

BLAINE COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING on April 4, 2023 at 1:30 p.m.

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| REGARDING AN APPLICATION OF: Drinkers of the Wind to subdivide 66.7 acres into 4 lots. | STAFF REPORT By: Allison Kennedy Date: March 29, 2023 |
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REQUESTED ACTION: The applicant, Drinkers of the Wind c/o Brooke Bonner, proposes a Short Plat Subdivision consisting of 66.7 acres; 4 lots: Lot 1 (24.5 acres), Lot 2 (15.49 acres), Lot 3 (16.41 acres), and Lot 4 (5.64 acres); re-subdividing Bouttier-Williams Subdivision Lot 1 Block 1, Lot 2 Block 1, and Tax lot 7516. The property is zoned R-5 with areas of Floodplain (FP) and Floodway (FW) and is located within Section 36, T2N, R18E, BM, Blaine County.

APPLICABLE REGULATIONS:

Title 10 (Subdivision Regulations): Chapters 1-5

Title 9 (Zoning Regulations): Chapters 7, 17

Title 8 (Comprehensive Plan)

Summary

The applicant is requesting to subdivide two existing platted lots and a developed tax lot to (66.7 acres total) into 4 lots. The applicant has revised the plat per the recommendation of the floodplain manager and has included building envelopes in locations outside of the floodplain and in Lot 1 in an area of previous disturbance. (Please see Exhibit A-2 & A-3 & A-6). The property is adjacent to and within the city of Bellevue and the Big Wood River and is currently utilized as an agricultural property. The property is currently used for a center pivot on proposed lots 2 & 3 and a residence and several associated agricultural buildings on proposed lot 1 and block 1. At a recent Bellevue City Council meeting it was requested that Tax Lot 7516 be entirely relabeled Parcel A. A 20' maintenance easement was requested by the city to be located on the northern boundary of Parcel A. See updated Preliminary Plat A-6 which reflect the larger Parcel A.

I. GENERAL BACKGROUND

1. **Notice** of this public hearing was:
 - i. published in the Idaho Mountain Express on March 15, 2023;
 - ii. sent by first class mail on March 15, 2023 to all property owners within 300 feet of the external boundaries of these lots;
 - iii. sent to all political subdivisions on March 15, 2023;
 - iv. sent to public water system owners on March 15, 2023;
 - v. Sent to Area of City Impact March 2, 2023 and,
 - vi. posted on subject property on or before March 28, 2023 as evidenced by affidavits in file, which is seven days prior to the hearing.

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

2. 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. (ie: 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.

3. Attached to this report are the following exhibits:

"A" Exhibits—Application Materials

All application materials were received on January 04, 2023 unless indicated otherwise.

- A-1: Application Form
- A-2: Revised Preliminary Plat with Building Envelopes 1-31-2023
- A-3: Revised Preliminary Plat with Building Envelopes and Aerial 1-31-2023
- A-4: Vicinity Map
- A-5: Adjoiner Map
- A-6: Updated Preliminary Plat 3-28-2023

"B" Exhibits—Agency Comments

- B-1: Wood River Fire and Rescue 1-23-2023
- B-2: Blaine County Assessor 1-23-2023
- B-3: Galena Groundwater District 1-30-2023
- B-4: Blaine County Road & Bridge 1-30-2023
- B-5: Idaho Department of Fish and Game 1-23-2023
- B-6: Idaho Department of Water Resources 1-23-2023
- B-7: Idaho Power Company 1-23-2023
- B-8: Intermountain Gas Company 1-23-2023
- B-9: Blaine County Engineer 2-8-2023
- B-10: Blaine County Floodplain Manager 1-25-2023
- B-11: South Central Health District 2-17-2023
- B-12: Correspondence with City of Bellevue 2-16-2023 & 3-28-2023 Opal Engineering

"C" Exhibits—Additional Information

- C-1: Nothing received as of date of report

"D" Exhibits—Public Comments

- D-1: Nothing received as of date of report

II. SHORT PLAT CRITERIA §10-4-6(C)

Short Plat subdivisions are governed by §10-4-6 of the Subdivision Regulations and Design and Improvement Standards under Title 10, Chapter 5. The Board, without a Commission recommendation in this case, **needs to determine whether the proposed lots conform to the Comprehensive Plan, and the Zoning and Subdivision Ordinances.**

COMPREHENSIVE PLAN:

Relevant Info: Chapter 8 Land Use Guiding Principles state land uses in hazardous areas, and sensitive areas shall be closely regulated. In addition, it is stated that development is encouraged closer to public and emergency services and existing infrastructure. The proposed subdivision is adjacent to the city of Bellevue.

Conclusion: The subdivision's revised preliminary plat proposes building envelopes both outside the 200' riparian setback and mapped floodplain and in lot 1 in areas of existing disturbance. The property is adjacent to the City of Bellevue's boundary

ZONING REGULATIONS (Title 9)

Relevant Info: Applicable Title 9 regulations are reviewed below.

Conclusion: The proposed plat meets the standards of the applicable zoning regulations with suggested conditions.

III. 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 had no comment regarding the division and is required to issue or deny a permit as part of any future building permit.**
 - 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; **County Engineer did not mention issues with County Management Plan in his review.**
 - c. Any chapter of [title 7](#) with the recommendation or approval of the building official and fire official in an established district; **No issues with the 4 lots. Will need Fire District Permit at time of Building Permit submittal. (B-1)**
 - d. [Chapter 2](#) of [title 8](#); and **ACI Notice was sent to the city of Bellevue. Feedback received to enlarge Parcel A to include Tax Lot 7516 in its entirety, so no outlier parcels remain in the City of Bellevue and that a 20' maintenance access easement be granted for access. (Exhibits B-12 & A-6)**

e. Any chapter of [title 9](#). Zoning reviewed below.

2. Adopted Idaho transportation department standards, if the applicant seeks a new or expanded access onto a state highway. **N/A not located on the State Highway.**

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. **Lots 3 and 4 have areas that have been removed from the Floodplain with a letter of map amendment .**

Lot 2 has an area located outside of the existing mapped floodplain adjacent to the road. This may change as FEMA is currently in the process of remapping the 100 year floodplain. Lot 1 is almost entirely within the floodplain and has an area of existing disturbance and non- conforming buildings the main residence was built in 1976 prior to Land Use Planning Act. (See Exhibit B-9, B-10, and A-3 Preliminary Plat with Aerial)

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

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.

The Big Wood River is a Class 1 stream and therefore requires a 200' setback. The Ordinary High Water Line has not been surveyed. The ordinary high water mark will need to be surveyed and a 200' riparian setback line drawn accordingly before final plat can be approved. (See suggested conditions 8 & 9)

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. **N/A no ACOE wetlands identified on the property.**

If smaller setbacks are requested from wetlands within the riparian setback district, then a riparian area management and mitigation plan that meets the 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 setback be less than twenty five feet (25').

C. Drainage: Drainage systems shall not discharge into any sanitary sewer facility. **N/A- no drainage proposed as such.**

D. Lot requirements:

1. Lot sizes, uses and the location of uses shall satisfy any zoning regulations and other applicable sections of this code. **The zoning district is R-5. All lots are proposed larger than 5 acres. Lot 1: 24.5, Lot 2: 15.49, Lot 3: 16.41, and Lot 4: 5.64. All building envelopes are located outside of the riparian setback area and the floodplain district excepting the nonconforming structures.**

Lot 1 has areas of existing nonconforming structures and disturbance and is also almost entirely within the 100 year floodplain. All Lots are subject to Title 9-17 except in areas outside of the mapped floodplain as shown on the Preliminary Plat. (See Exhibit A-2)

2. No single lot shall be divided by a street, existing right of way or other lot. N/A-Not divided as such.

3. No single lot shall be divided by a municipal or county boundary line. Parcel A was requested by the city to encompass all of Tax Lot 7515 with an access easement. See updated Preliminary Plat Exhibit A-6.

4. Lots shall have a minimum mean width of seventy five feet (75'). N/A- All lots wider than 75'.

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. N/A. No transmission line within 100'.

6. All buildings on lots located adjacent to public lands shall have a minimum thirty foot (30') setback from public lands. N/A -Not adjacent to public land.

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. Will serve letters received and utilities available.

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.

South Central Public Health had no comments however the landowner will be required a permit for both well and septic from SCPHD. (Exhibit B-11 SCPHD)

b. Fire protection systems shall meet local fire code requirements. See Preliminary Plat note 12 and Exhibit B-1 WRFD comment letter.

c. All abandoned wells shall be sealed to prevent contamination of ground water. No abandoned wells noted.

d. The requirements of Idaho Code section 42-111 for domestic water limits and section 50-1334 for subdivision water systems shall be satisfied. See Preliminary Plat note 10, noting ½ acre landscape exemption.

2. Central Water Systems:

n/a no central water system.

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. The landowner has 210AF in groundwater rights from 4/15-10/31. In addition, the land has 1.1AF for stock water use and 1.8AF of domestic use both for year round usage. Please see Preliminary plat note 10 regarding state limitations on irrigation for landscaping.

b. Agricultural and domestic water delivery systems shall not be intermingled. This is a suggested additional plat note B.

c. All new wells shall be metered. This is on the preliminary plat as note 9.

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. **Individual septic and drainfields will require a permit from SCHD.**
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 larger than one acre**
 - b. Three hundred feet (300') shall be the minimum separation between any drain field site and a natural stream, spring or lake. **Added as suggested plat note C.**
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.
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 plat note 5 on preliminary plat.**

H. Street Improvements:...

N/A no streets proposed.

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 and land use permit application for compliance with the Outdoor Lighting chapter of the county's Zoning regulations. See suggested condition 11 requiring a approved lighting plan prior to final plat approval.**

► **Staff comment:** The administrative standards appear to be met with suggested conditions and additional plat notes.

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. **The proposed subdivision is accordance with the urban transitional area depicted in the comprehensive plan.**
- 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. **Services are already provided in this area for the existing residence, three additional residences are not foreseen to have an adverse impact.***

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.

There is floodplain across the majority of this proposed short plat subdivision. Adequate building sites outside of the floodplain are identified for lots 2-4. Lot 1's proposed building envelope is entirely within the floodplain however the existing residences and accessory structures are existing with a existing well and septic therefore may be considered a reasonable building site. It should be noted to future landowners that FEMA is currently in the process of redrawing the FEMA 100 year floodplain in this area which could change the mapped boundaries in the future for Lot's 1 and 2. (County Engineer Comments Exhibit B-9) See suggested plat note d.

*E. Agricultural And Rural Land (A-20, A-40, R-10 And RR-40): In addition to all other applicable criteria in title 9 of this code and this title, proposed subdivisions in lands zoned A-20, A-40, R-10 and RR-40 shall comply with the following criteria: **N/A land is zoned R-5.***

1. -3...

*F. Avalanche Areas: **N/A No avalanche exists on property***

*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. **No areas of unsuitable land identified. The water table may be high due to its proximity to the river however no test pits were dug to verify this. The applicant said a septic permit was submitted for a pressurized mound system (common for higher groundwater) and another was submitted for a standard gravel less trench system. This primarily will affect future owners during the building permit process and will most likely deter basements and require South Central Health District to issue certain specifications regarding septic systems but not incur a hazard or health detriment.***

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 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. **Water quantity and quality are sufficient. (IDWR Exhibit B-6)**

► **Staff comment:** The Threshold Standards appear to be met with a suggested plat note.

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.

The proposed subdivision is located adjacent to the Big Wood River. Riparian habitat associated with the river is considered valuable for both natural resources and wildlife habitat. Building envelopes have been proposed to help mitigated encroachment within these areas. The Floodplain manager suggested that plat notes be added limiting all structures and all rock rip rap to the building envelopes. (Exhibit B-10)

B. Lot Requirements:

1. Each lot shall contain a satisfactory building site which is properly related to topography. **All lots have identified a building area.**
2. Corner lots shall be a sufficient area without obstructive landscaping to provide acceptable visibility for traffic safety. **No corner lots proposed**
3. Each lot shall have access to an internal street or drive, where practicable. **All lots from Lower Broadford Road.**

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. **The OHM has not been surveyed. The preliminary plat notes that the OHWM was drawn from an aerial image. This is added as a condition of approval before final plat. The riparian setback will also need to be adjusted accordingly. A condition of approval is also suggested to include the section of code, that requires ordinary high water mark measurement shall begin on the landward side of such stabilization work as rock rip rap. (BCC: 9-17-5)**
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^{1/2}), 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 while adjacent to the City of Bellevue is divided by the Big Wood River and future re-subdivision is not anticipated. No streets are proposed.**
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. **N/A Not adjacent to public lands.**

...

C. Blocks: ...**N/A no blocks proposed**

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; **See preliminary plat note 6, noting a 10' access easement for utilities. It should be added to preliminary plat note 6 that the 10' utility easement only run along the Lower Broadford Road frontage not within the interior and exterior lot lines due to floodplain.**
2. Install utilities prior to road surfacing; and
3. Where practicable, relocate underground any existing aboveground utilities, excluding power transmission lines. **Idaho Power is existing along Broadford Road. (A-1 & B-7)**

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. **The County Engineer did not mention a need for additional drainage facilities.**
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. **The City of Bellevue requested a 20' maintenance easement on the north side of lot 1. See suggested plat note e.**

F. Water Supply:

1. Central Water Systems:
N/A No central water system proposed.

2. *Irrigation System Requirements: All subdivisions shall satisfy the requirements of Idaho Code section 31-3805 for irrigation water delivery. Irrigation water delivery is existing for existing groundwater rights both 6 month and year round stock water and domestic usage. Any future use shall follow state code. See preliminary plat note 10. (IDWR B-6)*

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. Lots are significantly larger than one acre. SCPHD to review at building permit submission. No additional requirements requested by SCPHD pre review. (SCPHD B-11)*

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 Howard Preserve surrounds Tax Lot 7515 (North east section of Parcel A). The peninsula of land along the north eastern section of this property is heavily used by city residents for recreation. The landowner may contemplate this portion become accessible to City residents as part of their existing Howard Preserve Park.

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. A Fisherman's access easement is a suggested plat note addition on 10' of both sides of the OHWM of the Big Wood River. This is a typical notation on new subdivisions along the river. In addition, a recreational access easement may be valuable for the peninsula section mentioned in standard I. as another suggested plat addition.*

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.*

L. *Hillside Standards:*

...N/A No hillsides

M. *Design Of Subdivisions Within Or Adjacent To Lands Zoned A-20, A-40, R-10 Or RR-40:*

...Lands surrounding the subdivision are R-5 and City of Bellevue.

2. For lands located within the R-2, R-2^{1/2}, 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. **Proposed building envelopes are accessible for all utilities and Lower Bradford Road.**
 - 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. **As discussed earlier in this report Building Envelopes are proposed to mitigate adverse impacts with natural resources.**
 - 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^{1/2} and R-5 zoning districts to be reduced by up to twenty percent (20%). **N/A all lots larger than 5 acre minimum.**

N. Street Improvements:

N/A No streets proposed. See Exhibit B-4 County Road and Bridge Manager does not recommend any need for street improvement or increased ROW dedication.

O. Intersection Location And Specifications: ...**N/A no intersections proposed**

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 plan provided due to building envelopes proposed.**

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. **N/A- no facilities proposed**

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

IDFG Comments: Perimeter fencing should be minimized to avoid entanglement with big game. If livestock fences are necessary, they should be a wildlife-friendly design with a maximum top rail height of 42" and a minimum bottom rail height of 18".

- 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.*
- 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.*
- 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 IDFG letter. Wildlife plat notes are suggested to be added. Specifically items 5-10 from Exhibit B-5.

- 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 IDFG Comments: Residential fences for pet containment should be used for portions of the property near the home, rather than the entire property perimeter; continuous perimeter fencing that does not follow wildlife-friendly standards creates a barrier to animal movement across the landscape. Fences should not have spikes, pickets or barbs that protrude above the top bar; furthermore, impermeable residential fences should also either be less than forty-two inches (42") or greater than eighty-four inches (84") to prevent animal entanglement with the top of the fence.

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.

- 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°).*
- 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.*
- 5. *Gates: Limited entry or private gates may be prohibited at the entrance to any nonagricultural development approved under this title.*

*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 setback to be redrawn based off of the surveyed OHWM. This is a suggested condition of approval.***

► **Staff comment:** The Design Standards appear to be met with recommended conditions and suggested plat notes.

IV. DECISION OPTIONS AND POSSIBLE CONDITIONS:

► **Motion:** I move to approve (or) deny this short plat subdivision application by **Drinkers of the Wind c/o Brooke Bonner, to subdivide 66.7 acres into 4 lots and Parcel A to be named Drinkers of the Wind 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. The ordinary high water mark will need to be surveyed and redrawn before final plat approval.
9. The 200' riparian setback line shall be measured from the surveyed OHWM & drawn accordingly before final plat can be approved.
10. Where riprap bank stabilization has occurred the ordinary high water mark measurement shall begin on the landward side of such stabilization work.
11. A exterior lighting plan shall be submitted and approved prior to final plat approval.

Approved plat notes are indicated on the plat dated March 2023. Required additional plat notes and note changes are:

- a) Yew plants are unlawful in Blaine County pursuant to Blaine County Code Title 3, Chapter 2. All parts of the yew plant, living or dead, are poisonous and known to cause sudden death to all species of animals, including humans, if ingested.
- b) Agricultural and domestic water delivery systems shall not be intermingled.
- c) A 300' minimum separation shall be measured from the Big Wood River and future proposed drainfields.
- d) All structures including rock rip rap shall be limited to the building envelope boundaries
- e) A 20' access easement for the City of Bellevue access and maintenance shall be located on the norther boundary of Parcel A.
- f) Add all IDFG items 5-10 onto the final plat. See Exhibit B-5 letter for reference.
- g) A 10' fisherman's access easement added on 10' of both sides of the OHWM of the Big Wood River.
- h) A recreational access easement recorded and noted for the peninsula or north-east of the Big Wood River on Tax Lot 7515.
- i) **Or** the Eastern Big Wood River OHWM bank to the eastern lot boundary be dedicated to the City of Bellevue as part of the Howard Preserve Park in Parcel A Tax Lot 7515 if applicant is not interested in a recreational easement for access as suggested in plat note h.
- j) Preliminary plat note six shall remove "be centered on all interior lot lines and along the exterior boundary of the subdivision" to be replaced with, "run along the Lower Bradford road frontage."