

**BLAINE COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARINGS on April 9 & February 26, 2019**

ORIGINAL

<p>REGARDING REVISED APPLICATIONS OF:</p> <p>James E. Daverman for a Floodplain Conditional Use Permit (FP-CUP) adjacent to the Big Wood River.</p>	<p align="center">Findings of Fact, Conclusion of Law & Decision</p>
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REQUESTED ACTION: Public hearing and consideration of an application by James Daverman to perform floodplain alterations including the filling of designated wetlands; installation of a drainage pipe from the wetlands to the edge of the adjacent Big Wood River channel; and creation of two rock spillways/swales north and east of the residence on Lot 18 to convey surface water to back to the river and away from neighborhood access roads and structures. This project is located at 30 Gimlet Rd and 24 Gimlet Ln (Lots 18 and 19, Gimlet Sub. #10) and is zoned Planned Residential (R-2) with Floodplain (FP) and Wetland (WE) Overlay Districts.

APPLICANT: James E. Daverman

PROPERTY OWNERS: James E. Daverman & David Morrow

REPRESENTATIVE: Charles G. Brockway, P.E. & Erick Powell, P.E., Brockway Eng.

NAME/REACH OF STREAM: Big Wood River

PROPERTY LOCATION: 30 Gimlet Rd and 24 Gimlet Lane; (Lots 18 & 19 Gimlet Sub. #10)

APPLICABLE REGULATIONS: Title 9 (Zoning Regulations): Chapters 9, 17, 19 & 25
Title 8 (Comprehensive Plan)

I. APPLICATIONS, NOTICE, EXHIBITS & GENERAL FACTS

1. Application: Blaine County Floodplain Conditional Use Permit Application received and paid for on Oct. 4, 2018. (Note: The FP-CUP was originally submitted with an SAP. The SAP was withdrawn on Dec. 17th leaving the FP-CUP as a remaining application.) See 6(b) Summary of Proposal on Page 3 of this report for more details.

- 2. Notice:** Public notice for the Feb. 26th public hearing was as follows:
- A. Legal notice was published in the Idaho Mountain Express on February 6, 2019;
 - B. Notice was mailed on February 4, 2019 to all Blaine County political subdivisions;
 - C. Notice was mailed on February 6, 2019 to surrounding landowners within 300' of the exterior boundaries and 1,000' downstream of the project site;
 - D. An on-site notice was posted on February 7, 2019, as supported by affidavit on file.

► **Motion:** No motion on adequacy of notice was made. The hearing was continued to April 9th since neither the applicant nor their representative attended to present application.

3. Notice: Public notice for the April 9th public hearing was as follows:

- A. Legal notice was published in the Idaho Mountain Express on March 20, 2019;
- B. Notice was mailed on March 18, 2019 to all Blaine County political subdivisions;
- C. Notice was mailed on March 20, 2019 to surrounding landowners within 300' of the exterior boundaries and 1,000' downstream of the project site;
- D. An on-site notice was posted on March 27, 2019, as supported by affidavit on file.

► **Motion:** Upon motion by Commissioner McCleary, a second by Commissioner Fosbury and a three to none vote, the Board finds notice of this hearing to be adequate.

4. Disclosures: All three Board members have visited the site either during the emergency stream alteration process or at the invitation of the applicant's representative prior to becoming a member of the Board. No other disclosures were made.

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

Exhibit A—Application Materials

All application materials were received on October 4, 2018, unless indicated otherwise.

- A-1: Completed SAP & FP-CUP Applications; Brockway Eng. rec'd 10.04.18
- A-2: Vicinity and Floodplain Maps and adjacent property owners
- A-3: Cover Letter for SAP & FP-CUP Applications; Brockway Eng. rec'd 10.04.18
- A-4: Responses to FP-CUP Standards of Evaluation; Brockway Eng. Rec'd 10.04.18
- A-5: Letter requesting withdrawal of SAP; Brockway Eng. rec'd 12.17.18
- A-6: "Reduced Scale Phase 2 FP-CUP Only" Narrative and revised drawing sheets; Brockway Eng. rec'd 01.24.19
- A-7: "Reduced Scale Phase 2 FP-CUP Only" Responses to Blaine County Staff Questions; Brockway Eng. rec'd 01.24.19
- A-8: Site Map; access routes; rec'd 01.24.19
- A-9: Applicant response to staff report; rec'd 2-26-19
- A-10: E-mail request for hearing continuation; rec'd 2-26-19
- A-11: Applicant's response to Trout Unlimited comments; rec'd 3-27-19
- A-12: Applicant's response dated April 8 to staff response dated April 3;
- A-13: Landowner communications dated April 8.

Exhibit B—Agency Comments

- B-1: Department of the Army (USACE) NWP 27- Aquatic Habitat Restoration and NWP 33-Temp Const., Access and Dewatering; rec'd 11.15.18 (For SAP/FP-CUP, Exh. A-1 & A-3)
- B-2: County Engineer, Jeff Loomis, comments; rec'd 02.07.19
- B-3: Idaho Dept. of Fish & Game; rec'd 10.25.18 (comments on SAP/FP-CUP, Exh. A-1 & A-3)
- B-4: Idaho Dept. of Fish & Game; rec'd 02.19.19 (comments on FP-CUP, Exh. A-6 thru A-8)

Exhibit C—Blaine County Supplemental Documents

C-1: Gimlet “Phase 1” Completion Report and photos; rec’d 12.27.18

C-2: Brockway Eng. summary of ESAP staff site visit and Phase 2 concept; rec’d 05.29.18

C-3: Email from James Daverman re: flooding; rec’d 05.29.18

C-4: May 21, 2018 ESAP Proposal

C-5: June 7, 1997 Aerial Photo

Exhibit D—Public Comments

D-1: Biota Research & Consulting on behalf of Steven Giacona; rec’d 02.13.19

D-2: Trout Unlimited; rec’d 2-25-19

D-3: Mitchell Miliias; rec’d 3-12-19

D-4: Biota Research & Consulting on behalf of Steven Giacona; rec’d 04.8.19

6. Summary of Phases: The current application is part of a phased approach to river and floodplain management for this reach of river. The approved Phase 1 components are detailed below. Phase 1 was completed in 2018. Please see Exhibit C-1 for the “completion report” and photos of Phase 1.

a. Phase 1 - Project Components

i. Engineered logjams:

- Two engineered logjams were proposed, one at the head of the “island” and the other at the start of the center channel of the “island”. Only the northerly logjam was constructed. The purpose of the logjam was to encourage high water flow through both the far east and center channels while seeking to diminish flows to the most westerly channel near the existing residences on Lots 18 & 19.

ii. Construction of a new channel and gravel excavation:

- Post 2017 flood, gravel deposition had hindered sediment transport capabilities of the Big Wood River through this reach and excavation was completed to restore a desired depth and width of the westerly channel.

iii. Restoration of eroded land streambank on Lot 18

- A portion of the excavated channel materials were utilized to reclaim the eroded bank in front of Lot 18 to its pre-flood location. The recently constructed bank is protected with a combination of woody debris and rock riprap. It was stated that this project component would be re-evaluated post high-water runoff of 2018 and additional bio-engineering may be utilized if necessary. The currently FP-CUP application does not include any expansions or changes to this constructed bank line.



iv. “Roughened” channel between Lot 18 and Lot 19

- A roughened channel was created between Lots 18 and 19 to prevent major channel avulsion/relocation of the Big Wood River. The work entailed burying a combination of rock and woody debris sub-grade in the floodplain to protect this area.

v. Removal of large piles of woody debris resulting from the ESAP

- Piles of woody debris were removed from the floodplain. All of the woody debris was incorporated into Phase 1 project components.

vi. Revegetation:

- All areas disturbed by equipment tracks, stockpiling, or other work were required to be re-graded, smoothed, topped with topsoil and replanted with woody shrubs and native riparian vegetation. Due to the potential disturbance of these areas resulting from Phase 2 work, the applicant has stated that they wish to postpone all revegetation of these areas until Phase 2 is complete.

- b. **Phase 2 - Current Phase 2 Components:** For a general summary of the area water concerns, see Exhibit C-3, Daverman email. The applicant originally submitted an SAP and a FP-CUP, Exhibits A-1 and A-3. The SAP included channel excavation in the center channel of the Big Wood River. The applicant had asked staff to process the FP-CUP without the SAP, and withdrew the SAP application on Dec. 17, 2018 and requested the county review and process this FP-CUP as a standalone permit. The applicant has instructed USACE and IDWR to proceed with reviewing the entire project as a whole, including the center channel excavation. That component is not part of this county application or include in this decision. A SAP application and review is necessary if work is to be done in the stream channel of the Big Wood River.

The following are details of the Phase 2, FP-CUP Application.

- i. Swales northeast and southeast of the residence: According to Exhibit A-6, Narrative, the following is stated:

There are already natural swales that exist in this location, but this swale will be approximately 56 ft wide to help convey most of the frequent flood water back to the river. The maximum depth of the swale will be 1.5' below the current ground elevations. The swale footprint is approximately 0.19 acre and the volume of excavation from the swale is projected to be 479 cyds.

The swale to return high flow events to the river will be similar in nature to the action approved by Blaine County under the emergency permit in May 2018, with a 20 to 30 ft width and depth of approximately 1 ft. Some material excavated from the swale will be used to create a small berm on the west side to encourage water to stay within the swale. The length of the swale is approximately 265 ft. The volume of excavation will be approximately 245 cyds. Capacity of the swale is approximately 75 cfs.

“Berms” are proposed at the downstream ends of each swale and the applicant has stated, “the maximum height for [berms] is 10-inches. These side boards are there to ensure channel function and shape, as well as a location to deposit excavated material.” Staff is unclear as to why the berms are proposed in drawings. Exhibit A-3, Cover Letter, states that the berms have been removed from the proposal and Erick Powell, Brockway Eng., confirmed this change while on site with staff on December 11, 2018.

- ii. Outlet control and Wetland Maintenance on Lot 18: According to Exhibit A-6, Narrative, the following is stated:

It is proposed that the water under the new normal conditions in this area be regulated at an elevation of 5614.7' with a normal return flow through a level control box and buried pipe back to the river. This pipe return will have a flapper valve near the outlet to prevent water from flowing back into the wetland from the river. Larger flows during runoff events that are conveyed into the wetland will be conveyed back to the river through a rock protected overflow swale from the pond back to the river or within the floodplain. Low areas of the wetland will be filled with excavated material from the swale and imported materials. The wetland will also be topped with soil to encourage wetland plant growth, while eliminating standing water. It is not the intent to create a pond on Lot 18, but to return the wetland area back to an emergent wetland area (Figure 5).

The pipe through the floodplain will have no impact on the floodplain, as it will be buried below the surface. The inlet to the pipe will have a concrete lip set at 5614.7 ft, to maintain the water level within the wetland and prevent the wetland extent from being reduced from the proposed work.



II. CONDITIONAL USE PERMITS: STANDARDS OF EVALUATION
Blaine County Code §25-3-17A

NOTE: This decision references the code in effect as of the date of the application, i.e. prior to Jan. 8, 2019.

Blaine County Code §9-17-7E *It is incumbent upon the applicant to show that the criteria of this regulation has been satisfied. The commission or the board shall consider factors specified in other sections of this title . . .*

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

➤ **Finding of Fact & Conclusion:** The proposed work does constitute a conditional use within the Floodplain Overlay Zoning District. It extends outside of the platted building envelope on Lot 18. Although “residential uses” are not specifically defined in code, the proposed development is intended to assist with protecting the existing residence among other potential benefits. According to Blaine County Code §9-17-5, Floodplain Sub-district Use Regulations, sets out the following:

C-1. Permitted Uses: “. . .residential accessory uses (nonstructural) which are designed to withstand flooding and will not increase the risk of flood losses on other land, to the public nor to the environment . . .”

C-2. Conditional Uses: “. . . residential uses located outside platted building envelopes shown on a recorded subdivision plat;. . .provided, that the applicant demonstrates the use or activity will have no adverse impact or such impacts can be mitigated to the maximum extent feasible”

C-2a. Local Public Interest: “The proposed application (use) does not create a substantial 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, water quality, potable water source or an impact upon a locally important factor. The burden of proof always rests with the applicant.”

C-3. Prohibited Uses: “. . . any use or structure that is susceptible to flood damage or that could potentially cause flood damage to other property or environmental damage. . .”

As a conditional use within the floodplain, the applicant shall demonstrate that the proposal will have no adverse impact or that the impact is mitigated to the maximum extent possible. The applicant’s professional representative has stated that this proposal will have no adverse impact.

2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title;

➤ **Finding of Fact & Conclusion:** The Comprehensive Plan addresses floodplain issues 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 is to maintain the floodplain by avoiding development that adversely impacts its natural function while permitting residential uses where negative impacts can be mitigated.

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;*

➤ **Finding of Fact & Conclusion:** The proposed swales, associated berms, and buried pipe will be minimally visible from adjacent properties. Gimlet Road is a private road. All disturbed areas, including areas impacted from Phase 1 activities, will be planted with native riparian grasses and shrubs to ensure that the project is harmonious in appearance with the general vicinity and character of the natural, pre-existing riparian area.

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

➤ **Finding of Fact & Conclusion:** Brockway Engineering has performed detailed hydraulic modeling under current conditions and with the proposed conditions. No adverse impacts from the small swale sideboard berms were identified on the neighboring lot to the north or to any other existing or anticipated neighboring use.

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;*

➤ **Finding of Fact & Conclusion:** A neighboring landowner asked if Gimlet Rd. will be impacted by this construction. The applicant responded that this essential (private in this case) service will not be disturbed during construction. The drainage structure that is part of this proposal will need maintenance which it is in the interest of this the landowner to perform.

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;*

➤ **Finding of Fact & Conclusion:** This application proposes development to protect the land and structures located wholly on private property. There should be no, let alone excessive, additional requirements at public cost.

7. *Will not involve uses, activities, processes, materials, equipment and conditions of operation 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. . . .*

➤ **Finding of Fact & Conclusion:** It is not anticipated that this project will include activities involving excessive production of any of these impacts including impacts to 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;*

➤ **Finding of Fact & Conclusion:** This criteria is not relevant to this application.

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

- **Finding of Fact & Conclusion** : The floodplain is a natural and scenic feature of major importance. The floodplain within the project footprint is assumed to consist primarily of floodplain Forested Wetland or Scrub-shrub Wetland per the USFWS Classification of Wetlands and Deepwater habitats of the US (<https://www.fws.gov/wetlands/Documents/Classification-of-Wetlands-and-Deepwater-Habitats-of-the-United-States.pdf>). The emergent wetland has become an open water pond which puts the long existing, riparian vegetation in the area at risk of dying. With adequate revegetation of native species, the floodplain may be preserved in its natural state and serve to benefit the land owner. See Exhibits B-2, B-3, B-4, and D-1 for comments regarding this standard.

10. 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, 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 section 67-6528.

- **Finding of Fact & Conclusion**: This criteria is not relevant to this application.

<p align="center">II. FLOODPLAIN CONDITIONAL USE PERMIT APPLICATION (FP-CUP): STANDARDS OF EVALUATION Blaine County Code §9-17-7E</p>

E. Criteria for Evaluation: It is incumbent upon the applicant to show that the criteria of this regulation have been satisfied. The [Board] . . . 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 of Fact & Conclusion**: The Comprehensive Plan addresses floodplain issues 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 is to maintain the floodplain by avoiding development that adversely impacts its natural function while permitting residential uses where negative impacts can be mitigated.

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

- **Finding of Fact & Conclusion**: It is not anticipated that this work will impact or decrease functionality of the floodplain at higher flows but rather at lower more frequent flows. If disturbances to the floodplain and watercourse in this area are limited, the natural floodplain characteristics can be largely preserved while still achieving private property protection. A more “roughened channel” to discourage erosion in the proposed swale was discussed. Given the velocities in the proposed swale of approximately 1.8ft/s, the proposed swale was thought to be a sustainable design. If the drain pipe stopped short of the main stream channel, the design was considered sufficiently consistent with the natural characteristics of the floodplain to be acceptable.

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

➤ **Finding of Fact & Conclusion:** The existing development in the vicinity is residential. No further residential development is anticipated in this area. The lots along this stretch of the river are built-out.

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

➤ **Finding of Fact & Conclusion:** Brockway Engineering has performed detailed hydraulic modeling under current conditions and with the proposed conditions, and stated the proposed design does not increase base flood heights or velocities.

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

➤ **Finding of Fact & Conclusion:** A acceptable revegetation plan including willows or other riparian shrubs to help “roughen” and stabilize the swale and spillway shall be submitted prior to commencing construction for this Phase II project and for Phase I including a timeline for planting and long-term monitoring and management. To ensure minimal impact in the longer term, a security agreement will be necessary.

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

➤ **Finding of Fact & Conclusion:** The applicant has scaled back a previous proposal to limit the disturbance to the floodplain. The county is generally more favorable to excavation in the floodplain rather than building structures up to divert or block flows. Alternative locations may not be feasible due to private property boundaries and other constraints.

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

➤ **Finding of Fact & Conclusion:** The applicant has stated that the project will not cause mass erosion to adjacent properties which is responsive to this particular criteria. By controlling low flow flooding the thought is that it may help to reduce erosion. See Exhibit A-4. Given the impact of higher flows on previously constructed berms and channels south of the house on this lot, there is some history that raises questions about the impact higher flood flows may have on the rock lined swales and associated berms, but the circumstances, pressures and influences are very different on the north side of this lot.

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

➤ **Finding of Fact & Conclusion:** Given the location of the building envelopes, access across flood waters from Gimlet Rd. or Gimlet Ln. is anticipated. Revised accesses designed to manage identified run-off, groundwater and flood flows has been necessary and required as follow up to emergency work on downstream Lots 19 and 20A. No further changes to the access to Lot 18 is proposed or considered necessary in part because the proposed work could be beneficial in mitigating flooding of these accesses.

9. *The danger that materials may be swept on to other lands or downstream to the injury of others.*
- **Finding of Fact & Conclusion:** The drain pipe is less at risk if it ends short of the river channel and of course is adequately anchored. No material or equipment shall be stored in flooded or areas at risk of flooding. While this does not mean that all designated floodplains are off limits during the entire, anticipated, spring flood season, it does require close monitoring and a complete aversion to any risk to others from materials or equipment.
10. *The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.*
- **Finding of Fact & Conclusion:** The water supply and sanitation system are existing and will be unchanged with any approvals of this application.
11. *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.*
- **Finding of Fact & Conclusion:** Not applicable.
12. *The importance of the service provided by the proposed facility to the community.*
- **Finding of Fact & Conclusion:** 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 of Fact & Conclusion:** The applicant has stated that the proposed work does not impact or is not dependent of the base flood elevation. Should a 100 year flood occur, the applicant states that the floodplain will continue to function as mapped and where anticipated.
14. *Effect of and susceptibility to obstruction by landslides, avalanches, ice jams or timber.*
- **Finding of Fact & Conclusion:** The work proposed in this floodplain application is not susceptible to obstruction by landslides, avalanches, ice jams or timber.
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 of Fact & Conclusion:** 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 of Fact & Conclusion:** The project is located within a wellhead protection area. However, the proposed work is not anticipated to adversely impact any potable water sources.

III. DECISION AND CONDITIONS

► **Motion:** Upon a motion by Commissioner Fosbury, a second by Commissioner McCleary and a three to none vote, the Board approves the application by James E. Daverman for a Floodplain Conditional Use Permit (FP-CUP) along the Big Wood River, 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. The project shall comply with Idaho Department of Water Resources (IDWR), US Army Corps of Engineers (USACE), Department of Environmental Quality (DEQ), Blaine County and applicant's specifications, conditions and standards. The work shall be done by appropriate construction equipment according to conditions placed on the State and Federal permits.
2. The work shall be done as specified in application; no work outside that applied for and approved under this permit shall be done.
3. The applicant shall submit a detailed revegetation plan and corresponding site plan that includes details regarding timeline, quantity, spacing and species of plantings willows or other scrubs for Administrative approval. All impacted areas from Phase 1 and Phase 2 shall be addressed and revegetated per this plan.
4. Financial Security in the amount of 30% of the estimated cost of the approved revegetation plan or a minimum of \$5,000, shall be collected and held for up to four (4) growing seasons to ensure at least 80% establishment of the plants as determined by the administrator.
5. Written consent for work extending on to Lot 19 from the owner or agent of that lot for this specific proposal shall be submitted to the Land Use and Building Services Department prior to start of work.
6. 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.
7. Overflow channels shall remain open and unobstructed.
8. All excavated material from the construction of the swale shall be utilized as wetland fill or shall be hauled to a location off-site outside of the floodplain.
9. The applicant shall provide County Land Use staff with a proposed construction activities schedule. In addition, County Land Use staff shall be notified of the actual start of construction and of any changes to the proposed schedule, so that staff can observe construction activities as necessary to ensure compliance with this FP-CUP.
10. Project staging materials and equipment that is temporarily stockpiled shall be removed from the site or stored outside of flood-prone areas.
11. The construction drawings and specifications shall indicate that work shall only occur during low flow conditions.

12. The work shall be certified in writing by a registered engineer after its completion that work was done according to county requirements and stipulations.
13. Best Management Practices, as outlined by Idaho Department of Environment Quality, shall be maintained throughout implementation of the project and until vegetation is established for purposes of stormwater management, water quality and drainage.
14. The applicant shall create a "roughened channel" finish to the proposed swales with willows or other scrub vegetation and not just grasses to discourage erosion, and replicate the natural floodplain fringe of that area.
15. This permit shall expire on December 31, 2019.
16. The applicant shall end the pipeline short of the river channel by at least one foot to avoid exposure and the need for a stream alteration permit and submit a plan for the maintenance.
17. Within 60 days of the county's certification of completion of construction or as soon as possible so that FEMA may incorporate the data into the imminent restudy, the applicant must apply to FEMA for a letter of map revision for changes to the Flood Insurance Rate Map and Flood Insurance Study resulting from project components, and
18. A vegetation survey of the swale area shall be conducted prior to commencing construction.

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 24 day of APRIL, 2019

BLAINE COUNTY BOARD OF COMMISSIONERS




Jacob Greenberg, Chairman

CERTIFICATE OF MAILING

The undersigned person hereby certifies that on the 24th day of April, 2019, 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:

James E. Daverman, Agent for Trustee
Daverman 2000 Gift Trust
515 Grove Street
Glencoe, IL 60022
Email: jdaverman@redfishpartners.com



Staff Member

Brockway Engineering c/o Erick Powell
Email: charles.g.brockway@brockwayeng.com and erickpowell@brockwayeng.com