

CUSTER COUNTY

Comprehensive Plan

Adopted: 2/25/04 Revised:12/11/06 Amended:12/8/08, 3/16/09



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GLOSSARY

The following definitions are for clarification purposes only, applying to this document. More detailed definitions may be found in the County land use ordinances and such definitions shall be considered the official definitions in land use actions.

1. **Affordable housing:** Affordable housing is defined by two conditions. First, the rent may not exceed 30% of income, and second, occupancy should not be more than two persons per habitable room.
2. **AFO: Animal Feeding Operation** – Lot or facility of any size, including those 1,000 animal units and smaller, where slaughter or feeder cattle (exempting cow/calf pairs) are confined and fed for a total of ~~150 days~~ 90 days or more during any 12-month period.
3. **Agriculture:** The use of land for farming, dairying, irrigated pasture, cropping, horticulture, floriculture, viticulture, agriculture, pisciculture, animal and poultry husbandry, and necessary accessory uses. Accessory uses shall be limited to processing and/or storage for market of the products produced on the premises.
4. **Area of city impact:** That area of county land outside the city limits over which the city and county have mutually agreed upon who has land use authority.
5. **BLM:** United States Bureau of Land Management.
6. **CAFO: Concentrated Animal Feeding Operation** – Any animal feeding operation over 1,000 animal units or larger and any operation 1,000 animal units or under that has been designated by the ISDA or EPA where slaughter or feeder cattle (exempting cow/calf pairs) are confined and fed for a total of ~~150 days~~ 90 days or more during any 12 month period.
7. **Commercial Use:** Land used by retail or wholesale establishments or by those who provide a service for a fee. Such uses ~~include those that are highway-related, such as~~ gas stations, convenience stores, restaurants and lounges, grocery stores, motels, and other related businesses. *Such land uses shall be: clustered with shared access and parking lots, utilizing cross access agreements between property owners, rather than individual driveways and parking lots; encourage pedestrian, bicycle and transit usage and signage shall be centralized.*
8. **Cottage industries/Home Occupations:** Usually small-scale industries carried on at home or out of the home by family members using their own equipment.
9. **DSL:** Digital Subscriber Line.
10. **EMS:** Emergency medical services.
11. **EMT:** Emergency medical technician.
12. **FS/USFS:** United States Forest Service.

h.—Shall meet all other State-of-Idaho-requirements.

19. **Median income:** That value of gross income at precisely the center of a list of all gross income values arranged by size.
20. **Multifamily dwellings:** Single-building housing units specifically designed for occupancy by more than one family, e. g., duplex, fourplex, apartments, condominiums, town-houses.
21. **Multiple use:** Uses of public land that permit several simultaneous functions, e.g., logging, mining, recreation, agriculture.
22. **PILT:** Payment-in Lieu of Taxes – Payments by the Secretary of the Interior as a replacement for state and local taxes on federally owned tax exempt lands to local governmental units on the basis of the number of qualifying federally owned acres situated in the unit's jurisdiction.
23. **Planning Commission:** Organization responsible for recommending land uses to governing body.
24. **Primitive airstrips:** Usually unpaved, remote airstrips lacking aircraft/airport services and facilities.
25. **Public facilities:** Publicly owned and controlled facilities, generally accessible to the public.
26. **Recreational properties:** Land and/or structures used primarily for recreational purposes as opposed to primary residence, business, or agricultural purposes.
27. **Residential use:** A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, but not including hotels, boarding and lodging houses, trailers, campers, or travel trailers.
28. **Sawtooth National Recreation Area (SNRA) –** The SNRA was created by Congress in 1972 as Public Law 92-400. The SNRA includes 756,000 acres in central Idaho of which 475,600 acres are located in the western part of Custer County. Large portions of the Stanley Basin, Sawtooth Valley and the Sawtooth Mountains Range are included. The privately owned ground consists of 20,000 acres and is federally regulated in the SNRA. *The intent of the law is to protect the natural, scenic, historic, pastoral, fish and wildlife values and provide for the enhancement of recreational values.*
29. **Semi-public facilities:** Privately owned and controlled facilities, generally accessible to the public.
30. **Shelter Homes:** Residential units, generally publicly subsidized, for variously handicapped persons who require assistance in performing common personal functions.
31. **Special land use:** A special use permitted within a zoning district other than a principally permitted use, requiring a Special Use Permit and approval of the Planning Commission.
32. ~~**Start-up businesses:** *Businesses without previous operations.*~~
33. ~~**State-School-Endowment-Lands:** *When Idaho became a state, the Congress of the United States endowed certain lands to be used to generate income for educational purposes.*~~

I. INTRODUCTION

1. COMPREHENSIVE PLAN

This Comprehensive Plan (Plan), created in accordance with *Idaho Code, Title 67, State Government and State Affairs, Chapter 65, Local Land Use Planning*, sets forth the goals and objectives determined by the citizens of Custer County to guide growth and development decisions fifteen to twenty years into the future. These goals and objectives reflect many hours of discussion and contemplation on Custer County's future and the desires of its residents. The intent of this Plan is to provide and protect a "quality" standard of living for residents and visitors alike and to define tasks to be accomplished to achieve this.

The Plan will be used as a "working" document referenced in land use and growth decisions, and as a 'working' document for coordination by the County with state and federal agencies regarding management of non-private lands within the County. It will be responsive to the ever-changing environment of the county and will be subject to amendment as necessary, requiring full public participation in its continued use and future changes.

The County Commissioners intend to use this Plan as a framework that will promote sound land development, maintain a safe and healthy living environment, ensure respect for the natural environment, encourage a successful economic climate, and avoid loss of private lands and adverse impacts on the rights and interests of private property owners. "The County Commissioners will also use this Plan as the framework for coordination with state and federal government agencies as to management of non-private lands within the County, and as the framework upon which to focus the "consistency" requirements contained in the definition of coordination contained in the Federal Land Policy and Management Act.

The Planning Commission and County Commissioners will review the plan and update it as necessary to meet the needs of the citizens. This Plan does not apply within the city limits of the incorporated cities of the county unless adopted by those cities. It does continue as the framework for coordination and consistency, because it should be clear to the state and federal agencies that their coordination and consultation requirements are applicable to protect land and citizens of incorporated cities as well as the resources and citizens within the unincorporated areas of the County.

2. PLAN REVISION

The Plan may be changed through several methods. Requests to change the plan may come from citizens, County Commissioners, or their designees. All requests for changes to the plan shall be submitted in writing to the Planning Commission and will follow the guidelines set forth in *Idaho Code, Title 67, State Government and State*

Federal Land Policy Management Act, and to reach consistency with the County's Plan and natural resource and environmental policies developed under its planning process and, sometimes on an ad hoc basis, by the County."

III. VISION FOR THE YEAR ~~2010~~ 2015

The Custer County Vision for the Year ~~2010~~ 2015 is best exemplified by an enumeration of the goals of each section of this Comprehensive Plan. Attainment of these goals will require additional action through ordinances and regulations created and enforced by the governing entities of the county.

1. LAND USE

The County's goal is to provide for a variety of land uses that meet the needs of the residents of Custer County, maintain the rural nature of the area, manage growth, and preserve private property and *private property* rights.

2. TRANSPORTATION

Transportation goals include encouraging the cities of Challis, Mackay, Stanley, and Clayton to develop a formal plan for upgrading and maintaining their city streets, continuing improvements to the local, state, and federal highway and road systems, providing for continued use of airports and airspace, maintaining historic rights of way, and sustaining use of rivers and lakes.

3. HOUSING

The Housing goal is to meet future residential needs, whether owner occupied or as rental units and to encourage the development of affordable housing.

4. ECONOMIC DEVELOPMENT

Retain existing and encourage new commercial, industrial, and retail businesses that will provide additional jobs and basic services to the residents of the county.

When appropriate, utilize available assistance programs to partner local government with development of new businesses.

5. NATURAL RESOURCES

Natural resources *must shall* be protected and conserved by carefully assessing and utilizing multiple-use concepts when making any development decisions in the county.

6. SPECIAL AREAS/SITES

Preserve historic and cultural values through cooperation of local, state, and federal governments and through compliance with state and federal statutes *already in place*.

7. HAZARDOUS AREAS

13. COMMUNITY DESIGN

The goal for growing communities in rural areas is to plan community development so there is preservation of rural living for those who choose it and a concentration of services in a small area for those wanting or needing easier access to the services.

14. PLAN IMPLEMENTATION

Plan implementation shall apply to all unincorporated areas of Custer County and include land use designations, zoning, enactment of additional land use ordinances, consideration and final approval of land subdivisions, plan amendment and all activities related to land use planning. Plan implementation shall also include the coordination process by which the state and federal agencies must coordinate as to their planning for, and management actions for, the state and federal managed property lying within the County and as to any such plans and actions which could impact the County even if the plans and actions related to lands outside the County.

15. COORDINATION: The County shall implement throughout this visionary period a coordination process by which it will require coordination as to natural resources uses and impacts and land use of the state and federal managed lands within the County, and will expect the agencies of both state and federal governments to coordinate as mandated by statutes and to attempt to reach consistency with the County's Plan and policies.

(Red font text on pages 11-15 is as per Resolution #2009-01)

- g. Prior to placement of residential clusters, ensure all county, state, and federal requirements are met.
- h. Encourage development of standards for building setback along county roads to preserve the rural nature of the area.
- i. As needs dictate, protect and provide for all land uses within the county.
- j. Negotiate agreements with all incorporated cities within the county regarding areas of city impact.

4. LAND USE CATEGORIES

Eight land use categories are addressed in this plan: agricultural land use; areas of city impact; transition/agriculture land use; residential land use; commercial land use; industrial land use, special land uses, areas of critical concern, and existing uses.

a. AGRICULTURAL LAND USE

The preservation of historic and customary agricultural, range, and forestry land use is important to the citizens of Custer County. With much of the economy derived from agriculture and related activities, maintaining viable tracts of agricultural and rangeland is a county goal.

The right of agriculture to exist and continue to operate is protected by Idaho law. Given the rural nature of the county, local ordinances and resolutions must not conflict with the right to farm protections for agricultural operations in *Idaho Code, Title 22, Agriculture and Horticulture, Chapter 45, Right to Farm*.

High-density residential development defined as more than one home per acre, or conflicting development should be directed away from irrigated agricultural land, taking into consideration the following factors:

- 1) Potential crop productivity
- 2) Availability of water
- 3) Grazing potential
- 4) Environmental factors
- 5) Availability of public services
- 6) Availability of adequate transportation systems
- 7) Historical land use practices

Lands designated for agricultural use are suitable for all types of agricultural and range operations, as well as single family homes, including manufactured homes, and accessory buildings necessary for agricultural operations.

Existing commercial, industrial, and residential land uses, cottage industries, and home-based occupations are historical uses and will be allowed and will be managed to minimize the impacts on agriculture.

Non-agricultural uses that could have adverse impacts on agricultural land use areas must be carefully reviewed.

Commercial uses on transitional/agricultural land shall follow the recommendations of Section e, Commercial Land Use, below. Area of Impact considerations shall also apply to the transitional/agricultural-use.

d. RESIDENTIAL LAND USE

The purpose of the residential land use category is to provide for the development of residential neighborhoods to meet the demands of the population.

Residential land use in Custer County has been traditionally tied to the agricultural uses, with the exception of the communities in the county.

Residential subdivisions shall be located in areas of the county where such development will have minimal impact on agricultural uses and protect the surrounding environment.

Areas designated as residential are suitable for single family and multi-family residential living, including manufactured homes.

Other uses allowed in this land use category might include cottage industries or home occupations that have minimal impact on the neighborhood.

Public or semi-public facilities compatible with the residential use and necessary utility installations are also allowed.

Property owners/developers will be required to provide proper access to a public street or road either directly, or by use of a private road meeting *county* standards for ingress and egress and emergency response.

The property owners/developers will be required to improve the street or road to county standards if such public street or road does not meet county standards.

All residential uses shall meet ~~District 7~~ Eastern Idaho Health Department requirements for density, health and safety, water and sewer systems. Residential developments may be required to have central water and sewer systems.

~~Densities greater than one home per platted or recorded lot could be allowed upon the review and approval of the County Planning Commission.~~

~~Commercial use in a residential zone may be allowed with an appropriate permit as discussed below.~~

~~Temporary housing for purposes of residence while a home is being constructed will be allowed upon special permit from the county, setting time limits for completion.~~

e. COMMERCIAL LAND USE

Commercial use is defined as land used by retail or wholesale establishments or by those who provide a service for a fee.

The county may establish special land use categories to address unique characteristics of the land or environment.

Special use categories may include public lands, floodplains and other areas of critical concern such as historical sites, geographic features, and natural resource areas. One such category will delineate the Sawtooth National Recreation Area (SNRA) in the western part of the county.

h. AREAS OF CRITICAL CONCERN

The county may designate hazardous or unique areas as an area of critical concern. Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is in the public interest in view of the existing unique conditions.

5. EXISTING USES

Existing uses of land within an area may not conform to the requirements set forth in the plan. Such established existing uses shall have the right to continue but may not be expanded in physical size or use.

If an existing use is incompatible with the plan and is discontinued for a period of more than one year, the county will follow the procedures delineated in Idaho Code 67-6538 (and any changes made from this point forward) to declare the use abandoned.

V TRANSPORTATION

1. TRANSPORTATION SYSTEM PROFILE

The transportation system serving Custer County is diverse and, over time, has evolved to meet the needs of the citizens of the County. This system consists of city streets and alleys, County roads and highways, forest and BLM roads and trails, airfields, historic rights-of-way, trails, and waterways.

City streets and alleys are maintained by the cities of Challis, Mackay, Stanley, and Clayton. The County roads and highways are maintained by the Lost River Highway District and Custer County Road and Bridge. Other roads and trails are maintained by public management agencies.

Three airfields are maintained and operated by the City of Mackay, the City of Challis, and the City of Stanley (with the Idaho Department of Transportation, Division of Aeronautics, and private individuals). Other privately maintained airstrips are located in the County. The federal government and State of Idaho periodically maintain primitive airstrips that are located on federal land and in the Frank Church-River of No Return Wilderness.

The State Highway System links every town or city in Custer County and includes the following:

- 1) U.S. 93 (north from Darlington through Mackay, to Challis and Ellis)
- 2) State Highway 75 (southwest from Challis through Clayton and Stanley and on to Galena Summit).
- 3) State Highway 21 (northwest from Stanley to Banner Summit).

b. COUNTY MAINTAINED ROAD SYSTEMS

The county-maintained road system includes two highway districts and consists of approximately 515 miles of roadway. Lost River Highway District maintains 292 miles while Custer County Road and Bridge maintains 223 miles.

c. FEDERALLY MAINTAINED ROADS AND TRAILS

These roads and trails provide public access to and across lands managed by the federal agencies and serve the needs of recreation and commerce.

Roads within BLM land in the county total 2,184 miles. This includes paved, gravel, and dirt, accessible to all types of on- and off-road vehicles. Some of these roads are owned and maintained by the state or county (e. g., US 93, Trail Creek Road, Spar Canyon Road). An estimated 1200 miles of road in the county are managed and maintained by the BLM, with some 50 miles of maintenance performed by the BLM each year.

The Sawtooth National Recreational Area (SNRA) has 232 miles of roads listed in its inventory, of which about 110 miles are maintained in a typical year.

The Forest Service accounts for 2738 miles of roads in the county, classified as two-lane, one-lane, and two-track. Of these, 1635 miles - about 60% - lie within the Salmon-Challis National Forest. These total 64 miles of two-lane, 1395 miles of one lane, and 176 miles of 'two-track.' Some roads in the southern part of the county have not been inventoried via the GPS. Maintenance of these roads is done by county, Forest Service, and contractors.

Of the approximately 5200 miles of roads in the county recorded by the BLM, FS, and SNRA, almost 3100, or about 60%, are on federal land.

The BLM manages five trailheads at Jimmy Smith, Herd Lake Campsite, Herd Lake Overlook, Little Boulder, and Lake Creek. The BLM estimates that 10 miles of trails are actually maintained on a very limited basis (a mile or so each year) with perhaps over 100 miles of 'traditional' unmapped, unmaintained trails on BLM land that are recognized by the BLM.

The SNRA inventory lists 448 miles of trails, with 37 trailheads, of which 24 are in the 'Fee-Demonstration' category. All trails are given maintenance each year, either by the SNRA or contracted personnel.

existing condition. Some rights-of-way may only be used for occasional foot travel. A historic right-of-way need not coincide with its current location.

Whether a right-of-way has been established is a question of state law because the State of Idaho has proprietary jurisdiction. Although repealed by the *Federal Land Policy Management Act (FLPMA)*, under 43 USC Section 1769, all rights-of-way established under RS 2477 after 1866 and existing on the date of repeal are expressly reserved. Once established, an RS 2477 right-of-way cannot be abandoned by non-use, or removed without undergoing legal easement vacating procedures. Moreover, as a state-owned right-of-way, the United States cannot cancel the right-of-way even if the land was later withdrawn from or transferred out of federal ownership.

7. NAVIGABLE WATERWAYS

Navigable waterways in Custer County include the Salmon River and its major tributaries. Other rivers within the county include the Big and Little Lost Rivers. Historically, these rivers have been either the direct transportation systems or the primary corridors for exploration, settlement, and development in the county,

As discussed in other sections of this Plan, these rivers and their tributaries, as well as the many lakes in the County, are vital assets for virtually all economic and recreational activities in Custer County, as noted below:

- a. Irrigation
- b. Mining
- c. Logging
- d. Recreation (e. g., boating, fishing, sightseeing)

Two consistent problems have been identified relative to rivers, streams and lakes in Custer County, for which this Plan directs positive action:

- a. Expansion of public access to waters bounded by private property.
- b. Retention of existing roads and accesses on federal land.

Custer County will continue to review and evaluate private and government actions with the intent of retaining existing accesses and adding new opportunities for the public to use rivers, streams, and lakes.

8. TRANSPORTATION PLAN

The Central Idaho Transportation Committee is developing a transportation plan to guide central Idaho in their transportation decisions. When this plan is adopted by the County, it will become an official part of this plan by reference.

The residents of Custer County foresee a time in the very near future when the costs of growth will have to be borne by the user/developer through fees for services and building standards and regulations.

2. HOUSING GOAL

The housing goal is to meet future residential needs, whether owner occupied or as rental units and to encourage the development of affordable housing.

3. HOUSING OBJECTIVES

- a. Conduct an assessment of the housing needs in the community, followed by appropriate actions to attempt to meet such needs.
- b. Promote community reinvestment in the housing stock.
- c. As older housing stock becomes deteriorated or unusable, encourage its replacement with affordable housing.
- d. Encourage local banks to support housing development opportunities.
- e. Encourage landlords to renovate substandard properties.
- f. Encourage construction of multiple family housing.
- g. Developers will pay for the direct costs of providing streets, lighting, sewer, drainage, communications, utilities, and other infrastructure improvements to and within their developments.
- h. Manufactured homes are considered a suitable housing type for single-family lots when meeting certain construction and placement requirements.

4. HOUSING STATISTICS

The following selected Custer County data are from the US Census for the year 2000. Similar census data are available for Challis and Mackay in their respective Comprehensive Plans. Comparable data for earlier years are not available.

a. HOUSING OCCUPANCY

Total Housing Units	2983
Occupied housing units	1770
Vacant housing units	1213
Seasonal/recreational units	747
Homeowner vacancy rate (%)	5.1
Rental vacancy rate (%)	32.5

b. HOUSING TENURE

Occupied Housing Units	1770
Owner-occupied units	1326
Renter-occupied units	444
Average household size of owner-occupied units	2.35

- e. Plan economic growth that will be compatible with the rural way of life in Custer County.
- f. Promote industries that will assist in the growth of Custer County while encouraging policies that require the cost of growth to be paid by that growth.
- g. Promote access to higher education in the county.
- h. Recognize the current and potential impact that tourism could have on the economy and encourage development of this industry, consistent with maintaining a rural quality of life.
- i. Encourage participation in programs to advertise attractions and capabilities unique to the county.
- j. Promote university internships in the county to develop a better understanding of rural life, culture, and economics.

4. ECONOMIC DEVELOPMENT FACTORS

a. AREA ATTRACTIONS

The County has in and around it sites of interest that attract local, regional, national, and international visitors.

These sites employ a significant number of Custer County residents, and generate income for the area through the utilization of products and services.

b. EMPLOYMENT

Historically, according to the Idaho Department of Labor, mining activity has been the main variable in the county's employment. The county continues to look for ways to diversify and become less dependent on mining and agriculture.

From 1990 to 2000, the civilian labor force in the county has fluctuated between a low of 1483 in 1993 to a high of 2372 in 1995, with an annual average of 1993, close to the levels of 1990 (2197) and 2000 (2062). Unemployment ranged from 4.8% in 1990 to 15.3% in 1993. Unemployment rates correlate roughly with employment levels.

Between 1980 and 1996, total employment increased by 62%, from 1693 in 1980 to 2743 in 1996, with the bulk of the increase (47%) occurring in 1985. Wage and salary workers, making up about 69% of the work force, increased in number by 76% to 1852. Non-farm proprietors increased by 51% from 410 to 618. Farm Proprietors remained about the same with 232 to 273.

c. TYPES OF EMPLOYMENT

The county is, and has been, very conservative in management, and has been financially sound for many years.

County revenues for the period 10/2000 to 9/2001, as provided by the Independent Auditor's Report, shows county income of \$2,932,922, a 75% increase over the \$1,673,127 in 1990.

Intergovernmental transfers in 2001 totaled \$1,400,397 (48% of total income). This was 81% from the state and 19% from the federal government. In 1990, federal government revenues totaled 14% of total revenues. Local sources provided the remainder in 2001 with 29% from property taxes, 23% from county services, fees, fines, interest income, and other items.

County expenditures for the period 10/2000 to 9/2001 were \$2,557,317 versus \$1,609,158 in 1990, a 60% increase. In 2001, general government required 37% of the money, public health and safety 26%, streets, parks, property, and public improvements 25%, sanitation (primarily the landfill) 9%, and other 5%. Expenditure categories for 1990 differ from 2001, so no direct comparison can be made.

Excess revenues over expenditures totaled \$375,605 for 2001, while 1990 had only \$21,629. This, coupled with other transfers and prior balances left the county with an ending balance at the end of the fiscal year (9/2001) of \$3,182,067; the 1990 balance was \$1,055,301.

g. OUTSIDE FUNDING SOURCES

Outside economic resources include East Central Idaho Planning and Development Association (ECIPDA), which operates two direct financing programs - an Economic Development Agency (EDA), funded Revolving Loan Fund and the Small Business Administration's Certified Development Company 504 loan program.

ECIPDA also has access to several banks for use with the Small Business Administration's 7(a) guarantee program. With these tools ECIPDA can package a wide variety of financial assistance programs to entice and facilitate business growth in the area.

The Rural Development Administration (RDA) provides loans for economic development and housing in rural areas such as Custer County.

h. EDUCATIONAL RESOURCES

Higher education facilities are available throughout Idaho that offer distance-learning capability to rural communities.

These schools have proved responsive in providing training to meet labor force requirements as well as other more direct services such as conducting surveys and studies in economic development.

i. OTHER RESOURCES

Natural resources must be protected and conserved by carefully assessing and utilizing multiple-use concepts when making any development decisions in the county.

Because lands which are managed by agencies of federal and state government make up approximately 96% of the County, the Planning Commission will develop a general planning framework and implement specific planning mechanisms which ensure that private property rights, as well as the customs and culture, of Custer County's citizens, are adequately considered and the stability of communities protected in decision-making processes which implicate or impact the natural resources in Custer County.

3. NATURAL RESOURCES OBJECTIVES:

- a. Preserve the agricultural land.
- b. Develop overall strategies for the protection of the water supply. Encourage on-site drainage and erosion control to protect water resources. Encourage development designs to allow for natural drainage of snowmelt.
- c. Encourage best management practices on all lands within the county.
- d. Maintain and increase access to public lands through cooperation with the BLM and USFS.
- e. County planners will play an active role in the development of public land use policies required by state and federal agencies to ensure the lowest level of adverse impact.
- f. Such decision making processes may include, but need not be limited to, to federal or state actions undertaken pursuant to the following environmental laws, as amended, and their implementing rules and regulations:
 - The Clean Air Act, 42 U.S.C. s/s 7401 et seq. (1970), regulating air emissions from area, stationary, and mobile sources;
 - The Clean Water Act, 33 U.S.C. Chapter 26 (1972), regulating discharges of pollutants into the waters of Custer County. In addition to control of pollutants this act also controls the discharge of dredged or fill materials into the navigable waters and certain wetlands;
 - The Emergency Planning & Community Right-To-Know Act, 42 U.S.C. 11001 et seq. (1986), helping local communities in Custer County protect public health, safety, and the environment from chemical hazards;
 - The Endangered Species Act, 7 U.S.C. 136; 16 U.S.C. 460 et seq. (1973), conserving threatened and endangered plants and animals in Custer County and the habitats in which they are found;

4. NATURAL RESOURCES DETAILS

a. BIOLOGICAL

Timber production in the county has been significant in the past but has been very limited in recent years.

Custer County hosts a large variety of wildlife. The fish, birds, and mammals (both native and introduced) have always been a resource for fishermen, hunters, and trappers, both for recreation and commercial purposes.

Wildlife residing in the area includes deer, elk, moose, antelope, mountain goats and sheep, upland game birds, waterfowl, eagles and other raptors, songbirds, cougar, bobcats, lynx, wolves, bears, wolverine, badgers, porcupines, skunks, marmots, trout, salmon, and multitudes of smaller animals. These species can be observed throughout the county.

The Idaho Fish and Game Department and the U.S. Fish and Wildlife Service provide a list of special status/endangered species.

Listings under the Endangered Species Act in Custer County include three animals: gray wolf (non-essential, experimental population), bald eagle (threatened), and lynx (threatened), and four fish: Chinook salmon (threatened), sockeye salmon (endangered), steelhead (threatened), and bull trout (threatened). Twelve animals and fifteen plants are on the USFS 'Sensitive Species' list, which is an enumeration of species 'of concern' for which management is being applied to preclude listing under the Endangered Species Act. The sensitive species list changes frequently as species are discovered and later found to be abundant. The Endangered Species Act is the most significant potential detriment to private land use in the county.

b. GEOLOGICAL

1) TOPOGRAPHY

Custer County is almost entirely mountainous, with scattered flatlands generally, but not exclusively, associated with river bottoms, former lakebeds, and glacier courses. Twelve of the fifteen tallest mountains in Idaho are in Custer County, with Mt. Borah, the state's highest peak, in the southern part of the county.

The Salmon and Big Lost Rivers are the primary drainage systems, fed by numerous tributaries. Both are valuable sources for agriculture and recreation in the county. The upper regions of both drainages are rugged mountainous terrain, almost entirely on federal land. Many streams sink naturally and never reach a river or river tributary but are utilized for agriculture and recreation. One dam, on the Big Lost River creating Mackay Reservoir, provides irrigation water storage.

Numerous smaller, short-lived mining operations extracted lead, zinc, iron, tungsten, and other metals. Various semi-precious stones are extracted in the county although not at commercial levels.

3) SOILS

Soils in Custer County can be grouped into six general groups: Loess, old alluvial, bottomland, sloped alluvial, mountain rangeland, and mountainous areas. Within these six groups are many soil series that are further separated into mapping units. Definitions of these soil types can be found in the general geology literature.

c. AQUATIC

The major watershed in the county is the Salmon River and its tributaries, followed by the Big Lost River and a portion of the Little Lost River, and their tributaries.

The Mackay Reservoir provides storage water for irrigation in the Big Lost River Valley. The storage capacity of the Mackay Reservoir is 43,800-acre feet. This is not adequate storage for the entire growing season. It refills with an additional 80,000 acre-feet of storage capacity for the rest of the year's irrigation. The storage capacity of the Reservoir, the natural runoff, and several irrigation wells usually provide adequate water for normal crop production.

The rest of the county is irrigated by water diverted from the Salmon River, its tributaries, and other streams into canal systems that service individual or multiple irrigators. Some of these systems are gravity fed, while others require additional pumping to move water to the growing areas.

Additional discussions of water are in other sections.

d. METEOROLOGICAL

Temperature and precipitation vary significantly across the county, as shown in the table below. The high elevations of the valleys and the surrounding mountains provide an alpine environment different from the lower river valleys of the state. The elevation is a major factor in avoiding atmospheric inversions common to other areas of the state resulting in excellent air quality in all areas throughout the year.

DATA	Challis	Mackay	Stanley
Period	1931-2001	1931-2001	1963-2001
Elevation (ft)	5283	5988	6260
Avg Max Temp (F)	85.5 (Jul)	84.1 (Jul)	78.2 (Jul/Aug)
Annual	58.1	56.2	52.2
Avg Min Temp (F)	9.4 (Jan)	5.4 (Jan)	-1.6 (Dec)
Annual	30.7	27.5	18.4

- g. Evidence of human presence should not be erased from public lands.

4. SPECIAL AREAS/SITES LISTING

The following list of special areas and sites is not all inclusive:

- a. Coke ovens near Bayhorse.
- b. Copper Basin: Scenery, hunting, fishing.
- c. Custer Motorway: Custer to Challis.
- d. Ghost Towns: Custer, Bayhorse, Bonanza.
- e. Historic cemeteries: Challis, Mackay, Battleground (Mackay Reservoir), Houston, Chilly, Bayhorse.
- f. Historic mine sites: Bayhorse, Clayton, Mackay, Custer, Wildhorse, Patterson and Bonanza.
- g. Mountain Lakes: Redfish, Alturas, Sawtooth, Stanley.
- h. Mountain Ranges: Lost River Range, White Knobs, White Clouds, Sawtooths, Pioneers, and Lemhis.
- i. Mt. Borah: Tallest peak in Idaho and site of 1983 earthquake.
- j. Salmon River, known as the "River of No Return": Middle Fork, East Fork, Main Fork.
- k. White Knob Mine Site-Mackay Mine Hill: Tours, trails.
- l. Yankee Fork Gold Dredge: Yankee Fork.
- m. Observatory
- n. Sunbeam Dam

- 3) Shallow soils to bedrock - Shallow soils occur along the edges and on top of lava flows and rock outcrops. This creates problems in terms of drilling wells and digging for septic systems.
 - 4) Landslides or mudslides and avalanches -The mountainous terrain of the county is commonly susceptible to landslides, mudslides, and avalanches caused by seismic or meteorological conditions. Fall zones below slide areas are especially hazardous and, in general, are not acceptable for construction of any type. The highest risk areas are on public land where little development occurs, but present a concern for recreational activities.
- b. METEOROLOGICAL HAZARDS: Meteorological hazards are those resulting from weather-related occurrences, including normal and abnormal rain- and snowfall, unusual periods of warmth or cold, storm-caused, short-lived occurrences, and long term disturbances. Weather affects water tables, the flood plain, slide areas, and erosion.
- 1) High water tables - Areas in the county with high water tables occur along the Big Lost, Salmon, and Pahsimeroi Rivers and their tributaries. High water tables not only affect the stability of buildings but also the quality of water and the effectiveness of the septic systems that are installed. Water tables are affected by weather; thus, development must give consideration to historical trends in high water tables as well as types of construction.
 - 2) Flood plain - The flood plain has been established by the Federal Emergency Management Agency (FEMA) and maps have been drawn. Most of the valleys in the county are on a flood plain that could be inundated in severe weather conditions. Buildings within the flood plain have the potential for water damage during years of heavy run-off. Damage can be caused from high runoff flooding or ice-jam-caused flooding, water erosion, or extra high water tables. The National Flood Insurance Program was established to mitigate the financial consequences of flooding. Custer County is a member of this program.
 - 3) Flash flooding - Flash flooding is a concern in narrow canyons and streambeds. Such flooding most commonly occurs as a result of cloudbursts associated with summer storms, but also can occur in periods of unseasonably warm weather where rapid snow melting occurs.
 - 4) Erosion - Erosion occurs continuously in the rugged terrain of the county. It is a hazard in developed areas with unstable soils and in run-off pathways. A secondary effect of erosion is the silting of streams and rivers and the resultant impact on fish and wildlife.
 - 5) Fire - Fire is a hazard on virtually all public lands, with grass and forest wild fires common throughout the county. Risks include loss of wildlife habitat, grazing land, timber, recreational opportunities, and private

- 7) Irrigation canals – Irrigation canal hazards are primarily the potential for drowning of children, pets, or livestock.

- f. Custer Motorway
- g. Frank Church River of No Return Wilderness
- h. Historic Towns of Custer and Bonanza
- i. Lost River Mountains
- j. Mackay Mine Hill
- k. Mackay Reservoir
- l. Mosquito Flat Reservoir
- m. Mt. Borah
- n. Pahsimeroi River
- o. Pioneer Mountains
- p. Proposed Challis/Mackay/Arco ATV trail
- q. Redfish Lake
- r. Rodeo grounds and fairgrounds
- s. Salmon River
- t. Sawtooth National Recreation Area
- u. Shay Railroad Trestle
- v. Stanley Lake
- w. White Cloud Mountains
- x. Yankee Fork Gold Dredge
- y. Yankee Fork Interpretive Center
- z. Sunbeam Dam

XII SCHOOLS

1. SCHOOLS PROFILE

Custer County has two school districts within its boundaries: Challis School District #181, Custer and Lemhi Counties, and Mackay School District #182, Custer and Butte Counties.

The Challis School District reaches from Willow Creek Summit in the south to Ellis in the North, Stanley in the west, and Goldburg in the east. The Challis District includes Elementary schools at Challis, Clayton, Patterson, and Stanley, and a High School at Challis.

Stanley	44
TOTAL	600

Total District #181 enrollment for the past five years is listed below:

YEAR	START	END	CHANGE
1996-97	701	700	-1
1997-98	675	621	-54
1998-99	652	612	-40
1999-00	614	578	-36
2000-01	600	579	-21
TOTALS	3242	3090	-152

b. MACKAY DISTRICT #182

In September 2000, the Mackay district schools had an enrollment of 265 students, as listed below:

Mackay Elementary	131
Mackay High School	134
TOTAL	265

Enrollment for the past five years is listed below:

YEAR	START	END	CHANGE
1996-97	305	313	+8
1997-98	313	318	+5
1998-99	292	295	+3
1999-00	284	288	+4
2000-01	265	253	-12
TOTALS	1459	1467	+8

5. SCHOOL BUILDINGS

Overall, the school buildings are in good condition. Both school districts have been successful in passing levies periodically for repairs to the school facilities.

6. TRANSPORTATION

Transportation is provided by the school districts' bus systems. The bus routes have been set and are not expected to change significantly with future growth. The School District may approve payments in lieu of transportation to those parents driving more than 1.5 miles to deliver children to regular school bus stops.

7. BUDGETS

Districts #181 and #182 receive operating funds from three sources: Local, state, and federal revenue. However, the state provides nearly two-thirds of the entire operating funds for the districts.

2. GOAL

This goal is to provide public and semi-public facilities and services at a level to meet the needs of the public, to meet federal and state requirements, and to provide these facilities and services within the financial ability of the citizens.

3. OBJECTIVES

- a. Monitor all public facilities, services, and utilities within the county. Require that any major modifications, improvements, additions, or new services submit a plan to the county for review. Ensure that the plan complies with the comprehensive plan, communication within affected agencies is accomplished, and confirm the proposal is in the public's best interest.
- b. Work with the various state and federal agencies to ensure environmental protection as development occurs.
- c. Maintain emergency services at a level that meets the needs of the citizens.
- d. Work with the cities on the developments within the areas of impact to ensure that adequate water and sewer services will be available.
- e. Rights-of-way on public lands used for public or utility services should not create an undue financial burden on the residents of the county.
- f. New expanded residential areas should not be located within electrical power transmission line corridors.
- g. Monitor county facility needs, maintain in good condition with updated equipment to avoid major upkeep expenses in the future.
- h. Encourage research and development of solid waste disposal facilities.
- i. Develop guidelines for design and placement of communication towers especially for those communication towers needed to improve emergency services.
- j. The county will explore future development options including the adoption of building codes and the adoption of fire protection standards in the rural/urban interface areas.

4. SERVICES AND FACILITIES

The following is a non-exhaustive list and description of the services and facilities that may vary from time to time.

- a. MEDICAL/HEALTH
 - 1) Challis and surrounding area:
Challis Area Health Center

4) Life Flight

Air Ambulance or Life Flight service is available to the following trauma centers: St. Alphonsus, Boise ID; St. Luke's, Boise ID; Eastern Idaho Regional Medical Center, Idaho Falls ID; Portneuf Medical Center, Pocatello ID, and St. Patrick in Missoula, MT.

c. FIRE PROTECTION

Fire protection in Custer County is provided by the following Volunteer Fire Departments: Challis, Clayton, Mackay, Pahsimeroi, and Stanley.

1) Challis and surrounding area:

The Challis Volunteer Fire Department combined with a portion of the North Custer Rural Fire District form a unified Department based in the City of Challis.

The North Custer Fire District also has departments based in the towns of Clayton and May. There is also a rural station located in Round Valley.

2) Mackay and surrounding area:

The City of Mackay and the South Custer Fire District are combined to form a unified Department based in the City of Mackay.

3) Stanley and surrounding area:

The Sawtooth Valley Rural Fire Department responds to calls within the City of Stanley as well as the surrounding rural area.

d. LAW ENFORCEMENT

The Custer County Sheriff's Department currently provides law enforcement in Custer County. From time to time the Cities of Challis, Mackay, and Stanley have provided law enforcement officers to patrol within their city limits.

Custer County also has the following state and federal officers that patrol and work in coordination with the Custer County Sheriff's Department:

- 1) Idaho State Police
- 2) Idaho Department of Fish and Game
- 3) Idaho State Brand Inspector
- 4) BLM Federal Officers
- 5) USFS Federal Officers

Current crime rates indicate that the present level of enforcement is adequate. The County encourages the various law enforcement officers and agencies to combine and coordinate their resources and efforts. This provides the highest possible level of law enforcement in a county that is large geographically,

The County requires all sewage systems to comply with all State and Federal regulations that are applicable.

m. SOLID WASTE DISPOSAL

County residents may haul or have a private solid waste company haul their waste to one of the various dumpster stations. Solid waste from manned transfer stations is hauled to the Lemhi County site located in Salmon by a private company. Burnable waste and construction/demolition waste are burned or buried at each town site. The county finances the solid waste disposal through a solid waste fee and a "by volume" fee.

n. UTILITIES

1) Electric

Electric power is currently the primary power source available to residences in Custer County. Lost River Electric Cooperative serves southern Custer County including Mackay and the surrounding areas and north to the top of Willow Creek Summit. Salmon River Electric Cooperative supplies power to the rest of Custer County where it is feasible including Stanley and the Stanley Basin area.

Transmission and distribution lines serve the residential and commercial development in the county.

Small low-head hydropower generation facilities exist in the county at the present time. The County supports exploration and development of power generation within the county.

Those areas within the county that are not served by Lost River Electric or Salmon River Electric have a choice of solar generation or generation produced by fuel cells or an internal combustion engine.

2) Communications

Two independent companies and one locally owned cooperative provide telecommunications service. Mackay and the surrounding area are served by ATC Communications headquartered in Albion, Idaho. Custer Telephone Cooperative, Inc. (CTCI) serves Challis and the surrounding area. The Stanley area is served by Midvale Telephone Exchanges, Inc., headquartered in Midvale, Idaho.

Dial-up Internet is provided by various companies to all areas of the county where ordinary telephone service is available. High speed Internet is provided via DSL to parts of the Mackay area, in nearly all of Challis and the surrounding area, and parts of the Stanley area.

Wireless Communications in the form of cellular is available in the Challis, Stanley and Mackay areas. Other wireless service is available via satellite.

2. GOAL

The goal of this population analysis is to determine how historical trends toward slow growth, with the average age of the population increasing more rapidly than the average growth rate, will affect land use.

3. OBJECTIVES

- a. Present accurate population data.
- b. Determine trends in the population data.
- c. Analyze the effects of population trends.

4. POPULATION DETAILS

Unless otherwise noted, all data in this section is derived from US Census Bureau data.

a. GROSS POPULATION DATA COMPARISONS

Custer County, with 4937 square miles, is the third largest county in Idaho, but is 37th in population with 4342 people in 2000. The population density of 0.88 people per square mile is second lowest in the state. A comparison of the population of Custer County from 1990 to 2000 relative to the state and nation is provided in the table below:

COUNTY/STATE/NATION POPULATION						
	Custer County		State of Idaho		United States	
	Pop	% Chg	Pop	% Chg	Pop	% Chg
1990	4133	-	1,006,967	-	248,825,730	-
2000	4342	5.1	1,293,953	28.5	281,421,906	13.1

Custer County growth is significantly lower than the state and nation. The census data show growth in the county at 14% in the 1970-1980 decade, 23% in 1980-1990, and only 5% for the 1990-2000 decade. Census predictions for the future show slow or declining growth.

b. CITY POPULATION

The cities of Challis and Mackay lost population in the 1990 to 2000 decade, while Clayton and Stanley gained. The table below summarizes the cities' populations.

CITY CHG	CITY POPULATION		
	1990	2000	%
Challis	1094	909	-16.9
Mackay	570	566	-0.7
Stanley	54	100	+85.2
Clayton	22	27	+22.7

AGE GROUP	1990		2000	
	NUMBER	%	NUMBER	%
Under 20	1035	33.1	1189	27.4
20 through 59	2070	50.0	2295	52.8
Over 60	697	16.9	858	19.8

Interestingly, the percent decrease in under 20 is exactly balanced by the increase in the 20 to 59 and over 60 groups. The implication is that the population is aging, producing fewer children, and staying in the county.

d. RACIAL/ETHNIC CONSIDERATIONS

Census data shows Custer County to be overwhelmingly white, with the largest ethnic group being Hispanic/Latino. The table below lists each general ethnic grouping for the years 1990 and 2000. Percentages exceed 100% because the census system permitted individuals to list more than one race.

RACE/ETHNIC GROUP

ETHNIC GROUP	2000		1990	
	NUMBER	%	NUMBER	%
White	4044	97.8	4100	94.4
American Indian	33	0.8	24	0.6
Hispanic or Latino	90	2.2	366	8.4
All other	56	1.4	56	1.3

This table shows the increase in the Hispanic population exceeds the increase in the white category. Because of the differences between the listings of race/ethnicity on 1990 and 2000 census forms, confident conclusions cannot be drawn. However, other non-white/non-Hispanic groups are declining.

e. FAMILY RELATIONSHIPS

Relationships among family members for 1990 and 2000 are shown below:

FAMILY RELATIONSHIPS

RELATIONSHIP	2000		1990	
	NUMBER	%	NUMBER	%
Total population	4133	100	4342	100
In households	4105	99.3	4271	98.4
Total Households	1561	NA	1770	NA
In group quarters	28		71	1.6

The number of persons per household declined from 2.63 for 1990 to 2.41 for 2000, which implies the population increase is being housed in additional

- b. Adopt the Attorney General's Checklist, answering the seven questions below, to ensure that all actions concerning private property are within the confines of the law.

4. PROPERTY RIGHTS QUESTIONS

To evaluate each relevant regulation or action, the County should ask the following questions of that regulation or action. If any question is answered in the affirmative, the action will be reexamined:

- a. Does the regulation or action result in the permanent or temporary physical occupation of all or a portion of private property?
- b. Does the regulation or action require a property owner to dedicate a portion of property or grant an easement without full compensation?
- c. Does the regulation or action deprive the owner of all economically viable uses of all or any part of the property?
- d. Does the regulation or action have a significant impact on the landowner's economic interest?
- e. Does the regulation or action deny a fundamental attribute of ownership?
- f. Does the regulation or action deny the right to possess, exclude others from, or dispose of all or a portion of the property?
- g. Does the regulation or action serve the same purpose that would be served by directly prohibiting the use or action, and does the condition imposed substantially advance that purpose?

XVII. PLAN IMPLEMENTATION

Plan implementation shall apply to all unincorporated areas of Custer County and include land use designations, zoning, enactment of additional land use ordinances, consideration and final approval of land subdivisions, plan amendment and all activities related to land use planning.

1. BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners shall initially constitute the Custer County Planning Commission and, acting in that capacity, shall duly exercise all authorities and powers related to Plan implementation in all of the unincorporated areas of Custer County, including both public and private lands, in accordance with this Comprehensive Plan.

2. APPOINTMENT OF PLANNING COMMISSION

In the future, the Board of County Commissioners may elect to establish a Planning Commission separate and apart from the Board of Commissioners with responsibility for Plan implementation and shall do so by adopting an ordinance in accordance with the notice and hearing procedures provided in *Idaho Code, Title 67, State Government and State Affairs, Chapter 65, Local Land Use Planning, Section 67-6509, Recommendations and Adoption, Amendment, and Repeal of the Plan.*

Upon establishing a Planning Commission, the Board of Commissioners will delegate its full authority to the Planning Commission in all matters related to Plan implementation provided that all such actions taken by the Planning Commission conform to the procedural requirements of *Idaho Code, Title 67, State Government and State Affairs, Chapter 65, Local Land Use Planning, Section 67-6504, Planning and Zoning Commission – Creation – Membership – Organization – Rules – Records – Expenditures – Staff*, however, excluding authority to do the following:

- a. Adopt ordinances related to land use planning or plan implementation; and
- b. Further excluding authority to issue any final approval of land subdivisions with the County; and
- c. Further provided that the Board of Commissioners shall retain authority to require that the Planning Commission reconsider, any and all decisions made by the Planning Commission related to Plan implementation.

3. COMPOSITION OF PLANNING COMMISSION

In the event that the Board of Commissioners elects to establish a Planning Commission separate and apart from the Board of Commissioners to implement the Comprehensive Plan, the Planning Commission shall consist of not less than three and not more than twelve voting members.

5. ORGANIZATIONAL STRUCTURE FOR PLAN IMPLEMENTATION

The members of the Planning Commission, whether consisting of the Board of Commissioners acting in their dual capacity or consisting of members appointed by the Board, shall elect a person to chair all meetings of the Planning Commission and shall create and fill any other office(s) which the members deem necessary to implement the Plan.

The Board Of Commissioners shall establish and adopt rules of procedure regarding the conduct of the Planning Commission's meetings, including the provision of public notice, maintenance of records, etc. which set forth in writing the procedures that will be followed by the Planning Commission. Such procedural rules will be consistent with the provisions of *Idaho Code, Title 67, State Government and State Affairs, Chapter 65, Local Land Use Planning, Section 67-6504, Planning and Zoning Commission – Creation – Membership – Organization – Rules – Records – Expenditures – Staff*, and other applicable laws of the State of Idaho and Custer County for the transaction of public business.

A majority of the Board of County Commissioners acting in the dual capacity as the Planning Commission or, if a Planning Commission is appointed, a majority of the currently-appointed voting members of the Planning Commission shall constitute a quorum. The Planning Commission shall meet each month for not less than nine months in any year. Prior notice of such regular meetings shall be provided and all meetings of the Planning Commission shall be open to the public. All meetings shall include opportunities for public comment and a record of all meetings, hearings, resolutions, studies, findings, permits, determination and other actions taken by the Planning Commission shall be maintained and remain available for public inspection and review.

The Planning Commission may establish standing or temporary committees, subcommittees, and/or fact-finding work groups composed of interested individuals with experience or expertise in various subject matters to advise and assist the members of the Planning Commission in carrying out their responsibilities for Plan implementation as deemed necessary, provided, however, that the creation of any such committee, subcommittee or work group must receive the prior approval of the Board of Commissioners.

Appendix A Areas of Critical Concern

The following areas have been identified on the Land Use maps as area of critical concern:

Garden Creek – Watershed issues

Mosquito Flats – Watershed issues

Salmon River – Floodplain

Pahsemori area – Floodplain

Mackay Area and Reservoir – Floodplain

Stanley area – Floodplain