



PLANNING AND ZONING COMMISSION AGENDA
Monday, September 12, 2016

1. 5:30 PM - CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho
2. PUBLIC COMMENT - Communications from the public for items not on the agenda.
3. COMMUNICATIONS FROM STAFF
 - a. Bigwood River Bank Stabilization: The Commission will be updated on a Floodplain Development/Waterways Design Review for streambank stabilization on a lot containing 100-year floodplain and located in the Waterways Design Review Overlay Sub-district. The property is 2.3 acres in size and zoned Limited Residential-2 Acre (LR-2) with a small portion of Recreational Use (RU) along the northeastern boundary.
 - b. Foxhole Final Plat: The applicant Bruce Smith, Alpine Engineering, is requesting Final Plat approval for a two (2) subplot townhouse subdivision. The property is 8,258 square feet in size and is located in the General Residential-Low Density (GR-L) Zoning District.
 - c. Off Street Parking and Loading: City-initiated Text Amendments to Title 17, Zoning Regulations amending Chapter 17.125, Off Street Parking and Loading to align the parking ordinance with objectives of the Comprehensive Plan, to promote uses that contribute to the vitality of downtown, and to incentivize Community Housing.
4. CONSENT CALENDAR
5. FUTURE PROJECTS AND NOTICING REQUIREMENTS
6. STAFF REPORTS & CITY COUNCIL MEETING UPDATE
7. COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE
8. ADJOURNMENT

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



City of Ketchum
Planning & Building

September 12, 2016

Planning and Zoning Commission
City of Ketchum
Ketchum, Idaho

Commissioners:

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF SEPTEMBER 12, 2016

PROJECT: Heinz Floodplain Development / Waterways Design Review Update (Big Wood River Bank Stabilization)

FILE NUMBER: #14-114

OWNERS: Teresa Heinz, Mellon Bank-Trustees

REPRESENTATIVE: Evan Robertson, Attorney at Law

REQUEST: Update to the Commission: Floodplain Development/Waterways Design Review for stream bank restoration on a lot containing 100 year floodplain and located in the Waterways Design Review Overlay Subdistrict

LOCATION: Lot 6, Block 1, Bigwood Subdivision #1 (180 River Rock Road)

NOTICE: Original application: Adjacent property owners, neighboring communities and affected agencies were mailed notice on Tuesday, February 24, 2015. FEMA and the State Floodplain Coordinator were emailed notice on February 24, 2015.

Update to the Commission: No notice required.

ZONING: Limited Residential – 2 Acre (LR-2), with a small portion of Recreational Use (RU) along its northeastern boundary

OVERLAYS: Floodplain (FP) and Waterways (WW)

REVIEWER: Brittany Skelton, Senior Planner

ATTACHMENTS:

- A. #14-114 Findings of Fact, dated March 23, 2015
- B. Memorandum, Final Inspection Approval, dated October 23, 2015
- C. Photos from August 30, 2016 site visit

BACKGROUND

1. On March 9, 2015 the Commission approved Floodplain Development/Waterways Design Review Permit #14-114 for stream bank restoration and stabilization on Lot 6, Block 1, Bigwood Subdivision #1 (180 River Rock Road). The property borders the river along its western property line and the property contains some regulatory floodplain. The stream bank stabilization was evaluated under the Streambank Alteration criteria of section 17.88.050 of the Ketchum Municipal Code. No new structures or building improvements were proposed with the application.

2. The applicant's narrative accompanying the original application provided an overview of the river channelization and erosion problems at the site. The east bank of the river had been significantly undercut and was continuing to erode. The erosion was compounded by a gravel deposit on the west side of the easternmost channel, which directed the maximum velocity stream flows towards the east bank of the river. At the north (upstream) end of the project, the water flowed at a high velocity hitting the bank at almost a right angle, causing partial failure of a previous bank stabilization project and potential erosion of the west bank to the extent that the existing home on the site could be endangered.

4. The bank stabilization consisted of three components:

- Stabilization of the bank near the existing home. The bank will be regraded to form a 2:1 slope, and cobble harvested from the adjacent gravel bar may be used to augment the existing bank. Angular stone will be placed and embedded into the toe of the slope below the low water level. Willow cuttings will be placed in the rock to further stabilize and provide vegetative concealment of the installation. While the proposed bank treatment will take place over a gross channel length of 175 linear feet, not all of that length will require a full regrading, and the level of treatment will be a field decision based on specific conditions.
- Construction of four (4) low height bank barbs, made of log and stone, extending into the stream about twelve (12) feet, below the mean high water mark. Two are proposed at the north end of the project site and two near the existing home on the property. The stream would overtop the barbs at water elevations exceeding mean high water. The barbs will direct the stream flow to the west, away from the eastern bank, and will also create opportunity for fish habitat.
- Limited gravel removal of the gravel bar in the west portion of the channel. This will help move the thalweg to the west in the channel. This also satisfies FEMA's and the City of Ketchum's requirements that any development in the floodway result in no increase to the 100-year floodplain upstream or downstream. The applicant explored other solutions with FEMA Region X staff, and the proposed solution was found to be the most viable.

Brockway Engineering, PLLC conducted hydraulic modeling of the streambank stabilization project and certified that there would be no resultant rise of the river if compensatory gravel (119 cubic yards) were removed from the river.

5. The applicant received Idaho Department of Water Resources (IDWR) and U.S. Army Corps of Engineers (USACE) approvals for the proposed project.

6. The conditions applied to the approval are as follows:

1. Floodplain Development/Waterways Design Review approval shall expire one (1) year from the date of signing of approved Findings of Fact;
2. This Floodplain Development/Waterways Design Review approval is based on the plans and information presented and approved at the meeting on the date noted herein. Any building or site discrepancies which do not conform to the approved plans will be subject to removal;

3. Pursuant to Chapter 17.88.050.C.3 & 4, no chemicals or soil sterilants are allowed within 100 feet of the mean high water mark. No pesticides, herbicides, or fertilizers are allowed within 25 feet of the mean high water mark unless approved by the City Arborist;
4. All excavated materials must be removed from the riparian setback zone and deposited in an appropriate upland portion of the site and/or exported off site;
5. Any irrigation system installed shall be a temporary installation and shall be removed within three years of completion of the landscaping installation;
6. All conditions of the IDWR Permit No. S37-20367 and USACE Nation Wide Permit No. 13 NWW-2014-454-I01 shall be met prior to final Planning and Building Department inspection of the project;
7. The riparian plantings shall conform to the application Narrative, dated January 27, 2015 and the Revegetation Plan, stamped "received" on February 20, 2015, and shall be inspected for approval by the Planning and Building Department staff, upon completion of the project. Baseline photographs shall also be taken as part of the inspection;
8. No maintenance, including the mowing, trimming, and removal of vegetation, and no replacement or repair of existing non-conforming decks or patios within the riparian zone shall take place without approval from the Planning and Building Department;
9. Annual inspection reports including photographs, shall be provided by the applicant for 5 years following completion of the stream bank project to confirm compliance with conditions. Planning and Building Department staff may schedule inspections to ensure that the riparian zone is not maintained and is allowed to naturalize;
10. To the greatest extent possible, any existing stumps along the bank, that are currently contributing to bank stabilization, shall remain in place. If it is not possible to leave these stumps in place due to grading requirements, such stumps shall be relocated within the stream bank restoration work area;
11. Once work commences, if any portion of the project needs to be delayed for more than a month, a 150% security deposit shall be filed with the City for any incomplete items. This deposit will be refunded upon final inspection and approval by Planning and Building Department staff;
12. All riparian areas within fifty feet of the proposed project, and not directly affected by the restoration work, shall be fenced off to protect them from any disturbance prior to the commencement of any site work and for the duration of the project; and
13. Upon completion of the proposed project, the current mean high water mark and riparian setback shall be determined by a surveyor, licensed in the State of Idaho. The riparian setback shall be revegetated with native grasses, per the approved Revegetation Plan, and shall be inspected by Planning and Building Department staff and the Planning Commission Chairperson.

7. On Tuesday, October 15, 2015 city staff conducted a final inspection site visit to verify completion of the stream bank stabilization work as approved by the Commission. Staff found the work had been performed as approved. On Thursday, October 22, 2015 the applicant provided staff with a verification of the seed mix used to revegetate the site. It consisted of the same grasses as approved in very similar quantities. Staff filed a Final Inspection Memo, including photos from the site visit, to the project file and attached to this staff report.

8. In keeping with conditions #8 and #9 staff conducted an annual inspection site visit on August 30, 2016. Staff photographed the site and restoration work. Staff found the revegetation of the riparian area and the stream bank stabilization to be in compliance with the plans approved, with no further erosion of the stream bank, and naturalized, unmaintained revegetation of the riparian zone.

9. Staff will continue annual inspections or will obtain annual inspections reports, including photographs, from the applicant for the next four years in order to abide by condition of approval #9 of the original application.

10. Staff does not recommend any revisions or additions to the conditions of approval. All conditions remain in effect.

STAFF RECOMMENDATION

No recommendation needed at this time.

FOR MOTION PURPOSES

No motion needed at this time.

PROPOSED CONDITIONS

The conditions of approval remain in effect; no additional or revised conditions are proposed at this time.

IN RE:)	
)	
Heinz Residence Big Wood River Bank)	KETCHUM PLANNING AND ZONING COMMISSION -
Stabilization Floodplain Development)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND
Permit)	DECISION
)	
File Number: 14-114)	
)	

BACKGROUND FACTS

OWNERS: The 1961 H. J. Heinz II Charitable + Family Trust (Teresa Heinz, Trustee)

REPRESENTATIVE: Evan Robertson, Attorney at Law

REQUEST: Floodplain Development/Waterways Design Review for stream bank restoration on a lot containing 100 year floodplain and located in the Waterways Design Review Overlay Subdistrict

LOCATION: Lot 6, Block 1, Bigwood Subdivision #1 (180 River Rock Road)

NOTICE: Adjacent property owners, neighboring communities and affected agencies were mailed notice on Tuesday, February 24, 2015. FEMA and the State Floodplain Coordinator were emailed notice on February 24, 2015.

ZONING: Limited Residential – 2 Acre (LR-2), with a small portion of Recreational Use (RU) along its northeastern boundary

OVERLAYS: Floodplain (FP) and Waterways (WW)

REVIEWER: Rebecca F. Bundy, Senior Planner / Building and Development Manager

Regulatory Taking Notice: Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis.

GENERAL FINDINGS OF FACT

1. The applicant is requesting Floodplain Development/Waterways Design Review in order to conduct a streambank stabilization project in the Big Wood River. The property borders the river along its western property line. Chapter 17.88, Floodplain Management Overlay District (FP) requires that this project receive a Floodplain Development Permit and Waterways Design Review approval. In addition, the Streambank Alteration evaluation criteria will apply.
2. The entire western edge of the property lies adjacent to the floodway and contains some regulatory floodplain. The proposed stream bank stabilization project will occur below the mean high water mark in the floodway. No new structures or building improvements are proposed on the property at this time.
3. The applicant's narrative gives an overview of the river channelization and erosion problems at the site. The east bank of the river has been significantly undercut and continues to erode. The erosion is compounded by a gravel deposit on the west side of the easternmost channel, which directs the maximum

velocity stream flows towards the east bank of the river. At the north (upstream) end of the project, the water flows at a high velocity hitting the bank at almost a right angle, causing partial failure of a previous bank stabilization project and potential erosion of the west bank to the extent that the existing home on the site could be endangered.

4. The proposed bank stabilization consists of three components:

- Stabilization of the bank near the existing home. The bank will be regraded to form a 2:1 slope, and cobble harvested from the adjacent gravel bar may be used to augment the existing bank. Angular stone will be placed and embedded into the toe of the slope below the low water level. Willow cuttings will be placed in the rock to further stabilize and provide vegetative concealment of the installation. While the proposed bank treatment will take place over a gross channel length of 175 linear feet, not all of that length will require a full regrading, and the level of treatment will be a field decision based on specific conditions.
- Construction of four (4) low height bank barbs, made of log and stone, extending into the stream about twelve (12) feet, below the mean high water mark. Two are proposed at the north end of the project site and two near the existing home on the property. The stream would overtop the barbs at water elevations exceeding mean high water. The barbs will direct the stream flow to the west, away from the eastern bank, and will also create opportunity for fish habitat.
- Limited gravel removal of the gravel bar in the west portion of the channel. This will help move the thalweg to the west in the channel. This also satisfies FEMA's and the City of Ketchum's requirements that any development in the floodway result in no increase to the 100-year floodplain upstream or downstream. The applicant explored other solutions with FEMA Region X staff, and the proposed solution was found to be the most viable.

5. Brockway Engineering, PLLC has conducted hydraulic modeling of the proposed streambank stabilization project and has certified that there will be no resultant rise of the river if compensatory gravel (119 cubic yards) is removed from the river.

6. A stream bank alteration application (any work being performed below the mean high water (MHW) mark) requires approvals of the U.S. Army Corps of Engineers (USACE) and the Idaho Department of Water Resources (IDWR). The applicant has received IDWR and USACE approvals for the proposed project. As a condition of approval, all conditions of the IDWR Permit No. S37-20367 and USACE Nation Wide Permit No. 13 NWW-2014-454-I01 shall be met.

7. History of the site:

Bigwood Subdivision #1 was platted in 1986, creating Lots 1 – 7, in the City of Ketchum. The plat establishes, among other easements, a twenty-five (25) foot wide scenic easement "granted in perpetuity to the public from the bank of the Bigwood River. There shall be no construction of any fence, wall, deck or other structure except public access signage within said easement and said easement shall shift to follow any changes in the location of the river bank." According to the County Assessor's information, the house on the property was built in 1987 and is located, according to plans submitted in 2005 for an addition, five (5) feet back behind the twenty-five (25) foot wide scenic easement, in conformance with the above-noted provision.

Ketchum's Floodplain ordinance was first enacted in 1978 (#278), with updates in 1989 (#525), 1997 (#702) and 2010 (#1078), which is the current ordinance in effect. The 1978 ordinance, under which the house was originally built, did not include a riparian setback requirement. Ordinance #525 established a twenty-five (25) foot "riparian zone" and a Waterways Design Review Sub-district. It required "preservation or restoration of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum

twenty-five (25) foot setback or riparian zone.” The subsequent ordinances have strengthened the riparian zone requirements.

Since the original house was built, the owner has applied for a number of permits requiring Floodplain/Waterways Design Review approval. These are listed below, with the conditions of approval, relating to the riparian zone, from their findings of fact:

- 1994 – First river bank project (Findings are in archives in Boise):
 - Barbs, bank stabilization and riparian plantings at north end
 - Bank stabilization and riparian plantings at south end (near head gate)
 - Enhance riparian vegetation along bank in section adjacent to residence and wherever necessary.
- 2005 - #05-014 - Design Review for a 156 square foot laundry addition and 526 square foot garden shed - Condition 5. “No decks, patios, outdoor furnishings, or exterior lighting shall be installed within the twenty-five (25) foot riparian zone. No maintenance, including the mowing, trimming, and removal of vegetation and no replacement or repair of existing non-conforming decks or patios within the riparian zone shall take place without approval from the Planning Department.”
- 2005 - #05-022 – Design Review for a 2980 square foot addition to the main house – Condition 5. “No decks, patios, outdoor furnishings, or exterior lighting shall be installed within the twenty-five (25) foot riparian zone. No maintenance, including the mowing, trimming, and removal of and no replacement or repair of existing non-conforming decks or patios within the riparian zone shall take place without approval from the Planning Department.”
- #FP07-002 Appeal to City Council (after denial by the Commission of Design Review for stream bank stabilization and gravel removal from the river) - Condition 3. “Riparian vegetation and other landscaping is maintained in perpetuity as shown on the approved plans.” Condition 5: “Restoration of damaged riparian vegetation within riparian zone shall be required prior to completion of the proposed project.”
- #11-108 – Streambank stabilization project very similar to the current proposal, but containing only two (2) barbs and affecting only sixty (60) feet of river bank. The Commission conducted a meeting considering that application and was inclined to approve it with conditions, when the applicant’s attorney withdrew the application due to his client’s concerns about the wording of some of the conditions of approval.

At the time of that application staff conducted a site visit with the applicant’s representative, Steve Fisher, Fisher and Associates; the City Engineer, Jeff Loomis; Trent Stumph, Sawtooth Environmental Consulting; and Evan Robertson, the applicant’s attorney. At that time, the riparian zone along the bank was planted with native grasses, aspen and cottonwood trees and native shrubs, which are all appropriate vegetation. However, some parts of the riparian zone were planted with turf grass that had not been left unmaintained to naturalize, since it had been mowed, and the underbrush that would have naturally grown in since the 2005 design reviews was not present. Staff recommended a condition of approval reinforcing the approvals given for previous design reviews: No maintenance, including the mowing, trimming, and removal of vegetation and no replacement or repair of existing non-conforming decks or patios within the riparian zone shall take place without approval from the Planning Division. In addition, staff recommended a condition of approval that annual inspections be required to ensure that the riparian zone is being properly respected and approval conditions are abided by.

8. The Commission conducted a site visit prior to meeting to consider the current application. They were able to view the current condition of the riparian setback. Staff recommended that the current conditions of approval continue to contain conditions similar to those applied to application #11-108, requiring that the

riparian setback shall be allowed to naturalize and that inspections shall be conducted to ensure that condition has been met. The Commission added a requirement to condition #7 that photographs shall be taken at the final inspection and added condition #13 that the current riparian setback shall be determined by a surveyor and planted with native grasses.

- 9. Attachments to the March 9, 2015 staff report:
 - A. Application
 - Application Form, dated September 30, 2014
 - Addendum 1, Responses to Evaluation Criteria, Brockway Engineering, PLLC, dated September 23, 2014
 - Narrative in Support of Big Wood River Stabilization Project, Brockway Engineering, PLLC, dated January 27, 2015
 - Plan Set, dated January 27, 2014
 - HEC-RAS model calculations
 - Revegetation Plan, stamped "received" on February 20, 2015
 - B. USACE Nationwide Permit No. 13, NWW-2014-454-I01, dated December 2, 2014
 - C. IDWR Permit S37-20367, dated February 9, 2015
 - D. Public Comment
 - Email from Bureau of Land Management, dated March 4, 2015

General Requirements for all Design Review Applications				
Compliant			Standards and Decision	
Yes	No	N/A	City Code	City Standards and Decision
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.080	Complete Application
				Fire Department o No concerns.
				Public Works City Engineer o None to date. Street o No concerns.
				City Arborist o Concerns satisfied by Addendum 1, Items 4 and 5.

Compliance with Zoning District and Overlay Requirements				
Compliant			Standards and Decision	
Yes	No	N/A	Guideline	City Standards and Decision
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.24.010.D & F	SETBACKS:
			<i>Decision</i>	<i>No change.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.24.010.G	Building Height
			<i>Decision</i>	<i>No change.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.24.010.H	Lot Area
			<i>Decision</i>	Building Lot Coverage: <i>No change.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090.M	Curb Cut
			<i>Decision</i>	<i>No change.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090.A.1	Parking Spaces
			<i>Decision</i>	<i>No change.</i>

Floodplain Design Review Requirements				
EVALUATION STANDARDS: 17.88.060(E)				
Compliant			Standards and Decision	
Yes	No	N/A	Guideline	City Standards and Decision
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)1 FLOODPLAIN DEVELOPMENT/ WATERWAYS DESIGN REVIEW	Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.
			<i>Decision</i>	<i>The existing riparian zone is planted with cottonwood and aspen trees, native grasses and native shrubs along the MHW mark. At the location of the proposed project, the bank has been undercut and eroded. The applicant is proposing to repair this eroded section of river bank by placing four (4) rock and log barbs in the river and embedding angular stone into the toe of the undercut area below the low water level. Willow cuttings will be planted on the barbs and in the rock, and native grass plantings are proposed for any disturbed portions of the riparian setback. In his narrative, the applicant states that, "riparian vegetation will not be disturbed except in the immediate vicinity of the proposed rock features." Approvals have been obtained from the USACE and the IDWR. All conditions and requirements of the USACE and IDWR approvals shall be met, as well as to any conditions placed by the Commission.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)2	Preservation or enhancement of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty-five (25) foot setback or riparian zone. No construction activities, encroachment or other disturbance into the twenty five foot (25') riparian zone shall be allowed at any time without written City approval per the terms of this ordinance.
			<i>Decision</i>	<i>Please see Item 1 above for a description of existing conditions and the proposed project. As staff and the Commission have learned from prior streambank alteration permit applications, the proposed rock and log barbs to create pools that are beneficial to fish habitat. The</i>

Compliant			Standards and Decision	
Yes	No	N/A	Guideline	City Standards and Decision
				<i>applicant is proposing that all existing trees within the riparian setback will be retained and that the riparian setback will be revegetated to match exiting conditions.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)3	No development other than development by the City of Ketchum or development required for emergency access shall occur within the twenty-five (25) foot riparian zone with the exception of approved stream stabilization work. The Planning and Zoning Commission may approve access to property where no other primary access is available. Private pathways and staircases shall not lead into or through the riparian zone unless deemed necessary by the Planning and Zoning Commission.
			<i>Decision</i>	<i>This project is an application for stream stabilization work. No other development is proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)4	Plan and time frame are provided for restoration of riparian vegetation damaged as a result of the work done.
			<i>Decision</i>	<i>Per IDWR regulations, the proposed work must be done when water flows are low. The applicant proposes to perform the work in 2015 prior to high spring run-off or later in the summer when river flows diminish. Willow plantings will be made in conjunction with rock placement, and any disturbed areas are proposed to be reseeded with native grasses. Staff recommends a condition of approval that, once work commences, if any portion of the project needs to be delayed for more than a month, a 150% security deposit shall be filed with the City for any incomplete items. This deposit will be refunded upon final inspection and approval by Planning and Building Department staff.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)5	New or replacement planting and vegetation includes plantings that are low-growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings include: red osier dogwood, common choke cherry, service berry, elder berry, river birch, skunk bush sumac, beb's willow, drummond's willow, little wild rose, gooseberry, and honeysuckle.
			<i>Decision</i>	<i>The applicant has proposed to plant willow cuttings within the angular stone comprising the barbs and installed along the river bank at the time of placement of those features and to reseed grass in any disturbed areas within the riparian setback. In his narrative, the applicant states that, "riparian vegetation will not be disturbed except in the immediate vicinity of the proposed rock features."</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)6	Landscaping and driveway plans to accommodate the function of the floodplain to allow for sheet flooding. Flood water carrying capacity is not diminished by the proposal. Surface drainage is controlled and does not adversely impact adjacent properties including driveways drained away from paved roadways. Culvert(s) under driveways may be required. Landscaping berms are designed to not dam or otherwise obstruct floodwaters or divert same onto roads or other public pathways.
			<i>Decision</i>	<i>No change is proposed to the existing driveway or landscaping. The existing landscaping does not diminish flood water carrying capacity.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)7	Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not adverse.
			<i>Decision</i>	<i>No building construction or improvements are proposed. The proposed work will be confined to the river bank. IDWR has imposed conditions that practices to minimize turbidity be employed and that the project be done during low flow of the river. The applicant has stated that the proposed project will "create additional habitat in the pools formed</i>

Compliant			Standards and Decision	
Yes	No	N/A	Guideline	City Standards and Decision
				<i>upstream of the barbs.” This is consistent with staff research conducted for previous stream alteration projects. Staff recommends a condition of approval that all riparian areas within fifty feet of the proposed project, and not directly affected by the restoration work, shall be fenced off to protect them from any disturbance prior to the commencement of any site work and for the duration of the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)8	Building setback in excess of minimum required along waterways is encouraged.
			<i>Decision</i>	<i>No building construction is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)9	The top of the lowest floor of a building located in the 1% annual chance floodplain shall be a minimum of twenty-four inches (24”) above the base flood elevation of the subject property.
			<i>Decision</i>	<i>No building construction is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)10	The back fill used around the foundation in the floodplain provides a reasonable transition to existing grade, but is not used to fill the parcel to any greater extent. Compensatory storage shall be required for any fill placed within the floodplain. A LOMA-F shall be obtained prior to placement of any additional fill in the floodplain.
			<i>Decision</i>	<i>No building construction is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)11	All new buildings shall be constructed on foundations that are approved by a licensed professional engineer.
			<i>Decision</i>	<i>No building construction is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)12	Driveways comply with effective Street Standards; access for emergency vehicles has been adequately provided for.
			<i>Decision</i>	<i>No driveway construction is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)13	Landscaping or revegetation conceals cuts and fills required for driveways and other elements of the development.
			<i>Decision</i>	<i>No building or driveway construction is proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)14	(Stream Alteration) The proposal is shown to be a permanent solution and creates a stable situation.
			<i>Decision</i>	<i>The applicant states in Addendum 1.13 that “The proposed project is designed to halt the east bank erosion and encourage the thalweg of the stream to migrate to a location where natural transport of gravel can occur, thus maintaining all existing river channels open for water conveyance at normal and flood conditions. This will result in a straighter reach with more uniform velocities that are not concentrated on the east bank, providing a reasonably stable channel.” The applicant worked in close cooperation with FEMA Region X to arrive at the proposed design. The proposed stabilization techniques are consistent with the IDWR requirements of Rule 59. Drop Structures, Sill and Barbs. In addition, the applicant has provided a No Rise Certificate and supporting calculations, certifying that the proposed installations will not cause a rise of the river elevation.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)15	(Stream Alteration) No increase to the 100-year floodplain upstream or downstream has been certified by a registered Idaho engineer.
			<i>Decision</i>	<i>Brockway Engineers, PLLC has provided a No Rise Certificate and supporting calculations, certifying that the proposed installations will not cause a rise of the river elevation.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)16	(Stream Alteration) The recreational use of the stream including access along any and all public pedestrian/fisherman’s easements and the aesthetic beauty is not obstructed or interfered with by the proposed work.
			<i>Decision</i>	<i>While there will be some short term obstruction of the river bank</i>

Compliant			Standards and Decision	
Yes	No	N/A	Guideline	City Standards and Decision
				<i>during construction, it will cease at the completion of the actual construction period.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)17	Where development is proposed that impacts any wetland, first priority shall be to move development from the wetland area. Mitigation strategies shall be proposed at time of application that replace the impacted wetland area with a comparable amount and/or quality of new wetland area or riparian habitat improvement.
			<i>Decision</i>	<i>No wetlands are affected by the proposed project</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)18	(Stream Alteration) Fish habitat is maintained or improved as a result of the work proposed.
			<i>Decision</i>	<i>The applicant has stated that the proposed project will "create additional habitat in the pools formed upstream of the barbs." This is consistent with staff research conducted for previous stream alteration projects.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)19	(Stream Alteration) The proposed work is not in conflict with the local public interest, including, but not limited to, property values, fish and wildlife habitat, aquatic life, recreation and access to public lands and waters, aesthetic beauty of the stream and water quality.
			<i>Decision</i>	<i>The proposed work is not in conflict with the public interest. The applicant has worked in close cooperation with FEMA Region X to arrive at the proposed design. The proposed stabilization techniques are consistent with the IDWR requirements. The applicant has stated that the proposed project will "create additional habitat in the pools formed upstream of the barbs." This is consistent with staff research conducted for previous stream alteration projects.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)20	(Stream Alteration) The work proposed is for the protection of the public health, safety and/or welfare such as public schools, sewage treatment plant, water and sewer distribution lines and bridges providing particularly limited or sole access to areas of habitation.
			<i>Decision</i>	<i>The applicant has worked in close cooperation with FEMA Region X to arrive at the proposed design. The proposed stabilization techniques are consistent with the IDWR requirements. The project will help protect the east side of the Big Wood River bank.</i>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and zoning code, Title 17.
3. The Commission has authority to hear the applicant's Floodplain Development Permit Application pursuant to Chapter 17.88 of Ketchum Code Title 17.
4. The City of Ketchum Planning Department provided adequate notice for the review of this application.
5. The project **does** meet the standards of approval under Chapter 17.88 of Zoning Code Title 17.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Floodplain Development Permit Application this Monday, March 9th, 2015, subject to the following conditions:

1. Floodplain Development/Waterways Design Review approval shall expire one (1) year from the date of signing of approved Findings of Fact;
2. This Floodplain Development/Waterways Design Review approval is based on the plans and information presented and approved at the meeting on the date noted herein. Any building or site discrepancies which do not conform to the approved plans will be subject to removal;
3. Pursuant to Chapter 17.88.050.C.3 & 4, no chemicals or soil sterilants are allowed within 100 feet of the mean high water mark. No pesticides, herbicides, or fertilizers are allowed within 25 feet of the mean high water mark unless approved by the City Arborist;
4. All excavated materials must be removed from the riparian setback zone and deposited in an appropriate upland portion of the site and/or exported off site;
5. Any irrigation system installed shall be a temporary installation and shall be removed within three years of completion of the landscaping installation;
6. All conditions of the IDWR Permit No. S37-20367 and USACE Nation Wide Permit No. 13 NWW-2014-454-I01 shall be met prior to final Planning and Building Department inspection of the project;
7. The riparian plantings shall conform to the application Narrative, dated January 27, 2015 and the Revegetation Plan, stamped "received" on February 20, 2015, and shall be inspected for approval by the Planning and Building Department staff, upon completion of the project. Baseline photographs shall also be taken as part of the inspection;
8. No maintenance, including the mowing, trimming, and removal of vegetation, and no replacement or repair of existing non-conforming decks or patios within the riparian zone shall take place without approval from the Planning and Building Department;
9. Annual inspection reports including photographs, shall be provided by the applicant for 5 years following completion of the stream bank project to confirm compliance with conditions. Planning and Building Department staff may schedule inspections to ensure that the riparian zone is not maintained and is allowed to naturalize;
10. To the greatest extent possible, any existing stumps along the bank, that are currently contributing to bank stabilization, shall remain in place. If it is not possible to leave these stumps in place due to grading requirements, such stumps shall be relocated within the stream bank restoration work area;

11. Once work commences, if any portion of the project needs to be delayed for more than a month, a 150% security deposit shall be filed with the City for any incomplete items. This deposit will be refunded upon final inspection and approval by Planning and Building Department staff;
12. All riparian areas within fifty feet of the proposed project, and not directly affected by the restoration work, shall be fenced off to protect them from any disturbance prior to the commencement of any site work and for the duration of the project; and
13. Upon completion of the proposed project, the current mean high water mark and riparian setback shall be determined by a surveyor, licensed in the State of Idaho. The riparian setback shall be revegetated with native grasses, per the approved Revegetation Plan, and shall be inspected by Planning and Building Department staff and the Planning Commission Chairperson.

Findings of Fact **adopted** this 23th day of March, 2015.



Deborah Burns, Chairperson or
Steve Cook, Vice-Chair
Planning and Zoning Commission



MEMO
FINAL INSPECTION APPROVAL

PROJECT: Heinz Residence Big Wood River Stabilization Floodplain Development Permit

BUILDING PERMIT #: n/a **DESIGN REVIEW #:** 14-114

OWNERS: The 1961 H. J. Heinz II Charitable + Family Trust (Teresa Heinz, Trustee)

REPRESENTATIVE: Evan Robertson, Attorney at Law
Charles G. Brockway, Ph.D., P.E.

LOCATION: Lot 6, Block 1, Bigwood Subdivision #1 (180 River Rock Road)

ZONING: Limited Residential – 2 Acre (LR-2), with a small portion of Recreational Use (RU) along its northeastern boundary

1. On Tuesday, October 20, 2015, staff conducted a final inspection of the Heinz Streambank Alteration. Staff found that the work had been performed as approved.
2. On Thursday, October 22, 2015, the applicant provided staff with verification of the seed mix utilized to revegetate the site. It consisted of the same grasses as approved in very similar quantities. See attached Seed Mix Specifications.
3. The attached photographs document the condition of the site on October 20, 2015.
4. The conditions of approval of WWDR #14-114, pertaining to the future utilization of the site, shall continue to be in effect.

DATED this 23rd day of October, 2015.

A handwritten signature in blue ink that reads "Rebecca F. Bundy".

Rebecca F. Bundy, CFM
Senior Planner / Building and Development Manager



Reseeding



Northernmost Barb



Second Barb from North



Two Most Northern Barbs and Toe Protection/Reseeded Area



New Riparian Zone Flags



Third and Fourth Barbs from the North



Southern Toe Protection and Reseeded Area



Unmowed Condition of Riparian Zone



Third Barb



Third Barb



Two northernmost barbs



Second northernmost barb



Reseeded, naturalized, and unmaintained riparian area



Reseeded, naturalized, and unmaintained riparian area



Third barb from the north



Fourth barb from the north



City of Ketchum

Planning and Zoning Commission
 City of Ketchum
 Ketchum, Idaho

Commissioners:

**STAFF REPORT
 KETCHUM CITY COUNCIL
 REGULAR MEETING OF SEPTEMBER 12, 2016**

PROJECT: Foxhole Townhomes Final Plat

FILE NUMBER: #16-061

OWNERS: Castle, Sallie B. Trustee

REPRESENTATIVE: Bruce Smith, PLS, Alpine Enterprises

REQUEST: Final plat approval for a two (2) subplot townhouse subdivision

LOCATION: 331 W. 6th Street (Lot 4, Block 73, Ketchum Townsite)

NOTICE: This application for the Preliminary Plat was properly noticed for the Planning and Zoning Commission meeting held on June 22, 2015. Notice was not required for City Council's approval of the Preliminary Plat. Notice is not required for the Planning and Zoning Commission's approval of the Final Plat.

ZONING: General Residential - Low Density, GR-L

REVIEWER: Brittany Skelton, Senior Planner

ATTACHMENTS:

- A. Application, dated August 11, 2016, including:
 1. Application form
 2. Warranty deed
 3. Draft declaration establishing Covenants, Conditions and Restrictions for Foxhole Townhomes
- B. Final Plat, dated July 7, 2016
- C. Planning and Zoning Commission Findings of Fact – Preliminary Plat, signed July 13, 2015
- D. City Council Findings of Fact – Preliminary Plat, signed June 20, 2016.
- E. Preliminary Plat, dated May 25, 2016.

RECOMMENDATION: Staff recommends approval of the Foxhole Townhomes Final Plat with conditions 1-9.

BACKGROUND

1. The subject property is located in the General Residential – Low Density (GR-L) Zone District and the lot is 8,258 square feet in size. In the GR-L Zone District, two townhome units are allowed on a lot that is at least 8,000 square feet in size. (Townhomes may be arrayed in a duplex configuration or as two separate detached residential units.) To accommodate this project, the applicant has removed an existing duplex structure from the subject property.
2. In addition to this application, the applicant applied for a Design Review permit and a Preliminary Plat permit, which the Commission approved on June 22, 2015. Thereafter, the applicant received approval of a building permit to construct the project and construction is now nearing completion. On June 6, 2016 City Council approved the Preliminary Plat. The applicant has now applied for a Final Plat.
3. The Final Plat will first be considered by the Planning and Zoning Commission. Per KMC 16.04.030.F, if the Final Plat substantially conforms to the Preliminary Plat and the final plat is in compliance with all requirements the Commission shall approve the Final Plat and the chairperson shall affix the date of acceptance and his or her signature on the final plat. Thereafter the Final Plat shall be transmitted to City Council for approval. If the Final Plat conforms to all requirements of this chapter, all conditions place upon the Preliminary Plat, and all requirements of Idaho law, Council shall approve the final plat. However, the Final Plat shall not be signed by the city clerk and recorded until the townhomes have received a certificate of occupancy, the CC&Rs have been recorded, and all design review elements as approved by the planning and zoning administrator have been completed.

City Department Comments				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.1	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Department Comments	Police Department: <ul style="list-style-type: none"> • No comment.
				Fire Department: <ul style="list-style-type: none"> • New addresses must be attained from the Fire Department prior to Certificate of Occupancy issuance.
				Streets: <ul style="list-style-type: none"> • A ROW encroachment permit is required for any infrastructure or driveways within the ROW.
				City Engineer: <ul style="list-style-type: none"> • Preliminary Plat comments have been addressed. No additional comments.
				Utilities: <ul style="list-style-type: none"> • Preliminary Plat comments have been addressed; townhomes are being served by separate service lines and meters. No additional comments.
				Building: <ul style="list-style-type: none"> • Preliminary Plat comments have been addressed; a demolition permit for the prior structure was received and two separate building permits were issued for the detached townhomes. No additional comments.
				Planning and Zoning: <ul style="list-style-type: none"> • See comments throughout staff report.

Compliance with Zoning District and Overlay Requirements					
Compliant			Standards and Staff Comments		
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Reference	FLOOR AREA: Existing: An existing duplex unit on the lot has been demolished.	
			Staff Comments	<i>Proposed:</i> Unit 1: 3,644 square feet Unit 2: 3,644 square feet Total: 7,288 square feet	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.28.010.C.1; 17.28.010.D; & 17.28.010.K	Lot Area/Coverage	
			Staff Comments	Building Lot Area: <i>Required:</i> Lot: 8,000 square foot minimum Townhouse Sublot: Shall be equal to that of the perimeter of an individual townhouse unit measured at the foundation and along the common party wall. <i>Proposed:</i> Lot: 8,258 square feet Sublot 1: 4,120 square feet Sublot 2: 4,116 square feet Building Lot Coverage: <i>Required: 35% Maximum Building Coverage</i> <i>Proposed Footprint:</i> Unit 1: Footprint 1,430 Square Feet Unit 2: Footprint 1,430 Square Feet Total: 2,860 Square Feet or 34.6%	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.28.010.J	Building Height	
			Staff Comments	<i>Required: 35 feet</i> <i>Proposed: 29'-8"</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.28.010.F; 17.28.010.H; 17.28.010.I; & 17.128.020.C	Setbacks	
			Staff Comments	<i>Note: For the purposes of evaluating setbacks – 3rd Avenue is considered the front yard, 6th Street and the internal lot line yard are considered the side yards and the alley is considered the rear yard.</i> <i>Required:</i> Front: 15 feet Rear/Interior Side: One foot for every three feet, or fraction thereof of building height; except, that no side yard shall be less than five	

				<p>feet and rear yard shall be less than 15 feet. Street Side: 10 feet</p> <p><u>Proposed:</u> Front: 20 feet Rear: 20 feet Interior Side: 10 feet Street Side: 10 feet</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.060.M	<p>Curb Cut</p> <p><u>Required:</u> A maximum of 35% of street frontage may be devoted towards access to off street parking.</p> <p><u>Proposed:</u> The applicant meets this standard. The property contains 54.95 feet of street frontage along 3rd Avenue and plans indicate a driveway width of 19.23 feet, which is equal to 34.9% of the width of the street frontage.</p>
			Staff Comments	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.060.A.1	<p>Parking Spaces</p> <p><u>Required:</u> One space per 1,500 net square feet.</p> <p><u>Proposed:</u> Eight off-street parking spaces are proposed: Four garage spaces and four driveway spaces.</p>
			Staff Comments	

Townhouse Final Plat Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.B OWNER'S DOCUMENTS	<p>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.</p>
			Staff Comments	<i>The applicant has submitted draft CC&R's. The CC&Rs shall be recorded simultaneously with recordation of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.C PRELIMINARY PLAT PROCEDURE	<p>1. The subdivider may apply for preliminary plat approval from the commission pursuant to subsection 16.04.030D of this chapter at the time application is made for design review approval pursuant to title 17, chapter 17.96 of this code. The commission may approve, deny or conditionally approve such preliminary plat upon consideration of the action taken on the application for design review of the project.</p> <p>2. The preliminary plat, other data, and the commission's findings shall not be transmitted to the council until construction of the project has commenced under a valid building permit issued by</p>

				<p>the Ketchum building inspector. The council shall act on the preliminary plat pursuant to subsection 16.04.030E of this chapter.</p>
			Staff Comments	<p>The Commission has reviewed and recommended approval of the project's design review and preliminary plat applications (#15-050 & 15-049). Building permits (#15-092 & 15-102) have been issued by the building inspector and construction has commenced on the project. The City Council has approved the preliminary townhouse plat (findings signed June 20, 2016).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.D FINAL PLAT PROCEDURE	<p>1. The Final Plat procedure contained in subsection 16.04.030F shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the townhouse has received:</p> <p>a. A certificate of occupancy issued by the city of Ketchum; and</p> <p>b. completion of all design review elements as approved by the planning and zoning administrator.</p> <p>2. The Council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to section 17.96.110 of this code.</p>
				<p>The final plat procedure shall be followed. The above requirements have been made conditions of approval.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.E GARAGE	<p>All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.</p>
			Staff Comments	<p>Each unit has an attached garage. The Final Plat outlines the overall footprint of the each townhome and the outlines of the attached two car garage for each townhome is shown and labeled as such.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.F GENERAL APPLICABILITY	<p>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.</p>
			Staff Comments	<p>All applicable city provisions are found to be in compliance.</p>

STAFF RECOMMENDATION

Staff recommends City Council approve the preliminary plat for the Foxhole Townhomes, subject to conditions 1-9 below.

COMMISSION OPTIONS

Make a motion to:

1. Recommend denial of the application of Foxhole Townhomes Final Plat to the City Council, because of the following standards (Commission to insert reasons for denial) including findings; or,
2. Recommend approval of the application of Foxhole Townhomes Townhouse Final Plat to the City Council subject to conditions 1 – 9 on the next page.

MOTION: "I MOVE TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE FOXHOLE TOWNHOMES SUBDIVISION FINAL PLAT APPLICATION BY SALLIE B. CASTLE, TRUSTEE OF THE SBC REVOCABLE TRUST, AT LOT 4, BLOCK 73, OF THE CITY OF KETCHUM (COMMONLY KNOWN AS 331 W. 6TH STREET) WITH CONDITIONS 1 - 9."

RECOMMENDED CONDITIONS

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

8. The final plat shall not be signed by the City Clerk and recorded until the townhouses have received:
 - a. A Certificates of Occupancy issued by the city of Ketchum; and
 - b. Completion of all design review elements as approved by the Planning and Zoning Administrator.
9. The Council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to Section 17.96.120.

ATTACHMENTS:

- A. Application, dated August 11, 2016, including:
 1. Application form
 2. Warranty deed
 3. Draft declaration establishing Covenants, Conditions and Restrictions for Foxhole Townhomes
- B. Final Plat, dated July 7, 2016
- C. Planning and Zoning Commission Findings of Fact – Preliminary Plat, signed July 13, 2015
- D. City Council Findings of Fact – Preliminary Plat, signed June 20, 2016.
- E. Preliminary Plat, dated May 25, 2016.

CITY OF KETCHUM SUBDIVISION APPLICATION

CERTIFIED COMPLETE

8/11/16 ko

NAME OF PROPOSED SUBDIVISION: Foxhole Townhomes

OWNER OF RECORD: Sallie Castle

ADDRESS OF OWNER: PO Box 2422, Ketchum, ID 83340

REPRESENTATIVE OF OWNER: Bruce Smith, PLS, Alpine Enterprises

CONTACT: Owner: Representative: x Phone No.: 208-727-1988
Mailing Address: PO Box 2037, Ketchum

LEGAL DESCRIPTION: (attach if necessary): Lot 4, Block 73, Ketchum ID

STREET ADDRESS: 331 W. Sixth St.

SUBDIVISION FEATURES: Number of Lots: 1
Number of Dwelling Units: 2 units

Total land area in acres or square feet: ± 8236 Sq. Ft.

Current Zoning District: GR-L Proposed Zoning District: No Change (GR-L)

Overlay District: Flood Avalanche Pedestrian Mountain

Type: Condominium Land PUD Townhouse ✓

Adjacent land in same ownership in acres or square feet: None

Easements to be dedicated on final plat: (describe briefly): Public Utilities

Proposed and existing exterior lighting: (described briefly): Downroad LED Landscape

IMPROVEMENTS TO BE INSTALLED PRIOR TO FINAL PLAT APPROVAL:

Streets Paved	Yes <u>x</u>	No <u> </u>	Water Supply:	Ketchum Municipal	<u>x</u>
Curbs & Gutters	Yes <u> </u>	No <u>x</u>		Private Wells	<u> </u>
Sidewalks	Yes <u> </u>	No <u>x</u>	Sewer System:	Public	<u>x</u>
Street Lights	Yes <u> </u>	No <u>x</u>		Septic	<u> </u>
Street Signs	Yes <u>Existing</u>	No <u> </u>		Cesspool	<u> </u>
Fire Hydrant(s)	Yes <u>Existing</u>	No <u> </u>	Power:	Underground	<u>x</u>
Extend Water Lines	Yes <u>Service</u>	No <u> </u>		Overhead	<u>Existing</u>
Extend Sewer Lines	Yes <u>Service</u>	No <u> </u>			

ATTACHMENTS TO COMPLETE APPLICATION:

- Copies of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations
- Copy of current title report and owner's recorded deed to the subject property
- Six (6) copies of preliminary plat; one (1) 11x17 copy; and, a CD or email of the electronic copy (.pdf) of the plat

The Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Subdivision Application in which the City of Ketchum is the prevailing party to pay the reasonable attorney fees, including attorney fees on appeal, and expenses of the City of Ketchum. I hereby certify that all information requested, as submitted, is prepared to the best of my ability and knowledge and I request that this application be processed for consideration as a subdivision.

Signature of Owner/Representative: Bruce Smith Date: 09/05/16

Pursuant to Resolution No. 08-123, any direct costs incurred by the City of Ketchum to review this application will be the responsibility of the applicant. Costs include but are not limited to engineer review, attorney review, legal noticing, and copying costs associated with the application. The City will require a retainer to be paid by the applicant at the time of application submittal to cover said costs. Following a decision or other closure of an application, the applicant will either be reimbursed for unexpended funds or billed for additional costs incurred by the City.

Recording Requested By And
When Recorded Mail To:

Nicholas S. Marshall, PC
Ahrens DeAngeli Law Group LLP
P.O. Box 9500
Boise, Idaho 83707-9500

Instrument # 624386

HAILEY, BLAINE, IDAHO
2-9-2015 05:37:00 PM No. of Pages: 2
Recorded for : AHRENS, DEANGELI LAW GROUP LLP
JOLYNN DRAGE Fee: 13.00
Ex-Officio Recorder Deputy *mpp*
Index to: GRANT DEED

Grant Deed

Sallie Castle, an unmarried woman, Grantor, does hereby grant, transfer and convey to Sallie B. Castle, as trustee of the SBC Revocable Trust U/T/A dated January 22, 2015, whose current address is P.O. Box 2422, Ketchum, Idaho 83340, Grantee, all of Grantor's interest in the following described real property located in Blaine County, Idaho, more particularly described as follows:

Lot 4 in Block 73 of THE CITY OF KETCHUM, according to the official plat thereof, on file in the office of the County Recorder, Blaine County, Idaho.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and all tenements, reversions, remainders, rights-of-way and water rights in anywise appertaining to the property herein described.

SUBJECT TO taxes and assessments for the year 2015 and all subsequent years, and to such rights, easements, liens, encumbrances, covenants, rights-of-way, reservations, restrictions, provisions of record, assessments, and zoning regulations as appear of record or based upon the premises, and to any state of facts an accurate survey or inspection of the premises would show.

The property described in this conveyance is conveyed to the Grantee, and the beneficial interest of such property shall be the separate property of the aforementioned SBC Revocable Trust's distributees, beneficiaries and assigns, and the beneficial interest in all income, rents, issues, profits, gains and appreciation of said property shall be the separate property of such distributees, beneficiaries and assigns.

TOWNHOUSE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
FOXHOLE TOWNHOUSES

THIS DECLARATION is made this _____ day of _____, 2015, by **FOXHOLE, LLC**, an Idaho Limited Liability Company hereinafter referred to as "**Declarant**".

R E C I T A L S

A. Property Covered. Declarant is the owner of certain real property described as Block 5, Lot 3, Warm Springs Village Subdivision, City of Ketchum, Blaine County, Idaho. The property is located at _____ and _____ 6th Street in the City of Ketchum, Blaine County, Idaho.

B. Intention of Declarant. The property has been approved by the City of Ketchum, State of Idaho, for a townhouse subdivision, referred to as the "**Foxhole Townhouses**", consisting of Lot 8B of the Resubdivision, of Lots, 4, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18 19, 20, W1/2 24, 25, 26 & 27, Sun Valley Subdivision according to the official plat thereof recorded as instrument No. 170857, records of Blaine County, Idaho, as converted into Sublot 1 and Sublot 2 (hereinafter "**sublots**"), as set forth on the plat attached hereto as Exhibit "A" and made a part hereof, which shall hereinafter be referred to collectively as the "**townhouse development project**" or the "**project**". Declarant intends to provide for townhouse ownership of the property, as improved, under Ketchum City Ordinance No. 316, which provides for ownership of individual townhouse sublots, and ownership and maintenance of the sublots by the Association as defined herein. It is the intention of Declarant to sell and convey each individual townhouse subplot, together with the improvements thereon, in the townhouse development project to various individuals or entities. The project consisting of the sublots, the individual sublots and townhouses thereon, and such sales and conveyances of the individual townhouse sublots and townhouses, shall be subject to the protective restrictions, covenants and conditions contained in this Declaration which are for the mutual benefit of the townhouse development project and the present and future Owners of the individual townhouse sublots and townhouses, and are intended to preserve the value, desirability and attractiveness of the townhouse development project, to create and protect the highest quality development of the property and to ensure proper maintenance thereof.

C. Type of Ownership. The townhouse development project will provide a means for ownership in fee simple of separate interests in townhouse sublots and townhouse units, and ownership with others through ownership by the Association of the sublots, as those terms are herein defined.

DECLARATION

NOW, THEREFORE, Declarant hereby declares that the townhouse development project is, and shall hereafter be, held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to the following covenants, conditions, restrictions and equitable servitudes, imposed in furtherance of a plan for the development, improvement and sale of the units in the townhouse development project, and to enhance the value, desirability and attractiveness of the property. The restrictions set forth herein shall run with the property within the townhouse development project, and shall be binding upon all persons having or acquiring any interest in such property, or any part thereof, and inure to the benefit of every portion of such property and any interest therein; and shall inure to the benefit of and be binding upon Declarant, its successors in interest, and may be enforced by Declarant, by any Owner or its successors in interest, or by the Owners Association.

The covenants, conditions and restrictions contained in this Declaration are IN ADDITION TO any other land use restrictions, zoning ordinances, laws, rules and decisions of other governmental authorities and governmental and judicial authorities, including the City of Ketchum and the County of Blaine, Idaho. This Declaration does not supplement any such land use restrictions which are enforced, and must be satisfied, independent of this Declaration.

ARTICLE I

Definitions

Unless the context requires otherwise, the following words and phrases when used in these Restrictions shall have the meanings hereinafter specified:

1.01 ASSESSMENTS shall mean those payments required of the Foxhole Townhouses members, including regular and special assessments as further defined in this Declaration.

1.02 BENEFICIARY shall mean a mortgagee under a mortgage or a beneficiary or holder under a deed of trust, which mortgage or deed of trust encumbers individual townhouses on the property.

1.03 COMMON EXPENSES "Common Expenses" means all expenses incurred for the upkeep, maintenance, repair, replacement, management and operation of the exterior walls and roofs of the townhouse units, including the surrounding landscaping, together with any reserve for maintenance and repairs, reinstatement, rebuilding and replacement of the same; the cost of insurance permitted or required herein to be procured and maintained by the Association; the cost and maintenance of landscaping; wages, accounting and legal fees; management fees, and any other expenses and liabilities incurred by the Association for the benefit of the owners under or by reason of this Declaration. The

Association shall provide exterior maintenance upon each townhouse unit as follows: paint, repair, replacement and care of roofs, gutters, down spouts, exterior building services, and exterior improvements. Such exterior maintenance shall not include glass surfaces which shall be the responsibility of the unit owner. In the event that the need for maintenance or repair of a townhouse unit or the improvements thereon is caused by the willful or negligent act of its owner, or through the willful or negligence acts of the lessees, guests or invitees of the owner of the townhouse unit needing such maintenance or repair, the cost of such exterior maintenance shall be added to or become part of the assessment to which such townhouse unit is subject.

1.04 DECLARANT shall mean **Foxhole LLC, an Idaho Limited Liability Company**.

1.05 DECLARATION shall mean this instrument as it may be amended and supplemented from time to time.

1.06 DEED OF TRUST shall mean a mortgage or a deed of trust, as the case may be.

1.07 DRIVEWAY EASEMENT shall mean the reciprocal driveway easement as identified as Easement "A" and Easement "B", and described in Notes 2 and 3 on the plat attached hereto as Exhibit "A". These non-exclusive easements are to be used for ingress and egress only. The easements granted herein shall be appurtenant to the respective sublots and shall run with the land.

1.08 IMPROVEMENT shall mean all structures and appurtenances thereof of every type and kind, including, but not limited to, buildings, outbuildings, garages, driveways, parking areas, fences, screening walls, retaining walls, stairs, decks, landscaping, hedges, windbreaks, planted trees and shrubs, poles, signs, exterior air conditioning, utility meters, water softener fixtures or equipment, and fire suppression system.

1.09 MORTGAGE shall mean any mortgage or deed of trust or other conveyance of a townhouse of the townhouse development project to secure the performance of an obligation which will be void and reconveyed upon the completion of such performance.

1.10 OWNER shall mean, (1) the person or persons, or other legal entity or entities, including Declarant, holding individually or in the aggregate fee simple interest in a townhouse; or, as the case may be (2) the purchaser of a townhouse.

1.11 PERMITTED USERS shall mean Owners of townhouses located in the townhouse development project and the family, invitees, licensees and lessees of any such Owners.

1.12 PERSON shall mean a natural individual or any entity with the legal right to hold title to real property.

1.13 RECORD, RECORDED AND RECORDATION shall mean, with respect to any documents, the recordation of such documents in the office of the County Recorder of the County of Blaine, State of Idaho (which may also be referred to herein as "**file**" or "**filed**").

1.14 RESTRICTIONS shall mean this Declaration, as it may be amended from time to time.

1.15 SUPPLEMENTAL DECLARATION shall mean a supplemental declaration of covenants, conditions and restrictions which shall be recorded for the purposes of setting forth additional covenants, conditions, and restrictions on the property.

1.16 TOWNHOUSE DEVELOPMENT PROJECT shall mean townhouse development project as defined in Section 2.56A of Ordinance No. 316 of the Subdivision Ordinance of the City of Ketchum, Idaho:

"A planned project of two or more townhouse units that may be constructed as single building(s) containing two or more townhouse units erected generally in a row, each unit being separated from the adjoining unit or units by a one-hour fire resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse subplot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole; and/or may be constructed as single buildings containing single townhouse units provided the separation between units and/or buildings complies with applicable codes. 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."

1.17 TOWNHOUSE SUBLLOT shall mean lots resulting from platting a townhouse project as defined in Section 2.56B of Ordinance No. 316 of the Subdivision Ordinance of the City of Ketchum, Idaho:

"The lots resulting from platting a townhouse development. Townhouse sublots shall have a minimum area equal to that of the perimeter of each individual townhouse unit measured at the foundation whether located independently or within a building containing 2 or more townhouse units in a townhouse development. Said sublots shall not be buildable for structures other than a townhouse unit as defined herein. Platting of

sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. Detached garages may be allowed in a townhouse development and may be platted on separate sublots, provided that the ownership of said 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."

1.18 TOWNHOUSE UNIT shall mean a townhouse unit as defined in Section 2.56C of Ordinance No. 316 of the Subdivision Ordinance of the City of Ketchum, Idaho:

"One or more rooms, including a bathroom, and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse subplot."

ARTICLE II

Nature and Incidents of Townhouse Ownership

2.01 Estates of Owner. The townhouse development project is hereby divided into Sublot 1 and Sublot 2 as set forth in Exhibit "A" attached hereto and made a part hereof.

The ownership interests of each Owner shall consist of (i) fee simple interest in the townhouse subplot and the townhouse unit and all other improvements built upon the particular townhouse subplot as described in the deed to the particular Owner, (ii) an interest, in common with the Owner of the adjacent townhouse unit, if any, in and to the party wall dividing the adjacent units (as more specifically described in Section 2.02 hereof), and (iii) a membership interest in the Master Association entitling such Owner to use the sublots and all amenities relating thereto in accordance with the terms hereof.

2.02 Sublot/Unit Numbers, Location and Description. Each townhouse subplot is identified by an assigned number as Townhouse Unit 1 and Townhouse Unit 2.

2.03 Title. Title to a townhouse subplot may be held or owned by any entity and in any manner in which title to any other real property may be held or owned in the State of Idaho.

2.04 Inseparability. No part of a townhouse subplot or of the legal rights comprising ownership of a townhouse unit may be separated from any other part thereof during the period of townhouse ownership prescribed herein, so that each townhouse unit shall always be

conveyed, devised, encumbered and otherwise affected only as a complete townhouse. Every gift, devise, bequest, transfer, encumbrance, conveyance or other disposition of a townhouse unit or any part thereof shall be presumed to be a gift, devise, bequest, transfer, encumbrance or conveyance, respectively, of the entire townhouse unit and townhouse subplot, together with all appurtenant rights created by law or by this Declaration and the inseparability restrictions set forth herein.

2.05 Partition Not Permitted. No Owner may bring any action for partition of the townhouse sublots or townhouse units.

2.06 Owner's Right to Sublots. Subject to the limitations contained in this Declaration, each Owner shall have the non-exclusive right to use and enjoy the general sublots.

2.07 Taxes and Assessments. Each Owner shall execute such instruments and take such actions as may be reasonably required to obtain separate real property tax assessments of the interest of each Owner in each townhouse subplot/townhouse unit. Each Owner shall pay the taxes or assessments assessed against his respective townhouse subplot/unit.

2.08 Owner's Right to Ingress and Egress and Support. Each Owner shall have the right to ingress and egress over, upon and across the sublots necessary for access to his respective townhouse unit, and such rights shall be appurtenant to and pass with the title to each townhouse unit.

2.9 Utilities. All townhouse unit Owners shall have mutual reciprocal easements for existing water, cable TV, sewage, telephone and electrical lines over, under and across their townhouse units and sublots for the repair, maintenance and replacement thereof, subject to any restoration of the easement premises for any damage resulting from such repair or replacement.

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

ARTICLE III

Description of a Townhouse

Every contract for the sale of a townhouse subplot/unit, and every other instrument affecting title to a townhouse subplot/unit, may describe that townhouse by the number shown on the townhouse map and to this Declaration as such appears on the records of the County Recorder, Blaine County, Idaho, in the following fashion:

"Townhouse subplot _____ and townhouse unit _____ as shown on the townhouse map for the Foxhole Townhouses, appearing in the records of Blaine County, Idaho, as Instrument No. _____ as defined and described in the Declaration of Covenants, Conditions and Restrictions for the Foxhole Townhouses Owners Association, recorded in the records of Blaine County, Idaho, as Instrument No. _____."

ARTICLE IV

Mechanic's Lien Rights

No labor performed or services or materials furnished with the consent of or at the request of an Owner or his agent, or his contractor or subcontractor, shall be the basis for the filing of a lien against the townhouse of any other Owner, or against any part thereof, or against any other property or any other Owner, unless such other Owner has expressly consented to or requested the performance of such labor or furnishings of such materials or services. Such express consent shall be deemed to have been given by the Owner of any townhouse in the case of emergency repairs thereto. Labor performed or services or materials furnished for the project, if duly authorized by the Association, shall be deemed to be performed or furnished with the express consent of each Owner. Any Owner may remove his townhouse from a lien against two or more townhouses or any part thereof by payment to the holder of the lien of the fraction of the total sum secured by such lien which is attributable to his townhouse.

ARTICLE V

5.01 Insurance. Each Owner shall separately insure their respective townhouse unit and other improvements on his or her townhouse subplot, or any part of it, against loss by fire or other casualty. Additionally, each Owner shall carry personal liability and property damage liability insurance with respect to his or her townhouse unit in a minimum limit of **\$500,000.00**. No such policy shall lapse, be cancelled or the coverage reduced except after **ten (10)** days written notice to the other party. Each Owner may insure his or her personal property against loss.

Each Owner will indemnify and hold harmless the other Owner from any loss, damage or claim which may result from an Owner's failure to maintain adequate fire and casualty insurance on his or her townhouse unit.

In the event any insurance policy or any endorsement thereof is not available due to the fact each townhouse unit is contiguous and has a party wall, then each Owner shall do whatever is necessary to obtain a substitute policy or endorsement as may be available, which provides as nearly as possible coverage for the entire structure, and

each Owner shall have the reciprocal right to demand payment for **fifty percent (50%)** of such policy.

5.02 Declarants agree for themselves, their successors and assigns, that the cost, maintenance and repair of the common driveway, including costs of snow removal, shall be shared equally between the parties.

ARTICLE VI

General Restrictions

All real property within the townhouse development project shall be held, used and enjoyed subject to the following limitation and restrictions:

6.01 External Fixtures. No television or radio poles, antennae, flag poles, clotheslines or other external fixtures other than those originally installed by Declarant shall be constructed, erected or maintained on or within the townhouse development project.

6.02 Insurance Rates. Nothing shall be done or kept in the townhouse development project which will increase the rate of insurance, nor shall anything be done or kept in the Hesse/Kingland Townhouses which would result in the cancellation of insurance on the townhouse development project, or which would be in violation of any law.

6.03 No Further Subdividing. No subplot or townhouse may be further subdivided, nor may any easement or other interest therein less than the whole be conveyed by the Owner thereof; provided, however, that nothing herein shall be deemed to prevent or require approval for the transfer or sale of any townhouse to more than one (1) person to be held by them as tenants in common, joint tenants, tenants by entirety or as community property.

6.04 Signs. After the sale of all sublots within the property, no sign of any kind shall be displayed to the public view, except such signs of customary and reasonable dimensions which may be displayed on or from a residence advertising that the residence is for sale or lease. "For sale" or "For Lease" signs shall not be more than one (1) foot by two (2) feet, with plain white and black block letters.

6.05 Animals. No animals of any kind shall be raised, bred or kept in any townhouse for commercial purposes. Domestic cats and dogs may be kept in a townhouse, provided that no cat or dog is a nuisance to the other townhouse owners; they shall not be allowed to run at large, chase wild animals or bark/meow excessively. Dogs shall be kept within each townhouse Owner's property at all times except when they are under the control of the Owner or on a leash. Further restrictions or an easing of such restrictions may be contained in the Supplemental Declaration affecting such townhouses.

6.06 Nuisance. No rubbish or debris of any kind shall be placed or permitted to accumulate upon any property within the townhouse development project and no odors shall be permitted to arise therefrom so as to render any such property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to its occupants. No noise or other nuisance shall be permitted to exist or operate upon any such property so as to be offensive or detrimental to any other property in the vicinity thereof or to its occupants. Without limiting the generality of any of the foregoing provisions, horns, whistles, bells or other sound devices (other than security devices used exclusively for security purposes) shall not be located, used or placed on any such property.

6.07 Permitted Uses. The townhouse development project shall be used for residential purposes only.

6.08 Leases. Nothing in this Declaration shall prevent an Owner from leasing or renting his townhouse; provided, however, any lease or rental agreement must be in writing and must specify that its terms shall be subject in all respects to the provisions of this Declaration. Any failure by the tenant to comply with the terms of this Declaration shall be a default under the lease or rental agreement. If any lease does not contain the foregoing provisions, such provisions shall nevertheless be deemed to be part of the lease and binding upon the unit Owner and the tenant by reason of their being stated in this Declaration. Other than as stated herein, there is no restriction on the right of any unit Owner to lease or otherwise rent his unit. Notwithstanding any agreement between the Owner and the prospective tenant to the contrary, the leasing or rental of a unit shall not operate to relieve the Owner of the primary responsibility for compliance with all provisions of this Declaration.

6.09 Repair of Buildings. No improvement upon any property within the townhouse development project shall be permitted to fall into disrepair, and each such improvement shall at all times be kept in good condition and repair and adequately painted.

6.10 Improvements and Alterations. There shall be no excavation or construction or alteration which in any way alters the exterior appearance of any improvement within the townhouse development project, nor removal of any improvement in the townhouse development project (other than repair or rebuilding pursuant to Section 6.09 hereof).

6.11 Drainage. There shall be no interference with the established drainage pattern over any property within the townhouse development project. For the purposes thereof, "established drainage" is defined as the drainage which exists at the time the Declaration is enacted, or upon the completion of the townhouse development project.

6.12 No Hazardous Activities. No activities shall be conducted on any property and no improvements constructed on any property which

are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any property; and no open fires shall be lighted or permitted on any property except in a contained barbecue unit while attended and in use for cooking purposes.

6.13 Use of Driveway and Parking Spaces. No articles shall be stored or remain in the driveway area, including, but not limited to, automobiles, motorcycles, other vehicles of any kind, boats and bicycles, furniture and furnishings. Refuse, garbage and trash shall be kept at all times in the townhouse project dumpster. Parking spaces may be used only for the parking of operable passenger and business vehicles. Use of parking spaces for parking trailers or recreational vehicles shall not be permitted. Improperly parked vehicles may be removed at the risk and expense of the Owner thereof.

6.14 No Temporary Structures. No tent or shack or other temporary building, improvement or structure shall be placed upon any property.

6.15 No Mining and Drilling. No property shall be used for the purpose of mining, quarrying, drilling, boring or exploring for or removing water, oil, gas or other hydrocarbons, minerals, rocks, stones, gravel or earth.

ARTICLE VII

Miscellaneous

7.01 Term. The Covenants, Conditions and Restrictions of this Declaration shall run until the year 2025, unless amended as herein provided. After said date, such Covenants, Conditions and Restrictions shall be automatically extended for successive periods of ten (10) years each, unless amended or extinguished by a written instrument executed by a least two-thirds (2/3) of the Owners of the townhouse development project and such written instrument is recorded with the Blaine County Recorder.

7.02 Amendment.

A. By Owners. Except as provided in Section 5.08, the provisions of this Declaration, other than this Article, may be amended by an instrument in writing signed and acknowledged by the president and secretary of the Association certifying that such amendment has been approved by the vote or written consent of seventy-five percent (75%) of the Owners in the townhouse development project, such an amendment shall be effective upon its recordation with the Blaine County Recorder.

B. Validity. Notwithstanding any other provision of this Declaration, no amendment of this Declaration shall operate to defeat and render invalid the rights of the beneficiary under any recorded deed of trust upon a townhouse made in good faith and for value; provided that after the foreclosure of any such deed of trust such townhouse shall remain subject to this Declaration, as amended.

7.03 Notices. Any notice permitted or required to be delivered as provided herein shall be in writing and may be delivered either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered seventy-two (72) hours after a copy of the same has been deposited in the United States mail, postage prepaid, addressed to any person at the address given by such person to the Association for the purpose of service of such notice, or to the residence of such person if no address has been given to the Association. Such address may be changed from time to time by notice in writing to the Association.

7.04 Interpretation. The provisions of this Declaration shall be liberally construed to effectuate their purpose of creating a uniform plan for the operation and future development of the townhouse development project. All provisions affecting any townhouse project in the townhouse development project shall be construed so as to be in conformance with the laws of the State of Idaho, City of Ketchum, and all other governmental regulatory agencies. This Declaration shall be construed and governed under the laws of the State of Idaho.

7.05 Enforcement and Non-Waiver.

A. Right of Enforcement. Except as otherwise provided herein, any Owner of any townhouse within the townhouse development project shall have the right to enforce any or all of the provisions of the Restrictions upon any property within the townhouse development project and the Owners thereof.

B. Violations and Nuisance. Every act or omission whereby any provision of the townhouse development project Restrictions is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated, whether or not the relief sought is for negative or affirmative action by Declarant or the Association, or any Owners of townhouses within the project.

However, any other provision to the contrary notwithstanding, only Declarant, the Association, the Board or the duly authorized agents of any of them, may enforce by self-help any of the provisions of the townhouse development project Restrictions, and only if such self-help is preceded by reasonable notice to the Owner.

C. Violation of the Law. Any violation of any state, municipal or local law, ordinance or regulation pertaining to the ownership, occupation or use of any property within the townhouse development project is hereby declared to be a violation of the Restrictions thereof and subject to any or all of the enforcement procedures set forth in said Restrictions.

D. Remedies Cumulative. Each remedy provided by the townhouse development project Restrictions is cumulative and non-exclusive.

E. Non-Waiver. The failure to enforce any of the provisions of the townhouse development project Restrictions at any time shall not constitute a waiver of the right thereafter to enforce any such provisions or any other provisions of said Restrictions.

7.06 Construction.

A. Restrictions Construed Together. All of the provisions of the townhouse development project Restrictions shall be liberally construed together to promote and effectuate the fundamental concepts of the townhouse development project as set forth in the preamble of this Declaration.

B. Restrictions Severable. Notwithstanding the provisions of the foregoing paragraph A, each of the provisions of the townhouse development project shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision.

C. Singular Includes Plural. Unless the context requires a contrary construction, the singular shall include the plural and the plural the singular; and the masculine, feminine or neuter shall include the masculine, feminine and neuter.

D. Captions. All captions and titles used in this Declaration are intended solely for convenience or reference and shall not affect that which is set forth in any of the provisions hereof.

7.07 Owner's Obligations Continue. All obligations of the Owner under and by virtue of the provisions of this Declaration shall continue, notwithstanding that he may have leased or rendered said interest as provided herein, but the Owner of a townhouse shall have no obligation for expenses or other obligations accrued after he conveys such townhouse.

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

Foxhole, LLC
By _____
It's _____

STATE OF _____)
County of _____) ss.

On this ____ day of March, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known or identified to me (or proved to me on oath) to be two of the Members who subscribed the foregoing instrument, and acknowledged to me that they executed the same.

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

Notary Public for _____
Residing at _____
Commission expires: _____

STATE OF _____)
County of _____) ss.

On this ____ day of March, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known or identified to me (or proved to me on oath) to be one of the Members who subscribed the foregoing instrument, and acknowledged to me that he executed the same.

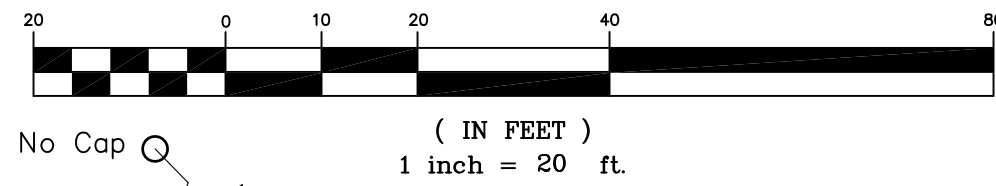
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for _____
Residing at _____
Commission expires: _____

A PLAT SHOWING FOXHOLE TOWNHOMES

WHEREIN LOT 4, BLOCK 73, VILLAGE OF KETCHUM, IS DIVIDED INTO TOWNHOUSE SUBLOTS 1 & 2 AS SHOWN
LOCATED WITHIN
SECTION 11, T.4 N., R.17 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

JULY 2016
GRAPHIC SCALE

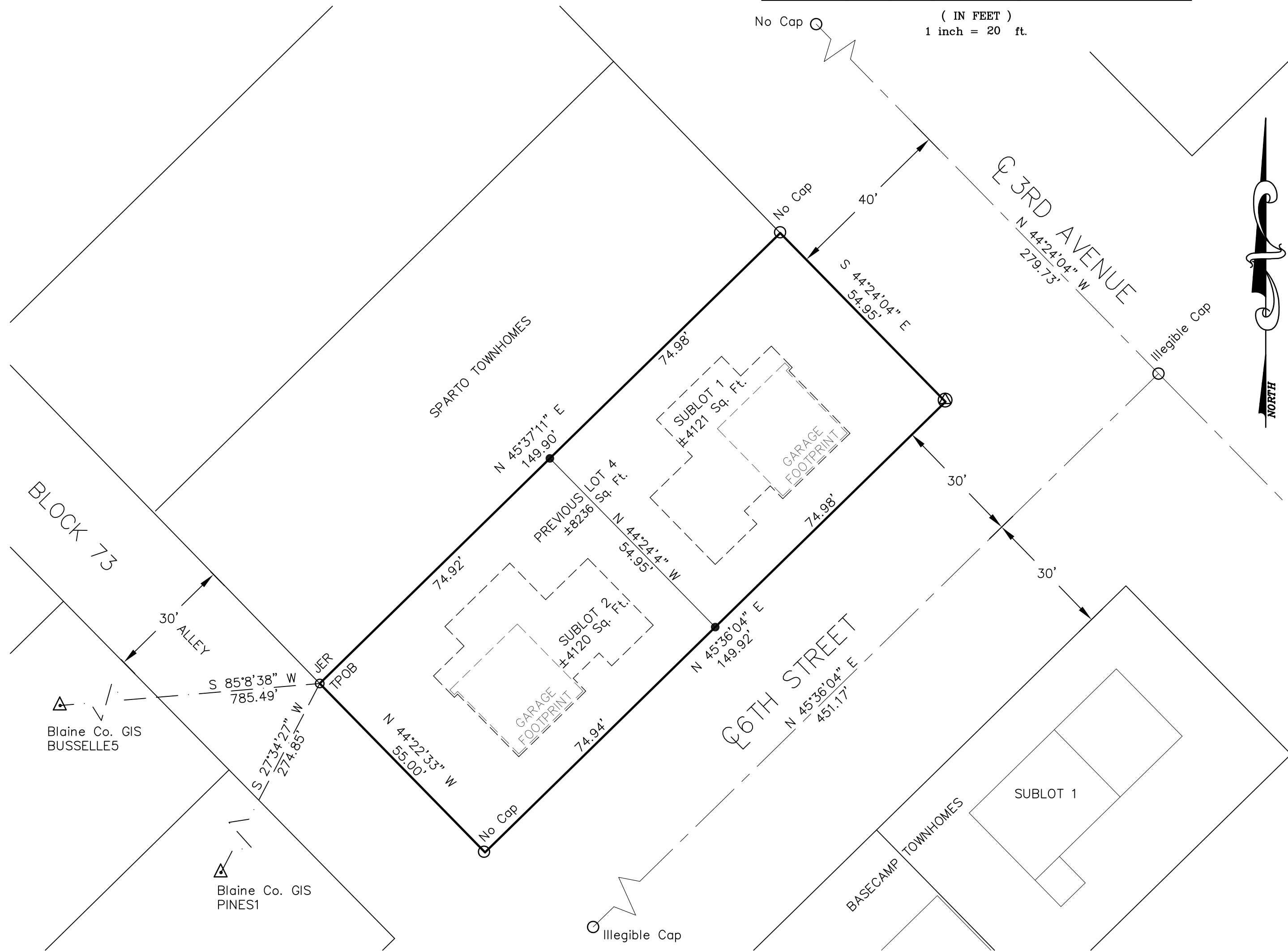


LEGEND

- Boundary Line
- Centerline Avenue/Street
- Townhouse Sublot Line
- Townhouse Building Footprint
- Garage Footprint
- Adjoiner's Lot Line
- Tie to Blaine County GIS Control
- Found 1/2" Rebar
- Found 5/8" Rebar
- Found Aluminum Cap
- Set 1/2" PLS 7048

NOTES

1. Basis of Bearings is Idaho State Plane Coordinate System, NAD83, Central Zone, at Grid in US Survey Feet. Combined Scale Factor is 0.999684. Ground distances will be slightly longer.
2. Townhouse Declaration of Covenants, Conditions, and Restrictions, and Party Wall Agreement for Foxhole Townhomes is recorded in Blaine County as Instrument Number _____.



Blaine Co. GIS
BUSSELLE5

Blaine Co. GIS
PINES1

HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.

Date _____ South Central Public Health District, EHS



FOXHOLE TOWNHOMES
ALPINE ENTERPRISES INC.
KETCHUM, IDAHO
SHEET 1 OF 2

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned, is the owner in fee simple of the following described parcel of land:

A parcel of land located within Section 11, Township 4 North, Range 17 East, Boise Meridian, City of Ketchum, Blaine County, Idaho; more particularly described as follows:

Lot 4, Block 73, of the City of Ketchum, to be Replatted as Foxhole Townhomes.

The easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for the public utilities and for any other uses indicated hereon and no permanent structures are to be erected within the lines of said easements. We do hereby certify that all lots in this plat will be eligible to receive water service from an existing water distribution system and that the existing water distribution system has agreed in writing to serve all of the lots shown within this plat.

It is the intent of the owner to hereby include said land in this plat.

Sallie B. Castle, Trustee of the SBC Revocable Trust U/T/A, dated Jan. 22, 2015

ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } ss

On this _____ day of _____, 2016, before me, a Notary Public in and for said State, personally appeared Sallie B. Castle, Trustee of the SBC Revocable Trust U/T/A, dated Jan. 22, 2015, known or identified to me, to be the person whose name is subscribed to the Owner's Certificate and acknowledged to me that she executed the same.

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

Notary Public

Residing at

My Commission Expires

SURVEYOR'S CERTIFICATE

I, Bruce Smith, a duly licensed Professional Land Surveyor in the State of Idaho, do hereby certify that this plat of Foxhole Townhomes, is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.



COUNTY SURVEYOR'S APPROVAL

I, Sam Young, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

County Surveyor

APPROVAL OF CITY COUNCIL

The foregoing plat was approved by the City Council of Ketchum on this _____ day of _____, 2016.

City Clerk

CITY ENGINEER'S APPROVAL

The foregoing plat was approved by _____, City Engineer for the City of Ketchum on this _____ day of _____, 2016.

City Engineer

COUNTY TREASURER'S APPROVAL

I, the Undersigned, County Treasurer in and for Blaine County, State of Idaho, per the Requirements of Idaho Code 50-1308, do hereby Certify that any and all Current and/or Delinquent County Property Taxes for the Property included in this Plat of Foxhole Townhomes have been paid in full on this _____ day of _____ 2016. This Certification is valid for the next thirty (30) days only.

Blaine County Treasurer

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO }
COUNTY OF BLAINE } ss

This is to certify that the foregoing Plat was Filed in the Office of the Recorder of Blaine County, Idaho, and Duly Recorded at the Time, Date, and Instrument Number shown below.

Ex-officio Recorder

IN RE:)
)
Foxhole Townhomes) **KETCHUM PLANNING AND ZONING**
Preliminary Plat) **COMMISSION - FINDINGS OF FACT,**
)
File Number: 15-049) **CONCLUSIONS OF LAW AND DECISION**
)

BACKGROUND FACTS

OWNERS: Castle Salle B Trustee
REPRESENTATIVE: Kristian Solvang
REQUEST: Preliminary plat approval for a two (2) subplot townhouse subdivision
LOCATION: 331 W. 6th Street (Lot 4, Block 73, Ketchum Townsite)
NOTICE: Adjacent property owners (mailed May 29, 2015 and then continued by the Planning and Zoning Commission on June 8, 2015)
ZONING: GR-L, General Residential - Low Density
OVERLAY: None
REVIEWER: Morgan Brim, AICP, Senior Planner

Regulatory Taking Notice: Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis.

GENERAL FINDINGS OF FACT

1. The subject property is located in the General Residential – Low Density (GR-L) Zone District and the lot is 8,258 square feet in size. In the GR-L Zone District, two townhome units are allowed on a lot that is at least 8,000 square feet in size. (Townhomes may be arrayed in a duplex configuration or as two separate detached residential units.) An existing duplex structure is located on the property which the applicant is proposing to demolish.
2. In addition to this application the applicant has submitted a design review application. The Planning and Zoning Commission reviewed the design review application during the June 8, 2015 meeting and continued it to the June 22, 2015 in order to review the preliminary plat concurrently.

City Department Comments				
Compliant			Standards and Conclusion	
Yes	No	N/A	City Code	City Standards and <i>Conclusion</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Department Comments	Police Department: <ul style="list-style-type: none"> No comments were submitted.
				Fire Department: <ul style="list-style-type: none"> New addresses must be attained from the Fire Department prior to building permit issuance.
				Streets: <ul style="list-style-type: none"> There have been recent changes with ROW standards which include: <ul style="list-style-type: none"> No landscaping or irrigation is allowed in the ROW; Proper drainage will need to be verified and approved by the Public Works Department; and Four inches of decomposed granite or ¾ road mix will cover the ROW after the grade has been established. The alley is currently not improved and not maintained by the city. Any alley improvements will be the responsibility of the property owner and future winter maintenance of the improved section of the alley will need to be addressed. All improvements in the city ROW need to be approved by the Public Works Department. A ROW encroachment permit is required for any infrastructure or driveways within the ROW.
				City Engineer: <ul style="list-style-type: none"> The drainage plan will need to be certified by a license civil engineer and approved by the Public Works Department.
				Utilities: <ul style="list-style-type: none"> Each unit must be served by separate water meters, and separate water and sanitary sewer service lines.
				Building: <ul style="list-style-type: none"> Two separate building permits – one per unit – will be required. A demolition permit is required.
				Planning and Zoning: <ul style="list-style-type: none"> See comments throughout staff report.

Compliance with Zoning District and Overlay Requirements				
Compliant			Standards and Conclusion	
Yes	No	N/A	City Code	City Standards and Conclusion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Reference	FLOOR AREA: Existing: As noted above, an existing duplex unit on the lot will be demolished.
			Conclusion	<u>Proposed:</u> Unit 1: 3,644 square feet Unit 2: 3,644 square feet Total: 7,288 square feet
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.28.010.C.1; 17.28.010.D; & 17.28.010.K	Lot Area/Coverage
			Conclusion	Building Lot Area: <u>Required:</u> Lot: 8,000 square foot minimum Townhouse Sublot: Shall be equal to that of the perimeter of an individual townhouse unit measured at the foundation and along the common party wall. <u>Proposed:</u> Lot: 8,258 square feet Sublot 1: 4,120 square feet Sublot 2: 4,116 square feet Building Lot Coverage: <u>Required:</u> 35% Maximum Building Coverage <u>Proposed:</u> Unit 1: 3,644 Square Feet Unit 2: 3,644 Square Feet Total: 7,288 Square Feet or 34.6%
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.28.010.J	Building Height
			Conclusion	<u>Required:</u> 35 feet <u>Proposed:</u> 29'-8"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.28.010.F; 17.28.010.H; 17.28.010.I; & 17.128.020.C	SETBACKS:
			Conclusion	<i>Note: For the purposes of evaluating setbacks – 3rd Avenue is considered the front yard, 6th Street and the internal lot line yard are considered the side yards and the alley is considered the rear yard.</i>

				<p><u>Required:</u> <i>Front: 15 feet</i> <i>Rear/Interior Side: One foot for every three feet, or fraction thereof of building height; except, that no side yard shall be less than five feet and rear yard shall be less than 15 feet.</i> <i>Street Side: 10 feet</i></p> <p><u>Proposed:</u> <i>Front: 20 feet</i> <i>Rear: 20 feet</i> <i>Interior Side: 10 feet</i> <i>Street Side: 10 feet</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.060.M	<p>Curb Cut</p> <p><u>Conclusion</u></p> <p><u>Required:</u> <i>A maximum of 35% of street frontage may be devoted towards access to off street parking.</i></p> <p><u>Proposed:</u> <i>The applicant meets this standard. The property contains 54.95 feet of street frontage along 3rd Avenue and plans indicate a driveway width of 19.23 feet.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.060.A.1	<p>Parking Spaces</p> <p><u>Conclusion</u></p> <p><u>Required:</u> <i>One space per 1,500 net square feet.</i></p> <p><u>Proposed:</u> <i>Eight off-street parking spaces are proposed: Four garage spaces and four driveway spaces.</i></p>

Preliminary Plat Requirements				
Compliant			Standards and Conclusion	
Yes	No	N/A	City Code	City Standards and Conclusion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	<p>Complete Application</p> <p><u>Conclusion</u> <i>The application has been reviewed and determined to be complete.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.B	<p>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.</p> <p><u>Conclusion</u> <i>The applicant has submitted draft CC&R's.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.C.1	<p>The subdivider may apply for preliminary plat approval from the commission pursuant to subsection 16.04.030D of this chapter at the time application is made for design review approval pursuant to title 17, chapter 17.96 of this code. The commission may approve, deny or conditionally approve such preliminary plat</p>

				upon consideration of the action taken on the application for design review of the project.
			Conclusion	<i>The applicant has applied for preliminary plat approval and said plat is being forwarded to the Commission in compliance with review procedures established in 16.04.030.D.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.C.2	The preliminary plat, other data, and the commission's findings shall not be transmitted to the council until construction of the project has commenced under a valid building permit issued by the Ketchum building inspector.
			Conclusion	<i>The preliminary plat will not be transmitted to the council until construction has commenced under an approved building permit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.E	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.
			Conclusion	<i>The preliminary plat outlines the overall footprint of the each townhome, which includes attached two car garages.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.F	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.
			Conclusion	<i>All applicable city provisions are found to be in compliance.</i>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and subdivision ordinance, Title 16.
3. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the Commission for review of this application.
4. The proposed preliminary plat **does** meet the standards of approval under Title 16, Chapter 16.04, subject to conditions of approval.
5. This approval is given for the preliminary plat of Foxhole Townhomes Subdivision, plans dated June 17, 2015, by Alpine Enterprises, Inc.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this preliminary plat application this 9th day of June, 2014, subject to the following conditions:

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

10. The Council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to Section 17.96.120.
11. The City Council should be aware that the Planning and Zoning Commission is concerned with the safety of the proposed right-of-way (ROW) plan and believes that the ROW design is not consistent with the American Association of State Highway and Transportation Officials (AASHTO) pedestrian standards.

Findings of Fact **adopted** this 13th day of July, 2015.



Steve Cook, Chair
Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)	
)	
Foxhole Townhomes)	KETCHUM CITY COUNCIL -
Preliminary Plat)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND DECISION
)	
File Number: 15-049)	

BACKGROUND FACTS

APPLICANT: Castle, Sallie B. Trustee

REPRESENTATIVE: Kristian Solvang

REQUEST: Preliminary plat approval for a two (2) subplot townhouse subdivision

LOCATION: 331 W. 6th Street (Lot 4, Block 73, Ketchum Townsite)

ZONING: General Residential - Low Density, GR-L

NOTICE:
Mailing: The following notice for the Planning and Zoning Commission meeting held on June 22, 2015 was published in Idaho Mountain Express and mailed to a 300-foot radius and Outside Agencies on May 19, 2015. Noticing was not required for the City Council meeting.

**NOTICE OF A SITE VISIT WITH THE
KETCHUM PLANNING AND ZONING COMMISSION
AND**

**NOTICE FOR PUBLIC HEARING BEFORE THE KETCHUM PLANNING AND ZONING COMMISSION UPON APPLICATION
FOR TOWNHOUSE SUBDIVISION PRELIMINARY PLAT AND DESIGN REVIEW**

NOTICE IS HEREBY GIVEN that on Monday, June 8, 2015, at 5:10 p.m., at

331 West Sixth Street
(Ketchum Townsite Lot 4, Block 73)

The Ketchum Planning and Zoning Commission will visit the site of the proposal by Sallie Castle for a two-unit townhouse development application (GR-L) General Residential – Low Density zoning district.

The applicant is proposing to construct two detached 3644 square foot each, townhouse units. The proposed buildings will be located on an 8,250 square foot lot.

Following the site visit, the Commission will reconvene at 5:30 p.m., at Ketchum City Hall for a Public Hearing for Townhouse Subdivision Preliminary Plat and Design Review consideration and a for the proposed development.

The public is welcome to attend the site visit, but please note that no comments or questions will be taken at the site visit.

NOTICE IS FURTHER GIVEN that at the aforementioned time and place, all interested persons may appear and shall be given an opportunity to comment on the matter stated above. A copy of the proposed application will be available on the City website (www.ketchumidaho.org) about five days prior to the meeting or at the Ketchum Planning Department. Comments and questions prior to the hearing should be directed to the Ketchum Planning and Building Department, P.O. Box 2315, Ketchum, Idaho, 83340, via email to participate@ketchumidaho.org, or via facsimile to (208) 726-7812. Written comments received by 2:00 PM on Friday, June 5, 2015 shall be made part of the public record, after this time comments must be submitted in person at the hearing.

BY ORDER OF THE KETCHUM PLANNING AND ZONING COMMISSION.

DATED this 19th day of May, 2015.

FINDINGS OF FACT

1. The subject property is located in the General Residential – Low Density (GR-L) Zone District and the lot is 8,258 square feet in size. In the GR-L Zone District, two townhome units are allowed on a lot that is at least 8,000 square feet in size. (Townhomes may be arrayed in a duplex configuration or as two separate detached residential units.) To accommodate this project, the applicant has removed an existing duplex structure from the subject property.
2. In addition to this application, the applicant applied for a design review permit, which the Planning and Zoning Commission approved on June 22, 2015. Additionally, the Commission recommended approval of this Preliminary Plat on June 22, 2015. Thereafter, the applicant received approval of a building permit to construct the project and construction is now nearing completion.
3. The City Council has approved the Preliminary Plat and the applicant is planning to submit a Final Plat application. The Final Plat will first be considered by the Planning and Zoning Commission. If the Final Plat substantially conforms to the Preliminary Plat the Commission will accept the Final Plat and then transmit the application to Council for approval. The Final Plat shall not be signed by the city clerk and recorded until the townhomes have received a certificate of occupancy and all design review elements as approved by the planning and zoning administrator have been completed.
4. The following provides City Council's comments and analysis regarding the proposed Preliminary Plat:

Preliminary Plat Requirements				
Compliant			Standards and Council's Comments	
Yes	No	N/A	City Code	City Standards and Council's Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04. 030.I	Complete Application <i>The application has been reviewed and determined to be complete.</i>
			Council's Comments	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04. 070.B	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. <i>The applicant has submitted draft CC&R's.</i>
			Council's Comments	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.C.1	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. <i>The applicant has applied for preliminary plat approval and said plat is being forwarded to the Council in compliance with review procedures established in 16.04.030. D.</i>
			Council's Comments	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.C.2	The preliminary plat, other data, and the commission's findings shall not be transmitted to the council until construction of the project has commenced under a valid building permit issued by the Ketchum building inspector. <i>The preliminary plat is being transmitted to the council because construction has commenced under an approved building permit.</i>
			Council's Comments	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.E	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. <i>The preliminary plat outlines the overall footprint of each townhome, which includes attached two car garages.</i>
			Council's Comments	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04. 070.F	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. <i>All applicable city provisions are found to be in compliance.</i>
			Council's Comments	

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and subdivision ordinance, Title 16.
3. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the City Council for review of this application.
4. The proposed preliminary plat does meet the standards of approval under Title 16, Chapter 16.04, subject to conditions of approval.
5. This approval is given for the Foxhole Townhomes Preliminary Plat dated May 8, 2015 by Alpine Enterprises Inc.

DECISION

THEREFORE, The Ketchum City Council **approves** this preliminary plat application this 6th day of June, 2016, subject to the following conditions:

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

7. All requirements of the Fire, Utility, Building, Planning and Public Works departments of the City of Ketchum shall be met. All public improvements shall meet the requirements of the Public Works Department.
8. The Final Plat shall not be signed by the City Clerk and recorded until the townhouse has received:
 - a. An approved life safety inspection for the building shell and all common areas from the Ketchum Building Official; and,
 - b. Completion of all design review elements as approved by the Planning and Zoning Administrator
9. The Council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to section 17.96.120

Findings of Fact **adopted** this 20th day of June, 2016.



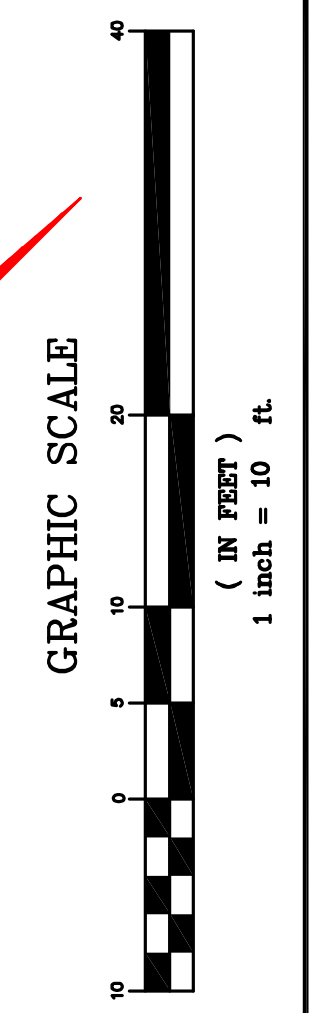
Nina Jonas, Mayor

NOTES

1. Basis of Bearings is Idaho State Plane Coordinate System, NAD83, Central Zone, at Grid in US Survey Feet. Combined project scale Factor is 0.9997, Ground Distances will be slightly Longer. Vertical Datum is NAVD1988.
2. Boundary Information is from the Plat of Ketchum Townsite.
3. Utility Locations shown are based on Visual Surface Evidence, old Digline Paint and City Maps. Utility locations should be Verified by Digline Before Any Excavation in Particular Areas.
4. Not all Trees are shown, Trees without Spot Elevations are Approximate.
5. Owner is Sallie Castle, PO Box 2422, Ketchum, ID 83340. Surveyor/Representative is Bruce Smith, PLS, Alpine Enterprises, PO box 2037, Ketchum, ID 83340.
6. Current Zoning is GR-L.

LEGEND

- Subject Boundary
- Street Centerline
- Proposed Sublot Line and Dimensions
- Proposed Townhouse Footprints
- Proposed Garage Footprints
- Adjoiner's Lot Line
- EOA=Edge of Asphalt
- RW=Rock Wall
- Waterline from City Maps
- Sewerline from City Maps
- Gasline
- Overhead Power
- Overhead Communications
- EOG=Edge of Gravel
- PVR=Pavers
- CT=Conifer Tree
- DT=Deciduous Tree
- DWELL=Drywell
- PMTR=Power Meter
- Phone Box
- Cable Box
- SMH=Sewer Manhole
- PP=Power Pole
- Found Survey Monument as Shown
- Survey Control Point
- House



A PRELIMINARY PLAT SHOWING
 THE PROPOSED FOXHOLE TOWNHOMES
 LOT 4, BLK 73, KETCHUM TOWNSITE
 WITHIN S11, T.4N., R.17E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 PREPARED FOR SALLIE CASTLE & KRIS SOLVANG



NO	DATE	BY	REVISIONS
1	17JUN15	SMITH	ADD DRAINAGE ARROWS
2	25MAY16	MEP	ADD GARAGE FOOTPRINT

PROJECT PATH AND PRINT DATE U:\LandProjects2004\1431_Ketchum-Blk73-Lt4.dwg\1431_Prelot_20Apr15.dwg 5/25/2016 3:52:59 PM_MDT



City of Ketchum
Planning & Building

September 12, 2016

Planning and Zoning Commission
City of Ketchum
Ketchum, Idaho

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF SEPTEMBER 12, 2016

- PROJECT:** Parking Ordinance Workshop (City-initiated Text Amendments to Title 17, Zoning Regulations amending Chapter 17.125, Off Street Parking and Loading)
- REPRESENTATIVE:** City of Ketchum Planning and Building Department
- DESCRIPTION:** City-initiated text amendments to the City of Ketchum Municipal Code to amend Title 17 Zoning Code, Chapter 17.125 to align the parking ordinance with objectives of the Comprehensive Plan, to promote uses that contribute to the vitality of downtown, and to incentivize Community Housing.
- PLANNER:** Brittany Skelton, Senior Planner
- ATTACHMENTS:**
1. "Parking Analysis for Changes to the City of Ketchum Zoning Code" report and appendix, Kushlan and Associates
 2. "Parking Code Amendments Recommendations" memo, Micah Austin, Planning and Building Director, June 14, 2016
 3. "City of Ketchum Parking Code Amendments" presentation slides, Diane Kushland, August 25, 2016
 4. Parking Survey results, dated August 26, 2016
- NOTICE:** Public notice for the public hearing scheduled for September 26, 2016 was published in the Idaho Mountain Express on August 31, 2016. Public notice was posted in three public locations and was sent to outside agencies on August 25, 2016.
- WORKSHOPS:** Public Workshop, held June 30, 2016, City Hall
Public Workshop, held August 26, 2016, City Hall
- PUBLIC HEARINGS:** Public Hearing scheduled for September 26, 2016

BACKGROUND

Phase II of the Zoning Code rewrite is underway and this portion of the project addresses amendments to the parking ordinance, Chapter 17.125 Off Street Parking and Loading. As noted in the "Parking Code Amendments Recommendations" memo from Micah Austin, Planning and Building Director, to Mayor Nina Jonas and City Council dated June 14, 2016, the current parking standards are in conflict with objectives in the Comprehensive Plan and principles for creating a multi-modal, livable community.

In January 2016 the City retained Kushlan and Associates to prepare an analysis of the following: the City's current policy direction for parking regulations compared to the current parking standards, best and emerging practices related to the relationship between parking standards and incentivizing desired land uses, and recommend options specific to Ketchum for changes to the existing parking code. Based on Diane Kushlan of Kushlan and Associates' recommendations, the attached "Parking Code Amendments Recommendations" memo outlines recommended changes to the parking ordinance.

Two public workshop on the recommended changes have been held to date, on June 30 and August 26, 2016, with both workshops held in City Hall. Notice of the second public workshop was mailed to all licensed businesses located in the City of Ketchum. During the second workshop staff and Diane Kushlan presented background research leading up to the recommended changes and discussed the recommended changes. Presentation slides prepared by Diane Kushlan for the workshop are attached. Additionally, prior to the second public workshop, on August 14, 2016 the city distributed an online public opinion survey regarding parking and travel behavior. There were 296 responses to the survey. Respondents answered questions about how many city blocks they would be willing to walk from a parking space to a restaurant, movie theater, and grocery store, and whether they felt one on-site parking space was adequate for studio and one bedroom dwelling units. Respondents also reported how many vehicles they own and whether they park vehicles in a garage or in a parking lot. The survey results are attached.

The first work session with the Commission was held on August 22, 2016. The Commission discussed the amendments proposed by staff and recommended by the consultant. The Commission directed staff to consider additional provisions to facilitate travel by bicycle, to include broader criteria for Transportation Demand Management, and to specify required components of Parking Demand Analysis plans. This is the second work session with the Commission. A public hearing on the proposed text amendments is scheduled for September 26, 2016.

STAFF RECOMMENDATION

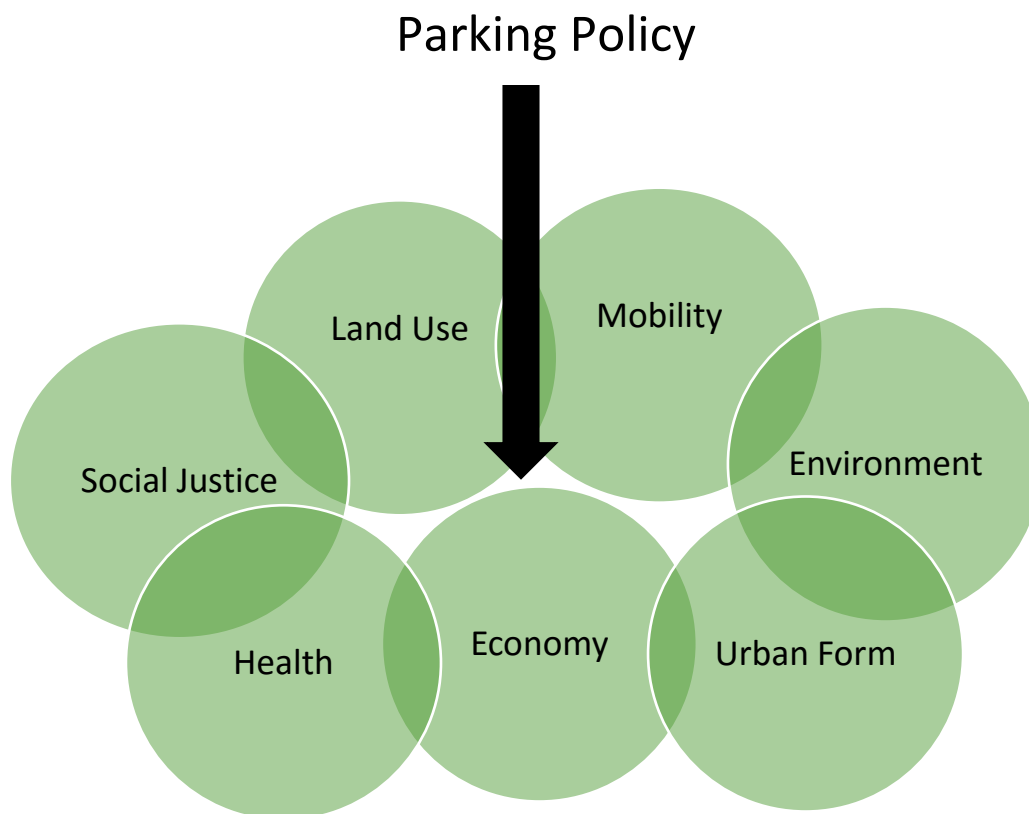
Staff recommends discussion of the Parking Analysis report and the Parking Code Amendments Recommendations memo.

Parking Analysis for Changes to the City of Ketchum Zoning Code

Task #1: Current Conditions. Synthesize the current policy direction for parking regulations based on the Comprehensive Plan and conversations with City Officials. Identify where there may exist gaps in the policy direction. Evaluate the current parking standards for consistency with the adopted policies and identify general areas for code reform. Provide a written analysis of these findings for the City's review.

Introduction

While we think of parking policies as having the most direct impact on mobility and land use, parking policies are also influential in the direction of other guiding principles for a community's future, as depicted in this graphic.



Community Core Values – Relationship to Parking

The City of Ketchum 2014 Comprehensive Plan sets forth ten core values, six of which are influenced by the direction the City takes on parking.

1. A Strong and Diverse Economy ✓
2. Vibrant Downtown ✓
3. Community Character Preservation ✓
4. A Variety of Housing Options ✓
5. Environmental Quality and Scenic Beauty
6. Exceptional Recreational Opportunities
7. Well-Connected Community ✓
8. Arts and Cultural Activities that Enliven the Community
9. Regional Cooperation
10. A “Greener” Community ✓

The following is an analysis of the goals identified for the Comprehensive Plan’s Core Values related to parking and the consistency of the current parking code with those goals. In addition, the Plan includes three direct and explicit policies for parking code reform. These follow in Table 1.

1. **A strong and diverse economy** The Comprehensive Plan goals for a strong and diverse economy include *expanding existing independent, small local businesses; diversification; support for tourism; and balancing the needs of both locals and tourists.*

Parking requirements directly impact the cost of construction, can impact new business formation and impact business operations. Parking is not free, and the costs of parking requirements are passed on to consumers and building tenants. It is estimated that current parking practices are comparable to about a 10% tax on development. In an environment of high land prices, parking requirements can be an impediment to small and local businesses. Currently, the highest valued land, the CC district, requires a minimum parking requirement of 4 spaces per 5,500 sf of lot area, regardless of the type of business (unless fewer spaces are required by the parking standards). This may be a disincentive to the goal of supporting independent, small local businesses.

The other challenge of parking requirements in meeting the goals of a strong and vibrant economy are the current standards, which have no basis in empirical data. These standards, like most city codes, were either borrowed from somewhere else or are based on some national average driven by suburban conditions that may or may not be the reality in the City of Ketchum. Who knows for certain if a medical clinic in Ketchum requires one parking space for every 300 square feet of gross

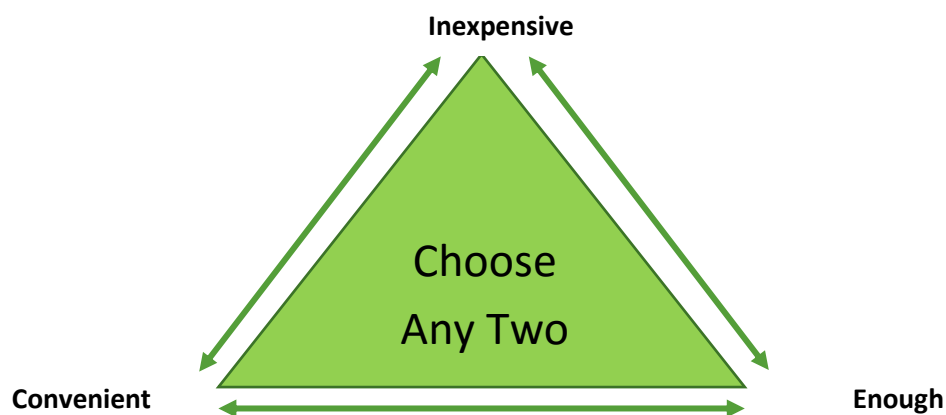
space? Most parking codes overestimate the actual parking need and in doing so contribute to the costs of development, and the costs of doing business. Nation-wide it is estimated that there are 3.4 parking spaces for every vehicle.

The new economies are looking for the type of quality of life infrastructure (sidewalks, public transit and trails) that is suggested in Policy E2-b. Realization of this type of infrastructure supports the inclusion of Transportation Demand Management (TDM) tools in parking requirements. If this type of infrastructure is in place, there are greater opportunities to allow for TDM measures to substitute for parking requirements. See Table 1 for more details on TDM measures.

2. **A vibrant downtown** – The goals for the Downtown are *as a place that people can reach easily by foot, bike, and transit, and as the City’s primary business district, retail core, and key gathering place.*

Through the policies decisions made on the requirements for off-street parking, incentives are created for the choice of one mode of transportation over another. Parking serves only one mode of mobility and by overly accommodating parking, a competitive advantage is created for vehicles over other travel modes, such as transit. If parking is over supplied and inexpensive, there is little incentive for using other forms of transportation, and this goal for creating a vibrant downtown (that it be “people based”) will be impeded.

However, parking is essential to a vibrant downtown. The question is how is parking provided and managed? Kimley Horn in the draft “Strategic Parking Plan for Downtown Boise”, notes that there are three attributes typically desired in downtowns: convenient parking, enough parking and inexpensive parking. Only two of these three can be provided and cities must make a policy decision on which of the two out of three will be their goal.



- If you have inexpensive and convenient parking, you will not likely have enough. This choice will drive the need for other viable mobility options.
- If you have inexpensive and enough parking, it may not be convenient. This requires remote or off-site parking with connections by walking or shuttle operations.

- If you have convenient and enough parking, it will not be inexpensive. This would drive a decision toward structured parking to meet parking needs.

The question of “enough parking” was recently addressed by the parking counts undertaken by staff during the shoulder and peak periods. Parking is generally considered at capacity when 85 percent of the spaces are utilized. In the counts that were taken during the slack time, except for the parking lot at 6th and Leadville and three of the five counts taken at 2nd and Washington, all areas were below that percentile. During the peak period, half of the counts were above 85 percent. Should the determination of what is “enough parking” be based on the peak or the shoulder season? This is a policy question fundamental to addressing parking management in the downtown.

Key to the goals of a vibrant downtown is a mix of land uses, and many times the off-street parking requirements based on land use alone can be an impediment to certain types of desired outcomes. Some communities have moved toward a “blended rate” parking standards that apply the same rate in the same area, regardless of the land use. This approach would benefit uses such as restaurants that typically have a higher parking generation rate, but in a downtown setting can take advantage of parking that is underutilized during the restaurant’s peak evening time.

3. **Community character preservation** – The goals are to *maintain the community’s small town and unique identity. Maintaining the scale of the community and protecting historic significant buildings are elements of this goal.*

Parking is a prodigious and inefficient use of land. Parking shapes the built environment through site design, lowering intensity/density and through accommodation of vehicles, contributing to sprawl. Surface lots break up the fabric of the pedestrian environment and screening is challenged by the equally important objective of safety. The potential for larger scale parking garages to meet community needs will be a challenge to ensuring that the small town character is maintained.

The current code provides design direction for landscaping of buildings and surface lots to mitigate the impact on the small scale character. Surface lots require a conditional use and maybe in some area should be prohibited altogether to maintain the small town identity. Consideration should also be given to changing the allowance for up to 35% of the street frontage in parking access. In smaller lot frontages this is a reasonable standard, but for property with longer frontage it seems excessive for ensuring pedestrian safety and comfort.

The current code requirement for a review of the off street parking whenever there is change in use influences the market’s interest in the re-use of existing, older and possibly significant historical, buildings. Older buildings may be passed by because of the burden of the additional parking requirements that cannot be accommodated on a built-up site. The result can be vacant and deteriorating buildings that not only have an impact on the vibrancy of the area, but in the

long term can result in the elimination of important structures to the historic fabric of the community.

4. **A variety of housing options** – The goals for housing are to *increase the supply of housing, including rental, special needs housing and to provide a mix of housing types and style. Policy H3.1 explicitly identifies parking as an incentive to be used to encourage greater housing diversity.*

Based on typical affordable housing development costs, one parking space per unit increases costs approximately 12.5%, and two parking spaces can increase costs by up to 25%. Since parking costs increase as a percentage of rent, for lower priced housing, minimum parking requirements are regressive. Smaller affordable housing costs less than a larger luxury unit, but the parking space costs the same. Table 1 that follows provides some additional direction for bringing the current code into consistency with the goals for a variety of housing options.

5. **A well connected community-** The goals of a well-connected community are the most relevant section of the Plan to the parking code. They include goals for *promoting safe and efficient mobility through land use, effective and efficient transit system that is competitive with the single-occupant vehicle and by using travel demand management (TDM) techniques. Also are goals for providing key multi-modal transportation connections to the Core Area; and enhancing pedestrian and bicycling connectivity and comfort.*

Parking provisions that require each development to build the parking necessary for the individual development is an inefficient way to ensure adequate parking in the community. The current shared and in lieu parking provisions are positive ways in which under the current regulations, greater efficiencies can be achieved, and should be broadened and expanded.

Transportation Demand Techniques (TDM) that support a more competitive transit system are outlined in Table 1. A transit hub and jitney service (Policy M2.2) provide an opportunity to refine the parking code to eliminate or reduce parking requirements in conjunction with the hub location and services.

6. **A greener community-** most relevant goals are to *protect surface water quality and promote energy conservation and the reduction of greenhouse gases.*

Off-street parking requirements do not promote a sustainable community; the requirements promote a drivable and unsustainable community, and stand in the way of Ketchum being truly sustainable. Parking requirements that favor vehicle use over transit and active transportation result in increases in greenhouse gas emissions, contributing to global warming and reducing air quality. To meet its goals to be a good steward to the environment and promote a greener community as directed in the Comprehensive Plan, parking requirements need to be addressed in parallel with efforts to accommodate and support alternative modes of access and transportation.

TABLE 1 EXPLICIT COMPREHENSIVE PLAN POLICY DIRECTION RELATED TO PARKING

Plan Policy	Consistency of Current Parking Code	Direction for Change
<p><u>Policy H-3.1 Mixture of Housing Types in New Development</u> The City should encourage the private sector, through land-use regulations and incentive programs, to provide a mixture of housing types with varied price ranges and densities that meet a variety of needs. The City will evaluate the use of incentives, such as flexibility in height, density and parking requirements to achieve greater housing diversity.</p>	<ul style="list-style-type: none"> • Other than shared parking reduction and no parking requirements for community housing in the CC district, there is no incentive provided in the current code for mixed housing products. • The current minimum standard is based on housing unit size of 1500 sf. which is a disincentive for smaller units, and greater diversity. 	<ul style="list-style-type: none"> • Establish parking requirements based on the size of units; reduce the minimum size. • Exempt smaller size units from parking requirements in all mixed housing products. • Provide flexibility in parking requirements for mixed housing products. • Unbundle the parking requirements, so that residents have a choice to have parking or not will reduce the costs of housing and may lead to greater diversity.
<p><u>Policy M-8.1 Incentives to Improve System Efficiency</u>. The City will create incentives, such as reduced parking requirements or deferred development impact fees when a development implements specific travel demand management techniques.</p>	<p>Travel demand management (TDM) and the relationship to parking is not addressed in the current code.</p>	<p>Parking requirements determined by the number of TDM elements included in the development. Consideration include: subsidized bus passes, provision of commuter buses, transportation coordinator, priority parking for car sharing, bicycle space requirements, and facilities and storage, lockers and showers.</p>
<p><u>Policy M-8.3 Shared Parking</u> The City will provide incentives for shared parking agreements to maximize the use of existing surface lots.</p>	<p>The current code provides provisions for shared parking through a conditional use permit for limited uses and locations.</p>	<p>Expand the application of shared parking. Consider an administrative process and re-think minimum parking requirements.</p>

Conclusion

This first task has intended to be an overview of the direction set out in the Comprehensive Plan that relates to parking, a general review of the existing parking code consistency with that direction and some beginning ideas of areas of parking code reform. From the city review and comment on these findings, the next task will be to take a deeper dive into best and emerging practices that appear most appropriate to Ketchum. At this point, these appear to include:

1. Integrating Transportation Demand Management (TDM) into the parking requirements.
2. Expanding and/or changing the application of the shared and in lieu parking provisions.
3. Re-thinking the land based parking standards for greater flexibility.
4. Considering area based parking standards for the downtown.
5. Reviewing the various ways parking can be an incentive for the desired and mix of housing.
6. Examine ways to de-regulate parking for older or historic structures.

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Task #2: Review Best and Emerging Practices. Examine the relevance of best and emerging practices of parking regulations for Ketchum considering the land uses, transportation modes, population, resort setting, and the findings from Task #1. Review the relationship between parking and land use and the way in which parking is used to or not to incentivize certain desired land uses. Recommend some options for changes to the parking code prioritized by easiest to more difficult to implement; and changes that can occur overtime.

Summary:

There is a dearth of innovation in parking regulations for resort communities that would be considered a peer to the City of Ketchum. Attachment A highlights the notable features of twenty resort communities around the west that were researched for this report. Attachment B provides excerpts of relevant code provisions from some of these cities. Here is a bullet summary of the review of these twenty peer cities:

- While there are some good examples of bicycle parking standards and provisions for transit, these requirements are typically stand-alone provisions, and not well integrated with the parking requirements as would be desired in a Transportation Demand Management approach to parking as suggested in the Ketchum Comprehensive Plan.
- Most communities have provisions for in lieu and shared parking. Ketchum is one of the few cities that have taken this a step further by allowing a reduction in the overall parking requirements when there is shared use.
- Many resort communities have special parking provisions for downtowns, historic districts, or the community's core.
- There are few good examples of communities using parking as an incentive for certain types of land uses.
- There are many examples of simplified code provisions and parking standards.
- There are a variety of means used by the peer cities to exempt, or reduce the parking standards.

The Task #1 report for this project and the subsequent discussion with city officials, identified seven topical areas for further research and comparison with peer communities. What follows is the findings from this further research. Recommendations for amendments to the Ketchum parking code follows that discussion.

1. Integrating Transportation Demand Management (TDM) in the Parking Requirements.

It is not surprising that the peer resort cities have few TDM provisions in their parking regulations since the application of TDM is most common for employment based land uses. Most of the communities reviewed do not have large employment industries.

Standards for bicycle parking most frequently appeared in these codes, but in only one community was the provision of bike parking tied to a reduction in vehicular parking. Location to bus stops or provision of a transit facility were other TDM examples that provided a basis for parking reduction. Here is a menu of TDM provisions for the city to consider:

- Adopt the TDM strategies identified in the Warm Springs Base Area Overlay universally for all zones in the City.

- Provide for bike parking and storage as a requirement for all uses; or as a requirement for some uses that normally generate bicycle use such as health clubs, spas, parks and uses near trails; or as a substitute for vehicular parking.
- Provide for shower and lockers facilities for employment based uses of a certain size as a requirement, or as a substitute for vehicular parking.
- Provide for locational factors to be a basis for parking reduction, such as within ¼ mile of a bus stop or the Wood River Trail.
- Dedicate the in-lieu fund to alternative mobility only such as support for Mountain Rides, shuttle services for remote lots, trail improvements, and bike or car sharing. Under this scenario, consider incentivizing the in lieu fund as an alternative to on-site parking by changing the ratio of the number of in lieu spaces to on-site spaces or reducing the per space costs for in lieu.

2. Expanding the application of the shared and in lieu parking provisions.

Most of the peer cities have shared parking provisions, but fewer have parking reduction allowances in shared circumstances. The current Ketchum parking code provisions allow for shared parking reduction in the Tourists Districts and in the CC District by means of a conditional use permit or parking analysis. Recommendations for expanding the shared parking provisions include:

- Provide for clearer direction on what is the content of a parking analysis. Include information on the uses, peak hour parking, adjustments for uses that would not generate new trip (the noncaptive factor), location, connections and distances between uses and parking, and the opportunities for capture uses.
- With improved criteria for the content of the parking analysis, eliminate the need for a conditional use permit review.
- Allow for a shared parking reduction of 20% as a right for any mixed use project in any zone. Provide provisions for additional reduction through a parking analysis.
- Identify uses, because of their varying peak parking periods that can share parking. Develop standards for the location and connectivity of remote lots in relationship to the uses.
- Establish a standard agreement to be used between shared parking property owners that identify how conflicts will be resolved, responsibilities for maintenance, and liability requirements.
- Establish a standard cross-access agreement that can be used by adjacent properties for sharing parking facilities.
- See the provisions in #1 regarding in lieu parking requirements.

3. Re-think the land based parking standards for greater flexibility

In addition to shared parking and TDM provisions that move away from the land based parking standards, other tools for creating flexibility in parking requirements have been employed by the peer communities. Most have the standard laundry list of uses followed by provisions by which the requirements can be reduced or modified. These provisions include (1) a variance process; (2) conditional use permit; (3) other discretionary body decision; or (4) administrative decision.

The criteria for the basis for the decision to exempt or reduce parking standards also varies from none to a detailed parking analysis. Some decisions are based on the location and others on the nature of the specific use. A minority of communities also impose a layer of discretion if the applicant request is for more parking

than is required by the code. One community that has very minimal requirements also has provisions that allow the city to require more parking for a specific project than is identified by parking standards.

This recommendation to allow for greater flexibility is closely related to Finding #7 to simplify the Code standards. If the city's choice is to keep the current parking standards (the off-street parking matrix) with some minor consolidation of uses, then a process might be needed to allow for requests for parking reduction. The basis for approval of such a request could be a variety of reasons including the inclusion of TDM measures mentioned in #1, shared parking, or availability of on-street parking as is currently provided for in the CC District. The more detailed the criteria, the less need for a discretionary body to make the decision.

If the City is to move toward more reform of the chart of parking standards (the off-street parking matrix) and with minimal parking requirements, then imposing an additional process check to ensure adequate parking in all situations might be needed. Parking is very much market driven, and there are few instances when a developer or applicant will not provide the parking they feel is needed to support the project and satisfy their lending institutions. The role of the city is to ensure that amount of parking is appropriate for the circumstances of the use and location, and that there are no parking externalities on surrounding properties or on-street parking. As the city's efforts at creating more modal choices expand, there also may be a future requirement to set maximums on the number of parking provided, as in the case of one peer community.

Recommendations:

- Develop minimum parking standards (see #7 that follows) for all uses with a provision for requiring more parking through an administrative determination.
- Allow for parking reduction from the minimum standards through the provision of TDM measures (outlined in #1)
- Determine parking requirements on a case by case basis with adjustment factors that take into account the unique characteristics of the proposed development: size, location, density of employees or units, mix of land uses, access to transit, walking-bicycling connections, shared parking opportunities, and availability of both public and private parking in the vicinity.

4. Consider area based standards for the Downtown

A majority of the peer communities had different standards for their downtown or core, compared to standards for other zones in the city. None had adopted area based or one parking generation standard for all uses in the downtown. One community had no parking requirements in their downtown (except for gaming and lodging) and another had no parking requirements in urban renewal districts or areas within a building improvement district (BID). Two other cities required remote or in lieu parking only. Another community code provides that for their downtown, the minimum standards are the maximum, and prohibits the additional parking over what is allowed in the code.

Given the inherent mixed use character of the downtown, there seems to be a basis for a different set of standards, but determining what those standards should be, regardless if there is one standard for all uses or a reduced standard from the rest of the city, is a challenge. Ideally, setting such a standard should be based on some empirical evidence on the nature of uses, parking utilization rate, peak parking demand, and the

impacts of other modes of transportation to access the downtown. This consideration is further complicated by the direction to incentivize certain uses in the downtown through the parking standards.

Recommendations for changing standards in the downtown:

- Maintain the current code provision to exempt community housing from the parking requirement.
- Exempt from the parking requirements other uses the City would like to incentivize.
- Allow by right a parking reduction of 20% for all uses in the downtown from the standards contained on the parking matrix.
- Adopt simplified parking standards for the downtown with four categories: commercial, residential, lodging, and assembly.
- Adopt a one parking standard such as 2 spaces/1000 and eliminate the provision of on-street parking to be used in partial satisfaction of the parking requirement.
- In the long term, substitute parking requirements for investment in transit, pedestrian and bicycle improvements funded through in lieu fees, LID or other mechanisms.

5. Review the way in which parking can be an incentive for the desired uses and mix of housing.

The peer city review provides little direction on this issue: parking reductions are provided to restaurants in two communities that were reviewed. Ketchum's interest to incentivize certain uses is to create vibrancy, especially in the downtown. Vibrancy can be accomplished by adjusting the parking standards as described above in #4, which would create an incentive for uses such as retail and restaurants that generate higher parking needs.

Incentivizing for a mix of housing is more challenging. Standardizing the parking requirement, for example one space per unit regardless of size, or unbundling the parking requirement from housing altogether are two approaches to consider. While not necessarily incentivizing a mix of housing, both of these approaches would create a more level playing field for any type of housing. If the objective is to create smaller more affordable housing, then eliminating parking for housing below a certain size, for example 750 square feet may be an approach.

The current code parking standard is based on gross square feet. This may create a disincentive for common areas, such as courtyards or interior atriums that can contribute to vibrancy. Consideration should be given to basing the standard on net leasable area instead of gross square feet. Also surface lots, which are dead zones and require driveway cuts that interrupt pedestrian flow, are also a land use that negatively impacts vibrancy. Some consideration should be made to prohibiting or limited surface lots in the downtown.

Recommendations:

- Establish parking requirements based on the size of dwelling units; reduce the minimum size.
- Exempt smaller size dwelling units from parking requirements in all mixed housing developments.
- Provide flexibility in parking requirements for mixed housing products.

- Unbundle the parking requirements, so that residents have a choice to have parking or not. This approach reduces the costs of housing and may lead to greater diversity.
- Base parking requirements on leasable rather than gross floor area.
- Prohibit surface lots in the downtown.

6. Examine ways to de-regulate parking for older or historic structures.

Only Aspen had provisions which specifically addressed parking for historic structures. In that Code, the parking requirement is under the review the Historic Commission and specific criteria is outlined to direct their review of waiving or varying parking requirements.

Other ways to de-regulate parking for older structures would be to identify certain structures, locations or uses that would be exempt from additional parking requirements. Criteria for identifying such exemptions could be historic buildings, building that have been vacant for extended period of time, uses that City desires to incentivize, or locations where the provision of additional parking would be infeasible. The exemption could be provided outright or through a discretionary process.

7. Streamline and simplify the parking standards. Expand the on-street parking credit to other districts.

The peer cities provide several models for simplifying the parking standards. Among the best are Telluride and Cripple Creek. (Copies attached in Attachment B). Telluride has just seven land use categories and Cripple Creek has eight with the addition of different standards by district.

Several other cities allow for on-street credits to be applied to off-street parking requirement. These include: a one to one allowance or a 0.75 to 1 space. One example, restricts the allowance for residential uses that responds to Ketchum's concern about street clearance overnight for snow removal.

Recommendations for simplifying the parking standards:

- Reduce the number of land use categories
- Expand the current provisions that allow for on-street parking to satisfy the parking requirements, except for residential uses.

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Parking Analysis for Changes to the City of Ketchum Zoning Code

Attachment A

Peer City Review Summary

	City	In lieu	Shared Parking	Core Area Provisions	Notable features
1.	Aspen, CO	X	X		<ul style="list-style-type: none"> • Special provisions for historic structures
2.	Breckenridge, CO	X	X		<ul style="list-style-type: none"> • Relief from parking through variance process
3.	Carmel, CA	X	X	X	<ul style="list-style-type: none"> • No off-street parking is allowed in Core-must be in-lieu or shared
4.	Coeur d'Alene, ID	X	X	X	<ul style="list-style-type: none"> • Parking Commission • Tandem parking allowed • Reduction in core and in-fill overlay areas • Bike Parking standards
5.	Crested Butte, CO	X		X	<ul style="list-style-type: none"> • Grandfathers certain restaurant and residential uses • Allow for payments over time of in-lieu parking fees • Allows on-street parking credits in core
6.	Cripple Creek, CO		X	X	<ul style="list-style-type: none"> • No minimum standards, except for gaming and lodging in core area • Allows parking requirements to be satisfied on-street, off-street or combination in all zones
7.	Frisco, Co		X	X	<ul style="list-style-type: none"> • Reduced parking requirements in the core • On-street allowed for any "non-overnight" uses in the core and MU districts • Reduced parking for shared up to 25%
8.	Hood River, OR	X	X	X	<ul style="list-style-type: none"> • Bike parking standards • In lieu required in certain districts
9.	Jackson, WY	X	X	X	<ul style="list-style-type: none"> • On-street parking credits in core

	City	In lieu	Shared Parking	Core Area Provisions	Notable features
					<ul style="list-style-type: none"> • Independent assessment for some uses • Administrative adjust for reducing parking standards
10.	LaConner, WA	X	X		<ul style="list-style-type: none"> • Up to 50% of parking can be provided through in lieu. • 50% of parking must be provided on-site.
11.	Leavenworth, WA		X		<ul style="list-style-type: none"> • Simple joint use provisions • Electric vehicle (EV) charging station provisions
12.	McCall, ID	X			<ul style="list-style-type: none"> • Bike parking standards • Parking exemption in BID or Urban renewal district • Reduction in parking allowed by Commission action
13.	Park City, UT		X		<ul style="list-style-type: none"> • Allows for tandem parking • Reduction with conditional use or master plan • Bicycle Parking standards
14.	Sandpoint, ID	X	X	X	<ul style="list-style-type: none"> • In lieu only in downtown
15.	Santa Fe, NM	X	X	X	<ul style="list-style-type: none"> • Simple core area parking standards • Reduction for providing transit facilities • Reduction in shared parking circumstances • Reduction in core area by special use permit • Bike Parking requirements
16.	Steamboat Springs, CO				<ul style="list-style-type: none"> • Incentives for eliminating curb cuts • Maximum standards in core district
17.	Taos, NM				<ul style="list-style-type: none"> • Reduction in parking allowed by Commission action up to 20% • Bike parking requirements
18.	Telluride, CO	X			<ul style="list-style-type: none"> • Simple parking standards with PZ approval for some uses. • Tandem parking allowed
19.	Truckee, CA	X	X	X	<ul style="list-style-type: none"> • Use permits, specific plans, similar supersede zoning requirements • Minimum and maximum parking requirements

	City	In lieu	Shared Parking	Core Area Provisions	Notable features
					<ul style="list-style-type: none"> • Restaurant along Truckee River exempt from parking requirements up to 10 spaces • Bike Parking requirements • Good parking structure design requirements • On-street parking allowed in core at ration of 0.75/1 space requirement
20.	Vail, Co	X	X	X	<ul style="list-style-type: none"> • Parking standards for within core and outside core • City Council can create “exempt areas” based on criteria • PZ can reduce parking based on studies and criteria • In-lieu “zones”

Attachment B
Sample Code Provisions for Peer Cities

In lieu Provisions

9-3-13: USE OF IN LIEU FEES BY TOWN

4. The provision or operating expenses of transit facilities and equipment designed to reduce reliance on private automobiles; provided that such transit facilities or equipment shall, in the determination of the town council, provide a benefit to the service area.
(Breckenridge)

Shared Use

17.44.225 B. For the purposes of this chapter, the following table provides examples of shared use parking that will be permitted between the uses or activities listed below as having primarily daytime or evening hours of operation:

TABLE A	
<u>Uses With Daytime Hours</u>	<u>Uses With Evening Hours</u>
Banks	Auditoriums
Business offices	Bars
Churches	Bowling alleys
Grade schools/high schools and daycare centers	Dance halls
Manufacture/wholesale (with limited hours)	Hotels/motels
Medical clinics	Meeting halls
Professional offices	Nightclubs
Retail stores (with limited hours)	Restaurants
Service stores	Theaters

(Coeur d'Alene)

Reduction in Standards

(I) Reduction Of Requirements: Where there is an adequate public transit system, or where, for any other reason parking demand is unusually low, such as where uses with differing operating hours or needs share parking under a formal, written agreement to which the city is a party, then the parking space provisions cited herein may be reduced proportionately by the commission. If the owner, whose parking

facility is under such an agreement which requires the facility to be available to the patrons of the other use(s), fails or refuses to make such parking available in accordance with the agreement, such failure or refusal is a violation of this title.

(J) Alternative Proposals: Where special conditions exist which make compliance with these standards impractical, the commission will consider alternative proposals presented according to the procedures and standards for a variance. (McCall)

16.20.040.2: SPACES REQUIRED

F. Commission Review: The commission may modify the provisions herein set forth establishing required parking areas so long as the public health, safety and welfare is not adversely affected. Modification of parking space quantity within twenty percent (20%) of requirements may be acceptable to the commission at their discretion under guidelines established by the code administrator and adopted by the commission. (Taos)

9-3-16: RELIEF PROCEDURES:

A. The planning commission, or the town council if the decision of the planning commission is called up, may grant a variance, exception or waiver of condition from any requirement of this chapter, upon written request by a developer or owner of property subject to this chapter, following a public hearing, and only upon finding that: 1) a strict application of such requirement would, when regarded as a whole, result in confiscation of the property or 2) that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal or requirement. No variance, exception or waiver of condition shall have the effect of nullifying the intent and purpose of these regulations. The planning commission or town council shall not approve a variance, exception or waiver of condition unless it makes findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance, exception or waiver of condition will not be detrimental to the public health, safety, or welfare or injurious to other property;
2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and
4. The relief sought will not in any manner vary the provisions of the development code, town master plan or other town law, except that those documents may be amended in the manner prescribed by law. (Breckenridge)

Downtown Area Based Standards

17.38.030 Exceptions

A. On-Site Parking in the Central Commercial (CC) Land Use District. In contrast to the other districts within the City, on-site parking is prohibited in the central commercial (CC) land use district. This policy eliminates the need for curb cuts in sidewalks and the

interference with free pedestrian traffic flow that would result from an excessive number of driveways. This policy is also intended to enhance the opportunities for creating intra-block courts and walkways between properties and buildings.....

B. Use of Another Site. Parking requirements may be fulfilled by supplying the required parking on another site upon approval of a use permit.

C. Parking Adjustment In-Lieu Fees. The Planning Commission may authorize the satisfaction of parking requirements through the granting of a use permit and the payment of in-lieu fees when on-site parking is not practical or when on-site parking is prohibited by City policies. (Carmel)

7.05.725: BASIC DEVELOPMENT STANDARDS; PARKING STANDARDS:

A. Parking Ratios: Subject to the requirements of [chapter 17.44](#) of this title, the parking ratios for uses in the DC district shall be as follows:

1. Retail/Restaurant Uses: Retail/restaurant uses in the DC district must provide at least two (2) but no more than four (4) parking stalls per one thousand (1,000) net square feet. However, retail/restaurant uses less than three thousand (3,000) square feet are exempt from this requirement.
2. Office Uses: Office uses in the DC district must provide at least two (2) but no more than four (4) parking stalls per one thousand (1,000) net square feet.
3. Residential And Hotel Uses: Residential/hotel uses in the DC district must provide at least 0.5 but no more than two (2) parking stalls per unit.
4. Senior Housing Uses: Senior housing uses in the DC district must provide at least 0.25 but no more than one parking stall per unit. (Coeur d'Alene)

4-8.6 OFF-STREET PARKING AND LOADING (C) Provisions for Specific Districts (2) BCD, C-2

- (a) In the BCD district, there shall be provided the minimum number of *off-street parking spaces* as follows:
 - (i) For *residential* uses, one space for each *dwelling unit*;
 - (ii) For commercial uses: (1) One parking space for each five hundred (500) square feet of net leasable floor area for office uses; (2) One parking space for each three hundred fifty (350) square feet of net leasable floor area for other commercial uses, except that the requirements for *hotels* and *motels* shall be one parking space for each rental unit;
 - (iii) For all uses not classified as commercial or *residential*, the applicable standards set forth in Table 14-8.6-1 located in the appendix following Section 14-12 shall apply. (Santa Fe)

3-209.D.1.a. Parking Requirements in the Accommodations One Zone District	
Use Category	Required Parking
Residential Dwelling Units	1 space per unit
Short-term Dwelling Units	2 spaces for every 3 units
Hotel, Lodge, Roominghouse, Boardinghouse	2 spaces for every 3 units
High Intensity Use	One space per 500 square feet of floor area
Low Intensity Use	One space per 1,000 square feet of floor area
Assembly Areas	One space per 500 square feet of floor area

(Telluride)

Special Provision for Historic Structures

For properties listed on the Aspen Inventory of Historic Landmark Sites and Structures, fewer spaces may be provided and/or a waiver of cash-in-lieu fees may be approved, pursuant to Chapter 26.430, Special review and according to the review criteria set forth below.

26.515.040. Special review standards

A. A special review for establishing, varying or waiving off-street parking requirements may be approved, approved with conditions or denied based on conformance with the following criteria:

1. The parking needs of the residents, customers, guests and employees of the project have been met, taking into account potential uses of the parcel, the projected traffic generation of the project, any shared parking opportunities, expected schedule of parking demands, the projected impacts on the on-street parking of the neighborhood, the proximity to mass transit routes and City of Aspen Land Use Code Part 500 – Parking Page 5 the downtown area and any special services, such as vans, provided for residents, guests and employees.
2. An on-site parking solution meeting the requirement is practically difficult or results in an undesirable development scenario.
3. Existing or planned on-site or off-site parking facilities adequately serve the needs of the development, including the availability of street parking. (Aspen)

Incentivize Uses

Sec. 16-16-90. - Restaurant uses.

(a) Restaurant uses existing on May 14, 1994, shall be deemed to have satisfied all provisions of parking requirements for such uses and then-existing square footage.

(b) In the event a conditional use permit is sought for a restaurant use in the same location that is of the same footprint and general configuration and of the same square footage amount as a restaurant use existed on May 14, 1994, no additional parking shall be required for such restaurant use.

(c) In the event that a conditional use permit is sought for a restaurant use that is in the same location but not of the same footprint and general configuration as previously used on May 14, 1994, the provision of parking for such different space shall be required, and the parking requirement for such different space shall be calculated as an increment to the square footage of the original restaurant use.

(d) In the event a conditional use permit sought is for a restaurant use with a square footage amount greater than the restaurant use as it existed on May 14, 1994, the provision of additional parking shall be required for any such additional square footage, which shall be calculated as an increment to the square footage of the original restaurant use. (Crested Butte)

18.48.040 - Number of Parking Spaces Required Each use

Outdoor seating and dining areas for restaurants and cafes (except counter-service restaurants) adjacent to the Truckee River shall be exempt from complying with the parking requirements of this Chapter and paying in-lieu parking fees, up to a maximum of 10 parking spaces. (Truckee)

Simplified Parking Requirements

TABLE 3-4 PARKING REQUIREMENTS FOR USE CATEGORIES	
USE CATEGORIES	PARKING REQUIRED
All Residential Uses , including Accommodations Units with a kitchen	One space per unit
Short-term Dwelling Unit	Two spaces per three units
Hotel, Lodge, Roominghouse, Boardinghouse	Two spaces per three units
Low Intensity uses: Assembly areas - exhibit rooms; gymnasiums; and skating rinks. Retail stores and shops. Offices - professional (excluding medical and dental); general business offices; utility; telephone; telegraph; radio and broadcasting. Personal Services.	One space per 1,000 square feet of floor area
High Intensity Uses: Assembly areas - restaurant; bar; theater; auditorium; dance floor (including room or hall); church; chapel; assembly hall; bowling alley (assembly area only); stadium (bleacher area only); and swimming pool (including deck area); laundromat. Offices - medical and dental (including clinics); financial institutions, banks and loan companies; and public buildings for administration (including city and county offices).	One space per 500 square feet of floor area
Automotive Uses: Gas Stations and Vehicle Repair Auto Service, Car Rentals, Auto and Truck Sales	One space per gasoline pump; Two spaces per grease rack or wash rack; and One space per 200 square feet of area usable for repair work, exclusive of drives, equipment, storage, utilities, etc. One space for each vehicle, exclusive of service and repair area, which shall meet the requirements for gas stations and vehicle repair.
Hospitals and Schools	Set by review of P&Z

(Telluride)

Table 1-4 Required Parking Spaces					
For This Use:	The required minimum number of Parking Spaces in this Zoning District shall be:			The required parking spaces shall be located:	
	B	BB	R3/4, R2		R1
Residential	No minimum	1 space per dwelling unit		2 spaces per dwelling unit	Off-street
Lodging	.5 spaces per lodging bedroom	.75 spaces per lodging bedroom		N/A	Off-street
Office/Service or Retail	No minimum	2 spaces per 1,000 square feet of retail or office space		N/A	Off-street, on-street or a combination of off-street and on-street
Gaming	2 spaces per 1,000 square feet of gaming space	5 spaces per 1,000 square feet of gaming space		N/A	Off-street, on-street or a combination of off-street and on-street
Assembly	No minimum	1 space per each 5 seats		1 space per each 5 seats	Off-street, on-street or a combination of off-street and on-street
Civic Uses other than Assembly	No minimum	1 space per 1,000 square feet		1 space per 1,000 square feet	Off-street, on-street or a combination of off-street and on-street
Commercial Uses other than Lodging, Office/Service, Retail or Gaming	No minimum	2 spaces per 1,000 square feet		N/A	Off-street, on-street or a combination of off-street and on-street
Industrial	No minimum	1 space per 1,000 square feet		N/A	Off-street, on-street or a combination of off-street and on-street

(Cripple Creek)

Bicycle Parking Standards

7.44.100 Bicycle Parking Space: Where off street parking is required by this chapter, one bike rack capable of accommodating at least two (2) bikes is required for the first ten (10) required parking stalls. Additional bike racks will be installed on a ratio accommodating one bike for each additional ten (10) parking stalls. The required bike racks must be located on the same lot as, and within a reasonable distance of, the principal use or structure. The bike racks must be placed in a location that will not

interfere with pedestrian or vehicular traffic and the area where the rack is placed must meet the paving requirement contained in section [17.44.310](#) of this chapter. A reduction in the total number of off street parking spaces may be available for providing special accommodations for bicyclists as provided in section [17.44.200](#) of this chapter. (Coeur d'Alene)

3.8.063: BICYCLE PARKING: Uses shall provide long and short term bicycle parking spaces, as designated in table [3.8.063](#) of this section. Where two (2) options are provided (e.g., 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking is used.

TABLE 3.8.063
MINIMUM REQUIRED BICYCLE PARKING SPACES

Uses	Long Term Spaces (Covered Or Enclosed)	Short Term Spaces (Near Building Entry)
Boarding houses, rooming houses, dormitories	1 per 8 bedrooms	None
Churches and places of worship	2, or 1 per 4,000 square feet of net building area	2, or 1 per 2,000 square feet of net building area
Daycare	2, or 1 per 10,000 square feet of net building area	None
Hotels, motels	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Manufacturing and production	2, or 1 per 15,000 square feet of floor area	None
Multi-family	1 per 4 units	2, or 1 per 20 units
Office, banks, and similar uses	2, or 1 per 10,000 square feet of floor area	2, or 1 per 40,000 square feet of floor area
Retail sales and service	2, or 1 per 12,000 square feet of floor area	2, or 1 per 5,000 square feet of floor area
Schools - grades 2-5	1 per classroom, or per CU review	1 per classroom, or per CU review
Schools - grades 6-12	2 per classroom, or per CU review	4 per school, or per CU review

Other categories	Determined through conditional use (CU) and design review
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- (A) Location And Design: Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty feet (50'), whichever is less. Long term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short term bicycle parking, when allowed within a public right of way, should be coordinated with the design of street furniture, as applicable.
- (B) Visibility And Security: Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- (C) Options For Storage: Long term bicycle parking requirements for multiple-family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- (D) Lighting: For security, bicycle parking shall be at least as well lit as vehicle parking.
- (E) Reserved Areas: Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- (F) Hazards: Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. (McCall)

16.20.040.2: SPACES REQUIRED: B. Parking Requirements For Bicycles:

1. Any commercial and industrial development shall include adequate bicycle parking spaces equal to five percent (5%) of automobile parking spaces.
2. All bicycle parking spaces shall be located within fifty feet (50') of the building entrance. Bicycle parking may be located in a building as long as the area is easily accessible to the bicycle.
3. Bicycle parking shall be provided in a well lighted and secure location that is in convenient proximity to the building or employee entrance. The location should be visible from employee work areas and shall not be farther than the nearest employee automobile parking space (excluding disabled parking).
4. Bicycle parking stalls shall be six feet (6') long and two feet (2') wide with an overhead clearance of seven feet (7'). All stalls shall have a five foot (5') accessible aisle.
5. The town of Taos may reduce or eliminate the number of bicycle spaces required when it is demonstrated that bicycle activity will not occur at the location. Such uses include, but are not limited to:
 - a. Motor vehicle service and repair establishments;
 - b. Personal storage; and
 - c. Agricultural uses.

6. If a use is determined to generate an increased volume of bicycle parking, the town of Taos may require additional bicycle parking spaces. Such uses include, but are not limited to:
 - a. Park;
 - b. Library;
 - c. Museum;
 - d. Health spa or fitness club; and
 - e. Commercial uses located along bike lanes or trails. (Taos)

Bicycle Parking Tied to a Reduction in Vehicular Standards

14.44.200 Bicyclist Accommodations: The planning director may authorize a fifteen percent (15%) reduction in the number of required off street parking spaces for developments or uses that make special provision to accommodate bicyclists. Examples of accommodations include enclosed bicycle lockers, employee shower facilities and dressing areas for employees. A reduction in parking may not be granted merely for providing outdoor bicycle parking spaces. (Coeur d'Alene)



City of Ketchum
Planning & Building

Date: June 14, 2016
To: Mayor Jonas and City Council
From: Micah Austin, Planning and Building Director
Subject: Parking Code Amendments Recommendations

Objective for Parking Code Amendments

The current parking standards are in conflict with the objectives of the Comprehensive Plan and modern principals for creating a livable and multi-modal community. While the city invests in transit services, pedestrian and bicycle infrastructure, and other improvements to create a more walkable and accessible community, the current parking standards promote a car oriented culture by prioritizing the convenience of drivers above the goals of a healthy community. Further, the current standards discourage the mix of retail, restaurant and entertainment uses that create a vibrant, successful community. The old methodologies and approach towards parking are out dated and revisions are long overdue.

The Planning and Building Department conducted research and analysis on the City of Ketchum's current parking regulations and has prepared a list of recommendations for changes. The objective is to accomplish the following:

1. Align the parking regulations with the community's values and the 2014 Comprehensive Plan that requires the community to become less dependent on the automobile and encourages public transit and active modes of transportation
2. Promote uses, such as retail establishments, restaurants, and theaters, that contribute to vitality of Ketchum's downtown.
3. Incentivize community housing.

The proposed revisions are targeted to accomplish one or more of these objectives. The revisions are provided to Council for information only, the next step will be engaging the public in this discussion and seeking input from all community members that are interested in these changes. Following an active public process, staff will present to Council the results of the community outreach and recommendations for changes prior to proceeding to the Planning Commission with amendments to the Zoning Ordinance.

Proposed Revisions to the Parking Code

1. **Off-Street Parking Matrix.** The current parking matrix is outdated and does not reflect current community values or actual parking demands for projects. Staff proposes to simplify the matrix to include three categories: 1) Residential; 2) Commercial; and 3) Exempt Uses. Based on staff's analysis these three categories are adequate to accommodate on-site parking requirements. Generally, staff proposes a minimum standard of 1 space per 1000 square feet of commercial

gross floor area and 1 space per residential unit up to 750 gross square feet. For larger units, more parking space would be required based on the size of the residential units. The exempt uses would be those business activities that are highly desired in Ketchum and disproportionately impacted by current parking regulations.

2. **Parking Demand Analysis.** Staff proposes allowing any development to submit a Parking Demand Analysis if the parking code requirements do not reflect the actual demands of a development. In these cases, a parking demand analysis may be submitted to the Administrator to show the actual parking demands of a particular project. After considering the Parking Demand Analysis, the Administrator may waive any portion of parking requirements. Application requirements for the Analysis will be specific and must quantify actual parking demand and assess availability of on-street or shared parking resources.
3. **On-Site Requirement for All Residential.** During winter, overnight parking is prohibited on streets to allow for snow removal. There is no opportunity for residents to use on-street parking to meet their parking demand. Staff proposes requiring all residential parking to be located on-site and fully accounted for because of parking prohibitions in the winter. The standards would clarify that in no situations will residential parking demands be allowed on-street or off-site.
4. **Exemptions.** Certain uses are beneficial and necessary to maintain the vibrancy and economic vitality of Ketchum's downtown. For that reason, staff proposes exempting the following uses from the parking requirements:
 - a. Community housing units (already exempted by code)
 - b. Desired uses (incentivized): restaurants, retail and existing assembly.
 - c. Any use, except residential, that is within ¼ mile of a structured parking facility. At the moment, Ketchum does not have a structured parking facility but this exemption would provide a market incentive for building a structure parking facility.
 - d. Other exemptions may be allowed by the Administrator when a Parking Demand Analysis is submitted to show the actual demands of a project are less than required by code.
5. **Parking Reduction through TDM.** The community is moving towards using more public transit and the Comprehensive Plan requires in numerous places that we incorporate transit into zoning decisions and regulations. In response, staff proposes for commercial development allowing for a 25% parking reduction from the minimum standards through the provision of Transportation Demand Measures (TDM) including:
 - e. TDM strategies identified in the Warm Springs Base Area Overlay universally for all zones in the City.
 - f. Locational factors, such as within ¼ mile of a bus stop or the Wood River Trail.
 - g. Provision of shower and lockers facilities.
 - h. Provision of bike storage or sheltered bicycle parking.
6. **Bicycle Standards.** The current parking regulations do not recognize bicycle parking infrastructure as an appropriate mode of satisfying parking demands. Staff proposes requiring all uses to provide onsite bike parking spaces equal to 25% of the minimum number of required onsite parking spaces. For example, if four (4) vehicle spaces are required, one (1) bike parking space is required. This would not relieve any vehicular parking requirements but require additional bike parking spaces.

7. **Shared Parking.** While the code currently allows for a Shared Parking Plan, staff proposes expanding on this tool so that it can be used more frequently. A Shared Parking Plan could be submitted as part of the Parking Demand Analysis to accommodate parking requirements. The shared parking plan should also include an agreement between property owners for sharing common parking on private property and would be reviewed by staff. In all cases, staff proposes that all shared parking must be located no less than 300 feet from the project. In no case would the City manage shared parking agreements.
8. **Calculation of Gross Floor Area.** For calculation of parking requirement, staff proposes using Gross Floor Area, as defined by 17.08.020 for calculation parking requirements. This has been an area of confusion for several years and can be easily corrected. In addition to this, staff proposes deducting common area spaces from the calculation to avoid artificially inflated parking requirements.
9. **Surface Lot Restrictions.** As a way to maximize the limited space in Ketchum's downtown, staff proposes prohibiting new surface lots in the CC. For all other zones, new surface lots should be located only in the rear of a building or lot.

Background on Ketchum's Parking Ordinance

Our authority to regulate parking is derived from Idaho State code which permits municipalities to establish a zoning ordinance to manage land use. The purpose of the zoning ordinance is to "promote the health, safety and general welfare" of the public. The scope of most parking regulations is to ensure efficient use of land by requiring property owners to provide onsite parking commensurate with the use of their property. Parking requirements are typically connected to land use categories related to commercial, residential, public and industrial uses and are generally calculated on a square footage or per business/use basis

Ketchum began regulating parking in 1961 when it adopted the city's first zoning ordinance. Over the course of five decades the zoning ordinance was amending 273 times causing regulations to become disjointed, internally conflicted and difficult to navigate. In July of 2015 the city approved major amendments to the zoning ordinance which included consolidating all parking regulations into Chapter 17.125 "Off-Street Parking and Loading." Chapter 17.125 regulates the dimensions for parking spaces, establishes minimum parking requirements for individual land uses, addresses on-street parking credit and provides allowance for shared parking between multiple users. The recommendations for amendments are entirely focused on Chapter 17.125 of the Zoning Ordinance.



Scope of Work

- ① Review current City policy and code provisions related to parking
- ② Explore best practices in other communities like Ketchum
- ③ Recommend options for changes to the parking code.



Peer Review of Best Practices

Aspen, CO	Leavenworth, WA
Breckenridge, CO	McCall, ID
Carmel, CA	Park City, UT
Coeur d'Alene, ID	Sandpoint, ID
Crested Butte, CO	Santa Fe, NM
Cripple Creek, CO	Steamboat Springs, CO
Frisco, Co	Taos, NM
Hood River, OR	Telluride, CO
Jackson, WY	Truckee, CA
La Conner, WA	Vail, Co

Preliminary Recommendations

1. Integrating Transportation Demand Management (TDM)
2. Expanding the application of the shared and in lieu parking provisions.
3. Re-think the land based parking standards for greater flexibility
4. Consider area based standards for the Downtown
5. Review ways parking can be an incentive for the desired uses and mix of housing.
6. Examine ways to de-regulate parking for older or historic structures.
7. Streamline and simplify the parking standards.

TDM Provisions

Coeur d'Alene	McCall	Taos	Santa Fe
<ul style="list-style-type: none"> • 1 bicycle rack/10 parking spaces • Rack location requirements • 15% reduction in vehicular parking for bicycle facilities (lockers, showers, etc.) 	<ul style="list-style-type: none"> • Bicycle space requirement by land use • Location and design requirements 	<ul style="list-style-type: none"> • 5% of required vehicular for parking • Location, lighting, site requirements • Flexibility to decrease or increase required bicycle spaces 	<ul style="list-style-type: none"> • Parking reduction allowed for transit facilities

In Lieu Fee Provisions

Breckenridge	Carmel	Crested Butte	Hood River
<ul style="list-style-type: none"> • Fees are dedicated to transit facilities and equipment 	<ul style="list-style-type: none"> • Prohibits on-site parking in core. Requires in lieu. • Fees are dedicated to parking lots outside the Core 	<ul style="list-style-type: none"> • Allows for in lieu payment over time 	<ul style="list-style-type: none"> • Requires in lieu in certain districts
		La Conner	Sandpoint
		<ul style="list-style-type: none"> • 50% of parking can be provided through in lieu 	<ul style="list-style-type: none"> • In lieu only allowed in downtown

Shared Parking

- With few exceptions, all surveyed communities allow for shared parking.
- Ketchum is one of the few that allow for a reduction in parking when parking is shared.
- Coeur d'Alene specifies uses for shared parking by hours of operation:

<u>Uses With Daytime Hours</u>	<u>Uses With Evening Hours</u>
Banks	Auditoriums
Business offices	Bars
Churches	Bowling alleys
Grade schools/high schools/daycare centers	Dance halls
Manufacture/wholesale (with limited hours)	Hotels/motels
Medical clinics	Meeting halls
Professional offices	Nightclubs
Retail stores (with limited hours)	Restaurants
Service stores	Theaters

Special Provisions for Certain Districts

<p style="text-align: center;">Aspen</p> <ul style="list-style-type: none"> • Reduction or waiving parking for historic 	<p style="text-align: center;">Crested Butte/Jackson</p> <ul style="list-style-type: none"> • Allows for on-street credit in core 	<p style="text-align: center;">Frisco</p> <ul style="list-style-type: none"> • Allows on-street credit in core for non-overnight uses • Parking reduction in core 	<p style="text-align: center;">Truckee</p> <ul style="list-style-type: none"> • On site parking reduction in core at 0.75/1 space • No parking for restaurants along river up to 10 spaces
<p style="text-align: center;">McCall/Santa Fe</p> <ul style="list-style-type: none"> • Parking reductions allowed for downtown 	<p style="text-align: center;">Coeur d'Alene</p> <ul style="list-style-type: none"> • Parking reduction allowed in core and in-fill areas 		

Simplified Parking Matrix

Telluride	
Use Categories	Parking Required
Residential	One space/per dwelling
Short term residential	Two spaces/three units
Hotel, motel lodging	Two spaces/three units
Low intensity uses	One space/1000 square feet
High intensity uses	One space/500 square feet
Automotive uses	gas stations One space/pump, two space/rack, one space/repair area
	Auto service, car rentals, sales One space/each vehicle
Hospitals and schools	Set by the P & Z

Exemptions and Reductions

McCall	Crested Butte	Taos	Breckenridge
<ul style="list-style-type: none"> • Exemption for adequate public transportation • Exemption in BID and Urban renewal district 	<ul style="list-style-type: none"> • Grandfathers restaurant and residential uses 	<ul style="list-style-type: none"> • 20% reduction by approval of the Planning Commission 	<ul style="list-style-type: none"> • Waiver/ variance granted by Planning Commission

Exemptions and Reductions

Jackson	Park City	Santa Fe	Truckee	Vail
<ul style="list-style-type: none">• Independent assessment for some uses	<ul style="list-style-type: none">• Reduction through conditional use or master plan	<ul style="list-style-type: none">• Reduction by provision of transit• Reduction in core area by special use permit	<ul style="list-style-type: none">• Reduction through specific plans, use permits	<ul style="list-style-type: none">• Reduction based on studies and criteria• Through creation of "exempt zones"

Summary of Findings

- Many communities have adopted bicycle parking standards and provisions for transit. Few have the standards integrated with parking requirements - a TDM approach.
- Most communities have provisions for in lieu and shared parking.
- Many resort communities have special parking provisions for downtowns, historic districts, or the community's core.
- There are few good examples of communities using parking as an incentive for certain types of land uses.
- There are many examples of simplified code provisions and parking standards.
- There are a variety of means used by the peer cities to exempt, or reduce the parking standards

Recommended Code Provisions

- **Reduce the number of land use categories in the parking matrix.**
 - Develop minimum parking standards with a provision for requiring more parking through an administrative determination.
 - Develop separate, lower parking standards for uses in the downtown.
 - Base parking requirements for housing on size and reduce the minimum requirements to incentivize smaller units.
- **Exempt certain uses from the parking requirements**
- **Allow for parking reduction through TDM**
- **Adopt bicycle parking standards for all uses**
- **Expand shared parking requirements**
- **Improve administrative practices**
- **Surface lot restrictions**



Questions?





Constant Contact Survey Results

Survey Name: 2016_08_12 Survey Parking




Response Status: Partial & Completed

Filter: None

8/26/2016 10:47 AM MDT

How far are you willing to walk to go to the following:



1 = 0 Blocks, 2 = 1-2 Blocks, 3 = 3-4 Blocks, 4 = More

Answer	1	2	3	4	Number of Response(s)	Rating Score*
Grocery Store					295	2.1
Restaurant					288	2.9
Movies					283	2.8

*The Rating Score is the weighted average calculated by dividing the sum of all weighted ratings by the number of total responses.






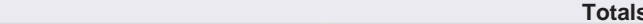
Would you be willing to pay to park in the following locations:

1 = Yes, 2 = No, 3 = Maybe






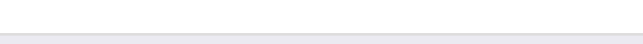
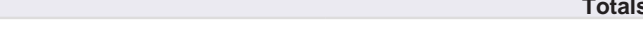
Answer	1	2	3	Number of Response(s)	Rating Score*
Parking Garage				293	1.8
Parking Meter				292	2.0

*The Rating Score is the weighted average calculated by dividing the sum of all weighted ratings by the number of total responses.


How many cars/trucks do you own?

Answer	0%	100%	Number of Response(s)	Response Ratio
0			1	<1 %
1			92	31.0 %
2			133	44.9 %
3			40	13.5 %
More than 3			27	9.1 %
No Response(s)			3	1.0 %
Totals			296	100%

How many of your cars/trucks do you park in a garage?

Answer	0%	100%	Number of Response(s)	Response Ratio
0			48	16.2 %
1			90	30.4 %
2			109	36.8 %
3			16	5.4 %
More than 3			5	1.6 %
I don't have a garage.			27	9.1 %
No Response(s)			1	<1 %
Totals			296	100%

Do you think there is adequate bicycle parking in the downtown?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			182	61.4 %
No			103	34.7 %
No Response(s)			11	3.7 %
Totals			296	100%

If no, is it because of the following reasons:

1 = Yes, 2 = No, 3 = No opinion on this question., 4 = I don't ride a bike.

Answer	1	2	3	4	Number of Response(s)	Rating Score*
Lack of Security					135	2.4
Lack of Shelter					135	2.4
Not Enough Locations					148	1.9

*The Rating Score is the weighted average calculated by dividing the sum of all weighted ratings by the number of total responses.


How many days per week do you use the following forms of transportation to reach downtown?

1 = Never, 2 = 1-2 Times a Week, 3 = 3-4 Times a Week, 4 = More than 4 Times a Week, 5 = Every Day

Answer	1	2	3	4	5	Number of Response(s)	Rating Score*
Bus						256	1.3
Bicycle						272	2.1
Walk						276	2.3

*The Rating Score is the weighted average calculated by dividing the sum of all weighted ratings by the number of total responses.

Do you think it is okay for studios and 1-bedroom units to have only 1 parking space?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			193	65.2 %
No			47	15.8 %
Neutral			34	11.4 %
No opinion on this question.			18	6.0 %
No Response(s)			4	1.3 %
Totals			296	100%

Do you think it is okay for studios and 1-bedroom units to have no requirement for parking spaces if their cars are parked in a private garage?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			162	54.7 %
No			61	20.6 %
Neutral			31	10.4 %
No opinion on this question.			38	12.8 %
No Response(s)			4	1.3 %
Totals			296	100%

Do you think the following uses should be required to have on-site parking spaces?

1 = Yes, 2 = No, 3 = Neutral, 4 = No opinion on this question..

Answer	1	2	3	4	Number of Response(s)	Rating Score*
Community Housing					290	1.4
Retail Establishments					286	2.0
Places of Assembly					290	1.6
Restaurants					289	2.0

*The Rating Score is the weighted average calculated by dividing the sum of all weighted ratings by the number of total responses.

Do you have any comments you would like to share with us on parking in Ketchum?

147 Response(s)