



City of Ketchum

November 16th, 2020

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation to approve the Lot Line Shift Final Plat and Waiver Request and accompanying Indemnity Agreement #20562; the action will readjust the lot lines between two existing parcels, 131 Topaz Street and 151 Topaz Street, and indemnify the city of any damages caused to existing non-conforming fences

Recommendation and Summary

Staff recommends the City Council approve the Lot Line Shift Final Plat and Waiver Request and accompanying Indemnity Agreement application by Galena Engineering, on behalf of Fritz Haemmerle and Reli Haemmerle, to reconfigure the lot lines between two existing parcels, 131 Topaz Street and 151 Topaz Street.

City Council approved the Preliminary Plat and Waiver Request on October 19th, 2020 after holding a public hearing. The Planning and Zoning Commission previously recommended approval of the Preliminary Plat and Waiver Request to Council after holding a public hearing on September 15th, 2020. A public hearing is not required for the Final Plat.

One of the conditions of approval for the Preliminary Plat was that the applicant enter into an Indemnity Agreement with the City for the purpose of allowing existing fences located within the new snow storage easements and abutting the newly dedicated right-of-way to remain in place provided the city is held harmless for damages to the fences. The Indemnity Agreement is included as Attachment B; the agreement has been reviewed by the City Attorney and is recommended for approval.

The Lot Line Shift action would reduce 151 Topaz to 0.76 acres in size and enlarge 131 Topaz to 0.43 acres in size. The Waiver Request allows 131 Topaz to become a double-frontage lot.

City staff support granting the waiver request as part of this action because of the dedication of right-of-way to the city. See Figure 2 (next page) for the proposed right-of-way dedication. Additional analysis related to the waiver request is contained in Attachment E, Draft Findings of Fact, Conclusions of Law, and Decision.



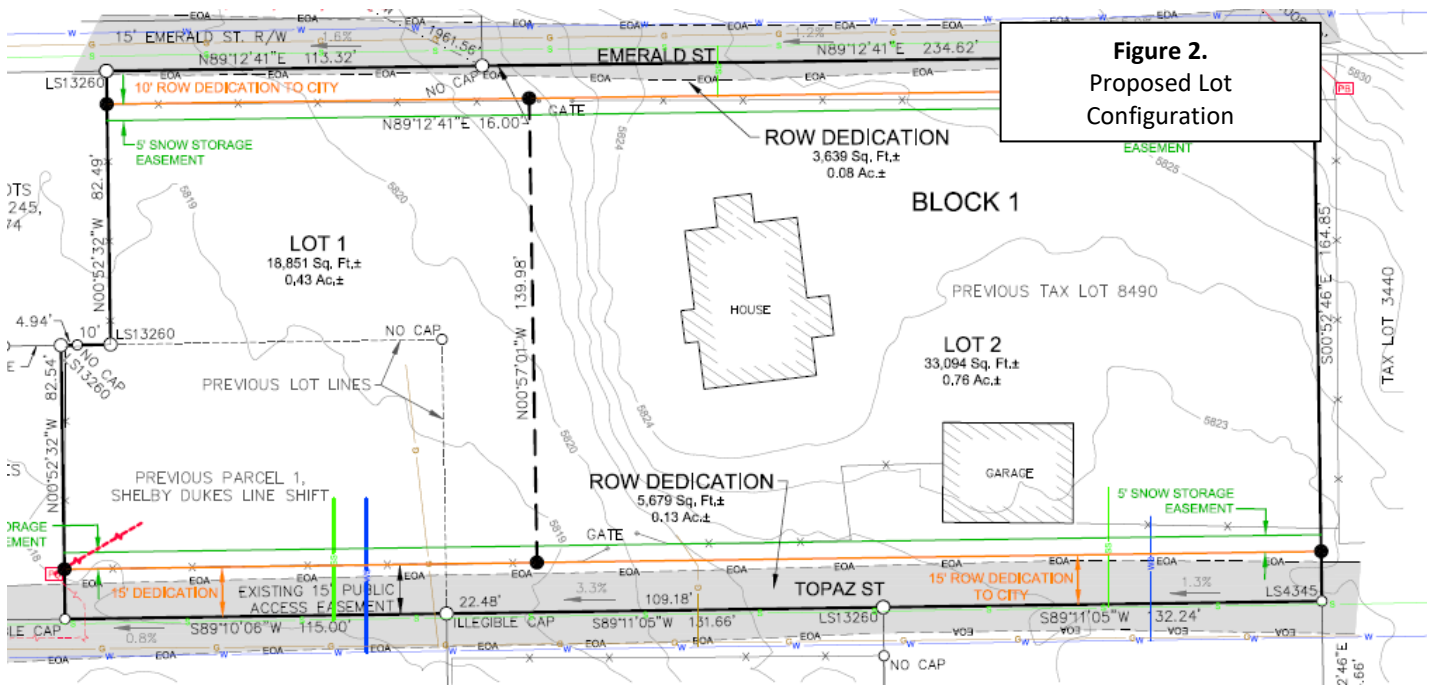


Figure 2.
Proposed Lot
Configuration

Recommended motions:

1. "I move to approve Agreement #20562, an Indemnity Agreement between Fritz X. Haemmerle and Reli L. Haemmerle, the property owners, and the City of Ketchum, for Lots 1 and 2 of Gem Street Subdivisions."
2. "I move to approve the Gem Street Subdivision Lot Line Shift Final Plat and Waiver Request application, subject to conditions 1-7 contained in the draft Findings of Fact, Conclusions of Law, and Decision and to adopt the draft Findings as presented."

The reasons for the recommendation are as follows:

- The request to subdivide meets all applicable standards for Lot Line Shift Final Plats contained in Ketchum Municipal Code's Subdivision (Title 16) and Zoning (Title 17) regulations.
- The Indemnity Agreement will hold the City harmless for damages caused to the fences by the City. The City Attorney has reviewed and recommends approval of the Indemnity Agreement. The Indemnity Agreement will be recorded simultaneously with the Final Plat and the instrument number for the Indemnity Agreement will be referenced on the Final Plat (Plat Note #3).
- Reconfiguring 131 Topaz into a double-frontage lot allows for the property owner to accomplish the goal of creating a more suitable building envelope and allows the city to obtain right-of-way that will facilitate and improve city operations in the vicinity, such as snow plowing and snow storage.

Financial Impact

None at this time.

Attachments:

- A. Application
- B. Indemnity Agreement
- C. Final Plat dated October 2020
- D. Application for Waiver of Requirements dated August 5, 2020
- E. Draft Findings of Fact, Conclusions of Law, and Decision

Attachment A.
Application



City of Ketchum
Planning & Building

CERTIFIED COMPLETE
10-20-20

OFFICIAL USE ONLY	
Application Number:	Pro-102
Date Received:	10-20-16
By:	mf
Fee Paid:	750 ⁰⁰
Approved Date:	
By:	

**FINAL PLAT
Subdivision Application**

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code.

APPLICANT INFORMATION			
Name of Proposed Subdivision: Gem Street Subdivision			
Owner of Record: Fritz and Reli Haemmerle			
Address of Owner: PO Box 3154, Hailey, ID 83333			
Representative of Owner: Sean Flynn / Galena Engineering			
Legal Description: Tax Lot 8490 and Parcel 1, Shelby Dukes Line Shift			
Street Address: 131 and 151 Topaz Street			
SUBDIVISION INFORMATION			
Number of Lots/Parcels: 2			
Total Land Area: 61,264 sf			
Current Zoning District: LR			
Proposed Zoning District: LR			
Overlay District: None			
TYPE OF SUBDIVISION			
Condominium <input type="checkbox"/>	Land <input checked="" type="checkbox"/>	PUD <input type="checkbox"/>	Townhouse <input type="checkbox"/>
Adjacent land in same ownership in acres or square feet: 10,861 sf			
Easements to be dedicated on the final plat: Snow storage easement, ROW dedication.			
Briefly describe the improvements to be installed prior to final plat approval: Water and sewer services installed for Lot 1.			
ADDITIONAL INFORMATION			
All lighting must be in compliance with the City of Ketchum's Dark Sky Ordinance			
One (1) copy of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations			
One (1) copy of current title report and owner's recorded deed to the subject property			
One (1) copy of the preliminary plat			
All files should be submitted in an electronic format.			

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 reasonable attorney's fees and costs, including fees and costs of appeal for the City of Ketchum. Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortious conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

Sean Flynn Sean Flynn / Galena Engineering 10/20/2020
Applicant Signature Date

Attachment B.
Indemnity Agreement

INDEMNITY AGREEMENT

Effective this ____ day of November 2020, Fritz X. Haemmerle and Reli L. Haemmerle (collectively “Owners”) and the City of Ketchum (“City”), hereby enter into this Indemnity Agreement (“Agreement”) as follows:

RECITALS:

WHEREAS the City approved a lot line shift Application filed by the Owners;

WHEREAS, as part of the approval, the City established certain right of ways and snow storage easements for the Lots. The Lots are described as follows:

Lots 1 and 2, Gem Street Subdivisions, according to the Official Plat of record, records of Blaine County, State of Idaho.

WHEREAS, the City allowed the Owners to keep their fences in place as a condition of approval of the Application, provided the Owners indemnify and hold the City harmless for damages caused to the fences by the City, so long as the existing fences are located in the right of way or snow storage easements; now therefore

The Parties AGREE AS FOLLOWS:

1. Incorporation of Recitals. The Recitals are incorporated into and made a part of this Agreement.

2. Indemnification. So long as the existing fences are located within the right of way or snow storage easements, as set out in the Gem Street Subdivision Plat, the Owners, on behalf of their agents affiliates, attorneys, successors, and assigns, do fully, finally and forever release and discharge the City against all losses and expenses arising from the City’s maintenance of its street, right of ways or easements. If the fences are relocated out of the right of ways or snow storage easement, this indemnification is null and void.

3. Governing Law, Jurisdiction and Venue. This Settlement Agreement and Mutual Release shall be governed by the laws of the State of Idaho. Jurisdiction and venue shall be in Blaine County, State of Idaho.

4. Entire Agreement. This Agreement, together with the accompanying exhibit, constitutes the entire, completely integrated agreement among the parties and supersedes all prior memoranda, agreements, correspondence, conversations, and negotiations.

5. Binding Effect. This Agreement and the Exhibits attached hereto shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, administrators, successors and permitted assigns.

6. Counterparts and Fax Signatures. This Settlement Agreement and Mutual Release may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. All parties may sign this Settlement Agreement and Mutual Release with fax signatures.

7. Attorney Fees and Costs. In the event of a dispute arises between the parties regarding the interpretation or enforcement of this Agreement, the prevailing party shall be entitled to recover from the other party his reasonable attorney's fees and costs incurred therein whether or not a lawsuit is ever filed and on any appeals.

For OWNERS:

Date: This _____ day of November, 2020.

Owner, Fritz X. Haemmerle

STATE OF IDAHO)
)ss.
COUNTY OF BLAINE.)

On this ____ day of _____ 2020, before me, the subscriber, a Notary Public in and for said State and County, personally appeared Fritz X. Haemmerle, known or identified to me to be the person whose name is subscribed to the within instrument, and in due form of law acknowledged that executed the same as his voluntary act.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.

Notary Seal

(Signature of Notary)

My Commission Expires: _____

Date: This _____ day of November, 2020.

Owner, Reli L. Haemmerle

STATE OF IDAHO)
)ss.
COUNTY OF BLAINE.)

On this ____ day of _____ 2020, before me, the subscriber, a Notary Public in and for said State and County, personally appeared Reli L. Haemmerle, known or identified to me to be the person whose name is subscribed to the within instrument, and in due form of law acknowledged that executed the same as his voluntary act.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.

Notary Seal

(Signature of Notary)

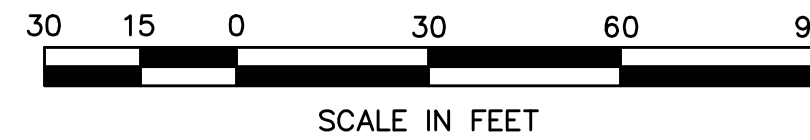
My Commission Expires: _____

Attachment C.
Final Plat dated October 2020

A PLAT SHOWING GEM STREET SUBDIVISION

WHEREIN THE LOT LINE BETWEEN TAX LOT 8490 AND PARCEL 1, SHELBY DUKES LINE SHIFT, ARE SHIFTED AS SHOWN HEREON
LOCATED WITHIN SECTION 18, T.4 N., R.18 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

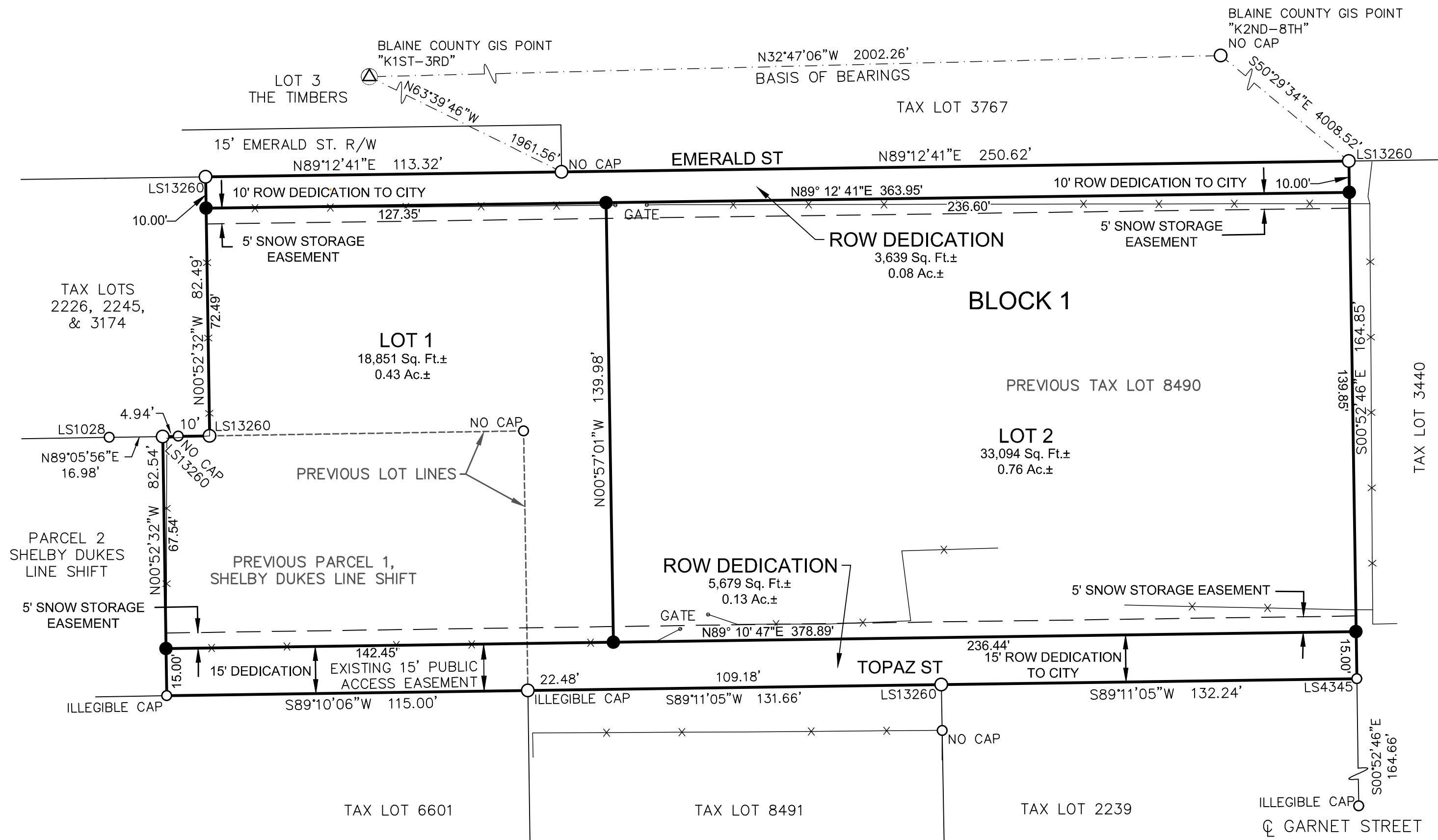
OCTOBER 2020



SCALE: 1" = 30'

LEGEND

- Property Boundary
- Adjoiner's Lot Line
- Easement, Type & Width as Shown
- Previous Lot Line
- Fence Line
- GIS Tie Line
- Found Aluminum Cap on 5/8" Rebar
- Found 5/8" Rebar
- Found 1/2" Rebar
- Set 5/8" Rebar, P.L.S. 16670



SURVEY NARRATIVE & NOTES

1. The purpose of this survey is to shift the lot lines between Tax Lot 8490 and Parcel 1, Shelby Dukes Line Shift, as shown hereon. The boundary shown is based on found monuments and the Record of Survey for Tax Lots 8265, 2241, 2246, and Parcel 1, Shelby Dukes Line Shift, Instrument Number 652396, records of Blaine County, Idaho. All found monuments have been accepted. Additional Documents used in the course of this survey include; Warranty Deeds, Instrument Numbers 132181, 132252, 229345, & 285434, all records of Blaine County, Idaho.
2. Except as specifically stated or depicted on this map, this survey does not purport to reflect any of the following which may be applicable to subject real property: natural hazards, encroachments, wetlands, easements, building setbacks, restrictive covenants, subdivision restrictions, zoning or any other land-use regulations. An independent title search has not been performed by the surveyor for this project.
3. As shown hereon, there are existing fences within the proposed snow storage easements. Said fences will be allowed to remain until their respective lots are developed. At that time, the fences will be required to be removed from the snow storage easements, and these easements will be required to be kept clear of obstructions. An indemnification agreement is recorded under Instrument No. _____, records of Blaine County Idaho, to indemnify the City of Ketchum from any damage to the fences prior to their removal.
4. A 5' Utility Easement exists adjacent all exterior lot lines and centered along all interior lot lines.
5. Parking of cars and other vehicles is prohibited along Emerald and Topaz Street within the areas shown to be dedicated to the City, or within any asphalted areas of the Streets.

HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.

Date _____ South Central Public Health District



MARK E. PHILLIPS, P.L.S. 16670

GEM STREET SUBDIVISION

GALENA ENGINEERING, INC.
HAILEY, IDAHO

SHEET 1 OF 2

Job No. 6817-01

Attachment D.

Application for Waiver of Requirements dated August 5, 2020



8-7-20

File Number: P20-074

APPLICATION FOR A WAIVER OF REQUIREMENTS

Name: Fritz & Reli Haemmerle

Phone No. (business): 208-578-0520 (home): _____

Mailing Address: PO Box 3154, Hailey ID, 83333

Project Address: 131 and 151 Topaz Street

Legal Description: Tax Lot 8490 and Parcel 1, Shelby Dukes Line Shift

Zoning Designation: LR

Overlay District: Flood ___ Avalanche ___ Pedestrian ___ Mountain ___

Please state with particularity the matters the applicant seeks waiver or deferral:

16.04.040.F.5, which does not allow for double frontage lots

Please state how the waiver or deferral would not be detrimental to the public welfare, health and safety nor injurious to property owners in the immediate area.

The waiver is being requested given the existing conditions and the need to dedicate sufficient right of way to the City and provide snow storage, along with being able to have a suitable building envelope. It is not anticipated that this waiver will be detrimental to the public welfare, health and safety, nor be injurious to property owners in the immediate area.

Applicant's Signature: Sean Tly
Representative's _____
w/ Galena Engineering

Date: 08/05/20

Attachment E.

Draft Findings of Fact, Conclusions of Law, and Decision



City of Ketchum
Planning & Building

IN RE:)	
)	
Gem Street Subdivision Lot Line Shift)	KETCHUM CITY COUNCIL
Lot Line Shift Final Plat)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: November 16, 2020)	DECISION
)	
File Number: P20-102)	

Findings Regarding Application Filed

PROJECT: Gem Street Subdivision Lot Line Shift

APPLICATION TYPE: Lot Line Shift Final Plat

FILE NUMBER: P20-102

ASSOCIATED PERMITS: P20-071, P20-074, Agreement #20562

OWNERS: Fritz Haemmerle and Reli Haemmerle

REPRESENTATIVE: Sean Flynn, P.E., Galena Engineering

REQUEST: Final Plat Lot Line Shift to reconfigure two existing lots and waiver request to allow the creation of a new double-frontage lot

LOCATION: 131 Topaz Street (Lot 1, Shelby Dukes Subdivision) and 151 Topaz Street (FR SE SW Tl 8490)

NOTICE: No noticing is required for Final Plats

ZONING: Limited Residential (LR)

OVERLAY: None

Background Findings of Fact

1. On October 19th, 2020, the Ketchum City Council considered the readjustment of lot lines and waiver request during a public hearing and approved the applications. City Council approved the Final Plat with wavier request and the accompanying Indemnity Agreement (#20562) on November 16th, 2020.
2. The subject properties are located in the Limited Residential (LR) zoning district.
3. The proposed readjusted lots will meet all required zoning and dimensional standards. The waiver request to allow proposed Lot 1, Gem Street Subdivision, to become a double-frontage lot is

warranted due Findings of Fact detailed in Tables 3. Proposed Lot 2, Gem Street Subdivision, is an existing double-frontage lot.

Table 1: Findings Regarding Final Plat Requirements

Final Plat Requirements			
Compliant			Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K</p> <p>Contents Of Final Plat: The final plat shall be drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of eighteen inch by twenty four inch (18" x 24") Mylar paper with no part of the drawing nearer to the edge than one-half inch (1/2"), and shall be in conformance with the provisions of title 50, chapter 13, Idaho Code. The reverse side of such sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information. The contents of the final plat shall include all items required under title 50, chapter 13, Idaho Code, and also shall include the following:</p> <p><i>Staff Comments</i> The mylar paper shall be prepared following Ketchum City Council review and approval of the Final Plat application and shall meet these standards.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K.1</p> <p>Point of beginning of subdivision description tied to at least two (2) governmental survey corners, or in lieu of government survey corners, to monuments recognized by the city engineer.</p> <p><i>Staff Comments</i> This standard has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K.2</p> <p>Location and description of monuments.</p> <p><i>Staff Comments</i> This standard has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K.3</p> <p>Tract boundary lines, property lines, lot lines, street right of way lines and centerlines, other rights of way and easement lines, building envelopes as required on the preliminary plat, lot area of each lot, boundaries of floodplain and floodway and avalanche district, all with bearings, accurate dimensions in feet and decimals, in degrees and minutes and radii, arcs, central angles, tangents and chord lengths of all curves to the above accuracy.</p> <p><i>Staff Comments</i> This standard has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K.4</p> <p>Names and locations of all adjoining subdivisions.</p> <p><i>Staff Comments</i> Adjacent subdivisions The Timbers and Shelby Dukes Subdivision are referenced. Other adjacent parcels are unplatted tax lots.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K.5</p> <p>Name and right of way width of each street and other public rights of way.</p> <p><i>Staff Comments</i> This standard has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K.6</p> <p>Location, dimension and purpose of all easements, public or private.</p> <p><i>Staff Comments</i> This standard has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K.7</p> <p>The blocks numbered consecutively throughout each block.</p> <p><i>Staff Comments</i> This standard has been met. The subdivision creates Block 1, lots 1 and 2.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K.8</p> <p>The outline of any property, other than a street, alley or easement, which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked "Dedicated to the City of Ketchum for Public Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated.</p> <p><i>Staff Comments</i> Dedications are included for Topaz and Emerald Streets. New snow storage easements are also included. Existing easements are indicated as well.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K.9</p> <p>The title, which shall include the name of the subdivision, the name of the city, if appropriate, county and state, and the location and description of the subdivision referenced to section, township, range.</p> <p><i>Staff Comments</i> This standard has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.030.K.10</p> <p>Scale, north arrow and date.</p> <p><i>Staff Comments</i> This standard has been met.</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.1 1	Location, width, and names of all existing or dedicated streets and other public ways within or adjacent to the proposed subdivision <i>This standard has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.K.1 2	A provision in the owner's certificate referencing the county recorder's instrument number where the condominium declaration(s) and/or articles of incorporation of homeowners' association governing the subdivision are recorded. <i>N/A this is not a condominium or townhouse subdivision.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.1 3	Certificate by registered engineer or surveyor preparing the map certifying to the accuracy of surveying plat. <i>As conditioned, this standard will be met prior to recordation of the Final Plat. The signature block page shall include the surveyor's certification.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.1 4	A current title report of all property contained within the plat. <i>This standard has been met. A title report and warranty deed were submitted with the Preliminary Plat and both are current.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.1 5	Certification of owner(s) of record and all holders of security interest(s) of record with regard to such property. <i>As conditioned, this standard will be met prior to recordation of the Final Plat. The signature block page shall include a certificate of ownership and associated acknowledgement from all owners and holders of security interest with regard to the subject property, which shall be signed following Ketchum City Council review and approval of the application and prior to recordation of the Final Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.1 6	Certification and signature of engineer (surveyor) verifying that the subdivision and design standards meet all city requirements. <i>As conditioned, this standard will be met prior to recordation of the Final Plat. The signature block page shall include the certification and signature of the surveyor verifying that the subdivision and design standards meet all City requirements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.1 7	Certification and signature of the city engineer verifying that the subdivision and design standards meet all city requirements. <i>As conditioned, this standard will be met prior to recordation of the Final Plat. The signature block page shall include the City Engineer's approval and verification that the subdivision and design standards meet all City requirements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.1 8	Certification and signature of the city clerk of the city of Ketchum verifying that the subdivision has been approved by the council. <i>As conditioned, this standard will be met prior to recordation of the Final Plat. The signature block page shall include the certification and signature of the City Clerk verifying the subdivision has been approved by City Council.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.K.1 9	Notation of any additional restrictions imposed by the council on the development of such subdivision to provide for the public health, safety and welfare. <i>N/A as no restrictions were imposed by the Ketchum City Council during review of the Preliminary Plat application. However, the required dedications and easements are indicated on the plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.L	Final Plat Copies: Both a hard copy and a digital copy of the final plat shall be filed with the administrator prior to being placed upon the Council's agenda. A digital copy of the final plat as approved by the council and signed by the city clerk shall be filed with the administrator and retained by the city. The Applicant shall also provide the city with a digital copy of the recorded document with its assigned legal instrument number. <i>This standard has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. <i>N/A this Lot Line Shift application did not necessitate further improvements.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.B	Improvement Plans: Prior to approval of final plat by the Council, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state. <i>N/A this Lot Line Shift application did not necessitate further improvements.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.C	Performance Bond: Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in

			<p>cases where the required improvements cannot be constructed due to weather, factors beyond the control of the subdivider, or other conditions as determined acceptable at the sole discretion of the city, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be two years or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</p>
			N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.D As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.</p>
			N/A as no improvements requiring as built drawings were constructed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.E Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat. 3. All street corner lines ending at boundary line of final plat. 4. All angle points and points of curves on all streets. 5. The point of beginning of the subdivision plat description.
			<i>This standard has been met. See Surveyor Narrative on page 1 of the Final Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.F Lot Requirements:</p> <ol style="list-style-type: none"> 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. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) 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, and 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, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: <ol style="list-style-type: none"> a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met. b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section. 3. Corner lots outside of the original Ketchum Townsite shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use. 4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.

			<p>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.</p> <p>6. 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. Minimum lot sizes in all cases shall be reversed frontage lot(s).</p>
			<p>#1 and #6 – These standards have been met.</p> <p>Standards #2, #3, and #4 are N/A.</p> <p>#5 – A waiver application has been included for this standard. The Lot Line Shift application creates a new double frontage lot, Lot 1 of the subdivision. See Table 3 of this document for detail.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.040.G</p> <p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 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, watercourses and topographical features. 4. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.
			<p><i>This standard has been met. Only one block, with 2 lots, is being platted.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.H</p> <p>Street Improvement Requirements:</p> <ol style="list-style-type: none"> 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; 2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified; 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; 4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods; 5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing; 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; 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 (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended; 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 feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line; 9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°); 10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;

				<p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>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 confused 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 County Assessor's office before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>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;</p> <p>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;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p> <p>18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;</p> <p>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 H2 of this section and chapter 12.04 of this code;</p> <p>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;</p> <p>21. 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, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters shall be required consistent with adopted city standards and where designated shall be a required improvement installed by the subdivider;</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights-of-way unless approved by the City Council; and</p> <p>24. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone.</p>
				<i>This proposal does not create new street, private road, or bridge. However, this action does dedicate portions of existing streets to the city as right-of-way.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	<p>Alley Improvement Requirements: Alleys shall be provided in, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). 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 permitted only within the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead-end alley including, but not limited to, the provision of fire protection, snow removal and trash collection services to such properties. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
				<i>This proposal does not create a new alley. Alley improvements were not applicable to this project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J	<p>Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.</p> <p>1. A public utility easement at least ten feet (10') in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet (5') 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.</p>

			<p>2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.</p> <p>3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. 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 riverbank which runs through the proposed subdivision.</p> <p>4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted 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. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the City.</p>
			<i>New required easements for snow storage have been indicated.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.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.</p>
			<i>N/A because this Lot Line Shift is a reconfiguration of existing lots that have access to the central sewer system.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.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. 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.</p>
			<i>N/A because this Lot Line Shift is a reconfiguration of existing lots that have access to the municipal water system.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.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 such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.</p>
			<i>This standard is not applicable.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.N</p> <p>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:</p> <ol style="list-style-type: none"> 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. Such plan shall contain the following information: <ol style="list-style-type: none"> a. Proposed contours at a maximum of five foot (5') 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. f. 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 landforms 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 such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion. 6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply: <ol style="list-style-type: none"> 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 percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability. d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') 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 (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
			<i>N/A as there is no site work occurring with this subdivision since it is reconfiguration of existing lots.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.O</p> <p>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 including shoulders.</p>
			<i>N/A as there is no site work occurring with this subdivision since it is reconfiguration of existing lots.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>16.04.040.P</p> <p>Utilities: In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services 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.</p>

				<i>N/A because this action reconfigures two existing lots.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.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. <i>No off-site improvements are required.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.R	Avalanche And Mountain Overlay: All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in Title 17 of this Code. <i>N/A</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.S	Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision. <i>N/A</i>

Table 2: Dimensional Standards

Compliance with Zoning and Dimensional Standards				
Compliant			Standards and Findings	
Yes	No	N/A	Ketchum Municipal Code Standard	City Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Minimum Lot Area
			<i>Staff Comment</i>	Required: 9,000 square feet minimum Proposed: Lot 1 will be 18,851 square feet, Lot 2 will be 33,094 square feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Lot Width
			<i>Staff Comment</i>	Required: 80' average Proposed: Both lots 1 and 2 will exceed 100' in width.

Table 3: Waiver Standards

16.04.130.A and 16.04.130.B				
Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.130.A	A. General Requirements: Waiver of any of the requirements of this chapter may be granted by the council on a case by case basis upon the recommendation of the commission. Application for such waiver(s) must be in writing and must show that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this chapter would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health and safety, nor injurious to property owners in the immediate area.

			<p>Findings</p> <p>The applicant requested the waiver in writing, see Application for a Waiver of Requirements, dated August 5, 2020, in project file. This application was given a separate application number, P20-074.</p> <p>The waiver request is to allow an existing single-frontage lot, addressed 131 Topaz Street, to become a double-frontage lot via the readjustment of lot lines action. Granting the waiver will allow the lot to have a depth of 139.93' after 10' of right-of-way is dedicated along the northern portion of the parcel and 15' of right-of-way is dedicated along the southern portion of the parcel.</p> <p>The LR zoning district requires a 15' front setback and a 20' rear setback. If the approximately 140' deep lot were split in equal halves, the result would be two lots with 70' of depth; after required setbacks are accounted for (15' front + 20' rear), the available building envelope would be only 35' in depth on each lot. By creating one lot instead of two lots the city can gain dedication of significant right-of-way and the property owner gains a more functional building envelope.</p> <p>The waiver request is not detrimental to the public welfare, health or safety and is not injurious to property owners in the immediate area.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>16.04.130. B</p> <p>B. Application For Waiver: Applications shall be made to the administrator in writing at the time of subdivision application. Such waiver, together with such related data and maps as are necessary to fully illustrate the relief sought, shall be filed at that time. Such application shall be processed and considered with the preliminary plat application.</p>
			<p>An application for the waiver request (P20-074) was submitted concurrently with the Lot Line Shift Preliminary Plat application. The submittal materials are of sufficient detail to illustrate the relief sought.</p>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the Ordinances and regulations, which Ordinances are codified in the Ketchum City Code ("KMC") and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the Applicant's Condominium Subdivision Final Plat application for the development and use of the project site.
2. The Council has authority to approve the applicant's Lot Line Shift (Readjustment of Lot Lines) and Waiver Request application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application, which consisted of including notice of the application on the City Council meeting agenda.
4. The proposed Lot Line Shift Final Plat for Lots 1 and 2, Block 1, Gem Street Subdivision, meets the standards for Final Plats under Title 16 of Ketchum Municipal Code subject to conditions of approval.

DECISION

THEREFORE, the Ketchum City Council **approves** this Lot Line Shift Final Plat application this Monday, November 16th, 2020 subject to the following conditions:

CONDITIONS OF APPROVAL

1. Indemnity Agreement #20562 shall be recorded simultaneously with the recording of the Final Plat.
2. 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.
3. 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"; and,
 - d. 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.
5. The applicant shall provide a copy of the recorded Final Plat to the Planning and Building Department for the official file on the application.
6. The Final Plat mylar shall contain all items required under Title 50, Chapter 13, Idaho Code as well as all items required pursuant to KMC §16.04.030J including certificates and signatures.
7. All governing ordinances and department conditions pertinent to the Fire Department, Building Department, Utilities Department, Street Department and Ketchum City Engineer shall be met.

Findings of Fact **adopted** this 16th day of November, 2020

Neil Bradshaw, Mayor

Katrin Sharp, Deputy City Clerk