

City of Ketchum

CITY COUNCIL MEETING AGENDA MEMO

Meeting Date: June 12, 2023 Staff Member/Dept: Morgan Landers, AICP – Director of

Planning and Building

Agenda Item: Recommendation to hold a public hearing and approve the Crossbuck McNee Townhouse

Preliminary Plat and Phased Development Agreement #22854.

Recommended Motion:

I move to approve the Crossbuck McNee Townhouse Preliminary Plat and Phased Development Agreement #22854.

Reasons for Recommendation:

- The Planning and Zoning Commission approved a Design Review application (P21-025) and recommended approval of a Townhouse Preliminary Plat (P21-026), for two detached townhomes on the Property on September 21, 2021. A phased development agreement was not requested at the time of preliminary plat request. The townhouse preliminary plat was not forwarded to the City Council for approval due to site access negotiations.
- The city issued individual building permits for sublot 1A and sublot 1B (B21-133). The site access issues were resolved through review of the building permit approval. Both sublots are currently under construction, however, one sublot is progressing more quickly than the other.
- The phased development agreement would permit a final plat to be filed with the city for approval following issuance of a certificate of occupancy for the first townhouse unit, rather than requiring a certificate of occupancy for both units prior to approval of a final plat.
- The Planning and Zoning Commission recommended approval of the phased development agreement after holding a public hearing at their May 23, 2023 meeting.

Policy Analysis and Background (non-consent items only):

Pursuant to KMC 16.04.110.B - *Development plan*. "In addition to the preliminary plat, subdivision application and data, the subdivider shall submit to the Administrator a development plan with a schedule for the entire project, containing all of the information required in subsection 16.04.030 of this chapter." The townhouse preliminary plat was recommended for approval on September 21, 2021. The townhouse preliminary plat is included as Attachment A to this report. The townhouse preliminary plat meets all the requirements of a townhouse preliminary plat as outlined in the Draft Findings of Fact, Conclusions of Law, and Decision included as Attachment B to this report.

According to the applicant, development of sublot 1B will be completed first, followed by sublot 1A a few weeks later. The draft Phased Development Agreement includes maintenance responsibilities, a construction and completion schedule, and process requirements for filing of the townhouse final plat.

Sustainability Impact:

Approval of the townhouse preliminary plat and phased development agreement would not limit the city's ability to achieve the goals of the Sustainability Action Plan.

Financial Impact:

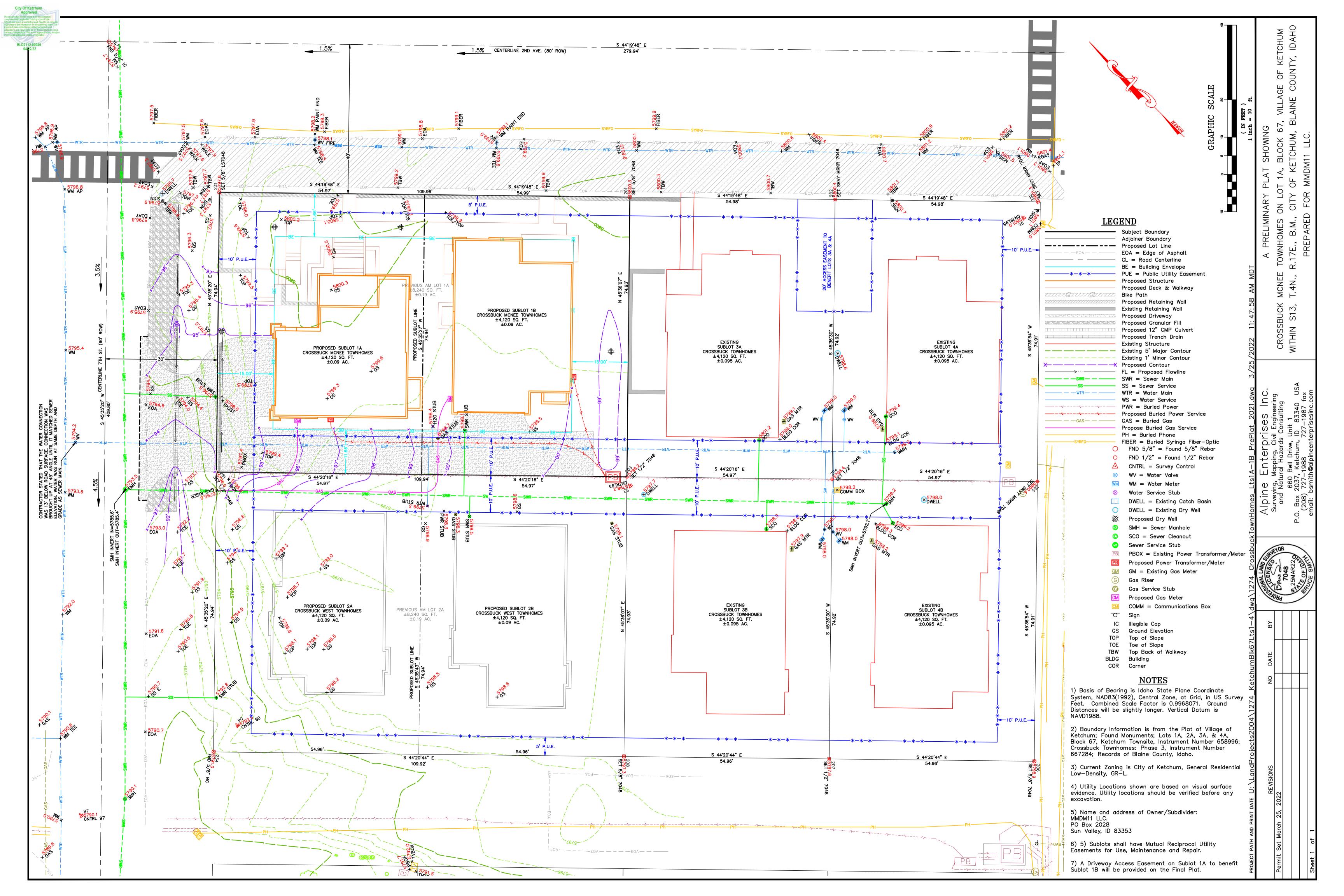
None OR Adequate funds exist in account:	No financial assistance is being requested by the
	applicant

Attachments:

	Crossbuck McNee Townhouse Preliminary Plat
ſ	2. Draft Findings of Fact, Conclusions of Law, and Decision
Γ	3. Crossbuck McNee Phased Development Agreement #22854



Attachment 1: Crossbuck McKnee TH Preliminary Plat





Attachment 2: Draft Findings of Fact, Conclusions of Law, and Decision



IN RE:		
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Crossbuck McNee Townhomes Townhouse Subdivision Preliminary Plat Date: June 12, 2023

File Number: 21-026

KETCHUM CITY COUNCIL
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
DECISION

PROJECT: Crossbuck McNee Townhomes

APPLICATION TYPE: Townhouse Subdivision Preliminary Plat

FILE NUMBER: P21-026

ASSOCIATED APPLICATIONS: Design Review (P21-025)

REPRESENTATIVE: Bruce Smith, Alpine Enterprises (surveyor)

OWNER: MMDM11, LLC

LOCATION: Southwest Corner of 2nd Avenue & W 7th Street (Ketchum Townsite:

Amended Block 67: Lot 1A)

)

ZONING: General Residential Low Density (GR-L)

OVERLAY: None

RECORD OF PROCEEDINGS

The Planning & Zoning Commission considered the Crossbuck McNee Townhomes Design Review (Application File No. P21-025) and Townhouse Subdivision Preliminary Plat (Application File No. P21-026) applications during their meetings on July 27th, July 30th, and August 24th, 2021. The development applications were considered concurrently and the associated public hearings were combined in accordance with Idaho Code §67-6522. After considering Staff's analysis, the applicant's presentation, and public comment, the Planning & Zoning Commission unanimously approved the Crossbuck McNee Townhomes Design Review (Application File No. P21-025) application and recommended approval of the Townhouse Subdivision Preliminary Plat (Application File No. P21-026). The City Council held a public hearing and reviewed the Townhouse Subdivision Preliminary Plat and Phased Development Agreement application at the June 12, 2023

Public Hearing Notice

A public hearing notice for the Planning and Zoning Commission meeting was mailed to all owners of property within 300 feet of the project site and all political subdivision on July 7th, 2021. The public hearing notice was published in the Idaho Mountain Express the on July 7th, 2021. A notice was posted on the project site and the city's website on July 20th, 2021. The public hearing for the project was continued from the Planning & Zoning Commission meetings of July 27th and July 30th, 2021.

A public hearing notice for the City Council meeting was mailed to all owners of property within 300 feet of the project site and all political subdivisions on May 24, 2023. The public hearing notice was published in the Idaho Mountain Express on May 24, 2023. A notice was posted on the project site and the city's website on May 26, 2023.

FINDINGS OF FACT

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

FINDINGS REGARDING CROSSBUCK MCNEE TOWNHOMES

The Crossbuck McNee Townhomes project is comprised of concurrent Design Review and Townhouse Subdivision Preliminary Plat applications for the development of two new detached townhome units and associated site improvements on an undeveloped property located at the southwest corner of 2nd Avenue and W 7th Street (Ketchum Townsite: Amended Block 67: Lot 1A). The townhome units will share a private driveway accessed from 7th Street. The townhome development's total proposed building coverage is 35%. Lot 1A within Block 67 of Ketchum Townsite will be subdivided into two townhouse sublots. The Crossbuck McNee Townhomes project requires both Design Review for the development of multi-family residential dwellings (Ketchum Municipal Code §17.96.010.A3) and a Townhouse Subdivision Preliminary Plat to create the townhouse sublots (Ketchum Municipal Code §16.04.080). The project plans for the new townhome development were attached as Exhibit A to the July 27th and August 24th, 2021 staff reports.

FINDINGS REGARDING TOWNHOUSE SUBDIVISION REQUIREMENTS

	Townhouse Plat Requirements				
Coi	Compliant			Standards and Commission Findings	
Yes	No	Ν	City Code	City Standards and Commission Findings	
		/A			
			16.04.080.B	Townhouse Owners' Documents: The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.	
			Findings	The applicant has submitted a complete preliminary plat application including the CC&Rs. The applicant shall submit a final copy of the Townhouse Declaration and CC&Rs document to the Planning & Building Department and file such document prior to recordation of the final plat.	

X		16.04.080.C.1	Preliminary Plat Procedure: Townhouse developments shall be administered consistent with the procedures and design and development regulations established in §16.04.030 and §16.04.040 and the standards of this subsection.
			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.
		Findings	The townhouse subdivision shall be platted under the procedures contained in the subdivision ordinance.
		16.04.080.C.2	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.
		Findings	The townhome subdivision preliminary plat and design review applications for the development are being reviewed concurrently.
		16.04.080.C.3	The preliminary plat, other data, and the commission's Commission Findings may be transmitted to the council prior to commencement of construction of the project under a valid building permit issued by the City. The council shall act on the preliminary plat pursuant to subsection 16.04.030E and F of this chapter.
		Findings	The Administrator waived this requirement and issued the building permit prior to the approval of the preliminary plat. Building permits were issued for both sublots, however, this preliminary plat is being reviewed prior to issuance of certificate of occupancy for either of the units.
	\boxtimes	16.04.080.C.4	In the event a phased townhouse development project is proposed, after preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow §16.04.030.G and comply with the additional provisions of §16.04.110 of this code.
		Findings	A phased development agreement has been requested and is being reviewed concurrently with this preliminary plat.
		16.04.080.D	D. Final Plat Procedure: 1. The final plat procedure contained in subsection 16.04.030G of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the townhouse has received either: a. A certificate of occupancy issued by the city of Ketchum for all structures in the townhouse development and completion of all design review elements as approved by the planning and zoning administrator; or b. Signed council approval of a phased development project consistent with §16.04.110 herein. 2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this code.

		Findings	The applicant shall follow the final plat procedure as specified in the City's
		16.04.080.E.1	E. Required Commission Findings: In addition to all Townhouse Developments complying with the applicable provisions of Title 17 and this Subdivision Chapter (§16.04), the Administrator shall find that All Townhouse Developments, including each individual sublot, shall not
		Findings	exceed the maximum building coverage requirements of the zoning district. The townhome project is located within the General Residential Low Density (GR-L) Zone. The townhomes development's proposed building coverage is 35% (2,651 square feet building coverage/7,580-square-foot lot), which is the maximum permitted in the GR-L Zone.
	X	16.04.080.E.2	Garage: All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.
		Findings	Each townhome unit includes an attached and enclosed 2-car garage. No detached garages are proposed with this townhome development.
		16.04.080.E.3	General Applicability: All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions. (Ord. 1061 § 3, 2009: Ord. 879 § 4, 2001: Ord. 460 § 2, 1987)
		Findings	This townhouse subdivision will comply with all applicable local, state, and federal ordinances, rules, and regulations.

FINDINGS REGARDING PRELIMINARY PLAT REQUIREMENTS & SUBDIVISION STANDARDS

	Preliminary Plat Requirements & Subdivision Design and Development Standards				
С	Compliant			Standards and Commission Findings	
Yes	No	N/	City Code	City Standards and Commission Findings	
		Α			
\boxtimes			16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.	
			Findings	The application has been reviewed and determined to be complete.	
\boxtimes			16.04.030.J	Application and Preliminary Plat Contents: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following:	
			Findings	All required materials for the preliminary plat application have been submitted.	
\boxtimes			16.04.030.I.1	The scale, north point and date.	

			Findings	This standard has been met. The preliminary plat contains a scale, north point,
				and date.
\boxtimes			16.04.030.J.2	The name of the proposed subdivision.
			Findings	This standard has been met.
\boxtimes			16.04.030.J.3	The name and address of the owner of record, the subdivider, and the
				engineer, surveyor, or other person preparing the plat.
			Findings	This information has been provided on the application form and indicated on
				the Preliminary Plat.
\boxtimes			16.04.030.J.4	Legal description of the area platted.
			Findings	This standard has been met.
			16.04.030.J.5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
			Findings	This standard has been met. The existing 4 Crossbuck Townhome units on Lots 3A and 4A of Block 67 are indicated on the subdivision plat. Additionally, the applicant has indicated the Crossbuck West Townhomes proposed on adjacent Lot 2A on the preliminary plat.
☒			16.04.030.J.6	A contour map of the subdivision with contour lines and a maximum interval of two feet (2') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			Findings	This project plans include a topographic map.
\boxtimes			16.04.030.J.7	The scaled location of existing buildings, water bodies and courses and location
				of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.
			Findings	The existing 4 Crossbuck Townhome units on Lots 3A and 4A of Block 67 are indicated on the subdivision plat. 7 th Street and 2 nd Avenue are indicated on the plat.
\boxtimes			16.04.030.J.8	Boundary description and the area of the tract.
			Findings	This boundary description and the area of the tract is noted on the Preliminary Plat.
\boxtimes	П	П	16.04.030.J.9	Existing zoning of the tract.
			Findings	The property is within the GR-L Zone.
\boxtimes			16.04.030.J.10	The proposed location of street rights of way, lots, and lot lines, easements,
		_		including all approximate dimensions, and including all proposed lot and block
				numbering and proposed street names.
			Findings	This standard has been met. The location of the proposed townhouse sublots
				are indicated on the preliminary plat. The existing location of 2 nd Avenue, 7 th
				Street, and the Block 67 alley are indicated on the plat. The existing public utility
				easements are indicated on the plat. The townhouse subdivision does not
				propose a new lots, blocks, or street.
		\boxtimes	16.04.030.J.11	The location, approximate size and proposed use of all land intended to be
				dedicated for public use or for common use of all future property owners within
			Finalia	the proposed subdivision.
			Findings	The townhome development does not provide any land intended to be
				dedicated for public use or for the common use of all future property
				owners within the proposed subdivision.

		16.04.030.J.12 Findings	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities. The project plans indicate the locations of all utility and drainage improvements as well as the required right-of-way improvements along 7 th Street. No new street lighting or curb and gutter improvements are required or proposed.
\boxtimes		16.04.030.J.13	The direction of drainage, flow and approximate grade of all streets.
		Findings	The project plans include drainage improvements. The drainage improvements are indicated on Sheet L2 and the drywell specifications are provided on the civil drawings.
\boxtimes		16.04.030.J.14	The location of all drainage canals and structures, the proposed method of
			disposing of runoff water, and the location and size of all drainage
			easements, whether they are located within or outside of the proposed plat.
		Findings	All drainage improvements have been indicated on the project plans. No drainage canals are required or proposed.
\boxtimes		16.04.030.J.15	Vicinity map drawn to approximate scale showing the location of the
			proposed subdivision in reference to existing and/or proposed arterials
			and collector streets.
		Findings	The project plans include a vicinity map.
	\boxtimes	16.04.030.J.16	The boundaries of the floodplain, floodway and avalanche overlay district
			shall also be clearly delineated and marked on the preliminary plat or a note
			provided if the entire project is in the floodplain, floodway or avalanche
			overlay district.
		Findings	N/A. The property is not currently mapped to be in the floodplain/floodway.
		J	The property is not located within the avalanche zone.
	\boxtimes	16.04.030.J.17	Building envelopes shall be shown on each lot, all or part of which is within
			a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the
			Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of
			which has a slope of twenty five percent (25%) or greater; or upon any lot
			which will be created adjacent to the intersection of two (2) or more
			streets.
		Findings	N/A. The property is not located within the floodway, floodplain, or
			avalanche zone. The property does not lie adjacent to a river or creek. The
			lot does not contain slopes of 25% or greater. The project does not create
			a new lot—the preliminary plat subdivides an existing corner lot into 2
			townhouse sublots.
\boxtimes		16.04.030.J.18	Lot area of each lot.
		Findings	The proposed size of each sublot is indicated on the preliminary plat—each
			sublot has an area of 4,120 square feet.
\boxtimes		16.04.030.J .19	Existing mature trees and established shrub masses.
		Findings	The project plans indicate existing mature trees and shrub masses.
\boxtimes		16.04.030.J.20	To be provided to Administrator:
			Subdivision names shall not be the same or confused with the name of any
			other subdivision in Blaine County, Idaho and shall be approved by the Blaine

				County Assessor.
			Findings	The Crossbuck McNee Townhomes subdivision name is unique and is not
				the same as another townhouse subdivision in Blaine County.
		\boxtimes	16.04.030.J.21	All percolation tests and/or exploratory pit excavations required by state health authorities.
			Findings	N/A. This project will connect to municipal services.
\boxtimes			16.04.030.J.22	A copy of the provisions of the articles of incorporation and bylaws of
				homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
			Findings	The applicant has submitted a complete preliminary plat application
				including the CC&Rs. The applicant shall submit a final copy of the
				Townhouse Declaration and Party Wall Agreement document to the
				Planning & Building Department and file such document prior to recordation of the final plat.
\boxtimes			16.04.030.J.23	A current title report shall be provided at the time that the preliminary plat
				is filed with the administrator, together with a copy of the owner's recorded
				deed to such property.
			Findings	This standard has been met. The applicant has submitted a Title Report and the Last Deed of Record.
X			16.04.030.J.24	A digital copy of the preliminary plat shall be filed with the administrator.
			Findings	This standard has been met.
\boxtimes			16.04.040.A	Required Improvements: The improvements set forth in this section shall be
				shown on the preliminary plat and installed prior to approval of the final
				plat. Construction design plans shall be submitted and approved by the city
				engineer. All such improvements shall be in accordance with the
				comprehensive plan and constructed in compliance with construction
				standard specifications adopted by the city. Existing natural features which
				enhance the attractiveness of the subdivision and community, such as
				mature trees, watercourses, rock outcroppings, established shrub masses
				and historic areas, shall be preserved through design of the subdivision.
			Findings	This standard has been met. The construction design plans shall be
				submitted with the building permit application for review by City
				Departments. All improvements indicated on the project plans, including
				landscaping and right-of-way improvements, shall be installed prior to
				issuance a Certificate of Occupancy for the project. The Certificate of
			46 04 040 B	Occupancy must be issued before the project received final plat approval.
\boxtimes			16.04.040.B	Improvement Plans: Prior to approval of final plat by the commission, the
				subdivider shall file two (2) copies with the city engineer, and the city
				engineer shall approve construction plans for all improvements required in
				the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			Findings	Incensed in the state. Improvement plans shall be reviewed and approved by City Departments
			Findings	through the building permit application process.
		П	16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed
\boxtimes		Ш	10.04.040.0	all required improvements and secured a certificate of completion from
				the city engineer. However, in cases where the required improvements
I I	l			the dry engineer. However, in cases where the required improvements

the control of the subdivider, the city all of the required improvements, a particle of the subdivider. Such performs a submitted and approved. Such performs amount not less than one hundred fire costs of improvements as determined improvements are not constructed we council (which shall be one year or lest circumstances), the council may order expense of the subdivider and the subdivider shall be liable to the city for the cost of installing the required improvements.	f the required improvements as rmance bond shall be issued in an fty percent (150%) of the estimated d by the city engineer. In the event the within the time allowed by the city ess, depending upon the individual er the improvements installed at the arety. In the event the cost of installing the amount of the bond, the for additional costs. The amount that provements exceeds the amount of cically become a lien upon any and all
	. ,
installed by the subdivider, two (2) secretified by the subdivider's engineer Within ten (10) days after completion built drawings, the city engineer shal improvements and the acceptance of copy of such certification to the adm performance bond has been filed, the	f the improvements, and shall submit a inistrator and the subdivider. If a e administrator shall forward a copy of treafter, the city clerk shall release the
	. ,
Monumentation: Following completed improvements and prior to certification certain land survey monuments shall engineer or surveyor to still be in plansize, shape, and type of material as simple monuments shall be located as follow 1. All angle points in the exter 2. All street intersections, points 3. All street corner lines ending 4. All angle points and points 5. The point of beginning of the	on of construction of the required ion of completion by the city engineer, be reset or verified by the subdivider's ce. These monuments shall have the hown on the subdivision plat. The ws: rior boundary of the plat. nts within and adjacent to the final plat. ng at boundary line of final plat. of curves on all streets. he subdivision plat description.
Findings The applicant shall meet the required recordation of the final plat.	d monumentation standards prior to

	16.04.040.F	Lot Requirements: 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay design review standards and all other city requirements are met. b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section. 3. Corner lots outside of the original Ketchum Townsite shall have a
	 Findings	plat Standards 1, 4, 5, and 6 have been met.
		Standard 1 has been met—the lot and townhouse sublots sizes, widths, and depths comply with the dimensional standards for lots and townhouse sublots required in the GR-L Zone. The proposed townhome development complies with setbacks from front, rear, and side property lines required in the GR-L Zone.

				Standard 6 has been met. Each sublot has 55 feet of frontage along 2 nd Avenue. Sublot 1A has 75 feet of frontage along 7 th Street.	
				Standard 2 is not applicable as the subdivision is not located in the floodplain, mountain overlay, or avalanche zone. Standard 3 is no applicable because subject Lot 1A is located within Ketchum Townsite.	
		\boxtimes	16.04.040.G	G. Block Requirements: The length, width and shape of blocks within a	
				proposed subdivision shall conform to the following requirements:	
				No block shall be longer than one thousand two hundred feet	
				(1,200'), nor less than four hundred feet (400') between the street	
				intersections, and shall have sufficient depth to provide for two (2) tiers	
				of lots.	
				2. Blocks shall be laid out in such a manner as to comply with the lot	
				requirements.	
				3. The layout of blocks shall take into consideration the natural	
				topography of the land to promote access within the subdivision and	
				minimize cuts and fills for roads and minimize adverse impact on	
				environment, watercourses and topographical features.	
				4. Except in the original Ketchum Townsite, corner lots shall contain a	
				building envelope outside of a seventy five foot (75') radius from the	
			Findings.	intersection of the streets.	
		\boxtimes	Findings 16.04.040.H.1	N/A. No new blocks are proposed.	
			10.04.040.П.1	H. Street Improvement Requirements: 1. The arrangement, character, extent, width, grade and location of all streets	
				put in the proposed subdivision shall conform to the comprehensive plan and	
				shall be considered in their relation to existing and planned streets, topography,	
				public convenience and safety, and the proposed uses of the land;	
			Findings	N/A. The townhome development is an infill project within an existing	
				subdivision. No new streets are proposed.	
		\boxtimes	16.04.040.H.2	2.All streets shall be constructed to meet or exceed the criteria and standards	
				set forth in chapter 12.04 of this code, and all other applicable ordinances,	
				resolutions or regulations of the city or any other governmental entity	
				having jurisdiction, now existing or adopted, amended or codified;	
			Findings	This proposal does not create a new street. This standard is not applicable.	
	Ш	\boxtimes	16.04.040.H.3	3. Where a subdivision abuts or contains an existing or proposed arterial street,	
				railroad or limited access highway right of way, the council may require a	
			Findings	frontage street, planting strip, or similar design features;	
		\boxtimes	16.04.040.H.4	N/A. No street frontage improvements like planting strips are required. 4. Streets may be required to provide access to adjoining lands and provide	
	ᆸ		10.04.040.0.4	proper traffic circulation through existing or future neighborhoods;	
			Findings	N/A. This proposal does not create a new street. This standard is not applicable.	
		\boxtimes	16.04.040.H.5	5. Street grades shall not be less than three-tenths percent (0.3%) and not more	
	-	تت	10.0 1.070.11.3	than seven percent (7%) so as to provide safe movement of traffic and	
				emergency vehicles in all weather and to provide for adequate drainage and	
				snow plowing;	
			Findings	N/A. This proposal does not create a new street. This standard is not applicable.	
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		16.04.040.H.6	6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated;
		Findings	N/A. This proposal does not create a new street. This standard is not applicable.
		7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When so a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;	
		Findings	N/A. This proposal does not create a new dead-end street. This standard is not applicable.
		16.04.040.H.8	8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;
		Findings	N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed. This standard is not applicable.
	X	16.04.040.H.9	 Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);
		Findings	N/A. No new streets are proposed with this townhome development.
	X	16.04.040.H.10 10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundr twenty five feet (125') for minor streets;	
		Findings	N/A. No new streets are proposed.
	\boxtimes	16.04.040.H.11	11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;
		Findings	N/A. No new streets are proposed.
	\boxtimes	16.04.040.H.12	12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;
		Findings	N/A. The townhome development is an infill project within a residential neighborhood served by existing streets. No new streets are proposed.
	X	16.04.040.H.13	13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the County Assessor's office before submitting same to council for preliminary plat approval;

			Findings	N/A. The townhome development is an infill project within a residential
			7 111411183	neighborhood served by existing streets. No new streets are proposed.
		X		
			10.0	streets, usable lots, and minimum cuts and fills;
			Findings	N/A. The townhome development is an infill project within a residential
				neighborhood served by existing streets. No new streets are proposed.
		\boxtimes		
				through traffic, but readily accessible to adjacent collector and arterial
				streets;
			Findings	N/A. The townhome development is an infill project within a residential
				neighborhood served by existing streets. No new streets are proposed.
		\boxtimes	16.04.040.H.16	16. Reserve planting strips controlling access to public streets shall be
				permitted under conditions specified and shown on the final plat, and all
				landscaping and irrigation systems shall be installed as required
				improvements by the subdivider;
			Findings	N/A.
		\boxtimes	16.04.040.H.17	17. In general, the centerline of a street shall coincide with the centerline of the
				street right of way, and all crosswalk markings shall be installed by the
				subdivider as a required improvement;
			Findings	N/A. The townhome development is an infill project within a residential
				neighborhood served by existing streets. No new streets are proposed.
		\boxtimes	16.04.040.H.18	18. Street lighting shall be required consistent with adopted city standards and
				where designated shall be installed by the subdivider as a requirement
				improvement;
			Findings	N/A. The townhome development is an infill project within a residential
				neighborhood served by existing streets. No new streets are proposed and no
		\boxtimes	16.04.040.H.19	sidewalks are required to be installed.
			16.04.040.H.19	19. Private streets may be allowed upon recommendation by the commission
				and approval by the Council. Private streets shall be constructed to meet
				the design standards specified in subsection H2 of this section and chapter
			Findings	12.04 of this code; N/A. The townhome development is an infill project within a residential
			Findings	neighborhood served by existing streets. No new private streets are proposed.
П	П	\boxtimes	16.04.040.H.20	20. Street signs shall be installed by the subdivider as a required improvement
	_	_		of a type and design approved by the Administrator and shall be consistent
				with the type and design of existing street signs elsewhere in the City;
			Findings	N/A. The townhome development is an infill project within a residential
				neighborhood served by existing streets. No new streets are proposed.
		\boxtimes	16.04.040.H.21	21. Whenever a proposed subdivision requires construction of a new bridge, or
				will create substantial additional traffic which will require construction of a
				new bridge or improvement of an existing bridge, such construction or
				improvement shall be a required improvement by the subdivider. Such
				construction or improvement shall be in accordance with adopted standard
				specifications;
			Findings	N/A. This proposal does not require construction of a new bridge or impact any
				existing bridges.

	×	16.04.040.H.22	22. Sidewalks, curbs and gutters shall be required consistent with adopted city standards and where designated shall be a required improvement installed by the subdivider;
		Findings	While the Crossbuck McNee Townhomes project qualifies as a substantial improvement, sidewalks are not required to be installed within this residential neighborhood.
			The applicant shall improve the right-of-way (ROW) adjacent to the front property line along 7th Street to City ROW standards for residential roadways. The required right-of-way improvements are indicated on Sheet C2 of the project plans. Material shall be pervious/permeable to allow drainage. Surface must allow for vehicle parking and be consistent along the entire property frontage. Material within the first eight (8) feet from edge of asphalt shall be distinct from driveway and rest of property in order to visually appear to be available for parking. Grading and drainage improvements must meet the following standards: minimum 5% slope, no obstructions, such as boulders or berms, no buried irrigation systems within the first eight (8) from the edge of asphalt, and no subsurface irrigation lines are permitted beyond the first eight (8) feet, however popup heads are not permitted anywhere in the ROW. No live plant material within the first eight (8) feet from edge of asphalt. Low ground cover plant material, such as turf grass, is permitted beyond the first eight (8) feet. Drought-tolerant species is preferred. Final civil drawings for all associated ROW improvements shall be submitted with the building permit application to be reviewed and approved by the City Engineer and Streets Department prior to issuance of a building permit for the project. See Table 1 for comments and conditions from the City Engineer & Streets
			Department.
	X	16.04.040.H.23	23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights-of-way unless approved by the City Council; and
		Findings	No gates are proposed.
	\boxtimes	16.04.040.H.24	24. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone
		Findings	N/A. The townhouse sublots are not located within the Avalanche Zone.
		16.04.040.I	I. Alley Improvement Requirements: Alleys shall be provided in, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be permitted only within the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead end alley including, but not limited to, the provision of fire protection, snow removal and trash

	1			collection services to such properties. Improvement of alleys shall be done
				by the subdivider as required improvement and in conformance with design
				standards specified in subsection H2 of this section.
			Findings	N/A. The townhouse sublots are located in a residential neighborhood within
				the City's GR-L Zone and do not abut an alley.
		\boxtimes	16.04.040.J.1	J. Required Easements: Easements, as set forth in this subsection, shall be
				required for location of utilities and other public services, to provide
				adequate pedestrian circulation and access to public waterways and lands.
				1. A public utility easement at least ten feet (10') in width shall be required
				within the street right-of-way boundaries of all private streets. A public
				utility easement at least five feet (5') in width shall be required within
				property boundaries adjacent to Warm Springs Road and within any other
				property boundary as determined by the City Engineer to be necessary for
				the provision of adequate public utilities.
			Findings	N/A. These easements are not required as the project create a new street and
				the property is not adjacent to Warm Springs Road.
		\boxtimes	16.04.040.J.2	2. Where a subdivision contains or borders on a watercourse, drainageway,
				channel or stream, an easement shall be required of sufficient width to
				contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.
			Findings	N/A as the townhouse sublots do not border a waterway.
		\boxtimes	16.04.040.J.3	3. All subdivisions which border the Big Wood River, Trail Creek and Warm
				Springs Creek shall dedicate a ten foot (10') fish and nature study easement
				along the riverbank. Furthermore, the Council shall require, in appropriate
				areas, an easement providing access through the subdivision to the bank as
				a sportsman's access. These easement requirements are minimum
				standards, and in appropriate cases where a subdivision abuts a portion of
				the river adjacent to an existing pedestrian easement, the Council may
				require an extension of that easement along the portion of the riverbank
			Findings	which runs through the proposed subdivision.
	П	\boxtimes	Findings 16.04.040.J.4	N/A as the townhouse sublots do not border a waterway.
			10.04.040.3.4	4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon
				which no permanent structure shall be built in order to protect the natural
				vegetation and wildlife along the riverbank and to protect structures from
				damage or loss due to riverbank erosion.
			Findings	N/A as the townhouse sublots do not border a waterway.
		\boxtimes	16.04.040.J.5	5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall
				be constructed, rerouted or changed in the course of planning for or
				constructing required improvements within a proposed subdivision unless
				same has first been approved in writing by the ditch company or property
				owner holding the water rights. A written copy of such approval shall be
			Findings	filed as part of required improvement construction plans.
		\boxtimes	Findings 16.04.040.J.6	N/A. No changes to ditches, pipes, or other irrigation structures are proposed. 6. Nonvehicular transportation system easements including pedestrian
		<u>(2)</u>	10.04.040.3.0	walkways, bike paths, equestrian paths, and similar easements shall be
I I	l			waikways, bike patris, equestrian patris, and similar easements shall be

		dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the City.
	Findings	N/A. The townhouse sublots are within an existing residential neighborhood. The City Engineer has determined that sidewalks are not required for this project.
	16.04.040.K	K. Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the City Engineer, Council and Idaho Health Department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho Department of Health and the Council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the Council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.
	Findings	All townhome units will connect to the municipal sewer systems. The project shall meet all requirements of the Wastewater Department.
	16.04.040.L Findings	L. Water System Improvements: A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the City under the supervision of the Ketchum Fire Department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the Municipal water system and shall meet the standards of the following agencies: Idaho Department of Public Health, Idaho Survey and Rating Bureau, District Sanitarian, Idaho State Public Utilities Commission, Idaho Department of Reclamation, and all requirements of the City. The townhome development will connect to the municipal water system. All utilities necessary must be improved and installed at the sole expense of the applicant. Final plans will be reviewed and approved by the Utilities Department prior to issuance of a building permit for the project. See Table 1 for review comments and conditions from the Utilities Department.
	16.04.040.M	M. Planting Strip Improvements: Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for

				such planting strip with the preliminary plat application, and the
			Findings	landscaping shall be a required improvement.
\boxtimes			Findings 16.04.040.N.1	N/A. The townhouse sublots are within an existing residential subdivision.
			16.04.040.N.1	 N. Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following: 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Council as part of the preliminary plat
				application.
			Findings	The project shall meet all cut, fill, and grading standards.
			16.04.040.N.2	2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:
				a. Proposed contours at a maximum of five foot (5') contour intervals.b. Cut and fill banks in pad elevations.c. Drainage patterns.
				d. Areas where trees and/or natural vegetation will be preserved.e. Location of all street and utility improvements including driveways to building envelopes.
				f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.
			Findings	The project plans include a grading plan on Sheet L2.
			16.04.040.N.3	3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.
			Findings	The proposed grading meets these requirements.
□ □ ⊠ 16.04.040.N.4 4. Areas within a subdivision which as because of existing soil conditions				
			Findings	N/A. The townhome development is an infill project on a vacant lot surrounding by existing development.
			16.04.040.N.5	5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.
			Findings	The project shall meet this requirement regarding soil stabilization and revegetation.
\boxtimes			16.04.040.N.6	6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:

		a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability. b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability. d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope. e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
	 Findings	The project shall meet these development standards.
	16.04.040.0	O. Drainage Improvements: The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the City on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.
	Findings	The drainage system must keep all storm water within the project site. Storm water is prohibited from draining onto the 7 th Street or 2 nd Avenue rights-of-way. All drainage improvements must meet city standards. Prior to issuance of a building permit for the project, the applicant shall submit a final drainage plan indicating grading, catch basins, piping, and drywells (KMC §17.96.040.C.2b & KMC §17.96.060.C.1-4) prepared by a civil engineer licensed in the state to be submitted for review and approval by the City Engineer and Streets Department. Additionally, the applicant shall submit geotechnical report with the building permit application for review by the City Engineer. As noted in the Utilities Department's comments, all drywells must have proper separation from potable water lines. See Table 1 for City Department comments and conditions.

		16.04.040.P	P. Utilities: In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.	
		Findings	All utilities, including electricity, natural gas, telephone, and cable services, shall be installed underground.	
		16.04.040.Q	Q. Off Site Improvements: Where the off site impact of a proposed subdivision is found by the commission or Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.	
		Findings	N/A. The townhouse subdivision does not trigger off-site improvements.	
	X	16.04.040.R	R. Avalanche And Mountain Overlay: All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in Title 17 of this Code.	
		Findings	N/A. The townhouse sublots are not located in the Avalanche or Mountain overlay zoning districts.	
	X	16.04.040.S	S. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.	
		Findings	The applicant will install new landscaping as indicated on Sheet L-3.0 of the project plans.	

CONCLUSIONS OF LAW

- 1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code ("KMC") and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant's Design Review application for the development and use of the project site.
- 2. The Council has authority to approve the applicant's Townhouse Subdivision Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
- 3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §16.04.030.

- 4. The Townhouse Subdivision Preliminary Plat application is governed under Chapter 16.04 of Ketchum Municipal Code.
- 5. The Crossbuck McNee Townhouse Subdivision Preliminary Plat application meets all applicable standards specified in Title 16 of Ketchum Municipal Code.

DECISION

THEREFORE, the Ketchum City Council **approves** this Townhouse Preliminary Plat application this Monday, June 12, 2023 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

- 1. The Crossbuck McNee Townhouse Subdivision Preliminary Plat (Application File No. P21-026) approval is subject to Design Review Application File No. P21-025. All associated conditions of approval shall apply to the project.
- 2. The Crossbuck McNee Townhouse Subdivision Preliminary Plat is subject to the conditions outlined within Phased Development Agreement #22854.
- 3. Failure to record a Final Plat within two (2) years of Council's approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.
- 4. The Townhouse Declaration shall be simultaneously recorded with the Final Plat. The developer shall submit a final copy of the document to the Planning & Building Department and file such document prior to recordation of the final plat. The City will not now, nor in the future, determine the validity of the Townhouse Declaration.
- 5. The project shall comply with all governing ordinances, requirements, and regulations of the Fire Department (2018 International Fire Code and local Fire Protection Ordinance No.1217), Building Department (2018 International Residential Code and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer.
- 6. In addition to the requirements set forth in this Townhouse Subdivision Preliminary Plat approval, this project shall comply with all applicable local, state, and federal laws.

Findings	of Fact	adopted	this	12 th	dav	of lune	2023
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Neil Bradshaw, Mayor City of Ketchum



Attachment 3: Draft Phased Development Agreement #22854 with exhibits

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:	
City Clerk, City of Ketchum PO Box 2315 Ketchum Idaho, 83340	

(Space Above Line For Recorder's Use)

CROSSBUCK MCKNEE TOWNHOMES PHASED TOWNHOUSE SUBDIVISION AGREEMENT #22854

THIS PHASED TOWNHOUSE SUBDIVISION AGREEMENT ("Agreement") is made and entered into as of the __ day of _____ 2023, by and between the City of Ketchum, an Idaho municipal corporation ("City") and MMDM11, LLC, owners of real property ("Owner").

RECITALS

WHEREAS, Owner owns certain real property legally described as Lot 1A, Blk 67 of Ketchum Townsite, according to the official plat recorded under Instrument Number 658996, on file in the office of the County Recorder of Blaine County, Idaho (the "Property"); and

WHEREAS, the Planning and Zoning Commission approved a Design Review application (P21-025) and Townhouse Preliminary Plat (P21-026), for two detached townhomes on the Property, on September 21, 2021. A phased development agreement was not requested or approved at the time of approval of the townhouse preliminary plat.

WHEREAS, City issued a building permit for sublots 1A and sublot 1B (B21-133), and both sublots are currently under construction.

WHEREAS, Owners requests a phased development agreement for the development of the Project under the provisions of Section 16.04.110 – *Phased Development Projects* within Title 16 of the Ketchum Municipal Code as the completion of the two units will not be simultaneous and the Owners desires to record the final plat for both townhomes prior to completion of the second unit.

WHEREAS, the approved townhouse preliminary plat, establishing two townhome sublots noted as 1A and 1B (the "Townhouse Preliminary Plat") is included as Exhibit A.

WHEREAS, Owners propose to construct all required right-of-way infrastructure improvements, alley improvements, and water and sewer utility services for each sublot as shown on Exhibit B (the "work"). All required improvements will be constructed to City standards and will be inspected for such compliance.

AGREEMENT

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

1. <u>Maintenance Responsibilities.</u>

A. Owners.

- (1) Water Service Lines. Owners and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private service lines serving each sublot from the private water main that runs through the private driveway between Lots 1A and 2A. Maintenance of the private water main is pursuant to plat note 3 of the final plat for Lot 2A recorded under instrument number 658996, and the Construction Phasing Agreement recorded under instrument number 657569.
- (2) Sewer Service lines. Owners and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private sewer service lines serving each sublot from the public sewer mains located in 7th Street and between Lots 1A and 2A. The public sewer line is as noted on plat note 4 of the final plat for Lot 2A recorded under instrument number 658996.

2. <u>Construction and Completion Schedule.</u>

- A. Each townhouse unit shall be completed no later than three years from the date of issuance of a building permit for the townhouse unit, as evidenced by issuance of a Certificate of Occupancy for each townhouse unit.
- B. Prior to issuance of a Certificate of Occupancy for the first detached townhouse unit, each sublot shall be adequately served by both water and sewer services as generally depicted on Exhibit B, as affirmed in writing by the City. The City must approve the timing of water and sewer connections to the existing system.
- C. Prior to obtaining Certificate of Occupancy for the first townhouse unit, the following improvements as generally depicted on Exhibit B shall be completed and/or extended to both Sublots:
 - (1) Dry utility services (power, gas, cable, etc); and
 - (2) All hardscape pathways and access points for adequate and safe egress from the units; and

- (3) Right-of-way improvements to 7th Street and 2nd Ave, consistent with Ketchum Municipal Code, Title 12.04.030.H.1 and current right of way standards, completed and installed to the satisfaction of the City Engineer; and
- (4) Water and sewer services serving both sublots; and
- (5) Repair of any damage to the regional bike path along W 2nd Ave.
- D. Prior to obtaining a Certificate of Occupancy for the last detached townhouse unit, all landscaping as generally depicted in Exhibit C shall be installed.
- E. Pursuant to Ketchum Municipal Code, Title 16.04.040.C, in cases where the required improvements cannot be constructed due to weather, factors beyond the control of the subdivider, or other conditions as determined acceptable at the sole discretion of the City, the City Council may accept, in lieu of any or all of the required improvements, a performance bond filed with the City Clerk to ensure actual construction of the required improvements as submitted and approved. Said performance bond shall be provided per the terms of Title 16.04.040.C
- 3. <u>Townhouse Sublot Final Plat.</u> The City agrees to accept and process a townhouse final plat application, for both sublots, for approval by City Council provided a Certificate of Occupancy has been issued for the first townhouse unit on Lot 1B should Owners comply with all above recitals.
- 4. <u>Owners' Association Assumption of Responsibilities.</u> Upon the recording of the Townhouse Sublot Final Plat, Owners may assign and transfer its maintenance responsibilities and obligations under this Agreement to an owner's association.

5. General Provisions.

- A. Recitals and Construction. The City and Owners incorporate the above recitals into this Agreement and affirm such recitals are true and correct.
- B. Effective Date. This Agreement is effective as of the date on which the last of the City and Owners execute this Agreement. Neither party shall have any rights with respect to this Agreement until both have executed this Agreement.
- C. Owner Representations. Owners represents and warrants to City that (a) Owners hold fee simple title to the Property, and (b) no joinder or approval of another person or entity is required with respect to Owners' authority to make and execute this Amendment.
- D. Neutral Interpretation. City and Owners acknowledge they and, if they so choose, their respective counsel have reviewed this Agreement and the normal rule of

construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of the Agreement, or any exhibits, attachments and addenda to the Agreement.

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

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

"CITY":	"OWNERS":
CITY OF KETCHUM,	
an Idaho municipal corporation	By: Manager: Jeff McNee MMDM11, LLC
By:	
Neil Bradshaw, Mayor	
ATTEST:	
Trent Donat, City Clerk	

ACKNOWLEDGEMENT FOR CITY

STATE OF IDAHO	
COUNTY OF BLAINE) ss.)
Mayor of the City of Ketchur	, 2023, before me, the undersigned Notary Public in appeared NEIL BRADSHAW, known or identified by me to be the n, Idaho, and the person who executed the foregoing instrument and executed the same on behalf of such city.
IN WITNESS WHEREOF, I year in this certificate first wi	have hereunto set my hand and affixed my official seal the day and itten above.
	Notary Public for the State of
	My Commission Expires
STATE OFCOUNTY OF	CKNOWLEDGEMENT FOR OWNER) ss.)
personally appeared JEFF M 2A, Blk 67 of Ketchum Town	, 2023, before me, a Notary Public in and for said State, CNEE, known to me to be the owner of certain real property at Lot asite, and known to me to be the person whose name is subscribed to acknowledged to me that he executed the same.
IN WITNESS WHER day and year in this certificat	EOF, I have hereunto set my hand and affixed my official seal the e first above written.
	Notary Public for the State of



Exhibit A: Townhouse Preliminary Plat

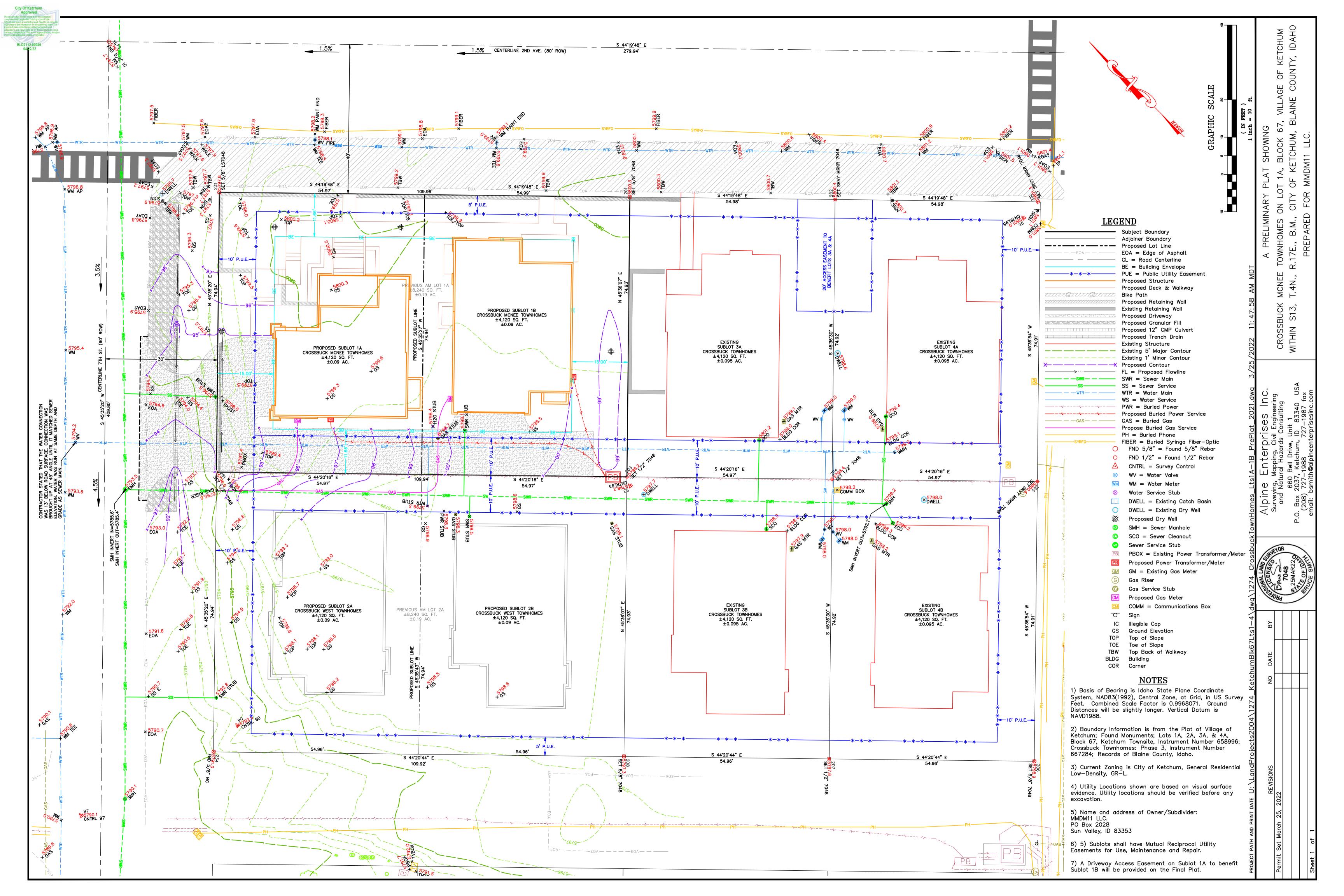




Exhibit B: ROW Improvements Plan

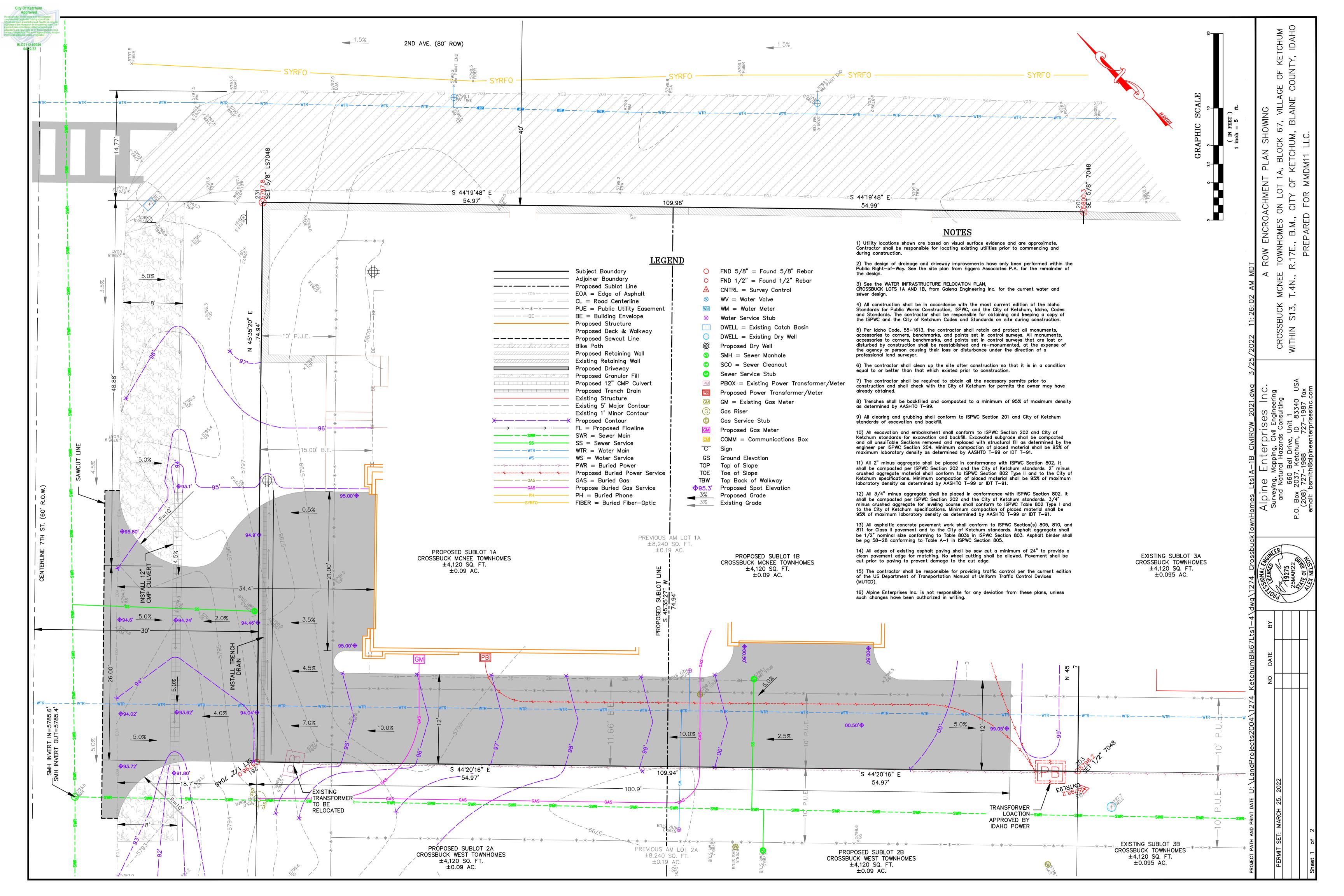




Exhibit C: Landscape Plan

Permit Set - RVSD - 03/28/22