

BLAINE COUNTY PLANNING AND ZONING HEARING EXAMINER
Public Hearing Date: December 8, 2016

REGARDING THE APPLICATION OF: Cynthia Edgers Hamlin & Ned Hamlin for a Floodplain Conditional Use Permit (FP-CUP) to construct an addition to an existing home within the floodplain.	Staff Report Kristine Hilt Dated: November 23, 2016
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Requested Action: Public hearing on and consideration of an application by Cynthia Edgers Hamlin & Ned Hamlin Architect for a Floodplain Conditional Use Permit to construct a 150 square foot northerly addition to an existing home within the regulated floodplain on Lot 10, Block 1, Hidden Hollow Sub, also known as 202 Easy Street. The lot is zoned Planned Residential District (R-2) and is within the Floodplain Overlay (FP) District in Blaine County.

Applicable Regulations: Title 9 (Zoning Regulations)
Title 8 (Comprehensive Plan)

Property Owner(s): Cynthia Edgers Hamlin & Ned Hamlin

Applicant Representatives: Ned Hamlin Architect

Stream: Big Wood River

Property Location: Lot 1, Block 10 of Hidden Hollow Subdivision
202 Easy Street

SECTION 1. GENERAL FACTS AND BACKGROUND

I. Application, Notice, Exhibits & General Facts

A. Application:

A Floodplain Conditional Use Permit (FP-CUP) application was received by the Administrator and certified as complete on November 14, 2016.

B. Notice:

Public notice for the June hearing was as follows:

1. Legal notice was published in the Idaho Mountain Express on November 23, 2016.
2. Notice was mailed on November 22, 2013, to surrounding landowners within 300' of the exterior boundary of the property and to all Blaine County political subdivisions.
3. An on-site notice was posted on or before December 1, 2016, at least 7 days prior to the hearing as evidenced by the affidavit in file.

Pursuant to Idaho Code §67-6512 and Blaine County Zoning Ordinance regulations, the Hearing Examiner shall review the above notice procedures and make a finding as to compliance.

► Hearing Examiner's Finding as to Notice: _____

C. Exhibits: The following Exhibits are attached hereto as reference and unless otherwise indicated were received at the Blaine County Planning Office on November 14, 2016.

"A" Exhibits: Application

- A-1: Blaine County FP-CUP application including applicant responses to Standards of Evaluation
- A-2: 300' Adjoiner Map and list
- A-3: Site Plan of project including floodplain delineation and base flood elevations (BFE) prepared by Ned Hamlin Architect
- A-4: Survey of existing home elevation prepared by Gordon K. Williams, P.L.S. dated November 3, 2016
- A-5: Statement from owner about historic flooding
- A-6: Aerial Photo of property
- A-7: Aerial Photo of property with Floodplain Overlay

"B" Exhibits: Agency and Professional Consultant Comments-
No comments received

"C" Exhibits: Blaine County Supplements:
No additional supplements

"D" Exhibits: Public Comment:
As of the date of this staff report no public comments are received

D. Background

- Home was constructed in 1950 and remodeled in 1992

E. Property and Project Description:

- The applicants seek a Floodplain Conditional Use permit to construct a 150 square foot additional to the northerly section of the existing home at 202 Easy Street.
- According to Exhibit A-4, Survey by Gordon K. Williams, the elevation of the main floor of the existing home is 5526.56' and the BFE on the most northern portion of the lot is 5523.5'. The main floor is 3 feet above BFE. Addition is to match existing elevation of the home.
- No additional fill is proposed and applicant plans to remove any excess fill.

SECTION 2. STANDARDS OF EVALUATION

- 1. *The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.***

► **Compliance:** The comprehensive plan indicates this area as Low Density Residential Development (R-1) zoning. The proposed work is consistent with uses in this zone as conditional uses. The comprehensive plan requires protecting the floodplain and floodplain vegetation from degradation. The proposed action does not affect the natural condition of the river and impact on riparian vegetation. The home is located outside of the 75' setback of the Big Wood River.

2. *The preservation of the inherent natural characteristics of the watercourses and floodplain areas.*

► **Compliance:** The existing home lies over 500' from the high water mark of the Big Wood River.

3. *The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.*

► **Compliance:** The proposed work is compatible with the existing development and future development. The current use of the property is residential and use will remain residential. The new portion of the home will extend towards the north property line but will still exceed minimum setback requirements.

4. *The danger to life and property due to increased flood heights or velocities caused by encroachments.*

► **Compliance:** No fill is proposed for the addition and bottom of stem wall for foundation will be above the BFE. Any excess fill will be removed from the property therefore satisfying the County's requirement for compensation.

It is suggested that no flood vents be required as the bottom of the proposed stem wall will be located above the BFE. According to Exhibit A-4, Survey, existing grade outside of the home lies 1.5' above the BFE. If the grade around the addition matches the existing grade around the home, the predicted flood heights will be below the new structure entirely.

5. *The effect upon fish and wildlife habitat, including existing vegetation.*

► **Compliance:** There is no proposal to remove any existing habitat or vegetation other than existing yardscape next to the home.

6. *The availability of alternative locations not subject to flooding for the proposed use.*

► **Compliance:** Any alternative would still be located within the floodplain. According to Exhibit A-3, Site Plan, the contours of the lot are favorable in all directions.

7. *The probability of mass erosion to adjacent property as opposed to normal stream bank erosion and accretion.*

► **Compliance:** Applicant indicates that historic flooding in the 1980's and 90's resulted from improper maintenance from the Mizer Ditch. According to Exhibit A, Historic Flooding, a headgate was rebuilt after the last known event and no additional flooding from the ditch was observed. No additional flooding in the area is noted. The structural addition will be built above the BFE and no fill is proposed.

8. The safety of access to the property in times of flood for ordinary and emergency vehicles.

► **Compliance:** The driveway remains unchanged.

9. The danger that materials may be swept on to other lands or downstream to the injury of others.

► **Compliance:** According to Blaine County ordinance §9-17-7(F)11-a, the structure must be anchored to prevent flotation or movement during high water events.

10. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

► **Compliance:** The water supply and sanitation system are existing and will be unchanged with any approvals of this application. The drain field is shown on Exhibit A-3, Site Plan.

11. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

► N/A

12. The importance of the service provided by the proposed facility to the community.

► N/A

13. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

► **Compliance:** According to FIRM Panel 0653, see also Exhibit A-7 Aerial Photo with FP Overlay, BFE is listed as 5523. The natural contours of the lot suggest that the majority of the lot is naturally above the BFE therefor the expected velocity and rate of rise at the site will be minimal.

14. Effect of and susceptibility to obstruction by landslides, avalanches, ice jams, or timber.

► **Compliance:** These obstructions are more likely near the Big Wood River.

15. If the applicant or landowner with respect to an application for a conditional use permit under this chapter is the state of Idaho, or any agency, board, department, institution, or district thereof, the commission or the board, in addition to all other applicable standards and criteria

hereunder, shall take into account the plans and needs of the state, or any agency, board, department, institution or district thereof, as required by Idaho Code section 67-6528.

► **Compliance:** The applicant is not the state of Idaho, or any agency, board, department, institution, or district thereof.

16. The project will not have an adverse impact on potable water sources when the project is located within a wellhead protection area.

► **Compliance:** The project is within a wellhead protection district but the proposed addition will not create an impact to groundwater. There is no anticipated adverse effect on potable water sources.

III. DECISION AND POSSIBLE CONDITIONS:

Pursuant to Zoning Ordinance §9-33-8, the Hearing Examiner shall enter an order approving, conditionally approving, or disapproving an application within fourteen (14) days after conclusion of the public hearing together with the reasons therefore. The public hearing on this application is set for December 8, 2016.

Any approval or denial of this application will be based upon the information provided as part of this application, which has been referenced herein as Exhibits A-1 through A-7, and upon any additional information which may be provided before or during the scheduled public hearing.

The Hearing Examiner shall also, pursuant to Zoning Ordinance §9-33-8, attach conditions to the approval of request for a conditional use permit as are deemed necessary to protect the rights of all affected property owners and the general welfare.

Recommended conditions of approval:

- 1. Applicant shall comply with all applicable zoning, building, fire and health district regulations.**
- 2. Any modifications to the plans shall require further zoning review, and may be subject to additional regulations pursuant to the Blaine County Zoning Ordinance.**
- 3. The addition shall be anchored (bolted to the foundation) to prevent flotation, collapse or lateral movement of the structure. *(Required Condition)***
- 4. No additional fill may be placed on site.**
- 5. Excess fill must be removed to accommodate for compensatory storage.**