

SPRING NEWSLETTER 2001

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NEWS

We Now Have Official Nonprofit Status and a Web Site

BCCSG has received official 501(c) (3) nonprofit status and this completes our official transformation from a project of the Land and Water Fund, to an independent nonprofit corporation. With the nonprofit status, you can now make contributions directly to BCCSG. We will be continuing our association with the Land and Water Fund of the Rockies, as they are a valuable resource and will continue to help us grow.

To date we have raised almost \$90,000 of our \$130,000 budget for 2001. We are now a membership organization with minimum annual dues of \$10; however, we hope you will be as generous as possible. We need your help to raise the rest of this year's budget. Please send in your contribution now! If you already have, please ask a friend to join and give them the enclosed mailer.

Sally Donart and Deb Cooper have agreed to serve on our Board of Directors. Sally's years of experience in local politics and her involvement with the Wood River Land Trust make her a wonderful asset to our Board. Deb is the Area Ranger for the Sawtooth National Recreation Area (SNRA). Her extensive knowledge of public lands policy and administration will be an enormous benefit to BCCSG. Thank you Sally and Deb for agreeing to take the time to help!

On May 19, we will conduct final interviews for our full-time Executive Director. With the generous help of Greg Prothman (the brother of BCCSG member Carol Brown) and his friend, Kathie Oeser, (both professional recruiters), we have narrowed the field down to three very qualified applicants. Having a full time Executive Director will enable BCCSG to grow, become self-sustaining, and have an even greater positive effect on the planning process in Blaine County and the incorporated cities. We hope to have our first "ED" on the job within the next two months.

Not only are we a 501(c) (3) but we are connected! Our multi-talented attorney, Doug Werth, has created a Web Site for us. We're at: BCCSG.org

ISSUES

Highway 75 and the East Fork Intersection

This March, Steve Wolper and Doug Werth took part in a telephone conference with the Director of the Idaho Transportation Department, members of the Ketchum City Council, Commissioner Dennis Wright, and members of the Citizens Transportation Coalition, to discuss the plans for the East Fork intersection. Doug Werth was instrumental in arranging the conference. The purpose of the meeting was to

avoid litigation with the State over the proposed construction of the intersection.

BSSCG is concerned that the State is compromising the outcome of the Timmerman Hill to Ketchum Highway Corridor Study, by violating several requirements of the National Environmental Policy Act (NEPA). The Corridor Study will be the blueprint of what the highway corridor will look like in 20 years. The study should be comprehensive, balancing any improvements with the important goal of maintaining the scenic and rural qualities of the corridor. It must consider not only the highway but also our need for a mass transit system.

The meeting with the Director was productive. He has written a letter to the Blaine County Commissioners in which he agreed that planned construction at East Fork would not be allowed to prejudice the on-going NEPA study. He also agreed to reduce the size and footprint of the proposed construction to the greatest degree possible.

Wood River Valley Transportation Committee

Over the last few months, officials from the County, Cities and others, have joined to form a committee that will look at long-range transportation issues affecting the Wood River Valley. BCCSG is a non-voting member of the group, along with the Citizens Transportation Coalition, Rideshare, the Community Housing Authority, and others. Doug Werth wrote the by-laws and he provides expert legal advice for the Committee.

The County is very interested in implementing a demonstration of High Occupancy Vehicle (HOV) lanes northbound at Ohio Gulch and Elkhorn Roads and southbound from Cold Springs to East fork.

There is a very well intentioned desire to do something immediately. We strongly believe in the HOV concept as part of an overall transit plan. We are concerned, however, that instituting a demonstration project, prior to completion of the Corridor Study, may risk the overall goal.

If a rushed HOV demonstration project fails and creates unfavorable public sentiment, it could prejudice the Corridor Study and other future attempts at traffic reduction. To ensure success, we are urging the County to consider carefully all of the variables if they choose to implement HOV lanes before the Corridor Study is completed.

The City of Ketchum has passed a resolution establishing a goal, in the year 2021, of having no more vehicles in the Ketchum core than are there now. This goal will not actually limit vehicles but rather guide the City in the long-range goal of reducing traffic and congestion.

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Transportation (continued)

As traffic increases, the City of Ketchum will use predetermined management techniques to encourage mass transit and discourage single occupancy vehicles. This very effective management tool has been used in Aspen with great success and BCCSG applauds the Ketchum City Council for its foresight and efforts.

Transportation and Smart Growth are inextricably linked. BCCSG has and will continue to play an active role in our community's dialog over these issues!

St. Luke's Medical Office Building

Last year, St. Luke's appealed the Blaine County P&Z's decision denying a permit to allow them to build a 40,000 square foot Medical Office Building (MOB). Because of St. Luke's appeal, BCCSG was forced also to appeal the decision. We were very concerned that a MOB, of the size and location proposed, violated the underlying zoning, and would have negative impacts on the highway and on the outcome of planning for the future of McHanville.

The week before the appeal hearing, St. Luke's applied for formal mediation under newly passed State legislation, that allows land use applicants to request mediation to resolve a dispute. BCCSG was part of the mediation because of our appeal. Steve Wolper and Marc McGregor attended the first meeting with representatives from St. Luke's, the County Commissioners office, P&Z, the County Prosecutors Office and the County Planners Office. Steve has since attended three subsequent meetings. The mediation has been completed, St. Luke's has withdrawn their original plans and we have mutually agreed to drop our appeals. St. Luke's has agreed to submit a more modest application, that we hope will address the concerns discussed during the meetings.

While normally we would insist on open public meetings, we agreed to the mediation process because we felt there were substantial issues, not directly related to the actual application, which needed to be discussed. The process was not formal arbitration and the parties are not bound to any outcome. The meetings were much more a facilitated discussion, taking place under the auspices of the mediation statute, than actual mediation. There were very frank discussions of both BCCSG's and the County's concerns.

A final report disclosing all the material facts from the mediation has been made available to the public. To our knowledge, this is the first time in Idaho this form of mediation has been attempted and we are hopeful that the public will recognize its value. However, there is risk for abuse of the Statute and BCCSG and the group will be making a recommendation to the County Commissioners and

to State Representative, Wendy Jaquet, to amend the legislation.

Ohio Gulch

The County and the State Land Board continue to argue over a gravel operation on State land in Ohio Gulch. The State has refused to obtain a conditional use permit from the County, claiming that local zoning regulations do not apply to State School Endowment lands. The County has steadfastly disagreed. The State asserts that it can operate a gravel pit, or develop the land for industrial, commercial or residential use without complying with any County regulations. This is an important and far-reaching issue.

As the State is unwilling to recognize the County's right to manage its own destiny, the issue will probably go to the courts. Three of the nearby homeowner's associations have hired an attorney to oppose the increased gravel operations and support the County's stance. BCCSG supports the County's current position in opposing the State.

Last fall, the County was considering amending its ordinance to allow, as a permitted use, certain Ohio Gulch gravel operations conducted for public works projects only. Marc McGregor, BCCSG's attorney at that time, argued against such a broad amendment and suggested alternative language that simply required the County to take into account the plans and needs of the State (which is a requirement under State law, anyhow). The "McGregor Amendment" was overwhelmingly supported and passed by the Board of County Commissioners.

Picabo Guest Cabins on Silver Creek

Recently there has been newspaper coverage of potential violations by the Picabo Livestock Company, of a conditional use permit (CUP) on land adjacent to Silver Creek. The County granted the CUP allowing construction of three guest cabins, but did so only after imposing very specific conditions. The County was especially concerned that the cabins might be a de facto subdivision of land in violation of both County law and a conservation easement with The Nature Conservancy.

Picabo Livestock has admitted to violations in construction of the first cabin, yet it is putting pressure on the County to allow construction of the remaining two cabins. BCCSG has pointed out to the County a number of apparent violations, of the original CUP, and has urged the County to require a new public hearing before considering Picabo Livestock's request. Under the terms of the original CUP, Picabo Livestock had a specific period within which it had to apply for building permits.

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Picabo Guest Cabins (continued)

Picabo Livestock missed the application deadlines on the second and third cabins. In a letter dated April 10, 2001, the County Zoning Administrator agreed with BCCSG's position.

When a conservation easement is granted, there is a direct transfer of tax liability from the grantor to the public. When a conservation easement is negotiated, the public willingly accepts this transfer of tax liability as a condition of receiving the public benefit from the conservation easement. In this case, the public's trust in the conditions of the easement and their enjoyment of Silver Creek has been compromised by the potential violations.

BCCSG will propose language to the County and local cities, which would alter the CUP or Subdivision permitting process. The language will require that any future applicants reveal all underlying easements. If the easement creates or preserves a public interest (such as public access or scenic views) and the language of the easement is more restrictive than the overlying zoning, then the restrictions in the easement will be made a condition of the permit.

Rather than relying on the recipient of the easement to monitor sophisticated building or easement requirements, the normal design-review-planning and building permit and inspection processes are much better able to protect the public's interest.

Golden Eagle II

The County has required the developer to reduce the size of all the non-conforming berms and the developer is in the process of complying with the original approval.

Unfortunately, one adverse outcome of lowering the berms will be heightened visibility of the large, metal commercial building, which the developer built right next to the highway, instead of out-of-sight at the back of his property. We believe that this metal building is contrary to the intent of the Comprehensive Plan, which seeks to protect views in the scenic corridor.

When the developer made his original application for Golden Eagle II, he asserted that Golden Eagle II would look, "just like Golden Eagle I." Unfortunately, this is not the case, as the similar structure in Golden Eagle I is constructed of wood and is therefore far less intrusive.

The actual Zoning ordinance does not reflect the intent of the Comprehensive Plan and the shed was allowed. BCCSG will propose language to the County to correct this deficiency in the Zoning Ordinance.

The saddest part of this whole fiasco is that all the County's and the public's time and effort could have been put to better use had the developer simply complied with his original subdivision approval. To avoid similar situations in the future the County is hiring an enforcement officer to monitor on-going construction.

A Comment

BCCSG is sometimes accused of picking on individuals or developers. Our involvement in most issues is a direct result of comments from our members or the public. There are enough issues to keep our half-time attorney working more than full time. We try to focus only on issues that have long range planning significance.

Most change is incremental. Without noticing the cumulative effects, we all too often wonder, "How did that happen?" The only way the public can maintain trust in the process, is to require that our elected officials closely monitor and enforce our comprehensive plans and zoning laws. It is important that we support them when they do.

By protecting the process and demanding that it be fairly applied to everyone, BCCSG tries to be an advocate for the vision of our future incorporated in the comprehensive plans of our Cities and County. There is no other way to protect our fragile sense of community and rural character.

My favorite land use-planning quote is, "The only truth in land use planning is that no one learns from anyone else's mistakes." One does not have to look very far to see the sad truth of that. A visit to Jackson Hole, Aspen or Vail reveals a view of our future, unless we actively work to preserve what we have. We have to focus not on what we have already lost but on how much more there is to lose and how easily and rapidly we can lose it.

I would like to thank those of you who take the time to attend all the various public meetings. Without public support, we have little hope our elected officials can protect our community values. I would also like to thank all of you who have contributed to BCCSG and to those of you who take the time to stop us on the street and let us know what you think about what we are trying to do.

With your help and financial support, we have come a long way in the last three and one half years. Once we have an Executive Director, we will be able to move forward, develop a formal strategic plan, have the time and staff to do more positive planning than merely reacting to individual violations of existing comprehensive plans and zoning laws.

Don't forget our new Web Site at: BCCSG.org

Steve Wolper
President

PROJECTS IN PROGRESS

- ?? Ohio Gulch Gravel Operation
- ?? St. Luke's Medical Office Building
- ?? Ordinance for Wireless Communications Facilities
- ?? Ketchum Environmental Assessment, Highway 75
- ?? Wood River Transportation Committee
- ?? Picabo Guest Cabins
- ?? Transferable Development Rights

IMPORTANT DATES TO REMEMBER!

5/8/01 @ 6:30 P.M.

Hailey City Hall Meeting Room.
Hailey Traffic Study Group Meeting.

5/15/01 @ 4:30 P.M.

Wood River Inn, Hailey.
Timmerman to Ketchum Environmental Assessment.

5/10/01 @ 6:30 P.M.

Blaine County Courthouse, Hailey.
Proposed Ordinance for Wireless
Communication Facilities.

5/26/01 @ 7:45 A.M.

Blaine County Courthouse, Hailey.
Wood River Transportation Committee.

We are sponsoring a contest to come up with a slogan or motto for BCCSG.

The prize is a round trip flight this summer to the backcountry airstrip of your choice for two people.

Buzzwords Advertising, our new public relations consultants jokingly suggested, "Brains Before Bulldozers."

Surely, someone can top that! All positive suggestions will be accepted.

Is there an issue about which you are concerned? BCCSG is here for you. Call us at 788-8813 or BCCSG.org

Tax Deductible Contributions can be made to BCCSG, P.O. Box 3909, Hailey, ID 83333