

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
SPECIAL MEETING OF THE NOVEMBER 2015 SESSION**

**Fourth Day**

**Tuesday, November 24, 2015**

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 Clerk JoLynn Drage; Recording Secretary Sunny Grant.

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

**Morning Session**

For the morning session, Commissioner Schoen was present by phone.

**COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION**

**Claims – Schar Boyd**

- Deputy Auditor Schar Boyd presented the claims.

**Schoen moved, seconded by McCleary, to approve claims dated November 18, 2015, except to hold the claim from Rule Steel for \$9,501; and additional claims for Verizon \$791.19; CenturyLink \$52.52 (Coroner); Idaho Power \$3,559.54 (PSF); Idaho Power \$166.77 (Picabo Butte repeater); and Idaho Power \$128.70 (Look Out Communications), as emailed to the BCC. Motion carried unanimously.**

This item was revisited later in today's meeting.

**Afternoon Session**

Schoen was not present until 1:25 p.m.

**PUBLIC COMMENT - NONE**

**EXECUTIVE SESSION - Idaho Code 74-206 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.

**McCleary moved, seconded by Greenberg, to convene in Executive Session pursuant to Idaho Code 74-206 1(d) to consider indigent medical applications. McCleary (aye); and Greenberg (aye). Motion carried 2/0.**

Schoen arrived at this time.

**OPEN SESSION RESUMED**

**McCleary moved, seconded by Schoen, to approve Case #2015-64 Medical Indigent Application for Assistance, with reimbursement of \$25 monthly, based on staff recommendation, with reevaluation within the next 12 months. Motion carried unanimously.**

**McCleary moved, seconded by Schoen, to approve Case #2015-76 Medical Indigent Application for Assistance, with no reimbursement, based on staff recommendation. Motion carried unanimously.**

**CONSENT CALENDAR**

- **Junior College Residency forms** – No Junior College Residency forms at this meeting.
- **Beverage License Renewal for Irving's Red Hots**

**McCleary moved, seconded by Schoen to approve the Consent Calendar dated November 24, 2015. Motion carried unanimously.**

**LAND USE and BUILDING SERVICES HEARINGS**

- **Blaine County Road and Bridge Stream Alteration Permit:** A public hearing and consideration of a Stream Alteration Permit application by Blaine County Road and Bridge Department to approve a 10 foot long culvert extension in Wilson Creek beneath Punkin Center Road. The property is zoned A-40 and is located approximately 1.6 miles south of the Gannett Townsite within Section 14, T1S, R18E, BM, Blaine County.

Also present: Blaine County Land Use Administrator Tom Bergin; County Code Compliance Specialist Diane Shay; Blaine County Engineer Jeff Loomis; County Road and Bridge Manager Tom Duffy; and County Operations Administrative Assistant Andrea Walton.

Shay read notice.

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

DISCLOSURES: Schoen's commute goes right past the site and he asked Land Use to investigate a culvert that was installed in Wilson Creek. Schoen has visited it numerous times, including today.

Blaine County Road and Bridge submitted an application for the culvert, which prompted a joint application for permit to Army Corps of Engineers (ACE) and Idaho Department of Water Resources (IDWR). ACE approved the project. Shay said IDWR Stream Protection Program Coordinator Aaron Golart expressed concern that the streambank was a bit steep, but otherwise supported the project. Blaine County Engineer Jeff Loomis has worked with Golart to modify the design. County Attorney Tim Graves said the BCC could approve the project, with the condition that IDWR has jurisdiction in this matter and must approve the project. Land Use anticipates a bank stabilization design amendment to the application.

Jeff Loomis said the road was narrow at the culvert location. Road and Bridge was concerned about public safety, and extended the culvert out and put in some embankment to make the road safer. IDWR is concerned about stream water quality as a result of the culvert work.

The permit submitted to Land Use as a joint application SAP is basically as-built drawings. ACE approved the project through Nationwide #3, Linear Transportation Projects, which comes with a Water Quality Certification from Department of Environmental Quality, and allows agencies to correct culverts, but IDWR wants to examine the project.

Land Use expects to see a follow-up application for a bank stabilization design amendment to the application. Bank stabilization can't be done until spring, and will probably cost about \$500 extra from Road and Bridge. The project is basically to spray seed and then put straw along the bottom of the bank.

Schoen said work done in Waters of the U.S. below the mean high water mark is always jurisdictional. The County has to follow regular procedure to get a Stream Alteration Permit, but this section of road has often collapsed into this culvert over the years. Loomis said Linear Transportation Nationwide permits historically allow agencies to repair culverts, but IDWR wants to examine the project. The BCC said County law requires a Stream Alteration Permit to do work in a stream before work commences. If the road is unsafe, the BCC would expect to see an Emergency Stream Alteration Permit.

Loomis said the berm appears to be the problem. Road and Bridge Manager Tom Duffy said this looks like an irrigation system on private land close to a public road. He suggested the culvert be excavated about 30 feet through the berm. Schoen said this is a water quality issue because the road collapses into the creek every couple of years, and continues to add fill to the creek. The road is wet and not a candidate for paving. The streambank needs to be stabilized. The BCC suggested staff approach the adjacent landowner about how to solve this ongoing problem by cutting through the berm.

PUBLIC COMMENT - NONE

**McCleary moved, seconded by Schoen, to continue up to 8 months the application by Blaine County Road and Bridge for a Stream Alteration Permit in Wilson Creek. Motion carried unanimously.**

- **Rockin LH, LLC Plat Amendment:** A public hearing and consideration of an application by Rockin LH, LLC (Doug Strand) to amend Lot 1, Hayward-Strand Subdivision by vacating the existing driveway access and utility easement and granting a new driveway access and utility easement to benefit Lot 2 and Tax Lot 1797. The property is zoned RR-40 with areas of Mountain Overlay District, Floodplain and Riparian Setback Overlay. It is located at 989 Warm Springs Road, approximately 7 miles west of the Ketchum City Limits, within Section 36, T4N, R16E, BM, Blaine County.

Also present: Blaine County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; applicant Josh Gilder; Cody McCammon; and John Hastings.

Grotto read notice.

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

DISCLOSURES: None.

No additional information or written comments.

Applicant's representative Josh Gilder said they want to move the existing easement and insert a new easement about 10ft west of the existing easement, to provide a fire turnout if the parcel is developed in the future and to keep any future road away from existing trees. Ketchum Fire approved the hammerhead with no issues.

The property is entirely within the floodplain; and this is for an easement. Future road construction would require a building permit. Grotto suggested a Condition 8 and Plat Note that a driveway, when constructed, would be at existing grade, so as not to divert water.

PUBLIC COMMENT – NONE

**Schoen moved, seconded by McCleary, to approve an application by Rockin LH LLC to amend Lot 1, Hayward-Strand Subdivision by vacating the existing driveway access and utility easement**

and creating a new driveway access and utility easement for the benefit of Lot 2 and Tax Lot 2797, based on Findings that the application complies with applicable criteria, with Blaine County Title 10, Chapters 4 and 5, and other conditions of Title 9, subject to Conditions 1 through 7 as stated in the staff report, with the addition of plat note to read “Relocated access drive shall be constructed at existing grade.” Motion carried unanimously.

### **LAND USE and BUILDING SERVICES, Discussion and Consideration**

- **Discussion: Information on Final Plats** - Benchmark Associates

Also present: Blaine County Land Use Administrator Tom Bergin; County Senior Planner Kathy Grotto; Zoning Specialist Nancy Cooley; County Engineer Jeff Loomis; Benchmark Associates representative Brian Yeager and surveyors Gordon Williams and Josh Gilder.

This discussion is in response to a letter from a Benchmark Associates land surveyor suggesting that plats included more information than is necessary and/or wise. Some information is now available elsewhere, e.g., the County’s GIS website, and plats would not have to be amended if such information was not necessary on the plat.

#### INPUT:

- Land surveyor Cody McCammon showed the BCC a 1982 plat that included a floodplain delineation that has been revised twice. He said outdated information might mislead potential buyers into wrongly assuming no current hazard(s) exist in certain locations if they see an old floodplain line.
- Land surveyor Gordon Williams said people who view a plat may be misinformed and not be aware that conditions change continuously. He suggested the BCC consider another way to inform the public and landowners.
- Engineer/Surveyor Brian Yeager said having the information on plats gives a history and explanation of certain attributes of the property at the time it was platted, but current events can create misleading information. He didn’t like plats showing irrigation canals, because landowners trust the canal easement width on the plat, when in fact canal easements are undefined by State statute and canal companies sometimes ignore them.  
Yeager said the BCC should also consider what Plat Notes should be on the plats. Some plat notes are redundant, some may not be enforceable, and some may not remain consistent through time.
- Gordon Williams gave an example of when Ketchum P&Z / Council required “proposed parking” for a small development. The Plat had no force or effect because the parking was just proposed.
- Schoen agreed that plats could be a misrepresentation of current conditions to a potential buyer, especially if a Realtor isn’t aware of the revised conditions. He felt it was important to have such indications on a plat, with suggested language “zoning and hazard overlay delineations are current at time of preliminary plat (or final plat) approval, but can change and should be verified with the Land Use Administrator”. He said a buyer should be aware that a floodline on a plat is indication that any lot in the subdivision could have potential flood hazard and the buyer needed to be careful. He said it would be inadequate to not have some kind of warning.
- McCleary agreed that a floodline should make a potential buyer aware of hazards, and felt a redundant plat note was okay. She asked about alternatives to indicate hazards.
- Greenberg agreed that a historical reference point should warn a potential buyer to check on current conditions. He said flood warnings and other hazard conditions should be standard “buyer beware” notations on a plat.
- Zoning Specialist Nancy Cooley didn’t see need for a floodline if there is a plat note that indicates there was a flood hazard at the time of platting. Avalanche and MOD indications didn’t change as often as floodlines.
- Land Use Administrator Tom Bergin suggested more caution in placing a building envelope, which is static in a dynamic circumstance. In one recent situation, a recently-platted building envelope washed away.
- Yeager has had clients who want to establish a building envelope to establish realistic expectations and limit any additional permit requests.
- Cooley said building envelopes are largely restricted by zoning, overlay districts and zoning setbacks. If the floodline moves, the setback moves.
- Josh Gilder said a surveyor’s job on a plat is to establish property lines, with no confusion about where they are. He would prefer any other information be in plat notes, indicating the property is in a floodplain and anyone looking at the plat should contact local agencies for important information and options.
- Senior Planner Kathy Grotto said old plats show zoning districts, which change; as well as building envelopes. Land Use keeps preliminary plats on file, and she didn’t think lines had to be on final plats as long as hazards are indicated in Plat Notes.
- The BCC said building envelopes also took into consideration accessory dwelling units, roads, neighbors and other implications; and developers frequently want building envelopes or “centroids”.

The BCC will revisit this discussion at a later meeting.

- **Findings of Fact: Picabo Livestock Company LLC Stream Alteration Permit**

The BCC asked Land Use to monitor the construction, and be sure work is done in accordance with agency conditions and within work schedule restrictions.

The BCC asked Cooley to reword some language in the Findings and resubmit to the BCC at a future date.

- **Resolution 2015-55 Adopt Comprehensive Plan Agriculture Chapter** ..... Record #631420  
**McCleary moved, seconded by Schoen, to approve Blaine County Resolution 2015-55, a resolution of the Blaine County Commissioners, pursuant to Idaho Code 67-6509 adopting revisions to the Blaine County Comprehensive Plan, Section 1 Agriculture, which was adopted by Blaine County Resolution 94-29 on November 7, 1994. Motion carried unanimously.**

**BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration**

**Idaho Fish and Game Commission Meetings - Schoen**

Also present: Blaine County Land Use Administrator Tom Bergin

Fish and Game took several field trips to local areas, including Silver Creek and Rock Creek areas. An evening public comment session included these discussions:

- Substantial comment about shooting close to residential areas, specifically Hulen Meadows. Commenters suggested the Hunting and Fishing Rulebook include special notation about not hunting around homes and subdivisions. Fish and Game didn't respond to comment, but later told Schoen they've erected signs in the Hulen Meadows area.
- Wolf deterrence vs. lethal control.
- Sage Grouse process and implementation.
- Raven control and if Fish and Game is following federal restrictions for the poison used.

**Idaho Fish and Game State Wildlife Action Plan – Schoen**

Idaho Fish and Game's State Wildlife Action Plan will be available for public review and comment after November 30.

**Predator Deterrence Programs Update – Schoen**

Schoen talked to Fish and Game about developing non-lethal predator projects that can use federal funds. Idaho received \$108,000 in federal funds from 2011 to 2014 for non-lethal wolf deterrence, and only spent \$12,000. Idaho Fish and Game did not receive any federal funds for the current fiscal year.

**Local Meeting on Sage Grouse Initiative Record of Decision – Schoen**

Schoen attended a meeting with representatives from the BLM, Forest Service, Natural Resources Conservation Service (NRCS), several non-governmental agencies and local ranchers to talk about the Sage Grouse Initiative Record of Decision recently issued by the Secretary of the Interior. They discussed its implementation and impacts; and subsequent lawsuit against the Federal Government filed by states of Idaho, Nevada and Wyoming. Blaine and Butte Counties comprise probably half of the "Sagebrush Focal area" of Sage Grouse Priority Habitat.

**Idaho Association of Counties (IAC) Legislative Committee - Schoen**

The BCC is particularly concerned about IAC's position on public defenders, which is that counties would meet State standards, and the State would fund the gap for counties to meet the standards.

**NACo Western Region Conference Call - Schoen**

Participants were updated on Waters of the U.S.

**Friedman Memorial Airport – Greenberg**

The BCC reported that most residents and businesses in Blaine County support Friedman Memorial Airport Authority's current direction for the airport. Taxpayers approved a local option tax to improve air service, including more routes and more flights. Sun Valley Economic Development's 400+ members, representing people from all local jurisdictions and a large number of Hailey businesses, overwhelmingly support FMAA. Most Hailey Chamber of Commerce members support the current airport, and didn't seem overly concerned about noise, pollution, environmental concerns, etc. Members said they might support airport relocation, dependent on location.

**COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION**

**Claims, CONTINUED FROM EARLIER IN THE MEETING**

Schoen explained the Rule Steel bill was for a large container ordered in May for plastic film.

**McCleary moved, seconded by Schoen, to approve Recycling's claim by Rule Steel. Motion carried unanimously.**

McCleary left the meeting at this time.

**City of Hailey-Fuel Depot Report on Meeting - Greenberg**

Greenberg said a central location for a fuel depot would be expensive. Mountain Rides requested bids for a Commercial Fuel Network (CFN) supplier for service stations throughout the County to be used by coop agencies such as Mountain Rides, fire districts, airport, St. Luke's, School District, local cities, etc. CFN locations require no infrastructure investment. Each user is billed directly. A separate consideration will be to establish an agreement for emergency service access to fuel in the event of an emergency.

**BCHA/Arch Project-Valley Club Parcels Report on Meeting - Greenberg**

Greenberg and ARCH Community Housing Trust Executive Director Michelle Griffith met with Zinc Spur homeowners concerned about landscaping on the Valley Club lot that the ARCH house sits on. The house is currently raised, waiting to be lowered into place, and is quite obvious. ARCH is working on getting a preliminary landscape plan. Part of the lot is located in the Scenic Route Overlay District, and County Land Use is checking landscaping restrictions.

**ADJOURN**

**At the hour of 4:44 p.m., with no more business before them, the County Commissioners adjourned.**

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
JoLynn Drage County Clerk Jacob Greenberg Chairman