

BLAINE COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING on September 21, 2021 at 2:45 pm

REGARDING AN APPLICATION OF: Robert Hohman for a Stream Alteration Permit on the East Fork of the Big Wood River.	Staff Report Kristine Hilt Dated September 15, 2021
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REQUESTED ACTION: A public hearing and consideration of an application by Brockway Engineering, on behalf of Robert Hohman, to replace an existing private access bridge over East Fork of the Big Wood River. The 35'4" single span concrete girder bridge will have a 20' wide travel lane and is required to meet fire district access standards. The property is located at 206 & 210 Meadowbrook Dr (Lots 4/5A Thunder Meadows Sub), and is zoned Residential/Agricultural (R-5) with areas of Floodplain (FP), Riparian (R) and Wetland (WE) Overlay Districts.

PROPERTY OWNERS/APPLICANTS: Robert Hohman (Owner)

REPRESENTATIVE: Charles G. Brockway, PE Brockway Engineering

NAME/REACH OF STREAM: East Fork of the Big Wood River

PROPERTY LOCATION: Lots 4/5A Thunder Meadows Sub (206 & 210 Meadowbrook Dr)

APPLICABLE REGULATIONS: Title 9 (Zoning Regulations): 7, 17 and 19
Title 8 (Comprehensive Plan)

I. APPLICATION, NOTICE, EXHIBITS & GENERAL FACTS

1. Application: Stream Alteration Permit Application materials were received on August 12, 2021.

2. Notice: Public notice for this hearing was as follows:

- A. Legal notice was published in the Idaho Mountain Express on September 1, 2021;
- B. Notice was mailed on August 30, 2021 to all Blaine County political subdivisions;
- C. Notice was mailed on September 8, 2021 to surrounding landowners within 300' of the exterior boundaries and 1,000' downstream of the project site; and
- D. An on-site notice was posted on September 8, 2021, as supported by affidavit on file.

► **Motion:** Upon motion by Commissioner _____, second by Commissioner _____, and by a vote of ___ to __, the Board finds notice to be adequate.

3. Any disclosures (i.e. conflicts of interest, site visits or *ex parte* communications)?

4. Exhibits: Attached to this report are the following exhibits:

Exhibit A—Application Materials

All application materials were received on August 12, 2021, unless indicated otherwise.

- A-1:** Blaine County Stream Alt Application
- A-2:** Applicant Responses to Standards of Evaluation
- A-3:** Vicinity Map
- A-4:** Engineering Technical Memo re Bridge Replacement
- A-5:** Rock Riprap and Scour Details
- A-6:** Design Drawings
- A-7:** No Adverse Impact Certification
- A-8:** Photo of Bridge
- A-9:** Final Bridge Design Details rec'd 09-13-21
- A-10:** Joint Application for State and Federal Permits

Exhibit B—Agency Comments

- B-1:** Department of the Army (USACE) – 08-11-21
- B-2:** Idaho Dept. of Water Resources (IDWR) – Pending
- B-3:** Blaine County Engineer, Jeff Loomis – 09-09-21

Exhibit C—Blaine County Supplemental Documents

None

Exhibit D—Public Comments

None received to date of this report.

5. SUMMARY: According to Exhibit A-10, Joint Application, the existing bridge over East Fork must be replaced to comply with Wood River Rural Fire District requirements for width.

II. STREAM ALTERATION PERMIT APPLICATION (SAP): STANDARDS OF EVALUATION

Blaine County Code §9-17-11D

1. The applicant has applied for permits from the Army Corps of Engineers and the Idaho Department of Water Resources. If the watercourse runs through a neighboring city, they shall be sent a copy of the application, at the direction of the Administrator, to notify them of possible stream alterations. Copy shall be sent if the project is within one thousand feet (1,000') downstream or one mile upstream.

➤ **STAFF COMMENT:** Final approvals are as follow:

- US Army Corps of Engineers: August 11, 2021, Nationwide Permit #29, Residential Developments.
- Idaho Dept. of Water Resources: Pending

No neighboring cities were within 1000' downstream or one mile upstream of the project site.

2. *Other Property Not Adversely Affected: The proposed stream alteration shall have no adverse impact on the property of another person or entity, including the areas upstream, downstream and across the stream. "No adverse impact" means that the proposed use or activity will not have any deleterious impacts in terms of increased flood peaks, flood stage, flood velocity, erosion and sedimentation, or water quality or that such impacts have been identified and mitigated to the maximum extent feasible.*

- **STAFF COMMENT:** A "No-Adverse Impact Statement" is provided by an Idaho licensed engineer with this application. This statement indicates "no effect on flood peaks, flood stage, flood velocity, or water quality." See Exhibit A-7.

According to Exhibit A-10, Joint Application, the bridge replacement will be conducted in a manner to minimize sedimentation, water quality impacts, and existing vegetation. The bridge replacement is required by the fire district in order to access property and structures on the opposite side of East Fork.

- **COUNTY ENGINEER COMMENT:** Based on my review of the application documents and follow-up discussions with the applicant's engineer, I believe this application satisfies the SAP criteria for evaluation with the following additional submittals or statements on record from the applicant's engineer:

- Approval of the bridge design from Fire District
- The additional bridge abutment construction specification requiring compaction of placed stream bed and stream bank material to the approval of the project engineer.
- Construction drawings specifying the project shall meet State of Idaho SAP water quality requirements, and any necessary notes indicating specific measures the contractor must implement to meet those requirements.

▶ **Staff has included the above 3 items as possible conditions of approval for Board consideration.**

- **APPLICANT COMMENT:** The bridge cross-sectional geometry will be essentially the same as the current bridge. The project will not cause any deleterious impacts in terms of any quantifiable pertinent parameter. There will be no effect on flood peak, stage, velocity, erosion, sedimentation, water quality, or any other quantifiable impact.

3. *The stream alteration desired will not involve placing an encroachment, structure, fill, deposit, obstruction, storage of materials or equipment in the floodway, all of which are prohibited by subsection 9-17-5B3 of this Chapter, unless certification by a registered engineer is provided and accepted by the County Engineer, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100-year flood discharge and other standards of this Section are met.*

- **STAFF COMMENTS:** The proposed project work does not include any encroachments into the FEMA FIS delineated floodway. However, the applicant has performed hydraulic modeling to ensure that the new bridge will not increase flood levels during the 100-year flood discharge. See Exhibit A-4, Engineering Technical Memo.

4. *The stream alteration desired shall not have any adverse impacts or go against the stated purposes of the Floodplain Management District (Section 9-17-2) and the Stream Alteration Permit program (subsection 9-17-9A of this Chapter).*

- **STAFF COMMENT:** The project does not appear to be in conflict with the policies noted above.

5. *Local Public Interests: The proposed application (use) does not conflict with the local public interest, i.e., the affairs of the people in the area directly affected by the proposed use. This includes, but is not limited to, property values, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, water quality or an impact upon a locally important factor. The burden of proof always rests with the applicant.*

- **STAFF COMMENT:** The project is solely necessary to meet local fire district access standards. The project appears to be designed in a manner that minimizes impacts to local public interests while also meeting this access requirement. Revegetation of all disturbed areas is included as a possible condition of approval.

6. *The following extraordinary circumstances may favor the granting of a stream alteration permit:*

- If the river tries to change to a channel outside of the floodway.*
- If the viability of an irrigation structure or water delivery system is threatened.*
- If a road or bridge which provides access to homes or businesses is threatened.*
- If an existing home or building envelope in a platted subdivision is threatened.*
- If severe erosion or severe sedimentation of land is threatened.*
- If a public facility (sewer plant, school, etc.) and/or any other use which would affect the chemical quality of the river is threatened.*

- **STAFF COMMENT:** Extraordinary circumstance (c) may apply to this proposal.

7. *If the applicant or landowner with respect to an application for a stream alteration permit under this chapter is the State of Idaho, or any agency, board, department, institution, or district thereof, the Commission or the Board, in addition to all other applicable standards and criteria hereunder, shall take into account the plans and needs of the State, or any agency, board, department, institution or district thereof, as required by Idaho Code §67-6528.*

- **STAFF COMMENT:** The applicant is not the State of Idaho, or any agency, board, department, institution, or district thereof.

III. POSSIBLE DECISION AND CONDITIONS

► **Suggested Motion:** I move to approve (or) deny the application by Robert Hohman for a Stream Alteration Permit on the East Fork of the Big Wood River finding the proposal complies (or) does not comply with the applicable criteria set forth under Title 9, Chapter 17, Floodplain Overlay District and Riparian Setback District, subject to the following conditions:

Possible conditions of approval:

1. The project shall be built to United States Army Corps, Idaho Department of Water Resources, Idaho Department of Environment Quality, Blaine County and the applicant's engineering specifications, conditions and standards. The work shall be done as specified in application; no work outside that applied for and approved under this permit shall be done.
2. The applicant shall notify the County Floodplain Manager prior to commencement of construction.
3. The applicant shall submit a riparian revegetation plan that addresses disturbed. Materials shall be selected from the approved riparian planting list on file in the Land Use & Building Services Office and shall include a combination of woody shrubs, trees and native grasses.
4. Financial Security in the amount of 30% of the estimated cost of the approved revegetation plan approved by the administrator, or a minimum of \$1,500, shall be collected and held for up to four (4) growing seasons to ensure at least 80% establishment of the plants. Weed monitoring should commence for a period of not less than 3 years.
5. Minor modification to the proposal as a result of field conditions during construction may be presented to the county for administrative approval without further public hearing provided other agencies with jurisdiction have granted approval and that the modifications made are described in writing and made part of the file.
6. All temporary structures, excess excavated material, and vegetative or construction debris shall be disposed of out of the stream channel and out of any wetlands where it cannot reenter the channel.
7. Approval of the bridge design from the responding Fire District shall be provided to the County Floodplain Manager prior to commencement of construction.
8. The applicant shall submit construction drawings specifying the project shall meet State of Idaho SAP water quality requirements, and any necessary notes indicating specific measures the contractor must implement to meet those requirements.