

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
SPECIAL MEETING OF THE AUGUST 2015 SESSION**

**Third Day (Evening meeting)**

**Monday, August 17, 2015**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 6:30 p.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary, Commissioner Lawrence Schoen; Blaine County Land Use Administrator Tom Bergin; Zoning Specialist Nancy Cooley; County Road and Bridge Manager Tom Duffy; Applicants John Campbell and Steve Brown and applicant's representative Linda Haavik; Sawtooth National Forest Ketchum District Ranger Kurt Nelson; South Central Public Health District Environmental Health Specialist Bob Erickson; Georg Naumann; Greg Merchep; Pat Murphy; John Hastings; Heidi Baldwin; Andra Hastings; and Recording Secretary Sunny Grant.

Chairman Greenberg called the meeting to order at 6:31 p.m.

**LAND USE and BUILDING SERVICES HEARING**

- Proposal for Platting Board's Upper Ranch: A public hearing on and consideration of an application by Sun Valley Long Term Holdings, LLC to plat 16 existing leasehold parcels and the balance of the Board's Upper Ranch into 17 lots ranging in size from 1.04 to 29.24 acres. The approximately 146 acres is zoned Rural Remote District (RR-40) and is within the Floodplain Overlay (FP), Riparian Setback (R), Mountain Overlay (MOD), Wetlands Overlay (W), Seasonal Use Overlay (SU) and Avalanche Overlay (A) Districts. The property is located about 4 1/2 miles west of the City of Ketchum out Warm Springs Road within HES 130 & Sec 29, 30 & 31, T4N, R17E, BM, Blaine County. The Planning and Zoning Commission recommended conditional approval on June 18 and the Chairman signed the recommendation on July 13, 2015.

Cooley read notice, which was sent to leaseholders on the property, surrounding landowners and additional property owners from Lower Board Ranch to Warfield Hot Springs. Two letters were returned, both with no known forwarding address.

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

**DISCLOSURES:**

- McCleary visited the site earlier today with Bergin and landowner Steve Brown. They looked at an overview of the lots, especially drainage issues, but didn't discuss anything not in the public record.
- Schoen said this property has a history with the County and BCC, as covered in application materials.

**Additional information to BCC:**

- Exhibit A-34: Applicant's response in a letter dated August 12.
- Exhibit D-19: Public comment letter from Pat Murphy received August 6 and distributed to BCC, separate from binder.

Landowner/applicant John Campbell said all the Board Ranch's 83 leasehold parcels predated Blaine County zoning. The impetus for the project was to offer fee simple purchase to leaseholders. The leases were concentrated around Sandy Lane. For environmental reasons and to comply with zoning laws, the four lots adjacent to Warm Springs Creek were relocated into the pasture. Sandy Lane and turnarounds will conform to fire codes. The Plat incorporates Idaho Fish and Game comments. Campbell said there were 17 existing leasehold compounds and they are proposing 17 ownership lots.

**The applicant presented:**

- An existing leasehold map and proposed relocated lots. Some lot sizes are changed and some lot numbers changed. Each lot is at least one acre and all lots can now conform to South Central Public Health regulations for septic.
- Parcels are designed to be primarily on one side of the road.
- The larger lots will have building envelopes; and smaller lots have setbacks to define the buildable area. The floodplain and riparian areas remain unchanged.

Schoen said the stated purpose for the amended plat was to allow leaseholds to convert to ownership and solve some environmental concerns, but he thought many of the contrived lots bore little resemblance to the original leaseholds.

**PUBLIC COMMENT:**

- Frenchman's Bend landowner Georg Naumann (and representing several of his neighbors) said his two concerns were the condition of Warm Springs Road and how additional traffic will affect Blaine County's limited road budget. He said an old plat note that restricted further development was being removed; and the project would change the character of the neighborhood. Haavik and Campbell had no problem leaving the plat note in.
- John Hastings said Findings of Fact 10-5-2 (c) refers to the impact of development on public facilities and services. Warm Springs Road will be more heavily traveled by residents and recreationists and will likely require greater budgetary contribution. He expressed concern about access from Warm Springs Road to Alturas Gulch.

Haavik said Condition of Approval 8G of the P&Z Findings changes the Plat to grant public easement for non-motorized access along Sandy Lane to Forest Service land. There was a bridge on Lot 12 that has not been there for some time that would be the only way across the creek to Alturas Gulch.

- Blaine County P&Z Commissioner Pat Murphy said the P&Z voted unanimously to approve the application; but the P&Z, late in deliberations, approved a maximum of 9,000sf in structures on the proposed lots, which might make the bridge accessing Sandy Lane inadequate.
- Andra Hastings said the increase in car traffic over the last few years has rendered Warm Springs Road unsustainable. She felt the Forest Service might well close the road, as they have done in the past.  
Hastings said they drop their fences for elk that come down out of the hills and into the meadow. Hastings suggested the County put an easement over the Forest Service easement so the old trails can be used.  
Haavik said there is a plat note regarding the existing Forest Service easement.
- Heidi Baldwin said amending the plat would improve every parcel, and the changes were in direct response to the public and P&Z.

#### Applicant comments:

- Campbell said traffic on Warm Springs Road had greatly increased since the Ketchum Chamber encouraged recreational use of the hot springs out Warm Springs Road.
- A house too big for a lot would not get a septic permit.
- The bridge looks rustic, but has a giant steel girder. The Fire Chief is satisfied that the bridge is structurally adequate.
- Frenchmen's Bend and Hayward Strand subdivisions were tax lots that were platted due to environmental concerns. One of the later plats got an easement for Warm Springs Road in a new location.

#### Commissioner comments and concerns:

- McCleary asked if the riparian plan could be more robust.  
Campbell said landowners would submit riparian mitigation plans when they improve the lots.  
Haavik said the applicant proposed rehabilitation on the four leaseholds as part of their request for zoning setback. A 150ft setback from the creek might not be practical for smaller lots.  
Haavik said they didn't want to put in irrigation systems other than to establish rehabilitated areas since no one would be present to manage them.
- McCleary said a number of building areas include wetlands and other sensitive areas.  
Haavik said the smaller lots don't have an identified building envelope or building area, so they are requesting zoning setbacks for these lots. The lots with building envelopes meet setbacks, except in two situations where potential wetlands are close to the boundary and they need a jurisdictional wetland determination, which hasn't been done yet.  
Lot 12 is an exception, with a "future building area" that shows existing structures and complies with all setbacks and restrictions, but doesn't have a hardline building envelope.
- McCleary asked about a setback on Lot 13 for Warm Springs Road, and said the building envelope seemed fairly large. She was concerned about the building envelope below the clear chute and alluvial fan.  
Campbell said the building envelope had been drawn too close to the road and was now corrected. He concurred that part of the building envelope was in the way of a potential debris flow, but the bulk of the building envelope was where contour lines are convex.  
Haavik said plat notes advise future buyers of Lots 16 and 17 that they can't do anything until FEMA redraws the lines. Campbell said they questioned the floodway indication because it didn't include the river. Bergin said the floodway line on Lot 16 indicates a non-buildable area.

South Central Public Health District Environmental Health Specialist Bob Erickson has walked the site and is comfortable with lot sizes. There is apparently a composting toilet on one of the lots. Campbell said composting toilets were self-contained; but they would get rid of any outhouses close to the river.

Sawtooth National Forest Ketchum District Ranger Kurt Nelson said Warm Springs Road is a Forest Service Road. The Forest Service has a Schedule A Agreement with Blaine County for grading and dust abatement maintenance of Warm Springs Road that expires in 2017; and an Agreement for road upgrades as funding is available. The Sawtooth National Forest has 1,600 miles of roads, and Warm Springs Road gets serviced according to safety issues and available funding. Greenberg added that Warm Springs Road is a seasonal road. Both Blaine County and the Forest Service have budget constraints in maintaining Warm Springs Road, and either entity can opt out of the maintenance agreement.

Schoen said Upper Board Ranch encompassed 17 original leaseholds and this proposal is for 17 lots, but some of the lots are considerably different from what they were before. Estate lots in this area change the character of the neighborhood. The area is in a Seasonal Use Overlay District, which says development should be restricted in order to release the County from road maintenance responsibilities during avalanches and other seasonal concerns.

Graves said the road situation is complicated legally. Idaho Code gives the County authority to weigh impacts on public facilities, including roads. P&Z spent considerable time weighing road issues during their deliberations, as well as the size of lots and structures, building envelopes and building areas, and non-conformity. Haavik said plat notes cover seasonal issues and define limitations on emergency services and environmental events, and most things that a future buyer should know.

Haavik said P&Z's recommendation on the impact on public services primarily refers to density, but this particular application is not about density. The County recognizes the original parcel as 16 leaseholds and a farmstead, which eliminated further consideration of the impact of additional density in this area on public services, although road maintenance is mentioned as an exception.

Haavik said County Code didn't include a definition of "character"; but she felt the character of the whole Warm Springs drainage is eclectic, with everything from little cabins to big developments.

Campbell said setbacks and riparian restrictions didn't allow them to plat the original 17 leaseholds in their existing locations. He appreciated the collaborative exchange with P&Z and accepted their feedback to improve the project.

- Greenberg reiterated P&Z's request for a riparian plan with more diverse revegetation. He agreed with plat notes 6 and 9 that place reduced setback responsibility on new owners. He questioned the Lot 13 building envelope, much of which is covered by an alluvial fan. He would like the "future building area" better defined.

Bergin said County road standards require a 20ft road, but 20ft may not be appropriate in some areas, so he requested a plan for the private roads that access the lots.

Schoen would like to make a site visit.

**McCleary moved, seconded by Schoen, to continue the Proposal for Platting Board's Upper Ranch to September 8, 2015, in the afternoon. Motion carried unanimously.**

**ADJOURN**

**At the hour of 8:54 p.m., with no more business before them, the County Commissioners adjourned.**

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
JoLynn Drage County Clerk Jacob Greenberg Chairman