



Land Use & Building Services
 Blaine County Annex Building, Hailey, Idaho
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 Land Use Services Phone: 208-788-5570
 Land Use Services FAX: 208-788-5576

Board of County Commissioners Phone: 208-788-5500
 Board of County Commissioners FAX: 208-788-5569
 Weekends & After Business Hours (Business Hours 8-6 M-Th) Only:
 Blaine County Sheriff Dispatch Phone: 208-578-0745

**LAND USE & BUILDING SERVICES
 EMERGENCY MOUNTAIN OVERLAY SITE ALTERATION PERMIT
 APPLICATION FORM**

Please complete the form and 'Save As' a Word Document and send to pzcounter@co.blaine.id.us

AGREEMENT entered into between Blaine County, a political subdivision of the State of Idaho, ("COUNTY"), and **Applicant**, _____, ("APPLICANT"), whose **mailing address** is _____, whose **phone and fax numbers** are _____, _____ and who resides on or has an interest in property in the Mountain Overlay District, this _____ day of _____, 20__.

WHEREAS, the Beaver Creek Fire burned several hillsides that are close to residential areas in Blaine County; and

WHEREAS, the Beaver Creek Fire has left certain hillsides unstable and susceptible to mudslides and torrential runoff; and

WHEREAS, subsequent heavy rains after the Beaver Creek Fire have caused mudslides and runoff from these affected hillsides and have caused significant damage to homes and property in Blaine County; and

THEREFORE, the parties mutually agree as follows:

1. PROPOSAL: The APPLICANT has attached hereto a copy of the completed application for a Blaine County "Emergency MOD Site Alteration Permit" which describes certain specific information with regard to the emergency MOD Site Alteration project. Additional information required:

Physical Street Address: _____

Legal Description of the property, including Lot # & Name of Subdivision, where applicable (attach if necessary): _____

Applicant and/or agent's Telephone numbers: _____

DO YOU HAVE PERMISSION TO TRESSPASS AND/OR CONDUCT WORK?:

Yes No

Describe what mechanical equipment will be used: _____

Equipment will be used on the slope (in any manner): yes no

Contractor performing mechanical work: _____ Phone: _____

Access to the work is: existing road/path ; landscaped area new path required

other , please explain:

2. REGULAR PERMIT APPLICATION REQUIRED: Upon the granting of an emergency MOD Site Alteration permit, APPLICANT shall **apply for a regular MOD Site Alteration permit**, pursuant to Blaine County Code, § 9-21-5, **within three (3) months**, or other time period specified hereinafter by the Board, of any emergency MOD stabilization;

3. FINANCIAL SECURITY: If an emergency MOD Site Alteration permit is approved, the APPLICANT shall post sufficient financial security of One Thousand Dollars (\$1,000.00) to be held by the COUNTY. Said deposit shall be held by the COUNTY until such time as the APPLICANT has applied for and received final action on a regular MOD Site Alteration permit pursuant to Blaine County Code, Title 9, Chapter 21, and implemented the MOD Site Alteration as approved thereby. The APPLICANT shall complete restoration/stabilization of the affected property to County minimum standards and/or other standards and conditions imposed via the regular permitting process by either March 31 of the year following the stabilization or by another date so specified by the Board. If said application for a regular MOD Site Alteration permit is not received by Blaine County within the specified time period, the financial security being held by the County shall be forfeited and the Applicant shall be found in violation of Blaine County Code, Title 9, Chapter 21, Mountain Overlay District and will be subject to any and all civil or criminal penalties as outlined under Idaho Code § 42-3809 and Blaine County Code, Title 9, Chapter 21.

4. EMERGENCY WORK LIMITED: The APPLICANT agrees not to perform work beyond that allowed by the COUNTY. Work allowed by the COUNTY shall be limited to that described in Exhibit A and as may be modified by conditions attached hereto. The granting of this permit does not grant any authority to work in any MOD beyond the extent necessary to protect life and property during an emergency nor to do work in the MOD after the emergency is passed;

5. PENALTY FOR WORK BEYOND THAT APPROVED: If the APPLICANT performs stabilization beyond that allowed, the APPLICANT will be subject to any and all civil or criminal penalties as outlined under Idaho Code § 42-3809 and Blaine County Code, Title 9, Chapter 21;

6. PERMISSION TO ENTER PROPERTY FOR INSPECTION: The APPLICANT grants permission for Blaine County Commissioners and/or staff and/or the County Engineer to visit the site. This permission allows for access onto the property without prior notification to APPLICANT. Please indicate on the back of the Exhibit A page of this application a convenient path to the site of the proposed project;

7. PERMIT TO BE MAINTAINED ON-SITE: The APPLICANT shall maintain a copy of this permit at the alteration site until the authorized emergency work has been completed;

8. LIABILITY: APPLICANT agrees to hold harmless any and all parties performing stabilization, and OWNER shall have and assume complete liability for all of the acts of personnel and the operation of equipment provided by another party as aid assistance under this Agreement. In addition, the APPLICANT agrees to hold the COUNTY harmless from any and all liability in issuing an emergency MOD Site Alteration permit. If work performed under this permit causes damage to any third parties, the OWNER agrees to indemnify the COUNTY for any losses it may incur;

9. MERGER CLAUSE: This Agreement supersedes any and all prior oral or written agreements. This Agreement may be modified or amended only in writing duly executed by both parties;

10. ATTORNEY FEES: Reasonable attorney fees shall be awarded to the COUNTY in any action to enforce this Agreement or to declare termination of this Agreement.

11. PHOTOGRAPHS REQUIRED: Applicant shall **document the condition of the property for which the work is proposed before and after construction** of the MOD Site Alteration project with dated photographs and **provide copies of same to the County** for use during evaluation of the regular MOD Site alteration permit application required herein.

12. ADDITIONAL CONDITIONS ATTACHED BY COUNTY BOARD OF COMMISSIONERS:

- (a) **This permit expires on** _____.
- (b) Work approved includes: _____
- (c) _____
- (d) _____

The **APPLICANT hereby agrees to the terms and conditions of this emergency MOD Site Alteration permit** and will take reasonable precautions to minimize the impacts of any emergency actions on adjacent areas.

DISCLAIMERS

The granting of this permit does not grant the APPLICANT or any of its agents an easement or right-of-way to trespass across or work upon the property belonging to others. The APPLICANT shall obtain any and all permission necessary to enter, cross and/or work upon the property belonging to others prior to commencement of work associated with this permit. If you plan to do any emergency MOD Site Alteration work on National Forest Lands, you must contact the Ketchum Ranger District at 622-5371 before proceeding.

The issuance of this permit shall not in any way constitute a promise, assurance, warranty, affirmation, or other statement by Blaine County, or any of its official, employees and agents, that the work or other action authorized by this permit will prevent or minimize the risk of damage or other loss to the real and personal property of applicant and other third persons as a result of flood, other act of Nature, or the negligence and other acts and omissions of persons.

All work and other action undertaken by applicant, and his/her employees, independent contractors and agents, pursuant to this permit is done at the sole and exclusive risk of applicant. Blaine County, its officials, employees and agents, shall have no liability to applicant or any third person as a result of granting of this permit, or the acts and omissions of applicant, and his/her employees, independent contractors or agents, arising out of or relating to this permit.

Signature of Applicant _____ Date signed _____

Please complete the form and 'Save As' a Word Document and send to pzcounter@co.blaine.id.us

APPROVED by BLAINE COUNTY BOARD of COUNTY COMMISSIONERS on:

Commissioner
Date signed: _____

Commissioner
Date signed: _____

ATTEST:

Clerk

ADMINISTRATIVE RECORD:

FINANCIAL SECURITY RECEIVED \$_____ PERMIT NUMBER _____

RECEIPT NUMBER _____ DATE _____

REGULAR MOD SITE ALT. PERMIT SUBMITTED _____(date)_____ (number)

FINANCIAL SECURITY *REFUNDED* or *FORFEITED* (circle one) as of _____(date)

Said deposit of \$1000.00 shall be held by the COUNTY until such time as the APPLICANT has applied for and received final action on a regular MOD Site alteration permit pursuant to Blaine County Code, Title 9, Chapter 21, and implemented the MOD Site alteration as approved thereby. The APPLICANT shall complete restoration/stabilization of the affected property to County minimum standards and/or other standards and conditions imposed via the regular permitting process by either March 31 of the year following the stabilization or by another date so specified by the Board. If said application for a regular MOD Site alteration permit is not received by Blaine County within the specified time period, the financial security being held by the County shall be forfeited and the Applicant shall be found in violation of Blaine County Code, Title 9, Chapter 21, Mountain Overlay District and will be subject to any and all civil or criminal penalties as outlined under Idaho Code § 42-3809 and Blaine County Code, Title 9, Chapter 21.