



## City of Ketchum

October 7, 2019

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

**Recommendation to hold a public hearing, deliberate, and approve the Third Reading of Ordinance #1198 amendments to the City of Ketchum Subdivision regulations**

Recommendation and Summary

Staff is recommending the Council: **Move to approve the Third Reading of Ordinance #1198 as set forth in Attachment A**

The primary reasons for the recommendation are to:

- Make the city's subdivision noticing provisions consistent with Idaho Code.
- Clarify procedural and improvement requirements for different subdivision types: land, condominium, townhouse, readjustment of lot lines
- Recognize that dead end alleys within the original Ketchum Townsite have been allowed and are desirable in certain instances. Note: a copy of the Ketchum Alleyways July 2019 Project may be found by scrolling to the referenced study at the following Planning Services website link:  
<https://ketchumidaho.org/planning-building/page/special-studies>

Introduction and History

Ketchum's subdivision ordinance addresses various procedural and design standards for the subdivision of land, PUDs, mobile home parks, the creation of townhouse and condominium units, phased developments and the readjustment of lot lines. Each of these "subdivision types" are subject to defined procedural and substantive compliance requirements. However, in the processing of recent applications staff has noted:

- (1) inconsistencies in defined terms between Title 16 and other chapters of the Ketchum Municipal Code, as well as undefined terms and outdated subdivision code references and cites;
- (2) public hearing procedures that are inconsistent with state code;
- (3) code provisions that unnecessarily inhibit building permit or performance bond issuance;
- (4) design and development standards for alley ways and corner lots in the original townsite that are overly restrictive and inconsistent with past practices
- (5) building coverage tracking issues with townhouse developments dividing "parent lots" into townhouse sublots, as well as owner/builder challenges with financing townhouses given subplot platting restrictions; and
- (6) uncertainty whether phased development projects may be used for townhouse construction and subplot platting.

Financial Impact

None

Attachment

A - Proposed Ordinance #1198 (*draft*)

ATTACHMENT A

**Ordinance No. 1198**

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 16, CHAPTER 16.04, SUBDIVISION ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING: SECTION 16.04.010, GENERAL PROVISIONS; SECTION 16.04.020, DEFINITIONS; SECTION 16.04.030, PROCEDURE FOR SUBDIVISION APPROVAL, INCLUDING PUBLIC NOTICING REQUIREMENTS FOR PRELIMINARY AND FINAL PLAT, APPLICATION SUBMITTAL REQUIREMENTS, AND READJUSTMENT OF LOT LINES; SECTION 16.04.040, DEVELOPMENT AND DESIGN; SECTION 16.04.050, VACATIONS AND DEDICATIONS; NEW SECTION 16.04.060, READJUSTMENT OF LOT LINE PROCEDURES. A RE-NUMBERING OF SECTIONS 16.04.070 THROUGH 16.04.160 IS PROPOSED WITH THE PROPOSED ORDINANCE AMENDMENTS. THE NEW RE-NUMBERED SECTIONS OF THE SUBDIVISION ORDINANCE INCLUDE: SECTION 16.04.070 FOR CONDOMINIUMS; SECTION 16.04.080 FOR TOWNHOUSES, INCLUDING A MODIFICATION OF TOWNHOUSE PLAT PROCEDURES, ALLOWANCE FOR PHASED DEVELOPMENT PROJECTS AND STANDARDS; SECTION 16.04.090 FOR MOBILE HOME SUBDIVISIONS; SECTION 16.04.100 FOR PLANNED UNIT DEVELOPMENTS (PUD); SECTION 16.04.110 FOR PHASED DEVELOPMENT PROJECTS, INCLUDING A MODIFICATION OF PROCEDURES FOR DEVELOPMENT PLANS, COMMISSION AND COUNCIL ACTIONS; SECTION 16.04.120 FOR IMPACT STATEMENTS; 16.04.130 FOR WAIVERS AND APPEALS; 16.04.140 FOR FEES AND COSTS AND TIME PERIODS FOR APPROVAL; AND, SECTION 16.04.150 FOR ENFORCEMENT, VIOLATIONS AND PENALTIES.**

WHEREAS, the City of Ketchum has adopted a subdivision ordinance for the regulation of the division of property, including lot line adjustments, planned unit developments, condominiums, and townhouses.

WHEREAS, the purpose of the subdivision ordinance includes promoting orderly, harmonious and integrated development of land.

WHEREAS, the subdivision ordinance was first adopted in 1967 via Ordinance 106, was rewritten in 1979 via Ordinance 316, and with exception of the addition of provisions for townhouse developments, remains largely in its original format.

WHEREAS, a significant volume of new development, made possible by the subdivision ordinance, has occurred in the past forty years, and Ketchum is now experiencing more infill development and redevelopment than subdivision of undeveloped land.

WHEREAS, sections of the subdivision ordinance were not written with respect to redevelopment and infill, resulting in a need for improved regulatory clarity.

WHEREAS, the clarification of public noticing provisions, processes, and standards of evaluation for subdivisions governed by Chapter 16.04, Title 16 of the Ketchum Municipal Code is desired.

WHEREAS, the Planning and Zoning Commission held a public hearing and considered public input on August 12, 2019, recommended approval to the City Council, finding that the proposed amendments were, on the whole, in alignment with the 2014 Comprehensive Plan;

WHEREAS, the City Council, having reviewed the proposed subdivision code amendments, held public hearings on \_\_\_\_\_.

WHEREAS, the City Council, having considered the recommendation of the Planning and Zoning Commission and submitted comments and testimony from the public, having determined that it is in the best interests of the public to adopt the proposed amendments to Title 16, Subdivision:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM

**Section 1: AMENDMENTS TO SECTION 16.04.010: GENERAL PROVISIONS.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.010: GENERAL PROVISIONS.**

- A. Title: This chapter shall be known and may be cited as the ~~CITY~~ *SUBDIVISION ORDINANCE*.
- B. Purposes: The general purpose of this chapter is to protect and promote the public health, safety, convenience and welfare by establishing regulations and a process of review for all proposed subdivisions of land, ~~townhouses, condominiums, and readjustment of lot lines~~. This chapter establishes standards for land subdivision in order to accomplish the following:
  - 1. To promote orderly, harmonious and integrated development of land;
  - 2. To provide safe, adequate and efficient pedestrian and vehicular traffic systems and circulations;
  - 3. To provide adequate all weather ingress and egress to subdivisions and lots;
  - 4. To prevent ~~unplanned development overcrowding of land~~ and congestion on streets and highways;
  - 5. To provide for adequate air, light, solar access, privacy, and open space;
  - 6. To provide for adequate fire protection;
  - 7. To prevent inadequate or inappropriate provision of water, sewer, streets, pedestrian easements and public expenditures to provide ~~and maintain~~ such improvements;

8. To protect and conserve wildlife, streams, natural topography, and other desirable natural features by providing for maximum retention of natural topographic features and qualities such as, but not limited to, skyline and ridge tops, knoll ridges, established trees and shrub masses, topsoil, streambeds and banks, drainage swales, and preventing damage to the natural environment or scenic beauty;
  9. To safeguard and enhance the character, appearance, and economic stability of the community;
  10. To provide adequate and uniform monumenting of land subdivisions and promote accurate legal descriptions;
  11. To protect the economic base of the community, including property values;
  12. To provide access to public lands and waters;
  13. To ensure the provision and construction of adequate improvements including, but not limited to, water, sewer, and other utilities, streets, bridges, drainage, street lighting and easements;
  14. To encourage and promote energy conservation and alternative energy sources as well as other advanced building technology;
  15. To ensure conformance of proposed subdivisions with the above stated purposes and to ensure design and construction of improvements in conformance with the standards and purposes of this chapter and all other municipal ordinances relating to this chapter, including subsequent amendments.
- C. Jurisdiction: The regulations and procedures as set forth in this chapter shall apply to each and every subdivision of land, townhouse and condominium development, and readjustment of lot lines within the corporate limits of the city of Ketchum, Idaho, ~~and all lands within one mile of such corporate limits,~~ and all jurisdictional areas of the city presently existing or hereafter adopted.
- D. Scope: The regulations and procedures contained in this chapter shall be complied with prior to any of the following:
1. Division of a parcel of land into two (2) or more tracts, lots or parcels for transfer of ownership, building development, leasing or encumbering with mortgage or deed of trust.
  2. The establishment of a "condominium", "townhouse", or "planned unit development", as defined in section 16.04.020 of this chapter.

3. Addition to, or creation of a cemetery.
  4. The change or modification of boundary lines whether or not any additional lot(s) is created.
  5. Any alteration, modification, change, addition to or deletion from any plat of record, and including boundary shifts and/or removal of lot lines between existing platted or unplatted lots or parcels of land.
- E. Exceptions: These regulations shall not apply to the following:
1. The subdivision of land into parcels of ten (10) acres or more solely for agricultural use which does not create a new street nor widen an existing street and upon which no residential building shall be constructed.
  2. The unwilling sale of land by legal condemnation.
  3. The enlargement of municipal streets, facilities and easements.
  4. The acquisition of collector or arterial street rights of way by any public agency in conformance with the comprehensive plan.
- F. Interpretation: All proposed subdivisions of land shall comply with the regulations of this chapter. The regulations contained in this chapter shall be considered minimum standards. The regulations of this chapter are in addition to all other regulations, and where at variance with other laws, regulations, ordinances or resolutions of the city, or any other governmental body having jurisdiction, the more restrictive requirements shall apply. ~~Furthermore, where appropriate for the protection of the public health, safety, convenience or welfare, more stringent standards may be imposed by the commission or council.~~
- G. Administration: The mayor shall appoint, with the approval of the council, an administrator to receive and process all subdivision applications and make recommendations to the commission and the council. The administrator shall serve at the will of the council. If no administrator exists, then the commission shall act as the administrator. (Ord. 460 § 3, 1987; Ord. 316 § 1, 1979)
- ~~H. Furthermore, where Minimum Standards: Where appropriate for the protection of the public health, safety, convenience or welfare, more stringent standards may be imposed by the commission or council.~~

**Section 2: AMENDMENTS TO SECTION 16.04.020: DEFINITIONS.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

#### **SECTION 16.04.020: DEFINITIONS.**

For interpretation of this chapter, certain terms and words are defined in this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural shall include the singular; the word "shall" is always mandatory, and the word "may" indicates the use of discretion in making the decision.

ADMINISTRATOR: The Planning and Zoning Administrator of the City of Ketchum, Idaho.

AGRICULTURE USE: The growing of timber or crops, including grazing, horticulture, floriculture, nurseries, and fruit trees, together with necessary accessory and secondary uses for processing, packing, treating or storage, and shall not include feedlots, slaughterhouses, rendering plants or sawmills.

~~ALLEY: A minor public way providing secondary access to the back or the side of property otherwise abutting a street.~~ A minor public right of way, between twenty (20) and thirty feet (30') wide, that provides vehicle access to the rear or side of a parcel that has front and/or side access to another street and is not intended for general traffic circulation.

AS BUILT DRAWINGS: Plans and specifications, certified by the subdivider's engineer, depicting the location, type and details of improvements installed by the subdivider. "As constructed drawings" and "as built drawings" are synonymous.

~~BLOCK: A group of lots, tracts or parcels within well defined boundaries, usually streets.~~ A group of lots within a defined or fixed boundary, generally surrounded by public streets, not including alleys, or a boundary line of a subdivision that has been legally surveyed.

BOARD: The Blaine County board of county commissioners.

~~BUILDING: Any structure, either permanent or temporary, fixed or placed upon land for housing or supporting any use or occupancy.~~ Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is permanently affixed to the land and has one or more floors and a roof.

BUILDING ENVELOPE: The site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. A building envelope shall conform to all minimum zoning ordinance requirements and requirements of this chapter.

CLERK: The city clerk of the city of Ketchum, Idaho.

COMMISSION: The Ketchum planning and zoning commission.

COMMON AREA: AS defined in the Condominium Property Act means the entire project excepting all units.

COMPREHENSIVE PLAN: The officially adopted comprehensive plan of the city of Ketchum, Idaho.

CONDOMINIUM: An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or any combination, together with a separate estate in real property in an interest or interests in real property, or any combination thereof.

COUNCIL: The city council of the city of Ketchum, Idaho.

COUNTY RECORDER: The office of the Blaine County recorder, Hailey, Idaho.

COVENANT, PRIVATE: A written promise, covenant, restriction or rule imposed upon land by the property owners or land developers which are private in nature and enforced accordingly. Such covenants do not replace or impair the validity of the restrictions or regulations imposed by this chapter or any other applicable ordinance of the city of Ketchum or governmental entity having jurisdiction.

DEDICATION: The setting apart of land, or interest in land, for use by the public. Land becomes dedicated when accepted by the council as a public dedication by ordinance, resolution, or by approval and acceptance on a final plat.

DEVELOPMENT PLAN: A master plan for development of a planned unit development (PUD) or a phased project establishing location of required improvements and all existing and proposed structures, together with a schedule for development.

DOUBLE FRONTAGE LOT: A double frontage lot is a through lot or "reverse frontage" lot, other than a corner lot, where vehicular access is restricted to the abutting thoroughfare, and where the lots have vehicular access provided by an interior public or private street.

DRIVEWAY: A nondedicated vehicular access constructed on private property which provides vehicular and/or pedestrian access to not more than four (4) dwelling units (excluding accessory dwelling units) and is constructed in conformance with the applicable international fire code.

DWELLING UNIT: One or more rooms, including at least one a bathroom and single kitchen, designed for or occupied as a unit by one a person or family for living purposes and located in a one-family, ~~duplex~~ or multiple-family dwelling.

EASEMENT: A grant by a property owner to a specific person(s) or the public of the right to use land for specific purpose(s); also, such a right acquired by prescription. A property interest (less than fee simple estate) which one person has in land owned by another, entitling the owner of his interest to limited use or enjoyment of the other's land, such as for a driveway, utility lines or similar.



ENGINEER: An officially licensed and registered engineer by the state of Idaho.

ENGINEER, CITY: A representative of the city building department authorized to check plats and provide on site inspections to ensure compliance with the provisions of this chapter.

FLOODPLAIN: The relatively flat area or low land adjoining the channel of a stream of a river, stream, lake or other body of water which is subject to the hazards and inundation on a one hundred (100) year frequency, as identified and defined in the flood insurance study and flood boundary and floodway map prepared by the federal insurance administration of the U.S. department of housing and urban development in conjunction with the U.S. army corps of engineers.

FLAG LOT: A flag lot is an irregularly shaped building lot or parcel that has a very limited amount of street or road frontage.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'), as identified and defined in the flood insurance study and flood boundary and floodway map prepared by the federal insurance administration of the U.S. department of housing and urban development in conjunction with the U.S. army corps of engineers. No building construction shall be permitted in the floodway.

GOVERNING BODY: The board or council composed of elected officials of the county or city having jurisdiction.

HIGHWAY: A street designed or designated as a highway by the state or federal agency responsible.

IMPROVEMENTS: Any alteration to the land or construction associated with the construction or installation of streets, easements, drainage facilities, curbs, gutters, sidewalks, water system, sewage system, storm sewers, gas, electric or telephone lines, lot pin monuments and other such items associated with the subdivision and/or development of land, including grading or fill of land.

IMPROVEMENTS, REQUIRED: Those subdivision improvements required to be constructed after preliminary plat approval and prior to final plat approval by the council.

KITCHEN: A room or other portion of a structure intended for cooking of food, which, at a minimum, contains a sink, refrigerator and cooking facilities to include a range or built-in cooktop.

LIFE SAFETY INSPECTION: The Ketchum building official has inspected and approved the

following items within the building as completed, including, but not limited to: handrails, guardrails, tempered glass, address, smoke detectors and fire separation requirements.

LIMITED COMMON AREA: As defined in the Condominium Property Act means those common areas and facilities designated in the declaration for use of a certain condominium owner or owners to the exclusion, limitation or restriction of others.

LOT: The parcel, plot, tract, or other area of real property intended for sale, transfer, lease, or encumbrance.

LOT AREA: The area within the boundaries of a lot, exclusive of any of the area contained within a public or private street, alley, fire lane or private driveway easement. Also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street.

LOT, BUILDABLE: A lot that contains land outside of the floodway which conforms to all ordinance requirements and where the slope is less than twenty five percent (25%).

MOBILE HOME OR TRAILER: Any vehicle or structure constructed in such a manner that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power, and which may be moved in substantially one section into the city.

OWNER: The individual, firm, association, syndicate, partnership or corporation holding fee simple title evidenced by a deed recorded in the office of the Blaine County recorder.

PERFORMANCE BOND: Either the amount of money, or other negotiable security deposited by the subdivider with the city clerk, or a bond executed by a qualified surety company registered to do business in the state of Idaho, which guarantees that the subdivider will perform all actions and install all required improvements or his or her surety will pay the costs and damages up to a limit of the amount of bond or security deposited. No personal checks shall be allowed as performance bonds.

PHASED DEVELOPMENT: Development of a parcel of land in stages either as a series of subdivisions or as a single parcel with construction of buildings and/or improvements over a series of years.

PLANNED UNIT DEVELOPMENT: Development of a tract of land primarily for residential use in which the normal land use regulations set forth in this chapter may be waived in order to promote beneficial development of the entire tract in conformance with an approved development plan for the entire parcel accentuating usable open space, recreational uses and public easements.

PLANNING AND ZONING COMMISSION: The planning and zoning commission of the city of

Ketchum, Idaho.

**PLANTING STRIP:** A strip of land within a subdivision not less than ten feet (10') in width across which there is no driveway, street, or other access, and which is devoted exclusively to landscaping, primarily trees of not less than five feet (5') in height. The primary purpose of planting strips is screening of streets, highways, adjacent incompatible land uses, and off street parking areas.

**PLAT, FINAL:** A map of a subdivision, planned unit development (PUD) or dedication, and in conformance with the approved preliminary plat, and prepared in accordance with this chapter, and title 50, chapter 13, Idaho Code, as amended or subsequently codified.

**PLAT, PRELIMINARY:** A preliminary plan prepared in conformance with this chapter, submitted together with such other documentation as required by this chapter.

**PLAT, RECORDED:** A final plat which has been accepted by the council and filed with the Blaine County recorder.

**PUBLIC HEARING NOTICE:** Notice of a public hearing before the council or planning and zoning commission, published at least fifteen (15) days prior to such meeting in the official newspaper of the city of Ketchum, Idaho. Furthermore, all property owners within three hundred feet (300') of the subject property shall be notified by first class mail. Such written notification shall be deemed sufficient if deposited in the mail to all property owners according to the records of the Ketchum city clerk at least fifteen (15) days prior to such meeting and public hearing. Clerical omission of the names of property owners shall not affect the sufficiency of notice as set forth in this chapter. The notice shall contain a description of the size and location of the subject property and shall inform the reader of the time and place of the meeting at which the public hearing will be held.

**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.

**SOLAR ACCESS:** Unobstructed access to direct sunlight upon land or a building.

**STANDARD SPECIFICATIONS:** Specifications for design and construction of improvements as specified in this chapter or other ordinances or resolutions of the city of Ketchum, or by any other governmental entity having jurisdiction, including subsequent amendment or codification.

STATE: State of Idaho.

STREET: A public right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. "Street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and all such terms, except "driveway" as defined in this section.

STREET, ARTERIAL: A street designated for the purpose of carrying fast and/or heavy traffic, connecting major districts of the city.

STREET, COLLECTOR: A street designated for the purpose of carrying traffic from residential streets to other collector streets and/or arterial streets.

STREET, CUL-DE-SAC: A dead end street provided with turnaround space at its terminus.

STREET, DEAD END: A street connected to another street at one end only and not having provision for vehicular turnaround at its terminus.

STREET, FRONTAGE: A minor street, parallel to and adjacent to an arterial street, which has the primary purpose of providing access to abutting properties.

STREET, LOOP: A residential street with both terminal points on the same street of origin.

STREET, PARTIAL: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land where remaining right of way widths can be obtained from adjacent properties where such properties are subdivided.

STREET, PRIVATE: A street constructed on private property, which provides vehicular and pedestrian access to multiple-family dwelling units or more than four (4) dwelling units (excluding accessory dwelling units), and constructed to standard street specifications and the international fire code, however, not accepted for dedication or maintenance by the city.

STREET, RESIDENTIAL: A minor street which has the primary purpose of providing access to abutting residential dwelling units or properties and carries no heavy, through or collector traffic.

SUBDIVIDER: The individual, firm, corporation, partnership, association, syndicate, trust, or any other legal entity that files application and initiates proceedings for subdivision of land in accordance with provisions of this chapter. If the subdivider is not the owner of the property, he or she shall be the agent of the owner as is evidenced by a recorded power of attorney for such purpose.

TOWNHOUSE DEVELOPMENT: A planned project of two (2) or more townhouse units that may

be constructed as single building(s) containing two (2) or more townhouse units erected generally in a row, each unit being separated from the adjoining unit or units by a one hour fire resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse subplot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole; and/or may be constructed as single buildings containing single townhouse units, provided the separation between units and/or buildings complies with applicable codes. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.

**TOWNHOUSE SUBLOTS:** The lots resulting from platting a townhouse development. "Townhouse sublots" shall have a minimum area equal to that of the perimeter of each individual townhouse unit measured at the foundation, whether located independently or within a building containing two (2) or more townhouse units in a townhouse development. Such sublots shall not be buildable for structures other than a "townhouse unit" as defined in this section. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. Detached garages may be allowed in a townhouse development and may be platted on separate sublots; provided, that the ownership of such 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.

**TOWNHOUSE UNIT:** Townhouse units are a type of housing where independent houses often, but not always, share walls. Units are characterized by one ~~One~~ or more rooms, including at least one a bathroom and ~~a single~~ kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse subplot.

**TWENTY FIVE PERCENT GRADE:** One foot (1') change in elevation for every four feet (4') of land measured horizontally.

**UTILITIES:** Installations for providing services to and used by the public, e.g., water, sewer, electricity, gas, television, cable, and similar facilities.

**VICINITY MAP:** A small map showing the location of a tract of land in relation to the city, including existing major streets and highways and surrounding subdivision(s) or large parcels of land.

**WAIVER:** Modification of a relevant provision and regulation of this chapter not contrary to public interest or public health, safety or welfare, and due to physical characteristics of the particular parcel of land and not the result of actions of the subdivision where literal enforcement of this chapter would result in undue hardship. The granting of waiver(s) shall be upon written application, and granting rests with the sound discretion of the commission and council, on a case by case basis.

WATERCOURSE: A natural depression or channel which carries or gives direction to a current of water any time of the year. (Ord. 893 § 1, 2002: Ord. 884 § 1, 2001: Ord. 879 § 1, 2001: Ord. 749 § 1, 1999: Ord. 460 §§ 1, 4, 1987: Ord. 316 § 2, 1979)

**Section 3: AMENDMENTS TO SECTION 16.04.030: PROCEDURE FOR SUBDIVISION APPROVAL.**

That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.030: PROCEDURE FOR SUBDIVISION APPROVAL.**

- A. Administration: The administrator shall have the duty of administering the regulations contained in this chapter and shall prepare and require the use of such forms as are necessary for the reasonable administration of these regulations.
- B. Plat Approval Required: Any person desiring to subdivide or resubdivide land shall submit an application to the administrator. No final plat shall be filed with the county recorder until the same has been acted upon ~~by the commission~~ and approved by the council consistent with the respective procedures set forth herein for the subdivision of land, townhouses, condominiums, and readjustment of lot lines as a preliminary plat and as a final plat. No lots or parcels of land described by metes and bounds or otherwise shall be sold or offered for sale until a final plat has been recorded in the office of the Blaine County recorder.
- C. Preliminary Plat Procedure:
  - 1. Application: The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
  - 2. Certification By Administrator: Upon receipt of the preliminary plat application and data, the administrator shall certify the application as complete and affix the date of acceptance on the application. Thereafter, the administrator shall place such preliminary plat on the commission agenda for consideration at a regular meeting of the commission.
  - 3. Review By Departments And Agencies: After certification of a preliminary plat application, the administrator shall transmit one copy of the application and preliminary plat to other city departments and to such other agencies as have jurisdiction over, or interest in, the proposed subdivision for recommendation and review. If no written recommendation or request for extension of time is received from any such department or agency within thirty (30) days from date of transmittal, the approval of the preliminary plat by such department or agency will be considered granted. The department and agencies to which preliminary plats may be referred include all pertinent city departments, district health department, Idaho public utilities commission, commissions of other governing bodies having joint jurisdiction, appropriate utility companies, soil

conservation district, and such other departments or agencies as the administrator deems necessary in order to carry out the full intent of this chapter.

4. Review By Administrator: The administrator shall review the preliminary plat application and data as well as the recommendations received from the various departments and agencies to ensure that such application and plat are in conformance with all applicable rules and regulations. The administrator shall report and make recommendations to the commission.
  5. Public Notice and Hearing Procedures: Consistent with the Local Land Use Planning Subdivision Ordinance requirements of Idaho Code Section 67-6513, the notice and hearing procedures set forth under 67-6509 shall be followed by the City for the processing of all subdivision applications, including:
    - a. The Commission shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposed action shall be published in the official newspaper or paper of general circulation within the jurisdiction.
    - b. The Council, prior to adoption, amendment, or denial of the subdivision, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. Council action upon the proposed subdivision shall not take place until recommendations have been received from the commission. Following consideration by the Council, if the Council makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or denial of the subdivision, further notice and hearing shall be provided before the Council adopts, amends or denies the subdivision.
    - c. The public notice and hearing procedure for readjustment of lot lines shall follow the final plat procedure as set forth in §16.04.060.
    - d. The public notice and hearing procedure for a phased development project shall follow the preliminary plat procedure set forth in §16.04.030.C.5a and b (above) for the preliminary plat. After preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow §16.04.030.G herein (below).
- D. Commission Action On Preliminary Plat: Consideration by the commission of a subdivision application and data shall take place at a regularly scheduled commission meeting, unless a special meeting of the commission is requested by the subdivider and granted by the commission. At that meeting, the commission shall do the following:

1. The commission shall hold a public hearing on all subdivision applications with public hearing notice; ~~except, applications to convert existing structure(s) containing eight (8) dwelling units or less into condominiums shall not require a public hearing be held; and except, applications to subdivide property and structure(s) into a maximum of two (2) townhouse sublots shall not require a public hearing be held.~~
  2. After the public hearing, the commission shall review the preliminary plat and supporting data, recommendations of administrator, and testimony of the subdivider and the public. The commission shall approve, approve with specific conditions, or disapprove the preliminary plat. If the preliminary plat is disapproved, the reasons for such action shall be stated in writing, and a copy signed by the administrator attached to one copy of the preliminary plat shall be returned to the applicant.
  3. Upon approval of a preliminary plat, the administrator shall transmit to the council the subdivision application, preliminary plat and other data and a copy of the commission findings and report.
- E. Council Action On Preliminary Plat: Submission of a preliminary plat upon approval by the commission to the council shall be mandatory. ~~The council shall consider the subdivision application at its next regular meeting. The subdivider, at his or her request, shall be entitled to at least one continuance.~~ The council shall consider the preliminary plat, subdivision application and data, and the report and recommendations of the commission, and may conduct a public hearing to shall hear testimony of the subdivider and any witnesses in his or her behalf, and testimony of representatives of the commission, and any witnesses including interested citizens.
- F. Preparation and Commencement of Required Improvements: Upon conclusion of its consideration of the preliminary plat, the council shall approve, conditionally approve or disapprove the plat and make findings consistent with law and this chapter. Upon approval of the preliminary plat by the council, the subdivider shall prepare required improvement design plans in accordance with this chapter and additional condition(s) imposed by the council. Upon approval of the improvement designs by the city engineer, the subdivider shall commence construction on the required improvements.
- G. Final Plat Procedures: After approval of the preliminary plat, the subdivider shall cause the subdivision to be surveyed and a final plat to be prepared in conformance with the preliminary plat as approved, and title 50, chapter 13, Idaho Code. Upon completion of such final plat, the subdivider shall file same and all other documents required with the administrator. ~~Then the administrator shall place such final plat upon the commission's next regular meeting agenda.~~ In the event ~~that the commission finds that the~~ final plat does not substantially conform to the approved preliminary plat, the Administrator commission shall consider such plat a preliminary plat ~~and the public notice and hearing procedures set forth herein in §16.04.030.D shall apply.~~



The subdivider shall submit two (2) sets of the final plat and plan specifications of all required improvements, together with a current title report showing proof of ownership in the land to be subdivided. When submitted to the administrator, the final plat shall bear all required certificates, acknowledgments and signatures.

Upon receipt of a final plat in compliance with all requirements, the Administrator ~~commission~~ shall approve the final plat and ~~the chairperson of the commission shall~~ affix the date of acceptance and his or her signature on such final plat. Thereafter, the administrator shall place the final plat upon the council's next regular meeting agenda and the Council may conduct a public hearing to hear testimony of the subdivider and any witnesses on his or her behalf and any witnesses including interested citizens. If the final plat conforms to all requirements of this chapter, all conditions placed upon preliminary plat by the council, and all requirements of Idaho law, the council shall approve such final plat.

H.G. Acceptance Of Dedications: Approval of the final plat by the council shall constitute acceptance of all dedications for public streets, rights of way, easements, and other lands dedicated for public purpose or use as shown on such final plat. As a condition precedent to the acceptance of any streets or required improvements, the council shall require that the subdivider install such improvements in accordance with the construction standards, and that condition shall be noted on the final plat.

H.H. Time Limitations: With the exception of phased development projects approved by Council, ~~the~~ failure to obtain final plat approval by the council of an approved preliminary plat within ~~one year~~ two years after approval by the council shall cause all approvals of such preliminary plat to be null and void. The final plat shall be filed with the Blaine County recorder within one year after final plat approval by the council. Failure to file such final plat within that time shall cause all approvals of such final plat to be null and void. ~~No building permit shall be issued with regard to any parcel of land within a proposed subdivision until the final plat has been recorded.~~

H.I. ~~Application and Contents Of~~ Preliminary Plat Contents: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following:

To be shown on Plat

1. The scale, north point and date.
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.~~

3. The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
4. Legal description of the area platted.
5. The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
6. A contour map of the subdivision with contour lines and a maximum interval of ~~two~~ five feet ~~(2')~~ (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
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.
8. Boundary description and the area of the tract.
9. Existing zoning of the tract.
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.
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.
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.
13. The direction of drainage, flow and approximate grade of all streets.
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.
15. ~~All percolation tests and/or exploratory pit excavations required by state health authorities.~~

- ~~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.~~
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.
- ~~18.~~ 16. The boundaries of the floodplain, floodway and avalanche ~~zoning overlay~~ district shall also be clearly delineated and marked on the preliminary plat or a note provided if the entire project is in the floodplain, floodway or avalanche overlay district.
- ~~19.~~ 17. Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
- ~~20.~~ 18. Lot area of each lot.
- ~~21.~~ 19. Existing mature trees and established shrub masses.
- ~~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.~~
- ~~23. Three (3) copies of the preliminary plat shall be filed with the administrator.~~

To be provided to Administrator:

20. Subdivision names shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho and shall be approved by the Blaine County Assessor.
21. All percolation tests and/or exploratory pit excavations required by state health authorities.
22. A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
23. A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.
24. A digital copy of the preliminary plat shall be filed with the administrator.

K. Contents Of Final Plat: The final plat shall be drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of eighteen inch by twenty four inch (18" x 24") Mylar paper with no part of the drawing nearer to the edge than one-half inch ( $\frac{1}{2}$ "), and shall be in conformance with the provisions of title 50, chapter 13, Idaho Code. The reverse side of such sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information. The contents of the final plat shall include all items required under title 50, chapter 13, Idaho Code, and also shall include the following:

1. Point of beginning of subdivision description tied to at least two (2) governmental survey corners, or in lieu of government survey corners, to monuments recognized by the city engineer.
2. Location and description of monuments.
3. Tract boundary lines, property lines, lot lines, street right of way lines and centerlines, other rights of way and easement lines, building envelopes as required on the preliminary plat, lot area of each lot, boundaries of floodplain and floodway and avalanche district, all with bearings, accurate dimensions in feet and decimals, in degrees and minutes and radii, arcs, central angles, tangents and chord lengths of all curves to the above accuracy.
4. Names and locations of all adjoining subdivisions.
5. Name and right of way width of each street and other public rights of way.
6. Location, dimension and purpose of all easements, public or private.
7. The blocks numbered consecutively throughout each block.
8. The outline of any property, other than a street, alley or easement, which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked "Dedicated to the City of Ketchum for Public Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated.
9. The title, which shall include the name of the subdivision, the name of the city, if appropriate, county and state, and the location and description of the subdivision referenced to section, township, range.
10. Scale, north arrow and date.
11. Location, width, and names of all existing or dedicated streets and other public ways within or adjacent to the proposed subdivision.

12. A plat note provision ~~in the owner's certificate~~ referencing the county recorder's instrument number where the condominium declaration(s) and/or articles of incorporation of homeowners' association governing the subdivision are recorded.
13. Certificate by registered engineer or surveyor preparing the map certifying to the accuracy of surveying plat.
14. A current title report of all property contained within the plat shall be provided to the city and used, in part, as the basis for the dedication of easements and encumbrances on the property.
15. Certification of owner(s) of record and all holders of security interest(s) of record with regard to such property.
16. Certification and signature of engineer (surveyor) verifying that the subdivision and design standards meet all city requirements.
17. Certification and signature of the city engineer verifying that the subdivision and design standards meet all city requirements.
18. Certification and signature of the city clerk of the city of Ketchum verifying that the subdivision has been approved by the council.
19. Notation of any additional restrictions imposed by the council on the development of such subdivision to provide for the public health, safety and welfare.

LK Final Plat Copies: Both a hard copy and a digital copy Three (3) copies of the final plat shall be filed with the administrator prior to being placed upon the Council's commission's agenda. A digital copy Three (3) copies of the final plat as approved by the council and signed by the city clerk shall be filed with the administrator and retained by the city. The Applicant shall also provide the city with a digital copy of the recorded document with its assigned legal instrument number.

~~L. —Readjustment Of Lot Lines Procedures: An owner or subdivider wishing to readjust lot lines, as defined in section 16.04.020 of this chapter, shall be required to file two (2) copies of a plat and application with the administrator for administrative review. Additional information reasonably required for thorough review of the application and plat may be required by the administrator to be provided by the applicant. Waivers shall be requested according to section 16.04.120 of this chapter. The administrator shall provide written notice of such application to owners of property immediately adjacent to the subject property. Such notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on such application. Following expiration of the comment period, and upon a finding by the administrator that the plat conforms to the "readjustment of lot line"~~

~~definition and is in compliance with the provisions of this chapter, the administrator shall approve same or approve with conditions necessary to find same in compliance with the provisions of this chapter. Upon a finding by the administrator that the application does not conform to such definition or is not in compliance with this chapter, the administrator shall deny such application and shall state the reasons in writing, and a copy signed by the administrator attached to one copy of the plat shall be returned to the applicant. Upon approval of an application and upon satisfaction by the applicant of any conditions attached to the application, the administrator shall inform the city clerk, and the city clerk shall sign the plat. Any questions with regard to the interpretation and/or applicability of this subsection or other sections shall be referred to the council by the administrator for determination. (Ord. 871 § 1, 2001; Ord. 504 § 1, 1989; Ord. 488 § 1, 1988; Ord. 460 § 5, 1987; Ord. 316 § 3, 1979) [MOVED TO OWN SECTION, BELOW]~~

**Section 4: AMENDMENTS TO SECTION 16.04.040: DEVELOPMENT AND DESIGN.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.040: DEVELOPMENT AND DESIGN.**

- 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.~~ [Moved to new subsection S.]
- B. Improvement Plans: Prior to approval of final plat by the Council 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.
- C. Performance Bond: 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, or other conditions as determined acceptable at the sole discretion of the city, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. 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 ~~two~~ one years 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.

- D. As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.
  
- E. Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:
  - 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.
  
- F. Lot Requirements:
  - 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings.
  - 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more

streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section [16.04.020](#) of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following:

- a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met.
  - b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section.
3. Corner lots [outside of the original Ketchum Townsite](#) shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.
  4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.
  5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. ~~Should a double frontage lot(s) be created out of necessity, then such lot(s) shall be reversed frontage lot(s).~~
  6. ~~Minimum lot sizes in all cases shall be reversed frontage lot(s).~~
  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.
- G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:



1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots.
2. Blocks shall be laid out in such a manner as to comply with the lot requirements.
3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features.
4. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.

#### H. Street Improvement Requirements:

1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;
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;
11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;
12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;
13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the [County Assessor's office commission](#) before submitting same to council for preliminary plat approval;
14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;
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;
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;
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;

18. Street lighting shall be required consistent with adopted city standards ~~may be required by the commission or Council where appropriate~~ and where designated shall be installed by the subdivider as a requirement improvement;
  19. Private streets may be allowed upon recommendation by the commission and approval by the Council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section and chapter 12.04 of this code;
  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;
  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;
  22. Sidewalks, curbs and gutters shall be required consistent with adopted city standards and may where designated shall be a required improvement installed by the subdivider;
  23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights-of-way unless approved by the City Council; and
  24. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone.
- 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.~~ Dead end alleys shall be permitted only within the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead end alley including, but not limited to, the provision of fire protection, snow removal and trash collection services to such properties. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.
  - J. Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.

1. A public utility easement at least ten feet (10') in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the City Engineer to be necessary for the provision of adequate public utilities.
  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.
  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.
  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.
  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.
  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.
- K. Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the City Engineer, Council and Idaho Health Department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho Department of Health and the Council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the Council may require an increase in the minimum lot size and may

impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.

- L. Water System Improvements: A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the City under the supervision of the Ketchum Fire Department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the Municipal water system and shall meet the standards of the following agencies: Idaho Department of Public Health, Idaho Survey and Rating Bureau, District Sanitarian, Idaho State Public Utilities Commission, Idaho Department of Reclamation, and all requirements of the City.
  
- M. Planting Strip Improvements: Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.
  
- N. Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:
  - 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Council as part of the preliminary plat application.
  - 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:
    - a. Proposed contours at a maximum of five foot (5') contour intervals.
    - b. Cut and fill banks in pad elevations.
    - c. Drainage patterns.
    - d. Areas where trees and/or natural vegetation will be preserved.
    - e. Location of all street and utility improvements including driveways to building envelopes.

- f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.
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 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.
6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:
  - a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
  - b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods).
  - c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.
  - d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.
  - e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth ( $\frac{1}{5}$ ) 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 ( $\frac{1}{5}$ ) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.

- 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. 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.
  
- Q. Off Site Improvements: Where the off site impact of a proposed subdivision is found by the commission or Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
  
- R. Avalanche And Mountain Overlay: All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in [title 17](#) of this Code. (Ord. 1181, 2018: Ord. 1061 § 1, 2009: Ord. 943 § 1, 2004: Ord. 884 § 2, 2001: Ord. 803 § 1, 1999: Ord. 316 § 4, 1979)
  
- S. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.

**Section 5: AMENDMENTS TO SECTION 16.04.050: VACATIONS AND DEDICATIONS.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.050: VACATIONS AND DEDICATIONS.**

- A. Application: Any property owner desiring to vacate an existing public street, alley or easement right-of-way, or desiring to dedicate a street or alley right-of-way shall file an

application with the Administrator. Upon receipt of the completed application and other information reasonably required by the Administrator, the date of acceptance of the application shall be affixed on the application. Thereafter, such application shall be placed upon the commission agenda for consideration at a regular meeting of the commission, and the procedures followed for such vacations shall comply with Idaho Code sections 50-1321, 50-1325 and 50-1306(A), including subsequent amendment or codification.

- B. Commission Action: The commission shall consider the application and testimony of the applicant and such other information as may come before it with regard to the proposed vacation or dedication. The commission shall consider the interests of the adjacent property owners, public utilities, conformance of the proposal with the comprehensive plan and the future development of the neighborhood, and shall make its recommendations for accepting or rejecting such application. If dedication of a street is accepted, recommendations for improvements to be made prior to the acceptance shall be made by the commission.
- C. Council Action: In considering an application for vacation of an existing street, alley or easement right-of-way, the Council shall establish a date for public hearing and give such notice as required by law. The council shall hear and consider the public testimony, applicant testimony, recommendations of the commission, and any other information as may be brought before the council. Whenever the council vacates an existing public street, the city shall provide adjacent property owners with a quitclaim deed for the vacated street as prescribed by law. Such vacation shall become effective upon delivery of such deed(s). When considering an application for dedication to the public of a street, alley or easement right of way, the council may require certain improvements be constructed or performance bond furnished prior to acceptance of the dedication. To complete the acceptance of any dedication, the council shall accept same by resolution or by approval of a final subdivision plat.
- D. Exemptions: The provisions of this section shall not apply to the widening of any street which is shown in the comprehensive plan or the dedication of nonvehicular easements to the city. (Ord. 316 § 5, 1979)

**Section 6: AMENDMENTS TO SECTION 16.04.060.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.060. READJUSTMENT OF LOT LINES PROCEDURES.** Readjustment of lot line applications shall be reviewed and approved pursuant to the final plat regulations and procedures established in §16.04.030 as modified below.

- A. Application: An owner or subdivider wishing to readjust lot lines, as defined in section 16.04.020 of this chapter, shall be required to file with the administrator for administrative review an application and both a digital and hard copy two (2) copies of a the



proposed final plat in accordance with §16.04.030. Additional information reasonably required for thorough review of the application and plat may be required by the administrator to be provided by the applicant.

- B. Certification by the Administrator and Review by Departments: Upon receipt of the readjustment of lot line final plat application and data, the administrator shall certify the application as complete and transmit the application and plat to other city departments and to such other agencies as have jurisdiction over, or interest in, the proposed subdivision for recommendation and review.
- C. Review by Administrator: The administrator shall review the application and data as well as the recommendations received from the various departments and agencies to ensure that such application and plat are in conformance with all applicable rules and regulations, including Development and Design improvements to be constructed by the applicant in conformance with §16.04.040.
- D. Waivers: Any applicable waivers shall be requested according to ~~section 16.04.120~~ §16.04.130 of this chapter.
- E. Notice: The administrator shall provide written notice of such application to owners of property immediately adjacent to the subject property. Such notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on such application.
- F. Findings:
  - 1. Following expiration of the comment period, and upon a finding by the administrator that the plat conforms to the "readjustment of lot line" definition, the Administrator will: (a) review the submittal; (b) department comments; (c) conformance of the submittal with required development and design standards as set forth in §16.04.040; is in compliance with the provisions of this chapter, the administrator shall approve same or approve with (c) recommend conditions necessary to find the final plat same-in compliance with the provisions of this chapter, including the installation of required improvements prior to recordation of the final plat, and (d) notice the matter for final plat review before the Council.
  - 2. Upon a finding by the administrator that the application does not conform to such definition or is not in compliance with this chapter, the administrator shall deny such application and shall state the reasons in writing, and a copy signed by the administrator attached to one copy of the plat shall be returned to the applicant.
  - 3. Any questions with regard to the interpretation and/or applicability of this subsection or other sections shall be referred to the council by the administrator for determination following the notice provisions set forth in §16.04.060.G (below).

- G. Council Notice: The council shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposed action shall be published in the official newspaper or paper of general circulation within the jurisdiction.
- H. Upon Council approval of an application and upon satisfaction by the applicant of any conditions attached to the application, the administrator shall inform the city clerk, and the city clerk shall sign the plat. ~~Any questions with regard to the interpretation and/or applicability of this subsection or other sections shall be referred to the council by the administrator for determination.~~ (Ord. 871 § 1, 2001: Ord. 504 § 1, 1989: Ord. 488 § 1, 1988: Ord. 460 § 5, 1987: Ord. 316 § 3, 1979)

**Section 7: AMENDMENTS TO SECTION 16.04.060: CONDOMINIUMS.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.~~060~~.070: CONDOMINIUMS.**

- A. Purpose: The purpose of this section is to set forth special provisions for property created or converted pursuant to the condominium property act, title 55, chapter 15, Idaho Code, as amended, revised or compiled. The provisions of this section are found necessary in order to provide for the public health, safety, and welfare of purchasers and residents of such condominiums.
- B. Preliminary Plat Procedure: The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities and open space. The commission and council shall act on the preliminary plat pursuant to subsections [16.04.030D](#) and E of this chapter.
- C. Final Plat Procedure:
1. The final plat procedure contained in subsection [16.04.030](#)~~F~~ [G](#) of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the condominium has received:
    - a. A certificate of occupancy issued by the city of Ketchum; and
    - b. Completion of all design review elements as approved by the planning and zoning administrator.

2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to [title 17, chapter 17.96](#) of this code. Prior to final plat approval, the subdivider shall submit to the city a copy of the final bylaws and condominium declarations which shall be approved by the council and filed with the Blaine County recorder, including the instrument number(s) under which each document was recorded.
- D. Garage: All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.
- E. Storage Areas: 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.
- F. Maintenance Building: A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.
- G. Open Space: The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.
- H. General Applicability: All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions. (Ord. 1061 § 2, 2009: Ord. 902 § 1, 2002: Ord. 879 §§ 2, 3, 2001: Ord. 316 § 6, 1979)

**Section 8: AMENDMENTS TO SECTION 16.04.070: TOWNHOUSES.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.~~070~~080: TOWNHOUSES.**

- A. Purpose: The purpose of this section is to set forth provisions for real property subdivided into townhouse sublots, such provisions found necessary in order to provide for the public health, safety and welfare of purchasers and residents of such townhouse developments.
- B. Townhouse Owners' Documents: The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly

held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.

C. Preliminary Plat Procedure: Townhouse developments shall be administered consistent with the procedures and design and development regulations established in §16.04.030 and §16.04.040 and the standards of this subsection.

1. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.

2. The subdivider may apply for preliminary plat approval from the commission pursuant to subsection 16.04.030D of this chapter at the time application is made for design review approval pursuant to title 17, chapter 17.96 of this code. The commission may approve, deny or conditionally approve such preliminary plat upon consideration of the action taken on the application for design review of the project.

3. The preliminary plat, other data, and the commission's findings ~~shall not~~ may be transmitted to the council prior to commencement of ~~until~~ construction of the project ~~has commenced~~ under a valid building permit issued by the ~~City Ketchum building inspector~~. The council shall act on the preliminary plat pursuant to subsection 16.04.030E and F of this chapter.

4. In the event a phased townhouse development project is proposed, after preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow §16.04.030.G and comply with the additional provisions of §16.04.110 of this code.

D. Final Plat Procedure:

1. The final plat procedure contained in subsection 16.04.030FG of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the townhouse has received either:

a. A certificate of occupancy issued by the city of Ketchum for all structures in the townhouse development; ~~and b. Completion and completion~~ of all design review elements as approved by the planning and zoning administrator; or

b. Signed council approval of a phased development project consistent with §16.04.110 herein.

2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to [title 17, chapter 17.96](#) of this code.

E. Required Findings: In addition to all Townhouse Developments complying with the applicable provisions of Title 17 and this Subdivision Chapter (§16.04), the Administrator shall find that

1. All Townhouse Developments, including each individual subplot, shall not exceed the maximum building coverage requirements of the zoning district.

2. Garage: All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

3. ~~F.~~ General Applicability: All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions. (Ord. 1061 § 3, 2009: Ord. 879 § 4, 2001: Ord. 460 § 2, 1987)

**Section 9: AMENDMENTS TO SECTION 16.04.080: MOBILE HOME SUBDIVISIONS.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.~~080-090~~: MOBILE HOME SUBDIVISIONS.**

A. General: Mobile home subdivisions shall be treated the same as any residential subdivision subject to the requirements set forth in the zoning ordinance, building code, and any other statute, ordinance, or regulations of any governmental entity having jurisdiction.

B. Requirements: Mobile home subdivisions shall also be subject to the following requirements:

1. Such subdivisions may be submitted and reviewed as a planned unit development as set forth in this chapter.

2. Such subdivisions shall be screened from adjacent areas other than subdivisions of the same type by an aesthetically acceptable fence and/or planting strip.

3. Adequate provision shall be made for the maintenance of the subdivision.

4. Side lot lines shall be within thirty degrees (30°) of right angle or radial line to the street line. (Ord. 316 § 7, 1979)

**Section 10: AMENDMENTS TO SECTION 16.04.090: PLANNED UNIT DEVELOPMENT (PUD).** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.~~090~~.100: PLANNED UNIT DEVELOPMENT (PUD).** In addition to the requirements set forth in this chapter, a proposed planned unit development shall comply with the Ketchum planned unit development ordinance. (Ord. 383 § 1, 1983)

**Section 11: AMENDMENTS TO SECTION 16.04.100: PHASED DEVELOPMENT PROJECTS.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.~~100~~.110: PHASED DEVELOPMENT PROJECTS.**

- A. Compliance With Provisions: Any subdivider wishing to develop a subdivision (condominium, townhouses, land subdivision) or planned unit development over a series of years shall comply with the additional requirements and regulations set forth in this section. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner, including the extension of services and implementation of an interim landscaping plan for all future phases, and shall comply with all applicable zoning regulations.
- B. Development Plan: In addition to the preliminary plat, subdivision application and data, the subdivider shall submit to the administrator a development plan with a and development schedule for the entire project, containing all of the information required in subsection 16.04.030 of this chapter. The development plan, if approved, shall be the master plan for the entire project subject to modification by the subdivider through the same procedures as required for approval of the preliminary plat, original plan, and Phased development projects or portions of phased development projects that have not received final plat approval are subject to additional regulations of subsequently adopted or amended ordinances and statutes; ~~and subject to additional requirements imposed by the commission or council due to changes in the development plan or as a result of subsequent subdivision or development of neighboring properties. After~~ The approval of the development plan, ~~the subdivider shall submit to the city a~~ shall occur concurrently with preliminary plat approval. and final Final plat approval for of each phase of ~~the~~ a built project, ~~built or to be built~~ as evidenced by the receipt of a valid building permit and issuance of a certificate of occupancy, shall follow the procedures set forth in §16.04.110.D

herein (below). The time limitations set forth in subsection 16.04.030H of this chapter shall apply to phased developments.

- C. Planning And Zoning Commission Action: Upon receipt of the preliminary plat, subdivision application, and application for a phased development ~~plan and schedule project~~, the administrator shall place the same on the agenda of the next available regular meeting of the planning and zoning commission and give notice of a public hearing. The planning and zoning commission shall review the preliminary plat, subdivision application, phased development ~~plan and development schedule project~~ and make such recommendations on the proposed project as required by the applicable design review ordinance(s) and all other applicable ordinances or portions. ~~After the planning and zoning commission has made its findings and recommendations, the administrator shall give notice of a public hearing before the planning and zoning commission.~~ At the regular commission meeting where the public hearing is held, the commission shall take public comment, testimony from the subdivider and all interested parties, and review all information and data available to it. After review of the ~~development plan and schedule project~~, the commission shall make findings and recommendations.
- D. Council Action: The administrator, upon receiving the findings and recommendation of the commission, shall place the preliminary plat, subdivision application, development plan and schedule on the agenda of the next regular city council meeting. The council shall shall act on the preliminary plat, subdivision application, development plan and schedule pursuant to subsections 16.04.030 E of this chapter by reviewing the recommendations of the planning and zoning commission, ~~the commission,~~ and all information and data contained in the file and shall approve, amend, or deny the application and development plan.
- E. Preliminary Plats: ~~Upon~~ Concurrent with the approval of a the development plan and schedule, the subdivider shall prepare a preliminary plat. The preliminary plat shall show for each stage of the his or her development in conformance with the approved development plan, including designation of future phases, sublots, and/or common areas. Upon approval of the preliminary plat, the subdivider may commence construction of the required improvements as provided in this chapter.
- F. Required Improvements: The city council may require that the subdivider install all or a portion of the required improvements for the entire project as set forth in the development plan. Such required improvements shall be constructed prior to approval of the final plat for any phase of the development. (Ord. 316 § 9, 1979)
- G. Final Plat(s): The final plat procedure for each phase of a phased development project shall follow §16.04.030.G.

**Section 12: AMENDMENTS TO SECTION 16.04.110: IMPACT STATEMENT.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.~~110~~.120: IMPACT STATEMENT.**

- A. Impact Statement Required: The subdivider proposing a subdivision of more than ten (10) lots or condominium units, or townhouses, or a planned unit development may be required by the commission or council to prepare an impact statement prior to approval of a preliminary plat. The statement shall discuss the potential effects of the proposed development upon the city in terms of impact upon economics, public facilities or environment as set forth in this chapter.
- B. Requirements: The impact statement shall include a study of the potential impact upon:
1. Sewer facilities.
  2. Domestic water facilities.
  3. Fire protection, including fire protection water supply.
  4. Police protection.
  5. Utilities.
  6. Schools.
  7. Roads and traffic.
  8. Other public facilities.
  9. Noise, water and air pollution.
  10. Environmental impact, including impact upon vegetation, wildlife, and wildlife habitat, ground and surface water, and soil erosion.
  11. Public transportation.
  12. Public easements, created or threatened, and recreational availability.
  13. Avalanche hazard and flood hazard.
  14. Drainage.
  15. Grading of slopes.



16. Adjacent properties and the neighborhoods.
  17. Snow removal areas and services.
  18. Designating and defining impact upon areas of historical significance.
  19. Effects upon agriculture.
- C. Additional Requirements: The commission or council may reasonably require the impact statement to be extended to include other factors and criteria not listed above due to unusual characteristics of the land or character of the proposed development or improvements. Furthermore, the subdivider may be required to provide additional information and studies with regard to any of the factors or criteria required in the impact statement.
- D. Contiguous Or Adjacent Property: When an owner or subdivider owns or controls contiguous or adjacent land to that which he or she proposes to subdivide under the terms of this chapter, the commission or council may require that the contiguous or adjacent property be included in the subdivision or that a development plan for the entire tract be presented. Furthermore, the commission or council may require that the entire parcel or parcels of land be platted. (Ord. 316 § 10, 1979)

**Section 13: AMENDMENTS TO SECTION 16.04.120: WAIVER AND APPEALS.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.~~120~~.130: WAIVER AND APPEALS.**

- A. General Requirements: Waiver of any of the requirements of this chapter may be granted by the council on a case by case basis upon the recommendation of the commission. Application for such waiver(s) must be in writing and must show that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this chapter would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health and safety, nor injurious to property owners in the immediate area.
- B. Application For Waiver: Applications shall be made to the administrator in writing at the time of subdivision application. Such waiver, together with such related data and maps as are necessary to fully illustrate the relief sought, shall be filed at that time. Such application shall be processed and considered with the preliminary plat application.

- C. Appeals: Any interested party may appeal in writing the decision of the planning and zoning commission, planning administrator or building inspector relative to any matter(s) with regard to this chapter. Such appeals shall be filed in writing with the Ketchum city clerk within ten (10) days from the date of such decision. Such appeal shall state the exact decision or recommendation appealed and the reasons for appeal. If no appeal is filed within ten (10) days as provided in this subsection, the decision shall be final. (Ord. 316 § 11, 1979)

**Section 14: AMENDMENTS TO SECTION 16.04.130: FEES AND COSTS AND TIME PERIODS FOR APPROVAL.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.~~130~~.140: FEES AND COSTS AND TIME PERIODS FOR APPROVAL.**

- A. Fees And Costs: The subdivider shall pay to the city by depositing with the city administrator certain fees and costs. There shall be a preliminary plat application fee and a final plat application fee. Such fees shall be set by resolution of the city council.
- B. Time Periods For Approval:
1. The planning and zoning commission shall have sixty (60) days to examine and consider all applications made pursuant to this chapter and to make its recommendations. Such sixty (60) day period shall commence upon the first meeting at which the commission considers such an application. If no recommendation is made within such period, the application shall be placed upon the appropriate agenda without recommendation.
  2. The council shall have ninety (90) days to examine and consider all applications made pursuant to this chapter and make its finding(s) and/or decision(s).
  3. The time periods set forth in this subsection may be extended for a reasonable period of time by the planning and zoning commission or council upon a finding that, due to the complexity of an application or changes made in an application during the review process, additional time to examine or consider same is reasonably required. (Ord. 316 § 12, 1979)

**Section 15: AMENDMENTS TO SECTION 16.04.140: ENFORCEMENT, VIOLATIONS AND PENALTIES.** That Title 16 of the Ketchum Municipal Code be amended to include new language and remove stricken language as indicated below.

**SECTION 16.04.140,150: ENFORCEMENT, VIOLATIONS AND PENALTIES.**

- A. Investigations: It shall be the duty of the administrator and building inspector to investigate compliance with these regulations and to bring to the attention of the city council and the city attorney any violations of this chapter.
- B. Sale Of Portions Of Unsubdivided Property: No owner, or agent of the owner, shall transfer, sell, encumber by mortgage or deed of trust or offer to sell any portion of an unsubdivided parcel of real property before a final plat has been approved by the council and filed with the office of the Blaine County recorder as required by law.
- C. Sale Of Property By Metes And Bounds: The subdivision of any lot or of any parcel of land by the use of a metes and bounds description for the purpose of sale, transfer, encumbrance by mortgage or deed of trust, or lease shall not be permitted without the filing of a final plat as required in this chapter. All such divisions of land shall not be recognized by the city nor shall building permits be issued for any improvements until such subdivisions have received final plat approval and met all requirements of this chapter.
- D. Penalties: Any person, firm, association or corporation that fails to comply with or violates any of these regulations shall be subject to a fine not more than three hundred dollars (\$300.00) or imprisonment for a period not exceeding six (6) months, or both. Each day that such violation continues shall be considered a separate offense.
- E. Civil Enforcement: Appropriate actions and proceedings at law or in equity may be instituted by the city attorney to prevent or rectify illegal subdivisions, to recover damages, to restrain, correct or abate any violation, or to prevent illegal occupancy of a building, structure or premises. These remedies shall be cumulative and in addition to the penalties described in this section.
- F. Conditions: Regulation of the subdivision of land and the attachment of reasonable conditions to such subdivisions is a proper exercise of valid police power granted to the city by article XII, section 2 of the Idaho constitution. The subdivider has the duty of compliance with reasonable conditions laid down by the council and commission for design, dedication, improvement and restrictive use of land so as to conform with the physical and economic development of the city and the safety and general welfare of future plot owners in such subdivision and the public at large. (Ord. 316 §§ 13, 14, 1979)

**Ordinance No. 1198**

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 16, CHAPTER 16.04, SUBDIVISION ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING: SECTION 16.04.010, GENERAL PROVISIONS; SECTION 16.04.020, DEFINITIONS; SECTION 16.04.030, PROCEDURE FOR SUBDIVISION APPROVAL, INCLUDING PUBLIC NOTICING REQUIREMENTS FOR PRELIMINARY AND FINAL PLAT, APPLICATION SUBMITTAL REQUIREMENTS, AND READJUSTMENT OF LOT LINES; SECTION 16.04.040, DEVELOPMENT AND DESIGN; SECTION 16.04.050, VACATIONS AND DEDICATIONS; NEW SECTION 16.04.060, READJUSTMENT OF LOT LINE PROCEDURES. A RE-NUMBERING OF SECTIONS 16.04.070 THROUGH 16.04.160 IS PROPOSED WITH THE PROPOSED ORDINANCE AMENDMENTS. THE NEW RE-NUMBERED SECTIONS OF THE SUBDIVISION ORDINANCE INCLUDE: SECTION 16.04.070 FOR CONDOMINIUMS; SECTION 16.04.080 FOR TOWNHOUSES, INCLUDING A MODIFICATION OF TOWNHOUSE PLAT PROCEDURES, ALLOWANCE FOR PHASED DEVELOPMENT PROJECTS AND STANDARDS; SECTION 16.04.090 FOR MOBILE HOME SUBDIVISIONS; SECTION 16.04.100 FOR PLANNED UNIT DEVELOPMENTS (PUD); SECTION 16.04.110 FOR PHASED DEVELOPMENT PROJECTS, INCLUDING A MODIFICATION OF PROCEDURES FOR DEVELOPMENT PLANS, COMMISSION AND COUNCIL ACTIONS; SECTION 16.04.120 FOR IMPACT STATEMENTS; 16.04.130 FOR WAIVERS AND APPEALS; 16.04.140 FOR FEES AND COSTS AND TIME PERIODS FOR APPROVAL; AND, SECTION 16.04.150 FOR ENFORCEMENT, VIOLATIONS AND PENALTIES.**

WHEREAS, the City of Ketchum has adopted a subdivision ordinance for the regulation of the division of property, including lot line adjustments, planned unit developments, condominiums, and townhouses.

WHEREAS, the purpose of the subdivision ordinance includes promoting orderly, harmonious and integrated development of land.

WHEREAS, the subdivision ordinance was first adopted in 1967 via Ordinance 106, was rewritten in 1979 via Ordinance 316, and with exception of the addition of provisions for townhouse developments, remains largely in its original format.

WHEREAS, a significant volume of new development, made possible by the subdivision ordinance, has occurred in the past forty years, and Ketchum is now experiencing more infill development and redevelopment than subdivision of undeveloped land.

WHEREAS, sections of the subdivision ordinance were not written with respect to redevelopment and infill, resulting in a need for improved regulatory clarity.

WHEREAS, the clarification of public noticing provisions, processes, and standards of evaluation for subdivisions governed by Chapter 16.04, Title 16 of the Ketchum Municipal Code is desired.

WHEREAS, the Planning and Zoning Commission held a public hearing and considered public input on August 12, 2019, recommended approval to the City Council, finding that the proposed amendments were, on the whole, in alignment with the 2014 Comprehensive Plan;

WHEREAS, the City Council, having reviewed the proposed subdivision code amendments, held public hearings on September 3<sup>rd</sup>, September 16<sup>th</sup>, and October 7<sup>th</sup>, 2019.

WHEREAS, the City Council, having considered the recommendation of the Planning and Zoning Commission and submitted comments and testimony from the public, having determined that it is in the best interests of the public to adopt the proposed amendments to Title 16, Subdivision:

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM:**

**Section 1: AMENDMENTS TO SECTION 16.04.010: GENERAL PROVISIONS.**

**SECTION 16.04.010: GENERAL PROVISIONS.**

- A. Title: This chapter shall be known and may be cited as the *SUBDIVISION ORDINANCE*.
- B. Purposes: The general purpose of this chapter is to protect and promote the public health, safety, convenience and welfare by establishing regulations and a process of review for all proposed subdivisions of land, townhouses, condominiums, and readjustment of lot lines. This chapter establishes standards for land subdivision in order to accomplish the following:
  - 1. To promote orderly, harmonious and integrated development of land;
  - 2. To provide safe, adequate and efficient pedestrian and vehicular traffic systems and circulations;
  - 3. To provide adequate all-weather ingress and egress to subdivisions and lots;
  - 4. To prevent unplanned development and congestion on streets and highways;
  - 5. To provide for adequate air, light, solar access, privacy, and open space;
  - 6. To provide for adequate fire protection;
  - 7. To prevent inadequate or inappropriate provision of water, sewer, streets, pedestrian easements and public expenditures to provide and maintain such improvements;
  - 8. To protect and conserve wildlife, streams, natural topography, and other desirable natural features by providing for maximum retention of natural topographic features and qualities such as, but not limited to, skyline and ridge tops, knoll ridges, established trees and shrub

masses, topsoil, streambeds and banks, drainage swales, and preventing damage to the natural environment or scenic beauty;

9. To safeguard and enhance the character, appearance, and economic stability of the community;
  10. To provide adequate and uniform monumenting of land subdivisions and promote accurate legal descriptions;
  11. To protect the economic base of the community, including property values;
  12. To provide access to public lands and waters;
  13. To ensure the provision and construction of adequate improvements including, but not limited to, water, sewer, and other utilities, streets, bridges, drainage, street lighting and easements;
  14. To encourage and promote energy conservation and alternative energy sources as well as other advanced building technology;
  15. To ensure conformance of proposed subdivisions with the above stated purposes and to ensure design and construction of improvements in conformance with the standards and purposes of this chapter and all other municipal ordinances relating to this chapter, including subsequent amendments.
- C. Jurisdiction: The regulations and procedures as set forth in this chapter shall apply to each and every subdivision of land, townhouse and condominium development, and readjustment of lot lines within the corporate limits of the city of Ketchum, Idaho and all jurisdictional areas of the city presently existing or hereafter adopted.
- D. Scope: The regulations and procedures contained in this chapter shall be complied with prior to any of the following:
1. Division of a parcel of land into two (2) or more tracts, lots or parcels for transfer of ownership, building development, leasing or encumbering with mortgage or deed of trust.
  2. The establishment of a "condominium", "townhouse", or "planned unit development", as defined in section 16.04.020 of this chapter.
  3. Addition to, or creation of a cemetery.
  4. The change or modification of boundary lines whether or not any additional lot(s) is created.

5. Any alteration, modification, change, addition to or deletion from any plat of record, and including boundary shifts and/or removal of lot lines between existing platted or unplatted lots or parcels of land.

E. Exceptions: These regulations shall not apply to the following:

1. The subdivision of land into parcels of ten (10) acres or more solely for agricultural use which does not create a new street nor widen an existing street and upon which no residential building shall be constructed.
2. The unwilling sale of land by legal condemnation.
3. The enlargement of municipal streets, facilities and easements.
4. The acquisition of collector or arterial street rights of way by any public agency in conformance with the comprehensive plan.

F. Interpretation: All proposed subdivisions of land shall comply with the regulations of this chapter. The regulations contained in this chapter shall be considered minimum standards. The regulations of this chapter are in addition to all other regulations, and where at variance with other laws, regulations, ordinances or resolutions of the city, or any other governmental body having jurisdiction, the more restrictive requirements shall apply.

G. Administration: The mayor shall appoint, with the approval of the council, an administrator to receive and process all subdivision applications and make recommendations to the commission and the council. The administrator shall serve at the will of the council. If no administrator exists, then the commission shall act as the administrator. (Ord. 460 § 3, 1987; Ord. 316 § 1, 1979)

H. Minimum Standards: Where appropriate for the protection of the public health, safety, convenience or welfare, more stringent standards may be imposed by the commission or council.

## **Section 2: AMENDMENTS TO SECTION 16.04.020: DEFINITIONS.**

### **SECTION 16.04.020: DEFINITIONS.**

For interpretation of this chapter, certain terms and words are defined in this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural shall include the singular; the word "shall" is always mandatory, and the word "may" indicates the use of discretion in making the decision.

**ADMINISTRATOR:** The Planning and Zoning Administrator of the City of Ketchum, Idaho.

**AGRICULTURE USE:** The growing of timber or crops, including grazing, horticulture, floriculture, nurseries, and fruit trees, together with necessary accessory and secondary uses for

processing, packing, treating or storage, and shall not include feedlots, slaughterhouses, rendering plants or sawmills.

**ALLEY:** A minor public right of way, between twenty (20) and thirty feet (30') wide, that provides vehicle access to the rear or side of a parcel that has front and/or side access to another street and is not intended for general traffic circulation.

**AS BUILT DRAWINGS:** Plans and specifications, certified by the subdivider's engineer, depicting the location, type and details of improvements installed by the subdivider. "As constructed drawings" and "as built drawings" are synonymous.

**BLOCK:** A group of lots within a defined or fixed boundary, generally surrounded by public streets, not including alleys, or a boundary line of a subdivision that has been legally surveyed.

**BOARD:** The Blaine County board of county commissioners.

**BUILDING:** Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is permanently affixed to the land and has one or more floors and a roof.

**BUILDING ENVELOPE:** The site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. A building envelope shall conform to all minimum zoning ordinance requirements and requirements of this chapter.

**CLERK:** The city clerk of the city of Ketchum, Idaho.

**COMMISSION:** The Ketchum planning and zoning commission.

**COMMON AREA:** AS defined in the Condominium Property Act means the entire project excepting all units.

**COMPREHENSIVE PLAN:** The officially adopted comprehensive plan of the city of Ketchum, Idaho.

**CONDOMINIUM:** An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or any combination, together with a separate estate in real property in an interest or interests in real property, or any combination thereof.

**COUNCIL:** The city council of the city of Ketchum, Idaho.

**COUNTY RECORDER:** The office of the Blaine County recorder, Hailey, Idaho.

**COVENANT, PRIVATE:** A written promise, covenant, restriction or rule imposed upon land by the property owners or land developers which are private in nature and enforced accordingly. Such covenants do not replace or impair the validity of the restrictions or regulations imposed by this chapter or any other applicable ordinance of the city of Ketchum or governmental entity



having jurisdiction.

**DEDICATION:** The setting apart of land, or interest in land, for use by the public. Land becomes dedicated when accepted by the council as a public dedication by ordinance, resolution, or by approval and acceptance on a final plat.

**DEVELOPMENT PLAN:** A master plan for development of a planned unit development (PUD) or a phased project establishing location of required improvements and all existing and proposed structures, together with a schedule for development.

**DOUBLE FRONTAGE LOT:** A double frontage lot is a through lot or “reverse frontage” lot, other than a corner lot, where vehicular access is restricted to the abutting thoroughfare, and where the lots have vehicular access provided by an interior public or private street.

**DRIVEWAY:** A nondedicated vehicular access constructed on private property which provides vehicular and/or pedestrian access to not more than four (4) dwelling units (excluding accessory dwelling units) and is constructed in conformance with the applicable international fire code.

**DWELLING UNIT:** One or more rooms, including at least one bathroom and kitchen, designed for or occupied as a unit by one person or family for living purposes and located in a one-family or multiple-family dwelling.

**EASEMENT:** A property interest (less than fee simple estate) which one person has in land owned by another, entitling the owner of his interest to limited use or enjoyment of the other's land, such as for a driveway, utility lines or similar.

**ENGINEER:** An officially licensed and registered engineer by the state of Idaho.

**ENGINEER, CITY:** A representative of the city building department authorized to check plats and provide on site inspections to ensure compliance with the provisions of this chapter.

**FLOODPLAIN:** The relatively flat area or low land adjoining the channel of a stream of a river, stream, lake or other body of water which is subject to the hazards and inundation on a one hundred (100) year frequency, as identified and defined in the flood insurance study and flood boundary and floodway map prepared by the federal insurance administration of the U.S. department of housing and urban development in conjunction with the U.S. army corps of engineers.

**FLAG LOT:** A flag lot is an irregularly shaped building lot or parcel that has a very limited amount of street or road frontage.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'), as identified and defined in the flood insurance study and flood boundary and floodway map prepared by the federal insurance administration of the

U.S. department of housing and urban development in conjunction with the U.S. army corps of engineers. No building construction shall be permitted in the floodway.

**GOVERNING BODY:** The board or council composed of elected officials of the county or city having jurisdiction.

**HIGHWAY:** A street designed or designated as a highway by the state or federal agency responsible.

**IMPROVEMENTS:** Any alteration to the land or construction associated with the construction or installation of streets, easements, drainage facilities, curbs, gutters, sidewalks, water system, sewage system, storm sewers, gas, electric or telephone lines, lot pin monuments and other such items associated with the subdivision and/or development of land, including grading or fill of land.

**IMPROVEMENTS, REQUIRED:** Those subdivision improvements required to be constructed after preliminary plat approval and prior to final plat approval by the council.

**KITCHEN:** A room or other portion of a structure intended for cooking of food, which, at a minimum, contains a sink, refrigerator and cooking facilities to include a range or built-in cooktop.

**LIFE SAFETY INSPECTION:** The Ketchum building official has inspected and approved the following items within the building as completed, including, but not limited to: handrails, guardrails, tempered glass, address, smoke detectors and fire separation requirements.

**LIMITED COMMON AREA:** As defined in the Condominium Property Act means those common areas and facilities designated in the declaration for use of a certain condominium owner or owners to the exclusion, limitation or restriction of others.

**LOT:** The parcel, plot, tract, or other area of real property intended for sale, transfer, lease, or encumbrance.

**LOT AREA:** The area within the boundaries of a lot, exclusive of any of the area contained within a public or private street, alley, fire lane or private driveway easement. Also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street.

**LOT, BUILDABLE:** A lot that contains land outside of the floodway which conforms to all ordinance requirements and where the slope is less than twenty five percent (25%).

**MOBILE HOME OR TRAILER:** Any vehicle or structure constructed in such a manner that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power, and which may be moved in substantially one section into the city.

**OWNER:** The individual, firm, association, syndicate, partnership or corporation holding fee simple title evidenced by a deed recorded in the office of the Blaine County recorder.

**PERFORMANCE BOND:** Either the amount of money, or other negotiable security deposited by the subdivider with the city clerk, or a bond executed by a qualified surety company registered to do business in the state of Idaho, which guarantees that the subdivider will perform all actions and install all required improvements or his or her surety will pay the costs and damages up to a limit of the amount of bond or security deposited. No personal checks shall be allowed as performance bonds.

**PHASED DEVELOPMENT:** Development of a parcel of land in stages either as a series of subdivisions or as a single parcel with construction of buildings and/or improvements over a series of years.

**PLANNED UNIT DEVELOPMENT:** Development of a tract of land primarily for residential use in which the normal land use regulations set forth in this chapter may be waived in order to promote beneficial development of the entire tract in conformance with an approved development plan for the entire parcel accentuating usable open space, recreational uses and public easements.

**PLANNING AND ZONING COMMISSION:** The planning and zoning commission of the city of Ketchum, Idaho.

**PLANTING STRIP:** A strip of land within a subdivision not less than ten feet (10') in width across which there is no driveway, street, or other access, and which is devoted exclusively to landscaping, primarily trees of not less than five feet (5') in height. The primary purpose of planting strips is screening of streets, highways, adjacent incompatible land uses, and off street parking areas.

**PLAT, FINAL:** A map of a subdivision, planned unit development (PUD) or dedication, and in conformance with the approved preliminary plat, and prepared in accordance with this chapter, and title 50, chapter 13, Idaho Code, as amended or subsequently codified.

**PLAT, PRELIMINARY:** A preliminary plan prepared in conformance with this chapter, submitted together with such other documentation as required by this chapter.

**PLAT, RECORDED:** A final plat which has been accepted by the council and filed with the Blaine County recorder.

**PUBLIC HEARING NOTICE:** Notice of a public hearing before the council or planning and zoning commission, published at least fifteen (15) days prior to such meeting in the official newspaper of the city of Ketchum, Idaho. Furthermore, all property owners within three hundred feet (300') of the subject property shall be notified by first class mail. Such written notification shall be deemed sufficient if deposited in the mail to all property owners according to the records of the Ketchum city clerk at least fifteen (15) days prior to such meeting and public hearing. Clerical omission of the names of property owners shall not affect the sufficiency of notice as set

forth in this chapter. The notice shall contain a description of the size and location of the subject property and shall inform the reader of the time and place of the meeting at which the public hearing will be held.

**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.

**SOLAR ACCESS:** Unobstructed access to direct sunlight upon land or a building.

**STANDARD SPECIFICATIONS:** Specifications for design and construction of improvements as specified in this chapter or other ordinances or resolutions of the city of Ketchum, or by any other governmental entity having jurisdiction, including subsequent amendment or codification.

**STATE:** State of Idaho.

**STREET:** A public right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. "Street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and all such terms, except "driveway" as defined in this section.

**STREET, ARTERIAL:** A street designated for the purpose of carrying fast and/or heavy traffic, connecting major districts of the city.

**STREET, COLLECTOR:** A street designated for the purpose of carrying traffic from residential streets to other collector streets and/or arterial streets.

**STREET, CUL-DE-SAC:** A dead end street provided with turnaround space at its terminus.

**STREET, DEAD END:** A street connected to another street at one end only and not having provision for vehicular turnaround at its terminus.

**STREET, FRONTAGE:** A minor street, parallel to and adjacent to an arterial street, which has the primary purpose of providing access to abutting properties.

**STREET, LOOP:** A residential street with both terminal points on the same street of origin.

**STREET, PARTIAL:** A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land where remaining right of way widths can be obtained from adjacent properties where such properties are subdivided.

**STREET, PRIVATE:** A street constructed on private property, which provides vehicular and pedestrian access to multiple-family dwelling units or more than four (4) dwelling units (excluding accessory dwelling units), and constructed to standard street specifications and the international fire code, however, not accepted for dedication or maintenance by the city.

**STREET, RESIDENTIAL:** A minor street which has the primary purpose of providing access to abutting residential dwelling units or properties and carries no heavy, through or collector traffic.

**SUBDIVIDER:** The individual, firm, corporation, partnership, association, syndicate, trust, or any other legal entity that files application and initiates proceedings for subdivision of land in accordance with provisions of this chapter. If the subdivider is not the owner of the property, he or she shall be the agent of the owner as is evidenced by a recorded power of attorney for such purpose.

**TOWNHOUSE DEVELOPMENT:** A planned project of two (2) or more townhouse units that may be constructed as single building(s) containing two (2) or more townhouse units erected generally in a row, each unit being separated from the adjoining unit or units by a one hour fire resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse subplot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole; and/or may be constructed as single buildings containing single townhouse units, provided the separation between units and/or buildings complies with applicable codes. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.

**TOWNHOUSE SUBLOTS:** The lots resulting from platting a townhouse development. "Townhouse sublots" shall have a minimum area equal to that of the perimeter of each individual townhouse unit measured at the foundation, whether located independently or within a building containing two (2) or more townhouse units in a townhouse development. Such sublots shall not be buildable for structures other than a "townhouse unit" as defined in this section. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. Detached garages may be allowed in a townhouse development and may be platted on separate sublots; provided, that the ownership of such 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.

**TOWNHOUSE UNIT:** Townhouse units are a type of housing where independent houses often, but not always, share walls. Units are characterized by one or more rooms, including at least one a bathroom and kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse subplot.

**TWENTY FIVE PERCENT GRADE:** One foot (1') change in elevation for every four feet (4') of land measured horizontally.

**UTILITIES:** Installations for providing services to and used by the public, e.g., water, sewer,

electricity, gas, television, cable, and similar facilities.

**VICINITY MAP:** A small map showing the location of a tract of land in relation to the city, including existing major streets and highways and surrounding subdivision(s) or large parcels of land.

**WAIVER:** Modification of a relevant provision and regulation of this chapter not contrary to public interest or public health, safety or welfare, and due to physical characteristics of the particular parcel of land and not the result of actions of the subdivision where literal enforcement of this chapter would result in undue hardship. The granting of waiver(s) shall be upon written application, and granting rests with the sound discretion of the commission and council, on a case by case basis.

**WATERCOURSE:** A natural depression or channel which carries or gives direction to a current of water any time of the year. (Ord. 893 § 1, 2002: Ord. 884 § 1, 2001: Ord. 879 § 1, 2001: Ord. 749 § 1, 1999: Ord. 460 §§ 1, 4, 1987: Ord. 316 § 2, 1979)

### **Section 3: AMENDMENTS TO SECTION 16.04.030: PROCEDURE FOR SUBDIVISION APPROVAL.**

#### **SECTION 16.04.030: PROCEDURE FOR SUBDIVISION APPROVAL.**

- A. Administration: The administrator shall have the duty of administering the regulations contained in this chapter and shall prepare and require the use of such forms as are necessary for the reasonable administration of these regulations.
- B. Plat Approval Required: Any person desiring to subdivide or resubdivide land shall submit an application to the administrator. No final plat shall be filed with the county recorder until the same has been acted upon and approved by the council consistent with the respective procedures set forth herein for the subdivision of land, townhouses, condominiums, and readjustment of lot lines. No lots or parcels of land described by metes and bounds or otherwise shall be sold or offered for sale until a final plat has been recorded in the office of the Blaine County recorder.
- C. Preliminary Plat Procedure:
  - 1. Application: The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
  - 2. Certification By Administrator: Upon receipt of the preliminary plat application and data, the administrator shall certify the application as complete and affix the date of acceptance on the application. Thereafter, the administrator shall place such preliminary plat on the commission agenda for consideration at a regular meeting of the commission.

3. Review By Departments And Agencies: After certification of a preliminary plat application, the administrator shall transmit one copy of the application and preliminary plat to other city departments and to such other agencies as have jurisdiction over, or interest in, the proposed subdivision for recommendation and review. If no written recommendation or request for extension of time is received from any such department or agency within thirty (30) days from date of transmittal, the approval of the preliminary plat by such department or agency will be considered granted. The department and agencies to which preliminary plats may be referred include all pertinent city departments, district health department, Idaho public utilities commission, commissions of other governing bodies having joint jurisdiction, appropriate utility companies, soil conservation district, and such other departments or agencies as the administrator deems necessary in order to carry out the full intent of this chapter.
4. Review By Administrator: The administrator shall review the preliminary plat application and data as well as the recommendations received from the various departments and agencies to ensure that such application and plat are in conformance with all applicable rules and regulations. The administrator shall report and make recommendations to the commission.
5. Public Notice and Hearing Procedures: Consistent with the Local Land Use Planning Subdivision Ordinance requirements of Idaho Code Section 67-6513, the notice and hearing procedures set forth under 67-6509 shall be followed by the City for the processing of all subdivision applications, including:
  - a. The Commission shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposed action shall be published in the official newspaper or paper of general circulation within the jurisdiction.
  - b. The Council, prior to adoption, amendment, or denial of the subdivision, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. Council action upon the proposed subdivision shall not take place until recommendations have been received from the commission. Following consideration by the Council, if the Council makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or denial of the subdivision, further notice and hearing shall be provided before the Council adopts, amends or denies the subdivision.
  - c. The public notice and hearing procedure for readjustment of lot lines shall follow the final plat procedure as set forth in §16.04.060.
  - d. The public notice and hearing procedure for a phased development project shall follow the preliminary plat procedure set forth in §16.04.030.C.5a and b (above) for the

preliminary plat. After preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow §16.04.030.G herein (below).

- D. Commission Action On Preliminary Plat: Consideration by the commission of a subdivision application and data shall take place at a regularly scheduled commission meeting, unless a special meeting of the commission is requested by the subdivider and granted by the commission. At that meeting, the commission shall do the following:
1. The commission shall hold a public hearing on all subdivision applications with public hearing notice.
  2. After the public hearing, the commission shall review the preliminary plat and supporting data, recommendations of administrator, and testimony of the subdivider and the public. The commission shall approve, approve with specific conditions, or disapprove the preliminary plat. If the preliminary plat is disapproved, the reasons for such action shall be stated in writing, and a copy signed by the administrator attached to one copy of the preliminary plat shall be returned to the applicant.
  3. Upon approval of a preliminary plat, the administrator shall transmit to the council the subdivision application, preliminary plat and other data and a copy of the commission findings and report.
- E. Council Action On Preliminary Plat: Submission of a preliminary plat upon approval by the commission to the council shall be mandatory. The council shall consider the preliminary plat, subdivision application and data, and the report and recommendations of the commission, and may conduct a public hearing to hear testimony of the subdivider and any witnesses in his or her behalf, and testimony of representatives of the commission, and any witnesses including interested citizens.
- F. Preparation and Commencement of Required Improvements: Upon conclusion of its consideration of the preliminary plat, the council shall approve, conditionally approve or disapprove the plat and make findings consistent with law and this chapter. Upon approval of the preliminary plat by the council, the subdivider shall prepare required improvement design plans in accordance with this chapter and additional condition(s) imposed by the council. Upon approval of the improvement designs by the city engineer, the subdivider shall commence construction on the required improvements.
- G. Final Plat Procedures: After approval of the preliminary plat, the subdivider shall cause the subdivision to be surveyed and a final plat to be prepared in conformance with the preliminary plat as approved, and title 50, chapter 13, Idaho Code. Upon completion of such final plat, the subdivider shall file same and all other documents required with the administrator. In the event the final plat does not substantially conform to the approved preliminary plat, the Administrator shall consider such plat a preliminary plat and the public notice and hearing procedures set forth herein in §16.04.030.D shall apply.



The subdivider shall submit two (2) sets of the final plat and plan specifications of all required improvements, together with a current title report showing proof of ownership in the land to be subdivided. When submitted to the administrator, the final plat shall bear all required certificates, acknowledgments and signatures.

Upon receipt of a final plat in compliance with all requirements, the Administrator shall approve the final plat and affix the date of acceptance and his or her signature on such final plat. Thereafter, the administrator shall place the final plat upon the council's next regular meeting agenda and the Council may conduct a public hearing to hear testimony of the subdivider and any witnesses on his or her behalf and any witnesses including interested citizens. If the final plat conforms to all requirements of this chapter, all conditions placed upon preliminary plat by the council, and all requirements of Idaho law, the council shall approve such final plat.

- H. Acceptance Of Dedications: Approval of the final plat by the council shall constitute acceptance of all dedications for public streets, rights of way, easements, and other lands dedicated for public purpose or use as shown on such final plat. As a condition precedent to the acceptance of any streets or required improvements, the council shall require that the subdivider install such improvements in accordance with the construction standards, and that condition shall be noted on the final plat.
- I. Time Limitations: With the exception of phased development projects approved by Council, the failure to obtain final plat approval by the council of an approved preliminary plat within two years after approval by the council shall cause all approvals of such preliminary plat to be null and void. The final plat shall be filed with the Blaine County recorder within one year after final plat approval by the council. Failure to file such final plat within that time shall cause all approvals of such final plat to be null and void.
- J. Application and Preliminary Plat Contents: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following:

To be shown on Plat

1. The scale, north point and date.
2. The name of the proposed subdivision.
3. The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
4. Legal description of the area platted.
5. The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.

6. A contour map of the subdivision with contour lines and a maximum interval of two feet (2') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
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.
8. Boundary description and the area of the tract.
9. Existing zoning of the tract.
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.
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.
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.
13. The direction of drainage, flow and approximate grade of all streets.
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.
15. Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
16. The boundaries of the floodplain, floodway and avalanche overlay district shall also be clearly delineated and marked on the preliminary plat or a note provided if the entire project is in the floodplain, floodway or avalanche overlay district.
17. Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
18. Lot area of each lot.

19. Existing mature trees and established shrub masses.

To be provided to Administrator:

20. Subdivision names shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho and shall be approved by the Blaine County Assessor.

21. All percolation tests and/or exploratory pit excavations required by state health authorities.

22. A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.

23. A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.

24. A digital copy of the preliminary plat shall be filed with the administrator.

K. Contents Of Final Plat: The final plat shall be drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of eighteen inch by twenty four inch (18" x 24") Mylar paper with no part of the drawing nearer to the edge than one-half inch ( $\frac{1}{2}$ "), and shall be in conformance with the provisions of title 50, chapter 13, Idaho Code. The reverse side of such sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information. The contents of the final plat shall include all items required under title 50, chapter 13, Idaho Code, and also shall include the following:

1. Point of beginning of subdivision description tied to at least two (2) governmental survey corners, or in lieu of government survey corners, to monuments recognized by the city engineer.

2. Location and description of monuments.

3. Tract boundary lines, property lines, lot lines, street right of way lines and centerlines, other rights of way and easement lines, building envelopes as required on the preliminary plat, lot area of each lot, boundaries of floodplain and floodway and avalanche district, all with bearings, accurate dimensions in feet and decimals, in degrees and minutes and radii, arcs, central angles, tangents and chord lengths of all curves to the above accuracy.

4. Names and locations of all adjoining subdivisions.

5. Name and right of way width of each street and other public rights of way.

6. Location, dimension and purpose of all easements, public or private.

7. The blocks numbered consecutively throughout each block.
  8. The outline of any property, other than a street, alley or easement, which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked "Dedicated to the City of Ketchum for Public Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated.
  9. The title, which shall include the name of the subdivision, the name of the city, if appropriate, county and state, and the location and description of the subdivision referenced to section, township, range.
  10. Scale, north arrow and date.
  11. Location, width, and names of all existing or dedicated streets and other public ways within or adjacent to the proposed subdivision.
  12. A plat note provision referencing the county recorder's instrument number where the condominium declaration(s) and/or articles of incorporation of homeowners' association governing the subdivision are recorded.
  13. Certificate by registered engineer or surveyor preparing the map certifying to the accuracy of surveying plat.
  14. A current title report of all property contained within the plat shall be provided to the city and used, in part, as the basis for the dedication of easements and encumbrances on the property.
  15. Certification of owner(s) of record and all holders of security interest(s) of record with regard to such property.
  16. Certification and signature of engineer (surveyor) verifying that the subdivision and design standards meet all city requirements.
  17. Certification and signature of the city engineer verifying that the subdivision and design standards meet all city requirements.
  18. Certification and signature of the city clerk of the city of Ketchum verifying that the subdivision has been approved by the council.
  19. Notation of any additional restrictions imposed by the council on the development of such subdivision to provide for the public health, safety and welfare.
- L. Final Plat Copies: Both a hard copy and a digital copy of the final plat shall be filed with the administrator prior to being placed upon the Council's agenda. A digital copy of the final plat as approved by the council and signed by the city clerk shall be filed with the administrator

and retained by the city. The Applicant shall also provide the city with a digital copy of the recorded document with its assigned legal instrument number.

**Section 4: AMENDMENTS TO SECTION 16.04.040: DEVELOPMENT AND DESIGN.**

**SECTION 16.04.040: DEVELOPMENT AND DESIGN.**

- 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.
- B. Improvement Plans: Prior to approval of final plat by the Council, 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.
- C. Performance Bond: 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, factors beyond the control of the subdivider, or other conditions as determined acceptable at the sole discretion of the city, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. 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 two years 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.
- D. As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.

E. Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:

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.

F. Lot Requirements:

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

3. Corner lots outside of the original Ketchum Townsite shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.
4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.
5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts.
6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.

G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:

1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots.
2. Blocks shall be laid out in such a manner as to comply with the lot requirements.
3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features.
4. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.

H. Street Improvement Requirements:

1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;
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;
11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;
12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;
13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the County Assessor's office before submitting same to council for preliminary plat approval;



14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;
  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;
  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;
  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;
  18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;
  19. Private streets may be allowed upon recommendation by the commission and approval by the Council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section and chapter 12.04 of this code;
  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;
  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;
  22. Sidewalks, curbs and gutters shall be required consistent with adopted city standards and where designated shall be a required improvement installed by the subdivider;
  23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights-of-way unless approved by the City Council; and
  24. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone.
- I. Alley Improvement Requirements: Alleys shall be provided in, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be permitted only

within the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead end alley including, but not limited to, the provision of fire protection, snow removal and trash collection services to such properties.

Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.

- J. Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.
1. A public utility easement at least ten feet (10') in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the City Engineer to be necessary for the provision of adequate public utilities.
  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.
  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.
  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.
  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.
  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.
- K. Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required

improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the City Engineer, Council and Idaho Health Department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho Department of Health and the Council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the Council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.

- L. **Water System Improvements:** A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the City under the supervision of the Ketchum Fire Department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the Municipal water system and shall meet the standards of the following agencies: Idaho Department of Public Health, Idaho Survey and Rating Bureau, District Sanitarian, Idaho State Public Utilities Commission, Idaho Department of Reclamation, and all requirements of the City.
- M. **Planting Strip Improvements:** Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.
- N. **Cuts, Fills, And Grading Improvements:** Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:
  - 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Council as part of the preliminary plat application.
  - 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:
    - a. Proposed contours at a maximum of five foot (5') contour intervals.
    - b. Cut and fill banks in pad elevations.
    - c. Drainage patterns.

- d. Areas where trees and/or natural vegetation will be preserved.
  - e. Location of all street and utility improvements including driveways to building envelopes.
  - f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.
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 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.
  6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:
    - a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
    - b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods).
    - c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.
    - d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.
    - e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth ( $\frac{1}{5}$ ) 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 ( $\frac{1}{5}$ ) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.

- 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. 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.
- Q. Off Site Improvements: Where the off site impact of a proposed subdivision is found by the commission or Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
- R. Avalanche And Mountain Overlay: All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in Title 17 of this Code. (Ord. 1181, 2018: Ord. 1061 § 1, 2009: Ord. 943 § 1, 2004: Ord. 884 § 2, 2001: Ord. 803 § 1, 1999: Ord. 316 § 4, 1979)
- S. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.

**Section 5: SECTION 16.04.050: VACATIONS AND DEDICATIONS IS READOPTED WITH NO CHANGES.**

**SECTION 16.04.050: VACATIONS AND DEDICATIONS.**

- A. Application: Any property owner desiring to vacate an existing public street, alley or easement right-of-way, or desiring to dedicate a street or alley right-of-way shall file an application with the Administrator. Upon receipt of the completed application and other information reasonably required by the Administrator, the date of acceptance of the application shall be affixed on the application. Thereafter, such application shall be placed

upon the commission agenda for consideration at a regular meeting of the commission, and the procedures followed for such vacations shall comply with Idaho Code sections 50-1321, 50-1325 and 50-1306(A), including subsequent amendment or codification.

- B. Commission Action: The commission shall consider the application and testimony of the applicant and such other information as may come before it with regard to the proposed vacation or dedication. The commission shall consider the interests of the adjacent property owners, public utilities, conformance of the proposal with the comprehensive plan and the future development of the neighborhood, and shall make its recommendations for accepting or rejecting such application. If dedication of a street is accepted, recommendations for improvements to be made prior to the acceptance shall be made by the commission.
- C. Council Action: In considering an application for vacation of an existing street, alley or easement right-of-way, the Council shall establish a date for public hearing and give such notice as required by law. The council shall hear and consider the public testimony, applicant testimony, recommendations of the commission, and any other information as may be brought before the council. Whenever the council vacates an existing public street, the city shall provide adjacent property owners with a quitclaim deed for the vacated street as prescribed by law. Such vacation shall become effective upon delivery of such deed(s). When considering an application for dedication to the public of a street, alley or easement right of way, the council may require certain improvements be constructed or performance bond furnished prior to acceptance of the dedication. To complete the acceptance of any dedication, the council shall accept same by resolution or by approval of a final subdivision plat.
- D. Exemptions: The provisions of this section shall not apply to the widening of any street which is shown in the comprehensive plan or the dedication of nonvehicular easements to the city. (Ord. 316 § 5, 1979)

**Section 6: AMENDMENTS TO SECTION 16.04.060.**

**SECTION 16.04.060. READJUSTMENT OF LOT LINES PROCEDURES.** Readjustment of lot line applications shall be reviewed and approved pursuant to the final plat regulations and procedures established in §16.04.030 as modified below.

- A. Application: An owner or subdivider wishing to readjust lot lines, as defined in section 16.04.020 of this chapter, shall be required to file with the administrator for administrative review an application and both a digital and hard copy of the proposed final plat in accordance with §16.04.030. Additional information reasonably required for thorough review of the application and plat may be required by the administrator to be provided by the applicant.
- B. Certification by the Administrator and Review by Departments: Upon receipt of the readjustment of lot line final plat application and data, the administrator shall certify the application as complete and transmit the application and plat to other city departments and to

such other agencies as have jurisdiction over, or interest in, the proposed subdivision for recommendation and review.

- C. Review by Administrator: The administrator shall review the application and data as well as the recommendations received from the various departments and agencies to ensure that such application and plat are in conformance with all applicable rules and regulations, including Development and Design improvements to be constructed by the applicant in conformance with §16.04.040.
- D. Waivers: Any applicable waivers shall be requested according to §16.04.130 of this chapter.
- E. Notice: The administrator shall provide written notice of such application to owners of property immediately adjacent to the subject property. Such notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on such application.
- F. Findings:
  - 1. Following expiration of the comment period, and upon a finding by the administrator that the plat conforms to the "readjustment of lot line" definition, the Administrator will: (a) review the submittal; (b) department comments; (c) conformance of the submittal with required development and design standards as set forth in §16.04.040; (c) recommend conditions necessary to find the final plat in compliance with the provisions of this chapter, including the installation of required improvements prior to recordation of the final plat, and (d) notice the matter for final plat review before the Council.
  - 2. Upon a finding by the administrator that the application does not conform to such definition or is not in compliance with this chapter, the administrator shall deny such application and shall state the reasons in writing, and a copy signed by the administrator attached to one copy of the plat shall be returned to the applicant.
  - 3. Any questions with regard to the interpretation and/or applicability of this subsection or other sections shall be referred to the council by the administrator for determination following the notice provisions set forth in §16.04.060.G (below).
- G. Council Notice: The council shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposed action shall be published in the official newspaper or paper of general circulation within the jurisdiction.
- H. Upon Council approval of an application and upon satisfaction by the applicant of any conditions attached to the application, the administrator shall inform the city clerk, and the city clerk shall sign the plat. (Ord. 871 § 1, 2001: Ord. 504 § 1, 1989: Ord. 488 § 1, 1988: Ord. 460 § 5, 1987: Ord. 316 § 3, 1979)

**Section 7: AMENDMENTS TO SECTION 16.04.060: CONDOMINIUMS.**

**SECTION 16.04.070: CONDOMINIUMS.**

- A. Purpose: The purpose of this section is to set forth special provisions for property created or converted pursuant to the condominium property act, title 55, chapter 15, Idaho Code, as amended, revised or compiled. The provisions of this section are found necessary in order to provide for the public health, safety, and welfare of purchasers and residents of such condominiums.
- B. Preliminary Plat Procedure: The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities and open space. The commission and council shall act on the preliminary plat pursuant to subsections 16.04.030D and E of this chapter.
- C. Final Plat Procedure:
1. The final plat procedure contained in subsection 16.04.030G of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the 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 and zoning administrator.
  2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this code. Prior to final plat approval, the subdivider shall submit to the city a copy of the final bylaws and condominium declarations which shall be approved by the council and filed with the Blaine County recorder, including the instrument number(s) under which each document was recorded.
- D. Garage: All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.
- E. Storage Areas: Adequate interior storage space for personal property of the resident of each condominium unit.
- F. Maintenance Building: A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.



- G. Open Space: The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.
- H. General Applicability: All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions. (Ord. 1061 § 2, 2009: Ord. 902 § 1, 2002: Ord. 879 §§ 2, 3, 2001: Ord. 316 § 6, 1979)

**Section 8: AMENDMENTS TO SECTION 16.04.070: TOWNHOUSES.**

**SECTION 16.04.080: TOWNHOUSES.**

- A. Purpose: The purpose of this section is to set forth provisions for real property subdivided into townhouse sublots, such provisions found necessary in order to provide for the public health, safety and welfare of purchasers and residents of such townhouse developments.
- B. Townhouse Owners' Documents: The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.
- C. Preliminary Plat Procedure: Townhouse developments shall be administered consistent with the procedures and design and development regulations established in §16.04.030 and §16.04.040 and the standards of this subsection.
  - 1. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.
  - 2. The subdivider may apply for preliminary plat approval from the commission pursuant to subsection 16.04.030D of this chapter at the time application is made for design review approval pursuant to title 17, chapter 17.96 of this code. The commission may approve, deny or conditionally approve such preliminary plat upon consideration of the action taken on the application for design review of the project.
  - 3. The preliminary plat, other data, and the commission's findings may be transmitted to the council prior to commencement of construction of the project under a valid building permit issued by the City. The council shall act on the preliminary plat pursuant to subsection 16.04.030E and F of this chapter.

4. In the event a phased townhouse development project is proposed, after preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow §16.04.030.G and comply with the additional provisions of §16.04.110 of this code.

D. Final Plat Procedure:

1. The final plat procedure contained in subsection 16.04.030G of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the townhouse has received either:
  - a. A certificate of occupancy issued by the city of Ketchum for all structures in the townhouse development and completion of all design review elements as approved by the planning and zoning administrator; or
  - b. Signed council approval of a phased development project consistent with §16.04.110 herein.
2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this code.

E. Required Findings: In addition to all Townhouse Developments complying with the applicable provisions of Title 17 and this Subdivision Chapter (§16.04), the Administrator shall find that

1. All Townhouse Developments, including each individual subplot, shall not exceed the maximum building coverage requirements of the zoning district.
2. Garage: All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.
3. ~~F.~~ General Applicability: All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions. (Ord. 1061 § 3, 2009: Ord. 879 § 4, 2001: Ord. 460 § 2, 1987)

**Section 9: AMENDMENTS TO SECTION 16.04.080: MOBILE HOME SUBDIVISIONS.**

**SECTION 16.04.090: MOBILE HOME SUBDIVISIONS.**

- A. General: Mobile home subdivisions shall be treated the same as any residential subdivision subject to the requirements set forth in the zoning ordinance, building code, and any other statute, ordinance, or regulations of any governmental entity having jurisdiction.
- B. Requirements: Mobile home subdivisions shall also be subject to the following requirements:
  - 1. Such subdivisions may be submitted and reviewed as a planned unit development as set forth in this chapter.
  - 2. Such subdivisions shall be screened from adjacent areas other than subdivisions of the same type by an aesthetically acceptable fence and/or planting strip.
  - 3. Adequate provision shall be made for the maintenance of the subdivision.
  - 4. Side lot lines shall be within thirty degrees (30°) of right angle or radial line to the street line. (Ord. 316 § 7, 1979)

**Section 10: AMENDMENTS TO SECTION 16.04.090: PLANNED UNIT DEVELOPMENT (PUD).**

**SECTION 16.04.100: PLANNED UNIT DEVELOPMENT (PUD).** In addition to the requirements set forth in this chapter, a proposed planned unit development shall comply with the Ketchum planned unit development ordinance. (Ord. 383 § 1, 1983)

**Section 11: AMENDMENTS TO SECTION 16.04.100: PHASED DEVELOPMENT PROJECTS.**

**SECTION 16.04.110: PHASED DEVELOPMENT PROJECTS.**

- A. Compliance With Provisions: Any subdivider wishing to develop a subdivision (condominium, townhouses, land subdivision) or planned unit development over a series of years shall comply with the additional requirements and regulations set forth in this section. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner, including the extension of services and implementation of an interim landscaping plan for all future phases, and shall comply with all applicable zoning regulations.
- B. Development Plan: In addition to the preliminary plat, subdivision application and data, the subdivider shall submit to the administrator a development plan with a schedule for the entire project, containing all of the information required in subsection 16.04.030 of this chapter. The development plan, if approved, shall be the master plan for the entire project subject to modification by the subdivider through the same procedures as required for approval of the preliminary plat. Phased development projects or portions of phased development projects that have not received final plat approval are subject to additional regulations of subsequently adopted or amended ordinances and statutes. The approval of the development plan shall occur concurrently with preliminary plat approval. Final plat approval for each phase of a

built project, as evidenced by the receipt of a valid building permit and issuance of a certificate of occupancy, shall follow the procedures set forth in §16.04.110.D herein (below). The time limitations set forth in subsection 16.04.030I of this chapter shall apply to phased developments.

- C. **Planning And Zoning Commission Action:** Upon receipt of the preliminary plat, subdivision application, and application for a phased development project, the administrator shall place the same on the agenda of the next available regular meeting of the planning and zoning commission and give notice of a public hearing. The planning and zoning commission shall review the preliminary plat, subdivision application, phased development project and make such recommendations on the proposed project as required by the applicable design review ordinance(s) and all other applicable ordinances or portions. At the commission meeting where the public hearing is held, the commission shall take public comment, testimony from the subdivider and all interested parties, and review all information and data available to it. After review of the project, the commission shall make findings and recommendations.
- D. **Council Action:** The administrator, upon receiving the findings and recommendation of the commission, shall place the preliminary plat, subdivision application, development plan and schedule on the agenda of the next regular city council meeting. The council shall act on the preliminary plat, subdivision application, development plan and schedule pursuant to subsections 16.04.030 E of this chapter by reviewing the recommendations of the planning and zoning commission and all information and data contained in the file and shall approve, amend, or deny the application and development plan.
- E. **Preliminary Plats:** Concurrent with the approval of the development plan and schedule, the subdivider shall prepare a preliminary plat. The preliminary plat shall show each stage of the development in conformance with the approved development plan, including designation of future phases, sublots, and/or common areas. Upon approval of the preliminary plat, the subdivider may commence construction of the required improvements as provided in this chapter.
- F. **Required Improvements:** The city council may require that the subdivider install all or a portion of the required improvements for the entire project as set forth in the development plan. Such required improvements shall be constructed prior to approval of the final plat for any phase of the development. (Ord. 316 § 9, 1979)
- G. **Final Plat(s):** The final plat procedure for each phase of a phased development project shall follow §16.04.030.G.

**Section 12: AMENDMENTS TO SECTION 16.04.110: IMPACT STATEMENT.**

**SECTION 16.04.120: IMPACT STATEMENT.**

- A. **Impact Statement Required:** The subdivider proposing a subdivision of more than ten (10) lots or condominium units, or townhouses, or a planned unit development may be required by the commission or council to prepare an impact statement prior to approval of a preliminary

plat. The statement shall discuss the potential effects of the proposed development upon the city in terms of impact upon economics, public facilities or environment as set forth in this chapter.

B. Requirements: The impact statement shall include a study of the potential impact upon:

1. Sewer facilities.
2. Domestic water facilities.
3. Fire protection, including fire protection water supply.
4. Police protection.
5. Utilities.
6. Schools.
7. Roads and traffic.
8. Other public facilities.
9. Noise, water and air pollution.
10. Environmental impact, including impact upon vegetation, wildlife, and wildlife habitat, ground and surface water, and soil erosion.
11. Public transportation.
12. Public easements, created or threatened, and recreational availability.
13. Avalanche hazard and flood hazard.
14. Drainage.
15. Grading of slopes.
16. Adjacent properties and the neighborhoods.
17. Snow removal areas and services.
18. Designating and defining impact upon areas of historical significance.
19. Effects upon agriculture.

- C. Additional Requirements: The commission or council may reasonably require the impact statement to be extended to include other factors and criteria not listed above due to unusual characteristics of the land or character of the proposed development or improvements. Furthermore, the subdivider may be required to provide additional information and studies with regard to any of the factors or criteria required in the impact statement.
- D. Contiguous Or Adjacent Property: When an owner or subdivider owns or controls contiguous or adjacent land to that which he or she proposes to subdivide under the terms of this chapter, the commission or council may require that the contiguous or adjacent property be included in the subdivision or that a development plan for the entire tract be presented. Furthermore, the commission or council may require that the entire parcel or parcels of land be platted. (Ord. 316 § 10, 1979)

**Section 13: AMENDMENTS TO SECTION 16.04.120: WAIVER AND APPEALS.**

**SECTION 16.04.130: WAIVER AND APPEALS.**

- A. General Requirements: Waiver of any of the requirements of this chapter may be granted by the council on a case by case basis upon the recommendation of the commission. Application for such waiver(s) must be in writing and must show that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this chapter would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health and safety, nor injurious to property owners in the immediate area.
- B. Application For Waiver: Applications shall be made to the administrator in writing at the time of subdivision application. Such waiver, together with such related data and maps as are necessary to fully illustrate the relief sought, shall be filed at that time. Such application shall be processed and considered with the preliminary plat application.
- C. Appeals: Any interested party may appeal in writing the decision of the planning and zoning commission, planning administrator or building inspector relative to any matter(s) with regard to this chapter. Such appeals shall be filed in writing with the Ketchum city clerk within ten (10) days from the date of such decision. Such appeal shall state the exact decision or recommendation appealed and the reasons for appeal. If no appeal is filed within ten (10) days as provided in this subsection, the decision shall be final. (Ord. 316 § 11, 1979)

**Section 14: AMENDMENTS TO SECTION 16.04.130: FEES AND COSTS AND TIME PERIODS FOR APPROVAL.**

**SECTION 16.04.140: FEES AND COSTS AND TIME PERIODS FOR APPROVAL.**

- A. Fees And Costs: The subdivider shall pay to the city by depositing with the city administrator certain fees and costs. There shall be a preliminary plat application fee and a final plat application fee. Such fees shall be set by resolution of the city council.

B. Time Periods For Approval:

1. The planning and zoning commission shall have sixty (60) days to examine and consider all applications made pursuant to this chapter and to make its recommendations. Such sixty (60) day period shall commence upon the first meeting at which the commission considers such an application. If no recommendation is made within such period, the application shall be placed upon the appropriate agenda without recommendation.
2. The council shall have ninety (90) days to examine and consider all applications made pursuant to this chapter and make its finding(s) and/or decision(s).
3. The time periods set forth in this subsection may be extended for a reasonable period of time by the planning and zoning commission or council upon a finding that, due to the complexity of an application or changes made in an application during the review process, additional time to examine or consider same is reasonably required. (Ord. 316 § 12, 1979)

**Section 15: AMENDMENTS TO SECTION 16.04.140: ENFORCEMENT, VIOLATIONS AND PENALTIES.**

**SECTION 16.04.150: ENFORCEMENT, VIOLATIONS AND PENALTIES.**

- A. Investigations: It shall be the duty of the administrator and building inspector to investigate compliance with these regulations and to bring to the attention of the city council and the city attorney any violations of this chapter.
- B. Sale Of Portions Of Unsubdivided Property: No owner, or agent of the owner, shall transfer, sell, encumber by mortgage or deed of trust or offer to sell any portion of an unsubdivided parcel of real property before a final plat has been approved by the council and filed with the office of the Blaine County recorder as required by law.
- C. Sale Of Property By Metes And Bounds: The subdivision of any lot or of any parcel of land by the use of a metes and bounds description for the purpose of sale, transfer, encumbrance by mortgage or deed of trust, or lease shall not be permitted without the filing of a final plat as required in this chapter. All such divisions of land shall not be recognized by the city nor shall building permits be issued for any improvements until such subdivisions have received final plat approval and met all requirements of this chapter.
- D. Penalties: Any person, firm, association or corporation that fails to comply with or violates any of these regulations shall be subject to a fine not more than three hundred dollars (\$300.00) or imprisonment for a period not exceeding six (6) months, or both. Each day that such violation continues shall be considered a separate offense.
- E. Civil Enforcement: Appropriate actions and proceedings at law or in equity may be instituted by the city attorney to prevent or rectify illegal subdivisions, to recover damages, to restrain, correct or abate any violation, or to prevent illegal occupancy of a building, structure or

premises. These remedies shall be cumulative and in addition to the penalties described in this section.

- F. Conditions: Regulation of the subdivision of land and the attachment of reasonable conditions to such subdivisions is a proper exercise of valid police power granted to the city by article XII, section 2 of the Idaho constitution. The subdivider has the duty of compliance with reasonable conditions laid down by the council and commission for design, dedication, improvement and restrictive use of land so as to conform with the physical and economic development of the city and the safety and general welfare of future plot owners in such subdivision and the public at large. (Ord. 316 §§ 13, 14, 1979)

**Section 16. REPEALER CLAUSE.** All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

**Section 17. SAVINGS AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 18. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit B, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**Section 19. EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on this 7<sup>th</sup> day of October 2019.

APPROVED:

\_\_\_\_\_  
Neil Bradshaw, Mayor

ATTEST:

\_\_\_\_\_  
Robin Crotty, City Clerk



**PUBLICATION SUMMARY OF ORDINANCE NO. 1198**

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 16, CHAPTER 16.04, SUBDIVISION ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING: SECTION 16.04.010, GENERAL PROVISIONS; SECTION 16.04.020, DEFINITIONS; SECTION 16.04.030, PROCEDURE FOR SUBDIVISION APPROVAL, INCLUDING PUBLIC NOTICING REQUIREMENTS FOR PRELIMINARY AND FINAL PLAT, APPLICATION SUBMITTAL REQUIREMENTS, AND READJUSTMENT OF LOT LINES; SECTION 16.04.040, DEVELOPMENT AND DESIGN; SECTION 16.04.050, VACATIONS AND DEDICATIONS; NEW SECTION 16.04.060, READJUSTMENT OF LOT LINE PROCEDURES. A RE-NUMBERING OF SECTIONS 16.04.070 THROUGH 16.04.160 IS PROPOSED WITH THE PROPOSED ORDINANCE AMENDMENTS. THE NEW RE-NUMBERED SECTIONS OF THE SUBDIVISION ORDINANCE INCLUDE: SECTION 16.04.070 FOR CONDOMINIUMS; SECTION 16.04.080 FOR TOWNHOUSES, INCLUDING A MODIFICATION OF TOWNHOUSE PLAT PROCEDURES, ALLOWANCE FOR PHASED DEVELOPMENT PROJECTS AND STANDARDS; SECTION 16.04.090 FOR MOBILE HOME SUBDIVISIONS; SECTION 16.04.100 FOR PLANNED UNIT DEVELOPMENTS (PUD); SECTION 16.04.110 FOR PHASED DEVELOPMENT PROJECTS, INCLUDING A MODIFICATION OF PROCEDURES FOR DEVELOPMENT PLANS, COMMISSION AND COUNCIL ACTIONS; SECTION 16.04.120 FOR IMPACT STATEMENTS; 16.04.130 FOR WAIVERS AND APPEALS; 16.04.140 FOR FEES AND COSTS AND TIME PERIODS FOR APPROVAL; AND, SECTION 16.04.150 FOR ENFORCEMENT, VIOLATIONS AND PENALTIES.**

A summary of the principal provisions of Ordinance No. 1198 of the City of Ketchum, Blaine County, Idaho, adopted on October 7, 2019, is as follows:

- SECTION 1.** Clarifies that the ordinance applies to condominiums, townhomes, and planned unit developments and that the ordinance contains minimum standards, reserving the right for the city to impose more stringent standards in order to protect health, safety, and welfare.
- SECTION 2.** Amends and/or adds definitions for administrator, alley, block, building, common area, double frontage lot, dwelling unit, easement, flag lot, kitchen, limited common area, readjustment of lot lines, and townhouse unit.
- SECTION 3.** Modifies procedures for subdivision approval, including for phased developments and readjustment of lot lines.
- SECTION 4.** Amends subdivision design standards for corner lots in the Ketchum Townsite, the process for naming new streets, and provisions for dead end alleys.
- SECTION 5.** Existing code section 16.04.050 is readopted without changes.

- SECTION 6.** Creates a procedure and standards for readjustments of line lines.
- SECTION 7.** Repeals a prior requirement for storage of campers, boats, and trailers in condominium developments.
- SECTION 8.** Clarifies the process for phased townhouse developments clarifies that lot coverage of a sub-lot shall not exceed the maximum building coverage requirement for the zoning district.
- SECTION 9.** Renumbers prior section 16.040.80 to 16.040.090.
- SECTION 10.** Renumbers prior section 16.040.90 to 16.040.100.
- SECTION 11.** Clarifies condominiums, townhouses, and land subdivisions may be phased. Amends the process for development plans, making them concurrent with the Preliminary Plat. Clarifies that final plats for phased developments may be recorded in phases.
- SECTION 12.** Expands impact statements to include townhouse projects with ten or more units.
- SECTION 13.** Renumbers prior section 16.040.120 to 16.040.130.
- SECTION 14.** Renumbers prior section 16.040.130 to 16.040.140.
- SECTION 15.** Renumbers prior section 16.040.140 to 16.040.150.
- SECTION 16.** Provides a repealer clause.
- SECTION 17.** Provides a savings and severability clause.
- SECTION 18.** Provides for publication of this Ordinance by Summary.
- SECTION 18.** Provides an effective date.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:

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Neil Bradshaw, Mayor

ATTEST:

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Robin Crotty, City Clerk