

L75R – *draft* amended conditions for 6/17/21 PZ hearing. Applicant proposed edits are underlined and appear in purple.

Possible 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. All utilities noted in 10-5-1.E. must be installed underground to each lot.
9. All required development rights shall be obtained through the TDR program prior to recordation of the applicable phase of the plat, as set forth in the phasing agreement. The phasing agreement shall be executed prior to recording the final plat of Phase 1.
10. All internal streets shall be completed (or a security deposit provided) prior to recording the final plat of Phase 1.
11. A deed of attachment of development right shall be recorded with the Blaine County recorder indicating the permanent attachment of any development rights to the receiving area plat or lots and shall include the names of the initial grantor of each development right affixed or made appurtenant to the receiving parcel, the instrument number of the original deed of transfer, the name of the last grantee of record of each development right affixed or made appurtenant to the receiving parcel, and the serial numbers of the individual certificates for each such development right.

12. The CCRs shall be amended to include:

- a) the 1/2-acre limitation on irrigation by domestic wells;
- b) a 1/4-acre limitation on irrigation of turf grasses by domestic wells;
- c) design review requiring:
 - i) the mulching of plant beds,
 - ii) use of native and drought-resistant plants in the landscape,
 - iii) grouping of plants according to water needs,
 - iv) use of drought resistant landscaping, and
 - v) irrigation systems with water-efficient technologies, such as EPA-certified WaterSense labeled controllers, rainfall sensors, and high-efficiency sprinkler nozzles;
- d) use of the existing surface water rights for the irrigation of pasture areas on Lots 18-24 and homeowner common area Parcels R1-R5; and
- e) summer month homeowner domestic water meter reporting requirements to the HOA, including availability of records for county to inspect.

13. No gates at the entrances of Can Can Road are recommended. The gate at the entrance to Three Bears Way is recommended to be shifted not less than sixty feet (60') from the edge of asphalt on East Glendale Road to discourage an appearance of a gated community from a public thoroughfare. County emergency personnel shall be provided an electronic bypass for the gate to assure access.

14. Energy conservation measures such as providing conduit for solar power in all new dwellings are recommended (?) / required (?).

15. Water conservation measures including use of drought tolerant landscaping are required.

16. Delivery of surface irrigation water to agricultural users via the canal shall not be impeded.

17. To help address existing intersection concerns at State Highway 75 and East Glendale Road, the applicant shall:

- a) pay a voluntary mitigation fee for East Glendale Road and for future improvements to the East Glendale approach onto Highway 75; and
- b) show on the plat an easement at the northwest portion of the property, which shall benefit Blaine County for future improvements to the East Glendale approach onto Highway 75.

18. Landscaping at corners shall take sight lines for traffic into account.

19. The Community Rules or CCR's for Lateral 75 Ranch shall remain consistent with the following provisions, currently included in Article 6 of the (private) Community Rules:

- a) Jet skis and similar water craft are prohibited.
- b) All boats must be equipped to produce a decibel level of 69 dB or less at a distance of 100 feet as measured perpendicular to the craft operating at a speed of 36 miles per hour.
- c) Each watercraft must be carefully inspected for foreign or invasive species of plants or animals, including mussels, prior to placing the watercraft in the lake. Private entities are responsible for all costs and activities to eliminate or mitigate the species.
- d) If a boat leaks fuel in the lake, the leak will immediately be reported to the HOA Board. The boat or lot owner will be solely responsible for all cleanup, remediation or other action necessary to fully clean up and remove the effects of the spill.

20. Consistent with the 6/15/21 revised storage area site plan, the storage area on Parcel R1 shall include:
- a) a six foot (6') tall screening fence and associated fifty foot (50') wide landscape buffer for a distance of approximately one hundred feet (100') to screen the neighbor's house and increase privacy,
 - b) a berm height between the property of approximately five to six feet (5-6'), and
 - c) a setback of the gravel area for the storage portion of Parcel R1 of at least fifty feet (50') from the project's southern property line.
21. Building envelopes shall be shown on the plat consistent with the revised private open space exhibit, dated 6/14/21. Note: subject BEs will need to be reflected on the engineered preliminary plat drawings prior to public hearing with the Board of County Commissioners.
22. All recorded easements, consistent with Idaho Code and Blaine County requirements, shall be shown on the final plat.
23. In order to avoid penetrating the bentonite (ESS13) seal of the lake, the applicant shall install the liners for the individual lot boat docks up front.
24. Prior to commencement of on-site infrastructure construction (roads, utilities, landscaping, etc), the applicant shall prepare a construction management plan for review and approval by the county. Subject plan shall comply with SWPP requirements, as administered by DEQ, and address, among other matters, material delivery routes, construction parking areas, lay down yard locations, dust abatement, areas of proposed disturbance, and post-construction weed control plans.

Approved preliminary plat notes are indicated on the plat dated March 2021. Required additional plat notes and note changes are:

- a) Building permit applications for new primary residences shall provide evidence that a water meter has been installed on the lot's domestic well, prior to issuance of certificate of occupancy.

b) Periodic inspections of individual septic systems, as recommended by the system manufacturer, are required and are the responsibility of the homeowner.

c) Additional wildlife notes as recommended by IDFG:

- (Revise/add to note 32:) All domestic pets, including cats, should be kept indoors, kenneled, or leashed at all time to prevent wildlife disturbances or mountain lion depredation. Pets at large increase negative effects on wildlife. All pet food shall be stored... Do not put garbage out until the morning of pick-up.
- (Revise note 34:) All hay and other livestock feed shall be stored...
- When possible, keep livestock in sheds or barns at night to prevent mountain lion depredation.
- To prevent depredation or use by mountain lions as day beds, completely enclose any outdoor pet kennels (including a roof), outbuildings, window wells, and space underneath decks.

d) Add standard agricultural disclosure plat notes, which may include the following:

1- **MARKETING DISCLOSURE:** this property includes and is adjacent to active agricultural uses, which may involve activities occurring during the day or night. These activities may result in the production of noise, odors, and dust and may involve lights, aerial spraying, machinery and other inconveniences. All deeds conveying title to this property will contain a restriction prohibiting property owners from challenging lawfully conducted agricultural operations occurring within the County.

2- **DEED RESTRICTION:** All deeds conveying title to real property within this subdivision shall include the following deed restriction: "Each Grantee taking this property, or any portion thereof, covenant and agree for the Grantee and Grantee's heirs, executors and assigns, to not challenge any existing or new agricultural uses or operations that are authorized by the Blaine County Zoning Ordinance and conducted within the County and that are or maybe lawfully occurring, or authorized by any government agency, as of the date of each deed conveying any right, title or interest in this property or any portion thereof.

3 **GRANTEE'S ACKNOWLEDGMENT AND WAIVER:** Each Grantee shall, contemporaneously with the execution of any deed conveying title to real property within this subdivision, sign and record with the Blaine County Recorder the

following acknowledgment and waiver, which signing shall be duly acknowledged by a notary public:

“The undersigned acknowledge and agree that the property described in Exhibit A (legal description of property being conveyed) is either located in, or near, an agricultural zone, and that lawful activities within an agricultural zone may occur during the day or night, and may result in the production of noise, odors and dust, and may involve lights, aerial spraying, machinery and other inconveniences. Each of the undersigned acknowledges that the conveying title will contain a restriction that will prohibit challenging all agricultural uses or operations authorized by the Blaine County Zoning Ordinance and conducted within the County and that are or maybe lawfully occurring, or authorized by any governmental agency, as of the date of each deed conveying any right, title or interest in the property described in Exhibit A. Each of the undersigned, for the benefit of any owner of real property within the County, hereby waives any right or cause of action the undersigned may have under law to challenge any such lawfully occurring or authorized agricultural uses or operations.

- e) Plat note # 12 shall be amended to read as follows: “Portions of lots 6-24 are dedicated as private open space in accordance with the TDR regulations of Blaine County. With the exception of driveways to individual homes, fences, and irrigation structures, as well as lakeside improvements as set forth in plat note 13, structures are not allowed outside of platted building envelopes.”

- f) Pursuant to State regulations, maintenance and weed control for all lots are the responsibility of the developer until the lot is sold and thereafter the responsibility of the owners of the individual lots. The control program to be implemented by the responsible party will target those species designated on the Idaho Noxious Weed List. Mowing and manual removal are recommended, although biological control has been shown to be effective in eradicating knapweed.