

AGENDA ITEM SUMMARY

DATE: April 25, 2011 **DEPARTMENT:** Community Development **DEPT HEAD:** BL

SUBJECT: Findings of Fact, Conclusions of Law and Decision - final plat approval of Sweetwater PUD Townhouses, Block 4, Sublots 46-53

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Council held a public hearing on April 11, 2011 and approved the final plat.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Review and make a motion on the draft Findings of Fact, Conclusions of Law and Decision.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On April 11, 2011, the Hailey City Council held a public hearing to consider the application by Sweetwater, LLC for Final Plat approval of Sweetwater PUD Townhouses, Block 4, Sublots 46-53. The Council, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Notice for the public hearing on March 28, 2011 was published in the Idaho Mountain Express on March 4, 2011; the notice was mailed to property owners within 300 feet on March 9, 2011. The public hearing was continued to April 11, 2011.

Application

Sweetwater LLC, represented by Benchmark Associates, has submitted an application for Final Plat approval for Sweetwater PUD Townhouses, Block 4, Sublots 46-53.

Procedural History

Staff requested the application be continued in order to review the plat notes and conditions of approval with the applicant and city attorney to ensure accuracy.

In accordance with the PUD Agreement, Phase I consists of 106 units (the entire Sweetwater PUD includes 421 units).

Preliminary Plat of sublots 1-45 and 54-71 (63 units) was approved April 20, 2007. Final Plat of the following sublots have been approved by the city:

- sub-lots 1-24 (24 units) were approved June 11, 2007.
- sub-lots 25-35 and 58-71 (25 units) were approved April 14, 2008.

The final plat application for the remaining 14 units included as part of the April 20, 2007 preliminary plat approval (sublots 36-45 and 54-57) were submitted by the applicant on February 18, 2011 and are also scheduled for public hearing and addressed in a separate staff report.

The Hailey Planning and Zoning Commission held a public hearing on the preliminary plat application for sublots 46-53 (8 units) on November 11, 2010 and approved with conditions. The final plat application for sublots 46-53 was submitted by the applicant on February 18, 2011.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting townhouse units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval.

Conditions of Preliminary Plat Approval

- a) **The final plat shall include plat notes 1 through 12 as stated on the approved preliminary plat with the following amendments and additions:**
- **Plat note #4 shall include the Noise and Avigation Easement and non-suit covenant and instrument number thereof.**

The plat notes on the preliminary plat have been redrafted with the city attorney and the applicant's attorney to be more clear and accurate. The final plat now has fewer plat notes which cover all of the applicable content of the notes on the preliminary plat. This condition has been met with the revised wording of plat notes.

b) **All Fire Department and Building Department requirements shall be met.**
This conditions should be carried over to final plat approval because there are unfinished units associated with this plat.

- c) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required.**

This condition should be carried over to final plat approval; it is not necessary to carry over the second sentence of this condition.

- d) **Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance, requiring certain improvements.**

It is not necessary to carry this condition over to final plat approval.

- e) **\$8,000, plus CPI adjustment pursuant to the SGA Agreement, shall be paid to the City, prior to the City's execution of a final plat, as required by Section 4.10 of the Subdivision Ordinance, and specified in the Development and the PUD Agreements.**

This requirement was changed to \$1,000 per unit at closing of the sale of units and no longer pertains to the recording of the plat based on the settlement agreement between the city and the applicant.

- d) **All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**

It is not necessary to carry this condition over to final plat approval.

- e) **The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.**

This condition has been met; the preliminary plat was approved November 11, 2010.

- f) **The snow storage and circulation area calculations shall be submitted to the Planning Department prior to final plat submittal.**

This condition has been met

- g) **Any subdivision inspection fees due shall be paid prior to recording the final plat.**

This condition has been met

- h) **All development impact fees associated with the subdivision shall be paid prior to the issuance of a certificate of occupancy.**

This condition should be carried over to final plat approval with some clarification in wording.

- i) **A revised preliminary plat shall be submitted showing the platting of sublots 46-53 only. The final plat shall also include only sublots 46-53.**

The preliminary plat application for sublots 46-53 originally included sublots 36-45 and 54-57 which had already received preliminary plat approval on April 20, 2007 (sublots 1-45 and 54-71). In compliance with this condition the applicant submitted two final plats, one for sublots 46-53 and one for sublots 36-45 and 54-57.

Standards of Evaluation

For each of the following pertinent standards of the Subdivision Ordinance (shown in bold print), the Council makes the following Findings of Fact:

Bulk requirements:

Minimum Lot Size - Townhouse sub-lots shall have an aggregate density of no more than ten lots per acre.

Maximum Multi-Family Density – 1 unit per 1/10 acre.

The subject property comprises a Planned Unit Development (PUD). Certain bulk requirements were modified through the PUD process, as referenced in the PUD Agreement as waivers.

Those waivers include the following:

- Maximum building height increase: 35 feet to 37 feet for some townhouse structures as set forth in the approved plans.
- Minimum front yard setback reduction: 10 feet to 5 feet.
- Minimum side yard setback reduction: 10 feet to 5 feet.
- Minimum rear yard setback reduction: 10 feet to 3 feet along the PUE parcel B1 as set forth in the approved plans.
- Minimum parking space length reduction: 21 feet to 17 feet in length for 19% of the required spaces.
- Lots permitted to have frontage on private alley easements so long as fire and emergency vehicle access requirements are met, as set forth on the approved plans.

No density waiver was required by the PUD. Section 4.5.5(a)(1), Limited Business (LB) District, of the Zoning Ordinance allows 20 townhouse, multi-family, and mixed use residential units per acre. The density of this portion of the development is approximately 17 units per acre. The overall density of the development is slightly over 19 units per acre, which is less than the 20 units per acre allowed in the LB district.

SECTION 3 – PROCEDURE

3.3 The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The preliminary plat was approved November 11, 2010. Section 3.4.1 of the Subdivision Ordinance allows for applications for platting townhouse units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval. The final plat, prepared by Benchmark Associates was submitted on February 18, 2011.

3.3.2 The administrator shall review the final plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.

The final plat is consistent with the preliminary plat approved by the Commission. Conditions of preliminary plat approval have been met or are carried over.

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process. Please refer to the preliminary plat Findings of Fact and Decision. No changes have been made to the plat since preliminary plat approval.

SECTION 8 - TOWNHOUSES

8.1 Plat Procedure. The Developer of the townhouse development shall submit with the preliminary plat application and all other information required herein a copy of the proposed party wall agreement and the proposed document(s) creating an association of owners of the proposed townhouse sub-lots, which shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, commonly held facilities, garages, parking and/or Green Spaces. Prior to final plat approval, the Developer shall submit to the City a final copy of the party wall agreement and any other such documents and shall record the documents prior to or at the same time of the recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.

Townhouse Declarations and CCRs have been submitted and address easements, party walls, and maintenance. The City has not and will not in the future determine the enforceability or validity of townhouse declarations, party wall agreements, or other private agreements.

8.2 Garage. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sub-lots; provided that the ownership of detached garages is appurtenant to specific townhouse units on the townhouse plat and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

Garages are within the units.

8.3 Storage/Parking Areas. Residential townhouse developments shall provide parking spaces according to the requirements of Article IX of the Zoning Ordinance.

A total of 631 spaces are required for the entire project; 1053 are proposed. Of these, 776 spaces are in basement levels (74% of all on-site parking).

8.4 Construction standards. All townhouse development construction shall be in accordance with the IBC, IRC and IFB. Each townhouse unit must have separate water, sewer and utility services, which do not pass through another building or unit.

All townhouse units have separate utility services.

8.5 General Applicability. All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by townhouse developments.

Upon meeting proposed conditions of approval, the proposed application does not appear to conflict with other provisions.

8.6 Expiration. Townhouse developments which have received final plat approval shall have a period of three calendar years from the date of final plat approval by the Council to obtain a building permit. Developments which have not received a building permit shall be null and void and the plats associated therewith shall be vacated by the Council. If a development is to be phased, construction of the second and succeeding phases shall be contingent upon completion of the preceding phase unless the requirement is waived by the Council. Further, if construction on any townhouse development or phase of any development ceases or is not diligently pursued for a period of three years without the prior consent of the Council, that portion of the plat pertinent to the undeveloped portion of the development shall be vacated.

Building permits have been issued for all units within the subdivision. Sweetwater has not begun construction on any subsequent phases.

8.7 Conversion. The conversion by subdivision of existing units into Townhouses shall not be subject to Section 4.10 of this Ordinance.

NA

8.8 The maximum number of Cottage Townhouse Units on any parcel shall be twelve (12), and not more than two (2) Cottage Townhouse Developments shall be constructed adjacent to each other.

NA

CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Council makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Final Plat, dated April 2011, is approved by the Hailey City Council, with the following conditions:
 - a) All Fire Department and Building Department requirements shall be met.
 - b) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance
 - c) Development impact fees associated with each unit, if any, shall be paid prior to the issuance of a certificate of occupancy.
 - d) The final plat shall be recorded within one year of the date of final plat approval (unless otherwise provided for within a phasing agreement.) The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.

Approved this _____ day of _____, 2011.

Richard L. Davis, Mayor, City of Hailey

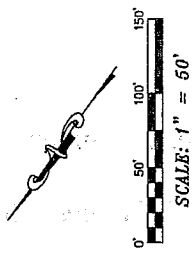
Attest:

Mary Cone, City Clerk

SWEETWATER P.U.D. TOWNHOUSES : BLOCK 4 : SUBLOTS 46-53

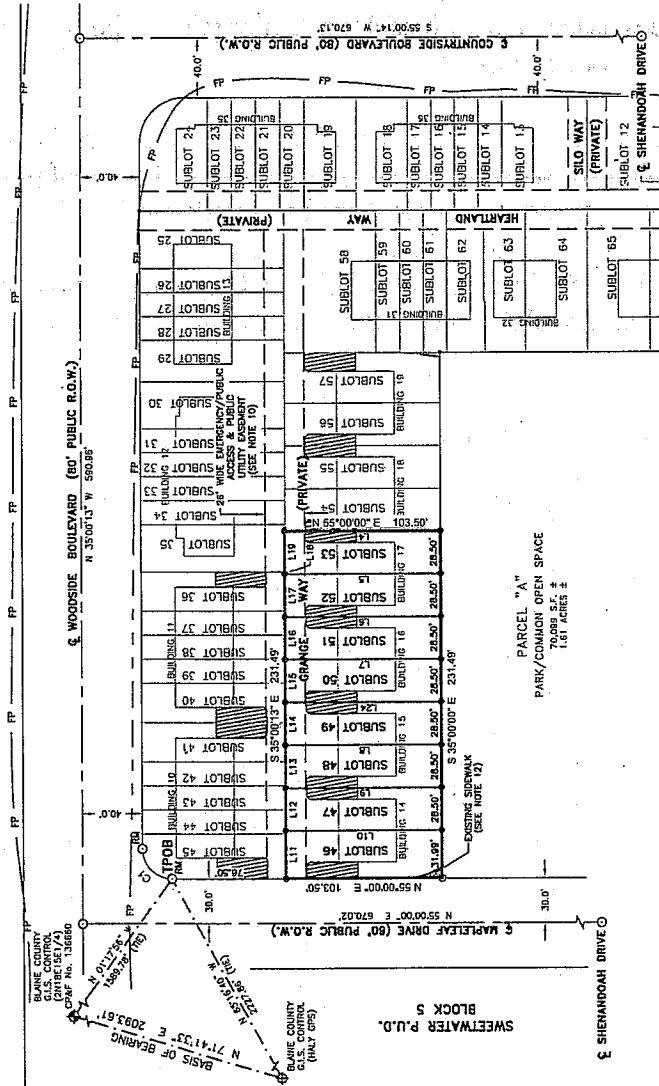
LOCATED WITHIN TOWNSHIP 2 NORTH, RANGE 18 EAST, SECTIONS 14 & 15, B.M., CITY OF HAILEY, BLAINE COUNTY, IDAHO
 A SUBDIVISION PLAT WHEREIN PARCEL "B1" OF SWEETWATER P.U.D. TOWNHOUSES: BLOCK 4, SUBLOTS 25-33 & 36-71 (INST. NO. 576227) IS SUBDIVIDED CREATING SUBLOTS 46-53.

APRIL 2011



LEGEND

- BOUNDARY LINE
- EASEMENT LINE (AS SHOWN HEREON)
- ADJOINING SUBLOT/PARCEL LINE
- CENTERLINE
- 100-YR FLOODPLAIN BOUNDARY PER FEMA (SEE NOTE 2)
- GS TIES
- EXISTING SIDEWALK (SEE NOTE 12)
- SNOW STORAGE EASEMENT (SEE NOTE 11)
- FOUND BRASS CIP MONUMENT
- FOUND STAINLESS STEEL ROD IN MONUMENT WELL
- FOUND 1/2" REBAR, L.S. 11779
- FOUND 5/8" REBAR
- FOUND 5/8" REBAR
- 1" REFERENCE MONUMENT SET ALONG RADIUS
- SET 1/2" REBAR, L.S. 11779
- FOUND 1/2" REBAR, L.S. 11779
- 1" WITNESS CORNER SET ALONG SUBLOT LINE (UNLESS OTHERWISE DEPICTED HEREON)
- SET 1/2" REBAR, L.S. 11779
- 1" WITNESS CORNER SET ALONG SUBLOT LINE (UNLESS OTHERWISE DEPICTED HEREON)
- T.P.O.B. TRUE POINT OF BEGINNING



SEE SHEET 2 FOR PLAT NOTES

HEALTH CERTIFICATE
 Sanitary restrictions as required by Idaho Code Title 59, Chapter 13, from Idaho Code Title 50, Chapter 13, Section 50-1316, by the issuance of a certificate of disapproval.

Date: _____ South Central Public Health District, REHS



SWEETWATER P.U.D.
 TOWNHOUSES : BLOCK 4 :
 SUBLOTS 46-53
 LOCATED WITHIN TOWNSHIP 2 NORTH,
 RANGE 18 EAST, BLAINE COUNTY, IDAHO
 PREPARED FOR: SWEETWATER COMPANY, LLC
 PROJECT NO. 10139 DWG. BY: DMW/CPL FILE: 10139FINAL.DWG
 A. DOWNHOUSE PLAT DATE: 07/08/2011 SHEET: 1 OF 3

AREA TABLE

Sublot	Area (SQ. FT.)	Area (ACRES)
SUBLOT 46	2,950	0.07
SUBLOT 47	2,950	0.07
SUBLOT 48	2,950	0.07
SUBLOT 49	2,950	0.07
SUBLOT 50	2,950	0.07
SUBLOT 51	2,950	0.07
SUBLOT 52	2,950	0.07
SUBLOT 53	2,950	0.07

CURVE TABLE

Curve	Radius	Arc Length	Chord Length	Chord Bearing	Delta Angle	Tangent
C1	28.50'	13.11'	28.50'	S 89.50° E	89.50°	20.00'

LINE TABLE

Line	Bearing	Distance	Line	Bearing	Distance
L1	S 35.00° 00' 00" W	103.50'	L1	S 35.00° 00' 00" W	28.50'
L2	S 35.00° 00' 00" W	103.50'	L2	S 35.00° 00' 00" W	16.00'
L3	S 35.00° 00' 00" W	103.50'	L3	S 35.00° 00' 00" W	16.00'
L4	S 35.00° 00' 00" W	103.50'	L4	S 35.00° 00' 00" W	16.00'
L5	S 35.00° 00' 00" W	103.50'	L5	S 35.00° 00' 00" W	16.00'
L6	S 35.00° 00' 00" W	103.50'	L6	S 35.00° 00' 00" W	16.00'
L7	S 35.00° 00' 00" W	103.50'	L7	S 35.00° 00' 00" W	16.00'
L8	S 35.00° 00' 00" W	103.50'	L8	S 35.00° 00' 00" W	16.00'
L9	S 35.00° 00' 00" W	103.50'	L9	S 35.00° 00' 00" W	16.00'
L10	S 35.00° 00' 00" W	103.50'	L10	S 35.00° 00' 00" W	16.00'
L11	S 35.00° 00' 00" W	103.50'	L11	S 35.00° 00' 00" W	16.00'
L12	S 35.00° 00' 00" W	103.50'	L12	S 35.00° 00' 00" W	16.00'
L13	S 35.00° 00' 00" W	103.50'	L13	S 35.00° 00' 00" W	16.00'
L14	S 35.00° 00' 00" W	103.50'	L14	S 35.00° 00' 00" W	16.00'
L15	S 35.00° 00' 00" W	103.50'	L15	S 35.00° 00' 00" W	16.00'
L16	S 35.00° 00' 00" W	103.50'	L16	S 35.00° 00' 00" W	16.00'
L17	S 35.00° 00' 00" W	103.50'	L17	S 35.00° 00' 00" W	16.00'
L18	S 35.00° 00' 00" W	103.50'	L18	S 35.00° 00' 00" W	16.00'
L19	S 35.00° 00' 00" W	103.50'	L19	S 35.00° 00' 00" W	16.00'
L20	S 35.00° 00' 00" W	103.50'	L20	S 35.00° 00' 00" W	16.00'
L21	S 35.00° 00' 00" W	103.50'	L21	S 35.00° 00' 00" W	16.00'
L22	S 35.00° 00' 00" W	103.50'	L22	S 35.00° 00' 00" W	16.00'
L23	S 35.00° 00' 00" W	103.50'	L23	S 35.00° 00' 00" W	16.00'
L24	S 35.00° 00' 00" W	103.50'	L24	S 35.00° 00' 00" W	16.00'
L25	S 35.00° 00' 00" W	103.50'	L25	S 35.00° 00' 00" W	16.00'
L26	S 35.00° 00' 00" W	103.50'	L26	S 35.00° 00' 00" W	16.00'
L27	S 35.00° 00' 00" W	103.50'	L27	S 35.00° 00' 00" W	16.00'
L28	S 35.00° 00' 00" W	103.50'	L28	S 35.00° 00' 00" W	16.00'

PREPARED BY: BENCHMARK ASSOCIATES P.A.

SWEETWATER P.U.D. TOWNHOUSES : BLOCK 4 : SUBLOTS 46-53.

LOCATED WITHIN TOWNSHIP 2 NORTH, RANGE 18 EAST, SECTIONS 14 & 15, B.M., CITY OF HAILEY, BLAINE COUNTY, IDAHO
A SUBDIVISION PLAT WHEREIN PARCEL 7B1 OF SWEETWATER P.U.D. TOWNHOUSES: BLOCK 4; SUBLOTS
25-33 & 5B-71 (INST. NO. 976221) IS SUBDIVIDED CREATING SUBLOTS 46-53.

APRIL 2011

NOTES:

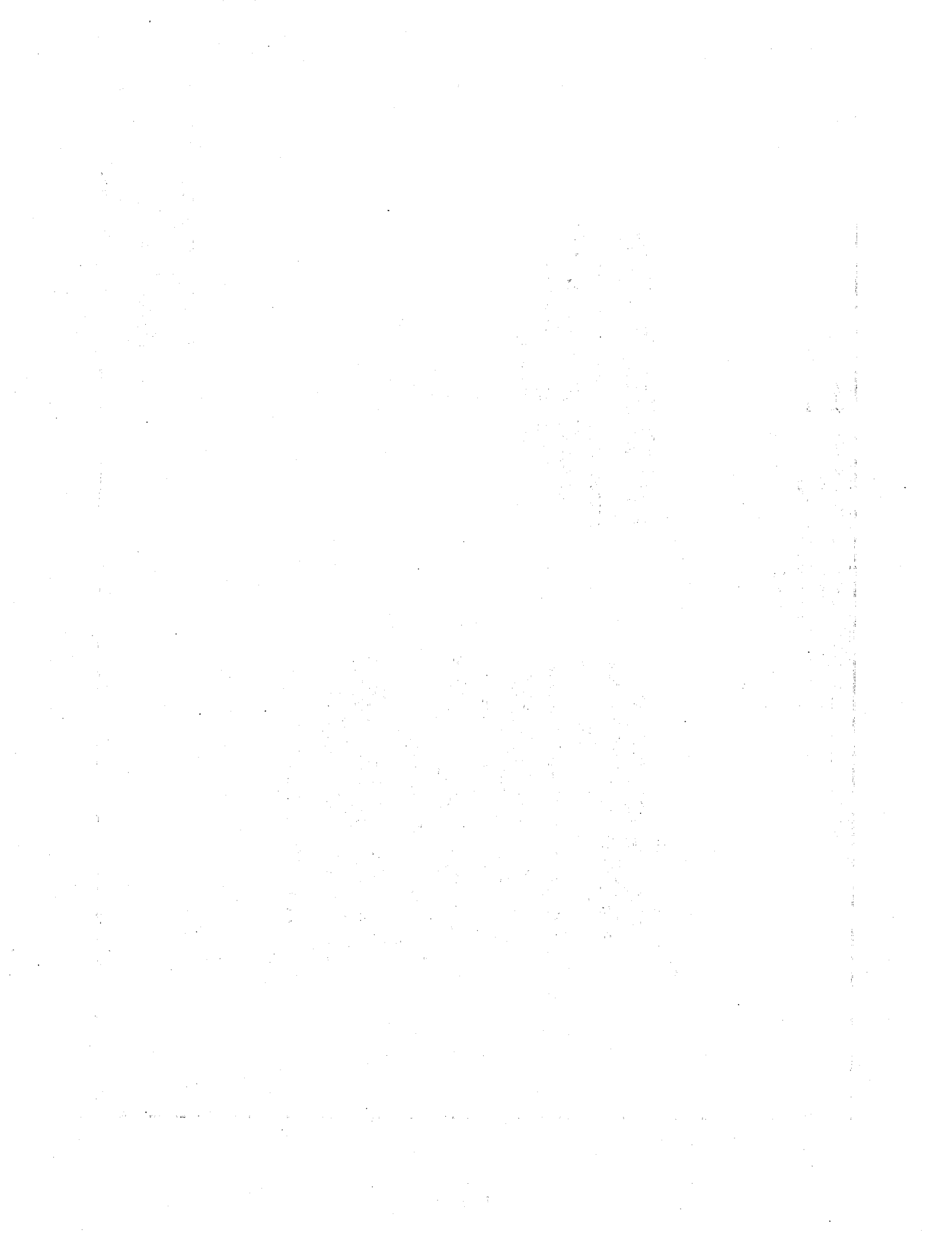
1. THE PROPERTY SHOWN HEREON IS SUBJECT TO:
 - a. THE PLAT NOTES, CONDITIONS, COVENANTS AND/OR RESTRICTIONS ON THE ORIGINAL PLAT OF SWEETWATER P.U.D. SUBDIVISION, RECORDED AS INSTRUMENT NO. 576317, THE ORIGINAL PLAT OF WOODSIDE SUBDIVISION FINAL PLAT NO. 5 RECORDED AS INSTRUMENT NO. 150953, AND THE ORIGINAL PLAT OF SWEETWATER P.U.D. SUBDIVISION RECORDED AS INSTRUMENT NO. 152617, THE ABOVE MENTIONED PLATS PER RECORDS OF BLAINE COUNTY, IDAHO.
 - b. THE MASTER DECLARATION OF CC&P'S FOR THE ORIGINAL PLAT OF SWEETWATER P.U.D. SUBDIVISION RECORDED AS INSTRUMENT NO. 576318, RECORDS OF BLAINE COUNTY, IDAHO.
 - c. THE SWEETWATER P.U.D. AGREEMENT, FIRST AMENDMENT AND SECOND AMENDMENT RECORDED AS INSTRUMENT NOS. 542953, 573775 AND 583748, RECORDS OF BLAINE COUNTY, IDAHO.
 - d. A PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR A FREE AND UNOBSTRUCTED PASSAGE OF AIRCRAFT IN, THROUGH AND ACROSS THE AIRSPACE ABOVE THE ELEVATION 6,115 FEET AS SHOWN ON THE PLAT OF SWEETWATER P.U.D. SUBDIVISION, RECORDED AS INSTRUMENT NO. 150169, RECORDS OF BLAINE COUNTY, IDAHO.
 - e. A DEVELOPMENT AGREEMENT RECORDED JANUARY 27, 2005, AS INSTRUMENT NO. 515868.
2. THE 100-YR FLOOD PLAIN AREA DESIGNATED ON THIS MAP IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES. HOWEVER, BENCHMARK ASSOCIATES HAS CONDUCTED FLOOD GARMINES, WHICH INDICATE THAT THE DESIGNATED FLOOD PLAIN AREA ARE SAFE AND FREE FROM FLOODS OR FLOOD DANGER.
FLOOD PLAIN INFORMATION:
FLOOD INFORMATION DERIVED ON THE FLOOD INSURANCE STUDY FOR:
PANEL NOS: 0668 D & 0858 D MARCH 17, 1997
VERTICAL DATUM IS NGVD29
3. LOT OWNERS, THEIR TENANTS, AND GUESTS ARE ADVISED THAT THIS PROPERTY IS ADJACENT TO THE FREEMAN MEMORIAL AIRPORT. PRESENT AND FUTURE IMPACTS MAY BE ANNOYING AND INTERFERE WITH THE UNRESTRICTED USE AND ENJOYMENT OF THE PROPERTY. THESE NOISE IMPACTS MIGHT CHANGE OVER TIME BY VIRTUE OF GREATER NUMBERS OF AIRCRAFT, LOUDER AIRCRAFT, SEASTATE, AND AIR TRAFFIC CONTROL OPERATIONS PROCEDURES OR IN AIRPORT LAYOUT COULD RESULT IN INCREASED NOISE IMPACTS. AND THAT THE USER'S OWN PERSONAL PERCEPTIONS OF THE NOISE EXPOSURE COULD CHANGE AND THAT HIS OR HER SENSITIVITY TO AIRCRAFT NOISE COULD INCREASE.
4. THE WITHIN TOWNHOUSE SUBDIVISION IS SUBJECT TO THE TOWNHOUSE DECLARATION, RECORDED AS INSTRUMENT NO. _____, RECORDS OF BLAINE COUNTY, IDAHO.

5. THE EXISTING PHYSICAL BOUNDARIES OF THE COMMON UNIT WALL AS ORIGINALLY CONSTRUCTED OR AS RECONSTRUCTED IN LIEU THEREOF SHALL BE CONCLUSIVELY PRESUMED TO BE ITS BOUNDARIES RATHER THAN THE METES AND BOUNDS EXPRESSED ON THIS PLAT UNLESS THE METES AND BOUNDS EXPRESSED ON THIS PLAT ARE IN CONFLICT WITH THE ACTUAL LOCATION OF BUILDING AND REGARDLESS OF ANY VARIANCES BETWEEN THE ACTUAL LOCATION AND BOUNDARIES SHOWN.
6. A MUTUAL RECIPROCAL EASEMENT FOR UTILITIES EXISTS WITHIN SUBLOTS 46-53 TO BENEFIT THE SWEETWATER P.U.D. HOMEOWNERS.
7. EMERGENCY ACCESS, PUBLIC ACCESS AND PUBLIC UTILITY EASEMENTS EXIST AS SHOWN ON THE ORIGINAL PLAT OF SWEETWATER P.U.D. TOWNHOUSES: BLOCK 4; SUBLOTS 1-24, RECORDED AS INSTRUMENT NO. 376318.
8. SNOW STORAGE EASEMENTS WITHIN SUBLOTS 46-53, TO BENEFIT THE SWEETWATER P.U.D. HOMEOWNERS ARE GRANTED AS SHOWN HEREON.
9. A 5-FOOT WIDE PUBLIC PEDESTRIAN ACCESS EASEMENT CENTERED ON THE EXISTING SIDEWALK IN A PORTION OF SUBLOT 46 IS GRANTED AS SHOWN HEREON.



SWEETWATER P.U.D.
TOWNHOUSES : BLOCK 4 :
SUBLOTS 46-53
LOCATED WITHIN SECTIONS 14 AND 15, TOWNSHIP 2 NORTH,
RANGE 18 EAST, B.M., CITY OF HAILEY, BLAINE COUNTY, IDAHO
PREPARED FOR: SWEETWATER COMPANY, LLC
PROJECT NO. 10139 DWS BY: CHM/CKL FILE: 10139FINAL.DWG
A TOWNHOUSE PLAT DATE: 04/06/2011 SHEET: 2 OF 3

PREPARED BY: BENCHMARK ASSOCIATES P.A.



AGENDA ITEM SUMMARY

DATE: April 25, 2011 **DEPARTMENT:** Community Development **DEPT HEAD:** DR

SUBJECT: Findings of Fact, Conclusions of Law and Decision - final plat approval of Sweetwater PUD Townhouses, Block 4, Sublots 36-45 and 54-57

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

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| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
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FINDINGS OF FACT

Notice

Notice for the public hearing on March 28, 2011 was published in the Idaho Mountain Express on March 4, 2011; the notice was mailed to property owners within 300 feet on March 9, 2011. The public hearing was continued to April 11, 2011.

Application

Sweetwater LLC, represented by Benchmark Associates, has submitted an application for Final Plat approval for Sweetwater PUD Townhouses, Block 4, Sublots 36-45 and 54-57.

Procedural History

In accordance with the PUD Agreement, Phase I consists of 106 units (the entire Sweetwater PUD includes 421 units).

Preliminary Plat of sublots 1-45 and 54-71 (63 units) was approved April 20, 2007. Final Plat of the following sublots have been approved by the city:

- sub-lots 1-24 (24 units) were approved June 11, 2007.
- sub-lots 25-35 and 58-71 (25 units) were approved April 14, 2008.

The final plat application for sublots 36-45 and 54-57 (14 units) was submitted by the applicant on February 18, 2011. This final plat and its recordation will complete the platting of the Preliminary Plat approval of sublots 1-45 and 54-71.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting townhouse units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval.

Conditions of Preliminary Plat Approval

- a) **The final plat shall include a note stating that the subdivision is subject to the recorded Party Wall Agreement and CC&R's, along with the instrument numbers thereof.**

This condition is addressed in plat note #5. A condition of final plat approval should be included ensuring this plat note is recorded.

- b) **All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**
- **Silo Way, Grange Way, and Heartland Way shall be posted as a fire lane according to the Fire Chief's instructions.**

Signage for fire lanes has been installed. The first sentence of this condition should be carried over to ensure compliance prior to recordation.

- c) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance.**

This condition should be carried over to ensure compliance prior to recordation.

- d) **All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**

It is not necessary to carry this condition over to final plat approval.

- e) **A plat note shall be added referencing Sublots 4, 10, 21, 26, 33, 39 and 44, Block 4, as Community Housing Units and subject to a deed restriction.**

In an agreement between the city and the applicant made on December 27, 2010, the city agreed to release the deed restrictions on the units originally stipulated in the PUD approval.

- f) **The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.**

An approved phasing agreement is in effect.

Standards of Evaluation

For each of the following pertinent standards of the Subdivision Ordinance (shown in bold print), the Council makes the following Findings of Fact:

Bulk requirements:

Minimum Lot Size - Townhouse sub-lots shall have an aggregate density of no more than ten lots per acre.

Maximum Multi-Family Density – 1 unit per 1/10 acre.

The subject property comprises a Planned Unit Development (PUD). Certain bulk requirements were modified through the PUD process, as referenced in the PUD Agreement as waivers.

Those waivers include the following:

- Maximum building height increase: 35 feet to 37 feet for some townhouse structures as set forth in the approved plans.
- Minimum front yard setback reduction: 10 feet to 5 feet.
- Minimum side yard setback reduction: 10 feet to 5 feet.
- Minimum rear yard setback reduction: 10 feet to 3 feet along the PUE parcel B1 as set forth in the approved plans.
- Minimum parking space length reduction: 21 feet to 17 feet in length for 19% of the required spaces.
- Lots permitted to have frontage on private alley easements so long as fire and emergency vehicle access requirements are met, as set forth on the approved plans.

No density waiver was required by the PUD. Section 4.5.5(a)(1), Limited Business (LB) District, of the Zoning Ordinance allows 20 townhouse, multi-family, and mixed use residential units per acre. The density of this portion of the development is approximately 17 units per acre. The overall density of the development is slightly over 19 units per acre, which is less than the 20 units per acre allowed in the LB district.

SECTION 3 – PROCEDURE

3.3 The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The preliminary plat for sublots 1-45 and 54-71 was approved April 20, 2007. Section 3.4.1 of the Subdivision Ordinance allows for applications for platting townhouse units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval. The final plat of sublots 36-45 and 54-57, prepared by Benchmark Associates was submitted on February 18, 2011.

3.3.2 The administrator shall review the final plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.

The final plat is consistent with the preliminary plat approved by the Commission. Conditions of preliminary plat approval have been met or are carried over.

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process. Please refer to the preliminary plat Findings of Fact and Decision. No changes have been made to the plat since preliminary plat approval.

SECTION 8 - TOWNHOUSES

8.1 Plat Procedure. The Developer of the townhouse development shall submit with the preliminary plat application and all other information required herein a copy of the proposed party wall agreement and the proposed document(s) creating an association of owners of the proposed townhouse sub-lots, which shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, commonly held facilities, garages, parking and/or Green Spaces. Prior to final plat approval, the Developer shall submit to the City a final copy of the party wall agreement and any other such documents and shall record the documents prior to or at the same time of the recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.

Townhouse Declarations and CCRs have been submitted and address easements, party walls, and maintenance. The City has not and will not in the future determine the enforceability or validity of townhouse declarations, party wall agreements, or other private agreements.

8.2 Garage. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is appurtenant to specific townhouse units on the townhouse plat and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

Garages are within the units.

8.3 Storage/Parking Areas. Residential townhouse developments shall provide parking spaces according to the requirements of Article IX of the Zoning Ordinance.

A total of 631 spaces are required for the entire project; 1053 are proposed. Of these, 776 spaces are in basement levels (74% of all on-site parking).

8.4 Construction standards. All townhouse development construction shall be in accordance with the IBC, IRC and IFC. Each townhouse unit must have separate water, sewer and utility services, which do not pass through another building or unit.

All townhouse units have separate utility services.

8.5 General Applicability. All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by townhouse developments.

Upon meeting proposed conditions of approval, the proposed application does not appear to conflict with other provisions.

8.6 Expiration. Townhouse developments which have received final plat approval shall have a period of three calendar years from the date of final plat approval by the Council to obtain a building permit. Developments which have not received a building permit shall be null and void and the plats associated therewith shall be vacated by the Council. If a development is to be phased, construction of the second and succeeding phases shall be contingent upon completion of the preceding phase unless the requirement is waived by the Council. Further, if construction on any townhouse development or phase of any development ceases or is not diligently pursued for a period of three years without the prior consent of the Council, that portion of the plat pertinent to the undeveloped portion of the development shall be vacated.

Building permits have been issued for all units within the subdivision. Sweetwater has not begun construction on any subsequent phases.

8.7 Conversion. The conversion by subdivision of existing units into Townhouses shall not be subject to Section 4.10 of this Ordinance.

NA

8.8 The maximum number of Cottage Townhouse Units on any parcel shall be twelve (12), and not more than two (2) Cottage Townhouse Developments shall be constructed adjacent to each other.

NA

CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Council makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Final Plat, dated April 2011, is approved by the Hailey City Council, with the following conditions:
 - a) All Fire Department and Building Department requirements shall be met.
 - b) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance.
 - c) Development impact fees associated with each unit, if any, shall be paid prior to the issuance of a certificate of occupancy.
 - d) The final plat shall be recorded within one year of the date of final plat approval (unless otherwise provided for within a phasing agreement.) The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.

Approved this _____ day of _____, 2011.

Richard L. Davis, Mayor, City of Hailey

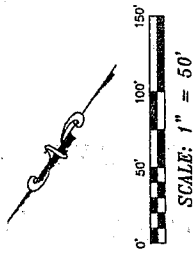
Attest:

Mary Cone, City Clerk

SWEETWATER P.U.D. TOWNHOUSES : BLOCK 4 : SUBLOTS 36-45 & 54-57

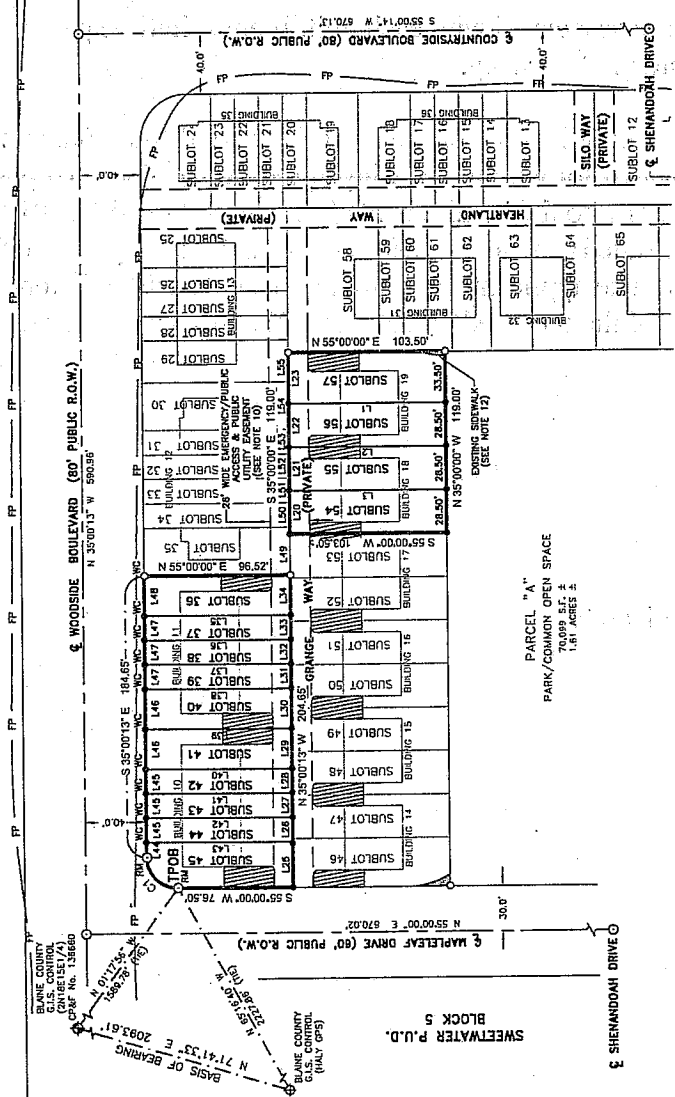
LOCATED WITHIN TOWNSHIP 2 NORTH, RANGE 18 EAST, SECTIONS 14 & 15, B.M., CITY OF HALEY, BLAINE COUNTY, IDAHO
 A SUBDIVISION PLAT WHEREIN PARCEL "B1" OF SWEETWATER P.U.D. TOWNHOUSES: BLOCK 4; SUBLOTS 25-35 & 58-71 (INST. NO. 576321) IS SUBDIVIDED CREATING SUBLOTS 36-45 AND 54-57.

APRIL 2011



LEGEND

- BOUNDARY LINE
- EASEMENT LINE (AS SHOWN HEREON)
- ADJOINING SUBLOT/PARCEL LINE
- CENTERLINE
- 100-YR FLOODPLAIN BOUNDARY PER FEMA (SEE NOTE 2)
- GS TIES
- EXISTING SIDEWALK (SEE NOTE 12)
- SNOW STORAGE EASEMENT (SEE NOTE 11)
- FOUND BRASS CAP MONUMENT
- FOUND STAINLESS STEEL ROD IN MONUMENT WELL
- FOUND 1/2" REBAR, L.S. 11779
- FOUND 5/8" REBAR
- FOUND 5/8" REBAR
- 1" REFERENCE MONUMENT SET ALONG RADIOS
- SET 1/2" REBAR, L.S. 11779
- FOUND 1/2" REBAR, L.S. 11779
- 1" WITNESS CORNER SET ALONG SUBLOT LINE (UNLESS OTHERWISE DEPICTED HEREON)
- SET 1/2" REBAR, L.S. 11779
- 1" WITNESS CORNER SET ALONG SUBLOT LINE (UNLESS OTHERWISE DEPICTED HEREON)
- SET 1/2" REBAR, L.S. 11779
- 1" WITNESS CORNER SET ALONG SUBLOT LINE (UNLESS OTHERWISE DEPICTED HEREON)
- TRUE POINT OF BEGINNING



SEE SHEET 2 FOR PLAT NOTES

AREA TABLE

Sublot	Acres	sq. ft.	Acres
SUBLOT 36	2.524	0.08	
SUBLOT 37	1.544	0.04	
SUBLOT 38	1.544	0.04	
SUBLOT 39	1.544	0.04	
SUBLOT 40	2.533	0.08	
SUBLOT 41	2.533	0.08	
SUBLOT 42	1.544	0.04	
SUBLOT 43	1.544	0.04	
SUBLOT 44	1.544	0.04	
SUBLOT 45	3.311	0.08	
SUBLOT 46	2.950	0.07	
SUBLOT 54	2.950	0.07	
SUBLOT 55	2.950	0.07	
SUBLOT 56	2.950	0.07	
SUBLOT 57	3.467	0.08	

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 35°00'00" W	103.550
L2	N 35°00'00" W	26.250
L3	S 35°00'00" W	103.550
L4	N 35°00'00" W	16.000
L5	S 35°00'00" W	103.550
L6	N 35°00'00" W	16.000
L7	S 35°00'00" W	103.550
L8	N 35°00'00" W	16.000
L9	S 35°00'00" W	103.550
L10	N 35°00'00" W	16.000
L11	S 35°00'00" W	103.550
L12	N 35°00'00" W	16.000
L13	S 35°00'00" W	103.550
L14	N 35°00'00" W	16.000
L15	S 35°00'00" W	103.550
L16	N 35°00'00" W	16.000
L17	S 35°00'00" W	103.550
L18	N 35°00'00" W	16.000
L19	S 35°00'00" W	103.550
L20	N 35°00'00" W	16.000
L21	S 35°00'00" W	103.550
L22	N 35°00'00" W	16.000
L23	S 35°00'00" W	103.550
L24	N 35°00'00" W	16.000
L25	S 35°00'00" W	103.550
L26	N 35°00'00" W	16.000
L27	S 35°00'00" W	103.550
L28	N 35°00'00" W	16.000
L29	S 35°00'00" W	103.550
L30	N 35°00'00" W	16.000

CURVE TABLE

CURVE	ENDRUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	20.000	31.416	28.290	S 89°00'00" E	89°59'57"	20.000

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, Iowa Code Title 50, Chapter 13, and Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.



Date: _____
 South Central Public Health District, REHS
 SWEETWATER P.U.D.
 TOWNHOUSES : BLOCK 4;
 SUBLOTS 36-45 & 54-57
 LOCATED WITHIN SECTIONS 14 AND 15, TOWNSHIP 2 NORTH,
 RANGE 18 EAST, B.M., CITY OF HALEY, BLAINE COUNTY, IDAHO
 PREPARED FOR: SWEETWATER COMPANY, LLC
 PROJECT NO. 10139 DWS BY: CMW/CPL FILE: 10139FINAL2.DWG
 A TOWNHOUSE PLAT DATE: 04/05/2011 SHEET: 1 OF 3

PREPARED BY: BENCHMARK ASSOCIATES, P.A.

SWEETWATER P.U.D. TOWNHOUSES : BLOCK 4 : SUBLOTS 36-45 & 54-57

LOCATED WITHIN TOWNSHIP 2 NORTH, RANGE 18 EAST, SECTIONS 14 & 15, B.M., CITY OF HAILEY, BLAINE COUNTY, IDAHO
 A SUBDIVISION PLAT WHEREIN PARCEL "B1" OF SWEETWATER P.U.D. TOWNHOUSES: BLOCK 4; SUBLOTS
 25-35 & 54-71 (INST. NO. 576321) IS SUBDIVIDED CREATING SUBLOTS 36-45 & 54-57.

APRIL 2011

NOTES:

1. THE PROPERTY SHOWN HEREON IS SUBJECT TO:
 - a. THE PLAT NOTES, CONDITIONS, COVENANTS AND/OR RESTRICTIONS ON THE ORIGINAL PLAT OF SWEETWATER P.U.D. TOWNHOUSES: BLOCK 4; SUBLOTS 25-35 & 54-71 (INST. NO. 576321) AND THE SUBDIVISION FINAL PLAT NO. 576321, AS RECORDED AS INSTRUMENT NO. 150393, AND THE ORIGINAL PLAT OF WOODSIDE SUBDIVISION FINAL PLAT NO. 22, RECORDED AS INSTRUMENT NO. 152517. THE ABOVE MENTIONED PLATS PER RECORDS OF BLAINE COUNTY, IDAHO.
 - b. THE MASTER DECLARATION OF CC&B'S FOR THE ORIGINAL PLAT OF SWEETWATER P.U.D. SUBDIVISION RECORDED AS INSTRUMENT NO. 576316, RECORDS OF BLAINE COUNTY, IDAHO.
 - c. THE SWEETWATER P.U.D. AGREEMENT, FIRST AMENDMENT AND SECOND AMENDMENT, RECORDED AS INSTRUMENT NOS. 542853, 573775 AND 583748, RECORDS OF BLAINE COUNTY, IDAHO.
 - d. A PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR A FEE AND UNOBTSTRUCTED EASEMENT CROSSING THE AIRSPACE ABOVE THE SURFACE OF THE ELEVATION 6,415 FEET MEAN SEA LEVEL DATUM, EXECUTED BY SAWTOOTH TITLE COMPANY, INC., AN IDAHO CORPORATION, TRUSTEE, TO CITY OF HAILEY, BLAINE COUNTY, IDAHO, RECORDED JULY 17, 1971, AS INSTRUMENT NO. 150169.
 - e. A DEVELOPMENT AGREEMENT RECORDED JANUARY 27, 2003, AS INSTRUMENT NO. 515668.
2. THE 100-YR FLOOD PLAIN AREA DESCRIBED ON THIS MAP IS CONSIDERED REASONABLE TO BE AVOIDED IN THE CONSTRUCTION PROCESS. HOWEVER, BENCHMARK ASSOCIATES NEITHER REPRESENTS, GUARANTEES, WARRANTS NOR IMPLIES THAT AREAS OUTSIDE OF THE DESIGNATED FLOOD PLAIN AREA ARE SAFE AND FREE FROM FLOODS OR FLOOD DANGER.
3. LOT OWNERS, THEIR TENANTS, AND GUESTS ARE ADVISED THAT THIS PROPERTY IS LOCATED NEAR THE FREDMAN MEMORIAL AIRPORT. PRESENT AND FUTURE AIRCRAFT MAY BE ANNOYING AND THESE IMPACTS MIGHT CHANGE OVER TIME BY VIRTUE OF GREATER NUMBERS OF AIRCRAFT, LOUDER AIRCRAFT, SEASONAL VARIATIONS, AND TIME-OF-DAY VARIATIONS; THAT CHANGES TO AIRPORT, AIRCRAFT, AND AIR TRAFFIC CONTROL OPERATING PROCEDURES OR IN AIRPORT LAYOUT COULD RESULT IN INCREASED NOISE IMPACTS; AND THAT THE USER'S OWN USE OF THE PROPERTY COULD INCREASE THE NOISE LEVELS, WHICH COULD IN TURN INCREASE THE USER'S SENSITIVITY TO AIRCRAFT NOISE.
4. THE WITHIN TOWNHOUSE SUBDIVISION IS SUBJECT TO THE TOWNHOUSE DECLARATION, RECORDED AS INSTRUMENT NO. _____, RECORDS OF BLAINE COUNTY, IDAHO.

5. THE EXISTING PHYSICAL BOUNDARIES OF THE COMMON UNIT WALL AS ORIGINALLY CONVEYED OR AS RECONSTRUCTED IN LIEU THEREOF SHALL BE CONCLUSIVELY PRESUMED TO BE ITS BOUNDARIES RATHER THAN THE NETS AND BOUNDS EXPRESSED OR DEPICTED IN THE DECLARATION, PLATS OR DEEDS, REGARDLESS OF SETTLING OR LATERAL MOVEMENT OF BUILDING AND REGARDLESS OF MINOR VARIANCES BETWEEN THE ACTUAL LOCATION AND BOUNDARIES SHOWN.
6. A MUTUAL RECIPROCAL EASEMENT FOR UTILITIES EXISTS WITHIN SUBLOTS 36-45 & 54-57 TO BENEFIT THE SWEETWATER P.U.D. HOMEOWNERS.
7. EMERGENCY ACCESS, PUBLIC ACCESS, AND PUBLIC UTILITY EASEMENTS EXIST AS SHOWN ON THE ORIGINAL PLAT OF SWEETWATER P.U.D. TOWNHOUSES: BLOCK 4; SUBLOTS 1-24, RECORDED AS INSTRUMENT NO. 576319.
8. SNOW STORAGE EASEMENTS WITHIN SUBLOTS 36, 40-41, 45, & 54-57, TO BENEFIT THE SWEETWATER P.U.D. HOMEOWNERS ARE GRANTED AS SHOWN HEREON.
9. A 5 FOOT WIDE PEDESTRIAN ACCESS EASEMENT CENTERED ON THE EXISTING SIDEWALK IN A PORTION OF SUBLT 57 IS GRANTED AS SHOWN HEREON.



SWEETWATER P.U.D.
 TOWNHOUSES : BLOCK 4 :
 SUBLOTS 36-45 & 54-57

LOCATED WITHIN SECTIONS 14 AND 15, TOWNSHIP 2 NORTH,
 RANGE 18 EAST, B.M., CITY OF HAILEY, BLAINE COUNTY, IDAHO

PREPARED FOR: SWEETWATER COMPANY, LLC

PROJECT NO. 10139 DRAWN BY: CHM/CPL FILE: 10139FINAL.DWG
 A TOWNHOUSE PLAT DATE: 04/26/2011 SHEET: 2 OF 3

PREPARED BY: BENCHMARK ASSOCIATES, P.A.

AGENDA ITEM SUMMARY

4/25/11
DATE: ~~4/11/2011~~

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1081 (Hailey Urban Renewal Agency)

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1081 which added a new chapter to the Hailey Municipal Code.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)
____ City Attorney ____ Clerk / Finance Director ____ Engineer ____ Building
____ Library ____ Planning ____ Fire Dept. ____
____ Safety Committee ____ P & Z Commission ____ Police ____
____ Streets ____ Public Works, Parks ____ Mayor ____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to approve the summary of Hailey Ordinance No. 1081.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1081

The following is a summary of the principal provisions of Ordinance No. 1081 of the City of Hailey, Idaho, duly passed and adopted April 11, 2011, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S MUNICIPAL CODE TO ADD A NEW CHAPTER 2.40 ESTABLISHING A PURPOSE SECTION AND PROVISIONS FOR THE ESTABLISHMENT OF A BOARD OF COMMISSIONERS, THE APPOINTMENT, REMOVAL AND COMPENSATION OF THE BOARD OF COMMISSIONERS, QUORUM AND VOTING, EMPLOYMENT OF AGENTS, FINANCIAL REPORTING, AUDIT REQUIREMENTS, BUDGET AND FISCAL YEAR, COMPLIANCE WITH PUBLIC RECORDS, OPEN MEETING, ETHICS AND BIDDING LAWS, AND CONFLICT OF INTEREST; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Hailey Ordinance No. 1081 amends Hailey Municipal Code, as follows:

Section 1 amends the Hailey Municipal Code by adding a new Chapter 2.40, entitled Hailey Urban Renewal Agency, to 1) create a purpose section, 2) provide for the establishment of a three to nine member board of commissioners for the Hailey Urban Renewal Agency, 3) provide procedures for the appointment, removal and compensation of the members on the Hailey Urban Renewal Agency, 4) establish rules for a quorum and voting of the board of commissioners for the Hailey Urban Renewal Agency, 5) authorize the employment of agents for the Hailey Urban Renewal Agency, 6) establish the financial reporting, audit requirements, budget and fiscal year of the Hailey Urban Renewal Agency, 7) require compliance with the public records, open meeting, ethics and bidding laws for the state of Idaho, and 8) prohibit a conflict of interest for a public official or employee of the City of Hailey or for a commissioner or employee of the Hailey Urban Renewal Agency in any urban renewal project, or in any property included or planned to be included in any urban renewal project in the City of Hailey or in any contract or proposed contract in connection with such urban renewal project and to establish procedures in the event of such a conflict of interest.

Section 2 provides for a severability clause.

Section 3 provides for a repealer clause

Section 6 provides for an effective date of the ordinance.

The full text of Ordinance No. 1081 is available at Hailey City Hall at 115 South Main Street, Suite H, Hailey, Idaho 83333 and will be provided to any citizen upon request during regular business hours.

CERTIFICATION OF CITY ATTORNEY

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1081 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1081, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 11th day of April, 2011.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express _____, 2011

