

## ORDINANCE NUMBER 914

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING ZONING CODE TITLE 17, CHAPTER 17.12, ESTABLISHMENT OF DISTRICTS, AND THE CITY OF KETCHUM ZONING MAP BY CHANGING THE ZONING CLASSIFICATION FOR A PARCEL OF LAND WITHIN THE CITY FROM LIMITED RESIDENTIAL-ONE ACRE (LR-1) TO LIMITED RESIDENTIAL (LR) ZONING; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Developer is the owner of record of that certain real estate legally described in Exhibit A, attached hereto and made a part hereof (the Property);

WHEREAS, Developer has applied to the City for an amendment to the official zoning map for said Property described herein to rezone the Property from Limited Residential-One Acre (LR-1) to Limited Residential (LR) with certain restrictions on the uses allowed;

WHEREAS, Developer proposed that the Property be developed pursuant to and in accordance with the City's Comprehensive Plan, Zoning Code, and Development Agreement Ordinance in accordance with the terms and conditions of the Development Agreement (Instrument Number 479148) recorded with the Blaine County Recorder on February 24, 2003, and any amendments hereto;

WHEREAS, the City's Comprehensive Plan specifically states the following in 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." The Developer of said Property has provided an alternative access, Glade Court, for the new four (4) lot subdivision;

WHEREAS, the City's Comprehensive Plan specifically states in the Mid Term Action Plan under Chapter 4.11 to "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";

WHEREAS, the requested zoning satisfies the requirements set forth in the Development Agreement Ordinance and the Zoning Code for rezone findings, conclusions and approval, and the use of a development agreement will assure compliance with the conditions of approval;

WHEREAS, the City, pursuant to § 17.154 of the Ketchum City Code, and § 6511A, Idaho Code, has the authority to conditionally zone the Property and to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses which are appropriate in the area;

WHEREAS, the City's Planning and Zoning Commission and the City's City Council have held public hearings as prescribed by law with respect to the rezoning of the Property and this Agreement;

WHEREAS, all public hearings pursuant to notice as required by law or other action required to be held or taken prior to the adoption and execution to the rezoning of the Property and the Development Agreement have been held and/or taken;

WHEREAS, it is the intent and desire of the parties hereto that development and uses of the Property proceed as provided herein subject to the terms and conditions of the Development Agreement;

WHEREAS, the Developer received final plat approval from the City's City Council on February 21, 2003, for The Glade Subdivision, located on said Property; and,

WHEREAS, the parties have entered into a Development Agreement with mutual consideration as reflected in the covenants, duties and obligations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Ketchum, Idaho:

SECTION 1. Zoning Code Title 17, Chapter 17.12, Establishment of Districts, and the City of Ketchum Zoning Map are hereby amended, altered and changed by changing the zoning district classification for parcels of land outlined on the map attached hereto as Exhibit A and made a part hereof by reference from Limited Residential-One Acre (LR-1) to Limited Residential (LR) Zoning, subject to the terms and conditions contained in the Development Agreement.

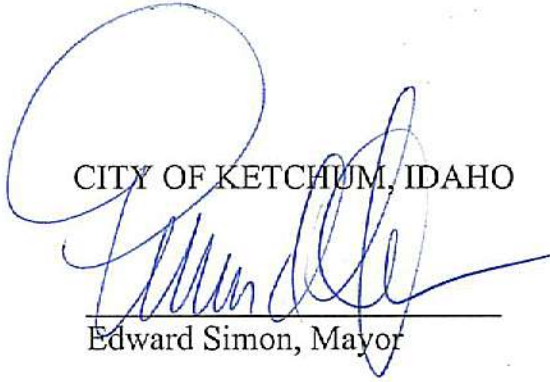
SECTION 2. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and APPROVED by the Mayor this 8<sup>th</sup> day of April, 2003.

CITY OF KETCHUM, IDAHO



Edward Simon, Mayor

Attest:

  
Sandra E. Cady, City Clerk

Publish: Idaho Mountain Express  
April 16, 2003

## **EXHIBIT A**

Formerly Lots 10 and 11, Mortgage Row Subdivision and Parcel B, East of Baldy Subdivision.

Presently Lots 1, 2, 3, 4, and Tract A, Block 1, The Glade Subdivision, recorded on February 24, 2003, with the office of the County Recorder, Blaine County, Idaho.

# EXHIBIT "A"

## SEALING CERTIFICATE

SANITARY RESTRICTIONS SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES. THE TITLE OF THIS PLAN IS THE HEALTH DEPARTMENT'S APPROVAL OF A DEVELOPMENT OF SUBDIVISION.

DATE: \_\_\_\_\_

SOUTH CENTRAL HEALTH DEPARTMENT, DHS

### PLAT NOTES

1. DIRECT VEHICULAR ACCESS TO HIGHWAY 75 FROM ANY LOT IN THIS SUBDIVISION IS PROHIBITED.
2. UNDERGROUND UTILITY LINES ARE TO BE LOCATED IN A 10' WIDE STRIP, 10' WIDE, AND UNDERGROUND UTILITY LINES SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES.
3. THE PURCHASER AND/OR OWNER OF ANY LOT UNDERWRITING AND LOCATED THAT PRIVATE ROAD ACCESS SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES. ACCESS SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES. ACCESS SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES.
4. A 10' WIDE UNDERGROUND UTILITY STRIP SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES. ACCESS SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES.
5. A 10' WIDE UNDERGROUND UTILITY STRIP SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES. ACCESS SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES.
6. A 10' WIDE UNDERGROUND UTILITY STRIP SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES. ACCESS SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES.
7. A 10' WIDE UNDERGROUND UTILITY STRIP SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES. ACCESS SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES.
8. A 10' WIDE UNDERGROUND UTILITY STRIP SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES. ACCESS SHALL BE MAINTAINED IN ACCORDANCE WITH THE HEALTH DEPARTMENT'S ORDINANCES.
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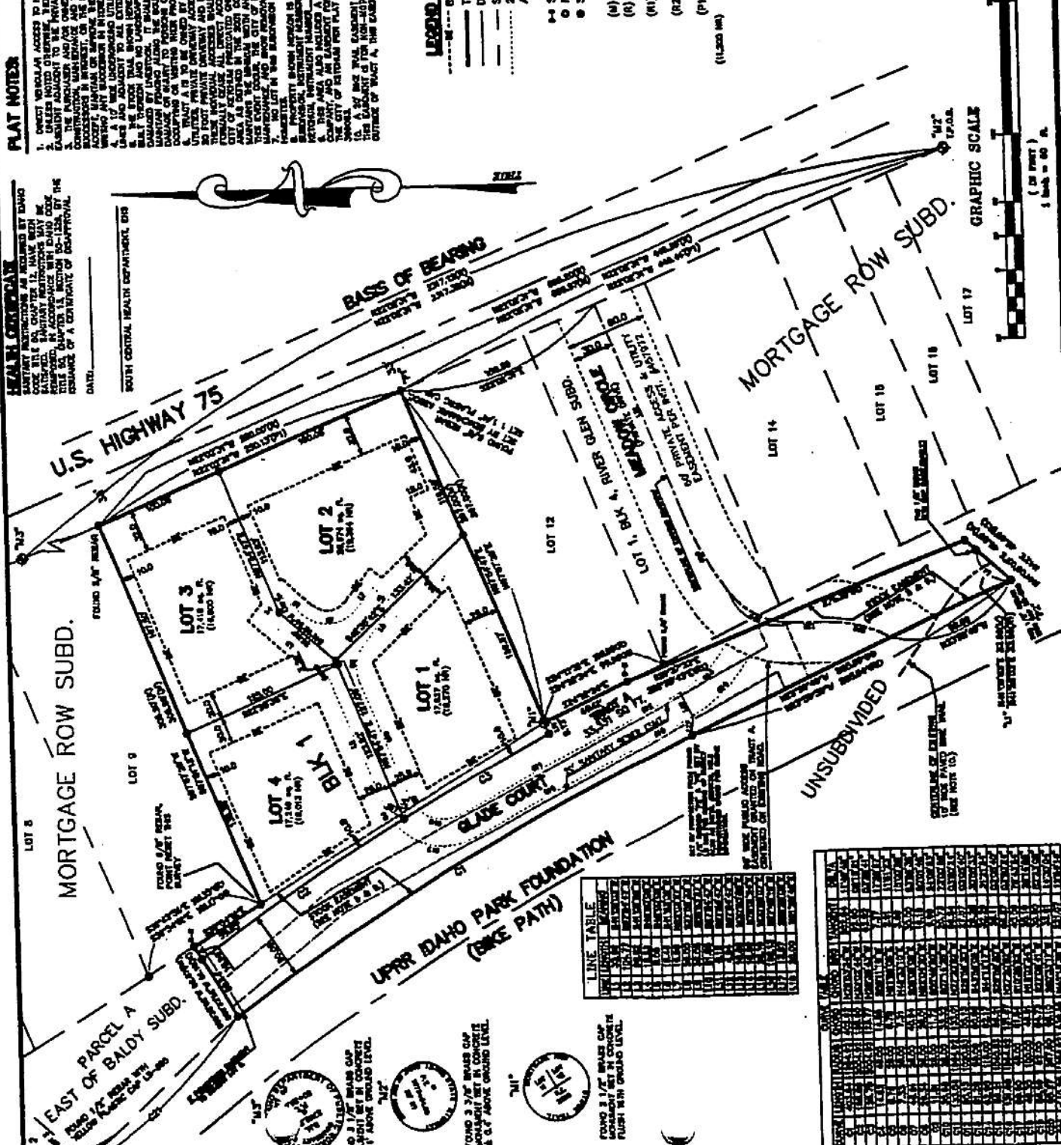
- ### LEGEND
- BUILDING ENVELOPE
  - THE GLADE SUBDIVISION BOUNDARY
  - DIMENSION LINE
  - SURROUNDING PARCELS (not surveyed this plat)
  - 20' WIDE PRIVATE ROAD EASEMENT FOR THIS SUBDIVISION AND 20' UTILITY EASEMENT.

- 1-4 SET BY BEARING-BEARING INTERSECTION
- 5 FOUND POINT AS DESCRIBED
- 6 SET 5/8" X 30' REBAR WITH 1 1/4" YELLOW PLASTIC CAP
- 7 TYPICAL YELLOW PLASTIC CAP
- (4) MEASURED THIS SURVEY
- (6) RECORD FROM MORTGAGE ROW SUBD., PLAT FILED 10/11/72 AS INSTRUMENT NUMBER 158994, BLAINE COUNTY DAHO.
- (11) RECORD FROM EAST OF BALDY SUBD., PLAT FILED 9/8/84 AS INSTRUMENT NUMBER 30004, BLAINE COUNTY DAHO.
- (12) RECORD FROM MORTGAGE ROW SUBD. RECORDED 10/11/79, BK 132 PG 615, AS INSTRUMENT NUMBER 65556, BLAINE COUNTY DAHO.
- (13) PREVIOUS POINT SET BY BENCHMARK ASSOCIATED.
- (14-20) LOT SQUARE FOOTAGE NOT INCLUDING PRIVATE DRIVES

**A PLAT OF**  
**LOTS 1, 2, 3, 4 & TRACT A, BLOCK 1**  
**THE GLADE**  
 A SUBDIVISION OF LOTS 10 AND 11, MORTGAGE ROW SUBDIVISION, ACCORDING TO THE ORIGINAL PLAT FILED OCTOBER 11, 1972, AS INSTRUMENT NUMBER 158994, BLAINE COUNTY DAHO, AND PARCEL 5, EAST OF BALDY SUBDIVISION, ACCORDING TO THE ORIGINAL PLAT FILED AUGUST 8, 1984 AS INSTRUMENT NUMBER 30004, BLAINE COUNTY DAHO. LOCATED WITHIN SE 1/4 SECTION 18, TOWNSHIP 4 NORTH, RANGE 10 EAST, GOOSE BAY AREA, BLAINE COUNTY, DAHO. CONTAINING 2.488 ACRES

PLANNER: BOB DRYER  
 SURVEYOR P.O. BOX 4817  
 KETCHIKAN ID 83240  
 (208) 729-2874

DATE	DATE
NOV 1-80	NOV 1-80
NOV 1-80	NOV 1-80
NOV 1-80	NOV 1-80



### LINE TABLE

LINE NO.	BEARING	DISTANCE
1	N 89° 00' 00" W	100.00
2	S 89° 00' 00" E	100.00
3	N 00° 00' 00" E	100.00
4	S 00° 00' 00" W	100.00
5	N 89° 00' 00" W	100.00
6	S 89° 00' 00" E	100.00
7	N 00° 00' 00" E	100.00
8	S 00° 00' 00" W	100.00
9	N 89° 00' 00" W	100.00
10	S 89° 00' 00" E	100.00
11	N 00° 00' 00" E	100.00
12	S 00° 00' 00" W	100.00
13	N 89° 00' 00" W	100.00
14	S 89° 00' 00" E	100.00
15	N 00° 00' 00" E	100.00
16	S 00° 00' 00" W	100.00
17	N 89° 00' 00" W	100.00
18	S 89° 00' 00" E	100.00
19	N 00° 00' 00" E	100.00
20	S 00° 00' 00" W	100.00

LINE NO.	BEARING	DISTANCE
21	N 89° 00' 00" W	100.00
22	S 89° 00' 00" E	100.00
23	N 00° 00' 00" E	100.00
24	S 00° 00' 00" W	100.00
25	N 89° 00' 00" W	100.00
26	S 89° 00' 00" E	100.00
27	N 00° 00' 00" E	100.00
28	S 00° 00' 00" W	100.00
29	N 89° 00' 00" W	100.00
30	S 89° 00' 00" E	100.00
31	N 00° 00' 00" E	100.00
32	S 00° 00' 00" W	100.00
33	N 89° 00' 00" W	100.00
34	S 89° 00' 00" E	100.00
35	N 00° 00' 00" E	100.00
36	S 00° 00' 00" W	100.00
37	N 89° 00' 00" W	100.00
38	S 89° 00' 00" E	100.00
39	N 00° 00' 00" E	100.00
40	S 00° 00' 00" W	100.00



FOUND 3 7/8" BRASS CAP  
 SET IN CONCRETE  
 3.0' ABOVE FINISHED GRADE LEVEL.

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