

<p><b>RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:</b></p> <p>City Clerk, City of Ketchum  PO Box 2315  Ketchum Idaho, 83340</p>	
---	--

(Space Above Line For Recorder's Use)

**SNOWBIRD TOWNHOMES LOT 1A  
PHASED TOWNHOUSE SUBDIVISION AGREEMENT #22764**

THIS PHASED TOWNHOUSE SUBDIVISION AGREEMENT (“Agreement”) is made and entered into as of the \_\_\_ day of \_\_\_\_\_ 2022, by and between the City of Ketchum, an Idaho municipal corporation (“City”) and Scott J. Edwards, owner of real property (“Owner”).

**RECITALS**

WHEREAS, Owner owns certain real property located at 222 Bird Dr, Ketchum, Idaho legally described as Snowbird Subdivision, Block 1, Lot 1 the City of Ketchum, according to the official plat recorded under Instrument Number 321440, on file in the office of the County Recorder of Blaine County, Idaho (the “Property”); and

WHEREAS, Owner has submitted a Design Review application for the development of the Property with two detached townhomes accessed from a central private driveway from Bird Drive (the “Project”) and requests a phased development agreement for the development of the Project under the provisions of Section 16.04.110 – *Phased Development Projects* within Title 16 of the Ketchum Municipal Code.

WHEREAS, Owner has submitted an application for a subdivision preliminary plat to reconfigure the property boundaries between Lots 1 and 2 of the Snowbird Subdivision and create Lots 1A and 2A with an access easement through Lot 2A for the purpose of constructing a central private driveway to access Lot 1A (the “Preliminary Plat”), included as Exhibit A.

WHEREAS, Owner has submitted an application for a townhouse preliminary plat for two townhome sublots on Lot 1A (the “Townhouse Preliminary Plat”), included as Exhibit B.

WHEREAS, Owner proposes to construct all required right-of-way infrastructure improvements, central private driveway, and water and sewer utility services for each sublot on Lot 1A in one phase. All required improvements will be constructed to City standards and Owner assumes maintenance responsibilities of the improved private driveway, water service lines, and sewer service lines to each sublot.

**AGREEMENT**

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

1. Maintenance Responsibilities.

A. *Owner.*

- (1) *Water Service Lines Serving Lot 1A Sublots 1 and 2.* Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private water lines serving the Project. The private water line is from the point of the meter on Bird Drive to each detached townhouse unit.
- (2) *Sewer Service lines Serving Lot 1A Sublots 1 and 2.* Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private sewer lines serving the Project. The private sewer line is from the point of the meter on Bird Drive to each detached townhouse unit.
- (3) *Private Driveway.* Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private driveway serving Lots 1A and 2A. Private driveway shall remain open and unobstructed for a width of 20 feet year-round.

2. Construction and Completion Schedule.

- A. All townhouse units on Lot 1A shall be completed no later than three years from the date of issuance of a building permit for the first townhouse unit on Lot 1A, as evidenced by issuance of a Certificate of Occupancy for each townhouse unit.
- B. Prior to issuance of a Certificate of Occupancy for the first detached townhouse unit on Lot 1A, each subplot shall be adequately served by both water and sewer services as generally depicted on Exhibit C, as affirmed in writing by the City. The City must approve the timing of water and sewer connections to the existing system.
- C. Prior to obtaining Certificate of Occupancy for the first townhouse unit on Lot 1A, the following improvements as generally depicted on Exhibit C shall be completed and/or extended to each Sublot:
  - (1) Recordation of the 20-foot-wide access and utility access easement as shown in the Preliminary Plat; and
  - (2) Dry utility services (power, gas, cable, etc); and

- (3) All hardscape pathways and access points for adequate and safe egress from the units; and
- (4) Bird Drive right of way improvements consistent with Ketchum Municipal Code, Title 12.04.030.H.1 and current right of way standards completed and installed to the satisfaction of the City Engineer; and
- (5) Water and sewer mains and services serving sublots 1 and 2 on Lot 1A; and
- (6) Private driveway and associated drainage infrastructure accessing Lots 1A and 2A.

D. Prior to obtaining a Certificate of Occupancy for the last detached townhouse unit on Lot 1A, all landscaping as generally depicted in Exhibit D shall be installed.

3. Building Permits for Each Townhouse Unit. Owner shall apply for individual building permits for each townhouse unit to be constructed on Lot 1A. Each townhouse unit shall obtain a separate Certificate of Occupancy. The first building permit shall include plans and improvements as identified in Sections 2A and B of this Agreement.
4. Final Plat. The City agrees to accept and process a final plat application for approval by City Council provided a Certificate of Occupancy has been issued for the first townhouse unit on Lot 1A should Owner comply with all above recitals.
5. Townhouse Sublot Final Plat. The City agrees to accept and process a townhouse final plat application for approval by City Council provided a Certificate of Occupancy has been issued for the first townhouse unit on Lot 1A should Owner comply with all above recitals.
6. Owners' Association Assumption of Responsibilities. Upon the recording of the Townhouse Sublot Final Plat, Owner may assign and transfer its maintenance responsibilities and obligations under this Agreement to the Snowbird Townhomes Owner's Association, Inc.

7. General Provisions.

A. *Recitals and Construction.* The City and Owner incorporate the above recitals into this Agreement and affirm such recitals are true and correct.

B. *Effective Date.* This Agreement is effective as of the date on which the last of the City and Owner execute this Agreement. Neither party shall have any rights with respect to this Agreement until both have executed this Agreement.

C. *Owner Representations.* Owner represents and warrants to City that (a) Owner holds fee simple title to the Property, and (b) no joinder or approval of another person or entity is required with respect to Owner’s authority to make and execute this Amendment.

D. *Neutral Interpretation.* City and Owner acknowledge they and, if they so choose, their respective counsel have reviewed this Agreement and the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of the Agreement, or any exhibits, attachments and addenda to the Agreement.

E. *Counterparts.* This Agreement may be executed in multiple counterparts, each of which taken together shall constitute one and the same agreement binding upon the parties. Signatures transmitted by facsimile or via e-mail in a “PDF” format shall have the same force and effect as original signatures on this Amendment. The Original of this Amendment shall be recorded with the Blaine County Recorder.

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

“CITY”:

CITY OF KETCHUM,  
an Idaho municipal corporation

“OWNER”:

Scott J. Edwards,

By: \_\_\_\_\_  
Neil Bradshaw, Mayor

By: \_\_\_\_\_  
Scott J. Edwards

ATTEST:

\_\_\_\_\_  
Tara Fenwick, City Clerk



***ACKNOWLEDGEMENT FOR CITY***

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BLAINE        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned Notary Public in and for said State, personally appeared NEIL BRADSHAW, known or identified by me to be the Mayor of the City of Ketchum, Idaho, and the person who executed the foregoing instrument and acknowledged to me that he executed the same on behalf of such city.

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

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

***ACKNOWLEDGEMENT FOR OWNER***

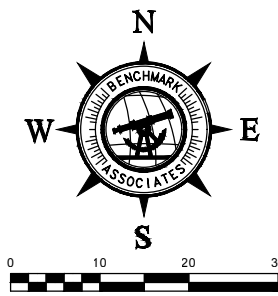
STATE OF \_\_\_\_\_ )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, a Notary Public in and for said State, personally appeared SCOTT J. EDWARDS, known to me to be the owner of certain real property at 222 Bird Dr, and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**Exhibit A:**  
**Snowbird Subdivision**  
**Subdivision Preliminary Plat**



**LEGEND:**

- PROPERTY LINE
- - - LOT LINE ELIMINATED
- - - EASEMENT LINE
- - - BLAINE COUNTY GIS TIE
- - - APPROXIMATE EDGE BUILDING
- - - EDGE PAVEMENT
- - - EXISTING WOOD FENCE
- - - EXISTING ELECTRIC LINE
- - - EXISTING WATER LINE
- - - EXISTING SEWER LINE
- X X TELE BOX
- E E CATV BOX
- E E ELECTRIC BOX
- ○ FOUND 1/2" REBAR
- ○ FOUND 5/8" REBAR
- ○ SET 5/8" REBAR, PLS 9561
- ○ FOUND ALUMINUM CAP
- ● EXISTING TREE

**SNOWBIRD SUBDIVISION: LOTS 1A & 2A**

LOCATED WITHIN: SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO  
WHEREIN THE BOUNDARY COMMON TO LOTS 1 & 2 OF SNOWBIRD SUBDIVISION IS AMENDED.

**MARCH 2022  
PRELIMINARY PLAT**



VICINITY MAP  
NOT TO SCALE

**OWNER OF RECORD**

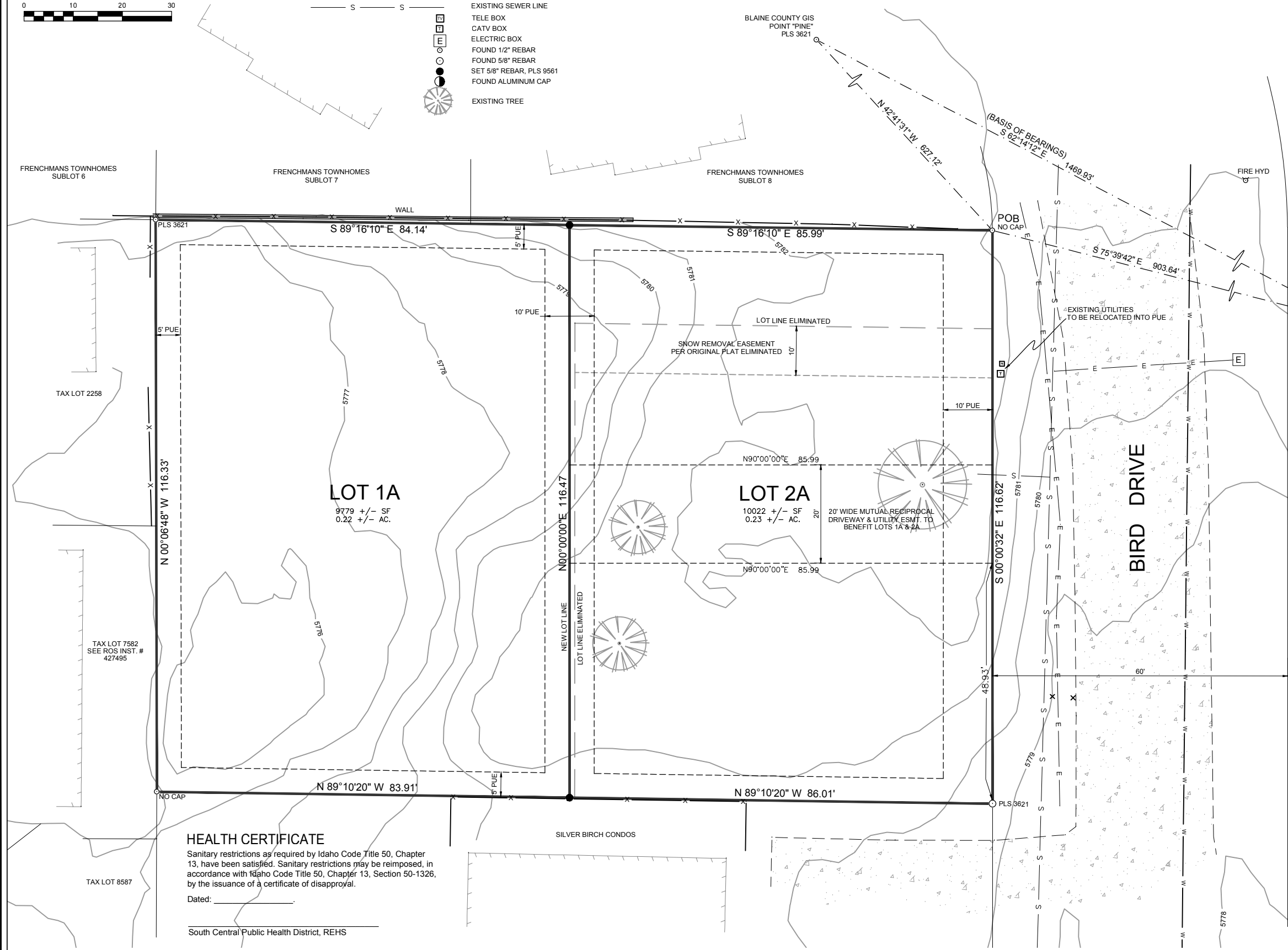
SCOTT J. EDWARDS  
13019 NAOMILAWN DRIVE SOUTHWEST  
LAKEWOOD, WA 98498

**SURVEYOR'S NARRATIVE:**

1. THE PURPOSE OF THIS PLAT IS TO AMEND THE BOUNDARY COMMON TO LOTS 1 & 2 OF SNOWBIRD SUBDIVISION. FOUND MONUMENTS WERE ACCEPTED AS EITHER ORIGINAL OR REPLACEMENTS OF ORIGINAL CORNERS.
2. DIMENSIONS SHOWN HEREON ARE MEASURED. FOR RECORD DIMENSIONS, SEE REFERENCED SURVEYS.
3. DOCUMENTS USED IN THE COURSE OF THIS SURVEY:
  - A. ORIGINAL PLAT OF "SNOWBIRD SUBDIVISION", INST. NO. 321440.

**NOTES:**

1. A 10 FOOT WIDE PUBLIC UTILITY EASEMENT EXISTS CENTERED UPON ALL SIDE AND REAR LOT LINES PER ORIGINAL PLAT. A 10-FOOT WIDE PUBLIC UTILITY EASEMENT IS GRANTED ALONG FRONT PROPERTY LINE AS SHOWN HEREON.
2. A 20 FOOT WIDE MUTUAL RECIPROCAL DRIVEWAY & UTILITY EASEMENT TO BENEFIT LOTS 1A & 2A IS GRANTED AS SHOWN HEREON.
3. A POWERLINE EASEMENT WAS RECORDED JULY 8, 1963 AS INST. NO. 118840, RECORDS OF BLAINE COUNTY, IDAHO.
4. CURRENT ZONING IS GR-L, GENERAL RESIDENTIAL LOW DENSITY.
5. UTILITIES ARE PER SURFACE EVIDENCE & CITY OF KETCHUM RECORDS & ARE APPROXIMATE. OTHER UNDERGROUND UTILITIES MAY EXIST.
6. CONTOUR INTERVAL: 1' - CONTOURS IN AREAS OF DENSE VEGETATION MAY DEVIATE FROM TRUE ELEVATION BY ONE HALF THE HEIGHT OF THE VEGETATION. DATE OF LIDAR FLIGHT FOR CONTOURS: 2017.



**HEALTH CERTIFICATE**

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

Dated: \_\_\_\_\_  
South Central Public Health District, REHS



<b>SNOWBIRD SUBDIVISION: LOTS 1A &amp; 2A</b>		
LOCATED WITHIN SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO		
PREPARED FOR: SCOTT J. EDWARDS		
PROJECT NO. 21070	DWG BY: DWS/CPL	21070pre2022.DWG
PRELIMINARY PLAT	DATE: 03/21/2022	SHEET: 1 OF 1

Exhibit B:  
Townhouse Preliminary Plat for  
Lot 1A

# SNOWBIRD TOWNHOMES I

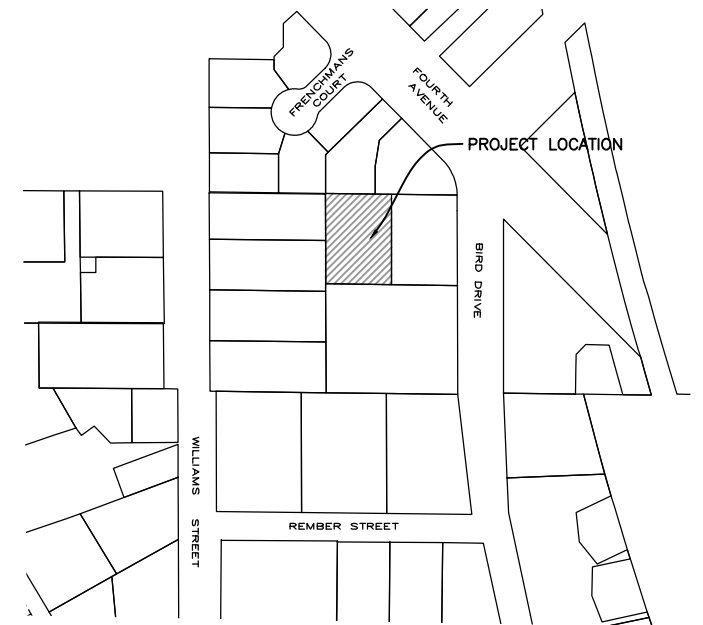
LOCATED WITHIN: SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

A TOWNHOUSE SUBDIVISION OF SNOWBIRD SUBDIVISION, LOT 1A, CREATING TWO SUBLOTS.

## MARCH 2022 PRELIMINARY PLAT

### OWNER OF RECORD

SCOTT J. EDWARDS  
13019 NAOMILAWN DRIVE SOUTHWEST  
LAKEWOOD, WA 98498



### VICINITY MAP

NOT TO SCALE

### SURVEYOR'S NARRATIVE:

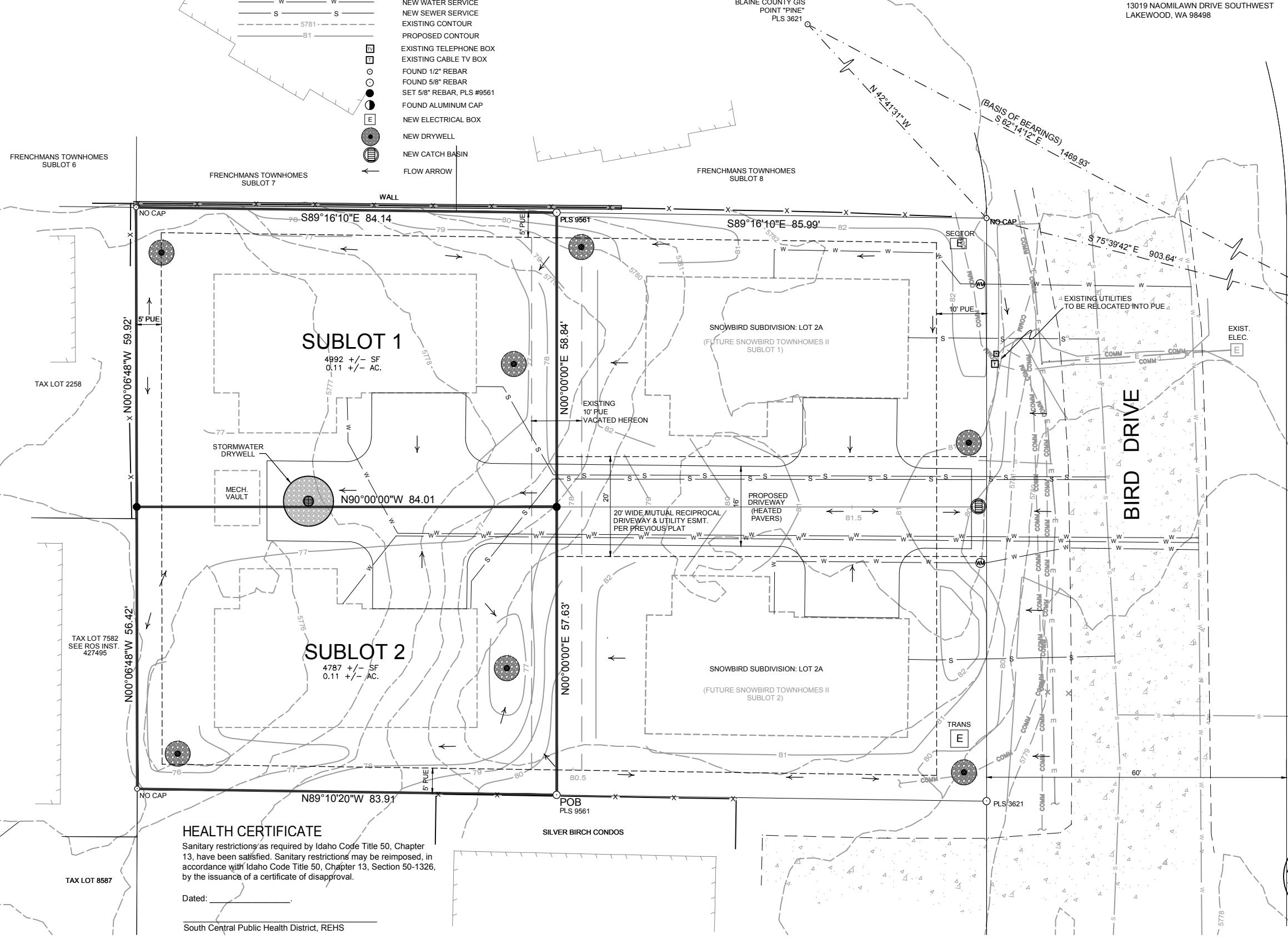
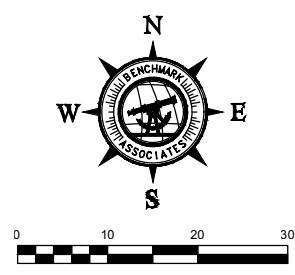
- THE PURPOSE OF THIS PLAT IS TO CREATE TWO TOWNHOUSE SUBLOTS. FOUND MONUMENTS WERE ACCEPTED AS EITHER ORIGINAL OR REPLACEMENTS OF ORIGINAL CORNERS.
- DIMENSIONS SHOWN HEREON ARE MEASURED. FOR RECORD DIMENSIONS, SEE REFERENCED SURVEYS.
- DOCUMENTS USED IN THE COURSE OF THIS SURVEY:
  - ORIGINAL PLAT OF "SNOWBIRD SUBDIVISION", INST. NO. 321440.
  - REPLAT OF "SNOWBIRD SUBDIVISION: LOTS 1A & 2A", INST. NO. \_\_\_\_\_

### NOTES:

- THE TOWNHOME DECLARATION FOR SNOWBIRD TOWNHOMES WAS RECORDED AS INST. NO. \_\_\_\_\_, RECORDS OF BLAINE COUNTY, IDAHO.
- THE PHASED DEVELOPMENT AGREEMENT FOR SNOWBIRD TOWNHOMES WAS RECORDED AS INST. NO. \_\_\_\_\_, RECORDS OF BLAINE COUNTY, IDAHO.
- ALL TOWNHOME OWNERS SHALL HAVE MUTUAL RECIPROCAL EASEMENTS FOR ACCESS AND EXISTING/ FUTURE PUBLIC AND PRIVATE UTILITIES INCLUDING, BUT NOT LIMITED TO, MECHANICAL VAULTS, WATER, CABLE TV, SEWER, NATURAL GAS, TELEPHONE, AND ELECTRIC LINES OVER, UNDER AND ACROSS THEIR TOWNHOUSE SUBLOTS FOR THE REPAIR, MAINTENANCE AND REPLACEMENT THEREOF.
- A 10 FOOT WIDE PUBLIC UTILITY EASEMENT EXISTS CENTERED UPON ALL SIDE AND REAR LOT LINES PER ORIGINAL PLAT. A 10-FOOT WIDE PUBLIC UTILITY EASEMENT EXISTS ALONG FRONT PROPERTY LINE PER PREVIOUS PLAT.
- A 20 FOOT WIDE MUTUAL RECIPROCAL DRIVEWAY & UTILITY EASEMENT TO BENEFIT SNOWBIRD SUBDIVISION, LOT 2A & SNOWBIRD TOWNHOMES I, SUBLOTS 1 & 2 EXISTS PER PREVIOUS PLAT.
- CURRENT ZONING IS GR-L, GENERAL RESIDENTIAL LOW DENSITY.
- A POWERLINE EASEMENT WAS RECORDED JULY 8, 1963 AS INST. NO. 118840, RECORDS OF BLAINE COUNTY, IDAHO.
- GARAGE(S) MAY NOT BE CONDOMINIUMIZED, SOLD AND/OR OWNED SEPARATE FROM THE CORRESPONDING DWELLING UNIT WITHIN THE TOWNHOUSE DEVELOPMENT.
- EXISTING UTILITIES ARE PER SURFACE EVIDENCE & CITY OF KETCHUM RECORDS & ARE APPROXIMATE. OTHER UNDERGROUND UTILITIES MAY EXIST.
- PROPOSED UTILITIES, CONTOURS & DRAINAGE PER CIVIL & LANDSCAPE PLANS.
- CONTOUR INTERVAL: 1' - CONTOURS IN AREAS OF DENSE VEGETATION MAY DEVIATE FROM TRUE ELEVATION BY ONE HALF THE HEIGHT OF THE VEGETATION. DATE OF LIDAR FLIGHT FOR CONTOURS: 2017.

### LEGEND:

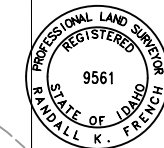
- PROPERTY LINE
- EASEMENT LINE
- EASEMENT LINE VACATED
- APPROXIMATE BUILDING FOOTPRINT
- BLAINE COUNTY GIS TIE
- APPROXIMATE EXISTING BUILDING
- EDGE PAVEMENT
- EXISTING WOOD FENCE
- EXISTING ELECTRIC LINE
- EXISTING COMMUNICATION LINE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- NEW WATER SERVICE
- NEW SEWER SERVICE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING TELEPHONE BOX
- EXISTING CABLE TV BOX
- FOUND 1/2" REBAR
- FOUND 5/8" REBAR
- SET 5/8" REBAR, PLS #9561
- FOUND ALUMINUM CAP
- NEW ELECTRICAL BOX
- NEW DRYWELL
- NEW CATCH BASIN
- FLOW ARROW



### HEALTH CERTIFICATE

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

Dated: \_\_\_\_\_  
South Central Public Health District, REHS



<b>SNOWBIRD TOWNHOMES I</b>		
LOCATED WITHIN SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO		
PREPARED FOR: SCOTT J. EDWARDS		
PROJECT NO. 21070	DWG BY: DWS/CPL	21070PH1.DWG
PRELIMINARY PLAT	DATE: 03/21/2022	SHEET: 1 OF 1

Exhibit C:  
Right-of-Way, Utility, and  
Driveway Improvements Plan

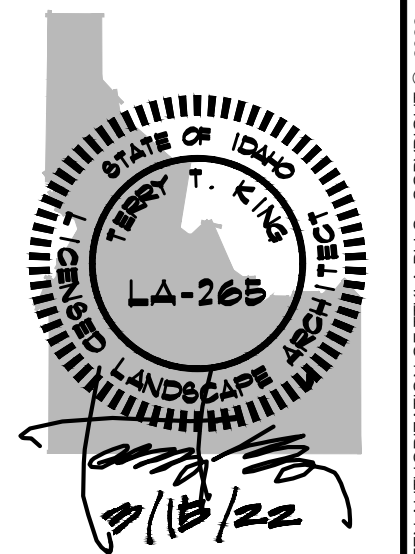






**Exhibit D:**  
**Landscape Improvements Plan**





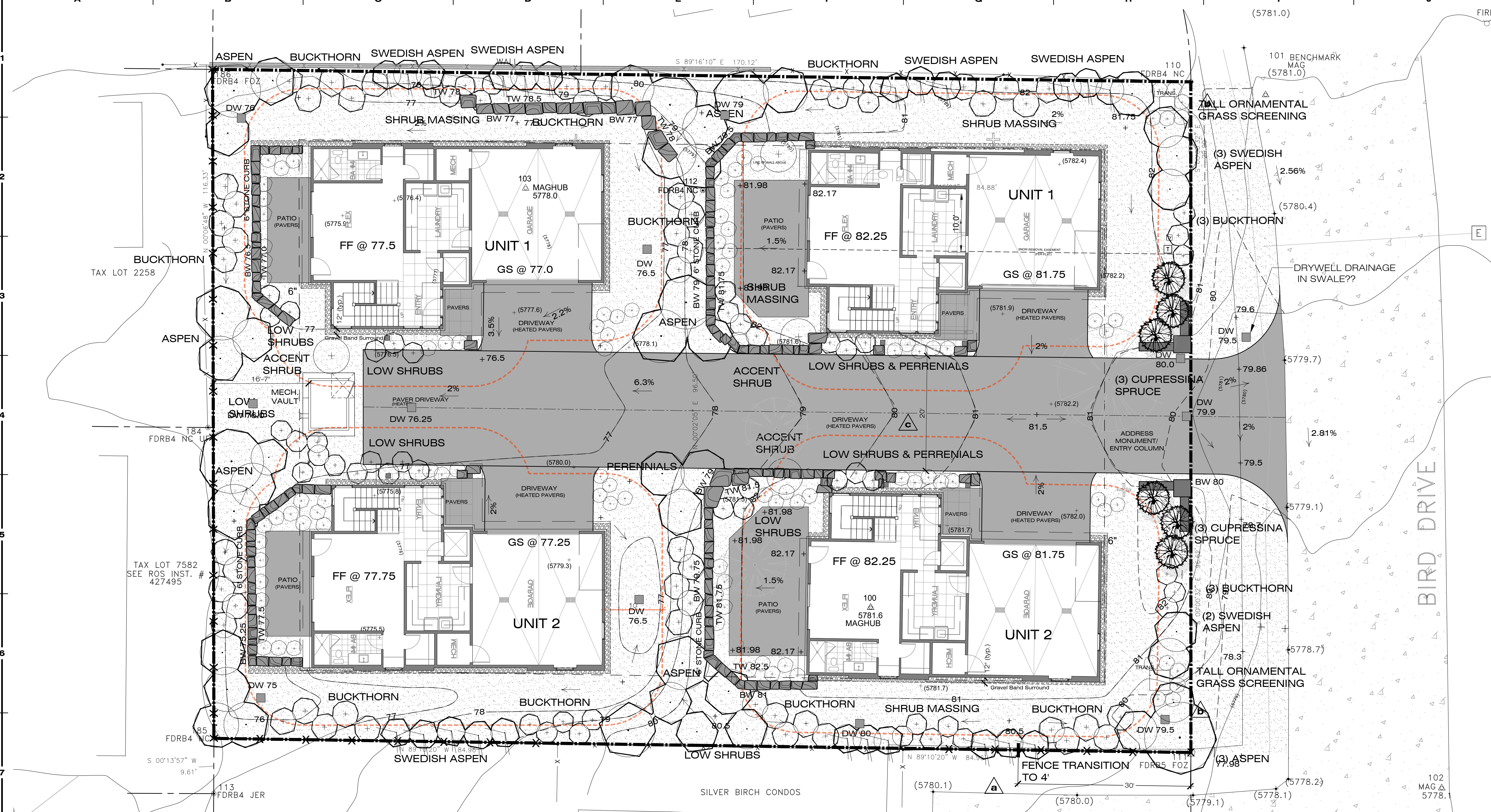
**LANDSCAPE PLAN**

**Snowbird Townhomes**

220 Bird Dr.  
Lots 1 & 2, Snowbird Sub.  
Ketchum • Blaine County • Idaho

drawn by: mo  
checked by: tk  
date: March 14, 2022  
revisions:  
March 15, 2022

**L-1.2**  
SHEET

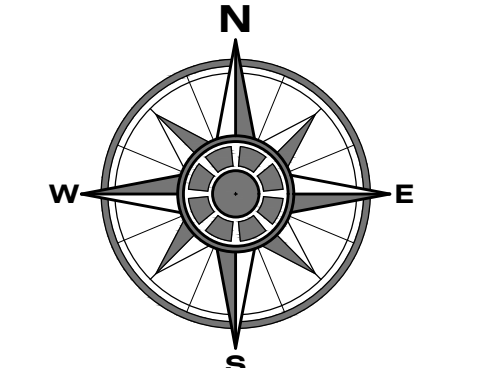


**PLANT LEGEND**

	<b>2</b> EVERGREEN TREES		<b>112</b> SHRUBS		<b>10,230 sf</b> PLANTER BEDS		<b>645 lf</b> EDGING			
6 - 10-12'	Cupressina Spruce, Picea abies 'Cupressina'	5 GAL. T.B.D.	Barberry - Helmond Pillar, Berberis thunb. f. atro. 'Helmond Pillar' Barberry - Orange Rocket, Berberis thunbergii 'Orange Rocket' Buckthorn - Tallhedge, Rhamnus frangula 'Tallhedge' Dogwood - Kelsey, Cornus sericea 'Kelsey' Peking Cotoneaster, Cotoneaster acutifolius Snowberry, Symphoricarpos albus Spirea - Tor Birchleaf, Spirea fritschiana Spirea - Tor Birchleaf, Spirea betulifolia 'Tor' Sumac - Gro-Low, Rhus aromatica 'Gro-Low'	3" MIN. BARK MULCH 10,230 s.f. - 95 yds	645 lf	STEEL EDGING 645 lf.				
10 - 6-8'	DECIDUOUS TREES	Quaking Aspen, Populus Tremuloides		<b>90</b> PERENNIALS	460 sf	<b>12' GRAVEL FOUNDATION BORDER</b> 460 s.f.		<b>5,360 lf</b> PAVERS 5,360 s.f.		
15 - 10-12'									45 - 1 gal. SALVIA KINNICKINICK	<b>228 lf</b> 6/4" TALL WOOD FENCE 158 lf. - 6' tall fence 30 lf. - 4' tall fence
10 - 12'+									45 - 2 gal. PENSTEMON SWEET WOODRUFF	
28	6 - 8-10' Swedish Aspen, Populus Tremula 'Erecta'	6 - 10-12' COLUMBINE CREEPING MAHONIA								
6 - 8-10'		6 - 10-12' CORAL BELLS								
6 - 10-12'		6 - 12'+								

**LANDSCAPE & PLANTING NOTES:**

- LOCATIONS OF PROPOSED PLANT MATERIALS ARE APPROXIMATE AND MUST BE FIELD VERIFIED PRIOR TO INSTALLATION. LOCATIONS SHOWN ON THE PLAN MAY VARY BASED ON EXISTING FIELD CONDITIONS. CONSULT LANDSCAPE ARCHITECT PRIOR TO INSTALL.
- ANY UTILITY LOCATIONS ARE APPROXIMATE AND MUST BE LOCATED AND VERIFIED IN THE FIELD PRIOR TO ANY EXCAVATION WORK INCLUDING INSTALLATION OF PLANT MATERIALS.
- ALL PLANTING AREAS TO BE AERATED AFTER CONSTRUCTION AND PRIOR TO INSTALLATION OF PLANT MATERIALS.
- ALL PLANT MATERIALS TO COMPLY WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS.
- ALL PLANT MATERIAL SUBJECT TO AVAILABILITY.
- REFER TO ADDITIONAL MATERIALS AND SPECS INCLUDING IRRIGATION PLAN AND PERFORMANCE SPECIFICATIONS FOR ADDITIONAL INFORMATION.
- ALL LANDSCAPING TO BE IRRIGATED BY AN AUTOMATIC SPRINKLER SYSTEM.
- THIS PROJECT SHALL COMPLY WITH THE CITY OF KETCHUM FIRE PROTECTION AND DEFENSIBLE SPACE CHARACTERISTICS. 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. 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.



- a** revised: 3.14.22 Fence height
- b** revised: 3.14.22 Add screening plants
- c** revised: 3.14.22 width of driveway



<p><b>RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:</b></p> <p>City Clerk, City of Ketchum  PO Box 2315  Ketchum Idaho, 83340</p>	
---	--

(Space Above Line For Recorder's Use)

**SNOWBIRD TOWNHOMES LOT 2A  
PHASED TOWNHOUSE SUBDIVISION AGREEMENT #22765**

THIS PHASED TOWNHOUSE SUBDIVISION AGREEMENT (“Agreement”) is made and entered into as of the \_\_\_ day of \_\_\_\_\_ 2022, by and between the City of Ketchum, an Idaho municipal corporation (“City”) and Scott J. Edwards, owner of real property (“Owner”).

**RECITALS**

WHEREAS, Owner owns certain real property located at 220 Bird Dr, Ketchum, Idaho legally described as Snowbird Subdivision, Block 1, Lot 2 the City of Ketchum, according to the official plat recorded under Instrument Number 321440, on file in the office of the County Recorder of Blaine County, Idaho (the “Property”); and

WHEREAS, Owner has submitted a Design Review application for the development of the Property with two detached townhomes accessed from a central private driveway from Bird Drive (the “Project”) and requests a phased development agreement for the development of the Project under the provisions of Section 16.04.110 – *Phased Development Projects* within Title 16 of the Ketchum Municipal Code.

WHEREAS, Owner has submitted an application for a subdivision preliminary plat to reconfigure the property boundaries between Lots 1 and 2 of the Snowbird Subdivision and create Lots 1A and 2A with an access easement through Lot 2A for the purpose of constructing a central private driveway to access Lot 1A (the “Preliminary Plat”), included as Exhibit A.

WHEREAS, Owner has submitted an application for a townhouse preliminary plat for two townhome sublots on Lot 2A (the “Townhouse Preliminary Plat”), included as Exhibit B.

WHEREAS, Owner proposes to construct all required right-of-way infrastructure improvements, central private driveway, and water and sewer utility services for each sublot on Lot 2A in one phase. All required improvements will be constructed to City standards and Owner assumes maintenance responsibilities of the improved private driveway, water service lines, and sewer service lines to each sublot.

**AGREEMENT**

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

1. Maintenance Responsibilities.

A. *Owner.*

- (1) *Water Service Lines Serving Lot 2A Sublots 1 and 2.* Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private water lines serving the Project. The private water line is from the point of the meter on Bird Drive to each detached townhouse unit.
- (2) *Sewer Service lines Serving Lot 2A Sublots 1 and 2.* Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private sewer lines serving the Project. The private sewer line is from the point of the meter on Bird Drive to each detached townhouse unit.
- (3) *Private Driveway.* Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private driveway serving Lots 1A and 2A. Private driveway shall remain open and unobstructed for a width of 20 feet year-round.

2. Construction and Completion Schedule.

- A. All townhouse units on Lot 1A shall be completed no later than three years from the date of issuance of a building permit for the first townhouse unit on Lot 1A, as evidenced by issuance of a Certificate of Occupancy for each townhouse unit.
- B. Prior to issuance of a Certificate of Occupancy for the first detached townhouse unit on Lot 2A, each subplot shall be adequately served by both water and sewer services as generally depicted on Exhibit C, as affirmed in writing by the City. The City must approve the timing of water and sewer connections to the existing system.
- C. Prior to obtaining Certificate of Occupancy for the first townhouse unit on Lot 2A, the following improvements as generally depicted on Exhibit C shall be completed and/or extended to each Sublot:
  - (1) Recordation of the 20-foot-wide access and utility access easement as shown in the Preliminary Plat; and
  - (2) Dry utility services (power, gas, cable, etc); and

- (3) All hardscape pathways and access points for adequate and safe egress from the units; and
  - (4) Bird Drive right of way improvements consistent with Ketchum Municipal Code, Title 12.04.030.H.1 and current right of way standards completed and installed to the satisfaction of the City Engineer; and
  - (5) Water and sewer mains and services serving sublots 1 and 2 on Lot 2A; and
  - (6) Private driveway and associated drainage infrastructure accessing Lots 1A and 2A.
- D. Prior to obtaining a Certificate of Occupancy for the last detached townhouse unit on Lot 2A, all landscaping as generally depicted in Exhibit D shall be installed.
3. Building Permits for Each Townhouse Unit. Owner shall apply for individual building permits for each townhouse unit to be constructed on Lot 2A. Each townhouse unit shall obtain a separate Certificate of Occupancy. The first building permit shall include plans and improvements as identified in Sections 2A and B of this Agreement.
  4. Final Plat. The City agrees to accept and process a final plat application for approval by City Council provided a Certificate of Occupancy has been issued for the first townhouse unit on Lot 2A should Owner comply with all above recitals.
  5. Townhouse Sublot Final Plat. The City agrees to accept and process a townhouse final plat application for approval by City Council provided a Certificate of Occupancy has been issued for the first townhouse unit on Lot 2A should Owner comply with all above recitals.
  6. Owners' Association Assumption of Responsibilities. Upon the recording of the Townhouse Sublot Final Plat, Owner may assign and transfer its maintenance responsibilities and obligations under this Agreement to the Snowbird Townhomes Owner's Association, Inc.
  7. General Provisions.
    - A. *Recitals and Construction.* The City and Owner incorporate the above recitals into this Agreement and affirm such recitals are true and correct.
    - B. *Effective Date.* This Agreement is effective as of the date on which the last of the City and Owner execute this Agreement. Neither party shall have any rights with

respect to this Agreement until both have executed this Agreement.

C. *Owner Representations.* Owner represents and warrants to City that (a) Owner holds fee simple title to the Property, and (b) no joinder or approval of another person or entity is required with respect to Owner’s authority to make and execute this Amendment.

D. *Neutral Interpretation.* City and Owner acknowledge they and, if they so choose, their respective counsel have reviewed this Agreement and the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of the Agreement, or any exhibits, attachments and addenda to the Agreement.

E. *Counterparts.* This Agreement may be executed in multiple counterparts, each of which taken together shall constitute one and the same agreement binding upon the parties. Signatures transmitted by facsimile or via e-mail in a “PDF” format shall have the same force and effect as original signatures on this Amendment. The Original of this Amendment shall be recorded with the Blaine County Recorder.

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

“CITY”:

CITY OF KETCHUM,  
an Idaho municipal corporation

“OWNER”:

Scott J. Edwards,

By: \_\_\_\_\_

Neil Bradshaw, Mayor

By: \_\_\_\_\_

Scott J. Edwards

ATTEST:

\_\_\_\_\_  
Tara Fenwick, City Clerk

***ACKNOWLEDGEMENT FOR CITY***

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BLAINE        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned Notary Public in and for said State, personally appeared NEIL BRADSHAW, known or identified by me to be the Mayor of the City of Ketchum, Idaho, and the person who executed the foregoing instrument and acknowledged to me that he executed the same on behalf of such city.

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

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

***ACKNOWLEDGEMENT FOR OWNER***

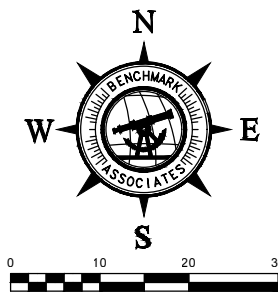
STATE OF \_\_\_\_\_ )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, a Notary Public in and for said State, personally appeared SCOTT J. EDWARDS, known to me to be the owner of certain real property at 222 Bird Dr, and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**Exhibit A:**  
**Snowbird Subdivision**  
**Subdivision Preliminary Plat**



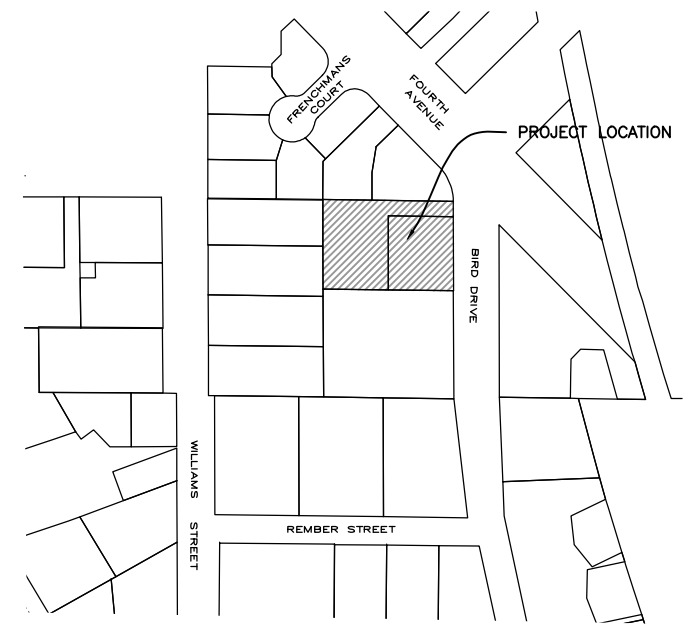
**LEGEND:**

- PROPERTY LINE
- - - LOT LINE ELIMINATED
- - - EASEMENT LINE
- - - BLAINE COUNTY GIS TIE
- - - APPROXIMATE EDGE BUILDING
- - - EDGE PAVEMENT
- - - EXISTING WOOD FENCE
- - - EXISTING ELECTRIC LINE
- - - EXISTING WATER LINE
- - - EXISTING SEWER LINE
- X X TELE BOX
- E E CATV BOX
- E E ELECTRIC BOX
- ○ FOUND 1/2" REBAR
- ○ FOUND 5/8" REBAR
- ○ SET 5/8" REBAR, PLS 9561
- ○ FOUND ALUMINUM CAP
- ● EXISTING TREE

**SNOWBIRD SUBDIVISION: LOTS 1A & 2A**

LOCATED WITHIN: SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M.,  
CITY OF KETCHUM, BLAINE COUNTY, IDAHO  
WHEREIN THE BOUNDARY COMMON TO LOTS 1 & 2 OF SNOWBIRD SUBDIVISION IS AMENDED.

**MARCH 2022  
PRELIMINARY PLAT**



VICINITY MAP  
NOT TO SCALE

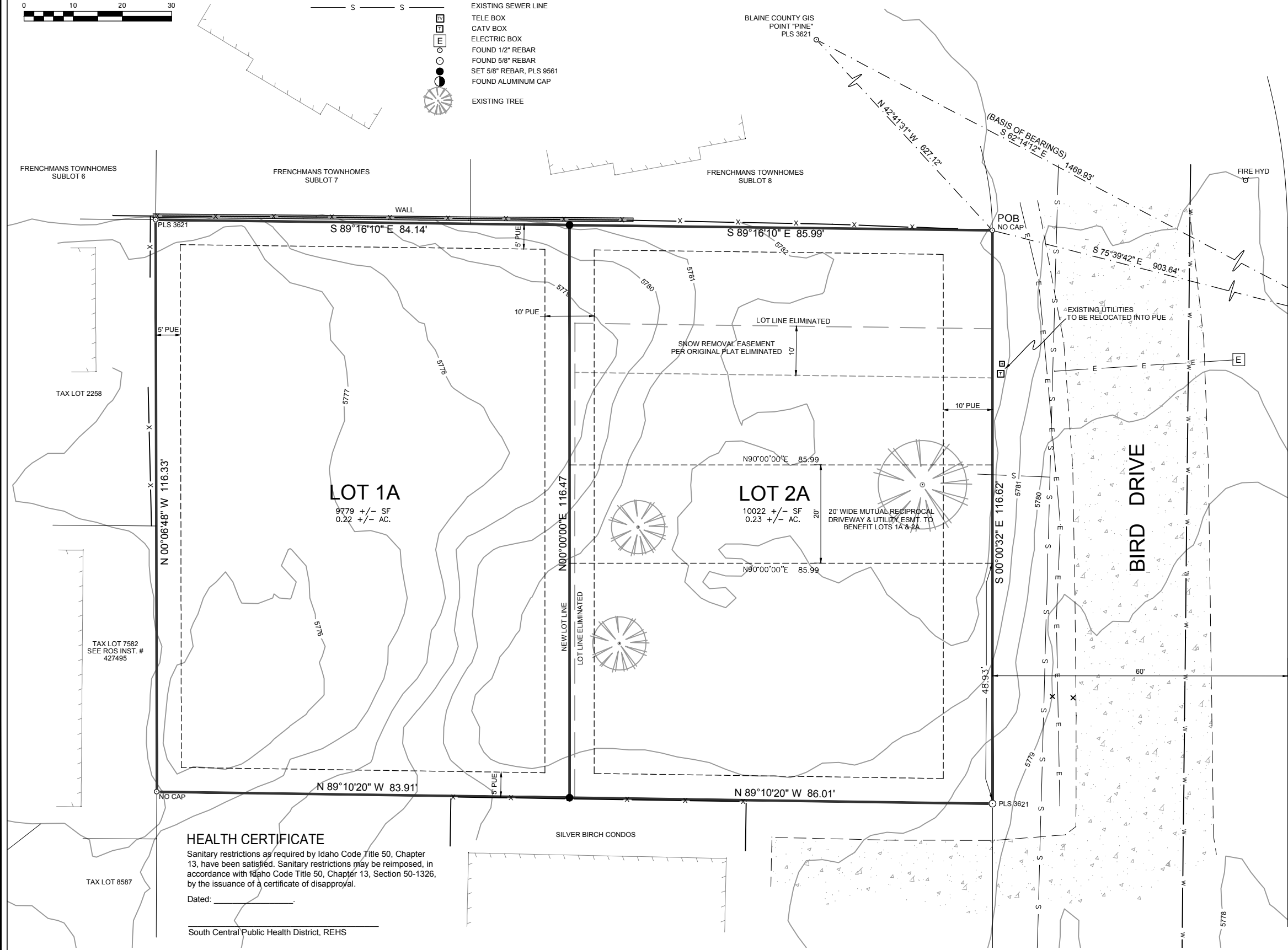
**OWNER OF RECORD**  
SCOTT J. EDWARDS  
13019 NAOMILAWN DRIVE SOUTHWEST  
LAKEWOOD, WA 98498

**SURVEYOR'S NARRATIVE:**

1. THE PURPOSE OF THIS PLAT IS TO AMEND THE BOUNDARY COMMON TO LOTS 1 & 2 OF SNOWBIRD SUBDIVISION. FOUND MONUMENTS WERE ACCEPTED AS EITHER ORIGINAL OR REPLACEMENTS OF ORIGINAL CORNERS.
2. DIMENSIONS SHOWN HEREON ARE MEASURED. FOR RECORD DIMENSIONS, SEE REFERENCED SURVEYS.
3. DOCUMENTS USED IN THE COURSE OF THIS SURVEY:
  - A. ORIGINAL PLAT OF "SNOWBIRD SUBDIVISION", INST. NO. 321440.

**NOTES:**

1. A 10 FOOT WIDE PUBLIC UTILITY EASEMENT EXISTS CENTERED UPON ALL SIDE AND REAR LOT LINES PER ORIGINAL PLAT. A 10-FOOT WIDE PUBLIC UTILITY EASEMENT IS GRANTED ALONG FRONT PROPERTY LINE AS SHOWN HEREON.
2. A 20 FOOT WIDE MUTUAL RECIPROCAL DRIVEWAY & UTILITY EASEMENT TO BENEFIT LOTS 1A & 2A IS GRANTED AS SHOWN HEREON.
3. A POWERLINE EASEMENT WAS RECORDED JULY 8, 1963 AS INST. NO. 118840, RECORDS OF BLAINE COUNTY, IDAHO.
4. CURRENT ZONING IS GR-L, GENERAL RESIDENTIAL LOW DENSITY.
5. UTILITIES ARE PER SURFACE EVIDENCE & CITY OF KETCHUM RECORDS & ARE APPROXIMATE. OTHER UNDERGROUND UTILITIES MAY EXIST.
6. CONTOUR INTERVAL: 1' - CONTOURS IN AREAS OF DENSE VEGETATION MAY DEVIATE FROM TRUE ELEVATION BY ONE HALF THE HEIGHT OF THE VEGETATION. DATE OF LIDAR FLIGHT FOR CONTOURS: 2017.



**HEALTH CERTIFICATE**

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

Dated: \_\_\_\_\_  
South Central Public Health District, REHS



<b>SNOWBIRD SUBDIVISION: LOTS 1A &amp; 2A</b>		
LOCATED WITHIN SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO		
PREPARED FOR: SCOTT J. EDWARDS		
PROJECT NO. 21070	DWG BY: DWS/CPL	21070pre2022.DWG
PRELIMINARY PLAT	DATE: 03/21/2022	SHEET: 1 OF 1



Exhibit B:  
Townhouse Preliminary Plat for  
Lot 1A

# SNOWBIRD TOWNHOMES II

LOCATED WITHIN: SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

A TOWNHOUSE SUBDIVISION OF SNOWBIRD SUBDIVISION, LOT 2A, CREATING TWO SUBLOTS.

## MARCH 2022 PRELIMINARY PLAT

### OWNER OF RECORD

SCOTT J. EDWARDS  
13019 NAOMILAWN DRIVE SOUTHWEST  
LAKEWOOD, WA 98498



VICINITY MAP  
NOT TO SCALE

### SURVEYOR'S NARRATIVE:

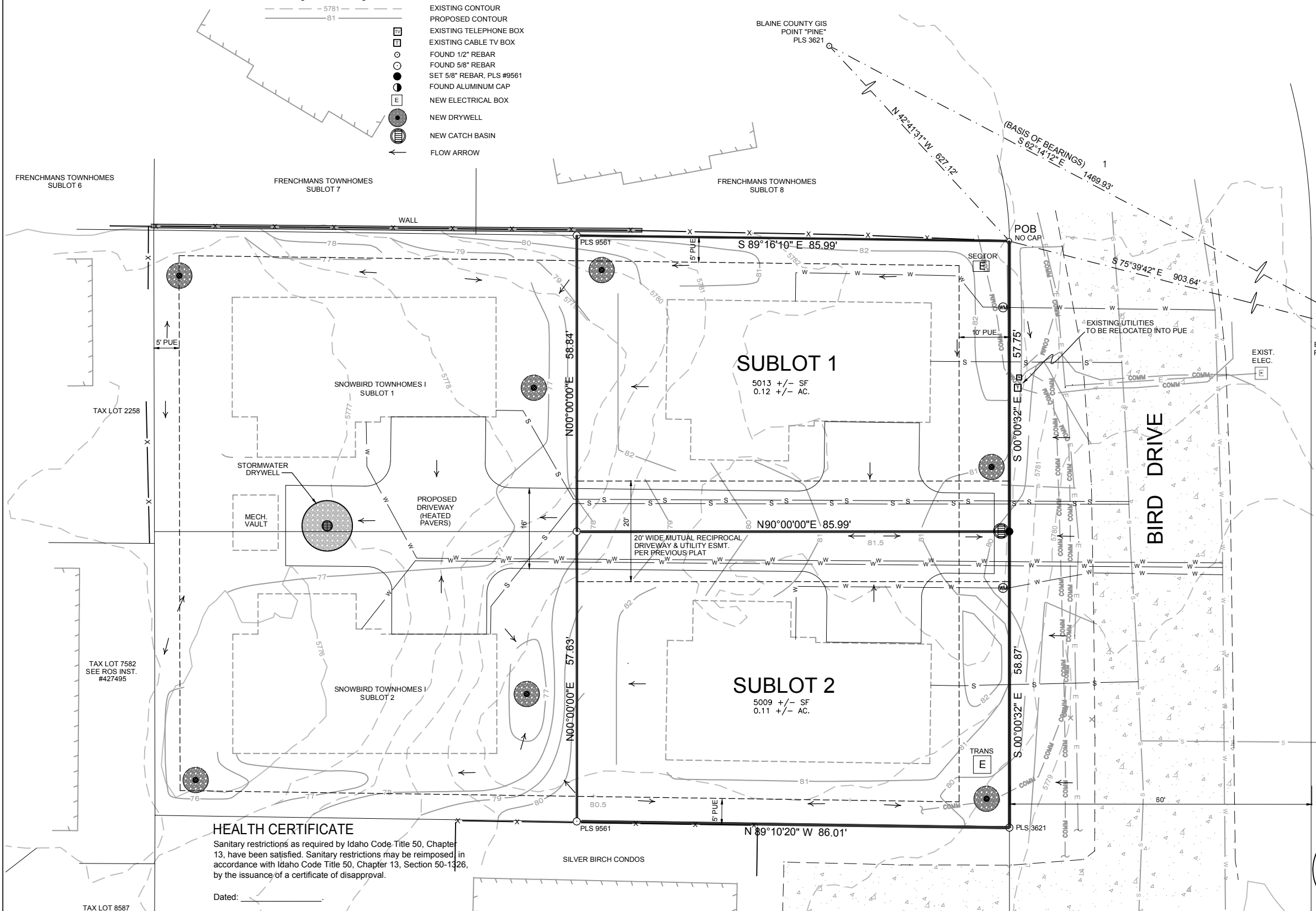
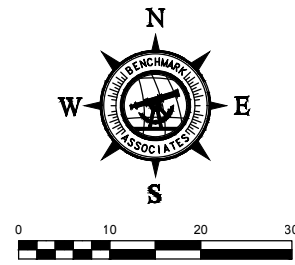
1. THE PURPOSE OF THIS PLAT IS TO CREATE TWO TOWNHOUSE SUBLOTS. FOUND MONUMENTS WERE ACCEPTED AS EITHER ORIGINAL OR REPLACEMENTS OF ORIGINAL CORNERS.
2. DIMENSIONS SHOWN HEREON ARE MEASURED. FOR RECORD DIMENSIONS, SEE REFERENCED SURVEYS.
3. DOCUMENTS USED IN THE COURSE OF THIS SURVEY:
  - A. ORIGINAL PLAT OF "SNOWBIRD SUBDIVISION", INST. NO. 321440.
  - B. REPLAT OF "SNOWBIRD SUBDIVISION: LOTS 1A & 2A", INST. NO. \_\_\_\_\_.
  - C. SNOWBIRD TOWNHOMES I, INST. NO. \_\_\_\_\_.

### NOTES:

1. THE TOWNHOME DECLARATION FOR SNOWBIRD TOWNHOMES WAS RECORDED AS INST. NO. \_\_\_\_\_, RECORDS OF BLAINE COUNTY, IDAHO.
2. THE PHASED DEVELOPMENT AGREEMENT FOR SNOWBIRD TOWNHOMES WAS RECORDED AS INST. NO. \_\_\_\_\_, RECORDS OF BLAINE COUNTY, IDAHO.
3. ALL TOWNHOUSE OWNERS SHALL HAVE MUTUAL RECIPROCAL EASEMENTS FOR ACCESS AND EXISTING/FUTURE PUBLIC AND PRIVATE UTILITIES INCLUDING, BUT NOT LIMITED TO, MECHANICAL VAULTS, WATER, CABLE TV, SEWER, NATURAL GAS, TELEPHONE, AND ELECTRIC LINES OVER, UNDER AND ACROSS THEIR TOWNHOUSE SUBLOTS FOR THE REPAIR, MAINTENANCE AND REPLACEMENT THEREOF.
4. A 10 FOOT WIDE PUBLIC UTILITY EASEMENT EXISTS CENTERED UPON ALL SIDE AND REAR LOT LINES PER ORIGINAL PLAT. A 10-FOOT WIDE PUBLIC UTILITY EASEMENT EXISTS ALONG FRONT PROPERTY LINE PER PREVIOUS PLAT.
5. A 20 FOOT WIDE MUTUAL RECIPROCAL DRIVEWAY & UTILITY EASEMENT TO BENEFIT SNOWBIRD TOWNHOMES I, SUBLOTS 1 & 2, AND SNOWBIRD TOWNHOMES II, SUBLOTS 1 & 2 EXISTS PER PREVIOUS PLAT.
6. CURRENT ZONING IS GR-L, GENERAL RESIDENTIAL LOW DENSITY.
7. A POWERLINE EASEMENT WAS RECORDED JULY 8, 1963 AS INST. NO. 118840, RECORDS OF BLAINE COUNTY, IDAHO.
8. GARAGE(S) MAY NOT BE CONDOMINIUMIZED, SOLD AND/OR OWNED SEPARATE FROM THE CORRESPONDING DWELLING UNIT WITHIN THE TOWNHOUSE DEVELOPMENT.
9. EXISTING UTILITIES ARE PER SURFACE EVIDENCE & CITY OF KETCHUM RECORDS & ARE APPROXIMATE. OTHER UNDERGROUND UTILITIES MAY EXIST.
10. PROPOSED UTILITIES, CONTOURS & DRAINAGE PER CIVIL & LANDSCAPE PLANS.
11. CONTOUR INTERVAL: 1' - CONTOURS IN AREAS OF DENSE VEGETATION MAY DEVIATE FROM TRUE ELEVATION BY ONE HALF THE HEIGHT OF THE VEGETATION. DATE OF LIDAR FLIGHT FOR CONTOURS: 2017.

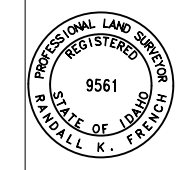
### LEGEND:

- PROPERTY LINE
- EASEMENT LINE
- APPROXIMATE BUILDING FOOTPRINT
- BLAINE COUNTY GIS TIE
- APPROXIMATE EXISTING BUILDING
- EDGE PAVEMENT
- EXISTING WOOD FENCE
- EXISTING ELECTRIC LINE
- EXISTING COMMUNICATION LINE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- NEW WATER SERVICE
- NEW SEWER SERVICE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING TELEPHONE BOX
- EXISTING CABLE TV BOX
- 
- 
- 
- FOUND ALUMINUM CAP
- NEW ELECTRICAL BOX
- NEW DRYWELL
- NEW CATCH BASIN
- FLOW ARROW



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

Dated: \_\_\_\_\_



<b>SNOWBIRD TOWNHOMES II</b>		
LOCATED WITHIN SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO		
PREPARED FOR: SCOTT J. EDWARDS		
PROJECT NO. 21070	DWG BY: DWS/CPL	21070ph2.DWG
PRELIMINARY PLAT	DATE: 03/21/2022	SHEET: 1 OF 1

Exhibit C:  
Right-of-Way, Utility, and  
Driveway Improvements Plan

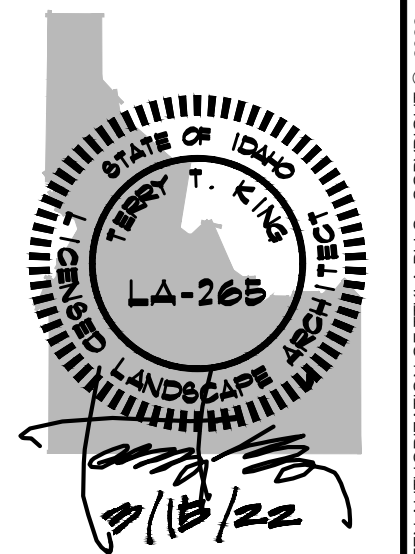






**Exhibit D:**  
**Landscape Improvements Plan**





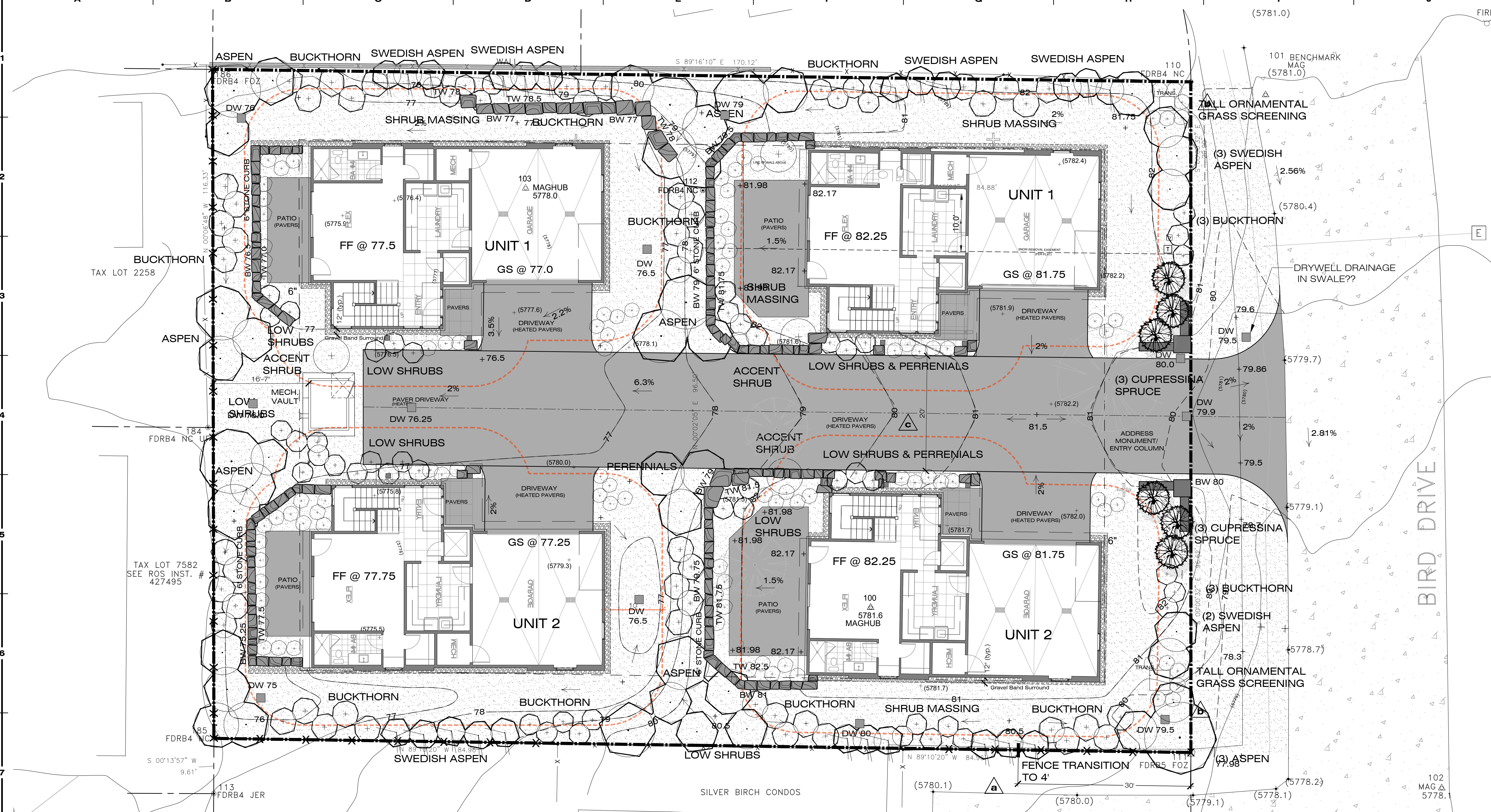
**LANDSCAPE PLAN**

**Snowbird Townhomes**

220 Bird Dr.  
Lots 1 & 2, Snowbird Sub.  
Ketchum • Blaine County • Idaho

drawn by: mo  
checked by: tk  
date: March 14, 2022  
revisions:  
March 15, 2022

**L-1.2**  
SHEET

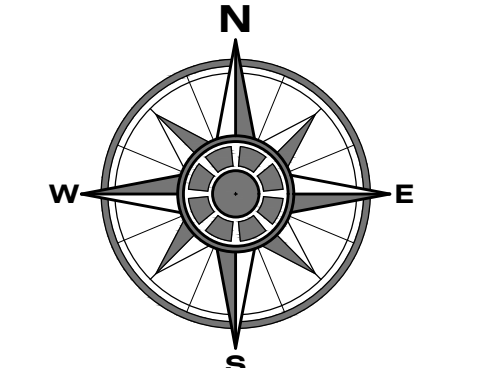


**PLANT LEGEND**

	<b>2</b> EVERGREEN TREES		<b>112</b> SHRUBS		<b>10,230 sf</b> PLANTER BEDS		<b>645 lf</b> EDGING
6 - 10-12'	Cupressina Spruce, Picea abies 'Cupressina'	5 GAL. T.B.D.	Barberry - Helmond Pillar, Berberis thunb. f. atro. 'Helmond Pillar' Barberry - Orange Rocket, Berberis thunbergii 'Orange Rocket' Buckthorn - Tallhedge, Rhamnus frangula 'Tallhedge' Dogwood - Kelsey, Cornus sericea 'Kelsey' Peking Cotoneaster, Cotoneaster acutifolius Snowberry, Symphoricarpos albus Spirea - Tor Birchleaf, Spirea fritschiana Spirea - Tor Birchleaf, Spirea betulifolia 'Tor' Sumac - Gro-Low, Rhus aromatica 'Gro-Low'	3" MIN. BARK MULCH 10,230 s.f. - 95 yds	645 lf	STEEL EDGING 645 lf.	
10 - 6-8'	DECIDUOUS TREES	Quaking Aspen, Populus Tremuloides	<b>90</b> PERENNIALS	SALVIA PENSTEMON COLUMBINE COREOPSIS KINNICKINICK SWEET WOODRUFF CREEPING MAHONIA CORAL BELLS SEDUM	<b>460 sf</b> 12' GRAVEL FOUNDATION BORDER	<b>5,360 lf</b> PAVERS	
8 - 8-10'					460 s.f.	5,360 s.f.	
15 - 10-12'							
10 - 12+					<b>228 lf</b> 6/4" TALL WOOD FENCE		
6 - 6-8'					158 lf. - 6' tall fence		
8 - 8-10'					30 lf. - 4' tall fence		
8 - 10-12'							
6 - 12+							

**LANDSCAPE & PLANTING NOTES:**

- LOCATIONS OF PROPOSED PLANT MATERIALS ARE APPROXIMATE AND MUST BE FIELD VERIFIED PRIOR TO INSTALLATION. LOCATIONS SHOWN ON THE PLAN MAY VARY BASED ON EXISTING FIELD CONDITIONS. CONSULT LANDSCAPE ARCHITECT PRIOR TO INSTALL.
- ANY UTILITY LOCATIONS ARE APPROXIMATE AND MUST BE LOCATED AND VERIFIED IN THE FIELD PRIOR TO ANY EXCAVATION WORK INCLUDING INSTALLATION OF PLANT MATERIALS.
- ALL PLANTING AREAS TO BE AERATED AFTER CONSTRUCTION AND PRIOR TO INSTALLATION OF PLANT MATERIALS.
- ALL PLANT MATERIALS TO COMPLY WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS.
- ALL PLANT MATERIAL SUBJECT TO AVAILABILITY.
- REFER TO ADDITIONAL MATERIALS AND SPECS INCLUDING IRRIGATION PLAN AND PERFORMANCE SPECIFICATIONS FOR ADDITIONAL INFORMATION.
- ALL LANDSCAPING TO BE IRRIGATED BY AN AUTOMATIC SPRINKLER SYSTEM.
- THIS PROJECT SHALL COMPLY WITH THE CITY OF KETCHUM FIRE PROTECTION AND DEFENSIBLE SPACE CHARACTERISTICS. 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. 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.



- a** revised: 3.14.22 Fence height
- b** revised: 3.14.22 Add screening plants
- c** revised: 3.14.22 width of driveway





City of Ketchum  
Planning & Building

IN RE:	)	
	)	
220-222 Bird Dr Subdivision	)	<b>KETCHUM PLANNING &amp; ZONING COMMISSION</b>
Subdivision – Preliminary Plat	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND</b>
Date: April 12, 2022	)	<b>DECISION</b>
	)	
File Number: 21-056	)	

PROJECT: 220-222 Bird Dr Subdivision

APPLICATION TYPE: Subdivision – Preliminary Plat

FILE NUMBER: P21-058

ASSOCIATED APPLICATIONS: Design Review (P21-061 and P21-062)  
Townhouse Subdivision Preliminary Plats (P21-058 and P21-059)

REPRESENTATIVE: Dave Patrie, Benchmark Associates (Engineer)

OWNER: Scott J Edwards

LOCATION: 220 and 222 Bird Drive

ZONING: General Residential Low Density (GR-L)

OVERLAY: None

**RECORD OF PROCEEDINGS**

The City of Ketchum received the applications for Subdivision Preliminary Plat, Townhouse Preliminary Plat, and Design Review on June 22, 2021. The applications were reviewed concurrently and certified complete on March 1, 2022. Following receipt of the complete application, staff routed the application materials to all city departments for review. Department comments were provided to the applicant on March 1, 2022.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on March 23, 2022. The public hearing notice was published in the Idaho Mountain Express the on March 23, 2022. A notice was posted on the project site and the city’s website on March 23, 2022.

The Planning & Zoning Commission considered the Snowbird Subdivision Preliminary Plat (File No. P21-056) application during their regular meeting on April 12, 2022. After considering Staff’s analysis, the applicant’s presentation, and public comment, the Planning & Zoning Commission unanimously

recommended approval of the Subdivision Preliminary Plat (File No. P21-056) application to the City Council.

### BACKGROUND

The Applicant is proposing four detached townhomes each approximately 3,700 square feet and three stories (the “project”), located at 220 and 222 Bird Dr. (the “subject property”). The subject property is a two-lot subdivision platted in 1990, named Snowbird Subdivision, zoned General Residential – Low Density (GR-L). Detached townhomes are a permitted use within the GR-L zone district but restricted to a maximum of two dwelling units per lot per Ketchum Municipal Code 17.12.020 – District Use Matrix.

The existing subdivision includes one lot fronting Bird Dr. and a flag lot with limited frontage on Bird Dr. The current flag lot condition is nonconforming as the subdivision regulations do not permit flag lots. To develop the property with the proposed four detached townhouses, two per lot, the applicant has proposed to first reconfigure the lot lines between Lots 1 and 2 and realign the access to a consolidated central access easement. After the reconfiguration of lot lines and access, design review approval and townhouse subdivision preliminary plat approval are required separately for each lot for the proposed detach townhouses. The applicant has submitted all five required applications as outlined above for consideration by the Planning and Zoning Commission.

The project will construct improvements to the right-of-way per the City of Ketchum improvement standards. All improvements to the right-of-way will be reviewed and approved by the City Engineer and Streets Department prior to issuance of a building permit.

The applicant has requested phased development agreements for both lots to permit the filing of the final plats once a certificate of occupancy has been issued for the first unit. Staff is supportive of the request and has drafted two phased development agreements, one for each lot, for consideration by the Planning and Zoning Commission.

### FINDINGS OF FACT

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

#### FINDINGS REGARDING PRELIMINARY PLAT SUBDIVISION REQUIREMENTS

Preliminary Plat Requirements				
Compliant			City Code	City Standards
Yes	No	N/A		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
			<i>Commission Findings</i>	The City of Ketchum Planning and Building Department received the subdivision application and all applicable application materials on June 22, 2021.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application.



			<i>Commission Findings</i>	The subdivision application was deemed complete on March 1, 2022.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	<b>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: The scale, north point and date.</b>
			<i>Commission Findings</i>	This standard is met as shown on Sheet 1 of the preliminary plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .2	<b>The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.</b>
			<i>Commission Findings</i>	As shown on Sheet 1 of the preliminary plat, the subdivision is named "Snowbird Subdivision: Lots 1A & 2A " which is not the same as any other subdivision in Blaine County, Idaho.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .3	<b>The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</b>
			<i>Commission Findings</i>	As shown on Sheet 1, the owner and subdivider is Scott J. Edwards. The plat was prepared by Randall K. French of Benchmark Engineering.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	<b>Legal description of the area platted.</b>
			<i>Commission Findings</i>	The legal description of the area platted is shown under the title on Sheet 1 of the preliminary plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .5	<b>The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.</b>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat indicates the boundary lines of the adjoining townhouse subdivisions and tax lots to the north, west, and south.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .6	<b>A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.</b>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat shows the contour lines for the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I 7	<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>
			<i>Commission Findings</i>	The property is currently vacant with no existing buildings; however, Sheet 1 of the preliminary plat shows the location of all adjacent streets (Bird Dr.) and easements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	<b>Boundary description and the area of the tract.</b>
			<i>Commission Findings</i>	Sheet 1 provides the boundary description of the area and includes square footage and acreage of both sublots.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	<b>Existing zoning of the tract.</b>
			<i>Commission Findings</i>	Plat note #4 on Sheet 1 of the preliminary plat lists the existing zoning of the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .10	<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>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat shows the locations of street rights of way (Bird Dr.), existing and proposed lot lines, existing and proposed easements, and all required numbering. The purpose of the plat is to realign the property lines between Lots 1 and 2, eliminate easements associated with the current lines, and create easements associated with new lines including a 20-foot access and utility easement.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .11	The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
			<i>Commission Findings</i>	Sheet 1 outlines a 20-foot-wide access and utility easement for the benefit of Lots 1A and 2A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .12	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
			<i>Commission Findings</i>	No changes to existing utilities are proposed with the preliminary plat. The applicant has submitted separate townhouse subdivision plat applications for each lot (P21-058 and P21-059). Project Plans associated with those applications outline water and sewer service to proposed townhouse units.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .13	The direction of drainage, flow and approximate grade of all streets.
			<i>Commission Findings</i>	This standard does not apply as no new streets are proposed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .14	The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.
			<i>Commission Findings</i>	No changes to the existing drainage for the subdivision are proposed or required.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .15	All percolation tests and/or exploratory pit excavations required by state health authorities.
			<i>Commission Findings</i>	This standard does not apply as no tests are required. All lots are served by municipal services, therefore no septic systems are required.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .16	A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
			<i>Commission Findings</i>	No homeowner's association or condominium association is proposed for this preliminary plat application. The applicant has submitted separate townhouse subdivision preliminary plat applications which include draft documents as required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .17	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat includes a vicinity map in the upper right-hand corner.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .18	The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.
			<i>Commission Findings</i>	The subject property is not within a floodplain, floodway, or avalanche zone district.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .19	Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.

			<i>Commission Findings</i>	A building envelope is not required as the subject property is not within the floodway, floodplain, or avalanche zone. The subject property is not adjacent to the Big Wood River, Trail Creek or Warm Springs. The subject property does not contain slopes greater than 25% and is not adjacent to an intersection.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .20	<b>Lot area of each lot.</b>
			<i>Commission Findings</i>	As shown on Sheet 1 of the preliminary plat, the area of Lot 1A is 9,779 square feet and the area of Lot 2A is 10,022 square feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .21	<b>Existing mature trees and established shrub masses.</b>
			<i>Commission Findings</i>	The property is vacant with no significant trees or shrub masses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .22	<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>
			<i>Commission Findings</i>	The applicant provided a title commitment issued by Stewart Title dated July 1, 2020 and a warranty deed recorded at Instrument Number 671079 with the initial application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .23	<b>Three (3) copies of the preliminary plat shall be filed with the administrator.</b>
			<i>Commission Findings</i>	The City of Ketchum received hard and digital copies of the preliminary plat at the time of application.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.A	<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. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.</b>
			<i>Commission Findings</i>	No improvements are proposed or required as part of this preliminary plat application. The applicant has submitted separate townhouse preliminary plat applications and associated project plans for right-of-way improvements associated with the future development of the property. Phased Development Agreements associated with those preliminary plat applications outlined the required improvements and timing of such improvements.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.B	<b>Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.</b>
			<i>Commission Findings</i>	No improvements are proposed or required as part of this preliminary plat application. Improvements and timing of installation is stipulated by the Phased Development Agreements associate with separate townhouse preliminary plat applications submitted in conjunction with this preliminary plat.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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</b>

				<p>improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</p>
			<i>Commission Findings</i>	No improvements are proposed or required as part of this preliminary plat application. Improvements and timing of installation is stipulated by the Phased Development Agreements associate with separate townhouse preliminary plat applications submitted in conjunction with this preliminary plat.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.D	<p><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.</p>
			<i>Commission Findings</i>	This standard does not apply as this is a preliminary plat application, not a final plat application.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.E	<p><b>Monumentation:</b> Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> <li>1. All angle points in the exterior boundary of the plat.</li> <li>2. All street intersections, points within and adjacent to the final plat.</li> <li>3. All street corner lines ending at boundary line of final plat.</li> <li>4. All angle points and points of curves on all streets.</li> <li>5. The point of beginning of the subdivision plat description.</li> </ol>
			<i>Commission Findings</i>	This standard does not apply as this is a preliminary plat application, not a final plat application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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</li> </ol>

			<p>affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following:</p> <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> <p>3. Corner lots shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.</p> <p>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</p> <p>5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts.</p> <p>6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.</p>
		<i>Commission Findings</i>	<ol style="list-style-type: none"> <li>1. The proposed subdivision meets all dimensional standards as outlined in the GR-L zone district for the parent lot. The minimum lot size is 8,000 square feet. Lot 1A is 9,779 square feet and Lot 2A is 10,022 square feet. All future development must meet minimum lot coverage and setback requirements for the GR-L zone district. Minimum lot width is an average of 80 feet. The lots are 116 feet wide.</li> <li>2. Building envelopes are not required as the subject property is not within the floodplain/floodway, avalanche zone, does not contain slopes greater than 25%, nor is it located adjacent to an intersection of two streets</li> <li>3. The subject property is not a corner lot.</li> <li>4. Both lots are within 20 degrees to a right angle to the street lot line along Bird Dr.</li> <li>5. The subject property is not a double frontage lot.</li> <li>6. Lot 1A is provided access to Bird Dr. through a 20-foot-wide access and utility easement created with this plat.</li> </ol>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.G</p> <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>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.</li> </ol>

				<p>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</p> <p>3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features.</p> <p>4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.</p>
			<i>Commission Findings</i>	This standard does not apply as no new blocks are being created. No changes to the existing Blocks are proposed with this plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H	<p><b>Street Improvement Requirements:</b></p> <p>1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;</p> <p>2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified;</p> <p>3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features;</p> <p>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</p> <p>5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing;</p> <p>6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds 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;</p> <p>7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;</p> <p>8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet</p>

			<p>(300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</p> <p>16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p> <p>18. Street lighting may be required by the commission or council where appropriate and shall be installed by the subdivider as a requirement improvement;</p> <p>19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section;</p> <p>20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city;</p> <p>21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters may be a required improvement installed by the subdivider; and</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council.</p>
			<p>Bird Dr. meets city standards for right-of-way width and pavement width. No improvements are proposed or required as part of this preliminary plat application. Improvements and timing of installation is stipulated by the Phased Development Agreements associate with separate townhouse preliminary plat applications submitted in conjunction with this preliminary plat.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.I Alley Improvement Requirements: Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe</p>

				vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.
			<i>Commission Findings</i>	This standard does not apply as the subject property is not within a business, commercial, or light-industrial zone district and no alleys exist.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J	<p><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.</p> <p>1. A public utility easement at least ten feet (10') in width shall be required within the street right of way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the city engineer to be necessary for the provision of adequate public utilities.</p> <p>2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.</p> <p>3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.</p> <p>4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.</p>
			<i>Commission Findings</i>	As shown on Sheet 1 of the preliminary plat, Lot 2A includes a 10-foot public utility easement along Bird Dr. The original Snowbird Subdivision recorded under Instrument Number 321440 included 10-foot public utility easements centered upon all side and rear lots lines. As part of this preliminary plat application, the applicant submitted an easement release request to Idaho Power to vacate the 10-foot public utility easement along the property line between Lots 1 and 2 as shown on Sheet 1 of the preliminary plat. On February 23, 2022 Idaho Power issued an easement release approval for the removal of said easement.



				Standards 2-6 do not apply to the project as the property is not adjacent to any of the listed waterways, not adjacent to Warm Springs, does not contain any irrigation infrastructure, and does not include pedestrian or equestrian pathways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.K	<b>Sanitary Sewage Disposal Improvements:</b> 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.
			<i>Commission Findings</i>	No changes to the existing utilities are proposed. Sanitary sewer connections, locations, sizes, and the timing of installation is stipulated by the Phased Development Agreements associate with separate townhouse preliminary plat applications submitted in conjunction with this preliminary plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.L	<b>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.
			<i>Commission Findings</i>	No changes to the existing utilities are proposed. Water connections, locations, sizes, and the timing of installation is stipulated by the Phased Development Agreements associate with separate townhouse preliminary plat applications submitted in conjunction with this preliminary plat.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	<b>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.
			<i>Commission Findings</i>	This standard does not apply as this application does not create a new subdivision. There are no incompatible uses adjacent to the proposed townhouse sublots.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N	<b>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,

			<p>streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: <ol style="list-style-type: none"> <li>a. Proposed contours at a maximum of five foot (5') contour intervals.</li> <li>b. Cut and fill banks in pad elevations.</li> <li>c. Drainage patterns.</li> <li>d. Areas where trees and/or natural vegetation will be preserved.</li> <li>e. Location of all street and utility improvements including driveways to building envelopes.</li> <li>f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements.</li> </ol> </li> <li>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.</li> <li>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.</li> <li>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.</li> <li>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply: <ol style="list-style-type: none"> <li>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</li> <li>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).</li> <li>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</li> <li>d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.</li> <li>e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.</li> </ol> </li> </ol>
--	--	--	--

			<i>Commission Findings</i>	No changes to the existing grading are proposed. Grading and drainage for the proposed townhouse developments will be reviewed under separate townhouse design review and preliminary plat applications submitted in conjunction with this preliminary plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.O	<b>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.
			<i>Commission Findings</i>	No changes to the existing drainage are proposed. Grading and drainage for the proposed townhouse developments will be reviewed under separate townhouse design review and preliminary plat applications submitted in conjunction with this preliminary plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.P	<b>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.
			<i>Commission Findings</i>	Currently, phone and cable infrastructure is located within the city’s right-of-way. Sheet 1 of the preliminary plat shows the relocation of those encroachments to the public utility easement along the front property boundary of Lot 2A, out of the right-of-way. All other utility installations will be reviewed under the separate townhouse design review and townhouse preliminary plat applications submitted in conjunction with this preliminary plat.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	<b>Off Site Improvements:</b> Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			<i>Commission Findings</i>	The proposed preliminary plat does not create substantial additional traffic, therefore, no improvements are required.

### CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Preliminary Plat application for the development and use of the subject property.

2. The Commission has authority to review and recommend approval of the applicant's Subdivision Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §16.04.030.
4. The Subdivision Preliminary Plat application is governed under Chapter 16.04 of Ketchum Municipal Code.
5. The Snowbird Subdivision Preliminary Plat application meets all applicable standards specified in Title 16 of Ketchum Municipal Code.

#### **DECISION**

**THEREFORE**, the Commission **recommends approval of** this Preliminary Plat application (File No. P21-056) this Tuesday, April 12, 2022, subject to the following conditions of approval.

#### **CONDITIONS OF APPROVAL**

1. The Final Plat application shall include a plat note that states the access easement shall remain open and unobstructed year-round.
2. Failure to record a Final Plat within two (2) years of Council's approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.

Findings of Fact **adopted** this 12<sup>th</sup> day of April 2022.

---

Neil Morrow, Chair  
City of Ketchum  
Planning and Zoning Commission



**City of Ketchum  
Planning & Building**

<b>IN RE:</b>	)	
	)	
<b>Snowbird Townhomes - I</b>	)	<b>KETCHUM PLANNING &amp; ZONING COMMISSION</b>
<b>Design Review</b>	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND</b>
<b>Date: April 12, 2022</b>	)	<b>DECISION</b>
	)	
<b>File Number: 21-061</b>	)	

**PROJECT:** Snowbird Townhomes - I

**APPLICATION TYPE:** Design Review

**FILE NUMBER:** P21-061

**ASSOCIATED APPLICATIONS:** Subdivision Preliminary Plat (P21-056)  
Townhouse Preliminary Plat (P21-058)

**REPRESENTATIVE:** Tom Williams, TRW Architecture Chtd. (Architect)

**OWNER:** Scott J Edwards

**LOCATION:** 222 Bird Drive – Lot 1A, Block 1, Snowbird Subdivision

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

**OVERLAY:** None

**RECORD OF PROCEEDINGS**

The City of Ketchum received the applications for Subdivision Preliminary Plat, Townhouse Preliminary Plat, and Design Review on June 22, 2021. The applications were reviewed concurrently and certified complete on March 1, 2022. Following receipt of the complete application, staff routed the application materials to all city departments for review. Department comments were provided to the applicant on March 1, 2022.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on March 23, 2022. The public hearing notice was published in the Idaho Mountain Express the on March 23, 2022. A notice was posted on the project site and the city’s website on March 23, 2022.

The Planning & Zoning Commission considered the Snowbird Subdivision Preliminary Plat (File No. P21-056), and Snowbird Townhomes-I Design Review (File No. P21-061) and Townhouse Subdivision

Preliminary Plat (File No. P21-058) applications during their regular meeting on April 12, 2022. The development applications were considered concurrently and the associated public hearings were combined in accordance with Idaho Code §67-6522. After considering Staff's analysis, the applicant's presentation, and public comment, the Planning & Zoning Commission unanimously approved the Snowbird Townhomes - I Design Review (File No. P21-061) and unanimously recommended approval of the Subdivision Preliminary Plat (File No. P21-056) and Townhouse Subdivision Preliminary Plat (File No. P21-058) application to the City Council.

### **FINDINGS OF FACT**

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

### **BACKGROUND**

The Applicant is proposing four detached townhomes each approximately 3,700 square feet and three stories (the "project"), located at 220 and 222 Bird Dr. (the "subject property"). The subject property is a two-lot subdivision platted in 1990, named Snowbird Subdivision, zoned General Residential – Low Density (GR-L). Detached townhomes are a permitted use within the GR-L zone district but restricted to a maximum of two dwelling units per lot per Ketchum Municipal Code 17.12.020 – District Use Matrix.

The existing subdivision includes one lot fronting Bird Dr. and a flag lot with limited frontage on Bird Dr. The current flag lot condition is nonconforming as the subdivision regulations do not permit flag lots. To develop the property with the proposed four detached townhouses, two per lot, the applicant has proposed to first reconfigure the lot lines between Lots 1 and 2 and realign the access to a consolidated central access easement. After the reconfiguration of lot lines and access, design review approval and townhouse subdivision preliminary plat approval are required separately for each lot for the proposed detach townhouses. The applicant has submitted all five required applications as outlined above for consideration by the Planning and Zoning Commission.

The project will construct improvements to the right-of-way per the City of Ketchum improvement standards. All improvements to the right-of-way will be reviewed and approved by the City Engineer and Streets Department prior to issuance of a building permit.

The applicant has requested phased development agreements for both lots to permit the filing of the final plats once a certificate of occupancy has been issued for the first unit. Staff is supportive of the request and has drafted two phased development agreements, one for each lot, for consideration by the Planning and Zoning Commission.

FINDINGS REGARDING COMPLIANCE WITH ZONING CODE AND DIMENSIONAL STANDARDS

Zoning and Dimensional Standards Analysis				
Compliant			Ketchum Municipal Code Standards and Staff Comments	
Yes	No	N/A	KMC §	Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.020</b>	<b>Use</b>
			<b>Staff Comments</b>	<p><b>Permitted:</b> “dwelling, one-family” – A multi-family development containing up to two dwelling units is permitted.</p> <p><b>Proposed:</b> Lot 1A is proposed to contain two detached townhomes. Per KMC 17.08.020, townhouse developments can be single buildings containing single townhouse units.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Minimum Lot Area</b>
			<b>Staff Comments</b>	<p><b>Permitted:</b> 8,000 SF</p> <p>“Area of lot: The area within the boundaries of a lot, exclusive of any area contained within a public or private street, alley, fire lane or private driveway easement; also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street and exclusive of any portion of the property that lies between the mean high water marks of the Big Wood River, Trail Creek and Warm Springs Creek. All exclusions shall not be used for the purpose of calculating density and building coverage. Lot area shall include the area of any dedicated public bike path, equestrian path or other public pathway within the boundaries of a lot.”</p> <p><b>Proposed:</b> 9,779 SF</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>FAR or Lot Coverage</b>
			<b>Staff Comments</b>	<p><b>Maximum Permitted:</b> 35% lot coverage</p> <p><b>Proposed:</b>                      Total Lot area: 9,779 SF                      Building Coverage: 1420 SF per unit – 2840 SF total                      Lot Coverage: 2840/9779 = 29%</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Minimum Building Setbacks</b>
			<b>Staff Comments</b>	<p><b>Minimum Required:</b>                      Front (Bird Drive): 15 feet                      Side (north): The greater of 1' for every 3' in building height, or 5' (1) – zero required for subplot line                      Side (south): The greater of 1' for every 3' in building height, or 5' (1)– zero required for subplot line                      Rear (west): The greater of 1' for every 3' in building height, or 15'</p> <p>Footnote 1: If the lot adjoins a more restrictive district on the side or rear, the more restrictive setbacks of that district shall apply.</p> <p>Building Height of Unit 1 is 33 feet 5 inches per Sheet A3.2.                      Building Height of Unit 2 is 34 feet 3 1/2 inches per Sheet A3.2.                      Side Setbacks required based on building height are 11 feet 5 inches.</p>

				<p>Rear setback required is 15 feet.</p> <p>KMC §17.128.020: Supplementary Yard Regulations</p> <ol style="list-style-type: none"> <li>1. Cornices, canopies, eaves, chimney chases or similar architectural features may extend into a required yard not more than three feet.</li> <li>2. Decks more than 30 inches in height from existing grade at any point shall be subject to setbacks.</li> </ol> <p><b>Proposed:</b>  Front – 15 feet 8 ¾ inches feet (Unit 1) and 15 feet 7 inches (Unit 2)  Side – 11 feet 8 inches to southern lot line (Unit 2)  Side – 11 feet 10 inches to northern lot line (Unit 1)  Rear – 15 feet 6 inches (Unit 2) and 15 feet 6 inches (Unit 1)</p> <p>Footnote 1: The subject property is not adjacent to the a less restrictive zone district. All adjacent properties are zoned GR-L except for to the east, which is zoned GR-H.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Building Height</b>
			<b>Staff Comments</b>	<p><b>Maximum Permitted:</b> 35 feet</p> <p><b>Proposed:</b>  Unit 1 - 33 feet 5 inches per Sheet A3.2  Unit 2 – 34 feet 3 1/2 inches per Sheet A3.2</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.125.030H</b>	<b>Curb Cut</b>
			<b>Staff Comments</b>	<p><b>Permitted:</b>  A maximum of thirty five percent (35%) of the linear footage of any street frontage may be devoted to access off street parking.</p> <p><b>Proposed:</b> The subject property is 116.62 feet wide with a proposed driveway of 20 feet. This is 17% of the street frontage.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.125.040</b>	<b>Parking Spaces</b>
			<b>Staff Comments</b>	<p><b>Minimum Required:</b> 2 parking spaces for units 2,001 SF or more</p> <p><b>Proposed:</b>  Unit 1  2 car garage  Dimension of spaces (23 ft x 23 ft 9 inches)</p> <p>Unit 2  2 car garage  Dimension of spaces (23 ft x 23 ft 9 inches)</p>
			<b>17.125.040</b>	<b>Open Space</b>
			<b>Staff Comments</b>	<p><b>Required:</b> n/a</p> <p><b>Proposed:</b> n/a</p>



FINDINGS REGARDING COMPLIANCE WITH DESIGN REVIEW STANDARDS

Improvements and Standards (KMC §17.96.060)				
Yes	No	N/A	KMC §	Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.A1 Streets</b>	<b>The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.</b>
			<i>Commission Findings</i>	The project proposes to add a new curb cut for the central driveway from Bird Dr. and bring the existing right-of-way up to all applicable city standards. All improvements to the right-of-way are at the expense of the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.A2 Streets</b>	<b>All street designs shall be approved by the City Engineer.</b>
			<i>Commission Findings</i>	No new streets are proposed for the project, however, all required improvements to the right-of-way as shown on the project plans has been reviewed by the City Engineer. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project per condition of approval #2.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B1 Sidewalks</b>	<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>Commission Findings</i>	KMC 17.124.140 outlines the zone districts where sidewalks are required when substantial improvements are made, which include the CC, all tourist zone districts, and all light industrial districts. The subject property is within the GR-L zone district, which is not a district where sidewalks are required per the development standards.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B2 Sidewalks</b>	<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>Commission Findings</i>	This standard is not applicable as sidewalks are not required for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B3 Sidewalks</b>	<b>Sidewalks may be waived if one of the following criteria is met:</b> a. The project comprises an addition of less than 250 square feet of conditioned space. b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.
			<i>Commission Findings</i>	This standard is not applicable as sidewalks are not required for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B4 Sidewalks</b>	<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>Commission Findings</i>	This standard is not applicable as sidewalks are not required for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B5 Sidewalks</b>	<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>Commission Findings</i>	This standard is not applicable as sidewalks are not required for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B6 Sidewalks</b>	<b>The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by</b>

				<b>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>Commission Findings</i>	This standard is not applicable as sidewalks are not required for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.C1 Drainage</b>	<b>All storm water shall be retained on site.</b>
			<i>Commission Findings</i>	Stormwater management was reviewed for the entire site during department review. The City Engineer did not have comments related to on-site stormwater management.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.C2 Drainage</b>	<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>Commission Findings</i>	Drainage improvements associated with improvements to the right of way have been designed for the full length of the property as shown in the project plans. Final review and approval of all drainage improvements will be reviewed by the City Engineer at the time of building permit approval per condition of approval #2.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.C3 Drainage</b>	<b>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</b>
			<i>Commission Findings</i>	No additional drainage improvements are required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.C4 Drainage</b>	<b>Drainage facilities shall be constructed per City standards.</b>
			<i>Commission Findings</i>	The proposed drainage improvements to the right-of-way are designed to meet city standards. Final design will be reviewed and approved by the City Engineer prior to issuance of a building permit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.D1 Utilities</b>	<b>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</b>
			<i>Commission Findings</i>	The applicant is the responsible party for improvements and installation of utilities for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.D2 Utilities</b>	<b>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</b>
			<i>Commission Findings</i>	All utilities serving the project are proposed underground including electricity, gas, phone and cable services. Currently, phone and cable infrastructure is located within the city's right-of-way adjacent to Lot 2A. Sheet C1.0 shows the relocation of those encroachments to the public utility easement along the front property boundary of Lot 2A, out of the right-of-way. Two transformers are located within the public utility easement on Lot 2A which will serve the proposed project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.D3 Utilities</b>	<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>Commission Findings</i>	Extension of utilities is not required for the project; therefore, this standard does not apply.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.E1 Compatibility of Design</b>	<b>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</b>

			<i>Commission Findings</i>	As shown in the renderings and materials board on Sheet A5.0, the project proposes a mix of wood siding, stone, and metal paneling. The adjacent properties are of an older architectural style and include traditional horizontal siding (vinyl/wood). However, further north and south of the subject property, newer developments recently completed and under construction within the neighborhood are of a modern design with similar materials as the proposed project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.E2 Compatibility of Design</b>	<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>Commission Findings</i>	The subject property is vacant; therefore, this standard does not apply.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.E3 Compatibility of Design</b>	<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>Commission Findings</i>	The subject property is vacant; therefore, this standard does not apply.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F1 Architectural</b>	<b>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</b>
			<i>Commission Findings</i>	Each unit includes direct access from the driveway to the entrance to the unit clearly defined with a small, covered porch and entryway. As noted above, sidewalks are not required. Pedestrian access from the street will be from the central private drive.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F2 Architectural</b>	<b>The building character shall be clearly defined by use of architectural features.</b>
			<i>Commission Findings</i>	The building is intended to have a mountain modern character defined by a horizontal and vertical features and materials. The project has a strong rectangular form softened by undulation of the building façade and use of outdoor patios at upper levels.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F3 Architectural</b>	<b>There shall be continuity of materials, colors and signing within the project.</b>
			<i>Commission Findings</i>	The project proposes a consistent use of materials including wood siding, stone, metal panels, and metal accents on railings and window trim.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F4 Architectural</b>	<b>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</b>
			<i>Commission Findings</i>	The project proposes a wood fence along the perimeter of the property. As shown on <b>Sheet A3.0</b> , a small mechanical vault is proposed between Units 1 and 2 that is designed with similar stone and metal features as the units.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F5 Architectural</b>	<b>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</b>
			<i>Commission Findings</i>	The design of the project includes various features that reduce the bulk and flatness of the structure. The ground floor of the units carries the weight of the design and utilizes materials with a heavier weight such as stone and metal. The upper floors step back in multiple locations and utilize light materials such as wood siding. Additionally, the entrance to the unit is stepped back completely on all three floors to provide a dramatic reduction in the bulk of the buildings from the front.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F6 Architectural</b>	<b>Building(s) shall orient towards their primary street frontage.</b>
			<i>Commission Findings</i>	Lot <b>1A</b> is not adjacent to the public street of Bird Dr. but orients toward the central driveway of the project.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F7 Architectural</b>	<b>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</b>
			<i>Commission Findings</i>	Garbage will be stored within the individual garages and no satellite receivers are anticipated. There is no alley. Specific locations for the garbage carts to be places is outlined on the landscape plan for the project to ensure ease of access for garbage service. Per a letter from Clear Creek Disposal dated January 24, 2022 indicates the proposal as satisfactory.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F8 Architectural</b>	<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>Commission Findings</i>	The new detached townhouse have flat roofs with extensive roof catchment and drain systems for each subplot. All runoff is being management on-site per the drainage plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.G1 Circulation Design</b>	<b>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</b>
			<i>Commission Findings</i>	The project provides pedestrian access to Bird Dr. As Bird Dr. is considered a residential street, all pedestrian, equestrian and bicycle movements are contained within the street. There are no easements or pathways in the area requiring connectivity to the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.G2 Circulation Design</b>	<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>Commission Findings</i>	The project does not propose any encroachments into the right-of-way.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.G3 Circulation Design</b>	<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>Commission Findings</i>	No new streets are proposed. Traffic access to the project is via the central driveway.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.G4 Circulation Design</b>	<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>Commission Findings</i>	The project is not within 20 feet of an intersection, therefore, this standard is met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.G5 Circulation Design</b>	<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>Commission Findings</i>	Access for emergency vehicles, snowplows, garbage trucks, and delivery vehicles is from Bird Dr. Bird Dr is classified as a residential street, requiring a minimum right-of-way of 60 feet. Bird Dr has a 60-foot right-of-way which meets city standards. The central private driveway has been reviewed and approved by the Fire Department during department review. Initial design drawings showed a 16-foot driveway; however, a full 20-foot paved driveway is required per fire code. The driveway is snow melted and therefore no snowplowing is required. Per the letter from Clear Creek Disposal dated January 24, 2022, the driveway is adequate for garbage service.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.H1 Snow Storage</b>	<b>Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.</b>
			<i>Commission Findings</i>	The central driveway and individual driveways contain snow melt, therefore no storage is required. Adequate snow storage for the pathways from the driveways to the unit is provided in the adjacent landscape areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.H2 Snow Storage</b>	<b>Snow storage areas shall be provided on-site.</b>
			<i>Commission Findings</i>	All snow storage is provided on-site. No hauling is required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.H3 Snow Storage</b>	<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>Commission Findings</i>	The pedestrian pathways which will be shoveled are less than 5 feet by 25 feet. As such, smaller snow storage areas are supported as the majority of hard surfaces are snow melted.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.H4 Snow Storage</b>	<b>In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.</b>
			<i>Commission Findings</i>	Snow melt is proposed for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.I1 Landscaping</b>	<b>Landscaping is required for all projects.</b>
			<i>Commission Findings</i>	The project proposes an extensive landscaping plan with a variety of trees, shrubs, bushes, perennials and ground covers as shown on Sheet L-1.2 of the project plans.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.I2 Landscaping</b>	<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>Commission Findings</i>	Proposed plant materials are drought tolerant and are consistent with landscaping of surrounding properties within the neighborhood.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.I3 Landscaping</b>	<b>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</b>
			<i>Commission Findings</i>	All proposed plant materials are drought tolerant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.I4 Landscaping</b>	<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>Commission Findings</i>	The landscape plan for the project provides buffer between the new detached townhouses and the adjacent condominium complexes. Landscaping is also proposed between the new units and the street.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.J1 Public Amenities</b>	<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>Commission Findings</i>	This standard is not applicable as sidewalks are not required.

CONCLUSIONS OF LAW

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

#### **DECISION**

**THEREFORE**, the Commission **approves** this Design Review Application File No. P21-061 this Tuesday, April 12, 2022 subject to the following conditions of approval.

#### **CONDITIONS OF APPROVAL**

6. The preliminary plat is subject to all applicable provisions of the Phased Development Agreement #22764.
7. Final civil drawings prepared by an engineer registered in the State of Idaho which include specifications for right-of-way, utilities, and drainage improvements shall be submitted for review and approval by the City Engineer, Streets, and Utilities departments prior to issuance of a building permit for the project.
8. The term of Design Review approval shall be twelve (12) months from the date that the Findings of Fact, Conclusions of Law, and Decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations.
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 12<sup>th</sup> day of April 2022.

---

Neil Morrow, Chair  
City of Ketchum  
Planning and Zoning Commission



City of Ketchum  
Planning & Building

<b>IN RE:</b>	)	
	)	
<b>Snowbird Townhomes Lot 1A</b>	)	<b>KETCHUM PLANNING &amp; ZONING COMMISSION</b>
<b>Townhouse Subdivision – Preliminary Plat</b>	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND</b>
<b>Date: April 12, 2022</b>	)	<b>DECISION</b>
	)	
<b>File Number: 21-058</b>	)	

**PROJECT:** Snowbird Townhomes Lot 1A

**APPLICATION TYPE:** Townhouse Subdivision – Preliminary Plat

**FILE NUMBER:** P21-058

**ASSOCIATED APPLICATIONS:** Subdivision Preliminary Plat (P21-056)  
Design Review (P21-061)

**REPRESENTATIVE:** Dave Patrie, Benchmark Associates (Engineer)

**OWNER:** Scott J Edwards

**LOCATION:** 222 Bird Drive – Lot 1, Block 1, Snowbird Subdivision

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

**OVERLAY:** None

**RECORD OF PROCEEDINGS**

The City of Ketchum received the applications for Subdivision Preliminary Plat, Townhouse Preliminary Plat, and Design Review on June 22, 2021. The applications were reviewed concurrently and certified complete on March 1, 2022. Following receipt of the complete application, staff routed the application materials to all city departments for review. Department comments were provided to the applicant on March 1, 2022.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on March 23, 2022. The public hearing notice was published in the Idaho Mountain Express the on March 23, 2022. A notice was posted on the project site and the city’s website on March 23, 2022.

The Planning & Zoning Commission considered the Snowbird Subdivision Preliminary Plat (File No. P21-056), and Snowbird Townhomes-I Design Review (File No. P21-061) and Townhouse Subdivision Preliminary Plat (File No. P21-058) applications during their regular meeting on April 12, 2022. The

development applications were considered concurrently and the associated public hearings were combined in accordance with Idaho Code §67-6522. After considering Staff’s analysis, the applicant’s presentation, and public comment, the Planning & Zoning Commission unanimously approved the Snowbird I Townhomes Design Review (File No. P21-061) and unanimously recommended approval of the Subdivision Preliminary Plat (File No. P21-056) and Townhouse Subdivision Preliminary Plat (File No. P21-058) application to the City Council.

**BACKGROUND**

The Applicant is proposing four detached townhomes each approximately 3,700 square feet and three stories (the “project”), located at 220 and 222 Bird Dr. (the “subject property”). The subject property is a two-lot subdivision platted in 1990, named Snowbird Subdivision, zoned General Residential – Low Density (GR-L). Detached townhomes are a permitted use within the GR-L zone district but restricted to a maximum of two dwelling units per lot per Ketchum Municipal Code 17.12.020 – District Use Matrix.

The existing subdivision includes one lot fronting Bird Dr. and a flag lot with limited frontage on Bird Dr. The current flag lot condition is nonconforming as the subdivision regulations do not permit flag lots. To develop the property with the proposed four detached townhouses, two per lot, the applicant has proposed to first reconfigure the lot lines between Lots 1 and 2 and realign the access to a consolidated central access easement. After the reconfiguration of lot lines and access, design review approval and townhouse subdivision preliminary plat approval are required separately for each lot for the proposed detach townhouses. The applicant has submitted all five required applications as outlined above for consideration by the Planning and Zoning Commission.

The project will construct improvements to the right-of-way per the City of Ketchum improvement standards. All improvements to the right-of-way will be reviewed and approved by the City Engineer and Streets Department prior to issuance of a building permit.

The applicant has requested phased development agreements for both lots to permit the filing of the final plats once a certificate of occupancy has been issued for the first unit. Staff is supportive of the request and has drafted two phased development agreements, one for each lot, for consideration by the Planning and Zoning Commission.

**FINDINGS OF FACT**

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

**FINDINGS REGARDING COMPLIANCE WITH TOWNHOUSE SUBDIVISION REQUIREMENTS**

Townhouse Plat Requirements				
Compliant			Standards	
Yes	No	N/A	City Code	City Standards
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.B	Townhouse Owners' Documents: The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall



				adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.
			<i>Commission Findings</i>	The applicant provided draft of the covenants, conditions, and restrictions for the Snowbird Townhomes.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.1	<p><b>Preliminary Plat Procedure: Townhouse developments shall be administered consistent with the procedures and design and development regulations established in §16.04.030 and §16.04.040 and the standards of this subsection.</b></p> <p><b>All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.</b></p>
			<i>Commission Findings</i>	The applicant submitted a Design Review application for the project in conjunction with the townhouse preliminary plat application. Both applications were reviewed and approved by the Planning and Zoning Commission at the April 12, 2022 meeting.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.2	<p><b>The subdivider may apply for preliminary plat approval from the commission pursuant to subsection 16.04.030D of this chapter at the time application is made for design review approval pursuant to title 17, chapter 17.96 of this code. The commission may approve, deny or conditionally approve such preliminary plat upon consideration of the action taken on the application for design review of the project.</b></p>
			<i>Commission Findings</i>	The applicant submitted a Design Review application for the project in conjunction with the townhouse subdivision application. Both applications were reviewed and approved by the Planning and Zoning Commission at the April 12, 2022 meeting.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.3	<p><b>The preliminary plat, other data, and the commission's findings may be transmitted to the council prior to commencement of construction of the project under a valid building permit issued by the City. The council shall act on the preliminary plat pursuant to subsection 16.04.030E and F of this chapter.</b></p>
			<i>Commission Findings</i>	Following adoption of the Findings of Fact for the Townhouse Subdivision application, staff will transmit the application and findings to the City Council for review and approval prior to issuance of a building permit for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.4	<p><b>4. In the event a phased townhouse development project is proposed, after preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow §16.04.030.G and comply with the additional provisions of §16.04.110 of this code.</b></p>
			<i>Commission Findings</i>	A phased townhouse development is proposed. A phased development agreement (#22764) in conformance with Section 16.04.030.G and 16.04.110 was reviewed by the Planning and Zoning Commission on April 12, 2022. The Planning and Zoning Commission recommended approval of the phased development

				agreement to the City Council. Following adoption of the Findings of Fact for the Townhouse Subdivision Preliminary Plat, staff will transmit the phased development agreement to City Council for review and action.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.D	<p><b>D. 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 townhouse has received either:</p> <p>a. A certificate of occupancy issued by the city of Ketchum for all structures in the townhouse development and completion of all design review elements as approved by the planning and zoning administrator; or</p> <p>b. Signed council approval of a phased development project consistent with §16.04.110 herein.</p> <p>2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this code.</p>
			<i>Commission Findings</i>	Pursuant to Phased Development Agreement #22764, the applicant may submit an application for final plat once a certificate of occupancy for the first townhouse unit is issued.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E. 1	<p><b>E. Required Findings:</b> In addition to all Townhouse Developments complying with the applicable provisions of Title 17 and this Subdivision Chapter (§16.04), the Administrator shall find that</p> <p>All Townhouse Developments, including each individual subplot, shall not exceed the maximum building coverage requirements of the zoning district.</p>
			<i>Commission Findings</i>	The maximum building coverage in the GR-L zone district is 35% of the lot. The subject property is 9,779 square feet. The proposed detached townhouses on Sublot 1 and 2 have an identical building coverage of 1,420 square feet. This results in a total building coverage of 2,840 square feet or 29% of the lot.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E. 2	<p><b>Garage:</b> All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.</p>
			<i>Commission Findings</i>	Each detached unit has a two car attached garage. As the proposed townhouse subdivision is for detached townhouses, the garage does not need to be separately platted or deeded separately as the garage is within the boundaries of the townhouse subplot. Plat note 8 on the townhouse preliminary plat states that garages cannot be sold and/or separated from the associated dwelling unit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E. 3	<p><b>General Applicability:</b> All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions. (Ord. 1061 § 3, 2009: Ord. 879 § 4, 2001: Ord. 460 § 2, 1987)</p>
			<i>Commission Findings</i>	During department review of the Design Review application, staff reviewed the project for compliance with the Zoning Regulations, dimensional standards, and

			development standards for the City of Ketchum. As conditioned, the townhouse subdivision application meets all applicable regulations.
--	--	--	--

### FINDINGS REGARDING PRELIMINARY PLAT SUBDIVISION REQUIREMENTS

Preliminary Plat Requirements				
Compliant			City Code	City Standards
Yes	No	N/A		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	<b>The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.</b>
			<i>Commission Findings</i>	The City of Ketchum Planning and Building Department received the subdivision application and all applicable application materials on June 22, 2021.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	<b>Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application.</b>
			<i>Commission Findings</i>	The subdivision application was deemed complete on March 1, 2022.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	<b>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:  The scale, north point and date.</b>
			<i>Commission Findings</i>	This standard is met as shown on Sheet 1 of the preliminary plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .2	<b>The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.</b>
			<i>Commission Findings</i>	As shown on Sheet 1 of the preliminary plat, the subdivision is named "Snowbird Townhomes I" which is not the same as any other subdivision in Blaine County, Idaho.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .3	<b>The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</b>
			<i>Commission Findings</i>	As shown on Sheet 1, the owner and subdivider is Scott J. Edwards. The plat was prepared by Randall K. French of Benchmark Engineering.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	<b>Legal description of the area platted.</b>
			<i>Commission Findings</i>	The legal description of the area platted is shown under the title on Sheet 1 of the preliminary plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .5	<b>The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.</b>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat indicates the boundary lines of the adjoining townhouse subdivisions and tax lots to the north, west, and south.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .6	<b>A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.</b>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat shows the contour lines for the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I 7	<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>

			<i>Commission Findings</i>	The property is currently vacant with no existing buildings; however, Sheet 1 of the preliminary plat shows the location of all adjacent streets (Bird Dr.) and easements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .8</b>	<b>Boundary description and the area of the tract.</b>
			<i>Commission Findings</i>	Sheet 1 provides the boundary description of the area and includes square footage and acreage of both sublots.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .9</b>	<b>Existing zoning of the tract.</b>
			<i>Commission Findings</i>	Plat note #6 on Sheet 1 of the preliminary plat lists the existing zoning of the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .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>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat shows the locations and lot lines for the proposed townhouse sublots. No new streets or blocks are being proposed with this application.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .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>
			<i>Commission Findings</i>	This standard is not applicable as there is no requirement or proposal for land dedicated for public or common use through the townhouse subdivision.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .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>
			<i>Commission Findings</i>	As shown on Sheet 1, each subplot will have separate services for water and sewer from the main lines in Bird Dr.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .13</b>	<b>The direction of drainage, flow and approximate grade of all streets.</b>
			<i>Commission Findings</i>	This standard does not apply as no new streets are proposed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .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>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat indicates locations of proposed drywells for stormwater management of the subject property.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .15</b>	<b>All percolation tests and/or exploratory pit excavations required by state health authorities.</b>
			<i>Commission Findings</i>	This standard does not apply as no tests are required.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .16</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>
			<i>Commission Findings</i>	Draft covenants, conditions, and restrictions were submitted with the application materials.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .17</b>	<b>Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.</b>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat includes a vicinity map in the upper right hand corner.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .18	The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.
			<i>Commission Findings</i>	The subject property is not within a floodplain, floodway, or avalanche zone district.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .19	Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
			<i>Commission Findings</i>	A building envelope is not required as the subject property is not within the floodway, floodplain, or avalanche zone. The subject property is not adjacent to the Big Wood River, Trail Creek or Warm Springs. The subject property does not contain slopes greater than 25% and is not adjacent to an intersection.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			<i>Commission Findings</i>	As shown on Sheet 1 of the preliminary plat, the area of Sublot 1 is 4,992 square feet and the area of Sublot 2 is 4,787 square feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			<i>Commission Findings</i>	The property is vacant with no significant trees or shrub masses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .22	A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.
			<i>Commission Findings</i>	The applicant provided a title commitment issued by Stewart Title dated July 1, 2020 and a warranty deed recorded at Instrument Number 671079 with the initial application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .23	Three (3) copies of the preliminary plat shall be filed with the administrator.
			<i>Commission Findings</i>	The City of Ketchum received hard and digital copies of the preliminary plat at the time of application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.
			<i>Commission Findings</i>	The applicant submitted a set of preliminary construction design plans for review by the City Engineer. All required public improvements are included in the project plans for the Design Review application (P21-061) and included as exhibits to the Phased Development Agreement (#22764). Final review and approval of the right-of-way improvements will be conducted during building permit review. The subject property does not include any watercourses, rock outcroppings, shrub masses or historic areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.B	Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer

				shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			<i>Commission Findings</i>	This standard does not apply as this is a preliminary plat application, not a final plat application. Final review and approval of the right-of-way improvements will be conducted during building permit review. The Phased Development Agreement #22764 also stipulates the timing of all required improvements in relation to recording of the final plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.
			<i>Commission Findings</i>	As stipulated by the Phased Development Agreement #22764, all improvements are required prior to issuance of a certificate of occupancy for the first townhouse unit. As of the date of these findings, no request for security for improvements has been made by the applicant.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.D	As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.
			<i>Commission Findings</i>	This standard does not apply as this is a preliminary plat application, not a final plat application.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.E	<p>Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> <li>1. All angle points in the exterior boundary of the plat.</li> <li>2. All street intersections, points within and adjacent to the final plat.</li> <li>3. All street corner lines ending at boundary line of final plat.</li> <li>4. All angle points and points of curves on all streets.</li> </ol>

				<b>5. The point of beginning of the subdivision plat description.</b>
			<i>Commission Findings</i>	This standard does not apply as this is a preliminary plat application, not a final plat application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 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>
			<i>Commission Findings</i>	<ol style="list-style-type: none"> <li>1. The proposed townhouse subdivision meets all dimensional standards as outlined in the GR-L zone district for the parent lot. The minimum lot size is 8,000 square feet and the parent lot is 9,779 square feet. The new detached townhouse units meet minimum setback requirements in the GR-L for the front, side, and rear. There are no minimum setbacks to the interior lot line of a townhouse lot.</li> </ol>

				<ol style="list-style-type: none"> <li>2. Building envelopes are not required as the subject property is not within the floodplain/floodway, avalanche zone, does not contain slopes greater than 25%, nor is it located adjacent to an intersection of two streets</li> <li>3. The subject property is not a corner lot.</li> <li>4. The parent lot of the townhouse subdivision and the newly created subplot lot line is within 20 degrees to a right angle to the street lot line along Bird Dr.</li> <li>5. The subject property is not a double frontage lot.</li> <li>6. Both Sublots are provided access to Bird Dr. through a 20-foot-wide access and utility easement created with the subdivision preliminary plat application (P21-056). Per condition of approval #4, the easement shall be recorded prior to certificate of occupancy for the first townhouse unit.</li> </ol>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	<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>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.</li> <li>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</li> <li>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.</li> <li>4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.</li> </ol>
			<i>Commission Findings</i>	This standard does not apply as no new blocks are being created.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H	<p><b>Street Improvement Requirements:</b></p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</li> <li>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;</li> <li>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</li> </ol>



			<p>subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated;</p> <p>7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;</p> <p>8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</p> <p>16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p> <p>18. Street lighting may be required by the commission or council where appropriate and shall be installed by the subdivider as a requirement improvement;</p> <p>19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section;</p> <p>20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city;</p> <p>21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new</p>
--	--	--	--

				<p>bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters may be a required improvement installed by the subdivider; and</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council.</p>
				<p>No new streets are proposed or required as part of the subdivision application. Bird Dr. meets city standards for right-of-way width and pavement width. The applicant will bring the area between the existing asphalt and the property line up to current city standards as shown in the project plans. Final review of all right of way improvements will be conducted by the City Engineer at the time of building permit approval for the townhouse units.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	<p><b>Alley Improvement Requirements:</b> Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
			<i>Commission Findings</i>	<p>This standard does not apply as the subject property is not within a business, commercial, or light-industrial zone district and no alleys exist.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J	<p><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.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

				<p>5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.</p>
			<i>Commission Findings</i>	As shown on Sheet 1 of the preliminary plat, the adjacent property (Lot 2A) will have a 10-foot public utility easement along Bird Dr. Standards 2-6 do not apply to the project as the property is not adjacent to any of the listed waterways, not adjacent to Warm Springs, does not contain any irrigation infrastructure, and does not include pedestrian or equestrian pathways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.K	<p><b>Sanitary Sewage Disposal Improvements:</b> Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the city engineer, council and Idaho health department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho department of health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.</p>
			<i>Commission Findings</i>	This standard does not apply as this application does not create a new subdivision. Both sublots are directly connected to the City of Ketchum sewer system main found in Bird Dr.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.L	<p><b>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>
			<i>Commission Findings</i>	This standard does not apply as this application does not create a new subdivision. Both sublots are directly connected to the City of Ketchum sewer system main found in Bird Dr.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	<p><b>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</p>

				<p>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>
			<i>Commission Findings</i>	<p>This standard does not apply as this application does not create a new subdivision. There are no incompatible uses adjacent to the proposed townhouse sublots.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N	<p>Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: <ol style="list-style-type: none"> <li>a. Proposed contours at a maximum of five foot (5') contour intervals.</li> <li>b. Cut and fill banks in pad elevations.</li> <li>c. Drainage patterns.</li> <li>d. Areas where trees and/or natural vegetation will be preserved.</li> <li>e. Location of all street and utility improvements including driveways to building envelopes.</li> <li>f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements.</li> </ol> </li> <li>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.</li> <li>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.</li> <li>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.</li> <li>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply: <ol style="list-style-type: none"> <li>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</li> <li>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).</li> <li>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</li> <li>d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three</li> </ol> </li> </ol>

				<p>to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.</p> <p>e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.</p>
			<i>Commission Findings</i>	This standard does not apply as this application is the townhouse subdivision of an existing subdivision lot. On-site grading for the new detached townhouse units meets all grading requirements and all disturbance will be revegetated per the landscape plan included in the project plans.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.O	<p><b>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.</p>
			<i>Commission Findings</i>	The applicant submitted a site grading and drainage plan with the townhouse subdivision application showing drainage for each subplot. No common drainage courses are utilized or disturbed. The grading and drainage plan meets all requirements and each subplot is managing stormwater runoff independently, not impacting adjacent properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.P	<p><b>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.</p>
			<i>Commission Findings</i>	All utilities serving the propose subdivision are proposed underground including electricity, gas, phone and cable services. Currently, phone and cable infrastructure is located within the city's right-of-way. Sheet 1 of the preliminary plat shows the relocation of those encroachments to the public utility easement along the front property boundary of Lot 2, out of the right-of-way. Two transformers are located within the public utility easement on Lot 2 which will serve the proposed detached townhouse units on Lot 1.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	<p><b>Off Site Improvements:</b> Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.</p>
			<i>Commission Findings</i>	The proposed townhouse development does not create substantial additional traffic, therefore, no improvements are required.

### CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Townhouse Preliminary Plat application for the development and use of the subject property.
2. The Commission has authority to review and recommend approval of the applicant’s Townhouse Subdivision Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §16.04.030.
4. The Townhouse Subdivision Preliminary Plat application is governed under Chapter 16.04 of Ketchum Municipal Code.
5. The Snowbird Townhomes-1 Townhouse Preliminary Plat application meets all applicable standards specified in Title 16 of Ketchum Municipal Code.

### DECISION

**THEREFORE**, the Commission **recommends approval of** this Preliminary Plat application (File No. P21-058) this Tuesday, April 12, 2022, subject to the following conditions of approval.

### CONDITIONS OF APPROVAL

1. The preliminary plat is subject to all conditions of approval associated with Design Review approval 21-061.
2. The preliminary plat is subject to all applicable provisions of the Phased Development Agreement #22764.
3. The Final Plat application shall include a plat note that states the private driveway shall remain open and unobstructed for a minimum width of 20 feet year-round.
4. Failure to record a Final Plat within two (2) years of Council’s approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.

Findings of Fact **adopted** this 12<sup>th</sup> day of April 2022.

---

Neil Morrow, Chair  
City of Ketchum  
Planning and Zoning Commission



City of Ketchum  
Planning & Building

IN RE: )  
 )  
 Snowbird Townhomes - II ) **KETCHUM PLANNING & ZONING COMMISSION**  
 Design Review ) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**  
 Date: April 12, 2022 ) **DECISION**  
 )  
 File Number: 21-062 )

PROJECT: Snowbird Townhomes - II

APPLICATION TYPE: Design Review

FILE NUMBER: P21-062

ASSOCIATED APPLICATIONS: Subdivision Preliminary Plat (P21-056)  
 Townhouse Preliminary Plat (P21-059)

REPRESENTATIVE: Tom Williams, TRW Architecture Chtd. (Architect)

OWNER: Scott J Edwards

LOCATION: 220 Bird Drive – Lot 2A, Block 1, Snowbird Subdivision

ZONING: General Residential Low Density (GR-L)

OVERLAY: None

**RECORD OF PROCEEDINGS**

The City of Ketchum received the applications for Subdivision Preliminary Plat, Townhouse Preliminary Plat, and Design Review on June 22, 2021. The applications were reviewed concurrently and certified complete on March 1, 2022. Following receipt of the complete application, staff routed the application materials to all city departments for review. Department comments were provided to the applicant on March 1, 2022.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on March 23, 2022. The public hearing notice was published in the Idaho Mountain Express the on March 23, 2022. A notice was posted on the project site and the city’s website on March 23, 2022.

The Planning & Zoning Commission considered the Snowbird Subdivision Preliminary Plat (File No. P21-056), and Snowbird Townhomes-II Design Review (File No. P21-062) and Townhouse Subdivision

Preliminary Plat (File No. P21-059) applications during their regular meeting on April 12, 2022. The development applications were considered concurrently and the associated public hearings were combined in accordance with Idaho Code §67-6522. After considering Staff's analysis, the applicant's presentation, and public comment, the Planning & Zoning Commission unanimously approved the Snowbird Townhomes - II Design Review (File No. P21-062) and unanimously recommended approval of the Subdivision Preliminary Plat (File No. P21-056) and Townhouse Subdivision Preliminary Plat (File No. P21-059) application to the City Council.

### **FINDINGS OF FACT**

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

### **BACKGROUND**

The Applicant is proposing four detached townhomes each approximately 3,700 square feet and three stories (the "project"), located at 220 and 222 Bird Dr. (the "subject property"). The subject property is a two-lot subdivision platted in 1990, named Snowbird Subdivision, zoned General Residential – Low Density (GR-L). Detached townhomes are a permitted use within the GR-L zone district but restricted to a maximum of two dwelling units per lot per Ketchum Municipal Code 17.12.020 – District Use Matrix.

The existing subdivision includes one lot fronting Bird Dr. and a flag lot with limited frontage on Bird Dr. The current flag lot condition is nonconforming as the subdivision regulations do not permit flag lots. To develop the property with the proposed four detached townhouses, two per lot, the applicant has proposed to first reconfigure the lot lines between Lots 1 and 2 and realign the access to a consolidated central access easement. After the reconfiguration of lot lines and access, design review approval and townhouse subdivision preliminary plat approval are required separately for each lot for the proposed detach townhouses. The applicant has submitted all five required applications as outlined above for consideration by the Planning and Zoning Commission.

The project will construct improvements to the right-of-way per the City of Ketchum improvement standards. All improvements to the right-of-way will be reviewed and approved by the City Engineer and Streets Department prior to issuance of a building permit.

The applicant has requested phased development agreements for both lots to permit the filing of the final plats once a certificate of occupancy has been issued for the first unit. Staff is supportive of the request and has drafted two phased development agreements, one for each lot, for consideration by the Planning and Zoning Commission.



FINDINGS REGARDING COMPLIANCE WITH ZONING CODE AND DIMENSIONAL STANDARDS

Zoning and Dimensional Standards Analysis				
Compliant			Ketchum Municipal Code Standards and Staff Comments	
Yes	No	N/A	KMC §	Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.020</b>	<b>Use</b>
			<b>Staff Comments</b>	<p><b>Permitted:</b> “dwelling, one-family” – A multi-family development containing up to two dwelling units is permitted.</p> <p><b>Proposed:</b> Lot 2A is proposed to contain two detached townhomes. Per KMC 17.08.020, townhouse developments can be single buildings containing single townhouse units.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Minimum Lot Area</b>
			<b>Staff Comments</b>	<p><b>Permitted:</b> 8,000 SF</p> <p>“Area of lot: The area within the boundaries of a lot, exclusive of any area contained within a public or private street, alley, fire lane or private driveway easement; also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street and exclusive of any portion of the property that lies between the mean high water marks of the Big Wood River, Trail Creek and Warm Springs Creek. All exclusions shall not be used for the purpose of calculating density and building coverage. Lot area shall include the area of any dedicated public bike path, equestrian path or other public pathway within the boundaries of a lot.”</p> <p><b>Proposed:</b> 10,022 SF – 1,873 SF (driveway easement) = 8,149 SF</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>FAR or Lot Coverage</b>
			<b>Staff Comments</b>	<p><b>Maximum Permitted:</b> 35% lot coverage</p> <p><b>Proposed:</b>                      Lot Area – 8,149 SF                      Building Coverage – 2840 SF                      Lot Coverage – 2840 / 8149 = 34.9%</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Minimum Building Setbacks</b>
			<b>Staff Comments</b>	<p><b>Minimum Required:</b>                      Front (Bird Drive): 15 feet                      Side (north): The greater of 1' for every 3' in building height, or 5' (1)– zero required for subplot line                      Side (south): The greater of 1' for every 3' in building height, or 5' (1) – zero required for subplot line                      Rear (west): The greater of 1' for every 3' in building height, or 15'</p> <p>Footnote 1: If the lot adjoins a more restrictive district on the side or rear, the more restrictive setbacks of that district shall apply.</p> <p>Building Height of Unit 1 is 34 feet 4 inches per Sheet A3.1.                      Building Height of Unit 2 is 33 feet 5 1/2 inches per Sheet A3.1.                      Side Setbacks required based on building height are 11 feet 5 inches.</p>

				<p>KMC §17.128.020: Supplementary Yard Regulations</p> <ol style="list-style-type: none"> <li>1. Cornices, canopies, eaves, chimney chases or similar architectural features may extend into a required yard not more than three feet.</li> <li>2. Decks more than 30 inches in height from existing grade at any point shall be subject to setbacks.</li> </ol> <p><b>Proposed:</b>  Front – 15 feet 5 3/4 inches (Unit 1) and 15 feet 2 inches (Unit 2)  Side – 11 feet 8 inches to southern lot line (Unit 2)  Side – 11 feet 10 inches to northern lot line (Unit 1)  Rear – 17 feet 9 3/4 inches to Unit 2 and 17 feet 9 3/4 inches to Unit 1</p> <p>Footnote 1: The subject property is not adjacent to the a less restrictive zone district. All adjacent properties are zoned GR-L except for to the east, which is zoned GR-H.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Building Height</b>
			<b>Staff Comments</b>	<p><b>Maximum Permitted:</b> 35 feet</p> <p><b>Proposed:</b>  Building Height of Unit 1 is 34 feet 4 inches per Sheet A3.1.  Building Height of Unit 2 is 33 feet 5 1/2 inches per Sheet A3.1.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.125.030H</b>	<b>Curb Cut</b>
			<b>Staff Comments</b>	<p><b>Permitted:</b>  A maximum of thirty five percent (35%) of the linear footage of any street frontage may be devoted to access off street parking.</p> <p><b>Proposed:</b> 17% driveway proposed</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.125.040</b>	<b>Parking Spaces</b>
			<b>Staff Comments</b>	<p><b>Minimum Required:</b> 2 parking spaces for units 2,001 SF or more</p> <p><b>Proposed:</b>  Unit 1  2 car garage  Dimension of spaces (23 ft x 23 ft 9 inches)</p> <p>Unit 2  2 car garage  Dimension of spaces (23 ft x 23 ft 9 inches)</p>
			<b>17.125.040</b>	<b>Open Space</b>
			<b>Staff Comments</b>	<p><b>Required:</b> n/a</p> <p><b>Proposed:</b> n/a</p>

FINDINGS REGARDING COMPLIANCE WITH DESIGN REVIEW STANDARDS

Improvements and Standards (KMC §17.96.060)				
Yes	No	N/A	KMC §	Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.A1 Streets</b>	<b>The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.</b>
			<i>Commission Findings</i>	The project proposes to add a new curb cut for the central driveway from Bird Dr. and bring the existing right-of-way up to all applicable city standards. All improvements to the right-of-way are at the expense of the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.A2 Streets</b>	<b>All street designs shall be approved by the City Engineer.</b>
			<i>Commission Findings</i>	No new streets are proposed for the project, however, all required improvements to the right-of-way as shown on the project plans has been reviewed by the City Engineer. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project per condition of approval #2.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B1 Sidewalks</b>	<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>Commission Findings</i>	KMC 17.124.140 outlines the zone districts where sidewalks are required when substantial improvements are made, which include the CC, all tourist zone districts, and all light industrial districts. The subject property is within the GR-L zone district, which is not a district where sidewalks are required per the development standards.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B2 Sidewalks</b>	<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>Commission Findings</i>	This standard is not applicable as sidewalks are not required for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B3 Sidewalks</b>	<b>Sidewalks may be waived if one of the following criteria is met:</b> <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>Commission Findings</i>	This standard is not applicable as sidewalks are not required for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B4 Sidewalks</b>	<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>Commission Findings</i>	This standard is not applicable as sidewalks are not required for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B5 Sidewalks</b>	<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>Commission Findings</i>	This standard is not applicable as sidewalks are not required for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.B6 Sidewalks</b>	<b>The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by</b>

				<b>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>Commission Findings</i>	This standard is not applicable as sidewalks are not required for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.C1 Drainage</b>	<b>All storm water shall be retained on site.</b>
			<i>Commission Findings</i>	Stormwater management was reviewed for the entire site during department review. The City Engineer did not have comments related to on-site stormwater management.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.C2 Drainage</b>	<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>Commission Findings</i>	Drainage improvements associated with improvements to the right of way have been designed for the full length of the property as shown in the project plans. Final review and approval of all drainage improvements will be reviewed by the City Engineer at the time of building permit approval per condition of approval #2.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.C3 Drainage</b>	<b>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</b>
			<i>Commission Findings</i>	No additional drainage improvements are required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.C4 Drainage</b>	<b>Drainage facilities shall be constructed per City standards.</b>
			<i>Commission Findings</i>	The proposed drainage improvements to the right-of-way are designed to meet city standards. Final design will be reviewed and approved by the City Engineer prior to issuance of a building permit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.D1 Utilities</b>	<b>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</b>
			<i>Commission Findings</i>	The applicant is the responsible party for improvements and installation of utilities for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.D2 Utilities</b>	<b>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</b>
			<i>Commission Findings</i>	All utilities serving the project are proposed underground including electricity, gas, phone and cable services. Currently, phone and cable infrastructure is located within the city's right-of-way adjacent to Lot 2A. Sheet C1.0 shows the relocation of those encroachments to the public utility easement along the front property boundary of Lot 2A, out of the right-of-way. Two transformers are located within the public utility easement on Lot 2A which will serve the proposed project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.D3 Utilities</b>	<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>Commission Findings</i>	Extension of utilities is not required for the project; therefore, this standard does not apply.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.E1 Compatibility of Design</b>	<b>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</b>

			<i>Commission Findings</i>	As shown in the renderings and materials board on Sheet A5.0, the project proposes a mix of wood siding, stone, and metal paneling. The adjacent properties are of an older architectural style and include traditional horizontal siding (vinyl/wood). However, further north and south of the subject property, newer developments recently completed and under construction within the neighborhood are of a modern design with similar materials as the proposed project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.E2 Compatibility of Design</b>	<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>Commission Findings</i>	The subject property is vacant; therefore, this standard does not apply.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.E3 Compatibility of Design</b>	<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>Commission Findings</i>	The subject property is vacant; therefore, this standard does not apply.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F1 Architectural</b>	<b>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</b>
			<i>Commission Findings</i>	Each unit includes direct access from the driveway to the entrance to the unit clearly defined with a small, covered porch and entryway. As noted above, sidewalks are not required. Pedestrian access from the street will be from the central private drive.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F2 Architectural</b>	<b>The building character shall be clearly defined by use of architectural features.</b>
			<i>Commission Findings</i>	The building is intended to have a mountain modern character defined by a horizontal and vertical features and materials. The project has a strong rectangular form softened by undulation of the building façade and use of outdoor patios at upper levels.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F3 Architectural</b>	<b>There shall be continuity of materials, colors and signing within the project.</b>
			<i>Commission Findings</i>	The project proposes a consistent use of materials including wood siding, stone, metal panels, and metal accents on railings and window trim.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F4 Architectural</b>	<b>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</b>
			<i>Commission Findings</i>	The project proposes a wood fence along the perimeter of the property. As shown on the project plans, entry monuments to the project are proposed within the 10 public utility easement along the front property line. Materials for the entry monuments complement the stone on the primary building façade. Permission from Idaho Power is required for the placement of the monuments as outlined in condition of approval #2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F5 Architectural</b>	<b>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</b>
			<i>Commission Findings</i>	The design of the project includes various features that reduce the bulk and flatness of the structure. The ground floor of the units carries the weight of the design and utilizes materials with a heavier weight such as stone and metal. The upper floors step back in multiple locations and utilize light materials such as wood siding. Additionally, the entrance to the unit is stepped back completely on all three floors to provide a dramatic reduction in the bulk of the buildings from the front.
			<b>17.96.060.F6</b>	<b>Building(s) shall orient towards their primary street frontage.</b>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Architectural</b>	
			<i>Commission Findings</i>	Currently, each townhouse is oriented toward the central driveway with the front door of the unit internal to the development. As shown in the renderings and elevations on Sheet A5.0, the front entries to the units face the street but are significantly stepped back as the garage occupies most of the ground floor on the street side. However, there are upper floor balconies that face the street on the second and third floors. The intent of the standard is to ensure that projects interact with the street, which supports integration of neighborhoods through interactions between residents. The second-floor balconies serve to facilitate that engagement even though the entry to the units is set back.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F7 Architectural</b>	<b>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</b>
			<i>Commission Findings</i>	Garbage will be stored within the individual garages and no satellite receivers are anticipated. There is no alley. Specific locations for the garbage carts to be placed is outlined on the landscape plan for the project to ensure ease of access for garbage service. Per a letter from Clear Creek Disposal dated January 24, 2022 indicates the proposal as satisfactory.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F8 Architectural</b>	<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>Commission Findings</i>	The new detached townhouses have flat roofs with extensive roof catchment and drain systems for each subplot. All runoff is being management on-site per the drainage plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.G1 Circulation Design</b>	<b>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</b>
			<i>Commission Findings</i>	The project provides pedestrian access to Bird Dr. As Bird Dr. is considered a residential street, all pedestrian, equestrian and bicycle movements are contained within the street. There are no easements or pathways in the area requiring connectivity to the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.G2 Circulation Design</b>	<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>Commission Findings</i>	The project does not propose any encroachments into the right-of-way.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.G3 Circulation Design</b>	<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>Commission Findings</i>	No new streets are proposed. Traffic access to the project is via the central driveway.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.G4 Circulation Design</b>	<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>Commission Findings</i>	The project is not within 20 feet of an intersection, therefore, this standard is met.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.G5 Circulation Design</b>	<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>Commission Findings</i>	Access for emergency vehicles, snowplows, garbage trucks, and delivery vehicles is from Bird Dr. Bird Dr is classified as a residential street, requiring a minimum right-of-way of 60 feet. Bird Dr has a 60-foot right-of-way which meets city standards. The central private driveway has been reviewed and approved by the Fire Department during department review. Initial design drawings showed a 16-foot driveway; however, a full 20-foot paved driveway is required per fire code. The driveway is snow melted and therefore no snowplowing is required. Per the letter from Clear Creek Disposal dated January 24, 2022, the driveway is adequate for garbage service.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.H1 Snow Storage</b>	<b>Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.</b>
			<i>Commission Findings</i>	The central driveway and individual driveways contain snow melt, therefore no storage is required. Adequate snow storage for the pathways from the driveways to the unit is provided in the adjacent landscape areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.H2 Snow Storage</b>	<b>Snow storage areas shall be provided on-site.</b>
			<i>Commission Findings</i>	All snow storage is provided on-site. No hauling is required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.H3 Snow Storage</b>	<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>Commission Findings</i>	The pedestrian pathways which will be shoveled are less than 5 feet by 25 feet. As such, smaller snow storage areas are supported as the majority of hard surfaces are snow melted.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.H4 Snow Storage</b>	<b>In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.</b>
			<i>Commission Findings</i>	Snow melt is proposed for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.I1 Landscaping</b>	<b>Landscaping is required for all projects.</b>
			<i>Commission Findings</i>	The project proposes an extensive landscaping plan with a variety of trees, shrubs, bushes, perennials and ground covers as shown on Sheet L-1.2 of the project plans.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.I2 Landscaping</b>	<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>Commission Findings</i>	Proposed plant materials are drought tolerant and are consistent with landscaping of surrounding properties within the neighborhood.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.I3 Landscaping</b>	<b>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</b>
			<i>Commission Findings</i>	All proposed plant materials are drought tolerant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.I4 Landscaping</b>	<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>Commission Findings</i>	The landscape plan for the project provides buffer between the new detached townhouses and the adjacent condominium complexes. Landscaping is also proposed between the new units and the street.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.J1 Public Amenities</b>	<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>Commission Findings</i>	This standard is not applicable as sidewalks are not required.

### CONCLUSIONS OF LAW

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

### DECISION

**THEREFORE**, the Commission **approves** this Design Review Application File No. P21-062 this Tuesday, April 12, 2022 subject to the following conditions of approval.

### CONDITIONS OF APPROVAL

1. The preliminary plat is subject to all applicable provisions of the Phased Development Agreement #22765.
2. Prior to submittal of the first building permit application, the applicant shall receive written approval from utility providers for the placement of entry monuments within the public utility easement. Failure to obtain such approval shall result in the removal or relocation of said monuments.
3. Final civil drawings prepared by an engineer registered in the State of Idaho which include specifications for right-of-way, utilities, and drainage improvements shall be submitted for review and approval by the City Engineer, Streets, and Utilities departments prior to issuance of a building permit for the project.



4. The term of Design Review approval shall be twelve (12) months from the date that the Findings of Fact, Conclusions of Law, and Decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations.
5. 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 12<sup>th</sup> day of April 2022.

---

Neil Morrow, Chair  
City of Ketchum  
Planning and Zoning Commission



City of Ketchum  
Planning & Building

IN RE:	)	
	)	
Snowbird Townhomes Lot 2A	)	<b>KETCHUM PLANNING &amp; ZONING COMMISSION</b>
Townhouse Subdivision – Preliminary Plat	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND</b>
Date: April 12, 2022	)	<b>DECISION</b>
	)	
File Number: 21-059	)	

PROJECT: Snowbird Townhomes Lot 2A

APPLICATION TYPE: Townhouse Subdivision – Preliminary Plat

FILE NUMBER: P21-059

ASSOCIATED APPLICATIONS: Subdivision Preliminary Plat (P21-056)  
Design Review (P21-062)

REPRESENTATIVE: Dave Patrie, Benchmark Associates (Engineer)

OWNER: Scott J Edwards

LOCATION: 220 Bird Drive

ZONING: General Residential Low Density (GR-L)

OVERLAY: None

**RECORD OF PROCEEDINGS**

The City of Ketchum received the applications for Subdivision Preliminary Plat, Townhouse Preliminary Plat, and Design Review on June 22, 2021. The applications were reviewed concurrently and certified complete on March 1, 2022. Following receipt of the complete application, staff routed the application materials to all city departments for review. Department comments were provided to the applicant on March 1, 2022.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on March 23, 2022. The public hearing notice was published in the Idaho Mountain Express the on March 23, 2022. A notice was posted on the project site and the city’s website on March 23, 2022.

The Planning & Zoning Commission considered the Snowbird Subdivision Preliminary Plat (File No. P21-056), and Snowbird Townhomes-II Design Review (File No. P21-062) and Townhouse Subdivision Preliminary Plat (File No. P21-059) applications during their regular meeting on April 12, 2022. The

development applications were considered concurrently and the associated public hearings were combined in accordance with Idaho Code §67-6522. After considering Staff’s analysis, the applicant’s presentation, and public comment, the Planning & Zoning Commission unanimously approved the Snowbird Townhomes-II Design Review (File No. P21-062) and unanimously recommended approval of the Subdivision Preliminary Plat (File No. P21-056) and Townhouse Subdivision Preliminary Plat (File No. P21-059) application to the City Council.

**BACKGROUND**

The Applicant is proposing four detached townhomes each approximately 3,700 square feet and three stories (the “project”), located at 220 and 222 Bird Dr. (the “subject property”). The subject property is a two-lot subdivision platted in 1990, named Snowbird Subdivision, zoned General Residential – Low Density (GR-L). Townhomes are a permitted use within the GR-L zone district but restricted to a maximum of two dwelling units per lot per Ketchum Municipal Code 17.12.020 – District Use Matrix.

The existing subdivision includes one lot fronting Bird Dr. and a flag lot with limited frontage on Bird Dr. The current flag lot condition is nonconforming as the subdivision regulations do not permit flag lots. To develop the property with the proposed four detached townhouses, two per lot, the applicant has proposed to first reconfigure the lot lines between Lots 1 and 2 and realign the access to a consolidated central access easement. After the reconfiguration of lot lines and access, design review approval and townhouse subdivision preliminary plat approval are required separately for each lot for the proposed detach townhouses. The applicant has submitted all five required applications as outlined above for consideration by the Planning and Zoning Commission.

The project will construct improvements to the right-of-way per the City of Ketchum improvement standards. All improvements to the right-of-way will be reviewed and approved by the City Engineer and Streets Department prior to issuance of a building permit.

The applicant has requested phased development agreements for both lots to permit the filing of the final plats once a certificate of occupancy has been issued for the first unit. Staff is supportive of the request and has drafted two phased development agreements, one for each lot, for consideration by the Planning and Zoning Commission.

**FINDINGS OF FACT**

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

**FINDINGS REGARDING COMPLIANCE WITH TOWNHOUSE SUBDIVISION REQUIREMENTS**

Townhouse Plat Requirements				
Compliant			Standards	
Yes	No	N/A	City Code	City Standards
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.B	Townhouse Owners' Documents: The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held

				<p>facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.</p> <p><i>Commission Findings</i></p> <p>The applicant provided draft of the covenants, conditions, and restrictions for the Snowbird Townhomes.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.1	<p><b>Preliminary Plat Procedure: Townhouse developments shall be administered consistent with the procedures and design and development regulations established in §16.04.030 and §16.04.040 and the standards of this subsection.</b></p> <p><b>All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.</b></p> <p><i>Commission Findings</i></p> <p>The applicant submitted a Design Review application for the project in conjunction with the townhouse preliminary plat application. Both applications were reviewed and approved by the Planning and Zoning Commission at the April 12, 2022 meeting.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.2	<p><b>The subdivider may apply for preliminary plat approval from the commission pursuant to subsection 16.04.030D of this chapter at the time application is made for design review approval pursuant to title 17, chapter 17.96 of this code. The commission may approve, deny or conditionally approve such preliminary plat upon consideration of the action taken on the application for design review of the project.</b></p> <p><i>Commission Findings</i></p> <p>The applicant submitted a Design Review application for the project in conjunction with the townhouse subdivision application. Both applications were reviewed and approved by the Planning and Zoning Commission at the April 12, 2022 meeting.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.3	<p><b>The preliminary plat, other data, and the commission's findings may be transmitted to the council prior to commencement of construction of the project under a valid building permit issued by the City. The council shall act on the preliminary plat pursuant to subsection 16.04.030E and F of this chapter.</b></p> <p><i>Commission Findings</i></p> <p>Following adoption of the Findings of Fact for the Townhouse Subdivision application, staff will transmit the application and findings to the City Council for review and approval prior to issuance of a building permit for the project.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.4	<p><b>4. In the event a phased townhouse development project is proposed, after preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow §16.04.030.G and comply with the additional provisions of §16.04.110 of this code.</b></p> <p><i>Commission Findings</i></p> <p>A phased townhouse development is proposed. A phased development agreement (#22765) in conformance with Section 16.04.030.G and 16.04.110 was reviewed by the Planning and Zoning Commission on April 12, 2022. The Planning and Zoning Commission recommended approval of the phased development agreement to the City Council. Following adoption of the Findings of Fact for the</p>

				Townhouse Subdivision Preliminary Plat, staff will transmit the phased development agreement to City Council for review and action.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.D	<p><b>D. 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 townhouse has received either:</p> <p>a. A certificate of occupancy issued by the city of Ketchum for all structures in the townhouse development and completion of all design review elements as approved by the planning and zoning administrator; or</p> <p>b. Signed council approval of a phased development project consistent with §16.04.110 herein.</p> <p>2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this code.</p>
			<i>Commission Findings</i>	Pursuant to Phased Development Agreement #22765, the applicant may submit an application for final plat once a certificate of occupancy for the first townhouse unit is issued.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E. 1	<p><b>E. Required Findings:</b> In addition to all Townhouse Developments complying with the applicable provisions of Title 17 and this Subdivision Chapter (§16.04), the Administrator shall find that</p> <p>All Townhouse Developments, including each individual subplot, shall not exceed the maximum building coverage requirements of the zoning district.</p>
			<i>Commission Findings</i>	The maximum building coverage in the GR-L zone district is 35% of the lot. The subject property is 10,022 square feet. The proposed detached townhouses on Sublot 1 and 2 have an identical building coverage of 1,420 square feet. This results in a total building coverage of 2,840 square feet or 28% of the lot.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E. 2	<p><b>Garage:</b> All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.</p>
			<i>Commission Findings</i>	Each detached unit has a two car attached garage. As the proposed townhouse subdivision is for detached townhouses, the garage does not need to be separately platted or deeded separately as the garage is within the boundaries of the townhouse subplot. Plat note 8 on the townhouse preliminary plat states that garages cannot be sold and/or separated from the associated dwelling unit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E. 3	<p><b>General Applicability:</b> All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions. (Ord. 1061 § 3, 2009: Ord. 879 § 4, 2001: Ord. 460 § 2, 1987)</p>
			<i>Commission Findings</i>	During department review of the Design Review application, staff reviewed the project for compliance with the Zoning Regulations, dimensional standards, and development standards for the City of Ketchum. As conditioned, the townhouse subdivision application meets all applicable regulations.



## FINDINGS REGARDING PRELIMINARY PLAT SUBDIVISION REQUIREMENTS

Preliminary Plat Requirements					
Compliant					
Yes	No	N/A	City Code	City Standards	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.	
			<i>Commission Findings</i>	The City of Ketchum Planning and Building Department received the subdivision application and all applicable application materials on June 22, 2021.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application.	
			<i>Commission Findings</i>	The subdivision application was deemed complete on March 1, 2022.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	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:  The scale, north point and date.	
			<i>Commission Findings</i>	This standard is met as shown on Sheet 1 of the preliminary plat.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .2	The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.	
			<i>Commission Findings</i>	As shown on Sheet 1 of the preliminary plat, the subdivision is named "Snowbird Townhomes II" which is not the same as any other subdivision in Blaine County, Idaho.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.	
			<i>Commission Findings</i>	As shown on Sheet 1, the owner and subdivider is Scott J. Edwards. The plat was prepared by Randall K. French of Benchmark Engineering.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted.	
			<i>Commission Findings</i>	The legal description of the area platted is shown under the title on Sheet 1 of the preliminary plat.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.	
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat indicates the boundary lines of the adjoining townhouse subdivisions and tax lots to the north, west, and south.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .6	A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.	
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat shows the contour lines for the subject property.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I 7	The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.	
			<i>Commission Findings</i>	The property is currently vacant with no existing buildings; however, Sheet 1 of the preliminary plat shows the location of all adjacent streets (Bird Dr.) and easements.	

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	<b>Boundary description and the area of the tract.</b>
			<i>Commission Findings</i>	Sheet 1 provides the boundary description of the area and includes square footage and acreage of both sublots.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	<b>Existing zoning of the tract.</b>
			<i>Commission Findings</i>	Plat note #6 on Sheet 1 of the preliminary plat lists the existing zoning of the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .10	<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>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat shows the locations and lot lines for the proposed townhouse sublots. No new streets or blocks are being proposed with this application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .11	<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>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat shows the 20-foot-wide access and utility easement to the mutual benefit of the sublots. This easement will be the location of the private access driveway, private water lines, and private sewer lines servicing the sublots.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .12	<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>
			<i>Commission Findings</i>	As shown on Sheet 1, each subplot will have separate services for water and sewer from the main lines in Bird Dr.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .13	<b>The direction of drainage, flow and approximate grade of all streets.</b>
			<i>Commission Findings</i>	This standard does not apply as no new streets are proposed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .14	<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>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat indicates locations of proposed drywells for stormwater management of the subject property.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .15	<b>All percolation tests and/or exploratory pit excavations required by state health authorities.</b>
			<i>Commission Findings</i>	This standard does not apply as no tests are required.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .16	<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>
			<i>Commission Findings</i>	Draft covenants, conditions, and restrictions were submitted with the application materials.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .17	<b>Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.</b>
			<i>Commission Findings</i>	Sheet 1 of the preliminary plat includes a vicinity map in the upper right-hand corner.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .18	<b>The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.</b>

			<i>Commission Findings</i>	The subject property is not within a floodplain, floodway, or avalanche zone district.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .19	<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>
			<i>Commission Findings</i>	A building envelope is not required as the subject property is not within the floodway, floodplain, or avalanche zone. The subject property is not adjacent to the Big Wood River, Trail Creek or Warm Springs. The subject property does not contain slopes greater than 25% and is not adjacent to an intersection.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .20	<b>Lot area of each lot.</b>
			<i>Commission Findings</i>	As shown on Sheet 1 of the preliminary plat, the area of Sublot 1 is 5,013 square feet and the area of Sublot 2 is 5,009 square feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .21	<b>Existing mature trees and established shrub masses.</b>
			<i>Commission Findings</i>	The property is vacant with no significant trees or shrub masses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .22	<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>
			<i>Commission Findings</i>	The applicant provided a title commitment issued by Stewart Title dated July 1, 2020 and a warranty deed recorded at Instrument Number 671079 with the initial application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .23	<b>Three (3) copies of the preliminary plat shall be filed with the administrator.</b>
			<i>Commission Findings</i>	The City of Ketchum received hard and digital copies of the preliminary plat at the time of application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.A	<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. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.</b>
			<i>Commission Findings</i>	The applicant submitted a set of preliminary construction design plans for review by the City Engineer. All required public improvements are included in the project plans for the Design Review application (P21-062) and included as exhibits to the Phased Development Agreement (#22765). Final review and approval of the right-of-way improvements will be conducted during building permit review. The subject property does not include any watercourses, rock outcroppings, shrub masses or historic areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.B	<b>Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.</b>

			<i>Commission Findings</i>	This standard does not apply as this is a preliminary plat application, not a final plat application. Final review and approval of the right-of-way improvements will be conducted during building permit review. The Phased Development Agreement #22765 also stipulates the timing of all required improvements in relation to recording of the final plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.
			<i>Commission Findings</i>	As stipulated by the Phased Development Agreement #22765, all improvements are required prior to issuance of a certificate of occupancy for the first townhouse unit. As of the date of these findings, no request for security for improvements has been made by the applicant.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.D	<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.
			<i>Commission Findings</i>	This standard does not apply as this is a preliminary plat application, not a final plat application.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.E	<b>Monumentation:</b> Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows: <ol style="list-style-type: none"> <li>1. All angle points in the exterior boundary of the plat.</li> <li>2. All street intersections, points within and adjacent to the final plat.</li> <li>3. All street corner lines ending at boundary line of final plat.</li> <li>4. All angle points and points of curves on all streets.</li> <li>5. The point of beginning of the subdivision plat description.</li> </ol>

			<i>Commission Findings</i>	This standard does not apply as this is a preliminary plat application, not a final plat application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 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>
			<i>Commission Findings</i>	<ol style="list-style-type: none"> <li>1. The proposed townhouse subdivision meets all dimensional standards as outlined in the GR-L zone district for the parent lot. The minimum lot size is 8,000 square feet and the parent lot is 10,022 square feet. The new detached townhouse units meet minimum setback requirements in the GR-L for the front, side, and rear. There are no minimum setbacks to the interior lot line of a townhouse lot.</li> <li>2. Building envelopes are not required as the subject property is not within the floodplain/floodway, avalanche zone, does not contain slopes greater than 25%, nor is it located adjacent to an intersection of two streets</li> </ol>



				<ol style="list-style-type: none"> <li>3. The subject property is not a corner lot.</li> <li>4. The parent lot of the townhouse subdivision and the newly created subplot lot line is within 20 degrees to a right angle to the street lot line along Bird Dr.</li> <li>5. The subject property is not a double frontage lot.</li> <li>6. Both Sublots are provided access to Bird Dr. through a 20-foot-wide access and utility easement created with the subdivision preliminary plat application (P21-056). Per condition of approval #4, the easement shall be recorded prior to certificate of occupancy for the first townhouse unit.</li> </ol>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	<p><b>G. Block Requirements:</b> The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</li> <li>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.</li> <li>4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.</li> </ol>
			<i>Commission Findings</i>	This standard does not apply as no new blocks are being created.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H	<p><b>Street Improvement Requirements:</b></p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</li> <li>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;</li> <li>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;</li> <li>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</li> </ol>

			<p>or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;</p> <p>8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</p> <p>16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p> <p>18. Street lighting may be required by the commission or council where appropriate and shall be installed by the subdivider as a requirement improvement;</p> <p>19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section;</p> <p>20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city;</p> <p>21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p>
--	--	--	--

				<p>22. Sidewalks, curbs and gutters may be a required improvement installed by the subdivider; and</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council.</p>
				<p>No new streets are proposed or required as part of the subdivision application. Bird Dr. meets city standards for right-of-way width and pavement width. The applicant will bring the area between the existing asphalt and the property line up to current city standards as shown in the project plans. Final review of all right of way improvements will be conducted by the City Engineer at the time of building permit approval for the townhouse units.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	<p><b>Alley Improvement Requirements:</b> Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
			<i>Commission Findings</i>	<p>This standard does not apply as the subject property is not within a business, commercial, or light-industrial zone district and no alleys exist.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J	<p><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.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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</li> </ol>

			<p>approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.</p>
			<p><i>Commission Findings</i></p> <p>As shown on Sheet 1 of the preliminary plat, the subject property will have a 10-foot public utility easement along Bird Dr. Standards 2-6 do not apply to the project as the property is not adjacent to any of the listed waterways, not adjacent to Warm Springs, does not contain any irrigation infrastructure, and does not include pedestrian or equestrian pathways.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.K</p> <p><b>Sanitary Sewage Disposal Improvements:</b> Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the city engineer, council and Idaho health department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho department of health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.</p>
			<p><i>Commission Findings</i></p> <p>This standard does not apply as this application does not create a new subdivision. Both sublots are directly connected to the City of Ketchum sewer system main found in Bird Dr.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.L</p> <p><b>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>
			<p><i>Commission Findings</i></p> <p>This standard does not apply as this application does not create a new subdivision. Both sublots are directly connected to the City of Ketchum sewer system main found in Bird Dr.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.M</p> <p><b>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</p>



				submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.
			<i>Commission Findings</i>	This standard does not apply as this application does not create a new subdivision. There are no incompatible uses adjacent to the proposed townhouse sublots.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N	<p><b>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> <ol style="list-style-type: none"> <li>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.</li> <li>2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: <ol style="list-style-type: none"> <li>a. Proposed contours at a maximum of five foot (5') contour intervals.</li> <li>b. Cut and fill banks in pad elevations.</li> <li>c. Drainage patterns.</li> <li>d. Areas where trees and/or natural vegetation will be preserved.</li> <li>e. Location of all street and utility improvements including driveways to building envelopes.</li> <li>f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements.</li> </ol> </li> <li>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.</li> <li>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.</li> <li>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.</li> <li>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply: <ol style="list-style-type: none"> <li>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</li> <li>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).</li> <li>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</li> <li>d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.</li> </ol> </li> </ol>

				e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
			<i>Commission Findings</i>	This standard does not apply as this application is the townhouse subdivision of an existing subdivision lot. On-site grading for the new detached townhouse units meets all grading requirements and all disturbance will be revegetated per the landscape plan included in the project plans.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.O	<b>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.
			<i>Commission Findings</i>	The applicant submitted a site grading and drainage plan with the townhouse subdivision application showing drainage for each subplot. No common drainage courses are utilized or disturbed. The grading and drainage plan meets all requirements and each subplot is managing stormwater runoff independently, not impacting adjacent properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.P	<b>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.
			<i>Commission Findings</i>	All utilities serving the proposed subdivision are proposed underground including electricity, gas, phone, and cable services. Currently, phone and cable infrastructure are located within the city's right-of-way. Sheet 1 of the preliminary plat shows the relocation of those encroachments to the public utility easement along the front property boundary, out of the right-of-way. Two transformers are located within the public utility easement which will serve the proposed detached townhouse units.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	<b>Off Site Improvements:</b> Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			<i>Commission Findings</i>	The proposed townhouse development does not create substantial additional traffic, therefore, no improvements are required.

### CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Townhouse Preliminary Plat application for the development and use of the subject property.
2. The Commission has authority to review and recommend approval of the applicant’s Townhouse Subdivision Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §16.04.030.
4. The Townhouse Subdivision Preliminary Plat application is governed under Chapter 16.04 of Ketchum Municipal Code.
5. The Snowbird Townhomes-II Townhouse Preliminary Plat application meets all applicable standards specified in Title 16 of Ketchum Municipal Code.

### DECISION

**THEREFORE**, the Commission **recommends approval of** this Preliminary Plat application (File No. P21-059) this Tuesday, April 12, 2022, subject to the following conditions of approval.

### CONDITIONS OF APPROVAL

6. The preliminary plat is subject to all conditions of approval associated with Design Review approval 21-062.
7. The preliminary plat is subject to all applicable provisions of the Phased Development Agreement #22764.
8. The Final Plat application shall include a plat note that states the private driveway shall remain open and unobstructed for a minimum width of 20 feet year-round.
9. Failure to record a Final Plat within two (2) years of Council’s approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.

Findings of Fact **adopted** this 12<sup>th</sup> day of April 2022.

---

Neil Morrow, Chair  
City of Ketchum  
Planning and Zoning Commission