

**BLAINE COUNTY COMMISSION**  
PUBLIC HEARING on November 29, 2022 at 1:30pm

<b>REGARDING AN APPLICATION OF:</b> <b>TVIV Quigley, LLC to subdivide 566.8 acres through a Simple Planned Unit Development (SPUD).</b>	<b>STAFF REPORT</b> By: Allison Kennedy Date: November 3, 2022
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**REQUESTED ACTION:** The applicant, TVIV Quigley, LLC, proposes subdividing 566.8 acres into 24 lots, through a Simple Planned Unit Development, to be named Quigley Ranch Subdivision. The property is zoned Residential/Agricultural District (R-5) and Rural Residential District (R-10) with the following overlay districts: Floodplain & Riparian Setback, Mountain Overlay, Avalanche, Wetland, and Wildlife. It is located adjacent to the City of Hailey and within the Hailey Area of City Impact (ACI) within Sections 2, 3, 10 & 11, T2N, R18E, BM, Blaine County.

**APPLICABLE REGULATIONS:**

- Title 10 (Subdivision Regulations): Chapters 1-5
- Title 9 (Zoning Regulations): Chapters 1-3, 6, 7, 17, 19, 20, 21, 22
- Title 8 (Comprehensive Plan)

**Summary**

Quigley Ranch Subdivision is a 24-lot Simple PUD with lots ranging in size from 1.27 to 4.95 acres. A 1,278 acre Conservation Easement held by the Wood River Land Trust encompasses the majority of the property owned by the applicant, including property extending beyond the PUD application under the same land ownership, further within the canyon. The lots are proposed closer to the City of Hailey boundary, with 18 lots within 3 “pods” and 6 lots on the northwest side of the future realigned Quigley Road. (See Exhibit A-3, Preliminary Plat. The actual footprint of the proposed development is +/-48.9 acres, leaving +/- 1,229.1 acres under a conservation easement.

Quigley Canyon is an active area for recreation. Quigley Road is used by: walkers of all abilities who stroll on the road usually with a dog, bicycles, vehicles, snowmobiles, and dirt bikes traveling to private and federal land. In addition, hikers and bikers utilize the public and private trails on the hillside adjacent to the public road. The Blaine County Recreation District (BCRD) grooms trails for Nordic skiers and their dogs on the valley floor spanning both city and county jurisdictions. The BCRD and Land Trust have a management plan that was designed to adapt to the outcome of this subdivision application, in regards to design and management. (See Exhibit C-2) The use of this canyon will increase due to the proximity to the expanding population center. The build out of this application and city subdivisions of Quigley Farm and Sunbeam will have the most impact; however, many City of Hailey residents utilize this canyon for recreation.

The Quigley Ranch Subdivision and increased activity in Quigley Canyon is and will continue to negatively impact existing wintering big game habitat (See IDFG Letters Exhibit C-10 & C-11). The expectation that big game will move to other locations and further out of Quigley Canyon is anticipated due to increased pressure from human noise and activity. Increased harassment from dogs is also expected to rise, as population and recreation activity is pushed further into the canyon. While minor changes to the PUD may not change this long-term outcome, it should be considered a factor to help slow the pressure on our wintering and early spring big game species whenever possible during the discussion process.

### **Planning & Zoning Recommendation**

The Planning & Zoning Commission ("Commission") recommended denial of the Quigley PUD application. Although the Commission recommended denial, they did provide potential conditions should the Board approve the application. Please see the Findings of Fact & Conclusions of Law signed September 29, 2022 in its entirety within Exhibit C-7. Staff incorporated within these Findings, the Commission's discussions as they deliberated each standard. It is recommended that the Board review this document prior to the hearing. Within this Board of Commissioner staff report, staff has noted which standards the Planning and Zoning Commission recommended denial.

This application is presented as it was presented to the Planning and Zoning Commission. The applicant had responded to the Planning & Zoning Commission inquiries of the May 26, June 9, and July 7 hearings with various design drafts that included building envelopes, parking schematics, a reduced road width to match the city dimensions and an adjacent walking path. These exhibits that were later added start at Exhibit A-12 through A-22.

## **I. GENERAL BACKGROUND**

1. Procedural history: The Planning & Zoning Commission held public hearings on May 26, June 9, July 7, August 18, 2022 and recommended denial of the application on August 18, 2022.
2. **Notice** of the November 29, 2022, public hearing was:
  - i. published in the Idaho Mountain Express on November 9, 2022;
  - ii. sent by first class mail on to all property owners within 300 feet of the external boundaries of these lots on October 25 & November 14, 2022;
  - iii. sent to all political subdivisions on November 14, 2022;
  - iv. sent to Area of City Impact September 29, 2022 & October 25, 2022
  - v. sent to public water system owners on October 17, 2022; and,
  - vi. posted on subject property on October 26, 2022 as evidenced by affidavits in file, which is more than seven days prior to the hearing.
  - vii. Published a box ad in the Idaho Mountain Express on November 16, 2022

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

3. Any disclosures (i.e. conflicts of interest, site visits or *ex parte* communications)?  
*Ex parte* contacts involve a decision-maker's receipt of any information pertaining to an open application on a quasi-judicial matter. (i.e.: emails, phone calls, conversations) The undisclosed receipt and consideration of *ex parte* information denies interested persons their right to review and respond to this off the record information, resulting in a due process violation and more generally, an unfair process.

**Board Member separate site visit dates:** Commissioner Fosbury: November 2, 2022;  
Commissioner Davis: October 26, 2022; & Commissioner McCleary: October 26, 2022

4. Attached to this report are the following exhibits:

**“A” Exhibits—Application Materials**

All application materials were received on February 10, 2022, unless indicated otherwise.

- A-1:** Application & Attachment A
- A-2:** Subdivision Findings Attachment B
- A-3:** Preliminary Plat updated 4-29-2022
- A-4:** Impact Assessment Form Attachment D
- A-5:** Engineer Drawings of Roads 3-17-2022
- A-6:** Adjacent Well Logs
- A-7:** Quigley Creek Riparian & Wetlands Report 2-10-2022
- A-8:** Wildlife Assessment and Conservation Plan 2016
- A-9:** Wildlife Assessment and Conservation Plan 2022
- A-10:** Quigley Canyon Recreational Map
- A-11:** Avalanche Study
- A-12:** Constraints Map 4-29-2022
- A-13:** Parking Alternative 4-29-2022
- A-14:** Quigley Ranch County P and Z Hearing Presentation 5-26-2022
- A-15:** Transmittal Letter signed 5-30-2022
- A-16:** Quigley Irrigation Budget - 6-3-2022
- A-17:** Land Use Map.6-3-2022
- A-18:** Lots 7-24 Location and Size Requirements Memo\_signed.5-30-2022
- A-19:** Applicant Responses to P & Z Questions 7-1-2022
- A-20:** Updated Building Envelope Proposal 7-1-2022
- A-21:** Applicant Power Point Presentation 7-7-2022
- A-22:** Laski Letter to Commissioners 7-25-2022

**“B” Exhibits— Agency Comments**

- B-1:** Blaine County School District 9-16-2021
- B-2:** Cox Communications 9-15-2021 & 11-15-2021
- B-3:** South Central Health District 11-1-2021
- B-4:** Lumens 3-4-2022
- B-5:** Wood River Rural Fire District 11-19-2021

- B-6:** Wood River Land Trust 11-29-2021, 5-23-22, & 07-07-22
- B-7:** Idaho Power 11-27-2021
- B-8:** Intermountain Gas 3-2-2022
- B-9:** Idaho Department of Water Resources 2-22-2022
- B-10:** Idaho Fish & Game 12-8-21
- B-11:** Idaho Fish & Game 2-18-2022
- B-12:** Blaine County Engineer 4-25-2022
- B-13:** IDFG Comment Letter 5-31-2022
- B-14:** Blaine County Recreation District 5-26-2022
- B-15:** BCRD 6-9-2022
- B-16:** County Engineer 6-29-2022
- B-17:** City of Hailey Letter 7-13-2022

**“C” Exhibits—Additional Information**

- C-1:** Conservation Easement
- C-2:** Quigley Farms Conservation Easement Management Plan
- C-3:** Quigley Ranch Subdivision Conservation Easement Overlay
- C-4:** Stoney Cove Plat
- C-5:** Quigley Farms Subdivision Zoning Map
- C-6:** Portions of Annexation Agreement City of Hailey & Quigley Farms Subdivision
- C-7:** Planning & Zoning Commission Findings of Fact & Conclusions of Law 9-29-2022
- C-8:** ACI agreement
- C-9:** BCC 10-6-6: General PUD Development Standards

**“D” Exhibits—Public Comments**

- ~~**D-1:** Keri York, Received 05-23-22~~
- D-2:** Erik Schultz, Received 05-24-22
- D-3:** Debbie Town, Received 05-24-22
- D-4:** Chris Keirn, Received 05-24-22
- D-5:** Lorraine and Ron Wilcox, Received 05-24-22
- D-6:** Wendy Pabich, Received 05-24-22
- D-7:** Ginna and Ken Lagergren, Received 05-25-22
- D-8:** Paul Ries, Received 05-25-22
- D-9:** Cathy Schiers, Received 05-25-22
- D-10:** Elizabeth Massey, Received 05-25-22
- D-11:** Ronile Robinson, Received 05-25-22
- D-12:** Schiers, Received 05-25-22
- D-13:** Rosemary Cody, Received 05-25-22
- D-14:** Linda Ries, Received 05-25-22
- D-15:** Janet and Charlie Meyer, Received 05-25-22
- D-16:** David Harris, Received 5-26-22
- D-17:** Richard Fassino, Received 5-26-2022
- D-18:** Carol Comtaruk, Received 5-26-2022
- D-19:** Ned Wheeler, Received 5-26-2022
- D-20:** Elizabeth Lili Simpson. Received 05-26-22
  - Mule Deer Wintering Range. Part of Exhibit D-21. Simpson
  - Idaho Department of Fish and Game. Part of Exhibit D-21. Simpson

- IDFG, part of Exhibit D-21. Simpson.

**D-21:** Dawn Cieslik, Received 05-26-22  
**D-22:** Vicky Ownbey Received 05-26-22  
**D-23:** Christine Keirn, Received 5-30-22  
**D-24:** Megan Tanous. Received 06-06-22  
**D-25:** James Westfall. Received 06-06-22  
**D-26:** Kastner Received 6-7-2022  
**D-27:** Petersen Received 6-8-2022  
**D-28:** Barr Received 6-7-2022  
**D-29:** Bibb Received 6-7-2022  
**D-30:** Thompson Received 6-8-2022  
**D-31:** Alec Barfield. Received 06-09-22  
**D-32:** Riley Received 6-9-2022  
**D-33:** Sawyer Received 6-9-2022  
**D-34:** Stopel Received 6-9-2022  
**D-35:** O Leary Received 6-9-2022  
**D-36:** Kirby Received 6-9-2022  
**D-37:** Seitz Received 6-9-2022  
**D-38:** Schroeder Received 6-9-2022  
**D-39:** Jeffrey Received 6-9-2022  
**D-40:** Goldberg Received 6-9-2022  
**D-41:** Archibald Received 6-9-2022  
**D-42:** Spangenberger Received 6-9-2022  
**D-43:** Andrew Harding Received 06-09-22  
**D-44:** J. Trent Jones Received 06-09-22  
**D-45:** Chelan Pauly Received 06-13-22  
**D-46:** Martha Bibb Received 06-13-22  
**D-47:** Aubrey Stephens Received 06-16-22  
**D-48:** James Keller Received 06-21-22  
**D-49:** Mark Casson Received 06-21-22  
**D-50:** James E. Karkut. Received 06-22-22  
**D-51:** Nancy Linscott. Received 06-27-22  
**D-52:** William Hughes. Received 06-27-22  
**D-53:** Ted Angle. Received 06-27-22  
**D-54:** William Hughes. Received 06-27-22  
**D-55:** Diane and Jeff Cordes. Received 06-30-22  
**D-56:** Debbie Town. Received 07-05-22  
**D-57:** Cathy Schiers. Received 07-05-22  
**D-58:** Ginna and Ken Lagergren. Received 07-06-22  
**D-59:** Jeanne Brydges. Received 07-06-22  
**D-60:** Bernard F Brown. Received 07-06-22  
**D-61:** Elizabeth (Libby) Massey. Received 07-07-22  
**D-62:** Claire Casey. Received 07-07-22  
**D-63:** Kathleen and Jerry Eder. Received 07-07-22  
**D-64:** Kim Morgan. Received 0-07-22  
**D-65:** Carol Monteverde. Received 07-07-22  
**D-66:** Laura Gvozdias. Received 07-07-22  
~~**D-67:** Keri York Received 07-07-22~~

- D-68: Rob Rishmawy. Received 07-07-22  
D-69: Denise Jackson Ford. Received 07-11-22

**BCC Public Comments**

- D-70: Elizabeth Lili Simpson 07-18-22  
D-71: Ginna and Ken Lagergren 09-22-22  
D-72: Len Harlig 10-20-22

**II. DESIGN AND IMPROVEMENT STANDARDS §10-5-1, 10-5-2, AND 10-5-3**

10-5-1: ADMINISTRATIVE STANDARDS: No preliminary plat application shall be considered by the board or commission until the administrator makes a positive finding with regard to each of the following standards:

- A. *Other regulations: To the extent applicable, subdivision proposals shall comply with:*
1. *The following sections of this code:*
    - a. Any chapter of [title 3](#) with the recommendation or approval of the health district; **SCPHD comment letter states soil is suitable for standard subsurface sewage disposal (B-3). SCPHD is required to sign off on final plat and individual building permits.**
    - b. Any section of the County's Right-of-Way Management Plan with the recommendation or approval of the county engineer and recreation district if appropriate; **See County Engineer comments; Exhibit B-12 & B-16.**

**The County engineer submitted two comments during the Commission hearings.**

- **Exhibit B-12 4-25-2022: The comments stated that he agreed with the re-classification of the road from “recreational” to a 60’ right of way, with a “rural minor access” functional classification typical section; from the city limits through the proposed subdivision.**

**In addition, the County Engineer states: *The proposed road improvements horizontal and vertical alignments appear to be met, or exceed, appropriate road design standards for a 35mph travel speed.* The comments recommend No Parking signs along the road to ensure access of the 5’ row shoulders for recreators (Suggested condition # 18)**

**Comments regarding maintenance: *Currently, Blaine County Road & Bridge maintains the existing Quigley Road from Quigley Lane to end of the improved dirt road on BLM property. ... This length of Quigley Road is paved, and the City of Hailey shares some maintenance activities, including snowplowing, on this paved portion of Quigley Road. Blaine County Road & Bridge maintains the remaining unpaved length of Quigley Road as a seasonal, recreational use road. Hailey recently annexed properties both north and south of the existing Quigley Road for approximately ½-mile easterly from the end of the paved section. The civil engineering plans submitted with the Quigley Ranch Subdivision application include improvements for this ½-mile of existing road, from the end of the existing pavement to the new Hailey city limits.***

- **The County Engineer submitted new comments Exhibit B-16 on June 29, 2022 (Exhibit B-16) suggesting that the County road that travels through the Quigley Ranch Subdivision could match the City of Hailey street width of 2-11' lanes with 2' shoulders instead of our typical county road section of two 11' lanes with 5' shoulders. This would provide more continuity within the two subdivisions. This would change the functional classification of this length of Quigley Rd to “improved access” instead of the previously suggested “rural minor access”. Beyond the subdivision the road would remain classified as “recreational access.”**

**This would then provide 6' of width that land use staff suggests could be used as a separated pathway to answer the public comment/concern for a safe walkway that pedestrians could utilize throughout the year, along the roadway. See suggested condition # 29. In addition, the applicant drew a design schematic within Exhibit A-19.**

**The BCRD management plan and winter trail design are both adaptable dependent on final plat design. BCRD did request the need to add plat notes to address the expected noise and lights in winter due to grooming. See suggested Plat Note F.**

***c. Any chapter of [title 7](#) with the recommendation or approval of the building official and fire official in an established district; See Wood River Rural Fire letter on proposed site plan which states that the site plan meets code and individual residential structures will be reviewed at time of building permit application. The site plan is proposing two cisterns. Also, 20' wide access roads and turnarounds required for roads longer than 150'. (B-5)***

d. [Chapter 2](#) of [title 8](#); and

- A city of Hailey letter was received by the Planning and Zoning Commission after deliberations had already started. It therefore was not considered into their record. The Board can now review this letter and incorporate the information within this hearing. Please see Exhibit B-17. In this letter the Mayor says that they support the application, proposed density and site plan, however would like to see parking not be prohibited along Quigley Rd. In addition, the City recommends striping the road for shared uses and supports the separated gravel path and a 13-space parking area at the terminus of the paved road, an idea that came up within the Planning and Zoning hearing.

P & Z Finding/Recommendation p. 7:

The City of Hailey ACI comments were requested March 9, 2022. Informal comments were received by staff before and after a project overview meeting in March, however no official comments were submitted to the P & Z Commission prior to deliberations which began July 7, 2022.

See Exhibit C-6, a portion of the Hailey Annexation Agreement with Quigley Farm Subdivision. Section B discusses the County Property. This states “In addition, prior to or concurrent with a subdivision application on the County Property, Quigley shall seek a rezone with Blaine County to a R-1 zoning district, or pursue other appropriate processes within the County to allow for smaller lot sizes on the County Property, and the City shall support such application.” The Commission recommends that to meet the City of Hailey Annexation Agreement (and the conservation easement) that the applicant should provide another draft preliminary plat with smaller lot sizes for the 24 lots to either meet the “R-1” (1 -acre) or “smaller lot sizes” that the City of Hailey supported within the ACI. This would then more clearly meet the standards of evaluation for 10-5-1.A.d (Area of City Impact).

- The Commission finds with a 6-0 vote that the application does not meet the intention of the annexation agreement within the ACI due to the rationale that the annexation agreement specifies the intention of R-1 zoning and smaller lot sizes within the county portion of the development within the ACI. The Commission recognized that the City of Hailey cannot dictate what happens on behalf of the county property, however the Commission finds the intention of R-1 zoning was made clear in the agreement’s verbiage within the ACI. Therefore, the Commission does not agree that this administrative standard has been met.



e. Any chapter of [title 9](#). Title 9 Zoning Regulations that are pertinent to this application and reviewed within the standards are those in the R-5 Zoning District(Ch. 7), Mountain Overlay District(Ch 21), Wetland Overlay District (Ch. 19), Avalanche Overlay District (Ch. 22), Floodplain & Riparian Setback District(Ch. 17), Wildlife Overlay(Ch. 20)

2. Adopted Idaho transportation department standards, if the applicant seeks a new or expanded access onto a state highway. **N/A Subdivision not off of Hwy.**

B. *Resource Protection Requirements:*

1. *Floodway Areas: Floodways, as determined by adopted floodplain studies, shall be left undeveloped except as permitted by [title 9, chapter 17](#) of this code. **N/A - no development proposed in mapped floodway.***

2. *Avalanche Areas: No new habitable buildings shall be located within a high (red) avalanche hazard area, as determined by a professional study.*

**Proposed buiding envelopes are out of blue and red avalanche hazard areas (Exhibit A-20).**

3. *Riparian Areas: Development shall be located out of any land within the floodplain as required by subsection [10-5-2D](#) of this chapter. Except as provided below, all development shall be subject to the following setbacks as measured from the "ordinary high water mark" along "streams" defined in section [9-17-6](#) of this code:*

*Class 1 stream: Two hundred foot (200') setback.*

*Class 2 stream: One hundred twenty five foot (125') setback.*

*Class 3 and class 4 streams: One hundred foot (100') setback.*

*If smaller setbacks are requested, then a riparian area management and mitigation plan that meets requirements of section [10-4-4](#) of this title shall be presented for review and consideration by the board, according to standards in section [10-5-3](#) of this chapter. In no case, shall the setbacks be less than those defined in section [9-17-6](#) of this code.*

**Lots 7-18 are all proposed outside the surveyed floodplain line. In addition, Quigley Creek, classified as a Class 3 intermittent stream, is located at the closest 200' from the proposed lot boundaries. (See A-3 & A-7)**

4. *Wetlands Areas: No new buildings shall be located within seventy five feet (75') from "wetlands" as defined in section [9-19-2](#) of this code...All wetlands referred to in Exhibit A-7 are in excess of 75' from lot lines. Most wetland areas are concentrated well beyond the proposed lots, in Parcel E.*

C. *Drainage: Drainage systems shall not discharge into any sanitary sewer facility*  
**Individual or shared septic systems will need to be permitted by SCPHD.**

D. *Lot requirements:*

1. *Lot sizes, uses and the location of uses shall satisfy any zoning regulations and other applicable sections of this code. See Simple Planned Unit Development (SPUD) explanation below and in Exhibit A-1. All proposed development is outside of overlay districts excepting wildlife overlay (pending approval of MOD Re-zone for Lots 1-6).*
2. *No single lot shall be divided by a street, existing right of way or other lot.*
3. *No single lot shall be divided by a municipal or county boundary line. No lots are so divided*
4. *Lots shall have a minimum mean width of seventy five feet (75'). All lots above 75'; narrowest lot is Lot 13 at 148.14'*
5. *No residential building or structure for human habitation shall be located within one hundred fifty feet (150') of the centerline of a power transmission line. No transmission line within 150'.*
6. *All buildings on lots located adjacent to public lands shall have a minimum thirty foot (30') setback from public lands. BLM lands abut portions of the private property however not adjacent to the proposed lots.*

***SIMPLE PLANNED UNIT DEVELOPMENT (SPUD): A PUD that utilizes only eligible acreage to establish base density and does not allow for density increases or waivers beyond lot size, lot dimensions or road width. (Ord. 2009-06, 8-26-2009)***

***10-6-7: SIMPLE PLANNED UNIT DEVELOPMENT (SPUD):***

***A. Purpose: To promote residential clustering and open space dedication through the provision of simplified development standards and establish public benefit through the utilization of eligible acreage density calculations.***

***B. SPUD Developable Residential Density: Ninety percent (90%) of the eligible acreage calculated according to the density of the underlying zoning district.***

***C. Limitations:***

1. ***Restricted to residential zones and uses.***
2. ***No density bonus will be allowed. Utilization of TDRs in a SPUD shall not be considered a bonus to the underlying zoning density limits.***
3. ***Only waivers for lot size, lot dimensions and road widths may be allowed. (Ord. 2009-06, 8-26-2009)***

**The applicant has provided in Exhibit A-1 the following SPUD Density Calculations:**

**The property size for the subdivision is 566.8 acres. 133.8 acres within the R-5 Zoning District are eligible, after excluding the Floodplain, Mountain Overlay District, & Red Avalanche District. SPUD standards require that 90% of the eligible acreage is the final density permitted. This means 24 units are the total SPUD density permitted on this property.  $(133.8 \text{ acre} \times .9) / 5 = 24.03$**

The applicant proposes 18 smaller residential lots ranging size from 1.27-1.68 acres & 6 medium lots ranging from 1.78-4.95 acres. 10-6-6.B requires PUD's with R-5 Zoning to include 30% open space. The developer is including 40.5 acres of open space within the eligible acreage which is above the 40.14 required.

(The applicant owns more property that is not included with this subdivision application under conservation easement totaling a cumulative of 1,229.1 acres of open conservation land. Exhibit C-3.)

**Planning & Zoning Finding/Recommendation:**

- **The Commission found that the application did not meet the General PUD Purpose Standards in the current lot configuration. Specifically, the Commission found it did not meet these code standards 10-6-2-B, C, & F (See Exhibit C-9 for Blaine County Code 10-6-6: General PUD Standards):**
  - B. Open Space And Recreation Areas: More useful, convenient location of open space and recreation areas for new residents;**
  - C. Efficient Use Of Land: A more efficient use of land than is achieved through straight lot subdivisions, resulting in construction and maintenance savings through shorter utility lines and streets;**
  - F. Preservation Of Character: The preservation of Blaine County's open space and rural character;**

**Discussion leading to this negative recommendation was due to the development design not using the land efficiently [Title 10 Chapter 6- Planned Unit Developments -Purpose-C. Efficient Use of Land (10-6-2: C)] by condensing the development so it abuts the existing city limits allowing for a larger contiguous parcel of uninterrupted open space for preservation of character & better quality wildlife habitat. [Title 10 Chapter 6- Planned Unit Developments -Purpose-Open Space & Recreation Areas & Preservation of Character (10-6-2: B & F)]**

*E. Utilities: Any proposed subdivision in a residential zoning district shall install all new utilities, including, but not limited to, gas, electric power, telephone and CATV cables, underground. Underground service connections to the street property line of each platted lot shall be installed at the applicant's expense. The applicant proposes to provide all utilities as required including power, telephone/internet and gas. See comment letters from Idaho Power, Lumen, Intermountain Gas and Cox. Suggested Condition of Approval #20.*

*F. Water Supply:*

*1. General Requirements:*

- a. All domestic water sources shall meet state and federal standards for drinking water, wells, separation from sewage disposal systems and any other related requirements. SCPHD standard for A type soils requires 300 feet from surface water, 100 feet from any well, 50' from ditch and 50' from any septic tank. SCPHD letter said they did not object to a subdivision if these were met. IDWR noted individual wells will follow domestic use permit standards. The drainfields are in excess of 300' to Quigley Creek.*

- b. *Fire protection systems shall meet local fire code requirements. The subdivision meets Fire District standards and proposes two 10,000-gallon cisterns for fire protection. The IDWR letter commented that the water supply bank be utilized for the first and subsequent fills of the cisterns. (Exhibit B-9) This is added as suggested Condition # 21.*
- c. *All abandoned wells shall be sealed to prevent contamination of ground water. N/A no abandoned wells*
- d. *The requirements of Idaho Code section 42-111 for domestic water limits and section 50-1334 for subdivision water systems shall be satisfied. IDWR stated 42-111 and state drilling permits must be followed. Idaho Code 42-111 & 50-1334 is also noted on preliminary Plat Note 24 stating wells will be drilled for each lot and a ½ acre domestic water use. See section F-b. above, regarding cisterns. The developer may voluntarily reduce this to ¼ acre domestic water usage through a plat note and inclusion within their CC&R's. See Irrigation discussion below.*

2. *Central Water Systems:*

- a. *Central water systems shall be required for subdivisions where any lot is less than one acre in size. N/A all lots more than 1 acre*
- b. *A water district or other party acceptable to the Idaho department of health and welfare, division of environmental quality ("DEQ") shall be organized for the operation, maintenance and ongoing monitoring of central systems. N/A*

3. *Irrigation And Domestic System Requirements:*

- a. *Existing on site surface and ground water rights shall be used for existing on site agricultural uses and domestic and landscape needs before additional domestic rights are sought. Domestic wells shall be limited to in-house use or only used for occasional irrigation of less than ½ acre when the existing water rights are not deliverable (Added as suggested Condition #16). Please refer to IDWR letter, Exhibit C-9. In addition, the letter states that, "the proposed subdivision is not currently covered by all of the irrigation water rights listed in the plat and other material relating to the subdivision. It may be necessary to file an *Application for Transfer of Water Right* in order to change the place of use of the listed water rights to cover all of the subdivision."(Added as suggested Condition #17)*

**The applicant's representative stated that they plan on utilizing irrigation water rights from the adjacent Quigley Farms Subdivision and utilize their graywater for landscape irrigation within the Quigley Ranch Subdivision.**

**Exhibit A-15 states that the residential lots irrigation needs are assumed/proposed at 3,000 gallons per day with metered irrigation. Idaho State Law has a restriction at ½ acre irrigation and 13,000 gallons per day domestic water usage. The developer can require a maximum of ¼ acre usage in an event that the gray water system that they hope to utilize is not running at capacity or is not functioning. The recently approved Lateral 75 Subdivision voluntarily restricted turf grass irrigation specifically stating within the plat, "Irrigation of turf grasses by domestic**

wells shall be limited to one-quarter (¼) acre. Total irrigation by domestic wells shall not exceed 6,500 gallons per day. Summer month homeowner domestic water meter reports shall be made available to the HOA and to the County for inspection.” The Commission recommends that the developer of this application similarly adds this language to ensure water conservation in case the re-use system is not functioning on the property and to ensure monitoring can occur. See suggested plat note-h and possible condition 16.

*b. Agricultural and domestic water delivery systems shall not be intermingled. Individual wells are proposed. Agricultural operations are utilizing existing ground and surface water rights.*

*c. All new wells shall be metered. See preliminary plat note number 24 (Exhibit A-3) and suggested plat note h.*

*G. Sewage Disposal:*

*1. All sewage disposal systems shall meet DEQ standards as administered by the South Central health district ("SCHD") and as set forth in the Idaho Code. See Exhibit B-3. SCPHD will stamp final plat and individual building permits.*

*2. Unless otherwise approved by the SCHD:*

*a. One acre shall be the minimum size of any lot with a septic tank-drain field sewage disposal system; and All lots proposed at more than 1 acre.*

*b. Three hundred feet (300') shall be the minimum separation between any drain field site and a natural stream, spring or lake. SCPHD letter recommended 300'. This is confirmed in the updated plat (Exhibit A-3) and in the Constraints Map (Exhibit A-12) for the drainfields on Lots 15, 16, 21 & 22 as it pertains to the seasonal flow of Quigley Creek.*

*3. A sewage district or other party acceptable to DEQ shall be organized for the operation, maintenance and ongoing monitoring of any central sewage system. N/A*

*4. Septic systems shall be built to facilitate periodic inspections and maintenance, including the installation of an access riser with lid to grade over the septic tank manhole, effluent filters with access riser and lid to grade, and drain field inspection ports.*

*A requirement for periodic inspections of the septic shall be noted on the plat. See preliminary plat note 23 (Exhibit A-3). This plat note needs to be expanded to include periodic inspections. See suggested plat note A.*

*H. Street Improvements:*

*1. Street designations shall be determined by the administrator after receiving recommendations from the county engineer. Quigley Road would be re-designated "rural minor access" as proposed with a 60' ROW.*

- **Exhibit B-16 suggests Quigley Road should be re-designated "improved access". The County road that travels through Quigley Ranch Subdivision could match the City of Hailey street width of 2-11' lanes with 2' shoulders instead of our typical county road section of two 11' lanes with 5' shoulders. This would provide more continuity within the two subdivisions and reduce the overall vehicle road width. This would change the functional classification of this length of Quigley Rd**

to “improved access” instead of the previously suggested “rural minor access”. Beyond the subdivision the road can remain classified as “recreational access.”

A natural grubbed recreational trail could then be created alongside the trail in the 6’ remaining area previously planned for a 60’ROW. See suggested condition 29 & Applicants Exhibit A-19 with a draft schematic.

2. Streets shall be located by the following guidelines:
  - a. When an official street plan has been adopted, subdivision streets shall conform to that plan. **See Exhibit A-5 for engineered road design.**
  - b. Frontage roads, landscaping or other design devices to screen or separate traffic shall be required where a subdivision abuts or contains an arterial or major thoroughfare for adequate protection of residential property and to separate through traffic from local traffic. **N/A**
  - c. Streets for industrial and commercial subdivisions and accessory parking shall be planned to connect with arterial streets so as not to generate traffic on local or minor streets. **N/A Residential subdivision application.**
  - d. Alleys shall be provided in multiple dwelling, commercial or industrial subdivisions.... **N/A.**
  - e. Culverts or bridges shall be provided and installed by the subdivider where drainage channels intersect any street rights of way. Culverts shall, at a minimum, extend across the entire width of the street and shoulder. **Culverts are needed at the drainages leading into Quigley Road from the northwest hillsides. The applicant’s representative states: We will be adding overflow culverts to our construction drawings, allowing drainage from these bowls to be conveyed through the roadside swales on Quigley Road and under Quigley Road to agricultural field between the 6-lot clusters. I plan to size conveyance infrastructure for a 1 inch per hour storm which is typical for surrounding jurisdictions. (See suggested condition number 22.)**
  - f. Streets shall be complementary to existing road patterns and tie into the existing system where stub streets indicate that intent. **Proposed development has 3 private streets tying into Quigley Rd., a county road to be re-designated rural minor access. Streets which are a continuation of established streets shall be aligned so that the centerlines coincide. Quigley Rd. center lines will match the section of road within the municipal boundary.**
  - g. Reserve strips controlling access to public streets shall be permitted provided that the control and disposition of that land is placed within the jurisdiction of the board under conditions specified and shown on the final plat. **Not requested.**
  - h. 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. **See preliminary Plat Note 25 that describes a 10’ public utility easement. Also added as Condition #23.**
  - i. Intersection Location And Specifications: Intersections shall conform to the following:
    1. No more than two (2) streets shall intersect at one point. **N/A streets only intersect with Quigley Rd at one point each.**

2. *Street centerlines shall be offset by at least one hundred twenty five feet (125').* **Satisfied**

*J. Street Specifications: The following street specifications are in effect:*

1. *Street Construction: Street construction shall comply with title 6 of this code. ROW management plan and related roadway documents are applicable as referenced in Title 6 (6-1-1-1)*

2. *Street Names: Street names on new streets aligned with existing streets shall have the same name as the existing streets. Proposed street names shall not duplicate or be sufficiently similar in sound or spelling to cause confusion with existing street names. Street name signs and all other traffic control signs or devices as required by the board shall be installed by the subdivider. Cul-de-sacs shall be named circle, court, or place. **The cul-de-sacs, if approved, will need to incorporate circle, court, or place in their names. Currently they end in Road or Lane. The private streets are proposed to be named Meadow Lark Rd, Wild Rye Lane, and Red Fox Trail. This could be added as a condition for the final plat. (See suggested Condition #24)***

3. *Street And Road Design: All streets and roads shall be designed by a licensed professional engineer. The plans and specifications for such roads and streets shall be approved by the county prior to acceptance of the final plat. See Exhibit A-5 for engineered drawings. The County Engineer stated the road design thresholds are met. However, more discussion is needed on maintenance agreements of these roads between the city, county, and HOA. See discussion within 10-5-3 Design standards section N of this report.*

*K. Lighting Standards: All outdoor lighting in the proposed subdivision shall comply with title 9, chapter 29A of this code. All exterior lighting is reviewed at time of building permit application for compliance with the Outdoor Lighting chapter of the county's Zoning regulations. Also added to suggested plat note addition C.*

**► FINDING:** By a majority vote, the Planning & Zoning Commission found that the following Administrative Standards were not met: Standard A.1.d., Chapter 2 of title 8 (Area OF City Impact ) and Standard D. Lot Requirements (PUD General Standards)

10-5-2: THRESHOLD STANDARDS: No preliminary plat application shall be approved unless the board determines that the application complies with each of the following standards:

A. *Administrative Standards: The administrator's recommendations on the standards set out in section 10-5-1 of this chapter are acceptable or need modification. **The administrator's finding on administrative standards are noted above.***

B. *Comprehensive Plan: The proposed subdivision of land conforms to and is in accordance with the comprehensive plan text and map.*

**Applicants Comments (Exhibit A-2) : The applicant has provided extensive response to the comprehensive Plan, referencing multiple chapters.**

**Land Use - The Land Use chapter also includes several policy statements related to sustainability. The Commission supported and the Board may wish to consider sustainability features in the proposed subdivision for water conservation and renewable energy (e.g. all homes in the subdivision to be wired or provide conduit for solar energy, further limit lawn area to be irrigated by domestic wells, etc.).**

**Planning & Zoning Findings /Recommendation:**

- **The Commission found that standard, B. Comprehensive Plan, was not met by a 5-1 vote. Specifically: Desired Outcome C-1: Ensure that county roads function as safely and efficiently as possible year-round. & Desired Outcome A-10: Prioritize roadway solutions that reduce wildlife/vehicle conflicts.**

**The Commission expressed concern that as designed with access off of Quigley Road rather than through Quigley Farm Subdivision 24 lots will incur more traffic with deliveries etc. reducing safety for recreators. It was expressed that if the applicant came back with a new design to have all 24 lots on the flat south of the existing Quigley Road and the access road to enter the subdivision was through Quigley Farms subdivision this comprehensive plan standard could be met.**

**In addition, Desired Outcome B-3: Facilitate the development of smaller houses, dwelling units, and lots through zoning and other tools. The Commission found this comprehensive plan goal was not met since a design can provide for smaller lots.**

**Desired Outcome A-4: Continue to protect hillside, avalanche-prone, riparian and other sensitive or hazard areas from housing development. Implementation of firewise practices should be augmented in existing lots near wildfire-prone areas and defensible spaces should be established in new subdivisions. The Commission found that this comprehensive plan standard was not met due to the impacts on wildlife and existing hillside with lots 1-6.**

*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.*

**Applicants Comments: 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. In regards to recreation, Blaine County Recreation District will continue public use of the conservation easement land for winter and summer trails.**

**See Exhibits A-2 Subdivision Findings & A-4 Impact Assessment-Attachment D Public Facilities for a full response.**

*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 drain field area and no reasonable building site is available outside of that floodplain boundary. Any other structure shall be governed by the regulations in title 9, chapter 17 of this code.*

**Applicants Comments: No proposed residential lots are proposed within the floodplain area.**

*E. Agricultural And Rural Land (A-20, A-40, R-10 And RR-40): ...*

**N/A property seeking development is zoned R-5.**

*F. Avalanche Areas: Land subject to avalanche hazards, 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.*

**Applicants Comments: Proposed Quigley Road is relocated further from avalanche zones than existing conditions. No private roads are proposed within avalanche zones.**

*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 landslides, mine tailings, 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.*

**Applicants Comments: The 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 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 The applicant is not the State of Idaho.**

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.

**Applicants Comments: A number of well logs for existing wells adjacent to the subject property are attached in Appendix VI. Well production in the project vicinity is in excess of anticipated domestic demands. No water quality issues are known. Irrigation services will be provided to each lot from the existing Quigley Farm reuse system, which will decrease water quantity demand.**

Exhibit A-16 shows that Quigley Ranch Irrigation water budget need of an estimated 74,113 gallons per day at build-out. This does not appear to include the cisterns but a rough estimate of the 24 lots @3,088 gallons per day. 40,000 gallons are estimated to be fulfilled for this irrigation need by the gray water system and the remaining 34,113 gallons to be utilized by surface water rights attached to the property. Please see suggested plat note-h and suggested condition 16 in regards to domestic ground water rights and metering in case these 2 options are not available. If these suggested conditions and plat notes are added then the water quantity standards may be met.

► **FINDING: Threshold standards 10-5-2 A (Administrative Standards) & B (Comprehensive Plan) were not found by the Commission to be met.**

10-5-3 DESIGN STANDARDS: No preliminary plat application shall be approved unless the board makes a positive finding that the application complies with each of the following standards. No waiver of any of these standards may be granted except pursuant to section 10-8-5 of this title.

A. Preservation Of Natural Features: Where found practicable and appropriate, the following specific areas regardless of location shall be left undeveloped and undisturbed:

1. Unique or fragile areas such as geologic features and natural topography of the land with the goal of preserving the character, natural features and configuration of land terrain;
2. Areas of natural vegetation, including unique landscapes, large individual trees, and stands of trees, excluding irrigation rights of way under Idaho Code 42-1101. A plan for landscape protection, tree preservation, and tree introduction shall be evaluated to determine compliance with this standard;
3. Natural habitat and other areas of significant value to wildlife, including migration corridors as identified by Idaho fish and game;
4. Historically significant structures or sites; and
5. Wetlands, natural drainage channels or watercourses.

- **Staff comment:** To better meet conservation value of *natural, scenic, recreational, open space agricultural, wildlife habitat and water resources*, listed within the easement and Standards *10-5-3 A: 1-5 listed above*; the Commission recommends discussion of ways to better meet section *4.2.6. Future Building Envelopes* of the conservation easement.

Specifically this portion of the easement:

*...Landowner can create up to 24 residential lots as small as possible and adjacent to one another to preserve the conservation values of the Property. ...Landowner, with the consent of Land Trust, will work with Blaine County, through the applicable planning and zoning process, to allow for lots smaller than five acres, and to establish lots in a cluster development. (not as defined by Blaine County zoning code, but the lots must be contiguous to each other)...* (Exhibit C-1 Conservation Easement)

The Commission recommended one (1) acre lots for Pods 1-3 (Lots 7-24) and the reduction of the 250' piece of open space between the City of Hailey boundary and the first proposed pod. In addition, removing the 150' space between Pod 1 (Lots 7 -12) and Pod 2 (Lots 13-18) as well as the open space between Pod 3(Lots 19-24). This would reduce the width and length of the overall development footprint on the valley floor allowing for improved contiguous open space within the easement and for winter skiers, meeting the conservation easement desire of *"as small as possible and adjacent to one another to preserve the conservation values of the Property.* (Exhibit A-3, Preliminary Plat) A new design for septic would be required. (See Constraints Map, Exhibit A-12)

Section 19.12 of the Conservation Easement allows for amendments and modifications to the easement provided that, *(b) any modification must benefit or increase the Conservation Values, shall be consistent with the Conservation Easement Purposes, and shall not affect the Easements perpetual duration.*(Exhibit C-1, p.15-16)

Shrinking the footprint of the development to the mouth of the canyon would increase the Conservation Values listed as: *natural, scenic, recreational, open space, agricultural, wildlife habitat, and water resources.* The Conservation Purposes would also be increased and are listed as: *1) the preservation of land areas for outdoor recreation by, or the education of the general public; 2) the protection of relatively natural habitat of fish, wildlife, or plants, or similar ecosystems; and 3) the preservation of certain open space...*(Exhibit C-1, p.1)

- The applicant provided the Commission with Exhibit A-18 which states that one acre lots adjacent to the city boundary are not possible due to adjacent urban agriculture, septic and well separation requirement and drainage. Throughout the county there are several examples of subdivisions that are 1 acre or less than an acre. Staff, based on the Commission's findings, recommends that the Board request some different layouts in order to better meet standards within 10-5-3.A. In addition, drainfields may be placed outside the lots boundaries within the conservation easement area.

Examples of subdivision with individual wells and septic less than an 1 acre:  
Boards Lower Ranch, Willowood, Broadford Highlands.

Examples of 1 acre lot subdivisions with individual wells and septic: The Cliffs II, Aspen Hollow I and II, Stoney Cove (Example attached as Exhibit C-4)

- In addition, during public comment on May 26<sup>th</sup> there were many comments regarding the lots on the north side of the road negatively affecting standards 10-5-3-A.1. *...preserving the character of the natural topography, A. 2. ...Areas of natural vegetation & A.3. ...Natural habitat and other areas of significant value to wildlife, including migration corridors as identified by Idaho Fish and Game;* The Board may consider requesting placing these lots on the valley floor, building envelopes or other restriction on the plat, or other ideas to improve the SPUD to best meet this standard.

#### Planning & Zoning Finding & Recommendation

- *The Commission found that standard, A. Preservation Of Natural Features, was not met by a 5-1 vote. The commission found that proposed lots 1-6 were not found to be practicable and appropriate, and that the following specific areas shall be left undeveloped and undisturbed: 1) Natural topography of the land with the goal of preserving the character 2) Natural vegetation & 3) Natural habitat and other areas of significant value to wildlife, including migration corridors as identified by Idaho fish and game.*

*The commission discussed that the south facing hillside was not preserved for wintering wildlife habitat as IDFG identified and that lots 1-6 should be moved to the valley floor. In addition, the commission elaborated that the development on the valley floor should be moved to the west to create a more contiguous habitat on the flats to lessen impact on the natural features.*

#### *B. Lot Requirements:*

- 1. Each lot shall contain a satisfactory building site which is properly related to topography. All lots are located outside of any overlay districts excepting the wildlife overlay and have a satisfactory building site as related to topography.*

#### Planning & Zoning Finding/Recommendation:

- **The Commission found that this standard was not met with a 4-2 vote. It was discussed that a better design would be to move lots 1-6 to the valley floor to not compromise hillside encroachments. The dissenting votes thought the building envelopes proposed on lots 1-6 were a sufficient compromise for this standard.**
- 2. Corner lots shall be a sufficient area without obstructive landscaping to provide acceptable visibility for traffic safety. Lots 7-24 are located off of internal private roads. Lots 1-6, although not corner lots are proposed to be accessed by a busy public road and a condition of visibility would help with traffic safety. See suggested Condition #25.*
  - 3. Each lot shall have access to an internal street or drive, where practicable. Lots 7-24 are located off of internal private roads.*

**Planning & Zoning Finding/Recommendation:**

- **The Commission found this standard not to be met (6-0 vote) since Quigley Road was the proposed access drive rather than an internal drive accessed from Quigley Farm Subdivision.**

4. *Calculation of lot area shall not include land which is below the "natural or ordinary high water mark" of navigable streams (as defined by Idaho Code sections 50-1202 and 36-1601), and therefore subject to the public trust doctrine. **N/A lots not located within navigable streams.***

5. *If lots in a residential land use area are more than double the minimum acreage required for a residential zoning district (R-.4 - R-2<sup>1</sup>/<sub>2</sub>), equal or exceed the minimum acreage required in the residential/agricultural district (R-5) or are within an area of city impact, applicants may be required to arrange lots in anticipation of future resubdivision and provide for future streets where necessary to serve potential lots. **The subdivision is located within the ACI of the City of Hailey. Streets are not laid out to serve a future re-subdivision, rather 3 separate cul-de-sacs which are not conducive to connectivity. A conservation easement has been placed on the private property surrounding the subdivision limiting the development capability of this land area and eliminating the re-subdivision potential.***

6. *Each lot located adjacent to public lands shall have adequate setbacks and a landscaping plan which provide defensible space to protect private property from wildland fires, to reduce the likelihood of fires spreading from private property to public lands, and to protect public health, safety and welfare. **The lots proposed are not adjacent to the BLM land. Buildable sites for Lots 1-6 are not above the 25% slope line (as indicated in rezone application) and above which is where the adjacent BLM land is located.***

*The board may consider additional requirements recommended by the fire district, including, but not limited to, larger building setbacks from public lands, additional water supply systems, and specific landscaping design. The board may also consider options proposed by the applicant to meet the safety goals of this subsection.*

C. *Blocks: Blocks shall be designed to assure traffic safety and ease of traffic control and circulation. Blocks shall allow for two (2) tiers of lots unless topography or other factors indicate irregularly shaped blocks indented by cul-de-sacs. The board has the authority to review and modify block sizes. **Two blocks proposed: Block 1 north of the road and Block 2 south of the road.***

**Planning & Zoning Finding/Recommendation:**

- **The Commission found that this standard regarding blocks did not comply (6-0 vote) with traffic safety and ease of traffic due to the proposed design of 3 roads and 6 driveways intersecting onto Quigley Rd. The commission commented that these issues could be addressed through an alternative access through Quigley Farm Subdivision.**

*D. Utilities: The subdivider shall:*

1. *Grant a public and private utility easement of at least ten feet (10') in width on the edge of the access road right of way and, where topographic or other conditions permit, centered on all side lot lines; **A 10' public utility easement is proposed along all road. See Preliminary Plat A-3. See Preliminary Plat notes 22 & 25.***
2. *Install utilities prior to road surfacing; and **Not noted on plat but can expand Preliminary Plat note 26 to include this standard.***
3. *Where practicable, relocate underground any existing aboveground utilities, excluding power transmission lines. **N/A- No existing utilities.***

*E. Drainage:*

1. *The subdivider shall provide suitable drainage facilities for any surface runoff from within or upstream of the subdivision. Natural drainage channels shall be used whenever possible. To avoid soil erosion and manage nutrients, sediment catchment basins may be required. **See Preliminary Plat note 21; All surface drainage shall be accommodated by maintaining existing drainage channels where possible or by providing alternative drainage channels where possible or by providing alternative drainage channels to handle surface run off.***
2. *Where a subdivision contains a stream, watercourse, drainageway, channel or ditch, an easement shall be provided adequate to contain that watercourse and any further width necessary for maintenance or reconstruction. **A 10' drainage easement is noted along the roads on the Preliminary Plat. In addition, a 20' irrigation easement is noted running to the first pod between lots 9 & 10.***

*F. Water Supply:*

*1. Central Water Systems:*

- a. *Circular or looped water supply systems may be required.*
- b. *In addition to subsection F1a of this section and the requirements of subsection 10-5-1F2 of this chapter, the board reserves the option to require central water systems for subdivisions where necessary to provide for the public health, safety or general welfare.*

*2. Irrigation System Requirements: All subdivisions shall satisfy the requirements of Idaho Code section 31-3805 for irrigation water delivery.*

**Idaho Code 31-3805 States;**

***(b) The owner or person, firm or corporation filing the subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land has provided for underground tile or other like satisfactory underground conduit for lots of one (1) acre or less, or a suitable system for lots of more than one (1) acre which will deliver water to those landowners within the subdivision who are also within the irrigation entity, ...***

Although it is the intent of the applicant to supplement the lots 7-24 by utilizing water rights associated with the Quigley Farms Subdivision for landscaping and non-in-house uses. See suggested condition 16 and plat note-h to address ambiguity in monitoring and order of water use source. As a response to severe drought in our region, the developer may voluntarily limit domestic water usage to less than the state allowance of ½ acre.

➤ **Applicants Comments: See Exhibit A-4 F Water Supply:**

**1. Domestic (potable) water will be provided by private domestic wells. An irrigation water service will be provided to each lot from the Quigley Farm reuse system (non-potable).**

**Table 4: Potable and Non-Potable Water Demand at Build Out**

<b>Potable Water Demand (MGD)</b>	<b>Non-Potable Water Demand (MGD)</b>	<b>Total Water Demand (MGD)</b>
<b>+/- 0.0072</b>	<b>+/- 0.305</b>	<b>+/- 0.312</b>

**2. Non-potable consumption rates listed above are based upon allowable domestic usage of 13,000 gpd per Idaho Code Section 42-111. Potable demand was assumed to be equal to the wastewater demand in section E1 of this report.**

**3. Potable water will be provided by private domestic wells. Irrigation water will be supplied by the Quigley Farm reuse system, the sources of which include Class A treated effluent and surface and groundwater.**

**Table 5: Potable and Non-Potable Water Supply**

<b>Supply Source</b>	<b>MGD</b>	<b>Appropriation Date</b>	<b>Permit #</b>	<b>Use</b>
<b>Surface (Quigley Creek)</b>	<b>2.28 cfs</b>	<b>10/11/1889</b>	<b>37-19736</b>	<b>Irrigation</b>
<b>Surface (Quigley Creek)</b>	<b>5.27 cfs 30 afa</b>	<b>12/16/1977</b>	<b>37-7693</b>	<b>Irrigation and Irrigation from Storage</b>
<b>Surface (Quigley Creek)</b>	<b>16 afa</b>	<b>1/3/1967</b>	<b>37-2784A</b>	<b>Irrigation Storage and Irrigation from Storage</b>
<b>Groundwater</b>	<b>2.01 cfs 0.12 cfs</b>	<b>7/21/1966</b>	<b>37-20902</b>	<b>Irrigation and Stockwater</b>
<b>Groundwater</b>	<b>0.27 cfs</b>	<b>4/15/1985</b>	<b>37-21348</b>	<b>Irrigation</b>
<b>Groundwater</b>	<b>2.01 cfs 56.7 afa</b>	<b>10/28/1979</b>	<b>37-21349</b>	<b>Irrigation</b>

**4. No wells exist on site.**

**5. No interference from proposed on-site domestic (potable service) wells is anticipated with other water wells. Attached in Appendix VI are well logs from existing wells adjacent to the project site. Well production in the project vicinity is in excess of anticipated domestic demands.**

G. Sewage Disposal:

1. All sewage disposal systems shall meet any additional requirements that the board deems necessary to protect the public health, safety or general welfare.
2. The board may determine larger minimum lot sizes than one acre upon evaluation of engineering reports. The board may require a second engineer's opinion where necessary.

➤ See Applicants response Exhibit A-4:

**1. Each lot is proposed to be served by an individual septic tank and drainfield. Wastewater production is expected to be +/-0.0072 MGD, and all wastewater will be treated on site. Wastewater projections are based upon demand for a 4-bedroom home per Table 3-2 of the Technical Guidance Manual, 300 gpd.**

**Table 3: Wastewater Projections at Build Out**

<b>Wastewater Generation (MGD)</b>	<b>On-Site Wastewater Treatment (MGD)</b>	<b>Off-Site Wastewater Treatment (MGD)</b>
<b>+/- 0.0072</b>	<b>+/- 0.0072</b>	<b>0</b>

2. Each of the 24 proposed lots will be served by individual septic tanks and associated drainfields. Septic drainfield areas have been delineated on the proposed preliminary plat and defined in plat note 24.
3. A site evaluation was conducted with the South Central Public Health District (see attached in Attachment C, Agency Comment).
4. No off-site treatment is proposed.
5. None proposed.

H. Solid Waste Disposal: The subdivider shall present a written plan for:

1. The orderly and efficient removal of solid waste from the subdivision to the county landfill or disposal site;
2. The grinding of recyclable yard waste; and
3. The recycling of other types of recyclable waste.

**Curbside disposal is provided by commercial solid waste company.**

I. Park Or School Site Dedication: Based on a recommendation regarding the suitability of the site from the recreation or school district, an applicant may be required to provide either land or a financial contribution or both for playgrounds, recreation space or a school site based on a rationally related formula determined by a resolution or ordinance of the board. **The BCSD did not request a dedication. The estimate at buildout (Exhibit A-4) is 15 school, age children : 5 elementary, 5 middle, and 5 high school.**



- J. *Access Easements: The board may require an access easement to publicly administered land, streams, rivers, lakes and reservoirs. An applicant shall clearly delineate for the public the location of any access easement by appropriate signage and rail fencing, and create an obligation by the homeowners' association to maintain unrestricted passage by the public. The board may require a bike path connector to the existing recreation district trail system or an easement for a future trail system connection. **The BCRD perimeter trail is located outside the lot lines for Lots 1-6. A conservation easement management plan exists for all BCRD bike and Nordic trails within the Conservation Easement. (Exhibit C-2)***
- K. *Development Rights: On a final subdivision or PUD plat, the applicant may be required to relinquish, or transfer to an approved land trust, any residual rights to develop residential, commercial or industrial uses in all common or open space areas, as those are defined in this title. **A conservation easement exists to hold open space areas held with the Wood River Land Trust. (See Exhibit C-1)***
- L. *Hillside Standards: **Mountain Overlay Rezone Application will be decided on before the subdivision application. Responses to this standard are based on the rezone application. Surveyed 25% and 15% slope lines are on Preliminary Plat dated March 2022 (Exhibit A-3).***
1. *Areas Of Use: Hillside subdivision standards shall apply to: a) any portions of the development proposal within the mountain overlay district (see title 9, chapter 21 of this code); and b) any portion of the development proposal outside the mountain overlay district where the slopes exceed fifteen percent (15%) and where the board determines that it is in the best interest of the county that development be in accordance with these standards because of slope instability, erosion or sedimentation problems. **See Preliminary Plat note 18 which states that No disturbance of existing vegetation exclusive of fencing above the Mountain Overlay Buffer shall be permitted. It also is recommended that the fencing plat notes are specifically noted here. Staff suggests expanding this note to read: No disturbance shall occur within the Mountain Overlay District.***
  2. *Additional Requirements: Additional preliminary submission requirements for hillside subdivisions:  
a-d... **N/A No building or disturbance within Mountain Overlay District per plat note 18.***
  3. *Appearance: In order to enhance the existing and future appearance and resources of hillside areas, special effort shall be made to preserve the following natural features:  
a. Skyline, ridges and knolls.  
b. Tree and shrub clusters.  
c. Rock outcroppings.  
d. Streambeds, draws and drainage swales.  
**No development within the Mountain Overlay District per plat note 18.***
  4. *Hillside Subdivision Evaluation...:  
a-f...**N/A No development within the Mountain Overlay District per plat note 18.***

**Planning and Zoning Finding/Recommendation:**

- **The Commission found that the current application with lots 1-6 on the north side of the road does not comply (5-1 vote) with the design standards, due to potential encroachments beyond the proposed building envelopes (Exhibit A-20) within privately owned lots into hillside areas. Specifically, the negative impact to sagebrush health (L. Hillside standards 3. Appearance b. Shrubs)-. If the Board moves forward with the existing application, the Commission recommends that the Board add to the Plat, note d, “No perimeter fencing shall be constructed on lots 1-6.” And plat note g, “No disturbance shall occur within the Mountain Overlay District.”**

*M. Design Of Subdivisions Within Or Adjacent To Lands Zoned A-20, A-40, R-10 Or RR-40: Subdivisions shall be designed to preserve natural, open space and scenic resources, protect sensitive areas such as riparian areas, wetlands, wildlife habitat and wildlife migration corridors, and watercourses, and reduce impact on neighboring properties. **The Subdivision is surrounded by R-10 and R-5. A conservation easement is attached to the lands surrounding the proposed subdivision with the purpose to preserve the open space and sensitive areas. The lots could be minimized further with spaces consolidated between pods to lessen the footprint further and to create more contiguous open space for wildlife habitat.***

**Planning and Zoning Finding/Recommendation:**

- **The Commission found that this standard is not met, due to the development’s impact. However, this could be minimized with an application design where the open spaces are consolidated to lessen the built footprint into the canyon, creating more contiguous open space for wildlife habitat, scenic resources, and to preserve natural open areas.**

1. *In addition to the above, subdivisions within or adjacent to lands zoned A-20, A-40, R-10 and RR-40 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 infrastructure and the loss of agricultural land.*
  - e. *A buffer between different types of uses (i.e., residential and agricultural) may be required. **Historically the active agriculture was predominantly in the same location as the proposed Lots 7-24. Agriculture may occur past these proposed areas with minimal impact to residences. A market disclosure is noted on the Preliminary Plat note 35.***

2. For lands located within the R-2, R-2<sup>1/2</sup>, and R-5 zoning district subdivisions, nothing in this subsection is intended to substitute or limit the ability to submit a development proposal for a planned unit development pursuant to chapter 6 of this title. The board shall consider, but is not limited to, the following design criteria:

- a. Placing residential buildings nearest to utilities and roads to minimize the amount of infrastructure, except along State Highway 75 where a greater than one hundred foot (100') setback may be required.
- b. Building envelopes (or nonbuilding areas, if more applicable), building size limits, increased lot line setbacks, and a buffer between neighboring properties may be required if they are deemed necessary in order to preserve and protect natural topographic and geologic features, scenic vistas, open space, vegetation, wildlife habitat and migration corridors, and avoid disturbance of sensitive areas; and to enable development patterns that minimize the potential impact of new development on adjacent landowners.
- c. In order to accomplish the goals of this section and allow for a positive finding, the board may allow the minimum lot sizes in the R-2, R-2<sup>1/2</sup> and R-5 zoning districts to be reduced by up to twenty percent (20%). **Lot sizes can be 1 acre in a Simple Planned Unit Development. These calculations are reviewed in the Administrative Standards 10-5-1-D.**

**Planning & Zoning Finding/Recommendation:**

- **The Commission voted 5-1 that this standard, M. Design Of Subdivisions Within Or Adjacent To Lands Zoned A-20, A-40, R-10 Or RR-40, does not comply because the existing design should be improved to preserve open space and habitat for wildlife.**

*N. Street Improvements:*

- 1. *Conformance To Plans: Streets shall in general conform with the comprehensive plan, other accepted plans, the provisions of this title and title 6 of this code*

**Planning & Zoning Finding/Recommendation:**

- **The Commission found with a 6-0 vote that it does not comply with the comprehensive plan as designed. The Commission recommends the street access to the subdivision could be through Quigley Farm Subdivision**
- **The Commission found that this standard does comply with Title 6, Public Ways & Property.**

- 2. *Dedication: Collector and arterial streets within a proposed subdivision shall be offered for dedication to the public. Minor streets may be dedicated or kept private. Private roads will not be allowed where there is a need for public access to adjacent lands. Dedication or other provision for future access to surrounding areas may be required.*

**The applicant is proposing Quigley Road is kept a public road and reclassified as *rural minor access* with a 60' right of way or are amenable to the later recommendation of *improved access* matching the City of Hailey street width of 2-11' lanes with 2' shoulders. The 3 minor cul-de-sacs roads are all proposed as private.**

➤ **Staff Comments regarding road maintenance of Quigley Road to ensure public access in perpetuity:**

The application shows Quigley Road to be paved to just past the development to access both the proposed lots on the canyon floor and the six lots to the north-west of the road. This portion of Quigley Rd currently is a county dirt road categorized for recreation maintenance and is not maintained or accessible by vehicles other than snowmobiles in the winter months. It also serves as an access to federal and private lands further within the canyon.

Quigley Rd. is heavily used for different seasonal purposes all year round by vehicles both traditional and recreational, bikers, and walkers. The Board should discuss what method should be used to keep this road accessible for generations to come. To keep this road public, the issue of who maintains this section of road must be determined. The City of Hailey has initially indicated reluctance in maintaining this road through a MOU or other agreement; however, the City of Hailey residents are and will continue to be the highest users of this roadway, so discussions should continue in regards to partnerships. Staff recommends discussing the following options:

- a) **Blaine County Roadway Functional Classification 4.2.1 Private Road with Public Access: (The Homeowner Association pays to maintain road with a public access easement)**

**Pros: This does not place burden on county road department staff & county budget**

**Cons: Future generation homeowner associations may try to rescind a public access easement. Quigley Road is and should remain a public road.**

- b) **County owns and maintains the road:**

**Pros: Road remains public for this section without threat of future privatization allowing access to BLM and private road sections beyond subdivision**

**Cons: Disjointed maintenance for county road department (no county roads currently connect to this area of county abutting Hailey) and added county staff and maintenance costs.**

- c) **County & HOA create an agreement sharing responsibilities for maintenance (i.e.: County maintains gravel road & HOA plows) while keeping the road public.:**

**Pros: Could help keep costs down for both parties**

**Cons: An agreement could be tricky to manage/create. The agreement may not last in perpetuity. Any maintenance will add budget and staff needs for the county.**

- d) **County & City of Hailey create an agreement sharing responsibilities for maintenance: (i.e.: swapping maintenance of one roadway for another)**

**Pros: Road remains public for all including, City of Hailey residents in perpetuity without a threat of future privatization for recreators. Burden is shared by the county and city to maintain the section of road. If an agreement can be reached this is the most sustainable long-term option to County land use staff.**

**Cons: Incrementally, added costs and staff time for both City of Hailey and Blaine County road and bridge departments.**

**Planning & Zoning Finding/Recommendation:**

The Commission recommends the County owns and maintains the road (6-0 vote) with continued snowmobile access. Quigley Rd. is heavily used for different seasonal purposes all year round by vehicles both traditional and recreational, bikers, and walkers. To keep this road public, the issue of who maintains this section of road was discussed by the Commission.

3. *Conditions: The arrangement, type, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their relation to the proposed uses of the land to be served by such streets. Please refer to Exhibit A-5 for Engineered Road Design. Quigley Rd. is proposed at to be re-classified as a rural minor access (60' right of way) paved public road. (or "improved access" as previously discussed as a recommended option) It is proposed to be realigned from its existing location from the Hailey city limits line through the proposed subdivision and then tapering back to its original location. This is proposed to reduce the grade and allow more buildable area for lots 1-6 on the north side of Quigley Rd. and approachable access for Lots 7-24. After the paved road passes through the subdivision it is proposed to be surfaced with gravel. (See Exhibit A-5) All minor private streets are proposed at 40' wide with a 96' diameter paved cul-de-sac.*

Quigley Farm Rd. connection to Quigley Rd. is necessary for the connection to the two schools, Nordic Trails, etc. Suggested Condition 28: The developer shall improve and connect Quigley Farm Rd. to Quigley Rd. prior to recordation of the plat.

**Planning and Zoning Finding/Recommendation:**

- This standard was found to be met in regards to grade and width however not found to be met in regards to safety as designed. The safety concerns stem from the conflict of the amount of recreators and the proposed future nine access points (6 driveways from lots 1-6 and 3 spur roads from the 3 development "pods") onto Quigley Road and the expected associated traffic. The Commission expressed their desire to see an application where the subdivision was accessed from the Quigley Farm Subdivision.

4. *Location: Streets shall be located by the following guidelines:*

- a. *Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients. County Engineer comments: The proposed road improvement's horizontal and vertical alignments appear to meet, or exceed appropriate road design standards for a 35-mph travel speed. (i.e. Blaine County, AASHTO, etal.). Staff note: A reduced 25-mph speed may be recommended within the subdivision public hearing process.*
- b. *Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions may allow streets to extend to the tract boundary to make provisions for the future extension of streets into adjacent areas. A temporary cul-de-sac may be made to serve present traffic. N/A-No further subdivision is expected due to a conservation easement on the property.*

c. *Minor streets shall be arranged to discourage through traffic.* **N/A The minor streets are private stub roads with a cul-de-sac.**

d. *Dead end streets are prohibited. Stub streets with a temporary cul-de-sac may be permitted in anticipation of a future through street.* **Three dead end streets are proposed. No future through streets are anticipated due to easement on surrounding land. Considerations for revising street layout should be considered.**

**Planning and zoning Finding/Recommendation:**

- **The Commission found that the dead end cul-de-sacs are proposed as permanent and therefore do not comply with standards.**

e. *Cul-de-sac streets shall be discouraged. However, when topography or planning considerations dictate their use, cul-de-sacs shall:*

(1) *Include a right of way measuring one hundred feet (100') in diameter at the terminus;*

**The paved portion measures 96' in diameter with a 10' row.**

(2) *Include an additional snow storage easement of ten feet (10') around the periphery; and 10' snow storage area available around periphery.*

(3) *If offered for dedication to the county, meet county road specifications and include an entirely paved terminus measuring ninety feet (90') in diameter.* **N/A private road.**

*The board shall have the explicit option of accepting or rejecting the road for dedication to the county. See discussion regarding Quigley Road dedication in section N-2 above.*

**Planning and zoning Finding/Recommendation:**

- **The Commission found that standard, e. *Cul-de-sac streets shall be discouraged*, is not met (5-1 vote) because topography does not dictate their use, and recommends that the applicant shall redesign to eliminate cul-de-sacs in order to comply with this standard.**

f. *Half streets shall normally be prohibited except where satisfactory assurance for dedication of the other half is provided.* **N/A No half streets are proposed.**

g. *Encourage streets to be laid out so that the lot design facilitates the use of solar energy.*

O. *Intersection Location And Specifications: Intersections shall conform to the following:*

1. *Intersections of minor streets with major arterials or highways shall be kept to a minimum.*

**N/A**

2. *Streets shall intersect at right angles or as close thereto as possible.* **The 3 stub streets are proposed at right angles to Quigley Rd.**

3. *Intersection design shall provide acceptable visibility for traffic safety.* **The County Engineer commented that it meets road improvement standards.**

4. *A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain will be permitted.* **The 3 spur roads do not exceed the 2% grade maximum within 100' of of the intersections. See Exhibit A-5.**

5. *The board may require deceleration and left turn lanes at intersections.* **Not an anticipated need for the short private roads.**

*P. Landscaping And Grading: The landscaping and grading plan shall minimize lot disturbance, maintain existing topography to the greatest extent possible, maintain or restore natural landscapes, shall emphasize drought tolerant species, where applicable, and shall include an irrigation plan that shows how disturbed areas will be restored. No landscaping plan anticipated. The grading that will occur will be to reroute Quigley Rd. and the 3 spur streets. In addition, disturbance to install irrigation and utilities. The developer is responsible for weed mitigation and reseeded when necessary to restore pre-existing conditions after grading is complete. Added as suggested condition number 27.*

**Planning and zoning Finding/Recommendation:**

- **The Commission found, P. Landscape and Grading, did not meet (3-3 vote) the standard as designed. Commission expressed the desire for a new application where lots 1-6 were placed on the south side of the existing Quigley Rd. The Commission found that lots 1-6 placed on the north side of the road did not meet the intent of minimizing lot disturbance, maintaining existing topography to the greatest extent possible, maintaining or restoring natural landscapes.**

*Q. Nonmotorized Facilities: Applicants may be required to accommodate in the subdivision design nonmotorized transportation facilities, such as bike, equestrian and pedestrian paths, and facilities for public transportation services.*

- **Staff Comment: The subdivision does include areas managed by the BCRD for both Nordic skiing and the walking and biking trails on the hillside created by the BCRD. In addition, Quigley Road is heavily used by city residents driving and parking to access the nearby canyon for walks or bike rides. The developer plans on keeping and improving the small parking area within the City boundary at the base of Buttercup hill and BCRD trail system. (Exhibit A-5: C1.01) In addition, the applicant proposes a few parking spots at the end of the proposed improved section of Quigley Road.**

**It is anticipated that many, if not most, recreators will drive to the end of the proposed development and park to begin their walk within the conservation and BLM undeveloped portion of the canyon. This would result in vehicles being parked on the side of the proposed gravel portion of road. This issue of expected parking needs should be discussed to determine if the applicants' solution is adequate.**

**During the discussion, wintering wildlife should be kept in mind if allowing parking access at a location that would initiate a walk further into the canyon than currently accessed.**

**Please see IDFG Comment Letter submitted May 31, 2022 Exhibit B-13. The letter states that parking should be seasonal at the end of the proposed road to reduce negative impacts to wintering wildlife.**

**The applicant was amenable to the recommendation of utilizing the 6' of remaining ROW previously planned and creating a separated pathway along the Quigley Road as a response to public comment wanting safe access along Quigley Road. This may also reduce the # of folks parking at the end of the road to reduce wintering wildlife impacts.**

R. Wildlife: Lands in the wildlife overlay district shall be developed as permitted by title 9, chapter 20 of this code.

**Planning and Zoning Finding/Recommendation:**

- **The Commission finds that the proposal as designed, R. Wildlife, does not comply with this standard. The Commission found that the developer could meet the standard if removed lots 1-6 from the north side of the road and consolidate lots to mouth of the canyon. The vote was 4-2.**

***IDFG Comment 12-8-2021: The loss of big game winter habitat to development is a serious ongoing problem in the Wood River Valley. Depending on winter severity, the immediately surrounding hillsides of Quigley Canyon provide important winter range for several hundred deer and elk, and the valley floor provides an important travel route for these wildlife as they migrate between high elevation summer/fall habitat and low elevation winter habitat. Human activity and infrastructure near or within areas used by wildlife can disrupt migrations, reduce the quality and quantity of winter habitat, and increase stress during crucial life history stages.***

***IDFG Conservation Plan Review 2-18-2022 : This section states that “Substantial impacts to elk and deer migration and wintering habitat are not anticipated.” IDFG does not agree with this assessment, and we refer to paragraph 2 of our letter from Dec. 8, 2021 (attached). The loss of big game winter habitat to development and recreational use has significant implications for wildlife in the Wood River Valley. Currently, the south-facing slopes east of Hailey and Ketchum, including Quigley Canyon, contain most of the last quality winter range in the Wood River Valley that is used by mule deer and elk in severe winters. If current trends of development and associated recreational/residential use in the vicinity persist, these areas are not expected to continue supporting winter populations of big game.***

*In addition, the following standards shall apply:*

1. *Fencing:*
  - a. *General: Both internal and perimeter fencing on sites containing wildlife habitat shall be kept to a minimum necessary to contain livestock and domestic animals and to provide privacy. No fencing is the strongly preferred option.*
  - b. *Perimeter Fences: Perimeter fencing of properties containing classified lands is prohibited except if necessary for containment of livestock as part of a bona fide agricultural operation. Such fencing shall be constructed according to the standards below See Preliminary Plat Note 29 which outlines the measurement requirements for wildlife friendly fencing and also the use of smooth wire to allow wildlife migration through the area. The Commission discussed a potential plat note stating no exterior fencing be built on lots 1-6.*
  - c. *Interior Fences: Interior fences may be constructed within each lot to control domestic pets and animals according to the standards below. Interior fencing shall be restricted to the smallest area practicable within the activity envelope. See suggested plat note D: Dog runs shall be allowed to fence dogs in and wildlife out. The perimeter lot fencing shall be wildlife friendly to allow for passage of migratory big game.*



- d. *Wire Fencing: Wire fencing for containment of livestock in or adjacent to critical wildlife habitat areas such as migration corridors shall have three (3) strands or less. The top wire should be a 12.5-gauge twisted barbless or similar type at a maximum height of forty two inches (42"). The middle strands, which may be barbed, should be located a minimum of twelve inches (12") from the top wire to prevent entanglement when animals jump over the fence. The bottom strand should be barbless and a minimum of eighteen inches (18") from the ground. See preliminary Plat Note 29.*
- e. *Rail Fencing: Rail fencing shall employ three (3) rails or less and shall not exceed forty six inches (46") in height above ground level, twelve inches (12") in width (top view), and the lower rail should be a minimum of eighteen inches (18") from the ground. Solid wood fencing should generally be limited to areas around a primary residence and shall be prohibited on classified lands. See preliminary Plat Note 29.*

➤ **Staff Comment: Fencing:**

Lot boundaries are currently proposed to have only wildlife friendly fencing to ease the passage of migrating big game species. Staff recommends allowing for smaller dog run fencing within the lots to minimize conflict between dogs and the harassment of big game. (Suggested plat note d) IDFG has stated that both aspects are equally important for wildlife, allowing for freedom of migration and reducing harassment.

This subdivision has a unique conflict of a heavily recreated canyon on both sides of the proposed development. This recreation is often connected with unleashed dogs being walked or with skiers on the dog friendly trails. This creates a need to minimize conflicts of unleashed dogs on the road, winter ski trails, and in new residential yards. In addition, there is a need to minimize expected conflicts between migrating wildlife by the harassment of dogs, and vice versa, securing the safety of homeowners' pets from wildlife and trespassing dogs.

Currently the conservation easement on the property allows for wildlife friendly fencing only. It should be discussed by the Board that within the lots, which are outside of the conservation easement, each lot owner is permitted to create a fenced dog run to keep wildlife out and pets in. In addition, the perimeter of the lots may be fenced with wildlife friendly fencing only if necessary but not recommended. (See suggested plat note d.)

- **IDFG 2-18-2022 Comment Letter: *The Recommendation for fence minimization and design is vital for avoiding deer/elk entanglement and death. In addition to the described specifications, wildlife-friendly fences should also incorporate a smooth-wire top and bottom strand instead of barbed wire.***

- ***The recommendations to avoid feeding wildlife, to store pet food securely, and to not put trash out until the morning of pick-up, will be essential to prevent conflicts with black bears. Bearproof garbage containers can also help minimize bear depredation and conflict.***

2. *Domestic Animals: Development applications in the wildlife overlay district shall include a plan with specific enforcement measures for the control of domestic animals and pets. Such plan must include provisions to prevent the harassment, disturbance, and killing of wildlife and prevent the destruction of critical wildlife habitat. See Preliminary Plat Notes 30 regarding keeping pets indoors and 33 to prevent mountain lions depredation on domestic animals. See suggested plat note f referring to dog runs. IDFG recommends in its 2018-22 Email: 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. This is added as note 34 in the preliminary plat.*
3. *Exterior Lighting: Use of exterior lighting shall be minimized near critical wildlife habitat. Lighting shall be designed to prevent spillover into habitat and all exterior lighting must be fully shielded by cutoffs with an angle not exceeding ninety degrees (90°). Added as suggested plat note c.*
4. *Construction Timing: The county may regulate the timing of construction or land disturbance on classified lands as recommended by IDF&G, any other applicable agency or review professional who may be engaged by the county. N/A: Not noted in IDFG letter.*
- S. *Gates: Limited entry or private gates may be prohibited at the entrance to any nonagricultural development approved under this title. N/A No gates proposed.*
- T. *Riparian And Wetland Areas: Areas of riparian plant communities and wetlands shall be preserved and undisturbed to support a diverse and productive aquatic and terrestrial habitat and to protect water quality. The applicant may demonstrate that smaller setbacks are warranted than those defined in subsection 10-5-1B of this chapter through the completion and approval of a riparian area management and mitigation plan. In no case, will the setbacks be less than the setbacks defined in subsection 9-17-6E of this code. In considering this standard, prior disturbances of the riparian plant community may be taken into account, and restoration of previously vegetated areas supporting riparian plant communities may be required. Riparian and Wetland Area setbacks are met.*

#### **Planning and Zoning Finding/Recommendation**

- **The 10-5-3 Design Standards are not met, specifically standards: A-Preservation of Natural Features, B-Lot Requirements, C-Blocks, L-Hillside Standards, M- Design Of Subdivisions Within Or Adjacent To Lands Zoned A-20, A-40, R-10 Or RR-40, N-Street Improvements, P-Landscaping & Grading, and R-Wildlife.**

### III. DECISION OPTIONS AND POSSIBLE CONDITIONS:

► **Motion:** I move to approve (or) deny this application by TVIV Quigley, LLC, to subdivide 566.8 acres into 24 lots, through a Simple Planned Unit Development, to be named Quigley Ranch Subdivision; finding the application 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:

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. A gravel parking area to accommodate 20 vehicles shall be constructed at the end of the subdivision with a turn around.
9. Quigley Road, the parking area turnaround, and snowmobile access shall be maintained by Blaine County to ensure it remains accessible to the public in perpetuity.
10. Cul-de-sacs shall remain clear of obstruction for bus and fire turnarounds.
11. Xeriscape planters shall be placed on the internal section of the paved turnarounds.
12. The owner/developer is required to maintain common open space and facilities until sixty percent (60%) of the proposed lots have been sold. Maintenance responsibility after this has occurred must be specified by the developer before the final development plan may be approved.
13. Fire district approval shall be obtained prior to building permits issued for water supply and to ensure roads meet fire district standards.
14. The IDWR 1/2 acre domestic water right shall be used for in house use only. If circumstances arise where supplemented irrigation water is not available as intended through the water re-use system from Quigley Farms Subdivision and/or the surface water rights are not available for landscaping, a 1/4-acre (6,500 gpd) limitation on irrigation of landscaping by domestic wells shall be added to the CC& R's. See voluntary watering limitations in recommended plat note h.
15. File an Application for Transfer of Water Right in order to change the place of use of the listed water rights to cover all of the subdivision.
16. "No parking" signs shall be installed along either side Quigley Rd.
17. Infrastructure shall be complete before the final plat is recorded or a financial security of 150% of the projected costs shall be established. All infrastructure shall be complete before issuance of any building permits.
18. Provide the following underground utilities to each lot: power, gas(optional) & internet/phone access.

19. The IDWR water supply bank shall be utilized for the first and subsequent fills of the cisterns if water is not available with existing water rights.
20. Overflow culverts shall be added to construction drawings, allowing drainage from the northwest gulleys to be conveyed through the roadside swales on Quigley Road and under Quigley Road to agricultural field between the 6-lot clusters. Conveyance infrastructure shall be sized for a 1 inch per hour storm which is typical for surrounding jurisdictions.
23. 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.
24. The names of the cul-de-sacs shall incorporate "circle", "court", or "place".
25. Lots 1-6 access drives shall not be planted with obstructive landscaping, so as to provide acceptable visibility for traffic safety.
26. A detailed irrigation plan shall be approved by the county engineer for delivery of water to Lots 1-24 for landscaping purposes and to refill cisterns.
27. The developer is responsible for weed mitigation and reseeding the old Quigley Road bed and other areas disturbed after grading is complete. A security agreement and bond shall be established of 150% cost of revegetation.
28. The developer shall improve and connect Quigley Farm Rd. to Quigley Rd. prior to recordation of the plat.
29. Quigley Road shall match the City of Hailey street width of (2)-11' lanes with 2' shoulders and reclassified as improved access. A pedestrian pathway for safe travel along Quigley Road shall be created along one side of Quigley Road not to exceed 6' to include 4.5 feet of naturally grubbed path and 1.5' of existing vegetation or undisturbed landscape.
30. Quigley Road shall have a reduced 25 mph speed limit.
31. Lots 1-6 homeowners shall provide defensible space around structures to mitigate wildfires.
32. All homes shall have electronic vehicle charging capability.

Plat notes are indicated on the plat dated March 2022. Additional plat notes and note changes are:

- a) Plat Note 23 shall be augmented to state: Periodic inspections of individual septic systems, as recommended by the system manufacturer, are required and are the responsibility of the homeowner.
- b) All domestic wells in this subdivision shall be metered.
- c) All exterior lighting shall comply with Title 9, Blaine County Zoning Regulations, Chapter 29A. Use of exterior lighting shall be minimized near critical wildlife habitat. Lighting shall be designed to prevent spillover into habitat and all exterior lighting must be fully shielded by cutoffs with an angle not exceeding ninety degrees (90°).
- d) Under fencing: Note 35. Dog runs shall be allowed to fence dogs in and wildlife out. Although not recommended, if perimeter fencing is installed it shall be wildlife friendly to allow for passage of migratory big game. No perimeter fencing shall be constructed on lots 1-6.
- e) (The HOA responsibilities regarding Quigley Road and parking area maintenance, if any should be noted here).

- f) Expand plat note 14 to include, “Grooming machines will be in use during the winter season. Residents shall expect noise and lights while the Nordic trails are being groomed.”
- g) Plat note 18 shall be expanded to read, “No disturbance shall occur within the Mountain Overlay District.” In addition, omit “Blaine County approved fencing” and add, “exclusive of fencing in line with plat notes 27-34”.
- h) Add to Plat note 24: Irrigation of turf grasses by domestic wells shall be limited to one-quarter ( $\frac{1}{4}$ ) acre. Total irrigation by domestic wells shall not exceed 6,500 gallons per day if the gray water re-use system from Quigley Farms Subdivision is not functioning to provide the 3,000 gallons per day for irrigation needs and the surface water right is unavailable. Summer month homeowner domestic water meter reports shall be made available to the HOA and to the County for inspection.