

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE JUNE 2012 SESSION**

Seventh Day

Tuesday, June 26, 2012

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 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; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Kate Wutz.

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

PUBLIC COMMENT - NONE

RESOLUTION 2012-22 – COUNTY-OWNED PROPERTY IN CITY OF KETCHUM

This land transfer helps accomplish the BCC's goal of converting vacant County-owned properties to useful properties when possible. The land transfer and resolution have been reviewed by legal counsel. Notice requirements have been fulfilled.

Bowman moved, seconded by Schoen, to approve Resolution 2012-22, declaring the transfer of certain County-owned properties (listed at no value by the Assessor) to the City of Ketchum to be in the public interest. Motion carried unanimously.Resolution 2012-22 Record #598760

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 Manager Brooke Roberson, and Indigent Services Assistant Clerk Amy Rivkin.

- **Case #12-05-115**

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

OPEN SESSION RESUMED

Bowman moved, seconded by Schoen, to deny Case #12-05-115, based on staff recommendation. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

Claims – Schar Boyd

- Deputy Auditor Schar Boyd presented the claims.

Schoen moved, seconded by Bowman, to approve claims dated June 20, 2012, as presented by staff. Motion carried unanimously.

Clerk's Report – JoLynn Drage

- Board of Equalization appeals will be heard next week.
- Budget Officer is assembling all components of the FY2013 budget. There are many unknowns in the upcoming year, so this budget is especially challenging.

Operations Director – Char Nelson

- Received letter of resignation from County Engineer Jim Koonce.

County Administrator – Derek Voss

- HR and County Administrator are developing up-to-date job descriptions, and evaluating the accuracy of the compensation model that consultants developed for the County five years ago. They will then analyze elected officials salaries.
- City of Sun Valley has mailed their check for Emergency Communications contract.
- Hailey City Attorney said Hailey will not be signing Blaine County's Emergency Communications contract. BCC directed Voss to memorialize Williamson's statement in writing.
- The Sun Valley Water and Sewer District will partner with Blaine County on an engineering analysis of South Gateway.

CONSENT CALENDAR

- **Beverage License Renewals for Desperado's Mexican Restaurant, Sushi on Second, Burger Grill Ketchum, Everchange Inc., Elkhorn Springs Restaurant**
- **Resolution 2012-24 Destruction of Records**Resolution 2012-22 Record # 598761

Schoen moved, seconded by Bowman, to approve the Consent Calendar for June 26, 2012. Motion carried unanimously.

BOARD REPORTS, DISCUSSION and CONSIDERATION

BLM Sage-Grouse Scoping meeting – Bowman

Also present: Lili Simpson

The BLM is rewriting one section of its sage grouse management plan EIS for the 13 states that have sage grouse habitat. Bowman corrected some errors in Blaine County information.

Single-track trails do not appear to affect sage grouse. Well-planned BLM trails will help keep people on-trail, which will have less effect on sage grouse. The BCC will submit comment on the economic impact of recreation in Blaine County. Comments will be specific to Blaine County, but general to the whole area, and will affect resource management plans for the whole district.

The BCC is considering a Memorandum of Understanding with BLM as a Cooperating Agency on sage grouse.

PUBLIC COMMENT:

Lili Simpson said the Idaho Task Force on Social and Economic Impacts includes recommendations on how to deal with sage grouse confrontation, habitat, impacts, etc. on BLM land.

Commissioners Budget Presentation – McCleary

Chairman McCleary is preparing the Commissioners budget for presentation to the BCC.

Local Option Tax for Promoting Air Service – McCleary

Fly Sun Valley Alliance is preparing a proposal to add a 1% local option tax to promote air service.

County Administrator Review - McCleary

The BCC agreed to defer the Administrator's review.

Sustain Blaine Board meeting – Bowman

- Working with CSI on developing a local culinary institute.
- Update from Fly Sun Valley Alliance on potential to use local option tax to cover minimum revenue guarantees.
- Sustain Blaine is drafting a County Profile similar to profiles it's done for the individual cities.

Wood River Wolf Project – Schoen

The Wood River Wolf Project hosted a 2-day workshop in Blaine County last week for officials from wildlife agencies across the country and Washington, DC. They discussed:

- Deterrence policies and practices to avoid wolf loss, and specific tools used in the field.
- Vigorous discussion and debate helped define what is meant by non-lethal deterrence and how to best implement it.
- Blaine County is a leader in the non-lethal deterrence effort Idaho will receive federal funds for its non-lethal deterrence, along with moneys slated for livestock loss compensation.
- When depredation occurs, Wood River Wolf Project staff evaluate the site and husbandry practices and make recommendations to the livestock grower to avoid future incidents.

Blaine County Community Drug Coalition – Schoen

The Drug Coalition plans to propose new language in Blaine County's Criminal Code to provide a penalty for adults hosting under-age drinking.

Magistrates Commission – Schoen

The Fifth Judicial District has magistrate judge vacancies in Twin Falls and Cassia counties.

Idaho Roadless Rule Implementation Meeting – Bowman

A small town in Idaho County wants to alleviate fire concerns by removing a stand of dead trees in a roadless area. The Forest Service plans to put in a temporary road, do fuel mitigation, and then remove the road.

Blaine County Housing Authority – Schoen

July 10 is ribbon cutting for River Street Senior Apartments.

Idaho Water Users Association Annual Meeting – Schoen

Updated key issues:

- Idaho Department of Water Resources will be doing groundwater modeling, as required for conjunctive management. A new water district will be formed to include all groundwater rights.
- Big Wood Canal Company intends to make a priority call on all irrigation wells in this basin once conjunctive administration is implemented.
- Schoen would like to form a committee this fall to explore conjunctive administration. USGS information may make a priority call unnecessary.

National Association of Counties (NACo) – Schoen

NACo coalition efforts succeeded in reinstating Rural Development funds in the Senate version of the Farm Bill. Funding should be available for a backlog of already-approved USDA water/wastewater infrastructure projects, which could include the South Gateway project.

BLAINE COUNTY DEPARTMENT FY2013 BUDGET PRESENTATIONS

Operations: Recycle, Buildings and Grounds, Weeds, Waterways – Char Nelson

Also present: Blaine County Operations Director Char Nelson; Blaine County Weed Department Manager John Cenarrusa; Blaine County Recycle Center Supervisor and Waterways Director Lamar Waters; *Idaho Mountain Express* reporter Kate Wutz.

Weeds – Blaine County Weed Department Manager John Cenarrusa

The County's Weed Department works with state and federal agencies, Blaine County cities, area ranchers, homeowners associations, property owners, etc. in controlling noxious weeds. The Weed Department's noxious weed treatment plan complies with the EPA's new Pesticide Discharge Management Plan.

Weed Department staff facilitate Cooperative Weed Management Area (CWMA) partnerships with the public and local organizations to control and eradicate noxious weeds as safely as possible. Blaine County's Weed and GIS departments have collaborated to allow public access to county weed mapping.

The Weed Department's FY2013 budget requests a \$17,500 increase:

- \$10,000 to purchase two data loggers, mounted on spray trucks, to collect detailed data of where and when areas are sprayed.
- \$7,500 for the Weed Department shop roof.

Buildings and Grounds – Operations Director Char Nelson

Blaine County Buildings and Grounds maintains over 100,000sf of building footprint. The department's primary function is to be sure County buildings function efficiently in providing a clean, comfortable, safe environment for staff and the public to conduct business.

Buildings and Grounds is developing a Facilities Improvement Plan for long-term maintenance and repair to improve building safety and security. The first priority is to repair the Old County Courthouse, which presents serious life-safety concerns. Several other County buildings need repair and maintenance as soon as possible.

Recycle Center – Blaine County Recycle Center Supervisor Lamar Waters

The recycle center is funded by the sale of recyclable materials and a portion of Ohio Gulch transfer station tipping fees. The recycle center receives pre-sorted recyclable materials from haulers, businesses and residents six days a week. Materials are baled, scheduled for shipment and sold at current market value.

The recycle center's strategic objective is to operate in an environmentally sound and economically sustainable way. Staff is increasing public outreach and education. The Recycle Advisory Committee is currently researching collection methods that will improve the quality and increase the quantity of recyclable materials.

Waterways – Blaine County Waterways Coordinator Lamar Waters

Also present: Volunteers Cloyce Edwards and Billie Grubb; and Waterways Committee member Pete Whitehead.

The Waterways program assures quality public access to Blaine County's aquatic recreation areas through the summer season, while effectively managing County assets. Volunteers play a crucial role in maintaining the Blaine County Waterways program.

Staff developed a five-year program to restore failing docks in Blaine County. FY2013 budget request is for funding to match grant and volunteer efforts to maintain docks. Older wooden docks are close to failing beyond repair.

BREAK

LAND USE AND BUILDING SERVICES HEARINGS

- **Agricultural Related Text Amendments**, continued: A public hearing on and consideration of: AN ORDINANCE OF BLAINE COUNTY, IDAHO, amending BLAINE COUNTY CODE, TITLE 9, ZONING REGULATIONS, CHAPTER 2, DEFINITIONS: amending Agricultural Businesses, Agricultural Purposes, Outdoor Nursery, and adding Retail Facility to clarify types of businesses requiring a conditional use permit; CHAPTER 5 AND 5A PRODUCTIVE AGRICULTURAL DISTRICT: amending accessory uses to include temporary roadside stands for the sale of the agricultural products; CHAPTER 8-11 RESIDENTIAL DISTRICTS: amending agricultural uses with commercial livestock components are to be reviewed under a conditional use permit; CHAPTER 15 AND 16 LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL DISTRICTS: adding storage, mixing, blending and sales of fertilizers to be reviewed under a conditional use permit; and providing a severability clause and effective date. The Planning and Zoning Commission recommended approval of the amendments on May 10, 2012. Also to be considered: text amendment to TITLE 10, SUBDIVISION REGULATIONS, CHAPTER 4, PROCEDURE: adding Rural Remote District (RR-40) to Agricultural Short Plat provisions.

Also present: Blaine County Land Use Administrator Tom Bergin, Senior Planner Kathy Grotto, Code Compliance Specialist Megan Stelma; Jay Coleman; Janie Coleman; Judy Sproule; Brendan Boyle; Jeff Sparks; Dennis O'Brien; Michael Jessen; Pepin Corso-Harris; Jan Jameson; Sarah Michael; Mike Boyle; Paul Ramm and Kathy Lynn.

No new notice was required.

BCC was given an updated draft copy of the ordinance with a few revisions, and three additional comments. The BCC also received a letter from the University of Idaho Extension.

Blaine County has a history of supporting agricultural activity, as reflected in the County Code and Comprehensive Plan. The proposed amendments don't change the following:

- All agricultural businesses require a Conditional Use Permit.
- The CUP process gives the public the opportunity to be heard.
- When growing a product for sale, it is considered a business.
- Storage of fertilizers and compost above a certain level is subject to state regulation.
- CC&Rs and the Home Occupation Permit process give extra protection to the public.

Schoen and Bowman felt these proposed text amendments refined existing Code, and clarified its intent in the Agricultural District. The Comp Plan says, "Preserving agricultural land of Blaine County is a major objective of the Comprehensive Plan." and "The preferred land use in the Agricultural District is agriculture. Residential development shall be permitted only when it is located and designed to minimize its impact on agricultural land."

McCleary said the amendments would promote small businesses and local production in agricultural zones; and include livestock in agricultural purposes and uses. Agricultural produce can be sold onsite, as long as there is no retail facility on the property.

Former County Commissioner Sarah Michael said the BCC worked very hard to protect agricultural opportunities and farming as part of the County's heritage and economy. The Comp Plan supports agriculture. Greenhouses growing local food is very appropriate in an ag district.

PUBLIC COMMENT:

- New amendments are too broad and change rules that have worked for a long time.
- Define agricultural business vs. an agricultural purpose.
- The proposed amendments allow temporary roadside stands as an accessory use onsite with administrative approval. What is the administrative approval process?
- Some lots were originally Agricultural-20 and are now smaller tax lots.
- Neighbors of a particular property on Freedom Loop in the Ag Zone complained of increased road use, unfinished buildings currently on the property, and the potential for low-end housing on the property.
- The Comprehensive Plan protects agriculture in Blaine County, but says development must be mindful of other landowners and residents. Freedom Loop was carved out of agricultural property as a residential neighborhood before the Comp Plan was written; and is entitled to the same protection as agricultural areas.
- A lot of confusion and questions over the Conditional Use Permit, and if it is still required if the ordinance is passed.
- Blaine County ordinances affect a diverse county, from mountains to desert. "Agricultural businesses" encompass everything from big farms to someone growing tomatoes for farmers market, to compost. Ordinances are passed based on the needs of the entire county, and not one property.

Agricultural businesses must still get a CUP, and all CUP conditions still apply. Planning staff determines the need for a CUP by visiting the site of a potential business. Applicants normally required to go through the Conditional Use process must still do so, whether or not this text amendment ordinance is passed.

Pushback on these proposed amendments is coming from one neighborhood. If a greenhouse or other agricultural business is a problem on a 10-acre parcel, the landowner needs to work with neighbors. Most agricultural uses involve some kind of labor, whether employees onsite or tractors in the field. The BCC can't make a decision for the entire county based on one neighborhood's problems.

Agricultural Short Plat Amendment

Schoen does not support amending the Ag Short Plat ordinance to include RR-40. The Ag Short Plat ordinance allows land in productive agricultural zones to be subdivided through the short plat process to create some smaller parcels. It was originally conceived to allow for limited subdivision to benefit farm or ranch family members. It was not intended to allow recreational homesites in the remotest parts of Blaine County on unproductive ag lands. BCC agreed with this analysis.

PUBLIC COMMENT:

Sarah Michael supported removing the Agricultural Short Plat Amendment

Schoen moved, seconded by Bowman, to approve a new Blaine County ordinance amending Blaine County Code Title 9, Zoning Regulations, Chapters 2, 5, 5A, 8-11, 15 and 16, with refinements added in today’s proceedings. These amendments relate to agricultural uses in various zones in Blaine County, based upon a Finding that these amendments will have no adverse impacts on the delivery of services, will not affect the potable water supply within Blaine County, and they are in compliance with Blaine County’s Comprehensive Plan. In discussion, McCleary indicated she supports this ordinance because all agricultural businesses will require a Conditional Use Permit. Schoen said most discussion of the proposed amendments had to do with impacts caused by one operator on neighbors. He encouraged residents and agricultural operators to consider their impacts and be good neighbors. **Motion carried unanimously.**

LAND USE BUILDING SERVICES DISCUSSION

- **Extension request by Jack and Sharon Parker**

Applicants are out of town and have requested continuation to July 10, 2012.

FINDINGS OF FACT

- **Cannavino Stream Alteration Permit**

Bowman moved, seconded by Schoen, to approve the Findings of Fact, Conclusions of Law and Decision on the Cannavino application for a stream alteration permit. **Motion carried unanimously.**

ADJOURN

At the hour of 3:23 p.m., the BCC finding no more business before them adjourned.

Attest: _____ Approved _____

JoLynn Drage
County Clerk

Angenie McCleary
Chairman