

BLAINE COUNTY BOARD OF COMMISSIONERS  
PUBLIC HEARING on April 9, 2019

Regarding the application of 114 Grove Creek LLC to amend Lot 4A of Grove Creek Subdivision.	Findings of Fact, Conclusions of Law and Decision
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**REQUESTED ACTION:** Public hearing and consideration of a plat amendment application by Grove Creek LLC, property owner of Lot 4A, Grove Creek Sub., also known as 114 Grove Creek Ct., to abandon the platted water line easement on their property. The easement formerly benefited Lot 5A. The easement is no longer needed because the water service line for Lot 5A is installed in a different location.

**APPLICABLE REGULATIONS:** Title 10 (Subdivision Regulations): Chapters 1-5 Title 8 (Comprehensive Plan)

**Section I. GENERAL BACKGROUND**

1. The plat amendment application was received on January 22, 2019 and considered generally complete on March 13, 2019.
2. **NOTICE** of this public hearing was:
  - i. published in the Idaho Mountain Express on March 20, 2019;
  - ii. sent by first class mail on March 20, 2019 to all property owners within 300 feet of the external boundaries of these lots, and to all subdivision lot owners;
  - iii. sent to all political subdivisions on March 18, 2019 and,
  - iv. posted on subject property on March 25, 2019 as evidenced by affidavits in file, which is more than seven days prior to the hearing.
  - v. Application materials were posted on the Blaine Co. Web page on March 20, 2019.

► **MOTION:** Upon motion by Commissioner McCleary, a second by Commissioner Fosbury, and by a vote of 3 to 0, the Board finds notice to be in compliance with applicable regulations. §10-4-7 of the Subdivision Ordinance.

3. **DISCLOSURES:** none

4. **EXHIBITS:** Attached to this report are the following exhibits:

"A" Exhibits—Application Materials

All application materials were received on January 22, 2019, unless indicated otherwise.

- A-1: Completed application form
- A-2: Vicinity map
- A-3: Adjoiner map and list
- A-4: Commitment for Title Ins.

- A-5: Authorization letter from David Seidler, property owner of Lot 5A
- A-6: Wetland Evaluation for Water Right Delivery Canal by Sawtooth Environmental Consulting LLC.
- A-7: Preliminary Plat (large and 11 X 17)

**"B" Exhibits—Agency Comments**

- B-1: So. Central Public Health District

**"C" Exhibits—Additional Information**

- C-1: Governing plat -2013-Inst. No. 611976

**"D" Exhibits—Public Comments**

- D-1: Roger G. and Kathy L. Sanger; rec'd 4-1-2019

**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 on a final plat includes but is not limited to grammatical corrections to plat notes, corrections to line or curve lengths, corrections on the signature page, and similar such corrections as determined by the Administrator.*

► **FINDING:** The application is not considered a minor correction. This proposal is to abandon an existing water line easement on the plat that formerly benefitted the adjacent Lot 5A. The applicant wishes to abandon it because the water service line for Lot 5A is installed in a different location and the easement is no longer needed. An authorization letter from the owner of Lot 5A is Exhibit A-5.

*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.*

► **FINDING:** The application is not considered a minor plat amendment. See previous comment above.

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.*

► **FINDING:** Abandoning the existing water line easement will not alter the existing character of the subdivision. Findings for applicable requirements of this code are stated below.

1. *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.*

► **FINDING:** The proposal is not modifying a building envelope.

<b>III.DESIGN AND IMPROVEMENT STANDARDS</b> <b>Subdivision Regulations §10-5-1, §10-5-2, §10-5-3</b>
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**10-5-1: ADMINISTRATIVE STANDARDS:** No preliminary plat application shall be considered by the board or commission until the administrator makes a positive finding with regard to each of the following standards:

A. *Other regulations: To the extent applicable, subdivision proposals shall comply with:*

1. *The following sections of this code:*

- a. *Any chapter of title 3 with the recommendation or approval of the health district;*

► **South Central Health District has provided comment in Exhibit B-1.**

- b. *Any chapter of title 6 with the recommendation or approval of the county engineer and recreation district if appropriate; **No changes are proposed that warrant county engineer or rec. district comment.***

- c. *Any chapter of title 7 with the recommendation or approval of the building official and fire official in an established district; **Tom Ancona of Ketchum Fire has no comments on this application.***

- d. *Chapter 2 of title 8; and Not within an Area of City Impact.*

- e. *Any chapter of title 9. **Applicable Title 9-Zoning Regulations are reviewed below.***

2. *Adopted Idaho transportation department standards. **N/A***

*B. Resource Protection Requirements:*

*1. Floodway Areas; 2. Avalanche Areas; 3. Riparian Areas; 4. Wetlands Areas:*

- ▶ **Comment: Removal of the water line easement has no effect on the resources outlined here. Lot 4A does have floodway, riparian areas and wetland areas indicated on GIS, though not in the same location as the water line easement. Existing plat notes 3, 6, 7, and 8 are regarding the resources.**

*C. Drainage: Drainage systems. . . N/A*

*D. Lot requirements: N/A*

*E. Utilities: N/A*

*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. **No change to the water source is proposed.**
- b. Fire protection systems shall meet local fire code requirements. **No changes are proposed. Through emails, Tom Ancona of Ketchum Fire has indicated the he has no comments regarding this application. All new building permit application submittals are required to have the responding fire districts approval.**
- c. All abandoned wells . . . N/A
- d. The requirements of Idaho Code section 42-111 for domestic water limits and section 50-1334 for subdivision water systems shall be satisfied. **So. Central Public Health must sign the Health Certificate on the plat.**

*2. Central Water Systems: N/A*

*3. Irrigation and Domestic System Requirements: . . .*

- c. All new wells shall be metered. This is existing plat note no.11*

*G. Sewage Disposal: N/A*

*H. Street Improvements: N/A*

*I. Intersection Location And Specifications: N/A*

*J. Street Specifications: N/A*

*K. Lighting Standards: N/A*

- ▶ **Finding on the Administrative Standards: With conditions and existing plat notes, this application complies with the Administrative Standards.**

**10-5-2: THRESHOLD STANDARDS:** *No preliminary plat application shall be approved unless the board determines that the application complies with each of the following standards:*

A. *Administrative Standards: The administrator's recommendations on the standards set out in section 10-5-1 of this chapter are acceptable or need modification.*

▶ **The Boards finding on the Administrative Standards are stated above.**

B. *Comprehensive Plan: **No conflict seen.***

C. *Impact On Public Facilities And Services: **N/A***

D. *Land Under Floodplain: **N/A***

E. *Agricultural And Rural Land: **N/A***

F. *Avalanche Areas: **N/A***

G. *Unsuitable Land: **N/A***

H. *Applicant or Landowner: If the applicant . . . the state of Idaho... **N/A***

I. *Water Quantity And Quality: **No change.***

▶ **Finding on the Threshold Standards: Applicable standards are met.**

**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: **N/A. The abandonment of the water line easement will not affect natural features on the lot.***

B. *Lot Requirements: **N/A. The lots are existing. No changes to lot boundaries are proposed.***

C. *Blocks: **N/A.***

D. *Utilities: **N/A.***

E. *Drainage: **N/A.***

F. *Water Supply: **N/A.***

G. *Sewage Disposal: **N/A.***

H. *Solid Waste Disposal: **N/A.***

I. *Park or School Site Dedication: **N/A.***

J. *Access Easements: **N/A.***

K. *Development Rights: **N/A.***

L. *Hillside Standards: **N/A.***

M. *Design of Subdivisions **N/A.***

N. *Street Improvements: **N/A.***

O. *Intersection Location and Specifications: **N/A.***

P. *Landscaping and Grading: **N/A.***

Q. *Nonmotorized Facilities: **N/A.***

R. *Wildlife: **N/A.***

S. *Gates: **N/A.***

T. *Riparian and Wetland Areas: **N/A.***

- **Finding on Design Standards:** Nothing is being proposed that is applicable to any design standard.

**IV. DECISION AND CONDITIONS:**

► **Finding:** Upon motion by Commissioner McCleary, second by Commissioner Fosbury and by a vote of 3 to 0, the Board hereby approves with conditions this plat amendment application finding compliance with the applicable criteria, subject to the following:

Conditions of Approval:

1. Final plat shall include the plat notes from the existing governing plat; Instrument No. 611976.
2. Record the final plat within one year of final approval or seek and be granted an extension
3. at the Board's discretion within that period;
4. Pay all county engineer fees, if any, prior to obtaining the final county signatures;
5. Place the standard health department signature note on the face of the final plat;
6. Set out the square footage of each lot on the final recorded plat;
7. Satisfy the monumentation requirements of state law and §10-4-5(H);
8. Comply with the survey requirements of Blaine Co. Resolution #2002-54;
9. Add to the plat an I.C. §50-1334 certificate regarding the type of domestic water system.

Plat Notes: See condition number 1. No additional plat notes are recommended.

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

IT IS SO ORDERED on this 16 day of April, 2019

BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS

  
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Jacob Greenberg, Chairman  
Angaria McCleary, Vice-Chair

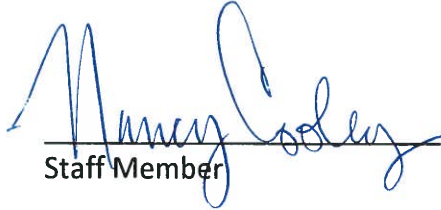
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CERTIFICATE OF MAILING

The undersigned person hereby certifies that on the 16<sup>th</sup> day of April, 2019, 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:

114 Grove Creek LLC  
1800 The Strand  
Manhattan Beach CA 90266

Bruce Smith  
Alpine Enterprises  
bsmith@alpineenterprisesinc.com

  
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Staff Member