

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE JANUARY 2011 SESSION**

Fourth Day

Tuesday, January 11, 2011

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 10:00 a.m. Present were Chairman Angenie McCleary, Vice Chairman Tom Bowman, Commissioner Lawrence Schoen; County Administrator Derek Voss; County Clerk JoLynn Drage; Operations Director Char Nelson; *Idaho Mountain Express* reporter Kate Wutz; and Recording Secretary Sunny Grant.

Commissioner Bowman was absent until 9:47 a.m.

Chairman McCleary called the meeting to order at 9:00 a.m.

PUBLIC COMMENT

Also present: Jane's Artifacts owner Jane Drussel.

Jane Drussel said that her office supply business would like to keep local money local. She offered to work with the County to provide comparable prices and the best service.

DEPARTMENT REPORTS FOLLOW-UPS

Present were: County Services Director Wilma Colter and Deputy County Services Director Connie Kacalek

Designated Examiner Process - McCleary

McCleary met with Blaine County Prosecuting Attorney Jim Thomas about Designated Examiner contracts. The Prosecutor's office will schedule a follow-up meeting with County Services and the Clerk's office.

EXECUTIVE SESSION – §67-2345 1(d) **INDIGENT** - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code

- **Case #11-01-016**
- **Case #11-01-017**
- **Case #11-01-018**

Present were: County Services Director Wilma Colter and Deputy County Services Director Connie Kacalek

Schoen moved, seconded by McCleary, to convene in Executive Session pursuant to Idaho Code 67-2345 1(d) to consider indigent medical applications. Schoen (aye), and McCleary (aye). Motion carried 2/0.

OPEN SESSION RESUMED

Schoen moved, seconded by McCleary, to accept notice of cancellation of hearing and final determination of denial on Case #11-11-006. Motion carried 2/0.

Schoen moved, seconded by McCleary, to deny Case #11-01-016, based on staff recommendations. Motion carried 2/0.

Schoen moved, seconded by McCleary, to deny Case #11-01-017, based on staff recommendations. Motion carried 2/0.

Schoen moved, seconded by McCleary, to deny Case #11-01-018, based on staff recommendations. Motion carried 2/0.

BLAINE COUNTY BOARD and COMMITTEE APPOINTMENTS

Blaine Manor Board of Trustees

Both incumbents want to continue on the Blaine Manor Board. The BCC appointed Marsha Riemann and Peter Van Der Meulen last week, but for the wrong terms. The BCC directed the County Clerk to correct the terms to three years for both.

Blaine County Airport Advisory Committee (BCAAC) – McCleary

BCAAC incumbent Vanessa Fry is very enthusiastic about remaining on the BCAAC, and would like to continue to serve.

Schoen moved, seconded by Bowman, to reappoint Vanessa Fry to the BCAAC for a two-year term. Motion carried unanimously.

Blaine County Housing Authority (BCHA)

There is one open seat, but no candidate at this time.

Blaine County Planning and Zoning Commission

There is a resignation in process. The Land Use and Building Services Department will advertise for someone to fill the position.

DEPARTMENT REPORTS FOLLOW-UP

Rocky Mountain Bank Bill for E-911 Equipment – Voss

Voss concurs with the recommendation of the County's legal advisor regarding the claim. The bill will be paid out of the E-911 fund. Blaine County Chief Deputy Prosecuting Attorney Tim Graves will continue to research the issue, and Voss will look for resources to fund the unbudgeted payments.

Schoen moved, seconded by Bowman, to authorize payment of the claim on demand for the ECS1000 E-911 equipment lease. Motion carried unanimously.

AIRPORT

Joint Powers Agreement (JPA) – Voss

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves.

There are still minor concerns, but Graves has made the major revisions. The JPA will go to the BCC to distribute to the City of Hailey and its attorney.

This JPA provides no layer of legal insulation for the BCC. The BCC has a legal requirement to approve insurance purchased annually for the airport, and needs to be sure the insurance coverage is adequate to cover the County's interests.

The Friedman Memorial Airport Authority currently leases space on the radio tower at the Public Safety Facility for \$200 annually; but the JPA limits payments to \$10 for lease of anything. Voss will adjust the lease payment. The BCC should consider whether this limitation should be in the JPA.

Forest Service Resource Advisory Committee (RAC) Proposals – Bowman

Every RAC proposal needs to be signed by the County Commissioners to assure RAC that the Commissioners are aware of proposals made for their county. If the Commissioners have a problem with a RAC project, they may express their concerns on the project. The BCC will consider this year's RAC proposals on a future agenda.

Regional Drug and Mental Health Courts Institute – Schoen

The BCC is invited to join Idaho Judges and Other Professionals in this year's Regional Drug and Mental Health Courts Institute.

LAND USE AND BUILDING SERVICES HEARINGS

FEMA Phase 1B: Establish the Floodplain as a Zoning Overlay District and to reclassify the existing Floodplain Zone: Public Hearing Continued

A public hearing on and consideration of: **AN AMENDMENT TO BLAINE COUNTY CODE, TITLE 9, ZONING REGULATIONS; CHAPTERS 4 AND 17: AS ORIGINALLY PROPOSED BY STAFF TO THE PLANNING AND ZONING COMMISSION; TO ESTABLISH THE 2010 FLOODPLAIN AS A ZONING OVERLAY DISTRICT AND TO RECLASSIFY THE EXISTING 1977 FLOODPLAIN ZONE TO ANOTHER ZONING DISTRICT BASED TYPICALLY ON THE EXISTING ADJACENT ZONING DISTRICTS.**

ORIGINALLY NOTICED AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION AND HEARD BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 26, 2010; to establish the Floodplain as a Zoning Overlay District and to reclassify the existing Floodplain Zone to another Zoning District based typically on zoning the subject areas consistent with §9-17-5(E) which requires the base development density to the base density in the adjacent zoning district or one unit per five acres, whichever is less dense. THE PLANNING AND ZONING COMMISSION HELD A DULY NOTICED PUBLIC MEETING ON SEPTEMBER 16, 2010 AND RECOMMENDED APPROVAL OF THE ORDINANCE WITH MODIFICATIONS. THE SIGNED FINDINGS AND THE P&Z RECOMMENDATION IS DATED SEPTEMBER 30, 2010, STATING FINDINGS AND REASONS FOR THE ORDINANCE and providing a severability clause and an effective date.

Also present: Blaine County Land Use and Building Services Director Tom Bergin, and Zoning Specialist Nancy Cooley; and *Idaho Mountain Express* reporter Kate Wutz.

A few corrections have been made since the last review to maintain consistency with what was originally intended. The boundary now is the western edge of the floodplain, except in one small spot in the Mountain Overlay, and a couple small areas in the floodplain valley. Areas in the valley floor are now R-5, and the hillside area is A-10, consistent with the original intention.

PUBLIC COMMENT – NONE

These zoning changes are to the surrounding zoning areas and not in the floodplain.

Schoen moved, seconded by Bowman, to approve amendments to Blaine County Code Ordinances, Title Zoning Regulations, Chapters 4, 17 and 3, including amendments to the Zoning District and Overlay maps that are part of the ordinances, based upon the Finding that these amendments comply with the Comprehensive Plan, and will not have any adverse impacts on provision of services in Blaine County, or on potable water. Motion carried unanimously.

BREAK

LAND USE AND BUILDING SERVICES HEARINGS

• 2009 Energy Code and BuildSmart Supplement Workshop

Also present: Blaine County Land Use and Building Services Director Tom Bergin, County Planner Shana Sweitzer, Building Official Bill Dyer; BuildSmart Technical Advisory Committee members Tom Harned, Rick Stark, and Hermie Haavik; Sawtooth Board of Realtors Government Affairs Director Bob Crosby; Hailey City Planner Mariel Platt; and Deborah Vignes.

The BuildSmart Technical Advisory Committee has been meeting for a couple years. This workshop was to explain the science behind the proposed energy code revisions. While drafting an energy efficiency ordinance, the BuildSmart committee has conducted three outreach events to invite feedback and educate the public on building science and solar/energy efficiency.

BuildSmart committee members explained basic terms, energy efficiency tests, and remediation processes supported in the proposed ordinance.

Blaine County is in Climate Zone 6. The largest group of inefficient energy use homes are existing older homes, which can be improved primarily by sealing ducts, and increasing insulation in attics and walls.

LAND USE AND BUILDING SERVICES ISSUES

• Indian Creek Mountain Overlay District Subdivision Exemption

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Land Use and Building Services Director Tom Bergin, Zoning Specialist Nancy Cooley; applicant’s representatives John Seiller, Kurt Eggers, and Dennis Kavanaugh; Deborah Vignes; and Risa Williams.

The Indian Creek Owners Association has been regulating their Mountain Overlay District (MOD) since it was granted a subdivision exclusion in 1995. The Indian Creek Design Review Manual and the Governing Agreement have not been reviewed by the County since 2004. Indian Creek Standards of Evaluation for MOD site alteration have not been updated since 2009. There have been substantial changes to County Code since then, including mapping of the MOD, so a review of the Indian Creek agreements is due.

John Seiller said Indian Creek is a platted subdivision. Much of Indian Creek is not visible from Highway 75 and is only visible from Indian Creek Road, which is the only public reference road in the subdivision.

Basic MOD-related concerns are:

- Does an Indian Creek design review applicant have to come before the County for pre-application?
- Indian Creek doesn’t include a floodway, floodplain or wetlands; but there may be avalanche hazard.
- Most basic County MOD requirements were incorporated into the Indian Creek Review Manual, but “no sufficient available area for the site alteration exists on the lot outside of the MOD” is a hard standard for a subdivision to apply.
- No structure under the current MOD is allowed to skyline. It’s difficult to build on many lots in Indian Creek without skylining.

The Owners Association wants to be in compliance with the County, and needs to know what is expected and required of them.

ADJOURN

At the hour of 3:47 p.m., the BCC finding no more business before them adjourned.

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