

BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING DATE: December 5, 2018

<p><b>REGARDING AN APPLICATION OF:</b> Greg Carr for a Floodplain Conditional Use Permit for the reconstruction of Gimlet Lane, a private road, near Gimlet Sub #10 west of the Big Wood River.</p>	<p><b>FINDINGS OF FACT, CONCLUSION OF LAW AND DECISION</b></p>
---	--

**REQUESTED ACTION:** A public hearing on and consideration of an application by Greg Carr to reconstruct Gimlet Lane, a private road, by installing four (4) 18” culverts within the designated Floodplain to improve drainage and access to existing homes. The project site is located within Gimlet Sub #10. The property is zoned Low-Density Residential (R-1) with areas of Floodplain (FP) Overlay District.

**PROPERTY OWNER/APPLICANT:** Gimlet Master Association, Inc. (Greg Carr- Applicant)

**REPRESENTATIVE:** Dennis Kavanagh, Kavanagh Construction  
Steve Butler of Butler Associates, Inc.

**NAME/REACH OF STREAM:** Big Wood River

**LOCATION/LEGAL DESC.:** Gimlet Sub #10, Blaine County

**APPLICABLE REGULATIONS:** Title 9 (Zoning): Chapters 10 and 17  
Title 8 (Comprehensive Plan)

**I. APPLICATION, NOTICE, EXHIBITS & GENERAL FACTS**

**1. Notice of this public hearing was:**

- a. Legal notice was published in the Idaho Mountain Express on November 14, 2018.
- b. Notice was mailed on November 13, 2018, to surrounding landowners within 300’ of the exterior boundary of the property and to all Blaine County political subdivisions.
- c. An on-site notice was posted on November 14, 2018, at least 7 days prior to the hearing as evidenced by the affidavit in file.

Pursuant to Idaho Code §67-6512 and Blaine County Zoning Ordinance regulations, the Board shall review the above notice procedures and make a finding as to compliance.

► **Motion:** Upon motion by Commissioner Greenberg, second by Commissioner Schoen, and by a vote of 3 to 0, the Board finds notice to be adequate.

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

The Commissioners visited the site for the issuance of an ESAP on July 20, 2017 then on various subsequent dates for observation and follow up to the flooding of 2017 in this area of the floodplain.

3. Attached to the staff report and referenced throughout are the following exhibits:

**Exhibit A—Application Materials**

All application materials were received on February 15, 2018, unless indicated otherwise.

- A-1: Blaine County FP-CUP Application
- A-2: Vicinity Map and adjoining landowners
- A-3: Project Narrative
- A-4: No Adverse Impact Statement- Steve Butler
- A-5: Gravel Drive Profile

**Exhibit B—Agency Comments**

- B-1: County Engineer comments- received November 26, 2018

**Exhibit C—Blaine County Supplemental Information**

- C-1: ESAP- issued by the BCC on July 10, 2017
- C-2: Site Photos- various dates

**Exhibit D—Public Comments**

None received as of the date of this report

**II. FLOODPLAIN CONDITIONAL USE PERMIT APPLICATION (FP-CUP): STANDARDS OF EVALUATION  
BLAINE COUNTY CODE §9-17-7E**

*E. Criteria for Evaluation: It is incumbent upon the applicant to show that the criteria of this regulation have been satisfied. The commission or the board (or hearing examiner) shall consider factors specified in other sections of this title, as well as the following:*

1. *The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.*

- **FINDING: Compliant.** Floodplain issues are addressed in the Comprehensive Plan in Chapter 3, Recreation; Chapter 5, Natural Environment; Section 9, Land Use; as well as Chapter 17 of the Zoning Ordinance. The overall policy established by the Comprehensive Plan and Code is to protect the floodplain by avoiding development that adversely impacts the natural functioning of the floodplain while accommodating residential uses whose negative impacts can be mitigated. This project proposes mitigation through incorporating culverts to allow for flow of surface flood waters which contribute to floodplain health and connectivity.

2. *The preservation of the inherent natural characteristics of the watercourses and floodplain areas.*

- **FINDING: Compliant.** This application proposes to maintain access during flooding to existing homes located along Gimlet Lane. Project intent is to preserve the natural flow of water to the greatest extent possible while achieving property access during times of flooding. Culverts have been incorporated to encourage floodplain connectivity and preservation.

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

- **FINDING:** Compliant. The existing development in the vicinity is residential. No further residential development is anticipated along Gimlet Lane.

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

- **FINDING:** Compliant. Although this application proposes additional encroachments in the floodplain, the incorporation of culverts will allow for flow of water west of Gimlet Lane to disperse floodwaters. Gimlet Lane washed out during the flooding of 2006 and again during the flooding of 2017. Access to the properties along Gimlet Lane was impossible by vehicle and great expenses have been borne by the private property owners to repair this road after each flooding event.

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

- **FINDING:** Conditionally Compliant. There should be no impact to fish and wildlife habitat. Based on staff and County Engineer's suggestion, the Board's approval includes a condition that applicant shall not excavate the "swale" area due to the already low lying topography. Ground water has been observed in this area and further excavation will not provide useful floodwater storage. Vegetation in the area will also be preserved if excavation is not required. Refer to Exhibit B-1 for more information.

6. *The availability of alternative locations not subject to flooding for the proposed use.*

- **FINDING:** Compliant. Gimlet Lane is an approved, platted access to three residential homes in the Gimlet area. There are no alternative locations for access not subject to flooding.

7. *The probability of mass erosion to adjacent property as opposed to normal stream bank erosion and accretion.*

- **FINDING:** Compliant. This area is subject to high velocity flows and surface runoff which have historically resulted in mass erosion to adjacent properties, including Gimlet Lane and driveways. The objectives of this proposal are to provide for flow, however, erosion at the base of the new road may continue to occur during flooding events.

8. *The safety of access to the property in times of flood of ordinary and emergency vehicles.*

- **FINDING:** Compliant. Access is currently inhibited during flooding events. This project proposes to provide for safer, long-term access to properties in times of flooding.

9. *The danger that materials may be swept on to other lands or downstream to the injury of others.*

- **FINDING:** Compliant. The culverts should allow for water to disperse and connect to the floodplain west of Gimlet Lane and east to the bike path. A drainage channel currently exists in this location and culvert placement considered this drainage channel and will allow drainage to continue as currently configured.

10. *The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.*

- **FINDING: Compliant.** The water supply and sanitation system are existing and will remain unchanged should this project be approved.

11. *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.*

- **FINDING: Not applicable.**

12. *The importance of the service provided by the proposed facility to the community.*

- **FINDING: Not applicable.** There is no facility proposed.

13. *The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.*

- **FINDING: This project assessed various designs for long term solutions to a historical problem in this location. Alternatives considered included squash culverts measuring approximately 5 feet in diameter each and removing all material placed after ESAP approval in 2017. Although this proposal was not entirely free of potential velocity increases, it was the best solution assessed and presented to the Board for long term success and mitigation of future maintenance of the road and impacts to the floodplain.**

14. *Effect of and susceptibility to obstruction by landslides, avalanches, ice jams or timber.*

- **FINDING: Compliant.** This project is located outside of the mapped floodway of the Big Wood River. The floodway has the highest susceptibility to obstruction by ice jams and timber. The project is not located within an avalanche zone.

15. *If the applicant or landowner with respect to an application for a conditional use permit under this chapter is the state of Idaho, or any agency, board, department, institution, or district thereof, . . .*

- **FINDING: Not applicable.**

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

- **FINDING: Compliant.** The project is located within a wellhead protection area; however, this project should not have any adverse impacts on potable water sources.

**III. DECISION AND CONDITIONS:**

- **Decision:** Upon motion by Commissioner Schoen, second by Commissioner Greenberg, and a vote of 3-0, the Blaine County Board of Commissioners hereby approves the application by Greg Carr for a Floodplain Conditional Use Permit, finding the proposal complies with the applicable criteria set forth under Title 9, Chapter 17, Floodplain Overlay District and Riparian Setback District, subject to the following conditions:

**CONDITIONS OF APPROVAL:**

1. Applicant shall comply with all applicable zoning, building, fire and health district regulations.
2. Any modifications to the plans shall require further zoning review, and may be subject to additional regulations pursuant to the Blaine County Zoning Ordinance.
3. The applicant shall provide the county floodplain manager with a construction activities schedule prior to the start of work.
4. Written permission from the Gimlet Master Association and Blaine County Recreation District shall be provided to the Land Use office prior to the start of work.
5. Culverts shall be maintained (cleaned) as necessary on an annual basis.
6. Excavation of the "swale" area is not permitted.

Notice pursuant to I.C. 67-6535(c): The owner of the property subject to this application and decision may request regulatory taking analysis pursuant to I.C. 67-8003.

IT IS SO ORDERED.

DATED this 13 day of December, 2018

BLAINE COUNTY BOARD OF COMMISSIONERS


  
Angèle McCleary, Chair

CERTIFICATE OF MAILING

The undersigned person hereby certifies that on the 13<sup>th</sup> day of Dec, 2018, she served a true and correct copy of the foregoing document by depositing the same in the U.S. Mail addressed as follows or by service otherwise as noted:

Kavanagh Construction  
Dennis Kavanagh  
(Owner Representative)  
Email: [dennis@denniskavanagh.com](mailto:dennis@denniskavanagh.com)

Butler and Associates  
Steve Butler, P.E.  
Email: [svgeotech@gmail.com](mailto:svgeotech@gmail.com)

  
Staff Member