

MEMO

TO: Blaine County Commissioners
CC: Jonathan Neeley
FROM: John Gaeddert
DATE: September 8, 2021

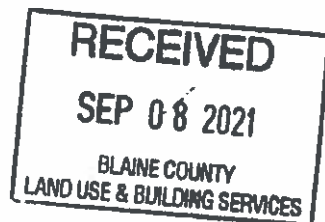
SUBJECT: Lateral 75 Ranch Subdivision Possible Phasing Request

The preliminary plat for Lateral 75 Ranch Subdivision (L75R) includes 13 TDRs, which is 5 TDRs shy of the full complement needed for the 24 lot subdivision. Consistent with Blaine County Code §10-4-5A.1 and the precedent of Morada Farms in which the 3rd phase was specifically dependent upon the acquisition of TDR's, please accept the attached draft phasing agreement for L75R.

In the event deed of development right instruments for the remaining 5 TDRs are not acquired prior to the County Commissioner's approval of the Findings for the L75R preliminary plat, the County and Applicant will enter into a phasing agreement. Subject agreement will permit 2 final plats to be prepared by the Applicant, which would consist of 19 lots in Phase 1 and 5 lots in Phase 2. See attached draft phasing agreement and plan for additional detail.

Please let me know if you have any questions.

End Memo



Recording requested by and return to

Board of Commissioners of Blaine County, Idaho
206 South 1st Avenue, Suite 300
Hailey, Idaho 83333



(Space Above This Line For Recorder's Use)

**PHASING AGREEMENT
Lateral 75 Ranch Subdivision
Blaine County, Idaho**

This Phasing Agreement (this "**Agreement**") is made and entered into this ____ day of _____, 2021, by and between BLAINE COUNTY, IDAHO, a political subdivision of the state of Idaho ("**County**") and FLYING SQUIRREL PRODUCTIONS, LLC, an Idaho limited liability company ("**Applicant**").

RECITALS

- A. Applicant has filed with County an application for subdivision approval of the Lateral 75 Ranch Subdivision, which is a re-subdivision of the real property that is legally described as Lots 1, 2 and 3 of Gregory Ranch Subdivision, according to the official plat thereof filed in the real property records of Blaine County, Idaho (the "**Subdivision**"); and
- B. County has approved the preliminary plat of the Lateral 75 Ranch Subdivision, which approval allows the final plats for the Subdivision to be recorded in two separate phases, subject to the execution of this Phasing Agreement; and
- C. The parties desire to set forth the manner in which the final plats for each of the two phases of the Lateral 75 Ranch Subdivision may be signed by County and recorded by Applicant.

AGREEMENT

NOW, THEREFORE, the parties hereby agree as follows:

1. **Preliminary Plat Approval.** County granted preliminary plat approval for the Subdivision pursuant to the Findings of Fact, Conclusions of Law and Decision dated _____, 2021.
2. **Phasing of Final Plats.** The preliminary plat approval allows Applicant to prepare, County to approve and execute, and Applicant to thereafter record final plats for the Subdivision, in two (2) separate phases, as follows:
 - a. Phase One consisting of Lots 1 – 16, Lots 22 - 24, and all Parcels within the Subdivision.

- b. Phase Two consisting of Lots 17 - 21 in the Subdivision. No building permits will be issued for any Phase Two lots until the final plat for Phase Two is recorded. Lots 17 – 21 will be managed as “Open Space, Private” as defined in Blaine County Code (Title 9, Chapter 2) (which is “land or water area devoid of buildings, streets, parking or other physical structures except fences and irrigation structures”) until Applicant begins making improvements thereto for the final plat thereof.
3. **Conditions of Approval.** Prior to recording the final plat for each of phases of the Subdivision, Applicant will demonstrate compliance with all conditions of approval for the Subdivision imposed by County (with respect to the portion of the Subdivision within the applicable phase). The final plat for Phase Two may be submitted for approval at any time, including concurrently with Phase One, provided that all requirements for the development of the lots in Phase Two have been met, including the acquisition of five (5) transferred development rights in accordance with the Blaine County Zoning and Subdivision Ordinances.
4. **Final Plat Deadline.** The final plats for all phase of the Subdivision must be recorded on or before ten (10) years from the date of County’s approval of the preliminary plat for the Subdivision, unless further extended by County.
5. **Attorneys’ Fees.** If any party initiates or defends any legal action or proceeding to interpret or enforce any of the terms of this Agreement, the substantially prevailing party will be entitled to recover any costs and attorneys’ fees reasonably incurred therein, in addition to any other remedies available at law or equity.

[end of text; counterpart signature pages follow]

COUNTERPART SIGNATURE PAGE

DATED effective as of the day and year first above written.

“Developer” FLYING SQUIRREL PRODUCTIONS, LLC, an Idaho limited liability company

By: _____
Jonathan Lee Neeley, Manager

STATE OF IDAHO)
) ss.
County of Blaine)

This record was acknowledged before me on _____ 2021 by Jonathan Lee Neeley as Manager of Flying Squirrel Productions, LLC, an Idaho limited liability company.

Signature of Notary Public

COUNTERPART SIGNATURE PAGE

DATED effective as of the day and year first above written.

“County”

BOARD OF COUNTY COMMISSIONERS OF BLAINE
COUNTY, IDAHO, a political subdivision of the state of
Idaho

By:

Dick Fosbury, Chair

ATTEST:

JoLynn Drage, County Clerk

