



LAND USE & BUILDING SERVICES DEPARTMENT
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Cluster Developments

Attachment B - Addendum #2

Pursuant to the Blaine County Code, §10-3-1, the applicant for a **Cluster Development** shall also present written responses to required findings for Cluster Developments prior to certification by the Administrator.

Pursuant to the Blaine County Code, §10-9-8, approval of a CD is contingent upon the Board's determination that all the following are true. Referencing each standard, attach your typed responses and supporting documentation which demonstrates how the proposed subdivision complies with item numbers A through N.

- A. That the usefulness of the conservation tracts is maximized in the design of the development.
1. Cluster tracts, building envelopes, roads and utilities shall be sited to optimize productive agricultural practices, including irrigation, in the conservation tract and to minimize interference and land use conflicts with agricultural practices on the conservation tract, adjoining farms and normal/historic agricultural activities in the area.
 2. Environmentally sensitive areas, hazard areas, or wildlife habitat of local significance, big game winter range, waterfowl nesting areas, or other significant wildlife habitat as determined by the Idaho State Department of Fish and Game shall be identified and contained within the conservation tract or open space or otherwise protected from encroachment.
- B. That each individual phase of the development as well as the total development can exist independently in a stable manner.
- C. That the development of residential uses proposed within agricultural areas will not interfere with existing agricultural operations that may, at times, be perceived as a nuisance by inhabitants of those residences.
- D. That where off-site impacts are found to result from the proposed development of the CD, the developer has proposed improvements to mitigate said impacts. Such improvements may include but not be limited to the road network (road improvements not limited to surfacing, school bus turnarounds, widening, intersections, bridges, culverts, and drainage facilities), fire protection facilities, and trails/recreation.

§10-9-8 Standards of Evaluation Cont.

- E. That the CD conforms to the goals, recommendations and conclusions in the Blaine County Comprehensive Plan.
- F. That the CD parent tract includes a gross land area of at least twenty (20) acres in a R-10 District, forty (40) acres in an A-20 District, and eighty (80) acres in a RR-40 or A-40 District.
- G. That cluster tracts and individual lots in CDs are provided safe and convenient access to a public or private road but individual lot access onto a highway or collector road (as listed in the County Comprehensive Plan) is not permitted.
- H. That the developer has provided evidence, verified by IDWR, of water rights, if any, appurtenant to the entire property being developed. That the developer also has provided an ongoing weed control/management plan for the entire property, including the reclamation of disturbed or idle ground. That where a water right exists, a water delivery plan consistent with the intended use of the water has been submitted to ensure water delivery shall continue on the conservation tract. If water is intended to be delivered to any proposed common open space area(s) and/or residential lots, the plan shall include same and be found suitable.
- I. That soil suitability for all uses including the development of roads has been demonstrated.
- J. That the proposal shall comply with the purpose, definitions, regulations and conditions set forth in Title 10 and in Title 9 of this code.
- K. That the proposed road design best maintains or creates a traditional rural community design without compromising efficiency and adequacy of the roads for use for agricultural purposes. In any case, roadway easement widths are a minimum of forty feet (40') with a minimum of twenty four feet (24') of travel surface. Right-of-way or travel surface widths greater than the minimum specified in the Blaine County Road Standards Ordinance may be required. The road design has been approved by the applicable fire official and other County departments.
- L. That building envelopes are sited on each parcel in the CD to optimize productive agricultural practices, including irrigation, when applicable in the conservation tract and to minimize interference and land use conflicts with agricultural practices on the conservation tract, adjoining farms and normal/historic agricultural activities in the area.
- M. That any proposed common open space or publicly dedicated land may be used as a buffer between the conservation tract and the cluster tract(s) and is useable, accessible and for the benefit of the residential owners in the CD and/or the citizens of Blaine County.
- N. That utilities for the cluster tract(s) are proposed to be installed underground.

Pursuant to the Blaine County Code, §10-9-9, the design and improvement standard contained in Chapter 5 of Title 10 shall be applied to CD applications by the Commission and Board during its

evaluation of the project. Where said standards are effectively modified by the standards set forth above in §10-9-8 of this Chapter, those contained in §10-9-8 shall prevail.

Pursuant to the Blaine County Code, §10-9-6, the following standards shall apply. Referencing each standard, attach your typed responses and supporting documentation which demonstrates how the proposed subdivision complies with item numbers C and D1 thru 8.

- D. Standards for Multiple Cluster Tracts: Residential lots within a CD shall be located in one or more cluster tracts. The Boards may require building envelopes on lots, which shall comply with the following standards:
1. General Site Design Standard: In general, the layout of cluster tracts shall promote the rural character of the zoning district, avoid the creation of new rural towns or villages, support the viability of existing or future agricultural activities on or adjacent to the site, and protect natural, historic, cultural and scenic resources on or adjacent to the site. The siting standards in Section 10-9-6 are in addition to and complement the Standards of Evaluation in Section 10-9-8.
 2. Siting Criteria for Cluster Tracts: Cluster tracts shall be located within one (1) mile of a paved state, federal, or County road or a paved road constructed to county standards in existence as of July 5, 2006.
 3. Maximum Number of Lots per Cluster Tract: Within a CD, the maximum number of lots allowed in a single cluster tract shall be five (5) lots unless the CD meets the standards listed in subsection D.4 below.
 4. Allowance for Larger Clusters: Cluster tracts of up to 20 lots may be allowed in the A-20, A-40, R-10 or RR-40 Districts if located on property within one-half mile of an unincorporated platted town site (i.e. Picabo, Gannett) and the cluster tract(s) is located to the maximum extent practicable as an extension of the town site. Large cluster tracts up to 20 lots may also be located in other areas where the applicant can demonstrate that the cluster tract(s) meets the following standards:
 - a. Promotes the rural character of the zoning district;
 - b. Avoids interference with existing agricultural activities on or adjacent to the parent tract;
 - c. Protects and enhances natural resources, including wildlife, wetlands and riparian areas, native vegetative resources, and historic or cultural resources on or adjacent to the parent tract;
 - d. To the maximum extent practicable, preserves significant views of the rural, open character of the district as viewed from the paved road;
 - e. Provides a minimum setback of 100 feet from adjacent properties;
 - f. Provides a minimum setback of 200 feet from existing agricultural activities;
 - g. Avoids fragmentation of the conservation tract; and
 - h. Provides contiguity between the conservation tract and open space on adjacent properties.

§10-9-6 Development Standards Cont.:

5. Minimum Separation Required: To avoid the creation of rural villages and to maintain the open, rural character of the zoning districts, multiple cluster tracts shall be non-contiguous, according to the following standards:
 - a. If the total land area within the CD parent tract is more than 320 acres, a cluster tract shall be separated from all other cluster tracts by at least 1,800 feet.
 - b. If the total land area within the CD parent tract is 320 acres or less, a cluster tract shall be separated from all other cluster tracts by at least 1,000 feet.
 - c. Separation of multiple cluster tracts is required regardless of whether the clusters are located within the same CD or in a different CD.
 - d. For purposes of this subsection, separation between cluster tracts shall be measured as the shortest linear distance between the two closest building envelopes located in the different cluster tracts.

6. Exception to the Minimum Separation Requirement: The minimum separation requirement in subsection 10-9-6D.5 may be reduced if the smaller separation satisfies the general and specific site design standards and criteria in subsections D.1 and D.3 above, and that either:
 - a. The overall site design takes advantage of the site's natural topography to hide multiple clusters from the public's view as seen from a paved road; OR
 - b. The smaller separation is necessary to accommodate conservation of natural resources; OR
 - c. The smaller separation is necessary and desirable to support continuation of existing agricultural operations or creation of new agricultural operations.In no case shall the separation between cluster tracts be less than 400 feet.

7. Pedestrian and Maintenance Access.
 - a. Maintenance, pedestrian, and equestrian access easements may be required through the conservation tract with a minimum access easement of 30 feet.
 - b. Access may be restricted to agricultural lands for public safety reasons and to prevent interference with agricultural operations; access to areas of steep slopes, wetlands, critical wildlife habitat or other sensitive areas may also be restricted.

8. Review Criteria. The Board may approve a cluster application upon findings that the proposed Cluster Subdivision Plat complies with the Blaine County Comprehensive Plan and with the standards set forth in this chapter, except where the Board expressly permits exceptions and variances to such standards.
 - a. The Board retains the discretion to deny a rural cluster application if it finds if the location of the cluster(s) will have a negative impact upon service delivery, or the subject property uniformly exhibits such extraordinary natural and

environmental value, as evidenced by the proposed location of the rural cluster in the following overlay districts as described in Ch. 19 through Ch. 23 of Title 9. These include the county's wildlife, wetlands, floodplain and riparian districts, mountain, scenic highway, avalanche, and seasonal use overlay district.

§10-9-6 Development Standards Cont

- b. The board also retains the discretion to approve the proposed cluster subdivision conditioned on the applicant agreeing to a reduced residential density if the Board finds that such condition would mitigate potential adverse impacts related to the requested density.

Pursuant to the Blaine County Code, §10-9-10, the Board shall attach certain conditions and may others including any others it deems necessary to protect the public health, safety and welfare and the purposes of this chapter.

A. The following conditions shall be attached:

1. Infrastructure shall be installed by the developer and shall comply with the standards of all applicable regulatory agencies. Infrastructure may include, but not be limited to, roads, drainage facilities, sanitary facilities, utilities, fire protection facilities, and improvements related to trails/recreation.
2. Improvements upon subdivision shall be constructed or installed by the developer prior to final plat or as otherwise proposed as part of a phasing plan and accepted by the county. Such improvements may include, but not be limited to, infrastructure, off site improvements, common open space improvements, water delivery system, irrigation system, fencing, and weed control program.
3. Further subdivision shall not be permitted unless the applicant demonstrates that the maximum base density and density bonus has not been previously platted or transferred from the parent tract. Further subdivision shall require the application be processed according to the procedures for a CD unless otherwise specified in a previously approved subdivision for the parent tract.
4. The conservation tract shall be encumbered by: a) a conservation easement executed in force and effect simultaneously with the recordation of the final plat of the CD; or b) a deed restriction. Said encumbrance shall specify that uses of the conservation tract are limited to agricultural purposes and businesses as permitted by county ordinance and/or open space and shall be noted on the plat.
5. Plat notes to be worded specific to the proposed CD situation may include, but not be limited to, those addressing the following issues:
 - a. Weed control;
 - b. Conservation tract limitations;
 - c. Agricultural activities/farming practices are permitted and are a preferred use of the land. Perceived conflicts with residential use and enjoyment may occur,

however, agricultural use of the land is dominant and shall not be considered a nuisance;

d. Fire protection;

e. Soils limitations;

§10-9-10 Required Conditions Cont.

f. Road maintenance responsibility, if private roads;

g. Public access, if applicable;

h. Purchasers of lots within the cluster tract shall execute resource management easement prior to obtaining building permit for residential construction;

i. Density statement including the one time density bonus;

j. Encumbrance on conservation tract;

k. Domestic pet restraint (i.e., perimeter fencing) around the cluster tract is required;

l. Fish, game and wildlife issues.

6. Resource management easement (binding to heirs, successors and assigns of the grantor) to address the following: grantor (owner) acknowledging property is situated within agricultural area and may be subjected to conditions resulting from farming and ranching operations which may conflict with residential purposes, and waives all common law rights to object to normal and necessary farm management activities shall be presented by the developer to potential buyers of cluster tract(s) lots.

B. The following conditions and any others deemed appropriate to carry out the public health, safety and welfare and to further the purposes of this chapter may be attached:

1. Limitation on the number of living quarters for employees per conservation tract.
2. Limitation on the number of accessory dwelling units per cluster tract.
3. Distance in feet separating any residential use from neighboring tracts.