



Planning and Zoning Commission Meeting - Regular AGENDA

Tuesday, March 09, 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:983 2134 0099

CALL TO ORDER

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

CONSENT CALENDAR—ACTION ITEMS

1. 4th and Main Findings of Fact and Conclusions of Law
2. Warm Springs Ranch Development and Rezoning Agreement, Large Block Preliminary Plat, and Block 1 Subdivision Preliminary Plat Findings of Fact and Conclusions of Law.

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

3. Adi's Townhomes: 124 Short Swing Drive (Lot 7 within Block 1 of Warm Springs Subdivision No. 3) The Commission will consider and take action on a Townhouse Subdivision Preliminary Plat application submitted by Bruce Smith, PLS, of Alpine Enterprises on behalf of property owner Adi Erber. The application proposes to convert an existing duplex building containing two dwelling units into two townhomes.
4. Amendment to P18-131 - Swan Streambank Alteration: 401 Northwood Way (Lot 12, Chateau of Northwood), owned by Bob and Sandra Swan, and adjacent riverbed (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed) owned by the City of Ketchum. The Commission will consider a proposed amendment to Floodplain Development / Stream Alteration permit P18-131, the Swan Stream Alteration/Bank Stabilization Floodplain Development and Waterways Design Review Permit.

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.



City of Ketchum
Planning & Building

IN RE:)
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4th & Main St Mixed-Use Building) **KETCHUM PLANNING AND ZONING COMMISSION**
Solstice Condominiums) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
Design Review, Lot Line Shift, and) **DECISION**
Condominium Subdivision Preliminary Plat)
Date: March 9, 2020)
)
File Numbers: P20-118, P21-009, & P20-117)

PROJECT: 4th & Main St (Solstice Condominiums) Mixed-Use Building

FILE NUMBERS: P20-118, P21-009, & P20-117

APPLICATION TYPES: Design Review, Lot Line Shift, and Condominium Subdivision Preliminary Plat

ARCHITECT: Peter Paulos, PH Architects

ENGINEER: Galena Engineering

DEVELOPER: Chris Ensign, Solstice Homes Development

PROPERTY OWNER: 400 North Main LLC & Formula Investment LLC

REQUEST: The applicant has requested Design Review approval 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.

LOCATION: Hot Dog Hill—West Half of Block 5 adjacent to Main Street between 4th & 5th Streets (Ketchum Townsite: Block 5: Lots 1, 2, 3, & 4)

ZONING: Retail Core of the Community Core (CC-1)

RECORD OF PROCEEDINGS

The Planning & Zoning Commission considered the 4th & Main St (Solstice Condominiums) Mixed-Use Building Design Review (Application No. P20-118), Lot Line Shift (Application No. P21-009), and

Condominium Subdivision Preliminary Plat (Application No. P20-117) applications during their regular meeting on February 9th, 2021. The development applications were considered concurrently and the associated public hearings were combined consistent with Idaho Code §67-6522. After considering the project plans, Staff's analysis, the applicant's presentation, and public comment, the Planning & Zoning Commission denied the Design Review application and recommended denial of the Lot Line Shift and Condominium Subdivision Preliminary Plat to the City Council. Vice-Chair Mead moved to deny the Design Review application and moved to recommend denial of the Lot Line Shift and Condominium Subdivision Preliminary Plat applications to the City Council. The motion was seconded by Commissioner Cosgrove. Chair Morrow and Commissioner Carter voted in favor of the motion. Commissioner Moczygemba voted against the motion. The motion to deny the 4th & Main St (Solstice Condominiums) Mixed-Use Building project passed 4 to 1.

The Planning & Zoning Commission had previously considered the Pre-Application Design Review for this project four times during their meetings on January 10th, March 9th, June 8th, and November 10th, 2020. During their review of the project's Pre-Application Design Review, the Commission expressed concerns about the project's compatibility with Ketchum's small-town community and vibrant downtown. Their recommendations focused on the building's design and scale as well as the development's lack of integration within downtown and incompatibility with Main Street's pedestrian-oriented streetscape. The applicant failed to meaningfully respond to the Commission's recommendations.

In addition to the Commission feedback to the applicant, staff recommended the applicant conduct meetings and community outreach to obtain feedback to help inform the project design. This has proved effective for other significant development projects in Ketchum. To date, this outreach has not occurred. Staff also recommended including a local architectural design professional on the project team to provide context and design assistance.

The staff reports prepared for the Planning & Zoning Commission meetings of January 10th, March 9th, June 8th, and November 10th, 2020 and February 9th, 2021 contain an analysis of the project in relation to Design Review standards specified in Chapter 17.96 of Ketchum Municipal Code (KMC), Subdivision standards (KMC Chapter 16.04), and applicable city ordinances regulations. Project plans and materials submitted by the applicant are attached as exhibits to each staff report.

Public Notice for Hearings

The public hearing notice was published in the Idaho Mountain Express on January 20th, 2021 and posted on the project site and the City's website on February 2nd, 2021. A public hearing notice was mailed to adjacent properties within 300 feet of the project site and all political subdivisions on January 20th, 2021.

Public comments are attached as an exhibit to each staff report. Public comments received after staff report publications were saved to the project record and distributed electronically to the Planning & Zoning Commission.

FINDINGS OF FACT

The Planning & Zoning Commission having reviewed the entire record, provided notice, and conducted the required public hearings does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

FINDINGS REGARDING PROJECT BACKGROUND

The 4th & Main Street (Solstice Condominiums) project proposes to develop a new four-story, 48.5-foot tall, 2.21 FAR, 59,090-square-foot mixed-use building on four lots along Main Street between 4th and 5th streets within the Retail Core Subdistrict of the Community Core (CC-1). The mixed-use building includes four retail units fronting Main Street, an underground parking garage with 17 total parking spaces and a bike storage area, five community housing units with private entrances accessed from the alleyway, and 12 two- and three-bedroom condominium units with associated private balconies and rooftop terraces. Design Review (Application No. P20-118) is required for developing mixed-use buildings (Ketchum Municipal Code §17.96.010.A4). The Lot Line Shift (Application No. P21-009) 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 (Application No. P20-117) proposes to subdivide the mixed-use building into 4 retail units, 17 residential dwelling units, and common area.

FINDINGS REGARDING PROJECT LOCATION

Local Context: Ketchum's Vibrant Downtown

Ketchum has grown incrementally through time with an eclectic mix of diverse building types. Blocks in downtown are historically platted into 55-foot-wide lot increments. These platted façade increments along a block create an urban pattern with an authentic rhythm.

Main Street's built environment combines repurposed historic buildings, like the Lane Mercantile built in 1887, with more modern development, like the Argyros Theater, to form a textured urban fabric with western mountain charm. The variation of building types and façade identities create unique urban spatial experiences that visually engage pedestrians and activate the streetscape.

Development Site: Hot Dog Hill

The new mixed-use building will be located on four lots along Main Street between 4th and 5th streets within the Retail Core of downtown Ketchum. The 21,989-square-foot site has topographical challenges including multiple slopes. The grade falls approximately 6 ft (~6%) from the alley to the front property line and slopes downhill approximately 5 ft (~2%) from 4th Street north to 5th Street. An existing retaining wall divides the block separating the natural topography of lots 1 and 2 from development on lots 3 and 4.

FINDINGS REGARDING 2014 COMPREHENSIVE PLAN VALUES, VISION, AND POLICIES & DESIGN REVIEW OBJECTIVES (KMC §17.96.020)

The Commission found that the 4th & Main Street (Solstice Condominiums) Mixed-Use Building project does not align with the community's vision for Ketchum or core values specified in the 2014 Comprehensive Plan. The objectives of Design Review objectives are to: (1) enhance *Ketchum's appearance, character, beauty, and function*, (2) ensure new development is complementary to the design of existing neighborhoods, and (3) protect the town's economic base. These Design Review

4th and Main (Solstice Condominiums) Mixed-Use Building

Design Review, Lot Line Shift, and Condominium Subdivision Preliminary Plat

Findings of Fact, Conclusions of Law, and Decision

Adopted by the Planning & Zoning Commission on March 9, 2021

City of Ketchum Planning & Building Department

objectives are intended to realize the community's vision and values described in the Comprehensive Plan. The Commission found the project fails to meet these Design Review objectives.

Community Vision

The Commission found that the project does not align with the community's vision for Ketchum to maintain its authentic small-town character and preserve its vibrant and connected downtown. The project's scale and mass dominate the streetscape diminishing downtown's authentic, compact, and cohesive urban pattern and rhythm.

Core Value: Vibrant Downtown

The proposed mixed-use building undermines the community's vision to maintain downtown as Ketchum's vibrant commercial area where local businesses thrive and the community gathers together. Downtown is Ketchum's gathering place connecting locals, second homeowners, and tourists. These connections create community, and our community defines Ketchum's small-town character and sense of place. This project is out of scale and proportion with downtown's traditional development patterns and does not fit in with Ketchum's authentic atmosphere—the proposed streetscape will decrease vibrancy. For example, almost half of the building's 4th Street frontage is dedicated towards the residential lobby to serve the luxury condominium units. The large building separates Main Street from Town Square, disconnecting Ketchum from the community's main gathering space in the heart of downtown. The project takes advantage of Baldy views and sunlight to benefit the development's luxury condominiums at the expense of downtown's human-scale, inviting, inclusive, and walkable streetscape. The Commission found that the developer's unwillingness to collaborate with the community and Commission indicated his lack of commitment to integrate the project within downtown Ketchum.

This project will exacerbate the gentrification and homogenization of downtown Ketchum. The proposed development adds to the loss of distinctiveness that makes downtown Ketchum appealing and attractive.

Core Value: Community Character

Goal CD-1: Our community will preserve its small-town character and the distinct image of neighborhoods and districts.

Policy CD-1.3: Compatible Infill and Redevelopment Projects--Infill and redevelopment projects should be contextually appropriate to the neighborhood and development in which they will occur.

The project will diminish Ketchum's vibrant, small-town character. The Commission found the infill project is incompatible with downtown's built environment and streetscape. The proposed design lacks sensitivity in the transition between neighboring buildings. Instead of complementing the surrounding neighborhood, the mixed-use building fails to assimilate within the existing community fabric, built environment, and streetscape. The project lacks key features, like public amenities and detailed building facades, that create inviting, sociable, interactive, and dynamic places.

FINDINGS REGARDING FLOOR AREA RATIO (KMC §17.124.040)

The project plans maximize the size of the building to the greatest extent potentially permitted by Ketchum’s zoning regulations. The mixed-use building has a total floor area of 59,090 square feet. The mixed-use building’s total gross floor area as calculated by KMC §17.08.020, which excludes basements, underground parking garages, and unenclosed decks, is 48,649 gross square feet. The project’s total Floor Area Ratio (FAR) is 2.21. The maximum 2.25 FAR based on the development site’s area (21,989 square feet) is 49,475 gross square feet. The proposed 48,649 gross floor area is only 826 less than the 2.25 FAR maximum. The building reaches 48.5-feet in height from lowest grade to the fourth-floor roof. Covering the length of the entire block, the building’s front façade will span 210 feet along Main Street.

The applicant presented pictures of existing large downtown buildings like the Argyros and the Colonnade to demonstrate the project’s similarity in mass and scale. These comparisons emphasized the project’s incompatibility and lack of integration within downtown. The existing downtown buildings referenced by the applicant are smaller in size and scale than the proposed development. Additionally, unlike the proposed mixed-use building, these developments contribute to Main Street’s activated, pedestrian-friendly, and human-scale environment. For example, the Argyros has a FAR of 1.7 and includes a public plaza fronting Main Street. The Colonnade has a FAR of 1.26 and activates the streetscape with large storefront windows and pedestrian amenities like benches.

The permitted FAR in the Community Core Zone is 1.0. The Planning & Zoning Commission may allow an increased FAR subject to Design Review (Ketchum Municipal Code §17.124.040.B). Ketchum Municipal Code does not guarantee 2.25 as the allowed FAR. New developments may be permitted an increased FAR above 1.0 at the Commission’s discretion through Design Review. To receive more floor area, new buildings must complement the scale and character of the surrounding neighborhood. This project is out of scale with Main Street and the building’s overwhelming size is incompatible with downtown Ketchum. The Commission found the project does not complement the scale or character of the surrounding neighborhood.

Building Name	Property Address	Building Height	Gross FAR
Silver Creek Outfitters	500 N Main Street	28 feet	0.82
511 Building	511 N Leadville	40 feet	1.5
Nails by Sherine (River Ranch/Tomason House/Kate Knight’s Antiques)	491 N Leadville Avenue	16 feet	0.27
McCotter (Crazy Horse) Building	471 N Leadville Avenue	21 feet	1.37
Ozzies Shoes	411 N Leadville Avenue	28 feet	0.54
Sturtevant’s (Burger Haus)	380 N Main Street	18 feet	0.59
Jones Building	371 N Main Street	38 feet	1.64
Wells Fargo Bank	411 N Main Street	36 feet	0.97
Idaho Independent Bank	491 N Main Street	40 feet	1.75

The Commission found the consolidation of four individual parcels into one large development parcel is out of scale with the pattern of downtown development and incompatible with Ketchum’s small-town character. The pattern of development in the downtown consists of buildings on 55-foot wide, 4th and Main (Solstice Condominiums) Mixed-Use Building

Design Review, Lot Line Shift, and Condominium Subdivision Preliminary Plat

Findings of Fact, Conclusions of Law, and Decision

Adopted by the Planning & Zoning Commission on March 9, 2021

City of Ketchum Planning & Building Department

5,500-square-foot parcels. In contrast, this project consolidates the existing separate lots into one parcel consisting of 210 feet of frontage along Main Street with a total area of 21,989 square feet. This lot consolidation creates a project that is incompatible with the pattern and scale of development in downtown Ketchum.

The proposed mid-rise is significantly larger than the surrounding built environment. Table 1 provides heights and floor area ratios for neighboring buildings. The applicant's drone fly-over video highlights the mixed-use building's imposing and dominating appearance within downtown Ketchum. More meaningful scaling devices need to be integrated into the project plans to break up the building's bulk and mass.

FINDINGS REGARDING OFF-STREET PARKING (KMC CHAPTER 17.125)

The Commission found that the development's proposed off-street parking is insufficient for the demand generated by the project. The development provides 17 off-street parking spaces within the underground parking garage. These spaces satisfy the off-street parking required for the 12 market-rate residential units. No parking spaces are provided for the four retail spaces or the five community housing units. The developer utilized the on-street parking credit for the three parking spaces required for the retail units (KMC §17.125.050). Pursuant to KMC §17.125.050.D2, only existing and available parking spaces located directly adjacent to the property may be counted towards the on-street parking credit. With the recent relocation of the Mountain Rides bus stop, not enough on-street parking spaces are available adjacent to the property to satisfy the development's parking demand.

FINDINGS REGARDING DESIGN REVIEW STANDARDS (KMC §17.96.060 & §17.96.070)

Compatibility of Design

The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures (Ketchum Municipal Code §17.96.060.E1).

The design incorporates limited materials, colors, and shapes in repetitive patterns. The exterior materials are limited to glass, black metal, and red brick. These three materials are monotonously applied in the same arrangement across all facades.

The monotonous design lacks originality or uniqueness. The applicant has attempted to contextualize the building by using natural exterior materials characteristic of downtown's built environment. For example, the design replicates the brick exterior of historic buildings like the Lane Mercantile and the Warfield. The applicant's attempt to contextualize the building through exterior materials and detailing fails due to its repetitiveness and lack of originality. The design copies exterior materials and detailing without sensitively integrating the project's block-span, scale, and architectural features within Main Street's built environment. These similarities devalue Ketchum's built environment. The project fails to include the diversity of design styles that add to Ketchum's authenticity.

Architectural

Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness (Ketchum Municipal Code §17.96.060.F5).

The façade design exacerbates the project's size. The projections and recessions of building mass along Main Street repeat a monotonous pattern. The pushing and pulling of the façade planes fail to meaningfully provide visual relief. The same wall surface design repeats horizontally across the front

4th and Main (Solstice Condominiums) Mixed-Use Building

Design Review, Lot Line Shift, and Condominium Subdivision Preliminary Plat

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façade along Main Street. These undulation treatments that shift the building's depth must be combined with changes in the façade's exterior material or design character to alleviate this repetitive wall pattern.

The building character shall be clearly defined by use of architectural features (Ketchum Municipal Code §17.96.060.F2).

The façade lacks variety in design and detail needed to add complexity and context to the streetscape. The front façade's uniform design creates a monotonous environment across the entire block along Main Street. The building's bulk coupled with its repetitive exterior materials and monotonous façade design creates an unwelcoming and uninteresting experience for the community. The mixed-use building needs scaling devices and design treatments that define and activate the public realm and enhance the pedestrian experience.

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 (Ketchum Municipal Code §17.96.060.G3).

An Idaho Power transformer with associated retaining walls blocks access to Block 5's alley from 5th Street impeding vehicular circulation. The applicant has proposed a midblock access to the underground parking garage along 5th Street. The Ketchum Traffic Authority recommends that no curb cuts should be permitted if there is alley access available to serve the development. The Ketchum Traffic Authority has provided the following policy recommendation pertaining to alley access versus street access:

In the downtown core and tourist zone, no curb cuts should be permitted if there is alley access available. The reasons:

- Having multiple curb cuts creates safety and congestion issues. When a curb cut is off the street, people tend to stop traffic to make left turns into the driveway. Couple this with traffic accessing projects from the alley, it presents safety and congestion issues.
- Driveways intersecting sidewalks create a safety hazard for pedestrians and bicyclists. One of the highest rates of pedestrian and vehicle collisions take place at driveways. Cars making left turns into driveways typically speed up while entering a driveway because of the limited gaps in on-coming traffic. Cars turning right or left out of the driveway do not think to look for pedestrians and bicyclists.
- Mid-block driveways are counter to creating a safe and engaging pedestrian downtown.
- Driveways that traverse the sidewalk present ADA challenges. Because driveways typically have sloped aprons, this conflicts with the requirement of a maximum 2% slope for sidewalks. Driveways also break-up the elevation of the sidewalk presenting an uneven surface for people with disabilities.
- Driveways remove on-street parking that support local businesses.

The Commission agrees with the Ketchum Traffic Authority's policy recommendations. The Commission finds that the development's 5th Street midblock access would generate safety concerns and traffic congestion problems.

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 (Ketchum Municipal Code §17.96.060.14).

The project's landscaping is indicated on Sheets L1.0 and L1.4 of the project plans. The proposed landscaping includes street trees along 4th Street and Main Street as well as at-grade landscaped planters. Additional landscaping is proposed for the fourth-level rooftop terrace. The landscaping is insufficient. More landscaping is needed to soften the development's rectangular mass, provide visual relief from building walls, and screen the project from the adjacent streets.

FINDINGS REGARDING SUBDIVISION STANDARDS (KMC CHAPTER 16.04)

The subdivision ordinance is intended to safeguard and enhance the character, appearance, and economic stability of the community and to promote the orderly, harmonious, and integrated development of land (Ketchum Municipal Code §16.04.010). The Commission found that the proposed 4th & Main (Solstice Condominiums) Mixed-Use Building is incompatible with the surrounding built environment. The project ignores local context with its large mass fails to enhance the streetscape to create a walkable environment.

Lot Requirements

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 (Ketchum Municipal Code §16.04.040.F1).

The Lot Line Shift combines all four lots within the west half of Block 5. Blocks in downtown are historically platted into 55-foot wide lot increments. The development of different buildings on smaller lots over time generates variety in design and detail to form a dynamic, authentic, and interesting streetscape. Lot consolidations impacts the pattern of downtown development. Combining multiple lots to develop one big building will undermine variety and visual interest within Ketchum's downtown built environment.

New subdivisions must provide for adequate air, light, solar access, privacy, and open space (Ketchum Municipal Code §16.04.010.B5). The applicant presented sun/shadow diagrams demonstrating that the mass of the condominium building will cast a shadow along 4th Street. The loss of direct sunlight will decrease the warmth and overall comfort level of the streetscape.

Condominiums

Storage Areas: Adequate interior storage space for personal property of the resident of each condominium unit (Ketchum Municipal Code §16.04.070.G).

The mixed-use building contains 17 total dwelling units. The underground parking garage contains 17 total parking spaces. The Solstice Condominiums Subdivision Preliminary Plat indicates a common storage area within the underground garage. The first-floor plan (Sheet A1.0) indicates this area will be dedicated to bike storage. This proposed area may be too small to accommodate each residents' storage needs. The Commission finds that the proposed storage area is insufficient to accommodate the 17 residential units.

4th and Main (Solstice Condominiums) Mixed-Use Building

Design Review, Lot Line Shift, and Condominium Subdivision Preliminary Plat

Findings of Fact, Conclusions of Law, and Decision

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City of Ketchum Planning & Building Department

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 (Ketchum Municipal Code §16.04.070.G).

Most of the market-rate condominium dwelling units have access to associated balconies or roof terraces. The community housing units do not have any associated outdoor living spaces. The second- and third-level balconies all front Main Street. The traffic on Highway 75 may reduce the enjoyment of these outdoor spaces.

ACTIONS THE APPLICANT COULD TAKE TO POTENTIALLY OBTAIN APPROVAL IDAHO CODE §67-6519(5)

Idaho's Local Land Use Planning Act requires that if a development application is denied, the decision maker must explain to the applicant how the project could be changed to make it acceptable and compliant with applicable standards. The Commission recommends that in order to remedy the project's deficiencies and noncompliance with applicable standards, the developer could adjust design elements considering the following: (a) separate the project into individual buildings across the block, (b) incorporate scaling devices, including vertical elements and varying roof heights, to break up the building's bulk and mass, (c) enhance design through undulation and material differentiation, (d) create an activated, pedestrian-friendly, and human-scale environment along Main Street, and (e) reduce the project's total floor area.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code ("KMC") and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the Applicant's Design Review Application for the development and use of the project site.
2. The Commission has authority to hear the applicant's Design Review Application pursuant to Chapter 17.96 of Ketchum Municipal Code Title 17 and the Subdivision Applications pursuant to Chapter 16.04 of Ketchum Municipal Code Title 16.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code § 17.96.080 and §16.04.030.
4. The Design Review application is governed under Ketchum Municipal Code Chapters 17.96, 17.124, 17.08, 17.12, 17.18, and 17.128. The Lot Line Shift and Condominium Preliminary Plat applications are governed under Chapter 16.04 of Ketchum Municipal Code.
5. The 4th & Main St (Solstice Condominiums) Mixed-Use Building Design Review application does not meet the standards specified in Title 17 and Title 16 of Ketchum Municipal Code or the community's vision and values specified in the 2014 Comprehensive Plan.

6. Ketchum Municipal Code §17.124.040(2) establishes that “an increased FAR **may** be permitted subject to design review approval, and provided, that all of the following conditions are met: . . .” (emphasis added). The Commission understands, interprets, and concludes that the “may” denotes that an increased FAR is discretionary within the design review approval process.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **denies** Application No. P20-118 (Design Review) and **recommends denial** to the City Council of Application No. P21-009 (Lot Line Shift) and Application No. P20-117 (Preliminary Plat).

Findings of Fact **adopted** this 9th day of March 2021.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)
)
Warm Springs Ranch) **KETCHUM PLANNING AND ZONING COMMISSION**
Development and Rezoning Agreement,) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
Large Block Preliminary Plat, and Block 1) **DECISION**
Subdivision Preliminary Plat)
Date: March 9, 2020)
)
File Numbers: P 21-001, P21-003, and P21-010)

PROJECT: Warm Springs Ranch

FILE NUMBERS: P 21-001, P21-003, and P21-010

APPLICATION TYPES: Development and Rezoning Agreement, Large Block Preliminary Plat, and Block 1 Subdivision Preliminary Plat

REPRESENTATIVE: Kurt Eggers, Eggers Associates, P.A.

PROPERTY OWNER: Robert Brennan, Brennan Holdings No 300 LLC

LOCATION: Warm Springs Ranch Resort PUD Blocks 1-8, 1803 Warm Spring Road

ZONING: Tourist (T) to General Residential (GR-L) Low Density & Recreation Use (RU)

OVERLAY: Floodplain & Avalanche

NOTICE: The public hearing notice was published in the Idaho Mountain Express on February 3rd, 2021. A public hearing notice was mailed to adjacent properties within 300 feet of the project site and all political subdivisions on February 3rd, 2021. A public hearing notice was posted on the project site, the City's website, and 3 locations within the City on February 2nd, 2021.

RECORD OF PROCEEDINGS

On January 26th, 2021, the development team for Warm Springs Ranch presented their project in a workshop format to gather feedback and comments from the public and the Planning and Zoning Commission. The Commission's comments focused on: (1) the proposed improvements,

including the roadway plan, (2) the restoration, preservation, and management of the riparian area along Warm Springs Creek, and (3) the subdivision’s circulation design, including safety and traffic considerations as well as enhancing pedestrian and bike access.

The Planning & Zoning Commission considered the Warm Springs Ranch project during a public hearing at a special meeting on February 23rd, 2021. The Commission reviewed and made recommendations to the City Council on the proposed Development and Rezoning Agreement as well as the Warm Springs Ranch Large Block Plat and Block 1 Subdivision Preliminary Plat. After considering the project plans, Staff’s analysis, the applicant’s presentation, and public comment, the Planning and Zoning Commission unanimously recommended approval of the project to City Council with conditions to be transmitted to the City Council.

City Council has the final approval authority over the Development Agreement, the Large Block Plat, and the Block 1 Subdivision Preliminary Plat. The Commission is the decision maker for the Floodplain Development Permit and Waterways Design Review. The floodplain application will be brought to the Commission for final review and approval at a future noticed public hearing.

FINDINGS OF FACT

Findings Regarding 2021 Warm Springs Ranch Project

The proposal under consideration by the Planning and Zoning Commission consists of the following:

- Rescission and repeal of all the land use permits and approvals granted as part of the 2009 development. This includes the Development Agreement, Large Block Plat and PUD, the PUD and CUP, and all associated land use permits.
- Consideration of a new Development and Rezoning Agreement, a new Large Block Plat, a Preliminary Subdivision Plat for Block 1, and a Floodplain Development Permit and Waterways Design Review for the proposed Preliminary Plat for Block 1. The floodplain application will be brought to the Commission for final review and approval at a future noticed public hearing.

Findings Regarding Development and Rezoning Agreement

A two-phase Development Agreement—Phase 1 is a proposed 36-unit single-family residential development in Block 1, which will be rezoned from Tourist (T) to the General Residential Low Density (GR-L) Zoning District.

Phase 1 Development

The Development Agreement would authorize development of 36 single family units within Block 1 in accordance with the proposed Preliminary Plat for Block 1. Phase 1 will rezone Block 1 from Tourist (T) to the General Residential Low Density (GR-L) Zoning District and the remainder of the property will retain existing zoning. Section 4 of the Development Agreement identifies the terms and conditions for the proposed development. As proposed the Agreement requires:

- Future building permits to comply with the codes in place at the time the permit is applied for.
- Units proposed on Lots 33, 34, 35, and 36 (lots fronting on Warm Springs Road), will be subject to Planning and Zoning Commission design review and access shall occur off Bald Mountain Road.
- Bald Mountain Road will be a public street and all the other streets accessing the lots will be private. The public is permitted to access the private streets for walking and driving but as originally proposed, parking is prohibited.
- Consistent with all development along rivers, a 10-foot easement for fishing and access is required. Public access will be permitted after sunrise and before sunset.
- Landscaping shall be drought tolerant.
- The riparian zone and landscaping will be protected. Any modification to the riparian zone would require preparation of an overall plan to ensure modifications are consistent and coordinated.
- The existing water right in Block 1 will be transferred to the City.
- All utilities and power shall be underground.
- A parking lot on the south side of Warm Spring Creek will be installed to accommodate users of the open space south of the Creek. The parking lot will be a minimum of 12 and a maximum of 20 spaces.
- A new bus shelter, like the shelter constructed on Saddle Road adjacent to Thunder Spring development, will be constructed.
- The Owner will agree to participate in the design and placement of a future Bald Mountain Connector Trail.

The Commission was supportive of a two phased development approach because of the fact there was an option to purchase agreement between the City and Owner for Blocks 2-8. Without this option to purchase, the Commission’s recommendation would be to require a master plan for the entire property, Blocks 1-8, prior to approving development for Block 1.

The Commission added the following comments and conditions of approval regarding Phase 1 and Phase 2 of the Development Agreement:

Phase 1

- Construction activity plans must limit impacts to the adjacent neighborhood. All contractor parking, construction staging, and materials shall be contained on site. Any vacant lots within the Block 1 subdivision should be used for construction staging and material storage.
- Residents of the Block 1 development shall be permitted to park along the subdivision’s private roads. Public parking is prohibited along the subdivision’s private roads.
- The 6-foot-wide pedestrian pathway on Bald Mountain Road shall be paved and improved to City standards for sidewalks. The pathway should include a delineation, like a rolled curb, from Bald Mountain Road.

Future Phase 2 & Option to Purchase Agreement

The Development Agreement only authorizes development of Block 1 of the Large Block Plat and the installation of an unimproved parking lot with a minimum of 12 and a maximum of 20 public parking spaces on Block 2 that would be accessed from Parcel D (Lopey Lane) of the Block 1 subdivision. No development is proposed or permitted in Blocks 2-8 without the Owner submitting a planned unit development application and associated preliminary parcel map. In Blocks 2-8, the Owner is retaining the existing zoning of the blocks that consist of Tourist and Recreational Use zoning designations.

The City and Owner have negotiated an Option to Purchase Blocks 2-8. In the event the City and Owner do not complete the sale of the property, the Owner will return to the Planning and Zoning Commission with separate planned unit development and preliminary plat applications for any future development.

The Commission commented that the Option to Purchase Agreement is a significant opportunity for the City to maintain and preserve Warm Springs Ranch's open space. The Planning and Zoning Commission indicated support for the proposed subdivision and Development Agreement contingent on the Owner and City signing an Option to Purchase Agreement for Blocks 2-8.

The Commission also requested the City Council consider adding language to the option agreement that identifies funding milestones linked to the ability to extend the option agreement if the fundraising milestones are met.

The Owner is retaining the right to limit or prohibit public access to Blocks 2, 3, 4, 5, 6, 7 and 8, or any part thereof. The Owner may terminate the pedestrian access, parking, and access to the south side of Warm Springs Creek and all rights of entry or use of Blocks 2, 3, 4, 5, 6, 7 and 8 at any time, for any reason whatsoever, without notice. The property is private property and the Owner currently has the right to close access to the public today.

The Commission added conditions of approval that should the City purchase Block 2-8, (1) Lopey Lane shall be dedicated as a public road and (2) the Owner's rights to restrict access shall be nullified.

The Commission recommended that the City Council add a clause in the Development Agreement that the Development Agreement will become effective upon the Owner and City signing the Purchase and Sale Option Agreement for Blocks 2-8.

Findings Regarding Large Block Preliminary Plat

The project includes the rescission and repeal of all land use approvals granted as part of the previous 2009 development, including the existing Large Block Plat. The new Warm Spring Ranch Large Block Plat (Project Plans Dated February 2021: Sheet P1) consists of 8 blocks ranging in various sizes and encompassing a total of 78.39 acres. The Large Block Plat noted certain

improvements approved with the 2009 development, including private road #2 extending through blocks 2-6, private road #3 through block 2, and buildings envelopes on lots 3 and 8.

The Planning and Zoning Commission added a condition of approval that prior to the approval of the final plat map, (1) all references to the 2009 development, including private roads and building envelopes on block 2-8, must be removed and (2) the road configuration as approved with the Block 1 Subdivision Preliminary shall be shown on the Large Block Plat.

Findings Regarding Block 1 Residential Subdivision

The Block 1 Subdivision Preliminary Plat will create 36 single-family residential lots and parcels A, B, C, D, and E within the General Residential (GR-L) Low Density Zoning District. Portions of Block 1 are also within the Floodplain Overlay and Avalanche Zone. Block 1 is 13.72 acres and the single-family residential lots range in size from a minimum area of 8,252 square feet to a maximum area of 22,241 square feet.

Consistent with Ketchum Municipal Code §16.04.030.C3, the subdivision application was transmitted to City Departments including the City Engineer, Fire, Building, Utilities, and Streets departments for review. The project shall meet 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.

Infrastructure Improvements

Infrastructure improvements include new roadways, water and sewer facilities, water-efficient irrigation systems for landscaping, pedestrian access, underground utilities, an unimproved parking lot, and a bus shelter. The applicant has submitted an impact statement as required by KMC §16.04.120. This statement provides an analysis of the development's potential impacts on the city, including how the project may affect public utilities and facilities, traffic, the environment, and Ketchum's economy.

Street Improvements (KMC §16.04.040.H)

Noncompliant with streets standards for grade and intersection approach angles, the project will realign Bald Mountain Road to enhance access and safety. Bald Mountain Road will become a public street dedicated to the City. Parcels A and D will be private roads. Parcel A includes Townhouse Lane, Smelter Circle, and Mountain Creek Drive. Parcel D is Lopey Lane, which will access the unimproved parking lot. As required by Ketchum Municipal Code §12.04.030.B1 and Fire Code, the residential roadways have a minimum paved width of 26 feet. The proposed roadway plan enhances safety from existing conditions. As specified in the Development Agreement, the Owner will be responsible for year-round maintenance of all private roadways, including snow removal to maintain access, parking, and the emergency vehicle turnaround.

In addition to these roadways, the Owner will install a new bus shelter on Parcel B along Warm Springs Road (Project Plans Dated February 2021: Sheet C-1). As specified in the proposed Development Agreement, the applicant will also provide an easement for pedestrian access to the Warm Spring Ranch open space. The pedestrian access easement will include a 6-foot-wide shoulder along Bald Mountain Road.

The Commission added the following conditions of approval regarding the proposed roadway plan and circulation design:

- Should the City purchase Block 2-8, Lopey Lane shall be dedicated as a public road.
- Residents of Block 1 shall be permitted to park along the subdivision's private roads. Public parking is prohibited along the subdivision's private roads.
- The 6-foot-wide pedestrian pathway on Bald Mountain Road shall be paved and improved to City standards for sidewalks. The pathway should include a delineation, like a rolled curb, from Bald Mountain Road.
- Shared lane markings and sharrows shall be added to Bald Mountain Road to accommodate bicyclists.
- The applicant shall add a right-hand turn lane on Bald Mountain Road at its intersection with Warm Springs Road to enhance traffic flow. The right-hand turn lane shall be indicated on the roadway plan for review and approval by the City Engineer and the Streets Department.
- Add a plat note indicating that development on parcels within Block 1 shall not be eligible for variances or waivers based on site conditions or topography. Development must comply with development standards in place at time of permit approvals.

Sanitary Sewage Disposal (KMC §16.04.040.K), Water System (KMC §16.04.040.L), and Utilities (KMC §16.04.040.P) Improvements

Portions of existing water and sewer lines within the development site will be abandoned and new domestic water and sewer lines will be installed to serve the proposed residential subdivision. The water and sewer plans are indicated on Sheets C3 and C4 of the project plans. All utilities, including natural gas, electricity, telephone, cable TV, and internet services, shall be installed underground.

Drainage Improvements (KMC §16.04.040.O)

Drainage within the residential subdivision will be managed through a system of swales, catch basins, and drywells. The grading and drainage plan is indicated on Sheet C-2 of the project plans.

Easements (KMC §16.04.040.J)

As specified in the proposed Development Agreement, the applicant will provide an easement for pedestrian access to open space. The pedestrian access easement will include a 6-foot wide shoulder along Bald Mountain Road. The Commission added a condition of approval that this 6-foot-wide pedestrian pathway shall be paved and improved to City standards for sidewalks.

As required by Ketchum Municipal Code §16.04.040.J3, the Block 1 Subdivision includes a 10-foot wide fisherman/sportsman's access and nature study easement along the Warm Springs Creek riverbank. This public fishing access will be provided on Block 2 and accessed from Lopey Lane (Parcel D) within the Block 1 Subdivision. The Commission recommended additions to the Development agreement that should the City purchase Block 2-8 (1) Lopey Lane shall be dedicated as a public road and (2) the Owner's rights to restrict access shall be nullified.

The riparian zone identified in Block 1 will be designated as an easement governed and managed by the Warm Springs Ranch Homeowners' Association to ensure future modifications to the riparian zone and the streambank do not occur individually but occur in a comprehensive coordinated approach. In addition to the City's floodplain regulations, the HOA's management will further reinforce the preservation and protection of the riparian area. The Commission emphasized the importance of Warm Springs Creek's restoration as well as protection and stewardship of the riparian area.

The applicant has provided an access and public utility easement benefiting the adjacent Country Club Townhomes and Warm Springs Townhouse Condominiums within Parcel A (Townhouse Lane). Parcel E is a parking space and trash receptacle easement to benefit the Warm Springs Townhouse Condominiums.

Cuts, Fills, and Grading Improvements (Ketchum Municipal Code §16.04.040.N)

Certain lots include development constraints due to Block 1's sloping topography. The Commission discussed development on certain sloped lots may require extensive engineering to retain grade. The Commission emphasized that despite these site constraints, future homes should comply with all zoning and dimensional standards. To address this concern, the Commission recommended adding a plat note stating that: (1) development on the 36 lots within the subdivision shall not be eligible for any waivers or variances and (2) new residential construction shall comply with all zoning and development standards specified in Title 17 of Ketchum Municipal Code.

Waiver (Ketchum Municipal Code §16.04.130)

Ketchum Municipal Code §16.04.130 provides an opportunity for applicants to request waivers from certain subdivision standards. Waivers may be granted by the City Council on a case-by-case basis upon the recommendation of the Planning and Zoning Commission. The application for a waiver request must demonstrate that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this chapter would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health and safety, nor injurious to property owners in the immediate area.

The applicant has requested waiver from certain street design and grading standards due to the site's topographical challenges. The Commission supported the applicant's waiver request

Warm Springs Ranch

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Development Agreement, Large Block Plat, & Block 1 Subdivision Preliminary Plat

Findings of Fact, Conclusions of Law, and Decision Adopted March 9, 2021

City of Ketchum Planning & Building Department

because the project will improve the development’s site circulation design, enhance safety, and expand pedestrian access.

Table 1: Findings Regarding Preliminary Plat Requirements

Preliminary Plat Requirements (Ketchum Municipal Code §16.04.030.J)					
Compliant			Standards and Commission Findings		
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.	
			Commission Findings	<i>The application has been reviewed and determined to be complete.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.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:	
			Commission Findings	<i>All required materials for the preliminary plat application have been submitted.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I.1	The scale, north point and date.	
			Commission Findings	<i>This standard has been met. The preliminary plat contains a scale, north point, and date.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.2	The name of the proposed subdivision.	
			Commission Findings	<i>This standard has been met. The name of the proposed subdivision is Warm Springs Ranch Block 1.</i>	
<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.	
			Commission Findings	<i>This information has been provided on the application form and indicated on the preliminary plat.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.4	Legal description of the area platted.	
			Commission Findings	<i>This standard has been met. The legal description is Block 1 of Warm Springs Ranch Subdivision.</i>	
<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.	
			Commission Findings	<i>This standard has been met. Adjoining subdivisions and parcels of property, including the Warm Springs Townhouse Condominiums, Warm Springs Tennis Condominiums, Country Club Townhomes, Bald Mountain Townhomes, and Blocks 2 and 6 of Warm Springs Ranch Subdivision have been indicated on the preliminary plat (Sheet P1).</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.	

			Commission Findings	<i>The development site's existing topography is indicated on Sheet on P2 and E1 of the project plans. Existing and proposed contours are indicated on Sheets L1.1, C-1, and C-2.</i>
<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.
			Commission Findings	<i>The project plans indicate the scaled locations of existing buildings and improvements, including the existing Warm Springs Townhouse Condominiums pool. The preliminary plat indicates the scaled location of adjacent Warm Springs Road and realigned Bald Mountain Road, which will be dedicated to the city as a public street. The preliminary plat includes the scaled location of the subdivision's private roads, including Mountain Creek Drive, Townhouse Lane, and Lopey Lane. The project plans indicate the subdivision's utility, pedestrian, fisherman's and nature study easements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.8	Boundary description and the area of the tract.
			Commission Findings	<i>This boundary description and the area of the tract are noted on the preliminary plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.9	Existing zoning of the tract.
			Commission Findings	<i>Plat Note #1 indicates that Warm Springs Ranch Block 1 Subdivision is within the City's General Residential Low Density (GR-L) Zoning District.</i>
<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.
			Commission Findings	<i>This standard has been met. The preliminary plat indicates the location and dimension of street rights of way, lots, lot lines, easements as well as the lot and block numbers and street names.</i>
<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.
			Commission Findings	<i>This standard has been met. The project plans indicate the location, approximate size, and propose use of all land intended to be dedicated for public use, including realigned Bald Mountain Road. The project plans indicate the location, size, and proposed use of land for common use of all future owners within the proposed Warm Springs Ranch Block 1 subdivision.</i>
<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.
			Commission Findings	<i>This standard has been met. The roadway plan is indicated on Sheet C1 and the associated grading and drainage plan is indicated on C2. The water infrastructure plan is indicated on Sheet C3. The sewer infrastructure plan is indicated on Sheet C4.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.J.13	The direction of drainage, flow and approximate grade of all streets.
			Commission Findings	<i>This standard has been met. The roadway plan is indicated on Sheet C1 and the associated grading and drainage plan is indicated on C2.</i>

<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.
			Commission Findings	<i>The grading and drainage plan is indicated on Sheet C-2 of the project plans. The proposed drainage plan is a system of drywells, catch basins, and storm drain pipes.</i>
<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.
			Commission Findings	<i>An area map showing Warm Springs Ranch Block 1 in relation to Warm Springs Road and existing Bald Mountain Road is included in the project plans.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			Commission Findings	<i>The preliminary plat and project plans show the location and area of the floodplain, floodway, and avalanche zones on the development site.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			Commission Findings	<i>Building envelopes are shown on lots 1 through 13 as required for lots that contain floodplain and avalanche zone. Consistent with Ketchum Municipal Code §16.04.040.G4, building envelopes outside of a 75-foot radius from the intersection have been shown on corner lots. Warm Springs Ranch Block 1 Subdivision does not contained slopes of 25% or greater based on natural contours (Ketchum Municipal Code §16.04.040.F2).</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.18	Lot area of each lot.
			Commission Findings	<i>This standard has been met. The lot area of every lot and parcel within the Warm Springs Ranch Block 1 Subdivision is indicated on the preliminary plat (Sheet P1).</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.19	Existing mature trees and established shrub masses.
			Commission Findings	<i>Block 1's existing conditions are indicated on Sheets P2 and E2.</i>
<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.
			Commission Findings	<i>The Warm Springs Ranch Block 1 Subdivision is unique and will not be confused with the name of any other subdivision in Blaine County, Idaho.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.21	All percolation tests and/or exploratory pit excavations required by state health authorities.
			Commission Findings	<i>This standard shall be met.</i>
<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.

			Commission Findings	<i>The applicant has submitted the draft Declaration Establishing Covenants, Conditions, and Restrictions for Warm Springs Ranch Subdivision.</i>
<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.
			Commission Findings	<i>This standard has been met. The applicant has a current title report and copy of the owner’s recorded deed to the subject property.</i>
<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.
			Commission Findings	<i>This standard has been met.</i>

Table 2: Findings Regarding Subdivision Development & Design Standards

Subdivision Development and Design Standards (Ketchum Municipal Code §16.04.040)				
Yes	No	N/ A	City Code	City Standards and Commission Findings
<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.
			Commission Findings	<i>The applicant has submitted proposed plans for the Warm Springs Ranch Block 1 Subdivision’s improvements, including the roadways and utilities. The project plans, including the riparian plan on Sheet L2, preserve natural features and will restore this section of Warm Springs Creek. Following the City Council’s review and approval of the preliminary plat, the applicant shall prepare and submit final construction design plans for review and approval by the City Engineer.</i>
<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.
			Commission Findings	<i>The applicant shall submit final construction plans for all improvements for the subdivision’s streets, easements, sanitary sewage disposal system, water system, drainage, and utilities. These construction plans shall be stamped by an Idaho-licensed civil engineer. The final construction plans shall be reviewed and approved by the City Engineer.</i>
			16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p>required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</p>
				<p>Commission Findings</p> <p><i>Prior to final plat approval, the applicant shall construct all required improved as per the approved plans. These improvements shall be inspected by the City Engineer and the subdivision shall secure a Certificate of Completion prior to final plat approval. The City Council may accept a performance bond in cases where the required improvements can not be constructed due to weather conditions or other factors beyond the subdivider's control.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.D</p>	<p>As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.</p>
				<p>Commission Findings</p> <p><i>Prior to City Council's review and approval of the final plat, all improvements shall be inspected and approved by the City Engineer. Within 10 days after the subdivision's improvements have been installed and the as-built drawings have been submitted, the City Engineer shall inspect the project and certify the completion and acceptance of improvements.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.E</p>	<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.

				<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>
			Commission Findings	<i>The applicant shall meet the required monumentation standards prior to the City Engineer's certification of completion of the subdivision's required improvements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.F	<p>Lot Requirements:</p> <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: 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.

			<p>Commission Findings</p> <p><i>The Block 1 Subdivision Preliminary Plat will create 36 single-family residential lots and parcels A, B, C, D, and E. The proposed Development Agreement will rezone Block 1 from Tourist (T) to General Residential (GR-L) Low Density. Portions of Block 1 are also within the Floodplain Overlay and Avalanche Zone. Block 1 is 13.72 acres and the single-family residential lots range in size from a minimum area of 8,252 square feet to a maximum area of 22, 241 square feet. The 36 lots comply with the size, width, depth, shape, orientation, and minimum building setback lines required in the General Residential Low Density (GR-L) Zoning District. The 30-foot setback from Warm Springs Road as required by Ketchum Municipal Code §17.12.030 has been indicated on Lot 33 through 36.</i></p> <p><i>Building envelopes are shown on lots 1 through 13 as required for lots that contain floodplain and avalanche zone. Consistent with Ketchum Municipal Code §16.04.040.G4, building envelopes outside of a 75-foot radius from the intersection have been shown on corner lots. Warm Springs Ranch Block 1 Subdivision does not contained slopes of 25% or greater based on natural contours (Ketchum Municipal Code §16.04.040.F2).</i></p> <p><i>Every lot in the subdivision has a minimum of 20 feet of frontage on either Bald Mountain Road, which will be dedicated to the city as a public street, or on the subdivision’s private roads on Parcels A and D (Townhouse Lane, Mountain Creek Drive, and Lopey Lane). As indicated in plat note 3, private roads shall maintain a free and clear width of 26 feet for emergency vehicles. Parcels A and D include a 40-foot-wide access and public utility easement and a 10-foot-wide snow storage easement.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.G</p> <p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <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.
			<p>Commission Findings</p> <p><i>A two-phase Development Agreement, Phase 1 is a proposed 36-unit single family residential development in Block 1, which will be rezoned from Tourist (T) to the General Residential Low Density (GR-L) Zoning District Phase 2 may or may not occur. No development is proposed or being permitted in Blocks 2-8. The City and Owner are negotiating an Option to Purchase Blocks 2-8. In the event the City and Owner do not complete the sale of the property, the Owner will return to the Planning and Zoning Commission with a separate PUD and preliminary plat for any future development. In</i></p>

			<p><i>Blocks 2-8, the Owner is retaining the existing zoning of the blocks that consist of Tourist and Recreational Use zoning designations.</i></p> <p><i>5 blocks are proposed within the Warm Springs Ranch Block 1 Subdivision. The block pattern is designed to comply with the lot requirements specified in Ketchum Municipal Code §16.04.040.F. The block configuration is designed based on the development's sites existing topography and natural features, including Warm Springs Creek. Consistent with Ketchum Municipal Code §16.04.040.G4, building envelopes outside of a 75-foot radius from the intersection have been shown on corner lots.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.H</p> <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; 2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified; 3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features; 4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods; 5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing; 6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated; 7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;

			<ol style="list-style-type: none"> 8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line; 9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°); 10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets; 11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited; 12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets; 13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the County Assessor's office before submitting same to council for preliminary plat approval; 14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills; 15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets; 16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider; 17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement; 18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement; 19. Private streets may be allowed upon recommendation by the commission and approval by the Council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section and chapter 12.04 of this code; 20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and
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		<p>shall be consistent with the type and design of existing street signs elsewhere in the city;</p> <ol style="list-style-type: none"> 21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications; 22. Sidewalks, curbs and gutters shall be required consistent with adopted city standards and where designated and shall be required improvement installed by the subdivider; 23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights-of-way unless approved by the city council; and 24. 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.
	<p>Commission Findings</p>	<p><i>Noncompliant with streets standards for grade and intersection approach angles, existing Bald Mountain Road will be realigned to enhance access and safety. Bald Mountain Road will be a public street dedicated to the city. Parcels A and D will be private roads. Parcel A includes Townhouse Lane, Smelter Circle, and Mountain Creek Drive. Parcel D is Lopey Lane, which will access the unimproved parking lot. As specified in the proposed Development Agreement, the public will be permitted access on all private roads within Block 1 for walking or driving. No public parking will be permitted along the subdivision's private roads. As specified in the Development Agreement, the Owner will be responsible for year-round maintenance of all private roadways, including snow removal to maintain access, parking, and the emergency vehicle turnaround. The roadway plan is included on Sheet C-2 of the applicant's project plans. In addition to these roadways, the owner will install a new bus shelter on Parcel B along Warm Springs Road.</i></p> <p><i>Access to the single-family residences proposed on lots fronting Warm Springs Road (lots 33, 34, 35, and 36) shall be from Bald Mountain Road. The homes proposed on these lots shall be subject to Design Review pursuant to Chapter 17.96 of Ketchum Municipal Code.</i></p> <p><i>Ketchum Municipal Code §16.04.130 provides an opportunity for applicants to request waivers from certain subdivision standards. Waivers may be granted by the City Council on a case by case basis upon the recommendation of the Planning & Zoning Commission. The application for a waiver request must demonstrate that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this chapter would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health and safety, nor injurious to property owners in the immediate area.</i></p>

				<p><i>The applicant has requested waiver from certain street design and grading standards due to the site's topographical challenges. The applicant's waiver request and associated analysis is included as Attachment E to the Staff Report. Staff supports approving the applicant's waiver request because the project will improve the development's site circulation design, enhance safety, and expand pedestrian access.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	<p>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.</p>
			Commission Findings	<p><i>N/A. Warm Springs Ranch Block 1 Subdivision will be located within the City's General Residential Low Density (GR-L) Zoning District. Alleys are not required in residential areas.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J.	<p>J. Required Easements:</p> <ol style="list-style-type: none"> 1. 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. 2. 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. 3. 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. 4. 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. 5. 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

				<p>vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>6. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>7. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate 19on-vehicular transportation system throughout the city.</p>
			Commission Findings	<p><i>As specified in the proposed Development Agreement, the applicant will provide an easement for pedestrian access to open space. The pedestrian access easement will include a 6-foot wide shoulder consisting of road mix or a concrete sidewalk along Bald Mountain Road. The 6-foot wide pedestrian access to open space required to be installed adjacent to Bald Mountain Road as required pursuant to the Development Agreement is indicated on Sheet C-1 of the project plans.</i></p> <p><i>As required by Ketchum Municipal Code §16.04.040.J3, the Block 1 Subdivision includes a 10-foot wide fisherman/sportsman’s access and nature study easement along the Warm Springs Creek riverbank. This public fishing access will be provided on Block 2 and accessed from Lopey Lane (Parcel D) within the Block 1 Subdivision.</i></p> <p><i>The applicant has provided an access and public utility easement benefiting the adjacent Country Club Townhomes and Warm Springs Townhouse Condominiums within Parcel A (Townhouse Lane). Parcel E is a parking space and trash receptacle easement to benefit the Warm Springs Townhouse Condominiums.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.K	<p>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.</p>
			Commission Findings	<p><i>Portions of existing water and sewer lines within the development site will be abandoned and new domestic water and sewer lines will be installed to serve the</i></p>

				<p>proposed residential subdivision. The water and sewer plan is indicated on Sheets C3 and C4 of the project plans (Attachment C). The existing sewer lines proposed to be abandoned must be maintained throughout construction until all new sewer lines have been installed.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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>
			Commission Findings	<p>Portions of existing water and sewer lines within the development site will be abandoned and new domestic water and sewer lines will be installed to serve the proposed residential subdivision. The water and sewer plan is indicated on Sheets C3 and C4 of the project plans (Attachment C). An additional 3rd valve shall be installed on the T at the intersection of Townhouse Lane with Mountain Creek Drive. Taps must conform to manufacturer's specifications for C-900 pipes. All opposing service line taps, such as at lots 3 & 4 and lots 33 & 34, must be offset from each other. The subdivision application requires chlorination flushing and pressure testing plan. The subdivision application plans require review and approval from the Idaho Department of Environmental Quality (DEQ).</p> <p>Fire hydrant valves shall be installed at the public water main. All fire hydrants shall be Mountain Style hydrants. A frost-free hydrant and drain rock shall be installed as a circulation point off the fire line extension at Smelter Circle.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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>
			Commission Findings	<p>N/A. Warm Springs Ranch Block 1 Subdivision is within a residential area. The residential subdivision does not adjoin incompatible uses of features, such as highways, railroads, commercial, or light industrial districts.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.1	<p>N. Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p>

		<ol style="list-style-type: none"> 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Council as part of the preliminary plat application. 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: <ol style="list-style-type: none"> a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns. d. Areas where trees and/or natural vegetation will be preserved. e. Location of all street and utility improvements including driveways to building envelopes. f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements. 3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways. 4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision. 5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion. 6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply: <ol style="list-style-type: none"> a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability. b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability. d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope. e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet
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				(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.
			Commission Findings	<p><i>The applicant has submitted a preliminary soils report prepared by an Idaho-licensed engineer as required by Ketchum Municipal Code §16.04.040.N1. Due to the subdivision's proximity to Warm Springs Creek, prior to any work taking place, an erosion protection plan must be submitted with the construction drawings for the required improvements for review and approval by the City Engineer (Ketchum Municipal Code §12.04.030.K).</i></p> <p><i>Retaining walls are indicated on the grading and drainage plan (Sheet C-2). The supplemental materials include examples of retaining walls designs and materials, including gabion, concrete, stone veneer, faux rock, and ultrabock. The final construction drawings shall specify the design, materials, and dimensions for all retaining walls within the development. The roadway plan should include specifications, including a cross section, of the proposed retaining walls. A safety barrier, such as a guardrail or landscaped buffer, may be required for retaining walls sited adjacent to a walking or driving surface.</i></p> <p><i>Ketchum Municipal Code §16.04.130 provides an opportunity for applicants to request waivers from certain subdivision standards. Waivers may be granted by the City Council on a case by case basis upon the recommendation of the Planning & Zoning Commission. The application for a waiver request must demonstrate that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this chapter would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health and safety, nor injurious to property owners in the immediate area.</i></p> <p><i>The applicant has requested waiver from certain street design and grading standards due to the site's topographical challenges. The applicant's waiver request and associated analysis is included as Attachment E to the Staff Report. Staff supports approving the applicant's waiver request because the project will improve the development's site circulation design, enhance safety, and expand pedestrian access.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.
			Commission Findings	<i>Drainage within the residential subdivision will be managed through a system of swales, catch basins, and drywells. The grading and drainage plan is indicated on Sheet C-2 of the project plans.</i>
<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.
			Commission Findings	<i>The applicant must coordinate with Idaho Power and Intermountain Gas to determine the location for all underground lines and connections. All utilities including, but not limited to, electricity, natural gas, telephone and cables services shall be installed underground. 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. (Ketchum Municipal Code §16.04.040.P).</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			Commission Findings	<i>The new bus shelter is indicated on Parcel B (Sheet C-3). Mountain Rides has reviewed and approved the preliminary plans for the proposed bus stop location.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			Commission Findings	<i>The Block 1 Subdivision Preliminary Plat will create 36 single-family residential lots and parcels A, B, C, D, and E. The proposed Development Agreement will rezone Block 1 from Tourist (T) to General Residential (GR-L) Low Density. Portions of Block 1 are also within the Floodplain Overlay and Avalanche Zone.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			Commission Findings	<i>The project plans, including the riparian plan on Sheet L2, preserve natural features and will restore this section of Warm Springs Creek. Following the City Council's review and approval of the preliminary plat, the applicant shall prepare and submit final construction design plans for review and approval by the City Engineer.</i>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67, of the Idaho Code the City has passed a subdivision ordinance, Title 16.
3. The Planning and Zoning Commission has authority to review and recommend approval of the applicant's Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
4. The project **does** meet the standards of approval under Chapter 16.04 of Subdivision Code Title 16.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **recommends approval** of the Warm Springs Ranch Development and Rezoning Agreement, Large Block Preliminary Plat, and Block 1 Subdivision Preliminary Plat application this Tuesday, February 23rd, 2021 subject to the following conditions:

CONDITIONS OF APPROVAL

Development and Rezoning Agreement Conditions of Approval

1. The Development and Rezoning Agreement shall become effective upon the Owner and City signing the Purchase and Sale Option Agreement for Blocks 2-8.
2. Construction activity plans must limit impacts to the adjacent neighborhood. All contractor parking and materials shall be contained on site. Vacant lots within the Block 1 subdivision should be used for construction staging and material storage.
3. Warm Springs Ranch residents shall be permitted to park along the subdivision's private roads. Public parking is prohibited along the subdivision's private roads.
4. The 6-foot-wide pedestrian pathway shall be paved and improved to City standards for sidewalks. The pathway should include a delineation, like a rolled curb, from Bald Mountain Road.
5. Should the City purchase Block 2-8, (a) Lopey Lane shall be dedicated as a public road and (b) The Owner's rights to restrict access shall be nullified.

Large Block Plat Conditions of Approval

1. Prior to the approval of the final plat map, all references to the 2009 development, including private roads and building envelopes on block 2-8, must be removed. The road configuration as approved with the Block 1 Subdivision Preliminary shall be shown on the Large Block Plat.

Warm Springs Ranch

Page **24** of **25**

Development Agreement, Large Block Plat, & Block 1 Subdivision Preliminary Plat

Findings of Fact, Conclusions of Law, and Decision Adopted March 9, 2021

City of Ketchum Planning & Building Department

Block 1 Subdivision Preliminary Plat Conditions of Approval

1. Should the City purchase Block 2-8, Lopey Lane shall be dedicated as a public road.
2. Warm Springs Ranch residents shall be permitted to park along the subdivision's private roads. Public parking is prohibited along the subdivision's private roads.
3. The 6-foot-wide pedestrian pathway shall be paved and improved to City standards for sidewalks. The pathway should include a delineation, like a rolled curb, from Bald Mountain Road.
4. Shared lane markings and sharrows shall be added to Bald Mountain Road to accommodate bicyclists.
5. The applicant shall add a right-hand turn lane on Bald Mountain Road at its intersection with Warm Springs Road to enhance traffic flow. The right-hand turn lane shall be indicated on the roadway plan for review and approval by the City Engineer and the Streets Department.
6. The applicant shall add a plat note to the Block 1 Subdivision stating that: (a) development on the 36 lots shall not be eligible for any waivers or variances and (b) all new residential construction shall comply with all zoning and development standards specified in Title 17 of Ketchum Municipal Code.

Findings of Fact **adopted** this 9th day of March 2021.

Neil Morrow
Chair
City of Ketchum Planning and Zoning Commission



**City of Ketchum
Planning & Building**

**STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF MARCH 9th, 2021**

- PROJECT:** Adi’s Townhomes No. 2 Subdivision Preliminary Plat
- FILE NUMBER:** P20-121
- OWNER:** Adi S Erber
- REPRESENTATIVE:** Bruce Smith, Alpine Enterprises
- REQUEST:** Townhouse Subdivision Preliminary Plat to convert an existing duplex into two townhome units
- ASSOCIATED PERMITS:** Building Permit 91-028, Design Review 91-04-01
- LOCATION:** 124 Short Swing Lane (Warm Springs Subdivision No. 3: Block 1: Lot 7)
- ZONING:** General Residential – Low Density (GR-L)
- OVERLAY:** None
- NOTICE:** The public hearing notice was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on February 17th, 2021. Notice was published in the February 17th, 2021 edition of the Idaho Mountain Express. Notice was posted on the project site and the City’s website on March 2nd, 2021.
- REVIEWER:** Abby Rivin, Associate Planner

BACKGROUND

The applicant is requesting Preliminary Plat approval for a Townhouse Subdivision to convert an existing duplex located at 124 Short Swing Lane within the City’s General Residential Low Density (GR-L) Zoning District into two townhomes. The subject property, Lot 7 of Warm Springs Subdivision No. 3) will be subdivided to create two townhouse sublots. No changes are proposed to the existing duplex building or the site.

Many older duplexes in Ketchum were built as apartments or condominiums. Adopted in 1979, the City’s first subdivision ordinance only provided for condominium subdivisions. It wasn’t until 1987 with the City’s adoption of Ordinance 460 that townhouses were introduced into Ketchum Municipal Code.

The duplex units were built to the building code in effect at that time, generally with a common one-hour fire-resistance rated wall between the units. The City has allowed conversion of these units from apartments or condominiums to townhomes. With the townhouse form of ownership, each property owner owns the structure and, at a minimum, the ground beneath it and sometimes more land (commonly known as a subplot). Townhomes provide more flexibility for future improvements as property owners own both the structure and the land.

The conversion of condominiums to townhomes would make Federal Housing Administration loans available to potential buyers. These loans are normally unavailable for condominiums. The availability of these loans may help make these dwelling units more affordable for potential buyers. However, the conversion of apartments to for-sale units may also decrease the supply of affordable rental housing units.

The existing duplex was built in 1991 (Building Permit 91-028). While the building was constructed as a duplex with two apartments, the development was never subdivided into individual units. As the existing duplex was built 30 years ago, the building does not meet current building code or separation requirements for townhouses specified in R302.2 of the International Residential Code or Ketchum Municipal Code §15.04.020. A plat note, describing the non-conforming status of the existing, older duplex housing stock, when converted to a townhouse type of ownership will be required as Condition of Approval #9.

STAFF RECOMMENDATION

After holding a public hearing and considering public comment, staff recommends the Planning & Zoning Commission recommend approval of the Townhouse Subdivision Preliminary Plat application to City Council subject to Conditions of Approval #1-10 and authorize the Chair to the sign the Findings of Fact and Conclusions of Law attached to the Staff Report as Exhibit B.

ANALYSIS

Table 1: City Department Comments

City Department Comments			
Compliant			City Standards and <i>City Department Comments</i>
Yes	No	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fire: <i>The Fire Code Official has reviewed the plans and does not have any comments or concerns regarding the conversion. Prior to the City Clerk’s signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Engineer and Streets Department: <i>The conversion of the existing duplex into two townhome units does not qualify as a substantial improvement or impact the right-of-way.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Utilities: <i>The existing duplex line is served by one line and connection to the municipal water system and one line and connection to the municipal sewer system. Pursuant to Ketchum Municipal Code §13.08.050E and §13.04.080.F, a separate and independent city water service line and connection shall be provided for each townhome unit. The applicant shall add a plat note to alert property owners that the two townhome units within the duplex are served by only one line and connection to the municipal water system and one line and connection the city sewer system.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building:

			<i>Prior to the City Clerk's signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code. In the case of any alterations to the subject structures, all applicable current building and zoning code requirements shall apply.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning and Zoning: <i>Comments are denoted throughout the Tables 2 & 3.</i>

Table 2: Townhouse Plat Requirements

Townhouse Plat Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	
			City Standards and <i>Staff Comments</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.B	<p>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.</p> <p><i>Staff Comments</i> <i>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.</i></p>
<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> <p><i>Staff Comments</i> <i>The townhouse subdivision shall be platted under the procedures contained in the subdivision ordinance.</i></p> <p><i>The duplex is an existing building and the project does not require design review approval or a building permit.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.2	<p>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.</p> <p><i>Staff Comments</i> <i>N/A. The duplex is an existing building. No exterior modifications are proposed to the existing duplex or the project site. Design Review is not required for this project.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.3	<p>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.</p> <p><i>Staff Comments</i> <i>N/A. The duplex is an existing building. No exterior modifications are proposed to the existing duplex or the project site. A building permit is not required for this project</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.4	<p>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</p>

				a phased development project shall follow §16.04.030.G and comply with the additional provisions of §16.04.110 of this code.
			<i>Staff Comments</i>	<i>N/A as the duplex is an existing building.</i>
<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>
			<i>Staff Comments</i>	<i>The applicant shall follow the final plat procedure as specified in the City's subdivision ordinance.</i>
<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>
			<i>Staff Comments</i>	<i>The building coverage of the existing duplex development is 32% (2,606 sq ft building coverage/8,207 sq ft lot area), which is 3% less than the maximum permitted in the GR-L Zone.</i>
<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>
			<i>Staff Comments</i>	<i>The existing duplex doesn't include an enclosed garage.</i>
<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>
			<i>Staff Comments</i>	<i>This townhouse subdivision will comply with all applicable local, state, and federal ordinances, rules, and regulations.</i>

Table 3: Preliminary Plat Requirements (all subdivisions)

Preliminary Plat Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and <i>Staff Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
			<i>Findings</i>	<i>The application has been reviewed and determined to be complete.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.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	<i>All required materials for the Preliminary Plat application have been submitted.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I.1	The scale, north point and date.
			Findings	<i>This standard has been met. The preliminary plat contains a scale, north point, and date.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.2	The name of the proposed subdivision.
			Findings	<i>This standard has been met.</i>
<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	<i>This information has been provided on the application form and indicated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.4	Legal description of the area platted.
			Findings	<i>This standard has been met.</i>
<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	<i>This standard has been met. Neighboring Otter Townhomes, Sunshine Subdivision Lots 8 and 9, North Pass Townhomes, and Warm Springs Subdivision No. 3 Lots 14 and 15 are indicated on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>This standard is not applicable to the subdivision of an existing lot into two townhouse sublots.</i>
<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	<i>Short Swing Lane is indicated on the plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.8	Boundary description and the area of the tract.
			Findings	<i>This boundary description and the area of the tract is noted on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.9	Existing zoning of the tract.
			Findings	<i>The property is within the GR-L Zoning District. Plat note #4 references the zoning district.</i>
<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	<i>This standard has been met. No new streets are proposed. The subplot lines and dimensions are indicated on the preliminary plat.</i>
<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	<i>No land for common or public use is required or proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.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	<i>The plat indicates the locations of all utilities that serve the townhome development. No street infrastructure improvements are proposed with this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.J.13	The direction of drainage, flow and approximate grade of all streets.
			Findings	<i>N/a as no new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A. No drainage improvements are proposed with this subdivision.</i>
<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	<i>This application subdivides a platted lot into two townhouse sublots. The original subdivision's plat serves as the vicinity map.</i>
<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	<i>N/A. The property is not currently mapped to be in the floodplain/floodway. The property is not within the avalanche overlay.</i>
<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	<i>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.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.18	Lot area of each lot.
			Findings	<i>The existing and proposed size of each sublot is indicated.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.19	Existing mature trees and established shrub masses.
			Findings	<i>The preliminary plat indicates existing mature trees and shrub masses.</i>
<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	<i>The Adi's Townhomes No. 2 subdivision name is unique and is not the same as another townhouse subdivision in Blaine County.</i>
<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	<i>N/A. The duplex is connected to municipal services.</i>
<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	<i>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.</i>
<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	<i>This standard has been met. The applicant has submitted a Lot Book Guarantee and the Last Deed of Record.</i>
<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	<i>This standard has been met. The digital copy of the preliminary plat is attached as Exhibit A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. 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	<i>The mature trees indicated on the preliminary plat shall be preserved.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.B	Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			Findings	<i>N/A as no new improvements are proposed with this townhouse subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.
			Findings	<i>N/A as no improvements are proposed with this townhouse subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.D	As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.

			Findings	<i>N/A as the duplex building is existing and no improvements are proposed with this townhouse subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.E	<p>Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat. 3. All street corner lines ending at boundary line of final plat. 4. All angle points and points of curves on all streets. 5. The point of beginning of the subdivision plat description.
			Findings	<i>The applicant shall meet the required monumentation standards prior to recordation of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.F	<p>Lot Requirements:</p> <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: 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..

			Findings	<p><i>Standards 4, 5, and 6 have been met.</i></p> <p><i>Standards 2 and 3 are not applicable.</i></p> <p><i>Standard 1 has been met. The lot size, width, and depth comply with the dimensional standards for lots required in the GR-L Zone. The existing duplex complies with setbacks from front, rear, and side property lines required in the GR-L Zone.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	<p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. 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	<i>N/A. No new blocks are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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;
			Findings	<i>N/A, the subject properties are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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;
			Findings	<i>This proposal does not create a new street. These standards are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.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;
			Findings	<i>N/A. No street frontage improvements like planting strips are required.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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;
			Findings	<i>N/A. This proposal does not create a new street. These standards are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.5	<ol style="list-style-type: none"> 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	<i>N/A. This proposal does not create a new street. These standards are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H.6	<ol style="list-style-type: none"> 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	<i>N/A. This proposal does not create a new street. These standards are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.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	<i>N/A. This proposal does not create a new street. These standards are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. This proposal does not require construction of a new bridge or impact any existing bridges.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A. The subject properties abut an existing developed street within a residential area. No sidewalks are required for the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A. No private road or gates are proposed.</i>
<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	<i>N/A. The townhouse sublots are not located within the Avalanche Zone and no new public or private streets or flag lots are proposed.</i>
<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	<i>N/A. The townhouse sublots are located in the GR-L Zone and do not abut an alley.</i>
<input checked="" type="checkbox"/>	<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.
			Findings	<i>N/A these easements are not required as the project create or new street and the property is not adjacent to Warm Springs Road.</i>
<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	<i>N/A. The townhouse sublots do not border a waterway.</i>
<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	<i>N/A. The townhouse sublots do not border a waterway.</i>
<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	<i>N/A. The townhouse sublots do not border a waterway.</i>
<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	<i>N/A. No changes to ditches, pipes, or other irrigation structures are proposed.</i>
<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	<i>N/A. The townhouse sublots are within the existing, platted Warm Springs Subdivision No. 3.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure. The subdivision has adequate plantings where necessary.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A no cuts, fills, or grading improvements are proposed.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.N.2	<p>2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:</p> <ul style="list-style-type: none"> a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns. d. Areas where trees and/or natural vegetation will be preserved. e. Location of all street and utility improvements including driveways to building envelopes. f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.
			Findings	<i>N/A no changes to the project site are proposed with the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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>
			Findings	<i>N/A no changes to the project site are proposed with the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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>
			Findings	<i>N/A. The duplex is an existing development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>
			Findings	<i>N/A as no new development is proposed with the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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). 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	<i>N/A no significant cuts, fills, or excavation are proposed as the development is existing.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.0	<p>O. Drainage Improvements: The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage</p>

				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	<i>No natural drainage courses are proposed to be disturbed.</i>
<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	<i>All utilities, including electricity, natural gas, telephone, and cable services, shall be installed underground.</i>
<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	<i>N/A. The townhouse subdivision does not trigger off-site improvements.</i>
<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	<i>N/A. The townhouse sublots are not located in the Avalanche or Mountain overlay zoning districts.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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	<i>The existing mature trees indicated on the preliminary plat shall be preserved.</i>

STAFF RECOMMENDATION

After holding a public hearing and considering public comment, staff recommends the Planning & Zoning Commission recommend approval of the Townhouse Subdivision Preliminary Plat application to City Council subject to Conditions of Approval #1-9 and authorize the Chair to the sign the Findings of Fact and Conclusions of Law attached to the Staff Report as Exhibit B.

RECOMMENDED MOTION

"I move to recommend approval of the Adi's Townhomes No. 2 Preliminary Plat to the City Council subject to Conditions of Approval #1-10 and authorize the Commission Chair to sign the Findings of Fact, Conclusions of Law, and Decision."

RECOMMENDED 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.

Adi's Townhomes No. 2 Subdivision Preliminary Plat Staff Report
 Planning and Zoning Commission Meeting of March 9, 2021

2. The project shall comply with all conditions and comments as specified in Table 2.
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. Failure to record a Final Plat within two (2) years of Council's approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.
8. Prior to the City Clerk's signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code.
9. The following plat note shall be added to the Preliminary Plat prior to forwarding the application to City Council for review:
The two townhome units within the duplex are served by only one line and connection to the municipal water system and one line and connection the city sewer system.
10. The following plat note shall be added to the Preliminary Plat prior to forwarding the application to City Council for review:
Although this unit was originally approved/constructed as a duplex in 1991, this duplex was converted to a non-conforming "Townhouse" pursuant to Ketchum Municipal Code § 16.04.070 TOWNHOUSES, insofar as the "Townhouse" is not in compliance with section R302.2 of the current International Residential Code, in effect at the date of this plat, and the City's local amendments to the building code specified in Ketchum Municipal Code §15.04.020, which requires a 2-hour fire-resistant wall assembly separation.

EXHIBITS

- A. Townhouse Subdivision Preliminary Plat Application
- B. Draft Findings of Fact, Conclusions of Law, and Decision

Exhibit A:
Townhouse Subdivision
Preliminary Plat
Application



City of Ketchum
Planning & Building

CERTIFIED COMPLETE
12-18-20

Prelim Plat

OFFICIAL USE ONLY	
Application Number:	220-121
Date Received:	12-14-20
By:	mf
Fee Paid:	26000
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: ADI'S TOWNHOMES No. 2			
Owner of Record: ADI S. ERBER			
Address of Owner: BOX 879, SUN VALLEY, ID 83353			
Representative of Owner: BRUCE SMITH, PLS, ALPINE ENTERPRISES INC			
Legal Description: WARM SPAS SUB. No. 3, BLK 1, LOT 7			
Street Address: 124 SHORT SWING LN.			
SUBDIVISION INFORMATION			
Number of Lots/Parcels: 2 TOWNHOUSE SUBLOTS			
Total Land Area: 18285 SQFT. = ± 0.19 ACRES			
Current Zoning District: GR-L			
Proposed Zoning District: NO CHANGE			
Overlay District: NONE			
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: MUTUAL RECIPROCAL UTILITY EASEMENTS			
Briefly describe the improvements to be installed prior to final plat approval: WHATEVER THE BUILDING DEPT. / INSPECTOR REQUESTS			
ADDITIONAL INFORMATION			
All lighting must be in compliance with the City of Ketchum's Dark Sky Ordinance			
One (1) copy of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations			
One (1) copy of current title report and owner's recorded deed to the subject property			
One (1) copy of the preliminary plat			
All files should be submitted in an electronic format.			

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

Applicant Signature: BRUCE SMITH, PLS; ALPINE ENTERPRISES INC. REPRESENTATIVE Date: 20 OCT 20



LEGEND

- Existing Property Boundary
- Proposed Sublot Lines
- Adjacent's Lot Line
- Centerline Road
- Building/Structure Line
- Deck Line
- EOA = Edge of Asphalt
- FNC = Existing Fence
- Sewer Main
- Sewer Service
- Water Main
- Water Service
- Buried Power Service
- Buried Gas Main
- Buried Gas Service
- Buried CATV Service
- Buried CATV Service
- 0.5' Contours per Alpine
- 1' Contours per Alpine
- Blaine County GIS Control and Ties
- NTNL = Survey Control
- Found 1/2" Rebar as Shown
- Set 1/2" Rebar by PLS 7048
- PMTR = Power Meter
- GAS MTR = Gas Meter
- SMH = Sewer Manhole
- SOO = Sewer Cleanout
- DT = Deciduous Tree
- CT = Coniferous Tree
- Water Valve
- DWELL = Dry Well
- LIGHT = Existing Light Fixture
- HSE House
- COR Corner
- THRESH Threshold
- CTR Center
- DW Driveway

NOTES

() Record Bearing and Distance per Inst. No. 203735

- 1) Basis of Bearings is Idaho State Plane Coordinate System, NAD83, Central Zone, at Grid in US Survey Feet. Combined Scale Factor is 0.999682; Vertical Datum is NAVD1988.
- 2) Boundary Information is from the Plat of North Pass Condominiums No. 8, Inst. No. 203735; Warm Springs Subdivision No. 3, Inst. No. 169338; Sunshine Subdivision, Inst. No. 175493; Blaine County Records.
- 3) Utility Locations shown are based on a Digline locate and City, Maps, Utility locations should be verified by Digline Before Any Excavation in Particular Areas.
- 4) Current Zoning appears to be General Residential Low Density, GR-L.
- 5) Not all trees and vegetation are shown, some locations are approximate.
- 6) Applicant/Owner is Adi Erber, P.O. Box 879, Sun Valley, ID 83353; Surveyor/Representative is Bruce Smith, PLS, Alpine Enterprises Inc., P.O. Box 2037, Ketchum, ID 83340.

SURVEYOR NARRATIVE:
The Purpose of this Survey is to create Townhouse Sublots out of the existing duplex on Block 1, Lot 7, Warm Springs Subdivision No. 3.



A Vicinity Map Showing The Proposed Adi's Townhomes No. 2

ALPINE ENTERPRISES INC.

PO Box 2037
660 Bell Drive, Unit 1
Ketchum, Idaho
208-727-1988

57

1 in = 100 ft

NOVEMBER 2020



TOWNHOME DECLARATION

FOR

ADI'S TOWNHOMES NO. 2

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**TOWNHOME DECLARATION
FOR
ADI'S TOWNHOMES**

This Declaration is made as of the date hereinafter set forth by the signature of the undersigned Declarant.

RECITALS

A. Declarant is the owner of certain property located on Short Swing Lane in the City of Ketchum, County of Blaine, State of Idaho, which is more particularly described as Lot 7, Block 1, WARM SPRINGS SUBDIVISION NO. 3, according to the official plat thereof recorded as Instrument No. 169338, records of Blaine County, Idaho (the "Property").

B. A duplex existed on the Property joined by a common party wall which the Declarant has converted into two townhome residential dwellings so that each townhome is located on a separate parcel of land to be known as Sublot 1 and Sublot 2.

C. Declarant hereby declares that all of the Property shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties having any rights, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I: INTERPRETATION

1.1 Declarant is Original Owner. Declarant is the owner of the Property and all improvements located thereon and will continue to be deemed the owner thereof except as conveyances or documents changing such ownership regarding specifically described lots within the Property are filed of record.

1.2 Captions and Schedules. Captions given to the various Articles and Sections herein are for convenience only and are not intended to modify or affect the meaning of any of the substantive provisions hereof. Any schedules or exhibits referred to herein and attached hereto shall be deemed incorporated herein by reference as though fully set forth where such reference is made.

1.3 Definitions.

1.3.1 "Declarant" shall mean Adi S. Erber, a single man, or his successors and assigns.

1.3.2 "Declaration" shall mean this Townhome Declaration for Adi's

Townhomes No. 2 and any amendments thereof.

1.3.3 "Sub Lot" shall mean and refer to either one of the separate legally described parcels constituting a portion of the Property and described as Sublot 1 and Sublot 2, and depicted on the plat of Adi's Townhomes No. 2 recorded in the records of Blaine County, Idaho.

1.3.4 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of fee simple title to any Sub Lot and Townhome including contract purchasers, but excluding those having such interests merely as security for the performance of an obligation.

1.3.5 "Party Wall" shall mean the wall, which is built as part of the original construction of a Townhome and placed on or adjacent to the dividing line between the Sub Lots.

1.3.6. "Persons" shall include natural persons, partnerships, corporations, associations and personal representatives.

1.3.7 "Property" shall mean and refer to both of the Sub Lots and other real property described in paragraph A above.

1.3.8 "Townhome" shall mean the single-family residential unit located on a Sub Lot and separated from the adjoining Sub Lot and Townhome single-family residential unit by a Party Wall.

1.4 Owner Consent or Approval. Whenever any of the provisions of this Declaration required the consent or approval of or a decision by the Owners, then, unless otherwise expressly provided herein, the consent, approval or affirmative decision of both of the Owners shall be deemed required.

ARTICLE II: PROPERTY RIGHTS AND GENERAL RESTRICTIONS

2.1 Sub Lots. Subject to the provisions of this Declaration, each Owner shall have the right own, use and enjoy the Sub Lot owned by said Owner.

2.1 Easements.

2.1.1 Right to Use. Subject to the provisions of this Declaration each Owner shall have the right to use, enjoy and receive the benefit of any easements created hereunder.

2.1.2 Utility Easement. There is hereby created a mutual easement upon, across, over, through and under the Property for ingress, egress, installation, replacement, repair and maintenance of all utilities and service lines and systems including, but not limited to, water, sewers, gas, telephones, electricity, television, cable, internet or

communication lines and systems for those utilities initially installed or to be installed by the Declarant or the Owners pursuant to the terms hereof.

2.1.3 Easement for Owner Duties. There is hereby reserved to Declarant and each Owner, or their duly authorized agents and representatives, such easements as are necessary to perform the duties and obligations of the Declarant and Owners as set forth herein.

2.1.4 Easement for Encroachments. Each Sub Lot is hereby declared to have an easement over the adjoining Sub Lot for the purpose of accommodating any encroachment due to engineering errors, errors in original construction, settlement or shifting of my building located on either Sub Lot, or any other similar cause, and any encroachment due to building overhang or projection. There shall be valid easements for the maintenance of said encroachment so long as they shall exist, and the rights and obligations of the Owner shall not be altered in any way by said encroachment, settling or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of an Owner or Owners if said encroachment occurred due to the willful act or acts with full knowledge of said Owner or Owners. In the event any building or improvement on a Sub Lot is partially or totally destroyed, and then repaired or rebuilt, the Owners agree that minor encroachments over the adjoining Sub Lot shall be permitted, and that there shall be valid easements for the maintenance of said encroachments so long as they shall exist. The foregoing encroachment shall not be construed to be encumbrances affecting the marketability of title to either Sub Lot.

2.1.5 Easement Over Sub Lots. There is hereby reserved to each Owner an easement over each Sub Lot to the extent reasonably necessary to permit said Owner to repair, maintain and improve the improvements on said Owner's Sub Lot; and to permit said Owner to move personal property in and out of the improvements on said Owner's Sub Lot. Provided, each owner shall utilize only such portion of the other Sub Lot, and only for such duration as is reasonably necessary to accomplish a permitted purpose and in a manner that will not unnecessarily disturb the peaceful enjoyment of such other Sub Lot by the Owner thereof; and at said Owner's sole expense, repair any damage caused to such other Sub Lot and improvements to as near the original condition as reasonably practicable.

2.2 Party Walls.

2.2.1 General Rules of Law to Apply. To the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply to the Party Walls.

2.2.2 Cost of Repair. The cost of reasonable repair and maintenance of a Party Wall shall be shared equally by the Owners who make use of that wall.

2.2.3 Destruction by Fire or Other Casualty. If a Party Wall is destroyed or

damaged by fire or other casualty, any Owner who has the use of the wall may restore it, and the other Owner who makes use of the wall shall contribute one-half of the cost of restoration thereof without prejudice, however, to the right of any such Owner to call for a larger contribution from the other Owner under any rule of law regarding liability for negligent or willful acts or omissions.

2.2.4 Weatherproofing. Notwithstanding any other provision of this Article, an Owner who by his negligent or willful acts causes the Party Wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

2.2.5 Right to Contribution Runs with Land. The right of any Owner to contribution from any other Owner under this Section 2.2 shall be appurtenant to the land and shall pass to such Owner's successors in title.

2.2.6 Liens. The Owner incurring the costs and who have a right to contribution pursuant to this Section 2.2 shall have a lien upon the Townhome and Sub Lot of the non-contributing Owner and may prepare a written notice of lien setting forth the amount of such costs, and identifying the Townhome and Sub Lot upon which the costs in question were incurred and the name(s) of the Owner thereof. The lien for such costs shall attach upon recordation of the notice of lien. Such lien shall be prior to any declaration of homestead recorded after the recording of this Declaration. The lien shall continue until fully paid or otherwise satisfied. When the lien has been fully paid or satisfied, a further notice releasing the lien shall be recorded. The lien may be foreclosed in the same manner as provided in the laws of the State of Idaho for the foreclosure of lien on real property, or as otherwise provided by law. In any such foreclosure, the Owner(s) of the Sub Lot and Townhome being foreclosed upon shall be required to pay the costs, expenses and reasonable attorney's fees in connection with the preparation and recordation of the notice of lien and in connection with the foreclosure. The costs expended for which the lien is filed shall also be the personal and individual debt of the defaulting Owner(s) and suit to recover a money judgment (together with all costs, expenses and reasonable attorney's fees) therefor may be maintained without foreclosing or waiving the lien.

ARTICLE III: ALTERATIONS, NUISANCES, ETC.

3.1 Alterations. No improvements, alterations, repairs, change of paint colors, excavations, changes in grade or other work which in any way alters the exterior of any Sub Lot or the improvements located thereon from its natural or improved state as of completion of the construction of the original improvements shall be made or done without the prior written approval of the Owner of the adjoining Townhome and Sub Lot. No building, fence, wall, residence, or other structure shall be constructed or erected, altered, made or done without the prior written approval of the Owner of the adjoining Townhome and Sub Lot. In the event any Owner fails to approve, modify or disapprove in writing an application submitted within thirty (30) days after plans and specifications

in writing have been submitted to such Owner, approval will be deemed denied.

3.2 Nuisances. No nuisance shall be permitted to exist or operate upon any Sub Lot or improvement thereon so as to be detrimental to the other Sub Lot on the Property or to its occupants.

3.3 Maintenance of Property. Each Owner shall keep any Sub Lots owned by him, and all improvements therein or thereon in good order and repair and Free of debris, including, but not limited to, the seeding, watering, and mowing of all lawns, the pruning and cutting of all trees and shrubbery, and the painting (or other appropriate external care of all buildings and other improvements, all in a manner and with such frequency as is consistent with good property management. Unless otherwise agreed to by the Owner of adjoining Sub Lot and Townhome, each Owner shall repaint the improvements located on their Sub Lot at least every five (5) years.

3.4 Zoning Regulations. Zoning regulations, building regulations, environmental regulations and other similar governmental regulations applicable to the Property shall be observed. In the event of any conflict between any provision of such governmental regulations and the restrictions of this Declaration, the more restrictive provisions shall apply.

ARTICLE IV: INSURANCE

4.1 Insurance by Owner. The Owner(s) of each Sub Lot shall obtain fire insurance, with extended coverage (including vandalism, malicious mischief, debris removal, cost of demolition, windstorm and water damage) endorsement in an amount as near as practicable to the full insurable replacement value (without deduction for depreciation), together with comprehensive liability insurance. All such policies shall name the Owner(s) of the adjoining Sub Lot and Townhome as co-insured and shall not be cancelled without thirty (30) days notice to the other Owner(s) and replacement with a policy with the coverage set forth herein.

4.2 Reconstruction. In the event of damage or destruction by fire or other casualty to any Sub Lot or improvement thereof, the Owner(s) thereof shall, upon receipt of the insurance proceeds, repair or rebuild such damage or destroyed portions of the Sub Lot and/or Townhome improvements in a good workmanlike manner substantially the same as the original plans and specifications of said property and as provided in 3.1 herein.

ARTICLE V: GENERAL PROVISIONS

5.1 Duration. The covenants and restrictions of this Declaration shall run with the land and bind the land for a term commencing on the date hereof and ending on December 31, 2060, unless amended as herein provided. After December 31, 2060, this Declaration shall be automatically extended for successive periods of ten (10) years each,

unless amended or extinguished by a written instrument executed by all of the Owners, and such written instrument is recorded with the Blaine County Recorder.

5.2 Amendment. Subject to the other provisions of this Declaration, this Declaration may be amended by the Declarant prior to the sale of the first Lot or Townhome. Thereafter, any amendments shall require the affirmative vote or written consent of all of the Owners. Any amendment that requires the vote or consent of the Owners shall be effective when an instrument containing the notarized signatures of such Owners is recorded with the Blaine County Recorder.

5.3 Enforcement. Each Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens or charges now or hereafter imposed by the provisions of this Declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. The prevailing party in any such proceeding shall be entitled to recover costs of suit, including reasonable attorney fees.

5.4 Severability. The invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

5.5 Notices for All Purposes. Any notice permitted or required to be delivered under the provisions of this Declaration may be delivered either personally or by mail. If delivery is made by mail, any such notice shall be deemed to have been delivered twenty-four (24) hours after a copy has been deposited in the United States mail, postage prepaid, for first-class mail, addressed to the person entitled to such notice at the most recent address given by such person in writing, for the purpose of service of such notice. All notices to Declarant shall be delivered to Declarant at the following address:

Adi S. Erber
P.O. Box 879
Sun Valley, ID 83353

Such mailing address may be changed from time to time by a notice in writing to the Owners at their address of record with the offices of the Blaine County Recorder.

DATED THIS ___ day of November, 2020.

Adi S. Erber

WARRANTY DEED

For Value Received

ANDREAS SCHERNTHANER and ALICE E. SCHERNTHANER, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

JACK C. CORROCK and LILA S. CORROCK, husband and wife, whose address is Ketchum, Idaho,

the grantee, the following described premises, in Blaine County Idaho, to-wit:

A parcel of land within the Sections 11 and 12, Township 4 North of Range 17 East of the Boise Meridian, Blaine County, State of Idaho:

Commencing at the East quarter corner of said Section 11; thence N. 88° 53' W. 390.20 feet; thence South 382.36 feet; thence S. 77° 45' E. 329.02 feet to the TRUE POINT OF BEGINNING; thence S. 77° 45' E. 343.00 feet; thence S. 9° 58' W. 127.00 feet; thence N. 17° 45' W. 343.00 feet; thence N. 9° 58' E. 127.00 feet to the TRUE POINT OF BEGINNING; said parcel contains 1.00 Acre, more or less. EXCEPTING & RESERVING to the Grantors their successors and assigns forever an easement for a road right of way described as follows: Commencing at the True Point of Beginning of the above described one Acre parcel; thence S. 77° 45' E. 30.00 feet, more or less, thence S. 9° 58' W. 127.00 feet; thence N. 77° 45' W. 30.00 feet, more or less, thence N. 9° 58' E. 127.00 feet to the True Point of Beginning. ALSO EXCEPTING & RESERVING to the Grantors their Successors and Assigns forever all water or water rights on or under said parcel and any ditch rights associated with or appurtenant to said parcel of land or any part thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S. their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee S that they are the owners in fee simple of said premises; that they are free from all incumbrances except General taxes for the year 1971.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 1, 1971.

Andreas Schernthanner

ANDREAS SCHERNTHANER

Alice E. Schernthanner

ALICE E. SCHERNTHANER

STATE OF IDAHO, COUNTY OF BLAINE
On this 1st day of SEPT., 1971.
before me, a notary public in and for said State, personally appeared

ANDREAS SCHERNTHANER and ALICE E. SCHERNTHANER, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

David S. Sullivan

Notary Public

Residing at
Comm. Expires 1/28/74

STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at the request of Susan Corrock

at 45 minutes past 3 o'clock P.M. this 20 day of October 1971, in my office, and duly recorded in Book of Deeds at page

George F. McCay
P.A. Office Recorder

By *Marilyn Jensen* Deputy.

Fees \$ 25.00
Mail to: Jack Corrock

INSTRUMENT No. 140520

6465

WARRANTY DEED

For Value Received **ANDREAS SCHERNTHANNER and ALICE E. SCHERNTHANNER,**
husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto
JACK C. CORROCK and LILA S. CORROCK, husband and wife

whose address is: **P.O. Box 32, Ketchum, ID 83353**

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho,
to-wit:

**Lots 1, 2, 3, 4, 5, and 6, Block 1, and Lots 17 and 18, Block 2,
WARM SPRINGS SUBDIVISION NO. 3, Blaine County, Idaho, according
to the official plat there of file in the office of the County
Recorder, Blaine County, Idaho.**

**EXCEPT that portion of Lot 6, Block 1, and Lots 17 and 18, Block
2, previously conveyed to the Grantee herein.**

**EXCEPTING AND RESERVING to the Grantors their Successors and
Assigns forever all water or water rights on or under said parcel
and any ditch rights associated with or appurtenant to said
parcel of land or any part thereof.**

**TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.**

Dated: **March 16, 1979**

Andreas Schernthanner

Andreas Schernthanner

Alice E. Schernthanner

Alice E. Schernthanner

STATE OF Idaho, COUNTY OF Blaine
On 16 day of March, 1979,
before me a notary public in and for said State, personally appeared **Andreas Schernthanner and
Alice E. Schernthanner, husband and wife**

whose names are
subscribed to the within instrument, and acknowledged to
me that they have executed the same.

Alvin M. Rooney
Notary Public
Building at *Handley*
Cannal, Highway *Blaine*



STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at
the request of Sawtooth Title Co.
at 14 minutes past 4:00 o'clock P. M.
this 22 day of May,
1979, in my office, and duly recorded in Book
of Deeds at page

RECORDED LILA

De-Office Recorder

Hazel Baker
By _____
Notary
FILED IN BOOK 10 PAGE 10
MAY 22 1979

NO. 193591

WARRANTY DEED

For Value Received
SAGEBRUSH PROPERTIES, a Partnership.

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto
ADI ERBER

whose address is: P.O. Box 879, Sun Valley, ID 83353

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho,
to-wit:

Lot 7, Block 1, WARM SPRINGS SUBDIVISION NO. 3, Blaine County, Idaho, according to
the official plat thereof on file in the office of the County Recorder of
Blaine County, Idaho.

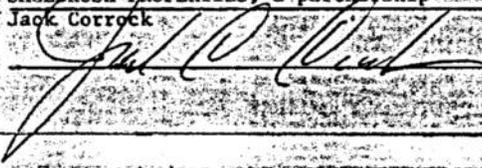
SUBJECT TO Easements, restriction and encumbrances of record.

BLAINE CO. REQUEST
OF: Sawtooth Title Co., Inc.
89 JUL 13 PM 4 12
MANY GREEN, CLERK
FEES \$ 3.00
307518

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated:

SAGEBRUSH PROPERTIES, a partnership
Jack Corroek



STATE OF IDAHO }
COUNTY OF BLAINE }
On this 30th day of JUNE
19 89, before me, a Notary Public in and for
said State, personally appeared
JACK CORROEK
a General Partner, known to me to be one of
the partners in the Partnership of
SAGEBRUSH PROPERTIES, a partnership
and the partner or one of the partners who
subscribed said partnership name to the
foregoing instrument and acknowledged to me
that he executed the same as said partner-
ship name.

Notary Public for
Residing at Hailey

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the request of
it _____ minutes past _____ o'clock m.
his _____ day of _____
19 _____ in my office, and duly recorded in Book
if Deeds at page _____

Ex-Officio Recorder
by _____ Deputy.
see \$ _____
fall to: _____

Order No. 21212

①

QUITCLAIM DEED

415820

Seed

For Value Received

Adi Erber

do hereby convey, release, remise and forever quit claim unto

Adi S. Erber

whose address is: **P.O. Box 879, Sun Valley, ID 83353**

the following described premises situated in Blaine County, Idaho, to-wit:

BLAINE CO. REQUEST
OF FIRST AMERICAN TITLE CO

'98 JUN 25 PM 1 45

MARY GREEN, CLERK

FEES \$ 32

Exhibit "A"

Lot 7 in Block 1 of Warm Springs Subdivision No. 3, according to the official plat thereof, recorded as Instrument No. 169338, records of Blaine County, Idaho.

together with their appurtenances.

Dated: June 24, 1998

Adi Erber

Adi Erber

State of IDAHO

County of BLAINE

On June 24, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Adi Erber personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same.
WITNESS my hand and official seal.

Signature: *Marjory A. Scherer*
Residing: *Blaine, ID*
Commission Expires: *5/15/2004*



CLTA LOT BOOK GUARANTEE

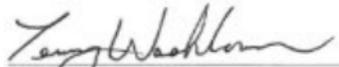
ISSUED BY
STEWART TITLE GUARANTY COMPANY
a corporation, herein called the Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, AND SUBJECT TO THE FURTHER EXCLUSION AND LIMITATION THAT NO GUARANTEE IS GIVEN NOR LIABILITY ASSUMED WITH RESPECT TO THE IDENTITY OF ANY PARTY NAMED OR REFERRED TO IN SCHEDULE A OR WITH RESPECT TO THE VALIDITY, LEGAL EFFECT OR PRIORITY OF ANY MATTER SHOWN THEREIN.

GUARANTEES

the Assured named in Schedule A against actual monetary loss or damage not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

Countersigned by:


Authorized Countersignature

Blaine County Title, Inc.
360 Sun Valley Road
P.O. Box 3176
Ketchum, ID 83340
Agent ID: 120037

stewart
title guaranty company





Matt Morris
President and CEO



Denise Carraux
Secretary

For purposes of this form the "Stewart Title" logo featured above is the represented logo for the underwriter, Stewart Title Guaranty Company.

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File No.: 2022458

Lot Book Guarantee (6-6-92)

Page 1 of 3 of Policy Serial No.: G-0000-683858288

GUARANTEE CONDITIONS AND STIPULATIONS

1. **Definition of Terms** – The following terms when used in this Guarantee mean:
 - (a) "the Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
 - (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
 - (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
 - (e) "date": the effective date;
2. **Exclusions from Coverage of this Guarantee** – The Company assumes no liability for loss or damage by reason of the following:
 - (a) 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.
 - (b) (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: whether or not the matters excluded by (1), (2) or (3) are shown by the public records.
 - (c) Assurances to title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A)(C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways on which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
 - (d) (1) Defects, liens, encumbrances, or adverse claims against the title, if assurances are provided as to such title, and as limited by such assurances. (2) Defects, liens, encumbrances, adverse claims or other matters (a) whether or not shown by the public records, and which are created, suffered, assumed or agreed to by one or more of the Assureds; (b) which result in no loss to the Assured; or (c) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of assurances provided.
3. **Notice of Claims to be Given by Assured Claimant** – An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required, provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured under this Guarantee unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.
4. **No Duty to Defend or Prosecute** – The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.
5. **Company's Option to Defend or Prosecute Actions; Duty of Assured Claimant to Cooperate** – Even though the Company has no duty to defend or prosecute as set forth in Paragraph 4 above:
 - (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
 - (b) If the Company elects to exercise its options as stated in Paragraph 5(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
 - (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
 - (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.
6. **Proof of Loss or Damage** – In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such Assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured 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 Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.
7. **Options to Pay or Otherwise Settle Claims; Termination of Liability** – In case of a claim under this Guarantee, the Company shall have the following additional options:
 - (a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.

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File No.: 2022458

Lot Book Guarantee (6-6-92)

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The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

Such Purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of the indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.

Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its option under Paragraph 5, and the Guarantee shall be surrendered to the Company for cancellation.

(b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.

To Pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 5.

8. Determination and Extent of Liability – This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the exclusions stated in Paragraph 2.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

- (a) the amount of liability stated in Schedule A;
- (b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 7 of these Conditions and Stipulations or as reduced under Section 10 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
- (c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

9. Limitation of Liability –

- (a) If the Company establishes the title or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (b) In the event of any 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 therefrom, adverse to the title, as stated herein.
- (c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

10. Reduction of Liability or Termination of Liability – All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 5 shall reduce the amount of liability pro tanto.

11. Payment of Loss

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

12. Subrogation Upon Payment or Settlement – Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest and costs of collection.

13. Arbitration – Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is \$1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof. The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules. A copy of the Rules may be obtained from the Company upon request.

14. Liability Limited to This Guarantee; Guarantee Entire Contract –

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

15. Notices, Where Sent – All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at P.O. Box 2029, Houston, Texas 77252-2029.

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File No.: 2022458

Lot Book Guarantee (6-6-92)

Page 3 of 3 of Policy Serial No.: G-0000-683858288

**LOT BOOK GUARANTEE
SCHEDULE A**

File No.: 2022458

Guarantee No.: G-0000-683858288

Date of Guarantee: June 25, 2020 at 5:00 P.M.

Liability: \$1,000.00

Premium: \$120.00

A. Assured:

Adi S. Erber

B. Assurances, given without examination of the documents listed or referred to and only to the specifically named documents and no others:

1. Description of the land in Blaine County, Idaho:

Lot 7, Block 1, WARM SPRINGS SUBDIVISION NO. 3, according to the official plat thereof, recorded as Instrument No. 169338, records of Blaine County, Idaho.

2. The last recorded instrument in the public records purporting to transfer title to said land was:

Quitclaim Deed, recorded as Document No. 415820, conveying said real property to:

Adi S. Erber

3. That there are no mortgages or deeds of trust describing the land that have not been released or reconveyed by an instrument recorded in the public records, other than those shown below under Exceptions.

4. That there are no contracts for sales, contracts for deed, including memorandums giving notice of such contracts, attachments, tax deed recorded within the last 9 years, which purport to affect the land other than shown below under Exceptions.

C. Exceptions:

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 Records.

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. 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 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, or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
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 due not yet payable.

Note: General taxes for the year 2019, a lien in the amount of \$5,483.98, which are paid in full. (Parcel No. RPK05650000070)

9. Water and sewer charges of the City of Ketchum.
10. Ketchum rubbish charges billed by Clear Creek Disposal.
11. Easement for a road right of way, including the terms and provisions thereof as reserved in Warranty Deed recorded October 20, 1971 as [Instrument No. 140820](#), records of Blaine County, Idaho.
12. Notes, Easements and Restrictions as shown on the official plat of said Warm Springs Subdivision No. 3, recorded November 5, 1976, as [Instrument No. 169338](#), records of Blaine County, Idaho.
13. Exceptions and Reservations as contained in that certain Warranty Deed executed by Andreas Schernthanner and Alice E. Schernthanner, recorded May 22, 1979, as [Instrument No. 193591](#), records of Blaine County, Idaho.
14. Notices of liens if any, in favor of the State Tax Commission, the Department of Labor and Department of Health and Welfare of the State of Idaho filed in the office of the Secretary of State pursuant to Chapter 19, Title 45, Idaho Code. (The Idaho State Tax Commission electronically files liens with the office of the Secretary of State and not with the Blaine County Recorder. Until final review at closing, title may be subject to such further matters as appear necessary and appropriate following such review.)

STG Privacy Notice Stewart Title Companies

WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
For our everyday business purposes — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness.	No	We don't share
For our affiliates to market to you — For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to optout@stewart.com or fax to 1-800-335-9591.
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

SHARING PRACTICES

How often do the Stewart Title Companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	We collect your personal information, for example, when you <ul style="list-style-type: none"> ▪ request insurance-related services ▪ provide such information to us We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us: *If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1360 Post Oak Blvd., Ste. 100, Privacy Officer, Houston, Texas 77056*

Privacy Notice for California Residents

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice for California Residents** ("CCPA Notice"). This CCPA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users and others who reside in the State of California or are considered California Residents ("consumers" or "you"). Terms used but not defined shall have the meaning ascribed to them in the CCPA.

Information Stewart Collects

Stewart collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device. Most of the information that Stewart collects in the course of its regular business is already protected pursuant to the Gramm-Leach-Bliley Act (GLBA). Additionally, much of this information comes from government records or other information already in the public domain. Personal information under the CCPA does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), GLBA and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of personal information from consumers within the last twelve (12) months:

Category	Examples	Collected?
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	YES
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees or their agents (For example, realtors, lenders, attorneys, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

Use of Personal Information

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- To fulfill or meet the reason for which the information is provided.
- To provide, support, personalize, and develop our website, products, and services.
- To create, maintain, customize, and secure your account with Stewart.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To prevent and/or process claims.
- To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf.
- As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).
- To help maintain the safety, security, and integrity of our website, products and services, databases and other technology assets, and business.
- To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- Auditing for compliance with federal and state laws, rules and regulations.
- Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services or other similar services.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent in the course of your transaction (for example, a realtor or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- Service providers and vendors (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- Affiliated Companies
- Litigation parties and attorneys, as required by law.
- Financial rating organizations, rating bureaus and trade associations.
- Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

- Category A: Identifiers
- Category B: California Customer Records personal information categories
- Category C: Protected classification characteristics under California or federal law
- Category D: Commercial Information
- Category E: Biometric Information
- Category F: Internet or other similar network activity
- Category G: Geolocation data
- Category H: Sensory data
- Category I: Professional or employment-related information
- Category J: Non-public education information
- Category K: Inferences

Consumer Rights and Choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you:

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *seq.*).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us either:

- Calling us Toll Free at 1-866-571-9270
- Emailing us at Privacyrequest@stewart.com
- Visiting <http://stewart.com/ccpa>

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Changes to Our Privacy Notice

Stewart reserves the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on Stewart's website and update the notice's effective date. **Your continued use of Stewart's website following the posting of changes constitutes your acceptance of such changes.**

Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described here, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Website: <http://stewart.com/ccpa>

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Deputy Chief Compliance Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

Exhibit B:

Draft

Findings of Fact, Conclusions of
Law, and Decision



City of Ketchum
Planning & Building

IN RE:)
)
Adi’s Townhomes No. 2 Subdivision) KETCHUM PLANNING & ZONING COMMISSION
Preliminary Plat) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: March 9, 2021) DECISION
)
File Number: 20-121)

PROJECT: Adi’s Townhomes No. 2 Subdivision Preliminary Plat

FILE NUMBER: P20-121

OWNER: Adi S Erber

REPRESENTATIVE: Bruce Smith, Alpine Enterprises

REQUEST: Townhouse Subdivision Preliminary Plat to convert an existing duplex into two townhome units

ASSOCIATED PERMITS: Building Permit 91-028, Design Review 91-04-01

LOCATION: 124 Short Swing Lane (Warm Springs Subdivision No. 3: Block 1: Lot 7)

ZONING: General Residential – Low Density (GR-L)

OVERLAY: None

NOTICE: The public hearing notice was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on February 17th, 2021. Notice was published in the February 17th, 2021 edition of the Idaho Mountain Express. Notice was posted on the project site and the City’s website on March 2nd, 2021.

FINDINGS OF FACT

The applicant is requesting Preliminary Plat approval for a Townhouse Subdivision to convert an existing duplex located at 124 Short Swing Lane within the City’s General Residential Low Density (GR-L) Zoning District into two townhomes. The subject property, Lot 7 of Warm Springs Subdivision No. 3) will be subdivided to create two townhouse sublots. No changes are proposed to the existing duplex building or the site.

Many older duplexes in Ketchum were built as apartments or condominiums. Adopted in 1979, the City’s first subdivision ordinance only provided for condominium subdivisions. It wasn’t until 1987 with the City’s adoption of Ordinance 460 that townhouses were introduced into Ketchum Municipal Code.

The duplex units were built to the building code in effect at that time, generally with a common one-hour fire-resistance rated wall between the units. The City has allowed conversion of these units from apartments or condominiums to townhomes. With the townhouse form of ownership, each property owner owns the structure and, at a minimum, the ground beneath it and sometimes more land (commonly known as a subplot). Townhomes provide more flexibility for future improvements as property owners own both the structure and the land.

The conversion of condominiums to townhomes would make Federal Housing Administration loans available to potential buyers. These loans are normally unavailable for condominiums. The availability of these loans may help make these dwelling units more affordable for potential buyers. However, the conversion of apartments to for-sale units may also decrease the supply of affordable rental housing units.

The existing duplex was built in 1991 (Building Permit 91-028). While the building was constructed as a duplex with two apartments, the development was never subdivided into individual units. As the existing duplex was built 30 years ago, the building does not meet current building code or separation requirements for townhouses specified in R302.2 of the International Residential Code or Ketchum Municipal Code §15.04.020. A plat note, describing the non-conforming status of the existing, older duplex housing stock, when converted to a townhouse type of ownership will be required as Condition of Approval #9.

Table 1: City Department Findings

City Department Findings			
Compliant			City Standards and <i>City Department Findings</i>
Yes	No	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fire: <i>The Fire Code Official has reviewed the plans and does not have any comments or concerns regarding the conversion. Prior to the City Clerk’s signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Engineer and Streets Department: <i>The conversion of the existing duplex into two townhome units does not qualify as a substantial improvement or impact the right-of-way.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Utilities: <i>The existing duplex line is served by one line and connection to the municipal water system and one line and connection to the municipal sewer system. Pursuant to Ketchum Municipal Code §13.08.050E and §13.04.080.F, a separate and independent city water service line and connection shall be provided for each townhome unit. The applicant shall add a plat note to alert property owners that the two townhome units within the duplex are served by only one line and connection to the municipal water system and one line and connection the city sewer system.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building: <i>Prior to the City Clerk’s signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code. In the case of any alterations to the subject structures, all applicable current building and zoning code requirements shall apply.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning and Zoning: <i>Comments are denoted throughout the Tables 2 & 3.</i>

Table 2: Findings Regarding Townhouse Plat Requirements

Townhouse Plat Requirements				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.B	<p>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.</p> <p><i>Commission Findings</i> 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.</p>
<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> <p><i>Commission Findings</i> The townhouse subdivision shall be platted under the procedures contained in the subdivision ordinance.</p> <p>The duplex is an existing building and the project does not require design review approval or a building permit.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.2	<p>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.</p> <p><i>Commission Findings</i> N/A. The duplex is an existing building. No exterior modifications are proposed to the existing duplex or the project site. Design Review is not required for this project.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.3	<p>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.</p> <p><i>Commission Findings</i> N/A. The duplex is an existing building. No exterior modifications are proposed to the existing duplex or the project site. A building permit is not required for this project</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.4	<p>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.</p> <p><i>Commission Findings</i> N/A as the duplex is an existing building.</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.D	<p>D. Final Plat Procedure:</p> <p>1. The final plat procedure contained in subsection 16.04.030G of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the townhouse has received either:</p> <p style="padding-left: 40px;">a. A certificate of occupancy issued by the city of Ketchum for all structures in the townhouse development and completion of all design review elements as approved by the planning and zoning administrator; or</p> <p style="padding-left: 40px;">b. Signed council approval of a phased development project consistent with §16.04.110 herein.</p> <p>2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this code.</p>
			<i>Commission Findings</i>	<i>The applicant shall follow the final plat procedure as specified in the City's subdivision ordinance.</i>
<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>
			<i>Commission Findings</i>	<i>The building coverage of the existing duplex development is 32% (2,606 sq ft building coverage/8,207 sq ft lot area), which is 3% less than the maximum permitted in the GR-L Zone.</i>
<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>
			<i>Commission Findings</i>	<i>The existing duplex doesn't include an enclosed garage.</i>
<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>
			<i>Commission Findings</i>	<i>This townhouse subdivision will comply with all applicable local, state, and federal ordinances, rules, and regulations.</i>

Table 3: Findings Regarding Preliminary Plat Requirements and Subdivision Design & Development Standards

Preliminary Plat Requirements and Subdivision Design & Development Standards				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	<p>The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.</p>
			<i>Findings</i>	<i>The application has been reviewed and determined to be complete.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J	<p>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</p>

				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	<i>All required materials for the Preliminary Plat application have been submitted.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I.1	The scale, north point and date.
			Findings	<i>This standard has been met. The preliminary plat contains a scale, north point, and date.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.2	The name of the proposed subdivision.
			Findings	<i>This standard has been met.</i>
<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	<i>This information has been provided on the application form and indicated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.4	Legal description of the area platted.
			Findings	<i>This standard has been met.</i>
<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	<i>This standard has been met. Neighboring Otter Townhomes, Sunshine Subdivision Lots 8 and 9, North Pass Townhomes, and Warm Springs Subdivision No. 3 Lots 14 and 15 are indicated on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>This standard is not applicable to the subdivision of an existing lot into two townhouse sublots.</i>
<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	<i>Short Swing Lane is indicated on the plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.8	Boundary description and the area of the tract.
			Findings	<i>This boundary description and the area of the tract is noted on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.9	Existing zoning of the tract.
			Findings	<i>The property is within the GR-L Zoning District. Plat note #4 references the zoning district.</i>
<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	<i>This standard has been met. No new streets are proposed. The subplot lines and dimensions are indicated on the preliminary plat.</i>
<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	<i>No land for common or public use is required or proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.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	<i>The plat indicates the locations of all utilities that serve the townhome</i>

				<i>development. No street infrastructure improvements are proposed with this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.J.13	The direction of drainage, flow and approximate grade of all streets.
			Findings	<i>N/a as no new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A. No drainage improvements are proposed with this subdivision.</i>
<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	<i>This application subdivides a platted lot into two townhouse sublots. The original subdivision's plat serves as the vicinity map.</i>
<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	<i>N/A. The property is not currently mapped to be in the floodplain/floodway. The property is not within the avalanche overlay.</i>
<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	<i>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.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.18	Lot area of each lot.
			Findings	<i>The existing and proposed size of each subplot is indicated.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.19	Existing mature trees and established shrub masses.
			Findings	<i>The preliminary plat indicates existing mature trees and shrub masses.</i>
<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	<i>The Adi's Townhomes No. 2 subdivision name is unique and is not the same as another townhouse subdivision in Blaine County.</i>
<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	<i>N/A. The duplex is connected to municipal services.</i>
<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	<i>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.</i>
<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	<i>This standard has been met. The applicant has submitted a Lot Book Guarantee and the Last Deed of Record.</i>
<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	<i>This standard has been met. The digital copy of the preliminary plat is attached as Exhibit A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. 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	<i>The mature trees indicated on the preliminary plat shall be preserved.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.B	Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			Findings	<i>N/A as no new improvements are proposed with this townhouse subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.
			Findings	<i>N/A as no improvements are proposed with this townhouse subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.D	As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.

			Findings	<i>N/A as the duplex building is existing and no improvements are proposed with this townhouse subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.E	<p>Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat. 3. All street corner lines ending at boundary line of final plat. 4. All angle points and points of curves on all streets. 5. The point of beginning of the subdivision plat description.
			Findings	<i>The applicant shall meet the required monumentation standards prior to recordation of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.F	<p>Lot Requirements:</p> <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: 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..
			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 GR-L Zone. The existing duplex complies with setbacks from front, rear, and side property lines required in the GR-L 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: 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: 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.
<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	<i>N/A. This proposal does not create a new street. These standards are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.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	<i>N/A. This proposal does not create a new street. These standards are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>

<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<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	<i>N/A. This proposal does not require construction of a new bridge or impact any existing bridges.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A. The subject properties abut an existing developed street within a residential area. No sidewalks are required for the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A. No private road or gates are proposed.</i>
<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	<i>N/A. The townhouse sublots are not located within the Avalanche Zone and no new public or private streets or flag lots are proposed.</i>

<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	<i>N/A. The townhouse sublots are located in the GR-L Zone and do not abut an alley.</i>
<input checked="" type="checkbox"/>	<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.
			Findings	<i>N/A these easements are not required as the project create or new street and the property is not adjacent to Warm Springs Road.</i>
<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	<i>N/A. The townhouse sublots do not border a waterway.</i>
<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	<i>N/A. The townhouse sublots do not border a waterway.</i>
<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	<i>N/A. The townhouse sublots do not border a waterway.</i>
<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	<i>N/A. No changes to ditches, pipes, or other irrigation structures are proposed.</i>

<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	<i>N/A. The townhouse sublots are within the existing, platted Warm Springs Subdivision No. 3.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</i>
<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	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure. The subdivision has adequate plantings where necessary.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A no cuts, fills, or grading improvements are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A no changes to the project site are proposed with the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A no changes to the project site are proposed with the project.</i>
<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	<i>N/A. The duplex is an existing development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<i>N/A as no new development is proposed with the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability. d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope. e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of

				the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
			Findings	<i>N/A no significant cuts, fills, or excavation are proposed as the development is existing.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.O	O. Drainage Improvements: The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the City on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.
			Findings	<i>No natural drainage courses are proposed to be disturbed.</i>
<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	<i>All utilities, including electricity, natural gas, telephone, and cable services, shall be installed underground.</i>
<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	<i>N/A. The townhouse subdivision does not trigger off-site improvements.</i>
<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	<i>N/A. The townhouse sublots are not located in the Avalanche or Mountain overlay zoning districts.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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	<i>The existing mature trees indicated on the preliminary plat shall be preserved.</i>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67, of the Idaho Code the City has passed a subdivision ordinance, Title 16.
4. The Commission has authority to review and recommend approval of the applicant's Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
5. The project **does** meet the standards of approval under Chapter 16.04 of Subdivision Code Title 16.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **recommends approval** of this Preliminary Plat application to the City Council this Tuesday, March 9th, 2021 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. The project shall meet all requirements of the Fire, Utility, Building, Streets/City Engineer, and Planning requirements as specified in Table 1.
2. The project shall comply with all conditions and comments as specified in Table 2.
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. Failure to record a Final Plat within two (2) years of Council's approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.
8. Prior to the City Clerk's signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code.
9. The following plat note shall be added to the Preliminary Plat prior to forwarding the application to City Council for review:
The two townhome units within the duplex are served by only one line and connection to the municipal water system and one line and connection the city sewer system.
10. The following plat note shall be added to the Preliminary Plat prior to forwarding the application to City Council for review:
Although this unit was originally approved/constructed as a duplex in 1991, this duplex was converted to a non-conforming "Townhouse" pursuant to Ketchum Municipal Code § 16.04.070 TOWNHOUSES, insofar as the "Townhouse" is not in compliance with section R302.2 of the current International Residential Code, in effect at the date of this plat, and the City's local amendments to the building code specified in Ketchum Municipal Code §15.04.020, which requires a 2-hour fire-resistant wall assembly separation.

Findings of Fact **adopted** this 9th day of March 2021.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum Planning & Building

- PROJECT:** Swan Stream Alteration/Bank Stabilization
- PERMIT #:** 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

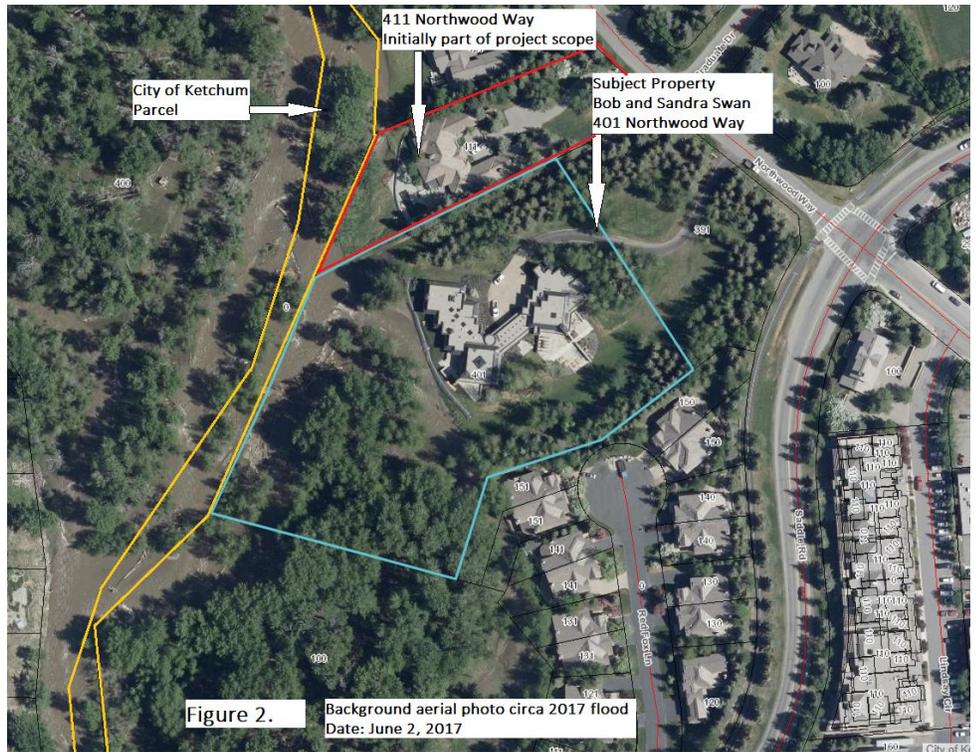
The applicants, Bob and Sandra Swan, own 401 Northwood Way. The property is developed with a single-family residence constructed in 1991. 401 Northwood Way is the subject property, with the majority of the scope of work proposed by this application occurring on 401 Northwood Way. The City of Ketchum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

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

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

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

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

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

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

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

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

Recommended Motion:

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

And

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

Attachments – Plans and Correspondence:

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

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

Attachments – Public Comment - Permit Amendment:

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

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

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

Included in the record, associated with original permit approval:

Public Comment – Original Permit

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

Documents

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

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

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

Attachments – Plans and Correspondence

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



City of Ketchum
Planning & Building

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

PROJECT: Swan Stream Alteration/Bank Stabilization

ADFP#: P18-131

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

APPLICANT: Robert and Sandra Swan

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

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

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

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

PRIOR/ASSOCIATED: 401 Northwood Way

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

411 Northwood Way

- P19-047

BACKGROUND FACTS

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code. Under Chapter 65, Title 67 of the Idaho Code, the City is required to pass certain ordinances regarding land use, including a zoning ordinance.
2. Pursuant to Zoning Code Title 17, Section 17.88.050(D)1, the administrator shall have the authority to consider and approve, approve with conditions, or deny applications for floodplain development permits and for waterways design review.
3. The subject properties contain floodway, stream channel and bank, and riparian area. The proposed scope of work is to occur on three (3) separate parcels, held by three separate owners, with the bulk of the work occurring on 401 Northwood Way. The proposed scope of work is interrelated, with the overall project design dependent on completion of all components of the project. As such, the proposal is being reviewed and approved as a comprehensive, integrated project with the understanding all project components will be completed.
4. The applicant is put on notice that city review and approval of this application does not guarantee that flooding will not occur as the subject property is located in the Special Flood Hazard Area (1% annual chance floodplain, also known as the 100-year floodplain).
5. The scope of work approved by this permit involves excavation from the river channel, bank stabilization along the main channel and eastern side channel, land reclamation, and restoration.

FINDINGS OF FACT

Floodplain Design Review Requirements				
1. EVALUATION STANDARDS: 17.88.050(E)				
Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and 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

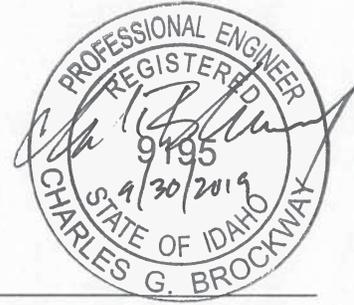
Included in the record:

- 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.

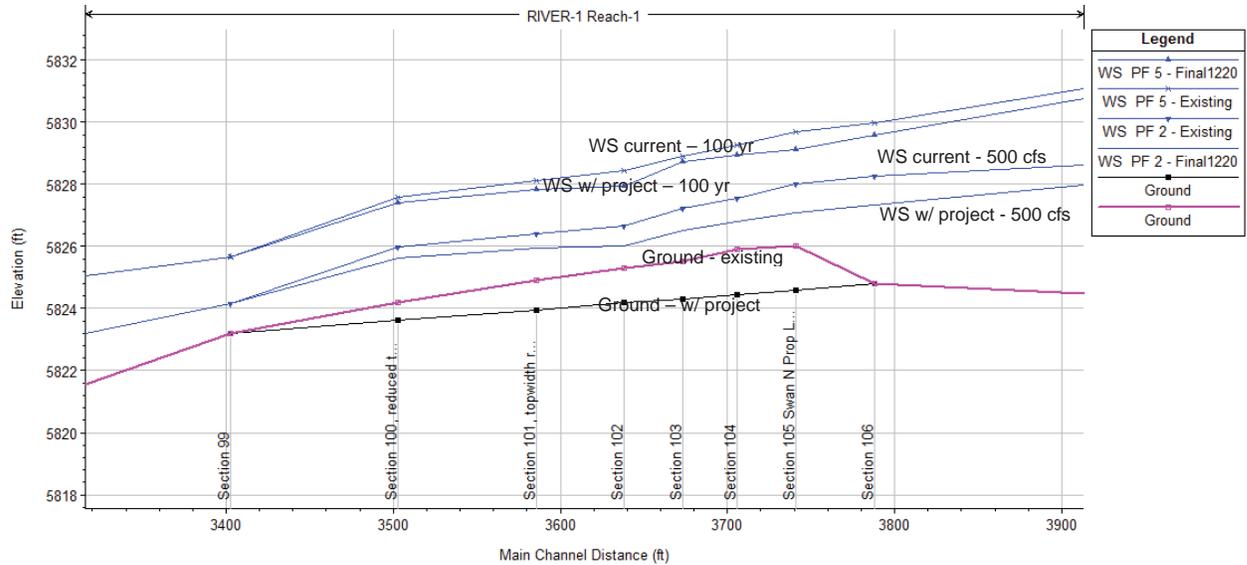
B. Project Components

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

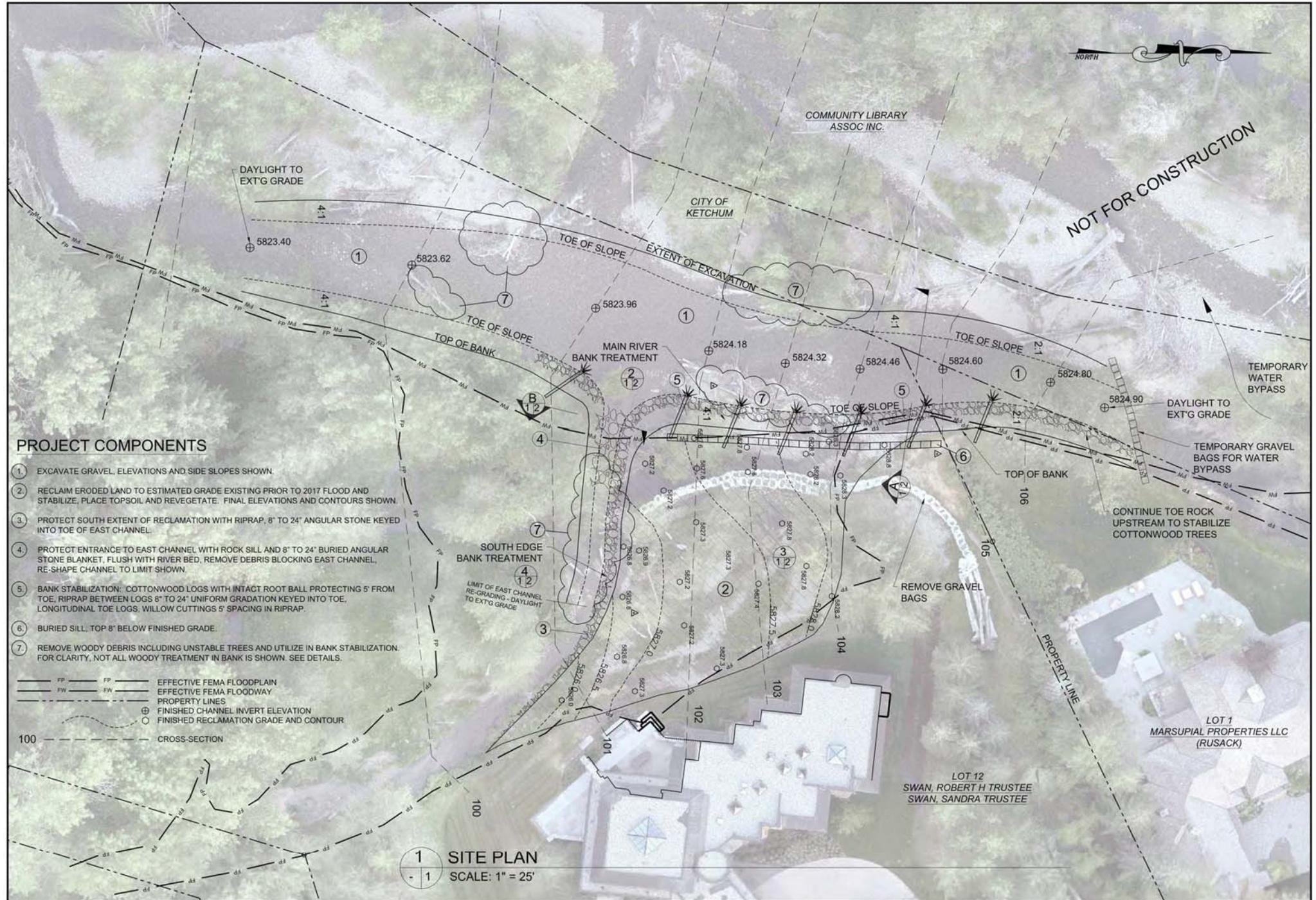
4. East channel flow rate magnitudes at different river levels
5. Gravel and debris accumulation
6. Vegetation establishment, target survival 80% after 3 years

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



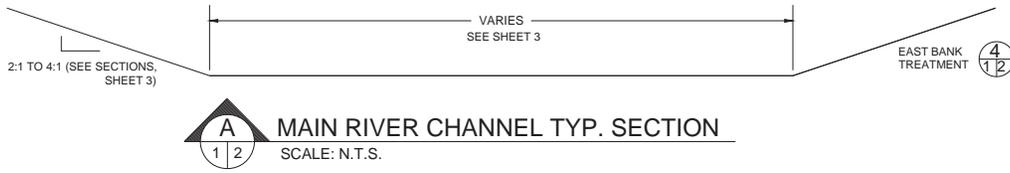
PROJECT COMPONENTS

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.

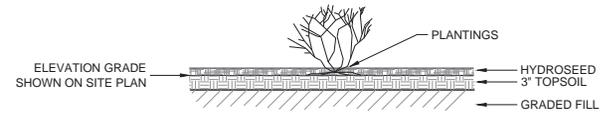
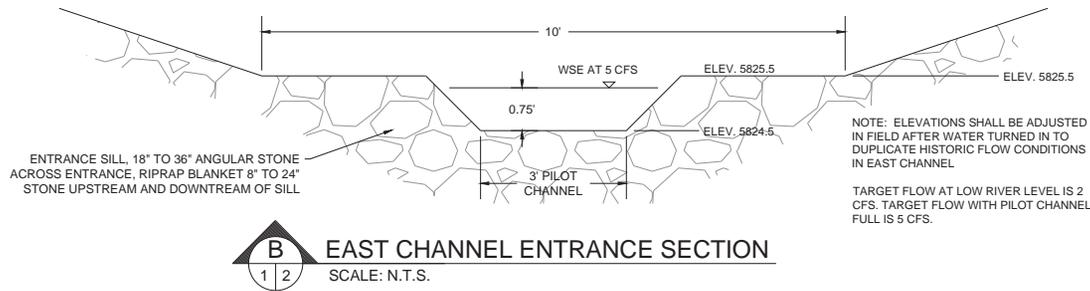
- FP ——— EFFECTIVE FEMA FLOODPLAIN
 - FW ——— EFFECTIVE FEMA FLOODWAY
 - — — — — PROPERTY LINES
 - ——— FINISHED CHANNEL INVERT ELEVATION
 - ⊕ ——— FINISHED RECLAMATION GRADE AND CONTOUR
- 100 ——— CROSS-SECTION

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

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.	F	GEOGRID REMOVAL FOR CITY	9/16/19			DESIGNED BY CGB	DRAFTED BY ICB	BROCKWAY ENGINEERING, PLLC HYDRAULICS - HYDROLOGY - WATER RESOURCES 2016 NORTH WASHINGTON, SUITE 4 TWIN FALLS ID, 83301 (208) 736-8543	SWAN, SANDRA RIVER RESTORATION PROJECT	PROJECT # 134
	E	FOR FINAL PERMIT	7/19/19							
	D	MODIFICATIONS TO CHANNEL	1/4/19							
	C	ISSUE FOR BIDDING	10/18/18							
	B	ADDED PROPERTY NAMES	9/28/18							
A	ISSUE FOR PERMITTING	8/27/18								
REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS	SCALE 1" = 25' (18 X 24) DWG ONLY				SITE PLAN	

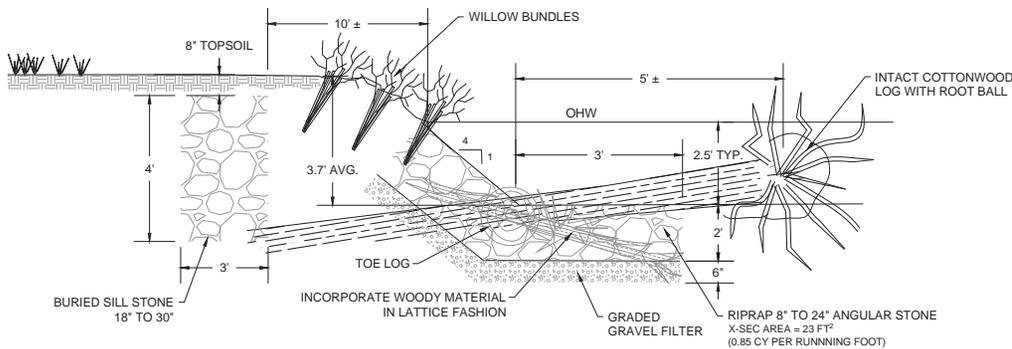


NOT FOR CONSTRUCTION



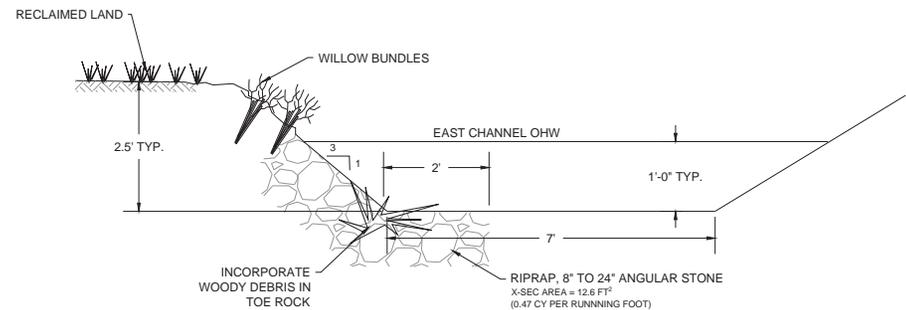
3
1 | 2

LAND RECLAMATION TREATMENT
SCALE: N.T.S.



2
1 | 2

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



4
1 | 2

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

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
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DESIGNED BY
CGB

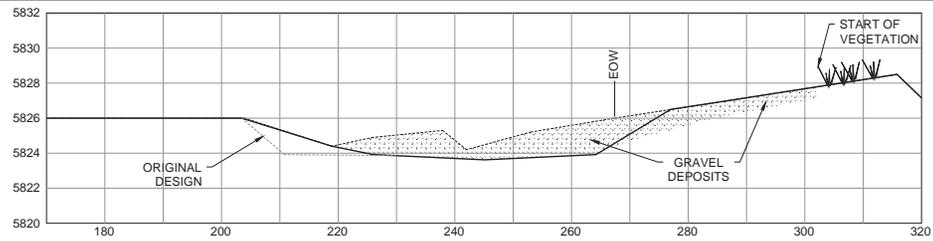
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(18 X 24) DWG ONLY

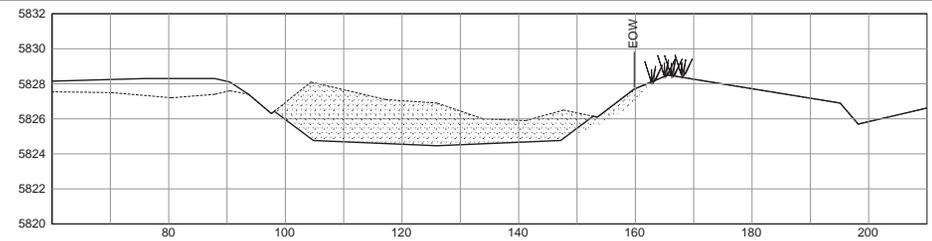
BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS ID, 83301
(208) 736-8543

SWAN, SANDRA
RIVER RESTORATION PROJECT
SECTIONS AND DETAILS

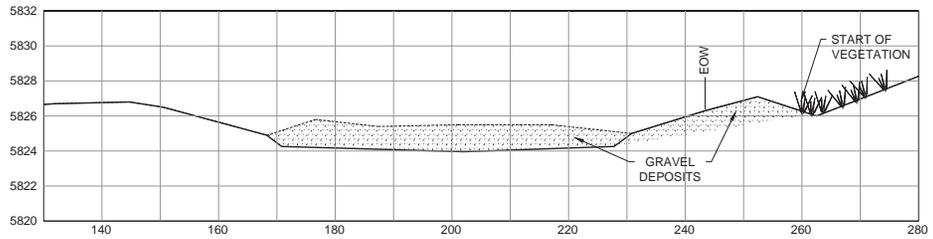
PROJECT #
135



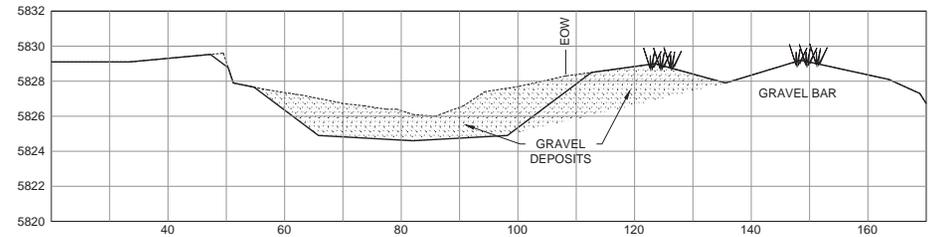
C.0
SECTION 100
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



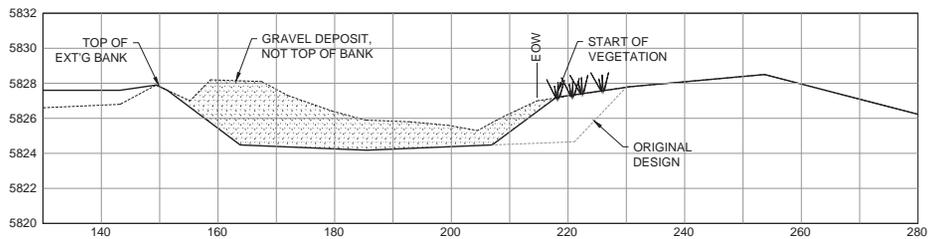
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SECTION 104
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VERTICAL SCALE: 1" = 5'



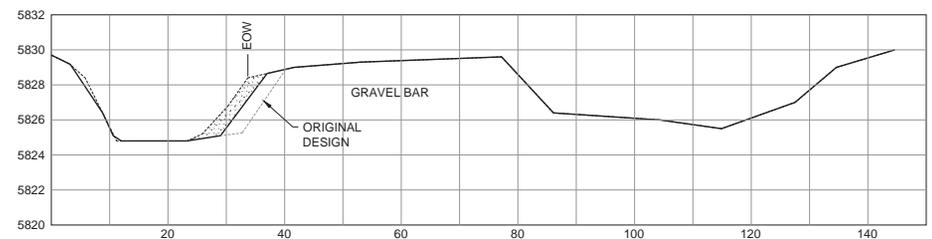
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VERTICAL SCALE: 1" = 5'



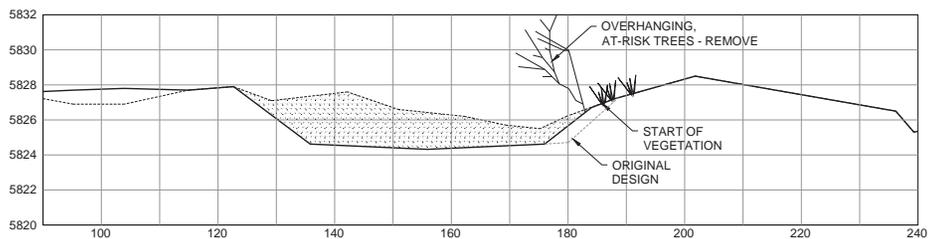
C.5
SECTION 105
HORIZONTAL SCALE: 1" = 15'
VERTICAL SCALE: 1" = 5'



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

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REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS

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 #
136

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



Symbol	Definition
---	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 Ryegrass
<i>Festuca rubra</i>	Creeping Red Fescue
<i>Pseudoroegneria spicata</i>	Bluebunch Wheatgrass
<i>Lupinus sericeus</i>	Silky Lupine

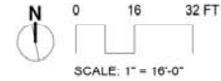
ZONE 3 - Bank Stabilization

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



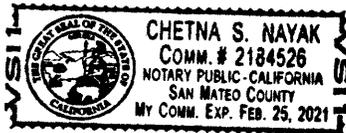
ATTEST:


 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.



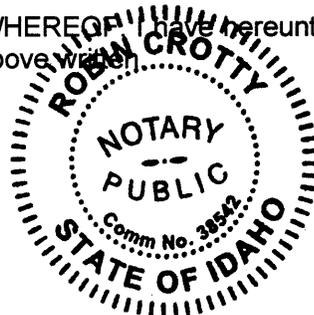
Chetna S. Nayak
Notary Public for California
Residing at Mentor Park
Commission expires 02/25/2021

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.

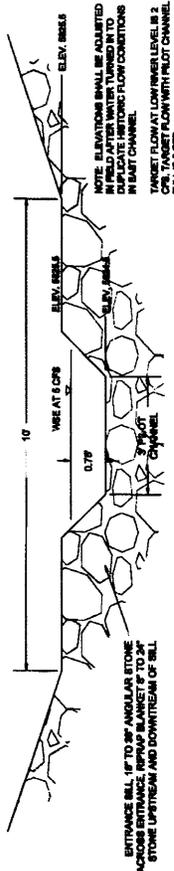


Roben Crotty
Notary Public for State of Idaho
Residing at Ketchum
Commission expires 12/25/2020

EXHIBIT "A"



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

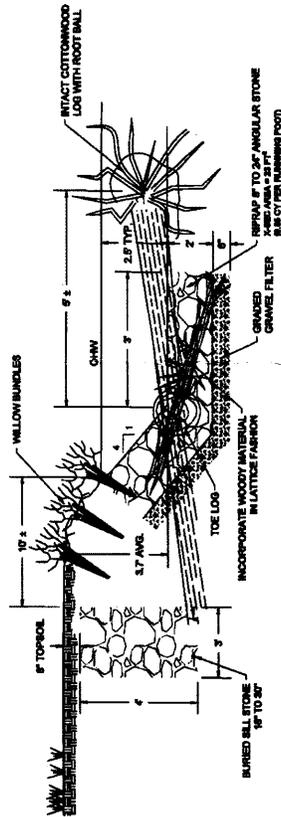


B EAST CHANNEL ENTRANCE SECTION
SCALE: N.T.S.

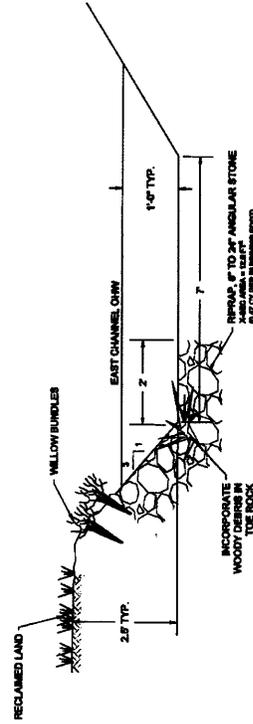
NOT FOR CONSTRUCTION



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.

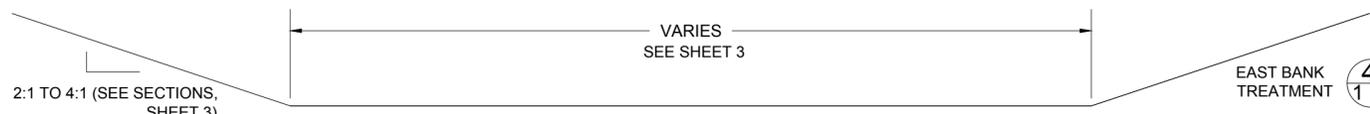
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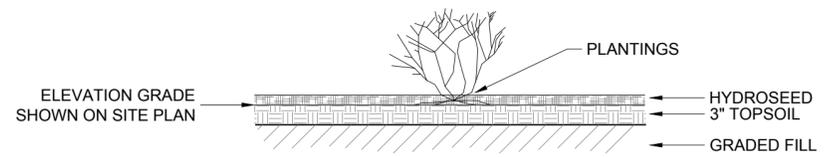
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Attachments – Plans and Correspondence

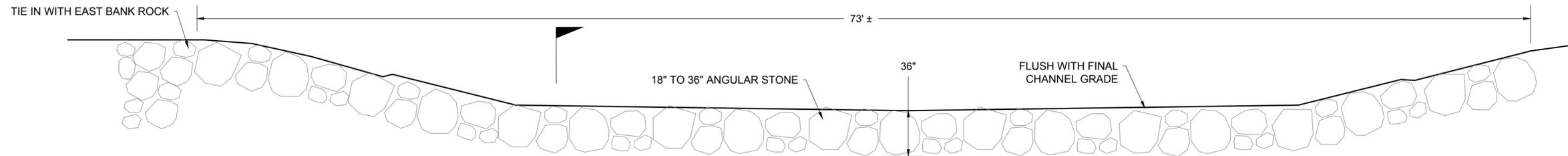
- C. Plans, “Swan, Sandra River Restoration Project,” Three (3) sheets: Site Plan, Sections and Details, and Channel Cross-Sections, dated September 28, 2020



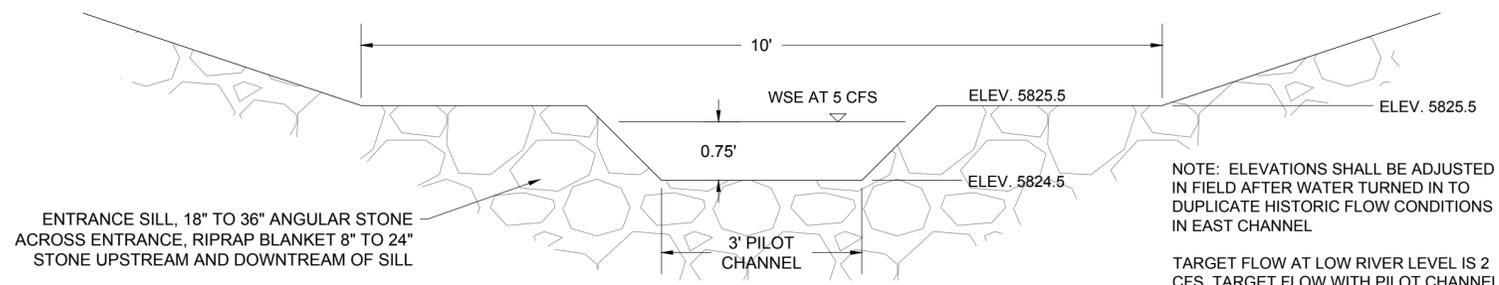
A MAIN RIVER CHANNEL TYP. SECTION
SCALE: N.T.S.



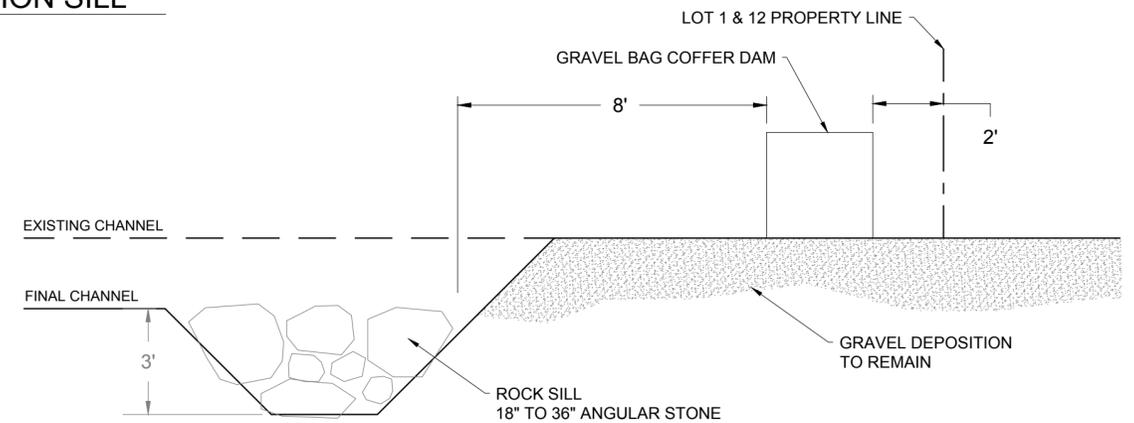
3 LAND RECLAMATION TREATMENT
SCALE: N.T.S.



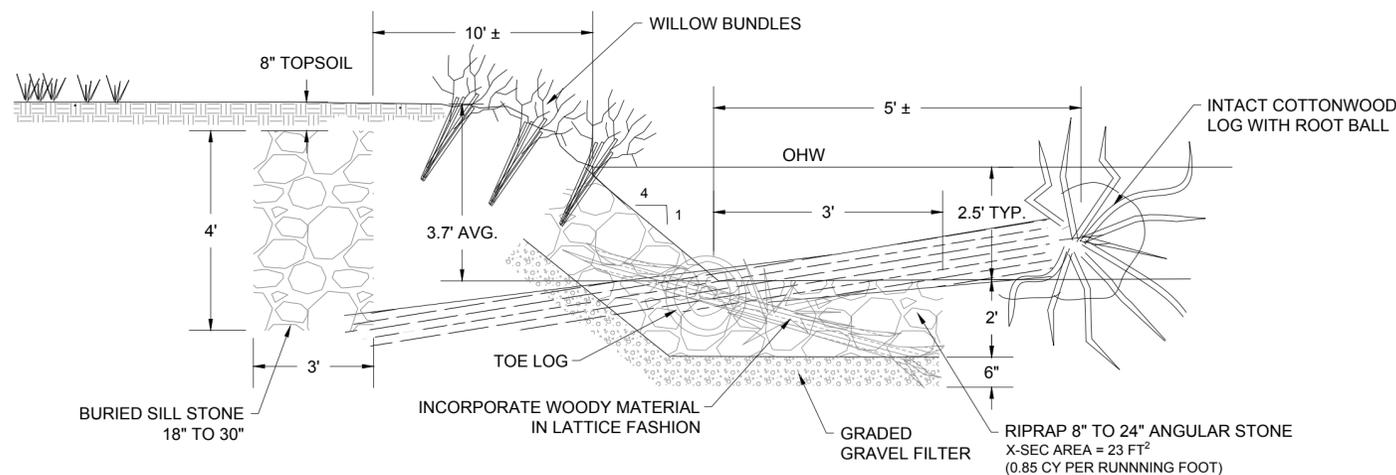
5 CHANNEL STABILIZATION SILL
SCALE: N.T.S.



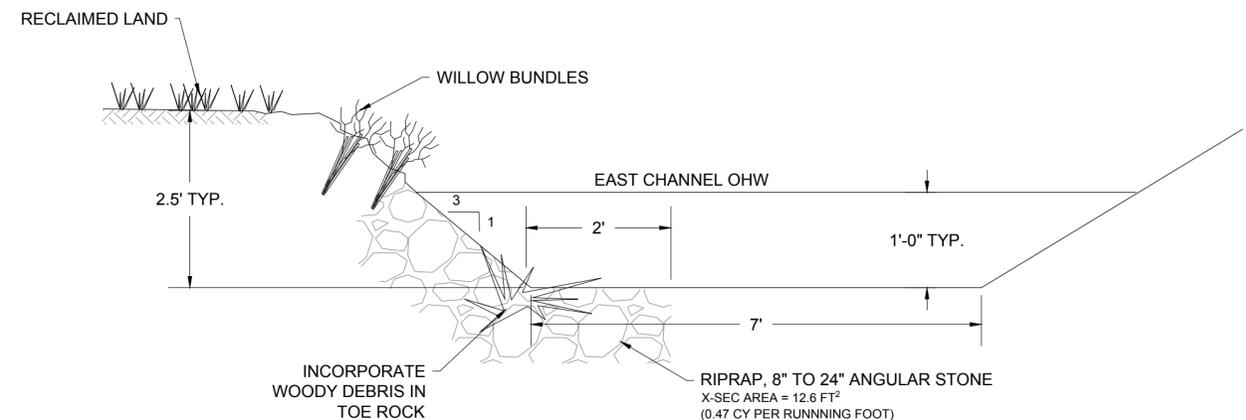
B EAST CHANNEL ENTRANCE SECTION
SCALE: N.T.S.



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.

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
SECTIONS AND DETAILS

PROJECT #
538-17-2016

DWG #
2

REV
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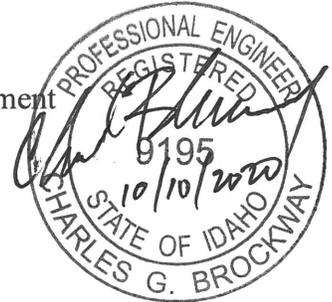
Attachments – Plans and Correspondence

- 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



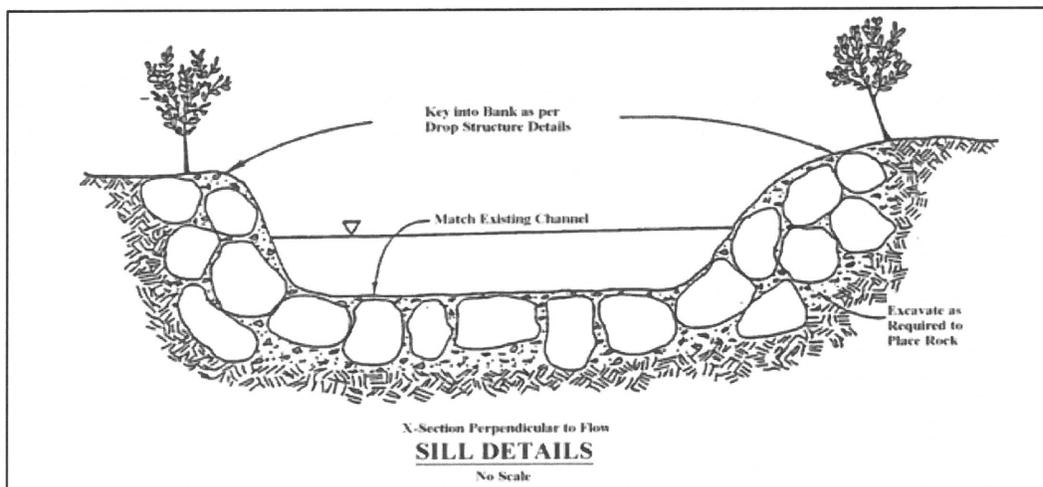
The Swan project amendment proposes a sill across the channel at the owner’s north property line. The City of Ketchum has requested additional information about the nature and functionality of a sill and the justification for it.

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

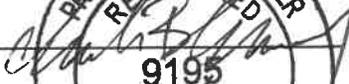
Engineering “No-Rise” Certification (for projects located in a mapped floodway)

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" in the middle, "9195" in the center, "STATE OF IDAHO" at the bottom, and "CHARLES G. BROCKWAY" around the inner edge. A handwritten date "9/28/2020" is written over 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.

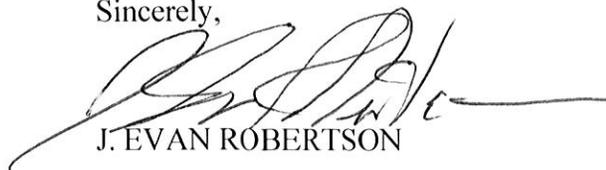
3. The Swans have an urgent need and desire to protect their property, and believe strongly that the City should appreciate and support their efforts to do so, particularly since this year’s exceptionally low flows in the Big Wood River provide excellent conditions for completing the Swan project yet 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
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IDAHO 83301

208•736•8543

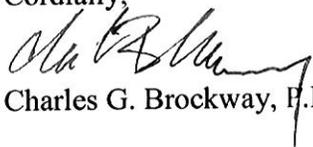
FAX: 736•8506

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

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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 written in a cursive style with a long horizontal flourish 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 horizontal flourish extending to the right.

Diane Renfro
President
PioneerWest Property Management
diane@pioneerwestsunvalley.com

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

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

Attachments – Public Comment - Permit Amendment

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

EDWARD A. LAWSON
EAL@LAWSONLASKI.COM



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.

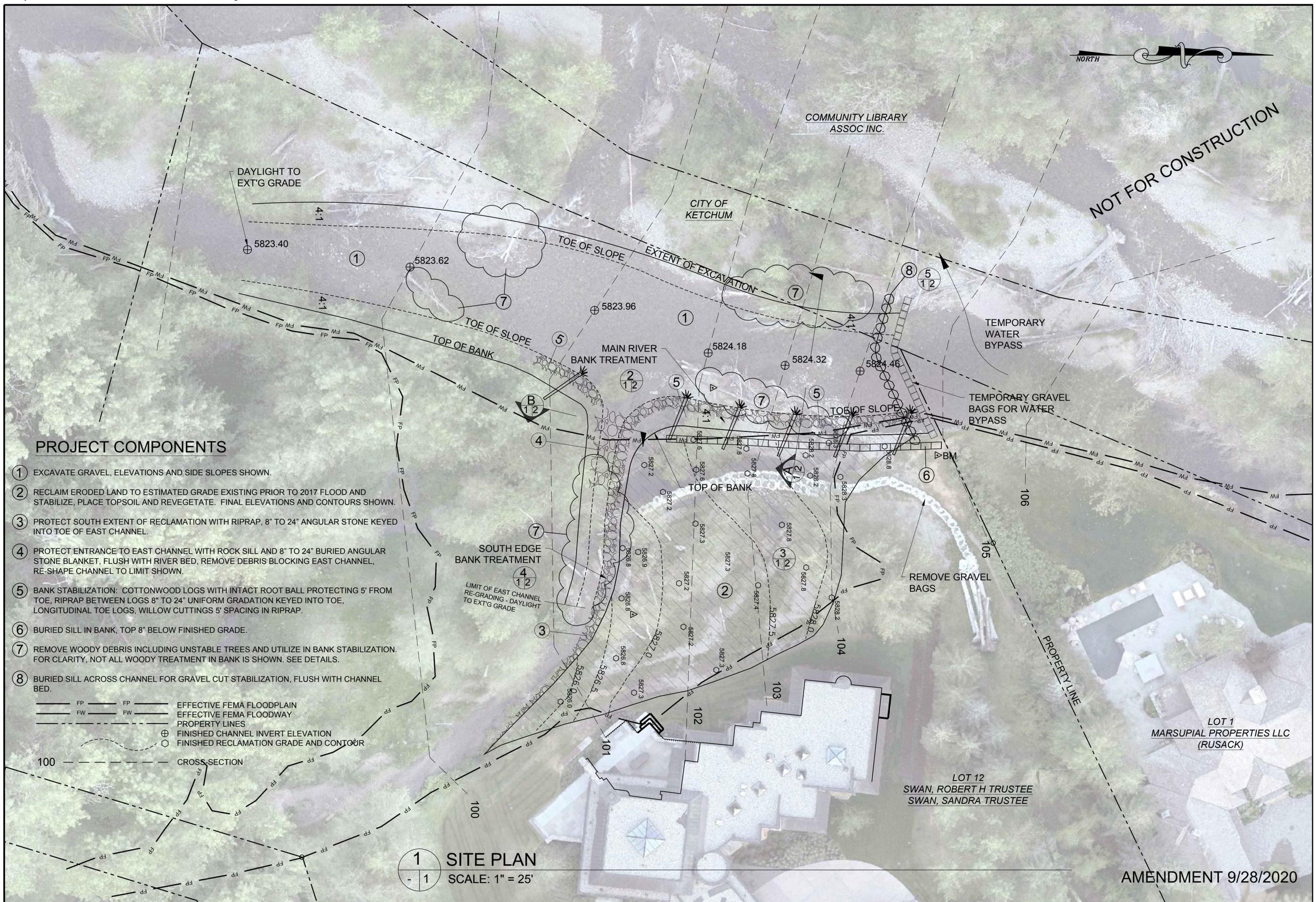
Sincerely,
QUADRANT CONSULTING, INC.

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

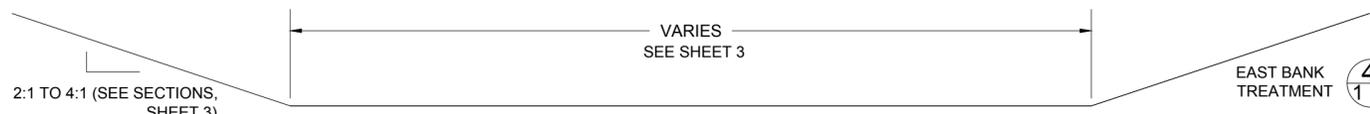
- ① EXCAVATE GRAVEL, ELEVATIONS AND SIDE SLOPES SHOWN.
- ② RECLAIM ERODED LAND TO ESTIMATED GRADE EXISTING PRIOR TO 2017 FLOOD AND STABILIZE, PLACE TOPSOIL AND REVEGETATE. FINAL ELEVATIONS AND CONTOURS SHOWN.
- ③ PROTECT SOUTH EXTENT OF RECLAMATION WITH RIPRAP, 8" TO 24" ANGULAR STONE KEYED INTO TOE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

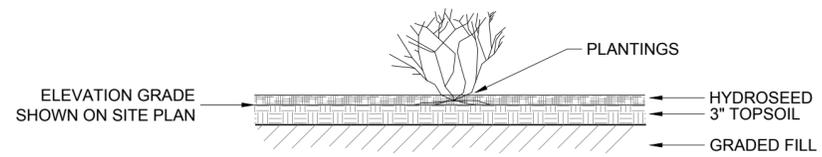
1 SITE PLAN
- 1 SCALE: 1" = 25'

AMENDMENT 9/28/2020

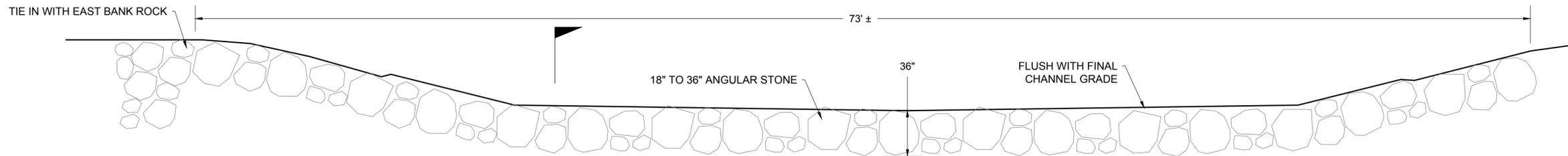
<p>THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT, REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.</p>	G	AMENDMENT - REMOVE LOT 1 WORK	9/28/20					<p>DESIGNED BY CGB</p> <p>DRAFTED BY ICB</p> <p>SCALE 1" = 25' (18 X 24) DWG ONLY</p>	<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> <p>SITE PLAN</p>	<p>PROJECT # 1436-02-2018</p>	<p>DWG # 1</p>	<p>REV 217</p>
	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									



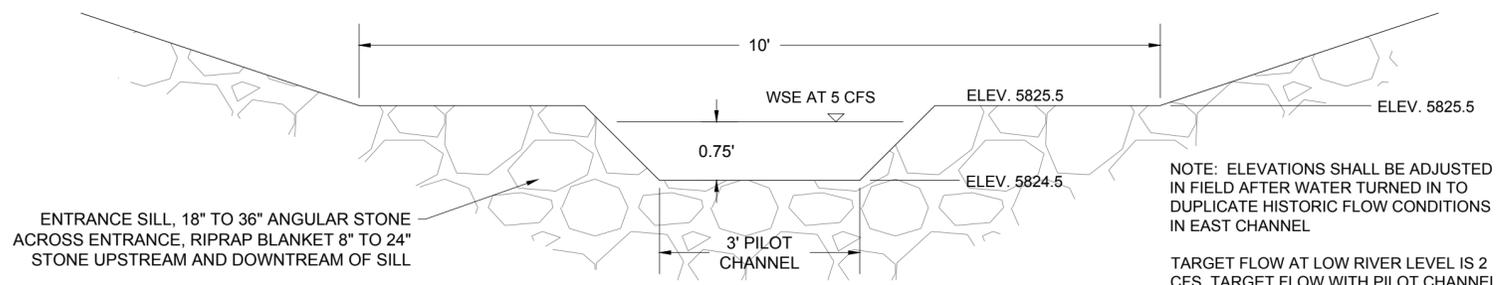
A MAIN RIVER CHANNEL TYP. SECTION
1 2 SCALE: N.T.S.



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

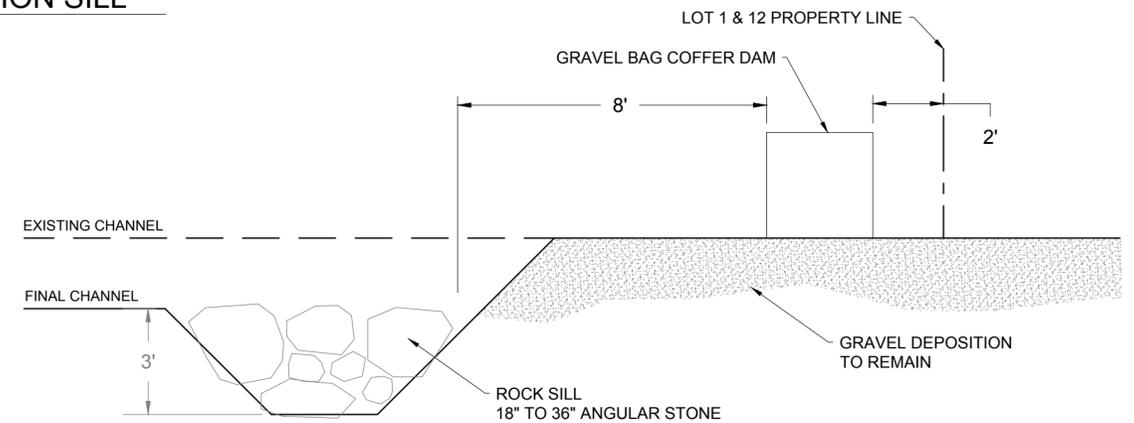


5 CHANNEL STABILIZATION SILL
1 2 SCALE: N.T.S.

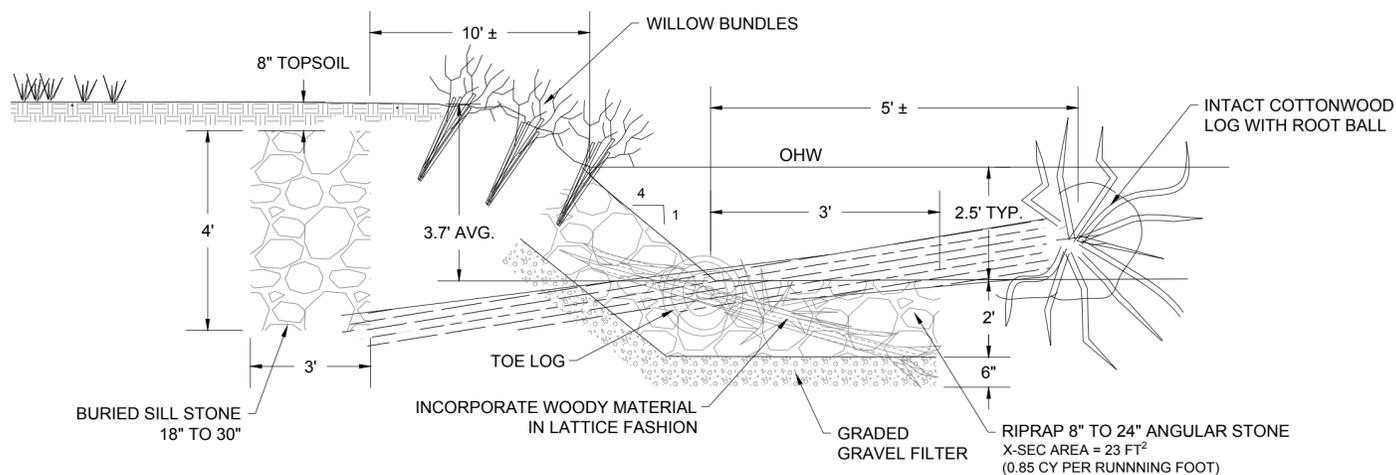


B EAST CHANNEL ENTRANCE SECTION
1 2 SCALE: N.T.S.

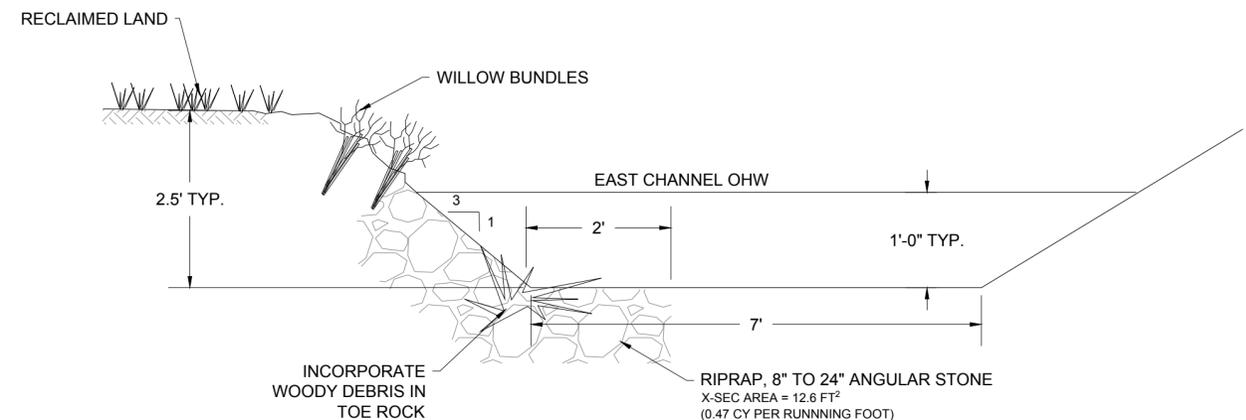
NOTE: ELEVATIONS SHALL BE ADJUSTED IN FIELD AFTER WATER TURNED IN TO DUPLICATE HISTORIC FLOW CONDITIONS IN EAST CHANNEL
TARGET FLOW AT LOW RIVER LEVEL IS 2 CFS. TARGET FLOW WITH PILOT CHANNEL FULL IS 5 CFS.



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



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



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

NOT FOR CONSTRUCTION

AMENDMENT 9/28/2020

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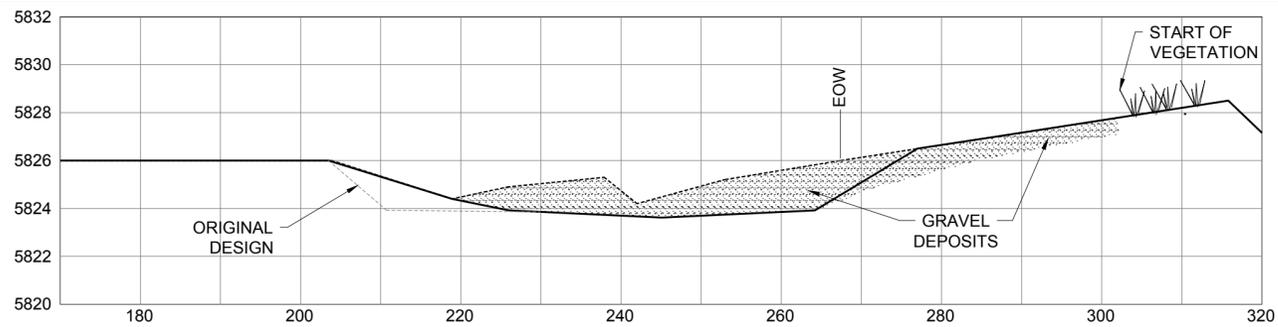
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F	GEOGRID REMOVAL FOR CITY	9/16/19		
E	FOR FINAL PERMIT	7/19/19		
D	MODIFICATIONS TO CHANNEL	1/4/19		
C	ISSUE FOR BIDDING	10/18/18		
B	ADDED PROPERTY NAMES	9/28/18		

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

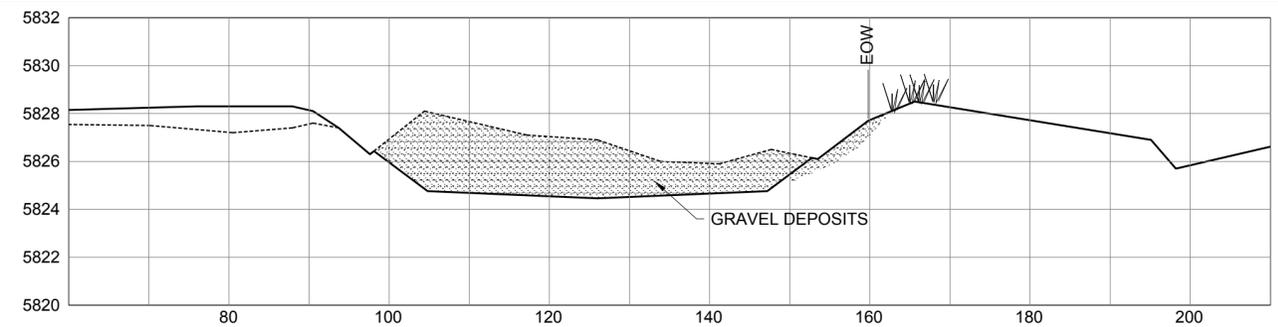
BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS ID, 83301
(208) 736-8543

SWAN, SANDRA
RIVER RESTORATION PROJECT
SECTIONS AND DETAILS

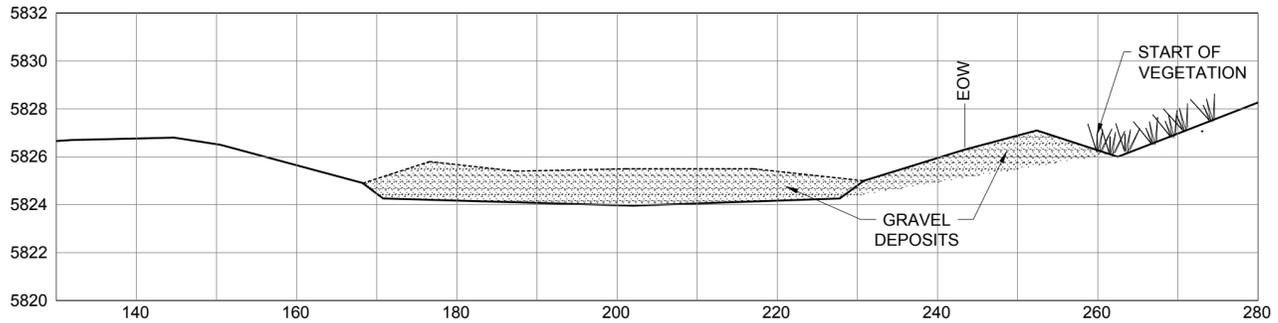
PROJECT # 538-17-2016
DWG # 2
REV 218



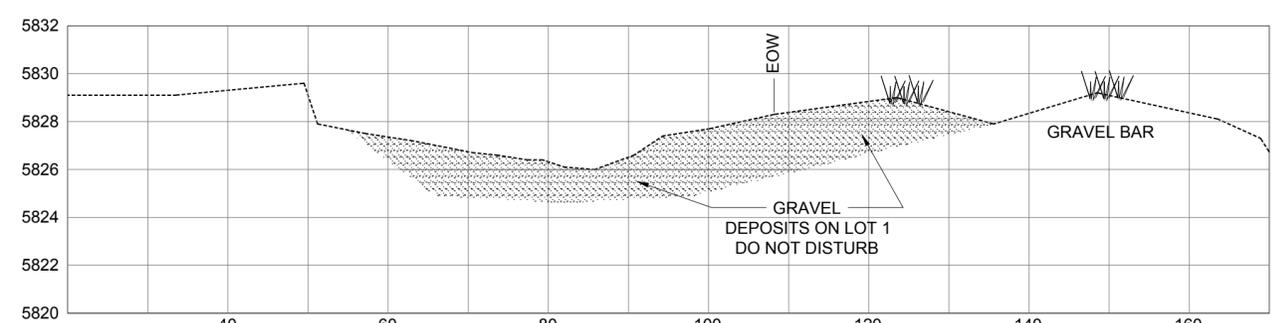
C.0 SECTION 100
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 VERTICAL SCALE: 1" = 5'



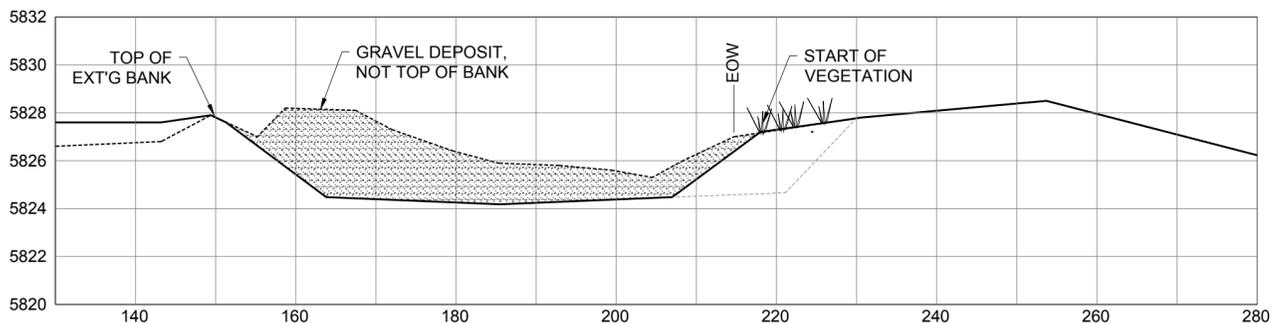
C.4 SECTION 104
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 VERTICAL SCALE: 1" = 5'



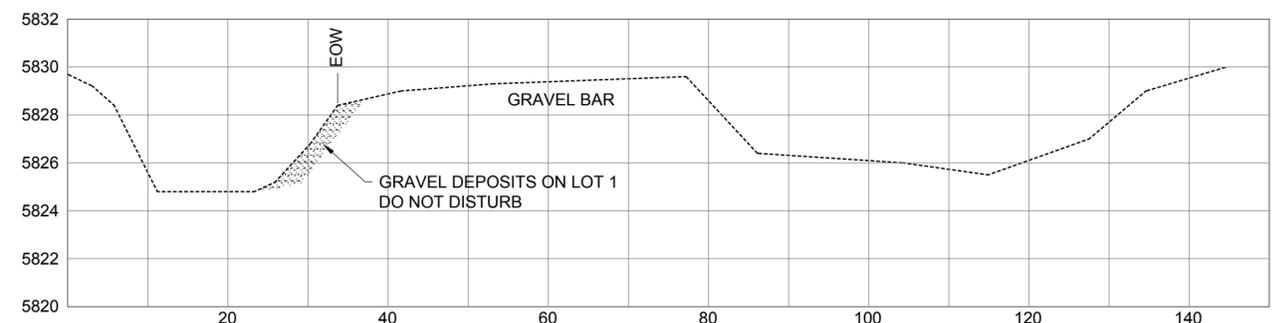
C.1 SECTION 101
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 VERTICAL SCALE: 1" = 5'



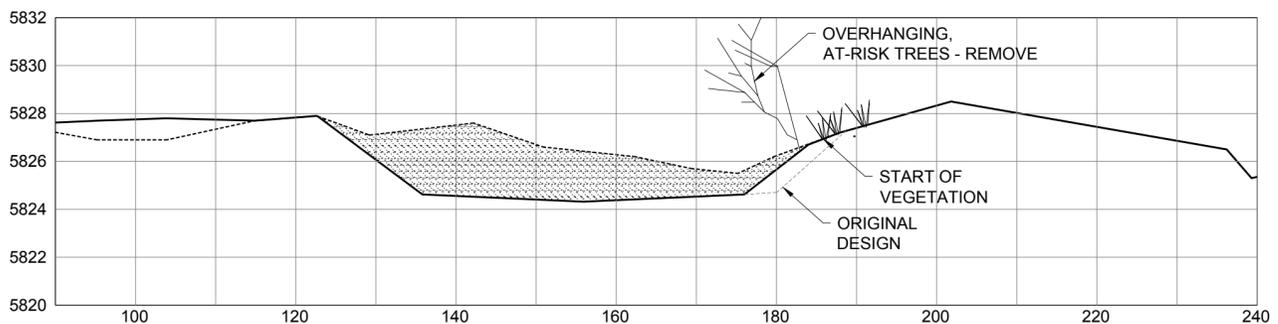
C.5 SECTION 105
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 VERTICAL SCALE: 1" = 5'



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

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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
219

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.