

BLAINE COUNTY PLANNING & ZONING COMMISSION  
PUBLIC HEARING on October 27, 2016

<p><b>REGARDING AN APPLICATION OF:</b> Yardbird LLC to resubdivide Lot 4, Croy Creek Ranch Subdivision, into 9 lots and 4 parcels, creating a new subdivision to be named Three Creeks Crossing Subdivision</p>	<p><b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION</b></p>
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**REQUESTED ACTION:** The applicant, Yardbird LLC, proposes a resubdivision of Lot 4, Croy Creek Ranch Subdivision, into 9 lots and 4 unbuildable parcels, creating a new subdivision to be named Three Creeks Crossing Subdivision. The proposed lots range in size from 20.8 to 42.93 acres. The property is zoned Productive Agricultural District (A-20 and A-40) with areas of Floodplain Overlay and Riparian Setback District, Wetlands Overlay, and is located within Sections 25, 26, 35 and 36, T2N, R17E, BM, Blaine County.

**APPLICABLE REGULATIONS:**  
Title 10 (Subdivision Regulations): Chapters 1-5  
Title 9 (Zoning Regulations): Chapters 1-3, 5, 5A, 17 and 19  
Title 8 (Comprehensive Plan)

Summary

The subject property was part of a previously approved, but never recorded, Planned Unit Development. That development would have included a rezone to higher density and a total of 30 small, clustered lots on the subject property (plus additional lots on adjacent properties). That development layout can be seen on Exhibit A-7.

The proposed subdivision consists of 9 lots and 4 parcels. Parcels A, B and C are primarily landscape “entryway” parcels: A and B are at the entrance of Valentine Circle, and C is at the intersection of Croy Creek Road and Rock Creek Road. Parcel D is for an irrigation pond.

All lots, except Lot 4, would be accessed by two internal roads. The road design is supported by the Wood River Rural Fire Department. Both roads would cross Croy Creek, which in this vicinity is shown on the Soil Survey as a perennial stream across the property. However, the creek is shown by the USGS and National Hydrography Data as perennial where Valentine Circle crosses it and intermittent where Mary Circle crosses it. The creek has been observed as dry for several months of the year. See further findings regarding the roads and stream crossings under various Design Standards below.

<b>I. GENERAL BACKGROUND</b>
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1. **Notice of this public hearing was:**
  - i. published in the Idaho Mountain Express on October 12, 2016;
  - ii. sent by first class mail on October 12, 2016 to all property owners within 300 feet of the external boundaries of these lots;
  - iii. sent to all political subdivisions on October 11, 2016;
  - iv. posted on subject property on October 19, 2016, as evidenced by affidavits in file, which is seven days prior to the hearing; and
  - v. posted on the County's website.

► **Finding:** Upon motion by Commissioner Martin, second by Commissioner Murphy, and by a vote of 5 to 0 (Commissioners Bailey and Pynn absent), the Commission finds notice to be in compliance with applicable regulations. §10-4-3 of the Subdivision Ordinance.

2. Disclosures: None
3. Attached to the staff report and incorporated by reference are the following exhibits:

**Exhibit A—Application Materials**

All application materials were received on July 7, 2016, unless indicated otherwise.

- A-1: Completed application form
- A-2: Completed Attachment B – responses to Threshold Standards
- A-3: Completed Attachment D – Impact Assessment Form (revised), received September 28, 2016
- A-4: Vicinity map, received August 3, 2016
- A-5: 300' adjoiners map
- A-6: Adjoiners mailing list
- A-7: Wetlands delineation dated 2004
- A-8: Floodplain Delineation report, Brockway Engineering, dated 2004
- A-9: Rules & Regulations for Use of Water
- A-10: Sawtooth Environmental Consulting report on Bugleg Goldenweed, received September 22, 2016
- A-11: Water Right Reports, received September 28, 2016
- A-12: Sawtooth Environmental Consulting Wetlands Evaluation for Mary Circle area, received September 29, 2016
- A-13: E-mail correspondence regarding Croy Creek, dated October 7, 2016
- A-14: Revised plat sheets (3), received September 28 and October 13, 2016 (full size)
- A-15: Soils information map, received October 13, 2016
- A-16: Draft CC&R's, received October 13, 2016

**Exhibit B—Agency Comments**

- B-1:** Idaho Department of Fish & Game – wildlife comments, received August 10, 2016
- B-2:** Idaho Department of Fish & Game – plant species comments, received August 12, 2016
- B-3:** Idaho Department of Fish & Game –response regarding Bugleg Goldenweed, received October 4, 2016
- B-4:** South Central Public Health District, received September 6, 2016
- B-5:** County Assessor, received September 12, 2016
- B-6:** Wood River Fire & Rescue, comment letter and email correspondence, received September 19, 2016
- B-7:** Century Link, received September 26, 2016
- B-8:** Idaho Dept. of Lands, received September 26, 2016
- B-9:** Blaine County Recreation District, received September 29, 2016
- B-10:** County Engineer, received October 12, 2016

**Exhibit C—Additional Information**

None

**Exhibit D—Public Comments**

No written comment received

<b>II. DESIGN AND IMPROVEMENT STANDARDS §10-5-1, 10-5-2, AND 10-5-3</b>
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10-5-1: ADMINISTRATIVE STANDARDS: No preliminary plat application shall be considered by the board or commission until the administrator makes a positive finding with regard to each of the following standards:

- A. *Other regulations: To the extent applicable, subdivision proposals shall comply with:*
  - 1. *The following sections of this code:*
    - a. Any chapter of [title 3](#) with the recommendation or approval of the health district; **Comment by Bob Erickson, SCHD, in Exhibit B-4**
    - b. Any chapter of [title 6](#) with the recommendation or approval of the county engineer and recreation district if appropriate; **Blaine County engineer comments are in Exhibit B-10. Blaine County Recreation District (BCRD) comments are in Exhibit B-9.**
    - c. Any chapter of [title 7](#) with the recommendation or approval of the building official and fire official in an established district; **Wood River Rural Fire District comments are in Exhibit B-6.**
    - d. [Chapter 2 of title 8](#); and N/A – not within an Area of City Impact
    - e. Any chapter of [title 9](#). Reviewed below.
  - 2. **Adopted Idaho transportation department standards... N/A – not on a state highway.**
- B. *Resource Protection Requirements:*

1. **Floodway Areas:** Floodways, as determined by adopted floodplain studies, shall be left undeveloped except as permitted by [title 9, chapter 17](#) of this code. Floodway as determined by 2004 Brockway Engineering Study is shown on the plat.

2. **Avalanche Areas:** N/A – None on the site.

3. **Riparian Areas:** Development shall be located out of any land within the floodplain as required by subsection [10-5-2D](#) of this chapter. Except as provided below, all development shall be subject to the following setbacks as measured from the "ordinary high water mark" along "streams" defined in section [9-17-6](#) of this code:

Class 1 stream: Two hundred foot (200') setback.

Class 2 stream: One hundred twenty five foot (125') setback.

Class 3 and class 4 streams: One hundred foot (100') setback.

Onsite streams are Class 3. The 100' riparian setback is shown on the plat.

4. **Wetlands Areas:** No new buildings shall be located within seventy five feet (75') from "wetlands" as defined in section [9-19-2](#) of this code.

The 75' wetlands setback is shown on the plat.

C. **Drainage:** Drainage systems shall not discharge into any sanitary sewer facility. Sanitary sewer locations are reviewed and approved by SCHED.

D. **Lot requirements:**

1. Lot sizes, uses and the location of uses shall satisfy any zoning regulations and other applicable sections of this code. All lots within the A-20 district exceed 20 acres. All lots within the A-40 district exceed 40 acres. Lots 2 and 7, which are split by a zoning district boundary line are adequately sized (see "unit" calculation below the acreage size on the plat for those lots).

2. No single lot shall be divided by a street, existing right of way or other lot. No lot is so divided.

3. No single lot shall be divided by a municipal or county boundary line. No lot is so divided.

4. Lots shall have a minimum mean width of seventy five feet (75'). All lots exceed this mean width.

5. No residential building or structure for human habitation shall be located within one hundred fifty feet (150') of the centerline of a power transmission line. A power transmission line crosses Lots 5 and 6. The 150' setback from the centerline is shown on the plat.

6. All buildings on lots located adjacent to public lands shall have a minimum thirty foot (30') setback from public lands. This required setback is a recommended additional plat note.

E. **Utilities:** Any proposed subdivision in a residential zoning district shall install all new utilities, including, but not limited to, gas, electric power, telephone and CATV cables, underground. Underground service connections to the street property line of each platted lot shall be installed at the applicant's expense. This is covered in plat note 1.

F. **Water Supply:**

1. **General Requirements:**

- a. All domestic water sources shall meet state and federal standards for drinking water, wells, separation from sewage disposal systems and any other related requirements.
- b. Fire protection systems shall meet local fire code requirements.
- c. All abandoned wells shall be sealed to prevent contamination of ground water. (N/A – none on site)
- d. The requirements of Idaho Code section 42-111 for domestic water limits and section 50-1334 for subdivision water systems shall be satisfied.

Sub-items a-b above shall be regulated through septic and building permits. The Wood River Fire Chief has noted fire protection requirements (Exhibit B-6). The proposed layout includes two 30,000 gallon cisterns, which are deemed superior for fire suppression than 10,000 gallon cisterns. Sub-item (d) should be addressed, and this is a recommended additional plat note. See also 3, Irrigation and Domestic System Requirements, below.

2. Central Water Systems:... N/A – no central system proposed.

3. Irrigation And Domestic System Requirements:

- a. Existing on site surface and ground water rights shall be used for existing on site agricultural uses and domestic and landscape needs before additional domestic rights are sought.
- b. Agricultural and domestic water delivery systems shall not be intermingled.
- c. All new wells shall be metered.

Potable water will be provided by individual wells. Four wells and irrigation lines have been installed on the property for irrigation. A distribution system is to be constructed by the HOA. See page D-10 of the Impact Assessment Form (Exhibit A-3), and draft Rules and Regulations Governing Diversion, Distribution and Use of Water for the HOA (Exhibit A-9).

G. Sewage Disposal:

1. All sewage disposal systems shall meet DEQ standards as administered by the South Central health district ("SCHD") and as set forth in the Idaho Code. All systems will be reviewed and approved by SCHD.

2. Unless otherwise approved by the SCHD:

- a. One acre shall be the minimum size of any lot with a septic tank-drain field sewage disposal system; All lots exceed 1 acre.
- b. Three hundred feet (300') shall be the minimum separation between any drain field site and a natural stream, spring or lake. Drainfield locations will be reviewed and approved by SCHD.

3. A sewage district or other party acceptable to DEQ shall be organized for the operation, maintenance and ongoing monitoring of any central sewage system. N/A – no central system proposed.

4. Septic systems shall be built to facilitate periodic inspections and maintenance, including the installation of an access riser with lid to grade over the septic tank manhole, effluent filters with access riser and lid to grade, and drain field inspection ports. A requirement for periodic inspections of the septic shall be noted on the plat. A plat note addressing this requirement is recommended.

**H. Street Improvements:**

- 1. Street designations shall be determined by the administrator after receiving recommendations from the county engineer. The County Engineer concurs that if streets are approved in the subdivision, they should be kept private.**
- 2. Streets shall be located by the following guidelines:**
  - a. When an official street plan has been adopted, subdivision streets shall conform to that plan. No official street plan has been adopted for this location.**
  - b. Frontage roads, landscaping or other design devices to screen or separate traffic shall be required where a subdivision abuts or contains an arterial ... N/A – the property does not abut an arterial road.**
  - c. Streets for industrial and commercial... N/A – not industrial or commercial.**
  - d. Alleys shall be provided in multiple dwelling, commercial or industrial subdivisions N/A – not a subdivision of this type.**
  - e. Culverts or bridges shall be provided and installed by the subdivider where drainage channels intersect any street rights of way. Culverts shall, at a minimum, extend across the entire width of the street and shoulder. Culverts would be provided where the internal roadways cross Croy Creek in two locations. The applicant stated the culverts will be a minimum of 48 inches. Culvert design must be submitted and approved as part of street review by the County Engineer. Stream Alteration Permits and Floodplain Conditional Use Permits shall be required prior to construction.**
  - f. Streets shall be complementary to existing road patterns and tie into the existing system where stub streets indicate that intent. Streets which are a continuation of established streets shall be aligned so that the centerlines coincide. Two streets are proposed: Mary and Valentine Circles. There are no stub streets adjacent to the property, nor are any proposed streets a continuation of established streets.**
  - g. Reserve strips controlling access to public streets shall be permitted provided that the control and disposition of that land is placed within the jurisdiction of the board under conditions specified and shown on the final plat. None proposed.**
  - h. Underground conduit for utilities shall be provided across or under all streets before they are completed to prevent future disruption for installation of underground utilities. This is recommended condition of approval #12.**

**I. Intersection Location And Specifications: Intersections shall conform to the following:**

- 1. No more than two (2) streets shall intersect at one point. This standard is met.**
- 2. Street centerlines shall be offset by at least one hundred twenty five feet (125'). McAtee Lane and Valentine Circle are offset by roughly 350 feet.**

**J. Street Specifications: The following street specifications are in effect:**

- 1. Street Construction: Street construction shall comply with title 6 of this code. This is included in recommended condition of approval # 9. The County Engineer's comments, Exhibit B-10, include some recommendations regarding the private street design (item 9).**
- 2. Street Names: Street names on new streets aligned with existing streets shall have the same name as the existing streets. Proposed street names shall not duplicate or be sufficiently similar in sound or spelling to cause confusion with existing street names. Street**

*name signs and all other traffic control signs or devices as required by the board shall be installed by the subdivider. Cul-de-sacs shall be named circle, court, or place. Street names have been approved by the Assessor's Office. The cul-de-sacs are named "Circle".*

*3. Street And Road Design: All streets and roads shall be designed by a licensed professional engineer. The plans and specifications for such roads and streets shall be approved by the county prior to acceptance of the final plat. This is recommended condition of approval # 9.*

*K. Lighting Standards: All outdoor lighting in the proposed subdivision shall comply with title 9, chapter 29A of this code. All exterior lighting is reviewed at time of building permit application for compliance with the Outdoor Lighting chapter.*

**► Finding and Conclusion:** Upon meeting conditions of approval, the application complies with the applicable Administrative standards.

**10-5-2: THRESHOLD STANDARDS:** No preliminary plat application shall be approved unless the board determines that the application complies with each of the following standards:

*A. Administrative Standards: The administrator's recommendations on the standards set out in section 10-5-1 of this chapter are acceptable or need modification. The Board shall make a finding regarding Administrative Standards.*

*B. Comprehensive Plan: The proposed subdivision of land conforms to and is in accordance with the comprehensive plan text and map. The subject property lies within the Agriculture/Rural/Remote designation on the land use map, just past the Residential designation. The proposed subdivision does not appear to conflict with any portions of the Comp Plan.*

*C. Impact On Public Facilities And Services: The proposed subdivision shall not adversely affect the quality of essential public services and facilities to current residents, including, but not limited to, potable water sources, school facilities, school bus transportation, police and fire protection, emergency services, county administrative services, recreation, public transportation, roads and standard road maintenance costs or shall not require substantial additional public funding in order to meet the needs created by the proposed subdivision. Distance from services, the availability and capacity of paved public roads, the potential for public transportation services, the availability of twenty four (24) hour emergency service personnel and estimated emergency response time to the development, along with the location of other public services, shall be considered in calculating the potential impact on public facilities and services. The applicant may be required by the board to mitigate the adverse effects of the proposed subdivision, which may include, without limitation, contributions for additional capital improvements, ongoing maintenance, and labor costs. The plan for, timing of, and proposed phasing of the mitigation shall be in a form acceptable to the board. The subject property is just over 4 miles from the City of Hailey, accessed by Croy Creek Road. This road is paved to Pioneer Drive, and then becomes gravel. As such, it is within reasonable distance from emergency services. The Road and Bridge Manager identified no specific concerns regarding Croy Creek Road in this location for the 9-lot subdivision. The estimate for school age children is between 2.25 (0.25 per household –*

**BCSD estimate per Mike Chatterton in 2011) and 5.4 (applicant's estimate in Impact Assessment form (page D-5). School buses currently serve out to Pioneer View Drive. Public transportation does not extend out into Croy Canyon at this time.**

***D. Land Under Floodplain: No residential structure or structure that is accessory to a residence shall be located within the external boundaries of a floodplain area, as determined by adopted floodplain studies, unless each lot has an adequate buildable site, septic drain field area, alternate drain field area and no reasonable building site is available outside of that floodplain boundary. Any other structure shall be governed by the regulations in title 9, chapter 17 of this code. Each lot has adequate area outside of the floodplain for building and drainfield uses.***

***E. Agricultural And Rural Land (A-20, A-40, R-10 And RR-40): In addition to all other applicable criteria in title 9 of this code and this title, proposed subdivisions in lands zoned A-20, A-40, R-10 and RR-40 shall comply with the following criteria:***

- 1. The subdivision and addition of residential uses will be compatible in size, scale, density and other respects with the uses and agricultural operations in the surrounding area; Proposed lots vary in size from 20.33 to 42.93 acres. There are several lots of approximately 20 acres to the west in Croy Creek Meadows Subdivision, and lots less than 10 acres up to 16 acres in Rancho Cielo Sub to the west and south. Directly to the north and east are lots ranging from 20 acres to 72 acres. Most of the adjoining lands appear not to be farmed. Idaho Dept. of Lands has 360 acres to the south and east that is not farmed.***
- 2. The subdivision, when considered in light of the existing or likely cumulative effect of residential development in the area, will not materially change the character of agricultural land, agricultural uses, or the economic viability of existing agricultural operations in the area; The proposed lots are large enough to continue in agriculture of some type. As noted directly above, most of the adjacent properties do not appear to be farmed currently. The character along Croy Creek Road from Hailey to and including the subject property is more residential and "ranchette" than agricultural in character, except for the fairly large agricultural operation on the property commonly known as Democrat Ranch.***
- 3. The subdivision will not result in adverse or negative impacts upon lands in the surrounding area presently in agricultural use. Minimal adverse impact is foreseen on the surrounding land that is in agricultural use.***

***F. Avalanche Areas: N/A – None on the site.***

***G. Unsuitable Land: Land with conditions that may be detrimental to the health, safety or general welfare of existing or future residents because of potential hazards such as landslides, mine tailings, subsidence, high water table, high pressure gas lines, power transmission lines; or other features with severe development limitations shall not be subdivided for building or residential purposes unless the hazards or other features are eliminated by lawful permit or overcome by approved design and construction plans. A power transmission line crosses proposed Lots 5 and 6. The 150 power line setback is shown and there is ample room for buildings well away from the transmission line. No other known hazards exist on the site.***

H. *Applicant Or Landowner: If the applicant or landowner with respect to an application for a subdivision under this chapter is the state of Idaho, or any agency....* **N/A – the applicant is a private LLC.**

I. *Water Quantity And Quality: Domestic water shall be available in sufficient quantity to meet foreseeable demands. Where insufficient data is available to verify water quantity, an on site test well and a pump test in the area of the proposed use shall be required. The applicant has demonstrated that there shall be no negative impact on water quality from the proposed subdivision by complying with standards adopted by the Idaho department of environmental quality. Bob Erickson, SCHD, commented that well logs from the vicinity indicate adequate groundwater, and that there are no known environmental or safety issues associated with the property (Exhibit B-4). The property is not within a wellhead protection zone.*

► **Finding and Conclusion:** Upon meeting conditions of approval, the application complies with the applicable Threshold standards.

10-5-3 DESIGN STANDARDS: No preliminary plat application shall be approved unless the board makes a positive finding that the application complies with each of the following standards. No waiver of any of these standards may be granted except pursuant to section 10-8-5 of this title.

A. *Preservation Of Natural Features: Where found practicable and appropriate, the following specific areas regardless of location shall be left undeveloped and undisturbed:*

1. *Unique or fragile areas such as geologic features and natural topography of the land with the goal of preserving the character, natural features and configuration of land terrain; There are no unique or fragile areas on the site. The topography is fairly flat, with intermittent streams crossing it. Stream setbacks are shown on the plat.*
2. *Areas of natural vegetation, including unique landscapes, large individual trees, and stands of trees, excluding irrigation rights of way under Idaho Code 42-1101. A plan for landscape protection, tree preservation, and tree introduction shall be evaluated to determine compliance with this standard; There is an area of conifer trees on site; however, these are not natural but a small tree farm. Of greater interest is the presence of a sensitive native plant species, the Bugleg Goldenweed. See further discussion regarding this native plant under 10-5-3 (T).*
3. *Natural habitat and other areas of significant value to wildlife, including migration corridors as identified by Idaho fish and game; IDFG notes that there are no Classified Lands within the subject property, though it is adjacent to Classified Lands (Exhibit B-1). See more below under item (R).*
4. *Historically significant structures or sites; There are no historic structures on the site.*
5. *Wetlands, natural drainage channels or watercourses. Wetlands are identified on the plat, with the required 75' setback. Likewise, Croy Creek and Willow Creek are identified with the required 100' riparian setback. Both proposed internal roads would cross Croy Creek, which is shown on the Soil Survey as a perennial stream across the property. However, it is shown by the USGS and National Hydrography Data as perennial where*

Valentine Circle crosses it and intermittent where Mary Circle crosses it. The creek has been observed as dry for several months of the year over the past several years. However, as noted by Trent Stumph and Chuck Brockway in correspondence (Exhibit A-13), the Army Corps of Engineers will assume jurisdiction on intermittent streams that have flow at least seasonally and are connected to the Big Wood. As such, they point out that it is generally more expedient to go through the permitting process than to petition for a determination by the Corps. Recommended condition of approval #13 is that the proposed roadways be required to obtain a Stream Alteration Permit (county and joint application) for the two roadway crossings.

The alternative to the stream crossings is to provide access to the southern lots from Rancho Cielo Road, which is an easement across Idaho Department of Lands property and then becomes a private road within Rancho Cielo Subdivision on the west end. Access across the IDL land could be possible with a new or amended easement (Exhibit B-8); however, the applicants and the residents of Rancho Cielo Subdivision prefer the proposed layout. The Wood River Rural Fire Chief also supports the internal streets over multiple driveways because the two streets allow for the fastest access to two centrally located 30,000 gallon cisterns which are superior for fire suppression over more numerous 10,000 gallon cisterns.

Because of the intermittent to dry conditions of Croy Creek in this location, and because of the superior fire suppression systems allowed by the proposed access, the Commission finds the internal streets crossing the watercourse to be acceptable in this case.

**B. Lot Requirements:**

- 1. Each lot shall contain a satisfactory building site which is properly related to topography. All lots contain adequate area outside any sensitive areas or setbacks.**
- 2. Corner lots shall be a sufficient area without obstructive landscaping to provide acceptable visibility for traffic safety. Lots 4 and 6 are corner lots, at the intersections of Croy Creek/Rock Creek Roads and Rock Creek/Rancho Cielo Roads, respectively. At each intersection is a "parcel." Any construction or landscaping on Parcels C and E should be reviewed for visibility by the County Engineer. This is recommended condition #11.**
- 3. Each lot shall have access to an internal street or drive, where practicable. All of the lots may be accessed either by Mary Circle or Valentine Circle, except Lot 4, as proposed by the applicant.**
- 4. Calculation of lot area shall not include land which is below the "natural or ordinary high water mark" of navigable streams (as defined by Idaho Code sections 50-1202 and 36-1601), and therefore subject to the public trust doctrine. No navigable streams on the site.**
- 5. If lots in a residential land use area are more than double the minimum acreage required for a residential zoning district (R-.4 - R-2<sup>1</sup>/<sub>2</sub>)... N/A – not in any of these residential districts.**
- 6. Each lot located adjacent to public lands shall have adequate setbacks and a landscaping plan which provide defensible space to protect private property from wildland fires, to reduce the likelihood of fires spreading from private property to public lands, and to protect public health, safety and welfare.**

*The board may consider additional requirements recommended by the fire district, including, but not limited to, larger building setbacks from public lands, additional water supply systems, and specific landscaping design. The board may also consider options proposed by the applicant to meet the safety goals of this subsection. There is unplatted IDL land across Rancho Cielo Road. The southern boundaries of Lots 6 through 9 should have at least a 30' setback pursuant to 10-5-1 (D)(6) above. No additional requirements are recommended by the Wood River Fire District. The applicant stated that fire-fighters will be allowed to use the irrigation pond for fighting wildfires.*

**C. Blocks: N/A – there is a single block.**

**D. Utilities: The subdivider shall:**

- 1. Grant a public and private utility easement of at least ten feet (10') in width on the edge of the access road right of way and, where topographic or other conditions permit, centered on all side lot lines; Public utility easements are shown adjacent to the private access roads.**
- 2. Install utilities prior to road surfacing; This is covered by recommended condition #12.**
- 3. Where practicable, relocate underground any existing aboveground utilities, excluding power transmission lines. There are no above ground utilities, except the overhead transmission lines that cross the property and along Croy Creek Road in the ROW.**

**E. Drainage:**

- 1. The subdivider shall provide suitable drainage facilities for any surface runoff from within or upstream of the subdivision. Natural drainage channels shall be used whenever possible. To avoid soil erosion and manage nutrients, sediment catchment basins may be required. The County Engineer states that he is not expecting more than roadside ditches and general drainage patterns that exist today.**
- 2. Where a subdivision contains a stream, watercourse, drainageway, channel or ditch, an easement shall be provided adequate to contain that watercourse and any further width necessary for maintenance or reconstruction. There is no irrigation ditch carrying water through the subject property to other properties, nor any other waterway requiring an easement for maintenance.**

**F. Water Supply:**

- 1. Central Water Systems: N/A – no central water system is proposed.**
- 2. Irrigation System Requirements: All subdivisions shall satisfy the requirements of Idaho Code section 31-3805 for irrigation water delivery. The applicant sets forth Rules & Regulations on irrigation water use and delivery (Exhibit A-9). Irrigation easements are identified on the plat.**

**G. Sewage Disposal:**

- 1. All sewage disposal systems shall meet any additional requirements that the board deems necessary to protect the public health, safety or general welfare. No additional requirements are deemed necessary based on comments by Bob Erickson at SCHD.**
- 2. The board may determine larger minimum lot sizes than one acre ... All lots exceed one acre.**

**H. Solid Waste Disposal: This property is served by Clear Creek Disposal.**

- I. Park Or School Site Dedication: Based on a recommendation regarding the suitability of the site from the recreation or school district, an applicant may be required to provide either land or a financial contribution or both for playgrounds, recreation space or a school site based on a rationally related formula determined by a resolution or ordinance of the board. **No such dedication is deemed necessary for a 9 lot subdivision.***
- J. Access Easements: The board may require an access easement to publicly administered land, streams, rivers, lakes and reservoirs. An applicant shall clearly delineate for the public the location of any access easement by appropriate signage and rail fencing, and create an obligation by the homeowners' association to maintain unrestricted passage by the public. The board may require a bike path connector to the existing recreation district trail system or an easement for a future trail system connection. **Access to public land is available via Rock Creek and Croy Creek Roads. The BCRD has requested a 20-foot wide public path easement for a potential future bike path along Croy Creek Road (see Exhibit B-9). Some of the other subdivisions that front Croy Creek Rd have provided an easement. The Commission recommends that this easement be granted and delineated on the plat. The applicant indicated willingness to grant it.***
- K. Development Rights: On a final subdivision or PUD plat, the applicant may be required to relinquish, or transfer to an approved land trust, any residual rights to develop residential, commercial or industrial uses in all common or open space areas, as those are defined in this title. **No residual rights are associated with this proposal.***
- L. Hillside Standards:*
- 1. Areas Of Use: Hillside subdivision standards shall apply to: a) any portions of the development proposal within the mountain overlay district (see title 9, chapter 21 of this code); and b) any portion of the development proposal outside the mountain overlay district where the slopes exceed fifteen percent (15%) and where the board determines that it is in the best interest of the county that development be in accordance with these standards because of slope instability, erosion or sedimentation problems. **No portion of the subject property lies within the MOD. One area of Lot 9 exceeds 15% slope, however, adequate space exists for building outside this sloped area. Any proposed development within that 15% slope area should require a slope stabilization and revegetation plan per item (b) below. This is covered in plat note 22.***
  - 2. Additional Requirements: Additional preliminary submission requirements for hillside subdivisions:*
    - a. A hydrogeological report and map depicting the depth to bedrock if less than ten feet (10'), areas of potential slope instability and areas where springs or runoff may increase soil erosion;*
    - b. A slope stabilization and revegetation plan;*
    - c. A grading plan containing existing and finish contours; and*
    - d. A slope map and generalized soils description.*
  - 3. Appearance: In order to enhance the existing and future appearance and resources of hillside areas, special effort shall be made to preserve the following natural features:*
    - a. Skyline, ridges and knolls.*
    - b. Tree and shrub clusters.*

c. Rock outcroppings.

d. Streambeds, draws and drainage swales. **No such features in this hillside area.**

4. **Hillside Subdivision Evaluation: In addition to considerations pertinent to regular subdivisions, no structure or building envelope shall be located within the mountain overlay district.. N/A – no land within the MOD.**

**M. Design Of Subdivisions Within Or Adjacent To Lands Zoned A-20, A-40, R-10 Or RR-40:**

*Subdivisions shall be designed to preserve natural, open space and scenic resources, protect sensitive areas such as riparian areas, wetlands, wildlife habitat and wildlife migration corridors, and watercourses, and reduce impact on neighboring properties.*

1. *In addition to the above, subdivisions within or adjacent to lands zoned A-20, A-40, R-10 and RR-40 shall be designed and residential structures located to minimize the impact on agricultural land, farming operations, and sensitive environmental features. The board should consider, without limitation, the following design criteria:*

a. *Locating residential structures as far from neighboring agricultural lands as possible;*

b. *Grouping land uses as much as practical, such that agricultural lands abut neighboring agricultural lands and residential structures are located contiguous with other residential uses;*

c. *Locating structures on the least productive agricultural land and in such a manner as to have little impact on any environmental, agricultural or open space resources; and*

d. *Placing residential structures nearest to utilities and roads to minimize the amount of infrastructure and the loss of agricultural land.*

e. *A buffer between different types of uses (i.e., residential and agricultural) may be required. Adjacent properties are more residential and “ranchette” than agricultural in character.*

2. *For lands located within the R-2, R-2<sup>1</sup>/<sub>2</sub>, and R-5 zoning district... N/A – The property is zoned A-20 and A-40.*

**N. Street Improvements:**

1. *Conformance To Plans: Streets shall in general conform with the comprehensive plan, other accepted plans, the provisions of this title and title 6 of this code. Streets will need to meet County design and construction standards. The County Engineer has made several suggestions regarding the road design in his comments, Exhibit B-10.*

2. *Dedication: Collector and arterial streets within a proposed subdivision shall be offered for dedication to the public. Minor streets may be dedicated or kept private. Private roads will not be allowed where there is a need for public access to adjacent lands. Dedication or other provision for future access to surrounding areas may be required. The proposed interior streets would be private. They are not needed for access to public land or to future subdivisions.*

3. *Conditions: The arrangement, type, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their relation to the proposed uses of the land to be served by such streets. With regard to topographical conditions, both internal streets cross Croy Creek. However, public convenience and safety appear to be served.*

4. *Location: Streets shall be located by the following guidelines:*

- a. *Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients. The proposed streets cross Croy Creek in two locations; however, the street arrangement results in lots that are usable and the streets appear safe.*
- b. *Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions may allow streets to extend to the tract boundary to make provisions for the future extension of streets into adjacent areas. A temporary cul-de-sac may be made to serve present traffic. The adjoining private land is already subdivided.*
- c. *Minor streets shall be arranged to discourage through traffic. Through traffic is unlikely on the streets as proposed.*
- d. *Dead end streets are prohibited. Stub streets with a temporary cul-de-sac may be permitted in anticipation of a future through street. No dead ends as defined are proposed: a street that "ends abruptly with no provision for egress or turnaround".*
- e. *Cul-de-sac streets shall be discouraged. However, when topography or planning considerations dictate their use, cul-de-sacs shall:* **The proposed internal streets are cul-de-sacs. Both of them cross a creek, riparian and floodplain areas. In this case, the Commission finds the cul-de-sacs acceptable for reasons of emergency access, fire suppression, privacy and security.**
  - (1) Include a right of way measuring one hundred feet (100') in diameter at the terminus; **The terminus is more than 150' in diameter.***
  - (2) Include an additional snow storage easement of ten feet (10') around the periphery; **There is adequate area for snow storage around or in the middle of the cul-de-sac.***
  - (3) If offered for dedication to the county, meet county road specifications and include an entirely paved terminus measuring ninety feet (90') in diameter. The board shall have the explicit option of accepting or rejecting the road for dedication to the county. **The roads are not offered for dedication.***
- f. *Half streets shall normally be prohibited ... **N/A - no half streets are proposed.***
- g. *Encourage streets to be laid out so that the lot design facilitates the use of solar energy.*
- O. *Intersection Location And Specifications: Intersections shall conform to the following:*
  - 1. *Intersections of minor streets with major arterials or highways shall be kept to a minimum. **N/A – no arterial or highway***
  - 2. *Streets shall intersect at right angles or as close thereto as possible. **The County Engineer does not anticipate this will be a concern.***
  - 3. *Intersection design shall provide acceptable visibility for traffic safety. **The County Engineer does not anticipate that this will be difficult to meet. Landscaping in Parcels A, B and C should be reviewed for compliance.***
  - 4. *A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain will be permitted. **The County Engineer notes that the proposed approaches for Mary Circle and Valentine Circle onto Croy Creek Road shall be designed and constructed in accordance with County standards and requirements. Approach permit approvals***

should be obtained prior to construction. Recommended condition #9 addresses the requirement for County review.

5. *The board may require deceleration and left turn lanes at intersections. No such lanes are deemed necessary.*

P. *Landscaping And Grading: The landscaping and grading plan shall minimize lot disturbance, maintain existing topography to the greatest extent possible, maintain or restore natural landscapes, shall emphasize drought tolerant species, where applicable, and shall include an irrigation plan that shows how disturbed areas will be restored. Proposed landscaping is limited to Parcel D, around the irrigation pond. Other disturbed areas are primarily limited to the roadways.*

Q. *Nonmotorized Facilities: Applicants may be required to accommodate in the subdivision design nonmotorized transportation facilities, such as bike, equestrian and pedestrian paths, and facilities for public transportation services. The BCRD requests a 20-foot wide public path easement for a potential future pathway along Croy Creek Road (see Exhibit B-9). Some of the other platted subdivisions have dedicated such an easement. The Commission recommends the granting of this easement. The applicant indicated willingness to grant it.*

R. *Wildlife: Lands in the wildlife overlay district shall be developed as permitted by title 9, chapter 20 of this code. In addition, the following standards shall apply: IDFG's letter notes that the subject property does not lie within any Classified Lands but is adjacent to them. As such, several plat notes are recommended by IDFG that cover the following standards for fencing and domestic animals (Exhibit B-1). These notes are #13-18 on the plat.*

*1. Fencing:*

*a. General: Both internal and perimeter fencing on sites containing wildlife habitat shall be kept to a minimum necessary to contain livestock and domestic animals and to provide privacy. No fencing is the strongly preferred option.*

*b. Perimeter Fences: Perimeter fencing of properties containing classified lands is prohibited except if necessary for containment of livestock as part of a bona fide agricultural operation. Such fencing shall be constructed according to the standards below.*

*c. Interior Fences: Interior fences may be constructed within each lot to control domestic pets and animals according to the standards below. Interior fencing shall be restricted to the smallest area practicable within the activity envelope.*

*d. Wire Fencing: Wire fencing for containment of livestock in or adjacent to critical wildlife habitat areas such as migration corridors shall have three (3) strands or less. The top wire should be a 12.5-gauge twisted barbless or similar type at a maximum height of forty two inches (42"). The middle strands, which may be barbed, should be located a minimum of twelve inches (12") from the top wire to prevent entanglement when animals jump over the fence. The bottom strand should be barbless and a minimum of eighteen inches (18") from the ground.*

*e. Rail Fencing: Rail fencing shall employ three (3) rails or less and shall not exceed forty six inches (46") in height above ground level, twelve inches (12") in width (top view), and the lower rail should be a minimum of eighteen inches (18") from the ground. Solid*

*wood fencing should generally be limited to areas around a primary residence and shall be prohibited on classified lands.*

- 2. Domestic Animals: Development applications in the wildlife overlay district shall include a plan with specific enforcement measures for the control of domestic animals and pets. Such plan must include provisions to prevent the harassment, disturbance, and killing of wildlife and prevent the destruction of critical wildlife habitat.*
- 3. Exterior Lighting: Use of exterior lighting shall be minimized near critical wildlife habitat. Lighting shall be designed to prevent spillover into habitat and all exterior lighting must be fully shielded by cutoffs with an angle not exceeding ninety degrees (90°). Exterior lighting will be reviewed at time of building permit.*
- 4. Construction Timing: The county may regulate the timing of construction or land disturbance on classified lands as recommended by IDF&G, any other applicable agency or review professional who may be engaged by the county. No regulation on timing of construction was recommended by IDFG.*
- S. Gates: Limited entry or private gates may be prohibited at the entrance to any nonagricultural development approved under this title. No gates are proposed.*
- T. Riparian And Wetland Areas: Areas of riparian plant communities and wetlands shall be preserved and undisturbed to support a diverse and productive aquatic and terrestrial habitat and to protect water quality. The applicant may demonstrate that smaller setbacks are warranted than those defined in subsection 10-5-1B of this chapter through the completion and approval of a riparian area management and mitigation plan. In no case, will the setbacks be less than the setbacks defined in subsection 9-17-6E of this code. In considering this standard, prior disturbances of the riparian plant community may be taken into account, and restoration of previously vegetated areas supporting riparian plant communities may be required.*

**Idaho Fish and Game notes that the Bugleg Goldenweed (Idaho Species of Greatest Conservation Need and sensitive species with the USFS/BLM) is typically associated with wet meadows but does occur in wetter sites within sagebrush steppe habitat. The report from Sawtooth Environmental Consulting documents the finding of four (4) Bugleg Goldenweed plants at one location (Exhibit A-10). Mike McDonald at IDFG gave the following input in Exhibit B-3: "The 75 ft setback should suffice given it appears suitable habitat is now limited to the area within the setback. The only other suggestion would entail the use of herbicides within the setback in the event if noxious weeds become a problem. Suggestion would be 1) plant i.d. training, 2) spot spraying only (targeting individual noxious plants) 3) no broadcast herbicide spraying, and/or 4) use of mechanical means to remove individual noxious plants (pulling, cutting, etc.)." Because the location of this sensitive species is within a privately owned lot, the Commission recommends the addition of a plat note that will inform future owner(s) of Lot 1 that this sensitive native plant occurs within the wetlands setback area and that pulling, cutting or spot spraying rather than broadcast spraying are recommended.**

**► Finding and Conclusion: Upon meeting conditions of approval, the application complies with the applicable Design standards.**

### III. RECOMMENDATION AND CONDITIONS

► **Recommendation:** Having considered the information presented and the above standards, upon a motion by Commissioner Fosbury, a second by Commissioner Ranill, and a 5 to 0 vote (Commissioners Bailey and Pynn absent), the Commission recommends approval of this subdivision application by Yardbird LLC to resubdivide Lot 4, Croy Creek Ranch Subdivision, into 9 lots and 4 parcels, creating Three Creeks Crossing Subdivision, finding the application complies with the applicable criteria set forth under Title 10, Subdivision Regulations and applicable criteria of Title 9, Zoning Regulations, subject to the following conditions:

Recommended conditions of approval:

1. Record the final plat within 3 years of final approval or seek and be granted an extension at the Board's discretion within that year;
2. Pay all county engineer fees, if any, prior to obtaining the final county signatures;
3. Place the standard health department signature note on the face of the final plat;
4. Set out the square footage of each lot on the final recorded plat;
5. Satisfy the monumentation requirements of state law and §10-4-5(H);
6. Comply with the survey requirements of Blaine Co. Resolution #2002-54;
7. Add to the plat an I.C. §50-1334 certificate regarding the type of domestic water system;
8. Entrances shall not be gated;
9. All roads shall be designed by a licensed professional engineer. The plans and specifications for roads and approaches shall be approved by the county prior to acceptance of the final plat and approach permits shall be obtained prior to construction;
10. Street name signs and traffic control signs shall be installed by the applicant;
11. Any construction or landscaping on Parcels A B C shall be reviewed for visibility by the County Engineer;
12. Underground conduit for utilities shall be provided across or under all streets before they are completed to prevent future disruption for installation of underground utilities;
13. The applicant shall obtain a Stream Alteration Permit (county and joint application) and Floodplain Conditional Use Permit for the two roadway crossings and for any additional work that may occur in the floodplain/floodway or stream channel;
14. All fire protection systems shall be approved by Wood River Rural Fire District;
15. Indicate the 20-foot wide public trail easement for Blaine County Recreation District on the plat;
16. A riser(s) off the pressurized irrigation line shall be provided to refill the 30,000 gallon cisterns at the cul-de-sacs.

Approved plat notes are indicated on the plat dated September 28, 2016. Recommended additional plat notes are:

- Septic systems shall be built with riser, out-flow filters and drainfield inspection ports on each system.
- All domestic wells in this subdivision shall be metered. Domestic well water shall be

limited to use on ½ acre.

- All buildings on lots located adjacent to public lands shall have a minimum thirty foot (30') setback from public lands.
- Bugleg Goldenweed, a sensitive native plant with specific habitat, occurs on Lot 1 within the wetlands setback area. Pulling, cutting or spot spraying rather than broadcast spraying are recommended weed control methods in this area.

Notice pursuant to I.C. 67-6535(c): The owner of the property subject to this application and decision may request regulatory taking analysis pursuant to I.C. 67-8003.

IT IS SO ORDERED.

DATED this 17 day of November, 2016

BLAINE COUNTY BOARD OF COMMISSIONERS

  
Mike O'Farrell, Chairman

CERTIFICATE OF MAILING

The undersigned person hereby certifies that on the 21<sup>st</sup> day of November, 2016, she served a true and correct copy of the foregoing document by depositing the same in the U.S. Mail addressed as follows or by service otherwise as noted:

Yardbird LLC  
c/o Luke and Jamie MacDonald  
PO Box 3446  
Hailey, ID 83333

Brian Yeager  
Galena Engineering  
317 N River St  
Hailey, ID 83333

  
Staff Member