

- (7) Attach the following documentation in sufficient detail to determine compliance to the design criteria and categorical exclusions set forth in §9-21A-3 (see next page):
- Site plan showing property lines, location of proposed berm, fence, or wall;
 - Grading plan for proposed berm drawn to scale which indicates the height of berm relative to elevation of the centerline of the adjacent highway, slope and shape of berm;
 - Fence or wall design;
 - Landscape plan showing planting location, size, type and quantity of proposed landscape materials;

ACKNOWLEDGMENTS:

- (8) The undersigned understands that Chapter 21A, Title 9 (Zoning Ordinance) Blaine County Code Section 9-21A-3 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 9-21A-3 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 five (5) 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 five (5) 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 toiled 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 request a review by the Board of County Commissioners by filing a request for review with the Board within twenty (20) calendar days of the date of the Administrator's decision being reviewed, as set forth in §9-21A-3C of this Title.
- (9) 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.
- (10) 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 the best of his/her knowledge, and that (s)he agrees to comply with all county ordinances and state laws regulation site alterations and development in Blaine County, Idaho.
- (11) 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: ___/___/___

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

ADMINISTRATIVE RECORD:

Date Received: _____
 Administrative Processing Fee of \$175.00 paid on _____ Receipt # _____
 Disposition and Date: _____
 Processed by: _____

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 upon receipt and prior to scheduling an applicant's public hearing.

Attachment to Scenic Highway Overlay District
Categorical Exclusion Request Form

Section 9-21A-3 of the Zoning Ordinance states: General Exclusions: Unless the intent of the land owner or his/her authorized agent is to circumvent the purposes of the Scenic Highway Overlay District regulations, the requirements of this Chapter shall not apply to the following, provided the land owner or agent, before commencing construction of free-standing walls, earthen berms, fences and sight obscuring screens of trees, first obtains a written decision from the Administrator, in consultation with the County Engineer or his/her designated representative, that the construction falls within and meets one of the following categorical exclusions. The fact that construction does fall within a categorical exclusion does not remove such construction from the Scenic Highway Overlay District.

1. Agricultural fences on lands within the R-5, A-10 and A-20 districts which are customarily and directly related to agricultural purposes.
2. Berms, fencing and landscape improvements that are required as part of a valid conditional use permit, variance or subdivision approved prior to the effective date of this ordinance provided the improvements are consistent with the previously approved plan.
3. Free-standing walls, earthen berms, fences and sight obscuring screens of trees that meet the following design standards:
 - a. Fences shall be of a post and pole design with a maximum top rail height of forty-two inches (42") and with the bottom rail at least sixteen inches (16") off of the ground as measured from natural grade. Fences shall not be located on any portion of a berm or within five feet (5') of the toe of any berm. The openings in fences shall not be blocked with wire fencing or in any other manner.¹ Fences shall comply with the provisions of 9-29-8, Blaine County Code.

On lots which have a residence within one hundred feet (100') of Highway 75, sight obscuring fences of wood construction no higher than five feet (5') as measured from natural grade may be constructed. On such lots, post and pole design fences may be blocked. Fences on such lots must also be set back at least five feet (5') distant from the toe of any berm.²

- b. The toe of earthen berms shall be located no closer than five feet (5') from the property line nearest to the Highway 75 right-of-way within the Scenic Highway Overlay District.³
This setback is to be increased in accordance with paragraph A.2.c. of this Section where the natural grade is higher than the center line of Highway 75.
 - c. Within the first twenty feet (20') of depth of the lot or parcel as measured from the property line nearest the Highway 75 right-of-way, the slope of earthen berms shall be no greater than 3:1 (run: rise) on the side facing Highway 75. On lots which have a residence within one hundred feet (100') of Highway 75, earthen berms may have a slope no greater than 2:1 (run: rise) within the first twenty feet of the depth of the lot or parcel.⁴

The peak of earthen berms and the top of free-standing walls shall not exceed the following maximum heights:⁵

<u>SETBACK DISTANCE</u>	<u>MAXIMUM HEIGHT</u>
From property line to 5 feet	natural grade
5 feet to 20 feet	4 feet
From 20 feet to 75 feet	5 feet
Greater than 75 feet	6 feet

The height measurements shall be taken from the center line of the highway at the point closest to the berm. The distance measurements shall be taken from the peak of the berm to the Highway 75 right-of-way at the point closest to the berm.

Where the natural grade is higher than the center line of Highway 75, berms, free standing walls, and fences must be set back an additional three (3) feet for every one (1) foot in height the natural grade is higher than the center line of Highway 75, and this additional setback shall be added to the distance measurement for calculation of the maximum height designated.⁶ Land owners are encouraged to build berms that undulate in height and distance from the right-of-way in order to provide a less monotonous, more pleasing appearance.

- d. No additional structures, including fences, shall be placed on top of walls or above the toe of earthen berm structures to which the restrictions in this Chapter apply.⁷
- e. Vegetation on earthen berms, other than trees and shrubs for which standards are provided in paragraph A.2.f. of this Section, shall be limited to native or native-compatible drought tolerant grasses, wild flowers and ground cover. Disturbed areas shall be landscaped or re-vegetated immediately after completion of the site alteration activities, but no later than the end of the first construction season during which the site alteration commences. Earthen structures shall be covered with a depth of topsoil adequate to sustain vegetation, and shall be planted with native or native-compatible drought tolerant grasses, wild flowers or ground cover in a weed free environment prior to the end of the fall season in the year in which construction of the earthen structure was commenced. The required topsoil is to be included in the height of the berm for the purpose of determining compliance with maximum height limitations. Earthen structures shall be maintained weed free in all phases of construction and after revegetation.⁸ Components of the revegetation plan shall include techniques that will be used to ensure the establishment of the proposed vegetation within a period of three (3) years.
- f. Trees and shrubs may only be planted within the lowest two vertical feet (2') of earthen berms. The limitations in this paragraph shall apply to all trees and shrubs planted within the District with the exception of naturally growing trees and shrubs along the banks of surface bodies of water. No more than thirty percent (30%) of the width of the lot measured parallel to Highway 75 shall be occupied by trees and shrubs, and no more than twenty-five percent (25%) of such trees and shrubs shall be conifers. In order to avoid shading and icing of Highway 75 when they have matured, clusters and screens of trees and shrubs shall be planted at least ten feet from the property line nearest to the Highway 75 right-of-way, and no conifers may be planted within the first fifty feet from the property line nearest to the Highway 75 right-of-way.⁹
- g. Earthen structures shall be designed and constructed so that no more than natural runoff of water and sediment leaves the property of the applicant.

h. Applicants are encouraged to consult with the Idaho Department of Transportation to determine what State standards may apply. Applicants must also comply with the safety standards in Section 9-29-8, Blaine County Code.

4. Modifications to any conforming or non-conforming existing berm, fencing, wall, or landscaping, within the Timberway to Big Wood Bridge Project Area, as designated on Exhibit A: Timberway to Big Wood Bridge-SHO, as of [date of ordinance], as consistent with an approved Timberway to Big Wood Bridge – Scenic Highway Overlay State-County Transportation Improvement Plan, which shall not,
 - a) Exceed the elevation of the existing berm, fence, or wall, as identified on the Improvement Plan; or
 - b) Add any retaining wall taller than 48 inches in height, as measured from base of footing to top of wall.

Any existing berm, fence, or wall deemed conforming before [date of ordinance] shall not be required to obtain a SHO site alteration permit unless new modification or construction is proposed.

¹ This fence design and spacing is intended to allow movement of wildlife across the highway. Deer, antelope and elk often move across Highway 75 to reach water supply in the Big Wood River. Fencing can not only obstruct wildlife movement across the highway, it may also trap wildlife in the highway corridor. The setback of fences from berms is to allow deer to jump fences and not have to land on the uphill side of berms. As long as the setback from berms is provided, this post and pole fence design may be placed on the property line or elsewhere on the lot or parcel.

² It is understood that some lots are too small to allow reasonable use of the lot and also fully comply with the one hundred foot setback restriction on residences in Blaine County Code § 9-3-10. For such lots, solid fences are being allowed by this Chapter to allow owners of such lots greater safety for pets and children.

³ The “buffer” provided by the setback for berms is intended to allow runoff from the berm to collect on the property of the berm owner, and to provide a margin of error to avoid encroachment across property lines.

⁴ The maximum height increases as the distance between the peak and the highway increases. This design is based upon the experience that, the further back a berm is from the highway, the higher it can be without blocking the view.

⁵ The height limitations are maxima. Berms cannot exceed these heights at the given distances, but they are not required to achieve these heights. Land owners are encouraged to build berms that undulate in height, and also undulate in distance from the property line. If the height of the berm varies over the width of the lot along the highway, the berm will be more pleasing visually than will be a berm which has the same height for its entire length. Likewise a berm whose toe and peak move back and forth, closer to, and further away, from the property line nearest to the highway, will be more visually pleasing than a straight berm. Applicants are encouraged to design and construct earthen structures to vary in height, in distance from the highway, and in slope facing Highway 75 in order to present an attractive and interesting presence and avoid a monotonous and tedious visual experience.

⁶ Where a bank is already higher than the highway, adding a wall, fence or berm would block views from the highway in spite of the height limitations in this Chapter. The additional setback of the toe of the berm (as a function of the height of the land above the highway) adjusts the maximum heights in order to continue to preserve views.

⁷ No structures may be placed on berms above the toe of that berm. The height of the structure added to the height of the berm would defeat the effectiveness of the height limitation and allow views to be blocked. This restriction also addresses potential obstructions to passage of wildlife over berms.

⁸ Applicants are encouraged to consult personnel of the County weed abatement program for information and assistance or the University of Idaho Co-operative Extension Service.

⁹ As a practical matter, screens of trees can mature much higher than berms, and can block views more effectively than berms. Because the limbs of conifers extend as they grow and mature, over time they can increase their coverage of the lot blocking more view than when originally planted. Conifers also provide shading of the highway during the winter potentially contributing to buildup of ice on the highway. Shrubs can grow to be as high as trees. The restrictions on trees and shrubs are intended to balance the ability of the land owner to beautify his or her property and add to separation of the living space from the highway against the public's interest in views and the safety of the highway.