

BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS

Hearing Date: June 3, 2008

Regarding the Application of:

FINDINGS OF FACT AND DECISION

**Rotarun Ski Club Inc.**

proposes a **Recreation Development Master Plan** involving the addition of a chairlift, snowmaking, and day lodge to the current Rotarun Ski Area

**REQUESTED ACTION:** Public hearing on and consideration of the **Rotarun Master Plan** in which **Rotarun Ski Club Inc.** proposes to install a seven (7) tower chairlift, snowmaking, and place a new day lodge building. The subject property is owned by Blaine County and leased to the Rotarun Ski Club Inc., a nonprofit community organization. The ski area, approximately 30 acres, is zoned Recreational Development District (RD) with areas of Mountain Overlay District and is located approximately 2.5 miles west of Hailey in Croy Canyon. The property is adjacent to BLM land on Parcels B & D of the Sage Springs Subdivision, within Sections 17, 19, & 24, T2N, R17E, BM, Blaine County, Idaho.

**APPLICABLE REGULATIONS:**

Comprehensive Plan (Title 8)  
Zoning Regulations (Title 9) Chapters 1-4, 13, 21, 28 per page 5

**I. NOTICE**

Disclosures: No disclosures.

Notice of this hearing was:

- A. Published in the Idaho Mountain Express on May 14, 2008;
- B. Sent to all surrounding property owners within 300' feet of Parcel B & D, all Sage Spring Subdivision Homeowners, Spring Canyon Ranch, Croy Creek Preserve, land owners directly east of Sage Springs subdivision, and all Blaine County political subdivisions on May 19, 2008 and May 12, 2008, respectively ; and,
- C. Posted on-site on May 21, 2008, as evidenced by a signed affidavit in file;

► Motion: Upon motion by Commissioner Schoen, second by Commissioner Michael, and by a vote of ( 3 to 0 ), the Board **finds** notice to be adequate and in compliance with I.C. 67-6512 and § 9-25-4 of the Zoning Ordinance.

**II. BACKGROUND**

History of Application:

On March 13, 2008 Rotarun Ski Club Inc. submitted a Recreation Development Plan application. The Planning and Zoning Commission heard public comment and deliberated the application on April 24 and May 8, 2008. The P&Z recommended conditional approval of the application.

### History of Site:

The Rotarun ski area is located on Blaine County owned land. The land is leased to Rotarun Ski Club Inc., a community owned non-profit organization that is run by volunteers and paid staff. The Arkoosh brothers opened the ski area in 1959. In 1990 they subdivided the land adjacent to Rotarun and sold it to GMMK group following the approval of Sage Springs Subdivision. A condition of subdivision approval was the continuation of the ski area. This condition resulted in parcels B, D, and C, of Sage Springs Subdivision, being deeded to Blaine County for recreation uses and Blaine County leasing parcel B and D to Rotarun Ski Club for the continued operation of a ski hill. From 1990 to the present, Rotarun Ski Club Inc. operates the ski area and provides affordable skiing to local families, junior racers, and "beginners".

### Recreational Development District:

The Recreational Development District (RD) was created in 1977. The RD district, per is §9-13-1, is defined as: "a special use zoning district designated to guide "recreation development adjacent to specific recreational access points and to provide for public facilities when located adjacent to residentially zoned lands". Since 1977 the Rotarun area has been zoned RD. Unlike other types of zoning the Recreational Development Zone requires the applicant provide a Master Plan that address 5 standards of evaluation. Through short term (within 3 years) and long-term plans the Master Plan needs to address the present and potential utilization of recreational resources of the area. The RD zone is subject to Title 9 standards, if pertinent, and contains a few specific administrative standards, i.e. density thresholds, but there are no specific design standards. This provides flexibility for addressing the unique needs of each recreational area.

Pursuant to §9-4-3, Blaine County's digital mapping system was recently updated to show the accurate locations of RD areas in Croy Canyon.

### Site Description:

The ski area lies 2.5 miles from Hailey along the Croy Canyon drainage. Historically, the area was used for farming but over the last 15 years Blaine County's population and recreational needs have significantly increased resulting in more residential and recreational development in Croy Canyon. Currently a nest of mt. biking, motocross, horseback riding, and hiking trails exists throughout the canyon. These trails are planned for BLM Travel Plan Designation this fall, following the completion of an Environmental Impact Statement (EIS). Parcel D and BLM land adjacent to Rotarun's southern border are part of a future Rotarun Mountain Bike and Motorcycle Mechanical Development Skill Area.

The top half of Rotarun lies within the Mountain Overlay District. A Mountain Overlay Categorical Exclusion was granted on April 10, 2008 for the chairlift and snowmaking associated with the proposed Recreation Development Master Plan (Exhibit C-2).

The current Rotarun facilities consist of a rope tow, seven (7) tower palma lift (similar to a T-bar), a 1600' sq ft day lodge that contains restrooms and a limited food service area, a 40-car dirt parking lot. The ski area provides night skiing on Wednesday and Friday from 4 p.m. to 9:30 p.m. to the public on Thursday, Friday, Saturday, and Sunday. No rental facilities exist currently.

### Project:

The project consists of three elements: 1) Install a seven (7) tower, two person, chairlift. The lift was previously used on Dollar Mountain and is a donation from Sun Valley Company; 2) A Safyr snowmaking system. The system consists of twelve (12) snowmaking guns, a lined holding pond, pump station, and in-ground transfer pipes; 3) A 3540' sq ft, 1627' footprint, two story day lodge, in the northwestern area of parcel D. The lodge is a donation from Sun Valley Helicopter Ski Guides. The building will be remodeled and expanded by 500' sq ft to include a rental shop,

ticket/race desk, restroom facilities, food service area, Rotarun Ski Club office, and a multipurpose room.

The current building will be converted to an area for the local ski teams. The food service will be removed and all other space will be converted to lockers and waxrooms.

### III. EXHIBITS

The following exhibits are attached hereto:

#### Applicant Submittals:

- A-1 Blaine County Recreational Plan Application Form: received March 14, 2008, dated March 13, 2008;
- A-2 Applicant Responses to §9-13-4 (Components) and §9-13-6D.1 (Standards of Evaluation): received March 14, 2008;
- A-3 Applicant Analysis of Blaine County Comprehensive Plan: received March 14, 2008;
- A-4 Exhibit A – Map of Blaine County Land Use: dated April 2006, received March 14, 2008.
- A-5 Cover Letter from Fritz X. Haemmerle: Rotarun Water Right History: dated March 24, 2008, received March 24, 2008;
- A-6 Rotarun Snowmaking Description, Jeff Smith: dated March 2008, received March 28, 2008;
- A-7 Rotarun Master Plan: dated March 12, 2007, received March 14, 2008;
- A-8 Cover Letter from Fritz Haemmerle and *Rotarun Ski Club Inc and Blaine v, Individual Sage Springs Owners* Decision dated April 8, 2008, received April 8, 2008;
- A-9 Tim Graves response to Sage Springs Homeowners Association legal counsel, Adam King: dated April 9, 2008, received April 10, 2008;
- A-10 Safyr Snowmaking Gun Schematics: received March 18, 2008;
- A-11 Pictures of Guns at Dollar Resort: received Fall 2007;
- A-12 ~~Rotarun Ski Club Grading and Site Plan – Sheet 1: received March 14, 2008; New plan submitted, see A-16~~
- A-13 ~~Initial Rotarun Ski Club Grading and Site Plan – Sheet 2: received March 14, 2008. New plan submitted, see A-16~~
- A-15 IDWR Letter Re: Rotarun Ski Club, Inc. Potential Well: dated August 24, 2007, received August 30, 2007.
- A-16 Modified Rotarun Site and Grading Plan: dated May 5, 2008, received May 6, 2008;
- A-17 Responses to P&Z Questions: received May 5, 2008;
- A-18 Rotarun Landscape Plan: dated May 13, 2008, received May 15, 2008\*.

#### Agency Comment:

- B-1 SCHD, Bob Erickson, email: April 10, 2008;
- B-2 Bart Lassman email, WRFR: April 9, 2008;
- B-3 Bart Lassman – Commercial Building Plan Review, WRFR: dated April 9, faxed April 15, 2008.

#### Other Information:

- C-1 1990 Sage Springs Subdivision Plat;
- C-2 Mountain Overlay District Categorical Exclusion Letter for proposed Chairlift and Snowmaking: dated April 10, 2008;
- C-3 2006 Board of County Commissioners Decision on Appeal for Mountain Overlay Categorical Exclusion: dated September 2006, received April 8, 2008.
- C-4 Findings of Fact Sage Springs Subdivision: dated 1990.

- C-5 Proposed Conceptual site Plan – Rotarun Trailhead/Motorized and Mechanized Skill Development Area; dated May 2007.
- C-6 Letter to Blaine County Building Department from Pat Savaria; dated March 6, 2008, received March 6, 2008;
- C-7 Letter from Sun Valley Ski Area Re: Helliski Building Storage: dated March 11, 2008, received March 12, 2008.
- C-8 County Engineer Memo: dated April 21, 2008, received April 21, 2008;
- C-9 P&Z Findings of Fact and Recommendation: dated May 22, 2008.
- C-10 Security Agreement Regarding the Lodge: dated May 23, 2008.

Public Comment:

- D-1 115 Public Comments received: Excel Spreadsheet – Name, Address, Position, Comment (see file for comments in their entirety)
- D-2 Pictures of Rodeo Drive: taken May 1, 2008, received May 8, 2008;
- D-3 Pictures of Tubing Park and Building Excavation: received June 3, 2008.

#### IV. STANDARDS OF EVALUATION

(Findings and Recommendation: In Lighter Type)

**§9-13-6: D. Factors To Be Considered:**

**1. For a recreation development plan: The commission shall include any conditions of approval, recommendations for change of the plan or reasons used in coming to its decision. Factors that must be addressed by the commission and board in evaluating a proposed plan include:**

**a. The proposed development and its relationship to the specified recreation resource. The proposed development shall not degrade the recreation resource.**

Finding: Over 115 public comments were submitted. Ten of the comments were negative. It was established that the proposed improvements will significantly improve the resources.

**b. The design of transportation facilities shall ensure minimum impact on existing and proposed development, topography and vegetation.**

Finding: Approximately 60 cars can park in the area. Neighbors are concerned with the current “non conformity” of Rotarun’s parking lot. The new parking lot improvements will bring the parking area into County and ADA conformity, improve traffic flow and drainage, and create a more aesthetically appealing area.

The parking lot will not be paved. This is an environmentally friendly approach that increases absorption and decreases rate at which run-off occurs. Inclusion of bioswales and a landscape buffer into the parking design addresses drainage, aesthetic, and compliance issues associated with the site.

Conclusion: To ensure the bioswales, landscaping, grading plan are completed the \$7500 demolition bond currently held by the County, shall be kept and returned when the landscaping and grading plan are completed. An estimate for completing the landscaping plan, minus the cost of plants, shall be submitted by the applicant. If the cost of the work exceeds \$7500 dollars the applicant shall submit additional funds equal to the cost of carrying out the submitted landscape plan. The applicant indicates the improvements will be completed by the November 30, 2008. All funds will be returned to the applicant when the Landscaping and Grading plan are completed to County standards. To address the drainage issues associated with larger

snowpack runoff, the Board and staff strongly encourages the applicant to complete all parking lot and landscape improvements prior to a ski season with snowmaking.

**c. The quality of site design and planning demonstrated and the extent that the plan preserves existing natural features, including air and water quality.**

Findings: The proposed snowmaking guns are high quality Safyr guns with very low audible impact, 62DbA at 50 meters (see pics: Exhibit A-10, A-11). The closest home is approximately 200 meters from a gun. 80DbA is a typical home stereo listening level. 60DbA is a typical conversational speech at one (1') foot. Noise measurements taken of the new Safyr guns on Dollar Mountain confirm decibel levels drop to 50DbA at 100 yards (91 meters) from the guns (A-17). The applicant indicates the majority of snowmaking will occur in the early season months of November and December, and the snowmaking will only be used infrequently thereafter to address thin spots near the top of Rotarun.

The Board believes the public is justified in their concern regarding timely completion of the proposed projects. The applicant indicates snowmaking and a lodge are priorities with regard both to financing and timing. The three elements of the recreation plan, snowmaking, lodge, and chairlift, are elements of a short-term plan. Short-term plan elements are required to be completed within three (3) years.

A lighting plan needs to address ski-industry safety standards and neighborhood concerns. Currently, Rotarun provides night skiing until 9:30 p.m. on Wednesday and Friday. In the past Rotarun has been open for night skiing more than two days a week, past 11 p.m.

Neighbors submitted concerns regarding lack of follow-up with re-vegetation and the invasion of noxious weeds. Pictures suggest snowmelt runoff onto Rodeo Drive (Exhibit D-2, & D-3) is problematic.

Access to the holding pond will be restricted with a fence. The size and type of fence were thoroughly discussed. Homeland Security mandates a six foot (6') chain link fence for securing water sources.

Conclusion: The applicant shall purchase Safyr snowmaking guns or guns of equal design specifications for audible impact.

The applicant shall submit a timeline projecting when improvement shall commence and conclude. The applicant shall complete all improvements within the three year time period designated by the short-term plan. If the improvements are not complete within three years of BCC approval the BCC may grant an extension during a publicly noticed hearing. The snowmaking improvement shall be completed within three years from the date IDWR grants water rights and/or the necessary permits. The bioswales, parking lot grading plan, and landscaping plan shall be completed by November of 2008. The holding pond shall be secured by a green-coated, six-foot chain link fence.

The BCC requests Rotarun Ski Club Inc. make a yearly presentation to the public and themselves addressing the status and progress of all proposed improvements and other elements of interest and/or concern.

The applicant shall be allowed to conduct up to 6 "special events" that are outside of their normal hours of operation. If the applicant wishes to increase the hours of operation they must demonstrate a need has arisen necessitating additional hours of operation and a publicly noticed hearing must ensue.

**d. Secondary development will not adversely affect utilization of the recreation resource.**

Findings: A chairlift, ski lodge, and snowmaking are directly related to the primary recreational development as defined by §9-13-2. The project complies.

**e. The impact of the proposed uses on potable water sources.**

Findings: Rotarun Ski Club Inc. qualifies for Idaho's domestic water exemption, Idaho Code § 42-111(a). Idaho Department of Water Resources' (IDWR) interpretation of the domestic exemption "use" allows Rotarun to use the domestic exemption's 13,000 gallons a day for snowmaking (Exhibit A-15). Extraction of the water will require a well and "drilling permit". IDWR granted Rotarun a preliminary "drilling permit". Sage Springs Subdivision objected to the decision in October of 2007. On June 29, 2008 IDWR Director David Tuthill, will hear the protest and make a decision on whether to uphold Rotarun's preliminary well drilling permit.

The applicant stated the holding pond can be emptied during the summer months. Neighbors expressed concern about mosquitoes and water quality. If water is left in the holding pond, Rotarun is considering aeration to minimize algae buildup and mosquito issues, although this might be cost prohibitive. The DEQ indicates water quality of ponds, snowmaking or otherwise, are not within their jurisdiction (Exhibit B-1). Conversations between Staff and Sonny Buhidar, IDEQ indicate DEQ jurisdiction only applies to waste water. Historically DEQ has not taken jurisdiction of Wilson Creek or water which runs into it. Buhidar indicates any mosquito mitigation plan involving the addition of inputs must be reviewed and approved by the Idaho Department of Agriculture, in conjunction with the DEQ.

Conclusion: The snowmaking component of the master plan is conditioned on Rotarun receiving all the pertinent rights and permits from IDWR. If the holding pond is not drained, the applicant shall submit a Mosquito Mitigation Plan to staff for review and approval. The mitigation plan shall identify preventative actions, conditions warranting mitigation, and what actions or tools will be taken to minimize mosquitoes. If the plan calls for water to be treated, the Idaho Department of Agriculture should review and comment on the plan.

### **III. DECISION & CONDITIONS**

► Motion: Upon motion by Commissioner Michael, second by Commissioner Schoen, and by a unanimous vote of 3 to 0, the Blaine County Board of Commissioners, hereby **approves with conditions**, the application by **Rotarun Ski Club Inc.** for a **Recreation Development Plan** in regard to 29.71 acres within Parcel D & B, Sage Springs Subdivision within Sections 17, 19, & 24, T2N, R17E, BM, Blaine County, Idaho subject to the following conditions:

Conditions of Approval:

1. The applicant shall complete the lodge and chairlift improvements within a three-year time period. If the improvements are not complete within three years of BCC approval the BCC may grant an extension during a publicly noticed hearing. The snowmaking improvement shall be completed within three years from the date IDWR approves all the necessary water rights and/or permits.
2. The applicant shall submit a timeline for commencement and conclusion of all improvements proposed. The timeline shall be made part of the public record.
3. Upon request by the Board Rotarun Ski Club Inc. shall make at least a yearly presentation to the public and the Board of County Commissioners addressing the

- status and progress of all proposed improvements and other elements of interest and/or concern.
4. The landscape plan, parking lot grading plan, and bioswales shall be completed prior to November 30, 2008.
  5. A qualified landscape architect shall submit an estimate for completion of the Landscaping plan, minus the cost of trees.
  6. The Master Plan's snowmaking component is conditioned on Rotarun receiving an IDWR "well drilling permit" and any other necessary IDWR permits or approvals.
  7. Currently the lodge's purpose is storage. Any change in use shall necessitate a new building permit review. If the use involves occupation, the Building Department shall not issue an occupancy permit until all safety modifications, per WRFR requirements, i.e. fire sprinkler system and ADA requirements, are met.
  8. The drop-off circle shall contain clear signage indicating the drop-off area is a fire lane with no parking.
  9. No-parking signage shall be posted along the south side of Rodeo Drive adjacent to the ski area.
  10. Low flow toilets and fixtures shall be installed in the lodge facility.
  11. A six (6') foot plastic coated, green or brown, chain link fence shall be installed around the holding pond.
  12. The holding pond shall have geotechnical review by a licensed engineer prior to construction.
  13. The parking lot grade shall not exceed 5%
  14. Rotarun shall not increase the amount of night skiing beyond what is currently offered, except for six (6) special events per year. Increasing the hours of business or number of evenings for night skiing will necessitate a BCC public hearing and analysis justifying expansion.
  15. A small reverse slope on the ski hill, adjacent to the south lodge wall, shall be included into the grading plan, per County Engineer recommendation number five.
  16. The \$7500 demolition bond held by the County shall be kept until the bioswales, Landscape plan, and Parking Lot Grading plan are completed.
  17. The applicant shall submit a Mosquito Mitigation Plan if standing water is left in holding pond. Review of the plan shall be reviewed by staff and/or other pertinent agencies.
  18. The applicant shall purchase Safyr snowmaking guns or guns of equal design specifications for audible impact.

IT IS SO ORDERED.

DATED this 17 day of June, 2008.

BLAINE COUNTY BOARD OF COMMISSIONERS

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By: Tom Bowman  
Chairman

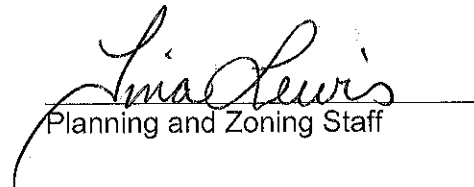
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CERTIFICATE OF MAILING

The undersigned, being over eighteen years of age, a resident of Blaine County, Idaho, and not a party to the above-entitled action, certifies that on the 18<sup>th</sup> day of June, 2008, he/she served a true and correct copy of the foregoing document by depositing the same in the United States mail with postage prepaid addressed as follows:

Rotarun Ski Club Inc.  
P.O. Box 2083  
Hailey, Idaho 83333

Linda Haavik  
PO Box 1707  
Hailey, ID 83333



Planning and Zoning Staff