

**BLAINE COUNTY BOARD OF COMMISSIONERS**  
**PUBLIC HEARING on December 6, 2016**

<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	<b>STAFF REPORT</b> By: Kathy Grotto Date: November 29, 2016
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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. The Planning and Zoning Commission recommended conditional approval of the application on October 27, 2016.

**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 PUD proposal, now expired, 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, all consistent with the current A-20 and A-40 zoning. Parcels A, B and C are primarily landscape "entryway" parcels; Parcel D is for an irrigation pond.

All lots, except Lot 4, would be accessed by two internal roads. The proposed road design is favored by the Wood River Rural Fire Department because it allows for the (8) adjacent lots to be served by two 30,000 gallon cisterns for fire suppression. Both roads would cross Croy Creek. In this vicinity Croy Creek 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 most months of the year for the past several years. Because of the dry-to-intermittent nature of Croy Creek in this location, the lack of true riparian areas adjacent to it, and because of the fire suppression advantages of the proposed road and cistern layout, the P&Z Commission found the creek crossings acceptable in this instance.

No new information has been received since the P&Z's approval. Please refer to the P&Z's Findings and Recommendation, attached, for their findings on all applicable standards of evaluation.

One standard that the Board may wish to discuss is 10-5-2 (C): Impact on Public Services and Facilities, with regard to voluntary road mitigation fees. See standard and comments below.

## I. GENERAL BACKGROUND

1. **Notice of this public hearing was:**
  - i. published in the Idaho Mountain Express on November 16, 2016;
  - ii. sent by first class mail on November 23, 2016 to all property owners within 300 feet of the external boundaries of these lots;
  - iii. sent to all political subdivisions on November 16, 2016;
  - iv. posted on subject property on November 22, 2016, as evidenced by affidavits in file, which is more than seven days prior to the hearing; and
  - v. posted on the County's website.

► **Motion:** Upon motion by Commissioner [REDACTED], second by Commissioner [REDACTED], and by a vote of [REDACTED] to [REDACTED], the Board finds notice to be in compliance with applicable regulations. §10-4-3 of the Subdivision Ordinance.

2. Disclosures (i.e. conflicts of interest, site visits or *ex parte* communications)?
3. Attached to this report are the following exhibits:

### **P&Z Commission Findings of Fact, Conclusions of Law and Recommendation**

#### **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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Please refer to this section in the P&Z Commission's Findings of Fact attached hereto.

***10-5-2 Threshold Standards:***

***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. Voluntary road mitigation fees have been requested for county subdivisions, except in certain instances where other contributions have been deemed of equal value. Staff will present mitigation fee calculations at the hearing.

### III. DECISION OPTIONS AND POSSIBLE CONDITIONS

► **Motion:** I move to approve with conditions (or) deny of this 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 proposed subdivision complies (or) does not comply with the applicable criteria set forth under Title 10, Subdivision Regulations and applicable criteria of Title 9, Zoning Regulations, subject to the following conditions:

P&Z Commission's 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.