



City of Ketchum

October 21, 2019

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation to hold a public hearing and approve the Condominium Subdivision Preliminary Plat for the Onyx at Leadville Residences.

Recommendation and Summary

Staff recommends the City Council hold a public hearing and approve the Condominium Subdivision Preliminary Plat application submitted by J Peterman Development LLC, represented by Sean Flynn PE of Galena Engineering, to create eight condominium units within a multi-family residential currently under construction at 341 S Leadville Avenue (Trail Creek Condominiums: Block 1A) within the Tourist (T) Zoning District.

Recommended motion: "I move to approve the Onyx at Leadville Condominium Subdivision Preliminary Plat application, subject to conditions 1-9."

The reasons for the recommendation are as follows:

- The request to subdivide meets all applicable standards for Condominium Preliminary Plats contained in Ketchum Municipal Code's Subdivision (Title 16) and Zoning (Title 17) regulations.
- The Planning & Zoning Commission approved the Design Review (P18-005) for the project on February 12th, 2019. The Planning & Building Department issued a Building Permit (B18-016) for the construction of the new multi-family residential development in May of 2018. All eight dwelling units within the building were designed and intended to be condominium units.
- The Planning and Zoning Commission held a site visit and unanimously recommended approval of the Preliminary Plat application to the City Council on October 14th, 2019.

Analysis

The subject property, Block 1A of Trail Creek Condominiums Amended, is located at the northwest corner of S Leadville Avenue and Onyx Street within the Tourist (T) Zoning District. Currently under construction, the Onyx at Leadville Residences project is a three-story, 19,888 gross sq ft, multi-family residential building containing eight dwelling units and 18 underground parking spaces.

The Planning & Zoning Commission approved the Design Review (P18-005) for the project on February 12th, 2019. Consistent with condition of approval #12 of Design Review P18-005, the applicant received approval for a Lot Line Shift application (P18-010) to adjust the recorded lot lines for Blocks 1 and 2 of the Trail Creek Condominiums Amended Subdivision. The adjustment moved the shared boundary line to expand Block 1 in order to accommodate the underground parking garage proposed within the Onyx at Leadville building. The lot line readjustment also incorporated a new parking lot easement to benefit the adjacent Trail Creek Condominiums on Block 2A. In accordance with Ketchum Municipal Code (KMC) §17.124.040 and memorialized through FAR Exceedance Agreement (Contract 20171), the applicant secured an off-site dwelling

unit to satisfy the community housing contribution for the associated increase above the permitted FAR, which has been included as Exhibit D to the Staff Report.

The Planning & Building Department issued a Building Permit (B18-016) for the construction of the new multi-family residential development in May of 2018. All eight dwelling units within the building were designed and intended to be condominium units.

City Departments including Fire, Utilities, Building, and Streets have reviewed the Condominium Subdivision and have no comments or concerns regarding the proposed Preliminary Plat. All City Department standards as well as required ROW improvements were vetted and reviewed through the Design Review and Building Permit processes. Prior to issuance of a Certificate of Occupancy for the building, City Departments will conduct final inspections to ensure compliance with all conditions and requirements. City Engineer review comments have been included as Exhibit C to the Staff Report.

Financial Impact

No financial impact.

Attachments:

- Staff Report with Attachments:
 - A. Application
 - B. Condominium Subdivision Preliminary Plat dated August 2019
 - C. City Engineer Review Comments
 - D. FAR Exceedance Agreement (Contract #20171)
 - E. Draft Findings of Fact, Conclusions of Law, and Decision



City of Ketchum
Planning & Building

**STAFF REPORT
KETCHUM CITY COUNCIL
REGULAR MEETING OF OCTOBER 21, 2019**

PROJECT: Onyx at Leadville Residences Condominium Subdivision Preliminary Plat

FILE NUMBER: P19-093

ASSOCIATED PERMITS: Pre-Application Design Review 17-090, Design Review 18-005, Lot Line Shift P18-010, Building Permit 18-016

OWNERS: J Peterman Development LLC

REPRESENTATIVE: Sean Flynn PE, Galena Engineering

REQUEST: Preliminary Plat to create eight condominium units within a multi-family residential development currently under construction

LOCATION: 341 S Leadville Avenue (Trail Creek Condominiums: Block 1A)

NOTICE: A public hearing notice was mailed to all property owners within 300 ft of the development site and political subdivision on October 2nd, 2019. The public hearing notice was published in the Idaho Mountain Express on October 2nd, 2019.

ZONING: Tourist (T)

OVERLAY: None

REVIEWER: Abby Rivin, Associate Planner

EXHIBITS:

- A. Application
- B. Condominium Subdivision Preliminary Plat dated August 2019
- C. City Engineer Review Comments
- D. FAR Exceedance Agreement (Contract #20171)
- E. Draft Findings of Fact and Conclusions of Law

BACKGROUND

The subject property, Block 1A of Trail Creek Condominiums Amended, is located at the northwest corner of S Leadville Avenue and Onyx Street within the Tourist (T) Zoning District. Currently under construction, the Onyx at Leadville Residences project is a three-story, 19,888 gross sq ft, multi-family residential building containing eight dwelling units and 18 underground parking spaces.

The Planning & Zoning Commission approved the Design Review (P18-005) for the project on February 12th, 2019. Consistent with condition of approval #12 of Design Review P18-005, the applicant received approval for a Lot Line Shift application (P18-010) to adjust the recorded lot lines for Blocks 1 and 2 of the Trail Creek Condominiums Amended

Subdivision. The adjustment moved the shared boundary line to expand Block 1 in order to accommodate the underground parking garage proposed within the Onyx at Leadville building. The lot line readjustment also incorporated a new parking lot easement to benefit the adjacent Trail Creek Condominiums on Block 2A. In accordance with Ketchum Municipal Code (KMC) §17.124.040 and memorialized through FAR Exceedance Agreement (Contract 20171), the applicant secured an off-site dwelling unit to satisfy the community housing contribution for the associated increase above the permitted FAR.

The Planning & Building Department issued a Building Permit (B18-016) for the construction of the new multi-family residential development in May of 2018. All eight dwelling units within the building were designed and intended to be condominium units.

City Departments including Fire, Utilities, Building, and Streets have reviewed the Condominium Subdivision and have no comments or concerns regarding the proposed Preliminary Plat. All City Department standards as well as required ROW improvements were vetted and reviewed through the Design Review and Building Permit processes. Prior to issuance of a Certificate of Occupancy for the building, City Departments will conduct final inspections to ensure compliance with all conditions and requirements. City Engineer review comments have been included as Exhibit C to the Staff Report. The Planning and Zoning Commission held a site visit and unanimously recommended approval of the Preliminary Plat application to the City Council on October 14th, 2019.

PUBLIC COMMENT

No public comment has been received regarding the Condominium Subdivision Preliminary Plat. Any public comment received after publication of this Staff Report will be forwarded to the Planning & Zoning Commission and included in the record.



OVERVIEW – CONDOMINIUM SUBDIVISION PROCEDURE (KMC §16.04.060)

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 eight condominium units. 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 Preliminary Plat does not change the proposed residential use or alter the proposed development as reviewed and approved through Design Review P18-005 and Building Permit B18-016.

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 site visit and unanimously recommended approval of the Preliminary Plat application to the City Council on October 14th, 2019. After receiving a recommendation for approval and upon commencement of construction, the Preliminary Plat application is forwarded to the City Council for review and approval. After City Council approval of the Preliminary Plat, the subdivider may submit an application for Final Plat. City Council, however, shall not review or approve the Final Plat until a Certificate of Occupancy has been issued for the building and all design review elements have been installed.

Table 1: Condominium Preliminary Plat Requirements

Condominium Preliminary Plat Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.B	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.
			<i>Staff Comments</i>	<i>Draft CC&Rs and Articles of Incorporation for the property owner association have been submitted by the applicant and are included in the project file. The CC&Rs address maintenance of the building and common areas.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.D	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.
			<i>Staff Comments</i>	<i>All underground garage parking spaces have been designated as Limited Common Area tied to a specific condominium unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.E	Adequate storage areas shall be provided for boats, campers and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.
			<i>Staff Comments</i>	<i>Storage areas for certain units have been designated as limited common area within the underground parking garage. A storage locker area has also been included within basement floor plan and is designated as common area on the Preliminary Plat.</i>
				<i>All eight residential condominium units provide adequate interior storage space for personal property.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.F	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.
			Staff Comments	<p><i>The architectural plans approved with the Building Permit correspond to the Preliminary Plat and include a maintenance and mechanical room, trash area, and mechanical or storage lockers in the basement, which have been designated as Common Area on the preliminary plat.</i></p> <p>Basement/Parking Plan as approved with Building Permit B18-016 (Sheet A0.12)</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.G	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.
			Staff Comments	<p><i>All proposed units include outdoor terraces, patios, and balconies, which have been designated as limited common area on the Preliminary Plat. The site plan as approved through Design Review P18-005 also includes walkways for pedestrian circulation, which have been designated as common area for the development.</i></p>


				 <p><i>Exterior 3D Model Views (Sheet A0.7)</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.H	<p>All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.</p> <p><i>Staff Comments</i> All other provisions of Title 16, Title 17, and applicable City ordinance, rules, and regulations have been reviewed and approved through the Design Review and Building Permit application processes.</p>

Table 2: Preliminary Plat Requirements for All Projects

Preliminary Plat Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	<p>The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.</p> <p><i>Staff Comments</i> The application has been reviewed and determined to be complete.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	<p>Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application.</p> <p><i>Staff Comments</i> All required materials for the Preliminary Plat application have been submitted.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	<p>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:</p> <p>The scale, north point and date.</p> <p><i>Staff Comments</i> This standard has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .2	<p>The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.</p> <p><i>Staff Comments</i> This standard has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .3	<p>The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</p> <p><i>Staff Comments</i> This standard has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	<p>Legal description of the area platted.</p> <p><i>Staff Comments</i> This standard has been met.</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
			Staff Comments	<i>This standard has been met. Adjacent Trail Creek Condominiums is referenced within the parking lot easement description.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .6	A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			Staff Comments	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I 7	The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.
			Staff Comments	<i>This standard has been met. The parking lot easement as incorporated through the Readjustment of Lot Lines Procedure (P18-010) as well as the adjacent street S Leadville Avenue has been indicated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	Boundary description and the area of the tract.
			Staff Comments	<i>The legal description appears on the proposed plan and references the tract, which is within Section 18, T.4 N., R.18 E., B.M., City of Ketchum, Blaine County, Idaho.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	Existing zoning of the tract.
			Staff Comments	<i>As conditioned, the Preliminary Plat will meet this standard. The Tourist zoning designation was not included and will be required to be added to the Preliminary Plat prior to forwarding the application to City Council for review.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .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.
			Staff Comments	<i>As conditioned, the Condominium Subdivision will meet this standard. No new streets or blocks are proposed as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots. As noted within the City Engineer Review Comments included as Exhibit C to the Staff Report, the applicant shall indicate the required 5 ft utility easement on the Final Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .11	The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
			Staff Comments	<i>Common areas and limited common areas are designated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .12	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
			Staff Comments	<i>The civil drawings (C1.0 & C2.0) approved with Building Permit B18-016 correspond to the Preliminary Plat and include specifications for the proposed sidewalk, curb, and gutter as well as drywells.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .13	The direction of drainage, flow and approximate grade of all streets.
			Staff Comments	<i>Not applicable. All streets are existing.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .14	The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.
			Staff Comments	<i>Not applicable.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .15	All percolation tests and/or exploratory pit excavations required by state health authorities.
			Staff Comments	<i>At this time, no state health authority has required this condition. Notice of this subdivision has been mailed to all outside agencies.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .16	A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
			Staff Comments	<i>Draft documents have been submitted and are included in the project record.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .17	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
			Staff Comments	<i>This standard is not required because the development is located within an existing platted subdivision—Trail Creek Condominiums Amended, which is recorded with Blaine County and serves as a vicinity map for reference.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .18	The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.
			Staff Comments	<i>There is no floodplain, floodway, or avalanche zone within the proposed Condominium Subdivision. The floodplain associated with Trail Creek is located to the west of the existing Trail Creek Condominiums Development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .19	Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
			Staff Comments	<i>This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			Staff Comments	<i>This standard is not applicable. No new lots are being created as the proposed subdivision is a condominium plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			Staff Comments	<i>Not applicable. Proposed landscaping for the project was reviewed and approved by the Planning & Zoning Commission through Design Review P18-005.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .22	A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.
			Staff Comments	<i>A Lot Book Guarantee has been submitted with the subdivision application and has been included in the project record.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .23	Three (3) copies of the preliminary plat shall be filed with the administrator.
			Staff Comments	<i>A digital copy for reproduction was submitted with the application. Therefore, Staff required only one (1) full size copy of the preliminary plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as

				mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.
			Staff Comments	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.B	Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			Staff Comments	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.
			Staff Comments	<i>All required improvements shall be installed prior to issuance of a Certificate of Occupancy for the project. The Streets Department and City Engineer shall conduct a final inspection prior to issuance of a Certificate of Occupancy for the project to ensure compliance with all applicable standards and regulations. Prior to Ketchum City Council review of the Condominium Subdivision Final Plat, the applicant must obtain a Certificate of Occupancy for the development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.D	As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of

				<p>the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.</p>
			Staff Comments	<p>All required improvements shall be installed prior to issuance of a Certificate of Occupancy for the project. The Streets Department and City Engineer shall conduct a final inspection prior to issuance of a Certificate of Occupancy for the project to ensure compliance with all applicable standards and regulations. Prior to Ketchum City Council review of the Condominium Subdivision Final Plat, the applicant must obtain a Certificate of Occupancy for the development.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.E	<p>Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> 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.
			Staff Comments	<p>Monumentation shall occur following completion of required improvements and prior to City Council review of the Final Plat.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.F	<p>Lot Requirements:</p> <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: <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.

			<p>3. Corner lots shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.</p> <p>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</p> <p>5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot(s) be created out of necessity, then such lot(s) shall be reversed frontage lot(s).</p> <p>6. Minimum lot sizes in all cases shall be reversed frontage lot(s).</p> <p>7. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.</p>
			<p>Staff Comments <i>Not applicable. This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.G</p> <p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.
			<p>Staff Comments <i>Not applicable. This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots or blocks.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.H</p> <p>Street Improvement Requirements:</p> <ol style="list-style-type: none"> 1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land; 2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified; 3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features; 4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;

			<p>5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing;</p> <p>6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated;</p> <p>7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;</p> <p>8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</p> <p>16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p>
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			<p>18. Street lighting may be required by the commission or council where appropriate and shall be installed by the subdivider as a requirement improvement;</p> <p>19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section;</p> <p>20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city;</p> <p>21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters may be a required improvement installed by the subdivider; and</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council.</p>
			<p>Staff Comments <i>This proposal does not create new street, private road, or bridge. Sidewalks, curb, and gutter are required to be installed and the associated civil drawing have been reviewed and approved through review of the Building Permit B18-016.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.I Alley Improvement Requirements: Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p> <p>Staff Comments <i>This standard is not applicable as the proposed condominium is located in a residential neighborhood and alleys are not required to be provided.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.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.</p> <p>1. A public utility easement at least ten feet (10') in width shall be required within the street right of way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the city engineer to be necessary for the provision of adequate public utilities.</p> <p>2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.</p> <p>3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement</p>

			<p>along the riverbank. Furthermore, the council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.</p> <p>4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.</p>
			<p>Staff Comments <i>As noted in the City Engineer review comments attached as Exhibit C, the applicant shall include the required 5 ft utility easement on the Final Plat. As conditioned, the subdivision shall meet this standard.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.K</p> <p>Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the city engineer, council and Idaho health department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho department of health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.</p>
			<p>Staff Comments <i>The Utilities Department reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.L</p> <p>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</p>

				<p>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>
			Staff Comments	<p><i>The Utilities Department reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	<p>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>
			Staff Comments	<p><i>This standard is not applicable. The multi-family residential development's proposed landscaping was reviewed and approved by the Planning & Zoning Commission through Design Review P18-010.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.N	<p>Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p> <ol style="list-style-type: none"> 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or council as part of the preliminary plat application. 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: <ol style="list-style-type: none"> a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns. d. Areas where trees and/or natural vegetation will be preserved. e. Location of all street and utility improvements including driveways to building envelopes. f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements. 3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways. 4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision. 5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of

			<p>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> <p>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</p> <ul style="list-style-type: none"> a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability. b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American standard testing methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability. d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope. e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
			<p>Staff Comments <i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements including the Grading Plan associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.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.</p>
			<p>Staff Comments <i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements including the Drainage Plan, associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i></p>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.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.
			Staff Comments	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	Off Site Improvements: Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			Staff Comments	<i>No off-site improvements have been required for the condominium project.</i>

STAFF RECOMMENDATION

Staff recommends that the Ketchum City Council hold a public hearing and approve the Onyx at Leadville Residences Condominium Subdivision Preliminary Plat, subject to conditions 1-9 below.

RECOMMENDED MOTION

“I MOVE TO APPROVE THE ONYX AT LEADVILLE RESIDENCES CONDOMINIUM SUBDIVISION PRELIMINARY PLAT, WITH CONDITIONS 1-9.”

RECOMMENDED CONDITIONS

1. Approval of the Condominium Subdivision Preliminary Plat is subject to Design Review P18-005 and Building Permit B18-016. All conditions of approval shall apply. All City Department conditions shall be met prior to issuance of a Certificate of Occupancy for the project. All conditions as described in Tables 1 and 2 shall be met.
2. As noted in the City Engineer review comments dated October 9, 2019, the applicant shall include the following items on the Final Plat: (a) the 5 ft public utility easement as required pursuant to KMC §16.04.030.19, (b) certifications, (c) certificate of owner, (d) surveyor approval, and (e) agency approvals.
3. 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.
4. The failure to obtain Final Plat approval by the Council, of an approved preliminary plat, within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void.
5. 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.
6. 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”
7. 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.
 8. The applicant shall provide a copy of the recorded Final Plat to the Planning and Building Department for the official file on the application.
 9. Pursuant to KMC §16.04.060, the final plat shall not be signed by the City Clerk and recorded until the condominium has received: (a) a Certificate of Occupancy issued by the City of Ketchum and (b) completion of all Design Review elements as approved by the Planning & Zoning Administrator.

Exhibit A: Application



City of Ketchum
Planning & Building

**CERTIFIED
COMPLETE**
8-20-19

OFFICIAL USE ONLY	
Application Number	29-093
Date Received	8-20-19
By:	NA
Fee Paid	4200.00
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: The Onyx at Leadville Residences			
Owner of Record: J Peterman Development LLC			
Address of Owner: 2809 Curry Parkway, Madison, WI 53713			
Representative of Owner: Sean Flynn PE, Galena Engineering; 317 N. River St., Hailey, Idaho 83333			
Legal Description: Block 1A of Trail Creek Condominiums Amended : Blocks 1A and 2A			
Street Address: 341 South Leadville Avenue, Ketchum			
SUBDIVISION INFORMATION			
Number of Lots/Parcels: 8 Condominium Units			
Total Land Area: 0.37 Acres			
Current Zoning District: T, Tourist			
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			
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.			

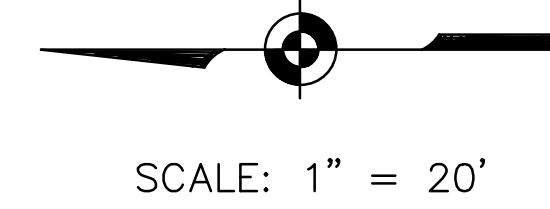
Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Subdivision Application in which the City of Ketchum is the prevailing party to pay reasonable attorney's fees and costs, including fees and costs of appeal for the City of Ketchum. Applicant agrees to observe 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 08/20/19
Applicant Signature Date

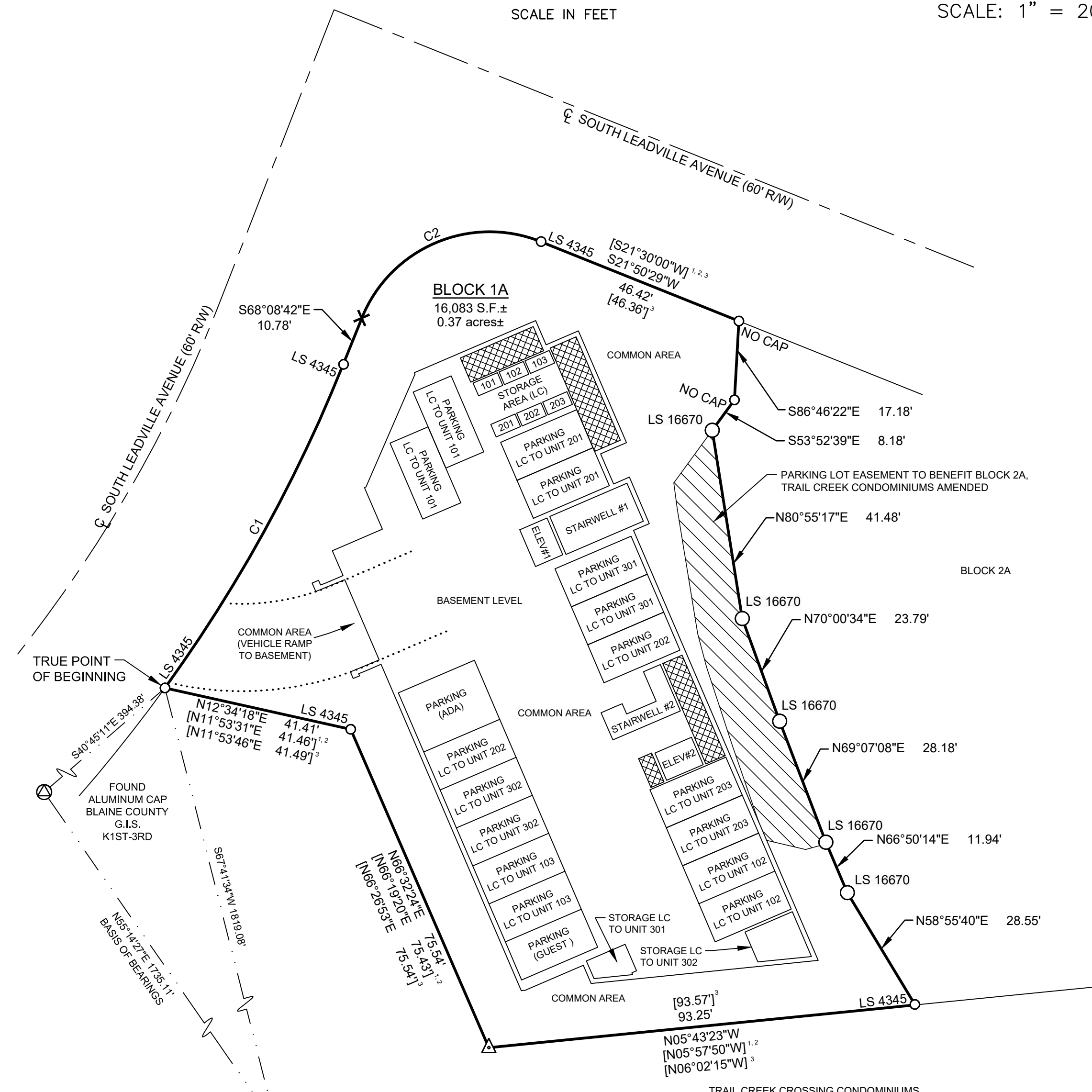
Exhibit B:
Condominium Subdivision
Preliminary Plat
dated August 2019

A CONDOMINIUM PLAT SHOWING
THE ONYX AT LEADVILLE RESIDENCE
 WHEREIN TRAIL CREEK CONDOMINIUMS AMENDED, BLOCK 1A IS SUBDIVIDED
 LOCATED WITHIN SECTION 18, T.4 N., R.18 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

AUGUST 2019



- LEGEND**
- Property Line
 - Adjoiner's Lot Line
 - Right-of-Way Centerline
 - Unit Tie to True Point of Beginning
 - GIS Tie Line
 - Basement Parking Access
 - Parking Lot Easement to Benefit Block 2A Trail Creek Condominiums Amended
 - Found Aluminum Cap
 - Found 5/8" Rebar
 - Found 1/2" Rebar
 - Found Magnail/Nail
 - Found Chiseled X in Concrete
 - Calculated Point, Corner Not Set
 - [] Record Bearing & Distance with Document referenced by Number (See Notes)
 - Mechanical Rooms / Area
 - LC = Limited Common
 - FE = Finished Floor Elevation
 - CE = Ceiling Elevation



- NOTES**
1. REFER TO THE PLAT OF TRAIL CREEK CONDOMINIUMS AMENDED: BLOCKS 1A AND 2A RECORDED AS INSTRUMENT NUMBER 651978. REFER TO ORIGINAL PLAT OF TRAIL CREEK CONDOMINIUMS AMENDED: BLOCKS 1 AND 2, INSTRUMENT. NO. 521472. FOR ADDITIONAL NOTES, CONDITIONS, COVENANTS, RESTRICTIONS, EASEMENTS AND OTHER ENCUMBRANCES.
 2. THERE EXISTS A 5' PUBLIC UTILITY EASEMENT ON THE EXTERIOR PROPERTY LINE OF THIS LOT.
 3. PREVIOUSLY RECORDED DOCUMENTS WITH RECORD BEARINGS & DISTANCES SHOWN INCLUDE:
 - 1. LEADVILLE SUBDIVISION, INSTRUMENT NUMBER 191260
 - 2. TRAIL CREEK CONDOMINIUMS, INSTRUMENT NUMBER 199464
 - 3. TRAIL CREEK CONDOMINIUMS AMENDED: BLOCKS 1 AND 2, INSTRUMENT NUMBER 521472
 4. 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.
 5. DIMENSIONS SHOWN HEREON WILL BE SUBJECT TO SLIGHT VARIATIONS, OWING TO NORMAL CONSTRUCTION TOLERANCES.
 6. 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.
 7. CONSULT THE CONDOMINIUM DECLARATIONS FOR THE DEFINITION OF COMMON AND LIMITED COMMON AREA.
 8. 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.
 9. BUILDING TIES ARE TO THE INTERIOR CORNERS OF UNIT WALLS.
 10. 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.
 11. THIS PROPERTY FALLS WITHIN THE T, TOURIST ZONE.

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD DIRECTION
C1	80.61'	330.00'	40.51'	13°59'45"	80.41'	S 61°08'51" E
[C1] ^{1,2}	[80.60'] ^{1,2}	[330.00'] ^{1,2}	[40.50'] ^{1,2}	[13°59'30"] ^{1,2}	[80.40'] ^{1,2}	[S 61°30'11" E] ^{1,2}
[C1] ³	[80.61'] ³	[330.00'] ³	[40.50'] ³	[13°59'42"] ³	[80.41'] ³	[S 61°29'20" E] ³
C2	47.12'	30.00'	29.99'	89°59'27"	42.42'	S 23°09'05" E
[C2] ^{1,2}	[47.12'] ^{1,2}	[30.00'] ^{1,2}	[30.00'] ^{1,2}	[90°00'00"] ^{1,2}	[42.43'] ^{1,2}	[S 23°30'00" E] ^{1,2}
[C2] ³	[47.12'] ³	[30.00'] ³	[29.99'] ³	[89°59'11"] ³	[42.42'] ³	[S 23°29'36" E] ³
C3	144.55'	283.20'	73.89'	29°14'44"	142.99'	S 07°13'06" W
[C3] ^{1,2}	[144.67'] ^{1,2}	[283.20'] ^{1,2}	[73.95'] ^{1,2}	[29°16'10"] ^{1,2}	[143.11'] ^{1,2}	[S 06°51'51" W] ^{1,2}
[C3] ³	[144.56'] ³	[283.20'] ³	[73.89'] ³	[29°14'47"] ³	[142.99'] ³	[S 06°52'37" W] ³

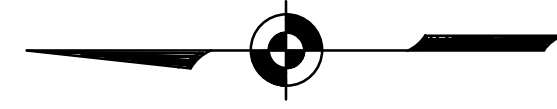


MARK E. PHILLIPS, PLS 16670

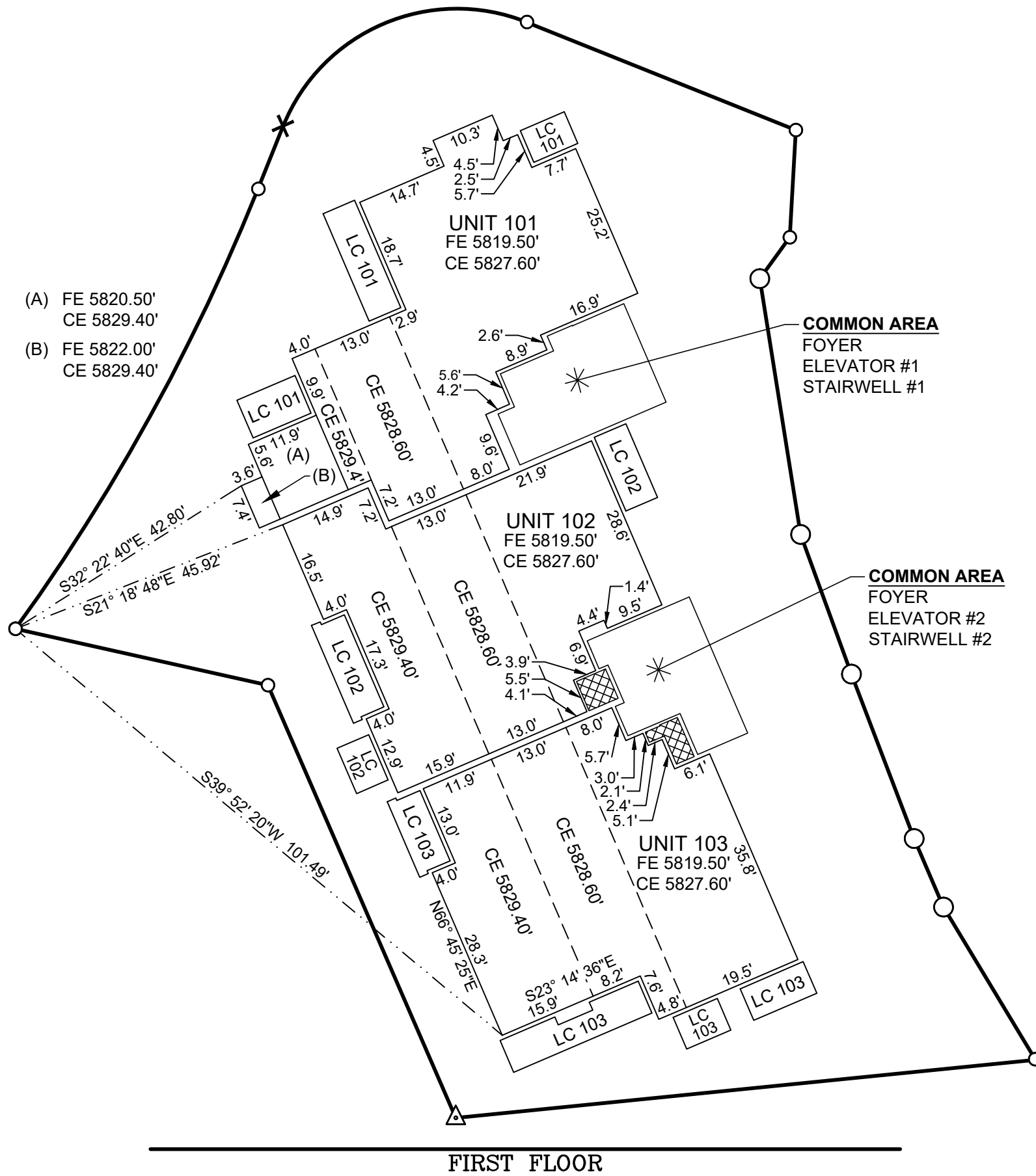
HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.

Date _____ South Central Public Health District

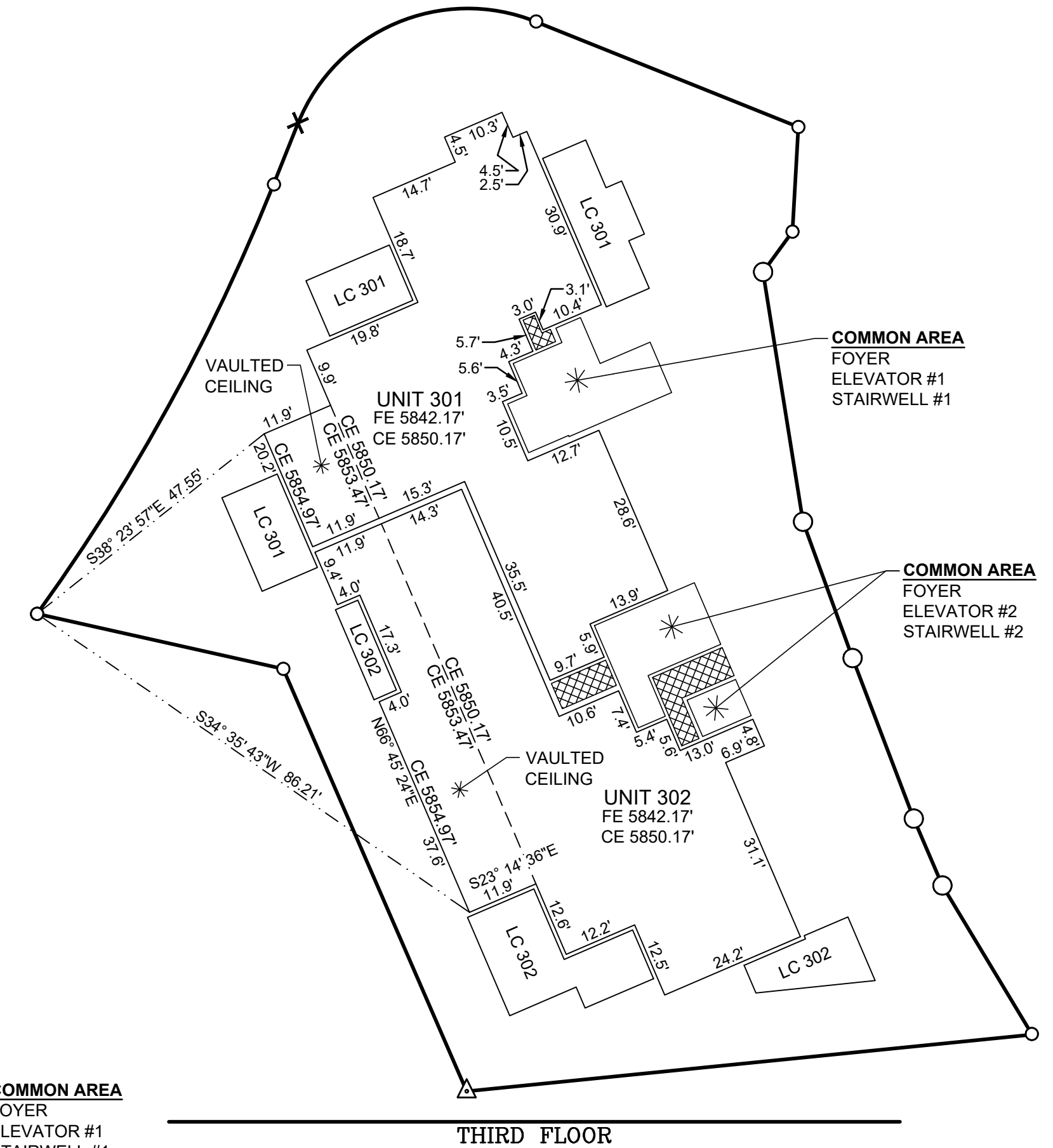
A CONDOMINIUM PLAT SHOWING THE ONYX AT LEADVILLE RESIDENCE



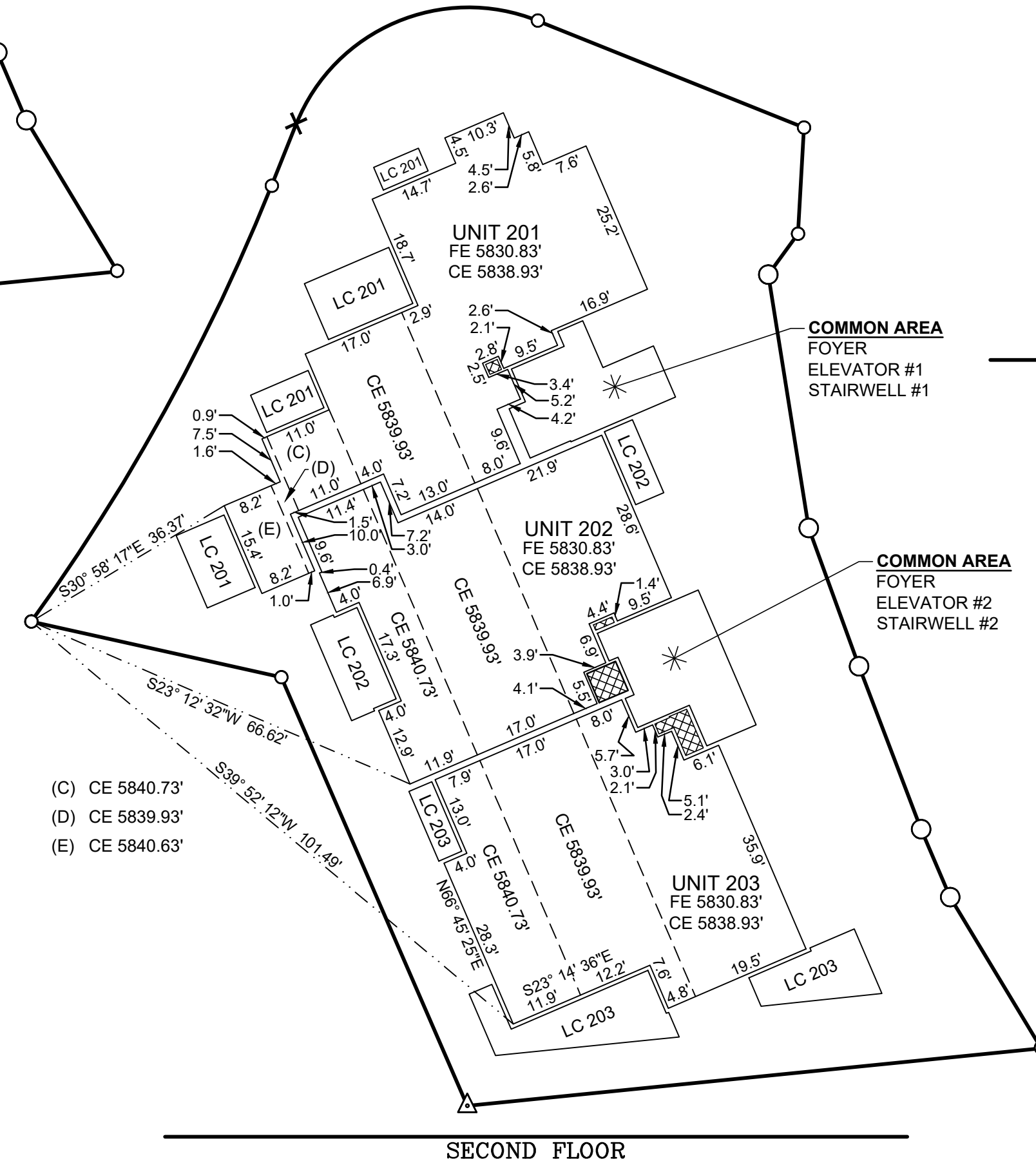
SCALE: 1" = 20'



FIRST FLOOR



THIRD FLOOR



SECOND FLOOR



MARK E. PHILLIPS, PLS 16670

THE ONYX AT LEADVILLE
RESIDENCE

GALENA ENGINEERING, INC.
HAILEY, IDAHO

SHEET 2 OF 3

Job No. 7410.04

Exhibit C:
City Engineer
Review Comments



TO: City of Ketchum
FROM: Sherri Newland, PE
DATE: October 9, 2019
RE: Preliminary Plat Review – The Onyx at Leadville Residence

NO.	ITEM	PROVIDED	COMMENT
1	Subdivision Name tied to at least 2 corners	X	
2	Surveyor Stamp/certification	X	
3	Date	X	
4	Sheet Title and Preamble	X	
5	Basis of Bearing	X	
6	North Arrow	X	
7	Scale	X	
8	Plat Closure	X	
9	Total Area	X	
10	Monuments	X	
11	Land Corners	X	
13	Street Names & Width & Centerlines	X	
14	Easements – Utilities		Show 5' easement on Final Plat
15	Lot & Block Numbers	X	
16	Lot Dimensions	X	
17	Curve & Line Tables	X	
18	Certifications		Provide on final plat
19	Certificate of Owner		Provide on final plat
20	Surveyor Approval		Provide on final plat
21	Sanitary Restriction/Health Certificate	X	
22	Agency Approvals:		Provide on final plat
23	Public Dedication:	NA	
24	Common Areas:	X	
25	Legend	X	
26	Notes	X	
27	Condominium CC&R or CC&R reference		Provide copy of CC&R's to city
28	18" x 24" Mylar		Provide on final plat
29	Garages shown	X	

Exhibit D:
FAR Exceedance Agreement
(Contract #20171)

**FAR EXCEEDANCE AGREEMENT
CONTRACT #20171**

Parties:

City of Ketchum	"City"	Mailing: P.O. Box 2315, 480 East Ave. N., Ketchum, Idaho 83340
J Peterman Development, LLC	"Developer"	Mailing: 2809 Curry Parkway #10, Madison, WI 53713 Ketchum Physical Address: 341 S Leadville Ave. (Trail Creek Condominiums Amended: Block 1A)

This FAR Exceedance Agreement ("Agreement") is made between the City of Ketchum, a municipal corporation of the state of Idaho, and J Peterman Development LLC, a property owner in the City of Ketchum.

RECITALS

- A. Pursuant to the City's authority under the Idaho Local Land Use Planning Act, the Ketchum Municipal Code ("K.M.C.") Chapter 17.124 provides for certain development standards, including maximum floor area ratio (FAR) standards under K.M.C. 17.124.040 - Floor Area Ratios and Community Housing. These standards are intended to protect the public interest, health, general welfare, and provision of public services. The City has provided options for development proposals to potentially exceed the allowable FAR in exchange for mitigation of the impacts of such larger development, particularly as focused on affordable community and workforce housing. K.M.C. 17.124.040(B).
- B. The City has adopted Resolution 17-006 which provides for the Parties to proceed with the FAR standards and options under K.M.C. 17.124.040, so long as the Parties voluntarily opt into an FAR Exceedance Agreement, making clear they are voluntarily opting by contract into use of such FAR standards and mitigation measures and are waiving any claims or demands related to any legal challenge to K.M.C. 17.124.040.

THEREFORE, in consideration of the mutual agreement herein contained and subject to the terms and conditions stated, it is hereby understood and agreed by the Parties as follows:

- 1. **Attestation of Developer.** Developer, by this Agreement, attests that Developer desires to voluntarily proceed on the development proposal, including proposal of exceedance of FAR standards and accompanying mitigation measures, using the approach and standards as set forth in K.M.C. 17.124.
- 2. **Waiver and Release of Claims.** Developer, by this Agreement, waives and releases any claims, demands, challenges, claims for reimbursement or refund, and/or damages now or in the future deriving from or relying on the outcome of future litigation substantially

challenging the validity of K.M.C. 17.124 and its standards. It is Developer's intent to accept and proceed with such standards as outlined in K.M.C. 17.124 for Developer's development plan for purposes of allowable FAR and Developer voluntarily and knowingly accepts the mitigation measures as proposed.

3. **FAR Exceedance Consideration.** In consideration for Developer's attestation and waiver, the City agrees to consider their exceedance proposal and will currently consider and evaluate Developer's proposed FAR exceedance and accompanying mitigation measures within the framework and standards of K.M.C. 17.124.040, attached hereto as Exhibit A and made a part of this Agreement.
4. **Maximum FAR and Mitigation.** The Parties hereby agree to an allowable maximum floor area ratio and accompanying mitigation measures as set forth in Exhibit B, attached hereto and made a part of this Agreement.
5. **Identification of Mitigation Property.** Developer, in good faith, identifies the following real property, which it intends to use to satisfy its mitigation requirement:

121 SHORT SWING LN A, Ketchum
Legal: ADPS TOWNHOMES SUBLLOT 2
Parcel #: RPK02710000020W

The mitigation property shall be targeted for Blaine County Housing Authority Income Category 4 or above and shall be listed for sale through the Blaine County Housing Authority concurrent with the issuance of certificate of occupancy by the City for Developer's Project. Notwithstanding the foregoing, prior to issuance of a certificate of occupancy for the project, Developer may substitute the property identified above with other property of sufficient square footage, subject to approval, not to be unreasonably withheld, by the City and the Blaine County Housing Authority or may satisfy the mitigation requirement through in-lieu of fees, or a combination of substituted property and in lieu fees, so long as the mitigation measures set forth in Exhibit B are met. Any substitution or alternative mitigation shall occur through an amendment consistent with the amendment provision of this Agreement.

6. **Withdrawal.** Developer may withdraw from this Agreement upon thirty days notice to City provided that Developer has not commenced building and has received no benefit from a maximum FAR exceedance. Withdrawal shall cause an immediate reversion to the permitted gross FAR as set forth in Exhibit A: K.M.C. 17.124.040(A) at the time of this Agreement.
7. **Amendments.** This Agreement may not be amended, modified, altered or changed in any respect whatsoever, except by further agreement in writing duly executed by the parties.
8. **No Assignment.** Developer shall not sell, assign, or transfer all or any portion of its interest in this Agreement at any time without consent of the City.

9. **Binding Effect.** This Agreement shall be binding upon the heirs, estates, personal representatives, successors, and assigns of the parties.
10. **Attorney Fees and Costs.** In the event any action is brought to enforce this Agreement, the prevailing party is entitled to an award of reasonable attorney fees and costs.
11. **Notices.** Any notice under this Agreement shall be in writing and shall be treated as duly delivered if the same is personally delivered or deposited in the United States mail, certified, return receipt requested, postage prepaid, and properly addressed to the contacts as specified at the beginning of this Agreement.
12. **Partial Invalidity.** Whenever possible, each provision of this Agreement shall be interpreted in such a way as to be effective and valid under applicable law. If a provision of this Agreement is prohibited by or invalid under applicable law, it shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement.
13. **Waiver:** The rights and remedies of the parties to this Agreement are cumulative and not alternative. Neither the failure nor any delay by any party in exercising any right, power, or privilege under this Agreement or the documents referenced in this Agreement will operate as a waiver of such right, power, or privilege, and no single or partial exercise of any such right, power, or privilege will preclude any other or further exercise of such right, power, or privilege or the exercise of any other right, power, or privilege.
14. **Execution and Counterparts:** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original agreement, but all of which shall be considered one instrument.

DATED THIS 21ST DAY OF MAY, 2018.

Developer
J Peterman Development LLC



Adam DiPiazza, Member

City of Ketchum, Idaho



Neil Bradshaw, Mayor

Attest:



Robin Crotty, City Clerk

Exhibit A**17.124.040: FLOOR AREA RATIOS AND COMMUNITY HOUSING:**

A. General Requirements: All new buildings and alterations to existing buildings in the GR-H, T, T-3000, T-4000 and CC zoning districts, unless otherwise specified in this title, shall be subject to the maximum floor area ratio (FAR) described below. Hotels that meet the definition of "hotel" found in chapter 17.08 of this title may exceed the floor area listed in the table below subject to section 17.124.050 of this chapter.

Districts	Permitted Gross FAR	Inclusionary Housing Incentive
GR-H	0.5	1.4
T	0.5	1.6
T-3000	0.5	1.6
T-4000	0.5	1.6
CC	1.0	2.25

B. Inclusionary Housing Incentive:

1. The purpose of this section is to encourage new development to include a reasonable supply of affordable and resident occupied workforce housing for sale or rent, to help meet the demand and needs for housing of the community's employees. Land within the zoning districts specified in the table above may be built to the listed permitted FAR. As an incentive to build community housing units, floor area may be increased up to the maximum FAR listed in said table with inclusionary housing incentive.
2. An increased FAR may be permitted subject to design review approval, and provided, that all of the following conditions are met:
 - a. A minimum of twenty percent (20%) of the total increase in gross floor area above the greater of the permitted FAR is deed restricted in perpetuity as community housing unit(s). Of this gross square footage, a fifteen percent (15%) reduction will be allowed as a standard discount from gross square footage to net livable square footage for community housing units.
 - b. After calculating net livable square footage, an allowance can be made for projects with demonstrated groundwater issues as documented by a registered engineer. Upon determination by the city that groundwater on the subject property precludes underground parking, a credit of three hundred fifty (350) square feet per required parking space shall be subtracted from the net livable square footage prior to the

calculation for the twenty percent (20%) deed restricted community housing. Parking space credit shall be rounded to the nearest whole number, and shall not be calculated as fractions.

- c. Community housing requirements may be paid via a fee in lieu of housing. The community housing units times the fee equals the amount due to the city. The fee in lieu shall be recommended by the governing housing authority on an annual basis and adopted by the city council. For fractions of units, the developer has the option of providing a full housing unit rather than paying the fee in lieu or working with the city or other nonprofit entity to construct the balance of the community housing unit with additional funds.
- d. All community housing units, either for sale or rent, shall be administered by the governing housing authority, unless otherwise determined by the city council. The governing housing authority shall recommend the types and locations of all proposed community housing units for approval by the city.
- e. The community housing units shall be targeted for Blaine County housing authority income category 4 (100 percent or less of area median income). The applicant may seek the recommendation of the governing housing authority in the determination of an alternative category with corresponding adjustment in the amount of community housing required. Said recommendation, if mutually agreed upon by the applicant and the commission, may be used in place of category 4. This allowance shall be based on need for the category type. The definition of who may qualify to purchase affordable housing shall be maintained in the guidelines of the governing housing authority as adopted by the city council.
- f. The city's primary goal is to see the development of and encourage the construction of community housing units, but realizes that other options will also move the city closer to its goal of housing the workforce. With this in mind, the following options for fulfillment of the community housing incentive are available to the applicant outright. These include, but are not limited to:
 - (1) Housing constructed by the applicant on or off site, within the city of Ketchum;
 - (2) Payment of an in lieu fee; or
 - (3) Acquisition of existing housing stock that meets with the governing housing authority's requirements and approval.
- g. In addition to those outright options noted in this section, the city council may consider alternative proposals by the applicant to fulfill the community housing incentive. The city council has full discretionary power to determine said request. Options for fulfillment of the community housing incentive include, but are not limited to:
 - (1) Land conveyance to the city;
 - (2) Existing housing unit buy down or mortgage buy down; or

(3) Other proposals and options as approved by the city council.

3. In the CC district, the maximum floor area incentive applies to buildings up to three (3) stories in height. Buildings above three (3) stories may exceed the 2.25 FAR maximum only in accordance with the pertinent code provisions allowing for a fourth floor (for example, hotels, PUDs and 100 percent community housing project, etc.). For hotel uses, community housing calculations apply to all those portions of the hotel development except the hotel units, which are addressed pursuant to employee housing of this chapter. (Ord. 1135, 2015)

Exhibit B

EXCEEDANCE AGREEMENT COMPLIANCE

PROJECT: The Onyx at Leadville Residential Project

FILE NUMBER: 18-005

DEVELOPER: J Peterman Development, LLC

REPRESENTATIVE: Hollis Rumpeltes Architects, AIA

REQUEST: Design Review approval for eight (8) new multi-family residential units and associated site improvements.

LOCATION: 341 S. Leadville Avenue
(Trail Creek Condominiums Amended: Block 1A)

ZONING: Tourist (T)

BACKGROUND:

1. The applicant is proposing to construct a three-story, multi-family residential building containing eight (8) residential units and eighteen (18) underground parking spaces with associated site improvements.
2. The subject property is located in the Tourist (T) Zoning District and is located at 341 S. Leadville Avenue (Trail Creek Condominiums Amended: Block 1A).
3. The applicant is proposing to construct a multi-family residential building, which will have a total square footage of 19,888 gross square feet, and a Floor Area Ratio (FAR) of 1.2 (19,888 sq ft/16,092 sq ft).
4. As a condition of Design Review approval, the project shall comply with the requirements of Ketchum City Code §17.124.040 as adopted on the date a building permit is submitted for the project.
5. The Planning and Zoning Commission approved the Design Review application for the Onyx at Leadville residential project on February 12th, 2018. Building Permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator.

Table 1. EXCEEDANCE ANALYSIS

Yes	No	N/A	Regulation											
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.040	<p align="center">Floor Area Ratios and Community Housing</p> <p>The project shall comply with the requirements of Ketchum City Code §17.124.040 as adopted on the date a building permit is submitted for the project.</p> <p>Permitted in Tourist (T) Zoning District Permitted Gross FAR: 0.5 Inclusionary Housing Incentive: 1.6</p> <p>Proposed FAR: 1.2 (19,888 sq ft/16,092 sq ft)</p> <p>Gross Floor Area (sq ft)</p> <table border="1"> <tr> <td>Basement</td> <td>N/A</td> </tr> <tr> <td>First-Floor</td> <td>7,173</td> </tr> <tr> <td>Second-Floor</td> <td>6,729</td> </tr> <tr> <td>Third-Floor</td> <td>5,986</td> </tr> <tr> <td>Total</td> <td>19,888</td> </tr> </table> <p>Community Housing CH incentive: The applicant shall provide 2,013 square feet of community housing either on-site or elsewhere within the City of Ketchum or pay a fee in-lieu.</p> <ol style="list-style-type: none"> Increase in sq ft above FAR = 11,842 sq ft (19,888 sq ft– 8,046 sq ft) 20% of CH incentive to be deed restricted or pay fee in lieu: 2,368 sq ft: (11,842 sq ft · .20 = 2,368 sq ft) Reduced by 15% to account for circulation, mechanical, etc.: 2,013 sq ft: (2,368 sq ft · .85 = 2,013 sq ft) <p>The applicant shall provide 2,013 sq ft community housing unit or pay a fee in-lieu of \$479,094. The applicant has identified an acquired property to satisfy the mitigation requirement:</p> <p align="center">121 SHORT SWING LN A Legal: ADI'S TOWNHOMES SUBLOT 2 Parcel #: RPK0271000020</p> <p>The mitigation property shall be targeted for Blaine County Housing Authority Income Category 4 or greater and shall be listed for sale through the Blaine County Housing Authority concurrent with the issuance of certificate of occupancy by the City for Developer's Project.</p>	Basement	N/A	First-Floor	7,173	Second-Floor	6,729	Third-Floor	5,986	Total	19,888
Basement	N/A													
First-Floor	7,173													
Second-Floor	6,729													
Third-Floor	5,986													
Total	19,888													

Exhibit E:
Draft
Findings of Fact
and
Conclusions of Law



City of Ketchum
Planning & Building

IN RE:)	
)	
Onyx at Leadville Residences)	KETCHUM CITY COUNCIL
Condominium Subdiviison Preliminary Plat)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: October 21, 2019)	DECISION
)	
File Number: 19-093)	

Findings Regarding Application Filed

PROJECT: Onyx at Leadville Residences Condominium Subdivision Preliminary Plat

FILE NUMBER: P19-093

ASSOCIATED PERMITS: Pre-Application Design Review 17-090, Design Review 18-005, Lot Line Shift P18-010, Building Permit 18-016

OWNERS: J Peterman Development LLC

REPRESENTATIVE: Sean Flynn PE, Galena Engineering

REQUEST: Preliminary Plat to create eight condominium units within a multi-family residential development currently under construction

LOCATION: 341 S Leadville Avenue (Trail Creek Condominiums: Block 1A)

NOTICE: A public hearing notice was mailed to all property owners within 300 ft of the development site and political subdivision on October 2nd, 2019. The public hearing notice was published in the Idaho Mountain Express on October 2nd, 2019.

ZONING: Tourist (T)

OVERLAY: None

Findings Regarding Associated Development Applications

The subject property, Block 1A of Trail Creek Condominiums Amended, is located at the northwest corner of S Leadville Avenue and Onyx Street within the Tourist (T) Zoning District. Currently under construction, the Onyx at Leadville Residences project is a three-story, 19,888 gross sq ft, multi-family residential building containing eight dwelling units and 18 underground parking spaces.

The Planning & Zoning Commission approved the Design Review (P18-005) for the project on February 12th, 2019. Consistent with condition of approval #12 of Design Review P18-005, the applicant received approval for a Lot Line Shift application (P18-010) to adjust the recorded lot lines for Blocks 1 and 2 of the Trail Creek Condominiums Amended Subdivision. The adjustment moved the shared boundary line to expand Block 1 in order to accommodate the underground parking garage proposed within the Onyx at Leadville building. The lot line readjustment also incorporated a new parking lot easement to benefit the adjacent Trail Creek

Condominiums on Block 2A. In accordance with Ketchum Municipal Code (KMC) §17.124.040 and memorialized through FAR Exceedance Agreement (Contract 20171), the applicant secured an off-site dwelling unit to satisfy the community housing contribution for the associated increase above the permitted FAR.

The Planning & Building Department issued a Building Permit (B18-016) for the construction of the new multi-family residential development in May of 2018. All eight dwelling units within the building were designed and intended to be condominium units.

Findings Regarding City Department Comments

City Departments including Fire, Utilities, Building, and Streets have reviewed the Condominium Subdivision and have no comments or concerns regarding the proposed Preliminary Plat. All City Department standards as well as required ROW improvements were vetted and reviewed through the Design Review and Building Permit processes. Prior to issuance of a Certificate of Occupancy for the building, City Departments will conduct final inspections to ensure compliance with all conditions and requirements. City Engineer review comments have been included as Exhibit C to the Staff Report. The Planning and Zoning Commission held a site visit and unanimously recommended approval of the Preliminary Plat application to the City Council on October 14th, 2019.

Findings Regarding Condominium Subdivision Procedure (KMC §16.04.060)

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 eight condominium units. 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 Preliminary Plat does not change the proposed residential use or alter the proposed development as reviewed and approved through Design Review P18-005 and Building Permit B18-016.

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 site visit and unanimously recommended approval of the Preliminary Plat application to the City Council on October 14th, 2019. After receiving a recommendation for approval and upon commencement of construction, the Preliminary Plat application is forwarded to the City Council for review and approval. After City Council approval of the Preliminary Plat, the subdivider may submit an application for Final Plat. City Council, however, shall not review or approve the Final Plat until a Certificate of Occupancy has been issued for the building and all design review elements have been installed.

Table 1: Findings Regarding Condominium Preliminary Plat Requirements

Condominium Preliminary Plat Requirements				
Compliant			Standards and City Council Findings	
Yes	No	N/A	City Code	City Standards and <i>City Council Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.B	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.

			City Council Findings	<i>Draft CC&Rs and Articles of Incorporation for the property owner association have been submitted by the applicant and are included in the project file. The CC&Rs address maintenance of the building and common areas.</i>
☒	☐	☐	16.04.060.D	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.
			City Council Findings	<i>All underground garage parking spaces have been designated as Limited Common Area tied to a specific condominium unit.</i>
☒	☐	☐	16.04.060.E	Adequate storage areas shall be provided for boats, campers and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.
			City Council Findings	<i>Storage areas for certain units have been designated as limited common area within the underground parking garage. A storage locker area has also been included within basement floor plan and is designated as common area on the Preliminary Plat.</i> <i>All eight residential condominium units provide adequate interior storage space for personal property.</i>
☒	☐	☐	16.04.060.F	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.
			City Council Findings	<i>The architectural plans approved with the Building Permit correspond to the Preliminary Plat and include a maintenance and mechanical room, trash area, and mechanical or storage lockers in the basement, which have been designated as Common Area on the preliminary plat.</i>
				<p>Basement/Parking Plan as approved with Building Permit B18-016 (Sheet A0.12)</p>
☒	☐	☐	16.04.060.G	The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the


				<p>residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.</p> <p>City Council Findings <i>All proposed units include outdoor terraces, patios, and balconies, which have been designated as limited common area on the Preliminary Plat. The site plan as approved through Design Review P18-005 also includes walkways for pedestrian circulation, which have been designated as common area for the development.</i></p>  <p><i>Exterior 3D Model Views (Sheet A0.7)</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.060.H</p> <p>All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.</p> <p>City Council Findings <i>All other provisions of Title 16, Title 17, and applicable City ordinance, rules, and regulations have been reviewed and approved through the Design Review and Building Permit application processes.</i></p>	

Table 2: Findings Regarding Preliminary Plat Requirements

Preliminary Plat Requirements				
Compliant			Standards and City Council Findings	
Yes	No	N/A	City Code	City Standards and <i>City Council Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	<p>The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.</p> <p>City Council Findings <i>The application has been reviewed and determined to be complete.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	<p>Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application.</p> <p>City Council Findings <i>All required materials for the Preliminary Plat application have been submitted.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	<p>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:</p> <p>The scale, north point and date.</p>

			City Council Findings	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .2	The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.
			City Council Findings	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
			City Council Findings	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted.
			City Council Findings	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
			City Council Findings	<i>This standard has been met. Adjacent Trail Creek Condominiums is referenced within the parking lot easement description.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .6	A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			City Council Findings	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I 7	The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.
			City Council Findings	<i>This standard has been met. The parking lot easement as incorporated through the Readjustment of Lot Lines Procedure (P18-010) as well as the adjacent street S Leadville Avenue has been indicated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	Boundary description and the area of the tract.
			City Council Findings	<i>The legal description appears on the proposed plan and references the tract, which is within Section 18, T.4 N., R.18 E., B.M., City of Ketchum, Blaine County, Idaho.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	Existing zoning of the tract.
			City Council Findings	<i>As conditioned, the Preliminary Plat will meet this standard. The Tourist zoning designation was not included and will be required to be added to the Preliminary Plat prior to forwarding the application to City Council for review.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .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.
			City Council Findings	<i>As conditioned, the Condominium Subdivision will meet this standard. No new streets or blocks are proposed as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots. As noted within the City Engineer Review Comments included as Exhibit C to the Staff Report, the applicant shall indicate the required 5 ft utility easement on the Final Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .11	The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.

			City Council Findings	<i>Common areas and limited common areas are designated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .12	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
			City Council Findings	<i>The civil drawings (C1.0 & C2.0) approved with Building Permit B18-016 correspond to the Preliminary Plat and include specifications for the proposed sidewalk, curb, and gutter as well as drywells.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .13	The direction of drainage, flow and approximate grade of all streets.
			City Council Findings	<i>Not applicable. All streets are existing.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .14	The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.
			City Council Findings	<i>Not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .15	All percolation tests and/or exploratory pit excavations required by state health authorities.
			City Council Findings	<i>At this time, no state health authority has required this condition. Notice of this subdivision has been mailed to all outside agencies.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .16	A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
			City Council Findings	<i>Draft documents have been submitted and are included in the project record.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .17	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
			City Council Findings	<i>This standard is not required because the development is located within an existing platted subdivision—Trail Creek Condominiums Amended, which is recorded with Blaine County and serves as a vicinity map for reference.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .18	The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.
			City Council Findings	<i>There is no floodplain, floodway, or avalanche zone within the proposed Condominium Subdivision. The floodplain associated with Trail Creek is located to the west of the existing Trail Creek Condominiums Development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .19	Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
			City Council Findings	<i>This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			City Council Findings	<i>This standard is not applicable. No new lots are being created as the proposed subdivision is a condominium plat.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			City Council Findings	<i>Not applicable. Proposed landscaping for the project was reviewed and approved by the Planning & Zoning Commission through Design Review P18-005.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .22	A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.
			City Council Findings	<i>A Lot Book Guarantee has been submitted with the subdivision application and has been included in the project record.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .23	Three (3) copies of the preliminary plat shall be filed with the administrator.
			City Council Findings	<i>A digital copy for reproduction was submitted with the application. Therefore, Staff required only one (1) full size copy of the preliminary plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.
			City Council Findings	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.B	Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			City Council Findings	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds

				<p>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>
			City Council Findings	<p>All required improvements shall be installed prior to issuance of a Certificate of Occupancy for the project. The Streets Department and City Engineer shall conduct a final inspection prior to issuance of a Certificate of Occupancy for the project to ensure compliance with all applicable standards and regulations. Prior to Ketchum City Council review of the Condominium Subdivision Final Plat, the applicant must obtain a Certificate of Occupancy for the development.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.D	<p>As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.</p>
			City Council Findings	<p>All required improvements shall be installed prior to issuance of a Certificate of Occupancy for the project. The Streets Department and City Engineer shall conduct a final inspection prior to issuance of a Certificate of Occupancy for the project to ensure compliance with all applicable standards and regulations. Prior to Ketchum City Council review of the Condominium Subdivision Final Plat, the applicant must obtain a Certificate of Occupancy for the development.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.E	<p>Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> 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.
			City Council Findings	<p>Monumentation shall occur following completion of required improvements and prior to City Council review of the Final Plat.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.F	<p>Lot Requirements:</p> <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for

			<p>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:</p> <ul 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. <p>3. Corner lots shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.</p> <p>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</p> <p>5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot(s) be created out of necessity, then such lot(s) shall be reversed frontage lot(s).</p> <p>6. Minimum lot sizes in all cases shall be reversed frontage lot(s).</p> <p>7. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.</p>
			<p>City Council Findings</p> <p><i>Not applicable. This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.G</p> <p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ul 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.

				<p>4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.</p>
			City Council Findings	<p><i>Not applicable. This standard is not applicable as the Preliminary Plat proposes to subdivide a multi-family residential building currently under construction into eight condominium units and does not create new lots or blocks.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H	<p>Street Improvement Requirements:</p> <ol style="list-style-type: none"> 1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land; 2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified; 3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features; 4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods; 5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing; 6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated; 7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended; 8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line; 9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°); 10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;

				<p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</p> <p>16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p> <p>18. Street lighting may be required by the commission or council where appropriate and shall be installed by the subdivider as a requirement improvement;</p> <p>19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section;</p> <p>20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city;</p> <p>21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters may be a required improvement installed by the subdivider; and</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council.</p>
			City Council Findings	<i>This proposal does not create new street, private road, or bridge. Sidewalks, curb, and gutter are required to be installed and the associated civil drawing have been reviewed and approved through review of the Building Permit B18-016.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	Alley Improvement Requirements: Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be

				not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.
			City Council Findings	<i>This standard is not applicable as the proposed condominium is located in a residential neighborhood and alleys are not required to be provided.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J	<p>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.</p> <p>1. A public utility easement at least ten feet (10') in width shall be required within the street right of way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the city engineer to be necessary for the provision of adequate public utilities.</p> <p>2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.</p> <p>3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.</p> <p>4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.</p>
			City Council Findings	<i>As noted in the City Engineer review comments attached as Exhibit C, the applicant shall include the required 5 ft utility easement on the Final Plat. As conditioned, the subdivision shall meet this standard.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.K	Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage

				<p>treatment system as a required improvement by the subdivider.</p> <p>Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the city engineer, council and Idaho health department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho department of health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.</p>
			City Council Findings	<i>The Utilities Department reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.L	<p>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>
			City Council Findings	<i>The Utilities Department reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	<p>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>
			City Council Findings	<i>This standard is not applicable. The multi-family residential development's proposed landscaping was reviewed and approved by the Planning & Zoning Commission through Design Review P18-010.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.N	<p>Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p>

				<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> <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> <ul style="list-style-type: none"> a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns. d. Areas where trees and/or natural vegetation will be preserved. e. Location of all street and utility improvements including driveways to building envelopes. f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements. <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> <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> <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> <p>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</p> <ul style="list-style-type: none"> a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability. b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American standard testing methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability. d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope. e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (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
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				(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.
			City Council Findings	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements including the Grading Plan associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.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.
			City Council Findings	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements including the Drainage Plan, associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.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.
			City Council Findings	<i>City Departments, including Planning, Building, Fire, Streets, City Engineer, and Utilities, reviewed all required improvements associated with the multi-family residential development and approved the project or approved the project subject to conditions through the Design Review P18-005 and Building Permit B18-016 review processes.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	Off Site Improvements: Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			City Council Findings	<i>No off-site improvements have been required for the condominium project.</i>

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 Preliminary Plat application for the development and use of the project site.
2. The Commission has authority to hear 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.
2. The Condominium Subdivision Preliminary Plat application is governed under Sections 16.04.010, 16.04.020, 16.04.030, and 16.04.060 of Ketchum Municipal Code Chapter 16.04.
3. The proposed Condominium Subdivision for the Onyx at Leadville Residences 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, October 21st, 2019 subject to the following conditions:

CONDITIONS OF APPROVAL

1. Approval of the Condominium Subdivision Preliminary Plat is subject to Design Review P18-005 and Building Permit B18-016. All conditions of approval shall apply. All City Department conditions shall be met prior to issuance of a Certificate of Occupancy for the project. All conditions as described in Tables 1 and 2 shall be met.
2. As noted in the City Engineer review comments dated October 9, 2019, the applicant shall include the following items on the Final Plat: (a) the 5 ft public utility easement as required pursuant to KMC §16.04.030.19, (b) certifications, (c) certificate of owner, (d) surveyor approval, and (e) agency approvals.
3. 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.
4. The failure to obtain Final Plat approval by the Council, of an approved preliminary plat, within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void.
5. 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.
6. 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”

7. 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.
8. The applicant shall provide a copy of the recorded Final Plat to the Planning and Building Department for the official file on the application.
9. Pursuant to KMC §16.04.060, the final plat shall not be signed by the City Clerk and recorded until the condominium has received: (a) a Certificate of Occupancy issued by the City of Ketchum and (b) completion of all Design Review elements as approved by the Planning & Zoning Administrator.

Findings of Fact **adopted** this 21st day of October, 2019

Suzanne Frick
City Administrator