



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

#22-021

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 (B) 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.

GENERAL INFORMATION

HOA

(1) Property Owner: Name: Indian Creek Ranch Homeowners Association c/o Dennis Kavanagh
Address: PO Box 3411, Hailey, ID 83333
Phone: 208-720-1726
Email: dennis@denniskavanagh.com

(2) Agent, or
Responsible Party: Name: Opal Engineering, PLLC c/o Samantha Stahlnecker P.E.
Address: 416 S Main Street Suite 204, Hailey, ID 83333
Phone: 208-720-9608
Email: sam@opal-engineering.com

(3) Contractor: Name: Burks Excavation
Phone: 208-913-0402
Email: beau@becoidaho.com

(4) Technical
Representative Name: See Agent Above
If any: Address: _____
Phone: _____
Email: _____

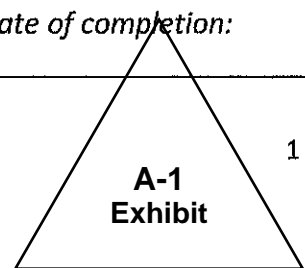
"Responsible Party is the person who will be the sole responsible contact with the County"

PROJECT INFORMATION

(5) Proposed date site alteration is to commence and the projected date of completion:
Construction Start: Spring 2022, Construction End: Fall 2022

MOD Cat Ex 8-12-2019

Received
MAR 03 2022
Blaine County
Land Use & Building Services



(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 definitively locate the proposed site (vicinity map required):

Lemhi Drive Right-of-Way, Grading work on 109, 110, and 114 Lemhi Drive, Tax Lot 8158, 4438, and 4437; Section 27 & 28, 33 & 34 T3N R18E

Parcel #: RP - 003350000140, 003350000120, 003350000110, 003350000130, 03N18027581A, 003350000150

(7) Narrative describing the work for which application is made:

Project includes road construction associated with the improvement of Lemhi Drive, bringing the residential access up to fire code. Lemhi Road serves five residential lots which are all currently undeveloped. Road improvements are required prior to habitation on all five lots.

(8) Which Categorical Exclusion do you believe the proposal meets and why? See section 9-21-4 stated on pages 3 & 4. See attached narrative.

(9) 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 a 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 the County website GIS Mapping services. Please add current postage + .15¢ per surrounding landowner-mailing fee.

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

******Applicant is required to indicate which categorical exclusion, as stated below, is met by the proposed project and why (see #8 on page 2 of application)******

9-21-4: CATEGORICAL EXCLUSIONS ...

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 B3 of this section and this subsection B4.

- 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 9-21-5D4, D5, D7 and D8 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 therefor 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 . . .

D. 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 B 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. . . .

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.

Further, 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 reasonable 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.

(10) The undersigned understands that the issuance of a written categorical exclusion does not exempt the proposed site alteration from compliance to all applicable regulations, and that it is the property owner's responsibility to obtain all applicable permits.

(11) The undersigned certifies that (s)he is the owner or authorized representative or agent of the owner of the land proposed for site alteration, that (s)he has filled in this application to the best of his/her knowledge, and that (s)he agrees to comply with all county ordinances and state laws regulating site alterations and development in Blaine County, Idaho.

(12) The undersigned grants permission to the Land Use Staff and/or County Engineer to inspect the property which is the subject of the application for the purpose of determining if the categorical exclusion applied for herein falls within and meets the requirements of categorical exclusion, and for the purpose of determining if the work authorized under a valid categorical exclusion has been completed in compliance with said application.

SIGNATURE OF APPLICANT/AGENT:



DATE: 03 / 03 / 2022

ADMINISTRATIVE RECORD

Required Fee: \$175.00

Paid on: 03.03.22 Receipt # 718621

300' Surrounding Landowner Notices: **Current Postage** + .15 x

4.38

Date application received:

179.38

Engineering and consultant fees are calculated based on the time spent by County hired private consultants and their staff to review various projects. These fees are to be paid in full prior to receiving the Administrative decision.

