

**City of Stanley  
Regular Council Meeting Minutes  
March 13, 2014**

**IN ATTENDANCE FOR THE CITY:** Council President Steve Botti, Councilmember Laurii Gadwa, Councilmember Lem Sentz, Councilmember Melinda Hadzor, and City Clerk/Treasurer Cari Tassano. Mayor Herb Mumford was absent due to unforeseen circumstances, but was able to join the meeting at 7:24 p.m.

**OTHER ATTENDEES:** Gary O'Malley, Jennifer Hettum, Selma Lamb, Charlie Thompson, Narrissa Campbell, Rebecca Arnold, Jim Wetzal, Michelle Wetzal, Anna Means, Gary Gadwa, JC Anderson, Steven Kingslien, Greg Wallace.

**CALL TO ORDER:** The meeting is called to Order by Council President Botti at 6:07.

**AGENDA AMENDMENTS:** Councilmember Gadwa would like to amend the agenda 1<sup>st</sup> to include a discussion of Findings of Fact and Conclusions of Law, under new business, 2<sup>nd</sup> the minutes of the February 10, 2014, Public Hearing, 3<sup>rd</sup> to move building permits directly after the consent agenda. Councilmember Gadwa made a motion to amend agenda in accordance with Idaho Code 67-2345 (4) b and c, Councilmember Hadzor seconds. All Approve. Motion passes.

**MAYORAL COMMENTS:**

Mayor was not in attendance

**COUNCIL COMMENTS:**

No Comments

**PRESENTATIONS/CITIZEN PARTICIPATION:**

No one signed up

**INSTALLATION OF NEWLY ELECTED OFFICIALS:**

Councilmember Gadwa moves to approve appointment of new City Clerk, Councilmember Sentz seconds. All approve. Council President Botti swears in new City Clerk, Cari Tassano. City Clerk reads oath.

**COUNCIL ACTION ITEM LIST:**

No new Items

**CONSENT AGENDA:** January 16, 2014, Council Meeting Minutes, February 10, 2014, Public Meeting, and February 13, 2014, Council Meeting Minutes, Prepaid and unpaid bills for February/ March. Councilmember Gadwa notes correction on Hearing Minutes on February 10, 2014, Councilmember Gadwa attended by phone, clerk corrects. Councilmember Gadwa moves to approve the Consent Agenda, Councilmember Hadzor seconds. All approve. Motion passes.

**APPROVED**

**OLD BUSINESS/BUILDING PERMITS:**

Council President Botti proposed changes to title 15 building permit, opened up meeting for council comments: Councilmember Hadzor feels we are not there yet for a vote, after work session, need more time to review and be prepared.

Councilmember Gadwa has some comments; first of all I would like to explain the misdemeanor language is already in the building permit, it has never been changed from what we have. We intend to do an Omnibus Ordinance; already did a work session on this, which will change most of the misdemeanor language within our code to infractions, will address misdemeanor issue in the building permit at the time, not now. We removed the need for permits on many projects which will simplify things. Councilmember Gadwa would like Council President Botti to explain language in 15.04.020: Council President Botti explains "development and construction drawings and technical support material shall be to scale or otherwise in sufficient detail to allow a technical or engineering review to determine", that line is the existing language. The language "the project's effects and impacts on adjacent properties" is somewhat vague. Council President Botti supports a motion to remove the project's effects and impacts on adjacent properties language. Councilmember Gadwa makes a motion to remove language, Council President Botti seconds. All approve. Motion passes.

Councilmember Gadwa 15.04.040 the appeal language is put in per our attorney and needs to be in there, a protection for us. This gives the public/neighbor the right to appeal to the Council. It does not mean the Council will deny the permit necessarily. This language will remain in the building permits ordinance.

Council President Botti would like to make one more motion, to strike the language in the introduction section that says: "requiring engineering certification for public and commercial building", (since this language was changed in the body of the ordinance and shouldn't have remained in the introduction). Councilmember Gadwa seconds. All approve. Motion passes.

With the proposed changes to Title 15 of the Stanley Municipal Code, Council President Botti moves to approve the ordinance, approve and read by title only. Councilmember Gadwa seconds. Council President Botti requested City Clerk, Cari Tassano to read the first paragraph of the building permit without the stricken words. Cari Tassano reads the first paragraph without the following sentence: "requiring engineering certification for public and commercial buildings". Council President Botti, now we have a motion and a second. City Clerk, Cari Tassano did a roll call vote: Council President Botti votes yes, Councilmember Gadwa votes yes, Councilmember Hadzor votes no, Councilmember Sentz votes yes. Council President Botti notes that the motion has passed and changes are approved.

**SHERIFF'S REPORT:**

No Report

**BREAK:**

Council President Botti needed to take a break, still have a quorum, Councilmember Gadwa moved for us to take a short recess, we will take a ten minute break at 6:36 p.m., Councilmember Gadwa reconvened meeting at 6:45 p.m., Council President Botti did not return.

**APPROVED**

**ORIGINAL IN RED**

**STREETS AND ROADS:**

Street and Roads contract including the schedule for maintenance, is pretty much the same as last year. Councilmember Gadwa moves to approve contract. All approve. Motion passes. Councilmember Hadzor notes there is a typo showing 2013 in contract. Clerk notes that correction and makes the change.

**PIONEER PARK:**

Bike & Build July 25, 2014: Councilmember Gadwa notes that we waive the fee for use of the park on the 25<sup>th</sup> with the understanding that there are no facilities to shower in the park. Councilmember Hadzor made a motion to allow them to camp in park and waive the fee, with the idea they cannot shower, Councilmember Sentz seconds, All approve. Motion passes.

Ice Rink Rules: Councilmember Gadwa gave a copy to Steve Kingslien, discuss in next meeting.

Pump House/community garden: Needs to be on the agenda for the next meeting, requested by Jennifer Hettum.

**COMMUNITY BUILDING:**

A new dishwasher was purchased and installed to replace the old one which was no longer working. The bill for the new dishwasher was presented to the Council members with no objections. Gadwa notes that the rules of operation need to be posted on the new dishwasher so it is used correctly.

Request for fee to be waived June 16-20 for Boise Rock School Camp, will waive fee, unless we get a request for full paying customer within 30 days prior of date, they will have to pay the full price or terminate agreement, must pay cleaning deposit that is refundable. Councilmember Gadwa moves to approve the request. Councilmember Hadzor seconds. All approve. Motion passes.

**AD HOC COMMITTEES:**

CEDA: No report

Cemetery: The snow is melting, would like to remind the public that they cannot drive into the cemetery. They had to already pull someone out who got stuck trying to drive in there.

Code Review: No report

Groomer: Groomer is done for the year. Some maintenance needs to be done. Season was financially pretty good.

Sawtooth Association: Shaw cabin will be oiled next spring. Need to make sure the association will have funds for one more door-window conversion so the work can be completed this summer.

Chamber of Commerce: Charlie Thompson noted Winterfest was a great weekend. The chamber is putting together grant requests for this coming season and working on social media. Chamber wants to encourage the council to support the Redfish Trail development. Charlie would like the Forest Service to have another open house

**APPROVED**

on the Redfish Trail. The chamber wants to be helpful and be a part of it. He feels many missed the first meeting.

**NEW BUSINESS:**

Sign Permit #1401144 Niece Smiley Creek LLC., sign amended. Councilmember Gadwa moves to approve signs. Councilmember Hadzor seconds. All approve. Motion passes.

Councilmember Gadwa read our response letter on the Boulder White Clouds Monument to Secretary Tom Vilsack and Secretary Sally Jewell. Gary O'Malley read the letter to the City of Stanley from Tom Vilsack, dated February 04, 2014. Councilmember Gadwa, do we want to approve this letter with the exception that Steve will make the correction of the date from 2114 to 2014? Motion made by Councilmember Hadzor, Councilmember Gadwa seconds. All approve. Motion passes.

Gary O'Malley summarized the letter from the Sawtooth Valley Wildland Fire Collaborative to the Idaho Department of Lands sent on March 6, 2014, regarding fuel treatments. Councilmember Gadwa read the letter. Councilmember Gadwa moved to approve letter. Councilmember Sentz Seconds. All approve. Motion passes.

Councilmember Hadzor has a conflict on 4/10/2014, and therefore, has asked the Council if the April council meeting could be rescheduled to the 3<sup>rd</sup>. All Council members were in favor.

Mayor arrived at 7:24 p.m.

Redfish Stanley Trail Development: there was a open house meeting held by the Forest Service this last week, Mayor Mumford attended and reported, that there was sharing of information on the trail route and road closures involved, there was a good community turnout for the meeting. The environmental impact issue should be finalized sometime around June. Things are moving along.

Trail looks good and will improve the section along the highway 21 for both winter and summer use.

**BUILDING PERMIT #831, FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Findings of Fact Conclusions of Law, draft was read by Councilmember Gadwa in its entirety per advice of our attorney. Councilmember Gadwa suggested we should have a chance for the council to review it and an opportunity to discuss it in a separate meeting in the next week sometime and include an executive session to discuss with the city attorney as needed. Mayor agreed and stated a meeting date would be set based on availability of council members with the help of the city clerk.

**CITY CLERK REPORT:**

Office will be closed the afternoon of the 18-21<sup>st</sup> for Mountain West Conference in Boise, Idaho. The closing will be posted.

The City needs to establish the hearing date for our 2015 budget hearing. Date was set and the hearing will be just before the regular meeting on August 14, 2014.

**ORIGINAL IN RED**

**OPTION TAX REPORT/TREASURY REPORT:**

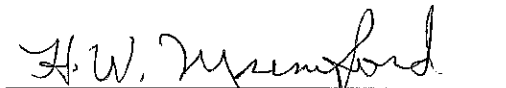
Mayor Mumford stated we need to watch Option Tax as an indicator of how business is going. At this time it seems to be low.

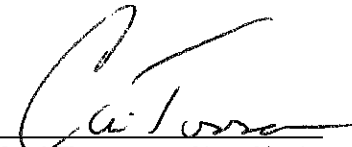
**EXECUTIVE SESSION:**

None

**ADJOURNMENT:**

Mayor Mumford adjourns the meeting @ 7:45 p.m.

  
\_\_\_\_\_  
Herb Mumford, Mayor

ATTEST:   
\_\_\_\_\_  
Carl Tassano, City Clerk

Noted attachments follow:

- Building Ordinance/Draft
- Letter to U.S. Department of Interior
- Letter to U.S. Department of Agriculture
- Letter to Idaho Department of Lands
- Findings of Fact and Conclusions of Law

**APPROVED**

## ORDINANCE NO. BUILDING PERMITS

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO:

AMENDING TITLE 15, CHAPTER 15.04: BUILDING PERMITS, DEFINING STRUCTURAL ALTERATIONS THAT REQUIRE A PERMIT, LISTING ACTIONS EXEMPT FROM A PERMIT, REQUIRING ENGINEERING CERTIFICATION FOR PUBLIC AND COMMERCIAL BUILDINGS, REQUIRING CITY APPROVAL FOR CONSTRUCTION CHANGES DURING THE PERMIT TERM, SPECIFYING COORDINATION REQUIREMENTS FOR PROJECTS REQUIRING PERMITS OR APPROVALS FROM MULTIPLE ENTITIES, CLARIFYING REQUIREMENTS FOR PERMIT APPROVAL BY THE CITY'S AUTHORIZED REPRESENTATIVE, CLARIFYING PENALTY PROVISIONS, AND CHANGING THE TERM OF A PERMIT

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF STANLEY, IDAHO, AS FOLLOWS

### SECTION:

- 15.04.010: Required
- 15.04.020: Application
- 15.04.030: Council Shall Act
- 15.04.040: Review
- 15.04.050: Enforcement
- 15.04.060: Term, Expiration and Renewal

15.04.010: REQUIRED: No building shall be constructed, erected, or altered structurally, nor shall any lot be excavated for sidewalks, sewer, water, septic tanks, roads, or any other purpose, nor shall fill be placed on any lot, nor shall any lot be cleared, or fenced unless a building permit therefore has been issued by the city council or its authorized representative. Structural alterations subject to permitting shall include any changes to the building footprint, or changes to the exterior appearance of the structure that are subject to the building appearance and materials requirements covered in Title 17 of the Stanley municipal code. Actions exempt from the building permit process include gardening and raised garden boxes, ground-level patios, maintenance and repair on existing roads and driveways, movable storage sheds less than 150 square feet that comply with zoning and building appearance regulations, fence replacement or maintenance if construction is substantially the same as the current fence and otherwise meets requirements of the Stanley Municipal Code, landscaping that does not substantially alter the terrain, sprinkler systems, and playground equipment that is moveable and not permanently anchored. The issuance of a building permit by the city does not imply or guarantee the safety, suitability, or structural adequacy of buildings, building pads, retaining walls, fill, or natural terrain for meeting structural support requirements for buildings. Permittee shall follow good engineering and architectural practices relating to the construction of new commercial and public buildings, and fill compaction for structural support and for preventing collapse and/or erosion of

fill not used for structural support. Provided, however, no building permit shall be necessary for repairs to previously installed utility lines such as telephone, sewer, or water; said repairs shall be limited to restoration of the line to proper working condition and shall not include any expansion or extension of said lines. ~~All permits shall issue only in conformity herewith and shall be valid only for a period of one year thereafter.~~ Changes to the proposed use or construction specified in the original approved permit that occur during the term of the permit shall require approval by the City of Stanley. Prior to initiating such changes, the applicant may be required by the City Council to submit an amended application for review and approval. ~~Building permit fee costs shall be established by city council resolution.~~

15.04.020: APPLICATION: Applications for building permits shall be submitted in the form specified by resolution of the city council and shall be accompanied by the application fee, a drawing showing the location of the proposed project on the applicant's property and the location of the property in the city, building plans and specifications, and proof of approval of the proposed project by the appropriate fire department and the appropriate sewer district or state health department. Applications which do not contain all of the foregoing shall not be considered complete. Development and construction drawings and technical support material shall be to scale or otherwise in sufficient detail to allow a technical or engineering review to determine the project's effects and impacts on adjacent properties and whether the proposed development complies with all zoning requirements. Applicant is responsible for obtaining required permits and approvals from all Federal, State and local agencies and departments with jurisdiction covering the proposed building permit actions.

- A. Multi-family dwellings shall require a plan for permanently maintained off-street parking. This plan shall provide for a minimum of one parking space for each living unit, and will use a formula that will allow for seventy percent (70%) of the parking lot to be used for parking and circulation, and the remaining thirty percent (30%) of the parking lot space to be used for snow storage.
- B. Multi-family dwellings shall require a site plan showing all existing and proposed buildings and outbuildings, as well as the proposed number of parking spaces to be constructed, showing snow storage areas, and showing entrances and exists to public streets (Ord. 184, 2-10-2011).

15.04.030: COUNCIL SHALL ACT: The city council shall act upon all applications for building permits within a reasonable time following the completion of the application, considering the complexity of the proposed project. In no event shall the council be required to act prior to the thirtieth day following submission of a complete application for a building permit, however, the council may act within the thirty (30) day period if it so desires and if action within that period can be reasonably taken. The Council may approve a building permit application contingent upon the applicant obtaining required permits and approvals from all Federal, State and local agencies and departments with jurisdiction covering the proposed building permit actions. For contingent approvals, the applicant shall provide the City Clerk with copies of other required permits and approvals. By resolution, the council may designate an authorized representative to act upon all building permit applications that, in the representative's judgment, clearly comply with all building and zoning requirements of the Stanley Municipal Code. The Council's representative may, for any specified reason, request that the city council

review and act upon any building permit application, and the Council may, at its discretion, choose to act on any application.

15.04.040: REVIEW: Any person adversely affected by the issuance or denial of a building permit by the City Council's authorized representative may appeal the administrative decision to the City Council by filing a notice of appeal with the City Clerk within ten (10) days from the date of the administrative issuance or denial of the building permit.

A. The city shall fix and establish a time, date, and place of hearing within thirty (30) days from the date of the receipt of notice and cause a copy of the notice of hearing to be mailed to the appealing and affected parties. At the hearing the Council may, by a majority vote, affirm, annul, or modify the action of the city. If the actions of the city are modified or annulled, a permit shall be issued accordingly.

B. Appeal Procedure. The Council may receive all evidence on appeal, in accordance with the following procedure:

1. The Council's authorized representative shall present background information on the project in question, including relevant code sections and their interpretation. The Council may ask questions during or after each presentation.

2. The applicant shall be allowed to present any information or applicable code sections to support a reversal of the authorized representative's decision. The applicant shall have up to twenty (20) minutes to present such evidence.

3. The chair shall open the hearing to receive public testimony. Each person wishing to provide public testimony shall be given up to five (5) minutes to do so.

4. Following the close of public testimony, the authorized representative shall be allowed up to ten (10) minutes for rebuttal.

5. The applicant then shall have up to ten (10) minutes for rebuttal and any final comments.

6. The chair may allocate equivalent additional time to the applicant and the authorized representative if the clarity of the issue at hand can be enhanced by receiving additional testimony.

7. Thereafter, the Council may deliberate and render a final decision by a role call vote, may request more information before a final decision is made, or may take the matter under advisement and reconvene at a reasonable time not to exceed fifteen (15) days to make their final decision. The final decision shall be in writing and a copy provided to the applicant and any parties of record.

C. An applicant denied a permit or aggrieved by a decision of the city council may seek judicial review under the procedures provided by Idaho Code and any amendments thereto. (Ord. 184, 2-10-2011).

D. A permit being appealed is still valid until rescinded. The holder of a permit being appealed may initiate construction under the permit, but proceeds at his own risk.

15.04.050: ENFORCEMENT: No owner or agent of owner shall construct, use or occupy any building, structure or improvement upon real property in violation of this chapter. The landowner, tenant, subdivider, builder, or any other person who commits, allows, participates in,



or maintains such a violation, shall be found guilty of such a violation. The provisions of this chapter shall be enforced in the following manner:

- A. A violation of this chapter shall be a misdemeanor ~~punishable by a fine of not to exceed one hundred dollars (\$100.00), or imprisonment in the county jail for a period not to exceed six months, or both. A person shall be guilty of a misdemeanor in any case where:~~
1. Any violation of any of the provisions of this chapter exists in any building or in any other structure or on a tract of land; and
  2. An order to remove any such violation has been served upon the owner, general agent, lessee or tenant of the building, other structure or tract of land (or any part thereof) or upon the architect, builder, contractor or any other person who commits or assists in any such violation; and
  3. Such persons shall fail to comply with such order within ten (10) days after service thereof.

Each day that a violation continues from the date of its creation or initiation shall constitute a separate criminal offense.

- B. Any person convicted of a violation of this Title, without regard to the form of the judgment, shall be subject to fine and/or imprisonment up to but not exceeding the maximum penalties set forth in sections 18-113 and 50-302, Idaho Code, as may from time to time be amended and/or retitled. Either or both such fine and imprisonment may be imposed; and in addition thereto, any person so convicted shall pay costs as the court may assess.

- C. Failure To Obey Citation For Misdemeanor:

1. In addition to the aforementioned penalties provided herein, it shall be unlawful for any person to fail to appear in court at the time promised on a misdemeanor citation or to fail to appear at the time indicated on a misdemeanor citation served upon the defendant or to fail to appear at the time indicated on a misdemeanor summons served upon the defendant, regardless of the disposition of the underlying charge upon which such citation or summons was originally issued.

2. The duty to appear in court at the time indicated in a misdemeanor citation or summons may be complied with by an appearance by counsel in the manner prescribed by rule of the Supreme Court.

4. Violation of the provisions of this subsection shall be a misdemeanor.

- ~~B.D.~~ In addition to the foregoing, appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premises, and these remedies shall be in addition to the penalties described above.

E. ~~C.~~ Nothing herein shall be construed as preventing any private citizen from pursuing any available civil remedy for the prevention of any activity which constitutes a violation of this chapter.

F. ~~D.~~ The mayor, the building inspector or their duly authorized representative are hereby empowered to cause any building, other structure or tract of land to be inspected and examined, and to order in writing the remedy of any condition found to exist therein or any threatened violation of any provision of this chapter; said order may include a requirement that all work on the project cease immediately until the condition has been remedied. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such order. Service of such order shall be deemed complete for all purposes upon posting the notice upon the subject property and mailing of the notice to the permittee at the address shown on the building permit application or by personnel service as set forth below.

~~E.~~ A person shall be guilty of a misdemeanor in any case where:

- ~~1.~~ Any violation of any of the provisions of this chapter exists in any building or any other structure or on a tract of land; and
- ~~2.~~ An order to remove any such violation has been served upon the owner, general agent, lessee or tenant of the building, other structure or tract of land (or any part thereof), or upon the architect, builder, contractor or any other person who commits or assists in any such violation; and
- ~~3.~~ Such persons shall fail to comply with such order within ten (10) days after service thereof.

G. ~~F.~~ In addition to any of the foregoing remedies, the city attorney, acting on behalf of the city may file an appropriate action to restrain any violation of this chapter.

~~G.~~ Any person, firm or corporation violating any provision of this chapter, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each offense or by imprisonment in the county jail for a period of not more than thirty (30) days or by both such fine and imprisonment. Each day during which the illegal erection, construction, alteration, maintenance or use continues may be deemed a separate offense.

H. This chapter shall not be construed to hold the city of Stanley responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or by reason of issuing a building permit as herein provided (Ord. 184,2-10-2011).

15.04.060: TERM, and EXPIRATION AND RENEWAL: Building permits shall be valid for a period of twenty-four (24) twelve (12) months from the effective date of the permit approved start date, except that commercial construction of over ten thousand (10,000) square feet may be issued a building permit for up to three (3) years. All exterior construction work on the permitted project must be completed within the term of the building permit, or the applicant shall apply for a new permit. Permit applications must identify the ultimate construction objective of the building project. Individual permits shall not be issued for incremental phases of a building

project. The start date of the permit may not be more than six months from the application date. Actual start of construction, repair, reconstruction, placement, or other improvement must occur within one hundred and eighty (180) days of approved start date or the permit will be revoked and a new permit must be applied for. The actual start of construction for projects involving building construction or alteration means either the initiation of a permanent structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of fill or excavation; or the placement of a manufactured home on a foundation. The actual start of construction for projects involving building construction or alteration does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, roads, and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms.

A. *(Deleted)*

B. *(Deleted)*

C.A All building permits which are unexpired and in full force and effect at the time of the passage of this chapter shall be reissued as a new permit under this chapter, with the right to all renewals provided herein, provided the permittee files an application for such reissuance in writing with the city clerk prior to the expiration date of the existing permit and concurrently pays any reissuance fee established by the council. subject to the original terms of issuance.

D B. The council may, from time to time establish the fees contemplated herein by resolution (Ord. 184, 2-10-2011). Building permit fee costs shall be established by city council resolution.



ORIGINAL IN RED

CITY OF STANLEY

March 13, 2014

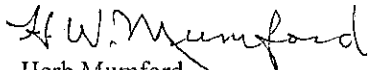
Secretary Sally Jewell  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, D.C. 20240

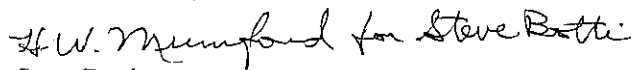
Dear Madam Secretary,

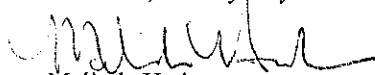
The Mayor and City Council recently wrote to you about the effort to have the President proclaim a National Monument in the proposed Boulder-White Clouds Mountains near Stanley, Idaho. We commend the Administration's willingness to commit to an open, transparent public process for evaluating the merits of this proposal, in partnership with local residents, governments and other interested parties. The local community is interested in having the Administration clearly define management intent prior to proclaiming such a Monument. In particular, it would be helpful to clarify the types of policies and actions that would be required to preserve the objects of historic and scientific interest that would be designated in this Monument. We believe that a dialogue between your representatives and the local community would help everyone understand the strengths and weaknesses of current Bureau of Land Management land management policies and actions. This dialogue also could identify potential enhanced protections, if any, that would be beneficial in further protecting natural resources and in promoting appropriate recreational use.

We would like to propose that your representatives meet with the City Council and local residents on or about June 12, 2014 to discuss these issues and to hear first hand perspectives from people whose lifestyles and livelihoods would be directly impacted by a national monument proclamation.

Very sincerely yours,

  
Herb Mumford  
Mayor of Stanley

  
Steve Botti  
President, Stanley City Council

  
Melinda Hadzor  
Stanley City Council

  
Laurii Gadwa  
Stanley City Council

Lem Sentz  
Stanley City Council



City of Stanley  
P.O. Box 53 Stanley, ID 83278  
Tel: 208.774.2286 / Fax: 208.774.2278  
[www.stanley.id.gov](http://www.stanley.id.gov)  
[cityclerk@ruralnetwork.net](mailto:cityclerk@ruralnetwork.net)



ORIGINAL IN RED

CITY OF STANLEY

March 13, 2014

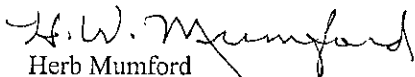
Secretary Tom Vilsack  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250

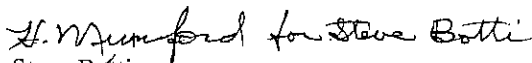
Dear Mr. Secretary,

Thank you for your response to the City of Stanley's letter about the proposed Boulder-White Clouds National Monument. We commend your willingness to commit to an open, transparent public process for evaluating the merits of this proposal, in partnership with local residents, governments and other interested parties. The local community is interested in having the Administration clearly define management intent prior to proclaiming such a Monument. In particular, it would be helpful to clarify the types of policies and actions that would be required to preserve the objects of historic and scientific interest that would be designated in this Monument. We believe that a dialogue between your representatives and the local community would help everyone understand the strengths and weaknesses of current Forest Service land management policies and actions. This dialogue could also identify potential enhanced protections, if any, that would be beneficial in further protecting natural resources and in promoting appropriate recreational use.

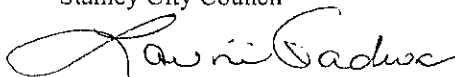
We would like to propose that your representatives meet with the City Council and local residents on or about June 12, 2014 to discuss these issues and to hear first hand perspectives from people whose lifestyles and livelihoods would be directly impacted by a national monument proclamation.

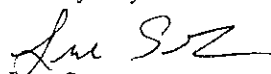
Very sincerely yours,

  
Herb Mumford  
Mayor of Stanley

  
Steve Botti  
President, Stanley City Council

  
Melinda Hadzor  
Stanley City Council

  
Laurii Gadwa  
Stanley City Council

  
Lem Sentz  
Stanley City Council



City of Stanley  
P.O. Box 53 Stanley, ID 83278  
Tel: 208.774.2286 / Fax: 208.774.2278  
[www.stanley.id.gov](http://www.stanley.id.gov)  
[cityclerk@ruralnetwork.net](mailto:cityclerk@ruralnetwork.net)

**ORIGINAL IN RED**

Sawtooth Valley Wildland Fire Collaborative

March 6, 2014

Mr. Craig Foss  
Bureau Chief, Forestry Assistance  
Idaho Department of Lands  
3284 W. Industrial Loop  
Coeur d'Alene, ID 83815

Dear Mr. Foss,

The Sawtooth Valley Wildland Fire Collaborative supports the Sawtooth and Salmon-Challis National Forests' submission to your office, in response to the amendments to the Healthy Forest Restoration Act (HFRA) included in the 2014 Farm Bill. The Collaborative has been working with the Sawtooth and Salmon-Challis National Forests to identify and recommend the location, type, and scale of fuel treatments, forest health improvements, and other wildfire risk reduction strategies that will significantly reduce the risk of a catastrophic wildfire within the Sawtooth Valley and nearby areas. The Collaborative is composed of a broad-based group of stakeholders including city and county government, private landowners, businesses, local organizations interested in land management issues, emergency response organizations, and other concerned citizens.

The HFRA submission by our National Forest partners reflects the priority treatment landscapes identified by the Collaborative, specifically the South Redfish Lake Zone, the Stanley Zone, and the Cape Horn Zone. Declining forest health within these landscapes due to infestations of bark beetles and other pathogens, and the absence of natural fire events for many decades has created a severe wildfire threat to critical values. These values include businesses serving local and recreation needs, subdivisions, other private structures, the City of Stanley, infrastructure, wildlife habitat, and prime scenic vistas within the Sawtooth National Recreation Area.

The Collaborative fully supports the National Forest's plan to implement large and small-scale hazard mitigation projects within the landscape treatment areas identified in its Healthy Forest Restoration Act submission. Immediate funding is needed to begin implementation of fuel modification areas within the next year. Without immediate action, there is a high likelihood of large, catastrophic wildfires burning much of the remaining unburned forest in this section of the Sawtooth National

## ORIGINAL IN RED

Recreation Area and surrounding areas, with catastrophic impacts to critical values on the landscape.

The Collaborative hopes that the Governor will support the its efforts to restore ecological integrity to these iconic landscapes surrounding the Sawtooth Mountains, and protect the local economy, and public and private safety from the critical wildfire threat.

Sincerely,

Steve Botti

Gary O'Malley

For the Sawtooth Valley Wildland Fire Collaborative

BEFORE THE CITY COUNCIL OF THE CITY OF STANLEY, IDAHO

In the matter of:	)	
	)	
	)	
BUILDING PERMIT 831,	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
Rebecca and Thomas Arnold,	)	
	)	
Applicants.	)	
_____	)	

This matter came before the City Council of the City of Stanley, Idaho, for consideration on February 13, at a duly noticed public meeting. Having reviewed the application and associated information, the City Council hereby issues the following findings of fact and conclusions of law. The application is denied.

I. FINDINGS OF FACT

A. Project Summary

This application is for the issuance of building permit #831 pertaining to Lot 5 of the Mountain View Subdivision<sup>1</sup>. This is one of several building permits issued for development of this particular lot, which is subject to the approved preliminary and final plat of the Mountain View Subdivision; all on file at the City. In most respects this application mirrors the already issued and still valid Building Permit 789<sup>2</sup>, which permits the applicant to proceed with excavation, grading and fill material and for the construction of an access road on Lot 5. This building permit is valid until May, 2014.

As depicted on the approved plat for the Mountain Cove Subdivision, Lot 5 has clearly been granted access on its north-west side via an access road depicted along the western edge of

---

<sup>1</sup> Attached. The preliminary plat for the Mountain View subdivision was approved at a meeting of the City Council on September 13, 2006. The final plat for the Mountain View subdivision was signed by the then-City Clerk on April 11, 2007.  
<sup>2</sup> Attached. Building Permit 789 is essentially a reissuance of building permits 690 – 690-R2



Lot 6. This is further reiterated in prior building permit approvals (BP # 690, 690R-1<sup>3</sup>, 744, etc) wherein access and utilities are clearly depicted along this western edge.

The Applicant now requests a permit to construct an access road accessing the eastern edge of Lot 5 from the west end of Ace of Diamonds street. This is not depicted on the approved Mountain View Plat and an application to amend the plat has not been submitted. Further, there is a considerable change in elevation (Steep downslope) between Ace of Diamonds and Lot 5. The applicant contends that merely because she is permitted to build an access road on *her property*, she is entitled to place great quantities of fill material on the City's right of way changing the slope of Ace of Diamonds as an incidental right. Further, the Applicant submitted the application without any engineered plans pertaining to fill material applicable to public works road projects, slope stabilization, drainage, etc. thereby potentially jeopardizing the public health and safety.

Incidental to this Application is the fact that the Applicant has already begun construction placing great amounts of fill into the City Right of Way without prior approval.

## **B. Site Data**

### **1. Location**

The area to which this project applies is the Mountain View subdivision, approximately 4.88 acres located south of Highway 21 and east of Benner Street.

---

<sup>3</sup> Permit 690 was approved, with conditions, at a public meeting of the City Council of the City of Stanley on November 8, 2006. Permit 690 was renewed, thus becoming designated as 690R-1 at a public meeting of the City Council on November 14, 2007. Building permit 690R-2 was approved on or about May 11, 2010. That permit sought the following work:

No structure; excavation, grading and fill material, construction of Mountain View Subdivision Utilities (underground); silt fencing and/or retaining walls ...; *construction of access roads; utilities, etc. to be installed per preliminary plat approval for Mountain View Subdivision.*

Emphasis added. Permit 789 was approved (and renewed as 789-R2 at the May 12, 2011) which encompassed the work sought to be accomplished in 690R-2. Building Permit 789-R2 is valid until May 12, 2014.

## **2. Current use (including zoning)**

The land is a platted subdivision consisting of seven lots located within the Commercial and Residential A Districts. No homes or structures of any kind currently exist on the property. Some road construction along with grading, excavation, fill work, underground utilities, and retaining walls has been started, but is as yet uncompleted. Silt fencing has also been placed along the creek to keep construction spoils and other materials out of wetland areas.

## **3. Public uses**

There are no public uses on this property.

## **4. Public services**

The area is served by the Sawtooth Valley Rural Fire District, Stanley-area volunteer E.M.S., the Salmon River Clinic, and the Stanley Sewer Association.

## **5. Special features**

The subdivision is partially impacted by a FEMA "A" flood zone. The subdivision is characterized by slopes that may exceed 15 per cent and this particular slope from Ace of Diamonds is quite steep in nature although the Applicant has not provided this information. Subdivisions that contain any portion having an average slope of 10% or more are subject to the Hillside requirements of Stanley Municipal Code 16.08. Lots that exceed 15% slope are subject to the Hillside provisions of Stanley Municipal Code 17.40.

## **F. Responses from Affected Jurisdictions and/or Agencies**

None.

## **G. Information and Testimony Submitted by the Public**

None.

## **H. Additional Information Submitted by the Applicant**

In response to the City's enforcement efforts to require the Applicant to remove the fill material placed on the City's right of way, the Applicant submitted numerous emails and correspondence essentially claiming she had the right to place the access road wherever she wished to do so and could modify adjacent properties including the City's as needed as an incidental right in order to complete the access road with proper grades etc.

Specifically, the Applicant did not provide any information demonstrating that should she be permitted to build an access road connecting to Ace of Diamonds, necessitating modifying the City's right of way; that said construction would be accomplished pursuant to established public works standards for municipal roads. All of these emails, correspondence, etc. are on file with the City.

## **I. Relevant Standards**

### **1. Constitutional and statutory standards**

The authority to issue building permits of the type here is grounded in the City's constitutional and statutory powers to protect the health, safety, and welfare of its inhabitants. *See, e.g.,* Idaho Const. art. XII, § 2; I.C. § 50-301. It should be note that the issuance or denial of a building permit does not constitute an application for a subdivision, variance, special use permit and other such similar application authorized pursuant to the Idaho Local Land Use Planning Act, I.C. §§ 67-6501 *et seq.* (hereinafter "LLUPA")

### **2. Local standards**

Stanley Municipal Code (hereinafter "SMC") 15.04 governs the process for the issuance of a building permit which provides that "[n]o ... lot [shall] be excavated for ... roads... nor shall fill be placed on any lot, nor shall any lot be cleared, or fenced unless a building permit therefor has been issued by the city council." SMC 15.04.01. Further the Code requires that

“Permittee shall follow good engineering practices relating to fill compaction for structural support and for preventing collapse and/or erosion of fill not used for structural support.” *Id.* The application additionally must include such development and construction drawings and technical support material “in sufficient detail to allow a technical or engineering review to determine whether the proposed development complies with all zoning requirements”. In all other respects, building permits must comply with all relevant SMC provisions. In general, the City considers the following titles of the SMC relevant to this application: Titles 16 (subdivision) and 17 (zoning).

## II. CONCLUSIONS OF LAW

The City has jurisdiction over this matter pursuant to its authority under the constitutional, statutory, and ordinance provisions cited above. This proceeding complies with all state open meeting and other notice provisions. The information and fee required have been supplied and are deemed adequate to allow the City to render a decision on the application. All notices required by statute and SMC have complied with state law.

This decision is based on the information and testimony compiled during the application process for permit numbers 690, 690R-1, 690R-2, 789, 831 and the Mountain View subdivision. It is also based on the statutes, constitutional provisions, and ordinances discussed herein. The interpretation and application of a city’s ordinance is within the City’s reasoned discretion.

The Applicant is seeking a building permit not to construct an access road upon its own property, but rather to seek permission to render improvements on adjacent property; the City’s right of way. The installation of an access road at this location to access Lot 5 is inconsistent with the approved Mountain View Subdivision Plat and prior approved building permits.

Applicant asserts that because she has already installed such improvements prior thereto demonstrates the City's acquiescence even approval of her actions. This is not the case and in fact the Applicant is in violation of the law (SMC 15.04.010) jeopardizing the public health and safety.

The difference in elevation between that portion of Lot 5 and Ace of Diamonds Road is considerable. That eastern portion of Lot 5 is in a ravine; historical drainage for the entire region. In contravention of SMC 15.04.020, the Applicant submitted its application bereft of any information pertaining to the slope itself, hillside stabilization, drainage, the fill material and construction consistent with public works road standards, nor any other information for the Council to allow a technical or engineering review to determine whether the proposed improvements comply with the Stanley Municipal Code, the Mountain View Plat, and other requirements. In the absence of such information, the City has no way to determine if the work already performed and sought to be performed ensures the protection of the public health and safety of its citizenry.

**III. DECISION**

The application for building permit #831 is hereby denied.

\* \* \*

Approved this \_\_\_\_\_ day of March 2014.

CITY OF STANLEY, IDAHO

\_\_\_\_\_  
Hon. Herb Mumford  
Mayor

Attest: \_\_\_\_\_  
Cari Tassano  
City Clerk

Date: \_\_\_\_\_