



BLAINE COUNTY LAND USE AND BUILDING SERVICES
219 1st Avenue South, Suite 208 Hailey, ID 83333
Phone: 208-788-5570 ♦ Building Services: 208-788-5573 ♦ Fax 208-788-5576
www.blainecounty.org

December 10, 2018

SDRTR, LLC
C/O BYLA Landscape Architects
Chase Gouley chase@byla.us
Tim Bowler tim@byla.us

Re: Lot 1C Block 1 Warfield Hot Springs Sub.
Mountain Overlay District Categorical Exclusion (MOD-CAT. EX.) Application (18-103)

Dear Tim and Chase,

Thank you for the submittal of a MOD Cat Ex application received on November 19, 2018, on behalf of your client, SDRTR LLC.

§9-21-4 (B). Exclusions: Unless the intent of the landowner or his/her authorized agent is to circumvent the purposes of the mountain overlay district regulations, the requirements of this chapter shall not apply to the following, provided the landowner or agent, before commencing any site alteration, first obtains a written decision from the administrator, in consultation with the county engineer or his/her designated representative, that the site alteration falls within and meets one of the following categorical exclusions: [See §9-21-4(B)(1-14)]

As you may know, disturbance of any kind is not permitted in Blaine County's mapped Mountain Overlay District, including subsections identified as the MOD Buffer and Scenic Corridor 1 (SC1), without a prior written administrative decision or a MOD site alteration permit. It is imperative that the entire construction team understands this and does not disturb the MOD in any way without a written determination or permit from Land Use and Building Services. Any disturbance without such authorization is a violation of County Code and subject to enforcement actions pursuant to §9-32-5: ENFORCEMENT; PENALTY.

The proposed accessory structures are permitted outside of the platted building envelope. Plat Note # 9 from the Replat of Warfield Hot Springs Subdivision Amended, Instrument No. 439104, and referred to in Plat Note #4 of the governing plat, Warfield Hot Springs Subdivision: Block 1; Lot 1C, Instrument No. 651549, states, *9. Accessory buildings allowable under the Blaine County Zoning Regulations may be placed outside of the Building Envelope shown on Lot 1B.* While the proposed accessory structures are not buildings per se, they are allowable out of the platted building envelope.

Proposed are vegetative landscaping, pool and spa, relocation of a septic drainfield (disturbance), waterslide with entry landing, dry stack walls, pathways, pedestrian bridge "connector", man-made stream and pond, and an alteration to the existing Helipad. All of the proposals are within Blaine County's MOD. See Sheet L3.0 dated 11-14-2018 by BYLA Landscape Architects submitted with this application.

Please note that Helipads are not an allowed use in rural Blaine County. Any landing of helicopters is a violation of Blaine County Code and subject to enforcement action.

The proposed structures that are located within the platted building envelope are categorically excluded pursuant to §9-21-4(B)(4) (see below) because the entire building envelope is located within the MOD Buffer and below the existing 25% slope line identified by Alpine Enterprises. The building envelope was reconfigured in September 2017 to encompass the existing residence and a proposed addition. This reconfiguration was possible because the building envelope was proposed in the MOD Buffer below 25% slopes. From the Plat Amendment Findings of Fact document:

" . . . Being below the 25% slopes is significant because if no platted building envelope existed, the area proposed for the new envelope could be categorically excluded from further MOD regulation (per 9-21-4.B.4.), as opposed to requiring a fully notice public hearing with the P&Z for a site alteration permit."

The proposed structures that are located outside of the platted building envelope, within the MOD Buffer and below the existing 25% slope line, shown on Sheet L3.0 are categorically excluded pursuant to:

§9-21-4(B)(4). On lands inside the mountain overlay district buffer: Single-family residences or accessory structures or uses where all structures and improvements are certified by a state licensed surveyor to be located outside lands greater than twenty five percent (25%) slope. On lands inside the mountain overlay district buffer and scenic corridor 1, applicants seeking a categorical exclusion must meet the requirements of both subsection B3 of this section and this subsection B4.

It should be noted that the upper end of the water slide northwest of the house appears to be located above the 25% slopes within the MOD Buffer and therefore is not categorically excluded. It should also be noted that the upper end of the water slide northeast of the house, while on slopes below 25%, is out of the envelope and "above" the buffer and therefore is not categorically excluded either.

Finally, any disturbance located within the MOD Buffer, above 25% slopes would require a MOD Site Alteration Permit if another MOD Cat. Ex. doesn't apply. The proposals in this area are not categorically excluded by §9-21-4(B)(4) and include vegetative landscaping, satellite dishes (existing but never permitted in the MOD), the disturbed area associated with the drainfield relocation and any other disturbance that has occurred but has not been permitted. As noted, the same is true for any proposals above the MOD Buffer, in the MOD proper, regardless of slope.

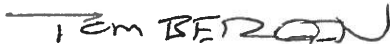
One categorical exclusion that may apply in these areas is:

§9-21-4 (B)(6). Any building, access road and/or driveway that is not visible from a reference road. Plans submitted to the county for building permit and/or road/driveway construction for such development shall include and demonstrate, in addition to all other requirements, revegetation with native or native compatible vegetation to prevent erosion; compliance with all applicable road and driveway standards, including all applicable grade standards; appropriate measures or design features to prevent soil erosion, silting of lower slopes, slide damage, flooding, and any other geologic instability; and approval from the applicable fire district/marshal and the South Central health district for on-site sewage disposal.

As described by §9-21-4(D), "Any person aggrieved by the written decision of the administrator as to a categorical exclusion may appeal the administrator's decision to the board according to the procedure and time requirements of section 9-32-3 of this title." Appeals must be received within 20 days of the date of this decision.

Please contact Nancy Cooley if you have any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Tom BERGIN". The signature is written in a cursive style with a horizontal line above the first few letters.

Tom Bergin, Director

C: Nancy Cooley; Zoning Specialist
SDRTR LLC; Property Owner
Gary Slette; Attorney

All property owners within 300 feet of the external boundaries of the subject property and to additional property owners previously noticed for the Rezone application which has been continued to a date uncertain (on-file)

