

The following information responds to Blaine County code requirements. Responses to individual sections are highlighted in bold for each applicable development standard criterion.

10-4-1: GENERAL PLATTING PROCEDURE:

A. Application: Any person desiring to subdivide or re-subdivide land shall submit an application to the administrator. No final plat of more than four (4) lots shall be filed with the county recorder until it has been acted upon by the commission and approved by the board in preliminary plat and final plat form as required herein. No lots shall be sold or offered for sale or lease from any plat until it has been recorded in the office of the Blaine County recorder. A subdivision of four (4) lots or less shall follow the short plat procedure.

Response: *In accordance with this section, the Applicant/Owner is submitting a Preliminary Plat (for more than four lots) to the Blaine County Planning Commission for approval.*

B. Hearing: Each plat submitted for preliminary or final approval shall be placed on the commission's or board's agenda for hearing only after fulfilling all the requirements of this title.

Response: *The Applicant/Owner acknowledges that each plat submitted for preliminary or final approval will be placed on the commission's agenda for hearing only after fulfilling the requirements.*

C. Incomplete Submission: A plat not meeting all the requirements may be submitted, upon the administrator's consent, provided the subdivider presents with the plat a letter requesting the specific exceptions and giving in detail the reason for incomplete submission.

Response: *The Applicant/Owner intends on fulfilling all of the Preliminary Plat requirements.*

D. Referral to Other Agencies: The administrator may, at the administrator's discretion, refer the preliminary plat and application to those agencies the administrator deems necessary for review in order to carry out the full intent of this title.

Response: *The Applicant/Owner has disseminated information to affected agencies that were identified in the pre-application conference on January 7, 2016.*

E. Concurrent Applications Prohibited: Subdivision applications with valid approvals shall be withdrawn in writing by the property owner/applicant before any new application for the same parcel(s) of land may be filed with, and considered by, the county. Applications with expired approvals shall be deemed null and void, pursuant to subsection 10-4-5B1 of this

chapter. Concurrent subdivision, re-subdivision, short plat, cluster development (CD), planned unit development (PUD) or other such land subdivision applications concerning the same parcel(s) of land shall be prohibited. However, applications for vacation, dedication or plat amendment as well as zoning applications affecting the same parcel(s) of land may be made and decided concurrent with subdivision, re-subdivision, short plat, CD and PUD applications.

Response: *The Applicant/Owner will not be submitting concurrent land division applications.*

F. Site Work Prohibited: Subdivision improvements at the site of the proposed subdivision, re-subdivision, short plat, CD or PUD that involves modification to existing grade, existing vegetation, and other natural features of the site shall not take place prior to preliminary plat approval or contrary to the conditions of that approval. Site work for the purpose of testing soils, drilling test wells, surveying, and similar activities shall be permitted, provided disturbance to the natural terrain and vegetation is minimized.

Response: *The Applicant/Owner acknowledges that improvements that involves modification to existing grade, existing vegetation, and other natural features of the site are not to occur until the County has issued preliminary plat approval or that is contrary to the conditions of that approval.*

G. Community Housing Planned Unit Developments: Applications for subdivision, townhouse, condominium preliminary and final plats associated with community housing planned unit developments authorized under title 9, chapter 35, "Community Housing Overlay District (CH)", of this code shall be processed, evaluated and decided upon according to the procedures contained therein and as noted in this chapter.

Response: *The proposed project is not considered a Community Housing Planned Unit Developments. However, it does contain eight community housing dwellings.*

H. Original Leasehold Parcels: Any person desiring to plat land that has been found to consist of two (2) or more original leasehold parcels under this title shall submit an application to the administrator which shall be evaluated per subsection 10-4-7F of this chapter. No final plat of original leasehold parcels shall be filed with the county recorder until the planning and zoning commission has made a recommendation, and the board has approved the final plat as required in this title.

Response: *The Applicant/Owner is the sole owner of the subject parcel.*

(Ord. 2012-07, 10-9-2012; Ord. 2012-03, 4-17-2012; Ord. 2004-03, 5-3-2004; Ord. 2000-05, 3-27-2000; Ord. 77-6, 3-28-1977, eff. 4-14-1977)

10-4-2: PREAPPLICATION SUBMITTAL:

- A. Submission of Generalized Plans: Prior to the filing of an application for a preliminary plat, the subdivider shall submit to the administrator generalized plans for the layout, density and road pattern for the proposed development. Such submission shall not require the official filing of a subdivision application.

Response: *In accordance with this section of County's Code, a pre-application conference was conducted on January 7, 2016.*

- B. Review by Administrator: The administrator shall review these plans and data, and advise the subdivider of the governing regulations. This advisory procedure does not constitute approval of the plan.

Response: *At the pre-application meeting, the planning staff reviewed the plans and data, and advise the Applicant/Owner of the governing regulations.*

- C. Requirements for CH-PUDs: Pre-application requirements for community housing planned unit developments shall be governed by title 9, chapter 35, "Community Housing Overlay District (CH)", of this code.

Response: *The Applicant/Owner is not proposing to develop a Community Housing Planned Unit Development. However, the proposed will contain a limited number of community housing units. As part of the proposed project, eight community housing units are proposed. Refer to Section D – Exhibit Drawings, Sheet C-2, Land Use Site Plan for the location of these units.*

(Ord. 2004-03, 5-3-2004; Ord. 95-3, 3-6-1995; Ord. 77-6, 3-28-1977, eff. 4-14-1977)

10-4-3: PRELIMINARY PLAT PROCEDURE:

- A. **Application:** Upon completion of the pre-application procedures, the subdivider shall file with the administrator sufficient copies of the completed subdivision application form and preliminary plat data as required in this title and a letter requesting that the preliminary plat be placed on the commission's agenda for consideration. The applicant shall have the burden of persuasion as to compliance with each of the applicable standards in chapter 5 of this title or any other standards of this title. The county shall choose a legally qualified surveyor or engineer to check the plat and comment on whether the requirements of this code have been met prior to the administrator's certification of the application for completeness and any subsequent public hearings. The county shall collect from the applicant a fee related to the cost of performing such services prior to noticing a hearing.

In the event the data required for the administrator to certify the application as complete, pursuant to subsection B of this section, is not filed with the county within one hundred eighty (180) days from the date the application was filed with the Blaine County planning office, the application shall be null and void. One time only, the administrator, at his/her

discretion, may approve one extension of the time within which materials may be submitted upon receipt of a written request by the applicant giving in detail the reason additional time is required to file said data. When the administrator approves an extension to submit materials under this section, said approval shall be in writing and for a specific period of time not to exceed forty five (45) days.

Response: *With this filing, the Applicant/Owner is providing a three copies of the completed subdivision application form and preliminary plat data. Upon completion, the Applicant/Owner will submit additional copies, as required to comply with this requirement. With the completion of this submittal, the Applicant/Owner is requesting that the preliminary plat be placed on the Commissions Agenda.*

B. Certification: Upon receipt of the preliminary plat and all other required data, the administrator shall certify the application as complete and affix the date of application acceptance thereon. The applicant shall be entitled to the application being processed and evaluated by the county under the regulations in effect on the date of certification. Allowing sufficient time to conduct a site visit and write staff reports, the administrator shall then schedule the preliminary plat application for the commission's next available, adequately noticed, hearing time. If no regular meeting time is available within one hundred eighty (180) days of certification, the administrator shall call a special commission meeting, to be held not more than three (3) weeks after the end of the one hundred eighty (180) days, to hear the application.

Response: *The Applicant/Owner acknowledges that upon receipt of the preliminary plat and all other required data, the administrator will certify the application as complete and affix the date of application acceptance*

C. Review by Agencies:

1. **Transmission of Application:** The applicant shall transmit a preliminary plat application to other departments of the county and to such agencies that have jurisdiction over or interest in the proposed development for their review in order to get recommendations on possible adverse impacts or design modifications that could help alleviate such impacts. At this time, the applicant shall also provide the planning office a copy of the preliminary plat application sent to the agencies and a sample transmittal letter. Written agency recommendations shall be received prior to certification by the administrator. If recommendations have not been received within six (6) weeks from delivery of all the required substantive information, then the administrator shall consider this to be a nonresponse. Departments and agencies that may receive such applications may include, but are not restricted to, the following:

- a. County departments.
- b. Public health district.
- c. Idaho public utilities commission.

- d. Commissions of other governing bodies having joint jurisdiction.
 - e. Utility companies.
 - f. Superintendent of the school district.
 - g. Soil conservation district.**
 - h. U.S. forest service.
 - i. Bureau of land management.
 - j. Fish and game department.
 - k. Applicable rural fire district.**
 - l. Recreation district.**
 - m. Blaine County housing authority.**
 - n. Idaho department of environmental quality and affected public water system owners when the project is located within a wellhead protection area.
2. Compilation of Recommendations: The administrator shall compile the recommendations received and shall advise the developer of any administrative recommendations for plat changes. Further, the administrator shall advise the developer that staking or otherwise identifying on site may be required for boundary lines, corners, centroids, centerlines, etc., of property boundaries, proposed lots, building envelopes, streets, and other elements of the proposal in order for the staff, commission and board to better understand the design, neighborhood impact, and other features of the proposal.

Response: *In accordance with this section, information regarding the Planned Unit Development and Plat have been sent to the required affected agencies. Agencies receiving information are listed below:*

- **Bureau of Land Management**
- **Natural Resource Conservation Service**
- **South Central Public Health District**
- **Idaho Department of Fish and Game**
- **Idaho Department of Water Resources**
- **Blaine County Sheriff**
- **Blaine County Engineer**
- **Blain County Weed Control**
- **Blain County Roads and Bridges**

- **Blaine County Assessor's Office**
- **Wood River Rural Fire District**
- **Blaine County Recreation District**
- **Blaine County School District**
- **Blaine County Housing Authority**
- **Mountain Rides**
- **City of Hailey**

D. Commission Action:

1. **Public Hearing:** The commission shall hold a public hearing after giving notice at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the county, mailing notice to owners of land within three hundred feet (300') of the exterior boundaries of the subdivision, mailing notice to affected public water system owners when the project is located within a wellhead protection area, mailing notice to all political subdivisions providing services including the school district at least fifteen (15) days prior to the hearing, posting the site at least seven (7) days prior to the hearing. The commission shall make a finding that the notice which has been provided is adequate and shall approve, disapprove, conditionally approve or continue the preliminary plat. The application and associated data and materials submitted therewith shall be available for public inspection from and after the date the notice of hearing is published in the newspaper. If the applicant introduces new, modified, or supplemental written materials after the notice of hearing is published, the commission may, if it determines that the additional information materially changes the application, continue the proceedings and give notice, at the applicant's expense, of a subsequent hearing where the application will be considered together with the additional information. Any continuance resulting from the introduction of such additional information shall be deemed continued at the applicant's request pursuant to subsection D2 of this section. Applicants are advised that preliminary plats sent to the board may be approved, modified or denied by the board of commissioners.

2. **Continued Hearings And Commission Disposition:** Hearings may be continued by the commission due to lack of sufficient time after the public hearing to adequately evaluate the application, consider the public comment, and decide on the application. Hearings may be continued at the request of the applicant for the purpose of responding to the public comment or commission's questions or for the purpose of entering new, modified or supplemental information as part of the application into the record. Continued hearings shall be held within one hundred twenty (120) days and if no regular meeting time is available within this time, the administrator shall call a special commission meeting to be held not more than three (3) weeks after the end of the one hundred twenty (120) days. Notice for continued hearings for which new, modified or supplemental information has been submitted or those scheduled more than thirty one (31) days or forty five (45) days for concurrent community housing planned unit development plat applications after the initial public hearing for which notice was found to be adequate shall be provided as required in subsection D1 of this section. The planning and zoning

commission shall review and make recommendations on concurrent community housing planned unit development plat applications to the board within forty five (45) days from the date of the first public hearing. If the preliminary plat is disapproved or conditionally approved, or continued, the reasons shall be stated in writing, attached to a copy of the plat and returned to the applicant within fourteen (14) days of the final commission disposition. No more than two (2) continuations at the request of the applicant may take place.

3. Transmittal to Board: Upon approval or disapproval by the commission, the plat, together with a complete copy of the commission findings and report of action, shall be transmitted to the board and written notice of this action shall be sent to the subdivider.

Response: *The Applicant/Owner understands that The commission will hold a public hearing after giving notice at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the county, mailing notice to owners of land within three hundred feet (300') of the exterior boundaries of the subdivision, mailing notice to affected public water system owners when the project is located within a wellhead protection area, mailing notice to all political subdivisions providing services including the school district at least fifteen (15) days prior to the hearing, posting the site at least seven (7) days prior to the hearing.*

E. Board Action:

1. Submission and Consideration: The preliminary plat and commission recommendations shall be submitted to the board within fourteen (14) days of the commission's final written findings of fact. The board shall consider the recommendations of the commission at its next available hearing time following receipt of that report. The board's first public hearing on concurrent community housing planned unit development plat applications shall be scheduled within forty five (45) days of receiving the commission recommendations. Notice for said hearing shall be the same as that required for commission hearings pursuant to subsection D1 of this section. The board may continue the hearing, but not for more than thirty one (31) days unless notice is again provided pursuant to subsection D1 of this section.
2. Hearing: At the hearing, the board may hear testimony of the subdivider and any representatives of the subdivider, testimony of representatives of the commission and any witnesses in its behalf, and additional information and comment from the public and public agencies, as well as records of the commission hearings. The application and associated data and materials submitted therewith and the findings and recommendation from the commission shall be available for public inspection from and after the date the notice of hearing is published in the newspaper. If the applicant introduces new, modified, or supplemental written materials after the notice of hearing is published, the board may, if it determines that the additional information materially changes the application, either continue the proceedings and give notice, at the applicant's expense, of a subsequent hearing where the

application will be considered together with the additional information or remand said changed application back to the commission for further consideration and recommendation. Any continuance resulting from the introduction of such additional information shall be deemed continued at the applicant's request pursuant to subsection D2 of this section.

3. Findings: Upon conclusion of the hearing, the board shall base its findings upon the record and testimony produced before it, and within fifteen (15) days declare its findings in writing. It may sustain, modify, reject or overrule any recommendations of the commission and make such findings as are not inconsistent with the provisions of Idaho law, this title, Title 9 of this code, other county laws and the county comprehensive plan. The time limits for acting on the preliminary plat may be extended by mutual written consent of the subdivider and the board.

Response: ***The Applicant/Owner acknowledges that the preliminary plat and commission recommendations will be submitted to the board within fourteen (14) days of the commission's final written findings of fact.***

At the hearing, the board may hear testimony of the Owner/Applicant and any representatives, testimony of representatives of the commission and any witnesses in its behalf, and additional information and comment from the public and public agencies, as well as records of the commission hearings.

Upon conclusion of the hearing, the board shall base its findings upon the record and testimony produced before it, and within fifteen (15) days declare its findings in writing.

F. Contents of Preliminary Plat: Preliminary Plats include application forms, letters and other maps or documents. Preliminary plats shall be drawn to a scale no smaller than one inch equals two hundred feet (1" = 200') and shall show the following:

1. The scale, north point, date and name of proposed subdivision, which shall not conflict with the name of any existing subdivision.
2. The name and address of the owner of record, the subdivider and the engineer, surveyor or other person preparing the plat.
3. The legal description of the area to be platted (which must be checked by the county assessor), proof of ownership, title report and the county zone districts for the area. Both optionor and optionee must sign for a development proposal.
4. The names of adjoining subdivisions, the location of city corporate limit lines and lines indicating the location of the zone of impact of any incorporated city if within three hundred feet (300') of such area.
5. A contour map of the subdivision, based on United States geodetic survey datum or other datum approved by the county engineer, that shows two foot (2') contour intervals and fifteen percent (15%) and twenty five percent (25%) slope lines on

hillside areas and five foot (5') contour intervals on other areas below the toe of the slope to show the configuration of the land.

6. The scaled location of existing buildings, water bodies and courses and the location of adjoining or adjacent dedicated streets and railroads.
7. The boundaries of the tract as determined by an accurate survey and the area of the tract.
8. Any floodway and/or floodplain lines as determined by the federal emergency management agency.
9. Existing vegetation on the tract and rock outcroppings.
10. The proposed grade of all streets, location of street rights of way, lot and block lines and easements including dimensions and proposed lot and block numbering and street names.
11. The location, size and proposed use of all land intended to be dedicated or reserved for public use or reserved for common use of all future property owners within the proposed subdivision.
12. The general location, general size and type of sanitary and storm sewers, water mains, culverts and other surface and subsurface structures existing within or adjacent to the proposed subdivision; and the general location, layout, type and size of any proposed sanitary or storm sewers, water mains, sources, storage facilities, street improvements and other proposed utilities.
13. The extent of any existing or new irrigation water rights on the tract.
14. The location and direction of all natural or other drainage channels, grading and drainage improvements for lots and other areas and the location and size of all drainage easements located within or immediately adjacent to the proposed plat.
15. The location of all existing irrigation lines, pipes and other utilities and any existing roads or public easements on the property.
16. Soil profiles to eight feet (8') on all major land forms within the proposed absorption medium.
17. Preliminary engineering report is the results of all percolation tests and exploratory pit excavations as approved or to be submitted to the health department and proposed means of water supply and wastewater treatment.
18. An outline of the provisions of any proposed protective covenants to be filed with the preliminary plat of the subdivision.

19. An area map at the scale of four hundred feet to the inch (400' to 1") showing the adjacent lands, uses, streets and zoning.
20. If a sign is desired, then a plan and perspective sketch shall be submitted showing subdivision sign(s) location, size, materials, colors and wording.
21. When the project is located within a wellhead protection area as determined by Idaho department of environmental quality, a map identifying the name of the owner of the public water system, wellhead location and the property to be subdivided shall be provided.
22. When a public water system is proposed, a preliminary source water assessment prepared by the Idaho department of environmental quality shall be solicited.

(Ord. 2012-03, 4-17-2012; Ord. 2006-13, 10-26-2006; Ord. 2004-03, 5-3-2004; Ord. 2000-05, 3-27-2000; Ord. 98-8, 10-5-1998; Ord. 96-6, 7-22-1996; Ord. 95-3, 3-6-1995; Ord. 90-8, 11-26-1990; Ord. 77-6, 3-28-1977, eff. 4-14-1977)

Response: ***The required contents of the Preliminary Plat are illustrated on the required drawing exhibits. Refer to Section D – Exhibit Drawings, Sheet P-0 through P-4 –Preliminary Plat for specific information.***

10-4-4: IMPACT STUDY REQUIREMENTS:

The owner or developer of a subdivision or PUD of five (5) or more lots shall complete an impact assessment form as furnished by the administrator and conduct studies and submit plans as required by this section.

REFER TO SECTION C FOR INFORMATION ON THE IMPACT STUDY.

10-4-5: FINAL PLAT PROCEDURE:

A. Filing:

1. Survey and Preparation of Final Plat: After the approval or conditional approval of the preliminary plat, the subdivider may cause the subdivision, or the first phase thereof, to be surveyed and a final plat prepared in accordance with the preliminary plat as approved.
2. Preparation and Filing: The final plat shall be prepared in accordance with Idaho Code, section 50-1301 et seq., and the provisions of this title, and filed with the administrator, together with a letter requesting that it be placed on the board's agenda for consideration. In the event the final plat does not conform substantially to the approved preliminary plat, the administrator shall so inform the subdivider. The administrator shall then proceed to assign the final plat to the commission agenda for their action as a preliminary plat.
3. Documents Submitted: Such final plat submission shall include two (2) drafting film plats and four (4) copies of the plat, as well as specifications for all proposed

improvements as required by this title. A title report or other evidence of proof of ownership shall be submitted.

4. Certificates, Acknowledgment And Signatures: The final plat shall bear all required certificates and acknowledgments, the signatures of the private engineer, county engineer, administrator and the notarized signature of the owner. Applicants may be assessed a fee by the county engineer for any costs incurred to certify, acknowledge or sign a final plat.

Response: *The Applicant/Owner understands that after the approval or conditional approval of the preliminary plat, the Applicant/Owner may cause the PUD/Plat to be surveyed and a final plat prepared in accordance with the preliminary plat as approved.*

B. Time Limitations:

1. Deadlines: A preliminary or short plat shall expire three (3) years from the date of the board's approval, unless an application for final plat approval has been submitted to the county. A final plat application, if not certifiable pursuant to subsection C of this section, shall expire six (6) months from the date of its submission or from the effective date hereof whichever is later. A final plat, if not recorded, shall expire one year from the date of the expiration of the appeal period. Only one extension of this final plat deadline is allowed, for good cause shown, and only for a maximum of one additional year.
2. Phasing Development: In the event a preliminary plat provides for the orderly phasing of development in successive contiguous segments, final plats for such phases may be submitted according to a predetermined schedule without resubmission for preliminary plat approval. Any phase which is not recorded within three (3) years of the board's approval of the preliminary plat or the final plat of the immediately prior phase, whichever is later, shall expire or be required to meet any changes in this title enacted since the original approval. Applicants are advised that subsequent phases of development may be required to provide mitigation for additional on site and off site impacts. Phasing and bonding may be authorized for community housing planned unit developments through the evaluation process provided in title 9, chapter 35, "Community Housing Overlay District (CH)", of this code.

Response: *The Applicant/Owner acknowledges that preliminary plat will expire three (3) years from the date of the board's approval, unless an application for final plat approval has been submitted to the County.*

- C. Certification by Administrator: Upon receipt of the final plat, a completed application and review by the county engineer, the administrator shall determine whether all requirements of this title have been satisfied. Upon an affirmative finding that the application is complete and conforms to county regulations, the administrator shall certify the application as complete, affix the date thereto and place the plat on the board's agenda for consideration

at the next available, adequately noticed, hearing time within sixty (60) days or forty five (45) days for community housing planned unit developments of certification.

Response: *The Applicant/Owner understands that upon receipt of the final plat, a completed application and review by the county engineer, the administrator will determine whether all requirements of this title have been satisfied.*

D. Commission Action: The commission shall be required to act on a final plat only if the board finds it necessary to remand said final plat to the commission for a recommendation.

Response: *The Applicant/Owner acknowledges that the commission will be required to act on a final plat only if the board finds it necessary to remand said final plat to the commission for a recommendation.*

E. Board Action: At its next available, adequately noticed, hearing time following receipt of final plat application, the board shall consider said plat, recommendations from the commission, if any, additional information and comment from the public and public agencies, and improvement bonding. Further, the board shall determine whether the final plat conforms to the conditions required on the preliminary plat, regulations of this title and other county laws, policies of the comprehensive plan and provisions for the public health, safety and welfare. Subsequent phases of a multi-phased development may be required to provide mitigation for additional on site and off site impacts. The board shall then vote to approve, modify or deny the final plat application, declare findings within fifteen (15) days and notify the subdivider of the decision in writing within fourteen (14) days of the final disposition.

Response: *In accordance with this section, the Applicant/Owner understands that at its next available, adequately noticed, hearing time following receipt of final plat application, the board will consider said plat, recommendations from the commission, if any, additional information and comment from the public and public agencies, and improvement bonding.*

F. Court Appeals: The signing of any decision approving a preliminary plat by the board where the applicant is in a position to permanently alter the land activates an appeal period, set out in section 67-5273 of the Idaho Code, during which anyone aggrieved by the board's decisions may appeal to the district court. In the case of a short plat or plat amendment, the decision of the board does not become a final, appealable decision until the board approves the final plat. The county will not sign any final plat for recording until the appeal period has expired. In the event of an appeal, the county will suspend any expiration date set out in this title. Site improvements and all other expenditures undertaken during this period are undertaken at the applicant's sole and exclusive risk. The board, at its discretion and with specific findings, may prohibit site alteration work prior to the expiration of the appeal period.

Response: *The Applicant/Owner acknowledges the appeal process.*

G. Acceptance of Dedication: At the time of approval of a final plat the board may accept offers of dedications shown on the plat.

Response: ***The Applicant/Owner understands that at the time of approval, the board may accept offers of dedications shown on the plat.***

H. Contents of Final Plat: The final plat shall conform to Idaho Code, section 50-1301 et seq. It shall be drawn on one sheet or sheets of stable base drafting film (minimum base thickness of 0.003 inches) as per Idaho Code, section 50-1304, and also provided to the county, at recordation, in a digital format compatible with the county's system. The final plat shall also contain the following:

1. A title which shall include the name of the subdivision, county and state, and the location and description of the subdivision referenced to township, range and section.
2. Scale, north arrow and date.
3. Point of beginning of subdivision description tied to at least two (2) government survey corners or to monuments recognized by the county engineer.
4. Location and description of monuments.
5. Tract boundary lines, property lines, lot lines, lot sizes in acres, street right of way and centerlines, other rights of way and easements; all with accurate dimensions in feet and decimals, bearing in degrees, minutes and seconds, radii, arcs, central angles, tangents and chord lengths of all curves to the above accuracy.
6. Name and right of way width of each street or other right of way.
7. Name and locations of adjoining subdivisions.
8. The location, dimension and purpose of all easements.
9. Building envelopes, if required, and any floodway or floodplain lines.
10. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block with areas to be excluded from platting marked clearly with the reason for exclusion.
11. The outline of any property, other than a street or alley, which is offered for dedication to public use, fully dimensioned by lengths and bearings, with the area marked "Public" and showing the proposed use.
12. Location, width and names of all existing or dedicated streets or other public ways within or adjacent to the proposed subdivision.
13. A signed certificate of ownership, with notarization, including dedication of those street rights of way and sites held for public use, statements of non-dedication for public use and responsibility for maintenance and service to such private streets,

grants of any existing or proposed easements and a provision in this certificate referencing the county recorder's fee number where the protective covenants governing the subdivision are recorded.

14. Certification by registered engineer or surveyor preparing the plat certifying to accuracy of survey and plat.
15. Certification and signature of county engineer (surveyor) verifying that the accuracy of the survey complies with the requirements of the Idaho Code.
16. Certification and signature of city engineer and city clerk, if required, verifying that the subdivision meets the city requirements and has been approved by the council.
17. Certification by the health department that the sanitary restrictions have been lifted.
18. Certification and signature of the county administrator verifying that the subdivision has met all county and commission requirements.
19. Any additional restrictions imposed by the board to provide for the public health, safety and welfare.
20. Certification and signature of the chairperson of the board verifying that the subdivision has been approved by the board.
21. Certification and signature of the county treasurer verifying that all taxes have been paid.
22. Certification and signature of the owner verifying that the requirements of Idaho Code section 31-3805 (delivery of water) and section 50-1334 (water systems) have been met.

Response: ***The Applicant/Owner understands that the Final Plat will contain the required information and conform to Idaho Code, section 50-1301.***

- I. Improvement Guarantees: If the board finds that it is desirable that required improvements be completed after final plat filing, a performance bond, cash deposit, negotiable bond or other financial guarantee acceptable to the board shall be posted with the county. The amount shall be not less than one hundred fifty percent (150%) of the estimated cost of improvement construction as determined by the registered engineer on the project and shall be verified by the county engineer. The subdivider shall pay any county engineer review fees and provide a definite timetable for completion of said improvements. The financial guarantee shall provide for forfeiture to the county upon the failure by the developer to construct any or all of the improvements according to the approved schedule.

Response: ***The Applicant/Owner acknowledges that If the board finds that it is desirable that required improvements be completed after final plat filing, a performance***

bond, cash deposit, negotiable bond or other financial guarantee acceptable to the board will be posted with the county.

- J. Monumentation: All subdivision monuments as required by title 50, chapter 13 of the Idaho Code, shall be found or set and certified as correct by a licensed surveyor before any county official signs the final plat or before the release of any financial guarantee of the monumentation costs.

Response: The Applicant/Owner understands that all subdivision monuments, as required by title 50, chapter 13 of the Idaho Code, will be found or set and certified as correct by a licensed surveyor before any county official signs the final plat or before the release of any financial guarantee of the monumentation costs.

(Ord. 2012-03, 4-17-2012; Ord. 2008-03, 3-4-2008; Ord. 2004-03, 5-3-2004; Ord. 98-8, 10-5-1998; Ord. 96-6, 7-22-1996; Ord. 95-3, 3-6-1995; Ord. 79-5, 9-11-1979; Ord. 77-6, 3-28-1997, eff. 4-14-1977; Ord. 77-6, as amended)

10-4-6: SHORT PLAT PROCEDURE:

Response: The Applicant/Owner proposes to subdivide the property into more than four lots. Based on this, the project does not qualify for the Short Plat procedure.

10-4-7: VACATION, DEDICATION AND OTHER PLAT APPROVAL PROCEDURES:

These provisions shall not apply to dedications of streets, rights of way, parks or easements to be shown on a recorded subdivision plat. Except for the vacation of any public street, alley, road or highway, an application under this section may be made only by the property owner(s) or purchaser(s) of record.

- A. Vacation: When a person desires to vacate any lot, tract, street, alley, road, highway, common plot or any part thereof, such person shall follow the procedures found in Idaho Code section 50-1301 et seq.

Response: The Applicant/Owner does proposed to vacate any lot, tract, street, alley, road, highway, common plot or any part.

- B. Dedication: Any property owner desiring to dedicate a street, easement, public area or open space, except as noted in this chapter, shall complete and file an application with the administrator.

1. Administrative Action: Upon receipt of the completed application and such additional information as the administrator may require, the administrator shall affix the date of application acceptance and place the application on the commission agenda for consideration at its next regular meeting.

2. Commission Action: The commission shall review the request and make a recommendation to the board for either approval, conditional approval or denial within thirty (30) days of the meeting at which it was first discussed.
3. Board Action: Upon receipt of an application, the board shall establish a date for a hearing and give public notice of same in a newspaper of general circulation prior to the hearing. The board shall keep a record of the proceedings and make written findings of action on the application. When a dedication is approved, the required improvements shall be constructed or a bond furnished assuring the construction prior to acceptance of the dedication. To complete the acceptance of any dedication of land, the owner shall furnish to the board a deed describing and conveying such lands to be recorded with the county recorder.

Response: ***The Applicant/Owner understands that if desiring to dedicate a street, easement, public area or open space, that they will be required to submit a complete application with the County.***

- C. Re-subdivision: After any subdivision has been duly authorized, approved and recorded it shall be unlawful for any person or organization to re-divide any portion of any lot of any such platted subdivision without first having filed for record an approved final plat of re-subdivision of that portion, indicating thereon the proposed re-division pursuant to the provisions of this title.

The procedure for re-subdivision of an already platted parcel of land shall be the same as that described in sections 10-4-1 through 10-4-6 of this chapter.

Response: ***The proposed project is not considered a re-subdivision.***

- D. Plat Amendment and Correction:

1. Administrative Review: A minor correction of a mistake on a final plat or a minor amendment that does not create a new lot, subplot, condominium unit or dwelling unit, and which does not reduce the lot area, width, or building setback lines below the minimum zoning requirements may be made by application to the administrator who shall determine compliance with the provisions of this chapter. In the case of existing nonconforming lots, an amendment that does not increase the degree of nonconformity may be approved. A "minor amendment" includes only:
 - a. The modification of boundary lines between existing platted lots, or a combination of platted lots and other parcels of land, in which buildable areas are not located within or farther within a natural resource overlay district or hazard area, or
 - b. The removal of platted lot lines.

An owner or subdivider requesting a minor amendment or correction shall be required to file an application and two (2) copies of the plat with the administrator. The administrator may require additional information

reasonably required for thorough review of the application. The administrator shall provide written notice of such application to all property owners within three hundred feet (300') of the exterior boundary of the lots proposed for plat amendment. Such notice shall inform owners they may comment on the application during a period of not less than fifteen (15) days after mailing of the notice and prior to final action on such application.

Following expiration of the comment period and upon a finding by the administrator that:

- a. The application is in compliance with the provisions of this code, the administrator shall recommend approval or approval with conditions to the board for final action on a consent calendar;
- b. The application is not in compliance with this chapter, the administrator shall recommend denial and state the reasons in writing to the board for final action on a consent calendar; or
- c. Further review is warranted, the administrator shall notify the applicant and schedule a public hearing before the board on the next available agenda.

Upon approval of an application and satisfaction by the applicant of any attached conditions, the applicant may then record the amended plat.

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.
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.

Response: *The Applicant/Owner acknowledges that a minor correction of a mistake on a final plat or a minor amendment that does not create a new lot, subplot, condominium unit or dwelling unit, and which does not reduce the lot area,*

width, or building setback lines below the minimum zoning requirements may be made by application to the administrator.

E. Modification of an Original Parcel of Land:

1. Modification by Deed or Survey: An owner may modify the boundary of an "original parcel of land", as defined in section 10-2-1 of this title, by a new, recorded deed description or a record of survey with a property description if an administrative determination has been made that:
 - a. More than fifty percent (50%) of the land area of each original parcel of land or at least four (4) acres will be or is and will remain located outside of the floodplain overlay district, riparian setback district, mountain overlay district, wetlands overlay district or any combination of these districts;
 - b. Each parcel is completely within the A-20 or A-40 zoning district or both; or each parcel is and will remain four (4) acres or larger; and
 - c. Neither parcel will become any more nonconforming in size to the minimum lot size set out in the applicable zoning district.
2. Modification By Plat: If an original parcel of land cannot be modified under subsection E1 of this section, the owner shall modify the original parcel in compliance with the plat amendment requirements set out in subsection D2 of this section and pursuant to the platting procedures set out in sections 10-4-1 and 10-4-5 of this chapter.

Response: No modification of the original parcels of land are proposed.

F. Platting of an Original Leasehold Parcel:

1. An owner, pursuant to the platting procedures set out in sections 10-4-1, "General Platting Procedure" and 10-4-5, "Final Plat Procedure", of this chapter, may apply to plat land that includes one or more original leasehold parcels; and
2. May file said plat with the county recorder upon a board finding that:
 - a. The plat complies with requirements set out in subsections D2a and D2b of this section; and
 - b. The size, density and location of any proposed original leasehold parcel shall be satisfactorily addressed in the plat or a development agreement if necessary. Where any original leasehold parcel is undersized to the zoning district, if it is located within a residential zoning district, the board shall consider¹ the applicable requirements of chapter 6, "Planned Unit Developments" or 7, "Mobile/Manufactured Home Subdivisions, Parks, And PUDs", of this title; or if it is located within the A-20, A-40, R-10 or RR-40

districts consider, as applicable, requirements of chapter 9, "Cluster Developments", of this title.

(Ord. 2012-07, 10-9-2012; Ord. 2012-03, 4-17-2012; Ord. 2011-01, 1-18-2011; Ord. 2008-15, 11-10-2008; Ord. 2007-05, 8-28-2007; Ord. 2006-10, 8-17-2006; Ord. 98-8, 10-5-1998; Ord. 77-6, 3-28-1977, eff. 4-14-1977)

Response: ***The Applicant/Owner will comply with the "General Platting Procedure" and 10-4-5, "Final Plat Procedure."***

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;
 - b. Any chapter of title 6 with the recommendation or approval of the county engineer and recreation district if appropriate;
 - c. Any chapter of title 7 with the recommendation or approval of the building official and fire official in an established district;
 - d. Chapter 2 of title 8; and
 - e. Any chapter of title 9.
2. Adopted Idaho transportation department standards, if the applicant seeks a new or expanded access onto a state highway.

Response: *The Applicant/Owner understands that no preliminary plat application will be considered by the board or commission until the County makes a positive finding with regard to the standards identified above.*

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

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.

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').

Response: *The Applicant/Owner has addressed each of these resource protection areas with the Preliminary Plat drawings. Refer to Section D – Exhibit Drawings, Sheet P-0 through P-4 for specific information. Also refer to Section E – Appendices, Appendix 6 – Flood Hazard Areas, Appendix 11 – Avalanche Report, Appendix 7 – Riparian Management and Appendix 8 – Wetlands Report for additional information.*

- C. **Drainage:** Drainage systems shall not discharge into any sanitary sewer facility.

Response: *Proposed drainage systems within the proposed development will not discharge into any sanitary sewer facility. Refer to Section D – Exhibit Drawings, Sheet C-4 – Preliminary Grading and Drainage for specific information.*

D. Lot Requirements:

1. Lot sizes, uses and the location of uses shall satisfy any zoning regulations and other applicable sections of this code.
2. No single lot shall be divided by a street, existing right of way or other lot.
3. No single lot shall be divided by a municipal or county boundary line.
4. Lots shall have a minimum mean width of seventy five feet (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.
6. All buildings on lots located adjacent to public lands shall have a minimum thirty foot (30') setback from public lands.

Response: *The proposed lot sizes, uses and the location of uses will satisfy the zoning regulations and other applicable sections of the Blaine County. Refer to Section D – Exhibit Drawings, Sheet C-0 – Land Use Site Plan and Sheets P0 to P4 - Plat for specific information.*

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.

Response: *The proposed dwelling units will had access to the required utilities including, but not limited to, gas, electric power, telephone and CATV cables, underground. These will be located underground. Refer to Section D – Exhibit Drawings, Sheets P0 to P4 - Plat for specific information.*

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.
- b. Fire protection systems shall meet local fire code requirements.
- c. All abandoned wells shall be sealed to prevent contamination of ground water.
- d. The requirements of Idaho Code section 42-111 for domestic water limits and section 50-1334 for subdivision water systems shall be satisfied.

2. Central Water Systems:

- a. Central water systems shall be required for subdivisions where any lot is less than one acre in size.
- b. A water district or other party acceptable to the Idaho department of health and welfare, division of environmental quality ("DEQ") shall be organized for the operation, maintenance and ongoing monitoring of central systems.

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.
- b. Agricultural and domestic water delivery systems shall not be intermingled.

- c. All new wells shall be metered.

Response: *The water system in the project will be accommodated through a private irrigation and domestic potable water system. Refer to Section D – Exhibit Drawings, Sheet C-5 – Preliminary Water Plan for specific information.*

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.
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
 - b. Three hundred feet (300') shall be the minimum separation between any drain field site and a natural stream, spring or lake.
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.

Response: *Sewage disposal in the project will be accommodated through a private sewage disposal system. Refer to Section D – Exhibit Drawings, Sheet W-1 – Wastewater Infrastructure Plan for specific information.*

H. Street Improvements:

1. Street1 designations shall be determined by the administrator after receiving recommendations from the county engineer.
2. Streets shall be located by the following guidelines:
 - a. When an official street plan has been adopted, subdivision streets shall conform to that plan.
 - b. Frontage roads, landscaping or other design devices to screen or separate traffic shall be required where a subdivision abuts or contains an arterial or major thoroughfare for adequate protection of residential property and to separate through traffic from local traffic.

- c. Streets for industrial and commercial subdivisions and accessory parking shall be planned to connect with arterial streets so as not to generate traffic on local or minor streets.
- d. Alleys shall be provided in multiple dwelling, commercial or industrial subdivisions for service access or off street loading. Sharp turns or dead end alleys are prohibited.
- e. Culverts or bridges shall be provided and installed by the subdivider where drainage channels intersect any street rights of way. Culverts shall, at a minimum, extend across the entire width of the street and shoulder.
- f. Streets shall be complementary to existing road patterns and tie into the existing system where stub streets indicate that intent. Streets which are a continuation of established streets shall be aligned so that the centerlines coincide.
- g. Reserve strips controlling access to public streets shall be permitted provided that the control and disposition of that land is placed within the jurisdiction of the board under conditions specified and shown on the final plat.
- h. Underground conduit for utilities shall be provided across or under all streets before they are completed to prevent future disruption for installation of underground utilities.

Response: *The proposed street network will be a combination of public streets, private streets and alleys. Refer to Section D – Exhibit Drawings, Sheets P0 to P4 - Plat for specific information.*

I. Intersection Location and Specifications: Intersections shall conform to the following:

- 1. No more than two (2) streets shall intersect at one point.
- 2. Street centerlines shall be offset by at least one hundred twenty five feet (125').

Response: *The proposed plans illustrates the proposed street network. Streets intersect perpendicularly with controlled stops or have roundabout. Refer to Section D – Exhibit Drawings, Sheets C-3 – Preliminary Roadway Plan for specific information.*

J. Street Specifications: The following street specifications are in effect:

- 1. Street Construction: Street construction shall comply with title 6 of this code.
- 2. Street Names: Street names on new streets aligned with existing streets shall have the same name as the existing streets. Proposed street names shall not duplicate or be sufficiently similar in sound or spelling to cause confusion with existing street

names. Street name signs and all other traffic control signs or devices as required by the board shall be installed by the subdivider. Cul-de-sacs shall be named circle, court, or place.

3. Street and Road Design: All streets and roads shall be designed by a licensed professional engineer. The plans and specifications for such roads and streets shall be approved by the county prior to acceptance of the final plat.

Response: *The proposed plans illustrates the proposed street network. Streets intersect perpendicularly with controlled stops or have roundabout. Refer to Section D – Exhibit Drawings, Sheets C-3 – Preliminary Roadway Plan and C-6 – Preliminary Roadway Details for specific information.*

- K. Lighting Standards:** All outdoor lighting in the proposed subdivision shall comply with title 9, chapter 29A of this code.

(Ord. 2010-06, 5-25-2010; Ord. 2006-18, 11-2-2006; Ord. 2006-16, 11-2-2006; Ord. 2006-15, 10-26-2006; Ord. 98-8, 10-5-1998)

Response: *As required, all outdoor lighting will comply with Title 9, Chapter 29A of the Blaine County code.*

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.

Response: *The Applicant/Owner acknowledges this requirement.*

- B. Comprehensive Plan: The proposed subdivision of land conforms to and is in accordance with the comprehensive plan text and map.

Response: *The Applicant/Owner understand the subdivision will need to conform to the Comprehensive Plan text and map.*

- 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.

Response: ***The Applicant/Owner acknowledges that proposed project will not adversely affect the quality of essential public services and facilities to current residents.***

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.

Response: ***The Applicant/Owner understands that no residential structures will be placed in the within the external boundaries of a floodplain area.***

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:

1. The subdivision and addition of residential uses will be compatible in size, scale, density and other respects with the uses and agricultural operations in the surrounding area;
2. The subdivision, when considered in light of the existing or likely cumulative effect of residential development in the area, will not materially change the character of agricultural land, agricultural uses, or the economic viability of existing agricultural operations in the area; and
3. The subdivision will not result in adverse or negative impacts upon lands in the surrounding area presently in agricultural use.

Response: ***Through the approval of the PUD, the Applicant/Owner will comply, to the extent possible, the regulations for development within the agricultural and rural lands.***

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.

Response: ***The Applicant/Owner understands the limitation of lands within the avalanche hazard areas.***

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.

Response: *The Applicant/Owner acknowledges that 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 will not be for building or residential purposes.*

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.

Response: *The Applicant/Owner understand this requirement.*

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.

(Ord. 2006-16, 11-2-2006; Ord. 2006-13, 10-26-2006; Ord. 2006-08, 6-29-2006; Ord. 2001-03, 3-19-2001; Ord. 98-8, 10-5-1998)

Response: *Through the use of existing and claimed water rights, the Applicant/Owner has sufficient water quantity to serve the proposed project.*

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.

Response: ***Natural features are being project and/or enhanced. Refer to Section D – Exhibit Drawings, Sheets C-1 – Land Use Site Plan for specific information.***

B. Lot Requirements:

1. Each lot shall contain a satisfactory building site which is properly related to topography.
2. Corner lots shall be a sufficient area without obstructive landscaping to provide acceptable visibility for traffic safety.
3. Each lot shall have access to an internal street or drive, where practicable.
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.
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-21/2), 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 re-subdivision and provide for future streets where necessary to serve potential lots.
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.

The board may consider additional requirements recommended by the fire district, including, but not limited to, larger building setbacks from public lands, additional water supply systems, and specific landscaping design. The board may also consider options proposed by the applicant to meet the safety goals of this subsection.

Response: *The proposed project is complying with the lot requirements. Refer to Section D – Exhibit Drawings, Sheets P0 to P4 – Preliminary Plat for specific information.*

C. Blocks: Blocks shall be designed to assure traffic safety and ease of traffic control and circulation. Blocks shall allow for two (2) tiers of lots unless topography or other factors indicate irregularly shaped blocks indented by cul-de-sacs. The board has the authority to review and modify block sizes.

Response: *The proposed project is complying with the block requirements. Refer to Section D – Exhibit Drawings, Sheets P0 to P4 – Preliminary Plat for specific information.*

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;
2. Install utilities prior to road surfacing; and
3. Where practicable, relocate underground any existing aboveground utilities, excluding power transmission lines.

Response: *The proposed project is complying with the utility requirements. Refer to Section D – Exhibit Drawings, Sheets P0 to P4 – Preliminary Plat for specific information.*

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.
2. Where a subdivision contains a stream, watercourse, drainage way, channel or ditch, an easement shall be provided adequate to contain that watercourse and any further width necessary for maintenance or reconstruction.

Response: *The proposed project is complying with the drainage requirements. Refer to Section D – Exhibit Drawings, Sheets C-4 – Preliminary Grading and Drainage Plan for specific information.*

F. Water Supply:

1. Central Water Systems:

- a. Circular or looped water supply systems may be required.
 - b. In addition to subsection F1a of this section and the requirements of subsection 10-5-1F2 of this chapter, the board reserves the option to require central water systems for subdivisions where necessary to provide for the public health, safety or general welfare.
2. Irrigation System Requirements: All subdivisions shall satisfy the requirements of Idaho Code section 31-3805 for irrigation water delivery.

Response: *The proposed project is complying with the water supply requirements. Refer to Section D – Exhibit Drawings, Sheet C-5 – Preliminary Water Plan for specific information.*

G. Sewage Disposal:

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.

Response: *The proposed project is complying with the water supply requirements. Refer to Section D – Exhibit Drawings, Sheet W-1 – Wastewater Infrastructure Plan for specific information.*

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.

Response: *Solid Waste disposal will be accommodated through services provided by franchise waste management companies.*

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.

Response: *The proposed project is complying with the lot requirements. Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

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.

Response: *The proposed project is complying with the access easement requirements. Refer to Section D – Exhibit Drawings, Sheets P0 to P4 – Preliminary Plat for specific information.*

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.

Response: *The Applicant/Owner acknowledges the development rights condition as required by the final PUD plat.*

L. Hillside Standards:

1. Areas of Use: Hillside subdivision standards shall apply to: a) any portions of the development proposal within the mountain overlay district (see title 9, chapter 21 of this code); and b) any portion of the development proposal outside the mountain overlay district where the slopes exceed fifteen percent (15%) and where the board determines that it is in the best interest of the county that development be in accordance with these standards because of slope instability, erosion or sedimentation problems.
2. Additional Requirements: Additional preliminary submission requirements for hillside subdivisions:
 - a. A hydrogeological report and map depicting the depth to bedrock if less than ten feet (10'), areas of potential slope instability and areas where springs or runoff may increase soil erosion;
 - b. A slope stabilization and revegetation plan;
 - c. A grading plan containing existing and finish contours; and
 - d. A slope map and generalized soils description.
3. Appearance: In order to enhance the existing and future appearance and resources of hillside areas, special effort shall be made to preserve the following natural features:
 - a. Skyline, ridges and knolls.

- b. Tree and shrub clusters.
 - c. Rock outcroppings.
 - d. Streambeds, draws and drainage swales.
4. Hillside Subdivision Evaluation: In addition to considerations pertinent to regular subdivisions, no structure or building envelope shall be located within the mountain overlay district. For a parcel of land that straddles the mountain overlay district and another district, individual lots may be drawn that include portions of the mountain overlay district. However, each lot shall include buildable land outside of the mountain overlay district. Also, the commission and board shall consider:
- a. The compatibility of the development with the topography, soils, geology, hydrology and other physical conditions at the proposed site.
 - b. The orientation of structure siting so that grading and site preparation can be kept to a minimum.
 - c. The phasing of the construction of large projects so that large areas are not left exposed to erosion for long periods of time.
 - d. The visibility of the proposed development. Visibility of structures, roads, streets or driveways shall be minimized through design and siting and shall have least visual impact as viewed from any reference road. Structures shall remain below the skyline and sited in such a manner so as not to create a silhouette against the sky as viewed from said reference roads.
 - e. The arrangement of the housing units to complement one another and the natural landscape.
 - f. Variations to standard circulation systems and parking where consistent with traffic safety to minimize cut and fill.

Response: *The proposed project is complying with the hillside standards. Refer to Section D – Exhibit Drawings, Sheet C-0 – Existing Conditions Plan and Sheet C-4 – Preliminary Grading and Drainage Plan for specific information.*

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.

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.
2. For lands located within the R-2, R-21/2, 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.
 - b. Building envelopes (or non-building 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.
 - 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-21/2 and R-5 zoning districts to be reduced by up to twenty percent (20%).

Response: *The proposed project is complying with the agricultural/rural development requirements. Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

N. Street Improvements:

- 1. Conformance to Plans: Streets shall in general conform with the Comprehensive Plan, other accepted plans, the provisions of this title and title 6 of this code.

2. Dedication: Collector and arterial streets within a proposed subdivision shall be offered for dedication to the public. Minor streets may be dedicated or kept private. Private roads will not be allowed where there is a need for public access to adjacent lands. Dedication or other provision for future access to surrounding areas may be required.
3. Conditions: The arrangement, type, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their relation to the proposed uses of the land to be served by such streets.
4. Location: Streets shall be located by the following guidelines:
 - a. Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
 - b. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions may allow streets to extend to the tract boundary to make provisions for the future extension of streets into adjacent areas. A temporary cul-de-sac may be made to serve present traffic.
 - c. Minor streets shall be arranged to discourage through traffic.
 - d. Dead end streets are prohibited. Stub streets with a temporary cul-de-sac may be permitted in anticipation of a future through street.
 - e. Cul-de-sac streets shall be discouraged. However, when topography or planning considerations dictate their use, cul-de-sacs shall:
 - (1) Include a right of way measuring one hundred feet (100') in diameter at the terminus;
 - (2) Include an additional snow storage easement of ten feet (10') around the periphery; and
 - (3) If offered for dedication to the county, meet county road specifications and include an entirely paved terminus measuring ninety feet (90') in diameter.

The board shall have the explicit option of accepting or rejecting the road for dedication to the county.
 - f. Half streets shall normally be prohibited except where satisfactory assurance for dedication of the other half is provided.
 - g. Encourage streets to be laid out so that the lot design facilitates the use of solar energy.

Response: *The proposed street network will be a combination of public streets, private streets and alleys. Refer to Section D – Exhibit Drawings, Sheets P0 to P4 - Plat for specific information.*

O. Intersection Location and Specifications: Intersections shall conform to the following:

1. Intersections of minor streets with major arterials or highways shall be kept to a minimum.
2. Streets shall intersect at right angles or as close thereto as possible.
3. Intersection design shall provide acceptable visibility for traffic safety.
4. A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain will be permitted.
5. The board may require deceleration and left turn lanes at intersections.

Response: *The proposed plans illustrates the proposed street network. Streets intersect perpendicularly with controlled stops or have roundabout. Refer to Section D – Exhibit Drawings, Sheet C-3 – Preliminary Roadway Plan for specific information.*

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.

Response: *The Applicant/Owner proposes landscaping at key points throughout the propped project. Refer to Section D – Exhibit Drawings, Sheets L-1 – Overall Landscape Plan and L-2 Detail Landscape Plan for specific information.*

Q. Non-motorized Facilities: Applicants may be required to accommodate in the subdivision design non-motorized transportation facilities, such as bike, equestrian and pedestrian paths, and facilities for public transportation services.

Response: *The Applicant/Owner proposed a system of trail throughout the development. Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

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.
 - 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.
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.
 3. Outdoor 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°). All outdoor lighting shall comply with title 9, chapter 29A of this code.
 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.

Response: ***Lands in the wildlife overlay district will be developed in accordance with this section of the code and promote wildlife through the provision of wildlife***

corridors and adherence to development standards that are conducive to wildlife.

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

Response: *The Applicant/Owner is not proposing any gated entry. However, entry to the open space areas and agricultural areas may be limited or restricted to prevent unauthorized use.*

- 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.

(Ord. 2010-06, 5-25-2010; Ord. 2009-05, 7-7-2009; Ord. 2006-19, 11-14-2006; Ord. 2006-18, 11-2-2006; Ord. 2006-16, 11-2-2006; Ord. 2006-15, 10-26-2006; Ord. 2006-08, 6-29-2006; Ord. 98-8, 10-5-1998)

Response: *The proposed development will preserve areas of riparian plant communities and wetlands.*

10-6-1: SCOPE:

Planned unit developments (PUDs) may be developed through the procedures outlined in this chapter.

(Ord. 2009-06, 8-26-2009)

Response: *The Applicant/Owner will comply with the procedures outlined in this Chapter.*

10-6-2: PURPOSE:

The county encourages PUDs to achieve the following:

A. Development Pattern: A development pattern which preserves and utilizes natural topographic and geologic features, scenic vistas, vegetation and wildlife habitat and avoids the disruption of natural drainage patterns;

Response: *The Applicant/Owner maintains that proposed PUD development pattern preserves and utilizes natural topographic and geologic features, scenic vistas, vegetation and wildlife habitat and avoids the disruption of natural drainage patterns.*

B. Open Space and Recreation Areas: More useful, convenient location of open space and recreation areas for new residents;

Response: *Open space and recreation area are provided. Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

C. Efficient Use of Land: A more efficient use of land than is achieved through straight lot subdivisions, resulting in construction and maintenance savings through shorter utility lines and streets;

Response: *Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

D. Diversity: A greater diversity of living environments by allowing a variety of housing types and residential densities, and allowing more flexibility with lot dimensions and building setbacks;

Response: *The proposed project has a diversity of housing types and densities. Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

E. Development Complexes: Development complexes which are a harmonious interrelated combination of compatible uses;

Response: *Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

F. Preservation of Character: The preservation of Blaine County's open space and rural character;

Response: *The proposed development preserves/enhances the riparian community along Quigley Creek. Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

G. Energy Conservation: Energy conservation and use of renewable resources;

Response: *The Applicant/Owner will employ energy conservation and promote the use of renewable resources where possible.*

H. Community Housing: Provision of affordable, centrally located, quality residential structures for the Blaine County work force;

Response: *Again, the proposed project has a diversity of housing types and densities. Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

I. Convenience: More convenient locations for accessory commercial and industrial uses, if permitted as part of a larger project.

(Ord. 2009-06, 8-26-2009)

Response: *Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information. .*

10-6-3: DEFINITIONS:

The following terms are defined for the purpose of this chapter:

COMMON OPEN SPACE: An area held for the use and benefit of the owners of dwelling units or lots in a PUD and which is devoid of streets, parking areas or buildings not intended for recreational or community purposes.

ELIGIBLE ACREAGE: Acreage that lies outside of the mountain overlay district, FEMA 100-year floodplain, and red avalanche zones, which shall be used for calculating the simple planned unit development density, the maximum PBPUD density bonus, and determining open space requirements.

HOMEOWNERS' ASSOCIATION: An organization formed of the owners of a subdivision or planned unit development.

PBPUD DENSITY BONUS: A bonus awarded specifically for utilizing the PBPUD option in order to provide incentive for quality PUDs. The bonus is a percentage of the density derived from

PUD eligible acreage.

PLANNED UNIT DEVELOPMENT: An area of land developed primarily for residential use in which restriction of lot sizes, setbacks, densities and land uses may be adjusted in return for conformity with an approved plan for the entire parcel which provides open space, superior design, and public benefit. (See also definition found in section 10-2-1 of this title.)

PUBLIC BENEFIT PLANNED UNIT DEVELOPMENT (PBPUD): A PUD that utilizes total acreage to establish base density and requests waivers to base district standards.

SAME OWNERSHIP: Ownership by the same person, corporation, firm, entity, partnership or unincorporated association in which a stockholder, partner or associate, or member of his or her family owns an interest in each corporation, firm, partnership, entity or unincorporated partnership.

SIMPLE PLANNED UNIT DEVELOPMENT (SPUD): A PUD that utilizes only eligible acreage to establish base density and does not allow for density increases or waivers beyond lot size, lot dimensions or road width.

(Ord. 2009-06, 8-26-2009)

Response: **Acknowledged.**

10-6-4: PERMITTED USES:

The following uses are permitted within a PUD:

- A. All Uses: All permitted, accessory and conditional uses specified for the underlying zoning district.**

Response: ***The proposed project has a diversity of housing types and densities. Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information. .***

- B. Commercial:** Commercial uses unquestionably subordinate to the residential uses and oriented to serve the residents of the PUD rather than to the general community, when suitably landscaped in a manner which will create a buffer for adjoining residential uses. When a PUD contains several commercial uses, these shall be planned as groups with common parking areas and access. Commercial areas intended for future phases of a PUD shall be landscaped and maintained in a neat and orderly manner. Commercial uses shall not be allowed in any R-10 PUD or A-20 PUD in a TDR receiving area.

Response: **Acknowledged.**

- C. Light Industrial:** Light industrial uses compatible with the residential uses, particularly those which may employ residents of the PUD. Industrial uses shall be developed in park like surroundings, utilizing landscaping and existing woodlands as buffers to screen parking areas, loading docks and outdoor storage of materials and products from adjacent

residential areas and shall not generate traffic through residential areas. Industrial uses shall not be allowed in any R-10 PUD or A-20 PUD in a TDR receiving area.

Response: *Acknowledged.*

D. Public Facilities: Public facilities.

Response: *Acknowledged.*

E. Multi-Family Housing: Multi-family housing, except duplexes, shall not be allowed in any A-20 PUD in a TDR receiving area.

(Ord. 2009-06, 8-26-2009)

Response: *Acknowledged.*

10-6-5: OWNERSHIP REQUIREMENTS:

A. Preliminary Application: A preliminary application for a PUD shall be filed in the name or names of the recorded owner or owners of property included in the development. An application may be filed either by a property owner or by the holder(s) of an equitable interest in such property or by a person having a contractual interest in the land to be included within the basic PUD.

Response: *Refer to Section E – Appendices, Appendix 2 – Preliminary Title Report/Deed and accompanying letter for ownership information.*

B. Final Application: Before a final application for a PUD may be filed, the entire project shall be under the same ownership and evidence of title to the property must be submitted with the final development plan.

(Ord. 2009-06, 8-26-2009)

Response: *The Applicant/Owner will comply with the ownership requirements.*

10-6-6: GENERAL PUD DEVELOPMENT STANDARDS:

All planned unit developments must comply with the standards of title 9 (zoning) of this code and chapter 5 of this title, in addition to the requirements set forth in this chapter. PUDs within the area of city impact shall comply with any additional requirements set forth in the applicable area of city impact ordinance.

The PUD applicant accepts the requirements of this chapter voluntarily and understands that they are free to apply for a development permit under other standards of this code. The burden of proof to demonstrate superior design, as well as compliance with all applicable standards of evaluation, always rests with the applicant.

A. Gross Land Area: PUD will include a gross land area of at least five (5) acres.

Response: *The Applicant/Owner owns approximately 205 acres.*

B. Open Space:

1. Minimum Area: A portion of the PUD's eligible acreage shall be reserved for common open space or land dedicated to public use. Public utility and similar easements are not acceptable for common open space unless it is usable for recreation purposes by the owners. The developer may retain ownership of all other land within the PUD from which density is transferred in R-5, R-10 and A-20 zones only. The following minimum percentage of the PUD's eligible gross acreage shall be reserved for common open space or land dedicated to public use.
 - a. Twenty percent (20%) minimum for lands in the R-21/2, R-2, R-1, R-.4, and R-1/4 zoning districts;
 - b. Thirty percent (30%) minimum for lands in the R-5 and R-10 zoning districts;
 - c. Fifty percent (50%) minimum for lands in the TDR receiving area in the A-20 zoning district.
2. Design: Common open spaces in the development should:
 - a. Be useful to the residents for open space, recreation or other amenities;
 - b. Be integrated, rather than existing as unrelated, isolated fragments.
3. Maintenance Responsibility: The owner/developer is required to maintain common open space and facilities until sixty percent (60%) of the proposed lots have been sold. Maintenance responsibility after this has occurred must be specified by the developer before the final development plan may be approved.
 - a. Failure to Maintain Adequately:
 - (1) Deficiencies: In the event that the owner or homeowners' association shall at any time after establishment of the basic PUD fail to maintain the common open space in reasonable order and condition in accordance with the final development plan, the county may serve written notice upon such individual or organization documenting the reasons for which maintenance has been judged unsatisfactory, itemizing means by which deficiencies can be rectified and the deadlines for doing so. Said notice shall also state the date and place of a hearing concerning this matter.
 - (2) Maintenance by County: After the hearing, the county may modify the terms of the original notice, and/or extend deadlines specified. If the deficiencies cited originally or as modified by the hearing are not rectified within thirty (30) days of the final deadline, the county

may maintain the common open space for a period of one year in order to preserve the taxable values of the properties within the basic PUD.

- (3) Tax Lien: The cost of such maintenance shall be assessed ratably against the properties within the basic PUD, and shall become a tax lien on such properties. Said entry and maintenance shall not vest in the public any rights to use the common open space beyond those voluntarily dedicated by the owners.
- (4) Continued Maintenance: Before the expiration of said year, the county shall hold a public hearing, after giving notice to the owners, to determine whether the county shall continue its maintenance role through private assessment or whether the owner or homeowners' association can resume its responsibilities as enumerated in the final development plan.

Response: *Open space is provided throughout the proposed development in excess of the minimum requirements.*

- C. Bond for Construction: The developer shall be required to provide a surety bond, cash deposit, certified check, negotiable bond or other acceptable financial guarantee in the amount of one hundred fifty percent (150%) of estimated construction costs of improvements for open space area. This cost shall be provided by the project engineer and checked by the county engineer. If the prosecuting attorney finds the bond acceptable, it shall be filed with the county recorder. If the improvements are completed in accordance with the approved plan, the bond shall be released. Bonds must be renegotiated every two (2) years as long as those bonded improvements are not completed.

Response: *In accordance with this section, developer will be required to provide a surety bond, cash deposit, certified check, negotiable bond or other acceptable financial guarantee in the amount of one hundred fifty percent (150%) of estimated construction costs of improvements for open space area.*

- D. **Superior Design Elements:** The board may approve waivers of base district standards if it determines that such waivers are warranted by the following superior design elements incorporated into any PUD:

1. Water conservation techniques and strategies that significantly decrease domestic and irrigation water use below Idaho's domestic exception limits as identified in a water plan;
2. Any important on site wildlife migration corridors and habitat shall be permanently protected to the greatest extent practicable;
3. Architectural and subdivision design that ensures solar access and encourages utilization of solar energy and other renewable energy resources;

4. Consolidation or alteration of road design to reduce access points and improve the safety of adjacent and established roads or trail systems;
5. Reduced impacts on road systems through the provision of bike and pedestrian right of way between adjoining developments and main transportation corridors;
6. If applicable, public access to public lands;
7. Use of natural and planted vegetation to landscape and buffer rights of way and public spaces internally and from adjacent uses.

However, the following standards shall not be subject to modification or waiver:

1. Floodplain regulations and riparian setbacks (title 9, chapter 17 of this code).
2. Wetlands setbacks (title 9, chapter 19 of this code).
3. Wildlife protection regulations (title 9, chapter 20 of this code).
4. Hillside regulations (title 9, chapter 21 of this code).
5. Avalanche (title 9, chapter 22 of this code).

Applicants requesting waivers to other standards listed under this code beyond lot size, lot dimensions or road width must also satisfy the superior design elements and public benefits listed in section 10-6-8 of this chapter.

(Ord. 2009-06, 8-26-2009)

Response: *The Applicant/Owner has employed a number of elements with the development that would qualify as superior design elements. Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

10-6-7: SIMPLE PLANNED UNIT DEVELOPMENT (SPUD):

Not Applicable to the proposed project.

10-6-8: PUBLIC BENEFIT PLANNED UNIT DEVELOPMENT (PBPUD):

Not Applicable to the proposed project.

10-6-9: STANDARDS OF EVALUATION:

- A. Evaluation of PUD Proposals: Waivers from basic standard district requirements limited to lot sizes, road widths and lot dimensions are warranted by the superior design incorporated into the PUD. The following shall be used in evaluation of planned unit development

proposals. Approval of a PUD is contingent upon the board's determination that all the following are true:

1. Construction of the proposed PUD can be initiated within two (2) years of the date of approval;
2. Each individual phase of the development as well as the total development can exist independently in a stable manner;
3. The subdivision and addition of residential uses will be compatible in size, scale and uses with uses and operations in the surrounding area;
4. Transfer of density from A-20 to R-5 or R-10 land for the purposes of a PUD will not locate residential units in close proximity to productive agricultural fields or sensitive natural resource areas such as wetlands or critical wildlife habitat. Adequate separation is required;
5. Transfer of density from A-20 to R-5 or R-10 land will not increase the density to more than double the base density for that district;
6. A PUD located on R-5 or R-10 land, to which density has been transferred from A-20 land, will not require uneconomical extension of county services;
7. Any requested modification of lot size or road widths from base district standards in title 9 (zoning) of this code and this title, is justified after a consideration of the superior design requirements of section 10-6-6 of this chapter;
8. Any requested modification, beyond lot size or road widths, from base district standards in title 9 (zoning) of this code and this title, is justified by the provision of public benefit and superior design requirements listed in section 10-6-8 of this chapter;
9. The PUD will not adversely affect potable water source(s).

Response: ***The Applicant/Owner understands that waivers from basic standard district requirements limited to lot sizes, road widths and lot dimensions are warranted by the superior design incorporated into the PUD.***

B. Conditions Attached: The board is authorized to attach the following conditions and any others it deems necessary to protect the public health, safety and welfare to approval of a PUD:

1. Uses of least intensity and greatest compatibility with adjacent uses must be arranged around the perimeter of the PUD. Planted buffer zones, fences or screening may be required where no natural buffers exist.
2. No lot shown on the final development plan may be further subdivided, except in an ACI where specified in a development agreement or plat note.

3. Measures to protect the surface and ground water from contamination, including, without limitation, the installation by the applicant of monitoring wells and the granting of easements relating to such wells.
4. Gray water reuse for residential and commercial non-potable purposes.

(Ord. 2009-06, 8-26-2009)

Response: *The Applicant/Owner acknowledges that the board is authorized to attach the conditions and any others assurances it deems necessary to protect the public health, safety and welfare.*

10-6-10: ADDITIONAL PRELIMINARY SUBMISSION REQUIREMENTS:

The following requirements are in addition to those set forth in subsection 10-4-3F of this title:

- A. A tabulation of the number of acres, street rights of way, common open space, housing units (by type) in each phase, estimated residential population by housing type and approximate gross and net residential densities;

Response: *Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

- B. The proposed restrictive covenants of the homeowners' association providing for control and maintenance of all common areas and facilities;

Response: *Refer to Section E – Appendices, Appendix 13 – Preliminary CCR's.*

- C. Evidence that the applicant has sufficient control over the subject land to begin the proposed development within eighteen (18) months;

Response: *Refer to Section E – Appendices, Appendix 2 – Preliminary Title Report/Deed and accompanying letter for ownership information.*

- D. A plan at a scale approved by the administrator showing the relationship of planned open space and recreational areas to the location of proposed structures, streets, commonly owned facilities, public facilities, parking and utility easements and the pedestrian circulation system;

Response: *Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

- E. A development schedule for self-contained phases of the project. When a preliminary application has been submitted for a property where development is to occur in phases, the commission shall require an impact study (see section 10-4-4 of this title) and

development schedule for the entire property prior to approving the final plan for the first phase;

Response: *Refer to Section D – Exhibit Drawings, Sheet C-1 – Land Use Site Plan for specific information.*

F. Architectural drawings and sketches sufficient to demonstrate the design, dimension and character of the prospective development and its visual impact on the neighboring lands' uses;

Response: *Architectural drawings and/or sketches demonstrating design, dimensions and character will be provided prior to development.*

G. If applicable, a community housing plan as outlined in section 6.3 of the Blaine County housing authority guidelines.

(Ord. 2009-06, 8-26-2009)

Response: *The proposed project does not include a community housing plan.*

10-6-11: PROCEDURE FOR APPROVAL:

All PUD developments shall require a pre-preliminary meeting with the administrator, followed by submission of a preliminary development plan, followed by submission of a final development plan.

A. Pre-Preliminary Application Meeting: The developer shall meet with the administrator prior to the submission of the preliminary development plan. The purpose of this meeting is to informally discuss the comprehensive plan, title 9 of this code, and this title, and to familiarize the developer with the standards contained therein.

Response: *Pre-Preliminary Application Meeting was conducted on January 7, 2016.*

B. Application and Certification: The procedures for administrative action are the same as specified in subsections 10-4-3A and B of this title.

Response: *The Applicant/Owner acknowledges the requirements of this section.*

C. Contents Of Application For Preliminary Plan: The application shall include the requirements for regular subdivisions specified in subsection 10-4-3F of this title, a completed impact study form, those additional requirements listed in section 10-6-10 of this chapter, and any additional information requested by the administrator at the pre-preliminary meeting.

Response: *The Applicant/Owner understands the application submittal requirements.*

D. Preliminary Consideration by Commission: The procedures for commission action are the same as specified in subsection 10-4-3D of this title.

Response: *The Applicant/Owner acknowledges the procedures for preliminary consideration by the Planning Commission.*

E. Preliminary Consideration by Board: The procedures for board action are the same as specified in subsection 10-4-3E of this title.

Response: *The Applicant/Owner acknowledges the procedures for preliminary consideration by the Board of County Commissioners.*

F. Contents of Application for Final Development Plan: Upon the board's approval of a preliminary development plan, an application for the final development plan may be filed with the administrator. This application shall comply with the requirements for regular subdivisions specified in section 10-4-5 of this title. In addition, floor plans and exterior elevations for all buildings within PUDs must be submitted at this time.

1. Certification by Administrator: Procedures for administrator certification are the same as specified in subsection 10-4-5C of this title.
2. Commission Action: Procedures for commission action are the same as specified in subsection 10-4-5D of this title.
3. Board Action: Procedures for board action are the same as specified in subsection 10-4-5E of this title.
4. Acceptance of Dedication: Procedures for acceptance of dedications are the same as specified in subsection 10-4-5G of this title.

(Ord. 2009-06, 8-26-2009)

Response: *The Applicant/Owner understands the application will comply with the requirements for regular subdivisions as specified in section 10-4-5 of this title.*

10-6-12: EXPIRATION AND EXTENSION OF APPROVAL PERIOD:

The procedures governing the expiration and extension of PUD approval are the same as specified in subsection 10-4-5B of this title.

(Ord. 2009-06, 8-26-2009)

Response: *Acknowledged. The Applicant/Owner understand the procedures governing the expiration and extension of PUD approval.*