



City of Ketchum
Planning & Building

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

PROJECT: Warm Springs Ranch

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

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

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

PROPERTY OWNER: Robert Brennan, Brennan Holdings No 300 LLC

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

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

OVERLAY: Floodplain & Avalanche

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

RECORD OF PROCEEDINGS

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

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

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

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

FINDINGS OF FACT

Findings Regarding 2021 Warm Springs Ranch Project

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

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

Findings Regarding Development and Rezoning Agreement

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

Phase 1 Development

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

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

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

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

Phase 1

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

Future Phase 2 & Option to Purchase Agreement

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

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

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

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

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

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

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

Findings Regarding Large Block Preliminary Plat

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

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

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

Findings Regarding Block 1 Residential Subdivision

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

Consistent with Ketchum Municipal Code §16.04.030.C3, the subdivision application was transmitted to City Departments including the City Engineer, Fire, Building, Utilities, and Streets departments for review. The project shall meet all governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer.

Infrastructure Improvements

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

Street Improvements (KMC §16.04.040.H)

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

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

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

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

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

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

Drainage Improvements (KMC §16.04.040.O)

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

Easements (KMC §16.04.040.J)

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

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

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

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

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

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

Waiver (Ketchum Municipal Code §16.04.130)

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

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

Warm Springs Ranch

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

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

City of Ketchum Planning & Building Department

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

Table 1: Findings Regarding Preliminary Plat Requirements

Preliminary Plat Requirements (Ketchum Municipal Code §16.04.030.J)					
Compliant			Standards and Commission Findings		
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.	
			Commission Findings	<i>The application has been reviewed and determined to be complete.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J	Application and Preliminary Plat Contents: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following:	
			Commission Findings	<i>All required materials for the preliminary plat application have been submitted.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I.1	The scale, north point and date.	
			Commission Findings	<i>This standard has been met. The preliminary plat contains a scale, north point, and date.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.2	The name of the proposed subdivision.	
			Commission Findings	<i>This standard has been met. The name of the proposed subdivision is Warm Springs Ranch Block 1.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.	
			Commission Findings	<i>This information has been provided on the application form and indicated on the preliminary plat.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.4	Legal description of the area platted.	
			Commission Findings	<i>This standard has been met. The legal description is Block 1 of Warm Springs Ranch Subdivision.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.	
			Commission Findings	<i>This standard has been met. Adjoining subdivisions and parcels of property, including the Warm Springs Townhouse Condominiums, Warm Springs Tennis Condominiums, Country Club Townhomes, Bald Mountain Townhomes, and Blocks 2 and 6 of Warm Springs Ranch Subdivision have been indicated on the preliminary plat (Sheet P1).</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.J.6	A contour map of the subdivision with contour lines and a maximum interval of two feet (2') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.	

			Commission Findings	<i>The development site's existing topography is indicated on Sheet on P2 and E1 of the project plans. Existing and proposed contours are indicated on Sheets L1.1, C-1, and C-2.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.7	The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.
			Commission Findings	<i>The project plans indicate the scaled locations of existing buildings and improvements, including the existing Warm Springs Townhouse Condominiums pool. The preliminary plat indicates the scaled location of adjacent Warm Springs Road and realigned Bald Mountain Road, which will be dedicated to the city as a public street. The preliminary plat includes the scaled location of the subdivision's private roads, including Mountain Creek Drive, Townhouse Lane, and Lopey Lane. The project plans indicate the subdivision's utility, pedestrian, fisherman's and nature study easements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.8	Boundary description and the area of the tract.
			Commission Findings	<i>This boundary description and the area of the tract are noted on the preliminary plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.9	Existing zoning of the tract.
			Commission Findings	<i>Plat Note #1 indicates that Warm Springs Ranch Block 1 Subdivision is within the City's General Residential Low Density (GR-L) Zoning District.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.10	The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.
			Commission Findings	<i>This standard has been met. The preliminary plat indicates the location and dimension of street rights of way, lots, lot lines, easements as well as the lot and block numbers and street names.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.11	The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
			Commission Findings	<i>This standard has been met. The project plans indicate the location, approximate size, and propose use of all land intended to be dedicated for public use, including realigned Bald Mountain Road. The project plans indicate the location, size, and proposed use of land for common use of all future owners within the proposed Warm Springs Ranch Block 1 subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.12	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
			Commission Findings	<i>This standard has been met. The roadway plan is indicated on Sheet C1 and the associated grading and drainage plan is indicated on C2. The water infrastructure plan is indicated on Sheet C3. The sewer infrastructure plan is indicated on Sheet C4.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.J.13	The direction of drainage, flow and approximate grade of all streets.
			Commission Findings	<i>This standard has been met. The roadway plan is indicated on Sheet C1 and the associated grading and drainage plan is indicated on C2.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.14	The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.
			Commission Findings	<i>The grading and drainage plan is indicated on Sheet C-2 of the project plans. The proposed drainage plan is a system of drywells, catch basins, and storm drain pipes.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.15	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
			Commission Findings	<i>An area map showing Warm Springs Ranch Block 1 in relation to Warm Springs Road and existing Bald Mountain Road is included in the project plans.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.16	The boundaries of the floodplain, floodway and avalanche overlay district shall also be clearly delineated and marked on the preliminary plat or a note provided if the entire project is in the floodplain, floodway or avalanche overlay district.
			Commission Findings	<i>The preliminary plat and project plans show the location and area of the floodplain, floodway, and avalanche zones on the development site.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.17	Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
			Commission Findings	<i>Building envelopes are shown on lots 1 through 13 as required for lots that contain floodplain and avalanche zone. Consistent with Ketchum Municipal Code §16.04.040.G4, building envelopes outside of a 75-foot radius from the intersection have been shown on corner lots. Warm Springs Ranch Block 1 Subdivision does not contained slopes of 25% or greater based on natural contours (Ketchum Municipal Code §16.04.040.F2).</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.18	Lot area of each lot.
			Commission Findings	<i>This standard has been met. The lot area of every lot and parcel within the Warm Springs Ranch Block 1 Subdivision is indicated on the preliminary plat (Sheet P1).</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.19	Existing mature trees and established shrub masses.
			Commission Findings	<i>Block 1's existing conditions are indicated on Sheets P2 and E2.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.20	To be provided to Administrator: Subdivision names shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho and shall be approved by the Blaine County Assessor.
			Commission Findings	<i>The Warm Springs Ranch Block 1 Subdivision is unique and will not be confused with the name of any other subdivision in Blaine County, Idaho.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.21	All percolation tests and/or exploratory pit excavations required by state health authorities.
			Commission Findings	<i>This standard shall be met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.22	A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.

			Commission Findings	<i>The applicant has submitted the draft Declaration Establishing Covenants, Conditions, and Restrictions for Warm Springs Ranch Subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.23	A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner’s recorded deed to such property.
			Commission Findings	<i>This standard has been met. The applicant has a current title report and copy of the owner’s recorded deed to the subject property.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.24	A digital copy of the preliminary plat shall be filed with the administrator.
			Commission Findings	<i>This standard has been met.</i>

Table 2: Findings Regarding Subdivision Development & Design Standards

Subdivision Development and Design Standards (Ketchum Municipal Code §16.04.040)				
Yes	No	N/ A	City Code	City Standards and Commission Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.
			Commission Findings	<i>The applicant has submitted proposed plans for the Warm Springs Ranch Block 1 Subdivision’s improvements, including the roadways and utilities. The project plans, including the riparian plan on Sheet L2, preserve natural features and will restore this section of Warm Springs Creek. Following the City Council’s review and approval of the preliminary plat, the applicant shall prepare and submit final construction design plans for review and approval by the City Engineer.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.B	Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			Commission Findings	<i>The applicant shall submit final construction plans for all improvements for the subdivision’s streets, easements, sanitary sewage disposal system, water system, drainage, and utilities. These construction plans shall be stamped by an Idaho-licensed civil engineer. The final construction plans shall be reviewed and approved by the City Engineer.</i>
			16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p>required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</p>
				<p>Commission Findings</p> <p><i>Prior to final plat approval, the applicant shall construct all required improved as per the approved plans. These improvements shall be inspected by the City Engineer and the subdivision shall secure a Certificate of Completion prior to final plat approval. The City Council may accept a performance bond in cases where the required improvements can not be constructed due to weather conditions or other factors beyond the subdivider's control.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.D</p>	<p>As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.</p>
				<p>Commission Findings</p> <p><i>Prior to City Council's review and approval of the final plat, all improvements shall be inspected and approved by the City Engineer. Within 10 days after the subdivision's improvements have been installed and the as-built drawings have been submitted, the City Engineer shall inspect the project and certify the completion and acceptance of improvements.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.E</p>	<p>Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat.

				<p>3. All street corner lines ending at boundary line of final plat.</p> <p>4. All angle points and points of curves on all streets.</p> <p>5. The point of beginning of the subdivision plat description.</p>
			Commission Findings	<i>The applicant shall meet the required monumentation standards prior to the City Engineer's certification of completion of the subdivision's required improvements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.F	<p>Lot Requirements:</p> <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met. B. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section. 3. Corner lots outside of the original Ketchum Townsite shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use. 4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line. 5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. 6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.

			<p>Commission Findings</p> <p><i>The Block 1 Subdivision Preliminary Plat will create 36 single-family residential lots and parcels A, B, C, D, and E. The proposed Development Agreement will rezone Block 1 from Tourist (T) to General Residential (GR-L) Low Density. Portions of Block 1 are also within the Floodplain Overlay and Avalanche Zone. Block 1 is 13.72 acres and the single-family residential lots range in size from a minimum area of 8,252 square feet to a maximum area of 22, 241 square feet. The 36 lots comply with the size, width, depth, shape, orientation, and minimum building setback lines required in the General Residential Low Density (GR-L) Zoning District. The 30-foot setback from Warm Springs Road as required by Ketchum Municipal Code §17.12.030 has been indicated on Lot 33 through 36.</i></p> <p><i>Building envelopes are shown on lots 1 through 13 as required for lots that contain floodplain and avalanche zone. Consistent with Ketchum Municipal Code §16.04.040.G4, building envelopes outside of a 75-foot radius from the intersection have been shown on corner lots. Warm Springs Ranch Block 1 Subdivision does not contained slopes of 25% or greater based on natural contours (Ketchum Municipal Code §16.04.040.F2).</i></p> <p><i>Every lot in the subdivision has a minimum of 20 feet of frontage on either Bald Mountain Road, which will be dedicated to the city as a public street, or on the subdivision’s private roads on Parcels A and D (Townhouse Lane, Mountain Creek Drive, and Lopey Lane). As indicated in plat note 3, private roads shall maintain a free and clear width of 26 feet for emergency vehicles. Parcels A and D include a 40-foot-wide access and public utility easement and a 10-foot-wide snow storage easement.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.G</p> <p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200’), nor less than four hundred feet (400’) between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a seventy five foot (75’) radius from the intersection of the streets.
			<p>Commission Findings</p> <p><i>A two-phase Development Agreement, Phase 1 is a proposed 36-unit single family residential development in Block 1, which will be rezoned from Tourist (T) to the General Residential Low Density (GR-L) Zoning District Phase 2 may or may not occur. No development is proposed or being permitted in Blocks 2-8. The City and Owner are negotiating an Option to Purchase Blocks 2-8. In the event the City and Owner do not complete the sale of the property, the Owner will return to the Planning and Zoning Commission with a separate PUD and preliminary plat for any future development. In</i></p>

			<p><i>Blocks 2-8, the Owner is retaining the existing zoning of the blocks that consist of Tourist and Recreational Use zoning designations.</i></p> <p><i>5 blocks are proposed within the Warm Springs Ranch Block 1 Subdivision. The block pattern is designed to comply with the lot requirements specified in Ketchum Municipal Code §16.04.040.F. The block configuration is designed based on the development's sites existing topography and natural features, including Warm Springs Creek. Consistent with Ketchum Municipal Code §16.04.040.G4, building envelopes outside of a 75-foot radius from the intersection have been shown on corner lots.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.H</p> <p>H. Street Improvement Requirements:</p> <ol style="list-style-type: none"> 1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land; 2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified; 3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features; 4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods; 5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing; 6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated; 7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;

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

				<p><i>The applicant has requested waiver from certain street design and grading standards due to the site's topographical challenges. The applicant's waiver request and associated analysis is included as Attachment E to the Staff Report. Staff supports approving the applicant's waiver request because the project will improve the development's site circulation design, enhance safety, and expand pedestrian access.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	<p>I. Alley Improvement Requirements: Alleys shall be provided in, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be permitted only within the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead end alley including, but not limited to, the provision of fire protection, snow removal and trash collection services to such properties. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
			Commission Findings	<p><i>N/A. Warm Springs Ranch Block 1 Subdivision will be located within the City's General Residential Low Density (GR-L) Zoning District. Alleys are not required in residential areas.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J.	<p>J. Required Easements:</p> <ol style="list-style-type: none"> 1. Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands. 2. A public utility easement at least ten feet (10') in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the City Engineer to be necessary for the provision of adequate public utilities. 3. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse. 4. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the Council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the Council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision. 5. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural

				<p>vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>6. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>7. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate 19on-vehicular transportation system throughout the city.</p>
			Commission Findings	<p><i>As specified in the proposed Development Agreement, the applicant will provide an easement for pedestrian access to open space. The pedestrian access easement will include a 6-foot wide shoulder consisting of road mix or a concrete sidewalk along Bald Mountain Road. The 6-foot wide pedestrian access to open space required to be installed adjacent to Bald Mountain Road as required pursuant to the Development Agreement is indicated on Sheet C-1 of the project plans.</i></p> <p><i>As required by Ketchum Municipal Code §16.04.040.J3, the Block 1 Subdivision includes a 10-foot wide fisherman/sportsman’s access and nature study easement along the Warm Springs Creek riverbank. This public fishing access will be provided on Block 2 and accessed from Lopey Lane (Parcel D) within the Block 1 Subdivision.</i></p> <p><i>The applicant has provided an access and public utility easement benefiting the adjacent Country Club Townhomes and Warm Springs Townhouse Condominiums within Parcel A (Townhouse Lane). Parcel E is a parking space and trash receptacle easement to benefit the Warm Springs Townhouse Condominiums.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.K	<p>K. Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the City Engineer, Council and Idaho Health Department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho Department of Health and the Council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the Council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.</p>
			Commission Findings	<p><i>Portions of existing water and sewer lines within the development site will be abandoned and new domestic water and sewer lines will be installed to serve the</i></p>

				<i>proposed residential subdivision. The water and sewer plan is indicated on Sheets C3 and C4 of the project plans (Attachment C). The existing sewer lines proposed to be abandoned must be maintained throughout construction until all new sewer lines have been installed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.L	L. Water System Improvements: A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the City under the supervision of the Ketchum Fire Department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the Municipal water system and shall meet the standards of the following agencies: Idaho Department of Public Health, Idaho Survey and Rating Bureau, District Sanitarian, Idaho State Public Utilities Commission, Idaho Department of Reclamation, and all requirements of the City.
			Commission Findings	<i>Portions of existing water and sewer lines within the development site will be abandoned and new domestic water and sewer lines will be installed to serve the proposed residential subdivision. The water and sewer plan is indicated on Sheets C3 and C4 of the project plans (Attachment C). An additional 3rd valve shall be installed on the T at the intersection of Townhouse Lane with Mountain Creek Drive. Taps must conform to manufacturer's specifications for C-900 pipes. All opposing service line taps, such as at lots 3 & 4 and lots 33 & 34, must be offset from each other. The subdivision application requires chlorination flushing and pressure testing plan. The subdivision application plans require review and approval from the Idaho Department of Environmental Quality (DEQ).</i> <i>Fire hydrant valves shall be installed at the public water main. All fire hydrants shall be Mountain Style hydrants. A frost-free hydrant and drain rock shall be installed as a circulation point off the fire line extension at Smelter Circle.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	M. Planting Strip Improvements: Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.
			Commission Findings	<i>N/A. Warm Springs Ranch Block 1 Subdivision is within a residential area. The residential subdivision does not adjoin incompatible uses of features, such as highways, railroads, commercial, or light industrial districts.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.1	N. Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

		<ol style="list-style-type: none"> 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Council as part of the preliminary plat application. 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: <ol style="list-style-type: none"> a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns. d. Areas where trees and/or natural vegetation will be preserved. e. Location of all street and utility improvements including driveways to building envelopes. f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements. 3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways. 4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision. 5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion. 6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply: <ol style="list-style-type: none"> a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability. b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability. d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope. e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet
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				(10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
			Commission Findings	<p><i>The applicant has submitted a preliminary soils report prepared by an Idaho-licensed engineer as required by Ketchum Municipal Code §16.04.040.N1. Due to the subdivision's proximity to Warm Springs Creek, prior to any work taking place, an erosion protection plan must be submitted with the construction drawings for the required improvements for review and approval by the City Engineer (Ketchum Municipal Code §12.04.030.K).</i></p> <p><i>Retaining walls are indicated on the grading and drainage plan (Sheet C-2). The supplemental materials include examples of retaining walls designs and materials, including gabion, concrete, stone veneer, faux rock, and ultrabock. The final construction drawings shall specify the design, materials, and dimensions for all retaining walls within the development. The roadway plan should include specifications, including a cross section, of the proposed retaining walls. A safety barrier, such as a guardrail or landscaped buffer, may be required for retaining walls sited adjacent to a walking or driving surface.</i></p> <p><i>Ketchum Municipal Code §16.04.130 provides an opportunity for applicants to request waivers from certain subdivision standards. Waivers may be granted by the City Council on a case by case basis upon the recommendation of the Planning & Zoning Commission. The application for a waiver request must demonstrate that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this chapter would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health and safety, nor injurious to property owners in the immediate area.</i></p> <p><i>The applicant has requested waiver from certain street design and grading standards due to the site's topographical challenges. The applicant's waiver request and associated analysis is included as Attachment E to the Staff Report. Staff supports approving the applicant's waiver request because the project will improve the development's site circulation design, enhance safety, and expand pedestrian access.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.0	O. Drainage Improvements: The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the City on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in

				all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.
			Commission Findings	<i>Drainage within the residential subdivision will be managed through a system of swales, catch basins, and drywells. The grading and drainage plan is indicated on Sheet C-2 of the project plans.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.P	P. Utilities: In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.
			Commission Findings	<i>The applicant must coordinate with Idaho Power and Intermountain Gas to determine the location for all underground lines and connections. All utilities including, but not limited to, electricity, natural gas, telephone and cables services shall be installed underground. Adequate provision for expansion of such services within the subdivision or to adjacent lands, including installation of conduit pipe across and underneath streets, shall be installed by the subdivider prior to construction of street improvements. (Ketchum Municipal Code §16.04.040.P).</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.Q	Q. Off Site Improvements: Where the off site impact of a proposed subdivision is found by the commission or Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			Commission Findings	<i>The new bus shelter is indicated on Parcel B (Sheet C-3). Mountain Rides has reviewed and approved the preliminary plans for the proposed bus stop location.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.R	R. Avalanche And Mountain Overlay: All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in Title 17 of this Code.
			Commission Findings	<i>The Block 1 Subdivision Preliminary Plat will create 36 single-family residential lots and parcels A, B, C, D, and E. The proposed Development Agreement will rezone Block 1 from Tourist (T) to General Residential (GR-L) Low Density. Portions of Block 1 are also within the Floodplain Overlay and Avalanche Zone.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.S	S. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.
			Commission Findings	<i>The project plans, including the riparian plan on Sheet L2, preserve natural features and will restore this section of Warm Springs Creek. Following the City Council's review and approval of the preliminary plat, the applicant shall prepare and submit final construction design plans for review and approval by the City Engineer.</i>

CONCLUSIONS OF LAW

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

DECISION

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

CONDITIONS OF APPROVAL

Development and Rezoning Agreement Conditions of Approval

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

Large Block Plat Conditions of Approval

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

Block 1 Subdivision Preliminary Plat Conditions of Approval

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

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

Neil Morrow
Chair
City of Ketchum Planning and Zoning Commission