



City of Ketchum

### CITY COUNCIL MEETING AGENDA MEMO

Meeting Date: April 15, 2024      Staff Member/Dept: Abby Rivin, Senior Planner  
Planning and Building Department

Agenda Item: Recommendation to hold a public hearing and approve the 220 Lava Street Lot Line Shift Application and adopt the Findings of Fact, Conclusions of Law, and Decision.

**Recommended Motion:**

“I move to approve the 220 Lava Street Lot Line Shift Application and adopt the Findings of Fact, Conclusions of Law, and Decision.”

**Reasons for Recommendation:**

- The 220 Lava Street Lot Line Shift Application proposes to relocate an existing 10-foot-wide pedestrian and non-motorized access easement to make the route more accessible and dedicate the relocated easement to the public. The proposed final plat submitted with the Lot Line Shift Application updates the avalanche hazard areas mapped on the subject property based on an updated site-specific avalanche study prepared by Xcell Engineer in 2017.
- Consistent with Ketchum Municipal Code §16.04.020, the proposal meets the definition of Readjustment of Lot Lines because: (1) the application proposes to relocate an existing 10-foot-wide pedestrian and non-motorized access easement to make the route more accessible, (2) proposed Lava Street Subdivision: Lot 1B complies with all dimensional standards required in the Limited Residential Zoning District, and (3) the proposal does not create additional lots or dwelling units.
- The Planning and Zoning Commission reviewed and approved Mountain Overlay Design Review Application File No. P19-085 for the development of a new 8,982-square-foot single-family residence and associated site improvements located at 220 Lava Street on September 9, 2019. The proposed siting of the pedestrian and non-motorized access easement was included on sheet L5 of the approved project plans. The final trail circulation design was reviewed and approved by the Planning Department and City Engineer through the plan review for Building Permit B21-041. The project was issued a Building Permit B21-041 on August 16, 2021. The applicant has graded and improved the relocated pedestrian and non-motorized access easement in accordance with the approved project plans and to the satisfaction of the Planning Department and City Engineer.

**Policy Analysis and Background:**

Lot Line Shift Application File No. P24-006 proposes to relocate an existing 10-foot-wide pedestrian and non-motorized access easement located at 220 Lava Street (see Figure 1) within the Limited Residential (LR) Zoning District, Mountain Overlay, and Avalanche Zone. The proposed siting of the pedestrian and non-motorized access easement will make the route more accessible. This easement connects to a trail system on land owned by Sun Valley Company to the east of the subject property. The existing easement only

benefit adjacent properties. The 220 Lava Street Lot Line Shift Application proposes to dedicate this pedestrian and non-motorized access easement to the public.



Figure 1: 220 Lava Street Aerial Map

The avalanche hazard areas shown on the existing Lava Street Subdivision Lot 1A plat map are based on an avalanche study conducted by Arthur Mears, P.E. in 1982. The avalanche hazard areas shown on sheet 1 of the proposed final plat reflect an updated site-specific avalanche study prepared by Xcell Engineering in 2017. No changes are proposed to the existing lot lines or dimensions of the subject property.

The Planning and Zoning Commission reviewed and approved Mountain Overlay Design Review Application File No. P19-085 for the development of a new 8,982-square-foot single-family residence and associated site improvements located at 220 Lava Street on September 9, 2019. Pursuant to condition of approval no. 14 of Mountain Overlay Design Review Application File No. P19-085, “The trail circulation design as proposed by the applicant on Sheet L5 of the Design Review submittal shall be finalized and approved by the Planning & Building Department prior to installation. The applicant shall amend the 10 ft wide pedestrian and non-motorized access easement to reflect the new circulation prior to issuance of a Certificate of Occupancy for the project.”

The final trail circulation design was reviewed and approved by the Planning Department and City Engineer through the plan review for Building Permit B21-041. The project was issued a Building Permit B21-041 on August 16, 2021. The applicant has graded and improved the relocated pedestrian and non-motorized access easement in accordance with the approved project plans and to the satisfaction of the Planning Department and City Engineer. Pursuant to condition of approval no. 2 of Building Permit B21-041, “The applicant shall submit a Lot Line Shift application to amend the Lava Street Subdivision Lot 1A plat to reflect the relocated pedestrian easement for City Council’s final review and approval following the required public

hearing in accordance with the readjustment of lot lines procedure specified in Ketchum Municipal Code §16.04.060.G. Prior to issuance of a Certificate of Occupancy of the project, the applicant shall record the amended plat as approved by the City Council through the associated Lot Line Shift application to the records of Blaine County.”

Consistent with Ketchum Municipal Code (KMC) §16.04.020, the proposal meets the definition of Readjustment of Lot Lines because: (1) the application proposes to relocate an existing 10-foot-wide pedestrian and non-motorized access easement to make the route more accessible, (2) proposed Lot 1B complies with all dimensional standards required in the LR Zone, and (3) the proposal does not create additional lots or dwelling units.

*Readjustment of Lot Lines: A change or modification of the boundary lines between existing lots or parcels of land or between dwelling units which does not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements and which does not create additional lots or dwelling units. "Readjustment of Lot Lines" includes other minor changes to a subdivision, condominium, or townhouse plat such as, but not limited to, notation changes, boundary shifts and removal of lot line(s), each of which do not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements nor create additional lots or dwelling units (KMC §16.04.020).*

Consistent with KMC §16.04.060.B, the Readjustment of Lot Lines application was transmitted to city departments, including the City Engineer, Fire, Building, Utilities, and Streets departments, for review. The city department comments were provided to the applicant on March 8, 2024. The applicant submitted revised project plans on March 14, 2024. All city department comments were addressed and resolved on the revised plat.

All land, condominium, and townhouse subdivisions within the City of Ketchum are subject to the standards contained in Ketchum Municipal Code, Title 16, Subdivision Regulations. Pursuant to KMC §16.04.010.D, minor changes to a subdivision, whether or not any additional lot is created, shall comply with these regulations. Many subdivision standards are related to the design and construction of multiple new lots that will form new blocks and infrastructure, such as streets that will be dedicated and maintained by the city. The standards for certain improvements (KMC §16.04.040), including street, sanitary sewage disposal, and planting strip improvements, are not applicable as the project proposes to adjust the common lot line between two properties. As conditioned, the proposed 220 Lava Street Lot Line Shift Application meets the standards for Readjustment of Lot Lines under Title 16 of Ketchum Municipal Code.

**Sustainability Impact:**

This application has no impact on the City’s ability to meet the Ketchum Sustainability Action Plan.

**Financial Impact:**

None	There is no financial request to the City of Ketchum for the application and therefore no budget implications.
------	--

**Attachments:**

- |   |
|---|
| 1. Lot Line Shift Application Materials                     |
| 2. Final Plat   |
| 3. Draft Findings of Fact, Conclusions of Law, and Decision |



**City of Ketchum  
Planning & Building**

OFFICIAL USE ONLY	
File Number:	P24-006
Date Received:	1/25/24
By:	HLN
Fee Paid:	\$1700
Approved Date:	
Denied Date:	
By:	


**Readjustment of Lot Lines (Lot Line Shift) Application**

Submit completed application and documentation to [planningandzoning@ketchumidaho.org](mailto:planningandzoning@ketchumidaho.org) Or hand deliver to Ketchum City Hall, 191 5<sup>th</sup> St. W. Ketchum, ID 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](http://www.ketchumidaho.org) and click on Municipal Code. You will be contacted and invoiced once your application package is complete.

OWNER INFORMATION	
Owner Name: 220 Lava Street LLC	
Mailing Address: 131 E 95th Street, New York, NY 10128	
Phone: 917-968-5940	
Email: gcbiddle@gmail.com	
PROJECT INFORMATION	
Name of Proposed Plat: Lot 1A, Block 1, Lava Street Subdivision	
Representative of Owner: Galena-Benchmark Engineering	
Phone: 208-788-1705	
Mailing Address: PO Box 733, Ketchum Idaho 83340	
Email: Dave@galena-benchmark.com	
Legal Land Description: Lava street Subdivision, block 1, Lot 1A	
Project Address: 220 Lava street Ketchum Idaho	
Number of Lots: 1	Number of Units: 1
Total Land Area in Square Feet: 429755.10	Current Zoning District: CITY
Overlay District: <input type="checkbox"/> Flood <input type="checkbox"/> Mountain <input checked="" type="checkbox"/> Avalanche	
Easements to be Dedicated on the Final Plat (Describe Briefly): All existing easements are remaining. Easement contained in note E5 to be relocated	
ATTACHMENTS NECESSARY TO COMPLETE APPLICATION	
1. A copy of a current lot book guarantee and recorded deed to the subject property;	
2. Title report	
3. PDF version of the final plat.	

Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Lot Line Shift Application, in which the City of Ketchum is the prevailing party, to pay reasonable attorney fees, including attorney fees on appeal, and expenses of the City of Ketchum. I, the undersigned, certify that all information submitted with and upon this application form is true and accurate to the best of my knowledge and belief.

  
 \_\_\_\_\_  
 Signature of Owner/Representative

  
 \_\_\_\_\_  
 Date





491 N. Main Street, Suite 102  
Ketchum, ID 83340

**ELECTRONICALLY RECORDED-DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT**

File No. 635729 /TG

**Instrument # 649257**

HAILEY, BLAINE, IDAHO  
01-10-2018 12:09:57 PM No. of Pages: 2  
Recorded for: PIONEER TITLE COMPANY OF BLAINE COU  
JOLYNN DRAGE Fee: \$15.00  
Ex-Officio Recorder Deputy: JB  
Electronically Recorded by Simplifile

## WARRANTY DEED

For Value Received and as a part of an IRC 1031 tax deferred exchange, as relinquished property Parker Gulch L.L.C., an Idaho limited liability company as to an undivided 50% interest; Cindy Curtis, a married woman as her sole and separate property, who acquired title as a single woman, Sandy Hall, a married woman as her sole and separate property, and Scott Curtis, a married man as his sole and separate property, each as to an undivided 16 and 2/3% interest

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

220 Lava Street LLC, an Idaho Limited Liability Company

hereinafter referred to as Grantee, whose current address is 131 East 95th St. New York, NY 10128

The following described premises, to-wit:

Lot 1A of Block 1, of Lava Street Subdivision Lot 1A Block 1, according to the plat thereof, filed as Instrument No. 514111, records of Blaine County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: January 2, 2018

Parker Gulch LLC

BY: Scott Curtis, Managing Member

*A*

Scott Curtis

*Cindy Curtis*

Cindy Curtis

*Sandy Hall*

Sandy Hall

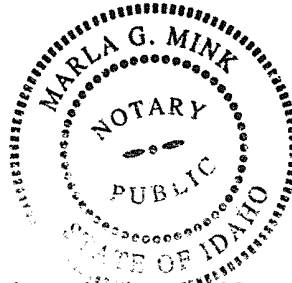
State of Idaho, County of Blaine

On this 5th day of January in the year of 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Cindy Curtis and Scott Curtis and Sandy Hall known or identified to me to be the person/persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

*Marla G Mink*

Residing at: Bellevue, ID 83313

Commission Expires: 5/22/21



State of Idaho, County of Blaine

On this 5<sup>th</sup> day of January, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Scott Curtis, known to me to be the Managing Member of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

*Marla G Mink*

Residing at: Bellevue, Idaho

Commission Expires: 5/22/21





**CLTA GUARANTEE**

ISSUED BY  
STEWART TITLE GUARANTY COMPANY  
A CORPORATION, HEREIN CALLED THE COMPANY

**SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, AND SUBJECT TO THE FURTHER EXCLUSION AND LIMITATION THAT NO GUARANTEE IS GIVEN NOR LIABILITY ASSUMED WITH RESPECT TO THE IDENTITY OF ANY PARTY NAMED OR REFERRED TO IN SCHEDULE A OR WITH RESPECT TO THE VALIDITY, LEGAL EFFECT OR PRIORITY OF ANY MATTER SHOWN THEREIN.**

**GUARANTEES**

the Assured named in Schedule A against actual monetary loss or damage not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

**Dated: December 4, 2023**

Signed under seal for the Company, but this endorsement is to be valid only when it bears an authorized countersignature.

Countersigned by:

\_\_\_\_\_  
Authorized Countersignature



\_\_\_\_\_  
Frederick H. Eppinger  
President and CEO

\_\_\_\_\_  
David Hisey  
Secretary

\_\_\_\_\_  
TitleOne  
Company Name

\_\_\_\_\_  
271 1st Ave North  
PO Box 2365  
Ketchum, ID 83340  
\_\_\_\_\_  
City, State

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the company for further information as to the availability and cost.

## GUARANTEE CONDITIONS AND STIPULATIONS

- 1. Definition of Terms** - The following terms when used in the Guarantee mean:
  - (a) "the Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
  - (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
  - (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
  - (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
  - (e) "date": the effective date.
- 2. Exclusions from Coverage of this Guarantee** - The Company assumes no liability for loss or damage by reason of the following:
  - (a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
  - (b) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water; whether or not the matters excluded by (1), (2) or (3) are shown by the public records.
  - (c) Assurances to title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A)(C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways on which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
  - (d) (1) Defects, liens, encumbrances or adverse claims against the title, if assurances are provided as to such title, and as limited by such assurances.  
(2) Defects, liens, encumbrances, adverse claims or other matters (a) whether or not shown by the public records, and which are created, suffered, assumed or agreed to by one or more of the Assureds; (b) which result in no loss to the Assured; or (c) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of assurances provided.
- 3. Notice of Claim to be Given by Assured Claimant** - An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured under this Guarantee unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.
- 4. No Duty to Defend or Prosecute** - The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.
- 5. Company's Option to Defend or Prosecute Actions; Duty of Assured Claimant to Cooperate** - Even though the Company has no duty to defend or prosecute as set forth in Paragraph 4 above:
  - (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
  - (b) If the Company elects to exercise its options as stated in Paragraph 5(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
  - (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
  - (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.
- 6. Proof of Loss or Damage** - In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such Assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by an authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.
- 7. Options to Pay or Otherwise Settle Claims: Termination of Liability** - In case of a claim under this Guarantee, the Company shall have the following additional options:
  - (a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.



## GUARANTEE CONDITIONS AND STIPULATIONS

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price. Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 5, and the Guarantee shall be surrendered to the Company of cancellation.

- (b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.

To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 5.

- 8. Determination and Extent of Liability** - This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the exclusions stated in Paragraph 2.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

- the amount of liability stated in Schedule A;
- the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 7 of these Conditions and Stipulations or as reduced under Section 10 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
- the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

**9. Limitation of Liability**

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.

(c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

- 10. Reduction of Liability or Termination of Liability** - All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 5 shall reduce the amount of liability pro tanto.

**11. Payment Loss**

(a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

- 12. Subrogation Upon Payment or Settlement** - Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

- 13. Arbitration** - Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is \$1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules. A copy of the Rules may be obtained from the Company upon request.

**14. Liability Limited to This Guarantee; Guarantee Entire Contract**

(a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.

(c) No amendment or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

- 15. Notices, Where Sent** - All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at P. O. Box 2029, Houston, TX 77252-2029.

**LOT BOOK GUARANTEE**  
Issued By  
**Stewart Title Guaranty Company**

**SCHEDULE A**

**File No.** 23490249  
**State:** ID  
**County:** Blaine

<u>Guarantee No.</u>	<u>Liability</u>	<u>Date of Guarantee</u>	<u>Fee</u>
G-2222-000090125	\$1,000.00	December 4, 2023 at 7:30 a.m.	\$140.00

**Name of Assured:**  
Gelena-Benchmark Engineering PLLC

The assurances referred to on the face page hereof are:

1. That, according to the Company's property records relative to the following described land (but without examination of those Company records maintained and indexed by name):

Lot 1A, Block 1 of LOT 1A, BLOCK 1, LAVA STREET SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded as Instrument No. 514111, records of Blaine County, Idaho.

2. The last recorded instrument purporting to transfer title to said land is:

Deed Type: Warranty Deed

Grantors: Parker Gulch L.L.C., an Idaho limited liability company as to an undivided 50% interest; Cindy Curtis, a married woman as her sole and separate property, who acquired title as a single woman, Sandy Hall, a married woman as her sole and separate property, and Scott Curtis, a married man as his sole and separate property, each as to an undivided 16 and 2/3% interest

Grantees: 220 Lava Street LLC, an Idaho limited liability company

Recorded Date: January 10, 2018

Instrument: 649257

[Click here to view](#)

3. There are no mortgages or deeds of trust which purport to affect title to said land, other than those shown below under Exceptions.
4. There are no (homesteads, agreements to convey, attachments, notices of non-responsibility, notices of completion, tax deeds) which purport to affect title to said land, other than shown below under Exceptions.
5. No guarantee is made regarding (a) matters affecting the beneficial interest of any mortgage or deed of trust which may be shown herein as an exception, or (b) other matters which may affect any such mortgage or deed of trust.
6. No guarantee is made regarding any liens, claims of liens, defects or encumbrances other than those specifically provided for above, and, if information was requested by reference to a street address, no guarantee is made that said land is the same as said address.

**EXCEPTIONS:**

1. NOTE: According to the available records, the purported address of the land referenced herein is:

220 Lava St, Ketchum, ID 83340

2. Taxes, including any assessments collected therewith, for the year 2023 which are due and payable, but not delinquent.

Parcel Number: [RPK0473000001A](#)

Original Amount: \$14,187.30

3. Water and sewer charges, if any, for the City of Ketchum.

4. Easements, reservations, restrictions, and dedications as shown on the official plat of Esmeralda Subdivision.
5. Easements, reservations, restrictions, and dedications as shown on the official plat of Lava Street Subdivision.
6. Easements, reservations, restrictions, and dedications as shown on the official plat of [Lot 1A, Block 1, Lava Street Subdivision](#).
7. Reservations and exceptions in a United States Patent, and in the act authorizing the issuance thereof, recorded June 9, 1934 as Instrument No. [71042](#).
8. Right of way for ditches, tunnels, telephone, and distribution lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code.
9. An easement for the purpose shown below and rights incidental thereto as set forth in a Warranty Deed.  
Granted to: Robert Royal McDonald and Frances McDonald and Mazie M. Milford  
Purpose: Easement to allow ingress and egress over Lava Street  
Recorded: August 27, 1951  
Instrument No.: [99644](#)
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company  
Purpose: Public Utilities  
Recorded: March 21, 1963  
Instrument No.: [118354](#)
11. All matters, and any rights, easements, interests or claims as disclosed by an Alta Survey of the Ball Property recorded November 28, 1978 as Instrument No. [189033](#).
12. Reservations and/or exceptions as contained in a Warranty Deed, executed by James W. Ball and Edna Joyce Ball, husband and wife, Leslie Joyce Ball, Phillip James Ball and Lindsey Ann Ball.  
Recorded: December 15, 1978  
Instrument No.: [189638](#)  
Purpose: Restrictions Deed Subject To
13. Reservations and/or exceptions as contained in a Warranty Deed, executed by L.A.M. Enterprises, a partnership.  
Recorded: December 15, 1978  
Instrument No.: [189644](#)  
Purpose: Restrictions Warranty Deed Subject To
14. Terms, conditions, easements and, obligations, if any, contained in a Settlement Agreement by and between Carl Curtis, Jeanne Franks, The Vinagre Trust, by and through Gary E. and Linda M. Vinagre, Trustees; Robert and Marjolaine Renfro; William G. and Susan Pollock; Thomas H. "Bud" and Rita Ann Heaney; John T. and Jerry Ann Heaney; William H. and Ann S. Vanderbilt; Richard O. Dalgren and Julie Slocum Dalgren; Kathy Jeanne Harrah; Reli Louise Haemmerle; Fritz Xavier Haemmerle; Wilma Pace; Pamela Jean Rayborn; John D. Pace; Stella A.M. Keane; Carl E. and Susan Ley; Judy L. Demetre and the Estate of George B. Saviers, deceased, by and through its personal representative, Bob Stevens and the City of Ketchum.  
Recorded: July 15, 1997  
Instrument No: [403847](#)
15. Terms, conditions, easements and, obligations, if any, contained in an Easement Agreement by and between Carl Curtis, Jeanne Franks, The Vinagre Trust, by and through Gary E. and Linda M. Vinagre, Trustees; Robert and Marjolaine Renfro; William G. and Susan Pollock; Thomas H. "Bud" and Rita Ann Heaney; John T. and Jerry Ann Heaney; William H. and Ann S. Vanderbilt; Richard O. Dalgren and Julie Slocum Dalgren; Kathy Jeanne Harrah; Reli Louise Haemmerle; Fritz Xavier Haemmerle; Wilma Pace; Pamela Jean Rayborn; John D. Pace; Stella A.M. Keane; Carl E. and Susan Ley; Judy L. Demetre and the Estate of George B. Saviers, deceased, by and through its personal representative, Bob Stevens and the City of Ketchum.  
Recorded: December 5, 1997  
Instrument No: [408688](#)
16. An easement for the purpose shown below and rights incidental thereto as set forth in a Grant of Easement.  
Granted to: Matthew J. Aho and Carolyn Hubacnek Aho  
Purpose: Perpetual easement for ingress and egress; Utilities  
Recorded: June 19, 1998  
Instrument No.: [415669](#)

17. A Judgment as to Lava Street:

Plaintiff: Matthew J. Aho, a single man and Carolyn Hubachek Aho, a single woman

Defendant: Carl Curtis, an individual, and the heirs devisees, successors and assigns of Fred A. Picard, Andree Picard, Robert Royal McDonald, Frances McDonald and Maizie M. Milford, and all known and unknown claimants, their heirs, successors and assigns

Recorded: June 19, 1998

Instrument No.: [415670](#) and [415671](#)

Corrected by an Order Correcting Omission in Judgment

Recorded: April 19, 1999

Instrument No.: [426343](#)

18. Terms, conditions, easements and, obligations, if any, contained in a Grant of Irrigation Pipeline Easement by and between Susan Mathes, an unmarried woman and Carl Curtis, a married man as his sole and separate property, Cindy Curtis, an unmarried woman, Sandy Hall, a married woman, as her sole and separate property and Scott Curtis, a married man as his sole and separate property.

Recorded: February 19, 2003

Instrument No.: [478786](#)

19. Terms, conditions, easements and, obligations, if any, contained in a Grant of Access Easement by and between Susan Mathes, an unmarried woman and Carl Curtis, a married man as his sole and separate property, Cindy Curtis, an unmarried woman, Sandy Hall, a married woman, as her sole and separate property and Scott Curtis, a married man as his sole and separate property.

Recorded: February 19, 2003

Instrument No.: [478787](#)

20. Terms, conditions, easements and, obligations, if any, contained in a Road Maintenance Agreement by and between Scott Curtis, Cindy Curtis, Sandy Hall and Parker Gulch, L.L.C., an Idaho limited liability company and Craig Smithson.

Recorded: April 29, 2010

Instrument No.: [577127](#)

**Sun Valley Title**

**By:**

A handwritten signature in black ink, appearing to be 'NB' or similar initials, written in a cursive style.

**Nick Busdon, Authorized Signatory**



File No. 23490249

**JUDGMENT AND TAX LIEN GUARANTEE**

Issued By  
Stewart Title Guaranty Company

**SCHEDULE A**

**Amount of Liability:** \$1,000.00

**Fee Amount:** \$0.00

**Guarantee No.:** G-2222-000090125

**Name of Assured:** Gelena-Benchmark Engineering PLLC

**Date of Guarantee:** December 4, 2023

That, according to the indices of the County Recorder of Blaine County, State of ID, for a period of 10 years immediately prior to the date hereof, there are no

- \* Federal Tax Liens
- \* Abstracts of Judgment, or
- \* Certificates of State Tax Liens

filed, or recorded against the herein named parties, other than those for which a release appears in said indices and other than those shown under Exceptions.

The parties referred to in this guarantee are as follows:

220 Lava Street LLC, an Idaho limited liability company

Sun Valley Title

By:



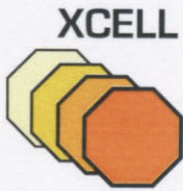
Nick Busdon, Authorized Signatory

File No. 23490249

SCHEDULE B

Exceptions:

NONE



## XCELL ENGINEERING, LLC

260 Laurel Lane  
Chubbuck, ID 83202  
Phone (208) 237-5900  
Fax (208) 237-5925  
E-mail: [paul@xcelleng.com](mailto:paul@xcelleng.com)

November 9, 2017

File: P17336

Mr. Jim McLaughlin  
9446 West Charlotte Drive  
Pocatello ID 83204

RE: **Avalanche Evaluation**  
Lot 1A, Block 1, Lava Street Sub  
Ketchum, Idaho

---

Jim:

At your request we have evaluated the subject site for avalanche potential. Our evaluation was performed using existing geometry and design conditions consisting of 1) a 10-foot deep snow accumulation 2) variable snow weight, 3) variable snow cohesion and 4) variable friction angle of snow in a static state. Based on these parameters a finite element model was created and slope stability calculations performed. The results indicate that when accumulated snow is light and deep the factor of safety against occurrence of an avalanche is lowest and avalanche occurrence is within the expected realm of possibility. The modeled avalanches are small, light and of limited extent, usually occurring in the lower third of the acceleration zone identified as Mears-Red. The short length of acceleration, lack of mass and the relatively long area of deceleration limit the length of run out. The models are consistent with the lack of evidence indicating significant avalanche movement on the site. Since the snow lacks mass in its weakest condition the length of run out is not extensive and is anticipated to be on the order of 100 feet. As snow weight and inherent cohesion increase, factors of safety increase and are consistently well above 1 indicating the probability of avalanche is minimal. If the depth of snow is limited to 5-feet of accumulation and the existing vegetation on the site is taken into account the probability of avalanche is much less and occurrences are improbable. Based on the existing geometry it is our opinion that construction on the lot is possible provided the following conditions are incorporated into site layout.

It is our recommendation that:

1. Construction on the lot is limited to area more than 240 feet from the uppermost point on the attached map indicated as "Mears-Red."
2. Landscaping around the house should include diversion walls 3-feet in height on the north, east and northwest sides of improvements that will deflect run out away from the house at an angle of approximately 20 degrees or due west or due south.
3. Xcell Engineering shall review all plans, including plans for improvement locations, diversionary structures, site grading and drainage and any water retention facilities.

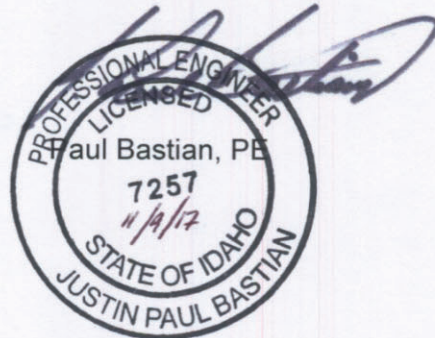
The following slope stability cross sections show the minimum factor of safety given snow conditions as indicated on each cross section. The factor of safety is shown near the red dot on the upper portion of the page which is the center of rotational failure at the instant of initiation. Immediately after initiation the



character of mass movement changes to a much more fluid behavior and acceleration will occur as long as the slope is at or above approximately 30 degrees. Since slope geometry flattens quickly just downhill of the modeled failure locations the mass is expected to begin deceleration almost immediately after initiation.

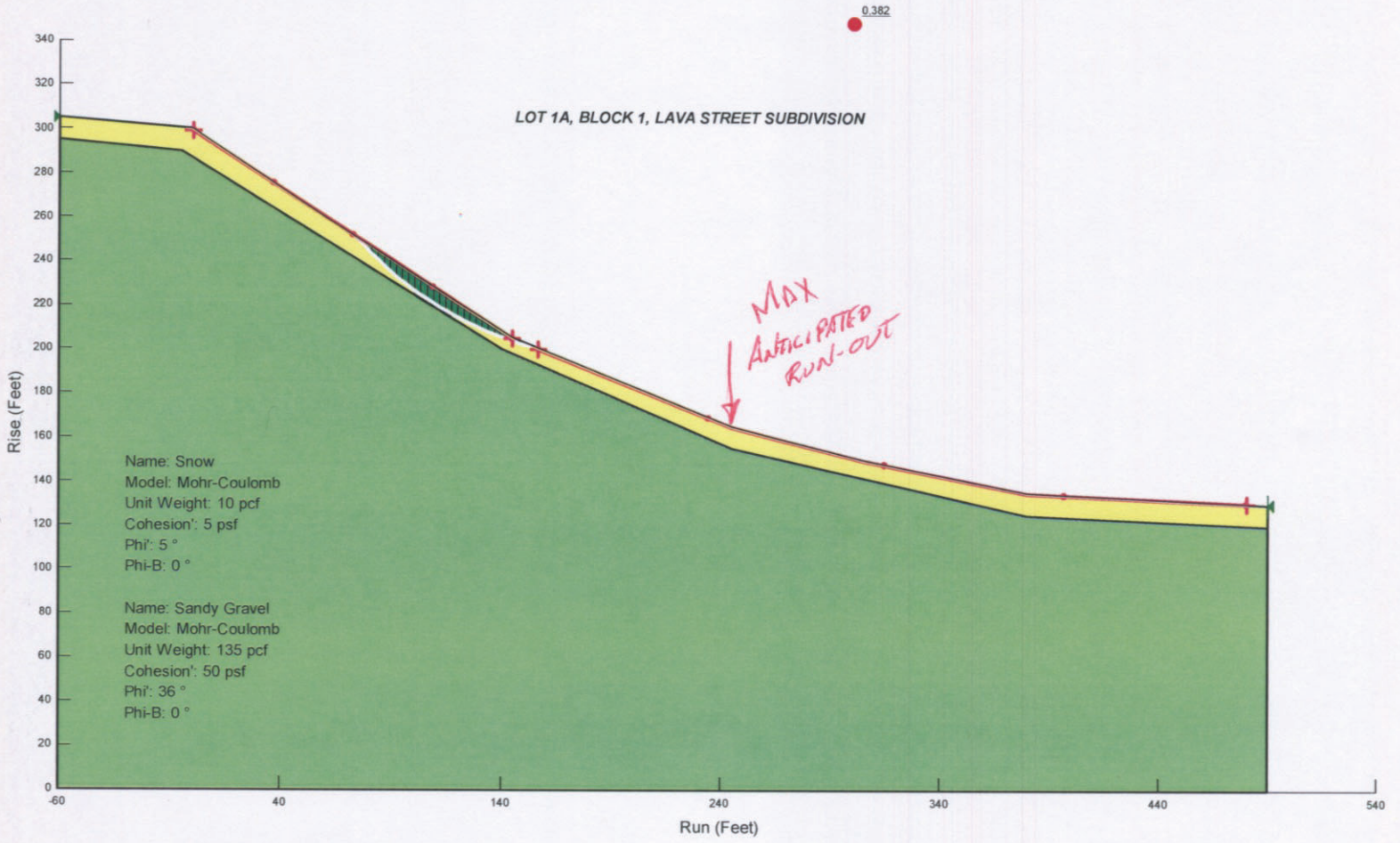
It should be understood that in the event that the hillside burns off and vegetation is removed from the slope above the house AND the design snow accumulation of 5 or more feet occurs prior to vegetation being re-established, AND the accumulation of snow has just the right consistency and strength, then avalanche conditions could occur and the recommended diversion structures would be necessary. Based on our evaluation of the lot, the site faces southwest into direct winter sun and prevailing wind. It is improbable that the three design conditions will occur simultaneously. i.e. 1) sufficient snow will accumulate on the site when 2) it lacks vegetation and 3) the snow will be in its weakest condition. Therefore as indicated earlier in this summary it is our opinion that with appropriate planning and construction the lot is suitable. If you have questions or comments, please call.

Regards,  
Xcell Engineering, LLC





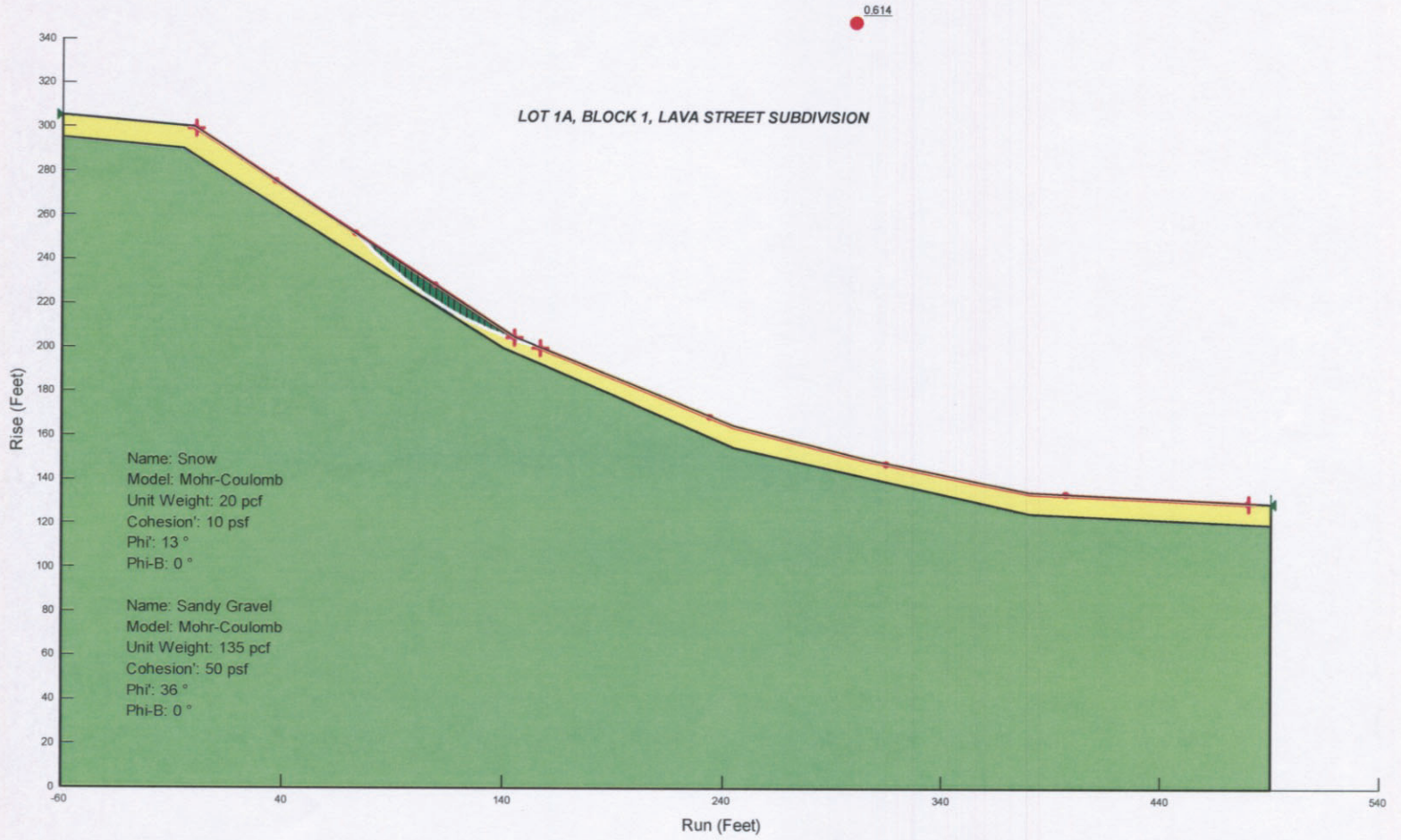
LOT 1A, BLOCK 1, LAVA STREET SUBDIVISION



Method	Morgenstern-Price
Factor of Safety	0.382
Total Volume	391.14 ft <sup>3</sup>
Total Weight	3,911.4 lbs
Total Resisting Moment	1.3131e+005 lbs-ft
Total Activating Moment	3.4327e+005 lbs-ft
Total Resisting Force	667.74 lbs
Total Activating Force	1,746.3 lbs



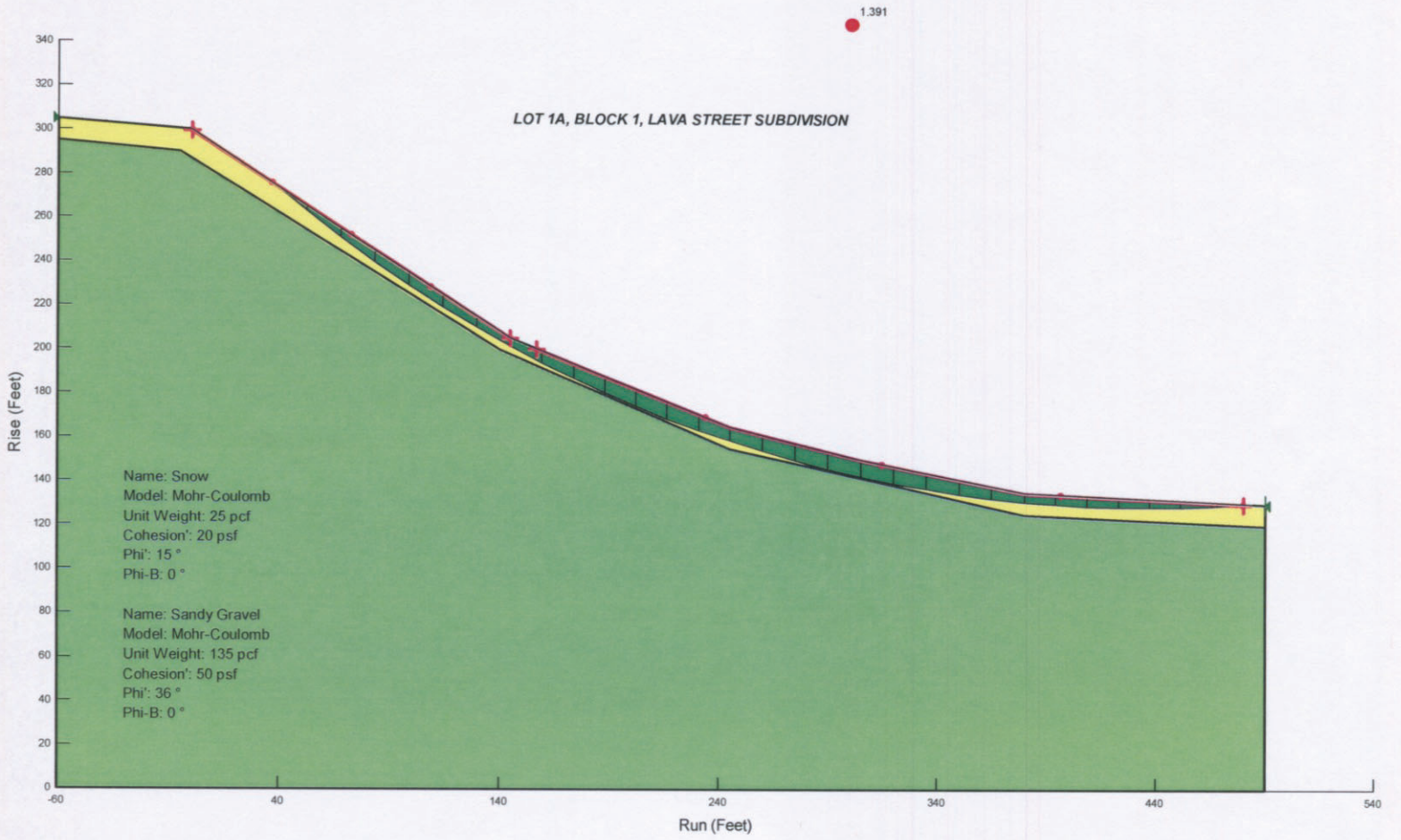
LOT 1A, BLOCK 1, LAVA STREET SUBDIVISION



Method	Morgenstern-Price
Factor of Safety	0.614
Total Volume	391.14 ft <sup>3</sup>
Total Weight	7,822.8 lbs
Total Resisting Moment	4.2137e+005 lbs-ft
Total Activating Moment	6.8654e+005 lbs-ft
Total Resisting Force	2,146.6 lbs
Total Activating Force	3,498.3 lbs



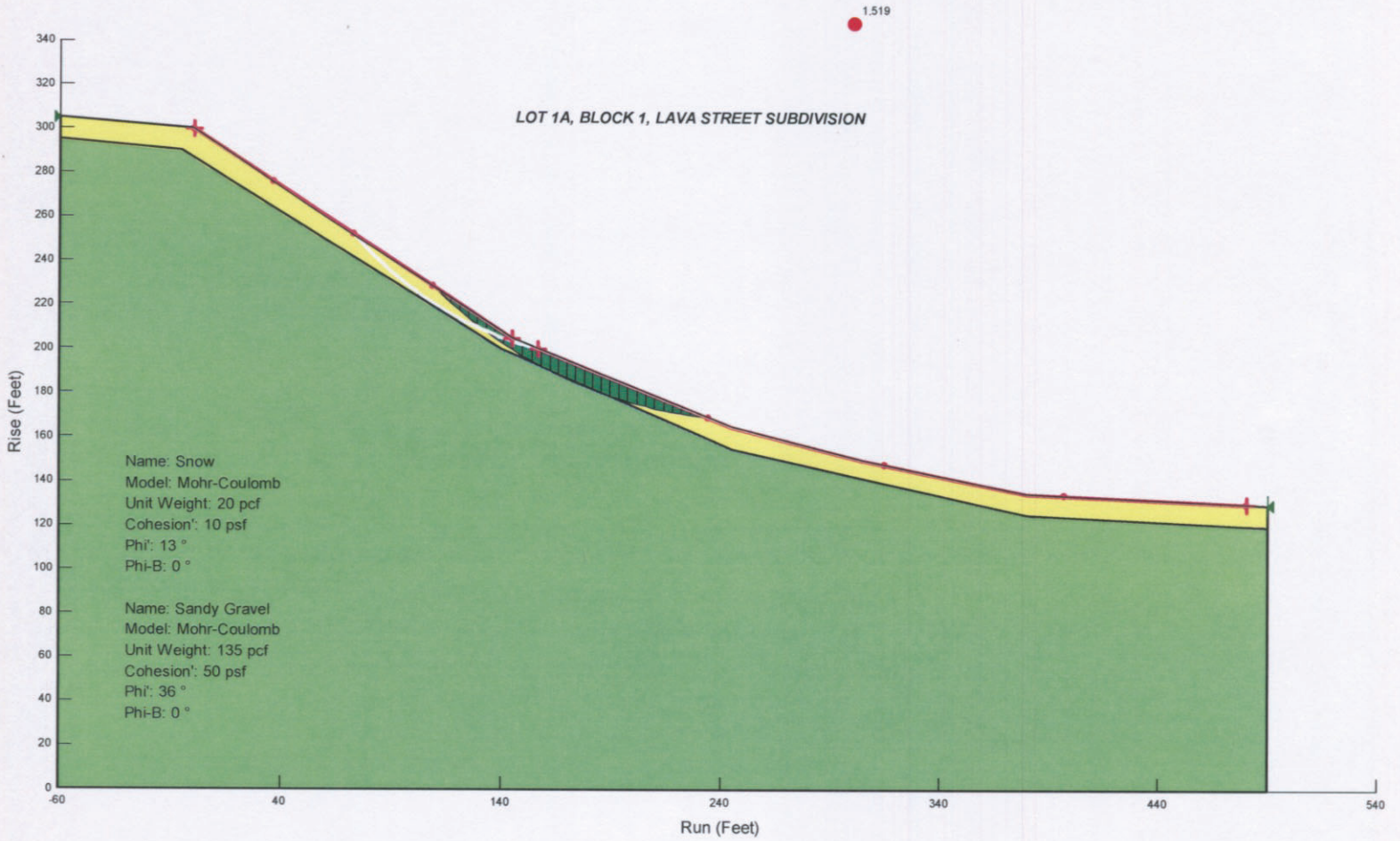
LOT 1A, BLOCK 1, LAVA STREET SUBDIVISION



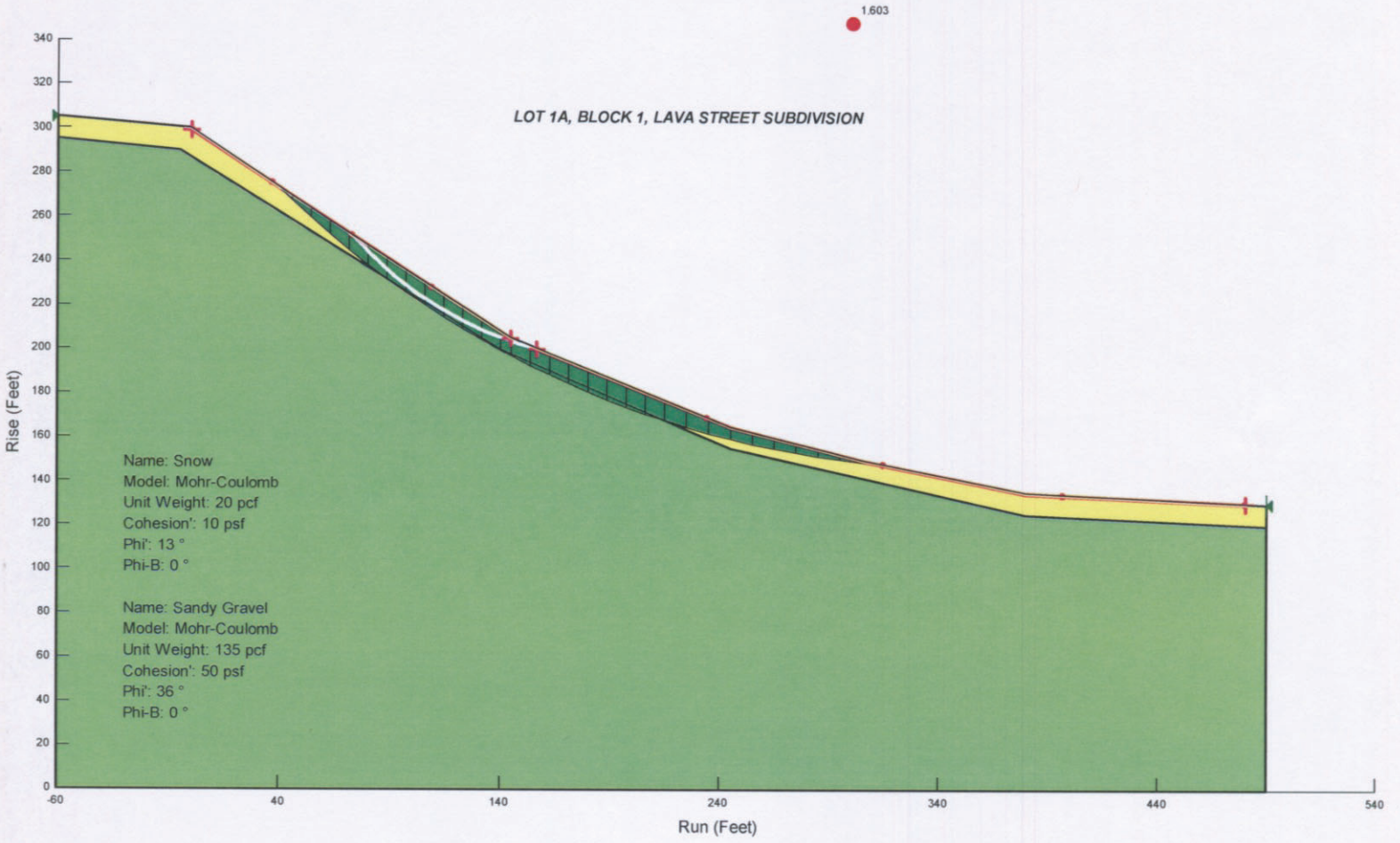
Method	Morgenstern-Price
Factor of Safety	1.391
Total Volume	2,423.2 ft <sup>3</sup>
Total Weight	60,580 lbs
Total Resisting Moment	1.5423e+007 lbs-ft
Total Activating Moment	1.1085e+007 lbs-ft
Total Resisting Force	23,659 lbs
Total Activating Force	17,003 lbs



LOT 1A, BLOCK 1, LAVA STREET SUBDIVISION



LOT 1A, BLOCK 1, LAVA STREET SUBDIVISION

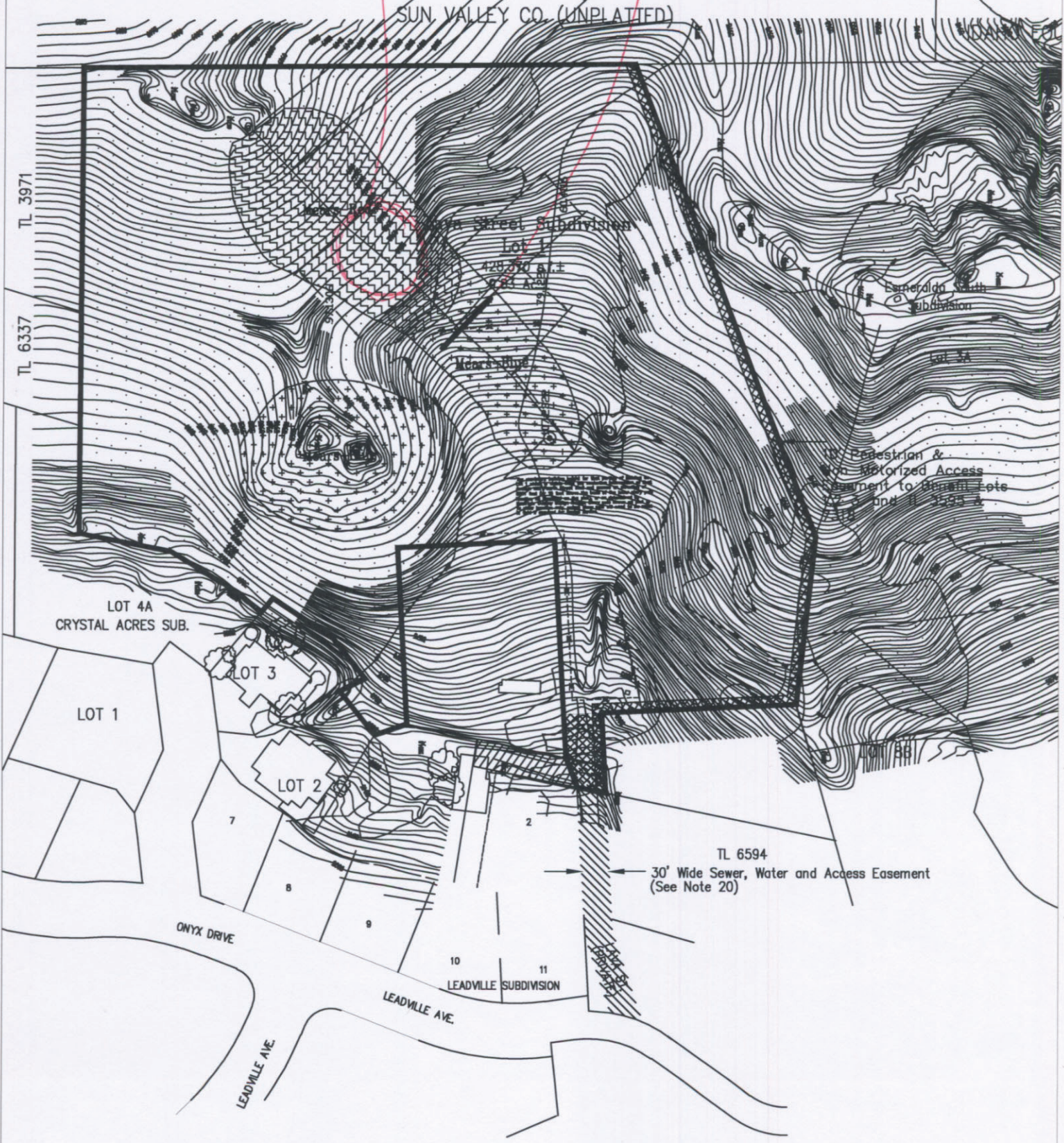




*Modeled Area of Movement*

*Anticipated Extent of Runout*

SUN VALLEY CO. (UNPLATTED)





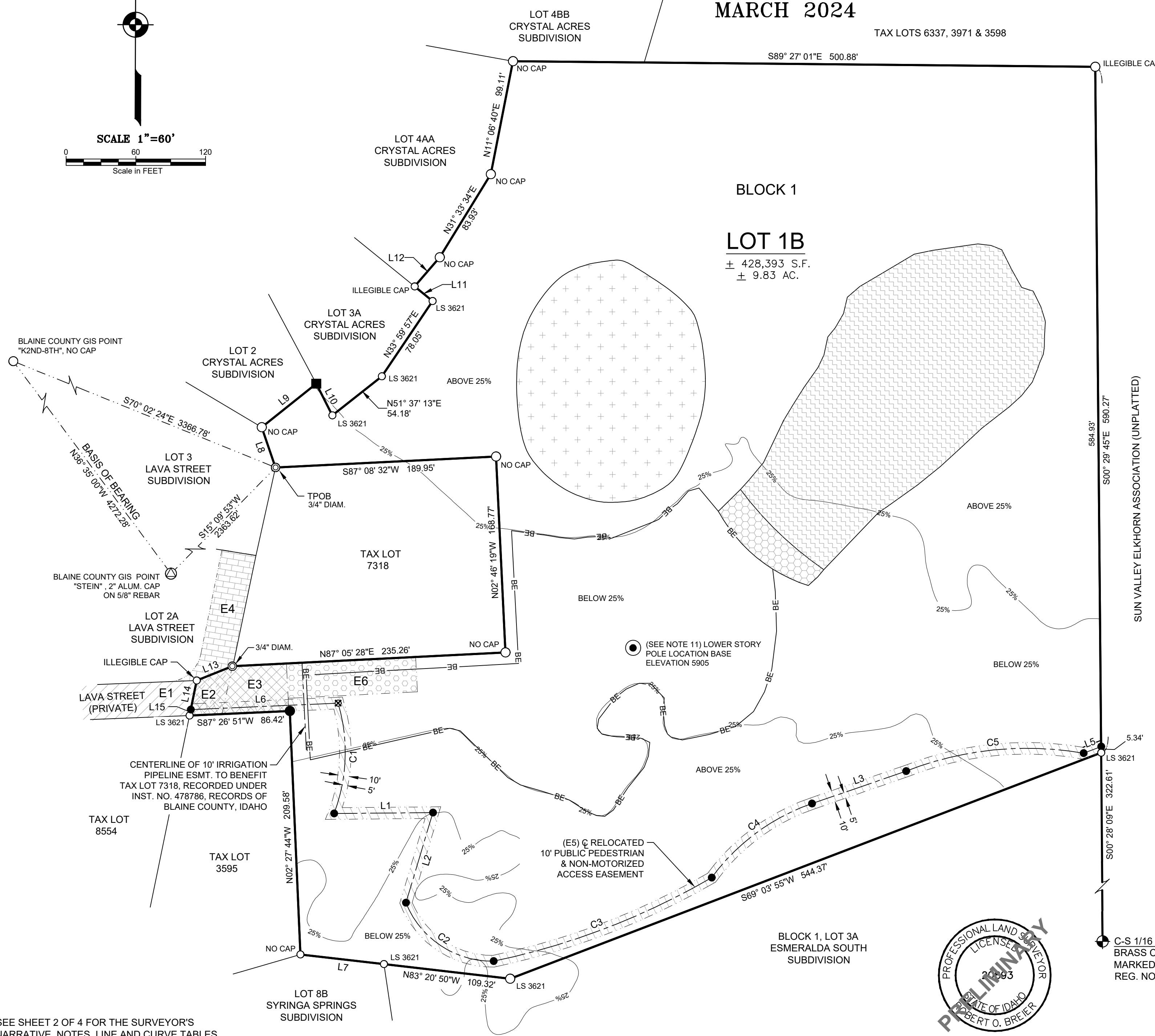
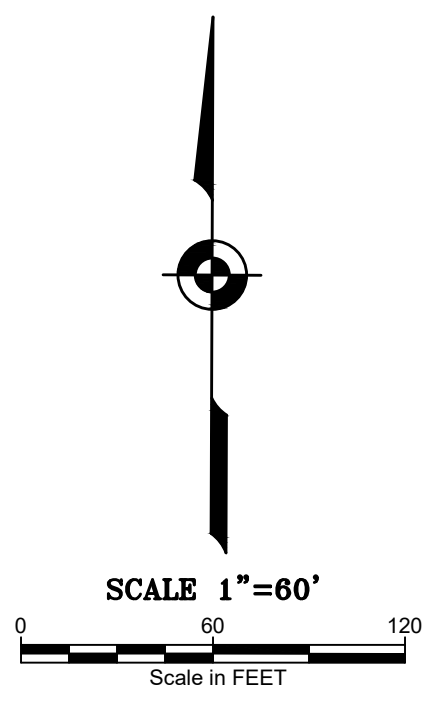


A RE-PLAT SHOWING:  
**LAVA STREET SUBDIVISION: BLOCK 1, LOT 1B**  
 WHEREIN THE PEDESTRIAN EASEMENT E5 IS RELOCATED AND THE BUILDING ENVELOPE IS AMENDED  
 TO REMOVE PORTIONS WITHIN THE AVALANCHE HAZARD AREA.

LOCATED WITHIN SECTION 18, T.4N., R.18E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

MARCH 2024

TAX LOTS 6337, 3971 & 3598



**LEGEND**

- FOUND ALUMINUM CAP (AS NOTED)
- FOUND BRASS CAP (AS NOTED)
- FOUND 5/8" REBAR (AS NOTED)
- FOUND 1/2" REBAR (AS NOTED)
- FOUND IRON PIPE (AS NOTED)
- SET 5/8" REBAR MARKED "PLS 20893"
- SET 1/2" REBAR MARKED "EASEMENT PLS 20893"
- SET MAGNAIL AND WASHER MARKED "PLS 20893"
- SET A BRASS MARKER MARKED "PLS 20893"
- 25% 25 PERCENT SLOPE LINE
- BE BUILDING ENVELOPE
- BLAINE COUNTY G.I.S. SURVEY TIE
- EASEMENT (TYPE AND WIDTH AS SHOWN)
- CENTERLINE EASEMENT E5
- BLUE AVALANCHE ZONE, PER XCELL ENGINEERING STUDY (2017)
- RED AVALANCHE ZONE, PER XCELL ENGINEERING STUDY (2017)
- BLUE AVALANCHE ZONE, PER MEARS STUDY
- E1 ACCESS EASEMENT, SEE NOTE 1
- E2 ACCESS EASEMENT, SEE NOTE 2
- E3 ACCESS EASEMENT, SEE NOTE 3
- E4 ACCESS EASEMENT, SEE NOTE 4
- RELOCATED E5 PEDESTRIAN EASEMENT, SEE NOTE 5
- E6 ACCESS EASEMENT TO BENEFIT TAX LOT 7318, RECORDED UNDER INSTRUMENT NO. 478787, RECORDS OF BLAINE COUNTY IDAHO
- STORY POLE LOCATION (NOTE 11)

**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 50-1326, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.

DATED: \_\_\_\_\_

\_\_\_\_\_  
 SOUTH CENTRAL PUBLIC HEALTH DISTRICT, REHS

RE-PLAT SHOWING  
 LOT 1B, BLOCK 1,  
 LAVA STREET SUBDIVISION

GALENA-BENCHMARK ENGINEERING  
 KETCHUM, IDAHO

SHEET 1 OF 4  
 Job No. 23335



SEE SHEET 2 OF 4 FOR THE SURVEYOR'S NARRATIVE, NOTES, LINE AND CURVE TABLES.



# A RE-PLAT SHOWING LAVA STREET SUBDIVISION: BLOCK 1, LOT 1B

## NOTES

1. E1 - LOTS 1B, 2A, & 3, TL 3595, & TL 7318 HAVE AN EASEMENT FOR INGRESS & EGRESS OVER LAVA STREET, AS RECOGNIZED BY INSTRUMENT NO. 99644, AND AS ILLUSTRATED ON THIS PLAT.
2. E2 - LOTS 2A, 3, TL 7318 & TL 3595 HAVE AN EASEMENT FOR INGRESS, EGRESS & UTILITIES ACROSS LAVA STREET SUBDIVISION, LOT 1B, AS ILLUSTRATED ON THIS PLAT.
3. E3 - TL 3595 & TL 7318 HAVE AN INGRESS, EGRESS & UTILITY EASEMENT AS RECORDED UNDER INSTRUMENT NO. 415669 AND AS ILLUSTRATED ON THIS PLAT.
4. E4 - LOT 3 AND TL 7318 HAVE AN EASEMENT FOR INGRESS, EGRESS & UTILITIES ACROSS LAVA STREET SUBDIVISION, LOT 2A, AS ILLUSTRATED ON THIS PLAT.
5. E5 - A 10 FOOT WIDE PUBLIC PEDESTRIAN AND NON-MOTORIZED ACCESS EASEMENT IS RESERVED AS ILLUSTRATED ON THIS PLAT, FOR ACCESS THROUGH LAVA STREET SUBDIVISION FROM LAVA STREET TO SUN VALLEY COMPANY LAND (UNPLATTED).
6. A RIGHT-OF-WAY AND BLANKET EASEMENT FOR IDAHO POWER CO. FOR THE ERECTION, CONTINUED OPERATION, AND MAINTENANCE OF ELECTRICAL AND TELEPHONE LINES IS RECOGNIZED UNDER INSTRUMENT NO. 118354.
7. THE ENTIRE SUBDIVISION IS ZONED LIMITED RESIDENTIAL AND MOUNTAIN OVERLAY. ALL LOT OWNERS ARE REQUIRED TO OBTAIN APPROVAL FROM THE CITY OF KETCHUM FOR ANY DEVELOPMENT INCLUDING DRIVEWAYS AND STRUCTURES. ALL LOT OWNERS SHALL OBTAIN MOUNTAIN OVERLAY DESIGN REVIEW APPROVAL BEFORE ISSUANCE OF A BUILDING PERMIT. PLATTED BUILDING ENVELOPES DO NOT GUARANTEE THE LOCATION OF A BUILDING OR DRIVEWAY.
8. LOT 1B CONTAINS AREAS THAT HAVE BEEN DEFINED AS RED AND BLUE AVALANCHE ZONES. SEE PLAT NOTE 10 BELOW.
9. ALL KETCHUM BUILDING, WATER, WASTEWATER, AND FIRE DEPARTMENT REQUIREMENTS SHALL BE MET.
10. THE AVALANCHE DANGER AREAS THAT ARE DESIGNATED ON THIS PLAT ARE CONSIDERED BY THE OWNER, CITY OF KETCHUM, AND GALENA BENCHMARK ENGINEERING. AS REASONABLE FOR REGULATORY PURPOSES. HOWEVER, NEITHER THE OWNER, CITY OF KETCHUM, NOR GALENA ENGINEERING, INC. REPRESENTS, GUARANTEES, WARRANTS, OR IMPLIES THE AREAS NEARBY THE DESIGNATED AVALANCHE DANGER AREA ARE SAFE AND FREE OF AVALANCHE DANGER. A COPY OF THE STUDY BY ARTHUR I. MEARS, P.E., INC., NOVEMBER 24, 1982 IS ON FILE IN THE CITY OF KETCHUM PLANNING & ZONING OFFICE. A COPY OF THE STUDY BY XCELL ENGINEERING, LLC DATED NOVEMBER 9, 2017 IS ON FILE IN THE CITY OF KETCHUM PLANNING & ZONING OFFICE.
11. THE MAXIMUM BUILDING HEIGHT FOR THAT PORTION OF BUILDING ON LOT 1B WHICH IS VISIBLE FROM THE CENTERLINE INTERSECTION OF EAST AVENUE AND FOURTH STREET SHALL NOT EXCEED AN ELEVATION OF 5921 FEET (OR 16 FEET ABOVE THE BASE OF THE LOWER STORY POLE LOCATION AS IDENTIFIED ON THE PLAT), OR AS DETERMINED BY MOUNTAIN OVERLAY DESIGN REVIEW. STORY POLE SHOWN ON PLAT IS TO SHOW LOCATION ONLY, ACTUAL STORY POLE WILL NEED TO BE RESET IN FIELD IF REQUIRED FOR DESIGN REVIEW.
12. IN THE EVENT THAT ANY PORTION OF THE LOT 1B BUILDING IS VISIBLE FROM THE CENTERLINE INTERSECTION OF EAST AVENUE AND FOURTH STREET LANDSCAPING SHALL BE INSTALLED TO MINIMIZE VISIBILITY PURSUANT TO KETCHUM MOUNTAIN OVERLAY DESIGN REVIEW.
13. THE MAXIMUM BUILDING SQUARE FOOTAGE FOR LOT 1B SHALL BE NO LARGER THAN 12,000 SQUARE FEET. THE MAXIMUM BUILDING FOOTPRINT SHALL BE NO LARGER THAN 8,000 SQUARE FEET.
14. THE MAXIMUM BUILDING HEIGHT FOR ANY PORTION OF LOT 1B NOT VISIBLE FROM THE CENTERLINE INTERSECTION OF EAST AVENUE AND FOURTH STREET SHALL NOT EXCEED 25 FEET ABOVE EXISTING GRADE, AND/OR ELEVATION 5950 FEET, AT THE HIGHEST POINT OF THE BUILDING ENVELOPE, OR AS DETERMINED BY KETCHUM MOUNTAIN OVERLAY DESIGN REVIEW.
15. THE LOT 1B BUILDING HEIGHT FOR ANY PORTION OF THE BUILDING BELOW 5921 FEET SHALL BE SUBJECT TO KETCHUM MOUNTAIN OVERLAY DESIGN REVIEW.
16. ANY PORTION OF THE LOT 1B DRIVEWAY EXTENDING BEYOND THE HAMMERHEAD TURNAROUND AND EXCEEDING 10% IN GRADE SHALL BE HEATED PER KETCHUM FIRE CHIEF.
17. A 30 FOOT WIDE ACCESS/UTILITY EASEMENT IS GRANTED ALONG THE CENTERLINE OF LAVA STREET FOR KETCHUM WATER & SEWER DEPARTMENT. HOMEOWNERS SHALL BE RESPONSIBLE FOR ANY REPAIRS TO SEWER AND WATER UTILITIES.
18. BUILDING MATERIALS AND COLORS MAY BE REQUIRED TO BE NATURAL TO MEET THE STANDARDS OF KETCHUM MOUNTAIN OVERLAY DESIGN REVIEW.
19. EACH LOT SHALL CONTROL SITE DRAINAGE TO NOT DEPOSIT EXCESS RUNOFF ONTO LAVA STREET, LEADVILLE AVENUE OR OTHER LOTS ADJACENT TO AND WITHIN THE SUBDIVISION.
20. LOT 1B SHALL NOT BE FURTHER SUBDIVIDED.

## SURVEYOR'S NARRATIVE

1. THE PURPOSE OF THIS SURVEY IS TO RELOCATE THE PEDESTRIAN EASEMENT E5, AMEND THE BUILDING ENVELOPE AND TO SHOW MONUMENTS FOUND AND SET DURING A BOUNDARY RETRACEMENT OF LAVA STREET SUBDIVISION, BLOCK 1, LOT 1A. ALL FOUND MONUMENTS WERE ACCEPTED AS EITHER ORIGINAL CORNERS, OR REPLACEMENTS OF ORIGINAL CORNERS. SET MONUMENTS WERE ESTABLISHED BY HOLDING RECORD DISTANCES BETWEEN FOUND MONUMENTS.
2. DOCUMENTS USED IN THE COURSE OF THIS PLAT:
  - A. RECORD OF SURVEY FOR TAX LOTS 4502(7318), 4502A(7317) AND 2632(7318), OCTOBER, 1996 INSTRUMENT NO. 386101.
  - B. PLAT OF LAVA STREET SUBDIVISION, INSTRUMENT NO. 449159.
  - C. PLAT OF LOT 1A, BLOCK 1, LAVA STREET SUBDIVISION, INSTRUMENT NO. 514111.
  - D. LOT LINE SHIFT PLAT OF ESMERALDA SUBDIVISION, INSTRUMENT NO. 386969.
3. AN ELEVATION DATUM IS NOT SHOWN ON THE ORIGINAL PLAT OF LAVA STREET SUBDIVISION, INSTRUMENT NO. 449159 AND THE PLAT OF LOT 1A, BLOCK 1 LAVA STREET SUBDIVISION, INSTRUMENT NO. 514111, RECORDS OF BLAINE COUNTY, IDAHO. NOTES 12, 15 AND 16 ARE PER SAID PLATS. THE DATUM USED TO ESTABLISH THE ELEVATIONS IN SAID PLAT NOTES IS UNCLEAR TO THE SURVEYOR.
4. THE DISTANCES SHOWN ARE MEASURED. REFER TO ABOVE REFERENCED DOCUMENTS FOR RECORD DIMENSIONS.
5. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT OF REAL PROPERTY: EASEMENTS, OTHER THAN THOSE SHOWN OR LISTED HEREON, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING, WETLANDS, AVALANCHE ZONES/POTENTIAL, FLOOD PLAIN INFORMATION, RIPARIAN, RIVERINE OR ANY OTHER LAND-USE REGULATIONS OR HAZARDS, DEED RESTRICTIONS AND EXCEPTIONS CONTAINED WITHIN A CURRENT TITLE POLICY.

Line Table		
Line #	Length	Direction
L1	85.04'	N89°30'04"E
L2	80.98'	S16°38'19"W
L3	85.63'	N70°59'01"E
L5	16.19'	N69°03'55"E
L6	126.96'	N87°26'51"E
L7	72.34'	N83°24'46"W
L8	36.62'	N18°45'34"W
L9	60.04'	N51°21'29"E
L10	30.61'	S26°58'09"E
L11	19.84'	N50°48'09"W
L12	33.09'	N40°41'20"E
L13	33.01'	N68°13'09"E
L14	25.62'	N11°34'42"E
L15	5.16'	N11°34'42"E

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	96.76'	148.12'	37°25'44"	S2° 08' 32"W	95.05'
C2	96.33'	79.88'	69°05'43"	S56° 20' 01"E	90.60'
C3	201.67'	630.87'	18°18'56"	N69° 02' 10"E	200.81'
C4	108.99'	179.47'	34°47'38"	N53° 32' 58"E	107.32'
C5	155.41'	282.83'	31°28'56"	S84° 14' 28"W	153.46'



RE-PLAT SHOWING  
LOT 1B, BLOCK 1,  
LAVA STREET SUBDIVISION

GALENA-BENCHMARK ENGINEERING  
KETCHUM, IDAHO

SHEET 2 OF 4  
Job No. 23335

**CERTIFICATE OF OWNERSHIP**

This is to certify that 220 LAVA STREET LLC, an Idaho limited liability company is the owner in fee simple of the following described Real Property:

A parcel of land located within Section 18, T.4N., R.18E., B.M., City of Ketchum, Blaine County, Idaho, more particularly described as follows:

Lot 1A, Block 1 of LOT 1A, BLOCK 1, LAVA STREET SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 514111, records of Blaine County, Idaho.

Owners grant to the public, an easement for pedestrian and non-motorized access, as identified on the foregoing plat as E5. All other 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.

Pursuant to Idaho Code 50-1334, the undersigned, as owner does hereby certify that the lot in this plat will be eligible to receive water service from an existing water distribution system and that the existing water distribution system has agreed in writing to serve the lot shown on this plat.

The undersigned hereby certify, to the extent required, the notification and/or approval of the foregoing plat by any holders of recorded security interest in and to the real property described above.

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

220 LAVA STREET LLC, an Idaho limited liability company

BY: \_\_\_\_\_

PRINTED: \_\_\_\_\_

ITS: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known or identified to me to be the \_\_\_\_\_ of the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company 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.

\_\_\_\_\_  
Notary Public in and for said State

Residing in \_\_\_\_\_

My Commission Expires \_\_\_\_\_

RE-PLAT SHOWING  
LOT 1B, BLOCK 1,  
LAVA STREET SUBDIVISION

GALENA-BENCHMARK ENGINEERING  
KETCHUM, IDAHO

SHEET 3 OF 4  
Job No. 23335

**KETCHUM CITY COUNCIL’S CERTIFICATE**

I, the undersigned, City Clerk, in and for the City of Ketchum, Blaine County, Idaho, do hereby certify that at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2024, this plat was duly accepted and approved.

\_\_\_\_\_  
Trent Donat, City Clerk

**KETCHUM CITY ENGINEER’S CERTIFICATE**

I, the undersigned, City Engineer in and for the City of Ketchum, Blaine County, Idaho, do hereby approve this plat on this \_\_\_\_ day of \_\_\_\_\_, 2024, and certify that it is in accordance with the City of Ketchum Subdivision Ordinance.

\_\_\_\_\_  
Robyn Mattison, City Engineer

**KETCHUM CITY PLANNER’S CERTIFICATE**

I, the undersigned, Planner in and for the City of Ketchum, Blaine County, Idaho, do hereby approve this plat on this \_\_\_\_ day of \_\_\_\_\_, 2024, and certify that it is in accordance with the City of Ketchum Subdivision Ordinance.

By: \_\_\_\_\_  
City Planner

**SURVEYOR’S CERTIFICATE**

This is to certify that I, Robert O. Breier, a duly Registered Professional Land Surveyor in the State of Idaho, do hereby certify that this 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 & surveys.

\_\_\_\_\_  
Robert O. Breier, PLS 20893



**BLAINE COUNTY SURVEYOR’S APPROVAL**

I, the undersigned, County Surveyor for Blaine County, Idaho, do hereby certify that I 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 to plats and surveys.

\_\_\_\_\_  
Sam Young, County Surveyor

\_\_\_\_\_  
Date

**BLAINE COUNTY TREASURER’S APPROVAL**

I, the undersigned County Treasurer in and for Blaine County, State of Idaho per the requirements of Idaho Code 50-1308, do hereby certify that any and all current and/or delinquent County property taxes for the property included in this subdivision have been paid in full.

\_\_\_\_\_  
Blaine County Treasurer

\_\_\_\_\_  
Date

**BLAINE COUNTY RECORDER’S CERTIFICATE**

RE-PLAT SHOWING  
LOT 1B, BLOCK 1,  
LAVA STREET SUBDIVISION

GALENA-BENCHMARK ENGINEERING  
KETCHUM, IDAHO

SHEET 4 OF 4  
Job No. 23335



City of Ketchum  
Planning & Building

IN RE: )  
 )  
 220 Lava Street ) KETCHUM CITY COUNCIL  
 Lot Line Shift (Readjustment of Lot Lines) ) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
 Date: April 15, 2024 ) DECISION  
 )  
 File Number: P24-006 )

**Findings Regarding Application Filed**

**PROJECT:** 220 Lava Street Lot Line Shift

**APPLICATION TYPE:** Lot Line Shift (Readjustment of Lot Lines)

**FILE NUMBER:** P24-006

**OWNER:** 220 Lava Street LLC

**REPRESENTATIVE:** Dave Patrie, Galena-Benchmark Engineering

**REQUEST:** Relocate an existing 10-foot-wide pedestrian and non-motorized access easement to make the route more accessible and modify the avalanche hazard areas mapped on the subject property to reflect an updated site-specific avalanche study

**LOCATION:** 220 Lava Street (Lava Street Subdivision: Block 1: Lot 1A)

**NOTICE:** A public hearing notice was mailed to all property owners within 300 feet of the project site and political subdivisions on March 27, 2024. The public hearing notice was published in the Idaho Mountain Express on March 27, 2024. The public hearing notice was posted on the city’s website on March 31, 2024.

**ZONING:** Limited Residential (LR Zone)

**OVERLAY:** Mountain Overlay & Avalanche Zone

**FINDINGS OF FACT**

The 220 Lava Street Lot Line Shift Application proposes to modify an existing 10-foot-wide pedestrian and non-motorized access easement. The location of the easement has been relocated to make the route more accessible to pedestrians. The application proposes to dedicate this pedestrian and non-motorized access easement to the public. In addition to relocating the pedestrian access easement, the

Lot Line Shift application proposes updating the avalanche hazard areas mapped on the subject property based on updated site-specific avalanche study. The avalanche hazard areas shown on the existing Lava Street Subdivision Lot 1A plat map are based on an avalanche study conducted by Arthur Mears, P.E. in 1982. The avalanche hazard areas shown on sheet 1 of the proposed final plat reflect an updated avalanche study conducted by Xcell Engineering in 2017. No changes are proposed to the existing lot lines of subject property.

The Planning and Zoning Commission reviewed and approved Mountain Overlay Design Review Application File No. P19-085 for the development of a new 8,982-square-foot single-family residence and associated site improvements located at 220 Lava Street on September 9, 2019. Pursuant to condition of approval no. 14 of Mountain Overlay Design Review Application File No. P19-085, "The trail circulation design as proposed by the applicant on Sheet L5 of the Design Review submittal shall be finalized and approved by the Planning & Building Department prior to installation. The applicant shall amend the 10 ft wide pedestrian and non-motorized access easement to reflect the new circulation prior to issuance of a Certificate of Occupancy for the project."

The final trail circulation design was reviewed and approved by the Planning Department and City Engineer through the plan review for Building Permit B21-041. The project was issued a Building Permit B21-041 on August 16, 2021. The applicant has graded and improved the relocated pedestrian and non-motorized access easement in accordance with the approved project plans and to the satisfaction of the Planning Department and City Engineer. Pursuant to condition of approval no. 2 of Building Permit B21-041, "The applicant shall submit a Lot Line Shift application to amend the Lava Street Subdivision Lot 1A plat to reflect the relocated pedestrian easement for City Council's final review and approval following the required public hearing in accordance with the readjustment of lot lines procedure specified in Ketchum Municipal Code §16.04.060.G. Prior to issuance of a Certificate of Occupancy of the project, the applicant shall record the amended plat as approved by the City Council through the associated Lot Line Shift application to the records of Blaine County."

#### **FINDINGS REGARDING READJUSTMENT OF LOT LINES**

Consistent with Ketchum Municipal Code (KMC) §16.04.020, the proposal meets the definition of *Readjustment of Lot Lines* because: (1) the application proposes to relocate an existing 10-foot-wide pedestrian and non-motorized access easement to make the route more accessible, (2) proposed Lot 1B complies with all dimensional standards required in the LR Zone, and (3) the proposal does not create additional lots or dwelling units.

*Readjustment of Lot Lines: A change or modification of the boundary lines between existing lots or parcels of land or between dwelling units which does not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements and which does not create additional lots or dwelling units. "Readjustment of Lot Lines" includes other minor changes to a subdivision, condominium, or townhouse plat such as, but not limited to, notation changes, boundary shifts and removal of lot line(s), each of which do not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements nor create additional lots or dwelling units (KMC §16.04.020).*

Consistent with KMC §16.04.060.B, the Readjustment of Lot Lines application was transmitted to city departments, including the City Engineer, Fire, Building, Utilities, and Streets departments, for review. The city department comments were provided to the applicant on March 8, 2024. The applicant submitted revised project plans on March 14, 2024. All city department comments were addressed and resolved on the revised plat.

All land, condominium, and townhouse subdivisions within the City of Ketchum are subject to the standards contained in Ketchum Municipal Code, Title 16, Subdivision Regulations. Pursuant to KMC §16.04.010.D, minor changes to a subdivision, whether or not any additional lot is created, shall comply with these regulations. Many subdivision standards are related to the design and construction of multiple new lots that will form new blocks and infrastructure, such as streets that will be dedicated and maintained by the city. The standards for certain improvements (KMC §16.04.040), including street, sanitary sewage disposal, and planting strip improvements, are not applicable as the project proposes to adjust the common lot line between two properties. As conditioned, the proposed 220 Lava Street Lot Line Shift Application meets the standards for Readjustment of Lot Lines under Title 16 of Ketchum Municipal Code.

**TABLE 1: FINDINGS REGARDING CONTENTS OF FINAL PLAT**

Findings Regarding Contents of Final Plat				
Compliant			Standards and Council Findings	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K	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:
			<i>Council Findings</i>	<i>The final plat mylar paper shall be prepared following Ketchum City Council review and approval of the lot line shift application and shall meet these standards.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.1	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.
			<i>Council Findings</i>	<i>The point of beginning of the subdivision description is tied to two governmental survey corners—Blaine County GIS Control “K2nd-8th” and “Stein” as shown on sheet 1 of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.2	Location and description of monuments.
				<i>The location and description of monuments are provided on Sheet 1 of the Final Plat.</i>

☒	☐	☐	16.04.030.K.3	<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>
<i>Council Findings</i>				<p><i>Sheet 1 of the final plat shows the location of shows the property lines of Lava Street Subdivision Lot 1B, which remain unchanged with this proposal. Sheet 1 of the final plat shows the locations and dimensions of all easements with associated references to notes on sheet 2 of the final plat. The easements include:</i></p> <ul style="list-style-type: none"> <li>• <i>E1 Access Easement, See Note 1</i> <ul style="list-style-type: none"> <li>○ <i>Note 1: E1-Lots 1B, 2A, &amp; 3, TL3595 have an easement for ingress &amp; egress over Lava Street, as recognized by Instrument No. 99644, and as illustrated on this plat.</i></li> </ul> </li> <li>• <i>E2 Access Easement, See Note 2</i> <ul style="list-style-type: none"> <li>○ <i>Note 2: E2 – Lots 2A, 3, TL 7318 &amp; TL 3595 have an easement for ingress, egress, &amp; utilities across Lava Street Subdivision, Lot 1B, as illustrated on this plat.</i></li> </ul> </li> <li>• <i>E3 Access Easement, See Note 3</i> <ul style="list-style-type: none"> <li>○ <i>Note 3: E3- TL 3595 &amp; TL 7318 have an ingress, egress &amp; utility easement as recorded under Instrument No. 415669 and as illustrated on this plat.</i></li> </ul> </li> <li>• <i>E4 Access Easement, See Note 4</i> <ul style="list-style-type: none"> <li>○ <i>Note 4: E4- Lot 3 and TL 7318 have an easement for ingress, egress &amp; utilities across Lava Street Subdivision, Lot 2A, as illustrated on this plat.</i></li> </ul> </li> <li>• <i>Relocated E5 Pedestrian Easement, See Note 5</i> <ul style="list-style-type: none"> <li>○ <i>E5 – A 10 foot wide public pedestrian and non-motorized access easement is reserved as illustrated on this plat, for access through Lava Street Subdivision from Lava Street to Sun Valley Company land (unplatted).</i></li> </ul> </li> <li>• <i>E6 Access Easement to Benefit Tax Lot 7318, Recorded Under Instrument No. 478787, Records of Blaine County, Idaho</i></li> <li>• <i>Centerline of 10’ Irrigation Pipeline Easement to Benefit Tax Lot 7318, Recorded Under Instrument No. 478786, Records of Blaine County, Idaho</i></li> </ul> <p><i>The avalanche hazard areas shown on the existing Lava Street Subdivision Lot 1A plat map are based on an avalanche study conducted by Arthur Mears,</i></p>



				<p><i>P.E. in 1982. The Lot Line Shift Application proposes to update the avalanche hazard areas on the property to reflect an updated avalanche study conducted by Xcell Engineering in 2017. The building envelope shown on sheet 1 of the final plat complies with the requirements for lots with slopes in excess of 25% specified in Ketchum Municipal Code §16.04.040.F2 as the building envelope is established outside the hillside of 25% and greater slope. In addition, the building envelope is sited outside of the avalanche hazard area on the property.</i></p> <p><i>No changes are proposed to the existing boundary lines of Lot 1A. No new lots, streets, or blocks are being proposed with this application. The property is not located within the floodplain or floodway. All other bearings and dimensions have been reviewed by the City Engineer for accuracy.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.4</b>	<p><b>Names and locations of all adjoining subdivisions.</b></p> <p><i>Sheet 1 of the final plat shows the following adjacent properties and subdivisions:</i></p> <ul style="list-style-type: none"> <li>• <i>Block 1, Lot 3A, Esmeralda South Subdivision</i></li> <li>• <i>Lot 8B Syringa Springs Subdivision</i></li> <li>• <i>Tax Lot 3595</i></li> <li>• <i>Tax Lot 8554</i></li> <li>• <i>Lot 2A Lava Street Subdivision</i></li> <li>• <i>Lot 3 Lava Street Subdivision</i></li> <li>• <i>Lot 2 Crystal Acres Subdivision</i></li> <li>• <i>Lot 3A Crystal Acres Subdivision</i></li> <li>• <i>Lot 4AA Crystal Acres Subdivision</i></li> <li>• <i>Lot 4BB Crystal Acres Subdivision</i></li> <li>• <i>Tax Lots 6337, 3971, &amp; 3598</i></li> <li>• <i>Sun Valley Elkhorn Association (Unplatted)</i></li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.5</b>	<p><b>Name and right of way width of each street and other public rights of way.</b></p> <p><i>The subject property located at 220 Lava Street is not accessed from a public street or public right-of-way. The property is accessed from private Lava Street, which is access easement E1 shown the sheet 1 of the final plat.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.6</b>	<p><b>Location, dimension and purpose of all easements, public or private.</b></p> <p><i>Sheet 1 of the final plat shows the locations and dimensions of all public and private easements. The notes on sheet 2 of the final plat specify the purpose of all easements.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.K.7</b>	<p><b>The blocks numbered consecutively throughout each block.</b></p> <p><i>N/A. No new blocks are created with this lot line shift application.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.8</b>	<p><b>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</b></p>

				Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated.
			<i>Council Findings</i>	<i>Sheet 1 of the final plat shows the location and dimensions of the 10' public pedestrian &amp; non-motorized access easement. Note 5 on sheet 2 of the proposed final plat states, "E5 – A 10 foot wide public pedestrian and non-motorized access easement is reserved as illustrated on this plat, for access through Lava Street Subdivision from Lava Street to Sun Valley Company Land (unplatted)." The Certificate of Ownership on sheet 3 of the proposed final plat states, "Owners grant to the public, an easement for pedestrian and non-motorized access, as identified on the foregoing plat on E5."</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.9	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.
			<i>Council Findings</i>	<i>As shown on Sheet 1 of the final plat, the plat is titled "Lava Street Subdivision: Block 1, Lot 1B," which is not the same as any other subdivision in Blaine County, Idaho.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.10	Scale, north arrow and date.
				<i>The scale, north arrow, and date are included on sheet 1 of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.11	Location, width, and names of all existing or dedicated streets and other public ways within or adjacent to the proposed subdivision
			<i>Council Findings</i>	<i>The subject property located at 220 Lava Street is not accessed from a public street or public right-of-way. The property is accessed from private Lava Street, which is access easement E1 shown the sheet 1 of the final plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.K.12	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>Council Findings</i>	<i>N/A as the existing residential subdivision is not governed by a homeowners' association.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.13	Certificate by a registered professional land surveyor making the plat certifying the correctness of the plat.
			<i>Council Findings</i>	<i>Sheet 4 of the final plat includes the required Surveyor's Certificate.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.14	A current title report of all property contained within the plat.
			<i>Council Findings</i>	<i>A lot book guarantee issued by Stewart Title Guaranty Company dated December 4, 2023 was used to prepare the final plat map and submitted with the final plat application.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.15	Certification of owner(s) of record and all holders of security interest(s) of record with regard to such property.
			<i>Council Findings</i>	<i>Sheet 3 of the final plat includes a certificate of ownership and associated acknowledgement from the owner and holder of security interest with regard to the subject property.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.16	Certification and signature of the City Engineer verifying that the subdivision and design standards meet all City requirements.

			<i>Council Findings</i>	<i>Sheet 4 of the final plat includes the City Engineer's Certificate.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.17	<b>Certification and signature of the City Clerk of the City of Ketchum verifying that the subdivision has been approved by the council.</b>
			<i>Council Findings</i>	<i>Sheet 4 of the final plat includes the certification and signature of the City Clerk verifying the subdivision has been approved by the City Council.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.K.18	<b>Notation of any additional restrictions imposed by the council on the development of such subdivision to provide for the public health, safety and welfare.</b>
			<i>Council Findings</i>	<i>All restrictions included on the original Lava Street subdivision plat established in 2001 are included on the proposed final plat, including the building height restrictions, maximum square footage, driveway, exterior materials and colors, and drainage requirements specified in plat notes 11 through 20 on sheet 2 of the proposed final plat.</i>

**FINDINGS REGARDING COMPLIANCE WITH SUBDIVISION DEVELOPMENT & DESIGN STANDARDS**

Subdivision Development & Design Standards (Ketchum Municipal Code §16.04.040)				
Compliant			City Code	City Standards
Yes	No	N/A		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.A	<p><b>Required Improvements:</b> 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. 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.</p>
			<i>Findings</i>	<p><i>The proposed siting of the relocated pedestrian and non-motorized access easement was review through Mountain Overlay Design Review Application File No. P19-085 for the development of a new 8,982-square-foot single-family residence located at 220 Lava Street. The Planning and Zoning Commission approved Mountain Overlay Design Review Application File No. P19-085 on September 9, 2019. Pursuant to condition of approval no. 14 of Mountain Overlay Design Review Application File No. P19-085, "The trail circulation design as proposed by the applicant on Sheet L5 of the Design Review submittal shall be finalized and approved by the Planning &amp; Building Department prior to installation. The applicant shall amend the 10 ft wide pedestrian and non-motorized access easement to reflect the new circulation prior to issuance of a Certificate of Occupancy for the project."</i></p> <p><i>The final trail circulation design was reviewed and approved by the Planning Department and City Engineer through the plan review for</i></p>

				<i>Building Permit B21-041. The project was issued a Building Permit B21-041 on August 16, 2021. The applicant has graded and improved the relocated pedestrian and non-motorized access easement in accordance with the approved project plans and to the satisfaction of the Planning Department and City Engineer.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.B</b>	<b>Improvement Plans:</b> Prior to approval of final plat by the commission, 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>Findings</i>	<p><i>The proposed siting of the relocated pedestrian and non-motorized access easement was review through Mountain Overlay Design Review Application File No. P19-085 for the development of a new 8,982-square-foot single-family residence located at 220 Lava Street. The Planning and Zoning Commission approved Mountain Overlay Design Review Application File No. P19-085 on September 9, 2019. Pursuant to condition of approval no. 14 of Mountain Overlay Design Review Application File No. P19-085, "The trail circulation design as proposed by the applicant on Sheet L5 of the Design Review submittal shall be finalized and approved by the Planning &amp; Building Department prior to installation. The applicant shall amend the 10 ft wide pedestrian and non-motorized access easement to reflect the new circulation prior to issuance of a Certificate of Occupancy for the project."</i></p> <p><i>The final trail circulation design was reviewed and approved by the Planning Department and City Engineer through the plan review for Building Permit B21-041. The project was issued a Building Permit B21-041 on August 16, 2021. The applicant has graded and improved the relocated pedestrian and non-motorized access easement in accordance with the approved project plans and to the satisfaction of the Planning Department and City Engineer.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.C</b>	<b>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 cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, 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 one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety.</b>

				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.
			<i>Findings</i>	<i>This standard is not applicable as the grading improvements for the recirculated pedestrian access easement are complete and have been inspected and approved by the City Engineer and Planning Department. No additional improvements are proposed or required for the lot line shift.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.
			<i>Findings</i>	<i>This standard is not applicable as the grading improvements for the relocated pedestrian easement were constructed per the project plans approved with Building Permit B21-041. The improvements were inspected and approved by the City Engineer and Planning Department. No additional improvements are proposed or required for the lot line shift.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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: <ol style="list-style-type: none"> <li>1. All angle points in the exterior boundary of the plat.</li> <li>2. All street intersections, points within and adjacent to the final plat.</li> <li>3. All street corner lines ending at boundary line of final plat.</li> <li>4. All angle points and points of curves on all streets.</li> <li>5. The point of beginning of the subdivision plat description.</li> </ol>
			<i>Findings</i>	<i>The applicant shall meet the required monumentation standards prior to recordation of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.F	Lot Requirements: <ol style="list-style-type: none"> <li>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</li> </ol>



			<p>and the type of development, and preserve solar access to adjacent properties and buildings.</p> <p>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:</p> <p>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.</p> <p>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.</p> <p>3. Corner lots 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.</p> <p>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</p> <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.</p>
		<p><i>Findings</i></p>	<p><i>The avalanche hazard areas shown on the existing Lava Street Subdivision Lot 1A plat map are based on an avalanche study conducted by Arthur Mears, P.E. in 1982. The Lot Line Shift Application proposes to update the avalanche hazard areas on the property to reflect an updated avalanche study conducted by Xcell Engineering in 2017. The building envelope shown on sheet 1 of the final plat complies with the requirements for lots</i></p>

				<p><i>with slopes in excess of 25% specified in Ketchum Municipal Code §16.04.040.F2 as the building envelope is established outside the hillside of 25% and greater slope. In addition, the building envelope is sited outside of the avalanche hazard area on the property.</i></p> <p><i>No changes are proposed to the existing boundary lines of Lot 1A. No new lots, streets, or blocks are being proposed with this application. The project complies with all conditions of approval specified in the approvals for Mountain Overlay Design Review Application File No. P19-085 and Building Permit B21-041.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	<p><b>G. Block Requirements:</b> The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</li> <li>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.</li> <li>4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.</li> </ol>
			<i>Findings</i>	<i>N/A. This standard is not applicable as the adjustment proposed with this lot line shift is limited to relocating an existing pedestrian access easement within an existing residential subdivision. This application does not create a new block.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.H	<p><b>Street Improvement Requirements:</b></p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> </ol>

			<p>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>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> <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 commission 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 may be required by the commission or council where appropriate and 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;</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 may be a required improvement installed by the subdivider; and</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.</p>
			<p><i>Findings</i></p> <p><i>N/A. This standard is not applicable as the adjustment proposed with this lot line shift is limited to relocating an existing pedestrian access easement within an existing residential subdivision. This application does not create a new block. This proposal does not create a new street, private road, or bridge.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p><b>16.04.040.1</b></p> <p><b>Alley Improvement Requirements: Alleys shall be provided in business, 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 prohibited. Improvement of alleys shall be done by the subdivider as</b></p>



				required improvement and in conformance with design standards specified in subsection H2 of this section.
			<i>Findings</i>	<i>N/A. This standard is not applicable as the adjustment proposed with this lot line shift is limited to relocating an existing pedestrian access easement within an existing residential subdivision. This application does not create a new block. Alleys are not required in residential neighborhoods.</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> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

			<b>Findings</b>	<p>The location and dimensions of existing utility easements are shown on sheet 1 of the proposed final plat. The notes on sheet 2 of the final plat specify the purpose of these easements. The existing utility easements include:</p> <ul style="list-style-type: none"> <li>• E2 – Lots 2A, 3, TL 7318 &amp; TL 3595 have an easement for ingress, egress, &amp; utilities across Lava Street Subdivision, Lot 1B, as illustrated on this plat.</li> <li>• E3- TL 3595 &amp; TL 7318 have an ingress, egress &amp; utility easement as recorded under Instrument No. 415669 and as illustrated on this plat.</li> <li>• E4- Lot 3 and TL 7318 have an easement for ingress, egress &amp; utilities across Lava Street Subdivision, Lot 2A, as illustrated on this plat.</li> <li>• Note 6: A right-of-way and blanket easement for Idaho Power Co. for the erection, continued operation, and maintenance of electrical and telephone lines is recognized under Instrument No. 118354.</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.K	<p><b>Sanitary Sewage Disposal Improvements:</b> 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>
			<b>Findings</b>	<p>This standard is not applicable as the adjustment proposed with this lot line shift is limited to relocating the existing pedestrian access easement on the subject property. Sewer system improvements are not required for this lot line shift. Sewer system improvements for the single-family residence located at 220 Lava Street were review and approved by the Planning and Zoning Commission through Mountain Overlay Design Review Application File No. P19-085 and city departments through Building Permit B21-041.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.L	<p><b>Water System Improvements:</b> 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</p>

				<p>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>Findings</i>	<p><i>This standard is not applicable as the adjustment proposed with this lot line shift is limited to relocating the existing pedestrian access easement on the subject property. Water system improvements are not required for this lot line shift. Water system improvements for the single-family residence located at 220 Lava Street were review and approved by the Planning and Zoning Commission through Mountain Overlay Design Review Application File No. P19-085 and city departments through Building Permit B21-041.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	<p><b>Planting Strip Improvements:</b> 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>Findings</i>	<p><i>This standard is not applicable as the adjustment proposed with this lot line shift is limited to relocating the existing pedestrian access easement on the subject property within an existing residential subdivision. Planting strip improvements are not required for this lot line shift.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N	<p><b>Cuts, Fills, And Grading Improvements:</b> 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"> <li>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.</li> <li>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"> <li>a. Proposed contours at a maximum of five foot (5') contour intervals.</li> <li>b. Cut and fill banks in pad elevations.</li> <li>c. Drainage patterns.</li> <li>d. Areas where trees and/or natural vegetation will be preserved.</li> </ol> </li> </ol>

			<p>e. Location of all street and utility improvements including driveways to building envelopes.</p> <p>f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</p> <p>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</p> <p>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).</p> <p>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</p> <p>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.</p> <p>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.</p>
		<i>Findings</i>	<p><i>The proposed siting of the relocated pedestrian and non-motorized access easement was review through Mountain Overlay Design Review Application File No. P19-085 for the development of a new 8,982-square-</i></p>

				<p><i>foot single-family residence located at 220 Lava Street. The Planning and Zoning Commission approved Mountain Overlay Design Review Application File No. P19-085 on September 9, 2019. Pursuant to condition of approval no. 14 of Mountain Overlay Design Review Application File No. P19-085, "The trail circulation design as proposed by the applicant on Sheet L5 of the Design Review submittal shall be finalized and approved by the Planning &amp; Building Department prior to installation. The applicant shall amend the 10 ft wide pedestrian and non-motorized access easement to reflect the new circulation prior to issuance of a Certificate of Occupancy for the project."</i></p> <p><i>The final trail circulation design was reviewed and approved by the Planning Department and City Engineer through the plan review for Building Permit B21-041. The project was issued a Building Permit B21-041 on August 16, 2021. The applicant has graded and improved the relocated pedestrian and non-motorized access easement in accordance with the approved project plans and to the satisfaction of the Planning Department and City Engineer.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.O</b>	<p><b>Drainage Improvements:</b> 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>Findings</i>	<p><i>Drainage improvements for the proposed site improvements single-family residence located at 220 Lava Street were review and approved by the Planning and Zoning Commission through Mountain Overlay Design Review Application File No. P19-085 and city departments through Building Permit B21-041.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.P</b>	<p><b>Utilities:</b> 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>



			<b>Findings</b>	<i>This standard is not applicable as the adjustment proposed with this lot line shift is limited to relocating the existing pedestrian access easement on the subject property. Utility improvements for the single-family residence located at 220 Lava Street were review and approved by the Planning and Zoning Commission through Mountain Overlay Design Review Application File No. P19-085 and city departments through Building Permit B21-041.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.Q</b>	<b>Off Site Improvements:</b> Where the offsite 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.
			<b>Findings</b>	<i>This standard is not applicable as the adjustment proposed with this lot line shift is limited to relocating an existing pedestrian access easement on the subject property, which is within an existing residential subdivision. Off-site improvements are not required or proposed with this lot line shift.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.R</b>	<b>Avalanche And Mountain Overlay:</b> 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.
			<b>Findings</b>	<i>The project complies with all conditions of approval specified in Mountain Overlay Design Review Application File No. P19-085 and Building Permit B21-041.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.S</b>	<b>Existing natural features</b> 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.
			<b>Findings</b>	<i>The project complies with the project plans approved with Mountain Overlay Design Review Application File No. P19-085 and Building Permit B21-041. The design of the single-family residence and associated site improvements preserve the existing rock outcroppings on the subject property.</i>

### CONCLUSIONS OF LAW

- 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 application.

2. The Ketchum City Council has authority to hear the applicant's Lot Line Shift 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.
4. The Lot Line Shift (Readjustment of Lot Lines) application is governed under Sections 16.04.010, 16.04.020, 16.04.030, 16.04.040, and 16.04.060 of Ketchum Municipal Code Chapter 16.04.
5. As conditioned, the proposed Lot Line Shift meets the standards for approval under Title 16 of Ketchum Municipal Code.

### **DECISION**

**THEREFORE**, the Ketchum City Council **approves** the 220 Lava Street Lot Line Shift Application File No. P24-006 this Monday, April 15, 2024 subject to the following conditions:

### **CONDITIONS OF APPROVAL**

1. The final plat shall be recorded with the Blaine County Clerk and Recorder's Office within one year of approval by the Ketchum City Council.
2. Upon recording of the final plat with the Blaine County Clerk and Recorder's Office, the applicant shall provide a copy of the recorded final plat to the Planning and Building Department.

Findings of Fact **adopted** this 15<sup>th</sup> day of April 2024.

---

Neil Bradshaw, Mayor  
City of Ketchum