

Saxton, Craig

From: Jim Speck [jim@speckandaanestad.com]
Sent: Thursday, February 02, 2012 3:17 PM
To: 'Charles G. Brockway'; Saxton, Craig
Cc: Keen, Shelley; 'Connie Kemmerer'
Subject: RE: 37-8752 Flowers Bench Subdivision
Attachments: 37-8752 Permit Amend Coverletter.pdf; 37-8752 Permit Amendment (2-1-12).pdf; flowers bench sub plat.pdf; county ADU ordinance.pdf

Craig,

Thank you for taking care of this so promptly after we provided you with the requested information. Everything looks good except for the change to the domestic flow and the addition of the domestic annual volume, both of which I understand to be based on a total of 5 single family homes. I have attached copies of the subdivision plat, which confirms that each of the 5 lots is substantially larger than 5 acres, and the current Blaine County Code provisions for accessory dwelling units (ADU's). You will see that two ADU's are permitted on each of the lots which brings the potential number of dwellings in the subdivision and served by this water system to 15, which is how the permit was originally issued. My understanding is that stubbing out a water system to a subdivision lot served by a domestic water system is sufficient to establish beneficial use of all of the potential domestic use on that lot. If that is correct, then the amounts for domestic use should cover the potential 15 dwelling units.

Please get back to me as soon as you can on this. Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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-----Original Message-----

From: Saxton, Craig
Sent: Wednesday, February 01, 2012 9:20 PM
To: Charles G. Brockway; Jim Speck

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Department of Water Resources

Gentlemen,

The attachments will be going out in the mail tomorrow.

Thanks for working through this with us.

Respectfully,

Craig L. Saxton

Attachment(s): 37-8752 Permit Amend Coverletter.pdf; 37-8752 Permit Amendment (2-1-12).pdf

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Department of Water Resources

9-3-11: ACCESSORY DWELLING UNIT(S):

The purpose of the accessory dwelling unit regulations is to define what an accessory dwelling unit is; address under what circumstances it is appropriate to allow increased density on a lot; and address the impacts an accessory dwelling unit may have on the surrounding area such as the need for potable water and sanitation, increased traffic and compatibility with the neighborhood.

A. Standards: One accessory dwelling unit may be constructed on a lot provided the following standards are met prior to issuance of a building permit:

1. On lots of one acre to less than two (2) acres in size (where allowed by South Central district health):
 - a. One accessory dwelling unit which is directly attached to the principal residential dwelling unit with a common interior wall of not less than one hundred twenty (120) square feet shall be a permitted use; or
 - b. One accessory dwelling unit that is detached from or indirectly attached by a breezeway or other feature to the principal residential dwelling unit may be allowed under a conditional use permit obtained from the commission. Notice and hearing procedures contained in chapter 25 of this title shall be followed. The application shall be subject to the provisions contained herein and the standards of evaluation contained in subsections 9-25-3A3 and A4 of this title.
2. On lots of two (2) acres to less than five (5) acres in size:
 - a. One accessory dwelling unit which is attached to the principal residential dwelling unit with a common interior wall or the nearest wall of which is located a maximum of twenty five feet (25') from the nearest point of the principal residential dwelling unit, measured at the foundations, shall be a permitted use; or
 - b. One accessory dwelling unit that is located in excess of twenty five feet (25') from the principal residential dwelling unit, measured as described in subsection A2a of this section, may be allowed under a conditional use permit obtained from the commission. Notice and hearing procedures contained in chapter 25 of this title shall be followed. The application shall be subject to the provisions contained herein and the standards of evaluation contained in subsections 9-25-3A3 and A4 of this title.
3. On lots of five (5) acres or greater in size:
 - a. One accessory dwelling unit which is either attached to or detached from the principal residential dwelling unit shall be a permitted use.
 - b. A second accessory dwelling unit may be allowed under a conditional use permit obtained from the commission. Notice and hearing procedures contained in chapter 25 of this title shall be followed. The application shall be subject to the provisions contained herein and the standards of evaluation contained in subsections 9-25-3A3 and A4 of this title.

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B. Restrictions: All accessory dwelling unit(s):

1. Shall be limited to a maximum one thousand two hundred (1,200) square foot floor area with a maximum of two (2) bedrooms. Said floor area shall be the total of all floor areas as measured from the exterior face of the exterior walls. Garage space up to an additional one thousand two hundred (1,200) square feet is allowed.
 - a. The area encompassing the mechanical system shall be included in the square footage calculation based upon the location of the mechanical system. If the mechanical equipment is located in the crawl space, it shall be exempt from the square footage calculation.
 - b. Exterior stairs that are not enclosed shall be excluded from the square footage calculation.
 - c. When an attic roof truss system creates an unusable and inaccessible attic space between the interior and exterior wall, the floor area measurement shall be taken from the outside of the interior wall;
2. Shall be allowed in the A-20, A-40, R-10, RR-40, R-5, R-2¹/₂, R-2, R-1, R-.4, R-¹/₄, and RD zoning districts and shall not be allowed in any designated overlay district; except where an accessory dwelling unit is proposed in the floodplain overlay district (see subsection B3 of this section) or on property located within the CH overlay district that is not part of a CH-PUD; or within the MOD and within a platted building envelope or categorically excluded pursuant to section [9-21-4](#) of this title;
3. May be allowed in the floodplain overlay district as a residential use only upon approval by the commission of a conditional use permit pursuant to [chapter 17](#) of this title and these provisions;
4. Shall meet setbacks for the zoning district in which it is located;
5. Shall require a building permit;
6. Shall be located on the same lot as the principal residential dwelling unit;
7. Shall provide for one parking space in addition to the minimum required for the principal residential dwelling unit;
8. Shall meet requirements of the South Central health district evidenced by approval therefrom upon application for building permit;
9. Shall be prohibited on any lot less than one acre in size, regardless of the applicable zoning district;
10. May be part of an accessory building containing other accessory uses, as allowed in the zoning district provided that:
 - a) the gross floor area of the accessory building does not exceed seventy five percent (75%) of the gross floor area of the primary residence;
 - b) the accessory dwelling unit portion of the building satisfies all applicable regulations;
 - c) the floor area of the accessory dwelling unit and garage associated therewith is

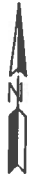
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separate and distinct from other accessory uses contained within the same building.
(Ord. 2011-01, 1-18-2011; Ord. 2007-02, 3-20-2007; Ord. 2006-11, 8-22-2006; Ord.
2006-08, 6-29-2006; Ord. 2004-04, 6-7-2004; Ord. 2001-08, 9-10-2001; Ord. 95-5, 4-3-
1995)

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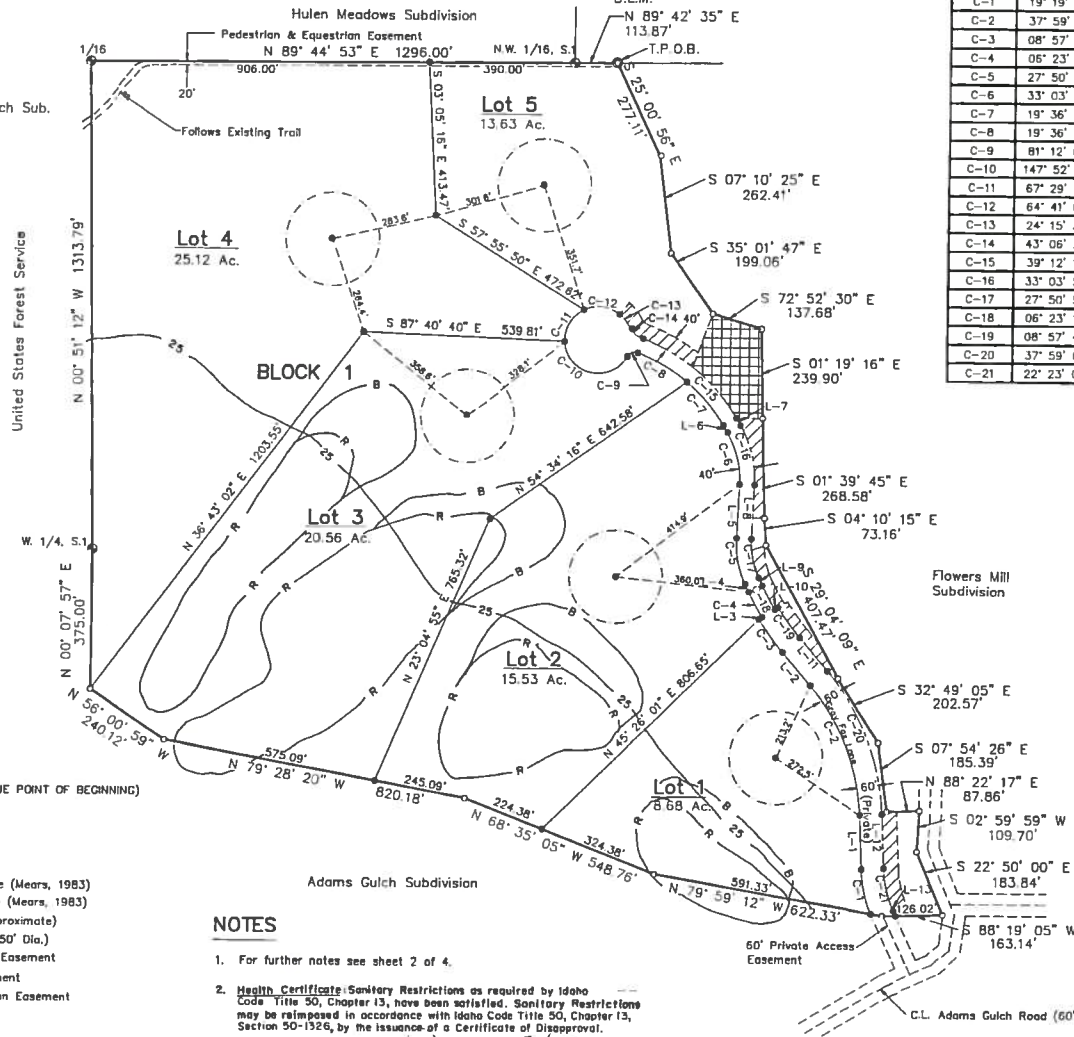
Department of Water Resources



SCALE: 1"=200'

Basis of Bearings Is Flowers Ranch Sub.

A Plat Showing
FLOWERS BENCH SUBDIVISION
Being a replat of Lot 3, Flowers Ranch Subdivision, Section 1, T.4N., R.17E. B.M., Blaine County, Idaho
November, 1993



Legend

- Found Brass Cap
- Set Alum. Cap (TRUE POINT OF BEGINNING)
- Found 5/8" Rebar
- Found 1/2" Rebar
- Set 5/8" Rebar
- Set 1/2" Rebar
- Blue Avalanche Zone (Mears, 1983)
- Red Avalanche Zone (Mears, 1983)
- 25% Slope Line (Approximate)
- Building Envelope (250' Dia.)
- Roadway and Utility Easement
- Snow Storage Easement
- Well Noncontamination Easement

NOTES

1. For further notes see sheet 2 of 4.
2. Health Certificate: Sanitary Restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary Restrictions may be reimposed in accordance with Idaho Code Title 50, Chapter 13, Section 50-1926, by the issuance of a Certificate of Disapproval.

Date 12/16/93

Richard Passbury
South Central Health District, EHS

CURVE DATA

CURVE	△	R	L	T	Ch	Ch. Bearing
C-1	19° 19' 35"	366.09	123.48'	62.33'	122.90'	S 12° 25' 57" E
C-2	37° 59' 01"	570.00'	377.88'	196.18'	370.99'	S 21° 35' 10" E
C-3	08° 57' 47"	700.00'	109.50'	54.86'	109.39'	S 36° 06' 17" E
C-4	05° 23' 13"	690.00'	76.92'	38.50'	76.86'	S 28° 25' 17" E
C-5	27° 50' 53"	260.00'	126.37'	64.46'	125.13'	S 11° 18' 44" E
C-6	33° 03' 59"	249.50'	143.99'	74.06'	142.00'	S 13° 55' 18" E
C-7	19° 36' 07"	450.00'	153.95'	77.74'	153.20'	S 40° 15' 21" E
C-8	19° 36' 07"	450.00'	153.95'	77.74'	153.20'	S 59° 51' 28" E
C-9	81° 12' 02"	23.14'	32.80'	19.84'	30.12'	N 69° 44' 28" E
C-10	147° 52' 02"	90.00'	232.27'	312.50'	172.97'	S 76° 55' 33" E
C-11	67° 29' 53"	90.00'	106.03'	60.13'	100.00'	S 30° 45' 24" W
C-12	64° 41' 04"	90.00'	101.61'	56.99'	96.30'	N 83° 09' 08" W
C-13	24° 15' 33"	90.00'	38.11'	19.34'	37.82'	N 38° 40' 49" W
C-14	43° 06' 29"	73.62'	55.39'	29.08'	54.09'	N 48° 06' 17" W
C-15	39° 12' 14"	490.00'	335.28'	174.50'	328.77'	N 50° 03' 24" W
C-16	33° 03' 59"	289.50'	167.08'	85.94'	164.77'	N 13° 55' 18" W
C-17	27° 50' 53"	220.00'	106.93'	54.54'	105.88'	N 11° 18' 44" W
C-18	06° 23' 13"	650.00'	72.46'	36.27'	72.42'	N 28° 25' 47" W
C-19	08° 57' 47"	640.00'	100.11'	50.16'	100.02'	N 36° 06' 17" W
C-20	37° 59' 01"	630.00'	417.65'	216.83'	410.05'	N 21° 35' 40" W
C-21	22° 23' 09"	306.09'	119.59'	60.57'	118.83'	N 13° 47' 44" W

LINE DATA

Line	Bearing	Distance
L-1	S 02° 36' 09" E	145.43'
L-2	S 40° 35' 11" E	116.68'
L-3	S 58° 22' 37" W	10.00'
L-4	S 25° 14' 10" E	23.76'
L-5	S 02° 36' 42" W	145.80'
L-6	S 30° 27' 17" W	22.92'
L-7	N 30° 27' 17" W	22.92'
L-8	N 02° 36' 42" E	145.80'
L-9	N 25° 14' 10" W	23.76'
L-10	S 58° 22' 36" W	10.00'
L-11	N 40° 35' 10" W	116.68'
L-12	N 02° 36' 09" W	145.43'
L-13	N 24° 59' 19" W	12.92'

REGISTERED PROFESSIONAL ENGINEER
Richard Passbury
No. 3621
ID. 1053
LS 3621

Flowers Bench Subdivision

Galena Engineering, Inc.
Ketchum, Idaho
Sheet 1 of 4

Job No. 2663

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Department of Water Resources

A Plat Showing
FLOWERS BENCH SUBDIVISION
Being a replat of In Lot 3, Flowers Ranch Subdivision, Sections 1 & 21, T.4N., R.17E. B.M., Blaine County, Idaho
November, 1993

PLAT NOTES

1. All proposed utility lines shall be underground.
2. The principle residences shall be located within the building envelopes as recorded on the plat and all out buildings shall be outside of the Avalanche hazard and mountain overlay district and no closer than 50' from any lot line. To move a building envelope requires submittal of a plat amendment application and Board approval.
3. Maintenance and weed control pursuant to State regulations for all lots are the responsibility of the developer until the lot is sold and thereafter the responsibility of the owners of the individual lots.
4. The purchaser and/or owner of this lot or parcel understands and agrees that private road construction, maintenance, and snow removal shall be the obligation of the owner, his successors in interest, or homeowner's association, and that Blaine County is in no way obligated to accept, maintain, or improve these roads until the roads are brought up to county standards, dedicated, and accepted by the county, and that each owner shall notify, in writing, any successor in interest of these facts.
5. No structures to be located within 150 feet of any Hulen Meadows property boundary.
6. Lots shall not be reduced in size without prior approval from the Health Authority.
7. No additional domestic water supplies shall be installed beyond the water system approved in the sanitary restriction release.
8. Reference is made to public health letter on file regarding additional restrictions.
9. The avalanche danger area designated on this subdivision plat is considered by the owner, Blaine County, and Galena Engineering, Inc. reasonable for regulatory purposes. However, neither the owner, Blaine County, or Galena Engineering, Inc. represents, guarantees, warrants, or implies that areas outside the designated avalanche danger area are safe and free from avalanches or avalanche danger.
10. No further subdivision of any lot may be undertaken.
11. All fences within the subdivision shall be post and rail construction with a maximum height of 42" and the lowest rail shall be a minimum of 18" above ground.

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Department of Water Resources

Flowers Bench Subdivision

Galena Engineering, Inc.
Ketchum, Idaho
Sheet 2 of 4

Job No. 2663

CERTIFICATE OF OWNERSHIP

This is to certify that I, the undersigned am the owner in fee simple of the following described parcel of land:

A parcel of located within Sections 1 & 21, T.4N., R.17E., B.M., Blaine County, Idaho, more particularly described as follows:

Lot 3, Flowers Ranch Subdivision, Blaine County, Idaho

The easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for the public utilities and for any other uses indicated hereon and no permanent structures are to be erected within the lines of said easements. Protective covenants governing this Subdivision are recorded under County Recorder Instrument No.

It is the intent of the owner to hereby include said land in this plat.

Elizabeth K. Gray
Elizabeth K. Gray

ACKNOWLEDGEMENT

STATE OF Idaho
COUNTY OF Blaine } ss

On this 25 day of October, 1993, before me, a Notary Public in and for said State, personally appeared the person whose name is subscribed to the Owner's Certificate and acknowledged to me that she 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.

Callen D. Weber
Notary Public

Constance A. Kemmerer
Constance A. Kemmerer

ACKNOWLEDGEMENT

STATE OF Idaho
COUNTY OF Blaine } ss

On this 25 day of October, 1993, before me, a Notary Public in and for said State, personally appeared the person whose name is subscribed to the Owner's Certificate and acknowledged to me that she 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.

Callen D. Weber
Notary Public

SANITARY RESTRICTIONS

SURVEYOR'S CERTIFICATION

I, Richard D. Fosbury, a duly licensed land surveyor in the State of Idaho, do hereby certify that this plat of Flowers Bench Subdivision is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.



ACKNOWLEDGEMENT

STATE OF IDAHO } ss
COUNTY OF BLAINE }

On this 25 day of November, 1993, before me, a Notary Public in and for said State, personally appeared Richard D. Fosbury, known to me to be the person whose name is subscribed to the above Surveyor's certificate 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.



David D. Anderson
Notary Public in and for the State of Idaho

COUNTY ENGINEER'S APPROVAL

I, Jim W. Koonce, County Engineer for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the state of Idaho relating thereto.



APPROVAL OF BLAINE COUNTY PLANNING AND ZONING

24 The foregoing plat was approved by the Blaine County Planning and Zoning Commission on this day of November, 1993.

Linda E. Howard
Administrator

APPROVAL OF BLAINE COUNTY COMMISSIONERS

24 The foregoing plat was approved by the Blaine County Board of Commissioners on this day of November, 1993.

Tom Blanchard
Chairman

COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat of Flowers Bench Subdivision is hereby approved this 30th day of November, 1993.

Vicki Dick by Jacqueline Collett
Blaine County Treasurer

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } ss
COUNTY OF BLAINE }

This is to certify that the foregoing replat was filed in the office of the Recorder of Blaine County, Idaho on this 17 day of December, 1993, at 3:27 P.M., and duly recorded in Plat Book 360237, at page 1.

Debra L. Henson
Ex-officio Recorder

Flowers Bench Subdivision
Galena Engineering, INC.
Ketchum, Idaho
Sheet 3 of 4

Job No. 2663

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Department of Water Resources

APPROVAL OF THE SUN VALLEY CITY COUNCIL

The foregoing plat was approved by the City Council of Sun Valley on this
23rd day of November, 1993.

[Signature]
City Clerk

SUN VALLEY CITY ENGINEER'S APPROVAL

The foregoing plat was approved by Philip F. Peckert City Engineer for the City of Sun Valley on this
28th day of October, 1993.

[Signature]
City Engineer



APPROVAL OF THE KETCHUM CITY COUNCIL

The foregoing plat was approved by the City Council of Ketchum on this
23rd day of October, 1993.

[Signature]
City Clerk



KETCHUM CITY ENGINEER'S APPROVAL

The foregoing plat was approved by Philip F. Peckert City Engineer for the City of Ketchum on this
28th day of October, 1993.

[Signature]
City Engineer

