

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE AUGUST 2015 SESSION**

Second Day

Tuesday, August 11, 2015

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Jacob Greenberg, Commissioner Lawrence Schoen; County Clerk JoLynn Drage; and Recording Secretary Sunny Grant.

Commissioner McCleary was absent from today's meeting.

Chairman Greenberg called the meeting to order at 9:01 a.m.

PUBLIC COMMENT - NONE

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Claims - Schar Boyd

Schoen moved, seconded by Greenberg, to approve claims dated August 6, 2015 with additions submitted as follows: City of Hailey water, garbage, sewer bills totaling \$5,912.39 for all County buildings; Idaho Power for 186 Glendale Rd. in the amount of \$202.52; and per diem for JoLynn Drage to attend the IACRC conference for three days in the amount of \$66.00. Motion carried 2/0.

Clerk's Report – JoLynn Drage

The public hearing on the petition for the organization of the Galena Ground Water District has been moved from August 25, 2015 to September 8, 2015. This date fits within the time period specified after presenting the petition to the Commissioners and for legal notice prior to the public hearing.

CONTRACTS, GRANTS and AGREEMENTS, Discussion and Consideration

- **Modification of USFS Agreement 12-RO-11041403-098 re: Warm Springs Rd . Record #629010**

Also present: Blaine County Road and Bridge Manager Tom Duffy and Blaine County Operations Administrative Assistant Andrea Walton.

Blaine County Road and Bridge Manager Tom Duffy said the scope of work in the Modification needs to be revised. The modification represents an extra \$12,500 toward the purchase of ¾" road mix.

Schoen moved, seconded by Greenberg, to approve Modification of USFS Agreement 12-RO-11041403-098 between Blaine County and the Forest Service in an amount up to \$68,525, with the scope of work as amended (language to be provided by Duffy) and corrected by the Chairman before sending to the Forest Service. Motion carried 2/0.

Duffy said maintenance of Warm Springs Road is costing the County about \$150,000 annually, plus a new subdivision is proposed for the Upper Board Ranch. Warm Springs Road was originally a seasonal road, and most of its current use is recreational; but new subdivision residents will expect it to be maintained and open year-round. Warm Springs Road is narrow and can be treacherous; and is challenging to maintain year-round due to avalanche potential, fallen trees, bad drainage, sun/shade icy spots, and lack of snow storage. Heavy trucks are especially damaging to the road.

Blaine County has a five-year shared maintenance agreement with the US Forest that expires in 2017. Duffy said the County will receive reduced state gas tax revenue because County has not graded or plowed from Red Warrior to Dollarhide for five years. Schoen noted that residents who developed estates on a gravel road now complain about dust.

CONSENT CALENDAR

- **Beverage License Renewals** for Silver Creek Convenience Store, now known as Picabo Angler; 103; and Vintage Restaurant
- **New beverage license** for Full Moon, Inc. dba Vittles Restaurant
- **Junior College Residency forms for students:** College of Southern Idaho, Fall 2015 term: Diana L. Whiting; College of Southern Idaho, Fall 2015 – Spring 2016 term: Kimberlee Decker; Christina M Hall Diaz; Diana C Gomez; Melissa M Lewis; Cyndi Ochoa Tzintzun; Maria Puhmann; Dalyah Rose Reel-Hughes; Orion W Rogers; James C Williams; and Tyler Ace Wolfley.

Schoen moved, seconded by Greenberg, to approve the Consent Calendar of August 11, 2015. Motion carried 2/0.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Southern Idaho Solid Waste District – Schoen

- The SISWD Board of Directors approved their final FY2016 budget of \$8,535,950.

- Blaine County's total cost for hauled waste is \$61.97/ton. The Adams Gulch Transfer Station gate fee is \$65/ton, \$5 of which goes to Recycling. Blaine County's haul cost exceeds revenue by \$1.97 per ton.
- The SISWD Board had a lengthy discussion about the new salary schedule, particularly for certain employees.
- SISWD Board members toured the landfill. At the end of every business day, the landfill is covered with a layer of topsoil and uncovered the next business day before new waste is brought in. Landfill gas is monitored; and all types of solid waste are collected, managed, and diverted when possible.
- Idaho Power is researching a landfill gas to energy proposition.

Air Service Board – Schoen
Nothing to report at this time.

Road and Bridge issues:

- BCC received complaint from bicyclist that East Fork Road was chipsealed to the edge of pavement. Road Manager Duffy responded promptly to the complaint with an explanation and technical information. Greenberg said roads and shoulders develop alligator crack so extensive that they become dangerously full of potholes and must be chipsealed.
- The letter writer asked the BCC to honor its Bicycle-Pedestrian Master Plan. The BCC did not adopt the Bike-Ped Master Plan, but approved it in principle. The County has a limited road budget, and will consider bicycle amenities on bike-priority roads as part of a roadwork plan that must prioritize safety.
- The BCC expressed outrage that a Blaine County Road and Bridge volunteer flagger was hit in the face by a rock thrown by a driver going through a road construction area. The volunteer flagger wanted to learn more about the road construction process so she could better educate the public. The crime is under investigation.
- Blaine County Operations Administrative Assistant Andrea Walton is devising a better communication protocol with residents about road construction and delays, using digital signs, social media and the County's website.

Correspondence:

- The Triangle Irrigation District has requested copies of Wood River Valley Irrigation District #45 financial records, pursuant to Idaho Code §43-325.
- County staff is researching an issue of land owned by Blaine County that supposedly was to have been deeded to the Hennefer family in the early 90s, but never transferred deed.
- Idaho Senator Mike Crapo held a Town Hall meeting in Carey that addressed the national debt, gay rights and how they impact religious freedom, and other current topics.

EXECUTIVE SESSION – §74-206 1(d) INDIGENT - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code

Present were: Blaine County Indigent Services Director Brooke Baird and Assistant Amy Rivkin.

Schoen moved, seconded by Greenberg, to convene in Executive Session pursuant to Idaho Code 74-206 1(d) to consider indigent medical applications. Schoen (aye); and Greenberg (aye). Motion carried 2/0.

OPEN SESSION RESUMED

Schoen moved, seconded by Greenberg, to deny Case #2015-39 Medical Indigent Application for Assistance, based on staff recommendation. Motion carried 2/0.

Schoen moved, seconded by Greenberg, to deny Case #2015-45 Medical Indigent Application for Assistance, based on staff recommendation. Motion carried 2/0.

Schoen moved, seconded by Greenberg, to deny Case #2015-51 Medical Indigent Application for Assistance, based on staff recommendation. Motion carried 2/0.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- July 28, 2015 Regular Meeting
- August 4, 2015 Regular Meeting

Schoen moved, seconded by Greenberg, to approve minutes of Regular County Commissioner meetings of July 28 and August 4, 2015, as amended. Motion carried 2/0.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Lot 1A Little Makawao Subdivision:** A public hearing and consideration of an application by Kurt Patterson to enlarge the building envelope on Lot 1A, Little Makawao Subdivision. The property is zoned R-1 with areas of Floodplain, Riparian and Wetland Overlays and is located within Section 7, T3N, R18E, BM, Blaine County. The street address is 102 West Channel Lane, off East Fork Road.

Also present: Blaine County Land Use Administrator Tom Bergin; Blaine County Senior Planner Kathy Grotto; applicants Kurt and Lisa Patterson, applicants' structural engineer Craig Maxwell and contractor Mike Colter; and neighbors Tom Norris, Dick Wheeler, Bob Crosby and Wendy Crosby.

Grotto read notice.

Schoen moved, seconded by Greenberg, that notice was adequate. Motion carried 2/0.

DISCLOSURES: None

Additional Materials:

- Land Use received public comment from Wendy Crosby. Grotto gave the BCC a map that was meant to accompany Crosby's memo.
- Exhibit B-1, including correspondence with South Central Public Health District Environmental Health Specialist Bob Erickson and others re: where the sewer line and sewer easement are located. The applicant can hire Advanced Underground Imaging Services to locate the underground sewer.

The application is to expand a platted building envelope toward the west until it approaches the sewer easement, which may or may not contain the sewer. The eastern edge of the building envelope will stay the same, maintaining setback to the river; north and south building envelope lines will expand to the zoning setbacks.

The Subdivision Ordinance requires a 200ft setback from the mean high water mark of the Big Wood River, which would put the setback through the edge of the existing house. The Subdivision Ordinance setback can be reduced or waived if a Riparian Management Plan is submitted. The normal setback from the Big Wood River is 75 feet. A Riparian Management Plan has been submitted, and the applicant requests the setback be reduced from the Subdivision requirement of 200ft to the normal 75ft so they can have a yard area within the 200ft setback. The applicant will revegetate a portion of the area adjacent to the river. Schoen agreed to the 75ft setback, saying he didn't want the application to increase non-conformity, and didn't think mowing and maintaining a lawn was contrary to the 200ft stream setback.

There is an easement across the property for sewer service; but the sewer permit from South Central Public Health District does not indicate what infrastructure, if any, is actually in the easement. The applicant can have an underground penetrating radar program locate the sewer improvement; and the proposed building envelope will be adjusted if necessary to be 10ft from the actual sewer.

The applicant is requesting the building setback be enlarged to better utilize the elongated shape of the lot; and doesn't believe the building envelope is substantially larger than other lots in the area. A couple adjacent lots in the Makawao Subdivision have platted building envelopes; several neighboring lots are tax lots, which are restricted only by zoning setbacks.

PUBLIC COMMENT:

- Bob Crosby doesn't think the building envelope can be decided until the sewer line is located. He is relieved that the applicant will adjust the building envelope if necessary to accommodate the sewer.
- Wendy Crosby said the whole subdivision was platted haphazardly. The new proposed building envelope is more than double the size of others in the subdivision. It's a small neighborhood with a lot of open space, and building on a substantial portion of this large building envelope, particularly the western edge, would change the feel of the neighborhood.
- Next door neighbor Tom Norris supports the applicant's request.
- Neighbor Dick Wheeler lives two lots from this one and likes the concept, once the sewer location is known.

Patterson said the proposed building envelope is less than 1/3 the size of lot, which should leave plenty of open space. The sewer field and potentially a cistern might have to be within the building envelope.

- Neighbors said the Pattersons were great neighbors, but collectively expressed concern about the potential for a large building envelope to be used in the future.

Yeager confirmed that they will locate the sewer, and the building envelope will respect setback from the sewer. He will further research the size of other building envelopes in the vicinity.

Schoen said a very clear and relevant standard of any plat amendment is, "Does it alter character of the existing subdivision?" The existing building envelope on this lot is 3,500sf. Adjacent neighbors have building envelopes in the 8,000-9,000sf range, so the proposed 21,000sf seems large. Schoen wasn't sure about reducing the allowable disturbance area in the riparian setback from the existing 150ft to 75ft. The proposed Riparian Management Plan only addresses the proposed 75ft. He was reluctant to increase non-conformity on the plat amendment.

Greenberg asked if the fairly passive proposed Riparian Management Plan that just allows existing vegetation to take over was adequate revegetation. Schoen said native revegetation can actually work pretty well, depending on existing conditions. Greenberg was troubled that the proposed 21,000sf building envelope was considerably larger than neighboring building envelopes, and could in the future alter the characteristic of the existing subdivision.

Yeager reminded the BCC that the elongated shape of the lot is inefficient. Only two neighboring lots have platted building envelopes at this time that the County would recognize; other lots have no building envelopes and are simply restricted by zoning setbacks.

Schoen agreed that the shape of the lot is somewhat constraining. There is considerable variation in the size of building envelopes in the subdivision and surrounding properties, where building envelopes exist, and he doesn't think the application would change the character of the subdivision. The building envelope can be expanded up to 21,000sf, but can't impinge on the sewer line and easement adequate for access and repair. He would prefer to keep the 150ft setback, which is already non-conforming. The Riparian Management Plan should be implemented for 75ft buffer and a condition made that there be no further expansion of the existing yardscape, since native grasses and native vegetation can be mowed.

Greenberg asked that the Riparian Management Plan Riparian Buffer Reclamation efforts be reworded to say: "All planting will include native vegetation naturally occurring surrounding the target area." He was okay with the size of the proposed new building envelope. Yeager said the intent was to establish some kind of perimeter planting to delineate the riparian area from the lawn. Bergin said this would make it easier for staff to approve the riparian area plantings.

Schoen moved, seconded by Greenberg, to approve plat application of Kurt Patterson for a plat amendment to enlarge the building envelope on Lot 1A of Little Makawao Subdivision, based on Findings that it complies with the plat amendment criteria and subdivision regulations of Idaho Code, subject to the Finding made in the hearing today about the lot size constraints, character of the subdivision and with the language amendment to the Riparian Management Plan; and subject to Conditions of Approval in the Staff Report and Plat Notes, with the exception that Plat Note #4 will be changed to 150 feet; and an additional Condition that the sewer line location will be identified and the building envelope will not intrude into the sewer line access and maintenance easement. In discussion, Schoen noted that if the sewer line lies to the east of where it is anticipated to be, the building envelope will be reduced proportionately in size to accommodate the sewer easement. **Motion carried 2/0.**

- **Picabo Willows Subdivision:** A public hearing and consideration of an application by the Idaho Department of Fish and Game to subdivide 79.43 acres into two lots. The property is zoned Productive Agriculture (A-40) with areas of Riparian and Wetland Overlays, and Elk Winter Range. It is located on South Picabo Lane approximately 0.3 miles north of US Highway 20, within Section 20, T1S, R20E, BM, Blaine County.

Also present: Blaine County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; Brian Yeager; Idaho Fish and Game (IF&G) wildlife biologist Steve Elam and IF&G Regional Wildlife Habitat Manager Mark Fleming; and neighbor Nick Purdy.

Grotto read notice.

Schoen moved, seconded by Greenberg, that notice was adequate. Motion carried 2/0.

Disclosure: Commissioner Schoen visited the site with Nick Purdy to look at road access and the 30ft. easement along the northern property boundary. Schoen said the site visit would not prejudice his decision in this application.

This application is to subdivide the original parcel of 80 acres into two lots, in order to convey Lot 1 to private ownership. In order to do so, Idaho Fish and Game (IF&G), representing the public, is securing other public benefit easements for Silver Creek. In a "value for value" exchange, Lot 1 would be exchanged for a permanent public recreational access easement along approximately two miles of Silver Creek. Fish and Game cannot dedicate roads, increase easements or add restrictions on the property.

Lot 1 would be platted with a building envelope and a "wildlife viewing corridor" 120 feet long and 30 feet deep, which would be created by mowing the vegetation (primarily willows) along the creek.

The vegetation will remain and continue to grow and provide floodplain management and ecological diversity, but will have to be maintained to provide the view corridor. Once the willows are cut, grasses will flourish; but willows will need annual maintenance. The Riparian Ordinance normally only allows manipulation of vegetation using hand tools, so IF&G has submitted a Riparian Management Plan to allow a portion of the view corridor to be mowed with machinery, which IF&G believes would not be detrimental to the overall function of the ecosystem.

- Grotto confirmed that the water right for irrigating the field will be transferred to Lot 1.
- There should be an additional condition that an approach permit should be obtained from Blaine County Road and Bridge for the 30ft access drive to both residents and camping area on IF&G land.
- Bergin said the County has no jurisdiction over state endowment lands; but this is beyond endowment lands.
- Schoen confirmed that the Riparian Management Plan proposes to cut vegetation, not remove vegetation, so the root balls would remain to bind the banks.
- The proposed building envelope is approximately one acre.
- The access easement that is proposed to be granted is 30ft wide. County standard is 40ft. Yeager said IF&G got the property and access appraised prior to application to the County. IF&G wildlife biologist Steve Elam said IF&G would retain the right of easement, so the appraisal was done without that footage. IF&G is proposing a value for value exchange, so both parcels were appraised.
- Purdy is providing a roundabout parking area for the swimming spot.
- IF&G will retain a conservation easement on the entire riparian corridor through the area and the access road through the Willows complex.

- Agricultural “nuisance” language notifies any residents that the property is surrounded by agricultural uses, which are not to be considered a nuisance.
- Condition 18 requires the future owner of the property, Picabo Land and Livestock, to grant an easement or road dedication along South Picabo Lane on the western boundary of the property adjacent to the platted subdivision.
- The 30ft access easement along the north boundary from South Picabo Lane into the subject property doesn’t meet road standards and can only be considered a driveway, making further residential development on proposed Lot 2 problematic; and no utility easement is granted across Lot 1 to access proposed Lot 2, which will be renamed Parcel A. Staff suggests that proposed Parcel A (Lot 2) be made a parcel with no residential development. The 80-acre subject property has one residential right. The subdivision of these two lots identifies Lot 1 as the one residential buildable lot; Lot 2 would be non-residential, but a recreational structure or campground could be put on it.
- Condition #9 stipulates that Lot 2 shall be designated Parcel A. Condition #17 will be modified that residential access would have to be expanded and utilities provided. IF&G would prefer to retain Parcel A Lot 2 as a buildable lot. There would be a difference in value between a parcel without residential rights and a lot with residential potential, but Parcel A can be reevaluated by the County in the future. Yeager asked for the opportunity to review conditions before they are finalized.

Schoen moved, seconded by Greenberg, to approve the application by Idaho Department of Fish and Game to subdivide 79.43 acres into two lots, based on the Finding that this application complies with short plat criteria and subdivision regulations of Title 10 Blaine County Code, subject to Conditions of Approval in the Staff Report and additional plat notes in the Staff Report with addition of typical agricultural nuisance plat notes; and with condition #17 regarding a plat note modified as suggested. Motion carried 2/0.

LAND USE and BUILDING SERVICES, Discussion and Consideration

- **Findings of Fact: SCI Properties Stream Alteration Permit**

Also present: Blaine County Land Use Administrator Tom Bergin; and County Code Compliance Specialist Diane Shay.

Schoen requested consideration of these Findings be postponed for one week because he doesn’t believe 8-10" rocks will stay in place.

BLAINE COUNTY HOUSING AUTHORITY, POSSIBLE TRANSFER OF COUNTY’S VALLEY CLUB WEST NINE PUD PARCELS, Discussion and Consideration

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; Blaine County Housing Authority Executive Director David Patrie; The Valley Club General Manager Barry Bevers; The Valley Club HOA Vice President and lot owner Dennis Kavanagh; The Valley Club representative Barry Bevers, The Valley Club HOA representative Carol Pintler; Dennis Kavanagh; Larry Lloyd; and *Idaho Mountain Express* reporter Amy Busek and *Idaho Mountain Express* reporter Amy Busek.

- The BCC received public comment from The Valley Club Board of Directors and from Charles and Damian Ellis expressing concern about the transfer of Blaine County owned lots to the Blaine County Housing Authority (BCHA).

Blaine County Chief Deputy Prosecuting Attorney Tim Graves said Blaine County Land Use has received correspondence from people in the area who are concerned about this project. The parcels have been deeded to, and are owned by, Blaine County. This is not a Land Use application. Graves summarized his opinion that a subdivision plat controls the use of parcels in a subdivision. This subdivision plat places a restriction of public use on these two parcels. The Blaine County Land Use Administrator has determined that, in his opinion, community housing qualifies as a public use. The BCHA’s request is for the BCC to find that development of community housing on these parcels is in the public interest, and identify possible conditions to enable that transfer to take place.

Citizens have questioned proper notice of this agenda item. The BCC wants to manage these County-owned parcels in the public interest; but, under Idaho law, this is not a land use application or land use issue, and no Land Use notice is required. No decision will be made today by the BCC. If and when the BCC is ready to make a decision, they will draft a Blaine County Commission Resolution authorizing transfer of the County-owned property to the Blaine County Housing Authority and will publish notice in the County’s legal newspaper. Notice to date has been done as a courtesy by the BCC and Land Use office to encourage dialogue and cooperation, particularly in the neighborhood, as the BCC tries to find the best use for this public-owned property.

The BCC received a 14+-page legal document opposing the County’s potential transfer of this property. Schoen said he was distressed that The Valley Club residents didn’t want to do their part to help people who work in the County to live here. The Valley Club said they had no idea what was proposed in the way of structures, ingress/egress, density, landscaping, etc.; and, if the BCC is determined to proceed with the proposal without consulting the Club or getting input, they will contemplate taking legal action. The BCC wants a positive outcome for all parties, and wants to respect the interests of the neighbors, including Agave Place, which was planned and built as affordable housing within The Valley Club community.

Blaine County Housing Authority Executive Director David Patrie said he understood the County's preference was to use water/sewer facilities that were installed when The Valley Club was developed, but the BCHA would prefer to have options if that would help the transfer move forward.

Graves asked if a multi-family complex could be put on these parcels. Blaine County Land Use Administrator Tom Bergin said one of the parcels could potentially be used for a duplex, with water and septic, if they received approval of the health district, but that would be a more complicated approval process. Single family dwellings that met setbacks and other restrictions on these parcels would just have to pay a building permit.

Patrie invited interested parties and Valley Club residents to attend BCHA public meetings, which are held in both Ketchum and Hailey.

Patrie said housing is considered a public use in Idaho Code, and public funds can be used for housing. He wants every BCHA project to be a success, which includes happy neighbors. BCHA has 98 units in the Wood River Valley. Most neighbors' concerns never materialize, and bad press gives housing a bad name. The BCHA development process would begin with issuing a Request for Qualifications (RFQ) to any developer experienced in developing residential housing. The BCHA would chose the most qualified developer and work with them. In the meantime, he welcomed anyone with questions or concerns to contact him.

PUBLIC COMMENT:

- Valley Club General Manager Barry Bevers agreed that more people need to be involved in the conversation. He said Valley Club residents were mostly concerned about CC&Rs and ongoing upkeep, and how the development would look in the future. Their concerns are septic, streamside, potable water system, neighbors in Agave Place and across Buttercup Road.

Greenberg said employers in the entire county have difficulty recruiting workers.

- Kavanagh said Agave Place uses The Valley Club's water right, which was fairly limited. They have serious concerns if Parcels A and C connect to the water system.

Schoen said the County would not have approved the development if the developer had not assured them the water supply was adequate for the development and the fire station with two housing units.

- Agave Place resident Eileen Wendland asked what employee housing on both sides would do to her property value. Their water right is very restricted, but they are allowed to take water out of the canal. She would rather see the original intent to put a park with a fire station on the parcels.

Graves said the original proposal for the fire station on the north parcel included two residential units. The fire department didn't need a fire station, but retained the possibility of housing for firefighters. At the time of plat, the parcels were deeded to the County for public use.

The BCC suggested the BCHA include a grid of elements for a successful project into the RFQ, including access requirements and if they want to give preferential housing priority to the County or any public employees.

PLANNING AND ZONING COMMISSION APPOINTMENT

Schoen moved, seconded by Greenberg, to appoint Rachel Martin to the Blaine County Planning and Zoning Commission, to fulfil the balance of the term of Julie Heneghan, plus a full three-year term. Motion carried 2/0.

ADJOURN

At the hour of 4:28 p.m., with no more business before them, the Commissioners adjourned.

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