



CITY OF BELLEVUE, IDAHO
Planning and Zoning Commission
Tuesday, February 18, 2025, 5:30 PM
115 Pine Street, Bellevue, Idaho 83313

AGENDA

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/84139399633?pwd=eDCQNSeuEYsa42qesc0b5FawDaXBGa.1>

Meeting ID: # 841 3939 9633

Passcode: # 900164

One tap mobile

+1-253-215-8782 US (Tacoma)

+1-346-248-7799 US (Houston)

CALL TO ORDER

ROLL CALL

1. NOTICE OF AGENDA COMPLIANCE - ACTION ITEM

Finding that the regular meeting notice and agenda were posted in accordance with Idaho Code §74-204 within forty-eight (48) hours prior to the meeting at: the City of Bellevue City Hall, Post Office, on the City's website on February 12, 2025. (Suggested Motion: I move the notice for the February 18, 2025, regular Meeting was completed in accordance with Idaho Code, Section §74-204.)

2. CALL FOR CONFLICT: (As outlined in Idaho Code §74-404)

3. PUBLIC COMMENT: For items of concern NOT on the Agenda.

4. APPROVAL OF MINUTES – ACTION ITEM

- a. October 21, 2024 Regular Meeting Minutes
- b. November 4, 2024 Regular Meeting Minutes
- c. November 21, 2024 Special Joint Work Session Meeting Minutes
- d. December 2, 2024 Regular Meeting Minutes

5. PUBLIC HEARING – ACTION ITEM

a. **LLA-25-01 – TBD Lewis Lane – Judy & Keith Meyers**

An application for a lot line adjustment for Lots 1-6, Block 96 of the Bellevue Townsite Original Plat. The proposed lot line adjustment will reconfigure the existing six (6) parcels into four (4) parcels and include a request for waivers from code requirements.

6. NEXT MEETING

- a. Regular Meeting – March 3, 2025

7. ADJOURNMENT - ACTION ITEM

Prepared by: Brian Parker
Community Development Director, Planning Commission Secretary

I, designated Planning Commission Secretary for the City of Bellevue, Idaho, hereby certify that the regular meeting notice and agenda were posted in accordance with **Idaho Code §74-204** within forty-eight (48) hours prior to the meeting at: the City of Bellevue City Hall, Post Office, and on the City of Bellevue Website: <https://www.bellevueidaho.us/> on **February 12, 2025**.

In compliance with the American with Disabilities Act, individuals needing special accommodations during this meeting should notify the City of Bellevue, 115 East Pine Street, Bellevue, Idaho 83313, or **phone number 208-788-2128 ext. 8, at least twenty-four (24) hours prior to the meeting**.



CITY OF BELLEVUE, IDAHO

Comisión de Planificación y Zonificación

martes 3 de febrero de 2025 17:30 horas

115 Pine Street, Bellevue, Idaho 83313

AGENDA

ÚNASE A LA REUNIÓN DE ZOOM

<https://us02web.zoom.us/j/84139399633?pwd=eDCQNSeuEYsa42qesc0b5FawDaXBGa.1>

ID de reunión: # 841 3939 9633

Código de acceso: # 900164

Móvil con un toque

+1-253-215-8782 US (Tacoma)

+1-346-248-7799 US (Houston)

LLAMA PARA ORDENAR

LLAMADA DE ROL

1. AVISO DE CUMPLIMIENTO DE LA AGENDA - PUNTO DE ACCIÓN

Se determinó que el aviso y la agenda de la reunión regular se publicaron de conformidad con el Código de Idaho §74-204 dentro de las cuarenta y ocho (48) horas anteriores a la reunión en: el Ayuntamiento de la ciudad de Bellevue, Oficina de correos, en el sitio web de la ciudad el 12 de febrero de 2025. (Moción sugerida: Propongo que el aviso para la reunión regular del 18 de febrero de 2025 se complete de conformidad con el Código de Idaho, Sección §74-204).

2. LLAMADO A CONFLICTO: (Como se describe en el Código de Idaho §74-404)

3. COMENTARIO PÚBLICO: Para los puntos de preocupación que NO están en la agenda.

4. APROBACIÓN DE LAS ACTAS - PUNTO DE ACCIÓN

a. ACTAS DE LA REUNIÓN REGULAR DEL 7 DE OCTUBRE DE 2024

b. ACTAS DE LA REUNIÓN REGULAR DEL 21 DE OCTUBRE DE 2024

c. 4 DE NOVIEMBRE DE 2024 ACTA DE LA REUNIÓN ORDINARIA

d. 21 DE NOVIEMBRE DE 2024 ACTA DE LA SESIÓN ESPECIAL DE TRABAJO CONJUNTO

e. 2 DE DICIEMBRE DE 2024 ACTA DE LA REUNIÓN ORDINARIA

5. AUDIENCIA PÚBLICA – PUNTO DE ACCIÓN

a. LLA-25-01 – TBD LEWIS LANE – JUDY & KEITH MEYERS

Una solicitud para un ajuste de la línea de lote para los lotes 1 a 6, cuadra 96 del plano original de Bellevue Townsite. El ajuste de la línea de lote propuesto reconfigurará las seis (6) parcelas existentes en cuatro (4) parcelas e incluirá una solicitud de exenciones de los requisitos del código.

6. PRÓXIMA REUNIÓN

a. Reunión ordinaria – 3 de marzo de 2025

7. APLAZAMIENTO - PUNTO DE ACCIÓN

Preparado por: Brian Parker

Director de Desarrollo Comunitario, Secretario de la Comisión de Planificación

Yo, Secretario designado de la Comisión de Planificación de la Ciudad de Bellevue, Idaho, por la presente certifico que el aviso de la reunión regular y la agenda se publicaron de acuerdo con el Código de Idaho §74-204 dentro de las cuarenta y ocho (48) horas anteriores a la reunión en: la Ciudad del Ayuntamiento de Bellevue, la oficina de correos y en el sitio web de la ciudad de Bellevue: <https://www.bellevueidaho.us/> el 12 de febrero de 2025.

De conformidad con la Ley de Estadounidenses con Discapacidades, las personas que necesiten adaptaciones especiales durante esta reunión deben notificar a City of Bellevue, 115 East Pine Street, Bellevue, Idaho 83313, o al número de teléfono 208-788-2128 ext. 8, al menos veinticuatro (24) horas antes de la reunión.



CITY OF BELLEVUE, IDAHO
Planning and Zoning Commission
Monday, October 21, 2024, 5:30 PM
115 Pine Street, Bellevue, Idaho 83313

Minutes

The Planning and Zoning Commission of the City of Bellevue, Idaho, met for a Regular Meeting, on Monday, October 21, 2024, at 5:30 p.m. in the Council Chambers of the City of Bellevue Offices, located at 115 E. Pine Street, Bellevue, ID 83313.

CALL TO ORDER

Chair Kurtz called the Meeting to order at 5:30 P.M.

ROLL CALL

John Kurtz, Planning and Zoning Chair - Present
Alexis Lindberg, Commission Member - Present
Eric Grootveld, Commission Member – Present (arrived at 5:31 P.M.)
Aaron Heugly, Commission Member - Present
Robert Weisen, Commission Member – Absent

Staff Present:

Brian Parker, Community Development Director

Others Present:

Tony Evans, Idaho Mountain Express

1. NOTICE OF AGENDA COMPLIANCE - ACTION ITEM

Motion: Commissioner Lindberg motioned that the notice for the October 21, 2024, Regular Meeting was completed in accordance with Idaho Code, Section §74-204, Commissioner Grootveld seconded, all voted in favor, and the motion carried.

2. CALL FOR CONFLICT:

No Commissioners identified a conflict.

3. PUBLIC COMMENT:

No members of the public wished to provide comment.

4. CONSENT AGENDA (*The Commission may approve the following listed items by a single vote, except for any items that a commissioner asks to be removed from the Consent Agenda and considered separately.*)

a. Motion to approve Findings of Fact, Conclusions of Law, and Decision approving a Conditional Use Permit application submitted by Ronald Arnold and Gardner Cord on behalf of Nomadic Van Sun Valley, LLC to operate a mechanics shop and niche market used car dealership at 22 Gannett Road in the Light Industrial (LI) Zone. – **ACTION ITEM**

Motion: Commissioner Grootveld moved to approve the Consent Agenda as presented, Commissioner Heugly seconded, all voted in favor, and the motion carried.

5. WORK SESSION

- a. Interface between Planning & Zoning Commission and Common Council
- b. Project Prioritization

Community Development Director Brian Parker presented information regarding the roles and responsibilities of Staff, the Planning & Zoning Commission, and City Council as well as an overview of significant upcoming projects of the Community Development Department. The Commission asked questions regarding their role in the development of the Transportation Master Plan, anticipated

seasonality, and the process of reviewing amendments to proposed text amendments from the City Council.

6. ADJOURNMENT - ACTION ITEM

Motion: Commissioner Lindberg voted to adjourn the meeting, Commissioner Heugly seconded, all voted in favor, and the meeting was adjourned at 6:22 P.M.

John Kurtz, Planning & Zoning Chair

Planning Commission Secretary



CITY OF BELLEVUE, IDAHO
Planning and Zoning Commission
Monday, November 4, 2024, 5:30 PM
115 Pine Street, Bellevue, Idaho 83313

Minutes

The Planning and Zoning Commission of the City of Bellevue, Idaho, met for a Regular Meeting, on Monday, November 4, 2024, at 5:30 p.m. in the Council Chambers of the City of Bellevue Offices, located at 115 E. Pine Street, Bellevue, ID 83313.

CALL TO ORDER

Acting Chair Grootveld called the Meeting to order at 5:32 P.M.

ROLL CALL

John Kurtz, Planning and Zoning Chair - Absent
Alexis Lindberg, Commission Member - Present
Eric Grootveld, Commission Member – Present
Aaron Heugly, Commission Member - Present
Robert Weisen, Commission Member – Present

Staff Present:

Brian Parker, Community Development Director

Others Present:

Tony Evans, Idaho Mountain Express

1. NOTICE OF AGENDA COMPLIANCE - ACTION ITEM

Motion: Commissioner Lindberg motioned that the notice for the November 4, 2024, Regular Meeting was completed in accordance with Idaho Code, Section §74-204, Commissioner Weisen seconded, all voted in favor, and the motion carried.

2. CALL FOR CONFLICT:

No Commissioners identified a conflict.

3. PUBLIC COMMENT:

No members of the public wished to provide comment.

4. APPROVAL OF MEETING MINUTES – ACTION ITEM

a. October 7, 2024 Planning & Zoning Commission meeting minutes

Motion: Commissioner Lindberg motioned to approve the minutes of the October 7, 2024 Planning & Zoning Commission Meeting, Commissioner Heugly seconded, all voted in favor, and the motion carried.

5. WORK SESSION

a. Business Zone Text Amendment Kick Off

Community Development Director presented an overview of the status of the Business Zones Text Amendment and the next steps in the process. The Commission discussed the process for developing a survey and logistics around the proposed joint work session with the Bellevue Common Council.

6. ADJOURNMENT - ACTION ITEM

Motion: Commissioner Weisen voted to adjourn the meeting, Commissioner Lindberg seconded, all voted in favor, and the meeting was adjourned at 5:47 P.M.

John Kurtz, Planning & Zoning Chair

Planning Commission Secretary



CITY OF BELLEVUE
Special Joint Common Council and Planning and Zoning Commission Meeting
November 21, 2024
Minutes

The Common Council and Planning and Zoning Commission of the City of Bellevue, Idaho, met in a Special, Joint Meeting, on Thursday, November 21, 2024, at 5:30 p.m. in the Council Chambers of the City of Bellevue Offices, at 115 E. Pine Street, Bellevue, ID 83313.

Call to Order: Mayor Johnson called this Special meeting to order at 5:30 p.m.

Roll Call:

Members Present

Chris Johnson, Mayor

Christina Giordani, Council President

John Carreiro, Council Member

Diane Shay, Council Member

Jessica Obenauf, Council Member

Shaun Mahoney, Council Member (*Via Zoom*)

Robin Leahy, Council Member (*Via Zoom*)

John Kurtz, Planning and Zoning Commission Chair

Eric Grootveld, Planning and Zoning Commission

Aaron Heugly, Planning and Zoning Commission

Staff Present:

Rick Allington, City Attorney

Amy Phelps, City Clerk

Brian Parker, Community Development Director

Others in Attendance: Tony Evans (Idaho Mountain Express), Jolyon Sawrey, Jeff Swanson

1. Notice of Agenda Compliance:

The posting of this regular meeting agenda complied with Idaho Code §74-204. The regular meeting agenda was posted within forty-eight (48) hours prior to the meeting at the Bellevue City Hall, Post Office, and on the City website on *November 14, 2024*.

Motion: **Mayor Johnson** moved that the agenda notice was in compliance with Idaho Code §74-204.

Council President Giordani seconded, and the motion passed unanimously.

2. Call for Conflict as Outlined in Idaho Code §74-404:

No conflict was noted.

3. Public Comment: (for Items of Concern Not on the Agenda)

No public comments were made at this time.

4. Work Session

- a.** City Initiated Text Amendment for the B – Business Zone, LB/R – Limited Business/Residential Zone, and code sections related to development of properties within the aforementioned zoning districts.

Brian Parker, Community Development Director, went over the Permitted, Conditionally Permitted, and Prohibited uses as well as the Dimensional Standards and parking requirements in the Business and Limited Business/Residential Zones. He further spoke about the existing conditions of these zones.

5. Adjournment:

With no further business coming before the Common Council and Planning and Zoning Commission at this time, Council Member Carriero moved to adjourn the meeting. Member Leahy seconded the motion. The meeting adjourned at 5:53 p.m. The motion passed unanimously.

John Kurtz, Planning & Zoning Chair

Planning Commission Secretary



CITY OF BELLEVUE, IDAHO
Planning and Zoning Commission
Monday, December 2, 2024, 5:30 PM
115 Pine Street, Bellevue, Idaho 83313

Minutes

The Planning and Zoning Commission of the City of Bellevue, Idaho, met for a Regular Meeting, on Monday, December 2, 2024, at 5:30 p.m. in the Council Chambers of the City of Bellevue Offices, located at 115 E. Pine Street, Bellevue, ID 83313.

CALL TO ORDER

Chair Kurtz called the Meeting to order at 5:30 P.M.

ROLL CALL

John Kurtz, Planning and Zoning Chair - Present
Alexis Lindberg, Commission Member - Present
Eric Grootveld, Commission Member – Present
Aaron Heugly, Commission Member - Present
Robert Weisen, Commission Member – Absent

Staff Present:

Brian Parker, Community Development Director

Others Present:

Tony Evans, Idaho Mountain Express
Matthew Wildhagen
Jolyon H. Sawrey
Jeff Swanson

1. NOTICE OF AGENDA COMPLIANCE - ACTION ITEM

Motion: Commissioner Grootveld motioned that the notice for the December 2, 2024, Regular Meeting was completed in accordance with Idaho Code, Section §74-204, Commissioner Lindberg seconded, all voted in favor, and the motion carried.

2. CALL FOR CONFLICT:

No Commissioners identified a conflict.

3. PUBLIC COMMENT:

No members of the public wished to provide comment.

4. PUBLIC HEARING – ACTION ITEM

a. **Public Hearing** to consider a City-initiated Text Amendment to Bellevue City Code Chapters 10-7: B Business District and 10-24: Planned Unit Developments (PUDs) to permit multiple family dwellings through planned unit development applications and to reduce the minimum lot size required to submit a planned unit development application.

Community Development Director Brian Parker presented the proposed text amendment to conditionally allow multifamily dwellings in the B – Business Zone as part of a mixed use development when entitled through a planned unit development application, to establish standards for mixed use development, and to reduce the minimum development size to apply for a planned unit development from one (1) acre to $\frac{1}{2}$ acre in all zones except in the GR – General Residential and T – Transitional zones. The Commission asked for clarification on the relationship between the proposed amendments and the ongoing Business zones text amendment review process and how the November 21, 2024 Joint Work Session with the Bellevue Common Council

influenced the proposed text amendment. Mr. Parker clarified that the proposed text amendment before the Commission was to enable projects to be reviewed while more thorough consideration of the Business zones text was being conducted, and that the draft ordinance presented had to be available for review by interested parties prior to the Joint Work Session, the ordinance language was not modified based on the Joint Work Session.

Chair Kurtz opened the floor to public comment.

Jolyon H. Sawrey of Vital Ink Architecture spoke in favor of the proposed text amendment

Matthew Wildhagen requested more information on the overall status of the Business zones text review and the impacts on nonconforming parcels.

Commissioner Lindberg motioned to recommend approval of the subject text amendment application, Commissioner Grootveld seconded, all voted in favor and the motion carried.

5. NEW BUSINESS – ACTION ITEM

a. Draft Bylaws

Community Development Director discussed the content and purpose of the proposed Planning & Zoning Commission Bylaws.

Motion: Commissioner Lindberg motioned to approve the bylaws as drafted, Commissioner Heugly seconded, all voted in favor, and the motion carried.

6. NEXT MEETING

a. Regular Meeting – December 16, 2024

7. ADJOURNMENT - ACTION ITEM

Motion: Commissioner Lindberg voted to adjourn the meeting, Commissioner Grootveld seconded, all voted in favor, and the meeting was adjourned at 6:03 P.M.

John Kurtz, Planning & Zoning Chair

Planning Commission Secretary



LLA-25-01

Staff Report

TBD Lewis Lane

Bellevue Planning & Zoning Commission

February 18, 2025

**Meyers Lot Line
Adjustment**

Executive Summary

Description

An application for a lot line adjustment for Lots 1-6, Block 96 of the Bellevue Townsite Original Plat. The proposed lot line adjustment will reconfigure the existing six (6) parcels into four (4) parcels and include a request for waivers from code requirements.

Discussion

- The applicant is requesting to reconfigure the existing six (6) parcels located on the subject property into three (3) parcels.
 - The proposed parcel identified as Lot 1A is 23,960 square feet, with an identified building envelope of approximately 2,000 square feet identified.
 - The proposed parcel identified as Lot 2A is 17,790 square feet. No building envelope is identified on this parcel. The area east of the proposed canal easement area is approximately 7,000 square feet.
 - The proposed parcel identified as Lot 3A is 18,017 square feet. No building envelope is identified on this parcel. The area east of the proposed canal easement area is approximately 6,700 square feet.
- The subject property is zoned B – Business. The subject property is adjoined by the Howard Preserve to the north and west, partially developed land to the east, and a vacant industrially zoned property to the south.
- As discussed below, the subject property was previously approved for a lot line adjustment with conditions of approval in 2023. The applicant did not request reconsideration of the conditions of approval at that time. However, in this application, the applicant is specifically requesting waivers of previous conditions of approval from that prior entitlement. The applicant is requesting the following modifications to the previous conditions of approval (Staff analysis in *italics*):

Condition #1:

Prior Condition:

“No building or structure shall touch the bottom West side bank (bottom of the slope intersects with the level surface). No building shall encroach into the space between the top of the bank (level of the street or alley) and the water, on the east side.”

Applicant’s proposed condition:

“No building shall encroach into the space between the top of the eastern bank (level of the street or alley) and east high water mark of the canal, unless otherwise allowed per Diversion 45 Right of Way Agreement. This Agreement shall be recorded prior to final plat recordation.”

The basis for the prior condition of approval was based on the prior application materials and comment received from the Bellevue Canal District. The applicant included a letter from the boards of the Triangle Irrigation District and Wood River Valley Irrigation Diversion #45 stating that the Canal Districts and applicants had arrived at an agreement to expand the buildable areas of Lots 2A and 3A. Staff has no objection to the proposed revised condition of approval.

Condition #3

Prior Condition:

“Corner lots shall show BE’s in accordance with 11.4.6.C on the final plat.”

Applicant’s proposed condition:

The applicant is requesting that this condition be deleted.

The applicant has provided a justification for an alternate analysis of Bellevue City Code Section 11-4-6(C), and correctly asserted that questions regarding the interpretation of Title 11 of Bellevue City Code are to be referred to Council for a determination (Bellevue City Code Section 11-6-1). The Code section in question is as follows:

“Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the center point of the intersection of the streets unless otherwise approved as defined in subsection 10-6-5C of this Code.”

Bellevue City Code Section 10-6-5(C) is only applicable to the GR – General Residential zone. Bellevue City Code Section 11-2-1 includes the following definitions:

ALLEY: A minor public way providing secondary access to the back or the side or property otherwise abutting a street.

BUILDING ENVELOPE: The site for location of a structure delineated on a preliminary plat and final plat within which the entire building or other structures must be constructed.

STREET: A public right-of-way, which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term street also includes the terms, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and all such terms, except driveway, as herein defined.

The applicant is identifying the public right of way to the east of the subject property as an alley, meaning that there are not two (2) intersecting “streets” to form a corner lot. Staff’s opinion is that this interpretation is flawed in three (3) significant ways:

1. *The definition of “alley” in Bellevue City Code Section 11-2-1 specifically states that it is a “secondary access to the back or the side or property otherwise abutting a street.” The subject property does not have any other access as the portions of Walnut and Chestnut Streets are undeveloped. The right-of-way to the east of the subject property functions as an “alley” for the parcels to the west of the right-of-way (abutting Main Street) and as a “street” for the parcels to the east of the right-of-way (subject property).*
2. *In order to be compliant with the Subdivision Design and Improvement Requirements for Lots established by Bellevue City Code Section 11-4-6(G), “Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public or private street.” (Emphasis added). If we were to accept the applicant’s justification that the right of way to the east of the subject property is not a “street” but an “alley,” the street frontage of the subject property is limited to the undeveloped portions of the Walnut and Chestnut Street rights-of-way to the north and south, respectively, and the unnamed, undeveloped right-of-way to the west. Each of the proposed lots has more than twenty feet (20') of frontage along the rights-of-way, however without providing vehicular and pedestrian access to the adjacent property, the right-of-way does not meet the definition of “street” from Bellevue City Code Section 11-2-1. If the right-of-way to the east of the subject property is not to be considered a street, the proposed configuration*

of lots shown on the submitted preliminary plat does not meet the lot requirements of Bellevue City Code Section 11-4-6(G).

3. *When looking at the original plat of the City of Bellevue, the area to the east of Main Street is primarily platted as blocks consisting of two (2) rows of six (6) fifty foot wide by 120' deep parcels separated by an approximately 25' wide alley right-of-way bounded by eighty foot wide street rights-of-way. On the west side of Main Street, the pattern changes. One (1) row of fifty foot (50') wide by 120' deep parcels is separated from one (1) row of fifty foot (50') wide by two hundred feet (200') deep parcels by an approximately fifty foot (50') wide right-of-way. While the specific design intent of this block layout has likely been lost to history, it appears that the fifty foot (50') right of way to the east of the subject property was most likely intended to serve as both a rear (alley) access to the Main Street row of parcels and as the primary frontage for the row of two hundred foot (200') deep parcels, which includes the subject property.*

While Staff does not find the interpretation of Bellevue City Code Section 11-4-6(C) to be valid, the subject property does currently not meet the standard of being a “corner lot” as there is only one “street” fronting the property. However, as there are existing platted rights-of-way to the north and south of the subject property, the submitted preliminary plat identifies a proposed building envelope on Lot 1A, and it is unclear how street access would be configured, the possibility of Lot 2A and/or 3A becoming a corner lot in the future cannot be ruled out. Staff is not supportive of the deletion of this condition of approval.

Condition #4

Prior Condition:

“The alley between Chestnut and Walnut shall be improved in accordance with 11.4.8.B prior to approval of the final plat.”

Applicant’s proposed condition:

“The alley between Chestnut and Walnut shall be improved in accordance with 11.4.8.B prior to approval of the final plat.

The applicant is requesting to waive the requirement of Bellevue City Code Section 11-4-8(B) that “All streets shall be constructed to meet or exceed the criteria and standards set forth in the City Standard Specifications for Streets and Water, and all other applicable ordinances, resolutions, or regulations of the City, or any other governmental entity having jurisdiction thereover, now existing or hereafter adopted, amended, or codified.”

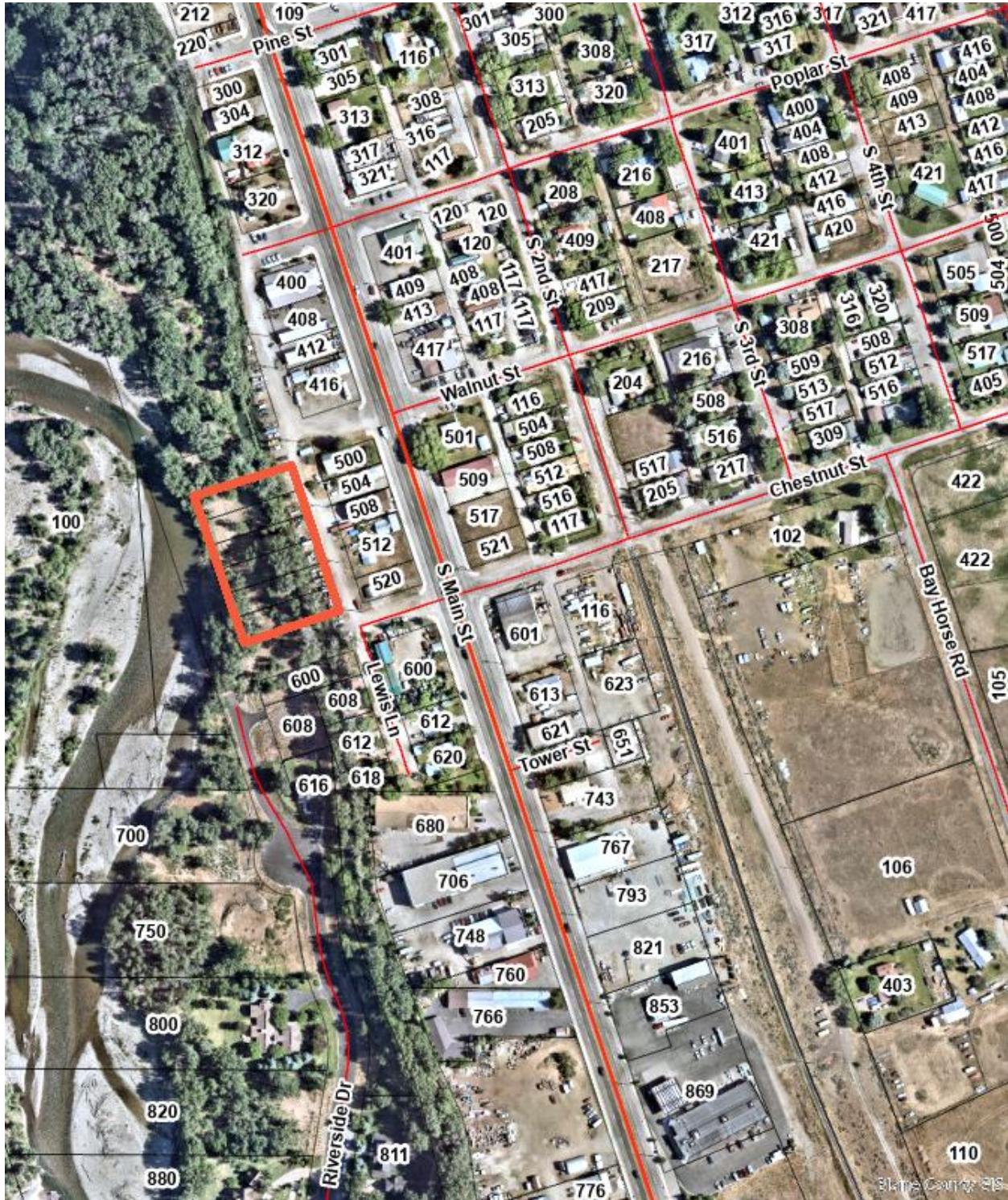
In order to grant a waiver, the Council (upon receipt of a recommendation by the Commission) must show that there are “special physical characteristics or conditions affecting the property in question where a literal enforcement of this title would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health, and safety, nor injurious to the property owners in the immediate area.” The waiver sought is for improvements to the right-of-way adjacent to the property. The right-of-way is generally flat, of adequate width, and is improved as a substandard street. No “special physical characteristics or conditions” that would prevent improvement of the right-of-way to the east of the subject property are readily apparent. The applicant has identified “Existing overhead transmission lines... trees, and fences” within the right-of-way as the special physical characteristics. The applicant’s narrative states that “removal of the transmission lines and all other encroachments... would place an undue hardship on the subdivider/property owners,” but

fails to provide any justification for this claim. Encroachments into right-of-way, including power transmission lines are very common within the City of Bellevue. As such, it is Staff's opinion that no "special physical characteristics or conditions" exist that would make literal enforcement (improvement of right-of-way to City standards) an undue hardship. Staff is not supportive of this waiver request.

History

- On August 15, 2023, Judith and Keith A. Meyers submitted a lot line adjustment application for the subject property. The proposed 2023 lot line adjustment was to reduce the total number of lots from six (6) to four (4) lots. This application was approved with conditions by the Bellevue Common Council on October 23, 2023. The Findings of Fact, Conclusions of Law, and Decision Documents are attached for reference.

Project Location



Project Analysis

Description

An application for a lot line adjustment for Lots 1-6, Block 96 of the Bellevue Townsite Original Plat. The proposed lot line adjustment will reconfigure the existing six (6) parcels into four (4) parcels and include a request for waivers from code requirements.

Legal Description

Lots 1-6, Block 96, Original Plat of Bellevue Townsite, located within Section 36, Township 2 North, Range 16 East, B.M., City of Bellevue, Blaine County, Idaho.

Associated Documents

Document Name	Receipt of Last Revision
Application	January 22, 2025
Preliminary Plat	January 22, 2025
Application Narrative	January 22, 2025
Letter from Triangle Irrigation and Wood River Irrigation District #45	January 22, 2025
Road Section Comparison Exhibit	February 11, 2025
Findings of Fact, Conclusions of Law, and Decision from 2023 LLA application	October 23, 2023

Public Noticing

Notice	Date
Political Subdivisions	January 27, 2025
Property Owners within 300 feet	January 27, 2025
Site Posting	January 27, 2025
Publication in <i>Idaho Mountain Express</i>	January 29, 2025

Dimensional Standards

Standard	Required	Proposed
Minimum Lot Size	6,000 square feet	17,990 square feet
Minimum Lot Width	50 feet	149.98 feet

Required Findings Code Sections

Bellevue City Code Section 11-6-1: Procedure

An owner or subdivider wishing to readjust lot lines, as defined in section 11-2-1 of this title, shall be required to file two (2) copies of a plat and application with the Administrator for administrative review. Additional information reasonably required for thorough review of the application and plat may be required by the Administrator to be provided by the applicant. Waivers shall be requested according to chapter 13 of this title. The Council shall remand any application and/or waiver request to the commission for recommendation prior to taking final action. The Administrator shall provide written notice of said application to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on said application. Following expiration of the said comment period and upon a finding by the Administrator that the plat conforms to the readjustment of lot line definition and is in compliance with the provisions of this title, the Administrator shall approve same or approve with conditions necessary to find same in compliance with the provisions of this title. Upon a finding by the Administrator that the application does not conform to said definition or is not in compliance with this title, the Administrator shall deny the application and shall state the reasons therefor in writing, and a copy signed by the Administrator, attached to one copy of the plat, shall be returned to the applicant. Upon Council approval of an application and upon satisfaction by the applicant of any conditions attached thereto, the Administrator shall inform the City Clerk and the City Clerk shall sign the plat. Any questions with regard to the interpretation and/or applicability of this section or other sections shall be referred to the Council by the Administrator for determination.

Bellevue City Code Section 11-13-1: Waivers

- A. Commission Recommendation; Council Approval: Waiver of any of the requirements of this title may be granted by the Council on a case basis upon the recommendation of the commission.
- B. Application For Waiver:
 - 1. Application for such waiver(s) must be in writing and must show that there are special physical characteristics or conditions affecting the property in question where a literal enforcement of this title would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health, and safety, nor injurious to the property owners in the immediate area.
 - 2. Applications shall be made to the Administrator in writing at the time of subdivision application. Said waiver, together with such related data and maps as are necessary to fully illustrate the relief sought, shall be filed at the same time. Such application shall be processed and considered with the preliminary plat application.

Code Sections of Interest

Bellevue City Code Section 11-2-1: Rules of Word Construction; Definitions:

ALLEY: A minor public way providing secondary access to the back or the side or property otherwise abutting a street.

BUILDING ENVELOPE: The site for location of a structure delineated on a preliminary plat and final plat within which the entire building or other structures must be constructed.

EASEMENT: A grant by a property owner to a specific person(s) or the public right to use land for specific purpose(s). Also, such a right acquired by prescription.

FLOODPLAIN: The relatively flat area or low land adjoining the channel of a stream, river, lake or other body of water which is subject to the hazards and inundation of a 100-year frequency, as identified and defined in the Flood Insurance Study and Flood Boundary and Floodway Map prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development in conjunction with the U.S. Army Corps of Engineers.

LOT, BUILDABLE: A lot of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Structures shall only be built upon buildable lots.

READJUSTMENT OF LOT LINES: A change or modification of the boundary lines between existing lots or parcels of land or between dwelling units which does not reduce the area, frontage, width, depth, or building setback lines of such lots below the minimum zoning requirements and which does not create additional lots or dwelling units. Readjustment of lot lines is intended to include other minor changes to a subdivision, condominium or townhouse plat such as, but not limited to, notation changes, boundary shifts and removal of lot line(s), each of which does not reduce the area, frontage, width, depth, or building setback lines of each lot below the minimum zoning requirements nor create additional lots or dwelling units.

STANDARD SPECIFICATIONS: Specifications for design and construction of improvements as specified in this title or other ordinances or resolutions of the City of Bellevue or by any other governmental entity having jurisdiction thereover, including subsequent amendments or codifications.

STREET: A public right-of-way, which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term street also includes the terms, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and all such terms, except driveway, as herein defined.

WAIVER: Modification of a relevant provision and regulation of this title not contrary to public interest or public health, safety, or welfare, and due to physical characteristics of the particular parcel of land and not the result of actions of the subdivider where literal enforcement of this title would result in undue hardship. The granting of waiver(s) shall be upon written application, and the granting thereof rests with the sound discretion of the commission and Council, on a case by case basis.

Bellevue City Code Section 11-4-6: Lots:

- A. Lot size, width, depth, shape, orientation, and minimum building setback lines shall be in compliance with the zoning district in which the property is located; and compatible with the location of the subdivision and the type of development; and preserve solar access to adjacent properties and buildings.
- B. Whenever a proposed subdivision contains lot(s) in whole or in part within the floodplain, or which contain land with a slope in excess of twenty five percent (25%) based upon natural contours, or create corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, provide open space and solar access for each lot and structure, and preserve hillside view corridors. Also, building envelopes shall be located

to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses, and topographical features.

- C. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the center point of the intersection of the streets unless otherwise approved as defined in subsection 10-6-5C of this Code.
- D. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.
- E. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot be created out of necessity, then such lot shall be a reversed frontage lot.
- F. Minimum lot sizes in all cases shall be reversed frontage lot(s).
- G. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public or approved private street.

Bellevue City Code Section 11-4-7: Blocks:

The length, width, and shape of blocks within a proposed subdivision shall conform to the following requirements:

- A. No block shall be longer than one thousand feet (1,000') nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots.
- B. Blocks shall be laid out in such a manner as to comply with the lot requirements.
- C. The layout of blocks shall take into consideration the natural topography of the subdivision and minimize cuts and fills for roads and minimize adverse impact on the environment, watercourses, and topographical features.
- D. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.

Bellevue City Code Section 11-4-8: Streets:

- A. The arrangement, character, extent, width, grade, and location of all streets put in the proposed subdivision shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land.
- B. All streets shall be constructed to meet or exceed the criteria and standards set forth in the City Standard Specifications for Streets and Water, and all other applicable ordinances, resolutions, or regulations of the City, or any other governmental entity having jurisdiction thereover, now existing or hereafter adopted, amended or codified.
- C. Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway right-of-way, the Council may require a frontage street, planting strip, or similar design features.
- D. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods.
- E. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven-tenths percent (0.7%) so as to provide for adequate drainage and snow plowing.
- F. In general, partial dedications shall not be permitted. However, the Council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the Council finds it practical to require the dedication of the remainder of the right-of-way when the

adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right-of-way shall be dedicated.

- G. Dead-end streets shall be permitted as deemed appropriate by the Council when providing for future connectivity to adjacent lands and are in compliance with International Fire Codes regarding turnarounds.
- H. A cul-de-sac or similar type street shall be permitted as deemed appropriate by the Council which complies with International Fire Codes regarding turnarounds.
- I. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°).
- J. Where any street deflects any angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets and one hundred twenty five feet (125') for minor streets.
- K. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited.
- L. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets.
- M. Proposed streets, which are continuations of existing streets, shall be given the same names as the existing streets. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to the Council for preliminary plat approval.
- N. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills.
- O. Street patterns of residential areas shall be designed to create areas free of through traffic but readily accessible to adjacent collector and arterial streets.
- P. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider.
- Q. In general, the centerline of streets shall coincide with the centerline of the street right-of-way, and all crosswalk markings shall be installed by the subdivider as a required improvement.
- R. Street lighting may be required by the commission or Council, where appropriate, and shall be installed by the subdivider as a required improvement.
- S. Private streets complying with the International Fire Codes shall be allowed as deemed appropriate by the Council.
- T. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the Administrator and shall be consistent with the type and design of existing street signs elsewhere in the City.
- U. Wherever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, said construction or improvement shall be a required improvement by the subdivider. Said construction or improvement shall be in accordance with adopted standard specifications therefor.
- V. Sidewalks, curbs, and gutters may be a required improvement installed by the subdivider.
- W. Prior to final plat signature, the first chip sealing applied to new dedicated streets and applicable private streets shall be completed by the developer or bonded for by the developer for any subdivision, planned unit development or condominium plat.

Bellevue City Code Section 11-4-9: Alleys

Alleys shall be provided in commercial and light industrial zoning districts, and may be required in residential districts. The width of an alley shall be not less than twenty five feet (25'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead-end alleys shall comply with the International Fire Codes regarding turnaround requirements. Improvement of alleys shall be done by the subdivider as a required improvement and in conformance with design standards specified in subsection 11-4-8B of this chapter.

Bellevue City Code Section 11-4-10: Easements:

Easements, as set forth hereinafter, shall be required for location of utilities and other public services to provide adequate pedestrian circulation and access to public waterways and lands:

- A. A public utility easement at least ten feet (10') in width shall be required within the street right-of-way boundaries of all streets.
- B. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain said watercourse and provide access for private maintenance and/or reconstruction of said watercourse.
- C. All subdivisions which border the Big Wood River or any tributary shall dedicate a twenty foot (20') fisherman and unaltered riparian easement along the river bank. Furthermore, the Council shall require in appropriate areas an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the Council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.
- D. All subdivisions which border on the Big Wood River or any tributary shall dedicate a one hundred foot (100') floodplain management easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.
- E. All subdivisions through which appropriate access to public lands are found to exist shall dedicate reasonable public access easements thereto as part of the subdivision traffic circulation.
- F. No ditch, pipe, or structure for irrigation water or irrigation wastewater shall be constructed, rerouted, or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights thereto. A written copy of such approval shall be filed as part of required improvement construction plans.
- G. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the City. Such improvements may be calculated towards required park land dedication requirements as set forth in the adopted Bellevue Parks Master Plan.

Bellevue City Code Section 11-4-16: Utilities

In addition to the terms mentioned hereinabove, all utilities including, but not limited to, electricity, natural gas, telephone, and cable services shall be installed underground as a required

improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.

Bellevue City Code Section 12-5-1: General Standards:

In all Special Flood Hazard Areas the following provisions are required:

A. A Riparian Protection Setback is hereby established one hundred feet (100') back from the mean high-water mark of the Bigwood River within the City. The following activities and improvements are prohibited within the Riparian Protection Setback:

1. New Construction;
2. Placement of structures, except fences and maintenance thereof;
3. Placement of fill or dirt or other materials;
4. Removal of any live vegetation, except for leaning or diseased trees that are hazardous of life or property (provided) the root balls shall not be removed in order to protect against erosion of the river bank) with prior written confirmation of such condition by a certified Arborist unless a bona fide emergency to life or property exists, and noxious weeds;
5. Planting non-native vegetation, including grass, shrubs and trees;
6. Storage of materials and/or equipment before, during or after any construction or excavation on an adjacent area.

Exceptions:

1. Planting of native riparian vegetation;
2. Maintenance of non-native grasses, shrubs and trees existing on the effective date of this title;
3. Emergency bank stabilization activities pursuant to all required federal, state and City permits; and
4. Construction of public roads, and of public utilities and other structures pursuant to all required by city, state and federal permits; and
5. Maintenance of deed or dedicated public pathways, and the maintenance of existing private pathways, and the creation and maintenance of one private pathway on each parcel of land of not more than eight (8) feet in width down to the river.

B. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

C. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.

D. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.

E. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions offloading to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

F. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- G. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:
 - 1. Be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and
 - 2. Include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - a. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
 - b. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - c. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - d. The bottom of all required flood openings shall be no higher than one foot (1') above the interior or exterior adjacent grade;
 - e. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - f. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- J. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this title.
- K. Nothing in this title shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this title and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this title.
- L. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in subsection [12-4-5 I](#). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of subsection [12-4-3 C](#).
- M. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.
- N. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

- O. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- P. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC § 1334.
- Q. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- R. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

Comprehensive Plan Analysis

Chapter 5 – Land Use – Business (B)

Bellevue's downtown and business area is linear and centered along State Highway 75 (Main Street) through the middle of the city. The business area is generally constrained to the west by the drop in slope toward the river and to the east by the original platting and residential development over the city's nearly 135-year history. This land use area allows permitted businesses that include but are not limited to: business, professional, medical offices; public buildings, gas stations; restaurants, bars, theaters, banks, motels, tourist uses, retail outlets; public utilities, repair/personal services, storage, public parking lots and garages, car washes; and churches.

There are 65.271 acres in Bellevue classified as business as of September, 2015. This inventory includes: 138 lots ranging in size from 0.068 to 8.46 acres; 22 vacant lots totaling 16.273 acres; and 22 vacant lots totaling 16.273 acres; and 22 legally nonconforming properties on 8.292 acres that the City desires to be redeveloped for business purposes. Bellevue has in excess of 24.565 acres (or 37.6%) of business zoned property that is either vacant or under-developed.

Currently a mix of non-conforming uses exists within the business zone. These "grandfathered" uses are allowed to continue, although current zoning ordinances do not allow for expansion of these nonconforming uses.

The Bellevue Business Park on the north edge of town has expanded the business core with the addition of a large grocery store, bank, and garden center. As the business park has developed, this end of town has become a hub of activity. Sidewalks have made pedestrian circulation easier, safer, and more inviting.

Chapter 5 – Land Use – Objective 3:

Support recreation and open space uses when available and appropriate.

Actions

1. Investigate areas where such uses may be possible.
2. Ensure parks and open spaces complement adjacent zones and vice versa by addressing aesthetics and health and safety issues through design principles.
3. Maintain parks and open spaces for residents and visitors.
4. Identify and maintain non-motorized connections between parks and open spaces.

5. Maintain an appropriate open space visual separation between Bellevue and Hailey to preserve Bellevue's unique identity and its rural small-town character

Chapter 6 – Natural Resources – Surface Water

Bellevue is in the Big Wood River watershed. The availability of water was a lure to early settlers and irrigation played a major role in city's development. The Big Wood River runs the entire length of the Wood River Valley and eventually flows into Magic Reservoir, providing habitat for many species and recreation opportunities to residents and visitors. Affected by seasonal fluctuations in runoff from snowmelt, the annual peak flow is ordinarily reached the first week of June. The water year ends in September at the lowest flows. Thunderstorms may result in increased flow and turbidity. At the Howard Preserve, a diversion dam diverts water from the river into a canal system that runs approximately 34 miles to irrigate agricultural lands south of Bellevue. The Board of Control of the Triangle Irrigation District and the Wood River Irrigation District #45 manages the dam and canal jointly. Typical annual diversion is 380 CFS, drawn April 15 to October 31.

Chapter 6 – Natural Resources – Objective 2:

Ensure that developments are designed to minimize impacts to wildlife habitat and river function along the Big Wood River.

Actions

1. Allow the natural meander of the Big Wood River and reinforce its banks only where necessary to protect existing infrastructure.
2. Stabilize river and stream banks with native riparian vegetation; rehabilitate existing vegetation within the 100-foot riparian non-disturbance area.
3. Evaluate and minimize vegetation removal within the 100-foot riparian non-disturbance area.
4. Follow state Best Management Practices for construction and rehabilitation actions undertaken within 100 feet of the stream.
5. Maintain perennial vegetative cover on soils to protect them from erosion.
6. Work with developers to ensure east/west migration corridors are preserved across the valley.

Chapter 10 – Recreation – Big Wood River Access

The Big Wood River is considered a navigable stream as defined by Idaho Code which allows the public to use such streams, provided entrances and exits adjacent to a public right of way. Public rights of way to the Big Wood River within the City include: Chantrelle Subdivision, Broadford Road Bridge, Howard Preserve (Elm Street/Martin Lane/Old City Park), and Riverside Ranch Subdivision. There are approximately 3.3 miles of trails in Bellevue leading to and along the Big Wood River. The trails connect Chantrelle Subdivision, Howard Preserve, and Riverside Ranch Subdivision.

Discussion

- The applicant is requesting to reconfigure the existing six (6) parcels located on the subject property into three (3) parcels.
 - The proposed parcel identified as Lot 1A is 23,960 square feet, with an identified building envelope of approximately 2,000 square feet identified.
 - The proposed parcel identified as Lot 2A is 17,790 square feet. No building envelope is identified on this parcel. The area east of the proposed canal easement area is approximately 7,000 square feet.

- The proposed parcel identified as Lot 3A is 18,017 square feet. No building envelope is identified on this parcel. The area east of the proposed canal easement area is approximately 6,700 square feet.
- The subject property is zoned B – Business. The subject property is adjoined by the Howard Preserve to the north and west, partially developed land to the east, and a vacant industrially zoned property to the south.
- As discussed below, the subject property was previously approved for a lot line adjustment with conditions of approval in 2023. The applicant did not request reconsideration of the conditions of approval at that time. However, in this application, the applicant is specifically requesting waivers of previous conditions of approval from that prior entitlement. The applicant is requesting the following modifications to the previous conditions of approval (Staff analysis in *italics*):

Condition #1:

Prior Condition:

“No building or structure shall touch the bottom West side bank (bottom of the slope intersects with the level surface). No building shall encroach into the space between the top of the bank (level of the street or alley) and the water, on the east side.”

Applicant’s proposed condition:

“No building shall encroach into the space between the top of the eastern bank (level of the street or alley) and east high water mark of the canal, unless otherwise allowed per Diversion 45 Right of Way Agreement. This Agreement shall be recorded prior to final plat recordation.”

The basis for the prior condition of approval was based on the prior application materials and comment received from the Bellevue Canal District. The applicant included a letter from the boards of the Triangle Irrigation District and Wood River Valley Irrigation Diversion #45 stating that the Canal Districts and applicants had arrived at an agreement to expand the buildable areas of Lots 2A and 3A. Staff has no objection to the proposed revised condition of approval.

Condition #3

Prior Condition:

“Corner lots shall show BE’s in accordance with 11.4.6.C on the final plat.”

Applicant’s proposed condition:

The applicant is requesting that this condition be deleted.

The applicant has provided a justification for an alternate analysis of Bellevue City Code Section 11-4-6(C), and correctly asserted that questions regarding the interpretation of Title 11 of Bellevue City Code are to be referred to Council for a determination (Bellevue City Code Section 11-6-1). The Code section in question is as follows:

“Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the center point of the intersection of the streets unless otherwise approved as defined in subsection 10-6-5C of this Code.”

Bellevue City Code Section 10-6-5(C) is only applicable to the GR – General Residential zone. Bellevue City Code Section 11-2-1 includes the following definitions:

ALLEY: A minor public way providing secondary access to the back or the side or property otherwise abutting a street.

BUILDING ENVELOPE: The site for location of a structure delineated on a preliminary plat and final plat within which the entire building or other structures must be constructed.

STREET: A public right-of-way, which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term street also includes the terms, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and all such terms, except driveway, as herein defined.

The applicant is identifying the public right of way to the east of the subject property as an alley, meaning that there are not two (2) intersecting "streets" to form a corner lot. Staff's opinion is that this interpretation is flawed in three (3) significant ways:

4. The definition of "alley" in Bellevue City Code Section 11-2-1 specifically states that it is a "secondary access to the back of the side or property otherwise abutting a street." The subject property does not have any other access as the portions of Walnut and Chestnut Streets are undeveloped. The right-of-way to the east of the subject property functions as an "alley" for the parcels to the west of the right-of-way (abutting Main Street) and as a "street" for the parcels to the east of the right-of-way (subject property).
5. In order to be compliant with the Subdivision Design and Improvement Requirements for Lots established by Bellevue City Code Section 11-4-6(G), "Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public or private street." (Emphasis added). If we were to accept the applicant's justification that the right of way to the east of the subject property is not a "street" but an "alley," the street frontage of the subject property is limited to the undeveloped portions of the Walnut and Chestnut Street rights-of-way to the north and south, respectively, and the unnamed, undeveloped right-of-way to the west. Each of the proposed lots has more than twenty feet (20') of frontage along the rights-of-way, however without providing vehicular and pedestrian access to the adjacent property, the right-of-way does not meet the definition of "street" from Bellevue City Code Section 11-2-1. If the right-of-way to the east of the subject property is not to be considered a street, the proposed configuration of lots shown on the submitted preliminary plat does not meet the lot requirements of Bellevue City Code Section 11-4-6(G).
6. When looking at the original plat of the City of Bellevue, the area to the east of Main Street is primarily platted as blocks consisting of two (2) rows of six (6) fifty foot wide by 120' deep parcels separated by an approximately 25' wide alley right-of-way bounded by eighty foot wide street rights-of-way. On the west side of Main Street, the pattern changes. One (1) row of fifty foot (50') wide by 120' deep parcels is separated from one (1) row of fifty foot (50') wide by two hundred feet (200') deep parcels by an approximately fifty foot (50') wide right-of-way. While the specific design intent of this block layout has likely been lost to history, it appears that the fifty foot (50') right of way to the east of the subject property was most likely intended to serve as both a rear (alley) access to the Main Street row of parcels and as the primary frontage for the row of two hundred foot (200') deep parcels, which includes the subject property.

While Staff does not find the interpretation of Bellevue City Code Section 11-4-6(C) to be valid, the subject property does currently not meet the standard of being a "corner lot" as there is only one "street" fronting the property. However, as there are existing platted rights-of-way to the north and south of the subject property, the submitted preliminary plat identifies a proposed

building envelope on Lot 1A, and it is unclear how street access would be configured, the possibility of Lot 2A and/or 3A becoming a corner lot in the future cannot be ruled out. Staff is not supportive of the deletion of this condition of approval.

Condition #4

Prior Condition:

“The alley between Chestnut and Walnut shall be improved in accordance with 11.4.8.B prior to approval of the final plat.”

Applicant’s proposed condition:

“The alley between Chestnut and Walnut shall be improved in accordance with 11.4.8.B prior to approval of the final plat.

The applicant is requesting to waive the requirement of Bellevue City Code Section 11-4-8(B) that “All streets shall be constructed to meet or exceed the criteria and standards set forth in the City Standard Specifications for Streets and Water, and all other applicable ordinances, resolutions, or regulations of the City, or any other governmental entity having jurisdiction thereover, now existing or hereafter adopted, amended, or codified.”

In order to grant a waiver, the Council (upon receipt of a recommendation by the Commission) must show that there are “special physical characteristics or conditions affecting the property in question where a literal enforcement of this title would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health, and safety, nor injurious to the property owners in the immediate area.” The waiver sought is for improvements to the right-of-way adjacent to the property. The right-of-way is generally flat, of adequate width, and is improved as a substandard street. No “special physical characteristics or conditions” that would prevent improvement of the right-of-way to the east of the subject property are readily apparent. The applicant has identified “Existing overhead transmission lines... trees, and fences” within the right-of-way as the special physical characteristics. The applicant’s narrative states that “removal of the transmission lines and all other encroachments... would place an undue hardship on the subdivider/property owners,” but fails to provide any justification for this claim. Encroachments into right-of-way, including power transmission lines are very common within the City of Bellevue. As such, it is Staff’s opinion that no “special physical characteristics or conditions” exist that would make literal enforcement (improvement of right-of-way to City standards) an undue hardship. Staff is not supportive of this waiver request.

History

- On August 15, 2023, Judith and Keith A. Meyers submitted a lot line adjustment application for the subject property. The proposed 2023 lot line adjustment was to reduce the total number of lots from six (6) to four (4) lots. This application was approved with conditions by the Bellevue Common Council on October 23, 2023. The Findings of Fact, Conclusions of Law, and Decision Documents are attached for reference.

Comments

Agency/Department Comments

To date, Staff has received comment from the following agencies and departments:

- Bellevue Fire Department
- Bellevue Marshall's Office
- Bellevue Water and Sewer Department
- Bellevue City Engineer
- Triangle Irrigation District

All agency comments received to date are attached for reference.

Public Comments

No public comments have been received to date.

Recommendations

Actions

Based upon the record provided to date, Staff recommends approval of the subject application with the conditions of approval identified below. Suggested motion:

"I move that we recommend LLA-25-01 to the Bellevue Common Council for approval with the conditions identified within the Staff Report, and to direct Staff to prepare Findings of Fact, Conclusions of Law, and Decision documents reflecting this recommendation based on the record provided."

Conditions of Approval

1. No building shall encroach into the space between the top of the eastern bank (elevation of the street or alley) of the canal and east high water mark of the canal, unless otherwise allowed per Diversion 45 Right of Way Agreement. This Agreement shall be recorded prior to final plat recordation.
2. Prior to the issuance of a building permit for the proposed parcel identified on the submitted preliminary plat as Lot 1A, the applicant shall receive approval from the City and construct a suitable vehicular and pedestrian access to the property.
3. Prior to the submittal of a final plat application, the applicant shall provide a revised preliminary plat identifying building envelopes for all corner lots in accordance with Bellevue City Code Section 11-4-6(C).
4. Prior to the submittal of a final plat application, the applicant shall construct all required improvements, including improving the roadway within right-of-way to the east of the subject property from Walnut Street to Chestnut Street to City Standards in accordance with Bellevue City Code Section 11-4-8(B).
5. Prior to the submittal of a final plat application, the applicant shall submit a revised preliminary plat identifying an easement for the Bellevue Canal District and documentation that the proposed easement has been reviewed and accepted by the Bellevue Canal District.

6. Prior to the submittal of a final plat application, the applicant shall submit a revised preliminary plat identifying the ordinary high water mark and a twenty foot (20') wide fisherman's easement along the landward side of the ordinary high water mark.
7. No construction or grading shall occur until the Bellevue City Engineer has reviewed and approved the construction drawings.

Notice of Expiration

Pursuant to Bellevue City Code Section 11-3-4(D), failure to obtain final plat approval by the Council of an approved preliminary plat within one year after approval by the Council shall cause all approvals of said preliminary plat to be null and void. The final plat shall be filed with the Blaine County Recorder within one year after final plat approval by the Council. Failure to file said final plat within that time shall cause all approvals of said final plat to be null and void. No building permit shall be issued with regard to any parcel of land within a proposed subdivision until the final plat has been recorded. A copy of the final recorded plat shall be placed on file with the City. For good cause shown, the deadlines in this section may be extended for up to twelve (12) months. The Council shall hold a duly noticed public hearing prior to granting said extension.



\$380 check #1258

City of Bellevue

115 E Pine Street
P. O. Box 825 Bellevue, ID 83313
208-788-2128 Fax 208-788-2092

RECEIVED
R JAN 22 2025
BY: _____

LOT LINE ADJUSTMENT/ INTERIOR LOT LINE VACATION
APPLICATION

SUBDIVISION INFORMATION

Preliminary Plat

Final Plat

Proposed Name of Subdivision: Lots 1A, 2A, and 3A, Block 96, Bellevue Townsite

Street Address:

Mailing address: PO Box 242, Bellevue, ID 83313

Legal Description of property: Lots 1-6, Block 96, Bellevue Townsite

Current Zoning of Property: Business

Regular Plat- 5 or more residential parcels: Lot Line Adjustment

Engineer Name & Contact: Samantha Stahlnecker, P.E.; (208) 720-9608

PROPERTY OWNER

Property Owner Name: Keith and Judith Meyers

Mailing Address: PO Box 242, Bellevue, ID 83313

Phone #: 208-481-1818 Fax #: Cell #:

Email Address: judymeyersinc@aol.com

On behalf of Trust or LLC- Contact:

Property Owner Consent:

By Signature hereon, the property owner acknowledges that the City Officials and/or employees may, in the performance of their functions, enter upon the property to inspect, post legal notices, and/or other standard activities in the course of processing this application, pursuant to Idaho Code §67-6507. The property owner is also hereby notified that members of the Planning and Zoning Commission and City Council are required to generally disclose the content of any *ex parte* discussion (outside the hearing) with any person, including the property owner or representative, regarding this application.

Property Owners Signature: Keith Meyers Date: 1/22/25

FEE SCHEDULE

*Fees: Cost of additional noticing, recording fees etc. will also be assessed.

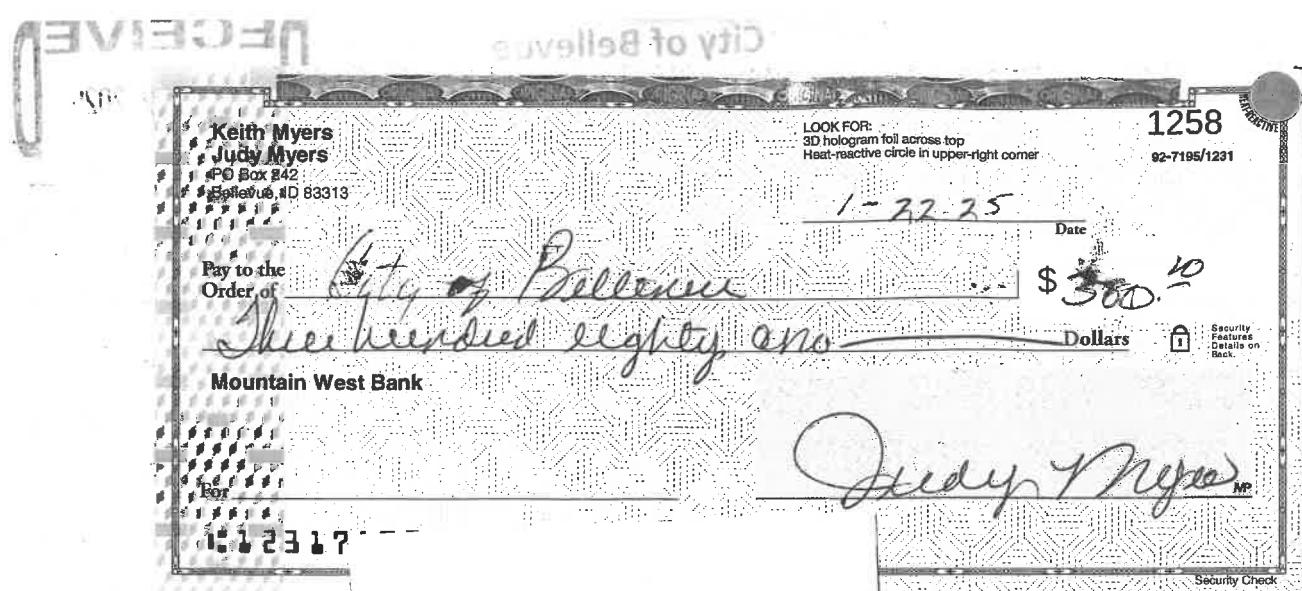
* **ALL LEGAL, ENGINEERING AND OTHER CONSULTANT REVIEW FEES SHALL BE REIMBURSED 100% BY THE APPLICANT.**

Lot Line Adjustment: \$300.00 \$ _____

Publication: \$80.00 \$ _____

Mailing: Market price \$ _____

TOTAL: \$ _____



CITY OF BELLEVUE
P.O. BOX 825
BELLEVUE, ID 83313

CASH RECEIPT

Received From *Keith Myers*

Date *January 22, 2025* 254608

Address *Lots 1A, 2A, and 3A*

For *Lot Line Adjustment/Interior Lot*

Dollars \$ *380.00*

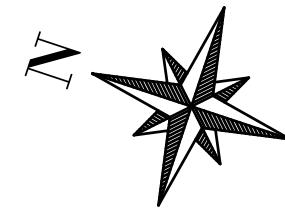
ACCOUNT	HOW PAID		
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	<i>380-</i>
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	CREDIT CARD <input type="checkbox"/>

check #1258
By */*

CRB118-3

A LOT LINE SHIFT PLAT SHOWING
LOTS 1A, 2A, & 3A, BLOCK 96, BELLEVUE TOWNSITE

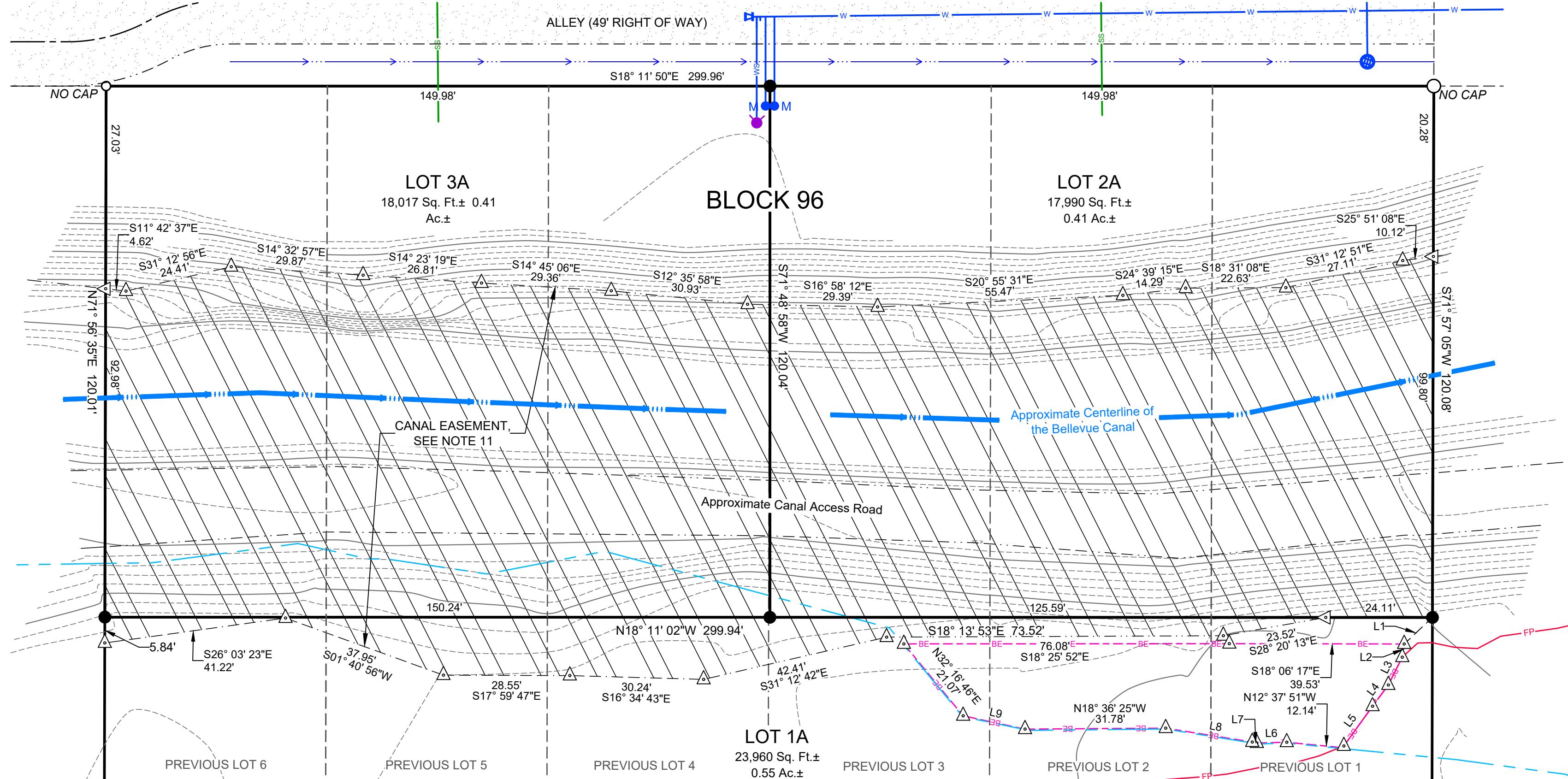
AUGUST 2024



0 20 40 Feet

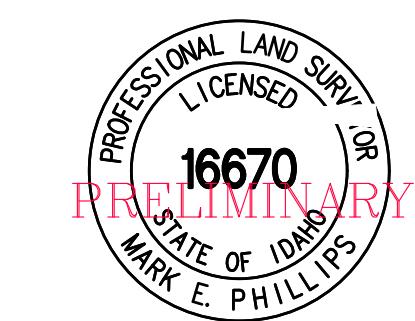
SCALE: 1" = 30'

SEE SHEET 1 FOR LEGEND



SURVEY NARRATIVE & NOTES

- The purpose of this survey is to show the monuments found and set during the boundary retrace of Lots 1, 2, 3, 4, 5, & 6, Block 96, Bellevue Townsite, and reconfigure the six lots into four lots as shown herein. The boundary shown is based on found Centerline Monuments, found Lot Corner Monuments, the Record of Survey for Block 96, Bellevue Townsite, Instrument Number 646867, the partial resurvey of the Original Townsite of Bellevue, Instrument Number 207842, and the Original Map of Bellevue Townsite, all records of Blaine County, Idaho. All found monuments have been accepted. The missing monuments were set by block breakdown and proportioning record distances between found monuments.
- The distances shown are measured. Refer to the above referenced documents for the previous record data.
- This survey does not claim to reflect any of the following, which may be applicable to the subject real property, including but not limited to; Building Setbacks, Ditches, Easements, Natural Encroachments, Natural Hazards, Covenants, Conditions, and Restrictions, Subdivision Restrictions, Wetlands, Zoning or any other Land Use Regulation.
- A Lot Book Guarantee for Lots 1, 2, 3, 4, 5, & 6, Block 96, Bellevue Townsite, has been issued by Stewart Title Guaranty Company, File Number 23475114, with a Date of Guarantee of July 5, 2023. Certain information contained in said title policy may not appear on this map or may affect items shown herein. It is the responsibility of the owner or agent to review said policy. Some of the encumbrances and easements listed in the title report are not plotted herein. Review of the specific documents listed in said policy is required, if further information is desired.
- Snow Storage for each Lot will need to comply with the current City of Bellevue code and shall not be pushed off the top of the slope toward or into the canal.
- There shall be no access allowed by Lot owners along the existing canal access road to gain access to the Big Wood River.
- Lot owners shall comply with City of Bellevue parking requirements and be aware of limited space between city Right-of-Way and top of slope.
- A 20' Fisherman's Access Easement exists along the landward side of the mean high water line of the Big Wood River.
- Lot 1A 100' Riparian Setback to shall be field verified prior to City approval of building permit.
- No building shall be constructed on Lot 1A until a time when an approved access to the lot is developed.
- No building shall encroach into the space between the eastern top of bank and east high water mark unless otherwise allowed per Diversion 45 Right-of-Way Agreement, Instrument Number _____.



16670
PRELIMINARY

MARK E. PHILLIPS, P.L.S. 16670

A LOT LINE SHIFT PLAT SHOWING
LOTS 1A, 2A, & 3A, BLOCK 96,
BELLEVUE TOWNSITE

2 OF 3
PROJECT: 2023-01

PHILLIPS LAND SURVEYING, PLLC
HAILEY, IDAHO

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners in fee simple of the following described parcels of land:
Parcels of land located within Section 36, T.2N., R.18E., B.M., City of Bellevue, Blaine County, Idaho, more particularly described as follows:
LOTS 1, 2, 3, 4, 5, AND 6, BLOCK 96 OF THE CITY OF BELLEVUE

The easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for the public utilities and for any other uses indicated hereon and no permanent structures are to be erected within the lines of said easements. We do hereby certify that all lots in this plat will be eligible to receive water service from an existing water distribution system and that the existing water distribution system has agreed in writing to serve all of the lots shown within this plat.

It is the intent of the owners to hereby include said land in this plat.

KEITH A. MYERS

JUDITH E. MYERS

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, 2023, before me, a Notary Public in and for said State, personally appeared Keith A. Myers & Judith E. Myers, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public in and for said State

Residing in _____

My Commission Expires _____

Date _____

City Engineer _____

City Clerk _____

SURVEYOR'S CERTIFICATE

I, Mark E. Phillips, a duly Licensed Professional Land Surveyor in the State of Idaho, do hereby certify that this plat is a true and accurate map of the land and points surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to Plats, Surveys, and the Corner Perpetuation and Filing Act, 55-1601 through 55-1612.

Mark E. Phillips, P.L.S. 16670



BLAINE COUNTY SURVEYOR'S APPROVAL

I, Sam Young County Surveyor for Blaine County, Idaho, do hereby certify that I have checked the foregoing Plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating to Plats and Surveys

Sam Young, P.L.S. 11577
Blaine County Surveyor

Date _____

BELLEVUE CITY ENGINEER'S APPROVAL

The foregoing plat was approved by _____, City Engineer for the City of Bellevue, on this _____ day of _____, 2023.

City Engineer _____

BELLEVUE CITY COUNCIL'S APPROVAL

The foregoing plat was approved by the City Council of Bellevue on this _____ day of _____, 2023.

City Clerk _____

BLAINE COUNTY TREASURER'S APPROVAL

I, the undersigned County Treasurer in and for Blaine County, State of Idaho per the requirements of Idaho Code 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

Blaine County Treasurer

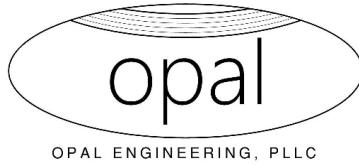
Date _____

BLAINE COUNTY RECORDER'S CERTIFICATE

A LOT LINE SHIFT PLAT SHOWING
LOTS 1A, 2A, 4A, & 5A, BLOCK 96,
BELLEVUE TOWNSITE

2 OF 2
PROJECT: 2023-01

PHILLIPS LAND SURVEYING, PLLC
HAILEY, IDAHO



September 5, 2024

City of Bellevue Common Council
Bellevue, ID 83313

Re: Bellevue Lots 1-6, Block 96 Lot Line Adjustment Revision

Dear Council,

The property owners of Lots 1-6, Block 96, Bellevue, Judy and Keith Myers, are submitting a revised application for Lot Line Adjustment. The proposed plat would result in two (2) lots within Block 96 west of the alley, combining platted lots 1-6. Included with this letter is a revised preliminary plat showing this configuration.

Pursuant to Section 11-6-1, "...Any questions with regard to the interpretation and/or applicability of this section or other sections shall be referred to the Council by the Administrator for determination," the applicants respectfully request that the Council consider the interpretation and/or applicability of certain sections of the Subdivision code.

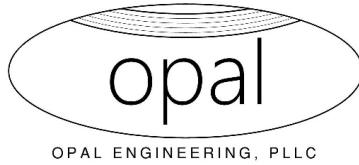
Specifically, the applicants request the following modifications to three of the Conditions of Approval for the previously submitted Lot Line Adjustment. Modification of Condition #4 is requested pursuant to 11-13-1, Waivers, with regard to City Standard Specifications for Streets (Section 11-4-8.B).

Condition #1

Request modification of this condition to state:

"No building shall encroach into the space between the top of the eastern bank (level of the street or alley) and east high water mark of the canal, unless otherwise allowed per Diversion 45 Right of Way Agreement. This Agreement shall be recorded prior to final plat recordation."

The applicants request this modification to allow the potential for building(s) to be constructed no closer than 14 feet from the eastern high water mark. Included with this request is a letter from the canal company supporting this requested modification.



Condition #3

Request to delete this condition, which states: "Corner lots shall show BE's in accordance with 11.4.6.C on the final plat."

Section 11-4-6.C. states: Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the center point of the intersection of the streets unless otherwise approved as defined in subsection 10-6-5C of this Code. (Subsection 10-6-5C does not apply, because it relates only to setback reductions via a design review process.)

The proposed lots are not corner lots per code because neither lot is located at the intersection of streets, but rather at the intersection of a street and an alley. The term "corner lot" is found three times in Bellevue's code, shown below. All three reference intersection of streets, not alleys. (Title 11 specifically defines "ALLEY." As such, an alley would not be considered a "STREET" per the subdivision code.)

11-4-6: LOTS:

...Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the center point of the intersection of the streets unless otherwise approved as defined in subsection 10-6-5C of this Code. D. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.

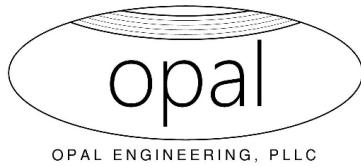
11-4-7: BLOCKS:

...Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.

10-2-1: DEFINITIONS:

...On a corner lot, only one street property line shall be considered the front lot line, and the shorter street frontage shall be considered the front lot line, unless determined otherwise by the Administrator based on the orientation and layout of the lot and surrounding lots in order to have a uniform front lot line for all such lots.

Alleys are not considered streets for the purpose of defining corner lots. As a recent example of a building that was constructed at the intersection of a street (Poplar) and an alley is the Clearwater Power Equipment building. It has an approximately 67' setback from the street/alley intersection, as shown in the attached Exhibit A.



The purpose of the corner lot setback is to allow for sight distance for traffic at the intersection of the two streets. In the case of Chestnut and Walnut adjacent to the two proposed lots, neither of these platted streets are likely to be developed by the City as they lead only to the canal. These streets may be improved by the developer(s) of the two proposed lots as driveways into the lots. Regardless, vehicular traffic on Chestnut and Walnut west of the alley will be minimal.

Condition #4

Currently reads: "The alley between Chestnut and Walnut shall be improved in accordance with 11.4.8.B prior to approval of the final plat."

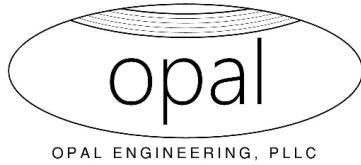
Request waiver and modification to state: "The alley between Chestnut and Walnut shall be improved in accordance with the submitted site specific Alley Improvements Exhibit, EX2, prior to approval of the final plat."

11-13-1: WAIVERS:

- A. Commission Recommendation; Council Approval: Waiver of any of the requirements of this title may be granted by the Council on a case basis upon the recommendation of the commission.
- B. Application For Waiver:
 1. Application for such waiver(s) must be in writing and must show that there are special physical characteristics or conditions affecting the property in question where a literal enforcement of this title would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health, and safety, nor injurious to the property owners in the immediate area.
 2. Applications shall be made to the Administrator in writing at the time of subdivision application. Said waiver, together with such related data and maps as are necessary to fully illustrate the relief sought, shall be filed at the same time. Such application shall be processed and considered with the preliminary plat application.

APPLICANT RESPONSE:

Special physical characteristics/conditions affecting the property in question: Existing overhead transmission lines and four poles encroach approximately 15 feet into the alley ROW on the east side. Other encroachments including trees and fences also exist within the eastern portion of the alley.



A literal enforcement of this title would result in undue hardship not the result of actions by the subdivider: Strict adherence to City Standard Specifications for Streets would necessitate the removal of the transmission lines and all other encroachments. This would place an undue hardship on the subdivider/property owners. Power transmission line and fence placement was not the result of actions by the subdivider/property owners.

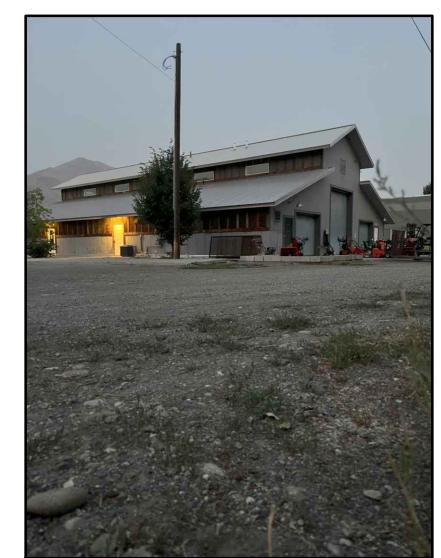
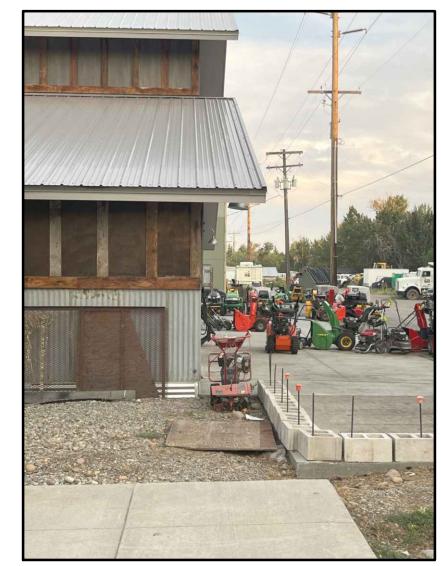
Not detrimental to public welfare, health, and safety nor injurious to the property owners in the immediate area: Modifications to the typical street section by (a) shifting the travel lanes 5.25 feet west of center, (b) surfacing with gravel versus asphalt, and (c) changing from a crowned surface to a shed surface with drainage on the west side only, will not be harmful to public safety. A modified street section also is more appropriate because now just two lots are proposed, rather than three as previously approved. Both lots could be accessed via the platted streets of Chestnut and Walnut. The proposed section has been submitted for approval by the Bellevue Fire Chief.

We look forward to presenting the revised application to the Council on behalf of the property owners. Please contact me with any questions.

Sincerely,

Samantha Stahlnecker, P.E.

Opal Engineering, PLLC



APPROXIMATE LOCATION OF INTERSECTION MEASUREMENT POINT

ALLEY CORNER LOT EXHIBIT

24019
PROJECT NUMBER

EX1

Opal

OPAL ENGINEERING, PLLC
PO BOX 2530; HAILEY, ID 83333
WWW.OPAL-ENGINEERING.COM

LOTS 1A, 2A & 3A, BLOCK 96, BELLEVUE TOWNSITE
PREPARED FOR KEITH & JUDITH MYERS

ALLEY IMPROVEMENTS EXHIBIT

Opal
OPAL ENGINEERING, PLLC
PO BOX 2530; HAILEY, ID 83333
www.opal-engineering.com

24019

PROJECT NUMBER

EX2

LOTS 1A, 2A, & 3A, BLOCK 96, BELLEVUE TOWNSITE
PREPARED FOR KEITH & JUDITH MYERS

NOTES:

- PROPERTY BOUNDARIES SHOWN HEREON ARE PER A SURVEY CONDUCTED BY PHILLIPS LAND SURVEYING, PLLC RECEIVED ON APRIL 29, 2024.

LEGEND:

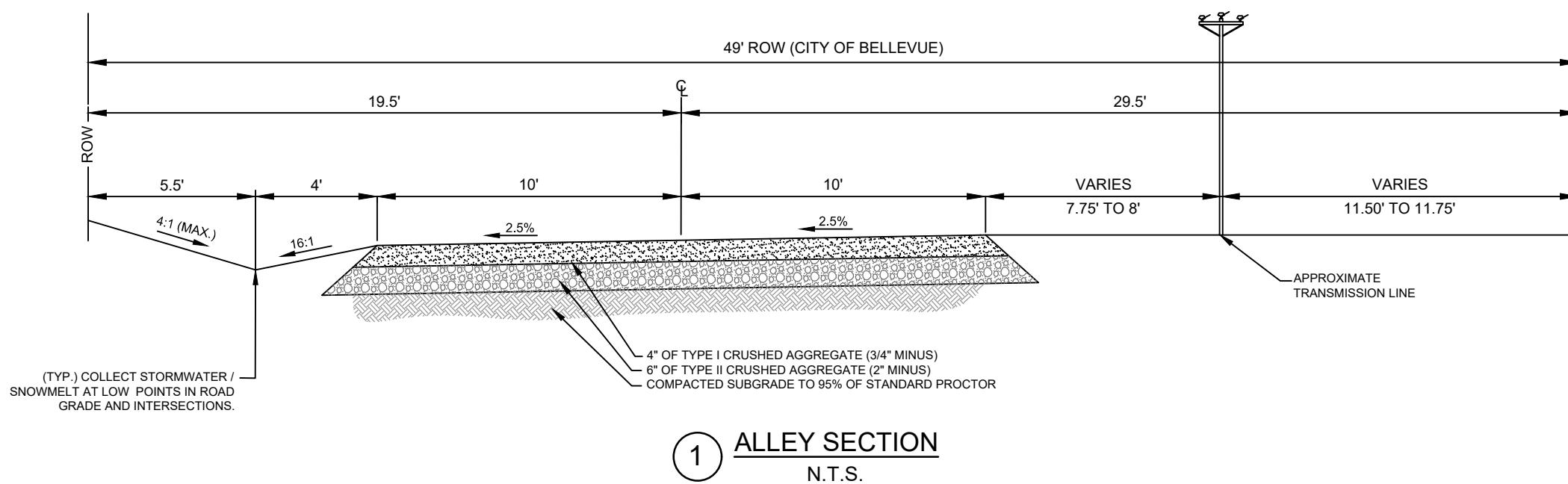
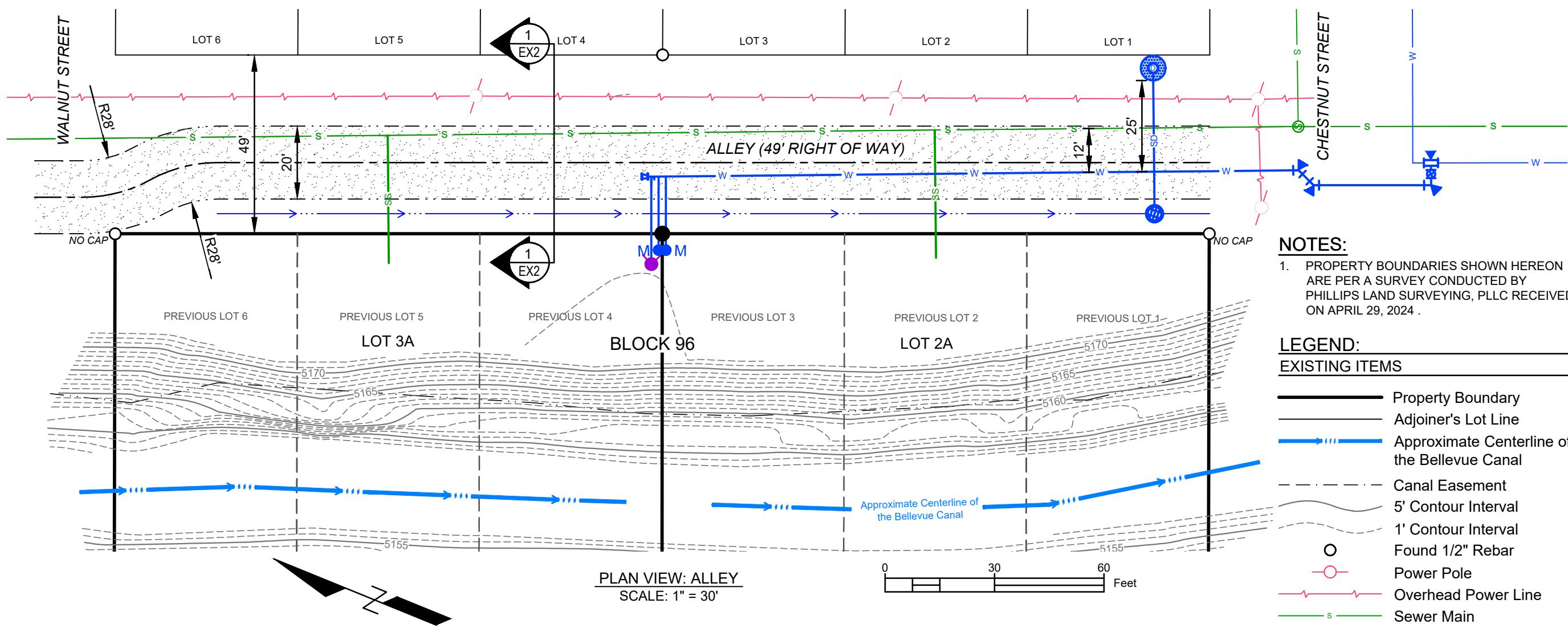
EXISTING ITEMS

- Property Boundary
- Adjoinder's Lot Line
- Approximate Centerline of the Bellevue Canal
- Canal Easement
- 5' Contour Interval
- 1' Contour Interval
- Found 1/2" Rebar
- Power Pole
- Overhead Power Line
- Sewer Main

PROPOSED ITEMS

- Property Line
- Previous Lot Line
- Centerline of Right of Way
- Gravel
- Flow Line
- Set 5/8" Rebar
- Drywell
- Catch Basin
- Storm Drain
- Sewer Service
- Water Main
- Water Service
- Water Valve
- Water Main Fitting
- Water Meter
- Water Hydrant

EXHIBIT ONLY
NOT FOR
CONSTRUCTION



Diversion 45 Right of Way

Agreement only for Bellevue lots 1-6 Block 96, east bank of canal

Overview:

These six lots have the Diversion 45 canal running through the middle of them. The east bank of the canal rises from the bottom of the canal up to street level. It is characterized by a largely inaccessible sloughing bank. State statute allows the irrigation district to determine the width of the right-of-way it needs on either side of the canal. Any encroachment into that ROW requires written permission from the District. In this case, at this location, no encroachment has ever been allowed between the water and the top of the bank.

Agreement:

At the location stated above, the two irrigation districts, Triangle Irrigation District and the Wood River Valley Irrigation District 45, are willing to allow permanent construction in the form of a retaining wall or building, to be placed no closer than 14 feet in parallel to the east mean high water mark. No other type of encroachment will be allowed. No portion of the construction may extend into that 14 foot space above the high water level.

Conditions:

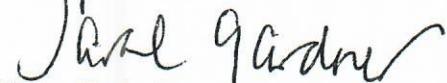
The owner must first have the construction designed by a competent engineer to be appropriate for this steep loose bank. They must present this plan to the irrigation districts for a review by the district's engineers, before they can proceed with the work.

In addition, the owner must leave the bank between the construction and the high watermark with a leveled terrace, which is 4 feet above the High Water mark and running parallel to the water for the length of the construction. Steps must be taken so that the terrace never becomes eroded or sloughs off towards the bottom of the canal. It would be preferred that the terrace has a width of roughly 10 to 12 feet, runs along the foot of the wall, and the west side of the terrace slopes towards the water.

It will then become the responsibility of the owner to maintain the integrity of both the construction and the terrace.

Signed:

Sarah Gardner, Chairman of the board, TID:



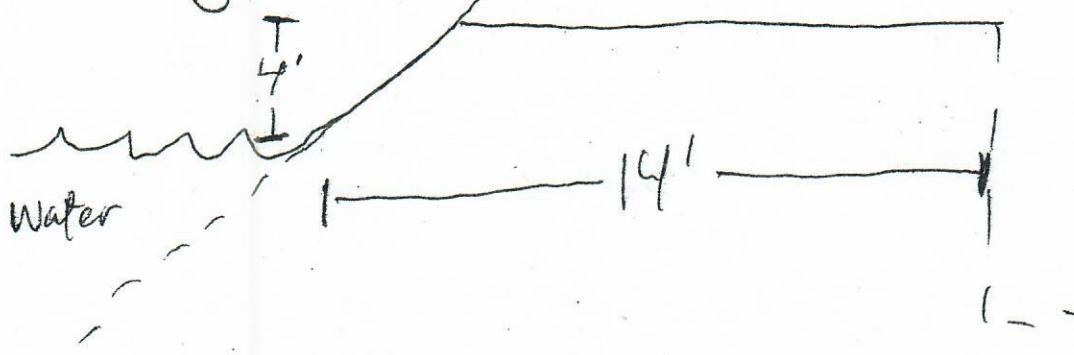
Greg Clark, Chairman of the board, WRVID45:



Keith Myers, Property owner:

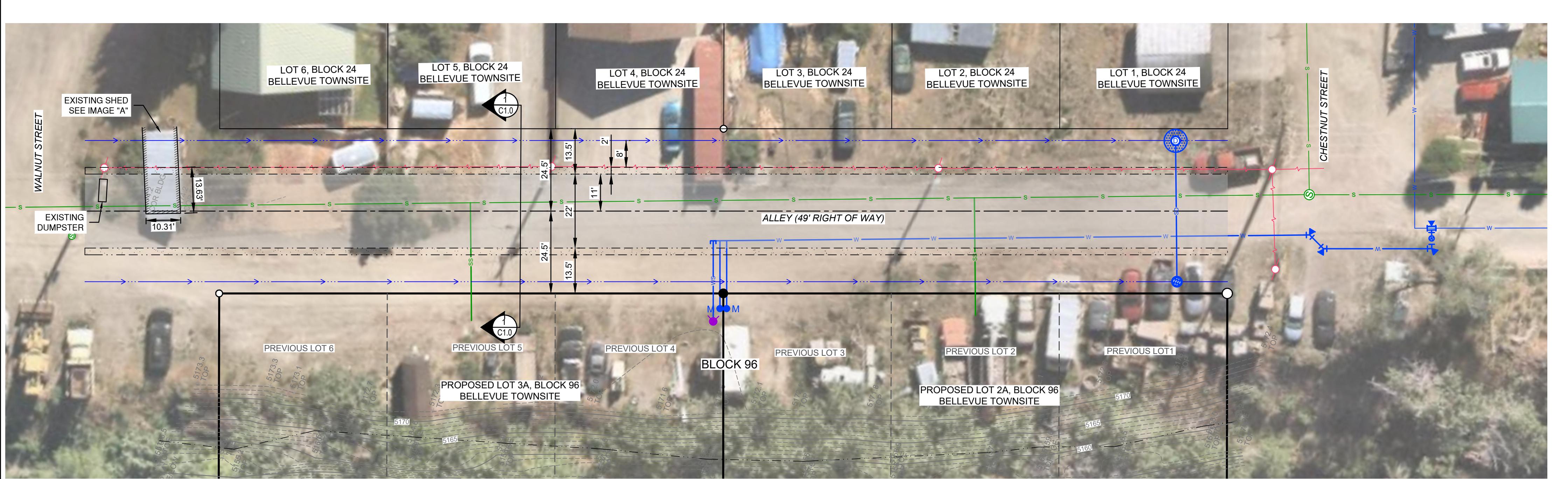


District will give up existing bank
if a wall is installed 14' from
the high water line and to a
depth well below the high water
line. In addition a ~~terrace~~
terrace must be constructed
that is 4 feet above the
high water line, leaving
any existing trees that
are at waters
edge.



Existing bank

Keith, this is
the arrangement
that both Districts
said they would
sign. Let me know if
this would work for
you and I can get
a final agreement signed



NOTES:

1. PROPERTY BOUNDARIES SHOWN HEREON ARE PER A SURVEY CONDUCTED BY PHILLIPS LAND SURVEYING, PLLC RECEIVED ON APRIL 29, 2024.
2. AERIAL IMAGERY SHOWN HEREON PER 2024 NEARMAP DATED. AERIAL IMAGERY MAY NOT SHOW CURRENT CONDITIONS.

LEGEND:

EXISTING ITEMS

- Property Boundary
- Adjourner's Lot Line
- Canal Easement
- 5' Contour Interval
- 1' Contour Interval
- Found 1/2" Rebar
- Power Pole
- Overhead Power Line
- Sewer Main
- Sewer Service
- Water Main
- Water Service
- Water Valve
- Water Main Fitting
- Water Meter
- Water Hydrant

PROPOSED ITEMS

- Property Line
- Previous Lot Line
- Centerline of Right of Way
- Gravel
- Asphalt
- Flow Line
- Set 5/8" Rebar
- Drywell
- Catch Basin
- Storm Drain
- Sewer Service
- Water Main
- Water Service
- Water Valve
- Water Main Fitting
- Water Meter
- Water Hydrant

PURPOSE: ISSUE FOR PPLAT SUBMITTAL (02/11/2025)

REVISION NO. DATE DESCRIPTION

EXHIBIT ONLY
NOT FOR CONSTRUCTION

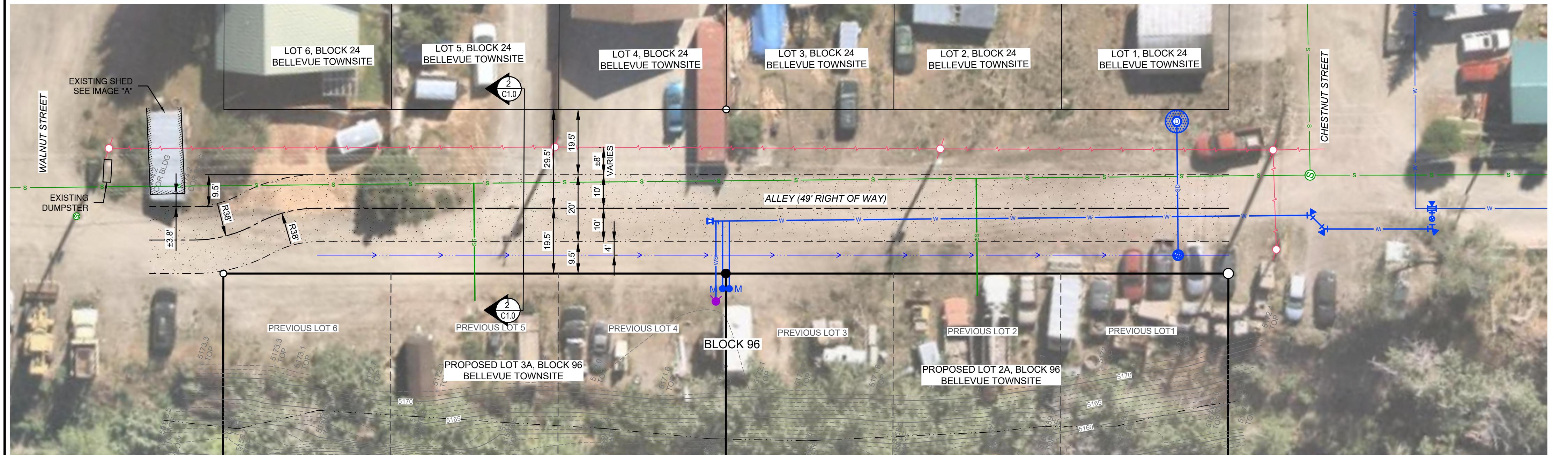


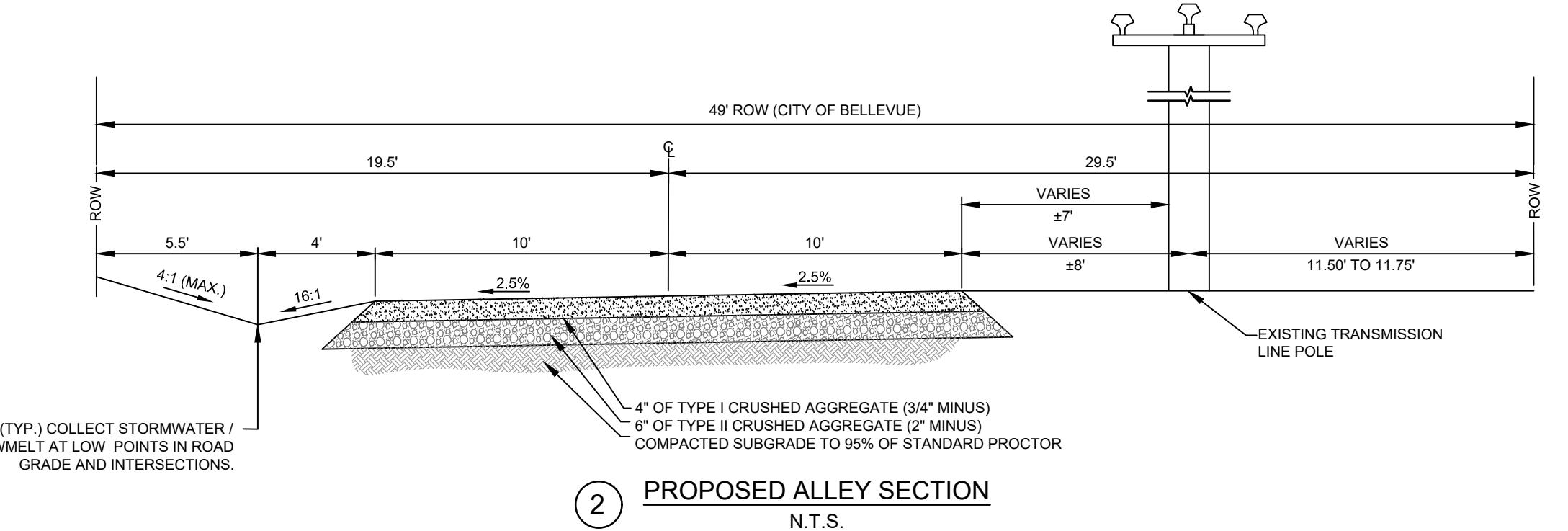
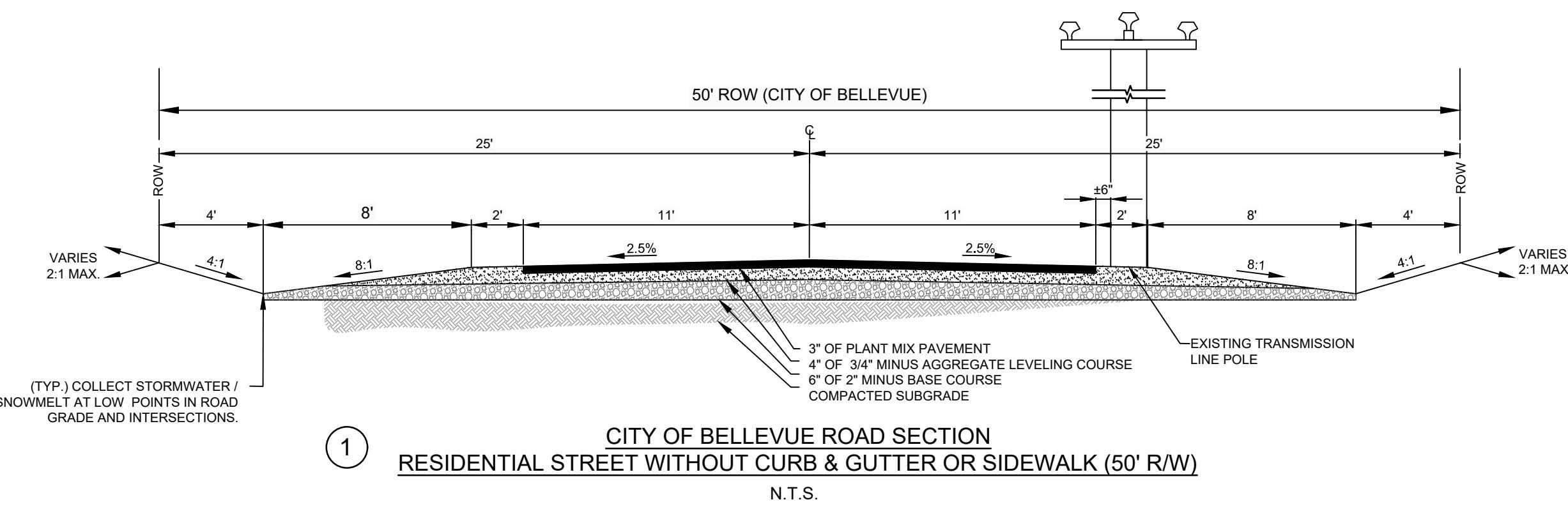
IMAGE "A" - LOOKING SOUTH

ROAD SECTION COMPARISON EXHIBIT

LOTS 1A, 2A, & 3A, BLOCK 96, BELLEVUE TOWNSITE

PREPARED FOR KEITH & JUDITH MYERS

REUSE OF DRAWINGS: These drawings, or any portion thereof, shall not be used on any project or extension of this project except by agreement in writing with Opal Engineering, PLC.



24019
PROJECT NUMBER

C1.0

**CITY OF BELLEVUE
BELLEVUE COMMON COUNCIL**

REGARDING AN APPLICATION OF: Judy & Keith Meyers for a Lot Line Adjustment for the properties located at LOTS 1, 2,3,4,5 & 6, BLK 96, Bellevue Idaho	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
--	--

REQUESTED ACTION: Lot Line Adjustment approval to readjust the current interior lot lines between the lots, creating new proposed city lots.

APPLICABLE ZONING REGULATIONS:

Bellevue City Code, Title 11, Chapter 6, Lot Line Readjustment

Summary

The applicant applied for a Lot Line Adjustment for the properties located at LOTS 1, 2,3,4,5 & 6 within the Business District in Bellevue. The proposed lot line adjustment will reconfigure the current interior lot lines between the lots, creating the 4 new proposed lots 1A, 2A, 4A and 5A. The proposed adjustment will not create additional city lots.

The Meeting was continued on record from September 11, 2023, to September 25, 2023. The continued meeting notice was posted on September 20th, 2023, on the City Website, Bellevue Post Office and Bellevue City Hall as required by ID Code.

The Bellevue Common Council heard the Lot Line Adjustment on September 25, 2023, and approved the application with amended conditions 1-6.

I.GENERAL BACKGROUND

1. Notice of this hearing was:
 - i. Posted on the door of Bellevue City Hall and the Bellevue Post Office on September 6, 2023.
 - ii. Made available on the city website September 6, 2023
 - iii. Mailed adjacent adjointer letters on August 25, 2023
2. Any disclosures (i.e. conflicts of interest, site visits or *ex parte* communications)?
3. **Exhibit A – Application Materials** - All application materials were received on August 15, 2023, unless indicated otherwise.

A-1 Meyers Lot Line Adjustment Application

A-2 Plat of proposed revised tax lots 1A,2A, 4A and 5A.

A-3 Survey

A-4 Vicinity Map

Exhibit B – Department Head Comments

Fire Department:

None at the time of report.

Engineering issues:

None at the time of report.

Water and Sewer issues:

The applicant shall comply with Bellevue Public Works requirements. All assessments shall be made per adopted Bellevue City Code.

Building issues:

The applicant shall comply with Bellevue Building Department. All assessments shall be made per adopted Building codes.

Street Department issues:

The applicant shall comply with Bellevue Public Works requirements. All assessments shall be adopted by the Bellevue City Code.

II STANDARDS AND CRITERIA Title 11-4-1

11-4-1: GENERAL REQUIREMENTS:

The improvements set forth in this chapter shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans thereof shall be submitted and approved by the City Engineer. All such improvements shall be in accordance with the Comprehensive Plan and constructed in compliance with construction specifications adopted by the City. Existing natural features which enhance the attractiveness of the subdivision and community such as mature trees, watercourses, rock outcroppings, established shrub masses, and historic areas shall be preserved through design of the subdivision.

11-4-6: LOTS:

A. Lot size, width, depth, shape, orientation, and minimum building setback lines shall be in compliance with the zoning district in which the property is located; and compatible with the location of the subdivision and the type of development; and preserve solar access to adjacent properties and buildings. **COUNCIL FINDING: The Proposed Lots complies with the city code.**

B. Whenever a proposed subdivision contains lot(s) in whole or in part within the floodplain, or which contain land with a slope in excess of twenty five percent (25%) based upon natural contours or create corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, provide open space and solar access for each lot and structure, and preserve hillside view corridors. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses, and topographical features. **COUNCIL FINDING: There is a proposed building envelope for LOT 1A which is located primarily in the Floodplain. I do not see a proposed access for LOT 1A. If the lot was to ever be developed within the envelope it will need access.**

C. Corner lots shall contain a building envelope outside of a seventy-five-foot (75') radius from the center point of the intersection of the streets unless otherwise approved as defined in subsection 10-6-5C of this Code. **COUNCIL FIDNING: Proposed Lot 2A and Proposed Lot 5A are corner lots and need to meet this requirement. See Proposed Condition #3.**

D. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line. **COUNCIL FINDING: Side lot lines comply with this requirement.**

E. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot be created out of necessity, then such lot shall be a reversed frontage lot. **COUNCIL FINDING: No double frontage lots are being proposed with this Lot Line Adjustment.**

F. Minimum lot sizes in all cases shall be reversed frontage lot(s). N/A

G. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public or approved private street. (Ord. 91-01, 12-2016) **COUNCIL FINDING: This standard is met with each proposed lot. However, while proposed Lot 1A has frontage on Walnut St. and Chestnut St., these public ROW's are undeveloped and will need a bridge over the Bellevue Canal to gain access to the site. Alternatively, an access from Riverside Drive may be developed. Staff recommends a plat note expressly identifying Lot 1A as an unbuildable lot until a time when an approved access is developed. See suggested Condition # 2. Council amended the wording to "Plat note stating that no building shall be constructed until a time when an approved access to the lot is developed on LOT 1A."**

11-4-7: BLOCKS:

The length, width, and shape of blocks within a proposed subdivision shall conform to the following requirements:

A. No block shall be longer than one thousand feet (1,000') nor less than four hundred feet (400') between the street intersections and shall have sufficient depth to provide for two (2) tiers of lots. **COUNCIL FINDING: The proposed lot line adjustments will not affect existing Block 96.**

B. Blocks shall be laid out in such a manner as to comply with the lot requirements.

COUNCIL FINDING: N/A- Block exists and won't change.

C. The layout of blocks shall take into consideration the natural topography of the subdivision and minimize cuts and fills for roads and minimize adverse impact on the environment, watercourses, and topographical features. **COUNCIL FINDING: N/A- Block exists and won't change.**

D. Corner lots shall contain a building envelope outside of a seventy-five-foot (75') radius from the intersection of the streets. (Ord. 91-01, 12-2016) **COUNCIL FINDING: N/A- Block exists and won't change.**

11-4-8: STREETS: COUNCIL FINDING: No streets are being proposed with this Lot Line Application and there is access to proposed LOTS 2A, 4A & 5A through the Alley ROW- but there is currently no access to proposed LOT 1A in the Floodplain. See proposed note # 2.

A. The arrangement, character, extent, width, grade, and location of all streets put in the proposed subdivision shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land.

B. All streets shall be constructed to meet or exceed the criteria and standards set forth in the City Standard Specifications for Streets and Water, and all other applicable ordinances, resolutions, or regulations of the City, or any other governmental entity having jurisdiction thereover, now existing or hereafter adopted, amended or codified.

C. Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway right-of-way, the Council may require a frontage street, planting strip, or similar design features.

D. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods.

E. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven-tenths percent (0.7%) so as to provide for adequate drainage and snow plowing.

F. In general, partial dedications shall not be permitted. However, the Council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the Council finds it practical to require the dedication of the remainder of the right-of-way when

the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right-of-way shall be dedicated.

G. Dead-end streets shall be permitted as deemed appropriate by the Council when providing for future connectivity to adjacent lands and are in compliance with International Fire Codes regarding turnarounds.

H. A cul-de-sac or similar type street shall be permitted as deemed appropriate by the Council which complies with International Fire Codes regarding turnarounds.

I. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°).

J. Where any street deflects any angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets and one hundred twenty five feet (125') for minor streets.

K. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited.

L. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets.

M. Proposed streets, which are continuations of existing streets, shall be given the same names as the existing streets. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to the Council for preliminary plat approval.

N. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills.

O. Street patterns of residential areas shall be designed to create areas free of through traffic but readily accessible to adjacent collector and arterial streets.

P. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider.

Q. In general, the centerline of streets shall coincide with the centerline of the street right-of-way, and all crosswalk markings shall be installed by the subdivider as a required improvement.

R. Street lighting may be required by the commission or Council, where appropriate, and shall be installed by the subdivider as a required improvement.

S. Private streets complying with the International Fire Codes shall be allowed as deemed appropriate by the Council.

T. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the Administrator and shall be consistent with the type and design of existing street signs elsewhere in the City.

U. Wherever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, said construction or improvement shall be a required improvement by the subdivider. Said construction or improvement shall be in accordance with adopted standard specifications therefor.

V. Sidewalks, curbs, and gutters may be a required improvement installed by the subdivider.

W. Prior to final plat signature, the first chip sealing applied to new dedicated streets and applicable private streets shall be completed by the developer or bonded for by the developer for any subdivision, planned unit development or condominium plat. (Ord. 91-01, 12-2016)

11-4-9: ALLEYS:

Alleys shall be provided in commercial and light industrial zoning districts and may be required in residential districts. The width of an alley shall be not less than twenty-five feet (25'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead-end alleys shall comply with the International Fire Codes regarding turnaround requirements. Improvement of alleys shall be done by the subdivider as a required improvement and in conformance with design standards specified in subsection 11-4-8B of this chapter. (Ord. 91-01, 12-2016) **COUNCIL FINDING:** There is currently an unimproved City Alley ROW in place. Applicant shall improve this alley prior to approval of the final plat. See suggested condition #4.

11-4-10: EASEMENTS:

Easements, as set forth hereinafter, shall be required for location of utilities and other public services to provide adequate pedestrian circulation and access to public waterways and lands:

A. A public utility easement at least ten feet (10') in width shall be required within the street right-of-way boundaries of all streets. N/A

B. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain said watercourse and provide access for private maintenance and/or reconstruction of said watercourse. The Bellevue Canal and the Bellevue Canal Road run through the proposed lots, there is a plat map note that there shall be no access allowed by lot owners along the existing canal access road, nor through Parcel A to gain access to the Big Wood River.

Per the Canal District “No building can touch the bottom West side bank (bottom of the slope intersects with the level surface). No building can encroach into the space between the top of the bank (level of the street or alley) and the water, on the east side.”

COUNCIL FINDING: To meet this standard staff recommends the final plat dedicate and easement beginning at 5' east of the top of the east bank to the back lot line of proposed Lots 2A, 4A and 5A. See proposed condition #5. Council amended wording to “final plat shall dedicate an easement to benefit the Bellevue Canal District.”

C. All subdivisions which border the Big Wood River or any tributary shall dedicate a twenty foot (20') fisherman and unaltered riparian easement along the river bank. Furthermore, the Council shall require in appropriate areas an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the Council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision. **COUNCIL FINDING:** There is currently a 20' Fisherman's Access Easement existing along the landward side of the mean high-water line of the river, which may affect LOT 1A. To meet this standard the OHW should

be shown and any section of proposed Lot 1A that is within 20' of the OHW shall dedicate a fisherman's easement as required. See proposed condition #6.

D. All subdivisions which border on the Big Wood River or any tributary shall dedicate a one hundred foot (100') floodplain management easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion. COUNCIL FINDING: There is a proposed 100' Riparian setback to be verified prior to approval of final plat, to be based on the OHW delineation.

E. All subdivisions through which appropriate access to public lands are found to exist shall dedicate reasonable public access easements thereto as part of the subdivision traffic circulation. **N/A**

F. No ditch, pipe, or structure for irrigation water or irrigation wastewater shall be constructed, rerouted, or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights thereto. A written copy of such approval shall be filed as part of required improvement construction plans. **N/A**

G. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the City. Such improvements may be calculated towards required park land dedication requirements as set forth in the adopted Bellevue Parks Master Plan. (Ord. 91-01, 12-2016) **N/A**

11-4-15: DRAINAGE: N/A

A. The subdivider shall submit with the preliminary plat application such map, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed.

B. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the City on the preliminary and final plats.

C. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity.

D. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider.

E. Culverts shall be required where all watercourses or drainage courses intersect with streets, driveways, or improved public easements and shall extend across and under the entire improved width thereof including shoulders. (Ord. 91-01, 12-2016)

11-4-16: UTILITIES: N/A

In addition to the terms mentioned hereinabove, all utilities including, but not limited to, electricity, natural gas, telephone, and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and

underneath streets shall be installed by the subdivider prior to construction of street improvements. (Ord. 91-01, 12-2016)

11-4-17: OFF SITE IMPROVEMENTS: N/A

Where the off site impact of a proposed subdivision is found by the commission or Council to create substantial additional traffic or other impacts, improvements to alleviate such impacts may be required of the subdivider as a condition of preliminary plat approval and prior to final plat approval including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities. (Ord. 91-01, 12-2016)

11-4-18: SIDEWALK IMPROVEMENTS: N/A

- A. Sidewalks are required in all zoning districts, except as otherwise provided herein.
- B. The requirement for sidewalk may be waived if the proposed construction project is less than five hundred (500) square feet.
- C. The requirement for sidewalk and drainage improvements may be waived for any remodel or addition to single-family dwelling and duplex projects within the General Residential (GR) zone; sidewalk and drainage improvements shall be required for a new principal building.
- D. The City may approve and accept voluntary contributions in lieu of the above-described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. In order to determine the in-lieu amount, the applicant shall provide the City with three (3) cost estimates for the sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. The middle estimate shall be used in calculating the in-lieu fee. Any approved in lieu contribution shall be paid before final plat approval or the City issues a Certificate of Occupancy for a principal building.
- E. Sidewalk and drainage improvements shall be located and constructed according to applicable City standards, except as otherwise provided herein.
- F. In The B, LB, LI/MB And LI Zoning Districts, The Following Are Required:
 1. A minimum sidewalk width of eight feet (8').
 2. Street trees with tree grates or a landscape buffer between the sidewalk and curb determined to be adequate.
 3. The developer or City may propose alternatives to either the standard sidewalk location or configuration required, such as the addition of a bike lane.
 4. The Council or Commission shall ensure that the alternative configuration or location shall not reduce the level of service or convenience to either residents of the development or the public at large.
 5. If an alternative location is approved, the cost of construction of the required square footage of sidewalk and linear feet of drainage improvements and the associated engineering costs, as approved by the City Engineer, shall be paid by the applicant to the City before the City issues a Certificate of Occupancy, unless otherwise allowed for in an agreement between the City and the applicant. The City shall ensure construction of sidewalk and drainage improvements occurs within two (2) years of the date the funds are received from the applicant.
 6. The length of sidewalk and drainage improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.

7. New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.

8. Sites located adjacent to public streets and private streets that are not currently through streets, regardless of whether the street may provide vehicular connection to future streets, shall provide sidewalks to facilitate future pedestrian connections.

9. The requirements for sidewalk and drainage improvements are not required for any lot line adjustment.

G. In The GR Zone, The Following Shall Be Required:

1. A minimum sidewalk width of five feet (5').

2. Street trees with tree grates or a landscape buffer between the sidewalk and curb determined to be adequate. The developer shall choose landscaping of a type and species that maintains the quality of the sidewalk.

H. The developer or City may propose alternatives to either the standard sidewalk location or configuration required, such as the addition of a bike lane.

1. The Council or Commission shall ensure that the alternative configuration or location shall not reduce the level of service or convenience to either residents of the development or the public at large.

2. If an alternative location is approved, the cost of construction of the required square footage of sidewalk and linear feet of drainage improvements and the associated engineering costs, as approved by the City Engineer, shall be paid by the applicant to the City before the City issues a Certificate of Occupancy, unless otherwise allowed for in an agreement between the City and applicant. The City shall ensure construction of sidewalk and drainage improvements occurs within two (2) years of the date the funds are received from the applicant.

3. The length of sidewalk and drainage improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.

4. New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.

5. Sites located adjacent to public streets or private streets that are not currently through streets, regardless of whether the street may provide a vehicular connection to future streets, shall provide sidewalks to facilitate future pedestrian connections.

6. The requirements for sidewalk and drainage improvements are not required for any lot line adjustment. (Ord. 2021-07, 4-26-2021)

III. LOT LINE READJUSTMENTS STANDARDS AND CRITERIA Title 11-6-1

1. The proposed Lot Line Readjustment does not create any additional lots; The proposed lot line adjustment removes the current interior lot lines between the lots, creating the new proposed city Lots 1A, 2A, 4A, & 5A.

The proposed LOTS 2A, 4A & 5A are all developable city lots located in the Business District. Proposed Lot 1A is located primarily in the Floodplain, and there are currently conversations between the landowner and local nonprofits about the potential for property conservations for that lot.

1. All plat notes, easements and utilities shall be depicted on the front page of the final plat. The proposed lots are undeveloped and there are no existing utilities. There is currently a 20' Fisherman's Access Easement existing along the landward side of the mean high-water line of the river, which may affect LOT 1A, as well as a 100' Riparian setback to be verified prior to approval of the final plat to be based on the mean high water at the time of development. There is also a building envelope on proposed LOT 1A. The Bellevue Canal and the Bellevue Canal Road run through the proposed lots, there is a plat map note that there shall be no access allowed by lot owners along the existing canal access road, nor through Parcel A to gain access to the Big Wood River.

Per the Canal District: "No building or structure shall touch the bottom West side bank (bottom of the slope intersects with the level surface). No building shall encroach into the space between the top of the bank (level of the street or alley) and the water, on the east side."

Council added "final plat shall include an easement to benefit the Bellevue Canal District".

VI. DECISION

Giordani made a motion to approve this application submitted by Judy and Keith Meyers for a Lot Line Adjustment for the properties located at LOTS 1,2,3,4,5 &6, BLK 96, Bellevue Idaho, proposed LOTS 1A, 2A, 4A & 5A, finding the application meets the criteria set forth in the Bellevue City Code, Title 11-6, Carreiro seconded, and the vote was unanimous.

V. FINDINGS- MOTION AND CONDITIONS

≥ Motion: Upon a motion by CARREIRO and a second by LEAHY, this Findings of Fact, Conclusion of Law and Decision for the Lot line Adjustment application submitted by Judy & Keith Meyers, complies with the applicable criteria set forth under Title 11 §11-6-1, Lot Line Readjustments Standards and Criteria subject to the following conditions:

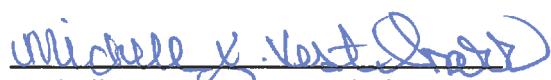
1. No building or structure shall touch the bottom West side bank (bottom of the slope intersects with the level surface). No building shall encroach into the space between the top of the bank (level of the street or alley) and the water, on the east side.
2. No building shall be constructed on LOT 1A until a time when an approved access to the lot is developed.
3. Corner lots shall show BE's in accordance with 11.4.6.C on the final plat.
4. The alley between Chestnut and Walnut shall be improved in accordance with 11.4.8.B prior to approval of the final plat.
5. The final plat shall include an easement to benefit the Bellevue Canal District.
6. Prior to final plat approve, the applicant shall delineate the OHW and, if any portion of the proposed lots is within 20' of the OHW, shall designate a fisherman's easement.

IT IS SO ORDERED this 23rd day of October 2023.



Chris Johnson, Mayor

ATTESTING:



Michelle Vest Snarr, City Clerk



Archived: Wednesday, February 12, 2025 4:33:18 PM

From: [Greg Beaver](#)

Sent: Tue, 4 Feb 2025 21:00:19

To: [Brian Parker](#) [Casey McGehee](#) [Chris Johnson](#) [Kirtus Gaston](#) [Kristin Gearhart](#) [Michelle Vest Snarr](#) [Shelly Shoemaker](#) [Andrew Kimmel](#) fcallington@gmail.com [Bryson Ellsworth](#)

Subject: RE: LLA-25-01 - TBD Lewis Lane

Importance: Normal

Sensitivity: None

Dear Brian Parker,

I have reviewed the lot line adjustment proposal and do not see any issues with it. However, I want to clarify that the proposal states Opal Engineering, PLLC has submitted it for approval by the Bellevue Fire Chief. As of February 4, 2025, I have not received anything from Opal Engineering regarding this matter.

Please let me know if there is any additional information or clarification needed to move forward.

Best regards, Thanks

Greg Beaver
Bellevue Fire Department Chief
bfdchief@bellevueidaho.us
O-208-788-9277
C- 208-481-2141



From: Brian Parker <bparker@bellevueidaho.us>

Sent: Thursday, January 30, 2025 8:51 AM

To: Casey McGehee <cmcgehee@bellevueidaho.us>; Chris Johnson <cjohnson@bellevueidaho.us>; Greg Beaver <bfdchief@bellevueidaho.us>; Kirtus Gaston <kgaston@bellevueidaho.us>; Kristin Gearhart <kgearhart@bellevueidaho.us>; Michelle Vest Snarr <mvestsnarr@bellevueidaho.us>; Shelly Shoemaker <sshoemaker@bellevueidaho.us>; Andrew Kimmel <akimmel@greatwesteng.com>; fcallington@gmail.com; Bryson Ellsworth <b_ellsworth2@hotmail.com>

Subject: LLA-25-01 - TBD Lewis Lane

All,

We have received the attached Lot Line Adjustment application. Please provide any comments by **February 11, 2025**.

Thank you,



Brian Parker
Community Development Director
City of Bellevue

Office: 208.913.0187

Cell: 208.309.8949

115 E. Pine Street
PO Box 825
Bellevue, ID 83313

Archived: Wednesday, February 12, 2025 4:33:20 PM

From: [Kirtus Gaston](#)

Sent: Tue, 4 Feb 2025 21:15:27

To: [Greg Beaver](#) [Brian Parker](#) [Casey McGehee](#) [Chris Johnson](#) [Kristin Gearhart](#) [Michelle Vest Snarr](#) [Shelly Shoemaker](#) [Andrew Kimmel](#) fcallington@gmail.com [Bryson Ellsworth](#)

Subject: RE: LLA-25-01 - TBD Lewis Lane

Importance: Normal

Sensitivity: None

Brian,

The Marshal's Office does not have any objections to the lot line adjustment.

Thank you

Kirtus S. Gaston
Marshal/Chief
Bellevue, ID 83313
Work (208) 788-3692

From: Greg Beaver <bfdchief@bellevueidaho.us>

Sent: Tuesday, February 4, 2025 2:00 PM

To: Brian Parker <bparker@bellevueidaho.us>; Casey McGehee <cmcgehee@bellevueidaho.us>; Chris Johnson <cjohnson@bellevueidaho.us>; Kirtus Gaston <kgaston@bellevueidaho.us>; Kristin Gearhart <kgearhart@bellevueidaho.us>; Michelle Vest Snarr <mvestsnarr@bellevueidaho.us>; Shelly Shoemaker <sshoemaker@bellevueidaho.us>; Andrew Kimmel <akimmel@greatwesteng.com>; fcallington@gmail.com; Bryson Ellsworth <b_ellsworth2@hotmail.com>

Subject: RE: LLA-25-01 - TBD Lewis Lane

Dear Brian Parker,

I have reviewed the lot line adjustment proposal and do not see any issues with it. However, I want to clarify that the proposal states Opal Engineering, PLLC has submitted it for approval by the Bellevue Fire Chief. As of February 4, 2025, I have not received anything from Opal Engineering regarding this matter.

Please let me know if there is any additional information or clarification needed to move forward.

Best regards, Thanks

Greg Beaver
Bellevue Fire Department Chief
bfdchief@bellevueidaho.us
O-208-788-9277
C-208-481-2141



From: Brian Parker <bparker@bellevueidaho.us>

Sent: Thursday, January 30, 2025 8:51 AM

To: Casey McGehee <cmcgehee@bellevueidaho.us>; Chris Johnson <cjohnson@bellevueidaho.us>; Greg Beaver <bfdchief@bellevueidaho.us>; Kirtus Gaston <kgaston@bellevueidaho.us>; Kristin Gearhart <kgearhart@bellevueidaho.us>; Michelle Vest Snarr <mvestsnarr@bellevueidaho.us>; Shelly Shoemaker <sshoemaker@bellevueidaho.us>; Andrew Kimmel <akimmel@greatwesteng.com>; fcallington@gmail.com; Bryson Ellsworth <b_ellsworth2@hotmail.com>

Subject: LLA-25-01 - TBD Lewis Lane

All,

We have received the attached Lot Line Adjustment application. Please provide any comments by **February 11, 2025**.

Thank you,



Brian Parker

Community Development Director
City of Bellevue

Office: 208.913.0187

Cell: 208.309.8949

115 E. Pine Street

PO Box 825

Bellevue, ID 83313

Archived: Wednesday, February 12, 2025 4:33:21 PM

From: [Bryson Ellsworth](#)

Sent: Wed, 5 Feb 2025 18:34:53

To: [Brian Parker](#) [Chris Johnson](#) [Andrew Kimmel](#)

Subject: Re: LLA-25-01 - TBD Lewis Lane

Importance: Normal

Sensitivity: None

Good morning,

After reviewing this, I have no concerns about water and sewer for combining the lots.

Thanks,
Bryson

From: Brian Parker <bparker@bellevueidaho.us>

Sent: Thursday, January 30, 2025 8:50 AM

To: Casey McGehee <cmcgehee@bellevueidaho.us>; Chris Johnson <cjohnson@bellevueidaho.us>; Greg Beaver <bfdchief@bellevueidaho.us>; Kirtus Gaston <kgaston@bellevueidaho.us>; Kristin Gearhart <kgearhart@bellevueidaho.us>; Michelle Vest Snarr <mvestsnarr@bellevueidaho.us>; Shelly Shoemaker <sshoemaker@bellevueidaho.us>; Andrew Kimmel <akimmel@greatwesteng.com>; fcallington@gmail.com <fcallington@gmail.com>; Bryson Ellsworth <b_ellsworth2@hotmail.com>

Subject: LLA-25-01 - TBD Lewis Lane

All,

We have received the attached Lot Line Adjustment application. Please provide any comments by **February 11, 2025**.

Thank you,



Brian Parker

Community Development Director
City of Bellevue

Office: 208.913.0187

Cell: 208.309.8949

115 E. Pine Street
PO Box 825
Bellevue, ID 83313

See what's possible.



February 6, 2025

Mayor and Council
City of Bellevue
115 E. Pine Street
Bellevue, ID 83313

RE: Lot Line Adjustment: Lot 1A, 2A & 3A Block 96, Bellevue Townsite

Dear Mayor and Council,

Keith and Judith Meyers have submitted a survey with a proposed lot line adjustment between Lots 1A, 2A, and 3A of Block 96 of the Bellevue Townsite. Under Chapters 2 and 6 of the Bellevue Subdivision Regulations, lot line adjustments are required to be reviewed to ensure compliance with the minimum zoning requirements and that the proposed survey would not create additional lots or dwelling units.

Per the requirements of the City Code, the general review process for lot line adjustments includes:

1. Zoning Administrator review
2. Notification to adjacent property owners
3. Planning Commission review and recommendation
4. City Council review and decision

The proposed lot line adjustments would decrease the total number of lots within the subdivision and increase the lots sizes for Lots 2A and 3A. which is allowed under the City Code. The changes to the lots proposed by the lot line adjustment would have lot widths and lot areas that exceed current requirements.

Comments regarding Variances sought:

Condition 1 (Building Encroachment near Canal):

Conditions will be met upon approval of engineered designed drawings and final construction meeting the requirements of both Triangle Irrigation District and the Wood River Valley Irrigation District.

Condition 3 (Building Setback):

No comment

Condition 4 (Alley Improvements)

The original conditional approval of the plat has not been satisfied. The encroachments noted of power lines/poles, trees, and fences existed during

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1921 E Overland Road
Meridian, ID 83642
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BILLINGS
6780 Trade Center Avenue
Billings, MT 59101
Ph: (406) 652-5000
F: (406) 248-1363

GREAT FALLS
702 2nd Street Ste #2
Great Falls, MT 59405
Ph: (406) 952-1109

SPOKANE
10220 N Nevada Street
Suite 130
Spokane, WA 99218
Ph: (509) 413-1430



the original platting of the land. It is not unusual for encroachments to occur or for power lines to be relocated to facility roadway or alley improvements. Situation. The gravel surface proposed would not allow for safe travel of vehicles in direction at the same time. A wider roadway section in accordance with 11.4.8.B is necessary.

Per City code 11-2-1, alleys provide secondary access to the back or side of a property, per the attached exhibit and plat, the front lot line (shortest length for lots 2A and 3A would be Walnut Street and Chestnut Street respectively. Clarification as to whether roadway improvements are intended or if a request for primary access from the Alley is sought. This clarification would aid in the discussion of whether a 20-foot-wide section is warranted.

Sincerely,

Great West Engineering, Inc.

A handwritten signature in blue ink that reads "Andrew Kimmel".

Andrew Kimmel, PE
Contract City Engineer for the City

Archived: Wednesday, February 12, 2025 4:33:22 PM

From: [Sarah Gardner](#)

Mail received time: Wed, 12 Feb 2025 16:05:29

Sent: Wednesday, February 12, 2025 9:05:30 AM

To: [Brian Parker](#) [Brett Stevenson](#) [John Wright](#) [Matt Thornton](#)

Subject: Myers proposal 2/18/25

Importance: Normal

Sensitivity: None

Good morning,

In July 2024 the triangle irrigation district reviewed the Myers proposal which is coming before the city of Bellevue on February 18. Below is a preliminary understanding of the project at that time.

We have not seen the final design plans and want to remind the city of Bellevue that we must approve any projects in the districts right of way.

Please keep us informed as this goes forward.

Sarah Gardner

Triangle Irrigation District

Diversion 45 Right of Way

Agreement only for Bellevue lots 1-6 Block 96, east bank of canal

Overview:

These six lots have the Diversion 45 canal running through the middle of them. The east bank of the canal rises from the bottom of the canal up to street level. It is characterized by a largely inaccessible sloughing bank. State statute allows the irrigation district to determine the width of the right-of-way it needs on either side of the canal. Any encroachment into that ROW requires written permission from the District.

In this case, at this location, no encroachment has ever been allowed between the water and the top of the bank.

Agreement:

At the location stated above, the two irrigation districts, Triangle Irrigation District and the Wood River Valley Irrigation District 45, are willing to allow permanent construction in the form of a retaining wall or building, to be placed no closer than 14 feet in parallel to the east mean high water mark. No other type of encroachment will be allowed. No portion of the construction may extend into that 14 foot space above the high water level.

Conditions:

The owner must first have the construction designed by a competent engineer to be appropriate for this steep loose bank. They must present this plan to the irrigation districts for a review by the district's engineers, before they can proceed with the work.

In addition, the owner must leave the bank between the construction and the high watermark with a leveled terrace, which is 4 feet above the High Water mark and running parallel to the water for the length of the construction. Steps must be taken so that the terrace never becomes eroded or sloughs off towards the bottom of the canal. It would be preferred that the terrace has a width of roughly 10 to 12 feet, runs along the foot of the wall, and the west side of the terrace slopes towards the water.

It will then become the responsibility of the owner to maintain the integrity of both the construction and the terrace.