



City of Ketchum

December 2, 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 Fisher Condominiums: Units 1A & 2A Readjustment of Lot Lines Application

Recommendation and Summary

Staff recommends the Ketchum City Council hold a public hearing and the Fisher Condominiums: Units 1A & 2A Readjustment of Lot Lines Application to designate existing common area within the basement of the Fisher Condominiums into limited common area for the exclusive use of Unit 2A.

Recommended Motion: "I move to approve the Fisher Condominiums: Units 1A & 2A Readjustment of Lot Lines application"

The reasons for the recommendation are as follows:

- The request to alter the Fisher Condominiums plat of record meets all applicable standards for Readjustment of Lot Lines contained in Ketchum Municipal Code's (KMC) Subdivision (Title 16) regulations.
- Consistent with KMC §16.04.020, the proposal meets the definition of Readjustment of Lot Lines as the designation of common area to limited common area qualifies as minor change to an existing condominium subdivision that does not alter the lot or the existing building.
- The Readjustment of Lot Lines does not change the existing residential use or alter the existing development.

Analysis

The Readjustment of Lot Lines will designate a portion of common area with the basement of the Fisher Condominiums building into limited common area for the exclusive use of Unit 2A. The subject property, 191 E Sun Valley Road, is located at the northwest corner of the intersection of Sun Valley Road and Walnut Avenue within the Mixed-Use Subdistrict of the Community Core (CC-2). Unlike the Retail Core (CC-1), multi-family residential dwelling units are a permitted use on the ground floor of buildings within the CC-2 Zone. The Fisher Condominiums building was constructed in 1991. In 1998, the existing building was subdivided into two condominium units and associated common area.

Financial Impact

No financial impact as the Readjustment of Lot Lines application is a minor change to an existing plat of record.

Attachments

Draft Findings of Fact, Conclusions of Law, and Decision
Fisher Condominiums: Units 1A & 2A Plat



City of Ketchum
Planning & Building

IN RE:)	
)	
Fisher Condominiums: Units 1A & 2A)	KETCHUM CITY COUNCIL
Readjustment of Lot Lines Procedure)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: December 2, 2019)	DECISION
)	
File Number: 19-111)	

PROJECT: Fisher Condominiums: Units 1A & 2A

APPLICATION TYPE: Readjustment of Lot Lines

FILE NUMBER: P19-111

PROPERTY OWNER: George & Sandra Fisher

REPRESENTATIVE: Mark Phillips, Galena Engineering

REQUEST: Readjustment of Lot Lines to designate a portion of common area within the basement of the Fisher Condominiums into limited common area for the exclusive use Unit 2A

LOCATION: 191 E Sun Valley Road (Fisher Condominiums: Units 1 and 2)

ZONING: Mixed-Use Subdistrict of the Community Core (CC-2)

OVERLAY: None

NOTICE: A public hearing notice was mailed to all property owners within 300 ft of the development site and political subdivisions on November 13th, 2019. The public hearing notice was published in the Idaho Mountain Express on November 13th, 2019.

FINDINGS OF FACT

1. The Readjustment of Lot Lines will designate a portion of common area with the basement of the Fisher Condominiums building into limited common area for the exclusive use of Unit 2A. The subject property, 191 E Sun Valley Road, is located at the northwest corner of the intersection of Sun Valley Road and Walnut Avenue within the Mixed-Use Subdistrict of the Community Core (CC-2). Unlike the Retail Core (CC-1), multi-family residential dwelling units are a permitted use on the ground floor of buildings within the CC-2 Zone. The Fisher Condominiums building was constructed in 1991. In 1998, the existing building was subdivided into two condominium units and associated common area. The Fisher Condominiums building contains an underground parking area, one multi-family dwelling unit on the main level and first floor, and the second multi-family dwelling unit on the third-level.
2. Consistent with KMC 16.04.020, the proposal meets the definition of Readjustment of Lot Lines as the designation of common area to limited common area qualifies as minor change to an existing condominium subdivision that does not alter the lot or existing building.

READJUSTMENT OF LOT LINES: A change or modification of the boundary lines between existing lots or parcels of land or between dwelling units which does not reduce the area,

frontage, width, depth or building setback lines of each lot below the minimum zoning requirements and which does not create additional lots or dwelling units. "Readjustment of lot lines" includes other minor changes to a subdivision, condominium, or townhouse final plat such as, but not limited to, notation changes, boundary shifts and removal of lot line(s), each of which do not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements nor create additional lots or dwelling units.

3. Consistent with KMC 16. 04.060.B, the Readjustment of Lot Lines application was transmitted to City Departments including the City Engineer, Fire, Building, Utilities, and Streets departments for review. The City Departments had no comments or concerns regarding the proposal.
4. All land, condominium, and townhouse 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 designate existing common area as limited common area. The proposed Fisher Condominiums: Units 1A & 2A Subdivision Plat meets the standards for Readjustment of Lot Lines under Title 16 of Ketchum Municipal Code subject to conditions of approval. The Readjustment of Lot Lines does not change the existing residential use or alter the existing development.

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 Readjustment of Lot Lines application for the development and use of the project site.
2. The Council has authority to hear the applicant's Readjustment of Lot Lines 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 Readjustment of Lot Lines application is governed under Sections 16.04.010, 16.04.020, 16.04.040, 16.04.060, and 16.04.070 of Ketchum Municipal Code Chapter 16.04.
3. The proposed Fisher Condominiums: Units 1A & 2A Subdivision Plat meets the standards for Readjustment of Lot Lines under Title 16 of Ketchum Municipal Code subject to conditions of approval.

DECISION

THEREFORE, the Ketchum City Council **approves** this Readjustment of Lot Lines application this Monday, December 2nd, 2019 subject to the following conditions:

CONDITIONS OF APPROVAL

1. 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.

2. 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,
3. 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.
4. The applicant shall provide a copy of the recorded Final Plat and the associated condominium owners' documents to the Planning and Building Department for the official file on the application.
5. The Final Plat mylar shall contain all items required under Title 50, Chapter 13, Idaho Code as well as all items required pursuant to KMC §16.04.030J including certificates and signatures.
6. All governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer shall be met.

Findings of Fact **adopted** this 2nd day of December 2019

Neil Bradshaw, Mayor

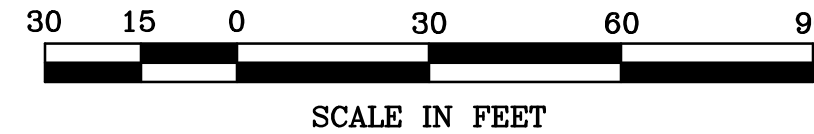
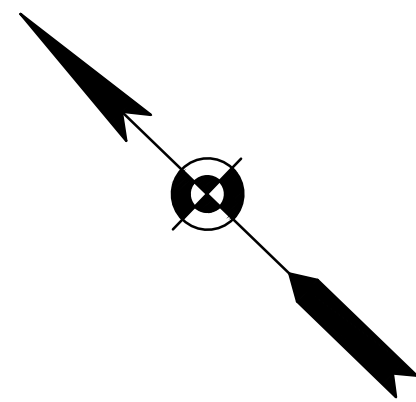
Attest:

Robin Crotty, City Clerk

A PLAT SHOWING UNIT 1A & 2A, FISHER CONDOMINIUMS

WHEREIN A PORTION OF THE COMMON AREA IN THE BASEMENT OF THE EXISTING BUILDING BECOMES
EXCLUSIVE LIMITED COMMON AREA FOR UNIT 2A OF FISHER CONDOMINIUMS
LOCATED WITHIN SECTION 18, T.4 N., R.18E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

SEPTEMBER 2019



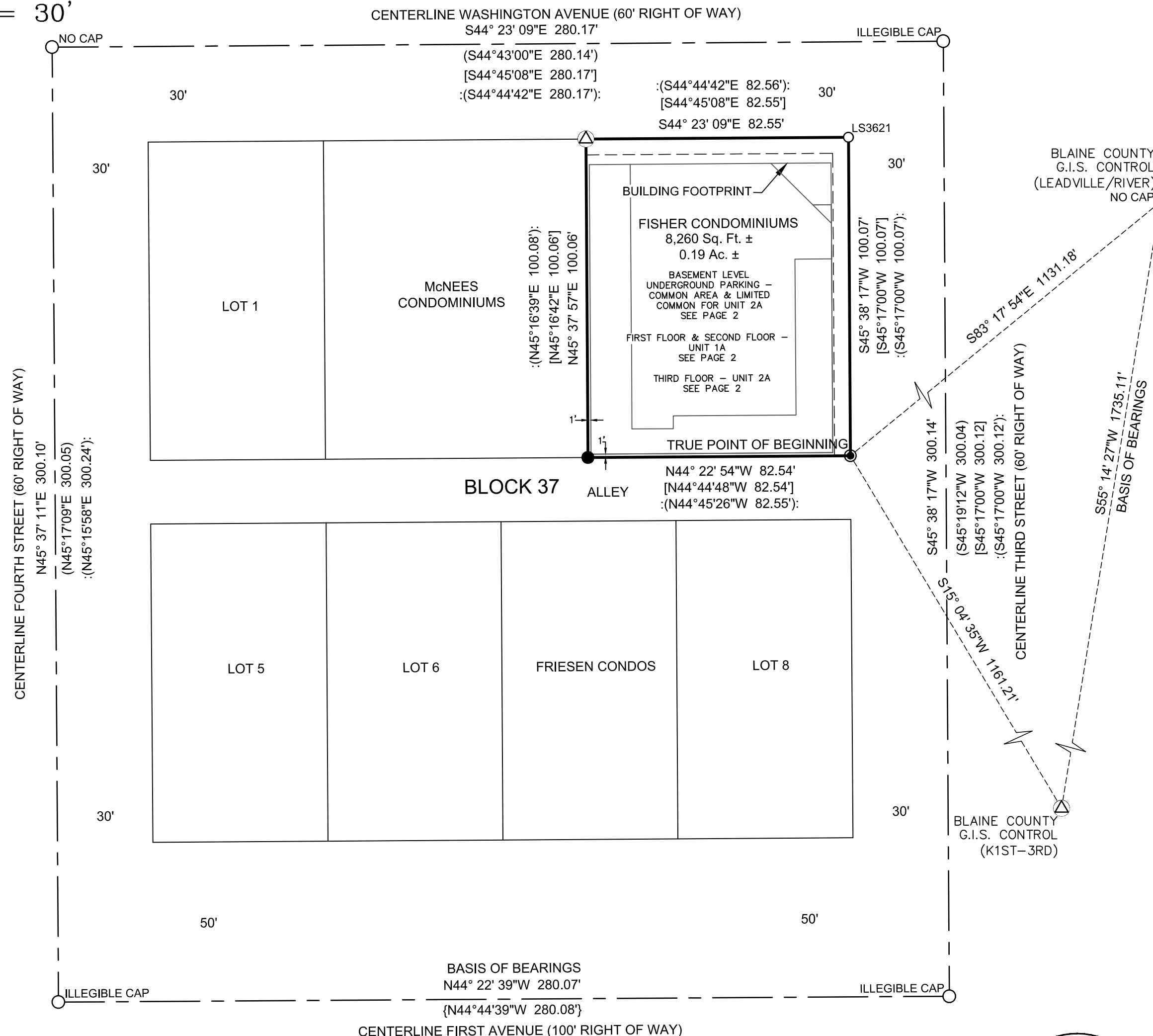
SCALE: 1" = 30'

LEGEND

- Property Boundary
- Adjoining Lot Line
- - - - Right of Way Centerline
- - - - 5' Public Utility Easement
- Building Footprint
- - - - GIS Tie Line
- Found 1/2" Rebar
- Found 5/8" Rebar
- △ Found Aluminum Cap on 5/8" Rebar
- △ Calculated Point, Nothing Set
- Set 5/8" Rebar, P.L.S. 16670
- ⊙ Set Magnetic Nail & Washer, PLS 16670, in Concrete
- () McNees Condominiums, Instrument Number 268454
- [] Fisher Condominiums, Instrument Number 411821
- { } Friesen Condominiums, Instrument Number 398688
- (:) Replat of Lot 4 and a Portion of Lot 3, Block 37, Ketchum Townsite, Instrument Number 268454

SURVEY NARRATIVE & NOTES

1. The Boundary information shown is based on Found Centerline and Found Lot Corner Monuments and the recorded plat of Fisher Condominiums, Instrument Number 411821. All found monuments have been accepted. The missing property corners in the alley were reset based on proportioning record distances from found centerline monuments. Additional documents used during this survey include; the referenced documents listed in the legend and the Village of Ketchum, Instrument Number 302967, records of Blaine County, Idaho. Refer to plat notes, conditions, covenants, and restrictions on the original plat of Fisher Condominiums.
2. Areas of "Common" or "Limited Common" are shown by diagram.
3. Horizontal plans of condominium units are the top of subfloor and bottom of the finished ceilings.
4. Vertical planes of condominiums units are the interior side walls.
5. Elevations shown hereon are based on the Finish Floor of Unit 1 Main Floor being at 5898.7', being the same as shown on the previous Fisher Condominiums plat, to stay consistent.
6. All decks are limited common area.
7. A Lot Book Guarantee for Unit 2 and the Common Area of Fisher Condominiums has been issued by Stewart Title Guaranty Company, File Number 19330029, Date of Guarantee of March 8, 2019. Certain information contained in said title policy may not appear on this map or may affect items shown hereon. It is the responsibility of the owner or agent to review said title policy.
8. Property shown hereon is subject to terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided by applicable condominium law or the Condominium Declaration, Articles of Incorporation and By-laws for the Unit 1A & 2A, Fisher Condominiums, recorded under Instrument Number _____, records of Blaine County, Idaho.



CERTIFICATE OF SURVEYOR

I hereby certify that I am a Registered Land Surveyor in the State of Idaho and that this map is a true and accurate representation of a survey done under my direct supervision.



MARK E. PHILLIPS, P.L.S. 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 PLAT SHOWING
UNIT 1A & 2A, FISHER CONDOMINIUMS

GALENA ENGINEERING, INC.
HAILEY, IDAHO

SHEET 1 OF 3

Job No. 4520-02

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners in fee simple of the following described parcels of land: Parcels of land located in Section 18, Township 4 North, Range 18 East, Boise Meridian, City of Ketchum, Blaine County, Idaho; more particularly described as follows:

Condominium Units 1 & 2 of Fisher Condominiums, Blaine County, Idaho, according to the official plat thereof, recorded as Instrument Number 411821, and as defined and described in that Condominium Declaration for Fisher Condominiums, recorded as Instrument Number 411820, records of Blaine County, Idaho, and Common Area of Fisher Condominiums, Blaine County, Idaho, according to the official plat thereof, recorded as Instrument Number 411821, and as defined and described in that Condominium Declaration for Fisher Condominiums, recorded as Instrument Number 411820, records of Blaine County, Idaho,

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

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

George B. Fisher, IV, and Sandra York Fisher, husband and wife
(As to Unit 2 of Fisher Condominiums and 25% of Common Area)

ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } ss

On this _____ day of _____, 2019, before me, a Notary Public in and for said State, personally appeared George B. Fisher, IV, and Sandra York Fisher, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Notary Public in and for said State
Residing in _____
My Commission Expires _____

George B. Fisher, LLC, an Idaho Limited Liability Company (As to Unit 1 and 75% of Common Area)
Its: Member

ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } ss

On this _____ day of _____, 2019, before me, a Notary Public in and for said State, personally appeared George B. Fisher, IV, known or identified to me to be a member of the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

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

Notary Public in and for said State
Residing in _____
My Commission Expires _____

SURVEYOR'S CERTIFICATE

I, Mark E. Phillips, a duly Licensed Professional Land Surveyor in the State of Idaho, do hereby certify that this plat is a true and accurate map of the land and points surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to Plats, Surveys, and the Corner Perpetuation and Filing Act, 55-1601 through 55-1612.

Mark E. Phillips, P.L.S. 16670



BLAINE COUNTY SURVEYOR'S APPROVAL

I, Sam Young, County Surveyor for Blaine County, Idaho, do hereby certify that I have checked the foregoing Plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating to Plats and Surveys

Sam Young, P.L.S. 11577
Blaine County Surveyor

KETCHUM CITY ENGINEER'S APPROVAL

The foregoing plat was approved by _____, City Engineer for the City of Ketchum on this _____ day of _____, 2019.

City Engineer

KETCHUM CITY COUNCIL'S APPROVAL

The foregoing plat was approved by the City Council of Ketchum on this on this _____ day of _____, 2019.

City Clerk

BLAINE COUNTY TREASURER'S APPROVAL

I, the undersigned County Treasurer in and for Blaine County, State of Idaho per the requirements of Idaho Code 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

Blaine County Treasurer

Date

BLAINE COUNTY RECORDER'S CERTIFICATE

A PLAT SHOWING
UNIT 1A & 2A, FISHER CONDOMINIUMS

GALENA ENGINEERING, INC.
HAILEY, IDAHO

SHEET 3 OF 3

Job No. 4520-02