

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
SPECIAL MEETING OF THE APRIL 2014 SESSION**

**Fifth Day**

**Tuesday, April 29, 2014**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Lawrence Schoen, Vice-Chairman Jacob Greenberg, Commissioner Angenie McCleary; County Administrator Derek Voss; County Clerk JoLynn Drage; Operations Director Char Nelson; and Recording Secretary Sunny Grant.

Chairman Schoen called the meeting to order at 9:01 a.m.

**PUBLIC COMMENT - None**

**BLAINE COUNTY COMMISSIONERS COMMENTS**

The BCC noted that former Mountain Rides Chairman Peter Everett passed away last week. Everett was a visionary who crafted public transit in Blaine County into a model local transportation provider.

Blaine County citizen Sunny Grant said she became recording secretary for Ketchum Area Rural Transit (KART) in 1991, and continued through its transformation into Mountain Rides in 2007. She said Beth Callister-Robrahn, who founded the Peak Bus, and Everett as chairman of KART/Mountain Rides, were a remarkable pair of individuals who turned the "impossible" into an incredible Blaine County success.

**EXECUTIVE SESSION – §67-2345 1(d) INDIGENT - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code**

Present were: Blaine County Indigent Services Director Brooke Roberson.

**McCleary moved, seconded by Greenberg, to convene in Executive Session pursuant to Idaho Code 67-2345 1(d) to consider indigent medical applications. Greenberg (aye), McCleary (aye); and Schoen (aye). Motion carried unanimously.**

**OPEN SESSION RESUMED**

**McCleary moved, seconded by Greenberg, to approve cancellation of hearing and final determination of denial in Application for Assistance #2013-103. Motion carried unanimously.**

**McCleary moved, seconded by Greenberg, to approve cancellation of hearing and final determination of denial in Application for Assistance #2013-104. Motion carried unanimously.**

**Operations Director - Char Nelson**

Also present: Blaine County Operations Administrative Assistant Lynn Timm.

- County staff discussed the timeline for the Old County Courthouse roof project with the construction management team.
- Pre-construction crew found historical items that will be preserved.
- The Adams Gulch Bridge received a Stream Alteration Permit from Idaho Department of Water Resources over a year ago. The permit is still good and doesn't need to be amended for small adjustments. The Department of Environmental Quality is currently in the public hearing stage until May 2.
- The BCC discussed and revised a draft Road and Bridge Levy informational brochure.

**County Administrator - Derek Voss**

- County departments have worked together to create a story-map on the Blaine County website outlining in pictures work that will be undertaken with proceeds from the Road and Bridge levy. If the levy passes, the County's road maintenance schedule will be published on the website.
- AIA contracts for Old County Courthouse project are under review.
- The BCC received a document summarizing and rating community response to the Beaver Creek fire and comparing it to other wildfire response. The BCC will review the report.

**CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration**

- **Paces Ferry, LLC / R. Christensen - Blaine County Security Agreement**

Also Present: Blaine County Code Compliance Specialist Diane Shay.

The BCC discussed the reseeding effort.

**McCleary moved, seconded by Greenberg, to approve the Paces Ferry, LLC / R. Christensen-Blaine County Security Agreement. Motion carried unanimously. .... Record #618473**

## **BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration**

### **National Forest Symposium – McCleary**

- The National Forest Symposium was well attended by representatives from all over the country and the National Association of Counties (NACo). One discussion was how to fund future Payment in Lieu of Taxes (PILT) payments, which is going to require broader support than just the counties who rely on PILT. One potential source for replacement moneys is the Land and Water Conservation Fund under the new Farm Bill, which has broad environmental support.
- NACo Western Interstate Region (WIR) are not scheduled to discuss states taking over management of federal lands.
- Current U.S. House and Senate bills propose requiring a cost-benefit analysis as part of the Endangered Species Act. There is a large number of new species that is anticipated to be listed, many of which are in southern states. If listed, there could be considerable expense to the counties where they are located.
- Some discussion of Boulder-White Clouds National Monument designation currently being considered took place.
- Attendees discussed the cost/benefit of attending seminars like this one.

### **Boulder-White Clouds National Monument Proposal Update – Schoen**

Also present: Sawtooth National Forest Ketchum District Ranger Kurt Nelson and Acting Sawtooth National Forest Supervisor Monte Williams.

The boundary in the National Monument designation proposal has been increased. Recreation industry businesses have been invited to discuss potential impacts on the economy. One BCC priority is that the Boulder-White Clouds be managed under one organization.

The Blaine County Commissioners and Custer County Commissioners will have two joint meetings to discuss the proposed Boulder-White Clouds National Monument designation. The first meeting is in Sun Valley, and will focus on economic impacts on both counties. Emergency service personnel have also been invited to attend.

### **Beaver Creek Fire Trail Closure Update**

- Sawtooth National Forest Ketchum District Ranger Kurt Nelson reported a new map and trail closure order is in effect.
- The aerial mulching seeding project will resume this spring.

### **Veterans Tribute Project – Schoen**

- The Blaine County Historical Museum is fiscal sponsor of the Veterans Tribute Project.
- The Veterans Tribute Project may need to incorporate and adopt by-laws. Further clarification of legal issues will be sought.
- The Veterans Tribute Project committee approved a draft Call for Artists and Request for Qualifications in 2012. The committee, having reconvened, is re-evaluating the RFQ, which included a not-to-exceed budget that one committee member feels is too high.

### **Hailey Chamber Meeting – Greenberg**

- The Hailey Chamber has not heard from promoters of the Music and Art Showcase Sun Valley (MASSV) event.
- Hailey's building permit applications are increasing.

### **St. Luke's Luncheon – Greenberg**

- St. Luke's Health System CEO reported on how St. Luke's business model will change as a result of their partnership with SelectHealth. The new business model will strive to make money by providing preventative health services to keep people out of the hospital vs. being reimbursed by insurance companies for providing care and tests to patients in the hospital.
- The BCC noted that SelectHealth, in partnership with St. Luke's, is an innovative approach to health insurance and might be worth considering for Blaine County's group health plan.

### **Snake River Juvenile Detention Center Joint Powers Advisory Board Meeting – McCleary**

Blaine County's detention days were up the last quarter of 2013 and first quarter of 2014, probably due to one or two serious incidents and not a trend toward more youth in detention. There continues to be a high number of youth with serious suicidal tendencies who require constant supervision.

### **Regional Behavioral Health Board Subcommittee – McCleary**

The Committee is looking to change its bylaws and membership structure to conform with recent legislation that goes into effect in July.

### **Idaho Chapter American Water Resources Association – McCleary**

- Commissioner McCleary participated in a panel to discuss post-fire flood mitigation efforts and issues.
- Blaine County is recognized statewide as a model of county and local government cooperating with state and federal agencies in post-fire flood mitigation.

- US Geological Survey can consider installing a Deer Creek stream gauge on a seasonal basis, which would reduce the cost from about \$10,000 to about \$5,000. The BCC can discuss this expense as a budget consideration for FY2015

#### **E-911 – McCleary**

Idaho 911 Emergency Communications Commission (IECC) is looking for representatives on their committees.

#### **US FOREST SERVICE PROJECT PROPOSALS for REGIONAL RESOURCE ADVISORY COMMITTEE, Discussion and Consideration**

Also present: Sawtooth National Forest Ketchum District Ranger Kurt Nelson; United States Forest Service Acting Supervisor Monte Williams; and *Mountain Express* reporter Greg Moore.

The Secure Rural Schools Act was authorized initially in 2006, and is considered for reauthorization every five years. Sawtooth National Forest Ketchum District Ranger Kurt Nelson has five possible projects to propose to the South Central Resource Advisory Committee (RAC), which has about \$120,000 for this year. Nelson submitted the proposals to the BCC for their support and prioritization.

- **Vault Toilet Vent Pipe Screens**

RAC funds requested \$1,500. Funds are also coming from Blaine County School District student WOW! contributions and are being requested from Central Idaho RAC and the Sawtooth Society.

A private citizen interested in wildlife and kids has spearheaded a project to cap toilet vent tubes in campgrounds and trailheads to protect birds and small animals from getting trapped in the tubes. This project would cap 80 toilet vents this summer, 17 of which are in Ketchum Ranger District.

- **Mule Creek Trail Reconstruction**

RAC funds request \$12,000. Additional funding from the Forest Service, grants and other partner sources.

The proposal is to relocate the existing trailhead about 2½ miles north to a location at the terminus of Headwaters Road #215, connecting a new single-track motorized trail to the trailhead. Project would address chronic deterioration of the existing trail, impacts to critical habitat and would improve parking.

- **Beaver Creek Fire Trails and Trailhead Reconstruction Project**

RAC funds requested \$11,500. Forest Service contribution is \$80,000; grants and other contributions total about \$120,000.

In the next few years, the Forest Service will reconstruct trails in the next few years that were damaged or obliterated by the Beaver Creek Fire. Northwest Youth Corps crews are scheduled to do trail work this summer and need a supervisor. Work will be focused on Greenhorn and Deer Creek areas.

- **Warm Springs Road Improvement**

RAC funds request \$12,500. Other funding from the Forest Service.

This is the third year of a seven-year work plan to repair and reconstruct portions of Warm Springs Road. The request is mostly for materials. Blaine County Road and Bridge and the Forest Service will both provide crews. McCleary noted that the BCC has received several comments this year from people who would like to see more road improvements on Warm Springs Road.

- **Lake Creek Enhancement Project**

RAC funds request \$5,000.

Improve riparian and stream habitat on Lake Creek, and improve youth fishing access for the local community and significant repairs are needed after the Beaver Creek fire.

The BCC supported all projects. The BCC will send a letter to the U.S. Forest Resource Service Advisory Committee prioritizing these projects, and highlighting the top three: the toilet vent pipe screen, Beaver Creek fire trails and trailhead reconstruction project, and Warm Springs Road improvement project. Greenberg questioned the ability to make improvements on Warm Springs Road, depending on whether the Blaine County Road and Bridge levy passes. McCleary noted an upcoming Forest Service/BLM/Bike Coalition/Recreation District public meeting to discuss trails.

#### **APPROVAL of BOARD of COUNTY COMMISSIONERS MEETING MINUTES**

- **Regular Meetings April 8 and April 22, 2014**
- **Special Meeting April 14, 2014**

McCleary moved, seconded by Greenberg, to approve the minutes of Blaine County Commissioners meetings of April 8, April 14, and April 22, 2014, as amended. Motion carried unanimously.

#### **AMEND AGENDA**

Greenberg moved, seconded by McCleary, to amend today's April 29, 2014 agenda to move the 3:30pm Land Use and Building Services Fleischer Plat Amendment Findings of Fact to 1:30 to allow the applicant to move forward as soon as possible. Motion carried unanimously.

## BREAK

### LAND USE AND BUILDING SERVICES, Discussion and Consideration

- **Findings of Fact: Plat Amendment**

Also Present: Blaine County Land Use Administrator Tom Bergin; County Zoning Specialist Nancy Cooley; and applicant's representative Garth McClure.

**Greenberg moved, seconded by Schoen, to approve the Findings of Fact, Conclusions of Law and Decision regarding the application of a modified building envelope on Lot 13, Stonegate Subdivision, by amending the plat. McCleary was not present for this item on the agenda. Motion carried 2/0.**

### LAND USE and BUILDING SERVICES HEARINGS

- **Goodell Variance and Plat Amendment:** Public hearing and consideration of two applications by Stu and Norie Goodell. Proposed is a Variance to allow a 14' encroachment into a public lands 30' wide setback and a 9' encroachment into the county's 25' wide side yard setback. The owners wish to plat a new, additional building envelope to allow for an accessory residential structure on Lot 1, Boulder Mountain Subdivision. The property is also known as 13513 SH 75. The 3.5 acre lot is zoned Rural Residential District (2.5). The proposed project area is free of hazard and overlay districts.

Also Present: Blaine County Land Use Administrator Tom Bergin, Zoning Specialist Nancy Cooley; applicants Stu and Norie Goodell and their representative Garth McClure; and Eshmans' attorney Jim Laski.

Cooley read notice. Staff double-checked County Code to confirm that notice was adequate for preliminary plat, final plat and plat amendments, variances and related State Code.

**Greenberg moved, seconded by McCleary, that notice was adequate. Motion carried unanimously.**

## NO DISCLOSURES

**NEW MATERIALS:** A letter from the Goodells to their neighbors, the Eshmans; a proposed preliminary plat with aerial overlay; public comment from neighbor Frank Everett; and new materials from Jim Laski.

Garth McClure, representing the applicants, said the plat amendment is to add a second building envelope. The Goodells live in an existing residence within a building envelope that was platted in 1989 on Lot 1. The Goodells wish to construct a 969sf barn (permitted in the R-2.5 Zone) on Lot 1. Lot 1 has a fairly narrow triangle point at the north end. There's a 100ft required setback off Highway 75 and a 30ft required setback off the eastern property boundary which fronts on U.S. Forest Service property. The outbuilding is proposed to encroach 13.3 feet into the setback to this eastern property line, leaving a setback of 16.7 feet. An existing easement is in favor of an adjoining tax lot property to the east, which was granted as part of Boulder Mountain Subdivision. The Eshmans live on this tax lot and benefit from this driveway easement.

The proposed building envelope is 1,491sf. The Eshmans agree that this proposed building envelope is acceptable to them because it is set back from the driveway and hidden by a clump of trees. At the request of the Eshmans, the applicant is amenable to planting an additional two trees. Greenberg asked that the applicant request written approval from the Eshmans as part of the application.

Sawtooth National Forest Ketchum District Ranger Kurt Nelson would prefer the new building envelope be closer to the highway, but will agree with the Eshmans' request.

The BCC asked if the applicant's proposed 969sf building would fit on the lot without encroaching into setbacks. McClure responded the barn would have to be 18ft wide, which is really narrow for a barn.

## PUBLIC COMMENT:

- Jim Laski, representing Mark and Jill Eshman, said the Eshmans favor granting the variance on the condition that either the variance or plat amendment require the Goodells build what they say they will build and plant the two trees to provide additional screening. The Eshmans support keeping the barn away from the easement which would require access through mature trees.
- An email from a Mr. Dawson opposes the application because Dawson says he has nine acres and is only allowed to have two structures.

Cooley said Dawson is permitted to have a primary residence and one accessory unit, but could have additional structures as long as there is a platted building envelope that meets setbacks.

McCleary questioned if there is a hardship requiring a variance. Greenberg said the Goodells knew the shape of the lot and the setbacks when they purchased the lot. Schoen said the site is extremely constrained, and the application is an example of neighbors working to resolve potential conflicts. The building envelope could be configured to fit within setbacks on this narrow lot, but would then present greater impacts to the scenic corridor.

**McCleary moved, seconded by Greenberg, to approve the variance request to allow a 13.3ft encroachment into the public land setback and for a building envelope platted for an accessory structure on Lot 1 of Boulder Mountain Subdivision, subject to conditions discussed in today's hearing and finding that the proposal adequately satisfies variance criteria set out in 9.34 of Blaine County. The BCC considers this a constrained site. Motion carried unanimously.**

**McCleary moved, seconded by Greenberg, to approve the plat amendment request to allow for a 13.3ft encroachment into the public land setback for a building envelope to be platted for accessory structure on Lot 1 of Boulder Mountain Subdivision, subject to the conditions and plat note as discussed in today's public hearing, finding that the proposal adequately satisfies the plat amendment criteria set out in 10.4 and 10.5 of Blaine County Code, and specifies the particular building envelope as discussed in today's hearing and particulars of the trees to be planted. Motion carried unanimously.**

- **Amendment to Quail Creek PUD Agreement:** Public hearing and consideration of an application by Clear Creek LLC to amend the Planned Unit Development Agreement for Quail Creek PUD Subdivision by altering the means of providing community housing from 39 community housing units currently required to donating 2.11 acres of land to ARCH Community Housing Trust. The property comprises approximately 23 acres located between and adjacent to State Highway 75 and Broadway Run and includes Quail Creek PUD Subdivision, Middle Phase, Part A and certain unsubdivided parcels within Section 31, T4N, R18E, B.M., Blaine County. The property is zoned Low Density Residential (R-1) and Medium Density Residential (R-.4), within the Community Housing Overlay District, Community Housing–South (CH-S) sub-district.

Also Present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Land Use Administrator Tom Bergin, Senior Planner Kathy Grotto, Blaine County Legal Secretary Lori Burks; Fritz Haemmerle, representing Michael Engl; St. Luke's Wood River Medical Center representative John Gaeddert; applicant George Kirk; Jim Laski; Blaine County Housing Authority Executive Director David Patrie; Janice McGeochin; and Dorothy Kyes.

The applicant is asking the BCC to consider amending their Quail Creek PUD Agreement to allow them to meet their community housing requirement by conveying a portion of land to ARCH Community Housing Trust for ARCH to use for community housing.

Grotto said notice for this public hearing is the same as for the original application to amend CH-PUD additional notice given

**Greenberg moved, seconded by McCleary, that notice was adequate. Motion carried unanimously.**

#### DISCLOSURES:

- McCleary said a woman came in today at 1:30 for this hearing. She was Spanish-speaking, but didn't provide required prior notice for an interpreter during the meeting. However, an interpreter ascertained that she didn't have a comment pertaining to this application, but wanted to be added to a potential wait list for community housing and favors more community housing in the county.
- Schoen disclosed that he sent a letter in 2013 on behalf of Blaine County to Idaho Housing Finance Association. His letter stated the need for community housing in Blaine County to facilitate ARCH's ability to seek and obtain financing for this project. Schoen said his letter in support of ARCH does not affect his ability to make an unbiased decision on this application.

NEW MATERIALS not on the website have been distributed to the BCC: a letter from ARCH Community Housing Trust and comment letters from Chris Fallowfield and David and Sarah Woodward.

This is one of three applications amending the Quail Creek Planned Unit Development approved in 2006. This particular application is for the BCC to decide whether the developer can amend the original application in order to convey land to meet their community housing obligation.

If this application is approved, there will be a public hearing, noticed separately, for the second application to subdivide the south neighborhood and convey that parcel to ARCH. The third application will be by ARCH to construct a 100% affordable housing development. That public hearing is currently scheduled for next week.

#### APPLICANT:

George Kirk, member of Clear Creek LLC, the holder of an existing Conditional Use Permit Planned United Development (CUP-PUD) to construct the Quail Creek Subdivision under CH-PUD guidelines. Today's application is to amend the means by which community housing (CH) inside the Quail Creek development is provided. The original Quail Creek was 126 units, with 39 CH units, income categories 2 through 4, integrated throughout the development.

The 2.11 acres of land that Clear Creek wants to give to ARCH is currently subject to a lien, which will have to be released before conveyance to ARCH. The existing Development Agreement and Blaine County Ordinance allow an amendment to the PUD agreement to alter the means by which the CH requirement is met. The Development Agreement and/or PUD agreement would have to be altered to indicate the donation of land for CH instead of building CH units.

The number of lots would be reduced from 126 to 109, so this application does not increase density. 108 of the lots are a balance of the Clear Creek development, as currently approved. A portion of the neighborhood that was previously slated for 18 lots becomes one lot.

Kirk said the conveyance of land alone satisfies the CH requirement. He disputed the staff report's statement that the CH requirement would be met by the conveyance of land *and* ultimate development of the land by ARCH.

Clear Creek requests the sunset on the existing Development Agreement be extended by five years in order to be sure the land is free and clear of any lien. Clear Creek also requests the County consider amending two requirements in the existing Development Agreement:

- That Clear Creek meet Idaho Transportation Department (ITD) traffic standards. ITD will be improving Highway 75 at this intersection to a four-lane highway in the future.
- Construction cannot begin until the development meets sewer and water requirements from any and all regulatory authorities. The Development Agreement currently contains a 10-year-old engineering study for sewer capacity.

#### PUBLIC COMMENT:

- The BCC confirmed with staff that letters from Terry Hogue included some questionable statements. Some topics in the letter will be addressed in future Quail Creek hearings. Blaine County Chief Deputy Prosecuting Attorney Tim Graves confirmed that nothing in Hogue's letter prevents the County from considering this application at this time.
- Fritz Haemmerle, representing Michael Engl, reiterated comments in a letter he previously provided to the BCC.
- Pru Hemmings lives in and supports affordable housing. She said AH applicants are subjected to a more rigorous loan process and background check than other mortgage applicants.
- Blaine County Housing Authority Executive Director David Patrie said this development is different from what was originally approved in 2009 because the financial and housing climate have changed since 2009. Quail Creek CH units will be mostly category 1 and 2 rental units, which is what the majority of BCHA's current affordable housing applicants need.
- Deb Ferguson is a resident and manager of the River Street Senior Community. The vacancy rate is nearly zero and there is currently a waiting list of 24 for the 24-unit building.
- Janice McGeochin, Creekside Subdivision property owner, asked the BCC to be cautious in the process of considering the project.

#### STAFF:

Grotto responded to public comments:

- A Traffic Impact Study Executive Summary indicates a traffic control signal is not warranted at Broadway Run south and Highway 75 in the build-out year.
- Building permits were issued within Quail Creek subdivision. This application to change the method for providing CH obligation is an upfront request instead of a delay during construction.
- The approved Quail Creek PUD subdivision was approved for 126 units on 23.37 acres, or 5.4 units per acre. This application, after removing land to widen the highway and 2.11 acres proposed to be conveyed to ARCH, reduces the total density on the remaining portion of Quail Creek to 106 units on 20.77 acres, or 5.2 units per acre.
- This application is only about the method of providing community housing by conveying land.
- This application includes RV Park land, as was included in the original application.
- Blaine County Code 9-35-10 A(2) Standards of Evaluation, Land Conveyance, states basic infrastructure, including roads and water and sewer mainlines shall be available or installed by the developer to (but not within) the conveyed land. The land shall be served by all necessary utilities and services.

Commissioners expressed concerns and comments on the application. All roads and infrastructure shall be installed subject to County Standards and Idaho Department of Environmental Quality approval. County Attorney Tim Graves said the applicant must provide access. Staff has provided suggested conditions of approval.

Kirk said water and sewer are the only two services that are currently private. All others are public utilities. The current Development Agreement states centralized sewer service shall be provided to residential units through a contract with Mid Valley Sewer Company. Parties acknowledge that improvements to Mid Valley Sewer Company must be designed, constructed and approved by all federal, state, and local government agencies' jurisdictions prior to any certificate of occupancy for a residential unit. If DEQ requires an additional source, Mid Valley will put in a second source.

Preliminary plat approval for Quail Creek Subdivision has been granted. Developer shall install or, with County approval, bond for all infrastructure improvements associated with final plat of each phase prior to recordation of final plat for each such phase. All improvements required for centralized water and sewer shall be completed prior to recordation of final plat, including for the south neighborhood, consisting of 2.11 acres of land proposed to be conveyed to ARCH.

PUBLIC COMMENT, reopened:

- Fritz Haemmerle, representing Michael Engl, asked if the Development Agreement included signed assurance from Mid-Valley Water Company that they would provide water and sewer.

ARCH Board member Pru Hemmings said ARCH has an agreement in place with Mid-Valley.

Quail Creek is trying to confirm its commitment to its community housing requirement well in advance of developing market rate units. Clear Creek, ARCH and The Meadows are in agreement regarding the south neighborhood.

Commissioners and Staff comments:

- The original application was for three-year phases. Bergin urged caution in providing a five-year extension since a lot can change in five years.
- McCleary felt it was appropriate for a developer to ask for the ability to change the means of providing community housing if the amendment does not materially compromise the BCC's finding in the original CH-PUD related to community housing. Quail Creek's CH requirement was to provide 16-18 housing units. This land conveyance exceeds the amount of land originally needed. McCleary suggested conditions requiring the land conveyance to include providing infrastructure and the land must be free and clear of any liens prior to issuance of a building permit.
- Schoen reviewed all materials and requirements of the CH section of County Code and supports the application for amendment of the Quail Creek Development Agreement. The ordinance requires the developer to provide CH before the development takes place. Blaine County Land Use scrutinizes developers for their ability to meet all obligations under the ordinance and Development Agreement, but financial statements are not required by Code.
- Greenberg agreed that the building permit cannot be issued until the land conveyance is free and clear. The applicant has an uncompleted PUD and can legally apply for an amendment.
- Commissioners agreed that the application for an extension and comment about road improvements are not relevant to this application. Road dedication and utility easements will be appropriate in the subdivision plat to follow.

**McCleary moved, seconded by Greenberg, to approve this application of Clear Creek LLC to amend the Planned Unit Development Agreement of Quail Creek Subdivision by altering the means of providing community housing, finding that the application complies with applicable standards and criteria set forth in Title 9 Zoning Regulations, and is subject to five conditions stated in today's hearing:**

- 1. Infrastructure including a road (to county standards for private roads) and water and sewer main lines shall be installed by the applicant to the boundaries of the conveyed land. All water and sewer infrastructure extensions are subject to Idaho DEQ approval.**
  - 2. The conveyed land shall only be utilized for the development of Community Housing.**
  - 3. The draft First Amendment to the Development Agreement shall be approved as revised so as to affect only the changes relevant to meeting the Community Housing obligation, following review and final recommendation by Blaine County Chief Deputy Prosecuting Attorney Tim Graves.**
  - 4. The 2.11 acres of land shall be conveyed to ARCH Community Trust free and clear of any liens prior to the issuance of any Building Permit within any phase of the Quail Creek PUD Subdivision.**
  - 5. There shall be no change to the number of units or lots in the remainder (outside the 2.11 acres of conveyed land) of the Quail Creek PUD Subdivision.**
- and that the Development Agreement will be amended to reflect changes this community housing change requires. Conditions include Schoen's request for language amendment. Motion carried unanimously.**

**EXECUTIVE SESSION – §67-2345 1(b) Personnel**

**McCleary moved, seconded by Greenberg, to go into Executive Session, pursuant to Idaho Code 67-2345 1(b), to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent. McCleary (aye), Greenberg (aye), and Schoen (aye). Motion carried unanimously.**

**ADJOURN**

At the hour of 4:39 p.m., the BCC finding no more business before them adjourned.

Attest: \_\_\_\_\_ Approved \_\_\_\_\_

JoLynn Drage  
County Clerk

Lawrence Schoen  
Chairman