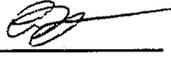


AGENDA ITEM SUMMARY

DATE: 12/14/09 DEPARTMENT: PW - Parks DEPT. HEAD SIGNATURE: 

SUBJECT: Motion to approve the Wood River Land Trust grant application to DEQ for wetlands restoration at the south end of Lions Park.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

This is a continuation of the restoration work begun in 2008. The required documents are attached for review. The Parks & Lands Board endorsed this project in May, 2009.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)
____ City Attorney ____ Clerk / Finance Director ____ Engineer ____ Building
____ Library ____ Planning ____ Fire Dept. _____
____ Safety Committee ____ P & Z Commission ____ Police _____
____ Streets ____ Public Works, Parks ____ Mayor _____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

Draft 12-30-03

Heather Dawson

From: Kathryn Goldman [kgoldman@woodriverlandtrust.org]
Sent: Tuesday, November 17, 2009 4:47 PM
To: Heather Dawson
Subject: permits for Croy Creek boardwalk at Lions/Draper
Attachments: FINAL_Joint_Application_20091112.pdf; Croy Creek boardwalk CUP FP 20091112.DOC; Croy Creek boardwalk CUP wetlands 20091112.DOC; City letter of support permits 20091113.doc; sheet 1.pdf; sheet 2.pdf; sheet 3.pdf

Hi Heather:

I now have completed applications for the Army Corps of Engineers (Final_Joint_Application_20091112, sheet 1, sheet 2, sheet 3) and Blaine County for the wetlands and floodplain conditional use permits we will need to construct the boardwalk down at Lions and the west side of the Draper Preserve. Tom Hellen recommended that WRLT serve as the City's agent in the application for Lions. I also have a draft of a letter of support from the City of Hailey which the county would likely appreciate as part of the application. Last time we spoke, you mentioned that I should get this scheduled on the council's consent agenda to secure the appropriate signature from Mayor Davis on the permits and letter. Can I get on in December sometime?

I have attached a copy of the letter and the permits, but there are additional supporting maps and other items that are a part of the application to the county. I will have to bring the original documents to the city for the official signature.

Additionally, I need to request a form of proof of ownership from the city for the Lions Park parcel to include in the application. I plan on providing copies of our tax bill for 2008 for Draper.

Let me know how to proceed.
Thanks very much,
Kathryn

Kathryn Goldman | Senior Project Coordinator

kgoldman@woodriverlandtrust.org

Wood River Land Trust

119 East Bullion Street | Hailey, ID 83333
(208) 788-3947 | (208) 788-5991 (fax)

www.woodriverlandtrust.org

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

<p>DO NOT START WORK UNTIL YOU RECEIVE PERMITS FROM BOTH THE CORPS AND THE STATE</p>

This application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq., Idaho Code. Route Uses: Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued. Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project, to both the Corps of Engineers and the State of Idaho. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. The Applicant information pamphlet provides instructions and a checklist for completing the drawings.

1. Corps of Engineers # _____ Date Received _____	2a. Department of Water Resources # _____ Date Received _____ Fee Rec'd By: _____ Receipt # _____	2b. Department of Lands # _____ Date Received _____ Fee Rec'd By: _____ Receipt # _____
--	---	---

PLEASE TYPE OR PRINT

3. a. Applicant <u>City of Hailey/Wood River Land Trust</u>	4. a. Authorized Agent <u>Wood River Land Trust</u>
b. Mailing Address <u>115 South Main Street, Suite H Hailey, Idaho 83333</u>	b. Mailing Address <u>119 E Bullion St Hailey, Idaho 83333</u>
c. Work Phone (208) <u>788-9815</u> Home () _____	c. Work Phone (208) <u>788-3947</u> Home () _____
d. Fax Number <u>208-788-2924</u>	d. Fax Number <u>208-788-5991</u>
e. Email Address <u>heather.dawson@haileycityhall.org</u>	e. Email Address <u>kgoldman@woodriverlandtrust.org</u>

5. Location where proposed activity exists or will occur.	5. e. Tax Assessor's Description <u>RP</u> <u>02N180092900</u> <u>A</u> <u>02N180163400</u>
a. Waterway <u>Croy Creek</u> Tributary of <u>Big Wood River/Malad River/Snake River</u>	Distance/Direction from nearest city/town <u>adjacent to Hailey city limits</u>
b. Distance/Direction from nearest city or town <u>83333</u> <u>Blaine County</u>	f. 1/4 1/4 Section <u>SE SW, E 1/2 NW Sec 16, Sec 9</u> Township <u>2N</u> Range <u>R18E</u>
c. Zip Code <u>Local jurisdiction (city or county)</u>	g. UTM Coordinate Grid <u>11</u> <u>4,821,290 m</u> <u>716,642 m</u> <u>4,820,894 m</u> <u>716,698 m</u>
d. Directions to the site <u>From downtown Hailey, .5 mile west on Croy Creek Rd, cross Big Wood River, left into park.</u>	Zone <u>Northing</u> <u>Easting</u>

6. a. Describe Project (Work below the ordinary high water mark or in wetlands). The project is the construction of a small boardwalk to provide public access and educate the public about the value of wetlands for water quality and wildlife habitat. The 375 lineal foot boardwalk and path loop begins at the south end of Lions Park, continues to the adjacent Wood River Land Trust Draper Preserve and returns to Lions park. The proposed walkways are located in areas where the existing ground is above the FEMA base flood elevations. Total area of ground coverage within the wetland for the boardwalk is .025 acres.

b. Construction methods and equipment The boardwalk will be constructed using the Diamond Pier foundation system and Trex decking. The construction crew will use hand tools, and a generator-powered post driver to place each Diamond Pier.

c. Length of project along the stream or extension into lake or reservoir: _____

d. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.) NA

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

7. a. Volume dredged or fill material to be placed waterward of the ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? 0 (cubic yards)

b. Will fill be placed in wetlands? yes If yes, area: .025 (acres) Type of fill material: rock and concrete (i.e. sand, rock, clay, concrete, etc.)

c. Will dredging be required waterward of the ordinary high water mark or in wetlands? no If yes, volume _____ (cubic yards)

d. Type of dredged material N/A

e. Disposal site for dredged material: N/A Method of dredging: N/A

f. Method to control turbidity and sedimentation: N/A

g. Is project located in a mapped floodway? yes If yes, complete the Engineering "No-Rise" certification form.

8. a. Purpose and intended use: Commercial _____ Public _____ Private _____ Other _____ Describe _____

b. Reason for project To provide educational opportunities and public access and protect habitat as use increases over time.

9. Proposed Starting Date summer/Fall 2010 Estimated Duration approximately 1 month

10. List portions of the project that are complete with month and year of completion NA
Label this work on your drawings.

11. Names, addresses, and telephone numbers of all adjoining property owners, lessees, etc.

<u>William F. Simon</u>	<u>Bullion Partners, LLC.</u>	<u>Wood River Land Trust</u>
<u>103 West Crestline Drive</u>	<u>9530 Pico Blvd.</u>	<u>119 E. Bullion Street</u>
<u>Boise, ID 83702</u>	<u>Los Angeles, CA 90035</u>	<u>Hailey, ID 83333</u>
<u>(208) 870-8090/(208) 342-2515</u>	<u>(208) 788-4498</u>	<u>(208) 788-3947</u>

Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

12. LEGAL OWNER IF OTHER THAN APPLICANT

a. Name City of Hailey d. Phone Work (208) 788-9815
b. Mailing Address 115 South Main St. Suite H Home () _____
c. City, State, Zip Code Hailey, Idaho 83333

13. List applications, approvals, or certifications from other Federal, state, or local agencies for work described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
<u>Blaine County</u>	<u>Floodplain Conditional Use Permit</u>		<u>pending</u>	
<u>Blaine County</u>	<u>Wetlands Conditional Use Permit</u>		<u>pending</u>	

14. Has any agency denied approval for the proposed activity? Yes _____ No (If "Yes" explain)

15. Other comments/information:

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed and completed work.

City of Hailey
Wood River Land Trust
Signature of Applicant (ORIGINAL SIGNATURE REQUIRED) Printed Name Date

17. If you wish to designate an authorized agent, complete item 4, item 16 and the following information.

I hereby designate Wood River Land Trust to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Original Signature of Authorized Agent Date Original Signature of Applicant Date

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION

SEND IDAHO DEPARTMENT OF WATER RESOURCES OR IDAHO DEPARTMENT OF LANDS FILING FEE WITH APPLICATION



219 1st Avenue South, Suite 208 Hailey, ID 83333
 Planning & Zoning: 208-788-5570 ♦ Fax 208-788-5576
www.blainecounty.org

**BLAINE COUNTY
 FLOODPLAIN CONDITIONAL USE PERMIT
 APPLICATION**

As set forth in Chapters 17 and 25, Title 9 (Zoning Ordinance) of the County Code, Blaine County, Idaho

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

Contact Information

- | | | |
|-----|-------------------|---|
| (1) | Applicant/Agent | Name: City of Hailey/ Wood River Land Trust
Mailing Address: 115 Main St. S. Ste H/119 E. Bullion St. Hailey, Idaho 83333
Phone: (208) (788)-4221/(208) 788-3947
Email: kgoldman@woodriverlandtrust.org |
| (2) | Owner | Name: City of Hailey/Wood River land Trust
Mailing Address: 115 Main Street S., Ste H/ 119 E. Bullion St. Hailey, ID 83333
Phone: (208) 788-4221/(208) 788-3947
Email: heather.dawson@haileycityhall.org / kgoldman@woodriverlandtrust.org |
| (3) | Responsible Party | Name: Kathryn Goldman, Wood River Land Trust
Mailing Address: 119 E. Bullion Street Hailey, Idaho 83333
Phone: (208) 788-3947
Email: kgoldman@woodriverlandtrust.org |

"Responsible Party is the person who will be the sole responsible contact with the County"

Project Information

- | | | |
|-----|---------|---|
| (3) | General | Size of Tract: 9 acres/ 84.5 acres
Present Land Use: City of Hailey Park/Wood River Land Trust Preserve
Existing Zoning: Lions: R-5/ Draper: R-5, R-10
Overlay District(s): Lions:Floodplain, Wetlands/Draper: Floodplain, Wetlands, Avalanche |
|-----|---------|---|

- | | | |
|-----|------------------|---|
| (4) | Property Address | Lions: 11 Croy Creek Rd, Blaine County, Idaho/Draper: no street address |
|-----|------------------|---|

(5) Requested Action To construct a wetland boardwalk trail and viewing platform, providing public access to the newly restored .5 acres at the south end of Lions Park and Wood River Land Trust's Draper Wood River Preserve. The boardwalk will loop from Lions Park to the west side of the Draper Preserve and feature interpretive signage on the value of wetlands for water quality and wildlife habitat. Total length of the planned project is 375 lineal feet with a small destination viewing platform on the Draper Preserve connecting back to Lions Park via an overland path. This project is the final step in the planned restoration effort Wood River Land Trust began in 2008 with the removal of fill, concrete and waste from the site with funding from the Department of Environmental Quality.

Legal Information

(6) Legal Description (Include section, township, range) SW SW Sec 9 & E 1/2 NW Sec 16
T2N R18E

(7) Parcel Number RP - 021N180092900 / 02N180163400

(8) Status of Applicant Is the applicant the owner of the property legally described above? Yes No
If no, explain:

(9) Adjacent Ownership Does the applicant own property adjacent to the area proposed for development? Yes No
If yes, explain Lions Park is adjacent to Parcel 1A Croy Canyon Ranch, No Development is allowed on the property. Wood River Land Trust does not own the property adjacent to the Draper Wood River Preserve; City of Hailey's Lions Park is immediately to the north and other parcels in private ownership border the Draper Preserve.

Additional Information

- (10) Please attach the following:
- a) Septic permit and letter from the South Central Health District.
 - b) Proof of ownership.
 - c) Vicinity map which includes all lands within 1/2 mile of subject property.
 - d) Lot and parcel map available from the County Assessor's Office which shows at a minimum parcels or lots within 300' of the exterior boundary of the subject property. The applicant is responsible for accurately indicating the names of surrounding landowners on the map.
 - e) The names and addresses of surrounding landowners within 300' of the exterior boundary of the subject property are to be typed onto self-adhesive copier labels.
 - f) Eight (8) sets of plans when application requires Commission approval, or three (3) sets of plans when application requires Hearing Examiner or administrative approval, drawn to scale showing surface view (plan view) of elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; the IRF and floodway boundaries as taken from the Flood Insurance Rate Maps, existing and proposed easements, location and elevations of streets, water supply, sanitary facilities;
 - Site specific information from the studies listed in §9-17-1D of Zoning Ordinance, including IRF elevation at the building site, location of the boundary of the IRF, ordinary high water mark and riparian setback area;
 - A profile thru the building site showing the slope of the bottom of the channel or flow line of the stream, proposed areas of fill, natural ground contours and overflow channels and the elevation of the bottom of floor joist and finished floor of the proposed construction relative to the IRF elevation;
 - Photographs showing the existing land uses and vegetation upstream and downstream and soil types.
 - Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of

- materials, water supply and sanitary facilities
- Existing direction of water forces, areas of critical erosion, potential for channel movement or relocation and related hydraulic considerations;
- Groundwater table level at high water in the spring.
- Exterior building elevations and floor plans for proposed structure(s);
- Location of utilities including electric, gas, well, septic tank and drain field(s);

- g) Typed responses to attached Standards of Evaluation
- h) Agency review of the proposal as determined appropriate by staff;
- l) A "Notice" provided by Planning Office after the application is scheduled for public hearing, shall be posted on site of property being considered for at least 7 days prior to public hearing.
- j) * Application fee as established by County Fee Resolution plus \$.50 per surrounding land owner mailing fee.
- k) There may be County Engineer review fees in addition to application fee.
- l) When the proposed use involves a potential contaminant source or potential contaminant as set forth in appendix A of this title on file in the county, and is located within a wellhead protection area, written comment from Idaho Department of Environmental Quality and from any other appropriate agency, including, but not limited to, owners of public water systems located within the wellhead protection area, shall be solicited if this is determined by the administrator to be necessary.
- m) A written statement by a licensed engineer that the project will have no adverse impact or that such impacts have been identified and mitigated to the maximum extent feasible.

ACKNOWLEDGMENTS

- (11) The undersigned certifies that (s)he is the owner or authorized representative of the land in question and that (s)he has filled in this application to the best of his/her knowledge, and that (s)he agrees to comply with all county codes and state laws, as amended, regulating properties in Blaine County, Idaho. The applicant agrees in the event of a dispute concerning the interpretation or enforcement of the conditional use permit in which the County of Blaine is the prevailing party to pay reasonable attorney's fees and costs, including fees and costs of appeal for the County of Blaine.
- (12) The undersigned grants permission to County Personnel to inspect any property which is the subject of this application until such time as all condition(s) of approval attached to the application(s) have been satisfied.

SIGNATURE OF APPLICANT/AGENT:

DATE: / /

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

ADMINISTRATIVE RECORD

Required Fee \$450.00 _____ paid on _____

If Applicable: 20% of above fee for Ketchum Rural, Carey, West Magic, Smiley Creek or Wood River Rural Fire Dept. Plan Check: _____ paid on _____
Surrounding Landowner Notices
\$.50 ea x _____ = _____ paid on _____
TOTAL _____ receipt # _____

Engineering and consultant fees are calculated based on the time spent by County hired private consultants and their staff to review various projects. These fees are to be paid in full upon receipt and prior to scheduling an applicant's public hearing.

Date Application Certified _____

Hearing Date: _____

Date of and Disposition _____

CUP Standards of Evaluation

Pursuant to the requirements of §9-17-7 (E) of the Zoning Ordinance, it is incumbent upon the applicant to show that the criteria of this regulation has been satisfied. The Commission, Board or Hearing Examiner shall consider factors specified in other sections of this Title, as well as the following (please provide sufficient evidence to demonstrate compliance to these Standards of Evaluation):

1. The relationship of the proposed use to the Comprehensive Plan and the floodplain management program for the area;

A specific goal in the recreation section of the comprehensive plan is to "Continue to evaluate the floodplains of all rivers, streams and tributaries as possible natural, riparian and passive public recreation areas". This proposed project conforms with this goal. The comprehensive plan indicates this area as residential (R-5) zoning. The proposed passive recreational use is consistent with the stated purpose of this zone "to preserve the county's rural character and to protect the scenic value of open space". The comprehensive plan and floodplain management program also requires protecting the floodplain and floodplain vegetation from degradation. The proposed action does not affect the natural condition of the river and minimizes the impact to vegetation and the flow of potential sheet flooding.

2. The preservation of the inherent natural characteristics of the water courses and floodplain areas;

The disturbance to the flood plain area will be minimized to the greatest extent possible. The design of the boardwalk with "diamond pier" foundations will minimize the impact on existing vegetation. The walkways are located in areas where the existing ground is above the FEMA base flood elevations preserving the inherent natural characteristics of the water courses and minimizing the impact on potential sheet flooding.

3. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

The proposed boardwalk will provide a planned physical access point and directs public use of both Lions Park and the Draper Wood River Preserve over time. Both Lions Park and Wood River Land Trust's Draper Wood River Preserve offer public access to the Big Wood and the Croy Creek wetlands. As the community grows and use increases at park areas and along the Big Wood River, the boardwalk provides educational opportunities close to the City of Hailey regarding the value of wetlands to people and wildlife and protects sensitive areas from unmanaged use.

4. The danger to life and property due to increased flood heights or velocities caused by encroachments;

Since the proposed boardwalk is located on land above the FEMA base flood elevations this project will not result in increased velocities or flood heights. In addition, the boardwalk is generally oriented parallel with the flow of water and well removed from the banks of the Big Wood River; multiple large fallen trees will be "cut through" to construct the boardwalk; and the boardwalk itself is less restrictive to flow than the existing vegetation, these characteristics in combination may have the effect of slightly decreasing flood heights and velocities in the event sheet flooding should occur in this area.

5. The effect upon fish and wildlife habitat, including existing vegetation;

Wood River Land Trust and the City of Hailey cooperatively restored the project area by excavating old fill and concrete and replanting the area with native plants. As a publicly owned

property, Lions Park provides public access and is regularly used by members of the community. The boardwalk facilitates future public access with minimal impact. Should the newly restored area ever be inundated by subsurface waters or surface flows, the planned boardwalk will allow for continued public access and prevent future impacts to the sensitive wetland area as it expands.

6. The availability of alternative locations not subject to flooding for the proposed use;
The area already receives regular use by the public. The project's purpose is to provide for this use in such a manner that balances public use, educational opportunities and the ecological value of the wetland and riparian areas to Blaine County residents.
7. The probability of mass erosion to adjacent property as opposed to normal stream bank erosion and accretion;
The probability of mass erosion to adjacent property as a result of this action is very low since the proposed boardwalk is located on existing land above the FEMA base flood elevations at a distance of 175' to 200' west of the Big Wood River. In addition, the characteristics described in the above criteria 4 may have the effect of slightly decreasing flood heights and velocities in the event sheet flooding should occur in this area.
8. The safety of access to the property in times of flood of ordinary and emergency vehicles;
No vehicular access is proposed for the project. The boardwalk will provide only pedestrian and wheelchair access.
9. The danger that materials may be swept on to other lands or downstream to the injury of others;
The increase to danger that materials will be swept downstream is low to nonexistent since the velocity of sheet flooding water is very low in flood plain areas such as this that are far from the river channel.
10. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contaminations, and unsanitary conditions;
There are no proposed water supply or sanitation systems as a part of the project.
11. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
The Diamond Pier system is proven and successful application for other wetland boardwalks in the state of Idaho. See attached example. A boardwalk is not as susceptible to flood damage as a building or other structure this criteria is intended to address.
12. The importance of the service provided by the proposed facility to the community;
Cite City of Hailey Parks & Trails Master Plan. The City of Hailey and WRLT would like to enhance public access to improve local educational opportunities regarding the value of wetland areas for wildlife habitat and water quality. Interpretive signage installed on the boardwalk will provide the community with valuable information on the ecological value of the Croy Creek wetland complex.
13. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
The base flood elevation per FEMA is below the existing ground elevations. Velocities associated with shallow sheet flooding are generally 2 fps or less. According to FEMA the duration of flooding is approximately two weeks. Little if any sediment transport is associated with low velocity shallow sheet flooding.

14. Effect of and susceptibility to obstruction by landslides, avalanches, ice jams, or timber; *The flood potential at the site is affected by susceptibility to obstruction by land slides and avalanches from Della Mountain located downstream from this site. A minor potential for flooding as a result of ice jams and timber may exist. However, the passive recreational nature of the proposed use does not result in potential public or private damage or hazards as a result of flooding due to these potential obstructions.*
15. The criteria 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 section 67-6528.

To our knowledge this proposed action will not effect the plans and needs of the state, or any agency, board, department, institution or district thereof, as required by Idaho Code section 67-6528.

16. The project will not have an adverse impact on potable water sources when the project is located within a wellhead protection area.

No adverse impacts to potable water sources are expected as a result of this proposed project not located in a wellhead protection area

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

Possible Conditions of Approval

Pursuant to §9-17-7 (F) of the Zoning Ordinance, upon consideration of the factors listed above and the purposes of this Chapter, the Commission or the Board shall attach such conditions to the granting of conditional use permits as deemed necessary to further the purposes of this Chapter, including, but not limited to:

1. Modification of water disposal and water supply facilities to minimize or eliminate infiltration of flood waters.
2. Limitation of periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for, or prohibition of, the construction of channel modifications, diversions, dikes, levees, and other protective measures.
5. Flood-proofing measures.
6. Location of building sites or envelopes.
7. Requirement that the top of the foundation stem wall shall be a minimum of two feet above the IRF elevation.
8. Prohibition against basements being constructed within the floodplain.
9. Maintenance of structure and surrounding area.
10. Replacement of riparian habitat, including vegetation.

11. All new construction and substantial improvements shall be anchored (bolted to the foundation) to prevent flotation, collapse or lateral movement of the structure.
12. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage; using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
13. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters and on site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
14. Subdivision Proposals, all subdivision proposals shall be consistent with the need to minimize flood damage and the requirements of this chapter; shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; shall have adequate drainage provided to reduce exposure to flood damage; and where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).
15. Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding.
16. Residential Construction new construction and substantial improvement of any residential structure shall have the lowest portion of the floor system elevated two feet (2') or more above the 100-year flood elevation.
17. Commercial, Industrial Or Nonresidential Structure: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall be flood proof.
18. All manufactured homes to be placed or substantially improved within zones A130, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least two feet (2') above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection F11 of this section.
19. Review all conditional use permits and building permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
20. Wellhead Protection Area: Implementation of agency recommendations designed to mitigate potential impact of the project on potable water sources when the project is located within a wellhead protection area.



219 1st Avenue South, Suite 208 Hailey, ID 83333
Planning & Zoning: 208-788-5570 ♦ Fax 208-788-5576
www.blainecounty.org

BLAINE COUNTY
CONDITIONAL USE PERMIT APPLICATION
WETLANDS

As set forth in Chapters 19 and 25, Title 9 (Zoning Ordinance) of the County Code, Blaine County, Idaho

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

Contact Information

- (1) Applicant: Name: City of Hailey/Wood River Land Trust
 Mailing Address: 115 Main St Suite H/119 E. Bullion Street Hailey, Idaho
 83333
 Phone: (208) 788-4221 / (208) 788-3947
 Email: kgoldman@woodriverlandtrust.org
- (2) Owner Name: City of Hailey/Wood River Land Trust
 Mailing Address: 115 Main Street South, Suite H/119 E. Bullion St Hailey, ID
83333
 Phone: (208) 788-4221 / (208) 788-3947
 Email: heather.dawson@haileycityhall.org/
kgoldman@woodriverlandtrust.org
- (3) Land Contractor Name:
 Mailing Address:
 Phone:
 Email:
- (4) Responsible Party Name: Kathryn Goldman, Wood River Land Trust
 Mailing Address 119 E. Bullion Street Hailey, Idaho 83333
 Phone: (208) 788-3947
 Email: kgoldman@woodriverlandtrust.org

“Responsible Party is the person who will be the sole responsible contact with the County”

Project Information

- (5) General Size of Tract: 9 acres/ 84.5 acres
 Present Land Use: City of Hailey Park/ Wood River Land Trust Preserve
 Existing Zoning: Lions: R-5/ Draper: R-5, R-10
 Overlay District(s): Lions:Floodplain,Wetland/Draper:Floodplain,
Wetlands, Avalanche
- (6) Property Address Lions: 11 Croy Creek Road, Blaine County Idaho/ Draper: no street address
- (7) Requested Action To construct a wetland boardwalk trail and viewing platform, providing public access to the newly restored .5 acres at the south end of Lions Park and Wood River Land Trust's Draper Wood River Preserve. The boardwalk will loop from Lions Park to the west side of the Draper Preserve and feature interpretive signage on the value of wetlands for water quality and wildlife habitat. Total length of the

planned project is 375 lineal feet with a small destination viewing platform on the Draper Preserve connecting back to Lions Park via an overland path. This project is the final step in the planned restoration effort Wood River Land Trust began in 2008 with the removal of fill, concrete and waste from the site with funding from the Department of Environmental Quality.

- (8) Is a federal permit required for the work described herein? Yes no
If no, please explain:

If yes, what is the status of the federal permit? pending

- (9) Are there other areas on the property for the proposed activity that would not require the disturbance of wetlands? Please describe: The purpose of the proposed boardwalk is to provide public access to the edge of the wetland area with minimal impacts to vegetation and wildlife habitat. The City of Hailey and Wood River Land Trust are working in partnership to balance educational and recreational opportunities with planned public access of the properties to serve the community. The construction of this boardwalk will connect the community to this valuable resource and the educational opportunities it will allow will encourage future protection efforts for wetlands across Blaine County. Portions of the proposed boardwalk are on city property that served as the municipal dump. This area was recently excavated and restored to its original elevation and planted with native vegetation. Should future flood events inundate the area, the boardwalk will provide for continued public access and protect a newly expanded wetland area. Additional sections of the proposed boardwalk provide public access and wildlife viewing opportunities at existing wetlands on Wood River Land Trust's Draper Preserve.

- (10) Please indicate the estimated quantities of work involved.

Total area (s.f. or acreage) of disturbance:	193 square feet
Amount of cubic yards to be filled:	3 cubic yards
Amount of cubic yards to be excavated:	0 cubic yards

Legal Information

- (11) Legal Description (Include section, township, range) SW SW Sec 9 & E 1/2NW Sec 16 T2N R18E

- (12) Parcel Number RP - 02N180092900 / 02N180163400

- (13) Status of Applicant Is the applicant the owner of the property legally described above?
Yes No
If no, explain:

- (14) Adjacent Ownership Does the applicant own property adjacent to the area proposed for development? Yes No
If yes, explain Lions Park is adjacent to Parcel 1A Croy Canyon Ranch, No Development is allowed on the property. Wood River Land Trust does not own the property adjacent to the Draper Wood River Preserve; City of Hailey's Lions Park is immediately to the north and other parcels in private ownership border the Draper Preserve.

Additional Information

- (15) Please attach the following:
 - a) Proof of ownership.
 - b) Vicinity map which includes all lands within 1/2 mile of subject property.
 - c) Lot and parcel map available from the County Assessor's Office. The applicant is responsible to accurately indicate the names of surrounding landowners on the map.
 - d) The names and addresses of surrounding landowners within 300' of the exterior boundary of the subject property are to be typed onto self-adhesive copier labels.
 - e) Three (3) copies of the proposed site plan showing:
 - Property line and north arrow;
 - Existing and proposed easements;
 - Location of all existing and proposed structures;
 - Grading plan showing existing and proposed grade changes;
 - Areas of fill
 - Delineation of wetlands;
 - Areas of proposed disturbance;
 - Areas of vegetation;
 - f) Typed responses to attached Standards of Evaluation including a narrative as to how the proposal will comply with specific standards and objectives of the Comprehensive Plan.
 - g) Agency review of the proposal as determined appropriate by staff;
 - h) A "Notice" provided by Planning Office after the application is scheduled for public hearing, shall be posted on site of property being considered for at least 7 days prior to public hearing.
 - i) * Application fee as established by County Fee Resolution plus \$.50 per surrounding land owner mailing fee. There may be County Engineer review fees in addition to application fee.

ACKNOWLEDGMENTS

- (11) The undersigned certifies that (s)he is the owner or authorized representative of the land in question and that (s)he has filled in this application to the best of his/her knowledge, and that (s)he agrees to comply with all county codes and state laws, as amended, regulating properties in Blaine County, Idaho. The applicant agrees in the event of a dispute concerning the interpretation or enforcement of the conditional use permit in which the County of Blaine is the prevailing party to pay reasonable attorney's fees and costs, including fees and costs of appeal for the County of Blaine.
- (12) The undersigned grants permission to County Personnel to inspect any property which is the subject of this application until such time as all condition(s) of approval attached to the application(s) have been satisfied.

SIGNATURE OF APPLICANT/AGENT:

DATE: / /

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

ADMINISTRATIVE RECORD

CUP Wetlands revised 08-09

Required Fee \$300.00 _____ paid on _____
 If Applicable: 20% of above fee for Ketchum Rural, Carey, West Magic, Smiley Creek or
 Wood River Rural Fire Dept. Plan Check: _____ paid on _____
 Surrounding Landowner Notices
 \$.50 ea x _____ = _____ paid on _____
TOTAL _____ receipt # _____

Engineering and consultant fees are calculated based on the time spent by County hired private consultants and their staff to review various projects. These fees are to be paid in full upon receipt and prior to scheduling an applicant's public hearing.

Date Application Certified _____

Hearing Date: _____

Date of and Disposition _____

CONDITIONAL USE PERMIT Standards of Evaluation

Pursuant to Chapter 25, Section 3, Title 9 (Zoning Ordinance) of the Blaine County Code

An applicant for a conditional use permit shall provide written responses to the Standards of Evaluation contained herein below in sufficient detail to allow the Commission or the Board to evaluate the proposed action relative to said standards. In reviewing these applications, the Commission is required to find adequate evidence to support approval or conditional approval, or in the event such information is unattainable (or unavailable), deny the application.

The Commission or the Board shall review the particular facts and circumstances of each proposed conditional use in the terms of the following standards and shall determine if there is sufficient evidence to make findings that the proposed action:

1. Will, in fact, constitute a conditional use as established for the zoning district involved;

The boardwalk constitutes a conditional use in the Wetlands Overlay District since this project provides access to a wetlands for viewing and public education regarding wetlands. Since the purpose of the project is to provide access to a wetlands, other locations for the use are not feasible. The amount of land disturbance is minimized to the smallest area possible as a result of the "diamond pier" foundations. The diamond pier foundations are specifically designed for use in wetlands to provide support for the boardwalk while minimizing the area disturbed.

2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Blaine County Comprehensive Plan and the Blaine County Zoning Ordinance;

A specific goal in the natural resources section of the comprehensive plan states "The county will work in conjunction with public and private organizations to conduct seminars for educating citizens concerning identification and value of wetlands". This proposed project conforms with this goal.

The Blaine County Zoning Ordinance indicates this area as residential (R-5) zoning. The proposed passive recreational use is consistent with the stated purpose of this zone "to preserve the county's rural character and to protect the scenic value of open space".

3. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;

The disturbance to the wetland area will be minimized to the greatest extent possible. The design of the boardwalk with "Diamond Pier" foundations will minimize the impact on existing vegetation. The walkways are located in areas where the existing ground is above the FEMA base flood elevations, preserving the inherent natural characteristics of the water courses and minimizing the impact on potential sheet flooding. The Diamond Pier system is proven and successful application for other wetland boardwalks in the state of Idaho. See attached example on Bureau of Land Management property in north Idaho.

4. Will not be hazardous or disturbing to existing or future neighboring uses;

The boardwalk provides for non-motorized public access during daytime hours. The layout of the proposed project is located so that it is buffered by City of Hailey property to the north, east and west and Wood River Land Trust property to the south. Neighboring uses now or in the future would not be affected by daytime use of the boardwalk on public property.

5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

No changes to the current level of public services provided by the City of Hailey or Blaine County to either Lions Park or the Draper Wood River Preserve will be necessary as part of the proposed project.

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

The proposed boardwalk will not require additional public facilities or services and will not be detrimental to the economic welfare of the community. The project will enhance available recreational and educational opportunities available close to the city core and as such will add to the overall public benefits available at Lions Park and the Draper Wood River Preserve.

7. Will not involve uses activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water pollution or safety hazards. Water pollution includes impact to surface and ground water and potable water sources. When the proposed use involves a potential contaminant source or potential contaminant as set forth in appendix A of this title, on file in the county, and is located within a wellhead protection area, the commission shall consider the impact of the project on potable water sources and determine whether there is sufficient information in the record to demonstrate that the project has been designed to mitigate adverse impact to potable water source(s);

The boardwalk will not involve detrimental activities, pollution or safety hazards. No contaminants are associated with this use. This project is not located in a well protection area and preservation of this wetlands and open space will have a positive impact on potable water sources.

8. Will have vehicular approaches to the property which shall be designed as not to create an interference with traffic on surrounding public thoroughfares;

No changes to the vehicular access to either Lions Park or the Draper Preserve are proposed as part of the project. Parking for this boardwalk is provided at an existing parking lot in Lions Park.

9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;

The conservation purpose of this area will assure features of major importance including natural, scenic and historic features will be preserved and public access to these features will be enhanced.

10. 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 Section 67-6528.

To our knowledge this proposed action will not effect the plans and needs of the state, or any agency, board, department, institution or district thereof, as required by Idaho Code section 67-6528.

Conditions of Approval

Pursuant to §9-25-5 (A) of the Blaine County Code, conditions which may be attached by the Commission include, but are not limited to, those which will:

- Minimize adverse impact on other development.
- Control the sequence, timing and duration of development.
- Assure that development is maintained properly.
- Designate the exact location and nature of development.
- Require the provision for on-site or off-site public facilities or services
- Mitigate foreseeable social, economic, fiscal, and environmental effects, including the effect on potable water sources when the project is located within a wellhead protection area.
- Require more restrictive standards than those generally required in the Zoning Ordinance.

November 13, 2009

Tom Bergin
Blaine County Planning & Zoning Building Director
219 1st Avenue, Suite 208
Hailey, Idaho 83333

Dear Mr. Bergin:

The City of Hailey wishes to express our formal support for Wood River Land Trust's (WWRLT) conditional use floodplain and wetlands permit applications to construct a small boardwalk at the southeast end of Lions Park, connecting to WRLT's property immediately adjoining the park, near Hailey, Idaho. Lions Park is owned by the City of Hailey. Since 2008, the City of Hailey has been working with Wood River Land Trust to restore this section of Lions Park.

The Idaho Department of Environmental Quality (DEQ) awarded WRLT funding through the 319 Program to restore the southwest section of Lions Park. As part of the grant proposal, Wood River Land Trust planned a small boardwalk and viewing platform to maintain existing public access in a manner compatible to the restoration work at the site.

The Big Wood River is an irreplaceable resource for Blaine County. As the county and the City of Hailey grows, demand for recreational opportunities along the Big Wood increases as well. We strongly encourage Blaine County to support this important opportunity to sustain and manage public access and educational opportunities at Lions Park.

Please contact the city with any questions you might have regarding the City's support for this proposed project.

Respectfully,

Rick Davis
Mayor, City of Hailey

SUMMARY OF HAILEY ORDINANCE NO. 1040

The following is a summary of the principal provisions of Ordinance No. 1040 of the City of Hailey, Idaho, duly passed and adopted November 23, 2009, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 10.08 OF THE HAILEY MUNICIPAL CODE BY REPEALING CHAPTER 10.08 AND BY REPLACING IT WITH A NEW CHAPTER 10.08, TO CREATE A PURPOSE SECTION, TO ESTABLISH DEFINITIONS, TO ESTABLISH AND REGULATE LOADING ZONES, TO ESTABLISH PARKING RESTRICTIONS, TO REGULATE REMOVAL, IMPOUNDMENT AND RETURN OF VEHICLES, TO PROVIDE AN INTERPRETATION CLAUSE AND TO PROVIDE A PENALTY PROVISION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Hailey Ordinance No. 1040 amends Hailey Municipal Code, as follows:

Section 1 amends Chapter 10.08 of the Hailey Municipal Code, by the repeal of Chapter 10.08 in its entirety and by the addition of a new Chapter 10.08, entitled "Parking," which generally establishes parking regulations within public rights-of-way. Chapter 10.08 specifically a) provides for a purpose section, b) establishes definitions for Bus Loading Zone, Parking and Right-of-Way, c) establishes a procedure to create and regulate Bus Loading Zones, d) establishes parking regulations in any Right-of-Way, including parking restrictions prohibiting parking on i) Main Street between McKercher Boulevard and Maple Street, on Bradford Road from Cedar Street to the City of Hailey city limits or on Bullion and Croy Streets between First Avenue and River Street between the hours of 9:00 a.m. and 6:00 p.m. for a period in excess of two hours, ii) Main Street between McKercher Boulevard and Maple Street between the hours of two a.m. to six a.m., iii) a paved street abutting an improved curb and gutter and on a paved street not abutting an improved curb and gutter and within six feet (6') of the edge of asphalt between the hours of 12:00 a.m. (midnight) to 7:00 a.m., each day from November 1st of each year to May 1st of the following year, iv) city owned property unless designated as a parking area, v) a Right-of-Way which restricts access to private property, gasoline pumps, garages and service stations, vi) a Right-of-Way within twenty feet (20') of a fire hydrant or in an area posted no parking by a fire hydrant, and vii) a Right-of-Way over parking lines, e) provides for an interpretation section, f) creates procedures for the removal, impoundment and return of vehicles when parked in violation of winter night time parking restrictions, and g) provides for a penalty section which makes it an infraction with a fifty dollar (\$50) fine for a violation of winter night time parking restrictions and an infraction with a ten (\$10) fine for the first offense and a thirty five (\$35) fine for the second and subsequent offenses within a calendar year for a violation of other provisions of Chapter 10.08.

Section 2 provides for a severability clause.

Section 3 provides for a repealer clause.

Section 4 provides for an effective date of the ordinance.

The full text of Ordinance No. 1040 is available at Hailey City Hall at 115 South Main Street, Suite H, Hailey, Idaho 83333 and will be provided to any citizen upon request during regular business hours.

CERTIFICATION OF CITY ATTORNEY

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1040 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1040, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 14th day of December, 2009.

Ned Williamson, Hailey City Attorney

Publish: Mountain Express, December 16, 2009