

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE MARCH 2016 SESSION**

First Day

Tuesday, March 1, 2016

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary, Commissioner Lawrence Schoen; County Administrator Derek Voss; County Clerk JoLynn Drage; Blaine County Administrative Services Manager Henry Brown; Chief Deputy Assessor Martha Heuston; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Andy Kerstetter.

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

PUBLIC COMMENT - NONE

AMEND AGENDA

McCleary moved, seconded by Schoen, to amend today's March 1 agenda to add an Executive Session at the end of the day, pursuant to Idaho Code 74-206 1(d) to consider records exempt from disclosure. The BCC just found out about the exempt record yesterday. Motion carried unanimously.

BOARD OF EQUALIZATION - I.C. 63-105A (7) - None

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

County Administrator - Derek Voss

• Carey Gravel Pit Lease

The BCC discussed leasing old Blaine County gravel pit property in Carey to the Idaho Department of Transportation as a staging area to store asphalt and materials for use in an upcoming road project. The lease amount will cover cost of County Road and Bridge staff time and resources to manage the storage area and make sure there is no groundwater contamination. ITD will be responsible to keep the area clean and presentable. Voss and County Attorney Tim Graves will draft a lease contract for the BCC to review.

- Voss clarified right-of-way drainage requirements with representatives of Hulen Meadows Homeowners Association. Drainage will be approved administratively by Blaine County Land Use.
- Blaine County HR is interviewing internal candidates for a new Road and Bridge Manager.
- County Emergency Communications Director Robin Stellers said Text to 9-1-1 emergency call capability is now live. County Commissioners will inform local mayors of the Text to 9-1-1 service as they meet with them.

CONSENT CALENDAR

- **Resolution 2016-07 Recycle Center Budget Adjustment** Record #633453
- **Junior College Residency Forms:**
 - College of Southern Idaho, Spring 2016: Sofia Drougas.
 - College of Southern Idaho, Spring 2016 Dual Credit: Daniela D Estrada and Osiel Silva-Valencia.
 - College of Southern Idaho, Fall 2015 - Spring 2016 Dual Credit: Matthew Galgano.
 - College of Southern Idaho, Fall 2015 - Springs 2016 Alberto Riveles

McCleary moved, seconded by Schoen, to approve the Consent Calendar of March 1, 2016. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

• Yew Ordinance 2016-01 Education

Also present: Blaine County Weed Department Manager John Cenarrusa; County Administrative Specialist Andrea Walton; Social Media Services Provider Bronwyn Nickel; University of Idaho Extension Educator Lauren Golden, and County Extension Administrative Assistant Sarah Busdon.

Blaine County Ordinance 2016-01 will take effect on March 2, adding the yew (species: *Taxus*) to Blaine County's noxious weed list. The Blaine County Weed Department is responsible for educating residents about the danger of the yew plant to wildlife, domesticated species and humans; and enforcing its elimination according to Ordinance 2016-01. Weed Department Manager John Cenarrusa said the yew will be handled like any other noxious weed, but the County only has authority over the yew in unincorporated Blaine County. Local cities may adopt yew ordinances. The Ohio Gulch Transfer Station will waive the tipping fee for yew plants, which must be segregated from other solid waste. County staff and University of Idaho Extension staff will coordinate outreach using the local newspaper, flyers, brochures and social media.

INDIGENT (MEDICAL EXPENSE CAPS), Discussion and Consideration, CONTINUED

Also present: Blaine County Indigent Services Manager Brooke Baird; The Hunger Coalition Director of Operations Brooke Pace McKenna; and St. Luke's Center for Community Health Community Outreach Coordinator Erin Buell.

The BCC considered expenses they would allow for indigents who receive funding for emergency medical expenses, including:

- Education: College loan payments would be allowed if the applicant is currently paying them. Possible forbearance of college loans will be discussed with the County Attorney.
- Private K-12 school tuition is a lifestyle choice and is not allowed.
- Collections payments would be allowed if they are currently being made.
- Credit card payments are not allowed.
- Professional licenses would be allowed if necessary for a job.
- Expenses paid to family member(s) if verifiable and for an allowable expense, such as rent, may be allowed.
- Loans, if a judicial obligation, may be allowed.
- Legal fees, charitable contributions and tithes are not allowed.
- TV service is not a basic necessity. Basic internet and phone service are necessary, and the BCC will consider a minimum amount.

U.S. FOREST SERVICE RESOURCE ADVISORY COMMITTEE (RAC) PROPOSALS, Discussion and Consideration

Also present: Sawtooth National Forest Ketchum District Ranger Kurt Nelson; and Sawtooth National Recreation Area Ranger Kirk Flannigan.

The BCC considered seven RAC proposals and prioritized them as follows:

- 1 Sawtooth Avalanche Center Remote Weather Station Rebuild and Upgrade – Request \$6,890.
- 2 Wood River Community Insectary and BioControl Program – Request \$2,000.
- 3 Blaine County Noxious Weed Control – Request \$12,500.
- 4 Warm Springs Road Improvement – Request \$12,500.
- 5 Blaine County Trail Coordinator/Volunteer Coordinator – Request \$7,000
- 6 Ketchum Ranger District Trail Maintenance and Youth Employment Project – Request \$12,500.
- 7 Sawtooth NRA Wood River Trail Maintenance – Request \$1,970.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Idaho Forest Restoration Partnership Conference – McCleary

The conference was relevant to Blaine County, which faces increasingly potential for wildland fires. There are nine fire-related collaboratives in Idaho, two of which are in Blaine and Custer Counties. Fires are inevitable, but can be addressed with cohesive wildland fire management strategy, resilient landscapes and fire-adapted communities with safe and effective emergency response.

Wood River Wolf Project – Schoen

The Wood River Wolf Project presented an audio-visual report of Wolf Project practices, results and future plans at the State Capitol to representatives from the Governor's office, legislators and the public.

BALLOT COUNTING DEVICE LOGIC AND ACCURACY TEST - Blaine County Elections Office

The BCC observed the ballot counting device logic and accuracy test. All processes were accurate and approved.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- 99 Adams Gulch Road; Plat Amendment and Stream Alteration: A public hearing and consideration of a Plat Amendment and a Stream Alteration Permit application by Edward and Karen Gilhuly. Proposed is a Plat Amendment to eliminate the building envelopes on Lot 1, Block 1 of Adams Gulch Subdivision and a Stream Alteration Permit to reclaim and restore degraded areas to a non-eroding, functioning state and enhance riparian habitat on Adams Gulch Creek on the same property, also known as 99 Adams Gulch Rd. The lot is zoned Low Density Residential District (R-1) and Rural Residential District (R-10), and is within the Floodplain Overlay, Riparian Setback, Wetland Overlay, Mountain Overlay and the Avalanche Overlay Districts.

Also present: Blaine County Land Use Administrator Tom Bergin and Zoning Specialist Nancy Cooley; Blaine County Engineer Jeff Loomis; applicant's representatives Brian Yeager, Trent Stumph and Jim Verdone; John Hastings; Monika Scherthanner; and David Karlsen.

This plat amendment is to remove the building envelopes on Lot 1 of Adams Gulch Subdivision. The Stream Alteration Permit and plat amendment include a Riparian Management Plan so they can request a reduced riparian setback on Adams Gulch Creek located on the property

Cooley read notice.

McCleary moved, seconded by Schoen, that notices were adequate. Motion carried unanimously.

The Stream Alteration Permit application, which has been submitted to Army Corps of Engineers (ACE) and Idaho Department of Water Resources (IDWR), has several components. About 25cubic yards of 12-18" cobble riprap will be placed within the channel below the ordinary high water mark to stabilize

about 100ft of streambank upstream of the existing culvert. The SAP also includes bank sloping and revegetation in five areas of vertical streambank; and removal of material within the floodplain on about 2/10 acre to improve floodplain characteristics, fish and riparian wildlife habitat. The applicant intends to match existing vegetation and densities on the reach.

PUBLIC COMMENT: None.

The BCC added a condition that revegetation would be subject to the Riparian Management Plan, as submitted by the applicant, with the revegetation component subject to available water.

Schoen moved, seconded by McCleary, to approve the application for a Stream Alteration Permit by Edward and Karen Gilhuly on Adams Gulch Creek, based on the BCC's Findings that this application complies with pertinent criteria in Blaine County Code and as conditioned in the staff report, as amended. Motion carried unanimously.

An old house on the lot has been deconstructed and removed; and a new house is under construction, which is compliant with the existing building envelope. This Plat Amendment application is to modify the building envelopes and incorrect 25% slope line on the 1986 plat, to allow full utilization of the property, compliant with all zoning regulations. The applicant proposes a Note 2 to eliminate the building envelope and confirm that the property is subject to all zoning restrictions, and no improvements will fall more than 370 feet east of the eastern boundary. The application to modify a building envelope triggers increased wetlands and 100ft riparian setbacks beyond the 25ft zoning ordinance setback. The applicant's Riparian Management Plan, submitted with this application, maintains a viable, natural environment along the stream corridor and allows the existing 25ft zoning setback to remain in place. The structures won't encroach on the setback, but construction disturbance is likely to do so.

Staff felt the application was compliant, since the Mountain Overlay District on the 1987 plat was inaccurate and outdated. This is a 34-acre lot, and the applicant is keeping the new building area in the same approximate location.

PUBLIC COMMENT:

- Monica Schernthanner said it was important to not allow building envelope restrictions to be easily ignored, but this property is fairly large. Applicant's representative Brian Yeager said they weren't trying to avoid any of the restrictions on the current plat, but were trying to relieve the applicant of having to build in the same spot.

Schoen moved, seconded by McCleary, to approve an application by Edward and Karen Gilhuly for a plat amendment to their Adams Gulch Subdivision plat, to eliminate the building envelope on Lot 1 Block 1, 99 Adams Gulch Road, based on BCC Findings that the proposal does comply with applicable criteria of Title 10 and Title 9, subject to Conditions of Approval and amended Plat Notes and amended Findings, as discussed. Motion carried unanimously.

- **Proposal for Platting Board's Upper Ranch**, CONTINUED FROM FEBRUARY 9: A continuation of a public hearing on and consideration of an application by Sun Valley Long Term Holdings, LLC to plat 16 existing leasehold parcels and the balance of the Board's Upper Ranch into 17 proposed lots ranging in size from 1.04 to 61.58 acres. The approximately 146 acres is zoned Rural Remote District (RR-40) and is within the Floodplain Overlay, Riparian Setback, Mountain Overlay, Wetlands Overlay, Seasonal Use Overlay and Avalanche Overlay Districts. The property is located about 4 1/2 miles west of the City of Ketchum on Warm Springs Road within HES 130 & Sec 29, 30 & 31, T4N, R17E, BM, Blaine County. The Planning and Zoning Commission recommended conditional approval on June 18 and the Chairman signed the recommendation on July 13, 2015.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; Zoning Specialist Nancy Cooley; Blaine County Engineer Jeff Loomis; applicants John Campbell and Steve Brown and applicants' representative Linda Haavik; Richard Baskin; Russell W. Sample; Traci Sitt; Andra Hastings; Tom Drougas; Hank Vigil; Kathryn Remijan; Eltiena Campbell; and Bill Campbell.

This public hearing is continued from February 9; no new notice is required for this hearing.

New Materials: County Land Use Administrator Tom Bergin read additional public comments that were submitted to the BCC.

Disclosures: The BCC have no additional disclosures.

Applicant John Campbell said the property encompassed 17 leasehold parcels for over 100 years; and the property leaseholders all deserved the opportunity to convert their properties to fee ownership. The property has to be platted, and has to follow subdivision laws that were enacted in 1971. He felt most Board Ranch owners would prefer less density than existing, but the owners can't arbitrarily limit development.

Campbell said leaseholders felt the BCC had ignored their input letters, and he asked the BCC to consider the goals of the leaseholders.

Campbell presented a map of the property:

- the two new lots, Lot 15 and Lot 11, in the pasture, are set back from the road and will have adequate landscaping to provide a visual buffer from the road.
- Lot 14 has been moved about 300ft and off of Sandy Lane.
- There are no houses right off Warm Springs Road, and there is a limitation on building envelope size to discourage huge houses.
- The applicants are willing to limit house size to preserve the character of the area, if that's what it takes to get this application approved.
- All lots will have conforming septic.
- Houses within the riparian setback will be moved out, and riparian areas repaired.
- Sandy Lane will become a deeded right-of-way, and a fire access for emergency services.
- The building envelope on Lot 13A is not in the avalanche area and will be brought 50 feet off of Warm Springs Road. Lot 13A will have a plat note that references the alluvial fan.
- The BCC requested a Riparian Management Mitigation Plan, with the developer responsible for implementation and revegetation in the 25ft setback at the time of platting.
- The BCC discussed the distance between Lots 5 and 6. Bergin suggested the distance be split, although it would make both lots non-conforming for setback. Haavik said this would punish both homeowners, and suggested instead that the distance be given to Lot 6.

Campbell assured the BCC that all Upper Board Ranch leaseholders would be treated fairly.

The BCC discussed cluster development. Campbell said no one wanted development right on Sandy Lane or Warm Springs Road.

PUBLIC COMMENT:

- Sandy Lane leaseholder Hank Vigil urged the BCC to approve the current proposal.
- Board's Upper Ranch leaseholder Richard Baskin has been a Warm Springs leaseholder since 1980, and he also owns a small cabin fee simple. The most important thing to him is to keep the area beautiful, and he feels the developer is doing that.
- Sandy Lane resident Traci Smith said the traffic on Warm Springs Road is mainly going to the hot springs.

County Attorney Tim Graves suggested the BCC discuss the developer's proposed voluntary road mitigation impact fee to be paid by landowners upon building permit.

Commissioner Schoen questioned the County's Planning and Zoning Commission's approval of estate lots in the project and how standards of Blaine County Code Title 10 Chapter 9 on Cluster Development were applied. Bergin said County Code 10-4-7 Platting of Original Leasehold Parcels sets forth various criteria for lots. One criteria is that lots have to be a certain distance from a paved road, which some of these lots are not. The Text Amendment suggests the BCC consider all standards, but doesn't require this application meet every standard. Haavik said this application meets requirements that P&Z considered applicable.

Commissioners' comments:

- The project meets the character of the neighborhood, with Lot 11 and 15 building envelopes reduced in size and floodplain and riparian encroachments eliminated. The BCC prefers reducing building envelope size to limiting house size.
- Lot 15 should be moved to 15A.
- The vegetation buffer along Warm Springs Road outside the road right-of-way will not be removed.
- Proposed road mitigation plat notes must remain, including that Warm Springs Road is a Forest Service road and the County can end its road maintenance agreement with the Forest Service upon short notice. The BCC does not favor a road mitigation fee.
- Sandy Lane road width to be 20ft.
- The Large Lot 1 building envelope should be reduced in size, consistent with Lots 11 and 15 at 0.6 acres.
- Developer must perform active riparian rehabilitation within the 25ft setback upon plat approval.
- Per applicant's presentation, building envelopes will be at least 300 feet from Warm Springs Road.
- The BCC noted that maintaining Warm Springs Road is going to be an ongoing problem for everyone.
- Haavik said wetlands referred to in Lot 12 plat note are potential, not jurisdictional. Existing buildings on Lot 12 are very close to wetlands. Lot 12 landowner Richard Baskin said it would be difficult to have any kind of setback to the wetlands. Bergin suggested a hardship variance application would be appropriate if there is ever further development on Lot 12. The BCC agreed.

Schoen moved, seconded by McCleary, to approve the application by Sun Valley Long Term Holdings for a plat of Board's Upper Ranch under the provisions of Blaine County Code Title 10, Chapter 4-7-F, Platting of an Original Leasehold Parcel, based on BCC Findings that this application complies with the criteria set forth under Title 10 Subdivision Regulations and Titles 3, 6, 7 and 9, as conditioned; and with new and amended plat notes, as covered in the course of these hearings; and specific amendments to the application issues discussed and resolved in the course of these hearings; and subject to submittal of final graphic representation of the plat and newly proposed building envelopes; and a condition that a riparian area management plan will be implemented by the applicant. Motion carried unanimously.

LAND USE and BUILDING SERVICES, Discussion and Consideration

- **Findings to be signed: Board's Lower Ranch, Lots 33CC, 33D Plat Amendment**
McCleary moved, seconded by Schoen, to approve Findings of Fact, Conclusions of Law and Decision in the application of Alexis duPont for a Plat Amendment to Lot 33B and 33C and Parcel BB of Board's Lower Ranch Subdivision Lot 1. Motion carried unanimously.

LAND, WATER AND WILDLIFE LEVY

- **Reconsideration of the April 5th 2016 Continuance Date for the Deer Creek Watershed Restoration Project**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Land Use Administrator Tom Bergin; Blaine County Land, Water and Wildlife Levy Advisory Board Coordinator Clare Swanger; and Zoning Specialist Nancy Cooley.

The applicant asked the BCC to reconsider their timeline to continue the Deer Creek Watershed Restoration Project.

McCleary moved, seconded by Greenberg, to reconsider the April 5 continuation date for the Deer Creek Watershed Restoration project. Schoen opposed. Motion carried 2/1.

McCleary moved, seconded by Greenberg, to change the continuation date of the Deer Creek Watershed Restoration project from April 5, 2016 to a new date of March 8, 2016, at 9:00 am. Schoen opposed. Motion carried 2/1.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Nuisance Bill S1338 in Idaho Legislature – McCleary

Conservation Voters of Idaho and Idaho Senator Michelle Stennett asked the BCC to write a letter opposing Idaho S1338, which allow a sheriff or county commissioner chairman to declare a nuisance on public lands if they feel it's not being managed properly. McCleary will write a letter, including the statement that this kind of nonsense legislation is a waste of taxpayer resources.

Idaho Wool Growers Association – Greenberg

The Idaho Wool Growers Association is nominating John Peavey as Blaine County's representative to its Animal Damage Control Board, but the BCC is only willing to appoint a Blaine County representative who prioritizes non-lethal measures to control predators.

Sage Grouse EIS – Schoen

Schoen will give input on behalf of the BCC into the BLM's Record of Decision and Approved Greater Sage-Grouse Resource Management Plan Amendment for Idaho and Southwestern Montana Study.

EXECUTIVE SESSION – §74-206 1(d) Confidential Records

McCleary moved, seconded by Schoen, to go into Executive Session, pursuant to Idaho Code 74-206 1(d), to discuss an attorney-client privilege memo from Blaine County Chief Deputy Prosecuting Attorney Tim Graves, as provided in Chapter 3, Title 9, Idaho Code. McCleary (aye), Schoen (aye), and Greenberg (aye). Motion carried unanimously.

ADJOURN

At the hour of 5:37 p.m., with no more business before them, the County Commissioners adjourned.

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