



219 1st Avenue South, Suite 208 Hailey, ID 83333
 Land Use Services: 208-788-5570 ♦ Fax 208-788-5576
www.blainecounty.org

18-087

LAND USE & BUILDING SERVICES
Mountain Overlay District
Categorical Exclusion Request Form

In the event a landowner is claiming a Categorical Exclusion from the requirements of the Mountain Overlay District as provided for in §9-21-4 (A) of the Zoning Ordinance, and before commencing any site alteration, the landowner or agent is required to obtain a written decision from the Administrator that the proposed site alteration falls within and meets one of the categorical exclusions provided for in the Code.

Please complete the form and 'Save As' a Word Document and send to pzcounter@co.blaine.id.us

GENERAL INFORMATION

- | | |
|--------------------------------------|---|
| (1) Property Owner: | Name: Jeffrey "Jae" Hill
Address: 10312 NE 114 th Place, Kirkland WA 98033
Phone: 801-520-0585
Email: imperialgulch@gmail.com |
| (2) Agent, or Responsible Party | Name: same as owner
Address:
Phone:
Email: |
| (3) Contractor | Name: Burks Excavating
Address: 640 CD Olena Dr. Hailey Idaho 83333
Phone: 208-720-2154
Email: beau@becoidaho.com |
| (4) Technical Representative, if any | Name:
Address:
Phone:
Email: |

RECEIVED
 SEP 20 2018

BLAINE COUNTY
 LAND USE & BUILDING SERVICES

"Responsible Party is the person who will be the sole responsible contact with the County"

PROJECT INFORMATION

- (5) Proposed date site alteration is to commence and the projected date of completion:
October 20 - November 3, 2018 (weather permitting)
- (6) Land upon which the proposed work is to be done, by lot, block, and subdivision name, tract description and street address, or similar description that will readily identify and definitely locate the proposed site (vicinity map required):
Lot 38A, Imperial Lode, SEC 23, T3N R17E
- Parcel #: RP – 1M000000155 *79 Imperial Gulch Rd
T3N R17E S.23*
- (7) Brief narrative describing the work for which application is made:

REQUESTS:

- ✓ *Repair 350 feet of driveway accessing private property; components include reconstructing 200 feet of a washed-out switchback and 150 feet of minimal grading.*

HISTORY:

This application seeks to repair a road dating back to 1879, which was in use and operation until 2013 when the Beaver Creek Fire and subsequent mudslides destroyed the driveway in several locations. Debris from the landslide blocked an unnamed seasonal wash, which rerouted the wash across the driveway switchback; the water then removed all fine sediments from the road surface—leaving an unnavigable scree pile in its place. Repair of the driveway has been impossible since 2013 due to the impassible condition of Imperial Gulch Road, which was repaired in late 2017 by County Road & Bridge Staff before the authority for the road was transferred to the property owner. Permitting has been underway for various other sections of the road and driveway since that time.

The driveway was established in 1879 as a road to serve the mining activities on the property and adjacent lands. The road system was expanded in the 1920's. The earliest available aerial photos show the roads as they existed in 1954, although the alignment was later changed in 1991 by the previous owner. This application includes attachments establishing the current driveway alignment as a lawful use by July 1991. [SEE ATTACHED BLM ROW IDI-27791, AERIAL PHOTOS]

APPLICATION COMPONENTS:

Repair of the switchback includes:

- regrading the wash-out and adding fine sediments to the remaining scree;*
- reconstructing the channel of an unnamed seasonal wash; and*
- within that wash, installation of a 2' diameter, 40' long steel culvert to allow passage of the water and maintain access to the Lower Adit and BLM lands. The culvert has been sized for a 25-year, 1-hour storm event of 14.3 cubic feet per second. [SEE ATTACHED CULVERT CALCS]*
- revegetating the sloped bank of the switchback adjacent to the wash using a staked coil wattle, geotextile fabric, and native seed mixture.*

The remaining upper 150 feet of the driveway's 350-foot length will have minimal maintenance performed at this time as well, including blading and spot gravelling--where necessary, using on-site materials. Fine sediments will be excavated from a previously-disturbed and excavated area labeled as "building site" on the attached maps. Road contours will generally match existing, but ruts will be filled and smoothed as necessary.

An access gate will be placed across the road just inside the property line; this is to prevent additional acts of vandalism, litter, and trespassing on the private property and through the property to nearby private land. A "No Trespassing" sign will be affixed to the gate. The gate and sign will also not be visible from Imperial Gulch Road.

CATEGORICAL EXCLUSION:

County Code 9-21-4.B.13 allows for maintenance and repair of a previously-existing road provided that erosion control measures are installed; the re-incision of the wash is the least invasive and most appropriate control measure. By curving the ditch around the outside edge of the switchback, water velocity will be slowed. The culvert allows vehicle passage on a side road from the switchback to an area called "Lower Adit" on the attached maps. The excavation and grading work will employ geotextile mats and coil wattles for sediment control.

Exclusion 13 also requires that the work not increase the visibility from the reference road (Imperial Gulch Road), and Exclusion 6 allows for similar work to be undertaken if the project is not visible from a reference road: the switchback itself is obscured from view by terrain and vegetation; after the grading and reconstruction, the repaired driveway will appear principally similar as to how it does now. [SEE ATTACHED VIEWSHED ANALYSIS]

ALTERNATIVES:

Other alternatives explored (but not selected) included:

- installation of a straight culvert under the switchback (which increased water velocity in the wash);
- construction of a gabion retaining wall to retain the road (excessive cost, limited access to Lower Adit, and much more cut/fill); and
- the use of rip-rap to armor the driveway edge (which would have required additional vehicle trips.)

We also consulted Kristine Hilt, at Blaine County to ensure that no stream alteration permit was needed for this unnamed seasonal wash.

TIMING/APPLICABILITY:

Grading work will begin in October as soon as we're authorized to proceed, and be conducted over a three-day period. Exact days will be subject to favorable weather and no precipitation. Work must be completed before substantial snowfall accumulates; work must also be completed before raptor nesting season in late March of next year.

This application is for portions of the road located on private lands subject to the jurisdiction of Blaine County Land Use. Repairs on other sections of the driveway and Imperial Gulch Road which are under the jurisdiction of the United States Government have separately been approved by the Bureau of Land Management (BLM) right-of-way grant IDI-38680 and US Army Corps of Engineers (USACE) permit NWW-2018-439-I02.

ATTACHMENTS:

- Road Repair Plan and Profile

- *Viewshed Analysis*
- *Historic Aerial Photos, 1954-2016*
- *BLM-27791, indicating establishment of the road in 1991*
- *Culvert sizing calculations*

(8) Attach the following documentation:

A. Information in sufficient detail to determine if the proposed site alteration activity qualifies as a categorical exclusion including but not limited to graphic representation of the proposal which shall include property lines and delineate the proposed areas for improvement or alteration, proposed and existing structures and land uses.

B. A request for categorical exclusion for any building, access road and or driveway that is not visible from a reference road shall include and demonstrate, in addition to all other requirements, re-vegetation with native or native compatible vegetation to prevent erosion, compliance with all applicable road and driveway standards including all applicable grade standards, appropriate measures or design features to prevent soil erosion, silting of lower slopes, slide damage and flooding and any other geological instability, and approval from the applicable fire district Marshall and the South Central Health District for on-site sewage disposal.

C. A request for categorical exclusion for the maintenance, repair and improvement of any building, other structure or hillside road that was in existence and lawful before December 18, 1991, or lawfully constructed thereafter shall demonstrate appropriate measures or design features to prevent soil erosion, silting of lower slopes, slide damage, flooding and any other geologic instability.

D. Include map showing names of surrounding landowners within 300 feet of the exterior boundary of subject property, including private road owners. Attach names and addresses of surrounding landowners, including private road owners, typed on mailing labels. Information is available from County Assessors Office. Please add current postage + .15¢ per surrounding landowner mailing fee.

E. Processing fee of \$175.00 as established by County Resolution #2001-54.

9-21-4: CATEGORICAL EXCLUSIONS: 

A. Exemptions: Fire breaks and related site alterations made by Fire Incident Command personnel and used to protect public and private property from an active wildfire shall not be subject to the requirements of this chapter.

B. Exclusions: Unless the intent of the landowner or his/her authorized agent is to circumvent the purposes of the mountain overlay district regulations, the requirements of this chapter shall not apply to the following, provided the landowner or agent, before commencing any site alteration, first obtains a written decision from the administrator, in consultation with the county engineer or his/her designated representative, that the site alteration falls within and meets one of the following categorical exclusions:

1. On lands outside of scenic corridor 1 (SC1):

a. Roads used primarily for agricultural purposes.

b. Agricultural fences and equipment and activity directly related to agricultural purposes.

2. On lands outside of scenic corridor 1 (SC1) and until such time as subdivision or planned unit development are proposed:

a. Single-family residences; provided, that:

(1) They are not sky lined;

(2) They are located among agricultural buildings and structures on lands used primarily for agricultural purposes; and

(3) They are inhabited by agricultural property owners or their employees.

b. Agricultural structures which do not require a building permit; provided, that they are not sky lined.

3. On lands inside of scenic corridor 1 (SC1): Single-family residences or structures or uses where all structures and improvements are certified by a state licensed surveyor to be located outside and below lands greater than fifteen percent (15%) slope, as measured by the contour line demarcating the lowest fifteen percent (15%) slope on the parcel.

4. On lands inside the mountain overlay district buffer: Single-family residences or accessory structures or uses where all structures and improvements are certified by a state licensed surveyor to be located outside lands greater than twenty five percent (25%) slope. On lands inside the mountain overlay district buffer and scenic corridor 1, applicants seeking a categorical exclusion must meet the requirements of both subsection A3 of this section and this subsection A4.

5. Valid permits and platted building envelopes approved prior to the effective date of ordinance 91-15 on December 18, 1991. This exception includes all structures built within the platted building envelope.

6. Any building, access road and/or driveway that is not visible from a reference road. Plans submitted to the county for building permit and/or road/driveway construction for such development shall include and demonstrate, in addition to all other requirements, revegetation with native or native compatible vegetation to prevent erosion; compliance with all applicable road and driveway standards, including all applicable grade standards; appropriate measures or design features to prevent soil erosion, silting of lower slopes, slide damage, flooding, and any other geologic instability; and approval from the applicable fire district/marshal and the South Central health district for onsite sewage disposal.

7. The locations of existing platted unbuilt roads within platted subdivisions existing prior to the effective date of ordinance 91-15 on December 18, 1991, will be allowed a driveway/road exception provided the road shall meet the evaluation standards as set forth in subsections 9-21-5D3, D4, D6 and D7 of this chapter. This may require a realignment of the platted unbuilt road.

8. Platted lots existing prior to the effective date of ordinance 91-15 on December 18, 1991, may be combined to reduce the number of lots within the mountain overlay district and such existing lots may be amended for the purpose of designating a building envelope. Replat applications

necessary therefore shall not be considered new subdivisions however, shall be subject to public notice and hearing and criteria contained in [title 10](#) of this code as they relate to drainage, suitability of soils for septic systems, emergency and road/driveway access and erosion control.

9. Chairlifts as part of a bureau of land management or United States forest service or county approved ski area permit.

10. Underground utility structures working in accordance with a county approved permit.

11. Testing necessary to meet the requirements of subsection [9-21-5B](#) of this chapter.

12. Incidental planting and transplanting of vegetation by hand tools.

13. Maintenance, repair and improvement of any building, other structure, or hillside road that was in existence and lawful before December 18, 1991, the effective date of ordinance 91-15, or lawfully constructed thereafter, which does not increase its visibility from any reference road, provided the plans for such maintenance, repair and improvement demonstrate appropriate measures or design features to prevent soil erosion, silting of lower slopes, slide damage, flooding, and any other geologic instability.

14. The construction, installation, siting or operation of a wireless communication facility when said proposed facility: a) is in the immediate vicinity of one or more wireless communication facilities existing as of the effective date of Blaine County ordinance 2001-10 on October 10, 2001; and b) is no higher than any existing WCF in the immediate vicinity. The fact that a WCF may qualify for a categorical exclusion from the site alteration permit requirements of the mountain overlay district, shall not exempt the WCF from the requirements of section [9-3-16](#) of this title. Plans submitted to the county for the construction, siting or installation of a wireless communication facility shall include and demonstrate, in addition to all other requirements, revegetation with native or native compatible vegetation to prevent erosion; appropriate measures or design features to prevent soil erosion, silting of lower slopes, slide damage, flooding, and any other geologic instability.

B. Subdivision Exclusion: Upon application to the board, subdivisions platted before June 16, 1994, may propose to enter into agreement with the county to exempt building lots within that subdivision from the site alteration permit procedures contained herein, provided that any such building site and proposed structures are not visible from Highway 75. To qualify for this exclusion, the subdivision shall meet, at a minimum, the following criteria and conditions:

1. The subdivision has an effective design review committee that has been in existence for at least two (2) years prior to application for exemption.

2. Architectural design review standards of the subdivision are submitted to the county for review and approval to ensure that the standards of subsection [9-21-5D](#) of this chapter are included.

3. Once approved by the county, the subdivision design review standards may not be changed by the subdivision without the approval of the county.

4. The administrator or commission shall be notified and is allowed to attend subdivision design review sessions to ensure the goal of minimizing visual impact is emphasized.

5. The county may revoke a subdivision exclusion if it finds that the subdivision design review committee decisions do not comply with approved design standards or the intent of this chapter. Should the subdivision fail to conduct design review according to the agreement with the county, the county may terminate said agreement and revoke exemption.

C. Administrator's Review Of Categorical Exclusions: The administrator, in consultation with the county engineer or his/her designated representative, shall review all written requests for determinations of categorical exclusions under subsection A of this section, and promulgate appropriate forms to be used for such requests. The applicant shall have the burden of demonstrating that the proposed site alteration falls within and meets the requirements of a categorical exclusion. The administrator shall issue a written decision within thirty one (31) days of receipt of an application for determination of categorical exclusion. The administrator, prior to issuance of its decision, may request additional information from the applicant, including, without limitation, technical review from the county engineer at the applicant's expense, and the failure to provide such requested information within sixty (60) days of request shall be grounds for denial of the request for determination of categorical exclusion. The thirty one (31) day time period for issuance of the administrator's decision shall begin to run anew following the date of the administrator's receipt of additional information from the applicant. Such period also shall be tolled during any periods that the administrator does not have reasonably safe access to the site of the proposed site alteration. Any person aggrieved by the written decision of the administrator as to a categorical exclusion may appeal the administrator's decision to the board according to the procedures and time requirements of section 9-32-3 of this title.

D. Exception to Written Decision Requirement: Notwithstanding any provision of this title to the contrary, a written decision of the administrator shall not be required prior to commencing a site alteration that falls within and meets a categorical exclusion stated in subsection A1b, A2, or A5 of this section. (Ord. 2010-04, 4-6-2010; Ord. 2007-02, 3-20-2007; Ord. 2006-04, 6-29-2006; Ord. 2001-10, 10-1-2001; Ord. 98-1, 1-7-1998; Ord. 94-15, 11-14-1994; Ord. 94-6, 6-16-1994; Ord. 91-15, 11-25-1991; Ord. 77-5, 3-28-1977, eff. 4-7-1977)

ACKNOWLEDGMENTS:

(9) The undersigned understands that Chapter 21, Title 9 (Zoning Ordinance) Blaine County Code Section 9-21-4 requires the Administrator, in consultation with the County Engineer or his/her designated representative, to review all written requests for determinations of categorical exclusions under Section 9-21-4 of this Title. The applicant shall have the burden of demonstrating that the proposed site alteration falls within and meets the requirements of a categorical exclusion. The Administrator shall issue a written decision within thirty-one (31) days of receipt of an application for determination of categorical exclusion. The Administrator, prior to issuance of its decision, may request additional information from the applicant, including without limitation technical review from the County Engineer at the applicant's expense.

