

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE APRIL 2016 SESSION**

Third Day

Tuesday, April 19, 2016

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary (by phone, for the afternoon meeting), Commissioner Lawrence Schoen; County Administrator Derek Voss; County Clerk JoLynn Drage; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Andy Kerstetter.

Commissioner McCleary was absent from the morning part of today's meeting.

Chairman Greenberg called the meeting to order at 9:04 a.m.

PUBLIC COMMENT - NONE

- Hailey resident Michele Johnson, on behalf of Relay for Life Blaine County, asked if she could use a corner of the Old County Courthouse lawn on Monday, May 2, 2016, from 11:00am to 1:00pm, to sell Mayday baskets to support Relay for Life. The BCC supports Relay for Life and the Mayday basket sale on County Courthouse property.

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Treasurer's Report - John David Davidson

Also present: Chief Deputy Assessor Martha Heuston.

- At no cost, Piper Jaffrey will create a report for Blaine County that combines all County investments, including the State pool and CDs with Key Bank and Zions. The report can be presented to the BCC, and put on the website if desired.
- The State pool's current interest rate is 4.86%
- A bond was recently called, with an annual rate of 4%.
- Funds in a checking account with Idaho Independent Bank (about \$50,000, earning .06%) have been moved to the State Pool and will start earning 4% interest. Idaho Independent Bank upgraded a County savings account, with a current balance of \$313,000, from .12% to .2% interest.
- The Treasurer's website has been updated. Residents can review their past property taxes and send account profile changes by email.
- The Sage School is excited about students participating in a job shadow program. They are considering producing a report or video for the County website explaining the property tax process.

County Administrator - Derek Voss

- Carey Road and Bridge Gravel Pit Water Shares Lease

Also present: Blaine County Engineer Jeff Loomis; Road and Bridge Manager Steve Thompson; and County Administrative Specialist Jenny Lovell.

Fish Creek Irrigation District watermaster said Blaine County would get about 10 shares of water, and could comfortably lease five shares. Kathy Olson would like to lease the five water shares at \$100/share. Road and Bridge uses some water, and ranchers occasionally rest livestock in the neighboring field, but five water shares is adequate. The BCC supported leasing the excess five shares.

- Adams Gulch Bridge negotiations for right-of-way are complete, and the project will restart soon. The BCC will see an agreement with Keller Associates and State of Idaho to approve a cost increase due to time delay.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Potential County - Carey Land Transfer – Schoen

Also present: Road and Bridge Manager Steve Thompson.

The City of Carey asked the County to consider transferring a land strip and parcel to Carey for a city park. The County transferred two parcels to Carey in 2006. A number of issues ought to be addressed as part of any transaction, including building setbacks, parking, street access, correcting property boundaries and identification of property boundaries, and street names on County GIS. The landowner north of the rodeo grounds is interested in developing and opening the street to run through the proposed subdivision, according to Blaine County Road and Bridge Manager Steve Thompson.

Schoen asked for the BCC's permission to represent the County in telling the Carey City Council that Blaine County wants to find a cohesive solution that works for the City of Carey, the County Fairgrounds and the Rodeo Association. The BCC opposes relocating the Carey City street.

Elk Feeding Site - Idaho State Senator Michelle Stennett.

Senator Stennett said 43 elk were found dead at the Fish and Game Bullwhacker Feeding Site along Warm Springs feeding site, mostly from starvation after the feeding was stopped March 1. The site was unsanitary and littered with building parts and sharp objects. The feed was not well distributed, requiring the animals to jockey for food. Fish and Game admitted the Bullwhacker feeding site was poorly managed; but intends to continue the site to keep elk from wandering roadways and into town. Fish and Game has submitted a permit application to the U.S. Forest Service to continue feeding at Bullwhacker.

Commissioner Schoen questioned whether this is the best location for a feeding site and has requested Fish and Game delay their request until there is community input. Senator Stennett said two feeding sites opened late in the season in the south valley were successful in keeping animals out of neighborhoods, mostly because they were better managed.

The BCC will invite Fish and Game to a BCC meeting to discuss their plans for the future.

East Fork Road Sweeping – Greenberg

Chairman Greenberg said East Fork residents expressed appreciation to County Road and Bridge for sweeping East Fork Road early.

AMEND AGENDA

Schoen moved, seconded by Greenberg, to amend the Tuesday, April 19 agenda to remove Janitorial Agreement from the list of contracts to be approved. Motion carried 2/0.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **Memorandum of Understanding between Blaine County, Idaho and Wood River Rural Fire Protection District for 700MHz P25 Compliant Radio System** Record #634399
- **Memorandum of Understanding between Blaine County, Idaho and City of Sun Valley for 700MHz P25 Compliant Radio System** Record #634400

The BCC has approved the template for such contracts. These are specific contracts with Wood River Rural Fire Protection District and the City of Sun Valley.

Schoen moved, seconded by Greenberg, to approve Memoranda of Understanding between Blaine County and both Wood River Rural Fire Protection District and the City of Sun Valley for 700MHz P25 compliant radio systems. Motion carried 2/0.

- **Memorandum of Understanding between Blaine County, Idaho and the City of Ketchum for Cooperative Road Maintenance**

Also present: Blaine County Administrative Specialist Andrea Walton.

This is annual renewal of a contract with Ketchum. Road and Bridge Manager Steve Thompson has coordinated work to be done with Ketchum and set the schedule.

Schoen moved, seconded by Greenberg, to approve the Memorandum of Understanding between Blaine County and the City of Ketchum for Cooperative Road Maintenance. Motion carried 2/0.

- **Blaine County Security Agreement with The Meadows, LLC** Record #

Also present: Zoning Specialist Nancy Cooley.

This is a standard Land Use security agreement to ensure that conditions of the Scenic Highway Categorical Exclusion are met.

Schoen moved, seconded by Greenberg, to approve the Security Agreement between Blaine County and The Meadows, LLC for guarantee of completion of work in the Scenic Highway Overlay. Motion carried 2/0.

- **Supplemental Agreement for the Adams Gulch Bridge project** Record #634644

County Administrator Voss said Keller Associates engineers request funding to cover additional work required on the Adams Gulch Bridge project as a result of project delays. The schedule of fees totals \$48,122.57, with the County's portion about \$3,500. Voss recommended approval.

Schoen moved, seconded by Greenberg, to approve supplemental agreement for engineering services with Keller and Associates. This supplemental agreement value is \$48,200. It is an agreement with Blaine County, Keller Associates and the State of Idaho. Motion carried 2/0.

CONSENT CALENDAR

- **Resolution 2016-12 Destruction of Auditor's Records**
- **Junior College Residency form for College of Southern Idaho: Spring 2016 term for Bertha Pachero.**

Schoen moved, seconded by Greenberg, to approve the Commissioners Consent Calendar for Tuesday, April 19, 2016, as read into the record. Motion carried 2/0.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Syringa School – Greenberg

Commissioners Greenberg and McCleary reviewed the Syringa School's curriculum and met students in all grades at a recent Open House.

Outside Agencies – Greenberg

Also present: Chief Deputy Assessor Martha Heuston.

"Outside agencies" fulfill important functions of County government that are not done in house. Chairman Greenberg suggested outside agencies be referred to as "support" agencies. The BCC decided to call them Community Service Agencies in the future.

Leadership Team Meeting – Greenberg

The Team discussed upcoming budget hearings and how outcome-based budgeting is unique for each department. County Administrator Voss plans to allow this year's outcome-based budget presentations to be more personal in showing how County government provides value to the community.

Democrat Gulch Road – Greenberg

Chairman Greenberg gave Administrator Voss a copy of former County Engineer Jim Koonce's letter commenting on Democrat Gulch Road.

Idaho Wool Growers Association Nomination – Greenberg

The Idaho Wool Growers Association renominated John Peavey to the Animal Damage Control Board. The BCC said Mr. Peavey has never responded that he supports the BCC's preference for non-lethal predator deterrence when possible, so the BCC does not support his appointment at this time. Commissioner Schoen will follow up.

BREAK

Commissioner McCleary was present by phone for the afternoon meeting

LAND USE and BUILDING SERVICES HEARINGS

- **2012 Fire Code Adoption:** A public hearing on and consideration of: an ordinance of Blaine County amending Blaine County Code, Title 7, Chapter 7, Fire Code, by deleting it in its entirety and adopting a new Title 7, Chapter 7, Fire Code, by which the 2012 International Fire Code (2012 IFC) including appendices B,C,D & F along with amendments and additions relating to local conditions including: requiring Class A non-wood roof coverings for new construction, as well as requirements for additions and re-roofs; providing a minimum requirement for water supply for sub-divisions and re-plats; requiring driveways to meet the standards for fire apparatus access roads; are to be adopted pursuant of Idaho Code, Section 41-253 and IDAPA 18, Title 1, Chapter 50; providing a severability clause; and providing an effective date.

Also present: Blaine County Land Use Administrator Tom Bergin; County Building Official Jeff Giese; Ketchum Fire Chief Mike Elle; Wood River Fire Protection District Chief Bart Lassman; and Professional Roofing owner Brad Baker.

Bergin read notice.

Schoen moved, seconded by Greenberg, that notice as read into the record was adequate. Motion carried 2/0.

Blaine County Building Official Jeff Giese reviewed amendments to the 2009 Fire Code.

- Ketchum Fire Chief Mike Elle corrected the proposed Fire Code ordinance to indicate the definition of assembly is deleted.
- Wood River Fire Protection District Chief Bart Lassman said rural fire chiefs had reviewed the amendments for the last few years. The Idaho Department of Lands and Blaine County's Community Wildfire Protection Plan indicate that all of Blaine County is a wildland urban interface zone. The County needs to address increasing costs of protecting homes in an urban interface, and be proactive in addressing Type 1A non-wood roof materials.

Commissioner Schoen said southern parts of Blaine County weren't the most susceptible to the spread of wildfire, and questioned the restriction against wood roofs. Chief Elle said firefighters' main concern is wind-driven sagebrush fires, which can throw embers miles away and start fires on wood roofs. Burning wood shakes tend to fly up and blow away, causing additional danger to wildland and crops, and other structures. Chief Elle's additional concern was that out-of-area firefighters consider wood-roofed structures "undefendable" and cannot, in the heat of a fire, commit to protecting roofs that appear to be wood. Chairman Greenberg said a homeowner's choice of building materials had to consider potential impacts on their neighbors.

PUBLIC COMMENT:

- Professional Roofing owner Brad Baker said modern fire-resistant Chemco Class A standalone wood shakes are impregnated with fire-resistant capabilities and are tested by Underwriters Laboratories. Baker said shingles impregnated with chemicals or ceramic crystals may not last as long as wood shakes. Non-rated metal roofing seams can open up when it gets hot. Baker estimated that Class A roofing would take 45 to 60 minutes to burn, Class B 30 minutes and Class C about 15 minutes.

Chief Lassman said local jurisdictions are considering restrictions on wood roofs, even though most fires start in outlying areas. He reiterated Chief Elle's concern that firefighters in a crisis situation don't spend time trying to figure out what kind of roof is on a house. Fires are probably going to be more frequent and there is no guarantee that a house in a Type 1 or even Type 2 fire is going to be saved.

Chief Lassman explained fire occupancy types and insurance ratings. Wood River Fire inspects water systems, but property owners are responsible for maintaining the systems.

Schoen moved, seconded by McCleary, to continue a hearing on Blaine County ordinance relating to adoption of the new Blaine County Fire Code to Tuesday, May 17 at 1:30 pm. Motion carried unanimously.

LAND USE and BUILDING SERVICES, Discussion and Consideration

- **Findings of Fact: Upper Board Ranch Leasehold Parcel Platting, CONTINUED**

Also present: Blaine County Land Use Administrator Tom Bergin; County Chief Deputy Prosecuting Attorney Tim Graves; Zoning Specialist Nancy Cooley; County Code Compliance Officer Kristine Hilt; and Upper Board Ranch representative Linda Haavik.

County Land Use Administrator Tom Bergin reviewed revisions to the Findings of Fact with the BCC. Changes were mostly to keep numbering consistent as individual lots were moved around.

The BCC questioned if the lot of record has to meet the 40+-acre minimum lot size. County Attorney Tim Graves said it's the BCC's responsibility to interpret its ordinances. This issue apparently didn't come up in oral discussion in prior BCC meetings on this plat application, although it was noted in staff reports. The BCC has already voted to approve the plat application. If the BCC feels compelled to interpret its ordinances in a way that requires one parcel be a minimum of 40 acres, it should do so by linking the requirement to a section of the Code and give a justification for why it is doing so now. The BCC has already tacitly approved a 33-acre lot during the hearing process, and could cite Code §10-5-1 which refers to satisfaction of other applicable sections of the Code; as well as provisions that pertain to the platting of leasehold parcels and satisfaction of those standards of evaluation. Graves didn't think the BCC should be concerned about setting a negative precedent because it is a unique situation in a unique part of the Code.

The Staff Report states the existing lot of record must meet the minimum 40-acre lot requirement. Schoen suggested the BCC didn't discuss this during deliberations, even though the lot was clearly less than 40 acres, because they typically rely on the administrator's decision when it comes to administrative standards, in this case set forth in the Staff Report, per Blaine County Code 10-5-1 (d). He added that several issues were not addressed by P&Z or the BCC, including the provision that this application be considered as a cluster development, which it is not.

McCleary reminded the BCC that they were discussing approval of the Findings of Fact, not the application itself.

County Land Use Administrator Tom Bergin said he drew a distinction between the lot of record (the ranch), which was about 145 acres, and the leasehold parcels, which are distinct in the County Code, and considered as distinct in the County's review process, in an attempt to make the existing leaseholds as conforming as possible. Lots of record exist throughout the County and are not unique; but original leasehold parcels are the unique part of this application. To take a plat and create a lot of record that is non-conforming in size is not consistent with County Code and should require a variance. The BCC suggested a condition that the plat be redrawn showing the existing lot of record at a minimum 40-acre size. Bergin said a number of things would have to be modified before the plat is recorded.

Schoen moved, seconded by McCleary, to approve the Findings of Fact, Conclusions of Law and Decision in the application of Sun Valley Long Term Holdings, LLC, platting 16 existing leasehold parcels and the balance of the Upper Board Ranch into 17 lots, as amended in today's hearing, with the stipulation there may be some other minor corrections to be made to numbering and other details of the text in the Findings to conform with the intended outcome. Motion carried unanimously.

- **Summary for publication of the Blaine County 2012 Energy Code Amendments, Title 7, Chapter 6**

Schoen moved, seconded by McCleary, to approve the Blaine County 2012 Energy Code Amendments Summary for the purposes of publication, which is Ordinance 2016-03. Motion carried unanimously.

- **2017 Emergency Stream Alteration Permit Flooding Procedure Overview**

Also present: Blaine County Land Use Administrator Tom Bergin; Zoning Specialist Nancy Cooley; and County Code Compliance Officer Kristine Hilt.

Residents fearing imminent loss of property or life in a flood situation may apply for an Emergency Stream Alteration Permit (ESAP) from Blaine County Land Use. Verbal approval of two county commissioners is needed for a permit. Prior legal notice of a hearing can be waived in imminent danger when an emergency hearing is declared. On site, county commissioner(s) will decide if the situation is a genuine emergency, and will carry an ESAP application. The applicant must fill out the permit with a \$1,000 application fee, and can submit the application to the commissioner on site or to Land Use and Building Services. It is very important that commissioner(s) on site consider impact of any ESAP on neighbor properties. If imminent danger occurs after regular business hours, a resident can call Blaine County Dispatch, which will contact a county commissioner to visit the emergency site.

Before any ESAP is approved, including after hours, County Commissioners should contact Idaho Department of Water Resources (IDWR) and Army Corps of Engineers (ACE); but county commissioners have authority to make a decision in a genuine emergency.

Residents can place inflated bladders or sandbags tightly around a residential structure without an ESAP; but Land Use warned commissioners that bladders, sandbags and riprap cannot be used to protect land in general, which could affect neighboring properties. County Attorney Graves reiterated that an emergency action must be evaluated for negative impact to another property.

After an ESAP is approved, a regular Stream Alteration Permit application must be submitted to Land Use within three months.

ADJOURN

At the hour of 4:08 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____
JoLynn Drage County Clerk Jacob Greenberg Chairman