

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS  
CASCADE, IDAHO  
October 21, 2013**

**PRESENT: GORDON L. CRUICKSHANK (CHAIRMAN)  
ELTING G. HASBROUCK (COMMISSIONER)  
BILL WILLEY (COMMISSIONER)  
DOUGLAS MILLER (CLERK)**

Meeting called to order by Chairman Cruickshank at 9:04 a.m.

Chairman Cruickshank led the pledge of allegiance.

Chairman Cruickshank advised of an additional item that needed to be added to the agenda. He would like to add Mary Farout to agenda at 10:00 a.m. Commissioner Hasbrouck made a motion to add Mary Farout to the agenda and to approve the agenda as amended. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to add Mary Farout to the agenda and to approve the agenda as amended.

Valley County Deputy Auditor, Alyssa Morrison presented the Commissioners with a Board Order Claim for the Sherriff's Office. Commissioner Hasbrouck made a motion to approve Board Order Claim. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve Board order Claim totaling \$8,403.00.

Commissioner Willey made a motion to approve the Board of Commissioner meeting minutes from October 15, 2013. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve Board of Commissioner meeting minutes from October 15, 2013.

Chairman Cruickshank presented the Idaho Emergency Communication Grant for \$2,000 and the Dedicated Enhanced Emergency Communications Grant for \$147,381.78. Commissioner Hasbrouck made a motion to accept the Idaho Emergency Communication Grant for \$2,000 and the Dedicated Enhanced Emergency Communications Grant for \$147,381.78. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to accept the Idaho Emergency Communication Grant for \$2,000 and the Dedicated Enhanced Emergency Communications Grant for \$147,381.78.

Chairman Cruickshank presented the FHWA Funds Transfer agreement with Western Federal Highway Administration. Commissioner Willey made a motion to transfer funds of \$41,000 from the Valley County Road and Bridge Department to the Western Federal Lands Highway Division for FHWA Agreement #DTFH70-14-E-00005. Commissioner Hasbrouck seconded the motion to transfer funds. No further discussion, all in favor. Motion passed to transfer \$41,000 from the Valley County Road and Bridge Department to Western Federal Lands Highway Division for FHWA Agreement #DTFH70-14-E-00005.

Chairman Cruickshank presented the Credit Application for Prinoth LLC. Commissioner Hasbrouck made a motion to approve and sign credit application for Prinoth LLC. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve and sign the Credit Application for Prinoth LLC.

Mary Farout with Boise National Forest Service reported that the Cascade Forest Service office was closed because of the Federal Government Shutdown. She explained that it was a difficult time for staff and for citizens. Chairman Cruickshank asked about the rental cabins and wanted to know what the staff had to do for up keep? Mary reported that staff cleans the cabins and checks on them periodically. She advised that the cabins were closed because the staff was not able to conduct their routine checks. She reported that as of today, employees were back to work. Mary explained that timber sales on Scriver Creek and other projects have been delayed because of shutdown. She reported that they had six fire staff that stayed on shift. She also stated that the Boise National Forest could not sell wood permits which caused problems for the citizens. She believed that most people made an effort to purchase firewood permits. She estimated that 20 to 25 employees did not work during shutdown. Chairman Cruickshank informed Mary that the complaints the Commissioners heard were that citizens could not purchase wood permits but there were Forest Service Law Enforcement Officers monitoring campgrounds and inspecting firewood permits. Commissioner Hasbrouck asked about the campgrounds that are within Emmett District? Mary advised that these campgrounds are shut down because the campgrounds do not make any money but she would review closure procedures with the Emmett District. Mary advised that the brushing work on Packard John Road was not completed but the most critical area of the road was done. Mary asked about the next snowmobile advisory meeting? Chairman Cruickshank notified Mary that he would have Larry Laxson provide her with the next meeting date for the snowmobile advisory meeting. Mary said that the final inspection for restoration of the Landmark Ranger Station is almost completed and would like to put some of the cabins on the recreation rental list. She reported that she received a phone call from Larry Laxson regarding Avalanche control. Chairman Cruickshank advised that at one time there was a program that was being developed for Deer Creek. Mary advised that the Boise National Forest Service is geared up to begin an analysis of snowmobile routes. Commissioner Hasbrouck believed that the only trail that might not be

included is the VanWyck trail. Mary concluded her presentation and would like to be put on the agenda for November 18, 2013.

At 10:35 a.m. Chairman Cruickshank advised that the Commissioners will be going into closed hearing for Indigent and Charity matters. Commissioner Hasbrouck made a motion that the Commissioners continue the Indigent and Charity hearing at 1:30 p.m. today. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to continue the Indigent and Charity hearings for 1:30 p.m.

Commissioners came out of closed Indigent Hearing at 10:50 a.m.

Commissioner Hasbrouck made a motion to approve the denial for Indigent Benefits for Case NO. 13-LM056-2. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve the denial for Indigent Benefits for Case NO 13-LM056-2.

Pat Duncan, Valley County Human Resource Director began the wage scale workshop. Pat provided a spreadsheet which gave a breakdown of the positions and salaries. Commissioner Hasbrouck made a motion to accept the Valley County Pay ranges as discussed during the workshop to be effective on October 1, 2013 and authorize two percent increase applied to those positions that are below minimum. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to accept the presented Valley County Pay Ranges as discussed during the workshop to be effective on October 1, 2013 and authorize two percent increase applied to those positions that are below minimum pay scale.

Commissioners adjourned for lunch at 12:35 p.m.

Commissioners returned from lunch at 1:30 p.m.

Commissioner Hasbrouck made a motion to go into Executive Session per Idaho Code 67-2345(1)(f)-Pending Litigation. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to go into Executive Session per Idaho Code 67-2345(1)(f)-Pending Litigation at 1:37 p.m.

Out of Executive Session at 1:48 p.m. Decision out of Executive Session was to allow Curtis Bennett to spend no more than \$1,200 for Engineer to conduct survey of Flat Creek Road.

Commissioner Cruickshank advised that the Commissioners will be going into closed hearing for Indigent and Charity hearing at 1:48 p.m.

Commissioners came out of closed Indigent Hearing at 1:57 p.m.

Commissioner Willey made a motion to approve the denial for Indigent Benefits for Case NO.13-KR052. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve the denial for Indigent Benefits for Case NO.13-KR052.

Chairman Cruickshank opened the Public Hearing at 2:02 p.m. for Vacation of Portions of Second North Street and Clark Street within Roseberry Townsite. Chairman Cruickshank asked if the Commissioners had any ex-parte communication or conflict of interest regarding

this matter. Both Commissioner Hasbrouck and Commissioner Willey advised that they had not. Planning and Zoning Administrator, Cynda Herrick provided a staff report that will be appended to the written Commissioner Meeting minutes.

Chairman Cruickshank asked for a presentation from the applicant. Mr. Dale Bollar, 12 Knob Hill Road, McCall, Idaho was in attendance and reported that the Buchanan Family talked with Idaho Power and at that time Mark Wood with Idaho Power advised that they had no issues with the proposed vacation of the roads requested.

Chairman Cruickshank asked if there was anyone in audience to testify in favor of this applicant. There was not anyone in the audience who wanted to comment.

Chairman Cruickshank asked if there was anyone in the audience who was uncommitted and no one made any comments.

Chairman Cruickshank asked if there was anyone in the audience who opposed this request and no one made a presentation.

Public Hearing for this matter was closed at 2:10 p.m. and brought back to the Board of Commissioners for deliberation. Commissioner Hasbrouck made a motion to approve Vacation Application No. 13-01 with the three conditions outlined in the Staff Report. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve Vacation Application No. 13-01 with the conditions, as follows 1) The applicant shall have deeds prepared and give to the Planning and Zoning Administrator for signature of the Chairman, 2) Written approvals of the utility companies must be received prior to recordation of deeds, and 3) This action will take effect at the time of recordation of the Declaration of Vacation by the Planning and Zoning Administrator after a deed has been recorded.

Chairman Cruickshank opened the Public Hearing at 2:15 p.m. for PUD 13-01 Blackhawk Development and CUP No. 13-03. Chairman Cruickshank asked the Commissioners if there has been any ex-parte communication or conflict of interest regarding this matter. Commissioner Hasbrouck and Commissioner Willey advised that they have not. Cynda Herrick provided a Staff Report that will be appended to the written Commissioner Meeting minutes.

Chairman Cruickshank had a question in regards to where the twenty two lots were located. Cynda provided a location on the map that she presented. Commissioner Willey wanted to know if all of the lots will be served by the existing sewer district. Cynda advised that the applicant would clarify.

Chairman Cruickshank asked for the applicant to make their presentation. Haden Tanner 301 East Lake Street, McCall, Idaho, presented. He stated that since McCall Associates acquired the Blackhawk property, the River Lodge has been completed. He reported that this lodge was started in 2006. He also reported that they implemented a gate system and have completed some of the landscaping. He indicated that the two fishing ponds have been cleaned up and restocked with fish. Haden stated that he wants Blackhawk to be a World class project. Haden reported that he has had a meeting with Homeowners Association to find out what their concerns are and stated that he is excited to work with them. Tanner indicated that the current

plans have been scaled down and with the addition of the twenty two lots, they have been able to decrease the large sites and make it more affordable. He stated that the homes that are built would still have to meet the CCR's for the entire subdivision. Haden described the conservation easement and reported that they would be working with the Rocky Mountain Elk Foundation and Trout Unlimited to take over this property for care. Chairman Cruickshank asked about the removal of the conversation easement? He wanted to know if there are plots that will be platted? Hayden advised that they want homeowners to have access to the area but do not want to interrupt the area. Commissioner Willey wanted to know if there is a possibility to reestablish the conservation easement? Haden explained that the idea is to keep this area flexible and try to make it available for current market conditions. He stated that the conservation easement along river would not be effected and will always remain. Commissioner Hasbrouck asked if the open space area will be developed? Hayden advised that it is on the plat for development but they would like to keep this area as open space. Chariman Cruickshank asked if Redridge Road would be available to homeowners? Tanner advised that it would be available for residents and the public would not close public access to that road. He reported that he has been working with Curtis Bennett regarding West Mountain road and getting it reconstructed to match the roadway that has been improved. He presented twelve letters from homeowners who are in support of the PUD 13-01.

Deb Nelson, Attorney for Haden Tanner, 601 West Bannock, Boise, Idaho. She discussed the additional conditions that are being requested by two different homeowner associations. They have two different requests specifically about whom has access to specific locations of trail and for access to the lake. She believed that those are two different private agreements that the County is not a party to. Homeowners are also asking for new agreements but she does not want the County to get involved with private party agreements. She advised that they are not asking for the Commissioners to approve the presented plats. She wanted the Commissioners to consider removing condition number 33 that the Planning and Zoning Commission added. Ms. Nelson expressed that she is comfortable with the other conditions that were requested by the Planning and Zoning Commission. Chairman Cruickshank asked about the 50% open space and how they will maintain that throughout the development. Haden advised that 50% of the area is already open space.

Chairman Cruickshank asked if anyone in favor would like to speak in favor. No one made a presentation.

Chairman Cruickshank asked if there was anyone in the audience who was uncommitted that wanted to address the Commissioners. Mr. Tom Smith, 165 Stillwater Court, McCall, Idaho, reported that when he bought property last year he was given a tour of the amenities that go along with Blackhawk Lake. He wanted to keep these and does not want things to change. He reported that he was not privy to the talk that has gone on between Mr. Tanner and the Homeowners Association but believed that there are prior agreements that should be honored. Mr. Smith referred to a letter that was sent to the Commissioners on October 16, 2013. He again stated that he wanted to make sure that the Commissioners knew that these agreements previously existed and wanted to make sure that they were honored.

Chairman Cruickshank asked for anyone who is opposed to this application. The record will show no one came forward in opposition.

Chairman Cruickshank appreciated that Mr. Tanner has discussed prior agreements with homeowners association and the fact that there is compliance with the original PUD. Commissioner Cruickshank would like to see amenities stay in place. Chairman Cruickshank stated that he would ask that if there is a 20 foot wide road, that it is shown on the face of the plat that these are private roads and will not be maintained by the County. Commissioner Cruickshank did like the open space requirement and wants to make sure that this is intact.

Public hearing was closed at 3:33 p.m. and brought back to the Commissioners for deliberation. Cynda provided an overview of additional conditions that would be added to the Conditional Use Permit.

COA: Previously labeled "Future Development" parcel in Blackhawk on the River will be final platted as Open Space.

COA: Will leave Redridge Road as a public right-of-way.

COA: Change COA#33 to state – Encourage applicant to resolve ownership of land in the conservation easement with the preservation of fish and wildlife habitats in the forefront.

COA: Shall memorialize path from North to South with recordation of the first final plat, including the use by Blackhawk Lake and the Blackhawk Ranches.

COA: Change COA#28 to state – Final plat shall state, "Roads will never receive public maintenance."

COA: Recommend working with the land trust to allow motorized wheelchairs and handicapped accessibility to the amenities.

Commissioner Willey made a motion to approve PUD 13-01 Blackhawk Development which includes #38 and CUP No.13-03 with the conditions of approval as amended. No further discussion, all in favor. Motion passed to approve PUD 13-01 Blackhawk Planned Unit Development.

Commissioner Meeting Adjourned at 3:53 p.m.

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Elting Hasbrouck Acting Chairman

Attest:

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Douglas A. Miller, Clerk

