

RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340

(Space above line for Recorder's use)

Instrument # 491532

HAILEY, BLAINE, IDAHO
2003-09-17 09:36:00 No. of Pages: 17
Recorded for : GALENA ENGINEERING
MARSHA RIEMANN Fee: 51.00
Ex-Officio Recorder Deputy
Index to: AGREEMENTCORRECTION

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
(Griffin Ranch Subdivision P.U.D.)**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (the "First Amendment") is made as of the date of the last signature hereto, by and between GGA LIMITED LIABILITY CO., a Washington limited liability company qualified to do business in the State of Idaho ("GGA"), and BLAINE COUNTY, IDAHO, a body politic (the "County").

Recitals

A. On November 21, 1997, the County, through its Board of County Commissioners, issued its Findings of Fact, Conclusions of Law & Decision, unanimously approving, with certain conditions, pursuant to the provisions of the Blaine County Subdivision Ordinance encoded at Title 10 of the Blaine County Code (the "Subdivision Ordinance"), the Preliminary Plat of the resubdivision of Lots 1 through 4 of Griffin Ranch Subdivision into Griffin Ranch Subdivision P.U.D. (the "PUD").

B. On April 28, 1998, the County, through its Board of County Commissioners, issued its Findings of Fact, Conclusions of Law & Decision, unanimously approving, with certain conditions, pursuant to the provisions of the Subdivision Ordinance, the Final Plat of Phase 1 of the PUD.

C. The parties, desiring to provide for the orderly development of the three phases of the PUD, entered into that certain Development Agreement dated April 28, 1998 and recorded May 8, 1998 as Instrument No. 414013, records of Blaine County, Idaho (the "Agreement").

D. On July 7, 2003, the County, through its Board of County Commissioners, issued its Findings of Fact, Conclusions of Law & Decision, unanimously approving, with certain conditions, pursuant to the provisions of the Subdivision Ordinance, the Final Plat of Phases 2 and 3 of the PUD (the "Decision"). Copies of the Decision and Final Plat for Phases 2 and 3 are attached hereto as Exhibits 1 and 2, respectively, and incorporated herein by this reference.

E. The parties desire to amend the Agreement to comply with and implement certain of the terms and conditions of the Decision.

Agreement

1. **Incorporation of Recitals.** The Recitals set forth above are an integral part of this First Amendment and are fully incorporated herein by this reference.

2. **Additional Lots in Phase 2.** The Preliminary Plat for the PUD provides for 54 single family residential lots. The Decision allows the addition of 2 single family residential lots in Phase 2 in return for the payment by GGA to the County of \$75,000 to be applied toward the purchase of certain lands along the Big Wood River within Blaine County to be preserved and protected as a park and open space. GGA shall make this payment on or before October 15, 2003.

3. **Amendments.**

A. Paragraph 5.C.iii of the Agreement is amended to read as follows:

C. GGA shall, prior to recording the Final Plat for Phase 2, do the following:

...
iii. Obtain from the Idaho Department of Water Resources one or more permits for the water rights for the central domestic water system providing for the diversion of a total of not more than 0.67 cfs of potable water for domestic purposes to all thirty-five (35) lots within Phases 2 and 3.

B. Pages 2 and 3 of Exhibit C to the Agreement which set forth the required improvements for Phases 2 and 3, respectively, are deleted and replaced with the four (4) pages of Exhibit C - Phasing Plan, attached hereto and incorporated herein by this reference.

4. **Captions and Headings.** The captions and headings in this First Amendment are for reference only and shall not be deemed to define or limit the scope or intent of any of the terms, covenants, conditions or agreements contained herein.

5. **Recordation.** This First Amendment shall be recorded in the office of the Blaine County Recorder.

6. **Compliance with Decision.** GGA shall comply fully with the requirements of the Decision, including all conditions of approval stated therein.

7. **Other Terms and Conditions.** All the other terms and conditions of the Agreement shall remain the same and in full force and effect.

EXECUTED by the parties on the dates set forth below.

GGA LIMITED LIABILITY CO., a Washington
limited liability Company

Date: 8/13/03

By: *James S. Griffin*
James S. Griffin, Member

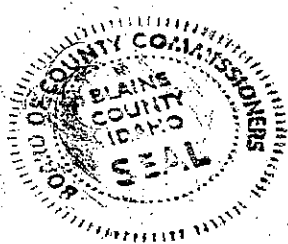
BLAINE COUNTY, IDAHO
A Body Politic

Date: 9/16/03

By: *Dennis Wright*
Dennis Wright, Commissioner and Chairman

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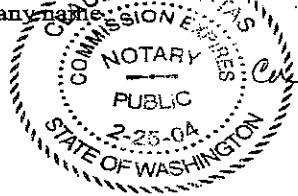
ATTEST
Marsha Riemann
MARSHA RIEMANN
CLERK OF THE COURT



STATE OF WASHINGTON)

) ss.
County of Pierce)

On this 11th day of August, 2003, before me, the undersigned notary public in and for said state, personally appeared James S. Griffin, known or identified to me to be one of the members of GGA LIMITED LIABILITY CO., and the member who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.



Claudia J. Kotas
Notary Public for Washington
Residing at: Jacoma
Commission expires: 2-25-04

STATE OF IDAHO)
) ss.
County of Blaine)

On this 16 day of August, 2003, before me, the undersigned, a notary public in and for said state, personally appeared Dennis Wright, known or identified to me to be a county commissioner of BLAINE COUNTY, IDAHO, the county that executed the within instrument, and acknowledged to me that such county executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Connie Whitworth
Notary Public for Idaho
Residing at: Corey Idaho
Comm. Expires: 9-21-2006

**BLAINE COUNTY BOARD OF COMMISSIONERS
PHASE II & III, HEARINGS - 2/3, 3/3, 4/14 & 5/19, 2003**

REGARDING AN APPLICATION TO:

Phases II & III of the Griffin Ranch
PUD by vacating and resubdividing Lots
1A & 2B of the Griffin Ranch Subdivision
into thirty-five (35) new lots.

Findings of Fact, Conclusions of Law & Decision

REQUESTED ACTION: The applicant, GGA Limited Liability Co., proposes to vacate and resubdivide Lots 1A & 2B (approx. 158 acres north of Griffin Ranch Rd.) of Phase I of the Griffin Ranch PUD into a Phase II subdivision and a Phase III subdivision. **Phase II** includes five non-residential parcels totaling approx. 45 acres and **23 residential lots** ranging in size from approx. 1 to 1.2 acres. **Phase III** includes two non-residential parcels totaling approx. 27 acres and **12 new residential lots** ranging in size from approx. 1 to 14.1 acres. The property is located approx. **two miles south of Bellevue and east of Gannett Rd.** in Sections 7, 8 & 18, T1N, R19E, B.M. and is zoned five acre residential (R-5) and unproductive agriculture (A-10) with avalanche and mountain overlay zoning.

APPLICABLE REGULATIONS:

Title 8:	Ch. 1 (Comp. Plan)
Title 10:	Chs. 1-6
Title 9:	Chs. 1-4, 6, 7, 21 & 22

I. GENERAL BACKGROUND

1. The Board found the notice for the February 3 public hearing on Phase II to be faulty. While every requirement of the state or county code was met. A cancellation notice for a city hearing on the evening of February 3 was posted at all the entrances to the court house prior to this PUD hearing. One member of the public testified that she knew of a person that thought that this cancellation notice applied to the Griffin Ranch PUD hearing and consequently did not attend. As a result, the Board determined that a second, fully noticed hearing on Phase II was necessary.
2. Notice for the March 3 public hearing on Phase II was:
 - a. published in the Idaho Mountain Express on February 12, 2003;
 - b. sent to all property owners within 300' of the boundaries of Lot 1A & 2B on February 11;
 - c. sent to all property owners within both the original Griffin Ranch Subdivision and Phase I of this PUD on February 11;
 - d. sent to all Blaine County political subdivisions and area media on February 10; and
 - e. posted at the entrance to the subject property on February 17.
3. Notice for the April 14, public hearing on Phases II & III was:
 - a. published in the Idaho Mountain Express on March 26, 2003;
 - b. sent to all property owners within 300' of the boundaries of Lot 1A & 2B on March 25;
 - c. sent to all property owners within both the original Griffin Ranch Subdivision and Phase I of this PUD on March 25;
 - d. sent to all Blaine Co. political subdivisions and area media on March 24; and
 - e. posted at the entrance to the subject property on March 28, 2003.

I. GENERAL BACKGROUND Cont.

4. Notice for the May 19 public hearing on Phases II & III was:
 - a. published in the Idaho Mountain Express on April 30, 2003;
 - b. sent to all property owners within 300' of the boundaries of Lot 1A & 2B on April 28;
 - c. sent to all property owners within both the original Griffin Ranch Subdivision and Phase I of this PUD on April 28;
 - d. sent to all Blaine Co. political subdivisions and area media on April 28; and
 - e. posted at the entrance to the subject property on May 5.
5. The record submitted to the Board for review includes:
 - A. a 7 sheet site plan for Phases II & III dated "March 2003";
 - B. a three page final plat map of Phase II dated July, 2002;
 - C. plans dated January, 2003 for the central fire/irrigation and domestic water system in Ph. II and part of Ph. III;
 - D. the preliminary findings, conclusions and decision for all 3 phases dated 11/21/97;
 - E. a large preliminary site plan for all three phases dated August 18, 1997;
 - F. the PUD development agreement dated April 28, 1998 with:
 - Exh. A: a small, approved preliminary plat for all three phases dated 8/18/97;
 - Exh. B: Phase I Final Plat Findings, Conclusions & Decision dated 4/28/98; and
 - Exh. C: the phased improvement plan dated 4/30/98.
 - G. by reference, all the preliminary application materials set out in Section I(10) A-J of the Board's Preliminary Findings, Conclusions and Decision.
 - H. the C,C & Rs for the Griffin Ranch Subd. and the PUD, Phase I; plus a joint operating agreement between the two in effect as of Feb., 2003;
 - I. excerpts from the applicant's February 2003 Demonstration of Technical, Financial, and Managerial Capacity for the Domestic Water Supply as submitted to the Department of Environmental Quality;
 - J. a copy of the Idaho Administrative Code provisions relating to the Demonstration of Technical, Financial and Managerial Capacity of Public Drinking Water Systems (IDAPA §58.01.08(549);
 - K. a copy of the March 13 domestic water system approval letter from Greg Misbach of the Dept. of Environmental Quality;
 - L. a two-page letter from Jim Speck to the Board dated March 13, 2003 relating to the status of the water rights for Griffin Ranch;
 - M. three letters dated 5/2, 4/21 & 4/16/03 from Jim Speck related to the permit application for additional water rights for two lots;
 - N. a two-page letter from Jim Speck to the Board dated April 9, 2003 relating to Phase I, its homeowners' assoc. and voting to construct certain improvements;
 - O. a seven-page letter from Jim Speck to the Board dated April 18, 2003 relating to Ph. II & III improvements and concluding the hearing process;
 - P. Agency responses from: Jim Koonce, the co. engineer dated 1/16/03; the W. R. Rural Fire Dist. dated 1/14 and 4/14/03; DEQ dated July 17, 2002; IDWR dated 12/10/2002 & verbal remarks from Bob Erickson of the Health Dist dated 4/8/03;
 - Q. Comments from Comm. Wright dated 4/9/03 to the other board members;
 - R. Comments from Comm. Mix dated 5/19/03 to the other board members; and
 - S. a one page letter from Steven Yearsley of Forsgren Assoc. dated May 15 relating to the capitalization of the domestic water system;
 - T. a two page letter from Tim Graves to Diane Shipman dated March 21, 2003 relating to the Phase II final plat consideration;
 - U.. copy of a weed abatement contract for Phases II & III;
 - V. a map of the proposed Horse and Maintenance Facility on Parcel C2, Ph. I;
 - W. an operating budget for the PUD horse facilities; and
 - X. plans for the proposed 20' x 24' paddocks on Parcel C2.

I. GENERAL BACKGROUND Cont.

6. Written public comments submitted to the Board for review include:
- | | |
|----------------------------|---|
| Benson, Chris & Sarah | 3 ltrs., dated 4/7/03; 3/28/03 & undated but received 3/3/03 |
| Bergin, Teresa | ltr. Dated 4/14/03 |
| Bianchard, Tom & Florence | ltr. dated 4/1/03 |
| Bolan, Bud | ltr. dated 2/28/03 |
| Bowman, Michael S. | 3 ltrs. dated 3/28/03 & undated but received 3/3/03 & 2/24/03 |
| Brauner, Beverly | 2 ltrs. dated 3/28/03 & undated but received 3/3/03 |
| Dotur, David & Marlene | ltr. dated 3/28/03 & 3/3/03 |
| Dahl, Melanie | ltr. dated 4/8/03 |
| Haywood, Jerry & Stephanie | ltr. dated 3/28/03 |
| Hoving, Donna | 2 ltrs. dated 3/28/03 & 3/2/03 |
| Johnson, Thomas | ltr. dated 3/28/03 |
| Johnson, Linda & Houck, C. | ltr. dated 4/10/03 |
| Lato, R. & Stewart, M. | ltr. dated 3/28/03 |
| Masiak, Mark | ltr. dated 3/28/03 |
| Murar, Kevin | 2 ltrs. dated 4/9/03 & 3/28/03 |
| Northern, Carmen | ltr. dated 3/28/03 |
| Northern, Edward & Carmen | ltr. undated but received 3/3/03 |
| Petersen, G. Chapman | ltr. dated 10/9/03 |
| Shipman, Diane | 3 ltrs. dated 4/8/03; 3/28/03 & 2/27/03 |
| Torres, James C. | ltr. dated 3/28/03 |
| Wood River Land Trust | ltr. dated 4/1/03 |

II. BOARD ACTION on PHASE II and III

The Board, according to the requirements for final plats set out in §10-4-5(B)2 of the subdivision regulations, should determine a schedule for the development of the final phases of this PUD. In that regard, note that "any phase not completed within five (5) years of approval of the final plat [presumably of Phase I] shall be required to meet any changes in (the County's Code) enacted since the original approval."

Findings of Fact: All three phases of this PUD were granted preliminary approval in October of 1997. Section 5 of the Development Agreement addresses the schedule and terms for the development of the final two phases of this PUD. Among its other provisions, it establishes November 15, 2004 as the deadline for recording the final plat for Phases II and III. Only if this filing deadline is not met, will Phase III be subject to modifications to the Comp. Plan, the Subdivision Regs. or the Zoning Regs. enacted subsequent to April, 1998, the date of the final approval of Phase I and the Development Agreement.

Conclusion: Based on these findings, the Board concludes that this application, as conditioned, complies with this criteria.

Pursuant to §10-4-5(E) of the subdivision regulations, the Board, at the final plat application hearing, shall consider the final plat. As part of that consideration, the Board shall:

1. consider recommendations, if any, from the Commission:

Finding of Fact: The Board did not request Commission review of the Phase I final or the final plats of Phase II or Phase III.

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II. BOARD ACTION Cont. **§10-4-5(E) Cont.**

2. determine whether the final plat conforms to the conditions required on the preliminary plat:

Findings of Fact: Except to the extent that they are modified by this decision, the Board of Commissioners' Preliminary Findings, Conclusions and Decision, signed on November 21, 1997 are hereby restated and reaffirmed. The required conditions of preliminary approval for all three phases are set out on pages 10-12 of the attached preliminary decision and in Section 5 of the Development Agreement.

Of the six preliminary conditions required pursuant to §10-6-8(B) (*a code section that has not changed since '97*), this final plat has adequately addressed four of them (i.e. #2, 4, 5 & 6). #1 requires a water system that complies with Idaho Dept. of Health & Welfare and Health District Standards. All lots are now included in the centralized, domestic system. The state has granted preliminary approval of the design and a permit to drill the well and proceed with construction. An "as-built" review will also occur before final approval.

Condition #3 requires uses of least intensity and greatest compatibility with adjacent uses around the PUD's perimeter. This occurred in Phase I. Phase II and III are surrounded by open space parcels of various sizes. They separate the lots from the access roads and the hillside areas. At the preliminary stage, four two acre lots along the northern boundary of Phase II were required in order to make those lots less dense and more compatible with the adjacent agricultural use. Since then, this adjacent lot is now six years closer to some type of residential development. No sale has been consummated, but this residentially-zoned land is more likely to see development than it was in 1997. As a result, the addition of two lots to this area in Phase II, preliminarily approved for residential lots, is only marginally less compatible with the current zoning and future adjacent uses than it was at the preliminary stage.

Of the twelve other preliminary conditions required pursuant to §10-9-10 (*a code section that also has not changed since '97*), the applicant has satisfied at least six of them (i.e. #1, 5, 7, 9, 10 & 11). One condition (#2) was only relevant to Phase I improvements and is replaced by a similar condition relating to Phases II and III (See the required phasing plan improvements attached to the First Amendment to the Development Agreement, Exhibit C.).

Condition #3 requires compliance with all county road construction specifications. The applicant's engineer, shall certify that the new roads comply with all applicable standards. #4 requires payment of all county engineering fees. As part of any final inspections, newly incurred fees shall be paid. #6 requires modification of C,C&Rs to bring them into conformance with this approval. This will need to be satisfied prior to recordation.

Condition #8 requires completion of all improvements in the original subdivision. This occurred. To update this note, it should now require completion of all improvements required in the 1998 approval of Phase I. In the original subdivision, weeds along Sterling Dr. have become a problem. The contract for weed control should be expanded to include this area. With the additional work on Griffin Ranch Rd. through Phase I; and the installation of the park amenities and landscaping, the applicant has completed the improvements required of Phase I. Accordingly, the funds currently being held by the county in bond accounts will be released.

Condition #12 limits the size of the new water right for the domestic system. The permit, even with the pending approval of two additional lots, will not exceed this limit. #13 sets out the twenty required plat notes. Thirteen of these are included as required. Plat Note #3 should add the Homeowners' Association as an additional party responsible for weed control since the association has not done a satisfactory job of controlling weeds along its roadways in the original subdivision or Phase I of the PUD.

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II. BOARD ACTION Cont.
§10-4-5(E)2 Cont.

Five others (i.e. #5-8 & 15) were modified at the Phase I final plat approval or prior to recordation. These minor changes shall continue to apply to the notes on the Phase II & III plats as well.

Note #4, the typical private road note, needs to be modified to address the unique, private-but-may-become-public nature of Wyatt Dr. and #20 in the final replaces #19 in the preliminary decision. As to the latter, the original Note 19 referred to well locations. They were indicated on the plat map instead, and a note was added as part of the Phase I final plat about the types of impact fees that could be assessed against lot owners in this PUD, i.e. only fees unrelated to roads or recreation since GGA has already made contributions to both public services.

As to #4, this note says that the roads are all private, and the county is not obligated to maintain, improve or accept these roads. A small portion of Griffin Ranch Rd. and Wyatt Dr. run from Gannett Rd. to the adjacent Peterson property to the north. The applicant wishes to dedicate to the public this portion of roadway. Until development occurs on this adjacent property, the county is not interested in accepting this offer of dedication. However, it does recognize a possible, future need with development to the north and wishes to reserve the option of accepting this stretch of roadway at some later date. Accordingly, this plat note and probably the plat map should clearly show this future possibility. Among other reasons, this would provide notice to future lot owners fronting this street that a change in status, at the county's option and without a petition from them or their association, could occur. [See Condition #15 for the specific note language.]

The final plat approval of Phase I added three further conditions (see page 4, Exhibit B of the development agreement). Two of them were technical platting requirements relating to the details of any final plat. The third one was an addition to the fire protection note (See the last sentence of Note 5). All of these shall carry forward to the Phase II and III plats as well.

Pursuant to Section 5(C) of the Griffin Ranch PUD Subdivision Development Agreement: GGA, prior to recording the final plat for Phase II, needs to:

- I. complete, or post an appropriate security for the completion of the improvements described in the phasing plan;
- II. pay to the Blaine County Recreation District the sum of \$34,763.00 (adjusted from \$31,111.00 per the formula set out in paragraph 23); and
- III. obtain a water rights permit for no more than .67 cfs from IDWR for the central domestic water system that will serve both Phases II and III. *[IDWR approved permit #37-20794 in December for .42 cfs. An additional right for five additional lots (two new & three by eastward expansion of the system) of .15 cfs is scheduled for a July approval.]*

Pursuant to Section 5(D) of the Griffin Ranch PUD Subdivision Development Agreement: GGA, prior to recording the final plat for Phase III, needs to:

- I. complete, or post an appropriate security for the completion of, the improvements described in the phasing plan (and as subsequently revised, i.e. by expansion to or upgrades of the water system); and
- II. pay to the Blaine County Recreation District the sum of \$21,520.00 (adjusted from \$19,259.00 per the formula set out in paragraph 23).

Conclusion: Based on these findings and conditions, the Board concludes that this application complies with this criteria.

II. BOARD ACTION Cont.

§10-4-5(E) Cont.

3. Determine whether the final plat conforms to the regulations of Title 10:

Findings of Fact: As set out in the Preliminary Findings, Conclusions and Decision, all the preliminary plat requirements of Title 10 (including the PUD requirements) were adequately addressed at that point. Those requirements, as they apply to this project, have not changed.

As long as the final plats for Phases II and III satisfies the final plat requirements and conditions set out in this decision and, prior to recordation, those in §10-4-5(G), these final plats will conform to the applicable final plat regulations in Title 10.

4. Determine whether the final plat conforms to policies of the comprehensive plan:

Findings of Fact: The findings regarding the comprehensive plan policies made on page 3 of the Board's preliminary findings are hereby restated and reaffirmed. These final plats include two significant changes from the preliminary: the roads were changed from public to private and two lots were added along the northern boundary in return for a contribution to riverfront preservation. The Board also requested two other important changes: a larger setback around the community wells and increases in the capitalization of the community water system. These changes are in accordance with the general policies of the Comprehensive Plan.

5. Determine whether the final plat conforms to provisions for the public health, safety and general welfare:

Findings of Fact: The addition of the four easternmost lots in Phase III into the community water system will better protect the public's health, safety and general welfare. The adequate capitalization of the community water system better protects the health, safety and general welfare of the future homeowners. The requirement that all septic systems be located at least 150' from the two community water system wells will better (and the county hopes adequately) protect the public's health, safety and general welfare. The private maintenance of roads within Phases II and III, where there is no compelling reason to accept a dedication of those road to the public, protects the public welfare by not increasing public road maintenance costs. Finally, the transfer of density from a relatively undisturbed riverfront location where development is possible but does not promote any public health, safety or general welfare goals to a location where it has almost no measurable impact on the public health, safety or general welfare conforms with this criteria.

Provided the applicant satisfies the remaining final plat criteria, all preliminary and final conditions of approval and the requirements of §10-5-1(H) [engineers review] and §10-5-11 [monumentation] of the Subdivision Code, these final plats will satisfy the county's provisions for the public health, safety and general welfare, specifically including the subdivision and zoning regulations; the policies of the Comp. Plan; and any other relevant provisions of the state or county codes.

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II. BOARD ACTION Cont.
§10-4-5(E)5 Cont.

5. Consider the need for any improvement bonding:

Findings of Fact: The Board's preliminary decision required the applicant to complete various improvements as part of Phase II (see the Development Agreement & the attached Exhibit C). The applicant will need to verify that these have been adequately completed prior to recording Phase II or financially guarantee their completion pursuant to the

requirements of §10-5-1(E). Currently, the plan is to complete all of them prior to recordation.

In addition, the Board's preliminary decision required the applicant to complete various improvements as part of Phase III (see the Development Agreement & the attached Exhibit C). The applicant will need to verify that these have been adequately completed prior to recording Phase III or financially guarantee their completion pursuant to the requirements of §10-5-1(E). Currently, the plan is to complete all of the Phase III improvements prior the recordation of Phase III. As a result, no bonding for any improvements is expected.

III. DECISION & CONDITIONS

A) Having considered the information on notice in Sections I(1)-(4) above, the Board hereby finds that the notice of the public hearings for both Phases II & III on April 14 and May 19 adequately satisfies Idaho=s law and Blaine County=s Code.

B) Having considered the final plat application for Phases II & III, the information presented and the above criteria, the Board approves these final plat applications, subject to the following conditions. The applicant shall:

1. satisfy all applicable conditions of preliminary approval (see Attachment #1) except as modified or supplemented by other conditions in this decision and its attachments;
2. satisfy the conditions of approval attached to the Phase I final plat, i.e.:
 - a. satisfy the requirements of §10-4-5(H) [engineers review, formerly §10-5-1((G)&(H))] and §10-4-6(J)[monumentation, formerly §10-5-11]; and
 - b. obtain fire district approval of all emergency access roads, turn-around and flow testing of fire protection systems upon completion of each phase of this PUD.
3. comply with all provisions in the Development Agreement for Phase II and III except those modified or supplemented by other conditions in this decision and included in the First Amendment to the Develop. Agreement (see Attachment #2);
4. increase the septic setback around the community wells on Parcel F to 150 feet;
5. tie these plats into the county's survey control network pursuant to Res. 2002-54;
6. carry-out the noxious weed abatement plan in the roadway barrow areas of the original subdivision and Phase I and in all areas of infestation in Phases II and III;
7. obtain fire district approval of a turnaround on or near Lot 18;
8. pay \$75,000.00 to Blaine County by October 15, 2003 for purchasing development rights along the Big Wood River between Star Bridge and Glendale Bridge in return for permission to develop two additional lots along the northern edge of Phase II;
9. amend the building envelop on Lot 18 to only those areas below either the identified 15% siopeline or the 5090' elevation line or both;
10. include all Phase II and III lots in the community water system;
11. pay \$5000.00 at the time of recordation to the Homeowners' Association, as seed money for the community water system's capital maintenance budget and on January 1 for each of the next five years provide the Blaine County Planning Office a copy of the Homeowners' Assoc. financial reports on the community water system.
12. assess each lot a \$500.00 "hook-up" fee when they connect to the community water system and deposit that money into the capital maintenance budget for that water system;

III. DECISION & CONDITIONS Cont.

The applicant shall:

13. verify to the county, prior to the recordation of Phase III, that all water system improvements (both irrigation/fire and domestic) continue to meet all state or fire district requirements;
14. verify to the county, prior to the recordation of Phase III, that all road improvements continue to meet all county or fire district requirements;

III. DECISION & CONDITIONS Cont.

The applicant shall:

13. verify to the county, prior to the recordation of Phase III, that all water system improvements (both irrigation/fire and domestic) continue to meet all state or fire district requirements;
14. verify to the county, prior to the recordation of Phase III, that all road improvements continue to meet all county or fire district requirements;
15. duplicate on both the Phase II and III plats all plat notes on the Phase I plat except to the extent that existing plat notes are modified or new ones are required as follows:
 - Revise #6 by adding: "On Lots 17 or 18, no structures shall exceed 24' in height from the natural grade."
 - Revise #8 by adding: "except on Parcel C1, no water rights shall be used ponds or other water impoundment structures."
 - Revise #8 further by adding: "Costs for the operation and maintenance of the irrigation/fire protection water system shall be assessed to lot owners based upon the maximum number of irrigable acres on each lot whether or not the irrigation water is used."
 - Revise # 10 by adding: "No livestock shall be located on Parcel F or within the 150 ft. setback from the wells located on Parcel F as shown on the plat."
 - Add # 4A to read: Though Wyatt Dr. and the ~~eastern~~ portion of Griffin Ranch Rd. (from Gannett Rd. to Wyatt Dr.) are currently private roads, Blaine County reserves along this length and width of roadway an option to accept GGA's offer of dedication to the public. This option shall be exercisable upon the subdivision of the property to the north of the Wyatt Dr. and Phase II of the Griffin Ranch PUD Subdivision. This option to accept this roadway shall be confirmed by the county and declared to be open for public travel pursuant to Idaho Code §50-1313 only after a fully noticed public hearing before the Board of County Commissioners.
16. identify on the plat map, in addition to Note 4A, Wyatt Dr. and the eastern portion of Griffin Ranch Rd. (from Gannett Rd. to Wyatt Dr.) with some type of "private with public option" notation.

IT IS SO ORDERED, on this 7 day of July, 2003.

BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS

By: 

Board Chair

CERTIFICATE OF MAILING

The undersigned, being over eighteen years of age, a resident of Blaine County, Idaho, and not a party to the above-entitled action, certifies that on the 7th day of June, 2003, he/she served a true and correct copy of the foregoing document by depositing the same in the United States mail with postage prepaid addressed as follows:

GGA, LLC
P.O. Box 73669
Puyallup, WA 98373

Jim Speck
Speck & Aanstad P.C.
P.O. Box 987
Ketchum ID 83340

Dick Fosbury
Galena Eng.
P.O. Box 425
Ketchum ID 83340


Planning Office Staff

LEGEND

- Phase line
- Subdivision Boundary
- Adjoining Lot Line
- Lot Line
- Centerline of Right-of-way
- Section Line
- Easement, width as shown
- Building Envelope
- Previous Lot Line
- Blue Avalanche Line
- Red Avalanche Line
- 15% Slope Line
- 25% Slope Line
- Blue Avalanche Zone
- Red Avalanche Zone
- Found Brass Cap
- Found 5/8" Rebar
- Found 1/2" Rebar

SCALE: 1" = 400'

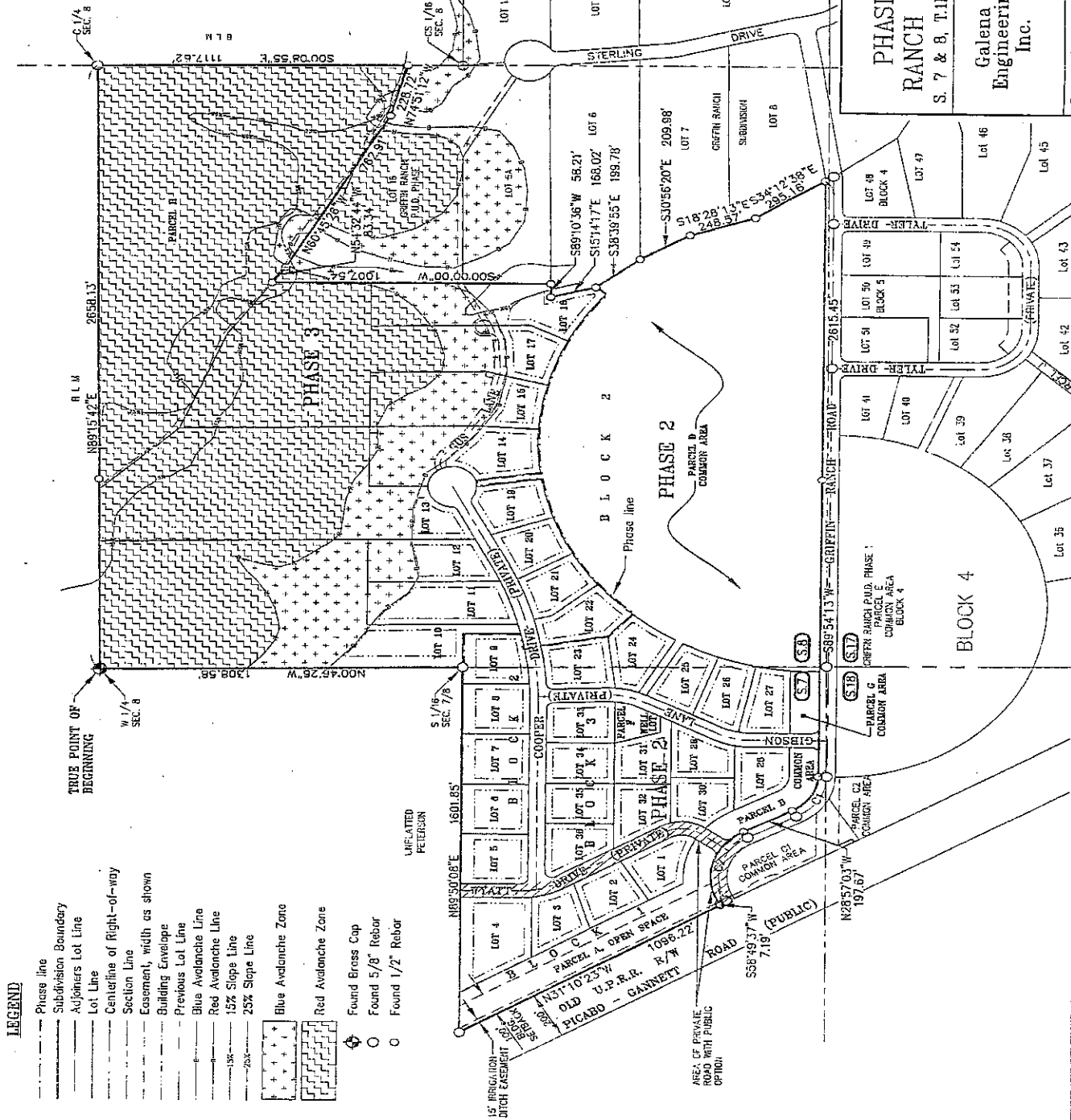
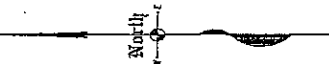


Exhibit 2 PHASE 2 & 3 GRIFFIN RANCH P.U.D. SUBDIVISION

S. 7 & 8, T.1N., R.19E., E.M. BLAINE CO., IDAHO

Galena Engineering Inc.

Civil Engineers & Land Surveyors
680 Second Avenue North
P.O. Box 425
Ketchum, Idaho 83340
(200) 728-4729
(200) 728-4783 fax
email galena@galena-engineering.com

Drawn: KMLJ 08/11/03 #3663-13 Sheet 1 of 1

EXHIBIT C - PHASING PLAN (Revised 9/09/03)

RECEIVED

SEP 10 2003

BLAINE COUNTY
PLANNING & ZONING/BUILDING**PHASE II IMPROVEMENTS****A. ROAD RELATED IMPROVEMENTS**

	LINEAR FEET	SQUARE FEET	QUANTITY
1. WYATT DRIVE - 28' SIDE TO SIDE W/26' ASPHALT	850		
2. COOPER DRIVE - 28' SIDE TO SIDE W/22' ASPHALT	1150		
3. GIBSON LANE - 28' SIDE TO SIDE W/22' ASPHALT	1075		
4. GRIFFIN RANCH ROAD - 28' SIDE TO SIDE W/22' ASPHALT (ENTRANCE TO GIBSON DRIVE)	925		
5. STREET & ROAD SIGNAGE			4
6. STORM DRAIN CULVERTS	50		3
7. ROAD MITIGATION @ \$25,383.00 [paid on 11/15/99]			1
8. POST-CONSTRUCTION REVEGETATION			
Parcel C-1			\$250.00
Lot 16A			\$350.00
PHASE II ROADS			\$1,800.00

B. FIRE IRRIGATION INFRASTRUCTURE (23 LOTS)

1. WATER MAIN	3485		
2. FIRE HYDRANTS			5
3. IRRIGATION LOT SERVICES			23
4. CONNECTION TO EXISTING MAINS			2

C. UNDERGROUND UTILITY SERVICE EXTENSION

1. ELECTRIC 3 PHASE POWER TO WELL HOUSE	1100		
2. ELECTRIC 1 PHASE POWER TO SUBDIVISION	2650		
3. TELEPHONE	3750		
4. NATURAL GAS	3750		

EXHIBIT C - PHASING PLAN (Revised 9/09/03)

PHASE II IMPROVEMENTS (cont'd)

D. DOMESTIC WATER INFRASTRUCTURE (23 LOTS)

	LINEAR FEET	SQUARE FEET	QUANTITY
1. DOMESTIC WELLS			2
2. WELL HOUSE			1
3. DOMESTIC WATER SERVICE			23
4. DOMESTIC WATER MAIN	3450		

E. RECREATION & OPEN SPACE

1. OFF-SITE RECREATION IMPROVEMENTS = \$34,736.00			
2. PARCEL A: (DEDICATE 4.0 ACRES)			
CLEAN-UP COTTONWOODS ALONG CANAL			1
POST & POLE FENCING @ ENTRY AREA	400		
WIRE FENCING ALONG CANAL	1100		
HYDROSEED NATIVE GRASSES		20000	
3. PARCEL B: (DEDICATE 1.3 ACRES)			
POST & POLE FENCING @ NORTH BOUNDARY	550		
HYDROSEED NATIVE GRASSES		30000	
4. PARCEL C1:			
RE-GRADING, HYDROSEED, TRESS, & IRRIGATION			1
5. PARCEL D: (DEDICATE 37.8 ACRES)			
POST & POLE FENCING OF HORSE TRAIL ACCESS	550		
6. PARCEL F: (DEDICATE 0.5 ACRES)			
POST & POLE FENCING @ NORTH BOUNDARY	525		
HYDROSEED NATIVE GRASSES		18000	
GRAVEL MAINTENANCE ACCESS			1
7. PARCEL G: (DEDICATE 0.6 ACRES)			
POST & POLE FENCING @ NORTH BOUNDARY	275		
HYDROSEED NATIVE GRASSES		28000	
PLANT TREES			5

EXHIBIT C - PHASING PLAN (Revised 9/09/03)

PHASE III IMPROVEMENTS

A. ROAD RELATED IMPROVEMENTS

	LINEAR FEET	SQUARE FEET	QUANTITY
1. COOPER DRIVE - 28' SIDE TO SIDE W/22' ASPHALT	1150		
2. STREET & ROAD SIGNAGE			1
3. STORM DRAIN CULVERTS	95		1
4. ROAD MITIGATION @ \$15,713 [paid on 11/15/99]			
5. POST-CONSTRUCTION REVEGETATION PHASE II ROADS			\$600.00

B. FIRE IRRIGATION INFRASTRUCTURE (12 LOTS)

1. WATER MAIN	2500		
2. FIRE HYDRANTS			2
3. IRRIGATION LOT SERVICES			12
4. CONNECTION TO EXISTING MAINS			1

C. UNDERGROUND UTILITY SERVICE EXTENSION

1. ELECTRIC 1 PHASE POWER TO SUBDIVISION	1600		
2. TELEPHONE	1600		
3. NATURAL GAS	1600		

D. DOMESTIC WATER INFRASTRUCTURE (12 LOTS)

1. DOMESTIC WATER SERVICE			12
2. DOMESTIC WATER MAIN	1200		

EXHIBIT C - PHASING PLAN (Revised 9/09/03)

PHASE III IMPROVEMENTS (cont'd)

E. RECREATION & OPEN SPACE

	LINEAR FEET	SQUARE FEET	QUANTITY
1. OFF-SITE RECREATION IMPROVEMENTS = \$21,520.00			
2. FOOTHILL TRAIL: DEDICATE 20 FOOT TRAIL EASEMENT			1
3 PARCEL D:			
INSTALL IRRIGATION PIVOT SYSTEM			
FENCE PERIMETER OF PIVOT (EXCLUDING FENCING ALONG ROAD)	3140		1
POST & POLE FENCING OF HORSE TRAIL ACCESS	500		
PARCEL H: DEDICATE 27.0 ACRES AS OPEN SPACE			1