

# City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



November 26, 2013

Mayor Hall and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Hall and City Councilors:

**PUBLIC HEARING**  
**upon the application by RGSV LLC,**  
**for subdivision preliminary plat at Lot 14, Mortgage Row Subdivision**  
**(91 Meadow Circle)**  
**to subdivide the existing Lot 14, Mortgage Row Subdivision into two (2) lots,**  
**Lots 14A and 14B, located in the Limited Residential (LR) zoning district.**

Introduction/History

The applicant is proposing to subdivide Lot 14, Mortgage Row Subdivision (91 Meadow Circle) into two (2) single family lots, Lots 14A and 14B, in the Limited Residential (LR) zoning district. The Planning Commission conducted a public hearing on this subdivision preliminary plat application on October 28, 2013 and recommended approval to the City Council, with findings of fact signed on November 12, 2013. The City Council then conducted a public hearing on this application on November 18, 2013 and continued the hearing on the record to December 2, 2013.

Current Report

See attached staff report.

Financial Requirement/Impact

None.

Recommendation

I respectfully recommend the City Council approve the application by RGSV LLC for subdivision preliminary plat of Lot 14, Mortgage Row Subdivision (91 Meadow Circle) into two (2) single family lots, Lots 14A and 14B.

Suggested Motion

"I move to approve the application by RGSV LLC for subdivision preliminary plat of Lot 14, Mortgage Row Subdivision (91 Meadow Circle) into two (2) single family lots, Lots 14A and 14B, finding that the application does meet the standards for approval under Ketchum Municipal Code, Chapter 16.04, Subdivisions."

Sincerely,

A handwritten signature in cursive script that reads "Rebecca F. Bundy".

Rebecca F. Bundy  
Senior Planner

**STAFF REPORT  
KETCHUM CITY COUNCIL  
REGULAR MEETING OF DECEMBER 2, 2013**

**PROJECT:** Mortgage Row Subdivision, Lots 14A and 14B

**FILE NUMBER:** 13-086

**OWNER:** RGSV LLC

**REPRESENTATIVE:** Garth McClure, Benchmark Associates

**REQUEST:** Preliminary plat approval of a two (2) lot subdivision

**NOTICE:** Mailing: Notice mailed to all properties within 300 ft of proposed subdivision and to all applicable state agencies and jurisdictions on October 10, 2013  
Publish: Notice published in the Idaho Mountain Express on October 7, 2013

**LOCATION:** Lot 14, Mortgage Row Subdivision (91 Meadow Circle)

**ZONING:** Limited Residential (LR)

**REVIEWER:** Rebecca F. Bundy, Senior Planner

**ATTACHMENTS:**

- Attachment A: Survey, Instrument #503054, with notes
- Attachment B: Aerial Map
- Attachment C: Zoning Map
- Attachment D: Fourth Amendment of Covenants, Conditions and Restrictions Lane Ranch No. 1, Instrument #313163
- Attachment E: Personal Representative's Deed (Farnlun Park), Instrument #569530
- Attachment F: November 18, 2013 City Council staff report

**BACKGROUND**

1. The City Council conducted a public hearing on this application on November 18, 2013 and continued the hearing on the record to December 2, 2013. New/changed information is noted below.
2. At the November 18, 2013 hearing, The Council asked staff to evaluate whether requiring an access easement across proposed Lot 14A to benefit Lot 15 would facilitate the eventual completion of an access road on the west side of Mortgage Row Subdivision, Lots 15 – 20.
3. Staff has made the following findings (See Attachment A: Survey, Attachment B: Aerial Map and Attachment C: Zoning Map):

- The Covenants, Conditions and Restrictions (CC&R'S) for Lane Ranch Subdivision Number 1, Lot 12, which is located in the City of Sun Valley at the southern end of Mortgage Row Subdivision, adjacent to River Ranch Road, do not allow access to River Ranch Road from lots not located within Lane Ranch Subdivision Number 1. (See Attachment D: Fourth Amendment of Covenants, Conditions and Restrictions Lane Ranch No. 1, Instrument #313163.) Unless that subdivision's CC&R's were to be amended, an access road is not permissible to connect from Meadow Circle to River Ranch Road across Lot 12. Connection through the sewer plant would require crossing the bike path and does not appear to be a feasible alternative, considering the existing facilities on that site.
- The deed dedicating Farnlun Park to the City of Ketchum specifies that the park shall be used, in perpetuity, only for recreational purposes. (See Attachment E: Personal Representative's Deed (Farnlun Park), Instrument #569530.) This precludes vehicular access from Meadow Circle across Farnlun Park to Mortgage Row Lots 15 - 20.
- Without the ability to traverse Lane Ranch Subdivision Number 1, Lot 12 to allow access to River Ranch Road, the subject access road would be a dead end street with a requirement for a fire apparatus turn-around. The required turn-around at the end of the road would take up a substantial portion of Lots 19 and 20, should the City even be able to attain the land for access purposes.
- Per Section 12.04.030.E, Design Criteria, Cul-de-Sacs, *"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 (400) feet from entrance to center of turn-around, and all cul de sacs shall have a minimum turn-around radius of sixty (60) feet at the property line and not less than forty-five (45) feet at the curb line."* A road serving the west side of Mortgage Row Lots 15 – 20 would be about five hundred (500) feet long and, again, the required turn-around at the end of the road would take up a substantial portion of Lots 19 and 20.
- If an eventual access road along the west side of Mortgage Row Subdivision, Lots 14 – 20 were to be constructed, it would serve more than four lots and would therefore need to be constructed as a city street, requiring a width of twenty-six (26) feet. Therefore, any required easement would need to be a minimum of twenty-six (26) feet in width.
- Most of the subject lots are about 25,000 square feet in size, so dedicating 2,600 square feet for an access easement would not render them too small to subdivide under Limited Residential (LR) zoning. Lots 15 – 20 are still zoned Limited Residential – One Acre (LR-1) and could not be subdivided, unless they were rezoned to LR.
- Each of Mortgage Row Subdivision, Lots 15 – 20 would also need to make application for subdivision in order for the City to require that the west access road easements be made a condition of approval. Considering the existing development on these lots, the likelihood of all six lots being subdivided in the future is small.

It is staff's opinion that requiring access easements along the west sides of Mortgage Row Subdivision, Lots 14 – 20 would not likely result in a functioning alternative road. The amount of land

that would have to be set aside for the road and turn-around would substantially impact the lots, especially the lots at the southern end of Mortgage Row.

4. Plat Note 5, River Glen Subdivision, Block 4, Lot 1, states that, *"An easement is hereby granted to the public to provide access through Lot 1, Block 4, from Highway 75 to the Fishermen's Public Parking Area. Said Easement shall remain in effect until such time as other public access is provided."* Interestingly, Plat Note 10 defines an access easement within River Glen Subdivision, Parcel A, that benefits the public at large, stating, *"A vehicular and pedestrian access easement is hereby granted to the public over and across that portion of parcel A identified as "60' Private Access Easement", in which easement Meadow Circle Road is situated."* Staff feels that this is an opportunity to clarify and make similar these plat notes to allow public access. Staff recommends that, as a condition of the Mortgage Row, Lots 14A and 14B subdivision, the River Glen Subdivision, Block 4, Lot 1, Plat Note 5 shall be amended to read as follows: *"A vehicular and pedestrian access easement is hereby granted to the public over and across that portion of Lot 1, Block 4 identified as "60' Private Access Easement", in which easement Meadow Circle Road is situated."* In that the River Glen Subdivision plat is being amended to convey utility and access easements to proposed Mortgage Row Subdivision, Lots 14A and 14B, this is an appropriate time to make this change regarding public access as well.

5. The November 18, 2013 staff report is included as Attachment F.

#### **STAFF RECOMMENDATION**

Based on the applicant's submittal, review of the subdivision and zoning codes and the recommendation of the Planning and Zoning Commission, staff recommends approval of the Mortgage Row Subdivision, Lots 14A and 14B, subject to Conditions #1 - 16 below. Conditions #1 – 15 have not substantially changed since the November 18, 2013 public hearing before the City Council. Condition #16 has been added to satisfy Item 4 above.

#### **PROPOSED CONDITIONS**

1. The failure to obtain final plat approval by the Council of an approved preliminary plat within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void;
2. This approval is given for the preliminary plat of Meadow Circle Subdivision, dated October 21, 2013;
3. All requirements of the City Engineer, Fire, Street and Utility Departments shall be met prior to the City Clerk's signature of the final plat;
4. The existing trees in the thirty-two (32) foot building setback along Highway 75 on Lot 14B shall be preserved so as to provide a planting strip along Highway 75 or, if necessary to remove due to hazard or disease, replacement trees shall be planted;

5. Any walls, fences or hedges erected on the proposed lots will be subject to the Ketchum Municipal Code in effect at the time of permitting. This includes walls erected to minimize impacts of highway noise. Fence height shall be measured from the grade of 5742.5 feet (as referenced to the survey benchmarks on the preliminary plat, dated October 21, 2013) or finished grade, whichever is lowest. The final plat shall reflect this condition;
6. The final plat shall contain an additional plat note, dedicating and depicting an easement at the northwest corner of Lot 14A to benefit River Glen Subdivision, River Glen Townhome Subdivision and the public, for the purposes of access and utility uses;
7. The final plat shall show a building envelope on Lot 14B that conforms to current zoning code setback requirements indicating the minimum setbacks for future development on the property. A plat note shall be added stating that zoning code setback requirements in effect at time of permitting shall be met and that those setbacks may be more stringent than the building envelope as depicted on the plat;
8. The access and utility easements benefitting Lots 14A and 14B from Lot 1, Block 4, River Glen Subdivision, described in Plat Note 16, shall be recorded in the Office of the Blaine County Recorder prior to or in conjunction with recordation of the final plat. Instrument numbers shall be referenced on the final plat. Said easement language shall be submitted for review and approval by the City prior to recordation;
9. The existing utilities serving the house on proposed Lot 14A shall be abandoned and relocated in the easement from Lot 1, Block 4, River Glen Subdivision prior to City Clerk's signature of the final plat. All new utilities to serve Lot 14B shall be installed underground prior to the City Clerk's signature of the final plat;
10. All drainage from each proposed lot shall be contained on-site. Any future building permit applications shall show how roof, foundation, driveway and site drainage is contained on-site;
11. The applicant is put on notice that any Meadow Circle Road maintenance agreement shall continue to be in effect and shall benefit Mortgage Row Subdivision, Lots 14A and 14B;
12. The final plat shall depict a ten (10) foot building setback from the triangular access/utility easement at the northwest corner of Lot 14A; and
13. Prior to or in conjunction with recordation of the final plat of Mortgage Row Subdivision, Lots 14A & 14B with the Office of the Blaine County Recorder, River Glen Subdivision Lot 1, Block 4, Plat Note 5 shall be amended read as follows in order to clarify it make it similar to existing Plat Note 10: *"A vehicular and pedestrian access easement is hereby granted to the public over and across that portion of Lot 1, Block 4 identified as "60' Private Access Easement", in which easement Meadow Circle Road is situated."*

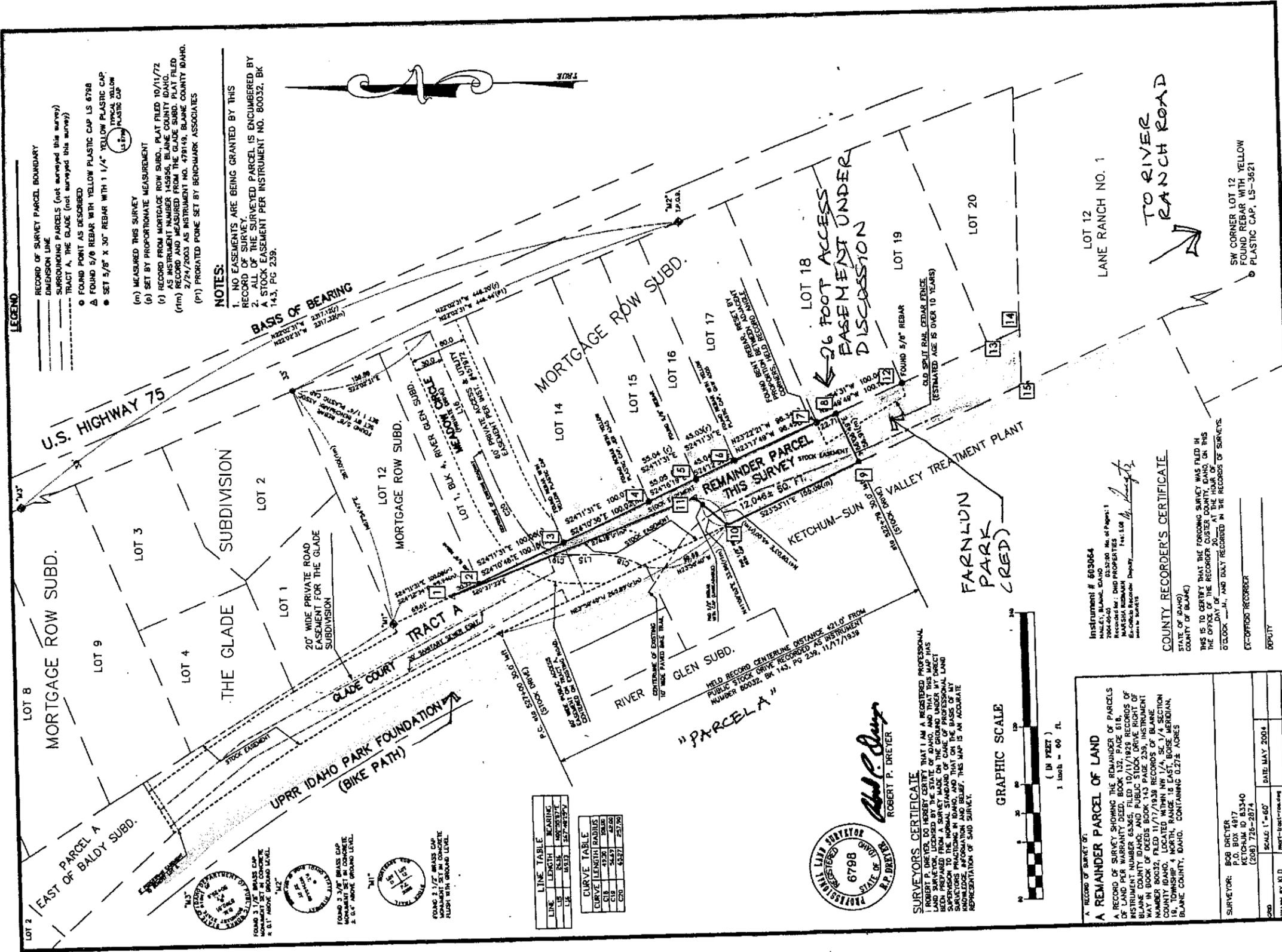
14. The recorded Plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map;
15. An electronic CAD file shall be submitted to the City of Ketchum 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";
16. 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;

**Attachment A:  
Survey, Instrument #503054, with notes**

**LEGEND**

- RECORD OF SURVEY PARCEL BOUNDARY
- DIMENSION LINE
- SURROUNDING PARCELS (not surveyed this survey)
- TRACT A, THE GLADE (not surveyed this survey)
- FOUND POINT AS DESCRIBED
- △ FOUND 5/8" REBAR WITH 1 1/4" YELLOW PLASTIC CAP LS 6798
- SET 5/8" X 30" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (1 1/2" TYPICAL YELLOW PLASTIC CAP)
- (m) MEASURED THIS SURVEY
- (p) SET BY PROPORTIONATE MEASUREMENT
- (r) RECORD FROM MORTGAGE ROW SUBD., PLAT FILED 10/11/72 AS INSTRUMENT NUMBER 65365, BLAINE COUNTY, IDAHO.
- (tm) RECORD AND MEASUREMENT FROM THE GLADE SUBD. PLAT FILED 2/24/2003 AS INSTRUMENT NO. 478149, BLAINE COUNTY, IDAHO.
- (P1) PROKATED PINE SET BY BENCHMARK ASSOCIATES

**NOTES:**  
 1. NO EASEMENTS ARE BEING GRANTED BY THIS RECORD OF SURVEY.  
 2. ALL OF THE SURVEYED PARCEL IS ENCUMBERED BY A STOCK EASEMENT PER INSTRUMENT NO. 80032, BK 143, PG 239.



**BASES OF BEARING**  
 237°17'30" (m)  
 237°17'30" (m)  
 237°17'30" (m)

**LINE TABLE**

LINE	LENGTH	BEARING
L1	16.13	48°28'17" E
L2	16.13	48°28'17" E

**CURVE TABLE**

CURVE LENGTH	RADIUS
C1	49.28
C2	54.47
C3	63.71

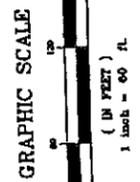


FOUND 3 1/2" BRASS CAP MONUMENT SET IN CONCRETE 3.0' ABOVE GROUND LEVEL.

FOUND 1 1/2" BRASS CAP MONUMENT SET IN CONCRETE 3.0' ABOVE GROUND LEVEL.

PROFESSIONAL LAND SURVEYOR  
 6798  
 STATE OF IDAHO  
 R.P. DREYER

**SURVEYORS CERTIFICATE**  
 I, ROBERT P. DREYER, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, AND THAT THIS MAP WAS MADE FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL SURVEYORS PRACTICING IN IDAHO, AND THAT ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, THIS MAP IS AN ACCURATE REPRESENTATION OF SUB SURVEY.



**A RECORD OF SURVEY OF:**  
**A REMAINDER PARCEL OF LAND**  
 A RECORD OF SURVEY SHOWING THE REMAINDER OF PARCELS IN LOT 18, PER WARRANT DEED, BOOK 137, PAGE 618, INSTRUMENT NUMBER 65365, FILED 10/11/1929 RECORDS OF BLAINE COUNTY, IDAHO; AND PUBLIC STOCK DRIVE, HIGHWAY 143 IN BOOK OF DEEDS BOOK 143 PAGE 239, INSTRUMENT NUMBER 80032, FILED 11/17/1929 RECORDS OF BLAINE COUNTY, IDAHO, LOCATED IN RANGE 18 EAST, BORSE MERIDIAN, 19 TOWNSHIP 14 NORTH, BLAINE COUNTY, IDAHO, CONTAINING 0.27± ACRES

**SURVEYOR:** BOB DREYER  
 P.O. BOX 4817  
 KETCHUM ID 83340  
 (208) 726-2874

**DATE:** MAY 2004

**SCALE:** 1"=60'

**DRAWN BY:** KLD

**CHECKED BY:** RPD

**SHEET 1 OF 1**

Instrument # 603064  
 HALEY, BLAINE, IDAHO  
 2004-05-05  
 Recorder: Mark Mahan  
 Recorder's Deputy: \_\_\_\_\_  
 State of Idaho

**COUNTY RECORDER'S CERTIFICATE**  
 STATE OF IDAHO  
 COUNTY OF BLAINE

THIS IS TO CERTIFY THAT THE FOREGOING SURVEY WAS FILED IN THE OFFICE OF THE RECORDER CLUSTER COUNTY, IDAHO, ON THIS DAY OF \_\_\_\_\_, 2004, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_, AND DULY RECORDED IN THE RECORDS OF SURVEYS.

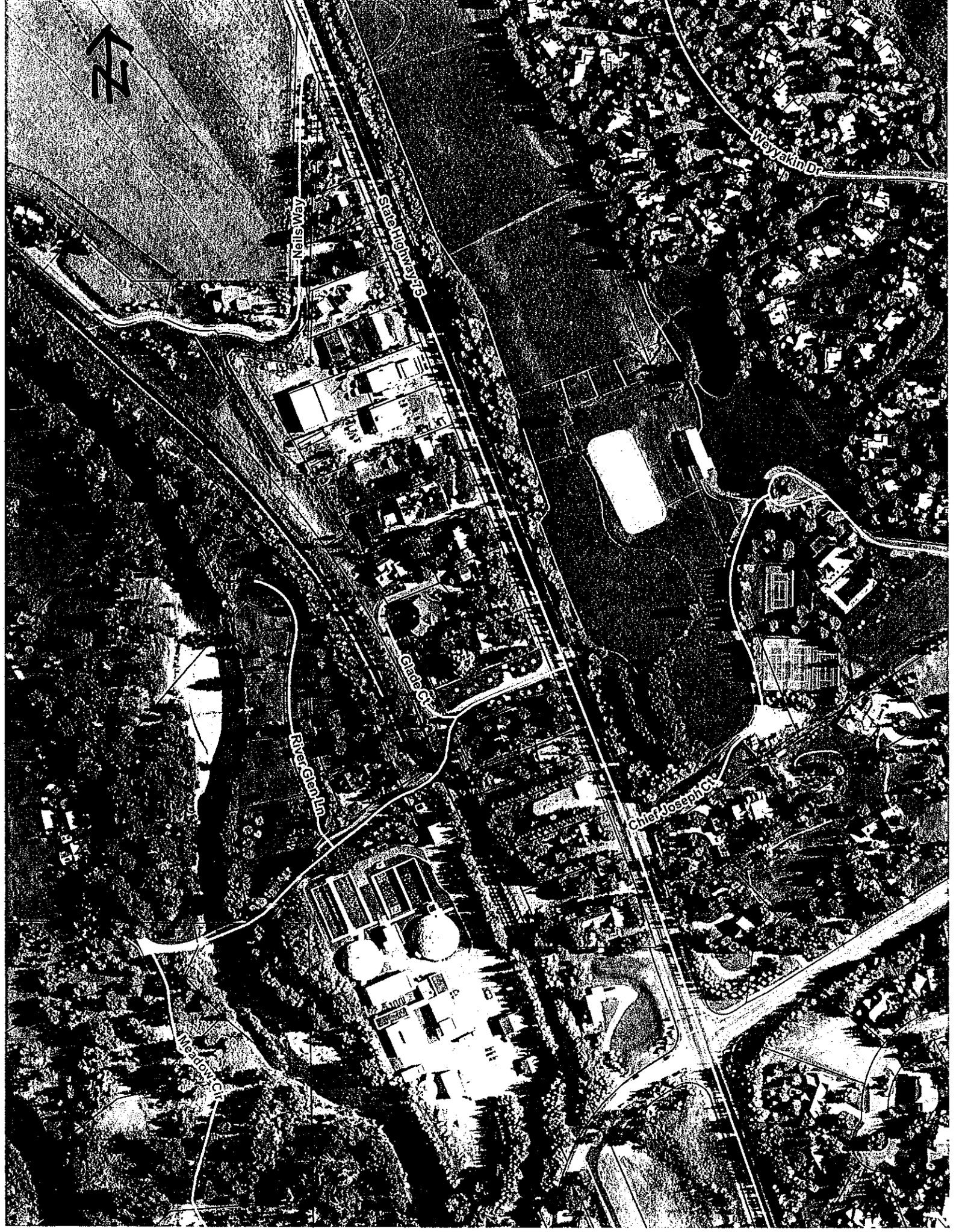
EX-COFFICIO RECORDER  
 DEPUTY

LOT 12  
 LANE RANCH NO. 1

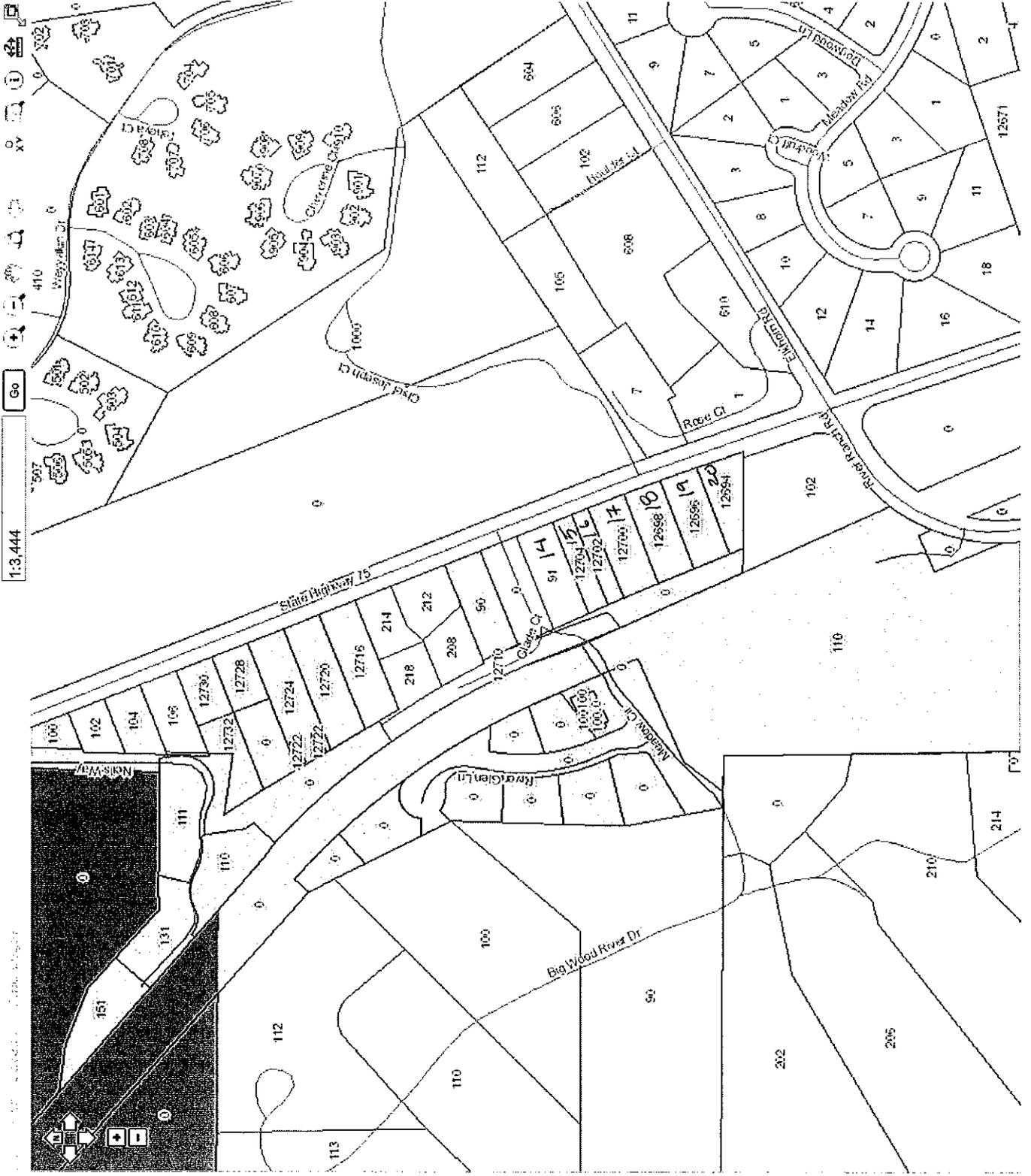
TO RIVER RANCH ROAD

SW CORNER LOT 12  
 FOUND REBAR WITH YELLOW PLASTIC CAP, LS-3621

**Attachment B:  
Aerial Map**



**Attachment C:  
Zoning Map**



FEMA DFIRM Data (2011)  
 FIRM Panels  
 Base Flood Elevations  
 Floodway  
 Flood Hazard Areas  
 Ketchum  
 Hydrants  
 MtnOverlay  
 Streets  
 Festival Overlays  
 URA  
 TDR  
 CCSubDistricts  
 WS Base Overlay  
 Avalanche  
 Parcels  
 Parks  
 Zoning  
 AF  
 CC  
 GR-H  
 GR-L  
 LI-1  
 LI-2  
 LI-3  
 LR  
 LR-1  
 LR-2  
 RU  
 STO-1  
 STO-4  
 STO-H  
 T  
 T-3000  
 T-4000  
 2011 Aerials  
 RGB  
 2009 Aerials  
 RGB  
 2004 Aerials  
 RGB

**Attachment D:  
Fourth Amendment of Covenants, Conditions and Restrictions Lane Ranch No. 1,  
Instrument #313163**

313163

BLAINE CO. REQUEST  
OF: *Kneeland Road*

'89 NOV 27 AM 11:42

MARY GREEN, CLERK SA

FEES \$ *30.00*

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

River Ranch Partnership  
P.O. Box 326  
Sun Valley, ID 83353

(Space above line for Recorder's use)

FOURTH AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
LANE RANCH NO. 1

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the Declaration of Covenants, Conditions and Restrictions Lane Ranch No. 1 covering real property known as Lane Ranch No. 1, Amended, Blaine County, Idaho, was recorded November 20, 1979, as Instrument No. 198919, records of Blaine County, Idaho; and

WHEREAS, the First Amendment to Declaration of Covenants, Conditions and Restrictions Lane Ranch No. 1 was recorded October 27, 1987, as Instrument No. 299710, records of Blaine County, Idaho; and

WHEREAS, the Second Amendment to Declaration of Covenants, Conditions and Restrictions Lane Ranch No. 1 was recorded September 19, 1989, as Instrument No. 310260, records of Blaine County, Idaho; and

WHEREAS, the Third Amendment to Declaration of Covenants, Conditions and Restrictions Lane Ranch No. 1 was recorded September 19, 1989, as Instrument No. 310261, records of Blaine County, Idaho; and

WHEREAS, ARTICLE 6. AMENDMENT, of the Declaration of Covenants, Conditions and Restrictions Lane Ranch No. 1 provides that the Declaration may be amended by an instrument signed by not less than seventy-five percent (75%) of the lot owners, acknowledged and recorded with the Blaine County Recorder; and

WHEREAS, seventy-five percent (75%) of the lot owners desire to further amend the Declaration and Third Amendment to Declaration as provided hereinafter.

WHEREFORE, the Declaration of Covenants, Conditions and Restrictions Lane Ranch No. 1 and Third Amendment to Declaration of Covenants, Conditions and Restrictions Lane Ranch No. 1 are hereby further amended as follows:

1. ARTICLE 3. GENERAL RESTRICTIONS ON ALL LOTS, Section 19, Use of River Ranch Road, is deleted and the following is substituted therefor:

Section 19. Ingress and Egress to Subdivision Lots. Lot owners shall not permit ingress and egress across their lots from non-subdivision lots or property. All motor vehicles except automobiles, standard pickups, licensed motorcycles belonging to Lot owners or their guests, and service vehicles peculiar to a high quality residential subdivisions, are prohibited from ingress and egress to subdivision lots. Temporary use of other motor vehicles during construction of improvements on a Lot shall require Board of Manager approval. In addition, Lot owners shall not grant public access over or across their lot to the Big Wood River other than as provided by the Lane Ranch No. 1 Amended Plat.

2. Except as specifically amended herein, each and every remaining provision and section of the Declaration of Covenants, Conditions and Restrictions Lane Ranch No. 1 and the First, Second and Third Amendments to said Declaration shall remain in full force and effect.

3. This Amendment may be signed in counterparts and such counterparts shall constitute one Amendment binding on the parties hereto, and further, that the signature pages of the Lot owners of the counterparts shall be attached to the original Amendment for recording.

DATED this 6th day of October, 1989.



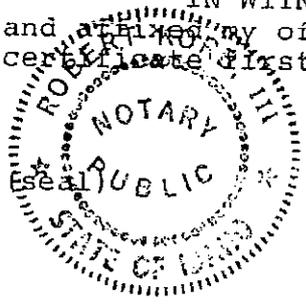
William A. Hon  
WILLIAM A. HON

Penny C. Hon  
PENNY C. HON  
Owner of Lot 4, Lane Ranch  
No. 1, Blaine County, Idaho

STATE OF IDAHO )  
 ) ss.  
County of Blaine )

On this 20<sup>th</sup> day of October, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM A. HON and PENNY C. HON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



Robert M. [unclear]  
NOTARY PUBLIC for Idaho  
Residing at Kekula  
Commission Expires Lifetime

M.G.D. DEVELOPMENT CO.

By *[Signature]*  
MITCHELL G. DRAKE, President  
Owner of Lot 5, Lane Ranch  
No. 1, Blaine County, Idaho

STATE OF IDAHO )  
 ) ss.  
County of Blaine )

On this 6<sup>th</sup> day of October, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared MITCHELL G. DRAKE, known to me to be the President of M.G.D. DEVELOPMENT CO., 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 corporation.

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



*[Signature]*  
NOTARY PUBLIC for Idaho  
Residing at *[Address]*  
Commission Expires *lifetime*

RIVER RANCH PARTNERSHIP

By John A. Burkholder  
Its Managing Partner  
Owner of Lots 6 and 13,  
Lane Ranch No. 1,  
Blaine County, Idaho

STATE OF IDAHO            )  
                                  )    ss.  
COUNTY OF BLAINE        )

On this 10 day of October, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared John A. Burkholder, known to me to be the managing partner in the partnership of RIVER RANCH PARTNERSHIP, and the partner or one of the partners who subscribed said partnership name to the within instrument, and acknowledged to me that he executed the same in said partnership name.

GIVEN UNDER my hand and official seal on the day and year first above written.

(seal)

Judith G. Spraul  
NOTARY PUBLIC for Idaho,  
Residing at Harlem, Idaho  
Commission Expires 2/1/91

*[Handwritten Signature]*

JOHN McCAW  
Owner of Lots 7 and 8,  
Lane Ranch No. 1, Blaine  
County, Idaho

STATE OF WASHINGTON )  
County of King ) ss.

On this 10th day of Oct., 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN McCAW, known to me to be the person whose name is subscribed to 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 in this certificate first above written.

(seal)

*[Handwritten Signature]*  
NOTARY PUBLIC for Washington  
Residing at Kirkland  
Commission Expires 9/19/93

David Watson  
DAVID WATSON

Claudia Watson  
CLAUDIA WATSON  
Owner of Lot 9, Lane Ranch  
No. 1, Blaine County, Idaho

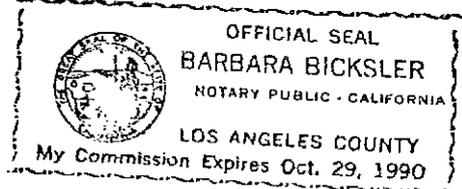
STATE OF CALIFORNIA )  
County of Los Angeles ) ss.

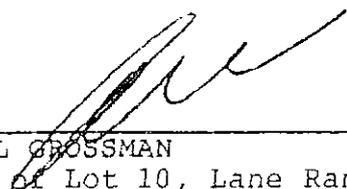
On this 21 day of Nov, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID WATSON and CLAUDIA WATSON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Barbara Bicksler  
NOTARY PUBLIC for California  
Residing at Los Angeles  
Commission Expires 10/29/1990

(seal)

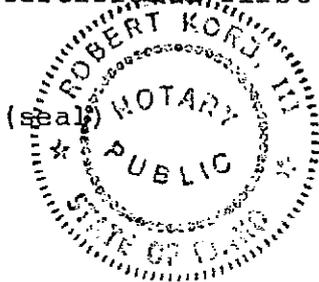


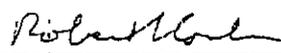
  
\_\_\_\_\_  
SAMUEL GROSSMAN  
Owner of Lot 10, Lane Ranch  
No. 1, Blaine County, Idaho

STATE OF IDAHO )  
County of Blaine ) ss.

On this 19<sup>th</sup> day of <sup>October</sup>~~August~~, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared SAMUEL GROSSMAN, known to me to be the person whose name is subscribed to 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 in this certificate first above written.



  
\_\_\_\_\_  
NOTARY PUBLIC for Idaho  
Residing at Ketchum  
Commission Expires Lifetime

John Ikaunieks  
JOHN IKAUNIEKS

Sharon Ikaunieks  
SHARON IKAUNIEKS  
Owner of Lot 12, Lane Ranch  
No. 1, Blaine County, Idaho

STATE OF IDAHO            )  
                                  ) ss.  
County of Blaine         )

On this 9th day of Nov., 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN IKAUNIEKS and SHARON IKAUNIEKS, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

(seal)

Carol Horton  
NOTARY PUBLIC for Idaho  
Residing at Harley  
Commission Expires 12-10-94

RK15/sf

**Attachment E:  
Personal Representative's Deed (Farnlun Park),  
Instrument #569530**

Instrument # 569530

HAILEY, BLAINE, IDAHO

7-22-2009

11:29:20 No. of Pages: 6

Recorded for: CITY OF KETCHUM

JOLYNN ORAGE

Fee: 0.00

Ex-Officio Recorder Deputy  
Index to: PERS REPIERS REP AMENDED DEED

PERSONAL REPRESENTATIVE'S DEED

THIS PERSONAL REPRESENTATIVE'S DEED is made this 20th day of July, 2009, between **Petra E. Morrison**, as personal representative of the **Estate of Oscar Smith Farnlun**, (hereinafter referred to as "Grantor") and the **City of Ketchum**, a municipal corporation duly incorporated in the State of Idaho (hereinafter referred to as "Grantee"), whose address is P.O. Box 2315, Ketchum, Idaho 83340, in order to wind up the affairs of *In the Matter of the Estate of Oscar Smith Farnlun*, Blaine County Case No. 10354 (1980).

For good and valuable consideration, receipt of which is hereby acknowledged, the Grantor does hereby convey and release unto the Grantee, its successors and assigns of the Grantee, for the use in perpetuity as a public park adjacent to the Wood River Trails, named **Farnlun Park**, that certain real property situated in the County of Blaine, State of Idaho, more particularly described in Exhibits "A" and "B," attached hereto,

WHICH Oscar Smith Farnlun owned at the time of his death and which should have been included in his estate and which the Grantor has power to convey and release,

SUBJECT TO:

1. Liens and encumbrances, including liens for taxes and assessments not yet due and payable;
2. Reservations and exception in any patents from the United States or any patent or deed from the State of Idaho;
3. Covenants, conditions, rights-of-way, easements, restrictions, and other matters of record disclosed by the records of Blaine County, Idaho;
4. Any facts which an inspection or correct survey would disclose; and

TO HAVE AND TO HOLD the same unto the Grantee, and to its successors and assigns forever.

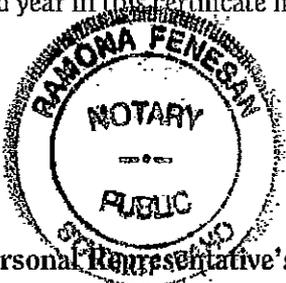
IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

Petra E. Morrison  
Petra E. Morrison, Personal Representative  
of the Estate of Oscar Smith Farnlun

STATE OF IDAHO        )  
                                  : ss.  
County of Blaine     )

On this 20th day of July, 2009, before me, a Notary Public in and for the state of Idaho, personally appeared Petra E. Morrison, known to me to be person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Oscar Smith Farnlun, deceased, and acknowledged to me that she executed the same in her capacity as Personal Representative.

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



Ramona Fenesan  
NOTARY PUBLIC FOR IDAHO  
Residing at: KETCHUM  
My commission expires: 10/16/2017

**Exhibit "A"**  
**Personal Representative's Deed**  
**Farnlun Estate to City of Ketchum**

LEGAL DESCRIPTION FOR  
A REMAINDER PARCEL OF LAND  
AS SHOWN ON RECORD OF SURVEY  
FILED AS INSTRUMENT NUMBER 503054  
BLAINE COUNTY, IDAHO

A parcel of land lying within the Northwest quarter, Southeast quarter, Section 19, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

Beginning at the northwest corner of Lot 12, Mortgage Row Subdivision filed as instrument number 145956, Blaine County, Idaho said point marked by a 2- ½ inch brass cap monument, said point also being on the Southerly lot line of Lot 1, The Glade Subdivision filed as instrument number 479149, Blaine County Idaho;

Thence S 24°12'34" E, 69.61 feet along the common line between the westerly boundary of Mortgage Row Subdivision and the easterly border of Tract A, The Glade Subdivision to the **TRUE POINT OF BEGINNING** marked by a 5/8" x 30" rebar with a 1-1/4" yellow plastic cap stamped LS-6798;

Thence S 24°12'34" E, 30.33 feet along the westerly boundary of Mortgage Row Subdivision to the southwest corner of Lot 12, Mortgage Row Subdivision marked by a 5/8" rebar, said point also being the northwest corner of Lot 1, Block 4, River Glen Subdivision filed as instrument number 457968, Blaine County, Idaho.

Thence S 24°10'46" E, 100.18 feet along the westerly boundary of Lot 1, Block 4, River Glen Subdivision to the southwest corner of Lot 1, Block 4, River Glen Subdivision marked by a rebar with a 1-1/4" yellow plastic cap, said point also being the northwest corner of Lot 14, Mortgage Row Subdivision;

Thence S 24°10'36" E, 100.02 feet along the westerly boundary of Mortgage Row Subdivision to the southwest corner of Lot 14, Mortgage Row Subdivision marked by rebar with a yellow plastic cap stamped "JER 4345", said point also being the northwest corner of Lot 15, Mortgage Row Subdivision;

Thence S 24°16'19" E, 55.05 feet along the westerly boundary of Mortgage Row Subdivision to the southwest corner of Lot 15, Mortgage Row Subdivision marked by a 5/8" rebar, said point also being the northwest corner of Lot 16, Mortgage Row Subdivision;

Thence S 24°12'35" E, 45.04 feet along the westerly boundary of Mortgage Row Subdivision to the southwest corner of Lot 16, Mortgage Row Subdivision marked by rebar with a yellow plastic cap stamped "GKW 4505", said point also being the northwest corner of Lot 17, Mortgage Row Subdivision;

Thence S 23°17'49" E, 96.45 feet along the westerly boundary of Mortgage Row Subdivision to the southwest corner of Lot 17, Mortgage Row Subdivision marked by rebar with a yellow plastic cap stamped "LS-6798", said point also being the northwest corner of Lot 18, Mortgage Row Subdivision;

Thence S 22°49'49" E, 22.71 feet along the westerly boundary of Mortgage Row Subdivision to a point on the westerly boundary of Lot 18, Mortgage Row Subdivision marked by a rebar with a yellow plastic cap stamped "LS-6798" said point is shown as being Stock Drive station 522+79 per record of survey filed as instrument number 503054;

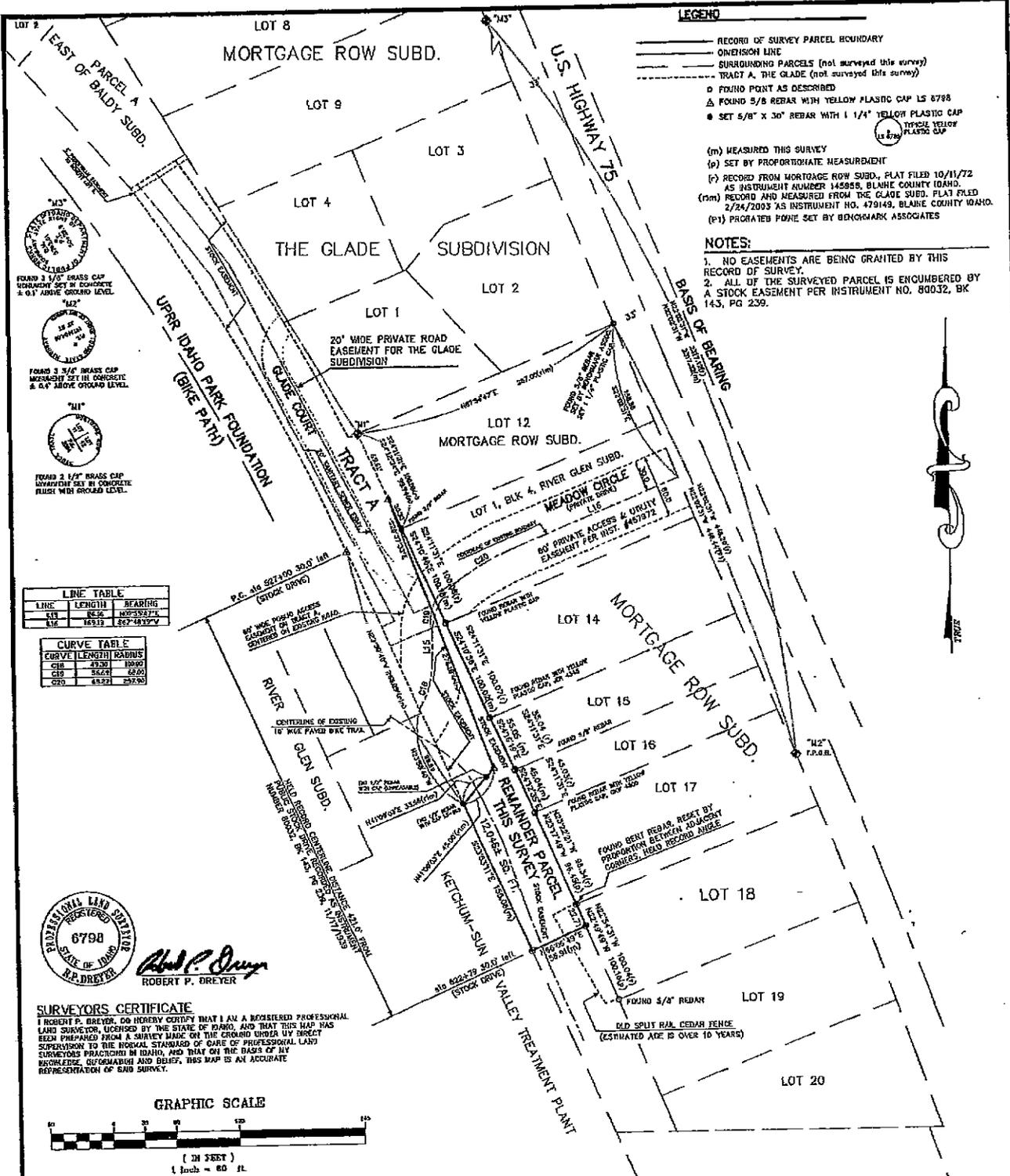
Thence S 66°06'49" W, 56.91 feet to a point on the easterly boundary of the former Union Pacific Railroad right of way (currently the Ketchum-Sun Valley Treatment Plant parcel) marked by rebar with a yellow plastic cap stamped "LS-6798" said point is shown as being Stock Drive station 522+79 per record of survey filed as instrument number 503054;

Thence N 23°53'11" W, 155.06 feet along the former Union Pacific Railroad right of way to the southwest corner of Tract A, The Glade Subdivision, marked by a ½ inch rebar with plastic cap stamped LS-865;

Thence N 41°09'03" E, 45.00 feet along the southerly boundary of Tract A, The Glade Subdivision to the southeast corner of Tract A, marked by 5/8" x 30" rebar with a 1-1/4" yellow plastic cap stamped LS-6798;

Thence N 20°37'33" W, 276.18 feet along the easterly boundary of Tract A, The Glade Subdivision to the **TRUE POINT OF BEGINNING**.

The above description contains 12,046 square feet more or less.



**LINE TABLE**

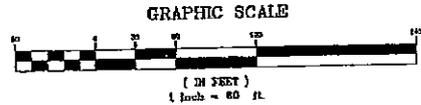
LINE	LENGTH	BEARING
L11	12.4	S75°52'1" E
L12	12.13	S67°18'32" W

**CURVE TABLE**

CURVE LENGTH	RADIUS
C18	43.31
C19	34.24
C20	48.24



**SURVEYORS CERTIFICATE**  
 I ROBERT P. DREYER, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP WAS PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICED IN IDAHO, AND THAT ON THE BASIS OF MY KNOWLEDGE, EXPERIENCE AND BELIEF, THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.



A RECORD OF SURVEY OF:  
**A REMAINDER PARCEL OF LAND**  
 A RECORD OF SURVEY SHOWING THE REMAINDER OF PARCELS OF LAND PER WARRANTY DEED, BOOK 132, PAGE 618, INSTRUMENT NUMBER 63365, FILED 10/13/1929 RECORDS OF BLAINE COUNTY IDAHO; AND PUEBLO STOCK DRIVE RIGHT OF WAY IN BOOK OF DEEDS BOOK 143 PAGE 239, INSTRUMENT NUMBER 40032, FILED 11/17/1939 RECORDS OF BLAINE COUNTY IDAHO, LOCATED WITHIN NW 1/4, SE 1/4 SECTION 12, TOWNSHIP 4 NORTH, RANGE 18 EAST, BOURSE-MERIDIAN, BLAINE COUNTY, IDAHO, CONTAINING 0.27± ACRES

SURVEYOR: BOB DREYER P.O. BOX 4817 KETCHUM ID 83340 (203) 726-2874		
SD	SCALE: 1"=80'	DATE: MAY 2004
CREATED BY: RPD	PLAT: not-platted	
CREATED BY: RPD		SHEET 1 OF 1

Instrument # 803054  
 HIGHLAY, BLAINE, IDAHO  
 2004-05-24 8:55:00 No. of Pages: 4  
 Recorded for: DND PROPERTIES  
 MARJORA REISMAN Parc: 8.00  
 SA-Orlando Recorder Dreyer, Inc. Instrument # 803054

*M. August*

**COUNTY RECORDER'S CERTIFICATE**  
 STATE OF IDAHO  
 COUNTY OF BLAINE

**Personal Representative's Deed — page 4**  
**Exhibit A, page 3**

CORNER LOT 12  
 1"ND REBAR WITH YELLOW  
 5"TC CAP, LS-3021

**Exhibit "B"**  
**Personal Representative's Deed**  
**Farnlun Estate to City of Ketchum**

LEGAL DESCRIPTION FOR  
REMAINDER PARCEL-2  
BLAINE COUNTY, IDAHO

A parcel of land lying within the Northwest quarter, Southeast quarter, Section 19, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

Beginning at the southwest corner of a remainder parcel of land shown on a record of survey filed as instrument number 503054, Blaine County, Idaho said point marked by a 5/8" rebar with a 1 1/4" yellow plastic cap stamped LS 6798, said point is on the easterly boundary of the Ketchum-Sun Valley Treatment Plant parcel and is the **TRUE POINT OF BEGINNING**;

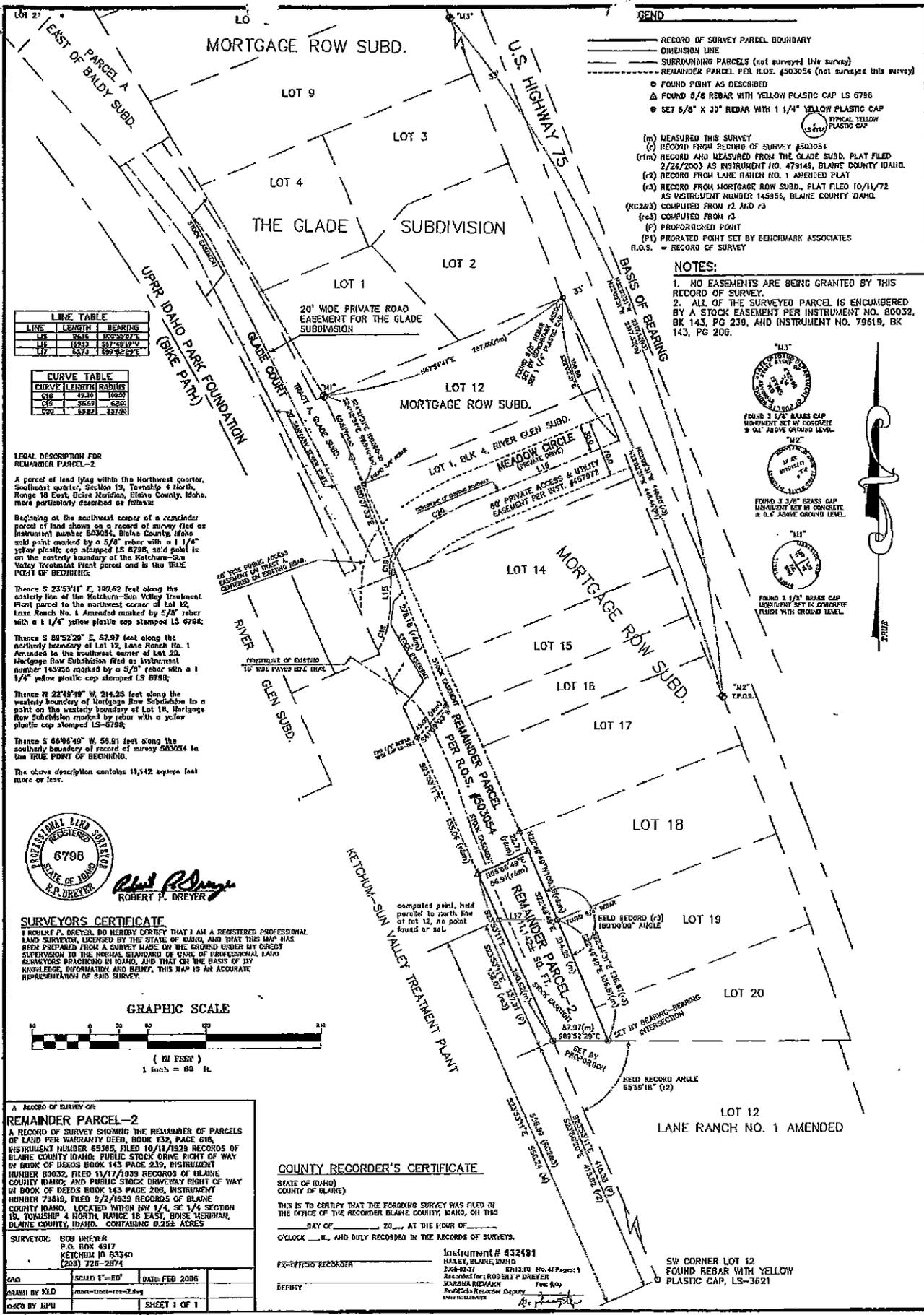
Thence S 23°53'11" E, 190.62 feet along the easterly line of the Ketchum-Sun Valley Treatment Plant parcel to the northwest corner of Lot 12, Lane Ranch No. 1 Amended marked by 5/8" rebar with a 1 1/4" yellow plastic cap stamped LS 6798;

Thence S 89°52'29" E, 57.97 feet along the northerly boundary of Lot 12, Lane Ranch No. 1 Amended to the southwest corner of Lot 20, Mortgage Row Subdivision filed as instrument number 145956 marked by a 5/8" rebar with a 1 1/4" yellow plastic cap stamped LS 6798;

Thence N 22°49'49" W, 214.25 feet along the westerly boundary of Mortgage Row Subdivision to a point on the westerly boundary of Lot 18, Mortgage Row Subdivision marked by rebar with a yellow plastic cap stamped LS-6798;

Thence S 66°06'49" W, 56.91 feet along the southerly boundary of record of survey 503054 to the **TRUE POINT OF BEGINNING**.

The above description contains 11,142 square feet more or less.



**LINE TABLE**

LINE	LENGTH	BEARING
L16	25.61	100°21'
L18	18.83	157°48'19" W
L17	14.73	189°32'22" E

**CURVE TABLE**

CURVE	LENGTH	RADIUS
C10	49.21	1000.00
C11	49.21	1000.00
C20	15.82	107.00

**LEGAL DESCRIPTION FOR REMAINDER PARCEL-2**

A parcel of land lying within the Northwest quarter, Southeast quarter, Section 18, Township 4 North, Range 18 East, Blaine Meridian, Blaine County, Idaho, more particularly described as follows:

Beginning at the southwest corner of a remainder parcel of land shown on a record of survey filed as instrument number 630324, Blaine County Idaho, said point marked by a 5/8" rebar with a 1/4" yellow plastic cap stamped LS 6798, said point is on the easterly boundary of the Ketchum-Sun Valley Treatment Plant parcel and is the TRUE POINT OF BEGINNING.

Thence S 23°51'11" E, 180.62 feet along the easterly line of the Ketchum-Sun Valley Treatment Plant parcel to the northwest corner of Lot 12, Lane Ranch No. 1, A parcel marked by 5/8" rebar with a 1/4" yellow plastic cap stamped LS 6798.

Thence S 89°32'26" E, 57.97 feet along the northerly boundary of Lot 12, Lane Ranch No. 1, Amended to the southeast corner of Lot 20, Mortgage Row Subdivision filed as instrument number 143216 marked by a 5/8" rebar with a 1/4" yellow plastic cap stamped LS 6798.

Thence N 22°45'49" W, 214.25 feet along the westerly boundary of Mortgage Row Subdivision to a point on the westerly boundary of Lot 18, Mortgage Row Subdivision marked by rebar with a yellow plastic cap stamped LS 6798.

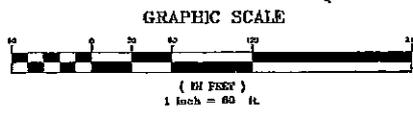
Thence S 86°05'49" W, 55.91 feet along the southerly boundary of record of survey 630324 to the TRUE POINT OF BEGINNING.

The above description contains 11,342 square feet more or less.

**PROFESSIONAL LAND SURVEYOR**  
 REGISTERED  
 STATE OF IDAHO  
 6798  
 R.P. DREYER  
 ROBERT P. DREYER

**SURVEYOR'S CERTIFICATE**

I ROBERT P. DREYER, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION TO THE HIGHEST STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN IDAHO, AND THAT ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.



**REMAINDER PARCEL-2**

A RECORD OF SURVEY SHOWING THE REMAINDER OF PARCELS OF LAND PER WARRANTY DEED, BOOK 432, PAGE 616, INSTRUMENT NUMBER 63385, FILED 10/11/1929 RECORDS OF BLAINE COUNTY IDAHO; PUBLIC STOCK DRIVE RIGHT OF WAY IN BOOK OF DEEDS BOOK 143 PAGE 239, INSTRUMENT NUMBER 60032, FILED 11/17/1929 RECORDS OF BLAINE COUNTY IDAHO; AND PUBLIC STOCK DRIVEWAY RIGHT OF WAY IN BOOK OF DEEDS BOOK 143 PAGE 208, INSTRUMENT NUMBER 78819, FILED 9/2/1929 RECORDS OF BLAINE COUNTY IDAHO. LOCATED WITHIN NW 1/4, SE 1/4 SECTION 18, TOWNSHIP 4 NORTH, RANGE 18 EAST, MERIDIAN, BLAINE COUNTY, IDAHO, CONTAINING 0.25± ACRES

**SURVEYOR:** BOB DREYER  
 P.O. BOX 4917  
 KETCHUM ID 83340  
 (208) 226-2874

**DATE:** FEB 2006

**SCALE:** 1" = 60'

**DATE:** FEB 2006

**BY:** [Signature]

**DEPUTY:** [Signature]

**SHEET 1 OF 1**

**COUNTY RECORDER'S CERTIFICATE**

STATE OF IDAHO  
 COUNTY OF BLAINE

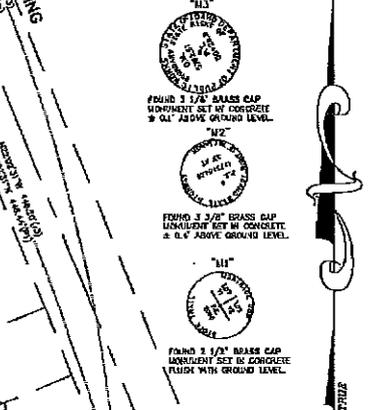
THIS IS TO CERTIFY THAT THE FOREGOING SURVEY WAS FILED IN THE OFFICE OF THE RECORDER BLAINE COUNTY, IDAHO, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_, AND DULY RECORDED IN THE RECORDS OF SURVEYS.

**EX-OFFICIO RECORDER** \_\_\_\_\_  
**DEPUTY** \_\_\_\_\_

Instrument # 632491  
 2006-02-27 10:13:00 AM, 49 Pages: 1  
 Recorder: ROBERT P. DREYER  
 MARANA REDMOND  
 Public-Recorder Deputy  
 444-11-5075

**NOTES:**

- NO EASEMENTS ARE BEING GRANTED BY THIS RECORD OF SURVEY.
- ALL OF THE SURVEYED PARCEL IS ENCUMBERED BY A STOCK EASEMENT PER INSTRUMENT NO. 80032, BK 143, PG 239, AND INSTRUMENT NO. 79619, BK 143, PG 206.



FOUND 1 1/4" BRASS CAP MONUMENT SET IN CONCRETE 9.01' ABOVE GROUND LEVEL.

FOUND 3/8" BRASS CAP MONUMENT SET IN CONCRETE 0.6' ABOVE GROUND LEVEL.

FOUND 1 1/4" BRASS CAP MONUMENT SET IN CONCRETE FLUSH WITH GROUND LEVEL.

LOT 12  
 LANE RANCH NO. 1 AMENDED

SW CORNER LOT 12  
 FOUND REBAR WITH YELLOW PLASTIC CAP, LS-3621

**Attachment F:  
November 18, 2013 City Council staff report**

# City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



November 12, 2013, 2013

Mayor Hall and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Hall and City Councilors:

**PUBLIC HEARING**  
**upon the application by RGSV LLC,**  
**for subdivision preliminary plat at Lot 14, Mortgage Row Subdivision**  
**(91 Meadow Circle)**  
**to subdivide the existing Lot 14, Mortgage Row Subdivision into two (2) lots,**  
**Lots 14A and 14B, located in the Limited Residential (LR) zoning district.**

Introduction/History

The applicant is proposing to subdivide Lot 14, Mortgage Row Subdivision (91 Meadow Circle) into two (2) single family lots, Lots 14A and 14B, in the Limited Residential (LR) zoning district. The Planning Commission conducted a public hearing on this subdivision preliminary plat application on October 28, 2013 and recommended approval to the City Council, with findings of fact signed on November 12, 2013.

Current Report

See attached staff report.

Financial Requirement/Impact

None

Recommendation

I respectfully recommend the City Council approve the application by RGSV LLC for subdivision preliminary plat of Lot 14, Mortgage Row Subdivision (91 Meadow Circle) into two (2) single family lots, Lots 14A and 14B.

Suggested Motion

"I move to approve the application by RGSV LLC for subdivision preliminary plat of Lot 14, Mortgage Row Subdivision (91 Meadow Circle) into two (2) single family lots, Lots 14A and 14B, finding that the application does meet the standards for approval under Ketchum Municipal Code, Chapter 16.04, Subdivisions."

Sincerely,

A handwritten signature in cursive script that reads "Rebecca F. Bundy".

Rebecca F. Bundy  
Senior Planner

**STAFF REPORT**  
**KETCHUM CITY COUNCIL**  
**REGULAR MEETING OF NOVEMBER 18, 2013**

**PROJECT:** Mortgage Row Subdivision, Lots 14A and 14B

**FILE NUMBER:** 13-086

**OWNER:** RGSV LLC

**REPRESENTATIVE:** Garth McClure, Benchmark Associates

**REQUEST:** Preliminary plat approval of a two (2) lot subdivision

**NOTICE:** Mailing: Notice mailed to all properties within 300 ft of proposed subdivision and to all applicable state agencies and jurisdictions on October 10, 2013  
Publish: Notice published in the Idaho Mountain Express on October 7, 2013

**LOCATION:** Lot 14, Mortgage Row Subdivision (91 Meadow Circle)

**ZONING:** Limited Residential (LR)

**REVIEWER:** Rebecca F. Bundy, Senior Planner

**NOTE:** Staff comments are in lighter type.

**ATTACHMENTS:**

Attachment A: Applicant Submittal

- Application, stamped "received" August 5, 2013
- Preliminary Plat, dated October 21, 2013
- Utility Plan, dated October 21, 2013

Attachment B: Planning and Zoning Commission, Preliminary Plat, Findings of Fact, signed November 12, 2013

Attachment C: Mortgage Row Subdivision, Lot 14 and River Glen Subdivision, Lot 1, Block 4 Rezone, Findings of Fact, signed April 8, 2013

Attachment D: Meadow Circle Access Analysis (aerial and spreadsheet)

Attachment E: Department Comments

Attachment F: Public Comment - none

Attachment G: Site Photos

**BACKGROUND**

1. The applicant is proposing to subdivide Lot 14, Mortgage Row Subdivision (91 Meadow Circle) into two (2) single family lots, Lots 14A and 14B, in the Limited Residential (LR) zoning district.

2. The Planning Commission conducted a public hearing on this subdivision preliminary plat application on October 28, 2013 and recommended approval to the City Council, with findings of fact signed on November 12, 2013.

3. The applicant received approval for a zoning change from Limited Residential – One Acre (LR-1) to Limited Residential (LR) for Lot 14, Mortgage Row Subdivision and Lot 1, Block 4, River Glen Subdivision, with findings of fact signed on April 8, 2013.

4. The existing Lot 14 is twenty-five thousand, four hundred and seventy-three (25,473) square feet in total size (including a small portion of access/utility easement on the northwest corner of the property). The lot is about two hundred and fifty-four (254) feet deep and one hundred (100) feet in width (along Highway 75). The property is bordered by Highway 75 to the east and the Wood River Trail to the west. An existing single family home is located toward the west end of the lot. Directly to the north is Lot 1, Block 4 of the River Glen Subdivision, which provides access (via Meadow Circle Road) and will provide utilities to the subject property. Meadow Circle Road also provides access to the fishermen's public parking area, River Glen Subdivision, Glade Subdivision and contains several utility easements.

5. With a new frontage to be designated on Meadow Circle Road, the proposed Lot 14A would have an average width of one hundred and fifty-seven point seven (157.7) feet, and Lot 14B would have an average width of ninety-seven (97.0) feet. The proposed lots meet the minimum LR lot width of eighty (80) feet.

6. All lots must meet the definition of Area of Lot as defined in Title 17 Ketchum Zoning Code:

*AREA OF LOT: The area within the boundaries of a lot, exclusive of any area contained within a public or private street, alley, fire lane or private driveway easement; also, exclusive of any narrow strip of land connecting a lot setback from any public street for the purpose of providing driveway access with that street and exclusive of any portion of the property that lies between the mean high water marks of the Big Wood River, Trail Creek and Warm Springs Creek. All exclusions shall not be used for the purpose of calculating density and building coverage. Lot area shall include the area of any dedicated public bike path, equestrian path or other public pathway within the boundaries of a lot.*

The proposed plat shows that Lot 14A contains an access/utility easement to benefit the Glade Subdivision (Instrument #457972). See City Engineer's comments on page 4 regarding said easement. The Commission discussed the easement and concluded that there should be a ten (10) foot building setback to that easement to create a buffer between the road and a potential structure on the lot. This has been made a condition of approval.

The area of each lot is calculated below per the definition above:

LOT 14A = +/- 15,770 minus 484 (area of easement) = +/- 15,286 sf  
LOT 14B = +/- 9,703 sf

Both lots meet the minimum size requirement of nine thousand (9,000) square feet.

7. The proposed lots will have their vehicular and utility accesses off of Meadow Circle Road. The applicant has included the following plat notes to this effect:

16. *An access and utility easement was granted within all of Lot 1, Block 4, River Glen subdivision to benefit Lots 14A and 14B, Mortgage Row Subdivision per Instrument # \_\_\_\_\_, records of Blaine County.*
19. *Lots 14A and 14B shall access from Meadow Circle. Direct access to said lots off State Highway 75 is not permitted.*

The City Attorney has determined that recordation of an instrument granting utility and access easements within Lot 1, Block 4, River Glen Subdivision to benefit Lots 14A and 14B, Mortgage Row Subdivision is an appropriate and legal method for documenting those easements. Recordation of this easement shall occur prior to or simultaneous with recordation of the final plat at the Office of the Blaine County Recorder. This has been made a condition of approval.

8. Since the proposed lots will be accessed from Meadow Circle Road, staff has determined that the Meadow Circle Road street frontage along the north sides of each property should be the front property line. The following plat note addresses this:

18. *The north lot line of Lots 14A and 14B shall be the front lot line.*

9. In order to ensure adequate sight distances and safe vehicular movement at the intersection of Meadow Circle Road and Highway 75, the applicant has included the following plat notes:

17. *No structures including fences, walls, hedges or trees shall be located within 75 feet of the intersection of the centerlines of Meadow Circle and State Highway 75.*
20. *The access drive to Lot 14B shall be located a minimum of 50 feet from its northeast property corner.*

10. An existing single family dwelling unit is located on proposed Lot 14A. The existing home would remain and would conform to lot coverage requirements. Relocation of the front lot line from Highway 75 to Meadow Circle Road results in the existing home now being located within the new rear yard setback. The Commission found that this could be considered a pre-existing condition and that it does not change the fabric of the existing neighborhood nor cause any negative impacts on neighbors or other health or safety concerns.

11. The house on Lot proposed 14A is currently served by utilities that run across proposed Lot 14B. Per plat note 16, a utility easement is granted to Lot 14A from Lot 1, Block 4, River Glen Subdivision. Staff feels that this is a good time, through the subdivision process, to clean up these

traversing utilities. Staff has included a condition of approval that the existing utility lines serving proposed Lot 14A shall be relocated to the easement on Lot 1, Block 4, River Glen Subdivision, so that they no longer traverse proposed Lot 14B, prior to the City Clerk's signature of the final plat.

12. Any walls, fences or hedges erected on the proposed lots will be subject to the Ketchum Municipal Code in effect at the time of permitting. This includes walls erected to minimize impacts of highway noise. The Commission discussed fence height and decided that it shall be measured from the grade of 5742.5 feet (as referenced to the survey benchmarks on the preliminary plat, dated October 21, 2013) or finished grade, whichever is lowest. This has been made a condition of approval.

13. Substantial vegetation currently exists on both proposed lots. This includes a mix of mature evergreen and cottonwood trees. The row of trees within the required setback along Highway 75 acts as a visual and sound buffer between the subject properties and the highway. The trees should be retained, or replaced as necessary to, maintain that buffer. This has been made a condition of approval.

14. Staff has included a Meadow Circle Road access analysis, which illustrates all of the properties that utilized Meadow Circle Road as an access. This includes a photo aerial and a spreadsheet with all applicable properties. The proposed subdivision will result in only one additional residence being served by the Meadow Circle Road.

15. Department Comments:

Fire –

- "Access from Highway 75 should be eliminated." This has been accomplished with plat note 19.

City Engineer –

- The engineer's comments about front yard setbacks, utilities from Lot 1, Block 4, River Glen Subdivision, and plat note 17 have been addressed in the final preliminary plat application submittal. (See Attachment A, Preliminary Plat and Utility Plan.)
- "Instrument #457972 does not reference Lot 14, Mortgage Row. However, a portion of that access easement and an existing gas line occupy the northwest corner of proposed Lot 14A." A condition of approval has been added requiring an additional plat note dedicating an easement granted by Lot 14A to River Glen Subdivision, River Glen Townhome Subdivision and the public to be recorded with the Office of the Blaine County Recorder prior to the City Clerk's signature of the final plat.

Streets –

- "Require that driveway access to Lot 14B is located away from the intersection of Meadow Circle Road and Highway 75." This has been accomplished with plat note 20.

Utilities and Parks – None.

## EVALUATION OF STANDARDS

### 16.04 Subdivision Criteria

#### 16.04.040

##### F. Lot and Block 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,

Staff Analysis: The applicant received approval for a zoning change from Limited Residential – One Acre (LR-1) to Limited Residential (LR) for Lot 14, Mortgage Row Subdivision and Lot 1, Block 4, River Glen Subdivision, with findings of fact signed on April 8, 2013.

The application meets the minimum lot size requirement in the LR zone of nine thousand (9,000) square feet. Both lots are greater than nine thousand (9,000) square feet in size when calculated using the definition of "Area of Lot" provided in the Ketchum Zoning Code. Lots directly adjacent to the north and south are oriented from east to west, and lots in nearby subdivisions have varying orientations. The proposed lots will be oriented in a north to south manner with front lot lines along the northern property edge at Meadow Circle Road. Current zoning code setback requirements are depicted on the Utility Plan (See Attachment A.) and show that the proposed lots have adequate buildable area. However, any future development on the lots will be subject to the zoning code requirements in effect at the time of permitting. No issues with solar access are anticipated as the closest adjacent buildings will be located to the south of the subdivision.

Recommendation: The proposed subdivision is compatible with the surrounding neighborhood. This standard has been met.

2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contain land with a slope in excess of twenty-five (25) percent based upon natural contours, or create corner lots at the intersection of two 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, 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, water courses and topographical features,

Staff Analysis: The proposed lots are located outside the 100 year floodplain and any designated floodplain hazard area. No wetlands or intermittent waterways are located on the

properties. Lot 14B is located at the intersection of Meadow Circle Road and Highway 75. The Utility Plan shows the current building setbacks for this lot. Staff has proposed a condition of approval that the this building envelope shall be shown on the final plat with a plat note that zoning code setback requirements in effect at time of permitting shall be met and that setbacks may be more stringent than the building envelope as depicted on the plat.

Recommendation: This standard has been met with the condition that at final plat submittal, the plat shall show a building envelope on Lot 14B that conforms to current zoning code setback requirements. A plat note shall be added stating that zoning code setbacks requirements in effect at time of permitting shall be met and setbacks may be more stringent than the building envelope as depicted on the plat.

**3. Corner lots shall have a property line curve or corner of a minimum radius of twenty-five (25) feet unless a longer radius is required to serve an existing or future use,**

Staff Analysis: The existing sixty (60) foot access easement and Meadow Circle Road on neighboring Lot 1, Block 4, River Glen Subdivision will not be altered. To promote safety and protect sight distances at the intersection of Meadow Circle Road and Highway 75, a seventy-five (75) foot Clear Zone on Lot 14B has been designated on the proposed plat.

Recommendation: Staff does not feel that the lot configuration needs to be altered to accommodate a radius, and the Commission agreed. No dedication for right-of-way is necessary.

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

Staff Analysis: Each side lot line is located at about ninety (90) degrees to the street lot lines on Meadow Circle Road.

Recommendation: This standard has been met.

**5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot(s) be created out of necessity, then such lot(s) shall be reversed frontage lot(s),**

Staff Analysis: No double frontage or reverse frontage lots are being created. The required thirty-two (32) foot setback on Highway 75 creates a landscaped area along that street frontage.

Recommendation: This standard is met with a condition that existing trees along Highway 75 shall be preserved, or replaced as necessary, so as to provide a planting strip along Highway 75.

**6. Minimum lot sizes in all cases shall be reversed frontage lot(s),**

Staff Analysis: No reversed frontage lots are proposed.

Recommendation: This standard is not applicable.

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

Staff Analysis: Proposed Lot 14A has one hundred and fifty-eight point nine (158.9) feet of frontage on Meadow Circle Road, and Lot 14B has ninety-seven point seven (97.7) feet of frontage. Instrument # \_\_\_\_\_ grants access easements to Lots 14A and 14B along their frontages along Lot 1, Block 4, River Glen Subdivision. As a condition of approval, said easement shall be recorded in the Office of the Blaine County Recorder prior to or in conjunction with recordation of the final plat. Said easement language shall be submitted with the final plat application for review by the City Attorney.

Recommendation: This standard has been met with the condition that the access easements to Lots 14A and 14B from Lot 1, Block 4, River Glen Subdivision shall be recorded in the Office of the Blaine County Recorder prior to or in conjunction with recordation of the final plat. Said easement language shall be submitted with the final plat application for review by the City Attorney.

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

1. No block shall be longer than one thousand two hundred (1,200) feet, nor less than four hundred (400) feet between the street intersections, and shall have sufficient depth to provide for two tiers of lots,

Staff Analysis: No new blocks are being created.

Recommendation: This standard is not applicable.

2. Blocks shall be laid out in such a manner as to comply with the lot requirements,

Staff Analysis: No new blocks are being created.

Recommendation: This standard is not applicable.

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, water courses and topographical features,

Staff Analysis: No new blocks are being created.

Recommendation: This standard is not applicable.

4. Corner lots shall contain a building envelope outside of a seventy-five (75) foot radius from the intersection of the streets.

Staff Analysis: No new blocks are being created.

Recommendation: This standard is not applicable.

## 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,  
Staff Analysis: No new streets are proposed.  
Recommendation: This standard is not applicable.
2. All streets shall be constructed to meet or exceed the criteria and standards set forth in Ketchum Ordinance 276, codified in Chapter 12.04, and all other applicable ordinances, resolutions, or regulations of the city of Ketchum or any other governmental entity having jurisdiction thereover, now existing or hereafter adopted, amended or codified,  
**12.04.030. A. Right-of-Way.** All private streets shall have a minimum right-of-way equal to the width of the street improvements, including but no limited to, sidewalk, curb and gutter, utilities and snow storage, or as otherwise approved by the City Council.  
**12.04.030. B. Street Widths.** The unobstructed, all-weather surface of a private street shall not be less than twenty (20) feet nor wider than thirty (30) feet unless otherwise approved by the City Council.  
**12.04.030. C. Street Locations.**
  1. Streets are to be arranged in proper relation to topography so as to result in usable lots, safe streets, and acceptable gradient. Grades shall not exceed seven percent.
  2. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions unless otherwise approved by the city.
  3. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary lines of the tract to facilitate the future extension of said streets into adjacent areas. A reserve strip may be required and held in public ownership.
  4. Minimum sight distance shall be two hundred (200) feet for residential streets and three hundred (300) feet for collector and arterial streets.
  5. Streets shall be located horizontally and vertically so as to assure positive and effective drainage of storm and other surface waters. Subsurface waters shall be accommodated by approved drains and other facilities as determined necessary by the city.
  6. Horizontal alignment shall be designed in accordance with AASHO, geometric highway standards for the design speed of the proposed roadway. All curves shall be simple curves and superelevation shall not exceed six-tenths foot per foot. Unless otherwise specified by the city, the design speed shall be thirty-five (35) miles per hour.

Staff Analysis: No new streets are proposed.

Recommendation: This standard is not applicable.

12.04.030. D. Intersections.

2. No more than two streets shall cross at any one intersection.

3. Intersections shall be located on a relatively flat grade with appropriate drainage slope. The flat section shall extend a minimum of seventy-five (75) feet each way from the center of the intersection. Maximum of two percent intersection grade will be allowed.

4. Minimum clear sight distance at all intersections shall permit vehicles to be mutually visible when each is a minimum of one hundred (100) feet from the center of the intersection.

5. Intersections shall be clearly visible a minimum of two hundred (200) feet from the center of the intersection from all roadways.

12.04.030. E. Cul-de-Sacs. A cul-de-sac, court or similar type street shall have a maximum length of four hundred (400) feet from entrance to center of the turn-around, and all cul-de-sacs shall have a minimum turn-around radius of sixty (60) feet at the property line, and not less than forty-five (45) feet at the curb line.

Staff Analysis: No new streets are proposed.

Recommendation: This standard is not applicable.

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;

Staff Analysis: Lot 14B of the proposed subdivision abuts Highway 75. A thirty-two (32) foot setback is required along this frontage. If the existing trees in this setback are preserved, they will serve as a substantial planting strip along Highway 75. Staff has included a condition of approval requiring that existing trees in the setback along Highway 75 will be preserved, or replaced as necessary.

Recommendation: This standard is met with a condition that existing trees along Highway 75 will be preserved, or replaced as necessary.

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

Staff Analysis: The proposed access on Meadow Circle Road is existing. Only private driveways connecting to Meadow Circle will be required.

Recommendation: This standard does not apply.

5. Street grades shall not be less than three-tenths percent and not more than seven percent so as to provide a safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing,

Staff Analysis: No new streets are proposed. Meadow Circle Road access exists and no changes are proposed.

Recommendation: This standard does not apply.

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,

Staff Analysis: Each lot has an easement granted by Lot 1, Block 4, River Glen Subdivision for private access from the existing Meadow Circle private road easement.

Recommendation: This standard has been met.

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 lots, a temporary turn-around easement shall be provided which easement shall revert to the adjacent lots when the street is extended,

Staff Analysis and Recommendation: Not applicable.

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 (400) feet from entrance to center of turn-around, and all cul de sacs shall have a minimum turn-around radius of sixty (60) feet at the property line and not less than forty-five (45) feet at the curb line,

Staff Analysis and Recommendation: Not applicable.

9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees,

Staff Analysis and Recommendation: Not applicable.

10. Where any street deflects an angle of ten (10) degrees or more, a connecting curve shall be required having a minimum center line radius of three hundred (300) feet for arterial and collector streets, and one hundred twenty-five (125) feet for minor streets,

Staff Analysis and Recommendation: Not applicable.

11. Streets with center line off-sets of less than one hundred twenty-five (125) feet shall be prohibited,

Staff Analysis and Recommendation: Not applicable.

12. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets,

Staff Analysis and Recommendation: Not applicable.

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 confusing 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 commission before submitting same to council for preliminary plat approval,

Staff Analysis and Recommendation: Not applicable.

14. **Street alignment design shall follow natural terrain contours to result in safe streets, useable lots, and minimum cuts and fills,**

Staff Analysis and Recommendation: Not applicable.

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,**

Staff Analysis and Recommendation: Not applicable.

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,**

Staff Analysis and Recommendation: Not applicable.

17. **In general, the center line of street shall coincide with the center line of the street right-of-way and all crosswalk markings shall be installed by the subdivider as a required improvement,**

Staff Analysis and Recommendation: Not applicable.

18. **Street lighting may be required by the commission or council where appropriate, and shall be installed by the subdivider as a required improvement,**

Staff Analysis and Recommendation: Staff does not recommend that additional street lighting is warranted by the small scope of the proposed subdivision application, and the Commission agreed.

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 H.2 of this section,**

Staff Analysis and Recommendation: Not applicable. Meadow Circle is an existing private street with public access and will be maintained in current condition by its owner. However, the applicant is put on notice that any Meadows Circle Road maintenance agreement shall continue to be in effect and shall benefit Mortgage Row Subdivision, Lots 14A and 14B.

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,**  
Staff Analysis and Recommendation: Not applicable.

21. **Bridges. 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, said construction or improvement shall be a required improvement by the subdivider. Said construction or improvement shall be in accordance with adopted standard specifications therefore,**  
Staff Analysis and Recommendation: Not applicable.

22. **Sidewalks, curbs, and gutters may be a required improvement installed by the subdivider.**  
Staff Analysis and Recommendation: No sidewalk, curb and gutter are required in residential neighborhoods and in the LR zoning district. The road access is existing.

I. **Alley Improvement Requirements. Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty (20) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead-end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H.2 of this section.**  
Staff Analysis and Recommendation: Not applicable.

J. **Required Easements. Easements, as set forth hereinafter, shall be required for location of the 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 (10) feet in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet 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.**

Staff Analysis: There is an existing twenty (20) foot wide public utility easement on Lot 1, Block 4, River Glen Subdivision that will be maintained as indicated in plat note 8.

Recommendation: This standard has been met.

2. **Where a subdivision contains or borders on a water course, drainage way, channel or stream, an easement shall be required of sufficient width to contain said water**

course and provide access for private maintenance and/or reconstruction of said water course.

Staff Analysis and Recommendation: Not applicable.

3. All subdivisions which border the Big Wood River, Trail Creek, and Warm Springs Creek shall dedicate a ten (10) foot fisherman and nature study easement along the river bank. 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 river bank which runs through the proposed subdivision.

Staff Analysis and Recommendation: Not applicable.

4. All subdivisions which border on the Big Wood River, Trail Creek, and Warm Springs Creek shall dedicate a twenty-five (25) foot scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion.

Staff Analysis and Recommendation: Not applicable.

5. No ditch, pipe, or structure for irrigation water or irrigation waste water shall be constructed, re-routed, 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 thereto. A written copy of such approval shall be filed as part of required improvement construction plans.

Staff Analysis and Recommendation: Not applicable.

6. Nonvehicular transportation system easements including pedestrian walkways, bikepaths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.

Staff Analysis: Public access is provided across the existing adjacent Lot 1, Block 4, River Glen Subdivision. The proposed two lot subdivision is not proposing to duplicate that access.

Recommendation: This standard has been met.

- 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.

Staff Analysis and Recommendation: Lots 14A and 14B shall be connected to the City of Ketchum sewer system and shall meet all requirements of the Ketchum Utilities Department. These have been made conditions of approval.

- 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 thereover. 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 of Ketchum.

Staff Analysis and Recommendation: Lots 14A and 14B shall be connected to the City of Ketchum water system and shall meet all requirements of the Ketchum Utilities Department. These have been made conditions of approval.

- 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 said planting strip with the preliminary plat application and the landscaping shall be a required improvement.

Staff Analysis and Recommendation: Staff does recommend that it is necessary to provide planting strip improvements in this location, except as required along Highway 75. The existing planting strip along the northern side of the properties will be maintained within the existing utility easement along Meadow Circle Road.

- N. Cuts, Fills, and Grading Improvements.** Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

1. **A preliminary soil report prepared by a qualified engineer may be required by the commission and/or council as part of the preliminary plat application.**
2. **Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Said plan shall contain the following information:**
  - a. **Proposed contours at a maximum of five (5) foot 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. Any other information which may reasonably be required by the administrator, commission, or council to adequately review the affect of the proposed improvements.**
3. **Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.**
4. **Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.**
5. **Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as said revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.**
6. **Where cuts, fills, or other excavation 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 (95) percent of maximum density as determined by AASHO T99 (Am. Assoc. State Highway Officials) and ASTM D698 (Am. Stnd. Testing Methods).**
  - c. **Cut slopes shall be no steeper than two horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.**
  - d. **Fill slopes shall be no steeper than three horizontal to one vertical. Neither cut nor fill slopes shall be located on natural slopes of three to one or steeper, or where fill slope toes out within twelve (12) feet 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 plus one-fifth of the height of the cut or the fill, but may not exceed a horizontal distance of ten (10) feet; tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet plus one-fifth of the height of the cut or the fill. Additional setback**

**distances shall be provided as necessary to accommodate drainage features and drainage structures.**

Staff Analysis: No cuts/fills are proposed at this time. No physical improvements are proposed with the proposed subdivision. The thirty-two (32) foot required setback from Highway 75 is shown on the Utility Plan and shall be shown on the final plat. The row of trees within that setback along Highway 75 acts as a visual and sound buffer between the subject properties and the highway. The trees shall be retained, or replaced as necessary, to maintain that buffer. This has been made a condition of approval.

Recommendation: These standards have been met with the condition that the existing trees in the thirty-two (32) foot building setback along Highway 75 on Lot 14B shall be preserved so as to provide a planting strip along Highway 75 or, if necessary to remove due to hazard or disease, replacement trees shall be planted;

- 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 thereof including shoulders.

Staff Analysis: Drainage patterns have not been indicated on the plat. However, a topographic survey has been included. The building sites are relatively flat and no portions of the properties are within the 100-year floodplain. All drainage from the property shall be contained on site.

Recommendation: This standard has been met with the condition that all drainage from each proposed lot shall be contained on-site and reviewed at building permit application.

- P. Utilities.** In addition to the terms mentioned hereinabove, all utilities including but not limited to, electricity, natural gas, telephone, and cable serves 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.

Staff Analysis: Installation of utilities prior to City Clerk's signature of the final plat shall be a condition of approval. In addition, the house on Lot proposed 14A is currently served by utilities that run across proposed Lot 14B. Per plat note 16, a utility easement is granted to Lot 14A from Lot 1, Block 4, River Glen Subdivision. Staff has included a condition of approval that the existing utility lines serving proposed Lot 14A shall be relocated to the easement on

Lot 1, Block 4, River Glen Subdivision, so that they no longer traverse proposed Lot 14B, prior to the City Clerk's signature of the final plat.

Recommendation: This standard has been met with the condition that all utilities shall be installed underground prior to City Clerk's signature of the final plat. The existing utilities serving the house on proposed Lot 14A shall be abandoned and relocated to the easement (Instrument # \_\_\_\_\_) from Lot 1, Block 4, River Glen Subdivision prior to City Clerk's signature of the final plat.

- 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.**

Staff Analysis: The addition of one lot and one new single family residence (residence on Lot 14A is existing) to the density of the immediate area should not create any off-site impacts.

Recommendation: This standard has been met.

#### **STAFF RECOMMENDATION:**

Based on the applicant's submittal, review of the subdivision and zoning codes and the recommendation of the Planning and Zoning Commission, Staff recommends approval of the Mortgage Row Subdivision, Lots 14A and 14B, subject to Conditions #1 - 15 below.

#### **PROPOSED CONDITIONS:**

1. The failure to obtain final plat approval by the Council of an approved preliminary plat within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void;
2. This approval is given for the preliminary plat of Meadow Circle Subdivision, dated October 21, 2013;
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";
5. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units;
6. All requirements of the City Engineer, Fire, Street and Utility Departments shall be met prior to the City Clerk's signature of the final plat;
7. The existing trees in the thirty-two (32) foot building setback along Highway 75 on Lot 14B shall be preserved so as to provide a planting strip along Highway 75 or, if necessary to remove due to hazard or disease, replacement trees shall be planted;
8. Any walls, fences or hedges erected on the proposed lots will be subject to the Ketchum Municipal Code in effect at the time of permitting. This includes walls erected to minimize impacts of highway noise. Fence height shall be measured from the grade of 5742.5 feet (as referenced to the survey benchmarks on the preliminary plat, dated October 21, 2013) or finished grade, whichever is lowest. The final plat shall reflect this condition;
9. The final plat shall contain an additional plat note, dedicating an easement at the northwest corner of Lot 14A, granted by Lot 14A, to River Glen Subdivision, River Glen Townhome Subdivision and the public, to be recorded with the County Recorder's Office prior to the City Clerk's signature of the final plat;
10. The final plat shall show a building envelope on Lot 14B that conforms to current zoning code setback requirements. A plat note shall be added stating that zoning code setback requirements in effect at time of permitting shall be met and that setbacks may be more stringent than the building envelope as depicted on the plat;
11. The access easements to Lots 14A and 14B from Lot 1, Block 4, River Glen Subdivision, described in plat note 16, shall be recorded in the Office of the Blaine County Recorder prior to or in conjunction with recordation of the final plat. Said easement language shall be submitted with the final plat application for review by the City Attorney;
12. All utilities shall be installed underground prior to the City Clerk's signature of the final plat. The existing utilities serving the house on proposed Lot 14A shall be abandoned and relocated to the easement (Instrument # \_\_\_\_\_) from Lot 1, Block 4, River Glen Subdivision prior to City Clerk's signature of the final plat;

13. All drainage from each proposed lot shall be contained on-site. Any future building permit applications shall show how roof, foundation, driveway and site drainage is contained on-site;
14. The applicant is put on notice that any Meadow Circle Road maintenance agreement shall continue to be in effect and shall benefit Mortgage Row Subdivision, Lots 14A and 14B; and
15. The final plat shall contain a ten (10) foot building setback from the triangular access/utility easement at the northwest corner of Lot 14A.

**Attachment A: Applicant Submittal**

- Application, stamped "received" August 5, 2013
- Preliminary Plat, dated October 21, 2013
- Utility Plan, dated October 21, 2013

CITY OF KETCHUM SUBDIVISION APPLICATION

13-082e

NAME OF PROPOSED SUBDIVISION: Meadow Circle Subdivision

OWNER OF RECORD: RGSV, L.L.C.

ADDRESS OF OWNER: C/O VP Properties, P.O. Box 284, Ketchum, ID 83340

REPRESENTATIVE OF OWNER: Benchmark Associates, P.A., Garth McClure, A.I.C.P.,

CONTACT: Owner:  Representative:  Phone No.: (208) 726-9512  
Mailing Address: PO Box 733, Ketchum, ID 83340

LEGAL DESCRIPTION: (attach if necessary): Lot 14, Mortgage Row Subdivision & Lot 1, Block 4, River Glen Subdivision

STREET ADDRESS: 91 Meadow Circle

SUBDIVISION FEATURES: Number of Lots: 2  
Number of Dwelling Units: 1 Existing

Total land area in acres or square feet: 51,333 sq.ft./1.18 acres

Current Zoning District: LR Proposed Zoning District: LR

Overlay District: Flood  Avalanche  Pedestrian  Mountain

Type: Condominium  Land  PUD  Townhouse

Adjacent land in same ownership in acres or square feet: NA

Easements to be dedicated on final plat: (describe briefly): Mutual access and public utility easement within Meadow Circle to benefit Lots 1 & 2

Proposed and existing exterior lighting: (described briefly): NA

IMPROVEMENTS TO BE INSTALLED PRIOR TO FINAL PLAT APPROVAL:

Streets Paved	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Water Supply:	Ketchum Municipal <input checked="" type="checkbox"/>
Curbs & Gutters	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Private Wells <input type="checkbox"/>
Sidewalks	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Sewer System:	Public <input checked="" type="checkbox"/>
Street Lights	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Septic <input type="checkbox"/>
Street Signs	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Cesspool <input type="checkbox"/>
Fire Hydrant(s)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Power:	Underground <input checked="" type="checkbox"/>
Extend Water Lines	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Overhead <input type="checkbox"/>
Extend Sewer Lines	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		

ATTACHMENTS TO COMPLETE APPLICATION:

Copies of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations

Copy of current title report and owner's recorded deed to the subject property

Three <sup>6</sup>(3) copies of preliminary plat as required by Title 16, Subdivisions

The 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 the reasonable attorney fees, including attorney fees on appeal, and expenses of the City of Ketchum. I hereby certify that all information requested, as submitted, is prepared to the best of my ability and knowledge and I request that this application be processed for consideration as a subdivision.

received  
8/5/13

Signature of Owner/Representative:

A handwritten signature in black ink, appearing to read "G. W. Blue". The signature is written in a cursive style with a large, looping initial "G".

Date: 8.5.13



**MORTGAGE ROW SUBDIVISION : LOTS 14A & 14B**

WHEREIN LOT 14, MORTGAGE ROW SUBDIVISION (INST. NO. 145968) IS RECONFIGURED CREATING TWO NEW LOTS.

LOCATED WITHIN SECTION 19, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

OCTOBER 2013

**UTILITY PLAN**

**NOTES:**

**SURVEY AND SITE FEATURES:**

1. BASIS OF BEARINGS IS PER THE ORIGINAL PLAT OF MORTGAGE ROW SUBDIVISION, INST. #145956.
2. ELEVATIONS BASED ON ASSUMED DATUM.
3. UTILITIES AND DRAIN PIPES SHOWN HEREON ARE PER UTILITY MAPS PROVIDED BY ELM LOCATORS, INTERMOUNTAIN GAS AND THE CITY OF KETCHUM. OTHER UNDERGROUND UTILITIES MAY EXIST. LOCATION OF UNDERGROUND UTILITIES AND SERVICES SHALL BE CONFIRMED PRIOR TO EXCAVATION OR DESIGN.
4. BUILDING WALLS SHOWN HEREON ARE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
5. TREE LOCATIONS AND DRILLPILES AS SHOWN HEREON ARE APPROXIMATE.
6. MORTGAGE ROW SUBDIVISION WAS PLATTED WITH THE EASTERN BOUNDARY BEING 33 FEET FROM THE CENTERLINE OF HIGHWAY 75. ITD PLANS AND R/W DEED INST. #64802, RECORDS OF BLAINE COUNTY, IDAHO DEPICT THE RIGHT OF WAY AS BEING 36 FEET FROM THE CENTERLINE OF HIGHWAY 75.
7. SETBACK AND FOOTPRINT REQUIREMENTS PER CITY OF KETCHUM ORDINANCES MAY VARY. IT IS RECOMMENDED THAT SAID ORDINANCES BE REVIEWED PRIOR TO DESIGN.

**EASEMENTS & RESTRICTIONS**

PER TITLE COMMITMENT ISSUED BY STEWART TITLE GUARANTY COMPANY (ORDER NO. 1017049):

**EASEMENTS DEPICTED HEREON:**

8. A 20' WIDE EASEMENT EXISTS AS SHOWN ALONG THE NORTH AND SOUTH PROPERTY LINES OF LOT 1, BLOCK 4, RIVER GLEN SUBDIVISION FOR THE INSTALLATION AND MAINTENANCE OF WATER, SEWER, AND OTHER PUBLIC UTILITIES. - REFER TO RIVER GLEN SUBD. PLAT, INST.#457968.
9. #185653 - 60 FOOT WIDE EASEMENT FOR INGRESS & EGRESS TO THE SE1/4SW1/4 OF SECTION 19, T4N, R18E. - LOCATION AS SHOWN IS PER THE PLAT OF RIVER GLEN SUBDIVISION, INST. #457968.
10. #457972 - 60 FOOT WIDE ACCESS & UTILITY EASEMENT BENEFITING THE GLADE SUBDIVISION PER INST. #457972.

**NON-PLOTTABLE EASEMENTS:**

11. #235524 - PUBLIC PATHWAY EASEMENT GRANTED BY FORMER LOT 13, MORTGAGE ROW OVER LIVESTOCK DRIVEWAY ADJACENT TO PROPERTY. (OFF-SITE)
12. #457968 - RIVER GLEN SUBDIVISION PLAT: AN EASEMENT EXISTS TO THE PUBLIC TO PROVIDE ACCESS THROUGH LOT 1, BLOCK 4 OF RIVER GLEN SUB. FROM HIGHWAY 75 TO THE FISHERMEN'S PUBLIC PARKING AREA. SAID EASEMENT SHALL REMAIN IN EFFECT UNTIL SUCH TIME AS OTHER PUBLIC ACCESS IS PROVIDED.
13. #457974 - LICENSE FOR 10 FOOT WIDE DRIVEWAY BETWEEN FORMER LOT 1, BLOCK 4, RIVER GLEN SUBDIVISION AND LOT 12, MORTGAGE ROW SUBDIVISION SHALL REMAIN IN EFFECT UNTIL SUCH TIME AS OTHER ACCESS IS PROVIDED.
14. #457973 - LICENSE FOR 10 FOOT WIDE DRIVEWAY BETWEEN FORMER LOT 1, BLOCK 4, RIVER GLEN SUBDIVISION AND LOT 14, MORTGAGE ROW SUBDIVISION SHALL BE TERMINATED UPON RECORDATION OF THIS PLAT.
15. #145956 - MORTGAGE ROW SUBDIVISION APPEARS TO SHOW AN EASEMENT FOLLOWING MEADOW CIRCLE'S CURRENT LOCATION. NO GRANT OF EASEMENT IS NOTED ON PLAT.
16. AN ACCESS AND UTILITY EASEMENT WAS GRANTED WITHIN ALL OF LOT 1, BLOCK 4, RIVER GLEN SUBDIVISION TO BENEFIT LOTS 14A & 14B, MORTGAGE ROW SUBDIVISION PER INSTRUMENT NO. RECORDS OF BLAINE COUNTY, IDAHO.
17. NO STRUCTURES INCLUDING FENCES, WALLS, HEDGES OR TREES SHALL BE LOCATED WITHIN 75 FEET OF THE INTERSECTION OF THE CENTERLINES OF MEADOW CIRCLE AND STATE HIGHWAY 75.
18. THE NORTH LOT LINE OF LOTS 14A & 14B SHALL BE THE FRONT LOT LINE.
19. LOTS 14A AND 14B SHALL ACCESS FROM MEADOW CIRCLE. DIRECT ACCESS TO SAID LOTS OFF STATE HIGHWAY 75 IS NOT PERMITTED.
20. THE ACCESS DRIVE TO LOT 14B SHALL BE LOCATED A MINIMUM OF 50 FEET FROM ITS NORTHEAST PROPERTY CORNER.

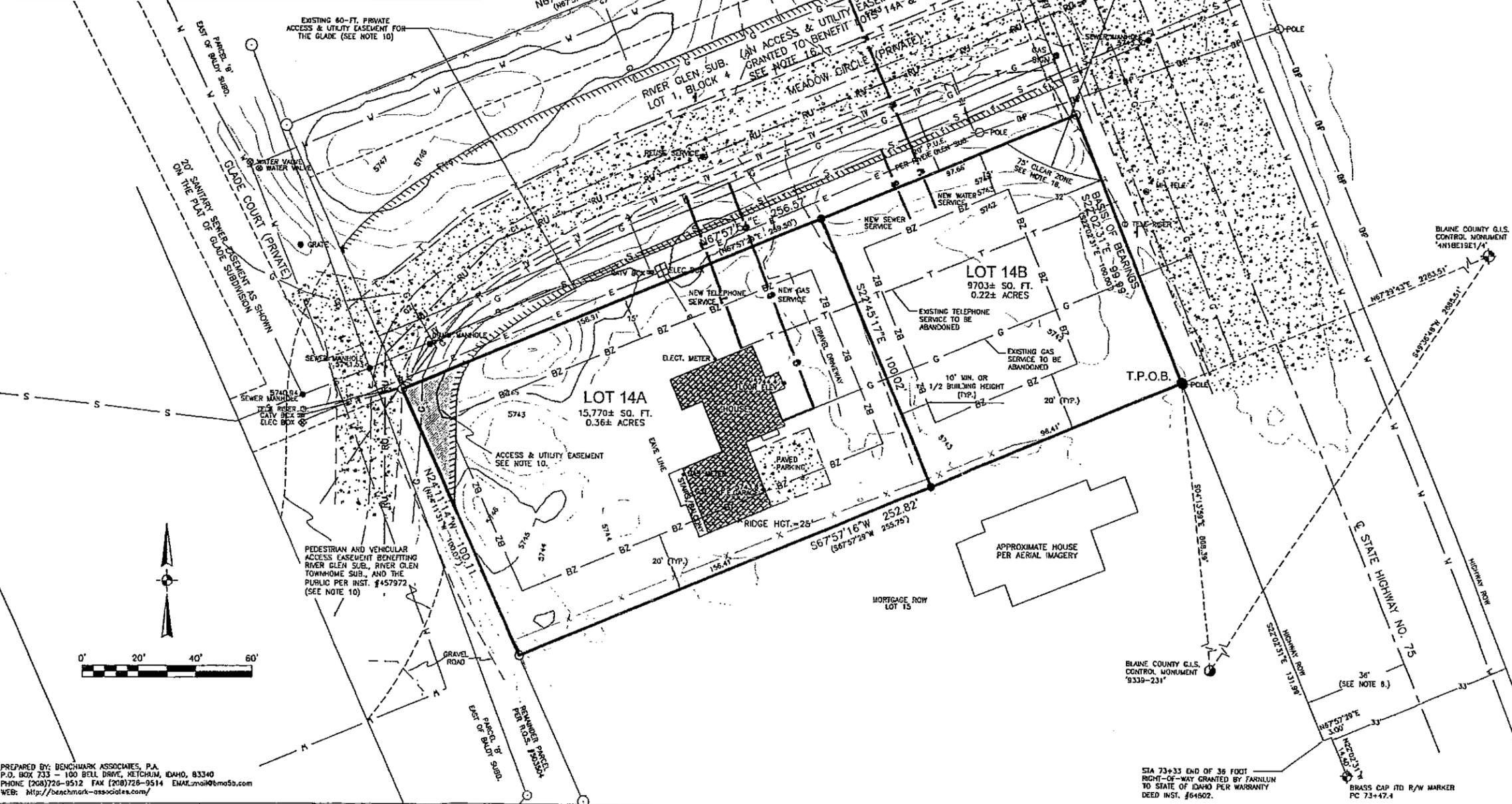
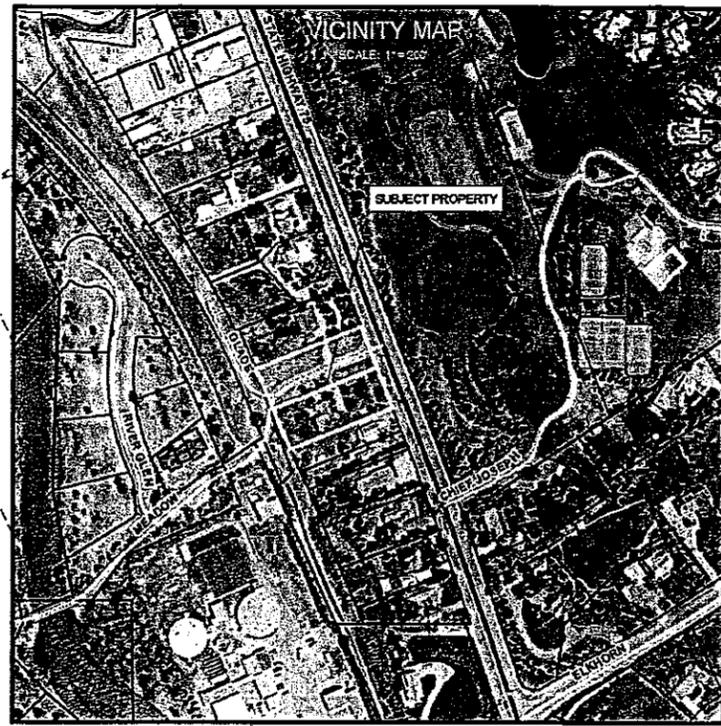
**LEGEND:**

- BOUNDARY LINE
- ADJOINING PROPERTY LINE
- GIS TIE
- FENCE
- ACCESS AND UTILITY EASEMENT (SEE NOTE 10.)
- EASEMENT LINE
- BUILDING ZONE
- RECORD BEARINGS AND DISTANCES
- MEASURED BEARINGS AND DISTANCES
- EDGE PAVEMENT
- OVERHEAD UTILITY LINES
- SEWER LINE (SEE NOTE 3)
- APPROX. WATER LINE (SEE NOTE 3)
- APPROX. WEYAKIN DRAIN LINE (SEE NOTE 3)
- APPROX. REUSE WATER LINE (SEE NOTE 3)
- APPROX. UNDERGROUND ELECTRIC (SEE NOTE 3)
- APPROX. UNDERGROUND GAS (SEE NOTE 3)
- APPROX. UNDERGROUND FIBER OPTIC (SEE NOTE 3)
- APPROX. UNDERGROUND TELE. (SEE NOTE 3)
- APPROX. UNDERGROUND CABLE TV (SEE NOTE 3)
- FOUND 1/2" REBAR
- SET 1/2" REBAR
- FOUND 5/8" REBAR
- SET 5/8" REBAR
- BRASS CAP
- ALUMINUM CAP

LOT 14A: 15,286± SQ. FT. (EXCLUDING MEADOW CIRCLE R.O.W.)  
0.35± ACRES

FORMER LOT 14:  
LOT AREA: 25473± SQ. FT., 0.6± ACRES

**UTILITY PLAN**



**MORTGAGE ROW SUBDIVISION: LOTS 14A & 14B**  
 LOCATED WITHIN:  
 SECTION 19, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO  
 PREPARED FOR: RGSV, LLC  
 PROJECT NO. 12246      DWG BY: DCS/JEL/CPL      12246PRE.DWG  
 UTILITY PLAN      DATE: 10/21/2013      SHEET: 1 OF 2

G:\BMA\mortgage row\lot 14\replat12246PRE.dwg, 10/21/2013 2:38:55 PM, Xerox PCL, PC3

PREPARED BY: BENCHMARK ASSOCIATES, P.A.  
 P.O. BOX 733 - 100 BELL DRIVE, KETCHUM, IDAHO, 83340  
 PHONE: (208)726-9512 FAX: (208)726-9514 EMAIL: mail@bma5a.com  
 WEB: http://benchmark-associates.com/

STA 73+33 END OF 36 FOOT RIGHT-OF-WAY GRANTED BY FARNLUM TO STATE OF IDAHO PER WARRANTY DEED INST. #64802.

BRASS CAP I/D R/W MARKER PC 73+47.4

**Attachment B: Planning and Zoning Commission, Preliminary Plat,  
Findings of Fact, signed November 12, 2013**

<b>IN RE:</b>	)	
<b>Mortgage Row Subdivision,</b>	)	
<b>Lots 14A and 14B</b>	)	<b>KETCHUM PLANNING AND ZONING</b>
	)	<b>COMMISSION - FINDINGS OF FACT,</b>
<b>File Number: 11-056</b>	)	<b>CONCLUSIONS OF LAW AND DECISION</b>
	)	

**BACKGROUND FACTS**

**OWNER:** RGSV, LLC

**REPRESENTATIVE:** Garth McClure, Benchmark Associates

**REQUEST:** Preliminary plat approval of a two (2) lot subdivision

**NOTICE:** Mailing: Notice mailed to all properties within 300 feet of proposed subdivision and to all applicable state agencies and jurisdictions on October 10, 2013  
Publish: Notice published in the Idaho Mountain Express on October 7, 2013

**LOCATION:** Lot 14, Mortgage Row Subdivision (91 Meadow Circle)

**ZONING:** Limited Residential (LR)

**REVIEWER:** Rebecca F. Bundy, Senior Planner

**NOTE:** Staff comments are in lighter type.

**Regulatory Taking Notice:** Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis.

**GENERAL FINDINGS OF FACT**

1. The applicant is proposing to subdivide Lot 14, Mortgage Row Subdivision (91 Meadow Circle) into two (2) single family lots, Lots 14A and 14B, in the Limited Residential (LR) zoning district.
2. The applicant received approval for a zoning change from Limited Residential – One Acre (LR-1) to Limited Residential (LR) for Lot 14, Mortgage Row Subdivision and Lot 1, Block 4, River Glen Subdivision, with findings of fact signed on April 8, 2013.
3. The existing Lot 14 is 25,473 square feet in total size (including a small portion of access/utility easement on the northwest corner of the property). The lot is about 254 feet deep and 100 feet in width (along Highway 75). The property is bordered by Highway 75 to the east and the Wood River Trail to the west. An existing single family home is located toward the west end of the lot. Directly to the north is Lot 1, Block 4 of the River Glen Subdivision, which provides access (via

Meadow Circle Road) and will provide utilities to the subject property. Meadow Circle Road also provides access to the fishermen's public parking area, River Glen Subdivision, Glade Subdivision and contains several utility easements

4. With a new frontage to be designated on Meadow Circle Road, the proposed Lot 14A would have an average width of 157.7 feet, and Lot 14B would have an average width of 97.0 feet. The proposed lots meet the minimum LR lot width of 80 feet.

5. All lots must meet the definition of Area of Lot as defined in Title 17 Ketchum Zoning Code:

*AREA OF LOT: The area within the boundaries of a lot, exclusive of any area contained within a public or private street, alley, fire lane or private driveway easement; also, exclusive of any narrow strip of land connecting a lot setback from any public street for the purpose of providing driveway access with that street and exclusive of any portion of the property that lies between the mean high water marks of the Big Wood River, Trail Creek and Warm Springs Creek. All exclusions shall not be used for the purpose of calculating density and building coverage. Lot area shall include the area of any dedicated public bike path, equestrian path or other public pathway within the boundaries of a lot.*

The proposed plat shows that Lot 14A contains an access/utility easement to benefit the Glade Subdivision (Instrument #457972). See City Engineer's comments on page 4 regarding said easement. The Commission discussed the easement and concluded that there should be a ten (10) foot building setback to that easement to create a buffer between the road and a potential structure on the lot. This has been made a condition of approval.

The area of each lot is calculated below per the definition above:

LOT 14A = +/- 15,770 minus 484 (area of easement) = +/- 15,286 sf  
LOT 14B = +/- 9,703 sf

Both lots meet the minimum size requirement of 9,000 sf.

6. The proposed lots will have their vehicular and utility accesses off of Meadow Circle Road. The applicant has included the following plat notes to this effect:

16. *An access and utility easement was granted within all of Lot 1, Block 4, River Glen subdivision to benefit Lots 14A and 14B, Mortgage Row Subdivision per Instrument # \_\_\_\_\_, records of Blaine County.*

19. *Lots 14A and 14B shall access from Meadow Circle. Direct access to said lots off State Highway 75 is not permitted.*

The City Attorney has determined that recordation of an instrument granting utility and access easements within Lot 1, Block 4, River Glen Subdivision to benefit Lots 14A and 14B, Mortgage Row Subdivision is an appropriate and legal method for documenting those easements. Recordation of

this easement shall occur prior to or simultaneous with recordation of the final plat at the Office of the Blaine County Recorder. This has been made a condition of approval.

7. Since the proposed lots will be accessed from Meadow Circle Road, staff has determined that the Meadow Circle Road street frontage along the north sides of each property should be the front property line. The following plat note addresses this:

18. *The north lot line of Lots 14A and 14B shall be the front lot line.*

8. In order to ensure adequate sight distances and safe vehicular movement at the intersection of Meadow Circle Road and Highway 75, the applicant has included the following plat notes:

17. *No structures including fences, walls, hedges or trees shall be located within 75 feet of the intersection of the centerlines of Meadow Circle and State Highway 75.*

20. *The access drive to Lot 14B shall be located a minimum of 50 feet from its northeast property corner.*

9. An existing single family dwelling unit is located on proposed Lot 14A. The existing home would remain and would conform to lot coverage requirements. Relocation of the front lot line from Highway 75 to Meadow Circle Road results in the existing home now being located within the new rear yard setback. The Commission found that this could be considered a pre-existing condition and that it does not change the fabric of the existing neighborhood nor cause any negative impacts on neighbors or other health or safety concerns.

10. The house on proposed Lot 14A is currently served by utilities that run across proposed Lot 14B. Per plat note 16, a utility easement is granted to Lot 14A from Lot 1, Block 4, River Glen Subdivision. Staff feels that this is a good time, through the subdivision process, to clean up these traversing utilities. Staff has included a condition of approval that the existing utility lines serving proposed Lot 14A shall be relocated to the easement on Lot 1, Block 4, River Glen Subdivision, so that they no longer traverse proposed Lot 14B, prior to the City Clerk's signature of the final plat.

11. Any walls, fences or hedges erected on the proposed lots will be subject to the Ketchum Municipal Code in effect at the time of permitting. This includes walls erected to minimize impacts of highway noise. The Commission discussed fence height and decided that it shall be measured from the grade of 5742.5 feet (as referenced to the survey benchmarks on the preliminary plat, dated October 21, 2013) or finished grade, whichever is lowest. This has been made a condition of approval.

12. Substantial vegetation currently exists on both proposed lots. This includes a mix of mature Evergreen and Cottonwood trees. The row of trees within the required setback along Highway 75 acts as a visual and sound buffer between the subject properties and the highway. The trees should

be retained or replaced as necessary to maintain that buffer. This has been made a condition of approval.

13. Staff has included a Meadow Circle Road access analysis, which illustrates all of the properties that utilized Meadow Circle Road as an access. This includes a photo aerial and a spreadsheet with all applicable properties. The proposed subdivision will result in only one additional residence being served by the Meadow Circle Road.

14. Department Comments:

Fire –

- “Access from Highway 75 should be eliminated.” This has been accomplished with plat note 19.

City Engineer –

- The engineer’s comments about front yard setbacks, utilities from Lot 1, Block 4, River Glen Subdivision, and plat note 17 have been addressed in the final preliminary plat application submittal.
- “Instrument #457972 does not reference Lot 14, Mortgage Row. However, a portion of that access easement and an existing gas line occupy the northwest corner of proposed Lot 14A.” A condition of approval has been added requiring an additional plat note, dedicating an easement granted by Lot 14A to River Glen Subdivision, River Glen Townhome Subdivision and the public to be recorded with the Office of the Blaine County Recorder prior to the City Clerk’s signature of the final plat.

Streets –

- “Require that driveway access to Lot 14B is located away from the intersection of Meadow Circle Road and Highway 75.” This has been accomplished with plat note 20.

Utilities and Parks – None.

15. **Attachments to the Staff Report, dated October 28, 2013:**

Attachment A: Applicant Submittal

- Application, stamped “received” August 5, 2013
- Preliminary Plat, dated October 21, 2013
- Utility Plan, dated October 21, 2013

Attachment B: Mortgage Row Subdivision, Lot 14 and River Glen Subdivision, Lot 1, Block 4 Rezone, Findings of Fact, signed April 8, 2013

Attachment C: Meadow Circle Access Analysis (aerial and spreadsheet)

Attachment D: Department Comments

Attachment E: Public Comment

Attachment F: Site Photos

## EVALUATION OF STANDARDS

### 16.04 Subdivision Criteria

#### 16.04.040

#### F. Lot and Block 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,

Finding: The applicant received approval for a zoning change from Limited Residential – One Acre (LR-1) to Limited Residential (LR) for Lot 14, Mortgage Row Subdivision and Lot 1, Block 4, River Glen Subdivision, with findings of fact signed on April 8, 2013.

The application meets the minimum lot size requirement in the LR zone of 9,000 square feet. Both lots are greater than 9,000 sf in size when using the definition of "Area of Lot" provided in the Ketchum Zoning Code. Lots directly adjacent to the north and south are oriented from east to west, and lots in nearby subdivisions have varying orientations. The proposed lots will be oriented in a north to south manner with front lot lines along the northern property edge at Meadow Circle Road. Current zoning code setback requirements are depicted on the Utility Plan and show that the proposed lots have adequate buildable area. However, any future development on the lots will be subject to the zoning code requirements in effect at the time of permitting. No issues with solar access are anticipated as the closest adjacent buildings will be located to the south of the subdivision.

Conclusion: The proposed subdivision is compatible with the surrounding neighborhood. This standard has been met.

2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contain land with a slope in excess of twenty-five (25) percent based upon natural contours, or create corner lots at the intersection of two 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, 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, water courses and topographical features,

Finding: The proposed lots are located outside the 100-year floodplain and any designated floodplain hazard area. No wetlands or intermittent waterways are located on the properties. Lot 14B is located at the intersection of Meadow Circle Road and Highway 75. The Utility Plan

shows the current building setbacks for this lot. Staff has proposed a condition of approval that the this building envelope shall be shown on the final plat with a plat note that zoning code setback requirements in effect at time of permitting shall be met and that setbacks may be more stringent than the building envelope as depicted on the plat.

Conclusion: This standard has been met with the condition that at final plat submittal, the plat shall show a building envelope on Lot 14B that conforms to current zoning code setback requirements. A plat note shall be added stating that zoning code setbacks requirements in effect at time of permitting shall be met and setbacks may be may be more stringent than the building envelope as depicted on the plat.

**3. Corner lots shall have a property line curve or corner of a minimum radius of twenty-five (25) feet unless a longer radius is required to serve an existing or future use,**

Finding: The existing sixty (60) foot wide access easement and Meadow Circle Road on neighboring Lot 1, Block 4, River Glen Subdivision will not be altered. To promote safety and protect sight distances at the intersection of Meadow Circle Road and Highway 75, a seventy-five (75) foot Clear Zone on Lot 14B has been designated on the proposed plat.

Conclusion: Staff does not feel that the lot configuration needs to be altered to accommodate a radius. No dedication for right-of-way is necessary.

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

Finding: Each side lot line is located at about ninety (90) degrees to the street lot lines on Meadow Circle Road.

Conclusion: This standard has been met.

**5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot(s) be created out of necessity, then such lot(s) shall be reversed frontage lot(s),**

Finding: No double frontage or reverse frontage lots are being created. The required thirty-two (32) foot setback on Highway 75 creates a landscaped area along that street frontage.

Conclusion: This standard is met with a condition that existing trees along Highway 75 shall be preserved, or replaced as necessary, so as to provide a planting strip along Highway 75.

**6. Minimum lot sizes in all cases shall be reversed frontage lot(s),**

Finding: No reversed frontage lots are proposed.

Conclusion: This standard is not applicable.

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

Finding: Proposed Lot 14A has 158.9 feet of frontage on Meadow Circle Road, and Lot 14B has 97.7 feet of frontage. Instrument # \_\_\_\_\_ grants access easements to Lots 14A and 14B along their frontages along Lot 1, Block 4, River Glen Subdivision. As a condition of approval, said easement shall be recorded in the Office of the Blaine County Recorder prior to or in conjunction with recordation of the final plat. Said easement language shall be submitted with the final plat application for review by the City Attorney.

Conclusion: This standard has been met with the condition that the access easements to Lots 14A and 14B from Lot 1, Block 4, River Glen Subdivision shall be recorded in the Office of the Blaine County Recorder prior to or in conjunction with recordation of the final plat. Said easement language shall be submitted with the final plat application for review by the City Attorney.

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

- 1. No block shall be longer than one thousand two hundred (1,200) feet, nor less than four hundred (400) feet between the street intersections, and shall have sufficient depth to provide for two tiers of lots,**

Finding: No new blocks are being created.

Conclusion: This standard is not applicable.

- 2. Blocks shall be laid out in such a manner as to comply with the lot requirements,**

Finding: No new blocks are being created.

Conclusion: This standard is not applicable.

- 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, water courses and topographical features,**

Finding: No new blocks are being created.

Conclusion: This standard is not applicable.

- 4. Corner lots shall contain a building envelope outside of a seventy-five (75) foot radius from the intersection of the streets.**

Finding: No new blocks are being created.

Conclusion: This standard is not applicable.

**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,**

Finding: No new streets are proposed.

Conclusion: This standard is not applicable.

2. All streets shall be constructed to meet or exceed the criteria and standards set forth in Ketchum Ordinance 276, codified in Chapter 12.04, and all other applicable ordinances, resolutions, or regulations of the city of Ketchum or any other governmental entity having jurisdiction thereover, now existing or hereafter adopted, amended or codified,

12.04.030. A. Right-of-Way. All private streets shall have a minimum right-of-way equal to the width of the street improvements, including but no limited to, sidewalk, curb and gutter, utilities and snow storage, or as otherwise approved by the City Council.

12.04.030. B. Street Widths. The unobstructed, all-weather surface of a private street shall not be less than twenty (20) feet nor wider than thirty (30) feet unless otherwise approved by the City Council.

12.04.030. C. Street Locations.

1. Streets are to be arranged in proper relation to topography so as to result in usable lots, safe streets, and acceptable gradient. Grades shall not exceed seven percent.
2. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions unless otherwise approved by the city.
3. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary lines of the tract to facilitate the future extension of said streets into adjacent areas. A reserve strip may be required and held in public ownership.
4. Minimum sight distance shall be two hundred (200) feet for residential streets and three hundred (300) feet for collector and arterial streets.
5. Streets shall be located horizontally and vertically so as to assure positive and effective drainage of storm and other surface waters. Subsurface waters shall be accommodated by approved drains and other facilities as determined necessary by the city.
6. Horizontal alignment shall be designed in accordance with AASHO, geometric highway standards for the design speed of the proposed roadway. All curves shall be simple curves and superelevation shall not exceed six-tenths foot per foot. Unless otherwise specified by the city, the design speed shall be thirty-five (35) miles per hour.

Finding: No new streets are proposed.

Conclusion: This standard is not applicable.

12.04.030. D. Intersections.

2. No more than two streets shall cross at any one intersection.
3. Intersections shall be located on a relatively flat grade with appropriate drainage slope. The flat section shall extend a minimum of seventy-five (75) feet

each way from the center of the intersection. Maximum of two percent intersection grade will be allowed.

4. Minimum clear sight distance at all intersections shall permit vehicles to be mutually visible when each is a minimum of one hundred (100) feet from the center of the intersection.

5. Intersections shall be clearly visible a minimum of two hundred (200) feet from the center of the intersection from all roadways.

12.04.030. E. Cul-de-Sacs. A cul-de-sac, court or similar type street shall have a maximum length of four hundred (400) feet from entrance to center of the turn-around, and all cul-de-sacs shall have a minimum turn-around radius of sixty (60) feet at the property line, and not less than forty-five (45) feet at the curb line.

Finding: No new streets are proposed.

Conclusion: This standard is not applicable.

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;

Finding: Lot 14B of the proposed subdivision abuts Highway 75. A 32 foot setback is required along this frontage. If the existing trees in this setback are preserved, they will serve as a substantial planting strip along Highway 75. Staff has included a condition of approval requiring that existing trees in the setback along Highway 75 will be preserved, or replaced as necessary.

Conclusion: This standard is met with a condition that existing trees along Highway 75 will be preserved, or replaced as necessary.

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

Finding: The proposed access on Meadow Circle Road is existing. Only private driveways connecting to Meadow Circle will be required.

Conclusion: This standard does not apply.

5. Street grades shall not be less than three-tenths percent and not more than seven percent so as to provide a safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing,

Finding: No new streets are proposed. Meadow Circle Road access exists and no changes are proposed.

Conclusion: This standard does not apply.

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,**

Finding: Each lot has an easement granted by Lot 1, Block 4, River Glen Subdivision for private access from the existing Meadow Circle private road easement.

Conclusion: This standard has been met.

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 lots, a temporary turn-around easement shall be provided which easement shall revert to the adjacent lots when the street is extended,**  
Finding: Not applicable.
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 (400) feet from entrance to center of turn-around, and all cul de sacs shall have a minimum turn-around radius of sixty (60) feet at the property line and not less than forty-five (45) feet at the curb line,**  
Finding: Not applicable.
9. **Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees,**  
Finding: Not applicable.
10. **Where any street deflects an angle of ten (10) degrees or more, a connecting curve shall be required having a minimum center line radius of three hundred (300) feet for arterial and collector streets, and one hundred twenty-five (125) feet for minor streets,**  
Finding: Not applicable.
11. **Streets with center line off-sets of less than one hundred twenty-five (125) feet shall be prohibited,**  
Finding: Not applicable.
12. **A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets,**  
Finding: Not applicable.
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 confusing 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 commission before submitting same to council for preliminary plat approval,

Finding: Not applicable.

14. Street alignment design shall follow natural terrain contours to result in safe streets, useable lots, and minimum cuts and fills,  
Finding: Not applicable.
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,  
Finding: Not applicable.
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,  
Finding: Not applicable.
17. In general, the center line of street shall coincide with the center line of the street right-of-way and all crosswalk markings shall be installed by the subdivider as a required improvement,  
Finding: Not applicable.
18. Street lighting may be required by the commission or council where appropriate, and shall be installed by the subdivider as a required improvement,  
Finding: Staff does not recommend that additional street lighting is warranted by the small scope of the proposed subdivision application.
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 H.2 of this section,  
Finding: Not applicable. Meadow Circle is an existing private street with public access and will be maintained in current condition by its owner. However, the applicant is put on notice that any Meadows Circle Road maintenance agreement shall continue to be in effect and shall benefit Mortgage Row Subdivision, Lots 14A and 14B.
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,  
Finding: Not applicable.
21. Bridges. 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, said construction or improvement shall

**be a required improvement by the subdivider. Said construction or improvement shall be in accordance with adopted standard specifications therefore,**

Finding: Not applicable.

22. Sidewalks, curbs, and gutters may be a required improvement installed by the subdivider.

Finding: No sidewalk, curb and gutter are required in residential neighborhoods and in the LR zoning district. The road access is existing.

- I. **Alley Improvement Requirements. Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty (20) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead-end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H.2 of this section.**

Finding: Not applicable.

- J. **Required Easements. Easements, as set forth hereinafter, shall be required for location of the 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 (10) feet in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet 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.**

Finding: There is an existing twenty (20) foot wide public utility easement on Lot 1, Block 4, River Glen Subdivision that will be maintained as indicated in plat note 8.

Conclusion: This standard has been met.

2. **Where a subdivision contains or borders on a water course, drainage way, channel or stream, an easement shall be required of sufficient width to contain said water course and provide access for private maintenance and/or reconstruction of said water course.**

Finding: Not applicable.

3. **All subdivisions which border the Big Wood River, Trail Creek, and Warm Springs Creek shall dedicate a ten (10) foot fisherman and nature study easement along the river bank. 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 river bank which runs through the proposed subdivision.

Finding: Not applicable.

4. All subdivisions which border on the Big Wood River, Trail Creek, and Warm Springs Creek shall dedicate a twenty-five (25) foot scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion.

Finding: Not applicable.

5. No ditch, pipe, or structure for irrigation water or irrigation waste water shall be constructed, re-routed, 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 thereto. A written copy of such approval shall be filed as part of required improvement construction plans.

Finding: Not applicable.

6. Nonvehicular transportation system easements including pedestrian walkways, bikepaths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.

Finding: Public access is provided across the existing adjacent Lot 1, Block 4, River Glen Subdivision. The proposed two lot subdivision is not proposing to duplicate that access.

Conclusion: This standard has been met.

- 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.

Finding: Lots 14A and 14B shall be connected to the City of Ketchum sewer system and shall meet all requirements of the Ketchum Utilities Department. These have been made conditions of approval.

**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 thereover. 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 of Ketchum.

Finding: Lots 14A and 14B shall be connected to the City of Ketchum water system and shall meet all requirements of the Ketchum Utilities Department. These have been made conditions of approval.

**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 said planting strip with the preliminary plat application and the landscaping shall be a required improvement.

Finding: Staff does recommend that it is necessary to provide planting strip improvements in this location, except as required along Highway 75. The existing planting strip along the northern side of the properties will be maintained within the existing utility easement along Meadow Circle Road.

**N. Cuts, Fills, and Grading Improvements.** Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or council as part of the preliminary plat application.
2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Said plan shall contain the following information:
  - a. Proposed contours at a maximum of five (5) foot 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. Any other information which may reasonably be

required by the administrator, commission, or council to adequately review the affect of the proposed improvements.

3. Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.
4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.
5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as said revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.
6. Where cuts, fills, or other excavation 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 (95) percent of maximum density as determined by AASHO T99 (Am. Assoc. State Highway Officials) and ASTM D698 (Am. Stnd. Testing Methods).
  - c. Cut slopes shall be no steeper than two horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
  - d. Fill slopes shall be no steeper than three horizontal to one vertical. Neither cut nor fill slopes shall be located on natural slopes of three to one or steeper, or where fill slope toes out within twelve (12) feet 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 plus one-fifth of the height of the cut or the fill, but may not exceed a horizontal distance of ten (10) feet; tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet plus one-fifth of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.

Finding: Not cuts/fills are proposed at this time. No physical improvements are proposed with the proposed subdivision. The thirty-two (32) foot required setback from Highway 75 is shown on the Utility Plan and shall be shown on the final plat. The row of trees within that setback along Highway 75 acts as a visual and sound buffer between the subject properties and the highway. The trees shall be retained, or replaced as necessary, to maintain that buffer. This has been made a condition of approval.

Conclusion: These standards have been met with the following condition that the existing trees in the thirty-two (32) foot building setback along Highway 75 on Lot 14B shall be

preserved so as to provide a planting strip along Highway 75 or, if necessary to remove due to hazard or disease, replacement trees shall be planted;

- 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 thereof including shoulders.

Finding: Drainage patterns have not been indicated on the plat. However, a topographic survey has been included. The building sites are relatively flat and no portions of the properties are within the 100 Year Floodplain or flood plain hazard area. All drainage from the property shall be contained on site.

Conclusion: This standard has been met with the condition that all drainage from each proposed lot shall be contained on-site and reviewed at building permit application.

- P. **Utilities.** In addition to the terms mentioned hereinabove, all utilities including but not limited to, electricity, natural gas, telephone, and cable serves 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.

Finding: Installation of utilities prior to City Clerk's signature of the final plat shall be a condition of approval. In addition, the house on Lot proposed 14A is currently served by utilities that run across proposed Lot 14B. Per plat note 16, a utility easement is granted to Lot 14A from Lot 1, Block 4, River Glen Subdivision. Staff has included a condition of approval that the existing utility lines serving proposed Lot 14A shall be relocated to the easement on Lot 1, Block 4, River Glen Subdivision, so that they no longer traverse proposed Lot 14B, prior to the City Clerk's signature of the final plat.

Conclusion: This standard has been met with the condition that all utilities shall be installed underground prior to City Clerk's signature of the final plat. The existing utilities serving the house on proposed Lot 14A shall be abandoned and relocated to the easement (Instrument # \_\_\_\_\_) from Lot 1, Block 4, River Glen Subdivision prior to City Clerk's signature of the final plat.

- 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.**

Finding: The addition of one lot and one new single family residence (residence on Lot 14A is existing) to the density of the immediate area should not necessitate any off-site impacts.

Conclusion: This standard has been met.

#### 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. Under Chapter 65, Title 67 of the Idaho Code, the City is required to pass certain ordinances regarding land use, including zoning and subdivision ordinances.
2. The Council and Commission have the authority to hear the Applicant's Subdivision application pursuant to Idaho Code, Section 67-6516 of the Local Land Use Planning Act and Chapter 16.04 of Ketchum Subdivision Code Title 16.
3. The Commission's October 28, 2013 public hearing and consideration of the applicant's Preliminary Plat Subdivision application was properly noticed pursuant to the Local Land Use Planning Act, Idaho Code Section 67-6512.
4. The application does comply with Ketchum Subdivision Code Title 16, Chapter 16.04.
5. This approval is given for the preliminary plat of Meadow Circle Subdivision, dated October 21, 2013;

#### DECISION

**THEREFORE**, the Ketchum Planning and Zoning Commission **approves** this application for Subdivision Preliminary Plat on the 28th day of October, 2013, subject to the following conditions:

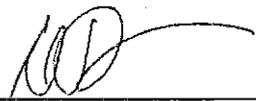
1. The failure to obtain final plat approval by the Council of an approved preliminary plat within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void;
2. This approval is given for the preliminary plat of Meadow Circle Subdivision, dated October 21, 2013;
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";
5. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units;
6. All requirements of the City Engineer, Fire, Street and Utility Departments shall be met prior to the City Clerk's signature of the final plat;
7. The existing trees in the thirty-two (32) foot building setback along Highway 75 on Lot 14B shall be preserved so as to provide a planting strip along Highway 75 or, if necessary to remove due to hazard or disease, replacement trees shall be planted;
8. Any walls, fences or hedges erected on the proposed lots will be subject to the Ketchum Municipal Code in effect at the time of permitting. This includes walls erected to minimize impacts of highway noise. Fence height shall be measured from the grade of 5742.5 feet (as referenced to the survey benchmarks on the preliminary plat, dated October 21, 2013) or finished grade, whichever is lowest. The final plat shall reflect this condition;
9. The final plat shall contain an additional plat note, dedicating an easement at the northwest corner of Lot14A, granted by Lot 14A, to River Glen Subdivision, River Glen Townhome Subdivision and the public, to be recorded with the County Recorder's Office prior to the City Clerk's signature of the final plat;
10. The final plat shall show a building envelope on Lot 14B that conforms to current zoning code setback requirements. A plat note shall be added stating that zoning code setback requirements in effect at time of permitting shall be met and that setbacks may be more stringent than the building envelope as depicted on the plat;
11. The access easements to Lots 14A and 14B from Lot 1, Block 4, River Glen Subdivision, described in plat note 16, shall be recorded in the Office of the Blaine County Recorder prior

to or in conjunction with recordation of the final plat. Said easement language shall be submitted with the final plat application for review by the City Attorney;

- 12. All utilities shall be installed underground prior to the City Clerk's signature of the final plat. The existing utilities serving the house on proposed Lot 14A shall be abandoned and relocated to the easement (Instrument # \_\_\_\_\_) from Lot 1, Block 4, River Glen Subdivision prior to City Clerk's signature of the final plat;
- 13. All drainage from each proposed lot shall be contained on-site. Any future building permit applications shall show how roof, foundation, driveway and site drainage is contained on-site;
- 14. The applicant is put on notice that any Meadow Circle Road maintenance agreement shall continue to be in effect and shall benefit Mortgage Row Subdivision, Lots 14A and 14B; and
- 15. The final plat shall contain a ten (10) foot building setback from the triangular access/utility easement at the northwest corner of Lot 14A.

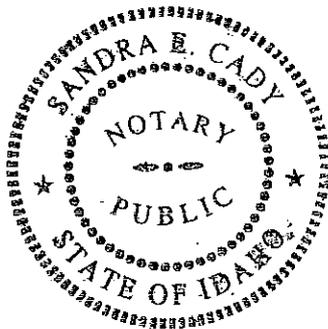
Findings of Fact adopted this 12<sup>th</sup> day of November, 2013.

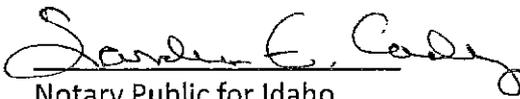
  
 \_\_\_\_\_  
 Deborah Burns, Co-Chair  
 Planning and Zoning Commission

STATE OF IDAHO            )  
   ) ss.  
 County of Blaine         )

On this 12<sup>th</sup> day of November, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Deborah Burns, known or identified to me to be the person whose name is subscribed to the within instrument.

WITNESS my hand and seal the day and year in this certificate first above written.



  
 Notary Public for Idaho  
 Residing at: *Hailey ID*  
 Commission Expires: *11-20-2019*

**Attachment C: Mortgage Row Subdivision,  
Lot 14 and River Glen Subdivision, Lot 1, Block 4 Rezone,  
Findings of Fact, signed April 8, 2013**

<b>IN RE:</b>	)	
	)	
River Glen/ Mortgage Row Rezone	)	<b>KETCHUM PLANNING AND ZONING COMMISSION -</b>
	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW AND DECISION</b>
	)	

**BACKGROUND FACTS**

**OWNERS:** RGSV, LLC, represented by Garth McClure, Benchmark Associates

**SUBJECT PROPERTY:** Lot 14, Mortgage Row Subdivision  
 Lot 1, Block 4, River Glen Subdivision

**NOTICE:** Mailing: Notice was mailed to all properties within 300 ft of proposed subdivision and to all applicable state agencies and jurisdictions on February 20, 2013.  
Publish: Notice was published in the Idaho Mountain Express on February 20, 2013.  
Post: Notice was posted on-site on Monday, March 4, 2013.

**ZONING:** Current: Limited Residential One Acre (LR-1)  
 Proposed: Limited Residential (LR)

**COMPREHENSIVE PLAN LAND USE DESIGNATION:** Residential Occupancy

**REVIEWER:** Rebecca F. Bundy, Associate Planner/Joyce Allgaier, Planning Manager

**ATTACHMENTS:**  
 Attachment 1: Rezone Application  
 Attachment 2: Pre-Annexation Agreement, Section 2.8  
 Attachment 3: Current Zoning Map Excerpt

**GENERAL FINDINGS OF FACT**

1. The applicant is requesting a rezone from Limited Residential One Acre (LR-1) to Limited Residential (LR).
2. An application to rezone the subject properties from LR-1 to LR was recommended for approval by the Commission on February 28, 2011. At that same meeting, a concurrent application to subdivide the properties from two (2) to three (3) lots was continued to March 28, 2011. That subdivision application was eventually withdrawn, and the rezone application never proceeded to Findings of Fact before the Commission or to the City Council for action.
3. As is the case with most of the lots in the LR-1 zone district at the south end of Ketchum, both of the subject lots are non-conforming with respect to size and width. The minimum LR-1 lot size requirement is one (1) acre (43,560 square feet), and the minimum width

requirement is one hundred (100) feet. Lot 1, Block 4, River Glen Subdivision is 26,201 square feet in size and one hundred (100) feet in width. Lot 14, Mortgage Row Subdivision is 25,763 square feet in size and one hundred (100) feet in width. If rezoned, both lots would meet the minimum requirements of the LR zoning district, which are nine thousand (9,000) square feet in size and eighty (80) feet in width.

4. Currently, Lot 1, Block 4, River Glen Subdivision is a lot that was included in the River Glen Subdivision and was designated as the subdivision's point of access and for utility easements to serve River Glen Subdivision. It was removed from the Mortgage Row Subdivision with the creation of the River Glen Subdivision in September 2001. Due to the numerous easements and the fact that it was not included in the River Glen Subdivision entitlements as a developable lot; it is currently an unbuildable lot.
5. Lot 14, Mortgage Row Subdivision is currently developed with a single family residence.
6. The applicant has included documentation pertaining to the pre-annexation agreement for the several surrounding subdivisions. At the time of this 2009 agreement, the City contemplated the potential rezoning of Lot 14, Mortgage Row Sub and Lot 1, Block 4, River Glen Sub from Limited Residential One Acre (LR-1) to Limited Residential (LR). The applicant has cited the following text in their rezone application: *"Upon execution of this Agreement, the City of Ketchum agrees to process a rezone and subdivision of two existing Mortgage Row Subdivision Lots, designated as Lots 13 and 14, in a timely manner. The applicant shall request a zoning designation of LR in the rezone application. City Planning Staff recognizes that a zoning designation of LR is compatible with surrounding development and is generally appropriate for this location"*. (See Pre-annexation Agreement, Section 2.8, Attachment 2.) This in no way obligates the City to rezone the property but does indicate that such a rezone has been previously contemplated. Note also that, at that time, Meadows Circle Lot 13 did not exist as such, as it was actually made Lot 1, Block 4, River Glen Subdivision in 2001.
7. Since annexation of this general area, the following six (6) lots have been rezoned from LR-1 to LR (See Current Zoning Map, Attachment 3):
  - 102 Neil's Way (Mortgage Row Sub, Lot 2 & TL 7268)
  - Parcel RPK05030000040, with no legal description or address
  - 208 Glade Court (The Glade Sub, Lot 1, Block 1)
  - 212 Glade Court (The Glade Sub, Lot 2, Block 1)
  - 214 Glade Court (The Glade Sub, Lot 3, Block 1)
  - 218 Glade Court (The Glade Sub, Lot 4, Block 1)
8. The 2001 Comprehensive Plan Land Use Map identifies this area as Residential Neighborhood and South Entrance Corridor. Comprehensive Plan analysis.
9. The following is a comparison of differing regulations under the LR-1 and LR zoning districts:

Regulation	Limited Residential One Acre (LR-1)	Limited Residential (LR)
Density	One dwelling unit per one acre of gross land area of less than twenty five percent (25%) slope.	The minimum lot area for single-family dwelling shall be nine thousand (9,000) square feet.
Minimum Lot Size	One Acre (43,560 sf)	.21 acres (9,000 sf)
Average Width of Lot	100 ft	80 ft
HWY 75 Setbacks	80 ft	Where the street width is sixty six feet (66'), all buildings shall be set back a minimum of thirty two feet (32').
Building Coverage	25%	35%

### EVALUATION STANDARDS

1. Pursuant to Section 17.152.010 of Zoning Code Title 17, amendments to the zoning ordinance or the zoning map "shall be in accordance with the laws of the State of Idaho and all other applicable City Ordinances".

Staff Analysis/Recommendation: See item 2 below regarding state laws.

2. Idaho's Local Planning Act, Section 67-6511 states that ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.

Finding: The Planning and Zoning Commission will hold a public hearing, as required by state law, on the proposed rezone. Notice was sent to all political subdivisions providing public services for the area and no comments or concerns were received. The proposed zoning change, in itself, does not increase the number of buildable lots. However, it creates the possibility that, in the future, the lots could be subdivided so to allow one (1) to two (2) additional buildable lots. No significant impacts to public services are anticipated from this change. No concerns from applicable City Departments have been raised.

Conclusion: The Commission should feel comfortable with the zoning, knowing that there is the potential for additional residential development in this area. Staff feels this zoning is in keeping with the existing development in the vicinity and at a minimum allows the existing house on the subject property to have a conforming lot size.

(b) If the request is in accordance with the adopted plan, the ... commission may recommend and the governing board may adopt or reject the ordinance amendment under the notice and hearing procedures provided in Section 67-6509, Idaho Code.

Finding: The proposed rezone must comply with the City's comprehensive plan and land use map. Ketchum's land use map indicates that the subject property is classified as Residential Occupancy and as a Southern Entrance Corridor. Ketchum's Comprehensive Plan defines this classification as areas appropriate for housing of permanent and second home residents. Both the Limited Residential One Acre (LR-1) and Limited Residential (LR) zones are in accordance with the land use map designation of Residential Occupancy. Applicable Comprehensive Plan Goals and Policies have been cited by staff in the following analysis. The proposed rezone does not conflict with these goals and policies and is supported under the Mid-Term Action Plan of Chapter 4.11 Mortgage Row Planning Area.

Conclusion: This standard has been met.

#### **APPLICABLE COMPREHENSIVE PLAN POLICIES:**

The following Goals and Policies have been cited from the Comprehensive Plan because of their applicability with regard to the proposed rezone:

#### **Chapter 4.1: General Land Use Policies**

**-Goal 1:** To strategically plan for present and future land use needs thereby establishing a well thought out pattern of development. This includes the following:

- concentrate densities within the existing community to most efficiently provide services and commercial necessities

#### **Chapter 4.3: Southern Entrance Corridor**

**-Goal 1:** Maintain and create a southern entrance corridor reflective of Ketchum's character as a small town mountain resort to include a visual and land use transition from the rural landscape of the County into the as built landscape of the City.

**-Goal 2:** To maintain safe and efficient transportation within the corridor, balancing non-motorized and mass transit uses with vehicular traffic.

**-Policy 4.3.1:** Protect and enhance the views of the surrounding mountains by reducing, removing or undergrounding visual obstacles such as utility lines and equipment.

**-Policy 4.3.7:** Develop a proactive approach to improving traffic conditions and reducing conflicts between McHanville and Serenade Lane by consolidating accesses, addressing left turns, and reducing traffic speed.

#### **Chapter 4.9: Residential Neighborhoods**

**-Goal 1:** Protect and enhance the quality of living and the character of existing Ketchum neighborhoods for long term residential use in residential zones.

**-Goal 2:** Ensure the provision of long term housing for the residents and employees of Ketchum in all Ketchum neighborhoods.

**-Policy 4.9.1:** Protect existing and provide adequate land areas for new long term residential neighborhoods of varying densities, thereby providing for the needs of the permanent year-round population.

**-Policy 4.9.3:** Require functional landscaping and useable open space in multi-unit residential projects, especially higher density projects.

**-Policy 4.9.4:** Provide safe circulation and connections from residential neighborhoods to all areas of the City.

**-Policy 4.9.5:** Encourage social interaction in and between neighborhoods through design and land subdivision.

**-Policy 4.9.6:** Encourage the development of medium density residential projects on land near the Community Core.

**-Policy 4.9.7:** Keep all public and private roads in Ketchum open for community access. Do not allow "gated" communities in Ketchum.

#### **Chapter 4.11: Mortgage Row Planning Area**

**-Goal 1:** To maintain and enhance the residential uses while providing a safe and attractive entrance corridor into Ketchum.

**-Policy 4.11.1:** Provide safe vehicular access onto Highway 75 in conjunction with reduced speed limits. Encourage the consolidation of accesses to minimize adverse impacts on Highway 75.

**-Policy 4.11.2:** Actively pursue an alternative access road for the Mortgage Row properties. Strive for an access point to Highway 75 at the Elkhorn Road intersection. Provide land use incentives for properties to redevelop using the new access road.

**-Policy 4.11.4:** Establish land uses that are compatible with surrounding uses, providing reasonable transition from highest density within downtown Ketchum, to the more open, lower density in the County.

**-Policy 4.11.5:** Increase public access to the Big Wood River.

##### ***-Mid Term Action Plan***

*1. Facilitate or participate in the funding and construction of the alternative road on the west side of Mortgage Row.*

*2. Change the zoning of the area to allow for low density residential uses, such as Limited Residential (LR) Zoning while permitting and encouraging clustered development providing useable open space, and consolidating accesses.*

*3. Activate new zoning only when properties are accessed from the new west access road.*

*4. Work with the City of Sun Valley to construct bike path to connections with the bike paths at Elkhorn Road and Serenade Lane on the east side of Highway 75.*

**Finding:** In general, the Comprehensive Plan goals and policies that apply to this Ketchum neighborhood do not conflict with the proposed rezone. The new designation of Limited Residential (LR) allows for a greater density (1 single family dwelling/9000 sf of lot area) but maintains similar uses, comparable setback requirements and does not alter the residential nature of the neighborhood. In addition, the mid-term action plan for the Mortgage Row Planning Area contemplates rezones from Limited Residential One Acre (LR-1) to Limited Residential (LR). No land acquisition or road improvement plan is in place by the City for the city to include the "new west end access road" in its public works programming, capital improvement plan, or funding.

**Conclusion:** The proposed rezone is not in conflict with the Comprehensive Plan land use policies and goals for this neighborhood designation. The installation of such "west end access road" as

contemplated in the comprehensive plan to service the subject properties is not a planned or funded infrastructure improvement by the City of Ketchum.

#### 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 Code, Title 50.
2. Under Title 67, Chapter 6511 of the Idaho Code, the City has adopted a zoning code, Title 17 of Ketchum Municipal Code, and provisions are in place to allow amendments to the code and zone district map.
3. The Commission has authority to hear requests for a zone district change pursuant to Section 17.152.010 of the Ketchum Zoning Code Title 17.
4. The City of Ketchum Planning Division provided adequate and required notice for the review of this application and conducted a public hearing on the matter on March 25, 2013, opened and continued from a meeting on March 11, 2013, the date of the original noticed and scheduled public hearing. The hearing on March 11, 2013 was not opened due to lack of representation by the applicants.
5. The zone change request was found to meet the standards of review under Chapter 17.152 of the Ketchum Zoning Code, Title 17.

#### DECISION

**THEREFORE**, the Ketchum Planning and Zoning Commission Recommends Approval of the application for the rezoning of property known as Lot 1, Block 4, River Glen Subdivision, and Lot 14 Mortgage Row Subdivision to the City Council, this Monday, March 25, 2013, and an amendment to the official zoning map to reflect such rezone of the subject properties.

Findings of Fact adopted this 8<sup>th</sup> day of April, 2013.



Rich Fabiano, Co-Chair or  
Deborah Burns, Co-Chair  
Planning and Zoning Commission

Attachment D: Meadow Circle Access Analysis (aerial and spreadsheet)





**Properties Accessed by Meadow Circle Road**

Property Address	Subdivision	Zone	Government	Acres
214 MEADOW CIR	JOHN'S MEADOW SUBDIVISION	R-1	County	9.75
210 MEADOW CIR	JOHN'S MEADOW SUBDIVISION	R-1	County	11.50
206 MEADOW CIR	JOHN'S MEADOW SUBDIVISION	R-1	County	8.70
202 MEADOW CIR	JOHN'S MEADOW SUBDIVISION	R-1	County	8.00
113 BIG WOOD RIVER DR	Pothier Sub	R-1	County	5.83
112 BIG WOOD RIVER DR	Pothier Sub	R-1	County	5.10
110 BIG WOOD RIVER DR	Pothier Sub	R-1	County	5.13
100 BIG WOOD RIVER DR	South Baldy Estates	R-1	County	5.23
90 BIG WOOD RIVER DR	South Baldy Estates	R-1	County	10.77
100 MEADOW CIR # A	RIVER GLEN TOWNHOMES	LR-1	Ketchum	0.04
100 MEADOW CIR # B	RIVER GLEN TOWNHOMES	LR-1	Ketchum	0.03
100 MEADOW CIR # C	RIVER GLEN TOWNHOMES	LR-1	Ketchum	0.06
	RIVER GLEN TOWNHOMES	LR-1	Ketchum	0.36
208 GLADE CT	THE GLADE SUB	LR-1	Ketchum	0.41
212 GLADE CT	THE GLADE SUB	LR-1	Ketchum	0.48
214 GLADE CT	THE GLADE SUB	LR	Ketchum	0.40
218 GLADE CT	THE GLADE SUB	LR-1	Ketchum	0.40
	RIVER GLEN SUB	LR-1	Ketchum	0.55
	RIVER GLEN SUB	LR-1	Ketchum	0.51
	RIVER GLEN SUB	LR-1	Ketchum	0.42
	RIVER GLEN SUB	LR-1	Ketchum	0.43
	RIVER GLEN SUB	LR-1	Ketchum	0.52
	RIVER GLEN SUB	LR-1	Ketchum	0.29
	RIVER GLEN SUB	LR-1	Ketchum	0.37

Total Properties = 24

Zoning = All properties zoned single family residential

**Attachment E: Department Comments**

## Rebecca Bundy

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**From:** Mike Elle  
**Sent:** Tuesday, October 15, 2013 9:00 AM  
**To:** Jeff Loomis; Rebecca Bundy; Jim Lynch; Brian Christiansen; Robyn Mattison; Juerg Stauffacher  
**Subject:** RE: Mortgage Row Subdivision, Lots 14A and 14B

Rebecca,

I don't see anything in the plat notes eliminating any future access to Highway 75 from Lot 14B. From a safety standpoint, eliminating the access to the highway should be part of the plat notes. Otherwise I don't have any issues with the subdivision.

### MIKE ELLE | KETCHUM FIRE DEPARTMENT

Chief of Fire and EMS

P.O. Box 966 | 480 East Ave. N. | Ketchum, ID 83340

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[melle@ketchumfire.org](mailto:melle@ketchumfire.org) | [www.ketchumfire.org](http://www.ketchumfire.org)

**From:** Jeff Loomis [<mailto:jloomis@galena-engineering.com>]  
**Sent:** Monday, October 14, 2013 5:42 PM  
**To:** Rebecca Bundy; Mike Elle; Jim Lynch; Brian Christiansen; Robyn Mattison; Juerg Stauffacher  
**Subject:** RE: Mortgage Row Subdivision, Lots 14A and 14B

Rebecca, I have reviewed the application for subdividing Mortgage Row Subdivision Lot 14 into two lots (14A and 14B), and offer the following comments to help City Staff, Commissioners, and Council review the application:

1. The Utility Plan indicates a "building zone" that meets side yard and rear yard setbacks associated with the City's LR Zoning. However, the front yard setback is not indicated. Per the City's LR Zoning, a 15' front yard setback should be provided along the north line of proposed lots 14A and 14B. The north lines of these lots are designated as the front lot line in Note 19. It should be noted that the existing structure on proposed Lot 14A extends outside the 20' rear yard setback.
2. The Utility Plan indicates relocation of existing utilities (telephone and gas) to service proposed Lots 14A and 14B from utilities main lines in Lot 1, Block 4, River Glen Subdivision. Proposed sewer and water services for Lot 14B are also indicated from said Lot 1. No sewer and water services are indicated to proposed Lot 14A, but I assume these are existing services from said Lot 1.
3. I have reviewed the existing and proposed easements regarding access and utilities and have the following comments:
  - a. I believe Note 16 provides appropriate easement for access and utilities to the proposed lots 14A and 14B. Proposed Lots 14A and 14B shall be included in any maintenance agreements associated with Meadow Circle Drive and public and private utilities across Lot 1, Block 4, River Glen Subdivision.
  - b. I am not sure if Note 17, which grants reciprocal utilities easements to both proposed Lots 14A and 14B, is necessary. I understand as a condition of Final Plat approval, existing utilities will be relocated to Lot 1, Block 4, River Glen Subdivision to provide utilities access to these proposed lots, and as indicated above, Note 16 seems appropriate for the utilities serving these proposed lots.
  - c. The Preliminary Plat indicates a portion of a pedestrian and vehicular access and utilities easement to benefit River Glen Subdivision, River Glen Townhomes, and the public crosses the existing Lot 14 and therefore the proposed Lot 14A (a triangular area located in the northwest corner). However, I do not find reference to such an easement that includes the existing Mortgage Row Lot 14, or a reference on the Preliminary Plat to the proposed Lot 14A. Also, the Utilities Plan indicates an existing gas utility is

located across this same northwest corner of the existing Lot 14. Appropriate easements should be established across proposed Lot 14A for these uses of this corner of that property.

4. Appropriate access/driveway considerations, including locations and stormwater and snow storage management to meet City requirements, shall be included in Final Plat and Building Permit review.

Please let me know if you have questions regarding these review comments.

Thank you,  
JEFF LOOMIS, PE  
Galena Engineering, Inc.

---

**From:** Rebecca Bundy [<mailto:RBundy@ketchumidaho.org>]

**Sent:** Thursday, October 10, 2013 12:26 PM

**To:** Mike Elle; Jim Lynch; Brian Christiansen; Robyn Mattison; Juerg Stauffacher; Jeff C. Loomis ([jloomis@galena-engineering.com](mailto:jloomis@galena-engineering.com))

**Subject:** Mortgage Row Subdivision, Lots 14A and 14B

Please review and comment. This is a subdivision of Lot 14 into two lots. Access and utilities will be off of River Glen Sub, Lot 1 (Meadow Circle road). It will be heard by the Planning Commission on October 28, so please get comments back to me by Monday, October 21.

Thank you!

**REBECCA F. BUNDY | CITY OF KETCHUM**

Senior Planner

P.O. Box 2315 | 480 East Ave. N. | Ketchum, ID 83340

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[rbundy@ketchumidaho.org](mailto:rbundy@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

## Rebecca Bundy

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**Sent:** Thursday, October 10, 2013 12:26 PM  
**To:** Mike Elle; Jim Lynch; Brian Christiansen; Robyn Mattison; Juerg Stauffacher; Jeff C. Loomis ([jloomis@galena-engineering.com](mailto:jloomis@galena-engineering.com))  
**Subject:** Mortgage Row Subdivision, Lots 14A and 14B

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Thank you!

**REBECCA F. BUNDY | CITY OF KETCHUM**

Senior Planner

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## Rebecca Bundy

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**From:** Brian Christiansen  
**Sent:** Monday, October 14, 2013 9:54 AM  
**To:** Rebecca Bundy; Mike Elle; Jim Lynch; Robyn Mattison; Juerg Stauffacher; Jeff C. Loomis (jloomis@galena-engineering.com)  
**Subject:** RE: Mortgage Row Subdivision, Lots 14A and 14B



Rebecca,

Note 18 (clear zone) is good to see. It might be good to add a note about any future driveway location. Autos backing out of a driveway close to the HWY intersection could be a point of real conflict. I would recommend adding a line to note 18 to include (driveway) or add another note with more details regarding driveway location. Jeff and Robyn may be able to add to that comment.

Brian  
**BRIAN CHRISTIANSEN | CITY OF KETCHUM**  
Street Superintendent  
P.O. Box 2315 | 200 Tenth Street | Ketchum, ID 83340  
o: 208.726.7831 | f: 208.726.7843  
[bchristiansen@ketchumidaho.org](mailto:bchristiansen@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

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**Sent:** Thursday, October 10, 2013 12:26 PM  
**To:** Mike Elle; Jim Lynch; Brian Christiansen; Robyn Mattison; Juerg Stauffacher; Jeff C. Loomis ([jloomis@galena-engineering.com](mailto:jloomis@galena-engineering.com))  
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## Rebecca Bundy

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**From:** Juerg Stauffacher  
**Sent:** Tuesday, October 15, 2013 9:00 AM  
**To:** Rebecca Bundy; Mike Elle; Jim Lynch; Brian Christiansen; Robyn Mattison; Jeff C. Loomis (jloomis@galena-engineering.com)  
**Subject:** RE: Mortgage Row Subdivision, Lots 14A and 14B

I have no comments at this time.

### JUERG STAUFFACHER | CITY OF KETCHUM

Parks and Natural Resources Superintendent  
P.O. Box 2315 | 900 Third Ave. N. | Ketchum ID 83340  
o: 208.726.7820 ext. 102 | f: 208.726.5501 | c: 208.720.0456  
[jstauffacher@ketchumidaho.org](mailto:jstauffacher@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

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**From:** Rebecca Bundy

**Sent:** Thursday, October 10, 2013 12:26 PM

**To:** Mike Elle; Jim Lynch; Brian Christiansen; Robyn Mattison; Juerg Stauffacher; Jeff C. Loomis ([jloomis@galena-engineering.com](mailto:jloomis@galena-engineering.com))

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Attachment F: Public Comment - none



**Attachment G: Site Photos**



PROPOSED LOT 14B @ INTERSECTION OF MEADOW CIRCLE & HIGHWAY 75



EXISTING HOUSE & DRIVEWAY ON PROPOSED LOT 14A



EXISTING TREES WITHIN 32' SETBACK  
FROM HIGHWAY 75 ON PROPOSED LOT 14B.