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Land Use Services: 208-788-5570 ♦ Fax 208-788-5576
www.blainecounty.org

**Land Use & Building Services
Scenic Highway Overlay District
Site Alteration Permit Application Form**

As set forth in Chapter 21A, Title 9 (Zoning Ordinance) Blaine County Code

GENERAL INFORMATION

- (1) Property Owner Name: _____
 Address: _____
 Phone: _____
 Email: _____
- (2) Applicant/Agent Name: _____
 Address: _____
 Phone: _____
 Email: _____
 Identify Type
 of Interest: _____
- (3) Contractor Name: _____
 Address: _____
 Phone: _____
 Email: _____

PROJECT INFORMATION:

- (4) Proposed date site alteration is to commence and the projected date of completion:
Start Date: _____ Completion Date: _____
- (5) A description of the land upon which the proposed work is to be done, by lot, block, and subdivision name, tract description and street address, or similar description that will readily identify and definitely locate the proposed site. Please include a vicinity map showing the subject property and the surrounding area.

- Parcel #: RP - _____

- (6) Attach a report (six copies required) including text, designs, and visual representations including simulations which indicate the design and construction of improvements, and also including public safety, re-vegetation, and other information demonstrating compliance with the design review standards of evaluation.
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- (7) A description of the work to be performed, an estimate of the depth of soil, and the type of equipment to be used, and the total area of disturbance, and the amount and type of material to be removed or deposited, all in sufficient detail to evaluate the impact of such activities.
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- (8) Attach a graphic representation of the proposal drawn to scale (six copies required). This plan shall include property lines and delineate the proposed areas for improvement or alteration, existing and proposed contours, drainage and drainage structures, landscaping and re-vegetation plans, including a plan for the control of noxious weeds, and retaining walls. Attach photographs of the site prior to beginning of construction and planting, and after completion of construction and planting.
- (9) Written responses to the Design Review Standards of Evaluation attached hereto, as set forth in Section 9-21A-4 of the Zoning Ordinance.
- (10) Include map showing names of surrounding landowners within 300 feet of the exterior boundary of the subject property, including private road owners. Attach names and addresses of surrounding landowners, including private road owners, typed on mailing labels. Information is available from County Assessor's Office.
- (11) A statement that the proposed areas of disturbance have been staked and are ready for administrative review.
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- (12) Technical review by the County Engineer addressing, but not limited to, compliance with road standards, drainage and erosion mitigation is required. Such review shall be at the applicant's expense and shall be paid by the applicant prior to public hearing.

REQUIRED FIELD ACTIVITIES

- (13) A refundable "Notice" fee of \$50.00 for a Notice board to be posted on site of property being considered for at least 7 days prior to public hearing and returned by the applicant as soon as possible after the hearing.

ACKNOWLEDGMENTS

- (14) The undersigned understands that Section 9-21A-4(E) of the Zoning Ordinance provides that the Hearing Examiner or Commission may attach reasonable conditions upon granting a site alteration permit, including but not limited to: 1) providing bonding or other sufficient financial guarantee to complete the site alteration; at a minimum, the re-vegetation of

disturbed areas, including weed control, and new vegetation or landscaping for at least three (3) years; 2) modification of the site alteration; and 3) any other condition for special use permit specified in Idaho Code Section 67-6512 (d), as amended: (a) minimizing adverse impact on other development; (b) controlling the sequence and timing of development; (c) controlling the duration of development; (d) assuring that development is maintained properly; (e) designating the exact location and nature of development; (f) requiring specific on-site or off-site public facilities or services; (g) requiring more restrictive standards than those generally required in this Title; and (h) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. Any site alteration permit granted under Chapter 21A after October 20, 1999 shall expire one year following the date of its approval if construction of the site alteration has not been substantially commenced. If good cause for delay in commencement of construction is shown, the Administrator may once only extend the period for commencement of construction for a period not exceeding one year, provided application is made for an extension before expiration of the permit.

- (15) The undersigned certifies that (s)he is the owner or authorized representative or agent of the owner of the land proposed for site alteration, that (s)he has filled in this application to the best of his/her knowledge, and that (s)he agrees to comply with all county ordinances and state laws regulating site alterations in Blaine County, Idaho. The applicant agrees in the event of a dispute concerning the interpretation or enforcement of the permit in which the County of Blaine is the prevailing party to pay reasonable attorney's fees and costs, including fees and costs of appeal for Blaine County.
- (16) The undersigned grants permission to the Planning and Zoning Commission, Hearing Examiner, Land Use Services Staff and/or County Engineer to inspect the property which is the subject of this application until such time as condition(s) of approval attached to the application(s) have been satisfied.

SIGNATURE OF APPLICANT/AGENT: _____

DATE: _____

ADMINISTRATIVE RECORD

Required Fee \$375.00 _____ paid on _____

If Applicable: 20% of above fee for: Carey, West Magic, Smiley Creek, Wood River Rural Fire Dept. Plan Check: _____ paid on _____

Refundable Notice Board Fee \$50.00 _____ paid on _____

Surrounding Landowner Notices
 Current Postage + .15¢ ea x _____ = _____ paid on _____

TOTAL _____ receipt # _____

Engineering and consultant fees are calculated based on the time spent by County hired private consultants and their staff to review various projects. These fees are to be paid in full upon receipt and prior to scheduling an applicant's public hearing.

Date Application Certified: _____

Hearing Date: _____

Date of and Disposition: _____

**Scenic Highway Overlay District Site Alteration Permit
Design Review Standards of Evaluation**

As established in Section 9-21A-4(D) of the Zoning Ordinance, the Applicant has the burden of demonstrating compliance with this chapter, including each of the following design review standards of evaluation. The Hearing Examiner or Commission shall review and find adequate evidence that the proposed development or site alteration meets all of the following standards:

(The applicant is required to make a statement concerning the proposed project for each of the following evaluation standards):

1. The size of the lot, geographical features of the lot, or a combination thereof require that the maximum height limitations for earthen berms, free-standing walls or fences, or the maximum coverage limitations for sight obscuring screens of trees must exceed the categorical exclusion standards as set forth in Section 9-21A-3 in order to allow the land owner reasonable use and enjoyment of the parcel for which the permit is sought.

2. While still allowing reasonable use and enjoyment of the lot, new development shall be designed and sited so as not to impair or obstruct existing mountain and river views from Highway 75 to the maximum extent possible, and will meet the requirements and encouraged practices of the categorical exclusion set forth in subsection 3.A.2. of this Chapter to the maximum extent possible using generally accepted engineering practices.

3. Native or native-compatible vegetation shall be preserved to the greatest extent possible. Revegetation of disturbed areas shall utilize plant materials harmonious and/or native to the area. The method for control and prevention of noxious weeds shall be demonstrated. Disturbed areas shall be landscaped or re vegetated immediately after completion of the site alteration activities, but no later than the end of the first construction season during which the site alteration commences. Components of the revegetation plan shall include techniques that will be used to ensure the establishment of the proposed vegetation within a period of three (3) years.¹

1. In order to control proliferation of noxious weeds, ground cover on berms must be thriving by the fall of the year following the year in which construction of the berm was begun. Noxious weeds must be controlled in the interim. Bonding requirements, stated later in the ordinance, require a guarantee of the re vegetation for at least three years after construction.

4. Earthen structures shall be designed and constructed so that no more than natural runoff of water and sediment leaves the property of the applicant.

5. Walls, fences, earthen berms and sight obscuring screens of trees must comply with all applicable regulations and standards of the Idaho Department of Transportation.

**Attachment to Scenic Highway Overlay District
Site Alteration Permit Application Form**

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

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

² This fence design and spacing is intended to allow movement of wildlife across the highway. Deer, antelope and elk often move across Highway 75 to reach water supply in the Big Wood River. Fencing can not only obstruct wildlife movement across the highway, it may also

SHO Site Alteration Permit Rev. 12-13

29-8, Blaine County Code.

On lots which have a residence within one hundred feet (100') of Highway 75, sight obscuring fences of wood construction no higher than five feet (5') as measured from natural grade may be constructed. On such lots, post and pole design fences may be blocked. Fences on such lots must also be set back at least five feet (5') distant from the toe of any berm.³

b. The toe of earthen berms shall be located no closer than five feet (5') from the property line nearest to the Highway 75 right-of-way within the Scenic Highway Overlay District.⁴ This setback is to be increased in accordance with paragraph A.2.c. of this Section where the natural grade is higher than the center line of Highway 75.

c. Within the first twenty feet (20') of depth of the lot or parcel as measured from the property line nearest the Highway 75 right-of-way, the slope of earthen berms shall be no greater than 3:1 (run: rise) on the side facing Highway 75. On lots which have a residence within one hundred feet (100') of Highway 75, earthen berms may have a slope no greater than 2:1 (run: rise) within the first twenty feet of the depth of the lot or parcel.⁵

The peak of earthen berms and the top of free-standing walls shall not exceed the following maximum heights:⁶

trap wildlife in the highway corridor. The setback of fences from berms is to allow deer to jump fences and not have to land on the uphill side of berms. As long as the setback from berms is provided, this post and pole fence design may be placed on the property line or elsewhere on the lot or parcel.

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

⁴ The "buffer" provided by the setback for berms is intended to allow runoff from the berm to collect on the property of the berm owner, and to provide a margin of error to avoid encroachment across property lines.

⁵ The steepness of berms is not regulated beyond the first twenty feet of the depth of a lot or parcel as measured from the Highway 75 right-of-way. Applicants are encouraged to create a slope of no steeper than 3:1 (run: rise) facing Highway 75. A 2:1 slope may be necessary to allow the use of a berm if the lot does not have much depth away from the highway, and that is allowed for lots which must place the residence within one hundred feet of the Highway 75 right-of-way. A 2:1 slope is practically the steepest that a berm can be and still retain vegetation and allow for mowing of grass. Applicants are also encouraged to vary the slope of berms to provide a less artificial and more pleasing visual experience to drivers on the highway. The slope of the berm opposite the highway is not regulated. The land owner may utilize a retaining wall on the house side of the berm in order to reduce the land area occupied by the berm. Retaining walls that provide support for earthen berms must obtain a building permit under the Uniform Building Code.

⁶ The maximum height increases as the distance between the peak and the highway increases. This design is based upon the experience that, the further back a berm is from the SHO Site Alteration Permit Rev. 12-13

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

The height measurements shall be taken from the center line of the highway at the point closest to the berm. The distance measurements shall be taken from the peak of the berm to the Highway 75 right-of-way at the point closest to the berm where the natural grade is higher than the center line of Highway 75, berms, free standing walls, and fences must be set back an additional three (3) feet for every one (1) foot in height the natural grade is higher than the center line of Highway 75, and this additional setback shall be added to the distance measurement for calculation of the maximum height designated.⁷ Land owners are encouraged to build berms that undulate in height and distance from the right-of-way in order to provide a less monotonous, more pleasing appearance.

d. No additional structures, including fences, shall be placed on top of walls or above the toe of earthen berm structures to which the restrictions in this Chapter apply.⁸

e. Vegetation on earthen berms, other than trees and shrubs for which standards are provided in paragraph A.2.f. of this Section, shall be limited to native or native-compatible drought tolerant grasses, wild flowers and ground cover. Disturbed areas shall be landscaped or re-vegetated immediately after completion of the site alteration activities, but no later than the end of the first construction season during which the site alteration commences. Earthen structures shall be covered with a depth of topsoil adequate to sustain vegetation, and shall be planted with native or native-compatible drought tolerant grasses,

highway, the higher it can be without blocking the view.

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

⁷ Where a bank is already higher than the highway, adding a wall, fence or berm would block views from the highway in spite of the height limitations in this Chapter. The additional setback of the toe of the berm (as a function of the height of the land above the highway) adjusts the maximum heights in order to continue to preserve views.

⁸ No structures may be placed on berms above the toe of that berm. The height of the structure added to the height of the berm would defeat the effectiveness of the height limitation and allow views to be blocked. This restriction also addresses potential obstructions to passage of wildlife over berms.

wild flowers or ground cover in a weed free environment prior to the end of the fall season in the year in which construction of the earthen structure was commenced. The required topsoil is to be included in the height of the berm for the purpose of determining compliance with maximum height limitations. Earthen structures shall be maintained weed free in all phases of construction and after revegetation.⁹ Components of the revegetation plan shall include techniques that will be used to ensure the establishment of the proposed vegetation within a period of three (3) years.

f. Trees and shrubs may only be planted within the lowest two vertical feet (2') of earthen berms. The limitations in this paragraph shall apply to all trees and shrubs planted within the District with the exception of naturally growing trees and shrubs along the banks of surface bodies of water. No more than thirty percent (30%) of the width of the lot measured parallel to Highway 75 shall be occupied by trees and shrubs, and no more than twenty-five percent (25%) of such trees and shrubs shall be conifers. In order to avoid shading and icing of Highway 75 when they have matured, clusters and screens of trees and shrubs shall be planted at least ten feet from the property line nearest to the Highway 75 right-of-way, and no conifers may be planted within the first fifty feet from the property line nearest to the Highway 75 right-of-way.¹⁰

g. Earthen structures shall be designed and constructed so that no more than natural runoff of water and sediment leaves the property of the applicant.

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

⁹ Applicants are encouraged to consult personnel of the County weed abatement program for information and assistance or the University of Idaho Co-operative Extension Service.

¹⁰ As a practical matter, screens of trees can mature much higher than berms, and can block views more effectively than berms. Because the limbs of conifers extend as they grow and mature, over time they can increase their coverage of the lot blocking more view than when originally planted. Conifers also provide shading of the highway during the winter potentially contributing to buildup of ice on the highway. Shrubs can grow to be as high as trees. The restrictions on trees and shrubs are intended to balance the ability of the land owner to beautify his or her property and add to separation of the living space from the highway against the public's interest in views and the safety of the highway.