



**CITY OF KETCHUM, IDAHO REGULAR CITY COUNCIL MEETING**

Monday, August 17, 2020, 4:00 PM

480 East Avenue, North, Ketchum, Idaho

## Agenda

Due to safety and COVID-19 physical distancing requirements, there will be limited public attendance at Ketchum City Council meetings. Members of the public may observe the meeting live on the City's website at <https://www.ketchumidaho.org/meetings> or observe the meeting live outside of the building.

If you would like to comment on a PUBLIC HEARING item, please submit your comment to [participate@ketchumidaho.org](mailto:participate@ketchumidaho.org) by noon the day of the meeting. Comments will be provided to the City Council.

If you would like to phone in and provide comment on a PUBLIC HEARING item on the agenda, please dial the number below. You will be called upon for comment during that agenda item.

If you would like to provide comment on a PUBLIC HEARING item on the agenda in person, you may speak to the Council when called upon but must leave the room after speaking and observe the meeting outside City Hall.

Dial-in: +1 253 215 8782

Meeting ID: 922 2050 9409

- CALL TO ORDER: By Mayor Neil Bradshaw
- ROLL CALL
- COMMUNICATIONS FROM MAYOR AND COUNCILORS
- CONSENT AGENDA: Note: **(ALL ACTION ITEMS)** The Council is asked to approve the following listed items by a single vote, except for any items that a Councilmember asks to be removed from the Consent Agenda and considered separately
  1. Approval of Minutes: Special Meeting July 29, 2020
  2. Approval of Minutes: Regular Meeting August 3, 2020
  3. Approval of Minutes: Special Meeting August 10, 2020
  4. Authorization and approval of the payroll register
  5. Authorization and approval of the disbursement of funds from the City's treasury for the payment of bills in the total sum of \$675,499.36 as presented by the Treasurer.
  6. Monthly Financial State of the City - Director of Finance & Internal Services Grant Gager
  7. Recommendation to approve Resolution 20-017 Wood River Valley Wildlife Smart Communities - Assistant City Administrator Lisa Enourato
  8. Recommendation to approve Resolution 20-018 relating to Surplus Property - Director of Finance & Internal Services Grant Gager
  9. Recommendation to approve Encroachment Agreement 20497 with Cox Communications at 215 Corrock Drive - City Administrator Suzanne Frick
  10. Recommendation to approve Encroachment Agreement 20486 with Century Link at 415 Spruce - City Administrator Suzanne Frick

- 11. Consideration of Contract 20499 with Syringa Networks - Director of Finance & Internal Services Grant Gager
- NEW BUSINESS (no public comment required)
  - 12. ACTION ITEM: Recommendation to approve funding for Bluebird Village community housing - Mayor Neil Bradshaw
  - 13. ACTION ITEM: Consideration and approval of park reservations - Assistant City Administrator Lisa Enourato
  - 14. Update on requests for restaurant outdoor seating in parking areas - City Administrator Suzanne Frick
- PUBLIC HEARING
  - 15. ACTION ITEM: Second Reading of Ordinance 1208, Annual Appropriations Ordinance - Mayor Neil Bradshaw
  - 16. ACTION ITEM: Recommendation to Approve Ordinance 1210 Amending the FY 20 Budget (Ordinance 1203) - Director of Finance & Internal Services Grant Gager
  - 17. ACTION ITEM: Appeal of the Planning and Zoning Commission decision on Zoning Administrator's Decision on 201 Garnet Street--City Administrator Suzanne Frick.
  - 18. ACTION ITEM: Consideration of North Pass Subdivision Preliminary Plat: 128 & 130 Short Swing Lane A & B (North Pass Condominiums No. 8: Units A & B) Townhouse Subdivision Preliminary Plat to convert an existing duplex containing two condominium units located at 128 and 130 Short Swing Lane within the City's General Residential Low Density (GR-L) Zoning District into two townhomes - City Administrator Suzanne Frick
  - 19. ACTION ITEM: Recommendation to consider a Lot Line Shift at 3020 Warm Spring Road, Waddell/Rousch Duplex. The Council will consider and take action on a Lot Line Shift application to remove an existing duplex's building footprint from the Wills Condominium No. 2 Subdivision Plat located at 3020 Warm Springs Road within the City's General Residential Low Density (GR-L) Zoning District. The existing building will be demolished, and the property will be developed with a new duplex and associated site improvements.--City Administrator Suzanne Frick
  - 20. ACTION ITEM: Consideration of a Townhouse Subdivision Preliminary Plat and Phasing Plan Agreement Application for West Ketchum Residences, LLC at 150 Bird Drive (Lot 5AA, Bavarian Village Sub) - City Administrator Suzanne Frick
- ADJOURNMENT

If you need special accommodations, please contact the City of Ketchum in advance of the meeting.

This agenda is subject to revisions and additions. Revised portions of the agenda are underlined in bold.

Public information on agenda items is available in the Clerk's Office located at 480 East Ave. N. in Ketchum or by calling 726-3841.

Visit [ketchumidaho.org](http://ketchumidaho.org) and sign up for notifications on agendas, meeting packets, dates and more.

Like us on [Facebook](https://www.facebook.com/cityofketchum) and follow us on [Twitter](https://twitter.com/cityofketchum).

Thank you for your participation.

We look forward to hearing from you



**CITY OF KETCHUM, IDAHO SPECIAL CITY COUNCIL MEETING**  
**Wednesday, July 29, 2020, 4:00 PM**  
**480 East Avenue, North, Ketchum, Idaho**

**Minutes**

**In recognition of the Coronavirus (COVID-19), members of the public may observe the meeting live on the City's website at [ketchumidaho.org/meetings](http://ketchumidaho.org/meetings). If you would like to comment on an agenda item, please submit your comment to [participate@ketchumidaho.org](mailto:participate@ketchumidaho.org) by noon the day of the meeting. Comments will be provided to the City Council.**

- CALL TO ORDER: By Mayor Neil Bradshaw

Mayor Neil Bradshaw called the meeting to order at 4 p.m.

- ROLL CALL

PRESENT

Mayor Neil Bradshaw  
Council President Amanda Breen  
Councilor Michael David  
Councilor Courtney Hamilton  
Councilor Jim Slanetz

ALSO PRESENT

City Administrator Suzanne Frick  
Director of Finance & Internal Services Grant Gager  
Katrin Sharp

- COMMUNICATIONS FROM MAYOR AND COUNCILORS

Councilor Michael David advised that there has been a lot of coverage and exposure regarding the 4<sup>th</sup> street closure. Although there has been a lot of negatives, he wanted it noted that he has received a lot of positives as well.

Council President Amanda Breen said there has been a lot of comments regarding 4<sup>th</sup> street and requested this be put as a discussion item in a future council agenda. Mayor Neil Bradshaw advised that there will be an open house in the next few weeks, and he will place this on the next agenda for discussion. Amanda Breen also stated why she is attending council and KURA meetings by zoom. She is pleased with the democratic system, however, voiced concerns about the mask order passed on July 6th. She talked about the particulars of the health order and about the support of masks throughout the community. She believes as elected officials they should be setting an example. Amanda Breen stated that our Mayor and City Administrator have stated we do not have to wear a mask in the council chambers for a public meeting when there is no public hearing. No matter how many doors and windows are open it is not a safe place for

our employees or our public. She requested that councilors wear masks at all public meetings regardless of legal wording of the health order.

Mayor Neil Bradshaw clarified saying that if it is a public meeting and public is in the room, masks will be worn. He advised that whenever he is in a meeting and it is requested, he wears a mask. He talked about the protocol of all meetings he has attended. Safety is extremely important. He will wear a mask whenever it is required or requested. He advised that he will wear a mask at the next meeting if that is what the councilors request. Amanda Breen would like this to be a policy and not have to be requested. Mayor Bradshaw values councilors' input and perspective. He complimented the community on their vigilance. He advised that there has been a donation of 3000 masks for the public.

Councilor Courtney Hamilton agrees with Council President Amanda and council should be setting a good example. She stressed mask wearing in city hall and talked about the health order in place stating we need to adhere to it. All employees should be wearing masks in city hall. We need to demonstrate that we know what it is like to wear a mask and it's the least we can do. Mayor Bradshaw asked if additional changes need to be made to the Order or if we just need to make policy changes in city hall. Courtney Hamilton voiced her support of city hall setting an example and no need to change the health order at this time. Courtney Hamilton then talked about 4th street signage needing to be changed to pedestrian traffic. Mayor Neil Bradshaw advised that the signage will be changed.

- CONSENT AGENDA: Note: **(ALL ACTION ITEMS)** The Council is asked to approve the following listed items by a single vote, except for any items that a Council member asks to be removed from the Consent Agenda and considered separately.
  1. Recommendation to approve Annual Alcohol License - Director of Finance & Internal Services Grant Gager.

**Motion to approve the consent agenda**

***Motion made by Councilor Hamilton, Seconded by Councilor Slanetz.***

***Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz***

- NEW BUSINESS (no public comment required)
  2. Overview of financial status of FY 19/20 year to date - Director of Finance & Internal Services Grant Gager.

Mayor Neil Bradshaw asked Director of Finance & Internal Services Grant Gager to give an update on FY 19/20. He clarified that this is an introduction to the budget. Grant Gager showed a power point with the FY 20 Forecast of General Fund Revenues. He advised that their expectation has come to fruition. He displayed the General Fund Revenues and explained each line item. Council President Amanda Breen asked why we think the numbers will be down with all the buying and home remodels going on. City Administrator Suzanne Frick explained that we have not seen revenue from remodels or additions at this time. We may see them in the fall or spring. Grant Gager explained that we do earn revenue from remodels and additions, however, not nearly what we would earn from new construction. Councilor Jim Slanetz questioned property tax revenue and why that is down? Grant Gager explained that it may be that some people might not have been able to make their tax payment, but he expects we will receive that in back payments. Courtney Hamilton asked if we had a strange year of mixed-use fees for

construction. Suzanne Frick explained that we have not seen the mixed use on the building permit side yet and they may not move forward depending on the economic climate.

Director of Finance & Internal Services Grant Gager talked about the General Fund Expenditures and explained each Department line item on the power point. He explained that this is the most likely forecast and believes we will have a balanced budget. Grant Gager went on to explain the Original LOT Collection by month. His forecast is that we will be somewhat close to last year's collections. Councilor Michael David asked where the biggest decreases are happening in LOT collection. Grant Gager gave the background saying the city follows the 80/20 rule which means that 80% of the revenue is derived from 20% of the taxpayers. That translated to 75 businesses generating 80% of our revenue. He went over the categories explaining that restaurants, alcohol by the drink, construction, and retail have started to go up in June. Most of the businesses have had a worse June in 2020 than they did in 2019. There are clear winners and losers in each category. Councilor Courtney Hamilton requested the slides be sent to council.

### 3. Overview of FY 20/21 Draft Budget—Mayor Neil Bradshaw

Mayor Neil Bradshaw read aloud the Executive Summary in the draft budget document. He went over the proposed budget overview, saying the proposed budget is \$33,622,794, The general Fund is \$10,317,770 and Capital expense total is \$13,582,980. He went over the highlights and visions for the city and showed a power point. The Mayor talked about the proposed general fund revenues, the general fund expenditures, and the decrease in funding for each department. He showed LOT Fund Revenue forecast saying it is 34% lower than the FY 20 Budget. He highlighted the capital infrastructure projects as well as technology updates.

Council President Amanda Breen requested the slides. She would like more analysis of the 34% down in LOT at the next meeting. She does not think that the rest of the county is forecasting that much of a dip. Mayor Neil Bradshaw talked about the other cities and what they are projecting. Amanda Breen would like a better discussion on Monday.

Councilor Courtney Hamilton has struggled with the transparency of the budget process. She feels there was very little input in the budget and is very frustrated. She wants to know how everything went last year and what we can do better stating we owe our community to look at this deeper. Courtney Hamilton said that she is concerned that staff is not allowed to talk to her about the budget without the Mayor being present. She would also like to talk about our staff being involved in the budget process. She wants more analysis to show why there is staffing changes, and voiced concerns about cutting marketing and BCHA. She is frustrated by the lack of transparency in the process and would like it to be better for her to believe in it.

Councilor Jim Slanetz agrees with Councilor Courtney Hamilton and would like to build the budget from the bottom up rather than the top down. He would like more council input along the way. He is unsure about cutting Marketing 100% and would like to talk about staffing and how we got here. Council President Amanda Breen advised that in the past we had budget workshops. Mayor Neil Bradshaw stated that they did not work very well in the past. He talked about the struggles of this year's budget process due to COVID-19 and advised he is open to suggestions from council on how to re-craft it. Courtney Hamilton would like to hear a progress report from department heads not the Mayor. She also wants to know how this budget is working toward the comprehensive plan as well as hearing from the outside organizations. Council President Amanda Breen would also like to hear from the business

community. She would like to know if these projections are reasonable and if they agree with the budget. Mayor Neil Bradshaw advised that he has already talked to the outside organizations as well as the businesses, but if the council would like to talk to them, he will make that happen.

Council and Mayor deliberated about how to move forward with this process. Councilor Michael David thinks we should bring people in. He talked about the zero-based budget that was done in the past and should be considered again in years to come. He talked about the unknown due to COVID-19 and would like to know more about the Sun Valley Company's operations and how they are moving forward next year.

Mayor Neil Bradshaw talked about the cut to Visit Sun Valley and asked if the council agrees with the cuts to keep the funding in Infrastructure, or if the council would like more money to put to marketing. Councilor Courtney Hamilton said she would like to create a viable and long-term budget and would like to maintain the basic services. She fears by not funding businesses and the housing authority, we will encounter social problems in our community. She would like to hear from the groups to find out what will happen to them with this cut in funding. She does not want our town to become a ghost town. Mayor Neil Bradshaw talked about the conversation from last year's budget process where they talked about reducing marketing funding and directing Visit Sun Valley to work on other funding sources.

Councilor Courtney Hamilton would like to get a unified perspective from the organizations and staff, so she understands the pros and cons. Council President Amanda Breen is not comfortable accepting the Mayor or staff's budget until she hears from the other organizations stating, "This is an elimination of the marketing budget, not a reduction." This would be unprecedented for a resort town to do that. Visit Sun Valley did not know until recently that their budget was eliminated.

Mayor Neil Bradshaw advised he has been talking to the co-chairs and they have known about this for a few weeks. Mayor Bradshaw explained that he does not feel it is an elimination of funding. In March, COVID-19 hit, and he had a conversation with Visit Sun Valley about continuing to fund as budgeted or save that funding for the future. It was discussed that money would be tight next year and they needed to save it for next year. Mayor Bradshaw advised more discussion will be had regarding Visit Sun Valley.

Councilor Jim Slanetz advised that he may be in agreement with the cut to Visit Sun Valley at this time. He questioned how many people do we want here? Do we want to keep it a better experience for those who are here?

Councilor Michael David agrees with Councilor Jim Slanetz. He also talked about the internet loads, what they can handle, and about visitors draining our resources. All these things need to be a part of the conversation. He hopes the current situation does not last forever but it could go on for a long time. While preparing for the future we need to keep our economic and health side of things up front. Michael David talked about Mountain Rides and them securing other funding, but for the council to keep in mind that in 3 or 4 years we will need to provide mountain rides with \$700,000 for them to continue.

Mayor Neil Bradshaw will be hearing from Visit Sun Valley tomorrow regarding getting other revenue sources to fund their operations. 1% For Air has some room for flexibility. He will know more after tomorrow's meeting.

Council President Amanda Breen talked about city staffing. She questioned if staffing positions need to be discussed? Lots of other cities and counties have made staffing changes, and we may need to look at this as well. The mayor talked about staff stating that he is in favor of keeping positions. He will present something on Monday to show staffing levels.

Councilor Michael David asked about the Sun Valley Company's plan for winter? Mayor Neil Bradshaw does not want to speak for them but will try to get some information on regarding them opening the mountain.

Mayor Neil Bradshaw recognized this is a hard year and a hard process to go through. He thanked council for respecting other views. He looks forward to bringing a budget forth that they are all proud of.

**Motion to adjourn**

***Motion made by Council President Breen, Seconded by Councilor Hamilton.***

***Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz***

- ADJOURNMENT

---

Neil Bradshaw, Mayor

---

Robin Crotty, City Clerk



**CITY OF KETCHUM, IDAHO CITY COUNCIL MEETING**  
**Monday, August 03, 2020, 4:00 PM**  
**480 East Avenue, North, Ketchum, Idaho**

**Minutes**

**Due to safety and COVID-19 physical distancing requirements, there will be limited public attendance at Ketchum City Council meetings. Members of the public may observe the meeting live on the City's website at <https://www.ketchumidaho.org/meetings> or observe the meeting live outside of the building.**

**If you would like to comment on a PUBLIC HEARING item, please submit your comment to [participate@ketchumidaho.org](mailto:participate@ketchumidaho.org) by noon the day of the meeting. Comments will be provided to the City Council.**

**If you would like to phone in and provide comment on a PUBLIC HEARING item on the agenda, please dial the number below. You will be called upon for comment during that agenda item**

**If you would like to provide comment on a PUBLIC HEARING item on the agenda in person, you may speak to the Council when called upon but must leave the room after speaking and observe the meeting outside City Hall.**

**Dial-in: +1 253 215 8782**  
**Meeting ID: 982 1820 1563**

- **CALL TO ORDER:** By Mayor Neil Bradshaw

Mayor Neil Bradshaw called the meeting to order at 4:00 p.m.

- **ROLL CALL**

**PRESENT**

Mayor Neil Bradshaw  
Council President Amanda Breen  
Councilor Michael David  
Councilor Courtney Hamilton  
Councilor Jim Slanetz

**ALSO PRESENT**

City Administrator Suzanne Frick  
Director of Finance & Internal Services Grant Gager  
Fire Chief Bill McLaughlin  
Director of Recreation John Kearney  
Street Superintendent Brian Christiansen  
Facilities Maintenance Supervisor Juerg Stauffacher  
Water Superintendent Pat Cooley  
Wastewater Superintendent Mick Mummert

- **COMMUNICATIONS FROM MAYOR AND COUNCILORS**



Councilor Courtney Hamilton and Council President Amanda Breen met with Will Fruehling & Steve Harkins regarding training and protocols for Blaine County. Courtney Hamilton gave data regarding the number of arrests, how many required force, instances where tasers were used and advised that no firearms were discharged since 2003. She advised that training of police officers has doubled since Steve Harkins took over. She advised that Steve Harkins did not feel there was any discrimination in the department, and talked about how they handle people who do not speak English and advised that they do not report Hispanics to ICE. Ketchum has similar call levels to the county. Ketchum will have 8 officers with the cut that is proposed in the current budget.

Council President Amanda Breen advised the meeting was interesting and they learned a lot. She would still like to have that meeting in public. She feels the stats are important to be heard directly from the Sheriff.

Mayor Neil Bradshaw asked the public to be sure they are putting out their campfires. Concrete is soon to be poured at the fire station. The chip sealing on Warm Springs Rd is under way. He encouraged all to be patient.

- **CONSENT AGENDA:** Note: **(ALL ACTION ITEMS)** The Council is asked to approve the following listed items by a single vote, except for any items that a Councilmember asks to be removed from the Consent Agenda and considered separately.

1. Approval of Minutes: Regular Meeting July 20, 2020
2. Authorization and approval of the payroll register
3. Authorization and approval of the disbursement of funds from the City's treasury for the payment of bills in the total sum of \$755,776.75 as presented by the Treasurer

Councilor Jim Slanetz questioned the charge for City wide concrete work for Allen Construction. Mayor Neil Bradshaw advised they were sidewalk repairs around town. City Administrator Suzanne Frick advised they would be installing ramps for ADA parking. Councilor Courtney Hamilton questioned tree replacement at The Village Market. Facilities Maintenance Director Juerg Stauffacher advised that several trees died this year and this charge is for removal of the tree, electrical repair, and sprinkler repair.

4. Recommendation to approve Purchase Order 20496 with Banyon Technology to upgrade equipment for well site - Water Superintendent Pat Cooley
5. Recommendation to approve Encroachment Agreement 20493 with Idaho Power at 314 Broadway
6. Recommendation to approve Encroachment Agreement 20492 with Idaho Power at 215 Corrock Drive
7. Recommendation to approve Encroachment Agreement 20487 with Century Link at 101 Lewis Street
8. Recommendation to approve Encroachment Agreement 20495 with Cox Communications at Spruce and Sun Valley Road

Councilor Courtney Hamilton questioned the Idaho Power contract and if this will be a problem if the City decides to put sidewalks in that area in the future. City Administrator Suzanne Frick explained that is the reason for the encroachment agreement.

#### **Motion to approve items 5 & 6**

***Motion made by Councilor Hamilton; Seconded by Council President Breen.***

***Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz***

**Motion to approve 1-4 and 7 &8**

***Motion made by Council President Breen Seconded by Councilor Jim Slanetz.***

***Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz***

- NEW BUSINESS (no public comment required)
9. ACTION ITEM: Discussion on the closure of Fourth Street

Mayor Neil Bradshaw advised that there are currently several claims against the city regarding a temporary closure of 4<sup>th</sup> St. Mayor Bradshaw outlined the options before the council and asked them for their comments.

Councilor Michael David is in favor of the closure and talked about public comments received and said this is a wonderful and safe option for the public. He sees great use of the area and it has proven to be the safest place for bikes and pedestrians in our community. He would like to leave it as it is until Labor Day and then re-evaluate. He talked about shortening the closure to the alleys as a potential alteration at this point.

Councilor Jim Slanetz agrees with Councilor Michael David. He said that businesses are speaking louder than the public. He likes the current approach and talked about possibly adding parking to Atkinsons and how it would help the flow. He is not opposed to opening the section from East Ave. to Walnut.

Council President Amanda Breen is torn on this topic. Her office is right by the Goldmine Consignment Store and she really likes the bike and pedestrian safety. She talked positively about the closure by the bollards explaining that the area feels safer and cars are moving slower. Amanda Breen voiced concern over Councilor Michael David's suggestion regarding opening the alleys stating, the alleys might become a bigger problem. She has taken the comments the businesses have made seriously. She is in favor of keeping bikers and pedestrians safe and is in favor of opening the street from East to Walnut, and keeping the other block closed.

Councilor Courtney Hamilton agrees with all that has been said. This is a great corridor for pedestrians. She agrees with Council President Amanda Breen on the East Avenue intersection and does not know if it will remain safe if we were to open East to Walnut. The calmer traffic has made a big difference. Courtney Hamilton understands that businesses are concerned and the last thing she wants to see is a business go under regardless if it is the street closures fault or not. She believes the corridor is getting greatly used and is a great asset. She suggested making the street one way and putting in a bike path.

Councilor Michael David agrees with all the intersections being much safer stating that the closure is pulling people off Sun Valley Road and getting them into town. He takes the comments of the businesses very seriously as well. He stated that we are in COVID right now and these are unprecedented times. He does not want to back track every time somebody files a claim against us.

Mayor Neil Bradshaw clarified that we have only received a Notice of Tort Claim and advised better signs are going up. He is in communication with Atkinsons. He talked about the data that supports the fact that foot traffic is better for the businesses and advised that this is a test and is ok with opening from

East to Walnut and continue the test. Mayor Neil Bradshaw advised that he is in favor of closing all of 4th in the future, which is in the Comprehensive plan. He asked council how they would like to move forward at this time. Mayor and council deliberated.

Mayor Neil Bradshaw advised that the City would open the section from East to Walnut. This will be discussed again at the next council meeting. There will be an open house in town square in the future to get people's feedback.

10. ACTION ITEM: Discussion of requiring city employees to wear masks in city workplace and mask protocols for public meetings in the City Council Chambers

Mayor Neil Bradshaw advised that going forward, all meetings in the council chambers will require masks. He talked about Ketchum always having been pro-mask and about all the city has done to keep the employees and the public safe. He hopes this clarification has made the council more comfortable.

Councilor Michael David advised that he agrees.

Councilor Amanda Breen agrees stating that this shows respect for everybody and talked about the safety of the staff. She advised that staff should be using their own judgement when at their desks and distanced.

Councilor Courtney Hamilton appreciates the effort to make this happen. She would like all people to have to wear masks when in any room in City Hall with any other person. She stated the building is not ventilated well and everybody should be respected.

Councilor Jim Slanetz talked about letting common sense prevail. He thinks we are setting a double standard by making this law stating it is hypocritical if we go out to dinner after a public meeting. He talked about employee standards and questioned if we are setting this law for every business in Ketchum.

Mayor Neil Bradshaw asked for more comments. There were none.

11. ACTION ITEM: Recommendation to provide direction and approval on Encroachment Agreement 20494 with Idaho Power at 760 Washington Avenue--City Administrator Suzanne Frick

This item has been moved to the end of the agenda for discussion.

Mayor Neil Bradshaw explained the project and explained that some people in the alley are willing to pay for the undergrounding and some are not causing some lines to be above ground and some underground. City Administrator Suzanne Frick questioned if we should approve the encroachment agreement as well as approve the lines be above and below ground on public property? She also questioned if want to approve the funding? The location of the wires and the poles were discussed. Councilor Michael David would like a new application from the applicant. Council President Amanda Breen agrees. Councilor Jim Slanetz does not think the city should fill the gap.

This discussion will be continued to Monday August 10, 2020, agenda.

- PUBLIC HEARING

12. ACTION ITEM: Recommendation to adopt Resolution 20-019 Adopting the Mayor's Proposed Budget as the Preliminary Budget - Director of Finance & Internal Services Grant Gager
13. ACTION ITEM: First Reading of Ordinance No. 1208, Annual Appropriations Ordinance - Mayor Neil Bradshaw

Director of Finance & Internal Services Grant Gager went over the summary slide that showed the Revenue and Expenditures and explained the current proposed loss of revenue with cost savings.

Director of Finance & Internal Services Grant Gager advised he will focus on how he come up with the LOT forecast. He went over the 2020 LOT revenues, the proposed Lot fund revenues and presented the past and forecasted future. He went over the methodologies used in forecasting these numbers and talked about where we fall in line with other cities. Grant Gager showed a COVID heat map and talked about how cold and flu season is affecting COVID19. He went over the different scenarios and the forecasted LOT Revenue for each scenario as well as the LOT discretionary spending analysis by month from October thru the forecast for the rest of FY20. He went over the Subsistence and Discretionary line items and asked council for questions regarding the methodology used.

Council President Amanda Breen and Councilor Michael David talked about the City being completely shut down again in the future and how that would affect the budget. Director of Finance & Internal Services Grant Gager talked about the supply and demand side and the fact that we could get to a very scary side of things in a hurry. The J1 Visa program was discussed. Grant Gager went over how we compare to some of our peers and showed a slide that compares us to resorts around the county as well as other compatible cities in Idaho, Wyoming, Utah and California. He is forecasting an average budgeted sales tax decrease of 34%.

Director of Finance & Internal Services Grant Gager showed a staffing comparisons slide. He went over the analysis showing the staff levels compared to Telluride and Taos saying those two cities match the City of Ketchum the best.

Mayor Neil Bradshaw outlined what the department directors will be covering in the next presentation.

Director of Finance & Internal Services Grant Gager went over the Administrative Services Department overview slide and talked about the proposed budget highlights and what changed with this year proposed budget. Grant Gager talked about the City Clerk roll and where they anticipate it going in the future as well as IT upgrades and changes.

Fire and Rescue Department was presented by Fire Chief Bill McLaughlin. He went over the unfulfilled requests. He would eventually like to talk about the level of service and develop the budget around that, however, this is not the year to do that. Councilor Courtney Hamilton talked about a 3% increase for the volunteers last year that never came to fruition. Chief McLaughlin explained that was before he started and talked about the importance of our volunteers. Courtney Hamilton would like this looked at next year. Chief McLaughlin talked about the expenses the department incurred during COVID. Mayor Bradshaw thanked Bill McLaughlin for his leadership during this pandemic. Courtney Hamilton asked if were getting Cares Act funding for expenses. Director of Finance & Internal Services Grant Gager explained that Ketchum is pursuing Cares Act funding and went on to explain what is eligible for refund and what was not. The first submission for reimbursement will happen next week. We will also be

tapping into FEMA reimbursement expenses that are over and above the Cares Act. These funds will come into this year's budget. This will be factored into the fund balance for next year.

Law Enforcement Department overview was presented by Director of Finance & Internal Services Grant Gager. He talked about the unfulfilled requests. Staffing was discussed. Councilor Courtney Hamilton questioned where the line item for law enforcement professional services go. Grant Gager advised it goes to the Idaho State Police.

Recreation Department was presented by John Kearney. He went over his power point and talked about his requests and praised his staff for their dedication to the children and department. Mayor Bradshaw thanked John Kearney and his staff for all their efforts. Council President Amanda Breen asked how they are moving forward with the after-school program. John Kearney outlined what the tentative plan is depending on what the school district decides. Councilor Courtney Hamilton asked about the unfunded Passenger Van. John Kearney explained that that the purchase could hold off. The trust account was discussed. Director of Finance & Internal Services Grant Gager clarified that the proposed budget packet, shows the park capital improvement funds and noted that all donated funds are tracked in separate trust funds.

Planning & Building Department Overview was presented by City Administrator Suzanne Frick. She went over the proposed budget highlights and explained the reductions proposed. Councilor Courtney Hamilton would like to address zoning amendments stating, this is urgent. Suzanne Frick talked about aligning the zoning code with the comprehensive plan. She would like to take a holistic review of the code to align with the ordinance. Courtney Hamilton asked about the decrease in projected revenue and decrease in DBS. Director of Finance & Internal Services Grant Gager explained that DBS is paid on a sliding scale.

Street Department overview was presented by Street and Facility Maintenance Director Brian Christiansen. He advised that the budget is very similar to last year. He went over the adopted and proposed budgets and the CIP items. He talked about staffing levels and part time employees. Brian Christiansen stated that there are no operational changes in the Department. The chip seal schedule was discussed.

Facilities Maintenance Department overview was presented by Facilities Maintenance Supervisor Juerg Stauffacher. He advised the council of the unfulfilled requests and advised that he would need guidance from the council on how they want to move forward with projects. He talked about the importance of the irrigation upgrades. Mayor Neil Bradshaw thanked Juerg Stauffacher for all he has done with the limited budget he has had to work with. Councilor Courtney Hamilton asked about the irrigation upgrades. It was clarified that \$25,000 is budgeted.

Water Fund Expenditures were presented by Water Superintendent Pat Cooley. He talked about the adopted FY 20 budget in comparison to the FY 21 proposed budgets. He went over the CIP Items and the proposed FY 21 costs as well as the unfulfilled requests. Mayor Neil Bradshaw thanked Pat Cooley for his leadership in Ketchum and his work on the Ketchum Springs Line.

Wastewater Fund Expenditures were presented by Wastewater Division Supervisor Mick Mummert, He stated that most of his budget requests have been met. He advised that his main objective for the year is for a new Facility Plan. He went over his unfulfilled requests. Mayor Neil Bradshaw thanked Mick Mummert for his leadership in the Headworks Project. Mick Mummert explained that he is monitoring

wastewater and its relationship to COVID. How expenses are shared with the Sun Valley Water Sewer District was discussed. Councilor Michael David questioned the flow when everybody was home with COVID. Mick Mummert explained that he did not see a change in the flow. They normally see more of a change in flow rates due to weather.

Mayor Neil Bradshaw called for a 3-minute break.

Diann Craven and Candace Pate presented for Visit Sun Valley. Diann Craven went over their purpose statement and emphasized sustainable tourism. Candace Pate advised that they are asking for \$110,000. Diann Craven talked about the recent impacts and what Visit Sun Valley is focusing on. Candace Pate talked about how they will be moving forward and advised that if Ketchum gives zero, it will hurt the collaboration with all the cities. Diann Craven talked about what is at stake and what the opportunities are that they will be focusing on. Candace Pate said that not promoting tourism will be a mistake for the success of our town. Mayor Neil Bradshaw thanked them for their professionalism and complimented them on their leadership and hard work. Council President Amanda Breen asked them why we want tourists here in the wake of COVID19? Candace Pate talked about our capacity for fall and winter, saying we need to keep our name out there. Diann Craven talked about tourism dropping off and people going back to where they came from. Amanda Breen questioned what our competitors are doing about promoting their area? Candace Pate and Diann Craven advised that Scott Fortner will be at the next meeting with more information. Mayor Neil Bradshaw thanked them for presenting.

BCHA Executive Director Nathan Harvill presented a Power Point that went over the Median Income for Blaine County as well as Statewide. He talked about Ketchum's housing purchase price versus the median market price. BCHA has 61 community housing units within Ketchum. Nathan Harvill touched on BCHA's request for funding which is \$75,000 for FY 2021. He then went over what that funding would support and talked about BCHA's anticipation of a 15% funding shortfall and how they would handle that shortfall. Mayor Neil Bradshaw asked Nathan Harvill if the \$50,000 proposed in the budget would be sufficient. Nathan Harvill advised \$50,000 would be tight. He went over what the other cities are giving. Councilor Jim Slanetz questioned if cash is generated from the Lift Tower Lodge. Nathan Harvill advised they do get income when renters are there. Mayor Neil Bradshaw thanked Nathan Harvill for his presentation.

KSAC - Sharon Grant presented the committees views for the budget. She went over the Energy Goals from 2015-2030, water goals from 2022-2030 and Waste Goals from 2022-2025. Sharon Grant went over Energy Progress as well as Waste Progress. She talked about the communication and outreach efforts they have worked on and went on to talk about continuing sustainability momentum which is outlined in her power point. She talked about the funding requested to complete the continuing sustainability momentum. Mayor Neil Bradshaw thanked her for her presentation and leadership. Mayor Neil Bradshaw explained what is currently in the proposed budget. Councilor Courtney Hamilton asked about upgrades that could be funded with \$10,000. Sharon Grant outlined a few options and said she would like to focus on the new city hall as well as the new fire station.

Mountain Rides Executive Director Wally Morgus started his presentation by thanking the council for their support. He went over the shared mission of the City of Ketchum and Mountain Rides and talked about what they do for the community, as well as the environment. He went over Mountain Rides infrastructure and talked about their economic goals and their accountability. Wally Morgus went onto talk about the FY funding request being \$469,000 and where they are getting their other funding from. He talked about operations going back to pre COVID19 for FY 2021 as well as talked about the Capital

needs and the challenges they have in front of them in FY 2021. Mayor Neil Bradshaw thanked Wally Morgus for maintaining their ridership levels during this pandemic and voiced his support of the electric busses and all Mountain Rides is doing. Councilor Michael David asked what the future is for the Cares Act money? Wally Morgus gave the background and explained how the funding will be spread over a couple of years. In 3 years from now Mountain Rides will be looking for a substantial leap back to \$700,000 contribution for funding. Michael David asked if fare free will continue thru the winter. Wally Morgus explained that the Cares Act has provided for that into the foreseeable future.

Executive Director Harry Griffith, presenting for SVED, stated their request is for \$9,000. He had a presentation that showed the good news and the bad news and stated that they have been busier than they have even been. He talked about SVED FY21 Activities and Ketchum's Relevant Goals. Mayor Neil Bradshaw thanked Harry Griffith for his presentation.

Mayor Neil Bradshaw asked for public comment on items 12 & 13. There is nobody on the line and nobody out front. Public comment is closed at this time. The public will be able to comment again at the next meeting.

Mayor Neil Bradshaw opened the meeting for council deliberation. He talked about his budget proposal and clarified the Comprehensive Plan and how it works as a guiding tool. He stated that it is a very useful plan, but it is not a budgeting document. He understands that this needs to be revisited. He talked about revenue, staffing and marketing as well as the reduced revenues and the forecast. He talked about projections and spending and the possible recession that can follow COVID 19. Mayor Bradshaw advised that he wants to keep staff. Mayor Neil Bradshaw clarified that staff could meet with council; however, staff takes direction from the department heads, not the council and he explained the chain of command. He proposed that Councilors and Mayor forego their salary and benefits rather than cut any employees. He talked about holding off on funding marketing and continue to fund city services. Mayor Bradshaw talked about Baldy opening and how that affects our community. Emergency Services should stay untouched. He would like to talk about the revenue forecast then a marketing discussion and what we want to fund and then the staffing discussion. Mayor Bradshaw asked council if this conversation should continue this evening or continue to next Monday and hold a special meeting? Mayor Bradshaw does not want the council to be under any kind of pressure.

Councilor Courtney Hamilton talked about the comp plan and what it means and said the council should be looking at this more for guidance. Courtney Hamilton advised that she is very thankful for staff and would like staff to be more empowered. She wants staff more involved and would like it to be a more transparent place to work to avoid turnover.

Council President Amanda Breen would like to table the discussion for the evening. Mayor Neil Bradshaw advised that they could reconvene next Monday, August 10<sup>th</sup> at 4:00 pm.

Director of Finance & Internal Services Grant Gager explained that the Resolution in the packet is to adopt a preliminary budget and is required by state statute. Council may continue to make changes to the budget. He then explained the budget process and reporting deadlines.

**Motion to continue items 12 & 13 to next Monday at 4pm.**

***Motion made by Councilor David, Seconded by Council President Breen.  
Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz***

- ADJOURNMENT

Councilor Courtney Hamilton thanked all for making this meeting happen.

**Motion to adjourn at 8:45 p.m.**

***Motion made by Council President Breen, Seconded by Councilor Slanetz.  
Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz***

---

Neil Bradshaw, Mayor

---

Robin Crotty, City Clerk





**CITY OF KETCHUM, IDAHO SPECIAL CITY COUNCIL MEETING**  
**Monday, August 10, 2020, 4:00 PM**  
**480 East Avenue, North, Ketchum, Idaho**

**Minutes**

**To ensure physical distancing, public attendance at Council meetings is limited. Members of the public may observe the Council meeting live on the City's website at [ketchumidaho.org/meetings](http://ketchumidaho.org/meetings) or watch the meeting outside the Council Chambers**

**If you would like to comment on an agenda item, please submit your comment to [participate@ketchumidaho.org](mailto:participate@ketchumidaho.org) by 10:00 am the day of the meeting. Comments will be provided to the City Council.**

- CALL TO ORDER: By Mayor Neil Bradshaw

Mayor Neil Bradshaw called the meeting to order at 4:00 p.m.

- ROLL CALL

PRESENT

Mayor Neil Bradshaw  
Council President Amanda Breen  
Councilor Michael David  
Councilor Courtney Hamilton  
Councilor Jim Slanetz

ALSO PRESENT:

City Administrator Suzanne Frick  
Director of Finance & Internal Services Grant Gager

- COMMUNICATIONS FROM MAYOR AND COUNCILORS

Councilor Courtney Hamilton requested an update at the next council meeting regarding outdoor dining in the parking areas.

Mayor Neil Bradshaw advised that there will be an Open Street Meeting on 4th Street and Town Square so we can continue dialogue with the community on closing or opening streets.

- PUBLIC HEARING

Mayor Neil Bradshaw advised there will be public comment on the 2nd reading of the Budget. Today will be council deliberation only. Mayor Bradshaw thanked Council for sitting through the last meeting and hearing all the outside agency requests. He talked about ongoing expenditures for the city departments and the outside agencies. Mayor Bradshaw displayed a power point showing the revenue and expenditure adjustments. He summarized the decrease in revenue that is being forecasted and talked about the expenditure expense adjustments that are being proposed. He talked about the importance of a visitor's experience and the fact that essential services are a priority. The proposed budget balances.

Mayor Neil Bradshaw started the conversation by talking about the Revenue Forecast and showed a slide with the LOT forecast.

Councilor Jim Slanetz stated that he believes we have forecasted too low on the revenue side. Councilor Michael David agrees and talked about possible winter scenarios. He suggested forecasting more revenue to avoid making as many cuts and proposed reviewing the numbers again in December. He talked about businesses being resilient and would like to be less conservative and fund Visit Sun Valley. Council President Amanda Breen agrees with Michael David stating that 34% is too conservative. Amanda Breen would also like to fund BCHA. Councilor Courtney Hamilton talked about revisiting the revenue later. Mayor Bradshaw suggested looking at the revenues each quarter. Council continued to deliberate on how to forecast and move forward. Jim Slanetz suggested funding incrementally to incentivize the organization to produce more revenue. Mayor Neil Bradshaw suggested adjusting the funding as the year goes along. Courtney Hamilton talked about who to fund if we increase the forecasted revenue.

Mayor Neil Bradshaw talked about staffing and his priorities. He thanked staff for all they do and talked about staff's dedication to the City. Mayor Bradshaw talked about Mayor and Council reducing their own pay and benefits and asked council for their thoughts. Councilor Courtney Hamilton questioned an Administrative position stating, she would like to see another planner to assist in the re-zoning project and suggested a one-time consultant.

Director of Finance & Internal Services Grant Gager talked about timing. He advised that the intent is for all employees to leave this building together. He talked about the vision for the new city hall stating that they are budgeting for 3 greeters of the public. That number is being reduced from the current 5 to 3. Courtney Hamilton questioned the timing of the hire and the salary for the admin position. Grant Gager talked about recruiting that person in the next couple of weeks. Range would be \$35,000 to \$50,000 plus benefits. Council President Amanda Breen questioned if we could get by without that position this year. Grant Gager talked about customer service. City Administrator Suzanne Frick described the position role and job responsibilities. Mayor Neil Bradshaw talked about the importance of the front desk position and customer service. Councilor Michael David asked if the position could be pushed back until the public is able to access the building in the future. Grant Gager talked about the phone calls and people visiting city hall, he advised that it is busy. Courtney Hamilton asked about the seating for this person in this building. Suzanne Frick explained they need to know planning and finance. That is another problem with the delay in hiring. It takes 3 to 6 months to learn the organization. We would like that position to hit the floor running in the new building. Suzanne Frick explained the previous model for 3 people dedicated to the front counter. The Mayor voiced his support of this position. Courtney Hamilton agrees it would help with the level of service.

Councilor Courtney Hamilton questioned the LOT and asked if the decrease in building materials has been factored into the projection. Director of Finance & Internal Services Grant Gager explained how LOT is collected and what has been factored in.

Mayor Neil Bradshaw addressed marketing. He described this budget as being business friendly and essential services being met. He asked how we want to market, or if we want to market.

Councilor Courtney Hamilton talked about the activities in the winter not being based around Baldy and stated that the funding for Visit Sun Valley is more than marketing, they have created a brand for our valley. She does not want to lose that; it would be a detriment to our community. Having somebody with a direct line to our visitors is important. It is less about marketing and more about managing in a friendly and informative way.

Council President Amanda Breen is frustrated with the conversation over marketing vs. essential services. She talked about Visit Sun Valley managing traffic, stating they are very targeted, and it is important to focus on the quality of their experience. She voiced frustration with the proposed budget and how it was presented. She said it is wrong to budget zero dollars for marketing. Mayor Neil Bradshaw talked about the conversation he had with Visit Sun Valley in March and explained that we could have held back this year's funding, but we did not. He advised it was a reallocation. This is a balancing act and if the council would like to reallocate differently, he is open to that.

Councilor Jim Slanetz stated that he believes in Visit Sun Valley and believes we will get a good return on our investment. They have the expertise we should support at this time and he is in favor of maintaining a presence in the market.

Councilor Michael David agrees with the comments made. He advised this is the 3rd year we have talked to them about their budget and them finding alternative funding mechanisms. He would like that to continue.

Councilor Courtney Hamilton agrees with Councilor Michael David regarding the alternative funding mechanisms. She would like to see more support from the businesses and believes we should always be a partner and stated that their ask is fair.

Councilor Amanda Breen agrees. She went on to talk about a business improvement District stating that will be discussed with Executive Director Scott Fortner next week.

Mayor Neil Bradshaw asked for comments on BCHA and KSAC.

Councilor Michael David is in support of the additional \$10,000 being requested for BCHA. He would like to find out more about what they are doing and how we can help. Councilor Jim Slanetz questioned if they should run lean this year so they would have more next year? Councilor Courtney Hamilton disagrees and would like to do everything we can to support. She is in support of \$25,000 towards this. Council President Amanda Breen agrees and said they already run lean. Mayor Neil Bradshaw talked about the timeline for the Bluebird project. Administrator Suzanne Frick advised that the \$2.2M is not all allocated for the Bluebird Project. Council is in support of \$75,000 funding to BCHA.

Mayor Neil Bradshaw asked about Ketchum Sustainability Advisory Committee (KSAC) ask of \$20,000. Councilor Courtney Hamilton believes we need to have a Greenhouse Gas Emissions Plan. She would rather the \$50,000 be reallocated. Mayor Neil Bradshaw questioned if the new Utility Director could manage the plan. He talked about putting in a place holder for one-time money until we see how the Utility Director plan works out. City Administrator Suzanne Frick clarified that \$50,000 will go toward the Greenhouse Gas Emissions Plan or specific projects. After the position is filled it would be decided by council on how to spend.

Mayor Neil Bradshaw then asked council how to proceed with funding VSV \$110,000. Councilor Michael David talked about the funding of Parks & Recreation and reaching out to other jurisdictions. Mayor Bradshaw believes it is too late for this conversation this year, but we should look at this again in the future. Councilor Michael David talked about all Ketchum does. Mayor Neil Bradshaw is grateful of all the support of the other communities.

Council President Amanda Breen talked about the LOT projections and how to move forward. Council deliberated. Councilor Michael David does not know if we should make that call tonight. We can wait until the next meeting to make more decision when we have more returns.

Mayor Neil Bradshaw would like some direction for the 2<sup>nd</sup> hearing.

Mayor Neil Bradshaw questioned if the revenues do not come in how the council wants to handle that. Projections were discussed.

Councilor Courtney Hamilton had several questions.

1. There is \$200,000 saved for 1% lot fund, why? Director of Finance & Internal Services Grant Gager explained that is a timing issue. All funds are turned over.
2. She talked about decreasing the legislative budget. She does not want to decrease salary and benefits. She is in favor of reducing the Travel & Training line item. Grant Gager explained what that line item has been used for in the past and advised he could reallocate it. Where to reallocate was discussed.
3. Special Projects Internship – She questioned if there is a vision for this or could it be used elsewhere. Grant Gager talked about how that line item was used in the past.
4. She questioned the merit increases. Grant Gager advised they are infrequently used; however, it is discretionary and suggested leaving it in.
5. Courtney Hamilton questioned transferring money from the general fund to the Capital Fund. Grant Gager explained the process.
6. Forest Service Park Study - She does not know if we should spend \$50,000 on that this year. Mayor Neil Bradshaw explained that it is a space holder and could be used for something else with council approval. It is appropriated but not spent. He believes it is good to leave that in there.
7. Councilor Courtney Hamilton questioned the \$400,000 in the fund for the City Hall Remodel. Mayor Neil Bradshaw talked about the preliminary work that was done and explained that we will be putting out an RFP to get a general contractor to help us with the planning process. He is looking at September to come to council with a plan and a cost. We should have access to the building in January. Courtney Hamilton questioned how we move forward if the work is more than \$400,000. Mayor Bradshaw talked about other funding mechanisms and advised that will be discussed after we have a general contractor to drill down on the numbers. This will come back to council after the budget process is complete.
8. Councilor Courtney Hamilton questioned the fund balance in the Water Fund and if there is a need to increase water rates. Grant Gager explained that we are in year 4 of the Ketchum Springs project and outlined all the improvement projects that are needed.
9. Councilor Courtney Hamilton would like to fund the rewrite of the zoning code. She would like a contractor position for the year to complete this project and see that it is updated before 2022.

Mayor Neil Bradshaw asked for any additional comments. He has good direction on how to move forward.

Director of Finance & Internal Services Grant Gager gave direction on how to proceed.

Councilor Courtney Hamilton questioned the forecast and projections. Director of Finance & Internal Services Grant Gager talked about sales and parking lot activity continuing to be done. June activity and sales were up but it does not seem to be staying up. Mayor Bradshaw gave suggestions on how to move forward this evening by adding \$100,000 to revenue. Grant Gager talked about the noticing function,

explained the process, and gave council their options for moving forward. It was decided to put \$100,000 in revenue as a placeholder and open the next meeting up for public comment.

1. ACTION ITEM: Recommendation to adopt Resolution 20-019 Adopting the Mayor's Proposed Budget as the Preliminary Budget - Director of Finance & Internal Services Grant Gager

**MOTION TO ADOPT RESOLUTION NO. 20-019, APPROVING THE PROPOSED BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, CONTAINING THE PROPOSED EXPENDITURES AND REVENUES NECESSARY FOR ALL PURPOSES FOR SAID FISCAL YEAR TO BE RAISED AND APPROPRIATED WITHIN SAID CITY AND PROVIDING FOR PUBLICATION OF NOTICE OF PUBLIC HEARING AND FOR PUBLIC HEARING THEREON**

*Motion made by Councilor David, Seconded by Councilor Hamilton.*

*Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz*

2. ACTION ITEM: First Reading of Ordinance No. 1208, Annual Appropriations Ordinance - Mayor Neil Bradshaw

**MOTION TO APPROVE THE FIRST READING OF ORDINANCE NO. 1208, AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, APPROPRIATING TO THE VARIOUS BUDGETARY FUNDS, SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES WITHIN EACH FUND FOR THE ENSUING FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE, AND TO INCREASE THE LOT FUND BUDGET BY \$100,000 AND TO READ AND PROVIDING AN EFFECTIVE DATE AND TO READ BY TITLE ONLY.**

*Motion made by Councilor Hamilton, Seconded by Councilor Slanetz.*

*Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz*

*Council President Amanda Breen read the title aloud.*

- ADJOURNMENT

**Motion to adjourn at 6:30 p.m.**

*Motion made by Council President Breen, Seconded by Councilor Slanetz.*

*Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz*

---

Neil Bradshaw, Mayor

---

Robin Crotty, City Clerk

Report Criteria:

Invoices with totals above \$0 included.  
Paid and unpaid invoices included.  
[Report].GL Account Number = "0110000000"- "9648008200", "9910000000"- "9911810000"  
Invoice Detail.Voided = No, Yes

Vendor Name	Invoice Number	Description	Net Invoice Amount
<b>GENERAL FUND</b>			
<b>01-2175-8000 P/R DEDUC PBL--EMP CAF FSA-MD</b>			
NBS-NATIONAL BENEFIT SERVI	CP259527	FSA	1,293.88
<b>01-2175-9000 P/R DEDUC PBL--EMP CAF FSA-DC</b>			
NBS-NATIONAL BENEFIT SERVI	CP259527	DCA	1,093.50
<b>01-2300-0000 DEPOSITS-PARKS &amp; EVENTS</b>			
COMMUNITY LIBRARY	081020	Event Security Depoist Refund	250.00
TEANNALACH, RACHEL	081120	Security Deposit Refund	250.00
BOHO LOUNGE	081020	Event Security Deposit Refund	250.00
<b>01-3700-3600 REFUNDS &amp; REIMBURSEMENTS</b>			
TEANNALACH, RACHEL	081120	Park Reservation Refund	140.00
TEANNALACH, RACHEL	081120	Facility Fee Refund	150.00
Total :			3,427.38
<b>LEGISLATIVE &amp; EXECUTIVE</b>			
<b>01-4110-2515 VISION REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	763270	FSA/HRA July 2020	22.95
<b>01-4110-4200 PROFESSIONAL SERVICES</b>			
US BANK	6235 072720	6235 - Popup Tent	458.95
<b>01-4110-4910 MYR/CNCL-TRAINING/TRAVEL/MTG</b>			
US BANK	6235 072720	6235 - Zoom Subscription	199.90
Total LEGISLATIVE & EXECUTIVE:			681.80
<b>ADMINISTRATIVE SERVICES</b>			
<b>01-4150-2505 HEALTH REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	CP259527	HRA	320.63
<b>01-4150-2515 VISION REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	763270	FSA/HRA July 2020	48.75
<b>01-4150-3100 OFFICE SUPPLIES &amp; POSTAGE</b>			
BUSINESS AS USUAL INC.	151973	Office Supplies	104.50
COPY & PRINT, L.L.C.	OUT-1415	Office Supplies	93.70
GEM STATE PAPER & SUPPLY	1031681-01	Paper Supplies	65.85
GEM STATE PAPER & SUPPLY	1031894	Paper Supplies	97.70
GEM STATE PAPER & SUPPLY	1031894-01	Paper Supplies	69.57
TREASURE VALLEY COFFEE INC	2160 06855502	Spring Water	23.85
US BANK	6243 072720	6243 - Bulk Coffee	27.71
US BANK	6243 072720	6243 - Business Certificate Paper	41.64
ABC STAMP	0544212	Name Plates - Frick, Riley	33.79
<b>01-4150-4200 PROFESSIONAL SERVICES</b>			
CASELLE, INC.	103850	Contract Support and Maintenance	2,204.00
COPY CENTER LLC	1470	Fire Station Mailer	4,461.90

Vendor Name	Invoice Number	Description	Net Invoice Amount
SAWTOOTH WOOD PRODUCTS, I	121064	Parkway Drive Easement Fence	2,300.00
BROWN, LINDA DIANE	2008	Delivery for August 2020	100.00
WESTERN RECORDS DESTRUCT	0498158	July Records Destruction	65.00
<b>01-4150-4400 ADVERTISING &amp; LEGAL PUBLICATIO</b>			
EXPRESS PUBLISHING, INC.	10002196 0731	10002196 073120	970.16
<b>01-4150-4800 DUES, SUBSCRIPTIONS &amp; MEMBERSH</b>			
ASSOCIATION OF PUBLIC TREA	22285	Annual Membership - Schwartzenger / Rubel	259.00
<b>01-4150-5100 TELEPHONE &amp; COMMUNICATIONS</b>			
US BANK	0568 072720	0568 - Adobe Subscription	179.88
US BANK	6243 072720	6243 - 8 x 8	2,464.83
COX WIRELESS	047131901 072	047131901 072520	89.00
<b>01-4150-5110 COMPUTER NETWORK</b>			
KETCHUM COMPUTERS, INC.	17218	Computer Support	6,131.70
US BANK	6243 072720	6243 - GoDaddy Communications	84.68
<b>01-4150-5150 COMMUNICATIONS</b>			
US BANK	6235 072720	6235 - Shutterstock Communications	30.74
US BANK	6235 072720	6235 - Mailchimp Communications	84.99
US BANK	6235 072720	6235 - Constant Contact Communications	9.50
SNEE, MOLLY	2009	July Retainer Fee	3,150.00
<b>01-4150-5200 UTILITIES</b>			
CITY OF KETCHUM	080320	9994 - July	158.51
CITY OF KETCHUM	080320	9997 - July	318.12
CITY OF KETCHUM	080320	772 - July	58.30
CITY OF KETCHUM	080320	360 - July	48.76
CLEAR CREEK DISPOSAL	0001332596	960 072720	34.20
CLEAR CREEK DISPOSAL	0001333926	951449 072720	60.00
INTERMOUNTAIN GAS	32649330001 0	32649330001 072720	18.24
INTERMOUNTAIN GAS	44919030005 0	44919030005 072720	6.74
<b>01-4150-5900 REPAIR &amp; MAINTENANCE-BUILDINGS</b>			
OVERHEAD DOOR COMPANY, IN	457307	Springs, Plugs, Labor	1,280.00
US BANK	6235 072720	6235 - Credit	1,688.30
US BANK	6235 072720	6235 - Sanitizing Stations	1,066.50
<b>01-4150-5910 REPAIR &amp; MAINT-491 SV ROAD</b>			
WINDYCITY ARTS, INC.	2020-470	Aluminum Sign and Graphic Design	367.50
WINDYCITY ARTS, INC.	2020-471	Sign	310.00
Total ADMINISTRATIVE SERVICES:			25,551.64
<b>PLANNING &amp; BUILDING</b>			
<b>01-4170-2515 VISION REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	763270	FSA/HRA July 2020	22.70
<b>01-4170-4200 PROFESSIONAL SERVICES</b>			
HARMONY DESIGN & ENGINEE	20110	Engineering	1,070.00
CASAS, MICHELLE	080620	Contract Hours Worked	90.00
<b>01-4170-4210 PROFESSIONAL SERVICES - IDBS</b>			
DIVISION OF BUILDING SAFETY	080320	July 2020 Building Permit Fees	15,629.45

Vendor Name	Invoice Number	Description	Net Invoice Amount
<b>01-4170-7400 OFFICE FURNITURE &amp; EQUIPMENT</b>			
WINDYCITY ARTS, INC.	2020-480	Sandwich Board	747.50
Total PLANNING & BUILDING:			17,559.65
<b>NON-DEPARTMENTAL</b>			
<b>01-4193-4500 1ST/WASHINGTON RENT</b>			
URBAN RENEWAL AGENCY	4166	Parking Lot Rent	3,000.00
<b>01-4193-9930 GENERAL FUND OP. CONTINGENCY</b>			
DAVIS EMBROIDERY INC.	36058	City of Ketchum Face Masks	11,670.00
FLY SUN VALLEY ALLIANCE	081220	Employee Mental Health Support	5,280.00
Total NON-DEPARTMENTAL:			19,950.00
<b>FACILITY MAINTENANCE</b>			
<b>01-4194-2515 VISION REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	763270	FSA/HRA July 2020	22.70
NBS-NATIONAL BENEFIT SERVI	CP259527	HRA Vision	225.00
<b>01-4194-3200 OPERATING SUPPLIES</b>			
A.C. HOUSTON LUMBER CO.	2007-659105	Gloves	24.99
GEM STATE PAPER & SUPPLY	1031420	Paper Supplies	306.09
GEM STATE PAPER & SUPPLY	1031420-01	Paper Supplies	43.56
YELLOWSTONE LEATHER PROD	81021	Gloves	84.20
<b>01-4194-3500 MOTOR FUELS &amp; LUBRICANTS</b>			
UNITED OIL	945096	38950 073120	219.17
<b>01-4194-4200 PROFESSIONAL SERVICES</b>			
BACKGROUND INVESTATION B	CIT025080120-	Facilities BG Check	23.95
<b>01-4194-5200 UTILITIES</b>			
CITY OF KETCHUM	080320	9991 - July	136.97
CITY OF KETCHUM	080320	9995 - July	1,507.46
CITY OF KETCHUM	080320	9996 - July	49.82
CITY OF KETCHUM	080320	532 - July	675.25
CITY OF KETCHUM	080320	536 - July	132.63
CITY OF KETCHUM	080320	560 - July	135.02
CITY OF KETCHUM	080320	1127 - July	13.21
CITY OF KETCHUM	080320	1245 - July	35.55
CITY OF KETCHUM	080320	456 - July	2,446.60
CLEAR CREEK DISPOSAL	0001332594	960 072720	60.00
CLEAR CREEK DISPOSAL	0001332595	960 072720	293.50
CLEAR CREEK DISPOSAL	0001332598	960 072720	197.98
CLEAR CREEK DISPOSAL	0001332599	960 072720	471.42
CLEAR CREEK DISPOSAL	0001332600	960 072720	295.10
CLEAR CREEK DISPOSAL	0001332602	960 072720	148.50
CLEAR CREEK DISPOSAL	0001333545	56339 072720	106.78
CLEAR CREEK DISPOSAL	0001333546	56339 072720	261.80
IDAHO POWER	2203313446 08	2203313446 080720	5.29
INTERMOUNTAIN GAS	32649330001 0	32649330001 072720	11.91
INTERMOUNTAIN GAS	64669030002 0	64669030002 072720	9.79



Vendor Name	Invoice Number	Description	Net Invoice Amount
<b>01-4194-6950 MAINTENANCE</b>			
A.C. HOUSTON LUMBER CO.	2007-659462	Drill Bit	4.39
A.C. HOUSTON LUMBER CO.	2007-659472	Wood	20.89
A.C. HOUSTON LUMBER CO.	2008-661605	Flag Pole Parts	13.92
MOSS GARDEN CENTER	186442	Supplies	6.39
PIPECO, INC.	S3845027.001	Coupling	7.09
PIPECO, INC.	S3845217.002	Techline	29.96
RIVER RUN AUTO PARTS	6538-155922	Thread Lock	22.79
Total FACILITY MAINTENANCE:			8,049.67

**POLICE**

**01-4210-2515 VISION REIMBURSEMENT ACCT(HRA)**

NBS-NATIONAL BENEFIT SERVI	763270	FSA/HRA July 2020	6.45
----------------------------	--------	-------------------	------

**01-4210-3200 OPERATING SUPPLIES**

CHATEAU DRUG CENTER	2258860	CSO Charging Cable	14.24
CHATEAU DRUG CENTER	2262241	Phone Cord	2.39
UNITED OIL	945109	39060 073120	73.73
US BANK	6243 072720	6243 - CSO Phone Cover	14.99
DAY WIRELESS SYSTEMS	6344	CSO Radio Repair	704.00

**01-4210-3620 PARKING OPS EQUIPMENT FEES**

CALE AMERICA, INC.	160320	July Active Meters	165.00
OMNI PARK	121845	Omni Park Subscription	437.00

**01-4210-4200 PROFESSIONAL SERVICES**

IDAHO STATE POLICE	S0084589	Fingerprint Processing	33.25
IDAHO STATE POLICE	S0086900	Fingerprint Processing	33.25
IDAHO STATE POLICE	S0091314	Fingerprint Processing	33.25
KETCHUM COMPUTERS, INC.	17219	Computer Support - BCSO	904.50

Total POLICE: 2,422.05

**FIRE & RESCUE**

**01-4230-2505 HEALTH REIMBURSEMENT ACCT(HRA)**

NBS-NATIONAL BENEFIT SERVI	CP259527	HRA	3,496.97
----------------------------	----------	-----	----------

**01-4230-2515 VISION REIMBURSEMENT ACCT(HRA)**

NBS-NATIONAL BENEFIT SERVI	763270	FSA/HRA July 2020	81.25
NBS-NATIONAL BENEFIT SERVI	CP259527	HRA Vision	821.80

**01-4230-3200 OPERATING SUPPLIES FIRE**

GALL'S, LLC	016117502	EMS Pants	256.24
CHATEAU DRUG CENTER	2257332	Mop Refill	6.64
GEM STATE PAPER & SUPPLY	1031681	Paper Supplies and Hand Sanitizer	340.11
LUTZ RENTALS	108968-1	Propane	8.01
RIVER RUN AUTO PARTS	6538-155888	Coupler	7.79
US BANK	4977 072720	4977 - Chain Saw Grease Gun	14.99
US BANK	4977 072720	4977 - Chain Saw Chains	102.34
US BANK	4977 072720	4977 - Cam Straps	13.60
US BANK	4977 072720	4977 - Drysuit Repairs	336.75
US BANK	4977 072720	4977 - Canned Air Spray	24.98
US BANK	4977 072720	4977 - Chain Saw Kits	308.81

Vendor Name	Invoice Number	Description	Net Invoice Amount
<b>01-4230-3210 OPERATING SUPPLIES EMS</b>			
BOUNDTREE MEDICAL	83717682	Medical Supplies	58.74
CHATEAU DRUG CENTER	2257332	Mop Refill	6.64
GEM STATE PAPER & SUPPLY	1031681	Paper Supplies and Hand Sanitizer	340.10
LUTZ RENTALS	108968-1	Propane	8.01
MCKESSON	17009729	Medical Supplies	59.97
NORCO	29794789	54794 072320	79.14
NORCO	29860801	52355 073120	34.41
NORCO	29862869	54794 073120	227.85
PRAXAIR DISTRIBUTION INC.	97861266	Cylinder Rental	50.45
US BANK	4977 072720	4977 - 4 Metal Shelving Units	439.96
US BANK	4977 072720	4977 - EMS Pack	338.58
US BANK	4977 072720	4977 - Canned Air Spray	24.98
ST. LUKES HEALTH SYSTEM	IN22268	Disinfectant Wipes	40.00
HENRY SCHEIN	80265645	Medical Supplies	19.50
HENRY SCHEIN	80265645	Safety Glasses	62.25
HENRY SCHEIN	80580480	Safety Glasses	20.75
HENRY SCHEIN	80597917	Masks	51.66
HENRY SCHEIN	80597917	AED Battery	276.16
<b>01-4230-3500 MOTOR FUELS &amp; LUBRICANTS FIRE</b>			
UNITED OIL	944931	37267 073120	244.24
US BANK	4977 072720	4977 - Gas from Shell	19.39
<b>01-4230-3510 MOTOR FUELS &amp; LUBRICANTS EMS</b>			
UNITED OIL	944931	37267 073120	128.61
<b>01-4230-4910 TRAINING EMS</b>			
IDAHO BUREAU OF EMS & PREP	135	ALS License Renewal - John Sisko	35.00
<b>01-4230-4920 TRAINING-FACILITY</b>			
IDAHO POWER	2224210258 08	2224210258 080520	14.38
<b>01-4230-5100 TELEPHONE &amp; COMMUNICATION FIRE</b>			
INTERSTATE BATTERY CENTER	26833064	Radio Battery	48.16
MTE COMMUNICATIONS	056983 080120	056983 080120	15.12
VERIZON WIRELESS	842054354 072	842054354 072320	20.02
COX WIRELESS	027222301 072	027222301 072320	59.71
<b>01-4230-5110 TELEPHONE &amp; COMMUNICATION EMS</b>			
INTERSTATE BATTERY CENTER	26833064	Radio Battery	48.16
MTE COMMUNICATIONS	056983 080120	056983 080120	15.13
VERIZON WIRELESS	842054354 072	842054354 072320	20.01
COX WIRELESS	027222301 072	027222301 072320	59.72
<b>01-4230-6000 REPAIR &amp; MAINT-AUTO EQUIP FIRE</b>			
ALSCO - AMERICAN LINEN DIVI	LBO11820955	5109 080320	29.75
RIVER RUN AUTO PARTS	6538-155972	Rocker Switch	6.05
<b>01-4230-6100 REPAIR &amp; MAINT--MACHINERY &amp; EQ</b>			
CLEARWATER POWER EQUIPME	07302020	Cylinder Cover	27.99
CLEARWATER POWER EQUIPME	07302022	Chainsaw Oil	14.99
CLEARWATER POWER EQUIPME	07302031	Chainsaw Oil	14.99
<b>01-4230-6110 REPAIR &amp; MAINT--MACHINERY &amp; EQ</b>			
US BANK	4977 072720	4977 - Bike Tubes and Repair Kit	37.70

Vendor Name	Invoice Number	Description	Net Invoice Amount
Total FIRE & RESCUE:			8,818.55
<b>STREET</b>			
<b>01-4310-2515 VISION REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	763270	FSA/HRA July 2020	45.90
NBS-NATIONAL BENEFIT SERVI	CP259527	HRA Vision	111.00
<b>01-4310-3200 OPERATING SUPPLIES</b>			
ATKINSONS' MARKET	04938677	Chip Seal Refreshments	60.96
ATKINSONS' MARKET	04939962	Chip Seal Refreshments	56.25
ATKINSONS' MARKET	08140743	Chip Seal Refreshments	129.88
ATKINSONS' MARKET	08141492	Chip Seal Refreshments	52.77
ATKINSONS' MARKET	08141939	Chip Seal Refreshments	51.60
DAVIS EMBROIDERY INC.	36000	Embroider Services	45.00
RIVER RUN AUTO PARTS	6538-155690	Electrical Tape	12.45
US BANK	2022 072720	2022 - Kelli Work Uniforms	64.61
YELLOWSTONE LEATHER PROD	81020	Gloves	273.00
<b>01-4310-3400 MINOR EQUIPMENT</b>			
US BANK	2022 072720	2022 - Bike Parts and Labor	190.54
<b>01-4310-3500 MOTOR FUELS &amp; LUBRICANTS</b>			
UNITED OIL	944932	37269 073120	1,067.15
<b>01-4310-5200 UTILITIES</b>			
CITY OF KETCHUM	080320	9999 - July	73.97
CITY OF KETCHUM	080320	9993 - July	87.44
INTERMOUNTAIN GAS	32649330001 0	32649330001 072720	17.72
INTERMOUNTAIN GAS	32649330001 0	32649330001 072720	27.23
INTERMOUNTAIN GAS	49439330009 0	49439330009 072720	12.42
<b>01-4310-6000 REPAIR &amp; MAINT--AUTOMOTIVE EQU</b>			
NAPA AUTO PARTS	022808	crewcab Parts	42.48
NAPA AUTO PARTS	023199	Durango Brake Parts	175.68
<b>01-4310-6100 REPAIR &amp; MAINT--MACHINERY &amp; EQ</b>			
LACAL EQUIPMENT, INC.	0327520-IN	Sweeper Parts	576.64
METROQUIP, INC.	P05455	Eagle Parts	933.17
METROQUIP, INC.	P05457	Eagle Parts	1,019.41
NAPA AUTO PARTS	021549	Credit	20.58-
NAPA AUTO PARTS	022799	Truck Battery	290.38
NAPA AUTO PARTS	022809	Hotpatcher Jack	111.99
NAPA AUTO PARTS	022915	Sweepers Airfil	29.28
NAPA AUTO PARTS	023493	Serpentine Belt	30.79
NAPA AUTO PARTS	023543	Halogen Sealed Beams	11.41
US BANK	2022 072720	2022 - Truck Toggle Switch	7.99
US BANK	2022 072720	2022 - Additional Truck Toggle Switch	7.99
<b>01-4310-6910 OTHER PURCHASED SERVICES</b>			
ALSCO - AMERICAN LINEN DIVI	LBO11820553	5831 073120	48.11
ALSCO - AMERICAN LINEN DIVI	LBO11822251	5831 080720	48.11
<b>01-4310-6920 SIGNS &amp; SIGNALIZATION</b>			
SC SUPPLY COMPANY LLC	31121	Ground Mount Stakes	822.67

Vendor Name	Invoice Number	Description	Net Invoice Amount
<b>01-4310-6930 STREET LIGHTING</b>			
IDAHO POWER	2200059315 08	2200059315 080720	5.29
IDAHO POWER	2200506786 08	2200506786 080720	5.98
IDAHO POWER	2201174667 08	2201174667 080720	8.99
IDAHO POWER	2202627564 08	2202627564 080720	8.33
IDAHO POWER	2203027632 08	2203027632 080720	5.29
IDAHO POWER	2205963446 08	2205963446 080720	21.25
IDAHO POWER	2224304721 08	2224304721 080720	10.64
US BANK	2022 072720	2022 - Crosswalk Light Batties	28.09
<b>01-4310-6950 MAINTENANCE &amp; IMPROVEMENTS</b>			
A.C. HOUSTON LUMBER CO.	2008-660728	Garden Hose	92.27
ANDERSON ASPHALT PAVING IN	42-2	Asphalt	10,262.25
BIG WOOD LANDSCAPE, INC.	21977	4th Street Pavers	2,769.20
CONCRETE CONSTRUCTION SU	S34516	Tile for Sidewalks	2,990.00
IDAHO ASPHALT SUPPLY, INC.	5-429052	Chip Seal	14,411.50
IDAHO ASPHALT SUPPLY, INC.	5-430478	Chip Seal	14,117.00
IDAHO ASPHALT SUPPLY, INC.	5-440577	Chip Seal	14,202.50
IDAHO ASPHALT SUPPLY, INC.	5-440578	Chip Seal	15,974.25
IDAHO ASPHALT SUPPLY, INC.	5-440584	Chip Seal	15,546.75
PIPECO, INC.	S3856984.001	PVC Parts	27.55
SUNSEAL, LTD	920	Street Paint Stencils	489.80
Total STREET:			97,492.34
<b>RECREATION</b>			
<b>01-4510-2505 HEALTH REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	CP259527	HRA	95.67
<b>01-4510-2515 VISION REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	763270	FSA/HRA July 2020	19.60
<b>01-4510-3200 OPERATING SUPPLIES</b>			
A.C. HOUSTON LUMBER CO.	2008-660750	Water Nozzle	9.89
GEM STATE PAPER & SUPPLY	1031464	Paper Supplies	46.75
<b>01-4510-3250 RECREATION SUPPLIES</b>			
US BANK	7926 072720	7926 - Recreation Supplies	74.32
US BANK	7926 072720	7926 - Gondola Tickets	155.00
<b>01-4510-3300 RESALE ITEMS-CONCESSION SUPPLY</b>			
A.C. HOUSTON LUMBER CO.	2007-658939	Supplies	71.15
ATKINSONS' MARKET	02893125	Concessions	29.69
ATKINSONS' MARKET	02898002	Concessions	18.30
ATKINSONS' MARKET	05316043	Concessions	41.59
ATKINSONS' MARKET	05329914	Concessions	71.15
ATKINSONS' MARKET	05330176	Concessions	3.78
ATKINSONS' MARKET	05330309	Concessions	64.30
ATKINSONS' MARKET	06436662	Concessions	54.71
<b>01-4510-5200 UTILITIES</b>			
CLEAR CREEK DISPOSAL	0001333544	56339 072720 COVID Cleaning	4,008.36
INTERMOUNTAIN GAS	31904030009 0	31904030009 072720	22.47
<b>01-4510-6100 REPAIR &amp; MAINT--MACHINERY &amp; EQ</b>			
TRUSCO MANUFACTURING INC.	13265	Shut-off Valve	57.00

Vendor Name	Invoice Number	Description	Net Invoice Amount
Total RECREATION:			4,843.73
Total GENERAL FUND:			188,796.81
<b>GENERAL CAPITAL IMPROVEMENT FD</b>			
<b>GENERAL CIP EXPENDITURES</b>			
<b>03-4193-7200 TECHNOLOGY UPGRADES</b>			
US BANK	6243 072720	6243 - Fire Station Web Cam	4,473.76
NEURILINK CONNECTED	30304	Council Chambers AV Service	4,850.72
<b>03-4193-7400 COMPUTER/COPIER LEASING</b>			
GREAT AMERICA FINANCIAL SE	27492074	Copier Leasing	1,547.49
Total GENERAL CIP EXPENDITURES:			10,871.97
Total GENERAL CAPITAL IMPROVEMENT FD:			10,871.97
<b>ORIGINAL LOT FUND</b>			
<b>ORIGINAL LOT TAX</b>			
<b>22-4910-6060 EVENTS/PROMOTIONS</b>			
KETCHUM GRILL	073020	Kassner Retirement Party	1,728.00
<b>22-4910-6080 MOUNTAIN RIDES</b>			
MOUNTAIN RIDES	11350	Monthly Installment 11/12	52,058.34
Total ORIGINAL LOT TAX:			53,786.34
Total ORIGINAL LOT FUND:			53,786.34
<b>ADDITIONAL1%-LOT FUND</b>			
<b>ADDITIONAL 1%-LOT</b>			
<b>25-4910-4220 SUN VALLEY AIR SERVICE BOARD</b>			
SUN VALLEY AIR SERVICE BOA	080420	June 2020 Additional 1 %	202,900.69
SUN VALLEY AIR SERVICE BOA	080420	Direct Cost's	5,522.66-
Total ADDITIONAL 1%-LOT:			197,378.03
Total ADDITIONAL1%-LOT FUND:			197,378.03
<b>FIRE CONSTRUCTION FUND</b>			
<b>FIRE FUND EXP/TRNFRS</b>			
<b>42-4800-4205 PROF SERVICES ENGINEERING</b>			
STEVE BUTLER & ASSOCIATES	4480	Fire Station Observe Foundation Subgrade	862.50
MATERIALS TESTING & INSPEC	175152	Credit	1,004.24-
MATERIALS TESTING & INSPEC	176389	Soil Field Density Services	67.68
COLE ARCHITECTS PLLC	1564	Fire Station Design	15,003.59
Total FIRE FUND EXP/TRNFRS:			14,929.53
Total FIRE CONSTRUCTION FUND:			14,929.53
<b>WATER FUND</b>			

Vendor Name	Invoice Number	Description	Net Invoice Amount
<b>WATER EXPENDITURES</b>			
<b>63-4340-2505 HEALTH REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	CP259527	HRA	1,564.68
<b>63-4340-2515 VISION REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	763270	FSA/HRA July 2020	19.60
<b>63-4340-3100 OFFICE SUPPLIES &amp; POSTAGE</b>			
UNIFIED OFFICE SERVICES	286714	Stapler	9.93
<b>63-4340-3200 OPERATING SUPPLIES</b>			
ALSCO - AMERICAN LINEN DIVI	LBOI1820557	5192 073120	24.49
ALSCO - AMERICAN LINEN DIVI	LBOI1820561	5493 073120	50.14
CHATEAU DRUG CENTER	2257694	Supplies	18.00
PIPECO, INC.	S3866952.001	Marking Paint	112.96
<b>63-4340-3250 LABORATORY/ANALYSIS</b>			
GO-FER-IT	96204	292-073120	36.00
MAGIC VALLEY LABS, INC.	17126	Drinking water testing	112.00
<b>63-4340-3500 MOTOR FUELS &amp; LUBRICANTS</b>			
UNITED OIL	944934	37271 073120	325.14
<b>63-4340-3800 CHEMICALS</b>			
GEM STATE WELDERS SUPPLY,I	823303	55 gal T-Chlor	252.24
GEM STATE WELDERS SUPPLY,I	823772	55 gal T-Chlor x 2	492.48
GEM STATE WELDERS SUPPLY,I	E262844	55 gal T-Chlor x 2	492.48
<b>63-4340-4200 PROFESSIONAL SERVICES</b>			
DIG LINE	0063812-IN	0000167 073120	157.20
US BANK	3059 072720	3059 - AWWA Conference	366.00
<b>63-4340-5200 UTILITIES</b>			
INTERMOUNTAIN GAS	32649330001 0	32649330001 072720	9.79
INTERMOUNTAIN GAS	32649330001 0	32649330001 072720	7.01
Total WATER EXPENDITURES:			4,050.14
<b>WATER DEBT SERVICE EXPENDITRES</b>			
<b>63-4800-8600 DEBT SRVC ACCT PRINCIPAL-2016</b>			
CHASE	1449	Principal Due this period	145,000.00
<b>63-4800-8700 DEBT SRVC ACCT INTEREST-2016</b>			
CHASE	1449	Interest Due this period	11,031.60
Total WATER DEBT SERVICE EXPENDITRES:			156,031.60
Total WATER FUND:			160,081.74
<b>WATER CAPITAL IMPROVEMENT FUND</b>			
<b>WATER CIP EXPENDITURES</b>			
<b>64-4340-7800 CONSTRUCTION</b>			
LUNCEFORD EXCAVATION, INC.	11161	Crushed Rock	401.62
LUNCEFORD EXCAVATION, INC.	11176	215 Sage Leak Service	4,488.59
WEBB LANDSCAPING	K-IN-148966	Sod Rolls	20.97

Vendor Name	Invoice Number	Description	Net Invoice Amount
<b>64-4340-7802 KETCHUM SPRING WA CONVERSION</b>			
LUNCEFORD EXCAVATION, INC.	11175	2nd St Alley Leak Service	1,947.50
Total WATER CIP EXPENDITURES:			6,858.68
Total WATER CAPITAL IMPROVEMENT FUND:			6,858.68
<b>WASTEWATER FUND</b>			
<b>WASTEWATER EXPENDITURES</b>			
<b>65-4350-2505 HEALTH REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	CP259527	HRA	359.98
<b>65-4350-2515 VISION REIMBURSEMENT ACCT(HRA)</b>			
NBS-NATIONAL BENEFIT SERVI	763270	FSA/HRA July 2020	42.05
NBS-NATIONAL BENEFIT SERVI	CP259527	HRA Vision	135.99
<b>65-4350-3100 OFFICE SUPPLIES &amp; POSTAGE</b>			
UNIFIED OFFICE SERVICES	286714	Stapler	9.94
<b>65-4350-3200 OPERATING SUPPLIES</b>			
ALSCO - AMERICAN LINEN DIVI	LBOI1820557	5192 073120	24.49
ALSCO - AMERICAN LINEN DIVI	LBOI1820559	5292 073120	115.01
ATKINSONS' MARKET	04938291	Distilled Water	6.06
GEM STATE PAPER & SUPPLY	1031816	Paper Supplies	46.40
US BANK	9642 072720	9642 - Pest Control	28.60
<b>65-4350-3400 MINOR EQUIPMENT</b>			
US BANK	9642 072720	9642 - Ethernet Cable	21.99
<b>65-4350-3500 MOTOR FUELS &amp; LUBRICANTS</b>			
UNITED OIL	560453	37271 072720	92.05
UNITED OIL	944933	37270 073120	127.06
<b>65-4350-4200 PROFESSIONAL SERVICES</b>			
ANALYTICAL LABORATORIES, I	73935	chemicals	403.99
MAGIC VALLEY LABS, INC.	17126	Drinking water testing	42.00
<b>65-4350-4900 PERSONNEL TRAINING/TRAVEL/MTG</b>			
US BANK	9642 072720	9642 - Various Wastewater Certification Classes	103.70
<b>65-4350-5100 TELEPHONE &amp; COMMUNICATIONS</b>			
US BANK	9642 072720	9642 - Phone Cord	5.28
US BANK	9642 072720	9642 - 2 Port Grandstream	270.00
<b>65-4350-5200 UTILITIES</b>			
INTERMOUNTAIN GAS	32649330001 0	32649330001 072720	9.79
INTERMOUNTAIN GAS	32649330001 0	32649330001 072720	10.85
INTERMOUNTAIN GAS	32649330001 0	32649330001 072720	9.79
INTERMOUNTAIN GAS	32649330001 0	32649330001 072720	7.01
INTERMOUNTAIN GAS	58208688554 0	58208688554 072720	9.79
<b>65-4350-6000 REPAIR &amp; MAINT-AUTO EQUIP</b>			
LES SCHWAB	11700639867	Flat Tire Repair	23.02
<b>65-4350-6100 REPAIR &amp; MAINT-MACH &amp; EQUIP</b>			
McMASTER-CARR SUPPLY CO.	43130759	Air Filters	448.23

Vendor Name	Invoice Number	Description	Net Invoice Amount
McMASTER-CARR SUPPLY CO.	43205186	Air Filters	55.33
NAPA AUTO PARTS	022258	Deep Creep Cleaner	6.99
<b>65-4350-6150 OHIO GULCH REPAIR &amp; REPLACE</b>			
US BANK	9642 072720	9642 - Fence Stretcher / Splicer	43.27
US BANK	9642 072720	9642 - Barbed Wire	52.98
US BANK	9642 072720	9642 - Fence Clips	33.75
<b>65-4350-6900 COLLECTION SYSTEM SERVICES/CHA</b>			
A.C. HOUSTON LUMBER CO.	2008-661598	Roofing Felt	60.14
US BANK	9642 072720	9642 - Vac Truck Light Bar	145.00
Total WASTEWATER EXPENDITURES:			2,750.53
Total WASTEWATER FUND:			2,750.53
<b>PARKS/REC DEV TRUST FUND</b>			
<b>PARKS/REC TRUST EXPENDITURES</b>			
<b>93-4900-6800 KETCHUM ARTS COMMISSION</b>			
US BANK	6235 072720	6235 - Brochure Wall Rack	45.73
Total PARKS/REC TRUST EXPENDITURES:			45.73
Total PARKS/REC DEV TRUST FUND:			45.73
<b>DEVELOPMENT TRUST FUND</b>			
<b>DEVELOPMENT TRUST EXPENDITURES</b>			
<b>94-4900-8004 ID MNT BLDR-215 CORROCK #353</b>			
IDAHO MOUNTAIN BUILDERS	080420	Performance Bond Release	30,000.00
<b>94-4900-8012 ROWAND-100 ASPEN DR #1206</b>			
LEE GILMAN BUILDERS	080520	Return Performance Bond	1,500.00
<b>94-4900-8073 BRIAT 311 EDLEWIESS</b>			
BRAIT, KENNETH	080620	Performance Bond Release	3,500.00
<b>94-4900-8084 REINMANN 780 WARM SPRINGS ROAD</b>			
MAGIC VALLEY PAVING	080420	780 Warm Springs Rd Bond Release	5,000.00
Total DEVELOPMENT TRUST EXPENDITURES:			40,000.00
Total DEVELOPMENT TRUST FUND:			40,000.00
Grand Totals:			675,499.36



Vendor Name

Invoice Number

Description

Net Invoice Amount

---

Report Criteria:

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

[Report].GL Account Number = "0110000000"- "9648008200", "9910000000"- "9911810000"

Invoice Detail.Voided = No, Yes

---



## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to Receive and File Treasurer's Monthly and Quarterly Financial Reports**

#### Recommendation and Summary

Staff is recommending the council receive and file the Treasurer's monthly and quarterly reports in accordance with statutory requirements and adopt the following motion:

***"I move to receive and file the Treasurer's financial reports."***

The reasons for the recommendation are as follows:

- State statute establishes requirements for monthly and quarterly financial reports from the City Treasurer.

#### Introduction and History

Idaho State Statute 50-208 establishes requirements for monthly financial reports from the City Treasurer to the Council. The Statute provides that the Treasurer "render an accounting to the city council showing the financial condition of the treasury at the date of such accounting."

Idaho State Statute 50-1011 establishes an additional requirement for a quarterly financial report "indicating salaries, capital outlay and a percentage comparison to the original appropriation." Such quarterly reports require publication on the City website within 30 days of the end of the quarter pursuant to 50-208. Finally, 50-708 creates the requirement that "at least once in each quarter of each year, the council shall examine by review of a quarterly treasurer's report included upon the city council agenda the accounts and doings subject to management by the chief financial officer of the city."

#### Analysis

Pursuant to the above statutory requirements, enclosed for Council review are the monthly and quarterly financial reports showing the financial condition of the City as of July 31, 2020. These reports, along with complete financial statements, are available on the City's website.

#### Sustainability

There is to sustainability impact to this reporting.

#### Financial Impact

There is no financial impact to this reporting.

#### Attachments

- Attachment A: Quarterly Financial Report
- Attachment B: Monthly Financial Report Charts



**CITY OF KETCHUM  
TREASURER'S QUARTERLY FINANCIAL REPORT  
3RD QUARTER - JUNE 30, 2020**

FUND	ADOPTED BUDGET	PERSONNEL	OPERATING & ADM EXPENSES	CAPITAL OUTLAY	TRANSFERS	% EXP.	RECEIPTS
GENERAL	10,761,459	4,426,263	2,907,978	36,679	180,019	70.2%	8,048,407
WAGON DAYS	128,125	-500	14,353	0	0	10.8%	43,067
GENERAL CIP	649,663	0	65,144.73	146,433	0	32.6%	229,235
STREET CIP	262,600	0	0	3,324	0	1.3%	100,241
LAW CIP	1	0	0	0	0	0.0%	2,960
FIRE & RESCUE CIP	76,768	0	0	73,535	0	95.8%	127,292
PARKS CIP	0	0	0	0	0	0.0%	38,583
CITY SALES TAX	2,567,247	0	905,845	0	869,988	69.2%	1,798,243
LOT-ADDITIONAL 1%	2,221,861	0	1,842,599	0	49,685	85.2%	1,519,665
GO BOND	149,836	0	500	0	6,168	4.5%	112,511
IN-LIEU HOUSING	2,275,000	0	75,000	208,045	0	12.4%	35,754
WATER	2,379,926	303,978	234,980	5,750	584,799	47.5%	1,528,006
WATER CIP	440,000	0	0	121,586	0	27.6%	302,777
WASTEWATER	2,593,149	463,092	347,202	0	691,465	57.9%	1,992,855
WASTEWATER CIP	235,000	0	0	62,482	0	26.6%	352,406
POLICE TRUST	5,000	0	0	0	0	0.0%	1,393
PARKS/REC DEV TRUST	49,700	0	17,432	0	0	35.1%	9,743
DEVELOPMENT TRUST	150,000	0	0	0	88,387	58.9%	110,257
ESF TRUST	128,800	0	44,760	0	0	34.8%	113,782

CITIZENS ARE INVITED TO INSPECT THE DETAILED SUPPORTING RECORDS OF THE ABOVE FINANCIAL STATEMENTS AT: <https://ketchumidaho.org/administration/page/city-ketchum-financial-reports>.

GRANT GAGER  
TREASURER



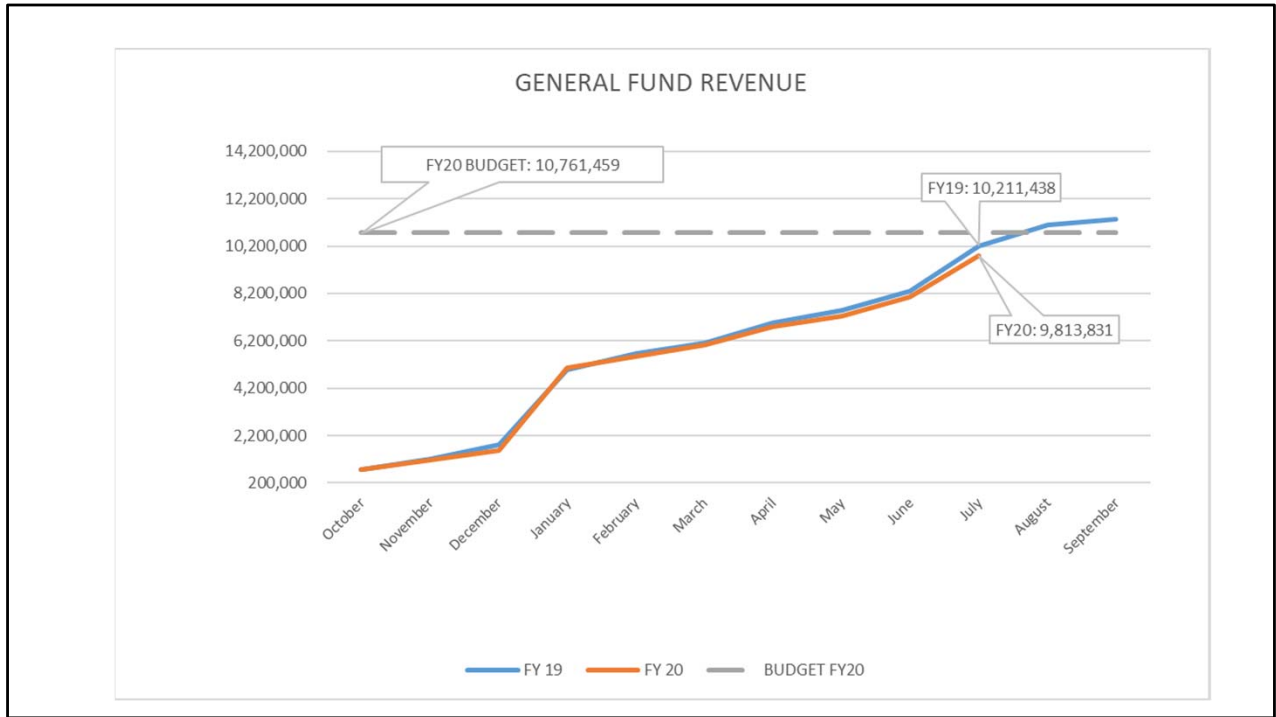
## Monthly Financial Reports

As of July 31, 2020

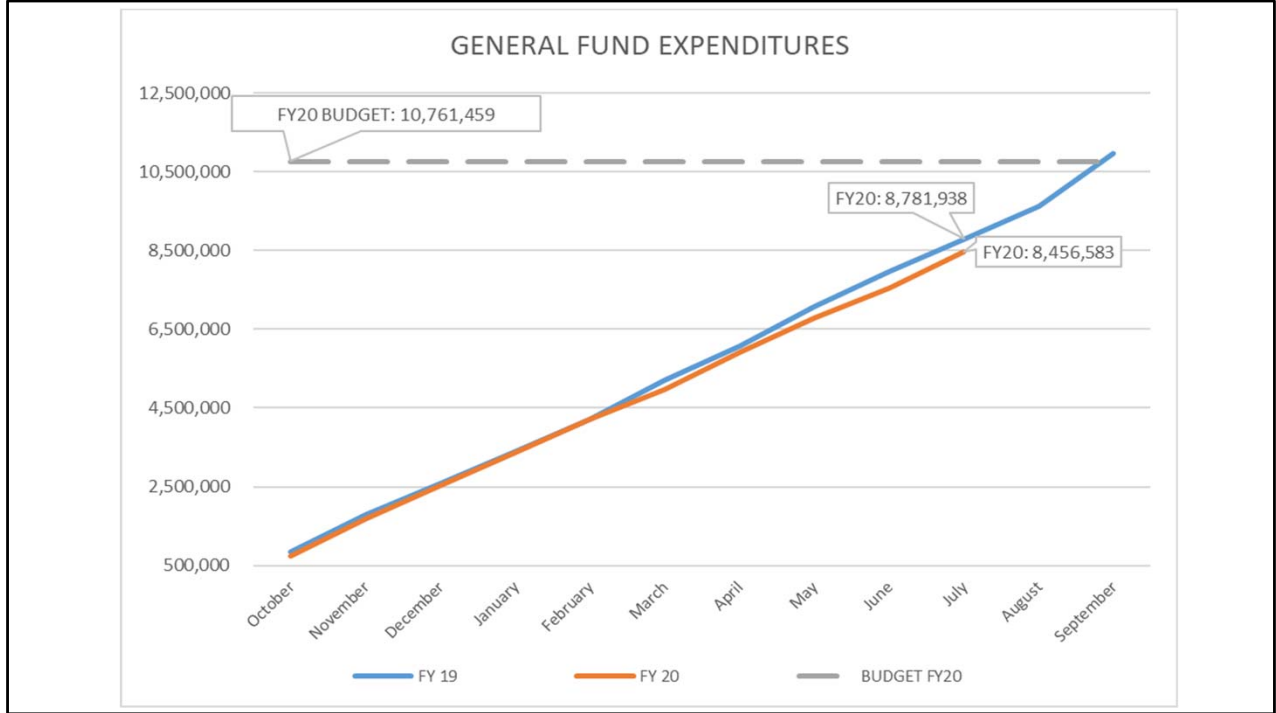
This packet is divided into three sections: (1) General Fund charts (pages 2-13); (2) Original LOT charts (pages 14-18); (3) Enterprise Fund charts (pages 19-23); and Off-Street Parking Lot charts (pages 24-28).

Each chart includes information on current progress relative to the prior year and also the current budget. Where deviations are 5% or greater, an explanation on the major drivers of such changes is included.

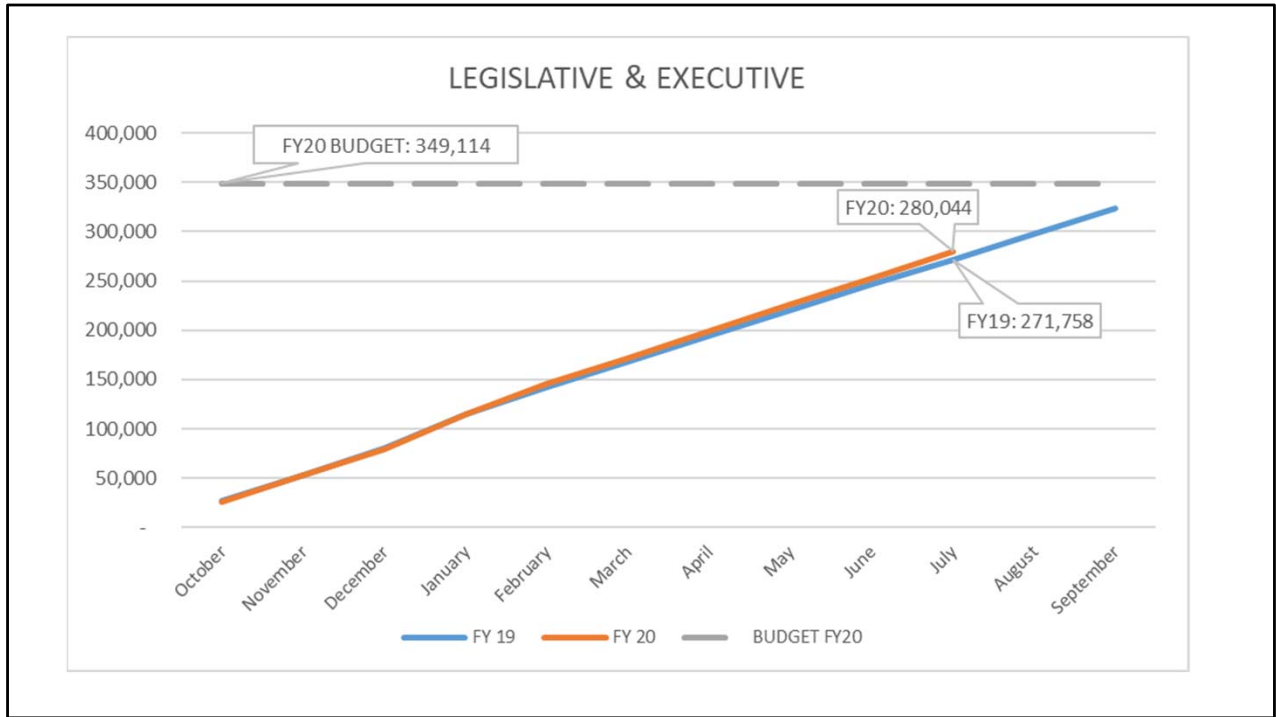
# General Fund



The General Fund revenues are down approximately \$397,607 (3.9%) in FYTD.

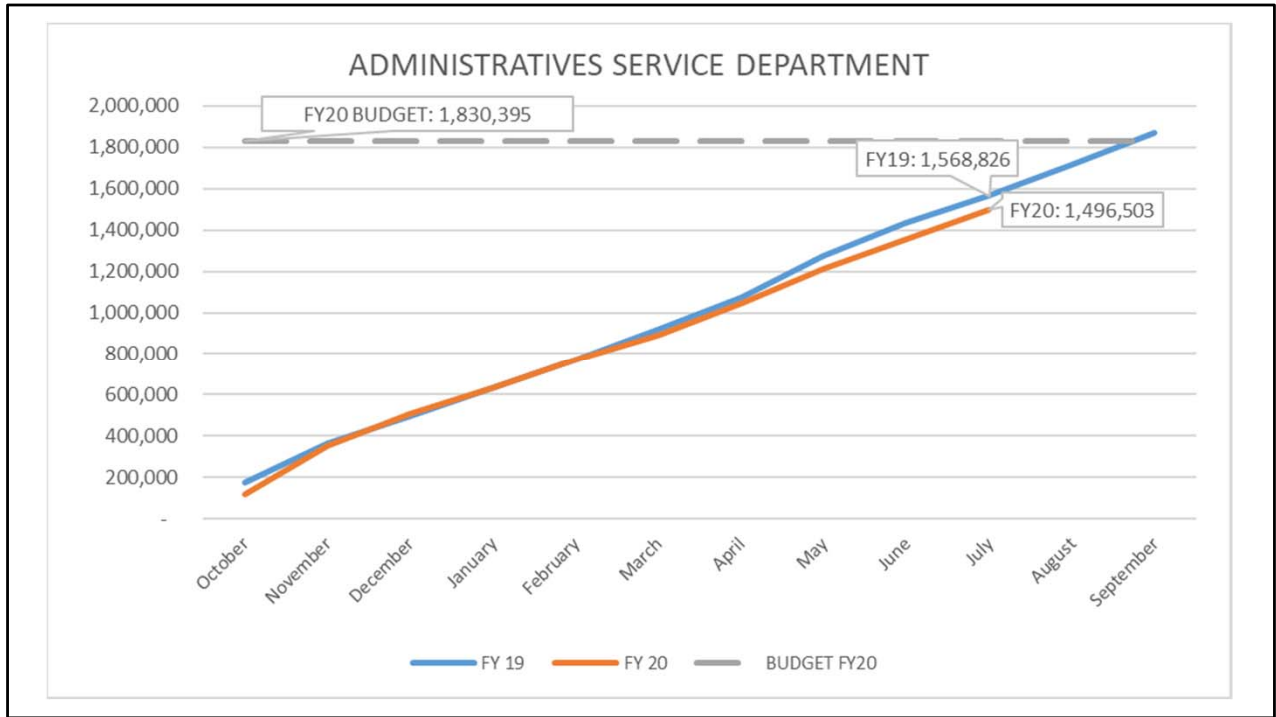


The General Fund expenditures are down \$325,355 (3.7%) FYTD.

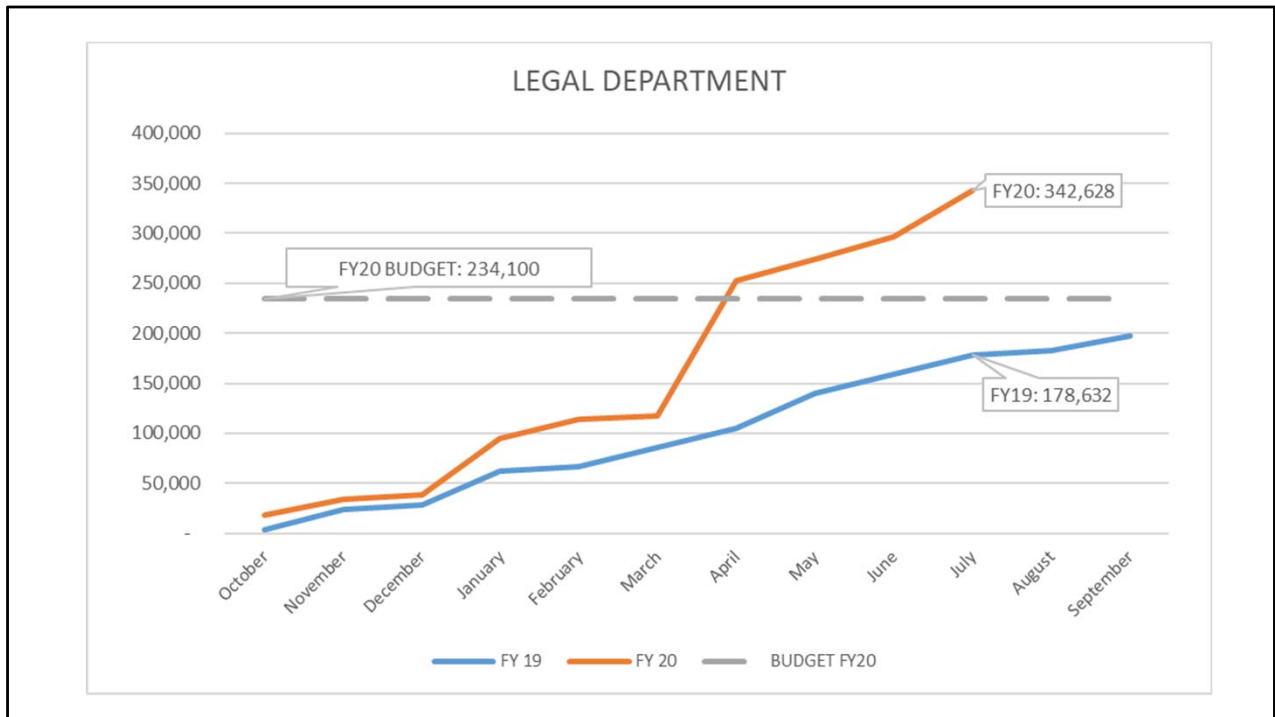


The Legislative & Executive Department expenditures are up \$8,286 (3%) FYTD.

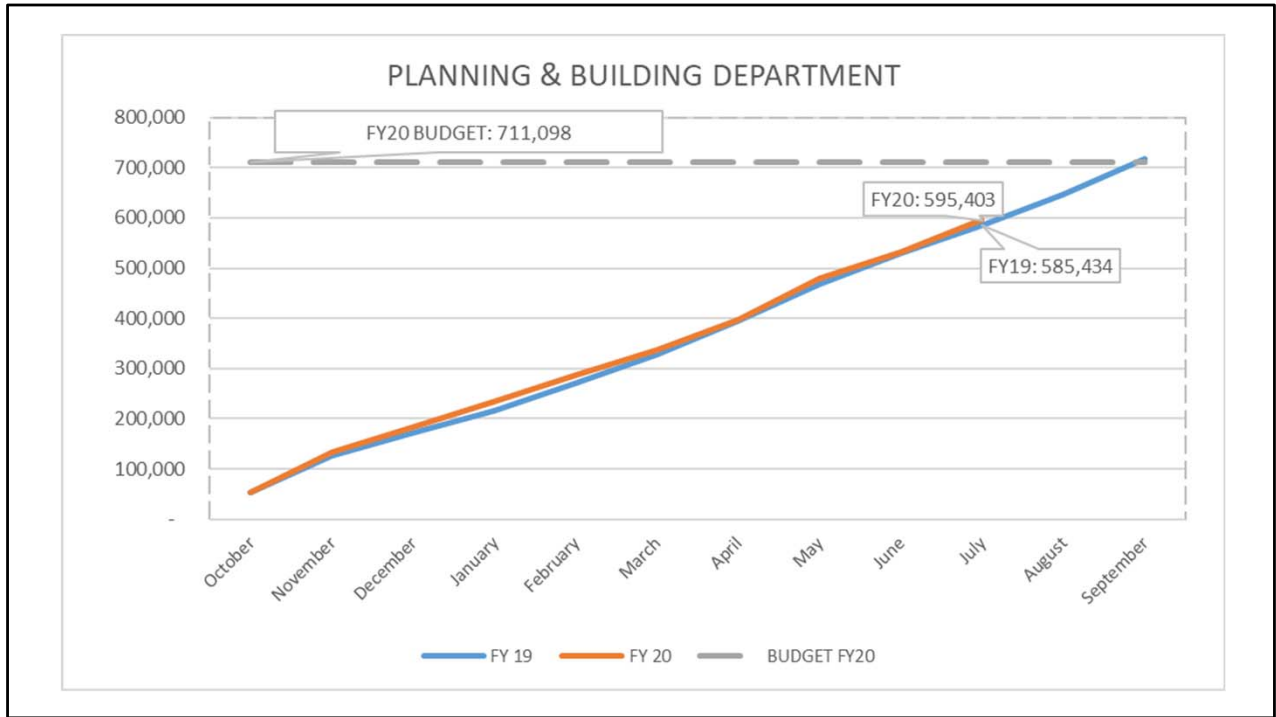




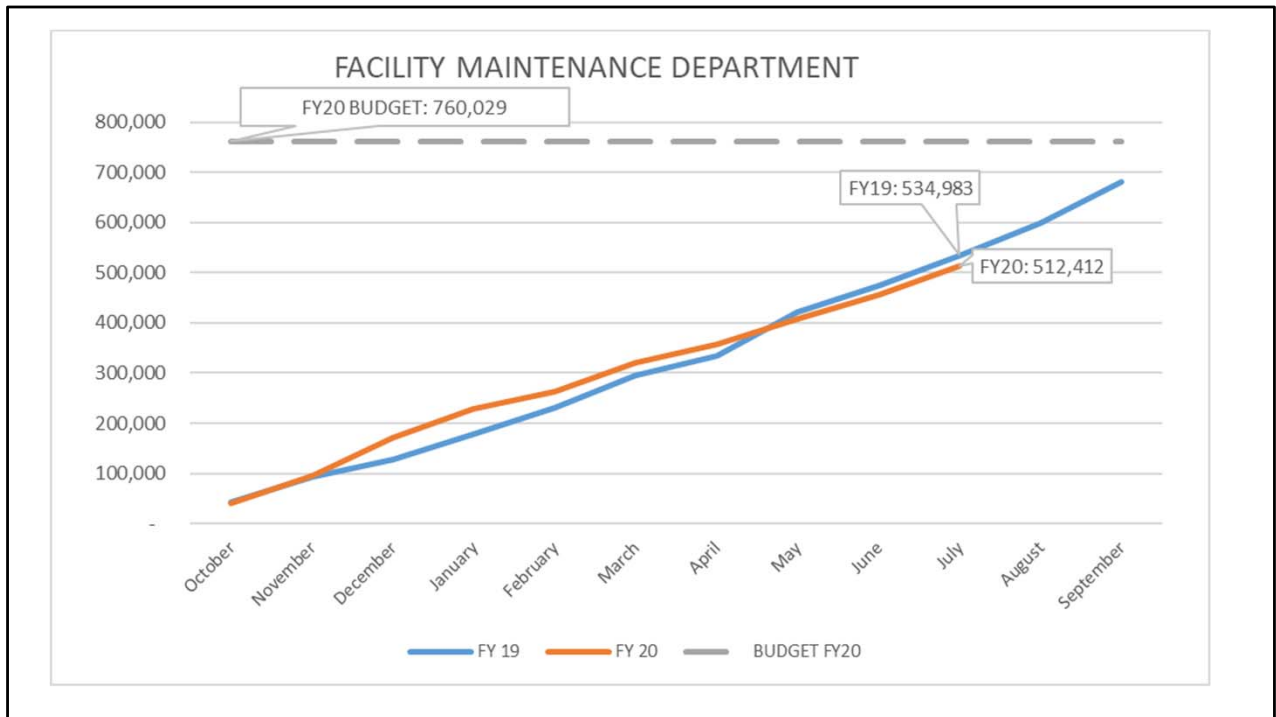
The Administrative Services Department expenditures are down \$72,323 (4.6%) FYTD.



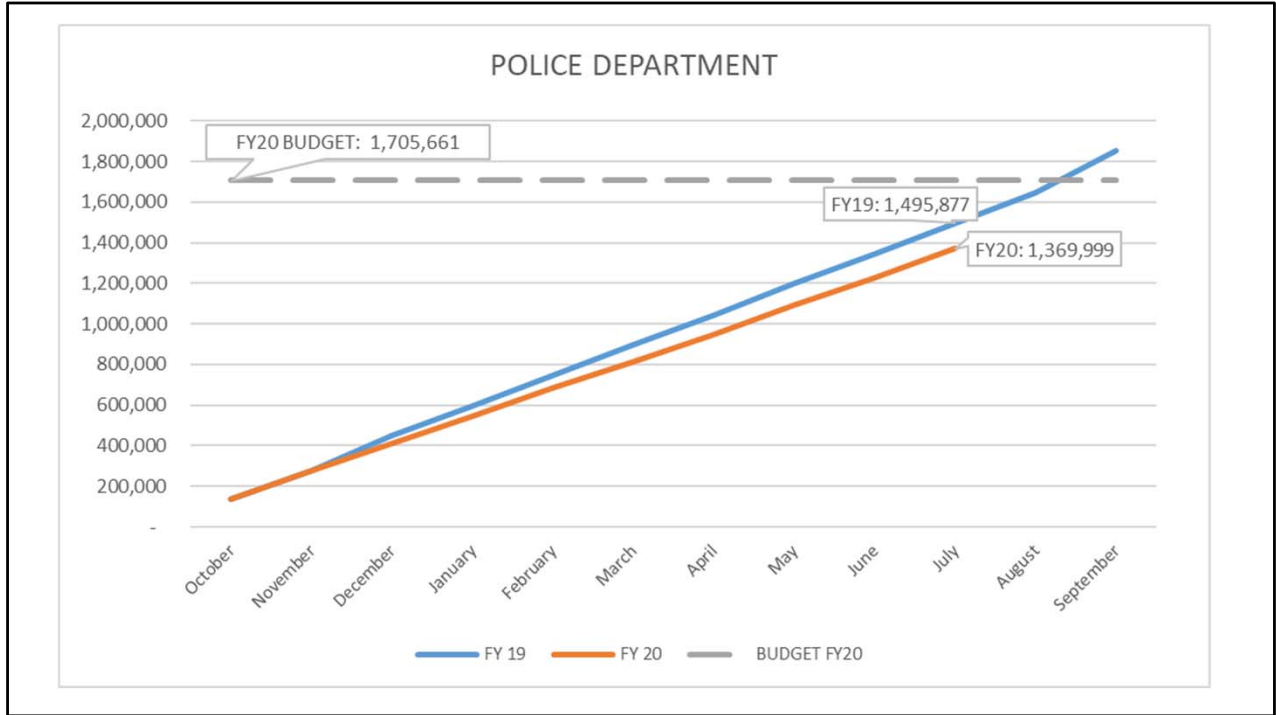
The Legal Department expenditures are up \$163,996 (91.8%) FYTD. This increase is largely due to the timing of the contract billing with White Peterson related to certain legal matters; a credit will be received from White Peterson to offset the increased costs.



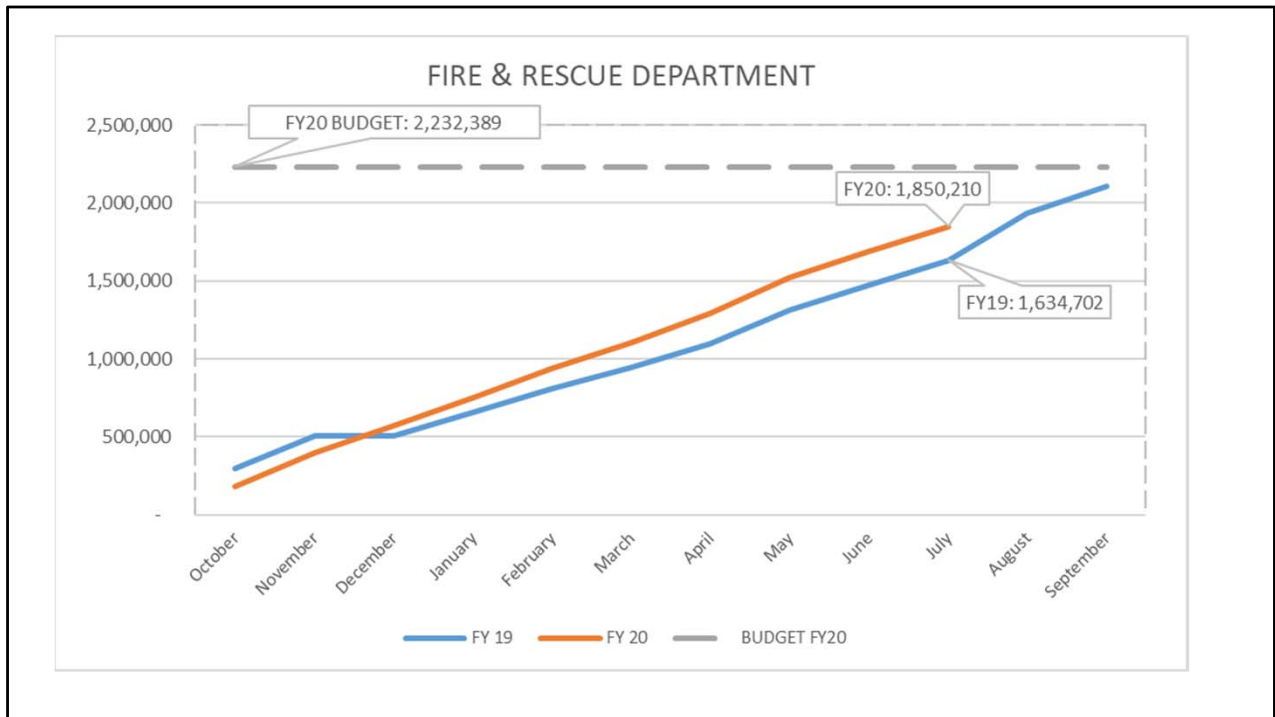
The Planning & Building Department expenditures are up \$9,969 (1.7%) FYTD.



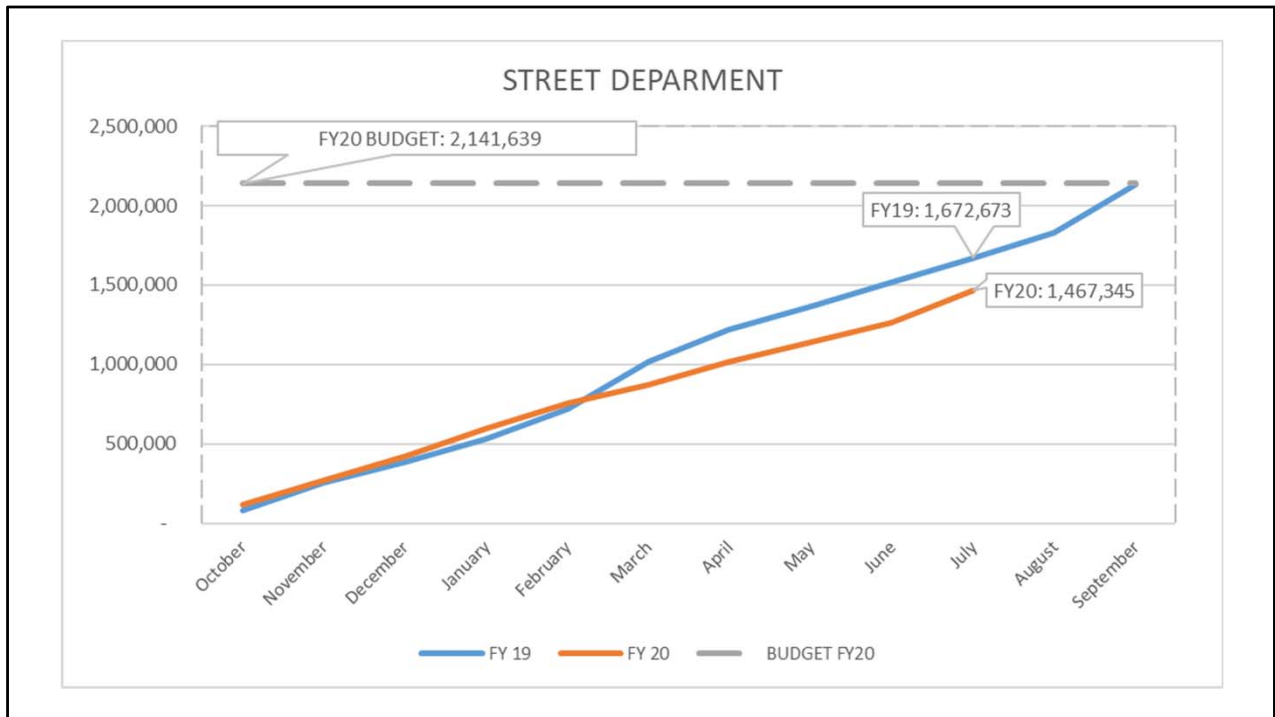
The Facilities Maintenance Department expenditures are down \$22,571 (4.2%) FYTD.



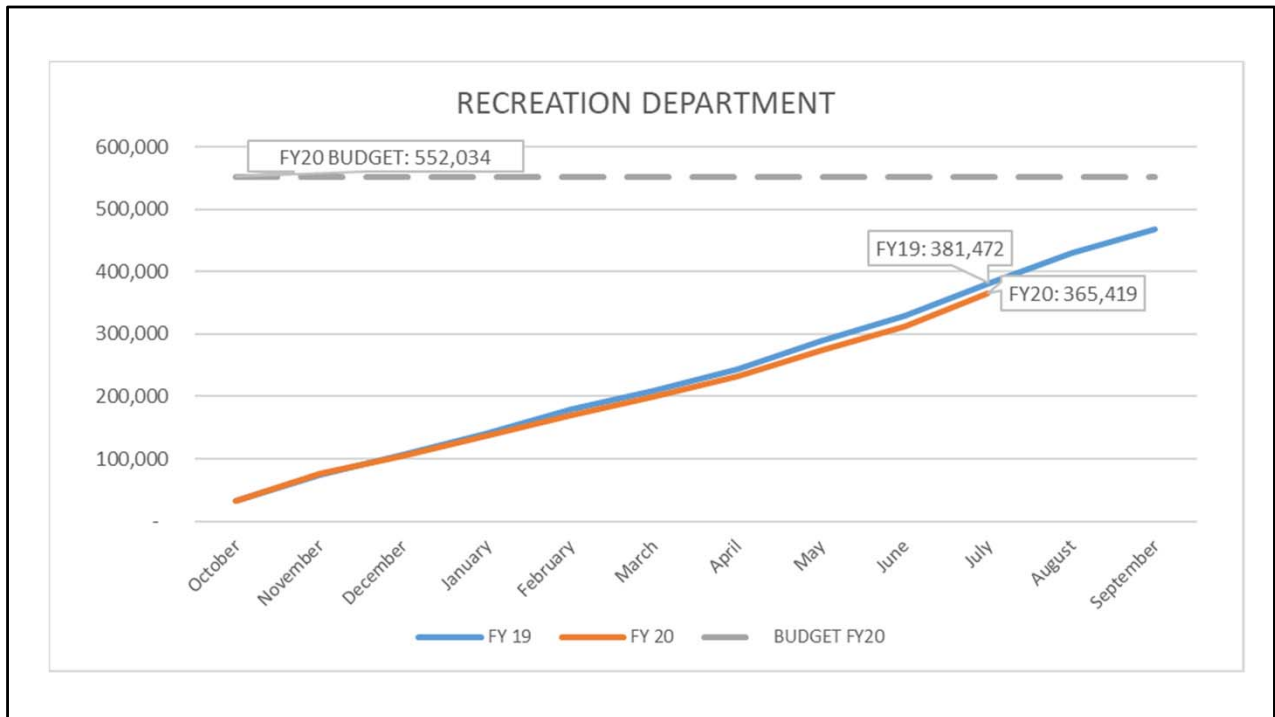
The Police Department expenditures are down \$125,878 (8.4%) FYTD. This decrease is due to a full-time vacancy in the Community Service function that has been filled with two part-time employees.



The Fire & Rescue Department expenditures are up \$215,508 (11.6%) FYTD. This increase is due largely to an increase in utilization of supplies and paid-on-call labor related to the on-going pandemic.



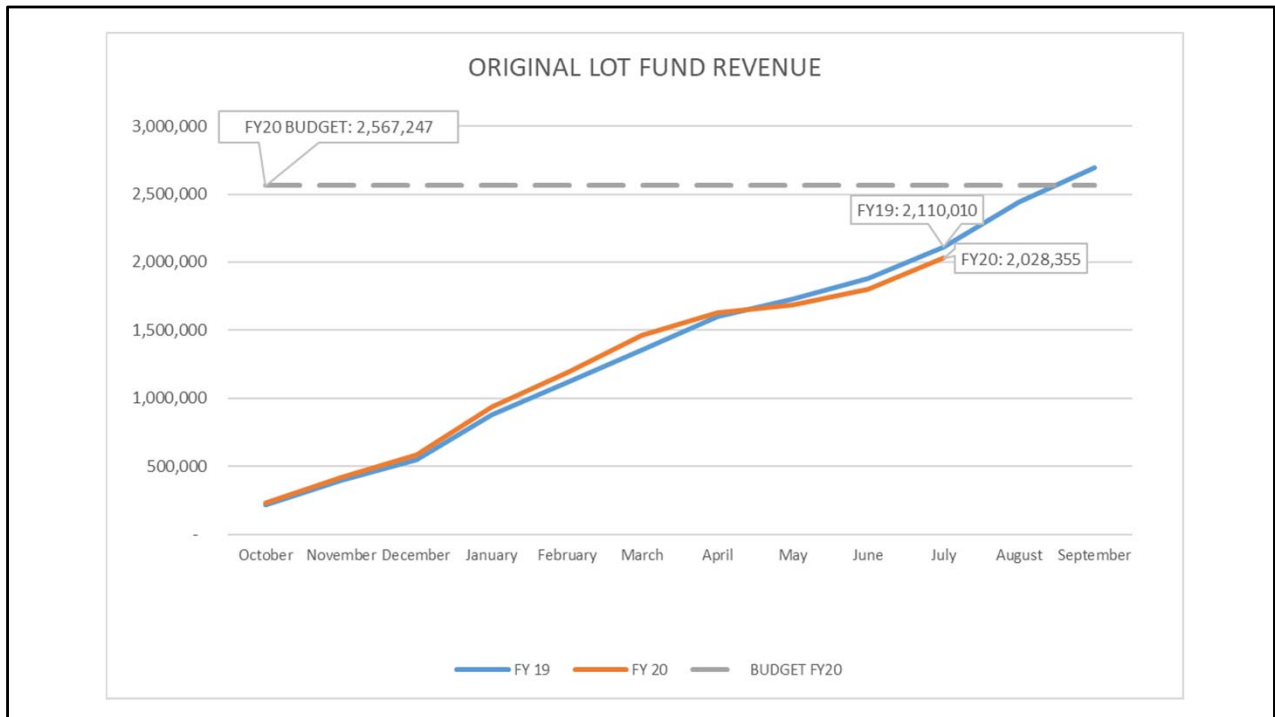
The Streets Department expenditures are down \$205,328 (12.2%) FYTD. This decrease is due to a lighter snow year and resultant decreased utilization of professional services.



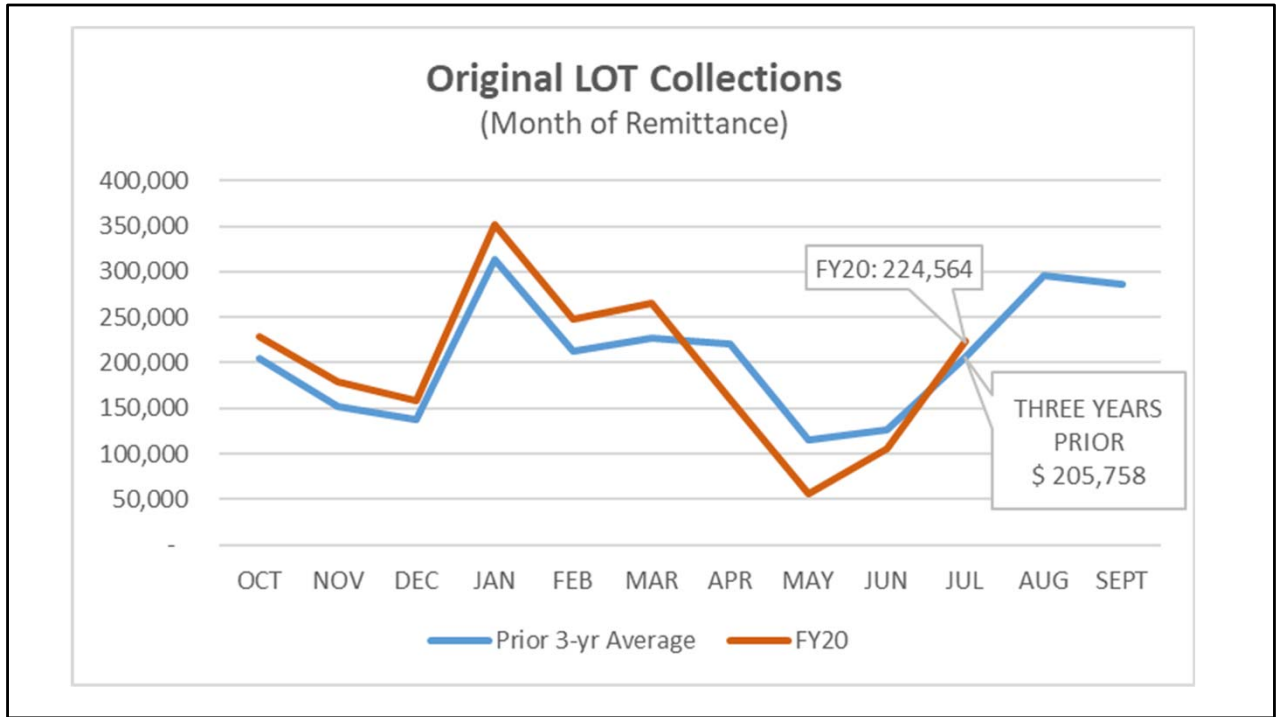
The Recreation Department expenditures are down \$16,053 (4.2%) FYTD.



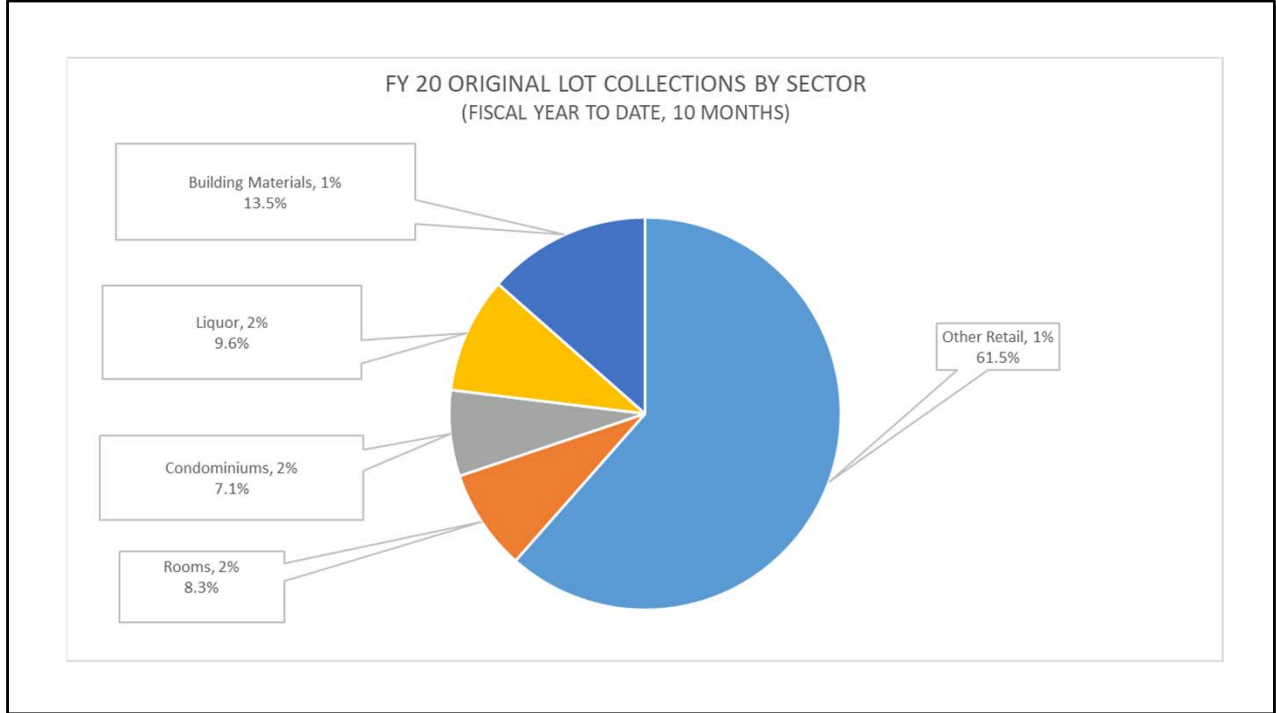
# LOT Analysis



Revenue to the Original LOT Fund is down approximately \$81,655 (3.9%) FYTD.

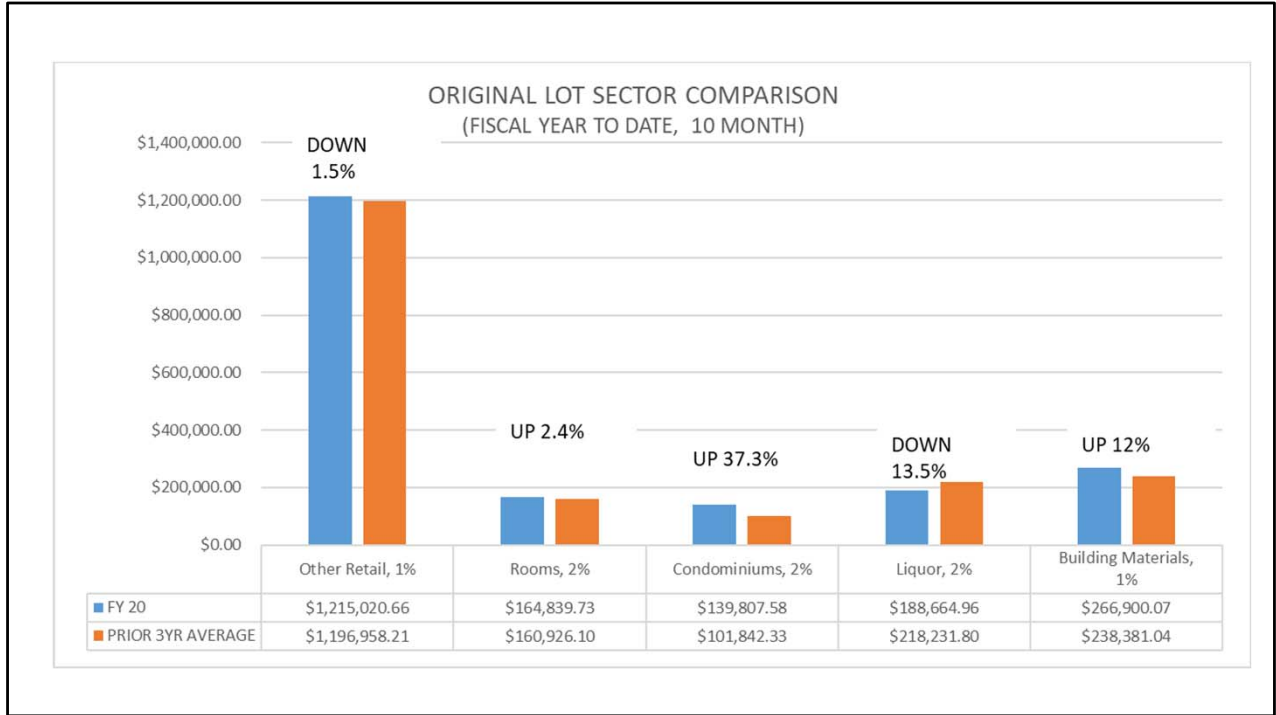


Revenues from Original LOT covered sales are up approximately 9.1% over the average of the prior three years.



To date in FY 20 (10 months), Original LOT collections have been generated by each sector as follows:

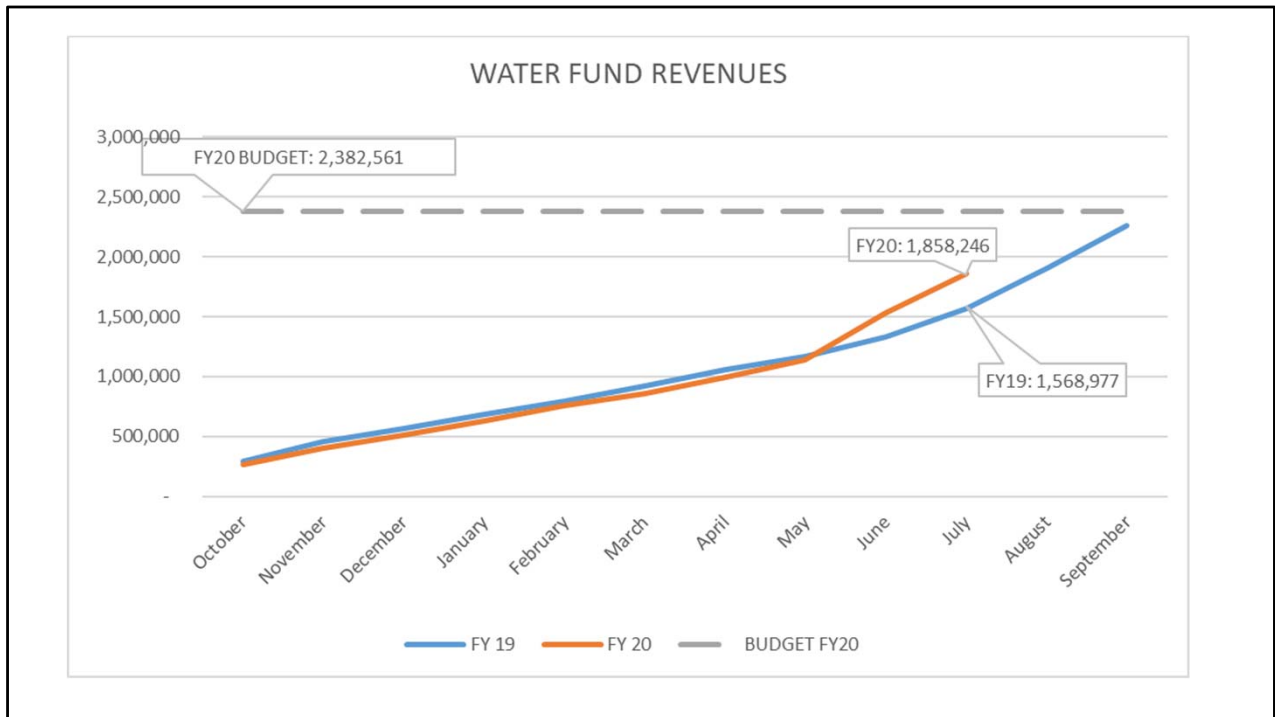
1. Retail has generated 61.5% of the total.
2. Building Materials have generated 13.5%.
3. Liquor has generated 9.6%
4. Rooms have generated 8.3%.
5. Condominiums have generated 7.1%.



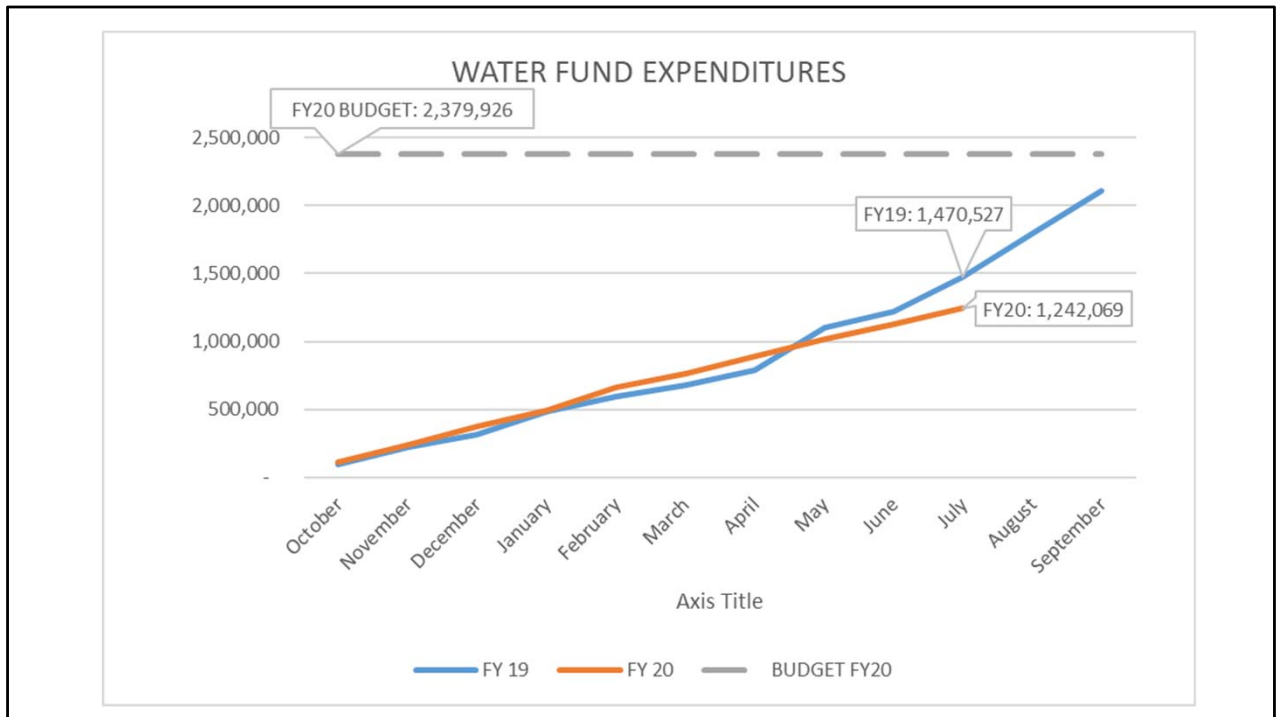
Through the first 10 months of FY 20, collections compared to the prior three-year average are as follows:

1. Retail is down 1.5%.
2. Rooms are up 2.4%.
3. Condominiums are up 37.3%
4. Liquor is down 13.5%.
5. Building Materials are up 12%.

# Enterprise Funds

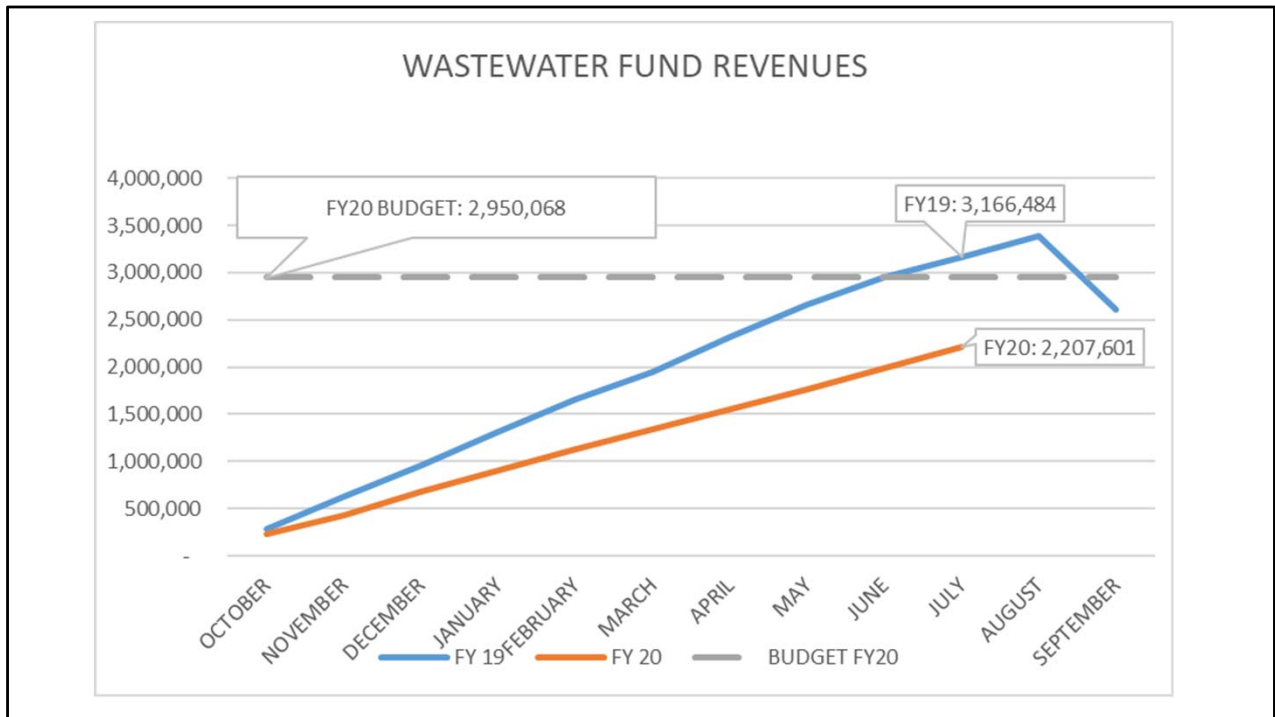


The Water Fund revenues are up \$289,269 (18.4%) FYTD. The increase is due to reimbursement from FEMA for flooding during 2017.

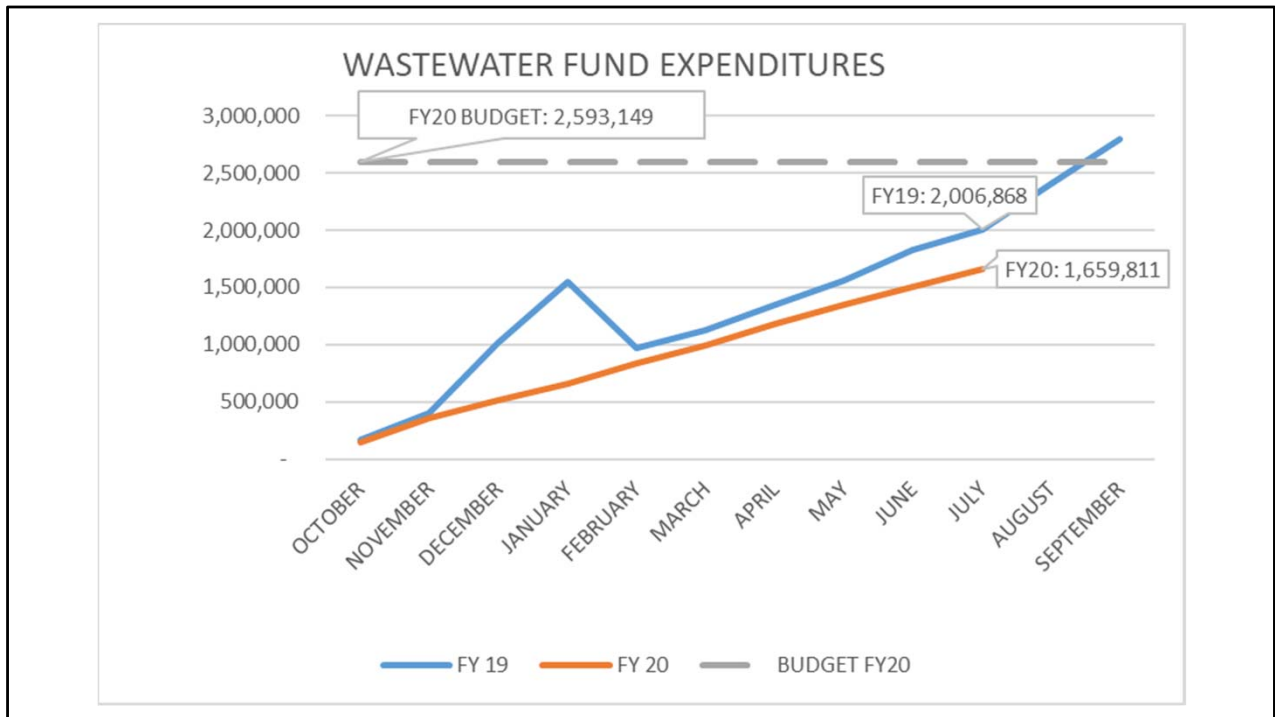


The Water Fund expenditures are down \$228,458 (15.5%) FYTD due to changes in the timing of inter-fund transfers.



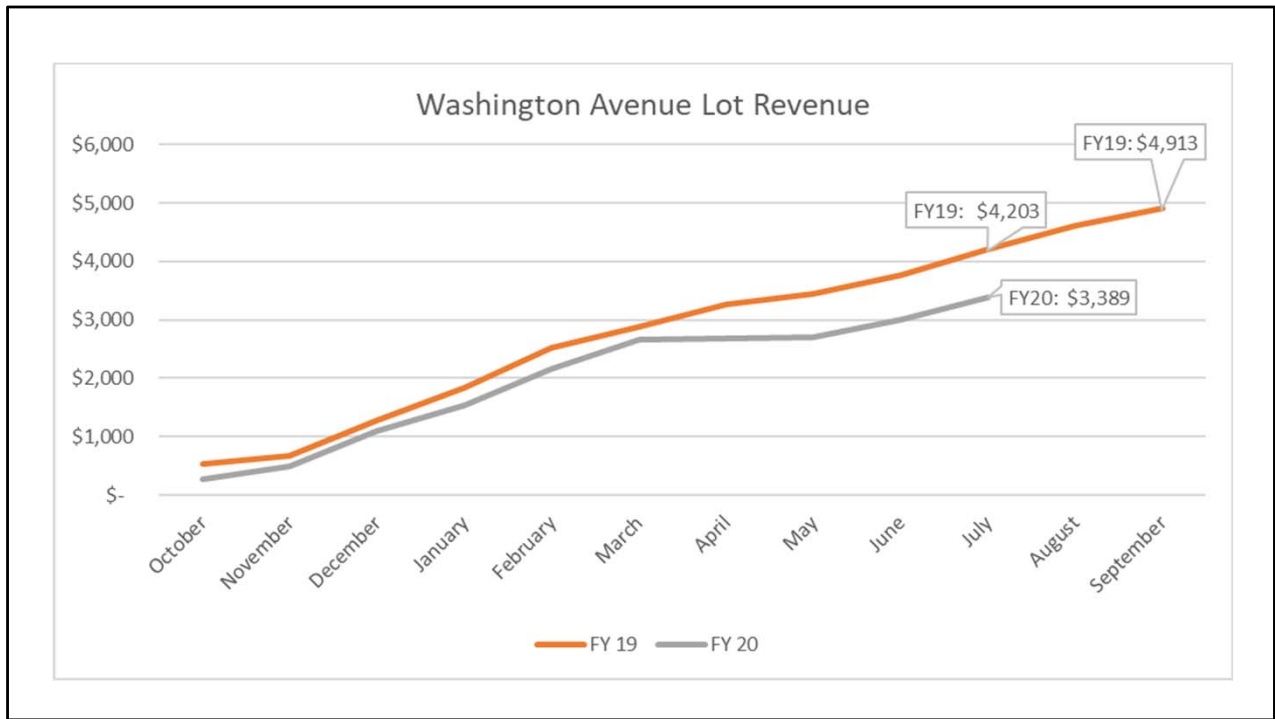


The Wastewater Fund revenues are down \$958,883 (30.3%) FYTD. This decrease is due to lower reimbursements from the Sun Valley Water and Sewer District for the now complete Headworks project.

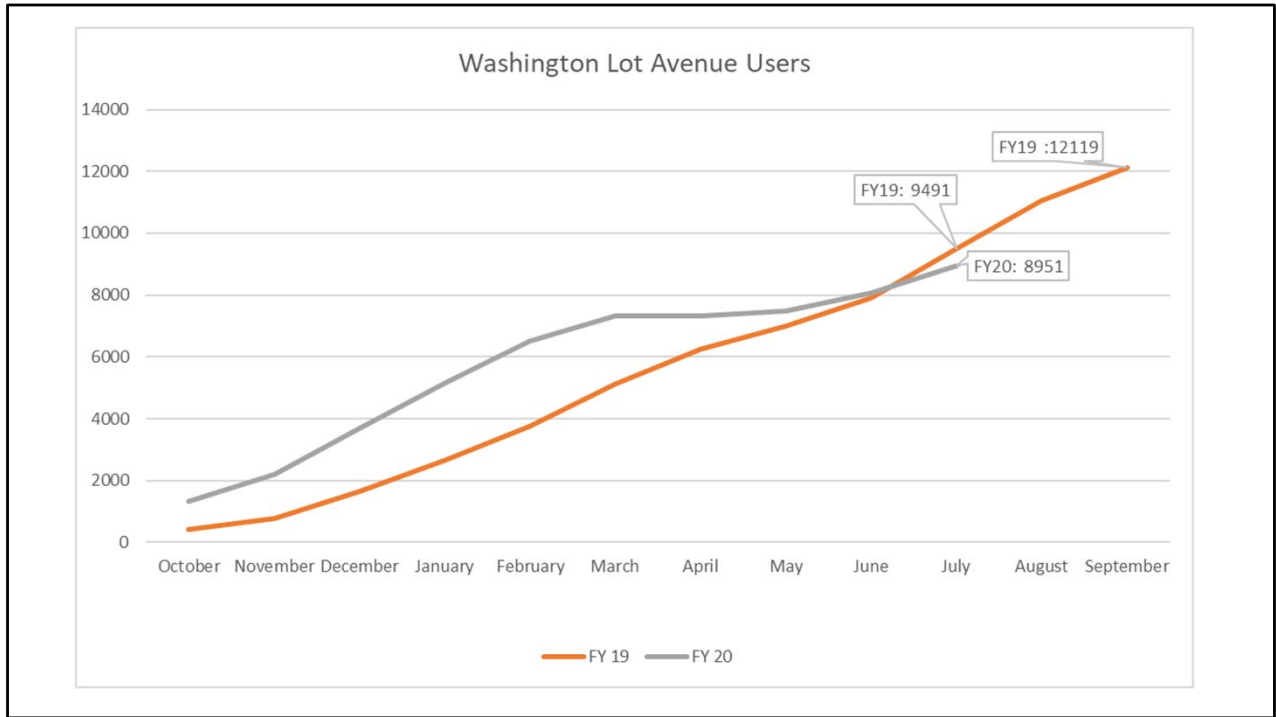


The Wastewater Fund expenditures are down approximately \$347,052 (17.3%) FYTD. The decrease is largely due to lower contracted expenditures in FY20 and also lower inter-fund transfers to the wastewater CIP.

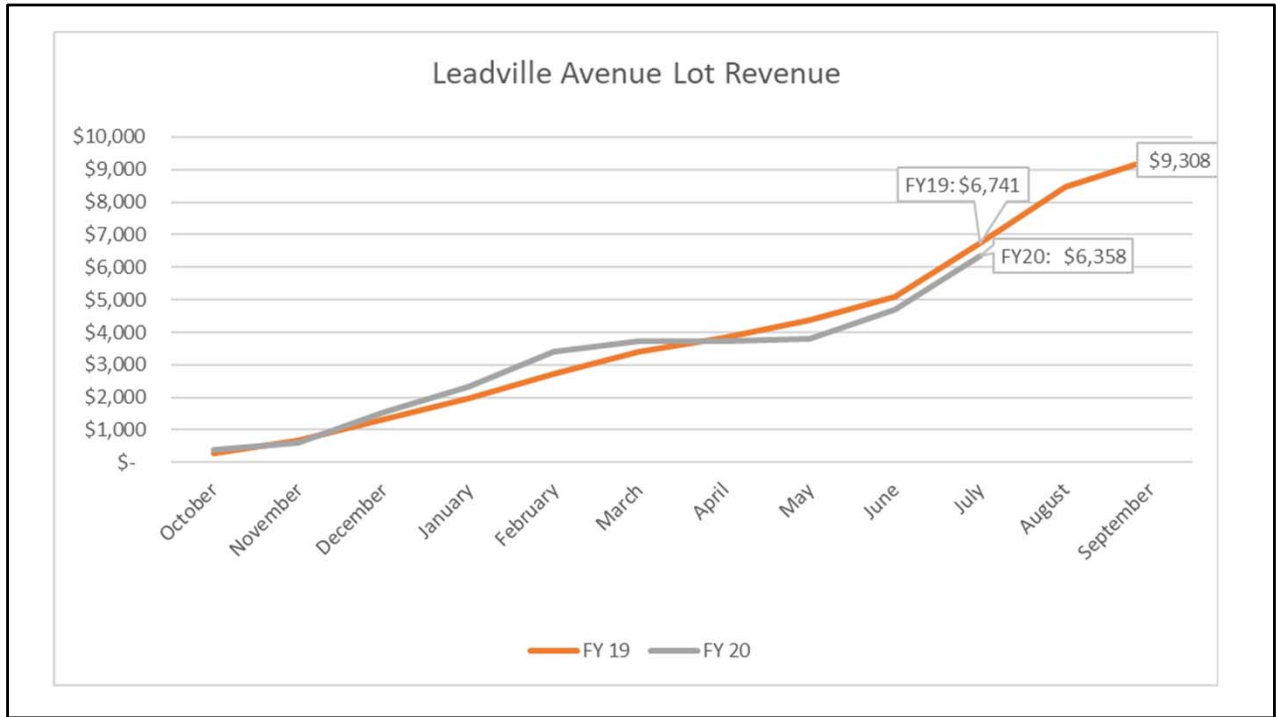
# Off-Street Parking Lots



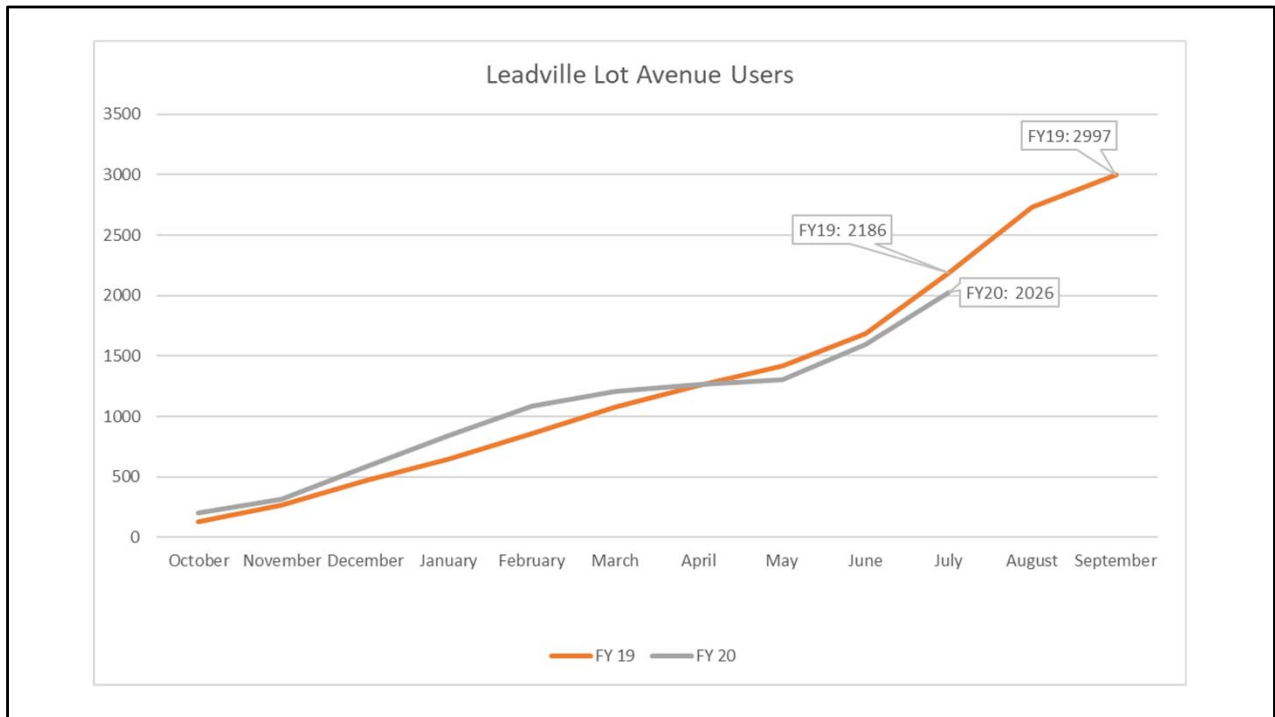
In the fiscal year to date, revenues at the Washington Avenue parking lot are down \$814 (19.4%) relative to the prior year.



In the fiscal year to date, the number of transactions registered at the Washington Avenue parking lot is down 540 (5.7%) relative to the prior year.



In the fiscal year to date, revenues at the Leadville Avenue parking lot are down \$383 (5.7%) relative to the prior year.



In the fiscal year to date, the number of transactions registered at the Leadville Avenue parking lot is down 160 (4.9%) relative to the prior year.



## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to Adopt Resolution No. 20-017 Forming the Wood River Valley Wildlife Smart Communities Coalition**

#### Recommendation and Summary

Staff is recommended the council adopt Resolution No. 20-017 and adopt the following motion:

**I move to adopt Resolution 20-017.**

The reasons for the request are as follows:

- The Wood River Valley has experienced an increase in human/wildlife conflicts.
- A meeting of key local stakeholders was called by Idaho Fish and Game in January 2020; attendees included elected officials and employees representing the cities of Ketchum, Sun Valley and Hailey, Blaine County Commissioners, the owner of Clear Creek Disposal, and staff from the Idaho Conservation League, Forest Service, Bureau of Land Management, and Fish and Game.
- Stakeholders agreed to work collaboratively to implement strategies to mitigate human/wildlife conflicts in Blaine County through the formation of the Wood River Valley Wildlife Smart Communities Coalition.

#### Analysis

Blaine County, and specifically the Wood River Valley, is experiencing similar trends in population growth and increased human/wildlife conflicts that are occurring in other parts of the western U.S. Since 1970, the population of Blaine County has grown by 284%, from a small, rural population of about 5,800, to today's population of 22,600.

From July 15 to September 9, 2019, Idaho Fish and Game's (IDFG) Magic Valley Region received 23 black bear reports from the Wood River Valley, resulting in two food-conditioned bears being euthanized. As of August 2020, the Region has received over 11 black bear reports from the Wood River Valley, with bears getting into unsecured residential garbage and one food-conditioned bear being euthanized. Many other incidents go unreported.

Between July 12, 2019 and March 23, 2020, over 90 sightings, encounters or attacks (on pets) by mountain lions have occurred. IDFG personnel euthanized two lions, a concerned citizen shot one lion, and two were hazed. Five dogs were attacked, three fatally, with numerous house cats being reported as killed or missing, at least some seemingly a result of lion depredation.



The Wood River Valley Wildlife Safe Communities Coalition's goal is to develop a long-term, ongoing campaign to proactively change the behavior of residents and visitors to the Wood River Valley to reduce the number of human/wildlife conflicts and keep wildlife wild. The coalition applied for two grants, totaling \$33,500, from the Idaho Fish and Wildlife Foundation which, if awarded, would fund:

- Creation and management of a website
- Production and distribution of an educational video series
- Development of in-person wildlife safety workshops
- Public service announcements
- Print materials
- Sandwich boards for placement in neighborhoods with known wildlife activity

City Council will consider adopting Resolution 20-017 to acknowledge the City's active participation in the Wood River Valley Wildlife Smart Communities Coalition by providing guidance, recommendations and education to our residents and visitors on best practices that will result in Ketchum being a wildlife smart community.

#### Sustainability Impact

There is no sustainability impact associated with the recommendation.

#### Financial Impact

The only financial impact associated with the recommendation is staff time dedicated to participation in the coalition.

**RESOLUTION 20-017**

A RESOLUTION OF THE CITIES OF KETCHUM, SUN VALLEY, HAILEY, BELLEVUE; AND BLAINE COUNTY, TO FORM THE “WOOD RIVER VALLEY WILDLIFE SMART COMMUNITIES COALITION”, SUPPORTING THE VALUE OF WILDLIFE TO THE WOOD RIVER VALLEY, AND RECOGNIZING THE IMPORTANT ROLES OF COMMUNITIES IN PROMOTING RESPONSIBLE AND SAFE HABITS FOR PEOPLE LIVING IN CLOSE PROXIMITY TO WILDLIFE.

- WHEREAS,** Blaine County residents and visitors appreciate the diversity of wildlife that live throughout the county, and desire that wildlife be encouraged to retain their natural behavior by not allowing wildlife to habituate to our human environments; and
- WHEREAS,** residents of Blaine County recognize the intrinsic value and ecological role, and economic benefits of wildlife; and
- WHEREAS,** the Wood River Valley has experienced increased human/wildlife conflicts, raising concerns for the safety of the public and wildlife; and
- WHEREAS,** residents of Blaine County recognize the need to minimize human/pet/wildlife conflicts and property damage that may lead to lethal control of wildlife by implementing wildlife smart communities best practices; and
- WHEREAS,** communities and residents of Blaine County desire to work with Idaho Fish and Game, the state agency with trust responsibilities for the State’s wildlife and who is charged with preserving, protecting, perpetuating and managing wildlife, while considering the health, safety and welfare of the surrounding public; and
- WHEREAS,** a critical component to reducing human/wildlife conflicts is a holistic community effort that requires Blaine County residents to ensure that their actions and behaviors minimize impacts to wildlife.

**NOW, THEREFORE, BE IT RESOLVED,** by the Cities of Ketchum, Sun Valley, Hailey, Bellevue; and Blaine County, that we recognize the importance of wildlife to our citizens, environment and economy, and acknowledge the responsibility of each community to ensure that wildlife stays wild keeping residents, visitors, pets and wildlife safe.

**FURTHERMORE,** we acknowledge the collaborative intent is to actively participate in the Wood River Valley Wildlife Smart Communities Coalition by providing guidance, recommendations and education to our residents and visitors on how to implement best practices that will result in wildlife smart communities.

**FURTHERMORE,** this resolution will be forwarded to Idaho Fish and Game, Sawtooth National Forest and Bureau of Land Management to acknowledge and agree to their active partnership in supporting this resolution’s efforts.

**PASSED** by the City Council and **APPROVED** by the Mayor this 17<sup>th</sup> day of August 2020.

CITY OF KETCHUM, IDAHO

---

Neil Bradshaw, Mayor

ATTEST:

---

Robin Crotty, City Clerk



City of Ketchum  
City Hall

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, ID 83340

Mayor Bradshaw and City Councilors:

**Recommendation to approve Resolution 20-018 relating to Surplus Property;  
declaring certain property of the City to be surplus; and  
authorizing and directing the disposal of the surplus property.**

Recommendation and Summary

Staff is recommending the Council adopt Resolution 20-015 declaring certain property of the City to be surplus and authorizing disposal with the following motion:

***"I move to adopt Resolution 20-018 declaring personal property in Exhibit A as surplus property, and authorizing staff to dispose of item."***

The reasons for the recommendation are as follows:

- City staff continuously review City-owned assets that are no longer used or are reaching the end of life to determine if they are surplus and can be disposed of.

Introduction and History

The City of Ketchum continuously reviews assets owned and managed by the City. When assets are no longer in use, or are reaching the end of their useful life, the Administrative Services department works with other departments to develop a list of items that are no longer in current use. The City of Ketchum's policy is to sell, donate, or dispose of surplus property.

Analysis

The items on the attached list have all reached the end of their useful life and staff is requesting approval to dispose of the items once they are declared surplus.

Financial Impact

To the extent that the City can auction the equipment, a small revenue gain may occur.

Attachments

- Resolution 20-018 and Exhibit A

**RESOLUTION NO. 20-018**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO RELATING TO SURPLUS PERSONAL PROPERTY; DECLARING CERTAIN PERSONAL PROPERTY OF THE CITY TO BE SURPLUS; AUTHORIZING AND DIRECTING THE DISPOSAL OF THE SURPLUS PROPERTY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum, Idaho (“City”) has acquired certain personal property for the purpose of carrying out services in the public interest; and

WHEREAS, certain items of personal property of the City are no longer needed by the City; and

WHEREAS, the City Council has deemed it unnecessary to maintain ownership of surplus personal property specifically listed and described in **Exhibit A** attached hereto and by this reference incorporated herein (“surplus property”); and

WHEREAS, the City Council desires to surplus the property listed in **Exhibit A**.

NOW, THEREFORE, it is hereby RESOLVED by the City Council of the City of Ketchum, Idaho as follows:

Section 1: The City Council finds and declares that the City no longer has a use for the property listed and described in **Exhibit A**. The City Council further finds and declares that the property is surplus.

Section 2: The City Clerk is hereby authorized to surplus property.

Section 3: This Resolution shall take effect and be in force immediately upon its passage and approval.

Passed and approved this 17<sup>th</sup> day of August 2020

CITY OF KETCHUM

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

ATTEST

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

Exhibit A

**Surplus Items**

<b>Location</b>	<b>Item</b>
Water/Wastewater Treatment Plant	4 Computers



## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to approve Right-of-Way Encroachment Agreement 20497 with Cox Communications for placement of telecommunications infrastructure in the City Right-of-Way**

#### Recommendation and Summary

Staff is recommending the Council approve the attached Encroachment Agreement 20497 and adopt the following motion:

**"I move to authorize the Mayor to sign Encroachment Agreement 20497 with Cox Communications."**

The reasons for the recommendation are as follows:

- The encroachment is necessitated by undergrounding of Idaho Power lines
- The encroachment is necessary to provide continued telecommunication services
- The encroachment will have no impact on public access or city maintenance operations

#### Introduction and History

Cox Communications would like to install approximately 420 ft. of coaxial cable in a 2-inch conduit within the City's right-of-way along Corrock Dr. Cox will be placing their facilities in a shared trench with Idaho Power. The Idaho Power Encroachment Agreement was presented and approved by Council on August 3, 2020.

City code requires a right-of-way encroachment permit for any permanent encroachment in the public right-of-way. These agreements are intended to help protect the City in the event the proposed encroachments were to ever pose an issue requiring repair of the encroachment or relocation.

#### Analysis

In consideration of future projects and current operations, the proposed encroachments were determined not to impact public access or maintenance.

#### Financial Impact

There is no financial impact resulting from approval of this encroachment agreement.

Attachments:

Encroachment Agreement 20497

**WHEN RECORDED, PLEASE RETURN TO:**

**OFFICE OF THE CITY CLERK  
CITY OF KETCHUM  
POST OFFICE BOX 2315  
KETCHUM, IDAHO 83340**

---

**RIGHT-OF-WAY ENCROACHMENT AGREEMENT 20497**

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_, 2020, by and between the CITY OF KETCHUM, IDAHO, a municipal corporation ("Ketchum"), whose address is Post Office Box 2315, Ketchum, Idaho, and \_\_\_\_\_, representing Cox Communications, (collectively referred to as "Owner"), whose address is 3031 N 120<sup>th</sup> St., Omaha, NE 68164.

*RECITALS*

WHEREAS, Owner wishes to permit placement of telecommunications improvements in the right-of-way between 119 Corrock Drive and 235 Corrock Drive. These improvements are shown in Exhibit "A" attached hereto and incorporated herein (collectively referred to as the "Improvements"); and,

WHEREAS, Ketchum finds that said Improvements will not impede the use of said public right-of-way at this time subject to the terms and provisions of this Agreement;

WHEREAS, the Owner will restore the road, shoulder, and landscaping back to the original condition acceptable to the Streets and Facilities Director;

NOW, THEREFORE, in contemplation of the above stated facts and objectives, it is hereby agreed as follows:

*TERMS AND CONDITIONS*

1. Ketchum shall permit Owner to install telecommunications infrastructure identified in Exhibit "A" within the public right-of-way between 119 Corrock Drive and 235 Corrock Drive, until notified by Ketchum to remove the infrastructure at which time Owner shall remove infrastructure at Owner's expense.
2. Owner shall be responsible for the maintenance of said Improvements and shall repair said improvements within 48 hours upon notice from Ketchum that repairs are needed.
3. Owner shall be responsible for restoring the street, shoulder, and landscaping that is altered due to the construction and installation of the underground lines, to the satisfaction of the Director of Streets and Facilities.
4. In consideration of Ketchum allowing Owner to maintain the Improvements in the public right-of-way, Owner agrees to indemnify and hold harmless Ketchum from and against any and all claims of liability for any injury or damage to any person or property arising from the Improvements constructed, installed and maintained in the public right-of-way. Owner shall further indemnify and hold Ketchum harmless from and against any and all claims arising from



any breach or default in the performance of any obligation on Owner's part to be performed under this Agreement, or arising from any negligence of Owner or Owner's agents, contractors or employees and from and against all costs, attorney's fees, expenses and liabilities incurred in the defense of any such action or proceeding brought thereon. In the event any action or proceeding is brought against Ketchum by reason of such claim, Owner, upon notice from Ketchum, shall defend Ketchum at Owner's expense by counsel satisfactory to Ketchum. Owner, as a material part of the consideration to Ketchum, hereby assumes all risk of damages to property or injury to persons in, upon or about the Improvements constructed, installed and maintained in the public right-of-way arising from the construction, installation and maintenance of said Improvements and Owner hereby waives all claims in respect thereof against Ketchum.

5. Ketchum shall not be liable for injury to Owner's business or loss of income therefrom or for damage which may be sustained by the person, goods, wares, merchandise or property of Owner, its tenants, employees, invitees, customers, agents or contractors or any other person in or about the Subject Property caused by or resulting from the Improvements constructed, installed, removed or maintained in the public right-of-way.

6. Owner understands and agrees that by maintaining the Improvements in the public right-of-way pursuant to this Agreement, Owner obtains no claim or interest in said public right-of-way which is adverse to that of Ketchum and that Owner obtains no exclusive right to said public right-of-way nor any other right to use the public right-of-way not specifically described herein.

7. In the event either party hereto retains an attorney to enforce any of the rights, duties and obligations arising out of this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party reasonable attorney's fees at the trial and appellate levels and, whether or not litigation is actually instituted.

8. This Agreement shall be governed by, construed, and enforced in accordance with the laws and decisions of the State of Idaho. Venue shall be in the District Court of the fifth Judicial District of the State of Idaho.

9. This Agreement sets forth the entire understanding of the parties hereto, and shall not be changed or terminated orally. It is understood and agreed by the parties hereto that there are no verbal promises or implied promises, agreements, stipulations or other representations of any kind or character pertaining to the Improvements maintained in the public right-of-way other than as set forth in this Agreement.

10. No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of this document.

11. This Agreement shall be recorded with the Blaine County Recorder by Ketchum.

12. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

OWNER:

CITY OF KETCHUM:

By: \_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Neil Bradshaw  
Its: Mayor

STATE OF \_\_\_\_\_,    )  
  ) ss.  
County of \_\_\_\_\_.

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned Notary Public in and for said State, personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged to me that he executed the same.

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

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at \_\_\_\_\_  
Commission expires \_\_\_\_\_

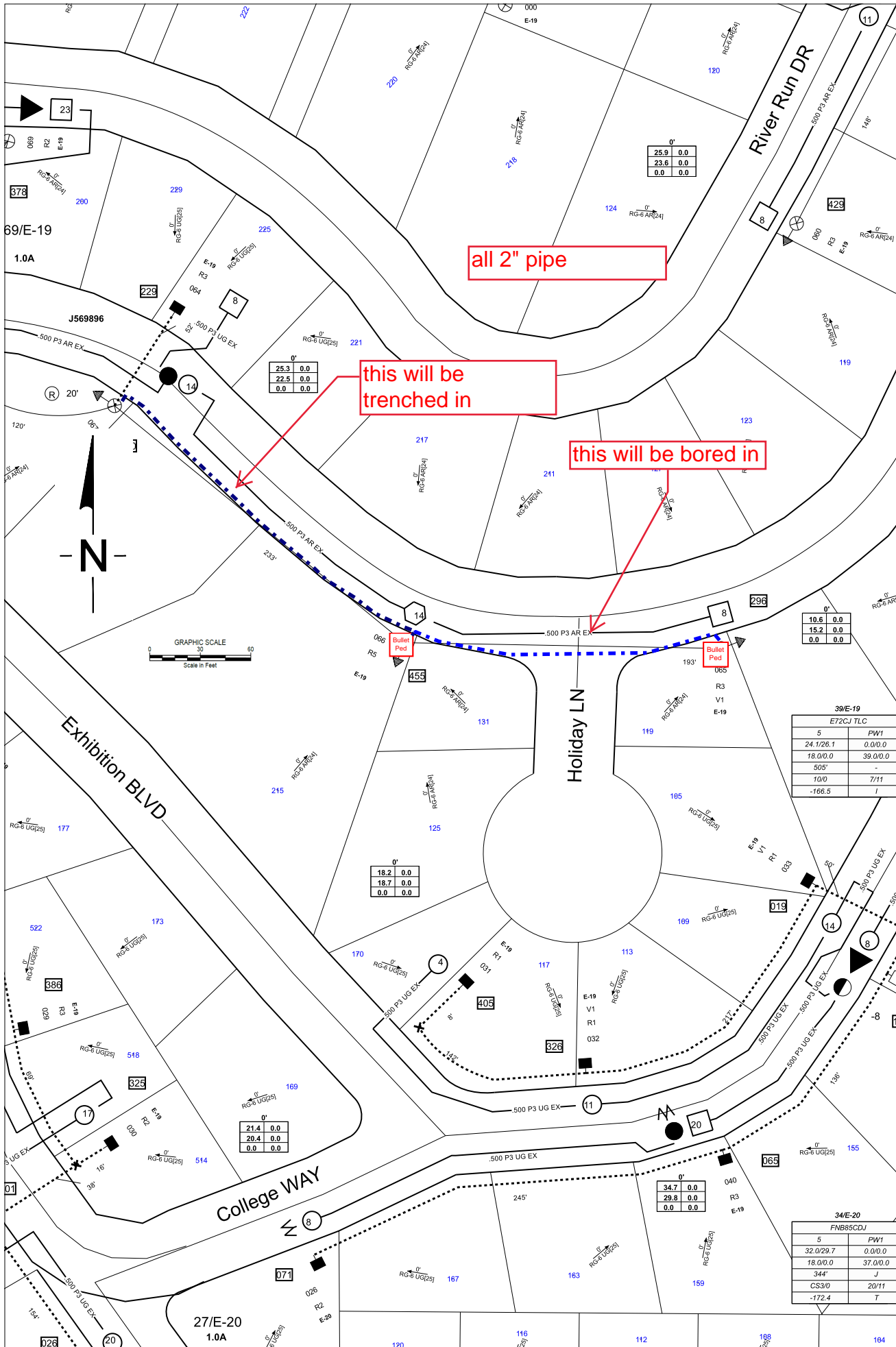
STATE OF IDAHO    )  
  ) ss.  
County of Blaine    )

On this \_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned Notary Public in and for said State, personally appeared NEIL BRADSHAW, known or identified to me to be the Mayor of the CITY OF KETCHUM, IDAHO, and the person who executed the foregoing instrument on behalf of said municipal corporation and acknowledged to me that said municipal corporation executed the same.

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

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at \_\_\_\_\_  
Commission expires \_\_\_\_\_

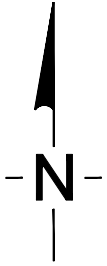
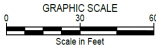
**EXHIBIT "A"**



all 2" pipe

this will be trenched in

this will be bored in



0'	10.6	0.0
0'	15.2	0.0
0'	0.0	0.0

39/E-19	
E72CJ TLC	
5	PW1
24.1/26.1	0.0/0.0
18.0/0.0	39.0/0.0
505'	-
10/0	7/11
-166.5	7

0'	18.2	0.0
0'	18.7	0.0
0'	0.0	0.0

0'	21.4	0.0
0'	20.4	0.0
0'	0.0	0.0

0'	34.7	0.0
0'	29.8	0.0
0'	0.0	0.0

34/E-20	
FNBR5CDJ	
5	PW1
32.0/29.7	0.0/0.0
18.0/0.0	37.0/0.0
344'	J
CS3/0	20/11
-172.4	T

Notes:





## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to approve Right-of-Way Encroachment Agreement 20486 with CenturyLink for placement of telecommunications infrastructure in the City Right-of-Way**

#### Recommendation and Summary

Staff is recommending the Council approve the attached Encroachment Agreement 20486 and adopt the following motion:

**"I move to authorize the Mayor to sign Encroachment Agreement 20486 with CenturyLink."**

The reasons for the recommendation are as follows:

- The encroachment is necessary to upgrade telecommunication services to 415 Spruce Avenue.
- The encroachment will have no impact on pedestrian or public access.

#### Introduction and History

CenturyLink would like to install approximately 10 ft. of new conduit and an at grade vault (handhole) within the City's right-of-way behind the sidewalk on Spruce Avenue between 4<sup>th</sup> Street and Sun Valley Road.

City code requires a right-of-way encroachment agreement for any permanent encroachment in the public right-of-way. These agreements are intended to help protect the City in the event the proposed encroachments were to ever pose an issue requiring repair or relocation of the encroachments.

#### Analysis

Engineering and Streets have reviewed the layout of the proposed telecommunications infrastructure and determined it will not impact public access or maintenance operations.

#### Financial Impact

There is no financial impact resulting from approval of this encroachment agreement.

Attachments:

Encroachment Agreement 20486

**WHEN RECORDED, PLEASE RETURN TO:**

**OFFICE OF THE CITY CLERK  
CITY OF KETCHUM  
POST OFFICE BOX 2315  
KETCHUM, IDAHO 83340**

---

**RIGHT-OF-WAY ENCROACHMENT AGREEMENT 20486**

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_, 2020, by and between CITY OF KETCHUM, IDAHO, a municipal corporation ("Ketchum"), whose address is Post Office Box 2315, Ketchum, Idaho and \_\_\_\_\_, representing CenturyLink, (collectively referred to as "Owner"), whose address is 216 S Park Ave. W, Twin Falls, ID 83301.

*RECITALS*

WHEREAS, Owner wishes to permit placement of telecommunications improvements in the right-of-way on Spruce Avenue between 4<sup>th</sup> Street and Sun Valley Road. These improvements are shown in Exhibit "A" attached hereto and incorporated herein (collectively referred to as the "Improvements"); and,

WHEREAS, Ketchum finds that said Improvements will not impede the use of said public right-of-way at this time subject to the terms and provisions of this Agreement;

WHEREAS, the Owner will restore the sidewalk, street, curb and gutter and any landscaping back to the original condition acceptable to the Streets and Facilities Director;

NOW, THEREFORE, in contemplation of the above stated facts and objectives, it is hereby agreed as follows:

*TERMS AND CONDITIONS*

1. Ketchum shall permit Owner to install telecommunications infrastructure identified in Exhibit "A" within the public right-of-way of Spruce Avenue between 4<sup>th</sup> Street and Sun Valley Road, until notified by Ketchum to remove the infrastructure at which time Owner shall remove infrastructure at Owner's expense.
2. Owner shall be responsible for the maintenance of said Improvements and shall repair said improvements within 48 hours upon notice from Ketchum that repairs are needed.
3. Owner shall be responsible for restoring the sidewalk, curb and gutter and landscaping that is altered due to the construction and installation to the satisfaction of the Director of Streets and Facilities.
4. In consideration of Ketchum allowing Owner to maintain the Improvements in the public right-of-way, Owner agrees to indemnify and hold harmless Ketchum from and against any and all claims of liability for any injury or damage to any person or property arising from the Improvements constructed, installed and maintained in the public right-of-way. Owner shall further indemnify and hold Ketchum harmless from and against any and all claims arising from

any breach or default in the performance of any obligation on Owner's part to be performed under this Agreement, or arising from any negligence of Owner or Owner's agents, contractors or employees and from and against all costs, attorney's fees, expenses and liabilities incurred in the defense of any such action or proceeding brought thereon. In the event any action or proceeding is brought against Ketchum by reason of such claim, Owner, upon notice from Ketchum, shall defend Ketchum at Owner's expense by counsel satisfactory to Ketchum. Owner, as a material part of the consideration to Ketchum, hereby assumes all risk of damages to property or injury to persons in, upon or about the Improvements constructed, installed and maintained in the public right-of-way arising from the construction, installation and maintenance of said Improvements and Owner hereby waives all claims in respect thereof against Ketchum.

5. Ketchum shall not be liable for injury to Owner's business or loss of income therefrom or for damage which may be sustained by the person, goods, wares, merchandise or property of Owner, its tenants, employees, invitees, customers, agents or contractors or any other person in or about the Subject Property caused by or resulting from the Improvements constructed, installed, removed or maintained in the public right-of-way.

6. Owner understands and agrees that by maintaining the Improvements in the public right-of-way pursuant to this Agreement, Owner obtains no claim or interest in said public right-of-way which is adverse to that of Ketchum and that Owner obtains no exclusive right to said public right-of-way nor any other right to use the public right-of-way not specifically described herein.

7. In the event either party hereto retains an attorney to enforce any of the rights, duties and obligations arising out of this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party reasonable attorney's fees at the trial and appellate levels and, whether or not litigation is actually instituted.

8. This Agreement shall be governed by, construed, and enforced in accordance with the laws and decisions of the State of Idaho. Venue shall be in the District Court of the fifth Judicial District of the State of Idaho.

9. This Agreement sets forth the entire understanding of the parties hereto, and shall not be changed or terminated orally. It is understood and agreed by the parties hereto that there are no verbal promises or implied promises, agreements, stipulations or other representations of any kind or character pertaining to the Improvements maintained in the public right-of-way other than as set forth in this Agreement.

10. No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of this document.

11. This Agreement shall be recorded with the Blaine County Recorder by Ketchum.

12. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

OWNER:

CITY OF KETCHUM:

By: \_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Neil Bradshaw  
Its: Mayor

STATE OF \_\_\_\_\_, )  
  ) ss.  
County of \_\_\_\_\_.)

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned Notary Public in and for said State, personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged to me that he executed the same.

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

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at \_\_\_\_\_  
Commission expires \_\_\_\_\_

STATE OF IDAHO )  
  ) ss.  
County of Blaine )

On this \_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned Notary Public in and for said State, personally appeared NEIL BRADSHAW, known or identified to me to be the Mayor of the CITY OF KETCHUM, IDAHO, and the person who executed the foregoing instrument on behalf of said municipal corporation and acknowledged to me that said municipal corporation executed the same.

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

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at \_\_\_\_\_  
Commission expires \_\_\_\_\_

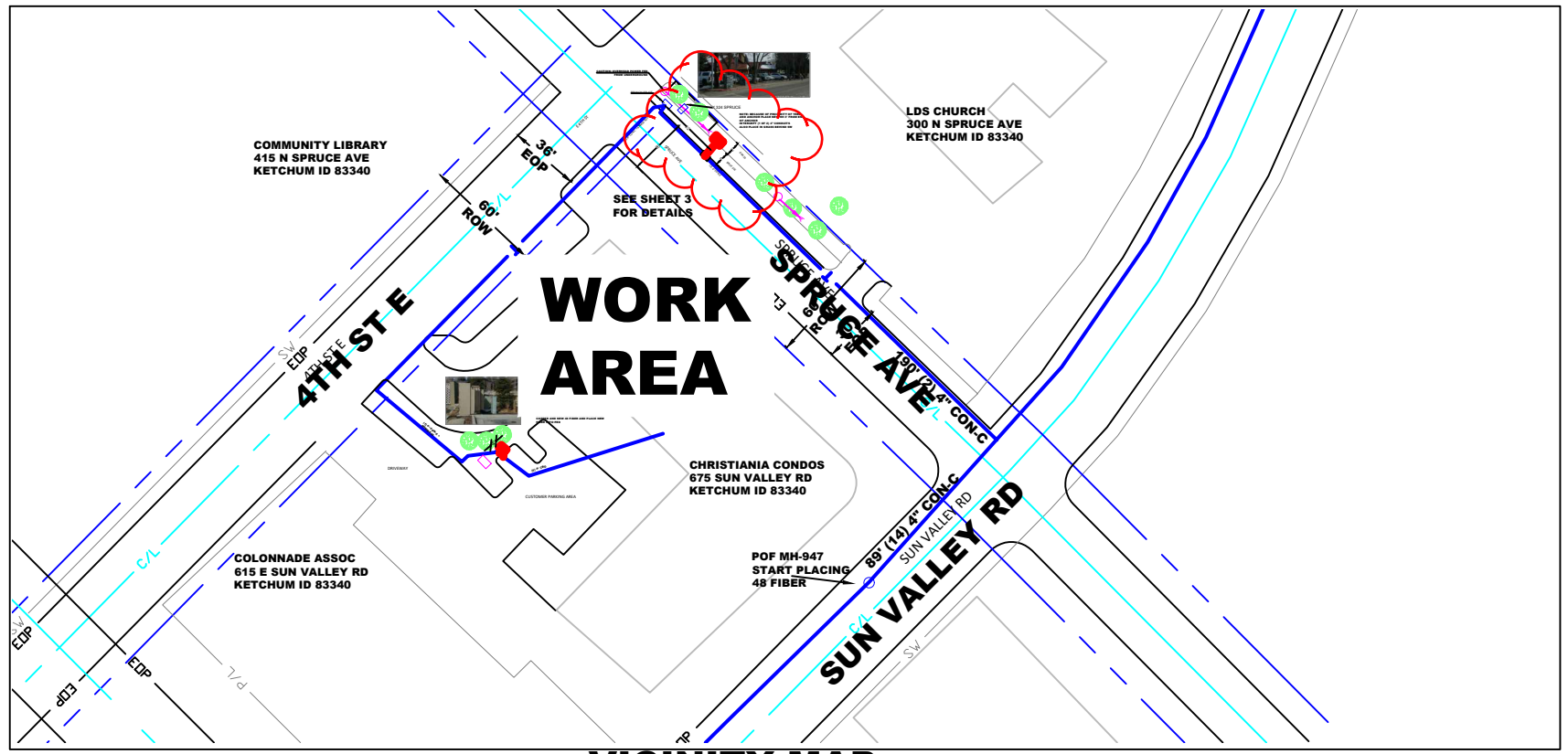


**EXHIBIT "A"**

**LEGEND SHEET**

**SYMBOLOLOGY**

CENTERLINES	CA	⊙	BRASS CAP	—	CATCH BASIN
MONUMENT LINE	WA	⊙	STREET SIGN	—	IRRIGATION CONTROL VALVE
PROPERTY LINE	PA	⊙	TREE	—	IRRIGATION MANHOLE
RIGHT OF WAY	RA	⊙	BUSH	—	WATER MANHOLE
PUE	PUE	⊙	CACTUS	—	SEWER MANHOLE
MATCHLINE	—	⊙	UTILITY CABINET	—	STORM DRAIN MANHOLE
RAILROAD	—	⊙	POWER POLE	—	GAS MANHOLE
CATV LINE	—	⊙	WOOD POWER POLE	—	TELCO MANHOLE
ELECTRIC	—	⊙	PROPOSED ANCHOR	—	CATV MANHOLE
OVERHEAD ELECTRIC	—	⊙	TRAFFIC LIGHT POLE	—	GAS VALVE
OVERHEAD T & E	—	⊙	STREET LIGHT	—	GAS METER
GAS	—	⊙	STEEL POWER POLE	—	ELECTRIC METER
PETROLEUM	—	⊙	WOOD TRANSMISSION POLE	—	ELECTRIC VAULT/PULLBOX
IRRIGATION	—	⊙	STEEL TRANSMISSION POLE	—	TEL MANHOLE EXISTING
RWCD IRRIGATION PIPE	—	⊙	JUNCTION BOX	—	TEL MANHOLE NEW
SEWER	—	⊙	UTILITY VAULT/HAND HOLE	—	TELCO HANDHOLE EXISTING
STORM DRAIN	—	⊙	GROUND TRANSFORMER	—	TELCO HANDHOLE NEW
TELEPHONE	—	⊙	CATV POWER SUPPLY	—	4"x4" BOREPIT
JOINT TRENCH TELCO/ELEC	—	⊙	CATV PEDESTAL	—	SAI EXISTING
AERIAL UTILITY (FIBER OPTIC)	—	⊙	TELCO PEDESTAL	—	SAI NEW
BURIED UTILITY (FIBER OPTIC)	—	⊙	POWER PED EXISTING	—	RT EXISTING
ABN TELCO	—	⊙	POWER PED NEW	—	RT NEW
WATER	—	⊙	WATER METER	—	TELCO REPEATER NEW
RECLAIMED WATER	—	⊙	WATER VALVE	—	TELCO REPEATER EXISTING
FENCE	—	⊙	FIRE HYDRANT	—	COOLPED NEW
WALL	—	⊙	BACK FLOW PREVENTER	—	COOLPED EXISTING
CITY LIMITS	—	⊙	PROPOSED RISER	—	PROPOSED AERIAL FIBER SLACK LOOP
TRAFFIC SIGNAL	—	⊙	PROPOSED DG TO FOREIGN ANCHOR	—	TRENCH FTG
STREET LIGHT	—	⊙	TRENCH FTG	—	BORE FTG
BORE	—	⊙	ASPHALT CUT FTG	—	SLACK LOOP FTG
ASPHALT CUT & RESTORE	—	⊙			
TRENCH	—	⊙			



**CONSTRUCTION NOTES:**

- UTILITY LOCATE 72 HOURS PRIOR TO TRENCHING OR DIGGING
- THE EXISTENCE AND LOCATION ON ANY UNDERGROUND UTILITY PIPES OR STRUCTURES SHOWN ON THESE PRINTS WERE OBTAINED BY FIELD INSPECTION AND/OR A SEARCH OF AVAILABLE COUNTY RECORDS. THE ACTUAL LOCATION AND NATURE OF THE UNDERGROUND FACILITIES MAY BE DIFFERENT THAN SHOW. CONTRACTOR IS REQUIRE TO VERIFY PRIOR TO EXCAVATION.
- FOR UNDERGROUND ACTIVITY: TEST AND VENTILATE MANHOLE/UTILITY VAULT PRIOR TO ENTRY, PLACE WARNING DEVICES AND WORK ARE PROTECTION AS REQUIRED, AND USE ALL SAFETY PROJECTION PER FEDERAL, STATE, AND LOCAL REGULATIONS.
- ALL EXCAVATION, TRENCHING, AND SHORING IS TO ADHERE TO THE CODE OF ALL EXCAVATION, TRENCHING, AND SHORING IS TO ADHERE TO THE CODE OF CODE OF FEDERAL REGULATIONS (CFR) 1926.650 SUBPART P.
  - PROVIDE ALL PITS WITH 1'x1' SLOPE AT ONE END OF EXCAVATION FOR TECHNICIAN INGRESS/EGRESS.
  - EXCAVATED SPOILS ARE TO BE NO LESS THAN 24" FROM EDGE OF PIT OR FROM EDGE OF PIT OR TRENCH.
  - BARRICADE ALL OPEN PITS AND TRENCHING FOR PUBLIC SAFETY. ALL BARRICADES MUST BE EQUIPPED WITH FLASHING LIGHTS FOR NIGHT VISIBILITY.
  - FOR PITS GREATER THAN 4' IN DEPTH, USE APPROPRIATE SHORING FOR WALL STABILITY.
- TRENCH COVER IS TO BE 36" MINIMUM AND FREE OF ROCKS, DEBRIS AND CLOUDS. THE TRENCH IS TO BE A MINIMUM OF 36" COVER IN DEVELOPED AREAS AND A MINIMUM OF 48" OF COVER IN UNDEVELOPED AREAS (ANY VARIANCE FROM THESE STANDARDS WILL BE SPECIFIED ON THE PLANS).
- ALL ASPHALT/CONCRETE AND LANDSCAPING REMOVED, DISTURBED, OR DAMAGED AS A RESULT OF CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
- NORMAL/GUIDED-BORING METHOD RECOMMENDED WHEN BORING.
- ADHERE TO AIRTIGHT GUIDELINES UNLESS OTHERWISE NOTED.
- BOND BURIED/AERIAL FACILITIES AS REQUIRED BY JURISDICTIONAL AGENCY(S).
- AERIAL FACILITIES ARE TO BE TESTED PRIOR TO BEGINNING WORK PER STATE AND LOCAL REGULATIONS.
- ALL WORK AREA PROTECTIONS FOR TRAFFIC CONTROL IS TO BE WITH APPROVED WARNING DEVICES AND PLACED PER STATE DEPARTMENT OF TRANSPORTATION AND/OR PUBLIC WORKS ENGINEERING DEPARTMENT STANDARDS AND SPECIFICATIONS. IF REQUIRED, A TRAFFIC CONTROL PLAN SHALL BE SUBMITTED TO THE REQUESTING PERMITTING AGENCY. PRIOR TO BEGINNING WORK, PERMITTING AGENCIES MUST BE NOTIFIED 48 HOURS IN ADVANCE OF CONSTRUCTION ACTIVITIES.
- EXISTING PEDESTRIAN CROSSWALKS AND WALKING AREAS SHALL BE MAINTAINED AT ALL TIMES. AS NECESSARY, TEMPORARY PEDESTRIAN CROSSWALKS AND WALKING AREAS SHALL BE PROVIDED AND MAINTAINED PER STATE DEPARTMENT OF TRANSPORTATION AND/OR PUBLIC WORKS ENGINEERING DEPARTMENT STANDARDS AND SPECIFICATIONS.
- THE FOLLOWING FOOTAGES ARE ESTIMATES. FOOTAGES TO BE VERIFIED PRIOR TO CONSTRUCTION.

**RIGHT OF WAY NOTES:**

RIGHT OF WAY LINES DEPICTED HAVE BEEN RESEARCHED USING SOME OR ALL OF THE FOLLOWING RESOURCES/METHODS:  
 REFERRING TO RECORDED SURVEYS AND COUNTY PARCEL MAP, SEARCHING FOR PROPERTY CORNER PINS, SEARCHING FOR CENTERLINE MONUMENTS, AND GEOGRAPHICAL OBSERVATION (FENCES, UTILITY LOCATIONS, CHANGES IN LANDSCAPING, ETC.)  
 DISCLAIMER: ABSOLUTE RIGHT OF WAY LINES LOCATION MUST BE OBTAINED VIA PROFESSIONAL LAND SURVEY (WHEN NECESSARY).

**AERIAL CONSTRUCTION NOTES:**

- MAINTAIN 40" BELOW LOWEST POWER ATTACHMENTS (TYPICALLY NEUTRAL).
- MAINTAIN 30" BELOW NEUTRAL AT MID SPAN.
- CANNOT USE POWER ANCHORS ON ANY CORNER POLE WITH OVER 6' OF ANGLE.
- MAINTAIN 15'-6" MID-SPAN CLEARANCE TO GRADE/ROAD MINIMUM.
- SIX FOOT SPACING (MINIMUM) BETWEEN PROPOSED CTL ANCHOR AND EXISTING POWER ANCHORS.

**KETCHUM PERMIT REQUIRED**

**GEO: 360231**  
**TAX: 06000**  
**BVAPP/CLLI: BVCV22EG4/KTCHIDCM00W. ADDRESS: 675 SUN VALLEY RD, KETCHUM**  
**BLAINE COUNTY**

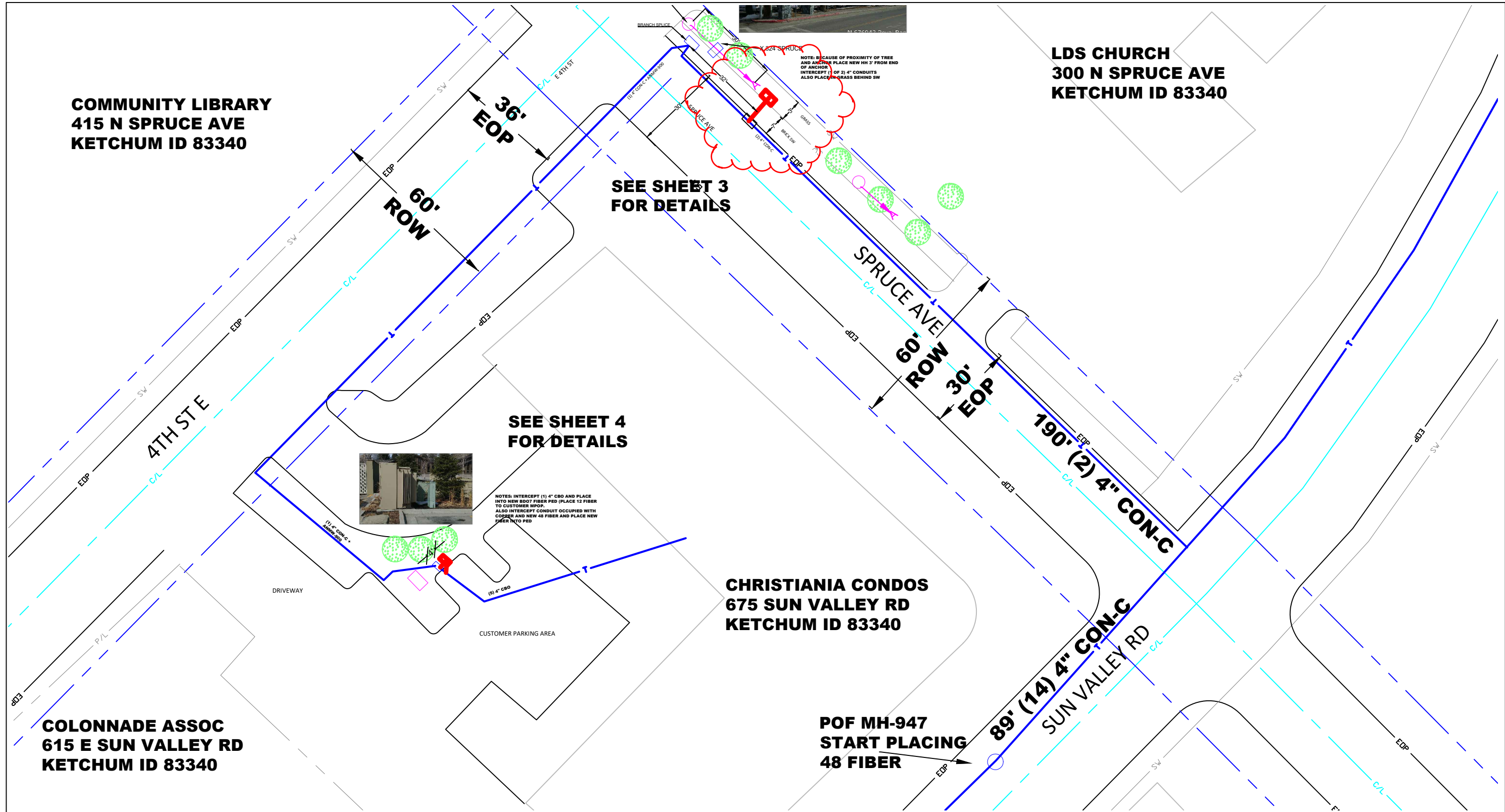
**SCOPE OF WORK: FIBER ENTRANCE**  
**ROYAL BANK OF CANADA**  
**ID 83340**

REVISIONS	
DATE	DESCRIPTION
1	⊙
#	\$
%	~

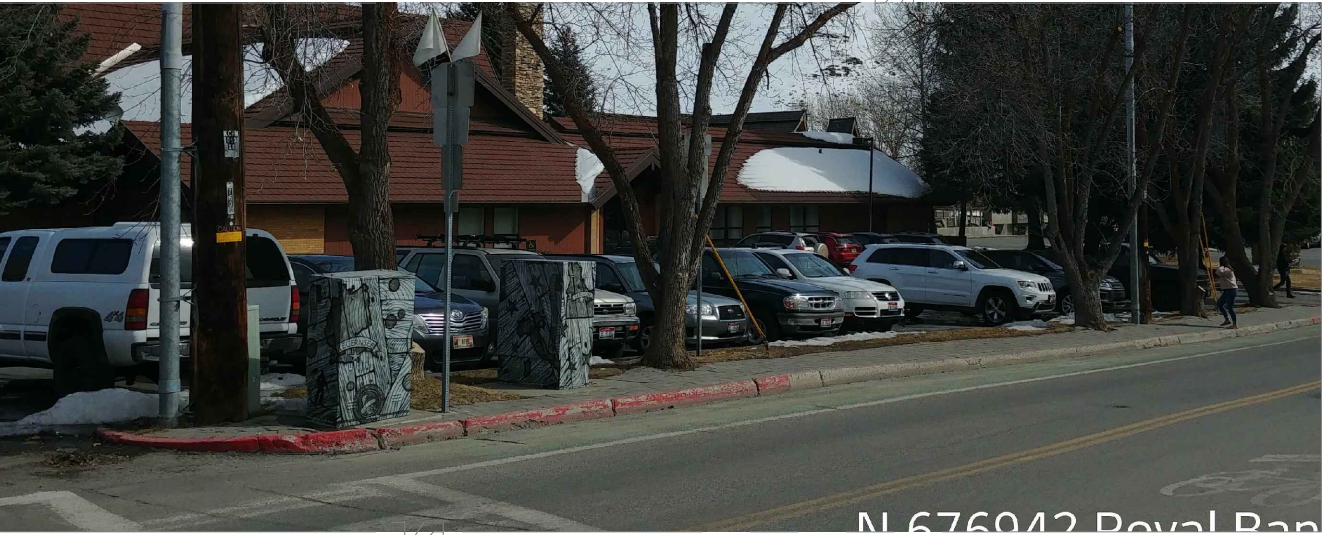
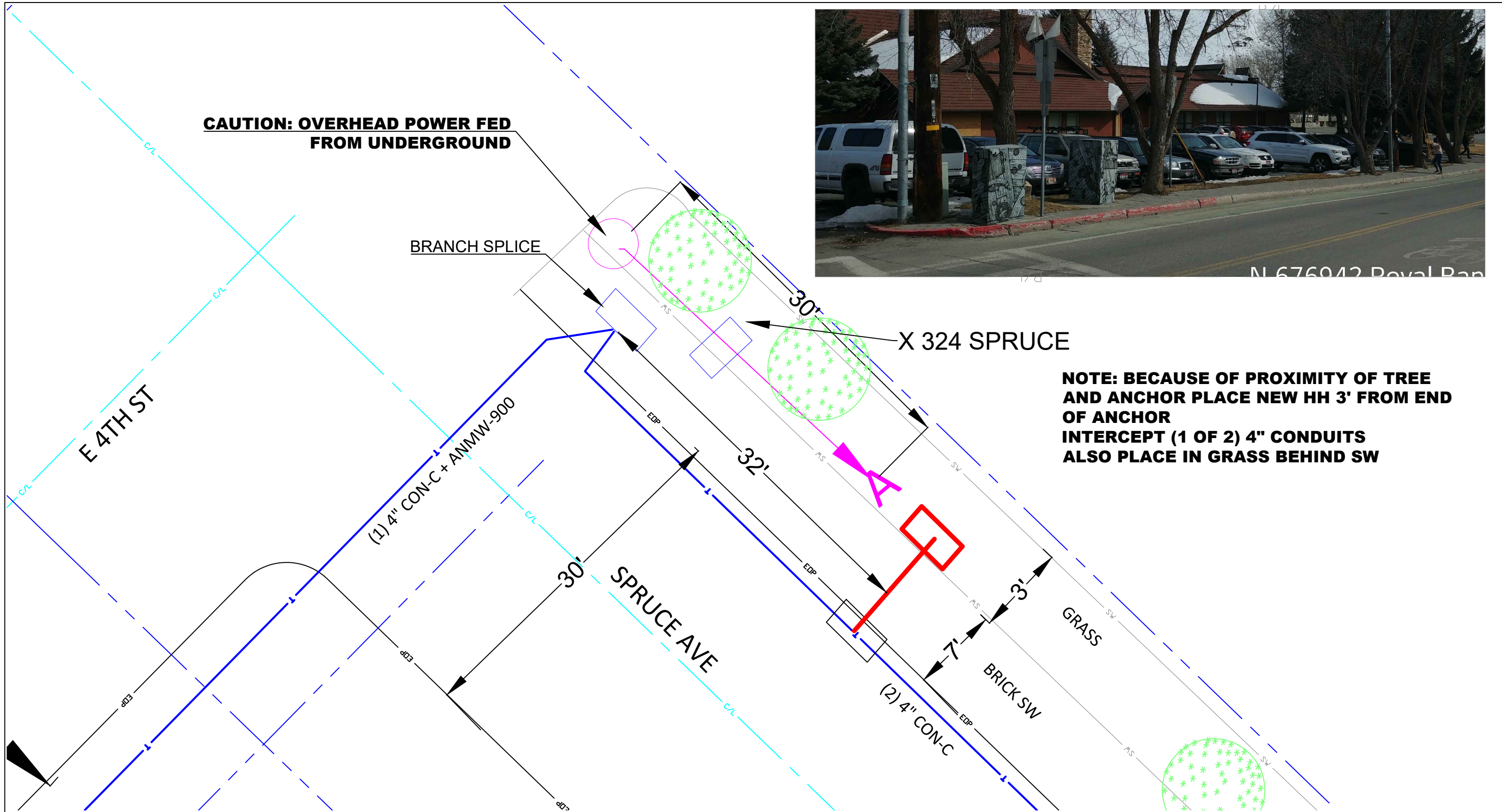
**ECD: 5-29-2020**

ISSUE: 1  
 WC CLLI: **KTCHDMA**  
 EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF CENTURYLINK BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.

FW PROJECT	WFMT PROJECT:	COMMUNITY NAME	ENGINEERING CONTACT	CONTRACT ENGINEER	CONSTRUCTION COORDINATOR	SPlicing COORDINATOR	SECTION:	DESC:		
<b>N.676942</b>	<b>A.2714969</b>	NAME: <b>KETCHUM</b> CITY: <b>KETCHUM</b>	NAME: <b>TENILLE SORENSON</b> PHONE: <b>208-733-0278</b>	NAME: <b>K HADLEY</b> COMPANY: <b>MTN LTD</b>	NAME: <b>JEFF DUNN</b> PHONE: <b>208-736-0906</b>	NAME: PHONE:	<b>18</b>	<b>IDKTCHMOE 675 SUN VALLEY RD</b>		
							TOWNSHIP:	EXCH KEY:	REM KEY:	SHEET: 1 OF 4
							RANGE:	SCALE:	DATE:	



<b>GEO: 360231</b> <b>TAX: 06000</b> <b>BVAPP/CLLI: BVCV22EG4/KTCHIDCM00W.</b> <b>BLAINE COUNTY</b>		<b>SCOPE OF WORK: FIBER ENTRANCE</b> <b>ROYAL BANK OF CANADA</b> <b>ADDRESS: 675 SUN VALLEY RD, KETCHUM</b> <b>ID 83340</b>		<b>REVISIONS</b> <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0</td> </tr> <tr> <td>#</td> <td>\$</td> </tr> <tr> <td>%</td> <td>~</td> </tr> </tbody> </table>		DATE	DESCRIPTION	1	0	#	\$	%	~	<b>ECD: 5/29/2020</b>			
DATE	DESCRIPTION																
1	0																
#	\$																
%	~																
<b>FW PROJECT: N.676942</b>		<b>WFMT PROJECT: A.2714969</b>		<b>COMMUNITY NAME: KETCHUM</b> <b>CITY: KETCHUM</b>		<b>ENGINEERING CONTACT: TENILLE SORENSON</b> <b>PHONE: 208-733-0278</b>		<b>CONTRACT ENGINEER: K HADLEY</b> <b>COMPANY: MTN LTD</b>		<b>CONSTRUCTION COORDINATOR: JEFF DUNN</b> <b>PHONE: 208-733-0906</b>		<b>SPlicing COORDINATOR:</b>		<b>ISSUE: 1</b> <b>WC CLLI: KTCHIDMA</b> <b>SECTION: 18</b> <b>TOWNSHIP: 4N</b> <b>RANGE: 18E</b>		<b>DESC: IDKTCHMOE 675 SUN VALLEY RD</b> <small>EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF CENTURYLINK BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.</small>	
										<b>SHEET: 2 OF 4</b>							



**NOTE: BECAUSE OF PROXIMITY OF TREE AND ANCHOR PLACE NEW HH 3' FROM END OF ANCHOR INTERCEPT (1 OF 2) 4\"/>**

<b>GEO: 360231</b> <b>TAX: 06000</b> <b>BVAPP/CLLI: BVCV22EG4/KTCHIDCM00W. ADDRESS: 675 SUN VALLEY RD, KETCHUM</b> <b>BLAINE COUNTY</b>		<b>SCOPE OF WORK: FIBER ENTRANCE</b> <b>ROYAL BANK OF CANADA</b> <b>ID 83340</b>		<b>REVISIONS</b> <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>⊙</td> </tr> <tr> <td>#</td> <td>\$</td> </tr> <tr> <td>%</td> <td>~</td> </tr> </tbody> </table>			DATE	DESCRIPTION	1	⊙	#	\$	%	~	<b>ECD: 5/29/2020</b>		<small>EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF CENTURYLINK BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.</small>	
DATE	DESCRIPTION																	
1	⊙																	
#	\$																	
%	~																	
FW PROJECT	WFMT PROJECT:	COMMUNITY NAME	ENGINEERING CONTACT	CONTRACT ENGINEER	CONSTRUCTION COORDINATOR	SPlicing COORDINATOR	SECTION:	DESC: <b>IDKTCHMOE 675 SUN VALLEY RD</b>										
<b>N.676942</b>	<b>A.2714969</b>	NAME: <b>KETCHUM</b> CITY: <b>KETCHUM</b>	NAME: <b>TENILLE SORENSON</b> PHONE: <b>208-733-0278</b>	NAME: <b>K HADLEY</b> COMPANY: <b>MTN LTD</b>	NAME: <b>JEFF DUNN</b> PHONE: <b>208-733-0906</b>	NAME: PHONE:	TOWNSHIP: <b>4N</b>	EXCH KEY: <b>208-726</b>	REM KEY: <b>3324</b>									
							RANGE: <b>18E</b>	SCALE: <b>NTS</b>	DATE: <b>3/8/18</b>									



## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation To Approve Contract 20499 With Syringa**

#### Recommendation and Summary

Staff is recommending the council provide authorization to the Mayor to enter into a modified service agreement with Syringa Networks, contract 20499, to expand fiber optic service at City facilities:

***"I move to approve Contract 20499 with Syringa Networks and authorize the Mayor to sign the Contract, subject to approval by the City Attorney."***

The reasons for the recommendation are as follows:

- Several current City facilities are served by the Syringa Networks fiber optic network.
- Upon completion of the fire station project, fiber service will be extended to that location.

#### Introduction and History

The City of Ketchum utilizes a fiber optic network to serve City Hall and all other existing office buildings. Upon completion of the new fire station, the fiber optic network will be extended to that building so that all City facilities are on the same network.

#### Analysis

The expanded service and costs identified in the attachment includes the capital construction costs necessary for the service expansion as well as the on-going monthly costs.

#### Sustainability Impact

There is no sustainability impact arising from this action.

#### Financial Impact

The funds for the expanded service are included in the proposed FY 21 budget.

#### Attachments

- Attachment A: Contract 20499



# Exhibit A

## ADMINISTRATIVE INFORMATION

### CONTRACT STATUS

New MSA  MSA on File  Standard Terms  
 RFP Terms \_\_\_\_\_

### ORDER DETAIL

Type: Change Reterm  
Existing Circuit ID for Change Order: \_\_\_\_\_

## CUSTOMER INFORMATION

Customer Name: City Of Ketchum		
Order Contact: Suzanne Frick	Phone: 2087275086	E-mail: sfrick@ketchumidaho.gov
Tech/Design Contact: Todd Mandeville	Phone: 2087205954	E-mail: tmandeville@ketchumidaho.gov
Billing Contact: Suzanne Frick	Phone: 2087275086	E-mail: sfrick@ketchumidaho.gov
Billing Address: PO Box 2315/480 E. Aver N. Ketchum Idaho, 83340		
<b>Customer Requested Due Date:</b>		

Note: Syringa Network's Point of Demarcation is the copper or fiber port handoff on Syringa Networks' premise equipment.

FUSF: Due to direction from USAC, customers of Syringa Networks are required to identify the percentage of interstate traffic that rides each circuit purchased. The percentage of interstate usage, commonly known as PIU, shall be designated as either: Less than 10% or Greater than 10%. Interstate telecommunications traffic includes, but is not limited to; broadband internet access, wireless telephony, including cellular and personal communication services (PCS); paging and messaging services; dispatch services; mobile radio services; operator services; access to interexchange service; special access; wide area telecommunication services (WATS); subscriber toll-free services; 900 services; message telephone services (MTS); telex; telegraph; video services; satellite services; and interconnected VOIP services", and are subject to the FUSF Surcharge. Please review the services and percentages listed on the attached Addendum. By signing below customer warrants that the FUSF PIU selected for each service is correct.

TOTAL PRICING AND CHARGES	
Current Monthly Recurring	\$3,000.00
New Monthly Recurring	\$1500.00
Total Monthly Recurring	\$4500.00
Non-Recurring Charges	\$8,000.00

Customer hereby makes this Transport Service Order as more particularly set forth on the attached Addendum, pursuant to the Syringa Networks Standard Terms and Conditions set forth at [http://www.syringanetworks.net/support/terms\\_and\\_conditions/](http://www.syringanetworks.net/support/terms_and_conditions/) or Master Services Agreement by and between the parties. Desired Installation Date is subject to Syringa Networks internal provisioning intervals, which are specific to service type and facility availability. Provisioning interval begins after receipt of all required documentation. Orders will not be considered complete until Customer has provided all required information. Customer is subject to a 30 day disconnect interval upon receipt of disconnect order. The Contract Term will automatically renew on a month-to-month basis unless one Party provides the other with written notice of its intent not to renew it at least sixty (60) days prior to the end of the initial term or at least thirty (30) days prior to the end of any renewal term. Customer warrants that the individual listed below has full and complete authority to bind Customer. By execution hereof, if Customer has not entered into a Master Services Agreement with Syringa Networks, Customer acknowledges that Customer has read and agrees to abide by the Standard Terms and Conditions set forth at [http://www.syringanetworks.net/support/terms\\_and\\_conditions/](http://www.syringanetworks.net/support/terms_and_conditions/) as amended from time to time. This Exhibit A and the attached Addendum will be deemed valid and binding upon the Parties upon commencement and acceptance of the Services ordered pursuant hereto, whether or not signed by Syringa Networks.

Syringa Networks, LLC.

Company: City Of Ketchum

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



# Addendum to Exhibit A

**CARRIER CUSTOMERS ONLY**

**SYRINGA NETWORKS USE ONLY**

CIC/OCN Code: \_\_\_\_\_  
 FOC Requested    DLR Requested    LOA Requested

Related Order(s):  
 Form Completed By: Jeff Morris

**REMARKS: PLEASE PROVIDE A NARRATIVE DESCRIPTION OF THE SERVICE ORDERED**

Please consult with Todd Mandeville for any questions pertaining to the projects for City of Ketchum.

**SERVICES ORDERED BY THE CUSTOMER THAT SYRINGA NETWORKS WILL SUPPLY**

Service Description	SERVICE TERM	LOCATION A	LOCATION Z	FUSF PIU	NEW MRC	TOTAL MRC	TOTAL NRC
20Mbps MPLS Circuit Transport	36	410 E CROY ST, HAILEY, ID	900 3RD AVE NORTH, KETCHUM, ID	<10%	\$150.00	\$650.00	\$2,000.00
20Mbps MPLS Circuit Transport	36	410 E CROY ST, HAILEY, ID	210 10TH ST, KETCHUM, ID	<10%	\$150.00	\$650.00	\$2,000.00
LOCATION MOVE 70Mbps Internet with /30 IP Block	36	410 E CROY ST, HAILEY, ID	191 5TH ST W, KETCHUM, ID	<10%	\$100.00	\$800.00	\$0.00
20Mbps MPLS Circuit Transport	36	410 E CROY ST, HAILEY, ID	110 RIVER RANCH RD, KETCHUM, ID	<10%	\$150.00	\$650.00	\$2,000.00
LOCATION MOVE 70Mbps MPLS Circuit Transport	36	410 E CROY ST, HAILEY, ID	191 5TH ST W, KETCHUM, ID	<10%	\$0.00	\$800.00	\$0.00
50Mbps MPLS Circuit Transport	36	410 E CROY ST, HAILEY, ID	, KETCHUM, ID	<10%	\$950.00	\$950.00	\$2,000.00
Totals:					\$1500.00	\$4,500.00	\$8,000.00



## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to Take Specific Actions to Facilitate Submittal of a Tax Credit Application for Deed Restricted Housing at 480 East Avenue (City Hall)**

#### Recommendation and Summary

The Mayor is recommending the Council take the following action to facilitate submittal of a tax credit application for a new affordable rental housing project and adopt the following motion:

**"I move to authorize use of Housing In-Lieu Funds in amount not too exceed \$1.4 million to support Bluebird Village and authorize the Mayor to sign a letter committing city funding."**

The reasons for the recommendation are as follows:

- Should this tax credit application be approved, a workforce housing development will be constructed in Ketchum
- The goals of Ketchum Comprehensive Plan state the City of Ketchum should support affordable housing programs established by other non-governmental agencies, the recommended actions further this goal

#### Introduction and History

The development of affordable rental housing is a top priority in the City of Ketchum. The Ketchum Community Development Corporation (KCDC) is partnering with GMD Development to prepare and submit an application to secure tax credits for an affordable rental housing project. The project will be located at 480 East Avenue City Hall and the rear parking lot. Information about the project is in Attachment A

#### Analysis

Tax credit applications are highly competitive and based on a point system. To gain more points and reduce the overall cost of development, it is common for local jurisdictions to contribute towards a project and reduce or waive project development fees. Because development fees pay for the city's cost to process and inspect a project, it is recommended the Council authorize use of Housing In-Lieu Funds to off-set the development and impact fees related to the deed restricted housing units in this project. This action will help make the application more competitive while supporting the city's costs to provide required services.

The city's contribution is estimated to be \$1.4 million from the housing in-lieu fees. There is a possibility the city contribution could be reduced in the event KCDC obtains funding from other sources. However, this possibility will not be known before the tax credit application must be submitted to the State. Therefore,



should the Council authorize the funding, the City's support letter will identify the full funding amount. The total funding will be adjusted in the event KCDC provides a contribution.

Financial Impact

There are sufficient in-lieu housing funds to support this request.

Attachment:

Project Background



## Bluebird Village

Ketchum, Idaho

### Development Vision

To create approximately 55 units of affordable rental housing on the former City Hall Site in Downtown Ketchum. The Project will strive to balance affordability with sustainable building and design enabling it to blend into the existing architecture of Ketchum while providing new affordable rental units. Innovative construction types and sustainable systems will be explored to minimize cost while achieving energy efficiency and sustainability.

The Project will consist of an East and West building, each with three stories of housing over one floor of parking, storage, management, amenity, and commercial space. An elevator will serve the West building which will be connected to the East building via a skybridge on the third level. The residential floors one, two- and three-bedroom units will be designed to meet the needs of a variety of household sizes. Net interior unit sizes (including storage) will range from 640 to 1,130 square feet with internal entrances to the units. External amenities will include decks/patios, generous storage lockers, leasing office, bike storage, and community amenity spaces. Internal unit amenities will include “Energy Star” efficient appliances, washer/dryers and individual unit electric space heating. There will be a common hot water system with Solar Photovoltaic panels to supplement the energy needs of the system and building electricity. The ground floor will contain parking stalls, storage, property management office space, and retail condominiums that will be sold to Ketchum businesses. The top floor of the West building will have an outdoor community patio space and indoor exercise and community space.

### Sponsor

The Project will be sponsored by the Ketchum Community Development Corporation (“KCDC”). GMD Development LLC (“GMD”) and KCDC will be co-developers. KCDC will be the managing member of a limited liability company that will also include GMD and the tax credit investor as members which will own the Project.

GMD Development LLC is a Seattle based development firm, focused on affordable housing in the Pacific Northwest. The principals of GMD, Gregory Dunfield, Emily Thompson, and Steve Dymoke have combined direct experience in the new construction and/or rehabilitation of over 6,000 units of tax credit financed housing in over 64 projects completed over the last 25 years. GMD has strong experience in utilizing 9% tax credits and 4% tax credits with tax exempt bonds, along with various gap / soft funding sources available for these projects. The principals of the firm have

experience developing affordable housing in most Western States, including Arizona, Alaska, California, Idaho, Montana, Nevada, Oregon Utah and Washington.

**Joint Venture** GMD and KCDC will collaborate on the determination of the development team, design and preparation of the tax credit application. KCDC will be the primary local liaison for the Project and GMD will provide overall coordination of the development and financing team.

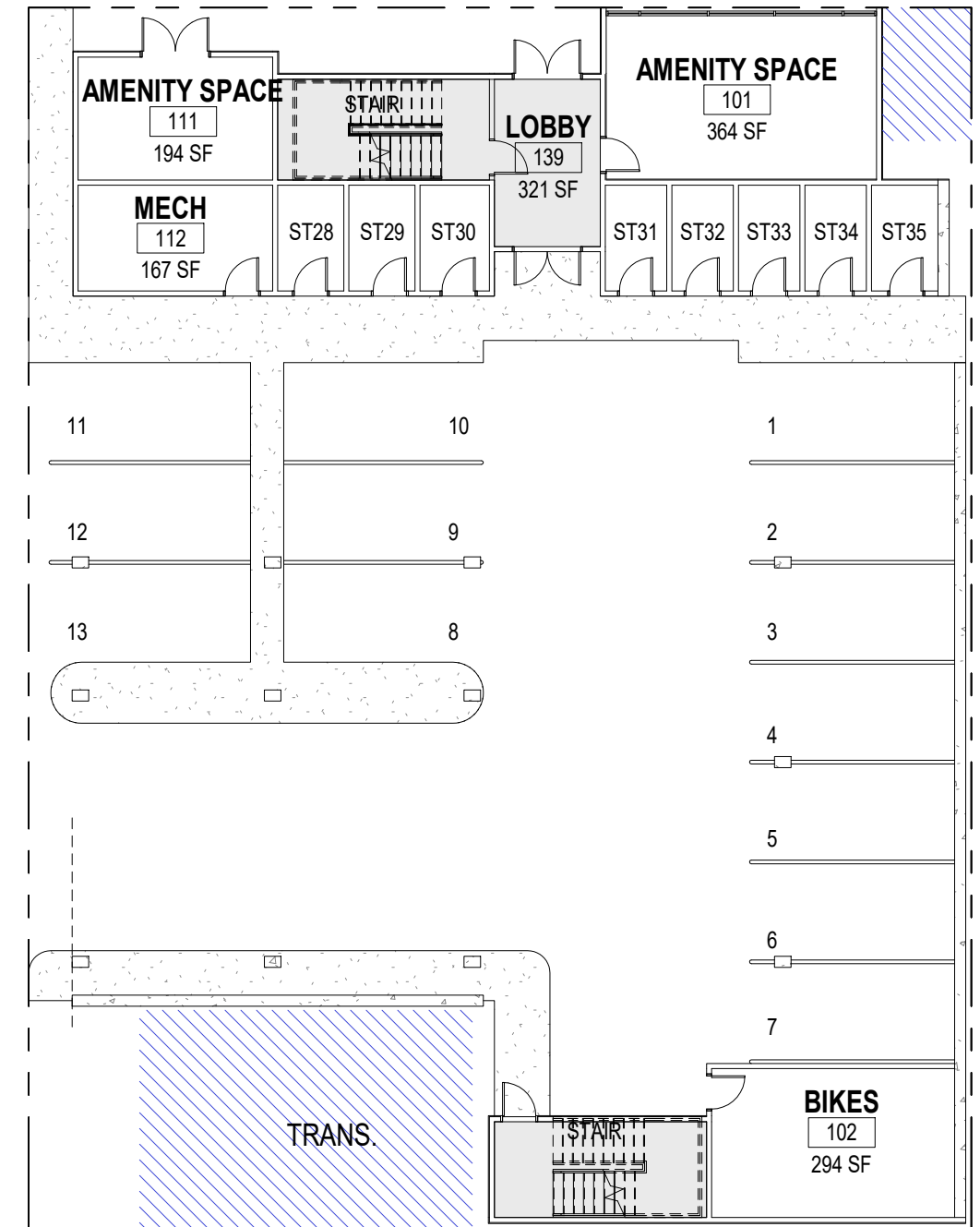
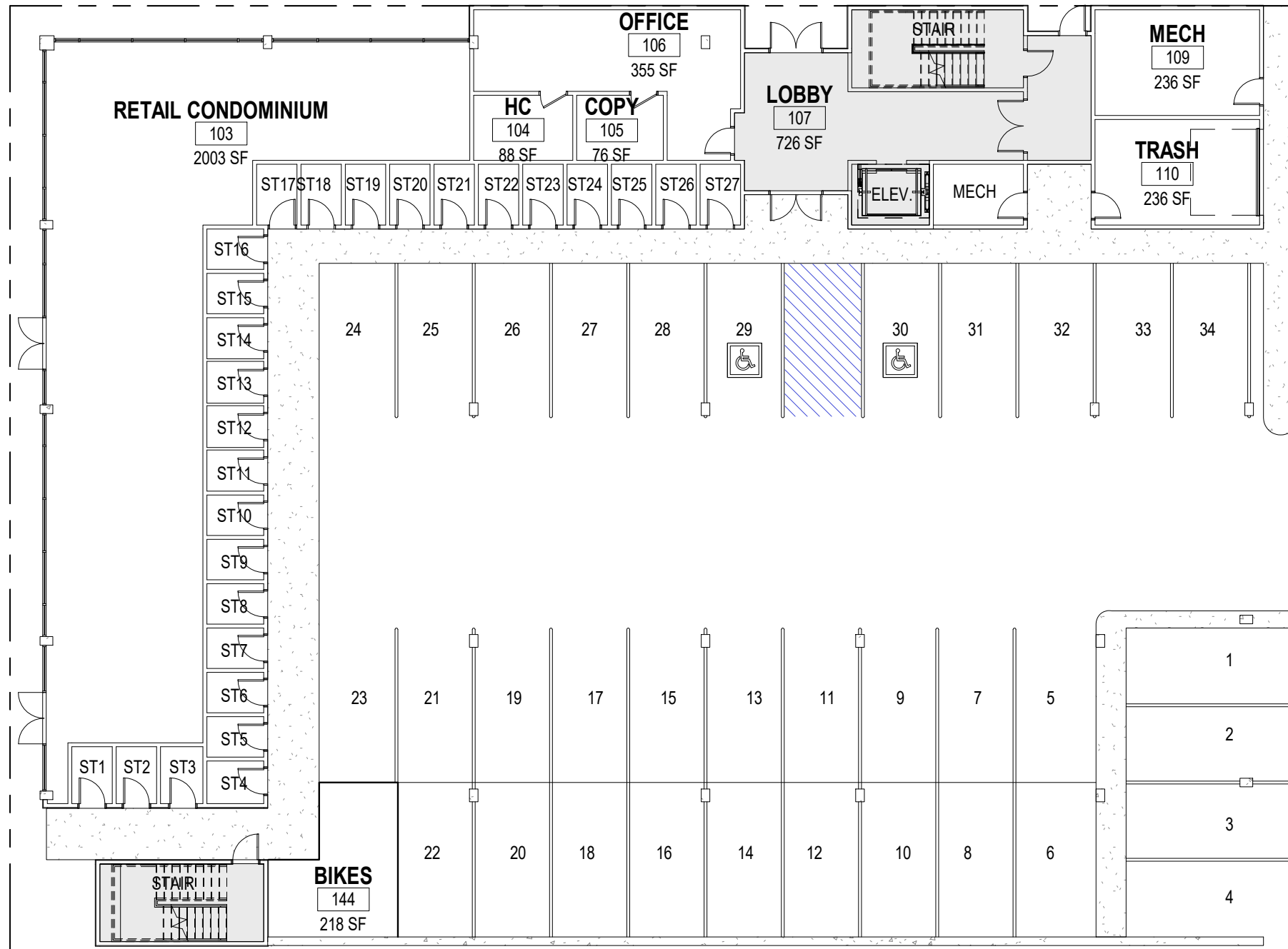
**Affordability** The units will target a broad spectrum of incomes from deeply targeted affordable at 30% to 50% of area median income (“AMI”), to workforce units at 60% to 70% of AMI, and market rate units. Most of the units will be rent and household income restricted subject to a recorded regulatory agreement which will restrict these rental units to low income use for a minimum of 44 years. Three of units will be market rate community housing units.

The median household income for a family of four in Blaine County for 2020 is \$78,400. This means the project will serve households earning between \$16,000 and \$60,900 depending on unit type and household size.

For the more deeply targeted units rents will range from \$428-666 for 1BD units (with most at the higher end of this range) and \$856 for 2 BD units. For the workforce units rents will range from \$856 to \$1,200 per month for the one and two bedroom units. The small number of 3 bedroom units will range from \$990 to \$1,510 per month. (All rents are subject to annual AMI and utility allowance changes).

**Financing Sources** The funding for the development will come from two separate funding programs and ownership entities. Funding from one owner will come from the 9% Low Income Housing Credit and a conventional permanent loan. While the other owner entity will provide funding from the Tax-Exempt Bond / 4% LIHTC program, Solar Tax Credits, City of Ketchum In-Lieu Housing Fee Fund contribution and Ketchum Urban Renewal Area funding. Both owners will benefit from a beneficial land lease from the City of Ketchum.

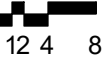
<b>Project Timing</b>	Development Agreement with GMD	July 2019
	Land Lease Option Granted to KCDC	July 2019
	Schematic Design / Cost Estimation	July 2020
	Local Approvals / Tax Credit Application	Summer 2020
	Tax Credit Application Submission	September 4, 2019
	Tax Credit Funding Award	December 2020
	Begin Construction	June 2021
	End Construction	October 2022
	Begin Lease Up	October 2022
	Lease Up Complete	December 2022
	Permanent Loan Conversion	April 2023



# BLUEBIRD VILLAGE

BUILDING 1 GROSS AREA= 5,437 SF.  
 BUILDING 2 GROSS AREA= 2,158 SF.

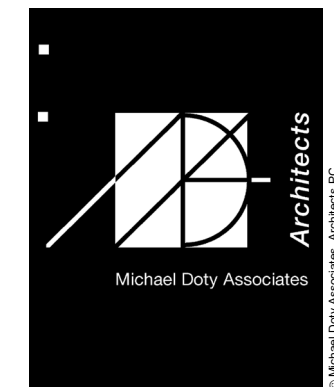
## GROUND FLOOR PLAN

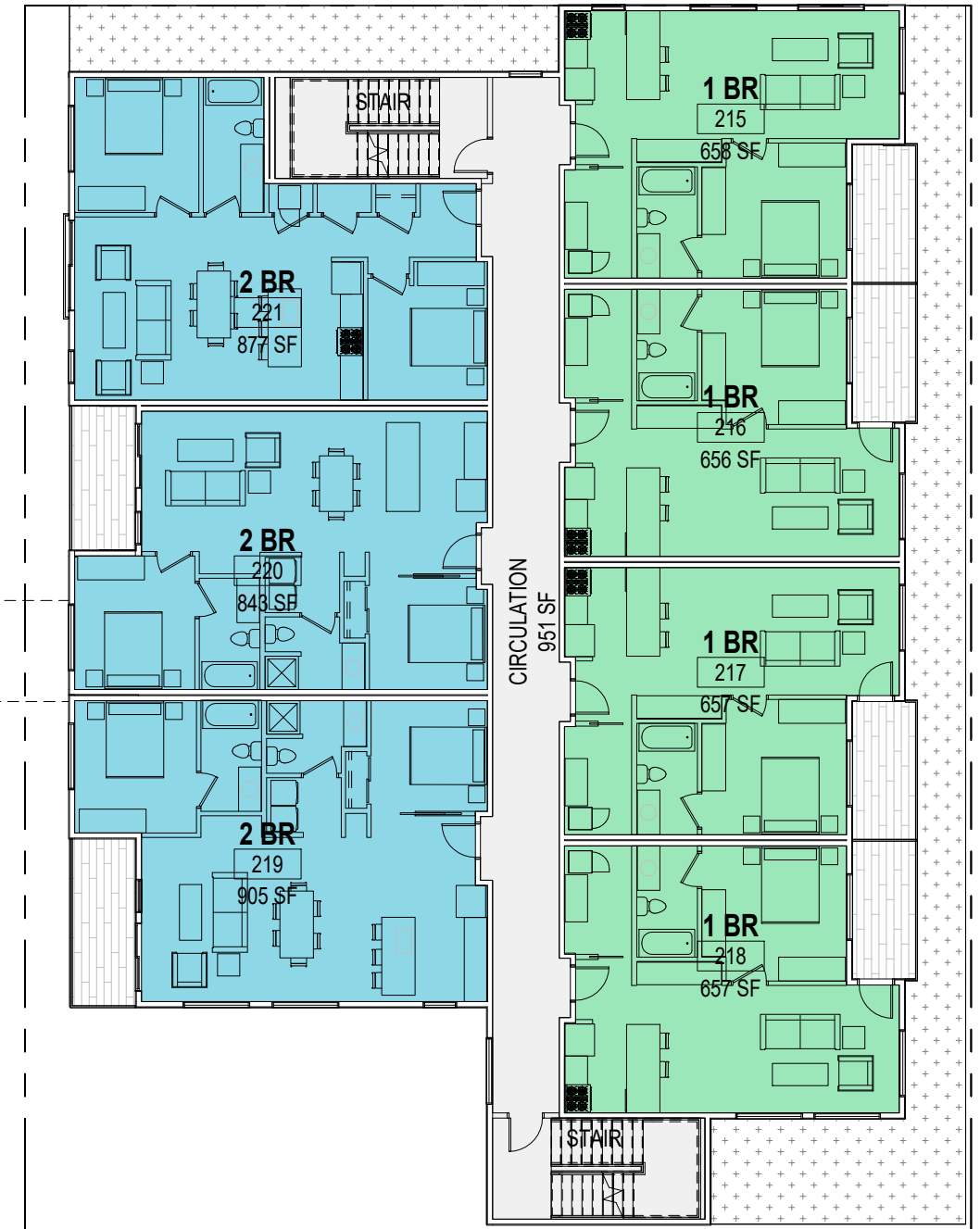
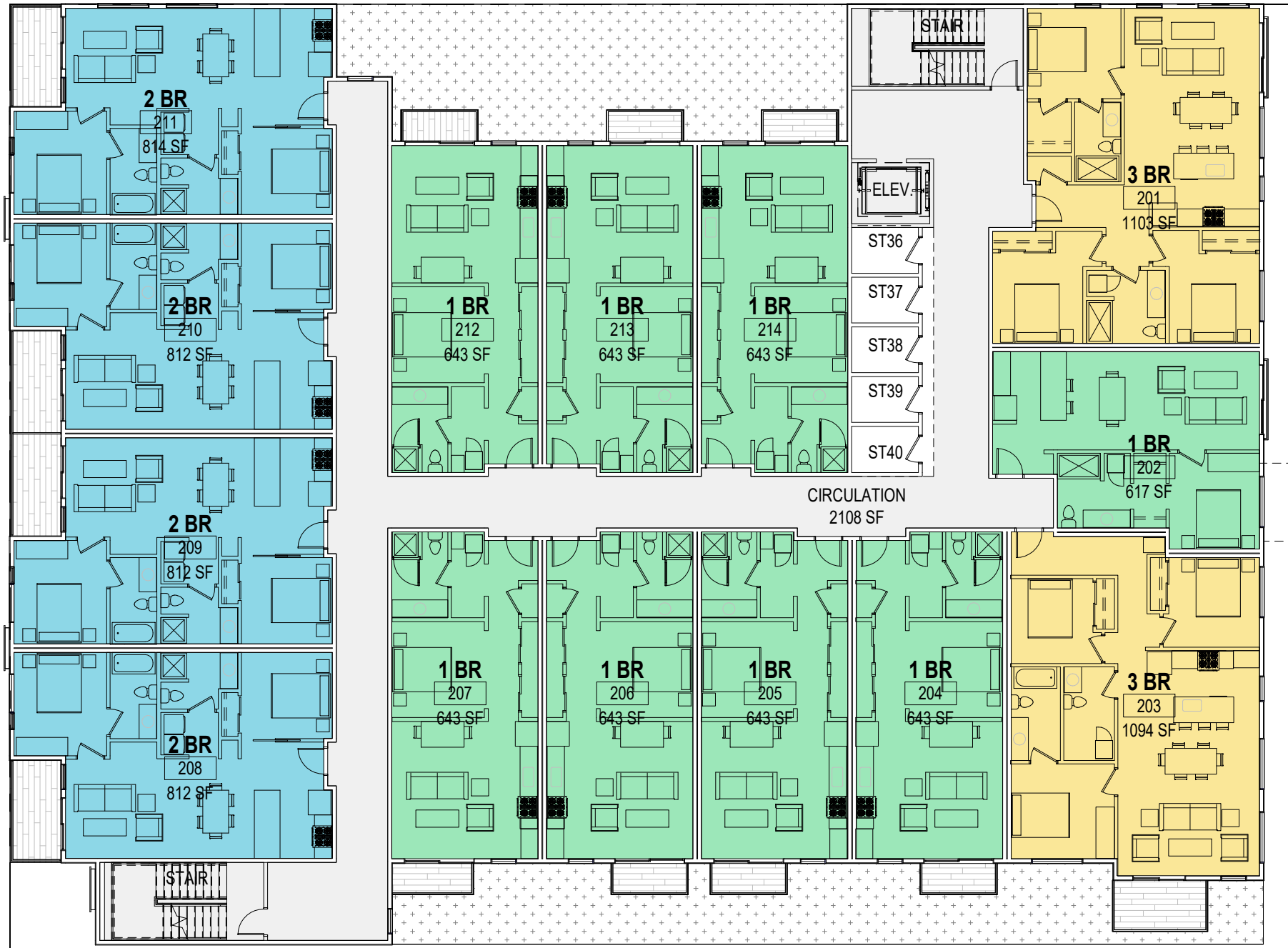

 1/16" = 1'-0"

Ketchum, Idaho

PLAN UPDATES

07/15/2020





# BLUEBIRD VILLAGE

BUILDING 1 GROSS AREA	13,813 SF	TYPE	AREA	QUANTITY
BUILDING 2 GROSS AREA	6,649 SF	1 BR	7,744 SF	12
		2 BR	5,874 SF	7
		3 BR	2,197 SF	2
		FLOOR TOTAL	15,814 SF	21

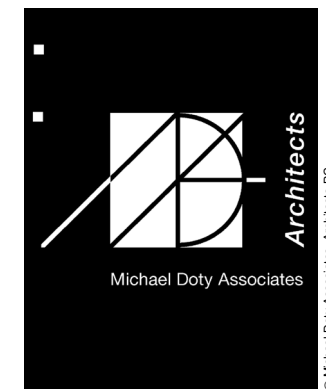
## SECOND FLOOR PLAN

12 4 8 1/16" = 1'-0"

Ketchum, Idaho

PLAN UPDATES

07/15/2020





# BLUEBIRD VILLAGE

## THIRD FLOOR PLAN

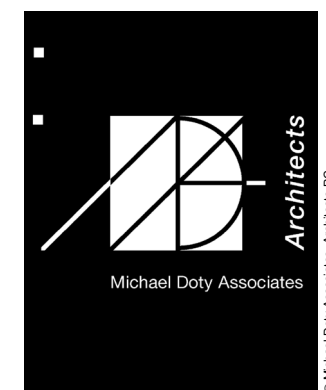
BUILDING 1 GROSS AREA	13,815 SF	TYPE	AREA	QUANTITY
BUILDING 2 GROSS AREA	6,752 SF	1 BR	9150 SF	14
BRIDGE	253 SF	2 BR	5031 SF	6
		3 BR	1099 SF	1
		FLOOR TOTAL	15280 SF	21

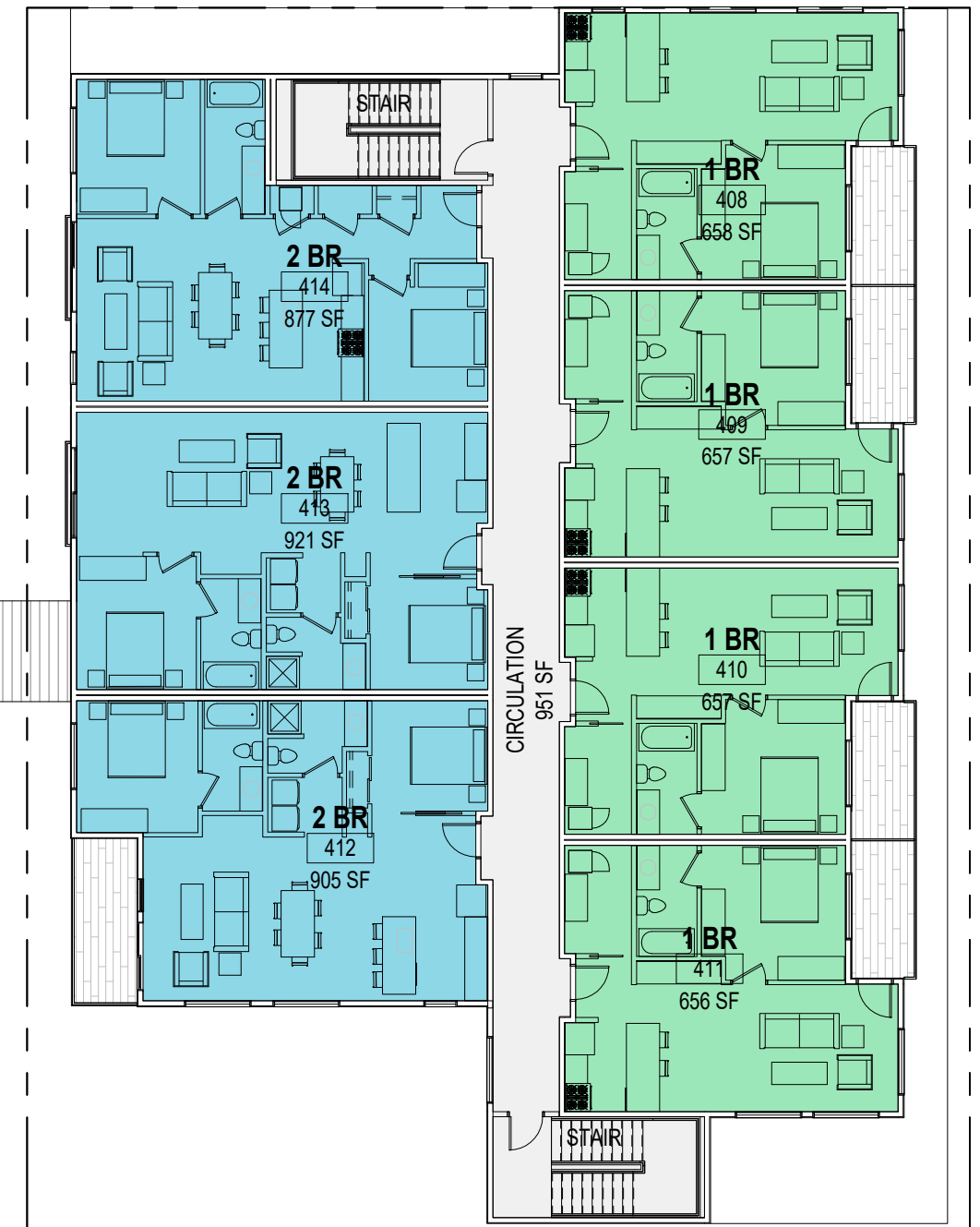
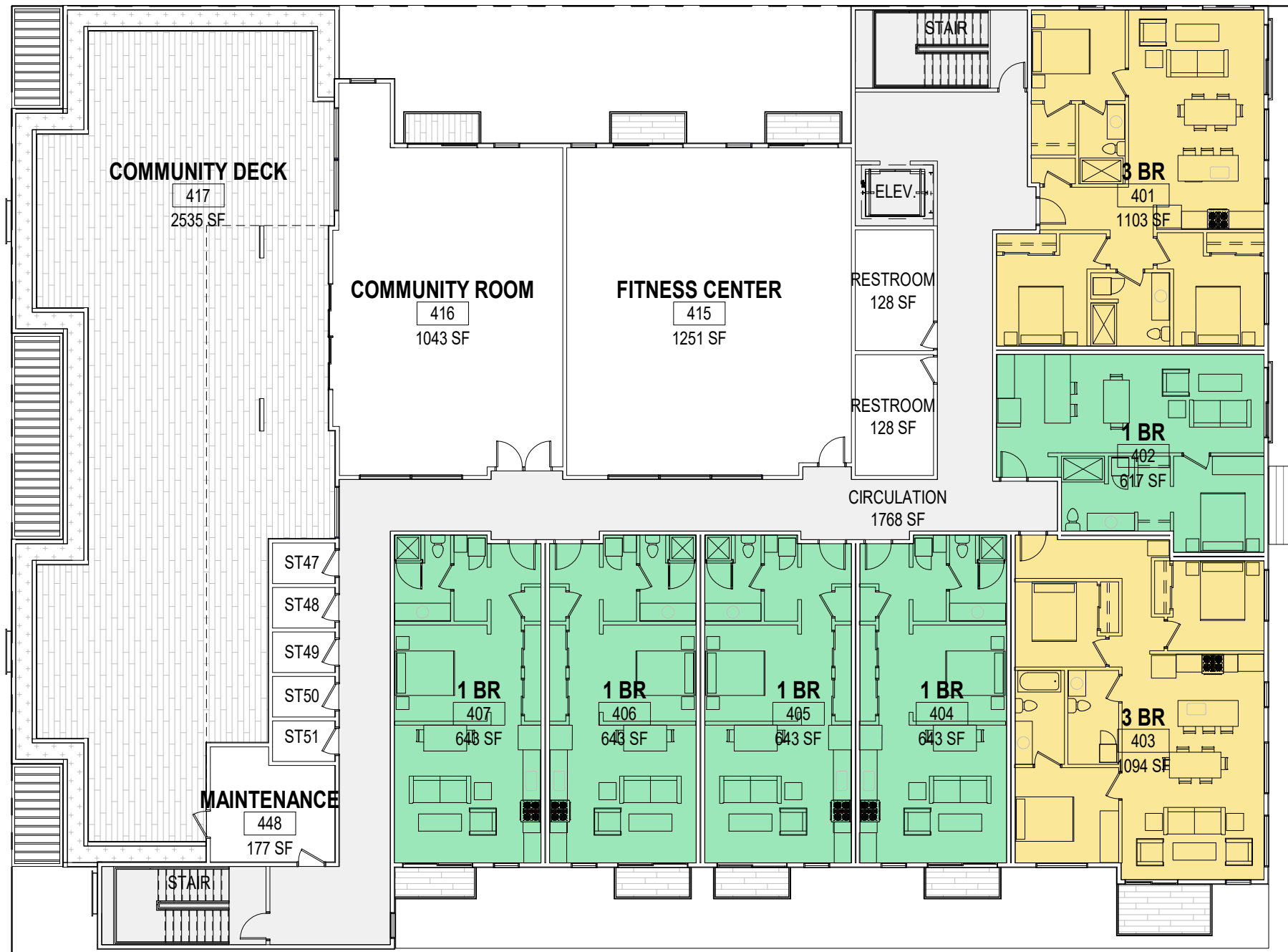
12 4 8      1/16" = 1'-0"

Ketchum, Idaho

PLAN UPDATES

07/15/2020





# BLUEBIRD VILLAGE

BUILDING 2 GROSS AREA	6,716 SF	TYPE	AREA	QUANTITY
BUILDING 1 GROSS AREA	10,336 SF	1 BR	5815 SF	9
		2 BR	2703 SF	3
		3 BR	2196 SF	2
		FLOOR TOTAL	10713 SF	14

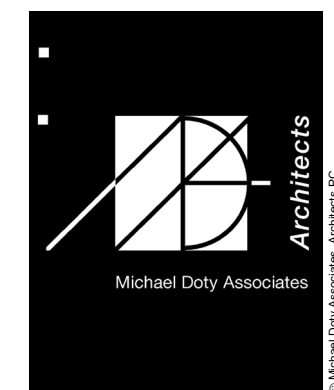
## FOURTH FLOOR PLAN



Ketchum, Idaho

PLAN UPDATES

07/15/2020





## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### Consideration and Approval of 2020 Park Reservation

#### Recommendation and Summary

On May 18, City Council agreed to review and approve park reservation and special event applications and require them to submit a COVID plan. This report provides the required information for the Berger Wedding. It is recommended the council approve or deny the following applications and adopt the following motion:

**"I move to approve/deny the park reservation for the Berger Wedding."**

The reasons for the recommendation are as follows:

- Ketchum City Council requested the authority to review and approve all 2020 Special Events and Park Reservations.
- Applicant has developed and submitted a COVID plan.

#### Introduction and History

Currently under the Stage 4 of Idaho Rebounds, non-essential travel is allowed to locations that allow it and do not have ongoing transmission. **Idaho public health experts recommend that organizers postpone or cancel mass gatherings and public events if the event will draw participants from communities, states, or countries that are currently experiencing confirmed substantial community spread of COVID-19 disease.**

On May 26, the State of Idaho issued interim guidance for safe gatherings and public events, with planning recommendations during and after Stage 4. The protocols direct event planners to use the practices outlined in the previous stages, which include allowing for groups larger than 50 people where physical distancing of six feet can be maintained for employees and attendees, wearing cloth face coverings in public places, providing adequate sanitation services, ensuring frequent disinfection of event location and regular cleaning of high-touch surfaces, limiting close interactions with attendees, among others. Planners should also know the level of disease transmission in the local community and the level of transmission in the areas from which the attendees will travel from. This report provides details for each event for Council's consideration.



### Analysis

The Berger Wedding is scheduled for Saturday, October 3, 2020 at Lucy Loken Park from 9am to 9pm (including setup and cleanup). The expected number of participants is 50 and guests will be arriving from the following areas of Washington and Idaho.

- Bothell, WA | King County
- Woodinville, WA | King County
- Seattle, WA | King County
- Hailey, ID | Blaine County
- Boise, ID | Ada County

As of August 13, the CDC reports 4,618 cases of COVID in the last 7 days in Washington and 3,426 cases of COVID in the last 7 days in Idaho. Total cases of COVID in Washington have reached 64,702 which is 859 per 100k. Total cases of COVID in Idaho have reached 26,133 which is 1,490 per 100k.

In Idaho, the counties with the highest number of cases for the week of August 15 are Canyon, Ada, Bonneville, Kootenai and Twin Falls. In Ada County, Idaho, there were 2,302 confirmed positive cases between August 1 and August 12. In King County, Washington, there were 1,334 confirmed positive cases between August 1 and August 11.

Using a 3-foot radius per person to establish social distancing, each individual occupies 28 square feet, allowing for 35 people per 1000 square feet. Using this formula, the maximum capacity for the proposed venue, assuming all attendees are socially distanced and not members of the same household/family unit, the capacity for the venue is 210 people.

### Sustainability Impact

There is no sustainability impact.

### Financial Impact

There is no financial impact.

Attachments:

Berger Wedding COVID Plan & Site Plan  
Idaho Rebounds Interim Guidance for Safe Gatherings & Public Events

Published on *City of Ketchum Idaho* (<https://www.ketchumidaho.org>)

[Home](#) > [COVID-19 Plan for Events & Park Reservations](#) > [Webform results](#) > Submission #2

#### Submission information

Form: [COVID-19 Plan for Events & Park Reservations](#) [1]

Submitted by Visitor (not verified)

Thu, 08/06/2020 - 1:30pm

50.200.144.66

#### Idaho Rebounds Guidance

##### **Acknowledgement**

By checking this box, I confirm that I have reviewed the Idaho Rebounds Guidance for Safe Gatherings and Public Events in Idaho.

#### Event/Reservation Information

##### **What is the name of your event/reservation?**

Lucy Loken Berger Wedding October 3rd

##### **Where will the event/reservation take place?**

Lucy Loken Park

##### **How many participants will attend?**

50

##### **From which states/regions will participants be arriving from?**

Washington, Idaho

##### **What are your protocols for participants arriving from COVID hotspots?**

Guests will be quarantining for at least two weeks prior to traveling to Idaho. During the event, guests will maintain social distancing of at least six feet, people will be sat at separate tables that have no more than 4 people.

##### **Where will participants be staying if they are non-residents?**

Airbnbs with direct family only

##### **Will you allow participants to attend who are experiencing COVID symptoms?**

No.

##### **Will you provide face masks, hand sanitizer, hand washing stations or gloves for participants?**

Yes

##### **Who will provide food/beverage at your event/reservation (if applicable)?**

To be determined depending on where we are able to secure our event.

##### **Have your food/beverage providers issued assurance that they will follow state-issued**

**and CDC protocols that are in place during your event/reservation (if applicable)?**

The catering companies that we have talked to so far have all been able to give guidance on how they are adhering to the covid protocols.

**Have your event contractors (tents, tables, chairs, portable toilets, florists, band/dj, etc.) provided assurance they will be following state-issued and CDC protocols that are in place during your event?**

We have yet to reach out to any event contractors, as we still have not been able to finalize a spot, but will only be using companies that are able to accommodate the CDC protocols for the safety of everyone.

## Site Plan

**Upload Site Plan Here**

[screen\\_shot\\_2020-08-06\\_at\\_12.18.24\\_pm.png](#) [2]

## Terms &amp; Conditions

**Signature**

Alex Berger

**Acknowledgement**

By checking this box, I understand and agree to the above terms.

**Source URL:** <https://www.ketchumidaho.org/node/40911/submission/4431>

**Links**

[1] <https://www.ketchumidaho.org/administration/webform/covid-19-plan-events-park-reservations>

[2] [https://www.ketchumidaho.org/system/files/webform/screen\\_shot\\_2020-08-06\\_at\\_12.18.24\\_pm.png](https://www.ketchumidaho.org/system/files/webform/screen_shot_2020-08-06_at_12.18.24_pm.png)



The Idaho Department of Health and Welfare (DHW) and the seven local public health districts have developed guidance to assist with decisions regarding gatherings and public events during the COVID-19 pandemic and stages of the Rebound Idaho plan. We understand that events must be planned well in advance and some event timelines extend beyond the current Stage 4 of the Rebound Idaho plan. Idaho's ability to advance from one stage to the next is dependent on gating criteria (<https://rebound.idaho.gov/stages-of-reopening/>) being met, which requires control of the spread of COVID-19.

There is currently no vaccine to prevent COVID-19. Until such time as a vaccine is available or there is sufficient population immunity to the virus, community mitigation and personal accountability measures must be taken. Mass gatherings highly influence virus activity. It is recommended that all future plans for gatherings beyond the stages of the Rebound Idaho plan should be planned with cancellation or postponement contingencies. Idaho public health experts, DHW and all local Public Health Districts, will support any decision to postpone or cancel gatherings and public events in order to protect Idahoans and those who visit Idaho.

For the purpose of this guidance, mass gatherings and events are defined as a public gathering for business, social, academic or recreational activities including, but not limited to, community, civic, public, educational, leisure, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. Specific examples may include, but are not limited to, weddings, graduations, large theater performances, rallies, car shows, reunions, races, holiday celebrations, rodeo championships, adult and youth sports tournaments.

## ALL STAGES

### Everyone Should:

- Engage in physical distancing of at least six feet
- Wear cloth face coverings in public places
- Stay home if sick
- Practice good hand hygiene
- Cover coughs and sneezes
- Disinfect commonly touched surfaces and objects regularly

### Event Planners & Organizers Should:

- Check in with their local public health district periodically leading up to the event to understand the current community risk for exposure to COVID-19
- Host events outdoors, if possible
- Maintain the six-foot physical distancing requirements for employees and attendees
- Provide adequate sanitation and personal hygiene for employees, vendors, and attendees
- Ensure frequent disinfection of the event location as well as regular cleaning, especially of high-touch surfaces
- Identify how personal use items such as masks, cloth face coverings, and gloves may be required by employees, vendors, and/or attendees
- Provide services and event activities while limiting close interactions with attendees

CONTINUES ON NEXT PAGE

**Event Planners & Organizers Should:**

- Identify strategies for addressing ill employees, such as the following:
  - Require COVID-19 positive employees to stay at home while infectious
    - Symptoms of COVID-19 include muscle aches, a fever of 100.4 °F or higher, cough, sore throat, and shortness of breath
  - Keep employees who were directly exposed to the COVID-19 positive employee away from the workplace
  - Closure of the event location until the location can be properly disinfected
- On a case-by-case basis, include other practices appropriate for specific types of events, such as screening of employees for illness and exposures upon work entry, requiring non-cash transactions, etc.
- Identify and address potential language, cultural, and disability barriers associated with communicating COVID-19 information to event staff and participants.

**Idaho public health experts recommend that organizers (whether groups or individuals) postpone or cancel mass gatherings and public events in any of the following situations:**

- The event will draw audiences or participants from communities, states, or countries that are currently experiencing confirmed substantial community spread of COVID-19 disease. Your local public health district can assist you in making this determination.
  - Refer to the county map provided by the Centers for Disease Control and Prevention (CDC) to see if an area (county) they are from has higher rates than the overall rate for Idaho: <https://www.cdc.gov/covid-data-tracker/index.html>
- The event’s primary audience includes or may expose high-risk populations, including adults over the age of 65 years and people with underlying chronic medical conditions like heart or lung disease or diabetes, regardless of the number of attendees.

## STAGE 2 (first stage allowing gatherings):

### In addition to the above guidance,

- Use technology (e.g., webinar, video conferencing, live stream, etc.) as a way to gather people or a way to augment a gathering to minimize the risk of COVID-19 exposure when possible
- Allow for groups of 10 people or less where physical distancing of six feet can be maintained
- Consider directing attendees to seating or standing areas that are already properly distanced
  - Use signage and barrier protection to limit movement and maintain distancing and direct the flow of traffic
  - Limit tables to groups of six
  - Space tables appropriately to keep patrons six feet apart while seated and moving in and out of chairs
  - If stadium seating is being used, use barriers or signage to appropriately physically distance families
- Limit entrances and exits to the event to control the flow of attendees
  - Consider separate entrances and exits to the event
  - Mark where people line up to keep attendees six feet apart while waiting
  - Open gates or doors to events early to allow for orderly entrance to event

- Post signs at entrance stating that if attendees have a fever or other COVID-19 symptoms, they are prohibited from entering
- Utilize on-line ticket sales, required sign-ups and/or RSVPs for crowd management
- Provide COVID-19 prevention supplies to event staff and participants
  - Make sure that events have supplies for event staff and participants, such as hand sanitizer that contains at least 60 percent alcohol, tissues, trash baskets, disposable facemasks, cleaners and disinfectants
- Dedicate staff members to disinfect high contact surfaces throughout the establishment and disinfect tables between parties
- If food is being served at an event, refer to Stage 2 Restaurant Protocols

## STAGE 3:

### In addition to the above guidance:

- Allow for groups between 10 – 50 people where physical distancing of six feet can be maintained

## STAGE 4:

### In addition to the above guidance:

- Allow for groups larger than 50 where physical distancing of six feet can be maintained
- If concession services are provided, prohibit in-stand concession sales and buffet-style serving areas
  - Concession services should be limited to vending and walk-up services that can provide for appropriate physical distancing while patrons wait in line

## PLANNING FOR AFTER STAGE 4:

Idaho's public health officials cannot predict what the threat of COVID-19 will be across the state in July, August, September, and beyond or make recommendations many weeks or months in advance on attendee size, postponing, or canceling of events. For event planners who choose to move forward with planning events over the summer and fall of 2020, events should be planned using the practices outlined above in this guidance. In addition to the above:

- Be aware of any legal orders in place, which will be posted at <https://coronavirus.idaho.gov>
- Know the level of disease transmission in your local community and the level of transmission in the areas from which your attendees will travel (consult with your local public health district)
  - Refer to the county map provided by the Centers for Disease Control and Prevention (CDC) to see if an area (county) they are from has higher rates than the overall rate for Idaho: <https://www.cdc.gov/covid-data-tracker/index.html>
- Stay in regular communication with your potential patrons about the status of COVID-19 in the state and in your area and any cancellation or change in the venue
- Identify and address potential language, cultural, and disability barriers associated with communicating COVID-19 information to event staff and participants
- Develop a contingency plan that addresses scenarios you may encounter during the COVID-19 outbreak
  - Identify actions to take if you need to postpone or cancel events
  - Develop flexible refund policies for participants
  - Determine if the event can be convened in a different manner such as a virtual event

## Resources

Event Planning and COVID-19: Questions and Answers. <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/event-planners-and-attendees-faq.html>

Get Your Mass Gatherings or Large Community Events Ready. <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html>

Centers for Disease Control and Prevention Guidance on Mass Gatherings. <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html>

Centers for Disease Control and Prevention. Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplace, Businesses, Schools and Homes: <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

Centers for Disease Control and Prevention. Guidance on Disinfecting: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

EPA list of COVID-19 effective disinfectants: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>





## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

**Recommendation to Hold Public Hearing and  
Adopt Ordinance No. 1208  
The FY 20-21 Annual Appropriations Ordinance**

### Recommendation and Summary

Staff respectfully recommends that the Ketchum City Council conduct the second reading of the Annual Appropriation Ordinance No. 1208, and read by title only:

"I MOVE TO APPROVE THE SECOND READING, BY TITLE ONLY, OF ORDINANCE NO. 1208, AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, APPROPRIATING TO THE VARIOUS BUDGETARY FUNDS, SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES WITHIN EACH FUND FOR THE ENSUING FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE, AND PROVIDING AN EFFECTIVE DATE."

The reasons for the recommendation are as follows:

- State statute establishes requirements for approving a budget.

### Introduction and History

Per Idaho Code 50-1003, the City Council of each city shall, prior to the commencement of each fiscal year, pass an Ordinance to be termed the Annual Appropriation Ordinance.

On August 3, 2020, the Council adopted Resolution No. 20-019 approving the preliminary budget for the fiscal year Beginning October 1, 2020, and ending September 30, 2021, containing the proposed revenues and expenditures necessary for all purposes for said fiscal year to be raised and appropriated within the City. The City Council also performed the first reading of the ordinance during a continuation of the August 3, 2020, public hearing on August 10, 2020.

### Analysis

The City Council will hold a second Public Hearing on August 17, 2020, at 4:00 p.m. for the purpose of considering and fixing a final budget and making appropriations to each office, department, service, agency, or institution and fund for the next fiscal year (2020-21). Final adoption of the budget is anticipated to occur at a City Council meeting on September 8, 2020.

Prior to the first reading of the ordinance, the Council directed the City Treasurer to raise the LOT revenue and expense budget by \$100,000 and reduce the General Fund budget by \$10,000. Those changes have been

incorporated into the second reading and advertised publicly in the newspaper of record. Similarly, re-allocations of the Mayor's recommended funding levels have occurred in the General Fund (\$1,000), In-Lieu Housing Fund (\$25,000), and General Capital Improvement Fund (\$50,000).

#### Financial Impact

The Fiscal Year 2020-21 City Budget provides budget authority for the services and projects the City anticipates providing during the new fiscal year. The proposed budget appropriates a total of \$33,712,794 including \$10,307,770 in the General Fund.

#### Attachments

- Attachment A: Ordinance 1208
- Attachment B: Revised budget pages reflecting requested changes

## ORDINANCE NO. 1208

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, APPROPRIATING TO THE VARIOUS BUDGETARY FUNDS, SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES WITHIN EACH FUND FOR THE ENSUING FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the City Ketchum, Blaine County, Idaho:

SECTION 1: That the sum of \$33,712,794 be raised and appropriated to defray the necessary expenses and liabilities of the City of Ketchum, Blaine County, Idaho for the fiscal year beginning October 1, 2020.

SECTION 2: That the City Council hereby appropriates each Fund as an independent fiscal and accounting group with a self-balancing set of accounts recording cash and/or other resources together with all related liabilities, obligations, reserves and equities which are segregated for the purpose of carrying on specific activities or attaining certain objectives.

SECTION 3: That the appropriation for the General Fund is made in the following amount to each specific division or function:

Legislative and Executive, Administrative, Legal, Community Planning and Development, Law Enforcement, Building Code, and Non-Departmental.

Total General Fund	10,307,770
--------------------	------------

SECTION 4: That the appropriation for the Water and Wastewater Funds is made in the following amounts to each specific Fund, department or function:

Water Fund	2,390,937
Water Capital Improvement Fund	522,000
Wastewater Fund	2,587,242
Wastewater Capital Improvement Fund	462,000
Total Water and Wastewater Funds	5,962,179

SECTION 5: That the appropriation for all Other Funds is made in the following amounts to each specific Fund, department or function:

General Capital Improvement Fund	563,000
Essential Services Facilities Trust Fund	420,600

Wagon Days Fund	85,650
Street Capital Improvement Fund	232,600
Law Enforcement Capital Improvement Fund	250
Fire & Rescue Capital Improvement Fund	104,330
Fire & Rescue Construction Capital	9,500,000
Parks & Recreation Capital Improvement Fund	0
Parks & Recreation Trust Fund	49,050
Original LOT Fund	1,817,246
Additional 1%-LOT Fund	1,500,000
GO Bond Debt Service Fund	149,835
GO Bond Debt Fire Fund	615,284
Community Housing In-Lieu Fund	2,250,000
Police Trust Fund	5,000
Fire Trust Fund	0
Development Trust Fund	150,000
 Total Other Funds	 17,442,845

SECTION 6: That a general tax levy on all taxable property within the City of Ketchum be levied in an amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2020.

SECTION 7: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8: This ordinance shall take effect and be in force upon its passage, approval and publication in one issue of the Idaho Mountain Express, a newspaper of general circulation in the City of Ketchum, and the official newspaper of said City.

PASSED by the City Council and APPROVED by the Mayor of Ketchum this 8th day of September 2020.

ATTEST:

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

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

**BUDGET SUMMARY (BY FUNDS)  
CITY OF KETCHUM PROPOSED BUDGET  
FISCAL YEAR 2020-2021**

Fund	RESOURCES				REQUIREMENTS						TOTAL APPROP. BUDGET	Unapprop.	TOTAL APPROP. & UNAPPROP
	Beginning Balance	Revenue	Transfers	TOTAL	Personal Services	Materials & Services	Capital Outlay	Transfers	Debt Service	Conting.			
General	1,720,358	8,453,796	1,853,974	<b>12,028,128</b>	6,352,576	3,691,193	2,000	248,830	0	13,171	<b>10,307,770</b>	1,720,358	<b>12,028,128</b>
Dev Trust	38,220	150,000	0	<b>188,220</b>	0	150,000	0	0	0	0	<b>150,000</b>	38,220	<b>188,220</b>
Fire/Res Cap	270,759	11,500	101,430	<b>383,689</b>	0	0	104,330	0	0	0	<b>104,330</b>	279,359	<b>383,689</b>
Fire Constr Cap	<b>9,500,000</b>	0	0	<b>9,500,000</b>	365,000	15,000	9,120,000	0	0	0	<b>9,500,000</b>	0	<b>9,500,000</b>
Law Enf Cap	18,325	900	0	<b>19,225</b>	0	250	0	0	0	0	<b>250</b>	18,975	<b>19,225</b>
Police Trust	97,154	1,500	0	<b>98,654</b>	0	5,000	0	0	0	0	<b>5,000</b>	93,654	<b>98,654</b>
Parks Cap	12,660	10,200	0	<b>22,860</b>	0	0	0	0	0	0	<b>0</b>	22,860	<b>22,860</b>
Parks Trust	193,004	42,050	0	<b>235,054</b>	0	27,000	22,050	0	0	0	<b>49,050</b>	186,004	<b>235,054</b>
Street Cap	367,336	27,500	0	<b>394,836</b>	0	0	232,600	0	0	0	<b>232,600</b>	162,236	<b>394,836</b>
Water	199,105	2,294,522	200,000	<b>2,693,627</b>	646,353	643,610	0	791,359	309,615	0	<b>2,390,937</b>	302,690	<b>2,693,627</b>
Water Cap	82,562	16,200	505,800	<b>604,562</b>	0	0	522,000	0	0	0	<b>522,000</b>	82,562	<b>604,562</b>
Wastewater	1,251,180	2,796,861	0	<b>4,048,040</b>	734,530	664,411	0	926,801	261,500	0	<b>2,587,242</b>	1,460,799	<b>4,048,040</b>
WW Cap	168,529	22,000	440,000	<b>630,529</b>	0	0	462,000	0	0	0	<b>462,000</b>	168,529	<b>630,529</b>
General CIP	884,182	280,200	31,581	<b>1,195,963</b>	0	50,000	513,000	0	0	0	<b>563,000</b>	632,963	<b>1,195,963</b>
ESF Trust	387,229	0	35,000	<b>422,229</b>	0	15,600	405,000	0	0	0	<b>420,600</b>	1,629	<b>422,229</b>
In-Lieu	2,384,519	30,000	0	<b>2,414,519</b>	0	75,000	2,175,000	0	0	0	<b>2,250,000</b>	164,519	<b>2,414,519</b>
G.O. Debt Str	1,946	0	149,835	<b>151,781</b>	0	500	0	0	149,335	0	<b>149,835</b>	1,946	<b>151,781</b>
G.O. Debt Fire	0	615,284	0	<b>615,284</b>	0	615,284	0	0	0	0	<b>615,284</b>	0	<b>615,284</b>
Original LOT	11,386	1,751,000	66,247	<b>1,828,633</b>	0	783,782	0	1,024,465	0	9,000	<b>1,817,247</b>	11,386	<b>1,828,633</b>
Add 1%-LOT	199,206	1,500,000	0	<b>1,699,206</b>	0	1,433,753	0	66,247	0	0	<b>1,500,000</b>	199,206	<b>1,699,206</b>
Wagon Days	9,731	5,650	80,000	<b>95,381</b>	3,500	82,150	0	0	0	0	<b>85,650</b>	9,731	<b>95,381</b>
<b>TOTAL</b>	<b>17,797,389</b>	<b>18,009,163</b>	<b>3,463,867</b>	<b>39,270,419</b>	<b>8,101,958</b>	<b>8,252,533</b>	<b>13,557,980</b>	<b>3,057,702</b>	<b>720,450</b>	<b>22,171</b>	<b>33,712,794</b>	<b>5,557,625</b>	<b>39,270,419</b>
<b>% of TOTAL</b>	<b>45.3%</b>	<b>45.9%</b>	<b>8.8%</b>	<b>100.0%</b>	<b>20.6%</b>	<b>21.0%</b>	<b>34.5%</b>	<b>7.8%</b>	<b>1.8%</b>	<b>0.1%</b>		<b>14.2%</b>	<b>100.0%</b>
												21,473,030	

CITY OF KETCHUM  
BUDGET REVENUES

GENERAL FUND

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021	PCNT CHANG
<u>CHARGES FOR SERVICES</u>				
01-3400-1100	PLANNING FEES	129,164	60,000	30,000 ( 50.0)
01-3400-1104	HOTEL DEVELOPMENT FEES	66,862	0	0 .0
01-3400-1110	BUILDING PLAN CHECK FEES	188,069	125,000	60,000 ( 52.0)
01-3400-1120	PLANNING PLAN CHECK FEES	130,677	75,000	37,500 ( 50.0)
01-3400-1130	FIRE PLAN CHECK FEES	130,251	60,000	30,000 ( 50.0)
01-3400-1500	REPRODUCTION/FINGERPRINT FEES	1,126	1,150	1,150 .0
01-3400-2200	RURAL FIRE PROTECTION FEES	212,218	0	0 .0
01-3400-2250	SPECIAL FIRE FEES	13,454	2,500	2,500 .0
01-3400-3000	ANIMAL TRANSPORTS	25	100	100 .0
01-3400-3600	BANNER FEES	6,825	9,000	9,000 .0
01-3400-6100	BC SCH DIST.PARK MAINT. CONTR	15,000	15,000	15,000 .0
01-3400-6300	PARK YOUTH PROGRAM FEES	119,402	125,000	75,000 ( 40.0)
01-3400-6320	PARK USER FEES	9,833	15,000	10,000 ( 33.3)
01-3400-6700	PARK CONCESSION SALES	6,375	13,406	10,000 ( 25.4)
01-3400-6800	TREE SERVICES	600	400	400 .0
	TOTAL CHARGES FOR SERVICES	1,029,880	501,556	280,650 ( 44.0)
<u>FINES &amp; FEES</u>				
01-3500-1100	PARKING FINES	51,562	24,000	24,000 .0
01-3500-1200	ELECTRIC VEHICLE CHARGING	0	0	250 .0
01-3500-1300	PARKING OPERATIONS	14,358	18,000	18,000 .0
	TOTAL FINES & FEES	65,920	42,000	42,250 .6
<u>MISCELLANEOUS REVENUE</u>				
01-3700-1000	INTEREST EARNINGS	81,541	45,000	45,000 .0
01-3700-1020	INTEREST EARNINGS-491 SV ROAD	3	1	1 .0
01-3700-2010	RENT-PARK RESERVATIONS	9,350	6,000	2,500 ( 58.3)
01-3700-2020	RENT-491 SUN VALLEY ROAD	71,068	68,510	68,510 .0
01-3700-3600	REFUNDS & REIMBURSEMENTS	199,804	50,000	50,000 .0
01-3700-4000	SALE OF FIXED ASSETS-G.G.	11,290	3,500	3,500 .0
01-3700-4100	SALE OF FIXED ASSETS-STREET	462	0	0 .0
01-3700-7000	MISCELLANEOUS	678	250	250 .0
01-3700-7020	FLOOD PLAIN PROG REIMBURSEMENT	5,804	0	0 .0
01-3700-7030	BUILDING PERMIT REIMBURSEMENT	1,623	0	0 .0
01-3700-8701	KETCHUM RURAL REIMB-SAL/BEN	20,317	0	0 .0
01-3700-8703	TRANSFER FROM GENERAL CIP	0	100,000	0 ( 100.0)
01-3700-8722	REIMBURSEMENT FROM LOT FUND	1,164,256	1,103,317	899,465 ( 18.5)
01-3700-8763	REIMBURSEMENT FROM WATER FUND	263,146	271,040	279,172 3.0
01-3700-8765	REIMBURSMNT FROM WASTEWATER FD	263,146	271,040	279,172 3.0
01-3700-8798	URA FND REIM-SALARIES/BENEFITS	105,394	105,395	108,557 3.0
	TOTAL MISCELLANEOUS REVENUE	2,197,882	2,024,054	1,736,127 ( 14.2)

01-3700-8722 REDUCED BY  
\$10,000 TO FUND VISIT  
SUN VALLEY IN LOT FUND

CITY OF KETCHUM  
BUDGET REVENUES

GENERAL FUND

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021	PCNT CHANG
<u>MISCELLANEOUS REVENUE CONT.</u>				
01-3710-8722	2,500	2,500	2,500	.0
01-3710-8763	100,000	103,000	106,090	3.0
01-3710-8765	137,759	141,892	146,149	3.0
01-3710-8798	31,911	31,911	32,869	3.0
TOTAL MISCELLANEOUS REVENUE CONT.	272,170	279,303	287,608	3.0
<u>FUND BALANCE</u>				
01-3800-9000	0	35,188	0	( 100.0)
TOTAL FUND BALANCE	0	35,188	0	( 100.0)
TOTAL FUND REVENUE	11,322,951	10,761,459	10,307,770	( 4.2)
TOTAL FUND EXPENDITURES	10,961,761	10,761,459	10,307,770	( 4.2)
NET REVENUE OVER EXPENDITURES	361,190	0	0	( 100.0)

TOTAL REVENUE REDUCED  
BY \$10,000 TO FUND VISIT  
SUN VALLEY IN LOT FUND

CITY OF KETCHUM  
BUDGET EXPENDITURES

GENERAL FUND

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021	PCNT CHANG
<u>LEGISLATIVE &amp; EXECUTIVE</u>				
PERSONAL SERVICES:				
01-4110-1000 SALARIES	120,686	120,686	120,686	.0
01-4110-2100 FICA TAXES-CITY	8,550	9,233	9,233	.0
01-4110-2200 STATE RETIREMENT-CITY	13,786	14,410	14,410	.0
01-4110-2400 WORKER'S COMPENSATION-CITY	119	495	495	.0
01-4110-2500 HEALTH INSURANCE-CITY	156,962	165,723	167,380	1.0
01-4110-2505 HEALTH REIMBURSEMENT ACCT(HRA)	787	4,020	4,020	.0
01-4110-2510 DENTAL INSURANCE-CITY	3,377	6,962	6,962	.0
01-4110-2515 VISION REIMBURSEMENT ACCT(HRA)	2,337	962	962	.0
01-4110-2600 LONG TERM DISABILITY	531	531	531	.0
TOTAL PERSONAL SERVICES	307,136	323,022	324,679	.5
MATERIALS AND SERVICES:				
01-4110-3100 OFFICE SUPPLIES & POSTAGE	1,350	3,167	3,167	.0
01-4110-3200 OPERATING SUPPLIES	2,103	2,125	2,125	.0
01-4110-4000 ELECTIONS	0	2,500	2,500	.0
01-4110-4200 PROFESSIONAL SERVICES	8,410	12,600	8,000	( 36.5)
01-4110-4800 DUES, SUBSCRIPTIONS & MEMBERSH	110	1,700	1,700	.0
01-4110-4910 MYR/CNCL-TRAINING/TRAVEL/MTG	3,497	3,000	0	( 100.0)
01-4110-5100 TELEPHONE & COMMUNICATIONS	210	0	0	.0
TOTAL MATERIAL AND SERVICES	15,680	25,092	17,492	( 30.3)
CAPITAL OUTLAY:				
01-4110-7400 OFFICE FURNITURE & EQUIPMENT	1,150	1,000	1,000	.0
TOTAL CAPITAL OUTLAY	1,150	1,000	1,000	.0
TOTAL LEGISLATIVE & EXECUTIVE	323,967	349,114	343,171	( 1.7)

01-4110-4200 REDUCED BY \$4,600 TO  
BALANCE GENERAL FUND AFTER  
\$10,000 REVENUE REDUCTION

01-4110-4910 REDUCED BY \$1,000  
WITH FUNDS REALLOCATED TO  
PLANNING & BUILDING  
DEPARTMENT



CITY OF KETCHUM  
BUDGET EXPENDITURES

GENERAL FUND

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021	PCNT CHANG
<u>PLANNING &amp; BUILDING</u>				
PERSONAL SERVICES:				
01-4170-1000 SALARIES	301,779	315,010	321,735	2.1
01-4170-1200 PLANNING & ZONING COMMISSION	15,600	17,000	17,000	.0
01-4170-2100 FICA TAXES-CITY	23,514	25,399	25,913	2.0
01-4170-2200 STATE RETIREMENT-CITY	35,813	39,642	40,125	1.2
01-4170-2400 WORKER'S COMPENSATION-CITY	2,905	4,210	4,210	.0
01-4170-2500 HEALTH INSURANCE-CITY	84,681	88,658	85,115	( 4.0)
01-4170-2505 HEALTH REIMBURSEMENT ACCT(HRA)	3,216	3,216	3,216	.0
01-4170-2510 DENTAL INSURANCE-CITY	2,555	4,441	2,976	( 33.0)
01-4170-2515 VISION REIMBURSEMENT ACCT(HRA)	2,318	2,000	2,000	.0
01-4170-2600 LONG TERM DISABILITY	1,275	1,461	1,394	( 4.6)
01-4170-2700 VACATION/SICK ACCRUAL PAYOUT	0	1,787	1,787	.0
01-4170-2800 STATE UNEMPLOYMENT INSURANCE	363	810	810	.0
<b>TOTAL PERSONAL SERVICES</b>	<b>474,018</b>	<b>503,634</b>	<b>506,281</b>	<b>.5</b>
MATERIALS AND SERVICES:				
01-4170-3100 OFFICE SUPPLIES & POSTAGE	2,820	2,500	2,500	.0
01-4170-3200 OPERATING SUPPLIES	0	250	250	.0
01-4170-4200 PROFESSIONAL SERVICES	36,546	51,334	51,334	.0
01-4170-4210 PROFESSIONAL SERVICES - IDBS	166,793	125,000	75,000	( 40.0)
01-4170-4220 PROF SVCS-FLOOD PLAIN PROG REM	9,491	0	0	.0
01-4170-4400 ADVERTISING & LEGAL PUBLICATIO	2,161	900	900	.0
01-4170-4500 GEOGRAPHIC INFO SYSTEMS	22,412	23,420	23,420	.0
01-4170-4800 DUES, SUBSCRIPTIONS & MEMBERSH	160	450	450	.0
01-4170-4900 PERSONNEL TRAINING/TRAVEL/MTG	3,553	2,500	1,500	( 40.0)
01-4170-4970 TRAINING/TRAVEL/MTG-P&Z COMM	33	0	0	.0
01-4170-5100 TELEPHONE & COMMUNICATIONS	360	360	360	.0
01-4170-6910 OTHER PURCHASED SERVICES	307	750	750	.0
<b>TOTAL MATERIAL AND SERVICES</b>	<b>244,636</b>	<b>207,464</b>	<b>156,464</b>	<b>( 24.6)</b>
<b>TOTAL PLANNING &amp; BUILDING</b>	<b>718,654</b>	<b>711,098</b>	<b>662,745</b>	<b>( 6.8)</b>

01-4170-4900 INCREASED BY \$1,000  
WITH REALLOCATED FUNDS FROM  
LEGISLATIVE & EXECUTIVE  
DEPARTMENT

CITY OF KETCHUM  
BUDGET EXPENDITURES

GENERAL FUND

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021	PCNT CHANG
<u>NON-DEPARTMENTAL</u>				
MATERIALS AND SERVICES:				
01-4193-4500 1ST/WASHINGTON RENT	48,000	36,000	36,000	.0
01-4193-6500 CONTRACT FOR SERVICE	172,500	164,000	9,000	( 94.5)
01-4193-6601 MASTER TRANSPORTATION PLAN	8,571	0	0	.0
<b>TOTAL MATERIAL AND SERVICES</b>	<b>229,071</b>	<b>200,000</b>	<b>45,000</b>	<b>( 77.5)</b>
OTHER EXPENDITURES:				
01-4193-8803 TRANSFER TO GENERAL CIP FUND	0	0	17,565	.0
01-4193-8893 TRANSFER TO PARK TRUST-KAC	32,500	10,000	0	( 100.0)
01-4193-8895 TRANSFER TO ESF TRUST	200,000	0	0	.0
01-4193-9910 MERIT INCREASES	6,500	25,000	25,000	.0
01-4193-9930 GENERAL FUND OP. CONTINGENCY	142,628	10,000	13,171	31.7
<b>TOTAL OTHER EXPENDITURES</b>	<b>381,628</b>	<b>45,000</b>	<b>55,736</b>	<b>23.9</b>
<b>TOTAL NON-DEPARTMENTAL</b>	<b>610,699</b>	<b>245,000</b>	<b>100,736</b>	<b>( 58.9)</b>

01-4193-9930 REDUCED BY \$5,400 TO  
BALANCE GENERAL FUND AFTER  
\$10,000 REVENUE REDUCTION

CITY OF KETCHUM  
BUDGET EXPENDITURES

GENERAL CAPITAL IMPROVEMENT FD

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021	PCNT CHANG	
<u>GENERAL CIP EXPENDITURES</u>					
MATERIALS AND SERVICES:					
03-4193-4250 ENERGY WORK PROGRAM	45,780	48,956	50,000	2.1	\$50,000 REALLOCATED FROM LOW-FLOW FIXTURE PROGRAM TO ENERGY WORK PROGRAM FOR FUTURE ALLOTMENT BY COUNCIL
03-4193-6000 GUY COLES SKATEPARK	1,250	0	0	.0	
TOTAL MATERIAL AND SERVICES	47,030	48,956	50,000	2.1	
CAPITAL OUTLAY:					
03-4193-7180 UNDERGROUNDING	0	180,000	180,000	.0	
03-4193-7190 SIDEWALK/LIGHTING	347,433	50,000	0	( 100.0)	
03-4193-7193 WARM SPRINGS RD ANALYSIS	66,716	0	50,000	.0	
03-4193-7200 TECHNOLOGY UPGRADES	73,506	65,000	65,000	.0	
03-4193-7201 ESF- PUBLIC OUTREACH/DESIGN	1,150	0	0	.0	
03-4193-7400 COMPUTER/COPIER LEASING	40,079	43,000	43,000	.0	
03-4193-7600 ATKINSON PARK IRRIGATION	0	25,000	25,000	.0	
03-4193-7603 FOREST SERVICE PARK UNITS	0	50,000	50,000	.0	
03-4193-7607 SIDEWALK/STREET SAFETY REPAIR	238,906	41,707	100,000	139.8	
03-4193-7800 MISCELLANEOUS CONSTRUCTION	0	31,000	0	( 100.0)	
03-4193-7801 MISCELLANEOUS EQUIPMENT	8,386	15,000	0	( 100.0)	
TOTAL CAPITAL OUTLAY	776,175	500,707	513,000	2.5	
OTHER EXPENDITURES:					
03-4193-8801 TRANSFER TO GENERAL FUND	0	100,000	0	( 100.0)	
03-4193-8805 TRANSFER TO STREET CIP	48,160	0	0	.0	
TOTAL OTHER EXPENDITURES	48,160	100,000	0	( 100.0)	
TOTAL GENERAL CIP EXPENDITURES	871,366	649,663	563,000	( 13.3)	
TOTAL FUND EXPENDITURES	871,366	649,663	563,000	( 13.3)	
NET REVENUE OVER EXPENDITURES	( 139,736)	0	0	.0	

CITY OF KETCHUM  
BUDGET EXPENDITURES

IN-LIEU HOUSING FUND

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021	PCNT CHANG
<u>IN-LIEU HOUSING EXPENDITURES</u>				
MATERIALS AND SERVICES:				
52-4410-6020 BC-KETCHUM HOUSING AUTHORITY	75,000	75,000	75,000	.0
TOTAL MATERIAL AND SERVICES	75,000	75,000	75,000	.0
CAPITAL OUTLAY:				
52-4410-7115 AFFORDBLE WORKFORCE HOUSING	0	2,200,000	2,175,000	( 1.1)
TOTAL CAPITAL OUTLAY	0	2,200,000	2,175,000	( 1.1)
TOTAL IN-LIEU HOUSING EXPENDITURES	75,000	2,275,000	2,250,000	( 1.1)
TOTAL FUND EXPENDITURES	75,000	2,275,000	2,250,000	( 1.1)
NET REVENUE OVER EXPENDITURES	169,073	0	( 20,000)	.0

\$25,000 REALLOCATED FROM  
52-4410-7115 TO 52-4410-6020

CITY OF KETCHUM  
BUDGET REVENUES

ORIGINAL LOT FUND

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021	PCNT CHANG	
<u>ORIGINAL LOT TAX</u>					
22-3100-3000 ORIGINAL LOT TAX	2,624,681	2,500,000	1,750,000	( 30.0)	22-3100-3000 INCREASED BY \$100,000
TOTAL ORIGINAL LOT TAX	2,624,681	2,500,000	1,750,000	( 30.0)	
<u>MISCELLANEOUS REVENUE</u>					
22-3700-1000 INTEREST EARNINGS	767	1,000	1,000	.0	
22-3700-3600 REFUNDS & REIMBURSEMENTS	( 34)	0	0	.0	
22-3700-8725 TRANSFR FROM ADDITIONAL 1%-LOT	66,247	66,247	66,247	.0	
TOTAL MISCELLANEOUS REVENUE	66,979	67,247	67,247	.0	
TOTAL FUND REVENUE	2,691,661	2,567,247	1,817,247	( 29.2)	

CITY OF KETCHUM  
BUDGET EXPENDITURES

ORIGINAL LOT FUND

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021	PCNT CHANG	
<u>ORIGINAL LOT TAX</u>					
MATERIALS AND SERVICES:					
22-4910-3610	843	0	0	.0	
22-4910-5000	2,500	2,500	2,500	.0	
22-4910-6040	440,000	400,000	110,000	( 72.5)	22-4910-6040 INCREASED BY \$110,000
22-4910-6060	79,744	75,500	50,000	( 33.8)	
22-4910-6080	665,700	624,700	469,000	( 24.9)	
22-4910-6090	147,847	147,847	152,282	3.0	
	<u>1,336,634</u>	<u>1,250,547</u>	<u>783,782</u>	<u>( 37.3)</u>	
TOTAL MATERIAL AND SERVICES					
OTHER EXPENDITURES:					
22-4910-8801	1,164,256	1,103,317	899,465	( 18.5)	22-4910-8801 REDUCED BY \$10,000 TO FUND VISIT SUN VALLEY
22-4910-8802	132,250	117,550	80,000	( 31.9)	
22-4910-8803	0	86,833	0	( 100.0)	
22-4910-8811	0	0	45,000	.0	
22-4910-9930	0	9,000	9,000	.0	
	<u>1,296,506</u>	<u>1,316,700</u>	<u>1,033,465</u>	<u>( 21.5)</u>	
	<u>2,633,140</u>	<u>2,567,247</u>	<u>1,817,247</u>	<u>( 29.2)</u>	
	<u>2,633,140</u>	<u>2,567,247</u>	<u>1,817,247</u>	<u>( 29.2)</u>	
	<u>58,521</u>	<u>0</u>	<u>0</u>	<u>100.0</u>	



## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

**Recommendation to Hold Public Hearing and Adopt Ordinance No. 1210  
Amending The FY 19-20 Annual Appropriations Ordinance  
By Appropriating Additional Monies and Specifying Authorized Activities**

### Recommendation and Summary

Staff is respectfully recommending that the Ketchum City Council hold a public hearing on amendment of the FY 20 budget, conduct the third reading by title only, and adopt the amended Annual Appropriation Ordinance No. 1210 with the following two motions:

*1<sup>ST</sup> Motion: Pursuant to Idaho Code 50-902, I move to waive the first and second readings of Ordinance No. 1210 and read by title only.*

*2<sup>nd</sup> Motion "I MOVE TO ADOPT, AND READ BY TITLE ONLY, ORDINANCE NO. 1210, AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING ORDINANCE NUMBER 1203, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020: APPROPRIATING ADDITIONAL MONIES TO BE RECEIVED BY THE CITY OF KETCHUM, IDAHO; AND, PROVIDING AN EFFECTIVE DATE.*

The reasons for the recommendation are as follows:

- Ketchum voters approved a bond for the construction of a new fire station after the adoption of the FY 20 budget.
- The new Ketchum fire station construction has begun and requires budget authority in FY 20.
- State statute establishes requirements for amending the budget in Section 50-1003.

### Introduction and History

Per Idaho Code 50-1003, the City Council of each city shall, prior to the commencement of each fiscal year, pass an Ordinance to be termed the Annual Appropriation Ordinance.

On September 11, 2019, the Council adopted Ordinance 1203 entitled the Annual Appropriation Ordinance for the Fiscal Year beginning October 1, 2019, and ending September 30, 2020, appropriating to the various budgetary funds sums of money necessary to defray all expenses and liabilities within each fund for the ensuing fiscal year, authorizing a levy of a sufficient tax upon the taxable property, specifying the objects and purposes for which said appropriation is made, and providing an effective date.

The city council of any city may, by the same procedure as used in adopting the original appropriation ordinance at any time during the current fiscal year, amend the appropriation ordinance as a result of an increase in revenues from any source other than ad valorem tax revenue.

### Analysis

Ordinance No. 1203 is the Annual Appropriation Ordinance for the Fiscal Year beginning October 1, 2019, and ending September 30, 2020. Ordinance No. 1210 outlines the Proposed Expenditure adjustments in the amount of \$2,000,000 and Proposed Revenue adjustments in the amount of \$11,500,000. The additionally requested funds will be used for the construction of a new fire station.

### Financial Impact

The funds for all adjustments exist in the fire construction fund provided by the voter's bond approval.

### Attachments

- Attachment A: Ordinance 1210



**ORDINANCE NO. 1210**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING ORDINANCE NUMBER 1203, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; APPROPRIATING ADDITIONAL MONIES TO BE RECEIVED BY THE CITY OF KETCHUM, IDAHO; AND, PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO:

SECTION 1. That Ordinance Number 1203, the Annual Appropriation Ordinance for the City of Ketchum, Idaho, for the fiscal year commencing October 1, 2019, and ending September 30, 2020, be hereby amended as follows:

**EXPENSES**

<b>FUND</b>	<b>APPROVED FY 19-20</b>	<b>AMENDED FY 19-20</b>	<b>ADJUSTMENT</b>
<b>FIRE CONSTRUCTION FUND</b>	<b>0</b>	<b>2,000,000</b>	<b>2,000,000</b>
		<b>TOTAL</b>	<b>2,000,000</b>

That the additional sum be appropriated out of the revenues received from:

**REVENUES**

<b>FUND</b>	<b>APPROVED FY 19-20</b>	<b>AMENDED FY 19-20</b>	<b>ADJUSTMENT</b>
<b>FIRE CONSTRUCTION FUND</b>	<b>0</b>	<b>11,500,000</b>	<b>11,500,000</b>
		<b>TOTAL</b>	<b>11,500,000</b>

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Ketchum, Idaho, this 17<sup>th</sup> day of August 2020.

\_\_\_\_\_  
NEIL BRADSHAW  
Mayor

ATTEST:

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

Publish: Idaho Mountain Express  
August 26, 2020



## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation To Review the Decision of the Planning and Zoning Commission and Take Action to Uphold the Decision, Modify the Decision or Affirm the Determination of the Zoning Administrator**

#### Recommendation and Summary

Staff is recommending the City Council conduct a public hearing to review the decision of the Planning and Zoning Commission and adopt one of the following motions:

#### **Motion Option 1:**

I move to affirm the June 22, 2020, decision of the Planning and Zoning Commission and direct staff to prepare findings of fact for approval.

#### **Motion Option 2:**

I move to modify the decision of the Planning and Zoning Commission and direct staff to prepare findings of fact based on the modified decision.

#### **Motion Option 3:**

I move to affirm the March 9, 2020, decision of the Zoning Administrator and direct staff to prepare findings of fact for approval.

The reasons for the recommendation are as follows:

- Based on input and recommendations by city staff, the Zoning Administrator made a determination on the required setbacks for a new single-family residence proposed at 201 Garnet Street to ensure the development does not impede city operations.
- The property owner did not agree with the Zoning Administrator determination and appealed the decision to the Planning and Zoning Commission.
- The Planning and Zoning Commission did not agree with the Zoning Administrator's determination and modified the required setbacks and required the property owner and city enter into two separate agreements.
- Because the Planning and Zoning Commission decision could impact city operations and requires two agreements that the City Council must agree to and approve, staff appealed the decision of the Planning and Zoning Commission to the City Council for review and a final decision.

#### Introduction and History

A new single-family residence is proposed to be constructed at 201 Garnet Street. The June 9, 2020, plans indicate the proposed new structure would be located as close as 11 feet 8 inches from the edge of the Garnet

Street pavement. Previous plans showed the porch overhang extending 3 feet into the 11'-8" building setback resulting in a setback of 8 feet 8 inches and a fence located within 2 feet 7 inches of the edge of the street pavement. Garnet Street pavement is approximately 20 feet in width and the property line for 201 Garnet Street extends approximately 13 feet into the paved portion of the street, **Attachment A**. Based on past experience on the Gem Streets, fences, garages and other features located within 15 feet of the edge of the street pavement have been damaged due to snow removal operations because there is insufficient area adjacent to the paved street for the plowed snow.

The Ketchum Municipal Code requires local residential streets to have a minimum paved width of 26 feet and a minimum right of way of 60 feet unless a reduced right of way width is approved by the City Council. This right of way area allows for sufficient area to conduct city operations without damaging properties. Garnet Street does not meet the city standards.

On March 9, 2020, the Planning and Zoning Administrator made a zoning determination pursuant to Ketchum Municipal Code (KMC) Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street. See **Attachment B**.

Based on analysis from the City Engineer and Streets and Facilities staff, the Zoning Administrator required a 15-foot setback from the edge of the pavement. This setback was to allow sufficient room for snow storage and drainage without damaging the proposed new improvements on the property. Because of the status of the street, (private with public easement), and because the street does not conform to city street standards, the Zoning Administrator had to determine the required setback based on a variety of factors. This residence is the first new construction to occur on the street and would set the standard for all future development projects.

The property owner did not agree with the Zoning Administrator determination and appealed the decision to the Planning and Zoning Commission. The Planning and Zoning Commission conducted two public hearings, June 8, 2020, and June 22, 2020, and modified the Zoning Administrator's determination based on the presentation of the owner's attorney, **Attachment C**. The Commission determined a 10-foot unobstructed easement measured from the edge of the pavement was sufficient for snow storage and drainage. In addition, the Commission required the city and owner to enter into an indemnification agreement for any damages to structures or other features located within 15 feet of the edge of the pavement. Both the easement and indemnification agreement require city council approval.

City staff continues to recommend a 15-foot setback from the pavement in order to accommodate snow storage and drainage. Since this is the first new development to occur on one of the Gem Streets, and this determination will establish the standard for future projects, staff appealed the Planning and Zoning decision to the City Council for a final decision. Any easement or indemnification agreement will return to the City Council for review and approval.

### Analysis

Staff recommends the 15-foot setback based on the following factors:

- The City's standard residential lane width is 13' feet of asphalt or 26' paved area in total for two lanes. Based on a standard lane width of 13' the City needs 14.9' of storage for snow. Looking at GIS and the proposed site plan there is approximately a 13' section/swath of the paved portion of Garnet Street on the applicant's property which matches the City's standard lane width of 13' necessitating 14.9' for snow storage on the property adjacent to the paved street due to the 13' of roadway.

- The City standard for a residential street (60' ROW) requires a 13' lane width and 17' wide drainage swale on each side. The drainage swale is necessary to facilitate melting of the plowed snow and rain runoff from the street without damaging private property. With Garnet St. being only 20' wide, and presuming the roadway was crowned and ½ or 10' into the roadway, the asphalt must drain into a roadside swale. Since only a 10' wide section of pavement is draining towards the swale, the required swale width could be reduced from the city standard of 17' to 15'.
- The setbacks as proposed by the applicant do not provide sufficient area to perform basic city services such as snow removal. This is a new development and all other new development projects constructed within Ketchum are designed and constructed to standards that do not impede or prevent basic city operations such as snow removal. Allowing this development to impede snow removal and require the city to incur additional expense for city operations is inconsistent with the approval of all other new development projects. Older existing structures on the Gem Streets that have pre-existing similar setbacks to those proposed by the applicant have been damaged by snow removal operations and based on review by the Street Superintendent, elements of this development that encroach into the 15 foot setback could be damaged during snow removal.
- The uniform application of building setbacks, as argued by Mr. Haemmerle, is an equal protection issue; however, of equal note throughout the city is the need for land development projects (buildings, landscaping, fencing, etc.) to comply with any number of other equally applicable regulations, such as the city's minimum snow storage and drainage requirements for one-family dwellings as set forth in KMC Section 17.124.170.
- The proposed drainage improvements do not comply with KMC Section 17.124.170.A. Rather, the proposed reconfigured borrow ditch: (a) is inadequate given the unique characteristics of the site as further calculated by the city engineer; and (b) does not comply with city standards.
- The proposed snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on the subject property, whether dedicated for public right of way purposes or not as noted in the existing Garnet Street Agreement (instrument #403847), is less than the required minimum of 26 feet.
- Allowing insufficient area to facilitate city operations and permitting a development that could incur damage due to the encroachments into the 15-foot setback sets an undesirable precedent for future development projects in Ketchum and on the Gem Streets.

#### Financial Impact

Depending on the decision, there could be financial impact in the event the city damages features on private property.

#### Attachments:

Attachment A: Property Location Map

Attachment B: March 9, 2020 Zoning Administrator Determination

Attachment C: Planning and Zoning Commission Determination

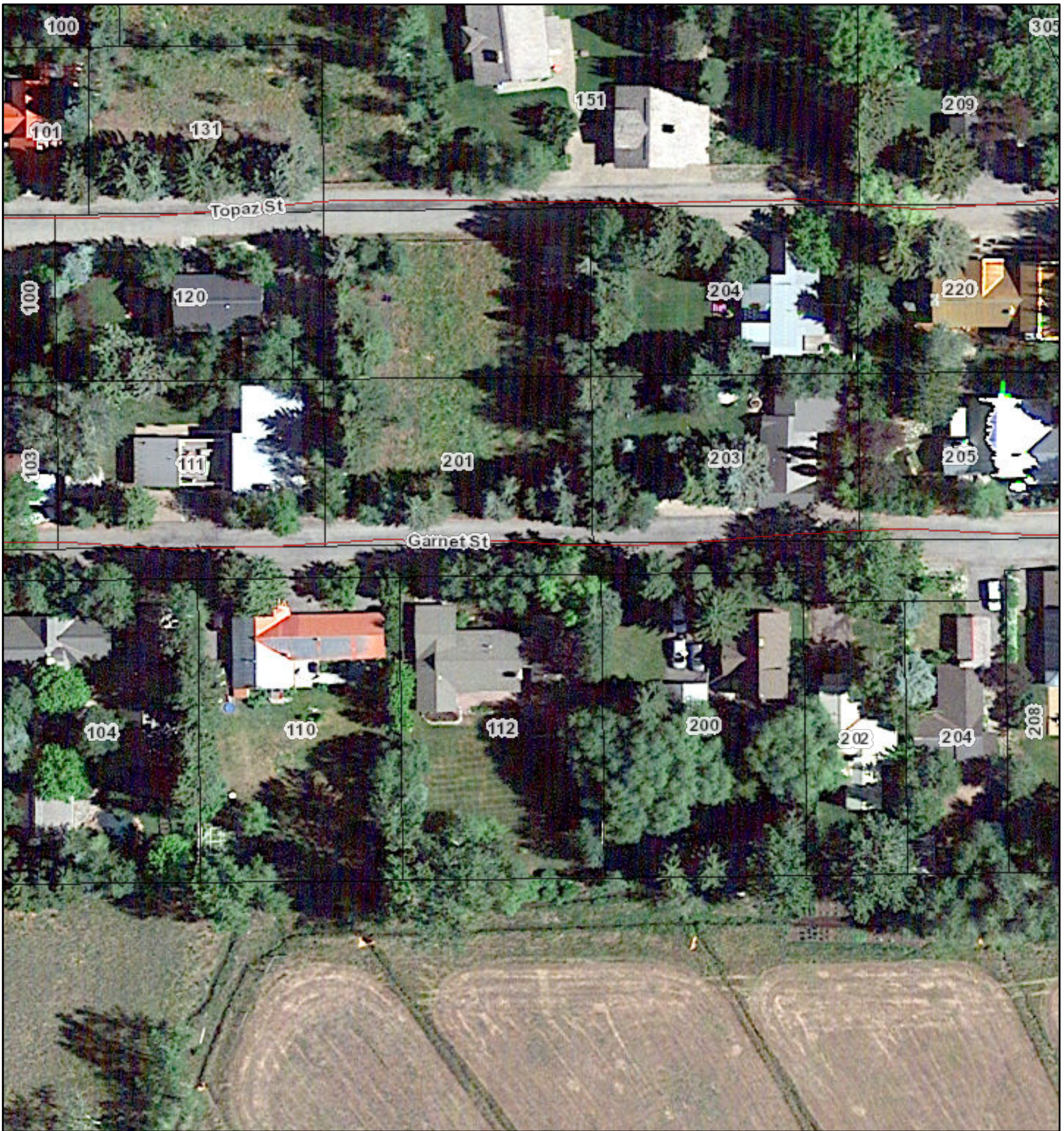
Attachment D: June 22, 2020 Planning and Zoning Commission Staff Report and Record

Attachment E: June 8, 2020 Planning and Zoning Commission Staff Report and Record

Attachment F: July 23, 2020 City Staff Appeal Application

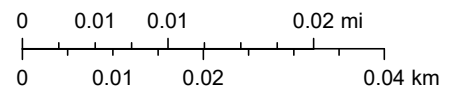
Attachment G: Applicant Submittals

# Parcel Information Map



August 12, 2020

1:835





## City of Ketchum

March 9, 2020

### CERTIFIED MAIL

Janet Jarvis  
511 Sun Valley Road  
Box 626  
Ketchum, Idaho 83340

**SUBJECT:** Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho

Dear Janet,

Associate Planner Abby Rivin enjoyed meeting with your associate Lucas Winter on January 8, 2020 and then with you on January 24, 2020. Subsequent to these meetings, Abby and I have had a chance to review your plans and want to compliment you, in general terms, on the overall quality of the design.

As noted at your previous meeting with Abby and representatives of city administration and streets, the city has a concern with the placement of the proposed new one-family dwelling. The concerns include: maintaining adequate "free clear and unobstructed" fire apparatus access, providing adequate snow storage, conforming with the existing Garnet Street Agreement (instrument #403847), and complying with city building setbacks requirements.

I am also in receipt of Fritz Haemmerle's letter of January 21, 2020, which states your position: "Every setback drafted on the site plan conforms to the City's existing [Limited Residential (LR) District] setbacks." Based on the dimensional standards listed in Ketchum Municipal Code (KMC) Section 17.12.030.C for the LR District, this position is plausible at face value, but additional analysis is required. In particular, I want to bring your attention to the Minimum Standards for One-Family Dwellings set forth in KMC Section 17.124.170 that affect the overall adequacy of the currently proposed site plan for the Craig Nalen Residence at 201 Garnet.

My analysis as to how the minimum standards for one-family dwellings affect the Nalen Residence site plan is organized in three parts as follows. Part one analyzes city drainage requirements. Part two reviews city snow storage requirements. Finally, in part three I summarize the extent to which, in my opinion as Administrator of the Ketchum Zoning Ordinance, your current site plan for Mr. Nalen requires additional attention to comply with the minimum standards for one-family dwellings as established by KMC.

**Part one: drainage.** I interpret KMC Section 17.124.170.A to:

- Require all stormwater be retained on site;
- Grant the city engineer discretionary authority to require addition drainage improvements depending on the unique characteristics of a site; and
- Require any proposed recontouring of borrow ditches, including the construction of drainage facilities affecting Garnet Street on Mr. Nalen's property, be constructed to city standards.

**Part two: snow storage.** I interpret KMC Section 17.124.170.C to:

- Require snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on Mr. Nalen’s property as subject area is used for pedestrian circulation, among other uses;
- Allow the proposed recontoured borrow ditch and area needed for the retention of on site stormwater/drainage, as determined by the city engineer consistent with KMC Section 17.124.170.D, to also be used for snow storage;
- Require that any area designated for snow storage be usable and in an unobstructed location relative to the location from which the snow is removed; and
- Require that subject snow storage area be not less than 30%.

**Part three: findings and administrative determination.** Based on the foregoing and a review of the city engineer, street and fire department comments, I find:

1. The proposed snow storage area west of the driveway to be generally adequate for the storage of snow for the two driveway parking stalls and front door exterior entry area.
2. The proposed 111.17' (132.17' of frontage minus the 21'-0" for the new 12" culvert under the driveway) borrow ditch recontour area along Mr. Nalen’s Garnet Street frontage to be too narrow as shown. As noted by the City Engineer, the proposed 2' to 3' wide drainage ditch is insufficient and needs to be improved to 15' in width (8' permeable material and 7' grasses) based on city standards and unique characteristics of the site.
3. A new snow storage area needs to be added to your proposed site plan. Subject designated snow storage area may be co-located with the revised 15' wide borrow ditch required for drainage and toward Mr. Nalen’s proposed home along the entire length of his Garnet Street frontage, excepting the driveway and front entry.

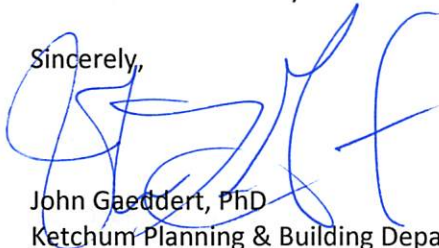
Based upon evidence provided by the Ketchum Street Department, City Engineer drainage and snow storage calculations, the aforementioned ordinance provisions, the need to maintain 20' of free clear and unobstructed fire access along Garnet Street for safety reasons, and the minimum requirement provisions set forth in KMC §17.04.040.B, it is my finding that 15', as measured from edge of asphalt, is necessary for drainage and snow storage purposes.

4. Vertical improvements, such as trees and fences, are not allowed within subject 15' wide drainage swale and snow storage area adjacent the Garnet Street edge of asphalt on Mr. Nalen’s property.

If you should have any questions about any of the provisions of this letter, please let me know. We look forward to continuing to work with you toward an approvable set of building permit drawings. Please note that this administrative decision may be subject to administrative appeal. See KMC §17.144 for details.

Please let me know if you have additional questions.

Sincerely,



John Gaeddert, PhD  
Ketchum Planning & Building Department Director

Cc: Fritz Haemmerle  
Matt Johnson

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Janet Jarvis  
 P O Box 626  
 Ketchum, ID  
 83340



9590 9402 4767 8344 1313 78

2. Article Number (Transfer from service label)

7018 0360 0001 3649 2264

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*Maggie Cummings*

Agent

Addressee

B. Received by (Printed Name)

*Maggie Cummings*

C. Date of Delivery

*3/12/20*

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

128

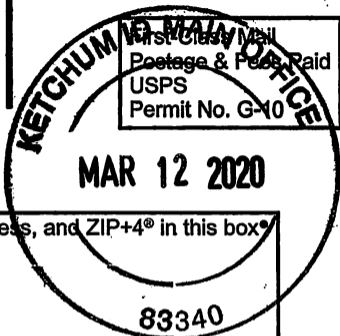
Restricted Delivery



**USPS TRACKING #**



9590 9402 4767 8344 1313 78



**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box.

Planning and Building Dept  
City of Ketchum  
P O Box 2315  
Ketchum, ID 83340

**BEFORE THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF KETCHUM**

In the Matter of the )  
Application of: ) **Appeal #20-028**  
 )  
**Craig A. Nalen** ) **FINDINGS OF FACT,**  
 ) **CONCLUSIONS OF LAW, AND**  
For Appeal of Administrator Decision ) **ORDER ON APPEAL OF**  
 ) **ADMINISTRATOR DECISION**  
 )  
\_\_\_\_\_ )

This matter having come for an administrative appeal hearing pursuant to Ketchum Municipal Code 17.144.010 on June 8, 2020, and June 22, 2020, and then for adoption on July 13th, 2020, the City of Ketchum Planning and Zoning Commission does hereby make and set forth their Findings of Fact, Conclusions of Law, and Order on Appeal as follows:

**I. FINDINGS OF FACT**

1. The City of Ketchum is a duly formed municipal corporation organized and existing by virtue of the laws of the State of Idaho, and is organized, existing, and functioning pursuant to Title 50, Idaho Code.
2. That the Subject Real Property is as follows: 201 Garnet Street, Ketchum, Idaho.
3. That the Subject Real Property is located in the Limited Residential (LR) zoning district.
4. The owner of Subject Real Property is Craig A. Nalen
5. The attorney for the Applicant is Fritz X. Haemmerle, Haemmerle Law, P.L.L.C.
6. The architect for the Applicant is Janet Jarvis, The Jarvis Group Architects, AIA, P.L.L.C.
7. The Subject Real Property does not have frontage along a dedicated public right-of-way.

Instead, the Subject Real Property contains a 15' public access easement, governed by the

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
ORDER ON APPEAL OF ADMINISTRATOR DECISION  
Ketchum Planning and Zoning Commission - 1

Garnet Street Agreement (instrument #403847) through which a paved vehicular street traverses.

8. Garnet Street is not a dedicated public street but the City has historically performed snow plowing operations and maintenance on Garnet Street.
9. Standard front setbacks from front property line are defined in Section 17.13.030 of Ketchum Municipal Code.
10. The Applicant's architect met with the City regarding the proposed location for a new single-family residence with respect to front yard setback requirements because the access easement traverses the Subject Real Property.
11. Citing Minimum Standards for One-Family Dwellings contained in Sections 17.124.170.A and 17.124.170.C of Ketchum Municipal Code, and based on calculations for minimum swale and snow storage widths needed along the Subject Real Property's front property line to accommodate basic city operations such as snow plowing, the Planning and Building Director (Administrator) sent a determination letter dated March 9, 2020 (Administrator's Determination) regarding the minimum setback needed for structures and vertical impediments from front property line to the Applicant's architect, Janet Jarvis, via certified mail postmarked March 12, 2020.
12. The Administrator's Determination letter refers to the site plan dated January 14, 2020 and analyzed by the City Engineer and the City Engineer's snow storage calculations and found:
  - a. The proposed snow storage area west of the driveway to be generally adequate for the storage of snow for the two driveway parking stalls and front door exterior entry area.

- b. The proposed 111.17' (132.17' of frontage minus the 21'-0" for the new 12" culvert under the driveway) borrow ditch recontour area along the Subject Real Property's Garnet Street frontage to be too narrow as shown. As noted by the City Engineer, the proposed 2' to 3' wide drainage ditch is insufficient and needs to be improved to 15' in width (8' permeable material and 7' grasses) based on city standards and unique characteristics of the site.
- c. A new snow storage area needs to be added to the proposed site plan. Subject designated snow storage area may be co-located with the revised 15' wide borrow ditch required for drainage and toward the Applicant's proposed home along the entire length of his Garnet Street frontage, excepting the driveway and front entry. Based upon evidence provided by the Ketchum Street Department, City Engineer drainage and snow storage calculations, the aforementioned ordinance provisions, the need to maintain 20' of free clear and unobstructed fire access along Garnet Street for safety reasons, and the minimum requirement provisions set forth in KMC §17.04.040.B, it is the Administrator's finding that 15', as measured from edge of asphalt, is necessary for drainage and snow storage purposes.
- d. Vertical improvements, such as trees and fences, are not allowed within subject 15' wide drainage swale and snow storage area adjacent the Garnet Street edge of asphalt on the Subject Real Property.

13. The Applicant appealed the Administrator's decision on March 23, 2020 pursuant to Ketchum Municipal Code 17.144.010.

14. Administrative appeal hearings were held before this Commission on June 8, 2020 and June 22, 2020 at 5:30 p.m.

15. At the June 8, 2020 hearing the Commission requested the City Engineer review the revised site plan submitted at the meeting by the Applicant. The revised site plan, dated June 9, 2020, indicates the proposed new structure to be located as close as 11'-8" from the edge of the Garnet Street asphalt. The revised site plan, dated June 9, 2020, did not reflect additional vertical impediments, such as a fence within 2'-7" of the edge of the pavement, that were indicated previously on the site plan dated March 6, 2020.
16. The City Engineer's calculations for swale and snow storage sizing are based on roadway widths. Adjustments made to the proposed encroachments by the Applicant do not influence the swale and snow storage calculations.

## **II. CONCLUSIONS OF LAW**

1. The City shall exercise the powers conferred upon it by the State of Idaho in the "Local Land Use Planning Act", codified at Chapter 65 Title 67 Idaho Code .
2. The Planning and Building Director (Administrator) has the authority to administer and enforce the City zoning regulations pursuant to Title 17 of Ketchum Municipal Code.
3. A decision of the Administrator may be appealed to the Planning and Zoning Commission pursuant to Ketchum Municipal Code 17.144.010. The Commission may affirm, reverse, or modify, in whole or in part, a determination of the Administrator. A decision of the Planning and Zoning Commission may be appealed to the City Council per Section 17.144.020 of the Ketchum Municipal Code.

## **III. ORDER**

Based upon the above Findings of Fact, Conclusions of Law, and good cause appearing from the record, the Planning and Zoning Commission makes the following Orders:

1. The 15' setback from the edge of asphalt contained within the Subject Real Property as required by the Administrator is modified as follows:
  - a. A 10' unobstructed easement measured from the edge of asphalt of Garnet Street for the purpose of snow storage shall be dedicated to the City prior to issuance of a building permit for new development; and
  - b. The Owner of the Subject Real Property shall enter into an indemnification agreement with the City to indemnify the City for any damages to structures or any other feature located within 15' of the edge of the Garnet Street asphalt; and
  - c. The existing fence located on the Subject Real Property within the 10' of the edge of asphalt of Garnet Street shall be removed.

A majority of the Commission hereby adopts these Findings of Fact, Conclusions of Law, and Order and authorizes the Chair to execute the same with the record of the June 8, 2020 and June 22, 2020 appeal hearings reflecting Commissioner Neil Morrow, Commissioner Jennifer Cosgrove, Commissioner Matthew Mead, Commissioner Kurt Eggers and Commissioner Tim Carter in favor of modifying the Administrator's Decision and no Commissioner opposed.



\_\_\_\_\_  
Chairman,  
Neil Morrow  
Ketchum Planning and Zoning Commissioner

A copy of these Findings of Fact, Conclusions of Law, and Order has been provided to the Applicant and the City Attorney, and the original has been retained in the records of this City on this 13th day of July, 2020.

By:  \_\_\_\_\_  
Suzanne Frick, Planning and Building Director

#### **NOTICE OF RIGHT TO APPEAL**

An appeal may be taken to the City Council from this Order by the applicant, by any officer or department of the City, or by an affected person as defined by Idaho Code § 67-6521. The time for filing the appeal is within fifteen days from the date of this Order. An appeal is filed

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
ORDER ON APPEAL OF ADMINISTRATOR DECISION  
Ketchum Planning and Zoning Commission - 5

by physically filing a notice of appeal with the City pursuant to the procedures of Ketchum Municipal Code 17.144.



City of Ketchum

**STAFF REPORT  
KETCHUM PLANNING AND ZONING COMMISSION  
SPECIAL MEETING OF JUNE 22, 2020**

**PROJECT:** Nalen Appeal

**FILE NUMBER:** P20-028

**OWNER:** Craig A. Nalen

**APPLICANT:** Fritz X. Haemmerle, Haemmerle Law, P.L.L.C., on behalf of Craig Nalen

**REQUEST:** Appeal of an administrative decision

**LOCATION:** 201 Garnet Street (FR SE SW TL 8492 SEC 18 4N 18E)

**ZONING:** Limited Residential (LR)

**OVERLAY:** None

**NOTICE:** The hearing was continued from the June 8, 2020 meeting. Notice of the initial hearing date was published in the Idaho Mountain Express on May 20, 2020. Notice was mailed to property owners within a 300-foot radius on May 22, 2020. Notice was posted at three (3) public locations and on the subject property on May 22, 2020.

**ATTACHMENTS:**

**Attachment A** – Revised Site Plan, sheet ASK-001, dated June 9, 2020

**Attachment B** – Letter regarding June 9, 2020 201 Garnet St. site plan, The Jarvis Group, dated June 9, 2020

**Attachment C** – Site Plan, sheet A 1.1, dated March 6, 2020

**Attachment D** – June 8, 2020 staff report, including attachments



### Background

The Commission held an appeal hearing on this matter on June 8, 2020. At the June 8, 2020 hearing the applicant's attorney referenced the proposal of a revised site plan. The Commission requested the City Engineer's evaluation of the revised site plan and for the site plan to clarify all setbacks from the property line and edge-of-asphalt to the proposed structure.

The revised site plan, dated June 9, 2020, and an explanatory letter from the property owner's architect are included with this staff report as **Attachment A**. The City Engineer's comments on the revised site plan are included in the next section.

Additionally, staff requested a more legible copy of the site plan dated March 6, 2020 and attached the to appeal brief for the record, as the original submittal to the city was in paper form and the quality of the scanned-in reproduction was not high. The March 6, 2020 site plan is included with this staff report as Attachment B.

### Recommendation and Summary

Staff recommends the Commission:

- Review the record, and hear oral arguments from the appellant and from staff, deliberate, and affirm the determination of the Administrator and direct staff to draft Findings of Fact, Conclusions of Law, and Decision to be considered for adoption at the July 13th, 2020 by adopting proposed Motion #1.

At the June 8, 2020 hearing the applicant's attorney referenced the proposal of a revised site plan. The Commission requested the City Engineer's evaluation of the revised site plan.

The revised site plan and a explanatory letter from the property owner's architect are included with this staff report as Attachment A. The City Engineer's comments on the revised site plan are below. As proposed by the applicant in the revised plans, the following encroachments are problematic:

- The building structure is proposed to be located 11'-8" inches from the edge of the pavement. Because of the width of the street, there is no ability to use the street to store the plowed snow. When the street is plowed, all the snow must be plowed and stored in the space between the edge of the road and the house. A setback of 11'-8" inches is insufficient area to store plowed snow.
- The porch overhang is proposed to encroach 3' into the 11'-8" inch setback resulting in an 8'-8" setback from the edge of the pavement. As noted above, this encroachment will impede snow removal operations.

The March 6, 2020 plans show installation of a fence within 2'-7" of the edge of the roadway. The June 9, 2020 plans do not provide the same level of detail as the March 6<sup>th</sup> plans. If the fence is still proposed within 2'-7" of the edge of the pavement, based on the experience of the snowplow crews, this fence will impede snow removal operations.

Staff recommends affirming the administrator's decision set forth in the zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020 for the following reasons:

Rationale summarized and included in the June 8, 2020 staff report:

- The setbacks as proposed by the applicant do not provide sufficient area to perform basic city services such as snow removal. This is a new development and all other new development projects constructed within Ketchum are designed and constructed to standards that do not impede or prevent basic city operations such as snow removal. Allowing this development to impede snow

removal and require the city to incur additional expense for city operations is inconsistent with the approval of all other new development projects. Older existing structures on the Gem Streets that have pre-existing similar setbacks to those proposed by the applicant have been damaged by snow removal operations and based on review by the Street Superintendent, elements of this development that encroach into the 15 foot setback will likely be damaged during snow removal.

- The uniform application of building setbacks, as argued by Mr. Haemmerle, is an equal protection issue; however, of equal note throughout the city is the need for land development projects (buildings, landscaping, fencing, etc.) to comply with any number of other equally applicable regulations, such as the city's minimum snow storage and drainage requirements for one-family dwellings as set forth in KMC Section 17.124.170.
- The proposed drainage improvements do not comply with KMC Section 17.124.170.A. Rather, the proposed reconfigured borrow ditch: (a) is inadequate given the unique characteristics of the site as further calculated by the city engineer; and (b) does not comply with city standards.
- The proposed snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on the subject property, whether dedicated for public right of way purposes or not as noted in the existing Garnet Street Agreement (instrument #403847), is less than the required minimum of 30%.
- Allowing insufficient area to facilitate city operations and permitting a development that will incur damage due to the encroachments into the 15-foot setback sets a undesirable precedent for future development projects in Ketchum and on the Gem Streets.

The following are the comments on the June 9, 2020 site plan provided by City Engineer Sherri Newland:

- The calculations prepared by the City Engineer for the swale sizing and snow storage are based on roadway widths. Adjustments made to proposed encroachments would not influence the calculations.
- The City's standard residential lane width is 13' feet of asphalt or 26' in total for two lanes. Based on a standard lane width of 13' the City needs 14.9' of storage for snow. Looking at GIS and the site plan there is approximately a 13' section/swath of the paved portion of Garnet Street on the applicant's property which matches the City's standard lane width of 13' necessitating 14.9' for snow storage on the property due to the 13' of roadway.
- The City standard for a residential street (60' ROW) requires a 13' lane width and 17' wide drainage swale on each side. The drainage swale is necessary to facilitate melting of the plowed snow and rain runoff from the street without damaging private property. With Garnet St. being only 20' wide, and presuming the roadway was crowned and ½ or 10' into the roadway, the asphalt must drain into a roadside swale. Since only a 10' wide section of pavement is draining towards the swale, the required swale width could be reduced from the city standard of 17' to 15'.

#### Process

As outlined in KMC §17.144.010 and §17.144.020 the Planning and Zoning Commission may affirm, reverse, or modify, in whole or in part, the determination of the administrator. An appeal may be filed of any order, requirement, decision or determination of the commission by any affected person, as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the city, to the city council by filing a notice of appeal in writing with the office of the administrator of the city in the

manner prescribed in this chapter. In this case, depending on the decision of the Planning and Zoning Commission, either the applicant or a city department may appeal the decision to the City Council.

### Recommended Motions

1. After hearing, move to **affirm** the March 9, 2020 zoning determination of the planning and zoning administrator and direct City Staff to prepare written findings of fact and conclusions of law (“Findings”) and present subject Findings for final decision at the Commission’s regular meeting scheduled for July 13, 2020, which will be within thirty (30) days of today’s date, June 22, 2020.

### Hearing Procedure

1. Hear from staff
2. Ask questions of staff
3. Hear from the appellant
4. Ask questions of the appellant
5. Deliberate
6. Either make a decision or continue the hearing to a date certain
  - a. If a decision is rendered direct staff to prepare Findings of Fact, Conclusions of Law, and a Decision to be presented for adoption at the Planning and Zoning Commission’s regular meeting of July 13, 2020.

### Commission Authority

As set forth in KMC §17.144.010.C the Commission has the following authority:

- “Upon hearing the appeal, the commission shall consider the record, the order, requirement, decision or determination of the administrator and the notice of appeal, together with oral presentation and written legal arguments by the appellant and the administrator. The commission shall not consider any new facts or evidence at this point. The commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the administrator.”

### Commission Decision

As set forth in KMC §17.144.010.D the Commission has the following authority:

- “The commission shall enter a decision within thirty (30) days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The commission shall transmit a copy of the decision to the appellant ....”

### Attachments

**Attachment A** – Revised Site Plan, sheet ASK-001, dated June 9, 2020

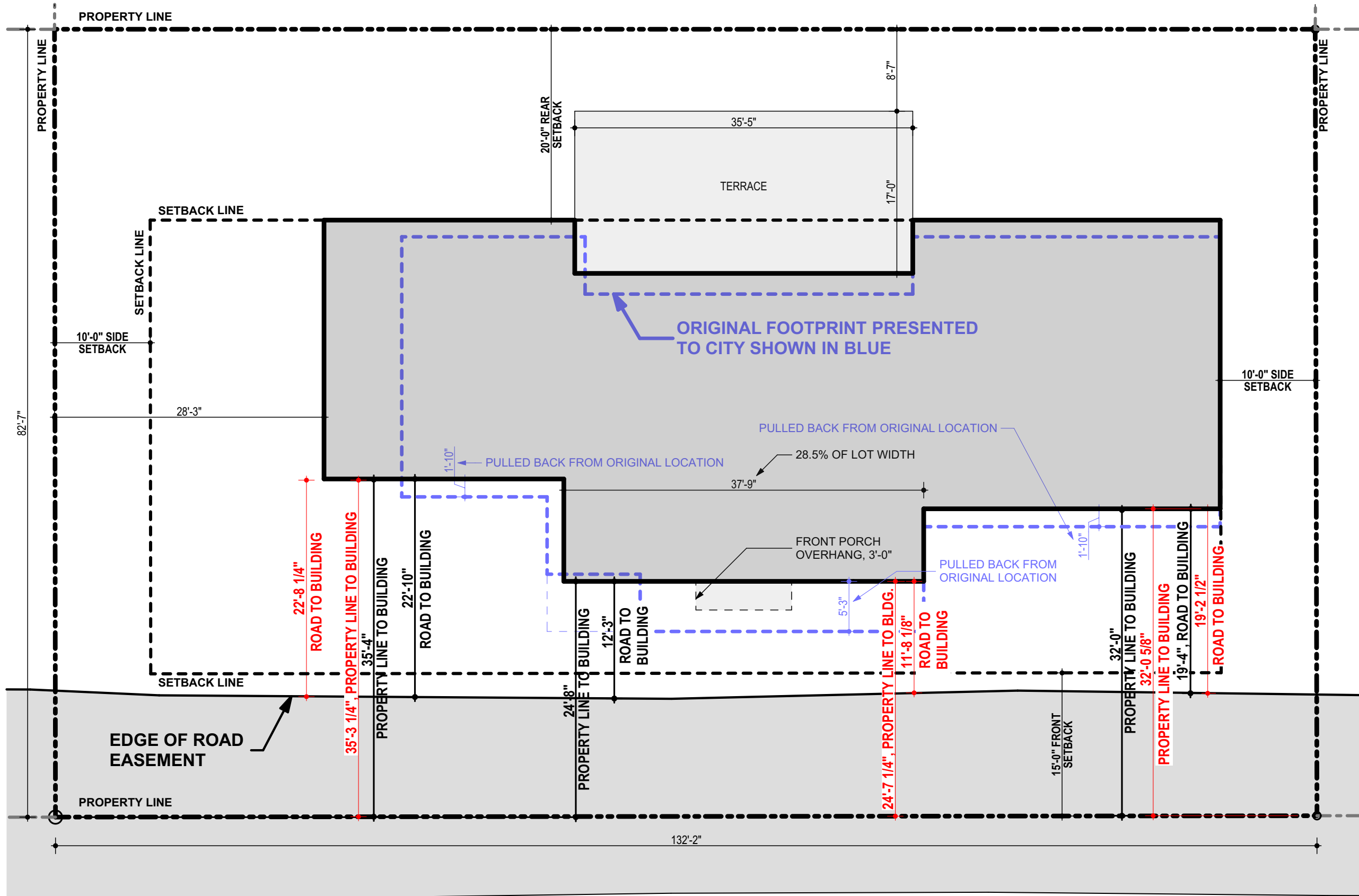
**Attachment B** – Letter regarding June 9, 2020 201 Garnet St. site plan, The Jarvis Group, dated June 9, 2020

**Attachment C** – Site Plan, sheet A 1.1, dated March 6, 2020

**Attachment D** – June 8, 2020 staff report, including attachments

## Attachment A

Revised Site Plan, sheet ASK-001, dated June 9, 2020



**DIMENSION LOCATIONS IN RED  
AS SHOWN ON A1.0, ACCURACY  
SET TO 1/8"**

**DIMENSION LOCATIONS IN BLACK  
AS SHOWN ON A1.1, ACCURACY  
SET TO NEAREST INCH**

# 1 PLAN: DIAGRAM OF SETBACKS

SCALE: 3/32" = 1'-0"

## **Attachment B**

Letter regarding June 9, 2020 201 Garnet St. site plan, The Jarvis Group,  
dated June 9, 2020

6.9.2020

**Re: 201 Garnet Street**

Brittany and Members of the P&Z Board,

To follow up on questions regarding differences in measurements between site plans, please note the following:

- The edge of road easement is not a straight line, it is a series of non-perpendicular line segments. Thus, the measured dimensions vary slightly dependent on where it is measured along the road.
- The house is not parallel to any of the aforementioned road edges.
- On some of the drawings, the accuracy of the dimensioning was set to round to the nearest inch, for ease of conversation and discussion.
- The more accurate rounding tolerance was used on the more detailed, larger scale plan.
- Please use attached ASK-001 as reference. This drawing reflects the dimensions locations of A1.0 in red, and A1.1 in black.
- Note that we will revise the front porch to be stone at grade, with a cantilevered roof of 36" or less.

Please feel free to contact us with any questions.

Thank you,

The Jarvis Group

## Attachment C

Site Plan, sheet A 1.1, dated March 6, 2020

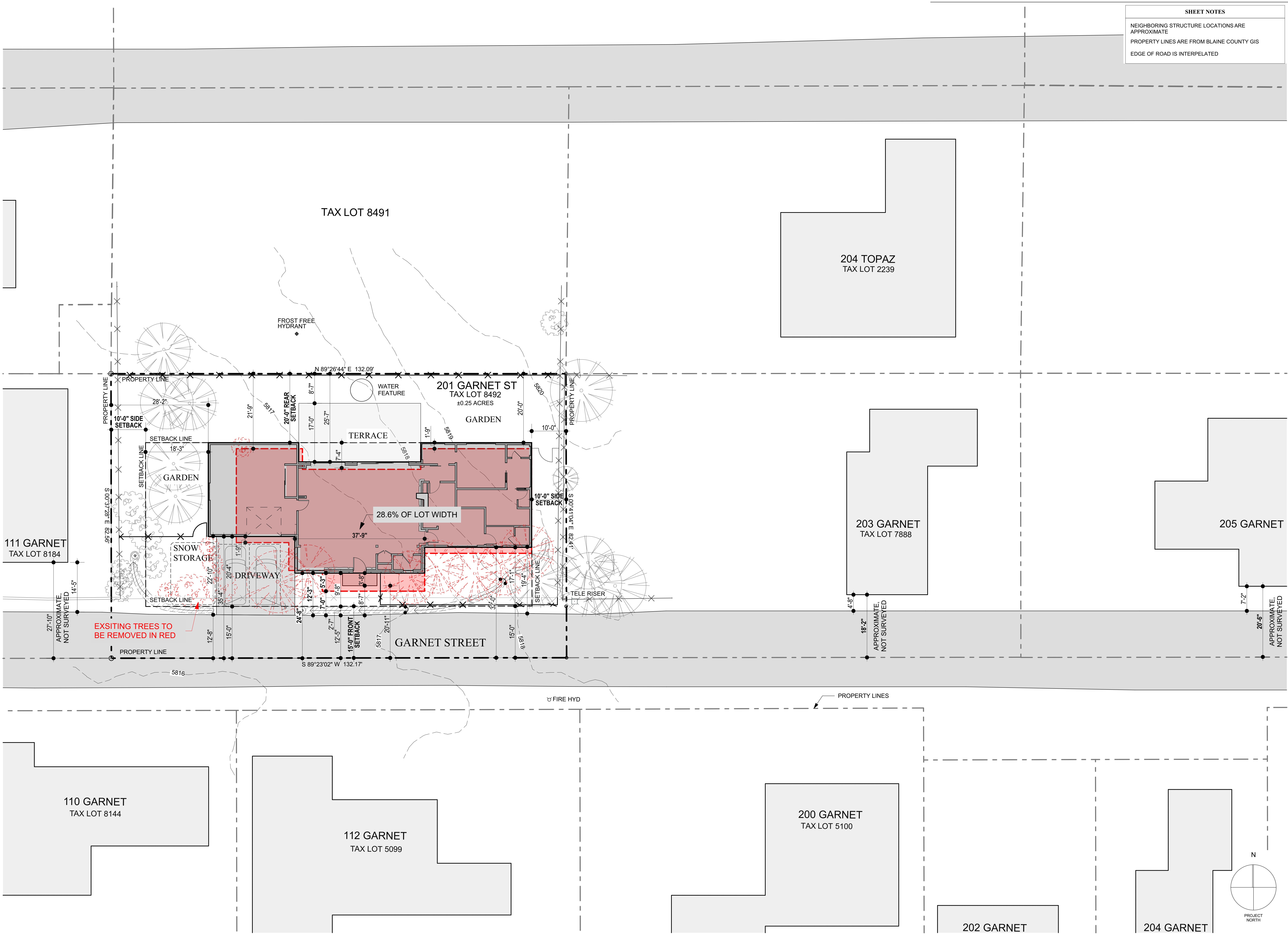


THESE DRAWINGS AND DETAILS ARE PROTECTED UNDER FEDERAL COPYRIGHT LAWS AND ARE EXCLUSIVE PROPERTY OF THE ARCHITECT. ANY UNAUTHORIZED USE, INCLUDING REPRODUCTION WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ARCHITECT, IS PROHIBITED BY LAW. © 2014 THE JARVIS GROUP, PLLC

DRAWN		
DATE		
FILE		
REVISIONS		
NO.	DATE	DESCRIPTION

PRINT DATE: Friday, March 6, 2020

**SHEET NOTES**  
NEIGHBORING STRUCTURE LOCATIONS ARE APPROXIMATE  
PROPERTY LINES ARE FROM BLAINE COUNTY GIS  
EDGE OF ROAD IS INTERPELATED



1 PLAN: SITE PLAN  
SCALE: 1" = 10'

SITE PLAN 1:10

## Attachment D

June 8, 2020 staff report, including attachments



## City of Ketchum

### STAFF REPORT KETCHUM PLANNING AND ZONING COMMISSION REGULAR MEETING OF JUNE 8, 2020

**PROJECT:** Nalen Appeal

**FILE NUMBER:** P20-028

**OWNER:** Craig A. Nalen

**APPLICANT:** Fritz X. Haemmerle, Haemmerle Law, P.L.L.C., on behalf of Craig Nalen

**REQUEST:** Appeal of an administrative decision

**LOCATION:** 201 Garnet Street (FR SE SW TL 8492 SEC 18 4N 18E)

**ZONING:** Limited Residential (LR)

**OVERLAY:** None

**NOTICE:** Notice was published in the Idaho Mountain Express on May 20, 2020. Notice was mailed to property owners within a 300-foot radius on May 22, 2020. Notice was posted at three (3) public locations and on the subject property on May 22, 2020.

#### ATTACHMENTS:

**Attachment A** – Administrator’s Certification of Procedural Requirements

**Attachment B** – Record of the case

- B.1** Administrator zoning determination letter, “Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho,” dated March 9, 2020
- B.2** Garnet Street Agreement (instrument #403847)
- B.3** Fritz Haemmerle letter dated January 21, 2020
- B.4** KMC §17.12.030.C: Dimensional Standards Matrix
- B.5** KMC §17.124.170: Minimum Standards for One-Family Dwellings
- B.5** KMC §17.04.040: Interpretation
- B.6** Development Review meeting agenda dated January 8<sup>th</sup>, 2020
- B.7** 201 Garnet Street Drainage & Snow Storage Calculations and supporting materials (13 pages), S&C Associates, March 6, 2020

**Attachment C** – Notice of Appeal dated March 23, 2020 and Brief, Haemmerle Law, P.L.L.C.

## Recommendation and Summary

Staff recommends the Commission:

1. Accept the Administrator's certificate of procedural requirements by adopting proposed Motion #1
2. Accept the Commission's record of the case and set the matter for hearing for the June 8, 2020 meeting by adopting proposed Motion #2 and #3
3. Review the record, and hear oral arguments from the appellant and from staff, deliberate, and direct staff to draft Findings of Fact, Conclusions of Law, and Decision to be considered for adoption at a special meeting to occur prior to July 8, 2020 by adopting proposed Motion #4.

Staff recommends scheduling the appeal hearing to occur during the June 8, 2020 meeting because the appellant is present and has previously submitted a brief for the appeal. Should the Commission find additional time is needed to consider the record the Commission may schedule the appeal hearing to occur at or continue to a later date and time. (**NOTE:** This is not a public *hearing* and public comments were not required or solicited. The written comment included in Attachment D, and any additional written public comment received prior to the hearing, are included solely for informational purposes and so the staff and/or appellant can address them if so desired; the Commission's decision need not refer to or rely on any such unsolicited comment but is based on City Code.)

Staff recommends affirming the administrator's decision set forth in the zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020 for the following reasons:

- The proposed drainage improvements do not comply with KMC Section 17.124.170.A. Rather, the proposed reconfigured borrow ditch: (a) is inadequate given the unique characteristics of the site as further calculated by the city engineer; and (b) does not comply with city standards.
- The proposed snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on the subject property, whether dedicated for public right of way purposes or not as noted in the existing Garnet Street Agreement (instrument #403847), is less than the required minimum of 30%.
- The uniform application of building setbacks, as argued by Mr. Haemmerle, is an equal protection issue; however, of equal note throughout the city is the need for land development projects (buildings, landscaping, fencing, etc.) to comply with any number of other equally applicable regulations, such as the city's minimum snow storage and drainage requirements for one-family dwellings as set forth in KMC Section 17.124.170.
- The setbacks as proposed by the applicant do not provide sufficient area to perform basic city services such as snow removal. Older existing structures on the Gem Streets that have pre-existing similar setbacks to those proposed by the applicant have been damaged by snow removal operations.

## Recommended Motions

1. "I move to accept the administrator's certification of procedural requirements finding all procedural requirements have been satisfied and fees have been paid, included as Attachment A to the staff report dated June 8, 2020."

2. "I move to accept the record of the case consisting of the administrator's determination letter dated March 9, 2020 and the supporting documents referenced to reach the determination, included as attachment B to the staff report dated June 8, 2020."
3. "I move to set the appeal hearing to occur in Ketchum City Hall, Council Chambers, 480 East Ave. N., Ketchum, ID 83340 with the opportunity for the applicant to participate through the virtual meeting platform hosted at ketchumidaho.org on Monday, June 8, 2020 at 5:30 p.m. finding the appellant has been given proper notice of the proposed hearing time, date and location, has submitted a brief, and is present to give oral argument."
4. After hearing, move to **affirm** the March 9, 2020 zoning determination of the planning and zoning administrator and direct City Staff to prepare written findings of fact and conclusions of law ("Findings") and present subject Findings for final decision at a special meeting of the Commission to occur prior to July 8, 2020, which will be within thirty (30) days of today's date, June 8, 2020."

### Background

On March 9, 2020 the Planning and Zoning Administrator made a zoning determination pursuant to Ketchum Municipal Code (KMC) Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho. See **Attachment B.1** for a copy of the Administrator's March 9, 2020 zoning determination.

Subject administrative determination has been appealed by Fritz Haemmerle, Haemmerle Law P.L.L.C., on behalf of Mr. Nalen consistent with the appeal requirements of KMC §17.144.010. See **Attachment C** for a copy of Mr. Haemmerle's appeal brief.

As required by KMC §17.144.010.A, please also find all the supporting documents and papers that complement Attachments A and B in completing the record in the case, including applicant drawings and City Engineer snow storage and drainage calculations. See **Attachments B.2-B.7** for a copy of supporting documents.

Consistent with KMC §17.144.010, the Administrator certifies that all procedural requirements have been satisfied, fees paid, and that **Attachments A, B and C constitute the full record of the matter.**

### Commission Authority

As set forth in KMC §17.144.010.C the Commission has the following authority: "Upon hearing the appeal, the commission shall consider the record, the order, requirement, decision or determination of the administrator and the notice of appeal, together with oral presentation and written legal arguments by the appellant and the administrator. The commission shall not consider any new facts or evidence at this point. The commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the administrator."

### Commission Decision

As set forth in KMC §17.144.010.D the Commission has the following authority: "The commission shall enter a decision within thirty (30) days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The commission shall transmit a copy of the decision to the appellant ...."

### Attachments

**Attachment A** – Administrator's Certification of Procedural Requirements

**Attachment B** – Record of the case

**B.1** Administrator zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020

- B.2** Garnet Street Agreement (instrument #403847)
- B.3** Fritz Haemmerle letter dated January 21, 2020
- B.4** KMC §17.12.030.C: Dimensional Standards Matrix
- B.5** KMC §17.124.170: Minimum Standards for One-Family Dwellings
- B.5** KMC §17.04.040: Interpretation
- B.6** Development Review meeting agenda dated January 8<sup>th</sup>, 2020
- B.7** 201 Garnet Street Drainage & Snow Storage Calculations and supporting materials (13 pages), S&C Associates, March 6, 2020

**Attachment C** – Notice of Appeal dated March 23, 2020 and Brief, Haemmerle Law, P.L.L.C.

**Attachment D** – Written public comment received as of 4:00 p.m. Wednesday, June 3<sup>rd</sup>, 2020

**Attachment A.**

**Administrator's Certification of Procedural Requirements**



City of Ketchum  
Planning & Building

June 1, 2020

**RE: Administrator's Certification of Procedural Requirements for the Nalen Appeal P20-028**

Consistent with KMC §17.144.010.A, the Administrator certifies that all procedural requirements have been satisfied and fees paid for the Nalen Appeal, file #P20-028.

A handwritten signature in blue ink, appearing to read "Brittany Skelton".

Brittany Skelton  
Senior Planner, Ketchum Planning and Building Department



**Attachment B.**  
**Record of the Case**

B.1 Administrator zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020



## City of Ketchum

March 9, 2020

### CERTIFIED MAIL

Janet Jarvis  
511 Sun Valley Road  
Box 626  
Ketchum, Idaho 83340

**SUBJECT:** Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho

Dear Janet,

Associate Planner Abby Rivin enjoyed meeting with your associate Lucas Winter on January 8, 2020 and then with you on January 24, 2020. Subsequent to these meetings, Abby and I have had a chance to review your plans and want to compliment you, in general terms, on the overall quality of the design.

As noted at your previous meeting with Abby and representatives of city administration and streets, the city has a concern with the placement of the proposed new one-family dwelling. The concerns include: maintaining adequate "free clear and unobstructed" fire apparatus access, providing adequate snow storage, conforming with the existing Garnet Street Agreement (instrument #403847), and complying with city building setbacks requirements.

I am also in receipt of Fritz Haemmerle's letter of January 21, 2020, which states your position: "Every setback drafted on the site plan conforms to the City's existing [Limited Residential (LR) District] setbacks." Based on the dimensional standards listed in Ketchum Municipal Code (KMC) Section 17.12.030.C for the LR District, this position is plausible at face value, but additional analysis is required. In particular, I want to bring your attention to the Minimum Standards for One-Family Dwellings set forth in KMC Section 17.124.170 that affect the overall adequacy of the currently proposed site plan for the Craig Nalen Residence at 201 Garnet.

My analysis as to how the minimum standards for one-family dwellings affect the Nalen Residence site plan is organized in three parts as follows. Part one analyzes city drainage requirements. Part two reviews city snow storage requirements. Finally, in part three I summarize the extent to which, in my opinion as Administrator of the Ketchum Zoning Ordinance, your current site plan for Mr. Nalen requires additional attention to comply with the minimum standards for one-family dwellings as established by KMC.

**Part one: drainage.** I interpret KMC Section 17.124.170.A to:

- Require all stormwater be retained on site;
- Grant the city engineer discretionary authority to require addition drainage improvements depending on the unique characteristics of a site; and
- Require any proposed recontouring of borrow ditches, including the construction of drainage facilities affecting Garnet Street on Mr. Nalen's property, be constructed to city standards.

**Part two: snow storage.** I interpret KMC Section 17.124.170.C to:

- Require snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on Mr. Nalen’s property as subject area is used for pedestrian circulation, among other uses;
- Allow the proposed recontoured borrow ditch and area needed for the retention of on site stormwater/drainage, as determined by the city engineer consistent with KMC Section 17.124.170.D, to also be used for snow storage;
- Require that any area designated for snow storage be usable and in an unobstructed location relative to the location from which the snow is removed; and
- Require that subject snow storage area be not less than 30%.

**Part three: findings and administrative determination.** Based on the foregoing and a review of the city engineer, street and fire department comments, I find:

1. The proposed snow storage area west of the driveway to be generally adequate for the storage of snow for the two driveway parking stalls and front door exterior entry area.
2. The proposed 111.17' (132.17' of frontage minus the 21'-0" for the new 12" culvert under the driveway) borrow ditch recontour area along Mr. Nalen’s Garnet Street frontage to be too narrow as shown. As noted by the City Engineer, the proposed 2' to 3' wide drainage ditch is insufficient and needs to be improved to 15' in width (8' permeable material and 7' grasses) based on city standards and unique characteristics of the site.
3. A new snow storage area needs to be added to your proposed site plan. Subject designated snow storage area may be co-located with the revised 15' wide borrow ditch required for drainage and toward Mr. Nalen’s proposed home along the entire length of his Garnet Street frontage, excepting the driveway and front entry.

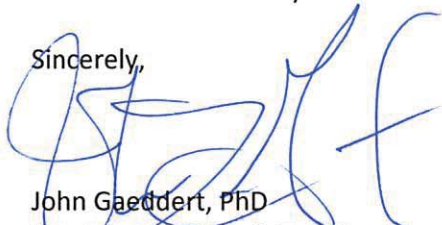
Based upon evidence provided by the Ketchum Street Department, City Engineer drainage and snow storage calculations, the aforementioned ordinance provisions, the need to maintain 20' of free clear and unobstructed fire access along Garnet Street for safety reasons, and the minimum requirement provisions set forth in KMC §17.04.040.B, it is my finding that 15', as measured from edge of asphalt, is necessary for drainage and snow storage purposes.

4. Vertical improvements, such as trees and fences, are not allowed within subject 15' wide drainage swale and snow storage area adjacent the Garnet Street edge of asphalt on Mr. Nalen’s property.

If you should have any questions about any of the provisions of this letter, please let me know. We look forward to continuing to work with you toward an approvable set of building permit drawings. Please note that this administrative decision may be subject to administrative appeal. See KMC §17.144 for details.

Please let me know if you have additional questions.

Sincerely,



John Gaeddert, PhD  
Ketchum Planning & Building Department Director

Cc: Fritz Haemmerle  
Matt Johnson

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Janet Jarvis  
P O Box 626  
Ketchum, ID  
83340



9590 9402 4767 8344 1313 78

2. Article Number (Transfer from service label)

7018 0360 0001 3649 2264

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*Maggi Cummings*

Agent

Addressee

B. Received by (Printed Name)

Maggi Cummings

C. Date of Delivery

3/12/20

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

Yes

No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

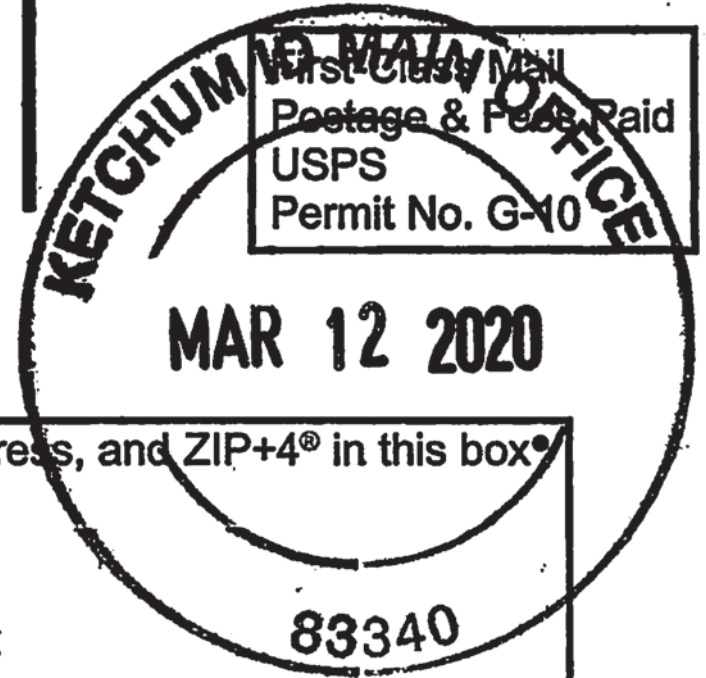
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

**USPS TRACKING #**



**9590 9402 4767 8344 1313 78**



**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box •

Planning and Building Dept  
City of Ketchum  
P O Box 2315  
Ketchum, ID 83340

B.2 Garnet Street Agreement (instrument #403847)

403847

'97 JUN 15 AM 10 07

*Agreement*

FILED REQUEST

*City of Ketchum*

**SETTLEMENT AGREEMENT**

237

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this ~~November~~ <sup>8<sup>TH</sup></sup> day of ~~November~~ <sup>FEBRUARY</sup>, 1997, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLAINE RENFRO, WILLIAM G. and SUSAN POLLOCK, THOMAS H. "BUD" and RITA ANN HEANEY, JOHN T. and JERRY ANN HEANEY, WILLIAM H. and ANN S. VANDERBILT, RICHARD O. DAHLGREN and JULIE SLOCUM DAHLGREN, KATHY JEANNE HARRAH, RELI LOUISE HAEMMERLE, FRITZ XAVIER HAEMMERLE, WILMA PACE, PAMELA JEAN RAYBORN, JOHN D. PACE, STELLA A.M. KEANE, CARL E. and SUSAN LEY, JUDY L. DEMETRE and THE ESTATE OF GEORGE B. SAVIERS, deceased, by and through its personal representative, BOB STEVENS (collectively referred to as the "Garnet Street Neighbors") and the CITY OF KETCHUM ("Ketchum").

**RECITALS**

WHEREAS, Curtis has filed case number CV-93-897 ("Lawsuit") in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, seeking to resolve the legal status of a parcel of property commonly known as Garnet Street, located within Ketchum, and more specifically depicted in the diagram attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the Garnet Street Neighbors, Ketchum and other named individuals and/or entities ("Other Defendants") were named as defendants in the Lawsuit; and

WHEREAS, Curtis is the owner of real property located at the eastern end of Garnet Street, in Ketchum, commonly known as Lot 1 of the Esmeralda Subdivision Lot Line Shift Plat ("Curtis Property"), and more specifically described in Exhibit "B" and depicted in Exhibit "C"; and

WHEREAS, the Garnet Street Neighbors, Ketchum and certain of the Other Defendants are the owners of, or have some form of interest in, the real property located in Ketchum, which property is more specifically described in Exhibit "B" and depicted in Exhibit "A"; and

WHEREAS, except for the Garnet Street Neighbors and Ketchum, the Other Defendants have had a default judgment entered against them consistent with the relief sought in the Curtis complaint filed in the Lawsuit, or have been dismissed from the Lawsuit; and

WHEREAS, Curtis, the Garnet Street Neighbors and Ketchum desire to resolve the Lawsuit on the terms and conditions hereinafter set forth;

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants herein contained, the parties hereto agree as follows:

**TERMS AND CONDITIONS**

1. **PAVED PORTION OF GARNET STREET.** The parties agree that the paved portion of Garnet Street, as specifically described in Exhibit "D", attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet



Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street Neighbors have executed easements to Ketchum pursuant to Paragraph 5, the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.

2. *UNPAVED PORTION OF GARNET STREET.* The parties agree that the unpaved, or graveled, portion of Garnet Street, as specifically described and depicted in Exhibit "E", attached hereto and incorporated herein, from the east end of the paved portion of said Street, as described in Exhibit "D", then eastward, shall be deemed a private driveway. The Garnet Street Neighbors and Curtis agree that said private driveway shall provide access to a maximum number of three (3) single family residential lots in a subdivision on the Curtis Property, as well as providing access to the property owned by The Estate of George B. Saviers ("Saviers Property"). The Garnet Street neighbors and Curtis agree that no additional lots other than those identified herein shall be allowed access via said private driveway. The Garnet Street Neighbors and Curtis agree that the private driveway shall remain as is, without any modification in width, grade or surface.

3. *CURTIS SUBDIVISION APPLICATION.*

(a) *Garnet Street Access.* Curtis intends to submit an application to Ketchum to subdivide the entire Curtis Property ("Curtis Subdivision"). Curtis agrees that the Curtis Subdivision shall propose not more than three (3) single family residential subdivision lots which could be accessed via Garnet Street. Curtis agrees that the Curtis Subdivision shall also provide access via Garnet Street to the Saviers Property. In addition, Curtis agrees that there shall be no further subdivision of the three (3) Curtis Subdivision single family residential lots which could be accessed from Garnet Street.

(b) *Snowplow Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to Ketchum a snowplow access and turnaround easement, to enable a Ketchum snowplow to turn around near the location on the Curtis Property adjacent to Garnet Street currently used by Ketchum for such purposes as depicted in Exhibit "E", attached hereto and incorporated herein.

(c) *Pedestrian Path Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to the Garnet Street Neighbors a pedestrian path easement, which shall be located in the approximate location of the existing path on the Curtis Property leading to the back side of Dollar Mountain.

(d) *Building Envelopes.* Curtis agrees that the Curtis Subdivision Plat shall designate all building envelopes outside the existing trees on the Curtis Property.

(e) *Application Approval Condition Precedent.* At such time as Ketchum gives final approval to the Curtis Subdivision, the parties hereto agree to execute and submit to the Court a Stipulation For Dismissal of the Lawsuit in the form attached hereto as Exhibit "F" and incorporated herein. The parties agree that all claims, complaints, crossclaims and counterclaims in any way relating to the Lawsuit shall be dismissed with prejudice as to the Garnet Street Neighbors and Ketchum. The parties agree that the Court may enter an Order For Dismissal of the Lawsuit as to the Garnet Street Neighbors and Ketchum in the form attached hereto as Exhibit "G" and

incorporated herein. In the event Ketchum does not approve the Curtis Subdivision, the parties agree that all recitals, covenants, terms and conditions contained in this Agreement shall be null and void, and evidence of the same shall not be introduced in the Lawsuit or any litigation thereafter pertaining to the resolution of the status of Garnet Street.

(f) *Ketchum's Execution of Agreement.* The parties acknowledge that by Ketchum's execution of this Agreement, Ketchum does not agree, either expressly or implicitly, to approve the proposed Curtis Subdivision. Furthermore, the parties acknowledge that Ketchum only executes this Agreement on the basis that Ketchum will agree to the dismissal of the Lawsuit on the terms and conditions herein set forth. should Ketchum, in its sole and absolute discretion, approve the Curtis Subdivision. The parties agree that nothing herein shall be construed by any party as an obligation on the part of Ketchum to approve all or any portion of the Curtis Subdivision.

4. *PRESERVATION OF TREES.* The Garnet Street Neighbors and Curtis agree that the existing trees located adjacent to the unpaved and paved portions of Garnet Street, as said portions of Garnet Street are described in Paragraphs 1 and 2 herein and described and depicted in Exhibits "D" and "E", shall not be disturbed, except as necessary to prevent an obstruction to traffic or to protect the integrity of Garnet Street and the surrounding structures.

5. *ACCESS AND UTILITY EASEMENTS.* The parties agree to grant the following express easements:

(a) A public access and utility easement from Curtis and the Garnet Street Neighbors, as Grantors, to Ketchum, as Grantee, upon, over and under the paved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 1 herein and described in Exhibit "D"

(b) A utility easement from Curtis, The Estate of George B. Saviers and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviers Property and Demetre Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E".

(c) A private access and utility easement from Judy Demetre, as Grantor, to Curtis and The Estate of George B. Saviers, as Grantees, over and under that portion of the Demetre Property located within the unpaved portion of Garnet Street, as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"

(d) A reciprocal private access and utility easement between Curtis and The Estate of George B. Saviers upon, over and under that portion of the Curtis Property and the Saviers Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"; and a private parking and landscape easement from Curtis, as Grantor, to The Estate of George B. Saviers, as Grantee, upon, over and under a portion of the Curtis Property as depicted in Exhibit "E".

The parties agree that the express easements described above, attached hereto and incorporated herein as Exhibit "H", shall become effective only upon the approval by Ketchum

of the Curtis Subdivision proposed for development on the Curtis Property as described herein. The parties agree that if Ketchum denies the Curtis Subdivision application, none of the easements herein contained would be valid, and no additional documents as envisioned in this Agreement would be required to be executed.

6. **REMEDIES.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7. **AMENDMENTS.** This Agreement may only be changed, modified or amended in writing executed by all parties.

8. **HEADINGS.** The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. **ATTORNEYS' FEES AND COSTS.** Should any action be brought to interpret or enforce any provision hereof or the easements contemplated herein, or for damages for breach hereof, the prevailing party shall be entitled to such reasonable attorneys' fees and costs, as may be determined by any court of competent jurisdiction wherein such action is brought, including attorneys' fees and costs on appeal.

10. **SUCCESSORS AND ASSIGNS.** All provisions of this Agreement, including the benefits and burdens of the easements attached hereto, shall run with the land covered hereby and are binding on and enure to the benefit of the respective heirs, assigns, successors, lessees, tenants and personal representatives of the parties hereto.

11. **RECORDING.** This Agreement and any easement granted herein may be recorded in the Office of the Blaine County Recorder only after the approval of the Curtis Subdivision by Ketchum.

12. **INTERPRETATION/EXECUTION OF DOCUMENTS.** This Agreement shall be liberally construed in accordance with the general purposes of this Agreement and the laws of the State of Idaho. In addition, the parties hereto agree that they will, at any time hereafter, upon reasonable request of the others, execute and deliver such documents as the other parties may reasonably require for the purpose of giving full effect to the provisions of this Agreement.

13. **NO PRESUMPTION.** No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of the document.

14. **AUTHORITY.** The parties executing this Agreement warrant, state, acknowledge and affirm that they have the authority to sign the same and to bind themselves and/or their respective clients to the terms contained herein.

15. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties respecting the matters herein set forth and supersedes all prior Agreements between the parties hereto respecting such matter.

16. EXECUTION. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

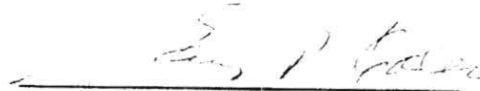
17. ACCEPTANCE. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

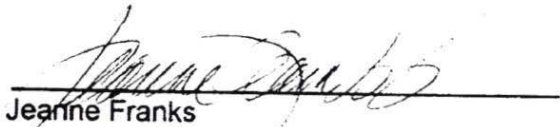
CARL CURTIS:

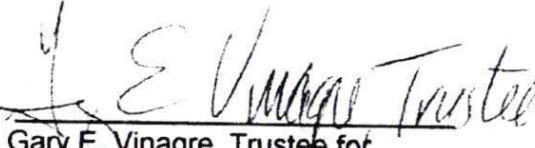
  
\_\_\_\_\_  
Carl Curtis

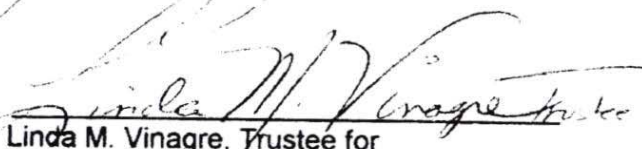
CITY OF KETCHUM, IDAHO:

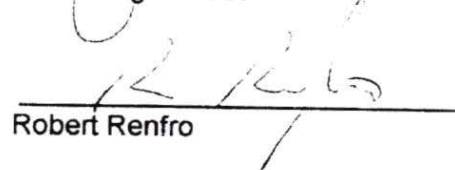
  
\_\_\_\_\_  
Guy P. Coles, Mayor

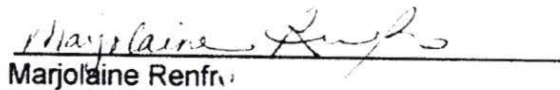
GARNET STREET NEIGHBORS:

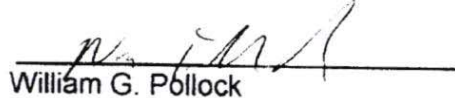
  
\_\_\_\_\_  
Jeanne Franks

  
\_\_\_\_\_  
Gary E. Vinagre, Trustee for  
The Vinagre Trust

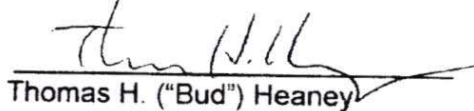
  
\_\_\_\_\_  
Linda M. Vinagre, Trustee for  
The Vinagre Trust

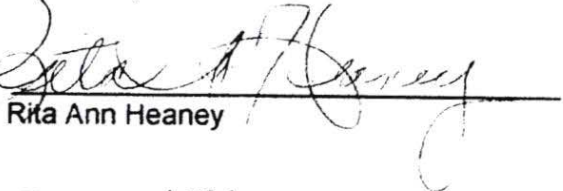
  
\_\_\_\_\_  
Robert Renfro

  
\_\_\_\_\_  
Marjolaine Renfro

  
\_\_\_\_\_  
William G. Pollock

  
\_\_\_\_\_  
Susan Pollock

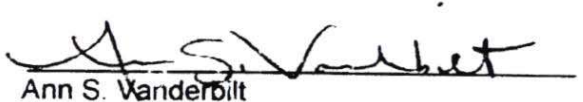
  
\_\_\_\_\_  
Thomas H. ("Bud") Heaney

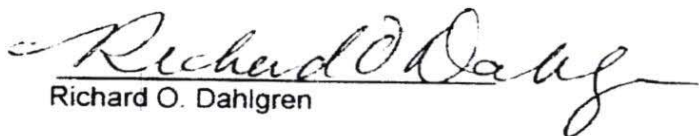
  
\_\_\_\_\_  
Rita Ann Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
John T. Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
Jerry Ann Heaney

  
\_\_\_\_\_  
William H. Vanderbilt

  
\_\_\_\_\_  
Ann S. Vanderbilt

  
\_\_\_\_\_  
Richard O. Dahlgren

Julie Slocum Dahlgren  
Julie Slocum Dahlgren

Reli Louise Haemmerle  
Reli Louise Haemmerle

Wilma Pace  
Wilma Pace

John D. Pace  
John D. Pace

Carl E. Ley  
Carl E. Ley

Judy L. Demetre, by Ned C. Williamson  
her attorney in fact  
Judy L. Demetre

Kathy Jeanne Harrah  
Kathy Jeanne Harrah

Fritz Xavier Haemmerle  
Fritz Xavier Haemmerle

Pamela Jean Rayborn  
Pamela Jean Rayborn

Stella A.M. Keane  
Stella A.M. Keane

Susan Ley  
Susan Ley

Bob Stevens  
Robert H. Stevens  
Bob Stevens, Personal Representative  
for The Estate of George B. Saviers

B.3 Fritz Haemmerle letter dated January 21, 2020

# HAEMMERLE LAW, P.L.L.C

Attorney & Counselor at Law

Fritz X. Haemmerle  
fxh@haemlaw.com

P.O. Box 1800  
Hailey, ID 83333

400 South Main Street, Suite 102  
Tel: (208) 578-0520  
Fax: (208) 578-0564

January 31, 2020

City of Ketchum  
Attn: Suzanne Frick, City Administrator  
480 East Ave. N.  
Ketchum, ID 83340  
Via e-mail: [sfrick@ketchumidaho.org](mailto:sfrick@ketchumidaho.org)

Re: *Craig Nalen Residence, 201 Garnet St. - Proposed Site Plan*

Dear Suzanne:

I represent Craig Nalen and Janet Jarvis regarding a site plan, 201 Garnet Street ("property"), submitted to the City of Ketchum for review. The City rejected the site plan as presented. I believe the City's rejection of the site plan was unlawful.

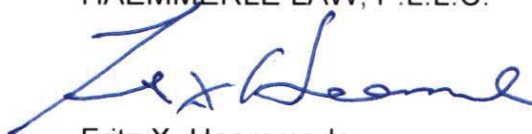
The property is located in the Limited Residential (LR) District, which has a 15 foot setback. On the site plan, the entire structure is located within the building envelope that is created by the setbacks. As to the easement created by the Garnet Street Agreement, attached hereto as Exhibit 1, the west end of the structure is 21 feet from the edge of the easement; the center is 7 feet from the easement; and the east end is 17 feet, 5 inches, from the edge of the easement. Every setback drafted on the site plan conforms to the City's existing setbacks.

To the extent that the City wants my client to conform to other and more restrictive setbacks than those which are currently codified, please identify the more restrictive setback and where those setbacks are identified in any City Code. Otherwise, I believe the City's more restrictive setbacks are completely arbitrary and capricious. Of course, if the City insists on enacting arbitrary and capricious setbacks, then my client will be compelled to explore all his legal options.

Thank you. I look forward to your timely response.

Sincerely,

HAEMMERLE LAW, P.L.L.C.



Fritz X. Haemmerle

City of Ketchum  
Attn: Suzanne Frick, City Administrator  
January 30, 2020  
Page 2

FXH: fxh

Encl.

cc: client ([nailcan@aol.com](mailto:nailcan@aol.com))

Matt Johnson, Attorney [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)

John Gaeddert [jgaeddert@ketchumidaho.org](mailto:jgaeddert@ketchumidaho.org)

Brian Christiansen [bchristiansen@ketchumidaho.org](mailto:bchristiansen@ketchumidaho.org)



403847

'97 JUN 15 AM 10 07

*Agreement*

FILED REQUEST

*City of Ketchum*

**SETTLEMENT AGREEMENT**

237

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this ~~November~~ <sup>8<sup>TH</sup></sup> day of ~~November~~ <sup>FEBRUARY</sup>, 1997, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLAINE RENFRO, WILLIAM G. and SUSAN POLLOCK, THOMAS H. "BUD" and RITA ANN HEANEY, JOHN T. and JERRY ANN HEANEY, WILLIAM H. and ANN S. VANDERBILT, RICHARD O. DAHLGREN and JULIE SLOCUM DAHLGREN, KATHY JEANNE HARRAH, RELI LOUISE HAEMMERLE, FRITZ XAVIER HAEMMERLE, WILMA PACE, PAMELA JEAN RAYBORN, JOHN D. PACE, STELLA A.M. KEANE, CARL E. and SUSAN LEY, JUDY L. DEMETRE and THE ESTATE OF GEORGE B. SAVIERS, deceased, by and through its personal representative, BOB STEVENS (collectively referred to as the "Garnet Street Neighbors") and the CITY OF KETCHUM ("Ketchum").

**RECITALS**

WHEREAS, Curtis has filed case number CV-93-897 ("Lawsuit") in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, seeking to resolve the legal status of a parcel of property commonly known as Garnet Street, located within Ketchum, and more specifically depicted in the diagram attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the Garnet Street Neighbors, Ketchum and other named individuals and/or entities ("Other Defendants") were named as defendants in the Lawsuit; and

WHEREAS, Curtis is the owner of real property located at the eastern end of Garnet Street, in Ketchum, commonly known as Lot 1 of the Esmeralda Subdivision Lot Line Shift Plat ("Curtis Property"), and more specifically described in Exhibit "B" and depicted in Exhibit "C"; and

WHEREAS, the Garnet Street Neighbors, Ketchum and certain of the Other Defendants are the owners of, or have some form of interest in, the real property located in Ketchum, which property is more specifically described in Exhibit "B" and depicted in Exhibit "A"; and

WHEREAS, except for the Garnet Street Neighbors and Ketchum, the Other Defendants have had a default judgment entered against them consistent with the relief sought in the Curtis complaint filed in the Lawsuit, or have been dismissed from the Lawsuit; and

WHEREAS, Curtis, the Garnet Street Neighbors and Ketchum desire to resolve the Lawsuit on the terms and conditions hereinafter set forth;

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants herein contained, the parties hereto agree as follows:

**TERMS AND CONDITIONS**

1. **PAVED PORTION OF GARNET STREET.** The parties agree that the paved portion of Garnet Street, as specifically described in Exhibit "D", attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet

Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street Neighbors have executed easements to Ketchum pursuant to Paragraph 5, the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.

2. *UNPAVED PORTION OF GARNET STREET.* The parties agree that the unpaved, or graveled, portion of Garnet Street, as specifically described and depicted in Exhibit "E", attached hereto and incorporated herein, from the east end of the paved portion of said Street, as described in Exhibit "D", then eastward, shall be deemed a private driveway. The Garnet Street Neighbors and Curtis agree that said private driveway shall provide access to a maximum number of three (3) single family residential lots in a subdivision on the Curtis Property, as well as providing access to the property owned by The Estate of George B. Saviers ("Saviers Property"). The Garnet Street neighbors and Curtis agree that no additional lots other than those identified herein shall be allowed access via said private driveway. The Garnet Street Neighbors and Curtis agree that the private driveway shall remain as is, without any modification in width, grade or surface.

3. *CURTIS SUBDIVISION APPLICATION.*

(a) *Garnet Street Access.* Curtis intends to submit an application to Ketchum to subdivide the entire Curtis Property ("Curtis Subdivision"). Curtis agrees that the Curtis Subdivision shall propose not more than three (3) single family residential subdivision lots which could be accessed via Garnet Street. Curtis agrees that the Curtis Subdivision shall also provide access via Garnet Street to the Saviers Property. In addition, Curtis agrees that there shall be no further subdivision of the three (3) Curtis Subdivision single family residential lots which could be accessed from Garnet Street.

(b) *Snowplow Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to Ketchum a snowplow access and turnaround easement, to enable a Ketchum snowplow to turn around near the location on the Curtis Property adjacent to Garnet Street currently used by Ketchum for such purposes as depicted in Exhibit "E", attached hereto and incorporated herein.

(c) *Pedestrian Path Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to the Garnet Street Neighbors a pedestrian path easement, which shall be located in the approximate location of the existing path on the Curtis Property leading to the back side of Dollar Mountain.

(d) *Building Envelopes.* Curtis agrees that the Curtis Subdivision Plat shall designate all building envelopes outside the existing trees on the Curtis Property.

(e) *Application Approval Condition Precedent.* At such time as Ketchum gives final approval to the Curtis Subdivision, the parties hereto agree to execute and submit to the Court a Stipulation For Dismissal of the Lawsuit in the form attached hereto as Exhibit "F" and incorporated herein. The parties agree that all claims, complaints, crossclaims and counterclaims in any way relating to the Lawsuit shall be dismissed with prejudice as to the Garnet Street Neighbors and Ketchum. The parties agree that the Court may enter an Order For Dismissal of the Lawsuit as to the Garnet Street Neighbors and Ketchum in the form attached hereto as Exhibit "G" and

incorporated herein. In the event Ketchum does not approve the Curtis Subdivision, the parties agree that all recitals, covenants, terms and conditions contained in this Agreement shall be null and void, and evidence of the same shall not be introduced in the Lawsuit or any litigation thereafter pertaining to the resolution of the status of Garnet Street.

(f) *Ketchum's Execution of Agreement.* The parties acknowledge that by Ketchum's execution of this Agreement, Ketchum does not agree, either expressly or implicitly, to approve the proposed Curtis Subdivision. Furthermore, the parties acknowledge that Ketchum only executes this Agreement on the basis that Ketchum will agree to the dismissal of the Lawsuit on the terms and conditions herein set forth. should Ketchum, in its sole and absolute discretion, approve the Curtis Subdivision. The parties agree that nothing herein shall be construed by any party as an obligation on the part of Ketchum to approve all or any portion of the Curtis Subdivision.

4. *PRESERVATION OF TREES.* The Garnet Street Neighbors and Curtis agree that the existing trees located adjacent to the unpaved and paved portions of Garnet Street, as said portions of Garnet Street are described in Paragraphs 1 and 2 herein and described and depicted in Exhibits "D" and "E", shall not be disturbed, except as necessary to prevent an obstruction to traffic or to protect the integrity of Garnet Street and the surrounding structures.

5. *ACCESS AND UTILITY EASEMENTS.* The parties agree to grant the following express easements:

(a) A public access and utility easement from Curtis and the Garnet Street Neighbors, as Grantors, to Ketchum, as Grantee, upon, over and under the paved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 1 herein and described in Exhibit "D"

(b) A utility easement from Curtis, The Estate of George B. Saviers and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviers Property and Demetre Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E".

(c) A private access and utility easement from Judy Demetre, as Grantor, to Curtis and The Estate of George B. Saviers, as Grantees, over and under that portion of the Demetre Property located within the unpaved portion of Garnet Street, as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"

(d) A reciprocal private access and utility easement between Curtis and The Estate of George B. Saviers upon, over and under that portion of the Curtis Property and the Saviers Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"; and a private parking and landscape easement from Curtis, as Grantor, to The Estate of George B. Saviers, as Grantee, upon, over and under a portion of the Curtis Property as depicted in Exhibit "E".

The parties agree that the express easements described above, attached hereto and incorporated herein as Exhibit "H", shall become effective only upon the approval by Ketchum

of the Curtis Subdivision proposed for development on the Curtis Property as described herein. The parties agree that if Ketchum denies the Curtis Subdivision application, none of the easements herein contained would be valid, and no additional documents as envisioned in this Agreement would be required to be executed.

6. **REMEDIES.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7. **AMENDMENTS.** This Agreement may only be changed, modified or amended in writing executed by all parties.

8. **HEADINGS.** The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. **ATTORNEYS' FEES AND COSTS.** Should any action be brought to interpret or enforce any provision hereof or the easements contemplated herein, or for damages for breach hereof, the prevailing party shall be entitled to such reasonable attorneys' fees and costs, as may be determined by any court of competent jurisdiction wherein such action is brought, including attorneys' fees and costs on appeal.

10. **SUCCESSORS AND ASSIGNS.** All provisions of this Agreement, including the benefits and burdens of the easements attached hereto, shall run with the land covered hereby and are binding on and enure to the benefit of the respective heirs, assigns, successors, lessees, tenants and personal representatives of the parties hereto.

11. **RECORDING.** This Agreement and any easement granted herein may be recorded in the Office of the Blaine County Recorder only after the approval of the Curtis Subdivision by Ketchum.

12. **INTERPRETATION/EXECUTION OF DOCUMENTS.** This Agreement shall be liberally construed in accordance with the general purposes of this Agreement and the laws of the State of Idaho. In addition, the parties hereto agree that they will, at any time hereafter, upon reasonable request of the others, execute and deliver such documents as the other parties may reasonably require for the purpose of giving full effect to the provisions of this Agreement.

13. **NO PRESUMPTION.** No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of the document.

14. **AUTHORITY.** The parties executing this Agreement warrant, state, acknowledge and affirm that they have the authority to sign the same and to bind themselves and/or their respective clients to the terms contained herein.

15. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties respecting the matters herein set forth and supersedes all prior Agreements between the parties hereto respecting such matter.

16. EXECUTION. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

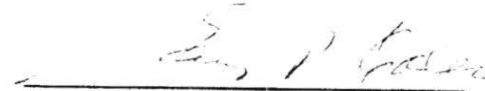
17. ACCEPTANCE. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.


CARL CURTIS:


  
\_\_\_\_\_  
Carl Curtis

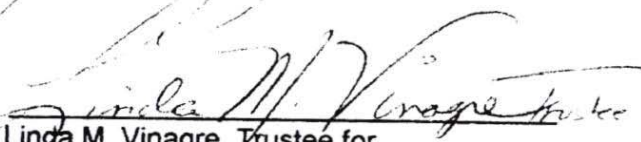
CITY OF KETCHUM, IDAHO:

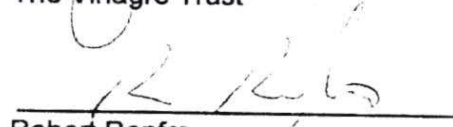
  
\_\_\_\_\_  
Guy P. Coles, Mayor

GARNET STREET NEIGHBORS:

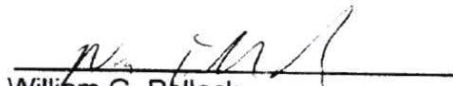
  
\_\_\_\_\_  
Jeanne Franks

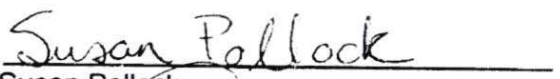
  
\_\_\_\_\_  
Gary E. Vinagre, Trustee for  
The Vinagre Trust

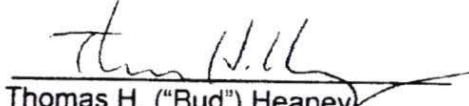
  
\_\_\_\_\_  
Linda M. Vinagre, Trustee for  
The Vinagre Trust

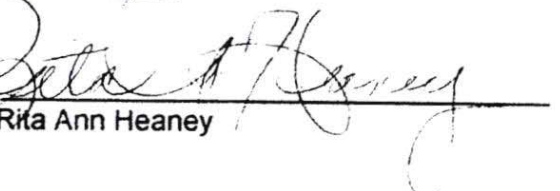
  
\_\_\_\_\_  
Robert Renfro

  
\_\_\_\_\_  
Marjolaine Renfro

  
\_\_\_\_\_  
William G. Pollock


  
\_\_\_\_\_  
Susan Pollock

  
\_\_\_\_\_  
Thomas H. ("Bud") Heaney

  
\_\_\_\_\_  
Rita Ann Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
John T. Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
Jerry Ann Heaney

  
\_\_\_\_\_  
William H. Vanderbilt

  
\_\_\_\_\_  
Ann S. Vanderbilt

  
\_\_\_\_\_  
Richard O. Dahlgren

Julie Slocum Dahlgren  
Julie Slocum Dahlgren

Reli Louise Haemmerle  
Reli Louise Haemmerle

Wilma Pace  
Wilma Pace

John D. Pace  
John D. Pace

Carl E. Ley  
Carl E. Ley

Judy L. Demetre, by Ned C. Williamson  
her attorney in fact  
Judy L. Demetre

Kathy Jeanne Harrah  
Kathy Jeanne Harrah

Fritz Xavier Haemmerle  
Fritz Xavier Haemmerle

Pamela Jean Rayborn  
Pamela Jean Rayborn

Stella A.M. Keane  
Stella A.M. Keane

Susan Ley  
Susan Ley

Bob Stevens  
Robert H. Stevens  
Bob Stevens, Personal Representative  
for The Estate of George B. Saviers

B.4 KMC §17.12.030.C: Dimensional Standards Matrix

**KMC §17.12.030.C.** In addition to the requirements of the dimensional standards, districts matrix, the regulations of [chapter 17.128](#), "Supplementary Location And Bulk Regulations", of this title apply.

**DIMENSIONAL STANDARDS, DISTRICTS MATRIX**

See section [17.12.040](#) of this chapter for Community Core dimensional standards.

See section [17.12.050](#) of this chapter for Light Industrial dimensional standards.

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Springs Road	Setba cks Along 200' Form er Railro ad ROW
LR	9,000 sf	n/a	n/a	80' avera ge	35'	35%	n/a	15'	The greater of 1' for every 2' in buildin g height, or 10'	20'	n/a	25'/32' 7	30'	3'
LR-1	1 acre	n/a	n/a	100' avera ge	35'	25%	n/a	15'	The greater of 1' for every 2' in buildin g height, or 10'	20'	n/a	80'	30'	n/a



Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Springs Road	Setba cks Along 200' Form er Railro ad ROW
LR-2	2 acres	n/a	n/a	100' avera ge	35'	25%	n/a	15'	The greater of 1' for every 2' in buildin g height, or 10'	20'	n/a	400' <sup>6</sup>	30'	n/a
GR-L	8,000 sf	8,000 sf plus 4,000 for every unit over 2	Equal to that of the perimet er of the townho use unit	80' avera ge	35'	35%	n/a	15'	The greater of 1' for every 3' in buildin g height, or 5' <sup>1</sup>	The greater of 1' for every 3' in building height, or 15' <sup>1</sup>	0'	25'/32' <sup>7</sup>	30'	n/a
GR- H	8,000 sf	n/a	Equal to that of the perimet er of the townho use unit	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12 4.040</a> of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in buildin g height, or 5'. One-	The greater of 1' for every 3' in building height, or 15' <sup>1</sup>	0'	25'/32' <sup>7</sup>	30'	5', howe ver 3' requir ed for one-/ two- family dwelli

Districts	Minimum Lot Area	Minimum Lot Area With PUD*	Minimum Lot Area, Townhouse Sublot	Lot Width	Building Height	Maximum Building Coverage/FAR	Minimum Open Space	Front Setback	Side Setback	Rear Setback	Lot Lines Created By Townhouse Sublots	Setbacks From Hwy 75	Any Setback Along Warm Springs Road	Setbacks Along 200' Former Railroad ROW
									family dwellings must maintain at least 10' <sup>1</sup>					ng units
STO-4	0.4 acres	n/a	n/a	80' average	35'	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	The greater of 1' for every 2' in building height, or 20'	n/a	400'	30'	n/a
STO-1	1 acre	n/a	n/a	100' average	35'	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	The greater of 1' for every 2' in building height, or 20'	n/a	400'	30'	n/a

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Springs Road	Setba cks Along 200' Form er Railro ad ROW
STO- H	9,000 sf (mini mum of 3,000 sf per unit)	n/a	Equal to that of the perimet er of the townho use unit	100' avera ge	35'	35% building coverage, and 75% covered by buildings, parking areas and accessory buildings	n/a	15'	The greater of 1' for every 3' in buildin g height, or 5' <sup>1</sup>	The greater of 1' for every 3' in building height, or 15' <sup>1</sup>	0'	400'	30'	n/a
T	8,000 sf	n/a	Equal to that of the perimet er of the townho use unit	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12 4.040</a> of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in buildin g height, or 5'. At least 10' for one- family dwellin gs <sup>1</sup>	The greater of 1' for every 3' in building height, or 10'. At least 15' for one- family dwellin gs <sup>1,2</sup>	0'	25'/32' <sup>7</sup>	30'	5', howev er 3' requir ed for one-/ two- family dwelli ng units
T- 3000	8,000 sf	n/a	Equal to that of the perimet	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12</a>	35% <sup>5</sup>	15'	The greater of 1' for every	The greater of 1' for every 3'	0'	n/a	30'	n/a

Districts	Minimum Lot Area	Minimum Lot Area With PUD*	Minimum Lot Area, Townhouse Sublot	Lot Width	Building Height	Maximum Building Coverage/FAR	Minimum Open Space	Front Setback	Side Setback	Rear Setback	Lot Lines Created By Townhouse Sublots	Setbacks From Hwy 75	Any Setback Along Warm Springs Road	Setbacks Along 200' Former Railroad ROW
			er of the townhouse unit			<a href="#">4.040</a> of this title			3' in building height, or 5'. At least 10' for one-family dwellings <sup>1</sup>	in building height, or 10'. At least 15' for one-family dwellings <sup>1,2</sup>				
T-4000	8,000 sf	n/a	Equal to that of the perimeter of the townhouse unit	80' average	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12 4.040</a> of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings <sup>1</sup>	The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings <sup>1,2</sup>	0'	n/a	30'	n/a

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Spr ings Road	Setba cks Along 200' Form er Railro ad ROW
RU	9,000 sf	n/a	Equal to that of the perimet er of the townho use unit	n/a	35'	25%	n/a	30' <sup>4</sup>	15' <sup>4</sup>	15' <sup>4</sup>	0'	n/a	n/a	n/a
AF	10 acres	n/a	n/a	n/a	35'	10% (includes pools)	n/a	25'	25'	25'	n/a	n/a	n/a	n/a

\* See [title 16](#) of this Code.

Notes:

1. If the lot adjoins a more restrictive district on the side or rear, the more restrictive setbacks of that district shall apply.
2. For building with a roof pitch greater than 5:12 the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be 35 feet. Roof ridges above the mean point may extend up to a height of 44 feet.
3. Reserved.
4. The placement of all structures for conditional uses shall be subject to approval of the Planning and Zoning Commission.
5. A maximum of 5 percent open site area may be used for private decks or patios and walkways subject to design review approval.
6. 100 foot setback from Highway 75 is required for lots platted prior to 1979.
7. Minimum setbacks along Highway 75: Where the street width is 80 feet, all buildings shall be set back a minimum of 25 feet, and where the street width is 66 feet, all buildings shall be set back a minimum of 32 feet.

B.5 KMC §17.124.170: Minimum Standards for One-Family Dwellings

**17.124.170: MINIMUM STANDARDS FOR ONE-FAMILY DWELLINGS:**

The following minimum standards apply to one-family dwellings in all zoning districts:

**A. Drainage:**

1. All stormwater shall be retained on site.
2. Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
3. The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
4. Drainage facilities shall be constructed per City standards.

**B. Utilities:**

1. All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
2. Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.

**C. Snow Storage:**

1. Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
2. Snow storage areas shall be provided on site.
3. A designated snow storage area shall not have any dimension less than five feet (5') and shall be a minimum of twenty five (25) square feet.
4. In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.

**D. Landscaping:**

1. Landscaping is required for all projects.
2. Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.
3. All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required. (Ord. 1190, 2018)

## B.5 KMC §17.04.040: Interpretation



#### **17.04.040: INTERPRETATION:**

In the interpretation and application of the provisions of this title, the following regulations shall govern:

A. Provisions Are Minimum Requirements: In their interpretation and application, the provisions of this title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. All provisions shall be liberally construed to further its underlying purposes.

B. Application Of Overlapping Regulations: Whenever the provisions of this title, or a provision in this title and any provision in any other ordinance, resolution, rule or regulation of any kind, contain any restrictions covering the same subject matter, the more restrictive or higher standards or requirements shall govern. All uses and all locations and bulk permitted under the terms of this title shall be in conformity with all other provisions of law.

C. Existing Permits And Private Agreements: This title is not intended to abrogate or annul:

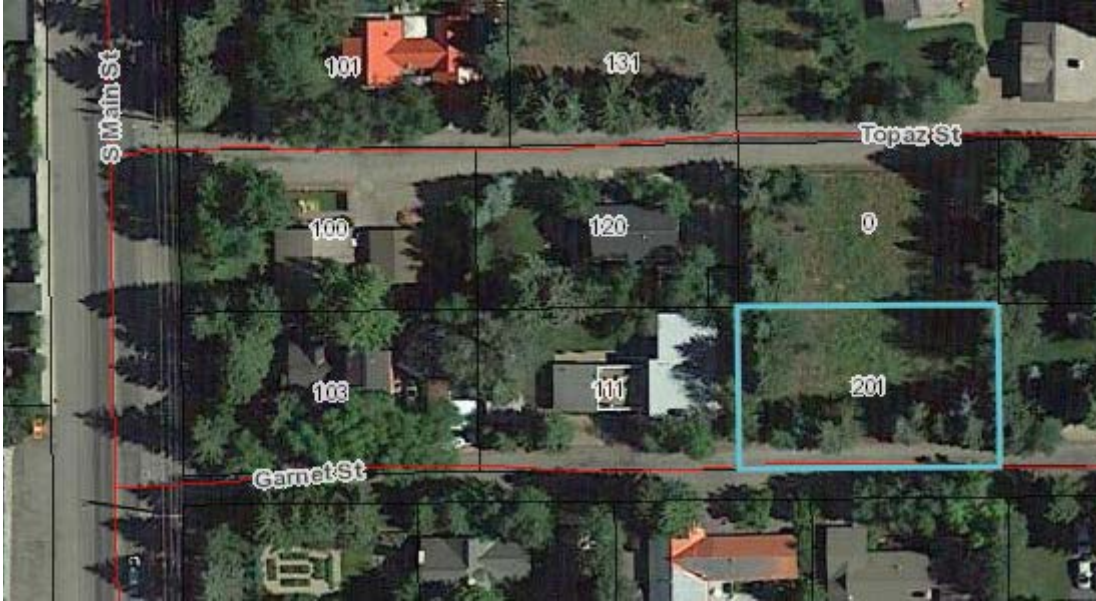
1. Any permits issued before the effective date hereof; or
2. Any easement, covenant or any other private agreement. (Ord. 1135, 2015)

B.6 Development Review meeting agenda dated January 8<sup>th</sup>, 2020

Development Review Meeting  
January 8<sup>th</sup>, 2020

4 Review at Meeting

- 201 Garnet Street new single-family residence



- 1307 Warm Springs Road single-family residence addition



P&Z Commission Meeting 1/13/2020

- Ketchum Townsite: Block 5: Lots 1 & 2 (Hot Dog Hill) Mixed-Use Building Pre-Application Design Review
- Fire Station Pre-Application Design Review

Development Review Team Meeting  
City of Ketchum  
January 8<sup>th</sup>, 2020

- My Sun Valley Home Mixed-Use Building (120 Northwood Way) Design Review & Conditional Use Permit for 3 Employee Housing Unit
- 471 E 10<sup>th</sup> St Unit B2 (Dean) Work/Live Unit Conditional Use Permit
- 491 E 10<sup>th</sup> Street Unit A17 (Duval) Work/Live Conditional Use Permit
- Swan Streambank Alteration (401 Northwood Way)

City Council Meeting 1/21/2020

- Ketchum Tribute Hotel (Plat Amendment & PUD CUP & Draft Development Agreement)

P&Z Commission Meeting 2/10/2020

- Parker Townhomes (Bavarian Village Subdivision: Lots 5A, 6A, 7A, & 8A Townhome Development) Readjustment of Lot Lines, Design Review, and Townhouse Subdivision Preliminary Plat

Pending Building Permit Submittal

- 255 Hillside Detached (Deep Powder) Townhome

Pending Development Application Submittal

B.7 201 Garnet Street Drainage & Snow Storage Calculations and supporting materials  
(13 pages), S&C Associates, March 6, 2020



## Calculation Cover Sheet

---

Project Name: 201 Garnet St.  
Project Number: 20-1015

---

Calculation Title: Drainage & Snow Storage Calculations

Calculation Version: 1

Discipline: Civil - Drainage

Total Number of Pages (including cover sheet): 13

Calculations Prepared By: Sherri Newland, PE

Date: March 6, 2020

---

**Description and Purpose of Calculations:**

Calculate minimum swale/snow storage width needed along 201 Garnet St. in Ketchum, Idaho.

**Design Basis/References/Assumptions:**

Runoff calculated using Rational Equation due to size of swale/basin  
Frozen Ground assumed with no infiltration (spring) for drainage/storage  
Snow Water Equivalent – 11”

# City Standard ROW

## 13' Drive Lane 17' Wide Swale

### ITD IDF Data

Swale		
Check Dam Width for Swales		0
Number of Check Dams		0
Storm Event		25
Drainage Area (acres):	Area in ft <sup>2</sup>	3,960
	Area in Acres	0.09
Runoff Coefficient (c)		0.50
Infiltration Rate	Inches/Hr	0
Predevelopment Rate (if any)		0

Runoff Coefficient (c) for Combined Areas		
Imp.	Perv.	Total Area
1716	2244	3960 <sup>sf</sup>
c 1	c 2	
0.95	0.15	

**Weighted (c) Value:** 0.50

### Compute Peak Volume

Storm Duration		I	Q	Runoff Vol	Infiltration Vol	PreDev. Vol	Required Vol
Min	Hr	in/hr	cfs	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>
10	0.17	2.1	0.09	57	0	0	57
30	0.50	1.4	0.06	114	0	0	114
60	1.00	0.79	0.04	128	0	0	128
120	2.00	0.5	0.02	163	0	0	163
180	3.00	0.4	0.02	195	0	0	195
360	6.00	0.27	0.01	263	0	0	263
720	12.00	0.18	0.01	351	0	0	351
1440	24.00	0.11	0.00	429	0	0	429

Total Design Vol. (cf)	429
------------------------	-----

Swale Dimensions	Vol. Available (cf)	477
------------------	---------------------	-----

Length	132 ft
Left Slope	20:1
Right Slope	20:1
Depth	0.425 ft
Infiltration Width	0 ft
Longitudinal Slope	0 ft/ft

\*assume frozen ground

\* assume no slope/flat

# Applicant Proposal

## 10' Drive Lane 3' Wide Swale

### ITD IDF Data

Swale		
Check Dam Width for Swales		0
Number of Check Dams		0
Storm Event		25
Drainage Area (acres):	Area in ft <sup>2</sup>	1,584
	Area in Acres	0.04
Runoff Coefficient (c)		0.82
Infiltration Rate	Inches/Hr	0
Predevelopment Rate (if any)		0

Runoff Coefficient (c) for Combined Areas		
Imp.	Perv.	Total Area
1320	264	1584 sf
c 1	c 2	
0.95	0.15	

**Weighted (c) Value:** 0.82

### Compute Peak Volume

Storm Duration		I	Q	Runoff Vol	Infiltration Vol	PreDev. Vol	Required Vol
Min	Hr	in/hr	cfs	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>
10	0.17	2.1	0.06	37	0	0	37
30	0.50	1.4	0.04	75	0	0	75
60	1.00	0.79	0.02	84	0	0	84
120	2.00	0.5	0.01	107	0	0	107
180	3.00	0.4	0.01	128	0	0	128
360	6.00	0.27	0.01	173	0	0	173
720	12.00	0.18	0.01	231	0	0	231
1440	24.00	0.11	0.00	282	0	0	282

Total Design Vol. (cf)	282
------------------------	-----

Swale Dimensions	Vol. Available (cf)	99
------------------	---------------------	----

Length	132 ft
Left Slope	3:1
Right Slope	3:1
Depth	0.5 ft
Infiltration Width	0 ft
Longitudinal Slope	0 ft/ft

\*assume frozen ground

\* assume no slope/flat



# Minimum City ROW 10' Drive Lane 15' Wide Swale

## ITD IDF Data

Swale	
Check Dam Width for Swales	0
Number of Check Dams	0
Storm Event	25
Drainage Area (acres):	Area in ft <sup>2</sup>
	Area in Acres
Runoff Coefficient (c)	0.48
Infiltration Rate	Inches/Hr
Predevelopment Rate (if any)	0

Runoff Coefficient (c) for Combined Areas		
Imp.	Perv.	Total Area
1320	1848	3168
c 1	c 2	
0.95	0.15	

Weighted (c) Value: 0.48

## Compute Peak Volume

Storm Duration		I	Q	Runoff Vol	Infiltration Vol	PreDev. Vol	Required Vol
Min	Hr	in/hr	cfs	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>
10	0.17	2.1	0.07	44	0	0	44
30	0.50	1.4	0.05	89	0	0	89
60	1.00	0.79	0.03	100	0	0	100
120	2.00	0.5	0.02	127	0	0	127
180	3.00	0.4	0.01	152	0	0	152
360	6.00	0.27	0.01	205	0	0	205
720	12.00	0.18	0.01	273	0	0	273
1440	24.00	0.11	0.00	334	0	0	334

Total Design Vol. (cf)	<b>334</b>
Swale Dimensions	Vol. Available (cf)
	<b>371</b>

Length	132	ft
Left Slope	20:1	
Right Slope	20:1	
Depth	0.375	ft
Infiltration Width	0	ft
Longitudinal Slope	0	ft/ft

\*assume frozen ground  
\* assume no slope/flat

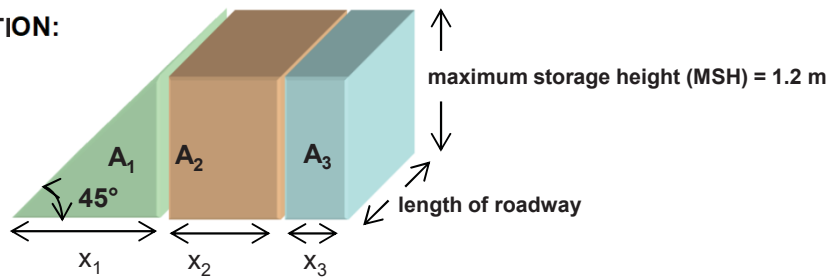
## Snow Storage Calculation 201 Garnet

Use an normal snow water equivalent (mm) for the entire season				
				units/mm
Average Normal snow water equivalent (mm)				279.4
Convert normal snow water equivalent (mm) to a total amount of snow (cm) (assume 1 mm water is equal to 1 cm snow)				
		water equivalent (mm)	snow (cm)	snow (m)
Average Normal snow water equivalent (mm)		279.4	279.4	2.794
Reduce the volume of snow from a new snow fall density to an average compacted snow density (assuming that new snow is 100 kg/m <sup>3</sup> and compacted snow is 500 kg/m <sup>3</sup> )				
Assumptions	Density	Ratio		
New Snow	100 kg/m <sup>3</sup>			
Compacted Snow	200 kg/m <sup>3</sup>	2 to 1		
	cm	ratio density	average total compacted snow (cm)	average total compacted snow converted to metres (m)
	279.4	2	139.7	1.397
Calculate volume of snow per lineal metre of road				
		lane width (m)	average total compacted snow (m)	volume of snow per lineal metre (m <sup>3</sup> /m)
Volume of snow per lineal metre of road in easement		3.96	1.397	5.53212
Calculate width of storage area assuming a maximum storage height of 1.2 metres				
		maximum storage height (m)	maximum slope angle (ratio)	width of snow storage area (m)
Total available storage area assuming that the maximum slope on snow pile can not exceed a 1 to 1 ratio		1.2192	1	3.61364784

Calculate minimum right-of-way width based on lane and snow storage area width				
(Lane width x number of lanes) + (snow storage area width x 2)				15.14729568
Calculate additional snow to displace for parking access(es)				
	number of driveways <i>(must be looked at for each direction)</i>	driveway width (m)	volume of snow per lineal metre (m <sup>3</sup> /m)	volume of snow to displace (m <sup>3</sup> )
Volume of additional snow to displace due to driveway access(es)	1	6.4008	5.53212	35.4099937
Example for calculating additional storage width for parking access(es)				
width of snow storage area calculated in Step 5 (m)	length of roadway over which to distribute snow from accesses (m)	additional volume of snow to displace as calculated in Step 7 (m <sup>3</sup> )	additional width required to accommodate accesses based on length stipulated in cell C38 (m)	total width required over length stipulated in cell C38 (m)
3.61364784	40.2	35.40999	0.722	4.336

**ASSUMED CROSS SECTION:**

$A_1 = (x_1 * MSH)/2$   
 $A_2 = x_2 * MSH$   
 $A_3 = x_3 * MSH$



**Cell in Above Calc.**

width to maximum storage height at 45° (1:1) slope  
 additional width required beyond top of 1:1 slope  
 additional width required to accommodate accesses  
*(only required in situations where driveways/accesses exist)*  
 $x_1 + x_2 + x_3$  (total storage width)

F27 (both)
E38
F38

Operational adjustment (5%)	0.2
Total Width Required (m)	4.6
Total Width Required (ft)	14.9

Figure B-7

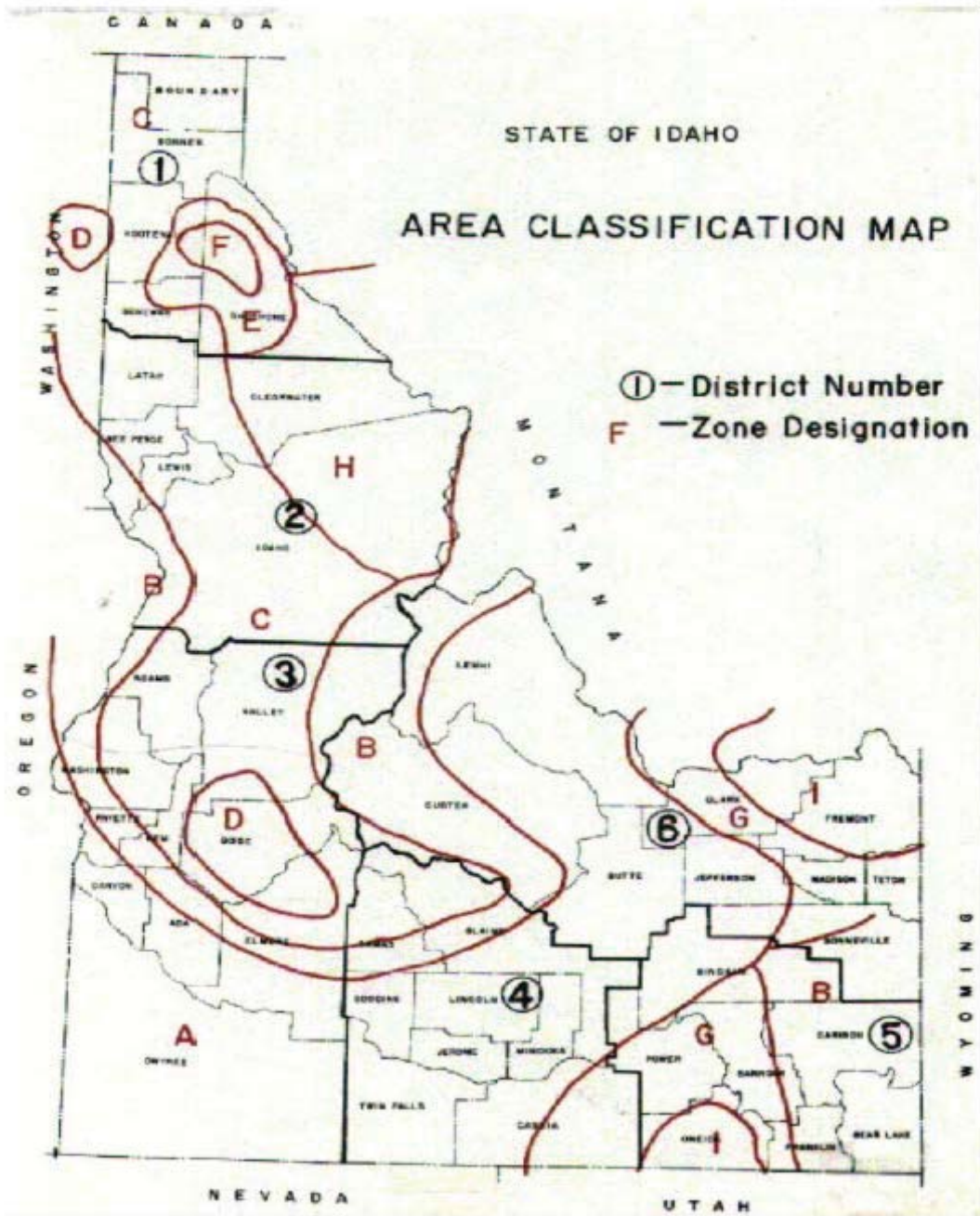
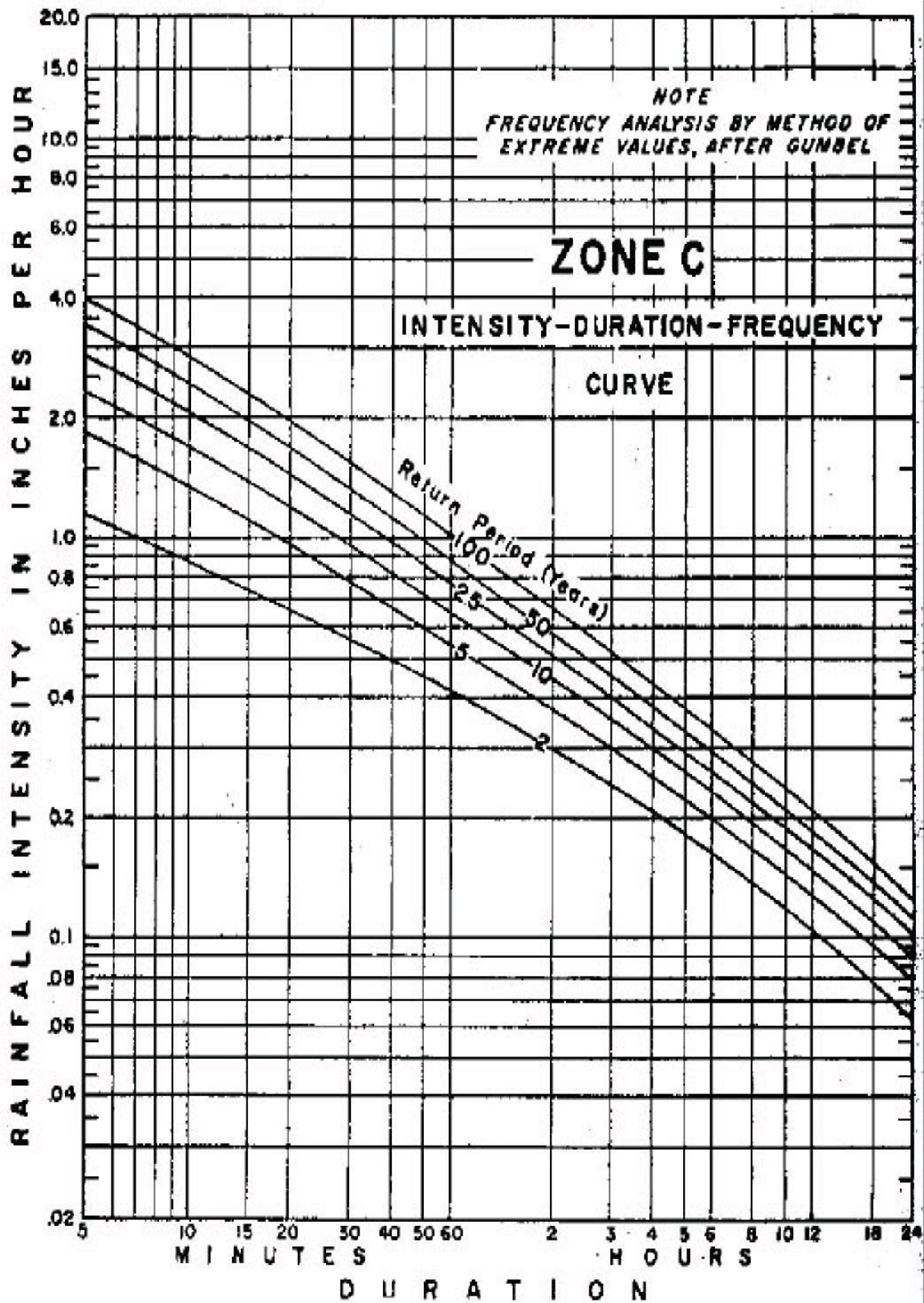


Figure B-8  
Sheet 3 of 9



Prairie	4800	5.3	4.9	108	10.4	12.6	83
Trinity Mtn.	7770	22.1	31.0	71	22.5	33.0	68
Vienna Mine	8960	20.6	25.2	82	18.7	25.0	75
<b>Basin Index (%)</b>				<b>85</b>			<b>76</b>
<b>BIG WOOD BASIN</b>							
Camas Creek Divide	5710	10.0	11.5 <sub>C</sub>	87	10.6	14.5 <sub>C</sub>	73
Chocolate Gulch	6310	6.5	11.0 <sub>C</sub>	59	7.2	13.5 <sub>C</sub>	53
Dollarhide Summit	8420	14.9	N/A	*	-M	21.7	*
Galena	7470	9.2	13.7	67	9.8	15.8	62
Galena Summit	8780	12.2	15.5	79	12.0	16.7	72
Hyndman	7620	5.7	10.1	56	6.7	13.3	50
Lost-Wood Divide	7900	8.4	16.1	52	8.3	17.7	47
Soldier R.S.	5740	6.6	10.4	63	8.5	14.4	59
Vienna Mine	8960	20.6	25.2	82	18.7	25.0	75
<b>Basin Index (%)</b>				<b>70</b>			<b>62</b>
<b>LITTLE WOOD BASIN</b>							
Bear Canyon	7900	7.4	12.0	62	7.2	13.7	53
Garfield R.S.	6560	4.8	9.2	52	4.8	10.7	45
Hyndman	7620	5.7	10.1	56	6.7	13.3	50
Smiley Mountain	9520	9.2	14.2 <sub>R</sub>	65	8.9	14.7 <sub>R</sub>	61
Swede Peak	7640	5.8	12.7	46	6.7	14.3	47
<b>Basin Index (%)</b>				<b>57</b>			<b>51</b>
<b>BIG LOST BASIN</b>							
Bear Canyon	7900	7.4	12.0	62	7.2	13.7	53
Hilts Creek	8000	8.0	10.3	78	6.8	10.9	62
Lost-Wood Divide	7900	8.4	16.1	52	8.3	17.7	47
Smiley Mountain	9520	9.2	14.2 <sub>R</sub>	65	8.9	14.7 <sub>R</sub>	61
Stickney Mill	7430	4.2	6.9	61	5.3	8.7	61
<b>Basin Index (%)</b>				<b>63</b>			<b>56</b>
<b>LITTLE LOST, BIRCH BASINS</b>							
Beagle Springs	8850	8.1	6.4	127	7.6	7.9	96
Hilts Creek	8000	8.0	10.3	78	6.8	10.9	62
Meadow Lake	9150	11.0	11.5	96	11.3	13.6	83
Moonshine	7440	6.8	7.9	86	7.3	10.4	70

Jack Creek Upper	7377	14.6	14.8	99	15.0	15.8	95
Laurel Draw	6682	12.6	10.1	125	14.1	14.8	95
Mud Flat	5730	4.9	7.3	67	7.4	9.5	78
Reynolds Creek	5600	3.2	2.0 <sub>R</sub>	160	8.4	10.7 <sub>R</sub>	79
South Mtn.	6500	13.3	15.6	85	16.1	19.6	82
Taylor Canyon	6325	5.6	5.3	106	5.4	7.1	76
<b>Basin Index (%)</b>				<b>102</b>			<b>87</b>
<b>BEAR RIVER BASIN</b>							
Bug Lake	7987	16.4	15.2	108	15.0	15.8	95
Dry Bread Pond	8302	16.9	15.6	108	15.3	15.9	96
Emigrant Summit	7390	17.8	19.4	92	17.4	21.9	79
Franklin Basin	8140	22.9	21.8	105	22.7	25.1	90
Giveout	6930	9.9	8.6	115	11.6	10.5	110
Hayden Fork	9130	13.9	12.4	112	16.9	16.7	101
Kelley R.S.	8180	13.1	12.2	107	13.9	14.8	94
Lily Lake	9133	9.9	10.6	93	10.0	13.5	74
Monte Cristo	8932	23.0	21.7	106	20.3	20.9	97
Oxford Spring	6740	7.8	9.3	84	11.3	14.2	80
Salt River Summit	7640	12.7	10.7	119	12.9	13.7	94
Sedgwick Peak	7850	13.8	16.4	84	13.7	17.4	79
Slug Creek Divide	7225	16.1	12.4	130	16.3	17.1	95
Spring Creek Divide	9000	21.8	19.0	115	20.8	19.6	106
Trial Lake	9992	19.3	18.2	106	17.5	19.3	91
<b>Basin Index (%)</b>				<b>105</b>			<b>92</b>

-M = Missing data.

\* = Analysis may not provide a valid measure of conditions.

N/A = Not available.

C = Conditional only 10-19 years of data available.

R = Rough less than 10 years of data available.

If the Basin Index (%) percent value is flagged as potentially invalid care should be taken to evaluate if the value is representative of conditions in the basin.

The SNOW WATER EQUIVALENT represents the depth of water in the snowpack if the snowpack were melted expressed in inches.

The WATER YEAR-TO-DATE-PRECIPIATION represents total precipitation since October 1st expressed in inches.

Contact your state water supply staff for assistance.

Medians and averages are calculated for the period 1981-2010.

Provisional data subject to revision.

\* Site -- Either: (a) the current value is missing; (b) the median or average for the day is not available or is zero; or (c) for snow water equivalent the median for the day is less than 10% of the maximum median value for the year.

\* Basin - More than half of the sites within the basin are flagged with \* preventing the calculation of a meaningful basin index.

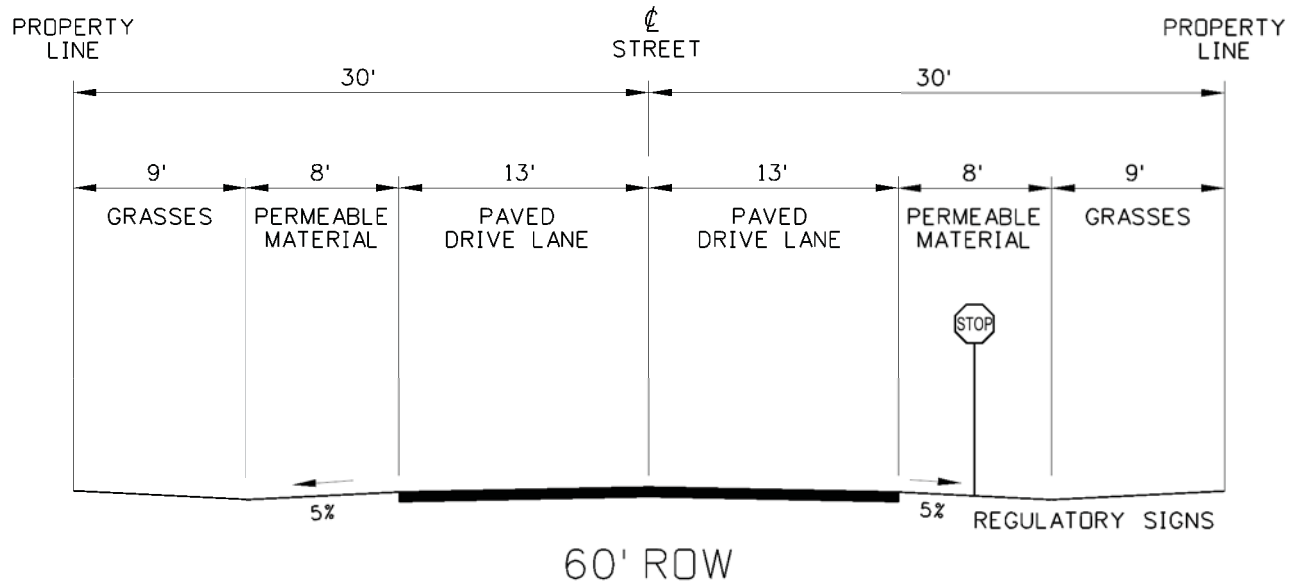
The basin index is calculated as the sum of the valid current values divided by the sum of the corresponding medians (for snow water equivalent) or averages (for precipitation) and the resulting fraction multiplied by 100.

---

[Home](#)

[Contact Us](#) | [NRCS](#) | [USDA](#) | [FirstGov](#) | [Accessibility](#) | [FOIA](#)  
[Privacy Policy](#) | [Nondiscrimination Statement](#) | [Disclaimer](#)





**NOTES:**

- ① THE SCHEMATIC ABOVE SHOWS A CROSS SECTION OF AN 60-FOOT WIDE RIGHT-OF-WAY (ROW) FOR STREETS LOCATED IN RESIDENTIAL DISTRICTS.
- ② SHOULDERS ARE REQUIRED TO ACCOMMODATE DRAINAGE, PARKING, SNOW STORAGE, AND ACCESS FOR EMERGENCY VEHICLES WITHIN LOCAL-RESIDENTIAL STREET ROWS AND PROVIDE MATERIALS THAT CAN REASONABLY BE MAINTAINED BY THE CITY.
- ③ EXAMPLES OF 60-FOOT ROW ROADS LOCATED IN RESIDENTIAL DISTRICTS ARE DOLLAR DRIVE, IRENE ST, BELMONT AND WANDERS WAY.
- ④ STOP AND STREET SIGNS ARE TO BE INSTALLED 2 FT FROM EDGE OF PAVEMENT
- ⑤ 8 FT PERMEABLE SHOULDER AT A 5% SLOPE FOR PARALLEL PARKING

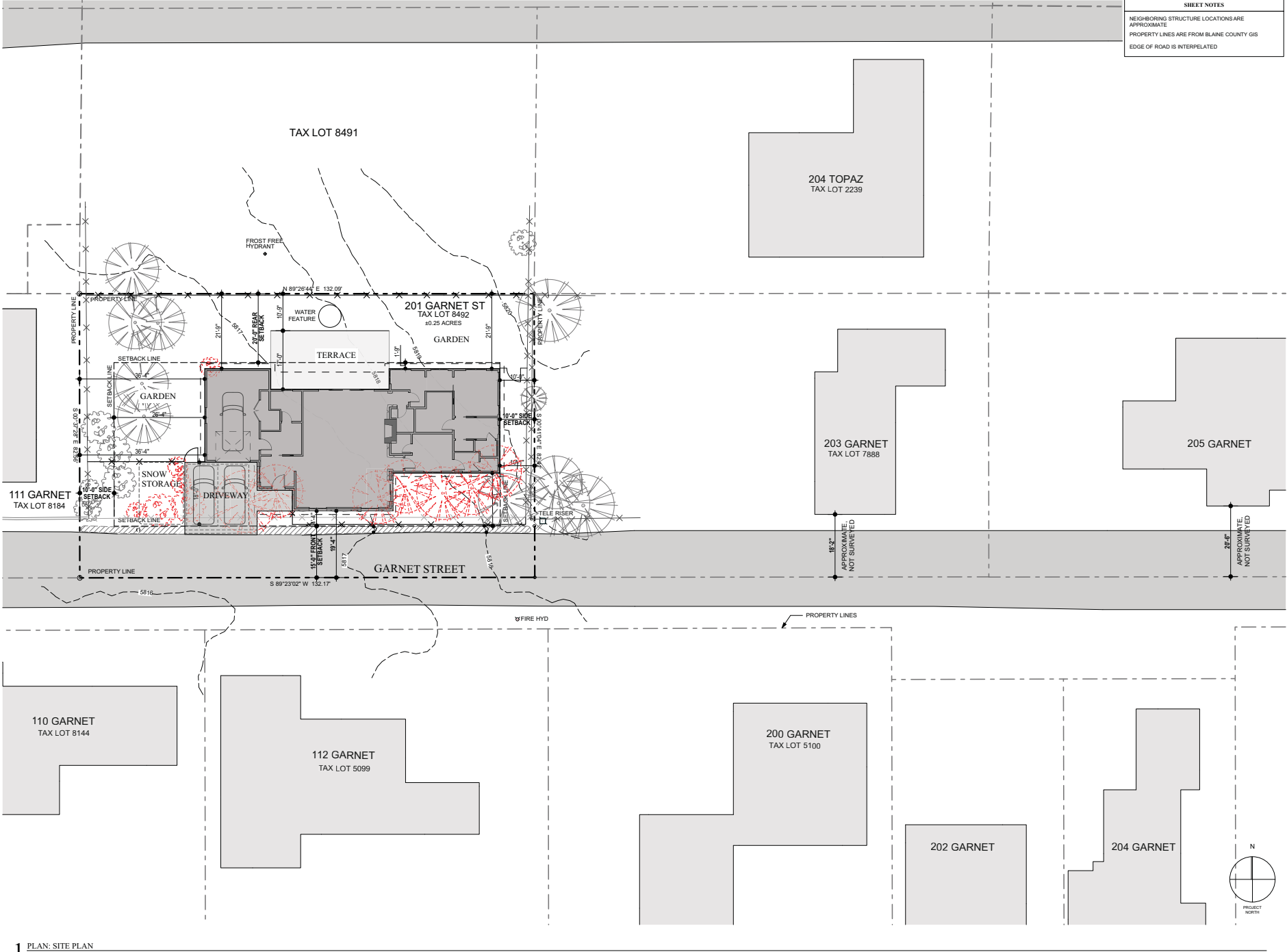
REVISIONS			
NO.	DATE	BY	DESCRIPTION
1	09/01/2019	SN	ROW DRAWINGS

CITY OF KETCHUM  
 60' ROW  
 RESIDENTIAL

STANDARD DRAWING  
 NO.  
 ROW-60-RS

DRAWN		
DATE		
FILE		
REVISIONS		
NO.	DATE	DESCRIPTION

**SHEET NOTES**  
NEIGHBORING STRUCTURE LOCATIONS ARE APPROXIMATE  
PROPERTY LINES ARE FROM BLAINE COUNTY GIS  
EDGE OF ROAD IS INTERPOLATED



1 PLAN: SITE PLAN  
SCALE: 1" = 10'

SITE PLAN 1:10

**Attachment C.**

**Notice of Appeal dated March 23, 2020 and Brief, Haemmerle Law, P.L.L.C.**

**HAEMMERLE LAW, P.L.L.C**  
Attorney & Counselor at Law

---

Received  
3/23/20

Fritz X. Haemmerle  
fxh@haemlaw.com

P.O. Box 1800  
Hailey, ID 83333

400 South Main Street, Suite 102  
Tel: (208) 578-0520  
Fax: (208) 578-0564

March 23, 2020

City of Ketchum  
c/o Suzanne Frick, City Administrator  
480 East Ave. N.  
Ketchum, ID 83340  
Hand Delivery and Via e-mail: [sfrick@ketchumidaho.org](mailto:sfrick@ketchumidaho.org)

*Re: Notice of Appeal*

Dear Suzanne:

As you know, I represent Craig Nalen and Janet Jarvis regarding a site plan, 201 Garnet Street ("property") submitted to the City. Regarding the setbacks, John Gaeddert issued a March 9, 2020, Determination Letter. In relation to that determination, attached is a Notice of Appeal along with a supporting Brief and attachments.

Please advise as to what fees may be applicable. Thank you.

Sincerely,

HAEMMERLE LAW, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh  
Encl.  
cc: client ([nailcan@aol.com](mailto:nailcan@aol.com))  
Matt Johnson, Attorney [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)  
John Gaeddert [igaeddert@ketchumidaho.org](mailto:igaeddert@ketchumidaho.org)



**City of Ketchum  
Planning & Building**

OFFICIAL USE ONLY
File Number:
Date Received:
By:
Fee Paid:
Approved Date:
Denied Date:
By:

**Notice of Appeal**

**Note:** The Appellant shall submit an amount to cover the cost of giving notice, as applicable in the Fee Schedule, and provide a transcript within two (2) days after the Planning and Building Department provides the Appellant with an estimate for the expense of the same. In the event the fee is not paid as required, the appeal shall not be considered filed.

OFFICIAL USE ONLY	
Date Appeal Received:	Date Notice Published:
Appeal Fee:	Transcript Fee:
Date Paid:	Date Paid:
Date Appellant Notified of Estimated Transcript Costs and Notice:	Mailing Fee:
Date of Appeal Hearing:	Date Paid:
Action(s) Taken/Findings:	
APPELLANT	
Name of Appellant: Craig Nalen	Phone Number: c/o Fritz Haemmerle
Address: c/o Fritz Haemmerle	Fax Number or Email: c/o Fritz X. Haemmerle
REPRESENTATIVE	
Name of Representative: Fritz X. Haemmerle, Haemmerle Law, P.L.L.C.	Phone Number: (208) 578-0520
Address: P.O. Box 1800, Hailey, Idaho 83333	Fax Number or Email: fxh@haemlaw.com
APPLICATION	
Application Being Appealed: March 9, 2020, Determination Letter, John Gaeddert, regarding 201 Garnet St.	
Explain How You Are an Affected Party:	
Mr. Nalen was denied his authorized and lawful setbacks.	
Date of Decision or Date Findings of Fact Were Adopted: March 9, 2020	
SUBMITTAL INFORMATION	
This Appeal is Based on The Following Factors (set forth all basis for appeal including the particulars regarding any claimed error or abuse of discretion):	
See attached Brief	

If you have attached additional pages, please indicate the number of pages attached \_\_\_\_\_

Signature of Appellant or Representative

Date

**FRITZ X. HAEMMERLE (ISB# 3862)**  
**HAEMMERLE LAW, P.L.L.C.**  
**400 South Main St., Suite 102**  
**P.O. Box 1800**  
**Hailey, ID 83333**  
**Tel: (208) 578-0520**  
**haemmerlefilings@gmail.com**

**Attorneys for Craig Nalen**

**BEFORE THE CITY OF KETCHUM**

**RE: Appeal from Planning and Building Department Director Determination Letter dated March 9, 2020.**

**APPELLANT'S BRIEF ON APPEAL**

COMES NOW Appellant, Craig Nalen (Nalen), by and through Fritz X. Haemmerle of Haemmerle Law, P.L.L.C. submits this Brief in Support of his appeal of Planning and Building Department Director's ("Director") Determination Letter dated March 9, 2020.

**I. FACTS**

1. The Appellant, Craig Nalen ("Nalen") is seeking to build a residence at 201 Garnett Street, Ketchum, Idaho (the "Lot"). The zoning in the area is Limited Residential ("LR").

2. The Lot is located on the Gem Streets. Historically, and per the lawful, recorded plat thereof, the lot lines for the Gem Streets are in the center of the respective

streets. On or about February 8, 1996, the City of Ketchum, along with each of the owners of properties along Garnet Street, entered into a Settlement Agreement (“Agreement”) regarding the status of Garnett Street. The purpose of the Agreement was to allow Carl Curtis to develop his Esmeralda Subdivision at the end of Garnet Street. Paragraph 1 of the Agreement, in pertinent part, reads:

1. PAVED PORTION OF GARNET STREET. The parties agree that **the paved portion of Garnet Street**, as specifically described in Exhibit D, attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street neighbors have executed easements to Ketchum pursuant to paragraph 5, **the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.**

See, Agreement, attached as Exhibit 1. (Emphasis added).

3. The Agreement did not alter property lines or address any issues relating to snow storage.

4. On or about 2020, Janet Jarvis, on behalf of Nalen, submitted a site plan for the residence located at 201 Garnet Street. Suzanne Frick, Ketchum City Administrator, denied the site plan on the bases that the building was not located 15’ from the edge of the pavement. Nalen appealed that Decision. To date, no hearing has been set on that appeal.<sup>1</sup>

5. Thereafter, Janet Jarvis submitted a slightly modified site plan for the residence. A copy of the site plan is attached hereto as Exhibit 2. Two-thirds or more the residence is 15’ or more from the edge of the pavement on Garnet Street. The west side of the residence is 35’4” from the lot line and 22’10” from the edge of the pavement; the

---

<sup>1</sup> Counsel for Nalen was advised that Frick’s Decision was not final.

middle portion of the residence is 24'8" from the property line and 12'3" from the edge of the pavement; and the eastern side is 32'0" from the property line and 17'1" from the edge of the pavement. Again, as measured from the property line, the entire building is located at least 24'8" from the property line.

6. Based on the revised plan submitted by Janet Jarvis, the Director submitted his determination letter dated March 9, 2020. He stated that the entire residence must be 15" from the edge of the pavement on Garnet Street. It is from this letter that this Appeal is taken.

## II. ARGUMENT

### A. THE CITY'S POSITION VIOLATES THE UNIFORMITY REQUIREMENTS OF THE LOCAL LAND USE PLANNING ACT ("LLUPA").

The setback for the Nalen residence, located in the LR District, is fifteen feet (15'). KCO 17.12.030. The setbacks are measured from the property line. *See*, definition of "Setback" under Ketchum City Code ("KCO") 17.08.020. The residence, as designed, is more than 15' feet from the property line.

Instead of applying the setbacks as stated in the KCO, the City attempts to use other portions of the Code to create different setback for this residence. This type of zoning is in direct violation of the uniformity provisions Local Land Use Planning Act ("LUPA"). Under the LLUPA:

- (a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. **All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.**



Idaho Code Section 67-6511(a). (Emphasis added).

The Idaho Supreme Court in *Moerder v. City of Moscow*, 78 Idaho 246, 300 P.2d 808 (1956), discussed non-uniform zoning in relation to setbacks.<sup>2</sup> In that case, the City of Moscow adopted an Ordinance which allowed the City to create setbacks that were not uniform. Instead, the Moscow Ordinance created setbacks that were “the average distance between the street line and nearest adjacent outer portions of each and every dwelling house or structure erected on the same side of the street in the same lineal block.” *Id.* at Idaho 249. The Supreme Court reversed the decision of the trial court, findings that the Ordinance was invalid because of a lack of uniformity.

Based on this zoning scheme, the Idaho Supreme Court stated:

The ordinance in question does not establish a uniform regulation for each class of buildings within the district. Indeed, it would be difficult to conceive of a scheme less uniform. Under the ordinance, setback lines could vary from one block to the next on the same street. The building line could be farther back on one side of the street than on the other, as in fact it was in the present case. The line could even vary from year to year in the same block as additional houses were constructed, if the ordinance were upheld.

*Id.* at Idaho 250; *see also, KGF Development, LLC v. City of Ketchum*, 236 P.3d 1284. 149 Idaho 524 (2010).

In this case, the City of Ketchum is violating the uniformity provisions of the LLUPA. Instead of applying the unambiguous uniform setbacks as contained in KCO 17.12.030, the City applied a different set of rules addressing snow storage and drainage. The result of applying these other rules was to create a setback that is 15’ feet from the edge of the pavement on Garnet Street, instead of 15’ feet from Nalen’s property line.

---

<sup>2</sup> The court interpreted the uniformity requirements under Idaho Code Section 50-401. This Section is nearly identical to the LLUPA, which is now codified under Idaho Code Section 67-6501 et seq.

Specifically, the City applied KCO 17.124.170 to arrive at its decision. There are several problems with applying that Section.

First, as stated, the application of a non-uniform setback of 15' from the property line violates the uniformity requirements of the LLUPA.

Second, the Director's reliance on Section 17.124.170 to vary from the uniformity requirements is misplaced based on a clear reading of the KCO. The Director relies on Section 17.124.170 to vary from the dimensional standards, under KCO 17.12.040.B. Section 17.12.040.B addresses the dimensional standards for the Community Core ("CC") District. The Gem Streets are not in the CC District.

Third, KCO 17.12.030 states that the dimensional standards cited therein are also subject to "the regulations of chapter [KCO] 17.128." The Director does not cite any of the provisions of Section 17.128. Again, he relies on KCO 17.124.170 to vary the setback from the property line. This provision is expressly not addressed or mentioned under KCO 17.12.030 for varying the defined and authorized 15' setback.

Fourth, KCO 17.12.170 addresses drainage, utilities, snow storage and landscaping. It does not address setbacks. Accordingly, it should be clear that it cannot be used to vary the uniform 15' setbacks in the LR District established under KCO 12.12.030.<sup>3</sup>

For all these reasons, the City's attempt to ignore the setback requirements of its Code violates the uniformity provisions of the LLUPA.

---

<sup>3</sup> Even if KCO 17.12.170 did address setbacks, any interpretation that would allow the City to vary setbacks from one lot to another would also violate the uniformity requirements of the LLUPA.

**B. THE FAILURE OF THE CITY TO APPLY UNIFORM LAWS TO IDENTICAL PROPERTIES DENIES NALEN OF HIS EQUAL PROTECTION RIGHTS.**

Both the Idaho Supreme Court and United States Supreme Court have been required to create equal protection rights for parties and against governmental jurisdictions which fail to provide equal treatment. It is an equal protection violation to treat parties differently under zoning laws.

The Equal Protection Clause of the Fourteenth Amendment, § 1, commands that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Of course, most laws differentiate in some fashion between classes of persons. The Equal Protection Clause does not forbid classifications. It simply keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike. *F.S. Royster Guano Co. v. Virginia*, 253 U.S. 412, 415, 40 S.Ct. 560, 561, 64 L.Ed. 989, 990 (1920).

\* \* \*

Even though a statute or regulation is valid under this analysis, selective or discriminatory enforcement of that statute or regulation may amount to a violation under either the Idaho or United States Constitutions, but only if the challenger shows a deliberate plan of discrimination based upon some improper motive like race, sex, religion, or some other arbitrary classification. *Whren v. United States*, 517 U.S. 806, 813, 116 S.Ct. 1769, 1774, 135 L.Ed.2d 89, 97 (1996); *Young Elec. Sign Co. v. State*, 135 Idaho 804, 809, 25 P.3d 117, 122 (2001); *Henson v. Dept. of Law Enforcement*, 107 Idaho 19, 23-24, 684 P.2d 996, 1000-01 (1984). A "class of one" may successfully state an equal protection claim, even where the challenged treatment does not follow suspect classifications or punish the exercise of fundamental rights, if he or she was singled out based upon a distinction that fails the rational basis test. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564-65, 120 S.Ct. 1073, 1075, 145 L.Ed.2d 1060, 1063-64 (2000).

*Anderson v. Spalding*, 137 Idaho 509, 50 P.3d 1004 (2002).

In this case, the City has a long history of treating the Gem Street neighbor's differently. It also has a history of punishing Gem Street neighbors for exercising their rights.

This intentional and systemic discrimination warrants a claim that Nalen's equal protection rights have been violated.

**C. NALEN IS ENTITLED TO HIS ATTORNEY'S FEES AND COSTS.**

Nalen requests all his attorney's fees and costs as allowed under Idaho Code Section 12-117, as the City has acted without a reasonable basis in fact or law in denying Nalen his lawful setbacks as measured from his property line.

**III. CONCLUSION**

For all these reasons, the City must conclude that Nalen has a right to develop his property as set forth in the attached site plan, Exhibit 2.

HAEMMERLE LAW, P.L.L.C.



FRITZ X. HAEMMERLE

CERTIFICATE OF SERVICE

I hereby certify that on the 23<sup>rd</sup> day of March, 2020 I served a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted.

Suzanne Frick, City Administrator

Hand Delivered to City Drop Box  
(City not allowing personal delivery  
because of COVID-19)

Mathew Johnson, City Attorney

mjohnson@whitepeterson.com



FRITZ X. HAEMMERLE

# **EXHIBIT 1**

*Agreement*

BLANK REQUEST

*City of Ketchum*

**SETTLEMENT AGREEMENT**

FILE # 237

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this ~~November~~ <sup>FEBRUARY</sup> 8<sup>TH</sup> day of ~~November~~, 1997, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLAINE RENFRO, WILLIAM G. and SUSAN POLLOCK, THOMAS H. "BUD" and RITA ANN HEANEY, JOHN T. and JERRY ANN HEANEY, WILLIAM H. and ANN S. VANDERBILT, RICHARD O. DAHLGREN and JULIE SLOCUM DAHLGREN, KATHY JEANNE HARRAH, RELI LOUISE HAEMMERLE, FRITZ XAVIER HAEMMERLE, WILMA PACE, PAMELA JEAN RAYBORN, JOHN D. PACE, STELLA A.M. KEANE, CARL E. and SUSAN LEY, JUDY L. DEMETRE and THE ESTATE OF GEORGE B. SAVIERS, deceased, by and through its personal representative, BOB STEVENS (collectively referred to as the "Garnet Street Neighbors") and the CITY OF KETCHUM ("Ketchum").

**RECITALS**

WHEREAS, Curtis has filed case number CV-93-897 ("Lawsuit") in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, seeking to resolve the legal status of a parcel of property commonly known as Garnet Street, located within Ketchum, and more specifically depicted in the diagram attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the Garnet Street Neighbors, Ketchum and other named individuals and/or entities ("Other Defendants") were named as defendants in the Lawsuit; and

WHEREAS, Curtis is the owner of real property located at the eastern end of Garnet Street, in Ketchum, commonly known as Lot 1 of the Esmeralda Subdivision Lot Line Shift Plat ("Curtis Property"), and more specifically described in Exhibit "B" and depicted in Exhibit "C"; and

WHEREAS, the Garnet Street Neighbors, Ketchum and certain of the Other Defendants are the owners of, or have some form of interest in, the real property located in Ketchum, which property is more specifically described in Exhibit "B" and depicted in Exhibit "A"; and

WHEREAS, except for the Garnet Street Neighbors and Ketchum, the Other Defendants have had a default judgment entered against them consistent with the relief sought in the Curtis complaint filed in the Lawsuit, or have been dismissed from the Lawsuit; and

WHEREAS, Curtis, the Garnet Street Neighbors and Ketchum desire to resolve the Lawsuit on the terms and conditions hereinafter set forth;

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants herein contained, the parties hereto agree as follows:

**TERMS AND CONDITIONS**

1. **PAVED PORTION OF GARNET STREET.** The parties agree that the paved portion of Garnet Street, as specifically described in Exhibit "D", attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet

Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street Neighbors have executed easements to Ketchum pursuant to Paragraph 5, the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.

2. *UNPAVED PORTION OF GARNET STREET.* The parties agree that the unpaved, or graveled, portion of Garnet Street, as specifically described and depicted in Exhibit "E", attached hereto and incorporated herein, from the east end of the paved portion of said Street, as described in Exhibit "D", then eastward, shall be deemed a private driveway. The Garnet Street Neighbors and Curtis agree that said private driveway shall provide access to a maximum number of three (3) single family residential lots in a subdivision on the Curtis Property, as well as providing access to the property owned by The Estate of George B. Saviers ("Saviers Property"). The Garnet Street neighbors and Curtis agree that no additional lots other than those identified herein shall be allowed access via said private driveway. The Garnet Street Neighbors and Curtis agree that the private driveway shall remain as is, without any modification in width, grade or surface.

3. *CURTIS SUBDIVISION APPLICATION.*

(a) *Garnet Street Access.* Curtis intends to submit an application to Ketchum to subdivide the entire Curtis Property ("Curtis Subdivision"). Curtis agrees that the Curtis Subdivision shall propose not more than three (3) single family residential subdivision lots which could be accessed via Garnet Street. Curtis agrees that the Curtis Subdivision shall also provide access via Garnet Street to the Saviers Property. In addition, Curtis agrees that there shall be no further subdivision of the three (3) Curtis Subdivision single family residential lots which could be accessed from Garnet Street.

(b) *Snowplow Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to Ketchum a snowplow access and turnaround easement, to enable a Ketchum snowplow to turn around near the location on the Curtis Property adjacent to Garnet Street currently used by Ketchum for such purposes as depicted in Exhibit "E", attached hereto and incorporated herein.

(c) *Pedestrian Path Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to the Garnet Street Neighbors a pedestrian path easement, which shall be located in the approximate location of the existing path on the Curtis Property leading to the back side of Dollar Mountain.

(d) *Building Envelopes.* Curtis agrees that the Curtis Subdivision Plat shall designate all building envelopes outside the existing trees on the Curtis Property.

(e) *Application Approval Condition Precedent.* At such time as Ketchum gives final approval to the Curtis Subdivision, the parties hereto agree to execute and submit to the Court a Stipulation For Dismissal of the Lawsuit in the form attached hereto as Exhibit "F" and incorporated herein. The parties agree that all claims, complaints, crossclaims and counterclaims in any way relating to the Lawsuit shall be dismissed with prejudice as to the Garnet Street Neighbors and Ketchum. The parties agree that the Court may enter an Order For Dismissal of the Lawsuit as to the Garnet Street Neighbors and Ketchum in the form attached hereto as Exhibit "G" and



incorporated herein. In the event Ketchum does not approve the Curtis Subdivision, the parties agree that all recitals, covenants, terms and conditions contained in this Agreement shall be null and void, and evidence of the same shall not be introduced in the Lawsuit or any litigation thereafter pertaining to the resolution of the status of Garnet Street.

(f) *Ketchum's Execution of Agreement.* The parties acknowledge that by Ketchum's execution of this Agreement, Ketchum does not agree, either expressly or implicitly, to approve the proposed Curtis Subdivision. Furthermore, the parties acknowledge that Ketchum only executes this Agreement on the basis that Ketchum will agree to the dismissal of the Lawsuit on the terms and conditions herein set forth, should Ketchum, in its sole and absolute discretion, approve the Curtis Subdivision. The parties agree that nothing herein shall be construed by any party as an obligation on the part of Ketchum to approve all or any portion of the Curtis Subdivision.

4. **PRESERVATION OF TREES.** The Garnet Street Neighbors and Curtis agree that the existing trees located adjacent to the unpaved and paved portions of Garnet Street, as said portions of Garnet Street are described in Paragraphs 1 and 2 herein and described and depicted in Exhibits "D" and "E", shall not be disturbed, except as necessary to prevent an obstruction to traffic or to protect the integrity of Garnet Street and the surrounding structures.

5. **ACCESS AND UTILITY EASEMENTS.** The parties agree to grant the following express easements:

(a) A public access and utility easement from Curtis and the Garnet Street Neighbors, as Grantors, to Ketchum, as Grantee, upon, over and under the paved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 1 herein and described in Exhibit "D"

(b) A utility easement from Curtis, The Estate of George B. Saviers and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviers Property and Demetre Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E".

(c) A private access and utility easement from Judy Demetre, as Grantor, to Curtis and The Estate of George B. Saviers, as Grantees, over and under that portion of the Demetre Property located within the unpaved portion of Garnet Street, as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"

(d) A reciprocal private access and utility easement between Curtis and The Estate of George B. Saviers upon, over and under that portion of the Curtis Property and the Saviers Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"; and a private parking and landscape easement from Curtis, as Grantor, to The Estate of George B. Saviers, as Grantee, upon, over and under a portion of the Curtis Property as depicted in Exhibit "E".

The parties agree that the express easements described above, attached hereto and incorporated herein as Exhibit "H", shall become effective only upon the approval by Ketchum

of the Curtis Subdivision proposed for development on the Curtis Property as described herein. The parties agree that if Ketchum denies the Curtis Subdivision application, none of the easements herein contained would be valid, and no additional documents as envisioned in this Agreement would be required to be executed.

6. **REMEDIES.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7. **AMENDMENTS.** This Agreement may only be changed, modified or amended in writing executed by all parties.

8. **HEADINGS.** The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. **ATTORNEYS' FEES AND COSTS.** Should any action be brought to interpret or enforce any provision hereof or the easements contemplated herein, or for damages for breach hereof, the prevailing party shall be entitled to such reasonable attorneys' fees and costs, as may be determined by any court of competent jurisdiction wherein such action is brought, including attorneys' fees and costs on appeal.

10. **SUCCESSORS AND ASSIGNS.** All provisions of this Agreement, including the benefits and burdens of the easements attached hereto, shall run with the land covered hereby and are binding on and enure to the benefit of the respective heirs, assigns, successors, lessees, tenants and personal representatives of the parties hereto.

11. **RECORDING.** This Agreement and any easement granted herein may be recorded in the Office of the Blaine County Recorder only after the approval of the Curtis Subdivision by Ketchum.

12. **INTERPRETATION/EXECUTION OF DOCUMENTS.** This Agreement shall be liberally construed in accordance with the general purposes of this Agreement and the laws of the State of Idaho. In addition, the parties hereto agree that they will, at any time hereafter, upon reasonable request of the others, execute and deliver such documents as the other parties may reasonably require for the purpose of giving full effect to the provisions of this Agreement.

13. **NO PRESUMPTION.** No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of the document.

14. **AUTHORITY.** The parties executing this Agreement warrant, state, acknowledge and affirm that they have the authority to sign the same and to bind themselves and/or their respective clients to the terms contained herein.

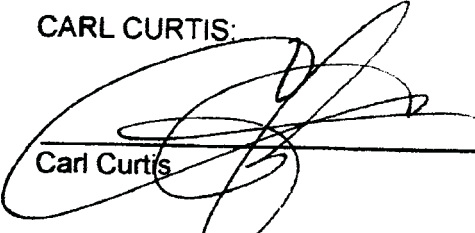
15. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties respecting the matters herein set forth and supersedes all prior Agreements between the parties hereto respecting such matter.

16. EXECUTION. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.


17. ACCEPTANCE. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.


CARL CURTIS:

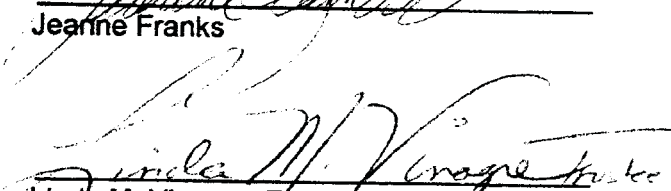
  
\_\_\_\_\_  
Carl Curtis

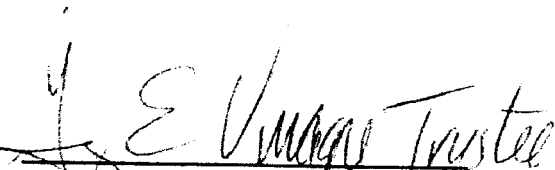
CITY OF KETCHUM, IDAHO:

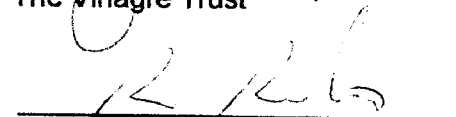
  
\_\_\_\_\_  
Guy P. Coles, Mayor

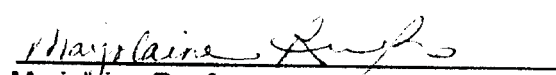
GARNET STREET NEIGHBORS:

  
\_\_\_\_\_  
Jeanne Franks


  
\_\_\_\_\_  
Linda M. Vinagre, Trustee for  
The Vinagre Trust

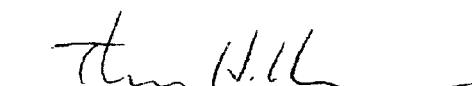
  
\_\_\_\_\_  
Gary E. Vinagre, Trustee for  
The Vinagre Trust

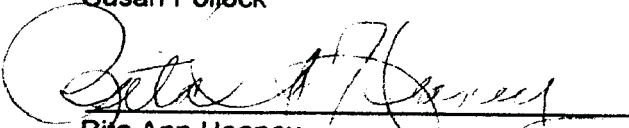
  
\_\_\_\_\_  
Robert Renfro

  
\_\_\_\_\_  
Marjolaine Renfro

  
\_\_\_\_\_  
William G. Pollock


  
\_\_\_\_\_  
Susan Pollock


  
\_\_\_\_\_  
Thomas H. ("Bud") Heaney

  
\_\_\_\_\_  
Rita Ann Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
John T. Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
Jerry Ann Heaney

  
\_\_\_\_\_  
William H. Vanderbilt

  
\_\_\_\_\_  
Ann S. Vanderbilt

  
\_\_\_\_\_  
Richard O. Dahlgren

Julie Slocum Dahlgren  
Julie Slocum Dahlgren

Kathy Jeanne Harrah  
Kathy Jeanne Harrah

Reli Louise Haemmerle  
Reli Louise Haemmerle

Fritz Xavier Haemmerle  
Fritz Xavier Haemmerle

Wilma Pace  
Wilma Pace

Pamela Jean Rayborn  
Pamela Jean Rayborn

John D. Pace  
John D. Pace

Stella A.M. Keane  
Stella A.M. Keane

Carl E. Ley  
Carl E. Ley

Susan Ley  
Susan Ley

Judy L. Demetre, by Ned C. Williamson  
her attorney in fact  
Judy L. Demetre

Bob Stevens  
Robert H. Stevens  
Bob Stevens, Personal Representative  
for The Estate of George B. Saviers

# **EXHIBIT 2**

**SHEET NOTES**  
 NEIGHBORING STRUCTURE LOCATIONS ARE APPROXIMATE  
 PROPERTY LINES ARE FROM BLAINE COUNTY GIS  
 EDGE OF ROAD IS INTERPOLATED

**THE JARVIS GROUP**  
 ARCHITECTS INC.  
 511 SUN VALLEY ROAD  
 POSTAL BOX 438  
 KETCHUM, IDAHO 83340  
 PHONE 208/238-4031 FAX 208/238-1991

IDAHO

201 GARNET STREET

KETCHUM

ARCHITECT

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

ENGINEER

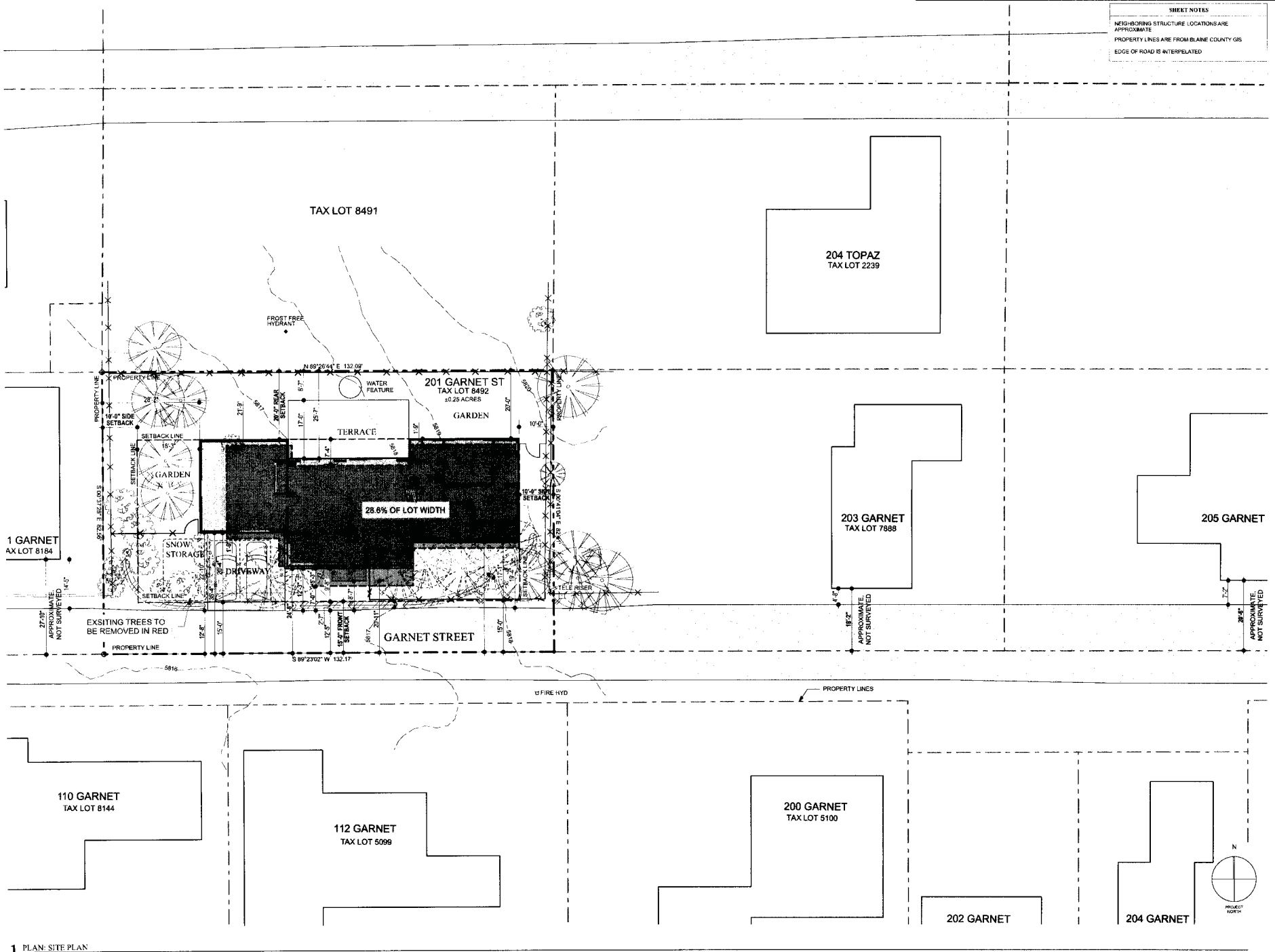
THIS DRAWING HAS BEEN PREPARED BY AN ARCHITECT OR ARCHITECTURAL FIRM REGISTERED IN THE STATE OF IDAHO. IT IS THE PROPERTY OF THE ARCHITECT OR ARCHITECTURAL FIRM AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT OR ARCHITECTURAL FIRM.

DRAWN \_\_\_\_\_  
 DATE \_\_\_\_\_  
 FILE \_\_\_\_\_

REVISIONS

NO.	DATE	DESCRIPTION

PRINTED CLASSIFIED BY: [illegible]



1 PLAN: SITE PLAN  
 SCALE 1" = 40'

**Attachment D.**

**Written public comment received as of 4:00 p.m. Wednesday, June 3rd, 2020**

**From:** [Marjolaine](#)  
**To:** [Participate](#)  
**Subject:** Nalen Appeal  
**Date:** Tuesday, June 02, 2020 9:53:29 AM

---

Planning and Zoning Commission -

I am writing concerning the Nalen Appeal for a front yard setback at 201 Garnet Street, Ketchum.

A property owner can do whatever he/she wants within the confines of the planning and zoning rules and regulations attached to their property.

Changing the rules and regulations after purchase does not show for-thought. It shows greed.

If Mr. Nalen had wanted more property available to him for his building site, he could have purchased a larger piece of property.

Garnet Street is a quiet street with appropriate sized buildings on each property.

We would welcome Mr. Nalen and his family.

We do not welcome someone who is trying to get more than what he is legally allowed to do.

I also am troubled that the property was sold to Mr. Nalen by Mr. Haemmerle, who is now his legal counsel. Were promises made before purchase? We will never know.

I am asking that the Planning and Zoning Commission do the right thing.

In these troubled times, doing the right thing over the easy thing is the correct choice.

It is up to you. Do the right thing.

Sincerely,

Marjolaine Renfro  
30 year resident of Garnet Street.  
49 year resident of Ketchum





City of Ketchum

**STAFF REPORT  
KETCHUM PLANNING AND ZONING COMMISSION  
REGULAR MEETING OF JUNE 8, 2020**

**PROJECT:** Nalen Appeal

**FILE NUMBER:** P20-028

**OWNER:** Craig A. Nalen

**APPLICANT:** Fritz X. Haemmerle, Haemmerle Law, P.L.L.C., on behalf of Craig Nalen

**REQUEST:** Appeal of an administrative decision

**LOCATION:** 201 Garnet Street (FR SE SW TL 8492 SEC 18 4N 18E)

**ZONING:** Limited Residential (LR)

**OVERLAY:** None

**NOTICE:** Notice was published in the Idaho Mountain Express on May 20, 2020. Notice was mailed to property owners within a 300-foot radius on May 22, 2020. Notice was posted at three (3) public locations and on the subject property on May 22, 2020.

**ATTACHMENTS:**

**Attachment A** – Administrator’s Certification of Procedural Requirements

**Attachment B** – Record of the case

- B.1** Administrator zoning determination letter, “Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho,” dated March 9, 2020
- B.2** Garnet Street Agreement (instrument #403847)
- B.3** Fritz Haemmerle letter dated January 21, 2020
- B.4** KMC §17.12.030.C: Dimensional Standards Matrix
- B.5** KMC §17.124.170: Minimum Standards for One-Family Dwellings
- B.5** KMC §17.04.040: Interpretation
- B.6** Development Review meeting agenda dated January 8<sup>th</sup>, 2020
- B.7** 201 Garnet Street Drainage & Snow Storage Calculations and supporting materials (13 pages), S&C Associates, March 6, 2020

**Attachment C** – Notice of Appeal dated March 23, 2020 and Brief, Haemmerle Law, P.L.L.C.

## Recommendation and Summary

Staff recommends the Commission:

1. Accept the Administrator's certificate of procedural requirements by adopting proposed Motion #1
2. Accept the Commission's record of the case and set the matter for hearing for the June 8, 2020 meeting by adopting proposed Motion #2 and #3
3. Review the record, and hear oral arguments from the appellant and from staff, deliberate, and direct staff to draft Findings of Fact, Conclusions of Law, and Decision to be considered for adoption at a special meeting to occur prior to July 8, 2020 by adopting proposed Motion #4.

Staff recommends scheduling the appeal hearing to occur during the June 8, 2020 meeting because the appellant is present and has previously submitted a brief for the appeal. Should the Commission find additional time is needed to consider the record the Commission may schedule the appeal hearing to occur at or continue to a later date and time. (**NOTE:** This is not a public *hearing* and public comments were not required or solicited. The written comment included in Attachment D, and any additional written public comment received prior to the hearing, are included solely for informational purposes and so the staff and/or appellant can address them if so desired; the Commission's decision need not refer to or rely on any such unsolicited comment but is based on City Code.)

Staff recommends affirming the administrator's decision set forth in the zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020 for the following reasons:

- The proposed drainage improvements do not comply with KMC Section 17.124.170.A. Rather, the proposed reconfigured borrow ditch: (a) is inadequate given the unique characteristics of the site as further calculated by the city engineer; and (b) does not comply with city standards.
- The proposed snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on the subject property, whether dedicated for public right of way purposes or not as noted in the existing Garnet Street Agreement (instrument #403847), is less than the required minimum of 30%.
- The uniform application of building setbacks, as argued by Mr. Haemmerle, is an equal protection issue; however, of equal note throughout the city is the need for land development projects (buildings, landscaping, fencing, etc.) to comply with any number of other equally applicable regulations, such as the city's minimum snow storage and drainage requirements for one-family dwellings as set forth in KMC Section 17.124.170.
- The setbacks as proposed by the applicant do not provide sufficient area to perform basic city services such as snow removal. Older existing structures on the Gem Streets that have pre-existing similar setbacks to those proposed by the applicant have been damaged by snow removal operations.

## Recommended Motions

1. "I move to accept the administrator's certification of procedural requirements finding all procedural requirements have been satisfied and fees have been paid, included as Attachment A to the staff report dated June 8, 2020."

2. "I move to accept the record of the case consisting of the administrator's determination letter dated March 9, 2020 and the supporting documents referenced to reach the determination, included as attachment B to the staff report dated June 8, 2020."
3. "I move to set the appeal hearing to occur in Ketchum City Hall, Council Chambers, 480 East Ave. N., Ketchum, ID 83340 with the opportunity for the applicant to participate through the virtual meeting platform hosted at ketchumidaho.org on Monday, June 8, 2020 at 5:30 p.m. finding the appellant has been given proper notice of the proposed hearing time, date and location, has submitted a brief, and is present to give oral argument."
4. After hearing, move to **affirm** the March 9, 2020 zoning determination of the planning and zoning administrator and direct City Staff to prepare written findings of fact and conclusions of law ("Findings") and present subject Findings for final decision at a special meeting of the Commission to occur prior to July 8, 2020, which will be within thirty (30) days of today's date, June 8, 2020."

### Background

On March 9, 2020 the Planning and Zoning Administrator made a zoning determination pursuant to Ketchum Municipal Code (KMC) Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho. See **Attachment B.1** for a copy of the Administrator's March 9, 2020 zoning determination.

Subject administrative determination has been appealed by Fritz Haemmerle, Haemmerle Law P.L.L.C., on behalf of Mr. Nalen consistent with the appeal requirements of KMC §17.144.010. See **Attachment C** for a copy of Mr. Haemmerle's appeal brief.

As required by KMC §17.144.010.A, please also find all the supporting documents and papers that complement Attachments A and B in completing the record in the case, including applicant drawings and City Engineer snow storage and drainage calculations. See **Attachments B.2-B.7** for a copy of supporting documents.

Consistent with KMC §17.144.010, the Administrator certifies that all procedural requirements have been satisfied, fees paid, and that **Attachments A, B and C constitute the full record of the matter.**

### Commission Authority

As set forth in KMC §17.144.010.C the Commission has the following authority: "Upon hearing the appeal, the commission shall consider the record, the order, requirement, decision or determination of the administrator and the notice of appeal, together with oral presentation and written legal arguments by the appellant and the administrator. The commission shall not consider any new facts or evidence at this point. The commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the administrator."

### Commission Decision

As set forth in KMC §17.144.010.D the Commission has the following authority: "The commission shall enter a decision within thirty (30) days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The commission shall transmit a copy of the decision to the appellant ...."

### Attachments

**Attachment A** – Administrator's Certification of Procedural Requirements

**Attachment B** – Record of the case

**B.1** Administrator zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020

- B.2** Garnet Street Agreement (instrument #403847)
- B.3** Fritz Haemmerle letter dated January 21, 2020
- B.4** KMC §17.12.030.C: Dimensional Standards Matrix
- B.5** KMC §17.124.170: Minimum Standards for One-Family Dwellings
- B.5** KMC §17.04.040: Interpretation
- B.6** Development Review meeting agenda dated January 8<sup>th</sup>, 2020
- B.7** 201 Garnet Street Drainage & Snow Storage Calculations and supporting materials (13 pages), S&C Associates, March 6, 2020

**Attachment C** – Notice of Appeal dated March 23, 2020 and Brief, Haemmerle Law, P.L.L.C.

**Attachment D** – Written public comment received as of 4:00 p.m. Wednesday, June 3<sup>rd</sup>, 2020

**Attachment A.**

**Administrator's Certification of Procedural Requirements**



City of Ketchum  
Planning & Building

June 1, 2020

**RE: Administrator's Certification of Procedural Requirements for the Nalen Appeal P20-028**

Consistent with KMC §17.144.010.A, the Administrator certifies that all procedural requirements have been satisfied and fees paid for the Nalen Appeal, file #P20-028.

A handwritten signature in blue ink that reads "Brittany Skelton".

Brittany Skelton  
Senior Planner, Ketchum Planning and Building Department

**Attachment B.**  
**Record of the Case**

B.1 Administrator zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020





## City of Ketchum

March 9, 2020

### CERTIFIED MAIL

Janet Jarvis  
511 Sun Valley Road  
Box 626  
Ketchum, Idaho 83340

**SUBJECT:** Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho

Dear Janet,

Associate Planner Abby Rivin enjoyed meeting with your associate Lucas Winter on January 8, 2020 and then with you on January 24, 2020. Subsequent to these meetings, Abby and I have had a chance to review your plans and want to compliment you, in general terms, on the overall quality of the design.

As noted at your previous meeting with Abby and representatives of city administration and streets, the city has a concern with the placement of the proposed new one-family dwelling. The concerns include: maintaining adequate "free clear and unobstructed" fire apparatus access, providing adequate snow storage, conforming with the existing Garnet Street Agreement (instrument #403847), and complying with city building setbacks requirements.

I am also in receipt of Fritz Haemmerle's letter of January 21, 2020, which states your position: "Every setback drafted on the site plan conforms to the City's existing [Limited Residential (LR) District] setbacks." Based on the dimensional standards listed in Ketchum Municipal Code (KMC) Section 17.12.030.C for the LR District, this position is plausible at face value, but additional analysis is required. In particular, I want to bring your attention to the Minimum Standards for One-Family Dwellings set forth in KMC Section 17.124.170 that affect the overall adequacy of the currently proposed site plan for the Craig Nalen Residence at 201 Garnet.

My analysis as to how the minimum standards for one-family dwellings affect the Nalen Residence site plan is organized in three parts as follows. Part one analyzes city drainage requirements. Part two reviews city snow storage requirements. Finally, in part three I summarize the extent to which, in my opinion as Administrator of the Ketchum Zoning Ordinance, your current site plan for Mr. Nalen requires additional attention to comply with the minimum standards for one-family dwellings as established by KMC.

**Part one: drainage.** I interpret KMC Section 17.124.170.A to:

- Require all stormwater be retained on site;
- Grant the city engineer discretionary authority to require addition drainage improvements depending on the unique characteristics of a site; and
- Require any proposed recontouring of borrow ditches, including the construction of drainage facilities affecting Garnet Street on Mr. Nalen's property, be constructed to city standards.

**Part two: snow storage.** I interpret KMC Section 17.124.170.C to:

- Require snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on Mr. Nalen's property as subject area is used for pedestrian circulation, among other uses;
- Allow the proposed recontoured borrow ditch and area needed for the retention of on site stormwater/drainage, as determined by the city engineer consistent with KMC Section 17.124.170.D, to also be used for snow storage;
- Require that any area designated for snow storage be usable and in an unobstructed location relative to the location from which the snow is removed; and
- Require that subject snow storage area be not less than 30%.

**Part three: findings and administrative determination.** Based on the foregoing and a review of the city engineer, street and fire department comments, I find:

1. The proposed snow storage area west of the driveway to be generally adequate for the storage of snow for the two driveway parking stalls and front door exterior entry area.
2. The proposed 111.17' (132.17' of frontage minus the 21'-0" for the new 12" culvert under the driveway) borrow ditch recontour area along Mr. Nalen's Garnet Street frontage to be too narrow as shown. As noted by the City Engineer, the proposed 2' to 3' wide drainage ditch is insufficient and needs to be improved to 15' in width (8' permeable material and 7' grasses) based on city standards and unique characteristics of the site.
3. A new snow storage area needs to be added to your proposed site plan. Subject designated snow storage area may be co-located with the revised 15' wide borrow ditch required for drainage and toward Mr. Nalen's proposed home along the entire length of his Garnet Street frontage, excepting the driveway and front entry.

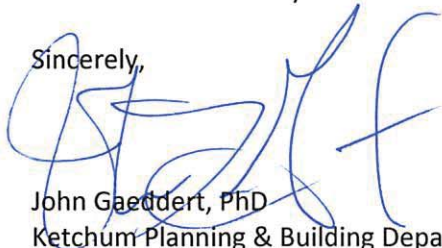
Based upon evidence provided by the Ketchum Street Department, City Engineer drainage and snow storage calculations, the aforementioned ordinance provisions, the need to maintain 20' of free clear and unobstructed fire access along Garnet Street for safety reasons, and the minimum requirement provisions set forth in KMC §17.04.040.B, it is my finding that 15', as measured from edge of asphalt, is necessary for drainage and snow storage purposes.

4. Vertical improvements, such as trees and fences, are not allowed within subject 15' wide drainage swale and snow storage area adjacent the Garnet Street edge of asphalt on Mr. Nalen's property.

If you should have any questions about any of the provisions of this letter, please let me know. We look forward to continuing to work with you toward an approvable set of building permit drawings. Please note that this administrative decision may be subject to administrative appeal. See KMC §17.144 for details.

Please let me know if you have additional questions.

Sincerely,



John Gaeddert, PhD  
Ketchum Planning & Building Department Director

Cc: Fritz Haemmerle  
Matt Johnson

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Janet Jarvis  
P O Box 626  
Ketchum, ID  
83340



9590 9402 4767 8344 1313 78

2. Article Number (Transfer from service label)

7018 0360 0001 3649 2264

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*Maggi Cummings*

Agent

Addressee

B. Received by (Printed Name)

Maggi Cummings

C. Date of Delivery

3/12/20

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

Yes

No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

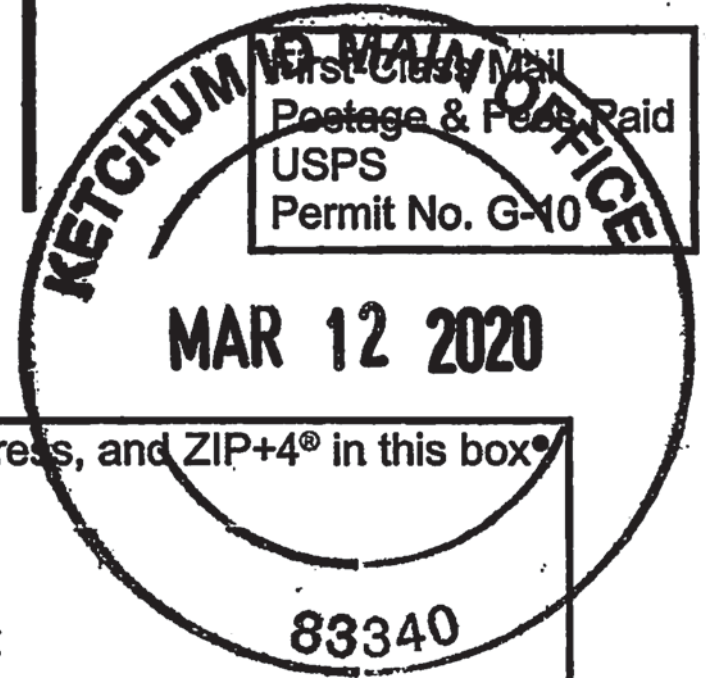
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

**USPS TRACKING #**



9590 9402 4767 8344 1313 78



**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Planning and Building Dept  
City of Ketchum  
P O Box 2315  
Ketchum, ID 83340

B.2 Garnet Street Agreement (instrument #403847)

*Agreement*

FILED REQUEST

*City of Ketchum*

**SETTLEMENT AGREEMENT**

237

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this <sup>8<sup>TH</sup></sup> day of ~~November~~ <sup>FEBRUARY</sup>, 1997, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLAINE RENFRO, WILLIAM G. and SUSAN POLLOCK, THOMAS H. "BUD" and RITA ANN HEANEY, JOHN T. and JERRY ANN HEANEY, WILLIAM H. and ANN S. VANDERBILT, RICHARD O. DAHLGREN and JULIE SLOCUM DAHLGREN, KATHY JEANNE HARRAH, RELI LOUISE HAEMMERLE, FRITZ XAVIER HAEMMERLE, WILMA PACE, PAMELA JEAN RAYBORN, JOHN D. PACE, STELLA A.M. KEANE, CARL E. and SUSAN LEY, JUDY L. DEMETRE and THE ESTATE OF GEORGE B. SAVIERS, deceased, by and through its personal representative, BOB STEVENS (collectively referred to as the "Garnet Street Neighbors") and the CITY OF KETCHUM ("Ketchum").

**RECITALS**

WHEREAS, Curtis has filed case number CV-93-897 ("Lawsuit") in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, seeking to resolve the legal status of a parcel of property commonly known as Garnet Street, located within Ketchum, and more specifically depicted in the diagram attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the Garnet Street Neighbors, Ketchum and other named individuals and/or entities ("Other Defendants") were named as defendants in the Lawsuit; and

WHEREAS, Curtis is the owner of real property located at the eastern end of Garnet Street, in Ketchum, commonly known as Lot 1 of the Esmeralda Subdivision Lot Line Shift Plat ("Curtis Property"), and more specifically described in Exhibit "B" and depicted in Exhibit "C"; and

WHEREAS, the Garnet Street Neighbors, Ketchum and certain of the Other Defendants are the owners of, or have some form of interest in, the real property located in Ketchum, which property is more specifically described in Exhibit "B" and depicted in Exhibit "A"; and

WHEREAS, except for the Garnet Street Neighbors and Ketchum, the Other Defendants have had a default judgment entered against them consistent with the relief sought in the Curtis complaint filed in the Lawsuit, or have been dismissed from the Lawsuit; and

WHEREAS, Curtis, the Garnet Street Neighbors and Ketchum desire to resolve the Lawsuit on the terms and conditions hereinafter set forth;

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants herein contained, the parties hereto agree as follows:

**TERMS AND CONDITIONS**

1. **PAVED PORTION OF GARNET STREET.** The parties agree that the paved portion of Garnet Street, as specifically described in Exhibit "D", attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet

Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street Neighbors have executed easements to Ketchum pursuant to Paragraph 5, the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.

2. *UNPAVED PORTION OF GARNET STREET.* The parties agree that the unpaved, or graveled, portion of Garnet Street, as specifically described and depicted in Exhibit "E", attached hereto and incorporated herein, from the east end of the paved portion of said Street, as described in Exhibit "D", then eastward, shall be deemed a private driveway. The Garnet Street Neighbors and Curtis agree that said private driveway shall provide access to a maximum number of three (3) single family residential lots in a subdivision on the Curtis Property, as well as providing access to the property owned by The Estate of George B. Saviers ("Saviers Property"). The Garnet Street neighbors and Curtis agree that no additional lots other than those identified herein shall be allowed access via said private driveway. The Garnet Street Neighbors and Curtis agree that the private driveway shall remain as is, without any modification in width, grade or surface.

3. *CURTIS SUBDIVISION APPLICATION.*

(a) *Garnet Street Access.* Curtis intends to submit an application to Ketchum to subdivide the entire Curtis Property ("Curtis Subdivision"). Curtis agrees that the Curtis Subdivision shall propose not more than three (3) single family residential subdivision lots which could be accessed via Garnet Street. Curtis agrees that the Curtis Subdivision shall also provide access via Garnet Street to the Saviers Property. In addition, Curtis agrees that there shall be no further subdivision of the three (3) Curtis Subdivision single family residential lots which could be accessed from Garnet Street.

(b) *Snowplow Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to Ketchum a snowplow access and turnaround easement, to enable a Ketchum snowplow to turn around near the location on the Curtis Property adjacent to Garnet Street currently used by Ketchum for such purposes as depicted in Exhibit "E", attached hereto and incorporated herein.

(c) *Pedestrian Path Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to the Garnet Street Neighbors a pedestrian path easement, which shall be located in the approximate location of the existing path on the Curtis Property leading to the back side of Dollar Mountain.

(d) *Building Envelopes.* Curtis agrees that the Curtis Subdivision Plat shall designate all building envelopes outside the existing trees on the Curtis Property.

(e) *Application Approval Condition Precedent.* At such time as Ketchum gives final approval to the Curtis Subdivision, the parties hereto agree to execute and submit to the Court a Stipulation For Dismissal of the Lawsuit in the form attached hereto as Exhibit "F" and incorporated herein. The parties agree that all claims, complaints, crossclaims and counterclaims in any way relating to the Lawsuit shall be dismissed with prejudice as to the Garnet Street Neighbors and Ketchum. The parties agree that the Court may enter an Order For Dismissal of the Lawsuit as to the Garnet Street Neighbors and Ketchum in the form attached hereto as Exhibit "G" and

incorporated herein. In the event Ketchum does not approve the Curtis Subdivision, the parties agree that all recitals, covenants, terms and conditions contained in this Agreement shall be null and void, and evidence of the same shall not be introduced in the Lawsuit or any litigation thereafter pertaining to the resolution of the status of Garnet Street.

(f) *Ketchum's Execution of Agreement.* The parties acknowledge that by Ketchum's execution of this Agreement, Ketchum does not agree, either expressly or implicitly, to approve the proposed Curtis Subdivision. Furthermore, the parties acknowledge that Ketchum only executes this Agreement on the basis that Ketchum will agree to the dismissal of the Lawsuit on the terms and conditions herein set forth. should Ketchum, in its sole and absolute discretion, approve the Curtis Subdivision. The parties agree that nothing herein shall be construed by any party as an obligation on the part of Ketchum to approve all or any portion of the Curtis Subdivision.

4. *PRESERVATION OF TREES.* The Garnet Street Neighbors and Curtis agree that the existing trees located adjacent to the unpaved and paved portions of Garnet Street, as said portions of Garnet Street are described in Paragraphs 1 and 2 herein and described and depicted in Exhibits "D" and "E", shall not be disturbed, except as necessary to prevent an obstruction to traffic or to protect the integrity of Garnet Street and the surrounding structures.

5. *ACCESS AND UTILITY EASEMENTS.* The parties agree to grant the following express easements:

(a) A public access and utility easement from Curtis and the Garnet Street Neighbors, as Grantors, to Ketchum, as Grantee, upon, over and under the paved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 1 herein and described in Exhibit "D"

(b) A utility easement from Curtis, The Estate of George B. Saviers and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviers Property and Demetre Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E".

(c) A private access and utility easement from Judy Demetre, as Grantor, to Curtis and The Estate of George B. Saviers, as Grantees, over and under that portion of the Demetre Property located within the unpaved portion of Garnet Street, as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"

(d) A reciprocal private access and utility easement between Curtis and The Estate of George B. Saviers upon, over and under that portion of the Curtis Property and the Saviers Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"; and a private parking and landscape easement from Curtis, as Grantor, to The Estate of George B. Saviers, as Grantee, upon, over and under a portion of the Curtis Property as depicted in Exhibit "E".

The parties agree that the express easements described above, attached hereto and incorporated herein as Exhibit "H", shall become effective only upon the approval by Ketchum



of the Curtis Subdivision proposed for development on the Curtis Property as described herein. The parties agree that if Ketchum denies the Curtis Subdivision application, none of the easements herein contained would be valid, and no additional documents as envisioned in this Agreement would be required to be executed.

6. **REMEDIES.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7. **AMENDMENTS.** This Agreement may only be changed, modified or amended in writing executed by all parties.

8. **HEADINGS.** The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. **ATTORNEYS' FEES AND COSTS.** Should any action be brought to interpret or enforce any provision hereof or the easements contemplated herein, or for damages for breach hereof, the prevailing party shall be entitled to such reasonable attorneys' fees and costs, as may be determined by any court of competent jurisdiction wherein such action is brought, including attorneys' fees and costs on appeal.

10. **SUCCESSORS AND ASSIGNS.** All provisions of this Agreement, including the benefits and burdens of the easements attached hereto, shall run with the land covered hereby and are binding on and enure to the benefit of the respective heirs, assigns, successors, lessees, tenants and personal representatives of the parties hereto.

11. **RECORDING.** This Agreement and any easement granted herein may be recorded in the Office of the Blaine County Recorder only after the approval of the Curtis Subdivision by Ketchum.

12. **INTERPRETATION/EXECUTION OF DOCUMENTS.** This Agreement shall be liberally construed in accordance with the general purposes of this Agreement and the laws of the State of Idaho. In addition, the parties hereto agree that they will, at any time hereafter, upon reasonable request of the others, execute and deliver such documents as the other parties may reasonably require for the purpose of giving full effect to the provisions of this Agreement.

13. **NO PRESUMPTION.** No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of the document.

14. **AUTHORITY.** The parties executing this Agreement warrant, state, acknowledge and affirm that they have the authority to sign the same and to bind themselves and/or their respective clients to the terms contained herein.

15. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties respecting the matters herein set forth and supersedes all prior Agreements between the parties hereto respecting such matter.

16. EXECUTION. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

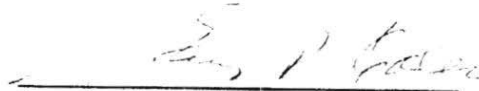
17. ACCEPTANCE. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.


CARL CURTIS:


  
Carl Curtis

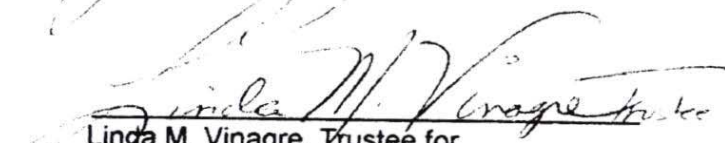
CITY OF KETCHUM, IDAHO:

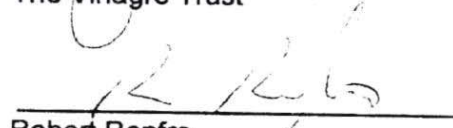
  
Guy P. Coles, Mayor


GARNET STREET NEIGHBORS:

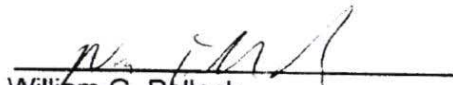
  
Jeanne Franks

  
Gary E. Vinagre, Trustee for  
The Vinagre Trust

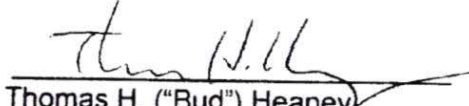
  
Linda M. Vinagre, Trustee for  
The Vinagre Trust

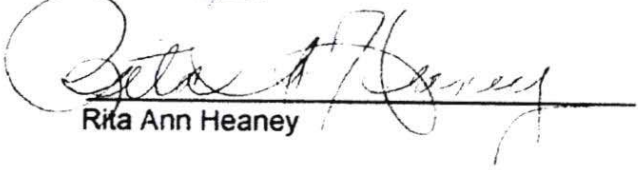
  
Robert Renfro

  
Marjolaine Renfro

  
William G. Pollock

  
Susan Pollock


  
Thomas H. ("Bud") Heaney

  
Rita Ann Heaney

DISMISSED 1-29-96  
John T. Heaney

DISMISSED 1-29-96  
Jerry Ann Heaney

  
William H. Vanderbilt

  
Ann S. Vanderbilt

  
Richard O. Dahlgren

Julie Slocum Dahlgren  
Julie Slocum Dahlgren

Reli Louise Haemmerle  
Reli Louise Haemmerle

Wilma Pace  
Wilma Pace

John D. Pace  
John D. Pace

Carl E. Ley  
Carl E. Ley

Judy L. Demetre, by Ned C. Williamson  
her attorney in fact  
Judy L. Demetre

Kathy Jeanne Harrah  
Kathy Jeanne Harrah

Fritz Xavier Haemmerle  
Fritz Xavier Haemmerle

Pamela Jean Rayborn  
Pamela Jean Rayborn

Stella A.M. Keane  
Stella A.M. Keane

Susan Ley  
Susan Ley

Bob Stevens  
Robert H. Stevens  
Bob Stevens, Personal Representative  
for The Estate of George B. Saviers

B.3 Fritz Haemmerle letter dated January 21, 2020

# HAEMMERLE LAW, P.L.L.C

Attorney & Counselor at Law

Fritz X. Haemmerle  
fxh@haemlaw.com

P.O. Box 1800  
Hailey, ID 83333

400 South Main Street, Suite 102  
Tel: (208) 578-0520  
Fax: (208) 578-0564

January 31, 2020

City of Ketchum  
Attn: Suzanne Frick, City Administrator  
480 East Ave. N.  
Ketchum, ID 83340  
Via e-mail: [sfrick@ketchumidaho.org](mailto:sfrick@ketchumidaho.org)

Re: *Craig Nalen Residence, 201 Garnet St. - Proposed Site Plan*

Dear Suzanne:

I represent Craig Nalen and Janet Jarvis regarding a site plan, 201 Garnet Street ("property"), submitted to the City of Ketchum for review. The City rejected the site plan as presented. I believe the City's rejection of the site plan was unlawful.

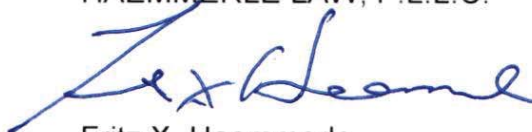
The property is located in the Limited Residential (LR) District, which has a 15 foot setback. On the site plan, the entire structure is located within the building envelope that is created by the setbacks. As to the easement created by the Garnet Street Agreement, attached hereto as Exhibit 1, the west end of the structure is 21 feet from the edge of the easement; the center is 7 feet from the easement; and the east end is 17 feet, 5 inches, from the edge of the easement. Every setback drafted on the site plan conforms to the City's existing setbacks.

To the extent that the City wants my client to conform to other and more restrictive setbacks than those which are currently codified, please identify the more restrictive setback and where those setbacks are identified in any City Code. Otherwise, I believe the City's more restrictive setbacks are completely arbitrary and capricious. Of course, if the City insists on enacting arbitrary and capricious setbacks, then my client will be compelled to explore all his legal options.

Thank you. I look forward to your timely response.

Sincerely,

HAEMMERLE LAW, P.L.L.C.



Fritz X. Haemmerle

City of Ketchum  
Attn: Suzanne Frick, City Administrator  
January 30, 2020  
Page 2

FXH: fxh

Encl.

cc: client ([nailcan@aol.com](mailto:nailcan@aol.com))

Matt Johnson, Attorney [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)

John Gaeddert [jgaeddert@ketchumidaho.org](mailto:jgaeddert@ketchumidaho.org)

Brian Christiansen [bchristiansen@ketchumidaho.org](mailto:bchristiansen@ketchumidaho.org)

403847

'97 JUN 15 AM 10 07

*Agreement*

FILED REQUEST

*City of Ketchum*

**SETTLEMENT AGREEMENT**

237

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this ~~November~~ <sup>8<sup>TH</sup></sup> day of ~~November~~ <sup>FEBRUARY</sup>, 1997, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLAINE RENFRO, WILLIAM G. and SUSAN POLLOCK, THOMAS H. "BUD" and RITA ANN HEANEY, JOHN T. and JERRY ANN HEANEY, WILLIAM H. and ANN S. VANDERBILT, RICHARD O. DAHLGREN and JULIE SLOCUM DAHLGREN, KATHY JEANNE HARRAH, RELI LOUISE HAEMMERLE, FRITZ XAVIER HAEMMERLE, WILMA PACE, PAMELA JEAN RAYBORN, JOHN D. PACE, STELLA A.M. KEANE, CARL E. and SUSAN LEY, JUDY L. DEMETRE and THE ESTATE OF GEORGE B. SAVIERS, deceased, by and through its personal representative, BOB STEVENS (collectively referred to as the "Garnet Street Neighbors") and the CITY OF KETCHUM ("Ketchum").

**RECITALS**

WHEREAS, Curtis has filed case number CV-93-897 ("Lawsuit") in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, seeking to resolve the legal status of a parcel of property commonly known as Garnet Street, located within Ketchum, and more specifically depicted in the diagram attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the Garnet Street Neighbors, Ketchum and other named individuals and/or entities ("Other Defendants") were named as defendants in the Lawsuit; and

WHEREAS, Curtis is the owner of real property located at the eastern end of Garnet Street, in Ketchum, commonly known as Lot 1 of the Esmeralda Subdivision Lot Line Shift Plat ("Curtis Property"), and more specifically described in Exhibit "B" and depicted in Exhibit "C"; and

WHEREAS, the Garnet Street Neighbors, Ketchum and certain of the Other Defendants are the owners of, or have some form of interest in, the real property located in Ketchum, which property is more specifically described in Exhibit "B" and depicted in Exhibit "A"; and

WHEREAS, except for the Garnet Street Neighbors and Ketchum, the Other Defendants have had a default judgment entered against them consistent with the relief sought in the Curtis complaint filed in the Lawsuit, or have been dismissed from the Lawsuit; and

WHEREAS, Curtis, the Garnet Street Neighbors and Ketchum desire to resolve the Lawsuit on the terms and conditions hereinafter set forth;

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants herein contained, the parties hereto agree as follows:

**TERMS AND CONDITIONS**

1. **PAVED PORTION OF GARNET STREET.** The parties agree that the paved portion of Garnet Street, as specifically described in Exhibit "D", attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet

Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street Neighbors have executed easements to Ketchum pursuant to Paragraph 5, the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.

2. *UNPAVED PORTION OF GARNET STREET.* The parties agree that the unpaved, or graveled, portion of Garnet Street, as specifically described and depicted in Exhibit "E", attached hereto and incorporated herein, from the east end of the paved portion of said Street, as described in Exhibit "D", then eastward, shall be deemed a private driveway. The Garnet Street Neighbors and Curtis agree that said private driveway shall provide access to a maximum number of three (3) single family residential lots in a subdivision on the Curtis Property, as well as providing access to the property owned by The Estate of George B. Saviers ("Saviers Property"). The Garnet Street neighbors and Curtis agree that no additional lots other than those identified herein shall be allowed access via said private driveway. The Garnet Street Neighbors and Curtis agree that the private driveway shall remain as is, without any modification in width, grade or surface.

3. *CURTIS SUBDIVISION APPLICATION.*

(a) *Garnet Street Access.* Curtis intends to submit an application to Ketchum to subdivide the entire Curtis Property ("Curtis Subdivision"). Curtis agrees that the Curtis Subdivision shall propose not more than three (3) single family residential subdivision lots which could be accessed via Garnet Street. Curtis agrees that the Curtis Subdivision shall also provide access via Garnet Street to the Saviers Property. In addition, Curtis agrees that there shall be no further subdivision of the three (3) Curtis Subdivision single family residential lots which could be accessed from Garnet Street.

(b) *Snowplow Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to Ketchum a snowplow access and turnaround easement, to enable a Ketchum snowplow to turn around near the location on the Curtis Property adjacent to Garnet Street currently used by Ketchum for such purposes as depicted in Exhibit "E", attached hereto and incorporated herein.

(c) *Pedestrian Path Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to the Garnet Street Neighbors a pedestrian path easement, which shall be located in the approximate location of the existing path on the Curtis Property leading to the back side of Dollar Mountain.

(d) *Building Envelopes.* Curtis agrees that the Curtis Subdivision Plat shall designate all building envelopes outside the existing trees on the Curtis Property.

(e) *Application Approval Condition Precedent.* At such time as Ketchum gives final approval to the Curtis Subdivision, the parties hereto agree to execute and submit to the Court a Stipulation For Dismissal of the Lawsuit in the form attached hereto as Exhibit "F" and incorporated herein. The parties agree that all claims, complaints, crossclaims and counterclaims in any way relating to the Lawsuit shall be dismissed with prejudice as to the Garnet Street Neighbors and Ketchum. The parties agree that the Court may enter an Order For Dismissal of the Lawsuit as to the Garnet Street Neighbors and Ketchum in the form attached hereto as Exhibit "G" and



incorporated herein. In the event Ketchum does not approve the Curtis Subdivision, the parties agree that all recitals, covenants, terms and conditions contained in this Agreement shall be null and void, and evidence of the same shall not be introduced in the Lawsuit or any litigation thereafter pertaining to the resolution of the status of Garnet Street.

(f) *Ketchum's Execution of Agreement.* The parties acknowledge that by Ketchum's execution of this Agreement, Ketchum does not agree, either expressly or implicitly, to approve the proposed Curtis Subdivision. Furthermore, the parties acknowledge that Ketchum only executes this Agreement on the basis that Ketchum will agree to the dismissal of the Lawsuit on the terms and conditions herein set forth. should Ketchum, in its sole and absolute discretion, approve the Curtis Subdivision. The parties agree that nothing herein shall be construed by any party as an obligation on the part of Ketchum to approve all or any portion of the Curtis Subdivision.

4. *PRESERVATION OF TREES.* The Garnet Street Neighbors and Curtis agree that the existing trees located adjacent to the unpaved and paved portions of Garnet Street, as said portions of Garnet Street are described in Paragraphs 1 and 2 herein and described and depicted in Exhibits "D" and "E", shall not be disturbed, except as necessary to prevent an obstruction to traffic or to protect the integrity of Garnet Street and the surrounding structures.

5. *ACCESS AND UTILITY EASEMENTS.* The parties agree to grant the following express easements:

(a) A public access and utility easement from Curtis and the Garnet Street Neighbors, as Grantors, to Ketchum, as Grantee, upon, over and under the paved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 1 herein and described in Exhibit "D"

(b) A utility easement from Curtis, The Estate of George B. Saviers and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviers Property and Demetre Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E".

(c) A private access and utility easement from Judy Demetre, as Grantor, to Curtis and The Estate of George B. Saviers, as Grantees, over and under that portion of the Demetre Property located within the unpaved portion of Garnet Street, as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"

(d) A reciprocal private access and utility easement between Curtis and The Estate of George B. Saviers upon, over and under that portion of the Curtis Property and the Saviers Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"; and a private parking and landscape easement from Curtis, as Grantor, to The Estate of George B. Saviers, as Grantee, upon, over and under a portion of the Curtis Property as depicted in Exhibit "E".

The parties agree that the express easements described above, attached hereto and incorporated herein as Exhibit "H", shall become effective only upon the approval by Ketchum

of the Curtis Subdivision proposed for development on the Curtis Property as described herein. The parties agree that if Ketchum denies the Curtis Subdivision application, none of the easements herein contained would be valid, and no additional documents as envisioned in this Agreement would be required to be executed.

6. **REMEDIES.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7. **AMENDMENTS.** This Agreement may only be changed, modified or amended in writing executed by all parties.

8. **HEADINGS.** The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. **ATTORNEYS' FEES AND COSTS.** Should any action be brought to interpret or enforce any provision hereof or the easements contemplated herein, or for damages for breach hereof, the prevailing party shall be entitled to such reasonable attorneys' fees and costs, as may be determined by any court of competent jurisdiction wherein such action is brought, including attorneys' fees and costs on appeal.

10. **SUCCESSORS AND ASSIGNS.** All provisions of this Agreement, including the benefits and burdens of the easements attached hereto, shall run with the land covered hereby and are binding on and enure to the benefit of the respective heirs, assigns, successors, lessees, tenants and personal representatives of the parties hereto.

11. **RECORDING.** This Agreement and any easement granted herein may be recorded in the Office of the Blaine County Recorder only after the approval of the Curtis Subdivision by Ketchum.

12. **INTERPRETATION/EXECUTION OF DOCUMENTS.** This Agreement shall be liberally construed in accordance with the general purposes of this Agreement and the laws of the State of Idaho. In addition, the parties hereto agree that they will, at any time hereafter, upon reasonable request of the others, execute and deliver such documents as the other parties may reasonably require for the purpose of giving full effect to the provisions of this Agreement.

13. **NO PRESUMPTION.** No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of the document.

14. **AUTHORITY.** The parties executing this Agreement warrant, state, acknowledge and affirm that they have the authority to sign the same and to bind themselves and/or their respective clients to the terms contained herein.

15. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties respecting the matters herein set forth and supersedes all prior Agreements between the parties hereto respecting such matter.

16. EXECUTION. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

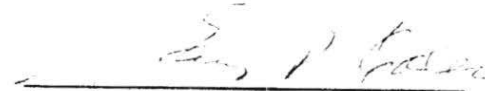
17. ACCEPTANCE. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.


CARL CURTIS:

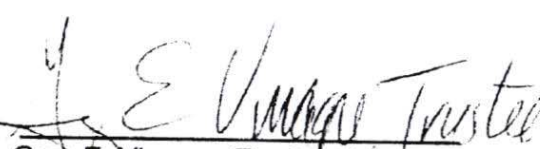
  
\_\_\_\_\_  
Carl Curtis

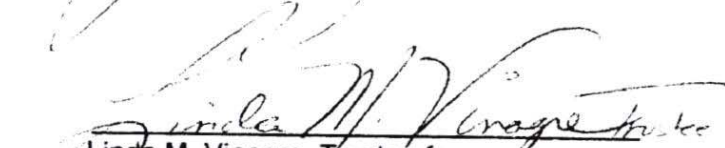
CITY OF KETCHUM, IDAHO:

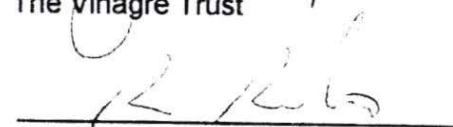
  
\_\_\_\_\_  
Guy P. Coles, Mayor

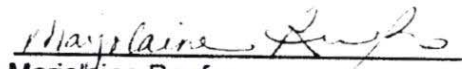
GARNET STREET NEIGHBORS:

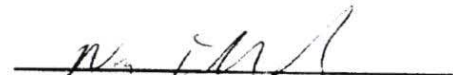
  
\_\_\_\_\_  
Jeanne Franks

  
\_\_\_\_\_  
Gary E. Vinagre, Trustee for  
The Vinagre Trust

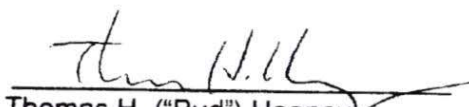
  
\_\_\_\_\_  
Linda M. Vinagre, Trustee for  
The Vinagre Trust

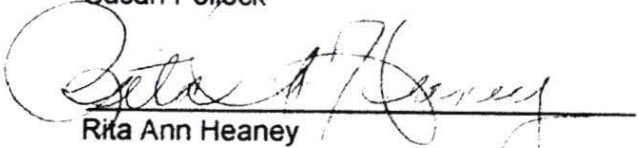
  
\_\_\_\_\_  
Robert Renfro

  
\_\_\_\_\_  
Marjolaine Renfro

  
\_\_\_\_\_  
William G. Pollock

  
\_\_\_\_\_  
Susan Pollock


  
\_\_\_\_\_  
Thomas H. ("Bud") Heaney

  
\_\_\_\_\_  
Rita Ann Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
John T. Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
Jerry Ann Heaney

  
\_\_\_\_\_  
William H. Vanderbilt

  
\_\_\_\_\_  
Ann S. Vanderbilt

  
\_\_\_\_\_  
Richard O. Dahlgren

Julie Slocum Dahlgren  
Julie Slocum Dahlgren

Reli Louise Haemmerle  
Reli Louise Haemmerle

Wilma Pace  
Wilma Pace

John D. Pace  
John D. Pace

Carl E. Ley  
Carl E. Ley

Judy L. Demetre, by Ned C. Williamson  
her attorney in fact  
Judy L. Demetre

Kathy Jeanne Harrah  
Kathy Jeanne Harrah

Fritz Xavier Haemmerle  
Fritz Xavier Haemmerle

Pamela Jean Rayborn  
Pamela Jean Rayborn

Stella A.M. Keane  
Stella A.M. Keane

Susan Ley  
Susan Ley

Bob Stevens  
Robert H. Stevens  
Bob Stevens, Personal Representative  
for The Estate of George B. Saviers

B.4 KMC §17.12.030.C: Dimensional Standards Matrix

**KMC §17.12.030.C.** In addition to the requirements of the dimensional standards, districts matrix, the regulations of [chapter 17.128](#), "Supplementary Location And Bulk Regulations", of this title apply.

**DIMENSIONAL STANDARDS, DISTRICTS MATRIX**

See section [17.12.040](#) of this chapter for Community Core dimensional standards.

See section [17.12.050](#) of this chapter for Light Industrial dimensional standards.

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Springs Road	Setba cks Along 200' Form er Railro ad ROW
LR	9,000 sf	n/a	n/a	80' avera ge	35'	35%	n/a	15'	The greater of 1' for every 2' in buildin g height, or 10'	20'	n/a	25'/32' 7	30'	3'
LR-1	1 acre	n/a	n/a	100' avera ge	35'	25%	n/a	15'	The greater of 1' for every 2' in buildin g height, or 10'	20'	n/a	80'	30'	n/a

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Springs Road	Setba cks Along 200' Form er Railro ad ROW
LR-2	2 acres	n/a	n/a	100' avera ge	35'	25%	n/a	15'	The greater of 1' for every 2' in buildin g height, or 10'	20'	n/a	400' <sup>6</sup>	30'	n/a
GR-L	8,000 sf	8,000 sf plus 4,000 for every unit over 2	Equal to that of the perimet er of the townho use unit	80' avera ge	35'	35%	n/a	15'	The greater of 1' for every 3' in buildin g height, or 5' <sup>1</sup>	The greater of 1' for every 3' in building height, or 15' <sup>1</sup>	0'	25'/32' <sup>7</sup>	30'	n/a
GR- H	8,000 sf	n/a	Equal to that of the perimet er of the townho use unit	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12 4.040</a> of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in buildin g height, or 5'. One-	The greater of 1' for every 3' in building height, or 15' <sup>1</sup>	0'	25'/32' <sup>7</sup>	30'	5', howe ver 3' requir ed for one-/ two- family dwelli

Districts	Minimum Lot Area	Minimum Lot Area With PUD*	Minimum Lot Area, Townhouse Sublot	Lot Width	Building Height	Maximum Building Coverage/FAR	Minimum Open Space	Front Setback	Side Setback	Rear Setback	Lot Lines Created By Townhouse Sublots	Setbacks From Hwy 75	Any Setback Along Warm Springs Road	Setbacks Along 200' Former Railroad ROW
									family dwellings must maintain at least 10' <sup>1</sup>					ng units
STO-4	0.4 acres	n/a	n/a	80' average	35'	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	The greater of 1' for every 2' in building height, or 20'	n/a	400'	30'	n/a
STO-1	1 acre	n/a	n/a	100' average	35'	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	The greater of 1' for every 2' in building height, or 20'	n/a	400'	30'	n/a



Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Springs Road	Setba cks Along 200' Form er Railro ad ROW
STO- H	9,000 sf (mini mum of 3,000 sf per unit)	n/a	Equal to that of the perimet er of the townho use unit	100' avera ge	35'	35% building coverage, and 75% covered by buildings, parking areas and accessory buildings	n/a	15'	The greater of 1' for every 3' in buildin g height, or 5' <sup>1</sup>	The greater of 1' for every 3' in building height, or 15' <sup>1</sup>	0'	400'	30'	n/a
T	8,000 sf	n/a	Equal to that of the perimet er of the townho use unit	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12 4.040</a> of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in buildin g height, or 5'. At least 10' for one- family dwellin gs <sup>1</sup>	The greater of 1' for every 3' in building height, or 10'. At least 15' for one- family dwellin gs <sup>1,2</sup>	0'	25'/32' <sup>7</sup>	30'	5', howe ver 3' requir ed for one-/ two- family dwelli ng units
T- 3000	8,000 sf	n/a	Equal to that of the perimet	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12</a>	35% <sup>5</sup>	15'	The greater of 1' for every	The greater of 1' for every 3'	0'	n/a	30'	n/a

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Springs Road	Setba cks Along 200' Form er Railro ad ROW
			er of the townho use unit			<a href="#">4.040</a> of this title			3' in buildin g height, or 5'. At least 10' for one- family dwellin gs <sup>1</sup>	in building height, or 10'. At least 15' for one- family dwellin gs <sup>1,2</sup>				
T- 4000	8,000 sf	n/a	Equal to that of the perimet er of the townho use unit	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12</a> <a href="#">4.040</a> of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in buildin g height, or 5'. At least 10' for one- family dwellin gs <sup>1</sup>	The greater of 1' for every 3' in building height, or 10'. At least 15' for one- family dwellin gs <sup>1,2</sup>	0'	n/a	30'	n/a

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Spr ings Road	Setba cks Along 200' Form er Railro ad ROW
RU	9,000 sf	n/a	Equal to that of the perimet er of the townho use unit	n/a	35'	25%	n/a	30' <sup>4</sup>	15' <sup>4</sup>	15' <sup>4</sup>	0'	n/a	n/a	n/a
AF	10 acres	n/a	n/a	n/a	35'	10% (includes pools)	n/a	25'	25'	25'	n/a	n/a	n/a	n/a

\* See [title 16](#) of this Code.

Notes:

1. If the lot adjoins a more restrictive district on the side or rear, the more restrictive setbacks of that district shall apply.
2. For building with a roof pitch greater than 5:12 the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be 35 feet. Roof ridges above the mean point may extend up to a height of 44 feet.
3. Reserved.
4. The placement of all structures for conditional uses shall be subject to approval of the Planning and Zoning Commission.
5. A maximum of 5 percent open site area may be used for private decks or patios and walkways subject to design review approval.
6. 100 foot setback from Highway 75 is required for lots platted prior to 1979.
7. Minimum setbacks along Highway 75: Where the street width is 80 feet, all buildings shall be set back a minimum of 25 feet, and where the street width is 66 feet, all buildings shall be set back a minimum of 32 feet.

B.5 KMC §17.124.170: Minimum Standards for One-Family Dwellings

**17.124.170: MINIMUM STANDARDS FOR ONE-FAMILY DWELLINGS:**

The following minimum standards apply to one-family dwellings in all zoning districts:

**A. Drainage:**

1. All stormwater shall be retained on site.
2. Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
3. The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
4. Drainage facilities shall be constructed per City standards.

**B. Utilities:**

1. All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
2. Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.

**C. Snow Storage:**

1. Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
2. Snow storage areas shall be provided on site.
3. A designated snow storage area shall not have any dimension less than five feet (5') and shall be a minimum of twenty five (25) square feet.
4. In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.

**D. Landscaping:**

1. Landscaping is required for all projects.
2. Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.
3. All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required. (Ord. 1190, 2018)

B.5 KMC §17.04.040: Interpretation

#### **17.04.040: INTERPRETATION:**

In the interpretation and application of the provisions of this title, the following regulations shall govern:

A. Provisions Are Minimum Requirements: In their interpretation and application, the provisions of this title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. All provisions shall be liberally construed to further its underlying purposes.

B. Application Of Overlapping Regulations: Whenever the provisions of this title, or a provision in this title and any provision in any other ordinance, resolution, rule or regulation of any kind, contain any restrictions covering the same subject matter, the more restrictive or higher standards or requirements shall govern. All uses and all locations and bulk permitted under the terms of this title shall be in conformity with all other provisions of law.

C. Existing Permits And Private Agreements: This title is not intended to abrogate or annul:

1. Any permits issued before the effective date hereof; or
2. Any easement, covenant or any other private agreement. (Ord. 1135, 2015)

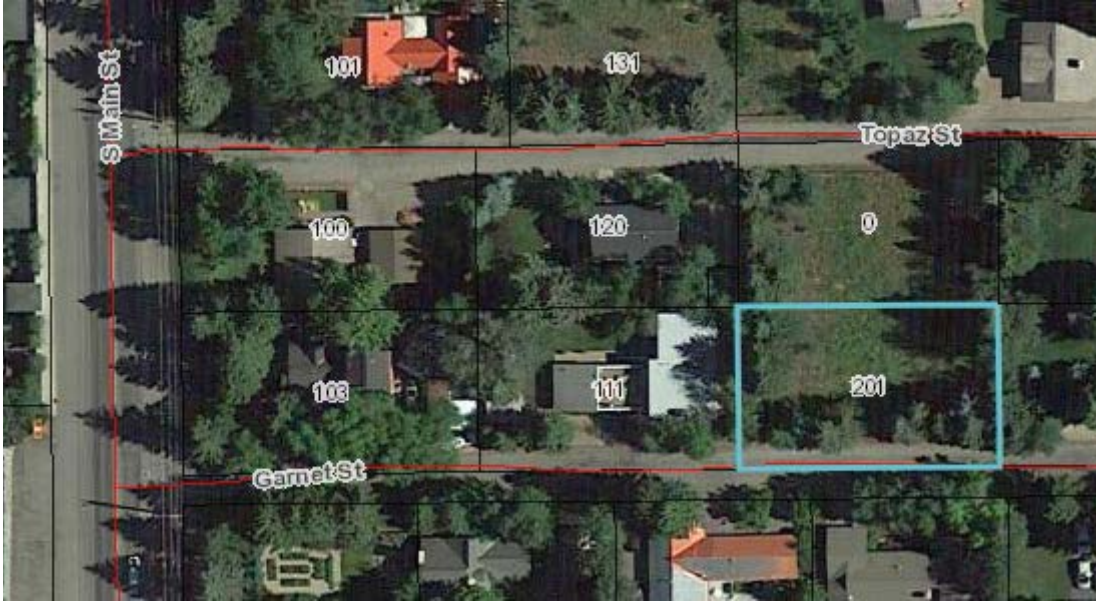
B.6 Development Review meeting agenda dated January 8<sup>th</sup>, 2020



Development Review Meeting  
January 8<sup>th</sup>, 2020

4 Review at Meeting

- 201 Garnet Street new single-family residence



- 1307 Warm Springs Road single-family residence addition



P&Z Commission Meeting 1/13/2020

- Ketchum Townsite: Block 5: Lots 1 & 2 (Hot Dog Hill) Mixed-Use Building Pre-Application Design Review
- Fire Station Pre-Application Design Review

Development Review Team Meeting  
City of Ketchum  
January 8<sup>th</sup>, 2020

- My Sun Valley Home Mixed-Use Building (120 Northwood Way) Design Review & Conditional Use Permit for 3 Employee Housing Unit
- 471 E 10<sup>th</sup> St Unit B2 (Dean) Work/Live Unit Conditional Use Permit
- 491 E 10<sup>th</sup> Street Unit A17 (Duval) Work/Live Conditional Use Permit
- Swan Streambank Alteration (401 Northwood Way)

City Council Meeting 1/21/2020

- Ketchum Tribute Hotel (Plat Amendment & PUD CUP & Draft Development Agreement)

P&Z Commission Meeting 2/10/2020

- Parker Townhomes (Bavarian Village Subdivision: Lots 5A, 6A, 7A, & 8A Townhome Development) Readjustment of Lot Lines, Design Review, and Townhouse Subdivision Preliminary Plat

Pending Building Permit Submittal

- 255 Hillside Detached (Deep Powder) Townhome

Pending Development Application Submittal

B.7 201 Garnet Street Drainage & Snow Storage Calculations and supporting materials  
(13 pages), S&C Associates, March 6, 2020



## Calculation Cover Sheet

---

Project Name: 201 Garnet St.  
Project Number: 20-1015

---

Calculation Title: Drainage & Snow Storage Calculations  
Calculation Version: 1  
Discipline: Civil - Drainage  
Total Number of Pages (including cover sheet): 13  
Calculations Prepared By: Sherri Newland, PE                      Date: March 6, 2020

---

**Description and Purpose of Calculations:**

Calculate minimum swale/snow storage width needed along 201 Garnet St. in Ketchum, Idaho.

**Design Basis/References/Assumptions:**

Runoff calculated using Rational Equation due to size of swale/basin  
Frozen Ground assumed with no infiltration (spring) for drainage/storage  
Snow Water Equivalent – 11”

# City Standard ROW

## 13' Drive Lane 17' Wide Swale

### ITD IDF Data

Swale		
Check Dam Width for Swales		0
Number of Check Dams		0
Storm Event		25
Drainage Area (acres):	Area in ft <sup>2</sup>	3,960
	Area in Acres	0.09
Runoff Coefficient (c)		0.50
Infiltration Rate	Inches/Hr	0
Predevelopment Rate (if any)		0

Runoff Coefficient (c) for Combined Areas		
Imp.	Perv.	Total Area
1716	2244	3960 <sup>sf</sup>
c 1	c 2	
0.95	0.15	

**Weighted (c) Value:** 0.50

### Compute Peak Volume

Storm Duration		I	Q	Runoff Vol	Infiltration Vol	PreDev. Vol	Required Vol
Min	Hr	in/hr	cfs	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>
10	0.17	2.1	0.09	57	0	0	57
30	0.50	1.4	0.06	114	0	0	114
60	1.00	0.79	0.04	128	0	0	128
120	2.00	0.5	0.02	163	0	0	163
180	3.00	0.4	0.02	195	0	0	195
360	6.00	0.27	0.01	263	0	0	263
720	12.00	0.18	0.01	351	0	0	351
1440	24.00	0.11	0.00	429	0	0	429

Total Design Vol. (cf)	429
------------------------	-----

Swale Dimensions	Vol. Available (cf)	477
------------------	---------------------	-----

Length	132 ft
Left Slope	20:1
Right Slope	20:1
Depth	0.425 ft
Infiltration Width	0 ft
Longitudinal Slope	0 ft/ft

\*assume frozen ground

\* assume no slope/flat

# Applicant Proposal

## 10' Drive Lane 3' Wide Swale

### ITD IDF Data

Swale	
Check Dam Width for Swales	0
Number of Check Dams	0
Storm Event	25
Drainage Area (acres):	Area in ft <sup>2</sup>
	Area in Acres
Runoff Coefficient (c)	0.82
Infiltration Rate	Inches/Hr
Predevelopment Rate (if any)	0

Runoff Coefficient (c) for Combined Areas		
Imp.	Perv.	Total Area
1320	264	1584 sf
c 1	c 2	
0.95	0.15	

**Weighted (c) Value:** 0.82

### Compute Peak Volume

Storm Duration		I	Q	Runoff Vol	Infiltration Vol	PreDev. Vol	Required Vol
Min	Hr	in/hr	cfs	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>
10	0.17	2.1	0.06	37	0	0	37
30	0.50	1.4	0.04	75	0	0	75
60	1.00	0.79	0.02	84	0	0	84
120	2.00	0.5	0.01	107	0	0	107
180	3.00	0.4	0.01	128	0	0	128
360	6.00	0.27	0.01	173	0	0	173
720	12.00	0.18	0.01	231	0	0	231
1440	24.00	0.11	0.00	282	0	0	282

Total Design Vol. (cf)	282
------------------------	-----

Swale Dimensions	Vol. Available (cf)	99
------------------	---------------------	----

Length	132 ft
Left Slope	3:1
Right Slope	3:1
Depth	0.5 ft
Infiltration Width	0 ft
Longitudinal Slope	0 ft/ft

\*assume frozen ground

\* assume no slope/flat

# Minimum City ROW 10' Drive Lane 15' Wide Swale

## ITD IDF Data

Swale	
Check Dam Width for Swales	0
Number of Check Dams	0
Storm Event	25
Drainage Area (acres):	Area in ft <sup>2</sup>
	Area in Acres
Runoff Coefficient (c)	0.48
Infiltration Rate	Inches/Hr
Predevelopment Rate (if any)	0

Runoff Coefficient (c) for Combined Areas		
Imp.	Perv.	Total Area
1320	1848	3168
c 1	c 2	
0.95	0.15	

Weighted (c) Value: 0.48

## Compute Peak Volume

Storm Duration		I	Q	Runoff Vol	Infiltration Vol	PreDev. Vol	Required Vol
Min	Hr	in/hr	cfs	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>
10	0.17	2.1	0.07	44	0	0	44
30	0.50	1.4	0.05	89	0	0	89
60	1.00	0.79	0.03	100	0	0	100
120	2.00	0.5	0.02	127	0	0	127
180	3.00	0.4	0.01	152	0	0	152
360	6.00	0.27	0.01	205	0	0	205
720	12.00	0.18	0.01	273	0	0	273
1440	24.00	0.11	0.00	334	0	0	334

Total Design Vol. (cf)	<b>334</b>
Swale Dimensions	Vol. Available (cf)
	<b>371</b>

Length	132	ft
Left Slope	20:1	
Right Slope	20:1	
Depth	0.375	ft
Infiltration Width	0	ft
Longitudinal Slope	0	ft/ft

\*assume frozen ground  
\* assume no slope/flat

## Snow Storage Calculation 201 Garnet

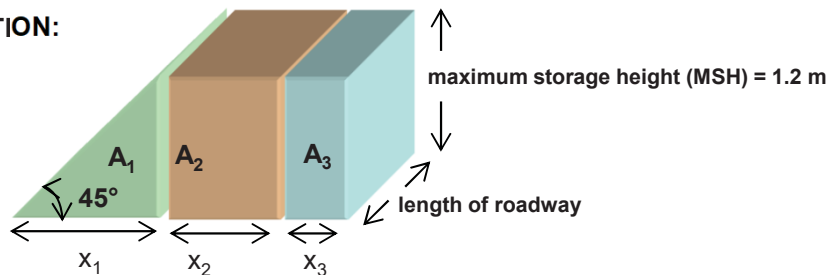
Use an normal snow water equivalent (mm) for the entire season				
				units/mm
Average Normal snow water equivalent (mm)				279.4
Convert normal snow water equivalent (mm) to a total amount of snow (cm) (assume 1 mm water is equal to 1 cm snow)				
		water equivalent (mm)	snow (cm)	snow (m)
Average Normal snow water equivalent (mm)		279.4	279.4	2.794
Reduce the volume of snow from a new snow fall density to an average compacted snow density (assuming that new snow is 100 kg/m <sup>3</sup> and compacted snow is 500 kg/m <sup>3</sup> )				
Assumptions	Density	Ratio		
New Snow	100 kg/m <sup>3</sup>			
Compacted Snow	200 kg/m <sup>3</sup>	2 to 1		
	cm	ratio density	average total compacted snow (cm)	average total compacted snow converted to metres (m)
	279.4	2	139.7	1.397
Calculate volume of snow per lineal metre of road				
		lane width (m)	average total compacted snow (m)	volume of snow per lineal metre (m <sup>3</sup> /m)
Volume of snow per lineal metre of road in easement		3.96	1.397	5.53212
Calculate width of storage area assuming a maximum storage height of 1.2 metres				
		maximum storage height (m)	maximum slope angle (ratio)	width of snow storage area (m)
Total available storage area assuming that the maximum slope on snow pile can not exceed a 1 to 1 ratio		1.2192	1	3.61364784



Calculate minimum right-of-way width based on lane and snow storage area width				
(Lane width x number of lanes) + (snow storage area width x 2)				15.14729568
Calculate additional snow to displace for parking access(es)				
	number of driveways <i>(must be looked at for each direction)</i>	driveway width (m)	volume of snow per lineal metre (m <sup>3</sup> /m)	volume of snow to displace (m <sup>3</sup> )
Volume of additional snow to displace due to driveway access(es)	1	6.4008	5.53212	35.4099937
Example for calculating additional storage width for parking access(es)				
width of snow storage area calculated in Step 5 (m)	length of roadway over which to distribute snow from accesses (m)	additional volume of snow to displace as calculated in Step 7 (m <sup>3</sup> )	additional width required to accommodate accesses based on length stipulated in cell C38 (m)	total width required over length stipulated in cell C38 (m)
3.61364784	40.2	35.40999	0.722	4.336

**ASSUMED CROSS SECTION:**

$A_1 = (x_1 * MSH)/2$   
 $A_2 = x_2 * MSH$   
 $A_3 = x_3 * MSH$



**Cell in Above Calc.**

width to maximum storage height at 45° (1:1) slope  
 additional width required beyond top of 1:1 slope  
 additional width required to accommodate accesses  
*(only required in situations where driveways/accesses exist)*  
 $x_1 + x_2 + x_3$  (total storage width)

F27 (both)
E38
F38

Operational adjustment (5%)	0.2
Total Width Required (m)	4.6
Total Width Required (ft)	14.9

Figure B-7

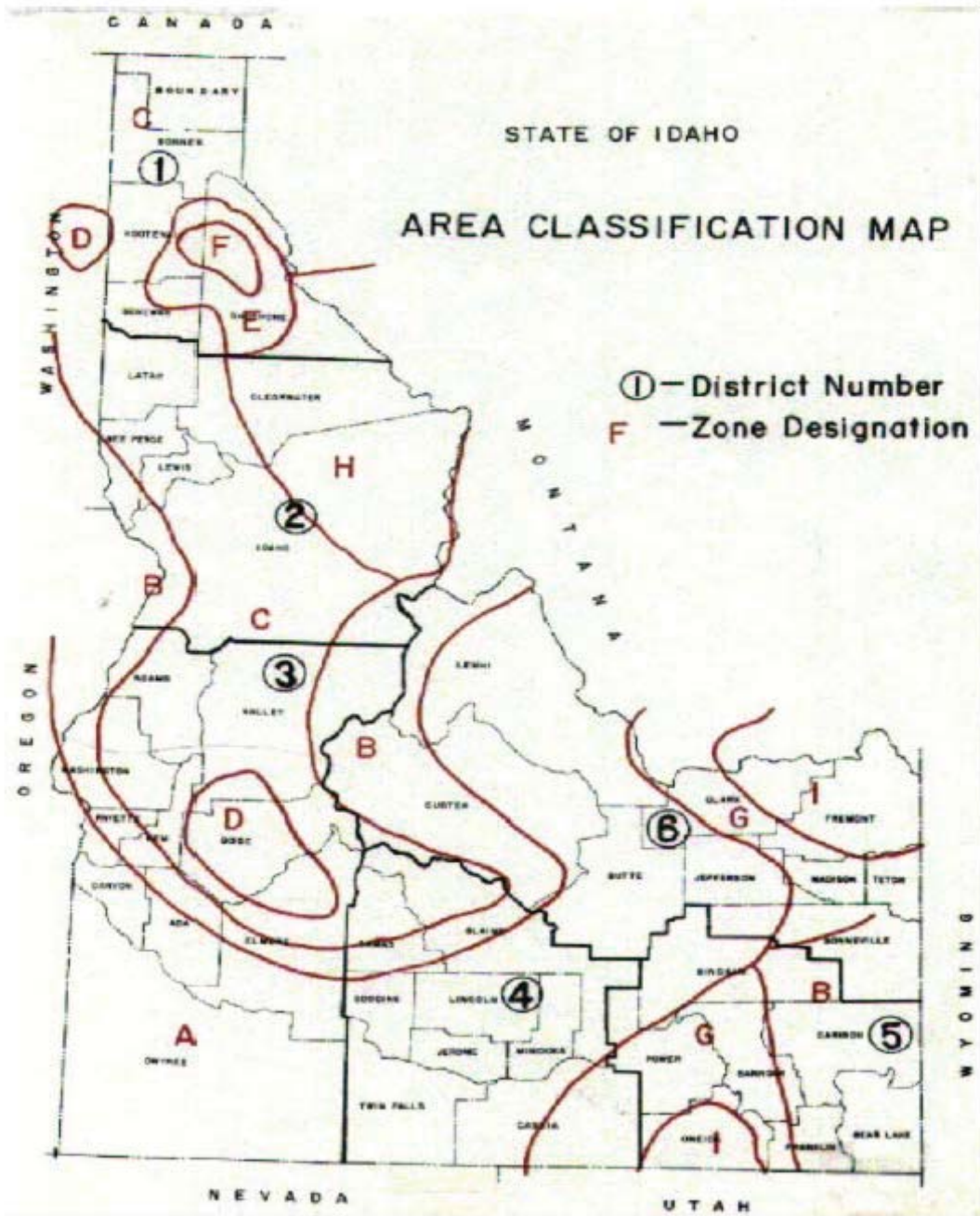
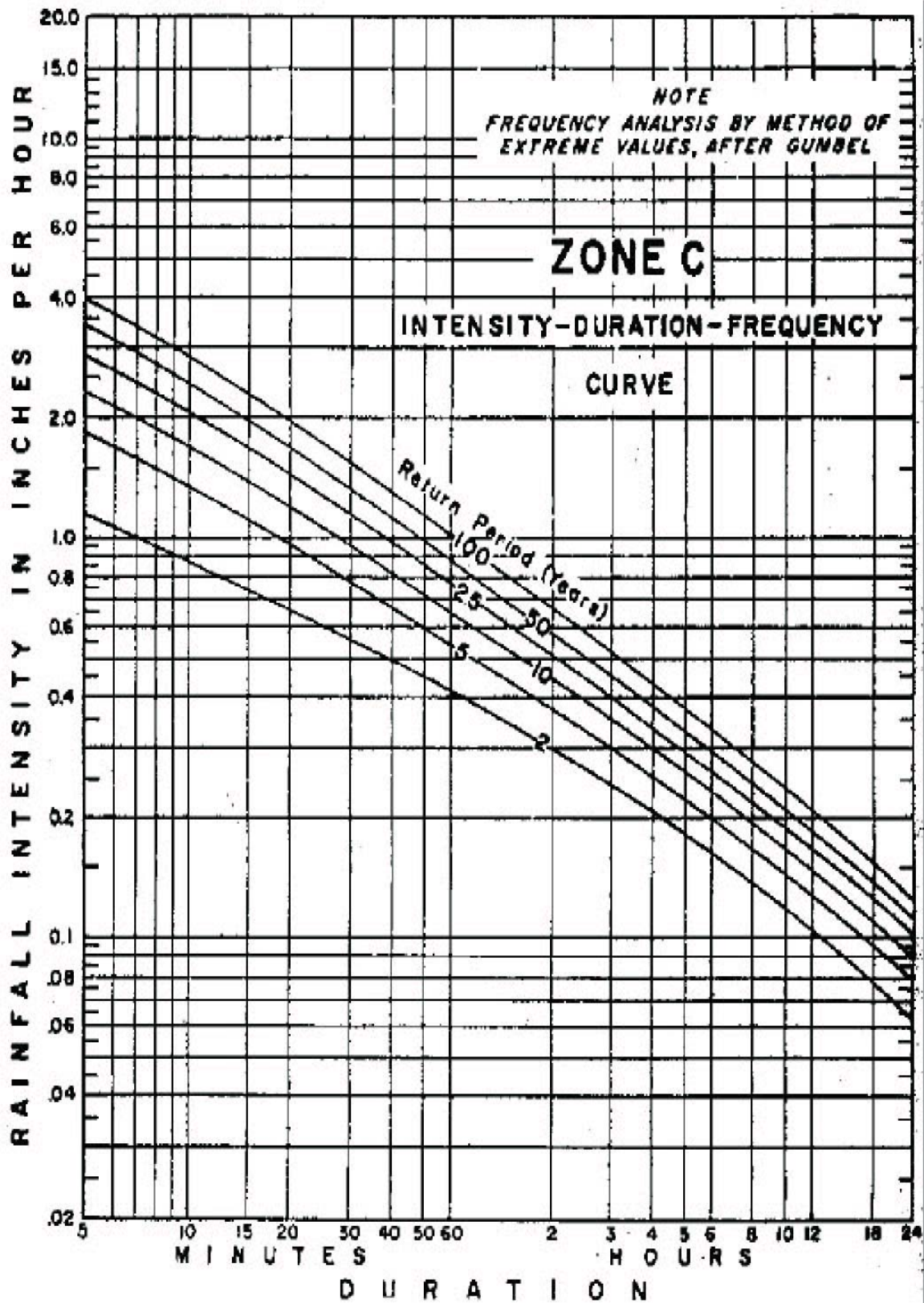


Figure B-8  
Sheet 3 of 9



Prairie	4800	5.3	4.9	108	10.4	12.6	83
Trinity Mtn.	7770	22.1	31.0	71	22.5	33.0	68
Vienna Mine	8960	20.6	25.2	82	18.7	25.0	75
<b>Basin Index (%)</b>				<b>85</b>			<b>76</b>
<b>BIG WOOD BASIN</b>							
Camas Creek Divide	5710	10.0	11.5 <sub>C</sub>	87	10.6	14.5 <sub>C</sub>	73
Chocolate Gulch	6310	6.5	11.0 <sub>C</sub>	59	7.2	13.5 <sub>C</sub>	53
Dollarhide Summit	8420	14.9	N/A	*	-M	21.7	*
Galena	7470	9.2	13.7	67	9.8	15.8	62
Galena Summit	8780	12.2	15.5	79	12.0	16.7	72
Hyndman	7620	5.7	10.1	56	6.7	13.3	50
Lost-Wood Divide	7900	8.4	16.1	52	8.3	17.7	47
Soldier R.S.	5740	6.6	10.4	63	8.5	14.4	59
Vienna Mine	8960	20.6	25.2	82	18.7	25.0	75
<b>Basin Index (%)</b>				<b>70</b>			<b>62</b>
<b>LITTLE WOOD BASIN</b>							
Bear Canyon	7900	7.4	12.0	62	7.2	13.7	53
Garfield R.S.	6560	4.8	9.2	52	4.8	10.7	45
Hyndman	7620	5.7	10.1	56	6.7	13.3	50
Smiley Mountain	9520	9.2	14.2 <sub>R</sub>	65	8.9	14.7 <sub>R</sub>	61
Swede Peak	7640	5.8	12.7	46	6.7	14.3	47
<b>Basin Index (%)</b>				<b>57</b>			<b>51</b>
<b>BIG LOST BASIN</b>							
Bear Canyon	7900	7.4	12.0	62	7.2	13.7	53
Hilts Creek	8000	8.0	10.3	78	6.8	10.9	62
Lost-Wood Divide	7900	8.4	16.1	52	8.3	17.7	47
Smiley Mountain	9520	9.2	14.2 <sub>R</sub>	65	8.9	14.7 <sub>R</sub>	61
Stickney Mill	7430	4.2	6.9	61	5.3	8.7	61
<b>Basin Index (%)</b>				<b>63</b>			<b>56</b>
<b>LITTLE LOST, BIRCH BASINS</b>							
Beagle Springs	8850	8.1	6.4	127	7.6	7.9	96
Hilts Creek	8000	8.0	10.3	78	6.8	10.9	62
Meadow Lake	9150	11.0	11.5	96	11.3	13.6	83
Moonshine	7440	6.8	7.9	86	7.3	10.4	70

Jack Creek Upper	7377	14.6	14.8	99	15.0	15.8	95
Laurel Draw	6682	12.6	10.1	125	14.1	14.8	95
Mud Flat	5730	4.9	7.3	67	7.4	9.5	78
Reynolds Creek	5600	3.2	2.0 <sub>R</sub>	160	8.4	10.7 <sub>R</sub>	79
South Mtn.	6500	13.3	15.6	85	16.1	19.6	82
Taylor Canyon	6325	5.6	5.3	106	5.4	7.1	76
<b>Basin Index (%)</b>				<b>102</b>			<b>87</b>
<b>BEAR RIVER BASIN</b>							
Bug Lake	7987	16.4	15.2	108	15.0	15.8	95
Dry Bread Pond	8302	16.9	15.6	108	15.3	15.9	96
Emigrant Summit	7390	17.8	19.4	92	17.4	21.9	79
Franklin Basin	8140	22.9	21.8	105	22.7	25.1	90
Giveout	6930	9.9	8.6	115	11.6	10.5	110
Hayden Fork	9130	13.9	12.4	112	16.9	16.7	101
Kelley R.S.	8180	13.1	12.2	107	13.9	14.8	94
Lily Lake	9133	9.9	10.6	93	10.0	13.5	74
Monte Cristo	8932	23.0	21.7	106	20.3	20.9	97
Oxford Spring	6740	7.8	9.3	84	11.3	14.2	80
Salt River Summit	7640	12.7	10.7	119	12.9	13.7	94
Sedgwick Peak	7850	13.8	16.4	84	13.7	17.4	79
Slug Creek Divide	7225	16.1	12.4	130	16.3	17.1	95
Spring Creek Divide	9000	21.8	19.0	115	20.8	19.6	106
Trial Lake	9992	19.3	18.2	106	17.5	19.3	91
<b>Basin Index (%)</b>				<b>105</b>			<b>92</b>

-M = Missing data.

\* = Analysis may not provide a valid measure of conditions.

N/A = Not available.

C = Conditional only 10-19 years of data available.

R = Rough less than 10 years of data available.

If the Basin Index (%) percent value is flagged as potentially invalid care should be taken to evaluate if the value is representative of conditions in the basin.

The SNOW WATER EQUIVALENT represents the depth of water in the snowpack if the snowpack were melted expressed in inches.

The WATER YEAR-TO-DATE-PRECIPIATION represents total precipitation since October 1st expressed in inches.

Contact your state water supply staff for assistance.

Medians and averages are calculated for the period 1981-2010.

Provisional data subject to revision.

\* Site -- Either: (a) the current value is missing; (b) the median or average for the day is not available or is zero; or (c) for snow water equivalent the median for the day is less than 10% of the maximum median value for the year.

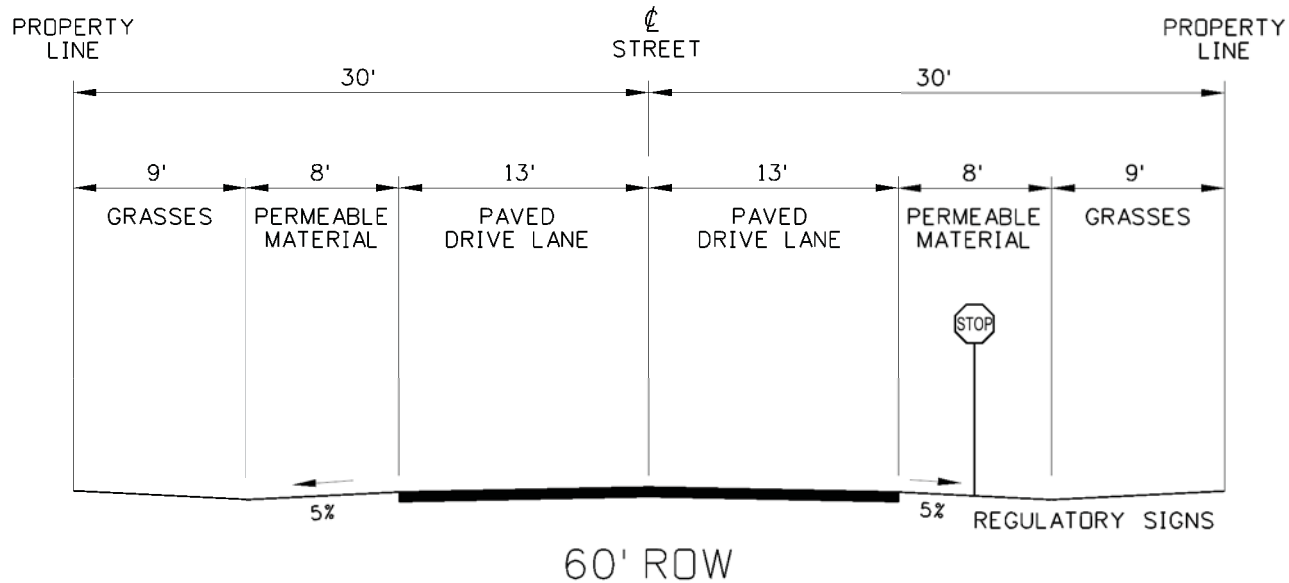
\* Basin - More than half of the sites within the basin are flagged with \* preventing the calculation of a meaningful basin index.

The basin index is calculated as the sum of the valid current values divided by the sum of the corresponding medians (for snow water equivalent) or averages (for precipitation) and the resulting fraction multiplied by 100.

---

[Home](#)

[Contact Us](#) | [NRCS](#) | [USDA](#) | [FirstGov](#) | [Accessibility](#) | [FOIA](#)  
[Privacy Policy](#) | [Nondiscrimination Statement](#) | [Disclaimer](#)



**NOTES:**

- ① THE SCHEMATIC ABOVE SHOWS A CROSS SECTION OF AN 60-FOOT WIDE RIGHT-OF-WAY (ROW) FOR STREETS LOCATED IN RESIDENTIAL DISTRICTS.
- ② SHOULDERS ARE REQUIRED TO ACCOMMODATE DRAINAGE, PARKING, SNOW STORAGE, AND ACCESS FOR EMERGENCY VEHICLES WITHIN LOCAL-RESIDENTIAL STREET ROWS AND PROVIDE MATERIALS THAT CAN REASONABLY BE MAINTAINED BY THE CITY.
- ③ EXAMPLES OF 60-FOOT ROW ROADS LOCATED IN RESIDENTIAL DISTRICTS ARE DOLLAR DRIVE, IRENE ST, BELMONT AND WANDERS WAY.
- ④ STOP AND STREET SIGNS ARE TO BE INSTALLED 2 FT FROM EDGE OF PAVEMENT
- ⑤ 8 FT PERMEABLE SHOULDER AT A 5% SLOPE FOR PARALLEL PARKING

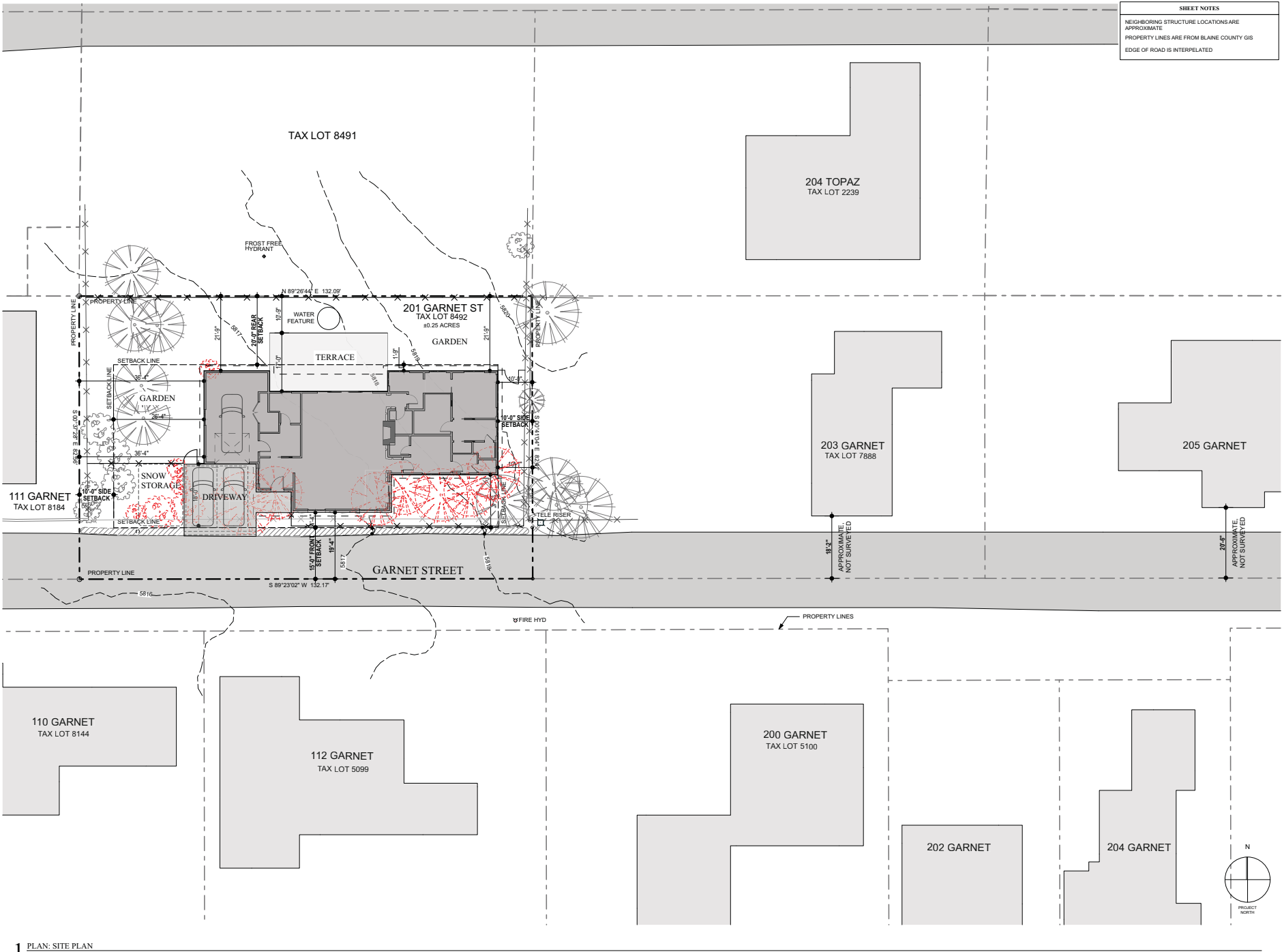
REVISIONS			
NO.	DATE	BY	DESCRIPTION
1	09/01/2019	SN	ROW DRAWINGS

CITY OF KETCHUM  
 60' ROW  
 RESIDENTIAL

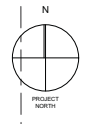
STANDARD DRAWING  
 NO.  
 ROW-60-RS

DRAWN		
DATE		
FILE		
REVISIONS		
NO.	DATE	DESCRIPTION

**SHEET NOTES**  
NEIGHBORING STRUCTURE LOCATIONS ARE APPROXIMATE  
PROPERTY LINES ARE FROM BLAINE COUNTY GIS  
EDGE OF ROAD IS INTERPOLATED



1 PLAN: SITE PLAN  
SCALE: 1" = 10'





**Attachment C.**

**Notice of Appeal dated March 23, 2020 and Brief, Haemmerle Law, P.L.L.C.**

**HAEMMERLE LAW, P.L.L.C**  
Attorney & Counselor at Law

---

Received  
3/23/20

Fritz X. Haemmerle  
fxh@haemlaw.com

P.O. Box 1800  
Hailey, ID 83333

400 South Main Street, Suite 102  
Tel: (208) 578-0520  
Fax: (208) 578-0564

March 23, 2020

City of Ketchum  
c/o Suzanne Frick, City Administrator  
480 East Ave. N.  
Ketchum, ID 83340  
Hand Delivery and Via e-mail: [sfrick@ketchumidaho.org](mailto:sfrick@ketchumidaho.org)

*Re: Notice of Appeal*

Dear Suzanne:

As you know, I represent Craig Nalen and Janet Jarvis regarding a site plan, 201 Garnet Street ("property") submitted to the City. Regarding the setbacks, John Gaeddert issued a March 9, 2020, Determination Letter. In relation to that determination, attached is a Notice of Appeal along with a supporting Brief and attachments.

Please advise as to what fees may be applicable. Thank you.

Sincerely,

HAEMMERLE LAW, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh  
Encl.  
cc: client ([nailcan@aol.com](mailto:nailcan@aol.com))  
Matt Johnson, Attorney [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)  
John Gaeddert [igaeddert@ketchumidaho.org](mailto:igaeddert@ketchumidaho.org)



**City of Ketchum  
Planning & Building**

OFFICIAL USE ONLY
File Number:
Date Received:
By:
Fee Paid:
Approved Date:
Denied Date:
By:

**Notice of Appeal**

**Note:** The Appellant shall submit an amount to cover the cost of giving notice, as applicable in the Fee Schedule, and provide a transcript within two (2) days after the Planning and Building Department provides the Appellant with an estimate for the expense of the same. In the event the fee is not paid as required, the appeal shall not be considered filed.

OFFICIAL USE ONLY	
Date Appeal Received:	Date Notice Published:
Appeal Fee:	Transcript Fee:
Date Paid:	Date Paid:
Date Appellant Notified of Estimated Transcript Costs and Notice:	Mailing Fee:
Date of Appeal Hearing:	Date Paid:
Action(s) Taken/Findings:	
APPELLANT	
Name of Appellant: Craig Nalen	Phone Number: c/o Fritz Haemmerle
Address: c/o Fritz Haemmerle	Fax Number or Email: c/o Fritz X. Haemmerle
REPRESENTATIVE	
Name of Representative: Fritz X. Haemmerle, Haemmerle Law, P.L.L.C.	Phone Number: (208) 578-0520
Address: P.O. Box 1800, Hailey, Idaho 83333	Fax Number or Email: fxh@haemlaw.com
APPLICATION	
Application Being Appealed: March 9, 2020, Determination Letter, John Gaeddert, regarding 201 Garnet St.	
Explain How You Are an Affected Party:	
Mr. Nalen was denied his authorized and lawful setbacks.	
Date of Decision or Date Findings of Fact Were Adopted: March 9, 2020	
SUBMITTAL INFORMATION	
This Appeal is Based on The Following Factors (set forth all basis for appeal including the particulars regarding any claimed error or abuse of discretion):	
See attached Brief	

If you have attached additional pages, please indicate the number of pages attached \_\_\_\_\_

Signature of Appellant or Representative

Date

**FRITZ X. HAEMMERLE (ISB# 3862)**  
**HAEMMERLE LAW, P.L.L.C.**  
**400 South Main St., Suite 102**  
**P.O. Box 1800**  
**Hailey, ID 83333**  
**Tel: (208) 578-0520**  
**haemmerlefilings@gmail.com**

**Attorneys for Craig Nalen**

**BEFORE THE CITY OF KETCHUM**

**RE: Appeal from Planning and Building Department Director Determination Letter dated March 9, 2020.**

**APPELLANT'S BRIEF ON APPEAL**

COMES NOW Appellant, Craig Nalen (Nalen), by and through Fritz X. Haemmerle of Haemmerle Law, P.L.L.C. submits this Brief in Support of his appeal of Planning and Building Department Director's ("Director") Determination Letter dated March 9, 2020.

**I. FACTS**

1. The Appellant, Craig Nalen ("Nalen") is seeking to build a residence at 201 Garnett Street, Ketchum, Idaho (the "Lot"). The zoning in the area is Limited Residential ("LR").

2. The Lot is located on the Gem Streets. Historically, and per the lawful, recorded plat thereof, the lot lines for the Gem Streets are in the center of the respective

streets. On or about February 8, 1996, the City of Ketchum, along with each of the owners of properties along Garnet Street, entered into a Settlement Agreement (“Agreement”) regarding the status of Garnett Street. The purpose of the Agreement was to allow Carl Curtis to develop his Esmeralda Subdivision at the end of Garnet Street. Paragraph 1 of the Agreement, in pertinent part, reads:

1. PAVED PORTION OF GARNET STREET. The parties agree that **the paved portion of Garnet Street**, as specifically described in Exhibit D, attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street neighbors have executed easements to Ketchum pursuant to paragraph 5, **the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.**

See, Agreement, attached as Exhibit 1. (Emphasis added).

3. The Agreement did not alter property lines or address any issues relating to snow storage.

4. On or about 2020, Janet Jarvis, on behalf of Nalen, submitted a site plan for the residence located at 201 Garnet Street. Suzanne Frick, Ketchum City Administrator, denied the site plan on the bases that the building was not located 15’ from the edge of the pavement. Nalen appealed that Decision. To date, no hearing has been set on that appeal.<sup>1</sup>

5. Thereafter, Janet Jarvis submitted a slightly modified site plan for the residence. A copy of the site plan is attached hereto as Exhibit 2. Two-thirds or more the residence is 15’ or more from the edge of the pavement on Garnet Street. The west side of the residence is 35’4” from the lot line and 22’10” from the edge of the pavement; the

---

<sup>1</sup> Counsel for Nalen was advised that Frick’s Decision was not final.

middle portion of the residence is 24'8" from the property line and 12'3" from the edge of the pavement; and the eastern side is 32'0" from the property line and 17'1" from the edge of the pavement. Again, as measured from the property line, the entire building is located at least 24'8" from the property line.

6. Based on the revised plan submitted by Janet Jarvis, the Director submitted his determination letter dated March 9, 2020. He stated that the entire residence must be 15" from the edge of the pavement on Garnet Street. It is from this letter that this Appeal is taken.

## II. ARGUMENT

### A. THE CITY'S POSITION VIOLATES THE UNIFORMITY REQUIREMENTS OF THE LOCAL LAND USE PLANNING ACT ("LLUPA").

The setback for the Nalen residence, located in the LR District, is fifteen feet (15'). KCO 17.12.030. The setbacks are measured from the property line. *See*, definition of "Setback" under Ketchum City Code ("KCO") 17.08.020. The residence, as designed, is more than 15' feet from the property line.

Instead of applying the setbacks as stated in the KCO, the City attempts to use other portions of the Code to create different setback for this residence. This type of zoning is in direct violation of the uniformity provisions Local Land Use Planning Act ("LUPA"). Under the LLUPA:

- (a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. **All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.**

Idaho Code Section 67-6511(a). (Emphasis added).

The Idaho Supreme Court in *Moerder v. City of Moscow*, 78 Idaho 246, 300 P.2d 808 (1956), discussed non-uniform zoning in relation to setbacks.<sup>2</sup> In that case, the City of Moscow adopted an Ordinance which allowed the City to create setbacks that were not uniform. Instead, the Moscow Ordinance created setbacks that were “the average distance between the street line and nearest adjacent outer portions of each and every dwelling house or structure erected on the same side of the street in the same lineal block.” *Id.* at Idaho 249. The Supreme Court reversed the decision of the trial court, findings that the Ordinance was invalid because of a lack of uniformity.

Based on this zoning scheme, the Idaho Supreme Court stated:

The ordinance in question does not establish a uniform regulation for each class of buildings within the district. Indeed, it would be difficult to conceive of a scheme less uniform. Under the ordinance, setback lines could vary from one block to the next on the same street. The building line could be farther back on one side of the street than on the other, as in fact it was in the present case. The line could even vary from year to year in the same block as additional houses were constructed, if the ordinance were upheld.

*Id.* at Idaho 250; *see also, KGF Development, LLC v. City of Ketchum*, 236 P.3d 1284. 149 Idaho 524 (2010).

In this case, the City of Ketchum is violating the uniformity provisions of the LLUPA. Instead of applying the unambiguous uniform setbacks as contained in KCO 17.12.030, the City applied a different set of rules addressing snow storage and drainage. The result of applying these other rules was to create a setback that is 15’ feet from the edge of the pavement on Garnet Street, instead of 15’ feet from Nalen’s property line.

---

<sup>2</sup> The court interpreted the uniformity requirements under Idaho Code Section 50-401. This Section is nearly identical to the LLUPA, which is now codified under Idaho Code Section 67-6501 et seq.

Specifically, the City applied KCO 17.124.170 to arrive at its decision. There are several problems with applying that Section.

First, as stated, the application of a non-uniform setback of 15' from the property line violates the uniformity requirements of the LLUPA.

Second, the Director's reliance on Section 17.124.170 to vary from the uniformity requirements is misplaced based on a clear reading of the KCO. The Director relies on Section 17.124.170 to vary from the dimensional standards, under KCO 17.12.040.B. Section 17.12.040.B addresses the dimensional standards for the Community Core ("CC") District. The Gem Streets are not in the CC District.

Third, KCO 17.12.030 states that the dimensional standards cited therein are also subject to "the regulations of chapter [KCO] 17.128." The Director does not cite any of the provisions of Section 17.128. Again, he relies on KCO 17.124.170 to vary the setback from the property line. This provision is expressly not addressed or mentioned under KCO 17.12.030 for varying the defined and authorized 15' setback.

Fourth, KCO 17.12.170 addresses drainage, utilities, snow storage and landscaping. It does not address setbacks. Accordingly, it should be clear that it cannot be used to vary the uniform 15' setbacks in the LR District established under KCO 12.12.030.<sup>3</sup>

For all these reasons, the City's attempt to ignore the setback requirements of its Code violates the uniformity provisions of the LLUPA.

---

<sup>3</sup> Even if KCO 17.12.170 did address setbacks, any interpretation that would allow the City to vary setbacks from one lot to another would also violate the uniformity requirements of the LLUPA.



**B. THE FAILURE OF THE CITY TO APPLY UNIFORM LAWS TO IDENTICAL PROPERTIES DENIES NALEN OF HIS EQUAL PROTECTION RIGHTS.**

Both the Idaho Supreme Court and United States Supreme Court have been required to create equal protection rights for parties and against governmental jurisdictions which fail to provide equal treatment. It is an equal protection violation to treat parties differently under zoning laws.

The Equal Protection Clause of the Fourteenth Amendment, § 1, commands that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Of course, most laws differentiate in some fashion between classes of persons. The Equal Protection Clause does not forbid classifications. It simply keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike. *F.S. Royster Guano Co. v. Virginia*, 253 U.S. 412, 415, 40 S.Ct. 560, 561, 64 L.Ed. 989, 990 (1920).

\* \* \*

Even though a statute or regulation is valid under this analysis, selective or discriminatory enforcement of that statute or regulation may amount to a violation under either the Idaho or United States Constitutions, but only if the challenger shows a deliberate plan of discrimination based upon some improper motive like race, sex, religion, or some other arbitrary classification. *Whren v. United States*, 517 U.S. 806, 813, 116 S.Ct. 1769, 1774, 135 L.Ed.2d 89, 97 (1996); *Young Elec. Sign Co. v. State*, 135 Idaho 804, 809, 25 P.3d 117, 122 (2001); *Henson v. Dept. of Law Enforcement*, 107 Idaho 19, 23-24, 684 P.2d 996, 1000-01 (1984). A "class of one" may successfully state an equal protection claim, even where the challenged treatment does not follow suspect classifications or punish the exercise of fundamental rights, if he or she was singled out based upon a distinction that fails the rational basis test. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564-65, 120 S.Ct. 1073, 1075, 145 L.Ed.2d 1060, 1063-64 (2000).

*Anderson v. Spalding*, 137 Idaho 509, 50 P.3d 1004 (2002).

In this case, the City has a long history of treating the Gem Street neighbor's differently. It also has a history of punishing Gem Street neighbors for exercising their rights.

This intentional and systemic discrimination warrants a claim that Nalen's equal protection rights have been violated.

**C. NALEN IS ENTITLED TO HIS ATTORNEY'S FEES AND COSTS.**

Nalen requests all his attorney's fees and costs as allowed under Idaho Code Section 12-117, as the City has acted without a reasonable basis in fact or law in denying Nalen his lawful setbacks as measured from his property line.

**III. CONCLUSION**

For all these reasons, the City must conclude that Nalen has a right to develop his property as set forth in the attached site plan, Exhibit 2.

HAEMMERLE LAW, P.L.L.C.



FRITZ X. HAEMMERLE

CERTIFICATE OF SERVICE

I hereby certify that on the 23<sup>rd</sup> day of March, 2020 I served a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted.

Suzanne Frick, City Administrator

Hand Delivered to City Drop Box  
(City not allowing personal delivery  
because of COVID-19)

Mathew Johnson, City Attorney

mjohnson@whitepeterson.com



FRITZ X. HAEMMERLE

# **EXHIBIT 1**

*Agreement*

BLANK REQUEST

*City of Ketchum*

**SETTLEMENT AGREEMENT**

FILE # 237

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this ~~November~~ <sup>FEBRUARY</sup> 8<sup>TH</sup> day of ~~November~~, 1997, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLAINE RENFRO, WILLIAM G. and SUSAN POLLOCK, THOMAS H. "BUD" and RITA ANN HEANEY, JOHN T. and JERRY ANN HEANEY, WILLIAM H. and ANN S. VANDERBILT, RICHARD O. DAHLGREN and JULIE SLOCUM DAHLGREN, KATHY JEANNE HARRAH, RELI LOUISE HAEMMERLE, FRITZ XAVIER HAEMMERLE, WILMA PACE, PAMELA JEAN RAYBORN, JOHN D. PACE, STELLA A.M. KEANE, CARL E. and SUSAN LEY, JUDY L. DEMETRE and THE ESTATE OF GEORGE B. SAVIERS, deceased, by and through its personal representative, BOB STEVENS (collectively referred to as the "Garnet Street Neighbors") and the CITY OF KETCHUM ("Ketchum").

**RECITALS**

WHEREAS, Curtis has filed case number CV-93-897 ("Lawsuit") in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, seeking to resolve the legal status of a parcel of property commonly known as Garnet Street, located within Ketchum, and more specifically depicted in the diagram attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the Garnet Street Neighbors, Ketchum and other named individuals and/or entities ("Other Defendants") were named as defendants in the Lawsuit; and

WHEREAS, Curtis is the owner of real property located at the eastern end of Garnet Street, in Ketchum, commonly known as Lot 1 of the Esmeralda Subdivision Lot Line Shift Plat ("Curtis Property"), and more specifically described in Exhibit "B" and depicted in Exhibit "C"; and

WHEREAS, the Garnet Street Neighbors, Ketchum and certain of the Other Defendants are the owners of, or have some form of interest in, the real property located in Ketchum, which property is more specifically described in Exhibit "B" and depicted in Exhibit "A"; and

WHEREAS, except for the Garnet Street Neighbors and Ketchum, the Other Defendants have had a default judgment entered against them consistent with the relief sought in the Curtis complaint filed in the Lawsuit, or have been dismissed from the Lawsuit; and

WHEREAS, Curtis, the Garnet Street Neighbors and Ketchum desire to resolve the Lawsuit on the terms and conditions hereinafter set forth;

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants herein contained, the parties hereto agree as follows:

**TERMS AND CONDITIONS**

1. **PAVED PORTION OF GARNET STREET.** The parties agree that the paved portion of Garnet Street, as specifically described in Exhibit "D", attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet

Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street Neighbors have executed easements to Ketchum pursuant to Paragraph 5, the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.

2. *UNPAVED PORTION OF GARNET STREET.* The parties agree that the unpaved, or graveled, portion of Garnet Street, as specifically described and depicted in Exhibit "E", attached hereto and incorporated herein, from the east end of the paved portion of said Street, as described in Exhibit "D", then eastward, shall be deemed a private driveway. The Garnet Street Neighbors and Curtis agree that said private driveway shall provide access to a maximum number of three (3) single family residential lots in a subdivision on the Curtis Property, as well as providing access to the property owned by The Estate of George B. Saviers ("Saviers Property"). The Garnet Street neighbors and Curtis agree that no additional lots other than those identified herein shall be allowed access via said private driveway. The Garnet Street Neighbors and Curtis agree that the private driveway shall remain as is, without any modification in width, grade or surface.

3. *CURTIS SUBDIVISION APPLICATION.*

(a) *Garnet Street Access.* Curtis intends to submit an application to Ketchum to subdivide the entire Curtis Property ("Curtis Subdivision"). Curtis agrees that the Curtis Subdivision shall propose not more than three (3) single family residential subdivision lots which could be accessed via Garnet Street. Curtis agrees that the Curtis Subdivision shall also provide access via Garnet Street to the Saviers Property. In addition, Curtis agrees that there shall be no further subdivision of the three (3) Curtis Subdivision single family residential lots which could be accessed from Garnet Street.

(b) *Snowplow Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to Ketchum a snowplow access and turnaround easement, to enable a Ketchum snowplow to turn around near the location on the Curtis Property adjacent to Garnet Street currently used by Ketchum for such purposes as depicted in Exhibit "E", attached hereto and incorporated herein.

(c) *Pedestrian Path Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to the Garnet Street Neighbors a pedestrian path easement, which shall be located in the approximate location of the existing path on the Curtis Property leading to the back side of Dollar Mountain.

(d) *Building Envelopes.* Curtis agrees that the Curtis Subdivision Plat shall designate all building envelopes outside the existing trees on the Curtis Property.

(e) *Application Approval Condition Precedent.* At such time as Ketchum gives final approval to the Curtis Subdivision, the parties hereto agree to execute and submit to the Court a Stipulation For Dismissal of the Lawsuit in the form attached hereto as Exhibit "F" and incorporated herein. The parties agree that all claims, complaints, crossclaims and counterclaims in any way relating to the Lawsuit shall be dismissed with prejudice as to the Garnet Street Neighbors and Ketchum. The parties agree that the Court may enter an Order For Dismissal of the Lawsuit as to the Garnet Street Neighbors and Ketchum in the form attached hereto as Exhibit "G" and

incorporated herein. In the event Ketchum does not approve the Curtis Subdivision, the parties agree that all recitals, covenants, terms and conditions contained in this Agreement shall be null and void, and evidence of the same shall not be introduced in the Lawsuit or any litigation thereafter pertaining to the resolution of the status of Garnet Street.

(f) *Ketchum's Execution of Agreement.* The parties acknowledge that by Ketchum's execution of this Agreement, Ketchum does not agree, either expressly or implicitly, to approve the proposed Curtis Subdivision. Furthermore, the parties acknowledge that Ketchum only executes this Agreement on the basis that Ketchum will agree to the dismissal of the Lawsuit on the terms and conditions herein set forth, should Ketchum, in its sole and absolute discretion, approve the Curtis Subdivision. The parties agree that nothing herein shall be construed by any party as an obligation on the part of Ketchum to approve all or any portion of the Curtis Subdivision.

4. *PRESERVATION OF TREES.* The Garnet Street Neighbors and Curtis agree that the existing trees located adjacent to the unpaved and paved portions of Garnet Street, as said portions of Garnet Street are described in Paragraphs 1 and 2 herein and described and depicted in Exhibits "D" and "E", shall not be disturbed, except as necessary to prevent an obstruction to traffic or to protect the integrity of Garnet Street and the surrounding structures.

5. *ACCESS AND UTILITY EASEMENTS.* The parties agree to grant the following express easements:

(a) A public access and utility easement from Curtis and the Garnet Street Neighbors, as Grantors, to Ketchum, as Grantee, upon, over and under the paved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 1 herein and described in Exhibit "D"

(b) A utility easement from Curtis, The Estate of George B. Saviers and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviers Property and Demetre Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E".

(c) A private access and utility easement from Judy Demetre, as Grantor, to Curtis and The Estate of George B. Saviers, as Grantees, over and under that portion of the Demetre Property located within the unpaved portion of Garnet Street, as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"

(d) A reciprocal private access and utility easement between Curtis and The Estate of George B. Saviers upon, over and under that portion of the Curtis Property and the Saviers Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"; and a private parking and landscape easement from Curtis, as Grantor, to The Estate of George B. Saviers, as Grantee, upon, over and under a portion of the Curtis Property as depicted in Exhibit "E".

The parties agree that the express easements described above, attached hereto and incorporated herein as Exhibit "H", shall become effective only upon the approval by Ketchum

of the Curtis Subdivision proposed for development on the Curtis Property as described herein. The parties agree that if Ketchum denies the Curtis Subdivision application, none of the easements herein contained would be valid, and no additional documents as envisioned in this Agreement would be required to be executed.

6. **REMEDIES.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7. **AMENDMENTS.** This Agreement may only be changed, modified or amended in writing executed by all parties.

8. **HEADINGS.** The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. **ATTORNEYS' FEES AND COSTS.** Should any action be brought to interpret or enforce any provision hereof or the easements contemplated herein, or for damages for breach hereof, the prevailing party shall be entitled to such reasonable attorneys' fees and costs, as may be determined by any court of competent jurisdiction wherein such action is brought, including attorneys' fees and costs on appeal.

10. **SUCCESSORS AND ASSIGNS.** All provisions of this Agreement, including the benefits and burdens of the easements attached hereto, shall run with the land covered hereby and are binding on and enure to the benefit of the respective heirs, assigns, successors, lessees, tenants and personal representatives of the parties hereto.

11. **RECORDING.** This Agreement and any easement granted herein may be recorded in the Office of the Blaine County Recorder only after the approval of the Curtis Subdivision by Ketchum.

12. **INTERPRETATION/EXECUTION OF DOCUMENTS.** This Agreement shall be liberally construed in accordance with the general purposes of this Agreement and the laws of the State of Idaho. In addition, the parties hereto agree that they will, at any time hereafter, upon reasonable request of the others, execute and deliver such documents as the other parties may reasonably require for the purpose of giving full effect to the provisions of this Agreement.

13. **NO PRESUMPTION.** No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of the document.

14. **AUTHORITY.** The parties executing this Agreement warrant, state, acknowledge and affirm that they have the authority to sign the same and to bind themselves and/or their respective clients to the terms contained herein.

15. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties respecting the matters herein set forth and supersedes all prior Agreements between the parties hereto respecting such matter.

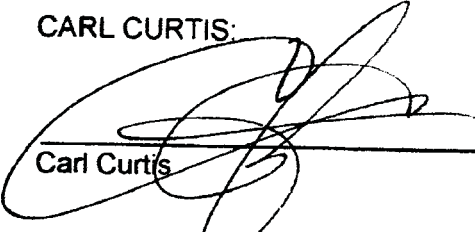


16. EXECUTION. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

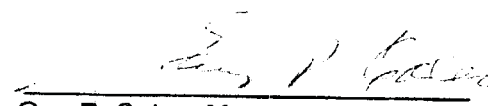
17. ACCEPTANCE. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

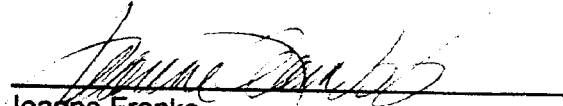
CARL CURTIS:

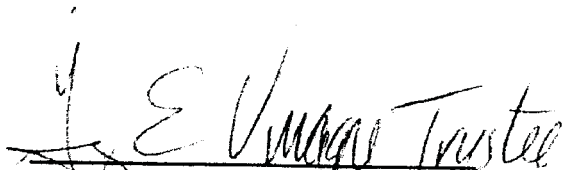
  
\_\_\_\_\_  
Carl Curtis

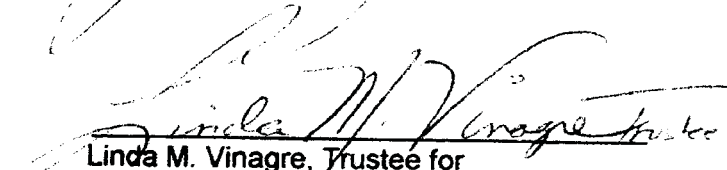
CITY OF KETCHUM, IDAHO:

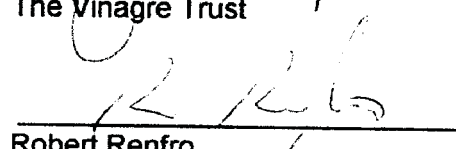
  
\_\_\_\_\_  
Guy P. Coles, Mayor

GARNET STREET NEIGHBORS:

  
\_\_\_\_\_  
Jeanne Franks


  
\_\_\_\_\_  
Gary E. Vinagre, Trustee for  
The Vinagre Trust

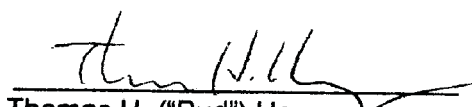
  
\_\_\_\_\_  
Linda M. Vinagre, Trustee for  
The Vinagre Trust

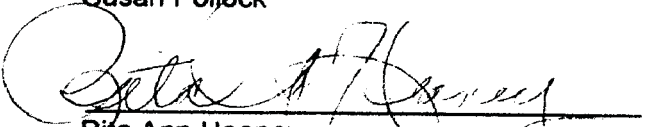
  
\_\_\_\_\_  
Robert Renfro

  
\_\_\_\_\_  
Marjolaine Renfro

  
\_\_\_\_\_  
William G. Pollock

  
\_\_\_\_\_  
Susan Pollock

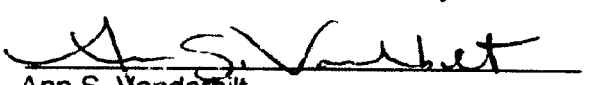
  
\_\_\_\_\_  
Thomas H. ("Bud") Heaney


  
\_\_\_\_\_  
Rita Ann Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
John T. Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
Jerry Ann Heaney

  
\_\_\_\_\_  
William H. Vanderbilt

  
\_\_\_\_\_  
Ann S. Vanderbilt

  
\_\_\_\_\_  
Richard O. Dahlgren

Julie Slocum Dahlgren  
Julie Slocum Dahlgren

Kathy Jeanne Harrah  
Kathy Jeanne Harrah

Reli Louise Haemmerle  
Reli Louise Haemmerle

Fritz Xavier Haemmerle  
Fritz Xavier Haemmerle

Wilma Pace  
Wilma Pace

Pamela Jean Rayborn  
Pamela Jean Rayborn

John D. Pace  
John D. Pace

Stella A.M. Keane  
Stella A.M. Keane

Carl E. Ley  
Carl E. Ley

Susan Ley  
Susan Ley

Judy L. Demetre, by Ned C. Williamson  
her attorney in fact  
Judy L. Demetre

Bob Stevens  
Robert H. Stevens  
Bob Stevens, Personal Representative  
for The Estate of George B. Saviers

# **EXHIBIT 2**

**SHEET NOTES**  
 NEIGHBORING STRUCTURE LOCATIONS ARE APPROXIMATE  
 PROPERTY LINES ARE FROM BLAINE COUNTY GIS  
 EDGE OF ROAD IS INTERPOLATED

**THE JARVIS GROUP**  
 ARCHITECTS INC.  
 511 SUN VALLEY ROAD  
 POSTAL BOX 438  
 KETCHUM, IDAHO 83340  
 PHONE 208/235-4331 FAX 208/235-1991

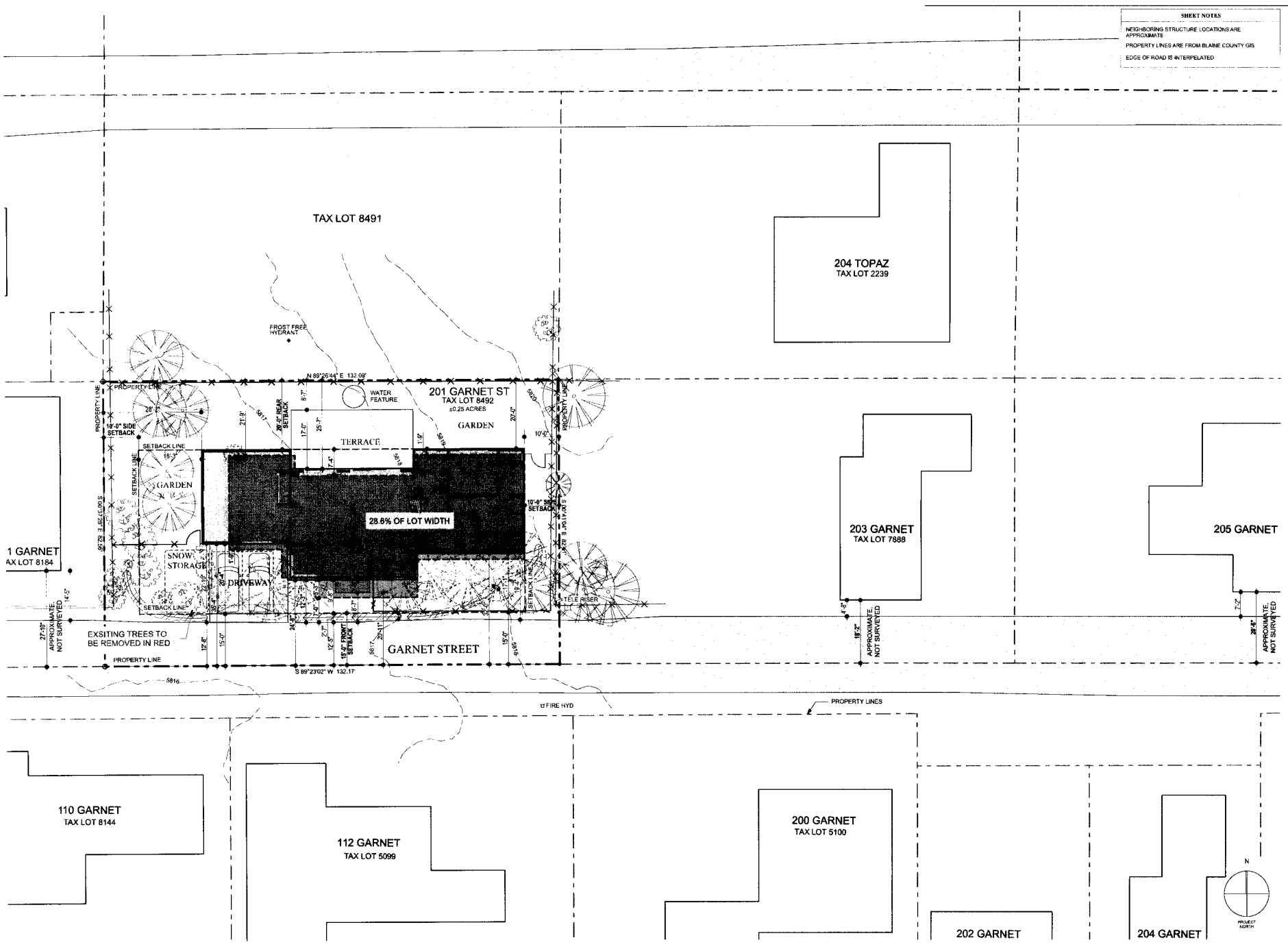
IDAHO  
 KETCHUM  
**201 GARNET STREET**

ARCHITECT  
**PRELIMINARY**  
 NOT FOR CONSTRUCTION

ENGINEER

THIS DRAWING HAS BEEN PREPARED BY AN ARCHITECT REGISTERED IN THE STATE OF IDAHO AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING.

NO.	DATE	DESCRIPTION



1 PLAN: SITE PLAN  
 SCALE 1" = 10'

SITE PLAN 1:10

PRINT CLASS: P:\proj\201 Garnet St.dwg

**Attachment D.**

**Written public comment received as of 4:00 p.m. Wednesday, June 3rd, 2020**

**From:** [Marjolaine](#)  
**To:** [Participate](#)  
**Subject:** Nalen Appeal  
**Date:** Tuesday, June 02, 2020 9:53:29 AM

---

Planning and Zoning Commission -

I am writing concerning the Nalen Appeal for a front yard setback at 201 Garnet Street, Ketchum.

A property owner can do whatever he/she wants within the confines of the planning and zoning rules and regulations attached to their property.

Changing the rules and regulations after purchase does not show for-thought. It shows greed.

If Mr. Nalen had wanted more property available to him for his building site, he could have purchased a larger piece of property.

Garnet Street is a quiet street with appropriate sized buildings on each property.

We would welcome Mr. Nalen and his family.

We do not welcome someone who is trying to get more than what he is legally allowed to do.

I also am troubled that the property was sold to Mr. Nalen by Mr. Haemmerle, who is now his legal counsel. Were promises made before purchase? We will never know.

I am asking that the Planning and Zoning Commission do the right thing.

In these troubled times, doing the right thing over the easy thing is the correct choice.

It is up to you. Do the right thing.

Sincerely,

Marjolaine Renfro  
30 year resident of Garnet Street.  
49 year resident of Ketchum



City of Ketchum  
Planning & Building

OFFICIAL USE ONLY	
File Number:	P20-063
Date Received:	7-23-20
By:	MP
Fee Paid:	2175 <sup>00</sup>
Approved Date:	
Denied Date:	
By:	

**Notice of Appeal**

**Note:** The Appellant shall submit an amount to cover the cost of giving notice, as applicable in the Fee Schedule, and provide a transcript within two (2) days after the Planning and Building Department provides the Appellant with an estimate for the expense of the same. In the event the fee is not paid as required, the appeal shall not be considered filed.

OFFICIAL USE ONLY	
Date Appeal Received: 7-23-20	Date Notice Published: 7-29-20
Appeal Fee: 2175 <sup>00</sup>	Transcript Fee:
Date Paid:	Date Paid:
Date Appellant Notified of Estimated Transcript Costs and Notice:	Mailing Fee:
Date of Appeal Hearing: 8-17-20	Date Paid:
Action(s) Taken/Findings:	
APPELLANT	
Name of Appellant: Suzanne Frick	Phone Number: 208-727-5086
Address: 480 East Avenue	Fax Number or Email: sfrick@ketchumidaho.org
REPRESENTATIVE	
Name of Representative:	Phone Number:
Address:	Fax Number or Email:
APPLICATION	
Application Being Appealed: Planning and Zoning Commission determination for Appeal #20.028	
Explain How You Are an Affected Party: Per KMC Section 17.144.020 this appeal is filed as an officer and department of the City.	
Date of Decision or Date Findings of Fact Were Adopted: July 13, 2020	
SUBMITTAL INFORMATION	
This Appeal is Based on The Following Factors (set forth all basis for appeal including the particulars regarding any claimed error or abuse of discretion): The attached staff report sets forth the reasons for the staff recommended setback. The Planning and Zoning Commission did not support the recommendations. The decision is hereby appealed to the City Council.	
If you have attached additional pages, please indicate the number of pages attached <u>4</u>	

*SMP*

7.23.2020

Signature of Appellant or Representative

Date



City of Ketchum

**STAFF REPORT  
KETCHUM PLANNING AND ZONING COMMISSION  
SPECIAL MEETING OF JUNE 22, 2020**

**PROJECT:** Nalen Appeal

**FILE NUMBER:** P20-028

**OWNER:** Craig A. Nalen

**APPLICANT:** Fritz X. Haemmerle, Haemmerle Law, P.L.L.C., on behalf of Craig Nalen

**REQUEST:** Appeal of an administrative decision

**LOCATION:** 201 Garnet Street (FR SE SW TL 8492 SEC 18 4N 18E)

**ZONING:** Limited Residential (LR)

**OVERLAY:** None

**NOTICE:** The hearing was continued from the June 8, 2020 meeting. Notice of the initial hearing date was published in the Idaho Mountain Express on May 20, 2020. Notice was mailed to property owners within a 300-foot radius on May 22, 2020. Notice was posted at three (3) public locations and on the subject property on May 22, 2020.

**ATTACHMENTS:**

**Attachment A** – Revised Site Plan, sheet ASK-001, dated June 9, 2020

**Attachment B** – Letter regarding June 9, 2020 201 Garnet St. site plan, The Jarvis Group, dated June 9, 2020

**Attachment C** – Site Plan, sheet A 1.1, dated March 6, 2020

**Attachment D** – June 8, 2020 staff report, including attachments



## Background

The Commission held an appeal hearing on this matter on June 8, 2020. At the June 8, 2020 hearing the applicant's attorney referenced the proposal of a revised site plan. The Commission requested the City Engineer's evaluation of the revised site plan and for the site plan to clarify all setbacks from the property line and edge-of-asphalt to the proposed structure.

The revised site plan, dated June 9, 2020, and an explanatory letter from the property owner's architect are included with this staff report as **Attachment A**. The City Engineer's comments on the revised site plan are included in the next section.

Additionally, staff requested a more legible copy of the site plan dated March 6, 2020 and attached the to appeal brief for the record, as the original submittal to the city was in paper form and the quality of the scanned-in reproduction was not high. The March 6, 2020 site plan is included with this staff report as **Attachment B**.

## Recommendation and Summary

Staff recommends the Commission:

- Review the record, and hear oral arguments from the appellant and from staff, deliberate, and affirm the determination of the Administrator and direct staff to draft Findings of Fact, Conclusions of Law, and Decision to be considered for adoption at the July 13th, 2020 by adopting proposed Motion #1.

At the June 8, 2020 hearing the applicant's attorney referenced the proposal of a revised site plan. The Commission requested the City Engineer's evaluation of the revised site plan.

The revised site plan and a explanatory letter from the property owner's architect are included with this staff report as **Attachment A**. The City Engineer's comments on the revised site plan are below. As proposed by the applicant in the revised plans, the following encroachments are problematic:

- The building structure is proposed to be located 11'-8" inches from the edge of the pavement. Because of the width of the street, there is no ability to use the street to store the plowed snow. When the street is plowed, all the snow must be plowed and stored in the space between the edge of the road and the house. A setback of 11'-8" inches is insufficient area to store plowed snow.
- The porch overhang is proposed to encroach 3' into the 11'-8" inch setback resulting in an 8'-8" setback from the edge of the pavement. As noted above, this encroachment will impede snow removal operations.

The March 6, 2020 plans show installation of a fence within 2'-7" of the edge of the roadway. The June 9, 2020 plans do not provide the same level of detail as the March 6<sup>th</sup> plans. If the fence is still proposed within 2'-7" of the edge of the pavement, based on the experience of the snowplow crews, this fence will impede snow removal operations.

Staff recommends affirming the administrator's decision set forth in the zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020 for the following reasons:

Rationale summarized and included in the June 8, 2020 staff report:

- The setbacks as proposed by the applicant do not provide sufficient area to perform basic city services such as snow removal. This is a new development and all other new development projects constructed within Ketchum are designed and constructed to standards that do not impede or prevent basic city operations such as snow removal. Allowing this development to impede snow

removal and require the city to incur additional expense for city operations is inconsistent with the approval of all other new development projects. Older existing structures on the Gem Streets that have pre-existing similar setbacks to those proposed by the applicant have been damaged by snow removal operations and based on review by the Street Superintendent, elements of this development that encroach into the 15 foot setback will likely be damaged during snow removal.

- The uniform application of building setbacks, as argued by Mr. Haemmerle, is an equal protection issue; however, of equal note throughout the city is the need for land development projects (buildings, landscaping, fencing, etc.) to comply with any number of other equally applicable regulations, such as the city's minimum snow storage and drainage requirements for one-family dwellings as set forth in KMC Section 17.124.170.
- The proposed drainage improvements do not comply with KMC Section 17.124.170.A. Rather, the proposed reconfigured borrow ditch: (a) is inadequate given the unique characteristics of the site as further calculated by the city engineer; and (b) does not comply with city standards.
- The proposed snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on the subject property, whether dedicated for public right of way purposes or not as noted in the existing Garnet Street Agreement (instrument #403847), is less than the required minimum of 30%.
- Allowing insufficient area to facilitate city operations and permitting a development that will incur damage due to the encroachments into the 15-foot setback sets a undesirable precedent for future development projects in Ketchum and on the Gem Streets.

The following are the comments on the June 9, 2020 site plan provided by City Engineer Sherri Newland:

- The calculations prepared by the City Engineer for the swale sizing and snow storage are based on roadway widths. Adjustments made to proposed encroachments would not influence the calculations.
- The City's standard residential lane width is 13' feet of asphalt or 26' in total for two lanes. Based on a standard lane width of 13' the City needs 14.9' of storage for snow. Looking at GIS and the site plan there is approximately a 13' section/swath of the paved portion of Garnet Street on the applicant's property which matches the City's standard lane width of 13' necessitating 14.9' for snow storage on the property due to the 13' of roadway.
- The City standard for a residential street (60' ROW) requires a 13' lane width and 17' wide drainage swale on each side. The drainage swale is necessary to facilitate melting of the plowed snow and rain runoff from the street without damaging private property. With Garnet St. being only 20' wide, and presuming the roadway was crowned and ½ or 10' into the roadway, the asphalt must drain into a roadside swale. Since only a 10' wide section of pavement is draining towards the swale, the required swale width could be reduced from the city standard of 17' to 15'.

#### Process

As outlined in KMC §17.144.010 and §17.144.020 the Planning and Zoning Commission may affirm, reverse, or modify, in whole or in part, the determination of the administrator. An appeal may be filed of any order, requirement, decision or determination of the commission by any affected person, as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the city, to the city council by filing a notice of appeal in writing with the office of the administrator of the city in the

manner prescribed in this chapter. In this case, depending on the decision of the Planning and Zoning Commission, either the applicant or a city department may appeal the decision to the City Council.

### Recommended Motions

1. After hearing, move to **affirm** the March 9, 2020 zoning determination of the planning and zoning administrator and direct City Staff to prepare written findings of fact and conclusions of law (“Findings”) and present subject Findings for final decision at the Commission’s regular meeting scheduled for July 13, 2020, which will be within thirty (30) days of today’s date, June 22, 2020.

### Hearing Procedure

1. Hear from staff
2. Ask questions of staff
3. Hear from the appellant
4. Ask questions of the appellant
5. Deliberate
6. Either make a decision or continue the hearing to a date certain
  - a. If a decision is rendered direct staff to prepare Findings of Fact, Conclusions of Law, and a Decision to be presented for adoption at the Planning and Zoning Commission’s regular meeting of July 13, 2020.

### Commission Authority

As set forth in KMC §17.144.010.C the Commission has the following authority:

- “Upon hearing the appeal, the commission shall consider the record, the order, requirement, decision or determination of the administrator and the notice of appeal, together with oral presentation and written legal arguments by the appellant and the administrator. The commission shall not consider any new facts or evidence at this point. The commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the administrator.”

### Commission Decision

As set forth in KMC §17.144.010.D the Commission has the following authority:

- “The commission shall enter a decision within thirty (30) days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The commission shall transmit a copy of the decision to the appellant ....”

### Attachments

**Attachment A** – Revised Site Plan, sheet ASK-001, dated June 9, 2020

**Attachment B** – Letter regarding June 9, 2020 201 Garnet St. site plan, The Jarvis Group, dated June 9, 2020

**Attachment C** – Site Plan, sheet A 1.1, dated March 6, 2020

**Attachment D** – June 8, 2020 staff report, including attachments

6.9.2020

**Re: 201 Garnet Street**

Brittany and Members of the P&Z Board,

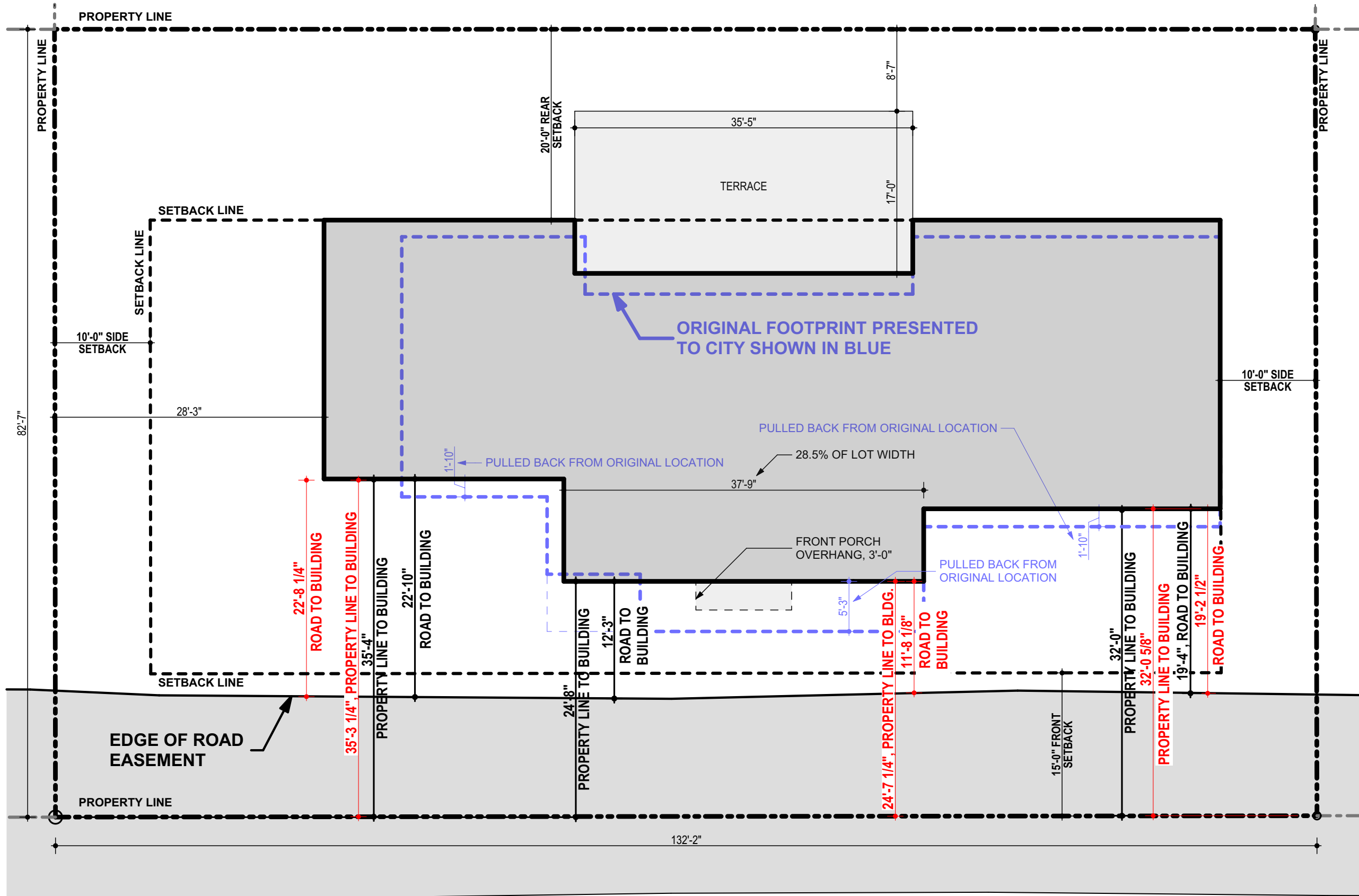
To follow up on questions regarding differences in measurements between site plans, please note the following:

- The edge of road easement is not a straight line, it is a series of non-perpendicular line segments. Thus, the measured dimensions vary slightly dependent on where it is measured along the road.
- The house is not parallel to any of the aforementioned road edges.
- On some of the drawings, the accuracy of the dimensioning was set to round to the nearest inch, for ease of conversation and discussion.
- The more accurate rounding tolerance was used on the more detailed, larger scale plan.
- Please use attached ASK-001 as reference. This drawing reflects the dimensions locations of A1.0 in red, and A1.1 in black.
- Note that we will revise the front porch to be stone at grade, with a cantilevered roof of 36" or less.

Please feel free to contact us with any questions.

Thank you,

The Jarvis Group



**DIMENSION LOCATIONS IN RED  
AS SHOWN ON A1.0, ACCURACY  
SET TO 1/8"**

**DIMENSION LOCATIONS IN BLACK  
AS SHOWN ON A1.1, ACCURACY  
SET TO NEAREST INCH**

**1 PLAN: DIAGRAM OF SETBACKS**  
SCALE: 3/32" = 1'-0"

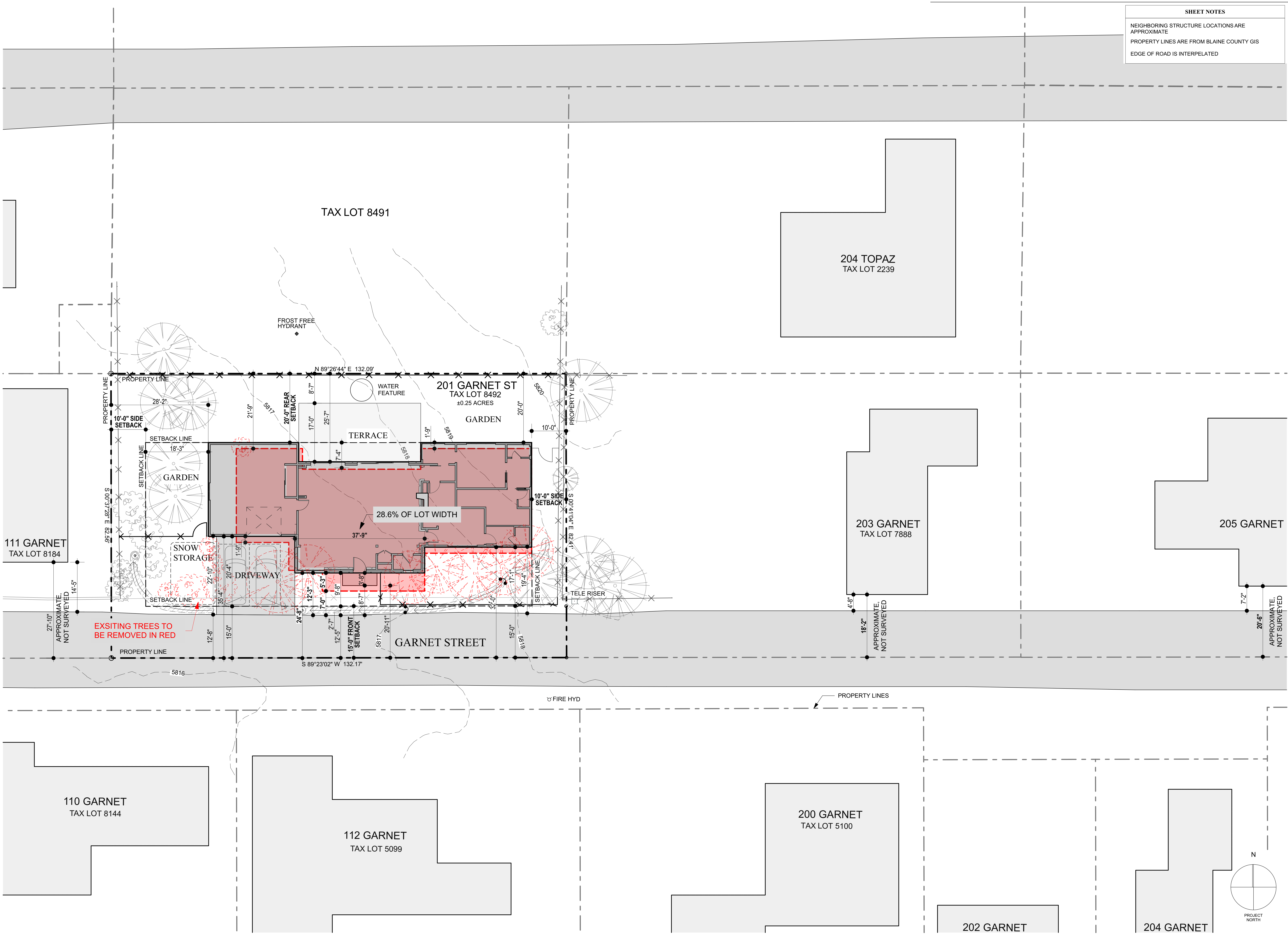
THESE DRAWINGS AND DETAILS ARE PROTECTED UNDER FEDERAL COPYRIGHT LAWS AND ARE EXCLUSIVE PROPERTY OF THE ARCHITECT. ANY UNAUTHORIZED USE, INCLUDING REPRODUCTION WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ARCHITECT, IS PROHIBITED BY LAW. © 2014 THE JARVIS GROUP, PLLC

DRAWN		
NO.	DATE	DESCRIPTION

PRINT DATE: Friday, March 6, 2020

**SHEET NOTES**

NEIGHBORING STRUCTURE LOCATIONS ARE APPROXIMATE  
PROPERTY LINES ARE FROM BLAINE COUNTY GIS  
EDGE OF ROAD IS INTERPELATED



1 PLAN: SITE PLAN  
SCALE: 1" = 10'

SITE PLAN 1:10



## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to Hold a Public Hearing and Approve the North Pass Townhomes Subdivision Preliminary Plat**

#### Recommendation and Summary

Staff recommends the Ketchum City Council hold a public hearing and approve the Townhouse Subdivision Preliminary Plat to convert an existing duplex containing two condominium units into two townhomes. The duplex is located at 128 & 130 Short Swing Lane in the City's General Residential Low Density (GR-L) Zoning District.

Recommended Motion: "I move to approve the North Pass Townhomes Subdivision Preliminary Plat application subject to conditions of approval #1-9."

The reasons for the recommendation are as follows:

- Many duplexes within Ketchum were subdivided as condominiums in the late 1970s and 1980s. Adopted in 1979, the City's first subdivision ordinance only provided for condominium subdivisions. It wasn't until 1987 with the City's adoption of Ordinance 460 that townhouses were introduced into Ketchum Municipal Code.
- The City has allowed conversion of these units from condominiums to a townhouse form of ownership. Townhouse sublots provide more flexibility to property owners for future improvements.
- The Planning & Zoning Commission reviewed the North Pass Townhomes Subdivision Preliminary Plat, held a public hearing, and unanimously recommended approval to the City Council on July 13<sup>th</sup>, 2020.

#### Financial Impact

These conversions are desirable as banks are much more willing to lend on townhouse ownership developments.

#### Attachments

- North Pass Townhomes Subdivision Preliminary Plat Staff Report with Exhibits: (A) Preliminary Plat, (B) Public Comment, and (C) Draft Findings of Fact, Conclusions of Law, and Decision



City of Ketchum  
Planning & Building

**STAFF REPORT  
KETCHUM CITY COUNCIL  
REGULAR MEETING OF AUGUST 17<sup>th</sup>**

**PROJECT:** North Pass No. 8 Townhouse Subdivision Preliminary Plat

**FILE NUMBER:** P20-041

**OWNERS:** Karoline Droege & Julia Sweeny

**REPRESENTATIVE:** Bruce Smith, Alpine Enterprises

**REQUEST:** Townhouse Subdivision Preliminary Plat to convert an existing duplex containing two condominium units into two townhomes

**ASSOCIATED PERMITS:** Building Permit 79-68, Condominium Subdivision Application File No. 80-006

**LOCATION:** 128 & 130 Short Swing Lane (North Pass Condominiums No. 8: Units A & B)

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

**OVERLAY:** None

**NOTICE:** Notice for the public hearing held by the Planning & Zoning Commission was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on June 26<sup>th</sup>, 2020. Notice was published in the June 17<sup>th</sup>, 2020 edition of the Idaho Mountain Express. Notice for the Ketchum City Council’s public hearing was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on July 29<sup>th</sup>, 2020. Notice was published in the July 29, 2020 edition of the Idaho Mountain Express. Public comment is attached as Exhibit B to the Staff Report.

**REVIEWER:** Abby Rivin, Associate Planner

**BACKGROUND**

The applicant is requesting Preliminary Plat approval for a Townhouse Subdivision to convert an existing duplex containing two condominium units located at 128 and 130 Short Swing Lane within the City’s General Residential Low Density (GR-L) Zoning District into two townhomes. The subject North Pass Condominiums No. 8 will be subdivided to create two townhouse sublots. No changes are proposed to the existing duplex building or the site.

Many duplexes within Ketchum were subdivided as condominiums in the late 1970s and 1980s. Adopted in 1979, the City’s first subdivision ordinance only provided for condominium subdivisions. It wasn’t until 1987 with the City’s adoption of Ordinance 460 that townhouses were introduced into Ketchum Municipal Code.

Condominiums have a different form of ownership than townhomes. With a condo unit, you own the interior volume or the air space within the walls—paint to paint. The condominium association owns the structures



and the land. In a townhome, you own both the structure and the land. At a minimum, you own the ground beneath the townhome unit and may own more land. The townhouse subplot defines the portion of land you own in a townhouse development.

The City’s duplex condominium units were built to the building code in effect at the time that they were developed. In general, these duplexes have been constructed with a common one-hour fire-resistance rated wall separating the units. The City has allowed conversion of these units from condominiums to a townhouse form of ownership. These conversions are desirable as banks are much more willing to lend on townhouse ownership developments. Townhouse sublots may also provide more flexibility to property owners for future improvements.

The subject North Pass duplex was built in 1979 (Building Permit 79-68) and subdivided into two condominium units in 1980 (Subdivision Application File No. 80-006). As the existing duplex was built 41 years ago, the building does not meet current building code or separation requirements for townhouses as specified in R302.2 of the International Residential Code and Ketchum Municipal Code §15.04.020. A plat note specifying that the duplex isn’t built to the City’s current building code will be added to the final plat.

The Planning & Zoning Commission reviewed the North Pass Townhomes Subdivision Preliminary Plat, held a public hearing, and unanimously recommended approval to the City Council on July 13<sup>th</sup>, 2020.

**STAFF RECOMMENDATION**

After holding a public hearing and considering public comment, Staff recommends the Ketchum City Council approve the Townhouse Subdivision Preliminary Plat application subject to Conditions of Approval #1-9. The draft *Findings of Fact, Conclusions of Law, and Decision* document is attached to the Staff Report as Exhibit C.

**ANALYSIS**

**Table 1: City Department Comments**

City Department Comments			
Compliant			City Standards and <i>City Department Comments</i>
Yes	No	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Fire:</b> <i>The Fire Code Official has reviewed the plans and does not have any comments or concerns regarding the conversion. Prior to the City Clerk’s signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>City Engineer and Streets Department:</b> <i>The conversion of the existing condominium duplex into two townhome units does not qualify as a substantial improvement or impact the right-of-way.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Utilities:</b> <i>Existing sewer and water connections serve the duplex.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Building:</b> <i>Prior to the City Clerk’s signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code. In the case of any alterations to the subject structures, all applicable current building and zoning code requirements shall apply.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> <i>Comments are denoted throughout the Tables 2 &amp; 3.</i>

**Table 2: Townhouse Plat Requirements**

Townhouse Plat Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.B	<p><b>Townhouse Owners' Documents:</b> The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.</p>
			<b>Staff Comments</b>	<i>The applicant has submitted a complete preliminary plat application including the CC&amp;Rs. The applicant shall submit a final copy of the Townhouse Declaration and Party Wall Agreement document to the Planning &amp; Building Department and file such document prior to recordation of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.C.1	<p><b>Preliminary Plat Procedure:</b> 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.</p> <p><b>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.</b></p>
			<b>Staff Comments</b>	<p><i>The townhouse subdivision shall be platted under the procedures contained in the subdivision ordinance.</i></p> <p><i>The duplex condominium is an existing building and the project does not require design review approval or a building permit.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.2	<p><b>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.</b></p>
			<b>Staff Comments</b>	<i>N/A. The duplex is an existing building. No exterior modifications are proposed to the existing duplex or the project site. Design Review is not required for this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.3	<p><b>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.</b></p>
			<b>Staff Comments</b>	<i>N/A. The duplex is an existing building. No exterior modifications are proposed to the existing duplex or the project site. A building permit is not required for this project</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.080.C.4	<p><b>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.</b></p>
			<b>Staff Comments</b>	<i>N/A as the duplex is an existing building.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.D	<p><b>D. Final Plat Procedure:</b></p> <p>1. The final plat procedure contained in subsection 16.04.030G of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the townhouse has received either:</p> <p style="padding-left: 40px;">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</p> <p style="padding-left: 40px;">b. Signed council approval of a phased development project consistent with §16.04.110 herein.</p> <p>2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this code.</p>
			<b>Staff Comments</b>	<i>The applicant shall follow the final plat procedure as specified in the City's subdivision ordinance.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E.1	<p><b>E. Required Findings:</b> 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</p> <p>All Townhouse Developments, including each individual subplot, shall not exceed the maximum building coverage requirements of the zoning district.</p>
			<b>Staff Comments</b>	<i>The building coverage of the existing duplex development is 24% (2,048 sq ft building coverage/8,788 sq ft lot area), which is 11% less than the maximum permitted in the GR-L Zone.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E.2	<p><b>Garage:</b> 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.</p>
			<b>Staff Comments</b>	<i>The existing duplex doesn't include an enclosed garage.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.080.E.3	<p><b>General Applicability:</b> 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)</p>
			<b>Staff Comments</b>	<i>This townhouse subdivision will comply with all applicable local, state, and federal ordinances, rules, and regulations.</i>

**Table 3: Preliminary Plat Requirements (all subdivisions)**

Preliminary Plat Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and <i>Staff Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	<p>The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.</p>
			<b>Findings</b>	<i>The application has been reviewed and determined to be complete.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.J	<p><b>Application and Preliminary Plat Contents:</b> 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</p>

				<b>preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following:</b>
			<b>Findings</b>	<i>All required materials for the Preliminary Plat application have been submitted.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I.1</b>	<b>The scale, north point and date.</b>
			<b>Findings</b>	<i>This standard has been met. The preliminary plat contains a scale, north point, and date.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.2</b>	<b>The name of the proposed subdivision.</b>
			<b>Findings</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.3</b>	<b>The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</b>
			<b>Findings</b>	<i>This information has been provided on the application form and indicated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.4</b>	<b>Legal description of the area platted.</b>
			<b>Findings</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.5</b>	<b>The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.</b>
			<b>Findings</b>	<i>This standard has been met. Neighboring Lots 7, 9, and 10 of Warm Springs Village Subdivision No. 3 are indicated on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.6</b>	<b>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.</b>
			<b>Findings</b>	<i>This standard is not applicable to the subdivision of an existing lot into two townhouse sublots.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.7</b>	<b>The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.</b>
			<b>Findings</b>	<i>Short Swing Lane is indicated on the plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.8</b>	<b>Boundary description and the area of the tract.</b>
			<b>Findings</b>	<i>This boundary description and the area of the tract is noted on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.9</b>	<b>Existing zoning of the tract.</b>
			<b>Findings</b>	<i>The property is within the GR-L Zoning District. Plat note #4 references the zoning district.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.10</b>	<b>The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.</b>
			<b>Findings</b>	<i>This standard has been met. No new streets are proposed. The subplot lines and dimensions are indicated on the preliminary plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.11</b>	<b>The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.</b>
			<b>Findings</b>	<i>No land for common or public use is required or proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.12</b>	<b>The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.</b>
			<b>Findings</b>	<i>The plat indicates the locations of all utilities that serve the townhome development. No street infrastructure improvements are proposed with this</i>

				<i>project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.13</b>	<b>The direction of drainage, flow and approximate grade of all streets.</b>
			<b>Findings</b>	<i>N/a as no new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.14</b>	<b>The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.</b>
			<b>Findings</b>	<i>N/A. No drainage improvements are proposed with this subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.15</b>	<b>Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.</b>
			<b>Findings</b>	<i>This application subdivides a platted lot into two townhouse sublots. The original subdivision's plat serves as the vicinity map.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.16</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The property is not currently mapped to be in the floodplain/floodway. The property is not within the avalanche overlay.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.17</b>	<b>Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.</b>
			<b>Findings</b>	<i>N/A . The property is not located within the floodway, floodplain, or avalanche zone. The property doesn't lie adjacent to a river or creek. The lot doesn't contain slopes of 25% or greater. The subject property is not a corner lot.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.18</b>	<b>Lot area of each lot.</b>
			<b>Findings</b>	<i>The existing and proposed size of each subplot is indicated.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.19</b>	<b>Existing mature trees and established shrub masses.</b>
			<b>Findings</b>	<i>The preliminary plat indicates existing mature trees and shrub masses.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.20</b>	<b>To be provided to Administrator:</b>
				<b>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.</b>
			<b>Findings</b>	<i>The North Pass No. 8 subdivision name is unique and is not the same as another townhouse subdivision in Blaine County.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.21</b>	<b>All percolation tests and/or exploratory pit excavations required by state health authorities.</b>
			<b>Findings</b>	<i>N/A. The duplex is connected to municipal services.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.22</b>	<b>A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.</b>
			<b>Findings</b>	<i>The applicant has submitted a complete preliminary plat application including the CC&amp;Rs. The applicant shall submit a final copy of the Townhouse Declaration and Party Wall Agreement document to the Planning &amp; Building Department and file such document prior to recordation of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.23</b>	<b>A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.</b>
			<b>Findings</b>	<i>This standard has been met. The applicant has submitted a Lot Book Guarantee</i>

				<i>and the Last Deed of Record.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.24</b>	<b>A digital copy of the preliminary plat shall be filed with the administrator.</b>
			<b>Findings</b>	<i>This standard has been met. The digital copy of the preliminary plat is attached as Exhibit A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.A</b>	<b>Required Improvements:</b> 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.
			<b>Findings</b>	<i>The mature trees indicated on the preliminary plat shall be preserved.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.B</b>	<b>Improvement Plans:</b> Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			<b>Findings</b>	<i>N/A as no new improvements are proposed with this townhouse subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.C</b>	<b>Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</b>
			<b>Findings</b>	<i>N/A as no improvements are proposed with this townhouse subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.D</b>	<b>As Built Drawing:</b> 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.

			<b>Findings</b>	<i>N/A as the duplex building is existing and no improvements are proposed with this townhouse subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.E</b>	<p><b>Monumentation:</b> Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> <li>1. All angle points in the exterior boundary of the plat.</li> <li>2. All street intersections, points within and adjacent to the final plat.</li> <li>3. All street corner lines ending at boundary line of final plat.</li> <li>4. All angle points and points of curves on all streets.</li> <li>5. The point of beginning of the subdivision plat description.</li> </ol>
			<b>Findings</b>	<i>The applicant shall meet the required monumentation standards prior to recordation of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.F</b>	<p><b>Lot Requirements:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</li> <li>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.</li> <li>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..</li> </ol>

			<b>Findings</b>	<p><i>Standards 4, 5, and 6 have been met.</i></p> <p><i>Standards 2 and 3 are not applicable.</i></p> <p><i>Standard 1 has been met. The lot size, width, and depth comply with the dimensional standards for lots required in the GR-L Zone. The existing duplex complies with setbacks from front, rear, and side property lines required in the GR-L Zone.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.G</b>	<p><b>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</b></p> <ol style="list-style-type: none"> <li><b>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.</b></li> <li><b>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</b></li> <li><b>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.</b></li> <li><b>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.</b></li> </ol>
			<b>Findings</b>	<i>N/A. No new blocks are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.1</b>	<p><b>H. Street Improvement Requirements:</b></p> <ol style="list-style-type: none"> <li><b>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;</b></li> </ol>
			<b>Findings</b>	<i>N/A, the subject properties are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.2</b>	<p><b>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;</b></p>
			<b>Findings</b>	<i>This proposal does not create a new street. These standards are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.3</b>	<p><b>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;</b></p>
			<b>Findings</b>	<i>N/A. No street frontage improvements like planting strips are required.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.4</b>	<p><b>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</b></p>
			<b>Findings</b>	<i>This proposal does not create a new street. These standards are no applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.5</b>	<p><b>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;</b></p>
			<b>Findings</b>	<i>This proposal does not create a new street. These standards are no applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.6</b>	<p><b>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</b></p>



				subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated;
			<b>Findings</b>	<i>N/A. This proposal does not create a new street. These standards are no applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.7</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. This proposal does not create a new street. These standards are no applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.8</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.9</b>	<b>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.10</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.11</b>	<b>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.12</b>	<b>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.13</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.14</b>	<b>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.15</b>	<b>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;</b>

			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.16</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.17</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.18</b>	<b>18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.19</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.20</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.21</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. This proposal does not require construction of a new bridge or impact any existing bridges.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.22</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The subject properties abut an existing developed street within a residential area. No sidewalks are required for the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.23</b>	<b>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</b>
			<b>Findings</b>	<i>N/A. No private road or gates are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.24</b>	<b>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</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are not located within the Avalanche Zone and no new public or private streets or flag lots are proposed.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.I</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are located in the GR-L Zone and do not abut an alley.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.J.1</b>	<b>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.</b>  <b>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.</b>
			<b>Findings</b>	<i>The 5-foot public utility easement must be indicated on the final plat. Pursuant to KMC §12.04.030.G, utilities shall be provided along front lot lines, rear lot lines, side lot lines, or other locations deemed necessary. The final plat must indicate the required 5-foot utility easement at the front lot line. As conditioned, the project shall comply with this standard.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.2</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots do not border a waterway.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.3</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots do not border a waterway.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.4</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots do not border a waterway.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.5</b>	<b>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</b>

				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.
			<b>Findings</b>	<i>N/A. No changes to ditches, pipes, or other irrigation structures are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.6</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within the existing, platted subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.K</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.L</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.M</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure. The subdivision has adequate plantings where necessary.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.1</b>	<b>N. Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and</b>

				<p>hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p> <p>1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Council as part of the preliminary plat application.</p>
			<b>Findings</b>	<i>N/A no cuts, fills, or grading improvements are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.2</b>	<p>2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:</p> <ul style="list-style-type: none"> <li>a. Proposed contours at a maximum of five foot (5') contour intervals.</li> <li>b. Cut and fill banks in pad elevations.</li> <li>c. Drainage patterns.</li> <li>d. Areas where trees and/or natural vegetation will be preserved.</li> <li>e. Location of all street and utility improvements including driveways to building envelopes.</li> <li>f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.</li> </ul>
			<b>Findings</b>	<i>N/A no changes to the site's existing are proposed with the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.3</b>	<p>3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.</p>
			<b>Findings</b>	<i>N/A no changes to the site's existing are proposed with the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.4</b>	<p>4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.</p>
			<b>Findings</b>	<i>N/A. The duplex is an existing development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.5</b>	<p>5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.</p>
			<b>Findings</b>	<i>N/A as no new development is proposed with the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.6</b>	<p>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</p> <ul style="list-style-type: none"> <li>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</li> <li>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).</li> <li>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</li> <li>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.</li> <li>e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not</li> </ul>

				exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
			<b>Findings</b>	<i>N/A no significant cuts, fills, or excavation are proposed as the development is existing.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.O</b>	<b>O. Drainage Improvements:</b> 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.
			<b>Findings</b>	<i>No natural drainage courses are proposed to be disturbed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.P</b>	<b>P. Utilities:</b> 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.
			<b>Findings</b>	<i>All utilities, including electricity, natural gas, telephone, and cable services, shall be installed underground.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.Q</b>	<b>Q. Off Site Improvements:</b> 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.
			<b>Findings</b>	<i>N/A. The townhouse subdivision does not trigger off-site improvements.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.R</b>	<b>R. Avalanche And Mountain Overlay:</b> 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.
			<b>Findings</b>	<i>N/A. The townhouse sublots are not located in the Avalanche or Mountain overlay zoning districts.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.S</b>	<b>S. Existing natural features</b> 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.
			<b>Findings</b>	<i>The existing mature trees indicated on the preliminary plat shall be preserved.</i>

## STAFF RECOMMENDATION

After holding a public hearing and considering public comment, Staff recommends the Ketchum City Council approve the Townhouse Subdivision Preliminary Plat application subject to Conditions of Approval #1-9. The draft Findings of Fact, Conclusions of Law, and Decision document is attached to the Staff Report as Exhibit C.

## RECOMMENDED MOTION

"I move to approve the North Pass Townhomes Subdivision Preliminary Plat application subject to conditions of approval #1-9."

## RECOMMENDED CONDITIONS OF APPROVAL

1. The project shall meet all requirements of the Fire, Utility, Building, Streets/City Engineer, and Planning requirements as specified in Table 1.
2. The project shall comply with all conditions and comments as specified in Table 2.
3. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map.
4. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
  - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
  - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
  - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
  - d. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
5. The applicant shall provide a copy of the recorded final plat to the Department of Planning and Building for the official file on the application.
6. The Townhouse Declaration shall be simultaneously recorded with the Final Plat. The developer shall submit a final copy of the document to the Planning & Building Department and file such document prior to recordation of the final plat. The City will not now, nor in the future, determine the validity of the Townhouse Declaration.
7. Failure to record a Final Plat within two (2) years of Council's approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.
8. Prior to the City Clerk's signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code.
9. The following plat note shall be added to the plat prior to forwarding the Final Plat application to City Council for review:

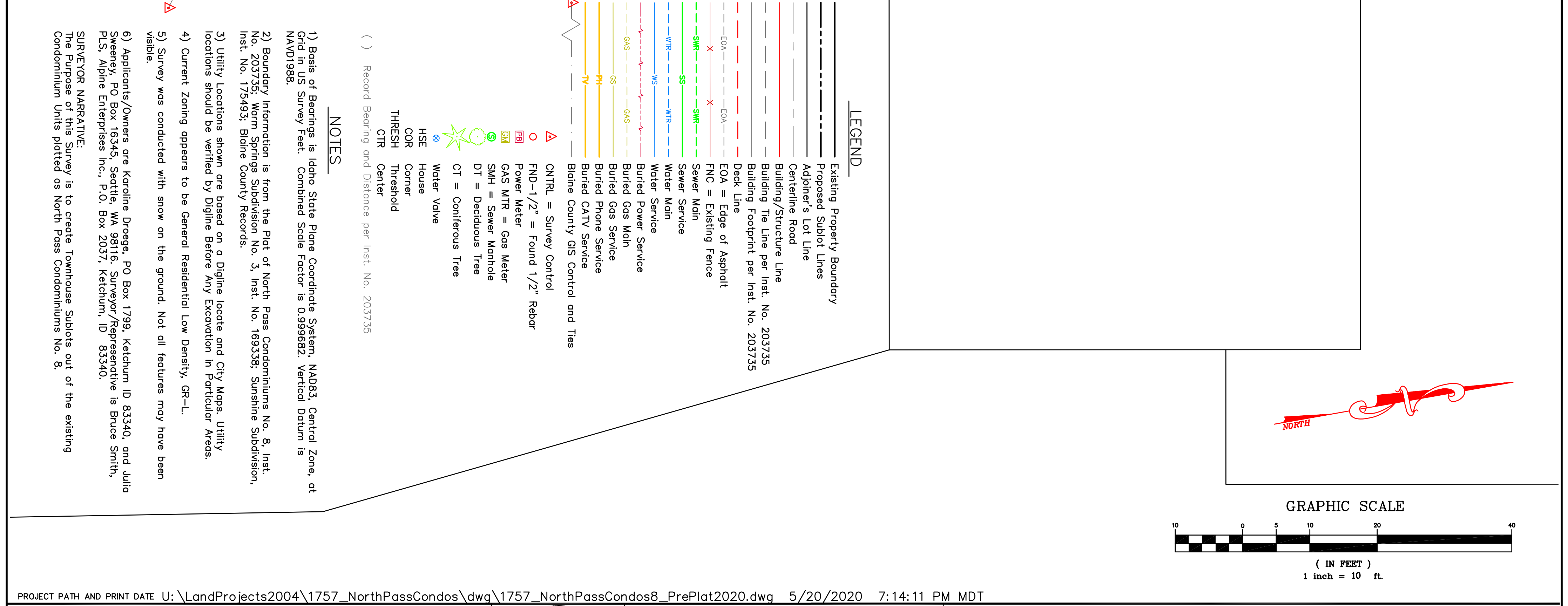
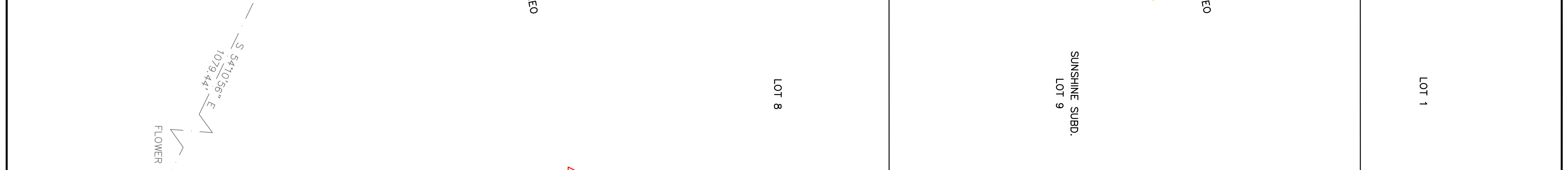
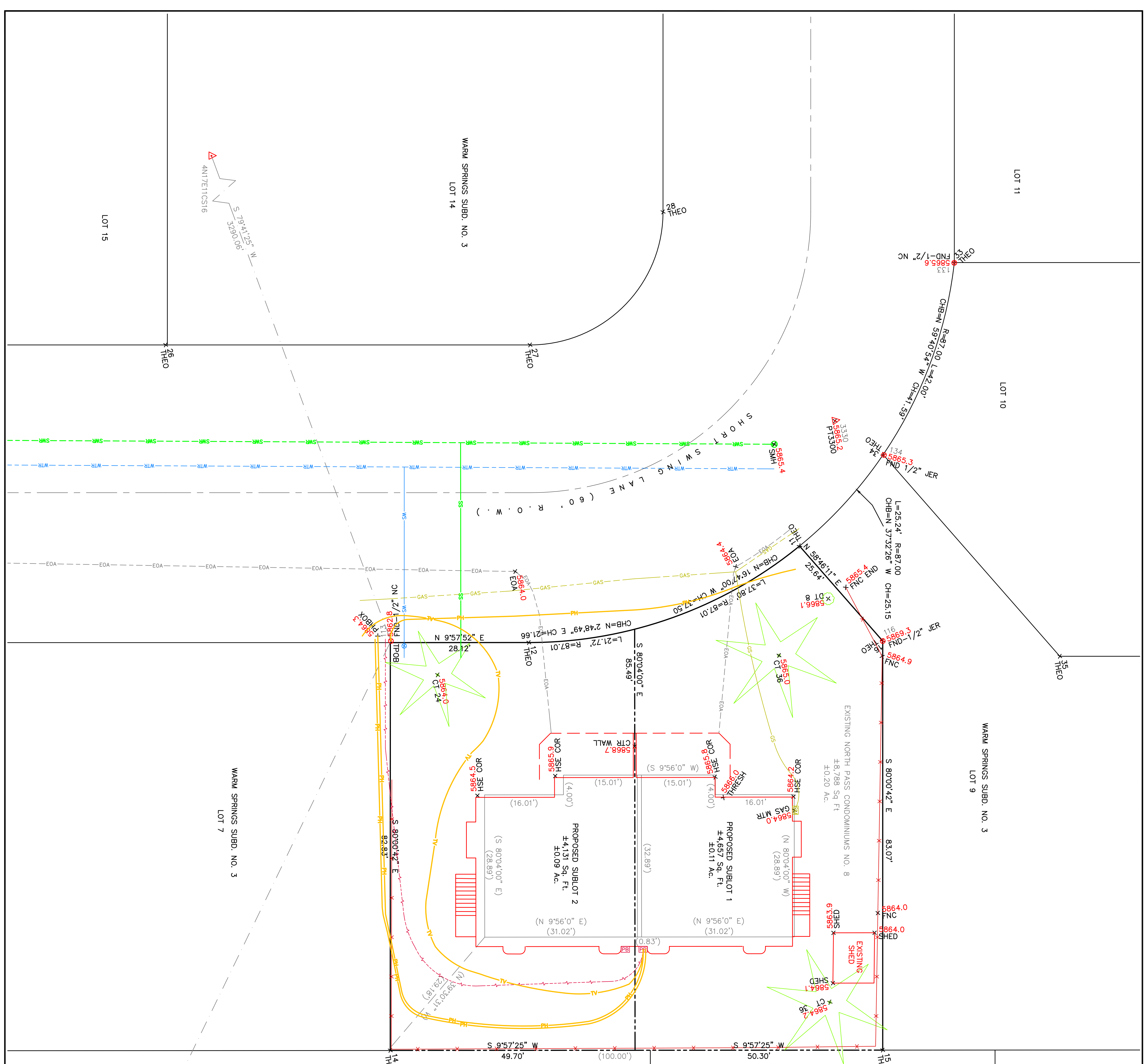
*This duplex was constructed in 1979 and converted to a townhouse pursuant to Ketchum Municipal Code §16.04.070. The duplex is not in compliance with section R302.2 of the current International Residential Code and the City's local amendments to the building code specified in Ketchum Municipal Code §15.04.020, which require a 2-hour fire-resistant wall assembly separation, in effect at the date of this plat.*

## EXHIBITS

- A. Preliminary Plat
- B. Public Comment
- C. Draft Findings of Fact, Conclusions of Law, and Decision

# Exhibit A: Preliminary Plat





REVISIONS	NO	DATE	BY

PROFESSIONAL LAND SURVEYOR  
LICENSED  
7048  
20MAY20  
STATE OF IDAHO  
BRUCE SMITH

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

A PRELIMINARY PLAT  
WHEREIN NORTH PASS CONDOMINIUMS NO. 8 ARE CONVERTED TO TOWNHOMES  
LOT 8, BLOCK 1, WARM SPRINGS SUBDIVISION NO. 3  
WITHIN S12, T.4N., R.17E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO  
PREPARED FOR KAROLINE DROEGE AND JULIA SWEENEY

Sheet 1 of 1

# Exhibit B: Public Comment

**From:** Anne Corrock <[annecorrock@gmail.com](mailto:annecorrock@gmail.com)>  
**Sent:** Tuesday, July 07, 2020 12:27 PM  
**To:** Participate <[participate@ketchumidaho.org](mailto:participate@ketchumidaho.org)>  
**Subject:** North Pass Townhomes Subdivision Preliminary Plat

P&Z Commissioners,

As an immediate neighbor of the North Pass Condominiums No. 8 property, I am in complete support of the owners request to subdivide the existing duplex property into two townhomes sublots.

Thank you.

Anne Corrock  
132 Short Swing Lane

Exhibit C:  
Draft Findings of Fact,  
Conclusions of Law, and  
Decision



City of Ketchum  
Planning & Building

IN RE: )  
)  
North Pass No. 8 Townhouse Subdivision ) KETCHUM CITY COUNCIL  
Preliminary Plat ) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
Date: August 17, 2020 ) DECISION  
)

File Number: 20-041

PROJECT: North Pass No. 8 Townhouse Subdivision Preliminary Plat

FILE NUMBER: P20-041

OWNERS: Karoline Droege & Julia Sweeny

REPRESENTATIVE: Bruce Smith, Alpine Enterprises

REQUEST: Townhouse Subdivision Preliminary Plat to convert an existing duplex containing two condominium units into two townhomes

ASSOCIATED PERMITS: Building Permit 79-68, Condominium Subdivision Application File No. 80-006

LOCATION: 128 & 130 Short Swing Lane (North Pass Condominiums No. 8: Units A & B)

ZONING: General Residential – Low Density (GR-L)

OVERLAY: None

NOTICE: Notice for the public hearing held by the Planning & Zoning Commission was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on June 26<sup>th</sup>, 2020. Notice was published in the June 17<sup>th</sup>, 2020 edition of the Idaho Mountain Express. Notice for the Ketchum City Council’s public hearing was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on July 29<sup>th</sup>, 2020. Notice was published in the July 29, 2020 edition of the Idaho Mountain Express. Public comment is attached as Exhibit B to the Staff Report.

**FINDINGS OF FACT**

1. The applicant is requesting Preliminary Plat approval for a Townhouse Subdivision to convert an existing duplex containing two condominium units located at 128 and 130 Short Swing Lane within the City’s General Residential Low Density (GR-L) Zoning District into two townhomes. The subject North Pass Condominiums No. 8 will be subdivided to create two townhouse sublots. No changes are proposed to the existing duplex building or the site.
2. Many duplexes within Ketchum were subdivided as condominiums in the late 1970s and 1980s. Adopted in 1979, the City’s first subdivision ordinance only provided for condominium subdivisions. It wasn’t until 1987 with the City’s adoption of Ordinance 460 that townhouses were introduced into Ketchum Municipal Code.

3. Condominiums have a different form of ownership than townhomes. With a condo unit, you own the interior volume or the air space within the walls—paint to paint. The condominium association owns the structures and the land. In a townhome, you own both the structure and the land. At a minimum, you own the ground beneath the townhome unit and may own more land. The townhouse subplot defines the portion of land you own in a townhouse development.
4. The City’s duplex condominium units were built to the building code in effect at the time that they were developed. In general, these duplexes have been constructed with a common one-hour fire-resistance rated wall separating the units. The City has allowed conversion of these units from condominiums to a townhouse form of ownership. These conversions are desirable as banks are much more willing to lend on townhouse ownership developments. Townhouse sublots may also provide more flexibility to property owners for future improvements.
5. The subject North Pass duplex was built in 1979 (Building Permit 79-68) and subdivided into two condominium units in 1980 (Subdivision Application File No. 80-006). As the existing duplex was built 41 years ago, the building does not meet current building code or separation requirements for townhouses as specified in R302.2 of the International Residential Code and Ketchum Municipal Code §15.04.020. A plat note specifying that the duplex isn’t built to the City’s current building code will be added to the final plat.
6. The Planning & Zoning Commission reviewed the North Pass Townhomes Subdivision Preliminary Plat, held a public hearing, and unanimously recommended approval to the City Council on July 13<sup>th</sup>, 2020.

## ANALYSIS

**Table 1: City Department Findings**

City Department Findings			
Compliant			City Standards and Findings
Yes	No	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Fire:</b> <i>The Fire Code Official has reviewed the plans and does not have any comments or concerns regarding the conversion. Prior to the City Clerk’s signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>City Engineer and Streets Department:</b> <i>The conversion of the existing condominium duplex into two townhome units does not qualify as a substantial improvement or impact the right-of-way.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Utilities:</b> <i>Existing sewer and water connections serve the duplex.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Building:</b> <i>Prior to the City Clerk’s signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code. In the case of any alterations to the subject structures, all applicable current building and zoning code requirements shall apply.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> <i>Comments are denoted throughout the Tables 2 &amp; 3.</i>

**Table 2: Townhouse Plat Requirements**

Townhouse Plat Requirements				
Compliant			Standards and Council Findings	
Yes	No	N/A	City Code	City Standards and <i>Council Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.B</b>	<p><b>Townhouse Owners' Documents:</b> The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.</p> <p><b>Council Findings</b> <i>The applicant has submitted a complete preliminary plat application including the CC&amp;Rs. The applicant shall submit a final copy of the Townhouse Declaration and Party Wall Agreement document to the Planning &amp; Building Department and file such document prior to recordation of the final plat.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.C.1</b>	<p><b>Preliminary Plat Procedure:</b> 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.</p> <p><b>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.</b></p> <p><b>Council Findings</b> <i>The townhouse subdivision shall be platted under the procedures contained in the subdivision ordinance.</i></p> <p><i>The duplex condominium is an existing building and the project does not require design review approval or a building permit.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.080.C.2</b>	<p>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.</p> <p><b>Council Findings</b> <i>N/A. The duplex is an existing building. No exterior modifications are proposed to the existing duplex or the project site. Design Review is not required for this project.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.080.C.3</b>	<p>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.</p> <p><b>Council Findings</b> <i>N/A. The duplex is an existing building. No exterior modifications are proposed to the existing duplex or the project site. A building permit is not required for this project</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.080.C.4</b>	<p>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.</p>

			<b>Council Findings</b>	<i>N/A as the duplex is an existing building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.D</b>	<p><b>D. Final Plat Procedure:</b></p> <p><b>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:</b></p> <p style="padding-left: 40px;"><b>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></p> <p style="padding-left: 40px;"><b>b. Signed council approval of a phased development project consistent with §16.04.110 herein.</b></p> <p><b>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.</b></p>
			<b>Council Findings</b>	<i>The applicant shall follow the final plat procedure as specified in the City's subdivision ordinance.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.E.1</b>	<p><b>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</b></p> <p><b>All Townhouse Developments, including each individual subplot, shall not exceed the maximum building coverage requirements of the zoning district.</b></p>
			<b>Council Findings</b>	<i>The building coverage of the existing duplex development is 24% (2,048 sq ft building coverage/8,788 sq ft lot area), which is 11% less than the maximum permitted in the GR-L Zone.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.E.2</b>	<p><b>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.</b></p>
			<b>Council Findings</b>	<i>The existing duplex doesn't include an enclosed garage.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.E.3</b>	<p><b>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)</b></p>
			<b>Council Findings</b>	<i>This townhouse subdivision will comply with all applicable local, state, and federal ordinances, rules, and regulations.</i>

**Table 3: Preliminary Plat Requirements (all subdivisions)**

<b>Preliminary Plat Requirements</b>				
<b>Compliant</b>			<b>Standards and Council Findings</b>	
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>City Code</b>	<b>City Standards and Council Findings</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.C.1</b>	<p><b>The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.</b></p>
			<b>Findings</b>	<i>The application has been reviewed and determined to be complete.</i>



<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J</b>	<b>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:</b>
			<b>Findings</b>	<i>All required materials for the Preliminary Plat application have been submitted.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I.1</b>	<b>The scale, north point and date.</b>
			<b>Findings</b>	<i>This standard has been met. The preliminary plat contains a scale, north point, and date.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.2</b>	<b>The name of the proposed subdivision.</b>
			<b>Findings</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.3</b>	<b>The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</b>
			<b>Findings</b>	<i>This information has been provided on the application form and indicated on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.4</b>	<b>Legal description of the area platted.</b>
			<b>Findings</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.5</b>	<b>The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.</b>
			<b>Findings</b>	<i>This standard has been met. Neighboring Lots 7, 9, and 10 of Warm Springs Village Subdivision No. 3 are indicated on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.6</b>	<b>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.</b>
			<b>Findings</b>	<i>This standard is not applicable to the subdivision of an existing lot into two townhouse sublots.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.7</b>	<b>The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.</b>
			<b>Findings</b>	<i>Short Swing Lane is indicated on the plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.8</b>	<b>Boundary description and the area of the tract.</b>
			<b>Findings</b>	<i>This boundary description and the area of the tract is noted on the Preliminary Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.9</b>	<b>Existing zoning of the tract.</b>
			<b>Findings</b>	<i>The property is within the GR-L Zoning District. Plat note #4 references the zoning district.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.10</b>	<b>The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.</b>
			<b>Findings</b>	<i>This standard has been met. No new streets are proposed. The subplot lines and dimensions are indicated on the preliminary plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.11</b>	<b>The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.</b>
			<b>Findings</b>	<i>No land for common or public use is required or proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.12</b>	<b>The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage</b>

				<b>facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.</b>
			<b>Findings</b>	<i>The plat indicates the locations of all utilities that serve the townhome development. No street infrastructure improvements are proposed with this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.13</b>	<b>The direction of drainage, flow and approximate grade of all streets.</b>
			<b>Findings</b>	<i>N/a as no new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.14</b>	<b>The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.</b>
			<b>Findings</b>	<i>N/A. No drainage improvements are proposed with this subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.15</b>	<b>Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.</b>
			<b>Findings</b>	<i>This application subdivides a platted lot into two townhouse sublots. The original subdivision's plat serves as the vicinity map.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.16</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The property is not currently mapped to be in the floodplain/floodway. The property is not within the avalanche overlay.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.17</b>	<b>Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.</b>
			<b>Findings</b>	<i>N/A . The property is not located within the floodway, floodplain, or avalanche zone. The property doesn't lie adjacent to a river or creek. The lot doesn't contain slopes of 25% or greater. The subject property is not a corner lot.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.18</b>	<b>Lot area of each lot.</b>
			<b>Findings</b>	<i>The existing and proposed size of each subplot is indicated.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.19</b>	<b>Existing mature trees and established shrub masses.</b>
			<b>Findings</b>	<i>The preliminary plat indicates existing mature trees and shrub masses.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.20</b>	<b>To be provided to Administrator:</b>
				<b>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.</b>
			<b>Findings</b>	<i>The North Pass No. 8 subdivision name is unique and is not the same as another townhouse subdivision in Blaine County.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J.21</b>	<b>All percolation tests and/or exploratory pit excavations required by state health authorities.</b>
			<b>Findings</b>	<i>N/A. The duplex is connected to municipal services.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.22</b>	<b>A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.</b>
			<b>Findings</b>	<i>The applicant has submitted a complete preliminary plat application including the CC&amp;Rs. The applicant shall submit a final copy of the Townhouse Declaration and Party Wall Agreement document to the Planning &amp; Building Department and file such document prior to recordation of the final plat.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.23</b>	<b>A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.</b>
			<b>Findings</b>	<i>This standard has been met. The applicant has submitted a Lot Book Guarantee and the Last Deed of Record.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.24</b>	<b>A digital copy of the preliminary plat shall be filed with the administrator.</b>
			<b>Findings</b>	<i>This standard has been met. The digital copy of the preliminary plat is attached as Exhibit A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.A</b>	<b>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.</b>
			<b>Findings</b>	<i>The mature trees indicated on the preliminary plat shall be preserved.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.B</b>	<b>Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.</b>
			<b>Findings</b>	<i>N/A as no new improvements are proposed with this townhouse subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.C</b>	<b>Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</b>
			<b>Findings</b>	<i>N/A as no improvements are proposed with this townhouse subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.D</b>	<b>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</b>

				<p>the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.</p>
			<b>Findings</b>	<i>N/A as the duplex building is existing and no improvements are proposed with this townhouse subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.E</b>	<p><b>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:</b></p> <ol style="list-style-type: none"> <li><b>1. All angle points in the exterior boundary of the plat.</b></li> <li><b>2. All street intersections, points within and adjacent to the final plat.</b></li> <li><b>3. All street corner lines ending at boundary line of final plat.</b></li> <li><b>4. All angle points and points of curves on all streets.</b></li> <li><b>5. The point of beginning of the subdivision plat description.</b></li> </ol>
			<b>Findings</b>	<i>The applicant shall meet the required monumentation standards prior to recordation of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.F</b>	<p><b>Lot Requirements:</b></p> <ol style="list-style-type: none"> <li><b>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.</b></li> <li><b>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.</b></li> <li><b>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.</b></li> <li><b>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</b></li> </ol>

				<p>5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts.</p> <p>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..</p>
			<b>Findings</b>	<p><i>Standards 4, 5, and 6 have been met.</i></p> <p><i>Standards 2 and 3 are not applicable.</i></p> <p><i>Standard 1 has been met. The lot size, width, and depth comply with the dimensional standards for lots required in the GR-L Zone. The existing duplex complies with setbacks from front, rear, and side property lines required in the GR-L Zone.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.G</b>	<p><b>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</li> <li>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.</li> <li>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.</li> </ol>
			<b>Findings</b>	<i>N/A. No new blocks are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.1</b>	<p><b>H. Street Improvement Requirements:</b></p> <p>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;</p>
			<b>Findings</b>	<i>N/A, the subject properties are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.2</b>	<p>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;</p>
			<b>Findings</b>	<i>This proposal does not create a new street. These standards are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.3</b>	<p>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;</p>
			<b>Findings</b>	<i>N/A. No street frontage improvements like planting strips are required.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.4</b>	<p>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</p>
			<b>Findings</b>	<i>This proposal does not create a new street. These standards are no applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.5</b>	<p>5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and</p>

				emergency vehicles in all weather and to provide for adequate drainage and snow plowing;
			<b>Findings</b>	<i>This proposal does not create a new street. These standards are no applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.6</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. This proposal does not create a new street. These standards are no applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.7</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. This proposal does not create a new street. These standards are no applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.8</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.9</b>	<b>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.10</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.11</b>	<b>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.12</b>	<b>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.13</b>	<b>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;</b>

			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.14</b>	<b>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.15</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.16</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.17</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.18</b>	<b>18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.19</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.20</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.21</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. This proposal does not require construction of a new bridge or impact any existing bridges.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.22</b>	<b>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;</b>
			<b>Findings</b>	<i>N/A. The subject properties abut an existing developed street within a residential area. No sidewalks are required for the project.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.23</b>	<b>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</b>
			<b>Findings</b>	<i>N/A. No private road or gates are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.24</b>	<b>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</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are not located within the Avalanche Zone and no new public or private streets or flag lots are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.I</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are located in the GR-L Zone and do not abut an alley.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.J.1</b>	<b>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.</b>  <b>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.</b>
			<b>Findings</b>	<i>The 5-foot public utility easement must be indicated on the final plat. Pursuant to KMC §12.04.030.G, utilities shall be provided along front lot lines, rear lot lines, side lot lines, or other locations deemed necessary. The final plat must indicate the required 5-foot utility easement at the front lot line. As conditioned, the project shall comply with this standard.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.2</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots do not border a waterway.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.3</b>	<b>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</b>



				easement along the portion of the riverbank which runs through the proposed subdivision.
			<b>Findings</b>	<i>N/A. The townhouse sublots do not border a waterway.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.4</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots do not border a waterway.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.5</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. No changes to ditches, pipes, or other irrigation structures are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.6</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within the existing, platted subdivision.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.K</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.L</b>	<b>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.</b>

			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.M</b>	<b>M. Planting Strip Improvements:</b> 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.
			<b>Findings</b>	<i>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure. The subdivision has adequate plantings where necessary.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.1</b>	<b>N. Cuts, Fills, And Grading Improvements:</b> 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:  <b>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.</b>
			<b>Findings</b>	<i>N/A no cuts, fills, or grading improvements are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.2</b>	<b>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:</b> <b>a. Proposed contours at a maximum of five foot (5') contour intervals.</b> <b>b. Cut and fill banks in pad elevations.</b> <b>c. Drainage patterns.</b> <b>d. Areas where trees and/or natural vegetation will be preserved.</b> <b>e. Location of all street and utility improvements including driveways to building envelopes.</b> <b>f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.</b>
			<b>Findings</b>	<i>N/A no changes to the site's existing are proposed with the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.3</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A no changes to the site's existing are proposed with the project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.4</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A. The duplex is an existing development.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.5</b>	<b>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.</b>
			<b>Findings</b>	<i>N/A as no new development is proposed with the project.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.6</b>	<p><b>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</b></p> <p><b>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</b></p> <p><b>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).</b></p> <p><b>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</b></p> <p><b>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.</b></p> <p><b>e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.</b></p>
			<b>Findings</b>	<i>N/A no significant cuts, fills, or excavation are proposed as the development is existing.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.O</b>	<p><b>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.</b></p>
			<b>Findings</b>	<i>No natural drainage courses are proposed to be disturbed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.P</b>	<p><b>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.</b></p>
			<b>Findings</b>	<i>All utilities, including electricity, natural gas, telephone, and cable services, shall be installed underground.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.Q</b>	<p><b>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.</b></p>
			<b>Findings</b>	<i>N/A. The townhouse subdivision does not trigger off-site improvements.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.R</b>	<p><b>R. Avalanche And Mountain Overlay: All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall</b></p>

				<b>comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in Title 17 of this Code.</b>
			<b>Findings</b>	<i>N/A. The townhouse sublots are not located in the Avalanche or Mountain overlay zoning districts.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.S</b>	<b>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.</b>
			<b>Findings</b>	<i>The existing mature trees indicated on the preliminary plat shall be preserved.</i>

**CONCLUSIONS OF LAW**

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67, of the Idaho Code the City has passed a subdivision ordinance, Title 16.
4. The City Council has authority to review and recommend approval of the applicant’s Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
5. The project **does** meet the standards of approval under Chapter 16.04 of Subdivision Code Title 16.

**DECISION**

**THEREFORE**, the Ketchum City Council **approves** this Preliminary Plat application this Monday, August 17<sup>th</sup>, 2020 subject to the following conditions:

**CONDITIONS OF APPROVAL**

1. The project shall meet all requirements of the Fire, Utility, Building, Streets/City Engineer, and Planning requirements as specified in Table 1.
2. The project shall comply with all conditions and comments as specified in Table 2 and 3.
3. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map.
4. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder’s office concurrent with the recording of the Plat containing the following minimum data:
  - a. Line work delineating all parcels and roadways on a CAD layer/level designated as “parcel”;
  - b. Line work delineating all roadway centerlines on a CAD layer/level designated as “road”; and,
  - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as “control”; and,
  - d. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a “.dwg”, “.dgn” or “.shp” format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
5. The applicant shall provide a copy of the recorded final plat to the Department of Planning and Building for the official file on the application.

6. The Townhouse Declaration shall be simultaneously recorded with the Final Plat. The developer shall submit a final copy of the document to the Planning & Building Department and file such document prior to recordation of the final plat. The City will not now, nor in the future, determine the validity of the Townhouse Declaration.
7. Failure to record a Final Plat within two (2) years of Council's approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.
8. Prior to the City Clerk's signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code.
9. The following plat note shall be added to the plat prior to forwarding the Final Plat application to City Council for review:  
*This duplex was constructed in 1979 and converted to a townhouse pursuant to Ketchum Municipal Code §16.04.070. The duplex is not in compliance with section R302.2 of the current International Residential Code and the City's local amendments to the building code specified in Ketchum Municipal Code §15.04.020, which require a 2-hour fire-resistant wall assembly separation, in effect at the date of this plat.*

Findings of Fact **adopted** this 12<sup>th</sup> day of August 2020.

---

Neil Bradshaw  
Mayor  
City of Ketchum

---

Robin Crotty  
City Clerk  
City of Ketchum



## City of Ketchum

August 17<sup>th</sup>, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to Hold a Public Hearing and Approve the Readjustment of Lot Lines Application to Remove the Building Footprint from the Wills Condominiums No. 2 Subdivision Plat.**

#### Recommendation and Summary

Staff recommends the Ketchum City Council hold a public hearing and approve the subject Readjustment of Lot Lines application to remove an existing duplex's building footprint from the Wills Condominium No. 2 Subdivision Plat.

Recommended Motion: "I move to approve the Wills Condominiums No. 2 Readjustment of Lot Lines application subject to conditions 1-7."

The reasons for the recommendation are as follows:

- The request to remove the existing duplex's building footprint from the plat meets all applicable standards for Readjustment of Lot Lines contained in Ketchum Municipal Code's (KMC) Subdivision (Title 16) regulations.
- Consistent with KMC §16.04.020, the proposal meets the definition of Readjustment of Lot Lines because: (1) no changes are proposed to the dimensions of the subject lot, (2) the lot complies with the dimensional standards required for properties located within the City's General Residential Low Density (GR-L) Zoning District, and (2) the proposal does not create additional lots or dwelling units.

#### Analysis

The Readjustment of Lot Lines procedure will vacate an existing duplex's building footprint from the Wills Condominiums No. 2 Subdivision plat. The duplex is located at 3020 Warm Springs Road within the City's General Residential Low Density (GR-L) Zoning District. The existing condominium-duplex building will be demolished. The property will be developed with a new duplex and associated site improvements. The Planning & Zoning Commission approved the Design Review application (P20-031) for the new duplex on June 22<sup>nd</sup>, 2020. The existing condominium's building footprint must be removed from the recorded plat map to issue a Building Permit for the new duplex. The applicant has also filed a Townhouse Subdivision Preliminary Plat application to subdivide the subject property into two townhouse sublots.

#### Financial Impact

No financial impact as the application proposes a minor change to an existing plat of record.

#### Attachments

- A. Draft Findings of Fact, Conclusions of Law, and Decision
- B. Wills Condominiums No. 2 Amended Subdivision Plat

Attachment A:  
Draft Findings of Fact,  
Conclusions of Law, and  
Decision



City of Ketchum  
Planning & Building

IN RE: )  
 )  
 Wills Condominiums No. 2 ) **KETCHUM CITY COUNCIL**  
 Readjustment of Lot Lines Procedure ) **FINDINGS OF FACT, CONCLUSIONS OF LAW,**  
 Date: August 17, 2020 ) **AND DECISION**  
 )  
 File Number: P20-061 )

**PROJECT:** Wills Condominiums No. 2 Readjustment of Lot Lines

**APPLICATION TYPE:** Lot Line Shift Application

**FILE NUMBER:** P20-061

**ASSOCIATED PERMITS:** Design Review P20-031 and Townhouse Subdivision Preliminary Plat P20-058

**OWNERS:** Doug & Stacey Waddell

**REPRESENTATIVE:** Garth McClure, Benchmark Associates

**REQUEST:** Readjustment of Lot Lines procedure to vacate the existing duplex’s building footprint from the Wills Condominium No. 2 Subdivision Plat

**LOCATION:** 3020 Warm Springs Road (Wills Condominium Subdivision No 2)

**NOTICE:** A public hearing notice was mailed to all property owners within 300 ft of the development site and political subdivisions on July 29<sup>th</sup>, 2020. The public hearing notice was published in the Idaho Mountain Express on July 29<sup>th</sup>, 2020.

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

**OVERLAY:** None

**FINDINGS OF FACT**

1. The Readjustment of Lot Lines procedure will vacate an existing duplex’s building footprint from the Wills Condominiums No. 2 Subdivision plat.
2. The existing duplex is located at 3020 Warm Springs Road within the City’s General Residential Low Density (GR-L) Zoning District.
3. The existing condominium building will be demolished. The property will be developed with a new duplex and associated site improvements. The Planning & Zoning Commission approved the Design Review application (P20-031) for the new duplex on June 22<sup>nd</sup>, 2020. The existing condominium’s building footprint must be removed from the recorded plat map to issue a Building Permit for the new duplex. The applicant has also filed a Townhouse Subdivision Preliminary Plat application to subdivide the subject property into two townhouse sublots.



4. Consistent with KMC §16.04.020, the proposal meets the definition of Readjustment of Lot Lines because: (1) no changes are proposed to the dimensions of the subject lot, (2) the lot complies with the dimensional standards required for properties located within the City’s General Residential Low Density (GR-L) Zoning District, and (2) the proposal does not create additional lots or dwelling units.

**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 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 (KMC §16.04.020).*

5. All land, condominium, and townhouse subdivisions in the City of Ketchum are subject to the standards contained in Ketchum Municipal Code, Title 16, Subdivision. Many standards are related to the design and construction of multiple new lots that will form new blocks and infrastructure, such as streets that will be dedicated to and maintained by the City. The standards for certain improvements (KMC §16.04.040) including street, sanitary sewage disposal, planting strip improvements are not applicable to the subject project as the application proposes to remove an existing condominium’s building footprint from the recorded plat map, which is a minor change. The application meets the standards for Readjustment of Lot Lines under Title 16 of Ketchum Municipal Code subject to conditions of approval.

#### **CONCLUSIONS OF LAW**

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the Ordinances and regulations, which Ordinances are codified in the Ketchum City Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Readjustment of Lot Line application for the development and use of the project site.
2. The Council has authority to hear the applicant’s Condominium Subdivision application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
4. The Readjustment of Lot Lines application is governed under Sections 16.04.010, 16.04.020, 16.04.30, 16.04.060, and 16.04.070 of Ketchum Municipal Code Chapter 16.04.
5. The proposed Wills Condominiums No. 2 Readjustment of Lot Lines meets the standards for approval under Title 16 of Ketchum Municipal Code subject to conditions of approval.

**DECISION**

**THEREFORE**, the Ketchum City Council **approves** this Readjustment of Lot Lines application this Monday, August 17<sup>th</sup>, 2020 subject to the following conditions:

**CONDITIONS OF APPROVAL**

1. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map.
2. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder’s office concurrent with the recording of the Plat containing the following minimum data:
  - a. Line work delineating all parcels and roadways on a CAD layer/level designated as “parcel”;
  - b. Line work delineating all roadway centerlines on a CAD layer/level designated as “road”; and,
  - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as “control”; and,
  - d. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a “.dwg”, “.dgn” or “.shp” format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
5. The applicant shall provide a copy of the recorded Final Plat and the associated condominium owners’ documents to the Planning and Building Department for the official file on the application.
6. The Final Plat mylar shall contain all items required under Title 50, Chapter 13, Idaho Code as well as all items required pursuant to KMC §16.04.030J including certificates and signatures.
7. All governing ordinances and department conditions pertinent to the Fire Department, Building Department, Utilities Department, Street Department and Ketchum City Engineer shall be met.

Findings of Fact **adopted** this 17<sup>th</sup> day of August 2020

---

Neil Bradshaw  
 Mayor  
 City of Ketchum

---

Robin Crotty  
 City Clerk

**Attachment B:**  
**Wills Condominiums No. 2**  
**Amended Subdivision Plat**

G:\BMA\Wills condominiums no. 1 & no. 2\wills condominiums no. 2\20003 TH Plat\20003LLS-PRE.dwg, 7/17/2020 4:30:52 PM, DWG To PDF.pc3

# WILLS CONDOMINIUMS NO. 2 AMENDED

LOCATED WITHIN: SECTIONS 11 & 14, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M.,  
CITY OF KETCHUM, BLAINE COUNTY, IDAHO

WHEREIN THE CONDOMINIUM BUILDING FOOTPRINT  
ON WILLS CONDOMINIUMS NO. 2 IS VACATED.

JULY 2020

## PRELIMINARY PLAT

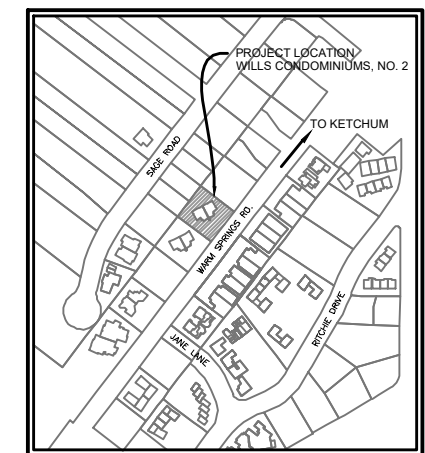
### SURVEYOR NARRATIVE & NOTES

1. THE PURPOSE OF THIS PLAT IS TO VACATE THE CONDOMINIUM BUILDING FOOTPRINT. BOUNDARY LINES ARE BASED ON FOUND MONUMENTS AND THE RECORDED PLAT OF WILLS CONDOMINIUMS NO. 2, INSTRUMENT NO. 271407, RECORDS OF BLAINE COUNTY, IDAHO. ALL FOUND MONUMENTS WERE ACCEPTED AS EITHER ORIGINAL OR REPLACEMENTS OF ORIGINAL CORNERS.
2. EXCEPT AS SPECIFICALLY STATED OR DEPICTED ON THIS MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT OF REAL PROPERTY: NATURAL HAZARDS, ENCROACHMENTS, WETLANDS, EASEMENTS, BUILDING SETBACKS, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR ANY OTHER LAND-USE REGULATIONS. AN INDEPENDENT TITLE SEARCH HAS NOT BEEN PERFORMED BY THE SURVEYOR FOR THIS PROJECT.
3. THE CURRENT ZONING IS GENERAL RESIDENTIAL LOW DENSITY (GR-L). REFER TO THE CITY OF KETCHUM ZONING CODE FOR MORE INFORMATION ABOUT THIS ZONE.
4. A WELL AGREEMENT EXISTS PER INST. NO. 276908.
5. ELEVATIONS BASED ON NAVD 88 (GEOID03) DATUM.

### HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: \_\_\_\_\_  
South Central Public Health District, REHS



VICINITY MAP  
NOT TO SCALE

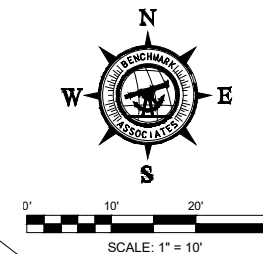


### WILLS CONDOMINIUMS NO. 2 AMENDED

LOCATED WITHIN  
SECTIONS 11 & 14, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M.,  
CITY OF KETCHUM, BLAINE COUNTY, IDAHO

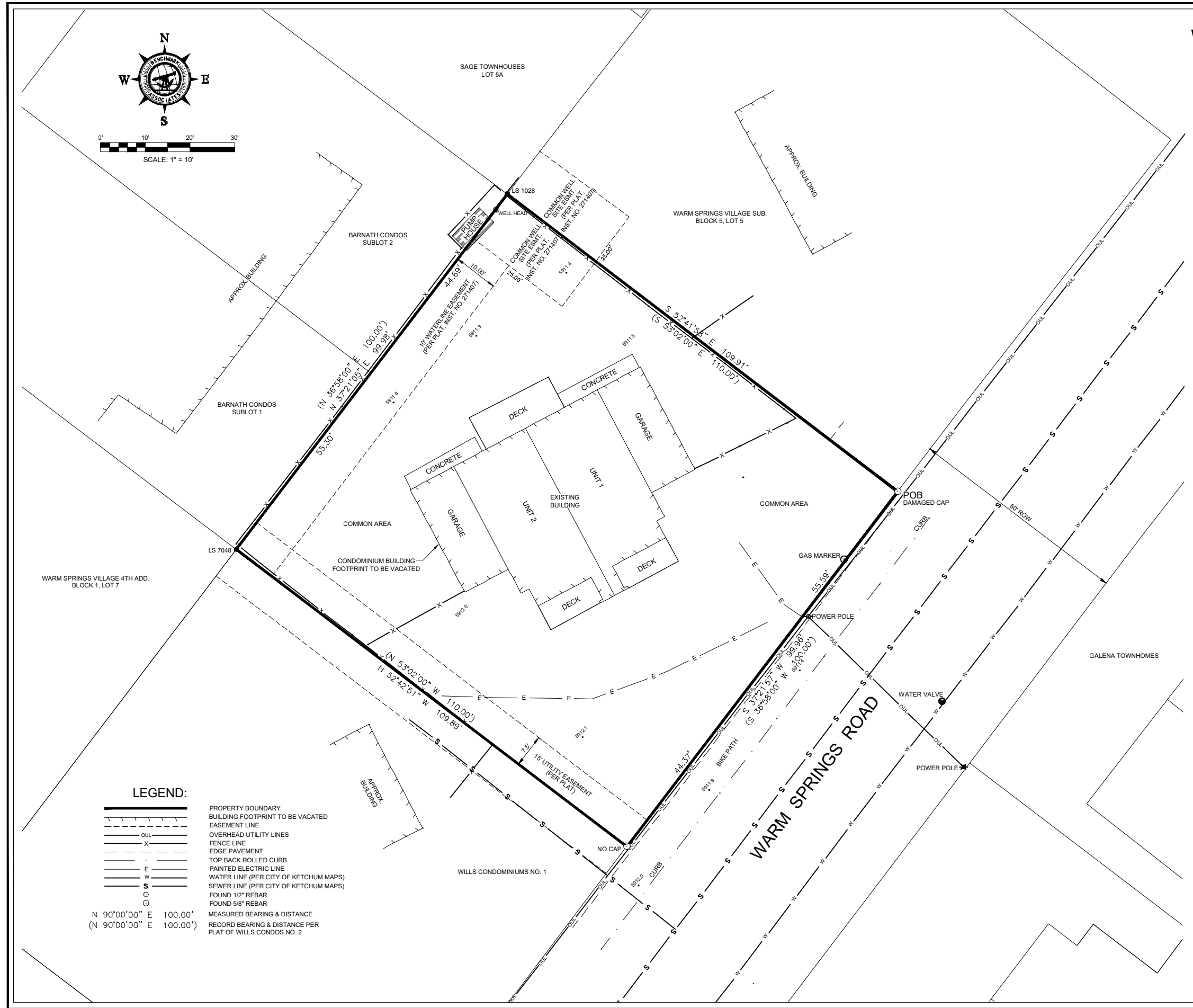
PREPARED FOR: DOUG WADDELL

PROJECT NO. 20003	DWG BY: DWS/CPL	20003LLS-PRE.DWG
PRELIMINARY PLAT	DATE: 07-17-2020	SHEET: 1 OF 1



**LEGEND:**

	PROPERTY BOUNDARY
	BUILDING FOOTPRINT TO BE VACATED
	EASEMENT LINE
	OVERHEAD UTILITY LINES
	FENCE LINE
	EDGE PAVEMENT
	TOP BACK ROLLED CURB
	PAINTED ELECTRIC LINE
	WATER LINE (PER CITY OF KETCHUM MAPS)
	SEWER LINE (PER CITY OF KETCHUM MAPS)
	FOUND 1/2" REBAR
	FOUND 5/8" REBAR
	MEASURED BEARING & DISTANCE
	RECORD BEARING & DISTANCE PER PLAT OF WILLS CONDOS NO. 2





## City of Ketchum

August 17, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

**Recommendation to hold a public hearing and approve the Preliminary Plat and Phasing Agreement to subdivide a 47,338 square foot lot into ten (10) townhouse sublots for the West Ketchum Residences Townhomes, a 10-unit townhouse development currently under construction at 150 Bird Drive in the General Residential High Density (GR-H) Zoning District.**

### Recommendation and Summary

Staff recommends the City Council hold a public hearing and approve the Preliminary Plat and Phasing Agreement application by West Ketchum Residences, LLC c/o Robert Parker, VP Companies to subdivide an existing 47,338 square foot lot into ten (10) townhouse sublots. Two (2) buildings, each containing two (2) dwelling units, are currently under construction and a third building, also containing two (2) dwelling units, is currently in the Building Permit review process.

The 10-unit development received Design Review approval in 2019, which entitled the developer to apply for building permits. The owner has elected to subdivide the units into townhouse units so each dwelling unit can be sold individually.

Recommended motion: "I move to approve the West Ketchum Residences Preliminary Plat and Phasing Agreement application, subject to conditions 1-7."

The reasons for the recommendation are as follows:

- The request to subdivide meets all applicable standards for Townhouse Preliminary Plats contained in Ketchum Municipal Code's Subdivision (Title 16) and Zoning (Title 17) regulations.
- The Planning and Zoning Commission originally recommended approval of the Preliminary Plat in 2019; the Commission re-reviewed the Preliminary Plat (which was not changed) on July 13<sup>th</sup>, 2020 to incorporate the Phasing Agreement. The Commission recommended approval of the Preliminary Plat and Phasing Agreement at their July 13<sup>th</sup>, 2020 meeting.

### Analysis

The development is located in the GR-H zoning district, which allows development with a Floor Area Ratio (FAR) of up to 1.4 (the by-right FAR in the zone is 0.5), and does not have a units-per-acre maximum. The development is entitled and permitted with approval to construct 10 dwelling units contained in five (5) buildings. The developer has entered into an Exceedance Agreement with the city, agreeing to contribute \$249,274.06 to the in-lieu housing fund prior to issuance of the first Certificate of Occupancy due to the project having a cumulative FAR of 0.63.

Design Review approval for the project is valid for one year, with the ability for two (2) one-year extensions. The Design Review approval also remains valid for the duration of an active building permit.

Typically, when a development is proposed to be platted as individual, for-sale units, the entire project must be completed within two (2) years of the Council approving the Preliminary Plat and Final Plat cannot occur until the entire project has been completed. The purposes of the Phasing Agreement include:

- To allow Final Plat to occur for each two-unit building as each building receives Certificate of Occupancy. Final Plats do not require a public hearing (they are optional at the city's discretion) and may be included as consent agenda items.
- To allow the entire project to be completed by December 31, 2023 and platted by March 1, 2024 (rather than the typical two-year timeframe, which would be August 13<sup>th</sup>, 2022).
- To control the timing and installation of utilities and improvements that affect the entirety of the 5-building/10-unit development.
- To allow the developer to pay the \$249,274.06 in-lieu fee in 10 equal installments, concurrent with issuance of a building permit (since each building permit covers two units, a \$49,854.82 payment will be made with each building permit) rather than in a lump sum prior to issuance of the first Certificate of Occupancy. The Exceedance Agreement anticipated this Phasing Agreement and includes payment in installment concurrent with building permit as an option.

Financial Impact

None at this time.

**Attachments:**

- Staff Report with Attachments:
  - A. Application
  - B. Preliminary Plat
  - C. Draft Findings of Fact, Conclusions of Law, and Decision, which include an attached Phasing Agreement. Attached to the Phasing Agreement are a copy of the preliminary Plat and the Civil Engineering plans that have been approved for the site in conjunction with the first two (2) building permits issued.

**Attachment A.**

Application



City of Ketchum  
Planning & Building

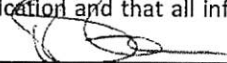
Preliminary Plat  
Subdivision Application

OFFICIAL USE ONLY	
Application Number:	P18-141
Date Received:	12-31-19
By:	MP
Fee Paid:	5250 <sup>00</sup>
Approved Date:	
By:	

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

APPLICANT INFORMATION			
Name of Proposed Subdivision: West Ketchum Residences			
Owner of Record: West Ketchum Residences, LLC c/o Robert Parker, VP Companies			
Address of Owner: PO Box 284, Sun Valley, ID 83353			
Representative of Owner: Galena Engineering			
Legal Description: Bavarian Village Subdivision Lots 5A, 6A, 7A, & 8A (Proposed Lot 5AA)			
Street Address: 150, 152, 154, 156 Bird Drive			
SUBDIVISION INFORMATION			
Number of Lots/Parcels: Existing: 1; Proposed 10 townhouse sublots			
Total Land Area: 47,338 sf			
Current Zoning District: GR-H			
Proposed Zoning District: GR-H			
Overlay District: N/A			
TYPE OF SUBDIVISION			
Condominium <input type="checkbox"/>	Land <input type="checkbox"/>	PUD <input type="checkbox"/>	Townhouse <input checked="" type="checkbox"/>
Adjacent land in same ownership in acres or square feet: N/A			
Easements to be dedicated on the final plat:			
Briefly describe the improvements to be installed prior to final plat approval: Water, sewer, and driveway improvements; each unit will be constructed and obtain c/o prior to final plat approval.			
ADDITIONAL INFORMATION			
All lighting must be in compliance with the City of Ketchum's Dark Sky Ordinance One (1) copy of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations One (1) copy of current title report and owner's recorded deed to the subject property One (1) copy of the preliminary plat All files should be submitted in an electronic format.			

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

  
Applicant Signature

12-27-19  
Date



**Attachment B.**

Preliminary Plat dated June 2020

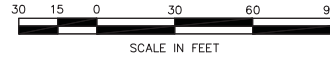
# A PLAT SHOWING WEST KETCHUM RESIDENCES

WHEREIN LOT 5AA, BLOCK 1, BAVARIAN VILLAGE SUBDIVISION IS REPLATTD INTO TOWNHOMES AS SHOWN  
LOCATED WITHIN SECTION 13, T.4 N., R.17 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

JUNE 2020

SCALE: 1" = 30'

Curve Table						
Curve	Length	Radius	Delta	Tangent	Chord	Chord Direction
C1	18.21'	28.00'	37° 16' 15"	9.44'	17.89'	N71° 56' 41"E
C2	25.77'	28.00'	52° 43' 45"	13.88'	24.87'	N26° 56' 41"E
C3	25.57'	28.00'	52° 20' 00"	13.76'	24.70'	S25° 35' 13"E
C4	18.41'	28.00'	37° 39' 59"	9.55'	18.08'	S70° 35' 12"E
C5	26.65'	28.01'	54° 30' 44"	14.43'	25.65'	N62° 42' 30"E
C6	14.50'	28.00'	29° 40' 29"	7.42'	14.34'	N73° 49' 27"W



Line Table		
Line #	Length	Direction
L1	30.48	N83° 51' 48"E
L2	30.48	N83° 51' 48"E
L3	18.00	N00° 34' 48"E
L4	20.00	S89° 25' 12"E
L5	18.00	S00° 34' 48"W
L6	30.48	N82° 42' 12"W
L7	30.48	S82° 42' 12"E
L8	30.48	N83° 51' 48"E
L9	30.48	S83° 51' 48"W
L10	30.48	N83° 51' 48"E
L11	30.48	S83° 51' 48"W
L12	30.48	S82° 42' 12"E
L13	30.48	N82° 42' 12"W

### LEGEND

- Property Line
- - - Proposed Sublot & Parcel Lines
- Adjoiner's Lot Line
- 5772 Existing Ground Contour (1')
- 5775 Existing Ground Contour (5')
- ▨ Easements per Instrument Numbers 660648, 660804, 661177, & 661178 (See Note 4)
- ▨ Proposed Paver & Hydronic Heating Maintenance Easement (See Note 5)
- - - Easement, type & width as shown
- - - Proposed 10' Water Line Easement (See Note 16)
- - - Proposed 10' Sewer Line Easement (See Note 16)
- Mechanical Room Easement
- - - Building Setback per Site Plan, AS102
- - - Building Footprint
- - - Garage Footprint
- ▨ Proposed Pavements
- - - GIS Tie Line
- Found 1/2" Rebar
- Found 5/8" Rebar
- Set 5/8" Rebar, PLS 16670

### SURVEY NARRATIVE & NOTES

- The purpose of this survey is to replat Lot 5AA, Block 1, Bavarian Village Subdivision, into townhomes as shown. The boundary shown is based on found monuments and the recorded plat of Lot 5AA, Block 1, Bavarian Village Subdivision, Instrument Number \_\_\_\_\_, records of Blaine County, Idaho. All found monuments have been accepted. Additional Documents used in the course of this survey include: Bavarian Village Subdivision, Lots 3A, 4A, 5A, 6A, 7A & 8A, Instrument Number 631181, and Bavarian Village Subdivision, Instrument Number 139821, both records of Blaine County, Idaho.
- Except as specifically stated or depicted on this map, this survey does not purport to reflect any of the following which may be applicable to subject real property: natural hazards, encroachments, wetlands, easements, building setbacks, restrictive covenants, subdivision restrictions, zoning or any other land-use regulations. An independent title search has not been performed by the surveyor for this project.
- An ALTA Commitment for Title Insurance for Lots 5A, 6A, 7A, & 8A, Bavarian Village Subdivision, has been issued by Stewart Title Guaranty Company, File Number 1921742, with a Commitment Date of August 1, 2019. Certain information contained in said title policy may not appear on this map or may affect items shown hereon. It is the responsibility of the owner or agent to review said title policy. Some of the encumbrances and easements listed in the title report are NOT plotted hereon. Review of specific documents is required, if further information is desired.
- The 10' Public Utility Easement, extending from the Northeast Corner of the subject property, along Bird Drive, to the Southeast Corner of the subject property will encompass Utility Easements per Instrument Numbers 660648, 660804, 661177, & 661178, records of Blaine County, Idaho.
- A Paver & Hydronic Heating Maintenance Easement shall be created as shown hereon on all sublots, being the paver areas for garage accesses and front entry walkways. The HOA will maintain this system.
- A Landscape Easement shall be created hereon between all sublot lines and the exterior footprints of each structure on said sublots.
- The West Ketchum Residences Declaration of Covenants, Conditions and Restrictions and Party Wall Agreement are recorded under Instrument Number \_\_\_\_\_, records of Blaine County, Idaho.
- The owner/subdivider is West Ketchum Residences, LLC c/o Robert Parker, PO Box 284, Sun Valley, ID 83353. The surveyor/representative is Mark Phillips, Galena Engineering Inc., 317 N River Street, Hailey, ID 83333.
- The Current Zoning is GR-H. Refer to the City of Ketchum Zoning Code for more information about this zone.
- Refer to the Engineering Base Drawing, prepared by Galena Engineering, Inc., for existing conditions and proposed improvements.
- The Private Access Parcel (Parcel A) is designated as a fire lane. A clear zone of 20' shall be maintained at all times.
- Parcel A is reserved for Common Access, Public Utilities and Snow Storage to benefit and be maintained by Lots within this subdivision. This area is unbuildable except for ingress/egress or utilities. Costs for utilities, snow removal, onsite street maintenance, and maintenance of Parcel A shall be shared on a pro rata basis between the lots.
- Garage space shall not be converted to living space or uses other than parking of vehicles and household storage.
- All Townhome unit owners shall have mutual reciprocal easements for existing and future water, cable tv, sewage, telephone, natural gas and electrical lines over, under, and across their townhouses and sublots for the repair, maintenance, and replacement thereof.
- All Townhome unit owners shall have mutual reciprocal easements for existing and future water, cable tv, sewage, telephone, natural gas and electrical lines over, under, and across their townhouses and sublots for the repair, maintenance, and replacement thereof.
- The proposed 10' Water Line Easement and proposed 10' Sewer Line Easement shown hereon are intended to be centered on the to be constructed piping, with as-constructed location of piping controlling the centerline of said easements.
- The total water and sewer system is private from point of connection with the mains on Bird Drive. Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private and sewer water mains serving sublots 1-10, in accordance with the Phased Townhouse Subdivision Agreement, recorded under Instrument Number \_\_\_\_\_, records of Blaine County, Idaho.
- This plat is subject to a Development Phasing Agreement, recorded under Instrument Number \_\_\_\_\_, records of Blaine County, Idaho.
- A 5' utility easement shall exist along the side and rear lot lines of the exterior boundary.
- The street connecting to Bird Drive (Parcel A) shall be private, and all owners and successors in interest shall be responsible for snow removal, maintenance, and repair.

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

Date \_\_\_\_\_ South Central Public Health District



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

WEST KETCHUM RESIDENCES  
GALENA ENGINEERING, INC.  
HAILEY, IDAHO  
SHEET 1 OF 2  
Job No. 7818

**Attachment C.**

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

**i. Phasing Agreement**

**ii. Preliminary Plat dated June 2020**

**iii. Civil plans approved with issuance of BP20-033 and BP20-035**



City of Ketchum  
Planning & Building

IN RE: )  
)  
West Ketchum Residences ) KETCHUM CITY COUNCIL  
Townhouse Subdivision Preliminary Plat ) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
Date: August 17, 2020 ) DECISION  
)  
File Number: 19-141 )

**PROJECT:** West Ketchum Residences Preliminary Plat and Phasing Agreement

**FILE NUMBER:** P19-141

**REPRESENTATIVE:** Robert Parker, VP Companies

**OWNER:** West Ketchum Residences, LLC c/o Robert Parker, VP Companies

**REQUEST:** Preliminary Plat and Phasing Agreement approval to subdivide a 47,338 square foot lot into ten (10) townhouse sublots

**ASSOCIATED PERMITS:** P19-140 – Design Review for the 10-unit development  
P19-142 – Lot Line Shift to combine four exiting lots into one lot so parcel can be re-subdivided into townhouse sublots  
BP20-033 (Future units 1 & 2)  
BP20-035 (Future Units 3 & 4)

**LOCATION:** 150 Bird Drive (Lot 5AA, Block 1, Bavarian Village Subdivision)

**ZONING:** General Residential High Density (GR-H)

**OVERLAY:** None

**NOTICE:** Notice was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on July 30th, 2020. Notice was published in the July 29th, 2020 edition of the Idaho Mountain Express.

**ATTACHMENTS:** A. Phasing Agreement and Exhibits

**FINDINGS OF FACT**

1. On March 9<sup>th</sup>, 2020, the Planning and Zoning Commission considered a Townhouse Subdivision Preliminary Plat application for a 10-unit townhouse development to be located on the subject parcel and recommended approval to City Council.
2. After the application was forwarded to City Council for review and hearing, staff recognized that in order for each townhouse unit to receive eventual Final Plat approval commensurate with completion

of each building a Phasing Agreement was necessary (KMC §16.04.080.C.4). Additionally, during building permit review for the first two buildings (BP20-033 – future sublots 1 & 2, BP20-035 – future sublots 3&4), the Assistant Fire Chief recognized that the private driveway, Parcel A, needed to be recognized as a private street because it serves more than four (4) units. The property owner was entitled to apply for building permits because of the existing Design Review approval.

3. As such, the Preliminary Plat application was re-noticed for a hearing with the Commission so that Phasing Plan could be reviewed and incorporated into the entitlements for this development. The Commission considered the application during a public hearing on July 13<sup>th</sup>, 2020 and recommended approval of the Preliminary Plat and Phasing Agreement to City Council.
4. The subject property is located in the General Residential – High Density (GR-H) zoning district.
5. Townhouse subdivisions are a permitted use in the zoning district.
6. The townhouse subdivision Preliminary Plat application is consistent with the Design Review application approved by the Planning and Zoning Commission on February 10<sup>th</sup>, 2020 and building permit approvals BP20-033 and BP20-035.
7. City Council held a public hearing on the application on August 17<sup>th</sup>, 2020 and approved the Preliminary Plat and Phasing Agreement.

**Table 1: City Department Comments**

City Department Comments				
Compliant				
Yes	No	N/A	City Code	City Standards and <i>City Department Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.C</b>	<b>Complete Application</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Fire Department:</b> The same comments included with the Design Review approval, prior Preliminary Plat review, and BP20-033 and BP20-035 reviews apply.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Engineering/Streets Department:</b> The same comments included with the Design Review approval, prior Preliminary Plat review, and BP20-033 and BP20-035 reviews apply.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Utilities:</b> The same comments included with the Design Review approval, prior Preliminary Plat review, and BP20-033 and BP20-035 reviews apply including addition of the following plat note: <ul style="list-style-type: none"> <li>• Should repairs be required on any part of the public sewer main the City of Ketchum will not be responsible for repair or replacement of pavers, landscaping, or heating system.</li> </ul>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Building:</b>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> Comments are denoted throughout the Staff Report.	

**Table 2: Preliminary Plat Requirements**

Preliminary Plat Requirements				
Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and <i>Findings</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.C.1</b>	<b>The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.</b>
			<b>Findings</b>	The application has been reviewed and determined to be complete.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J</b>	<b>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:</b>
			<b>Findings</b>	All required materials for the Preliminary Plat application have been submitted.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .1</b>	<b>The scale, north point and date.</b>
			<b>Findings</b>	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .2</b>	<b>The name of the proposed subdivision.</b>
			<b>Findings</b>	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.3</b>	<b>The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</b>
			<b>Findings</b>	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.4</b>	<b>Legal description of the area platted.</b>
			<b>Findings</b>	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .5</b>	<b>The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.</b>
			<b>Findings</b>	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.6</b>	<b>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.</b>
			<b>Findings</b>	Contours were indicated in the civil plans reviewed with the Design Review
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.7</b>	<b>The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.</b>
			<b>Findings</b>	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J .8</b>	<b>Boundary description and the area of the tract.</b>
			<b>Findings</b>	This standard has been met.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.9</b>	<b>Existing zoning of the tract.</b>
			<b>Findings</b>	This standard has been met. Existing zoning is GR-H and is noted in plat note #9.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.10</b>	<b>The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.</b>
			<b>Findings</b>	As conditioned by the utilities department per the Commission's March 2020 review of the Preliminary Plat the following plat notes shall be added to the Final Plat: <ul style="list-style-type: none"> <li>Should repairs be required on any part of the public sewer main the City of Ketchum will not be responsible for repair or replacement of pavers, landscaping, or heating system.</li> </ul> All other standards have been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.11</b>	<b>The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.</b>
			<b>Findings</b>	Common areas are indicated on the plat – Parcel B, common lawn area, and Parcel A – road and public utility parcel.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.J.12</b>	<b>The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.</b>
			<b>Findings</b>	A complementary civil drawing package has been submitted with the Design Review application that was previously reviewed and approved by the Commission. This drawing set is attached for reference.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.J</b>	<b>The direction of drainage, flow and approximate grade of all streets.</b>
			<b>Findings</b>	Not applicable, the project abuts the existing street Bird Drive.  The internal private drive and its drainage and grade was reviewed with the Design Review application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.14</b>	<b>The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.</b>
			<b>Findings</b>	A complementary civil drawing package has been submitted with the Design Review application that was previously reviewed and approved by the Commission. This drawing set is attached for reference.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J.15</b>	<b>Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector</b>
			<b>Findings</b>	This application replats an existing lot within Bavarian Village Subdivision. The platted and recorded Bavarian Village Subdivision serves as the vicinity map.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030. J.16</b>	<b>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.</b>
			<b>Findings</b>	N/A the property is not currently mapped to be in the floodplain/floodway. The property is not within the avalanche overlay.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030. J.17</b>	<b>Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.</b>
			<b>Findings</b>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .18</b>	<b>Lot area of each lot.</b>
			<b>Findings</b>	Sublot sizes are indicated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J 19</b>	<b>Existing mature trees and established shrub masses.</b>
			<b>Findings</b>	Existing trees and a landscaping plan indicating improvements to the site were included with the Design Review application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .20</b>	<b>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.</b>
			<b>Findings</b>	This standard has been met. The proposed West Ketchum Residences subdivision name has not been used by another project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .21</b>	<b>All percolation tests and/or exploratory pit excavations required by state health authorities.</b>
			<b>Findings</b>	N/A this project will connect to municipal services.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .22</b>	<b>A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.</b>
			<b>Findings</b>	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .23</b>	<b>A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.</b>
			<b>Findings</b>	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030. J .24</b>	<b>A digital copy of the preliminary plat shall be filed with the administrator.</b>
			<b>Findings</b>	This standard has been met.



<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.A</b>	<b>Required Improvements:</b> 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.
			<b>Findings</b>	This standard has been met. Some existing trees are being removed but a landscaping plan for the development, which includes installation of new trees, was approved with the Design Review application.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.B</b>	<b>Improvement Plans:</b> Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			<b>Findings</b>	N/A at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.C</b>	<b>Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</b>
			<b>Findings</b>	N/A at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.D</b>	<b>As Built Drawing:</b> 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.

			<b>Findings</b>	N/A at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.E</b>	<p><b>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:</b></p> <ol style="list-style-type: none"> <li><b>1. All angle points in the exterior boundary of the plat.</b></li> <li><b>2. All street intersections, points within and adjacent to the final plat.</b></li> <li><b>3. All street corner lines ending at boundary line of final plat.</b></li> <li><b>4. All angle points and points of curves on all streets.</b></li> <li><b>5. The point of beginning of the subdivision plat description.</b></li> </ol>
			<b>Findings</b>	N/A at this time.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.F	<p><b>Lot Requirements:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> </li> <li>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.</li> <li>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</li> <li>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.</li> <li>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..</li> </ol>
			<b>Findings</b>	N/A at this time.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.G</b>	<p><b>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</b></p> <ol style="list-style-type: none"> <li><b>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.</b></li> <li><b>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</b></li> <li><b>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.</b></li> <li><b>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.</b></li> </ol>
			<b>Findings</b>	These standards have been met, this subdivision is essential one "block". Standard four (4) is N/A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.H.1</b>	<p><b>H. Street Improvement Requirements:</b></p> <ol style="list-style-type: none"> <li><b>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;</b></li> </ol>
			<b>Findings</b>	This standard has been met. The proposed development is located on a relatively small infill parcel. Topographical changes are minimal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.H.2</b>	<p><b>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;</b></p>
			<b>Findings</b>	The design of the private street located on Parcel A has been approved by the City Engineer via review and approval of the first two building permits in the development.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.3</b>	<p><b>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;</b></p>
			<b>Findings</b>	N/A the development does not abut or contain an arterial street, railroad, or limited access highway.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.4</b>	<p><b>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</b></p>
			<b>Findings</b>	N/A due to the subject property abutting the rear yard of a developed parcel.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.H.5</b>	<p><b>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;</b></p>
			<b>Findings</b>	This standard has been met.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.6</b>	<b>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;</b>
			<b>Findings</b>	N/A Parcel A will be a private street.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.7</b>	<b>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;</b>
			<b>Findings</b>	N/A, the private street Parcel A functions as a private driveway for the 10 townhouse units. However, because it serves more than four (4) units, it is classified as a private street.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.H.8</b>	<b>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;</b>
			<b>Findings</b>	This standard has been met. The private street is approximately 200' in length.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.H.9</b>	<b>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</b>
			<b>Findings</b>	This standard has been met.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.10</b>	<b>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;</b>
			<b>Findings</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.11</b>	<b>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</b>
			<b>Findings</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.12</b>	<b>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</b>
			<b>Findings</b>	N/A

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.1 3</b>	<b>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;</b>
			<b>Findings</b>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.H.1 4</b>	<b>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</b>
			<b>Findings</b>	This standard has been met. The subject property is relatively flat as is the private street.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.1 5</b>	<b>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;</b>
			<b>Findings</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.1 6</b>	<b>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;</b>
			<b>Findings</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.1 7</b>	<b>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;</b>
			<b>Findings</b>	N/A the street is private, no right-of-way is being dedicated.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.1 8</b>	<b>18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;</b>
			<b>Findings</b>	N/A street lighting is not required in this zone.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.H.1 9</b>	<b>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;</b>
			<b>Findings</b>	It is recommended that Parcel A be a private street rather than a public street. Parcel A functions like a private driveway but because it serves more than four (4) dwellings it is classified as a private street.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.2 0</b>	<b>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;</b>
			<b>Findings</b>	N/A street signage for the private street is not required. The units will utilize Bird Drive addresses.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.2 1</b>	<b>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;</b>
			<b>Findings</b>	N/A.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.2 2</b>	<b>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;</b>
			<b>Findings</b>	N/A, sidewalks, curbs and gutters are not required in this zone.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.2 3</b>	<b>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</b>
			<b>Findings</b>	N/A a gate is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H.2 4</b>	<b>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</b>
			<b>Findings</b>	N/A the subject property is not located in the Avalanche Zone.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.I</b>	<b>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.</b>
			<b>Findings</b>	N/A alleys are not required in this zone.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.J.1</b>	<b>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.</b>  <b>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.</b>
			<b>Findings</b>	This standard has been met.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.2</b>	<b>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.</b>
			<b>Findings</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.3</b>	<b>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.</b>
			<b>Findings</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.4</b>	<b>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.</b>
			<b>Findings</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.5</b>	<b>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.</b>
			<b>Findings</b>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.J.6</b>	<b>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.</b>
			<b>Findings</b>	N/A, nonvehicular transportation easements are not needed on this parcel due to the parcel being a relatively small infill parcel.



<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.K</b>	<b>K. Sanitary Sewage Disposal Improvements:</b> 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.
			<b>Findings</b>	This standard has been met. All units will be connected to the Ketchum Sun Valley sewage system.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.L</b>	<b>L. Water System Improvements:</b> 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.
			<b>Findings</b>	This standard has been met. All units will be connected to the municipal water system.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.M</b>	<b>M. Planting Strip Improvements:</b> 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.
			<b>Findings</b>	N/A this is a residential development adjacent to existing residential developments.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.1</b>	<p><b>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:</b></p> <p><b>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.</b></p>
			<b>Findings</b>	N/A the site is relatively flat and grading will be minimal. Additionally, all site grading has been reviewed and approved through the review and approval of the first two building permits for the development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.N.2</b>	<p><b>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:</b></p> <p><b>a. Proposed contours at a maximum of five foot (5') contour intervals.</b></p> <p><b>b. Cut and fill banks in pad elevations.</b></p> <p><b>c. Drainage patterns.</b></p> <p><b>d. Areas where trees and/or natural vegetation will be preserved.</b></p> <p><b>e. Location of all street and utility improvements including driveways to building envelopes.</b></p> <p><b>f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.</b></p>
			<b>Findings</b>	All site grading has been reviewed and approved through the review and approval of the first two building permits for the development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.N.3</b>	<p><b>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.</b></p>
			<b>Findings</b>	Grading for the site is minimal. Grading has been reviewed and approved through the review and approval process for the fist two building permits.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N.4</b>	<p><b>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.</b></p>
			<b>Findings</b>	N/A this is a relatively flat lot that is well suited for development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.N.5</b>	<p><b>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.</b></p>
			<b>Findings</b>	A landscaping plan was submitted with Design Review. Because this is a townhouse subdivision, not a land subdivision, landscaping will be installed as part of the building process.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.N.6</b>	<p><b>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</b></p> <p><b>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</b></p> <p><b>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).</b></p>
			<b>Findings</b>	All site grading has been reviewed and approved through the review and approval of the first two building permits for the development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.O</b>	<p><b>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.</b></p>
			<b>Findings</b>	All drainage improvements for the development have been submitted and were approved with the first two building permits issued.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.P</b>	<p><b>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.</b></p>
			<b>Findings</b>	The applicant is planning to install all necessary utilities as this is an application to subdivide buildings into townhouse units.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.Q</b>	<p><b>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.</b></p>
			<b>Findings</b>	N/A this subdivision will not create substantial additional traffic.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.R</b>	<p><b>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.</b></p>

			<b>Findings</b>	N/A the property is not located in the Avalanche or Mountain Overlay.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.S</b>	<b>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.</b>
			<b>Findings</b>	N/A, this is a small-scale townhouse subdivision on an infill lot that contains no significant natural features.

**Table 3: Townhouse Preliminary Plat Requirements**

<b>Townhouse Preliminary Plat Requirements</b>				
<b>Compliant</b>			<b>Standards and Findings</b>	
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>City Code</b>	<b>City Standards and Findings</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.B</b>	<b>Townhouse Owners' Documents:</b> The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.
			<b>Findings</b>	The applicant has submitted the HOA articles of incorporation and proposed association bylaws.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.C.1</b>	<b>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.</b>  <b>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.</b>
			<b>Findings</b>	This project is being reviewed for compliance with all applicable standards and is following the procedure for townhome platting.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.C.2</b>	<b>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.</b>
			<b>Findings</b>	This Preliminary Plat application follows Design Review approval of the project.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.C.3</b>	<b>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.</b>
			<b>Findings</b>	The applicant was entitled to apply for building permits due to the Design Review entitlements; platting is not required for multi-family developments in the GR-H zone.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.080.C.4</b>	<b>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.</b>
			<b>Findings</b>	A Phasing Plan has been submitted for this development. If approved §16.04.030.G will be followed for Final Plat.

### **CONCLUSIONS OF LAW**

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67, of the Idaho Code the City has passed a subdivision ordinance, Title 16.
4. The Council has authority to review and approve the applicant's Preliminary Plat and Phasing Agreement Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
5. The project **does** meet the standards of approval under Chapter 16.04 of Subdivision Code Title 16.

### **DECISION**

**THEREFORE**, the Ketchum City Council **approves** of this Preliminary Plat and Phasing Agreement application this Monday, August 17<sup>th</sup>, 2020 subject to the following conditions:

1. The following notes shall be added to the Final Plat:
  - a. Should repairs be required on any part of the public sewer main the City of Ketchum will not be responsible for repair or replacement of pavers, landscaping, or heating system.
2. The Covenants, Conditions, and Restrictions (CC&R's) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of the CC&R's.
3. The terms of the Phased Townhome Subdivision Agreement allow Preliminary Plat approval to remain valid for all ten (10) units until March 1, 2024. Failure to obtain Final Plat approval by Ketchum City Council by March 1, 2024 shall cause the Preliminary Plat approval for the units that have not yet received Final Plat to be null and void.
4. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map.

5. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
  - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
  - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
  - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
  - d. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
6. The applicant shall provide a copy of the recorded final plat to the Planning and Building Department for the official file on the application.
7. All requirements of the Fire, Utility, Building, Planning, and Public Works departments of the City of Ketchum shall be met. The applicant shall comply with all City Department conditions as described in Tables 1 & 2.

Findings of Fact **adopted** this 17<sup>th</sup> day of August, 2020.

---

Neil Bradshaw, Mayor, City of Ketchum

---

Robin Crotty, City Clerk

# ATTACHMENT A.

## Phasing Agreement and Exhibits

<b>RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:</b>	
--	--

(Space Above Line For Recorder's Use)

**PHASED TOWNHOUSE SUBDIVISION AGREEMENT**

THIS PHASED TOWNHOUSE SUBDIVISION AGREEMENT ("Agreement") is made and entered into as of the \_\_ day of \_\_\_\_\_ 2020, by and between the City of Ketchum, an Idaho municipal corporation ("City") and West Ketchum Residences, LLC ("Owner").

**RECITALS**

WHEREAS, Owner owns that certain real property located at 150 Bird Drive, Ketchum, Idaho legally described as Bavarian Village Subdivision, Block 1, Lot 5AA within the City of Ketchum, according to the official plat thereof, on file in the office of the County Recorder of Blaine County, Idaho (the "Property"); and

WHEREAS, Owner has applied for a Preliminary Plat, creating Sublots 1-10, Parcel A- Road & Public Utility Easement, and Parcel B- Common Parcel, within the City of Ketchum ("Preliminary Plat Property") and requested an extension to complete certain improvements and City is agreeable to certain extensions to address Owner's request.

WHEREAS, Owner has applied to construct infrastructure improvements to City standards and assume private maintenance of the improved private street and water main within the Preliminary Plat Property and City is agreeable to private maintenance of the improvements to address Owner's request.

**AGREEMENT**

NOW THEREFORE, in consideration of the above recitals and the mutual covenants and agreements herein contained and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Maintenance Responsibilities.

A. *Owner.*

(1) *Water Main Serving Sublots 1-10.* Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private water main serving the



Preliminary Plat Property. The private line is from the point of connection with the city's main sewer line on Bird Drive.

- (2) *Private Road.* The road connecting to Bird Dive shall be a private road. Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private road serving the Preliminary Plat Property.

*B. City.*

- (1) The City is responsible for the maintenance, repair and all costs associated with the public sewer main that is located on Bird Drive. The sewer line that connects to the main line on Bird Drive that serves the development shall be private.

2. Construction and Completion Schedule.

- A. Prior to recordation of the any sublots a part of the Plat Amendment Property, each lot shall be adequately served by both water and sewer services as generally depicted on Exhibit A, as affirmed in writing by the City. The City must approve the timing of water and sewer connections to the existing system.
- B. Prior to issuance of a building permit for sublots 5-10 an Encroachment Agreement for the snowmelt and pavers proposed for the Bird Drive right-of-way shall be approved by City Council.
- C. By September 30, 2021 and prior to obtaining Certificate of Occupancy for any one unit, the following services as generally depicted on Exhibit A shall be completed and/or extended to Sublots 1-10:
  - (1) Dry utility services (power, IMG, cable, etc); and
  - (2) Residential private road improvements within Parcel A.
  - (3) Bird Drive right-of-way road ballast consistent with Ketchum Municipal Code, Title 12.04.030.H.1. Bonding for the right-of-way road ballast improvements is allowed if the Owner wishes to obtain Certificate of Occupancy and record a plat of any sublots a part of the Preliminary Plat Property prior to completing improvements. See Exhibit B for Schedule of Costs. Completion of road ballast shall occur prior to Certificate of Occupancy is issued for the last townhouse unit.
  - (4) Water and sewer mains serving sublots 1-10.
- D. By September 30, 2021 and prior to obtaining Certificate of Occupancy for any one unit, the following services as generally depicted on Exhibit A shall

be completed for and/or extended to the units requesting Certificate of Occupancy:

(1) Private driveway improvements.

E. By September 30, 2022 and prior to obtaining Certificate of Occupancy for any one Sublot 5-10, the following services as generally depicted on Exhibit A shall be completed for Sublots 5-10:

(1) Private driveway improvements.

F. By December 31, 2023 all townhomes on sublots 1-10 shall be completed, as evidenced by a receipt of Certificate of Occupancy for each townhouse unit.

G. By March 1, 2024 the Final Plat for each townhouse unit shall be recorded.

3. Sublot Releases. The City agrees to release individual Sublots for Final Plat approval by City Council provided a Certificate of Occupancy has been issued for each half of each two-unit (duplex) building should Owner comply with the above recitals.

4. In Lieu Affordable Housing Payments - Payment Schedule. Owner agrees to pay the \$249,274.06 in-lieu affordable housing fee in ten equal installments of \$24,927.41. An installment payment will be made each time a unit is granted a building permit by the City.

5. Owners' Association Assumption of Responsibilities. Upon the recording of the final plat or the final Sublot (the tenth Sublot), Owner may assign and transfer its maintenance responsibilities and obligations under this Agreement to the West Ketchum Residences Owners' Association, Inc.

6. General Provisions.

A. *Recitals and Construction.* The City and Owner incorporate the above recitals into this Agreement and affirm such recitals are true and correct.

B. *Effective Date.* This Agreement is effective as of the date on which the last of the City and Owner execute this Agreement. Neither party shall have any rights with respect to this Agreement until both have executed this Agreement.

C. *Owner Representations.* Owner represents and warrants to City that (a) Owner holds fee simple title to the Property, and (b) no joinder or approval of another person or entity is required with respect to Owner's authority to make and execute this Amendment.

D. *Neutral Interpretation.* City and Owner acknowledge they and, if they so choose, their respective counsel have reviewed this Agreement and the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of the Agreement, or any exhibits, attachments and addenda to the Agreement.

E. *Counterparts.* This Agreement may be executed in multiple counterparts, each of which taken together shall constitute one and the same agreement binding upon the parties. Signatures transmitted by facsimile or via e-mail in a "PDF" format shall have the same force and effect as original signatures on this Amendment. The Original of this Amendment shall be recorded with the Blaine County Recorder.

IN WITNESS WHEREOF, the parties, having been duly authorized, have hereunder caused this Agreement to be executed, the same being done after public notice and statutory requirements having been fulfilled.

"CITY":

CITY OF KETCHUM,

an Idaho municipal corporation

"OWNER":

WEST KETCHUM RESIDENCES LLC

**an Idaho LLC**

By: \_\_\_\_\_

Neil Bradshaw, Mayor

By: \_\_\_\_\_

Robert Parker, Managing Member

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

---

Robin Crotty, City Clerk

**ACKNOWLEDGEMENT FOR CITY**

STATE OF IDAHO )  
 ) ss.  
COUNTY OF BLAINE )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned Notary Public in and for said State, personally appeared NEIL BRADSHAW, known or identified by me to be the Mayor of the City of Ketchum, Idaho, and the person who executed the foregoing instrument and acknowledged to me that he executed the same on behalf of such city.

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

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**ACKNOWLEDGEMENT FOR OWNER**

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known to me to be the trustee of the \_\_\_\_\_ Trust, the Managing Member of \_\_\_\_\_ LLC, an Idaho limited liability company, and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said limited liability company.

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

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

# EXHIBIT A

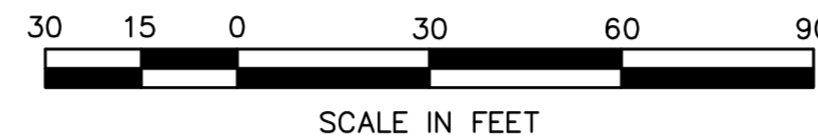
# A PLAT SHOWING WEST KETCHUM RESIDENCES

WHEREIN LOT 5AA, BLOCK 1, BAVARIAN VILLAGE SUBDIVISION IS REPLATTD INTO TOWNHOMES AS SHOWN  
LOCATED WITHIN SECTION 13, T.4 N., R.17 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

JUNE 2020

SCALE: 1" = 30'

Curve Table						
Curve	Length	Radius	Delta	Tangent	Chord	Chord Direction
C1	18.21'	28.00'	37° 16' 15"	9.44'	17.89'	N71° 56' 41"E
C2	25.77'	28.00'	52° 43' 45"	13.88'	24.87'	N26° 56' 41"E
C3	25.57'	28.00'	52° 20' 00"	13.76'	24.70'	S25° 35' 13"E
C4	18.41'	28.00'	37° 39' 59"	9.55'	18.08'	S70° 35' 12"E
C5	26.65'	28.01'	54° 30' 44"	14.43'	25.65'	N62° 42' 30"E
C6	14.50'	28.00'	29° 40' 29"	7.42'	14.34'	N73° 49' 27"W



Line Table		
Line #	Length	Direction
L1	30.48	N83° 51' 48"E
L2	30.48	N83° 51' 48"E
L3	18.00	N00° 34' 48"E
L4	20.00	S89° 25' 12"E
L5	18.00	S00° 34' 48"W
L6	30.48	N82° 42' 12"W
L7	30.48	S82° 42' 12"E
L8	30.48	N83° 51' 48"E
L9	30.48	S83° 51' 48"W
L10	30.48	N83° 51' 48"E
L11	30.48	S83° 51' 48"W
L12	30.48	S82° 42' 12"E
L13	30.48	N82° 42' 12"W

**LEGEND**

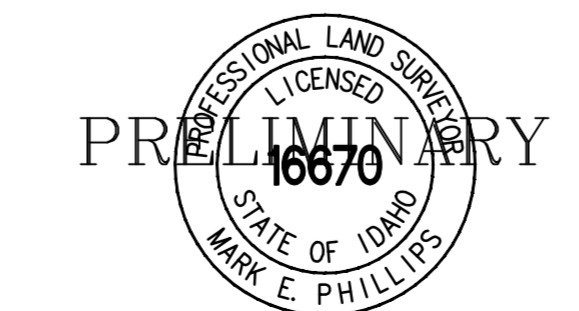
- Property Line
- Proposed Sublot & Parcel Lines
- Adjoiner's Lot Line
- Existing Ground Contour (1')
- Existing Ground Contour (5')
- Easements per Instrument Numbers 660648, 660804, 661177, & 661178 (See Note 4)
- Proposed Paver & Hydronic Heating Maintenance Easement (See Note 5)
- Easement, type & width as shown
- Proposed 10' Water Line Easement (See Note 16)
- Proposed 10' Sewer Line Easement (See Note 16)
- Mechanical Room Easement
- Building Setback per Site Plan, AS102
- Building Footprint
- Garage Footprint
- Proposed Paviers
- GIS Tie Line
- Found 1/2" Rebar
- Found 5/8" Rebar
- Set 5/8" Rebar, PLS 16670

**SURVEY NARRATIVE & NOTES**

- The purpose of this survey is to replat Lot 5AA, Block 1, Bavarian Village Subdivision, into townhomes as shown. The boundary shown is based on found monuments and the recorded plat of Lot 5AA, Block 1, Bavarian Village Subdivision, Instrument Number \_\_\_\_\_, records of Blaine County, Idaho. All found monuments have been accepted. Additional Documents used in the course of this survey include; Bavarian Village Subdivision: Lots 3A, 4A, 5A, 6A, 7A & 8A, Instrument Number 631181, and Bavarian Village Subdivision, Instrument Number 139821, both records of Blaine County, Idaho.
- Except as specifically stated or depicted on this map, this survey does not purport to reflect any of the following which may be applicable to subject real property: natural hazards, encroachments, wetlands, easements, building setbacks, restrictive covenants, subdivision restrictions, zoning or any other land-use regulations. An independent title search has not been performed by the surveyor for this project.
- An ALTA Commitment for Title Insurance for Lots 5A, 6A, 7A, & 8A, Bavarian Village Subdivision, has been issued by Stewart Title Guaranty Company, File Number 1921742, with a Commitment Date of August 1, 2019. Certain information contained in said title policy may not appear on this map or may affect items shown hereon. It is the responsibility of the owner or agent to review said title policy. Some of the encumbrances and easements listed in the title report are NOT plotted hereon. Review of specific documents is required, if further information is desired.
- The 10' Public Utility Easement, extending from the Northeast Corner of the subject property, along Bird Drive, to the Southeast Corner of the subject property will encompass Utility Easements per Instrument Numbers 660648, 660804, 661177, & 661178, records of Blaine County, Idaho.
- A Paver & Hydronic Heating Maintenance Easement shall be created as shown hereon on all sublots, being the paver areas for garage accesses and front entry walkways. The HOA will maintain this system.
- A Landscape Easement shall be created hereon between all sublot lines and the exterior footprints of each structure on said sublots.
- The West Ketchum Residences Declaration of Covenants, Conditions and Restrictions and Party Wall Agreement are recorded under Instrument Number \_\_\_\_\_, records of Blaine County, Idaho.
- The owner/subdivider is West Ketchum Residences, LLC c/o Robert Parker, PO Box 284, Sun Valley, ID 83353. The surveyor/representative is Mark Phillips, Galena Engineering Inc., 317 N River Street, Hailey, ID 83333.
- The Current Zoning is GR-H. Refer to the City of Ketchum Zoning Code for more information about this zone.
- Refer to the Engineering Base Drawing, prepared by Galena Engineering, Inc., for existing conditions and proposed improvements.
- The Private Access Parcel (Parcel A) is designated as a fire lane. A clear zone of 20' shall be maintained at all times.
- Parcel A is reserved for Common Access, Public Utilities and Snow Storage to benefit and be maintained by Lots within this subdivision. This area is unbuildable except for ingress/egress or utilities. Costs for utilities, snow removal, onsite street maintenance, and maintenance of Parcel A shall be shared on a pro rata basis between the lots.
- Garage space shall not be converted to living space or uses other than parking of vehicles and household storage.
- All Townhome unit owners shall have mutual reciprocal easements for existing and future water, cable tv, sewage, telephone, natural gas and electrical lines over, under, and across their townhomes and sublots for the repair, maintenance, and replacement thereof.
- All Townhome unit owners shall have mutual reciprocal easements for existing and future water, cable tv, sewage, telephone, natural gas and electrical lines over, under, and across their townhomes and sublots for the repair, maintenance, and replacement thereof.
- The proposed 10' Water Line Easement and proposed 10' Sewer Line Easement shown hereon are intended to be centered on the to be constructed piping, with as-constructed location of piping controlling the centerline of said easements.
- The total water and sewer system is private from point of connection with the mains on Bird Drive. Owner and all successors in interest are responsible for the installation, maintenance, repair, and other costs associated with the private and sewer water mains serving sublots 1-10, in accordance with the Phased Townhouse Subdivision Agreement, recorded under Instrument Number \_\_\_\_\_, records of Blaine County, Idaho.
- This plat is subject to a Development Phasing Agreement, recorded under Instrument Number \_\_\_\_\_, records of Blaine County, Idaho.
- A 5' utility easement shall exist along the side and rear lot lines of the exterior boundary.
- The street connecting to Bird Drive (Parcel A) shall be private, and all owners and successors in interest shall be responsible for snow removal, maintenance, and repair.

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

Date \_\_\_\_\_ South Central Public Health District



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

WEST KETCHUM RESIDENCES  
GALENA ENGINEERING, INC.  
HAILEY, IDAHO  
SHEET 1 OF 2  
Job No. 7818

# WEST KETCHUM RESIDENCES

## KETCHUM, IDAHO

### JUNE 2020

#### SHEET INDEX

#### CIVIL ENGINEERING

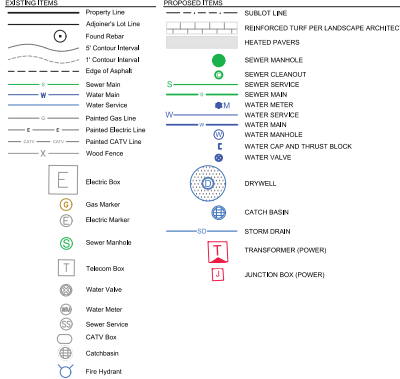
- C0.1 COVER SHEET
- C1.0 DRIVEWAY GRADING, DRAINAGE, AND UTILITY PLAN
- C1.1 DRIVEWAY PLAN AND PROFILE
- C2.0 DETAILS
- C3.0 DETAILS

#### CONSTRUCTION NOTES

##### GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE MOST CURRENT EDITION OF THE "DAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION" (SPWC) AND CITY OF KETCHUM STANDARDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND KEEPING A COPY OF THE SPWC AND CITY OF KETCHUM STANDARDS ON SITE DURING CONSTRUCTION.
2. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON THE PLANS IN AN APPROXIMATE WAY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING EXISTING UTILITIES PRIOR TO COMMENCING AND DURING THE CONSTRUCTION. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH RESULT FROM HIS FAILURE TO ACCURATELY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. CONTRACTOR SHALL CALL DIALONE (1-800-343-1681) TO LOCATE ALL EXISTING UNDERGROUND UTILITIES A MINIMUM OF 48 HOURS IN ADVANCE OF EXCAVATION.
3. CONTRACTOR SHALL COORDINATE RELOCATIONS OF DRY UTILITY FACILITIES (POWER, CABLE, PHONE, TV) WITH THE APPROPRIATE UTILITY FRANCHISE.
4. THE CONTRACTOR SHALL CLEAN UP THE SITE AFTER CONSTRUCTION IS DONE TO IT IN A CONDITION EQUAL TO OR BETTER THAN THAT WHICH EXISTED PRIOR TO CONSTRUCTION.
5. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION (THIS MAY INCLUDE ENCROACHMENT PERMITS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) CONSTRUCTION GENERAL PERMIT (CGP) PERMIT COVERAGE).
6. ALL CLEANING & GRUBBING SHALL CONFORM TO SPWC SECTION 201.
7. ALL EXCAVATION & EMBANKMENT SHALL CONFORM TO SPWC SECTION 202. SUBGRADE SHALL BE EXCAVATED AND SHAPED TO LINE, GRADE, AND CROSS SECTION SHOWN ON THE PLANS. THE SUBGRADE SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY AS DETERMINED BY ASTM D4958. THE CONTRACTOR SHALL WATER OR AGRIATE SUBGRADE AS NECESSARY TO OBTAIN OPTIMUM MOISTURE CONTENT. INLEU OF DENSITY MEASUREMENTS, THE SUBGRADE MAY BE PROOF ROLLED TO THE APPROVAL OF THE ENGINEER.
8. **ROAD BUILDING:** AFTER EXCAVATION TO THE SUBGRADE ELEVATION AND PRIOR TO LAYING COURSE GRAVEL, THE CONTRACTOR SHALL PROOF ROLL THE SUBGRADE WITH A 3-TON SMOOTH DRUM ROLLER, LOADED DUMP TRUCK, OR LOADED DUMP TRUCK, AS ACCEPTED BY THE ENGINEER. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF UNSUITABLE SUBGRADE AREAS NOT CAPABLE OF MEETING THESE SPECIFICATIONS. UNSUITABLE OR DAMAGED SUBGRADE IS WHEN THE SOIL MOVES, PUMPS AND/OR DISPLACES UNDER ANY TYPE OF PRESSURE INCLUDING FROST LOADS.
9. IN THE OPINION OF THE ENGINEER, THE CONTRACTOR'S OPERATIONS RESULT IN DAMAGE TO, OR PROTECTION OF, THE SUBGRADE, THE CONTRACTOR SHALL, AT HIS OWN EXPENSE, REPAIR THE DAMAGED SUBGRADE BY OVER-EXCAVATION OF UNLITABLE MATERIAL TO FIRM SUBSOIL, LINE EXCAVATION WITH GEOTEXTILE FABRIC, AND BACKFILL WITH TOP SOIL.
10. ALL 3/4" GRAVEL SHALL CONFORM TO SPWC SECTION 202. TYPE II (ITS STANDARD 703.04, 21) SHALL BE PLACED IN CONFORMANCE WITH SPWC SECTION 801 AND COMPACTED PER SECTION 202. MINIMUM COMPACTION OF PLACED MATERIAL SHALL BE 95% OF MAXIMUM LABORATORY DENSITY AS DETERMINED BY AASHTO T99 OR (T) 99.
11. ALL ASPHALTIC CONCRETE PAVEMENT WORK SHALL CONFORM TO SPWC SECTIONS 805, 810, AND 811 FOR CLASS A PAVEMENT. ASPHALT AGGREGATE SHALL BE 1" (13MM) NOMINAL SIZE CONFORMING TO TABLE 805B IN SPWC SECTION 803. ASPHALT BINDER SHALL BE PG 58+20 CONFORMING TO TABLE A1 IN SPWC SECTION 805.
12. ASPHALT SAWCUTS SHALL BE AS INDICATED ON THE DRAWINGS OR 24" NICHES FROM EDGE OF EXISTING ASPHALT, IF NOT INDICATED OTHERWISE SO AS TO PROVIDE A CLEAN FINISHED EDGE FOR MATCHING. ALL SAWCUTS SHALL BE 1/8" DEEP.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING TRAFFIC CONTROL PER THE CURRENT EDITION OF THE US DEPARTMENT OF TRANSPORTATION MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
14. ALL CONCRETE WORK SHALL CONFORM TO SPWC SECTIONS 701, 703, AND 705. ALL CONCRETE SHALL BE 100% PER MINIMUM 28 DAY, AS DEFINED IN SPWC SECTION 703, TABLE 1.C. IMMEDIATELY AFTER PLACEMENT PROTECT CONCRETE BY APPLYING MEMBRANE-FORMING CURING COMPOUND, TYPE 2, CLASS A PER ASTM C 309-04, APPLY CURING COMPOUND PER MANUFACTURER'S INSTRUCTIONS AND SPECIFICATIONS.
15. ALL TRENCHING SHALL CONFORM TO SPWC STANDARD DRAWING SD-301. TRENCHES SHALL BE BACKFILLED AND COMPACTED TO A MINIMUM OF 95% OF MAXIMUM DENSITY AS DETERMINED BY AASHTO T99.
16. PER DAHO CODE 65-1613, THE CONTRACTOR SHALL RETAIN AND PROTECT ALL MONUMENTS, ACCESSORIES TO CORNERS, BENCHMARKS AND POINTS SET IN CONTROL SURVEYS. ALL MONUMENTS, ACCESSORIES TO CORNERS, BENCHMARKS AND POINTS SET IN CONTROL SURVEYS THAT ARE LOST OR DISTURBED BY CONSTRUCTION SHALL BE REESTABLISHED AND RE-MONUMENTED, AT THE EXPENSE OF THE AGENCY OR PERSON CAUSING THEIR LOSS OR DISTURBANCE AT THEIR ORIGINAL LOCATION OR BY SETTING OF A WITNESS CORNER OR REFERENCE POINT ON A REPLACEMENT BENCHMARK OR CONTROL POINT, BY OR UNDER THE DIRECTION OF A PROFESSIONAL LAND SURVEYOR.
17. CONSTRUCTION OF WATER MAINS AND ALL OTHER RELATED APPURTENANCES SHALL BE IN ACCORDANCE WITH THE DAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (SPWC), DAHO 65A 01.08, DAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS AND THE CITY OF KETCHUM UTILITIES DEPARTMENT STANDARDS.
18. CONTRACTOR SHALL PRESURE TEST, DISINFECT AND BIOLOGICAL TESTING IN ACCORDANCE WITH THE DAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (SPWC), AMERICAN WATER WORKS ASSOCIATION (AWWA) STANDARDS, AND THE PRESURE TESTING, DISINFECTION, AND MICROBIOLOGICAL TESTING PROCEDURES.
19. ALL WATER SUPPLY FITTINGS, FITTINGS, PIPING, AND ALL RELATED APPURTENANCES SHALL BE ANSISNF STD 1 COMPLIANT.
20. ALL WATER SUPPLY FITTINGS, FITTINGS, PIPING, AND ALL RELATED APPURTENANCES SHALL COMPLY WITH THE LOW LEAD ACT REQUIRING ALL MATERIALS TO HAVE A LEAD CONTENT EQUAL TO OR LESS THAN 0.05%.
21. THE CONTRACTOR SHALL USE ANISNF STANDARD 60 TO CHEMICALS AND COMPOUNDS DURING INSTALLATION & DISINFECTION OF POTABLE WATER MAIN.
22. EXISTING CONDITIONS AND BOUNDARY INFORMATION SHOWN HEREON ARE PER A SURVEY CONDUCTED BY BENCHMARK ASSOCIATES DATED 10/8/2019.
23. PROPOSED DISTURBED AREA IS OVER 1 ACRE. THE CONTRACTOR SHALL OBTAIN AN EPA NOTICE OF INTENT (NOI) AND IMPLEMENT SEDIMENT AND EROSION CONTROL MEASURES PRIOR TO COMMENCING CONSTRUCTION.

##### LEGEND



##### FLUSHING AND DISINFECTION

1. **FLUSHING PRIOR TO CONNECTION:**
  - a. BEFORE CHLORINATION, FLUSH THE MAINS THOROUGHLY AFTER THE PRESSURE AND LEAKAGE TEST ARE COMPLETE.
  - b. USE A MINIMUM FLUSHING VELOCITY IN THE MAIN OF 2.5 FEET/SECOND.
  - c. IF NO HYDRANT IS INSTALLED AT THE END OF THE MAIN, PROVIDE A TAP OF THE SIZE SUFFICIENT TO PRODUCE A VELOCITY IN THE MAIN OF AT LEAST 2.5 FEET/SECOND.
  - d. TABLE 1 SHOWS THE RATES OF FLOW REQUIRED TO PRODUCE A VELOCITY OF 2.5 FEET/SECOND IN VARIOUS SIZE PIPES.
  - e. EXERCISE EXTREME CARE AND CONDUCT A THOROUGH INSPECTION DURING THE WATER MAIN LAYING TO PREVENT AND DETECT SMALL STONES, PIECES OF CONCRETE, PARTICLES OF MATERIAL, OR OTHER FOREIGN MATERIAL THAT MAY HAVE ENTERED THE MAINS.
  - f. CLEAN LARGE MATERIAL BY FLUSHING AND INSPECTING ALL HYDRANTS ON THE LINES TO ENSURE THAT THE ENTIRE VALVE OPERATING MECHANISM OF EACH HYDRANT IS IN GOOD CONDITION.
2. **DISINFECTION OF WATER PIPES:**
  - a. GENERAL:
    1. COMPLY WITH ANSII/AWWA C 651: DISINFECTING WATER MAINS, THESE SPECIFICATIONS, AND ENGINEER'S DIRECTION.
    2. DISINFECT WITH FREE CHLORINE SOLUTION.
    3. DISINFECT ALL WATER PIPES AND APPURTENANCES PRIOR TO PLACING IN SERVICE.
  - b. FORM OF CHLORINE USED TO BE PRE-APPROVED BY THE ENGINEER:
    1. LIQUID CHLORINE:
      - a. FORM LIQUID CONTAINING 100% AVAILABLE CHLORINE UNDER PRESSURE IN STEEL CONTAINERS.
      - b. STANDARD: ANSII/AWWA C 300.
      - c. APPLICATION: ONLY BY TRAINED PERSONNEL, WITH APPROPRIATE GAS-FLOW CONTROLLERS AND ELECTORS.
    2. SODIUM HYPOCHLORITE:
      - a. FORM LIQUID CONTAINING APPROXIMATELY 5% TO 15% AVAILABLE CHLORINE.
      - b. STANDARD: ANSII/AWWA C 300.
      - c. APPLICATION: ONLY BY TRAINED PERSONNEL, WITH APPROPRIATE GAS-FLOW CONTROLLERS AND ELECTORS.
    3. FORM GRANULAR OR IN SOLID TABLETS CONTAINING APPROXIMATELY 60% AVAILABLE CHLORINE BY WEIGHT:
      - a. STANDARD: ANSII/AWWA C 300.
  - c. METHODS OF CHLORINATION USED TO BE PRE-APPROVED BY THE ENGINEER:
    1. TABLET OR GRANULE METHOD:
      - a. SOLUTION STRENGTH: 100 MG/L.
      - b. SOLUTION TIME: 24 HOURS.
      - c. APPLICATION: ONLY BY TRAINED PERSONNEL, WITH APPURTENANCES ARE KEPT CLEAN AND DRY DURING CONSTRUCTION. DO NOT USE SOLVENT WELDED PLASTIC OR SCREWED JOINT STEEL PIPE.
      - d. PLACEMENT WHEN USING GRANULES: DURING CONSTRUCTION, PLACE CALCIUM HYPOCHLORITE GRANULES AT THE UPSTREAM END OF EACH BRANCH MAIN, AND AT 500-FOOT INTERVALS.
      - e. GRANULAR QUANTITY: REFER TO TABLE 2.
    2. PLACEMENT WHEN USING TABLETS: DURING CONSTRUCTION, PLACE 30 CALCIUM HYPOCHLORITE TABLETS IN EACH SECTION OF PIPE AND ALSO PLACE TABLET EACH HOUR. HYDRANT BRANCH AND OTHER APPURTENANCES. ATTACH TABLETS TO THE INSIDE OF THE PIPE USING AN ADHESIVE SUCH AS PERMATEX NO. 2 OR APPROVED SUBSTITUTION. ASSURE NO ADHESIVE IS ON THE TABLET EXCEPT ON THE BROAD SIDE ATTACHED TO THE SURFACE OF THE PIPE. ATTACH ALL TABLETS AT THE INSIDE OF THE PIPE WITH APPROXIMATELY EQUAL NUMBERS OF TABLETS AT EACH END OF A GIVEN SECTION. IF THE TABLETS ARE ATTACHED BEFORE THE PIPE IS LAYED IN THE TRENCH, MARK THEIR POSITION ON THE SECTION SO IT CAN BE READILY DETERMINED THAT THE PIPE IS INSTALLED WITH THE TABLETS AT THE TOP.
      1. TABLET QUANTITY: REFER TO TABLE 3.
      2. ADJUST FOR PIPE LENGTH OTHER THAN 18 FEET.
      3. BASED ON 2.5% AVAILABLE CHLORINE PER TABLET.
      4. FILLING PROCEDURE: WHEN GRANULE OR TABLET INSTALLATION HAS BEEN COMPLETED, FILL THE MAIN WITH CLEAN WATER AT A VELOCITY NOT EXCEEDING 1 FT/S. TAKE PRECAUTIONS TO ASSURE THAT AIR POCKETS ARE ELIMINATED. LEAVE THIS WATER IN THE PIPE FOR AT LEAST 24 HOURS. IF THE WATER TEMPERATURE IS LESS THAN 47° F, LEAVE THE WATER IN THE PIPE FOR AT LEAST 48 HOURS. POSITION VALVE SO THAT THE CHLORINE SOLUTION IN THE MAIN BEING TREATED WILL NOT FLOW INTO WATER MAINS IN ACTIVE SERVICE.
    3. CONTINUOUS FEED METHOD:
      1. SOLUTION STRENGTH: DOSE AT 2 MG/L FOR 4 HOURS.
      2. RESIDUAL: 10 MG/L AT 24 HOURS.
      3. DOSING METHODS:
        - a. LIQUID CHLORINE: SOLUTION FEED VACUUM-OPERATED CHLORINATOR IN COMBINATION WITH A BOOSTER PUMP.
        - b. DIRECT FEED: NOT ALLOWED.
        - c. LIQUID CHLORINE SOLUTION: CHEMICAL FEED PUMP DESIGNED FOR FEEDING CHLORINE SOLUTIONS.
        - d. CALCIUM HYPOCHLORITE GRANULES: REFER TO PREVIOUS SECTION.
      4. FILLING PROCEDURE: USE APPROVED SOURCE TO FLOW CLEAN WATER AT A CONSTANT, MEASURED RATE INTO THE NEWLY LAID WATER MAIN. FILL AT A POINT NOT MORE THAN 10 FEET DOWNSTREAM FROM THE BEGINNING OF THE NEW MAIN. MEASURE THE CHLORINE CONCENTRATION AT REGULAR INTERVALS AND ENSURE A 2.5 MG/L DOSE. PORTABLE VALVES SO THAT THE CHLORINE SOLUTION IN THE MAIN BEING TREATED DOES NOT FLOW INTO WATER MAINS IN ACTIVE SERVICE. DO NOT STOP CHLORINATION UNTIL THE ENTIRE MAIN IS FILLED WITH CHLORINATED WATER. RETAIN THE CHLORINATED WATER IN THE MAIN FOR AT LEAST 48 HOURS, OPERATING ALL VALVES AND HYDRANTS IN THE SECTION TREATED. AT THE END OF THE 48 HOUR PERIOD, VERIFY THE TREATED WATER IN ALL PORTIONS OF THE MAIN HAS RESIDUAL OF 10 MG/L FREE CHLORINE.
    - c. SLUG METHOD:
      1. SOLUTION STRENGTH: 100 MG/L.
      2. DOSING METHODS: PER ENGINEER'S DIRECTION.
      3. FILLING PROCEDURE: USE APPROVED SOURCE TO FLOW CLEAN WATER AT A CONSTANT, MEASURED RATE INTO THE NEWLY LAID WATER MAIN. FILL AT A POINT NOT MORE THAN 10 FEET DOWNSTREAM FROM THE BEGINNING OF THE NEW MAIN. MEASURE CONCENTRATION AT REGULAR INTERVALS TO ENSURE 10 MG/L DOSE. APPLY THE CHLORINE CONTINUOUSLY AND FOR THE TIME REQUIRED TO DEVELOP A SOLID COLUMN OR SLUG OF CHLORINATED WATER THAT WILL AS IT MOVES THROUGH THE MAIN, EXPOSE ALL INTERIOR SURFACES TO A 100 MG/L FOR AT LEAST 3 HOURS. MEASURE THE CHLORINE CONCENTRATION IN THE SLUG AS IT MOVES THROUGH THE MAIN. IF AT ANY TIME IT DROPS BELOW 10 MG/L, STOP FLOW AND RELOCATE CHLORINATION EQUIPMENT AT THE HEAD OF THE SLUG, AND AS FLOW IS RESUMED, ADD CHLORINE TO RESTORE THE FREE CHLORINE IN THE SLUG TO LESS THAN 100 MG/L. AS THE CHLORINATED WATER FLOWS PAST FITTINGS AND VALVES, OPERATE VALVES AND HYDRANTS TO DISINFECT APPURTENANCES AND PIPE BRANCHES.
3. FINAL FLUSHING:
  1. AFTER THE RETENTION PERIOD, FLUSH THE CHLORINATED WATER FROM THE MAIN UNTIL CHLORINE MEASUREMENTS SHOW THAT THE CONCENTRATION IN THE WATER LEAVING THE MAIN IS NO HIGHER THAN THAT IN THE SYSTEM OR THAT IT IS ACCEPTABLE FOR DOMESTIC USE.
  2. METHOD OF FLUSHING WATER TO BE DETERMINED BY THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN THE NECESSARY PERMITS TO REACH SURFACE WATERS OR WATERS OF THE STATE.
    - a. TAKE PLACEMENT DURING PERIODS WHEN THE AMBIENT TEMPERATURE IS ABOVE 60° WITHOUT PRIOR APPROVAL OF THE ENGINEER.
    - b. WATER CAN ONLY BE DISCHARGED TO THE SANITARY SEWER COLLECTION SYSTEM WATER SHALL BE DECONTAMINATED AT A MINIMUM AVAILABLE CHLORINE CONCENTRATION OF 0.13 MG/L AND THE APPROPRIATE FEDERAL, STATE AND LOCAL DISCHARGE AND DISPOSAL APPROVALS SHALL BE OBTAINED PRIOR TO COMMENCING DISCHARGE OF FLUSHING WATER. THERE SHALL BE A POTENTIAL FOR THE DISCHARGE TOLERANCE TO BE VIOLATED AS A RESULT OF A CHLORINATED DISCHARGE AND ENGINEER SHALL COORDINATE DISPOSAL WITH REGIONAL DEED STAFF PRIOR TO FLUSHING.
4. BACTERIOLOGICAL TESTS:
  1. AFTER FINAL FLUSHING AND BEFORE THE WATER MAIN IS PLACED IN SERVICE, TEST SAMPLES COLLECTED FROM THE MAINS FOR COLIFORM BACTERIA.
    - a. TAKE 2 SAMPLES FROM EACH LOCATION AT LEAST 24 HOURS APART.
    - b. IF CHECK SAMPLES SHOW BACTERIAL CONTAMINATION, RE-COLORATE THE MAIN UNTIL APPROVED RESULTS ARE OBTAINED.
5. RECONNECTION:
  1. IF THE INITIAL DISINFECTION FAILS TO PRODUCE APPROVED BACTERIOLOGICAL SAMPLES, REFILL AND RESAMPLE THE MAIN.
  2. IF CHECK SAMPLES SHOW BACTERIAL CONTAMINATION, RE-COLORATE THE MAIN UNTIL APPROVED RESULTS ARE OBTAINED.
6. SWABBING:
  1. IF CONNECTIONS ARE NOT DISINFECTED ALONG WITH THE NEWLY INSTALLED MAIN, SWAB OR SPRAY THE INTERIOR OF ALL PIPES AND FITTINGS USED IN MAKING THE CONNECTIONS WITH A 1% HYPOCHLORITE SOLUTION BEFORE INSTALLATION.

##### TABLE 1

Pipe Diam. (inch)	Velocity in Main, (ft/sec)		Number of taps on pipe (ft)	Size of Tap (inch)	Hydrant Outlets
	1 (1-1/2)	2			
4	1	1	1	1/2	1
6	1	1	1	1/2	1
8	1	1	1	1/2	1
10	1	1	1	1/2	1
12	1	1	1	1/2	1
14	1	1	1	1/2	1
16	1	1	1	1/2	1
18	1	1	1	1/2	1

##### TABLE 2

Pipe Diam. (inch)	Flow Required to Produce 2.5 ft/sec (gpm)		Number of taps on pipe (ft)	Size of Tap (inch)	Hydrant Outlets
	1 (1-1/2)	2			
4	1	1	1	1/2	1
6	1	1	1	1/2	1
8	1	1	1	1/2	1
10	1	1	1	1/2	1
12	1	1	1	1/2	1
14	1	1	1	1/2	1
16	1	1	1	1/2	1
18	1	1	1	1/2	1

- 1) With a 40 psi pressure in the main with the hydrant flowing to atmosphere, a 2-1/2 inch hydrant outlet will discharge approximately 1,000 gpm and a 4-1/2 inch hydrant will discharge approximately 2,500 gpm.
- 2) Number of taps on pipe through 5 feet of unannounced iron (60) pipe with one 60" elbow.

##### SEWER CONSTRUCTION NOTES

1. ALL CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE "DAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION" (SPWC) AND THE CITY OF KETCHUM STANDARDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND KEEPING A COPY OF THE ABOVE STANDARDS AND SPECIFICATIONS AND A SET OF PLANS STAMPED WITH THE DEO APPROVAL STAMP AND A COPY OF THE DEO APPROVAL LETTER ON SITE AT ALL TIMES DURING CONSTRUCTION.
  2. ALL MAINS AND SERVICES SHALL COMPLY WITH DAPA 58.01.08.542.07 AND DAPA 58.01.08.542.07 WHICH ADDRESS THE REQUIREMENTS FOR SEPARATION DISTANCES BETWEEN POTABLE WATER LINES INCLUDING MAINS AND SERVICE LINES WITH NON-POTABLE LINES (SEE ILLUSTRATION OF THESE SEPARATION REQUIREMENTS ON THE SHEET). IN ADDITION, WATER MAINS SHALL BE CONSTRUCTED WITH AT LEAST 25 FEET HORIZONTAL SEPARATION FROM INFILTRATION TRENCHES AND DRY WELLS.
  3. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON THE PLANS IN AN APPROXIMATE WAY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING EXISTING UTILITIES DURING THE CONSTRUCTION. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH RESULT FROM HIS FAILURE TO ACCURATELY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
  4. THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL EXISTING WATER AND SEWER MAINS AT ALL PROPOSED CROSSINGS. SOME RELOCATION OF WATER AND SEWER MAINS MAY BE REQUIRED IN ADDITION TO THOSE SHOWN ON THE PLANS.
  5. POTABLE AND NON-POTABLE CROSSINGS SHALL COMPLY WITH SPWC STANDARD DRAWING NO. SD-601 AND DAPA SECTION 58.01.08.542.07.
  6. THE CONTRACTOR SHALL BE REQUIRED TO OBTAIN ALL NECESSARY PERMITS PRIOR TO EXCAVATION.
  7. ALL SEWER SERVICE STUBS SHALL BE MANHOLED AND CAPPED WITH A GREEN PANTED METAL FENCE POST. SEWER SERVICE LINES SHALL BE PLACED AT A SLOPE OF 2% WITH MARKERS PER SPWC. CLEANOUTS SHALL BE PROVIDED AT CHANGES IN ALIGNMENT, GRADE, AND MINIMUM 150' LENGTH.
  8. ALL PIPE SHALL BE BEDDED WITH (SPWC) TYPE 1 BEDDING MATERIAL.
  9. TRENCHES SHALL BE BACK FILLED AND COMPACTED TO A MINIMUM OF 95% OF MAXIMUM DENSITY AS DETERMINED BY AASHTO T99.
  10. THE CONTRACTOR SHALL PRESURE TEST ALL SEWER MAINS AND SEWER SERVICE CONNECTIONS IN ACCORDANCE WITH THE "DAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION".
  11. ALL SEWER MAINS AND SERVICES SHALL BE CONSTRUCTED OF PVC PIPE CONFORMING TO ASTM D3034 SDR 35. MINIMUM PIPE DIAMETER FOR GRAVITY SEWER MAINS SHALL BE 8-INCHES. MINIMUM PIPE SIZE FOR SINKHOLE SERVICE SHALL BE 6-INCH. INSTALL PIPE AT SLOPES INDICATED ON PLANS.
  12. MANHOLES SHALL BE CONSTRUCTED IN ACCORDANCE WITH SPWC STANDARD DRAWING SD-601. MINIMUM DIAMETER SHALL BE 48 INCHES. AT ALL PIPE INTERSECTIONS, CHANGES IN ALIGNMENT, CHANGES IN GRADE, AND AT TERMINAL ENDS.
- ##### WATER MAIN CONSTRUCTION NOTES
1. WATER MAIN AND SERVICE CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE CITY OF KETCHUM STANDARDS. NO WATER MAIN OR SERVICES SHALL BE BACKFILLED UNTIL THEY HAVE BEEN INSPECTED AND APPROVED BY THE CITY.
  2. WATER MAINS AND SERVICES SHALL HAVE A MINIMUM COVER OF SIX FEET (6') MEASURED FROM FINISHED GRADE.
  3. ALL 4" AND LARGER WATER MAINS SHALL BE CONSTRUCTED WITH ANSII/AWWA C 900 CLASS 200 PVC PIPE. ALL WATER MAINS SHALL BE PRESSURE TESTED IN CONFORMANCE WITH SPWC SECTION 601.3 AND THE CITY OF KETCHUM STANDARDS. TRACER WIRE SHALL BE 12 GAUGE COPPER LOCATING WIRE INSULATED PER SPWC SECTION 401 AND THE CITY OF KETCHUM SPECIFICATIONS.
  4. SEE FLUSHING AND CONNECTION REQUIREMENTS SHEET. ALL BACTERIA TEST RESULTS SHALL BE SUBMITTED TO THE ENGINEER AND THE CITY OF KETCHUM WATER AND SEWER DEPARTMENT FOR FINAL APPROVAL AND ACCEPTANCE PRIOR TO ACTIVATION OF THE WATER MAIN AND SERVICES.
  5. ALL WATER DISTRIBUTION AND WATER SERVICE INSTALLATION MATERIALS AND CHEMICALS USED TO DISINFECT POTABLE WATER COMPONENTS MUST BE COMPLIANT WITH ANSII/AWWA STANDARD 6001. ALL MATERIALS MUST BE COMPLIANT WITH THE LOW LEAD RULE (0.05% BY WEIGHT).
  6. ALL TIES, PLEGS, CAPS AND BENDS SHALL BE SECURED AND ANCHORED BY SUITABLE THRUST BLOCKING MECHANICAL RESTRAINTS ARE NOT ALLOWED. THRUST BLOCKS SHALL CONFORM TO SPWC 401-403 AND THE CITY OF KETCHUM SPECIFICATIONS.
  7. ALL VALVES SHALL BE GATE VALVES WITH NON-RISING STEM, 10" RING SIZES, AND TWO-INCH OPERATING WITH MEETING AWWA STANDARDS PER SPWC SECTION 401. ALL GATE VALVES LOCATED IN PAVEMENT SHALL BE FITTED WITH CAST IRON VALVE BOXES WITH CONCRETE COLLARS PER SPWC 401-403 AND THE CITY OF KETCHUM SPECIFICATIONS.
  8. FIRE HYDRANTS SHALL CONFORM WITH THE CITY OF KETCHUM STANDARDS.
  9. ALL TAPPING SADDLES SHALL BE CONSTRUCTED FROM 3/4" DIA STAINLESS STEEL WITH ANSII/AWWA C 307 CLASS 150 FLANGES. ALL WELDS SHALL CONFORM TO ASTM A 388. THE TAP OUTLET SHALL BE 3/4" NPT WITH 3/4" NPT PUG.
  10. ALL WATER MAINS AND SERVICES SHALL COMPLY WITH DAPA 58.01.08.542.07 AND DAPA 58.01.08.542.07 WHICH ADDRESS THE REQUIREMENTS FOR SEPARATION DISTANCES BETWEEN POTABLE WATER LINES INCLUDING MAINS AND SERVICE LINES WITH NON-POTABLE LINES (SEE ILLUSTRATION OF THESE SEPARATION REQUIREMENTS ON THIS SHEET). IN ADDITION, WATER MAINS SHALL BE CONSTRUCTED WITH AT LEAST 25 FEET HORIZONTAL SEPARATION FROM INFILTRATION TRENCHES AND DRY WELLS.
  11. ALL WATER SERVICES SHALL BE IN COMPLIANCE WITH SPWC SECTION 404 AND THE CITY OF KETCHUM STANDARDS. A USE-OR-APPROVED REDUCED PRESSURE BACKFLOW ASSEMBLY (RPBA) SHALL BE INSTALLED ON PRIMARY SERVICE CONNECTIONS INCLUDING FIRE SUPPRESSION SERVICES, IF APPLICABLE IN ACCORDANCE WITH THE CITY OF KETCHUM WATER DEPARTMENT, FIRE MARSHAL, PLUMBING BUREAU, AND STATE OF IDAHO BACKFLOW PREVENTION REQUIREMENTS. IN AREAS WHERE MULTIPLE WATER SERVICE LINES ARE IN SAME TRENCH SEPARATE LINES BY 6".
  12. THE CONTRACTOR SHALL KEEP THE EXISTING WATER DISTRIBUTION SYSTEM LIVE TO THE GREATEST EXTENT POSSIBLE, WHILE INSTALLING THE NEW WATER MAIN AND SERVICES MINIMIZING DISRUPTION TO EXISTING WATER SYSTEM SERVICES. THE NEW WATER MAIN AND SERVICES SHALL BE INSTALLED, BACKFILLED, PRESSURE TESTED AND DISINFECTED AND FLUSHED PRIOR TO CONNECTING THE NEW MAIN TO THE EXISTING MAIN. THE MAXIMUM ALLOWABLE SERVICE LOSS FOR A 24 HOUR PERIOD SHALL BE 100 GALLONS PER HOUR.
  13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROMPTLY REMOVING AND DISPOSING OF WATER ENTERING THE TRENCH DURING THE TIME THE TRENCH IS BEING PREPARED FOR INSTALLATION OF THE UTILITY, INCLUDING COLLECTION OF BACKFILL TO THE FIRE ZONE. A NO ADDITIONAL COST TO THE OWNER. THE CONTRACTOR SHALL DISPOSE OF THE WATER IN A SUITABLE MANNER WITHOUT CAUSING DAMAGE TO PROPERTY.
  14. EXTRA FITTINGS MAY BE NECESSARY IN ADDITION TO THOSE SHOWN HEREON TO CONTROL ELEVATION AND AVOID UNDERGROUND CONFLICTS.

DRIVEWAY PLAN AND PROFILE SHEET  
**WEST KETCHUM RESIDENCES**  
 KETCHUM, IDAHO  
 DATE: 06/01/2020 12:08 PM

ORIGINAL SIGNED BY  
 GALENA ENGINEERING, INC.  
 DATE: 06/01/2020 12:08 PM  
 ORIGINAL ON FILE AT  
 OFFICE OF THE CITY ENGINEER  
 (KETCHUM, IDAHO)

SIGNED BY  
 DRAWN BY  
 CHECKED BY  
 GALENA ENGINEERING, INC.  
 317N. River Street  
 Ketchum, ID 83343  
 (208) 748-7105  
 email: galena@galena-engineering.com

**PURPOSE:** ISSUE FOR BUILDING PERMIT (04/03/20)  
**REVISIONS:**  
 NO DATA FOR PERMIT FOR...  
 04/03/2020 SRS - ADD HYDRANT FOR...  
 04/03/2020 SRS - ISSUE FOR BUILDING PERMIT...  
 04/03/2020 SRS - RESPONSE TO BUILDING PERMIT...  
 04/03/2020 SRS - RESPONSE TO BUILDING PERMIT...



RELEASE OF DRAWINGS: These drawings are to be used for the project indicated on the title block by agreement with the client. No other use is permitted without the written consent of the engineer.



- GENERAL NOTES**
- SEE SHEET C0.1 FOR CONSTRUCTION NOTES AND LEGEND.
  - SEE SHEET C1.1 FOR DRIVEWAY GRADING.
- CONSTRUCTION KEYNOTES**
- DEMOLITION**
- D01 DEMOLISH AND REMOVE EXISTING ASPHALT DRIVEWAY
  - D02 REMOVE OR ABANDON EXISTING UTILITY IN PLACE. COORDINATE WITH IDAHO POWER OR INTERMOUNTAIN GAS
  - D03 REMOVE EXISTING DRYWELL
  - D04 REMOVE EXISTING CATCH BASIN
- SITE AND DRAINAGE IMPROVEMENTS**
- C01 CONSTRUCT HEATED PAVER DRIVEWAY PER DETAIL 4, SHEET C2.0
  - C02 INSTALL TURF CELL PRODUCT WITH PAVER EDGE DELINEATION PER LANDSCAPE ARCHITECT IN FIRE TRUCK TURN AROUND.
  - C03 INSTALL GRAVEL SHOULDER PER DETAIL 5, SHEET C2.0
  - C04 INSTALL DRYWELL
    - a. RIM ELEV = +5772.5 (PER DETAIL 7(C2.0) IE IN EAST) = 5765.52
    - b. RIM ELEV = +5771.5 (PER DETAIL 8(C2.0))
    - c. RIM ELEV = +5771.5 (PER DETAIL 8(C2.0))
    - d. RIM ELEV = +5772.50 (PER DETAIL 8(C2.0))
    - e. RIM ELEV = +5771.90 (PER DETAIL 7(C2.0) IE IN SOUTH) = 5766.90
  - C05 INSTALL CATCH BASIN PER DETAIL 2, SHEET C2.0
    - a. RIM ELEV = 5772.35
    - b. RIM ELEV = 5772.46
    - c. IE OUT (NORTH) = 5768.35
  - (#) LF C06 INSTALL 12"Ø D3034 PVC PIPE @ 3=2.0% MIN.
  - C07 CONNECT DOWNSPOUT TO DRYWELL PER ARCHITECT

- SEWER KEY NOTES**
- S01 RETAIN AND PROTECT EXISTING SEWER MAIN
  - S02 INSTALL SEWER MAIN. SEE PROFILE SHEET C1.1
  - S03 INSTALL SANITARY SEWER MANHOLE. SEE PROFILE SHEET C1.1
  - S04 INSTALL 4" SEWER SERVICE
  - S05 INSTALL CLEAN-OUT PER ISPCA SD-506A
  - S06 INSTALL CLEAN-OUT AND EXTEND 4" SEWER SERVICE TO PROPOSED BUILDING.
  - S07 LOCATE, CUT, CAP, AND ABANDON EXISTING SEWER SERVICE.

- WATER KEY NOTES**
- W01 LOCATE, CUT, CAP, AND ABANDON EXISTING WATER SERVICE AT THE MAIN IN BIRD DRIVE
  - W02 POINT OF WATER CONNECTION. COORDINATE TAP AND INSTALLATION OF TAPPING VALVE WITH CITY
  - W03 INSTALL 1" WATER SERVICE PER CITY OF KETCHUM STANDARDS
  - W04 INSTALL FROST FREE HYDRANT WITH DRAIN FIT PER DETAIL 6, SHEET C2.0
  - W05 INSTALL 6" GATE VALVE
  - W06 INSTALL 6" CAP
  - W7 THRUST BLOCK
  - W07 INSTALL 6"Ø WATER MAIN PER CITY OF KETCHUM AND ISPCA STANDARDS
  - W08 INSTALL FIRE HYDRANT ASSEMBLY WITH MOUNTAIN EXTENSION PER DETAIL 1, SHEET C3.0

**DRIVEWAY GRADING, DRAINAGE, AND UTILITY PLAN**  
**WEST KETCHUM RESIDENCES**

LOCATED WITHIN SECTION 13, T.4N, R.7E, E.8M, CITY OF KETCHUM, BLAINE COUNTY, IDAHO

PREPARED FOR: WAGLEBY CONSTRUCTION

DATE: 08/03/2020

PROJECT NO: 2019-001

ORIGINAL, SIGNED BY: SAMANTHA STRAIN, REGISTERED PROFESSIONAL ENGINEER, DATE ORIGINAL SIGNED: 08/03/2020

PROFESSIONAL ENGINEER  
 LICENSED UNDER  
 1788  
 STATE OF IDAHO  
 MINIMUM STANDARDS

ORIGINAL ON FILE AT:  
 OFFICE OF THE BOARD OF ENGINEERING  
 ENGINEERING (HAILEY, ID)

DESIGNED BY: SKS  
 DRAWN BY: SMF  
 CHECKED BY: SMF

**GALENA ENGINEERING, INC.**  
 Civil Engineer & Land Surveyors  
 3174 N. River Street  
 Ketchum, ID 83701  
 (208) 786-7075  
 email: galena@galena-engineering.com

PURPOSE: ISSUE FOR BUILDING PERMIT (04/03/2020)

NO. DATE BY

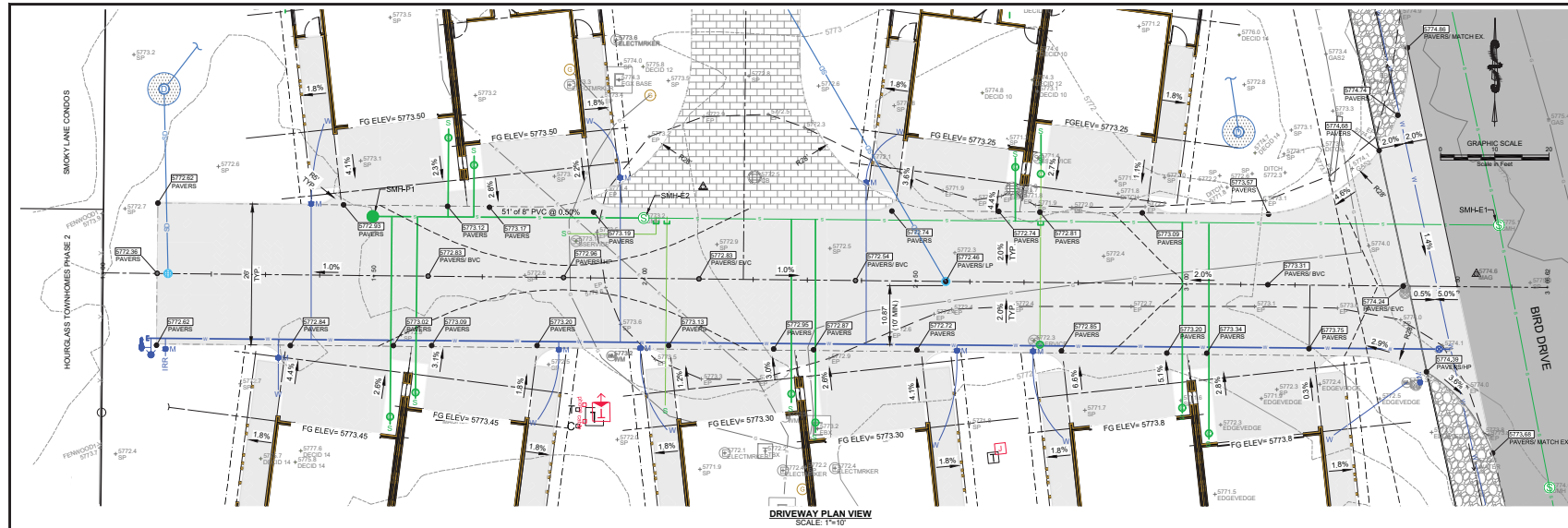
1 07/03/2020 SKS (ADD HYDRANT FOR FIRE STANDARDS)

2 07/03/2020 SKS (ISSUE FOR BUILDING PERMIT)

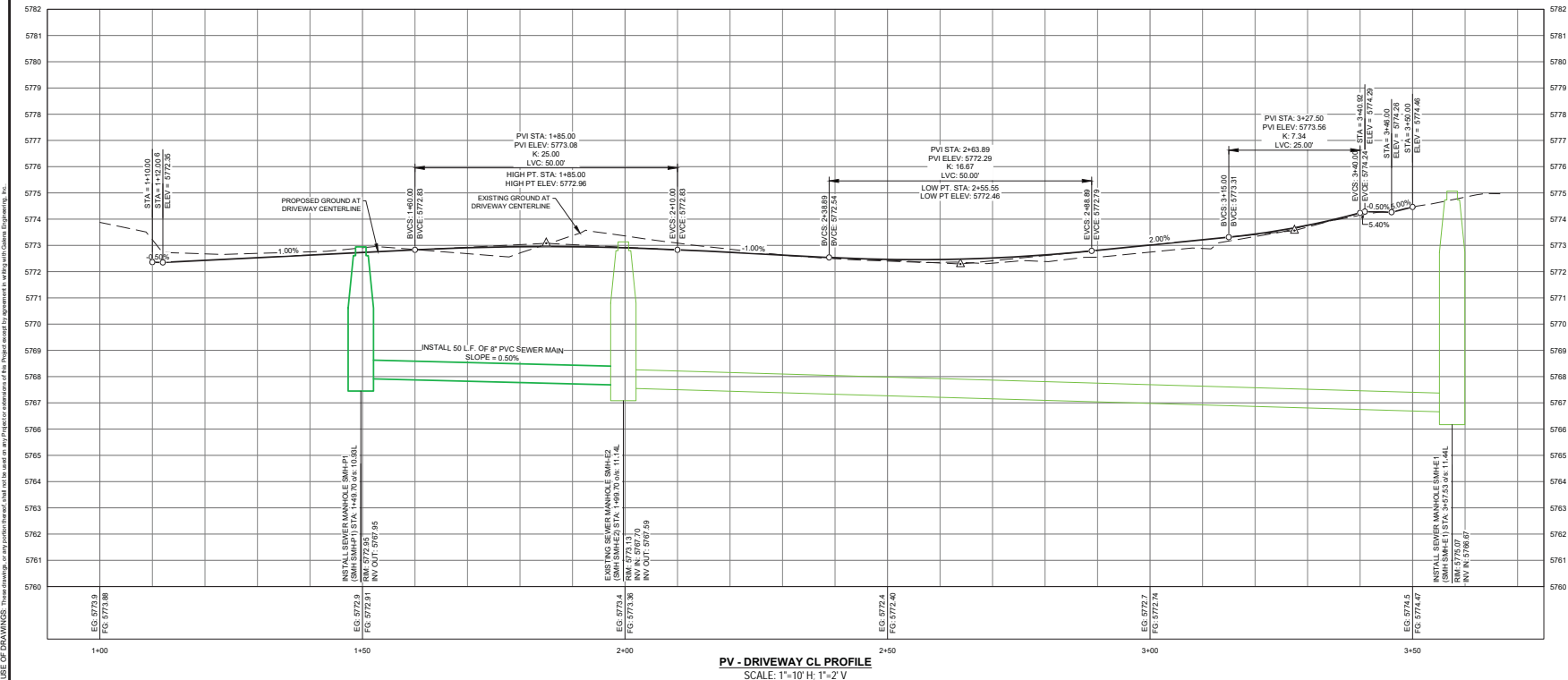
3 07/03/2020 SKS (RESPONSE TO BUILDING PERMIT COMMENTS 05/22/20)

4 07/03/2020 SKS (RESPONSE TO BUILDING PERMIT COMMENTS 06/03/20)

C1.0



**GENERAL NOTES**  
1. SEE SHEET C0.1 FOR CONSTRUCTION NOTES AND LEGEND.



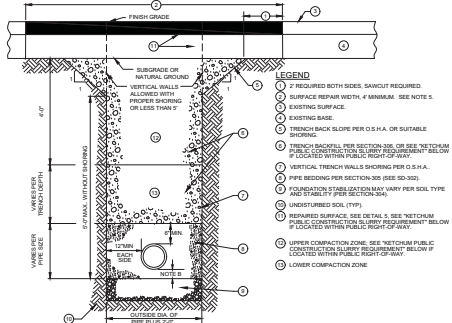
**DRIVEWAY PLAN AND PROFILE**  
**WEST KETCHUM RESIDENCES**

LOCATED WITHIN SECTION 15, T.4 N., R.7 E., B. 8 M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO  
PREPARED FOR: WAGLEBY CONSTRUCTION

ORIGINAL SIGNED BY: SAMANTHA STRAIN, REGISTERED PROFESSIONAL ENGINEER  
DATE ORIGINAL SIGNED: 05/20/2020

**GALENA ENGINEERING, INC.**  
317 N. Rowe Street  
(208) 788-1703  
email: galena@galena-engineering.com

NO. 1	ISSUE FOR BUILDING PERMIT (04/03/20)
NO. 2	ISSUE FOR PERMITS FOR RESIDENCES
NO. 3	ISSUE FOR PERMITS FOR RESIDENCES
NO. 4	ISSUE FOR PERMITS FOR RESIDENCES
NO. 5	ISSUE FOR PERMITS FOR RESIDENCES
NO. 6	ISSUE FOR PERMITS FOR RESIDENCES
NO. 7	ISSUE FOR PERMITS FOR RESIDENCES
NO. 8	ISSUE FOR PERMITS FOR RESIDENCES
NO. 9	ISSUE FOR PERMITS FOR RESIDENCES
NO. 10	ISSUE FOR PERMITS FOR RESIDENCES



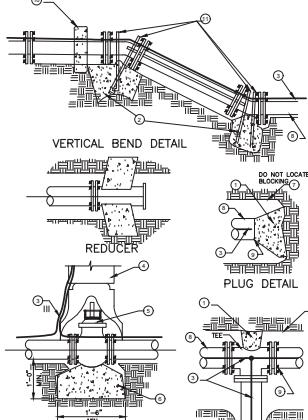
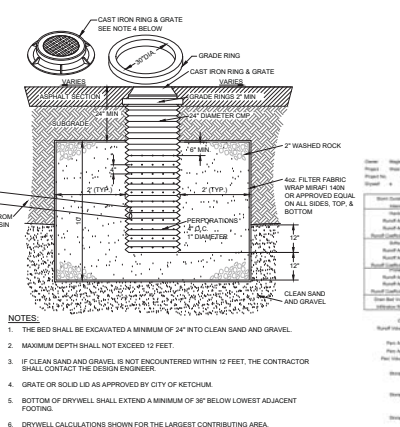
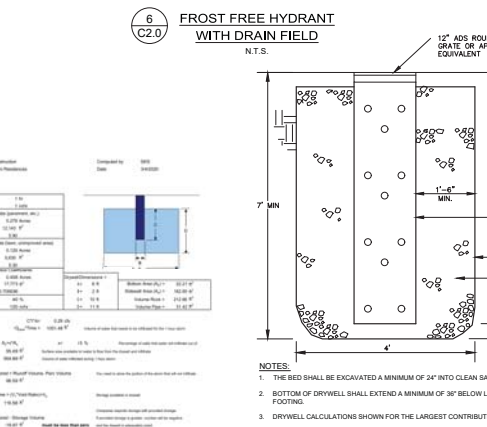
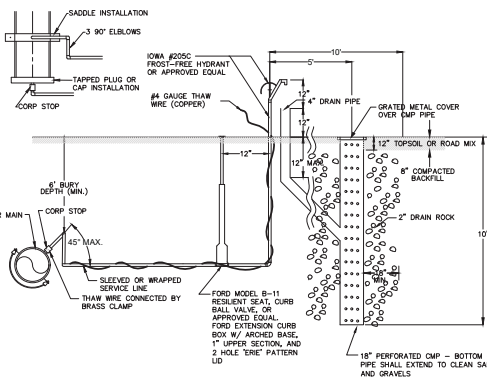
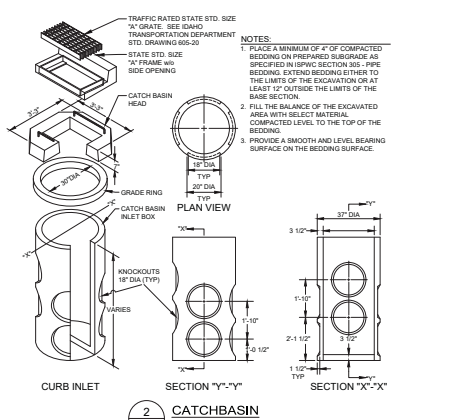
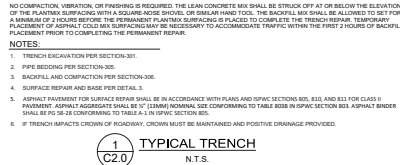
**KETCHUM PUBLIC CONSTRUCTION SLURRY REQUIREMENT**

IN AREAS WHERE IT IS NECESSARY TO CUT THE ASPHALT PAVEMENT AND LAY A TRENCH FOR BURIAL OF CONDUIT CABLE OR OTHER CITY UTILITY, THE TRENCH SHALL BE BACKFILLED WITH A CLEAN CONCRETE MIX TO THE BOTTOM OF FINISH SURFACE MATERIALS, WITH THE FOLLOWING PROPORTIONS OF MATERIALS:

CONCRETE AGGREGATE (0" MINUS)	2,000 LBS
SAND	900 LBS
PORTLAND CEMENT	94 LBS
WATER	1 GAL

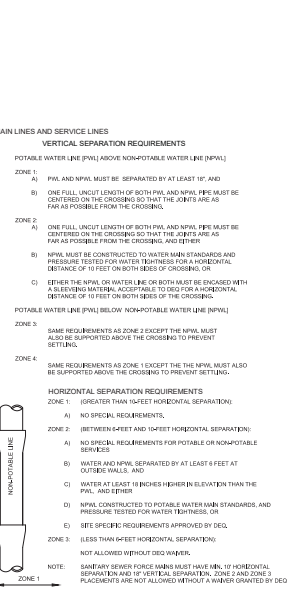
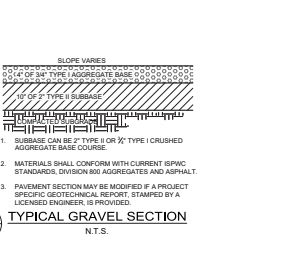
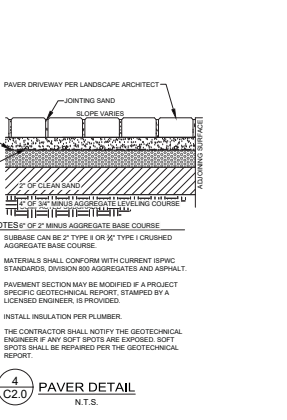
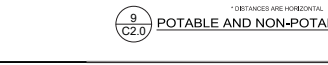
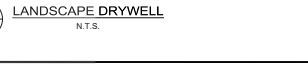
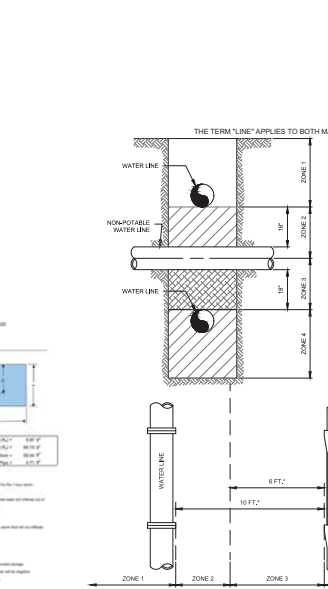
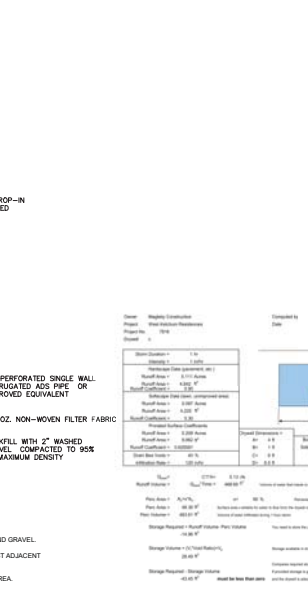
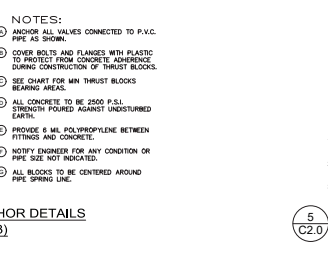
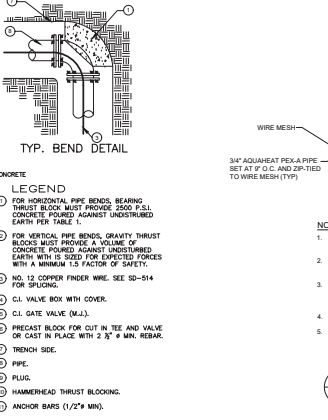
WATER CONTENT IS MAXIMUM AND MAY BE REDUCED DOWNWARD. CARE SHALL BE TAKEN TO ASSURE THAT EXCESS WATER IS NOT PRESENT IN THE MOUND DRAIN PRIOR TO COVERING THE MOUND WITH MATERIALS. THE MOUND WILL BE REQUIRED PRIOR TO DISCHARGE.

NO CORROSION, VIBRATION, OR FROTHING IS REQUIRED. THE CLEAN CONCRETE MIX SHALL BE STRUCK OFF AT OR BELOW THE ELEVATION OF THE PLANTING SURFACING WITH A SQUARE EDGE SHOVEL OR SIMILAR HAND TOOL. THE BACKFILL MIX SHALL BE ALLOWED TO SET FOR A MINIMUM OF 2 HOURS BEFORE THE PERMANENT PLANTING SURFACING IS PLACED OVER THE TRENCH. TEMPORARY PLACEMENT OF ASPHALT COLD MIX SURFACING MAY BE NECESSARY TO ACCOMMODATE TRAFFIC WITHIN THE FIRST 2 HOURS OF BACKFILL PLACEMENT PRIOR TO COMPLETING THE PERMANENT FINISH.



**THRUST BLOCK AND ANCHOR DETAILS (ISPWV SD-403)**  
N.T.S.

PIPE SIZE OR WAVE	10"	12"	14"	16"	18"	20"	22"	24"	REDUCER
MINIMUM SQUARE FEET OF THRUST AREA INTO UNDISTURBED EARTH	0.8	1.1	1.4	1.8	2.2	2.7	3.2	3.8	4.5
MINIMUM SQUARE FEET OF THRUST AREA INTO UNDISTURBED EARTH	1.4	2.0	2.6	3.3	4.1	5.0	5.9	6.9	8.0
MINIMUM SQUARE FEET OF THRUST AREA INTO UNDISTURBED EARTH	3.2	4.2	5.2	6.3	7.5	8.8	10.2	11.7	13.2
MINIMUM SQUARE FEET OF THRUST AREA INTO UNDISTURBED EARTH	5.7	8.0	10.3	12.7	15.2	17.8	20.5	23.3	26.2
MINIMUM SQUARE FEET OF THRUST AREA INTO UNDISTURBED EARTH	8.8	12.0	15.2	18.5	21.9	25.4	29.0	32.7	36.5
MINIMUM SQUARE FEET OF THRUST AREA INTO UNDISTURBED EARTH	12.7	17.0	21.3	25.6	30.0	34.4	38.9	43.5	48.2
MINIMUM SQUARE FEET OF THRUST AREA INTO UNDISTURBED EARTH	17.0	22.5	28.0	33.5	39.1	44.7	50.4	56.1	61.9
MINIMUM SQUARE FEET OF THRUST AREA INTO UNDISTURBED EARTH	21.3	28.0	34.7	41.4	48.2	55.0	61.9	68.7	75.6
MINIMUM SQUARE FEET OF THRUST AREA INTO UNDISTURBED EARTH	25.6	33.5	41.4	49.3	57.3	65.3	73.4	81.4	89.5
MINIMUM SQUARE FEET OF THRUST AREA INTO UNDISTURBED EARTH	29.9	38.9	47.9	56.9	65.9	74.9	83.9	92.9	101.9



**GALENA ENGINEERING, INC.**  
317 N. River Street  
Davenport, IA 52001  
(319) 251-1000  
www.galenainc.com

**PROFESSIONAL ENGINEER**  
LICENSED ENGINEER  
STATE OF IOWA  
1788  
SPECIALTY: CIVIL

**DESIGNED BY:** SJS  
**DRAWN BY:** SMP  
**CHECKED BY:** SJS

**PURPOSE:** ISSUE FOR BUILDING PERMIT (04/03/20)  
**NO.:** 20040001  
**DATE:** 04/03/2020  
**SCALE:** AS SHOWN  
**ISSUE FOR BUILDING PERMIT:** 04/03/2020  
**RESPONSE TO BUILDING PERMIT COMMENTS:** 05/22/2020  
**ISSUE FOR BUILDING PERMIT:** 05/22/2020  
**RESPONSE TO BUILDING PERMIT COMMENTS:** 05/22/2020

**REVISIONS:**  
NO. DATE BY DESCRIPTION  
1 04/03/2020 SJS  
2 04/03/2020 SJS  
3 04/03/2020 SJS  
4 04/03/2020 SJS  
5 04/03/2020 SJS  
6 04/03/2020 SJS  
7 04/03/2020 SJS  
8 04/03/2020 SJS  
9 04/03/2020 SJS  
10 04/03/2020 SJS  
11 04/03/2020 SJS  
12 04/03/2020 SJS  
13 04/03/2020 SJS  
14 04/03/2020 SJS  
15 04/03/2020 SJS  
16 04/03/2020 SJS  
17 04/03/2020 SJS  
18 04/03/2020 SJS  
19 04/03/2020 SJS  
20 04/03/2020 SJS  
21 04/03/2020 SJS  
22 04/03/2020 SJS  
23 04/03/2020 SJS  
24 04/03/2020 SJS  
25 04/03/2020 SJS  
26 04/03/2020 SJS  
27 04/03/2020 SJS  
28 04/03/2020 SJS  
29 04/03/2020 SJS  
30 04/03/2020 SJS  
31 04/03/2020 SJS  
32 04/03/2020 SJS  
33 04/03/2020 SJS  
34 04/03/2020 SJS  
35 04/03/2020 SJS  
36 04/03/2020 SJS  
37 04/03/2020 SJS  
38 04/03/2020 SJS  
39 04/03/2020 SJS  
40 04/03/2020 SJS  
41 04/03/2020 SJS  
42 04/03/2020 SJS  
43 04/03/2020 SJS  
44 04/03/2020 SJS  
45 04/03/2020 SJS  
46 04/03/2020 SJS  
47 04/03/2020 SJS  
48 04/03/2020 SJS  
49 04/03/2020 SJS  
50 04/03/2020 SJS  
51 04/03/2020 SJS  
52 04/03/2020 SJS  
53 04/03/2020 SJS  
54 04/03/2020 SJS  
55 04/03/2020 SJS  
56 04/03/2020 SJS  
57 04/03/2020 SJS  
58 04/03/2020 SJS  
59 04/03/2020 SJS  
60 04/03/2020 SJS  
61 04/03/2020 SJS  
62 04/03/2020 SJS  
63 04/03/2020 SJS  
64 04/03/2020 SJS  
65 04/03/2020 SJS  
66 04/03/2020 SJS  
67 04/03/2020 SJS  
68 04/03/2020 SJS  
69 04/03/2020 SJS  
70 04/03/2020 SJS  
71 04/03/2020 SJS  
72 04/03/2020 SJS  
73 04/03/2020 SJS  
74 04/03/2020 SJS  
75 04/03/2020 SJS  
76 04/03/2020 SJS  
77 04/03/2020 SJS  
78 04/03/2020 SJS  
79 04/03/2020 SJS  
80 04/03/2020 SJS  
81 04/03/2020 SJS  
82 04/03/2020 SJS  
83 04/03/2020 SJS  
84 04/03/2020 SJS  
85 04/03/2020 SJS  
86 04/03/2020 SJS  
87 04/03/2020 SJS  
88 04/03/2020 SJS  
89 04/03/2020 SJS  
90 04/03/2020 SJS  
91 04/03/2020 SJS  
92 04/03/2020 SJS  
93 04/03/2020 SJS  
94 04/03/2020 SJS  
95 04/03/2020 SJS  
96 04/03/2020 SJS  
97 04/03/2020 SJS  
98 04/03/2020 SJS  
99 04/03/2020 SJS  
100 04/03/2020 SJS

