



## **I. GENERAL BACKGROUND Cont.**

5. Materials included in the record for the Board's review of this application:
  - A. a preliminary site plan dated March, 03;
  - B. an updated preliminary site plat dated May, 03;
  - C. the subdivision application (Attachments "A" "B" & "D");
  - D. agency responses from the:
    1. health district dated 1/2/03
    2. fire district dated 12/17/02;
    3. county engineer dated 12/30/02;
    4. Idaho Transportation Dept. dated 2/26/03 & 12/16/02;
    5. W.R. Irrigation District #45 dated 5/22/03; and
    6. road & bridge dept. dated 5/16/02 [misdated as 5/6/02].
  - E. soil survey information;
  - F. water rights information on this property; a water rights breakdown from Brockway Eng. and breakdown of the land vs. water area on each lot;
  - G. April 22 letter from Gary Slette regarding E. Glendale Rd.;
  - H. April 25 letter from R. Miles Stanislaw regarding personal watercraft on the pond;
  - I. May 2, letter from R. Miles Stanislaw regarding weed abatement;
  - J. May 19 letter from Galena Eng. with, among others, the following attachments:
    1. right of way encroachment permit;
    2. revised C,C&Rs; and
    3. amendment to April 14, 1997 agreement
  - K. an late 90s aerial photo of the vicinity; and
  - L. a vicinity map.
6. Jim Koonce asks a number of questions in his comments. The applicant provided a written response dated 4/1 and the March, 03 site plan.
7. Public written comments (from Gary Storey, Tom Shanklin, Michael Hanley, Craig & Alison Poulsen, Jimmie & Kathy Walker and Brett Sullivan and Mark & Cindy Mattson) and one verbal comment (from Darlene Bramon) have been submitted to the Board.

## **II. SHORT PLAT CRITERIA §10-4-6(C)**

***Short plat subdivisions are governed by §10-4-6 of the Subdivision Regulations. The Board, without a Commission recommendation in this case, needs to determine whether:***

1. ***The proposed lots conform to the Comprehensive Plan, zoning, and subdivision ordinances;***

### **COMPREHENSIVE PLAN:**

**Findings of Fact:** This property is located on the northernmost edge of the land use area designated as "agricultural." It abuts a residential land use area to the north and small-sized lots and limited agricultural areas to the south and east. In Attachment "B" of the application, the applicant cites a couple comprehensive plan provisions that they believe support a positive finding on this criteria. Under this criteria, the application also states that this proposal exceeds the minimum lot size for the A-20 zoning district. While this fact may satisfy other criteria, it has not been considered especially relevant to a positive determination on this criteria.

**Conclusion:** Based on this information, this application complies with this criteria.

## **II. SHORT PLAT CRITERIA 10-4-6(C) 1 Cont.**

### **ZONING REGULATIONS (Title 9)**

#### **Findings of Fact:**

**1) General Zoning Provisions:** With the buildable area on these three lots near a public road and on flat ground, emergency vehicle access is not a problem. Pursuant to the suggested plat note, other Wood River Rural Fire District requirements must be satisfied prior to the issuance of a building permit. Septic issues are addressed below.

**2) A-20 Zoning Provisions:** All three lots meet the minimum standards for the A-20 zoning district. All existing structures do, and all new structures will, meet setback requirements. The existing use on the property is a private water ski pond. Since District Judge Burdick determined that it was not a "structure," no permits were required for its construction. At that time, it was considered "accessory" to the house on the lot. That house is now a storage building and no longer the "primary" use on the property. As a result, the pond is currently a non-conforming land use. Once new houses are developed, it must become accessory to them to become conforming. It is not independent of those uses and is not legal to the extent that it ever becomes a commercial use independent of the residential uses. If the original farmhouse is ever converted back into habitable space, it must comply with the all zoning regulations.

**3) Scenic Highway Overlay Provisions:** The existing berm was extended to the south at some point this spring or last fall. This new addition and other portions created after October, 1999 need to comply with the regulations in Chapter 21A.

**Conclusion:** Based on these findings and conditions, this application complies with these criteria.

### **SUBDIVISION REGULATIONS (Title 10 )**

#### **10-5-1 Administrative Standards –**

**A. Other Regulations:** Except as specifically addressed in other sections, this proposal either satisfies or is not relevant to county code Titles 3(Health & Safety), 6(Roads), 7(Building) or 8(Area of City Impact).

**B. Floodway areas:** N/A

**C. Avalanche Area:** N/A

**D. Drainage:** N/A

**E. Lot Requirements:** The proposed lot sizes and uses are discussed under zoning requirements in Title 9 above. Because this parcel is located within the A-20 or productive agricultural zone, the new agricultural area provisions added to these regulations in 1998 should be used to govern the location of those uses (see §10-5-2(E) & 10-5-3(M) below). The other requirements are either not relevant or have been satisfied.

**F. Utilities:** N/A, this criteria does not apply in agriculturally zoned areas.

**G. Water Supply:** The health department has responded to this proposal in a 1/2/03 letter. Based on numerous well logs in the vicinity, he concluded that there appears to be "adequate groundwater to supply the domestic needs of these three lots."

**H. Sewage Disposal:** Per the health dept., adequate area and soil exist to satisfy its regulations. A 100' setback from the lake is necessary and indicated on the plat.

**I. Street Improvement:** No new "streets" are required since all lots are accessible from existing roadways. An access permit will be required when a home is constructed.

**J & K. Intersection Location & Street Specifications:** On Lot 1, any access must be offset from the centerline of any portion of Glendale Rd. by at least 125'. The access into Lot 2 should be opposite the location where E. Glendale turns east below Bellevue Farms or offset from that location by at least 125'.

**Conclusion:** Based on these findings and any required conditions, this application complies with these criteria.

## **II. SHORT PLAT CRITERIA 10-4-6(C) 1 Cont.**

### **Subdivision Regulations (Title 10 )**

#### **10-5-2 Threshold Standards –**

A. *Admin. Standards:* The Board agrees that these standards have been satisfied based on the above discussion, conclusions and conditions.

B. *Comp. Plan:* See the Comp. Plan discussion above.

C. *Public Impacts:* This 76.7 acre parcel is currently a single "lot of record." This proposal will create two new "lots of record." Every new lot, with its primary and potential accessory and A-20 "employee" housing units, has an impact. This property is approx. 2 miles south of Bellevue along Hwy. 75, but E. Glendale Rd. (a county road) will be used to access this property. The final ¼ mile of this county roadway to the entrance to Lot 3 is not paved. With prevailing easterly winds, dust from this road is a problem for Bellevue Farms' homeowners. Also with the increased traffic generated by these new lots (an expected increase of 19 or more vehicle trips per day, depending on the addition of ADUs or "employee" housing, above the current 76 vehicles trips per day.), the 100 vehicle trips per day threshold for paving will likely be exceeded. Accordingly, Dale Shappee, the Road & Bridge Supervisor, in his letter to the Board stated that "[p]aving the section of the road adjacent to Gregory Ranch should partially eliminate the impact of the additional traffic created by Gregory Ranch." This is similar to the requirement imposed on the adjacent Silver Creek Farms Subd. when it was platted in the early 1990s. The Board thinks that such a condition is appropriate in this instance as well and will work with the applicant to effectively split the cost of improving this ¼ mile of roadway by fully preparing the road base for paving.

Fire protection at the south end of Bellevue is 1.75 miles away. Police protection in Hailey is approx. 7.5 miles away. Emergency response is also 7.5 miles away. The school bus currently serves this area. However, a cumulative increase in the use of one bus eventually requires an additional one.

D. *Floodplain:* N/A

E. *Ag-zoned Land:* *[To better facilitate the review, the exact criteria language is set out below.]*  
*[O]n land zoned A-10 and A-20, [subdivisions] 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.*

With regard to the surrounding area, the attached aerial photo shows the adjacent uses. Though difficult to identify because the photo is black and white, no intense agricultural production is adjacent to this property. The land west of the highway is in pasture or production. However, it is 800' or more from any potential home site. The Silver Creek Farms Subdivision to the north is zoned R-5, has not been farmed in recent years and the 7 to 13 acre lots, though they have water, cannot be farmed intensely. The Bellevue Farms Subdivision to the east is also zoned R-5 and consists of five-acre residential lots. The unplatted ten to twenty-acre lots to the southwest have no water and may have never been farmed. From the photo, the ten acre lot to the south appears to have had some ag. use, but it is limited by the size of these lots. This proposal is not inconsistent with these sizes and uses. Accordingly, it should not adversely impact or materially change the agricultural uses in this area.

F. *Avalanche:* N/A.

G. *Unsuitable Land:* Aside from the hazards addressed by other criteria, no hazards or other development limitations have been identified on this property. The main natural gas line into the valley runs along the township line. If an easement exists, it should be indicated. With 25' setbacks, no construction will occur in the immediate vicinity of this line.

H. *State's Plans and Needs:* N/A

**Conclusion:** Based on these findings and required conditions, this application complies with these criteria.

## **II. SHORT PLAT CRITERIA 10-4-6(C )1 Cont.**

### **Subdivision Regulations (Title 10 )**

#### **10-5-3 Design Standards:**

A. *Natural Features:* After decades as a farm and now dominated by a bermed, water ski pond, few "natural" features remain to preserve. The site does not appear to include any particularly unique or fragile areas. The only trees are the cottonwoods that have grown up along the canal. Fish & Game was not notified. Given the relative proximity to the river, game does cross the highway along this stretch, but the significance of this parcel to wildlife is a question mark. It does not include any special historic sites or natural drainage channels or water courses.

B. *Lot Requirements:* The only satisfactory location for any building is east of the access and maintenance easement around the lake. A building setback line 100' from Hwy. 75 is pointless since residential development cannot realistically occur east or south of the lake.

C. *Blocks:* N/A

D. *Utilities:* No 10' utility easement from the edge of the public right-of-way is proposed. The final plat needs to include one along the public road frontage and along the entire east boundary of Lot 2. New underground utilities (i.e. power and phone) shall be installed to the edge of each lot.

E. *Drainage:* A 40' canal maintenance easement from the centerline of the Dist. 45 canal is indicated on the site plan as well as an easement for the lake inlet and outlet. This is sufficient.

F. *Water Supply:* Based on a nearby well log, Bob Erickson of the Health District is confident that adequate groundwater exists to serve any domestic needs of two additional lots. A domestic right exists for the well that serves the storage building. The landscaping and berms around this house are apparently irrigated from the irrigation water rights. This irrigated area is about 7 acres.

The system of delivering surface water from the canal to the pond will remain in place. It appears that the water volume for the pond is just over one-third of the total volume available under the two water rights on this property. The water that is to be apportioned to each lot on a per acre basis will be delivered by diversion points that will be established in the pond. Flow meters shall be installed by each landowner as the delivery becomes operational. The Board, along with the canal district, considers this to be a "suitable" delivery system pursuant to I.C. §31-3805.

G. *Sewage:* Given the parcel sizes, the soils and Bob Erickson's level of comfort, there is no need to impose special additional sewage disposal requirements.

H. *Solid Waste:* Disposal by private contractor to Ohio Gulch Transfer Station is planned.

I. *Park/School Site:* None proposed.

J. *Access Easement:* N/A, no adjacent public land.

K. *Dev. Rights:* N/A

L. *Hillside Standards:* N/A

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

1. *The subdivision 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 construction and the loss of agricultural land.*

2. *A buffer between different types of uses (i.e., residential and agricultural) may be required.*

Though these concepts are touched on above, these design considerations are somewhat more specific. These lots are as large or larger than any neighboring parcel. Even with the pond taking up over half the property, the remainder of each lot (with water rights) is more likely than any adjacent parcel to retain a viable, albeit limited, agricultural use.

## **II. SHORT PLAT CRITERIA 10-4-6(C) 1 Cont.**

### **Subdivision Regulations (Title 10 )**

#### **10-5-3 Design Standards Cont.:**

*N. Street Improvements:* All portions of this property within 30' of the centerline of Glendale Rd. are proposed for dedication on the May 2002 site plan. With the recordation of a deed from McWinlin Farms, all this area can now be dedicated. As detailed in §10-5-2(C) *Public Impacts*, the applicant and the county have agreed to cooperate on the paving of the north-south section of E. Glendale Rd.

As indicated on the May encroachment permit, portions of the existing fence along the roadway (some of which is new) and new berms are within 10' of the roadway travel surface. The Board expressed no concern about these encroachments. A note addressing damage to or reconstruction of either of these should be added to the plat.

Mike Scott of ITD and Jim Koonce have expressed concern about the Hwy. 75 and Glendale intersection. Because of the height of the canal bridge, the approach is steeper than desired. Also, with only 20 of the 38 lots that feed into this intersection now developed, the volume of traffic is becoming a concern. With this "travelshed" of existing lots only half build-out, the number of vehicle trips per day (based on nat'l estimates) will exceed the capacity of this intersection at build-out by over forty percent (363 v.t.d. vs. 250 v.t.d.). No particular improvements were proposed or discussed at this time.

*O. Intersections:* Any new driveway should access onto Glendale Rd. and not Hwy. 75.

**2. The proposed lots are served with adequate means of access for vehicles and utilities, fire protection, drainage, water supply and means of sanitary sewage disposal;**

Findings of Fact: All of these have been addressed in one way or another under the above criteria.

**3. The public health, safety and welfare will be served by permitting the proposed division of land.**

Findings of Fact: In this case, all the specific issues relating to the public health, safety and general welfare are addressed above. No other general concerns have been identified at this point.

**4 & 5. (These 2 criteria relate to townhouses and are not relevant to this application.)**

## **III. DECISION and CONDITIONS**

A) Having considered the information on notice in Section I(3) above, the Board hereby finds that the notice for both hearings adequately satisfies Idaho's law and Blaine County's Code.

B) **10-4-6(D) Board Approval:** Having considered the application, the information presented and the above criteria, the Board, upon a motion by Commissioner Michael, a second by Commissioner Mix and a three to none vote, approves this short plat application subject to the following conditions as permitted by § 10-8-4. The applicant shall:

1. record a final plat that corresponds in all respects with the preliminary site plat dated May, 2003 except to the extent that that site plan is modified by these conditions;
2. record a final plat within 1 year of final approval; or seek and be granted an extension, at the board's discretion, within that year;
3. pay all county engineer fees either prior to posting of bond, if any, or prior to obtaining the final county signatures;
4. place the standard health department signature note on the face of the final plat;

**III. DECISION and CONDITIONS Cont.**

5. set out the square footage of each lot on the final recorded plat;
6. satisfy the monumentation requirements of state law and §10-5-11;
7. add to the plat an I.C. §50-1334 certificate regarding the type of domestic water system;
8. apply for and be granted an encroachment permit or remove the encroachments into the Glendale Rd. right-of-way;
9. offset all access points 125' from the centerline of Glendale Rd.;
10. add a 10' utility easement along the Glendale Rd. frontage or modify proposed Note #1 to provide for this easement.
11. pave Glendale Rd. to a width of 22' for 1320' along the north to south portion of E. Glendale Rd. after the county has prepared the road base and before the end of the 2003 construction season;
12. extend utilities to the edge of Lots 2 and 3;
13. comply with the requirements of the Scenic Highway Overlay Dist. for any portions of the berm that are within 100' of Highway 75 and that were constructed after Oct. 12, 1999;
14. comply with the noxious weed plan submitted to the county;
15. present and, upon approval by the Board, record an amendment (See Attachment #1 relating to restrictions on personal watercraft) to that previously executed agreement recorded as Blaine County Instrument No. 400991;
16. submit, at the time of plat recordation, a digital plat in accordance with the provisions of Blaine County Resolution #2002-54;
17. add the following notes to the plat:
  - a. individual lot owners shall install irrigation water flow meters at the point of any diversion from the pond or any other point of diversion in the surface water delivery system.
  - b. This property is located in an area subject to aircraft overflights, creating aircraft noise levels high enough to annoy users of this property and potential interfere with its unrestricted use. Contact the Manager of the Freidman Memorial Airport for information regarding current and forecast noise levels on the property.
  - c. No more than one accessory dwelling shall be permitted on Lots 1-3.
  - d. Except for any rehabilitation of the existing structure on Lot 1, all residential or other structural development shall occur within the designated building envelope.
  - e. The owner of Lot 1 agrees to hold Blaine County, its employees or agents harmless from any and all damage that may occur to any fencing or landscaping that is permitted to encroach into the dedicated Glendale Rd. right of way.
  - f. replace Note #3 with the more recent "ag." plat notes (see attachment #2)

IT IS SO ORDERED, on this 18<sup>th</sup> day of June, 2003.

BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS

By: 

Board Chair

**CERTIFICATE OF MAILING**

The undersigned, being over eighteen years of age, a resident of Blaine County, Idaho, and not a party to the above entitled action, certifies that on the 19<sup>th</sup> day of June, 2003, he/she served a true and correct copy of the foregoing document by depositing the same in the United States mail with postage prepaid addressed as follows:

Gregory Ranch LLC  
C/O Miles Stanislaw  
701 5<sup>th</sup> Ave. Ste. 4400  
Seattle WA 98104-7012

Gary Slette  
Robertson, Hepworth, Slette et. al.  
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