

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

Third Day

Tuesday, September 13, 2011

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; and Recording Secretary Sunny Grant.

Chairman McCleary called the meeting to order at 9:05 a.m.

PUBLIC COMMENT - NONE

DEPARTMENT AND BOARD REPORTS FOLLOW-UPS

Blaine County Welfare Director Wilma Colter reported her office had received title of a vehicle received in settlement of an indigent lien.

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 Welfare Director Wilma Colter and Assistant County Welfare Director Connie Kacalek.

- **Case 11-09-059**
- **Case 11-09-060**
- **Case 11-09-061**
- **Case update 11-05-043**

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

OPEN SESSION RESUMED

Schoen moved, seconded by Bowman, to deny Case #11-09-059, based on staff recommendations. Motion carried unanimously.

Schoen moved, seconded by Bowman, to deny Case #11-09-060, based on staff recommendations. Motion carried unanimously.

Schoen moved, seconded by Bowman, to deny Case #11-09-061, based on staff recommendations. Motion carried unanimously.

Schoen moved, seconded by Bowman, to approve Case #11-05-043, with a \$200 monthly reimbursement after the applicant resumes employment, based on staff recommendation. Motion carried unanimously.

Schoen moved, seconded by Bowman, to accept notice of cancellation of hearing and final determination of denial on Case #11-08-055. Motion carried unanimously.

UNIVERSITY OF IDAHO EXTENSION / 4-H OFFICE DISCUSSION and CONSIDERATION

Also present: University of Idaho Extension Director Charlotte Eberlein; and Blaine County Extension Agent Lauren Hunter.

Blaine County funds two Extension Office staff positions, which are hired by and report to the University of Idaho Extension Agent. The BCC is debating if the Extension positions should be hired by and accountable to the BCC. Eberlein said Extension Office staff are typically under the supervision of the Extension Agent. Voss concurred, and said he felt the University was working to improve the program and line of command.

Hunter said the best way to grow 4-H participation was with a dedicated 4-H coordinator. The Extension Agent and 4-H Coordinator are frequently out of the office. The Administrative Assistant is in the office to handle Extension foot and phone traffic. The Administrative Assistant supports all Extension programs, and also supports the County Weeds department. The 4-H program coordinator is very important to the local community, but Blaine County is struggling with the financial responsibility of two Extension staff positions. Bowman questioned if the 4-H program should be funded by the County.

The BCC agreed to support two full-time Extension Office staff positions. The Blaine County FY2012 budget includes funding for the two full-time positions. The BCC agreed to leave the two positions under the University of Idaho for FY2012, provided the Extension office submit written update reports, and report in person to the BCC on a quarterly basis. McCleary said the Extension Office is accountable to the BCC. Communication between the Extension and the BCC has to improve.

Bowman noted that the County budgeted over \$100,000 for an agricultural program, and suggested the County consider similar support for non-agricultural business in the County.

IDAHO DEPARTMENT OF JUVENILE CORRECTIONS DEPARTMENT UPDATE

Also present: Idaho Department of Juvenile Corrections District 5 Liaison Bev Ashton.

Ashton submitted a quarterly fact sheet to the BCC. Rule 19 Pre-Commitment Screenings require youth recommended for commitment be screened first. Not removing youth from their families is best for everyone, and the cost savings is substantial.

District 5 currently has 64 youth in commitment, which is high.

Juvenile Corrections only received about a quarter of the Substance Abuse Disorder Services (SADS) funds expected this year, but these funds are passed directly through to the counties. Several counties in District 5 work together to screen troubled youth, and also pool their SADS funding. This partnership between counties and Department of Juvenile Corrections seems to be improving the way adolescents with SADS are treated.

The District has trained four people in Blaine County to do restorative conferencing, which is an expanded mediation model before, during or after a court process.

RESOLUTION 2011-58 TO SET BLAINE COUNTY LEVIES

County Clerk JoLynn Drage received L2s from all taxing districts, along with copies of their budgets. These are levies based on their current taxable value.

The budget of the Picabo Cemetery District was in question. The County Clerk has been assured by the State Tax Commission that personnel with the Picabo Cemetery Maintenance District will provide evidence that their budget was properly authorized.

Bowman moved, seconded by Schoen, to pass Resolution 2011-58 setting 2011 tax levies for all taxing districts within Blaine County. Motion carried unanimously.Record #590509

SMART911 DISCUSSION AND CONSIDERATION

Also present: Blaine County Emergency Communications Director Beth English; Disaster Services Coordinator Chuck Turner; and Rave Mobile Safety Smart911 Account Executive Adam Eisenman.

Smart911 software program enhances information available to dispatchers receiving a 911 phone call. Residents can register personal information with Smart911, i.e., medical condition of a member of the family, number of pets in the home, etc. The information is confidential, except to the dispatcher when a call is received, and can be transferred to mobile data computers in emergency vehicles. The data is stored on the Smart911 database, and is available to any dispatch system using Smart911 software. Smart911 registered users receive a notice to update their information every six months.

Schoen expressed concerns about privacy issues. Bowman was uncomfortable with the price. The BCC directed staff to confirm funds available in FY2011, or to reconsider Smart911 in FY2012.

BOARD REPORTS, DISCUSSION and CONSIDERATION

Wood River Electrical Plan Update - Schoen

The recent meeting was facilitated by a mediator-consultant, and attended by local city officials and representatives from Idaho Power. Focus of discussion was a funding plan for the redundant power line from Hailey north. Undergrounded power lines must be paid by the community. The committee concluded that the undergrounding cost should be shared by the entire project. They debated whether the cost should be calculated by power consumption or property valuation. Apportionment would be further skewed by property owners who aren't immediately impacted by the power lines.

Wildland Fire in Indian Creek

The BCC asked that they be contacted in the future in the event of a wildland fire in the area.

Sustain Blaine – Schoen

Discussion focused on the creation of one or more learning "institutes" in Blaine County. Most favored possibilities were a culinary or health and wellness institute. The Sun Valley Ski Education Foundation is promoting the area for a Nordic Olympic training site.

Interfacility Transfers – Schoen

The St. Luke's Wood River Medical Center Interim Executive Director directed staff to facilitate interfacility transfers by the ground component of St. Luke's Air for a one-year trial period. Blaine County emergency service providers will no longer, except by extenuating circumstances, be requested to provide interfacility transfers. This will significantly reduce revenue to the Blaine County Ambulance

District. The hospital intends to begin providing the service as soon as possible.

Schoen expressed his opinion that the Ambulance District's service providers, medical director, administrator, and Wittman (the ambulance service billing agent), devise a more accurate system for billing codes and charges that is immediately accessible by the Ambulance District.

Veterans Tribute Update – Schoen

The committee would like to be the selection panel for the artist. The tribute will be located on the Courthouse grounds.

Blaine County Fair Board – Schoen

The Fair Board has received seed funding for new bathroom and shower facilities on the fairgrounds.

Blaine Manor Board Meeting – McCleary

The number of Blaine Manor residents has declined in the last two months, which will decrease estimated revenues. The Board accordingly has decreased expenses in their budget.

Blaine Manor, Croy Canyon Ranch Foundation and the Senior Connection will meet this week for a Senior Care Roundtable discussion on the future of senior care in Blaine County.

Local Mobility Management Network District 4A Meeting – McCleary

Mobility Plan and priorities in Blaine County have not changed dramatically in the last year. Public transportation dollars are based on priorities. The state has decided to only fund a transit route from Blaine County to Boise that goes through Twin Falls.

Idaho Association of Counties Capital Crimes Defense Program – McCleary

IAC Capital Crimes Defense Program Board of Directors position expires September 30. The BCC agreed to support the current Board member Paul Christenson.

JACOBSEN TAX CANCELLATION REQUEST, continued

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Treasurer Vicki Dick, Assessor Valdi Pace; and Appellant Sue Jacobsen and her daughter, Karen Jacobsen.

The County has received Ms. Jacobsen's 2009 and 2010 tax returns and a full year of her income and expenses.

Schoen expressed doubt that a tax cancellation for undue hardship for one year would alleviate Ms. Jacobsen's financial hardship. McCleary said Jacobsen's budget was very tight, and a couple of unanticipated expenses could create an undue hardship for her. Graves said he was unaware that Idaho Code commonly defined "undue hardship".

Bowman moved, seconded by McCleary, to cancel taxes on Parcel #RPK00000410020 owned by Sue Jacobsen, with the Finding that Ms. Jacobsen does not live an extravagant lifestyle and had unexpected health and family expenses, and that Blaine County cancel taxes, interest and late payments in the amount of \$1,507.76, leaving a balance of \$468.48 on 2010 taxes. In discussion, Schoen said Ms. Jacobsen was living in a home valued at \$1 million. She had had two years of negative net income, but many other people were also experiencing challenging financial circumstances. **Schoen opposed. Motion carried 2/1.**

BREAK

LAND USE AND BUILDING SERVICES HEARINGS

- **Glendale Rezone Applications, continuation**
 - 1) **Sleepy Acres & Tax Lot 7275 Light Industrial Rezone:** A continued public hearing on and consideration of an application by **John Majors, William & Vivian Bobbitt, Barbara Tomasi, and Erwin Excavation** to **rezone** the non-FEMA floodplain portions of Lot 1, 2, and 3 of Sleepy Acres Subdivision and Tax Lot 7275 **from Productive Agricultural District (A-20) to Light Industrial District (LI)**. The area is comprised of 64.6 acres west of the Big Wood River on Glendale Road, Section 13, T1N, R18E, B.M., Blaine County. After two public hearings on April 30 and June 11, 2009, the Planning and Zoning Commission recommended approval with conditions of this rezone proposal.
 - 2) **Light Industrial Rezone of a portion of the Brown Ranch in the Glendale area:** A continued public hearing on and consideration of and application by **Dan Brown** to rezone 36 acres of the Brown Ranch from **Productive Agricultural District (A-20) to Light Industrial District (LI)**. The area is located directly west of the Brown Subdivision, immediately adjacent to Glendale Road in Section 14, T1N, R18E, B.M., Blaine County, Idaho. After one public hearing on August 13, 2009, the Planning and Zoning Commission recommended approval with conditions of this rezone proposal.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Land Use Administrator Tom Bergin, County Planner Kathy Grotto; County Engineer Jim Koonce; Operations Director Char Nelson; applicants Dan Brown, Bill Bobbitt, and Sleepy Acres owner John Majors; applicants' representatives Brian Yeager, and Ned Williamson; and Erwin Construction owners Chuck and Beci Erwin.

Bergin said prior notice on this application had expired, and read renounce.

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

The primary issue before the BCC at today's meeting relates to traffic mitigation measures. Option A, to add fill to overcome the safety issue at the vertical curve, has replaced the previously preferred Option B, to lower the vertical curve on the western side of the bridge.

The applicants were prepared to contribute \$70,000 toward traffic mitigation improvements. Applicants would like to change the effective date of the ordinance to January 1, 2012.

Graves requested language to allow the BCC to seek grant funding for an overall development project in the area. If unsuccessful in finding grant funding, the County may end up paying for part of the improvements. Road and Bridge would prefer to not be locked into a completion date. Koonce said Option A is more expensive than the originally proposed Option B, but recommended to avoid possibility of interfering with the location of the Bellevue sewer line that is close to the surface. The BCC recognized that this is a rezone, subject to a Development Agreement, and there may be a Subdivision process in the future.

McCleary and Bowman expressed concern that a large Light Industrial business could be built on a lot that is not subdivided. McCleary is also concerned that public health, safety and welfare may be adversely impacted by the rezone if there is not a subsequent subdivision application. Bowman said Land Use and the County P&Z Commission were most concerned about the road configuration, which was addressed by these proposed traffic mitigation measurements.

Schoen moved, seconded by Bowman, to approve the request of Dan Brown to rezone 36 acres of Dan Brown Ranch from A-20 to Light Industrial; and John Majors, William and Vivian Bobbitt, Barbara Tomasi, and Erwin Excavation to rezone 64 acres of portions of Sleepy Acres Subdivision and Tax Lot 7275, from A-20 to Light Industrial, subject to the Development Agreement as approved by the BCC, and based upon positive findings of the BCC that align with positive Findings made with P&Z in their review of this application on each of the standards, and based on the Finding that this application comports with the Blaine County Comprehensive Plan, shall have no undue adverse impact on the delivery of services by the county or potable water supplies in the county. In discussion, McCleary said she hopes to see good things happen in this area, but is concerned that there are many uses in a LI area and is unable to make a Finding that there will be no adverse impacts to public health, safety and welfare. **McCleary opposed. Motion carried 2/1.**

- **Wood River Land Trust Floodplain Conditional Use Permit (FP-CUP) and Stream Alteration Permit (SAP) applications.** Consideration of a FP-CUP and SAP to construct a **pedestrian bridge** over the **Big Wood River** to connect and provide public pedestrian access to open spaces and the Wood River Land Trust owned **Draper Preserve** parcel on the east and west sides of the river and to **remove approximately 70 cubic yards trash and debris** from the old city dump site located within the 75' riparian setback of the river on the City of Hailey owned **Lion's Park** parcel, also known as 11 Croy Creek Rd. The Draper Preserve parcel is located along the west boundary of Hailey just south of the Bullion Street Bridge and Lion's Park. The Draper Preserve parcel at the proposed project site is zoned Residential/Agricultural (R-5), is in the Wetlands Overlay District, the Floodplain Overlay District and Riparian Setback District. The Lion's Park parcel at the proposed project site is zoned Residential/Agricultural (R-5), is in the Floodplain Overlay District and Riparian Setback District.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Land Use Administrator Tom Bergin, County Planner Kathy Grotto, Zoning Specialist Nancy Cooley; County Engineer Jim Koonce; Brian Yeager; Wood River Land Trust Executive Director Scott Boettger and Community Lands Coordinator Melanie Dahl, Mike Homza, Mike Choate, and Sean Flynn;

Cooley read posted notice.

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

Bowman disclosed that he had visited the site with Land Use staff.

Schoen disclosed that he is on the Advisory Board of the Wood River Land Trust. He played no role in the planning of this project, and did not feel there was any conflict of interest.

Cooley said she had submitted additional public comment from the Idaho Department of Lands, the Blaine County Recreation District and the City of Hailey. All were positive toward the application.

The applicant is requesting approval to remove debris within the riparian setback of the Big Wood River on the Lions Park parcel, which is owned by the City of Hailey. The application is also to build a bridge across the Big Wood River on the Wood River Land Trust parcel just south of Lions Park. Blaine County recently received authorization for debris removal from the City of Hailey.

The application for the bridge and ongoing clean-up represents eight projects to create the "Hailey greenway". The project, totally funded by a private donor, cleaned up an 80-year-old city dump and is designed to protect, restore and enhance wildlife habitat and riparian vegetation. The public is encouraged to enjoy the ADA-accessible riverfront trail, bridge over the river and boardwalk along the

river's wetlands area.

PUBLIC COMMENT - NONE

Bowman moved, seconded by Schoen, to approve the Wood River Land Trust Floodplain Conditional Use Permit and Stream Alteration Permit, stipulating that the criteria evaluation have been met, with staff comment and adopted, and also acknowledge that the applicant will comply with Conditions 1-9. Motion carried unanimously.

- **Upper Board Ranch Appeal** An Appeal of an Administrative Determination about platting leased tracts on the Upper Board Ranch in Warm Springs Canyon

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves, Land Use Administrator Tom Bergin, County Planner Kathy Grotto, Steven Brown, Upper Board Ranch Long Term Holding LLC; Erin Clark and Linda Haavik, representing Sun Valley Long Term Holding; Greg Merchep; Sally McCollum; John Lee; Tracy Lee; and Tracie Smith.

Bergin said an appeal only required agenda notice.

Bowman disclosed that he had met with Linda Haavik over a year ago. Any discussion they may have had on this project was very general. He didn't feel it would influence his decision.

The Land Use Administrator administratively denied the appellant's application to plat pre-existing 17 lots on Upper Board Ranch.

Erin Clark, attorney for the appellant, said the Staff Report appeared to be incomplete, and was in fact missing information and documentation, including the original application. Clark asked the BCC to consider this plat application as an opportunity to improve an existing environmental regulatory situation at Upper Board Ranch, increase County revenue through property taxes, and possibly create construction jobs.

The Land Use Administrator could not consider the 17 long-term leaseholds as a lot of record under current Code. The appellant didn't feel this was relevant, because this subdivision on the Upper Board Ranch existed before there were land use regulations in the County. He suggested platting this lot would address compliance with current Code use regulations, including riparian setbacks and appropriate septic measures. Since this is already an existing subdivision, most if not all subdivision regulations will not be applicable. He suggested the applicant go through a short plat process.

Bergin said the BCC should consider platting the Upper Board Ranch consistent with the Lower Board Ranch that was platted in 1989. The accompanying 1989 comments by the County Attorney were that the Finding of a plat is not regarded as creating an existing use of land which entitles the landowner to a non-conforming use. To protect the county, the plat should contain a note informing purchasers and lessees that the non-conforming use and structures cannot be expanded or enlarged, and that there is no guarantee of any present non-conforming use or structure in perpetuity. In this case, the uses are all residential and are not non-conforming; but some of the structures may be non-conforming.

The County established subdivisions in 1975 as a lot of record—either a subdivision plat, an original parcel, or some plat or creation of a parcel that was an exception to the subdivision regulations—which was the basis for recognizing plats or developable lots. This definition is the critical component about what can be recognized as a subdivision. The County Attorney suggested a plat note be required, but the County has had difficulty enforcing the plat note since it did not refer to a Code requirement. The definition for Lot of Record was included in a 1977 ordinance. Bergin suggested the BCC direct language be added to the Code to correct inconsistencies in legal direction and potential problems to address this particular Board Ranch subdivision.

Bergin said the BCC was not given a complete record, but had those parts considered relevant to this application.

Graves said the BCC had new information, and could deliberate at this time; or take the appeal under advisement and deliberate at a future date. A written decision must be made within the statutory timeline.

The BCC directed the County Attorney to compose a written decision within time required by code.

ADJOURN

At the hour of 4:04 p.m., the BCC finding no more business before them adjourned.

Attest: _____ Approved _____
 JoLynn Drage Angenie McCleary

County Clerk

Chairman