



## City of Ketchum

December 7, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to Hold a Public Hearing and Approve the Buck Subdivision Lot Line Shift Application**

#### Recommendation and Summary

Staff recommends the Ketchum City Council hold a public hearing and approve the Buck Subdivision Lot Line Shift to reconfigure three existing properties to form two lots within an existing low-density residential neighborhood.

Recommended Motion: "I move to approve the Buck Subdivision Lot Line Shift Application subject to conditions of approval 1-6."

The reasons for the recommendation are as follows:

- The request to reconfigure three properties to form two lots meets all applicable standards for Readjustment of Lot Lines contained in Ketchum Municipal Code's (KMC) Subdivision (Title 16) and Zoning (Title 17) regulations.
- The application meets the standards required for the Readjustment of Lot Lines procedure because: (1) Buck Subdivision Lots 1 and 2 comply with the dimensional standards required for properties located within the City's Limited Residential (LR) Zoning District, (2) the existing home located at 1240 W Canyon Run Boulevard will comply with the dimensional standards required in the LR Zone as sited on future Lot 2, and (3) the proposal does not create additional lots or dwelling units.
- This project will eliminate one future driveway access that crosses over the bike path along Warm Springs Road, which will enhance safety for pedestrians and bicyclists.

#### Analysis

This Lot Line Shift application, submitted by Galena Engineering on behalf of property owners John Riley Buck and Maggie Acker-Buck, proposes to reconfigure the lot lines between Lot 1C and Lot 1D of Sun Valley Subdivision and Tax Lot 8539 to form Lots 1 and 2 of Buck Subdivision. The subject properties are located within the City's Limited Residential (LR) Zoning District. Lots 1C and 1D of Sun Valley Subdivision are located at 1520 and 1524 Warm Springs Road. Both properties are currently undeveloped. Tax Lot 8539 is located at 1240 W Canyon Run Boulevard. This property is developed with a single-family residence, which was constructed in 2019 (Building Permit 19-042). A portion of Lot 1D will combine with Lot 1C to create Lot 1 of Buck Subdivision. The remainder of Lot 1D will combine with Tax Lot 8539 to create Lot 2 of Buck Subdivision. By combining the two lots along Warm Springs Road, this project will eliminate one future driveway access that crosses over the bike path.

#### Financial Impact

No financial impact as the application proposes to reconfigure three lots within a residential neighborhood.

#### Attachments

- A. Draft Findings of Fact, Conclusions of Law, and Decision
- B. Lot Line Shift Application Submittal

Attachment A:  
Draft Findings of Fact,  
Conclusions of Law, and  
Decision



City of Ketchum  
Planning & Building

IN RE:	)	
	)	
Buck Subdivision: Lots 1 & 2	)	<b>KETCHUM CITY COUNCIL</b>
Lot Line Shift	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND</b>
Date: December 7, 2020	)	<b>DECISION</b>
	)	
File Number: P20-092	)	

**Findings Regarding Application Filed**

**PROJECT:** Buck Subdivision: Lots 1 & 2

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

**FILE NUMBER:** P20-092

**OWNER:** John Riley Buck & Maggie Acker-Buck

**REPRESENTATIVE:** Sean Flynn, Galena Engineering

**REQUEST:** Reconfigure the lot lines between Lot 1C and Lot 1D of Sun Valley Subdivision and Tax Lot 8539 to form Lots 1 and 2 of Buck Subdivision

**LOCATION:** 1240 W Canyon Run Boulevard and 1520 & 1524 Warm Springs Road (Tax Lot 8539 and Sun Valley Subdivision: Lots 1C & 1D)

**NOTICE:** A public hearing notice was mailed to all property owners within 300 feet of the project site and political subdivisions on November 18, 2020. The public hearing notice was published in the Idaho Mountain Express on November 18, 2020. The public hearing notice was posted on site and on the city’s website on November 30, 2020.

**ZONING:** Limited Residential (LR) Zoning District

**Findings Regarding Application Filed**

This Lot Line Shift application, submitted by Galena Engineering on behalf of property owners John Riley Buck and Maggie Acker-Buck, proposes to reconfigure the lot lines between Lot 1C and Lot 1D of Sun Valley Subdivision and Tax Lot 8539 to form Lots 1 and 2 of Buck Subdivision. The subject properties are located within the City’s Limited Residential (LR) Zoning District. Lots 1C and 1D of Sun Valley Subdivision are located at 1520 and 1524 Warm Springs Road. Both properties are currently undeveloped. Tax Lot 8539 is located at 1240 W Canyon Run Boulevard. This property is developed with a single-family residence, which was constructed in 2019 (Building Permit 19-042). A portion of Lot 1D will combine with Lot 1C to create Lot 1 of Buck Subdivision. The remainder of Lot 1D will combine with Tax Lot 8539 to create Lot 2 of Buck Subdivision. By combining the two lots along Warm Springs Road, this project will eliminate one future driveway access that crosses over the bike path, which will enhance safety for pedestrians and bicyclists. Both of the proposed lots within Buck Subdivision

comply with the 9,000-square-foot minimum lot area required in the LR Zone—Lot 1 will have an area of 15,790 square feet and Lot 2 will have an area of 15,418 square feet.

**Findings Regarding Readjustment of Lot Lines (KMC §16.04.060)**

Consistent with Ketchum Municipal Code (KMC) §16.04.020, the proposal meets the definition of Readjustment of Lot Lines because: (1) Buck Subdivision Lots 1 and 2 comply with the dimensional standards required for properties located within Limited Residential (LR) Zoning District, (2) the existing home located at 1240 W Canyon Run Boulevard will comply with the dimensional standards required in the LR Zone as sited on future Lot 2, 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. As specified in Condition of Approval #2, the subdivision plat shall meet all governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer.

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, the change or modification of boundary lines, 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 to the subject project as the application proposes to reconfigure three properties to form two lots within an existing residential neighborhood. As conditioned, proposed Lots 1 and 2 of Buck Subdivision meet the standards for Readjustment of Lot Lines under Title 16 of Ketchum Municipal Code.

**Table 1: Findings Regarding Contents of Final Plat and Subdivision Design & Development Requirements**

Findings Regarding Contents of Final Plat and Subdivision Design & Development Requirements				
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:

			<b>Council Findings</b>	<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"/>	<b>16.04.030.K.1</b>	<b>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.</b>
			<b>Council Findings</b>	<i>As conditioned, this standard shall be met. The final plat mylar shall show a minimum of two Blaine County Survey Control Monuments with ties to the property. The Survey Control Monuments shall be clearly identified on the face of the map.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.2</b>	<b>Location and description of monuments.</b>
				<i>As conditioned, this standard shall be met. The final plat mylar shall show the location and description of monuments.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.3</b>	<b>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.</b>
			<b>Council Findings</b>	<i>The plat indicate Warm Springs Road and W Canyon Boulevard right-of-way lines, proposed lot lines, and the lot area of each lot.</i>  <i>As conditioned, this standard shall be met. The final plat mylar shall show 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, 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.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.4</b>	<b>Names and locations of all adjoining subdivisions.</b>
			<b>Council Findings</b>	<i>The plat indicates the adjacent Lot 2A of Sun Valley Subdivision and adjacent Tax Lots 8225, 6032, and 7310.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.5</b>	<b>Name and right of way width of each street and other public rights of way.</b>
			<b>Council Findings</b>	<i>This standard has been met. The plat indicates the Warm Springs Road and W Canyon Boulevard public rights-of-way.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.6</b>	<b>Location, dimension and purpose of all easements, public or private.</b>
			<b>Council Findings</b>	<i>As conditioned, this standard shall be met. The plat indicates the 10-foot utility and 10-foot snow storage easement. The final plat shall include the location and dimension of all easements.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.K.7</b>	<b>The blocks numbered consecutively throughout each block.</b>
			<b>Council Findings</b>	<i>N/A. This lot line application reconfigures three existing properties to form two lots within an existing residential neighborhood and does not create a new block.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.K.8</b>	<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 Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated.</b>
			<b>Council Findings</b>	<i>N/A as no dedications of this type have been proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.9</b>	<b>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.</b>
			<b>Council Findings</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.10</b>	<b>Scale, north arrow and date.</b>
				<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.11</b>	<b>Location, width, and names of all existing or dedicated streets and other public ways within or adjacent to the proposed subdivision</b>
			<b>Council Findings</b>	<i>This standard has been met. Warm Springs Road and W Canyon Run Boulevard are indicated on the subdivision plat.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.K.12</b>	<b>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.</b>
			<b>Council Findings</b>	<i>This standard is not applicable.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.13</b>	<b>Certificate by registered engineer or surveyor preparing the map certifying to the accuracy of surveying plat.</b>
			<b>Council Findings</b>	<i>As conditioned, this standard will be met prior to recordation of the final plat. The signature block page shall include the surveyor's certification.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.14</b>	<b>A current title report of all property contained within the plat.</b>
			<b>Council Findings</b>	<i>This standard has been met. A title report and warranty deeds were submitted for the properties.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.15</b>	<b>Certification of owner(s) of record and all holders of security interest(s) of record with regard to such property.</b>
			<b>Council Findings</b>	<i>As conditioned, this standard will be met prior to recordation of the final plat. The signature block page shall include a certificate of ownership and associated acknowledgement from all owners and holders of security interest with regard to the subject property, which shall be signed following Ketchum City Council review and approval of the application and prior to recordation of the final plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.16</b>	<b>Certification and signature of engineer (surveyor) verifying that the subdivision and design standards meet all city requirements.</b>
			<b>Council Findings</b>	<i>As conditioned, this standard will be met prior to recordation of the final plat. The signature block page shall include the certification and signature of the surveyor verifying that the subdivision and design standards meet all City requirements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.17</b>	<b>Certification and signature of the city engineer verifying that the subdivision and design standards meet all city requirements.</b>
			<b>Council Findings</b>	<i>As conditioned, this standard will be met prior to recordation of the final plat. The signature block page shall include the City Engineer's approval and verification that the subdivision and design standards meet all City requirements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.K.18</b>	<b>Certification and signature of the city clerk of the city of Ketchum verifying that the subdivision has been approved by the council.</b>
			<b>Council Findings</b>	<i>As conditioned, this standard will be met prior to recordation of the final plat. The signature block page shall include the certification and signature of the City Clerk verifying the subdivision has been approved by City Council.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.K.19</b>	<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>
			<b>Council Findings</b>	<i>This standard is not applicable as this application reconfigures three existing properties to form two lots within an existing residential neighborhood. No additional restrictions are necessary to provide for the public health, safety, and welfare.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.L</b>	<b>Final Plat Copies: Both a hard copy and a digital copy of the final plat shall be filed with the administrator prior to being placed upon the Council's agenda. A digital copy of the final plat as approved by the council and signed by the city clerk shall be filed with the administrator and retained by the city. The Applicant shall also provide the city with a digital copy of the recorded document with its assigned legal instrument number.</b>
			<b>Council Findings</b>	<i>This standard has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.A</b>	<b>Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city.</b>
			<b>Council Findings</b>	<i>This standard is not applicable as this application proposes to reconfigure three existing properties to form two lots within a low-density residential neighborhood. No improvements are required or proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.B</b>	<b>Improvement Plans: Prior to approval of final plat by the Council, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.</b>
			<b>Council Findings</b>	<i>This standard is not applicable as this application proposes to reconfigure three existing lots within a low-density residential neighborhood. No improvements are required or proposed.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p><b>16.04.040.C</b></p> <p><b>Performance Bond:</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, factors beyond the control of the subdivider, or other conditions as determined acceptable at the sole discretion of the city, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be two years or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</p> <p><b>Council Findings</b></p> <p><i>This standard is not applicable as this application proposes to reconfigure three existing properties to create two lots within a low-density residential neighborhood. No improvements are required or proposed.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p><b>16.04.040.D</b></p> <p><b>As Built Drawing:</b> Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.</p> <p><b>Council Findings</b></p> <p><i>This standard is not applicable as this application proposes to reconfigure three existing properties within a low-density residential neighborhood. No improvements are required or proposed.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>16.04.040.E</b></p> <p><b>Monumentation:</b> Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> <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> <p><b>Council Findings</b></p> <p><i>The applicant shall meet the required monumentation standards prior to recordation of the final plat.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>16.04.040.F</b></p> <p><b>Lot Requirements:</b></p> <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 and the type of development, and preserve solar access to adjacent properties and buildings.</li> <li>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:</li> </ol>

				<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 outside of the original Ketchum Townsite shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.</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. Minimum lot sizes in all cases shall be reversed frontage lot(s).</p>
			<b>Council Findings</b>	<i>Standard #1 has been met as the lot size, width, shape, and building setback lines will comply with the dimensional standards required in the LR Zone. Standard #2 is not applicable as the subject property isn't located within the Floodplain or Mountain overlays. Standard 3 is not applicable as the no corner lots are proposed with this application. Standard #4-6 have been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.G</b>	<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. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.</li> </ol>
			<b>Council Findings</b>	<i>N/A. This project will reconfigure three existing properties to form two new lots within an existing low-density residential neighborhood. This application does not create a new block.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.H</b>	<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> <li>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</li> <li>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;</li> <li>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;</li> </ol>



				<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 County Assessor's office before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</p> <p>16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p> <p>18. Street lighting shall be required consistent with adopted city standards and where designated shall be installed by the subdivider as a requirement improvement;</p> <p>19. Private streets may be allowed upon recommendation by the commission and approval by the Council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section and chapter 12.04 of this code;</p> <p>20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the Administrator and shall be consistent with the type and design of existing street signs elsewhere in the City;</p> <p>21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters shall be required consistent with adopted city standards and where designated shall be a required improvement installed by the subdivider;</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights-of-way unless approved by the City Council; and</p> <p>24. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone.</p>
			<b>Council Findings</b>	<i>This standard is not applicable. This project will reconfigure three existing properties to form two new lots within an existing low-density residential neighborhood. This proposal does not create new street, private road, or bridge.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	<b>Alley Improvement Requirements:</b> Alleys shall be provided in, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be permitted only within

				<p>the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead-end alley including, but not limited to, the provision of fire protection, snow removal and trash collection services to such properties. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
			<b>Council Findings</b>	<i>This standard is not applicable. This project will reconfigure three existing properties to form two lots within an existing low-density residential neighborhood. Alleys are not required within residential neighborhoods.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.J</b>	<p><b>Required Easements:</b> Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.</p> <p>1. A public utility easement at least ten feet (10') in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the City Engineer to be necessary for the provision of adequate public utilities.</p> <p>2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.</p> <p>3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the Council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the Council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.</p> <p>4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the City.</p>
			<b>Council Findings</b>	<i>As conditioned, standard #1 shall be met. The final plat mylar shall indicate the required 5-foot public utility easement. Standards #2-6 are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.K</b>	<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>Council Findings</b>	<i>This standard is not applicable. This project will reconfigure three existing properties to form two lots within an existing low-density residential neighborhood. No sanitary sewage disposal improvements are required for this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.L</b>	<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 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</p>

				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.
			<b>Council Findings</b>	<i>This standard is not applicable. This project will reconfigure three existing properties to form two lots within an existing low-density residential neighborhood. Water system improvements are not required for this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.M</b>	<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.
			<b>Council Findings</b>	<i>This standard is not applicable. This project will reconfigure three existing properties to form two lots within an existing low-density residential neighborhood. Alleys are not required within residential neighborhoods. Planting strip improvements are not required for this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.N</b>	<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> <li>e. Location of all street and utility improvements including driveways to building envelopes.</li> <li>f. Any other information which may reasonably be required by the Administrator, commission or Council to adequately review the affect of the proposed improvements.</li> </ol> </li> <li>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.</li> <li>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.</li> <li>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.</li> <li>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply: <ol style="list-style-type: none"> <li>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</li> <li>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).</li> <li>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</li> <li>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.</li> <li>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</li> </ol> </li> </ol>

				<b>the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.</b>
			<b>Council Findings</b>	<i>This standard is not applicable. This project will reconfigure three existing properties to form two lots within an existing low-density residential neighborhood. Cuts, fills, and grading improvements are not required or proposed with this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.O</b>	<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.
			<b>Council Findings</b>	<i>This standard is not applicable. This project will reconfigure three existing properties to form two lots within an existing low-density residential neighborhood. Drainage improvements are not required or proposed with this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.P</b>	<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.
			<b>Council Findings</b>	<i>This standard is not applicable. This project will reconfigure three existing properties to form two lots within an existing low-density residential neighborhood. Utility improvements are not required or proposed with this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.Q</b>	<b>Off Site Improvements:</b> Where the off site impact of a proposed subdivision is found by the commission or Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			<b>Council Findings</b>	<i>This standard is not applicable. This project will reconfigure three existing properties to form two lots within an existing low-density residential neighborhood. Off-site improvements are not required or proposed with this project.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>Council Findings</b>	<i>This standard is not applicable as the property is not located in the Avalanche or Mountain Overlay.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.S</b>	<b>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.</b>
			<b>Council Findings</b>	<i>This standard is not applicable. This project will reconfigure three existing properties to form two lots within an existing low-density residential neighborhood.</i>

### CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum City Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which city ordinances govern the applicant’s application for the development and use of the project site.
2. The 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, 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 Buck Subdivision Lot Line Shift Application this Monday, December 7<sup>th</sup>, 2020 subject to the following conditions:

### CONDITIONS OF APPROVAL

1. The amended plat mylar shall meet all conditions specified in Table 1: Findings Regarding Contents of Final Plat and Subdivision Design & Development Requirements.
2. The amended subdivision plat shall meet all governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No. 1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer.
3. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map.
4. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder’s office concurrent with the recording of the Plat containing the following minimum data:
  - a. Line work delineating all parcels and roadways on a CAD layer/level designated as “parcel”;
  - b. Line work delineating all roadway centerlines on a CAD layer/level designated as “road”; and,
  - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as “control”; and,
  - d. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a “.dwg”, “.dgn” or “.shp” format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
5. The final plat mylar shall contain all items required under Title 50, Chapter 13, Idaho Code as well as all items required pursuant to KMC §16.04.030J including certificates and signatures.

6. The applicant shall provide a copy of the recorded final plat to the Planning and Building Department for the project record.

Findings of Fact **adopted** this 7<sup>th</sup> day of December 2020

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Neil Bradshaw, Mayor

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Katrin Sharp, Deputy City Clerk

**Attachment B:  
Lot Line Shift Application  
Submittal**



City of Ketchum  
Planning & Building

**CERTIFIED COMPLETE**  
9-18-20  
mf

OFFICIAL USE ONLY	
File Number:	P20-092
Date Received:	9-18-20
By:	mf
Fee Paid:	950-
Approved Date:	
Denied Date:	
By:	

### Lot Line Shift Application

OWNER INFORMATION	
Owner Name: John Riley Buck & Maggie Acker-Buck	
Mailing Address: PO Box 6864 Ketchum, ID 83333	
Phone: 208-720-7930	
Email: riley@pioneercabincompany.com	
PROJECT INFORMATION	
Name of Proposed Plat: Buck Subdivision	
Representative of Owner: Sean Flynn	
Phone: 208-788-1705	
Mailing Address: 317 N. River Street, Hailey, ID 83333	
Email: sflynn@galena-engineering.com	
Legal Land Description: SUN VALLEY SUB FR N 1/2 E 1/2 OF 1 TL 8539, SUN VALLEY SUB AM LOT 1C, SUN VALLEY SUB AM LOT 1D	
Project Address: 1524 & 1520 Warm Springs Rd, 1240 W Canyon Run Blvd,	
Number of Lots: 2	Number of Units:
Total Land Area in Square Feet: 31,270 Sq. Ft.	Current Zoning District: Limited Residential
Overlay District: <input type="checkbox"/> Flood <input type="checkbox"/> Mountain <input type="checkbox"/> Avalanche	
Easements to be Dedicated on the Final Plat (Describe Briefly):	
Snow storage easement, utility easement	
ATTACHMENTS	
Attachments Necessary to Complete Application:	
1. A copy of a current lot book guarantee and recorded deed to the subject property;	
2. One (1) copy of preliminary plat; and,	
3. A CD or email of an electronic (.pdf) of the 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.

*Sean Flynn*

09/17/2020

Signature of Owner/Representative

Date



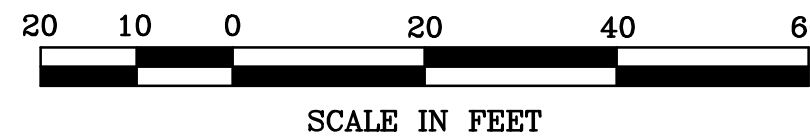
# A PRELIMINARY PLAT SHOWING BUCK SUBDIVISION

WHEREIN THE LOT LINES BETWEEN TAX LOT 8539, AND LOTS 1C & 1D, SUN VALLEY SUBDIVISION, ARE SHIFTED AS SHOWN HEREON  
LOCATED WITHIN SECTION 12, T.4 N., R.17 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

NOVEMBER 2020



SCALE: 1" = 20'



### LEGEND

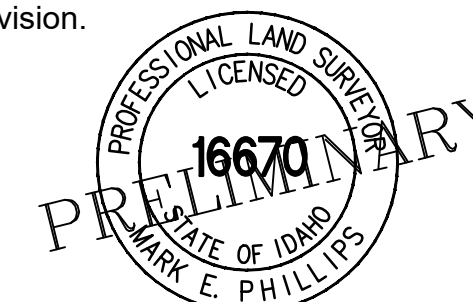
- Property Boundary
- Proposed Property Line
- Previous Lot Line
- Adjoining Lot Lines
- Centerline of Right-of-way
- Existing Fence Line
- GIS Tie Line
- Utility Pole
- Found 1/2" Rebar
- Found 5/8" Rebar
- Found Brass Cap on 1 1/4" Steel Pipe
- Found Aluminum Cap on 5/8" Rebar
- Set 5/8" Rebar, P.L.S. 16670

### SURVEY NARRATIVE & NOTES

1. The purpose of this survey is to shift the Lot Lines between Tax Lot 8539, and Lots 1C & 1D, Sun Valley Subdivision: Replat W1/2 Lot 1, as shown, and to show the monuments found and set during the boundary retracement of the above referenced properties. The Boundary shown is based on Found Lot Corner Monuments, the plat of Sun Valley Subdivision: Replat W1/2 Lot 1, Instrument Number 367508, the Record of Survey of Tax Lot 7338, Instrument Number 660005, and the Special Warranty Deed, Instrument Number 578543, all records of Blaine County, Idaho. The missing exterior boundary monuments were previously tied in during prior unrecorded survey work. After checking the rest of the existing monument locations, the missing monuments were reset at the previously tied locations. A Utility Pole occupies the location of a previously tied in Aluminum Cap on 5/8" rebar, so an 8' Witness Corner was set along the Westerly Boundary of the property. The additional documents used in the course of this survey were the Replat of Lots 2 and 3, Sun Valley Subdivision, Instrument Number 295492, and the plat of Sun Valley Subdivision, Instrument Number 92929, both records of Blaine County, Idaho.
2. The distances shown are measured. Refer to the above referenced documents for previous record data.
3. This survey does not purport to reflect any of the following which may be applicable to subject real property: natural hazards, encroachments, wetlands, easements, building setbacks, restrictive covenants, subdivision restrictions, zoning or any other land-use regulations.
4. A Title Commitment has been issued by Westcor Land Title Insurance Company, File Number 19330450, with a Date of Guarantee of May 10, 2019. Certain information contained in said title policy may not appear on this map or may affect items shown hereon. It is the responsibility of the owner or agent to review said title policy. Some of the encumbrances and easements listed in the title report are NOT plottable hereon. Review of specific documents is required, if further information is desired.
5. The current zoning is Limited Residential. Refer to the City of Ketchum Zoning Ordinance for specific information about this zone.
6. The owner is Riley Buck, PO Box 6864 Ketchum, ID 83340. The surveyor/representation is Mark E. Phillips, Galena Engineering, Inc., 317 N. River St., Hailey, Idaho 83333.
7. There exists a 10' Utility Easement interior to all exterior lot lines and centered on interior lot lines.
8. There exists a 10' snow storage easement along Warm Springs Road.

### CERTIFICATE OF SURVEYOR

I hereby certify that I am a Registered Land Surveyor in the State of Idaho and that this map is a true and accurate representation of a survey done under my direct supervision.

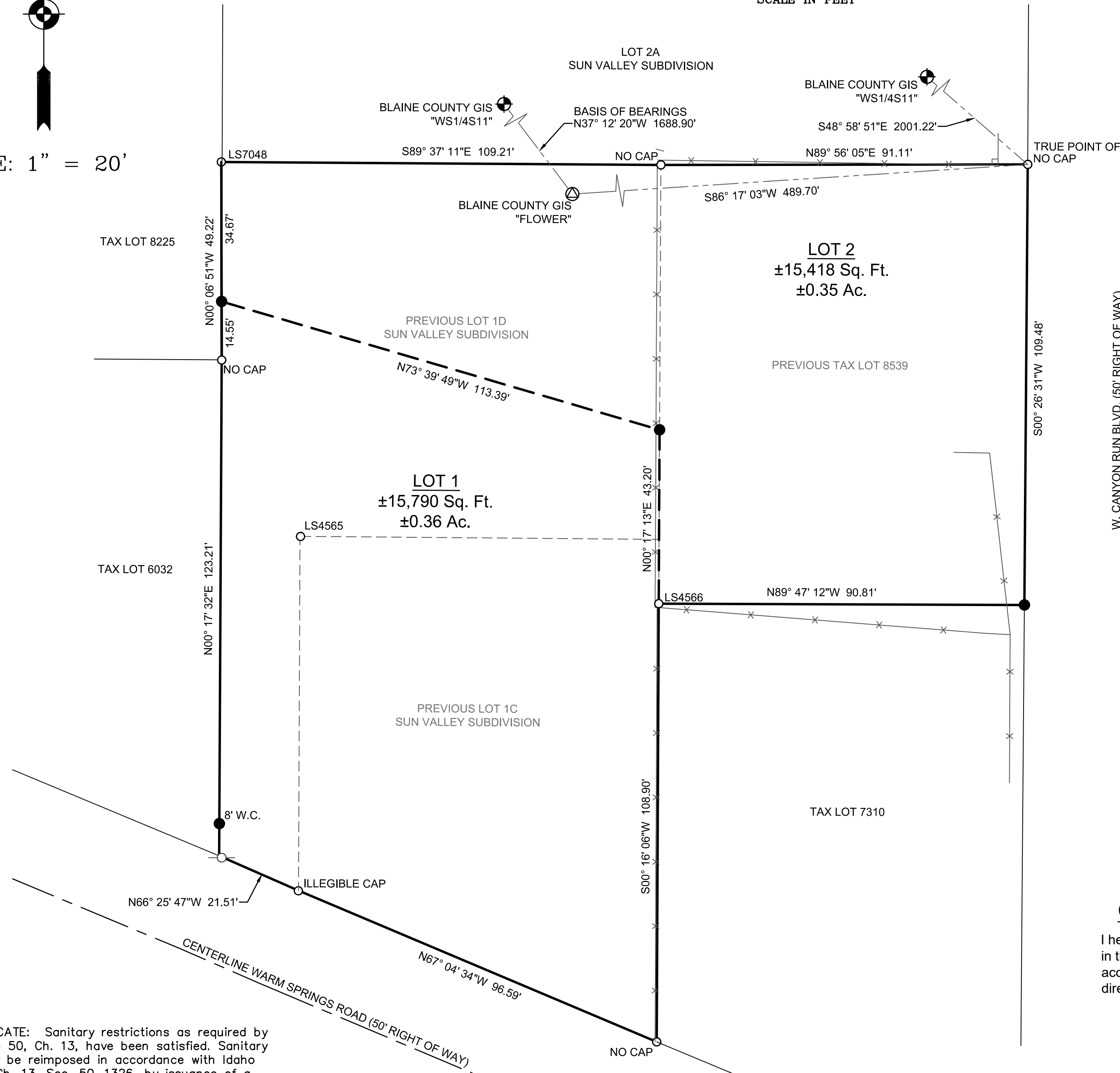


BUCK SUBDIVISION  
GALENA ENGINEERING, INC.  
HAILEY, IDAHO  
SHEET 1 OF 2  
Job No. 6808-01

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

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

Date \_\_\_\_\_ South Central Public Health District





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. 705330 /TG

**Instrument # 667546**

HAILEY, BLAINE, IDAHO  
03-04-2020 12:40:44 PM No. of Pages: 2  
Recorded for: PIONEER TITLE COMPANY OF BLAINE COUNT  
JOLYNN DRAGE Fee: \$15.00  
Ex-Officio Recorder Deputy: GWB  
Electronically Recorded by Simplifile

**WARRANTY DEED**

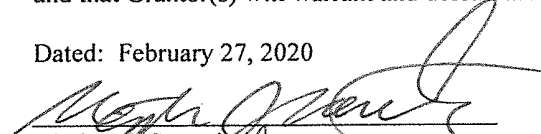
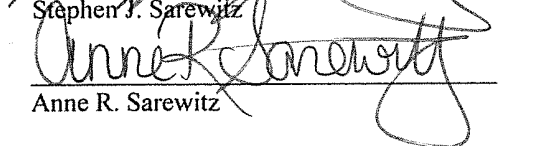
For Value Received Stephen J. Sarewitz and Anne R. Sarewitz, husband and wife hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Acker, LLC, an Idaho limited liability company hereinafter referred to as Grantee, whose current address is PO Box 177 Ketchum, ID 83340  
The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

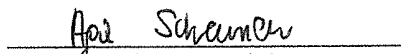
To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises 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: February 27, 2020

  
\_\_\_\_\_  
Stephen J. Sarewitz  
  
\_\_\_\_\_  
Anne R. Sarewitz

State of Washington, County of KING

This record was acknowledged before me on February 28<sup>th</sup>, 2020 by Stephen J. Sarewitz and Anne R. Sarewitz.

  
\_\_\_\_\_  
Signature of notary public  
Commission Expires: MAY 18, 2022

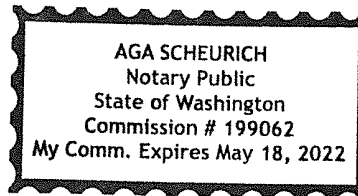


EXHIBIT A

Parcel 1:

Lot 1-C of Sun Valley Subdivision: Replat W1/2 Lot 1, according to the official plat thereof, recorded June 24, 1994 as Instrument No. 367508, records of Blaine County, Idaho.

Parcel 2:

Lot 1-D of Sun Valley Subdivision: Replat W1/2 Lot 1, according to the official plat thereof, recorded June 24, 1994 as Instrument No. 367508, records of Blaine County, Idaho.

File # 19330450

## Quitclaim Deed

For value received, MAGGIE L. ACKER-BUCK, a married woman who acquired title as MAGGIE L. ACKER, an unmarried woman

Does hereby convey, release, remise, and forever quit claim unto  
**JOHN RILEY BUCK and MAGGIE L. ACKER-BUCK, husband and wife, as community property**

whose current address is PO Box 6864, Ketchum ID 83340

the following described premises:


A portion of Lot 1, SUN VALLEY SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded as Instrument No. 92929, records of Blaine County, Idaho, and more particularly described as follows:

Commencing at a 1/2" reinforcing rod marking the NE corner of said Lot One, and said rod being the TRUE POINT OF BEGINNING; thence South 00° 03' 00" West, 109.0 feet along the East boundary of said Lot One to a 1/2" reinforcing rod; thence North 89° 57' 00" West, 91.0 feet to a 1/2" reinforcing rod; thence North 00° 03' 00" East, 109.0 feet to a 1/2" reinforcing rod on the North boundary of said Lot One; thence South 89° 57' 00" East, 91.0 feet along the North boundary of said Lot One to a 1/2" reinforcing rod said rod being the TRUE POINT OF BEGINNING.

Also known as Tax Lot 7338

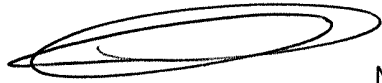
To have and to hold the said premises, unto the said grantees, heirs and assigns forever.

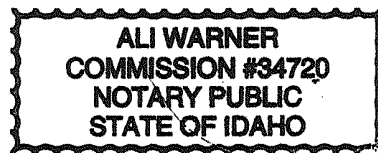
Date: 07/02/2019

  
\_\_\_\_\_  
Maggie L. Acker-Buck

State of Idaho, County of Blaine, ss.

On this 02 day of July in the year of 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Maggie L. Acker-Buck known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

  
\_\_\_\_\_, Notary Public  
Residing at: Ketchum ID  
My Commission Expires: 9/19/20  
(seal)



**Transaction Identification Data for reference only:**

Issuing Office: TitleOne Corporation dba Sun Valley Title  
ALTA® Universal ID: 1065022  
Commitment Number: 19330450  
Revision: 05/14/2019 - Updated effective date and added exception

**SCHEDULE A**

**1. Commitment Date: May 10, 2019 at 07:30 AM**

**2. Policy or Policies to be issued:**

<b>X ALTA Loan Policy (6/17/06)</b>	<b>Extended Coverage</b>	<b>Policy Amount:</b>
<b>Proposed Insured:</b>		<b>Premium:</b>
U.S. Bank N.A., its successors and/or assigns, as their interest may appear		
<b>Endorsements:</b>	9-06/22-06/8.1-06	<b>Charge:</b>

**3. The estate or interest in the land described or referred to in this Commitment is:**  
Fee Simple

**4. Title to the estate or interest in the Land is at the Commitment Date vested in:**  
Maggie L. Acker, an unmarried woman

**5. The Land described as follows:**  
See Attached Schedule C

**Westcor Land Title Insurance Company**  
TitleOne Corporation dba Sun Valley Title

**By:**



\_\_\_\_\_  
**Nick Busdon, Authorized Signatory**

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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**SCHEDULE B, PART I**

**Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

5. NOTE: According to the available records, the purported address of said land is:

1240 W Canyon Run Blvd, Ketchum, ID 83340

6. Deed of Trust or Mortgage securing the loan.

NOTE: If a Deed of Trust is contemplated as a part of this transaction, the correct name to be entered as the Trustee is "TITLEONE"

7. NOTE: The Company has conducted a judgment and lien search of the public records, as of the effective date shown on Schedule A, against the vested owner and/or the proposed insured owner/borrower. The Company has found no such items other than those shown on Schedule B, if any.

8. Note: In the event this transaction fails to close, or this commitment is cancelled, a cancellation fee will be charged to comply with the State of Idaho Department of Insurance regulations.

9. The Company will require delivery of and approval by the Company of an Indemnity and Affidavit as to Debts, Liens and Possession, prior to the issuance of the policy.

10. NOTE: The only deed(s) affecting said land, which recorded within 24 months of the date of this report, or the last recorded vesting deed, is (are) as follows:

Document: Warranty Deed

Grantor: Randall Acker and Susan Acker, husband and wife and Maggie Acker, an unmarried woman also shown of record as Maggie Louise Acker and Maggie Collins

Grantee: Maggie L. Acker, an unmarried woman

Recorded: December 27, 2011

Instrument No.: 593284

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11. Disclosure of the spouse of Maggie L. Acker, if any. The Company herein reserves the right to make additional requirements and/or exceptions upon disclosure of same.

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## SCHEDULE B, PART II

### Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company. If the Company's requirements are satisfied, Exceptions 1 through 7 will be removed on Enhanced/Extended coverage policies.

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Rights or claims of parties in possession not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land, and that is not shown by the Public Records.
4. Easements, or claims of easements, not shown by the public records.
5. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims to title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
7. Taxes or special 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. Proceedings by a public agency which may result in taxes or assessments, or notices to such proceedings whether or not shown by the records of such agency, or by the public records.
8. Taxes for the year 2018 are paid in full.  
Parcel Number: RPK053500001A  
Original Amount:  
Without homeowners exemption
9. Taxes, including any assessments collected therewith, for the year 2019 which are a lien not yet due and payable.
10. Water and sewer charges, if any, for the City of Ketchum.
11. Easements, reservations, restrictions, and dedications as shown on the official plat of Sun Valley Subdivision.
12. Reservations and exceptions in a United States Patent, and in the act authorizing the issuance thereof, recorded March 21, 1887 in Book 1 of Patents, at Page [189](#).

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13. 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.

14. All matters, and any rights, easements, interests or claims as disclosed by a Record of Survey showing Tax Lot 7338 recorded May 9, 2019 as Instrument No. [660005](#).

15. A Deed of Trust to secure an indebtedness in the amount shown below and any other obligations secured thereby:

Amount:

Trustor/Grantor: Maggie L. Acker, an unmarried woman

Trustee: Pioneer Lender Trustee Services LLC

Beneficiary: Mortgage Electronic Registration Systems, Inc., acting solely as nominee for US Bank NA

Dated: December 15, 2011

Recorded: December 27, 2011

Instrument No.: [593285](#)

(End of Exceptions)

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**SCHEDULE C**

**Legal Description:**

A portion of Lot 1, SUN VALLEY SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded as Instrument No. 92929, records of Blaine County, Idaho, and more particularly described as follows:

Commencing at a ½" reinforcing rod marking the NE corner of said Lot One, and said rod being the TRUE POINT OF BEGINNING; thence  
South 00°03'00" West, 109.0 feet along the East boundary of said Lot One to a ½" reinforcing rod; thence  
North 89°57'00" West, 91.0 feet to a ½" reinforcing rod; thence  
North 00°03'00" East, 109.0 feet to a ½" reinforcing rod on the North boundary of said Lot One; thence  
South 89°57'00" East, 91.0 feet along the North boundary of said Lot One to a ½" reinforcing rod said rod being the TRUE POINT OF BEGINNING.

Also known as Tax Lot 7338

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