

BLAINE COUNTY BOARD OF COMMISSIONERS
 DECISION on November 27, 2018

<p>REGARDING AN APPLICATION OF: Tilden Sokoloff for a minor plat amendment to shift a portion of the lot line between Lots 14 and 15 of Golden Eagle Subdivision</p>	<p>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION</p>
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REQUESTED ACTION: The applicant, Tilden Sokoloff, proposes to amend Golden Eagle Subdivision by shifting a portion of the lot line between Lots 14 and 15, located at 110 and 111 Whispering Pine Drive. The property is zoned Planned Residential Development District (R-2), Rural Residential District (R-10) and Rural Remote District (RR-40) with areas of Mountain Overlay District (MOD), Riparian Setback District (R) and Avalanche Overlay District (A).

APPLICABLE REGULATIONS:

Title 10 (Subdivision Regulations): Chapters 1-5
 Title 9 (Zoning Regulations): 6, 6A, 9, 17, 21, 22
 Title 8 (Comprehensive Plan)

Summary

This application meets the definition of a “minor amendment” pursuant to Blaine County Code 10-4-7 (D.1.b), below, because it involves the modification of boundary lines between existing platted lots.

b. A minor amendment includes only: 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 the removal of platted lot lines.

The process for a “minor amendment” is set forth below:

An owner or subdivider requesting a minor amendment shall be required to file an application 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 that 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:

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- 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;*
- 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; 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.

The administrator finds that the application is in compliance with the applicable provisions of the Subdivision Regulations, and recommends approval with the conditions listed at the end of these findings.

I. GENERAL BACKGROUND

- 1. **Notice of this application was mailed to all property owners within the subdivision and within three hundred feet (300') of the exterior boundary of the lots proposed for plat amendment on October 25, 2018. Such notice informed 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 the application. (Pursuant to Blaine County Code 10-4-7 (D.1). No public comments were received.**
- 2. **Attached to these findings are the following exhibits:**

Exhibit A—Application Materials

All application materials were received on October 17, 2018, unless indicated otherwise.

- A-1:** Completed application form
- A-2:** Preliminary plat
- A-3:** Vicinity map/aerial
- A-4:** Zoning map
- A-5:** 300' adjoiners map (2 sheets)
- A-6:** Mailing list – 300' adjoiners plus all subdivision owners

Exhibit B—Agency Comments – none required

Exhibit C—Additional Information – none

Exhibit D—Public Comments - none received

II. PLAT AMENDMENT CRITERIA

Subdivision Regulations §10.4.7(D) Plat Amendment and Correction

D. Plat Amendment And Correction:

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

b. A minor amendment includes only: 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 the removal of platted lot lines.

Findings of Fact and Conclusion of Law: The proposed amendment does not create a new lot, subplot, condominium unit or dwelling unit, and does not reduce the lot area, width, or building setback lines below the minimum zoning requirements. It merely modifies the boundary lines between two existing platted lots.

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;

Findings of Fact and Conclusion of Law: The provisions of Title 10 and other applicable code sections are reviewed in detail below. The application is found to be in compliance with all applicable provisions.

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; 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.

III. DESIGN AND IMPROVEMENT STANDARDS
Subdivision Regulations §10-5-1, §10-5-2, §10-5-3

10-5-1: ADMINISTRATIVE STANDARDS: No preliminary plat application shall be considered by the board or commission until the administrator makes a positive finding with regard to each of the following standards:

- A. *Other regulations: To the extent applicable, subdivision proposals shall comply with:*
1. *The following sections of this code:*
 - a. *Any chapter of title 3 with the recommendation or approval of the health district; **No change is proposed that warrants comment by SCPHD.***
 - b. *Any chapter of title 6 with the recommendation or approval of the county engineer and recreation district if appropriate; **No change is proposed that warrants comment by the County Engineer.***
 - c. *Any chapter of title 7 with the recommendation or approval of the building official and fire official in an established district; **No change is proposed that warrants comment by the building or fire official at this time.***
 - d. *Chapter 2 of title 8; and **The property is not within any Area of City Impact.***
 - e. *Any chapter of title 9. **Applicable Title 9-Zoning Regulations are reviewed below.***
 2. *Adopted Idaho transportation department standards, if the applicant seeks a new or expanded access onto a state highway. **N/A***
- B. *Resource Protection Requirements:*
1. *Floodway Areas: **N/A-none on the site***
 2. *Avalanche Areas: **No new habitable buildings shall be located within a high (red) avalanche hazard area, as determined by a professional study. There is no change to building envelopes in relation to avalanche hazard areas; both lie entirely out of both the red and blue zones.***
 3. *Riparian Areas: **There is no change to building envelopes in relation to riparian setback from Greenhorn Creek.***
 4. *Wetlands Areas: **N/A-none on the site***
- C. *Drainage: **N/A-no change.***
- D. *Lot requirements:*
1. *Lot sizes, uses and the location of uses shall satisfy any zoning regulations and other applicable sections of this code. **Both lots remain over the minimum required size. Location of uses remain the same as the platted building envelopes do not change with relation to MOD, avalanche, and riparian zones. The building envelope on Lot 14A becomes smaller only with the shift of the lot line, maintaining a 25' side setback.***
 2. ***No single lot shall be divided by a street, existing right of way or other lot. Neither lot is so divided.***
 3. ***No single lot shall be divided by a municipal or county boundary line. Neither lot is so divided.***

4. Lots shall have a minimum mean width of seventy five feet (75'). Both lots have a minimum width in excess of 180 feet.
5. No residential building or structure for human habitation shall be located within one hundred fifty feet (150') of the centerline of a power transmission line. N/A – none in the vicinity.
6. All buildings on lots located adjacent to public lands shall have a minimum thirty foot (30') setback from public lands. N/A-neither lot is adjacent to public land.

E. Utilities: N/A-no change.

F. Water Supply: N/A-no change

G. Sewage Disposal: N/A-no change

H. Street Improvements: N/A-no change

I. Intersection Location And Specifications: N/A-no change.

J. Street Specifications: N/A-no change.

K. Lighting Standards: All outdoor lighting in the proposed subdivision shall comply with title 9, chapter 29A of this code. All exterior lighting is reviewed at time of building permit application for compliance with the Outdoor Lighting chapter of the county's Zoning regulations.

Findings of Fact and Conclusion of Law: All applicable Administrative Standards are met.

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. Applicable

Administrative Standards are met.

B. Comprehensive Plan: The proposed subdivision of land... N/A-not a proposed subdivision.

C. Impact On Public Facilities And Services: The proposed subdivision N/A-not a proposed subdivision.

D. Land Under Floodplain: N/A-none on the site

E. Agricultural And Rural Land (A-20, A-40, R-10 And RR-40): In addition to all other applicable criteria in title 9 of this code and this title, proposed subdivisions in lands zoned A-20, A-40, R-10 and RR-40 shall comply with the following criteria: N/A-not a proposed subdivision

F. Avalanche Areas: Land subject to avalanche hazards, as determined by a professional study, shall not be used for private roads unless the hazards are mitigated or overcome by approved design and construction plans. N/A-no change to roads in relation to avalanche zones – the private road lies entirely outside the red and blue zones.

G. Unsuitable Land: N/A-none on the site.

H. Applicant Or Landowner: If the applicant or landowner with respect to an application for a subdivision under this chapter is the state of Idaho, or any agency N/A.

I. Water Quantity And Quality: N/A-no change.

Findings of Fact and Conclusion of Law: No changes are proposed that would be applicable to the Threshold Standards.

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.

Findings of Fact and Conclusion of Law: The design components of this subdivision are already in place. Subdivision design standards are not applicable to this proposal to shift a portion of a lot line between two lots.

IV. DECISION AND CONDITIONS

► **Decision:** Having considered the information presented, the above criteria, and the recommendation by the Administrator, the Board of Commissioners upon a motion by Commissioner Greenberg, a second by Commissioner Schoen, and 3 to 0 vote, hereby approves this plat amendment application by Tilden Sokoloff to shift a portion of the lot line between Lots 14 and 15 of Golden Eagle Subdivision, subject to the following conditions:

Conditions of approval:

1. Record the final plat within 1 year of final approval or seek and be granted an extension at the Board's discretion within that year;
2. Place the standard health department signature note on the face of the final plat;
3. Set out the square footage of each lot on the final recorded plat;
4. Satisfy the monumentation requirements of state law and §10-4-5(H);
5. Comply with the survey requirements of Blaine Co. Resolution #2002-54;
6. Add to the plat an I.C. §50-1334 certificate regarding the type of domestic water system.

Idaho Code §67-6535(c) Notice: The owner of the property subject to this application and decision may request a regulatory taking analysis pursuant to I.C. 67-8003.

IT IS SO ORDERED.

DATED this 29 day of November, 2018

BLAINE COUNTY BOARD OF COMMISSIONERS



Angenie McCleary, Chair

CERTIFICATE OF MAILING

The undersigned person hereby certifies that on the 3rd day of Dec, 2018, she served a true and correct copy of the foregoing document by depositing the same in the U.S. Mail addressed as follows or by service otherwise as noted:

Garth McClure
garth@bma5b.com



Staff