

BLAINE COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING on April 18, 2023 at 1:30 p.m.

REGARDING AN APPLICATION OF: Dirk and Lindsay Zondag to amend Lot 8, Driftwood Ranch Subdivision.	STAFF REPORT By: Kristine Hilt Date: April 10, 2023
--	--

REQUESTED ACTION: Public hearing and consideration of a Plat Amendment application by Dirk and Lindsay Zondag to split the existing building envelope (BE) into two and shift both pieces west towards the Big Wood River at Lot 8 of Driftwood Ranch Subdivision, also known as 1309 Glen Aspen Drive. The 8.85-acre property is zoned Residential/Agricultural (R-5) with areas of Floodplain (FP), Riparian (R) and potential Wetland (WE) Districts.

APPLICABLE REGULATIONS:

- Title 10 (Subdivision Regulations): Chapters 1-5
- Title 9 (Zoning Regulations): Chapters 7, 17 and 19
- Title 8 (Comprehensive Plan)

Summary

The applicants wish to split the existing building envelope (BE) and relocate both resulting pieces further from Glen Aspen Drive westerly towards the Big Wood River. The proposed BE locations are completely outside of the Floodplain Overlay District and all required riparian setbacks. Refer to Exhibit A-3 and A-4, Preliminary Plats.

The existing building envelope measures roughly 10,000 square feet. The proposed most westerly BE measures 6,956 square feet and the easterly, smaller, BE measures 2,601 square feet. The two proposed BE measure a total of 9,557 square feet of buildable area, slightly less area than the existing singular BE.

I. GENERAL BACKGROUND

1. **Notice** of this public hearing was:
 - a. published in the Idaho Mountain Express on March 29, 2023;
 - b. sent by first class mail on March 29, 2023 to all property owners within 300 feet of the external boundaries of these lots, and to all subdivision lot owners;
 - c. sent to all political subdivisions on March 28, 2023; and,
 - d. posted on subject property on/before April 11, 2023 as evidenced by affidavits in file, which is seven days prior to the hearing.

► **Motion:** Upon motion by Commissioner _____, second by Commissioner _____, and by a vote of ___ to ___, the Board finds notice to comply with applicable regulations. §10-4-7 of the Subdivision Ordinance.

2. Any disclosures (i.e. conflicts of interest, site visits or *ex parte* communications)?

3. Attached to this report are the following exhibits:

“A” Exhibits—Application Materials

All application materials were received on January 18, 2023, unless indicated otherwise.

- A-1: Blaine County Plat Amendment Application
- A-2: Vicinity map
- A-3: Preliminary plat (1”=100’ scale) dated 03-31-23
- A-4: Preliminary Plat with 2022 aerial underlay dated 03-31-23
- A-5: Responses to staff questions

“B” Exhibits—Agency Comments

None received to date of this report.

“C” Exhibits—Additional Information

- C-1: Driftwood Ranch Subdivision, 1980
- C-2: Driftwood Ranch Subdivision, replat of Lots 9A and 10A, 2000

“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...*

- **The application involves relocating and splitting a BE, so it does not qualify as a minor 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*

- **Relocating the westerly BE towards (yet not in) the floodplain of the Big Wood River would not alter the character of the subdivision as other building envelopes to the north and south exist in proximity and alignment to the proposed location (see Exhibit C-2, 2000 Driftwood Sub Lots 9A/10A Plat Amendment).**

While the proposal includes two building envelopes measuring a total of 9,557 sf, this is still less than the existing BE in total size, which measures 10,000 sf. Yet, splitting the existing envelope into two envelopes is atypical of this subdivision. Only one other lot of the 10 lots in the subdivision, Lot 3A, has two BEs. Lot 3A is partially located on a bench, also accessible from State Highway 75 while this lot remains “down” off the bench adjacent to the river, only accessible by Glen Aspen Drive.

The Board should consider whether allowing the slight separation of developable area on this lot would alter the characteristic of this subdivision, given that development is largely clustered to primarily one BE throughout the subdivision.



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

- **Applicable requirements are addressed below under Design & Improvement Standards.**

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.

- **The proposed BE location is entirely outside the floodplain hazard overlay area and riparian setback district.**

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;*

South Central Public Health District will review and the sign the plat as part of the standard recording process.

b. *Any chapter of title 6 with the recommendation or approval of the county engineer and recreation district if appropriate; N/A - no change warranting county engineer review.*

c. *Any chapter of title 7 with the recommendation or approval of the building official and fire official in an established district; The applicant has stated that they are agreeable to providing a code compliant design for fire access and acknowledged the potential need to create a fire apparatus turnaround on the lot.*

d. *Chapter 2 of title 8; and The lot lies within the Bellevue Memorandum of Agreement area. Notice was provided in accordance with the agreement.*

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: The proposed BE location is located outside of the floodway overlay areas.**

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 – none on the site.**

3. **Riparian Areas: The Big Wood River is a Class 1 stream and the overflow channel is a Class 3 stream with associated setbacks of 200' and 100'. Both of the proposed building envelopes are located outside of the required setbacks.**

4. **Wetlands Areas: There may be wetlands on the site but a site-specific study would be required to confirm. The proposed location of the new building envelope is situated on an upland bench area. The bench area is drier and topographically higher than the banks of the Big Wood River and its associated floodplain. Therefore, disconnected from ground water that typically supports wetland vegetation.**

C. **Drainage: N/A - No change affecting drainage.**

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 BE location is entirely outside the floodplain.*

2. *No single lot shall be divided by a street, existing right of way or other lot.*

N/A - No new lot created

3. *No single lot shall be divided by a municipal or county boundary line.*

N/A - No new lot created

4. *Lots shall have a minimum mean width of seventy five feet (75'). N/A - No new lot created*

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*

6. All buildings on lots located adjacent to public lands shall have a minimum thirty foot (30') setback from public lands. **N/A**
- E. Utilities: Any proposed subdivision... **N/A - Not a subdivision of land.**
- F. Water Supply: **N/A - No change affecting water supply.**
- G. Sewage Disposal: **N/A - No change affecting 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. **SCPHD approval required on all building permits.**
- H. Street Improvements: **N/A - none proposed or needed**
- I. Intersection Location And Specifications: **N/A - none proposed or needed**
- J. Street Specifications: **N/A - none proposed or needed.**
- K. Lighting Standards: All outdoor lighting in the proposed subdivision shall comply with title 9, chapter 29A of this code. **N/A**

➤ **Comment:** The proposed plat amendment complies 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. **Various sections of the Comprehensive Plan discuss preserving wildlife corridors and preventing the segmentation of habitat. Many sections of the Comprehensive Plan also address conservation of the Riparian, Wetland and Floodplain areas. The Board should consider these topics when evaluating this proposal.**
- C. *Impact On Public Facilities And Services:* **Shifting the building envelope west may require a longer fire access and turnaround area. The applicant is aware of this requirement. The BE shift is not anticipated to impact public facilities.**
- D. *Land Under Floodplain:* **The proposed BE location is entirely outside of the floodplain.**
- 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 ... **N/A - Not within the above referenced zones.**
- 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**
- 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. **N/A – This area is susceptible to erosion, surface water flooding and ground water impacts. Plat note #9 on the 2000 replat of Driftwood Sub (C-2) requires elevation of all residential structures.**

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... **N/A - not a state entity.**

I. Water Quantity And Quality: **N/A - No change affecting water quantity or quality.**

- **Comment:** Some of the Threshold Standards apply to this single lot plat amendment request. The components of this subdivision are already in place, however, the proposal appears to conditionally satisfy the standards above.

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:* **The floodplain, riparian and wetland areas are considered highly valuable natural features within Blaine County. All efforts should be made to relocate development outside and further away from these high risk and sensitive ecosystems. As witnessed, this area is susceptible to erosion and flooding. The proposed BE locations are located outside of the floodplain, riparian and potential wetland areas yet still within an elevated area of inherent risk.**

B. *Lot Requirements:*

1. *Each lot shall contain a satisfactory building site which is properly related to topography. The proposed building envelopes both remain on the elevated portion of the lot. See definition of Buildable Site as follows: "BUILDABLE SITE: A dwelling construction site which will not require diking or riprap for protection against flooding, nor increase the possibility of contamination of ground or surface water from septic tanks and drain fields, nor require that the proposed site be excavated so as to oversteepen a slope or toe of a slope."*

C. *Blocks:* **N/A - Not a subdivision of land.**

D. *Utilities: The subdivider shall:* **N/A - Not a subdivision of land**

E. *Drainage:* **N/A - no apparent drainage way in the proposed BE locations.**

F. *Water Supply:* **N/A - No change affecting water supply.**

G. *Sewage Disposal:* **N/A – Site is yet to be determined and subject to approval from SCPHD.**

H. *Solid Waste Disposal:* **N/A - No change affecting solid waste disposal.**

I. *Park Or School Site Dedication:* **N/A - Not a subdivision of land.**

J. *Access Easements:* **N/A - none proposed.**

K. *Development Rights:* **N/A - Not a subdivision of land.**

L. *Hillside Standards...:* **N/A – none 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. **N/A – this lot is not within or adjacent to any of the above listed zoning districts.**

1. *In addition to the above, subdivisions within or adjacent to lands zoned A-20, A-40, R-10 and RR-40 shall be designed and residential structures located to minimize the impact on agricultural land, farming operations, and sensitive environmental features. The board should consider, without limitation, the following design criteria:*

- a. *Locating residential structures as far from neighboring agricultural lands as possible;*

- b. *Grouping land uses as much as practical, such that agricultural lands abut neighboring agricultural lands and residential structures are located contiguous with other residential uses;*
- c. *Locating structures on the least productive agricultural land and in such a manner as to have little impact on any environmental, agricultural or open space resources; and*
- d. *Placing residential structures nearest to utilities and roads to minimize the amount of infrastructure and the loss of agricultural land.*
- e. *A buffer between different types of uses (i.e., residential and agricultural) may be required. **N/A – this lot is not within or adjacent to any of the above listed zoning districts.***

N. *Street Improvements: **N/A - No change affecting streets.***

O. *Intersection Location And Specifications: **N/A - No change affecting 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. **N/A none proposed.***

Q. *Nonmotorized Facilities: Applicants may be required to accommodate in the subdivision design nonmotorized transportation facilities **N/A - Not a subdivision of land.***

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:*

The proposed BE is within the Elk Wintering Range. Existing Plat Note #8 requires that all dog owners shall have kennels. If the proposed envelopes are approved, the Board may wish to consider other protections for wildlife, as noted below.

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. **Prohibition of fencing within the riparian setback. This is a suggested condition of approval - suggested plat note #4.***
- 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.*
- 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. **Wildlife friendly fencing, when necessary and outside of the riparian setback, is a suggested condition of approval #5.***

- 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. **Wildlife friendly fencing, when necessary and outside of the riparian setback, is a suggested condition of approval #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. **Existing plat note #8 addresses kennels for dogs. Cougars frequent this stretch of the river and kennels are critical to limit conflict between wild and domestic animals. An additional plat note #10 is proposed to replace the existing plat note #8.***
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°). **The provisions of Chapter 29A, Outdoor Lighting, shall apply. This is a suggested plat note #3.***
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.*
- S. **Gates: N/A - Not a subdivision of land**
- 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 9-17-7D 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. **The proposed BE locations are outside of the required riparian setbacks and potential wetland areas. Further, the BE locations are located on a high terrace arid bench. If development is restricted to the BE locations, potential wetland and riparian plant communities should not be impacted.***
- **Comment:** The design components of this subdivision are already in place. Most of the subdivision design standards are not applicable to this proposal to amend a building envelope on a single lot.

IV. DECISION OPTIONS AND POSSIBLE CONDITIONS:

► **Motion:** I move to approve (or) deny this application by Dirk and Lindsay Zondag, for a plat amendment to amend Lot 8, Driftwood Ranch Subdivision, finding the application complies (or) does not comply with the applicable criteria set forth under Title 10, Subdivision Regulations and applicable criteria of Title 9, Zoning Regulations, subject to the following conditions:

Possible conditions of approval:

1. Record the final plat within 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 June 2000.

Possible plat note additions:

1. (To replace existing plat note #2) Flood information shown is based on Flood Insurance Rate Map Number 165167 0859 E, dated November 26, 2010. The Floodplain Area designated on this plat is considered by the Owner, Blaine County and Galena Engineering Inc. as reasonable for regulatory purposes. However, neither the Owner, Blaine County nor Galena Engineering Inc. represents, guarantees, warrants or implies that areas outside the floodplain area are safe and free from floods or flood danger. Sheet flooding can and will occur and that flooding may extend beyond the floodway and floodplain boundary lines identifies.
2. Pursuant to State regulations, maintenance and weed control for all lots are 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.
3. All exterior lighting is subject to Chapter 29A, Outdoor Lighting Regulations at the time of building permit submittal.
4. All fencing is prohibited within the riparian setback.
5. Other fencing shall be kept to a minimum for the purpose of facilitating wildlife passage through the area. To the extent fencing is added it should be to Idaho Fish & Game Standards of a post and rail design with a maximum top rail height of 42" and a minimum bottom rail height of 18". Wire fencing for containment of livestock shall have three (3) strands or less. The top wire shall 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, shall be located a minimum of twelve inches (12") from the top wire to prevent entanglement when animals jump over the fence. The bottom strand shall be barbless and a minimum of eighteen inches (18") from the ground.

6. Big game and other wildlife depredations on ornamental plants and gardens are anticipated. All responsibility for controlling wildlife depredation will belong with the property owner. Any actions taken to alleviate depredation will be those prescribed by the IDFG. Harassment of wildlife will not be tolerated.
7. The feeding of game species or predatory wildlife is prohibited.
8. All pet food should be stored and fed in a manner that does not attract nuisance wildlife such as skunks, raccoons, magpies, and red fox. It shall be the responsibility of each lot owner to control nuisance wildlife in accordance with any and all actions or inactions prescribed by Idaho Fish and Game.
9. Hay or other livestock feed shall be stored and fed so that it is not available to big game.
10. (to replace existing Plat Note #8) All pets should be kept indoors, kenneled, or leashed at all times. Completely enclosed outdoor pet kennels (including a roof) will help to prevent mountain lion depredation.
11. All structures must be wholly limited to the approved building envelope(s).