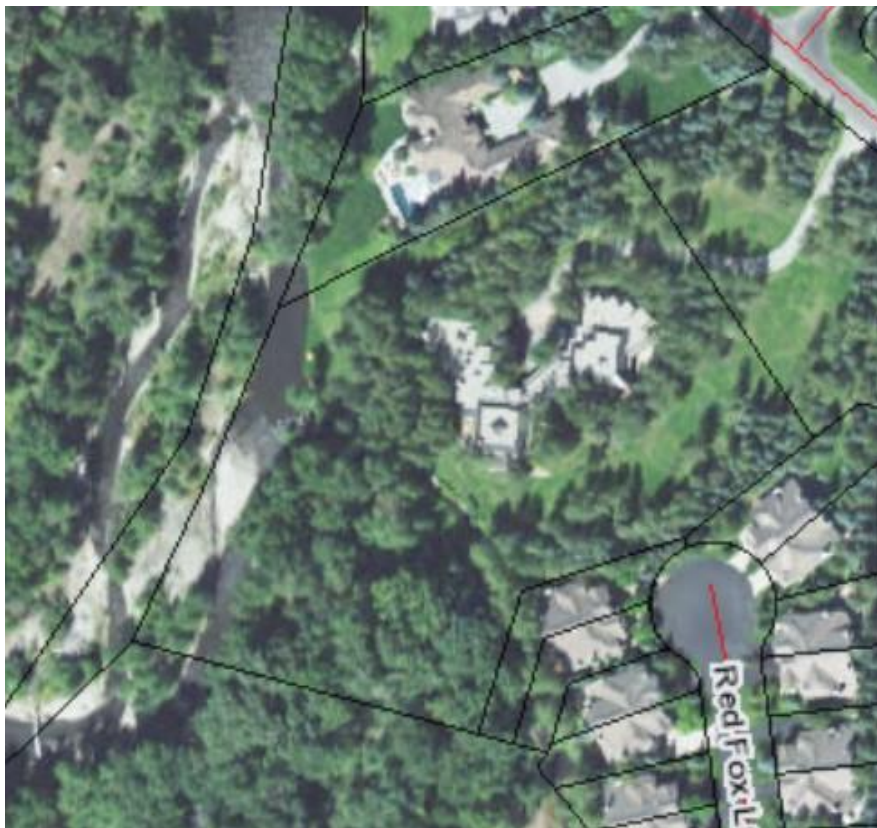
1987 Photo before Chateaux Northwood and 401 Northwood are developed. Rusack's property is upstream of the vacant site. The overflow ditch is not activated.



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



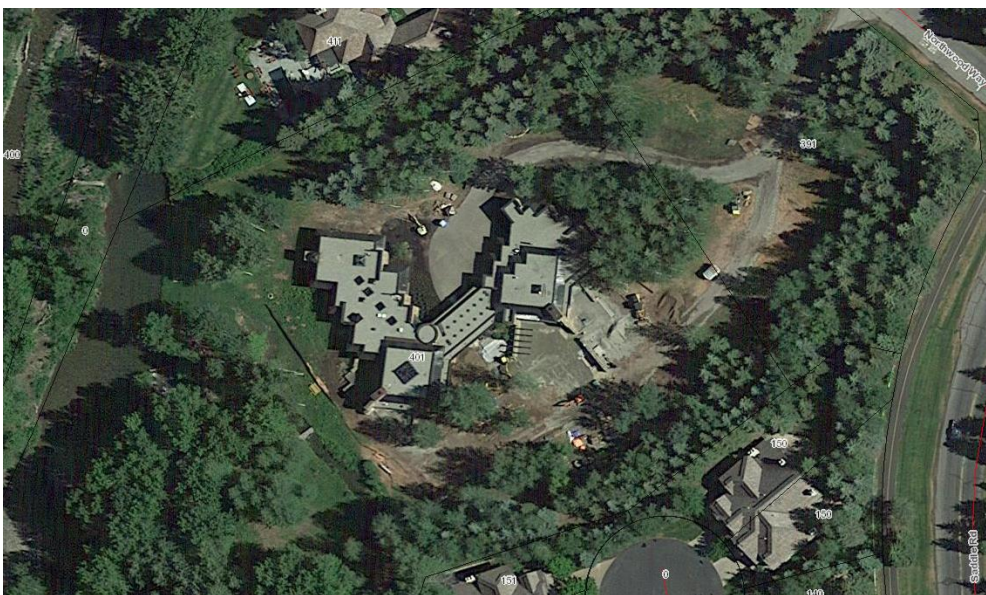
2009 Photo—No change in riparian vegetation adjacent to river or house. Change in river braiding.



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

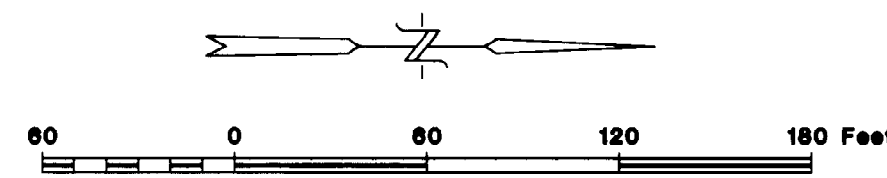
- A: Approved and Recorded Chateaux of Northwood Subdivision
- B: July 1990 City of Ketchum Conditions of Approval for House Building Permit 89-061 for 401 Northwood Way
- C: March 9, 2021 Staff Report and Attachments

CURVE TABLE

No.	Delta	Radius	Arc Length	Tangent	Chord
1	35°20'48"	50.44	51.12	15.07	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	75.81	38.26	75.15
16	21°24'23"	199.80	74.65	37.76	74.21
17	34°38'44"	80.44	25.09	12.59	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	236.29	122.84	231.81
24	37°15'27"	490.00	318.63	159.31	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

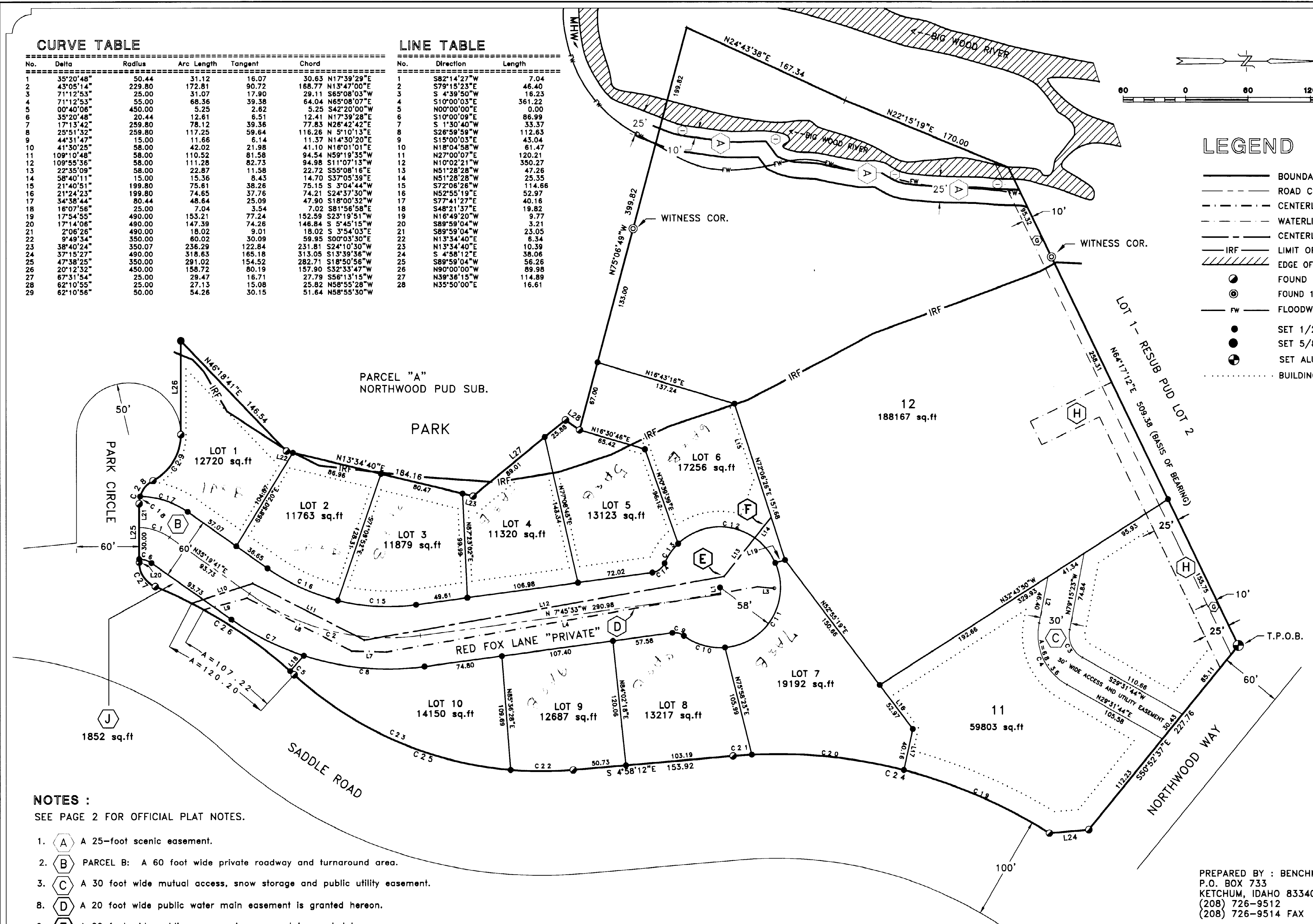
LINE TABLE

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°08'28"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	168.63
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 ESMT.
- - - WATERLINE EASEMENT
- - - CENTERLINE SEWER ESMT.
- 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.

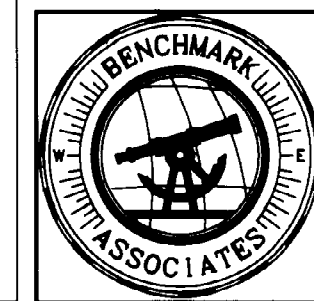
HEALTH CERTIFICATE

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 W. Ender
South Central District Health Dept., EHS

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



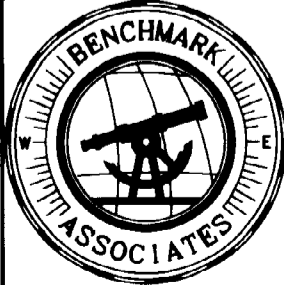
CHATEAUX OF NORTHWOOD
A 12 LOT SUBDIVISION
A REPLAT OF LOTS 3A AND 3B,
NORTHWOOD P.U.D. SUBDIVISION.

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 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) 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) 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) A 20 foot wide public water main easement is granted hereon to the City of Ketchum.
9. (E) A 20 foot wide public sewer main easement is granted hereon to the City of Ketchum.
10. (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) A 10 foot wide Fisherman's Access easement is granted to the public along the north boundary of Lots 11 and 12.
12. (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) 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 (signature)
JAMES P. BALDWIN

Signed this 7 day of July, 1995.

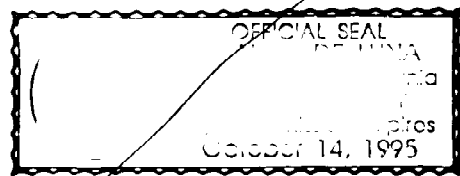
ACKNOWLEDGMENT

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 (signature)
Notary Public



IN WITNESS WHEREOF, I have hereunto set my hand.

Nancy L. Baldwin (signature)
NANCY L. BALDWIN

Signed this 7 day of July, 1995.

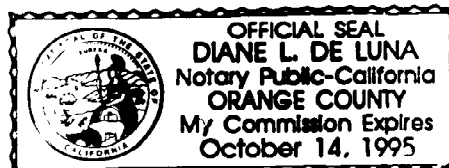
ACKNOWLEDGMENT

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 (signature)
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.

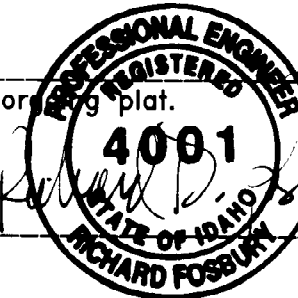
Gordon K. Williams (signature)
GORDON K. WILLIAMS, P.L.S. 6/29/95



CITY ENGINEER'S APPROVAL

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

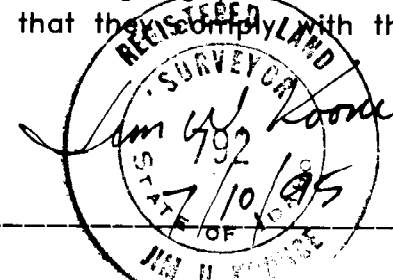
BY: Richard Fosbury (signature) 7/10/95



COUNTY SURVEYOR'S APPROVAL

This is to certify that I, Jim W. Koonce, County Surveyor for Blaine County, Idaho, have checked the forgoing 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 (signature) 7/10/95



Jim W. Koonce

KETCHUM CITY COUNCIL'S APPROVAL

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

By: Sandra E. Coley (signature)



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: Vicki L. Deek by Neil Peterson (signature)

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

Mary Green (signature)
By: J.K. 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



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.

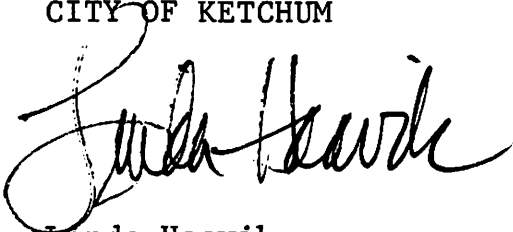
Enclosed please find two (2) copies of the plan submitted, each containing notes reflecting the conditions stated above. One copy has been retained by the City under Building Permit Number 89-061.

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 cursive script, appearing to read "Linda Haavik". The signature is written in black ink and is positioned above the typed name and title.

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)

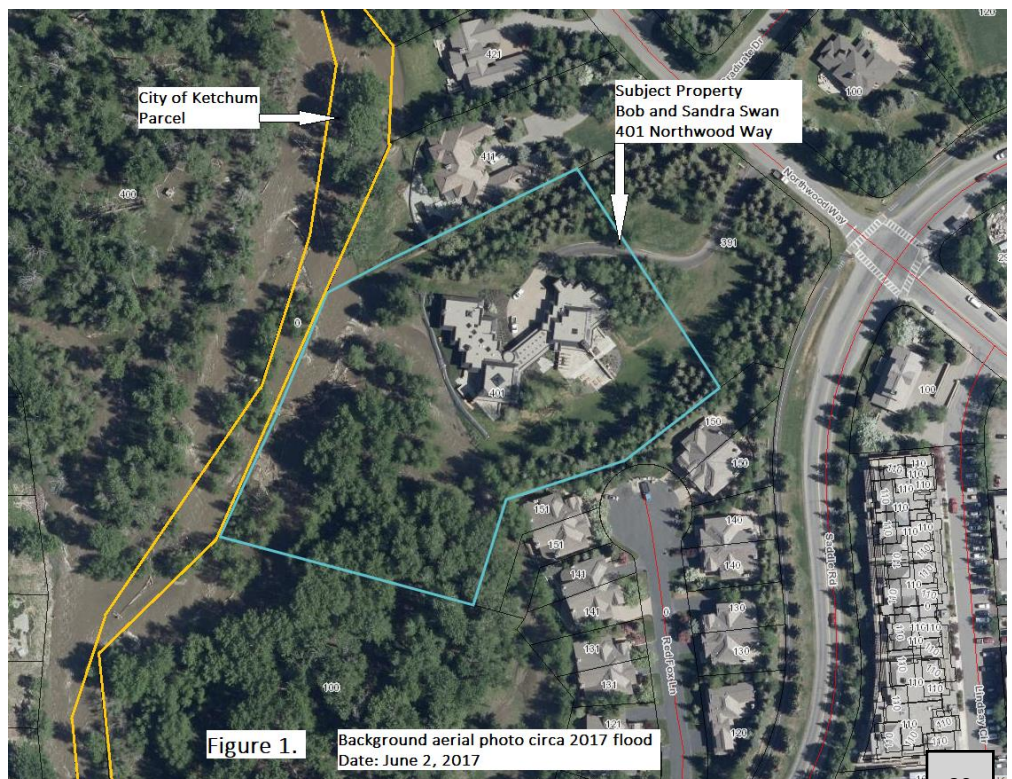
ZONING: General Residential – Low Density (GR-L) and Floodplain Management Overlay (FP), Waterways and Floodway subdistricts

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

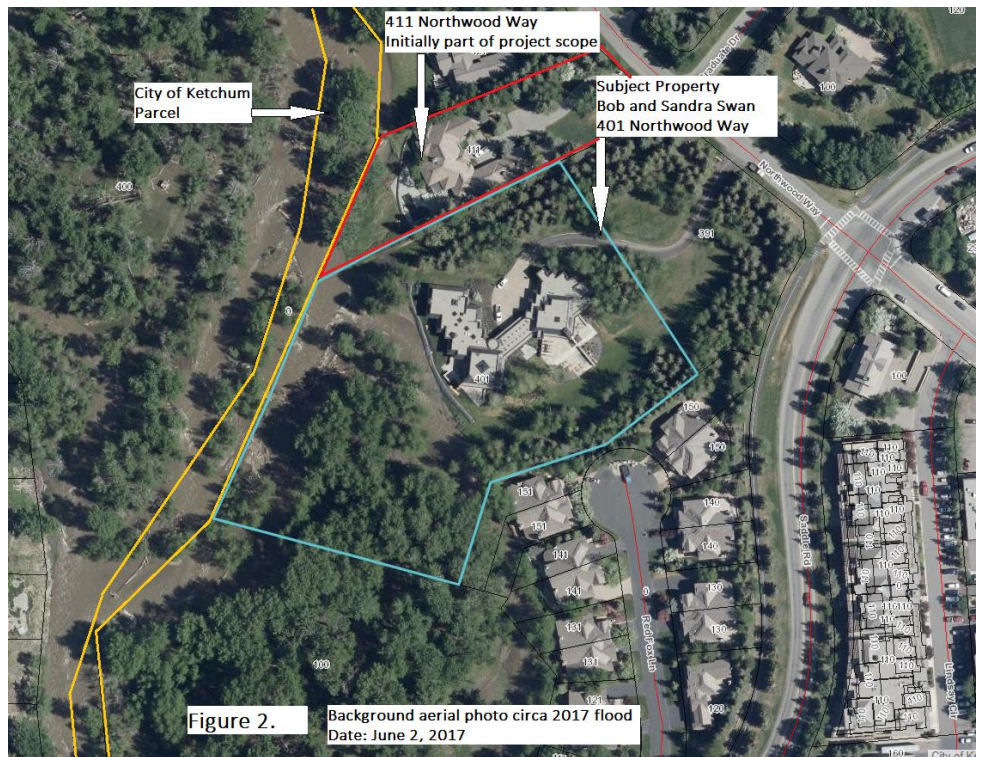
The applicants, Bob and Sandra Swan, own 401 Northwood Way. The property is developed with a single-family residence constructed in 1991. 401 Northwood Way is the subject property, with the majority of the scope of work proposed by this application occurring on 401 Northwood Way. The City of Ketchum 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.

<p>Brockway Engineering, PLLC, dated September 30, 2019 and included with Attachment A to compare changes)</p>	
<p>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))</p>	<p>To remove gravel deposited during 2017 floods and tie the regraded channel into existing top of banks.</p>
<p>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))</p>	<p>Aids in bank stability/mitigates bank erosion and protects against loss of lands.</p>
<p>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))</p>	<p>Aids in bank stability/mitigates bank erosion. Also provides a “roughing effect” and slows velocity of water, which mitigates downstream erosion.</p>
<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.
<p><u>Project components proposed to remain the same</u></p>	

<p>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</p>	<p>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</p>
<p>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)</p>	<p>Mitigate for potential of excessive woody debris from becoming mobilized during a flood event and causing log jams in problematic areas.</p>
<p>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)</p>	<p>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.</p>
<p>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)</p>	<p>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).</p>
<p>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)</p>	<p>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.</p>
<p>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)</p>	<p>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.</p>
<p>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)</p>	<p>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.</p>
<p>Installation of riprap along the eastern side channel (see Sheets 1 and 2, Brockway Engineering, PLLC, dated</p>	<p>Mitigates bank erosion, promotes bank stability</p>

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 style="text-align: center;">Table 3. 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
- XVIII. 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 Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)1 FLOODPLAIN DEVELOPMENT/ WATERWAYS DESIGN REVIEW	Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.
			<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> <p><i>Staff Comments</i></p> <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> <p><i>Staff Comments</i></p> <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> <p><i>Staff Comments</i></p> <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><i>Staff Comments</i></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 <i>Staff Comments</i>
<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> <p><i>Staff Comments</i></p> <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> <p><i>Staff Comments</i></p> <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> <p><i>Staff Comments</i></p> <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

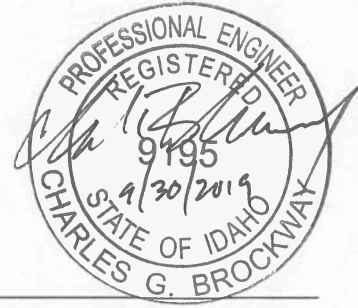
Included in the record:

- 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
- XVIII. 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.

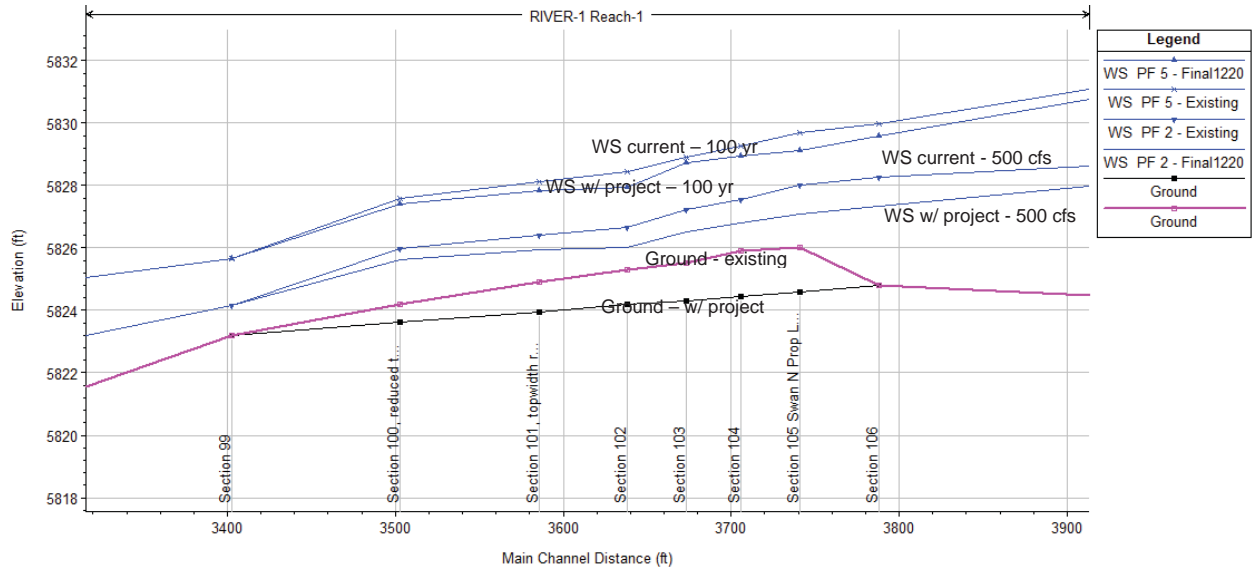
B. Project Components

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 (ft ²)
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



SWAN, SANDRA RIVER RESTORATION PROJECT



ESRI WORLD IMAGERY

GENERAL NOTES:

1. THE PROJECT CONSISTS OF THE COMPONENTS ILLUSTRATED AND DESCRIBED ON SHEET 1 OF THIS PLAN SET.
2. ALL TECHNICAL QUESTIONS REGARDING ANY ASPECT OF THE PROJECT SHALL BE DIRECTED TO BROCKWAY ENGINEERING C/O CHARLES G. BROCKWAY, P.E., 2016 WASHINGTON ST. NORTH #4, TWIN FALLS, ID 83301, (208) 736-8543.
3. CONTRACTOR SHALL VERIFY AND CONFIRM ALL DIMENSIONS AND CONDITIONS SHOWN OR IMPLIED ON THE DRAWINGS AND SPECIFICATIONS, AS WELL AS THE EXISTING WORK AND PHYSICAL DESCRIPTIONS AND CONDITIONS OF THE SITE, AND SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO THE START OF THE WORK.
4. ALL EQUIPMENT PROPOSED TO BE SUPPLIED BY THE CONTRACTOR MUST BE SUBMITTED FOR APPROVAL TO THE ENGINEER. ANY ITEM WHICH THE CONTRACTOR PROPOSES TO FURNISH AS "EQUAL" OR "EQUIVALENT" TO ITEM SPECIFIED SHALL BE SUBMITTED FOR APPROVAL TO THE ENGINEER WITH SUFFICIENT MANUFACTURER'S LITERATURE TO DETERMINE EQUIVALENCY.
5. UNDERGROUND UTILITIES MAY BE PRESENT. LOCATIONS ARE APPROXIMATE. CONTRACTOR SHALL CONTACT DIGLINE PRIOR TO CONSTRUCTION AND VERIFY LOCATIONS. CONTRACTOR SHALL COORDINATE WITH OWNER'S REPRESENTATIVES TO DETERMINE HOW NEW WATER PIPELINE WILL AVOID ALL UTILITIES.
6. THIS PROJECT IS AUTHORIZED UNDER PERMITS FROM THE U. S. ARMY CORPS OF ENGINEERS, IDAHO DEPARTMENT OF WATER RESOURCES, AND THE CITY OF KETCHUM. CONTRACTOR SHALL KEEP A COPY OF ALL PERMITS ON SITE AT ALL TIMES DURING CONSTRUCTION AND SHALL ADHERE TO ALL APPLICABLE CONDITIONS THEREIN.
7. ACCESS: PROJECT SITE SHALL BE ACCESSED THROUGH OWNER'S PROPERTY. CONTRACTOR SHALL MAKE APPROPRIATE ARRANGEMENTS WITH THE OWNER TO ACCOMPLISH THE WORK DESCRIBED HEREIN. ALL DAMAGE TO OWNER'S LAND, IMPROVEMENTS, OR INFRASTRUCTURE SHALL BE PROMPTLY REPAIRED TO OWNER'S SATISFACTION.
8. EARTHWORK: COMPLETE EXCAVATION TO GRADES AND DIMENSIONS SHOWN, TOLERANCE +/-0.2 FEET. EXCESS MATERIAL SHALL BE HAULED OFF SITE AND DEPOSITED IN UPLAND AREA.

9. RIP-RAP: GRANITE OR SOLID NON-VESICULAR BASALT, SIZE AS SHOWN, SUBSTANTIALLY FREE FROM CRACKS AND SEAMS, WITH DRY UNIT WEIGHT 165 LB/FT³ OR GREATER. NO LIMESTONE OR OTHER ERODIBLE MATERIAL SHALL BE USED. STONE SHALL BE BLOCKY IN SHAPE WITH SHARP, ANGULAR EDGES, STREAM-ROUNDED STONE IS NOT ACCEPTABLE. MINIMUM THICKNESS SHALL BE 30" FOR TYPE 1 AND 20" FOR TYPE 2.
10. BANK RIP-RAP GRADATION: STONE SIZE SHALL BE CHARACTERIZED BY W% AND D%, WHERE W IS STONE WEIGHT, D IS EQUIVALENT SPHERICAL STONE DIAMETER, AND % REPRESENTS THE PERCENTAGE OF THE TOTAL WEIGHT OF THE GRADED MATERIALS THAT CONTAINS STONES OF LESS DIAMETER OR WEIGHT. GRADATION OF THE STONE SHALL FALL WITHIN THE "MIN" AND "MAX" VALUES. THE UNIFORMITY COEFFICIENT, D₈₅ / D₁₅, SHALL BE NOT LESS THAN 1.4 AND NOT GREATER THAN 3.0

TYPE 1				
% FINER	WX (LB)		DX (INCHES)	
	MAX	MIN	MAX	MIN
0	137	50	14	10
15	255	109	17	13
30	383	199	20	16
50	511	345	22	19
90	1117	605	26	23
100	1723	689	33	24

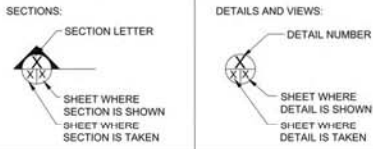
TYPE 2				
% FINER	WX (LB)		DX (INCHES)	
	MAX	MIN	MAX	MIN
0	26	11	9	6
15	80	33	12	9
30	121	63	13	11
50	162	109	15	13
90	353	192	19	16
100	545	219	22	16

11. SILL ROCK: SPECIFICATIONS FOR RIP-RAP SHALL APPLY, BUT SIZE SHALL BE 18" TO 36".
12. GEOTEXTILE FABRIC: NON-WOVEN SYNTHETIC, CONTECH C-80NW OR EQUAL.
13. TOPSOIL: SANDY SILT LOAM OR SILT LOAM MATERIAL WITH MINIMUM 3% ORGANIC MATERIAL.
14. WOODY DEBRIS: RELOCATE DEBRIS CONSISTING OF TREES, ROOT BALLS, LIMBS, AND LIKE MATERIAL ONLY FROM THOSE AREAS DENOTED ON THE SITE PLAN. STOCKPILE MATERIAL OUTSIDE OF FLOODPLAIN, AND RETAIN ALL MATERIAL SUITABLE FOR INCORPORATION INTO BANK PROTECTION.
15. LANDSCAPING AND VEGETATION: FINAL GRADING AND VEGETATIVE PLANTINGS SHALL BE PERFORMED BY A LANDSCAPING CONTRACTOR UNDER A SEPARATE CONTRACT WITH THE OWNER. THE LANDSCAPING CONTRACTOR SHALL HAVE AT LEAST 5 YEARS EXPERIENCE IN THE LOCAL AREA. THIS WORK SHALL BE PERFORMED IN ACCORDANCE WITH A SEPARATE REVEGETATION PLAN DATED _____.
16. GRADED GRAVEL FILTER: 3/4 MINUS MATERIAL LESS THAN 5% PASSING 200 SIEVE, ACTUAL PRODUCT TO BE DETERMINED.

VICINITY MAP
ABBREVIATION LIST

A & @	AND AT	N N.T.S.	NOT TO SCALE
C	CENTER LINE	NO. OR #	NUMBER
CL CONC. CMP. CULV.	CONCRETE CORRUGATED METAL PIPE CULVERT	O O.D.	OUTSIDE DIAMETER
D	DEPTH	P	POLYVINYL CHLORIDE
D DIA., Ø D.I.	DIAMETER DUCTILE IRON	PVC.	
E	ELEVATION	R	RADIUS
EL. EXT'G E.W.	EXISTING EACH WAY	R., RAD.	
G	GALVANIZED	S	STAINLESS STEEL
I	INVERT ELEVATION	S.S.	STANDARD
I.E. IN. *	INCH	STD. STRU.	STRUCTURE
M	MAXIMUM	T	TYPICAL
MAX. MFG. MJ. MIN.	MANUFACTURE MECHANICAL JOINT MECHANICAL	T.O.C. T.O.W. TYP.	TOP OF CONCRETE TOP OF WALL TYPICAL
		V	VALVE
		VLV	
		W	WITH
		W.S.E.	WATER SURFACE ELEV.
		WI	WITH

DETAILING CONVENTIONS

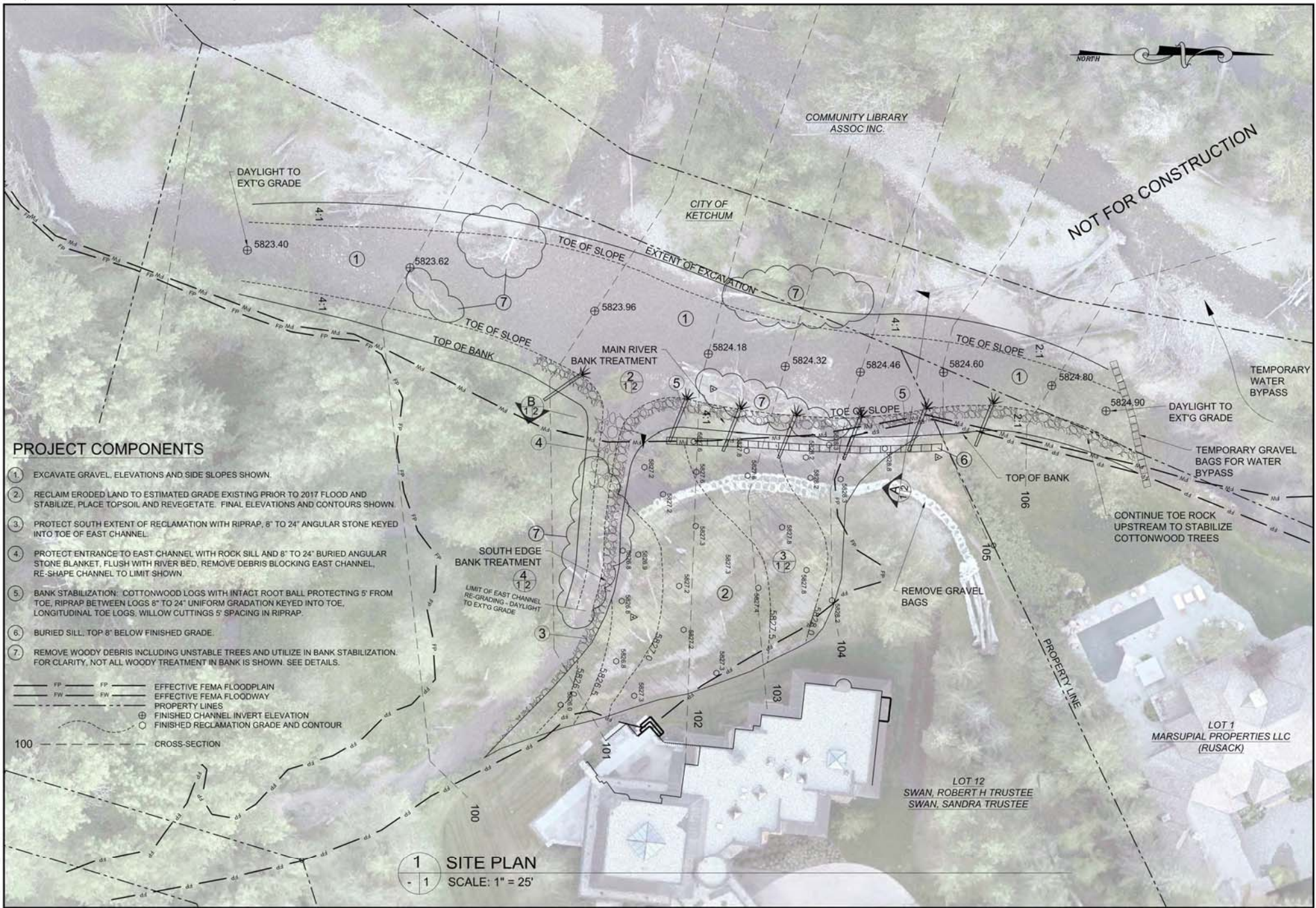


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DRAWING INDEX	
TITLE	DWG No.
COVER SHEET AND VICINITY MAP	0
SITE PLAN	1
SECTIONS AND DETAILS	2
CHANNEL CROSS-SECTIONS	3

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	GEGRID REMOVAL FOR CITY	9/16/19					DESIGNED BY COB	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
	E	FOR FINAL PERMIT	7/19/19									
	D	MODIFICATIONS TO CHANNEL	1/4/19								COVER SHEET & VICINITY MAP	60
	C	ISSUE FOR CONSTRUCTION	10/18/18									
	B	ADDED PROPERTY NAMES	9/28/18									REV A
	A	ISSUE FOR PERMITTING	8/27/18									
	REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS							



PROJECT COMPONENTS

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.

- FP ——— EFFECTIVE FEMA FLOODPLAIN
 - FW ——— EFFECTIVE FEMA FLOODWAY
 - — — — — PROPERTY LINES
 - ——— FINISHED CHANNEL INVERT ELEVATION
 - ——— FINISHED RECLAMATION GRADE AND CONTOUR
- 100 ——— CROSS-SECTION

1 SITE PLAN
SCALE: 1" = 25'

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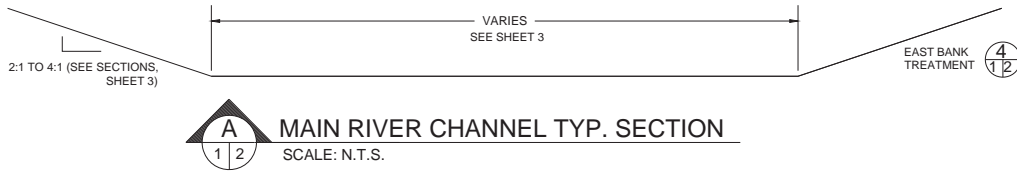
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E	FOR FINAL PERMIT	7/19/19		
D	MODIFICATIONS TO CHANNEL	1/4/19		
C	ISSUE FOR BIDDING	10/18/18		
B	ADDED PROPERTY NAMES	9/28/18		
A	ISSUE FOR PERMITTING	8/27/18		

DESIGNED BY: CGB
DRAFTED BY: ICB
SCALE 1" = 25'
(18 X 24) DWG ONLY

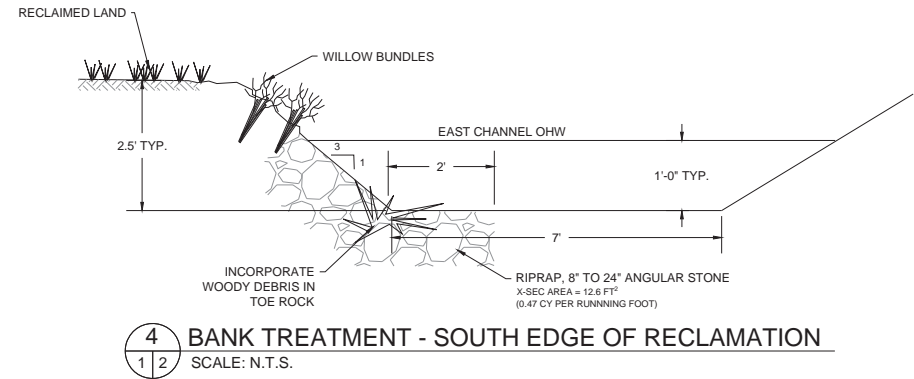
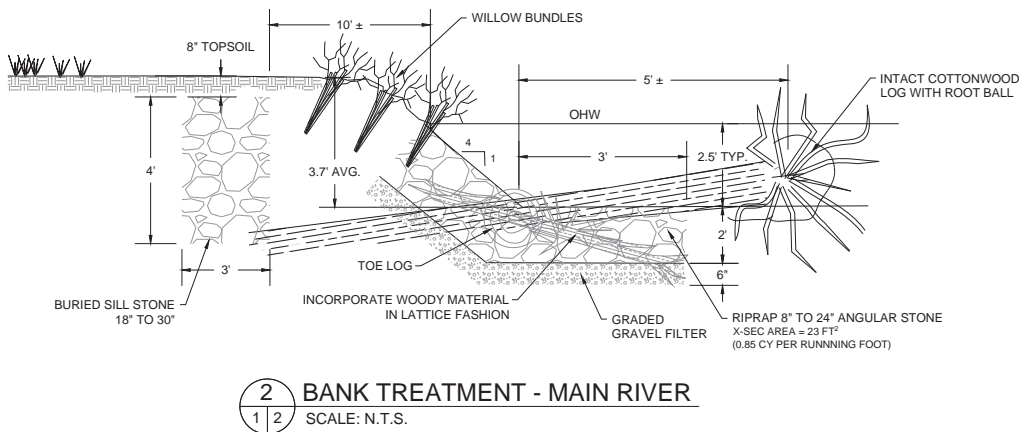
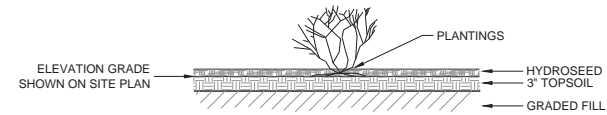
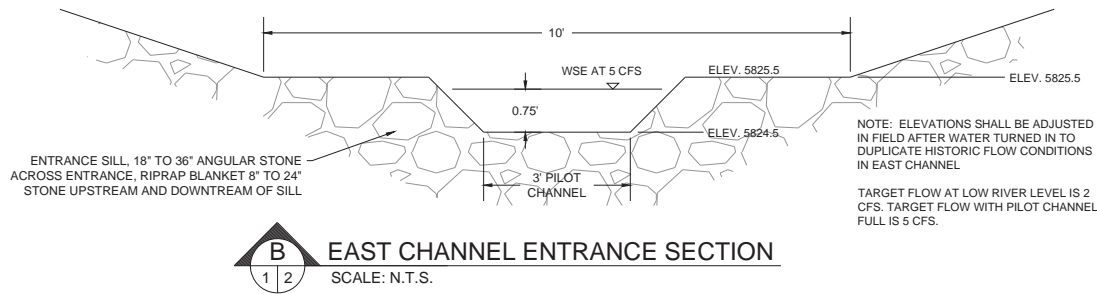
BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS ID, 83301
(208) 736-8543

SWAN, SANDRA
RIVER RESTORATION PROJECT
SITE PLAN

PROJECT #
61



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REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS
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A		8/27/18		

DESIGNED BY
CGB

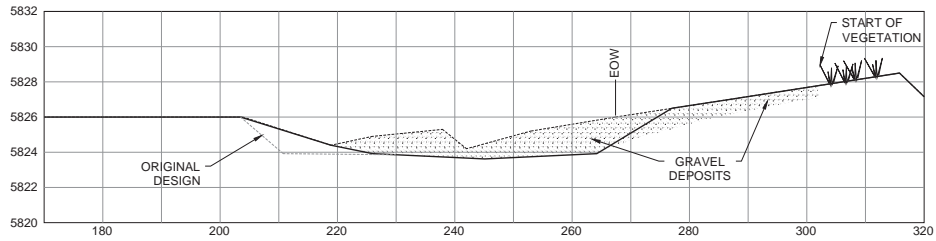
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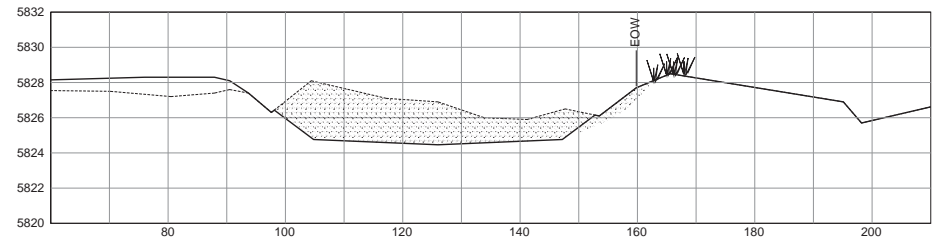
BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS ID, 83301
(208) 736-8543

SWAN, SANDRA
RIVER RESTORATION PROJECT
SECTIONS AND DETAILS

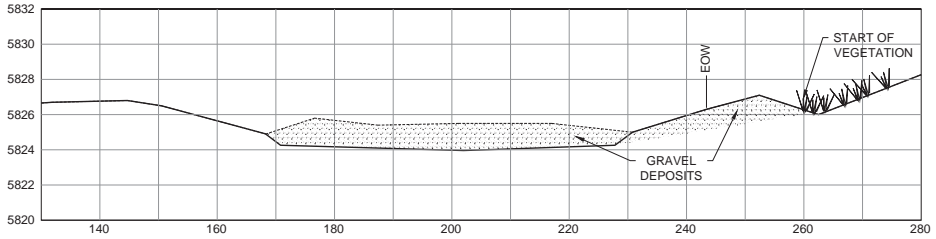
PROJECT #
62
DWG NO. 62



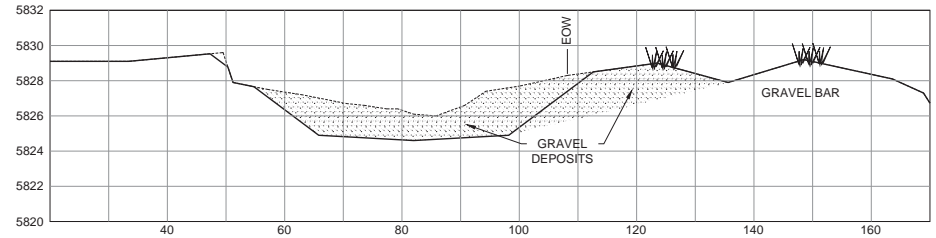
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SECTION 100
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



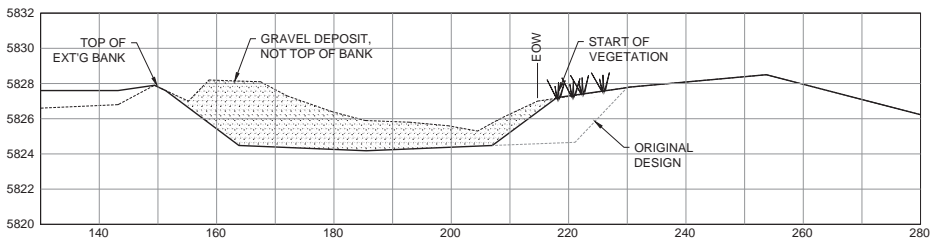
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SECTION 104
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VERTICAL SCALE: 1" = 5'



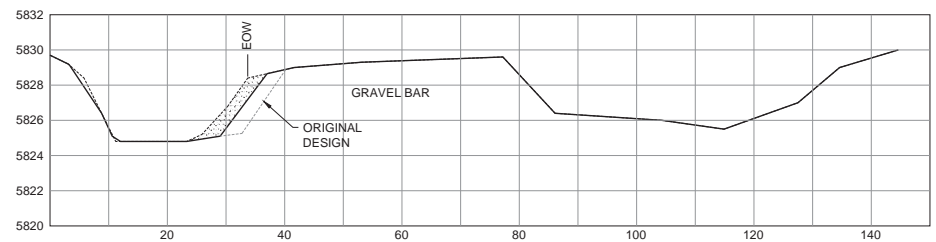
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SECTION 101
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



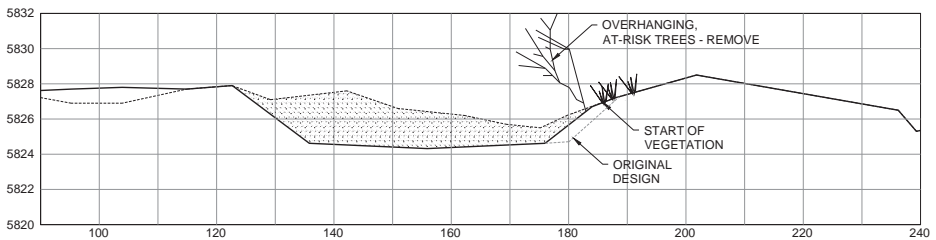
C.5
SECTION 105
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



C.2
SECTION 102
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



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



C.3
SECTION 103
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

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	9/16/19			DESIGNED BY	DRAFTED BY	BROCKWAY ENGINEERING, PLLC HYDRAULICS - HYDROLOGY - WATER RESOURCES 2016 NORTH WASHINGTON, SUITE 4 TWIN FALLS ID, 83301 (208) 736-8543	SWAN, SANDRA RIVER RESTORATION PROJECT CHANNEL CROSS-SECTIONS	PROJECT #
	E	FOR FINAL PERMIT	7/19/19			CGB	ICB			63
	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					

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



REVEGETATION PLAN LEGEND	
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
<i>Ribes aureum</i>	Golden Currant
<i>Cornus sericea</i>	Red-osier dogwood
<i>Alnus incana</i>	River Alder
<i>Rosa woodsii</i>	Woods Rose

TREES: (6) Cottonwood Seedlings

Grasses	Match original Fine Fescue
Lawn	

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
<i>Ribes aureum</i>	Golden Currant
<i>Cornus sericea</i>	Red-osier dogwood
<i>Alnus incana</i>	River Alder
<i>Rosa arvensis</i>	Woods Rose

Riparian Grasses

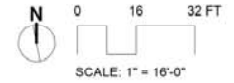
Botanical Name	Common Name
<i>Festuca idahoensis</i>	Idaho Fescue
<i>Agropyron riparium</i>	Streambank Bromegrass
<i>Festuca rubra</i>	Creeching Red Fescue
<i>Pseudoroegneria spicata</i>	Bluebunch Wheatgrass
<i>Lupinus serotinus</i>	Silly Lupine

ZONE 3 - Bank Stabilization
SHRUBS: Placed 5' apart maximum

Botanical Name	Common Name
<i>Salix boothii</i>	Booth Willow
<i>Salix geyeri</i>	Geyer Willow
<i>Salix lasioandra</i>	Pacific Willow

PLAN NOTES:

1. THIS PLAN IS A GRAPHIC REPRESENTATION OF THE PROPOSED RESTORATION PLAN BY BROCKWAY ENGINEERING DATED SEPT. 16, 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 suvey 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:

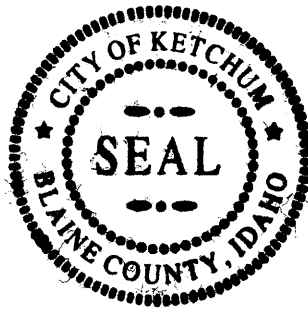
By: 

Sandra Swan

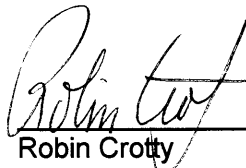
CITY OF KETCHUM:

By: 

Neil Bradshaw, Mayor



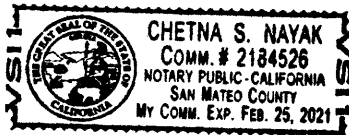
ATTEST:


 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.



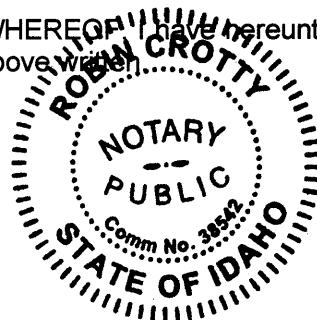
Chetna S. Nayak
Notary Public for California
Residing at Mentor Park
Commission expires 02/25/2021

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.

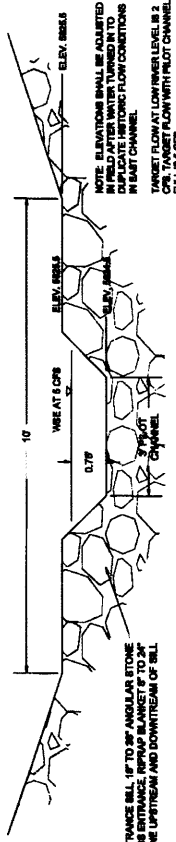


Roben Crotty
Notary Public for State of Idaho
Residing at Ketchum
Commission expires 12/25/2020

EXHIBIT "A"



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

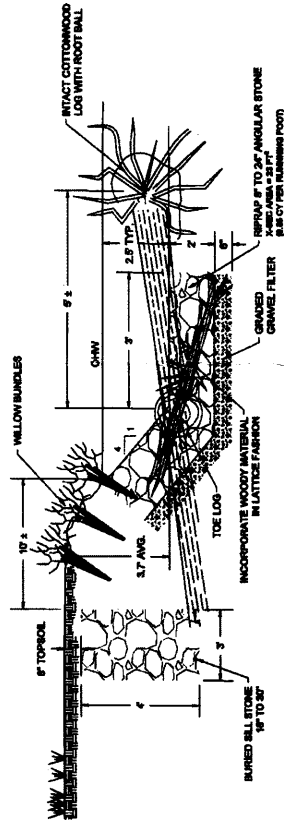


B EAST CHANNEL ENTRANCE SECTION
SCALE: N.T.S.

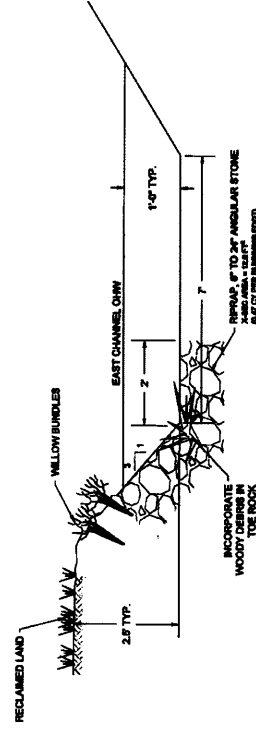
NOT FOR CONSTRUCTION



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



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



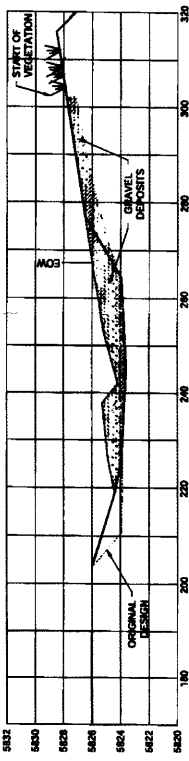
4 BANK TREATMENT - SOUTH EDGE OF RECLAMATION
SCALE: N.T.S.

NO.	DATE	BY	CHKD.	DESCRIPTION
1	08/17/2018	SWAN, SANDRA		ISSUED FOR PERMITS
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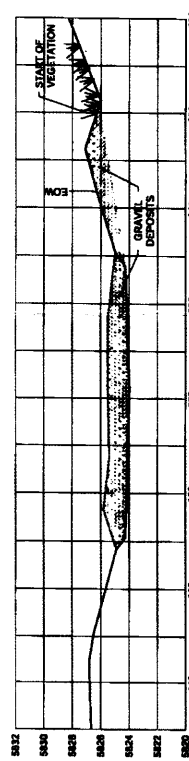
BROCKWAY ENGINEERING, PLLC
2018 NORTH WASHINGTON, SUITE 4
THIR FALLS, ID, 83401
(208) 758-5545

SWAN, SANDRA
RIVER RESTORATION PROJECT
SECTIONS AND DETAILS

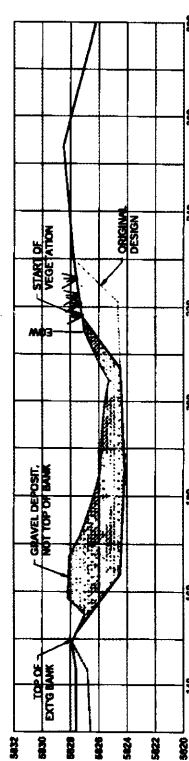
PROJECT # 088-17-2018
DWG # 2
REV A



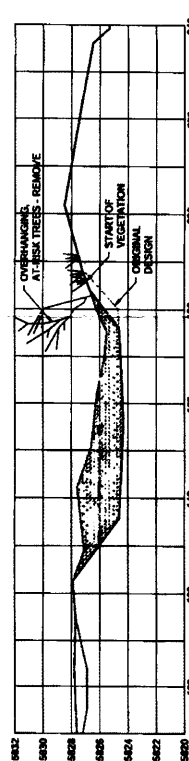
SECTION 100
 HORIZONTAL SCALE: 1" = 15'
 VERTICAL SCALE: 1" = 5'



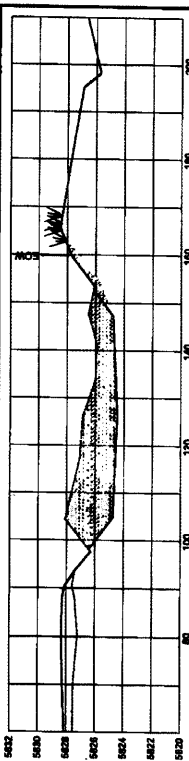
SECTION 101
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 VERTICAL SCALE: 1" = 5'



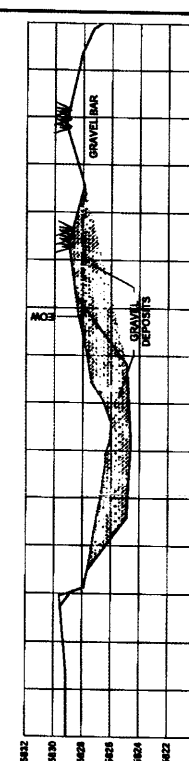
SECTION 102
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 VERTICAL SCALE: 1" = 5'



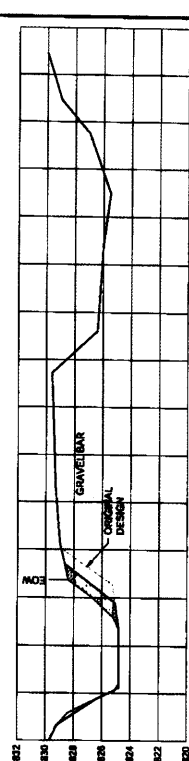
SECTION 103
 HORIZONTAL SCALE: 1" = 15'
 VERTICAL SCALE: 1" = 5'



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'

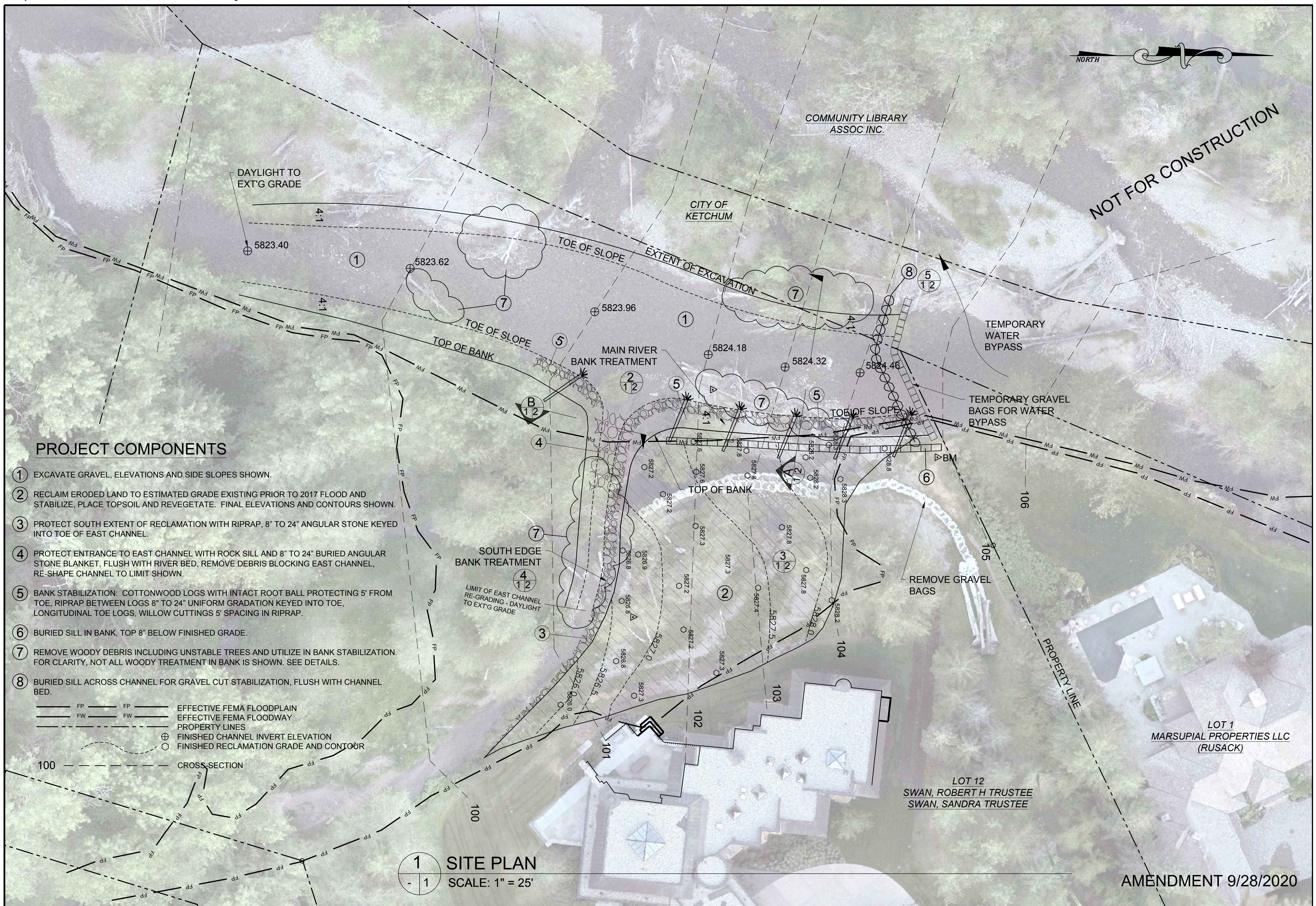
EXISTING CHANNEL - SURVEYED JULY 11, 2018
 PROPOSED CHANNEL
 EDGE OF WATER AT TIME OF SURVEY

NOT FOR CONSTRUCTION

BROCKWAY ENGINEERING, PLLC 2016 NORTH WASHINGTON, SUITE 4 TYNE FALLS, ID. 83701 (208) 758-8643		SWAN, SANDRA RIVER RESTORATION PROJECT CHANNEL CROSS-SECTIONS		PROJECT # 598-17-2018
PREPARED BY: [] CHECKED BY: [] DESIGNED BY: [] DRAWN BY: [] DATE: [] SCALE: [] SHEET NO.: [] TOTAL SHEETS: []		REV. NO. DESCRIPTION DATE APPR.		DWG # 3
APPROVED BY: [] DATE: []		REFERENCE DRAWINGS		REV. 1 3

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



PROJECT COMPONENTS

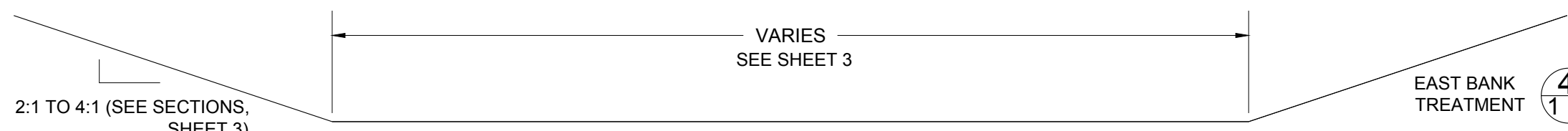
- ① EXCAVATE GRAVEL, ELEVATIONS AND SIDE SLOPES SHOWN.
- ② RECLAIM ERODED LAND TO ESTIMATED GRADE EXISTING PRIOR TO 2017 FLOOD AND STABILIZE, PLACE TOPSOIL AND REVEGETATE. FINAL ELEVATIONS AND CONTOURS SHOWN.
- ③ PROTECT SOUTH EXTENT OF RECLAMATION WITH RIPRAP, 8" TO 24" ANGULAR STONE KEYED INTO TOE 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 IN BANK, 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.
- ⑧ BURIED SILL ACROSS CHANNEL FOR GRAVEL CUT STABILIZATION, FLUSH WITH CHANNEL BED.

- FP ——— EFFECTIVE FEMA FLOODPLAIN
- FW ——— EFFECTIVE FEMA FLOODWAY
- — — — — PROPERTY LINES
- ⊕ FINISHED CHANNEL INVERT ELEVATION
- FINISHED RECLAMATION GRADE AND CONTOUR

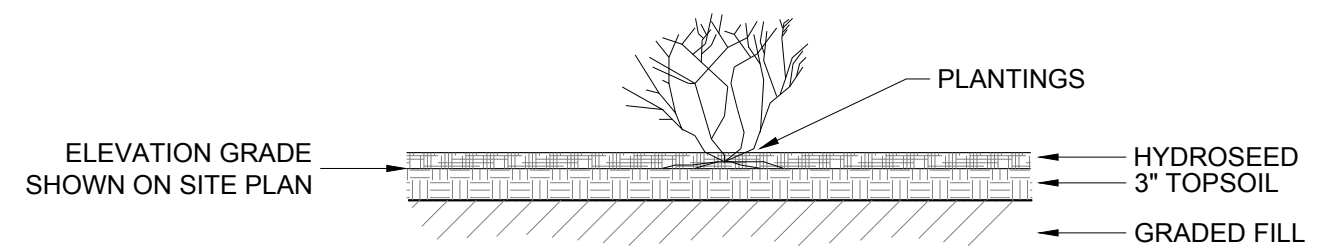
1 SITE PLAN
- 1 SCALE: 1" = 25'

AMENDMENT 9/28/2020

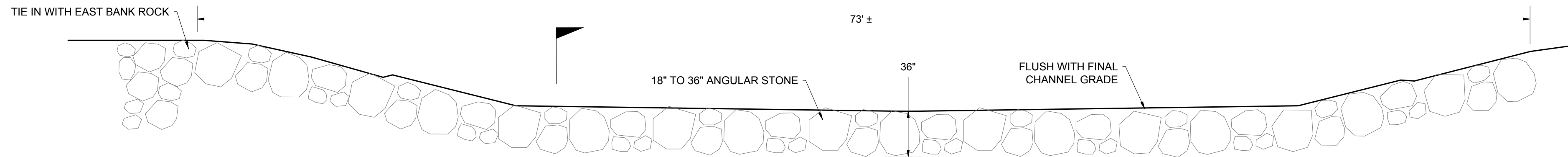
<p>THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT, REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.</p>	G	AMENDMENT - REMOVE LOT 1 WORK	9/28/20						<p>BROCKWAY ENGINEERING, PLLC HYDRAULICS - HYDROLOGY - WATER RESOURCES 2016 NORTH WASHINGTON, SUITE 4 TWIN FALLS ID, 83301 (208) 736-8543</p>	<p>SWAN, SANDRA RIVER RESTORATION PROJECT</p>	PROJECT #	1436-02-2018
	F	GEOGRID REMOVAL FOR CITY	9/16/19								DWG #	1
	E	FOR FINAL PERMIT	7/19/19								REV	C
	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							



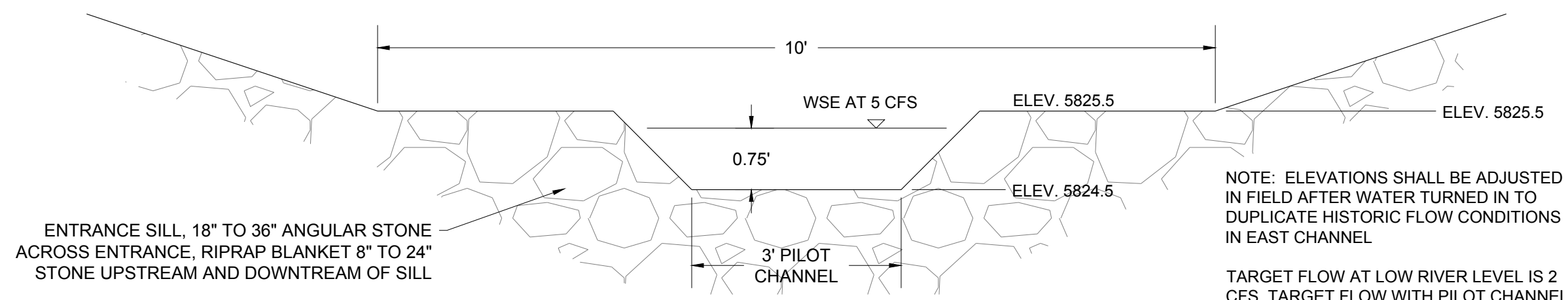
A MAIN RIVER CHANNEL TYP. SECTION
SCALE: N.T.S.



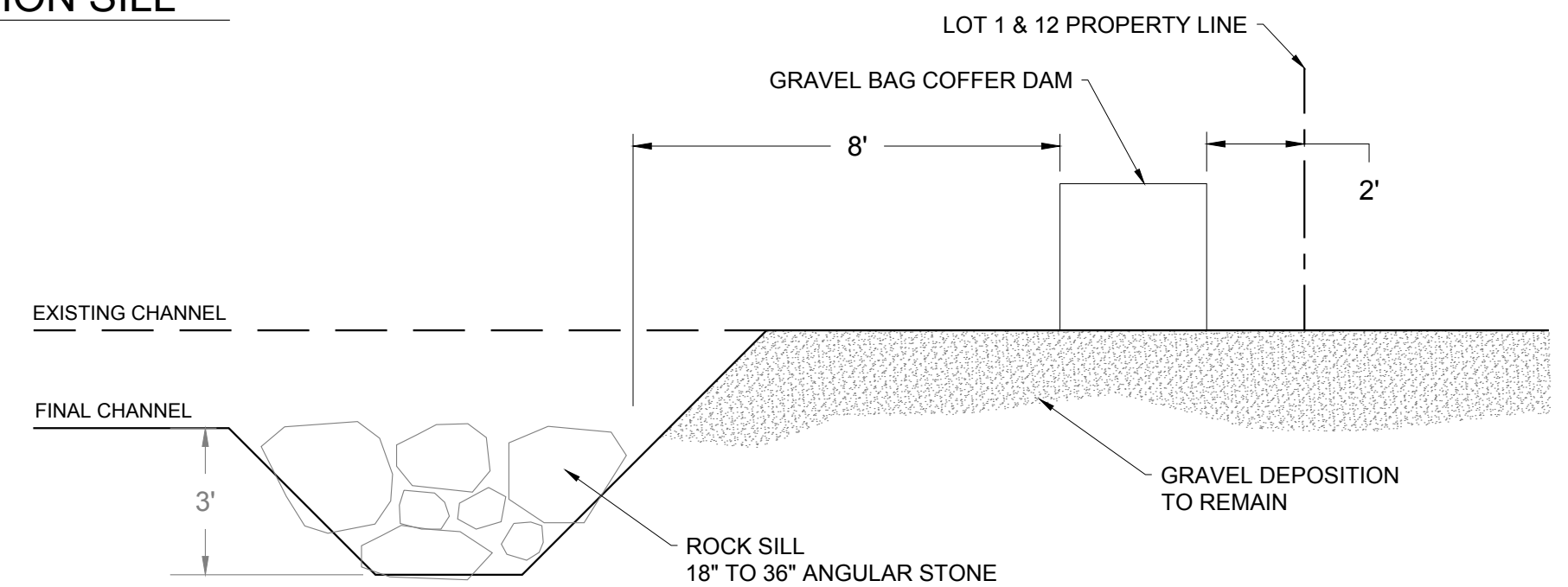
3 LAND RECLAMATION TREATMENT
SCALE: N.T.S.



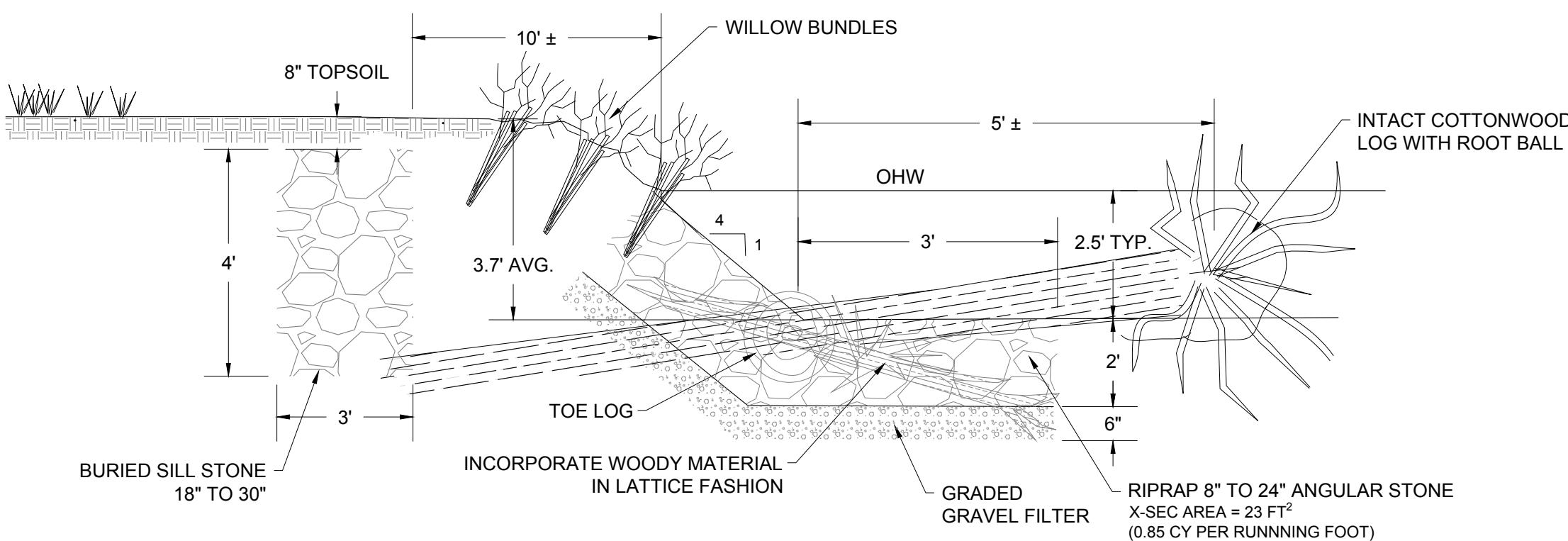
5 CHANNEL STABILIZATION SILL
SCALE: N.T.S.



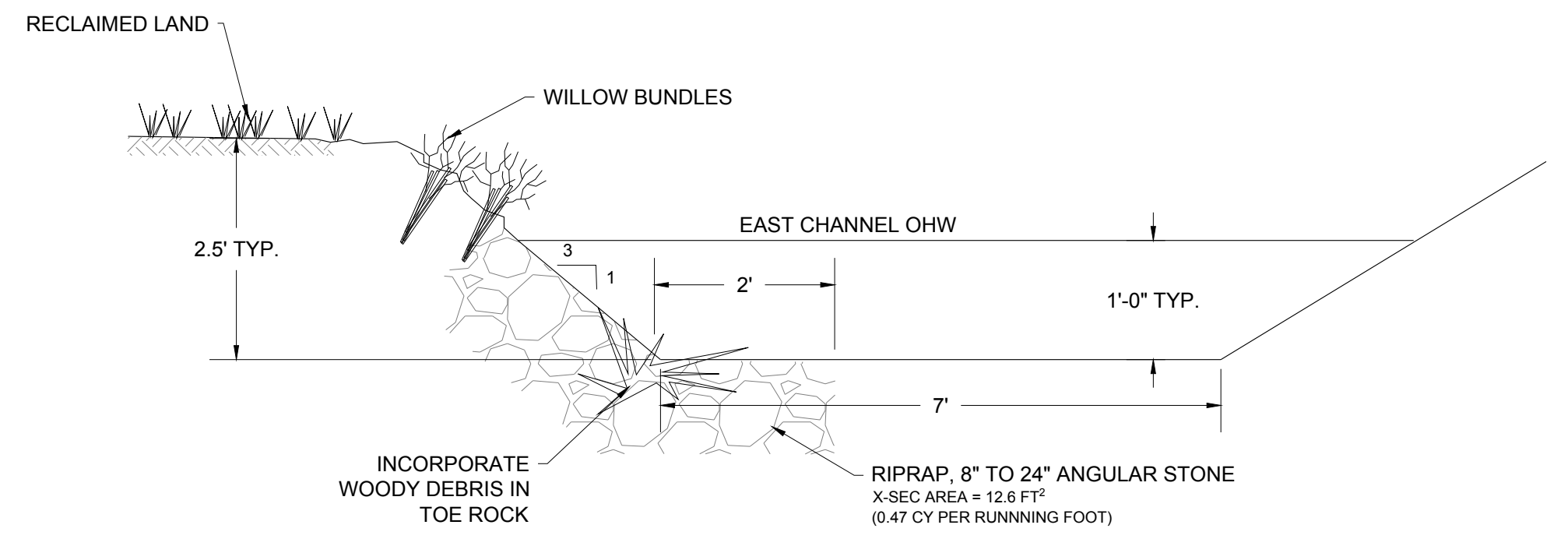
B EAST CHANNEL ENTRANCE SECTION
SCALE: N.T.S.



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



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



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

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 SECTIONS AND DETAILS	PROJECT #	538-17-2016
	F	GEOGRID REMOVAL FOR CITY	9/16/19									DWG #	2
	E	FOR FINAL PERMIT	7/19/19									REV	78
	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									

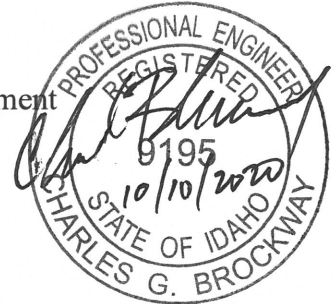
Attachments – Plans and Correspondence

- 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



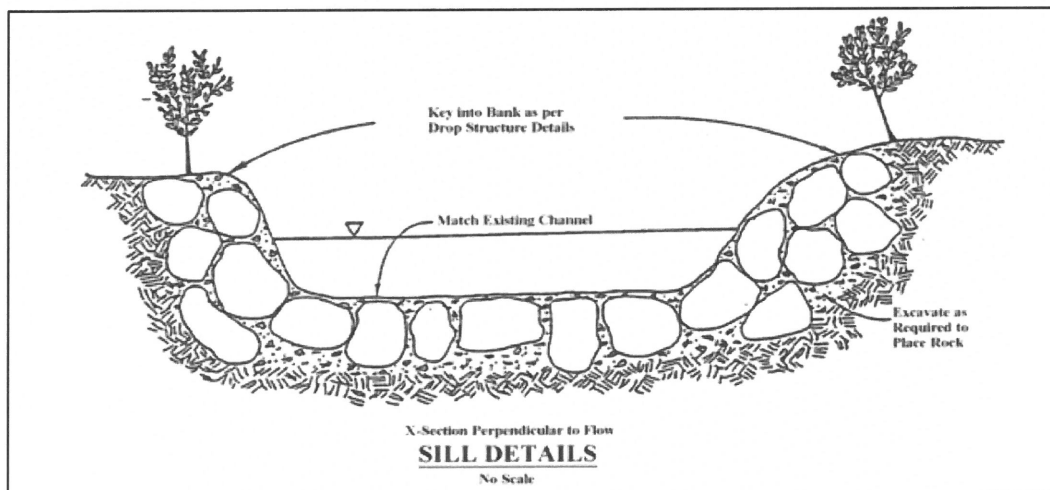
The Swan project amendment proposes a sill across the channel at the owner’s north property line. The City of Ketchum has requested additional information about the nature and functionality of a sill and the justification for it.

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 at 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 (ft ²)
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

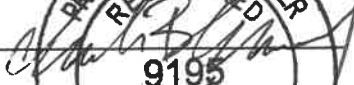
Engineering “No-Rise” Certification (for projects located in a mapped floodway)


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



The seal is circular with the text "PROFESSIONAL ENGINEER" at the top, "REGISTERED" below it, "9195" in the center, "STATE OF IDAHO" below that, and "CHARLES G. BROCKWAY" at the bottom. The date "9/28/2020" is handwritten 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 that reads "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.

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
GARY D. SLETTE

Legal Assistant - Cassie Chapman
cchapman@rsidaholaw.com

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.

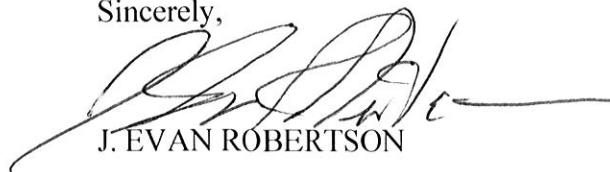
3. The Swans have an urgent need and desire to protect their property, and believe strongly that the City should appreciate and support their efforts to do so, particularly since this year’s exceptionally low flows in the Big Wood River provide excellent conditions for completing the Swan project yet 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,

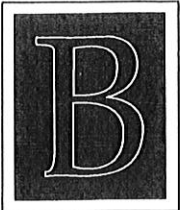


J. EVAN ROBERTSON

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

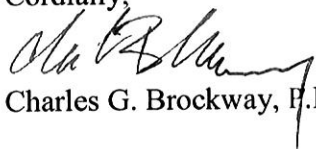
FAX: 736•8506

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

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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

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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

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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 that reads "Alan Richardson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alan Richardson

Hemingway Chapter Board President

Attachments – Public Comment - Permit Amendment

3. Pioneer West, February 23, 2021



Experts in Managing Homeowner Associations

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 Swans 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", is written over a horizontal line.

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.

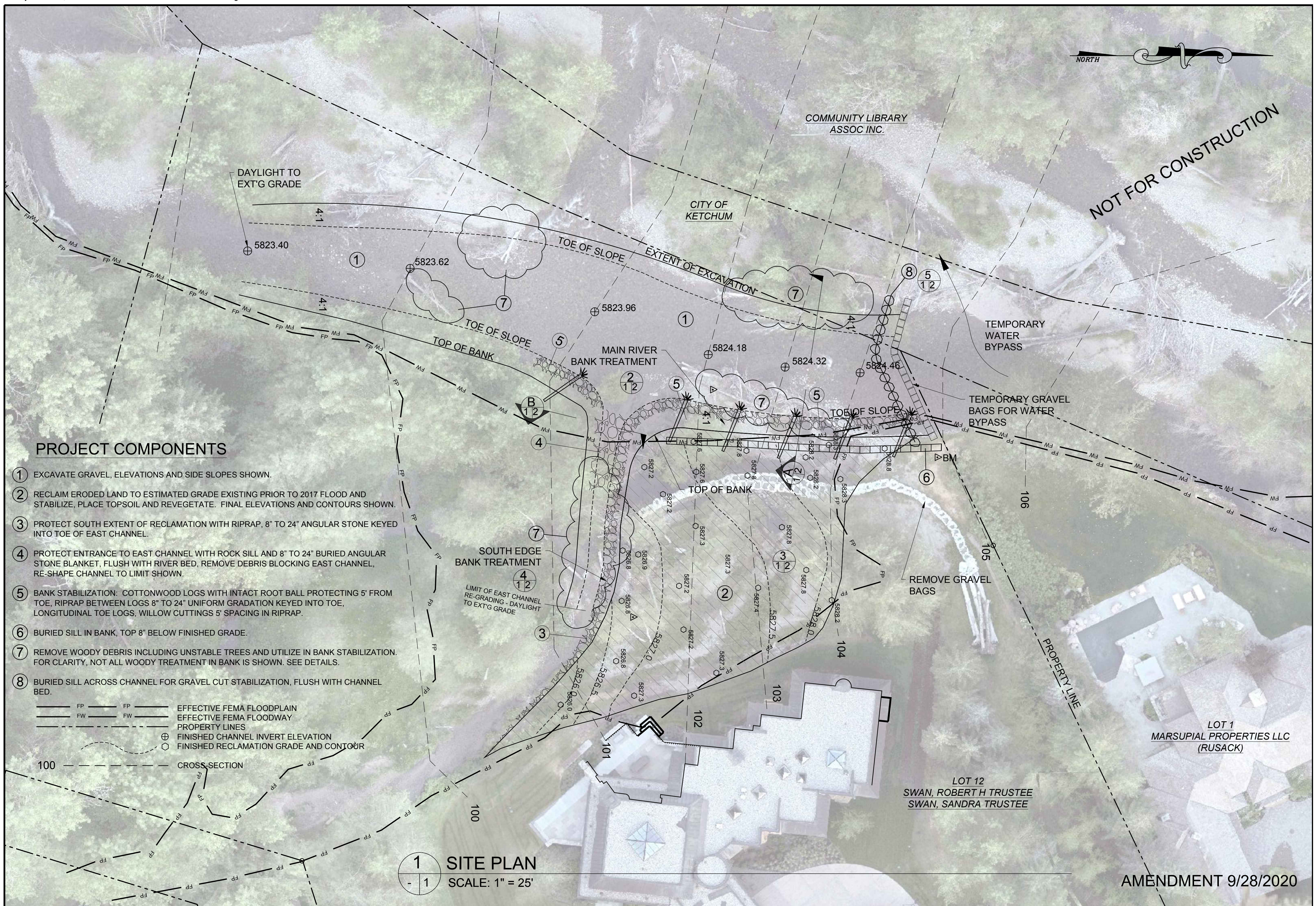
Sincerely,
QUADRANT CONSULTING, INC.

A handwritten signature in blue ink that reads '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



PROJECT COMPONENTS

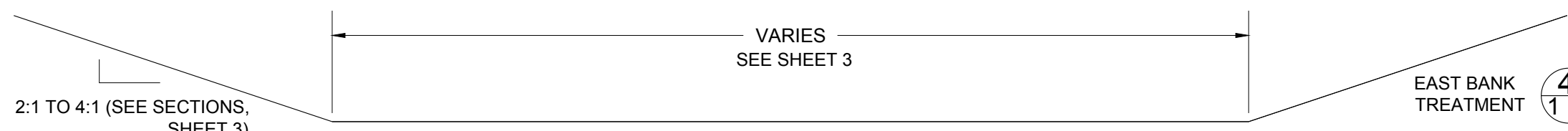
- ① EXCAVATE GRAVEL, ELEVATIONS AND SIDE SLOPES SHOWN.
- ② RECLAIM ERODED LAND TO ESTIMATED GRADE EXISTING PRIOR TO 2017 FLOOD AND STABILIZE, PLACE TOPSOIL AND REVEGETATE. FINAL ELEVATIONS AND CONTOURS SHOWN.
- ③ PROTECT SOUTH EXTENT OF RECLAMATION WITH RIPRAP, 8" TO 24" ANGULAR STONE KEYED INTO TOE 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 IN BANK, 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.
- ⑧ BURIED SILL ACROSS CHANNEL FOR GRAVEL CUT STABILIZATION, FLUSH WITH CHANNEL BED.

- FP ——— EFFECTIVE FEMA FLOODPLAIN
- FW ——— EFFECTIVE FEMA FLOODWAY
- — — — — PROPERTY LINES
- ⊕ FINISHED CHANNEL INVERT ELEVATION
- FINISHED RECLAMATION GRADE AND CONTOUR

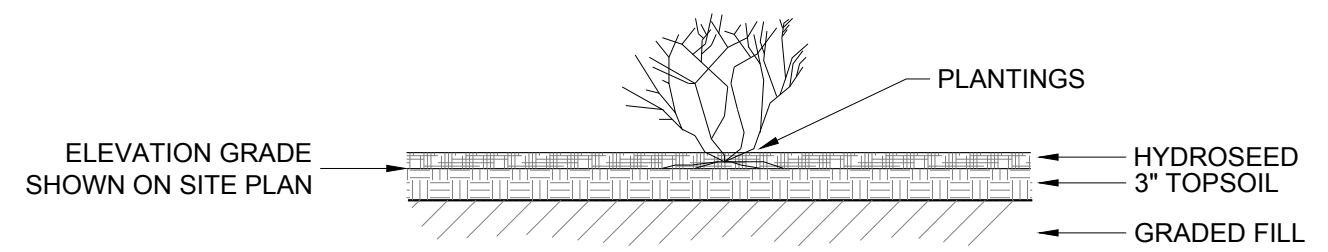
1 SITE PLAN
- 1 SCALE: 1" = 25'

AMENDMENT 9/28/2020

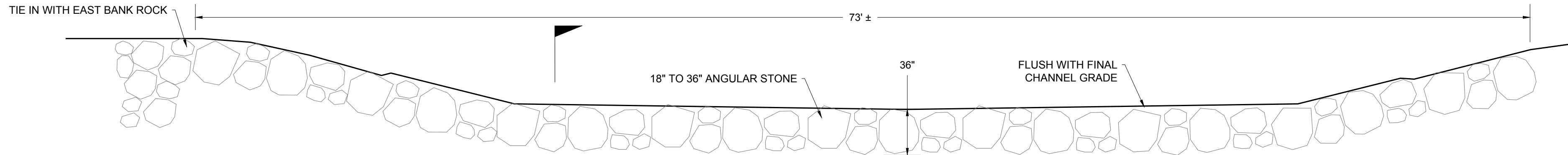
THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT, REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.	G	AMENDMENT - REMOVE LOT 1 WORK	9/28/20					DESIGNED BY CGB DRAFTED BY ICB SCALE 1" = 25' (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 SITE PLAN	PROJECT # 1436-02-2018 DWG # 1 REV 144
	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							



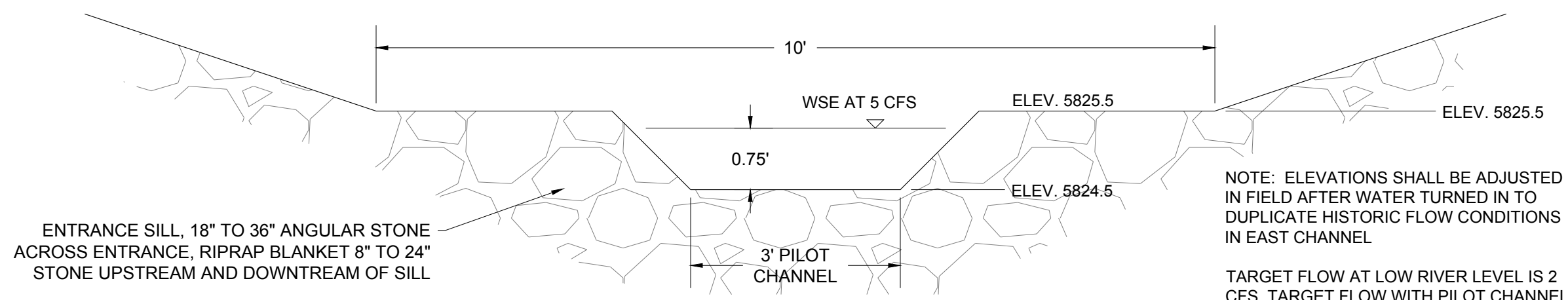
A MAIN RIVER CHANNEL TYP. SECTION
1 2 SCALE: N.T.S.



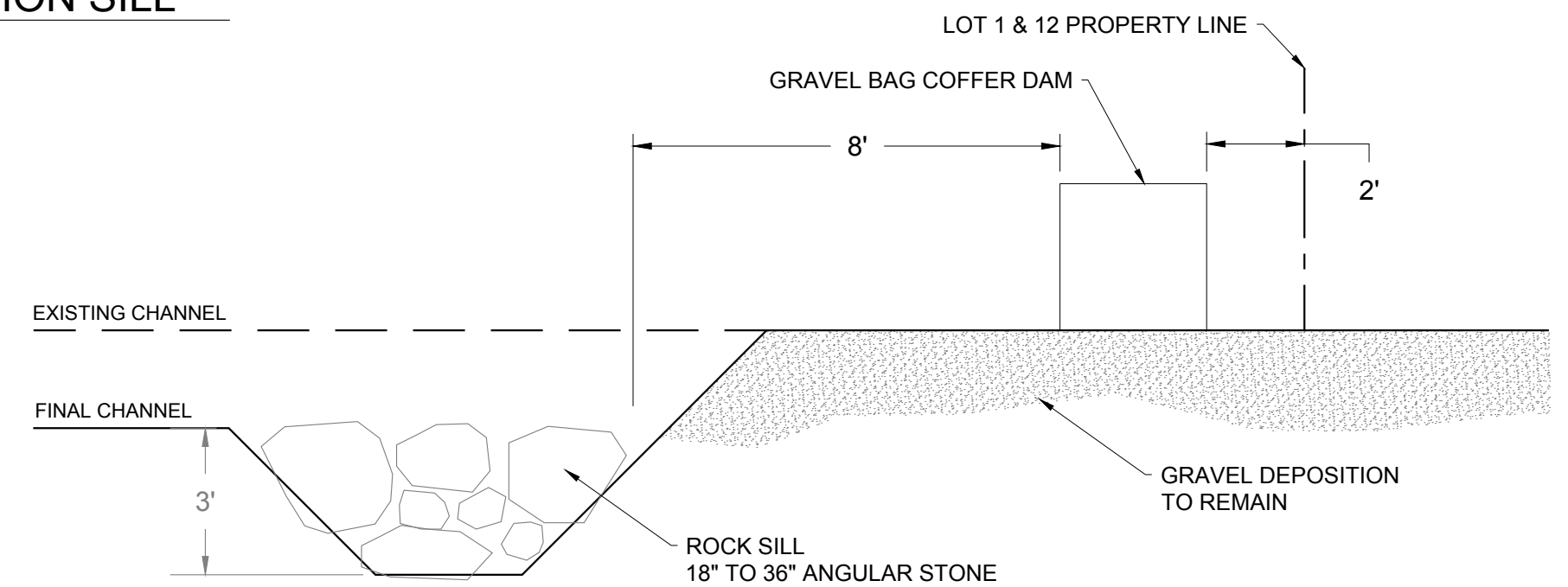
3 LAND RECLAMATION TREATMENT
1 2 SCALE: N.T.S.



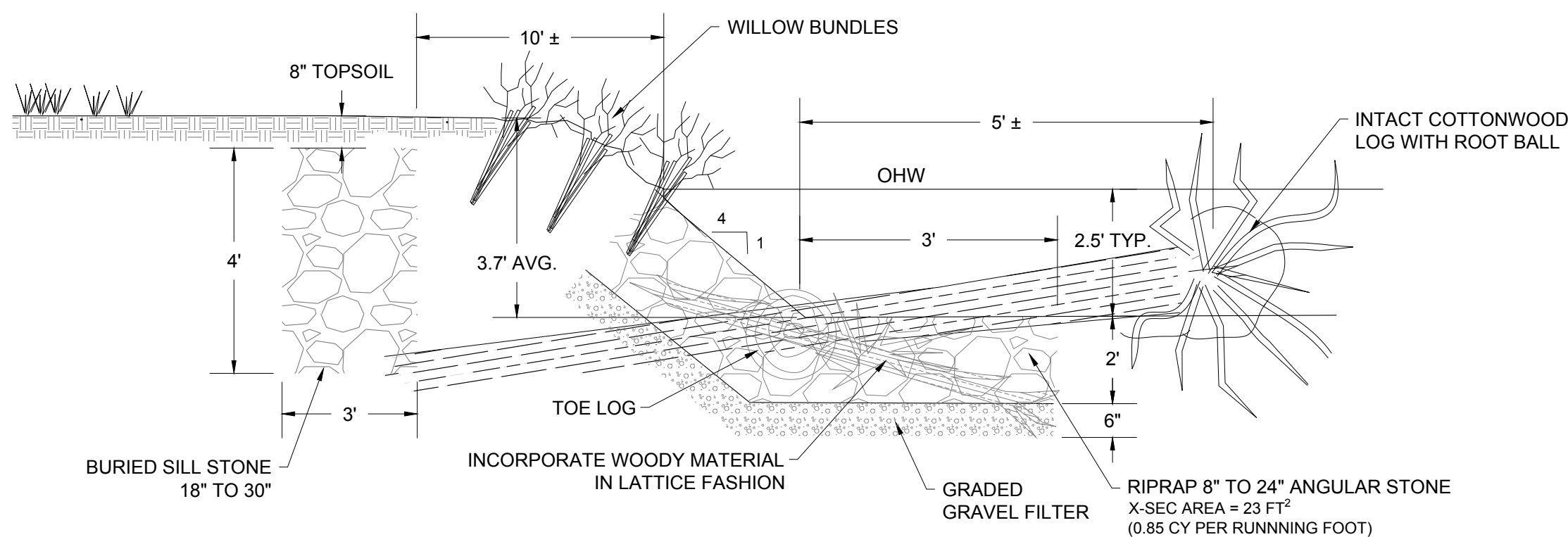
5 CHANNEL STABILIZATION SILL
1 2 SCALE: N.T.S.



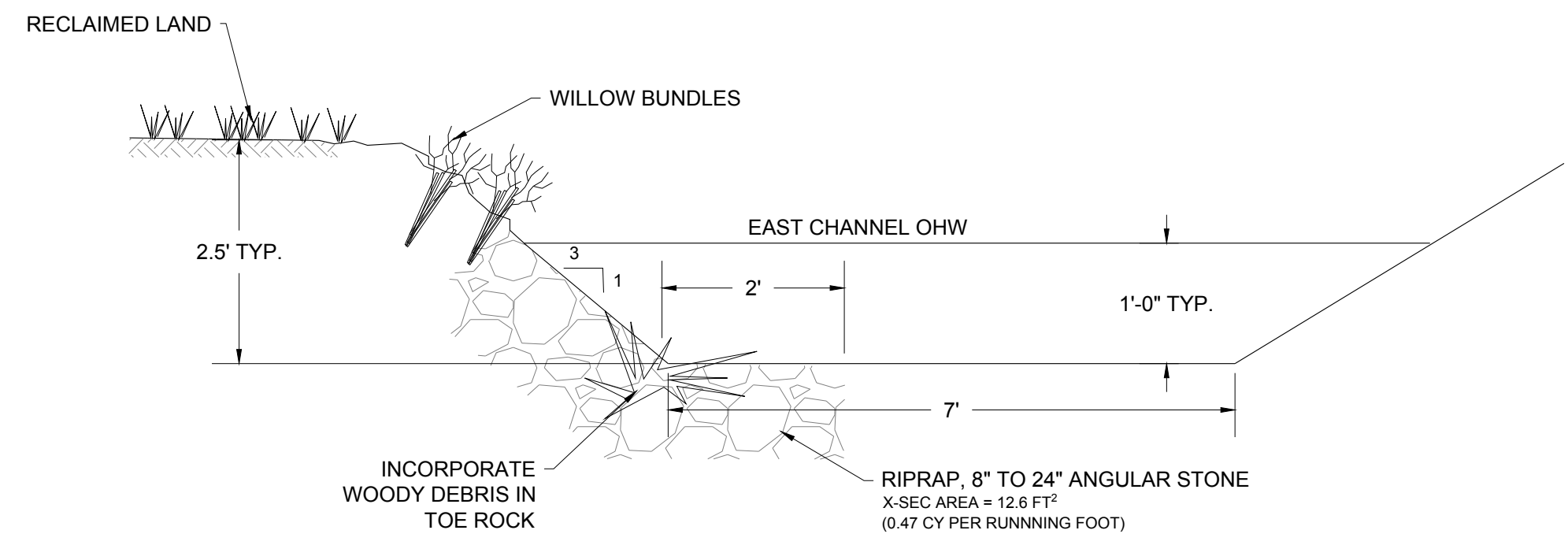
B EAST CHANNEL ENTRANCE SECTION
1 2 SCALE: N.T.S.



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



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

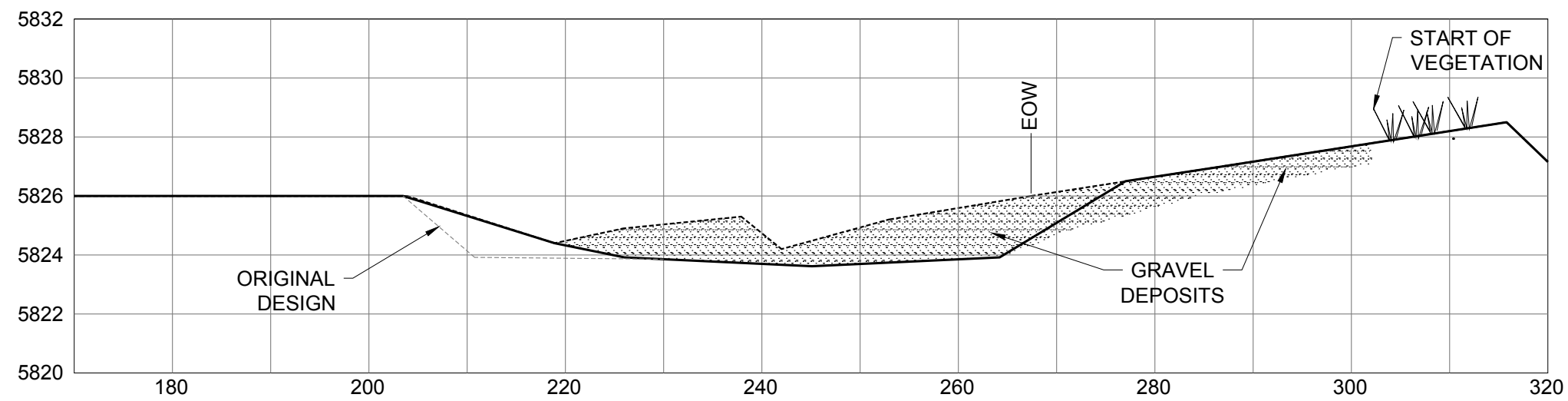


4 BANK TREATMENT - SOUTH EDGE OF RECLAMATION
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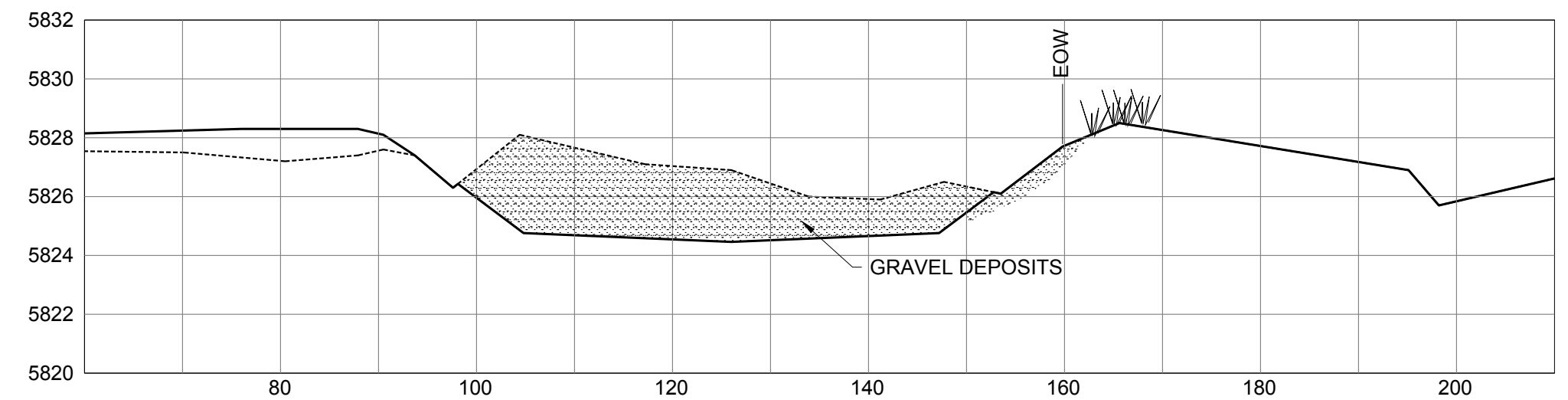
NOT FOR CONSTRUCTION

AMENDMENT 9/28/2020

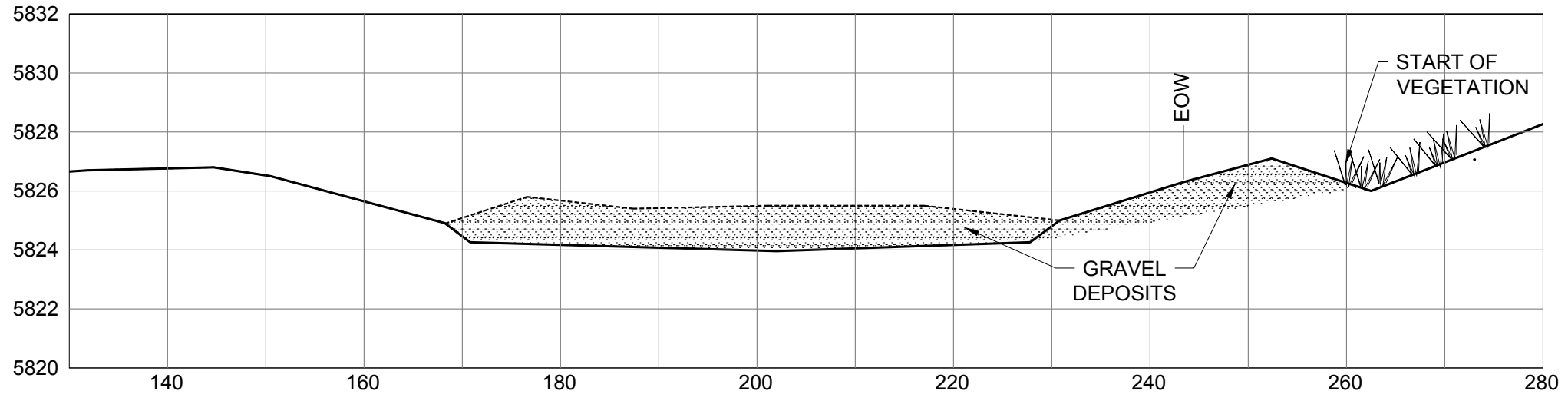
THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT, REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.	G	AMENDMENT - 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 SECTIONS AND DETAILS	PROJECT #	538-17-2016
	F	GEOGRID REMOVAL FOR CITY	9/16/19									DWG #	2
	E	FOR FINAL PERMIT	7/19/19									REV	145
	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									



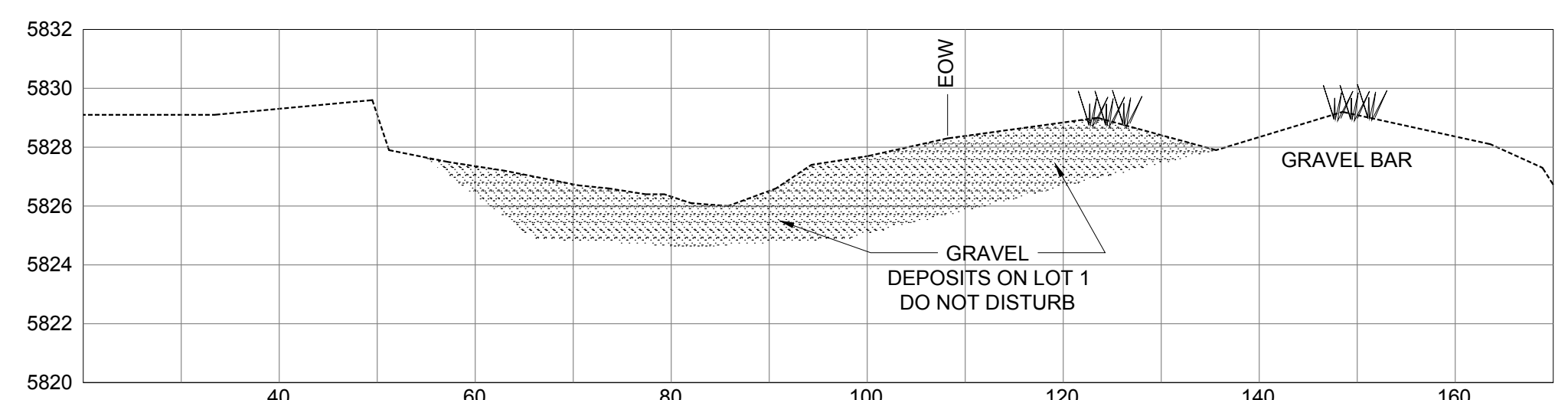
C.0 SECTION 100
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 VERTICAL SCALE: 1" = 5'



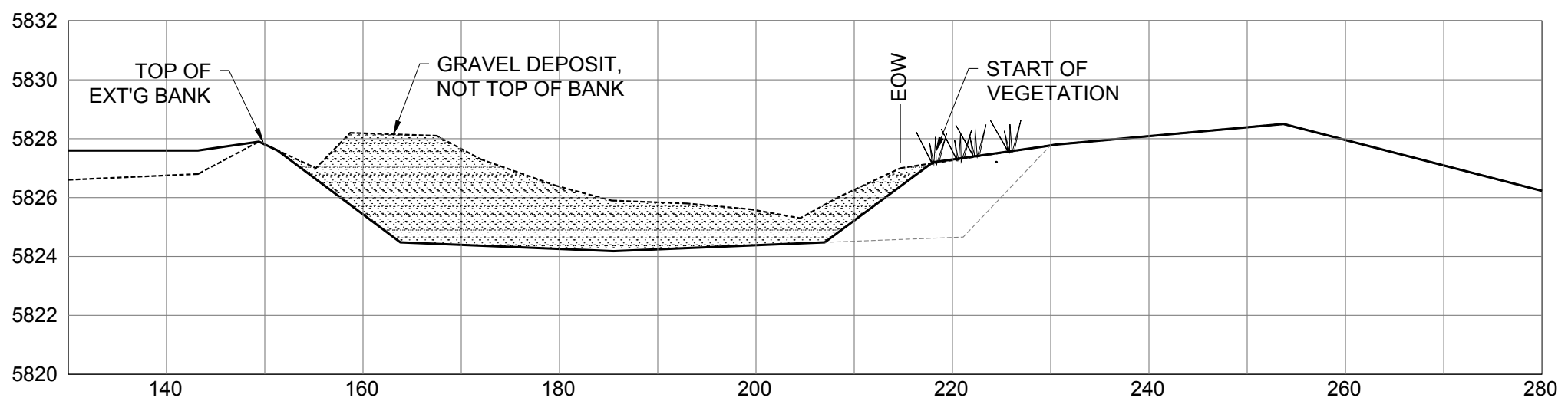
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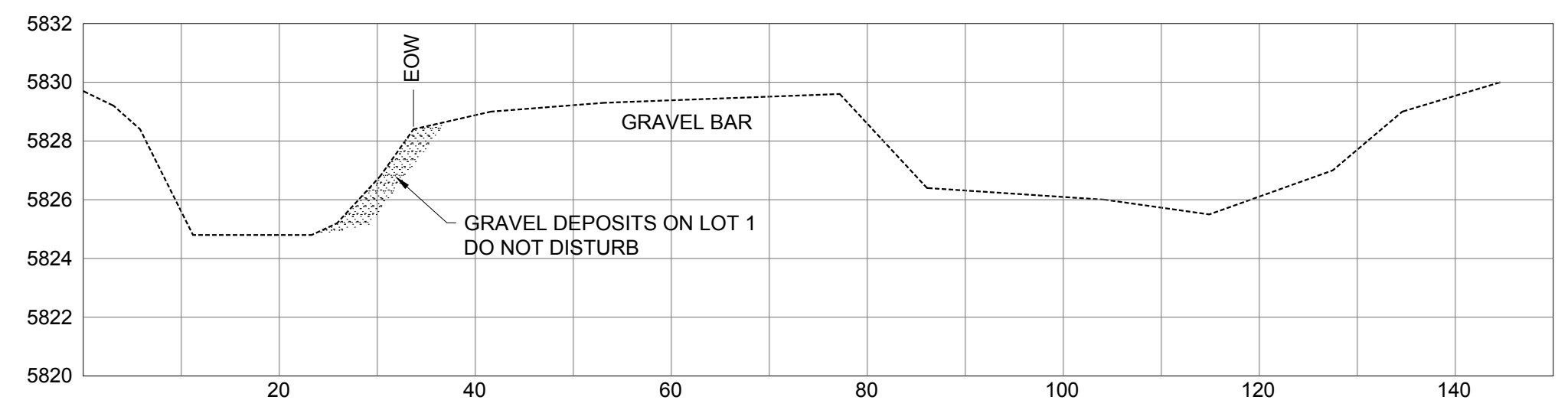
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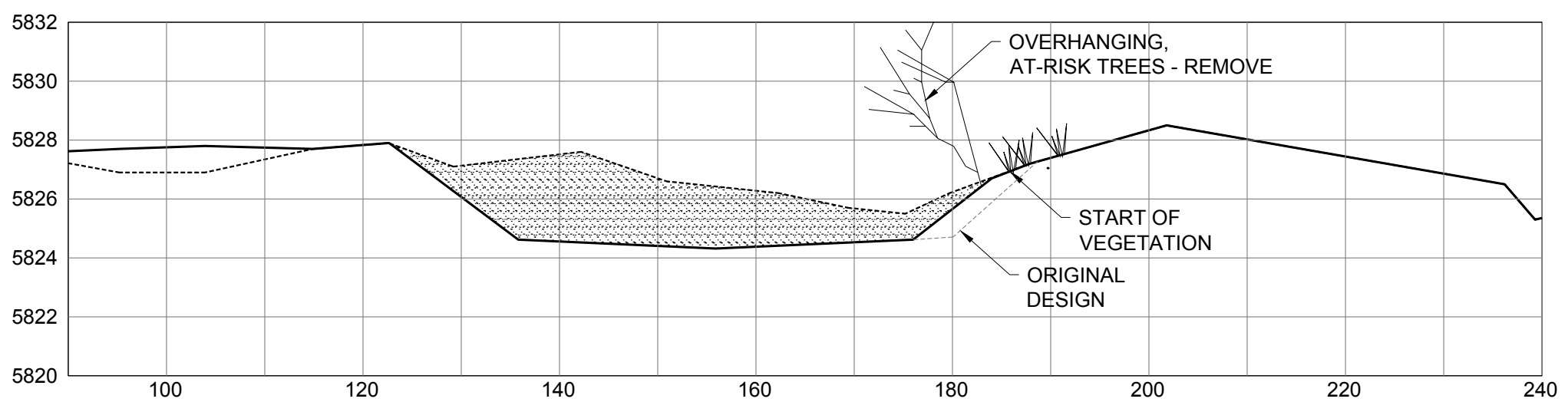
C.5 SECTION 105
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 VERTICAL SCALE: 1" = 5'



C.2 SECTION 102
 HORIZONTAL SCALE: 1" = 15'
 VERTICAL SCALE: 1" = 5'



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



C.3 SECTION 103
 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.

REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS
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		

DESIGNED BY
CGB

DRAFTED BY
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
CHANNEL CROSS-SECTIONS

PROJECT #
538-17-2016

DWG #
3

REV
146

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 (ft ²)
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 23, 2021**

PROJECT: 128 Saddle Road Townhomes

FILE NUMBERS: P21-013 & P21-012

APPLICATION: Design Review, 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.

128 SADDLE ROAD TOWNHOMES

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.

STAFF RECOMMENDATION

Staff recommends that the Commission consider the project plans, the applicant's presentation, and any public comment received, deliberate, and approve the 128 Saddle Road Townhomes Design Review application and recommend approval of the Townhouse Subdivision Preliminary Plat and Phased Development Agreement to City Council.

ANALYSIS

Staff analysis is provided in Tables 1 through 4 including: (1) City Department comments, (2) adherence zoning and dimensional standards, (3) evaluation of Design Review criteria, (4) townhouse subdivision requirements, and (5) subdivision design and development standards. Project plans are attached as Exhibits A and B.

Table 1: City Department Comments

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.

Addressing for the project shall be the following:

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

- 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 Analysis

Zoning and Dimensional Standards Analysis				
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"/>	17.12.030	Minimum Lot Area
			Staff Comments	<p>Required Minimum Lot Area: 8,000 square feet minimum 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	Minimum Open Space
			Staff Comments	<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	Floor Area Ratios and Community Housing
			Staff Comments	<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	Minimum Building Setbacks
			Staff Comments	<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</p> <p>A. Cornices, canopies, eaves, chimney chases or similar architectural features may extend into a required yard not more than 3 feet.</p> <p>H. Decks less than 30 inches in height from existing grade may be constructed to the property line.</p> <p>Proposed:</p> <p>The site plan is provided on Sheet A0.01 of the project plans.</p> <p>Front (South/Valleywood Drive): 15 feet</p> <p>Side (East/Interior): 14 feet-8 inches</p> <p>Side (West/Interior): 11 feet-3 inches</p> <p>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	Building Height
			Staff Comments	<p>Maximum Permitted: 35 feet</p> <p>Proposed: All townhome units are less than 34 feet in height.</p> <p>Unit 1: 33'-9"</p> <p>Unit 2: 33'-6"</p> <p>Unit 3: 32'-5"</p> <p>Unit 4: 33'-3"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.030H	Curb Cut
			Staff Comments	<p>Required:</p> <p>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
			Staff Comments	<p>Off-street parking standards apply to any new development and to any new established uses.</p> <p>Required:</p> <p>Multiple-Family Residential Dwelling Units in the T Zone</p> <p>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>
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Table 3: Design Review Standards Evaluation

Design Review Improvements and Standards (KMC §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.A1 Streets	<p>The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.</p>
			Staff Comments	<p>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.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.A2 Streets	<p>All street designs shall be approved by the City Engineer.</p>
			Staff Comments	<p>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.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.B1 Sidewalks	<p>All projects under 17.96.010(A) that qualify as a “Substantial Improvement” shall install sidewalks as required by the Public Works Department.</p>
			Staff Comments	<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"/>	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.
			Staff Comments	The sidewalk along Valleywood Drive is 8 feet wide. The existing bike path along Saddle Road will be widened to 14 feet. 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.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.B3 Sidewalks	Sidewalks may be waived if one of the following criteria is met: a. The project comprises an addition of less than 250 square feet of conditioned space. b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.
			Staff Comments	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.
			Staff Comments	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. 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 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.
			Staff Comments	As indicated on Sheet C1.1, the applicant will improve the bike path along the property’s Saddle Road frontage. These improvements

				<p>include widening the bike path to 14 feet. These improvements will extend west along the Kneeland Condominiums' frontage.</p> <p>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.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.B6 Sidewalks	<p>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.</p>
			Staff Comments	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	<p>All storm water shall be retained on site.</p>
			Staff Comments	<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> <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.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.C2 Drainage	<p>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</p>
			Staff Comments	<p>See above analysis for Ketchum Municipal Code §17.96.060C1. All drainage improvements are required to meet City standards.</p> <p>All drainage improvements shall be indicated on civil plans prepared by an Idaho licensed engineer and require review and approval from</p>

				<p>the City Engineer & Streets Department prior to issuance of a Building Permit for the project.</p> <p>See Table 2 for review comments and conditions from the City Engineer & Streets Department.</p>
<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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	<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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	<p>The front door of each townhome unit is framed by columns of board formed concrete tile and projecting canopy elements.</p> <p>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.</p>

<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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F6 Architectural	Building(s) shall orient towards their primary street frontage.
			Staff Comments	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.

			Staff Comments	<p>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.</p> <p>The project plans do not indicate the installation of any satellite receivers. Any future installations of satellite receivers must be screened from public view.</p>
<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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	<p>The townhome development will be accessed from Valleywood Drive. Traffic is anticipated to flow safely within the project and onto adjacent streets.</p> <p>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.</p>
<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.

			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.

			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.

Table 4: Townhouse Subdivision Requirements

Townhouse Plat Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.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.
			Staff Comments	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>
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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.
			Staff Comments	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> <ul style="list-style-type: none"> 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 b. Signed council approval of a phased development project consistent with §16.04.110 herein. <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>
			Staff Comments	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>
			Staff Comments	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>
			Staff Comments	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>
			Staff Comments	This townhouse subdivision will comply with all applicable local, state, and federal ordinances, rules, and regulations.

Table 5: Preliminary Plat Requirements (all subdivisions)

Preliminary Plat Requirements				
Compliant			Standards and Staff Comments	
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 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.
			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	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.
			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	Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows: <ol style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat.

				<p>3. All street corner lines ending at boundary line of final plat.</p> <p>4. All angle points and points of curves on all streets.</p> <p>5. The point of beginning of the subdivision plat description.</p>
			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> <p>1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings.</p> <p>2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: 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>

			Findings	Standards 4, 5, and 6 have been met. Standards 2 and 3 are not applicable. 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.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements: <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. 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.
			Findings	N/A. No new blocks are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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;
			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	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;
			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	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;
			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	4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;
			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	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;
			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	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;
			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	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. 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 comments and conditions from the City Engineer & Streets Department.
<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	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.
			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	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.
			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	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.
			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	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.
			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	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.
			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	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.
			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	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.
			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	2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns. d. Areas where trees and/or natural vegetation will be preserved. e. Location of all street and utility improvements including driveways to building envelopes. f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.
			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 revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.
			Findings	The project shall meet this requirement regarding soil stabilization and revegetation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.6	6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply: a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability. b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHTO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability. d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope. e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
			Findings	The project shall meet this development standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.0	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.
			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"/>	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.

RECOMMENDED MOTIONS

"I move to approve the 128 Saddle Road Townhomes Design Review application subject to conditions 1-10."

"I move to recommend approval of the 128 Saddle Road Townhome Subdivision Preliminary Plat and Phased Development Agreement to the City Council subject to conditions 1-7."

RECOMMENDED DESIGN REVIEW CONDITIONS OF APPROVAL

1. This Design Review approval is subject to all comments and conditions as described in Tables 2, 3, and 4.
2. 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.
3. 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.
4. 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.
5. 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).
6. All Design Review elements shall be completed prior to issuance of a Certificate of Occupancy for the building.
7. 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.
8. 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.
9. 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.
10. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.

RECOMMENDED TOWNHOUSE SUBDIVISION PRELIMINARY PLAT 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.

128 Saddle Road Townhomes

Design Review, Townhouse Subdivision Preliminary Plat, and Phased Development Agreement

Planning & Zoning Commission Meeting of March 23rd, 2021

City of Ketchum Planning & Building Department

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.

EXHIBITS:

- A. 128 Saddle Road Townhomes Design Review Project Plans
- B. 128 Saddle Road Townhomes Preliminary Plat Project Plans
- C. Phased Townhouse Subdivision Agreement

Exhibit A:
128 Saddle Road Townhomes
Design Review
Project Plans

1 2 8 S A D D L E R O A D



LANDSCAPE DESIGN NARRATIVE



Site Plan:

A curvilinear driveway will allow access to the main portion of the site from Valleywood Drive. The driveway works with the existing grade as much as possible to create a new organic aspect to the approach of the project. The proposed 4 Units are spaced out within the main portion of the project to best maintain views and provide good separation between units to create as much open spaces as possible. A central heated paver motor court provides access to the garages, provides parking, and allows for a fire truck turn around. Required snow storage will be provided for the asphalt entry driveway. The paver motor court, driveways, and entry walk are all proposed to be heated.

Grading & Drainage:

All new impervious surfaces will be sloped to direct run off into proposed drainage swales and into new drywells. Proposed landscape retaining walls will be used where necessary to blend in with existing grades. The proposed landscape retaining walls are planned to be 4' maximum height.

Landscape Plan:

The project will use low maintenance grasses, minimal maintained lawn, and shrub plantings to revegetate. Shrub plantings will be used in specific areas to provide low screening of the project from critical view angles and critical views of the neighboring residences. The use of evergreen shrubs or small trees will be utilized to provide year around low screening. Evergreen & deciduous tree plantings are limited and are only proposed in pockets or areas where the views are minimal or nonexistent. Landscape lighting is not proposed and will be limited to the lighting required on the architecture.

PROJECT LOCATION:

128 Saddle Rd, Ketchum, ID



PROJECT INFORMATION:

PARCEL NUMBER	RPK0478000020
LEGAL DESCRIPTION	LOT 2, KNEELAND SUBDIVISION
LOT SIZE	55,843 SF/1.282 AC.
ZONE	T
BUILDING HEIGHT	33'-9" (MAX ALLOWED = 35')
FRONT SETBACK	15'
SIDE SETBACKS	10'
REAR SETBACK	15'
OPEN SPACE PROVIDED	25,508 SF (~46%)
TOTAL INTERIOR SF	16,704 SF
F.A.R.	~0.30

ARCHITECT/OWNER'S REPRESENTATIVE:

RICHARD CHILDRESS
POINT ARCHITECTS
209 E 35TH ST, GARDEN CITY, ID
208-284-2999
rich@pointarchitects.com

LANDSCAPE ARCHITECT:

NATHAN SCHUTTE
NS CONSULTING, PLLC
380 US-26, SHASHONE, ID 83352
208-320-2911
nathanwschutte@gmail.com

OWNER/APPLICANT:

128 SADDLE RD, LLC
ROBERT PARKER
270 LEADVILLE AVE, KETCHUM, IDAHO 83340
208-726-1875
robert@vpcompanies.com

SHEET INDEX:

A0.00	COVER
A0.01	ARCHITECTURAL SITE PLAN
A0.02	CONSTRUCTION ACTIVITY PLAN
A0.03	PROJECT RENDERINGS
A1.10	UNIT 1 - COVER
A1.20	UNIT 1 - BASEMENT
A1.21	UNIT 1 - GROUND FLOOR
A1.22	UNIT 1 - SECOND FLOOR
A1.30	UNIT 1 - ELEVATIONS
A1.40	UNIT 1 - SECTIONS
A2.10	UNIT 2 - COVER
A2.20	UNIT 2 - BASEMENT
A2.21	UNIT 2 - GROUND FLOOR
A2.22	UNIT 2 - SECOND FLOOR
A2.30	UNIT 2 - ELEVATIONS
A2.40	UNIT 2 - SECTIONS
A3.10	UNIT 3 - COVER
A3.20	UNIT 3 - GROUND FLOOR
A3.21	UNIT 3 - SECOND FLOOR
A3.22	UNIT 3 - THIRD FLOOR
A3.30	UNIT 3 - ELEVATIONS
A3.40	UNIT 3 - SECTIONS
A4.10	UNIT 4 - COVER
A4.20	UNIT 4 - GROUND FLOOR
A4.21	UNIT 4 - SECOND FLOOR
A4.22	UNIT 4 - THIRD FLOOR
A4.30	UNIT 4 - ELEVATIONS
A4.40	UNIT 4 - SECTIONS
A5.00	MATERIALS AND COLORS SAMPLE BOARD
A6.00	LIGHTING SPECS
L1	LANDSCAPE PLAN
L2	GRADING AND DRAINAGE
PLAT1	PRELIMINARY PLAT 1

ARCHITECTURAL DESIGN NARRATIVE



Architectural Forms:

Folded "shells" are supported by more solid masses that engage the sloping terrain and minimize above ground building mass. The lower units have daylight basements with ground level entries and the upper units' ground level is partly below grade. Folded and cantilevered planes form roofs and decks. Low sloping simple roofs keep the profiles and building heights low to preserve the views for the homes behind. Like a folded shell opening towards the Baldy view, the back wall and roof shield the visual connection between the houses. Privacy is preserved for both while maximizing Baldy view access for all.

Structural Components:

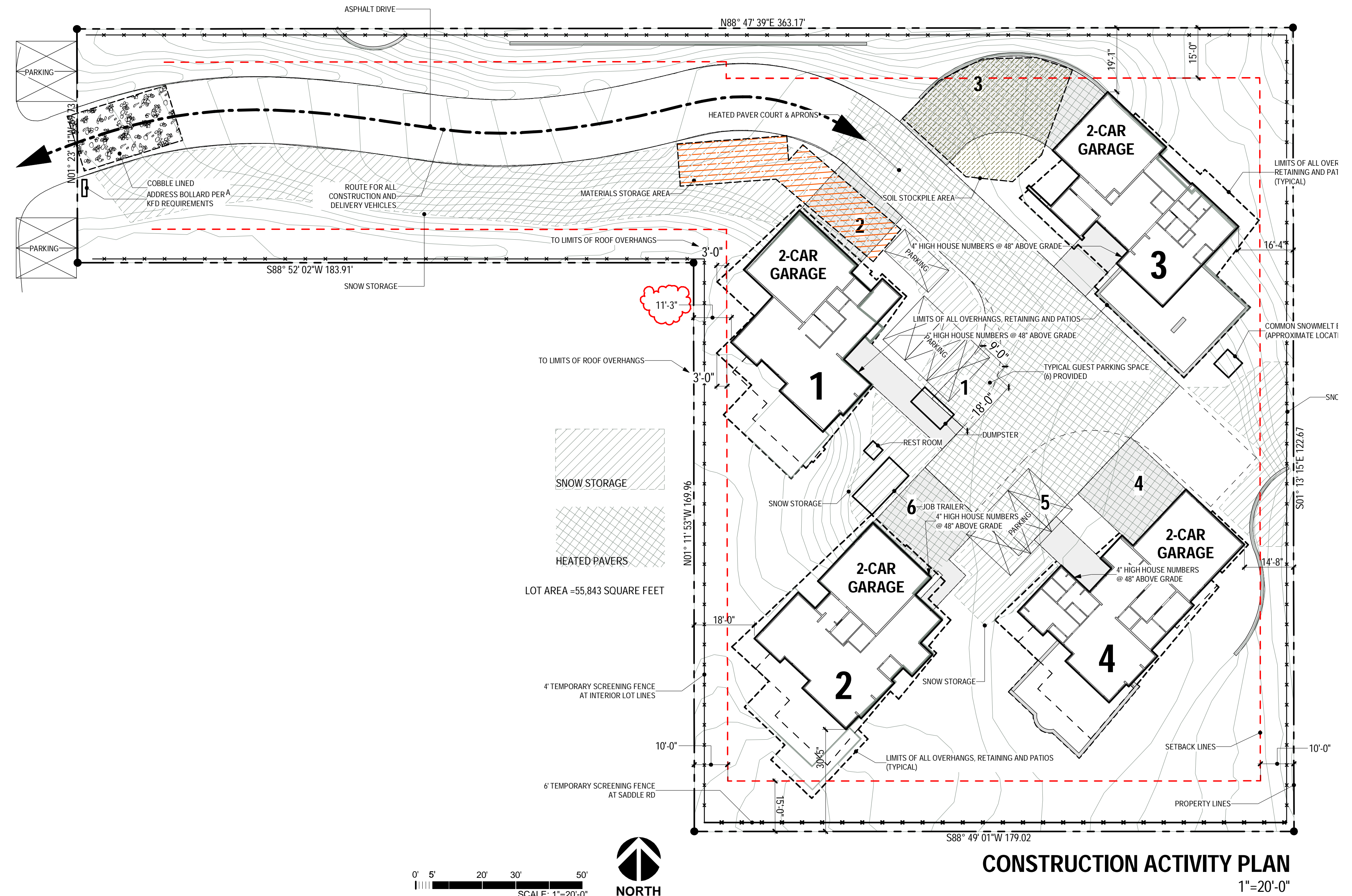
Heavy glue lams or wood clad steel beams will be expressed and will support large cantilevered deck and roof overhangs. Columns will all be hidden in walls or be in the form of massive stone clad elements to pick up the significant loads generated by the cantilevered roof and deck planes. Structural scale fasteners and hardware will be expressed to offer clues about how the structure has been assembled and to add texture and interest to the structural expression.

Exterior Finishes:

Wood will be the dominant expressed exterior material. Several high-quality, low maintenance wood or simulated wood products are being considered for exterior siding and soffits. A limited amount of dark cut stone rainscreen system will be used for areas near grade and to finish massive bearing elements. Roofing will be standing seam steel roofing shall be non-reflective in a subtle, natural tone that complements the wood soffit and siding. The same material will wrap down the back walls of the "shell" and be expressed in the deck finish and fascia to complete the "shell" image. Glass and transparency are like finish materials facing Saddle Rd. The glass will reflect its surroundings on bright days and emit the warm glow of the interior on dark evenings.



TRUCK ROUTE VICINITY MAP
NTS



CONSTRUCTION ACTIVITY PLAN
1"=20'-0"

CONSTRUCTION ACTIVITY NOTES AND REQUIREMENTS

A. GENERAL INFORMATION AND SCHEDULE:

- OSBORNE + STOREY (O+S) IS THE CONSTRUCTION MANAGER FOR THE PROJECT AND IS RESPONSIBLE FOR ALL ASPECTS OF THE WORK.
- ADJACENT NEIGHBORS WILL BE NOTIFIED IMMEDIATELY FOLLOWING DESIGN REVIEW APPROVAL.

B. EXCAVATION:

- SEE GRADING PLAN FOR CUT AND FILL INFORMATION.
- STOCKPILE AREAS WILL BE AS INDICATED ON THE CONSTRUCTION ACTIVITY PLAN.
- SEE ATTACHED MAP FOR TRUCK ROUTES.
- A COBBLE LINED WASH OUT AREA IS PROVIDED TO PREVENT VEHICLES FROM SPREADING MUD, ETC. SILT FENCE AND STRAW WATTLES WILL PREVENT SILT AND MUD FROM FLOWING OFF OF THE SITE.
- STOCKPILES SOIL WILL BE TEMPORARILY COVERED WITH POLY URETHANE SHEETS AS NEEDED FOR DUST ABATEMENT.

C. VEHICLE PARKING AND TRAFFIC CONTROL:

- SEVEN PARKING SPACES ON SITE HAVE BEEN IDENTIFIED ON THE CONSTRUCTION ACTIVITY PLAN. ANOTHER FOUR ARE SHOWN AT THE VALLEYWOOD ENTRANCE. THIS WILL BE ADEQUATE FOR DAY-TO-DAY NEEDS.
- ADDITIONAL WORKER PARKING SHOULD NOT BE REQUIRED. IF ISOLATED INSTANCES OCCUR WHERE CONSTRUCTION ACTIVITY REDUCES AVAILABLE PARKING, WORKERS WILL PARK IN LEGAL PUBLIC PARKING LOCATIONS OR WILL BE PROVIDED TRANSPORT FROM AN ACCEPTABLE OFF-SITE PARKING LOCATION.
- ALL MATERIAL WILL BE DELIVERED TO THE INTERIOR OF THE JOB SITE.
- THERE WILL NOT BE MORE THAN 15 VEHICLES PARKED ON SITE AT ONE TIME.
- "NO PARKING" SIGNS SHALL BE ADDED AS REQUESTED BY THE CITY.
- NO TEMPORARY TRAFFIC CONTROL IS REQUIRED FOR THE PROJECT.
- ALL EMPLOYEES AND SUBCONTRACTORS WILL BE INFORMED THAT CONSTRUCTION VEHICLES SHALL BE LIMITED TO FIFTEEN (15) MILES PER HOUR WITHIN ONE BLOCK OF A CONSTRUCTION SITE.

D. MATERIAL STORAGE/DELIVERIES:

- ALL MATERIAL STORAGE AREAS HAVE BEEN DEPICTED ON THE CONSTRUCTION ACTIVITY PLAN.
- DELIVERY TRUCK ROUTES HAVE BEEN DEPICTED ON THE CONSTRUCTION ACTIVITY PLAN.

E. TEMPORARY RESTROOMS, JOB SHACKS, DUMPSTERS:

- TEMPORARY RESTROOMS, JOB SHACKS AND DUMPSTERS HAVE BEEN SHOWN ON THE CONSTRUCTION ACTIVITY PLAN.
- CITY RIGHT OF WAY WILL NOT BE REQUIRED FOR STAGING, MATERIAL STORAGE OR DUMPSTER LOCATION.

F. SCREENING:

- SCREENING FENCE WILL BE PLACED AROUND THE PERIMETER OF THE SITE TO DELINEATE THE PROPERTY AND CONSTRUCTION BOUNDARY FOR WORKERS AS WELL AS FOR THE PUBLIC. A 6' HIGH FENCE IS PROPOSED AT SADDLE ROAD AND 4' ELSEWHERE.
- MALL MATERIAL STORAGE IS ON SITE AND WILL BE SCREENED BY THE PERIMETER FENCING.

G. USE OF RIGHTS OF WAY:

- THERE IS NO PLAN TO USE CITY RIGHT OF WAY.
- THERE IS NO PLAN TO USE CITY RIGHT OF WAY.
- NO MANHOLES WILL BE OBSTRUCTED AND A MINIMUM THREE FEET (3') CLEAR SHALL BE MAINTAINED ON BACK AND SIDES OF FIRE HYDRANTS, AND MINIMUM FIFTEEN FEET (15') CLEAR SHALL BE MAINTAINED ON THE FRONT, STREET SIDE OF FIRE HYDRANTS.

H. NOTICING:

- ADJACENT NEIGHBORS WILL BE NOTIFIED IMMEDIATELY FOLLOWING DESIGN REVIEW APPROVAL.

I. SITE CLEAN UP:

- THE JOB SITE WILL BE KEPT IN A CLEAN AND ORDERLY CONDITION. TRASH SERVICE WILL BE CONTRACTED WITH CLEAR CREEK. CONTRACTOR SHALL COORDINATE WITH CLEAR CREEK TO ENSURE APPROPRIATE DUMPSTER LOCATION.

J. RIPARIAN, HILLSIDE AND TREE PROTECTION:

- THE PROJECT IS NOT LOCATED IN A RIPARIAN OR HILLSIDE ZONE.
- THE PROJECT IS NOT LOCATED IN OR NEAR A RIPARIAN OR HILLSIDE ZONE.
- THERE ARE NO MATURE TREES ON THE SITE.
- THE PROJECT IS NOT IN THE MOUNTAIN OVERLAY ZONING DISTRICT NOR CONTAINS SLOPES GREATER THAN TWENTY FIVE PERCENT (25%).

K. RESEEDING OF DISTURBED AREAS:

- THE ENTIRE SITE WILL BE LANDSCAPED PER THE LANDSCAPE AND GRADING PLAN PROVIDED.

L. ADMINISTRATIVE EXEMPTIONS:

- NO ADMINISTRATIVE EXEMPTIONS ARE SOUGHT FOR THIS PROJECT.

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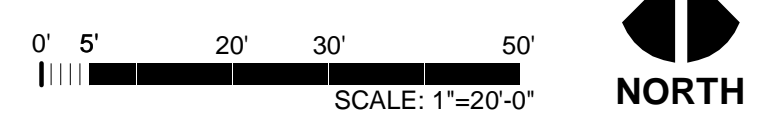
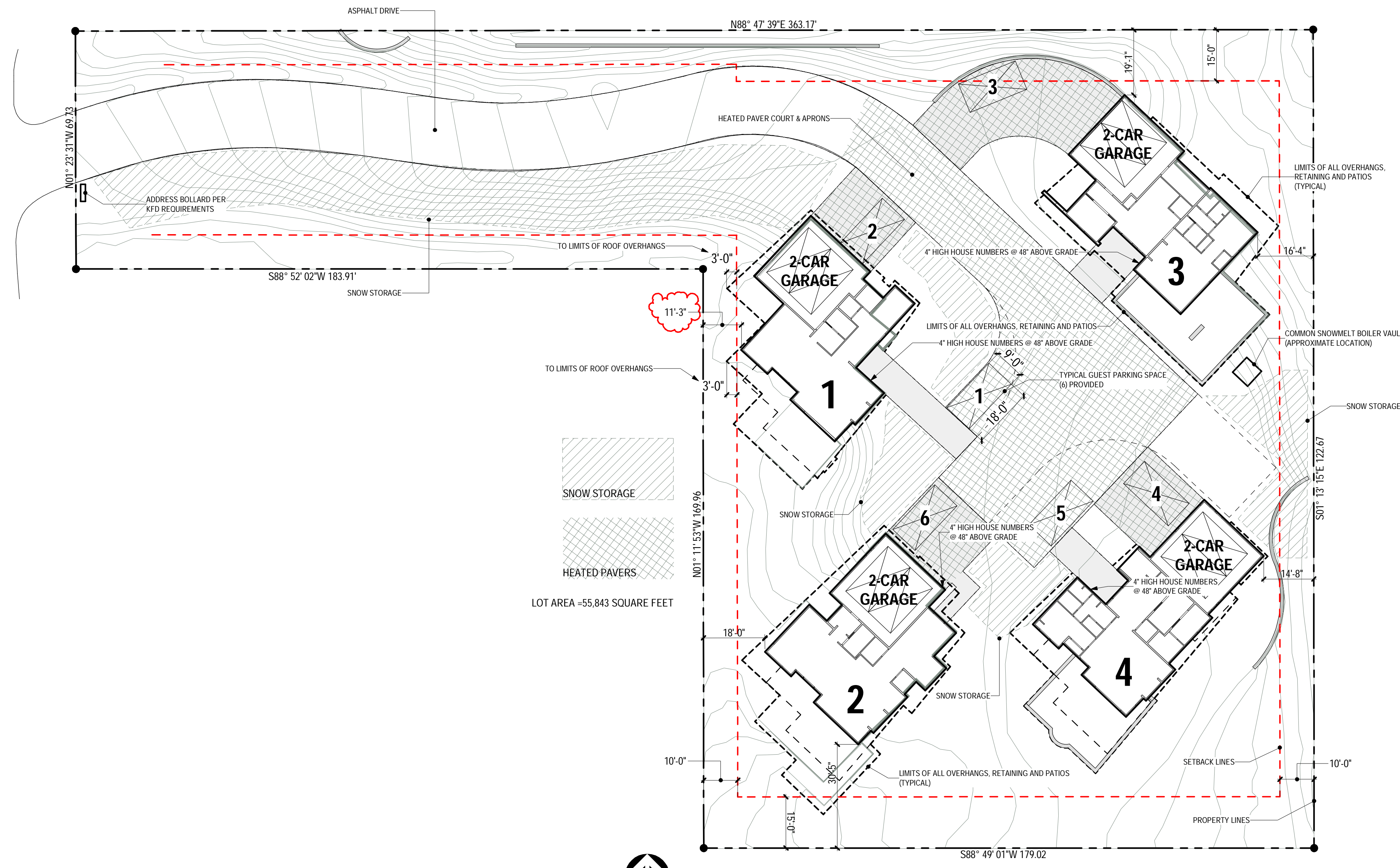
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48-2694
03/17/21
RICHARD H. CHILDRESS
STATE OF IDAHO

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SCALE 1/8"=1'-0"
FILE 128 Saddle Rd.pln
BY RC



SNOW STORAGE
 HEATED PAVERS
 LOT AREA = 55,843 SQUARE FEET

ARCHITECTURAL SITE PLAN

A0.01

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PROJECT RENDERING WITH CONTEXT



VIEW 1



VIEW 2

128 SADDLE RD | RENDERINGS

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FILE: 128 Saddle Unit 1.pln
BY: RC

STANDING SEAM METAL ROOFING - DARK GRAY

METAL FASCIA - DARK GRAY

MANCHURIAN RUST PITCHED STONE

MANCHURIAN RUST HONED STONE

CHARWOOD - SAGE (CEDAR SIDING)

PACIFIC PANEL METAL CLADDING SYSTEM P-200 - DARK GRAY

CHARWOOD - SAGE (CEDAR SIDING)

PACIFIC PANEL METAL CLADDING SYSTEM P-200 - DARK GRAY



MANCHURIAN RUST PITCHED STONE



MANCHURIAN RUST HONED STONE



CHARWOOD - SAGE (CEDAR SIDING)



METAL FASCIA - DARK GRAY
STANDING SEAM METAL ROOFING - DARK GRAY
PACIFIC PANEL METAL CLADDING SYSTEM P-200 - DARK GRAY



128 SADDLE RD | MATERIALS AND COLORS SAMPLE BOARD

UNIT 1



VIEW FROM SADDLE ROAD



AERIAL VIEW FROM SOUTH



AERIAL VIEW FROM EAST

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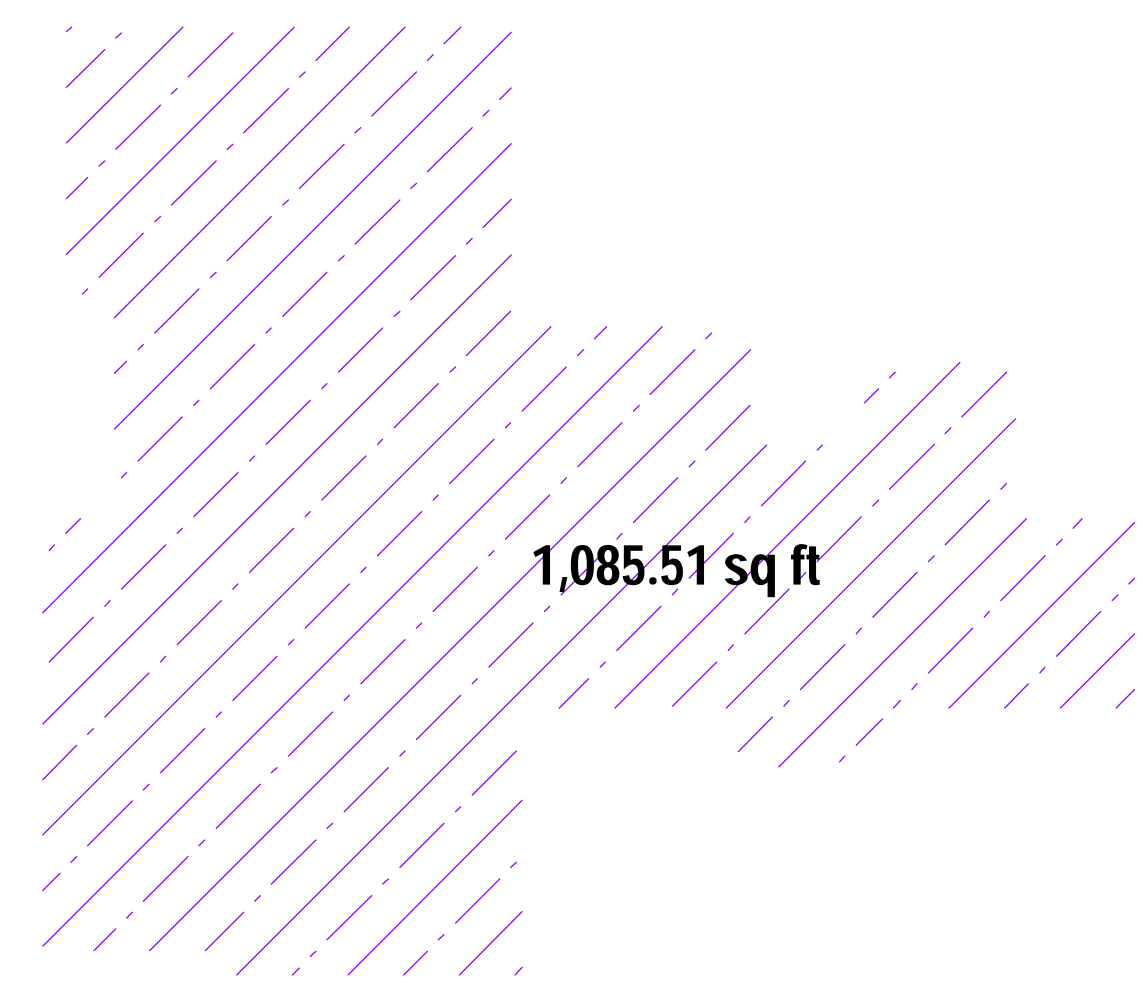
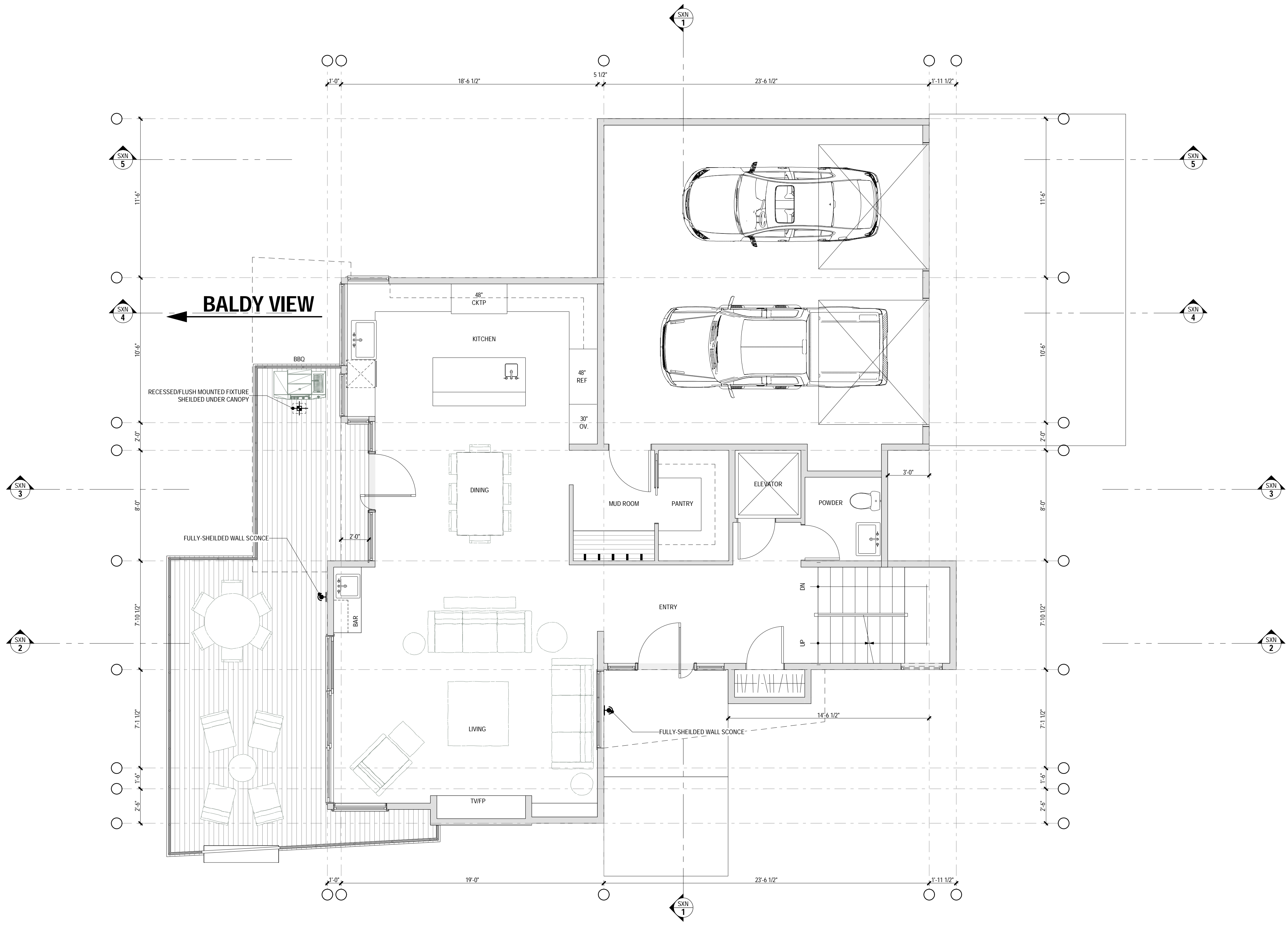
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128 SADDLE RD | UNIT ONE
GROUND LEVEL PLAN

1/4"=1'-0"

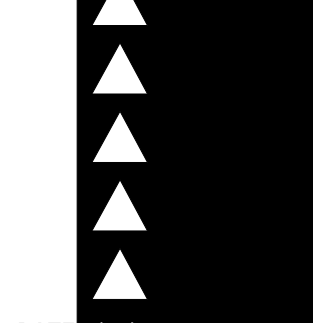
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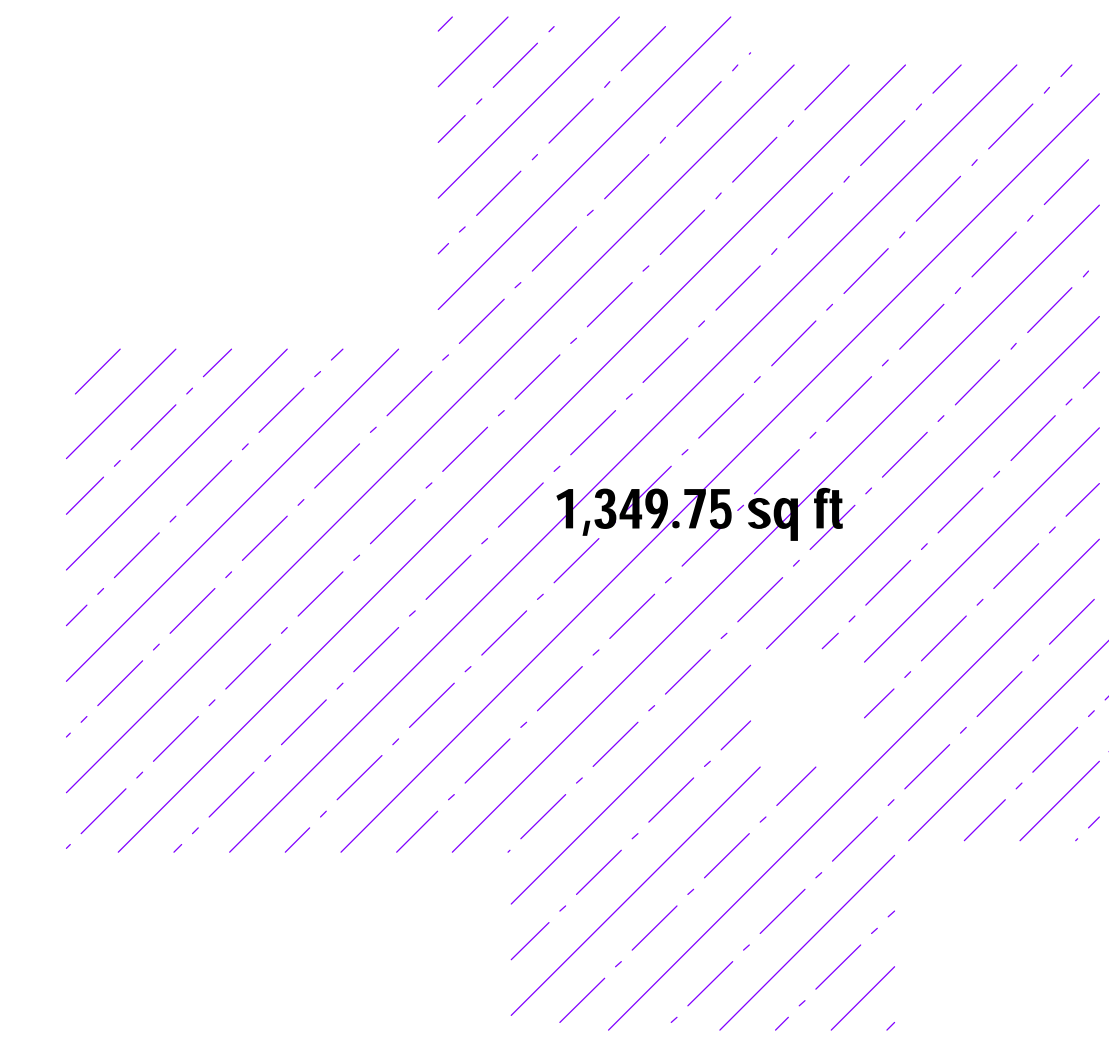
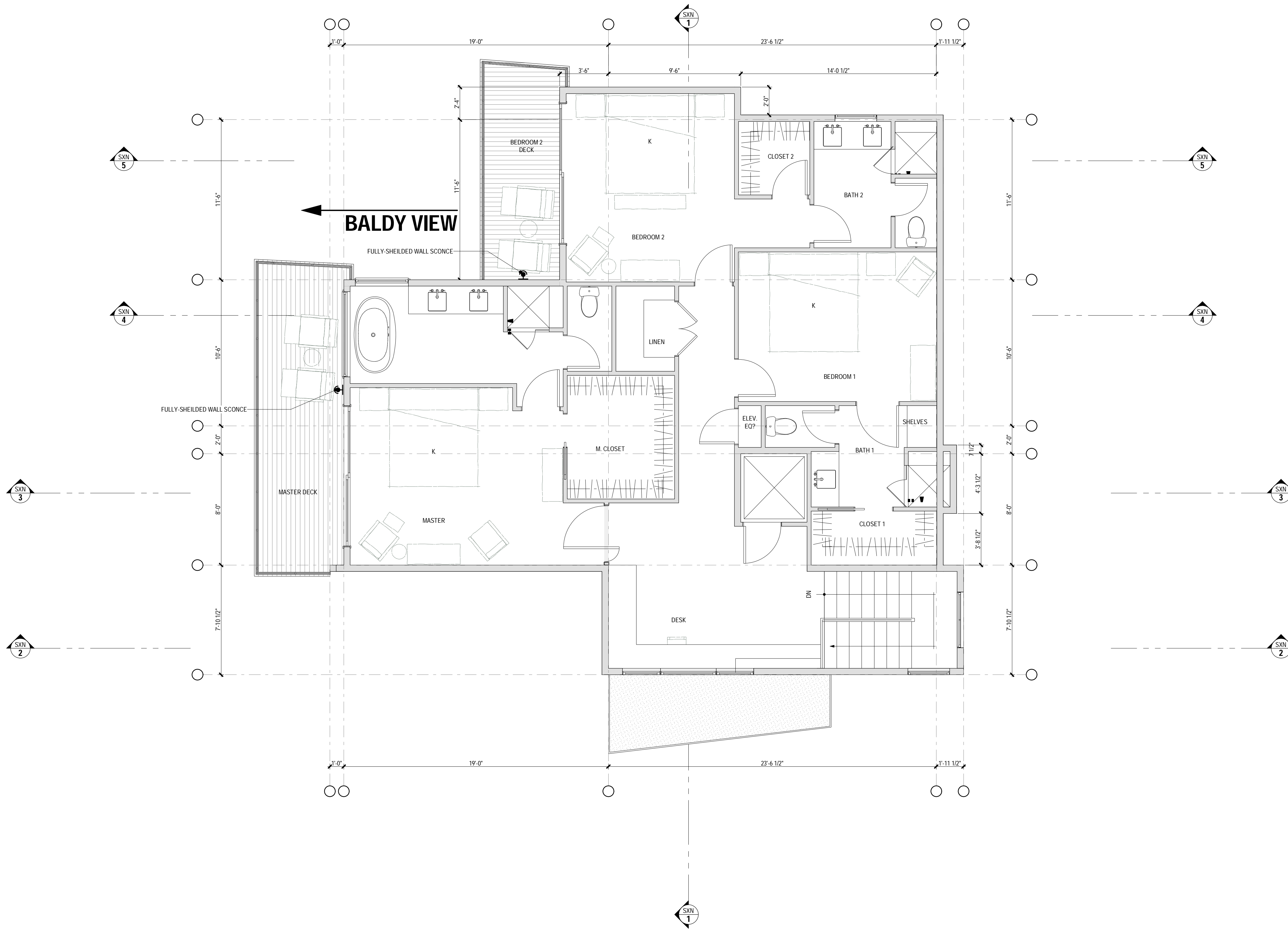
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128 SADDLE RD | UNIT ONE
 SECOND LEVEL PLAN

1/4"=1'-0"

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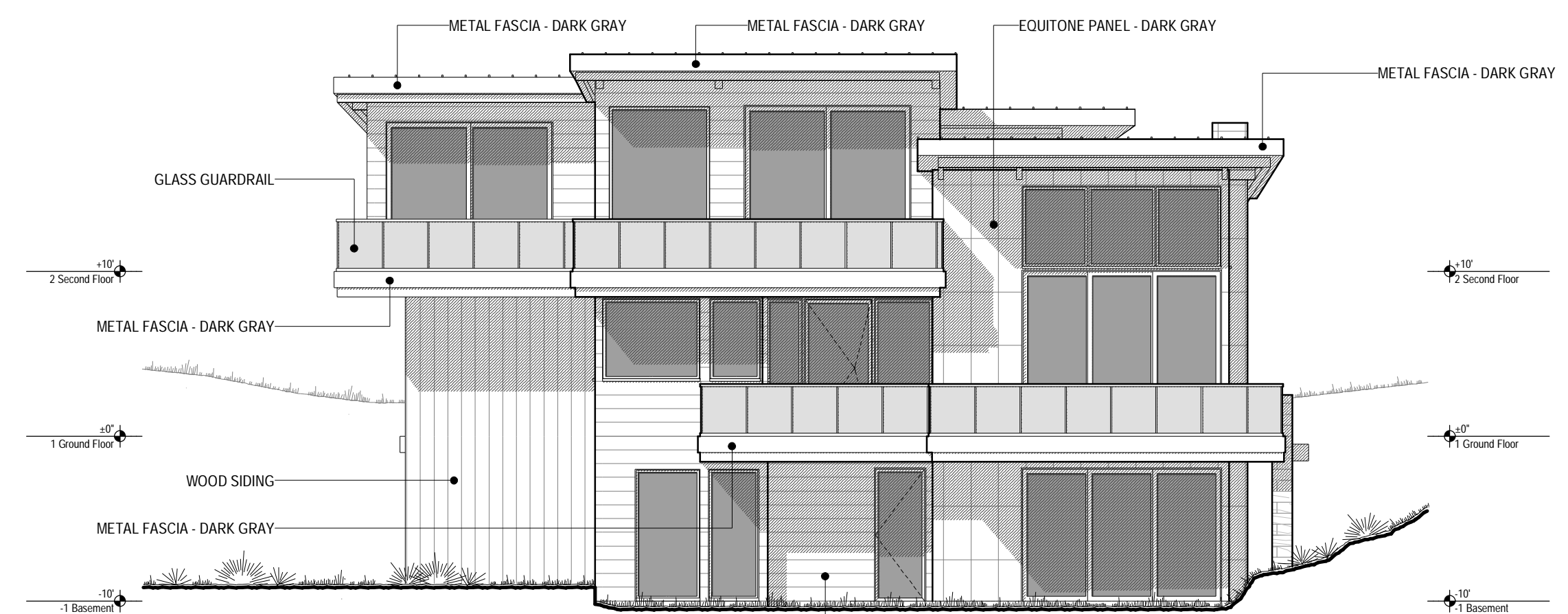
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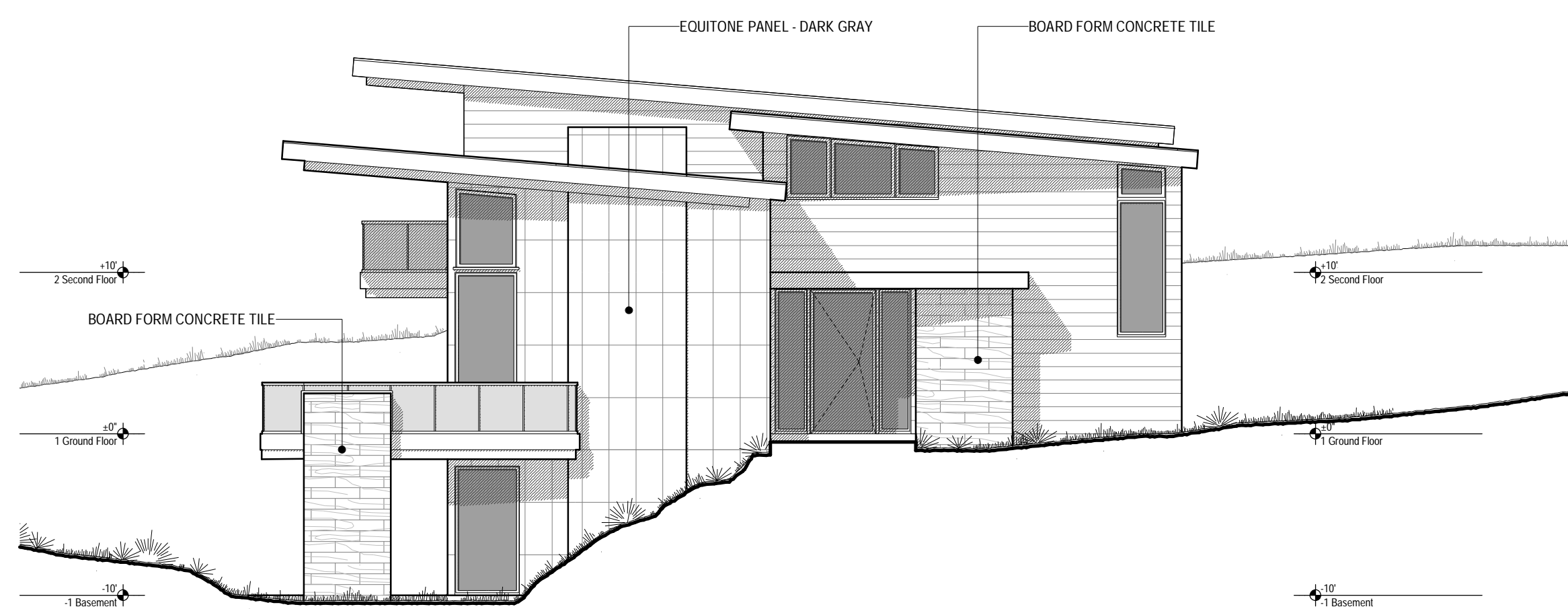
A1.22



WEST



SOUTH



EAST



NORTH



128 SADDLE RD | UNIT ONE
ELEVATIONS
1/8"=1'-0"

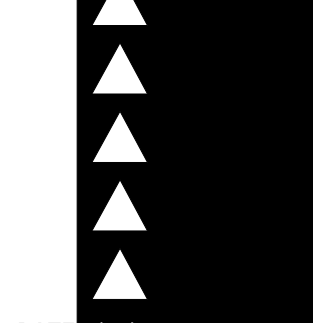
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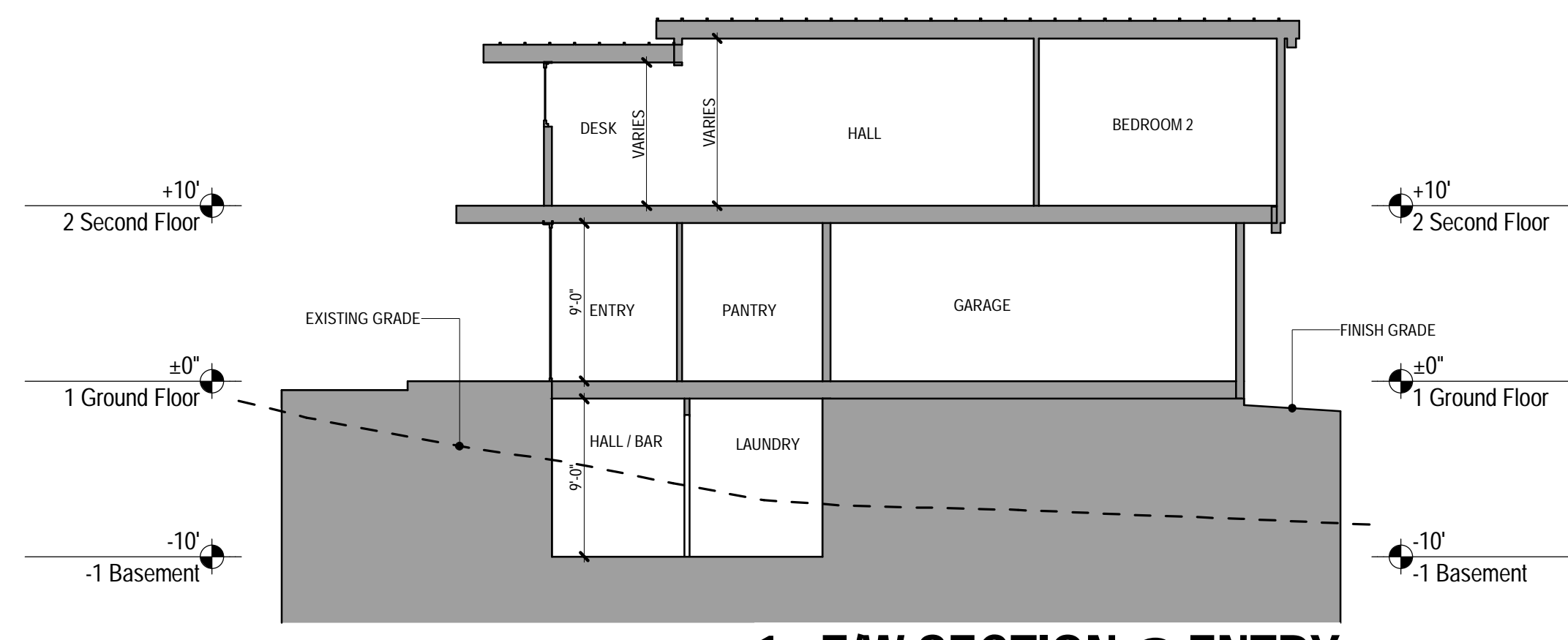
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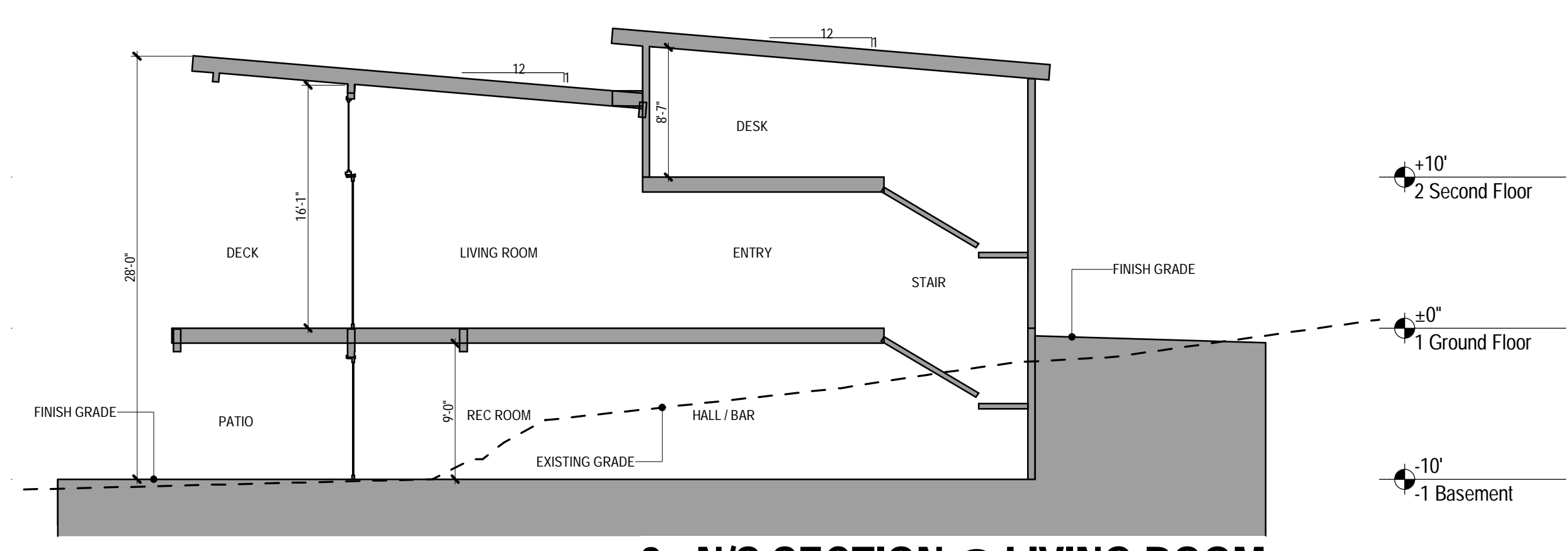


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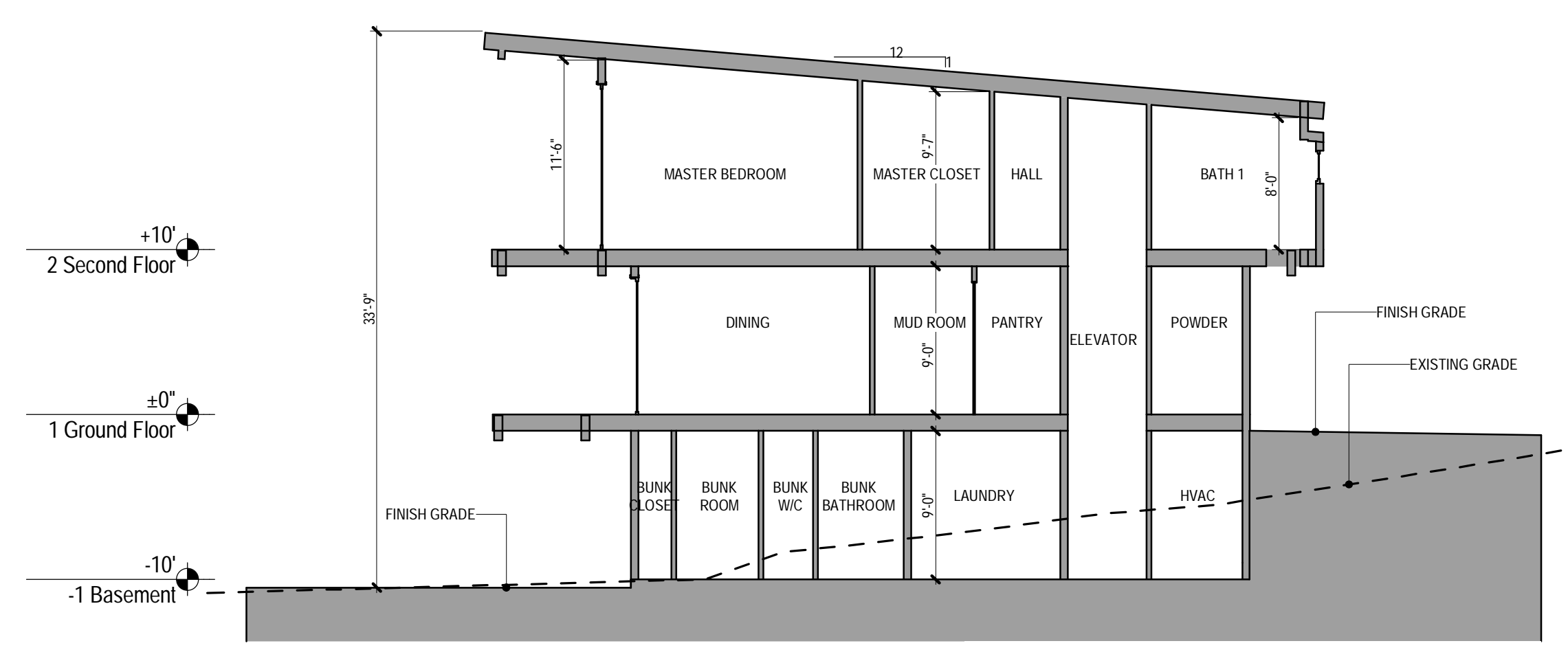
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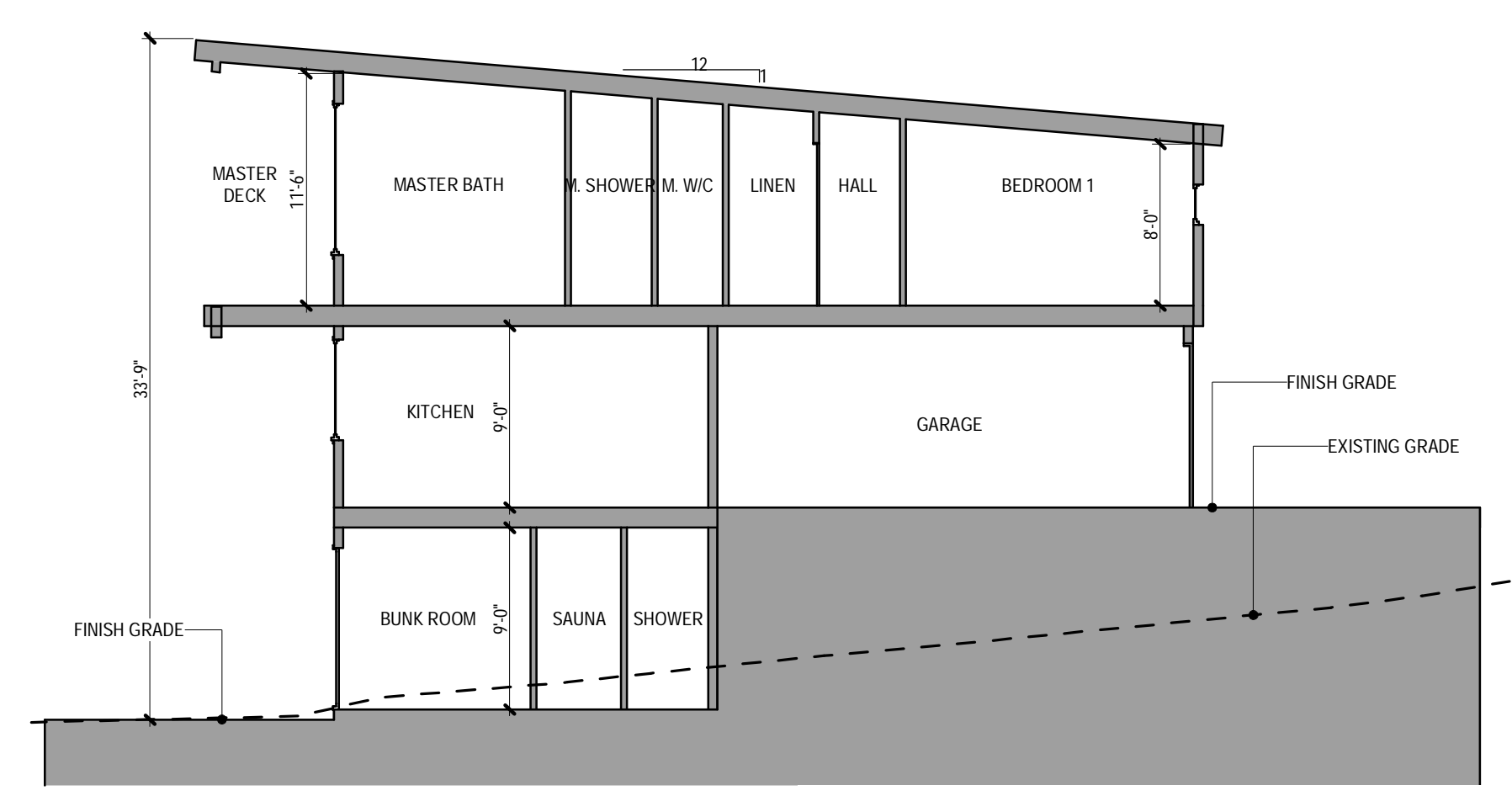
1 - E/W SECTION @ ENTRY



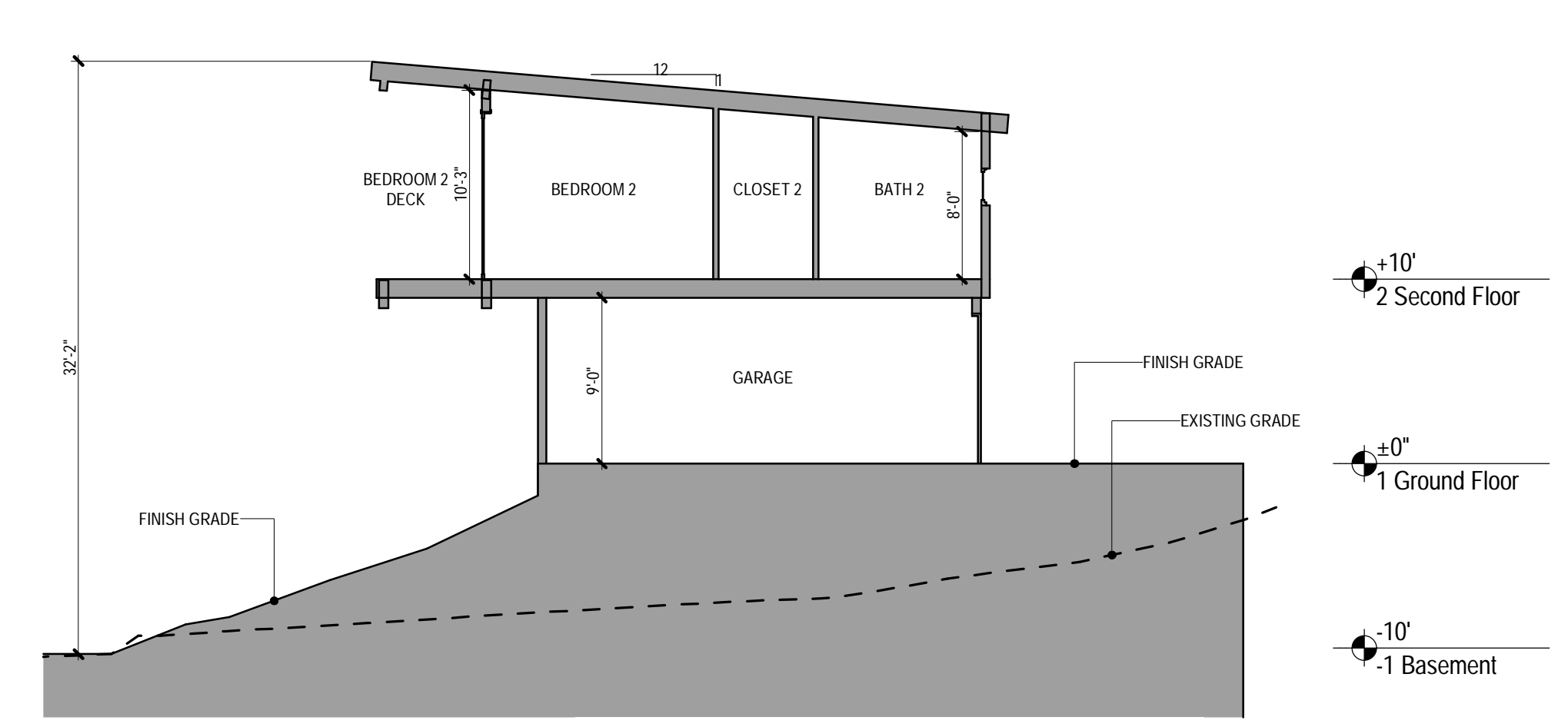
2 - N/S SECTION @ LIVING ROOM



3 - N/S SECTION @ MASTER



4 - N/S SECTION @ KITCHEN



5 - N/S SECTION @ M BATH

128 SADDLE RD | UNIT ONE
SECTIONS 1/8"=1'-0"

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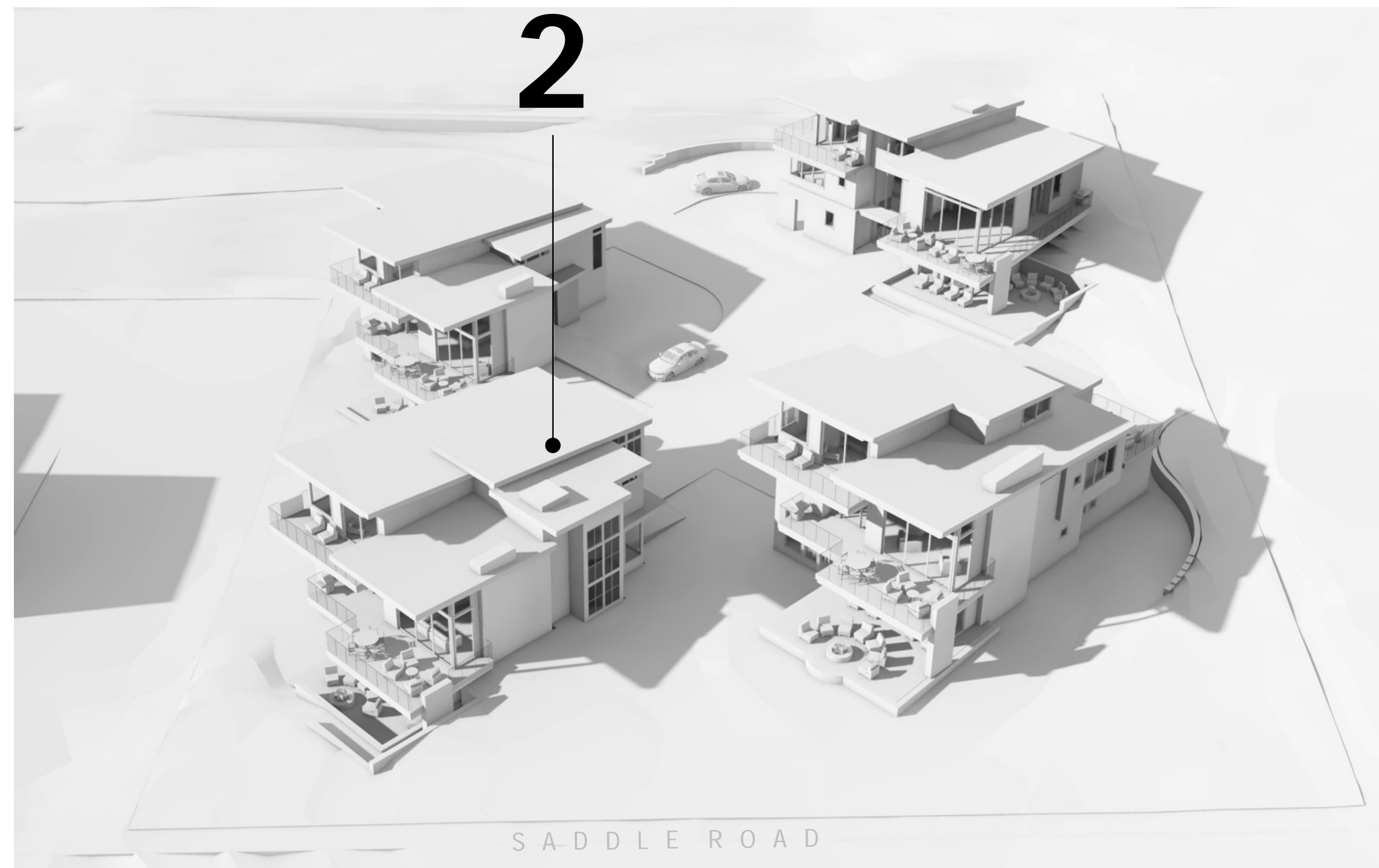
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UNIT 2



VIEW FROM SADDLE ROAD



AERIAL VIEW FROM SOUTH



AERIAL VIEW FROM EAST

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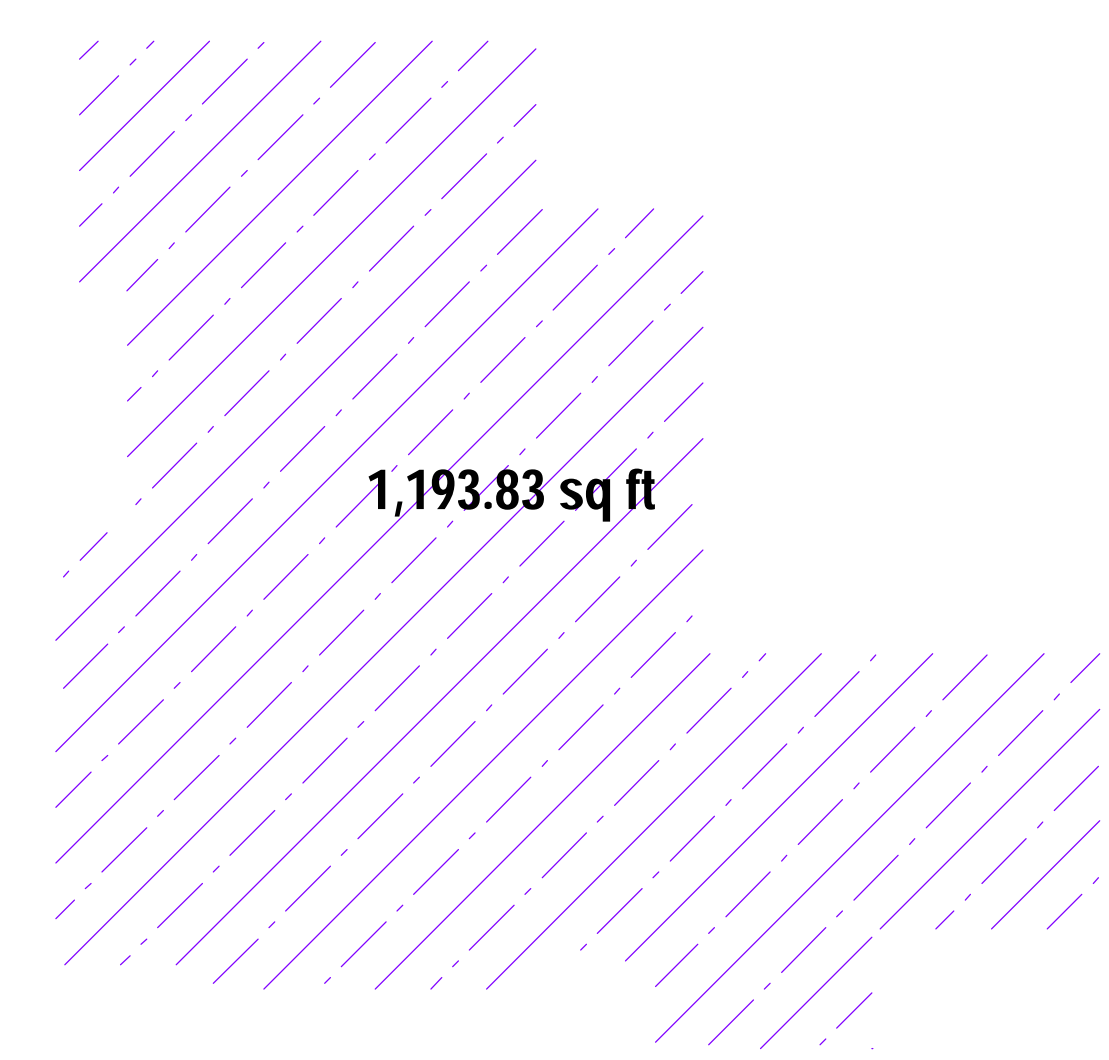
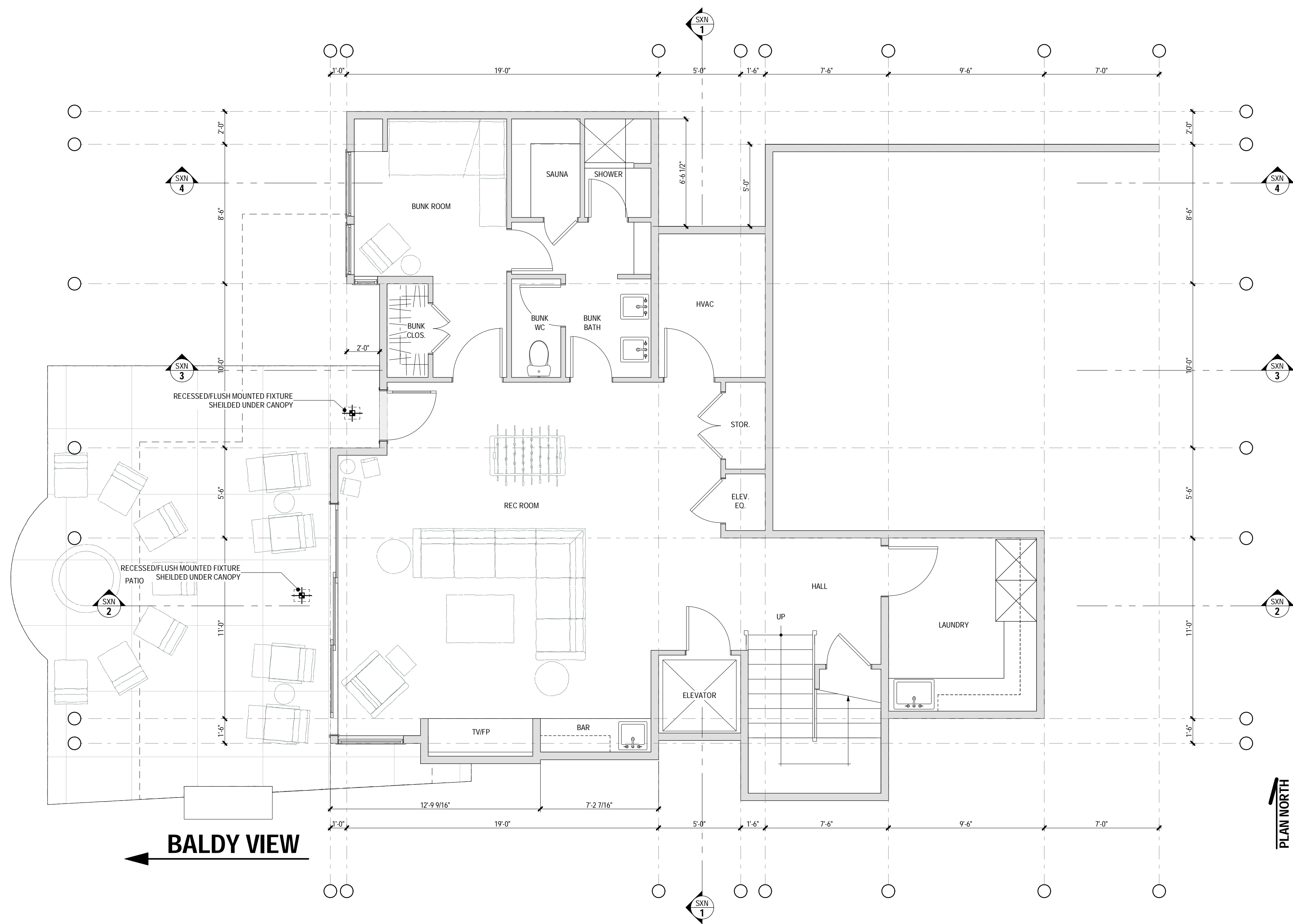
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FILE 128 Saddle Unit 2.pln
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128 SADDLE RD | UNIT TWO
 BASEMENT LEVEL PLAN 1/4"=1'-0"

UNIT 2 - 3,734 S.F. TOTAL

128 SADDLE ROAD | UNIT 2
 128 Saddle Rd., Ketchum, ID

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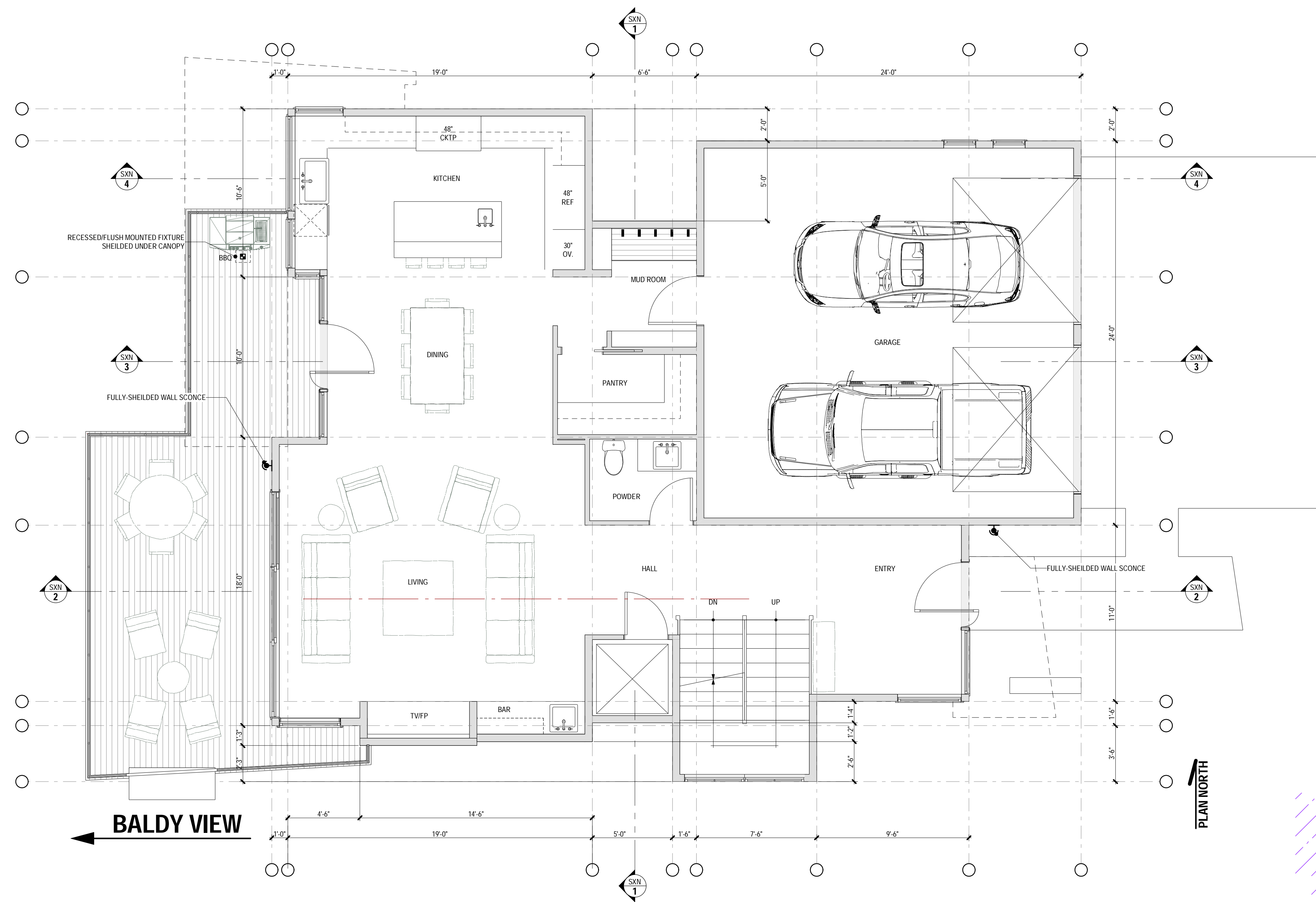
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 FILE: 128 Saddle Unit 2.pln
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A2.20

196



1,166.65 sq ft

128 SADDLE RD | UNIT TWO
 GROUND LEVEL PLAN 1/4"=1'-0"

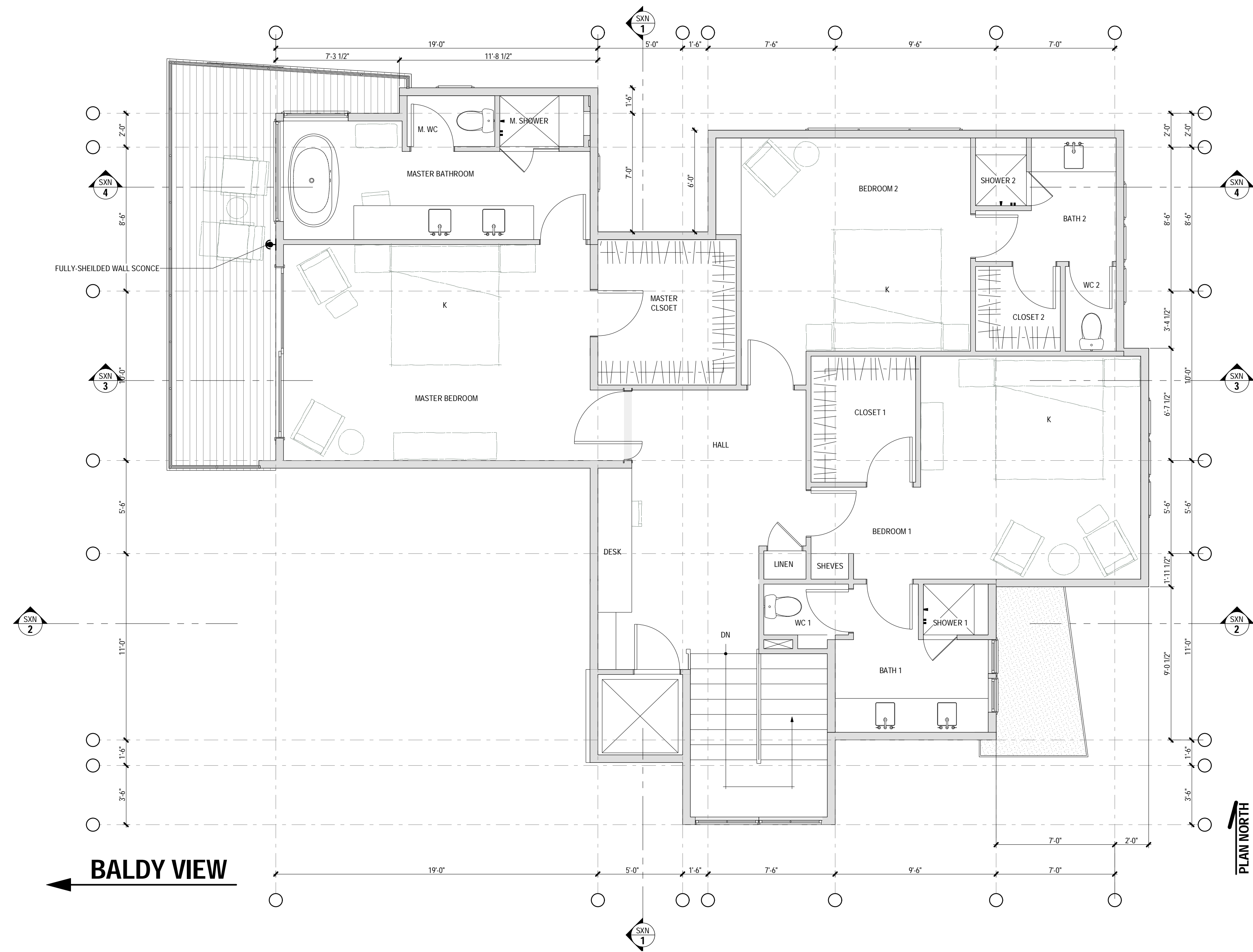
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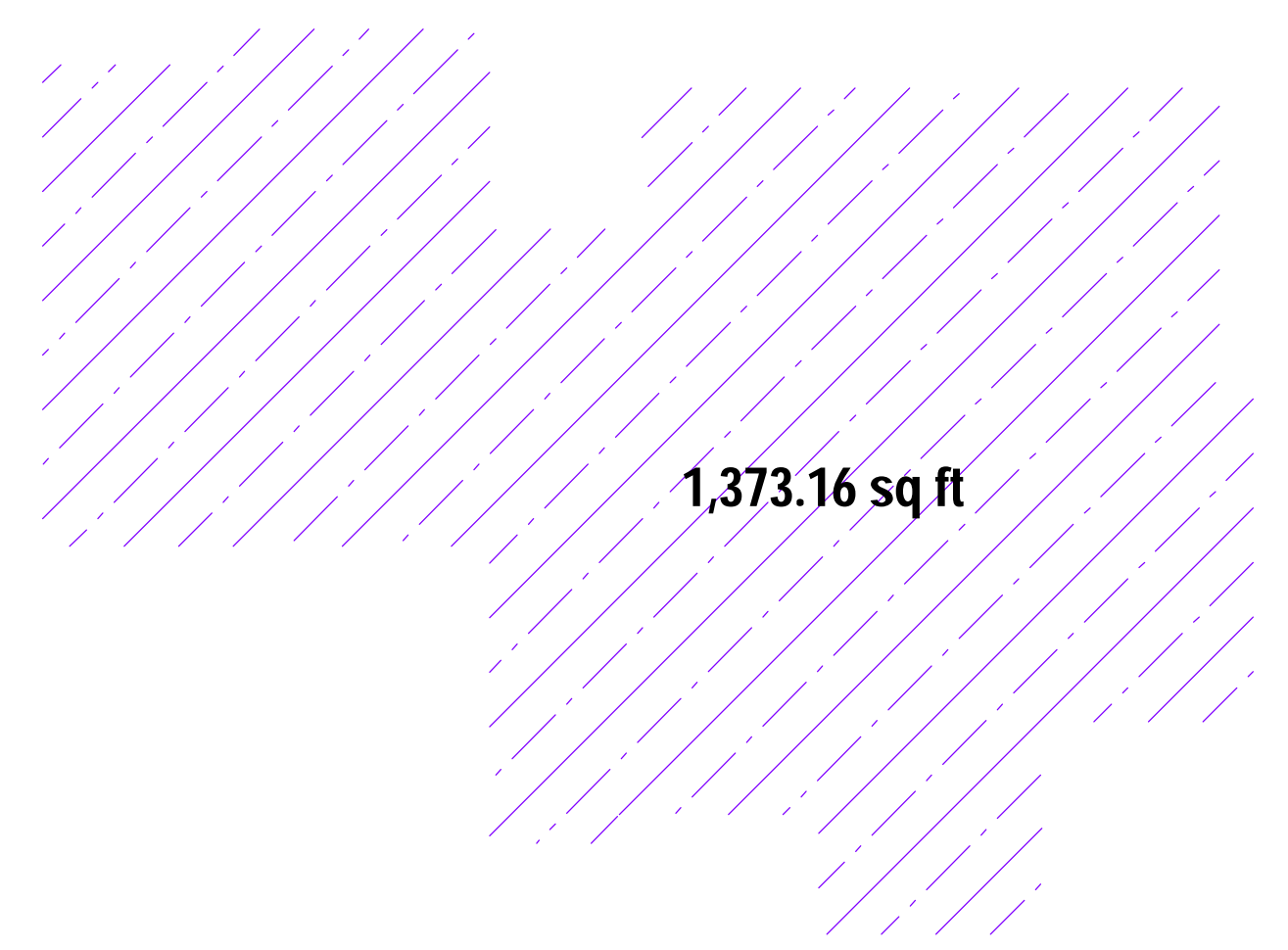
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BALDY VIEW

PLAN NORTH



128 SADDLE RD | UNIT TWO
 SECOND LEVEL PLAN 1/4"=1'-0"

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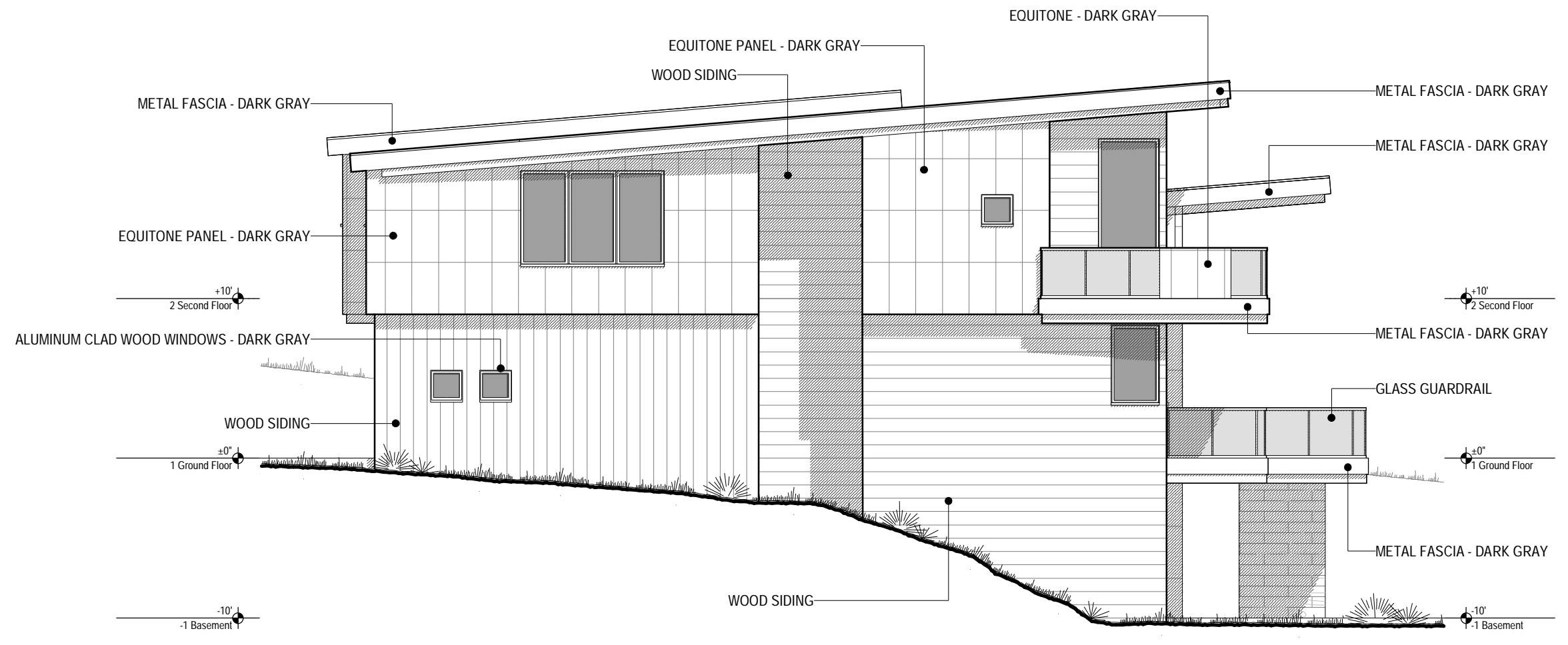
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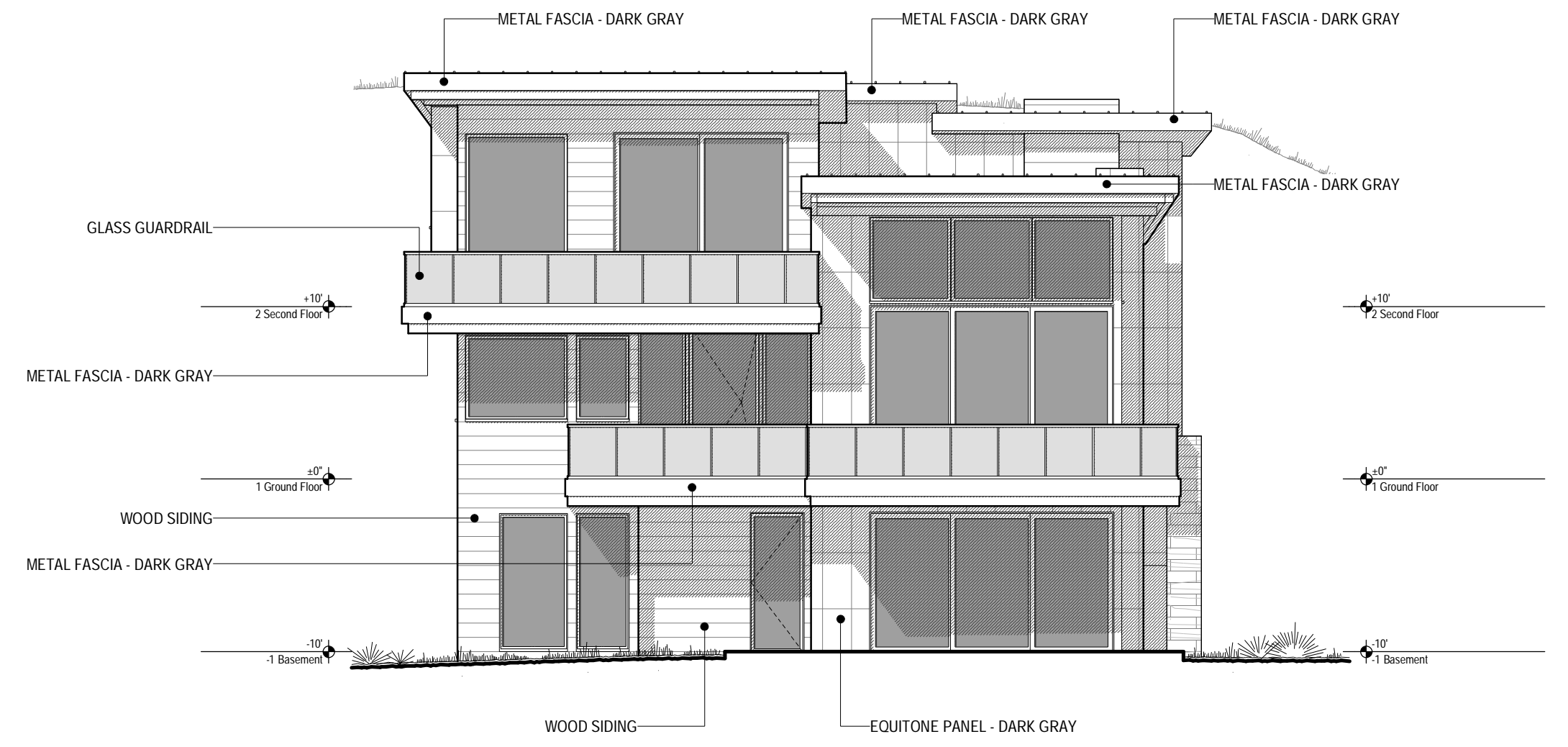
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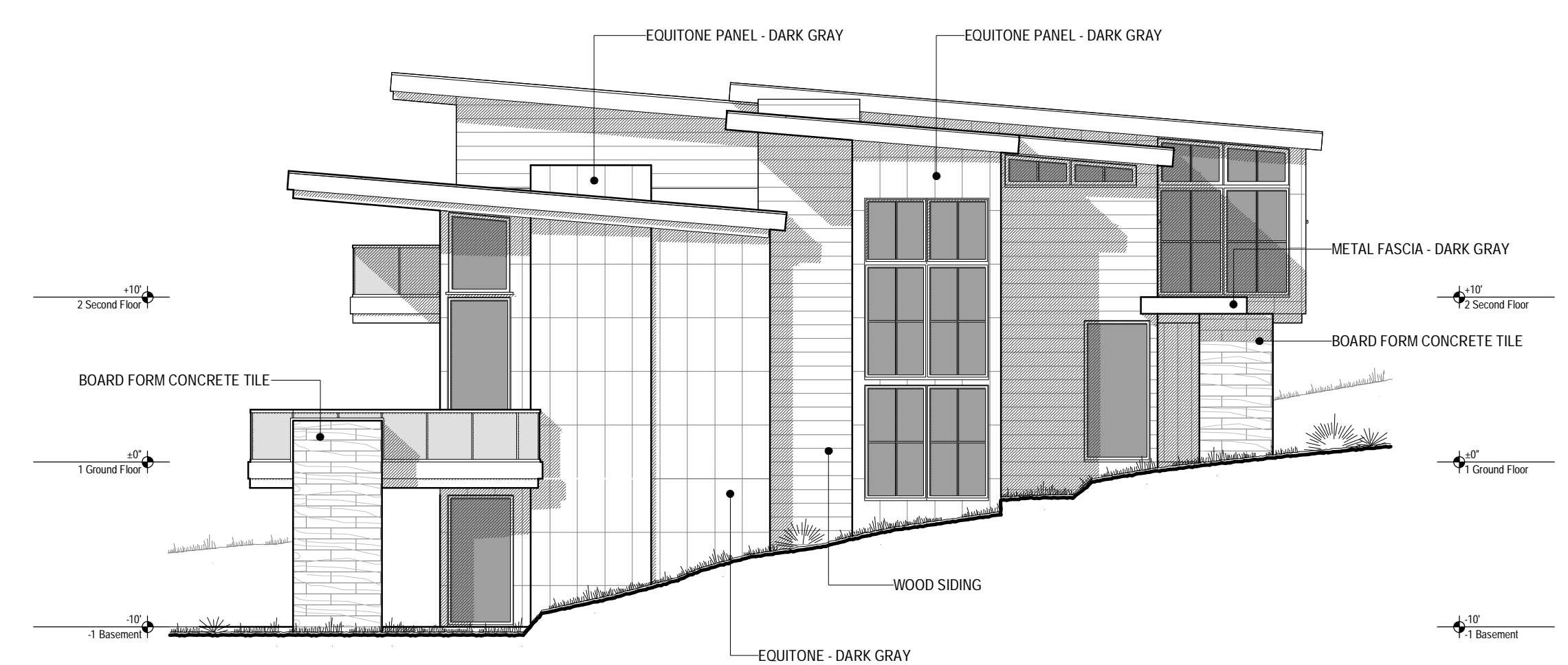
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 SCALE 1/28 Saddle Unit 2.pln
 BY RC



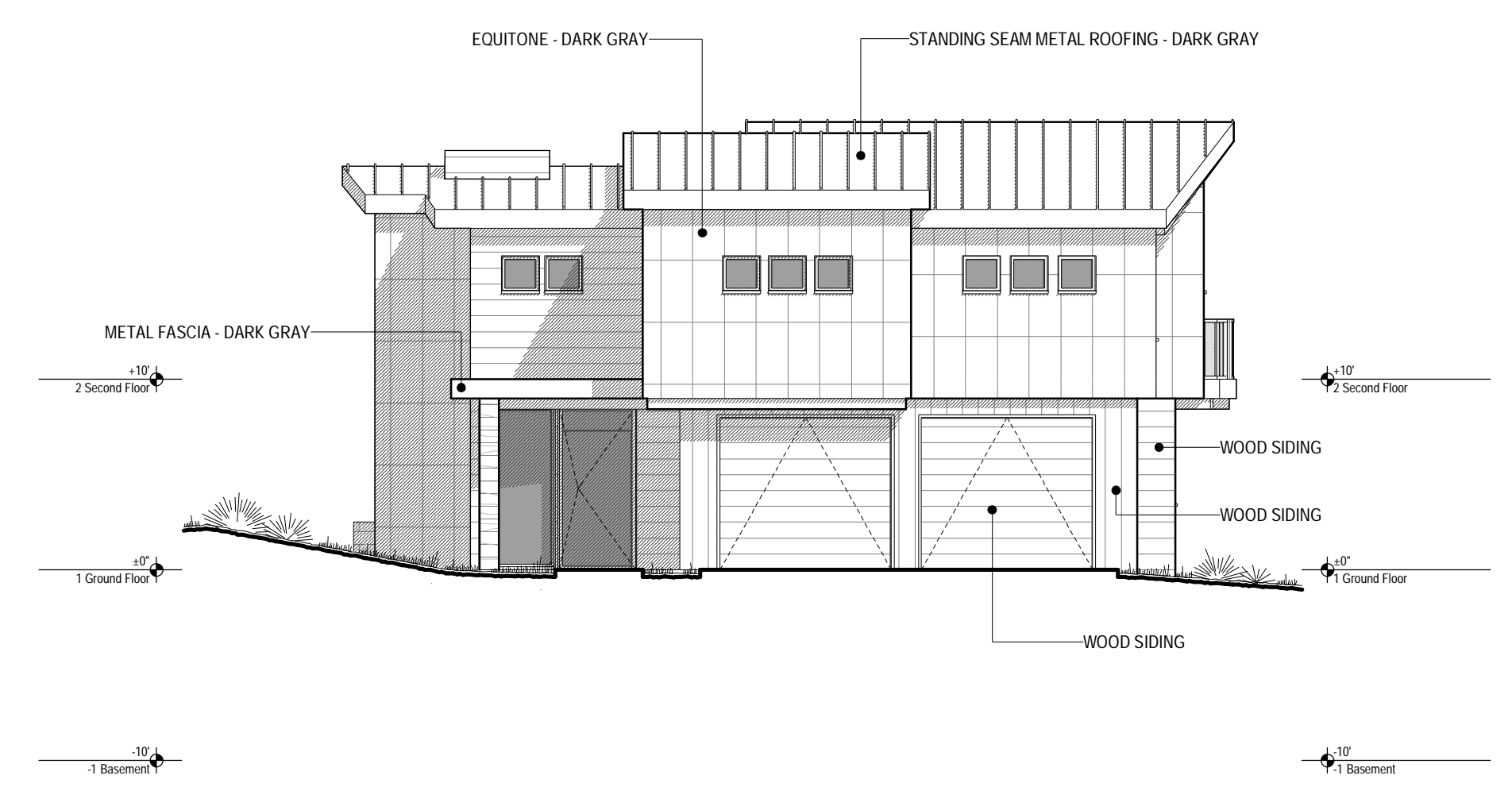
WEST



SOUTH



EAST



NORTH



128 SADDLE RD | UNIT TWO
ELEVATIONS
1/8"=1'-0"

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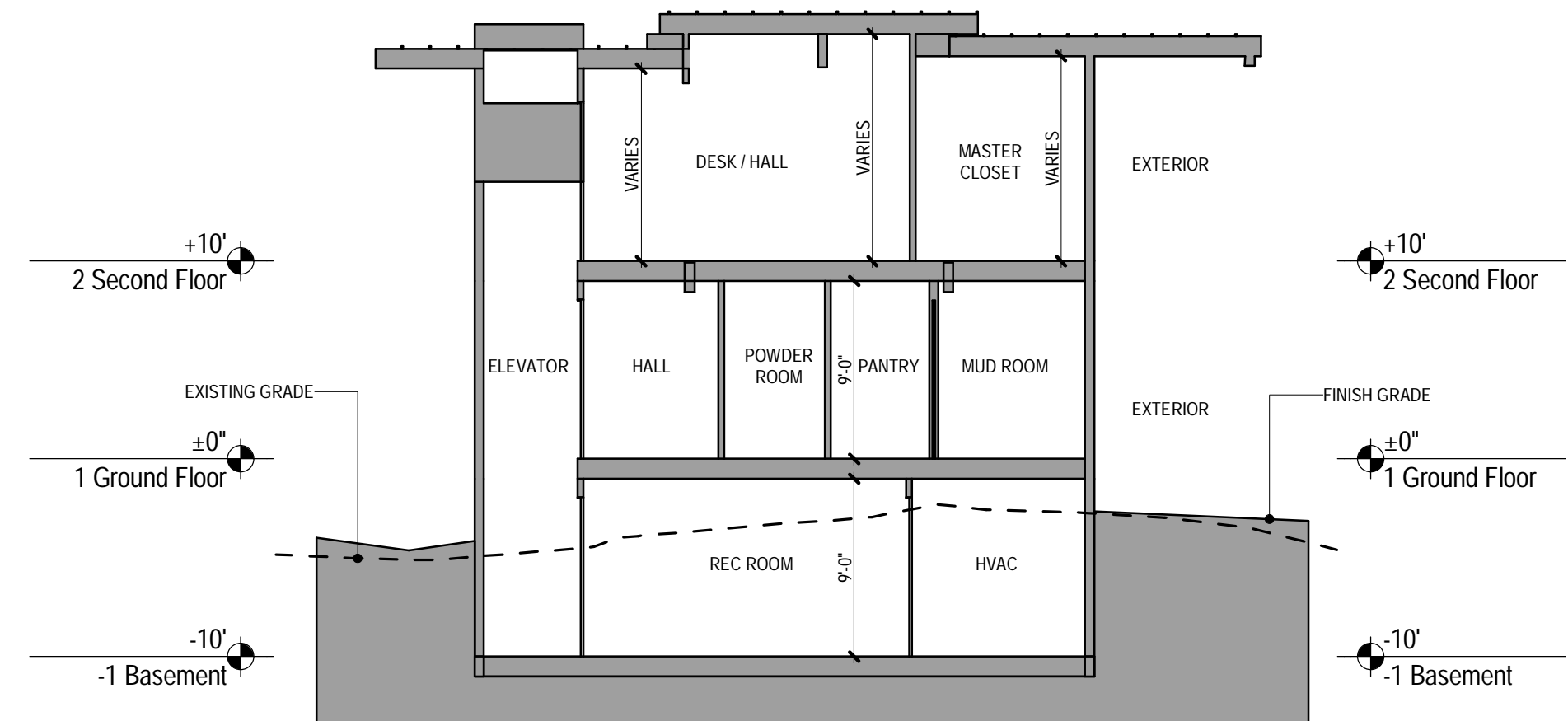
LICENSED ARCHITECT
AR-2904
03/17/21
RICHARD H. CHILDRESS
STATE OF IDAHO

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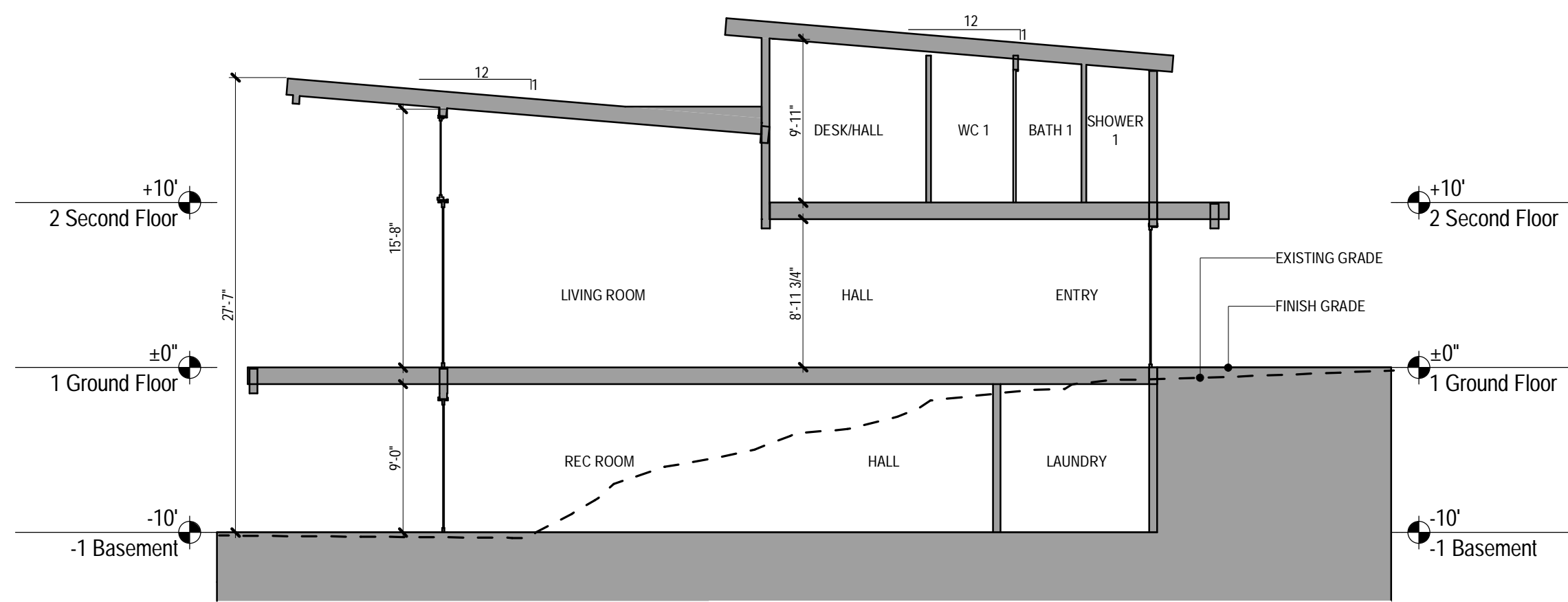
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DATE: 3/17/2021
SCALE: 1/8"=1'-0"
FILE: 128 Saddle Unit 2.pln
BY: RC

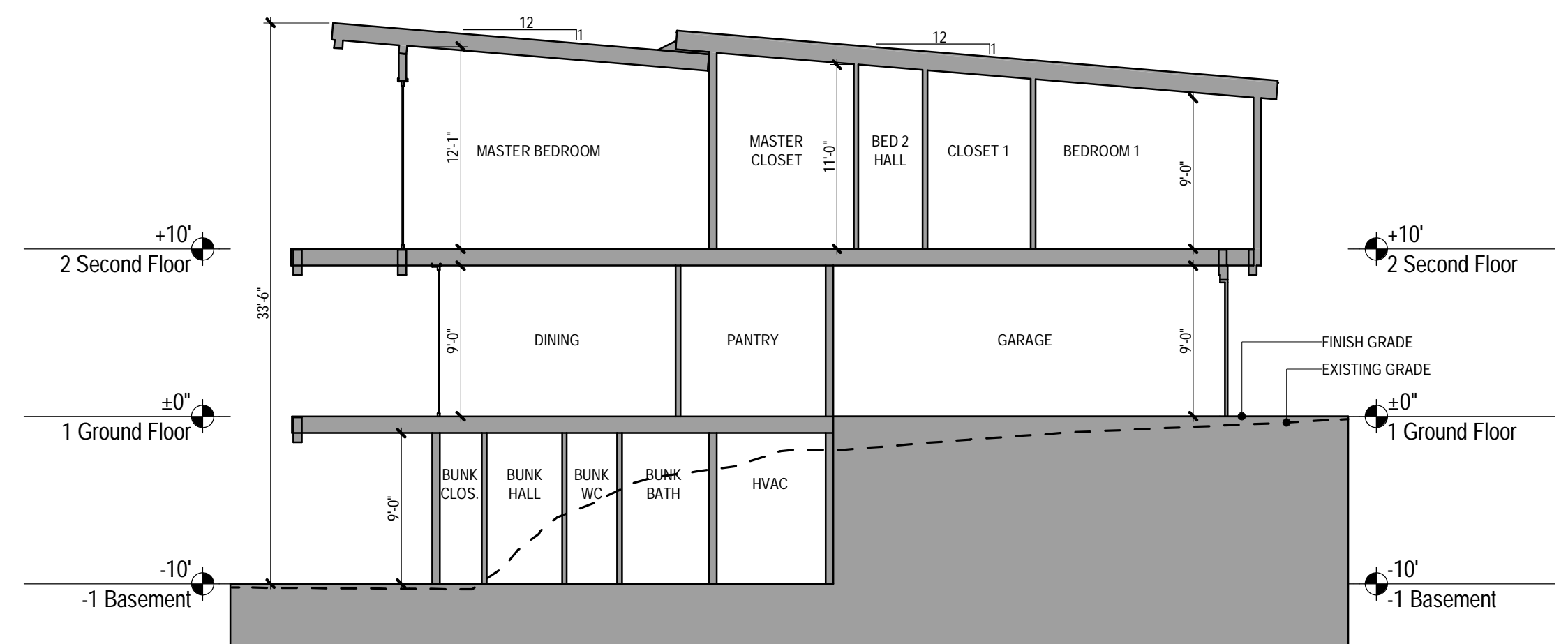
A2.30



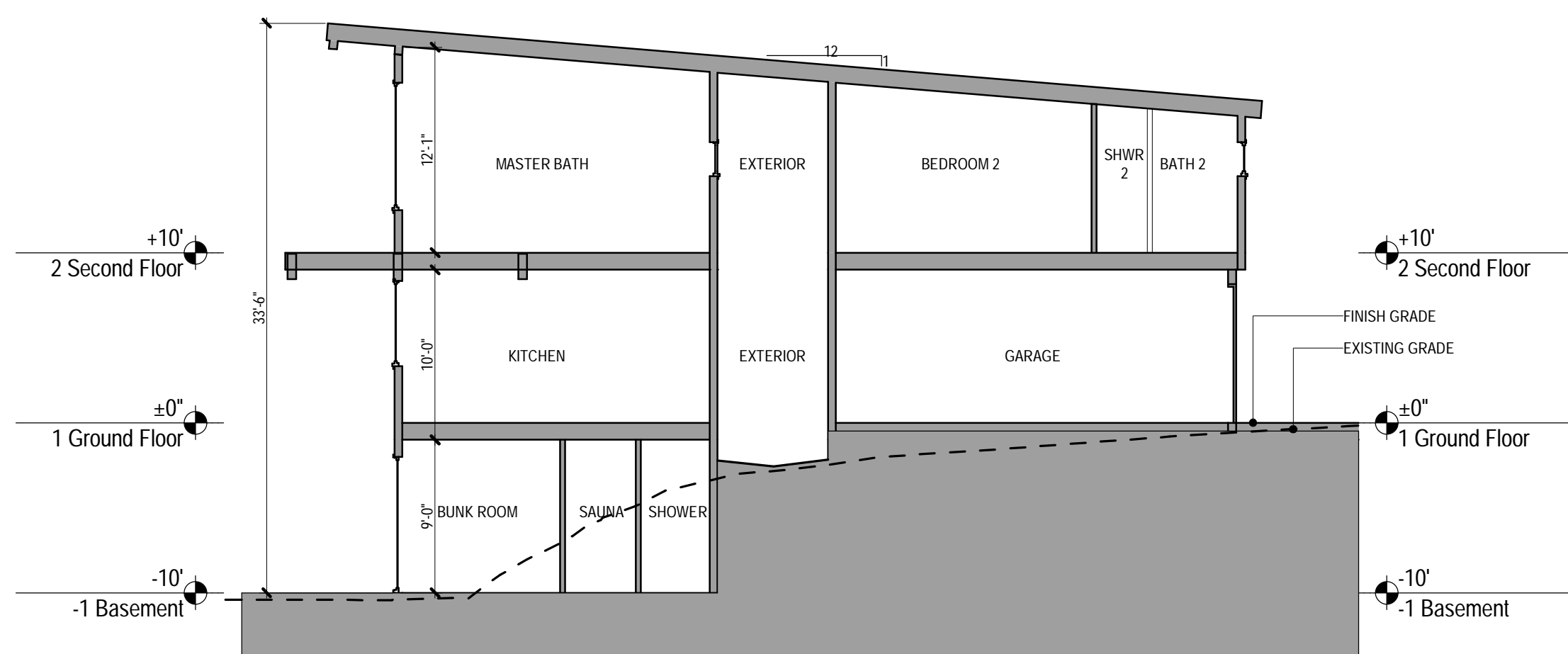
1 - E/W SECTION @ ELEVATOR



2 - N/S SECTION @ LIVING ROOM



3 - N/S SECTION @ MASTER



4 - N/S SECTION @ KITCHEN

128 SADDLE RD | UNIT TWO
SECTIONS 1/8"=1'-0"

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SCALE: 1/8"=1'-0"
FILE: 128 Saddle Unit 2.pln
BY: RC

UNIT 3



VIEW FROM SADDLE ROAD



AERIAL VIEW FROM SOUTH



AERIAL VIEW FROM EAST

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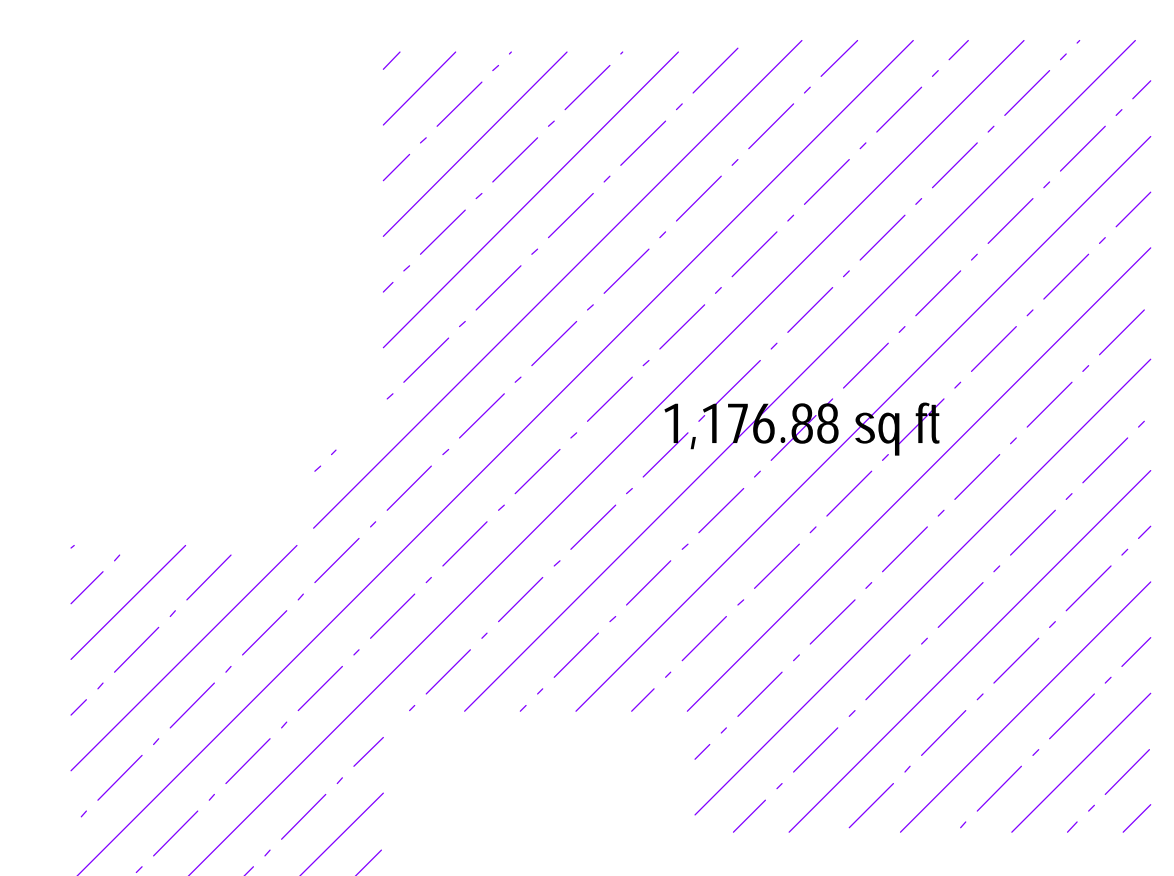
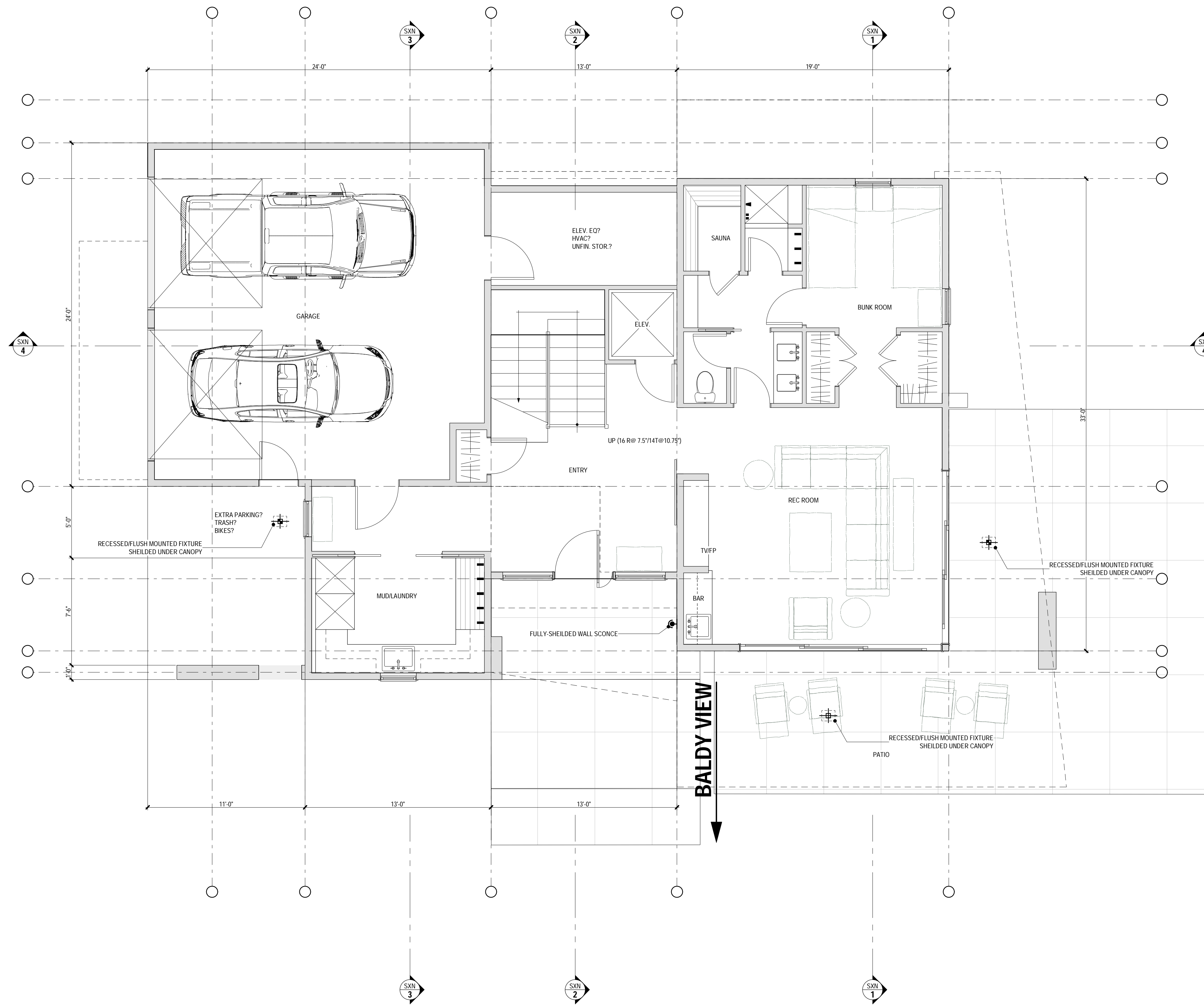
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DATE 1/28/2021
SCALE 1/8" = 1'-0"
FILE 128 Saddle Unit 3.pln
BY RC



128 SADDLE RD | UNIT THREE
 GROUND LEVEL PLAN 1/4"=1'-0"

UNIT 3 - 3,508 S.F. TOTAL

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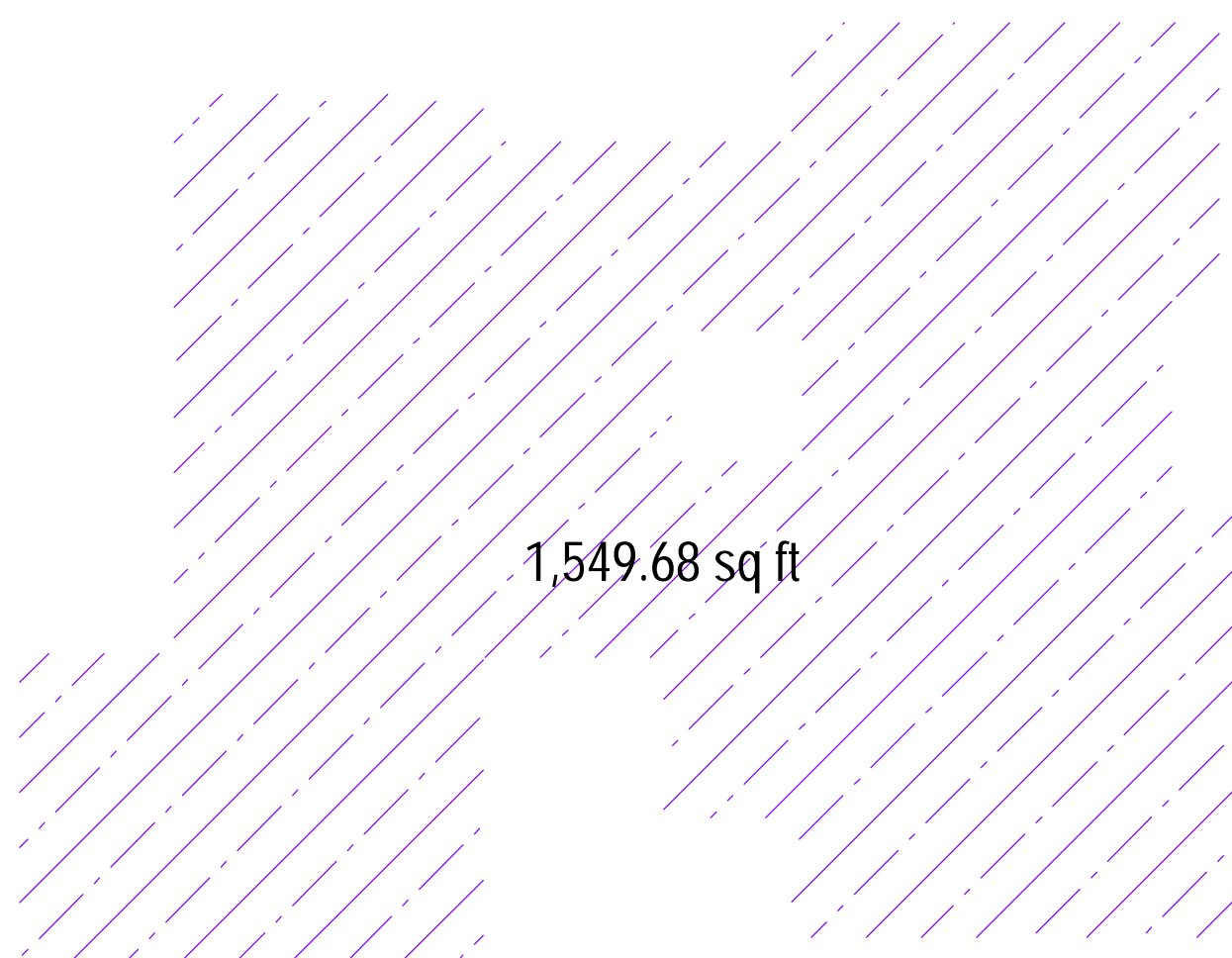
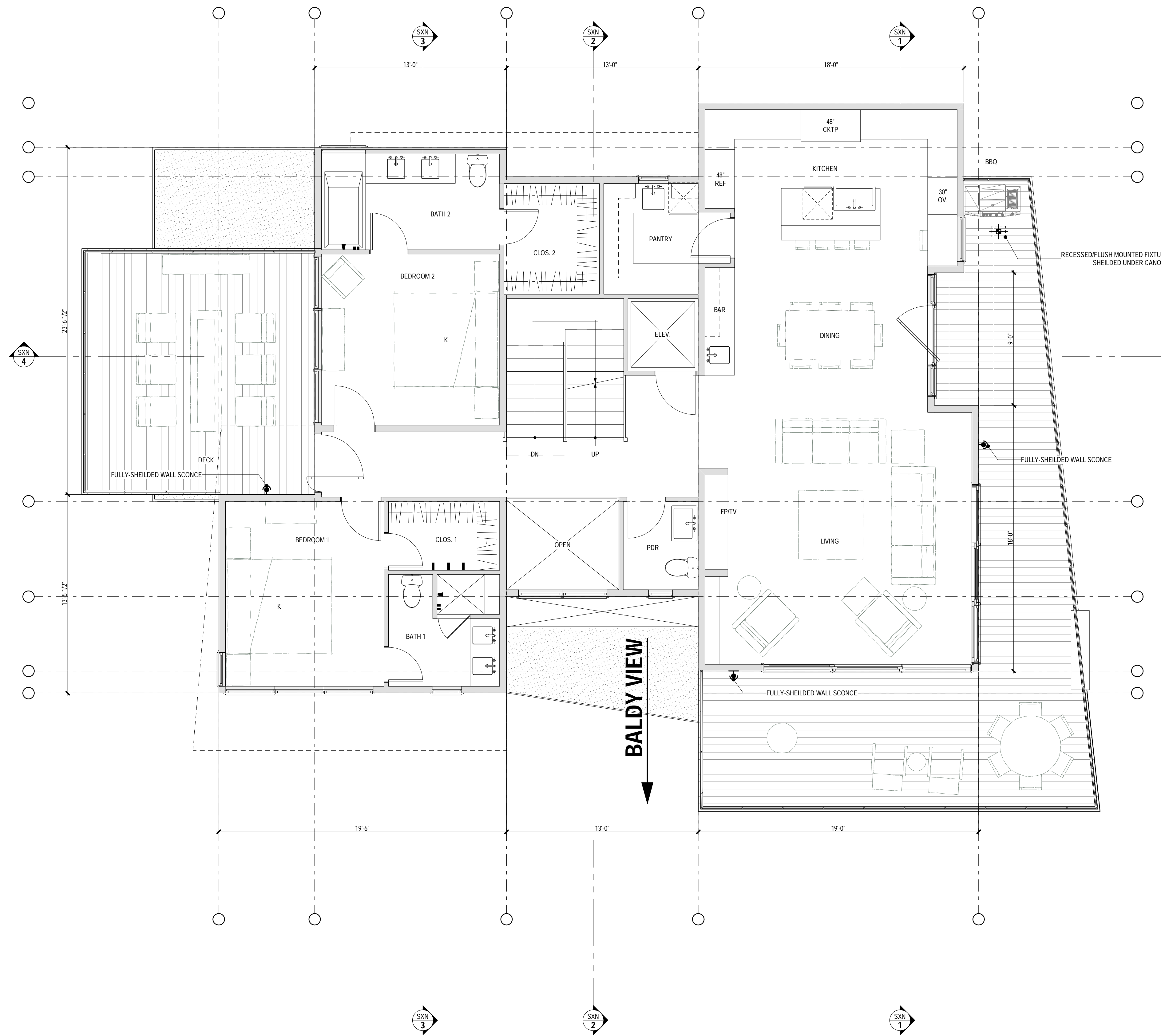
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DATE: 1/28/2021
 SCALE: 1/4"=1'-0"
 FILE: 128 Saddle Unit 3.pln
 BY: RC

A3.20



128 SADDLE RD | UNIT THREE
 SECOND LEVEL PLAN 1/4"=1'-0"

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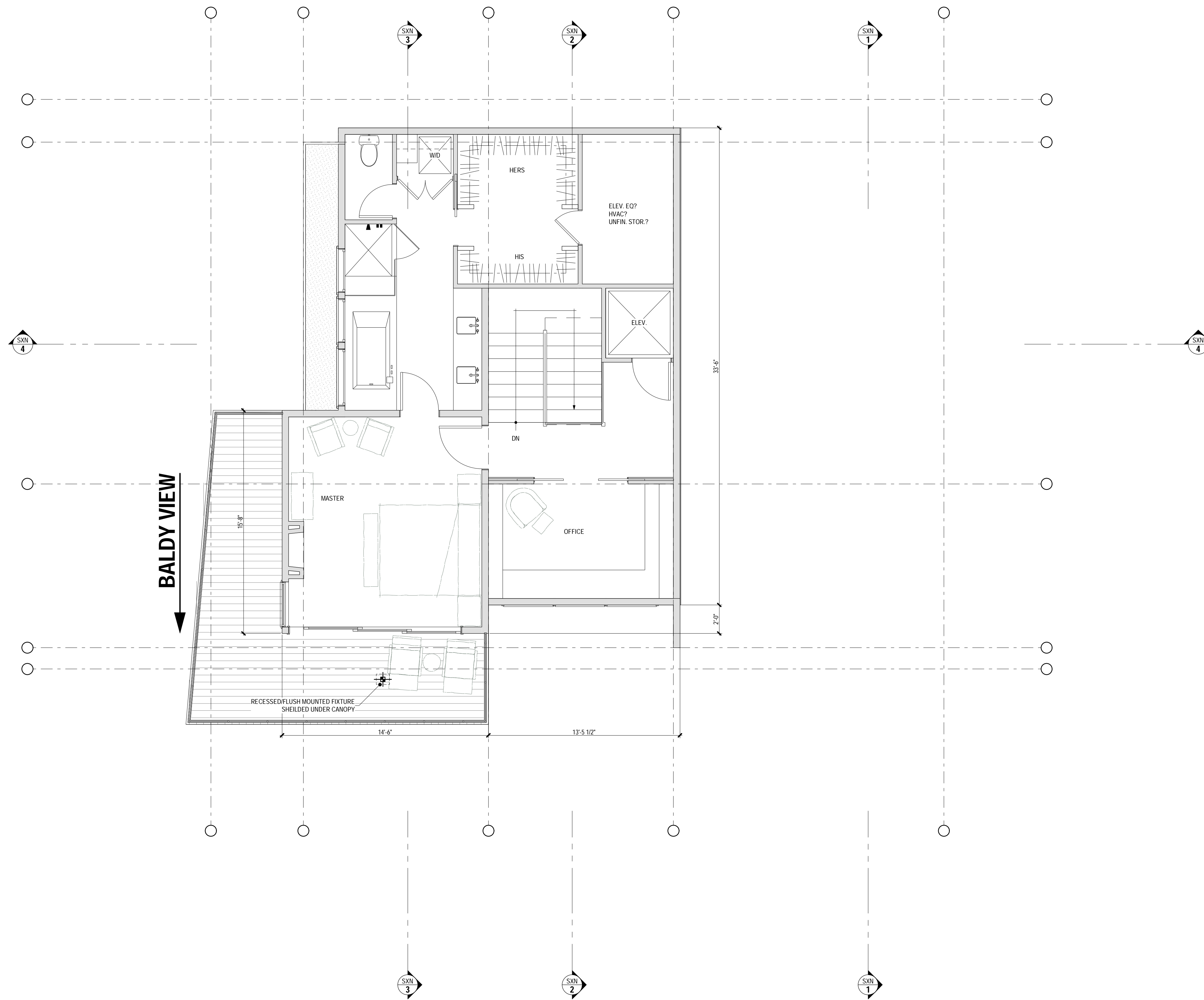
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 SCALE 1/28 Saddle Unit 3.pln
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128 SADDLE RD | UNIT THREE
 THIRD LEVEL PLAN
 1/4"=1'-0"

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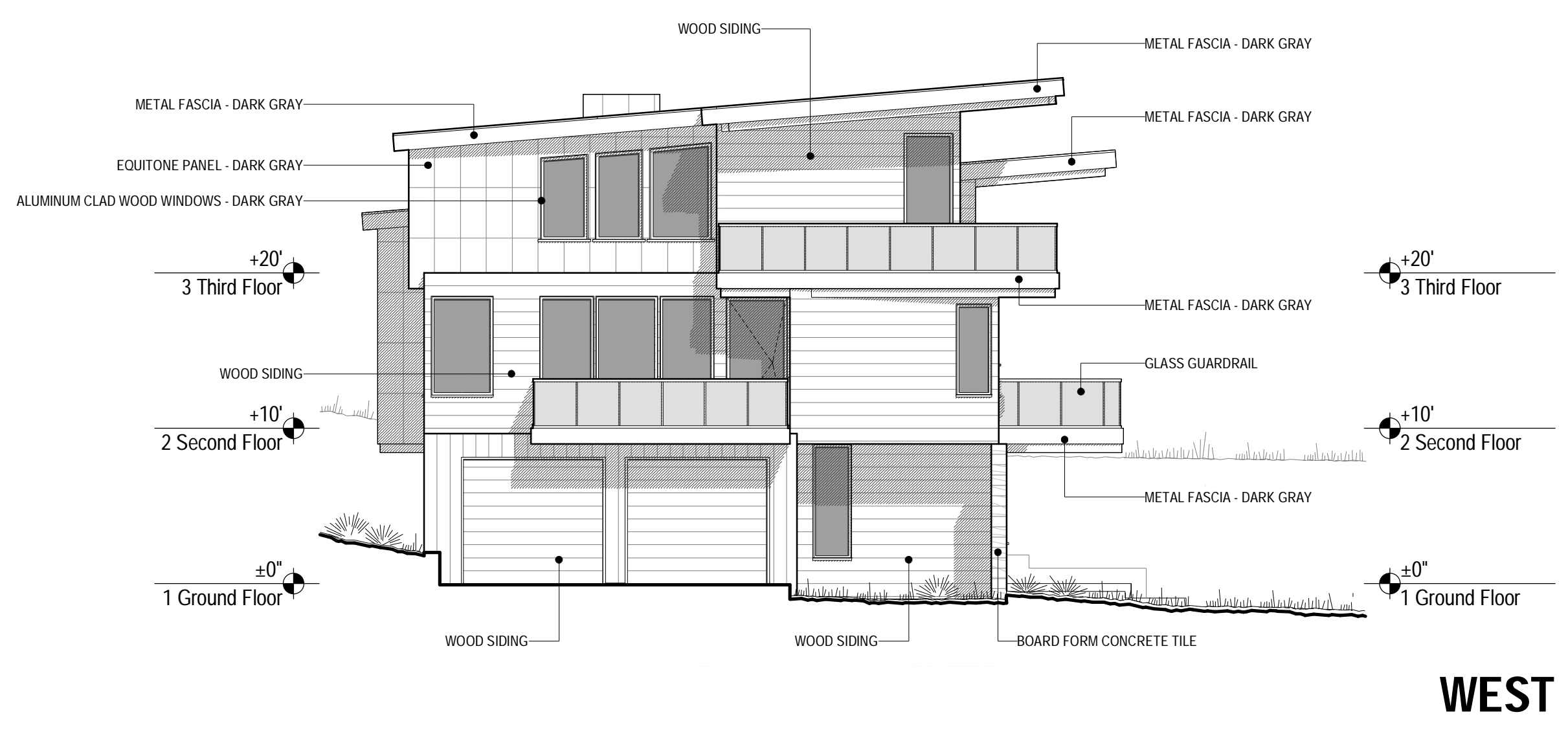
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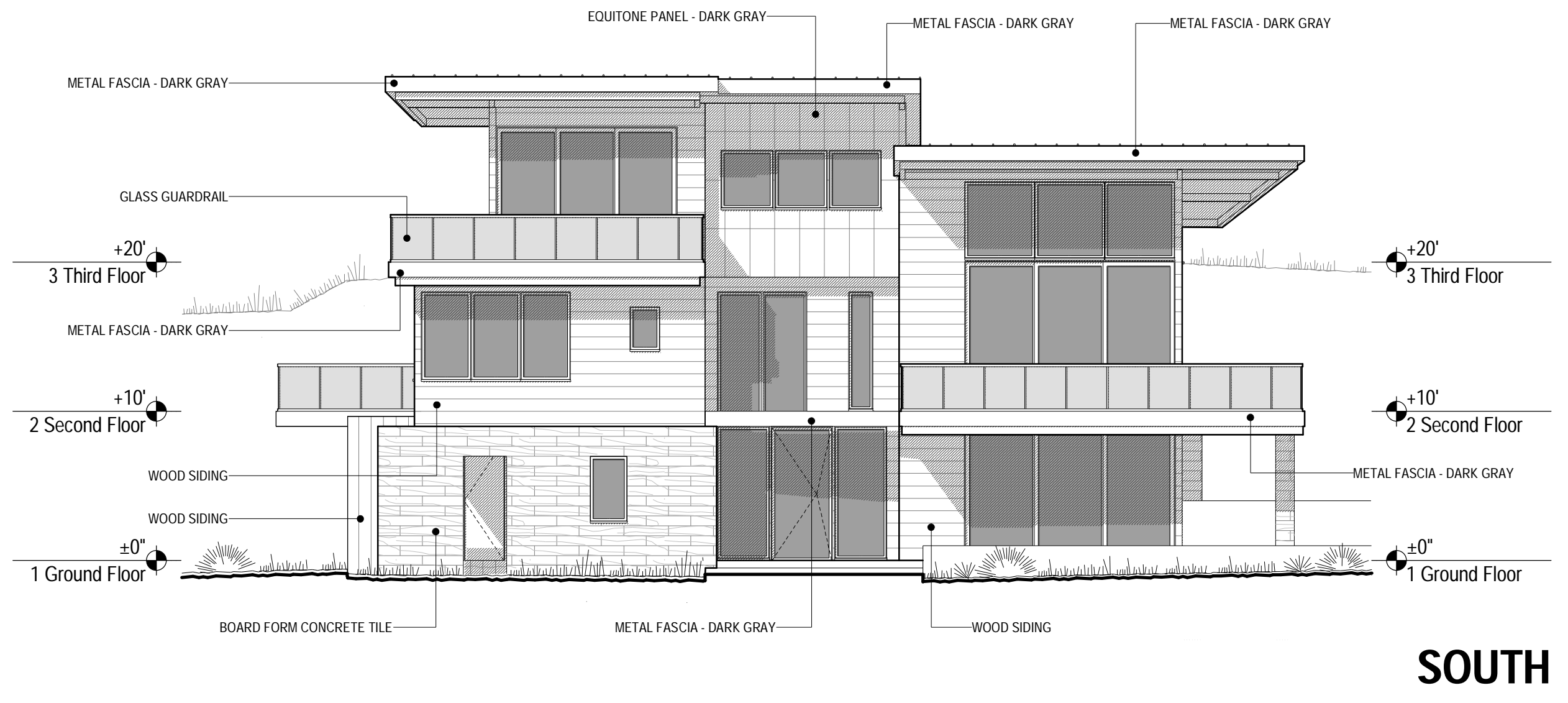
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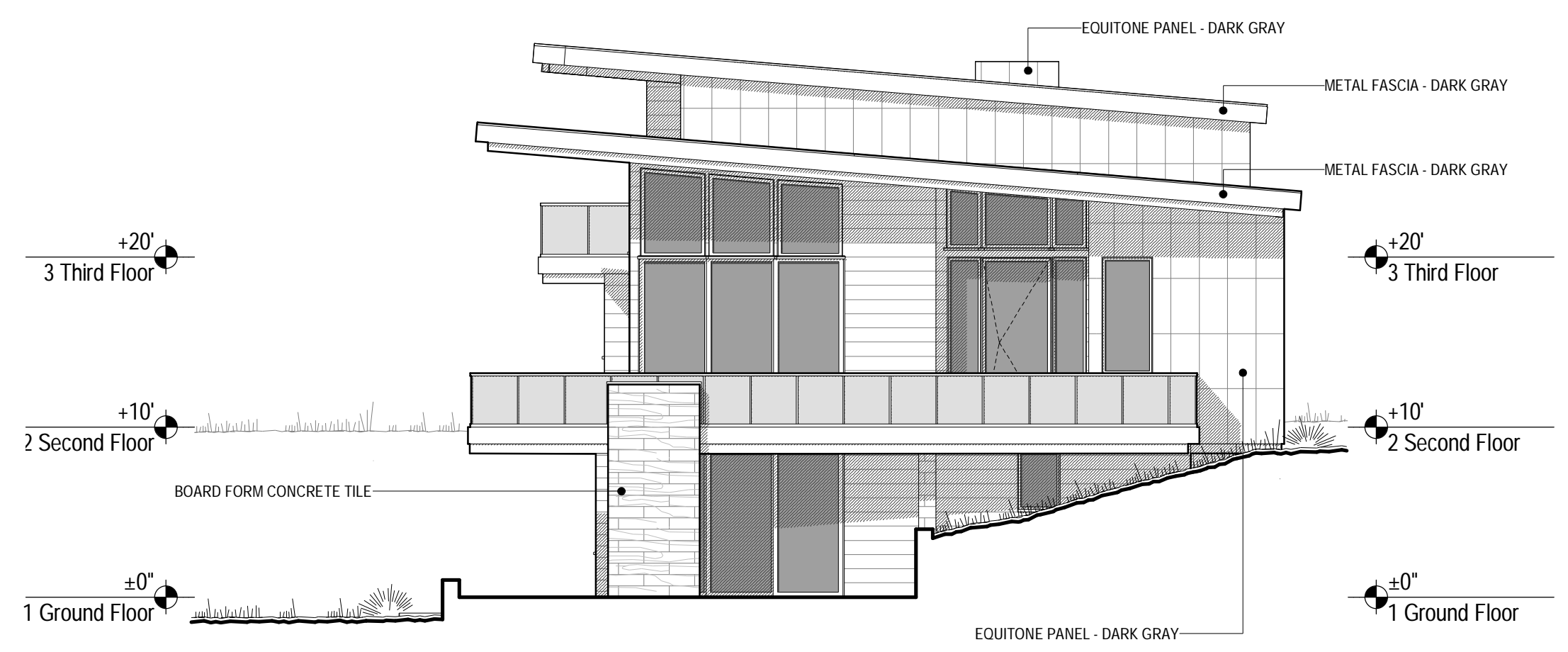
DATE 1/28/2021
 SCALE 1/28 Saddle Unit 3.pln
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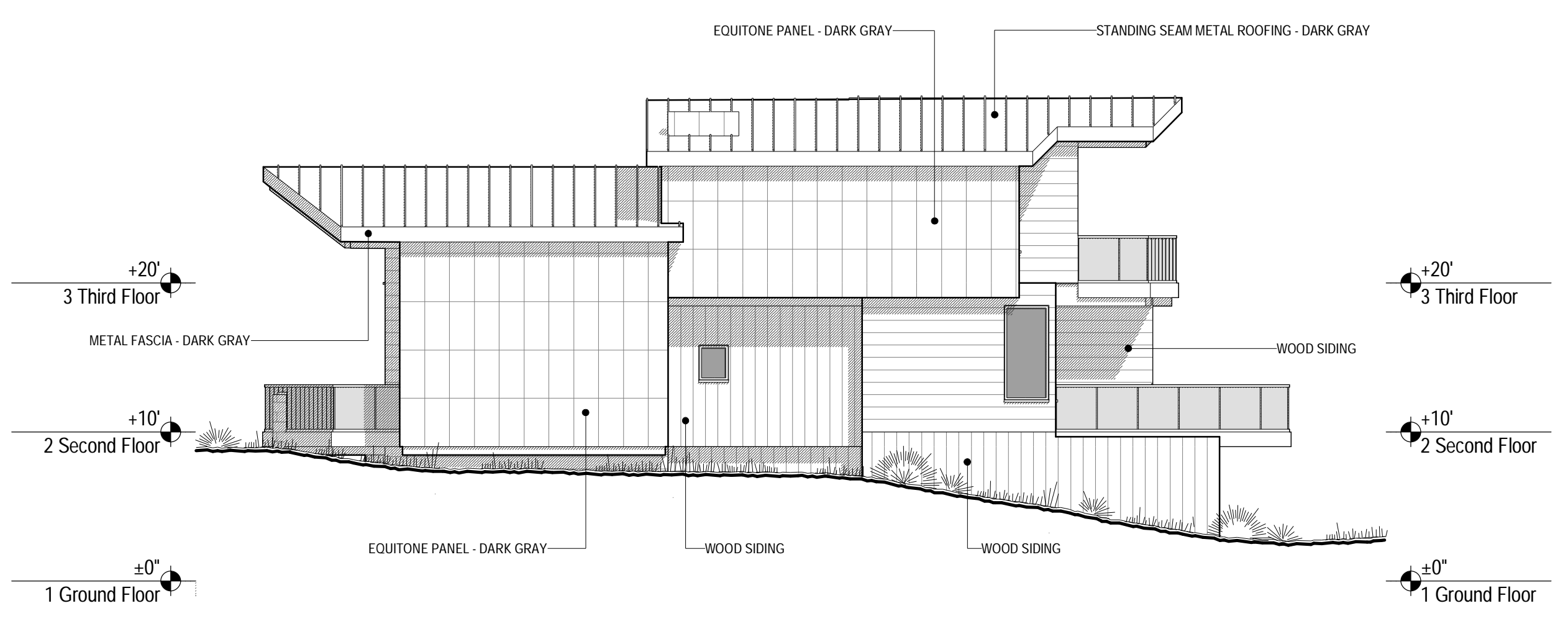
WEST



SOUTH



EAST



NORTH



128 SADDLE RD | UNIT THREE
ELEVATIONS 1/8"=1'-0"

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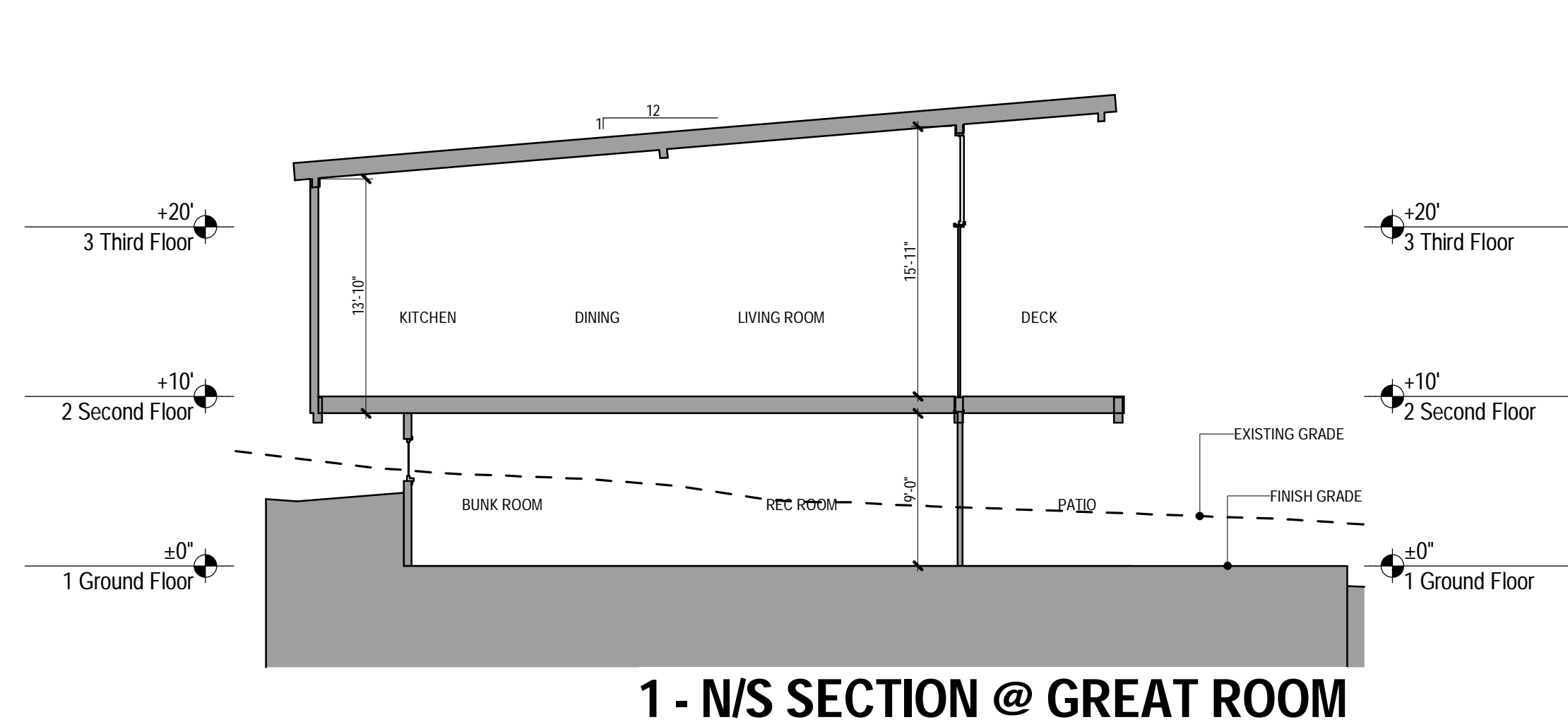
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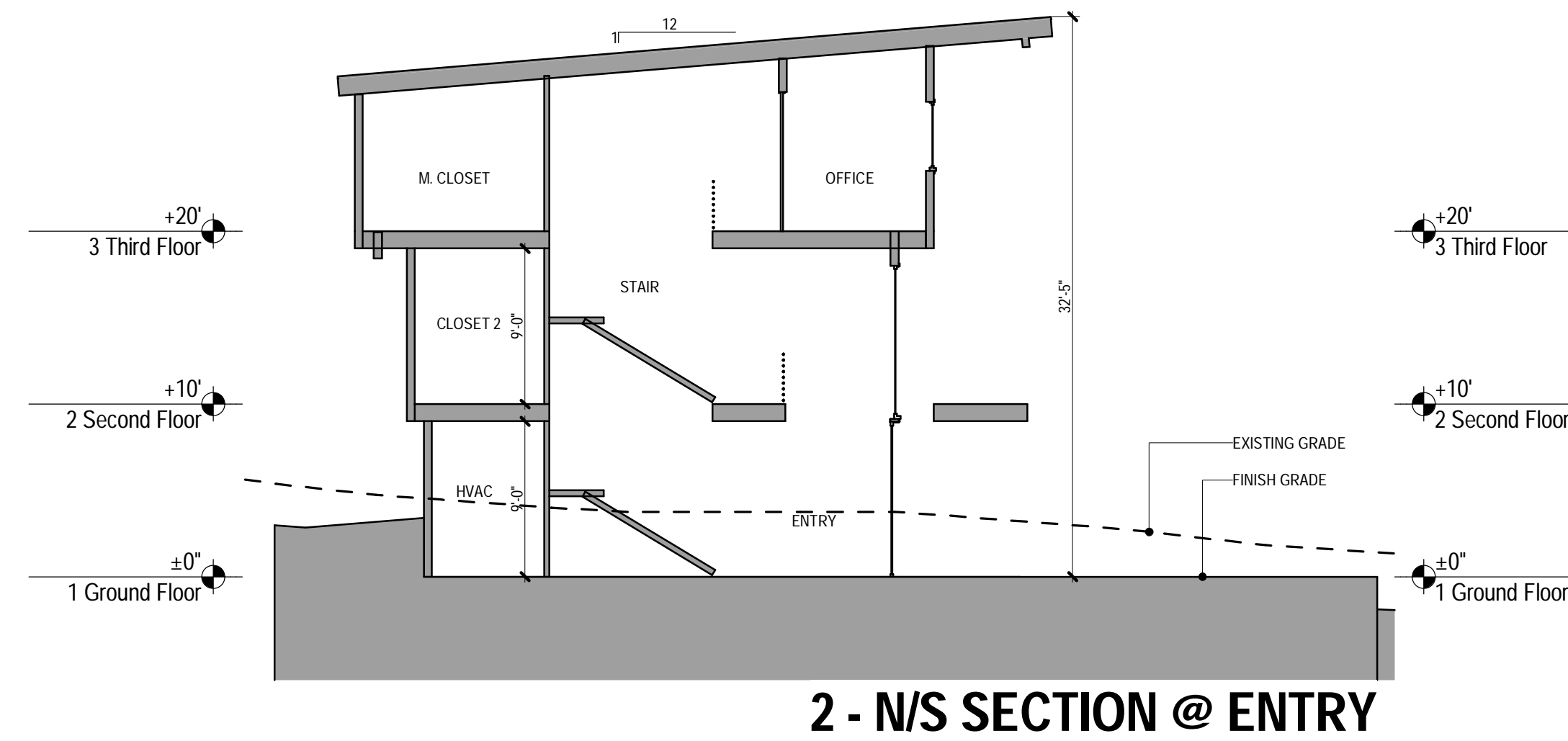
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DATE: 3/17/2021
SCALE: 1/8"=1'-0"
FILE: 128 Saddle Unit 3.pln
BY: RC

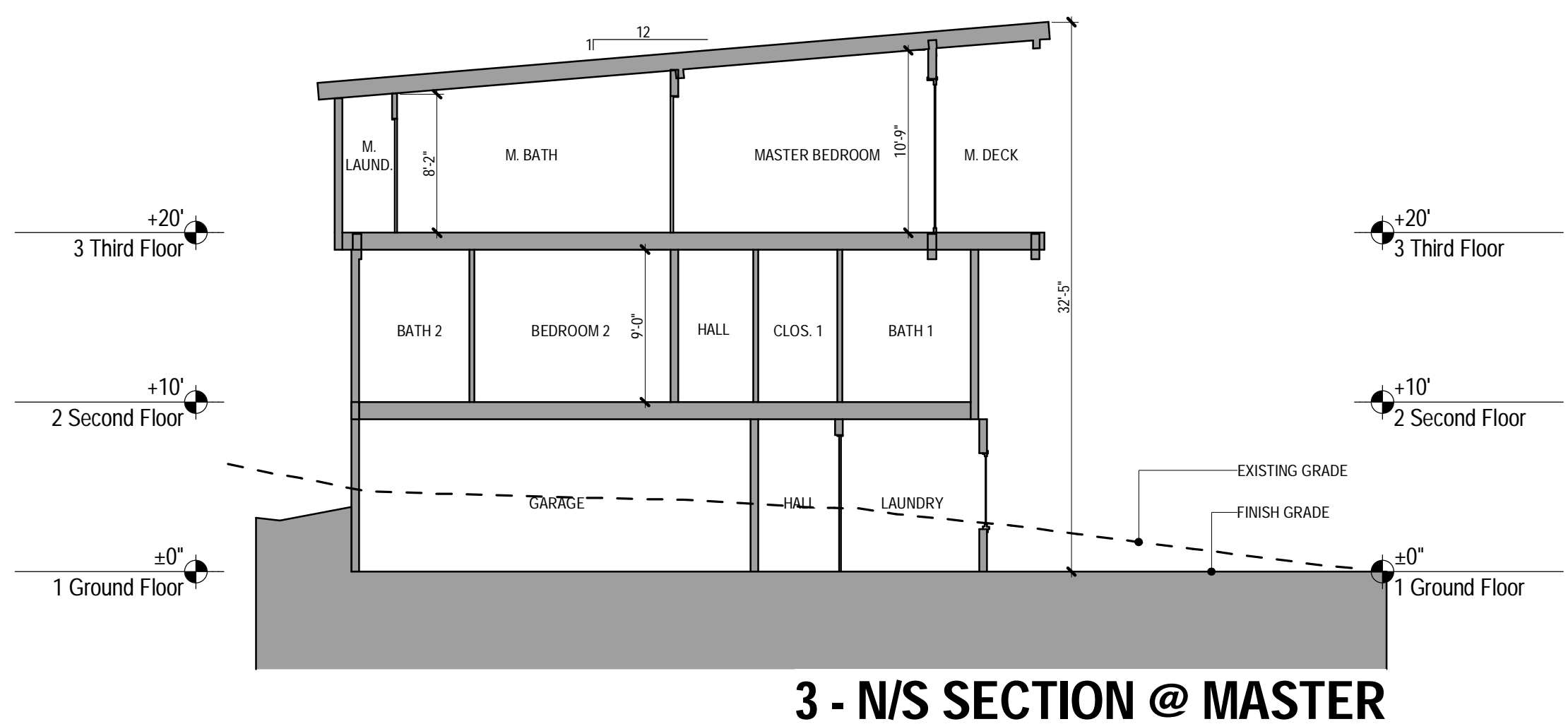
A3.30
205



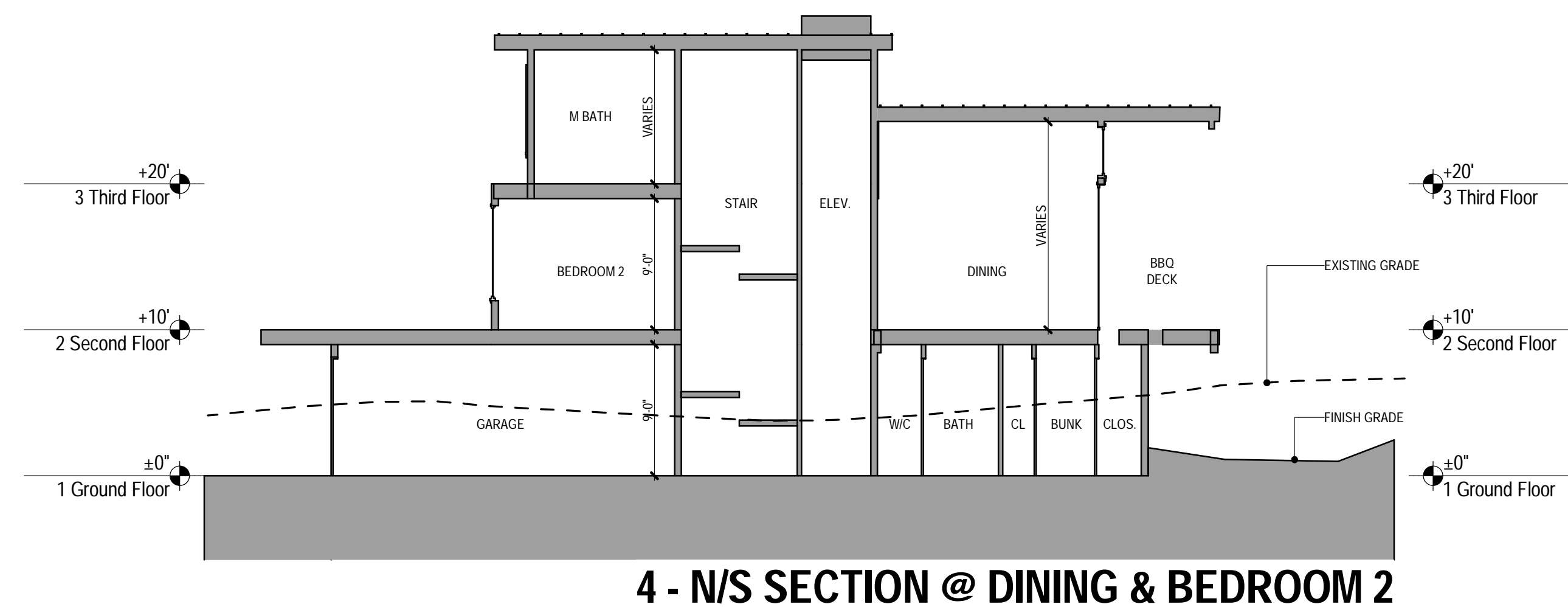
1 - N/S SECTION @ GREAT ROOM



2 - N/S SECTION @ ENTRY



3 - N/S SECTION @ MASTER



4 - N/S SECTION @ DINING & BEDROOM 2

128 SADDLE RD | UNIT THREE
SECTIONS 1/8"=1'-0"

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SCALE 1/8" Saddle Unit 3.pln
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UNIT 4



VIEW FROM SADDLE ROAD



AERIAL VIEW FROM SOUTH



AERIAL VIEW FROM EAST

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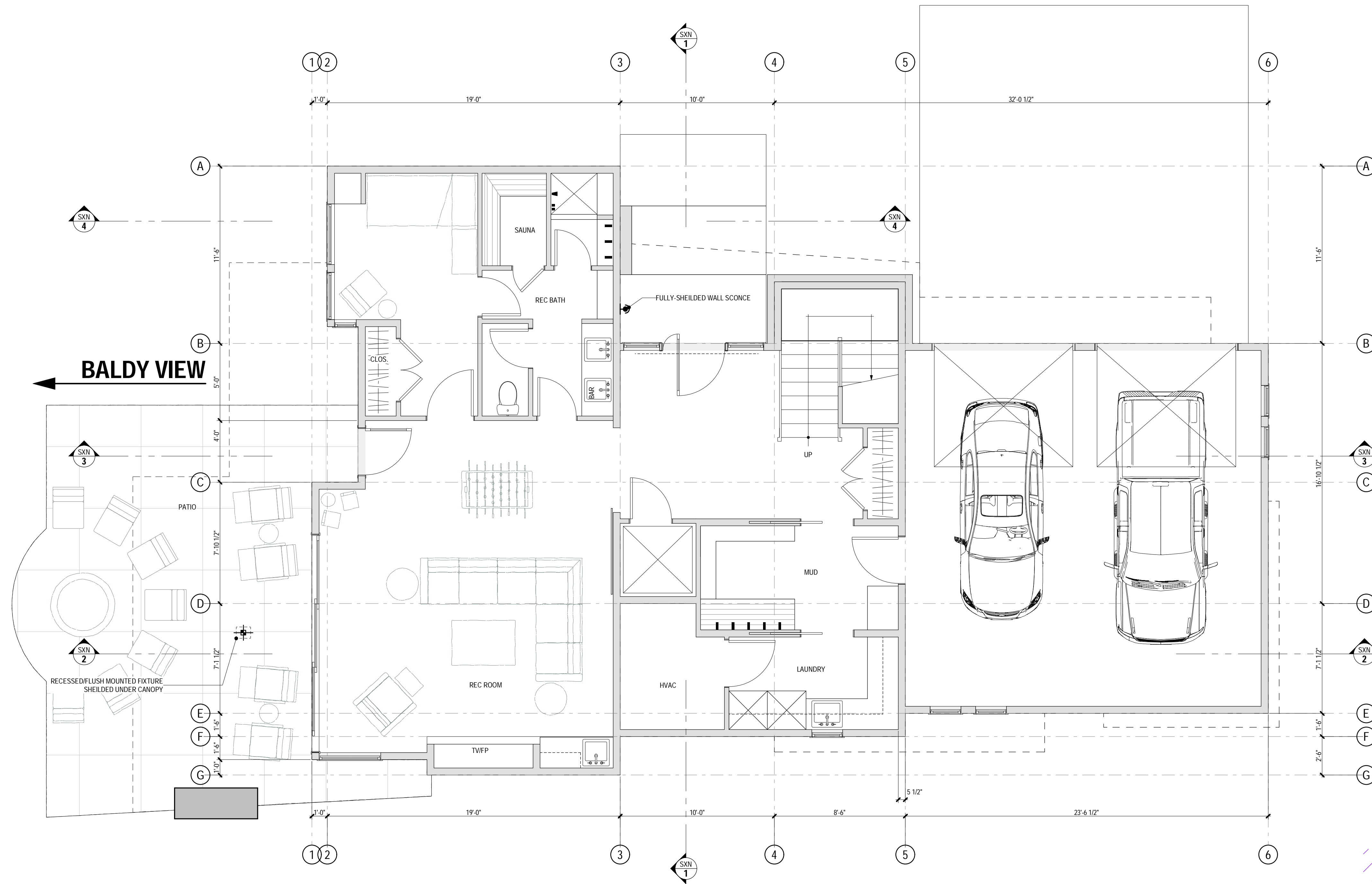
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SCALE 1/8" = 1'-0"
FILE 128 Saddle Unit 4.pln
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1,247.61 sq ft

128 SADDLE RD | UNIT FOUR
 GROUND LEVEL PLAN 1/4"=1'-0"

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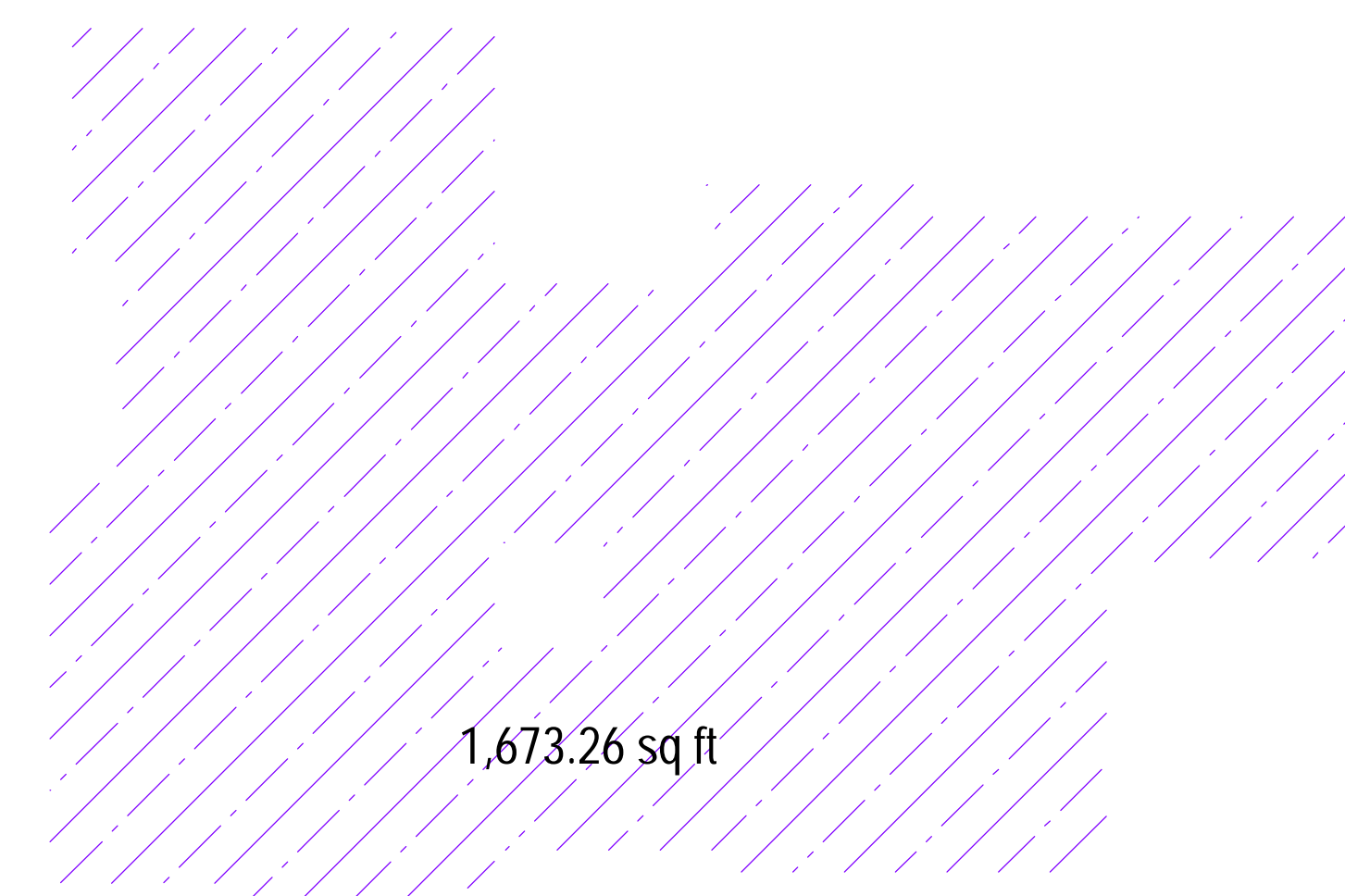
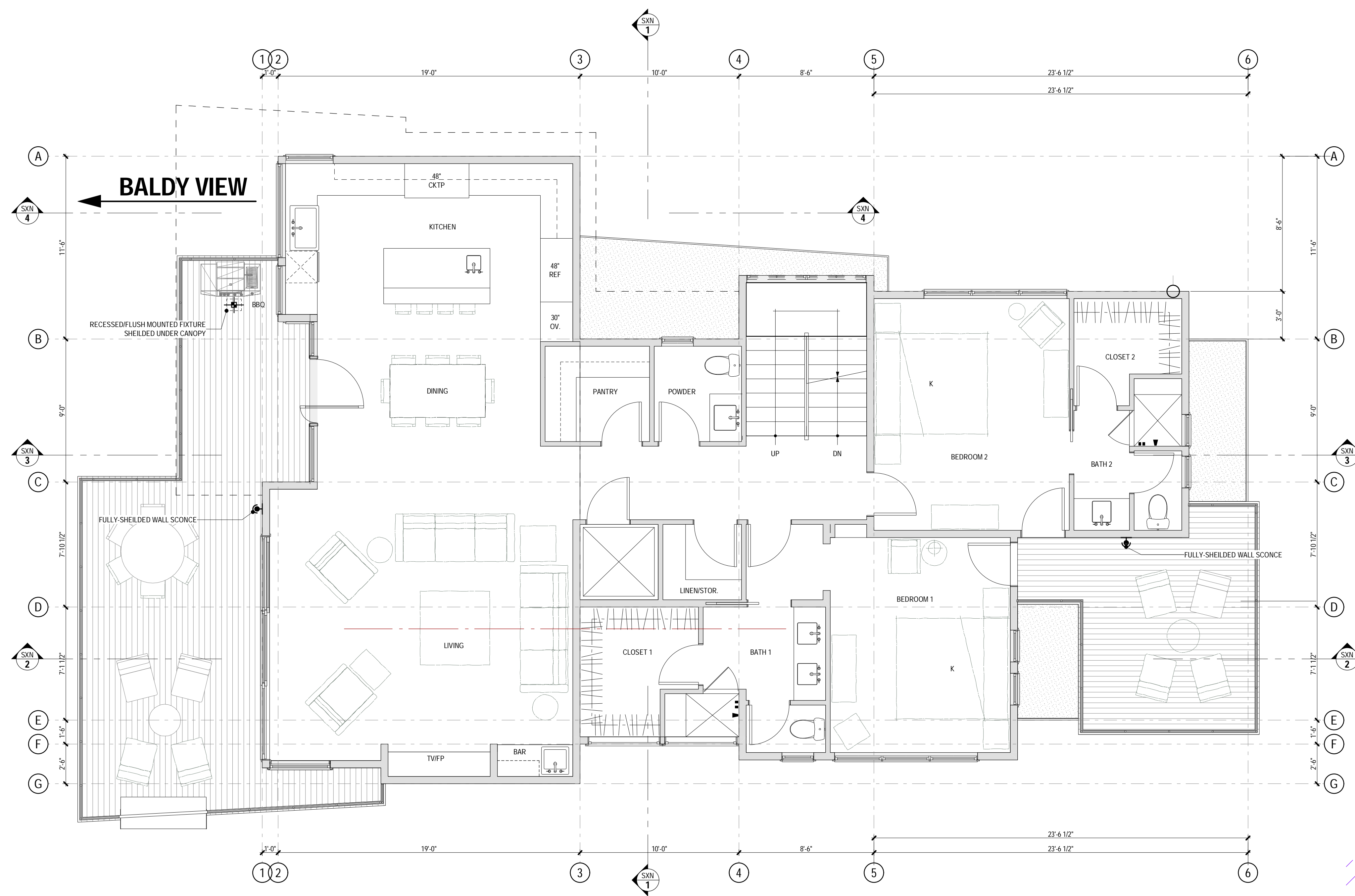
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DATE 1/28/2021
 SCALE 1/4"=1'-0"
 FILE 128 Saddle Unit 4.pln
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UNIT 4 - 3,607 S.F. TOTAL



128 SADDLE RD | UNIT FOUR
 SECOND LEVEL PLAN 1/4"=1'-0"

128 SADDLE ROAD | UNIT 4
 128 Saddle Rd., Ketchum, ID

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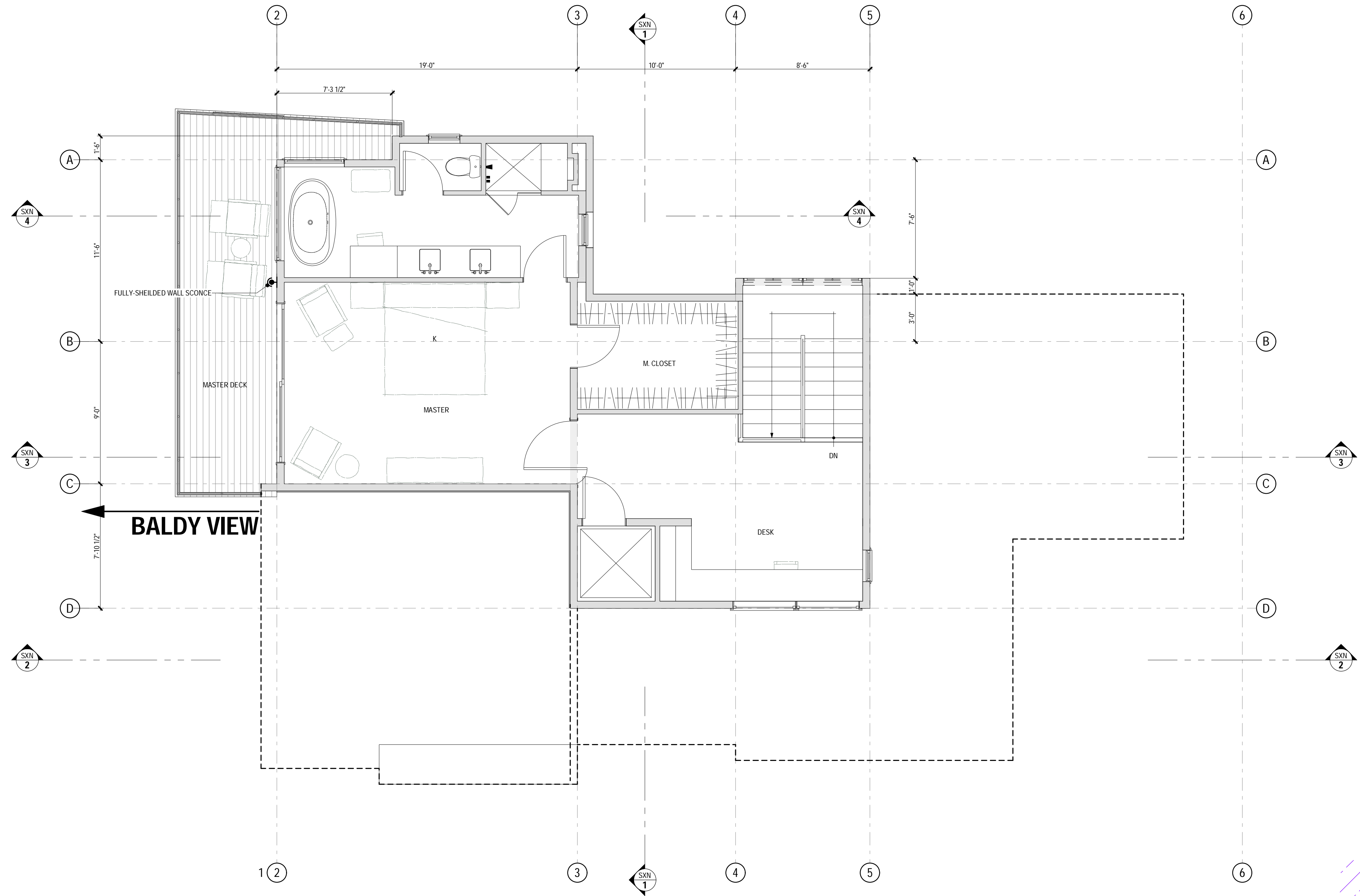
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DATE: 1/28/2021
 SCALE: 1/4"=1'-0"
 FILE: 128 Saddle Unit 4.pln
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A4.21

209



685.93 sq ft

128 SADDLE RD | UNIT FOUR
 THIRD LEVEL PLAN 1/4"=1'-0"

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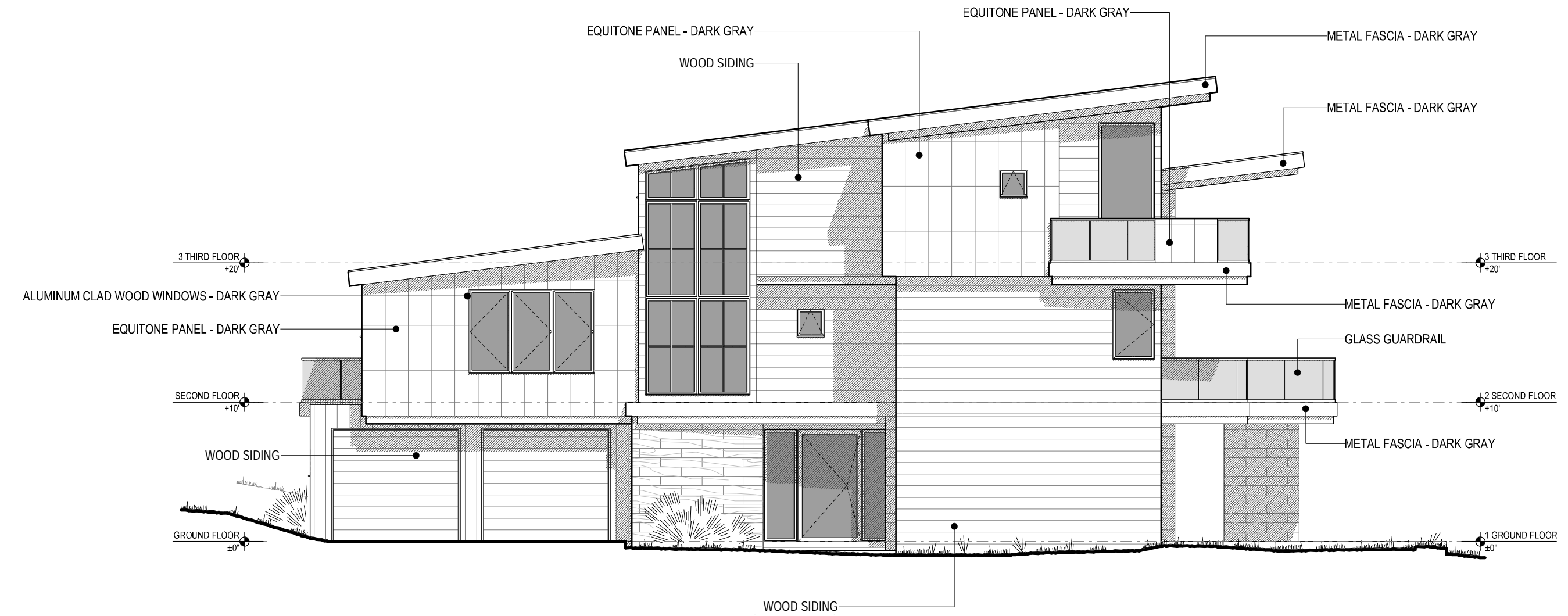
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 SCALE 1/4"=1'-0"
 FILE 128 Saddle Unit 4.pln
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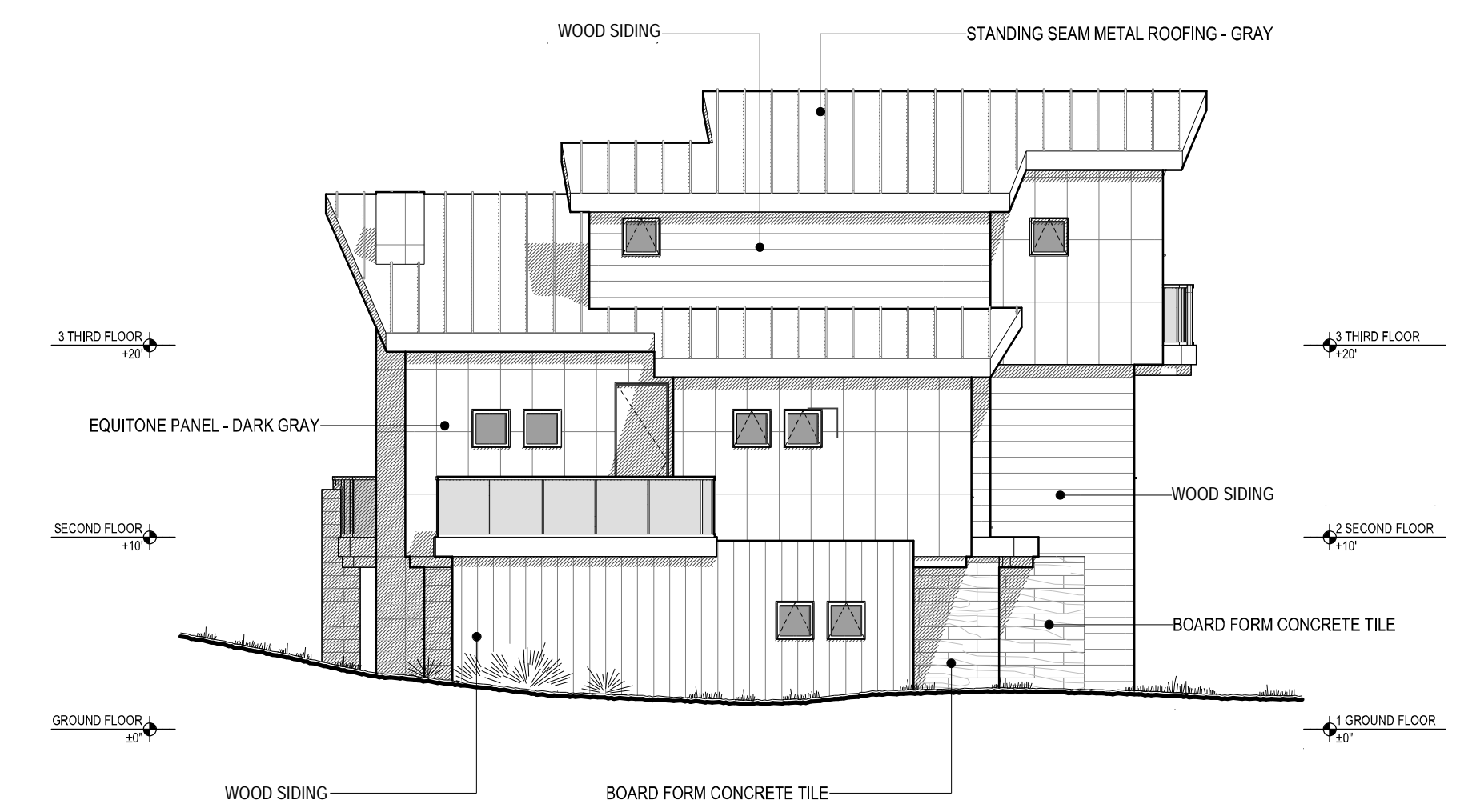
WEST



SOUTH



EAST



NORTH



128 SADDLE RD | UNIT FOUR
ELEVATIONS 1/8" = 1'-0"

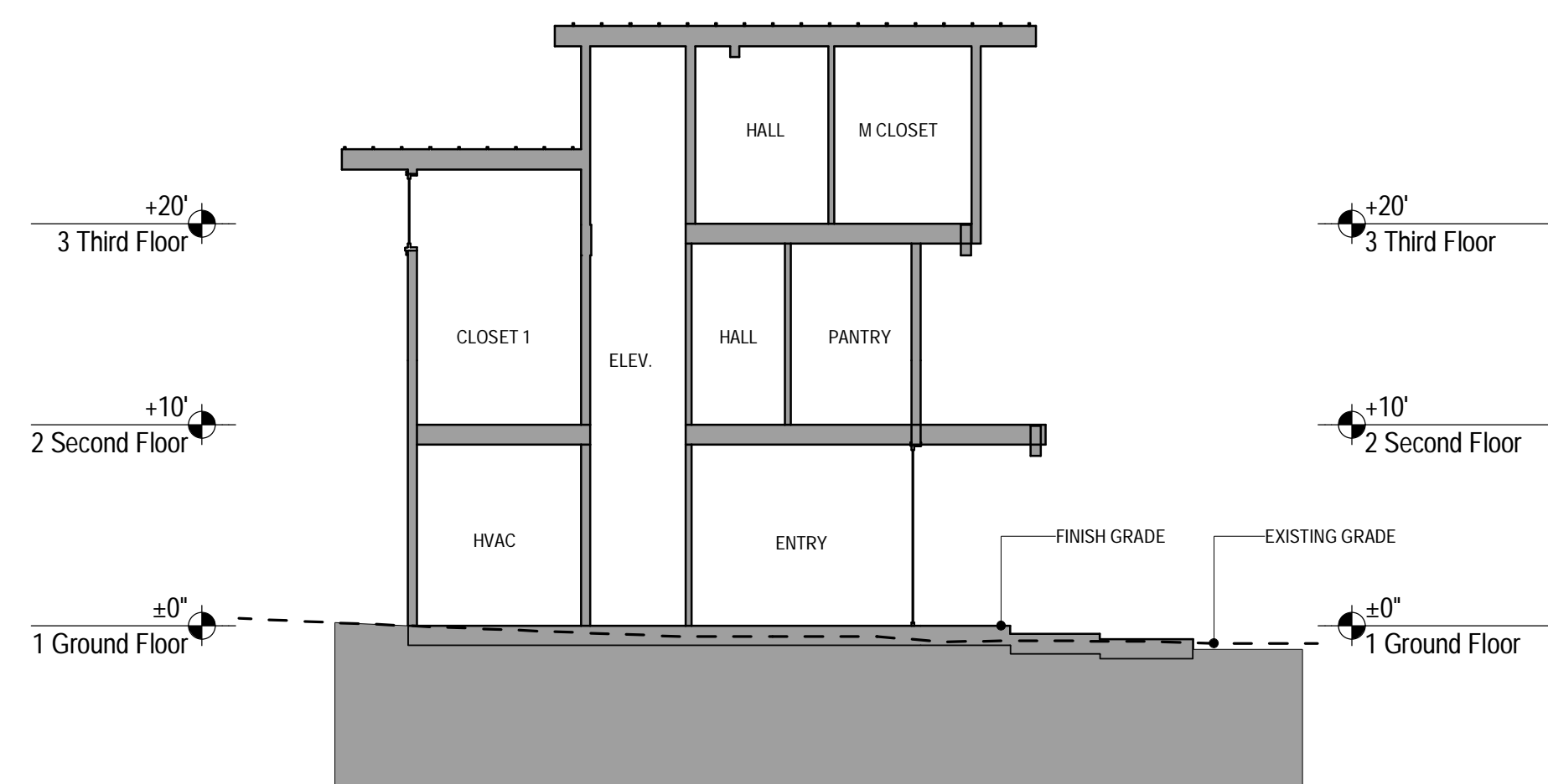
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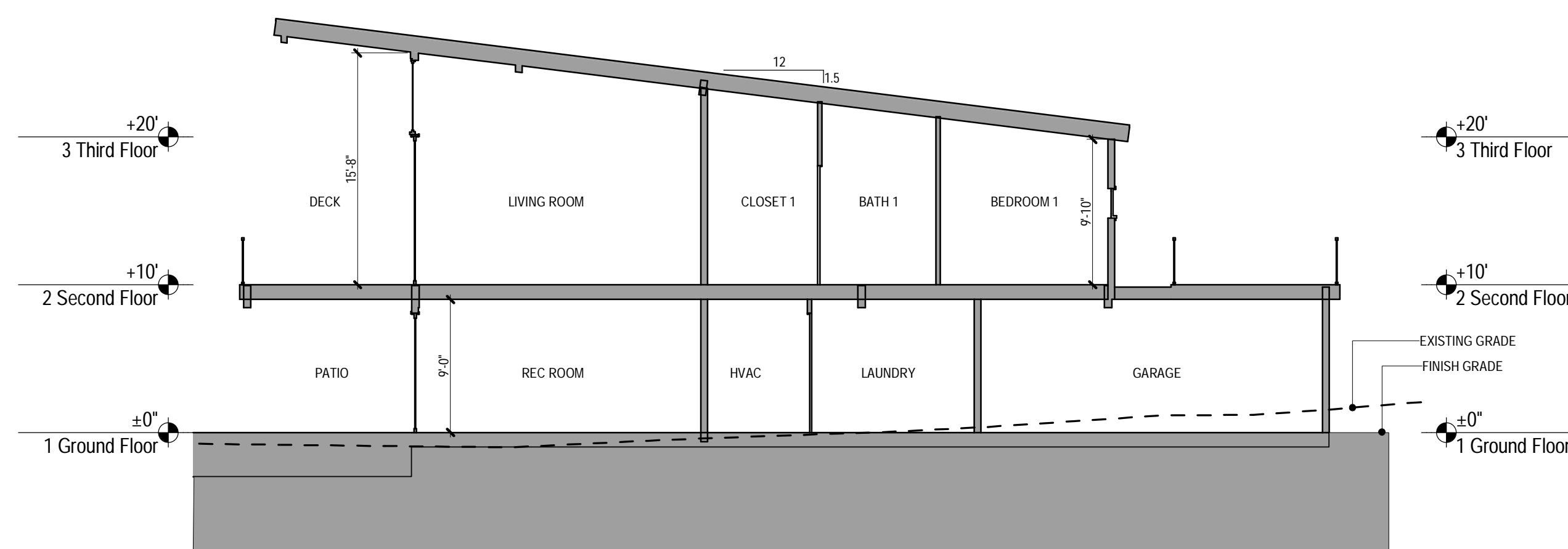
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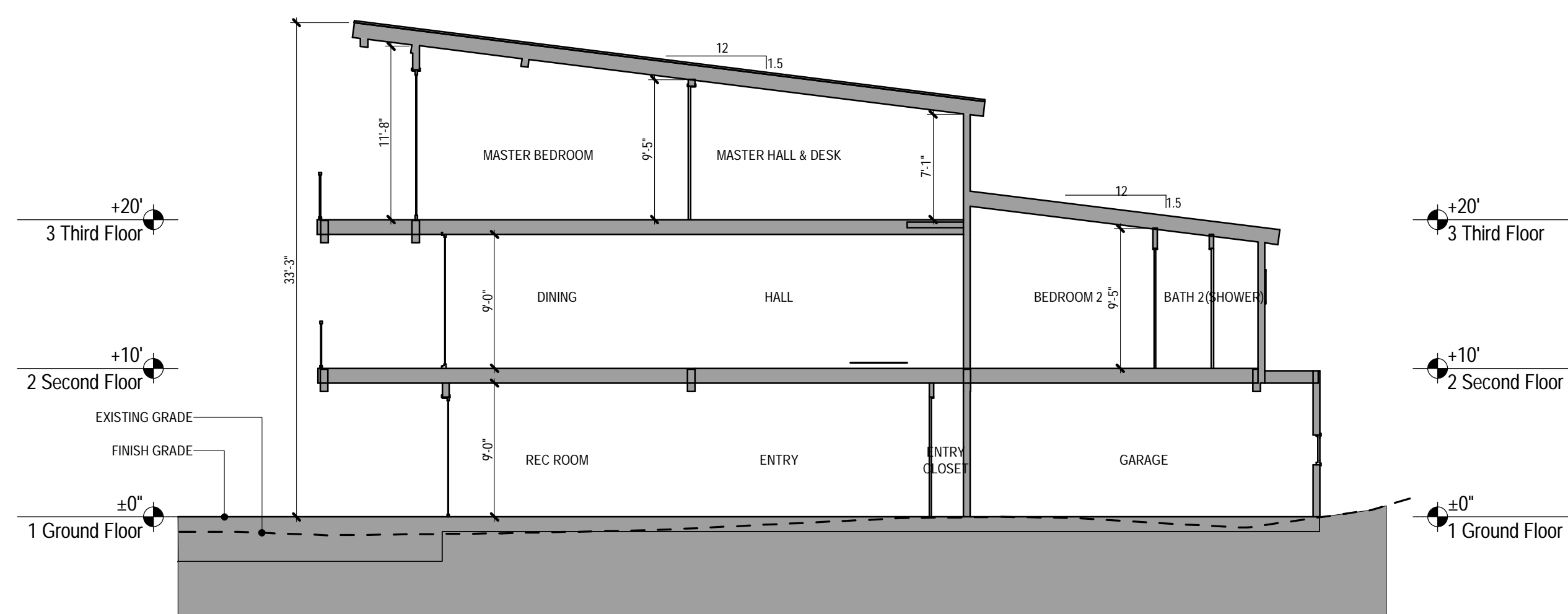
DATE 3/17/2021
SCALE 1/8" = 1'-0"
FILE 128 Saddle Unit 4.pln
BY RC



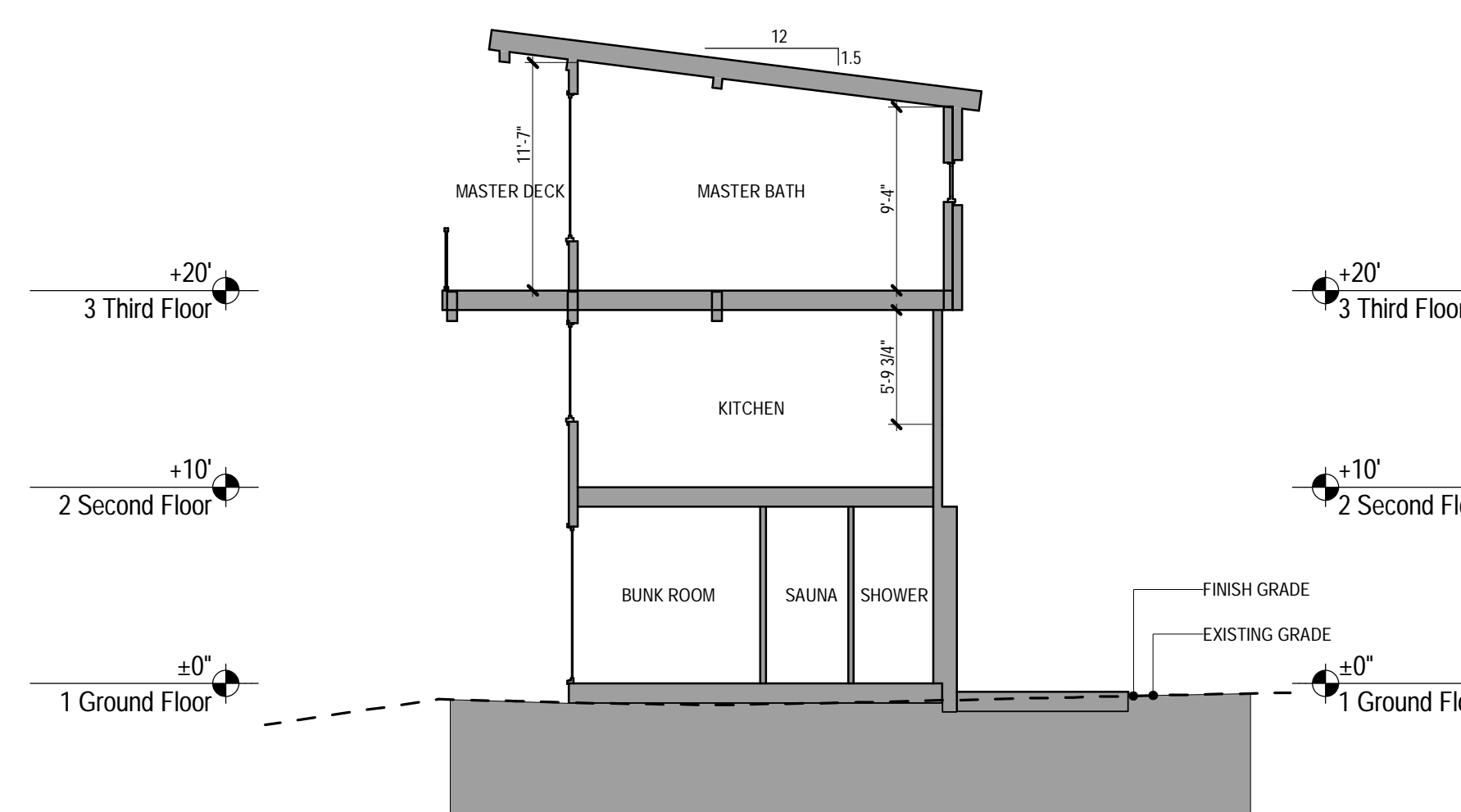
1 - EW SECTION @ ENTRY



2 - N/S SECTION @ LIVING ROOM



3 - N/S SECTION @ MASTER



4 - N/S SECTION @ KITCHEN

128 SADDLE RD | UNIT FOUR
SECTIONS 1/8"=1'-0"

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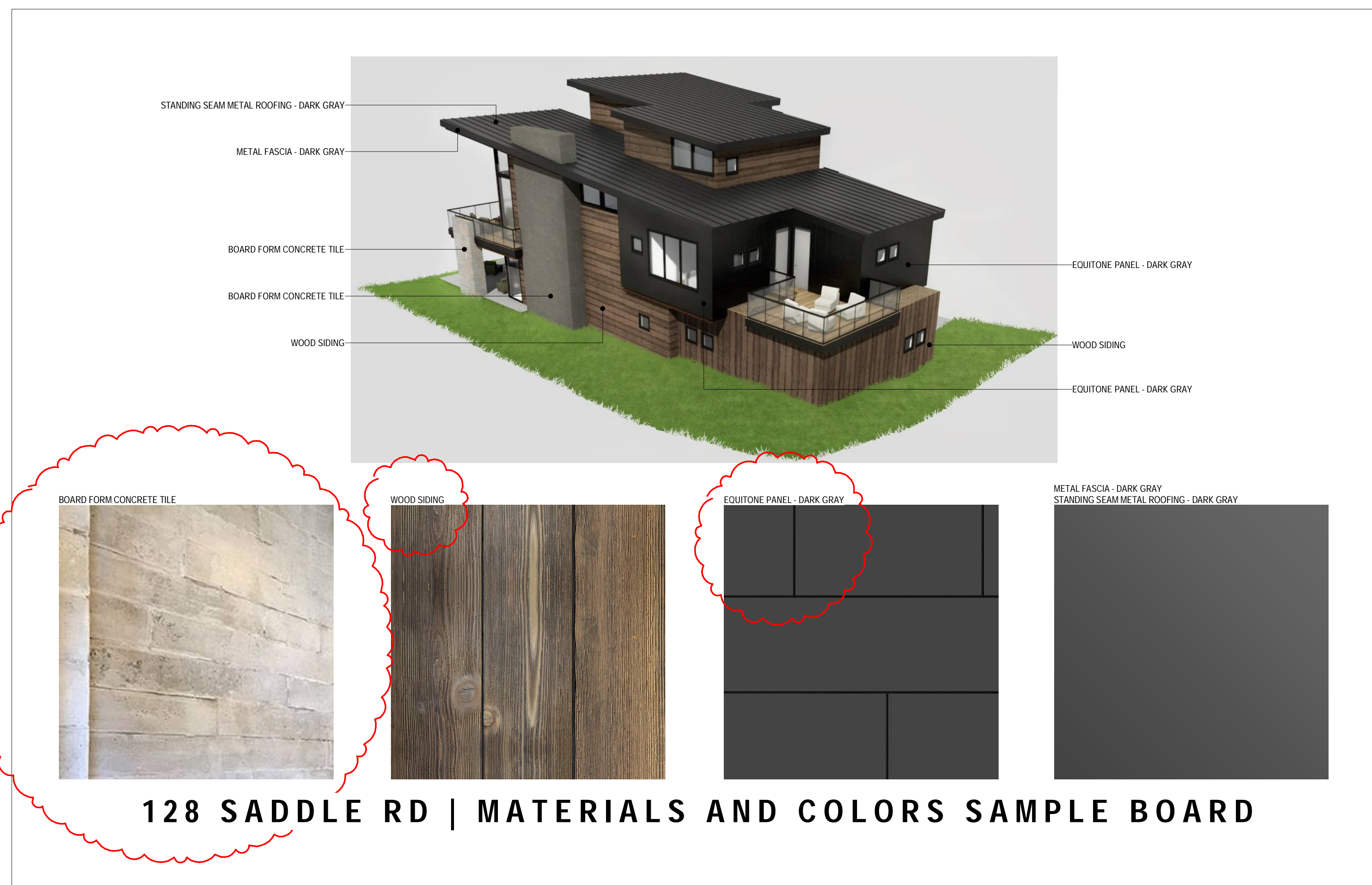
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MATERIAL DEMONSTRATIONS

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DATE: 3/17/2021
SCALE: A5.00
FILE: 128 Saddle Unit 4.pln
BY: RC

MEUDON SCONCE

DESCRIPTION
The Meudon Sconce is machined by hand from solid brass. Its linear body allows for either two T10 bulbs top and bottom, or one long T8 bulb. The half-round brass shield provides an even diffused light.

FINISHES
Shown in Black Bronze (standard). Please inquire about our other finishes. Note: All finishes may vary slightly.

MODEL # DIMENSIONS NET WT.
1 4 0 0 3 W x 24 H x 4.5 D 14 lbs

BACK PLATE / J-BOX
Top to J-Box center: 12"
Some additional blocking may be required.

ELECTRICAL
2 x E26 40w - 150w max - LED Available
(2" x 2" junction box required)

JONATHAN BROWNING

MEUDON SCONCE

DESCRIPTION
The Meudon Sconce is machined by hand from solid brass. Its linear body allows for either two T10 bulbs top and bottom, or one long T8 bulb. The half-round brass shield provides an even diffused light.

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1 4 0 0 3 W x 24 H x 4.5 D 14 lbs

BACK PLATE / J-BOX
Top to J-Box center: 12"
Some additional blocking may be required.

ELECTRICAL
2 x E26 40w - 150w max - LED Available
(2" x 2" junction box required)

JONATHAN BROWNING

sunlite LED

Item: 80489-SU
T8/LED/FS/5W/E26/D/CL/22K/300MM SUNLITE

General Characteristics

Bulb	T8
Lamp Type	Filament
Lamp Life Hours	15000 Hours
Material	Glass
Bulb Finish	Clear
Base	Medium Screw (E26)
Lumens Per Watt (LPW)	86.00
Life (based on 3hr/day)	13.7 Years
Estimated Energy Cost	\$0.60 per Year
Safety Rating	ETL - Damp Location
Ingress Protection	B
Dimmable	True

Electrical Characteristics

Watts	5
Volts	120
Equivalent Watts	40
LED Chip Manufacturer	6'S3MM LED FILAMENT
Number of LEDs	6
Power Factor	0.85
Temperature	-20° to 40° C

Light Characteristics

Brightness	430 Lumens
Color Accuracy (CRI)	80
Light Appearance	Warm White
Color Temperature	2200K
Beam Angle	360°

Product Dimensions

MOL (in)	11.75
Diameter (in)	1.19
Item Dimensions (in)	(W) 1.19 (H) 11.75 (D) 1.19
Package Dimensions (in)	(W) 1.50 (H) 12.70 (D) 1.60

Package Data

Item Number	80489-SU
Case Quantity	10
Barcode on SKU	653703804897
Barcode on Case	10653703804894
Brand	SUNLITE
Description	T8/LED/FS/5W/E26/D/CL/22K/300MM
US Patent No	7781789,8124991,8294166,6368105,883

Sunlite 80489-SU LED T8 Filament Style Bulb, 5 Watts (40W Equivalent), Medium Base (E26), Dimmable, 430 Lumens, 15,000 Hour Lifespan, ETL Listed, Amber 1 Pack

- VINTAGE EDISON STYLE - Vintage design meets modern technology in these LED T8 bulbs. These dimmable bulbs feature a medium base (E26) for use in a variety of fixtures including decorative lamps, pendants, chandeliers, wall sconces and more.
- SAVE ENERGY - Get the same light output of a 60 watt incandescent bulb while only using 5 watts of electricity. The estimated annual energy cost is a low \$0.30 (Based on 3 hours/day at \$0.11 per/kWh). They are instant-on at full 430 lumen brightness.
- LONG LIFE SPAN - With an average life span of 15,000 hours you'll need to replace them less often. Great for hard to reach fixtures and commercial applications.
- WARM WHITE - At Amber these warm white bulbs provide a comforting glow that's ideal for decorative lighting and multi-bulb fixtures.
- THE SAFER CHOICE - These bulbs are ETL Listed for damp location installation as well as RoHS Compliant and CE Certified. Bulb measurements are 1.19 inches in diameter and 11.75 inches long. Tested Compatible Dimmers: Lutron: DVELV-300P, MAELV-800, SELV-300P

www.sunlite.com

IRIS

DESCRIPTION
Recessed lens downlight luminaire with 4 inch square aperture utilizing a low voltage MR16 tungsten-halogen lamp. Modular platform can be reconfigured from below the ceiling to accept a broad range of lamp modules and optical elements. Platform is suitable for direct contact with insulation and 2x8 residential construction. Platform + module + element combination supports various lamp beam spreads for desired optical distribution with excellent light control and low aperture brightness.

SPECIFICATION FEATURES

Frame
Galvanized steel plaster frame with integral bar hanger receivers. Sectors provide positive horizontal locking.

Collar
Matte black steel collar adjusts vertically for 1/2" - 1" thick ceilings and can be rotated +/- 75° thru the aperture. Integral gus sets facilitate the use of guide fittings or laser lines. Shipped with a paint over spray protector installed in the collar.

Lamp Module
Installed or removed thru the aperture or from the top and allows lamp orientation at 0°, 90°, 180° and 270° positions. Hot aiming rotates 360°, tilts 90°, and locates in position using #2 Phillips screwdriver. Translating center beam optics aligns axis of lamp with aperture as lamp translates from nadar to 35°.

Housing
Double wall aluminum housing painted matte black for a visually dark interior. Removable hinged top allows for top access. All fasteners are captive.

Gaskets
Closed cell gaskets achieve restrictive airflow requirements without additional caulking.

Optical Element
Mountstrap type springs pull flange tight to ceiling. Light trap eliminates spill light at edge of flange and reflector. Available in self flanged or metal trim ring versions.

Bar Hangers
Captive preinstalled bar hangers adjust from 8-1/2" to 24" wide; pairs thru feature allows shortening without removal. Captive nail penetrates standard and engineered lumber. Mounting flange levels platform with ceiling. Integral clip attaches directly to rbar.

Lower Reflector
Aluminum parabolic shielding prismatic with integral clear glass lens provides for 60° cutoff and is available in a wide range of semi specular Alabak® finishes. Corrugated Baffle: An optional embossed pattern adds a subtle design element and reduces aperture brightness.

Junction Box
(7) 1/2" trade size pry outs, (3) integral clamps for non-metallic cable. Rated for (4) #12 thru branch circuits. Wago® type push wire connectors for field connections.

Thermal Protector
Self-resetting thermal protector protects against improper lamping.

Transformer
Integral dual output toroidal magnetic transformer, 120V 50/60Hz input 12V nominal 75VA maximum output. Separate output for circuits controlled by dimmers compensates for losses in dimmers improves color temperature and lumen output.

Lamp Capsule
Ceramic GX5.3 lamp holder mounts to die cast aluminum heat sink to dissipate heat. Connects to the transformer with electrical quick connects. Accepts 2 lenses or filters.

Code Compliance
Thermally protected, IP labeled, UL/US listed for wet locations and ASTM E283 AIRTIGHT™. Suitable for direct contact with insulation.

PHOTOMETRICS

Ordering Information: Complete unit consists of platform, lamp module and optical element.

Platform	Lamp Module	Optical Element	Finish	Flange Style	Accessories
P408ICAT	MA4MR	E4MRSR	E4MRSR	E4MRSR	E4MRSR

PHOTOMETRIC RESULTS

Spacing Criterion = 4
Efficiency = 71.0%

Test No. P11065
Platform = P4
Element = E4MRSRH
Lumens = 884
Lamp = 50MR16CVL/25

PHOTOMETRIC RESULTS

Spacing Criterion = 4
Efficiency = 71.0%

Test No. P11065
Platform = P4
Element = E4MRSRH
Lumens = 884
Lamp = 50MR16CVL/25

COEFFICIENTS OF UTILIZATION

Ceiling	Wall %	RCR	70 50 30 10	70 50 30 10	50 30 10	50 30 10	50 30 10	0
0	85 85 85	83 83 83	79 79 79	76 76 76	73 73 73	71		
1	82 80 79 78	80 79 77 76	76 75 74	73 73 72	71 70 70	69		
2	79 76 74 72	76 75 73 72	73 71 70	71 70 69	69 68 67	66		
3	76 73 70 68	72 70 68	70 68 67	69 67 66	67 66 65	64		
4	74 70 67 65	73 69 67 64	68 66 64	66 65 63	65 64 62	61		
5	72 67 64 62	71 67 64 62	65 63 61	63 62 61	63 62 61	59		
6	69 65 62 60	68 64 61 59	63 61 59	62 60 59	62 60 58	57		
7	67 63 59 57	67 62 59 57	61 59 57	61 58 57	60 58 56	56		
8	65 61 57 56	65 60 57 56	59 57 55	58 56 55	58 56 55	54		
9	63 59 56 54	63 58 55 53	58 55 53	57 55 53	57 55 53	52		
10	62 57 54 52	61 57 54 52	56 54 52	56 53 52	55 53 52	51		

COOPER Lighting

IRIS

DESCRIPTION
Recessed lens downlight luminaire with 4 inch square aperture utilizing a low voltage MR16 tungsten-halogen lamp. Modular platform can be reconfigured from below the ceiling to accept a broad range of lamp modules and optical elements. Platform is suitable for direct contact with insulation and 2x8 residential construction. Platform + module + element combination supports various lamp beam spreads for desired optical distribution with excellent light control and low aperture brightness.

PHOTOMETRICS

Ordering Information: Complete unit consists of platform, lamp module and optical element.

Platform	Lamp Module	Optical Element	Finish	Flange Style	Accessories
P408ICAT	MA4MR	E4MRSR	E4MRSR	E4MRSR	E4MRSR

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1	82 80 79 78	80 79 77 76	76 75 74	73 73 72	71 70 70	69		
2	79 76 74 72	76 75 73 72	73 71 70	71 70 69	69 68 67	66		
3	76 73 70 68	72 70 68	70 68 67	69 67 66	67 66 65	64		
4	74 70 67 65	73 69 67 64	68 66 64	66 65 63	65 64 62	61		
5	72 67 64 62	71 67 64 62	65 63 61	63 62 61	63 62 61	59		
6	69 65 62 60	68 64 61 59	63 61 59	62 60 59	62 60 58	57		
7	67 63 59 57	67 62 59 57	61 59 57	61 58 57	60 58 56	56		
8	65 61 57 56	65 60 57 56	59 57 55	58 56 55	58 56 55	54		
9	63 59 56 54	63 58 55 53	58 55 53	57 55 53	57 55 53	52		
10	62 57 54 52	61 57 54 52	56 54 52	56 53 52	55 53 52	51		

COOPER Lighting

sunlite LED

Item: 81118-SU
MR16/LED/TW/12V/FL35/D/E/27K/CR190 SUNLITE

General Characteristics

Bulb	MR16
Lamp Type	90CRI Series
Lamp Life Hours	25000 Hours
Material	PBT
Bulb Finish	White
Base	2-Pin (GU5.3)
Lumens Per Watt (LPW)	71.43
Life (based on 3hr/day)	22.8 Years
Estimated Energy Cost	\$0.84 per Year
Safety Rating	UL Listed - Damp Location
Rated For Totally Enclosed Fixtures	Yes
Energy Star	True
Dimmable	True

Electrical Characteristics

Watts	7
Volts	12
Equivalent Watts	50
LED Chip Manufacturer	7070
Number of LEDs	1
Power Factor	0.9
Temperature	-257-457

Light Characteristics

Brightness	500 Lumens
Color Accuracy (CRI)	90
BCPC	1315
Light Appearance	Warm White
Color Temperature	2700K

Product Dimensions

MOL (in)	1.91
Diameter (in)	1.97
Item Dimensions (in)	(W) 2.05 (H) 2.05 (D) 2.17

Package Data

Item Number	81118-SU
Case Quantity	6
Barcode on SKU	653703811185
Barcode on Case	10653703811182
Brand	SUNLITE
Description	MR16/LED/TW/12V/FL35/D/E/27K/CR190
CEC Status	Lawful for sale in=chr=California
Energy Star File Number	2356749

Sunlite 7 Watt MR16 Lamp Warm White

www.sunlite.com

COOPER Lighting

RECESSED / FLUSH MOUNTED FIXTURE SHEILED UNDER CANOPY

COOPER Lighting

sunlite LED

Item: 81118-SU
MR16/LED/TW/12V/FL35/D/E/27K/CR190 SUNLITE

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Bulb	MR16
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Energy Star	True
Dimmable	True

Electrical Characteristics

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Volts	12
Equivalent Watts	50
LED Chip Manufacturer	7070
Number of LEDs	1
Power Factor	0.9
Temperature	-257-457

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Brightness	500 Lumens
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Sunlite 7 Watt MR16 Lamp Warm White

www.sunlite.com

128 SADDLE ROAD

EXTERIOR LIGHT FIXTURES

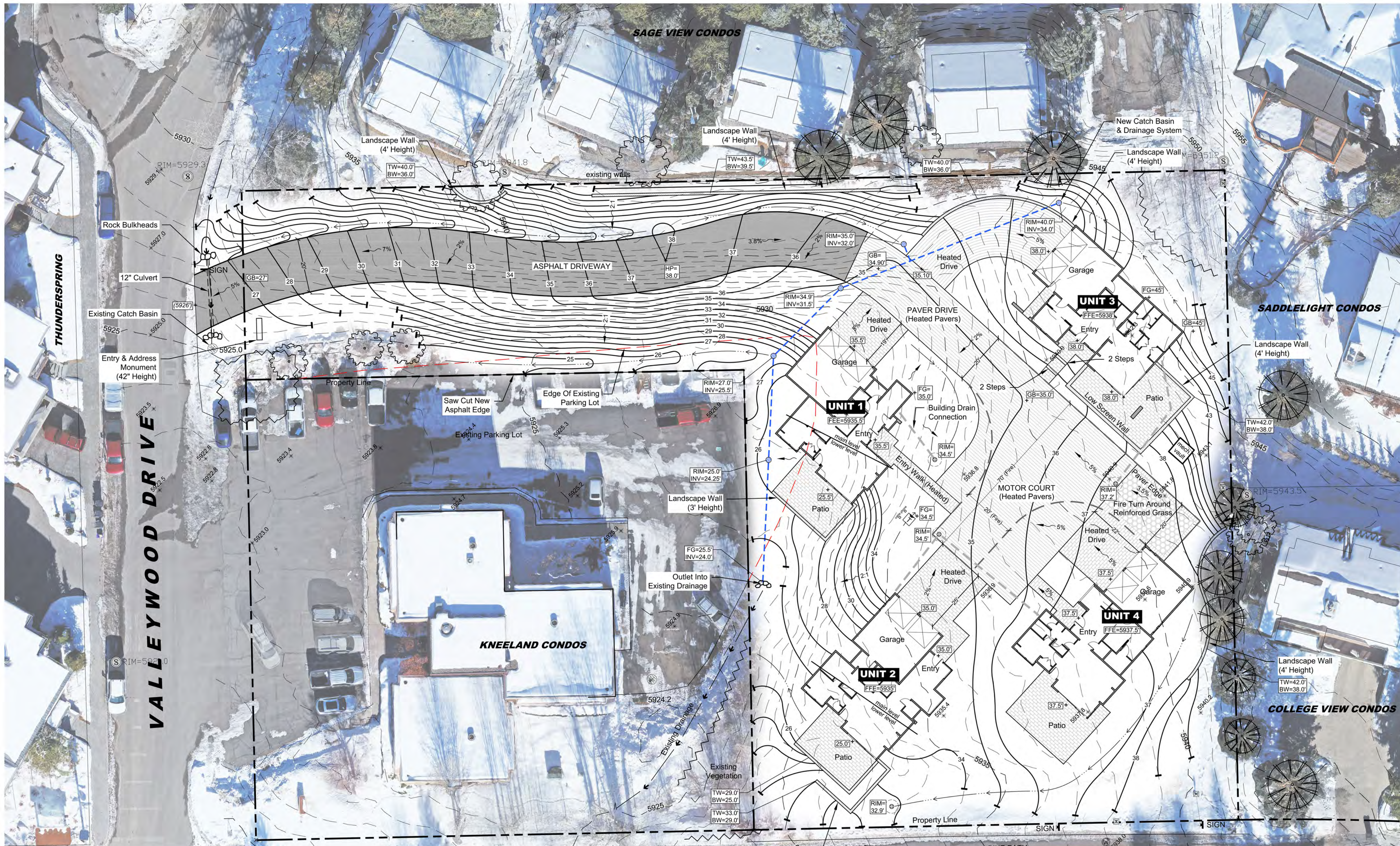
128 Saddle Rd., Keetchum, ID

POINT ARCHITECTS

209 E 35th Street
Garden City, ID 83711
P.O. Box 1001
Coody, Wyoming 82401
p. 208.284.2999
www.pointarchitects.com

RECESSED FIXTURE LAMP

A6.00



PLAN LEGEND

- Property Boundary**
(Per Survey)
- Adjacent Lot Line**
- Asphalt Driveway**
- Heated Paver Motor Court**
- Heated Paver Driveways & Entry Walks**
- Paver Edging**
- Landscape Block Retaining Wall**
(4' Maximum Height)
- Reinforced Grass Fire Truck Turn Around**
(NDS Tufftrack Turf Cell)
- Proposed Transformer**
(Verify with Idaho Power)
- Existing Tree To Remain**

GRADING LEGEND

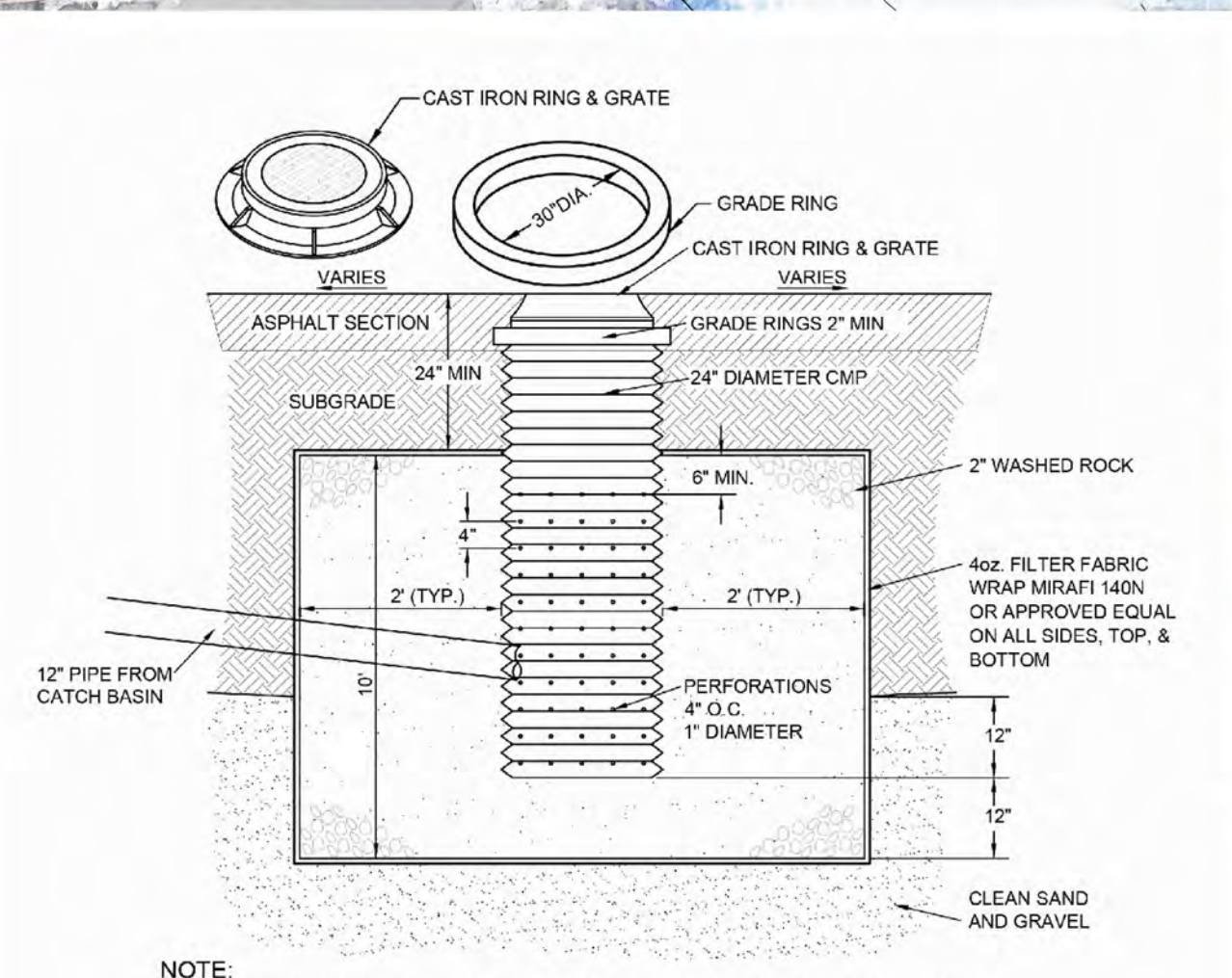
- Existing 1' Contour**
(Per Survey)
- Existing Spot Elevation**
- Proposed 1' Contour**
- Proposed Drainage System**
(Catch Basin & Drain Line)
- Proposed Drainage Swale**
- Proposed Drywell**
(See Detail, This Sheet)
- Proposed Building Drainage**
(Connected To Drainage System)
- Proposed Drainage**
(Slope Percentage And Direction)
- Existing Spot Elevation**
- Proposed Spot Elevation**

GRADING ABBREVIATIONS

- FFE** FINISHED FLOOR ELEVATION
- GB** GRADE BREAK
- FG** FINISHED GRADE
- HP** HIGH POINT
- TW** TOP OF WALL
- BW** BOTTOM OF WALL

GRADING NOTES

1. Landscape architect shall review grading on site prior to completion.
2. Topsoil shall be imported for all grass and planting bed areas at a depth of 6" min.
3. Best Management Erosion Control practices will be followed. An NOI and SWPPP plan will be submitted to the EPA and implemented on site during construction.



- NOTE:**
1. THE BED SHALL BE EXCAVATED A MINIMUM OF 24" INTO CLEAN SAND AND GRAVEL.
 2. MAXIMUM DEPTH SHALL NOT EXCEED 12 FEET.
 3. IF CLEAN SAND AND GRAVEL IS NOT ENCOUNTERED WITHIN 12 FEET, THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER.

DRYWELL DETAIL

Not To Scale



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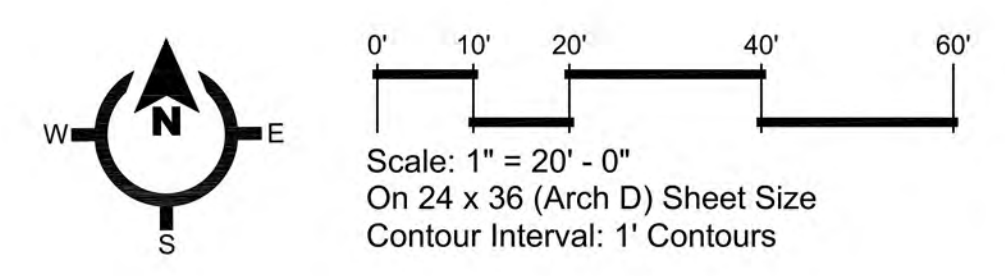
PROJECT
128 SADDLE ROAD
Ketchum, Idaho

DOCUMENT DATE
January 29, 2021
DRAWN BY
Nathan Schutte

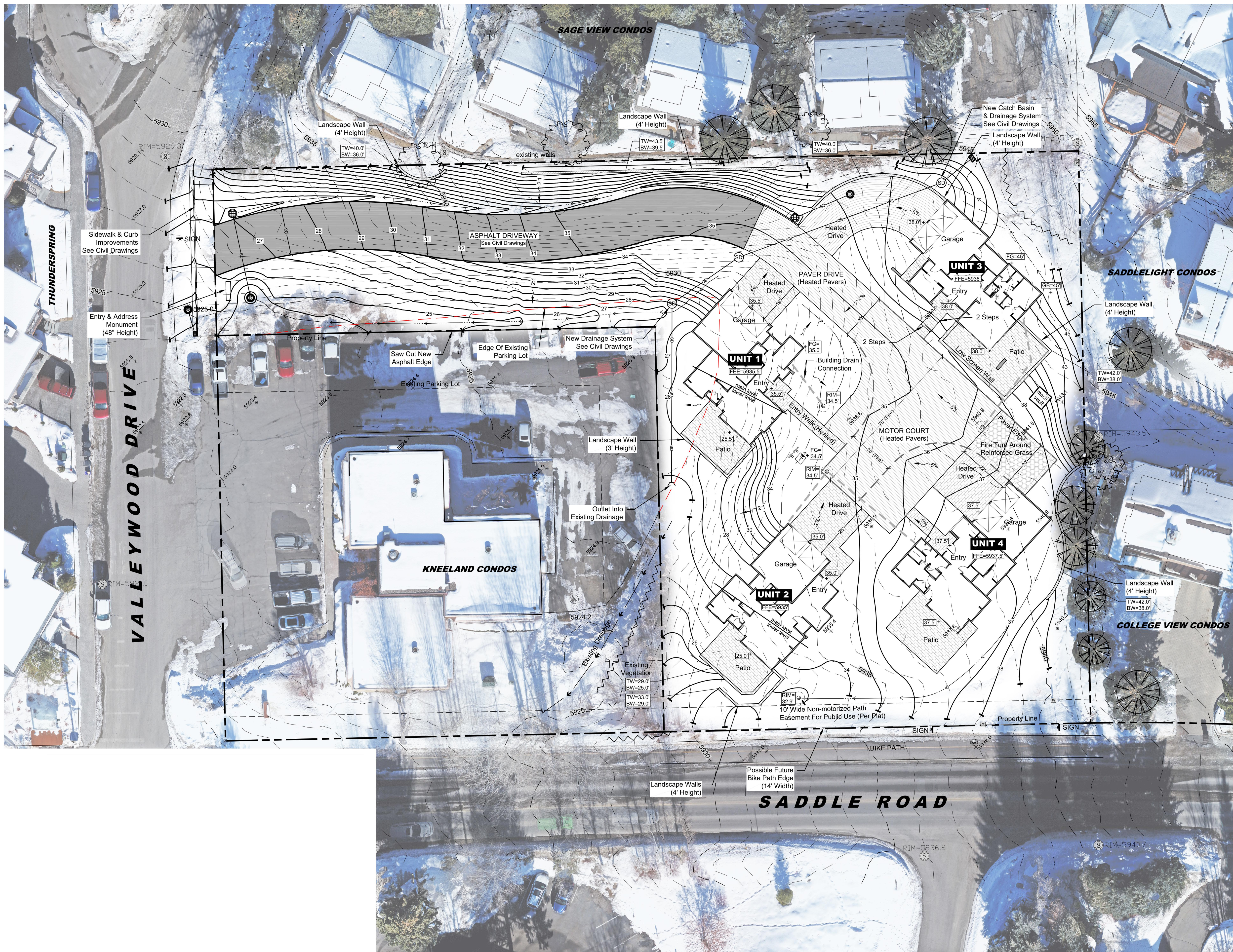
REVISION
No. Date Remark

DESIGN REVIEW SUBMITTAL

GRADING & DRAINAGE PLAN



L1



PLAN LEGEND

- Property Boundary**
(Per Survey)
- Adjacent Lot Line**
- Asphalt Driveway**
- Heated Paver Motor Court**
- Heated Paver Driveways & Entry Walks**
- Paver Edging**
- Landscape Block Retaining Wall**
(4' Maximum Height)
- Reinforced Grass**
Fire Truck Turn Around
(NDS Tufftrack Turf Cell)
- Proposed Transformer**
(Verify with Idaho Power)
- Existing Tree To Remain**

GRADING LEGEND

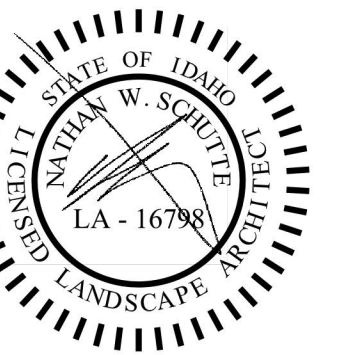
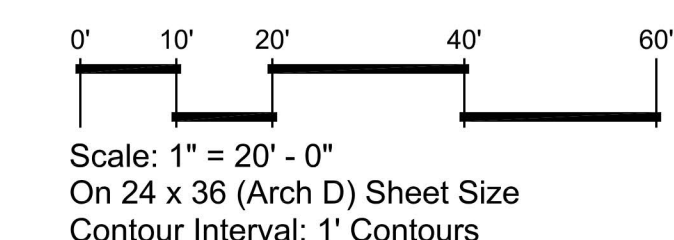
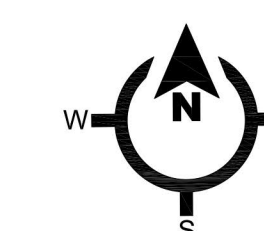
- Existing 1' Contour**
(Per Survey)
- Existing Spot Elevation**
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(Catch Basin & Drain Line)
- Proposed Drainage Swale**
- Proposed Drywell**
(See Detail, This Sheet)
- Proposed Building Drainage**
(Connected To Drainage System)
- Proposed Drainage**
(Slope Percentage And Direction)
- Existing Spot Elevation**
- Proposed Spot Elevation**

GRADING ABBREVIATIONS

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GB	GRADE BREAK
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HP	HIGH POINT
TW	TOP OF WALL
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GRADING NOTES

- Landscape architect shall review grading on site prior to completion.
- Topsoil shall be imported for all grass and planting bed areas at a depth of 6" min.
- Best Management Erosion Control practices will be followed. An NOI and SWPPP plan will be submitted to the EPA and implemented on site during construction.



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PROJECT
128 SADDLE ROAD
Ketchum, Idaho

DOCUMENT DATE
January 29, 2021

DRAWN BY
Nathan Schutte

REVISION
No. Date Remark
03/17/21 Revision

DESIGN REVIEW SUBMITTAL

GRADING & DRAINAGE PLAN



LANDSCAPE LEGEND

- Property Boundary**
(Per Survey)
- Adjacent Lot Line**
- Existing 1' Contour**
- Proposed 1' Contour**
(See Grading Plan For More Information)
- Proposed Drywells**
(See Grading Plan For More Information)
- Proposed Drainage System**
(Catch Basin & Drain Line)
- Asphalt Driveway**
- Heated Paver Motor Court**
- Heated Paver Driveways & Entry Walks**
- Paver Edging**
- Landscape Block Retaining Wall**
(4' Maximum Height)
- Reinforced Grass Fire Truck Turn Around**
(NDS Tufftrack Turf Cell)
- Proposed Transformer**
(Verify with Idaho Power)
- Snow Storage Areas**
(For Non Heated Areas)
- Existing Trees To Remain**
- Existing Trees & Vegetation To Be Removed**

SNOW STORAGE

Main Asphalt Entry Driveway	4,980 sq.ft.
Reinforced Grass Fire Turn Around	625 sq.ft.
Provided Snow Storage Areas:	3,060 sq.ft.

54% Provided Snow Storage

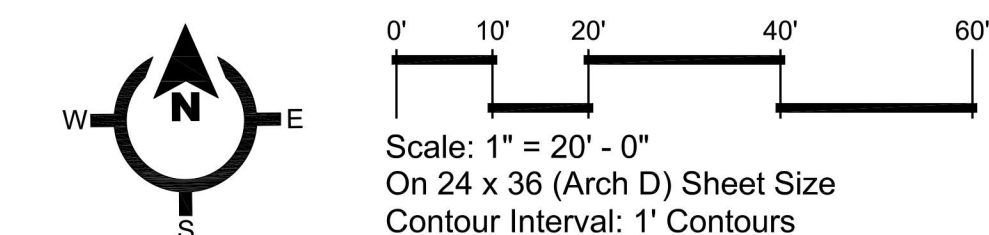
***ALL PAVER DRIVEWAYS & WALKWAYS TO BE HEATED**

LANDSCAPE NOTES

- All disturbed areas shall be revegetated and irrigated with an automatic underground irrigation system.
- Planting beds adjacent to buildings to have 3" of decorative rock.
- All other planting areas and tree rings to have 3" cover of bark or mulch.
- Aerial image from drone flight dated 11/18/2019.

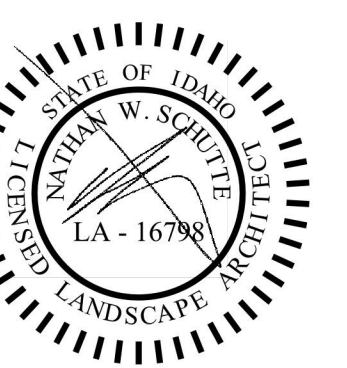
IRRIGATION NOTES

- Irrigation system shall be an automatically controlled underground system with low water use heads, a smart controller, and rain/freeze sensor for a water wise system.
- Drip irrigation shall be installed adjacent to buildings and around tree plantings in natural areas.
- Irrigation systems shall not be placed against pavement, or placed such that they spray water onto the pavement.
- Irrigation supply connected to the developments water system. The point of connection will include an approved backflow prevention device and water meter.



PLANT LEGEND

symbol	quan	description	size	photo examples
	2	Evergreen Trees [SAF] Sub Alpine Fir - <i>Abies lasiocarpa</i>	10'-14'	sub alpine fir
	7	[BS] Blackhills Spruce - <i>Picea glauca densata</i>		pinus VP
	2	[VP] Vanderwolf's Pine - <i>Pinus flexilis</i> 'VP'		columnar spruce
	28	Evergreen Screening Rocky Mountain Juniper - <i>Juniperus scopulorum</i> Blue Columnar Spruce - <i>Picea pungens</i> 'Soll Fastigiata' Bristlecone Pine - <i>Pinus aristata</i>	6'-8'	
	1	Deciduous Shade Trees Autumn Blaze Maple - <i>Acer x freemanii</i>	3" Cal.	autumn blaze maple
	8	Deciduous Trees Quaking Aspen - <i>Populus tremuloides</i>	2"-3" Cal.	rocky mountain juniper
	115	Large Shrub Massing Serviceberry - <i>Amelanchier alnifolia</i> 'Regent' Mockorange - <i>Philadelphus lewisii</i> PekingCotoneaster - <i>Cotoneaster lcidus</i> Ashleaf Spirea - <i>Sorbaria sorbifolia</i> Diablo Ninebark - <i>Physocarpus opulifolius</i> 'Diablo'	5 Gal.	
	68	Shrub Massing Miss Kim Lilac - <i>Syringa patula</i> 'Miss Kim' Mountain Spirea - <i>Spiraea splendens</i> Common Snowberry - <i>Symphoricarpos albus</i> Honeysuckle Bush - <i>Diervillea toncor</i> American Cranberrybush - <i>Viburnum trilobum</i>	5 Gal.	
	48	Ornamental Grasses Reed Grass - <i>Calamagrostis</i> x a. 'Karl Foerster' Flame Grass - <i>Miscanthus sinensis</i> Blue Oat Grass - <i>Helictotrichon sempervirens</i>	1 Gal.	reed grass
		Perennials Black Eye Susan - <i>Rudbeckia hirta</i> Lavendar - <i>Lavandula</i> Salvia - <i>Salvia divinorum</i>	1 Gal.	blue oat grass
	2,400 sq ft	Maintained Grass Fescue Blend	Sod	flame grass
	22,100 sq ft	Low Maintenance Grass Scottish Links Blend	Hydrosseed	



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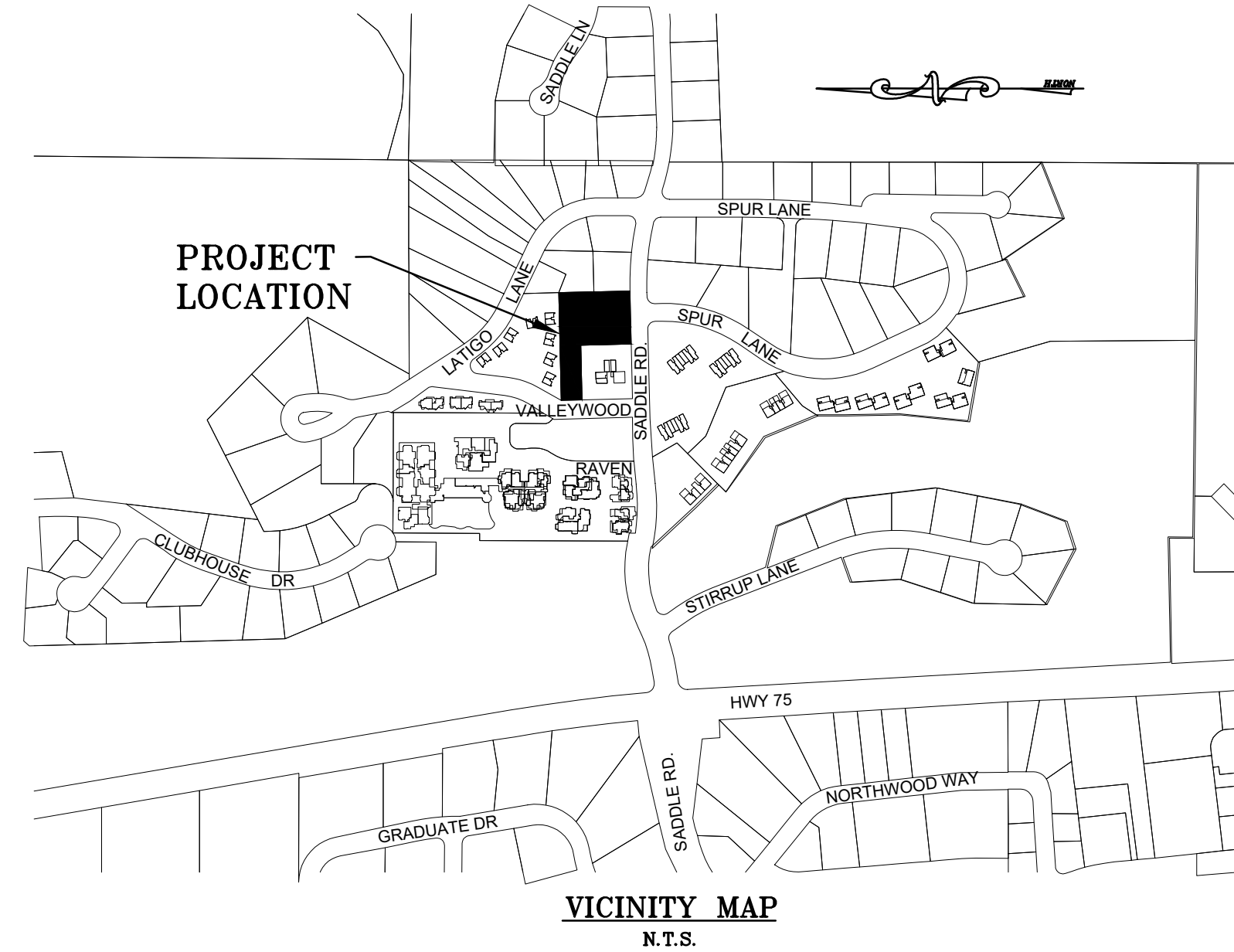
Exhibit B:
128 Saddle Road Townhomes
Preliminary Plat
Project Plans

128 SADDLE ROAD TOWNHOUSES

MARCH 2021

CONSTRUCTION NOTES

- ALL CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE MOST CURRENT EDITION OF THE "IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION" (ISPMC) AND CITY OF KETCHUM STANDARDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND KEEPING A COPY OF THE ISPMC AND CITY OF KETCHUM STANDARDS ON SITE DURING CONSTRUCTION.
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON THE PLANS IN AN APPROXIMATE WAY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING EXISTING UTILITIES PRIOR TO COMMENCING AND DURING THE CONSTRUCTION. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH RESULT FROM HIS FAILURE TO ACCURATELY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. CONTRACTOR SHALL CALL DIGLINE (1-800-342-1585) TO LOCATE ALL EXISTING UNDERGROUND UTILITIES A MINIMUM OF 48 HOURS IN ADVANCE OF EXCAVATION.
- CONTRACTOR SHALL COORDINATE RELOCATIONS OF DRY UTILITY FACILITIES (POWER, CABLE, PHONE, TV) WITH THE APPROPRIATE UTILITY FRANCHISE.
- THE CONTRACTOR SHALL CLEAN UP THE SITE AFTER CONSTRUCTION SO THAT IT IS IN A CONDITION EQUAL TO OR BETTER THAN THAT WHICH EXISTED PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION (THIS MAY INCLUDE ENCROACHMENT PERMITS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) CONSTRUCTION GENERAL PERMIT (CGP) PERMIT COVERAGE).
- ALL CLEARING & GRUBBING SHALL CONFORM TO ISPMC SECTION 201.
- ALL EXCAVATION & EMBANKMENT SHALL CONFORM TO ISPMC SECTION 202. SUBGRADE SHALL BE EXCAVATED AND SHAPED TO LINE, GRADE, AND CROSS-SECTION SHOWN ON THE PLANS. THE SUBGRADE SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY AS DETERMINED BY ASTM D-698. THE CONTRACTOR SHALL WATER OR AERATE SUBGRADE AS NECESSARY TO OBTAIN OPTIMUM MOISTURE CONTENT. IN-LIEU OF DENSITY MEASUREMENTS, THE SUBGRADE MAY BE PROOF-ROLLED TO THE APPROVAL OF THE ENGINEER.
 - PROOF-ROLLING: AFTER EXCAVATION TO THE SUBGRADE ELEVATION AND PRIOR TO PLACING COURSE GRAVEL, THE CONTRACTOR SHALL PROOF ROLL THE SUBGRADE WITH A 5-TON SMOOTH DRUM ROLLER, LOADED WATER TRUCK, OR LOADED DUMP TRUCK, AS ACCEPTED BY THE ENGINEER. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF UNSUITABLE SUBGRADE MATERIAL AREAS, AND/OR AREAS NOT CAPABLE OF COMPACTION ACCORDING TO THESE SPECIFICATIONS. UNSUITABLE OR DAMAGED SUBGRADE IS WHEN THE SOIL MOVES, PUMPS AND/OR DISPLACES UNDER ANY TYPE OF PRESSURE INCLUDING FOOT TRAFFIC LOADS.
 - IF, IN THE OPINION OF THE ENGINEER, THE CONTRACTOR'S OPERATIONS RESULT IN DAMAGE TO, OR PROTECTION OF, THE SUBGRADE, THE CONTRACTOR SHALL, AT HIS OWN EXPENSE, REPAIR THE DAMAGED SUBGRADE BY OVER-EXCAVATION OF UNSUITABLE MATERIAL TO FIRM SUBSOIL, LINE EXCAVATION WITH GEOTEXTILE FABRIC, AND BACKFILL WITH PIT RUN GRAVEL.
- ALL 2" MINUS GRAVEL SHALL CONFORM TO ISPMC 802, TYPE II (ITD STANDARD 703.04, 2"), SHALL BE PLACED IN CONFORMANCE WITH ISPMC SECTION 801 AND COMPACTED PER SECTION 202. MINIMUM COMPACTION OF PLACED MATERIAL SHALL BE 90% OF MAXIMUM LABORATORY DENSITY AS DETERMINED BY AASHTO T-99.
- ALL 3/4" MINUS CRUSHED GRAVEL SHALL CONFORM TO ISPMC 802, TYPE I (ITD STANDARD 703.04, 3/4" B), SHALL BE PLACED IN CONFORMANCE WITH ISPMC SECTION 802 AND COMPACTED PER SECTION 202. MINIMUM COMPACTION OF PLACED MATERIAL SHALL BE 95% OF MAXIMUM LABORATORY DENSITY AS DETERMINED BY AASHTO T-99 OR ITD T-91.
- ALL ASPHALTIC CONCRETE PAVEMENT WORK SHALL CONFORM TO ISPMC SECTION(S) 805, 810, AND 811 FOR CLASS II PAVEMENT. ASPHALT AGGREGATE SHALL BE 1/2" (13MM) NOMINAL SIZE CONFORMING TO TABLE 803B IN ISPMC SECTION 803. ASPHALT BINDER SHALL BE PG 58-28 CONFORMING TO TABLE A-1 IN ISPMC SECTION 805.
- ASPHALT SAWCUTS SHALL BE AS INDICATED ON THE DRAWINGS, OR 24" INCHES FROM EDGE OF EXISTING ASPHALT, IF NOT INDICATED OTHERWISE SO AS TO PROVIDE A CLEAN PAVEMENT EDGE FOR MATCHING. NO WHEEL CUTTING SHALL BE ALLOWED.
- TRAFFIC CONTROL SHALL BE PER THE TRAFFIC CONTROL PLAN. CONTRACTOR WILL NEED TO MAINTAIN ACCESS TO ALL PRIVATE PROPERTIES, UNLESS OTHERWISE COORDINATE WITH THE PROPERTY OWNER THROUGH THE CITY ENGINEER.
- ALL CONCRETE WORK SHALL CONFORM TO ISPMC SECTIONS 701, 703, AND 705. ALL CONCRETE SHALL BE 3,000 PSI MINIMUM, 28 DAY, AS DEFINED IN ISPMC SECTION 703, TABLE 1. IMMEDIATELY AFTER PLACEMENT PROTECT CONCRETE BY APPLYING MEMBRANE-FORMING CURING COMPOUND, TYPE 2, CLASS A PER ASTM C 309-94. APPLY CURING COMPOUND PER MANUFACTURER'S INSTRUCTIONS AND SPECIFICATIONS.
- ALL TRENCHING SHALL CONFORM TO ISPMC STANDARD DRAWING SD-301. TRENCHES SHALL BE BACKFILLED AND COMPACTED TO A MINIMUM OF 95% OF MAXIMUM DENSITY AS DETERMINED BY AASHTO T-99.
- PER IDAHO CODE § 55-1613, THE CONTRACTOR SHALL RETAIN AND PROTECT ALL MONUMENTS, ACCESSORIES TO CORNERS, BENCHMARKS AND POINTS SET IN CONTROL SURVEYS; ALL MONUMENTS, ACCESSORIES TO CORNERS, BENCHMARKS AND POINTS SET IN CONTROL SURVEYS THAT ARE LOST OR DISTURBED BY CONSTRUCTION SHALL BE REESTABLISHED AND RE-MONUMENTED, AT THE EXPENSE OF THE AGENCY OR PERSON CAUSING THEIR LOSS OR DISTURBANCE AT THEIR ORIGINAL LOCATION OR BY SETTING OF A WITNESS CORNER OR REFERENCE POINT OR A REPLACEMENT BENCHMARK OR CONTROL POINT, BY OR UNDER THE DIRECTION OF A PROFESSIONAL LAND SURVEYOR.
- CONSTRUCTION OF WATER MAINS AND ALL OTHER RELATED APPURTENANCES SHALL BE IN ACCORDANCE WITH THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (ISPMC), IDAPA 58.01.08, IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS AND THE CITY OF KETCHUM UTILITIES DEPARTMENT STANDARDS.
- CONTRACTOR SHALL PRESSURE TEST, DISINFECT, AND CONDUCT BIOLOGICAL TESTING IN ACCORDANCE WITH THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (ISPMC), AMERICAN WATER WORKS ASSOCIATION (AWWA) STANDARDS, AND THE PRESSURE TESTING, DISINFECTION, AND MICROBIOLOGICAL TESTING PROCEDURES.
- ALL WATER SUPPLY FIXTURES, FITTINGS, PIPING, AND ALL RELATED APPURTENANCES SHALL BE ANSI/NSF STD. 61 COMPLIANT.
- ALL WATER SUPPLY FIXTURES, FITTINGS, PIPING, AND ALL RELATED APPURTENANCES SHALL COMPLY WITH THE LOW LEAD ACT REQUIRING ALL MATERIALS TO HAVE A LEAD CONTENT EQUAL TO OR LESS THAN 0.25%.
- THE CONTRACTOR SHALL USE ANSI/NSF STANDARD 60 CHEMICALS AND COMPOUNDS DURING INSTALLATION & DISINFECTION OF POTABLE WATER MAIN.
- EXISTING SITE CONDITIONS SHOWN HEREON ARE PER A FIELD SURVEY BY BENCHMARK AND ASSOCIATES WITH COORDINATES AT STATE PLAIN (07/30/20). DATA WAS TRANSLATED AND ROTATED TO GROUND COORDINATES PER BOUNDARY RETRACEMENT BY GALENA ENGINEERING (01/20/21).



SHEET INDEX

SHEET#	DESCRIPTION
C0.1	COVER SHEET
C0.2	EXISTING SITE CONDITIONS (BENCHMARK AND ASSOCIATES AND 2017 BLAINE COUNTY LIDAR)
C1.0	VALLEYWOOD DR. RIGHT-OF-WAY IMPROVEMENT PLAN
C1.1	ROAD PLAN AND PROFILE, AREA GRADING, AND DRAINAGE SHEET
C1.2	GRADING AND DRAINAGE DETAIL SHEET
C2.0	UTILITY PLAN AND SEWER PROFILE SHEET
C2.1	UTILITY DETAILS AND NOTES SHEET
C2.2	UTILITY DETAILS SHEET

LEGEND

EXISTING ITEMS	PROPOSED ITEMS
Property Line	Centerline of Access Driveway
Adjoiner's Lot Line	New Asphalt
Centerline	Heated Pavers
Building Setback, width as shown	Retaining Wall
Easement, width as shown	5' Contour Interval
Found Mag Nail	1' Contour Interval
FDAC = Found Aluminum Cap	Sewer Main
FD5/8 = Found 5/8" Rebar	Sewer Service
FD1/2 = Found 1/2" Rebar	Sewer Manhole
5' Contour Interval	Water Main
1' Contour Interval	Water Service
Curb & Gutter	Water Valve
Building	Water Fittings
Asphalt	Blow-off Hydrant
Pavers	Ditch
Rock Retaining Wall	Drywell
Conifer Tree	Landscape Drywell
Deciduous Tree	Catch Basin
Sign	Storm Drain Manhole
Drainage Swale	Power Buried
25% Slope Line	Transformer
	Cable TV Riser
	Telephone Riser
	Approximate Limits of Disturbance

Owner

128 Saddle Road, L.L.C.
P.O. Box 284
Sun Valley, ID 83353

Address

128 Saddle Rd., Ketchum, ID 83340

Architect

Rich Childress, AIA
Point Architects
209 E 35th Street
Garden City, Idaho 83714

Landscape Architect

Nathan Schutte, LLA
NS Consulting, PLLC
380 E. Highway 26
Shoshone, ID 83352

Engineer

Sean M. Flynn, PE
Galena Engineering, Inc.
317 N. River Street
KETCHUM, ID 83333

Surveyor

Mark Phillips, PLS
Galena Engineering, Inc.
317 N. River Street
KETCHUM, ID 83333

COVER SHEET
128 SADDLE ROAD TOWNHOUSES
 LOCATED WITHIN SECTION 7, T.4N., R.18E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 PREPARED FOR 128 SADDLE ROAD LLC / ROBERT PARKER

PROJECT INFORMATION
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Surveyor
 Mark Phillips, PLS
 Galena Engineering, Inc.
 317 N. River Street
 KETCHUM, ID 83333

PURPOSE:	NO.	DATE	BY	REVISIONS

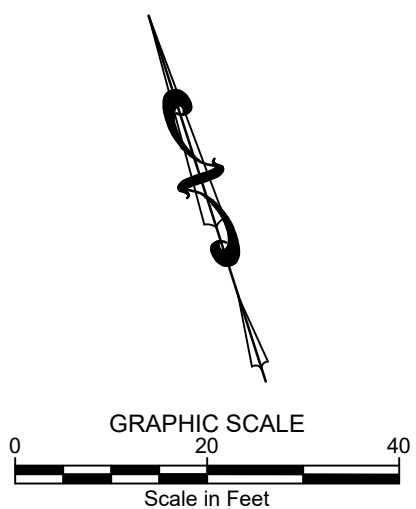
C0.1

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LEGEND

EXISTING ITEMS	
	Property Line
	Adjoiner's Lot Line
	Centerline
	Building Setback, width as shown
	Easement, width as shown
	Found Mag Nail
	FDAC = Found Aluminum Cap
	FD5/8 = Found 5/8" Rebar
	FD1/2 = Found 1/2" Rebar
	5' Contour Interval
	1' Contour Interval
	Curb & Gutter
	Building
	Asphalt
	Pavers
	Rock Retaining Wall
	Conifer Tree
	Deciduous Tree
	Sign
	Drainage Swale
	25% Slope Line
	GM = Gas Main
	GV = Gas Valve
	TVBOX = Cable TV Riser
	PHB = Buried Telephone Line
	PHBOX = Telephone Riser
	Buried Power
	PBOX = Power Box
	PMTR = Power Meter
	Sewer Main
	SS = Sewer Service
	SMH = Sewer Manhole
	SCO = Sewer Cleanout
	Storm Drain
	CB = Catch Basin
	DWELL = Dry Well
	Ketchum City Water Line (8")
	Ketchum Spring Line (6")
	WS = Water Service
	WV = Water Valve
	BCOW = Back of Walk
	LIP = Lip of Gutter
	TP = Top of Pavers



EXISTING SITE CONDITIONS
128 SADDLE ROAD TOWNHOUSES
 LOCATED WITHIN SECTION 7, T.4 N., R.18 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 PREPARED FOR 128 SADDLE ROAD LLC / ROBERT PARKER

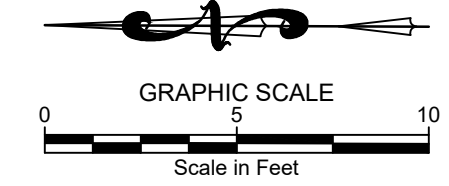
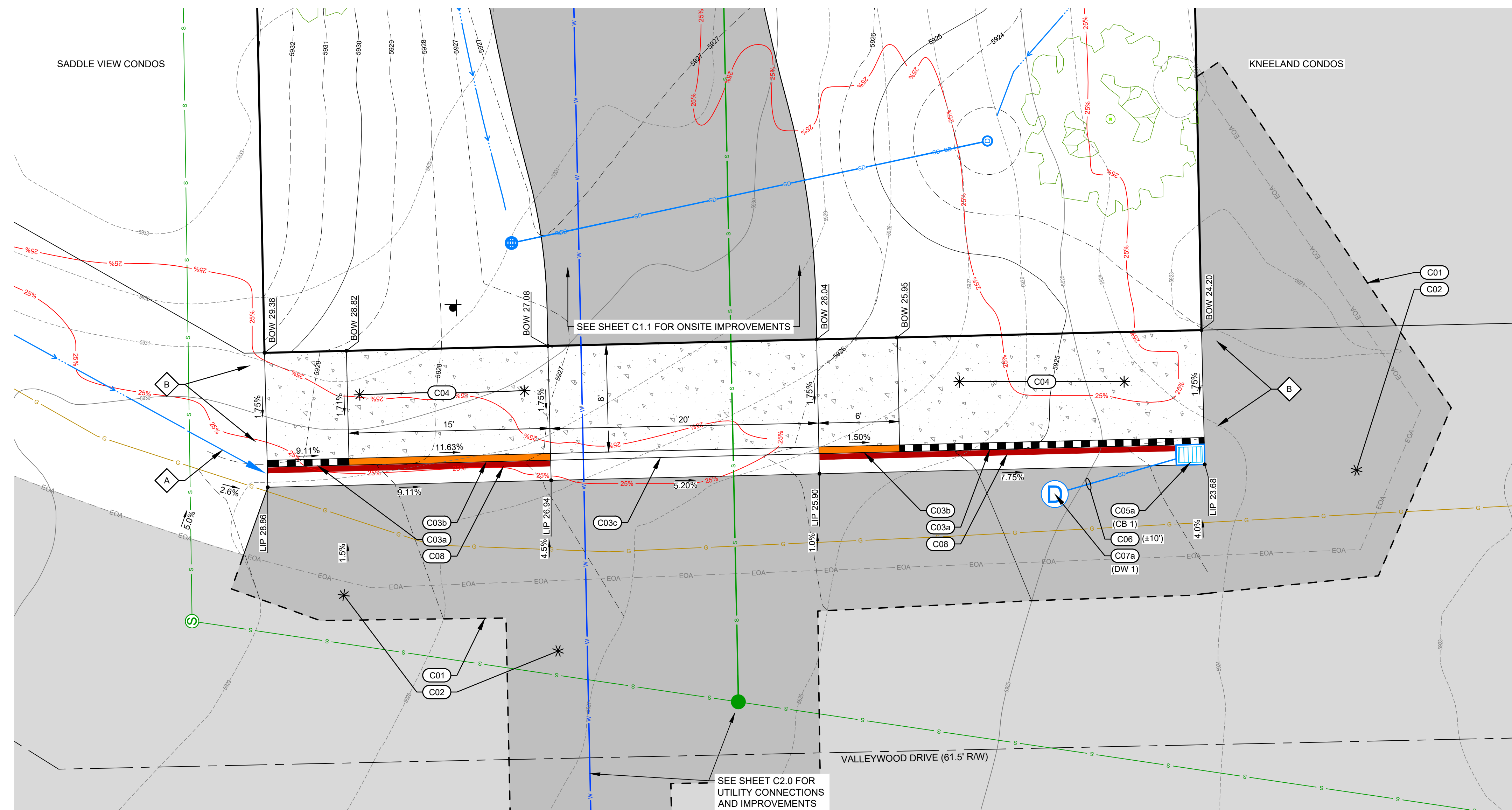


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PURPOSE:	NO.	DATE	BY	REVISIONS

C0.2



LEGEND

EXISTING ITEMS	PROPOSED ITEMS
Property Line	New Asphalt
Adjoiner's Lot Line	Sewer Main
Centerline	Sewer Manhole
5' Contour Interval	Water Main
1' Contour Interval	Grade
EOA	Spot Elevation
Asphalt	Sawcut Line
Conifer Tree	6" Vertical Curb
Deciduous Tree	Curb Transition
Drainage Swale	Zero Reveal Curb
GM = Gas Main	Concrete Sidewalk
Sewer Main	Catch Basin
SMH = Sewer Manhole	Storm Drain
Drywell	Sign
BOW = Back of Walk	
LIP = Lip of Gutter	
25% Slope Line	

CONSTRUCTION (SITE, GRADING, & DRAINAGE) KEY NOTES

- (C01) SAWCUT EXISTING ASPHALT TO PROVIDE FOR A CLEAN VERTICAL EDGE.
- (C02) CONSTRUCT ASPHALT ROADWAY / ASPHALT REPAIR. SEE DETAIL 1 / C1.2.
- (C03) CONSTRUCT CONCRETE CURB AND GUTTER.
 - a. 6" VERTICAL C&G PER DETAIL 2 / C1.2.
 - b. CURB TRANSITION PER DETAIL 3 / C1.2.
 - c. ZERO REVEAL CURB AND GUTTER PER DETAIL 3 / C1.2.
- (C04) CONSTRUCT CONCRETE SIDEWALK, WIDTH AS SHOWN HEREON. SEE DETAIL 4 / C1.2.
- (C05) INSTALL CATCH BASIN. SEE DETAIL 6 / C1.2.
 - a. CONNECT TO EXISTING DRYWELL. RIM (R) = 5923.56. I.E. (OUT) = 5920.46.
- (LF) (C06) INSTALL 12" ADS N-12 STORM DRAIN PIPE WITH A MINIMUM SLOPE OF 2.0%. SEE DETAIL 8 / C1.2 FOR TRENCHING SECTION.
- (C07) DRYWELL. SEE DETAIL 7 / C1.2.
 - a. CLEAN / RECONSTRUCT EXISTING. RIM = 5924.51. I.E. (IN) = 5920.25.
- (C08) INSTALL ROAD STRIPING / PAINT.
 - a. RED "NO PARKING" STRIPING ON CURB. MATCH CITY PATTERNS.
- (A) GRADE EXISTING DRAINAGE TO FLOW INTO GUTTER.
- (B) GRADE AREA TO PROVIDE FOR A SMOOTH TRANSITION.

GENERAL NOTE:

1. SEE SHEET C0.1 FOR GENERAL CONSTRUCTION NOTES AND LEGEND.

PURPOSE:

NO. DATE BY

REVISIONS

C1.0

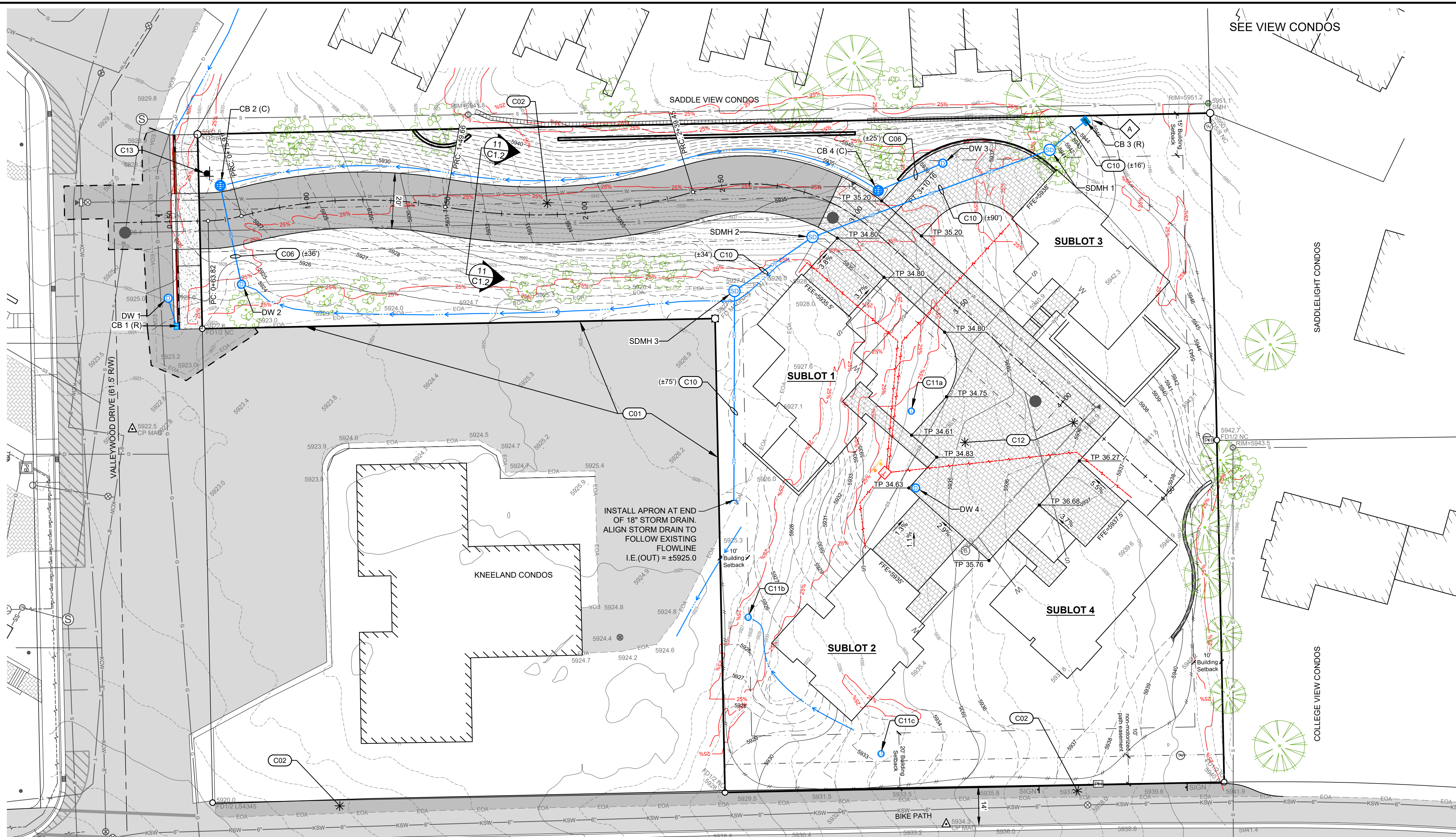
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VALLEYWOOD DR. RIGHT-OF-WAY IMPROVEMENT PLAN
128 SADDLE ROAD TOWNHOUSES
 LOCATED WITHIN SECTION 7, T.4 N., R.18 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 PREPARED FOR 128 SADDLE ROAD LLC / ROBERT PARKER

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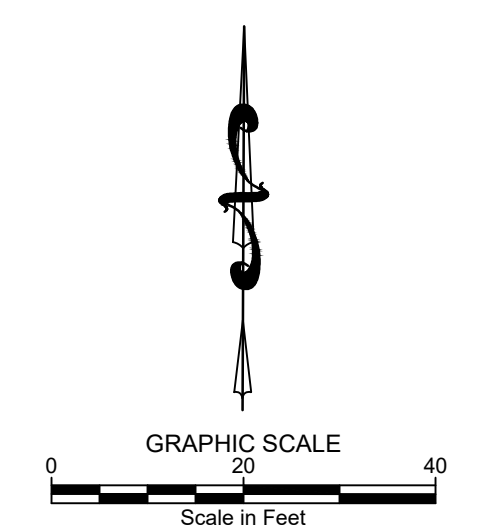
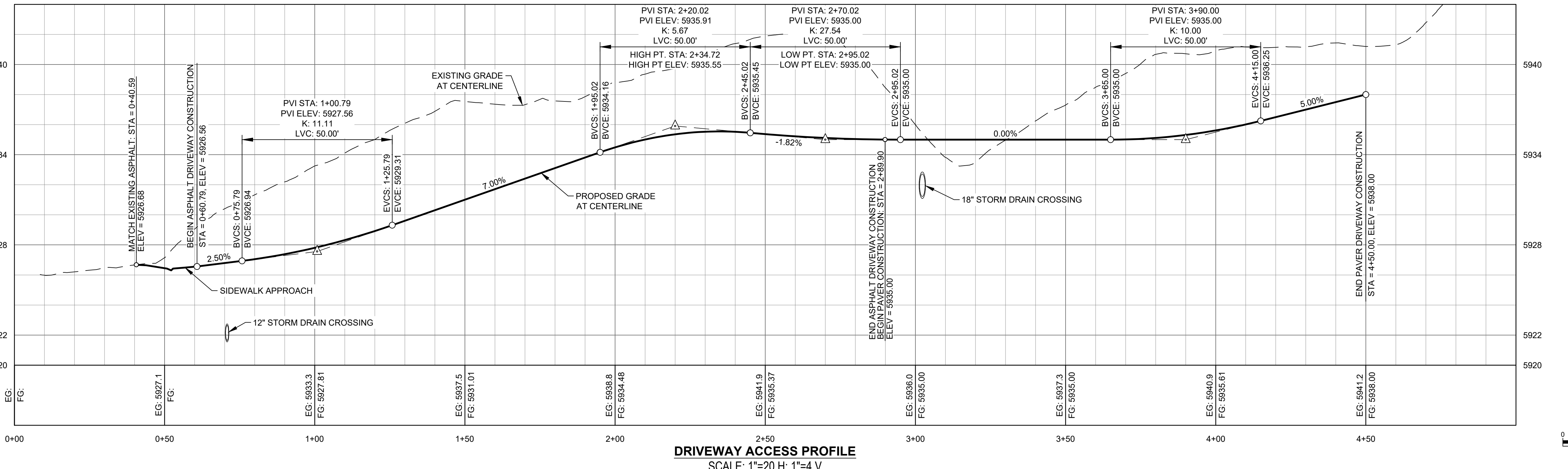


STORM SYSTEM STRUCTURE TABLE				
STRUCTURE NAME:	RIM ELEV.	I.E. (IN)	I.E. (OUT)	STATION & O/S
CB 1 (R)	5923.56'		5920.46' (N)	STA: 0+52.30, 37.5 R
CB 2 (C)	5926.23'		5922.23' (S)	STA: 0+70.00, 12.3 L
CB 3 (R)	5944.25'		5940.25' (SW)	STA: 3+38.53, 80.1 L
CB 4 (C)	5930.59'		5929.43' (NE)	STA: 3+01.73, 12.3 L
DW 1	5924.51'	5920.25' (S)		STA: 0+48.94, 27.5 R
DW 2	5922.50'	5920.50' (N)		STA: 0+71.62, 23.9 R
DW 3	5930.06'	5928.90' (SW)		STA: 3+10.79, 34.5 L
DW 4	5934.60'			STA: 3+81.76, 58.4 R
SDMH 1	5940.37'	5935.40' (NE)	5935.30' (W)	STA: 3+35.95, 63.8 L
SDMH 2	5934.55'	5930.20' (E)	5930.10' (SW)	STA: 2+89.45, 14.0 R
SDMH 3	5927.90'	5925.50' (NE)	5925.40' (S)	STA: 2+48.38, 38.1 R

- NOTES:
- EXTERIOR DIAMETER OF DRYWELLS (DW) ARE 6 FT.
 - SEE SHEET C1.2 FOR CATCH BASIN (CB), AND DRYWELL DETAILS.
 - STORM DRAIN MANHOLES (SDMH) ARE CATCH BASIN STRUCTURES WITH A SOLID CIRCULAR LID
 - REFER TO ISWPC SECTION 601 FOR CULVERT AND STORM DRAIN INSTALLATION STANDARDS.
 - CATCH BASIN DESIGNATED AS "R" HAVE RECTANGULAR INLETS.
 - CATCH BASINS DESIGNATED AS "C" HAVE CIRCULAR INLETS.

**CONSTRUCTION KEY NOTES
(SITE, GRADING, & DRAINAGE)**

- C01 SAWCUT EXISTING ASPHALT TO PROVIDE FOR A CLEAN VERTICAL EDGE.
- C02 CONSTRUCT ASPHALT DRIVEWAY. SEE DETAIL 11 / C1.2.
- C05 INSTALL CATCH BASIN. SEE DETAIL 6 / C1.2. SEE STORM STRUCTURE SYSTEM TABLE.
- (LF) C06 INSTALL 12" ADS N-12 STORM DRAIN PIPE WITH A MINIMUM SLOPE OF 2.0%. SEE DETAIL 8 / C1.2 FOR TRENCHING SECTION.
- C07 INSTALL DRYWELL. SEE DETAIL 7 / C1.2. SEE STORM STRUCTURE SYSTEM TABLE.
- C09 INSTALL STORM DRAIN MANHOLE. SEE DETAIL 6 / C1.2. (NOTE: LID IS SOLID) SEE STORM STRUCTURE SYSTEM TABLE.
- (LF) C10 INSTALL 18" ADS N-12 STORM DRAIN PIPE WITH A MINIMUM SLOPE OF 2.0%. SEE DETAIL 8 / C1.2 FOR TRENCHING SECTION.
- C11 INSTALL LANDSCAPE DRYWELL. SEE DETAIL 10 / C1.2.
 - a. RIM = 5934.4
 - b. RIM = 5925.5
 - c. RIM = 5933.0
- C12 CONSTRUCT PAVER ROADWAY. SEE DETAIL 5 / C1.2.
- C13 INSTALL STOP / STREET SIGN. SEE DETAIL 9 / C1.2 FOR SIGN BASE DETAIL. COORDINATE FINAL LOCATION WITH CITY OF KETCHUM.
- A GRADE AS NECESSARY TO CAUSE OVERLAND STORM WATER TO FLOW INTO CATCH BASIN.



GENERAL NOTE:

- SEE SHEET C0.1 FOR GENERAL CONSTRUCTION NOTES AND LEGEND.

ROAD PLAN AND PROFILE, AREA GRADING, AND DRAINAGE SHEET
128 SADDLE ROAD TOWNHOUSES
 LOCATED WITHIN SECTION 7, T.4 N., R.18 E., B.M. CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 PREPARED FOR 128 SADDLE ROAD LLC / ROBERT PARKER

PROJECT INFORMATION
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PROFESSIONAL SEAL

APR 15 2021

STATE OF IDAHO

C. W. M. FLYNN

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 email: galena@galena-engineering.com

NO.	DATE	BY	REVISIONS

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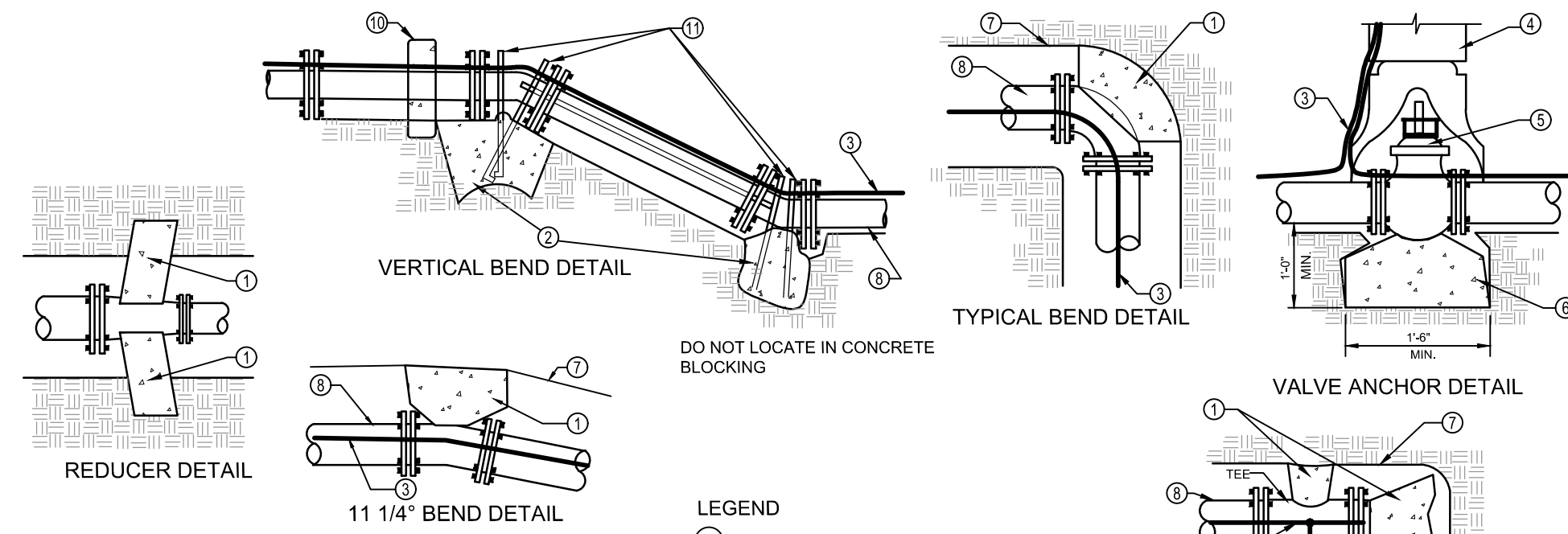


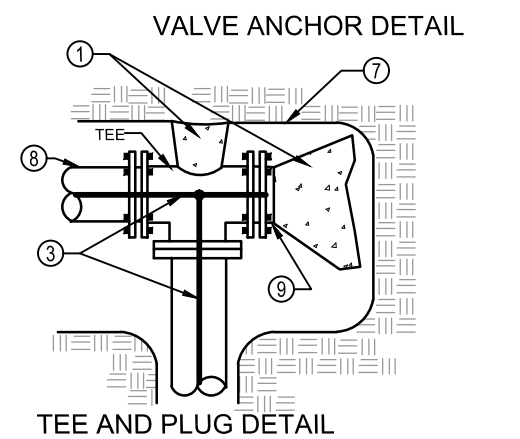
TABLE 1
THRUST AREA FOR HORIZONTAL BENDS***

PIPE SIZE	MINIMUM SQUARE FEET OF THRUST AREA ONTO UNDISTURBED EARTH*			
	TEE, PLUG OF VALVE	90° BEND**	45° BEND	22.5°, 11.25° BENDS OR REDUCER
3"	0.8	1.1	0.6	0.3
4"	1.4	2.0	1.1	0.6
6"	3.2	4.5	2.4	1.2
8"	5.7	8.0	4.3	2.2
10"	8.8	12.5	6.8	3.4
12"	12.7	18.0	9.7	5.0
14"	17.3	24.5	13.3	6.8
16"	22.6	32.0	17.3	8.8
18"	28.6	40.5	21.9	11.2

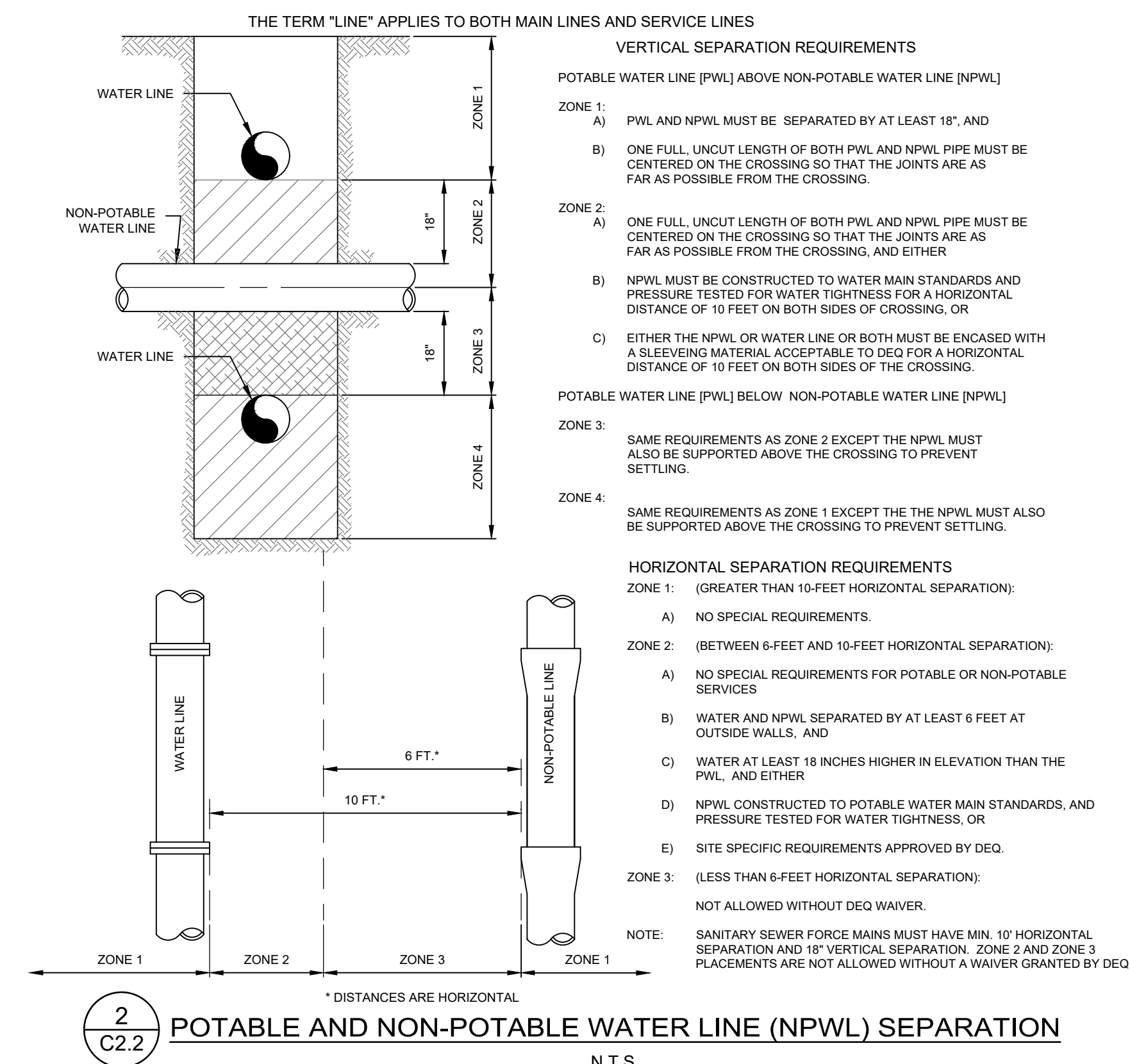
* MUST BE INCREASED BASED ON DIFFERENT CONDITIONS (HIGHER WORKING PRESSURE OR LOWER SOIL BEARING STRENGTH).
 ** OR TEE ACTING AS A 90° BEND
 *** THRUST BLOCK DEPTH TO BE A MINIMUM OF 12" FOR PIPE SIZES 3"-6" AND 18" FOR PIPE SIZES 10"-18" OR THE SQUARE ROOT OF THE REQUIRED BEARING AREA, WHICHEVER IS GREATER.

- LEGEND
- FOR HORIZONTAL PIPE BENDS, BEARING THRUST BLOCKS MUST PROVIDE 2500 PSI CONCRETE POURED AGAINST UNDISTURBED EARTH PER TABLE 1.
 - FOR VERTICAL PIPE BENDS, GRAVITY THRUST BLOCKS MUST PROVIDE A VOLUME OF CONCRETE POURED AGAINST UNDISTURBED EARTH WHICH IS SIZED FOR EXPECTED FORCES WITH A MINIMUM 1.5 FACTOR OF SAFETY.
 - NO. 12 COPPER FINDER WIRE, SEE SD-514 FOR SPLICING.
 - C.I. VALVE BOX WITH COVER.
 - C.I. GATE VALVE (M.J.).
 - PRECAST BLOCK FOR CUT IN TEE AND VALVE OR CAST IN PLACE WITH 2-1/2" MIN REBAR.
 - TRENCH SIDE.
 - PIPE.
 - PLUG.
 - HAMMERHEAD THRUST BLOCKING.
 - ANCHOR BARS (1/2" MIN)

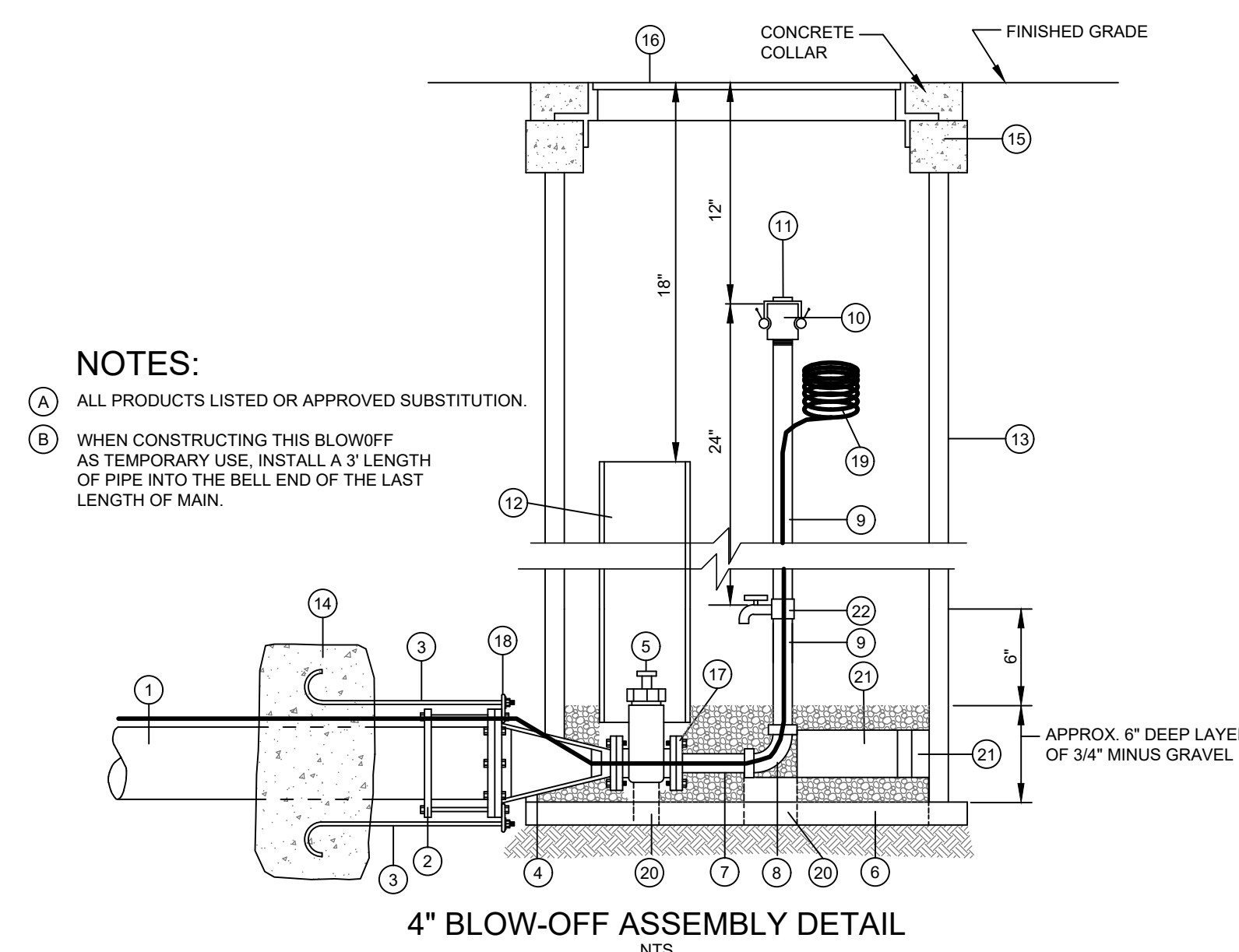
1 C2.2 THRUST BLOCK AND ANCHOR DETAILS
N.T.S.



- NOTES:
- ANCHOR ALL VALVES CONNECTED TO P.V.C. PIPE AS SHOWN.
 - COVER BOLTS AND FLANGES WITH PLASTIC TO PROTECT FROM CONCRETE ADHERENCE DURING CONSTRUCTION OF THRUST BLOCKS.
 - SEE CHART FOR MIN THRUST BLOCKS BEARING AREAS.
 - ALL CONCRETE TO BE 2500 P.S.I. STRENGTH POURED AGAINST UNDISTURBED EARTH.
 - PROVIDE 6 MIL POLYPROPYLENE BETWEEN FITTINGS AND CONCRETE.
 - NOTIFY ENGINEER FOR ANY CONDITION OR PIPE SIZE NOT INDICATED.
 - ALL BLOCKS TO BE CENTERED AROUND PIPE SPRING LINE.



- THE TERM "LINE" APPLIES TO BOTH MAIN LINES AND SERVICE LINES
- VERTICAL SEPARATION REQUIREMENTS
- POTABLE WATER LINE (PWL) ABOVE NON-POTABLE WATER LINE (NPWL)
- ZONE 1:
A) PWL AND NPWL MUST BE SEPARATED BY AT LEAST 18". AND
B) ONE FULL UNCUT LENGTH OF BOTH PWL AND NPWL PIPE MUST BE CENTERED ON THE CROSSING SO THAT THE JOINTS ARE AS FAR AS POSSIBLE FROM THE CROSSING.
- ZONE 2:
A) ONE FULL UNCUT LENGTH OF BOTH PWL AND NPWL PIPE MUST BE CENTERED ON THE CROSSING SO THAT THE JOINTS ARE AS FAR AS POSSIBLE FROM THE CROSSING, AND EITHER
B) NPWL MUST BE CONSTRUCTED TO WATER MAIN STANDARDS AND PRESSURE TESTED FOR WATER TIGHTNESS FOR A HORIZONTAL DISTANCE OF 10 FEET ON BOTH SIDES OF CROSSING, OR
C) EITHER THE NPWL OR WATER LINE OR BOTH MUST BE ENCASED WITH A SLEEVING MATERIAL ACCEPTABLE TO DEQ FOR A HORIZONTAL DISTANCE OF 10 FEET ON BOTH SIDES OF THE CROSSING.
- POTABLE WATER LINE (PWL) BELOW NON-POTABLE WATER LINE (NPWL)
- ZONE 3:
SAME REQUIREMENTS AS ZONE 2 EXCEPT THE NPWL MUST ALSO BE SUPPORTED ABOVE THE CROSSING TO PREVENT SETTLING.
- ZONE 4:
SAME REQUIREMENTS AS ZONE 1 EXCEPT THE NPWL MUST ALSO BE SUPPORTED ABOVE THE CROSSING TO PREVENT SETTLING.
- HORIZONTAL SEPARATION REQUIREMENTS
- ZONE 1: (GREATER THAN 10-FEET HORIZONTAL SEPARATION):
A) NO SPECIAL REQUIREMENTS.
- ZONE 2: (BETWEEN 6-FEET AND 10-FEET HORIZONTAL SEPARATION):
A) NO SPECIAL REQUIREMENTS FOR POTABLE OR NON-POTABLE SERVICES
B) WATER AND NPWL SEPARATED BY AT LEAST 6 FEET AT OUTSIDE WALLS, AND
C) WATER AT LEAST 18 INCHES HIGHER IN ELEVATION THAN THE NPWL, AND EITHER
D) NPWL CONSTRUCTED TO POTABLE WATER MAIN STANDARDS, AND PRESSURE TESTED FOR WATER TIGHTNESS, OR
E) SITE SPECIFIC REQUIREMENTS APPROVED BY DEQ.
- ZONE 3: (LESS THAN 6-FEET HORIZONTAL SEPARATION):
NOT ALLOWED WITHOUT DEQ WAIVER.
- NOTE: SANITARY SEWER FORCE MAINS MUST HAVE MIN. 10' HORIZONTAL SEPARATION AND 18" VERTICAL SEPARATION. ZONE 2 AND ZONE 3 PLACEMENTS ARE NOT ALLOWED WITHOUT A WAIVER GRANTED BY DEQ.
- * DISTANCES ARE HORIZONTAL
- 2 C2.2 POTABLE AND NON-POTABLE WATER LINE (NPWL) SEPARATION
N.T.S.

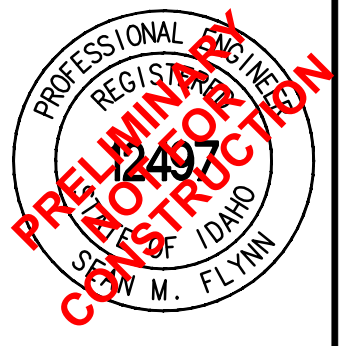


- NOTES:
- ALL PRODUCTS LISTED OR APPROVED SUBSTITUTION.
 - WHEN CONSTRUCTING THIS BLOWOFF AS TEMPORARY USE, INSTALL A 3' LENGTH OF PIPE INTO THE BELL END OF THE LAST LENGTH OF MAIN.

- LEGEND
- WATER MAIN (SIZE VARIES) BELL END REQUIRED FOR TEMPORARY INSTALLATION WITH 18" PIPE SECTION.
 - UNI-FLANGE RETAINER SERIES 1300 FOR PVC PIPE.
 - 3/4" RODS 2 REQUIRED ON 6" AND SMALLER, 3/4" RODS 4 REQUIRED ON 8" AND LARGER.
 - MAIN SIZE MJ X 4" REDUCER, IF 4" MAIN, GATE VALVE TO BE MJ X FLANGE.
 - 4" GATE VALVE RESILIENT WEDGE FLANGE X FLANGE.
 - PRE-CAST GRADE 2" RING USED TO SUPPORT CMP (X35" O.D.) CONCRETE.
 - 4" X 6" THREADED GALVANIZED NIPPLE.
 - 4" THREADED GALVANIZED 90° ELBOW.
 - 4" THREADED GALVANIZED PIPE.
 - 4" THREADED X ALUM. KAM-LOCK QUICK COUPLING MALE ADAPTER.
 - KAM-LOCK CAP.
 - PLASTIC VALVE BOX BOTTOM SECTION.
 - 30" CMP CUT TO FIELD LENGTH.
 - HAMMERHEAD THRUST BLOCK 10.3 SQ. FT.
 - 4" X 35" O.D. PRE-CAST CONCRETE GRADE RING MIN. 1-4" GRADE RING, MAX. 1-4" GRADE RING AND 1-2" GRADE RING (OTHERWISE CMP EXTENSION AND CMP BAND).
 - WATER MANHOLE RING AND LID.
 - 4" COMPANION FLANGE CAP TAPPED 4" F.I.P.
 - EYE-BOLTS.
 - LOCATOR WIRE LONG ENOUGH TO BE PULLED UP AND OUT TO ABOVE GROUND LEVEL, SEE SD 514 FOR SPLICING.
 - PRE-CAST CONCRETE BLOCKS.
 - PRE-CAST CONCRETE BLOCKS WEDGED IN PLACE, FILL VOID BETWEEN TILE AND BLOCKS.
 - 1/4" DRAIN VALVE WITH SADDLE (1/4 TURN TO OPEN).

3 C2.2 4" BLOW-OFF ASSEMBLY DETAIL (ISPMC SD-405)
N.T.S.

UTILITY DETAILS SHEET
 128 SADDLE ROAD TOWNHOUSES
 LOCATED WITHIN SECTION 7, T.4N., R.18E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 PREPARED FOR 128 SADDLE ROAD LLC / ROBERT PARKER



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PURPOSE:	NO.	DATE	BY	REVISIONS

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SADDLE ROAD RESIDENCES**

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this _____ day of _____, 2021, by 128 Saddle Road, LLC, an Idaho limited liability company ("Declarant").

RECITALS

THIS DECLARATION IS MADE in contemplation and furtherance of the following:

A. Declarant is the owner of certain real property in the City of Ketchum, Blaine County, Idaho, known as SADDLE ROAD RESIDENCES, according to the official plat thereof, recorded in the records of Blaine County, Idaho.

B. Consistent with all applicable ordinances of the City of Ketchum, and the Covenants, Conditions and Restrictions herein provided for, Declarant intends to develop and construct four (4) Townhome Sublots, Townhome Units, and related Common Areas on the property contained within Saddle Road Residences, in such phases and at such times as Declarant determines.

DECLARATION

Declarant hereby declares that all of the property within Saddle Road Residences, including all Townhome Sublots, Townhome Units, and Common Areas now or hereafter situated therein, and all improvements constructed and installed thereon, shall be held, conveyed, encumbered, leased, and used subject to the covenants, conditions, restrictions and equitable servitudes hereinafter set forth, all of which shall run with title to said real property and be binding upon, and benefit, all parties presently owning, or hereafter acquiring any right, title or interest therein, or to any part thereof.

**ARTICLE I
DEFINITIONS**

Unless the context otherwise specifies or requires, the following words and phrases when used herein shall have the following meaning:

Section 1.1 "Articles" shall mean and refer to the Articles of Incorporation of the Association, as the same may be amended from time to time.

Section 1.2 "Assessments" shall mean all annual and special assessments described in Article VI.

Section 1.3 "Association" shall mean and refer to Saddle Road Residences Owners Association, Inc., a non-profit corporation organized under the laws of the State of Idaho, its successors and assigns.

Section 1.4 "Board of Directors" shall mean and refer to the Board of Directors of the Association, as provided for and governed by the Articles and Bylaws.

Section 1.5 "Bylaws" shall mean and refer to the Bylaws duly adopted for the Association, as the same may be amended from time to time.

Section 1.6 "Common Area" shall mean all property so designated on the official subdivision plat for the townhome subdivision under the purview of this Declaration, and all other real property hereafter owned or leased by the Association for such common purposes, or in which the Association acquires a license or an easement.

Section 1.7 "Design Review Committee" shall mean the committee which may, at the discretion of the Board, be created pursuant to Article VII hereof, and may be hereinafter referred to as the "DRC."

Section 1.8 "Improvement" shall mean and refer to all Townhome Units, other structures and landscaping proposed for, or constructed or installed on, any Sublot or Common Area, and all subsequent additions and exterior alterations thereto.

Section 1.9 "Member" shall mean a member of the Association, who shall be an Owner of a Sublot and shall qualify for membership in the Association in the manner set forth in the Articles, Bylaws and Article V hereof. There shall be only one (1) membership in the Association for each Sublot.

Section 1.10 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Sublot; provided, however, that the term "Owner" shall not include those having only a security interest in an Sublot through a lien, encumbrance, deed of trust, mortgage, or other similar security instrument.

Section 1.11 "Plat" shall mean and refer to the official recorded final plat of Saddle Road Residences.

Section 1.12 "Subdivision" or Townhome Subdivision" shall mean and refer to Saddle Road Residences.

Section 1.13 “Sublots,” “Townhome Sublots” or “Townhouse Sublots” shall interchangeably mean and refer to Sublots shown on the official plat the Subdivision, expressly including all four (4) sublots shown on the Plat of Saddle Road Residences.

Section 1.14 “Townhome” or “Townhome Unit” shall interchangeably mean and refer to a single-family townhome or townhouse residential unit, as defined in the subdivision ordinance and zoning ordinance of the City of Ketchum, which is constructed and maintained on a Sublot, and is subject to this Declaration.

ARTICLE II PROJECT DEVELOPMENT

Section 2.1 Declarant Construction Activities. The covenants, conditions and restrictions contained herein shall not apply to normal construction activities during the completion of Common Area improvements, or to the construction of Townhomes and related Improvements by the Declarant, its assignees and successors, employees or contractors, upon any Sublot or Common Area, provided that such Townhomes and other Improvements have, prior to the commencement of construction, received the approval of the City of Ketchum. Further, no such construction activity shall be deemed to constitute a nuisance or violation of this Declaration by reason of noise, dust, presence of vehicles or construction machinery, erection of temporary construction structures, posting of signs or similar activities, provided that such construction is pursued to completion with reasonable diligence; conforms to usual construction practices in the area; and complies with all provisions of the Ketchum City Code regulating construction activities.

Section 2.2 Project Development. Declarant, or its successor or assigns, shall construct, or cause to be constructed a Townhome on each Sublot, and all Common Area Improvements, pursuant to plans and specifications approved by the City of Ketchum, Idaho. Such construction may be completed in such phases and at such times as Declarant, its assignees or successors, determines.

ARTICLE III GENERAL RESTRICTIONS AND PROVISIONS

Section 3.1 Residential Purposes. Each Sublot shall be restricted exclusively to a single-family Townhome residence, landscaping, accessory uses and Improvements. No modular home, manufactured home, trailer, mobile home, camper, motorhome, recreational vehicle, tent, shack, carport, garage or other similar vehicle, structure or improvement shall be used as a residence,

either temporarily or permanently, on any Sublot. Each Townhome shall include garaged parking for two (2) automobiles. All Sublots, and the Townhomes, landscaping and Improvements thereon, shall be kept and maintained in good condition and repair at all times.

Section 3.2 DRC Approval. All Townhomes and other Improvements and landscape constructed, erected or installed on any Sublot or Common Area, and all subsequent modifications, removals, extensions and expansions thereof, and all exterior alterations, attachments, accessories and appurtenances thereto, shall be consistent with the provisions of this Declaration, and shall not be undertaken, commenced, constructed or installed without the prior written approval of the DRC, unless expressly exempted from such approval by the terms of this Declaration.

Section 3.3 Construction Site. Anything contained herein to the contrary notwithstanding, it shall be permissible for the Declarant, during any period of construction of a Townhome on any Sublot, to maintain upon said Sublot such facilities as may be reasonably required, convenient or incidental to construction or sales activities, including, without limitation, construction equipment, materials storage area, temporary construction shed or trailer, or Townhome sales office.

Section 3.4 Routine Exterior Townhome Maintenance. In accordance with, and subject to the provisions of Section 5.7 and Article VII, the Association shall keep the exterior of the Townhome, and the landscaping and improvements on the Sublot on which the Townhome is situated, in good condition and repair. Without limiting the foregoing, Association shall, as necessary, repair, replace, repaint and otherwise keep in excellent condition all landscaping and exterior Townhome surfaces, including siding and trim; roofing element and materials; patios and decks; and exterior windows. It is the intent of this provision that each Townhome and Sublot be at all times maintained at a level which is consistent with the condition of other Townhomes within the Subdivision. Notwithstanding the foregoing, in the event that the need for maintenance or repair of a Townhome is caused through or by the negligent or willful act or omission of a Townhome Unit Owner or Occupant, then the expenses incurred by the Association for such maintenance or repair shall be a personal obligation of such Townhome Unit Owner; and, if the Townhome Unit Owner fails to repay the expenses incurred by the Association within fifteen (15) days after notice to the Townhome Unit Owner of the amount owed, then the failure to so repay shall be a default by the Townhome Unit Owner, and such expenses shall automatically become a default Assessment determined and levied against such Townhome Unit, enforceable by the Association in accordance with this Declaration.

Section 3.5 Animals and Pets. No animals of any kind shall be raised, bred or kept in or on any Townhome or Sublot, except dogs, cats, or similar

household pets which are not kept, bred or maintained for any commercial purpose, do not endanger the health of other residents, are not allowed off the Sublot of the pet's owner except when leashed or under someone's direct control, and do not, in the sole determination of the Association, unreasonably disturb the occupants of any other Townhome, or otherwise constitute a nuisance.

Section 3.6 Signs and Business Activities. No advertising signs, billboards, commercial equipment, materials or supplies shall be erected, placed or permitted to remain on any Sublot or Common Area; provided, however, that this provision shall not prohibit the Declarant from erecting and maintaining temporary "for sale" signage while the Declarant still has Sublots and Townhomes for sale, nor shall it preclude the erection and maintenance of any directional or monument signs within the signage easements shown on the Plat or referenced in the Plat notes. All non-Declarant owned Townhomes are prohibited from placing any signage on the Property.

Section 3.7 Service Facilities. Storage of all garbage cans, recycling bins, lawn or landscape maintenance equipment and similar items shall be enclosed within garages to conceal them from the view of neighboring Sublots and streets.

Section 3.8 Nuisances. No nuisances, as determined by the Association or as defined in the ordinances of the City of Ketchum, shall be allowed to occur or exist on any Sublot. Without limiting the foregoing, no rubbish, waste or debris shall be stored or accumulated on any Sublot, nor shall any noise, odor or conduct be permitted to emanate from or occur on any Sublot which is unreasonably offensive or detrimental to any other Sublots, or its occupants; including but not limited to barking, loud music and power tools.

Section 3.9 Hazardous Activities. No activities shall be conducted, and no improvements shall be constructed, on any Townhome, Sublot or Common Area which are illegal or might be unsafe or hazardous to any person or property. Without limiting the foregoing, no fireworks or firearms shall be discharged upon any Townhome, Sublot or Common Area and no open fires shall be permitted; provided, however, that fires are allowed within individual outdoor gas fire pits.

Section 3.10 Vehicle and Equipment Parking & Storage. Unless contained within a permitted and conforming to the provision of this Declaration garage, structure or screened area, no unsightly vehicles or equipment or equipment shall be stored, parked or otherwise permitted to remain on any Sublot for any period exceeding 24 hours, including, without limitation, trailers, campers, motorhomes, boats, jet skis, all-terrain vehicles, golf carts, snowmobiles, tractors, inoperable vehicles or equipment.

Section 3.11 Utilities. All utility service lines shall be underground, and shall conform to applicable code requirements. Approval of the DRC prior to installation shall not be required. Television satellite dishes are not considered Utilities and require approval from DRC.

Section 3.12 Subdivision. Except as expressly provided for in Section 5.7 of this Declaration, platted Sublots and Common Area shall not be further subdivided, and no portion of any Sublot may be sold separately from the rest of that Sublot.

Section 3.13 Drainage. There shall be no interference with established drainage patterns or platted drainage easements over any Sublot unless adequate provision is made for alternative drainage and is approved by the beneficiary of such easement and by the DRC. No structure, fence, planting, fill or other materials shall be placed or permitted to remain which may obstruct or retard the flow of water through established drainage channels.

Section 3.14. Plat. All development proposed for a Sublot and/or Common Area shall be in compliance with the official, recorded Plat for the Subdivision, including all Plat notes.

Section 3.15 Snow Storage Easements. Every Owner, by accepting a deed to the Sublot, is deemed to grant unto the Association an easement over all portions of said Sublot not improved with a building, structure or driveway, exclusively for the purpose of permitting the temporary deposit thereon of snow removed from Common Areas and Sublots by the Association or its contractors and employees.

Section 3.16 Landscape Preservation. Without approval of the Board of Directors, no trees shall be removed or replaced within any Sublot or Common Areas; provided, however, that should any Owner petition the Board of Directors for the removal of any trees or shrubs in the Common Area which unreasonably impair significant view corridors from the petitioner's Unit, the Board shall consider the petition and cause removal of the subject trees and shrubs if necessary.

ARTICLE IV COMMON AREA

Section 4.1 Conveyance to the Association. For this subdivision, the Declarant, its successors or assigns, at their sole cost and expense, shall landscape, improve, or make appropriate provision for such landscaping improvement of, the Common Area situated therein in a manner consistent with the Plat and development plans therefore which have been approved by the City of Ketchum, and shall thereafter deed the same to the Association, and the

Association shall accept title to the same, at no cost to it, subject only to encumbrances of record. Common Area improvements, and its conveyance to the Association, may be completed by the Declarant in phases, consistent with development of the Townhomes.

Section 4.2 Enjoyment of Common Area. Subject to the exclusive rights and obligations of the Association to manage it, as set forth in Article V, each Owner shall have a non-exclusive right to use and enjoy, in common with all other Owners, any Common Area owned by the Association, and such right shall be appurtenant to and pass with the title to each Sublot.

ARTICLE V THE ASSOCIATION

Section 5.1 Establishment. The Association shall be incorporated under the laws of the State of Idaho as a non-profit membership corporation as Saddle Road Residences Homeowners Association, Inc. All references herein to the Association shall be to said corporation.

Section 5.2 Articles and Bylaws. Declarant shall adopt initial Articles of Incorporation for the Association, and will propose initial Bylaws for adoption by the Board of Directors of the Association to provide for the administration and governance of the Association, and for other purposes not inconsistent with this Declaration. In the event of conflict between this Declaration and Articles and Bylaws of the Association, the provisions of this Declaration shall prevail.

Section 5.3 Board of Directors. The Association shall be managed by a Board of Directors all of whom shall be Members of the Association. Their number, and the manner by which they are to be elected and function, shall be set forth in the Bylaws of the Association.

Section 5.4 Membership. Every Owner shall be entitled and required to be a Member of the Association. If title to a Sublot is held by more than one person or entity, the membership related to that Sublot shall be shared by all such persons or entities in the same proportionate interest and by the same type of tenancy in which title to the Sublot is held. An Owner shall be entitled to one membership for each Sublot owned by that Owner. No person or entity other than an Owner may be a member of the Association.

Section 5.5 Voting Rights. The Association shall have two (2) classes of membership, as follows:

- A. Class A Members shall be all Owners except the Declarant, and each Class A Member shall be entitled to one (1) vote for each Sublot owned. When more than one person holds an interest in

any Sublot, all such persons shall be Members, but the vote appurtenant to the Sublot owned by them shall be exercised as the joint Owners may decide among themselves, but in no event shall more than one (1) vote be cast with respect to any Sublot.

- B. Class B Member shall be limited to the Declarant and its assignees, if any designated as provided for herein, who shall be entitled to four (4) votes for each Sublot owned by them from the date each such Sublot was initially created by recordation of the Subdivision until sold to another Owner, after which the membership appurtenant to that Sublot shall become a Class A membership in the name of the Buyer.
- C. Unless otherwise provided herein, or in the Articles of Incorporation or Bylaws of the Association, decisions of the Association to be made by a vote of the Members shall be determined by a simple majority of the votes cast by Members voting, in person or by proxy, at a duly constituted meeting of the Members at which a quorum of Members representing at least fifty percent (50%) of the total authorized votes of all Members is present.

Section 5.6 Cumulative Voting. In any election of the members of the Board of Directors, each Member entitled to vote at such election shall have the right to cumulative voting for each director to be elected, and to thereby give one candidate, or divide among any number of the candidates, the number of votes equal to the total number of votes to which that Member is entitled to vote for all Directors to be elected. The candidates receiving the highest number of votes, up to the number of Directors to be elected, shall be deemed elected.

Section 5.7 Management of the Sublots and Common Area. The Association shall be responsible for exclusive management of the Common Area owned by it, consistent with the rights of the Owners to use and enjoy said Common Area set forth in Article IV and may assert exclusive management of the exterior of Improvements on Sublots. Without limitation, the Association's management of Common Area and of the exterior of Improvements on Sublots shall include the following rights and obligations:

- A. The Common Area, and all Improvements situated thereon, shall be kept by the Association in good condition and repair, reasonably free from debris and obstructions.
- B. The Paver and Hydronic Heating System as identified on the Plat as the Paver and Hydronic Heating Maintenance Easement shall be kept by the Association in good condition, operation and repair.

- C. Once the initial landscaping for the Common Area and each Sublot, including an appropriate irrigation system, has been completed by the Declarant, the Association shall, without further approval from the DRC, maintain, repair or replace, as necessary, plantings, landscape elements and the irrigation systems, unless such work changes the essential character or scope of the landscaping, and includes additional impacts on any other Sublots, including impacts on view corridors, in which case such work shall first be required to receive DRC approval prior to commencement. All landscaping shall at all times be properly maintained and irrigated.
- D. The Association shall be responsible for the removal of accumulated snow, in a timely manner as necessary following snowfall events, from all access roads, driveways, parking areas, Townhome accesses, sidewalks and improved pathways within the Subdivision, including Common Areas and Sublots.
- E. Unless otherwise agreed to in writing by the Board of Directors of the Association, all landscaping in the Common Area and on Sublots, including the planting, watering, replacement and maintenance of lawns, shrubs, trees, flowers and other vegetation and landscaping features and facilities, shall be within the sole responsibility and jurisdiction of the Association, the costs and expense of which shall be included by the Association in the calculation of its annual and/or special assessments.
- F. Unless otherwise agreed to in writing by the Board of Directors or otherwise provided in this Declaration, the Association may from time to time assert exclusive control over and responsibility for the exterior maintenance and repair of Improvements within Sublots, including painting, the cost and expense of which shall be included by the Association in the calculation of its annual and/or special assessments.
- G. The Association shall keep the Common Area and its Improvements fully insured as provided for in Article VIII.
- H. The Association shall pay, when due, and not permit to become delinquent, all real property taxes and assessments levied against the Common Area for the period commencing on the date title to the Common Area is conveyed to the Association, and continuing thereafter for so long as it remains in the ownership of the Association.
- I. The Association may, from time to time, further modify, improve or equip the Common Area for the benefit of the Owners, and make

such assessments or borrow such funds therefore as it deems necessary or appropriate, subject to the provisions and limitations set forth herein.

- J. The Association shall have the right to charge or assess reasonable user fees or assessments which may become necessary to defray costs incurred or to be incurred by the Association for improvement, operation or maintenance of any Common Area owned or hereafter acquired by the Association.
- K. The Association shall have the right to dedicate or transfer all or any part of the Common Area, or any interest therein, to any person, entity, public agency, authority or utility for such purposes and subject to such conditions as the Board of Directors of the Association may deem appropriate. Notwithstanding the foregoing, no conveyance of any portion of the Common Area in excess of 3,000 square feet shall be authorized or completed by the Association without the prior affirmative vote of not less than three-quarters of the total authorized votes of all Members, nor shall the Association be entitled to re-subdivide any portion of the Common Area for the purpose of establishing any additional Sublots or development parcels without the prior written consent of all members.

Section 5.8 Service Contracts and Personnel. To properly manage its business affairs the Association may enter into service contracts and/or employ personnel as it deems necessary and appropriate. Without limitation, the Association may retain necessary general management services, legal and accounting services, Common Area maintenance and repair services, and professional services as necessary for the DRC to adequately review plans and specifications presented to it for approval, and to assure that all development complies with approved plans, including architectural and engineering reviews and compliance monitoring. The Association may also contract with others to furnish required services for the Common Area, including utilities, snow removal, trash collection, landscaping, public liability insurance and casualty insurance.

Section 5.9 Rules and Regulations. The Association may make reasonable rules and regulations governing the use of the Common Area, which rules and regulations shall be consistent with the rights and duties established in this Declaration. The Association may also take judicial action against any Owner to enforce compliance with the provisions of this Declaration, the Design Criteria, and any rule, regulation, assessment or fee duly promulgated or levied by it.

Section 5.10 Implied Rights. The Association may exercise any other right or privilege given to the Association expressly by this Declaration or by law,

and every other right or privilege reasonably to be implied from the existence of any right or privilege given to the Association herein or reasonably necessary to effectuate any such right and privilege.

Section 5.11 Transfer of Membership. The membership in the Association of each Owner, including Declarant, shall be appurtenant to the Sublot giving rise to such membership, and shall not be transferred in any way except upon the transfer of title to the Sublot, and then only to the transferee of title to the Sublot. Any attempt to make a prohibited transfer shall be void and any transfer of title to a Sublot shall operate automatically to transfer the membership in the Association to the new Owner thereof.

Section 5.12 Books and Records. The Board shall cause to be kept complete, detailed and accurate books and records of the receipts and expenditures of the Association, in a form which complies with generally accepted accounting principles. The Board or a majority of the Owners may at any time require an audit prepared by an independent, certified public accountant, which shall be paid for by the Association.

Section 5.13 Inspection of Association Documents, Books and Records. Upon request, the Association shall make available to the Owners, mortgagees, prospective purchasers and their prospective mortgagees, and the agents or attorneys of any of them, current copies of this Declaration, the Articles, Bylaws and other rules, books, records and financial statements of the Association, including the most recent annual financial statement, if one has been prepared. The term "available," as used herein, shall mean available for inspection upon request, during normal business hours or under other reasonable circumstances to be determined by the Board of Directors. The Association may require the requesting party to pay a reasonable charge for the reproduction of any document, book or records desired.

Section 5.14 Banking. The Association shall designate an FDIC insured commercial bank with offices in Blaine County, Idaho, as the depository for all funds collected by the Association, and for the transaction of the Association's banking activities.

ARTICLE VI ASSESSMENTS

Section 6.1 Agreement to Pay Assessments. Declarant, for each Sublot owned by the Declarant, hereby covenants, and each subsequent Owner of any Sublot, by the acceptance of a deed therefore, whether or not it be so expressed in said deed, shall be deemed to covenant and agree with each other and with the Association, to be bound by the provisions of this Declaration and to pay to the Association the assessments herein provided for. In the case of joint or co-ownerships, this liability shall be joint and several. Such assessments shall be

levied against Sublots and collected from time to time in the manner provided for in this Article VI.

Section 6.2 Annual Assessments. Annual assessments against all Sublots are hereby authorized which shall be based upon advance annual estimates of cash requirements by the Association to provide for the payment of all estimated expenses to be incurred in the ensuing twelve-month period in the conduct of the management; taxes; insurance; legal and accounting services; Common Area landscaping installation, irrigation and maintenance; Common Area utilities; repair and replacement of Common Area Improvements and equipment; a reasonable contingency reserve, surplus and/or sinking fund for Common Area capital improvements, replacements and repairs; and any costs incurred by the DRC which are not otherwise defrayed by its design review fee schedule ("Annual Assessments").

Section 6.3 Special Assessments. In addition to the annual assessments authorized hereinabove, the Association may levy at any time a special assessment payable over such a period as the Association may determine for the purpose of defraying in whole or in part the unanticipated cost of any construction, reconstruction, repair or replacement of Common Area improvements; other similarly unanticipated or emergency expenses duly incurred or to be incurred by the Association for purposes provided in this Declaration; and all other duly incurred expenses of the Association which were not or could not be adequately provided for by the annual assessment ("Special Assessments").

Section 6.4 Apportionment of Assessments. Annual and Special Assessments shall be levied and assessed among the Owners of Sublots, according to the total number of square feet of each Sublot as shown on any Plat which is encumbered by and subject to, this Declaration. Each Owner shall be assessed for each of its Sublots a fraction of the total assessments, the numerator of which fraction shall be the total square footage of said Owner's Sublot(s), and the denominator of which shall be the total square footage of all Sublots in the Subdivision subject to, and within the purview of, this Declaration.

Section 6.5 Individual Assessments. In addition to Annual and Special Assessments, should any reimbursement owed to the Association solely by an Owner pursuant to **Sections 3.4** hereof not be paid in the manner and terms set forth in said sections, the Association is hereby authorized to levy and assess against the Sublot for which reimbursement is owed, and Owner thereof, as assessment for the amount owed ("Individual Assessment").

Section 6.6 Notice of Periodic Assessments and Time for Payment. The Board of Directors of the Association shall establish an Annual Assessment for each calendar year, the exact date to be determined by its Board of Directors, and shall further establish Special Assessments and Individual Assessments

whenever circumstances in the opinion of the Board of Directors require it. Such assessments shall be payable in the manner and on the dates determined by the Board. The Board shall provide each Owner with notice specifying the amount of the assessment and the date or dates of payment of the same. No payment shall be due and payable less than thirty (30) days after said written notice has been given, and each delinquent assessment shall bear interest at the rate of Fifteen Percent (15%) per annum until paid, commencing thirty (30) days after the date it becomes due and payable. Failure of the Association to give notice of the assessment shall not affect the liability of the Owner for such assessment, but the date when payment shall become due and payable in such a case shall be deferred to a date 30 days after such notice has been given.

Section 6.7 Lien of Assessment. All sums duly assessed against any Sublot shall be secured by lien on said Sublot in favor of the Association upon recordation of a notice of assessment as herein provided. Such lien shall be superior to all other liens and encumbrances on said Sublot, with exception of: (a) valid tax and assessment liens imposed by governmental entities; (b) the lien of prior mortgages deeds of trust or other security instruments perfected and recorded in Blaine County, Idaho; and (c) valid prior labor and materialman's liens duly perfected and recorded in Blaine County, Idaho.

To create a lien for sums assessed pursuant to this Declaration, the Association shall prepare a written notice of said assessments, setting forth the amount thereof, the date due, the unpaid balance, the name of the record Owner of the Sublot and the legal description of said Sublot. Such notice shall be signed by an officer of the Association and may be recorded until there is at least a sixty (60) day delinquency in the payment of the assessment to which it relates. The priority date of the lien shall be the date of its recordation, and it may be foreclosed and enforced in the manner permitted for consensual liens by the laws of the State of Idaho. In addition to all other sums which may be due and owing for which a lien is recorded, the Owner shall be obligated to pay all costs and expenses incurred by the Association in preparing, filing, foreclosing said lien, or otherwise collecting the assessment to which it is related, including all attorney's fees. All such costs and expenses shall be deemed to be secured by the lien being foreclosed.

Section 6.8 Personal Obligation of Owner. The amount of any assessment against any Sublot shall be the personal obligation of the Owner thereof to the Association. A suit to recover a money judgment for such obligation may be maintained by the Association without foreclosure or waiver of the lien securing the same, and no Owner may avoid or diminish such personal obligation by waiving use and enjoyment of any of the Common Area, or by the sale or abandonment of the Sublot. In any action or effort to collect assessments, the Association shall be entitled to recover costs and attorney fees

reasonable incurred in pursuing or prosecuting the same, in addition to all delinquent assessments and accrued interest thereon.

Section 6.9 Personal Liability of Purchasers. Subject to the provisions of Section 6.8, the purchaser of a Sublot shall be jointly and severally liable with the seller for all unpaid assessments appurtenant thereto including any such assessments due and owing prior to said purchaser's acquisition of said Sublot, together with accrued interest thereon and, should legal action or other collection effort be instituted by the Association to collect the same, all costs and attorney fees reasonably incurred in the pursuit or prosecution of said efforts or actions.

ARTICLE VII DESIGN REVIEW

Section 7.1 Design Review and Approval. Except as expressly exempted therefrom by the provisions of this Declaration, no Townhome, Townhome expansion, exterior alteration, or other Improvement shall be constructed, installed or completed until the plans and specifications therefore have been submitted to, and approved in writing by, the Design Review Committee (hereinafter "DRC"). All plans and specifications shall be evaluated by the DRC as to (1) compliance with this Declaration and provisions of any Design Criteria which may hereafter be adopted by the DRC; (2) harmony and compatibility with the external design of other Townhomes; and (3) suitability of the location of any proposed Improvements in relation to surrounding structures, topography, view corridors and existing drainage patterns. Approval by the DRC does not obviate the necessity of receiving all applicable permits and approvals from the City of Ketchum for any such proposed expansion, exterior alteration or Improvement.

Section 7.2 Maintenance, Repairs and Alterations Without DRC Approval. All exterior maintenance, repairs and alterations must be approved by the DRC. Notwithstanding the foregoing the approval of the DRC will not be required for remodeling or renovating the interior of any Townhome, as long as such remodeling or renovation is imperceptible from the exterior, and in no way alters the configuration and architectural features of the exterior, including the size and shape of windows.

Section 7.3 Design Review Committee. The initial Design Review Committee shall consist of two (2) members, appointed by the Association's Board of Directors. Members of the DRC may, but need not be, Owners (including members of the Board), provided that, to the extent reasonably available, at least one (1) member shall be an architect licensed to practice in the State of Idaho, with experience in the design of single family townhome or condominiums in the Ketchum/Sun Valley area. Notwithstanding the foregoing, for a period of four (4) years from the date upon which the Declaration is

recorded in the records of Blaine County, all members of the DRC shall be appointed by, and serve at the pleasure of, the Declarant. Thereafter, members shall be appointed, and serve at the pleasure of, the Board of Directors of the Association. A majority of the DRC shall constitute a quorum for the transaction of business at any duly called meeting thereof, and the action of a majority present at any such meeting at which a quorum is present shall constitute the action of the DRC.

Section 7.4 Powers and Duties of the DRC. The DRC shall have the following power and duties:

- A. To require submission to the DRC of complete sets of plans and specifications for any proposed Townhome expansion, replacement, exterior alteration, or for any other proposed Improvement on any Sublot or Common Area. The DRC may also require submission of samples of materials proposed for any such project and may require such additional information as is reasonably necessary to evaluate the proposed work.
- B. To approve or disapprove any such submitted plans or specifications. All decisions of the DRC shall be submitted in writing to the applicant, and signed by all members of the DRC participating in such decision. In the event that the DRC fails to approve or disapprove any plans or specifications requested within forty-five (45) days after receiving a complete application therefore, together with all required plans or specifications and other information reasonably requested by the DRC, approval of the DRC shall conclusively be deemed to have been given.
- C. To obtain the service of architects, engineers or other professional consultants which the DRC deems necessary or appropriate to assist in the review process for any proposed Improvements.
- D. To require a fee to be set and, as necessary from time to time amended, by the DRC, in an amount reasonably calculated to defray the costs incurred in reviewing proposed development plans, including the costs incurred for the services of any professional consultants retained by the DRC to assist it in the review process and in monitoring compliance of all development with DRC approved plans and specifications.
- E. To establish the amount, and require the deposit, of a refundable fee to assure that all approved Improvements are completed in compliance with DRC approvals, and secure the repair of any Common Area infrastructure which may be damaged during the construction of any such approved Improvements.

- F. To complete the processing of all design review applications consistent with the terms and conditions set forth in this Declaration.
- G. To adopt, by majority vote, design criteria or guidelines governing the DRC design review and approval process.

Section 7.5 Development by Declarant. The provisions of this Article shall not apply to Declarant's initial construction of a Townhome on any Sublot, nor to any improvement or landscaping of the Common Area, nor to the subsequent repair, replacement or maintenance of said Common Area improvements or landscaping by the Declarant or the Association.

Section 7.6 Non-Liability for Actions. Neither the Declarant, the Board of Directors, nor the DRC, nor their respective members, successors or assigns, shall be liable in damages to anyone submitting plans to the DRC for approval, or to any Owner affected by reason of mistake in judgment, negligence of nonfeasance arising out of, or in connection with, the approval or disapproval, or failure to approve, any plans or specifications submitted to the DRC. Every Owner or other person who submits plans to the DRC for approval agrees, by submission of such plans and specifications, that he will not bring any action or suit against the Board of Directors, the DRC, or the Declarant to recover any such damages.

Section 7.7 Appeals. Any Owner may appeal a final decision of the DRC to the Board of Directors. Any such appeal must be filed in writing with the Board not more than thirty (30) days after the date of the DRC decision, and must set out with particularity the nature of the objections to the decision and the desired relief. Upon its receipt of a duly filed appeal, the Board shall consider the matter at a meeting to be held not more than forty-five (45) days thereafter. Written notice of the meeting shall be provided to the DRC and the interested Owners, granting each an opportunity to appear and be heard. At the conclusion of the appeal hearing, including any necessary continuations thereof, the Board shall adopt and provide to the interested Owners its decision to affirm the DRC decision, to affirm it with additional conditions, overturn it, or remand the matter to the DRC with specific instructions for additional consideration. If the matter is remanded, the subsequent decision of the DRC shall also be subject to appeal in the manner set forth in this section.

ARTICLE VIII INSURANCE

Section 8.1 General Requirements. Commencing not later than the time of conveyance by the Declarant of a Sublot, improved with a Townhome, to a

person other than the Declarant, the Association shall obtain, and thereafter maintain, a policy or policies of insurance, as set forth in this Article VIII, and the Board shall thereafter, no less frequently than every two (2) years, review and determine the adequacy of the Association's insurance coverage. All insurance shall be obtained from companies licensed to do business in the State of Idaho, and all insurance policies shall provide that coverage cannot be cancelled or substantially modified, including cancellation for non-payment of premiums, without at least thirty (30) days prior written notice to any and all insureds names therein.

Section 8.2 Association Insurance.

- A. *Fire and Casualty Insurance.* The Association shall obtain insurance for all Improvements situated on any Sublot and on Association-owned Common Areas in such amounts, to the extent available, as shall provide for full replacement thereof in the event of damage or destruction from any casualty against which such insurance applies. Such insurance shall include fire and extended coverage, including coverage for such other risks and hazards against which the Association shall deem appropriate. Said insurance coverage shall be "blanket coverage" for all Improvements, and the Association may elect such "deductible" provisions as, in the Association's opinion, are consistent with good business practices. Such fire and casualty insurance shall be carried in a form or forms naming the Association as the insured, as trustee for the respective Townhome Owners, and shall specify the interest of each Owner (Owner's name, Townhome number or address), and shall provide a standard loss-payable clause providing for payment of insurance proceeds to the Association as trustee for said Owners, and their respective mortgagees and deed of trust beneficiaries. Any such insurance proceeds obtained by the Association shall be used exclusively in accordance with this Declaration. The Association shall furnish to each Owner a true copy of all casualty insurance policies covering its Townhome, upon request, and a certificate of insurance identifying the insured interest of the Owner. No such policies of fire and casualty insurance shall preclude any other policies of fire or casualty insurance owned and maintained by any Townhome Owner, or provides that Association policies be brought into contribution with any such insurance owned and maintain by an Owner.
- B. *General Liability Insurance.* The Association shall maintain general public liability insurance insuring the Board of Directors, the Association, and Owners covering all Common Area, Sublots and Townhomes. Said insurance shall cover liability of the insureds for property damage, bodily injury and death of persons arising out of the operation, maintenance and use of the Common Area, Sublots and

Townhomes, including coverage for such risks as are customarily covered with respect to multi-family residential projects of similar construction, location and use. Said insurance shall contain a combined single policy limit for property damage, personal injury and wrongful death from a single occurrence in such amount as may be deemed appropriate by the Board of Directors, but in no event less than \$2,000,000.

- C. *Workmen's Compensation Insurance.* The Association shall maintain workmen's compensation insurance to the extent necessary to comply with the applicable laws of the State of Idaho for its employees, if any.
- D. *Directors and Officers Liability Insurance.* The Association shall maintain liability insurance for all members of the Board, in an amount to be determined by the Board of Directors.
- E. *Other Insurance.* The Association shall obtain and maintain such other insurance coverage as the Board, in its sole discretion, should deem necessary or appropriate to protect insurable interests of the Association and its members.

Section 8.3 Sublot Owners' Insurance. It should be noted by each Owner, that the Association is not required by this Declaration to provide any insurance covering Improvements within a Townhome, improvements to a Townhouse Unit beyond those included in the original construction of the Unit, personal property of any type belonging to the Owner or any other person or entity which may be located on the Common Area or Sublot, or within any Townhome. Any such insurance coverage shall be the sole responsibility of each Owner, at its sole cost and expense. Further, nothing herein contained shall preclude any Owner from obtaining any other or further insurance coverage, including fire, casualty and liability insurance, covering the Owner, the Owner's Sublot and/or Townhome.

Section 8.4 Required Provisions. All insurance policies carried pursuant to the requirements of this Article VIII must provide that:

- (a) each Owner is an insured person under the policy with respect to liability arising out of such Owner's interest in the Common Area or membership in the Association;
- (b) the insurer waives its rights to subrogation under the policy against any Owner or member of his household;
- (c) no act or omission by any Owner, unless acting within the scope of such Owner's authority on behalf of the Association, will void the policy or be a condition to recovery under the policy;

(d) if, at the time of a loss under the policy, there is other insurance in the name of an Owner covering the risks covered by the policy, the Association's policy provides primary insurance;

(e) any loss covered by the policies must be adjusted with the Association;

(f) the insurance proceeds for any loss shall be payable to an insurance trustee designated for that purpose, or otherwise to the Association and not to any holder of a security interest; and

(g) the insurer shall issue certificates or memoranda of insurance to the Association and, upon request, to any Owner or holder of a security interest.

Section 8.5 Adjustment of Claims. The Association may adopt and establish written nondiscriminatory policies and procedures relating to the submission of claims, responsibility for deductibles, and any other matters of claims adjustment. To the extent the Association settles a property insurance claim, it shall have the authority to assess negligent Owners causing such loss or benefitting from such repair or restoration all deductibles paid by the Association. In the event more than one Unit is damaged by a loss, the Association in its reasonable discretion may assess each Owner a pro rata share of any deductible paid by the Association.

Section 8.6 Copies of Policies. A copy of each insurance policy obtained by the Association shall be made available for inspection by any Unit Owner or Eligible First Mortgagee at reasonable times.

ARTICLE IX FIRE OR CASUALTY DAMAGE

Section 9.1 Damage Assessment. Upon the occurrence of any damage to, or destruction of, any Townhome or other Sublot or Common Area Improvements resulting from any cause which is covered by the Association's fire and casualty insurance coverage, the Board of Directors shall promptly, and in all events within thirty (30) days after the occurrence of such damage or destruction, make the following determinations with respect thereto, employing such professional advice as the Board deems advisable, and make them available in writing to all Owners:

- A. The extent and nature of the damage, together with an inventory of the Townhomes and/or Improvements directly affected thereby.
- B. A reasonable estimate of the cost to repair the damage, which estimate shall, if practicable, be based upon estimates obtained from experienced contractors in Blaine County, Idaho.

- C. The estimated amount of proceeds, if any, available from the Association's fire and casualty insurance policies covering the loss or damage, and the amount of any other insurance proceeds which may be available to defer the costs of repair from any supplemental fire and casualty insurance maintained by the Owners of the affected Townhomes or Improvements.
- D. The amount, if any, by which the estimated cost of repair exceeds the expected insurance proceeds.

Section 9.2 Notice of Damage. The Board of Directors shall promptly, and in all events within thirty (30) days after the date of such insured damage or destruction, file a proof of loss statement with its fire and casualty insurance company(ies) if the loss is covered by insurance, and abide by all terms and conditions of said policy(ies), unless the Board reasonably determines it would not be in the best interest of the Association and the affected Owner or Owners to file a proof of loss. If the damage affects a material portion of any Townhome, the Board shall also send a notice to each mortgagee or deed of trust beneficiary of that Townhome.

Section 9.3 Decision to Repair. Subject to the following terms and conditions, the Board shall, without undue delay, proceed to repair or replace Townhomes or other Improvements damaged or destroyed by fire or casualties covered by the Association's insurance policies:

- A. The Board shall, as soon as possible after the damage has occurred, undertake any emergency work that it deems reasonably necessary to avoid further damage to any Townhome or Improvements within the Subdivision.
- B. The Board, not less than thirty (30) days after damages insured by the Association's fire and casualty policy have occurred with respect to any Townhome or other Sublot Improvements, promptly commence the repair thereof, applying, to the extent available and necessary, all insurance proceeds available from the Association's insurance policies and/or those policies of insurance, if any maintained by the Owner of said Townhome or Improvements. The Board shall have the authority to employ architects and engineers, advertise for bids, select contracts, and take such other action as is reasonably necessary to undertake and complete the repairs. Contracts for the repair work shall be commenced only when the Board, by means of insurance proceeds and the availability of sufficient Special Assessments, has provided for all costs to be incurred.

- C. The cost of repairing or replacing any Townhome or Improvement from insurance policies owned by the Association and/or the Owner of said Townhome or Improvement so damaged by fire or casualty, in excess of available insurance proceeds, shall be a common expense of the Association, and be subject to Special Assessments in the manner set forth in Article VI. In the event the insurance proceeds received from the Association's fire and casualty insurance policy(ies) exceed the cost of the repairs and replacements, the excess shall be distributed to the Owners in proportion to their respective obligations to pay Annual and Special Assessments.

- D. The nature and extend of said repairs or replacements shall be limited to restoring any damaged or destroyed Townhome or Improvement to substantially the same size and configuration as existed prior to the damage or destruction, in accordance with the original plans and specifications; provided, however, that modifications from those plans and specifications may, upon the request of the affected Owner, be approved by the Board of Directors subject to the following:
 - (i) Any modification must be approved by the DRC; and
 - (ii) Owner, at its sole cost and expense, agrees to be responsible for any additional costs incurred as a result of said modification.

Section 9.4 Decision Not to Repair. Notwithstanding the foregoing provisions of this Article IX, the Owner of any Townhome damaged or destroyed by fire or other casualty covered by the Association's insurance, may elect not to have the Townhome repaired or restored by presenting to the Board of Directors, within thirty (30) days after the damage or destruction has occurred, written notice of such election duly signed by the Owners of not less than eighty percent (80%) of all Sublots, including the Sublot containing any Townhome which is attached by a Party Wall shared with the damaged or destroyed Townhome. In the event the damaged Townhome is not repaired or restored, any insurance proceeds which the Association receives or is entitled to receive for such damage from the policies of fire and casualty insurance, less any expenses reasonable incurred by the Association in assessing or investigating the extent of the damage or in preparing for its repair, shall be distributed, as co-payees, to the Owner of said Townhome and all mortgagees, deed of trust beneficiaries, and other lien holders filed of record against said Townhome.

ARTICLE X
REVOCATION OR AMENDMENT

Section 10.1 Method of Revocation or Amendment. This Declaration may be amended or revoked, in part or in whole, by an instrument duly approved and adopted by not less than three-quarters of the Owners entitled to vote. The amendment or revocation shall be effective as of the date a copy of the instrument adopted, together with a certification of the vote or other action of the Owners by a duly authorized officer of the Association, is recorded in the official records of Blaine County, Idaho. Any such revocation or amendment duly adopted and recorded shall be binding upon every Owner and Sublot, whether the burdens of this Declaration are increased or decreased by any such amendment or revocation, and whether or not the Owner consents thereto. Notwithstanding the foregoing, the consent of the Declarant and any assignees of Declarant established pursuant to Section 12.3 shall be required for any proposed amendment to Sections 2.1, 3.4, 3.7, 5.5, 7.5 and 12.3 if, and to the extent that, at the time of any such proposed amendment the Declarant and/or such assignees own one or more Townhome Sublots which are subject to this Declaration.

ARTICLE XI MISCELLANEOUS

Section 11.1 Compliance. Each Owner shall comply with the provisions of this Declaration, Design Criteria, Articles of Incorporation and Bylaws of the Association, and all rules and regulations duly enacted by the Association. Failure to comply shall be grounds for an action to recover sums due for damage or injunctive relief, or both, maintainable by the Association or any Owner.

Section 11.2 Mailing Address. Each Owner shall provide the Association with such Owner's mailing address and/or email address, which address shall be used for the mailing or other service of any and all notices, assessments or communications from the Association. Any notice referred to in this section shall be deemed given by the Association when it has been deposited in the United States mail, postage prepaid, or when the email has been sent, addressed to the Owner at the given address.

Section 11.3 Transfer of Rights. Any right or interest reserved hereby to the Declarant may be transferred or assigned by the Declarant to any person or entity.

Section 11.4 Number and Gender. Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

Section 11.5 Severability. In any of the provisions of this Declaration, or any clause, paragraph, sentence, phrase or word or the application thereof in any circumstance shall be invalidated, such invalidity shall not affect the validity of the

remainder of the Declaration, and the application of any such provision, paragraph, sentence, phrase or word in any other circumstance shall not be affected thereby.

Section 11.6 Prevailing Law. The provisions of this Declaration shall be construed and enforced pursuant to the laws of the State of Idaho.

DRAFT

IN WITNESS WHEREOF, the undersigned has executed this Declaration on the day and year first written above.

SADDLE ROAD RESIDENCES, LLC
an Idaho Limited Liability Company

By: _____
Its: _____

STATE OF _____)
County of _____)

)ss.

On this _____ day of _____, 2020 before me, a Notary Public, in and for said County and State, personally appeared _____, known or identified to me to be the _____ of Saddle Road Residences, LLC, the limited liability company that executed the foregoing instrument and acknowledged to me that such entity executed the same.

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

NOTARY PUBLIC
Residing at: _____
My commission expires: _____

**ALTA OWNER'S POLICY OF TITLE INSURANCE
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

**Name and Address of
Title Insurance Company:**

Stewart Title Guaranty Company
P.O. Box 2029, Houston, TX 77252

File No.: 2022867

Policy No.: O-0000-339978478

Address Reference: 128 Saddle Rd., Ketchum, ID 83340
(For Company Reference Purposes Only)

Amount of Insurance:

Premium:

Date of Policy: September 18, 2020 at 9:17 am

1. Name of Insured:

Bowry, LLC

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Bowry, LLC, an Idaho limited liability company

4. The Land referred to in this policy is described as follows:

Lot 2 of KNEELAND SUBDIVISION, as shown on the official plat thereof, recorded as Instrument No. 259187, Records of Blaine County, Idaho.

SCHEDULE B

File No.: 2022867

Policy No.: O-0000-339978478

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. Taxes or 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 of such proceedings, whether or not shown by the records of such agency or by public record.
2. Any facts, rights, interests, or claims which are not shown by the public records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims, or title to water.
6. 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.
7. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. Stewart makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interest that are not listed.
8. General taxes for the year 2020 and subsequent years, which are a lien not yet payable.
9. Water and Sewer charges of the City of Ketchum.
10. Ketchum rubbish charges billed by Clear Creek Disposal.
11. Notes, Easements and Restrictions, if any, as shown on the plat of Kneeland Subdivision, recorded December 26, 1984 as [Instrument No. 259187](#), records of Blaine County, Idaho.
12. Agreement Regarding Development of Property, including the terms and provisions thereof, recorded July 30, 1999 as [Instrument No. 429987](#), records of Blaine County, Idaho.

Instrument # 680344

HAILEY, BLAINE, IDAHO
03-15-2021 2:03:23 PM No. of Pages: 2
Recorded for: BLAINE COUNTY TITLE
JOLYNN DRAGE Fee: \$15.00
Ex-Officio Recorder Deputy: GWB
Electronically Recorded by Simplifile



WARRANTY DEED

FOR VALUE RECEIVED

Bowry, LLC, an Idaho limited liability company,

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

128 Saddle Road, LLC, an Idaho limited liability company

the Grantee, whose current address is: PO Box 284, Sun Valley, ID 83353

the following described premises, to-wit:

Lot 2 of KNEELAND SUBDIVISION, as shown on the official plat thereof, recorded as Instrument No. 259187, Records of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject to and those made, suffered or done by the Grantee; and subject to all existing patent reservations; restrictions in railroad deeds of record; easements and rights of way established and of record; protective covenants of record; zoning ordinances and applicable building codes, use restrictions, ordinances, laws and regulations of any governmental unit; general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable; and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated this 15 day of March, 2021.

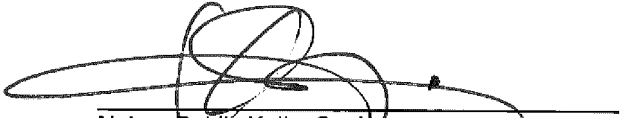
Bowry, LLC

A handwritten signature in black ink, appearing to read 'Gary Storey', written over a horizontal line.

By: Gary Storey
Its: Manager

State of Idaho
County of Blaine

This record was acknowledged before me on 15 day of March, 2021, by Gary Storey, as Manager of Bowry, LLC.


Notary Public Kathy Seal
My Commission Expires: 7.26.2023

(STAMP)



Exhibit C:
Phased Townhouse Subdivision
Agreement

<p>RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:</p> <p>City Clerk, City of Ketchum PO Box 2315 Ketchum, ID, 83340</p>	
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(Space Above Line For Recorder's Use)

PHASED TOWNHOUSE SUBDIVISION AGREEMENT

THIS PHASED TOWNHOUSE SUBDIVISION AGREEMENT ("Agreement") is made and entered into as of the __ day of _____ 2021, by and between the City of Ketchum, an Idaho municipal corporation ("City") and 128 Saddle Road, LLC ("Owner").

RECITALS

WHEREAS, Owner owns that certain real property located at 128 Saddle Road, Ketchum, Idaho legally described as Kneeland Subdivision, Lot 2 within the City of Ketchum, according to the official plat thereof, on file in the office of the County Recorder of Blaine County, Idaho (the "Property"); and

WHEREAS, Owner has applied for a Preliminary Plat, creating Sublots 1-4 and Parcel A- Common Parcel, within the City of Ketchum ("Preliminary Plat Property") and requested an extension to complete certain improvements and City is agreeable to certain extensions to address Owner's request.

WHEREAS, Owner has applied to construct infrastructure improvements to City standards and assume private maintenance of the improved private driveway and water main within the Preliminary Plat Property and City is agreeable to private maintenance of the improvements to address Owner's request.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals and the mutual covenants and agreements herein contained and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Maintenance Responsibilities.

A. *Owner.*

(1) *Water Main Serving Sublots 1-4.* Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private water main serving the Preliminary Plat

Property. The private line is from the two points of connection with the city's water main lines in Valleywood Drive and Saddle Road.

- (2) *Private Driveway.* Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private driveway serving the Preliminary Plat Property.

B. City.

- (1) *Sewer Main Serving Sublots 1-4.* The City is responsible for the maintenance, repair and all costs associated with the public sewer main serving the Preliminary Plat Property. The public line is from the point of connection with the city's sewer main in Valleywood Drive.

2. Construction and Completion Schedule.

- A. Prior to issuance of a Certificate of Occupancy for the first townhouse unit, , each subplot shall be adequately served by both water and sewer services as generally depicted on Exhibit A, as affirmed in writing by the City. The City must approve the timing of water and sewer connections to the existing system.
- B. By June 30, 2023 or prior to obtaining Certificate of Occupancy for the first townhouse unit, the following improvements as generally depicted on Exhibit A shall be completed and/or extended to each Sublot 1-4:
 - (1) Dry utility services (power, IMG, cable, etc); and
 - (2) Residential private driveway improvements within Parcel A.
 - (3) Valleywood Drive right-of-way improvements consistent with Ketchum Municipal Code, Title 12.04.030.H.1 and current right of way standards. . Completion of right of way improvements shall occur prior to Certificate of Occupancy is issued for the first townhouse unit.
 - (4) Water and sewer mains and services serving sublots 1-4.
 - (5) The paver drive from the private residential driveway, the motor court, and fire turnaround shall be installed prior to issuance of a certificate of occupancy for the first townhouse unit.
 - (6) Bike path widening along the Saddle Road frontage as directed by the City Engineer to create a 14' wide asphalt bike path.

- C. By June 30, 2024 all townhomes on sublots 1-4 shall be completed, as evidenced by a receipt of Certificate of Occupancy for each townhouse unit.
- D. By August 31, 2024 the Final Plat for each townhouse unit shall be recorded.
3. Sidewalk and Bike Path Improvements. All improvements to include sidewalks, bike path and any other improvement in easements or the city right of way shall be completed prior to issuance of a certificate of occupancy for the first townhouse unit.
4. Building Permits for Each Townhouse Unit. Owner shall apply for individual building permits for each townhouse unit to be constructed. Each townhouse unit shall obtain a separate Certificate of Occupancy.
5. Sublot Releases. The City agrees to release individual Sublots for Final Plat approval by City Council provided a Certificate of Occupancy has been issued for each building should Owner comply with the above recitals.
7. Owners' Association Assumption of Responsibilities. Upon the recording of the final plat or the final Sublot (the forth Sublot), Owner may assign and transfer its maintenance responsibilities and obligations under this Agreement to the Saddle Road Residences Homeowner's Association, Inc.
8. General Provisions.
- A. *Recitals and Construction.* The City and Owner incorporate the above recitals into this Agreement and affirm such recitals are true and correct.
- B. *Effective Date.* This Agreement is effective as of the date on which the last of the City and Owner execute this Agreement. Neither party shall have any rights with respect to this Agreement until both have executed this Agreement.
- C. *Owner Representations.* Owner represents and warrants to City that (a) Owner holds fee simple title to the Property, and (b) no joinder or approval of another person or entity is required with respect to Owner's authority to make and execute this Amendment.
- D. *Neutral Interpretation.* City and Owner acknowledge they and, if they so choose, their respective counsel have reviewed this Agreement and the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of the Agreement, or any exhibits, attachments and addenda to the Agreement.
- E. *Counterparts.* This Agreement may be executed in multiple counterparts, each of which taken together shall constitute one and the same agreement binding upon the

parties. Signatures transmitted by facsimile or via e-mail in a "PDF" format shall have the same force and effect as original signatures on this Amendment. The Original of this Amendment shall be recorded with the Blaine County Recorder.

IN WITNESS WHEREOF, the parties, having been duly authorized, have hereunder caused this Agreement to be executed, the same being done after public notice and statutory requirements having been fulfilled.

"CITY":

CITY OF KETCHUM,
an Idaho municipal corporation

"OWNER":

128 SADDLE ROAD LLC
an Idaho LLC

By: _____
Neil Bradshaw, Mayor

By: _____
David Hutchinson, Managing Member

ATTEST:

Jade Riley, Acting City Clerk

ACKNOWLEDGEMENT FOR CITY

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)

On this _____ day of _____, 2021, before me, the undersigned Notary Public in and for said State, personally appeared NEIL BRADSHAW, known or identified by me to be the Mayor of the City of Ketchum, Idaho, and the person who executed the foregoing instrument and acknowledged to me that he executed the same on behalf of such city.

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

Notary Public for the State of _____
Residing at _____
My Commission Expires _____

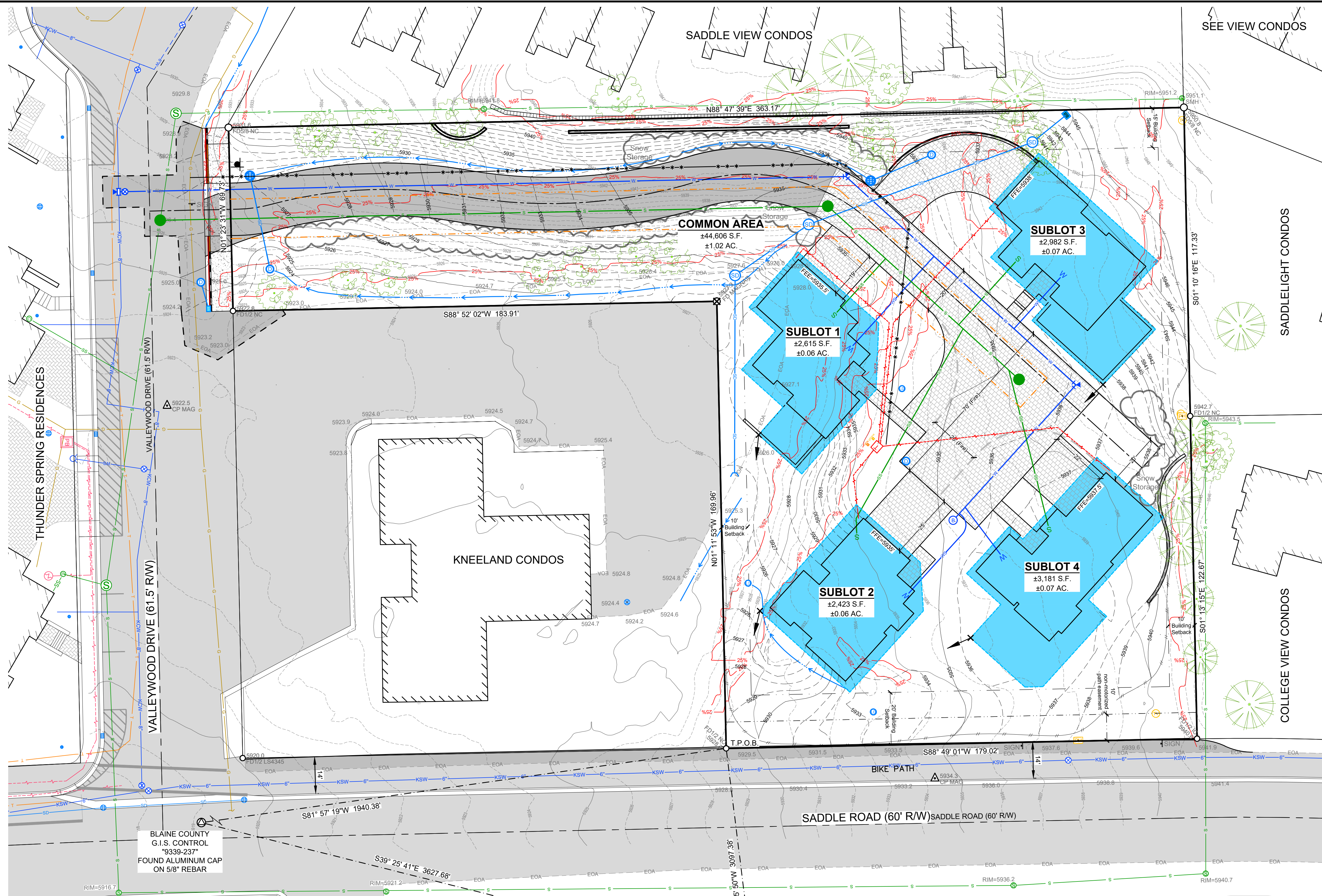
ACKNOWLEDGEMENT FOR OWNER

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2021, before me, a Notary Public in and for said State, personally appeared _____, known to me to be the Managing Member of 128 Saddle Road LLC, an Idaho limited liability company, and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said limited liability company.

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

Notary Public for the State of _____
Residing at _____
My Commission Expires _____



- NOTES**
- All new utilities shall be installed underground.
 - All construction shall conform to the "City of Ketchum Standards".
 - Utility locations are approximate and locations should be verified before any excavation.
 - Property is currently zoned T (Tourist).
 - Covenant, conditions, and restrictions for townhomes, exist under Inst. No. _____, records of Blaine County, Idaho.
 - The water main on the property shall be a private line and not owned or maintained by the City of Ketchum. The sewer main will be owned and maintained by the City of Ketchum.
 - All Townhome unit owners shall have mutual reciprocal easements for existing and future water, cable tv, sewage, storm, telephone, natural gas and electrical lines over, under, and across their townhomes and sublots, outside of the foundation stemwalls, for the repair, maintenance, and replacement thereof.
 - Garage space shall not be converted to living space or uses other than parking of vehicles and household storage.
 - The townhome sublots shown hereon are considered as one (1) land lot. Coverage requirements and other bulk regulations per the City of Ketchum ordinances apply to the sublots as one parcel.
 - Property shown hereon is subject to the following exceptions per ALTA Commitment for Title Insurance by Stewart Title Guaranty Company, Countersigned by Blaine County Title, Commitment No. 1922046, dated December 20, 2019:
 - Notes, Easements and Restrictions, if any, as shown on the plat of Kneeland Subdivision, recorded December 26, 1984 as Instrument No. 259187, records of Blaine County, Idaho.
 - Agreement Regarding Development of Property, including the terms and provisions thereof, recorded July 30, 1999 as Instrument No. 429987, records of Blaine County, Idaho.
 - Refer to Sheet L1 prepared by NS Consulting for grading and drainage information.

Owner
 128 Saddle Road, L.L.C.
 P.O. Box 284
 Sun Valley, ID 83353

Address
 128 Saddle Rd., Ketchum, ID 83340

Legal Description
 Lot 2, Kneeland Subdivision, according to the official plat thereof, recorded as Inst. # 259187, Records of Blaine County, Idaho.

Architect
 Rich Childress, AIA
 Point Architects
 209 E 35th Street
 Garden City, Idaho 83714

Landscape Architect
 Nathan Schutte, LLA
 NS Consulting, PLLC
 380 E. Highway 26
 Shoshone, ID 83352

Engineer
 Sean M. Flynn, PE
 Galena Engineering, Inc.
 317 N. River Street
 Hailey, ID 83333

Surveyor
 Mark Phillips, PLS
 Galena Engineering, Inc.
 317 N. River Street
 Hailey, ID 83333

BUILDING FOOTPRINT TABLE	
SUBLOT	SQUARE FOOTAGE
1	2,615
2	2,423
3	2,982
4	3,181
TOTAL	11,201
% OF LOT	20.0%

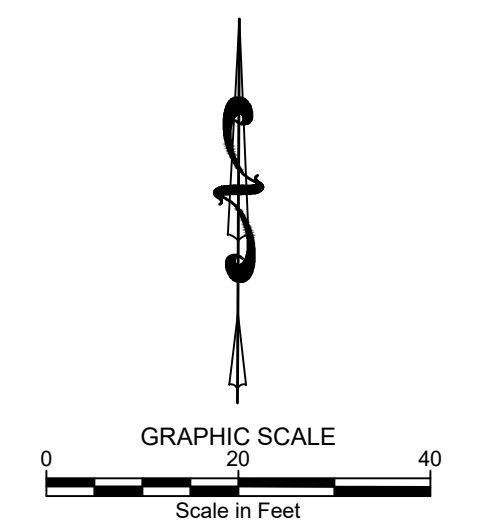
SQUARE FOOTAGE INCLUDES ROOF OVERHANGS, PATIOS, AND GARAGES.

LEGEND

EXISTING ITEMS	PROPOSED ITEMS
Property Line	Centerline of Access Driveway
Adjoiner's Lot Line	New Asphalt
Centerline	Heated Paviers
Building Setback, width as shown	Retaining Wall
Easement, width as shown	5' Contour Interval
Found Mag Nail	1" Contour Interval
FDAC = Found Aluminum Cap	Curb & Gutter
FD5/8 = Found 5/8" Rebar	Building
FD1/2 = Found 1/2" Rebar	Asphalt
5' Contour Interval	Pavers
1" Contour Interval	Rock Retaining Wall
Curb & Gutter	Conifer Tree
Building	Deciduous Tree
Asphalt	Sign
Pavers	Drainage Swale
Rock Retaining Wall	25% Slope Line
Conifer Tree	
Deciduous Tree	
Sign	
Drainage Swale	
25% Slope Line	

SUBLOT BOUNDARIES

SUBLOT 1	SUBLOT 2	SUBLOT 3	SUBLOT 4
TIE TO T.P.O.B.	TIE TO T.P.O.B.	TIE TO T.P.O.B.	TIE TO T.P.O.B.
N 05° 55' 10" E 119.86'	N 13° 48' 12" E 53.82'	N 46° 00' 16" E 199.08'	N 65° 39' 49" E 101.97'
N 41° 22' 27" E 14.01'	N 42° 10' 06" E 54.56'	N 47° 49' 54" W 36.38'	N 42° 10' 06" E 17.12'
N 47° 49' 54" W 21.23'	N 47° 49' 54" E 32.71'	N 42° 10' 06" E 7.25'	N 47° 49' 54" W 17.54'
N 41° 22' 27" E 19.51'	S 03° 50' 06" E 18.49'	N 47° 49' 54" W 27.76'	N 42° 10' 06" E 24.01'
N 47° 49' 54" W 13.53'	S 42° 10' 06" W 41.66'	N 42° 10' 06" E 13.50'	S 47° 49' 54" E 7.04'
N 41° 22' 27" E 28.01'	N 47° 53' 42" W 46.01'	N 42° 10' 06" E 28.01'	N 42° 10' 06" E 42.01'
S 48° 37' 33" E 40.96'		S 47° 49' 54" E 61.02'	S 47° 49' 54" E 33.97'
S 02° 18' 35" W 25.28'		S 42° 10' 06" W 19.52'	S 42° 10' 06" W 42.36'
S 41° 22' 27" W 42.68'		S 46° 49' 26" E 16.73'	S 47° 49' 54" E 9.32'
N 47° 49' 54" W 22.13'		S 43° 22' 09" E 28.96'	S 42° 10' 06" W 36.07'
			S 88° 49' 01" W 6.86'
			N 47° 49' 54" W 27.80'



A PRELIMINARY TOWNHOME PLAT SHOWING
128 SADDLE ROAD
 LOCATED WITHIN SECTION 7, T. 4 N., R. 18 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 PREPARED FOR 128 SADDLE ROAD LLC

PRELIMINARY
NOT FOR
CONSTRUCTION

DESIGNED BY
 CT
 DRAWN BY
 SMF
 CHECKED BY

GALENA
ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 317 N. River Street
 Hailey, Idaho 83333
 (208) 788-1705
 email: galena@galena-engineering.com

PURPOSE:

NO.	DATE	BY	REVISIONS

PPLAT

REUSE OF DRAWINGS: These drawings, or any portion thereof, shall not be used on any project or extension of this project except by agreement in writing with Galena Engineering, Inc.



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.

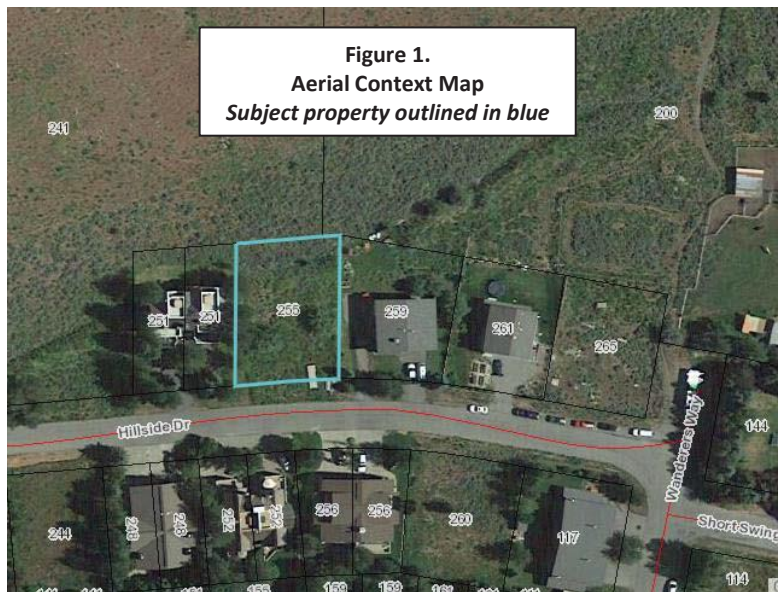


Figure 1.
Aerial Context Map
Subject property outlined in blue

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			City Standards and Staff Comments	
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>		
				<table border="1"> <tr> <td>West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"</td> <td>East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"</td> </tr> </table>	West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"	East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"
West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"	East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"					
<input type="checkbox"/>		<input type="checkbox"/>	17.12.040	Building Height		
			Staff Comment	<p>Maximum Permitted: 35'</p> <p>Proposed:</p> <table border="1"> <tr> <td>West building (Unit A) 29'-10"</td> <td>East building (Unit B) 29'-10"</td> </tr> </table>	West building (Unit A) 29'-10"	East building (Unit B) 29'-10"
West building (Unit A) 29'-10"	East building (Unit B) 29'-10"					
<input type="checkbox"/>	<input type="checkbox"/>		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)	There shall be no building on ridges or knolls which would have a material visual impact on a significant skyline visible from a public vantage point entering the city or within the city. “Material”, as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.
			<i>Staff Comment</i>	<i>There are no ridges or knolls identified on the subject parcel; the ridge line is located beyond the extent of the property boundary.</i> <i>Further, this property is not visible from an identified or protected view corridor. The most prominent street in the vicinity is Warm Springs Road. Because the eastern portion of Hillside Drive, where the subject property is located, has relatively shallow lot depths (under 150’) where maximum elevations are relatively low, existing residences and vegetation located on the southside of Hillside Drive, Belmont Drive, and the north side of Warm Springs Road provides ample screening.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (2)	Building, excavating, filling and vegetation disturbance on hillsides which would have a material visual impact visible from a public vantage point entering the city or within the city shall be minimized. “Material”, as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.
			<i>Staff Comment</i>	<i>Building, excavation, filling and vegetation disturbance will not have a material visual impact visible from a point within the city due to the location of the subject property and site characteristics described in evaluation of the previous criteria 17.104.070.A.1</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (3)	Driveway standards as well as other applicable standards contained in chapter 12.04 of this code shall be met.
			<i>Staff Comment</i>	<i>Refer to comments from the City Engineer and Streets Superintendent in Table 1. Detailed review and approval of ROW improvements to occur upon Building Permit submittal.</i>
	<input 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 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (9)	Cuts and fills allowed for roadways shall be minimized; lengths of driveways allowed shall be minimized; all cuts and fills shall be concealed with landscaping, revegetation and/or natural stone materials. Revegetation on hillsides with a clear zone of thirty feet (30’) around all structures is recommended. Said clear zone shall include low combustible irrigated vegetation with appropriate species, on file with

				<p>the Ketchum planning department. Revegetation outside of this clear zone should be harmonious with the surrounding hillsides.</p> <p><i>Staff Comment</i> No new roadways are proposed; the garages and associated driveways are located closest to the existing street and the driveway lengths are therefore minimized; the northwest portion of the site and parts of the eastern and western side yards are proposed to be re-contoured to accommodate the residential dwellings. In these recontoured 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>No other sites on the parcel are more suitable for the proposed development in order to carry out the purposes of this section.</p> <p><i>Staff Comment</i> The subject property is 0.26 acres in size (11,150 square feet) and is 125' deep with a minimum elevation of 5867' and a maximum elevation of 5887', a slope of 16% on the western property boundary and 11% on the eastern property boundary. In contrast, there are a dozen parcels further west on Hillside Drive and Huffman Drive that range from 500' to over 1,000' in depth, with maximum elevations above 6300' and slopes exceeding 25% where location of development is of greater concern with respect to Mountain Overlay standards. In other words, the subject property is relatively small in size and relatively flat in comparison to other properties within the Mountain Overlay.</p> <p>The two proposed dwelling units are both located in in the flatter/less steep portion of the site (as opposed to the steepest portion of the site, which is the rear of the property).</p> <p>All things considered, staff finds the proposed development to be sited in a location that is suitable for carrying out the purposes of this Ordinance.</p>	
<input type="checkbox"/>	<input type="checkbox"/>		<p>17.104.070 A (11)</p> <p>Access traversing twenty five percent (25%) or greater slopes does not have significant impact on drainage, snow and earthslide potential and erosion as it relates to the subject property and to adjacent properties.</p> <p><i>Staff Comment</i> The project does not include accesses that traverse 25% or greater slopes.</p>	
	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (12)</p> <p>Utilities shall be underground.</p> <p><i>Staff Comment</i> All utilities will be located underground. See sheet L1.1.</p>	
	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (13)</p> <p>Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction.</p> <p><i>Staff Comment</i> Sheet L2.0 indicates fencing will be installed along the rear, west and east property lines to delineate the limits of disturbance. Fencing shall remain in place for the duration of construction.</p>	
	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.104.070 A (14)</p> <p>Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized.</p> <p><i>Staff Comment</i> Excavation is limited to the locations of the two proposed buildings. Recontouring along the eastern and western property lines is a response to the two buildings being constructed.</p> <p>Vegetation disturbance at the rear of the buildings is justified in part to create a modest amount of usable, outdoor space for each dwelling.</p>	

<input type="checkbox"/>	<input type="checkbox"/>		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 glad in dark grey. The materials palette is comprised of natural materials – primarily wood and metal.</i>
				<i>The color scheme is muted and appropriate for the Mountain Overlay district.</i>
<input type="checkbox"/>	<input type="checkbox"/>		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>

				<i>height on the east side and 3' in height on the west side) are incorporated into the site as is extensive landscaping.</i>
	<input 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

A. Application



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: DEEP POWDER TOWNHOMES	Phone: 208 720-8605		
Owner: DEEP POWDER LLC	Mailing Address: Po Box 3761		
Email:	Ketchum ID 83340		
Architect/Representative: LARS GUY	Phone: 208 720-9684		
Email: LARS@Provisualization.com	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: Warm Springs Sub #5 LOT 33 BLOCK 2			
Street Address: 255 Hillside Drive			
Lot Area (Square Feet): 11,325			
Zoning District: GR-L			
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: (2) Detached Townhomes	Number of Residential Units: 2		
TOTAL FLOOR AREA			
	Proposed	Existing	
Basements	∅	Sq. Ft.	Sq. Ft.
1 st Floor 1769/ea	1769/ea	Sq. Ft.	Sq. Ft.
2 nd Floor	1450/ea	Sq. Ft.	Sq. Ft.
3 rd Floor	∅	Sq. Ft.	Sq. Ft.
Mezzanine	∅	Sq. Ft.	Sq. Ft.
Total	3219/ea	Sq. Ft.	Sq. Ft.
FLOOR AREA RATIO			
Community Core:	Tourist:	General Residential-High:	
BUILDING COVERAGE/OPEN SPACE			
Percent of Building Coverage: $(1769 \times 2) / 11,325 = 31\%$			
DIMENSIONAL STANDARDS/PROPOSED SETBACKS			
Front: 15'	Side: 10'	Side: 10'	Rear: 15'
Building Height: 30'			
OFF STREET PARKING			
Parking Spaces Provided:			
Curb Cut:	Sq. Ft.	35 %	
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.

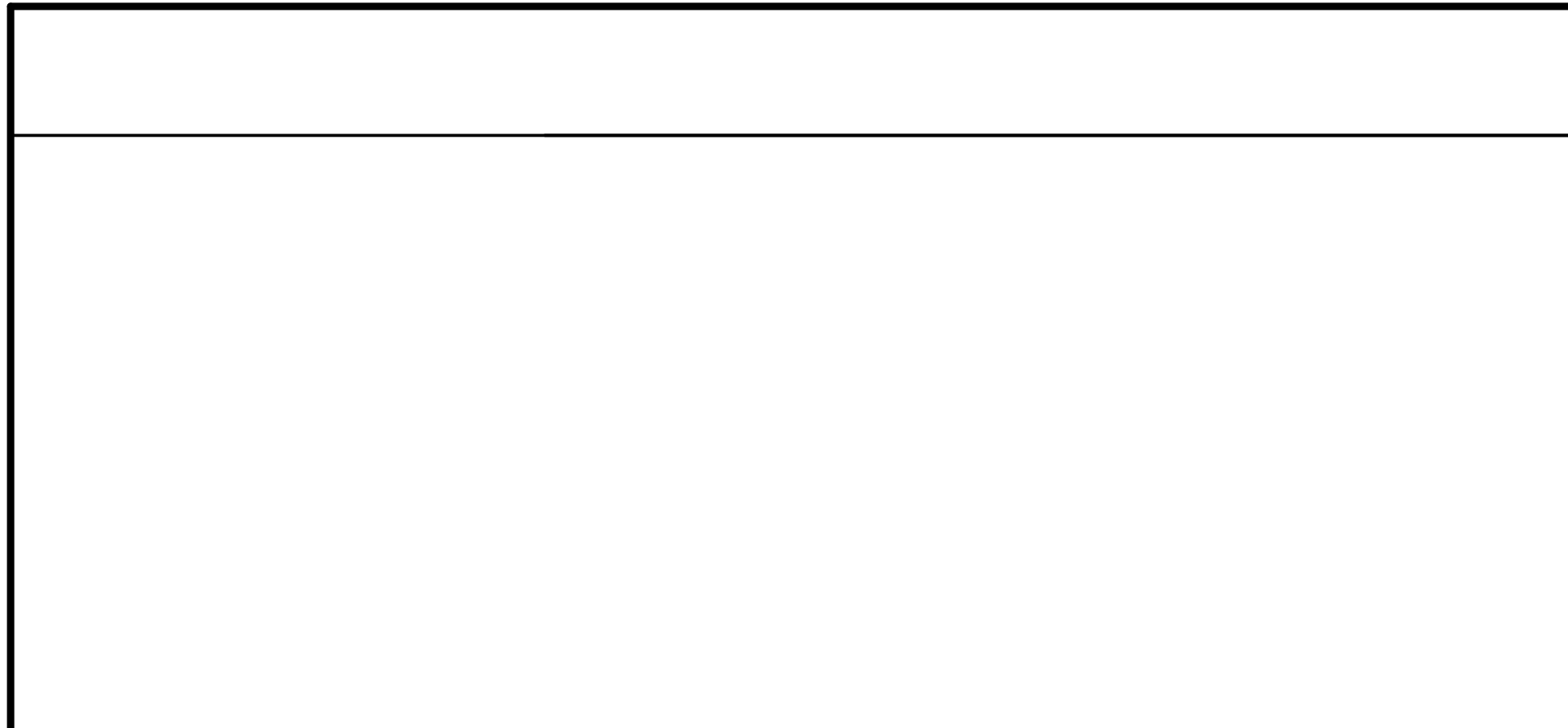
B. Sidewalks:

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:

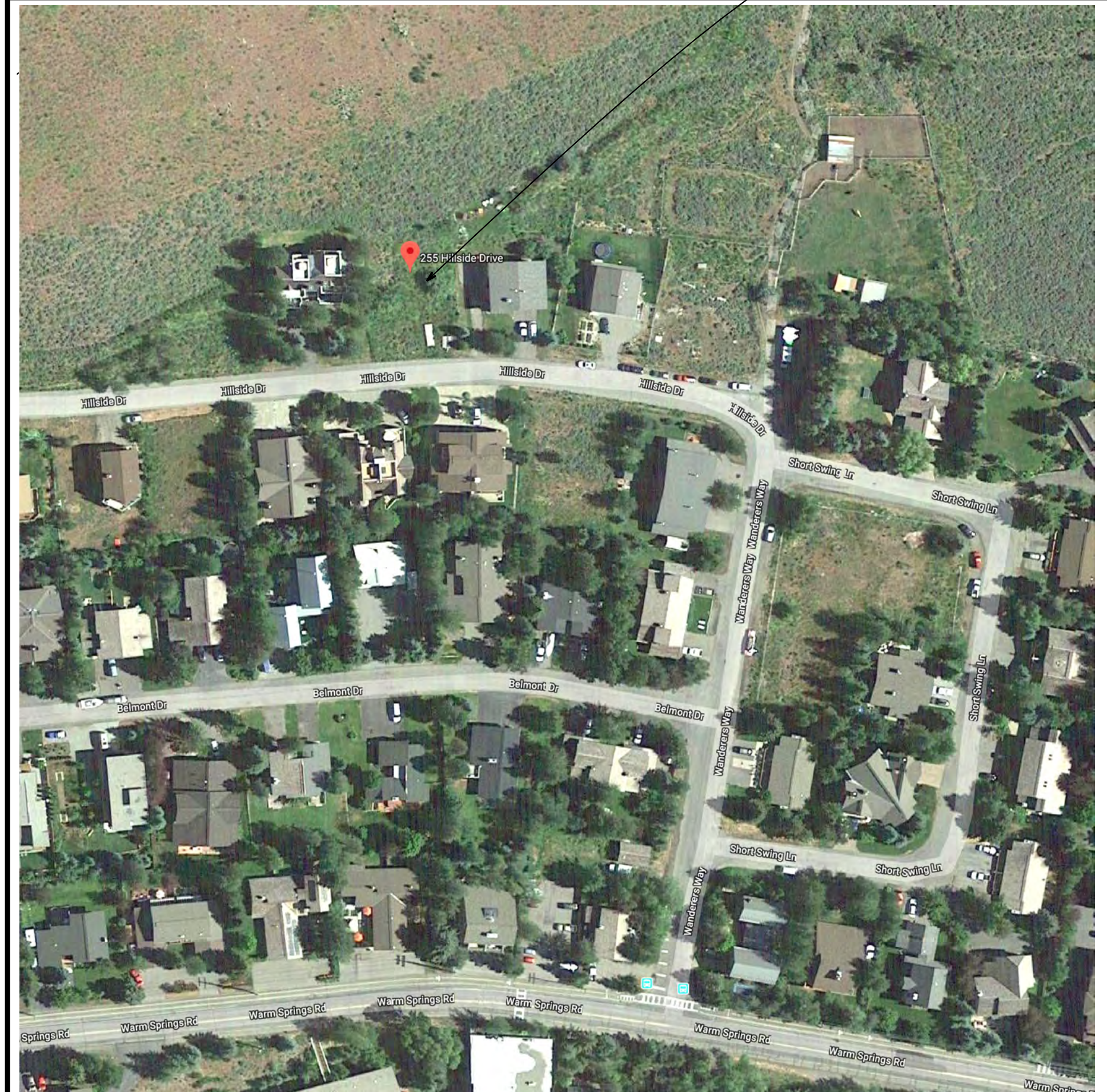
1. All storm water shall be retained on site.
2. Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
3. The Public Works Director may require additional drainage improvements as necessary, depending on the unique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

B. Plans

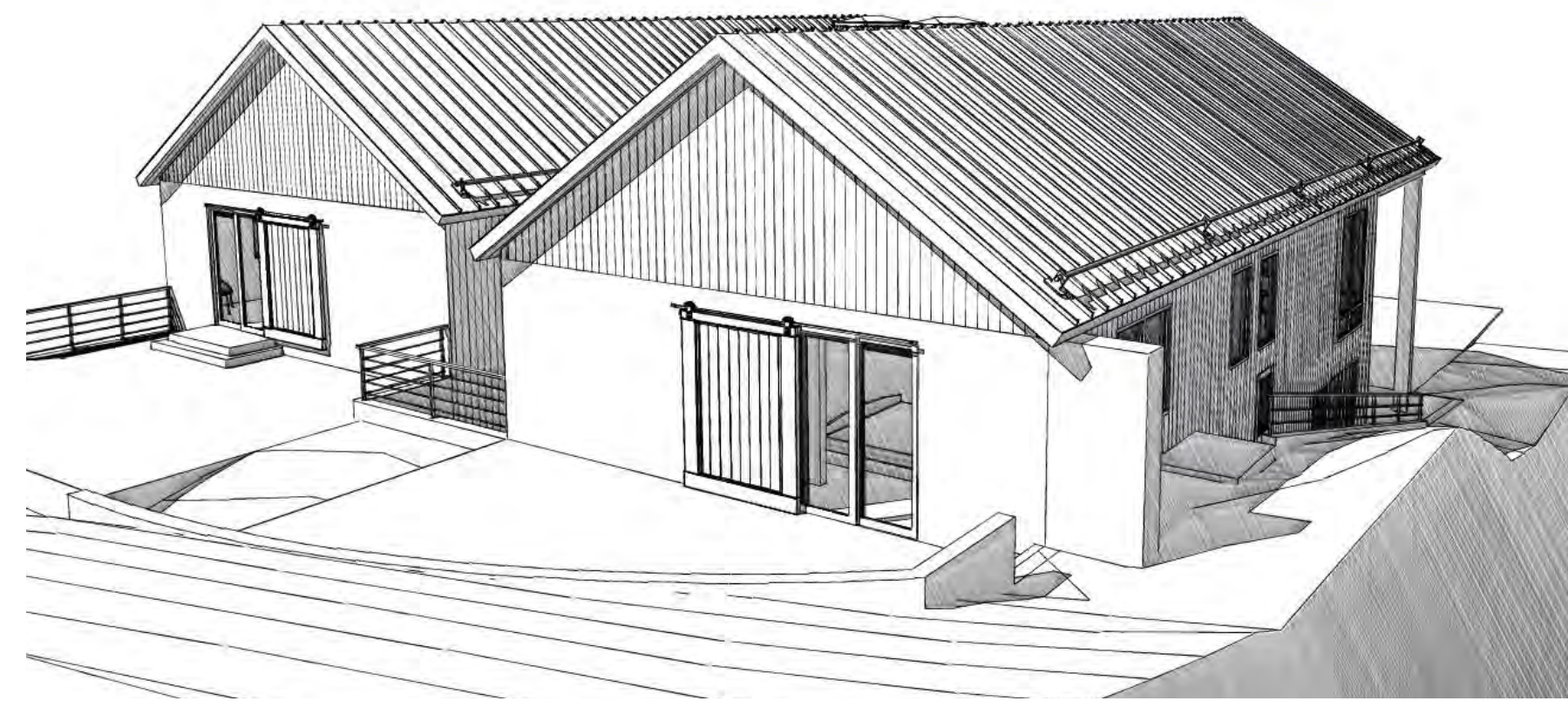
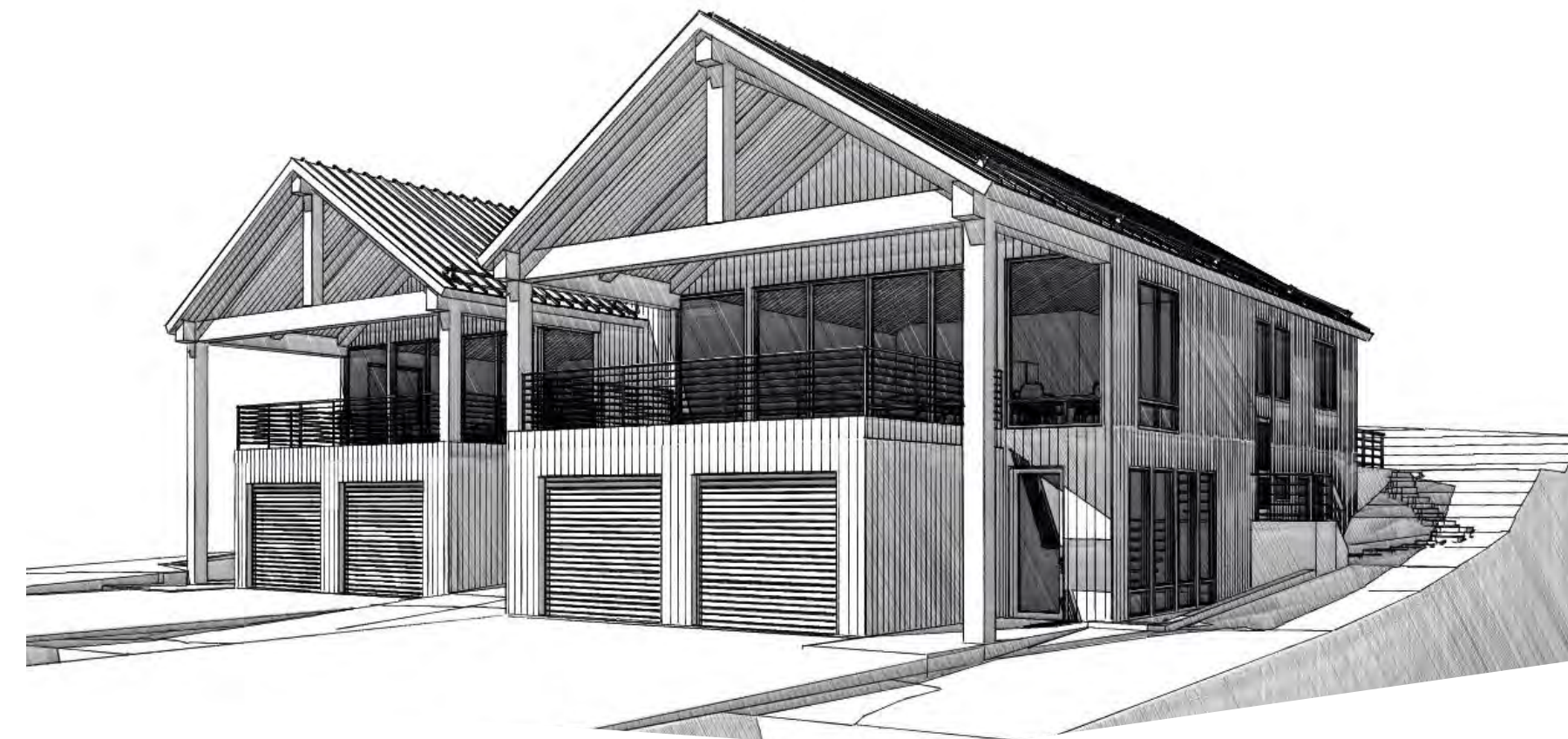


VICINITY MAP

SUBJECT PROPERTY



PERSPECTIVES



PROJECT TEAM

OWNER: DEEP POWDER LLC
PO BOX 3761
KETCHUM ID 83340

PROJECT: NEW DUPLEX RESIDENCES
255 HILLSIDE DRIVE
KETCHUM, ID 83340

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

OWNER INFO

PROJECT NO.

CONTRACTOR

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

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:

- 2X6 WOOD FRAMING AT 16" O.C.
- PRE-MANUFACTURED ROOF TRUSSES OR ENGINEERED ROOF JOISTS
- METAL ROOFS
- EXPOSED 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"

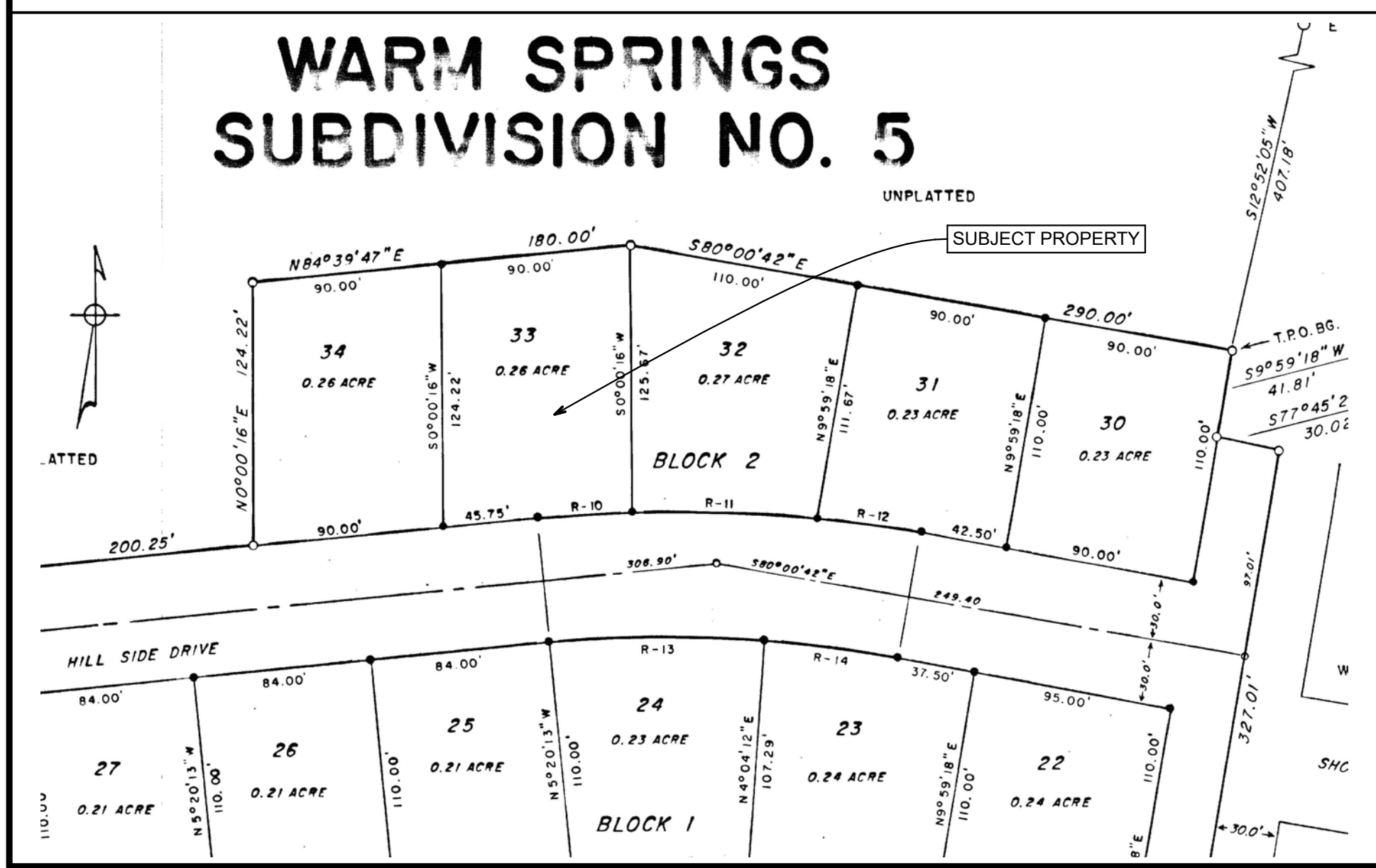
AREA ANALYSIS: (GROSS ENCLOSED SQUARE FOOTAGE)

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"

SUBDIVISION MAP

WARM SPRINGS SUBDIVISION NO. 5



LIGHT SPEC

Distribution - Goniophotometer

Distribution Test Conditions

Temperature	Voltage	Current	Power Factor	Frequency	Control Time
24.8 °C	120.0 VAC	0.238 A	0.988	60 Hz	10.0 s

Summary of Results

Spacing Criteria	Total Lumen Output	790.3 Lumens
9:160: 0.53	Luminaire Efficacy	27.8 lm/W
90:270: 0.53	Maximum Candela	2121 Candela

Luminaire Description: Black aluminum housing with faceted reflector and patterned lens beneath six (6) white LEDs, two (2) red LEDs, one (1) blue LED, and one (1) green LED with faceted optic below.

Mounting: Surface-Mount

Ballast/Driver: One (1) Philips Advance LED120A004V18FD

Luminaire Characteristics: Luminaire Diameter: 4.50 in.

Summary of Results

Total Luminaire Output	790.3 Lumens	Test Temperature	24.8 °C
Luminaire Efficacy	27.8 lm/W	Voltage	120.0 VAC
Maximum Candela	2121 Candela	Current	0.238 A
		Power	28.30 W
		Power Factor	0.988
		Frequency	60 Hz
		Current THD	10.6 %

Utilization of Lumens - Zonal Cavity Method

Zone	Area	Height	Volume	Utilization Coefficient
1	10.00	10.00	100.00	0.10
2	10.00	20.00	200.00	0.20
3	10.00	30.00	300.00	0.30
4	10.00	40.00	400.00	0.40
5	10.00	50.00	500.00	0.50
6	10.00	60.00	600.00	0.60
7	10.00	70.00	700.00	0.70
8	10.00	80.00	800.00	0.80
9	10.00	90.00	900.00	0.90
10	10.00	100.00	1000.00	1.00

Beam and Field Information

Beam	Beam Angle	Beam Diameter	Beam Area	Beam Power	Beam Illuminance
1	10.00	10.00	100.00	10.00	0.10
2	20.00	20.00	400.00	4.00	0.04
3	30.00	30.00	900.00	1.67	0.02
4	40.00	40.00	1600.00	0.62	0.01
5	50.00	50.00	2500.00	0.31	0.005
6	60.00	60.00	3600.00	0.22	0.003
7	70.00	70.00	4900.00	0.16	0.002
8	80.00	80.00	6400.00	0.12	0.001
9	90.00	90.00	8100.00	0.09	0.001
10	100.00	100.00	10000.00	0.07	0.001

Cone of Light Tabulation

Height (ft)	Beam Diameter (ft)	Beam Area (sq ft)	Beam Illuminance (fc)
10.00	10.00	100.00	0.10
20.00	20.00	400.00	0.04
30.00	30.00	900.00	0.02
40.00	40.00	1600.00	0.01
50.00	50.00	2500.00	0.005
60.00	60.00	3600.00	0.003
70.00	70.00	4900.00	0.002
80.00	80.00	6400.00	0.001
90.00	90.00	8100.00	0.001
100.00	100.00	10000.00	0.001

EXT. LIGHT FIXT

ALPINE SURFACE DOWNLIGHT™

"Alpine Surface Downlight™ addresses an issue similar to that of the Pendant but with the exceptional lumen output of our BISS™ Power of X™ Slip Herbert, B-Lighting, Technical Sales Manager/BRU Instructor

Shown with C-Trap on Black Chrome (304) Finish

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.

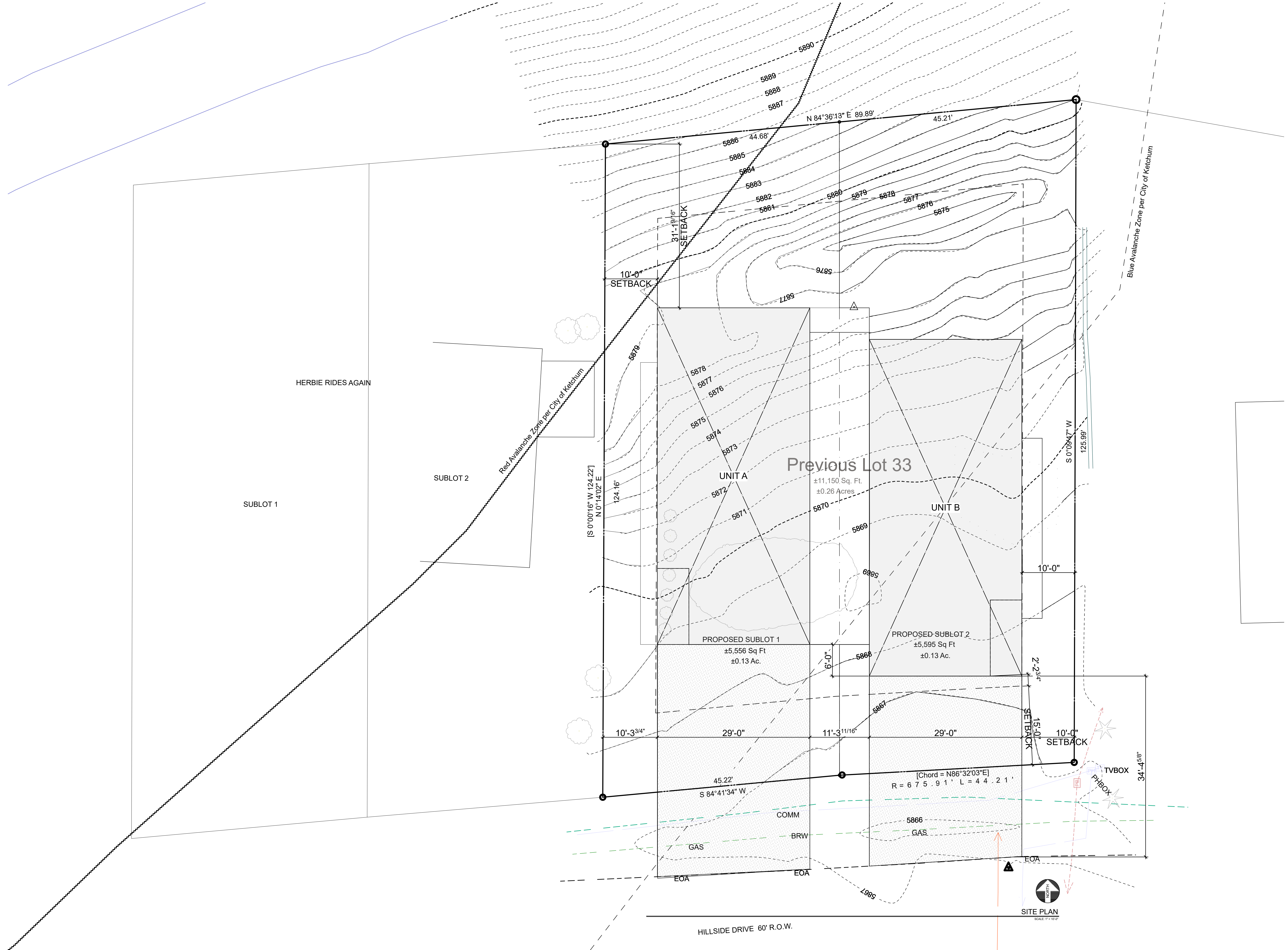
PROVIDE UNDERFLOOR (CRAWL SPACE) VENTILATION OF 1 S.F. PER 150 S.F. OF FLOOR AREA

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

DRAWING:
SITE PLAN

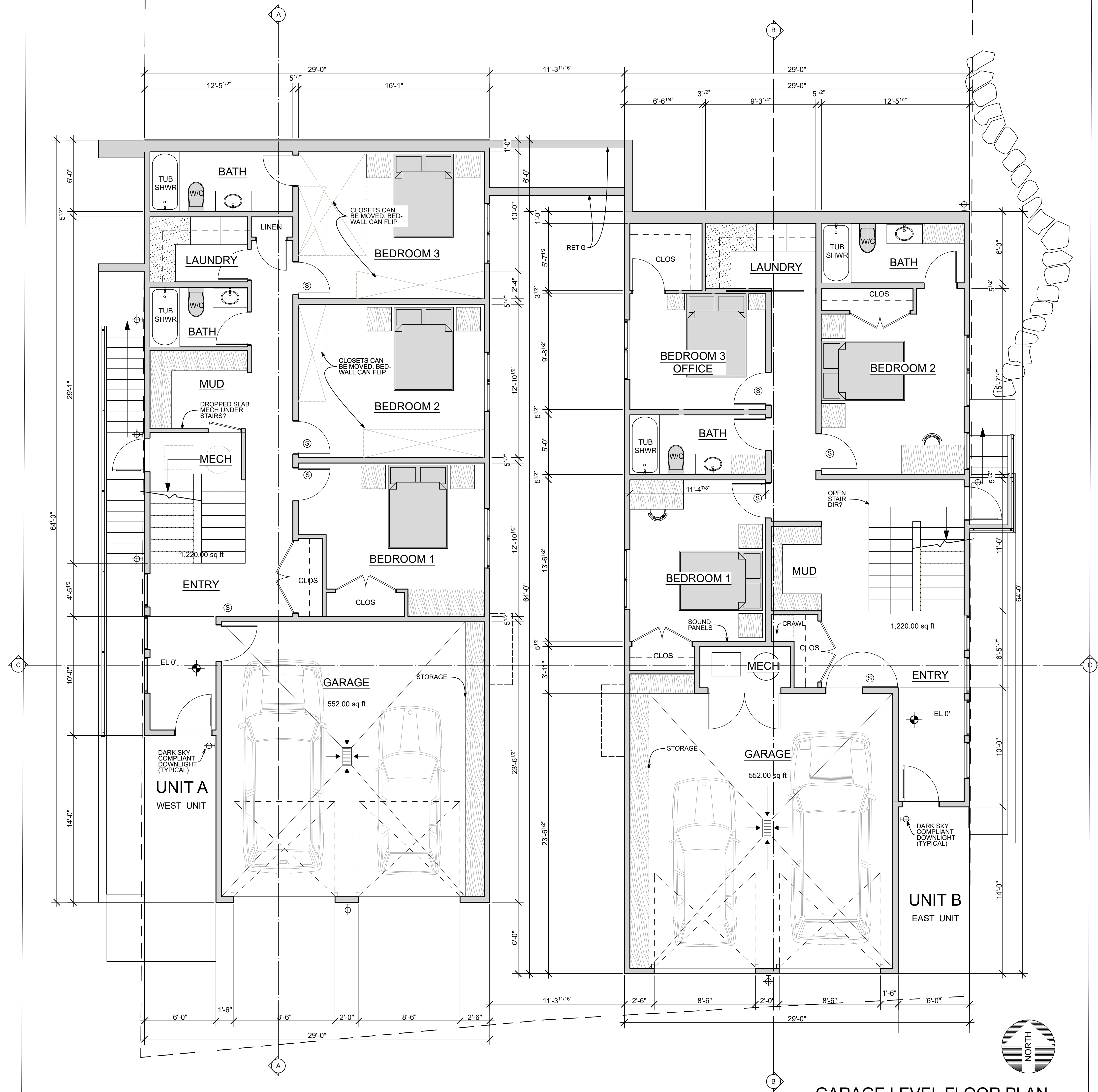
DATE

6/19/19

SHEET NUMBER

A-1.0

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GARAGE 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

DRAWING:

GARAGE LEVEL PLANS

DATE

6/19/19

SHEET NUMBER

A-2.0

DATE

6/19/19

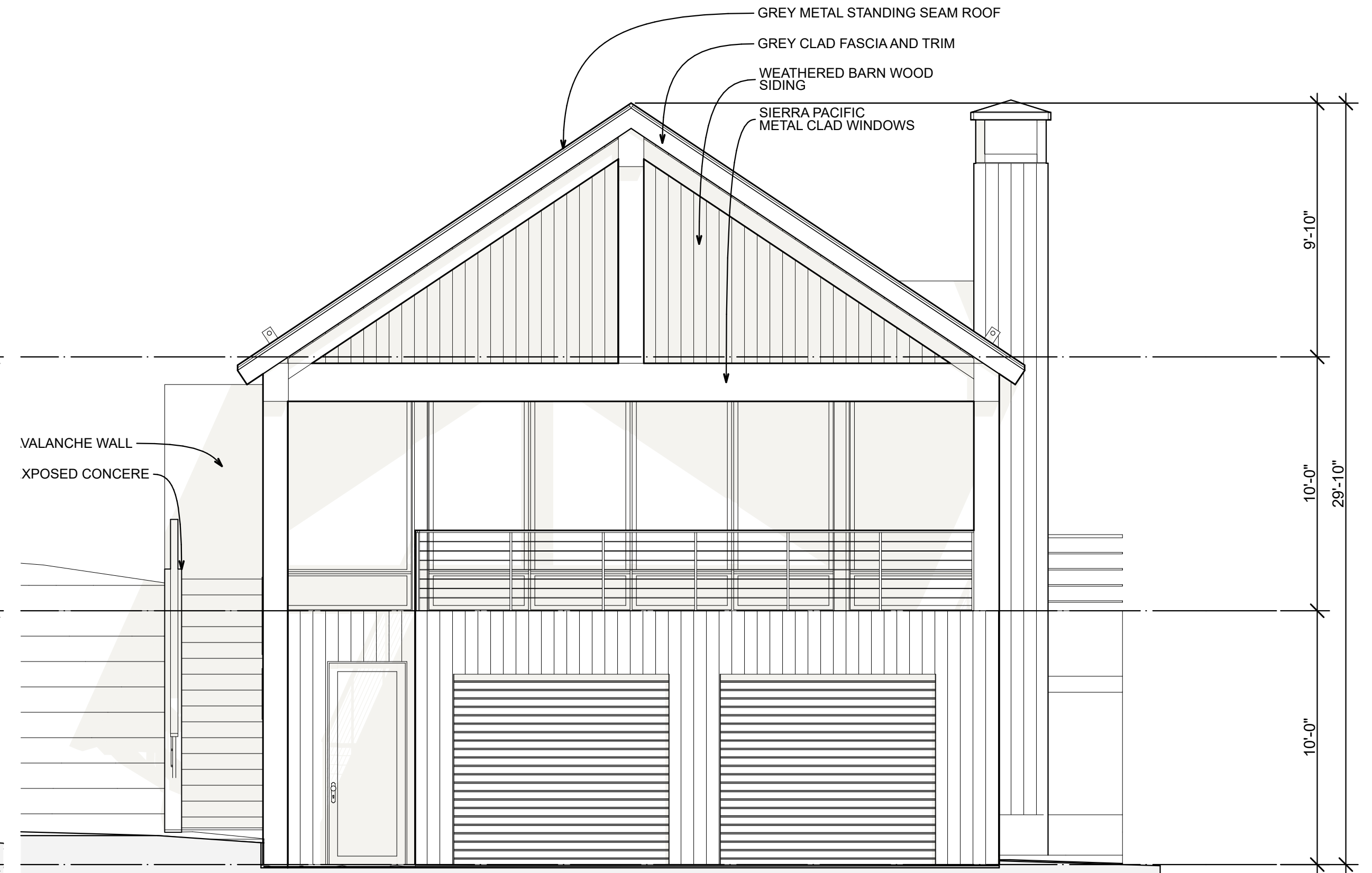
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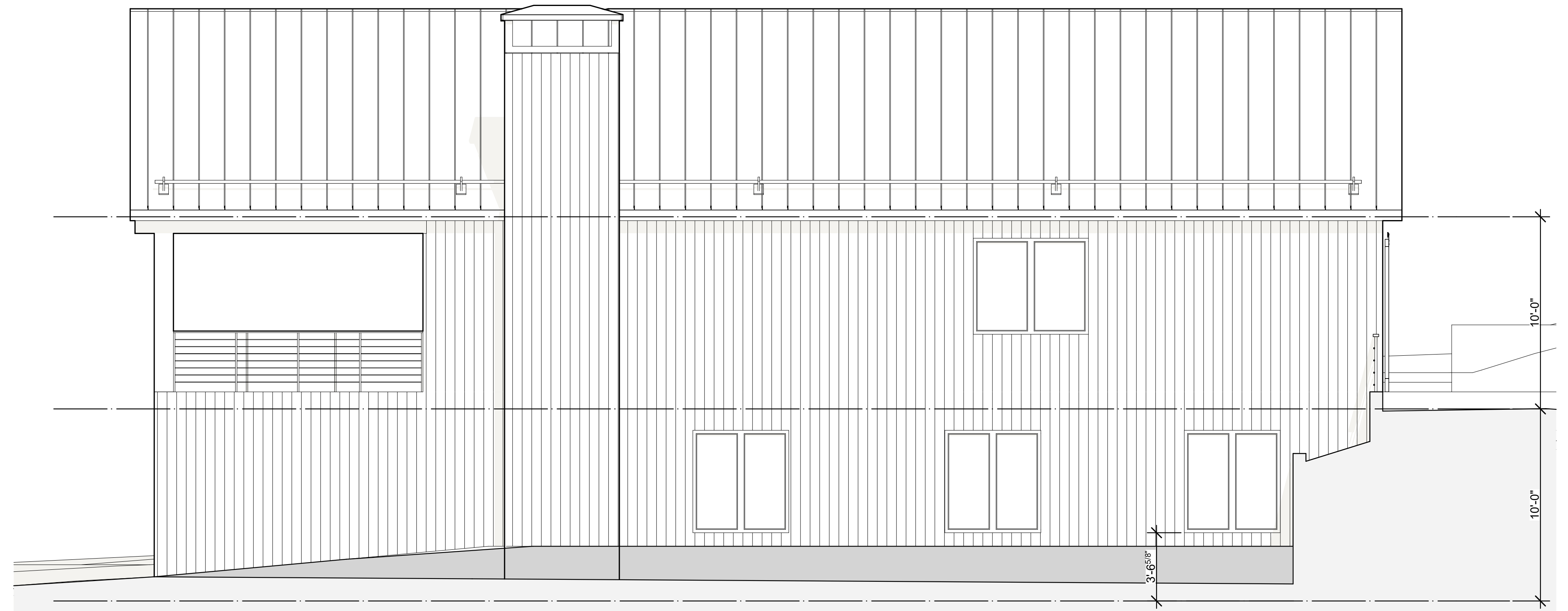
WEST ELEVATION UNIT A
SCALE: 1/4" = 1'-0"



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

DRAWING:
A ELEVATIONS

DATE

6/19/19

SHEET NUMBER

A-3.0

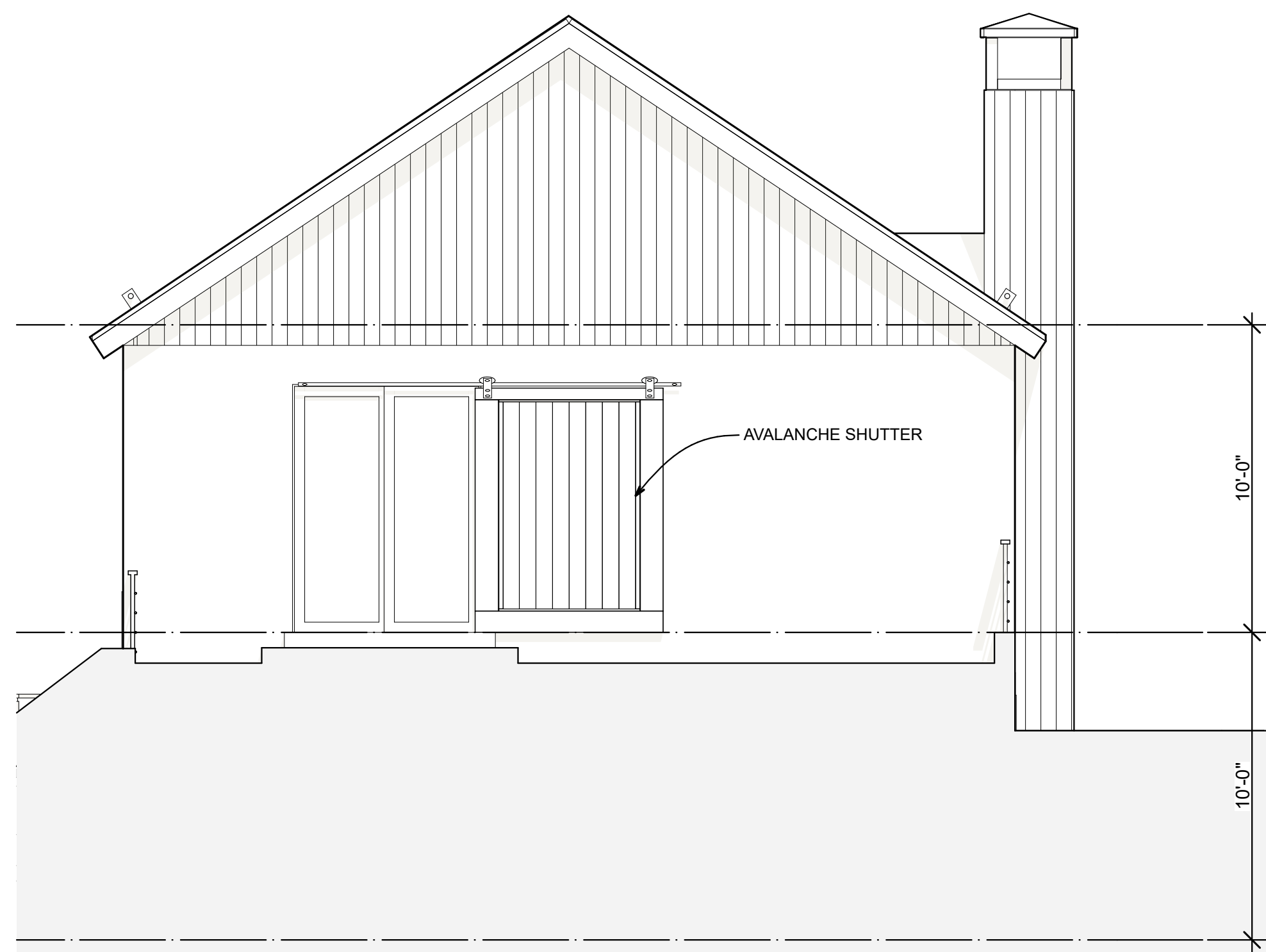
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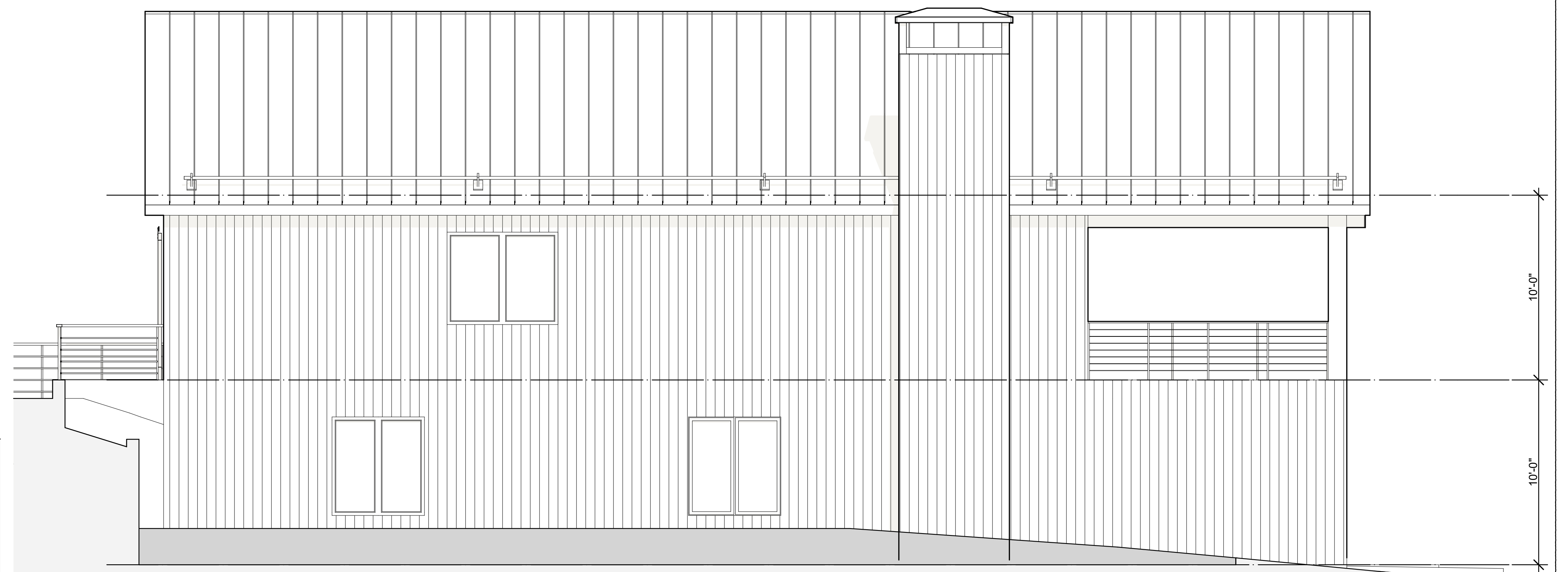
EAST ELEVATION UNIT B
SCALE: 1/4" = 1'-0"



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

OWNER INFO

PROJECT NO.

PROJECT NO.

CONTRACTOR

CONTRACTOR

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

D R A W I N G :
B ELEVATIONS

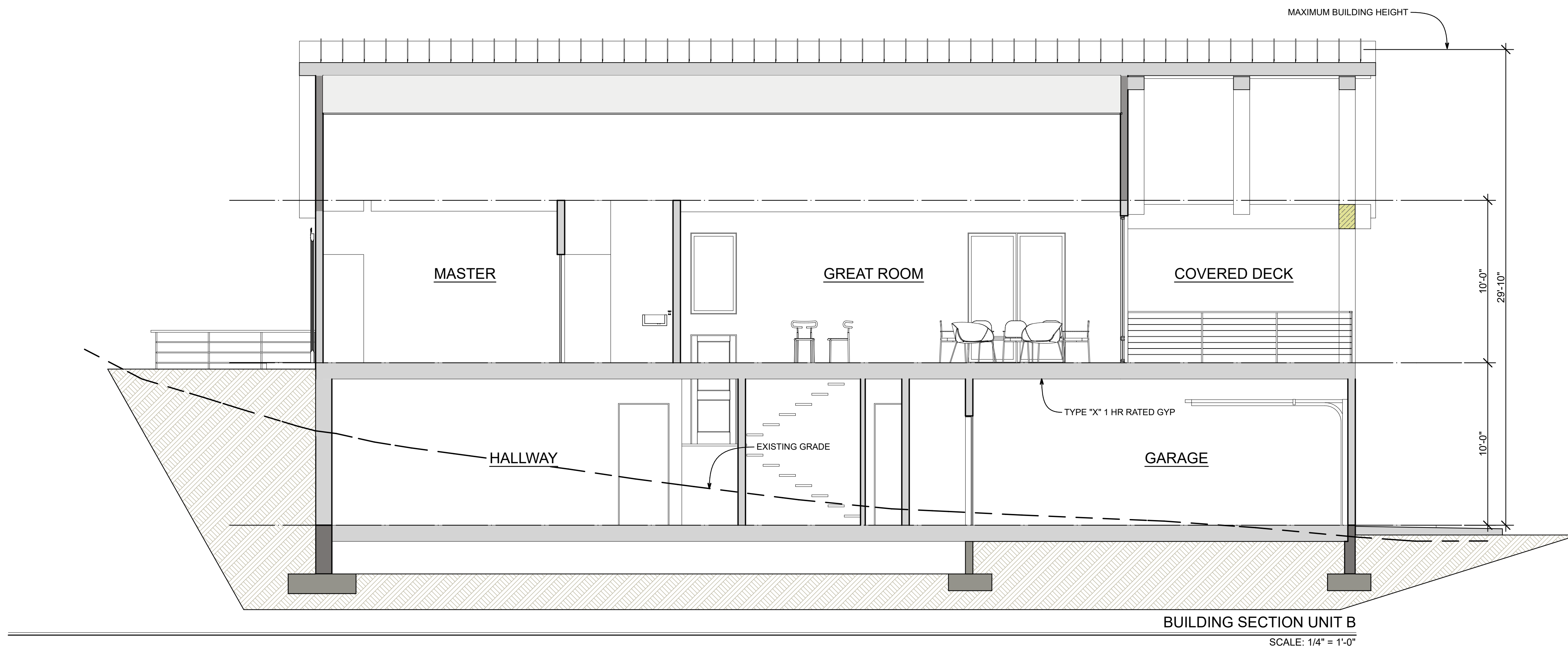
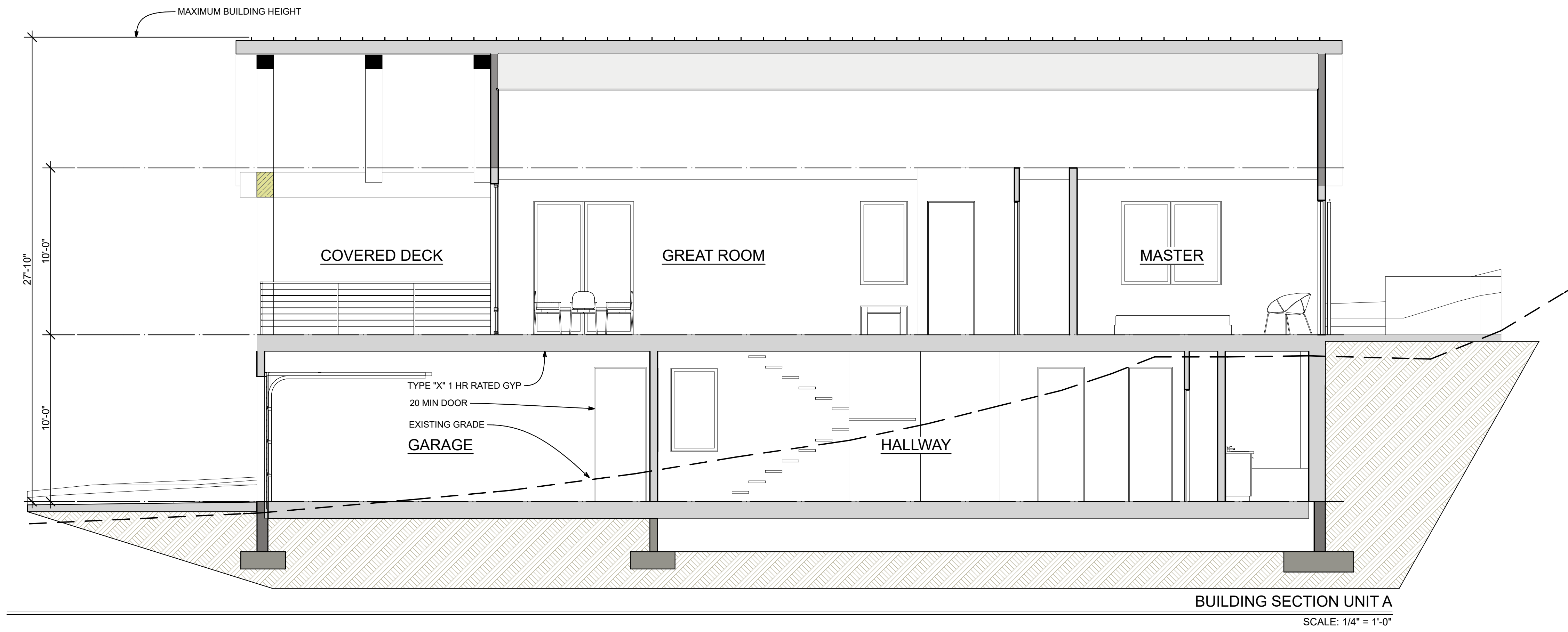
DATE

6/19/19

SHEET NUMBER

A-3.1

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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 SECTIONS

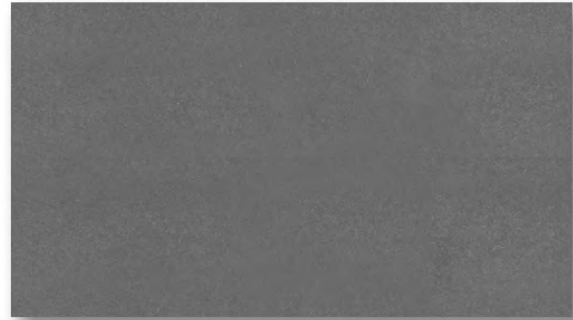
DATE

6/19/19

SHEET NUMBER

A-4.0

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



Weather Barnwood Siding - Grey

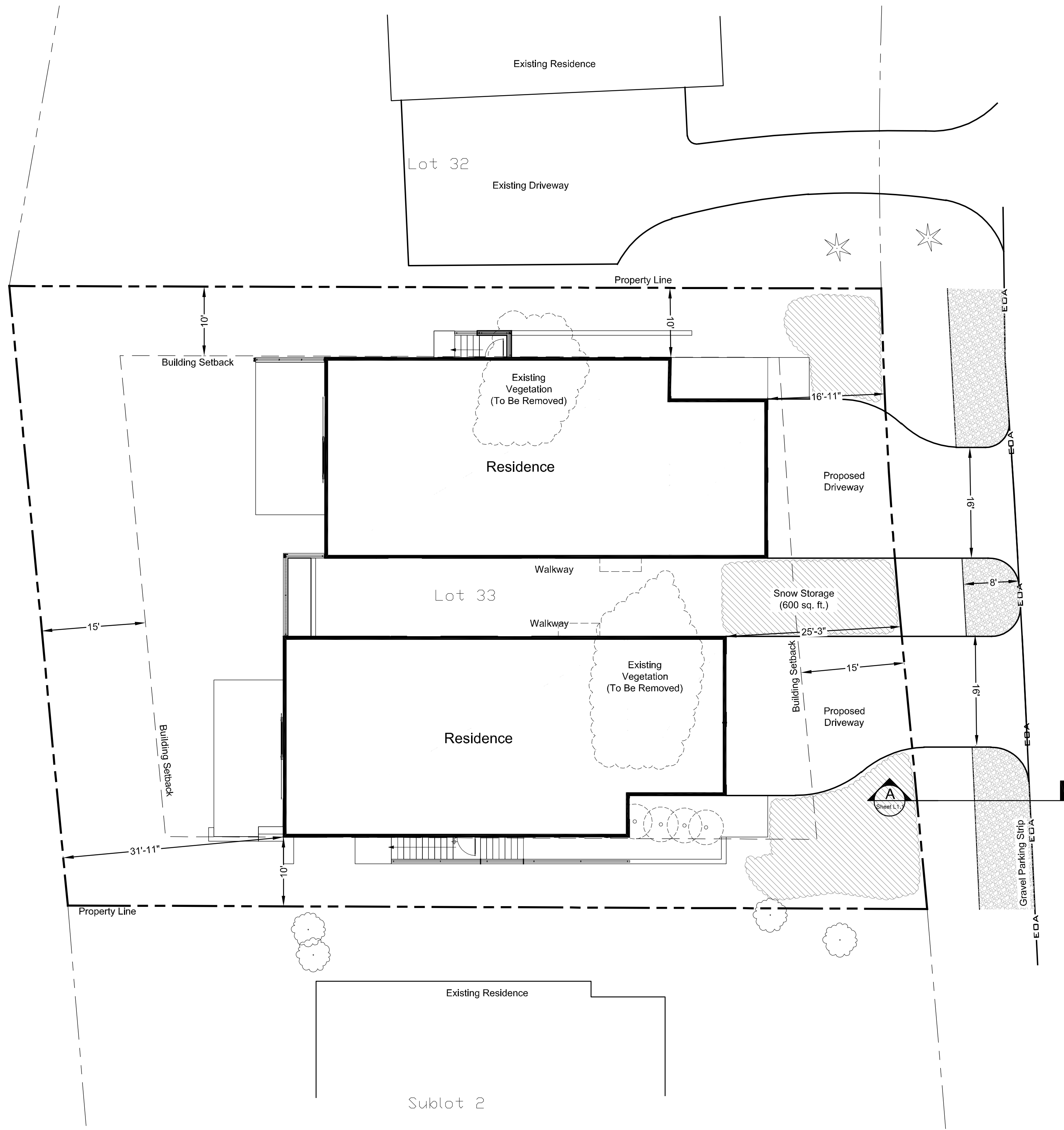


SIERRA PACIFIC CLAD WINDOWS
BATTLESHIP GREY (OR SIM)

Deep Powder, Ilc
Color Sample Board

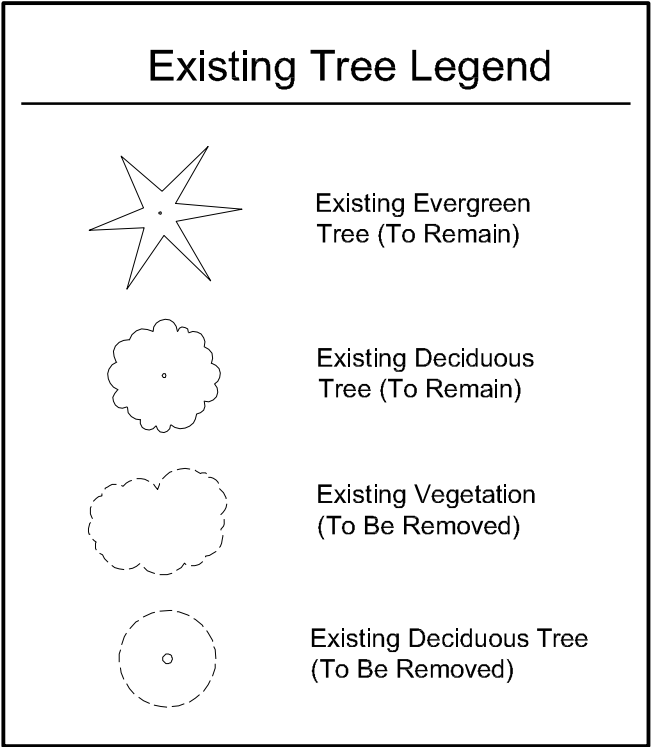
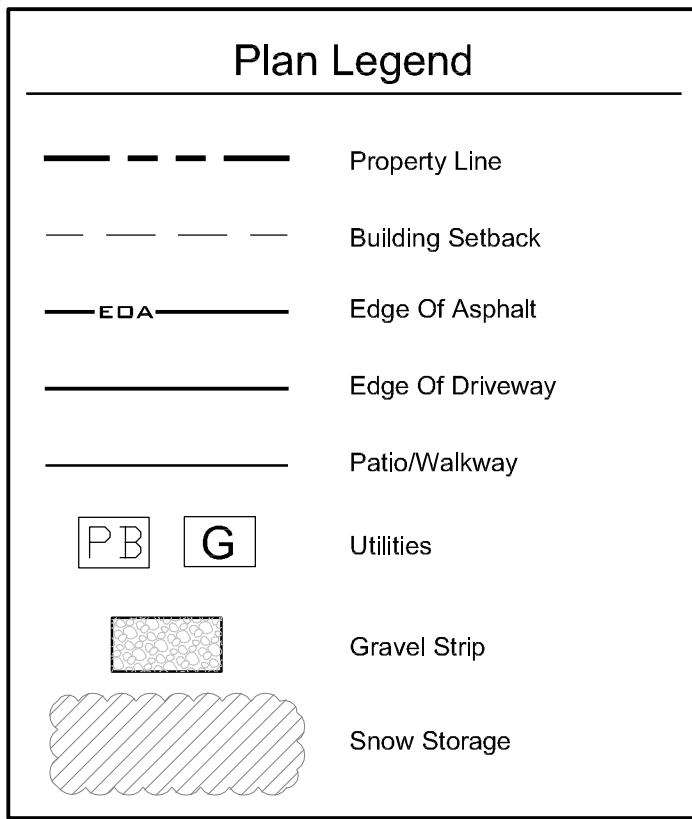


Natural Concrete



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.



Curbscut Calculations

Property Frontage: 90'-0"
x 35%
= 32' Allowable

Unit A:	16'
Unit B:	16'
Total:	32 ft (35%)

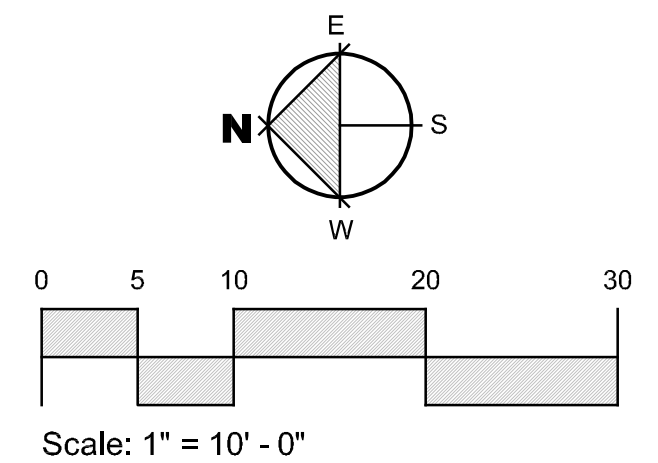
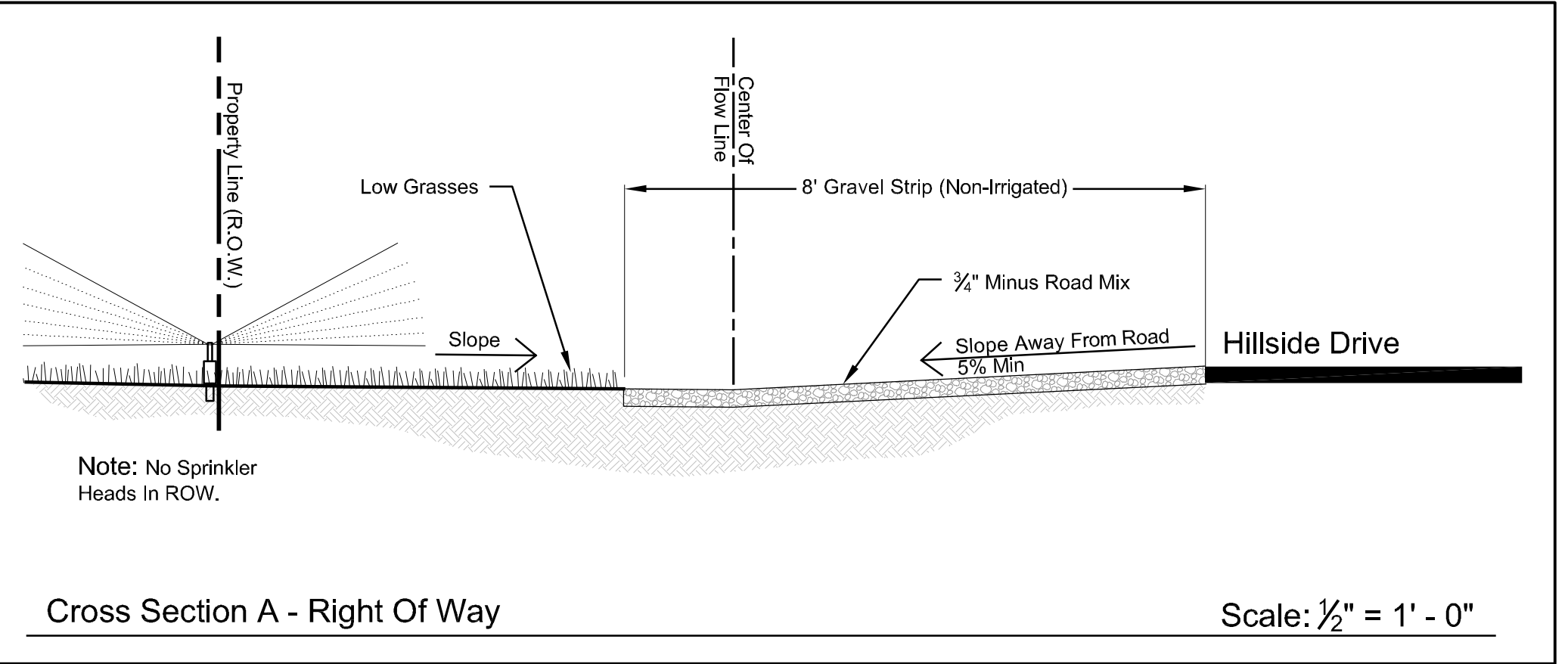
Lot Coverage

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

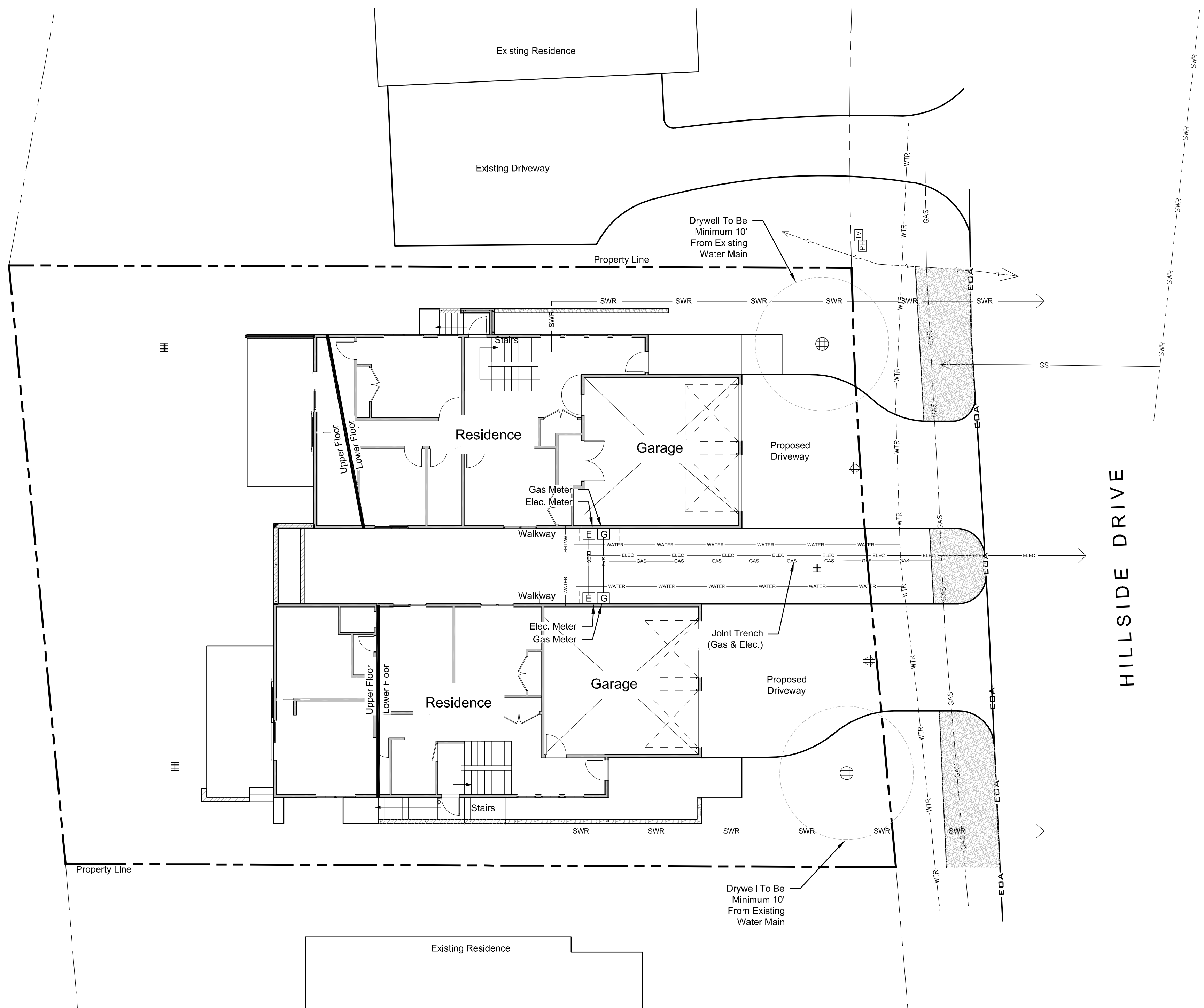
Deep Powder
EGGERS ASSOCIATES, P.A.
Landscape Architecture
T: (208) 725-0988
F: (208) 725-0972
P.O. Box 973
Ketchum, ID. 83740

Deep Powder LLC
255 Hillside Dr.
Lot 33, BLK 2, Warm Springs Sub 5
Ketchum, Idaho

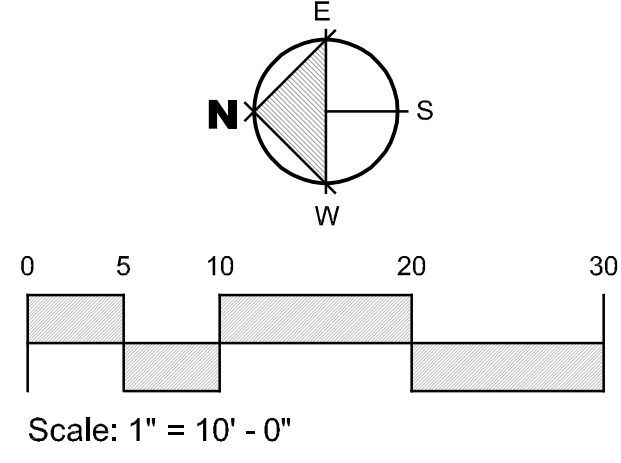
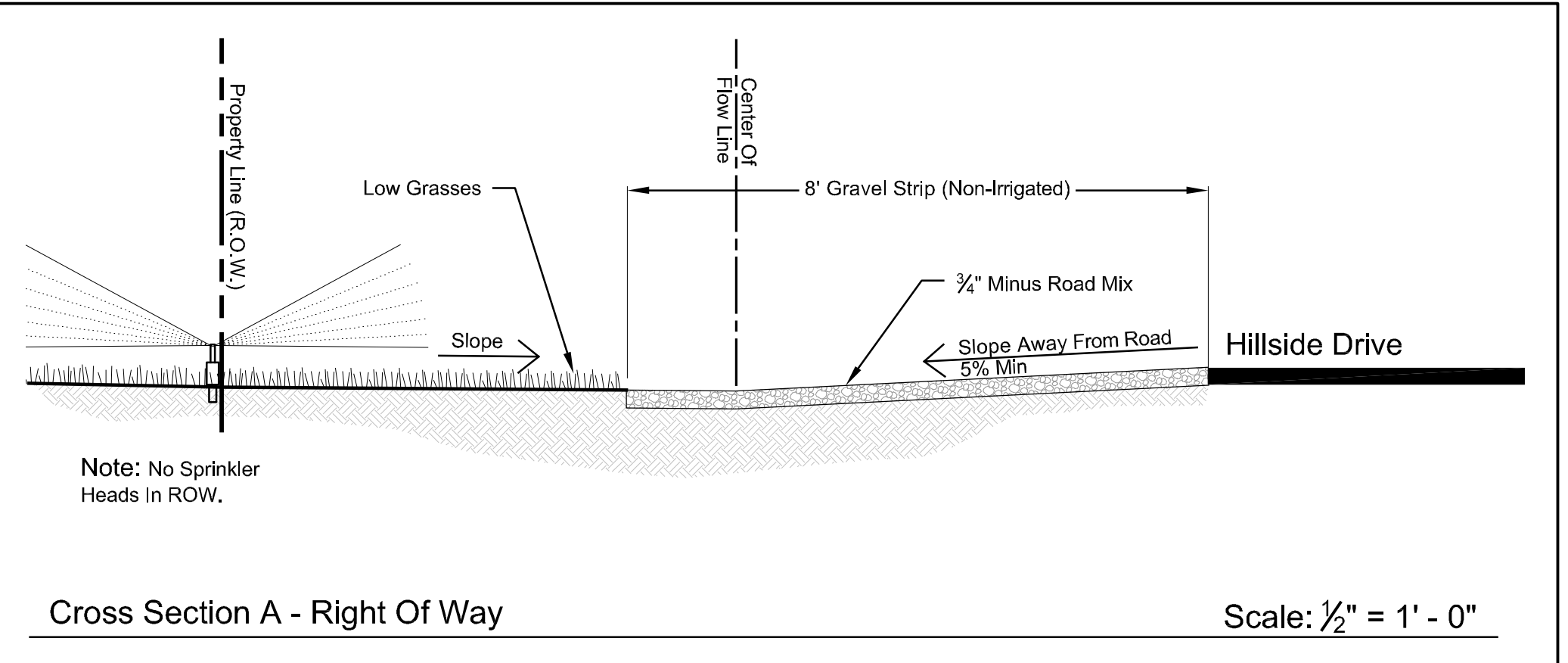
Job No: 19.16
Scale: 1" = 10'-0"
Issue/Revisions: Date:
Design Review 07/03/19

Sheet Title:
Site Plan

Sheet No:
L1.0



Plan Legend	
---	Property Line
— EDA —	Edge Of Asphalt
---	Edge Of Driveway
---	Patio/Walkway
--- GAS ---	Gas Main Line
--- WTR ---	Existing Water Line
--- SWR ---	Sewer Main Line
---	Water Line
---	Electrical Line
--- GAS ---	Gas Line
--- SWR ---	Sewer Line
---	12" Culvert
[E G]	Utility Meters
⊕	Building Roof Drain & Surface Drywell
⊕	Catch Basin - 5' Precast
⊕	Catch Basin
[Gravel]	Gravel Strip



DESIGN REVIEW SET - 07/03/19

Deep Powder
 EGGERS ASSOCIATES, P.A.
 Landscape Architecture
 T: (208) 725-0988
 F: (208) 725-0972
 P.O. Box 973
 Ketchum, ID. 83740

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

Grading Plan Notes

- Landscape architect shall review grading on site prior to completion.
- Topsoil shall be imported for all lawn and bed areas at depth of 4".
- Any topsoil shall be retained with vegetation for use in reestablishing new natural areas.

Plan Legend

- Property Line
- Edge Of Asphalt
- Driveway
- Fence
- Limits Of Disturbance & Construction Fence
- Existing Contour
- Proposed Contour
- Roof Line
- Proposed Drystack Wall
- 12" Culvert
- Utilities
- 6" or 12" Solid PVC Pipe

Cut And Fill

Cut:	
East Unit:	210 cu. yds.
West Unit:	310 cu. yds.
Total:	520 cu. yds.
Fill:	
No Fill	
Notes:	
Cut Amounts Shown Are "In Place."	
Fill Amounts Are For Mass Excavation And Do Not Include Import Fill Of Gravel For Trenches, Foundations, Structural Base For Driveways, etc.	

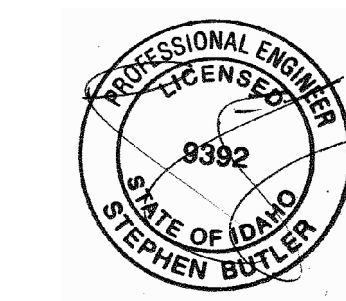
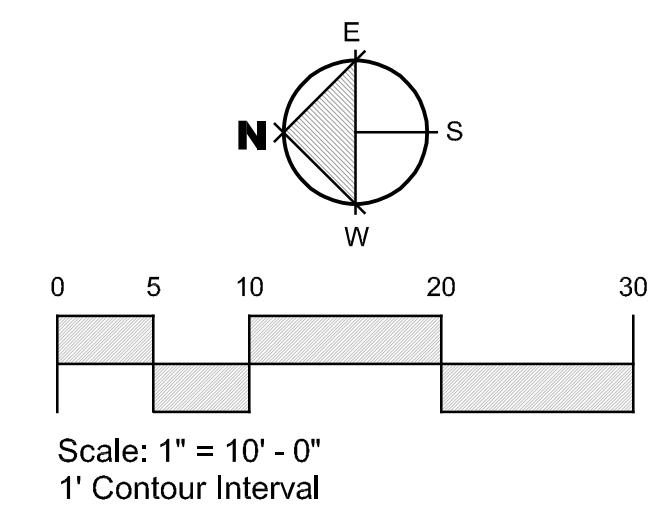
Grading Legend

- Drainage Swale
- Existing Spot Elevations
- Large Drywell
- Catch Basin - 5' Precast
- Catch Basin
- Proposed Drainage Direction With Slope Percentage
- Proposed Spot Elevations

Grading Abbreviations

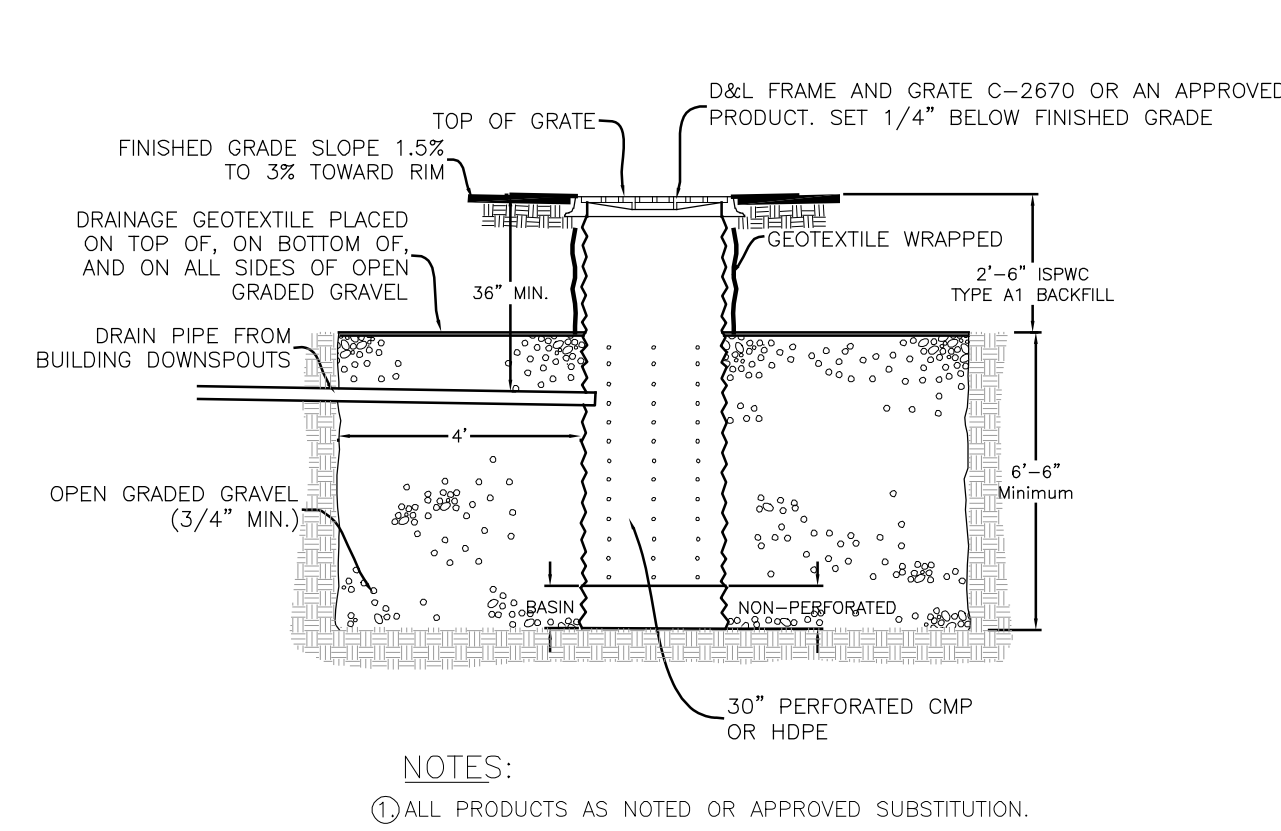
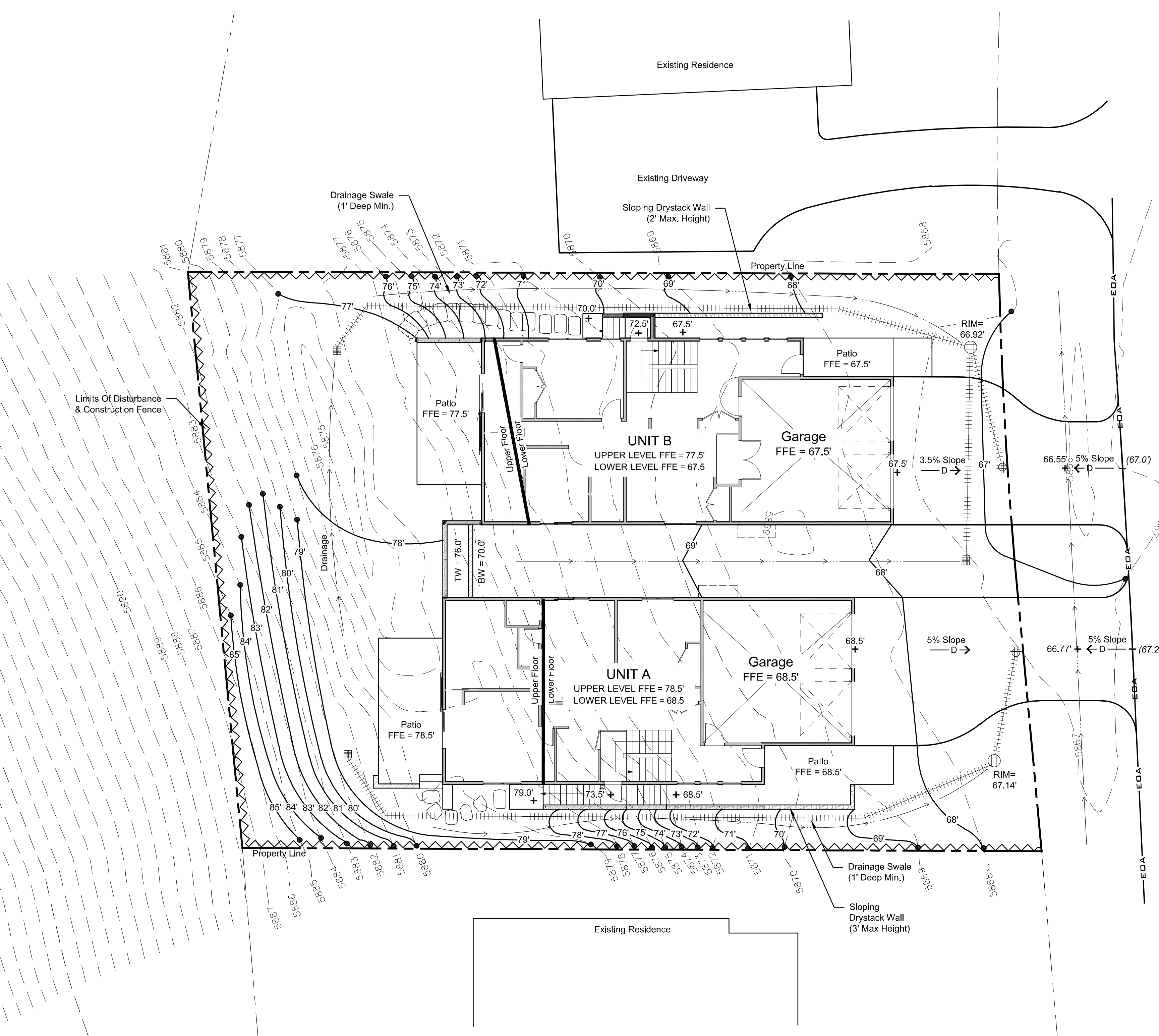
FFE	FINISHED FLOOR ELEVATION
HP	HIGH POINT
TW	TOP OF WALL
BW	BOTTOM OF WALL
RIM	DRYWELL RIM ELEVATION
INV	CULVERT INVERT ELEVATION
FG	FINISHED GRADE

NOTE: ALL ROOF DRAINS ARE TO BE PIPED TO DRYWELLS

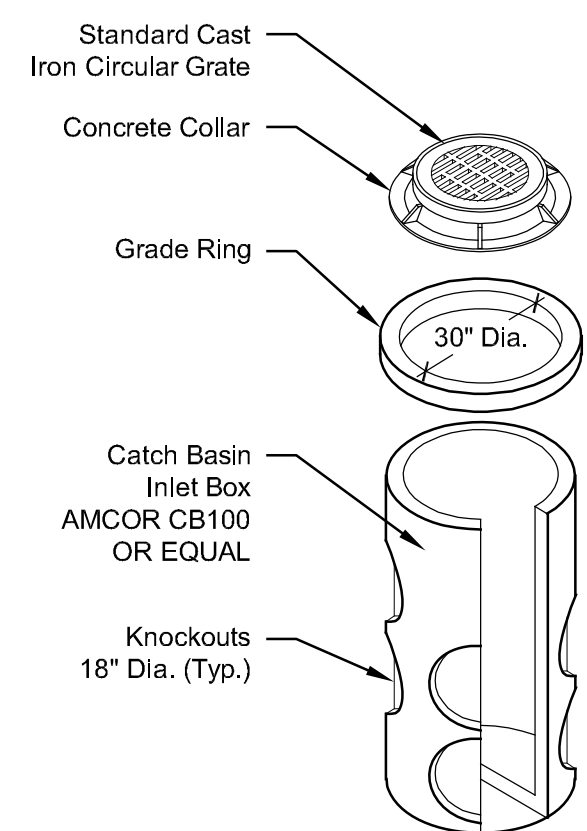


BUTLER ASSOCIATES, INC.

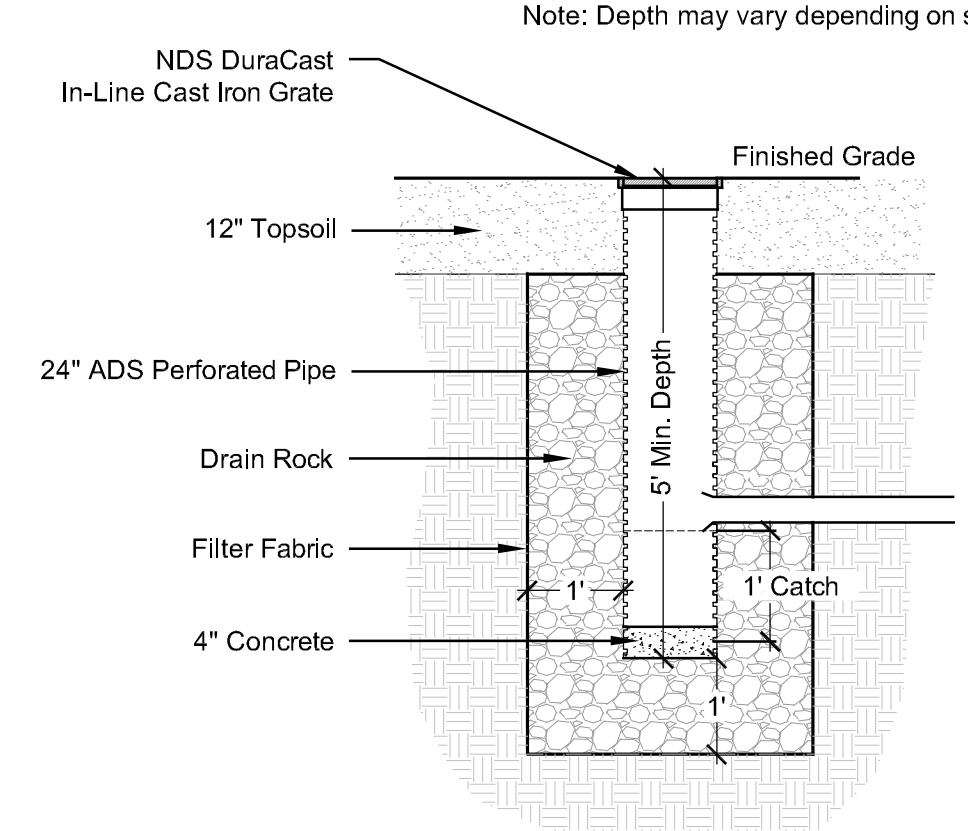
Geotechnical & Civil Engineering & Land Planning Consulting
208 Spruce Ave. N.
P.O. Box 1034, Ketchum, ID 83340
Office: (208) 720-6432
Email: svgeotech@gmail.com



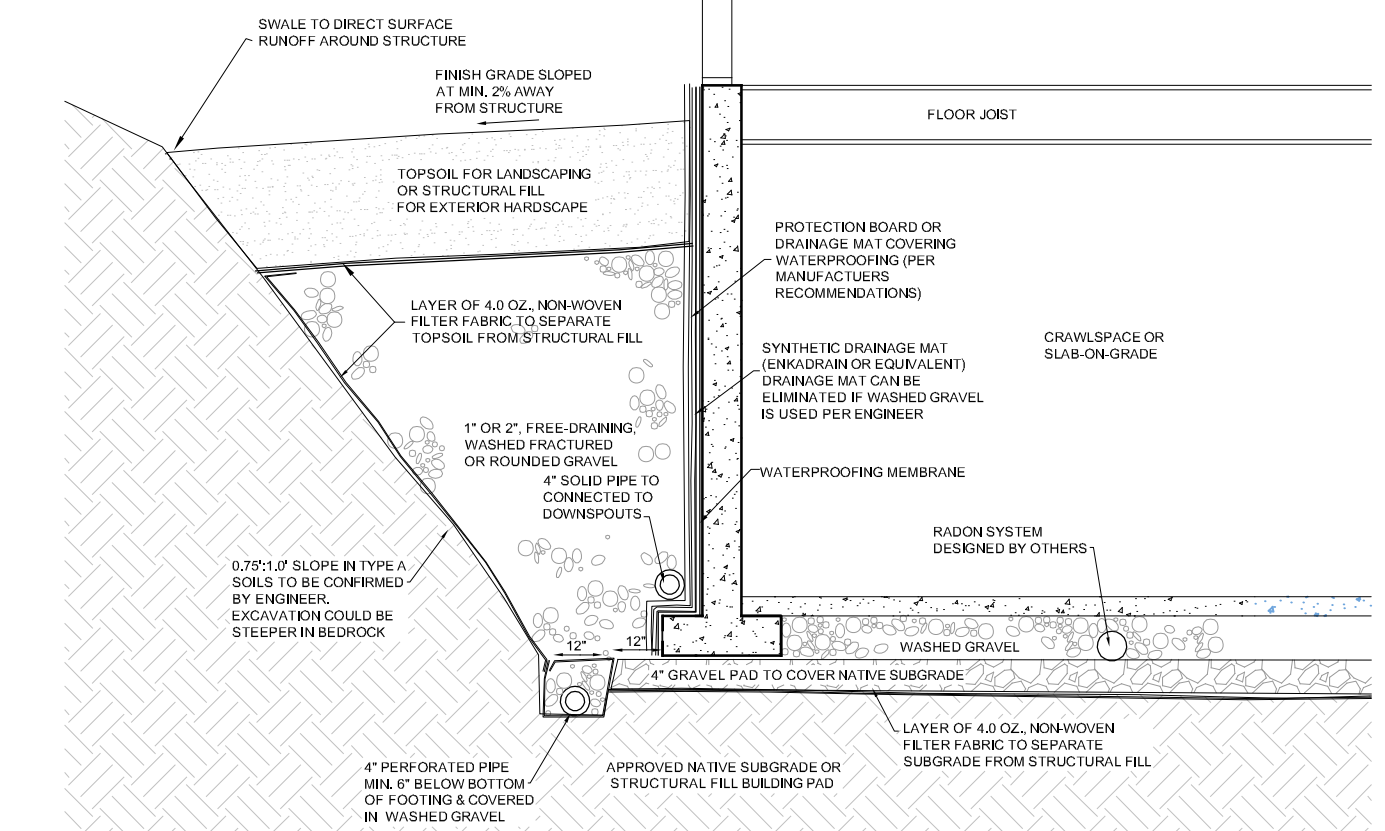
1 Large Drywell Scale: No Scale



2 Large Catch Basin - 5' Precast Scale: No Scale



3 Catch Basin (24" x 5') Scale: No Scale



4 Cutoff Trench 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

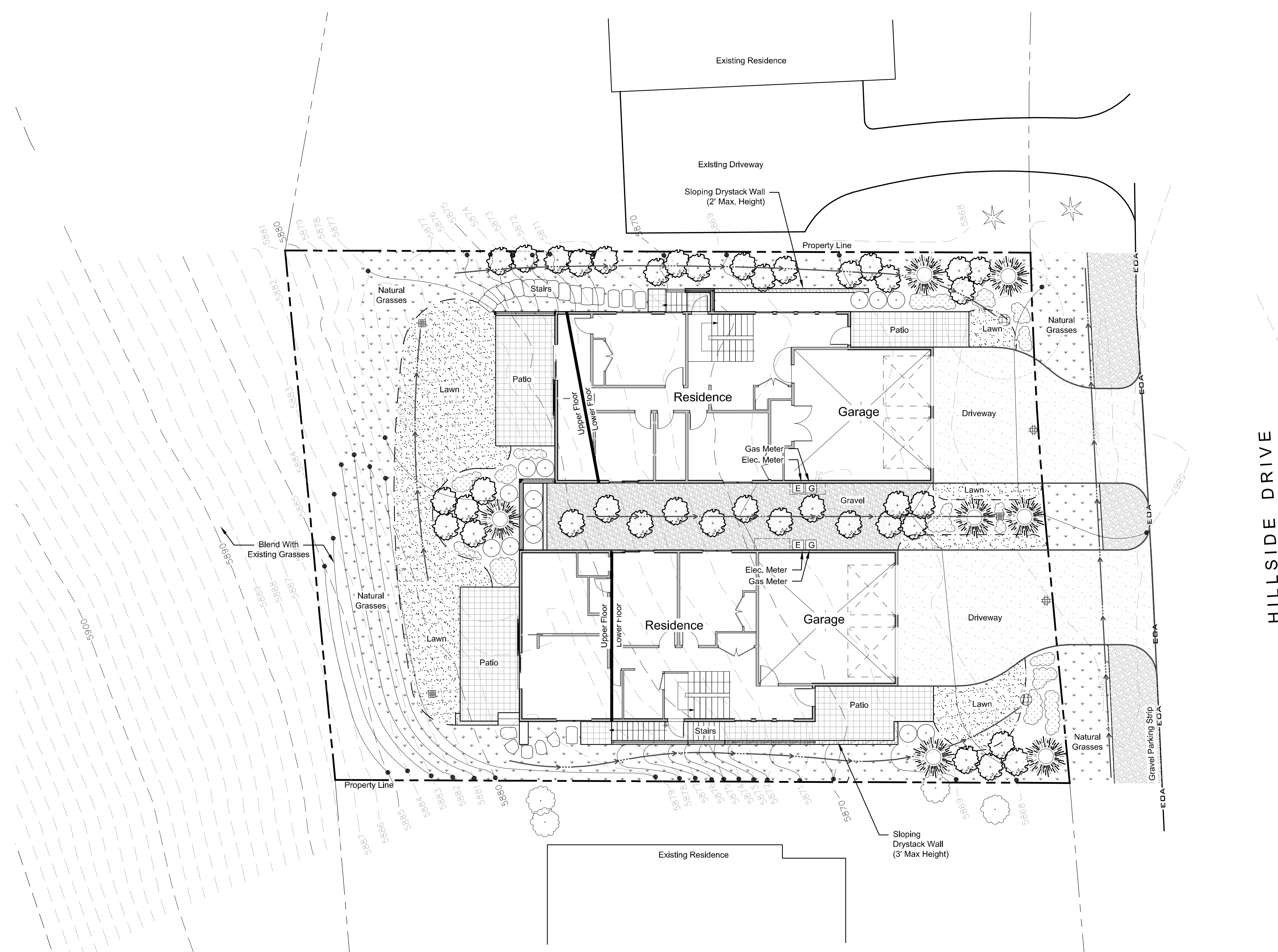
Qty.	Species	Scientific Name	Size
7	Evergreen Trees Colorado Spruce	<i>Picea pungens</i>	12'
57	Deciduous Trees Quaking Aspen	<i>Populus tremuloides</i>	3" Cal.
12	Deciduous Shrubs Various		5 gal.
75 sq.ft.	Ground Cover Various		Flats
1,000 sq.ft.	Grasses Lawn Mix		Hydroseed
2,600 sq.ft.	Natural Grasses		Hydroseed

Existing Tree Legend

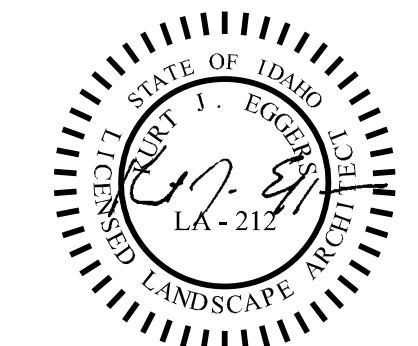
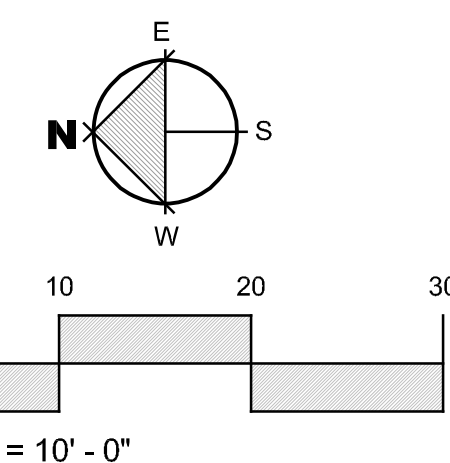
- Existing Evergreen Tree (To Remain)
- Existing Deciduous Tree (To Remain)

Plan Legend

- Property Line
- Edge Of Asphalt
- Driveway
- Patio/Walkway
- Existing Contour
- Proposed Contour
- Drainage Swale
- Proposed Drystack Wall
- Utilities
- Building Roof Drain & Surface Drywell
- Catch Basin - 5' Precast
- Catch Basin
- Patio/Walkway Pavers
- Gravel Parking Strip



HILLSIDE DRIVE



DESIGN REVIEW SET - 07/03/19

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

Sheet Title:
Landscape Plan

Sheet No:
L3.0

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-resistant 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 ON	
Application Number:	20-007
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:	AVAILANCHE
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 tortuous conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

BRUCE S. SMITH, PLS; ALPINE ENTERPRISES INC. 16 FEB 2021
 Applicant Signature Date
 REPRESENTATIVE

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

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 OR-11399000

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 protection
 if 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.



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

Address Reference: 255 Hillside Drive, Ketchum, ID
83340

Amount of Insurance: \$538,500.00

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



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

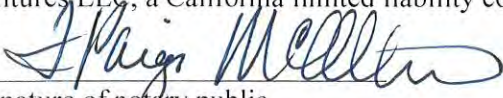
Sawtooth EIE LLC, a Delaware limited liability company

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.

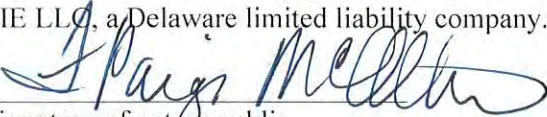


Signature of notary public
Commission Expires: 1/5/24



State of Idaho, County of Blaine

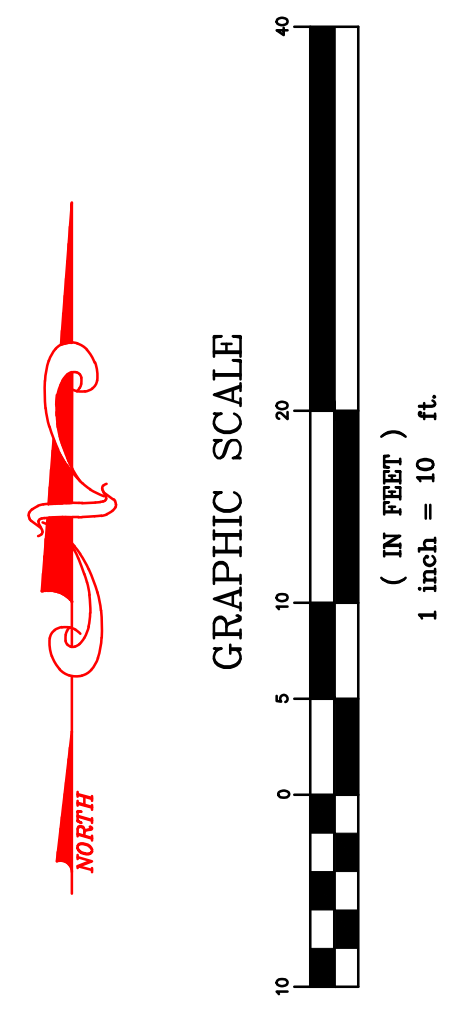
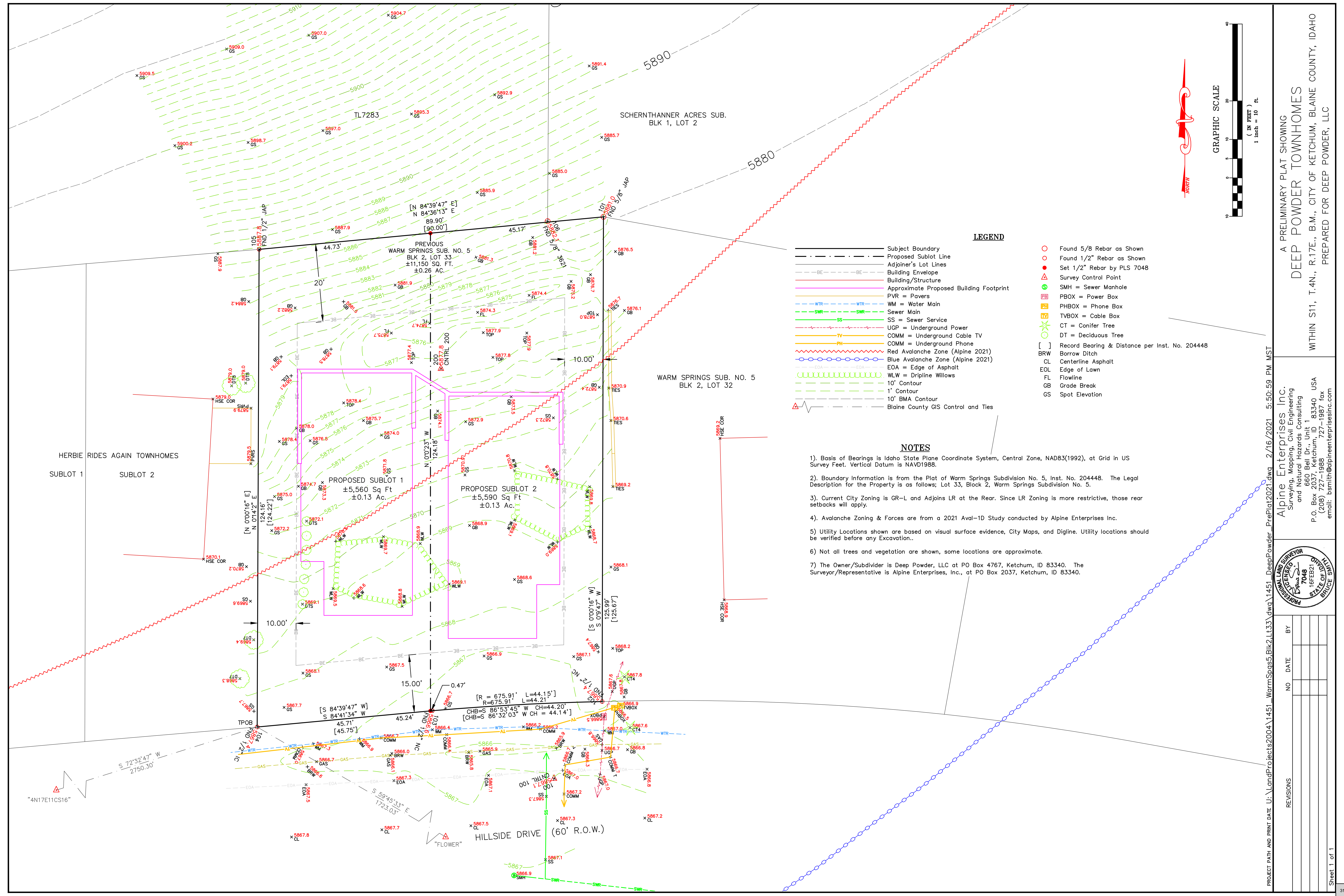
This record was acknowledged before me on May 17, 2019 by Clayton Sammis, as Manager of Sawtooth EIE LLC, a Delaware limited liability company.



Signature of notary public
Commission Expires: 1/5/24



Attachment G Preliminary Plat



LEGEND

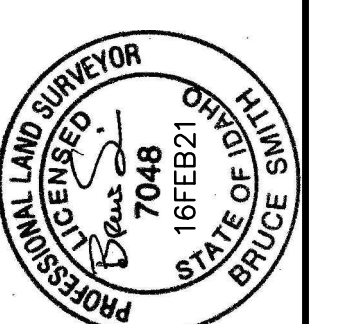
- Subject Boundary
- - - Proposed Sublot Line
- - - Adjoiner's Lot Lines
- - - Building Envelope
- - - Building/Structure
- - - Approximate Proposed Building Footprint
- - - PVR = Pavers
- - - WM = Water Main
- - - Sewer Main
- - - SS = Sewer Service
- - - UGP = Underground Power
- - - TV = Underground Cable TV
- - - PH = Underground Phone
- - - Red Avalanche Zone (Alpine 2021)
- - - Blue Avalanche Zone (Alpine 2021)
- - - EOA = Edge of Asphalt
- - - WLW = Dripline Willows
- - - 10' Contour
- - - 1' Contour
- - - 10' BMA Contour
- - - Blaine County GIS Control and Ties
- Found 5/8 Rebar as Shown
- Found 1/2" Rebar as Shown
- Set 1/2" Rebar by PLS 7048
- △ Survey Control Point
- ⊙ SMH = Sewer Manhole
- ⊠ PBOX = Power Box
- ⊠ PHBOX = Phone Box
- ⊠ TVBOX = Cable Box
- ⊠ CT = Conifer Tree
- ⊠ DT = Deciduous Tree
- [] Record Bearing & Distance per Inst. No. 204448
- BRW Borrow Ditch
- CL Centerline Asphalt
- EOL Edge of Lawn
- FL Flowline
- GB Grade Break
- GS Spot Elevation

NOTES

- 1). Basis of Bearings is Idaho State Plane Coordinate System, Central Zone, NAD83(1992), at Grid in US Survey Feet. Vertical Datum is NAVD1988.
- 2). Boundary Information is from the Plat of Warm Springs Subdivision No. 5, Inst. No. 204448. The Legal Description for the Property is as follows; Lot 33, Block 2, Warm Springs Subdivision No. 5.
- 3). Current City Zoning is GR-L and Adjoins LR at the Rear. Since LR Zoning is more restrictive, those rear setbacks will apply.
- 4). Avalanche Zoning & Forces are from a 2021 Aval-1D Study conducted by Alpine Enterprises Inc.
- 5). Utility Locations shown are based on visual surface evidence, City Maps, and Digline. Utility locations should be verified before any Excavation.
- 6). Not all trees and vegetation are shown, some locations are approximate.
- 7). The Owner/Subdivider is Deep Powder, LLC at PO Box 4767, Ketchum, ID 83340. The Surveyor/Representative is Alpine Enterprises, Inc., at PO Box 2037, Ketchum, ID 83340.

PROJECT PATH AND PRINT DATE: U:\LandProjects\2004\1451_WarmSprings5.Blk2.Lt.33.dwg\1451_DeepPowder_PrelPlat2021.dwg 2/16/2021 5:50:59 PM MST

ALPINE ENTERPRISES INC.
 Surveying, Mapping, Civil Engineering
 and Natural Hazards Consulting
 660 Bell Dr., Unit 1 83340 USA
 P.O. Box 2037, Ketchum, ID
 (208) 727-1988 727-1987 fax
 email: bsrm@alpineenterprisesinc.com



NO	DATE	BY

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			City Code	City Standards and Staff Comments	
Yes	No	N/A			
<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: It is the General Contractor’s responsibility to understand and adhere to all Fire Protection Ordinance #1125 requirements in addition to any and all other City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties.</p> <p>The above project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances.</p> <p>IF a monitored fire detection system exists or is installed, it shall meet NFPA 72 and be monitored by an approved alarm monitoring station. An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department.</p> <p>Approved address numbers for each unit shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers and letters shall be a minimum of four (4) inches tall, contrast with their background and be positioned a minimum of forty-eight (48) inches above final grade.</p> <p>Vehicle parking and material storage during construction shall not restrict or obstruct public streets or access to any building. A minimum twenty-foot travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times.</p> <p>An approved access roadway per 2012 International Fire Code Appendix D (www.ketchumfire.org) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all- weather driving surface maintained free, clear, and unobstructed at all times. Gates, if installed, are required to be siren activated for emergency vehicle access.</p> <p>Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building.</p> <p>Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers.</p> <p>Final inspections of all fire department permit required installations by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. A Final Inspection Checklist can be found at www.ketchumfire.org.</p>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>City Engineer and Streets Department:</p> <ol style="list-style-type: none"> 1. Detailed review and approval of ROW improvements to occur upon Building Permit submittal. 2. All drainage will need to be retained on site. Including water from any roof drains. 3. 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 		

			<p>with neighbors on temporary closures, temporary traffic control, construction fence with screening</p> <ol style="list-style-type: none"> 4. Building/Construction drawings will need to meet applicable sections of Chapter 12 of the City of Ketchum's Municipal Code 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 6. A dig permit will be necessary for ROW work 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'.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Utilities:</p> <ol style="list-style-type: none"> 1. Each townhouse will require separate taps for both water and sewer. 2. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Lot Area		
			<i>Staff Comment</i>	Required: 8,000 square feet minimum. Existing (Lot 25): 11,150 sf		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Coverage		
			<i>Staff Comment</i>	Permitted: 35% Proposed: 33% (3,717 sf)		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	Minimum Building Setbacks		
			<i>Staff Comment</i>	<p>Minimum: Front: 15' Exterior Side: > of 1' for every 3' in building height, or 5' Interior Side: 0' Rear: > of 1' for every 3' in building height, or 15'</p> <p>Proposed: Note 1: There is a discrepancy between the setbacks indicated on A-1.0 and L1.0. The applicant indicates that sheet L1.0 represents accurate setbacks.</p> <p>Note 2: The elevation plans indicate a partial avalanche protection wall on the west side of the western building (Unit A). The design is to be determined. The applicant is aware that the wall can not exceed 6' in height and that the wall can not encroach more than 3' into the setback that has been established by the building's height. If final design results in a wall that is greater than 3' wide the western building's footprint will be shifted east (toward Unit B) in order to meet the side yard setback requirement.</p>		
				<table border="1"> <tr> <td>West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"</td> <td>East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"</td> </tr> </table>	West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"	East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"
West building (Unit A) Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"	East building (Unit B) Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"					
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.12.040	Building Height		
			<i>Staff Comment</i>	Maximum Permitted: 35' Proposed:		

			West building (Unit A) 29'-10"	East building (Unit B) 29'-10"
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.125.030.H	Curb Cut
			Staff Comment	Permitted: 35% or street frontage or 32' for the subject property (street frontage 90') Proposed: Note 1: There is a discrepancy between the curb cut/driveway widths indicated on A-1.0 and L1.0. The applicant indicates that sheet L1.0 represents accurate curb cuts/driveway widths, which are 16' each for a total of 32'.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.125.040.B	Parking Spaces
			Staff Comment	Required: Residential one family: 2 parking spaces per dwelling unit Proposed: Two garage spaces per building
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.18.050 & 17.08.020	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 Dwelling, One-family: A building, under single or multiple ownership, containing two (2) or more dwelling units used for residential occupancy.

Table 3: Mountain Overlay Design Review Standards

IMPROVEMENTS AND STANDARDS: 17.104.070 – Mountain Overlay Design Review:				
The following list of criteria and those contained in section 17.96.080 of this title must be considered and addressed by each applicant seeking design review approval.				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (1)	There shall be no building on ridges or knolls which would have a material visual impact on a significant skyline visible from a public vantage point entering the city or within the city. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.
			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. Detailed review and approval of ROW improvements to occur upon Building Permit</i>

				<i>submittal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (4)	All development shall have access for fire and other emergency vehicles to within one hundred fifty feet (150') of the furthest exterior wall of any building.
			<i>Staff Comment</i>	<i>Refer to Attachment C, Fire Marshal comments.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (5)	Significant rock outcroppings shall not be disturbed.
			<i>Staff Comment</i>	<i>There are no significant rock outcroppings within the property boundary of the subject property.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (6)	International building code (IBC) and international fire code (IFC) and Ketchum fire department requirements shall be met.
			<i>Staff Comment</i>	<i>All IBC and IFC codes will be met; this will be verified during the Building Permit review process.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (7)	Public water and sewer service shall comply with the requirements of the city.
			<i>Staff Comment</i>	<i>Water and sewer services are proposed for each unit. As required, each unit will have its own water and sewer service.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (8)	Drainage shall be controlled and maintained to not adversely affect other properties.
			<i>Staff Comment</i>	<i>An extensive drainage plan has been prepared (sheet L2.0). All drainage is proposed to be controlled and maintained on site. The city engineer notes in Table 1 stormwater from roofs must be retained on site as well.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (9)	Cuts and fills allowed for roadways shall be minimized; lengths of driveways allowed shall be minimized; all cuts and fills shall be concealed with landscaping, revegetation and/or natural stone materials. Revegetation on hillsides with a clear zone of thirty feet (30') around all structures is recommended. Said clear zone shall include low combustible irrigated vegetation with appropriate species, on file with the Ketchum planning department. Revegetation outside of this clear zone should be harmonious with the surrounding hillsides.
			<i>Staff Comment</i>	<i>No new roadways are proposed; the garages and associated driveways are located closest to the existing street and the driveway lengths are therefore minimized; the northwest portion of the site and parts of the eastern and western side yards are proposed to be re-contoured to accommodate the residential dwellings. In these recountoured portions of the site the proposed revegetation consists of primarily of natural grasses, to be hydroseeded.</i> <i>There is a 30' or greater 'clear zone' proposed for the majority of the rear yard; natural grasses, lawn, and at-grade patios are proposed to the rear of each structure. However, a limited amount of trees and shrubs are proposed in the rear yard (one evergreen tree, several aspens, and several deciduous shrubs) and the purpose of the landscaping is to provide a privacy buffer between the two residential units. Vegetation proposed for the east side yards consists primarily of natural grasses and deciduous trees (east side of Unit B) and vegetation proposed for the west side yard (west side of Unit A) consists primarily of natural grasses. In between the buildings gravel is proposed to groundcover and deciduous trees are proposed in between the buildings.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (10)	No other sites on the parcel are more suitable for the proposed development in order to carry out the purposes of this section.
			<i>Staff Comment</i>	<i>The subject property is 0.26 acres in size (11,150 square feet) and is 125' deep with a minimum elevation of 5867' and a maximum elevation of 5887', a slope of 16% on the western property boundary and 11% on the eastern property boundary. In contrast, there are a dozen parcels further west on Hillside Drive and Huffman Drive that range from 500' to over 1,000' in depth, with maximum elevations above 6300' and slopes exceeding 25% where location of development is of greater concern with respect to Mountain Overlay standards. In other words, the subject property is relatively small in size and relatively flat in comparison to other properties within the Mountain Overlay.</i> <i>The two proposed dwelling units are both located in in the flatter/less steep portion of the site (as opposed to the steepest portion of the site, which is the rear of the</i>

				property). All things considered, staff finds the proposed development to be sited in a location that is suitable for carrying out the purposes of this Ordinance.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (11)	Access traversing twenty five percent (25%) or greater slopes does not have significant impact on drainage, snow and earthslide potential and erosion as it relates to the subject property and to adjacent properties.
			<i>Staff Comment</i>	<i>The project does not include accesses that traverse 25% or greater slopes.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (12)	Utilities shall be underground.
			<i>Staff Comment</i>	<i>All utilities will be located underground. See sheet L1.1.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (13)	Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction.
			<i>Staff Comment</i>	<i>Sheet L2.0 indicates fencing will be installed along the rear, west and east property lines to delineate the limits of disturbance. Fencing shall remain in place for the duration of construction.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (14)	Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized.
			<i>Staff Comment</i>	<i>Excavation is limited to the locations of the two proposed buildings. Recontouring along the eastern and western property lines is a response to the two buildings being constructed. Vegetation disturbance at the rear of the buildings is justified in part to create a modest amount of usable, outdoor space for each dwelling.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (15)	Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.
			<i>Staff Comment</i>	<i>No significant landmarks have been identified on-site.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.104.070 A (16)	Encroachments of below grade structures into required setbacks are subject to subsection 17.128.020K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.
				<i>No below grade encroachments into required setbacks are proposed.</i>

Table 4: Design Review Standards for all projects

Design Review Requirements IMPROVEMENTS AND STANDARDS: 17.96.060				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(1) Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.
			<i>Staff Comments</i>	<i>Two driveways will connect to the existing street, Hillside Drive. The applicant is aware that construction of the driveways is their expense.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(A)(2) Streets	All street designs shall be approved by the City Engineer.
			<i>Staff Comments</i>	<i>N/A. No new street is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(B)(1)	All projects under 17.96.010(A) that qualify as a "Substantial Improvement" shall install sidewalks as required by the Public Works Department.
			<i>Staff Comments</i>	<i>N/A. Sidewalks are not required in this zoning district, GR-L.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(2)c	Sidewalk width shall conform to the City's right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.

			<i>Staff Comments</i>	N/A.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(3)	<p>Sidewalks may be waived if one of the following criteria is met:</p> <ol style="list-style-type: none"> a. The project comprises an addition of less than 250 square feet of conditioned space. b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.
			<i>Staff Comments</i>	N/A.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(4)	The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.
			<i>Staff Comments</i>	N/A.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(5)	New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.
			<i>Staff Comments</i>	N/A.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(6)	The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy.
			<i>Staff Comments</i>	N/A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(1)	All storm water shall be retained on site.
			<i>Staff Comments</i>	<i>The applicant proposes to retain all stormwater on site. See sheet L2.0. A final drainage and grading plan will be reviewed and approved by the City Engineer and Streets Department Director through the Building Permit review and approval process.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
			<i>Staff Comments</i>	<i>See sheet L2.0.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(3)	The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
			<i>Staff Comments</i>	<i>See City Engineer comments, table 1.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(4)	Drainage facilities shall be constructed per City standards.
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(1)	All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(2)	Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(3)	When extension of utilities is necessary all developers will be required to pay for and install two (2") inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with city of Ketchum standards and at the discretion of the City Engineer.
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(E)(1)	The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.
			<i>Staff Comments</i>	<i>The applicant proposes a color scheme of grey hues (weathered barnwood siding, metal roofing, trim and fascia) and windows glad in dark grey. The materials palette is comprised of natural materials – primarily wood and metal.</i>
				<i>The color scheme is muted and appropriate for the Mountain Overlay district.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(2)	Preservation of significant landmarks shall be encouraged and protected, where

				applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.
			<i>Staff Comments</i>	<i>N/A. There are no identified landmarks on the property.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(3)	Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.
			<i>Staff Comments</i>	<i>N/A. The proposal is for new construction.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(1)	Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.
			<i>Staff Comments</i>	<i>N/A. Sidewalks do not exist in this zoning district.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(2)	The building character shall be clearly defined by use of architectural features.
			<i>Staff Comments</i>	<i>The two proposed dwellings are complementary in design and share the same pitched roof, front-loaded ground-floor two car garage, and second-story outdoor deck located on top of the garage. The same exterior materials are proposed for both projects.</i> <i>Architecturally, each building is defined by a pitched roof, ample glazing on all facades (including floor-to-ceiling windows on the second story of the front façade), a prominent chimney stack, and the incorporation of side staircases that provide access from each dwelling to exterior patios.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(3)	There shall be continuity of materials, colors and signing within the project.
			<i>Staff Comments</i>	<i>The two proposed dwellings utilize the same material and color palette.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(4)	Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.
			<i>Staff Comments</i>	<i>The landscaping plan features paver and stone staircases that provide access from the exterior sides of each building to the exterior paver patios. Drystack walls (max 2' in height on the east side and 3' in height on the west side) are incorporated into the site as is extensive landscaping.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(5)	Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.
			<i>Staff Comments</i>	<i>The pitched roof overhangs on all four sides of the building, providing relief against the walls on the sides and rear of each building. The most prominent relief is on the street-fronting, front faced. The upper floor has been eroded to create an outdoor living space above the ground floor garage and the pitched roof of the building serves as a roof for the outdoor living area as well.</i> <i>Additionally, each façade has windows and variations in materials, which break up the appearance of bulk and reduce appearance of flatness.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(6)	Building(s) shall orient towards their primary street frontage.
			<i>Staff Comments</i>	<i>Both buildings orient towards Hillside Drive.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(7)	Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.
			<i>Staff Comments</i>	<i>N/A. There is no alley behind the property. Satellite receivers are not proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(F)(8)	Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.
			<i>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(1)	Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.
			<i>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(2)	Awnings extending over public sidewalks shall extend five (5') feet or more across the public sidewalk but shall not extend within two (2') feet of parking or travel lanes within the right of way.
			<i>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(3)	Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.
			<i>Staff Comments</i>	<i>N/A.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(4)	Curb cuts and driveway entrances shall be no closer than twenty (20') feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right of way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.
			<i>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(5)	Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.
			<i>Staff Comments</i>	<i>N/A as access for emergency vehicles, snowplows, and garbage trucks is provided from Hillside Drive.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(1)	Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
			<i>Staff Comments</i>	<i>465 square feet of snow storage is required, and 600 square feet is proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(2)	Snow storage areas shall be provided on-site.
			<i>Staff Comments</i>	<i>Proposed snow storage is located on the subject property in between the two residences, and in the southwest and southeast corners of the site.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(3)	A designated snow storage area shall not have any dimension less than five (5') feet and shall be a minimum of twenty five (25) square feet.
			<i>Staff Comments</i>	<i>All three snow storage areas exceed the minimum dimension standards.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(4)	In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.
			<i>Staff Comments</i>	<i>N/A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	Landscaping is required for all projects.
			<i>Staff Comments</i>	<i>See sheet L3.0.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(2)	Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.
			<i>Staff Comments</i>	<i>The applicant proposes to use a natural grass mix for the majority of the property and a limited amount of lawn (1,000 square feet). The proposed evergreen trees (Colorado Spruce) and deciduous trees (Quaking Aspen) are common in the vicinity and throughout Ketchum.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(3)	All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.
			<i>Staff Comments</i>	<i>The applicant proposes to use a natural grass mix for the majority of the property and a limited amount of lawn (1,000 square feet). The proposed evergreen trees (Colorado Spruce) and deciduous trees (Quaking Aspen) are drought tolerant once established, with Colorado Spruce being among the most drought-tolerant species of spruces.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(4)	Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.
			<i>Staff Comments</i>	<i>Residential development exists on both sides of the subject property and therefore a substantial landscape buffer along all property sides is not required. The applicant has broken up the impact of the driveway curb-cuts by siting landscaping (evergreen trees) in between the two proposed driveways.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(J)(1)	Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the Commission.
			<i>Staff Comments</i>	<i>N/A.</i>

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. 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 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	<p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. 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	<p>H. Street Improvement Requirements:</p> <ol style="list-style-type: none"> 1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;
			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	<p>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.</p>
			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	<p>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.</p>
			Comments	N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	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>
			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"/>	16.04.040.0	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	<p>C. 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 condominium has received:</p> <p>a. A certificate of occupancy issued by the city of Ketchum; and</p> <p>b. Completion of all design review elements as approved by the planning and zoning administrator.</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. 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.</p>
				N/A at this time, pertains to Final Plat.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.D	<p>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.</p>
				Garages are allocated to residential units 201 and 301
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.E	<p>E. Storage Areas: Adequate interior storage space for personal property of the resident of each condominium unit.</p>
				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