



## City of Ketchum

June 17, 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 Preliminary Plat for the subdivision of an existing 10,319 sq ft lot located at 371 W 7th Street (Apple Park Subdivision: Block 1: Lot 1) in the General Residential Low Density (GR-L) Zoning District into two townhouse sublots.**

### Recommendation and Summary

Staff recommends the City Council hold a public hearing and approve the Preliminary Plat application by Thad & Anette Farnham, represented by Bruce Smith of Alpine Enterprises, to subdivide an existing 10,319 sq ft lot into two townhouse sublots. The subject property is developed with two existing single-family residences that will become two (2) detached townhomes through the subdivision process.

Recommended motion: "I move to approve the Apple Park Townhomes Subdivision Preliminary Plat application, subject to conditions 1-8."

The reasons for the recommendation are as follows:

- The request to subdivide meets all applicable standards for Townhouse Preliminary Plats contained in Ketchum Municipal Code's Subdivision (Title 16) and Zoning (Title 17) regulations.
- The Townhouse Preliminary Plat does not change the existing residential use, expand the dwelling units, or alter the exterior of the buildings.
- The Planning and Zoning Commission held a site visit and unanimously recommended approval of the Preliminary Plat application to the City Council on May 13<sup>th</sup>, 2019.

### Analysis

The applicant is requesting Preliminary Plat approval to subdivide a 10,319 sq ft (0.24 acre) lot into two townhouse sublots. In the GR-L Zone, both two one-family dwelling and a multi-family development containing up to two dwelling units are permitted (Footnotes 1 and 2 of KMC §17.12.020) provided that the lot conforms to the 8,000 sq ft minimum lot area (KMC §17.12.030). The Townhouse Subdivision will convert both one-family dwellings units into two townhome units and subdivide Lot 6 into two townhouse sublots with the common areas maintained in accordance with covenants, conditions, and restrictions (CC&Rs). Proposed subplot 1 will have an area of 5,810 sq ft and proposed subplot 2 will have an area of 4,510 sq ft.

The subject property is developed with two existing single-family residences—a single-story residence built in 1970 and a new residence constructed in 2018 (Building Permit #18-006). The Planning & Building Department issued a Certificate of Occupancy for the new dwelling unit on March 21<sup>st</sup>, 2019. The siting of the new dwelling unit blocked access to the existing residence from 7<sup>th</sup> Street. As the siting of the new residence precluded access from 7<sup>th</sup> Street, the existing residence will be accessed from the adjacent Ketchum Townsite Block 72 alleyway, which is unimproved and not maintained by the City. The property owner has posted a performance bond with the City for the completion of the adjacent Block 72 alley improvements. Prior to release of the

performance bond as well as City Council approval of the Final Plat for the subject Townhouse Subdivision, an alley maintenance agreement shall be entered into between the property owner and the City.

The first step in the townhouse platting process is Preliminary Plat review and to receive a recommendation from the Planning and Zoning Commission. The Planning and Zoning Commission conducted a site visit, considered the application, held a public hearing, and unanimously recommended approval of the subject application on May 13<sup>th</sup>, 2019.

Financial Impact

No financial impact.

Attachments:

- Staff Report with Attachments:
  - A. Application
  - B. Preliminary Plat
  - C. Townhome Declaration of Covenants, Conditions and Restrictions for Apple Park Townhomes
  - D. Draft Findings of Fact, Conclusions of Law, and Decision



**City of Ketchum  
Planning & Building**

**STAFF REPORT  
KETCHUM CITY COUNCIL  
MEETING OF JUNE 17<sup>th</sup>, 2019**

**PROJECT:** Apple Park Townhomes Subdivision Preliminary Plat

**FILE NUMBER:** P19-030

**REPRESENTATIVE:** Bruce Smith, Alpine Enterprises

**OWNER:** Thad & Anette Farnham

**REQUEST:** Preliminary Plat approval to subdivide a 10,319 sq ft (0.24 acre) lot into two townhouse sublots.

**LOCATION:** 371 W 7<sup>th</sup> Street (Apple Park Subdivision: Block 1: Lot 1)

**ZONING:** General Residential Low Density (GR-L) Zoning District

**OVERLAY:** None

**NOTICE:** Notice was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on May 29<sup>th</sup>, 2019. Notice was published in the May 29<sup>th</sup>, 2019 edition of the Idaho Mountain Express.

**REVIEWER:** Abby Rivin, Associate Planner

**ATTACHMENTS:**

- A. Application
- B. Preliminary Plat
- C. Townhome Declaration of Covenants, Conditions and Restrictions for Apple Park Townhomes
- D. Draft Findings of Fact, Conclusions of Law, and Decision

**BACKGROUND**

The applicant is requesting Preliminary Plat approval for the subdivision of a 10,319 sq ft (0.24 acre) lot located at 371 W 7<sup>th</sup> Street (Apple Park Townhomes: Block 1: Lot 1) in the General Residential Low Density (GR-L) Zoning District into two townhouse sublots. The subject lot is developed with two existing single-family residences that will become two detached townhomes. In the GR-L Zone, both two one-family dwelling and a multi-family development containing up to two dwelling units are permitted (Footnotes 1 and 2 of KMC §17.12.020) provided that the lot conforms to the 8,000 sq ft minimum lot area (KMC §17.12030).

The subject property is developed with two existing single-family residences—a single-story residence built in 1970 and a new residence constructed in 2018 (Building Permit #18-006). The Planning & Building Department issued a Certificate of Occupancy for the new dwelling unit on March 21<sup>st</sup>, 2019. The siting of the new dwelling

unit blocked access to the existing residence from 7<sup>th</sup> Street. As the siting of the new residence precluded access from 7<sup>th</sup> Street, the existing residence will be accessed from the adjacent Ketchum Townsite Block 72 alleyway, which is unimproved and not maintained by the City. The property owner has posted a performance bond with the City for the completion of the adjacent Block 72 alley improvements. Prior to release of the performance bond as well as City Council approval of the Final Plat for the subject Townhouse Subdivision, an alley maintenance agreement shall be entered into between the property owner and the City. The Townhouse Subdivision will convert both one-family dwellings units into two townhome units and subdivide Lot 6 into two townhouse sublots with the common areas maintained in accordance with covenants, conditions, and restrictions (CC&Rs). Proposed subplot 1 will have an area of 5,810 sq ft and proposed subplot 2 will have an area of 4,510 sq ft.

In accordance with Ketchum Municipal Code (KMC) §16.04.070.B, the applicant has submitted a copy of the proposed *Townhome Declaration of Covenants, Conditions and Restrictions for Application Park Townhomes* with the subdivision application. The applicant has included a provision that prohibits either townhome unit from accommodating short-term rentals. With the adoption of HB 216 in 2018, Idaho cities and counties are restricted from adopting local ordinances that prohibit short-term rentals in specific zoning districts. By including language prohibiting short-term rentals within the CC&R's, the applicant has proposed an innovative method to ensure that any associated rentals be solely long-term. This strategy may help encourage existing multi-family residential units be long-term rentals to meet the housing needs of the local workforce.

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 an 10,319 sq ft sq ft lot into two townhouse sublots. The request to subdivide meets all applicable standards for Townhouse Preliminary Plats contained in Ketchum Municipal Code's Subdivision (Title 16) and Zoning (Title 17) regulations. The Townhouse Preliminary Plat does not change the existing residential use, expand the dwelling units, or alter the exterior of the buildings. The application has been reviewed by the Planning, Streets, Utilities, Building, and Fire departments and no concerns have been raised.



**Location Context: 371 W 7th Street**

The first step in the townhouse platting process is Preliminary Plat review and to receive a recommendation from the Planning and Zoning Commission. The Planning and Zoning Commission conducted a site visit,

considered the application, held a public hearing, and unanimously recommended approval of the subject application on May 13<sup>th</sup>, 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. As the two dwelling units are existing, upon receipt of a recommendation of approval from the Commission, the application has been forwarded to City Council for review. After City Council approval of the Preliminary Plat, the subdivider may submit an application for Final Plat. If the application substantially conforms to the Preliminary Plat, the Commission shall recommend approval and forward the application to the City Council for review and approval.

## ANALYSIS

Staff recommends the Ketchum City Council approve the Apple Park Townhomes Preliminary Plat. A full explanation of this recommendation is contained in Tables 1 and 2 of the Staff Report.

**Table 1: City Department Comments**

Compliant			City Department Comments	
Yes	No	N/A	City Code	City Standards and <i>City Department Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Fire Department:</b> <i>The Fire Code Official conducted a final inspection for the new dwelling unit on March 12<sup>th</sup>, 2019 authorizing the issuance of a Certificate of Occupancy for the project.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Streets Department:</b> <i>The portion of the Block 72 alley used to access the driveway to the existing residence is unimproved. The Streets Department has reviewed and approved an alley improvement design. The property owner has posted a performance bond with the City for the completion of the adjacent Block 72 alley improvements. Prior to release of the performance bond as well as City Council approval of the Final Plat for the subject Townhouse Subdivision, an alley maintenance agreement shall be entered into between the property owner and the City. The agreement shall address winter maintenance and snow removal.</i>  <i>The applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DIG”) Permit application with an associated traffic control plan for all construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Utilities:</b> <i>The existing dwelling units are connected to City water and sewer systems.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Building:</b> <i>The Building Department issued a Certificate of Occupancy for the new dwelling unit on March 21<sup>st</sup>, 2019.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> <i>Comments are denoted throughout the Staff Report.</i>	

**Table 2: Townhouse Preliminary Plat Requirements**

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"/>	16.04.070.B	The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the	

				proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.
			<b>Staff Comments</b>	<i>The applicant has submitted draft Declaration of Covenants, Conditions, and Restrictions for the project. The subdivider shall submit to the Planning &amp; Building Department a final copy of the document and file such document prior to recordation of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.E	All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.
			<b>Staff Comments</b>	<i>The preliminary plat indicates the attached garage of the dwelling unit accessed the 7<sup>th</sup> Street. The A-frame dwelling unit does include an attached or detached garage.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
			<b>Staff Comments</b>	<i>The application has been reviewed and determined to be complete.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	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. 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:
			<b>Staff Comments</b>	<i>The applicant has submitted draft Declaration of Covenants, Conditions, and Restrictions, a warranty deed, and lot book guarantee for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	The scale, north point and date.
			<b>Staff Comments</b>	<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.
			<b>Staff Comments</b>	<i>This standard has been met. The name of the proposed subdivision is Apple Park Townhomes.</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.
			<b>Staff Comments</b>	<i>This information has been provided within the application and indicated on the Preliminary Plat. The preliminary plat has been prepared by Bruce Smith, surveyor, Alpine Enterprises Inc.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted.
			<b>Staff Comments</b>	<i>This standard has been met. The proposed legal description will be Apple Park Townhomes: Sublots 1 &amp; 2.</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.
			<b>Staff Comments</b>	<i>This standard has been met. The adjacent Zark Park Subdivision and Ketchum Townsite Block 72 alley have been indicated on the plat.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .6</b>	<b>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.</b>
			<b>Staff Comments</b>	<i>This standard is not applicable to the subdivision of an existing lot into two townhouse sublots.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .7</b>	<b>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.</b>
			<b>Staff Comments</b>	<i>This standard has been met. The existing dwelling units and adjacent street and alley ROWs are indicated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .8</b>	<b>Boundary description and the area of the tract.</b>
			<b>Staff Comments</b>	<i>The legal description appears on the proposed Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .9</b>	<b>Existing zoning of the tract.</b>
			<b>Staff Comments</b>	<i>The existing zoning of the tract is indicated in Plat Note #4.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .10</b>	<b>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.</b>
			<b>Staff Comments</b>	<i>No new streets are proposed. The dimensions of proposed Sublots 1 and 2 are indicated on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .11</b>	<b>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.</b>
				<i>No land for common or public use is required or proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .12</b>	<b>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.</b>
			<b>Staff Comments</b>	<i>The plat indicates the proposed locations of all utilities. No street infrastructure improvements are proposed with this project. The alleyway improvements are not required to be indicated on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .13</b>	<b>The direction of drainage, flow and approximate grade of all streets.</b>
			<b>Staff Comments</b>	<i>N/A as no new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .14</b>	<b>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.</b>
			<b>Staff Comments</b>	<i>N/A as no new drainage canals or structures are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .15</b>	<b>All percolation tests and/or exploratory pit excavations required by state health authorities.</b>
			<b>Staff Comments</b>	<i>This standard is not required.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .16</b>	<b>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.</b>
			<b>Staff Comments</b>	<i>The applicant has submitted a draft Declaration of Covenants, Conditions, and Restrictions for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .17</b>	<b>Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.</b>

			<b>Staff Comments</b>	<i>The Preliminary Plat indicates the adjacent Zark Park Subdivision and adjacent 7<sup>th</sup> Street and alley ROWs.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .18</b>	<b>The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.</b>
			<b>Staff Comments</b>	<i>There is no floodplain, floodway, or avalanche zone on the subject property.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .19</b>	<b>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.</b>
			<b>Staff Comments</b>	<i>This standard does not apply to the proposed townhouse subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .20</b>	<b>Lot area of each lot.</b>
			<b>Staff Comments</b>	<i>The area of each subplot is indicated on the plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .21</b>	<b>Existing mature trees and established shrub masses.</b>
			<b>Staff Comments</b>	<i>Existing trees and shrub masses are indicated on the preliminary plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .22</b>	<b>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.</b>
			<b>Staff Comments</b>	<i>A title report and a copy of the owner's recorded deed to the subject property were included in the Preliminary Plat application submittal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .23</b>	<b>Three (3) copies of the preliminary plat shall be filed with the administrator.</b>
			<b>Staff Comments</b>	<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>

#### STAFF RECOMMENDATION

Staff recommends that the Ketchum City Council approve the Apple Park Townhome Subdivision Preliminary Plat.

#### RECOMMENDED MOTION

"I MOVE TO APPROVE THE APPLE PARK TOWNHOME PRELIMINARY PLAT, SUBJECT TO CONDITIONS 1-8."

#### RECOMMENDED CONDITIONS OF APPROVAL

1. The Covenants, Conditions, and Restrictions (CC&R's) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of the CC&R's.
2. The failure to obtain Final Plat approval by the Council, of an approved preliminary plat, within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void.
3. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map.
4. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
  - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
  - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
  - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
5. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey



Control Network. Electronic CAD files shall be submitted in a “.dwg”, “.dgn” or “.shp” format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.

6. The applicant shall provide a copy of the recorded final plat to the Planning and Building Department for the official file on the application.
7. All governing ordinances pertinent to the Fire Department, Building Department, Utilities Department, Street Department and Ketchum City Engineer shall be met.
8. Prior to Ketchum City Council approval of the Final Plat for the subject Townhouse Subdivision, an alley maintenance agreement shall be entered into between the property owner and the City for maintenance including snow removal of the Block 72 alley.

# Attachment A.

## Application



City of Ketchum  
Planning & Building


OFFICIAL USE ONLY	
Application Number	R19-030
Date Received	3-20-19
By:	mf
Fee Paid:	1050 <sup>00</sup>
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](http://www.ketchumidaho.org) and click on Municipal Code.

APPLICANT INFORMATION			
Name of Proposed Subdivision: Apple Park Townhomes			
Owner of Record: Thad and Anette Farnham			
Address of Owner: PO Box 3535 Ketchum, ID 83340			
Representative of Owner: Bruce Smith, Alpine Enterprises Inc.			
Legal Description: Lot 1, Block 1, Apple Park Subdivision			
Street Address: 371 West 7th Street Ketchum, ID 83340			
SUBDIVISION INFORMATION			
Number of Lots/Parcels: 1			
Total Land Area: 0.237 Acres			
Current Zoning District: GR-L			
Proposed Zoning District: GR-L			
Overlay District: N/A			
RPK 040100 00010			
TYPE OF SUBDIVISION			
Condominium <input type="checkbox"/>	Land <input type="checkbox"/>	PUD <input type="checkbox"/>	Townhouse <input checked="" type="checkbox"/>
Adjacent land in same ownership in acres or square feet: NA			
Easements to be dedicated on the final plat:			
Public Utilities			
Briefly describe the improvements to be installed prior to final plat approval:			
All Built			
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.			

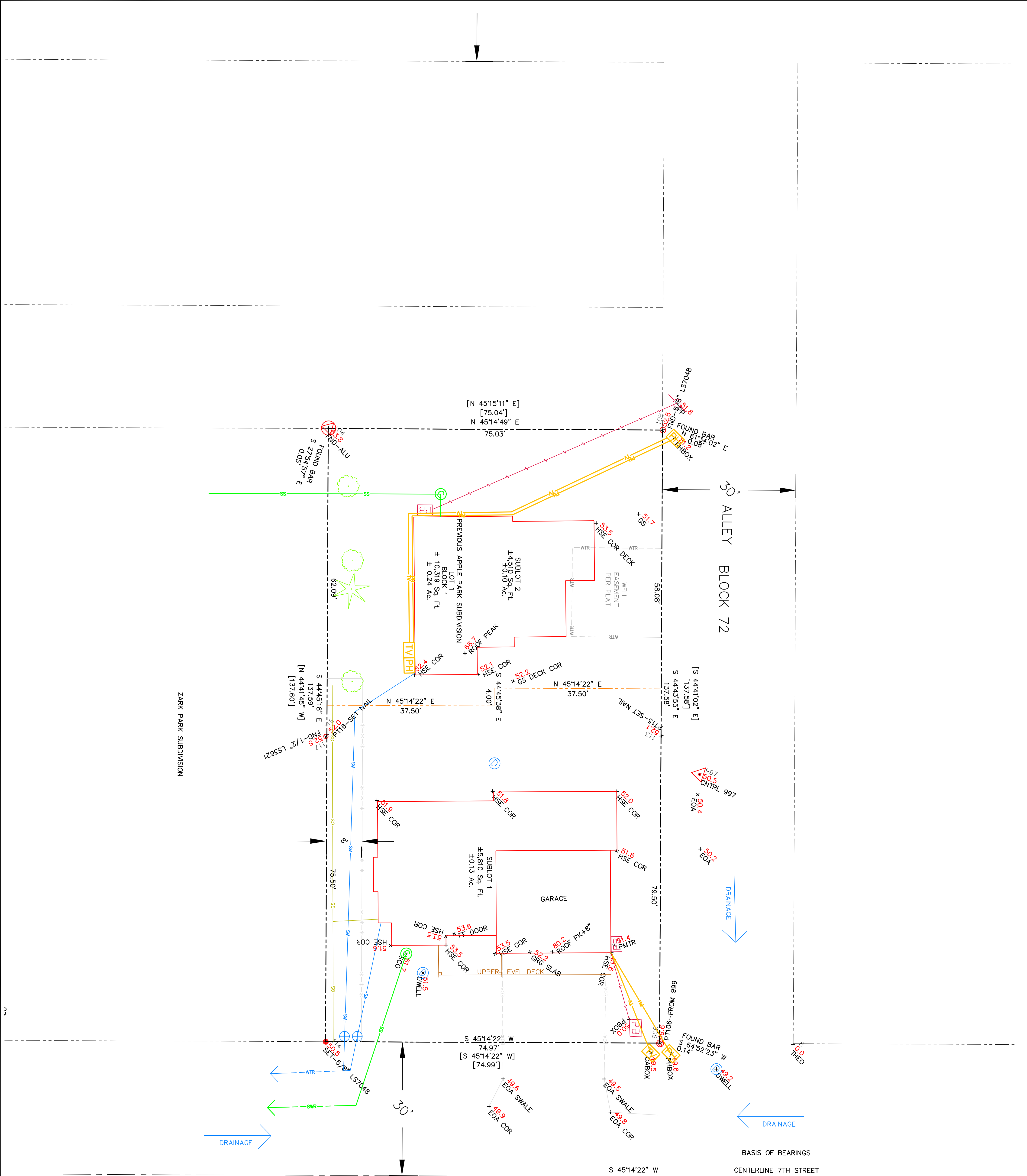
Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Subdivision Application in which the City of Ketchum is the prevailing party to pay reasonable attorney's fees and costs, including fees and costs of appeal for the City of Ketchum. Applicant agrees to observe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

  
Applicant Signature

03-12-2019

Date

Attachment B.  
Preliminary Plat



NOTES

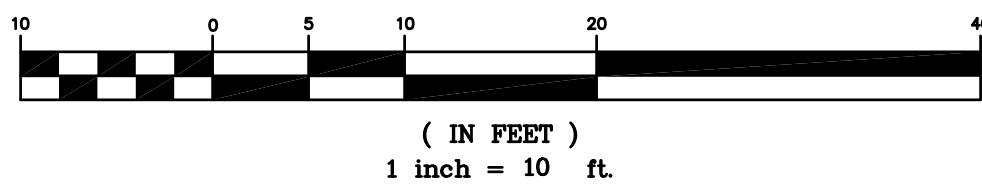
- Boundary Information is from the Plat of Apple Park Subdivision filed as Instrument Number 355698, Blaine County Records.
- Vertical Datum is an assumed 50.00 feet at Survey Control 990.
- Owner is Thad and Anette Farnham  
Surveyor is Bruce Smith, PLS 7048, Alpine Enterprises Inc.
- Current Zoning is General Residential-Low Density GR-L.

LEGEND

- Property Boundary
- Proposed Sublot Line
- Existing Building
- Road Centerline
- Deck
- Overhead Power
- TV Service
- Phone Service
- Gas Service
- Sewer Main
- Sewer Service
- Water Main
- Water Service
- Public Utility Easement
- Set 1/2" PLS7048
- Found 1/2" Rebar
- Found Aluminum Cap
- Survey Control
- Power Box
- TV Box
- Phone Box
- Dry Well
- Sewer Cleanout
- Power Pole

BASIS OF BEARINGS  
CENTERLINE 7TH STREET

GRAPHIC SCALE



PROJECT PATH AND PRINT DATE U:\LandProjects2004\1601\_APPLE\_PARK\_SUBD\dwg\1601\_PrelPlat.dwg 4/3/2019 9:48:43 AM MDT

REVISIONS

NO DATE BY




Alpine Enterprises Inc.  
Surveying, Mapping, and Natural Hazards Consulting  
660 Bell Dr., Unit 1  
P.O. Box 2037, Ketchum, ID 83340 USA  
(208) 727-1988 727-1987 fax  
email: bsmith@alpineenterprisesinc.com

A PRELIMINARY PLAT SHOWING  
APPLE PARK TOWNHOMES  
WITHIN S13, T.4N., R.17E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO  
PREPARED FOR THAD FARNHAM

## Attachment C.

# Townhome Declaration of Covenants, Conditions and Restrictions for Apple Park Townhomes

**TOWNHOME DECLARATION  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
APPLE PARK TOWNHOMES**

THIS DECLARATION is made on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 by Thad Farnham and Anette Farnham, of \_\_\_\_\_ Ketchum, Idaho \_\_\_\_\_ ("Declarant").

**RECITALS**

A. Declarant is the owner of certain real property described as Apple Park Sub Lot 1 Block 1, City of Ketchum, Blaine County, Idaho ("Property").

B. Declarant intends to create 2 sublots thereon to be described as Sublot 1 and Sublot 2, Apple Park Townhomes, Blaine County, Idaho.

D. Declarant intends that townhome subplot owners of Apple Park Townhomes shall be subject to this Declaration and shall be members of the management body created hereby.

**DECLARATION**

NOW, THEREFORE, DECLARANT HEREBY DECLARES THAT:

1. Declaration. This Declaration is hereby established upon Apple Park Townhomes in furtherance of a general plan for improvement and sale of townhome sublots within the Property for the purpose of enhancing and perfecting the value of each townhome unit therein, and for the benefit of each owner of a townhome unit in Apple Park Townhomes.

a) Townhome sublots within Apple Park Townhomes shall be held, conveyed, encumbered, leased, occupied or otherwise used, improved or transferred, in whole or in part, subject to this Declaration and any supplemental declaration.

b) This Declaration and any supplemental declaration shall run with Apple Park Townhomes real property and all townhome sublots located therein, and shall be binding upon and inure to the benefit of all parties having or hereafter acquiring any right, title or interest in Apple Park Townhomes or any portion thereof.



2. Definitions.

a) Townhome Sublot. A "townhome sublot" means an estate in real property with a fee interest in a townhome sublot shown and described on the plat for Apple Park Townhomes.

b) Townhome Unit. A "townhome unit" means a building on a townhome sublot shown and described on the plat for Apple Park Townhomes.

3. Property Rights.

a) Utilities. All townhome sublot owners shall have mutual non-exclusive reciprocal easements for existing and future water, cable, tv, sewage, telephone, gas lines, and electrical lines under and across their townhome units and townhome sublots for the repair, maintenance and replacement thereof subject to the restoration of the easement premises for any damage resulting from such repair or replacement.

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

4. Use Restrictions.

a) Residential Use. The townhome sublots are restricted to residential uses permitted by the Ketchum Zoning Ordinance as amended from time to time.

b) Maintenance. Each owner of a townhome sublot shall be responsible for maintaining their townhome sublot landscaping and all improvements thereon in a clean, sanitary, and attractive condition. Townhouse sublot 1 shall be responsible for snow removal on the southern driveway to the garage and, if desired, the eastern driveway. Sublot 2 shall be responsible for snow removal of the alley from the start at 7<sup>th</sup> street to the parking for Sublot 2 at the north of Sublot 2.

c) Offensive Conduct. No noxious or offensive activities shall be conducted with a townhome unit or townhome sublot. Nothing shall be done on or within the townhome units or townhome sublots that may be or may become an annoyance or nuisance to the residents of the townhome sublots, or that in any way interferes with the quiet enjoyment of the occupants of townhome units.



5. Parking Restrictions. No inoperative vehicle, unsightly vehicle, or any improperly parked or stored vehicle shall be located on a townhome subplot. Sublot 1 ( the southern sub lot) Shall have the right to park one trailer on the north side of the building. Sublot 2 ( the northern Sublot) shall have the right to park one trailer and 2 vehicles on the north side of the building.
6. External Fixtures. No television or radio poles, antenna, flag poles, clotheslines, or other external fixtures other than those originally installed by Declarant or unanimously approved by the subplot owners shall be constructed, erected or maintained on or within Apple Park Townhomes.
7. Trash. Trash, garbage or other waste shall be kept only in sanitary containers situated within the garage of the townhome unit. No owner shall permit or cause any trash or refuse to be keep on any portion of the Apple Park Townhomes other than receptacles customarily used for it, which shall be located in the garage of the townhome unit, except on the scheduled day for trash pickup. As long as no garage exists on Sublot 2 the trash receptacle must be kept on the north side of the house on Sublot 2
8. Architectural Control.
  - a) Architectural Committee. The architectural committee shall be the subplot owners of Apple Park Townhomes as constituted from time to time. The architectural committee shall exercise its best judgment to see that all improvements, construction, landscaping and alterations that affect the exterior of Apple Park Townhomes conform and harmonize with the existing structures as to external design, materials, color and topography.
  - b) Approval. No improvements of any kind or of any nature shall ever be altered, constructed, erected or permitted, nor shall any excavating, clearing or landscaping be done on any townhome subplot within Apple Park Townhomes unless the same are approved by the architectural committee prior to the commencement of such work. The management body shall consider the materials to be used on the exterior features of said proposed improvements, including exterior colors and harmony of the exterior design with existing structures within Apple Park Townhomes.
9. Short-Term Rental.
  - a) No owner, tenant, or resident shall rent, sublet, or lease an Apple Park Townhouse as a “Short Term Rental”, “Vacation Rental” or for less than 60 days
  - b) “Short Term Rental” or “Vacation Rental” means a residential unit or any portion of a residential unit at Apple Park Townhouse that is offered by a permanent resident or owner of the residential unit for occupancy for fewer than 60 consecutive days.
  - c) No owner, tenant, or resident shall “swap”, “trade”, or otherwise exchange tangible or non-tangible goods wherein the owner, tenant, or resident receives something of value in order to stay in an Apple Park Townhouse.
  - d) No owner, tenant, or resident shall rent, sublet, or lease an Apple Park Townhouse in a transient or hotel manner.

e) Violation of this section shall be enforced through fines established by the Apple Park Townhouse HOA. Non Compliance fee is \$300/day or at the discretion of the Apple Park Townhouse HOA.

10. Insurance. The townhome subplot owners shall provide and be responsible for their own townhome subplot casualty, liability and property damage insurance.
11. Amendment. This Declaration shall not be revoked nor shall any of its provisions herein be amended without the unanimous written consent of the townhome subplot owners, duly and properly recorded with the Blaine County Recorder.

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

DECLARANT: Thad Farnham and Anette Farnham

By \_\_\_\_\_ Thad Farnham and

By \_\_\_\_\_ Anette Farnham

## ACKNOWLEDGMENT

STATE OF IDAHO )  
 ) ss:  
County of Blaine )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned, a Notary Public, personally appeared THAD FARNHAM and ANETTE FARNHAM known or identified to me to be the owners of property currently known as Apple Park Sub Lot 1 Block 1, Ketchum, Blaine County, Idaho that executed the instrument.

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

WITNESS MY HAND AND SEAL

NOTARY PUBLIC for Idaho  
Residing at: \_\_\_\_\_  
Commission Expires \_\_\_\_\_

## Attachment D.

### Draft Findings of Fact, Conclusions of Law, and Decision



City of Ketchum  
Planning & Building

IN RE: )  
)  
Apple Park Townhomes ) KETCHUM CITY COUNCIL  
Preliminary Plat ) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
Date: June 17, 2019 ) DECISION  
)  
File Number: 19-030 )

**PROJECT:** Apple Park Townhomes Subdivision Preliminary Plat

**FILE NUMBER:** P19-030

**REPRESENTATIVE:** Bruce Smith, Alpine Enterprises

**OWNER:** Thad & Anette Farnham

**REQUEST:** Preliminary Plat approval to subdivide a 10,319 sq ft (0.24 acre) lot into two townhouse sublots.

**LOCATION:** 371 W 7<sup>th</sup> Street (Apple Park Subdivision: Block 1: Lot 1)

**ZONING:** General Residential Low Density (GR-L) Zoning District

**OVERLAY:** None

**NOTICE:** Notice was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on May 29<sup>th</sup>, 2019. Notice was published in the May 29<sup>th</sup>, 2019 edition of the Idaho Mountain Express.

**FINDINGS OF FACT**

1. The applicant is requesting Preliminary Plat approval for the subdivision of a 10,319 sq ft (0.24 acre) lot located at 371 W 7<sup>th</sup> Street (Apple Park Townhomes: Block 1: Lot 1) in the General Residential Low Density (GR-L) Zoning District into two townhouse sublots. The subject lot is developed with two existing single-family residences that will become two detached townhomes. In the GR-L Zone, both two one-family dwelling and a multi-family development containing up to two dwelling units are permitted (Footnotes 1 and 2 of KMC §17.12.020) provided that the lot conforms to the 8,000 sq ft minimum lot area (KMC §17.12030).
2. The subject property is developed with two existing single-family residences—a single-story residence built in 1970 and a new residence constructed in 2018 (Building Permit #18-006). The Planning & Building Department issued a Certificate of Occupancy for the new dwelling unit on March 21<sup>st</sup>, 2019. The siting of the new dwelling unit blocked access to the existing residence from 7<sup>th</sup> Street. As the siting of the new residence precluded access from 7<sup>th</sup> Street, the existing residence will be accessed from the adjacent Ketchum Townsite Block 72 alleyway, which is unimproved and not maintained by the City. The property owner has posted a performance bond with the City for the completion of the

adjacent Block 72 alley improvements. Prior to release of the performance bond as well as City Council approval of the Final Plat for the subject Townhouse Subdivision, an alley maintenance agreement shall be entered into between the property owner and the City. The Townhouse Subdivision will convert both one-family dwellings units into two townhome units and subdivide Lot 6 into two townhouse sublots with the common areas maintained in accordance with covenants, conditions, and restrictions (CC&Rs). Proposed subplot 1 will have an area of 5,810 sq ft and proposed subplot 2 will have an area of 4,510 sq ft.

3. 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 an 10,319 sq ft sq ft lot into two townhouse sublots. The request to subdivide meets all applicable standards for Townhouse Preliminary Plats contained in Ketchum Municipal Code's Subdivision (Title 16) and Zoning (Title 17) regulations. The Townhouse Preliminary Plat does not change the existing residential use, expand the dwelling units, or alter the exterior of the buildings. The application has been reviewed by the Planning, Streets, Utilities, Building, and Fire departments and no concerns have been raised.
4. The first step in the townhouse platting process is Preliminary Plat review and to receive a recommendation from the Planning and Zoning Commission. The Planning and Zoning Commission conducted a site visit, considered the application, held a public hearing, and unanimously recommended approval of the subject application on May 13<sup>th</sup>, 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. As the two dwelling units are existing, upon receipt of a recommendation of approval from the Commission, the application has been forwarded to City Council for review. After City Council approval of the Preliminary Plat, the subdivider may submit an application for Final Plat. If the application substantially conforms to the Preliminary Plat, the Commission shall recommend approval and forward the application to the City Council for review and approval.

**Table 1: City Department Comments**

City Department Comments				
Compliant				
Yes	No	N/A	City Code	City Standards and City Department Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Fire Department:</b> <i>The Fire Code Official conducted a final inspection for the new dwelling unit on March 12<sup>th</sup>, 2019 authorizing the issuance of a Certificate of Occupancy for the project.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Streets Department:</b> <i>The portion of the Block 72 alley used to access the driveway to the existing residence is unimproved. The Streets Department has reviewed and approved an alley improvement design. The property owner has posted a performance bond with the City for the completion of the adjacent Block 72 alley improvements. Prior to release of the performance bond as well as City Council approval of the Final Plat for the subject Townhouse Subdivision, an alley maintenance agreement shall be entered into between the property owner and the City. The agreement shall address winter maintenance and snow removal.</i>	

			<i>The applicant shall submit a Street and Alley Digging, Excavation, and Trenching ("DIG") Permit application with an associated traffic control plan for all construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit ("TURP").</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Utilities:</b> <i>The existing dwelling units are connected to City water and sewer systems.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Building:</b> <i>The Building Department issued a Certificate of Occupancy for the new dwelling unit on March 21<sup>st</sup>, 2019.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> <i>Comments are denoted throughout the Staff Report.</i>

**Table 2: Townhouse 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"/>	16.04.070.B	The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.	
			<i>City Council Findings</i>	<i>The applicant has submitted draft Declaration of Covenants, Conditions, and Restrictions for the project. The subdivider shall submit to the Planning &amp; Building Department a final copy of the document and file such document prior to recordation of the final plat.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.E	All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.	
			<i>City Council Findings</i>	<i>The preliminary plat indicates the attached garage of the dwelling unit accessed the 7<sup>th</sup> Street. The A-frame dwelling unit does include an attached or detached garage.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.	
			<i>City Council Findings</i>	<i>The application has been reviewed and determined to be complete.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	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. 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:
			<b>City Council Findings</b>	<i>The applicant has submitted draft Declaration of Covenants, Conditions, and Restrictions, a warranty deed, and lot book guarantee for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .1</b>	<b>The scale, north point and date.</b>
			<b>City Council Findings</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .2</b>	<b>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.</b>
			<b>City Council Findings</b>	<i>This standard has been met. The name of the proposed subdivision is Apple Park Townhomes.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .3</b>	<b>The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</b>
			<b>City Council Findings</b>	<i>This information has been provided within the application and indicated on the Preliminary Plat. The preliminary plat has been prepared by Bruce Smith, surveyor, Alpine Enterprises Inc.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .4</b>	<b>Legal description of the area platted.</b>
			<b>City Council Findings</b>	<i>This standard has been met. The proposed legal description will be Apple Park Townhomes: Sublots 1 &amp; 2.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .5</b>	<b>The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.</b>
			<b>City Council Findings</b>	<i>This standard has been met. The adjacent Zark Park Subdivision and Ketchum Townsite Block 72 alley have been indicated on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .6</b>	<b>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.</b>
			<b>City Council Findings</b>	<i>This standard is not applicable to the subdivision of an existing lot into two townhouse sublots.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I 7</b>	<b>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.</b>
			<b>City Council Findings</b>	<i>This standard has been met. The existing dwelling units and adjacent street and alley ROWs are indicated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .8</b>	<b>Boundary description and the area of the tract.</b>
			<b>City Council Findings</b>	<i>The legal description appears on the proposed Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .9</b>	<b>Existing zoning of the tract.</b>
			<b>City Council Findings</b>	<i>The existing zoning of the tract is indicated in Plat Note #4.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .10</b>	<b>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.</b>
			<b>City Council Findings</b>	<i>No new streets are proposed. The dimensions of proposed Sublots 1 and 2 are indicated on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .11</b>	<b>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.</b>
				<i>No land for common or public use is required or proposed.</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.
			<i>City Council Findings</i>	<i>The plat indicates the proposed locations of all utilities. No street infrastructure improvements are proposed with this project. The alleyway improvements are not required to be indicated on the plat.</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.
			<i>City Council Findings</i>	<i>N/A as no new streets are proposed.</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.
			<i>City Council Findings</i>	<i>N/A as no new drainage canals or structures are proposed.</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.
			<i>City Council Findings</i>	<i>This standard is not required.</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.
			<i>City Council Findings</i>	<i>The applicant has submitted a draft Declaration of Covenants, Conditions, and Restrictions for the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
			<i>City Council Findings</i>	<i>The Preliminary Plat indicates the adjacent Zark Park Subdivision and adjacent 7<sup>th</sup> Street and alley ROWs.</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.
			<i>City Council Findings</i>	<i>There is no floodplain, floodway, or avalanche zone on the subject property.</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.
			<i>City Council Findings</i>	<i>This standard does not apply to the proposed townhouse subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			<i>City Council Findings</i>	<i>The area of each subplot is indicated on the plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			<i>City Council Findings</i>	<i>Existing trees and shrub masses are indicated on the preliminary plat.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .22</b>	<b>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.</b>
			<b>City Council Findings</b>	<i>A title report and a copy of the owner's recorded deed to the subject property were included in the Preliminary Plat application submittal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .23</b>	<b>Three (3) copies of the preliminary plat shall be filed with the administrator.</b>
			<b>City Council Findings</b>	<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>

### **CONCLUSIONS OF LAW**

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67, of the Idaho Code the City has passed a subdivision ordinance, Title 16.
3. The City of Ketchum Planning Department provided adequate notice of the time, place, and summary of the applicant's proposal to be heard by the Commission for review of this application during a public hearing.
4. The Ketchum City Council has authority to hear the applicant's Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
5. The project **does** meet the standards of approval under Chapter 16.04 of Subdivision Code Title 16.

### **DECISION**

**THEREFORE**, the Ketchum City Council **approves** this Preliminary Plat application this Monday, June 17<sup>th</sup>, 2019 subject to the following conditions:

1. The Covenants, Conditions, and Restrictions (CC&R's) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of the CC&R's.
2. The failure to obtain Final Plat approval by the Council, of an approved preliminary plat, within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void.
3. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map.
4. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
  - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
  - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
  - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
5. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are

indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.

6. The applicant shall provide a copy of the recorded final plat to the Planning and Building Department for the official file on the application.
7. All governing ordinances pertinent to the Fire Department, Building Department, Utilities Department, Street Department and Ketchum City Engineer shall be met.
8. Prior to Ketchum City Council approval of the Final Plat for the subject Townhouse Subdivision, an alley maintenance agreement shall be entered into between the property owner and the City for maintenance including snow removal of the Block 72 alley.

Findings of Fact **adopted** this 17<sup>th</sup> day of June, 2019

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Suzanne Frick  
City Administrator