

BLAINE COUNTY PLANNING & ZONING COMMISSION
REGULAR MEETING

Thursday, January 14, 2021, at 6:00 pm

*Main Meeting Room in the Old County Courthouse
206 First Avenue South, Hailey, Idaho*

MEMBERS PRESENT

Rachel Martin
Ned Hamlin
Mike O'Farrell
Susan Giannettino
Stephanie Eisenbarth
Mark Pynn

MEMBERS ABSENT

Nancy Mendelsohn

STAFF

Kathy Grotto
Tom Bergin

On Thursday, January 14, 2021, Blaine County Planning & Zoning Commission Chairman Rachel Martin called the meeting to order at 6:00 pm.

- I. **ACTION ITEM:** Title 9, Zoning Regulations Text Amendment – Airport Vicinity Overlay District: Continuation (from December 10, 2020) of public hearing and consideration of county-initiated amendments to Blaine County Code, Title 9, Chapter 18 - Airport Vicinity Overlay District, by replacing the chapter in its entirety.

Rachel – any commission disclosures? No

Kathy Grotto – Legal Notice was published in the Idaho Mountain Express on December 30, 2020; sent to all Blaine County political subdivisions on December 28, 2020; posted in 5 public places on January 4, 2021, as evidenced by affidavit in file; public service announcement request sent on January 5, 2021 and posted on the Blaine County web site January 6, 2021.

Mark Pynn – I move that notice is adequate.

Susan Giannettino – I second.

All agree, 6-0.

Kathy – let's review the changes made at our last meeting. Any comments on the changes up to the table? Seeing none, let's look at the compatibility table. Both Chris Pomeroy and I worked on additions to this table and notes.

Rachel – any comments from Commissioners? Seeing none. Chris do you have anything to add?

Chris Pomeroy – I believe we addressed all of your concerns and I have no changes.

Rachel – I will open public comment now.

Evan Robertson – Eccles Ranch Lawyer – I don't know if we were noticed or not, but this looks to me like a down zone of my clients property.

Kathy – this was noticed as a text amendment, but since there is also a map with this; I think we will need to re-notice this. This map will need to be noticed by mail or maybe where the property is so large it will need to be an ad in the local paper. We won't have a vote or recommendation instead we can review the zoning changes language.

Susan – so Kathy, we will be coming back to the chapter, table and map at our next meeting?

Kathy – yes.

Evan Robertson – will there be an additional public comment time? When you are through with the Commissions comments I would like to comment.

No comment from the Commission.

Evan Robertson – I see the changes are certainly good for the airport, but not for my client. I would suggest a reading from the Office of the Attorney General. He reads from this document www.ag.idaho.gov It seems to me if you look at that and your changes, I see this as a down zone for the private property owner.

Rachel – is there anything specific you would like to address?

Evan Robertson – I haven't read the entire chapter, but it seems to me that you are taking from his property. I would like the opportunity to look at this further and comment at your next meeting.

Mike O'Farrell – what takes precedent FAA or private property owner? And what CUP uses of the property owner are being taken?

Kathy – the taking is basically taking away any use. We can talk to Tim about both of these things and come back to you.

Mark – I propose to continue this to a date uncertain with proper notice for the map change.

Susan – I second.

All agree, 6-0.

Kathy – I will need to load documents for the next meeting.

Rachel – let's take a 5 minute break.

- II. **ACTION ITEM:** Picabo Fly-In Final Plat: Public hearing and consideration of a final plat application by Picabo Livestock Company to subdivide 343.45 acres of land including and just north of the Picabo airport to be called Picabo Fly-In Subdivision. The preliminary plat was approved for 6 lots, ranging in size from 1.77 to 3.35 acres, and 7 parcels (including road, airport, open space, light industrial and agricultural parcels). The property is zoned Residential/Agricultural (R-5), Productive Agriculture (A-20) and Light Industrial (LI) Districts with areas of Wetland Overlay District (W). It is located near the junction of North Picabo Rd and US Hwy 20, within Sections 26 and 27, T1S, R20E, BM, Blaine County.

Kathy Grotto – Legal Notice was published in the Idaho Mountain Express on December 30, 2020; sent to surrounding landowners on December 28, 2020; sent to all Blaine County political subdivisions on December 28, 2020; sent to public water system owners on January 4, 2021; posted on subject property on or before January 7, 2021 and posted on the Blaine County web site.

Stephanie Eisenbarth – I move that notice is adequate.

Susan – I second

All agree, 6-0.

Rachel – any Commission disclosures. None

Kathy - the final plat is before you for review of two items of difference or clarification since the preliminary plat approval: some area of off-site versus on-site wetlands mitigation, and identification of setbacks from runway centerline.

Sam Stahlnecker – Galena Engineering – explains the proposal and shows plat changes. They note that the county setback of 125' from centerline makes more sense for the Picabo airport. These setbacks are exceeded with setbacks of 132 for Lot 6', 165' for Lot 5 and 165'-over 200' for lot 4.

Trent Stump – Sawtooth Environmental, rep for applicant – we are proposing to offset a reduction in the wetland setback from 75' to 35'. The original plan was all onsite, we now are proposing creating an area for wetlands offsite. In addition to the 1.4 acres of wetland, the additional land will be utilized by wildlife.

Mike – is the wetland now within the TNC easement?

Trent Stump – yes and it will be overseen by TNC. We also received approval from the Army Corps of Engineers.

Stephanie – has TNC agreed to this?

Trent Stump – we haven't gone to them yet. We are taking productive ag and turning it into wetland. This will be a seasonal wetland.

Susan – so the wetland you want to trade out, is it also seasonal?

Trent Stump – the hydrology shows an ebb and flow wetland. Creating wetland within a residential subdivision is not as beneficial for wildlife.

Susan –Has the County been out to see this?

Trent Stump – we had planned to create a new area of wetland in the subdivision, and mitigation of the farm roadway has already occurred onsite. Nick's desire for a better solution offsite created this change. I'm not sure County staff has been on site. We could take staff out to see this.

Kathy – I had planned to go out the day a storm came in and was not able to go.

Ned Hamlin – does this require a variance?

Kathy – No - page 6 of the staff report, item T, refers to this. Title 9 setback is 25' and this proposal exceeds this by including a 35' setback.

Susan – did we have much in the way of public comment on this application?

Rachel – I think there was one person here when we heard this the first time.

Kathy – regarding the setback from the runway, the Board's condition of approval did not indicate an actual number, it stated according to county regulations. I recall the public comment had to do with flights and flying activity.

Stephanie – according to our packets the concern was with flight patterns.

Rachel – I don't think we can condition anything to do with flights in the sky.

Sam Stahlnecker – in regards to the wetland setback reduction Trent will address this.

Trent Stumph – we are offering a 1.5 to 1 replacement ratio of wetlands.

Susan – I'm still concerned with no consultants of our own or TNC weighing in on this change.

Kathy – we could make that a condition before it goes to the Board.

Mark – is part of this to create an easement that never allows the wetland to be transferred?

Trent Stumph – it's protected now and we could dedicate that the area could not ever be returned to farmed ag land.

Mike – I would be fine with that.

Trent Stumph – the Army Corps of Engineers has approved this plan.

Susan – Kathy did we get any of those materials?

Kathy - yes but not in time for your packets

Trent Stumph – the approval just came in 3 days ago.

Mark – I think we need to have a recorded area with survey descriptions on the plat.

Sam Stahlnecker – this will be bonded by the County.

Kathy – yes that's correct we will require a 5 year bond to insure this. We can reference whatever we need to state this. I can also create a condition requiring TNC review. It seems like the applicant could be able to do that.

Susan – can we vote on this without seeing the data from the County specialist and TNC?

Kathy – yes, you could require this to occur prior to the Board's approval. We already know Army Corp. has accepted this change. This area is already protected for wildlife and ag.

Susan – if this had come in with these materials from the get go, I could make a better decision. We only have the applicant specialist telling me this.

Mike – the Army Corp. doesn't state if they are valuable wetlands or not. Ag use would limit the quality of the wetland.

Ned – those parcels need to be described very carefully in metes and bound descriptions.

Rachel – I will open public comment. Seeing none, I will close public comment.

Kathy – I would like to know what everyone wants in order to move forward.

Susan – I want to know regarding the quality of the wetlands and I want to see them preserved with description or easement language. I also want TNC or the County to have a specialist who is not Nick's consultant weigh in.

Rachel – so we want to see the Army Corps approval.

Sam Stahlnecker – Nick can make changes allowable within the conservation agreement. He does not need TNC approval to create additional wetlands.

Stephanie – Trent's report states that TNC saw this. I agree with Susan and would like to have a separate consultant see this.

Trent Stumph – there is more land being offered for wetland. I don't think you can say "high quality" because that can't be measured. We have Army Corp approval and they are the agency who approves this use. This is a much better proposal than the original.

Susan – I don't have a problem that you may have a better plan now.

Stephanie – Trent I do appreciate your explanation.

Nick Purdy – owner - I received hundreds of comments and thanks each year for all of my efforts in preserving Silver Creek and the valley in conservation easements.

Mark – are we going to discuss or read into the record the two public letters?

Rachel – they are in the packet and so they are in the record.

Susan – the letter from Katie Breckenridge and the Carey Fire Dept.

Rachel – the letter from Katie is the second to the last in our packet.

Mark – exhibits D1 and D2.

Stephanie – those have to do with the airport and flights are out of our jurisdiction.

Ned – I know it's not an easy task to get approval from the Corps. If we had some good conditions I would be comfortable with going on.

Steph – I agree with Ned.

Mike – If we had some firm conditions I think we could go forward.

Mark – I think as long as we are clear and have descriptions I can go forward.

Kathy – ok the applicant shall provide the approval from the Corp, shall provide metes and bounds descriptions, ensure land for wetlands into perpetuity. Allison Marks is our staff wetlands expert and we can have her review this and give her thumbs up. I can write up these conditions and you can review them prior to our next meeting when you approve the findings. We can have the plat reference the airport management plan and the army corps approval and legal description. Commissioners do you want the metes and bounds descriptions as an “as built” or an estimation before?

Rachel – Sam is saying it can't be exact until after it's build.

Ned – I'm good with conservative estimate description.

Mark – I would like to move to recommend approval with conditions discussed tonight.

Ned – I second.

Split vote, 5-1. Susan is not in favor.

III. **Reports & Business - ACTION ITEMS:**

- A. Findings to discuss: 1000 Parker Gulch Rd/MOD Site Alt/Marelli
- B. **Next meeting dates:** Jan 28; Feb 11; Feb 25
- C. Updates:
- D. Discussion:

Rachel – does anyone have any comments on the Findings?

Susan – I move that we accept the Findings for 1000 Parker Gulch Rd. MOD Site Alt.

Mike – I second the motion.

All agree, 6-0.

Kathy – January 28th will not be a meeting date due to a publication issue by the Mtn. Express. We can continue the airport overlay to March 11th.

Mark – I will be gone in March.

Rachel – I have term limited out, so we need a new Chairman. Would anyone like to nominate a new Chair?

Rachel – I would like to nominate Susan for Chairman.

Mark – I would second that.

Susan – I would accept that.

All agree, 6-0.

Rachel – what about Vice Chair?

Mark – I nominate Nancy.

Ned – I second that.

Rachel – can we do that she is not here?

Tom Bergin – yes.

All agree, 6-0.

Mark – I would like to congratulate Rachel on a great job as chair! All agree

IV. Adjourn

Ned – I make a motion to adjourn.

Mark – I second the motion.

All agree, 6-0.

The meeting adjourned at 7:52 pm.

Respectfully submitted by:

Michele Johnson
Recording Secretary