



City of Ketchum

November 16th, 2020

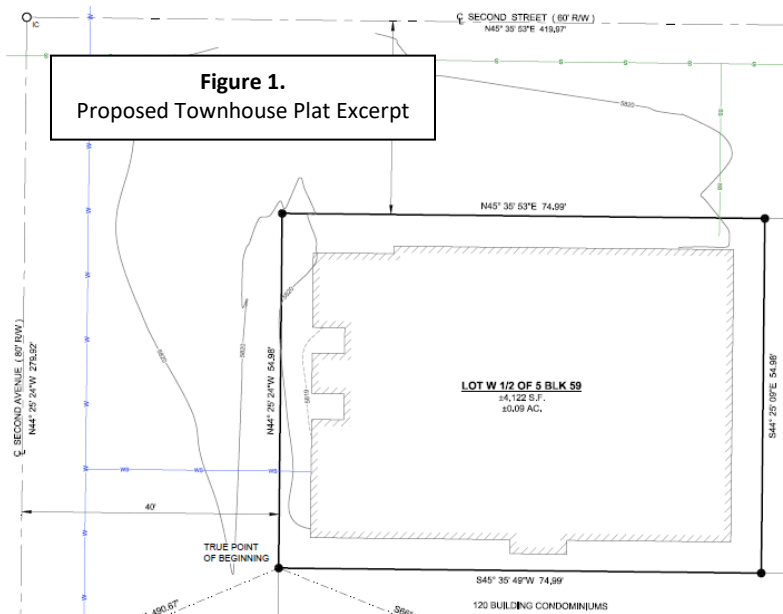
Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation to approve the Mindbender Condominiums Subdivision Preliminary Plat

Recommendation and Summary

Staff recommends the City Council approve the Condominium Subdivision Preliminary Plat for the Mindbender Condominiums, submitted by Galena Engineering, on behalf of property owner KKL LLC.



The subject property is located at the southeast corner of W. 2nd Street and N. 2nd Avenue in the Community Core zoning district, subdistrict 2, Mixed-use. Design Review approval and a Building Permit for the construction of the new four-unit residential structure were granted by the City in 2019. The structure will contain one (1) deed-restricted Community Housing unit on the ground floor.

The building was designed with the intent of platting the four residential units into condominiums so that each unit could be owned separately. The Preliminary Plat is the first step in the action of platting the building into townhouse units.

The Planning and Zoning Commission held a public hearing and recommended approval of the Preliminary Plat application on November 10th, 2020. In accordance with Ketchum Municipal Code, it is not mandatory to hold a public hearing for the preliminary plat with Council; a hearing with Council is optional.

All city departments have reviewed the Preliminary Plat and have no issues or concerns with the application at this time. No public comments regarding the application have been received to date. Any public comments received after publication of the staff report will be included in the record and forwarded to Council.

Recommended motion: "I move to approve the Mindbender Condominiums Preliminary Plat application, subject to conditions 1-7 contained in the draft Findings of Fact, Conclusions of Law, and Decision and to adopt the draft Findings as presented."

The reasons for the recommendation are as follows:

- The four-unit residential building, currently under construction, was designed with the intent of being platted into townhouse units. The request to subdivide meets all applicable standards for Lot Line Shift Preliminary Plats contained in Ketchum Municipal Code's Subdivision (Title 16) and Zoning (Title 17) regulations.
- The Planning and Zoning Commission recommended approval of the Preliminary at their November 10th, 2020 meeting.

Financial Impact

None at this time.

Attachments:

- A. Application
- B. Preliminary Plat dated October 2020
- C. Draft Findings of Fact, Conclusions of Law, and Decision

Attachment A.
Application



**City of Ketchum
Planning & Building**

OFFICIAL USE ONLY	
Application #	P20-100
Date Received	10/16/20
By:	MP
Fee Paid:	\$2,100.00
Approved Date:	
By:	

Subdivision Application

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code.

APPLICANT INFORMATION			
Name of Proposed Subdivision: Mindbender Condominiums			
Owner of Record: KKL LLC			
Address of Owner: 216 E Spruce St, Hailey, ID 83333			
Representative of Owner: Sean Flynn PE, Galena Engineering; 317 N. River St., Hailey, Idaho 83333			
Legal Description: West half of Lot 5, Block 59, Ketchum Townsite			
Street Address: 180 W 2nd St, Ketchum			
SUBDIVISION INFORMATION			
Number of Lots/Parcels: 4 Condominium Units			
Total Land Area: 4,122 square feet, 0.09 Acres			
Current Zoning District: CC, Community Core, Mixed Use Subdistrict			
Proposed Zoning District: Same			
Overlay District: None			
TYPE OF SUBDIVISION			
Condominium <input checked="" type="checkbox"/>	Land <input type="checkbox"/>	PUD <input type="checkbox"/>	Townhouse <input type="checkbox"/>
Adjacent land in same ownership in acres or square feet: None			
Easements to be dedicated on the final plat: None			
Briefly describe the improvements to be installed prior to final plat approval: Construction of Condominium Units, sidewalk			
ADDITIONAL INFORMATION			
All lighting must be in compliance with the City of Ketchum's Dark Sky Ordinance One (1) copy of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations One (1) copy of current title report and owner's recorded deed to the subject property One (1) copy of the preliminary plat All files should be submitted in an electronic format.			

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

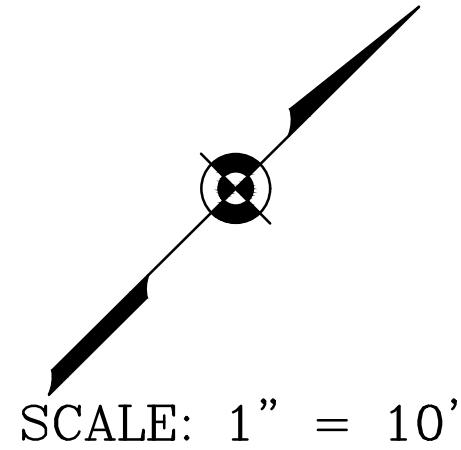
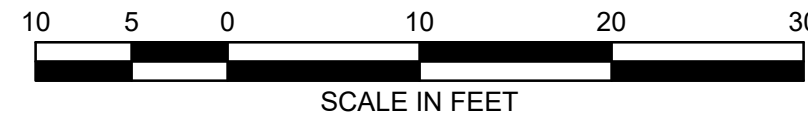
Sean Flynn with Galena Engineering 10/16/20
 Applicant Signature Date

Attachment B.
Preliminary Plat dated October 2020

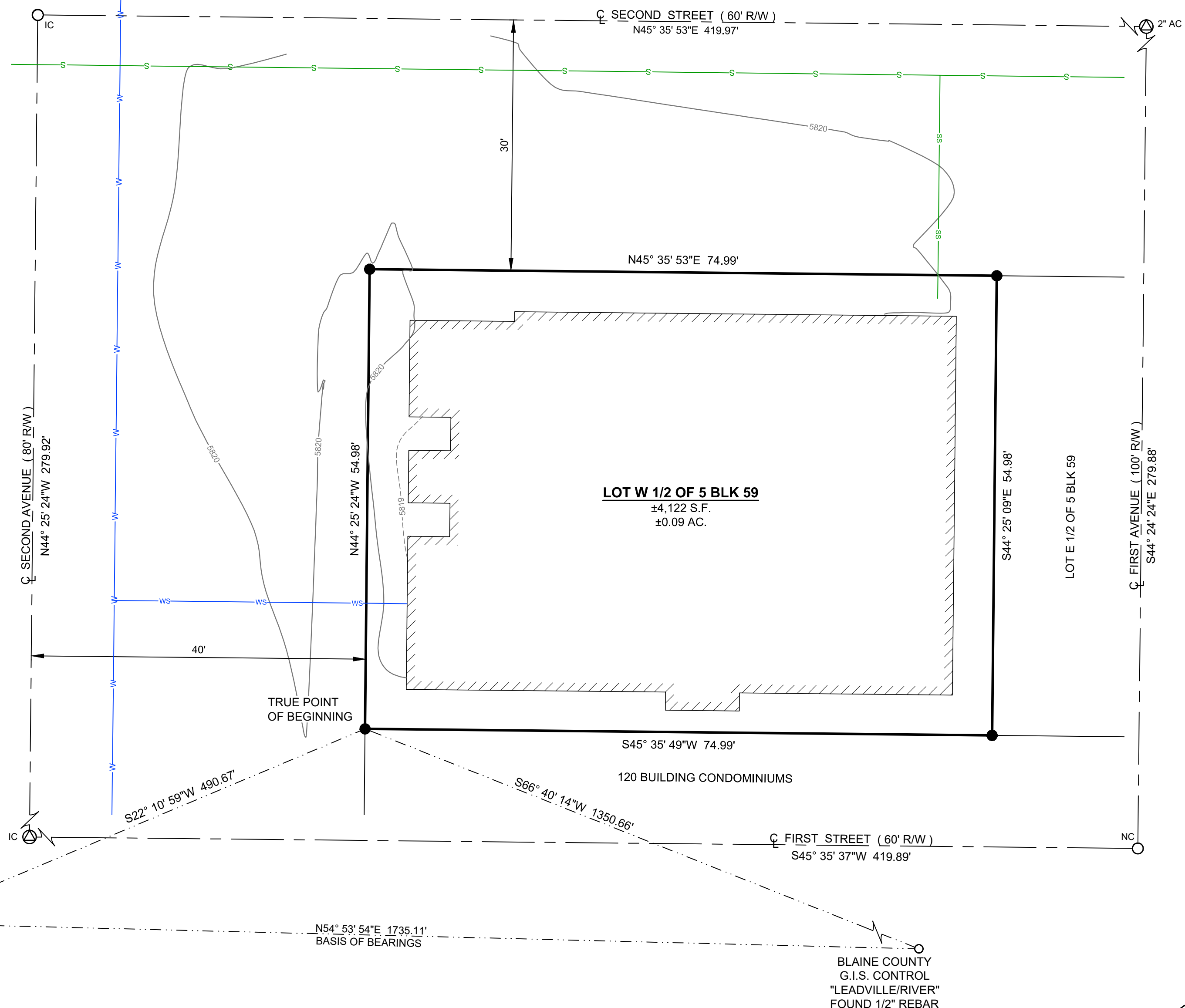
A PRELIMINARY PLAT SHOWING MINDBENDER CONDOMINIUMS

LOCATED WITHIN SECTION 18, T.4N., R.18E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
WHEREIN THE BUILDING ON THE WEST HALF OF LOT 5, BLOCK 59, CITY OF KETCHUM IS CONDOMINIUMIZED

OCTOBER 2020



LEGEND	
	Property Line
	Adjoiner's Lot Line
	Centerline
	GIS Tie Line
	5' Contour Interval
	1' Contour Interval
	Found Aluminum Cap
	Found 5/8" Rebar
	Set 5/8" Rebar, P.L.S. 16670
	Building
CA	= Common Area
CE	= Ceiling Elevation
E:	= Elevation, Isometric View
FF	= Finished Floor Elevation
IC	= Illegible Cap
LC	= Limited Common Area
NC	= No Cap
TPOB	= True Point of Beginning
	Sewer Main
	Sewer Service
	Water Main
	Water Service



SURVEY NARRATIVE & NOTES

- The purpose of this survey is to show the monuments found and set during the boundary retracement of the west half of Lot 5, Block 59, Ketchum Townsite, Instrument Number 302967, records of Blaine County, Idaho, and to condominiumize said property as shown hereon. All found monuments have been accepted. Lot corner monuments were set by block breakdown and proportioning record distances. Vertical Datum is NAVD 1988.
- In interpreting the Declaration, Plat or Plats, and Deeds, the existing physical boundaries of the unit as originally constructed, or reconstructed in lieu thereof, shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, plat or plats, and/or deeds, regardless of settling or lateral movement of the building and regardless of minor variances between boundaries shown in the declaration, plat or plats, and/or deeds, and the actual boundaries of the units in the buildings.
- Dimensions shown hereon will be subject to slight variations, owing to normal construction tolerances.
- Horizontal or sloping planes shown hereon are top of finished subfloor and bottom of finished ceiling; vertical planes are finished surfaces of interior walls. Some structural members extend into units, limited common areas and parking spaces.
- Property shown hereon is subject to terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided by applicable Condominium Law or the Condominium Declaration recorded under Instrument Number _____, records of Blaine County, Idaho. Consult the Condominium Declarations for the definition of common and limited common area.
- All area outside of units that is not designated as limited common is common area. areas of "common" or "limited common" are shown by diagram.
- Building ties are to the interior corners of unit walls.
- Utility easements necessary to allow for access and maintenance of utilities serving units other than the unit they are located in are hereby granted by this plat.
- There exists a City of Ketchum Exceedance Agreement #20509, recorded under Instrument Number 674771, records of Blaine County, Idaho.
- There exists a City of Ketchum Encoachment Agreement #20527, recorded under Instrument Number _____, records of Blaine County, Idaho, addressing pavers and snowmelt within the city's right-of-way.
- The current zoning is CC. Refer to the City of Ketchum Zoning Ordinance for specific information about this zone.
- The owner is KKL, LLC, 216 E Spruce St., Hailey ID 83333. The surveyor/representation is Mark E. Phillips, Galena Engineering, Inc., 317 N. River St., Hailey, Idaho 83333.

BLAINE COUNTY
G.I.S. CONTROL
"K1ST-3RD"
FOUND ALUMINUM CAP

BLAINE COUNTY
G.I.S. CONTROL
"LEADVILLE/RIVER"
FOUND 1/2" REBAR

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 District Health Dept., EHS

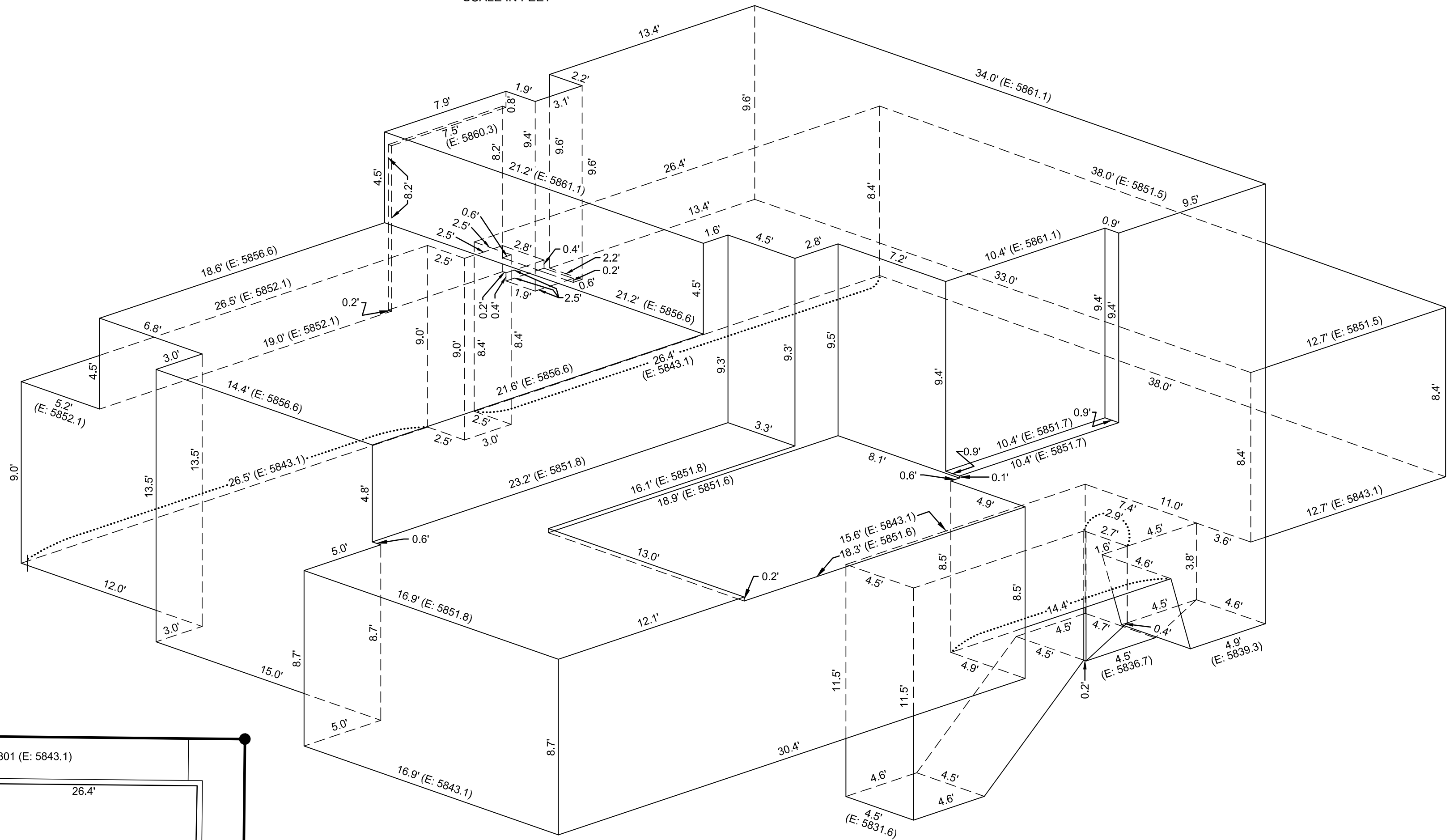
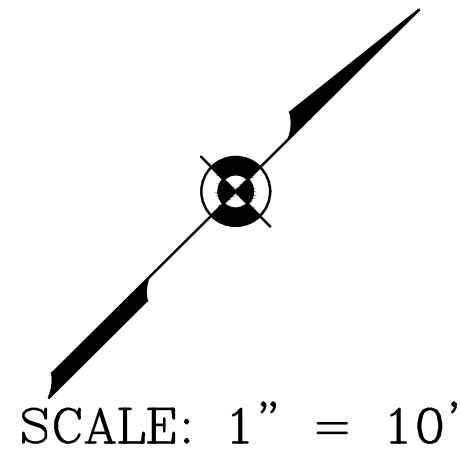
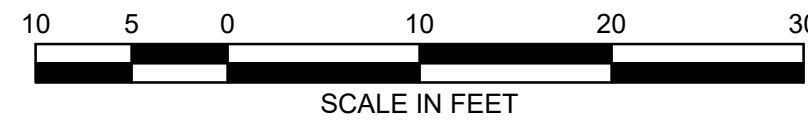


MARK E. PHILLIPS, P.L.S. 16670

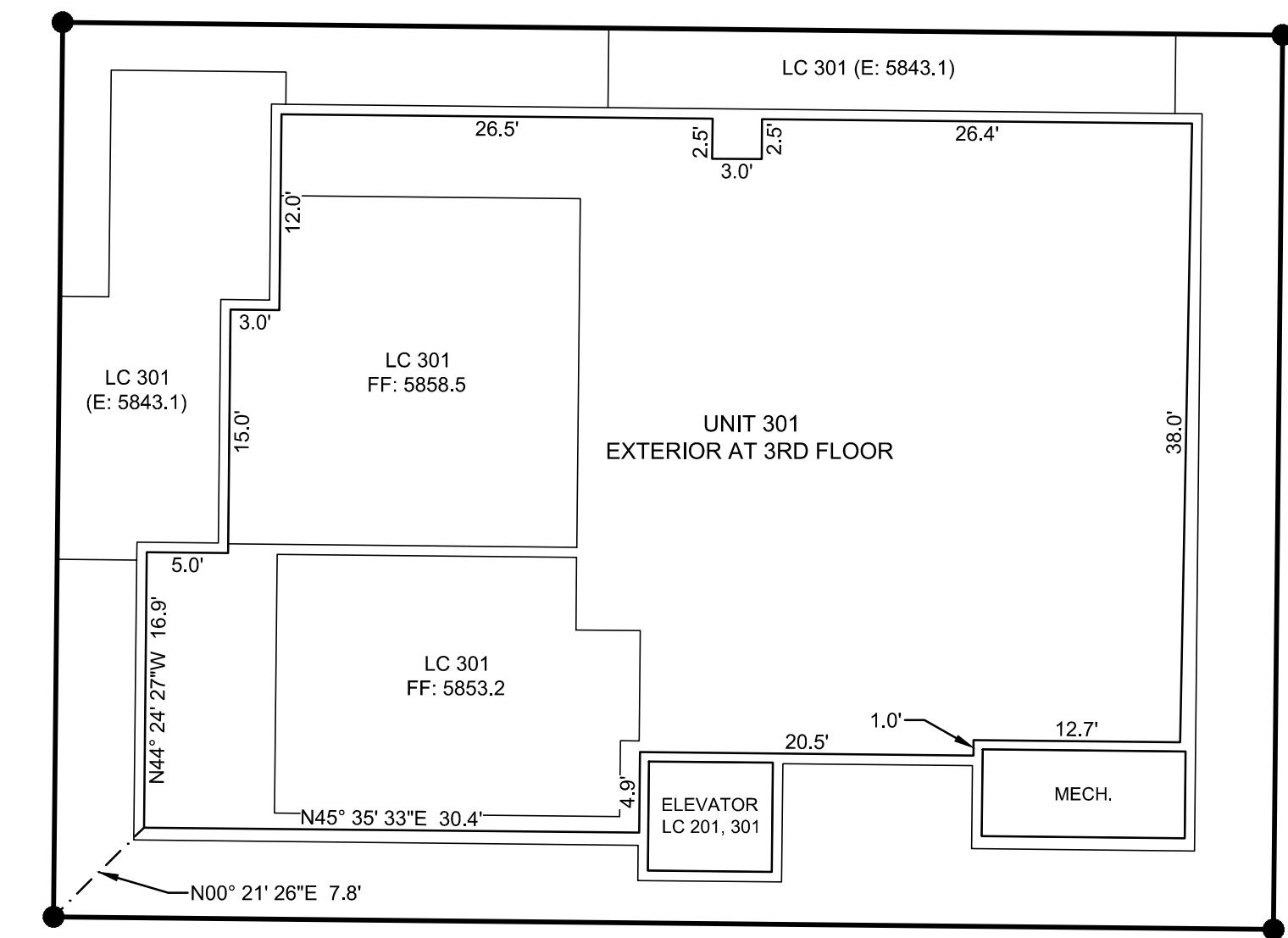
MINDBENDER CONDOMINIUMS
GALENA ENGINEERING, INC.
HAILEY, IDAHO

1 OF 4
Job No. 7742

A PRELIMINARY PLAT SHOWING
MINDBENDER CONDOMINIUMS
 OCTOBER 2020



NOTE: See Sheet 1 for Legend and Notes.



MINDBENDER CONDOMINIUMS
 GALENA ENGINEERING, INC.
 HAILEY, IDAHO

MARK E. PHILLIPS, P.L.S. 16670

3 OF 4
 Job No. 7742

Attachment C.
Draft Findings of Fact, Conclusions of Law, and Decision



City of Ketchum
Planning & Building

IN RE:)	
)	
Mindbender Condominium Subdivision)	KETCHUM CITY COUNCIL
Preliminary Plat)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: November 16, 2020)	DECISION
)	
File Number: P20-091)	

Findings Regarding Application Filed

PROJECT: Mindbender Condominium Subdivision Preliminary Plat

APPLICATION TYPE: Condominium Subdivision Preliminary Plat

FILE NUMBER: P20-091

ASSOCIATED PERMITS: B19-076, P19-048, Exceedance Agreement #20509, Encroachment Agreement #20527

OWNERS: KKL LLC (per Blaine County assessor 11/4/20)

REPRESENTATIVE: Galena Engineering

REQUEST: Preliminary Plat to condominize four (4) condominium units within a residential building currently under construction

LOCATION: 180 W. 2nd Street (W ½ Lot 5, Block 59, Ketchum Townsite)

NOTICE: None required

ZONING: Community Core

OVERLAY: Subdistrict 2 – Mixed Use

Findings Regarding Associated Development Applications

The subject property is owned by KKL LLC and is located at the southeast corner of Second Avenue and Second Street in the Community Core, Subdistrict 2 – Mixed Use. The subject development is a new, 3-story residential building that is currently under construction and nearing completion.

The Planning and Zoning Commission approved Design Review for the building in 2019 (P19-048) and the city issued a building permit in 2019 as well (B19-076). Upon completion the first floor of the building will contain two residential units, one of which will be a Community Housing Unit, and interior parking. The second floor will contain one residential unit and the third floor will contain one residential unit.

The Preliminary Plat proposes to plat all residential units and associated common areas with the result being four (4) residential condominiums.

Findings Regarding City Department Comments

All City Department standards as well as required right-of-way improvements were reviewed through the Design Review, Building Permit, and Encroachment Agreement processes. Prior to issuance of a Certificate of Occupancy City Departments will conduct final inspections to ensure compliance with all conditions and requirements of the associated Design Review, Exceedance Agreement, Building Permit, and Preliminary Plat approvals.

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

All land subdivisions in the City of Ketchum are subject to the standards contained in Ketchum, Municipal Code, Title 16, Subdivision. Many standards are related to the design and construction of multiple new lots that will form new blocks and infrastructure, such as streets that will be dedicated to and maintained by the City. The standards for certain improvements (KMC §16.04.040) including street, sanitary sewage disposal, planting strip improvements are not applicable to the subject project as the application proposes to subdivide a building currently under construction into condominium units. As conditioned, the request to subdivide meets all applicable standards for Condominiums Preliminary Plats contained in Ketchum Municipal Code’s Subdivision (Title 16) and Zoning (Title 17) regulations. The Condominium Subdivision does not change the proposed residential use or alter the proposed development as reviewed and approved through Design Review P19-048 and Building Permit B19-076.

The first step in the condominium platting process is Preliminary Plat review and to receive a recommendation from the Planning and Zoning Commission. The Planning and Zoning Commission held a public hearing and unanimously recommended approval of the Preliminary Plat application to the City Council on November 10th, 2020. City Council considered the application during a public meeting on November 16th, 2020 and approved the application.

Table 1: City Department Comments

City Department Comments			
Compliant			
Yes	No	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>City Department Comments</p> <p>Utilities:</p> <ul style="list-style-type: none"> No comment at this time. <p>Fire Department:</p> <ul style="list-style-type: none"> No comment at this time. <p>Engineering and Streets:</p> <ul style="list-style-type: none"> A Maintenance Agreement addressing street lighting, and any other items as determined by the City Engineer, may be required prior to City Council reviewing the review and/or approval of the Final Plat. <p>Planning and Zoning:</p> <ul style="list-style-type: none"> See comments throughout the Findings

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

Preliminary Plat Requirements				
Present on Preliminary Plat?			Standards	
Yes	No	N/A	City Code	City Standards and <i>Preliminary Review Comments</i>
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
			Comments	All items present.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J	Application and Preliminary Plat Contents: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following:
			Comments	All present.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	The scale, north point and date.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .2	The name of the proposed subdivision.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J.3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J.4	Legal description of the area platted.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J.6	A contour map of the subdivision with contour lines and a maximum interval of two feet (2') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			Comments	Contours present

X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J.7	The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J .8	Boundary description and the area of the tract.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.9	Existing zoning of the tract.
			Comments	Present - CC
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J.10	The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.
			Comments	Present
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J .11	The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
			Comments	Common Areas and Limited Common Areas are shown
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030.J .12	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
			Comments	N/A, this application is to plat an existing building that is under construction into condominium buildings.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030.J .13	The direction of drainage, flow and approximate grade of all streets.
			Comments	N/A, this application is to plat an existing building that is under construction into condominium buildings.
<input type="checkbox"/>	<input type="checkbox"/>	X	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.
			Comments	N/A at this time, site drainage was addressed with Building Permit review and approval.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J.15	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials
			Comments	The original Ketchum townsite plat serves as the vicinity map.
<input type="checkbox"/>	<input type="checkbox"/>	X	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.

			Comments	N/A subject property is not located in floodplain or avalanche overlays.
<input type="checkbox"/>	<input type="checkbox"/>	X	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.
			Comments	N/A
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .18	Lot area of each lot.
			Comments	Present – 4,122 s.f.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030. J .19	Existing mature trees and established shrub masses.
			Comments	Not applicable – none existing.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .20	To be provided to Administrator: 20. Subdivision names shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho and shall be approved by the Blaine County Assessor.
			Comments	Name is unique
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.030. J .21	All percolation tests and/or exploratory pit excavations required by state health authorities.
			Comments	NA
X	<input type="checkbox"/>	<input type="checkbox"/>	Comments	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.
			Comments	CC&Rs provided
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .23	A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.
			Comments	Provided.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030. J .24	A digital copy of the preliminary plat shall be filed with the administrator.
			Comments	Provided.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.A	<p>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.</p> <p>Construction design plans shall be submitted and approved by the city engineer.</p> <p>All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city.</p> <p>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.</p>
			Comments	N/A. This is a condominium plat for a building that is currently under construction.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.B	<p>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.</p>
			Comments	N/A. This is a condominium plat for a building that is currently under construction.
		X	16.04.040.C	<p>Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</p>
			Comments	N/A. This is a condominium plat for a building that is currently under

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.D	As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.
			Comments	N/A. This is a condominium plat for a building that is currently under construction.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.E	Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows: <ul style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat. 3. All street corner lines ending at boundary line of final plat. 4. All angle points and points of curves on all streets. 5. The point of beginning of the subdivision plat description.
			Comments	Addressed with Plat Note #1

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.F	<p>Lot Requirements:</p> <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: <ol style="list-style-type: none"> a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met. b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section. 3. Corner lots outside of the original Ketchum Townsite shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use. 4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line. 5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. 6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat..
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			Comments	N/A. This is a condominium plat for a building that is currently under construction.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.G	<p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.
			Comments	No new blocks are being created. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.1	<p>H. Street Improvement Requirements:</p> <ol style="list-style-type: none"> 1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;
			Comments	No new streets are proposed. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.2	<ol style="list-style-type: none"> 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;
			Comments	No new streets are proposed. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.3	<ol style="list-style-type: none"> 3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features;
			Comments	NA the subdivision does not contain an existing or propose a new arterial street, railroad, or limited access highway.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.4	<ol style="list-style-type: none"> 4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;
			Comments	N/A, the construction of a new street is not proposed.

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

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.11	11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;
			Comments	N/A, the construction of a new street is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	X	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;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	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;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.14	14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.H.15	15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	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;
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	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;
			Comments	N/A
X	<input type="checkbox"/>	<input type="checkbox"/>	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;
			Comments	Street lighting per Design Review / Building Permit approvals.

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

X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.I	I. Alley Improvement Requirements: Alleys shall be provided in, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be permitted only within the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead end alley including, but not limited to, the provision of fire protection, snow removal and trash collection services to such properties. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.
			Comments	Subject property is not adjacent to an alley as the subject parcel is ½ of an Ketchum townsite lot, and it happens to be the ½ that does not abut an alley
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J.1	J. 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.
			Comments	Plat note #8 addresses this – “Utility easements necessary to allow for access and maintenance of utilities serving units other than the unit they are located in are hereby granted by this plat.”
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.2	2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.
			Comments	N/A parcels do not border a waterway, drainageway, channel or stream.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.3	3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the Council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the Council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.
			Comments	N/A parcels do not border a waterway.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.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.
			Comments	N/A parcels do not border a waterway.
<input type="checkbox"/>	<input type="checkbox"/>	X	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 filed as part of required improvement construction plans.
			Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.J.6	6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the City.
			Comments	N/A this is an infill parcel on half of a lot in the Ketchum townsite.
X	<input type="checkbox"/>	<input type="checkbox"/>	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.
			Comments	Sewer services to the existing sewer main are being installed per building permit requirements.

<input type="checkbox"/>	X	<input type="checkbox"/>	16.04.040.L	<p>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.</p>
			Comments	Water services to the existing water main are being installed per building permit requirements.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.M	<p>M. Planting Strip Improvements: Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.</p>
			Comments	N/A.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.1	<p>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:</p> <p>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.</p>
			Comments	Item #1, soil report, not required – this plat is to condominiumize an existing building that is currently under construction.

<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.2	<p>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:</p> <p>a. Proposed contours at a maximum of five foot (5') contour intervals.</p> <p>b. Cut and fill banks in pad elevations.</p> <p>c. Drainage patterns.</p> <p>d. Areas where trees and/or natural vegetation will be preserved.</p> <p>e. Location of all street and utility improvements including driveways to building envelopes.</p> <p>f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.</p>
			Comments	N/A – project is condominiumizing an existing building
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.3	<p>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.</p>
			Comments	N/A – project is condominiumizing an existing building
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.N.4	<p>4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.</p>
			Comments	N/A – project is condominiumizing an existing building
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.5	<p>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.</p>
			Comments	N/A – project is condominiumizing an existing building
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N.6	<p>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</p> <p>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</p> <p>b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods).</p>
			Comments	N/A – project is condominiumizing an existing building

X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.O	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.
			Comments	Drainage was addressed with Building Permit review and approval.
X	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.P	P. Utilities: In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.
			Comments	Utilities are being extended to this site concurrent with the building that is under construction.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.Q	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.
			Comments	Building is under construction. No off-site improvements were determined to be necessary.
<input type="checkbox"/>	<input type="checkbox"/>	X	16.04.040.R	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.
			Comments	N/A property is not in Avalanche or Mountain Overlay.
<input type="checkbox"/>	<input type="checkbox"/>	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.

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

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

CONCLUSIONS OF LAW

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

DECISION

THEREFORE, the Ketchum City Council **approves** this Condominium Subdivision Preliminary Plat application this Monday, November 16th, 2020 subject to the following conditions:

CONDITIONS OF APPROVAL

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

Findings of Fact **adopted** this 16th day of November, 2020

Neil Bradshaw, Mayor

Katrin Sharp, Deputy City Clerk