

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
SPECIAL MEETING OF THE DECEMBER 2011 SESSION**

Second Day

Monday, December 12, 2011

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 1:30 p.m. Present were Chairman Angenie McCleary, Vice Chairman Tom Bowman, Commissioner Lawrence Schoen; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Kate Wutz.

Chairman McCleary called the meeting to order at 1:34 p.m.

LAND USE AND BUILDING SERVICES HEARINGS

• **Mountain Overlay District Map Refinements**

A **public hearing** on and consideration of: AN AMENDMENT TO BLAINE COUNTY CODE, **TITLE 9, ZONING REGULATIONS; CHAPTER 21, MOUNTAIN OVERLAY DISTRICT** PROPOSING: TO MORE ACCURATELY DEFINE AND REFINE THE MOUNTAIN OVERLAY DISTRICT BY AMENDING THE MOUNTAIN OVERLAY DISTRICT MAP, INCLUDING THE BUFFER AND SCENIC CORRIDOR 1 AS SUBSECTIONS; STATING FINDINGS AND REASONS FOR THE ORDINANCE and providing a severability clause and an effective date. On November 10, 2011 the Planning & Zoning Commission recommended MOD refinements based on common Themes and continued the textual portion of the original proposal to December 8.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, GIS Program Manager Joel Hall, Land Use Administrator Tom Bergin, Zoning Specialist Nancy Cooley, County Planner Kathy Grotto; Deborah Vignes representing Howell and Weil; Greg Howell; Linda Haavik representing the Animal Shelter of the Wood River Valley and Gardner/Drashner; Julie Cord representing Gardner/Drashner; Sheila Liermann representing the Animal Shelter; Jim Phillips representing Deer Creek Ranch; Bruce Smith; Blaine County P&Z Commissioner Lili Simpson; Don Nurge; Terry Hogue representing Michael Engl; and Nate Norris.

Bergin said notice of the public hearing had been published in the Mountain Express, in both the legal section and the regular section, along with a display ad. Notice complies with the Local Land Use Planning Act and Blaine County Code.

Bowman moved, seconded by Schoen, that notice was adequate. Motion carried unanimously.

This hearing is to review proposed changes to the Mountain Overlay District map. There are about 250 sites where conflict between the MOD and the floodplain will require some modification of the map. The P&Z Commission visited problematic MOD areas, and held two workshops and three public hearings. P&Z decided to categorize their map change recommendations into "themes".

Land Use gave the BCC a Staff Report, P&Z Findings and matrix recommendation listing the themes the P&Z adopted; and a draft staff summary of P&Z's themes and conclusions. Cooley read a summary of public comment received.

Mountain Overlay District themes, as approved by the P&Z Commission:

- A. Floodplain and MOD overlay – over 200 properties
- B. Areas below a reference road, where the MOD runs below the reference road and down into the valley.
- C. Areas outside Blaine County jurisdiction, i.e., in a national forest, the BLM, Camas or Butte counties, or that run through the city of Bellevue or Hailey.
- D. Lands with overriding public purpose could potentially be removed from the MOD.
- E. When the MOD is drawn through a residence. P&Z felt these should not be excluded because a property could be redeveloped. They could potentially form an additional theme.
- F. Isolated slopes or banks, e.g., where the MOD runs downhill and picks up a streambank.
- G. Initial site observation looks flat or largely flat.
- H. Site observations in canyons, because every canyon throughout the county closes in some way.
- I. Where a buffer is created by map changes.
- J. Scenic Corridor I. When the map is moved adjacent to a scenic corridor, it can leave a hole that is adjacent to the scenic corridor.
- K. Other. The only site that fits into this theme is East Magic. The area is on a slope, but has been developed for some time, and didn't really fit into any of the other themes. The theme could be specifically for non-conforming areas that need to be brought into conformity.

The BCC reviewed a list of properties and discussed how they fit into the P&Z's proposed themes.

PUBLIC COMMENT:

Several landowners and representatives explained their concerns about specific properties they were interested in.

Haavik asked for a clearer definition of "hillside".

Norris said some places were flat and in the MOD due to computer error. He asked if the landowner had to pay for a site visit if staff required it.

CLOSE PUBLIC COMMENT

The BCC further discussed their goals for the MOD. They will individually visit some areas that may be questionable; and scheduled a follow-up meeting for January 10, 2012.

FINDINGS OF FACT

• **CK Enterprises CH-PUD in McHanville**

Schoen suggested a minor non-material revision to the Findings.

Bowman moved, seconded by Schoen, to approve Findings of Fact, Conclusions of Law and Decision for CK Enterprises Community Housing Planned Unit Development, as amended, and authorize Chairman to sign. Motion carried unanimously.

• **Little Wood Headwaters Ranch Stream Alteration Permit and Mountain Overlay District Site Alteration**

Bowman moved, seconded by Schoen, to approve the Findings of Fact, Conclusions of Law and Decision for Little Wood Headwaters Ranch LLC Stream Alteration Permit in the Mountain Overlay District, and Site Alteration Permit, and authorize Chairman to sign. Motion carried unanimously.

• **Glendale Rezone Findings and Development Agreement**

Also present: Ned Williamson representing Sleepy Acres.

Bowman moved, seconded by Schoen, to approve the Findings of Fact, Conclusions of Law and Decision of Crown Ranch, Inc., John Majors, William and Vivian Bobbitt, Barbara Tomasi, and Erwin Excavation to rezone a portion of Sleepy Acres Subdivision, and authorize chairman to sign. In discussion, McCleary said she approved the Findings but not the application. Motion carried unanimously.

Bowman moved, seconded by Schoen, to approve a Development Agreement between Blaine County, Crown Ranch, John Majors, William & Vivian Bobbitt, Barbara Tomasi, Erwin Excavation, and Sleepy Acres LLC , and authorize chairman to sign. In discussion, Bergin said a portion of Glendale Road was posted for 35mph. The design speed is 45mph. Motion carried unanimously.

LAND, WATER AND WILDLIFE LEVY DISCUSSION AND CONSIDERATION

• **Flat Top Sheep Company/The Nature Conservancy Project Final Review Discussion and Consideration**

- **Grant Agreement**
- **Conservation Easement**
- **Due Diligence**
- **Blaine County Resolution 2011-76 approving funding to the Flat Top Ranch from the Land, Water and Wildlife Levy Funds Record #593230**

Also present: Blaine County Land Use Administrator Tom Bergin, County Planner Kathy Grotto, Applicants John, Diane and Dave Peavey; The Nature Conservancy State Director Lou Lunte and TNC Silver Creek Watershed Manager Trish Klahr; Land Water and Wildlife Levy Advisory Board (LAB) Chairman Tom Page, retiring LAB Chairman Alan Reynolds, LAB member Lili Simpson, LAB consultant Clare Swanger, LAB consulting attorney John Seiller; and Tom Pomeroy.

The request is for \$217,500 (50% of the total cost) for The Nature Conservancy to purchase a conservation easement on 1,114 acres of the Flat Top Ranch. The project has gone through all review, analysis and approval described in the Program Guide to the Blaine County Land, Water and Wildlife Program. The Land Advisory Board approved the project on December 1, 2011. The Chief Deputy County Attorney signed off all the documents and the Land Use Administrator prepared a resolution. The Nature Conservancy did a final review of all documents. The applicants, Flat Top Ranch and The Nature Conservancy, signed the Conservation Easement. The BCC's final approval today will fund the project.

PUBLIC COMMENT

Everyone involved thanked everyone else involved for contributing to the project. The Peavey family and The Nature Conservancy expressed appreciation for everyone's collaboration.

Schoen thanked the LAB for creating a very thorough legal process that will form a useful framework for future such projects.

Schoen moved, seconded by Bowman, that this Board, having reviewed the terms and conditions of the conservation easement concerning 1,114 acres on the Flat Top Sheep Company Ranch, and approving of that easement, approve the grant agreement governing this transaction and authorize the chairman to sign. Motion carried unanimously.

Schoen moved, seconded by Bowman, to pass Blaine County Resolution 2011-76, a resolution of the Board of County Commissioners approving the dispersal of funds for protection of 1,114 acres on the Flat Top Sheep Company, subject to Conservation Easement and Grant Agreement and based upon the BCC's review and approval of all the due diligence documents, including the title Commitment, the Phase I Environmental Assessment, the Appraisal Summary, the Easement Documentation Report Summary, the Escrow instructions and from our partners in this, The Nature Conservancy's Certificate of Corporate Action, 501(c)3 letter and Certificate of Good Standing. In discussion, the BCC said the County was so lucky this levy passed when it did. They expressed their gratitude to staff and former County Planning employee Jeff Adams, the members of the Levy Advisory Board, and LAB consultants. The first LWW levy award is to the Peaveys, a five-generation Blaine County family. The BCC congratulated everyone from staff to the Peavey family for designing this public project with accountability and transparency in mind. Everyone involved in the process is to be congratulated for their public service contribution to all Blaine County citizens. **Motion carried unanimously.**

EXECUTIVE SESSION §67-2345 1(f) Pending Litigation

Bowman moved, seconded by Schoen, to go into Executive Session for Pending Litigation, pursuant to Idaho Code §67-2345 1(f), to discuss with legal counsel the legal ramifications of and legal options for pending litigation. Bowman (aye), Schoen (aye), and McCleary (aye). **Motion carried unanimously.**

ADJOURN

At the hour of 4:23 p.m., the BCC finding no more business before them adjourned.

Attest: _____ Approved _____
JoLynn Drage
County Clerk
Angenie McCleary
Chairman