



City of Ketchum  
Planning & Building

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

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

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

**REPRESENTATIVE:** Lars Guy, Architect

**OWNER:** Deep Powder LLC

**REQUEST:** Mountain Overlay Design Review and Townhouse Preliminary Plat Approval

**LOCATION:** 255 Hillside Drive (Warm Springs Subdivision #5, Block 2, Lot 33)

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

**OVERLAY:** Mountain Overlay (MO) & Avalanche Overlay (A)

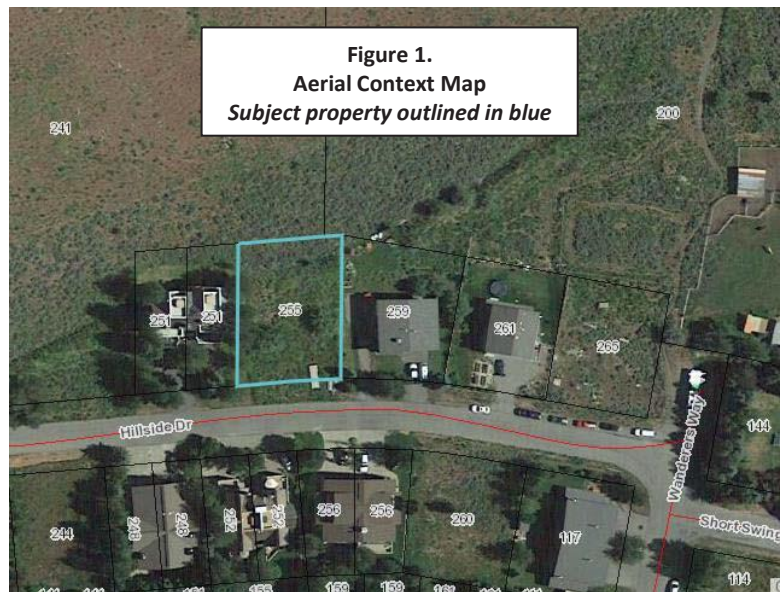
**NOTICE:** Notice was mailed to adjacent property owners on March 2, 2021

**REVIEWER:** Abby Rivin, Senior Planner

**BACKGROUND**

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

The subject property is within the Avalanche and Mountain Overlay Design Review districts. The Commission previously approved a Mountain Overlay Design Review application (#P18-111) for the subject property on September 10, 2018; the previous proposal was to construct a single-family home. Prior to construction commencing the lot sold to new owners. The new owners, Deep Powder LLC (Idaho Mountain Builders), are now proposing to construct two detached, one-family residential dwelling units.



The subject property is zoned General Residential – Low Density (GR-L) and in the GR-L zone two detached one-family residential dwelling units are permitted to be constructed on a single lot. On lots that are at least 8,000 square feet in size townhouse developments are also permitted. The subject property is over 11,000 square feet in size and the property owners intend to plat the two proposed dwellings as detached townhomes at a later date. As such, each dwelling unit has been designed with its own separate utilities (water, sewer, electric, et cetera).

**Table 1: City Department Comments**

City Department Comments				
Compliant			City Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and Staff Comments
	<input type="checkbox"/>	<input type="checkbox"/>	17.104 & 17.96	Complete Application
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Fire Department:</b> <i>See attachment C.</i>	
	<input type="checkbox"/>	<input type="checkbox"/>	<b>City Engineer and Streets Department:</b> <ol style="list-style-type: none"> <li>Detailed review and approval of ROW improvements to occur upon Building Permit submittal.</li> <li>All drainage will need to be retained on site. Including water from any roof drains.</li> <li>A detailed construction activity plan meeting section 15.06 of the City of Ketchum’s Municipal code will be necessary when submitting for building permit. Items should include items such as: how materials will be off loaded at site, plan for coordinating with neighbors on temporary closures, temporary traffic control, construction fence with screening</li> <li>Building/Construction drawings will need to meet applicable sections of Chapter 12 of the City of Ketchum’s Municipal Code</li> <li>ROW improvements required to be prepared by a professional engineer per section 12.04.020 ROW. ROW improvements are shown on sheet L1.1</li> <li>A dig permit will be necessary for ROW work</li> <li>Recommended separation distance between a dry well and watermain is 25’. If a dry well is installed closer than 25’ to the watermain install 20 mil HDPE groundwater barrier along the water main side of drywell. Barrier should extend of 18 inches below the water main pipe. Minimum distance between a dry well and watermain must be 10’.</li> </ol>	
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Utilities:</b> <ol style="list-style-type: none"> <li>Each townhouse will require separate taps for both water and sewer.</li> <li>Each townhouse will have its own independent irrigation system.</li> </ol>	

**Table 2: Zoning Standards Analysis**

Compliance with Zoning Standards				
Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and Staff Comments
	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	<b>Minimum Lot Area</b>
			<i>Staff Comment</i>	<b>Required:</b> 8,000 square feet minimum. <b>Existing (Lot 25):</b> 11,150 sf
	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	<b>Building Coverage</b>
			<i>Staff Comment</i>	<b>Permitted:</b> 35% <b>Proposed:</b> 33% (3,717 sf)
	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	<b>Minimum Building Setbacks</b>

			<p><b>Staff Comment</b></p> <p><b>Minimum:</b>  Front: 15'  Exterior Side: &gt; of 1' for every 3' in building height, or 5'  Interior Side: 0'  Rear: &gt; of 1' for every 3' in building height, or 15'</p> <p><b>Proposed:</b>  Note 1: There is a discrepancy between the setbacks indicated on A-1.0 and L1.0. The applicant indicates that sheet L1.0 represents accurate setbacks.</p> <p>Note 2: The elevation plans indicate a partial avalanche protection wall on the west side of the western building (Unit A). The design is to be determined. The applicant is aware that the wall can not exceed 6' in height and that the wall can not encroach more than 3' into the setback that has been established by the building's height. If final design results in a wall that is greater than 3' wide the western building's footprint will be shifted east (toward Unit B) in order to meet the side yard setback requirement.</p>		
			<table border="1"> <tr> <td> <p><b>West building (Unit A)</b>  Front: 25'-3" on L  Exterior (east) side: 10'  Interior side: NA  Rear: 31'-11"</p> </td> <td> <p><b>East building (Unit B)</b>  Front: 16'-11" on L  Exterior (east) side: 10'  Interior side: NA  Rear: &gt;31'-11"</p> </td> </tr> </table>	<p><b>West building (Unit A)</b>  Front: 25'-3" on L  Exterior (east) side: 10'  Interior side: NA  Rear: 31'-11"</p>	<p><b>East building (Unit B)</b>  Front: 16'-11" on L  Exterior (east) side: 10'  Interior side: NA  Rear: &gt;31'-11"</p>
<p><b>West building (Unit A)</b>  Front: 25'-3" on L  Exterior (east) side: 10'  Interior side: NA  Rear: 31'-11"</p>	<p><b>East building (Unit B)</b>  Front: 16'-11" on L  Exterior (east) side: 10'  Interior side: NA  Rear: &gt;31'-11"</p>				
<input type="checkbox"/>		<input type="checkbox"/>	<p>17.12.040</p> <p><b>Building Height</b></p> <p><b>Staff Comment</b></p> <p><b>Maximum Permitted:</b> 35'</p> <p><b>Proposed:</b></p> <table border="1"> <tr> <td> <p><b>West building (Unit A)</b>  29'-10"</p> </td> <td> <p><b>East building (Unit B)</b>  29'-10"</p> </td> </tr> </table>	<p><b>West building (Unit A)</b>  29'-10"</p>	<p><b>East building (Unit B)</b>  29'-10"</p>
<p><b>West building (Unit A)</b>  29'-10"</p>	<p><b>East building (Unit B)</b>  29'-10"</p>				
<input type="checkbox"/>	<input type="checkbox"/>		<p>17.125.030.H</p> <p><b>Curb Cut</b></p> <p><b>Staff Comment</b></p> <p><b>Permitted:</b> 35% or street frontage or 32' for the subject property (street frontage 90')</p> <p><b>Proposed:</b>  Note 1: There is a discrepancy between the curb cut/driveway widths indicated on A-1.0 and L1.0. The applicant indicates that sheet L1.0 represents accurate curb cuts/driveway widths, which are 16' each for a total of 32'.</p>		
<input type="checkbox"/>	<input type="checkbox"/>		<p>17.125.040.B</p> <p><b>Parking Spaces</b></p> <p><b>Staff Comment</b></p> <p><b>Required:</b>  Residential one family: 2 parking spaces per dwelling unit</p> <p><b>Proposed:</b>  Two garage spaces per building</p>		
	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.18.050 &amp; 17.08.020</p> <p><b>Zoning Districts &amp; Definitions</b></p>		
			<p><b>Staff Comment</b></p> <p><b>17.18.050: General Residential - Low Density District (GR-L):</b> The purpose of the GR-L General Residential - Low Density District is to provide areas where low and medium density uses can be properly developed in proximity to each other while still maintaining neighborhood amenities and favorable aesthetic surroundings. The intent of the general residential - low density district is to permit a reasonable amount of flexibility in both land use and development in residential development areas.</p> <p><b>17.08.020 – Definitions</b>  <b>Dwelling, One-family:</b> A building, under single or multiple ownership, containing two (2) or more dwelling units used for residential occupancy.</p>		

**Table 3: Mountain Overlay Design Review Standards**

IMPROVEMENTS AND STANDARDS: 17.104.070 – Mountain Overlay Design Review:				
The following list of criteria and those contained in section 17.96.080 of this title must be considered and addressed by each applicant seeking design review approval.				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (1)	<b>There shall be no building on ridges or knolls which would have a material visual impact on a significant skyline visible from a public vantage point entering the city or within the city. “Material”, as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.</b>
			<i>Staff Comment</i>	<i>There are no ridges or knolls identified on the subject parcel; the ridge line is located beyond the extent of the property boundary.</i>  <i>Further, this property is not visible from an identified or protected view corridor. The most prominent street in the vicinity is Warm Springs Road. Because the eastern portion of Hillside Drive, where the subject property is located, has relatively shallow lot depths (under 150’) where maximum elevations are relatively low, existing residences and vegetation located on the southside of Hillside Drive, Belmont Drive, and the north side of Warm Springs Road provides ample screening.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (2)	<b>Building, excavating, filling and vegetation disturbance on hillsides which would have a material visual impact visible from a public vantage point entering the city or within the city shall be minimized. “Material”, as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.</b>
			<i>Staff Comment</i>	<i>Building, excavation, filling and vegetation disturbance will not have a material visual impact visible from a point within the city due to the location of the subject property and site characteristics described in evaluation of the previous criteria 17.104.070.A.1</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (3)	<b>Driveway standards as well as other applicable standards contained in chapter 12.04 of this code shall be met.</b>
			<i>Staff Comment</i>	<i>Refer to comments from the City Engineer and Streets Superintendent in Table 1. Detailed review and approval of ROW improvements to occur upon Building Permit submittal.</i>
	<input type="checkbox"/>		17.104.070 A (4)	<b>All development shall have access for fire and other emergency vehicles to within one hundred fifty feet (150’) of the furthest exterior wall of any building.</b>
			<i>Staff Comment</i>	<i>Refer to Attachment C, Fire Marshal comments.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (5)	<b>Significant rock outcroppings shall not be disturbed.</b>
			<i>Staff Comment</i>	<i>There are no significant rock outcroppings within the property boundary of the subject property.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (6)	<b>International building code (IBC) and international fire code (IFC) and Ketchum fire department requirements shall be met.</b>
			<i>Staff Comment</i>	<i>All IBC and IFC codes will be met; this will be verified during the Building Permit review process.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (7)	<b>Public water and sewer service shall comply with the requirements of the city.</b>
			<i>Staff Comment</i>	<i>Water and sewer services are proposed for each unit. As required, each unit will have its own water and sewer service.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (8)	<b>Drainage shall be controlled and maintained to not adversely affect other properties.</b>
			<i>Staff Comment</i>	<i>An extensive drainage plan has been prepared (sheet L2.0). All drainage is proposed to be controlled and maintained on site. The city engineer notes in Table 1 stormwater from roofs must be retained on site as well.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070 A (9)	<b>Cuts and fills allowed for roadways shall be minimized; lengths of driveways allowed shall be minimized; all cuts and fills shall be concealed with landscaping, revegetation and/or natural stone materials. Revegetation on hillsides with a clear zone of thirty feet (30’) around all structures is recommended. Said clear zone shall include low combustible irrigated vegetation with appropriate species, on file with</b>

				<p><b>the Ketchum planning department. Revegetation outside of this clear zone should be harmonious with the surrounding hillsides.</b></p> <p><i>Staff Comment</i> No new roadways are proposed; the garages and associated driveways are located closest to the existing street and the driveway lengths are therefore minimized; the northwest portion of the site and parts of the eastern and western side yards are proposed to be re-contoured to accommodate the residential dwellings. In these recontoured portions of the site the proposed revegetation consists of primarily of natural grasses, to be hydroseeded.</p> <p>There is a 30' or greater 'clear zone' proposed for the majority of the rear yard; natural grasses, lawn, and at-grade patios are proposed to the rear of each structure. However, a limited amount of trees and shrubs are proposed in the rear yard (one evergreen tree, several aspens, and several deciduous shrubs) and the purpose of the landscaping is to provide a privacy buffer between the two residential units. Vegetation proposed for the east side yards consists primarily of natural grasses and deciduous trees (east side of Unit B) and vegetation proposed for the west side yard (west side of Unit A) consists primarily of natural grasses. In between the buildings gravel is proposed to groundcover and deciduous trees are proposed in between the buildings.</p>
	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.104.070 A (10)</b></p> <p><b>No other sites on the parcel are more suitable for the proposed development in order to carry out the purposes of this section.</b></p> <p><i>Staff Comment</i> The subject property is 0.26 acres in size (11,150 square feet) and is 125' deep with a minimum elevation of 5867' and a maximum elevation of 5887', a slope of 16% on the western property boundary and 11% on the eastern property boundary. In contrast, there are a dozen parcels further west on Hillside Drive and Huffman Drive that range from 500' to over 1,000' in depth, with maximum elevations above 6300' and slopes exceeding 25% where location of development is of greater concern with respect to Mountain Overlay standards. In other words, the subject property is relatively small in size and relatively flat in comparison to other properties within the Mountain Overlay.</p> <p>The two proposed dwelling units are both located in in the flatter/less steep portion of the site (as opposed to the steepest portion of the site, which is the rear of the property).</p> <p>All things considered, staff finds the proposed development to be sited in a location that is suitable for carrying out the purposes of this Ordinance.</p>	
<input type="checkbox"/>	<input type="checkbox"/>		<p><b>17.104.070 A (11)</b></p> <p><b>Access traversing twenty five percent (25%) or greater slopes does not have significant impact on drainage, snow and earthslide potential and erosion as it relates to the subject property and to adjacent properties.</b></p> <p><i>Staff Comment</i> The project does not include accesses that traverse 25% or greater slopes.</p>	
	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.104.070 A (12)</b></p> <p><b>Utilities shall be underground.</b></p> <p><i>Staff Comment</i> All utilities will be located underground. See sheet L1.1.</p>	
	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.104.070 A (13)</b></p> <p><b>Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction.</b></p> <p><i>Staff Comment</i> Sheet L2.0 indicates fencing will be installed along the rear, west and east property lines to delineate the limits of disturbance. Fencing shall remain in place for the duration of construction.</p>	
	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.104.070 A (14)</b></p> <p><b>Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized.</b></p> <p><i>Staff Comment</i> Excavation is limited to the locations of the two proposed buildings. Recontouring along the eastern and western property lines is a response to the two buildings being constructed.</p> <p>Vegetation disturbance at the rear of the buildings is justified in part to create a modest amount of usable, outdoor space for each dwelling.</p>	

<input type="checkbox"/>	<input type="checkbox"/>		17.104.070 A (15)	Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.
			<i>Staff Comment</i>	<i>No significant landmarks have been identified on-site.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.104.070 A (16)	Encroachments of below grade structures into required setbacks are subject to subsection 17.128.020K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.
				<i>No below grade encroachments into required setbacks are proposed.</i>

**Table 4: Design Review Standards for all projects**

Design Review Requirements				
IMPROVEMENTS AND STANDARDS: 17.96.060				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(1) Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.
			<i>Staff Comments</i>	<i>Two driveways will connect to the existing street, Hillside Drive. The applicant is aware that construction of the driveways is their expense.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060(A)(2) Streets	All street designs shall be approved by the City Engineer.
			<i>Staff Comments</i>	<i>N/A. No new street is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060(B)(1)	All projects under 17.96.010(A) that qualify as a "Substantial Improvement" shall install sidewalks as required by the Public Works Department.
			<i>Staff Comments</i>	<i>N/A. Sidewalks are not required in this zoning district, GR-L.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060 (B)(2)c	Sidewalk width shall conform to the City's right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.
			<i>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060 (B)(3)	Sidewalks may be waived if one of the following criteria is met: <ul style="list-style-type: none"> <li>a. The project comprises an addition of less than 250 square feet of conditioned space.</li> <li>b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.</li> </ul>
			<i>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060 (B)(4)	The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.
			<i>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060 (B)(5)	New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.
			<i>Staff Comments</i>	<i>N/A.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060 (B)(6)	The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy.
			<i>Staff Comments</i>	<i>N/A.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(1)	All storm water shall be retained on site.

			<i>Staff Comments</i>	<i>The applicant proposes to retain all stormwater on site. See sheet L2.0. A final drainage and grading plan will be reviewed and approved by the City Engineer and Streets Department Director through the Building Permit review and approval process.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	<b>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</b>
			<i>Staff Comments</i>	<i>See sheet L2.0.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(3)	<b>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</b>
			<i>Staff Comments</i>	<i>See City Engineer comments, table 1.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(4)	<b>Drainage facilities shall be constructed per City standards.</b>
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(1)	<b>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</b>
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(2)	<b>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</b>
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(3)	<b>When extension of utilities is necessary all developers will be required to pay for and install two (2") inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with city of Ketchum standards and at the discretion of the City Engineer.</b>
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(E)(1)	<b>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</b>
			<i>Staff Comments</i>	<i>The applicant proposes a color scheme of grey hues (weathered barnwood siding, metal roofing, trim and fascia) and windows clad in dark grey. The materials palette is comprised of natural materials – primarily wood and metal.</i>  <i>The color scheme is muted and appropriate for the Mountain Overlay district.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060(E)(2)	<b>Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.</b>
			<i>Staff Comments</i>	<i>N/A. There are no identified landmarks on the property.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060(E)(3)	<b>Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.</b>
			<i>Staff Comments</i>	<i>N/A. The proposal is for new construction.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060(F)(1)	<b>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</b>
			<i>Staff Comments</i>	<i>N/A. Sidewalks do not exist in this zoning district.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(2)	<b>The building character shall be clearly defined by use of architectural features.</b>
			<i>Staff Comments</i>	<i>The two proposed dwellings are complementary in design and share the same pitched roof, front-loaded ground-floor two car garage, and second-story outdoor deck located on top of the garage. The same exterior materials are proposed for both projects.</i>  <i>Architecturally, each building is defined by a pitched roof, ample glazing on all facades (including floor-to-ceiling windows on the second story of the front façade), a prominent chimney stack, and the incorporation of side staircases that provide access from each dwelling to exterior patios.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(3)	<b>There shall be continuity of materials, colors and signing within the project.</b>
			<i>Staff Comments</i>	<i>The two proposed dwellings utilize the same material and color palette.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(4)	<b>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</b>
			<i>Staff Comments</i>	<i>The landscaping plan features paver and stone staircases that provide access from the exterior sides of each building to the exterior paver patios. Drystack walls (max 2' in</i>

				<i>height on the east side and 3' in height on the west side) are incorporated into the site as is extensive landscaping.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(5)	<b>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</b>
			<i>Staff Comments</i>	<i>The pitched roof overhangs on all four sides of the building, providing relief against the walls on the sides and rear of each building. The most prominent relief is on the street-fronting, front faced. The upper floor has been eroded to create an outdoor living space above the ground floor garage and the pitched roof of the building serves as a roof for the outdoor living area as well.</i>  <i>Additionally, each façade has windows and variations in materials, which break up the appearance of bulk and reduce appearance of flatness.</i>
	<input type="checkbox"/>		17.96.060(F)(6)	<b>Building(s) shall orient towards their primary street frontage.</b>
			<i>Staff Comments</i>	<i>Both buildings orient towards Hillside Drive.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(7)	<b>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</b>
			<i>Staff Comments</i>	<i>N/A. There is no alley behind the property. Satellite receivers are not proposed.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(8)	<b>Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.</b>
			<i>Staff Comments</i>	<i>N/A.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(1)	<b>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</b>
			<i>Staff Comments</i>	<i>N/A.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(2)	<b>Awnings extending over public sidewalks shall extend five (5') feet or more across the public sidewalk but shall not extend within two (2') feet of parking or travel lanes within the right of way.</b>
			<i>Staff Comments</i>	<i>N/A.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(3)	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(4)	<b>Curbs cuts and driveway entrances shall be no closer than twenty (20') feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right of way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.</b>
			<i>Staff Comments</i>	<i>N/A.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(5)	<b>Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.</b>
			<i>Staff Comments</i>	<i>N/A as access for emergency vehicles, snowplows, and garbage trucks is provided from Hillside Drive.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(1)	<b>Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.</b>
			<i>Staff Comments</i>	<i>465 square feet of snow storage is required, and 600 square feet is proposed.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(2)	<b>Snow storage areas shall be provided on-site.</b>
			<i>Staff Comments</i>	<i>Proposed snow storage is located on the subject property in between the two residences, and in the southwest and southeast corners of the site.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(3)	<b>A designated snow storage area shall not have any dimension less than five (5') feet and shall be a minimum of twenty five (25) square feet.</b>
			<i>Staff Comments</i>	<i>All three snow storage areas exceed the minimum dimension standards.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(4)	<b>In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.</b>
			<i>Staff Comments</i>	<i>N/A.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	<b>Landscaping is required for all projects.</b>



			<i>Staff Comments</i>	<i>See sheet L3.0.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(2)	<b>Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.</b>
			<i>Staff Comments</i>	<i>The applicant proposes to use a natural grass mix for the majority of the property and a limited amount of lawn (1,000 square feet). The proposed evergreen trees (Colorado Spruce) and deciduous trees (Quaking Aspen) are common in the vicinity and throughout Ketchum.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(3)	<b>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</b>
			<i>Staff Comments</i>	<i>The applicant proposes to use a natural grass mix for the majority of the property and a limited amount of lawn (1,000 square feet). The proposed evergreen trees (Colorado Spruce) and deciduous trees (Quaking Aspen) are drought tolerant once established, with Colorado Spruce being among the most drought-tolerant species of spruces.</i>
	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(4)	<b>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.</b>
			<i>Staff Comments</i>	<i>Residential development exists on both sides of the subject property and therefore a substantial landscape buffer along all property sides is not required. The applicant has broken up the impact of the driveway curb-cuts by siting landscaping (evergreen trees) in between the two proposed driveways.</i>
<input type="checkbox"/>	<input type="checkbox"/>		17.96.060(J)(1)	<b>Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the Commission.</b>
			<i>Staff Comments</i>	<i>N/A.</i>

**Table 2: Preliminary Plat Requirements for Townhouse Preliminary Plat**

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

**STAFF RECOMMENDATION:**

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

**RECOMMENDED MOTION:**

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

**RECOMMENDED CONDITIONS**

1. All departmental conditions as described in Tables 1, 2, 3, 4, and 5;
2. Limits of disturbance/construction fencing indicated on Sheet L2.0 shall remain in place for the duration of construction;
3. The elevation plans indicate a partial avalanche protection wall on the west side of the western building (Unit A). The design is to be determined. The applicant is aware that the wall cannot exceed 6’ in height and that the wall cannot encroach more than 3’ into the setback that has been established by the building’s height. If final design results in a wall that is greater than 3’ wide the western building’s footprint will be shifted east (toward Unit B) in order to meet the side yard setback requirement.

4. This Design Review and Preliminary Plat approval is based on the plans and information presented and approved at the meeting on the date noted herein. Building Permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal;
5. All building and fire code requirements as dictated by 2018 family of international codes and Title 15 of Ketchum Municipal shall apply to all construction onsite;
6. Per Title 17, Section 17.96.090: TERM OF APPROVAL: The term of design review approval shall be twelve (12) months from the date that findings of fact, conclusions of law and decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations;
7. All Design Review elements shall be completed prior to final inspection;
8. All exterior lighting shall be in compliance with Ketchum Municipal Code, Chapter 17.132, Dark Skies, and approved prior the issuance of a Certificate of Completion;
9. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.

**ATTACHMENTS:**

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

## A. Application



City of Ketchum  
Planning & Building

### Design Review Application

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

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

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



Signature of Owner/Representative

02/21/21

Date

## DESIGN REVIEW EVALUATION STANDARDS

(May not apply to Administrative Design Review):

### 17.96.060: IMPROVEMENTS AND STANDARDS FOR ALL PROJECTS

#### A. Streets:

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

#### B. Sidewalks:

1. All projects under 17.96.010(A) that qualify as a "Substantial Improvement" shall install sidewalks in conformance with the right-of-way standards. Sidewalk improvements may be waived for projects that qualify as a "Substantial Improvement" which comprise additions of less than 250 square feet of conditioned space.
2. The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.
3. New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.
4. The city may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the city and not used for any purpose other than the provision of these improvements. The contribution amount shall be one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the Public Works Director. Any approved in-lieu contribution shall be paid before the city issues a certificate of occupancy.

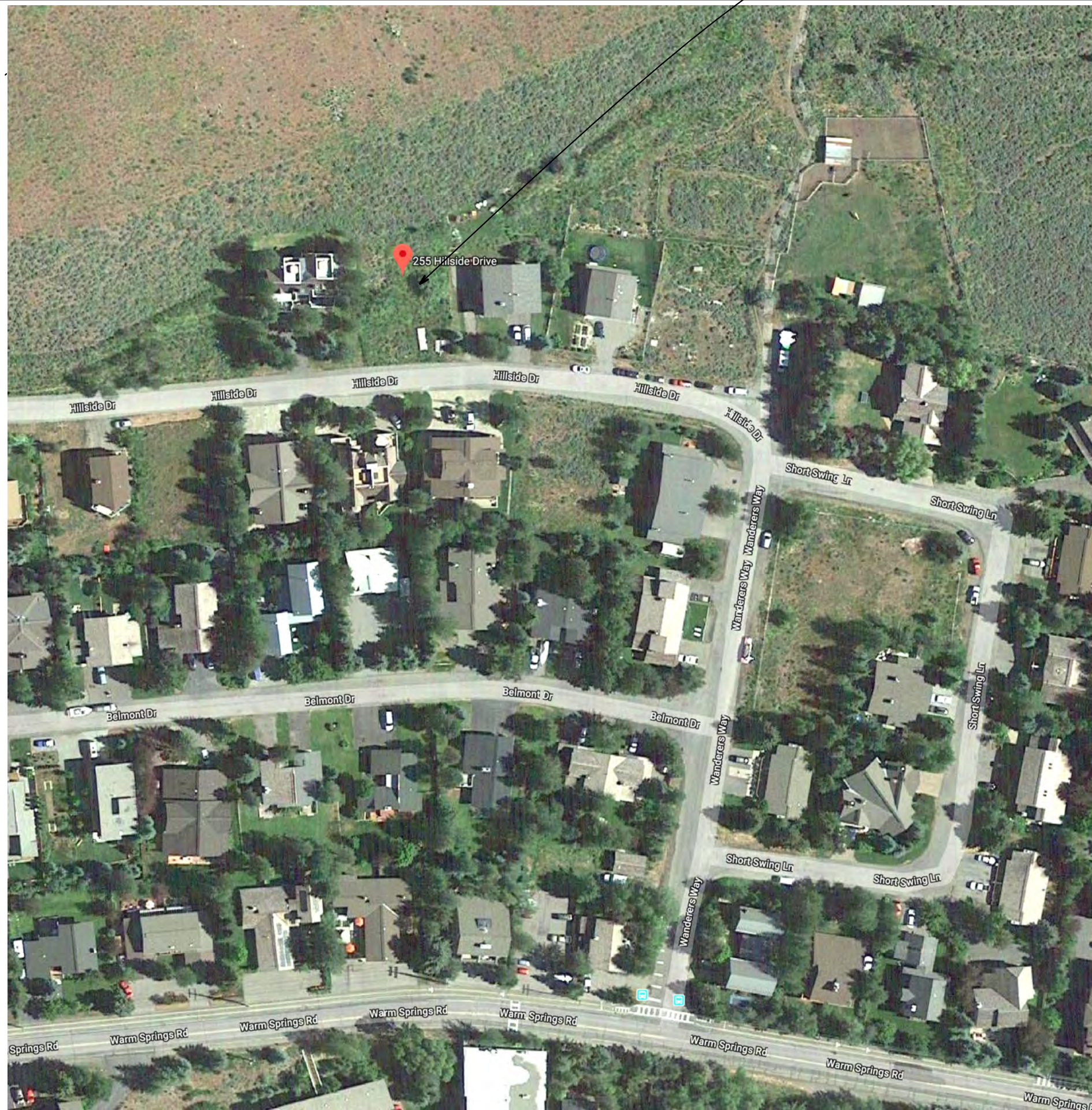
#### C. Drainage:

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

## B. Plans

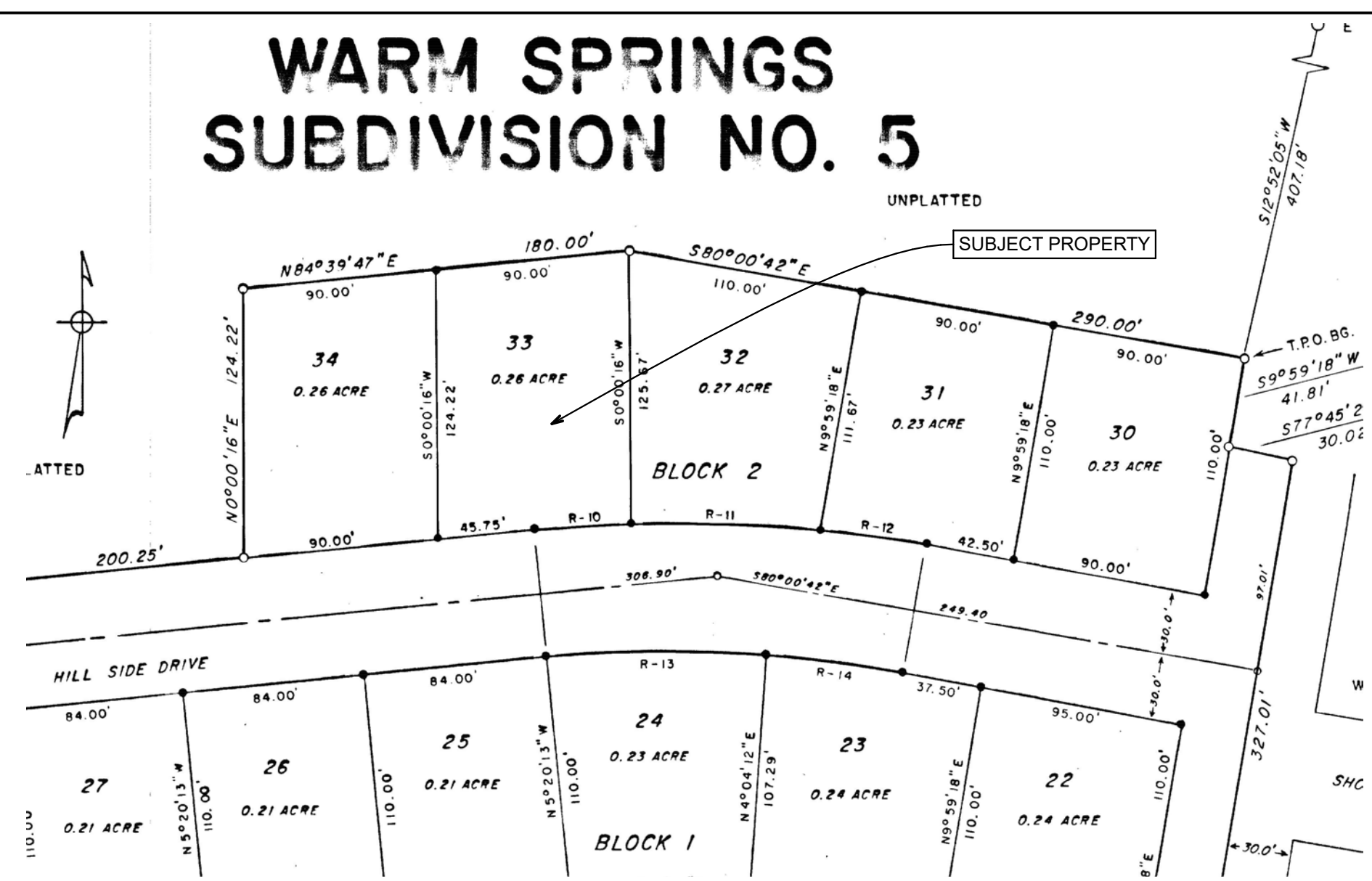
VICINITY MAP

SUBJECT PROPERTY

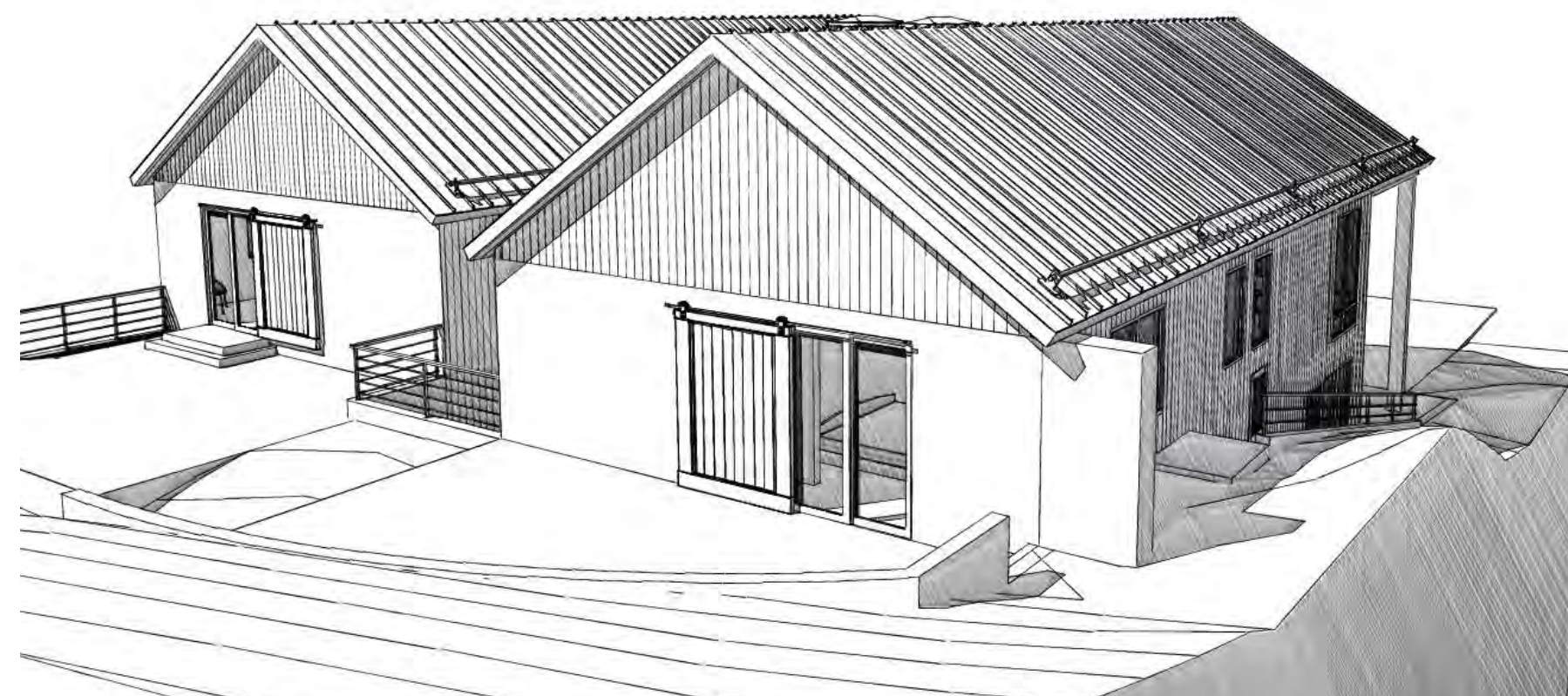


SUBDIVISION MAP

WARM SPRINGS SUBDIVISION NO. 5



PERSPECTIVES



PROJECT TEAM

**OWNER:** DEEP POWDER LLC  
PO BOX 3761  
KETCHUM ID 83340

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

**CONTRACTOR:** IDAHO MOUNTAIN BUILDERS  
251 B 1ST AVE NORTH  
KETCHUM, ID 83340  
208.726.1603

**STRUCTURAL ENGINEER:**

**SURVEYOR:** ALPINE ENTERPRISES  
PO BOX 2307  
KETCHUM, IDAHO 83340  
TEL: 208.727.1988

**DESIGN CONSULTING:** PROVIS, INC (LARS GUY)  
BOX 2675 KETCHUM, IDAHO 83340  
TEL: 208.720.9684

**PLANNING, ZONING & BUILDING DEPARTMENT:** KETCHUM P & Z  
480 EAST AVNUE NORTH  
KETCHUM, IDAHO 83340  
208.726.7801

**FIRE DEPARTMENT:** KETCHUM F.D.  
480 EAST AVNUE NORTH  
KETCHUM, IDAHO 83340  
208.726.7805

**HEALTH DEPARTMENT:** SOUTH CENTRAL HEALTH DISTRICT  
MATT WILDHAGEN  
117 EAST ASH AVENUE  
BELLEVUE, IDAHO 83313

SHEET SCHEDULE

A-0.0	COVER SHEET & PROJECT INFORMATION
C-1	SITE PLAN-SURVEY
A-1.0	ARCHITECTURAL SITE PLAN
LS-1.0	LANDSCAPE PLAN
<b>ARCHITECTURAL</b>	
A-2.0	GARAGE LEVEL FLOOR PLAN
A-2.1	SECOND FLOOR PLAN
A-3.0	EXTERIOR ELEVATIONS
A-3.1	EXTERIOR ELEVATIONS
A-4.0	BUILDING SECTIONS

OWNER INFO

PROJECT NO.

CONTRACTOR

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

ADD'L INFORMATION

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

**DRAINAGE PLAN:** FINISH GRADE WILL PROVIDE POSITIVE DRAINAGE AWAY FROM STRUCTURE. EXISTING GRADE TO REMAIN

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

**STREET ROW:** PROJECT WILL NOT CREATE ANY NON COMPLIANCE TO R.O.W. STANDARDS

**CONSTRUCTION TYPE:**

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

PROJECT INFORMATION

**LOT:** 255 HILLSIDE DRIVE • WARM SPRINGS SUB #5 LOT 33 BLK 2 11

**SIZE:** 0.256 /AC or 11,150 S.F.

**ZONE:** LR

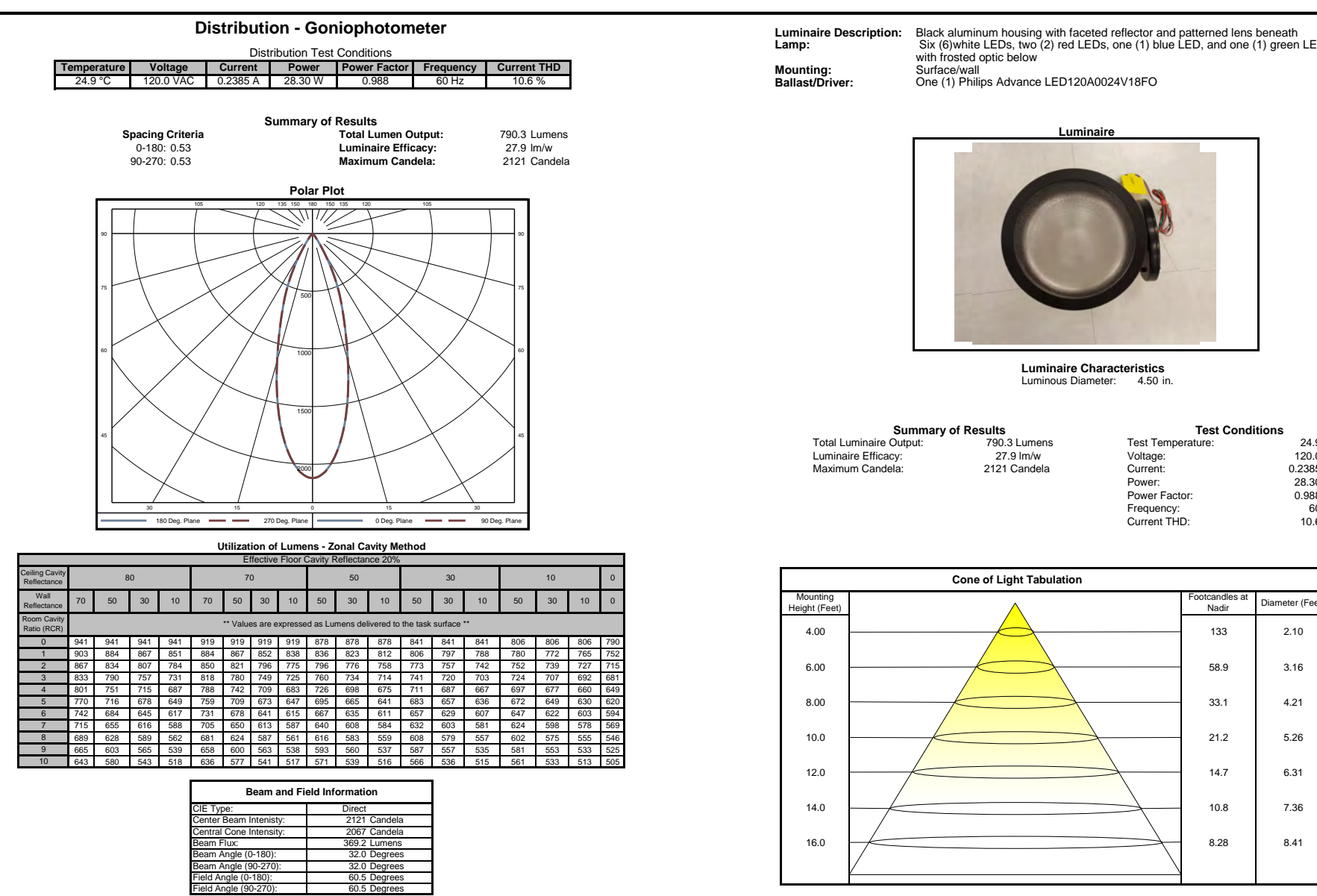
**SETBACKS:** FRONT 15'-0"  
SIDE/EAST (1:3) 10'-0"  
SIDE/WEST (1:3) 10'-0"  
REAR (1:3) 15'-0"

**AREA ANALYSIS: (GROSS ENCLOSED SQUARE FOOTAGE)**

UPPER LEVEL 1,450 S.F. (UNIT) X 2  
GARAGE LEVEL LIVING 1,217 S.F. (UNIT) X 2  
GARAGE 552 S.F. (UNIT) X 2  
TOTAL STRUCTURE 3,219 S.F. (UNIT) X 2  
FOOTPRINT ON SITE 1,769 S.F. (UNIT) X 2

**MAXIMUM BUILDING HEIGHT** 30'-0" (PER SETBACKS)  
(ALLOWED) 35'-0"

LIGHT SPEC



EXT. LIGHT FIXT



BUILDING CODE

**ALL WORK SHALL MEET OR EXCEED THE CURRENT ADOPTED CODES:**

2012 INTERNATIONAL BUILDING CODE (2012 IBC)  
2012 INTERNATIONAL RESIDENTIAL CODE (2012 IRC)  
2012 ENERGY CONSERVATION CODE (2012 IECC)  
2012 FIRE CODE (2012 IFC)

(AS ADOPTED BY ORDINANCE NUMBER 1125, 2014)

PROVIDE REQUIRED UNDERFLOOR VENTING/RADON MITIGATION AS REQUIRED.

PROVIDE REQUIRED UNDERFLOOR VENTING MOLD MITIGATION AS REQUIRED.

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

DRAWING:  
COVER

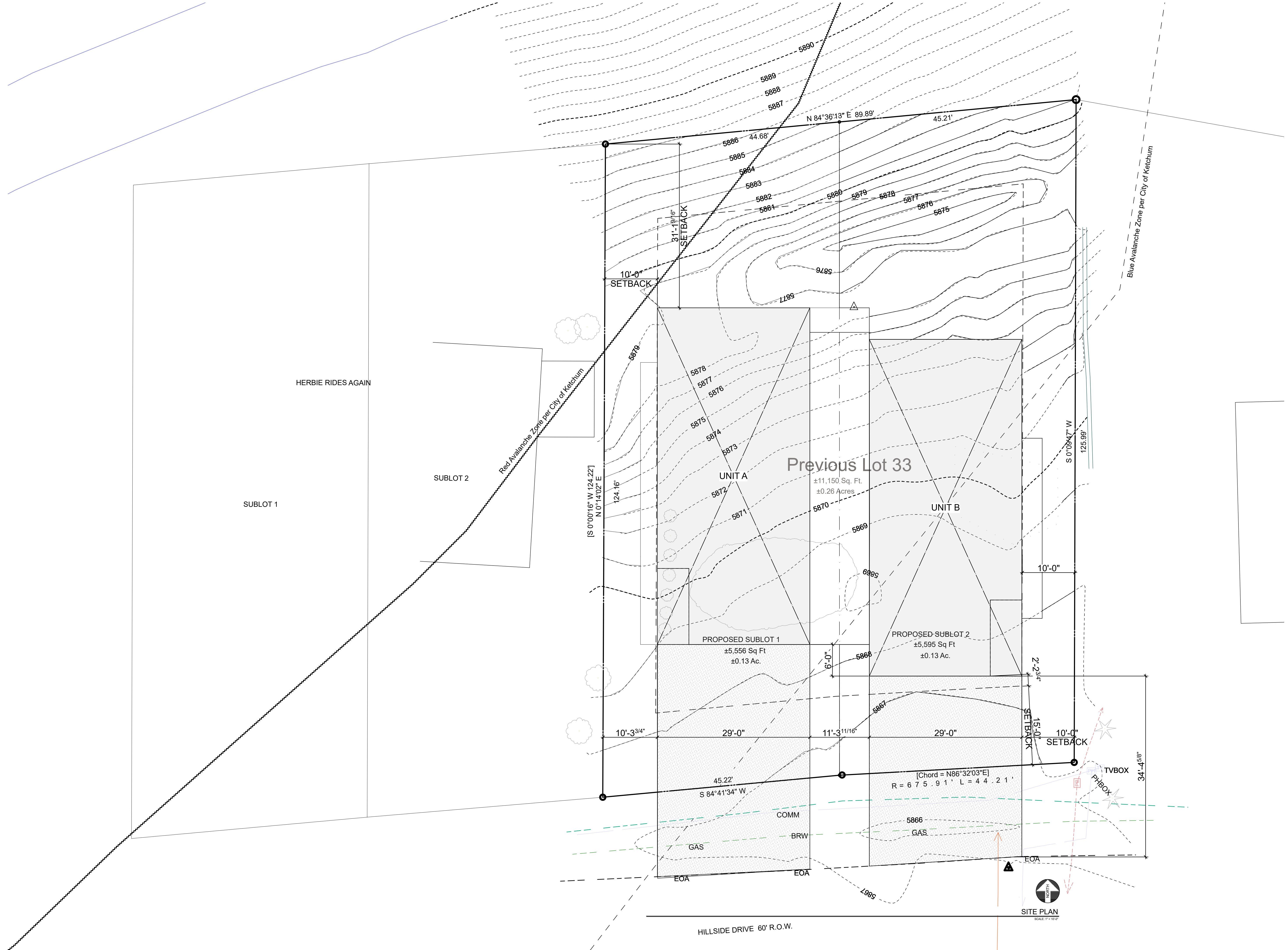
DATE

6/19/19

SHEET NUMBER

A-0.0

© COPYRIGHT: THESE DRAWINGS AND DETAILS ARE COPYRIGHTED AND ARE THE EXCLUSIVE PROPERTY OF IDAHO MOUNTAIN BUILDERS, LLC. ANY UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN PERMISSION.



OWNER INFO

PROJECT NO.

CONTRACTOR

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

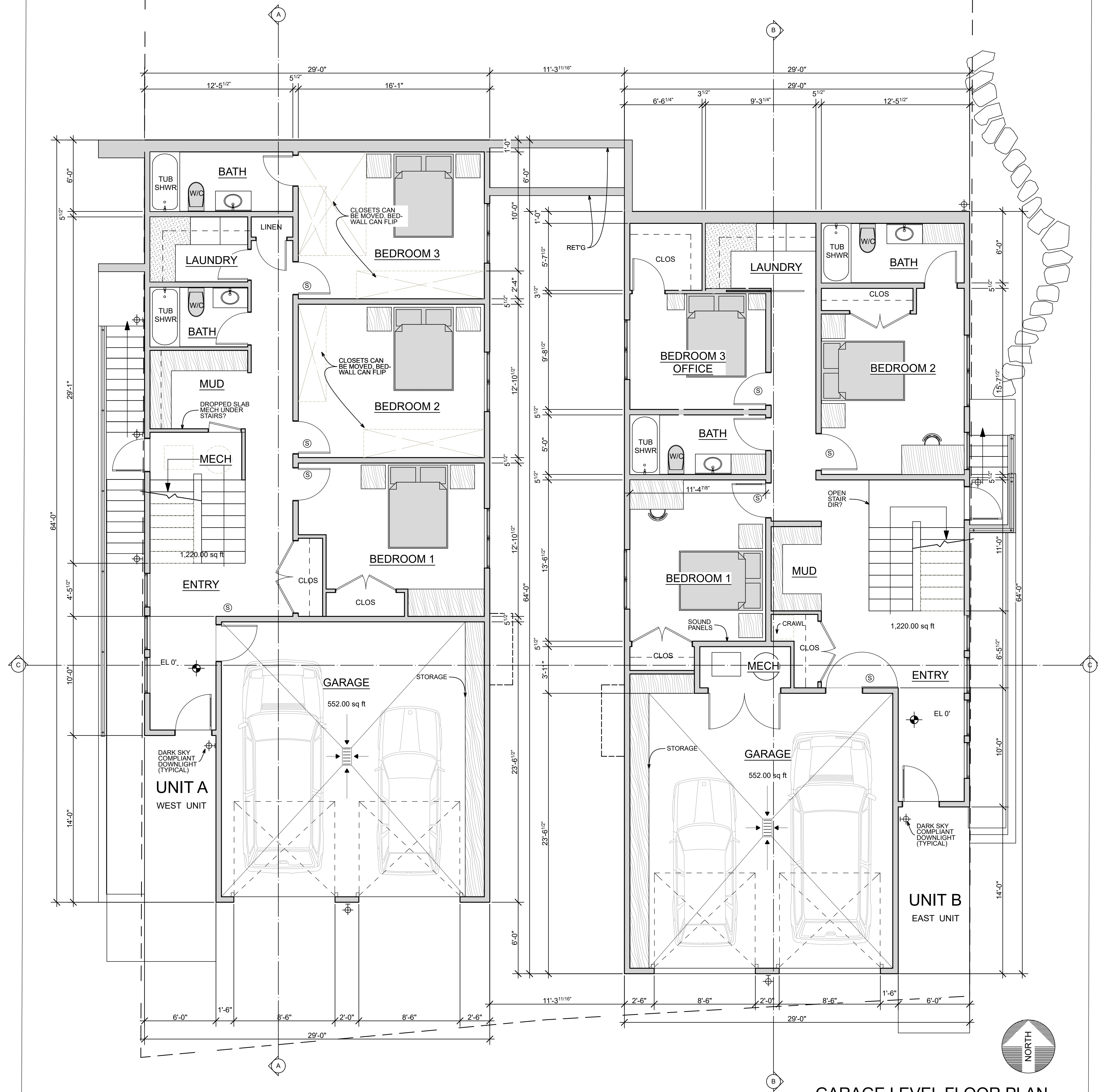
D R A W I N G :  
**SITE PLAN**

DATE  
 6/19/19

SHEET NUMBER  
**A-1.0**

© COPYRIGHT: THESE DRAWINGS AND DETAILS ARE COPYRIGHTED AND ARE THE EXCLUSIVE PROPERTY OF DAHO MOUNTAIN BUILDERS, LLC. ANY UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN PERMISSION.





**GARAGE LEVEL FLOOR PLAN**

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

OWNER INFO

PROJECT NO.

CONTRACTOR

NEW RESIDENCES FOR:

**DEEP POWDER LLC**

255 HILLSIDE DRIVE  
KETCHUM, ID 83340

DRAWING:

**GARAGE LEVEL PLANS**

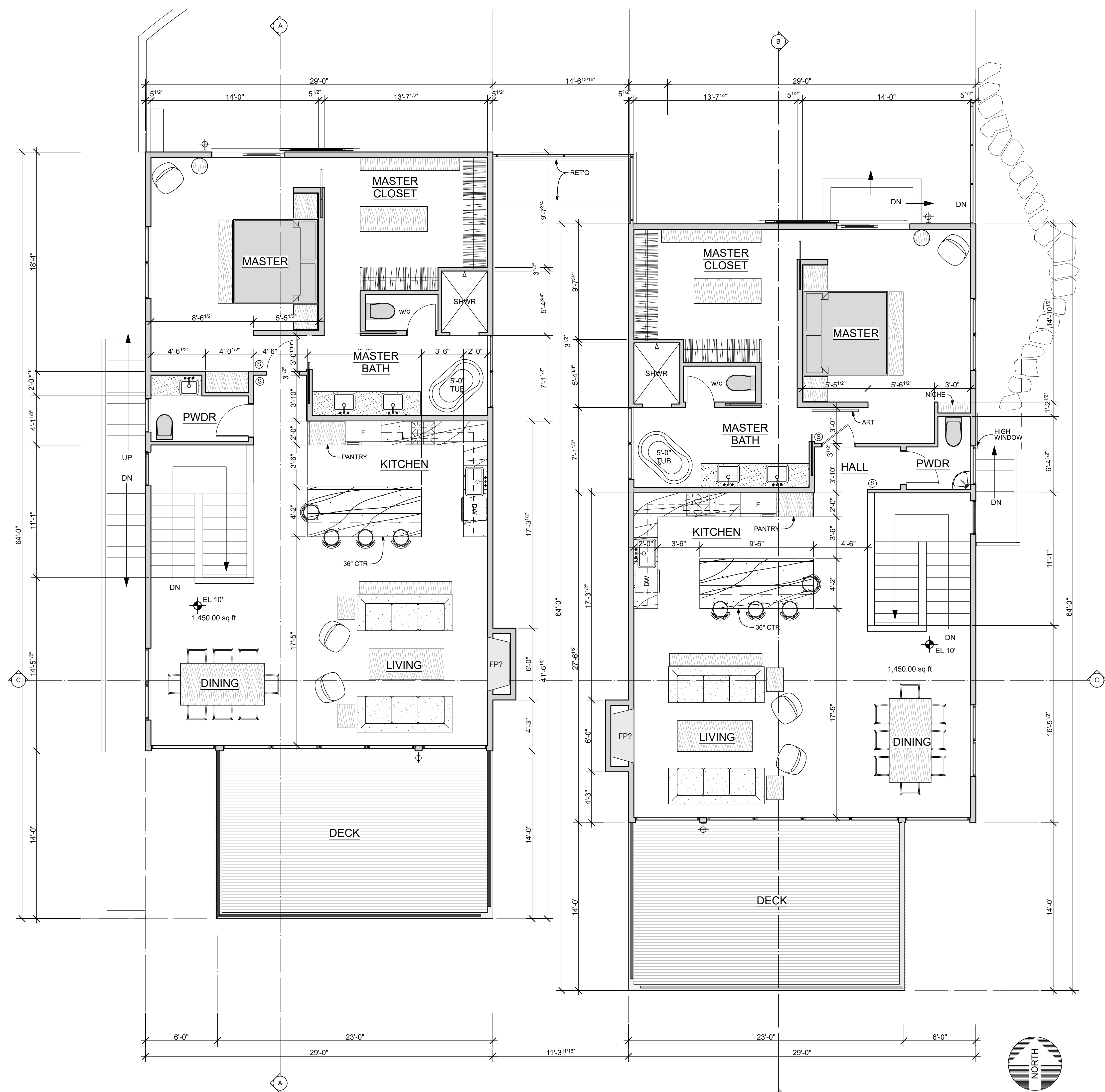
DATE

6/19/19

SHEET NUMBER

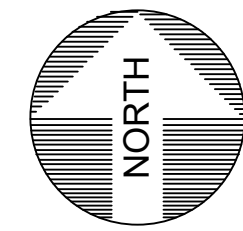
**A-2.0**

© COPYRIGHT: THESE DRAWINGS AND DETAILS ARE COPYRIGHTED AND ARE THE EXCLUSIVE PROPERTY OF DAHO MOUNTAIN BUILDERS, LLC. ANY UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN PERMISSION.



UPPER LEVEL FLOOR PLAN

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



OWNER INFO

PROJECT NO.

CONTRACTOR

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

D R A W I N G :

**UPPER LEVEL PLANS**

DATE

6/19/19

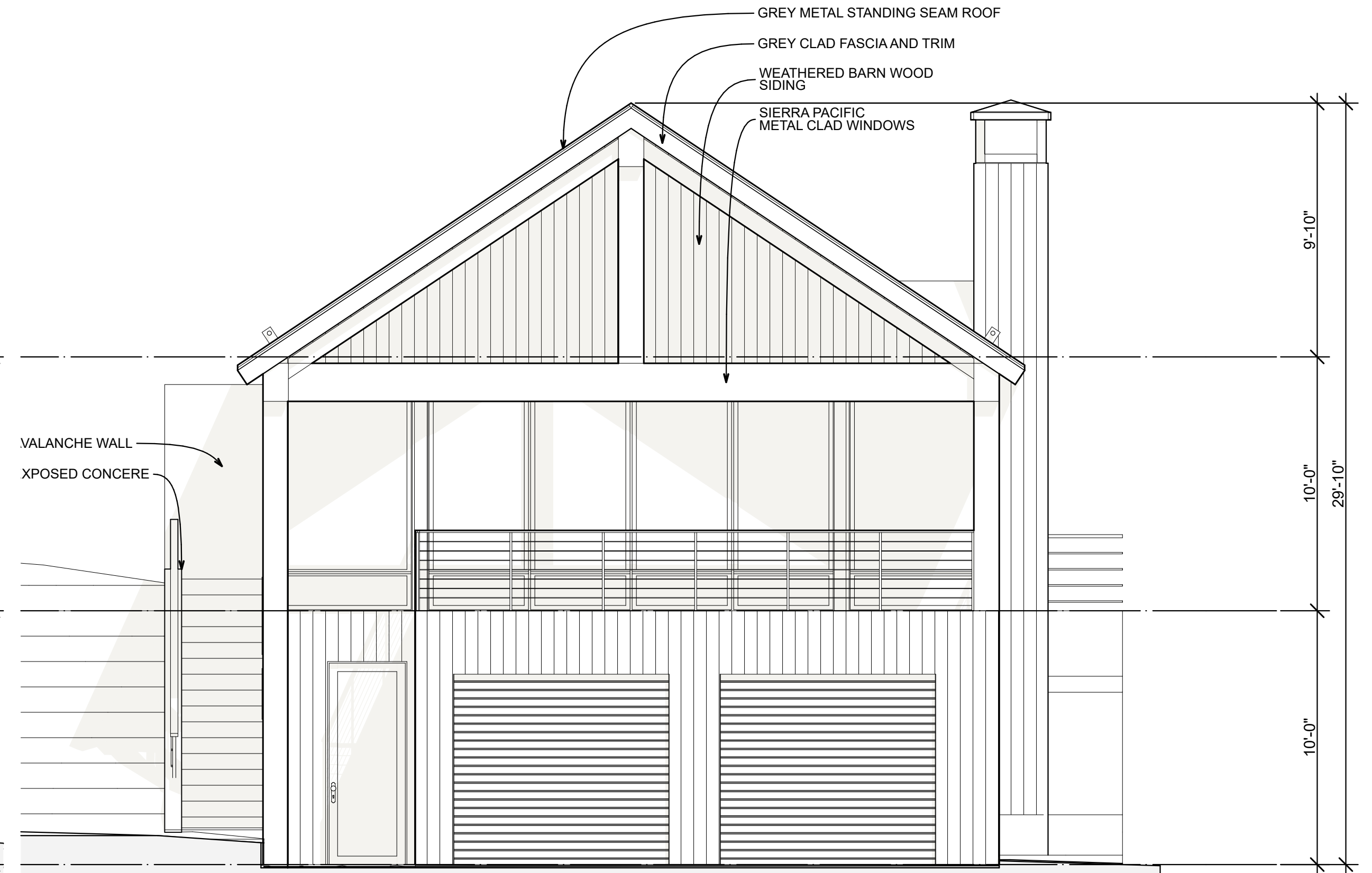
SHEET NUMBER

**A-2.1**

© COPYRIGHT: THESE DRAWINGS AND DETAILS ARE COPYRIGHTED AND ARE THE EXCLUSIVE PROPERTY OF DAHO MOUNTAIN BUILDERS, LLC. ANY UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN PERMISSION.



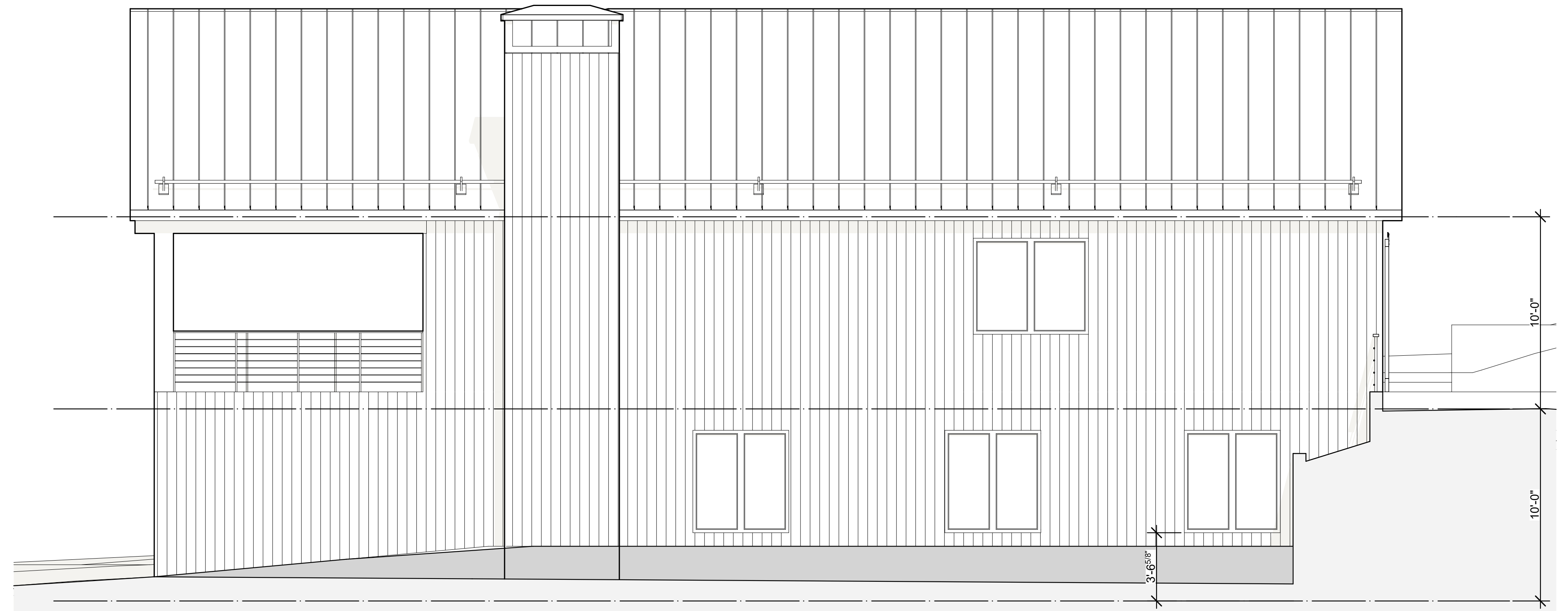
WEST ELEVATION UNIT A  
SCALE: 1/4" = 1'-0"



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



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



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

OWNER INFO

PROJECT NO.

CONTRACTOR

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

DRAWING:  
**A ELEVATIONS**

DATE

6/19/19

SHEET NUMBER

**A-3.0**

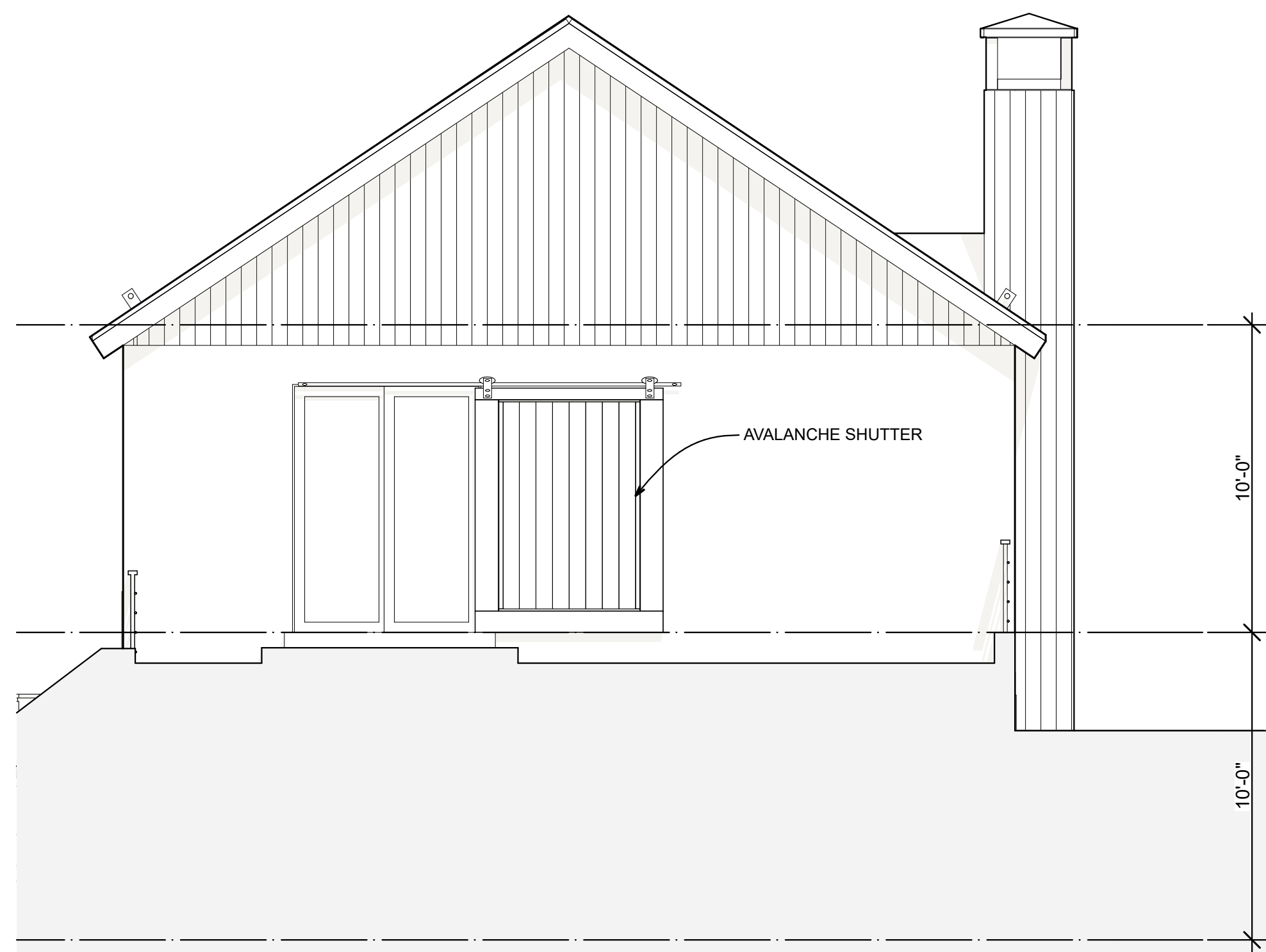
© COPYRIGHT: THESE DRAWINGS AND DETAILS ARE COPYRIGHTED AND ARE THE EXCLUSIVE PROPERTY OF IDAHO MOUNTAIN BUILDERS, LLC. ANY UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN PERMISSION.



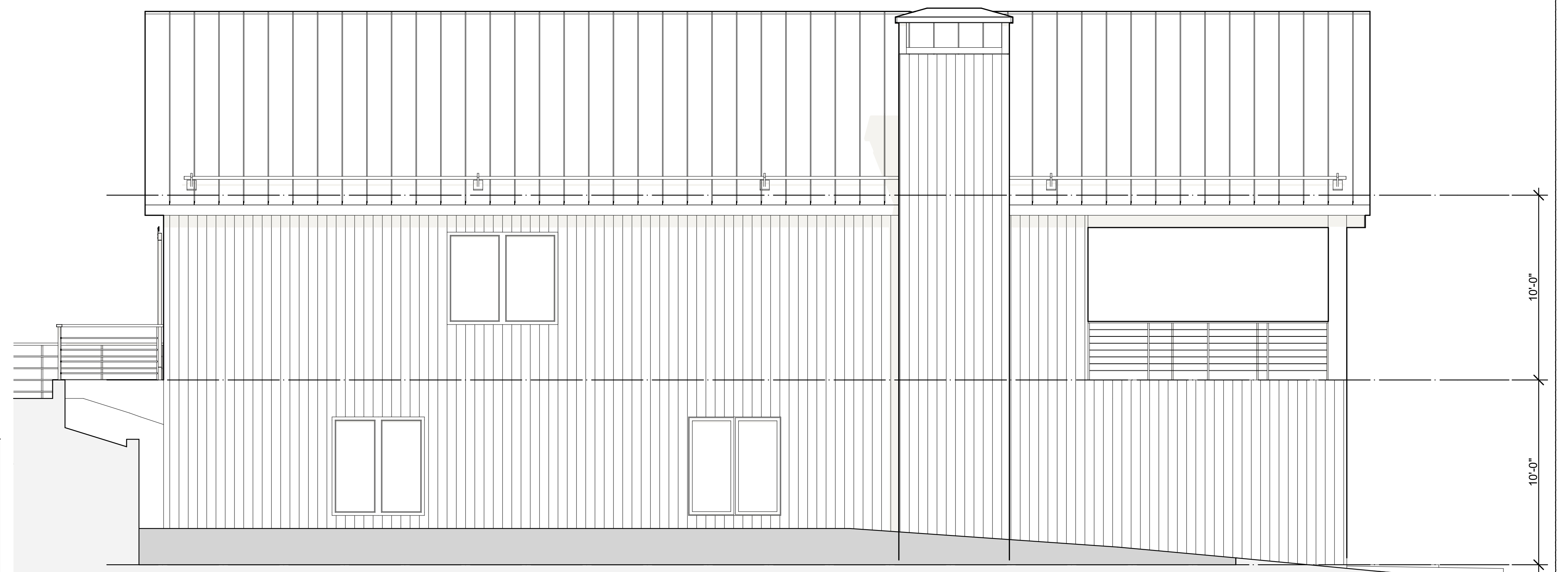
EAST ELEVATION UNIT B  
SCALE: 1/4" = 1'-0"



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



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



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

OWNER INFO

OWNER INFO

PROJECT NO.

PROJECT NO.

CONTRACTOR

CONTRACTOR

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

D R A W I N G :  
**B ELEVATIONS**

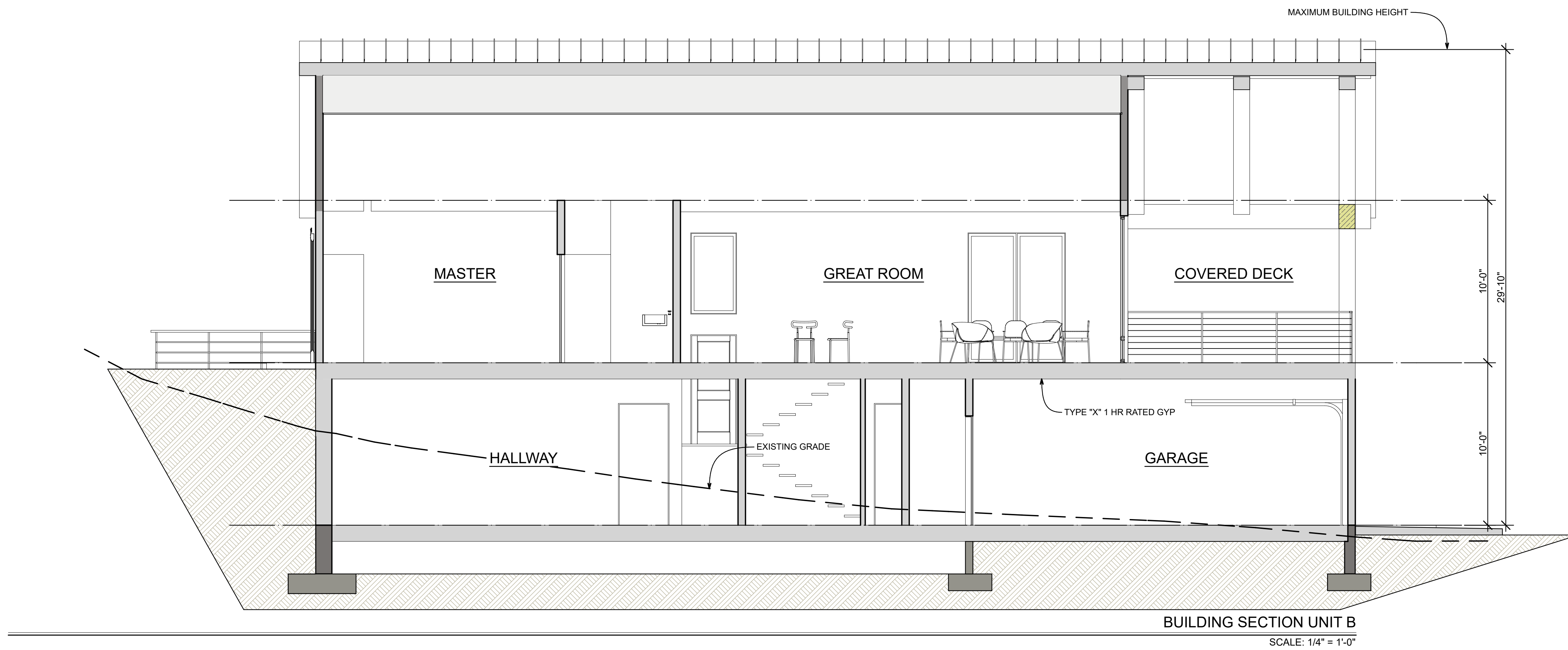
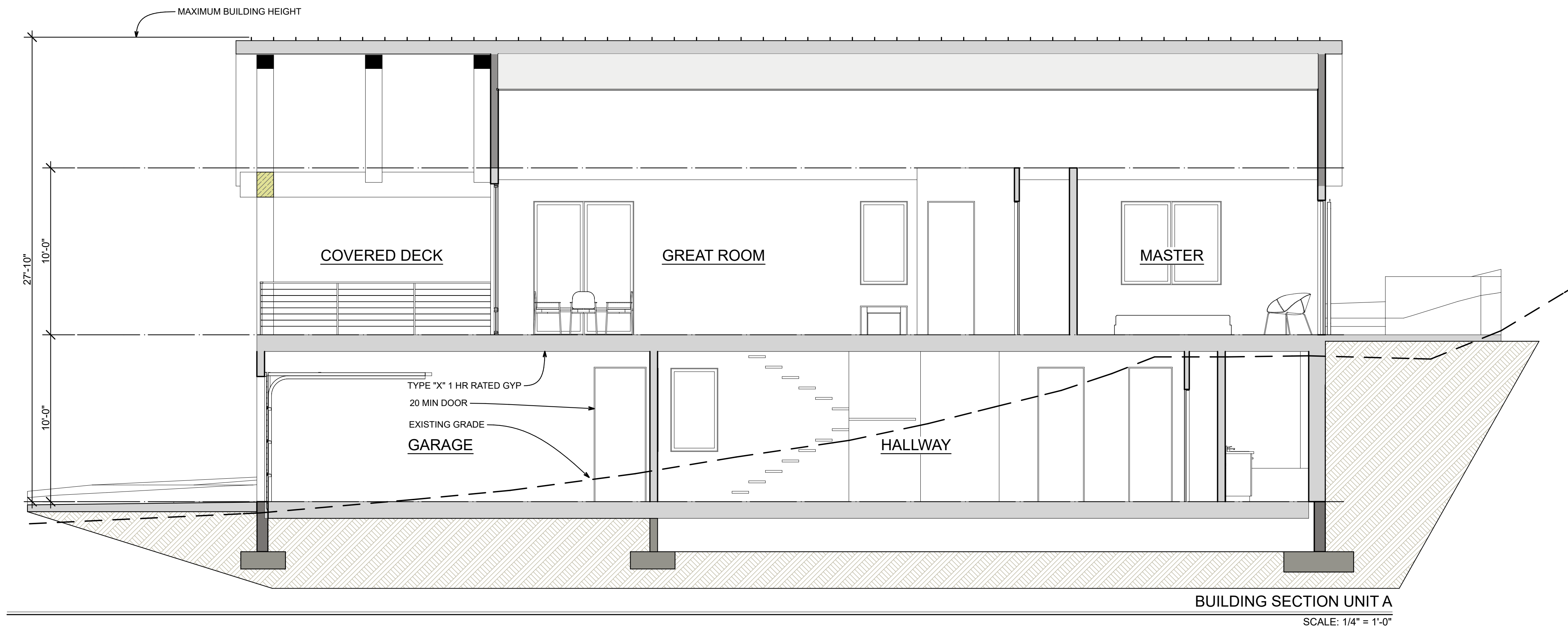
DATE

6/19/19

SHEET NUMBER

**A-3.1**

© COPYRIGHT: THESE DRAWINGS AND DETAILS ARE COPYRIGHTED AND ARE THE EXCLUSIVE PROPERTY OF IDAHO MOUNTAIN BUILDERS, LLC. ANY UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN PERMISSION.



OWNER INFO

PROJECT NO.

CONTRACTOR

DATE

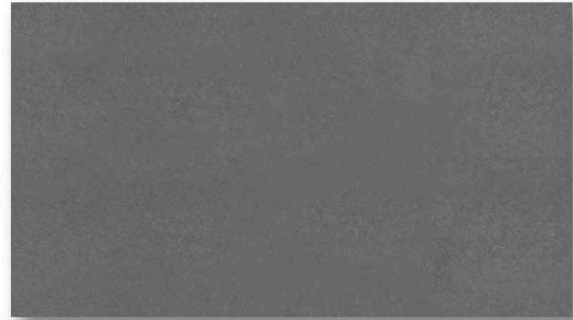
NEW RESIDENCES FOR:  
**DEEP POWDER LLC**  
 255 HILLSIDE DRIVE  
 KETCHUM, ID 83340

© COPYRIGHT: THESE DRAWINGS AND DETAILS ARE COPYRIGHTED AND ARE THE EXCLUSIVE PROPERTY OF IDAHO MOUNTAIN BUILDERS, LLC. ANY UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN PERMISSION.

DRAWING:  
**SITE SECTIONS**

DATE  
 6/19/19

SHEET NUMBER  
**A-4.0**



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

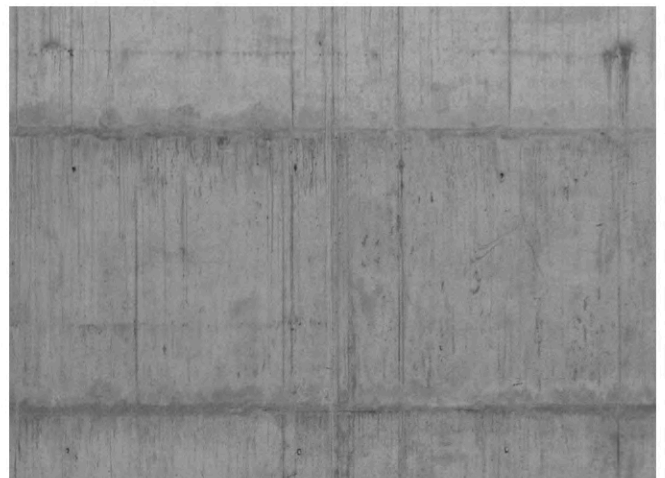


Weather Barnwood Siding - Grey

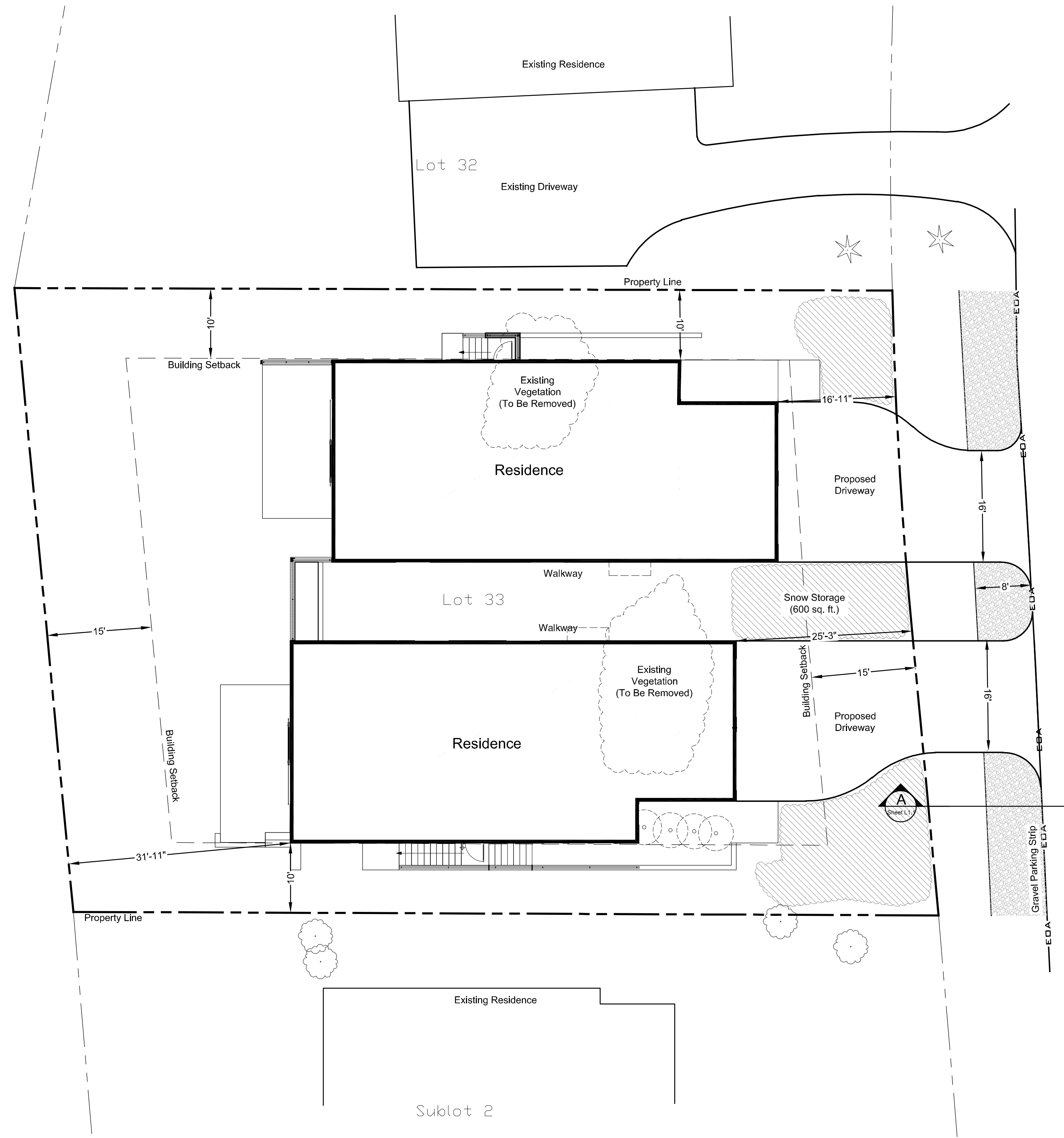


SIERRA PACIFIC CLAD WINDOWS  
BATTLESHIP GREY (OR SIM)

Deep Powder, Ilc  
Color Sample Board

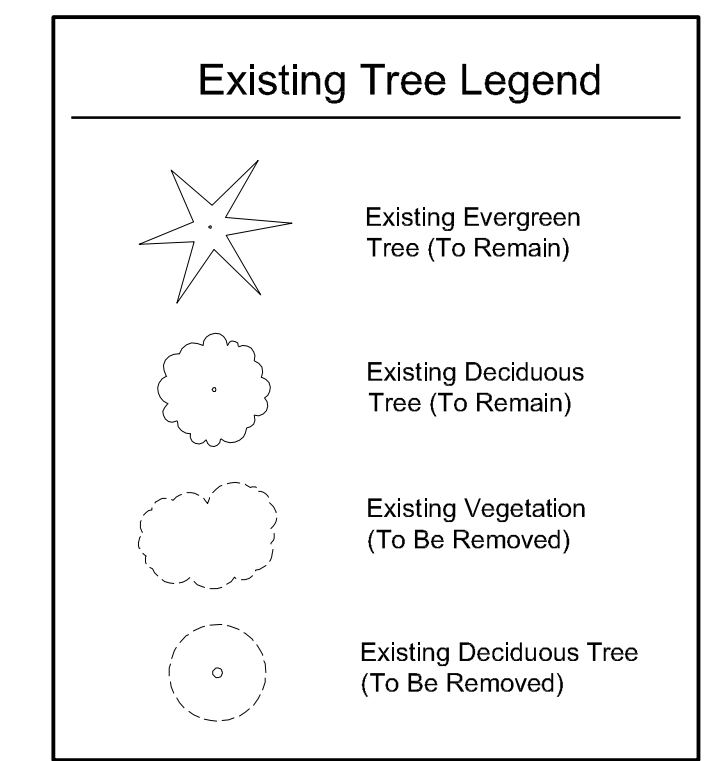
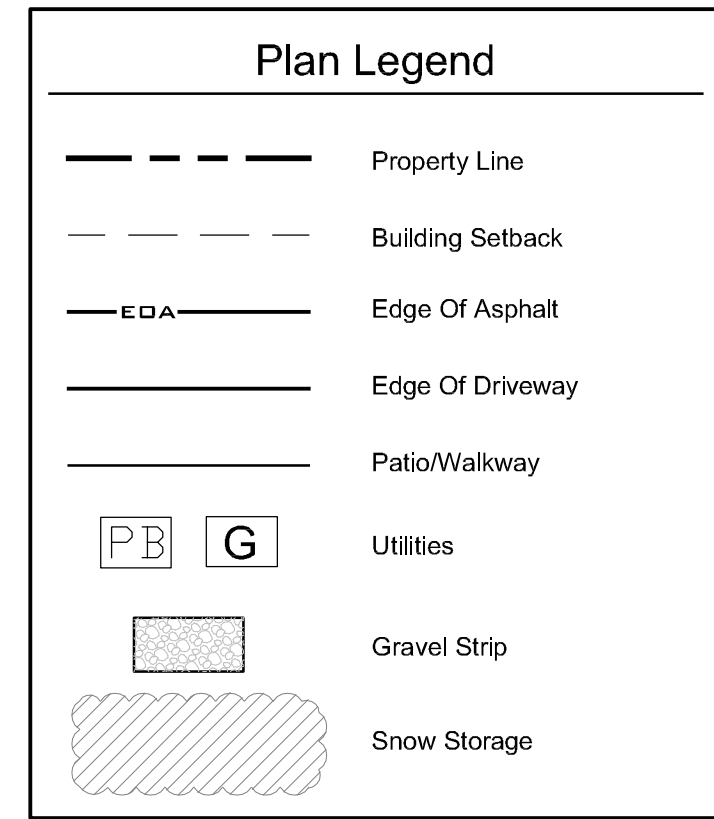


Natural Concrete



**General Notes**

1. Base map information taken from survey by ALPINE ENTERPRISES received 09/09/15 and from on-site information. Architectural information provided by PROVIS, INC. received 06/20/19. Contractor shall verify conditions in the field prior to construction.
2. Landscape architect is not responsible for any deviation from these plans, unless such changes are authorized by the landscape architect in writing.
3. All existing utilities are underground. All new utilities shall be underground.
4. Site serviced by City of Ketchum.



**Curbside Calculations**

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

Unit A:	16'
Unit B:	16'
<b>Total:</b>	<b>32 ft (35%)</b>

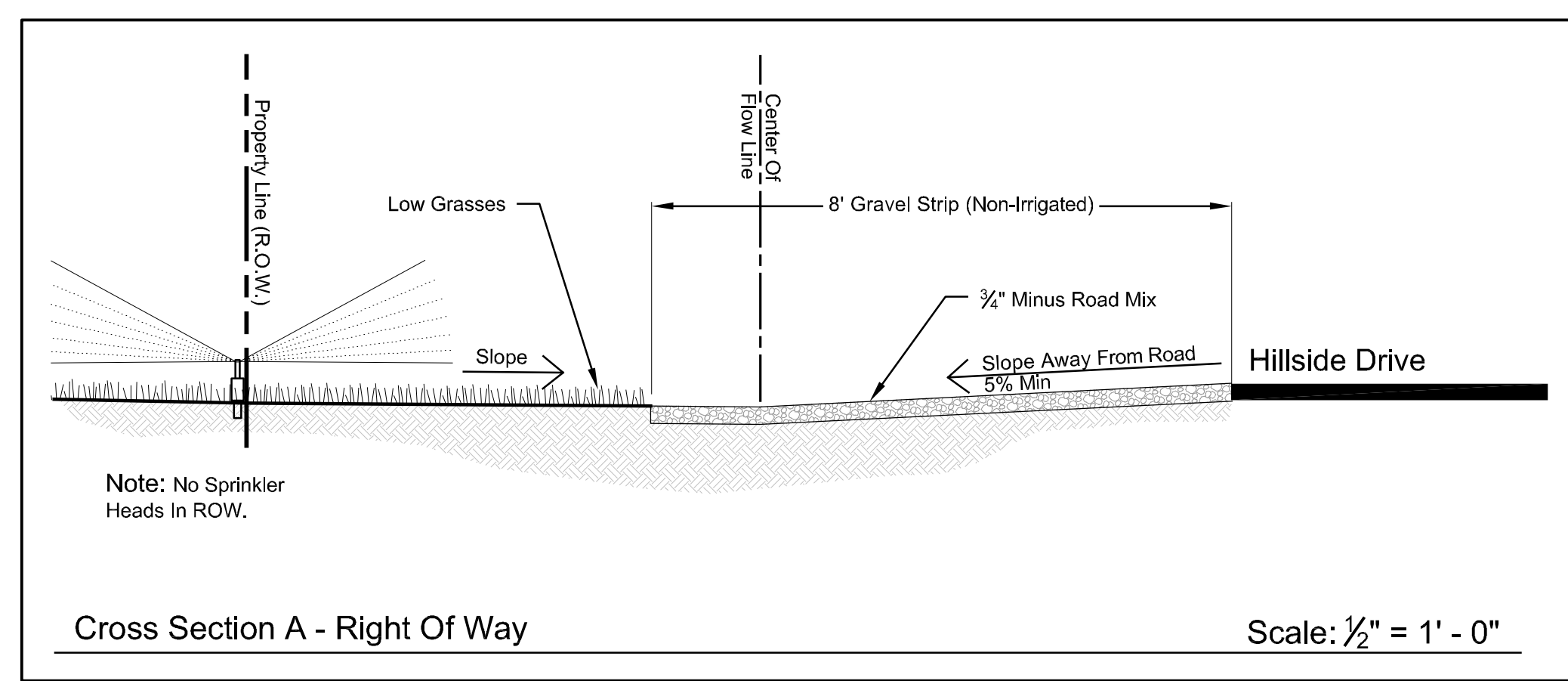
**Lot Coverage**

Total Parcel:	11,150 Sq. Ft.
Buildings:	3,538 Sq. Ft. (31.7% Of Site)
Driveway/Parking:	1,550 Sq. Ft. (13.9% Of Site)

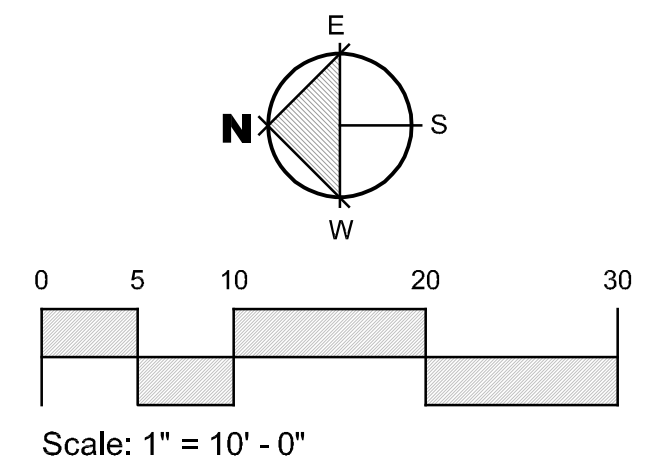
**Snow Storage**

Driveway	1,550 Sq. Ft. (30% = 465 Sq. Ft.)
Snow Storage	600 Sq. Ft. (465 Sq. Ft. Required)

**NOTE:**  
 See Grading Plan For Drip Line.



HILLSIDE DRIVE

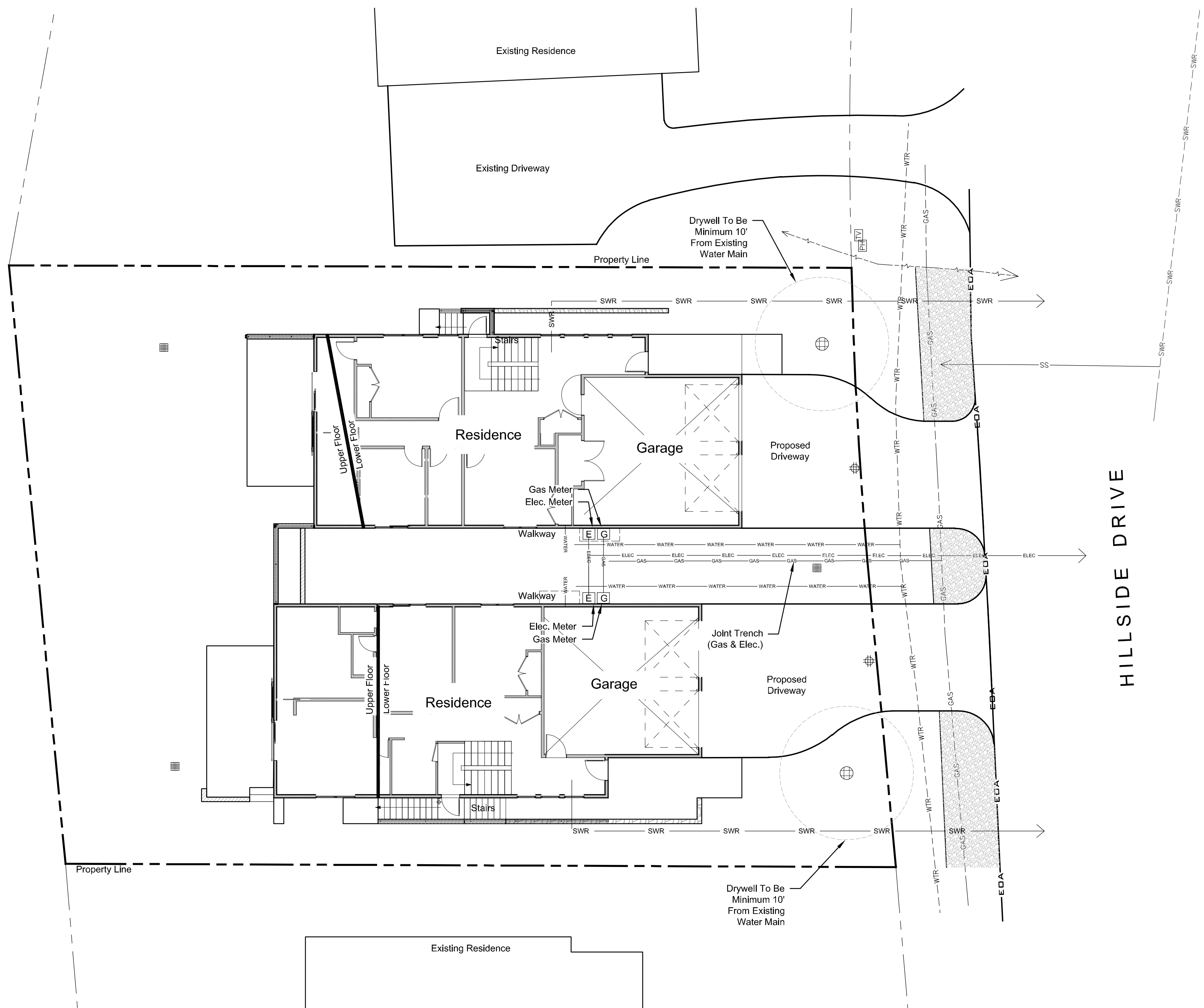


DESIGN REVIEW SET - 07/03/19

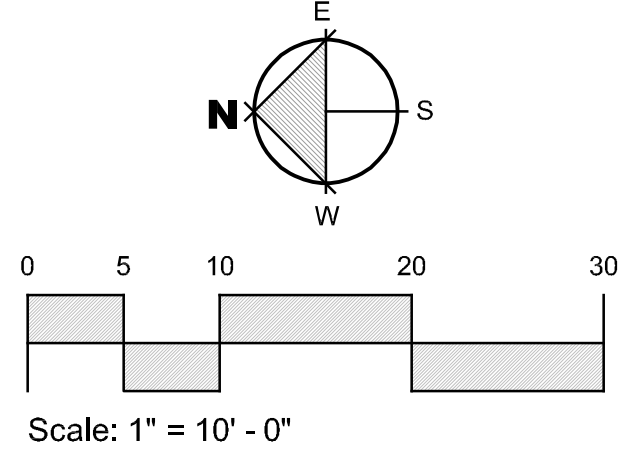
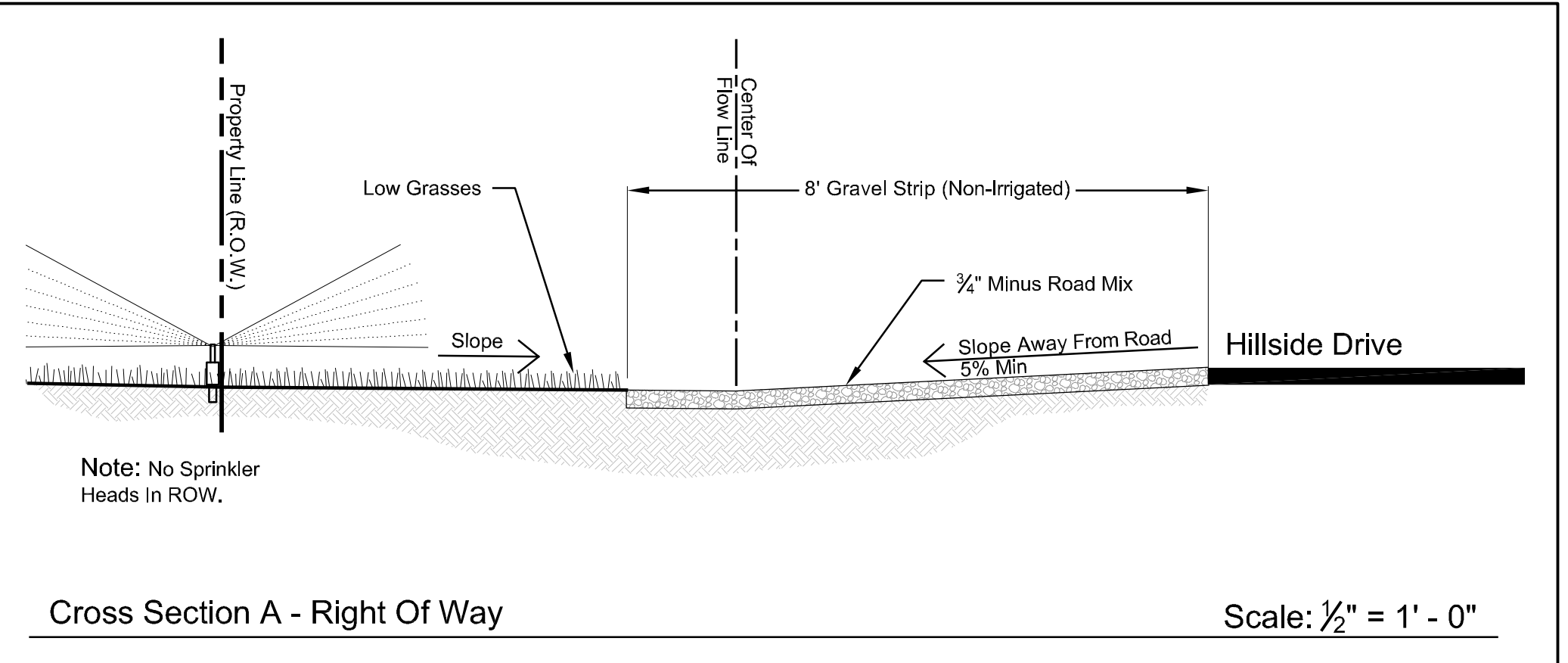
Deep Powder  
 EGGERS ASSOCIATES, P.A.  
 Landscape Architecture  
 T: (208) 725-0988  
 F: (208) 725-0972  
 P.O. Box 973  
 Ketchum, ID. 83740

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

Job No: 19-16  
 Scale: 1" = 10'-0"  
 Issue/Revisions: Date:  
 Design Review 07/03/19  
 All information appearing herein shall not be duplicated, discharged or otherwise used without the written consent of Eggers Associates P.A.  
 Sheet Title:  
 Site Plan  
 Sheet No:  
 L1.0



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



DESIGN REVIEW SET - 07/03/19

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

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

Job No: 19.16  
 Scale: 1" = 10'-0"  
 Issue/Revisions: Date:  
 Design Review 07/03/19  
 All information appearing herein shall not be duplicated, discharged or otherwise used without the written consent of Eggers Associates P.A.  
 Sheet Title:  
 Utility Plan  
 Sheet No:  
 L1.1



**Grading Plan Notes**

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

**Plan Legend**

- Property Line
- EDA Edge Of Asphalt
- Driveway
- Fence
- ~ Limits Of Disturbance & Construction Fence
- - - 5787 Existing Contour
- 68' Proposed Contour
- - - Roof Line
- ▬ Proposed Drystack Wall
- 12" Culvert
- Ⓟ Ⓠ Utilities
- ++++ 6" or 12" Solid PVC Pipe

**Cut And Fill**

<b>Cut:</b>	
East Unit:	210 cu. yds.
West Unit:	310 cu. yds.
<b>Total:</b>	<b>520 cu. yds.</b>

**Fill:**  
No Fill

**Notes:**  
Cut Amounts Shown Are "In Place."

Fill Amounts Are For Mass Excavation And Do Not Include Import Fill Of Gravel For Trenches, Foundations, Structural Base For Driveways, etc.

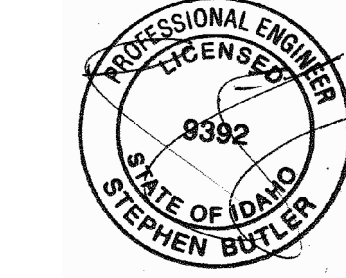
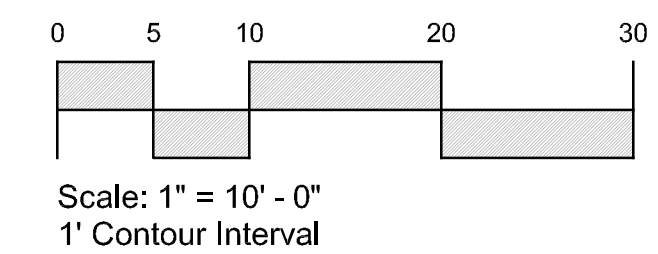
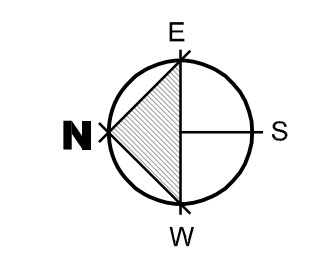
**Grading Legend**

- Drainage Swale
- X 92.7 (92.5') Existing Spot Elevations
- ⊕ (3) Large Drywell See Detail 1, Sheet L2.0
- ⊕ (1) Catch Basin - 5' Precast See Detail 2, Sheet L2.0
- ⊕ (3) Catch Basin See Detail 3, Sheet L2.0
- 2% Slope Proposed Drainage Direction With Slope Percentage
- + 92.5' Proposed Spot Elevations

**Grading Abbreviations**

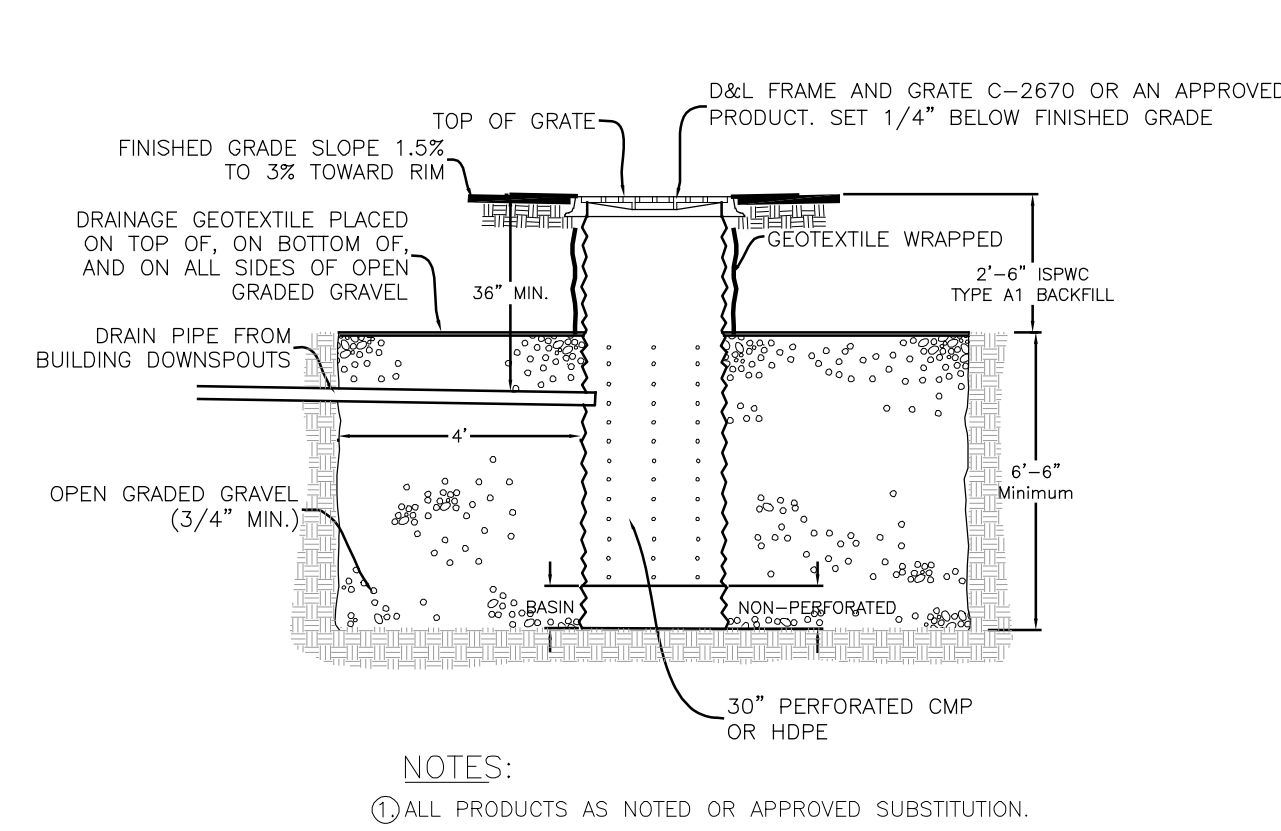
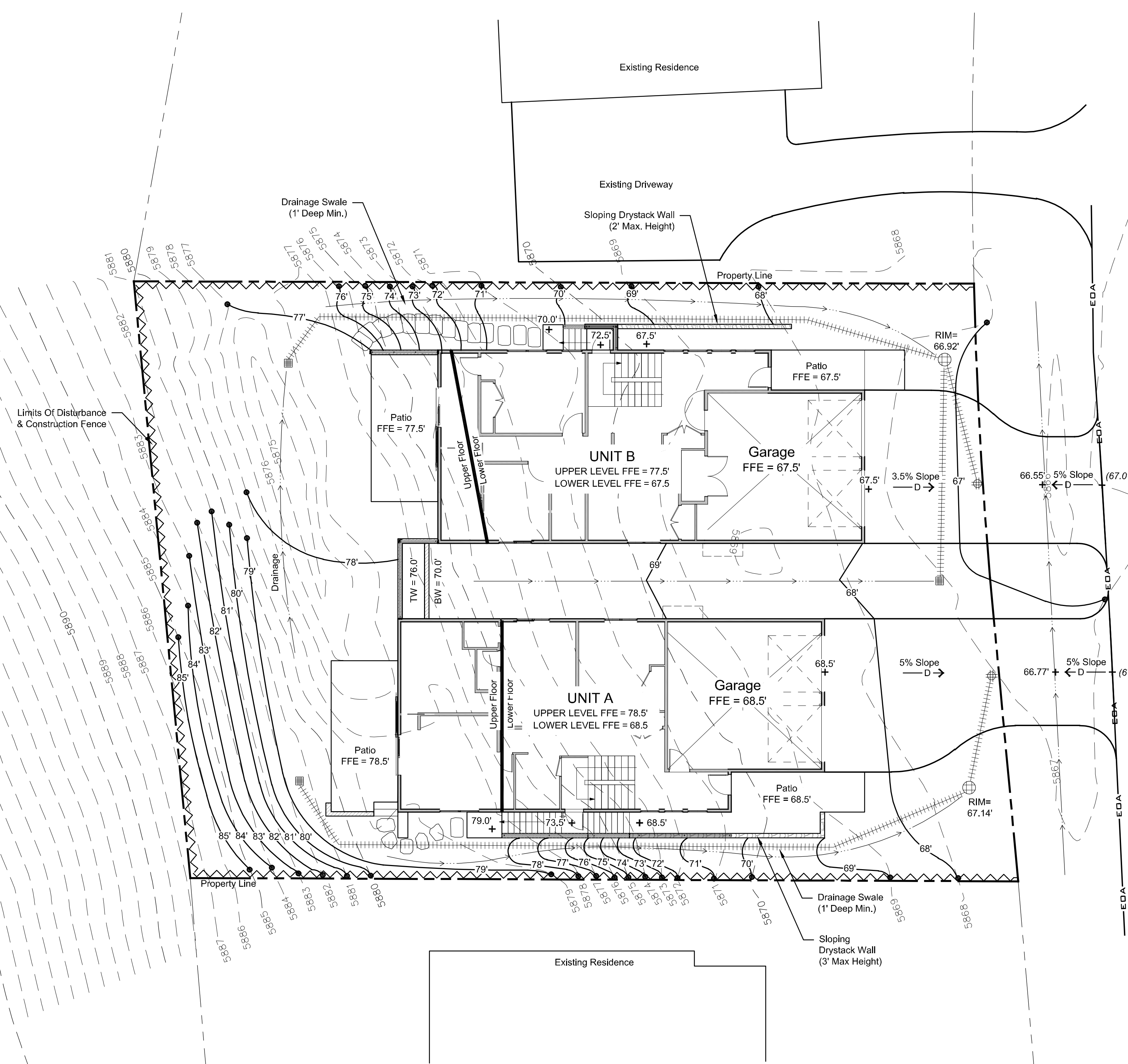
FFE	FINISHED FLOOR ELEVATION
HP	HIGH POINT
TW	TOP OF WALL
BW	BOTTOM OF WALL
RIM	DRYWELL RIM ELEVATION
INV	CULVERT INVERT ELEVATION
FG	FINISHED GRADE

**NOTE: ALL ROOF DRAINS ARE TO BE PIPED TO DRYWELLS**

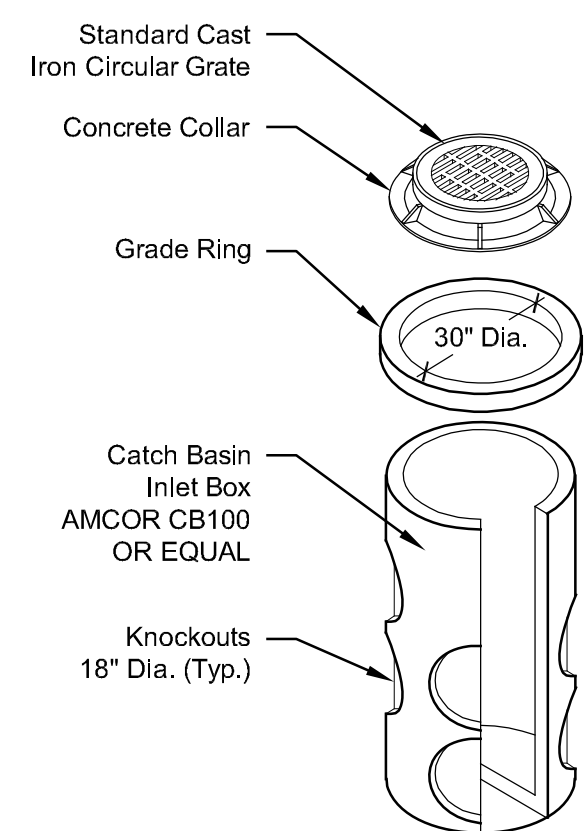


**BUTLER ASSOCIATES, INC.**

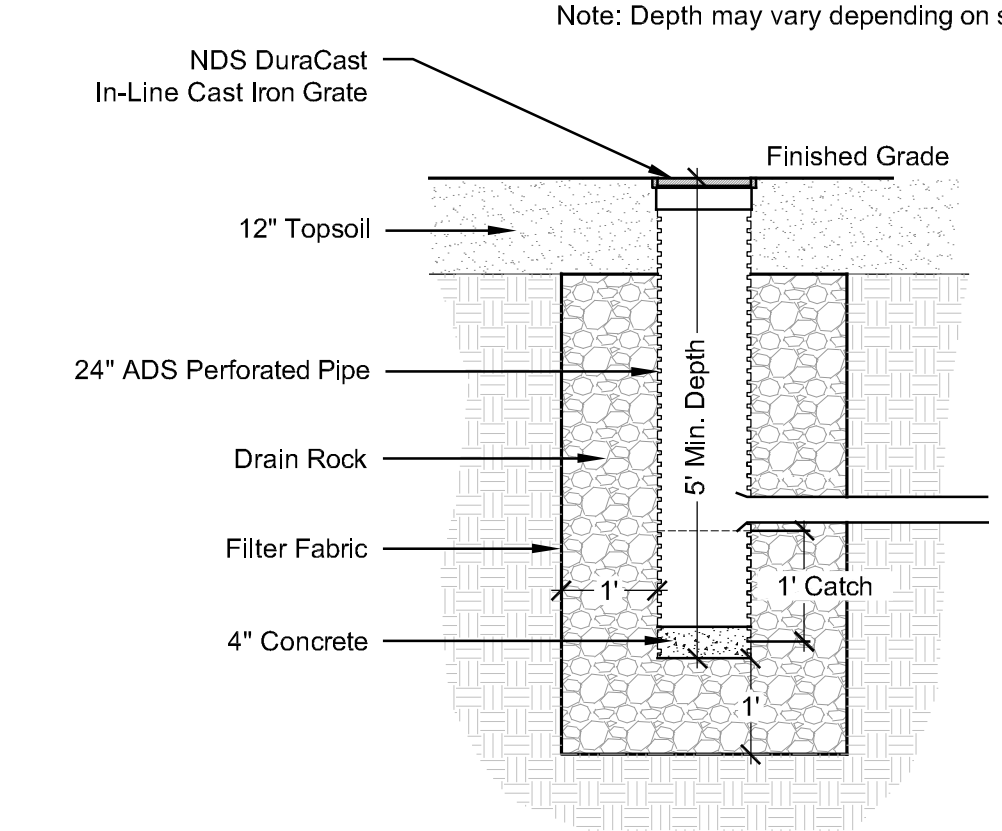
Geotechnical & Civil Engineering & Land Planning Consulting  
208 Spruce Ave. N.  
P.O. Box 1034, Ketchum, ID 83340  
Office: (208) 720-6432  
Email: svgeotech@gmail.com



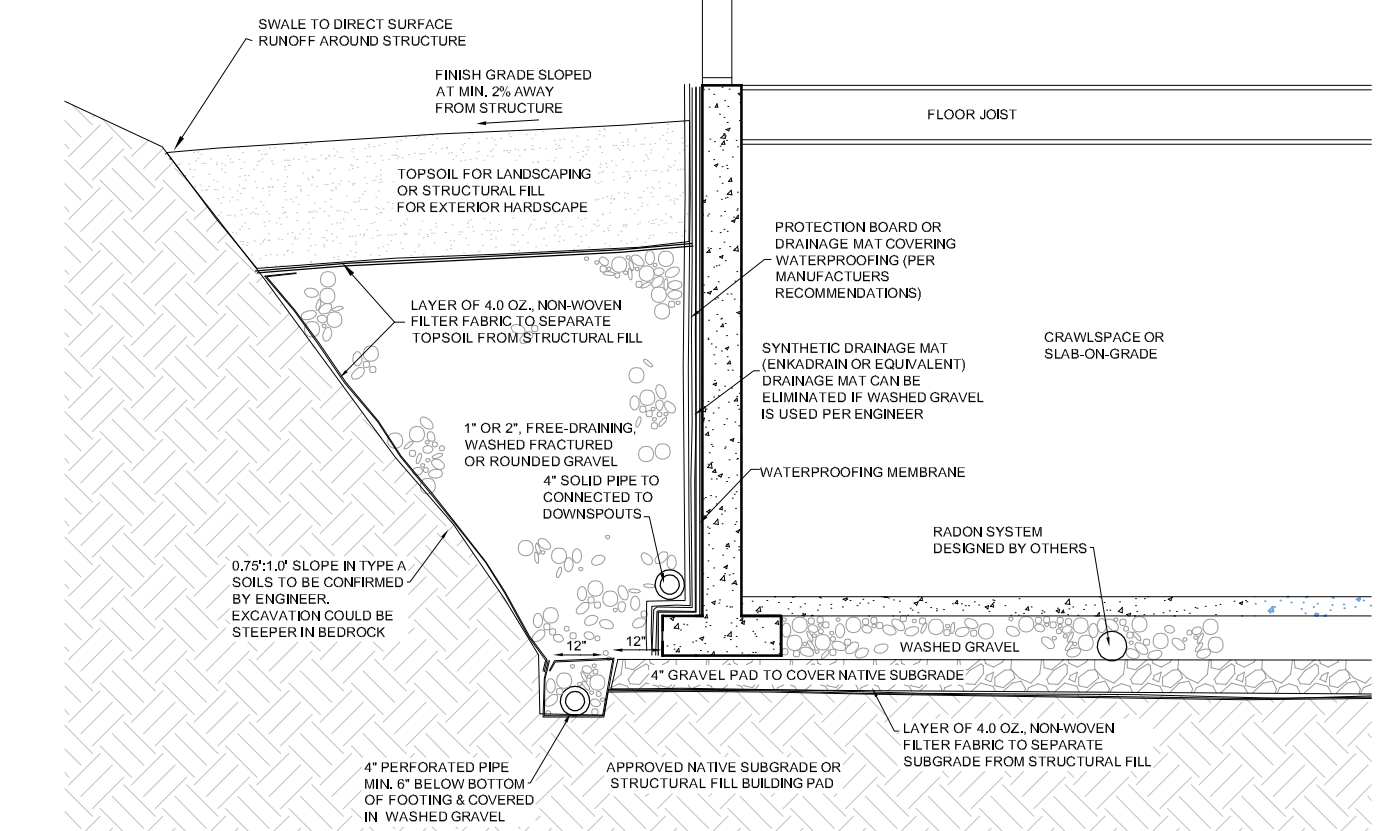
1 Large Drywell Scale: No Scale



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



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



4 Cutoff Trench Scale: No Scale

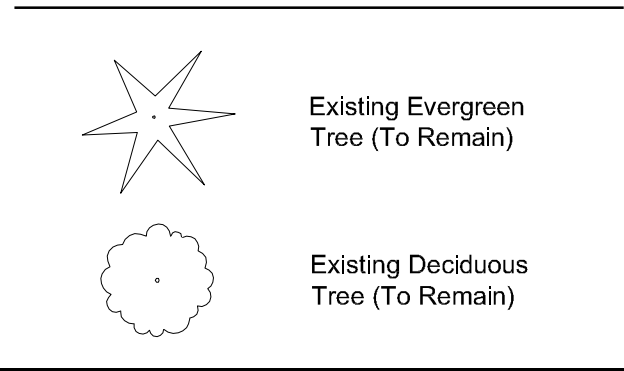
Landscape Plan Notes

1. All Disturbed areas shall be revegetated and irrigated with an automatic underground sprinkler system.
2. All planting beds to have 3" cover of bark or compost mulch.
3. Trees shown at approximately 2/3 mature diameter.
4. All utilities are underground and shall be located prior to any work.

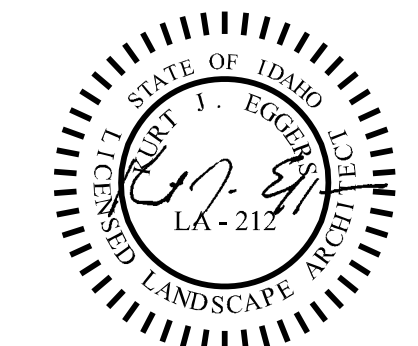
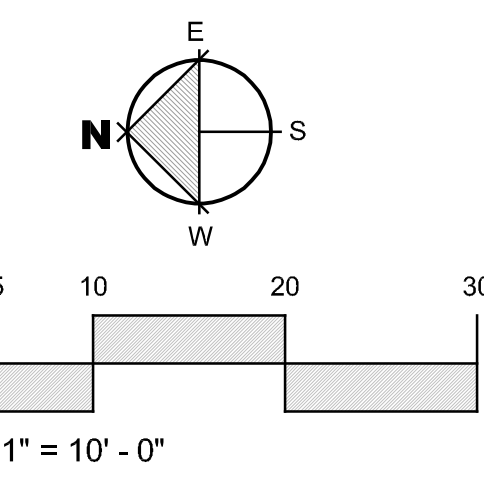
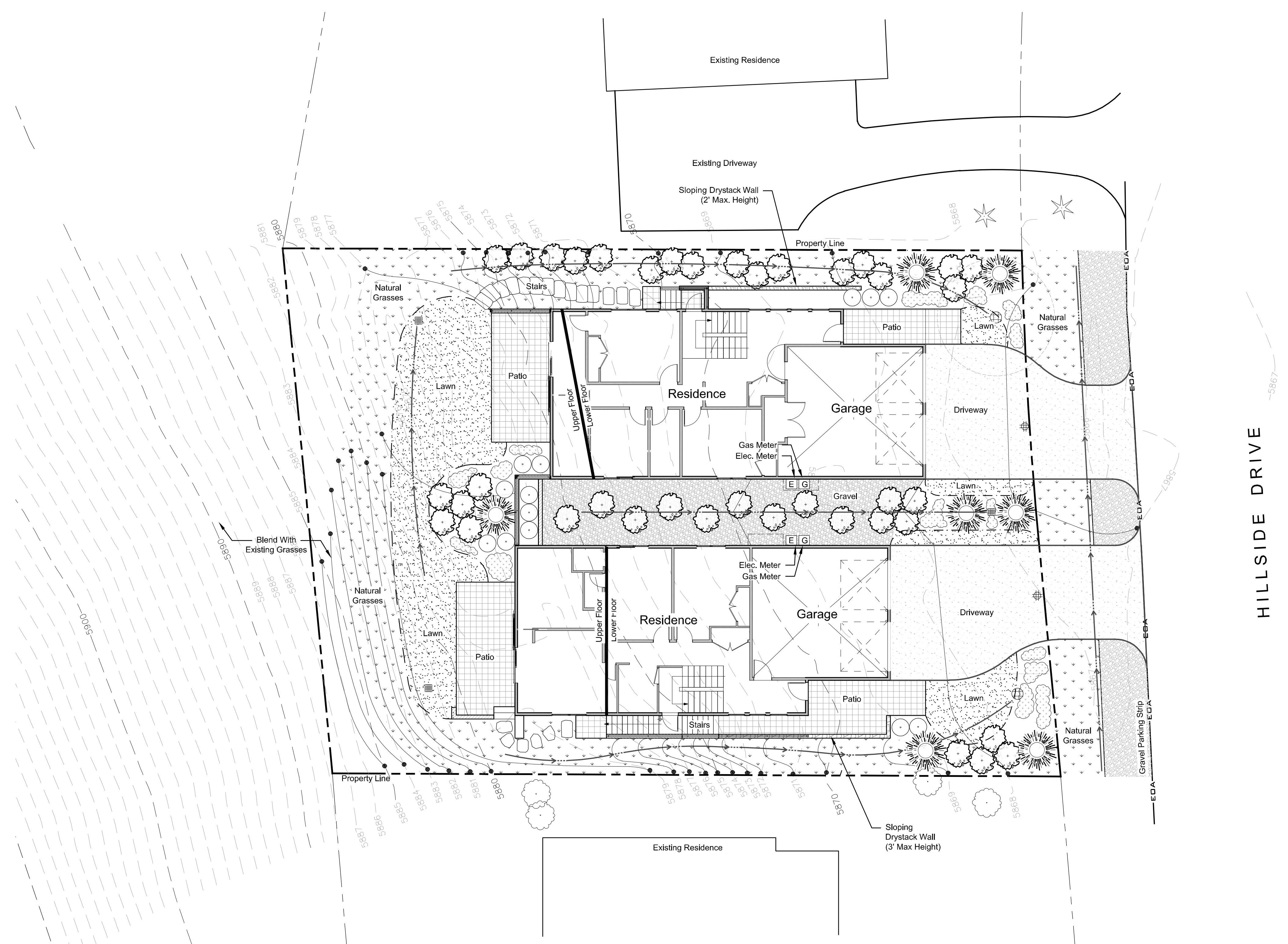
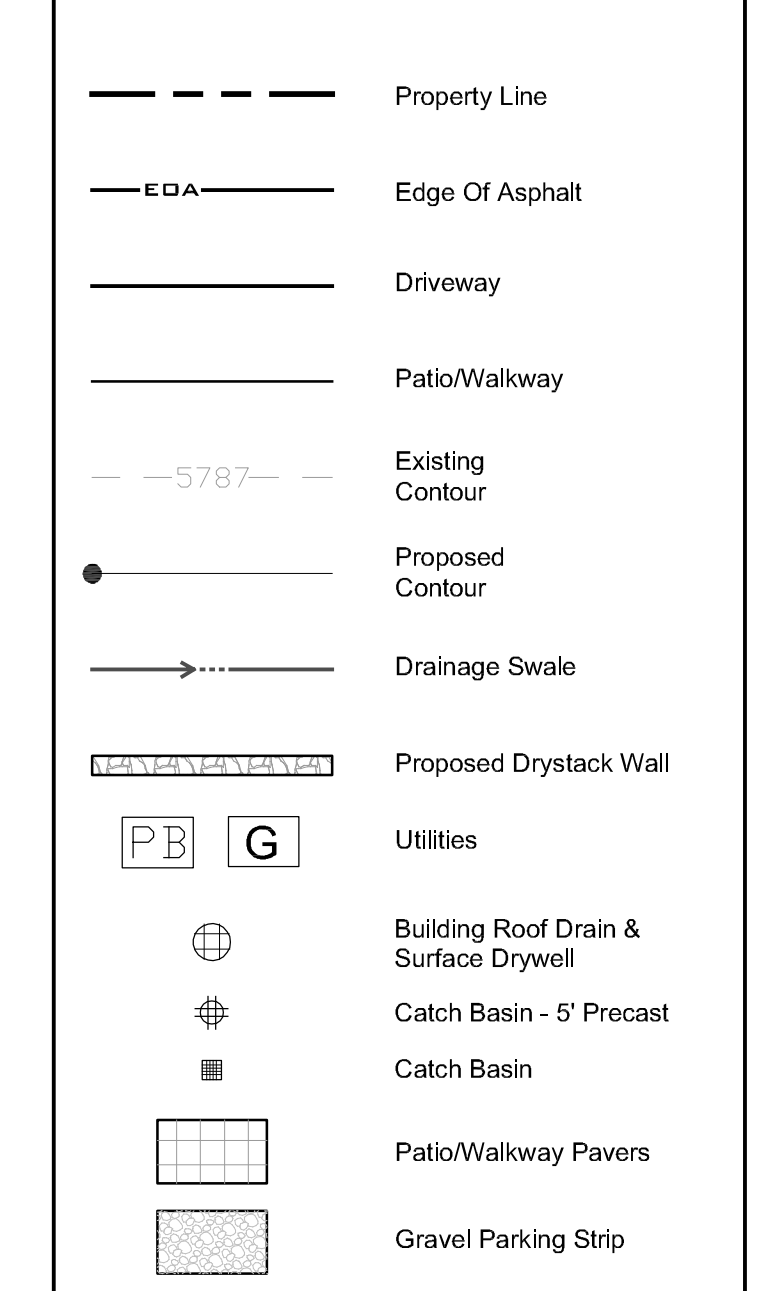
Plant Legend

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

Existing Tree Legend



Plan Legend



Attachment C Fire Department Comments

# Ketchum Fire Department

# MEMORANDUM

**To:** Deep Powder LLC  
**CC:** Jim Lynch, Building Official  
**From:** Seth Martin, Assistant Chief / Fire Marshal  
**Date:** February 24, 2021  
**Subject:** 225 Hillside Dr – Deep Powder Townhomes



**It is the General Contractor's responsibility to understand and adhere to all Fire Protection Ordinance #1217 requirements in addition to all City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties.**

The above project shall meet all 2018 International Fire Code requirements in addition to specific City Building and Fire Ordinances.

Smoke and Carbon Monoxide Detectors shall be installed per NFPA and the International Fire Code. Smoke detectors shall be installed inside each bedroom, within 21' of each sleeping area, and on every level of the occupancy, including the basement. CO alarms shall be installed in a central location outside each sleeping area and on every level of the home.

Approved address numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers and letters shall be a minimum of four (4) inches tall, **contrast** with their background and be positioned a minimum of forty-eight (48) inches above final grade.

Vehicle parking and material storage during construction shall not restrict or obstruct public streets or access to any building. A **minimum** twenty-foot travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times.

An approved fire detection system shall be installed per City of Ketchum Ordinance #1217 ([www.ketchumfire.org](http://www.ketchumfire.org)) and the requirements of NFPA 72. Two (2) sets of alarm system plans shall be submitted to the Ketchum Fire Department for approval and a permit is required prior to installation of alarm systems. Inspections of fire detection systems by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance.

An approved access roadway per 2018 International Fire Code Appendix D ([www.ketchumfire.org](http://www.ketchumfire.org)) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. Grades shall not exceed 7%. Dead end access roadways exceeding 150 feet in length shall be provided with an approved turnaround. Gates, if installed, are required to be siren activated for emergency vehicle access. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. Aerial fire apparatus access roads shall have a minimum

unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

Fire extinguishers shall be installed and maintained per 2018 IFC Section 906 both during construction and upon occupancy of the building. During construction fire extinguishers shall be placed in a conspicuous, easy to access, unobstructed location that is less than 75' travel distance to any combustibles on site, 30' to any hot work. Upon completion of project every single-family residence shall have a **minimum of one extinguisher per garage and one extinguisher per kitchen area**. Extinguishers shall be mounted in a conspicuous, easy to access, unobstructed location. **(four (4) five lb. class A fire extinguishers per unit shall be required for this project)**

Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers. A minimum 10' separation from all chimneys to combustible vegetation and tree crowns shall be maintained at all times.

An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department. The key box shall be a Knox box brand and sized to accommodate keys to every door of the project.

This project shall comply with the City of Ketchum Fire Protection and defensible space characteristics. All exterior windows shall be glazed, and all exterior doors shall be solid core construction, both shall have a fire rating of not less than 20 minutes. All exterior vents shall be designed and approved to prevent flame or ember penetration and all exterior mesh shall have openings that do not exceed 1/8". Gutters and downspouts shall be non-combustible and shall be provided with an approved means to prevent the accumulation of leaves and debris. **All materials within 12" vertical of finished grade shall be 1 hour rated, non-combustible, or covered with minimum 28-gauge flashing. The area 12" horizontal from the base of a wall shall be finished in a way to prevent any vegetation growing, and for vegetative debris to be easily removed.** Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. Tree crowns within 30 feet of any structure shall be pruned to remove limbs located less than 6 feet above the ground surface adjacent to the trees. Non fire-resistive vegetation or growth shall be kept clear of buildings and structures, in such a manner as to provide a clear area for fire suppression operations.

An 8 ½ by 11 color coded site map of this project shall be provided on paper and electronically to the fire department. This site map shall show the locations of gas shut-offs, power shut-offs, fire sprinkler riser rooms, fire department connections, alarm panels, Knox boxes, access doors, egress windows, stairways and any additional fire department requirements. Exact details for color coded "On-Sites" can be found at **[www.ketchumfire.org](http://www.ketchumfire.org)**.

Final inspections of all fire department permit required installations by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. A Final Inspection Checklist can be found at **[www.ketchumfire.org](http://www.ketchumfire.org)**.

**Note: Additional requirements may be added upon final plan review.**

Attachment D Townhouse Preliminary Plat Application



City of Ketchum  
Planning & Building

**CERTIFIED COMPLETE**  
2-18-21  
MP

OFFICIAL USE ON	
Application Number:	20-007
Date Received:	2-17-21
By:	MP
Fee Paid:	2600 <sup>00</sup>
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](http://www.ketchumidaho.org) and click on Municipal Code.

APPLICANT INFORMATION	
Name of Proposed Subdivision:	DEEP POWDER TOWNHOMES
Owner of Record:	DEEP POWDER, LLC
Address of Owner:	Box 3761, KETCHUM, ID 83340
Representative of Owner:	BRUCE SMITH, PLS; ALPINE ENTERPRISES INC.
Legal Description:	LOT 33, Block 2, WARM SPRINGS SUBD. No. 5
Street Address:	255 HILLSIDE DR.
SUBDIVISION INFORMATION	
Number of Lots/Parcels:	2 TOWNHOUSE SUBLOTS
Total Land Area:	± 11,150 SQ. FT = ± 0.26 ACRES
Current Zoning District:	CR-L
Proposed Zoning District:	NO CHANGE
Overlay District:	AVAILANCHE
TYPE OF SUBDIVISION	
Condominium <input type="checkbox"/>	Land <input type="checkbox"/>
PUD <input type="checkbox"/>	Townhouse <input checked="" type="checkbox"/>
Adjacent land in same ownership in acres or square feet:	NONE
Easements to be dedicated on the final plat:	PUBLIC UTILITIES
Briefly describe the improvements to be installed prior to final plat approval:	CONSTRUCT 2 TOWNHOUSE UNITS, DRIVEWAY, LANDSCAPING
ADDITIONAL INFORMATION	
All lighting must be in compliance with the City of Ketchum's Dark Sky Ordinance	
✓ One (1) copy of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations	
✓ One (1) copy of current title report and owner's recorded deed to the subject property	
✓ One (1) copy of the preliminary plat	
All files should be submitted in an electronic format.	

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

BRUCE S. SMITH, PLS; ALPINE ENTERPRISES INC. 16 FEB 2021

Applicant Signature

Date

REPRESENTATIVE

Attachment E Draft CC&Rs



RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Deep Powder LLC  
Post Office Box 3761  
Ketchum, ID 83340

(Space above line for Recorder's Use)

**TOWNHOME DECLARATION  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
DEEP POWDER TOWNHOMES**

THIS DECLARATION is made on the \_\_\_\_ day of \_\_\_\_\_, 2021 by Deep Powder, a limited liability company, (collectively "Declarant").

RECITALS

A. Declarant is the owner of certain real property described as Lot 33 in Block 2 of Warm Springs Subdivision No. 5 according to the official plat thereof, recorded as Instrument No. 204448, Blaine County, Idaho ("Property"). Declarant has changed the legal character of the real property by replatting to townhome ownership.

B. The Property is presently improved by two unattached townhome residential family dwellings thereon described as Sublot 1 and Sublot 2, Deep Powder Townhomes, Blaine County, Idaho.

C. The street address of Sublot 1 is \_\_\_\_\_ Hillside Drive, Ketchum, ID 83340. The street address of Sublot 2 is \_\_\_\_\_ Hillside Drive, Ketchum, ID 83340.

D. Declarant intends that townhome subplot owners of Deep Powder Townhomes shall be subject to this Declaration and shall be members of the management body created hereby.

DECLARATION

NOW, THEREFORE, DECLARANT HEREBY DECLARES THAT:

1. Declaration. This Declaration is hereby established upon Deep Powder Townhomes in furtherance of a general plan for improvement and sale of townhome sublots within the Property for the purpose of enhancing and perfecting the value of each townhome unit therein, and for the benefit of each owner of a townhome unit in Deep Powder Townhomes.

a) Townhome sublots within Deep Powder Townhomes shall be held, conveyed, encumbered, leased, occupied or otherwise used, improved or transferred, in whole or in part, subject to this Declaration and any supplemental declaration.

b) This Declaration and any supplemental declaration shall run with Deep Powder Townhomes real property and all townhome sublots located therein, and shall be binding upon and inure to the benefit of all parties having or hereafter acquiring any right, title or interest in Deep Powder Townhomes or any portion thereof.

2. Definitions.

a) Townhome Sublot. A "townhome sublot" means an estate in real property with a fee interest in a townhome sublot shown and described on the plat for Deep Powder Townhomes.

b) Townhome Unit. A "townhome unit" means a building on a townhome sublot shown and described on the plat for Deep Powder Townhomes.

3. Property Rights.

a) Utilities. All townhome sublot owners shall have mutual non-exclusive reciprocal easements for existing and future water, cable tv, sewage, telephone and electrical lines under and across their townhome units and townhome sublots for the repair, maintenance and replacement thereof subject to the restoration of the easement premises for any damage resulting from such repair or replacement.

b) Encroachments. If any portion of a townhome sublot or unit encroaches on the other townhome sublot or unit, regardless of the cause, a valid easement exists for such encroachment and for the maintenance of it so long as it remains.

c) Drywells. There are approximately four (4) dry wells located on the Property as shown on Exhibit "A" attached hereto and by this reference made a part hereof. A reciprocal easement for maintenance and repair exists for the dry wells and connecting underground conduit. Each sublot owner is responsible to keep the dry well and connecting conduit on their sublot free from debris. Both sublot owners are equally responsible to keep the dry wells on their common sublot property boundary free from debris.

4. Use Restrictions.

a) Residential Use. The townhome sublots are restricted to residential uses

permitted by the Ketchum Zoning Ordinance as amended from time to time.

b) Maintenance. Each owner of a townhome subplot shall be responsible for maintaining their townhome subplot landscaping and all improvements thereon in a clean, sanitary, and attractive condition.

c) Offensive Conduct. No noxious or offensive activities shall be conducted within a townhome unit or townhome subplot. Nothing shall be done on or within the townhome units or townhome sublots that may be or may become an annoyance or nuisance to the residents of the townhome sublots, or that in any way interferes with the quiet enjoyment of the occupants of townhome units.

5. Parking Restrictions. No inoperative vehicle, unsightly vehicle, or any improperly parked or stored vehicle shall be located on a townhome subplot.

6. External Fixtures. No television or radio poles, antenna, flag poles, clotheslines, or other external fixtures other than those originally installed by Declarant or unanimously approved by the subplot owners shall be constructed, erected or maintained on or within Deep Powder Townhomes.

7. Trash. Trash, garbage or other waste shall be keep only in sanitary containers situated within the garage of the townhome unit. No owner shall permit or cause any trash or refuse to be keep on any portion of the Deep Powder Townhomes other than receptacles customarily used for it, which shall be located in the garage of the townhome unit, except on the scheduled day for trash pickup.

8. Architectural Control.

a) Architectural Committee. The architectural committee shall be the subplot owners of Deep Powder Townhomes as constituted from time to time. The architectural committee shall exercise its best judgment to see that all improvements, construction, landscaping and alterations that affect the exterior of Deep Powder Townhomes conform and harmonize with the existing structures as to external design, materials, color and topography.

b) Approval. No improvements of any kind or of any nature shall ever be altered, constructed, erected or permitted, nor shall any excavating, clearing or landscaping be done on any townhome subplot within Deep Powder Townhomes unless the same are approved by the architectural committee prior to the commencement of such work. The management body shall consider the materials to be used on the exterior features of said proposed improvements, including exterior colors and harmony of the exterior design with existing structures within Deep Powder Townhomes.

9. Insurance. The townhome subplot owners shall provide and be responsible for their

own townhome subplot casualty, liability and property damage insurance.

10. Amendment. This Declaration shall not be revoked nor shall any of its provisions herein be amended without the unanimous written consent of the townhome subplot owners, duly and properly recorded with the Blaine County Recorder.

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

DECLARANT:

\_\_\_\_\_
Tim Carter

\_\_\_\_\_
Joe Marx

ACKNOWLEDGMENTS

STATE OF IDAHO )
) ss:
County of Blaine )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned, a Notary Public, personally appeared TIM CARTER, known or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND SEAL

NOTARY PUBLIC for Idaho
Residing at \_\_\_\_\_
Commission Expires \_\_\_\_\_

STATE OF IDAHO )  
 ) ss:  
County of Blaine )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned, a Notary Public, personally appeared JOE MARX, known or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND SEAL

NOTARY PUBLIC for Idaho  
Residing at \_\_\_\_\_  
Commission Expires \_\_\_\_\_

Attachment F Title Policy and Warranty Deed



**OWNER'S POLICY OF TITLE INSURANCE**  
 Policy Number ORN-11399000  
 Issued by Old Republic National Title Insurance Company

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

**COVERED RISKS**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from:
  - (a) A defect in the Title caused by
    - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
    - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
    - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
    - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
    - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
    - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
    - (vii) a defective judicial or administrative proceeding.
  - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
  - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to-
  - (a) the occupancy, use, or enjoyment of the Land;
  - (b) the character, dimensions, or location of any improvement erected on the Land;
  - (c) the subdivision of land; or
  - (d) environmental protection
 if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

Issued By:  
**Pioneer Title Company of Blaine County**  
 100 10th Avenue South  
 Nampa, ID 83651

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
 A Stock Company  
 400 Second Avenue South, Minneapolis, Minnesota 55401  
 (512) 371-1111

An authorized Agent of:  
 Old Republic National Title Insurance Company

*Tyler Gohr*  
 Authorized Signatory

By \_\_\_\_\_ President

*David Wold*

Attest \_\_\_\_\_ Secretary

### COVERED RISKS Continued

6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
  - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
  - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
    - (i) to be timely, or
    - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A. The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.



## CONDITIONS AND STIPULATIONS

### 1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
  - (i) The term "Insured" also includes
    - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
    - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
    - (C) successors to an Insured by its conversion to another kind of Entity;
    - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
      - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
      - (2) if the grantee wholly owns the named Insured,
      - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
      - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
  - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.-

### 2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

### 3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

---

## CONDITIONS AND STIPULATIONS Continued

### 4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

### 5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

### 6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

### 7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.  
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

---

## CONDITIONS AND STIPULATIONS Continued

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

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

- (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
- (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

### 8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
  - (i) the Amount of Insurance; or
  - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
  - (i) the Amount of Insurance shall be increased by 10%, and
  - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

### 9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

### 10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

### 11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

### 12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

---

**CONDITIONS AND STIPULATIONS Continued**

**13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT**

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.
- If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.
- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

**14. ARBITRATION**

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

**15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT**

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

**16. SEVERABILITY**

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

**17. CHOICE OF LAW; FORUM**

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefore in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.
- Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.
- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

**18. NOTICES, WHERE SENT**

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at 400 Second Avenue South, Minneapolis, Minnesota 55401-2499.



**PioneerTitleCo.**  
GOING BEYOND

Owner's Policy

Policy Issuing Agent For:  
Old Republic National Title Insurance Company  
400 Second Avenue South  
Minneapolis, MN 55401

File No.: 682766

Policy No.: OX-12399608

Date of Policy: May 17, 2019 at 12:22PM

Address Reference: 255 Hillside Drive, Ketchum, ID  
83340

Amount of Insurance: \$538,500.00

Premium: \$1,911.00

Endorsement Premium: \$0.00

### Schedule A

1. Name of Insured:

Deep Powder LLC, an Idaho limited liability company

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

FEE SIMPLE

3. Title is vested in:

Deep Powder LLC, an Idaho limited liability company

4. The land referred to in the Policy is described as follows:

Lot 33 in Block 2 of Warm Springs Subdivision No. 5, according to the official plat thereof, recorded as Instrument No. 204448, records of Blaine County, Idaho.

### Schedule B

#### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Rights or claims of parties on possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matter contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims to title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices to such proceedings, whether or not shown by the records of such agency or by the public records.

#### Special Exceptions:

1. General taxes for the year 2019, which are liens and are not yet due and payable.  
Parcel No.: RPH05710000330
2. Sewer charges and special assessments, if any, for the City of Ketchum.  
No delinquencies appear of record.
3. Said property lies within the Avalanche Zone as disclosed by Affidavit as to Identification of Plats and Descriptions of Real Property  
Recorded: October 10, 1979  
Instrument No.: 197578
4. Covenants, conditions, restrictions and easements as set forth on the plat.  
Name of Plat: Warm Springs Subdivision No. 5  
Instrument No.: 204448  
Deleting or omitting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

5. Reservations contained in an instrument

Document: Warranty Deed

Executed by: The Andreas Schernthanner and Alice E. Schernthanner Declaration of Trust

Recorded: April 3, 1996

Instrument No.: 388796

As Follows: All water and water rights on or under said parcel and any ditch rights associated with or appurtenant to said parcel of land or any part thereof.

END OF EXCEPTIONS



491 N. Main Street, Suite 102  
Ketchum, ID 83340

**ELECTRONICALLY RECORDED-DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT**

File No. 682766 /TG

**WARRANTY DEED**

For Value Received 5050 Ventures LLC, a California limited liability company (as to an undivided 80% interest) and Sawtooth EIE LLC, a Delaware limited liability company (as to an undivided 20% interest)

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Deep Powder LLC, an Idaho limited liability company

hereinafter referred to as Grantee, whose current address is PO Box 3761 Ketchum, ID 83340

The following described premises, to-wit:

Lot 33 in Block 2 of Warm Springs Subdivision No. 5, according to the official plat thereof, recorded as Instrument No. 204448, records of Blaine County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: May 14, 2019


5050 Ventures LLC, a California limited liability company

By:

  
Clayton Sammis, Manager

Sawtooth EIE LLC, a Delaware limited liability company

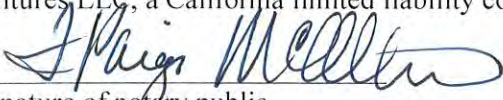
By:

  
Clayton Sammis, Manager



State of Idaho, County of Blaine

This record was acknowledged before me on May 17, 2019 by Clayton Sammis, as Manager of 5050 Ventures LLC, a California limited liability company.

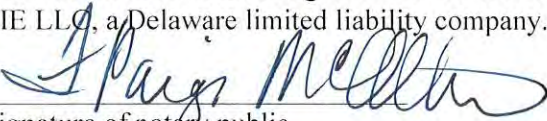


Signature of notary public  
Commission Expires: 1/5/24

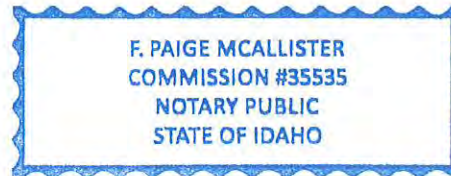


State of Idaho, County of Blaine

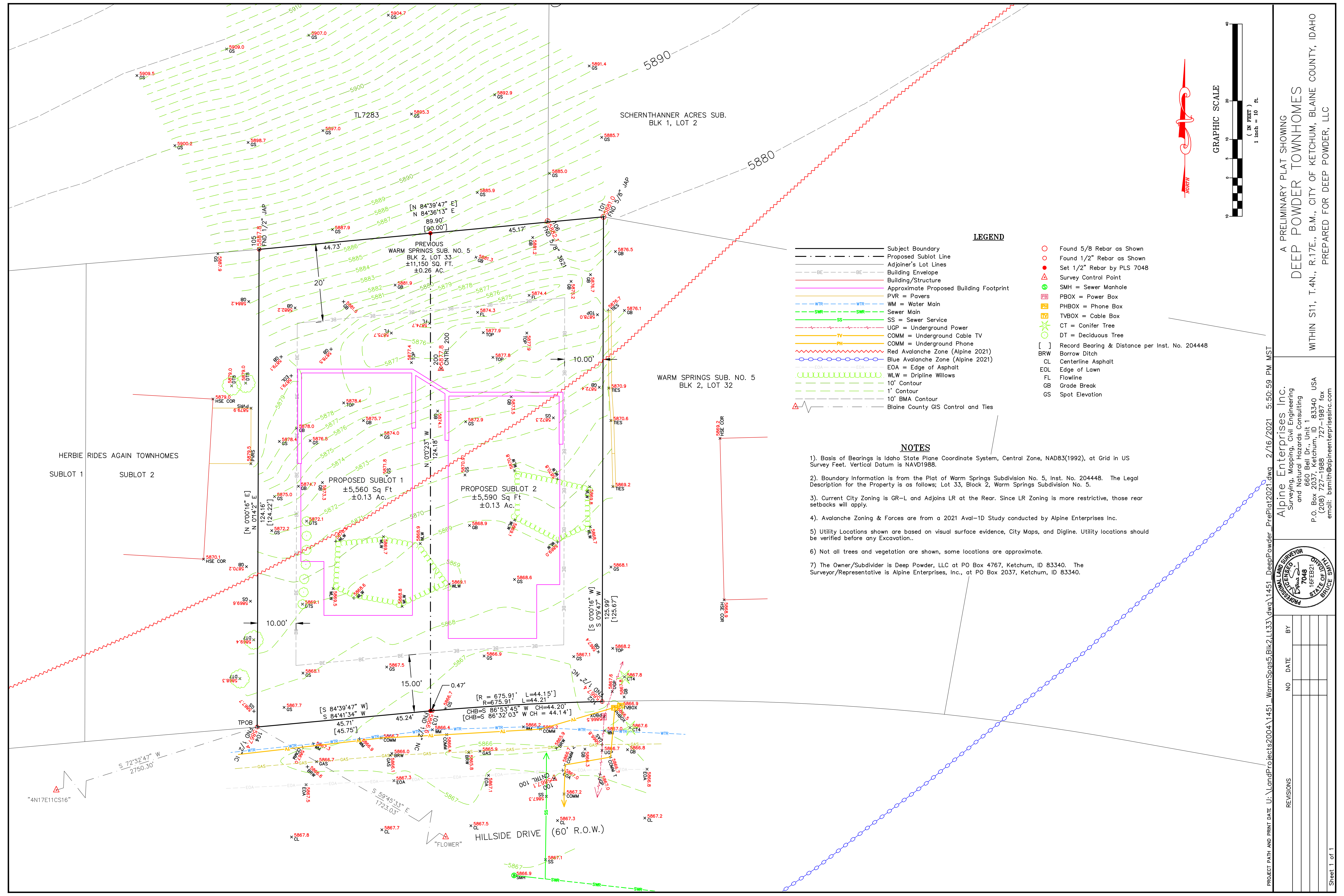
This record was acknowledged before me on May 17, 2019 by Clayton Sammis, as Manager of Sawtooth EIE LLC, a Delaware limited liability company.



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



Attachment G Preliminary Plat

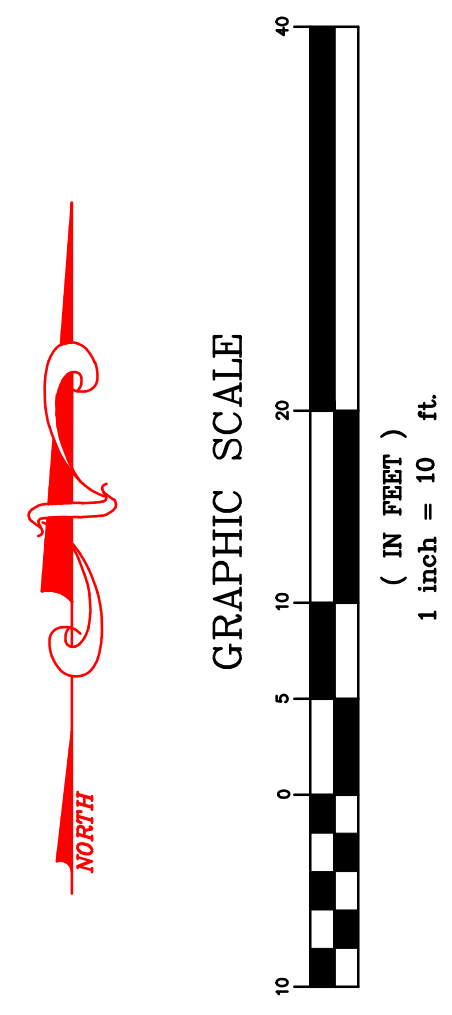


**LEGEND**

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

**NOTES**

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



PROJECT PATH AND PRINT DATE: U:\LandProjects\2004\1451\_WarmSprgs5\Blk2.Lt33.dwg 2/16/2021 5:50:59 PM MST  
 A PRELIMINARY PLAT SHOWING  
**DEEP POWDER TOWNHOMES**  
 WITHIN S11, T.4N., R.17E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO  
 PREPARED FOR DEEP POWDER, LLC

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

NO	DATE	BY

REVISIONS

Sheet 1 of 1

Attachment H Draft Mountain Overlay Design Review Finding of Fact



City of Ketchum  
Planning & Building

IN RE:	)	
	)	
Deep Powder Townhomes	)	
Mountain Overlay Design Review	)	<b>KETCHUM PLANNING AND ZONING COMMISSION</b>
Date: <b>To be inserted</b>	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND</b>
	)	<b>DECISION</b>
File Number: #21-018	)	

**BACKGROUND FACTS**

**PROJECT:** Deep Powder Townhomes Mountain Overlay Design Review

**FILE NUMBER:** P21-018

**REPRESENTATIVE:** lars Guy, Architect

**OWNER:** Deep Powder LLC

**REQUEST:** Mountain Overlay Design Review

**LOCATION:** 255 Hillside Drive (Warm Springs Subdivision #5, Block 2, Lot 33)

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

**OVERLAY:** Mountain Overlay (MO) & Avalanche Overlay (A)

**NOTICE:** Notice was mailed to adjacent property owners on March 2, 2021

**FINDINGS OF FACT**

1. The subject property is zoned General Residential – Low Density (GR-L) and in the GR-L zone two detached one-family residential dwelling units are permitted to be constructed on a single lot. The applicant has proposed to construct two detached one-family dwellings.
2. On lots that are at least 8,000 square feet in size townhouse developments are also permitted. The subject property is over 11,000 square feet in size and the property owners intend to plat the two proposed dwellings as detached townhomes at a later date. As such, each dwelling unit has been designed with its own separate utilities (water, sewer, electric, et cetera).
3. Mountain Overlay Design Review approval for both dwellings is occurring concurrently with this single application.

Table 1: City Department Comments

City Department Comments				
Compliant			City Code	City Standards and Staff Comments
Yes	No	N/A		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.104 &amp; 17.96</b>	<b>Complete Application</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p><b>Fire Department:</b></p> <p>It is the General Contractor’s responsibility to understand and adhere to all Fire Protection Ordinance #1125 requirements in addition to any and all other City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties.</p> <p>The above project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances.</p> <p>IF a monitored fire detection system exists or is installed, it shall meet NFPA 72 and be monitored by an approved alarm monitoring station. An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department.</p> <p>Approved address numbers for each unit shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers and letters shall be a minimum of four (4) inches tall, contrast with their background and be positioned a minimum of forty-eight (48) inches above final grade.</p> <p>Vehicle parking and material storage during construction shall not restrict or obstruct public streets or access to any building. A minimum twenty-foot travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times.</p> <p>An approved access roadway per 2012 International Fire Code Appendix D (<a href="http://www.ketchumfire.org">www.ketchumfire.org</a>) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all- weather driving surface maintained free, clear, and unobstructed at all times. Gates, if installed, are required to be siren activated for emergency vehicle access.</p> <p>Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building.</p> <p>Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers.</p> <p>Final inspections of all fire department permit required installations by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. A Final Inspection Checklist can be found at <a href="http://www.ketchumfire.org">www.ketchumfire.org</a>.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p><b>City Engineer and Streets Department:</b></p> <ol style="list-style-type: none"> <li><i>Detailed review and approval of ROW improvements to occur upon Building Permit submittal.</i></li> <li><i>All drainage will need to be retained on site. Including water from any roof drains.</i></li> <li><i>A detailed construction activity plan meeting section 15.06 of the City of Ketchum’s Municipal code will be necessary when submitting for building permit. Items should include items such as: how materials will be off loaded at site, plan for coordinating</i></li> </ol>

			<p>with neighbors on temporary closures, temporary traffic control, construction fence with screening</p> <ol style="list-style-type: none"> <li>4. Building/Construction drawings will need to meet applicable sections of Chapter 12 of the City of Ketchum's Municipal Code</li> <li>5. ROW improvements required to be prepared by a professional engineer per section 12.04.020 ROW. ROW improvements are shown on sheet L1.1</li> <li>6. A dig permit will be necessary for ROW work</li> <li>7. Recommended separation distance between a dry well and watermain is 25'. If a dry well is installed closer than 25' to the watermain install 20 mil HDPE groundwater barrier along the water main side of drywell. Barrier should extend of 18 inches below the water main pipe. Minimum distance between a dry well and watermain must be 10'.</li> </ol>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Utilities:</b></p> <ol style="list-style-type: none"> <li>1. Each townhouse will require separate taps for both water and sewer.</li> <li>2. Each townhouse will have its own independent irrigation system.</li> </ol>

Table 2: Zoning Standards Analysis

Compliance with Zoning Standards						
Compliant			Standards and Staff Comments			
Yes	No	N/A	Guideline	City Standards and Staff Comments		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	<b>Minimum Lot Area</b>		
			<i>Staff Comment</i>	<b>Required:</b> 8,000 square feet minimum. <b>Existing (Lot 25):</b> 11,150 sf		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	<b>Building Coverage</b>		
			<i>Staff Comment</i>	<b>Permitted:</b> 35% <b>Proposed:</b> 33% (3,717 sf)		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.040	<b>Minimum Building Setbacks</b>		
			<i>Staff Comment</i>	<p><b>Minimum:</b> Front: 15' Exterior Side: &gt; of 1' for every 3' in building height, or 5' Interior Side: 0' Rear: &gt; of 1' for every 3' in building height, or 15'</p> <p><b>Proposed:</b> Note 1: There is a discrepancy between the setbacks indicated on A-1.0 and L1.0. The applicant indicates that sheet L1.0 represents accurate setbacks.</p> <p>Note 2: The elevation plans indicate a partial avalanche protection wall on the west side of the western building (Unit A). The design is to be determined. The applicant is aware that the wall can not exceed 6' in height and that the wall can not encroach more than 3' into the setback that has been established by the building's height. If final design results in a wall that is greater than 3' wide the western building's footprint will be shifted east (toward Unit B) in order to meet the side yard setback requirement.</p>		
				<table border="1"> <tr> <td><b>West building (Unit A)</b> Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"</td> <td><b>East building (Unit B)</b> Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: &gt;31'-11"</td> </tr> </table>	<b>West building (Unit A)</b> Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"	<b>East building (Unit B)</b> Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"
<b>West building (Unit A)</b> Front: 25'-3" on L Exterior (east) side: 10' Interior side: NA Rear: 31'-11"	<b>East building (Unit B)</b> Front: 16'-11" on L Exterior (east) side: 10' Interior side: NA Rear: >31'-11"					
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.12.040	<b>Building Height</b>		
			<i>Staff Comment</i>	<b>Maximum Permitted:</b> 35'  <b>Proposed:</b>		

			<b>West building (Unit A)</b> 29'-10"	<b>East building (Unit B)</b> 29'-10"
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.125.030.H</b>	Curb Cut
			<b>Staff Comment</b>	<b>Permitted:</b> 35% or street frontage or 32' for the subject property (street frontage 90') <b>Proposed:</b> <i>Note 1: There is a discrepancy between the curb cut/driveway widths indicated on A-1.0 and L1.0. The applicant indicates that sheet L1.0 represents accurate curb cuts/driveway widths, which are 16' each for a total of 32'.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.125.040.B</b>	Parking Spaces
			<b>Staff Comment</b>	<b>Required:</b> <i>Residential one family: 2 parking spaces per dwelling unit</i> <b>Proposed:</b> <i>Two garage spaces per building</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.18.050 &amp; 17.08.020</b>	Zoning Districts & Definitions
			<b>Staff Comment</b>	<i>17.18.050: General Residential - Low Density District (GR-L): The purpose of the GR-L General Residential - Low Density District is to provide areas where low and medium density uses can be properly developed in proximity to each other while still maintaining neighborhood amenities and favorable aesthetic surroundings. The intent of the general residential - low density district is to permit a reasonable amount of flexibility in both land use and development in residential development areas.</i>  <b>17.08.020 – Definitions</b> <i>Dwelling, One-family: A building, under single or multiple ownership, containing two (2) or more dwelling units used for residential occupancy.</i>

Table 3: Mountain Overlay Design Review Standards

<b>IMPROVEMENTS AND STANDARDS: 17.104.070 – Mountain Overlay Design Review:</b>				
The following list of criteria and those contained in section 17.96.080 of this title must be considered and addressed by each applicant seeking design review approval.				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.104.070 A (1)</b>	There shall be no building on ridges or knolls which would have a material visual impact on a significant skyline visible from a public vantage point entering the city or within the city. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.
			<b>Staff Comment</b>	<i>There are no ridges or knolls identified on the subject parcel; the ridge line is located beyond the extent of the property boundary.</i>  <i>Further, this property is not visible from an identified or protected view corridor. The most prominent street in the vicinity is Warm Springs Road. Because the eastern portion of Hillside Drive, where the subject property is located, has relatively shallow lot depths (under 150') where maximum elevations are relatively low, existing residences and vegetation located on the southside of Hillside Drive, Belmont Drive, and the north side of Warm Springs Road provides ample screening.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.104.070 A (2)</b>	Building, excavating, filling and vegetation disturbance on hillsides which would have a material visual impact visible from a public vantage point entering the city or within the city shall be minimized. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section.
			<b>Staff Comment</b>	<i>Building, excavation, filling and vegetation disturbance will not have a material visual impact visible from a point within the city due to the location of the subject property and site characteristics described in evaluation of the previous criteria 17.104.070.A.1</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.104.070 A (3)</b>	Driveway standards as well as other applicable standards contained in chapter 12.04 of this code shall be met.
			<b>Staff Comment</b>	<i>Refer to comments from the City Engineer and Streets Superintendent in Table 1. Detailed review and approval of ROW improvements to occur upon Building Permit</i>



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

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

**Table 4: Design Review Standards for all projects**

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

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

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

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

### CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code;
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and zoning code, Title 17;
3. The Commission has authority to hear the applicant's Mountain Overlay Design Review Application pursuant to Chapters 17.96 and 17.104 of Ketchum Code Title 17;
4. The project **does** meet the standards of approval under Chapter 17.104 of Zoning Code Title 17;
5. The City of Ketchum Planning Department provided adequate notice for the review of this application;

### DECISION

**THEREFORE**, the Ketchum Planning and Zoning Commission **approves** this Mountain Overlay Design Review application this Tuesday **(Insert date)** subject to the following conditions:

1. All departmental conditions as described in Tables 1, 2, 3, 4, and 5;
2. Limits of disturbance/construction fencing indicated on Sheet L2.0 shall remain in place for the duration of construction;
3. The elevation plans indicate a partial avalanche protection wall on the west side of the western building (Unit A). The design is to be determined. The applicant is aware that the wall can not exceed 6' in height and that the wall can not encroach more than 3' into the setback that has been established by the building's height. If final design results in a wall that is greater than 3' wide the western building's footprint will be shifted east (toward Unit B) in order to meet the side yard setback requirement.
4. This Design Review approval is based on the plans and information presented and approved at the meeting on the date noted herein. Building Permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal;
5. All building and fire code requirements as dictated by 2012 family of international codes and Title 15 of Ketchum Municipal shall apply to all construction onsite;
6. Per Title 17, Section 17.96.090: TERM OF APPROVAL: The term of design review approval shall be twelve (12) months from the date that findings of fact, conclusions of law and decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations;
7. All Design Review elements shall be completed prior to final inspection;
8. All exterior lighting shall be in compliance with Ketchum Municipal Code, Chapter 17.132, Dark Skies, and approved prior the issuance of a Certificate of Completion;
9. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.

Findings of Fact **adopted** **this insert date**

---

Neil Morrow  
Chairperson  
Planning and Zoning Commission

Attachment I Draft Townhouse Preliminary Plat Findings of Fact



City of Ketchum  
Planning & Building

IN RE:	)	
	)	
Deep Powder Townhouse	)	<b>KETCHUM PLANNING AND ZONING COMMISSION</b>
Preliminary Plat	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND</b>
<b>Date: To be inserted</b>	)	<b>DECISION</b>
	)	
File Number: P21-017	)	

**Findings Regarding Application Filed**

**PROJECT:** Deep Powder Townhouse Preliminary Plat

**APPLICATION TYPE:** Townhouse Subdivision Preliminary Plat

**FILE NUMBER:** P21-017

**OWNERS:** Deep Powder LLC

**REPRESENTATIVE:** Alpine Enterprises

**REQUEST:** Preliminary Townhouse Plat to create two (2) townhouse sublots

**LOCATION:** 255 Hillside Drive (Warm Springs Subdivision #5, Block 2, Lot 33)

**NOTICE:** Notice was mailed to property owners within a 300’ radius of the subject property on March 2, 2021 and was published in the Idaho Mountain Express on March 3, 2021. Notice was posted on premises and on the City of Ketchum website on March 16, 2021.

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

**OVERLAY:** Mountain Overlay (MO) & Avalanche Overlay (A)

**Findings Regarding Associated Development Applications**

The subject property is owned by Deep Powder LLC and is located on Hillside in the GR-L Zoning District. The subject development is two new 2-story detached townhomes.

The Planning and Zoning Commission approved Mountain Overlay Design Review for the building in 2021 (P21-018).

The Preliminary Plat proposes to plat the townhomes and associated common areas with the result being two (2) residential townhomes.



### Findings Regarding City Department Comments

All City Department standards as well as required right-of-way improvements were reviewed through the Design Review and all conditions of approval of Mountain Overlay Design review Permit 21-018 shall be incorporated into the approval of this Townhouse Preliminary Plat.

#### Findings Regarding Condominium Subdivision Procedure (KMC§16.04.070)

All land subdivisions in the City of Ketchum are subject to the standards contained in Ketchum, Municipal Code, Title 16, Subdivision. Many standards are related to the design and construction of multiple new lots that will form new blocks and infrastructure, such as streets that will be dedicated to and maintained by the City. As conditioned, the request to subdivide meets all applicable standards for Townhouse Preliminary Plats contained in Ketchum Municipal Code’s Subdivision (Title 16) and Zoning (Title 17) regulations.

The first step in the townhouse condominium platting process is Preliminary Plat review and to receive a recommendation from the Planning and Zoning Commission. The Planning and Zoning Commission held a public hearing and recommended approval of the Townhouse Preliminary Plat application to the City Council **on Insert date**.

**Table 1: City Department Comments**

City Department Comments			
Compliant			
Yes	No	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>City Department Comments</b></p> <p><b>Utilities:</b></p> <ul style="list-style-type: none"> <li>• No comment at this time.</li> </ul> <p><b>Fire Department:</b></p> <ul style="list-style-type: none"> <li>• See comments for MO Design Review 21-018.</li> </ul> <p><b>Engineering and Streets:</b></p> <ul style="list-style-type: none"> <li>• Detailed drawings of improvements in the right of way shall be submitted and approved prior to approval of the building permit</li> </ul> <p><b>Planning and Zoning:</b></p> <ul style="list-style-type: none"> <li>• See comments throughout the Findings</li> </ul>

**Table 2: Preliminary Plat Requirements for All Projects and Condominium Preliminary Plats**

Preliminary Plat Requirements				
Present on Preliminary Plat?			Standards	
Yes	No	N/A	City Code	City Standards and <i>Preliminary Review Comments</i>
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.

			<b>Comments</b>	All items present.
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J</b>	<b>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:</b>
			<b>Comments</b>	All present.
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .1</b>	<b>The scale, north point and date.</b>
			<b>Comments</b>	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .2</b>	<b>The name of the proposed subdivision.</b>
			<b>Comments</b>	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.3</b>	<b>The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</b>
			<b>Comments</b>	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.4</b>	<b>Legal description of the area platted.</b>
			<b>Comments</b>	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .5</b>	<b>The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.</b>
			<b>Comments</b>	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.6</b>	<b>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.</b>
			<b>Comments</b>	Contours present
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.7</b>	<b>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.</b>
			<b>Comments</b>	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J .8</b>	<b>Boundary description and the area of the tract.</b>
			<b>Comments</b>	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.9</b>	<b>Existing zoning of the tract.</b>

			<b>Comments</b>	Present -GR-L
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.10</b>	<b>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.</b>
			<b>Comments</b>	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J .11</b>	<b>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.</b>
			<b>Comments</b>	Present
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.030.J .12</b>	<b>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.</b>
			<b>Comments</b>	Present
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.030.J .13</b>	<b>The direction of drainage, flow and approximate grade of all streets.</b>
			<b>Comments</b>	Present
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.030. J .14</b>	<b>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.</b>
			<b>Comments</b>	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.15</b>	<b>Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials</b>
			<b>Comments</b>	The project is located on a residential street, Hillside Drive
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.030. J.16</b>	<b>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.</b>
			<b>Comments</b>	N/A subject property is not located in floodplain or avalanche overlays.
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.030. J.17</b>	<b>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.</b>
			<b>Comments</b>	Present

X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .18</b>	<b>Lot area of each subplot.</b>
			<b>Comments</b>	Present – 5,560 s.f. for Sublot 1 and 5,590 for Sublot 2
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.030. J .19</b>	<b>Existing mature trees and established shrub masses.</b>
			<b>Comments</b>	Not applicable – none existing.
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .20</b>	<b>To be provided to Administrator:</b>  <b>20. Subdivision names shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho and shall be approved by the Blaine County Assessor.</b>
			<b>Comments</b>	Name is unique Deep Powder Townhomes
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.030. J .21</b>	<b>All percolation tests and/or exploratory pit excavations required by state health authorities.</b>
			<b>Comments</b>	NA
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>Comments</b>	<b>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.</b>
			<b>Comments</b>	CC&Rs provided
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .23</b>	<b>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.</b>
			<b>Comments</b>	Provided.
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .24</b>	<b>A digital copy of the preliminary plat shall be filed with the administrator.</b>
			<b>Comments</b>	Provided.

<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.A</b>	<p><b>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.</b></p> <p><b>Construction design plans shall be submitted and approved by the city engineer.</b></p> <p><b>All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city.</b></p> <p><b>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.</b></p>
--------------------------	--------------------------	---	--------------------	--

			<b>Comments</b>	Plans will be provided as part of the building permit.
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.B</b>	<b>Improvement Plans:</b> 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.
			<b>Comments</b>	Plans will be provided as part of building permit.
		X	<b>16.04.040.C</b>	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.
			<b>Comments</b>	Noted
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.D</b>	<b>As Built Drawing:</b> 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.
			<b>Comments</b>	Noted

X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.E	<p><b>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:</b></p> <ol style="list-style-type: none"> <li><b>1. All angle points in the exterior boundary of the plat.</b></li> <li><b>2. All street intersections, points within and adjacent to the final plat.</b></li> <li><b>3. All street corner lines ending at boundary line of final plat.</b></li> <li><b>4. All angle points and points of curves on all streets.</b></li> <li><b>5. The point of beginning of the subdivision plat description.</b></li> </ol>
			<b>Comments</b>	Noted on the Plat

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.F	<p><b>Lot Requirements:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> </li> <li>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.</li> <li>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</li> <li>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.</li> <li>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..</li> </ol>
--------------------------	--------------------------	---	-------------	--

			<b>Comments</b>	N/A. This is a condominium plat for a building that is currently under construction.
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.G</b>	<p><b>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</b></p> <ol style="list-style-type: none"> <li><b>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.</b></li> <li><b>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</b></li> <li><b>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.</b></li> <li><b>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.</b></li> </ol>
			<b>Comments</b>	No new blocks are being created. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.1</b>	<p><b>H. Street Improvement Requirements:</b></p> <ol style="list-style-type: none"> <li><b>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;</b></li> </ol>
			<b>Comments</b>	No new streets are proposed. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.2</b>	<ol style="list-style-type: none"> <li><b>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;</b></li> </ol>
			<b>Comments</b>	No new streets are proposed. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.3</b>	<ol style="list-style-type: none"> <li><b>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;</b></li> </ol>
			<b>Comments</b>	NA the subdivision does not contain an existing or propose a new arterial street, railroad, or limited access highway.
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.4</b>	<ol style="list-style-type: none"> <li><b>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</b></li> </ol>
			<b>Comments</b>	N/A, the construction of a new street is not proposed.



<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.5	5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing;
			Comments	NA, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.6	6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated;
			Comments	N/A dedication of right-of-way is not necessary.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.7	7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;
			Comments	N/A, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.8	8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;
			Comments	N/A, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.9	9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);
			Comments	N/A, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.10	10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;
			Comments	N/A, the construction of a new street is not proposed.

<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.11</b>	<b>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</b>
			<b>Comments</b>	N/A, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.12</b>	<b>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</b>
			<b>Comments</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.13</b>	<b>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;</b>
			<b>Comments</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.14</b>	<b>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</b>
			<b>Comments</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.15</b>	<b>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;</b>
			<b>Comments</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.16</b>	<b>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;</b>
			<b>Comments</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.H.17</b>	<b>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;</b>
			<b>Comments</b>	N/A
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.H.18</b>	<b>18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;</b>
			<b>Comments</b>	Street lighting per Design Review / Building Permit approvals.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.19	19. Private streets may be allowed upon recommendation by the commission and approval by the Council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section and chapter 12.04 of this code;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.20	20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the Administrator and shall be consistent with the type and design of existing street signs elsewhere in the City;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.21	21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;
			Comments	N/A
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H.22	22. Sidewalks, curbs and gutters shall be required consistent with adopted city standards and where designated shall be a required improvement installed by the subdivider;
			Comments	Sidewalks were addressed with Design Review and Building Permit approvals and are covered by Encroachment Agreement #20518.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.23	23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights-of-way unless approved by the City Council; and
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.24	24. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone
			Comments	N/A

X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.I	I. <b>Alley Improvement Requirements:</b> 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.
			<b>Comments</b>	Subject property is not adjacent to an alley as the subject parcel is ½ of an Ketchum townsite lot, and it happens to be the ½ that does not abut an alley
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J.1	J. <b>Required Easements:</b> 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.
			<b>Comments</b>	Plat note #8 addresses this – “Utility easements necessary to allow for access and maintenance of utilities serving units other than the unit they are located in are hereby granted by this plat.”
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.2	2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.
			<b>Comments</b>	N/A parcels do not border a waterway, drainageway, channel or stream.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.3	3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the Council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the Council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.
			<b>Comments</b>	N/A parcels do not border a waterway.

<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.J.4</b>	<b>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.</b>
			<b>Comments</b>	N/A parcels do not border a waterway.
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.J.5</b>	<b>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.</b>
			<b>Comments</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.040.J.6</b>	<b>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.</b>
			<b>Comments</b>	N/A this is an infill parcel on half of a lot in the Ketchum townsite.
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.K</b>	<b>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.</b>
			<b>Comments</b>	Sewer services to the existing sewer main are being installed per building permit requirements.

<input type="checkbox"/>	X	<input type="checkbox"/>	16.04.040.L	<p><b>L. Water System Improvements:</b> 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>
			<b>Comments</b>	Water services to the existing water main are being installed per building permit requirements.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.M	<p><b>M. Planting Strip Improvements:</b> 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>
			<b>Comments</b>	N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.1	<p><b>N. Cuts, Fills, And Grading Improvements:</b> Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p> <p><b>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.</b></p>
			<b>Comments</b>	Item #1, soil report, not required – this plat is to condominiumize an existing building that is currently under construction.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.2	<p><b>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:</b></p> <p>a. Proposed contours at a maximum of five foot (5') contour intervals.</p> <p>b. Cut and fill banks in pad elevations.</p> <p>c. Drainage patterns.</p> <p>d. Areas where trees and/or natural vegetation will be preserved.</p> <p>e. Location of all street and utility improvements including driveways to building envelopes.</p> <p>f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.</p>
			<b>Comments</b>	N/A – project is condominiumizing an existing building
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.3	<p><b>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.</b></p>
			<b>Comments</b>	N/A – project is condominiumizing an existing building
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.4	<p><b>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.</b></p>
			<b>Comments</b>	N/A – project is condominiumizing an existing building
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.5	<p><b>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.</b></p>
			<b>Comments</b>	N/A – project is condominiumizing an existing building
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.6	<p><b>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</b></p> <p>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</p> <p>b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods).</p>
			<b>Comments</b>	N/A – project is condominiumizing an existing building

X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.O	<b>O. Drainage Improvements:</b> The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the City on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.
			Comments	Drainage was addressed with Building Permit review and approval.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.P	<b>P. Utilities:</b> In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.
			Comments	Utilities are being extended to this site concurrent with the building that is under construction.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.Q	<b>Q. Off Site Improvements:</b> Where the off site impact of a proposed subdivision is found by the commission or Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			Comments	Building is under construction. No off-site improvements were determined to be necessary.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.R	<b>R. Avalanche And Mountain Overlay:</b> All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in Title 17 of this Code.
			Comments	N/A property is not in Avalanche or Mountain Overlay.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.S	<b>S. Existing natural features</b> 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.



			<b>Comments</b>	N/A.
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.070.B</b>	<b>B. Preliminary Plat Procedure:</b> The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities and open space. The commission and council shall act on the preliminary plat pursuant to subsections 16.04.030D and E of this chapter.
			<b>Comments</b>	Submitted.
<input type="checkbox"/>	<input type="checkbox"/>	X	<b>16.04.070.C</b>	<p><b>C. Final Plat Procedure:</b></p> <p>1. The final plat procedure contained in subsection 16.04.030G of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the condominium has received:</p> <p>a. A certificate of occupancy issued by the city of Ketchum; and</p> <p>b. Completion of all design review elements as approved by the planning and zoning administrator.</p> <p>2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this code. Prior to final plat approval, the subdivider shall submit to the city a copy of the final bylaws and condominium declarations which shall be approved by the council and filed with the Blaine County recorder, including the instrument number(s) under which each document was recorded.</p>
				N/A at this time, pertains to Final Plat.
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.070.D</b>	<p><b>D. Garage:</b> All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.</p>
				Garages are allocated to residential units 201 and 301
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.070.E</b>	<p><b>E. Storage Areas:</b> Adequate interior storage space for personal property of the resident of each condominium unit.</p>
				Limited Common Area storage rooms and/or garages are indicated on the plat for all units - Units 101, 102, 201 and 301.
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.070.F</b>	<b>F. Maintenance Building:</b> A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.

				Mechanical rooms are indicated on the plat.
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.070.G</b>	<b>G. Open Space: The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.</b>
				Units 101 and 102 have outdoor spaces located at the entries of the units, albeit small. Units 201 and 301 have extensive outdoor deck space indicated as Limited Common areas associated with these units.
X	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.070.H</b>	<b>H. General Applicability: All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions</b>
				All requirements associated with the Building Permit and Design Review approvals remain in effect.

**CONCLUSIONS OF LAW**

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the Ordinances and regulations, which Ordinances are codified in the Ketchum City Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the Applicant’s Condominium Subdivision Final Plat application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Condominium Subdivision application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
4. The Condominium Subdivision Preliminary Plat application is governed under Sections 16.04.010, 16.04.020, 16.04.030, and 16.04.070 of Ketchum Municipal Code Chapter 16.04.
5. The proposed Condominium Subdivision for the Mindbender development meets the standards for Preliminary Plats under Title 16 of Ketchum Municipal Code subject to conditions of approval.

**DECISION**

**THEREFORE**, the Ketchum Planning and Zoning Commission **recommends approval of** this Condominium Subdivision Preliminary Plat application this Tuesday, November 10th, 2020 subject to the following conditions:

**CONDITIONS OF APPROVAL**

1. The Covenants, Conditions, and Restrictions (CC&R's) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of the CC&R's;
2. The failure to obtain Final Plat approval by the Council, of an approved preliminary plat, within two (2) years after approval by the Council shall cause all approvals of said preliminary plat to be null and void;
3. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map;
4. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
  - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
  - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
  - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
5. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
6. The applicant shall provide a copy of the recorded final plat to the Planning and Building Department for the official file on the application.
7. All requirements of the Fire, Utility, Building, Planning, and Public Works departments of the City of Ketchum shall be met, including completion of the right-of-way improvements prior to issuance of the Certificate of Occupancy for the building and signing of the Final Plat.

Findings of Fact **adopted** this 10th day of November, 2020

---

Neil Morrow, Commission Chair

---

Suzanne Frick, Planning and Building Director