

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE JANUARY 2014 SESSION**

First Day

Tuesday, January 6, 2015

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Lawrence Schoen, Vice-Chairman Jacob Greenberg, Commissioner Angenie McCleary; County Administrator Derek Voss; and Recording Secretary Sunny Grant.

Chairman Schoen called the meeting to order at 9:02 a.m.

PUBLIC COMMENT - NONE

BOARD OF EQUALIZATION - I.C. 63-105A (7)

McCleary moved, seconded by Greenberg, to convene as the Board of Equalization. Motion carried unanimously.

There was no BOE business at this time.

McCleary moved, seconded by Greenberg, to reconvene as the Board of County Commissioners. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Sheriff's Office - Gene Ramsey

- Sheriff's office is fully staffed for the first time in awhile.
- Idaho Department of Corrections (IDOC) has a new director.
- Idaho's Governor issued an executive order to establish a task force to develop Idaho Prison Rape Elimination Act (IPREA) standards that reflect the intent of PREA, without the substantial expense. The Blaine County Jail has most PREA standards in operation.
- The Blaine County Public Safety Facility has generated \$3.4 million in revenue since 2009.
- Holiday DUIs were down, thanks to extra law enforcement, extra taxi and transit bus service, a standby citizens group and many designated drivers.

Operations Director - Char Nelson

- Warm Springs Road snow removal has prompted numerous questions and complaints. When there is 3" of snow, the Road Manager gets an avalanche assessment and sends two plows out Warm Springs Road to clear snow in both directions. Warm Springs Road has drainage issues and can be icy and treacherous even when there isn't snow on the road.
- County Road and Bridge staff monitor snow accumulation on webcams around the valley. When there is 3" of snow, County snowplows are out about 3:00 am to clear roads by 7:00 am for school buses and commuters. Sometimes snow has accumulated again by commuter time and residents think roads haven't been plowed.
- A Ketchum Councilman has complained that Warm Springs Road is not safe and is asking if Ketchum should take over plowing it.

County Administrator - Derek Voss

Blaine County Road and Bridge Levy

The Road and Bridge levy is currently proposed to be a temporary levy for \$1.5 to \$3 million and will be on the May ballot. The cities will receive 50% of the levy revenue collected within their city limits.

Commissioners' concerns and comments:

- Citizens may object to the \$60,000 expense for a special election.
- If the 2015 levy amount is less than the \$5 million requested in 2014, does that give the impression the County requested more than it needed in 2014?
- Will a lesser amount accomplish what the County needs to begin to bring roads back up to standards?
- Will a minimal levy amount not get support from citizens who want Bike/Ped Master Plan infrastructure improvements?
- Why does the County maintain some subdivisions but not others? What recreational access roads will the county maintain in good shape? What priority will be given to main alternate routes? The BCC may have to make some policy decisions in the future. The County may have to reduce the roads it maintains and/or let some asphalt roads return to gravel.
- The County must buy newer equipment regardless of the levy amount.

County Road and Bridge Manager Tom Duffy said the County was at risk of losing some paved roads if the County only received \$1 million. The County needed at least a \$3 million levy to save most paved roads and fund basic maintenance and dust guarding on most gravel roads.

McCleary supported a \$3-3.5 million levy with \$2 million revenue to the County. She wants to begin to bring County roads up to minimal standards, in order to avoid more expensive repairs later. Schoen

supported a minimum \$1 million, which would backfill the current budget shortfall. He would support a higher amount if he was convinced voters would support it. Greenberg reiterated that a lower level would at best keep the roads from further deteriorating. The County needed to raise a larger amount to accomplish the County Transportation Plan's objectives.

The BCC agreed that at least a \$3 to \$3.5 million levy would be necessary to maintain County roads at a reasonable level and look worthwhile to the public.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

Pacific Coast Supply Credit Application

This is a basic credit application approved by the County clerk and County attorney.

Greenberg moved, seconded by McCleary, to approve a credit application with Pacific Coast Supply LCC. Motion carried unanimously.

BLAINE COUNTY HOUSING AUTHORITY ANNUAL REPORT

Also present: Blaine County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; Blaine County Housing Authority Executive Director David Patrie; and *Idaho Mountain Express* reporter Greg Moore.

Blaine County Housing Authority Executive Director David Patrie reported that:

- Since 2013, the Blaine County workforce invested \$3 million in community housing.
- The number of BCHA applicants continues to increase. BCHA had 117 individual households in FY2014; and put 22 households in BCHA housing.
- The Blaine County unemployment rate seems to be going down, but total employment is fairly flat.
- The percentage of low income applicants remains high post recession. Almost half of BCHA's database makes less than half of the Area Median Income (AMI). Blaine County's median income is considerably higher than most of Idaho, but wages are only slightly higher.
- Half the BCHA database is looking for rental only; 17% seek either rental or ownership. Prices of both rental and ownerships are increasing, and availability of both is decreasing. The BCHA only added one housing unit in 2014, a rental, through partnership with ARCH Homes on the Move program.
- BCHA had a good fiscal year. Revenues are up due to increased resales.
- BCHA administration fee income has increased. BCHA hopes to increase rental management fees once BCHA employees get HUD certified.
- Blaine County competes with other areas for Idaho Housing and Finance Association (IHFA) tax credits. IHFA's goal is to develop as many units as possible for the lowest price. Blaine County's seismic and snow load requirements and land cost are expensive, so BCHA has to constantly remind IHFA that their programs are needed throughout the state, even in expensive areas.
- BCHA has participated in Blaine County's Comprehensive Plan update.

OLD COUNTY COURTHOUSE CONSTRUCTION UPDATE, Discussion and Consideration

Also present: Project Architect Steve Trout, Kreizenbeck Constructors Courthouse Project Manager Graham Estep; and *Idaho Mountain Express* reporter Greg Moore.

Change Orders

Change orders that the BCC signed a couple weeks ago will be sent to Kreizenbeck.

Old Courthouse Update

- First and second floors have Certificates of Occupancy. Clerk's office will move back into the OCC next week.
- Electrical inspection is done. HVAC state inspector will be here soon, depending on his schedule. Roofing, soffit and fascia, gutter, third floor carpet and interior details should be done this month.
- There is some ice on the roof. Snowmelt heat mats are not yet turned on.
- There will be a heat mat training session for County Buildings and Grounds personnel.

EXECUTIVE SESSION – §67-2345 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.

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

OPEN SESSION RESUMED

McCleary moved, seconded by Greenberg, to Approve Medical Indigent Application for Assistance #2015-01, based on staff recommendation. Motion carried unanimously.

BOARD OF COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Proposed Social Host Ordinance

The BCC discussed the upcoming special meeting regarding the Social Host ordinance.

Correspondence

- The BCC discussed membership in the National Fire Protection Association (NFPA). The local fire districts are members and the Local Emergency Planning Committee (LEPC) holds classes.
- The Public Defense Commission is looking for feedback from Commissioners. Commissioners will respond individually but keep each other in the loop.
- Schoen will draft a response to the Sage Grouse Survey request.

BREAK

LAND USE AND BUILDING SERVICES HEARINGS

- **Timber Gulch Subdivision.** Public hearing and consideration of an application for a short plat subdivision of one 5.79-acre building lot and one 794.84-acre parcel with no residential entitlement. The property, consisting of 800.6 acres, is zoned R-2, R-10, and RR-40, and is located entirely in the Mountain Overlay District with areas of Elk Winter Range. It is located within Sections 2, 11 and 12, T3N, R17E and Section 7, T3N, R18E, BM, Blaine County.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; Bart Rinker and engineer Brian Yeager on behalf of landowner Harry S. Rinker; neighbors Steve and Lyla Wagner; Timber View Property Owners president Jack Lane and attorney Tracy Dunlap; Golden Eagle lot owner Eric Remais; Wood River Land Trust Executive Director Scott Boettger and Director of Conservation Keri York; and Jim Phillips.

Grotto read notice.

Greenberg moved, seconded by McCleary, that adequate notice was given. Motion carried unanimously.

DISCLOSURES: Schoen said today's discussion would likely refer to risks associated with Timber Gulch mud and debris flows that could affect neighbors. Schoen and staff visited the area several times in the last year to look at damage from the Beaver Creek fire and resulting debris flows to consider site alterations to mitigate damage. Schoen said past visits to the area do not affect his impartiality in deciding this application.

NO NEW MATERIALS.

The overall property is approximately 800 acres, to be divided into two properties. Parcel A would be 794 acres with no development rights. Lot 1—the subject property—is proposed as a single buildable lot to be platted. Lot 1 is in the Mountain Overlay District (MOD), and is in both R-2 and R-10 zones. There is a platted driveway easement across Timber View Terrace. There is a small area of MOD buffer on the east side of Lot 1. Staff suggests a plat note to address the wildland urban interface should be included in any Conditions of Approval.

During administrative parcel determination in 2013, two lots of record were found to exist. The two mining claims are not individual parcels. The Blaine County Land Use Administrator relocated a 1977 R-2 residential zoning boundary up on the hillside down onto the canyon floor. The boundary lines running north-south along the toe of the slope between R-2 (on the east) and R-10 (on the west) zoning designations were adjusted according to current topographic information to be consistent with the contour line. A letter indicating these zoning boundary revisions was sent to the three landowners affected by the change and to surrounding landowners within 300 feet on December 30, 2014. Moving the zoning boundary line down into the valley changes the density calculation and enables the lot to be a smaller size.

Brian Yeager presented for the applicant. The application is to continue to have two parcels on the property, one a small buildable lot at the mouth of the canyon and the entire remnant of the parcel without residential building entitlement. The applicant has attempted to create the most reasonable small lot possible to preserve the remnant as large as possible. The intent is to donate the balance of the remaining property to Wood River Land Trust custodianship in perpetuity. There will be an urban interface plat note.

There is concern about drainage out of the mouth of the canyon, particularly post fire. The applicant would prefer to take no action at this time to change drainage characteristics on the property. Drainage infrastructure engineering can be part of a building permit in the future.

The applicant would like to preserve the right for a larger accessory dwelling unit beyond the 1,200sf maximum since they actually have two parcels and are only requesting a residential entitlement on one lot. An ADU is not part of this application. The applicant could potentially apply to amend the plat of Parcel A to allow a residential unit in the future if it is not under an easement prohibiting it.

The applicant would prefer to leave any site alteration permit for a future residential building application.

PUBLIC COMMENT:

- Neighbor Lila Wagner strongly opposed further development in the Timber Gulch area. Manmade

site alterations caused post-Beaver Creek Fire floodwater and mud out of Timber Gulch to damage their property. Original topo maps provided by Alpine Engineering showed the original natural stream flow to be different from the stream flow created by the manmade site alterations. Engineer Steve Butler concluded in an October 2013 report that manmade site alterations were responsible for floodwater and mudflow that damaged the Wagner property. Butler's report also noted that roads in the neighborhood were elevated and crowned in such a way that water drained onto the Wagner property instead of down the roadway.

- Neighbor Steve Wagner said a house built farther up Timber Gulch will likely landscape for privacy from the public access and create additional manmade site alterations.
- Tracy Dunlap, attorney representing Timber View Terrace Property Owners, stated their concerns:
 - discrepancies between an avalanche report and letter from Art Mears and 1990 avalanche maps done by Bruce Smith;
 - increased avalanche and mud and debris flow danger to Timber View Terrace as a result of Timber Gulch's burned slopes; and
 - the plat note states the 800-acre parcel is not developable *at this time* There is no commitment in perpetuity that Parcel A will not be developed.
- Wood River Land Trust Executive Director Scott Boettger said the Land Trust has had discussions with the Rinker family about accepting the 794+ acres as a nature preserve to be protected in perpetuity, and without any plans to develop it or replat it in any way. The WRLT supports approval of the replat application.

Graves recommended this meeting be continued to allow the applicant to review and respond to materials submitted to the BCC during this meeting.

APPLICANT REBUTTAL:

The applicant doesn't dispute past debris flows out of the canyon. The applicant would prefer to leave the site as is and incorporate any debris flow containment or deflection strategy into future house design.

Avalanche studies follow standard equations and procedures, but are variable and can provide different results. The applicant offered to ask engineer Art Mears for a written explanation of his avalanche study.

BCC COMMENTS:

- It is difficult to design mitigation until the building site is known.
- There is an inherent right for a building site on the property. These are life-safety issues that will be addressed when development is proposed for the site. A site alteration permit at that time will go through P&Z and is appealable to the BCC. Plat note 3 on the proposed plat requires a site alteration permit prior to any disturbance. Grotto suggested it be strengthened to say "regardless of location inside or outside the Mountain Overlay buffer." McCleary suggested a plat note to clearly describe hazards in the area.
- The proposed building envelope is fairly large, and includes the main drainage channel. The size and location of the building envelope allow for development and are important considerations in the MOD. Drainage and potential avalanche danger could be addressed in the conditions of an MOD site alteration. McCleary asked the applicant to see if the building envelope could be smaller and outside of any known hazards.
- Schoen urged Timber Gulch landowners to communicate and collaborate with each other. They all share the same drainage. What one property owner does will likely affect other property owners.

Graves said drainage and avalanche concerns should be clearly stated in the plat notes to warn future buyers of the potential for thorough and expensive review.

McCleary moved, seconded by Greenberg, to continue Timber Gulch application for a short plat subdivision to a date uncertain. Motion carried unanimously.

LAND USE and BUILDING SERVICES, Discussion and Consideration

• **Bellevue Comprehensive Plan Update**

Also present: Blaine County Land Use Administrator Tom Bergin; and Bellevue resident Jim Phillips.

The Bellevue P&Z asked Bellevue Council to consider a complete review of the Comprehensive Plan; Council has to decide if resources are available for a rewrite.

The County expressed interest in renegotiating Bellevue's Area of City Impact. Bellevue Mayor and staff will work with County staff and BCC to schedule a discussion. The County would like to include Hailey City leadership.

Approval of BOARD of COUNTY COMMISSIONERS MEETING MINUTES

- December 16, 2014 Regular Meeting
- December 23, 2014 Regular Meeting
- June 9, 2014 Regular Meeting
- June 16 and June 18, 2014 Budget Hearings

Greenberg moved, seconded by McCleary, to approve minutes of Blaine County Commissioner regular meetings of June 9, December 16, and December 23, 2014; and Budget Hearings of June 16 and June 18, 2014, as amended. Motion carried unanimously.

ADJOURN

At the hour of 3:45 p.m., with no more business before them, McCleary moved to adjourn, seconded by Greenberg. Motion passed unanimously.

Attest: _____ Approved _____
JoLynn Drage
County Clerk
Lawrence Schoen
Chairman