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 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.

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Ketchum or by calling 726-3841.

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Thank you for your participation.

We look forward to hearing from you.
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. If you would like to comment on an agenda item, please submit your comment to 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 4th 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 4th 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 councils’ input and perspective. He complimented the community on their vigilance. He advised that there has been a donation of 3000 masks for the public.

Councillor 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
Minutes

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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 4th 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.
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 10th 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
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 positions 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 2nd hearing.

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

Councillor 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. Councillor 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. Councillor 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. Councillor 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.

Councillor 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

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| 01-4110-4200 PROFESSIONAL SERVICES |             |                                      |                   |
| US BANK                          | 6235 072720    | 6235 - Popup Tent                    | 458.95            |
| 01-4110-4910 MYR/CNCL-TRAINING/TRAVEL/MTG |            |                                      | 199.90            |
| **Total LEGISLATIVE & EXECUTIVE:** |            |                                      | 681.80            |

<p>| <strong>ADMINISTRATIVE SERVICES</strong>     |                |                                      |                   |
| 01-4150-2505 HEALTH REIMBURSEMENT ACCT(HRA) | CP259527 HRA | 320.63                             |
| 01-4150-2515 VISION REIMBURSEMENT ACCT(HRA) | 763270 FSA/HRA July 2020 | 48.75               |
| 01-4150-3100 OFFICE SUPPLIES &amp; POSTAGE |            |                                      |                   |
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| COPY &amp; PRINT, L.L.C.             | OUT-1415       | Office Supplies                      | 93.70             |
| GEM STATE PAPER &amp; SUPPLY         | 1031681-01     | Paper Supplies                       | 65.85             |
| GEM STATE PAPER &amp; SUPPLY         | 1031894        | Paper Supplies                       | 97.70             |
| GEM STATE PAPER &amp; 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             |
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| CASELLE, INC.                    | 103850         | Contract Support and Maintenance     | 2,204.00          |
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**PLANNING & BUILDING**

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**POLICE**

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**FIRE & RESCUE**

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### CITY OF KETCHUM

**Payment Approval Report - by GL Council**  
Report dates: 7/31/2020-8/13/2020

**Aug 13, 2020 09:51 AM**

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<tr>
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<td>Garden Hose</td>
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<td>ANDERSON ASPHALT PAVING IN</td>
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<td>Asphalt</td>
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<td>BIG WOOD LANDSCAPE, INC.</td>
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<td>4th Street Pavers</td>
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<td>CONCRETE CONSTRUCTION SU</td>
<td>534516</td>
<td>Tile for Sidewalks</td>
<td>2,990.00</td>
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<td>IDAHO ASPHALT SUPPLY, INC.</td>
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<td>Chip Seal</td>
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<td>PIPECO, INC.</td>
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<td>PVC Parts</td>
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<td>SUNSEAL, LTD</td>
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**Total STREET:** 97,492.34

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<td>CLEAR CREEK DISPOSAL</td>
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<tbody>
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<td>13265</td>
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<td>Vendor Name</td>
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**GENERAL CAPITAL IMPROVEMENT FD**

**GENERAL CIP EXPENDITURES**

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<tbody>
<tr>
<td>03-4193-7200 TECHNOLOGY UPGRADES</td>
<td>6243 072720</td>
<td>6243 - Fire Station Web Cam</td>
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<td>03-4193-7400 COMPUTER/COPIER LEASING</td>
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**ORIGINAL LOT FUND**

**ORIGINAL LOT TAX**

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<tr>
<td>22-4910-6060 EVENTS/PROMOTIONS</td>
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<td>Kassner Retirement Party</td>
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<td>22-4910-6080 MOUNTAIN RIDES</td>
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**ADDITIONAL 1%-LOT FUND**

**ADDITIONAL 1%-LOT**

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**FIRE CONSTRUCTION FUND**

**FIRE FUND EXP/TRNFRS**

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<td>42-4800-4205 PROF SERVICES ENGINEERING</td>
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**WATER FUND**

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### WATER EXPENDITURES

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### WATER DEBT SERVICE EXPENDITURES

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<td>63-4800-8700 DEBT SRVC ACCT INTEREST-2016</td>
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Total WATER DEBT SERVICE EXPENDITURES: 156,031.60

Total WATER FUND: 160,081.74

### WATER CAPITAL IMPROVEMENT FUND

### WATER CIP EXPENDITURES

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<td>WEBB LANDSCAPING</td>
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Gross Total: 6,929.20

**Summary:**

- Total WATER EXPENDITURES: $4,050.14
- Total WATER DEBT SERVICE EXPENDITURES: $156,031.60
- Total WATER FUND: $160,081.74
- Gross Total: $6,929.20
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<tbody>
<tr>
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<td>LS BANK</td>
<td>9642 072720</td>
<td>9642 - Phone Cord</td>
<td>5.28</td>
</tr>
<tr>
<td>LS BANK</td>
<td>9642 072720</td>
<td>9642 - 2 Port Grandstream</td>
<td>270.00</td>
</tr>
<tr>
<td>INTERMOUNTAIN GAS</td>
<td>32649330001</td>
<td>9.79</td>
<td></td>
</tr>
<tr>
<td>INTERMOUNTAIN GAS</td>
<td>32649330001</td>
<td>10.85</td>
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</tr>
<tr>
<td>INTERMOUNTAIN GAS</td>
<td>32649330001</td>
<td>9.79</td>
<td></td>
</tr>
<tr>
<td>INTERMOUNTAIN GAS</td>
<td>32649330001</td>
<td>7.01</td>
<td></td>
</tr>
<tr>
<td>INTERMOUNTAIN GAS</td>
<td>58208688554</td>
<td>9.79</td>
<td></td>
</tr>
<tr>
<td>LES SCHWAB</td>
<td>11700639867</td>
<td>Flat Tire Repair</td>
<td>23.02</td>
</tr>
<tr>
<td>Magic Valley Labs, Inc.</td>
<td>17126</td>
<td>Drinking water testing</td>
<td>42.00</td>
</tr>
<tr>
<td>US BANK</td>
<td>9642 072720</td>
<td>9642 - Various Wastewater Certification Classes</td>
<td>103.70</td>
</tr>
<tr>
<td>US BANK</td>
<td>9642 072720</td>
<td>9642 - Phone Cord</td>
<td>5.28</td>
</tr>
<tr>
<td>US BANK</td>
<td>9642 072720</td>
<td>9642 - 2 Port Grandstream</td>
<td>270.00</td>
</tr>
<tr>
<td>LES SCHWAB</td>
<td>11700639867</td>
<td>Flat Tire Repair</td>
<td>23.02</td>
</tr>
<tr>
<td>McMASTER-CARR SUPPLY CO.</td>
<td>43130759</td>
<td>Air Filters</td>
<td>448.23</td>
</tr>
<tr>
<td>Vendor Name</td>
<td>Invoice Number</td>
<td>Description</td>
<td>Net Invoice Amount</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>----------------</td>
<td>------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>McMASTER-CARR SUPPLY CO.</td>
<td>43205186</td>
<td>Air Filters</td>
<td>55.33</td>
</tr>
<tr>
<td>NAPA AUTO PARTS</td>
<td>022258</td>
<td>Deep Creep Cleaner</td>
<td>6.99</td>
</tr>
</tbody>
</table>

**65-4350-6150 OHIO GULCH REPAIR & REPLACE**

<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Invoice Number</th>
<th>Description</th>
<th>Net Invoice Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>US BANK</td>
<td>9642 072720</td>
<td>9642 - Fence Stretcher / Splicer</td>
<td>43.27</td>
</tr>
<tr>
<td>US BANK</td>
<td>9642 072720</td>
<td>9642 - Barbed Wire</td>
<td>52.98</td>
</tr>
<tr>
<td>US BANK</td>
<td>9642 072720</td>
<td>9642 - Fence Clips</td>
<td>33.75</td>
</tr>
</tbody>
</table>

**65-4350-6900 COLLECTION SYSTEM SERVICES/CHA**

<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Invoice Number</th>
<th>Description</th>
<th>Net Invoice Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.C. HOUSTON LUMBER CO.</td>
<td>2008-661598</td>
<td>Roofing Felt</td>
<td>60.14</td>
</tr>
<tr>
<td>US BANK</td>
<td>9642 072720</td>
<td>9642 - Vac Truck Light Bar</td>
<td>145.00</td>
</tr>
</tbody>
</table>

Total WASTEWATER EXPENDITURES: 2,750.53
Total WASTEWATER FUND: 2,750.53

**PARKS/REC DEV TRUST FUND**

**PARKS/REC TRUST EXPENDITURES**

<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Invoice Number</th>
<th>Description</th>
<th>Net Invoice Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>US BANK</td>
<td>6235 072720</td>
<td>6235 - Brochure Wall Rack</td>
<td>45.73</td>
</tr>
</tbody>
</table>

Total PARKS/REC TRUST EXPENDITURES: 45.73
Total PARKS/REC DEV TRUST FUND: 45.73

**DEVELOPMENT TRUST FUND**

**DEVELOPMENT TRUST EXPENDITURES**

<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Invoice Number</th>
<th>Description</th>
<th>Net Invoice Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>IDAHO MOUNTAIN BUILDERS</td>
<td>080420</td>
<td>Performance Bond Release</td>
<td>30,000.00</td>
</tr>
<tr>
<td>LEE GILMAN BUILDERS</td>
<td>080520</td>
<td>Return Performance Bond</td>
<td>1,500.00</td>
</tr>
<tr>
<td>BRAIT, KENNETH</td>
<td>080620</td>
<td>Performance Bond Release</td>
<td>3,500.00</td>
</tr>
</tbody>
</table>

94-4900-8084 REINMANN 780 WARM SPRINGS ROAD

<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Invoice Number</th>
<th>Description</th>
<th>Net Invoice Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAGIC VALLEY PAVING</td>
<td>080420</td>
<td>780 Warm Springs Rd Bond Release</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

Total DEVELOPMENT TRUST EXPENDITURES: 40,000.00
Total DEVELOPMENT TRUST FUND: 40,000.00

Grand Totals: 675,499.36
Report Criteria:
- Invoices with totals above $0 included.
- Paid and unpaid invoices included.
- GL Account Number = "0110000000" - "9648008200","9910000000" - "9911810000"
- Invoice Detail.Voided = No,Yes

<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Invoice Number</th>
<th>Description</th>
<th>Net Invoice Amount</th>
</tr>
</thead>
</table>

Report dates: 7/31/2020-8/13/2020

Aug 13, 2020 09:51AM
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 no sustainability impact to this reporting.

Financial Impact
There is no financial impact to this reporting.

Attachments
- Attachment B: Monthly Financial Report Charts
### CITY OF KETCHUM
### TREASURER’S QUARTERLY FINANCIAL REPORT
### 3RD QUARTER - JUNE 30, 2020

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

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
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 ongoing 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.
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 17th day of August 2020.

CITY OF KETCHUM, IDAHO

________________________________
Neil Bradshaw, Mayor

ATTEST:

________________________________
Robin Crotty, City Clerk
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 17th day of August 2020

CITY OF KETCHUM

______________________________
Neil Bradshaw, Mayor

ATTEST

______________________________
Robin Crotty, City Clerk
## Exhibit A

### Surplus Items

<table>
<thead>
<tr>
<th>Location</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water/Wastewater Treatment Plant</td>
<td>4 Computers</td>
</tr>
</tbody>
</table>


 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
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 120th 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 Director of Streets and Facilities;

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: __________________________
    Neil Bradshaw
    Its: Mayor

STATE OF ___________, )
    County of ________. ) ss.

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 )
    County of Blaine ) ss.

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 ____________
all 2" pipe

this will be trenched in

this will be bored in
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 4th 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
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 4th 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 4th 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: __________________________
    __________________________
    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 ____________
CONSTRUCTION NOTES:

1. UTILITY LOCATE 24 HOURS PRIOR TO TRENCHING OR DIGGING
2. 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.
3. 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.
4. ALL EXCAVATION, TRENCHING, AND SHORING IS TO ADHERE TO THE CODE OF FEDERAL REGULATIONS (CFR) 1926.650 SUBPART P.
5. SIX FOOT SPACING (MINIMUM) BETWEEN PROPOSED CTL ANCHOR AND EXISTING POWER ANCHORS.
6. ALL ASPHALT/CONCRETE AND LANDSCAPING REMOVED, DISTURBED, OR DAMAGED AS A RESULT OF CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
7. NORMAL/GUIDED-BORING METHOD RECOMMENDED WHEN BORING.
8. MAINTAIN 15'-6" MID-SPAN CLEARANCE TO GRADE/ROAD MINIMUM.
9. BOND BURIED/AERIAL FACILITIES AS REQUIRED BY JURISDICTIONAL AGENCY(S).
10. AERIAL FACILITIES ARE TO BE TESTED PRIOR TO BEGINNING WORK PER STATE AND LOCAL REGULATIONS.
11. 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.
12. EXISTING PEDESTRIAN CROSSWALKS AND WALKING AREAS SHALL BE MAINTAINED AT ALL TIMES. AS NECESSARY, TEMPORARY PEDESTRIAN CROSSWALKS AND WALKING AREAS
13. THE FOLLOWING FOOTAGES ARE ESTIMATES. FOOTAGES TO BE VERIFIED PRIOR TO CONSTRUCTION.
NOTE: BECAUSE OF PROXIMITY OF TREE AND ANCHOR PLACE NEW HH 3' FROM END OF ANCHOR INTERCEPT (1 OF 2) 4" CONDUITS ALSO PLACE IN GRASS BEHIND SW
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
Syrianga Networks, LLC.

Signature: ________________
Printed Name: __________________________
Title: __________________________
Date: ________________

Company: City Of Ketchum

Signature: ________________
Printed Name: __________________________
Title: __________________________
Date: ________________
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

<table>
<thead>
<tr>
<th>Service Description</th>
<th>SERVICE TERM</th>
<th>LOCATION A</th>
<th>LOCATION Z</th>
<th>FUSF PIU</th>
<th>NEW MRC</th>
<th>TOTAL MRC</th>
<th>TOTAL NRC</th>
</tr>
</thead>
<tbody>
<tr>
<td>20Mbps MPLS Circuit Transport</td>
<td>36</td>
<td>410 E CROY ST, HAILEY, ID</td>
<td>900 3RD AVE NORTH, KETCHUM, ID</td>
<td>&lt;10%</td>
<td>$150.00</td>
<td>$650.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>20Mbps MPLS Circuit Transport</td>
<td>36</td>
<td>410 E CROY ST, HAILEY, ID</td>
<td>210 10TH ST, KETCHUM, ID</td>
<td>&lt;10%</td>
<td>$150.00</td>
<td>$650.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>LOCATION MOVE 70Mbps Internet with /30 IP Block</td>
<td>36</td>
<td>410 E CROY ST, HAILEY, ID</td>
<td>191 5TH ST W, KETCHUM, ID</td>
<td>&lt;10%</td>
<td>$100.00</td>
<td>$800.00</td>
<td>$0.00</td>
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<td>110 RIVER RANCH RD, KETCHUM, ID</td>
<td>&lt;10%</td>
<td>$150.00</td>
<td>$650.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>LOCATION MOVE 70Mbps MPLS Circuit Transport</td>
<td>36</td>
<td>410 E CROY ST, HAILEY, ID</td>
<td>191 5TH ST W, KETCHUM, ID</td>
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<td>$800.00</td>
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<td>, KETCHUM, ID</td>
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<td>$950.00</td>
<td>$950.00</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

Totals: $1500.00 | $4,500.00 | $8,000.00
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.

**Project Timing**

- 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
BUILDING 1 GROSS AREA 13,815 SF
BUILDING 2 GROSS AREA 6,752 SF
BRIDGE 253 SF

TYPE AREA QUANTITY
1 BR 9150 SF 14
2 BR 5031 SF 6
3 BR 1099 SF 1

FLOOR TOTAL 15280 SF 21

Ketchum, Idaho

PLAN UPDATES
07/15/2020

1/16" = 1'-0"
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
Submission information

Form: COVID-19 Plan for Events & Park Reservations
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 & 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
Seats will be here, six feet apart during ceremony. During reception, tables of 4 will be here, six feet apart.

Walk up food station will be here, allowing for social distancing. A hand sanitizing station will be present as well.

Traffic flow signage will be on the trail and staircase, guiding guests to the seating area.
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

- EPA list of COVID-19 effective disinfectants: https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2
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
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<tr>
<th>Fund</th>
<th>Amount</th>
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</thead>
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<td>Fire &amp; Rescue Capital Improvement Fund</td>
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<td>GO Bond Debt Fire Fund</td>
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<tr>
<td>Community Housing In-Lieu Fund</td>
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<td>Police Trust Fund</td>
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<tr>
<td>Development Trust Fund</td>
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<tr>
<td>Total Other Funds</td>
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**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.

_______________________
NEIL BRADSHAW
Mayor

__________________________
Robin Crotty
City Clerk
### Budget Summary (By Funds)

#### City of Ketchum Proposed Budget

**Fiscal Year 2020-2021**

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<td>0</td>
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<td>1,817,247</td>
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<tr>
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<td>95,381</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>8,101,958</strong></td>
<td><strong>8,252,533</strong></td>
<td><strong>13,557,980</strong></td>
<td><strong>3,057,702</strong></td>
<td><strong>720,450</strong></td>
<td><strong>22,171</strong></td>
</tr>
</tbody>
</table>

| % of TOTAL        | **45.3%**            | **45.9%**                | **8.8%**          | **100.0%**   |
|                   | **20.6%**            | **21.0%**                | **34.5%**         | **7.8%**     |
|                   | **1.8%**             | **0.1%**                 | **14.2%**         | **100.0%**   |

| **Conting.**      | **134,000**          | **134,000**              | **134,000**       | **134,000**  |

| **Conting.**      | **134,000**          | **134,000**              | **134,000**       | **134,000**  |

| **Conting.**      | **134,000**          | **134,000**              | **134,000**       | **134,000**  |
### GENERAL FUND

**ACTUAL** 2018-2019 | **BUDGET** 2019-2020 | **BUDGET** 2020-2021 | **PCNT CHANGE**
--- | --- | --- | ---

### CHARGES FOR SERVICES

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>01-3400-1100</td>
<td>PLANNING FEES</td>
<td>129,164</td>
<td>60,000</td>
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<td>01-3400-1104</td>
<td>HOTEL DEVELOPMENT FEES</td>
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<td>01-3400-1110</td>
<td>BUILDING PLAN CHECK FEES</td>
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<td>01-3400-1120</td>
<td>PLANNING PLAN CHECK FEES</td>
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<td>01-3400-1130</td>
<td>FIRE PLAN CHECK FEES</td>
<td>130,251</td>
<td>60,000</td>
<td>30,000</td>
<td>(50.0)</td>
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<tr>
<td>01-3400-1500</td>
<td>REPRODUCTION/FINGERPRINT FEES</td>
<td>1,126</td>
<td>1,150</td>
<td>1,150</td>
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<tr>
<td>01-3400-2200</td>
<td>RURAL FIRE PROTECTION FEES</td>
<td>212,218</td>
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<td>01-3400-2250</td>
<td>SPECIAL FIRE FEES</td>
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<td>01-3400-3000</td>
<td>ANIMAL TRANSPORTS</td>
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<td>01-3400-3600</td>
<td>BANNER FEES</td>
<td>6,825</td>
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<td>01-3400-6100</td>
<td>BC SCH DIST.PARK MAINT. CONTR</td>
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<tr>
<td>01-3400-6300</td>
<td>PARK YOUTH PROGRAM FEES</td>
<td>119,402</td>
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<td>01-3400-6320</td>
<td>PARK USER FEES</td>
<td>9,833</td>
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<td>01-3400-6700</td>
<td>PARK CONCESSION SALES</td>
<td>6,375</td>
<td>13,406</td>
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<td>01-3400-6800</td>
<td>TREE SERVICES</td>
<td>600</td>
<td>400</td>
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**TOTAL CHARGES FOR SERVICES** | 1,029,880 | 501,556 | 280,650 | (44.0) |

### FINES & FEES

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>01-3500-1100</td>
<td>PARKING FINES</td>
<td>51,562</td>
<td>24,000</td>
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<td>01-3500-1200</td>
<td>ELECTRIC VEHICLE CHARGING</td>
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<td>01-3500-1300</td>
<td>PARKING OPERATIONS</td>
<td>14,358</td>
<td>18,000</td>
<td>18,000</td>
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**TOTAL FINES & FEES** | 65,920 | 42,000 | 42,250 | .6 |

### MISCELLANEOUS REVENUE

<table>
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<tr>
<th></th>
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<tbody>
<tr>
<td>01-3700-1000</td>
<td>INTEREST EARNINGS</td>
<td>81,541</td>
<td>45,000</td>
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<td>01-3700-1020</td>
<td>INTEREST EARNINGS-491 SV ROAD</td>
<td>3</td>
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<td>1</td>
<td>.0</td>
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<tr>
<td>01-3700-2010</td>
<td>RENT-PARK RESERVATIONS</td>
<td>9,350</td>
<td>6,000</td>
<td>2,500</td>
<td>(58.3)</td>
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<tr>
<td>01-3700-2020</td>
<td>RENT-491 SUN VALLEY ROAD</td>
<td>71,068</td>
<td>68,510</td>
<td>68,510</td>
<td>.0</td>
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<tr>
<td>01-3700-3600</td>
<td>REFUNDS &amp; REIMBURSEMENTS</td>
<td>199,804</td>
<td>50,000</td>
<td>50,000</td>
<td>.0</td>
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<tr>
<td>01-3700-4000</td>
<td>SALE OF FIXED ASSETS-G.G.</td>
<td>11,290</td>
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<tr>
<td>01-3700-4100</td>
<td>SALE OF FIXED ASSETS-STREET</td>
<td>462</td>
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<td>.0</td>
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<td>01-3700-5000</td>
<td>MISCELLANEOUS</td>
<td>678</td>
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<td>250</td>
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<td>01-3700-7200</td>
<td>FLOOD PLAIN PROG REIMBURSEMENT</td>
<td>5,804</td>
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<td>01-3700-7030</td>
<td>BUILDING PERMIT REIMBURSEMENT</td>
<td>1,623</td>
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<tr>
<td>01-3700-8701</td>
<td>KETCHUM RURAL REIMB-SAL/BEN</td>
<td>20,317</td>
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<tr>
<td>01-3700-8703</td>
<td>TRANSFER FROM GENERAL CIP</td>
<td>100,000</td>
<td>0</td>
<td>0</td>
<td>(100.0)</td>
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<tr>
<td>01-3700-8722</td>
<td>REIMBURSEMENT FROM LOT FUND</td>
<td>1,164,256</td>
<td>1,103,317</td>
<td>899,465</td>
<td>(18.5)</td>
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<tr>
<td>01-3700-8763</td>
<td>REIMBURSEMENT FROM WATER FUND</td>
<td>263,146</td>
<td>271,040</td>
<td>279,172</td>
<td>3.0</td>
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<tr>
<td>01-3700-8765</td>
<td>REIMBURSEMENT FROM WASTEWATER FD</td>
<td>263,146</td>
<td>271,040</td>
<td>279,172</td>
<td>3.0</td>
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<tr>
<td>01-3700-8798</td>
<td>URA FND REIM-SALARIES/BENEFITS</td>
<td>105,394</td>
<td>105,395</td>
<td>108,557</td>
<td>3.0</td>
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</table>

**TOTAL MISCELLANEOUS REVENUE** | 2,197,882 | 2,024,654 | 1,736,127 | (14.2) |
## CITY OF KETCHUM

### BUDGET REVENUES

#### GENERAL FUND

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</tr>
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<tbody>
<tr>
<td>MISCELLANEOUS REVENUE CONT.</td>
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<tr>
<td>01-3710-8722 LOT FUND REIMB-ADMIN.EXPENSES</td>
<td>2,500</td>
<td>2,500</td>
<td>2,500</td>
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<td>01-3710-8763 WATER FUND REIMB-ADMIN.EXPENSE</td>
<td>100,000</td>
<td>103,000</td>
<td>106,090</td>
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<td>01-3710-8765 WW FUND REIMB-ADMIN.EXPENSES</td>
<td>137,759</td>
<td>141,892</td>
<td>146,149</td>
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<td>01-3710-8798 URA FUND REIMB-ADMIN. EXPENSES</td>
<td>31,911</td>
<td>31,911</td>
<td>32,869</td>
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<td>TOTAL MISCELLANEOUS REVENUE CONT.</td>
<td>272,170</td>
<td>279,303</td>
<td>287,608</td>
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<table>
<thead>
<tr>
<th>FUND BALANCE CONT.</th>
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<tbody>
<tr>
<td>01-3800-9000 FUND BALANCE</td>
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<tr>
<td>TOTAL FUND BALANCE</td>
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<table>
<thead>
<tr>
<th>TOTAL FUND REVENUE</th>
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<tbody>
<tr>
<td>11,322,951</td>
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</table>

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

<table>
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<tr>
<th>TOTAL FUND EXPENDITURES</th>
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<td>10,961,761</td>
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<table>
<thead>
<tr>
<th>NET REVENUE OVER EXPENDITURES</th>
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<tr>
<td>361,190</td>
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<tr>
<td>PERSONAL SERVICES:</td>
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<tr>
<td>01-4110-1000 SALARIES</td>
</tr>
<tr>
<td>01-4110-2100 FICA TAXES-CITY</td>
</tr>
<tr>
<td>01-4110-2200 STATE RETIREMENT-CITY</td>
</tr>
<tr>
<td>01-4110-2400 WORKER'S COMPENSATION-CITY</td>
</tr>
<tr>
<td>01-4110-2500 HEALTH INSURANCE-CITY</td>
</tr>
<tr>
<td>01-4110-2505 HEALTH REIMBURSEMENT ACCT(HRA)</td>
</tr>
<tr>
<td>01-4110-2510 DENTAL INSURANCE-CITY</td>
</tr>
<tr>
<td>01-4110-2515 VISION REIMBURSEMENT ACCT(HRA)</td>
</tr>
<tr>
<td>01-4110-2600 LONG TERM DISABILITY</td>
</tr>
<tr>
<td>TOTAL PERSONAL SERVICES</td>
</tr>
</tbody>
</table>

| MATERIALS AND SERVICES: |                 |                  |                  |             |
|-------------------------|                 |                  |                  |             |
| 01-4110-3100 OFFICE SUPPLIES & POSTAGE | 1,350        | 3,167            | 3,167           | .0          |
| 01-4110-3200 OPERATING SUPPLIES | 2,105        | 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            | 0,000 (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
## GENERAL FUND

<table>
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<tbody>
<tr>
<td><strong>PLANNING &amp; BUILDING</strong></td>
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<td></td>
</tr>
<tr>
<td>PERSONAL SERVICES:</td>
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<td></td>
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<tr>
<td>01-4170-1000 SALARIES</td>
<td>301,779</td>
<td>315,010</td>
<td>321,735</td>
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<tr>
<td>01-4170-1200 PLANNING &amp; ZONING COMMISSION</td>
<td>15,600</td>
<td>17,000</td>
<td>17,000</td>
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<tr>
<td>01-4170-2100 FICA TAXES-CITY</td>
<td>23,514</td>
<td>25,399</td>
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<td>39,642</td>
<td>40,125</td>
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<td>01-4170-2500 HEALTH INSURANCE-CITY</td>
<td>84,681</td>
<td>88,658</td>
<td>85,115</td>
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<tr>
<td>01-4170-2505 HEALTH REIMBURSEMENT ACCT(HRA)</td>
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<td>3,216</td>
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<td>01-4170-2510 DENTAL INSURANCE-CITY</td>
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<td>4,441</td>
<td>2,976</td>
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<tr>
<td>01-4170-2600 LONG TERM DISABILITY</td>
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<td>1,461</td>
<td>1,394</td>
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<td>01-4170-2700 VACATION/SICK ACCRUAL PAYOUT</td>
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<td>1,787</td>
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<td>01-4170-2800 STATE UNEMPLOYMENT INSURANCE</td>
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<td>503,634</td>
<td>506,281</td>
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<td>MATERIALS AND SERVICES:</td>
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<tr>
<td>01-4170-3100 OFFICE SUPPLIES &amp; POSTAGE</td>
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<td>2,500</td>
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<td>01-4170-3200 OPERATING SUPPLIES</td>
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<td>01-4170-4200 PROFESSIONAL SERVICES</td>
<td>36,546</td>
<td>51,334</td>
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<td>01-4170-4210 PROFESSIONAL SERVICES - IDBS</td>
<td>166,793</td>
<td>125,000</td>
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<td>01-4170-4400 ADVERTISING &amp; LEGAL PUBLICATIO</td>
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<td>01-4170-4500 GEOGRAPHIC INFO SYSTEMS</td>
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<td>01-4170-4800 DUES, SUBSCRIPTIONS &amp; MEMBERSHI</td>
<td>160</td>
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<td>01-4170-4900 PERSONNEL TRAINING/TRAVEL/MTG</td>
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<td>01-4170-5100 TELEPHONE &amp; COMMUNICATIONS</td>
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<td>360</td>
<td>360</td>
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<tr>
<td>01-4170-6910 OTHER PURCHASED SERVICES</td>
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<td><strong>TOTAL MATERIAL AND SERVICES</strong></td>
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<td>207,464</td>
<td>156,464</td>
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</tr>
<tr>
<td><strong>TOTAL PLANNING &amp; BUILDING</strong></td>
<td>718,654</td>
<td>711,098</td>
<td>662,745</td>
<td>(6.8)</td>
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<td>-----------------</td>
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<td>----------------</td>
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<tr>
<td><strong>Materials and Services:</strong></td>
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<tr>
<td>01-4193-4500 IST/WASHINGTON RENT</td>
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<td>01-4193-6500 CONTRACT FOR SERVICE</td>
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<td>164,000</td>
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<td>01-4193-6601 MASTER TRANSPORTATION PLAN</td>
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<tr>
<td><strong>Total Materials and Services</strong></td>
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<td>200,000</td>
<td>45,000</td>
<td>(77.5)</td>
</tr>
<tr>
<td><strong>Other Expenditures:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01-4193-8803 TRANSFER TO GENERAL CIP FUND</td>
<td>0</td>
<td>0</td>
<td>17,565</td>
<td>.0</td>
</tr>
<tr>
<td>01-4193-8893 TRANSFER TO PARK TRUST-KAC</td>
<td>32,500</td>
<td>10,000</td>
<td>0</td>
<td>(100.0)</td>
</tr>
<tr>
<td>01-4193-8895 TRANSFER TO ESF TRUST</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>.0</td>
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<tr>
<td>01-4193-9910 MERIT INCREASES</td>
<td>6,500</td>
<td>25,000</td>
<td>25,000</td>
<td>.0</td>
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<tr>
<td>01-4193-9930 GENERAL FUND OP. CONTINGENCY</td>
<td>142,628</td>
<td>10,000</td>
<td>13,171</td>
<td>31.7</td>
</tr>
<tr>
<td><strong>Total Other Expenditures</strong></td>
<td>381,628</td>
<td>45,000</td>
<td>55,736</td>
<td>23.9</td>
</tr>
<tr>
<td><strong>Total Non-Departmental</strong></td>
<td>610,699</td>
<td>245,000</td>
<td>100,736</td>
<td>(58.9)</td>
</tr>
</tbody>
</table>
CITY OF KETCHUM
BUDGET EXPENDITURES

GENERAL CAPITAL IMPROVEMENT FD

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL CIP EXPENDITURES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MATERIALS AND SERVICES:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>03-4193-4250 ENERGY WORK PROGRAM</td>
<td>45,780</td>
<td>48,956</td>
<td>50,000</td>
</tr>
<tr>
<td>03-4193-6000 GUY COLES SKATEPARK</td>
<td>1,250</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL MATERIAL AND SERVICES</td>
<td>47,030</td>
<td>48,956</td>
<td>50,000</td>
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<tr>
<td>CAPITAL OUTLAY:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>03-4193-7180 UNDERGROUNDING</td>
<td>0</td>
<td>180,000</td>
<td>180,000</td>
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<tr>
<td>03-4193-7190 SIDEWALK/LIGHTING</td>
<td>347,433</td>
<td>50,000</td>
<td>0</td>
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<tr>
<td>03-4193-7193 WARM SPRINGS RD ANALYSIS</td>
<td>66,716</td>
<td>0</td>
<td>50,000</td>
</tr>
<tr>
<td>03-4193-7200 TECHNOLOGY UPGRADES</td>
<td>73,506</td>
<td>65,000</td>
<td>65,000</td>
</tr>
<tr>
<td>03-4193-7201 ESF- PUBLIC OUTREACH/DESIGN</td>
<td>1,150</td>
<td>0</td>
<td>0</td>
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<tr>
<td>03-4193-7400 COMPUTER/COPIER LEASING</td>
<td>40,079</td>
<td>43,000</td>
<td>43,000</td>
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<tr>
<td>03-4193-7600 ATKINSON PARK IRRIGATION</td>
<td>0</td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td>03-4193-7603 FOREST SERVICE PARK UNITS</td>
<td>0</td>
<td>50,000</td>
<td>50,000</td>
</tr>
<tr>
<td>03-4193-7607 SIDEWALK/STREET SAFETY REPAIR</td>
<td>238,906</td>
<td>41,707</td>
<td>100,000</td>
</tr>
<tr>
<td>03-4193-7800 MISCELLANEOUS CONSTRUCTION</td>
<td>0</td>
<td>31,000</td>
<td>0</td>
</tr>
<tr>
<td>03-4193-7801 MISCELLANEOUS EQUIPMENT</td>
<td>8,386</td>
<td>15,000</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL CAPITAL OUTLAY</td>
<td>776,175</td>
<td>500,707</td>
<td>513,000</td>
</tr>
<tr>
<td>OTHER EXPENDITURES:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>03-4193-8801 TRANSFER TO GENERAL FUND</td>
<td>0</td>
<td>100,000</td>
<td>0</td>
</tr>
<tr>
<td>03-4193-8805 TRANSFER TO STREET CIP</td>
<td>48,160</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL OTHER EXPENDITURES</td>
<td>48,160</td>
<td>100,000</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL GENERAL CIP EXPENDITURES</td>
<td>871,366</td>
<td>649,663</td>
<td>563,000</td>
</tr>
<tr>
<td>TOTAL FUND EXPENDITURES</td>
<td>871,366</td>
<td>649,663</td>
<td>563,000</td>
</tr>
<tr>
<td>NET REVENUE OVER EXPENDITURES</td>
<td>( 139,736)</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

$50,000 REALLOCATED FROM LOW-FLOW FIXTURE PROGRAM TO ENERGY WORK PROGRAM FOR FUTURE ALLOTMENT BY COUNCIL.
## CITY OF KETCHUM
### BUDGET EXPENDITURES
#### IN-LIEU HOUSING FUND

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>IN-LIEU HOUSING EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MATERIALS AND SERVICES:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>52-4410-6020 BC-KETCHUM HOUSING AUTHORITY</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
</tr>
<tr>
<td><strong>TOTAL MATERIAL AND SERVICES</strong></td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
</tr>
<tr>
<td><strong>CAPITAL OUTLAY:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>52-4410-7115 AFFORDABLE WORKFORCE HOUSING</td>
<td>0</td>
<td>2,200,000</td>
<td>2,175,000</td>
</tr>
<tr>
<td><strong>TOTAL CAPITAL OUTLAY</strong></td>
<td>0</td>
<td>2,200,000</td>
<td>2,175,000</td>
</tr>
<tr>
<td><strong>TOTAL IN-LIEU HOUSING EXPENDITURES</strong></td>
<td>75,000</td>
<td>2,275,000</td>
<td>2,250,000</td>
</tr>
<tr>
<td><strong>TOTAL FUND EXPENDITURES</strong></td>
<td>75,000</td>
<td>2,275,000</td>
<td>2,250,000</td>
</tr>
<tr>
<td><strong>NET REVENUE OVER EXPENDITURES</strong></td>
<td>169,073</td>
<td>0</td>
<td>( 20,000)</td>
</tr>
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</table>

$25,000 REALLOCATED FROM 52-4410-7115 TO 52-4410-6020
## City of Ketchum
### Budget Revenues
#### Original Lot Fund

<table>
<thead>
<tr>
<th></th>
<th>Actual 2018-19</th>
<th>Budget 2019-20</th>
<th>Budget 2020-21</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Original Lot Tax</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22-3100-3000</td>
<td>2,624,681</td>
<td>2,500,000</td>
<td>1,750,000</td>
<td>(30.0)</td>
</tr>
<tr>
<td><strong>Total Original Lot Tax</strong></td>
<td>2,624,681</td>
<td>2,500,000</td>
<td>1,750,000</td>
<td>(30.0)</td>
</tr>
<tr>
<td><strong>Miscellaneous Revenue</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22-3700-1000 INTEREST EARNINGS</td>
<td>767</td>
<td>1,000</td>
<td>1,000</td>
<td>.0</td>
</tr>
<tr>
<td>22-3700-3600 REFUNDS &amp; REIMBURSEMENTS</td>
<td>(34)</td>
<td>0</td>
<td>0</td>
<td>.0</td>
</tr>
<tr>
<td>22-3700-8725 TRANSFR FROM ADDITIONAL 1%-LOT</td>
<td>66,247</td>
<td>66,247</td>
<td>66,247</td>
<td>.0</td>
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<tr>
<td><strong>Total Miscellaneous Revenue</strong></td>
<td>66,979</td>
<td>67,247</td>
<td>67,247</td>
<td>.0</td>
</tr>
<tr>
<td><strong>Total Fund Revenue</strong></td>
<td>2,691,661</td>
<td>2,567,247</td>
<td>1,817,247</td>
<td>(29.2)</td>
</tr>
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</table>

**22-3100-3000 Increased by $100,000**
CITY OF KETCHUM  
BUDGET EXPENDITURES  

ORIGINAL LOT FUND  

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ORIGINAL LOT TAX</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MATERIALS AND SERVICES:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22-4910-3610 PROCESSING FEE XBP</td>
<td>843</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>22-4910-5000 ADMINISTRATIVE EXPENSE-GEN FND</td>
<td>2,500</td>
<td>2,500</td>
<td>2,500</td>
</tr>
<tr>
<td>22-4910-6040 SUN VALLEY MARKETING ALLIANCE</td>
<td>440,000</td>
<td>400,000</td>
<td>110,000 ( 72.5)</td>
</tr>
<tr>
<td>22-4910-6060 EVENTS/PROMOTIONS</td>
<td>79,744</td>
<td>75,500</td>
<td>50,000 ( 33.8)</td>
</tr>
<tr>
<td>22-4910-6080 MOUNTAIN RIDES</td>
<td>665,700</td>
<td>624,700</td>
<td>469,000 ( 24.9)</td>
</tr>
<tr>
<td>22-4910-6090 CONSOLIDATED DISPATCH</td>
<td>147,847</td>
<td>147,847</td>
<td>152,282 3.0</td>
</tr>
<tr>
<td>TOTAL MATERIAL AND SERVICES</td>
<td>1,336,634</td>
<td>1,250,547</td>
<td>783,782 (37.3)</td>
</tr>
<tr>
<td>OTHER EXPENDITURES:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22-4910-8801 REIMBURSE GF POLICE/FIRE/AMB</td>
<td>1,164,256</td>
<td>1,103,317</td>
<td>899,465 ( 18.5)</td>
</tr>
<tr>
<td>22-4910-8802 TRNSFR TO WAGON DAYS FUND</td>
<td>132,250</td>
<td>117,550</td>
<td>80,000 ( 31.9)</td>
</tr>
<tr>
<td>22-4910-8803 TRANSFER TO GENERAL CIP</td>
<td>0</td>
<td>86,833</td>
<td>0 (100.0)</td>
</tr>
<tr>
<td>22-4910-8811 TRANSFER TO FIRE CIP</td>
<td>0</td>
<td>0</td>
<td>45,000 .0</td>
</tr>
<tr>
<td>22-4910-9930 ORIG. LOT FUND CONTINGENCY</td>
<td>0</td>
<td>9,000</td>
<td>9,000 .0</td>
</tr>
<tr>
<td>TOTAL OTHER EXPENDITURES</td>
<td>1,296,506</td>
<td>1,316,700</td>
<td>1,033,465 (21.5)</td>
</tr>
<tr>
<td>TOTAL ORIGINAL LOT TAX</td>
<td>2,633,140</td>
<td>2,567,247</td>
<td>1,817,247 (29.2)</td>
</tr>
<tr>
<td>TOTAL FUND EXPENDITURES</td>
<td>2,633,140</td>
<td>2,567,247</td>
<td>1,817,247 (29.2)</td>
</tr>
<tr>
<td>NET REVENUE OVER EXPENDITURES</td>
<td>58,521</td>
<td>0</td>
<td>0 (100.0)</td>
</tr>
</tbody>
</table>

22-4910-6040 INCREASED BY $110,000  
22-4910-8801 REDUCED BY $10,000 TO FUND VISIT SUN VALLEY
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:

1ST 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.

2nd 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:

<table>
<thead>
<tr>
<th>FUND</th>
<th>APPROVED FY 19-20</th>
<th>AMENDED FY 19-20</th>
<th>ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRE CONSTRUCTION FUND</td>
<td>0</td>
<td>2,000,000</td>
<td>2,000,000</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FUND</th>
<th>APPROVED FY 19-20</th>
<th>AMENDED FY 19-20</th>
<th>ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRE CONSTRUCTION FUND</td>
<td>0</td>
<td>11,500,000</td>
<td>11,500,000</td>
</tr>
</tbody>
</table>

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 17th day of August 2020.

___________________________
NEIL BRADSHAW
Mayor

ATTEST:

___________________________
Robin Crotty
City Clerk

Publish: Idaho Mountain Express
August 26, 2020
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 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
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 Gaedert, PhD
Ketchum Planning & Building Department Director

Cc: Fritz Haemmerle
    Matt Johnson
Janet Jarvis
P O Box 626
Ketchum, ID 83340

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.

A. Signature: [Signature]
B. Received by (Printed Name): Maggu Cunningham
C. Date of Delivery: 3/12/20
D. Is delivery address different from item 1? Yes
   If YES, enter delivery address below:

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
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:

Craig A. Nalen For Appeal of Administrator Decision

) Appeal #20-028
) FINDINGS OF FACT,
) CONCLUSIONS OF LAW, AND
) 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
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.


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.


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
by physically filing a notice of appeal with the City pursuant to the procedures of Ketchum Municipal Code 17.144.
### STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
SPECIAL MEETING OF JUNE 22, 2020

<table>
<thead>
<tr>
<th>Project:</th>
<th>Nalen Appeal</th>
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<tbody>
<tr>
<td>File Number:</td>
<td>P20-028</td>
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<tr>
<td>Owner:</td>
<td>Craig A. Nalen</td>
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<tr>
<td>Applicant:</td>
<td>Fritz X. Haemmerle, Haemmerle Law, P.L.L.C., on behalf of Craig Nalen</td>
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<tr>
<td>Request:</td>
<td>Appeal of an administrative decision</td>
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<tr>
<td>Location:</td>
<td>201 Garnet Street (FR SE SW TL 8492 SEC 18 4N 18E)</td>
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<tr>
<td>Zoning:</td>
<td>Limited Residential (LR)</td>
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<tr>
<td>Overlay:</td>
<td>None</td>
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**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 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 6th 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
PLAN: DIAGRAM OF SETBACKS

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

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

201 GARNET STREET

6.9.2020

J THE JARVIS GROUP
ARCHITECTURAL PLLC
Attachment B
Letter regarding June 9, 2020 201 Garnet St. site plan, The Jarvis Group, dated June 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 D
June 8, 2020 staff report, including attachments
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.6 KMC §17.04.040: Interpretation
   B.7 Development Review meeting agenda dated January 8th, 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\textsuperscript{th}, 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\textsuperscript{rd}, 2020
Attachment A.

Administrator’s Certification of Procedural Requirements
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.

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,

[Signature]

John Gaeddert, PhD
Ketchum Planning & Building Department Director

Cc: Fritz Haemmerle
    Matt Johnson

City of Ketchum, 3/9/2020, Page 2 of 2
Janet Jarvis
P O Box 626
Ketchum, ID 83340
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)
SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this 8th day of November, 1998, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLINA 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. Saviors and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviors 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. Saviors, 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. Saviors upon, over and under that portion of the Curtis Property and the Saviors 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. Saviors, 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:

GARNET STREET NEIGHBORS:

Jeanne Franks

Linda M. Vinage, Trustee for The Vinage Trust

Marjolaine Renfro

Susan Pollock

Rita Ann Heaney

DISMISSED 1-29-96

Jerry Ann Heaney

Ann S. Vanderbilt

CITY OF KETCHUM, IDAHO:

Guy P. Coles, Mayor

Gary E. Vinage, Trustee for The Vinage Trust

Robert Renfro

William G. Pollock

Thomas H. ("Bud") Heaney

DISMISSED 1-29-96

John T. Heaney

William H. Vanderbilt

Richard O. Dahlgren
Julie Stocum Dahlgren
Reli Louise Haemmerle
Wilma Pace
John D. Pace
Carl E. Ley
Judy L. Demetre

Kathy Jeanne Harrah
Fritz Xavier Haemmerle
Pamela Jean Raybom
Stella A.M. Keane
Susan Ley
Bob Stevens
Bobbi Stevens

Bob Stevens, Personal Representative for The Estate of George B. Saviers
B.3 Fritz Haemmerle letter dated January 21, 2020
January 31, 2020

City of Ketchum  
Attn: Suzanne Frick, City Administrator  
480 East Ave. N.  
Ketchum, ID 83340  
Via e-mail: 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.

[Signature]

Fritz X. Haemmerle
City of Ketchum
   Attn: Suzanne Frick, City Administrator
January 30, 2020
Page 2

FXH: fxh
Encl.
cc: client (nailcan@aol.com
Matt Johnson, Attorney mjohson@whitepeterson.com
John Gaeddert jgaeddert@ketchumidaho.org
Brian Christiansen bchristiansen@ketchumidaho.org
SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this 8th day of November, 1993, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLINA 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").

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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;

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(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. Saviors and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviors 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. Saviors, 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. Saviors upon, over and under that portion of the Curtis Property and the Saviors 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. Saviors, 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. **REMEDIATES.** 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:**

**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

Jerry Ann Heaney

William H. Vanderbilt

**Ann S. Vanderbilt:**

Richard O. Dahlgren
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.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Area With PUD*</th>
<th>Minimum Lot Area, Townhouse Sublot</th>
<th>Lot Width</th>
<th>Building Height</th>
<th>Maximum Building Coverage/ FAR</th>
<th>Minimum Open Space</th>
<th>Front Setback</th>
<th>Side Setback</th>
<th>Rear Setback</th>
<th>Lot Lines Created By Townhouse Sublots</th>
<th>Setbacks From Hwy 75</th>
<th>Any Setbacks Along War Springs Road</th>
<th>Setbacks Along 200' Former Railroad ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>LR</td>
<td>9,000 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>80' average</td>
<td>35'</td>
<td>35%</td>
<td>n/a</td>
<td>15'</td>
<td></td>
<td>20'</td>
<td>n/a</td>
<td>25'/32'</td>
<td>30'</td>
<td>3'</td>
</tr>
<tr>
<td>LR-1</td>
<td>1 acre</td>
<td>n/a</td>
<td>n/a</td>
<td>100' average</td>
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<td>25%</td>
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<td>15'</td>
<td></td>
<td>20'</td>
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<td>80'</td>
<td>30'</td>
<td>n/a</td>
</tr>
<tr>
<td>Districts</td>
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<td>Minimum Lot Area, Townhouse Sublot</td>
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</tr>
<tr>
<td>LR-2</td>
<td>2 acres</td>
<td>n/a</td>
<td>100' average</td>
<td>35'</td>
<td>25%</td>
<td>n/a</td>
<td>15'</td>
<td>20'</td>
<td>n/a</td>
<td>400'⁶</td>
<td>30'</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GR-L</td>
<td>8,000 sf</td>
<td>8,000 sf plus 4,000 for every unit over 2</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>80' average</td>
<td>35'</td>
<td>35%</td>
<td>n/a</td>
<td>15'</td>
<td>0'</td>
<td>25'/32'⁷</td>
<td>30'</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GR-H</td>
<td>8,000 sf</td>
<td>n/a</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>80' average</td>
<td>35'²</td>
<td>35%⁵</td>
<td>15'</td>
<td>0'</td>
<td>25'/32'⁷</td>
<td>30'</td>
<td>5', however 3' required for one-/two-family dwelli</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Districts</td>
<td>Minimum Lot Area</td>
<td>Minimum Lot Area With PUD*</td>
<td>Lot Width</td>
<td>Building Height</td>
<td>Maximum Building Coverage/FAR</td>
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<td></td>
</tr>
<tr>
<td>STO-.4</td>
<td>0.4 acres</td>
<td>n/a</td>
<td>80' average</td>
<td>35'</td>
<td>25%</td>
<td>n/a</td>
<td>15'</td>
<td></td>
<td></td>
<td>family dwellings must maintain at least 10'</td>
<td>400'</td>
<td>30'</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>STO-.1</td>
<td>1 acre</td>
<td>n/a</td>
<td>100' average</td>
<td>35'</td>
<td>25%</td>
<td>n/a</td>
<td>15'</td>
<td></td>
<td></td>
<td>The greater of 1' for every 2' in building height, or 10'</td>
<td>400'</td>
<td>30'</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Districts</td>
<td>Minimum Lot Area</td>
<td>Minimum Lot Area With PUD</td>
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<tr>
<td>STO-H</td>
<td>9,000 sf (minimum of 3,000 sf per unit)</td>
<td>n/a</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>100' average</td>
<td>35'</td>
<td>35% building coverage, and 75% covered by buildings, parking areas and accessory buildings</td>
<td>n/a</td>
<td>15'</td>
<td>The greater of 1' for every 3' in building height, or 5'</td>
<td>The greater of 1' for every 3' in building height, or 15'</td>
<td>0'</td>
<td>400'</td>
<td>30'</td>
<td>n/a</td>
</tr>
<tr>
<td>T</td>
<td>8,000 sf</td>
<td>n/a</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>80' average</td>
<td>35'</td>
<td>The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings</td>
<td>35%</td>
<td>15'</td>
<td>See FAR requirements in section 17.12 4.040 of this title</td>
<td>The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings</td>
<td>0'</td>
<td>25'/32'</td>
<td>30'</td>
<td>5', however 3' required for one-/two-family dwelling units</td>
</tr>
<tr>
<td>T-3000</td>
<td>8,000 sf</td>
<td>n/a</td>
<td>Equal to that of the perimeter</td>
<td>80' average</td>
<td>35'</td>
<td>The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings</td>
<td>35%</td>
<td>15'</td>
<td>See FAR requirements in section 17.12</td>
<td>The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings</td>
<td>0'</td>
<td>n/a</td>
<td>30'</td>
<td>n/a</td>
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<tr>
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<tr>
<td>T-4000</td>
<td>8,000 sf</td>
<td>n/a</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>80' average</td>
<td>35' ²</td>
<td>See FAR requirements in section 17.12 4.040 of this title</td>
<td>35% ⁵</td>
<td>15'</td>
<td></td>
<td></td>
<td>The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings ¹ ²</td>
<td>0'</td>
<td>n/a</td>
<td>30' n/a</td>
</tr>
<tr>
<td>DistRICTS</td>
<td>Minimum Lot Area</td>
<td>Minimum Lot Area With PUD*</td>
<td>Minimum Lot Area, Townhouse Sublot</td>
<td>Lot Width</td>
<td>Building Height</td>
<td>Maximum Building Coverage/FAR</td>
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<tr>
<td>RU</td>
<td>9,000 sf</td>
<td>n/a</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>n/a</td>
<td>35'</td>
<td>25%</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>AF</td>
<td>10 acres</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>35'</td>
<td>10% (includes pools)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
<td></td>
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</tbody>
</table>

* 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)
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 8th, 2020
Development Review Meeting
January 8th, 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 8th, 2020
• My Sun Valley Home Mixed-Use Building (120 Northwood Way) Design Review & Conditional Use Permit for 3 Employee Housing Unit
• 471 E 10th St Unit B2 (Dean) Work/Live Unit Conditional Use Permit
• 491 E 10th 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

Pending Building Permit Submittal
• 255 Hillside Detached (Deep Powder) Townhome

Pending Development Application Submittal
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

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<thead>
<tr>
<th>Check Dam Width for Swales</th>
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<tr>
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<tr>
<td>Area in Acres</td>
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<td>Runoff Coefficient (c)</td>
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<td>Infiltration Rate (Inches/Hr)</td>
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<tr>
<td>Predevelopment Rate (if any)</td>
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### Runoff Coefficient (c) for Combined Areas

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<th></th>
<th>Imp.</th>
<th>Perv.</th>
<th>Total Area</th>
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<tr>
<td>Area in ft²</td>
<td>1716</td>
<td>2244</td>
<td>3960 sf</td>
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<tr>
<td>Area in Acres</td>
<td>c1</td>
<td>c2</td>
<td>0.09</td>
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<td></td>
<td>0.95</td>
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### Compute Peak Volume

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<tr>
<th>Storm Duration</th>
<th>I</th>
<th>Q</th>
<th>Runoff Vol</th>
<th>Infiltration Vol</th>
<th>PreDev. Vol</th>
<th>Required Vol</th>
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<tr>
<td></td>
<td>Min Hr</td>
<td>in/hr</td>
<td>cfs</td>
<td>ft³</td>
<td>ft³</td>
<td>ft³</td>
</tr>
<tr>
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<td>0.5</td>
<td>0.02</td>
<td>163</td>
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<td>0.27</td>
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<td>0</td>
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<table>
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<tr>
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</thead>
</table>

### Swale Dimensions

<table>
<thead>
<tr>
<th>Length</th>
<th>132 ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left Slope</td>
<td>20:1</td>
</tr>
<tr>
<td>Right Slope</td>
<td>20:1</td>
</tr>
<tr>
<td>Depth</td>
<td>0.425 ft</td>
</tr>
<tr>
<td>Infiltration Width</td>
<td>0 ft</td>
</tr>
<tr>
<td>Longitudinal Slope</td>
<td>0 ft/ft</td>
</tr>
</tbody>
</table>

*assume frozen ground
*assume no slope/flat

| Vol. Available (cf) | 477 |
## Applicant Proposal
### 10' Drive Lane 3' Wide Swale

### ITD IDF Data

<table>
<thead>
<tr>
<th>Swale</th>
<th>Imp.</th>
<th>Perv.</th>
<th>Total Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>1584 sf</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Storm Event</th>
<th>Drainage Area (acres):</th>
<th>Runoff Coefficient (c) for Combined Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area in ft^2</td>
<td>Area in Acres</td>
</tr>
<tr>
<td></td>
<td>1,584</td>
<td>0.04</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Storm Event</th>
<th>Infiltration Rate</th>
<th>Predevelopment Rate (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Inches/Hr</td>
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<tr>
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</tr>
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</table>

| Weighted (c) Value: | 0.82 |

### Compute Peak Volume

<table>
<thead>
<tr>
<th>Storm Duration</th>
<th>I</th>
<th>Q</th>
<th>Runoff Vol</th>
<th>Infiltration Vol</th>
<th>PreDev. Vol</th>
<th>Required Vol</th>
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<tbody>
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<td>ft^3</td>
<td>ft^3</td>
<td>ft^3</td>
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| Total Design Vol. (cf) | 282 |

### Swale Dimensions

<table>
<thead>
<tr>
<th>Length</th>
<th>132 ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left Slope</td>
<td>3:1</td>
</tr>
<tr>
<td>Right Slope</td>
<td>3:1</td>
</tr>
<tr>
<td>Depth</td>
<td>0.5 ft</td>
</tr>
<tr>
<td>Infiltration Width</td>
<td>0 ft</td>
</tr>
<tr>
<td>Longitudinal Slope</td>
<td>0 ft/ft</td>
</tr>
</tbody>
</table>

*assume frozen ground
*assume no slope/flat
### Minimum City ROW

**10' Drive Lane 15' Wide Swale**

#### ITD IDF Data

<table>
<thead>
<tr>
<th>Swale</th>
<th>Check Dam Width for Swales</th>
<th>Number of Check Dams</th>
<th>Storm Event</th>
<th>Drainage Area (acres)</th>
<th>Area in ft²</th>
<th>Area in Acres</th>
<th>Runoff Coefficient (c)</th>
<th>Infiltration Rate</th>
<th>Predevelopment Rate (if any)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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#### Runoff Coefficient (c) for Combined Areas

<table>
<thead>
<tr>
<th>Imp.</th>
<th>Perv.</th>
<th>Total Area</th>
</tr>
</thead>
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<tr>
<td>1320</td>
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#### Compute Peak Volume

<table>
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<th>I</th>
<th>Q</th>
<th>Runoff Vol</th>
<th>Infiltration Vol</th>
<th>PreDev. Vol</th>
<th>Required Vol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min</td>
<td>Hr</td>
<td>in/hr</td>
<td>ft³</td>
<td>ft³</td>
<td>ft³</td>
<td>ft³</td>
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<td>100</td>
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<tr>
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<td>0.5</td>
<td>0.02</td>
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<td>127</td>
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<tr>
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<td>0.00</td>
<td><strong>334</strong></td>
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</tr>
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</table>

#### Total Design Vol. (cf)

- **334**

#### Swale Dimensions

<table>
<thead>
<tr>
<th>Length</th>
<th>132 ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left Slope</td>
<td>20:1</td>
</tr>
<tr>
<td>Right Slope</td>
<td>20:1</td>
</tr>
<tr>
<td>Depth</td>
<td>0.375 ft</td>
</tr>
<tr>
<td>Infiltration Width</td>
<td>0 ft</td>
</tr>
<tr>
<td>Longitudinal Slope</td>
<td>0 ft/ft</td>
</tr>
</tbody>
</table>

*assume frozen ground

*assume no slope/flat
## Snow Storage Calculation
### 201 Garnet

Use an average normal snow water equivalent (mm) for the entire season.

<table>
<thead>
<tr>
<th>Average Normal snow water equivalent (mm)</th>
<th>279.4</th>
</tr>
</thead>
</table>

Convert normal snow water equivalent (mm) to a total amount of snow (cm) (assume 1 mm water is equal to 1 cm snow).

<table>
<thead>
<tr>
<th>Average Normal snow water equivalent (mm)</th>
<th>water equivalent (mm)</th>
<th>snow (cm)</th>
<th>snow (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>279.4</td>
<td>279.4</td>
<td>279.4</td>
<td>2.794</td>
</tr>
</tbody>
</table>

Reduce the volume of snow from a new snow fall density to an average compacted snow density (assuming that new snow is 100 kg/m³ and compacted snow is 500 kg/m³).

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>New Snow</th>
<th>Density</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density Ratio</td>
<td>New Snow</td>
<td>100 kg/m³</td>
<td>2 to 1</td>
</tr>
<tr>
<td>New Snow</td>
<td>100 kg/m³</td>
<td>2 to 1</td>
<td></td>
</tr>
<tr>
<td>Compacted Snow</td>
<td>200 kg/m³</td>
<td>2 to 1</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>cm</th>
<th>ratio density</th>
<th>average total compacted snow (cm)</th>
<th>average total compacted snow converted to metres (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>279.4</td>
<td>2</td>
<td>139.7</td>
<td>1.397</td>
</tr>
</tbody>
</table>

Calculate volume of snow per lineal metre of road.

<table>
<thead>
<tr>
<th>Volume of snow per lineal metre of road in easement</th>
<th>Lane width (m)</th>
<th>average total compacted snow (m)</th>
<th>Volume of snow per lineal metre (m³/m)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3.96</td>
<td>1.397</td>
<td>5.53212</td>
</tr>
</tbody>
</table>

Calculate width of storage area assuming a maximum storage height of 1.2 metres.

<table>
<thead>
<tr>
<th>Total available storage area assuming that the maximum slope on snow pile can not exceed a 1 to 1 ratio</th>
<th>Maximum storage height (m)</th>
<th>Maximum slope angle (ratio)</th>
<th>Width of snow storage area (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.2192</td>
<td>1</td>
<td>3.61364784</td>
</tr>
</tbody>
</table>
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)

<table>
<thead>
<tr>
<th>number of driveways (must be looked at for each direction)</th>
<th>driveway width (m)</th>
<th>volume of snow per lineal metre ( (m^3/m) )</th>
<th>volume of snow to displace ( (m^3) )</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6.4008</td>
<td>5.53212</td>
<td>35.4099937</td>
</tr>
</tbody>
</table>

Volume of additional snow to displace due to driveway access(es)

Example for calculating additional storage width for parking access(es)

<table>
<thead>
<tr>
<th>width of snow storage area calculated in Step 5 ( (m) )</th>
<th>length of roadway over which to distribute snow from accesses ( (m) )</th>
<th>additional volume of snow to displace as calculated in Step 7 ( (m^3) )</th>
<th>additional width required to accommodate accesses based on length stipulated in cell C38 ( (m) )</th>
<th>total width required over length stipulated in cell C38 ( (m) )</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.61364784</td>
<td>40.2</td>
<td>35.40999</td>
<td>0.722</td>
<td>4.336</td>
</tr>
</tbody>
</table>

ASSUMED CROSS SECTION:

\[ A_1 = \frac{x_1 \times MSH}{2} \]
\[ A_2 = x_2 \times MSH \]
\[ A_3 = x_3 \times MSH \]

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)

Operational adjustment (5%) 0.2
Total Width Required (m) 4.6
Total Width Required (ft) 14.9
Figure B-8
Sheet 3 of 9

NOTE
FREQUENCY ANALYSIS BY METHOD OF EXTREME VALUES, AFTER GUMBEL

ZONE C

INTENSITY-DURATION-FREQUENCY

CURVE

RETURN PERIOD (YEARS)
0.25  0.5  1  2  5  10

RAINFALL INTENSITY IN INCHES PER HOUR

MINUTES

DURATION

HOURS
<table>
<thead>
<tr>
<th>Location</th>
<th>Rainfall</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Prairie</td>
<td>4800</td>
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<td>4.9</td>
<td>108</td>
<td>10.4</td>
<td>12.6</td>
</tr>
<tr>
<td>Trinity Mtn.</td>
<td>7770</td>
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<td>31.0</td>
<td>71</td>
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<tr>
<td>Vienna Mine</td>
<td>8960</td>
<td>20.6</td>
<td>25.2</td>
<td>82</td>
<td>18.7</td>
<td>25.0</td>
</tr>
<tr>
<td><strong>Basin Index (%)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BIG WOOD BASIN</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camas Creek Divide</td>
<td>5710</td>
<td>10.0</td>
<td>11.5&lt;sub&gt;C&lt;/sub&gt;</td>
<td>87</td>
<td>10.6</td>
<td>14.5&lt;sub&gt;C&lt;/sub&gt;</td>
</tr>
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<td>6.5</td>
<td>11.0&lt;sub&gt;C&lt;/sub&gt;</td>
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<td>13.5&lt;sub&gt;C&lt;/sub&gt;</td>
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<td>Dollarhide Summit</td>
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<td>*</td>
<td>-M</td>
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<td>79</td>
<td>12.0</td>
<td>16.7</td>
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<tr>
<td>Hyndman</td>
<td>7620</td>
<td>5.7</td>
<td>10.1</td>
<td>56</td>
<td>6.7</td>
<td>13.3</td>
</tr>
<tr>
<td>Lost-Wood Divide</td>
<td>7900</td>
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</tr>
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<td>Soldier R.S.</td>
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<td>14.4</td>
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<td><strong>Basin Index (%)</strong></td>
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<td>12.0</td>
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<td>13.7</td>
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<td>52</td>
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<td>10.7</td>
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<tr>
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<td>7620</td>
<td>5.7</td>
<td>10.1</td>
<td>56</td>
<td>6.7</td>
<td>13.3</td>
</tr>
<tr>
<td>Smiley Mountain</td>
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<td>14.2&lt;sub&gt;R&lt;/sub&gt;</td>
<td>65</td>
<td>8.9</td>
<td>14.7&lt;sub&gt;R&lt;/sub&gt;</td>
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<td></td>
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<td>12.0</td>
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<td>7.2</td>
<td>13.7</td>
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<tr>
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**BEAR RIVER BASIN**

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<td>Slug Creek Divide</td>
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<td>Spring Creek Divide</td>
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<td>Trial Lake</td>
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-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-PRECIPITATION 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.
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 Dolar Drive, Irene Street, 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.

REVOLUTIONS:

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<th>BY</th>
<th>DESCRIPTION</th>
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<td>SN</td>
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CITY OF KETCHUM

60' ROW

RESIDENTIAL

STANDARD DRAWING NO.

ROW-60-RS
**Sheet Notes**

- Neighboring structure locations are approximate.
- Property lines are from Blaine County GIS.
- Edge of road is interpolated.

**Background Notes**

- Scale: 1" = 10'
- Plan: Site Plan
- Site Plan 1:10
- Print Date: Tuesday, January 14, 2020

---

**Project North**

**Not For Construction**

---

**204 Topaz**
- Tax Lot 8492
- ±0.25 Acres

**203 Garnet**
- Tax Lot 7888
- ±0.25 Acres

**205 Garnet**
- Tax Lot 5099
- ±0.25 Acres

**201 Garnet**
- Tax Lot 8492
- ±0.25 Acres

**111 Garnet**
- Tax Lot 8494
- ±0.25 Acres

**112 Garnet**
- Tax Lot 8494
- ±0.25 Acres

**202 Garnet**
- Tax Lot 5100
- ±0.25 Acres

**Property Lines**

- Property Line
- Property Line
- Property Line
- Property Line

---

**Architect**

**Engineer**

**File**

**Drawn**

**Revisions**

---

**511 Sun Valley Road**
- Postal Box 626
- Ketchum, Idaho 83340

**Phone 208.726.4031**
- **Fax 208.726.4097**

**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 Jarvis Group Is Prohibited by Law. © 2014 The Jarvis Group, PLLC**
Attachment C.

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

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: fhx  
Encl.  
cc: client (nailcan@aol.com)  
Matt Johnson, Attorney mjohnson@whitepeterson.com  
John Gaeddert jgaeddert@ketchumidaho.org
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

480 East Ave. N. P.O. Box 2315 Ketchum, ID 83340 main (208) 726-7801 fax (208) 726-7812 facebook.com/CityofKetchum twitter.com/Ketchum_Idaho www.ketchumidaho.org
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.¹

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

¹ 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


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.

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.\(^2\) 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.

\(^2\) 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 site 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 is cannot be used to vary the uniform 15' setbacks in the LR District established under KCO 12.12.030.3

For all these reasons, the City's attempt to ignore the setback requirements of its Code violates the uniformity provisions of the LLUPA.

---

3 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. Wrenn 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).


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.

[Signature]

FRITZ X. HAEMMERLE
CERTIFICATE OF SERVICE

I hereby certify that on the 23rd 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
SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this 8th day of November, 1993, 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. Saviors and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviors 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. Saviors, 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. Saviors upon, over and under that portion of the Curtis Property and the Saviors 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. Saviors, 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.

**GARNET STREET NEIGHBORS:**

Jeanne Franks

Linda M. Vinagre, Trustee for
The Vinagre Trust

Marjolaine Renfro

Susan Pollock

Rita Ann Heaney

DISMISSED 1-29-96

Jerry Ann Heaney

**CITY OF KETCHUM, IDAHO:**

Guy P. Coles, Mayor

Gary E. Vinagre, Trustee for
The Vinagre Trust

Robert Renfro

William G. Pollock

Thomas H. ("Bud") Heaney

DISMISSED 1-29-96

John T. Heaney

William H. Vanderbilt

Richard O. Dahlgren
EXHIBIT 2
Attachment D.

Written public comment received as of 4:00 p.m. Wednesday, June 3rd, 2020
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
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 8th, 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.6 KMC §17.04.040: Interpretation
B.6 Development Review meeting agenda dated January 8th, 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 3rd, 2020
Attachment A.

Administrator’s Certification of Procedural Requirements
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.

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 Gaedert, PhD
Ketchum Planning & Building Department Director

Cc: Fritz Haemmerle
    Matt Johnson
1. Article Addressed to:

Janet Jarvis
P.O. Box 626
Ketchum, ID 83340

2. Article Number (Transfer from service label)

7018 0360 0001 3649 2264

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

A. Signature

X

B. Received by (Printed Name)

Maggy Cummings

C. Date of Delivery

3/12/20

D. Is delivery address different from item 1?

☐ Yes
☐ No

PS Form 3811, July 2015 PSN 7530-02-000-9053
Planning and Building Dept
City of Ketchum
P O Box 2315
Ketchum, ID 83340
B.2 Garnet Street Agreement (instrument #403847)
SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this 8th day of November, 1993, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLINA 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 gravely, 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.

**GARNET STREET NEIGHBORS:**

Jeanne Franks

Linda M. Vinagre, Trustee for The Vinagre Trust

Marjolaine Renfro

Susan Pollock

Rita Ann Heaney

**CITY OF KETCHUM, IDAHO:**

Guy P. Coles, Mayor

Gary E. Vinagre, Trustee for The Vinagre Trust

Robert Renfro

William G. Pollock

Thomas H. ("Bud") Heaney

Jerry Ann Heaney

William H. Vanderbilt

Richard O. Dahlgren
Julie Slocum Dahlgren

Reli Louise Haemmerle

Wilma Pace

John D. Pace

Carl E. Ley

Judy L. Demetre, by Ned C. Williamson

An attorney in fact

Kathy Jeanne Harrah

Fritz Xavier Haemmerle

Pamela Jean Raybom

Stella A.M. Keane

Susan Ley

Bob Stevens

Bob Stevens, Personal Representative
for The Estate of George B. Saviers
B.3 Fritz Haemmerle letter dated January 21, 2020
January 31, 2020

City of Ketchum
Attn: Suzanne Frick, City Administrator
480 East Ave. N.
Ketchum, ID 83340
Via e-mail: 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.

[Signature]
Fritz X. Haemmerle
FXH: fxh
Encl.
cc: client (nailcan@aol.com
Matt Johnson, Attorney mjohson@whitepeterson.com
John Gaeddert jgaeddert@ketchumidaho.org
Brian Christiansen bchristiansen@ketchumidaho.org
SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this 8th day of November, 1999, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAIGRE TRUST, by and through GARY E. and LINDA M. VINAIGRE, TRUSTEES, ROBERT and MARJOLINA 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 ("Saviors 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 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.

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**CARL CURTIS:**

[Signature]

Carl Curtis

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Linda M. Vinagre, Trustee for The Vinagre Trust

Marjolaine Renfro

Susan Pollock

Rita Ann Heaney

**CITY OF KETCHUM, IDAHO:**

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Robert Renfro

William G. Pollock

Thomas H. (“Bud”) Heaney

Jerry Ann Heaney

**DISMISSED 1-29-96**

William H. Vanderbilt

Richard O. Dahlgren
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.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Area With PUD*</th>
<th>Lot Width</th>
<th>Building Height</th>
<th>Maximum Building Coverage/ FAR</th>
<th>Minimum Open Space</th>
<th>Front Setback</th>
<th>Side Setback</th>
<th>Rear Setback</th>
<th>Lot Lines Created By Townhouse Sublots</th>
<th>Setbacks From Hwy 75</th>
<th>Any Setbacks Along Warm Springs Road</th>
<th>Setbacks Along 200' Former Railroad ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>LR</td>
<td>9,000 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>80' average</td>
<td>35'</td>
<td>35%</td>
<td>n/a</td>
<td>15'</td>
<td>20'</td>
<td>n/a</td>
<td>25'/32' 7</td>
<td>30'</td>
<td>3'</td>
</tr>
<tr>
<td>LR-1</td>
<td>1 acre</td>
<td>n/a</td>
<td>n/a</td>
<td>100' average</td>
<td>35'</td>
<td>25%</td>
<td>n/a</td>
<td>15'</td>
<td>20'</td>
<td>n/a</td>
<td>80'</td>
<td>30'</td>
<td>n/a</td>
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<tr>
<td>Districts</td>
<td>Minimum Lot Area</td>
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<tr>
<td>LR-2</td>
<td>2 acres</td>
<td>n/a</td>
<td>n/a</td>
<td>100' average</td>
<td>35'</td>
<td>25%</td>
<td>n/a</td>
<td>15'</td>
<td></td>
<td>20'</td>
<td>n/a</td>
<td>400'</td>
<td>30'</td>
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<tr>
<td>GR-L</td>
<td>8,000 sf</td>
<td>8,000 sf plus 4,000 for every unit over 2</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>80' average</td>
<td>35'</td>
<td>35%</td>
<td>n/a</td>
<td>15'</td>
<td></td>
<td>The greater of 1' for every 3' in building height, or 15'</td>
<td>0'</td>
<td>25'/32'</td>
<td>30'</td>
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<tr>
<td>GR-H</td>
<td>8,000 sf</td>
<td>n/a</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>80' average</td>
<td>35'</td>
<td>See FAR requirements in section 17.12.4.040 of this title</td>
<td>35%</td>
<td>15'</td>
<td></td>
<td>The greater of 1' for every 3' in building height, or 15'</td>
<td>0'</td>
<td>25'/32'</td>
<td>30'</td>
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<tr>
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<td>Minimum Lot Area</td>
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<tr>
<td>STO-.4</td>
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<td>n/a</td>
<td>n/a</td>
<td>80' average</td>
<td>35'</td>
<td>25%</td>
<td>n/a</td>
<td>15'</td>
<td></td>
<td></td>
<td>family dwellings must maintain at least 10'</td>
<td>n/a</td>
<td>ng units</td>
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<tr>
<td>STO-1</td>
<td>1 acre</td>
<td>n/a</td>
<td>n/a</td>
<td>100' average</td>
<td>35'</td>
<td>25%</td>
<td>n/a</td>
<td>15'</td>
<td></td>
<td></td>
<td>The greater of 1' for every 2' in building height, or 10'</td>
<td>n/a</td>
<td>400'</td>
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<tr>
<td>STO-H</td>
<td>9,000 sf (minimum of 3,000 sf per unit)</td>
<td>n/a</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>100' average</td>
<td>35'</td>
<td>35% building coverage, and 75% covered by buildings, parking areas and accessory buildings</td>
<td>n/a</td>
<td>15'</td>
<td>The greater of 1' for every 3' in building height, or 5'¹</td>
<td>The greater of 1' for every 3' in building height, or 15'¹</td>
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<td>400'</td>
<td>30'</td>
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<td>T</td>
<td>8,000 sf</td>
<td>n/a</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>80' average</td>
<td>35²</td>
<td>See FAR requirements in section 17.12 4.040 of this title</td>
<td>35% ⁵</td>
<td>15'</td>
<td>The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings¹</td>
<td>The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings¹²</td>
<td>0'</td>
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<tr>
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<td>35²</td>
<td>See FAR requirements in section 17.12</td>
<td>35% ⁵</td>
<td>15'</td>
<td>The greater of 1' for every</td>
<td>The greater of 1' for every 3'</td>
<td>0'</td>
<td>n/a</td>
<td>30'</td>
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<tr>
<td>T-4000</td>
<td>8,000 sf</td>
<td>n/a</td>
<td>80' average</td>
<td>35'²</td>
<td>3' in building height, or 5'. At least 10' for one-family dwellings¹</td>
<td>35% ⁵</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
<td>in building height, or 10'. At least 15' for one-family dwellings¹</td>
<td>0'</td>
<td>n/a</td>
<td>30'</td>
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<td>--------------</td>
<td>-------------</td>
<td>------------</td>
<td>-------------------------------------</td>
<td>--------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>RU</td>
<td>9,000 sf</td>
<td>n/a</td>
<td>Equal to that of the perimeter of the townhouse unit</td>
<td>n/a</td>
<td>35'</td>
<td>25%</td>
<td>n/a</td>
<td>30'</td>
<td>15'</td>
<td>15'</td>
<td>0'</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>AF</td>
<td>10 acres</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>35'</td>
<td>10% (includes pools)</td>
<td>n/a</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

* 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
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 8th, 2020
Development Review Meeting
January 8th, 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 8th, 2020
• My Sun Valley Home Mixed-Use Building (120 Northwood Way) Design Review & Conditional Use Permit for 3 Employee Housing Unit
• 471 E 10th St Unit B2 (Dean) Work/Live Unit Conditional Use Permit
• 491 E 10th 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

Pending Building Permit Submittal
• 255 Hillside Detached (Deep Powder) Townhome

Pending Development Application Submittal

Development Review Team Meeting
City of Ketchum
January 8th, 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**

<table>
<thead>
<tr>
<th>ITD IDF Data</th>
<th>Runoff Coefficient (c) for Combined Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Check Dam Width for Swales</td>
<td></td>
</tr>
<tr>
<td>Number of Check Dams</td>
<td></td>
</tr>
<tr>
<td>Storm Event</td>
<td>25</td>
</tr>
<tr>
<td>Drainage Area (acres): Area in ft²</td>
<td>3,960</td>
</tr>
<tr>
<td>Runoff Coefficient (c)</td>
<td>0.50</td>
</tr>
<tr>
<td>Infiltration Rate</td>
<td>Inches/Hr: 0</td>
</tr>
<tr>
<td>Predevelopment Rate (if any)</td>
<td>0</td>
</tr>
<tr>
<td><strong>Weighted (c) Value:</strong></td>
<td>0.50</td>
</tr>
</tbody>
</table>

#### Compute Peak Volume

<table>
<thead>
<tr>
<th>Storm Duration (Min Hr)</th>
<th>I (in/hr)</th>
<th>Q (cfs)</th>
<th>Runoff Vol (ft³)</th>
<th>Infiltration Vol (ft³)</th>
<th>PreDev. Vol (ft³)</th>
<th>Required Vol (ft³)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>0.17</td>
<td>2.1</td>
<td>0.09</td>
<td>57</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>30</td>
<td>0.50</td>
<td>1.4</td>
<td>0.06</td>
<td>114</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>60</td>
<td>1.00</td>
<td>0.79</td>
<td>0.04</td>
<td>128</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>120</td>
<td>2.00</td>
<td>0.5</td>
<td>0.02</td>
<td>163</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>180</td>
<td>3.00</td>
<td>0.4</td>
<td>0.02</td>
<td>195</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>360</td>
<td>6.00</td>
<td>0.27</td>
<td>0.01</td>
<td>263</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>720</td>
<td>12.00</td>
<td>0.18</td>
<td>0.01</td>
<td>351</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1440</td>
<td>24.00</td>
<td>0.11</td>
<td>0.00</td>
<td>429</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total Design Vol. (cf):** 429

**Swale Dimensions**

<table>
<thead>
<tr>
<th>Length</th>
<th>132 ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left Slope</td>
<td>20:1</td>
</tr>
<tr>
<td>Right Slope</td>
<td>20:1</td>
</tr>
<tr>
<td>Depth</td>
<td>0.425 ft</td>
</tr>
<tr>
<td>Infiltration Width</td>
<td>0 ft</td>
</tr>
<tr>
<td>Longitudinal Slope</td>
<td>0 ft/ft</td>
</tr>
</tbody>
</table>

*assume frozen ground
*assume no slope/flat

**Vol. Available (cf):** 477
Applicant Proposal
10' Drive Lane 3' Wide Swale

<table>
<thead>
<tr>
<th>ITD IDF Data</th>
<th>Runoff Coefficient (c) for Combined Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Check Dam Width for Swales</td>
<td>0</td>
</tr>
<tr>
<td>Number of Check Dams</td>
<td>0</td>
</tr>
<tr>
<td>Storm Event</td>
<td>25</td>
</tr>
<tr>
<td>Drainage Area (acres):</td>
<td>Area in ft² 1,584</td>
</tr>
<tr>
<td>Infiltration Rate</td>
<td>Inches/HR 0</td>
</tr>
<tr>
<td>Predevelopment Rate (if any)</td>
<td>0</td>
</tr>
<tr>
<td>Weighted (c) Value:</td>
<td>0.82</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Storm Event</th>
<th>I</th>
<th>Q</th>
<th>Runoff Vol</th>
<th>Infiltration Vol</th>
<th>PreDev. Vol</th>
<th>Required Vol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min Hr</td>
<td>in/hr</td>
<td>cfs</td>
<td>ft³</td>
<td>ft³</td>
<td>ft³</td>
<td>ft³</td>
</tr>
<tr>
<td>10</td>
<td>0.17</td>
<td>2.1</td>
<td>0.06</td>
<td>37</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>30</td>
<td>0.50</td>
<td>1.4</td>
<td>0.04</td>
<td>75</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>60</td>
<td>1.00</td>
<td>0.79</td>
<td>0.02</td>
<td>84</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>120</td>
<td>2.00</td>
<td>0.5</td>
<td>0.01</td>
<td>107</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>180</td>
<td>3.00</td>
<td>0.4</td>
<td>0.01</td>
<td>128</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>360</td>
<td>6.00</td>
<td>0.27</td>
<td>0.01</td>
<td>173</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>720</td>
<td>12.00</td>
<td>0.18</td>
<td>0.01</td>
<td>231</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1440</td>
<td>24.00</td>
<td>0.11</td>
<td>0.00</td>
<td>282</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Total Design Vol. (cf): 282

<table>
<thead>
<tr>
<th>Swale Dimensions</th>
<th>Vol. Available (cf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length</td>
<td>132 ft</td>
</tr>
<tr>
<td>Left Slope</td>
<td>3:1</td>
</tr>
<tr>
<td>Right Slope</td>
<td>3:1</td>
</tr>
<tr>
<td>Depth</td>
<td>0.5 ft</td>
</tr>
<tr>
<td>Infiltration Width</td>
<td>0 ft</td>
</tr>
<tr>
<td>Longitudinal Slope</td>
<td>0 ft/ft</td>
</tr>
</tbody>
</table>

*assume frozen ground
*assume no slope/flat
## Minimum City ROW
**10' Drive Lane 15' Wide Swale**

### ITD IDF Data

<table>
<thead>
<tr>
<th>Swale</th>
<th>Check Dam Width for Swales</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Check Dams</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Storm Event</th>
<th>25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage Area (acres):</td>
<td>Area in ft² 3,168</td>
</tr>
<tr>
<td></td>
<td>Area in Acres 0.07</td>
</tr>
<tr>
<td>Runoff Coefficient (c)</td>
<td>0.48</td>
</tr>
<tr>
<td>Infiltration Rate</td>
<td>Inches/Hr 0</td>
</tr>
<tr>
<td>Predevelopment Rate (if any)</td>
<td>0</td>
</tr>
</tbody>
</table>

### Compute Peak Volume

<table>
<thead>
<tr>
<th>Storm Duration</th>
<th>I</th>
<th>Q</th>
<th>Runoff Vol</th>
<th>Infiltration Vol</th>
<th>PreDev. Vol</th>
<th>Required Vol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min Hr</td>
<td>in/hr</td>
<td>cfs</td>
<td>ft³</td>
<td>ft³</td>
<td>ft³</td>
<td>ft³</td>
</tr>
<tr>
<td>10</td>
<td>0.17</td>
<td>2.1</td>
<td>0.07</td>
<td>44</td>
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<td>0</td>
</tr>
<tr>
<td>30</td>
<td>0.50</td>
<td>1.4</td>
<td>0.05</td>
<td>89</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>60</td>
<td>1.00</td>
<td>0.79</td>
<td>0.03</td>
<td>100</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>120</td>
<td>2.00</td>
<td>0.5</td>
<td>0.02</td>
<td>127</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>180</td>
<td>3.00</td>
<td>0.4</td>
<td>0.01</td>
<td>152</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>360</td>
<td>6.00</td>
<td>0.27</td>
<td>0.01</td>
<td>205</td>
<td>0</td>
<td>0</td>
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<tr>
<td>720</td>
<td>12.00</td>
<td>0.18</td>
<td>0.01</td>
<td>273</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1440</td>
<td>24.00</td>
<td>0.11</td>
<td>0.00</td>
<td>334</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

| Total Design Vol. (cf) | 334 |

### Swale Dimensions

<table>
<thead>
<tr>
<th>Length</th>
<th>132 ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left Slope</td>
<td>20:1</td>
</tr>
<tr>
<td>Right Slope</td>
<td>20:1</td>
</tr>
<tr>
<td>Depth</td>
<td>0.375 ft</td>
</tr>
<tr>
<td>Infiltration Width</td>
<td>0 ft</td>
</tr>
<tr>
<td>Longitudinal Slope</td>
<td>0 ft/ft</td>
</tr>
</tbody>
</table>

*assume frozen ground
*assume no slope/flat

---

**Runoff Coefficient (c) for Combined Areas**

<table>
<thead>
<tr>
<th>Imp.</th>
<th>Perv.</th>
<th>Total Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1320</td>
<td>1848</td>
<td>3168 sf</td>
</tr>
<tr>
<td><em>c 1</em></td>
<td><em>c 2</em></td>
<td></td>
</tr>
<tr>
<td>0.95</td>
<td>0.15</td>
<td></td>
</tr>
</tbody>
</table>

Weighted (c) Value: 0.48
# Snow Storage Calculation

## 201 Garnet

**Use an normal snow water equivalent (mm) for the entire season**

<table>
<thead>
<tr>
<th>Average Normal snow water equivalent (mm)</th>
<th>279.4</th>
</tr>
</thead>
</table>

**Convert normal snow water equivalent (mm) to a total amount of snow (cm)**  
(assume 1 mm water is equal to 1 cm snow)

<table>
<thead>
<tr>
<th>Average Normal snow water equivalent (mm)</th>
<th>water equivalent (mm)</th>
<th>snow (cm)</th>
<th>snow (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>279.4</td>
<td>279.4</td>
<td>2.794</td>
</tr>
</tbody>
</table>

**Reduce the volume of snow from a new snow fall density to an average compacted snow density**  
(assuming that new snow is 100 kg/m³ and compacted snow is 500 kg/m³)

**Assumptions**

<table>
<thead>
<tr>
<th>Density Ratio</th>
<th>New Snow</th>
<th>100 kg/m³</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compacted Snow</td>
<td>200 kg/m³</td>
<td>2 to 1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>cm</th>
<th>ratio density</th>
<th>average total compacted snow (cm)</th>
<th>average total compacted snow converted to metres (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>279.4</td>
<td>2</td>
<td>139.7</td>
<td>1.397</td>
</tr>
</tbody>
</table>

**Calculate volume of snow per lineal metre of road**

<table>
<thead>
<tr>
<th>lane width (m)</th>
<th>average total compacted snow (m)</th>
<th>volume of snow per lineal metre (m³/m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume of snow per lineal metre of road in easement</td>
<td>3.96</td>
<td>1.397</td>
</tr>
</tbody>
</table>

**Calculate width of storage area assuming a maximum storage height of 1.2 metres**

<table>
<thead>
<tr>
<th>maximum storage height (m)</th>
<th>maximum slope angle (ratio)</th>
<th>width of snow storage area (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total available storage area assuming that the maximum slope on snow pile can not exceed a 1 to 1 ratio</td>
<td>1.2192</td>
<td>1</td>
</tr>
</tbody>
</table>
### 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)

<table>
<thead>
<tr>
<th>number of driveways (must be looked at for each direction)</th>
<th>driveway width (m)</th>
<th>volume of snow per lineal metre (m³/m)</th>
<th>volume of snow to displace (m³)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6.4008</td>
<td>5.53212</td>
<td>35.4099937</td>
</tr>
</tbody>
</table>

### Example for calculating additional storage width for parking access(es)

<table>
<thead>
<tr>
<th>width of snow storage area calculated in Step 5 (m)</th>
<th>length of roadway over which to distribute snow from accesses (m)</th>
<th>additional volume of snow to displace as calculated in Step 7 (m³)</th>
<th>additional width required to accommodate accesses based on length stipulated in cell C38 (m)</th>
<th>total width required over length stipulated in cell C38 (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.61364784</td>
<td>40.2</td>
<td>35.40999</td>
<td>0.722</td>
<td>4.336</td>
</tr>
</tbody>
</table>

### ASSUMED CROSS SECTION:

- \( A_1 = \frac{x_1 \times \text{MSH}}{2} \)
- \( A_2 = x_2 \times \text{MSH} \)
- \( A_3 = x_3 \times \text{MSH} \)

- 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)

### Additional notes:

- Operational adjustment (5%) = 0.2
- Total Width Required (m) = 4.6
- Total Width Required (ft) = 14.9
Figure B-7
<table>
<thead>
<tr>
<th>Location</th>
<th>Snowfall</th>
<th>Depth</th>
<th>Inundation</th>
<th>Snowfall</th>
<th>Depth</th>
<th>Inundation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prairie</td>
<td>4800</td>
<td>5.3</td>
<td>4.9</td>
<td>108</td>
<td>10.4</td>
<td>12.6</td>
</tr>
<tr>
<td>Trinity Mtn.</td>
<td>7770</td>
<td>22.1</td>
<td>31.0</td>
<td>71</td>
<td>22.5</td>
<td>33.0</td>
</tr>
<tr>
<td>Vienna Mine</td>
<td>8960</td>
<td>20.6</td>
<td>25.2</td>
<td>82</td>
<td>18.7</td>
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**BEAR RIVER BASIN**

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-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-PRECIPITATION 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.
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

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CITY OF KETCHUM

60' ROW
RESIDENTIAL

STANDARD DRAWING NO.
ROW-60-RS
Attachment C.

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

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
Matt Johnson, Attorney mjohson@whitepeterson.com
John Gaeddert jgaeddert@ketchumidaho.org
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

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APPEALANT

Name of Appellant: Craig Nalen  
Address: c/o Fritz Haemmerle

Representative: Fritz X. Haemmerle, Haemmerle Law, P.L.L.C
Address: P.O. Box 1800, Hailey, Idaho 83333

REPRESENTATIVE

Phone Number: (208) 578-0520  
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

480 East Ave., N.  P.O. Box 2315  Ketchum, ID 83340  main (208) 726-7801  fax (208) 726-7812  facebook.com/CityofKetchum  twitter.com/Ketchum_Idaho  www.ketchumidaho.org
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.¹

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

¹ 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


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.

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.\(^2\) 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.

\(^2\) 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.

**APPELLANT’S BRIEF - 4**
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 site 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 is cannot be used to vary the uniform 15' setbacks in the LR District established under KCO 12.12.030.3

For all these reasons, the City's attempt to ignore the setback requirements of its Code violates the uniformity provisions of the LLUPA.

---

3 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).


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 23rd 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
SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this 8th day of November, 1999, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLNAINE 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 HARAH, 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.

**GARNET STREET NEIGHBORS:**

Jeanne Franks

Linda M. Vinagre, Trustee for The Vinagre Trust

**CITY OF KETCHUM, IDAHO:**

Guy P. Coles, Mayor

Gary E. Vinagre, Trustee for The Vinagre Trust

Robert Renfro

Marjolaine Renfro

Susan Pollock

Rita Ann Heaney

**DISMISSED 1-29-94**

Jerry Ann Heaney

**DISMISSED 1-29-94**

Ann S. Vanderbilt

**DISMISSED 1-29-94**

William H. Vanderbilt

Richard O. Dahlgren
Julie Slocum Dahlgren
Reli Louise Haemmerle
Wilma Pace
John D. Pace
Carl E. Ley
Judy L. Demetre, by Red C. Cullinan
Judy L. Demetre

Kathy Jeanne Harrah
Fritz Xavier Haemmerle
Pamela Jean Raybom
Stella A.M. Keane
Susan Ley
Bob Stevens, Personal Representative for The Estate of George B. Saviers
EXHIBIT 2
Attachment D.

Written public comment received as of 4:00 p.m. Wednesday, June 3rd, 2020
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 promised 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
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.

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<td>Appeal Fee: 2175.00</td>
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<td>Date Appellant Notified of Estimated Transcript Costs and Notice:</td>
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<td>Date of Appeal Hearing: 8-17-20</td>
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<th>APPELLANT</th>
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<tr>
<td>Name of Appellant: Suzanne Frick</td>
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<tr>
<td>Address: 480 East 4th Avenue</td>
</tr>
<tr>
<td>Phone Number: 208-727-5086</td>
</tr>
<tr>
<td>Fax Number or Email: <a href="mailto:Sfrick@ketchumidaho.org">Sfrick@ketchumidaho.org</a></td>
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<th>APPLICATION</th>
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<tr>
<td>Application Being Appealed: Planning and Zoning Commission determination for Appeal #20-028</td>
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<tr>
<td>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.</td>
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<tr>
<td>Date of Decision or Date Findings of Fact Were Adopted: July 13, 2020</td>
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<td>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):</td>
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<tr>
<td>The attached staff report sets forth the reasons for the staff recommendation. The Planning and Zoning Commission did not support the recommendations. The decision is hereby appealed to the City Council.</td>
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If you have attached additional pages, please indicate the number of pages attached: 4

Signature of Appellant or Representative: [Sign]
Date: 7-23-2020
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 6th 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
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
PLAN: DIAGRAM OF SETBACKS

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

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

201 GARNET STREET

J THE JARVIS GROUP
ARCHITECTURAL PC

SETBACKS

6.9.2020
SITE PLAN

1:10 SCALE

PROPERTY LINES ARE FROM BLAINE COUNTY GIS
EDGE OF ROAD IS INTERPOLATED

EXISTING TREES TO BE REMOVED IN RED

APPROXIMATE, NOT SURVEYED

SCALE: 1" = 10'

PLAN: SITE PLAN

APPROVALS

THE JARVIS GROUP

ARCHITECT

ENGINEER

FILE

DRAWN

REVISIONS

NO.

DATE

DESCRIPTION

511 SUN VALLEY ROAD

POSTAL BOX 626

KETCHUM, IDAHO

PHONE 208.726.4031

FAX 208.726.4097

THESE DRAWINGS AND DETAILS ARE PROTECTED UNDER FEDERAL COPYRIGHT LAWS AND ARE EXCLUSIVE PROPERTY OF THE ARCHITECT.

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PRINT DATE: Friday, March 6, 2020

GARNET STREET

200 GARNET

TAX LOT 5103

202 GARNET

204 GARNET

110 GARNET

TAX LOT 9144

112 GARNET

TAX LOT 5033

111 GARNET

TAX LOT 8491

201 GARNET ST

TAX LOT 8492

204 TOPAZ

TAX LOT 2239

203 GARNET

TAX LOT 7860

TAX LOT 2239

TAX LOT 5100

TAX LOT 8491

TAX LOT 5099

TAX LOT 8144

TAX LOT 8184

110 GARNET

201 GARNET

202 GARNET

204 GARNET

GARDEN

TERRACE

GARDEN

GARDEN

GARDEN

GARNET STREET

FROST FREE HYDRANT

TELE RISER

FIRE HYD
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 13th, 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
STAFF REPORT
KETCHUM CITY COUNCIL
REGULAR MEETING OF AUGUST 17th

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 26th, 2020. Notice was published in the June 17th, 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 29th, 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 sublot 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 13th, 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

<table>
<thead>
<tr>
<th>Compliant</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>City Standards and City Department Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>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.</td>
</tr>
<tr>
<td>City Engineer and Streets Department</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>The conversion of the existing condominium duplex into two townhome units does not qualify as a substantial improvement or impact the right-of-way.</td>
</tr>
<tr>
<td>Utilities</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Existing sewer and water connections serve the duplex.</td>
</tr>
<tr>
<td>Building</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>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.</td>
</tr>
<tr>
<td>Planning and Zoning</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Comments are denoted throughout the Tables 2 &amp; 3.</td>
</tr>
</tbody>
</table>
### Table 2: Townhouse Plat Requirements

<table>
<thead>
<tr>
<th>Compliant</th>
<th>Standards and Staff Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yes</strong></td>
<td>City Standards and Staff Comments</td>
</tr>
<tr>
<td><strong>No</strong></td>
<td></td>
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<tr>
<td><strong>N/A</strong></td>
<td></td>
</tr>
<tr>
<td><strong>City Code</strong></td>
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</table>

#### 16.04.080.B
**Townhouse Owners' Documents:** The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of such documents and shall file such documents prior to recording of the plat, which shall reflect the recording instrument numbers.

**Staff Comments**
The applicant has submitted a complete preliminary plat application including the CC&Rs. The applicant shall submit a final copy of the Townhouse Declaration and Party Wall Agreement document to the Planning & Building Department and file such document prior to recording of the final plat.

#### 16.04.080.C.1
**Preliminary Plat Procedure:** Townhouse developments shall be administered consistent with the procedures and design and development regulations established in §16.04.030 and §16.04.040 and the standards of this subsection.

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.

**Staff Comments**
The townhouse subdivision shall be platted under the procedures contained in the subdivision ordinance.

*The duplex condominium is an existing building and the project does not require design review approval or a building permit.*

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

**Staff Comments**
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.

#### 16.04.080.C.3
The preliminary plat, other data, and the commission’s findings may be transmitted to the council prior to commencement of construction of the project under a valid building permit issued by the City. The council shall act on the preliminary plat pursuant to subsection 16.04.030E and F of this chapter.

**Staff Comments**
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.

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

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

Staff Comments  The applicant shall follow the final plat procedure as specified in the City’s subdivision ordinance.

16.04.080.E.1  
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

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

Staff Comments  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.

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

Staff Comments  The existing duplex doesn’t include an enclosed garage.

16.04.080.E.3  
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)

Staff Comments  This townhouse subdivision will comply with all applicable local, state, and federal ordinances, rules, and regulations.

Table 3: Preliminary Plat Requirements (all subdivisions)

<table>
<thead>
<tr>
<th>Preliminary Plat Requirements</th>
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<tr>
<td>Compliant</td>
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<tr>
<td>Yes</td>
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<tr>
<td>16.04.030.C.1</td>
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<tr>
<td>Findings</td>
</tr>
<tr>
<td>16.04.030.J</td>
</tr>
</tbody>
</table>

North Pass No. 8 Townhomes Subdivision Preliminary Plat Staff Report
Ketchum City Council Regular Meeting of August 17, 2020
City of Ketchum Planning & Building Department
<table>
<thead>
<tr>
<th>Findings</th>
<th>16.04.030.I.1 The scale, north point and date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Findings</td>
<td>16.04.030.J.2 The name of the proposed subdivision.</td>
</tr>
<tr>
<td>Findings</td>
<td>16.04.030.J.3 The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</td>
</tr>
<tr>
<td>Findings</td>
<td>16.04.030.J.5 The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.</td>
</tr>
<tr>
<td>Findings</td>
<td>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.</td>
</tr>
<tr>
<td>Findings</td>
<td>This standard is not applicable to the subdivision of an existing lot into two townhouse sublots.</td>
</tr>
<tr>
<td>Findings</td>
<td>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.</td>
</tr>
<tr>
<td>Findings</td>
<td>Short Swing Lane is indicated on the plat.</td>
</tr>
<tr>
<td>Findings</td>
<td>Boundary description and the area of the tract.</td>
</tr>
<tr>
<td>Findings</td>
<td>Existing zoning of the tract.</td>
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<tr>
<td>Findings</td>
<td>The property is within the GR-L Zoning District. Plat note #4 references the zoning district.</td>
</tr>
<tr>
<td>Findings</td>
<td>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.</td>
</tr>
<tr>
<td>Findings</td>
<td>This standard has been met. No new streets are proposed. The subplot lines and dimensions are indicated on the preliminary plat.</td>
</tr>
<tr>
<td>Findings</td>
<td>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.</td>
</tr>
<tr>
<td>Findings</td>
<td>No land for common or public use is required or proposed.</td>
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<tr>
<td>Findings</td>
<td>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.</td>
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<tr>
<td>Findings</td>
<td>The plat indicates the locations of all utilities that serve the townhome development. No street infrastructure improvements are proposed with this</td>
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</table>
16.04.030.J.24 | ☒ | ☐ | ☐ | A digital copy of the preliminary plat shall be filed with the administrator.

**Findings**

This standard has been met. The digital copy of the preliminary plat is attached as Exhibit A.

16.04.040.A | ☒ | ☐ | ☐ | Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.

**Findings**

The mature trees indicated on the preliminary plat shall be preserved.

16.04.040.B | ☐ | ☐ | ☒ | Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.

**Findings**

N/A as no new improvements are proposed with this townhouse subdivision.

16.04.040.C | ☐ | ☐ | ☒ | Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.

**Findings**

N/A as no improvements are proposed with this townhouse subdivision.

16.04.040.D | ☐ | ☐ | ☒ | As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider’s engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.
<table>
<thead>
<tr>
<th>Findings</th>
<th>N/A as the duplex building is existing and no improvements are proposed with this townhouse subdivision.</th>
</tr>
</thead>
</table>
| ☒ ☐ ☐ | 16.04.040.E Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:  
1. All angle points in the exterior boundary of the plat.  
2. All street intersections, points within and adjacent to the final plat.  
3. All street corner lines ending at boundary line of final plat.  
4. All angle points and points of curves on all streets.  
5. The point of beginning of the subdivision plat description. |
| Findings | The applicant shall meet the required monumentation standards prior to recordation of the final plat. |
| ☒ ☐ ☐ | 16.04.040.F Lot Requirements:  
1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings.  
2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met. b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section.  
3. Corner lots outside of the original Ketchum Townsite shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.  
4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.  
5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts.  
6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat. |
Findings | Standards 4, 5, and 6 have been met.  
Standards 2 and 3 are not applicable.  
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.  

| 16.04.040.G | G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:  
1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots.  
2. Blocks shall be laid out in such a manner as to comply with the lot requirements.  
3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features.  
4. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.  

Findings | N/A. No new blocks are proposed.  

| 16.04.040.H.1 | H. Street Improvement Requirements:  
1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;  

Findings | N/A, the subject properties are within an existing subdivision. No new streets are proposed.  

| 16.04.040.H.2 | 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;  

Findings | This proposal does not create a new street. These standards are not applicable.  

| 16.04.040.H.3 | 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;  

Findings | N/A. No street frontage improvements like planting strips are required.  

| 16.04.040.H.4 | 4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;  

Findings | This proposal does not create a new street. These standards are no applicable.  

| 16.04.040.H.5 | 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;  

Findings | This proposal does not create a new street. These standards are no applicable.  

| 16.04.040.H.6 | 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
<table>
<thead>
<tr>
<th>Section</th>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Findings</td>
<td>N/A. This proposal does not create a new street. These standards are no applicable.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.H.7</td>
<td>7.</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. This proposal does not create a new street. These standards are no applicable.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.H.8</td>
<td>8.</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.H.9</td>
<td>9.</td>
<td>Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70');</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.H.10</td>
<td>10.</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.H.11</td>
<td>11.</td>
<td>Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.H.12</td>
<td>12.</td>
<td>A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.H.13</td>
<td>13.</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.H.14</td>
<td>14.</td>
<td>Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.H.15</td>
<td>15.</td>
<td>Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</td>
</tr>
</tbody>
</table>
Findings | N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.

16.04.040.H.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;

Findings | N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.

16.04.040.H.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;

Findings | N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.

16.04.040.H.18 | Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;

Findings | N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.

16.04.040.H.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;

Findings | N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.

16.04.040.H.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;

Findings | N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.

16.04.040.H.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;

Findings | N/A. This proposal does not require construction of a new bridge or impact any existing bridges.

16.04.040.H.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;

Findings | N/A. The subject properties abut an existing developed street within a residential area. No sidewalks are required for the project.

16.04.040.H.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

Findings | N/A. No private road or gates are proposed.

16.04.040.H.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

Findings | N/A. The townhouse sublots are not located within the Avalanche Zone and no new public or private streets or flag lots are proposed.
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<thead>
<tr>
<th>Section</th>
<th>Text</th>
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<tbody>
<tr>
<td>16.04.040.I</td>
<td>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.</td>
</tr>
</tbody>
</table>
| 16.04.040.J.1 | Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.  
1. A public utility easement at least ten feet (10') in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the City Engineer to be necessary for the provision of adequate public utilities. |
| 16.04.040.J.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. |
| 16.04.040.J.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. |
| 16.04.040.J.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. |
| 16.04.040.J.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

Findings  
N/A. The townhouse sublots are located in the GR-L Zone and do not abut an alley.  
N/A. The townhouse sublots do not border a waterway.  
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<tr>
<th>Findings</th>
<th>N/A. No changes to ditches, pipes, or other irrigation structures are proposed.</th>
</tr>
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<tbody>
<tr>
<td>☐ ☐ ☒ 16.04.04.J.6</td>
<td>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.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within the existing, platted subdivision.</td>
</tr>
<tr>
<td>☐ ☐ ☒ 16.04.04.K</td>
<td>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.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</td>
</tr>
<tr>
<td>☐ ☐ ☒ 16.04.04.L</td>
<td>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.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</td>
</tr>
<tr>
<td>☐ ☐ ☒ 16.04.04.M</td>
<td>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.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure. The subdivision has adequate plantings where necessary.</td>
</tr>
<tr>
<td>☐ ☐ ☒ 16.04.04.N.1</td>
<td>N. Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and...</td>
</tr>
</tbody>
</table>
hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Council as part of the preliminary plat application.

<table>
<thead>
<tr>
<th>Findings</th>
<th>N/A no cuts, fills, or grading improvements are proposed.</th>
</tr>
</thead>
</table>

2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:
   a. Proposed contours at a maximum of five foot (5') contour intervals.
   b. Cut and fill banks in pad elevations.
   c. Drainage patterns.
   d. Areas where trees and/or natural vegetation will be preserved.
   e. Location of all street and utility improvements including driveways to building envelopes.
   f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.

<table>
<thead>
<tr>
<th>Findings</th>
<th>N/A no changes to the site’s existing are proposed with the project.</th>
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</table>

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.

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<tr>
<th>Findings</th>
<th>N/A no changes to the site’s existing are proposed with the project.</th>
</tr>
</thead>
</table>

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.

<table>
<thead>
<tr>
<th>Findings</th>
<th>N/A. The duplex is an existing development.</th>
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</table>

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.

<table>
<thead>
<tr>
<th>Findings</th>
<th>N/A as no new development is proposed with the project.</th>
</tr>
</thead>
</table>

6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:
   a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
   b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods).
   c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.
   d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.
   e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not
<table>
<thead>
<tr>
<th>Article</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.04.040.0 O. Drainage Improvements</td>
<td>N/A no significant cuts, fills, or excavation are proposed as the development is existing.</td>
</tr>
<tr>
<td>16.04.040.P P. Utilities</td>
<td>No natural drainage courses are proposed to be disturbed.</td>
</tr>
<tr>
<td>16.04.040.Q Q. Off Site Improvements</td>
<td>N/A. The townhouse subdivision does not trigger off-site improvements.</td>
</tr>
<tr>
<td>16.04.040.R R. Avalanche And Mountain Overlay</td>
<td>N/A. The townhouse sublots are not located in the Avalanche or Mountain overlay zoning districts.</td>
</tr>
<tr>
<td>16.04.040.S S. Existing natural features</td>
<td>The existing mature trees indicated on the preliminary plat shall be preserved.</td>
</tr>
</tbody>
</table>
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
Exhibit B:
Public Comment
From: Anne Corrock <annecorrock@gmail.com>
Sent: Tuesday, July 07, 2020 12:27 PM
To: Participate <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
IN RE: North Pass No. 8 Townhouse Subdivision Preliminary Plat

KETCHUM CITY COUNCIL

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Date: August 17, 2020

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 26th, 2020. Notice was published in the June 17th, 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 29th, 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 sublot 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 13th, 2020.

ANALYSIS

Table 1: City Department Findings

<table>
<thead>
<tr>
<th>Compliant</th>
<th>City Department Findings</th>
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<tbody>
<tr>
<td>Yes</td>
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<td>Table 2: Townhouse Plat Requirements</td>
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<tr>
<td><strong>Townhouse Plat Requirements</strong></td>
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<tr>
<td><strong>Compliant</strong></td>
<td><strong>Standards and Council Findings</strong></td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
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</table>
C.1 The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.

Findings The application has been reviewed and determined to be complete.
|   |   |   |   | 16.04.030.J | Application and Preliminary Plat Contents: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following:

**Findings**

1. All required materials for the Preliminary Plat application have been submitted.
2. The scale, north point and date.  
3. The name of the proposed subdivision.
4. The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
5. Legal description of the area platted.
6. The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
7. 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.
8. 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.
9. Short Swing Lane is indicated on the plat.
10. Boundary description and the area of the tract.
11. Existing zoning of the tract.
12. 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.
13. 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.
14. 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 tanks.
facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.

<table>
<thead>
<tr>
<th>Findings</th>
<th>The plat indicates the locations of all utilities that serve the townhome development. No street infrastructure improvements are proposed with this project.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.030.J.13 The direction of drainage, flow and approximate grade of all streets.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/a as new streets are proposed.</td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.030.J.14 The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. No drainage improvements are proposed with this subdivision.</td>
</tr>
<tr>
<td>☒ ☐ ☐</td>
<td>16.04.030.J.15 Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.</td>
</tr>
<tr>
<td>Findings</td>
<td>This application subdivides a platted lot into two townhouse sublots. The original subdivision’s plat serves as the vicinity map.</td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.030.J.16 The boundaries of the floodplain, floodway and avalanche overlay district shall also be clearly delineated and marked on the preliminary plat or a note provided if the entire project is in the floodplain, floodway or avalanche overlay district.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The property is not currently mapped to be in the floodplain/floodway. The property is not within the avalanche overlay.</td>
</tr>
<tr>
<td>☒ ☐ ☐</td>
<td>16.04.030.J.17 Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.</td>
</tr>
<tr>
<td>Findings</td>
<td>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.</td>
</tr>
<tr>
<td>☒ ☐ ☐</td>
<td>16.04.030.J.18 Lot area of each lot.</td>
</tr>
<tr>
<td>Findings</td>
<td>The existing and proposed size of each subplot is indicated.</td>
</tr>
<tr>
<td>☒ ☐ ☐</td>
<td>16.04.030.J.19 Existing mature trees and established shrub masses.</td>
</tr>
<tr>
<td>Findings</td>
<td>The preliminary plat indicates existing mature trees and shrub masses.</td>
</tr>
<tr>
<td>☒ ☐ ☐</td>
<td>16.04.030.J.20 To be provided to Administrator:</td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Findings</td>
<td>The North Pass No. 8 subdivision name is unique and is not the same as another townhouse subdivision in Blaine County.</td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.030.J.21 All percolation tests and/or exploratory pit excavations required by state health authorities.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The duplex is connected to municipal services.</td>
</tr>
<tr>
<td>☒ ☐ ☐</td>
<td>16.04.030.J.22 A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.</td>
</tr>
<tr>
<td>Findings</td>
<td>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.</td>
</tr>
<tr>
<td>Code</td>
<td>Required</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>☒  ☒  ☐ 16.04.030.J.23</td>
<td>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.</td>
</tr>
<tr>
<td>☒  ☐  ☐ 16.04.030.J.24</td>
<td>A digital copy of the preliminary plat shall be filed with the administrator.</td>
</tr>
<tr>
<td>☒  ☐  ☐ 16.04.040.A</td>
<td>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.</td>
</tr>
<tr>
<td>☐  ☐  ☒ 16.04.040.B</td>
<td>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.</td>
</tr>
<tr>
<td>☐  ☐  ☒ 16.04.040.C</td>
<td>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.</td>
</tr>
<tr>
<td>☐  ☐  ☒ 16.04.040.D</td>
<td>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...</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Findings</th>
<th>N/A as the duplex building is existing and no improvements are proposed with this townhouse subdivision.</th>
</tr>
</thead>
</table>

| ☒ ☐ ☐ 16.04.040.E | Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:
1. All angle points in the exterior boundary of the plat.
2. All street intersections, points within and adjacent to the final plat.
3. All street corner lines ending at boundary line of final plat.
4. All angle points and points of curves on all streets.
5. The point of beginning of the subdivision plat description. |
| Findings | The applicant shall meet the required monumentation standards prior to recordation of the final plat. |

| ☒ ☐ ☐ 16.04.040.F | Lot Requirements:
1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings.
2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met. b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section.
3. Corner lots outside of the original Ketchum Townsite shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.
4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line. |
5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts.

6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat..

Findings

Standards 4, 5, and 6 have been met.

Standards 2 and 3 are not applicable.

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.

Findings

N/A. No new blocks are proposed.

Findings

This proposal does not create a new street. These standards are not applicable.

Findings

N/A. No street frontage improvements like planting strips are required.

Findings

This proposal does not create a new street. These standards are no applicable.

Findings

This proposal does not create a new street. These standards are no applicable.
emergency vehicles in all weather and to provide for adequate drainage and snow plowing;

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.04.040.H.6</td>
<td>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;</td>
<td>This proposal does not create a new street. These standards are no applicable.</td>
</tr>
<tr>
<td>16.04.040.H.7</td>
<td>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;</td>
<td>This proposal does not create a new street. These standards are no applicable.</td>
</tr>
<tr>
<td>16.04.040.H.8</td>
<td>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;</td>
<td>The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
</tr>
<tr>
<td>16.04.040.H.9</td>
<td>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</td>
<td>The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
</tr>
<tr>
<td>16.04.040.H.10</td>
<td>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;</td>
<td>The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
</tr>
<tr>
<td>16.04.040.H.11</td>
<td>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</td>
<td>The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
</tr>
<tr>
<td>16.04.040.H.12</td>
<td>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</td>
<td>The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
</tr>
<tr>
<td>16.04.040.H.13</td>
<td>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;</td>
<td>The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
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</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.040.H.14</td>
<td>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.040.H.15</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.040.H.16</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.040.H.17</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.040.H.18</td>
<td>18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.040.H.19</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.040.H.20</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision. No new streets are proposed.</td>
<td></td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.040.H.21</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. This proposal does not require construction of a new bridge or impact any existing bridges.</td>
<td></td>
</tr>
<tr>
<td>☐ ☐ ☒</td>
<td>16.04.040.H.22</td>
<td>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;</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The subject properties abut an existing developed street within a residential area. No sidewalks are required for the project.</td>
<td></td>
</tr>
<tr>
<td>Subsection</td>
<td>Findings</td>
<td></td>
</tr>
<tr>
<td>------------</td>
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<td></td>
</tr>
<tr>
<td>16.04.040.H.23</td>
<td>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 Findings N/A. No private road or gates are proposed.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.H.24</td>
<td>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 Findings N/A. The townhouse sublots are not located within the Avalanche Zone and no new public or private streets or flag lots are proposed.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.I</td>
<td>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. Findings N/A. The townhouse sublots are located in the GR-L Zone and do not abut an alley.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.J.1</td>
<td>Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands. 1. A public utility easement at least ten feet (10') in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the City Engineer to be necessary for the provision of adequate public utilities. Findings 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.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.J.2</td>
<td>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. Findings N/A. The townhouse sublots do not border a waterway.</td>
<td></td>
</tr>
<tr>
<td>16.04.040.J.3</td>
<td>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. Findings</td>
<td></td>
</tr>
</tbody>
</table>
North Pass No. 8 Townhomes Subdivision Preliminary Plat  
Findings of Fact, Conclusions of Law, and Decision  
Ketchum City Council Regular Meeting of August 17, 2020  
City of Ketchum Planning & Building Department

| 16.04.040.J.4 | 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. |
|----------------|
| Findings | N/A. The townhouse sublots do not border a waterway. |

| 16.04.040.J.5 | 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. |
|----------------|
| Findings | N/A. No changes to ditches, pipes, or other irrigation structures are proposed. |

| 16.04.040.J.6 | 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. |
|----------------|
| Findings | N/A. The townhouse sublots are within the existing, platted subdivision. |

| 16.04.040.K | 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. |
|----------------|
| Findings | N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure. |

<p>| 16.04.040.L | 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. |</p>
<table>
<thead>
<tr>
<th>Findings</th>
<th>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ ☐ ☒ 16.04.040.M</td>
<td>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.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A. The townhouse sublots are within an existing subdivision which contains all necessary infrastructure.</td>
</tr>
</tbody>
</table>
| ☐ ☐ ☒ 16.04.040.N.1 | N. Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Council as part of the preliminary plat application. |
| Findings | N/A no cuts, fills, or grading improvements are proposed. |
| ☐ ☐ ☒ 16.04.040.N.2 | 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:

a. Proposed contours at a maximum of five foot (5′) contour intervals.
b. Cut and fill banks in pad elevations.
c. Drainage patterns.
d. Areas where trees and/or natural vegetation will be preserved.
e. Location of all street and utility improvements including driveways to building envelopes.
f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements. |
<p>| Findings | N/A no changes to the site’s existing are proposed with the project. |
| ☐ ☐ ☒ 16.04.040.N.3 | 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. |
| Findings | N/A no changes to the site’s existing are proposed with the project. |
| ☐ ☐ ☒ 16.04.040.N.4 | 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. |
| Findings | N/A. The duplex is an existing development. |
| ☐ ☐ ☒ 16.04.040.N.5 | 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. |
| Findings | N/A as no new development is proposed with the project. |</p>
<table>
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<tr>
<th>Section</th>
<th>Findings</th>
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</table>
| 16.04.040.6 | Where cuts, fills, or other excavations are necessary, the following development standards shall apply:  
a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.  
b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods).  
c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.  
d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.  
e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (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. |

Findings: N/A no significant cuts, fills, or excavation are proposed as the development is existing.

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<th>Section</th>
<th>Findings</th>
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<tr>
<td>16.04.040.O</td>
<td>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.</td>
</tr>
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</table>

Findings: No natural drainage courses are proposed to be disturbed.

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<tr>
<th>Section</th>
<th>Findings</th>
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<tr>
<td>16.04.040.P</td>
<td>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.</td>
</tr>
</tbody>
</table>

Findings: All utilities, including electricity, natural gas, telephone, and cable services, shall be installed underground.

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<th>Findings</th>
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<tbody>
<tr>
<td>16.04.040.Q</td>
<td>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.</td>
</tr>
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</table>

Findings: N/A. The townhouse subdivision does not trigger off-site improvements.

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<tr>
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<th>Findings</th>
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</thead>
<tbody>
<tr>
<td>16.04.040.R</td>
<td>Avalanche And Mountain Overlay: All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall...</td>
</tr>
</tbody>
</table>
comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in Title 17 of this Code.

Findings

N/A. The townhouse sublots are not located in the Avalanche or Mountain overlay zoning districts.

☒ ☐ ☐

16.04.040.S

5. 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.

Findings

The existing mature trees indicated on the preliminary plat shall be preserved.

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 17th, 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.

North Pass No. 8 Townhomes Subdivision Preliminary Plat Findings of Fact, Conclusions of Law, and Decision Ketchum City Council Regular Meeting of August 17, 2020 City of Ketchum Planning & Building Department
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 12th day of August 2020.

______________________________
Neil Bradshaw
Mayor
City of Ketchum

______________________________
Robin Crotty
City Clerk
City of Ketchum
August 17th, 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 22nd, 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
IN RE: Wills Condominiums No. 2 Readjustment of Lot Lines Procedure

KETCHUM CITY COUNCIL

FINDINGS OF FACT, CONCLUSIONS OF LAW, 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 29th, 2020. The public hearing notice was published in the Idaho Mountain Express on July 29th, 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 22nd, 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.


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 17th, 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 17th day of August 2020

______________________________
Neil Bradshaw
Mayor
City of Ketchum

______________________________
Robin Crotty
City Clerk
Attachment B:
Wills Condominiums No. 2
Amended Subdivision Plat
WILLS CONDOMINIUMS NO. 2
AMENDED

LOST 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, BENCH, 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 Title 50, Chapter 13, have
been satisfied. Sanitary restrictions may be reimposed, in accordance with
13-1-106, Idaho Code, if the issuance of a health certificate is
withheld.

Date: ______________

South Central Public Health District, REHS

HEALTH CERTIFICATE
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 13th, 2020 to incorporate the Phasing Agreement. The Commission recommended approval of the Preliminary Plat and Phasing Agreement at their July 13th, 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 13th, 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

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code.

APPLICANT INFORMATION
Name of Proposed Subdivision: 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 ☐ Land ☐ PUD ☐ Townhouse ☑
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 tortuous conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

Applicant Signature

Date 12-27-19

480 East Ave. N.  *  P.O. Box 2315  *  Ketchum, ID 83340  *  main (208) 726-7801  *  fax (208) 726-7812
facebook.com/CityofKetchum  *  twitter.com/Ketchum_Idaho  *  www.ketchumidaho.org
Attachment B.

Preliminary Plat dated June 2020
1. 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.

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 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.

3. 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.

4. 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.

5. 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.

6. A Landscape Easement shall be created hereon between all sublot lines and the exterior footprints of each structure on said sublots.

7. The West Ketchum Residences Declaration of Covenants, Conditions and Restrictions and Party Wall Agreement are recorded under Instrument Number __________, records of Blaine County, Idaho.

8. 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.

9. The Current Zoning is GR-H. Refer to the City of Ketchum Zoning Code for more information about this zone.

10. Refer to the Engineering Base Drawing, prepared by Galena Engineering, Inc., for existing conditions and proposed improvements.

11. The Private Access Parcel (Parcel A) is designated as a fire lane. A clear zone of 20’ shall be maintained at all times.

12. 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.

13. Garage space shall not be converted to living space or uses other than parking of vehicles and household storage.

14. All Townhome unit owners shall have mutual reciprocal easements for existing and future water, cable, sewage, telephone, natural gas and electrical lines over, under, and across their townhouses and sublots for the repair, maintenance, and replacement thereof. 

15. All Townhome unit owners shall have mutual reciprocal easements for existing and future water, cable, sewage, telephone, natural gas and electrical lines over, under, and across their townhouses and sublots for the repair, maintenance, and replacement thereof.

16. 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.

17. 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.

18. This plat is subject to a Development Phasing Agreement, recorded under Instrument Number __________, records of Blaine County, Idaho.

19. A 5’ utility easement shall exist along the side and rear lot lines of the exterior boundary.

20. 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.
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
IN RE: West Ketchum Residences Townhouse Subdivision Preliminary Plat

KETCHUM CITY COUNCIL

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Date: August 17, 2020

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 9th, 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 13th, 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 10th, 2020 and building permit approvals BP20-033 and BP20-035.

7. City Council held a public hearing on the application on August 17th, 2020 and approved the Preliminary Plat and Phasing Agreement.

<table>
<thead>
<tr>
<th>Table 1: City Department Comments</th>
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<tbody>
<tr>
<td><strong>Compliant</strong></td>
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<td>Yes</td>
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<th>Table 2: Preliminary Plat Requirements</th>
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<tr>
<td><strong>Compliant</strong></td>
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<td>Yes</td>
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<td>16.04.030.C.1</td>
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<tr>
<td>Findings</td>
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</tbody>
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<table>
<thead>
<tr>
<th>16.04.030.J</th>
<th>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&quot; = 100') and shall show the following:</th>
</tr>
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<tbody>
<tr>
<td>Findings</td>
<td>All required materials for the Preliminary Plat application have been submitted.</td>
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<tr>
<th>16.04.030.I.1</th>
<th>The scale, north point and date.</th>
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<tr>
<td>Findings</td>
<td>This standard has been met.</td>
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<tr>
<th>16.04.030.J.2</th>
<th>The name of the proposed subdivision.</th>
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<tbody>
<tr>
<td>Findings</td>
<td>This standard has been met.</td>
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</table>

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<tr>
<th>16.04.030.J.3</th>
<th>The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</th>
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<tr>
<td>Findings</td>
<td>This standard has been met.</td>
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<td>Findings</td>
<td>This standard has been met.</td>
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<tr>
<th>16.04.030.J.5</th>
<th>The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.</th>
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<tr>
<td>Findings</td>
<td>This standard has been met.</td>
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</tbody>
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<tr>
<th>16.04.030.J.6</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Findings</td>
<td>Contours were indicated in the civil plans reviewed with the Design Review application.</td>
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</table>

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<thead>
<tr>
<th>16.04.030.J.7</th>
<th>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.</th>
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<tr>
<td>Findings</td>
<td>This standard has been met.</td>
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<tr>
<th>16.04.030.J.8</th>
<th>Boundary description and the area of the tract.</th>
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<tr>
<td>Findings</td>
<td>This standard has been met.</td>
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|   |   |   | Findings | 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:  
- 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.  
All other standards have been met. |
|   |   |   |   |   |
|   |   |   | 16.04.030.J.11 | The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision. |
|   |   |   | Findings | Common areas are indicated on the plat – Parcel B, common lawn area, and Parcel A – road and public utility parcel. |
|   |   |   |   |   |
|   |   |   | 16.04.030.J.12 | The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities. |
|   |   |   | Findings | 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. |
|   |   |   |   |   |
|   |   |   | 16.04.030.J.14 | The direction of drainage, flow and approximate grade of all streets. |
|   |   |   | Findings | 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. |
<p>| | | | | |
|   |   |   |   |   |
|   |   |   | 16.04.030.J.15 | 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. |
|   |   |   | Findings | 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. |
|   |   |   |   |   |
|   |   |   | 16.04.030.J.16 | Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector |
|   |   |   | Findings | This application replats an existing lot within Bavarian Village Subdivision. The platted and recorded Bavarian Village Subdivision serves as the vicinity map. |</p>
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<tr>
<th>Section</th>
<th>Description</th>
<th>Findings</th>
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<tbody>
<tr>
<td>16.04.030. J.16</td>
<td>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.</td>
<td>N/A the property is not currently mapped to be in the floodplain/floodway. The property is not within the avalanche overlay.</td>
</tr>
<tr>
<td>16.04.030. J.17</td>
<td>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.</td>
<td>N/A</td>
</tr>
<tr>
<td>16.04.030. J.18</td>
<td>Lot area of each lot.</td>
<td>Sublot sizes are indicated.</td>
</tr>
<tr>
<td>16.04.030. J.19</td>
<td>Existing mature trees and established shrub masses.</td>
<td>Existing trees and a landscaping plan indicating improvements to the site were included with the Design Review application.</td>
</tr>
<tr>
<td>16.04.030. J.20</td>
<td>To be provided to Administrator:</td>
<td>This standard has been met. The proposed West Ketchum Residences subdivision name has not been used by another project.</td>
</tr>
<tr>
<td>16.04.030. J.21</td>
<td>All percolation tests and/or exploratory pit excavations required by state health authorities.</td>
<td>N/A this project will connect to municipal services.</td>
</tr>
<tr>
<td>16.04.030. J.22</td>
<td>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.</td>
<td>This standard has been met.</td>
</tr>
<tr>
<td>16.04.030. J.23</td>
<td>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.</td>
<td>This standard has been met.</td>
</tr>
<tr>
<td>16.04.030. J.24</td>
<td>A digital copy of the preliminary plat shall be filed with the administrator.</td>
<td>This standard has been met.</td>
</tr>
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</table>
### Findings

- **16.04.040.A** Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.

  - **Findings** 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.

- **16.04.040.B** Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.

  - **Findings** N/A at this time.

- **16.04.040.C** Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.

  - **Findings** N/A at this time.

- **16.04.040.D** As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider’s engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.
<table>
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<tr>
<th>Findings</th>
<th>N/A at this time.</th>
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<td>16.04.040.E Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</td>
</tr>
<tr>
<td></td>
<td>1. All angle points in the exterior boundary of the plat.</td>
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<tr>
<td></td>
<td>2. All street intersections, points within and adjacent to the final plat.</td>
</tr>
<tr>
<td></td>
<td>3. All street corner lines ending at boundary line of final plat.</td>
</tr>
<tr>
<td></td>
<td>4. All angle points and points of curves on all streets.</td>
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<tr>
<td></td>
<td>5. The point of beginning of the subdivision plat description.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A at this time.</td>
</tr>
<tr>
<td>Findings</td>
<td>N/A at this time.</td>
</tr>
</tbody>
</table>

1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings.

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

3. Corner lots outside of the original Ketchum Townsite shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.

4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.

5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts.

6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.
### Findings of Fact, Conclusions of Law, and Decision

**16.04.040.G**

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

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

**Findings**

These standards have been met, this subdivision is essential one “block”. Standard four (4) is N/A.

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

**16.04.040.H.1**

**H. Street Improvement Requirements:**

1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;

**Findings**

This standard has been met. The proposed development is located on a relatively small infill parcel. Topographical changes are minimal.

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

**16.04.040.H.2**

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;

**Findings**

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.

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

**16.04.040.H.3**

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;

**Findings**

N/A the development does not abut or contain an arterial street, railroad, or limited access highway.

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

**16.04.040.H.4**

4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;

**Findings**

N/A due to the subject property abutting the rear yard of a developed parcel.

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

**16.04.040.H.5**

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;

**Findings**

This standard has been met.
|   |   |   | 16.04.040.H.6 | 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; |
|   |   |   |   | Findings: N/A, Parcel A will be a private street. |
|   |   |   | 16.04.040.H.7 | 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; |
|   |   |   |   | Findings: 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. |
|   |   |   | 16.04.040.H.8 | 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; |
|   |   |   |   | Findings: This standard has been met. The private street is approximately 200' in length. |
|   |   |   | 16.04.040.H.9 | 9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°); |
|   |   |   |   | Findings: This standard has been met. |
|   |   |   | 16.04.040.H.10 | 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; |
|   |   |   |   | Findings: N/A |
|   |   |   | 16.04.040.H.11 | 11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited; |
|   |   |   |   | Findings: N/A |
|   |   |   | 16.04.040.H.12 | 12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets; |
|   |   |   |   | Findings: N/A |
| 16.04.040.H.1 3 | 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; | Findings | N/A |
| 16.04.040.H.1 4 | 14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills; | Findings | This standard has been met. The subject property is relatively flat as is the private street. |
| 16.04.040.H.1 5 | 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; | Findings | N/A |
| 16.04.040.H.1 6 | 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; | Findings | N/A |
| 16.04.040.H.1 7 | 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; | Findings | N/A the street is private, no right-of-way is being dedicated. |
| 16.04.040.H.1 8 | 18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a required improvement; | Findings | N/A street lighting is not required in this zone. |
| 16.04.040.H.1 9 | 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; | Findings | 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. |
| 16.04.040.H.2 0 | 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; | Findings | N/A street signage for the private street is not required. The units will utilize Bird Drive addresses. |
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;

Findings N/A.

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;

Findings N/A, sidewalks, curbs and gutters are not required in this zone.

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

Findings N/A a gate is not proposed.

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

Findings N/A the subject property is not located in the Avalanche Zone.

1. 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.

Findings N/A alleys are not required in this zone.

J. Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.

1. A public utility easement at least ten feet (10') in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the City Engineer to be necessary for the provision of adequate public utilities.

Findings This standard has been met.
<table>
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<tr>
<th></th>
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<th>16.04.040.J.2</th>
<th>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.</th>
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<td>Findings</td>
<td>N/A</td>
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<td>16.04.040.J.3</td>
<td>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.</td>
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<td>Findings</td>
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<td>16.04.040.J.4</td>
<td>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.</td>
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<td>Findings</td>
<td>N/A</td>
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<td>16.04.040.J.5</td>
<td>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.</td>
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<td>Findings</td>
<td>N/A</td>
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<td>16.04.040.J.6</td>
<td>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.</td>
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<td>Findings</td>
<td>N/A, nonvehicular transportation easements are not needed on this parcel due to the parcel being a relatively small infill parcel.</td>
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<td>16.04.040.K</td>
<td>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.</td>
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<td>Findings</td>
<td>This standard has been met. All units will be connected to the Ketchum Sun Valley sewage system.</td>
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<td>16.04.040.L</td>
<td>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.</td>
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<td>Findings</td>
<td>This standard has been met. All units will be connected to the municipal water system.</td>
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<td>16.04.040.M</td>
<td>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.</td>
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<td>Findings</td>
<td>N/A this is a residential development adjacent to existing residential developments.</td>
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</table>
| ☐ | ☐ | ☒ | 16.04.040.N.1 | N. Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Council as part of the preliminary plat application.

Findings | 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.

| ☒ | ☐ | ☐ | 16.04.040.N.2 | 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:

- a. Proposed contours at a maximum of five foot (5’) contour intervals.
- b. Cut and fill banks in pad elevations.
- c. Drainage patterns.
- d. Areas where trees and/or natural vegetation will be preserved.
- e. Location of all street and utility improvements including driveways to building envelopes.
- f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.

Findings | All site grading has been reviewed and approved through the review and approval of the first two building permits for the development.

| ☒ | ☐ | ☐ | 16.04.040.N.3 | 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.

Findings | Grading for the site is minimal. Grading has been reviewed and approved through the review and approval process for the first two building permits.

| ☐ | ☐ | ☒ | 16.04.040.N.4 | 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.

Findings | N/A this is a relatively flat lot that is well suited for development.

| ☒ | ☐ | ☐ | 16.04.040.N.5 | 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.

Findings | 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.
| 16.04.040.N.6 | 6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:

a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.

b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods).

**Findings**
All site grading has been reviewed and approved through the review and approval of the first two building permits for the development.

| 16.04.040.O | 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.

**Findings**
All drainage improvements for the development have been submitted and were approved with the first two building permits issued.

| 16.04.040.P | 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.

**Findings**
The applicant is planning to install all necessary utilities as this is an application to subdivide buildings into townhouse units.

| 16.04.040.Q | 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.

**Findings**
N/A this subdivision will not create substantial additional traffic.

| 16.04.040.R | 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.
Findings

N/A the property is not located in the Avalanche or Mountain Overlay.

☐ ☐ ☒ 16.04.040.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.

Findings

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

<table>
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<tr>
<th>Townhouse Preliminary Plat Requirements</th>
<th>Compliant</th>
<th>Standards and Findings</th>
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<td>Yes</td>
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| ☒ | ☐ | ☐ | 16.04.080.C.1 | Townhouse developments shall be administered consistent with the procedures and design and development regulations established in §16.04.030 and §16.04.040 and the standards of this subsection.  
1. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance. | Findings | This project is being reviewed for compliance with all applicable standards and is following the procedure for townhome platting. |
| ☒ | ☐ | ☐ | 16.04.080.C.2 | The subdivider may apply for preliminary plat approval from the commission pursuant to subsection 16.04.030D of this chapter at the time application is made for design review approval pursuant to title 17, chapter 17.96 of this code. The commission may approve, deny or conditionally approve such preliminary plat upon consideration of the action taken on the application for design review of the project. | Findings | This Preliminary Plat application follows Design Review approval of the project. |
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.

Findings
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.

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.

Findings
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 17th, 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 17th day of August, 2020.

__________________________________
Neil Bradshaw, Mayor, City of Ketchum

__________________________________
Robin Crotty, City Clerk
ATTACHMENT A.

Phasing Agreement and Exhibits
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 Drive 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.


   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
By: _________________________
    Neil Bradshaw, Mayor

“OWNER”:
WEST KETCHUM RESIDENCES LLC
an Idaho LLC
By: _________________________
    Robert Parker, Managing Member

______________________________

ATTEST:

Phased Development Agreement
Contract #_______
Page 4
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 ____________
WEST KETCHUM RESIDENCES
KETCHUM, IDAHO
JUNE 2020

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 "Idaho Standards for Public Works Construction" (ISPWC) 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 particles of material, or other foreign material that may have entered the mains, is in good condition.

2. Water mains and services shall have a minimum cover of six feet (6.0'), measured from finished grade.

3. After final flushing and before the water main is placed in service, test samples collected from the main(s) for coliform bacteria.

4. All 3/4" minus crushed gravel shall conform to ISPWC 802, type I (ITD standard 703.04, 3/4" B), shall be placed in conformance with ISPWC Section 802 and at 500-foot intervals.

5. Sewer service stubs shall be marked and capped with a green painted metal fence post. Sewer service lines shall be placed at a slope necessary to obtain optimum moisture content. In-lieu of density measurements, the subgrade may be proof-rolled to the approval of the engineer.

6. 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 slope for 8-inch sewer main shall be 0.4%. Install pipe at slopes indicated on plans.

7. All trenches shall be backfilled and compacted to a minimum of 95% of maximum density as determined by AASHTO T-99.

8. Chlorination of water mains and appurtenances shall be accomplished with a chlorine solution of approximately 5% to 15% available chlorine.

9. All 3/4" minus crushed gravel shall conform to ISPWC 802, type I (ITD standard 703.04, 3/4" B), shall be placed in conformance with ISPWC Section 802 and at 500-foot intervals.

10. All tapping saddles shall be constructed from T-304 stainless steel with ANSI/AWWA C-207 Class 150 flanges. All welds shall conform to ASTM A-380. The test outlet shall be 3/4" NPT with 3/4" NPT plug.

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 slope for 8-inch sewer main shall be 0.4%. Install pipe at slopes indicated on plans.

12. Chlorination of water mains and appurtenances shall be accomplished with a chlorine solution of approximately 5% to 15% available chlorine.

13. 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 slope for 8-inch sewer main shall be 0.4%. Install pipe at slopes indicated on plans.

14. Chlorination of water mains and appurtenances shall be accomplished with a chlorine solution of approximately 5% to 15% available chlorine.

15. Per Idaho Code § 55-1613, the contractor shall retain and protect all monuments, accessories to corners, benchmarks and points set in control surveys; checked by or reference point or a replacement benchmark or control point by or under the direction of a professional land surveyor.

16. Construction of water mains and all other related appurtenances shall be in accordance with the Idaho Standards for Public Works Construction. Backflow assembly (RPBA) shall be installed on primary service connections (including fire suppression services, if applicable) in accordance with Idaho Standards for Public Works Construction. The contractor shall be responsible for obtaining and keeping a copy of the above standards and specifications and a set of particles of material, or other foreign material that may have entered the mains, is in good condition.

17. Chlorination of water mains and appurtenances shall be accomplished with a chlorine solution of approximately 5% to 15% available chlorine.

18. 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 slope for 8-inch sewer main shall be 0.4%. Install pipe at slopes indicated on plans.

19. Chlorination of water mains and appurtenances shall be accomplished with a chlorine solution of approximately 5% to 15% available chlorine.

20. The contractor shall use ANSI/NSF Standard 60 chemicals and compounds during installation & disinfection of potable water mains.

21. 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 slope for 8-inch sewer main shall be 0.4%. Install pipe at slopes indicated on plans.

22. Chlorination of water mains and appurtenances shall be accomplished with a chlorine solution of approximately 5% to 15% available chlorine.

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**FOR HYDRANT ASSEMBLY**

- **N.T.**

**HYDRANT VEHICULAR PROTECTION**

- Fire hydrants which may be exposed to vehicular damage or obstruction shall have an approved array of bollards or guard posts installed to protect them from damage and maintain the minimum distance required for proper operation.

1. Hydrants shall have a 6' foot bury.
2. Hydrants shall be 5 1/4" Waterous Pacer Model WB-67U-250 or Mueller Super Centurion 250 and conform to the following:
   - Mechanical Restraints shall be used. Restraints shall be Romac Industries RomaGrip or approved equivalent. No lug or set screw type restraints are to be used on PVC pipe.
   - City shall approve location and elevation of all Fire Hydrants.
   - Auxiliary Gate Valve shall meet AWWA C509 (Total rubber encapsulated, resilient seat, waterous series or approved equal).
   - Valve Box shall be Tyler 664A or approved equal.
   - Hydrant break away flange elevation equal to street centerline or 4" to 8" above finished grade as approved.
   - Fire hydrant assemblies located on the opposite side of the roadway from the water main shall have 2" Dow Board installed over the pipeline leading to the hydrant. The Dow Board shall extend from auxiliary gate valve to the hydrant.

**NOTES**

- All notes shall be in black ink.

1. Fire hydrants shall be painted bright red, reflective markings are recommended.
2. Location at least three feet from any portion of the hydrant and located so as not to create an obstruction to its use.
3. Idaho Code 49-660: Stopping, Standing or Parking is prohibited, except momentarily to pick up or discharge a passenger or passengers, within fifteen (15) feet of a fire hydrant.

**HYDRANT BASE**

- Minimum of 1/2 C.Y. of 2" Uncrushed Aggregate per ISPWC Section 801 - Uncrushed Aggregate Placed 1.5' Under Lowest Part of Hydrant and Up to 6" Above any Drain Holes

- Cover Drain Rock w/ Filter Fabric

- Cast Iron M.J. x Flange Tee From Main Line

- Valve Support (Precast or Cast in Place)

- Cover Shall be 1/2" Below Finish Grade. See ISPWC SD-406 (in asphalt only).

- Cast Iron Valve Box

- Mountain Extension

- Fire hydrants shall have a 6' foot bury.

- Hydrants shall be 5 1/4" Waterous Pacer Model WB-67U-250 or Mueller Super Centurion 250 and conform to the following:
  - Mechanical Restraints shall be used. Restraints shall be Romac Industries RomaGrip or approved equivalent. No lug or set screw type restraints are to be used on PVC pipe.
  - City shall approve location and elevation of all Fire Hydrants.
  - Auxiliary Gate Valve shall meet AWWA C509 (Total rubber encapsulated, resilient seat, waterous series or approved equal).
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**DATE REVIEWED**

- 06/09/2020

**ISSUE FOR BUILDING PERMIT**

- 04/03/20

**RESPONSE TO BUILDING PERMIT COMMENTS**

- 05/22/20
- 06/09/20