

# LATERAL 75 RANCH SUBDIVISION

BELOW ARE THE APPLICANT'S RESPONSES ADDRESSING THE PROJECT'S COMPLIANCE WITH THE PROVISIONS OF BLAINE COUNTY CODE

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BLAINE COUNTY  
LAND USE & BUILDING SERVICES

## THRESHOLD STANDARDS

**A. Administrative Standards: The Administrator's recommendations on the standards set out in §10-5-1 are acceptable or need modification. (Note: This standard does not need response from Applicant).**

Refer to Administrative Report.

**B. Comprehensive Plan: The proposed subdivision of land conforms to and is in accordance with the Comprehensive Plan Text and Map.**

Lateral 75 Ranch Subdivision conforms to and is in accordance with the Blaine County Land Use Map and Comprehensive Plan Text. Below are selected comprehensive plan excerpts in which this application complies.

### TRANSPORTATION SECTION -

*Desired Outcome C-5 recommends that the county "Minimize future road and driveway accesses and consolidate or close existing accesses onto Highway 75 when possible." See Chapter 1, page 14.* The applicant is making use of the existing East Glendale Road access onto SH75 and not adding any approach onto State Highway 75.

*Desired Outcome C-6 recommends that the county "Interconnect private and county roads in future developments." The new Can Can Loop Road (private) properly interconnects with Silver Lakes Drive (private) and East Glendale Road (public).*

### HOUSING SECTION -

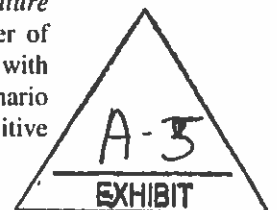
*"A variety of housing types, prices and locations is required for the community's long-term viability" is noted as a Key Guiding Principle of the Housing Section. See Chapter 2, page 2.* This project uses a number of Transfer of Development Rights in a county-recommended TDR receiving area to introduce smaller lots in a location and with amenities that will assist the community's long-term viability. As noted in the seventh "WHEREAS" statement within the Transfer of Development Rights Program Blaine County Ordinance No. 2006-07, "this ordinance seeks to promote the orderly development of community and help preserve its rural character."

### RECREATION SECTION -

*"Recreation is a centerpiece of the life experience for both local residents and visitors" is noted as a Key Guiding Principle of the Recreation Section. See Chapter 3, page 2.* Lateral 75 Ranch Subdivision has been designed to place recreation as a centerpiece for new residents and their visitors who buy lots and build homes on the property. The design features numerous onsite recreational amenities to benefit the 24-lot community. This will offset the challenges of "increasing demand" for parks and other Wood River Valley recreation amenities, as noted on page 17 of the Recreation Section.

### AGRICULTURE SECTION -

*"Agriculture is an important tradition and an economic resource for our community [and the] County intends to preserve productive agricultural lands" are noted as Key Guiding Principles of the Agriculture Section. See Chapter 4, page 2.* As noted in the eighth "WHEREAS" statement within the Transfer of Development Rights Program Blaine County Ordinance No. 2006-07, "this ordinance is in compliance with the language in the Blaine County Comprehensive Plan and the Blaine County 2025 preferred scenario relating to the Transfer of Development Rights; the preservation of agriculture; the protection of sensitive



environmental features; and rural character of this community ...” As a TDR project in a specified receiving area, this project will use a total of 18 TDR rights (13 already purchased and 5 pending) and, accordingly, help to preserve productive agricultural lands that are an important tradition and economic resource for our community.

*Creating a Transfer of Development Rights Program allowing density to be transferred out of designated A-40 “sending areas” and into designated “receiving areas” deemed suitable for higher density. (The program has not functioned as expected. While some development rights have been transferred off ag lands, none had been purchased by July 2015. The reasons are unclear, but likely include economic factors associated with the recession and reduced development demand, cost/benefit uncertainty, or location of receiving areas.)* See Chapter 4, page 12. As noted, Lateral 75 Ranch Subdivision will make use of 18 TDRs and assist the County’s TDR program to better function as intended. Lateral 75 Ranch Subdivision’s location in the northern-most part of the Bellevue Triangle & Foothills Comprehensive Plan Map Subarea and TDR receiving area with ready access to East Glendale Road and SH75, on-site amenities, limited productive agricultural lands adjacent to the project, and neighboring ranchettes support higher density.

**NATURAL ENVIRONMENT SECTION –**

*“C-1: Continue analysis of environmental assets in the land use planning and decision-making process. Enlist assistance from agencies and local experts to clarify, refine and improve the County’s regulations.”* See Chapter 5, page 37. The Lateral 75 Ranch Subdivision design team enlisted the assistance of local experts and agencies to assure the environmental assets of the property were both retained and enhanced. DEQ, F&G, SCHD, and county staff, among others have provided help with the plan development. To enhance water quality, the lake is stocked with Triploid Grass Carp, has a permit for trout from F&G, and riparian landscaping along lake edges is encouraged. F&G’s good-neighbor, wildlife-friendly plat notes will be followed. Individual lots will be landscaped consistent with fire-wise standards, as well as feature limited turf areas with deference to larger xeriscape zones along the periphery of each lot. Common area parcels will integrate an equestrian/pedestrian paths for residents and visitors with a HOA-controlled smart irrigation system to establish new plantings of native trees, bushes and grasses that will benefit small birds and animals, while also helping to control soil erosion.

**PUBLIC SERVICES, FACILITIES & UTILITIES SECTION –**

*“A-1: Engage the community on strategic planning for services, facilities and infrastructure that meet community needs and is aligned with available revenues.”* See Chapter 6, page 31. Lateral 75 Ranch Subdivision is located in the county-established TDR receiving area which was strategically selected to assure that the county would not see development in areas, such as the TDR sending areas along Silver Creek, where development would result in the uneconomical extension of county resources.

*“B-7: Continue to review the impacts to County services in all proposals for development and require development to mitigate adverse impacts.”* See Chapter 6, page 32. The applicant is willing to work with the county to offset identified cost needed to mitigate any adverse impacts associated with the project. To date, the project has been found to not have any adverse impacts on county services. See attached agency comment and service provider comments.

**ECONOMIC DEVELOPMENT SECTION –**

*“C-2: Guide economic growth in a way that will result in a balance between economic interests and environmental and human health interests.”* See Chapter 7, page 18. Lateral 75 Ranch Subdivision balances human health, economic and environmental interests by (1) preserving and enhancing the environmental assets of the project’s 78-acres consistent with Desired Outcome C-1, as noted previously above; (2) forwarding the county’s human health interests of, among other items, expanding opportunities for recreation and enhancing natural environmental features in land use development; and, (3) providing economic opportunity in the form of housing and related trades within a county-designated receiving area.

**LAND USE BELLEVUE TRIANGLE SUBAREA SECTION (1/5/21 BCC draft) –**

*“BT-6 Support and improve the Transfer of Development Rights program. Consider increasing receiving zone land area in the unincorporated County and in cooperation with municipalities.”* See Chapter 8, page 26. In 2006 the county designated the applicant’s property and other nearby lands as a transfer of development rights (TDR) receiving area. As noted in the second and eighth “WHEREAS” statement within the Transfer of Development Rights Program Blaine County Ordinance No. 2006-07, “the Board of County Commissioners is empowered by Chapter 65, Title 67, Idaho Code, to enact a zoning ordinance and provide for amendments as deemed necessary;” [and] this ordinance is in compliance with the language in the Blaine County Comprehensive Plan and the Blaine County 2025 preferred scenario ....” The density of the

Lateral 75 Ranch Subdivision project complies with Blaine County Title §10-10-10, Sub-section A.2 for the permanent transfer of TDRs to a receiving area. The project does not result in a minimum lot size of less than one unit per one acre or a density of less than one unit per two and one-half (2.5) acres. Twenty-eight (28) TDR lots are permissible on the property, while a total of 24 lots are proposed. Further, the project has been configured with greater than 50% private open space.

**SPECIAL AREAS & SITES SECTION –**

*"A-6. Continue to protect the scenic byways for their historic and aesthetic values." See Chapter 9, page 14.* The applicant is working with staff to rectify a couple issues identified with the current berm and landscaping on Gregory Ranch Lot 1 within the 100' State Highway 75 (SH75) scenic byway setback. All new landscaping and earthwork within the 100' SH75 setback will comply with county scenic highway overlay district requirements.

**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 school facilities, school bus transportation, police and fire protection, emergency services, and roads, and shall not require substantial additional public funding in order to meet the needs created by the proposed subdivision. The applicant shall be required by the Board to mitigate the adverse effects of the proposed subdivision, which may include, without limitation, contributions for additional capital improvements, on-going maintenance, and labor costs. The plan for, timing of, and proposed phasing of the mitigation shall be in a form acceptable to the Board.**

Service providers have been notified, including Wood River Rural Fire District, Blaine County Road and Bridge, Idaho Transportation Department, Idaho Fish and Game, Idaho Department of Water Resources, Water District 37, Wood River Irrigation District 45, South Central Health District, County Engineer, and Utility Companies (Idaho Power, IMG, Cox, and CenturyLink). The Applicant believes that the proposed lots will not negatively impact the quality of essential public services and facilities and does not require mitigative measures beyond those currently proposed and set forth in the project application documents. The addition of the proposed additional residential lots will not adversely affect county services and facilities.

**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 drainfield area and no reasonable building site is available outside of the floodplain boundary. Any other structure shall be governed by the regulations in Title 9, Chapter 17 of this Code.**

N/A

- E. Agricultural Land (A-10, A-20): In addition to all other applicable criteria in Title 9 and 10 of this Code, proposed subdivisions in lands zoned A-10 and A-20 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;**
  - 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; and**
  - 3. The subdivision will not result in adverse or negative impacts upon lands in the surrounding area presently in agricultural use.**

The proposed Lateral 75 Ranch Subdivision will not result in adverse or negative impacts upon land in the surrounding area presently in agricultural use. Of note, is that (a) State Highway 75 (SH75) borders the project to the west; (b) to the north and east of the project is East Glendale Road and, thereafter, the approved R-5 residential developments of Silver Creek and Bellevue Farms Subdivision; (c) to the southeast with access from Freedom Lane and Freedom Loop are three properties totaling approximately 50-acres that do not appear to be actively farmed or otherwise characterized by irrigated farmland or productive agricultural fields; and, (d) to the south of the property is Lot 18 of Dean Ranch Subdivision, which is 10-acres in size and features a residence that is well-screened with a highway access and miscellaneous outdoor storage and bare dirt horse pasture.

The proposed Lateral 75 Ranch Subdivision, when considered in light of the existing or likely cumulative effect of the 24-lot 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. First, as noted, no agriculturally-zoned land border the proposal to the north or northeast and SH75 borders the project to the west. Second, the lands to the south and southeast, while zoned for agricultural uses, feature residential characteristics and/or non-irrigated, dryland pasture; and, further, only share a property line and not direct means of ingress/egress with the project.

To help assure that each of the Lateral 75 Ranch Subdivision lots and future residential uses will be compatible with the surrounding area, by design, smaller lots (each of which exceed the 1.0-acre minimum TDR lot size) are located internal to the project while compatible lot sizes with the adjacent R-5 zoned Silver Creek and Bellevue Farms Subdivisions are located toward the periphery of the project adjacent East Glendale Road. Notably, the lot lines of proposed Lots 22 thru 24 of Lateral 75 Ranch Subdivision align with Lots 1 thru 3 of Block 2 of Bellevue Farms Subdivision across East Glendale Road. Further, a 30' wide perimeter homeowner landscape and equestrian path (see Parcels R3 & R4) buffer the project from the existing county road. A similar buffer (see Parcel R5) is featured along the southeast and southern boundary of the subdivision with Lots 20 and 21 aligned to match the two unplatted vacant lots accessed from Freedom Loop (to the east of each vacant lot). In like manner, to help assure compatibility with the Dean Ranch Lot 18 property to the south, proposed Lot 19 and 20 are located away from the existing residence, are larger in size (4.1-acres and 2.9-acres, respectively), and a predominantly open space parcel (see Parcel R1) is platted nearest the existing home.

In summary, the proposed Lateral 75 Ranch Subdivision complies with Blaine County's Threshold Standards as pertain to proposed subdivisions in agricultural areas. Nearly 15 years ago, the county designated the applicant's property and other nearby lands as a TDR receiving area. As noted in the eighth "WHEREAS" statement within the Transfer of Development Rights Program Blaine County Ordinance No. 2006-07, "this ordinance is in compliance with the language in the Blaine County Comprehensive Plan and the Blaine County 2025 preferred scenario relating to the Transfer of Development Rights; the preservation of agriculture; the protection of sensitive environmental features; and rural character of this community ...." The density of the Lateral 75 Ranch Subdivision project complies with Blaine County Title §10-10-10, Sub-section A.2 for the permanent transfer of TDRs to a receiving area. The project does not result in a minimum lot size of less than one unit per one acre or a density of less than one unit per two and one-half (2.5) acres. Twenty-eight TDR lots are permissible on the property, while a total of 24 lots are proposed.

The applicant has configured the project with greater than 50% private open space. Lateral 75 Ranch Subdivision will be compatible with surrounding properties, and will not negatively impact agricultural use.

**F. Avalanche Areas: Land subject to avalanche hazard, as determined by a professional study, shall not be used for private roads unless the hazards are mitigated or overcome by approved design and construction plans.**

N/A

**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 land slides, 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.**

Subject property is very desirable for residential purposes and does not possess conditions that are detrimental to the health, safety or general welfare of existing residents. The land is suitable for the residential / recreation development use proposed.

**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, 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.**

N/A

**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.**

The attached existing nearby well logs show that adequate groundwater exists to serve the domestic needs of the project. The limitations of Idaho Code §42-111 shall apply to domestic water rights. New wells will be metered to assure that each of the lots/parcels do not irrigate greater than one-half (1/2) acre or use in excess of thirteen thousand (13,000) gallons per day from the domestic well in violation of Idaho Code §42-111.

