

**BLAINE COUNTY BOARD OF COMMISSIONERS**  
PUBLIC HEARING on April 11, 2023, at 3:00 p.m.

<b>REGARDING AN APPLICATION OF:</b> Anette Wachter to amend Lot 10, Block 2, Griffin Ranch PUD Subdivision Phase 3	<b>STAFF REPORT</b> By: Kathy Grotto/Allison Kennedy Date: March 15, 2023
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**REQUESTED ACTION:** The applicant, Anette Wachter proposes to amend Lot 10, Block 2, Griffin Ranch PUD Subdivision Phase 3, by adding an accessory building envelope. The 14.14-acre property is located at 60 Cooper Dr. and is zoned Residential/Agricultural District (R-5), with areas of Avalanche Overlay (but not in the area of the proposed building envelope).

**APPLICABLE REGULATIONS:**

Title 10 (Subdivision Regulations): Chapters 1-5  
Title 9 (Zoning Regulations): Chapter 7, 22  
Title 8 (Comprehensive Plan)

**Summary**

The proposed Building Envelope is 14,941 square feet in size. It is located north of neighboring Lots 11 and 12. In addition, Lot 13A Blk 2 is located directly east of the proposed building envelope. The application raises these topics for discussion:

The application form notes the application is to “Add accessory building envelope” and the “explanation” states it is “for a barn and quarantine loafing sheds.” Nothing on the plat dictates what the building envelope can or cannot be used for. In addition the topic of viewsheds of the north west mountains from existing building envelopes of Lot 12 & Lot 13A Block 2 and how that effects the neighborhood character should be discussed.

**I. GENERAL BACKGROUND**

1. **Notice** of this public hearing was:
  - i. published in the Idaho Mountain Express on March 22, 2023.
  - ii. sent by first class mail on March 27, 2023 to all property owners within 300 feet of the external boundaries of these lots, and to all subdivision lot owners;
  - iii. sent to all political subdivisions on March 22, 2023; and,
  - iv. posted on subject property on April 5, 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. §10-4-7 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 25, 2023, unless indicated otherwise.

- A-1: Completed application form
- A-2: Vicinity map
- A-3: Preliminary plat
- A-4: Sawtooth Environmental Consulting Preliminary Jurisdictional Wetland Determination
- A-5: Alpine Enterprises Avalanche Hazard Study
- A-6: Water rights information in CCRs
- A-7: Lighting plan and photos, received 2-15-23
- A-8: HOA-Design Review Committee correspondence, received 2-10-23

**"B" Exhibits—Agency Comments**

None required at this time.

**"C" Exhibits—Additional Information**

- C-1: Current Griffin Ranch PUD Sub Phase 3 plat and notes pages

**"D" Exhibits—Public Comments**

None received as of the date of this report

**II. PLAT AMENDMENT CRITERIA**

Subdivision Regulations §10.4.7(D) Plat Amendment and Correction

*D. Plat Amendment And Correction:*

1. *Administrative Review: A minor correction of a mistake on a final plat or a minor amendment ...*

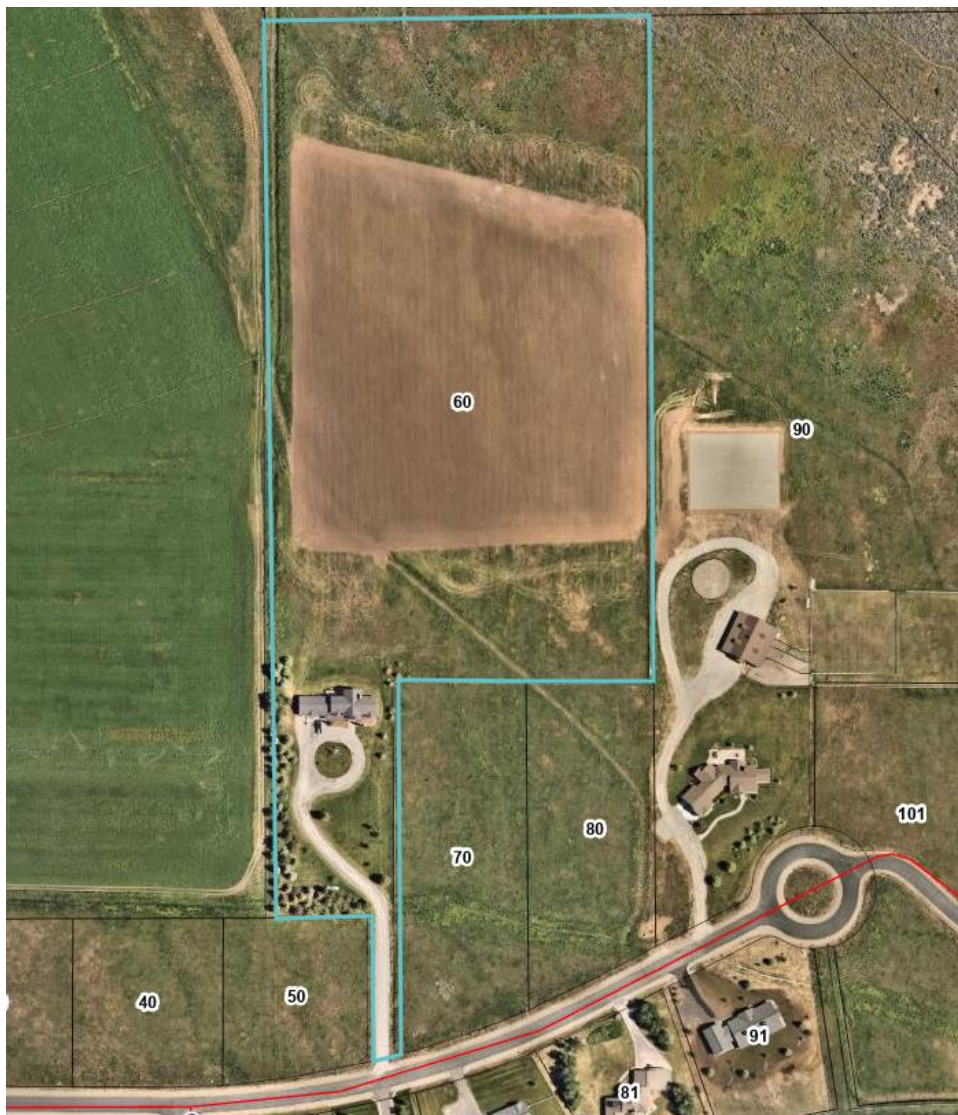
**Comment: The application is for the addition of an accessory building envelope, so it does not qualify as a minor correction or amendment.**

2. *Board Approval: Any other requested amendment to a plat that does not create a new lot shall be acted upon by the Board after not less than one public hearing for which each record holder of property within the subdivision, if determined by the Board to be necessary, and all property owners within three hundred feet (300') of the exterior boundary of the lots proposed for plat amendment were sent notice by mail. The Board may approve an application if the applicant has demonstrated that the proposed amendment:*

*a. Does not alter the existing character of the subdivision; and*

*b. Satisfies to the extent practical all the applicable requirements of this Code, as amended.*

**Comment:** (a) The proposed accessory building envelope (BE) will allow for additional development somewhat similar to that found on Lot 13 at 90 Cooper Dr. (See screenshot below.) The HOA has not provided any specific recommendation or comments (Exhibit A-8). (b) Applicable requirements are reviewed in Section III below.



It should be noted that the undeveloped 80 (Lot 12) & 90 (Lot 13A) Cooper Drive views will be affected by a structure placed in the location of the B.E.

3. *Modifications To Building Envelope Or Centroid: If the amendment involves any modification to a building envelope or centroid, the applicant, in addition to meeting the requirements of subsection D2 of this section, must demonstrate that:*
- a. *The proposed location is not within or farther within a natural resource overlay district or hazard area.*

**Comment:** The proposed accessory BE is not within any overlay district. GIS mapping shows potential MOD/Scenic Corridor 1 on the lot; however, the area of the proposed BE is roughly 2-3% slope. Since it is well below the 15% slope threshold, the SC1 does not apply. If the B.E. location alters the existing character of the subdivision should be discussed in regards to view sheds of surrounding property owners.

### III. DESIGN AND IMPROVEMENT STANDARDS

Subdivision Regulations §10-5-1, §10-5-2, §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; N/A – no change requiring SCPHD review.*
    - 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; N/A – no change affecting public ROW.*
    - c. *Any chapter of title 7 with the recommendation or approval of the building official and fire official in an established district; ; N/A – no change requiring building or fire review at this time.*
    - d. *Chapter 2 of title 8; and N/A – not in an Area of City Impact.*
    - e. *Any chapter of title 9. Applicable Title 9-Zoning Regulations are reviewed below.*
  2. *Adopted Idaho transportation department standards, if the applicant seeks a new or expanded access onto a state highway. N/A – not on a state highway.*
- B. *Resource Protection Requirements:*
1. *Floodway Areas: N/A – none on the site.*
  2. *Avalanche Areas: No new habitable buildings shall be located within a high (red) avalanche hazard area, as determined by a professional study. The proposed BE is roughly 500 feet away from any red or blue avalanche hazard zone according to the new 2022 study. See Exhibit A-3 (preliminary plat) and Exhibit A-5 (avalanche study).*
  3. *Riparian Areas: N/A – none on the site.*

4. **Wetlands Areas: No jurisdictional wetland resources were identified. See Exhibit A-4 Preliminary Jurisdictional Determination Wetland Evaluation from Sawtooth Environmental Consulting.**
- C. **Drainage: Drainage systems shall not discharge into any sanitary sewer facility. N/A – no change to drainage proposed.**
- 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 proposed building envelope exceeds the required setbacks for the R-5 zoning district and is outside of any hazard or natural resource overlay district.**
  2. **No single lot shall be divided by a street, existing right of way or other lot. N/A – no change.**
  3. **No single lot shall be divided by a municipal or county boundary line. N/A – no change.**
  4. **Lots shall have a minimum mean width of seventy five feet (75'). N/A – no change to lot width.**
  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 in the vicinity.**
  6. **All buildings on lots located adjacent to public lands shall have a minimum thirty foot (30') setback from public lands. The proposed BE is roughly 800 feet from BLM land to the north.**
- 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. Any utilities to new development in the proposed BE must be underground. This is note #1 on the existing plat.**
- F. **Water Supply: N/A – no change to water supply.**
- ...
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. Irrigation water rights in Griffin Ranch are allocated to individual lots as set forth in their CCR's. See Exhibit A-6.**
  - b. **Agricultural and domestic water delivery systems shall not be intermingled. Delivery systems are existing.**
  - c. **All new wells shall be metered. Wells are existing.**
- G. **Sewage Disposal: N/A – no change to sewage disposal.**
- H. **Street Improvements: N/A – no change to streets.**
- I. **Intersection Location And Specifications: N/A – no change to intersections.**
- J. **Street Specifications: N/A – no change to streets.**
- 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 land use permit application for compliance with the Outdoor Lighting chapter of the county's Zoning**

regulations. See Exhibit A-7 for the lighting plan and photos of the existing lighting. These all appear to comply with Chapter 29A.

**Comment:** The proposed plat amendment appears to comply with the applicable administrative 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. Not a proposed subdivision.*

C. *Impact On Public Facilities And Services: The proposed subdivision ... Not a proposed subdivision.*

D. *Land Under Floodplain: N/A - the property is located within Flood Zone X, Area of Minimal Flood Hazard.*

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... Not a proposed subdivision.*

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. N/A - The proposed BE and therefore any access driveway is well outside of any red or blue avalanche hazard zone according to the new 2022 study. See Exhibit A-5.*

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 such hazards known on the site.*

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 ...N/A – the applicant is a private individual.*

I. *Water Quantity And Quality: ... N/A – no change in water foreseen.*

**Comment:** None of the Threshold Standards are applicable for this single lot plat amendment. The components of this subdivision are already in place.

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 accessory BE does not impact natural features.**

B. *Lot Requirements: N/A – no change to the lot itself.*

C. *Blocks: N/A – no change to blocks.*

D. *Utilities: The subdivider shall: N/A – no change to 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.*

**The existing plat (Exhibit C-1) includes Note 16 which states:**

16) All surface drainage shall be accommodated by maintaining natural drainage channels where possible or by providing alternate drainage channels to handle surface run-off. A drainage ditch may be relocated as long as drainage flow is not impeded and said relocation is approved by the Griffin Ranch P.U.D. Homeowners' Association prior to construction. The Homeowners' Association is responsible for maintaining natural or other drainage channels through this property.

**The face of the plat identifies a “Drainage Course” within Lot 10 along the northern edge of the existing building envelope.**

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 HOA is noted as “responsible for maintaining” drainage channels in the subdivision.**

F. *Water Supply: N/A – no change to water supply.*

G. *Sewage Disposal: N/A – no change to sewage disposal.*

H. *Solid Waste Disposal: N/A – no change to solid waste disposal.*

I. *Park Or School Site Dedication: N/A – not applicable to a plat amendment.*

J. *Access Easements: The board may require an access easement to publicly administered land  
.... A public access easement exists through the subdivision to BLM land.*

K. *Development Rights: N/A – not applicable to a plat amendment.*

L. *Hillside Standards: N/A – MOD on the site.*

- 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. **Not a new subdivision. The proposed accessory BE does not encroach on any sensitive areas.***
- N. *Street Improvements: **N/A – no change to streets.***
- O. *Intersection Location And Specifications: **N/A – no change to intersections.***
- 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 or grading plan proposed. The proposed BE is on relatively flat land.***
- 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 – not applicable to a plat amendment.***
- R. *Wildlife: **Not in deer or elk winter range; Plat note 18 on the existing plat addresses fencing and domestic pets.***
- S. *Gates: Limited entry or private gates may be prohibited at the entrance to any nonagricultural development approved under this title. **N/A – not applicable to a plat amendment.***
- T. *Riparian And Wetland Areas: **N/A – none on the site.***

**Comment:** The design components of this subdivision are already in place. Most subdivision design standards are not applicable to this proposal to add a building envelope on one existing lot. The applicable standards appear to be met.

#### IV. DECISION OPTIONS AND POSSIBLE CONDITIONS:

► **Motion:** I move to approve (or) deny this application by Anette Wachter to amend Lot 10, Block 2, Griffin Ranch PUD Subdivision Phase 3, 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 one year of final approval or seek and be granted an extension at the Board's discretion within that period;
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.



Approved plat notes are indicated on the plat dated January 2023. Possible plat note changes and additions are:

- a) Septic systems shall be built with riser, out-flow filters and drainfield inspection ports on each system. Periodic inspections of individual septic systems, as recommended by the system manufacturer, are required and are the responsibility of the homeowner.
- b) Domestic well water shall be limited to use on a maximum of one-half acre.
- c) Pursuant to State regulations, maintenance and weed control for all lots are the responsibility of the developer until the lot is sold and thereafter the responsibility of the owners of the individual lots. The control program to be implemented by the responsible party will target those species designated on the Idaho Noxious Weed List. Mowing and manual removal are recommended, although biological control has been shown to be effective in eradicating knapweed.
- d) 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.
- e) All existing and future lighting is subject to review for compliance with County Code, Title 9, Chapter 29A, Outdoor Lighting.