

**COMMISSIONERS MINUTES**

**DECEMBER 8, 2014**

The Elmore County Commissioners met in regular session on the above date in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4<sup>th</sup> East, Mountain Home, Idaho.

Present at the meeting were Chairman Al Hofer, Commissioners Bud Corbus and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, and Deputy Clerk Shelley Hooper.

Motion by Wootan, second by Corbus, to approve the minutes for November 24, 2014.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE** **Motion carried and so ordered.**

Motion by Hofer, second by Wootan, to approve the Ambulance District Expenses in the amount of \$4,978.55, payable to Intermountain Communications-\$5.00, Valley Co-ops, Inc.-\$688.70, Wells Fargo Payment Remittance Center-\$18.20, Verizon Wireless-\$139.71 and Elmore County-\$4,126.94.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE** **Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to approve the Pest Abatement District Expenses in the amount of \$3,470.01, payable to Verizon Wireless-\$32.64, Jim Torbert-\$130.86, Central District Health Department-\$241.31 and Elmore County-\$3,335.20.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE** **Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to approve the Certificate of Residency applications for Trixi Sanchez, Courtney Ann Frank, Thomas Lee Martin, Korina R. Morales, Stephen F. Murphy, Joseph R. Spinazzolo, Monica L. Spinazzolo, Katie M. Bartlett and Michael D. Leopard.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE** **Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to approve the Recorder’s Office Report for the record only.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE** **Motion carried and so ordered.**

Motion by Hofer, second by Wootan, to approve and sign the letter of support for the Mountain Home Highway District for improvements to Old Highway 30 between Mountain Home and Hammett.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Sheriff Rick Layher appeared and discussed reimbursements for road blocks during last year’s wildfires.

Motion by Hofer, second by Wootan, to add to the agenda the Glenns Ferry Health Care Center letter of support as the deadline for the letter is Friday.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Hofer, second by Wootan, to approve and sign the letter of support for the Glenns Ferry Health Care Center, Inc. for grant funding.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Public defender Terry Ratliff appeared to discuss monthly billing procedures with the board.

Motion by Hofer, second by Corbus, to approve the payroll for November 2014 in the amount of \$425,043.83.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to approve the expenses in the amount of \$318,641.07.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to approve and sign the Fourth Amendment to the Elmore County Landfill Mitigation Agreement with Idaho Waste Systems, Inc.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to approve and sign the Decision and Order for North Park Limited Partnership on parcel # RPA0076000077CA.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to approve and sign the Decision and Order for North Park II Limited Partnership on parcel # RPA0076000078AA.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to suspend the reading of Resolution No. 561-14 and refer to it in title only.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to approve Resolution No. 561-14 Elmore County Building Code Update.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

**RESOLUTION NO. 561-14**

**A RESOLUTION RECOGNIZING THE CURRENT BUILDING CODES IN EFFECT IN ELMORE COUNTY AS: THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 VERSION OF THE INTERNATIONAL RESIDENTIAL CODE, APPENDICES A, B, C AND D, MECHANICAL PARTS V AND VI, AND THE 2012 VERSION THE INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING EXCEPTIONS AND AMENDMENTS THERETO.**

**WHEREAS**, Title 39, Chapter 41 of Idaho Code (“Idaho Building Code Act”) provides authority to Elmore County to adopt and enforce building codes.

**WHEREAS**, Idaho Building Code Act provides for adoption of subsequent versions of the building codes as adopted and amended by the Idaho Building Code Board through the negotiated rulemaking process.

**WHEREAS**, the Idaho Building Code Board updated the building codes pursuant to the Idaho Building Code Act on March 20, 2014, which changes shall be effective January 1, 2015.

**WHEREAS**, Elmore County has adopted the Elmore County Zoning and Development Ordinance on March 21, 2012 as Ordinance 2012-01; which ordinance was subsequently amended on September, 19, 2012, as Ordinance 2012-03 and July 23, 2014, as Ordinance 2014-01 (collectively, the “Zoning Ordinance”).

**WHEREAS**, under Section 6-40-1 of the Zoning Ordinance, the building codes in effect for Elmore County shall be automatically updated upon the adoption of updated versions of the building codes by the State of Idaho.

**WHEREAS**, under Section 6-40-1 of the Zoning Ordinance the Board may, by resolution, confirm the building codes in effect in Elmore County.

**WHEREAS**, the Board desires to confirm the building codes in effect in Elmore County as of January 1, 2015.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE ELMORE COUNTY BOARD OF COMMISSIONERS (“BOARD”):**

**SECTION 1. ADOPTION OF CURRENT BUILDING CODES:** The Board desires to confirm by this Resolution the building codes in effect as of the Effective Date of this Resolution in Elmore County as set forth in the attached Exhibit A, which exhibit is made a part hereof.

**SECTION 2. EFFECTIVE DATE.** This Resolution shall take effect and be in force on January 1, 2015.

Dated this 8<sup>th</sup> day of December, 2014.

**ELMORE COUNTY COMMISSIONERS**  
**/S/ ALBERT HOFER, Chairman**  
**/S/ FRANKLIN L. CORBUS, Commissioner**  
**/S/ WESLEY R. WOOTAN, Commissioner**  
**ATTEST: /S/ BARBARA STEELE, Clerk**

**Exhibit A**

As of January 1, 2015 the following building codes recognized by Elmore County:

- The 2012 Version of the International Building Code
- The 2012 Version of the International Residential Code, Appendices A,B,C and D, Mechanical Parts V and VI
- The 2012 Version of the International Energy Conservation Code

As of January 1, 2015 the following amendments shall be applicable to the building codes:

**A. 2012 International Building Code:**

1. Delete Table 2902.1 Footnote F and replace with the following:

f. Drinking fountains are not required for an occupant load of thirty (30) or fewer.

2. Delete Table 2902.1 Footnote G and replace with the following:

g. For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required.

3. Delete **section 305.2.3** and replace with the following:

**Twelve (12) of fewer children in a dwelling unit.** A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a group R-3 occupancy or shall comply with the International Residential Code.

4. Delete **Section 308.6.4** and replace with the following:

**Persons Receiving Care in a Dwelling Unit.** A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer person receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

5. Delete **Section 310.5** and replace with the following:

**Residential Group R-3.** Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including:

- i. Buildings that do not contain more than two (2) dwelling units;
- ii. Boarding houses (nontransient) with sixteen (16) or fewer occupants;
- iii. Boarding houses (transient) with ten (10) or fewer occupants;
- iv. Care facilities that provide accommodations for five (5) or fewer persons receiving care;
- v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants;

- vi. Congregate living facilities (transient) with ten (10) or fewer occupants;
- vii. Dwelling units providing day care for twelve (12) or fewer children.

6. Delete **Section 310.5.1** and replace with the following:

**Care Facilities within a Dwelling Unit.** Care facilities for twelve (12) or fewer children receiving day care or five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.

**B. 2012 International Residential Code, Appendices A, B, C, and D Mechanical Parts V and VI**

1. Delete exception No. 1 contained under IRC Section **R101.2-Scope**.

2. Delete exception No. 2 contained under IRC Section **R101.2- Scope**, and replace with the following exception:

Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings.

3. Add the following item No. 11 at the end of the “Building” subsection of IRC Section **R105.2-Work exempt from permit**:

- 11. Flag poles

4. Delete IRC Section **R303.4**

5. Delete IRC Section **R501.3** and its exceptions

6. Delete IRC Section **R602.10** and replace with the following:

**Wall Bracing.** Buildings shall be braced in accordance with this section or, when applicable section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with Section R301.1.

**7. Chapter 11 [RE] Energy Efficiency-** The following sections and tables of chapter 11 shall be amended in accordance with the requirements contained below in Subsection 004.04 of these rules (see IECC amendments for actual amended language) which correspond to the appropriate section:

- A. **Table N1102.1.1 (Table R402.1.1)** - Insulation and Fenestration Requirements by Component;
- B. **Table N1102.1.3 (Table R402.1.3)** - Equivalent U-Factors;
- C. **Table N1102.2.2.6 (Table R402.2.6)** - Steel Frame Ceiling, Wall and Floor Insulation (R-Value);
- D. **Section N1102.4.1 (R402.4.1)** - Building Thermal Envelope;
- E. **Section N1102.4.1.1 (R402.4.1.1)** - Insulation;
- F. **Table N1102.4.1.1 (Table R402.4.1.1)** – Air Barrier and Insulation Installation;
- G. **Section N1102.4.1.2 (Table R402.4.1.2)** – Testing Option;
- H. Add **Section N1102.4.1.3 (R402.4.1.3)** – Visual Inspection Option;
- I. Add **Section N1102.6 (R402.6)** – Residential Log Home Thermal Envelope;
- J. Add **Table N1102.6 (Table R402.6)** – Log Home Prescriptive Thermal Envelope Requirements by Component; and
- K. **Section N1104.1 (R404.1)** – Lighting Equipment.

**8. Section M1502.4.1 Material and Size.** Add the following exception:

Dryer duct may be constructed of 0.013 (30 gauge) or equivalent of prefabricated 0.016 (28 gauge) ducts and fittings are not available.

**9. Delete Section M1502.4.2 Duct Installation** and replace with the following:

Exhaust ducts shall be supported at four (4) foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct.

**10. Section M1507.3.1 System Design.** Add the following to the end of the section:

Outdoor air shall be ducted predominantly horizontal to avoid chimney effect. Outdoor air ducts will contain an accessible back draft damper and be designed to have an open cross section of twenty (20) square inches per one thousand (1,000) square feet of conditioned space.

**11. Table M1601.1.1 (2) Gauges of Metal Ducts and Plenums Used for Heating or Cooling.** Add the following exception:

Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available.

**C. 2012 International Energy Conservation Code**

1. Delete the values contained in Table R402.1.1 (Table N1102.1.1) for climate zone “5 and Marine 4” and climate zone “6” and replace with the following:

**Table R402.1.1**  
**INSULATAION AND FENESTRATION REQUIREMENTS BY COMPONENT**

Climate Zone	Fenestration U-Factor	Sky-light U-Factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value	Crawl-Space Wall R-Value
5 and Marine 4	0.35	0.60	NR	38	20 or 13+5h	13/17	30g	10/13	10,2ft	10/13
6	0.35	0.60	NR	49	20 or 13+5h	15/19	30g	15/19	10,4ft	10/13

2. Delete the values contained in Table R402.1.3 (Table N1102.1.3) for climate zone “5 and Marine 4” and climate zone “6” and replace with the following:

**Table R402.1.3**  
**EQUIVALENT U-FACTORS**

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Crawl-Space Wall R-Value
5 and Marine 4	0.35	0.60	0.030	0.057	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.057	0.060	0.033	0.059	0.065

3. Delete Table R402.2.6 (Table N1102.2.6) and Replace with the following:

**Table R402.2.6**  
**STEEL-FRAME CEILING, WALL AND FLOOR INSULATION**  
**(R-VALUE)**

WOOD FRAME R-VALUE REQUIREMENT	COLD FORMED STEEL EQUIVALENT R-VALUE <sup>a</sup>
<b>Steel Truss Ceilings</b>	
R-30	R-38 or R-30+3 or R-26+5
R-38	R-49 or R38+3
R-49	R-38+5
<b>Steel Joist Ceilings</b>	
R-30	R-38 in 2x4 or 2x6 or 2x8 R-49 in any framing
R-38	R-49 in 2x4 or 2x6 or 2x8 or 2x10
<b>Steel Framed Wall</b>	
R-13	R-13+5 or R-15+4 or R-21+3 or R-0+10



R-19	R-13+9 or R-19+8 or R-25+8
R-21	R-13+10 or R-19+9 or R-25+8
<b>Steel Joist Floor</b>	
R-13	R-19 in 2x6 R-19+6 in 2x8 or 2x10
R-19	R-19+6 in 2x6 R-19+12 in 2x8 or 2x10
a. Cavity insulation R-value is listed first, followed by continuous insulation R-value b. Insulation exceeding the height if the framing shall cover the framing	

4. Delete section 402.4.1 (N1102.4.1) and replace with the following:

**Building Thermal Envelope.** The building thermal envelope shall comply with sections R402.1.1 and either section R402.4.1.2 or R402.4.1.3. The sealing methods between dissimilar materials shall allow for differential expansion and contraction.

5. Delete section 402.4.1.1 (N1102.4.1.1) and replace with the following:

**Installation.** The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer’s instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction.

6. Delete the criteria requirements for the “Fireplace” component of Table **R402.4.1.1 (Table N1102.4.1.1)**- Air Barrier and Insulation Installation, and replace with the following:

An air barrier shall be installed on fireplace walls.

7. Delete **section 402.4.1.2 (N1102.4.1.2)** and replace with the following:

Testing option, Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven (7) air changes per hour (ACH) when tested with a blower door at a pressure of 33.5 psf (50Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. During test:

Exterior windows and doors, fireplace and stove doors shall be closed but not sealed; dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampeners; Interior doors shall be open; exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed; heating and cooling systems shall be turned off; HVAC ducts shall not be sealed; and supply and return registers shall not be sealed.

8. Add the following as **section 402.4.1.3 (N1102.4.1.3)**:

Visual inspection option, Building envelope tightness and insulation installation shall be considered acceptable when the items listed in **Table 402.4.1.1**, applicable to the method of construction, are field verified. Where required by code official and approved party independent from the installer of the insulation shall inspect the air barrier and insulation.

9. Add the following section:

**R402.6 (N1102.6) Residential Log Home Thermal Envelope.** Residential log home construction shall comply with **sections 401 (General), 402.4 (Air Leakage), 402.4 (Maximum Fenestration U-Factor and SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), section 404 (Electrical Power and Lighting Systems), and either Subparagraph 004.04.b.i.,ii., or iii.** as follows:

- i. Sections 402.2 through 402.3, 403.2.1, 404.1 and table 402.6;**
- ii. Section 405 simulated Performance Alternative (Performance); or**
- iii. REScheck (U.S. Department of Energy Building Codes Program)**

10. Add **Table R402.6 (Table N1102.6) Log Home Prescriptive Thermal Envelope Requirements By Component** to be used only in accordance with Subparagraph 004.04.b.i above to appear as follows:

**Table R402.6  
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT**

CLIMATE ZONE	FENESTRATION U-FACTOR <sup>a</sup>	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	MIN. AVERAGE LOG SIZE In inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE <sup>d</sup>	SLAB R-VALUE & DEPTH <sup>b</sup>	CRAWL SPACE WALL R-VALUE <sup>d</sup>
5,6-High Efficiency Equipment Path c	0.32	0.60	NR	49	5	30	15/19	10, 4ft	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2ft	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4ft	10/13

a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration  
b. R-5 shall be added to the required slab edge R-values for heated slabs.  
c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).  
d. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R20 continuous insulated sheathing of the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

11. Delete **Section R404.1 (N1104.1)** and replace with the following:

Lighting Equipment (Mandatory). A minimum of fifty percent (50%) of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of fifty percent (50%) of the permanently installed lighting fixtures shall contain only high efficacy lamps.

Motion by Hofer, second by Corbus, to approve and authorize Chairman Hofer to sign the Juvenile Justice Annual Finance Report.

**HOFER** ..... -**AYE**

**CORBUS** ..... -**AYE**

**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to discuss indigent applications. Roll call vote was taken.

**HOFER** ..... -**AYE**

**CORBUS**..... -**AYE**

**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Regular session resumed. The following decisions were made as a result of the Executive Session:

K-04-14-03 Motion by Wootan, second by Corbus, to approve as the case was suspended and the applicant was denied SSI/SSD, with a reimbursement order of \$200.00 per month and 50% of federal and state income tax refunds as payment.

**HOFER** ..... -**AYE**

**CORBUS**..... -**AYE**

**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

K-10-14-05 Motion by Wootan, second by Corbus, to approve with a reimbursement order of \$50.00 per month and 50% of federal and state income tax refunds as payment.

**HOFER** ..... -**AYE**

**CORBUS**..... -**AYE**

**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

K-10-14-07 Motion by Wootan, second by Corbus, to approve with a reimbursement order of \$50.00 per month to begin on 2/15/15 and 50% of federal and state income tax refunds as payment.

**HOFER** ..... -**AYE**

**CORBUS**..... -**AYE**

**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

K-11-14-03 Motion by Wootan, second by Corbus, to deny as the applicant is not a resident of Elmore County. The applicant is a resident of Ada County.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Wootan, second by Hofer, to add Bonnie Harper, Glenss Ferry Economic Development Director, to the agenda to give the board a status report.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Ms. Harper has been working on studies and grant funding for infrastructure planning in the Glenss Ferry area. She is currently working on writing a grant to get some funding for a marketing budget for projects to draw visitors into the community.

Motion by Hofer, second by Corbus, to adjourn for lunch.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Regular session resumed.

Gary Freeman, representing the Pine Senior Center, appeared to discuss the proposed agreement to lease the Pine Senior Center building. The members of the senior center are very displeased with some verbiage in the current draft of the lease agreement. The association members have been negotiating with the county’s Civil Attorney Buzz Grant to try and come up with a lease that can be agreed upon by both the county and the senior center members. It was decided that the county and the senior center will continue without a new lease agreement.

Alan Christy, Land Use and Building Department Director, and the board reviewed proposals received from ZGA Architects and CTA Architects regarding a courthouse assessment. The proposals will also be reviewed by Judge Epis for his comments. Each firm will meet again with the board next week to answer any questions regarding the proposals.

Motion by Wootan, second by Hofer, to adjourn and reconvene at 6:00 pm to hold a public hearing.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Regular session resumed.

An appeal hearing was held regarding an approved Conditional Use Permit by Idaho Country Concerts, LLC., CUP-2014-11. Present at the hearing were Chairman Al Hofer, Commissioners Bud Corbus and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Hooper and Land Use and Building Department Director Alan Christy. This is an appeal hearing of a conditional use permit for an annual 4-day country music festival that includes a primary stage, children's activity area, food and craft vendors, wine and beer vending, sponsor exhibits, tent and RV camping in the Agricultural zone. The appellant is Tree Top Ranches, LP and the applicant is Idaho Country Concerts, LLC.

Chairman Hofer called the meeting to order. Roll call vote was taken and the public hearing was opened.

Chairman Hofer read the following disclosure statement into the record. "I would like to make the following statement for the record in this matter. On or about September 5, 2014, I, Al Hofer received a telephone call from Tim Flowerday, a representative for the applicant and he gave me information while the application was before the Planning and Zoning Commission regarding the scheduling of the Planning and Zoning Commission meeting. I talked with the director of Land Use and Building Department and asked him to look into the matter with legal counsel. In addition, on or about October 3rd, 2014, I, Al Hofer received telephones calls from Neil Helmick who is in opposition to the application. He expressed concerns about location, timing and fire suppression. I will not use this information, which I inadvertently received, in any deliberations or decisions concerning this matter. I have not used this information in rendering any prior decision. I have and will continue to be fair and impartial in this matter and the receipt of this information will not impact my fair and impartial treatment of any actions I may take in connection with this matter."

Commissioner Corbus read the following disclosure statement into the record. "I would like to make the following statement for the record in this matter. On or about September 5, 2014, I, Bud Corbus received a telephone call from Tim Flowerday, a representative for the applicant and he gave me information while the application was before the Planning and Zoning Commission regarding the scheduling of the Planning and Zoning Commission meeting. In addition, on or about October 3rd, 2014, I, Bud Corbus received telephones calls from Neil Helmick who is in opposition to the application. He expressed concerns about location, timing and fire suppression. He stated he would appeal the application. Also, on or about November 19th, 2014, I, Bud Corbus talked with Tom Rist, the mayor of Mountain Home. The mayor had questions about getting information onto the record. I told him to contact Alan Christy at the Land Use and Building Department. I will not use this information, which I received, in any deliberations or decisions concerning this matter. I have not used this information in rendering any prior decision. I have and will continue to be fair and impartial in this matter and the receipt of this information will not impact my fair and impartial treatment of any actions I may take in connection with this matter." Commissioner Corbus also wanted to state for the record that he is the assistant chief of the Mountain Home Fire Department.

Commissioner Wootan read the following disclosure statement into the record. "I would like to make the following statement for the record in this matter. On or about October 3rd, 2014, I, Wes Wootan received telephone calls from Neil Helmick and John McGrew who are in opposition to the application. They expressed concerns about location, timing and fire suppression. In addition, I am identified on a video submittal from David M. Penny. The video has an interview with me regarding the formation of a Rural Fire Protection Association. This interview was prior and unrelated to the application. I will not use this information, which I received, in any future deliberations or decisions concerning this matter. I have not used this information in rendering any prior decision. I have and will continue to be fair and impartial in this matter and the receipt of this information will not impact my fair and impartial treatment of any actions I may take in connection with this matter."

The board of commissioners waived the notice of requirement for the delivery of written testimony.

Persons participating in the hearing were identified.

Mr. Christy read the rules for the public hearing into the record. He also read the following from the staff report:

Application for appeal was received on October 10, 2014 and all fees were paid. The appeal is of a Conditional Use Permit for a 4-day country music festival, that includes a primary stage, secondary small stage, children's activity area, food and craft vendors, wine and beer vending, sponsor exhibits, tents and RV camping the Agriculture zone. The appeal was submitted by Tree Top Ranches, L.P. and it seeks to overturn the Planning and Zoning Commission ("Commission") approval. The grounds for the appeal were listed in the public hearing notice and in the staff report.

The site is located in portions of Sections 13, 14, 15, 22, 23, 24, Township 1 South, Range 10 East, B.M, and Section 19, Township 1 South, Range 11 East, B.M. A common mean of locating the property is from Mountain Home take Highway 20 for 33 miles, turn left onto South Pine-Featherville Road, the property is located on the right hand side of the road.

Public Hearing notices were sent to property owners and agencies on November 12, 2014. Notice of Public Hearing was published in the Mountain Home Newspaper on November 19, 2014. The site was posted on December 1, 2014

The Commission, upon a 5-0 vote, approved the Conditional Use Permit with conditions on October 2, 2014. The Findings of Fact Conclusions of Law was signed on October 3, 2014, with an effective date of October 13, 2014.

Mr. Christy stated that attached to the original staff report are twelve items for the record and the Board of County Commissioners were given a copy of the entire record.

The process for appeals is found in section 6-3-2 of the Elmore County Zoning and Development Ordinance. All conditional use permits must meet the twelve required findings of section 6-27-7 of the Elmore County Zoning and Development Ordinance. The Commission found that the application meet the twelve conditions with the Commission's additional conditions of approval. The applicants have also provided additional documentation stating how they have met the requirements. The documentation is attachment #5 to the staff report. Based upon the objections presented by the appellants and additional agency information, the staff would recommend the board consider eighteen revised conditions of approval. In addition, the board may also want to consider additional proposed conditions that are supplied within written testimony.

In the supplemental staff report were six additional letters for the record. In addition, there were three more letters for the record received at the hearing.

The board had no questions for Mr. Christy.

Attorney David M. Penny, representing the appellant, Tree Top Ranches, LLC, was first to testify. Tree Top Ranches is a ranching business and the owners of property immediately adjacent to the proposed festival site. Mr. Penny submitted copies of a map which were handed to the members of the board for reference during the presentation. Mr. Penny stated that the appellant is not opposed to having the festival, they are asking that important conditions be imposed upon the conditional use permit (CUP) that are necessary to mitigate the adverse impact that are anticipated and reasonably expected by the neighbors, particularly the neighbors engaged in agricultural pursuits, such as cattle ranchers. They are requesting that the board adopt the conditions proposed in the amended staff report as well as the conditions that the appellant feels should be imposed. Attorney Penny stated that if both of those steps are taken, the code requirements will be satisfied and the CUP can be issued for the festival to go forward. Mr. Penny emphasized that what the appellant is seeking is extremely important, which is protecting business and personal assets in the form of rangelands. They also want to protect the sage grouse from becoming an endangered animal. Mr. Penny referenced the map and pointed out the areas adjacent to the proposed festival site owned by Tree Top Ranches. He discussed an area of land which is designated for recreational use. When designating the event area, instead of setting it in the recreational area, it was set further to the east, right on the boundary of Tree Top Ranches property. They are asking that the event be moved to the west, further away from the appellant's property line. A minimum of a five hundred foot buffer was requested, but according to the map, it could easily be moved further to the west and solve additional issues that Mr. Penny is going to discuss. There is plenty of land for the site to be moved significantly further to the west and take the pressure off the neighbors and their concerns. Mr. Penny stated that moving the site would reduce the fire risk to the adjacent properties and reduce the ranching conflicts. They are also asking that the traffic plan be amended to restrict East High Prairie and Wild Horse Road to emergency traffic, law enforcement and local traffic only. They feel people will be looking for places to camp outside of the festival so they do not have to follow the restrictions imposed by the festival coordinators and the grazing lands are going see an extreme number of these campers. The way to eliminate this is to add two more checkpoints to the traffic plan to keep the event traffic away from the agricultural areas. Mr. Penny stated that fire suppression is also a major concern. This concern ties

into people camping off site, building campfires and risking starting a fire, which is why they are asking for the traffic plan to be amended. The event will be held during the height of rangeland fire season and they want to make sure there will be resources available to protect the neighbors. Mr. Penny stated that all in all, the appellant is requesting the buffers, the road restrictions and a fully dedicated first responder source.

The board had no questions for Mr. Penny at this time.

Chairman Hofer stated that testimony would now be heard from those in favor of the appeal.

Darcy Helmick was the first person to testify. Ms. Helmick represents Helmick Ranches, which owns property directly south of the proposed festival site. They support the appeal because they feel Idaho Country Concerts has not adequately address the concerns of the neighbors. They are concerned about the offsite trespass issues. She feels that people looking to camp outside of the festival will go south onto the Helmick Ranch property. Road hazards, due to high traffic volume are also a concern. They also feel that since it will be peak fire season, the proposed two trucks that will be standing by at the festival will not be sufficient enough to address the fire threats, especially with the magnitude of people expected to attend. They feel that this will increase the chances of a wildfire tenfold.

Dennis Strom was the next person to testify. Mr. Strom owns property near the event site. He agrees with the appeal and feels that if the board approves the conditions presented by Tree Top Ranches, the event will work out fine. Commissioner Corbus asked Mr. Strom if his property or any of the other properties around the proposed event site are fenced in. Mr. Strom stated that most of the properties are not fenced. He is concerned that there will be many people looking to camp on his property since it's all flat ground. Commissioner Wootan asked if he has no trespassing signs posted. Mr. Strom stated that currently he does not, but he will be posting signs before the event.

Clare Olson was the next person to testify. Mr. Olson just wanted to let the board know that he shares many of the aforementioned concerns, mainly the trespass issue.

Mike Grimmatt was the next person to testify. Mr. Grimmatt owns property six miles to the west of the proposed festival site and is also concerned with the trespassing issue.

Chairman Hofer asked if there was anyone else who would like to testify in favor of the appeal. There were no others wanting to testify at this time.

Chairman Hofer stated that testimony would now be heard from those neutral to the appeal.

Jeff Lord was the first person to testify. Mr. Lord is the co-chairman of the Mountain Home Wolverine for Sage Grouse. Mr. Lord reviewed information and statistics regarding sage grouse in the area of the proposed festival site. In 2014 there were 55 males counted, which makes it a core habitat. Mr. Lord stated that documentation shows the sage grouse have occupied the area of festival site all year round. His group is neutral on the appeal and wants all parties involved to come out with a positive result. They hope to provide expertise to all parties involved to find a solution which allows the event to happen without causing undo risk to the land owners or the sage grouse.



Gary Freeman was the next person to testify. Mr. Freeman and his wife operate Hayhurst Bed and Breakfast in Pine. They are looking forward to the festival coming to the area. They are in favor of all of the conditions necessary for the event to go forward, but primarily they want the businesses in Pine and Featherville to be considered when it comes to road restrictions, as they will need to get guest in and out of their area as well.

Jay Wilson, Elmore Ambulance Services (EAS) manager, was the next person to testify. He is neutral to the appeal but feels that EAS has the ability to support the medical plan for the event. He does have a concern about the Pine/Featherville area. With the anticipated influx of people, there may need to be additional resources added to assist the Pine ambulance. He will be meeting with event organizers tomorrow and will address this concern.

The board had questions for Sheriff Rick Layher.

Commissioner Corbus asked Sheriff Layher if his department would be able to accommodate the concerns of trespassing on private property and increased checkpoints. Sheriff Layher stated that area ranchers met with him and voiced these concerns, so he is meeting with the festival organizers regarding the concerns. The ranchers spoke with the highway district about the possibility of posting signage on roads within a ten mile radius of the site prohibiting parking and camping. Sheriff Layher stated that signs usually don't mean much without the patrols to go along with it, so he will also discuss the possibility of twenty four hour patrols when he meets with the organizers. Sheriff Layher stated that his department is in support of the event as long as they are certain they can protect people and property.

Commissioner Wootan asked if they will be setting up the county command vehicle at the site. Sheriff Layher will discuss this at the meeting as to where the best location for the command vehicle is, whether it be on site or off site. Sheriff Layher feels that it may best to have the command vehicle off site. Commissioner Wootan also feels the threat of wild fires is a concern and asked who would be in charge of incident command. Sheriff Layher stated that in areas outside of a fire district, the sheriff is in charge of fires, unless it is on BLM or Forest Service lands. After listening to testimony, Sheriff Layher feels that the two major concerns people have are fire danger and trespassing. He stated that if the patrols keep people off of the private lands, there will be a less likelihood of fires starting. In regards to fire danger, Sheriff Layher feels that two or three fire trucks provided by organizers would be sufficient, but quick response is important and there should be at least one truck that can go off site to handle a fire until other fire trucks can get to the scene. Commissioner Corbus stated that there has been a lot of testimony regarding wild fire suppression, but with all of the motor homes and venue structures that will be in the area, the danger of structure fires will increase, so structure protection needs to be considered as well.

Chairman Hofer asked if there was anyone else who would like to testify as neutral to the appeal. There were no others wanting to testify as neutral.

The applicant presentation was held.

Anne Hankins, Idaho Country Concerts, LLC spoke first. Ms. Hankin showed a short video presentation of an aerial fly over of a country music festival held on a working ranch in Oregon, showing visually how structured and organized their events are. The video showed parking and camping areas, how well lined up each space is, consistency between camping vehicles and clearly defined fire lanes. Also shown was the venue site, with well defined rows and seating areas. They take one year to plan the infrastructures of the events, including safety plans and procedures. They hold meetings to air out any concerns the county may have. They have found that people want to be a part of the entire festival experience. They make it a family oriented event. People don't want to go off onto private property and camp by themselves, they want to be able to go back and forth from their campsites to the venues. Ms. Hankins stated that they have not had problems with trespassing and off site camping at other festivals they have held. They promote on site camping through box office sales. Idaho Country Concerts is known for their marketing efforts. They can educate the public about any concerns, such as wildfires, through radio and television broadcasts, newspaper publications, social media and phone apps. They also educate on the rules of the festival, what to do and what not to do. There is a mobile command center on site. They have never had a complaint from any neighbors of any events they have held. They hold debriefing meetings after each event and invite the neighbors to attend to voice any concerns, and the neighbors have never had any issues or complaints. Tim Flowerday, Idaho Country Concerts, LLC, discussed the infrastructure of the event and stated that fire safety is very important to them. He described the structuring of the fire lanes at the venue, the sizes and organization of the camping sites. They make sure that there are proper fire lanes and stated that there is ample space between each campsite for responders in case of an emergency. There is a medical facility on site, staffed with doctors, physician's assistants, nurses and EMT's. They have one to two ambulances on site. They also negotiate with local ambulances services for additional services. There is a helicopter landing area and arrangements for life flights if necessary. There is fire protection on site to protect the people and the property itself. They basically build a "small city" and take great efforts in leaving the property cleaner than they found it. Attorney Susan Buxton, legal counsel for Idaho Country Concerts, LLC stated that Idaho Country Concerts have more than met the CUP requirements and asks that the board deny the appeal request and grant the CUP. Ms. Buxton discussed stock water rights, traffic plans, fire suppression issues, and the boundary set back issue. She stated that the applicant has met every requirement of the conditional use permit. Furthermore, the information and the concerns of the appeal are not based in violation of the constitutional statutory provision. The application and the testimony provided and the substantial evidence on record as a whole indicates that a conditional use permit in this area is warranted. Ms. Buxton feels that Idaho Country Concerts has more than met the conditions required and has gone above and beyond in order to provide the county with a fantastic opportunity for economic development and recreation but also to protect the health and welfare of the citizens, guests and wildlife.

The board had no questions at this time.

Chairman Hofer stated that testimony would now be heard from opposed to the appeal.

Alex Shaffer, representing Red Truck Wildfire, LLC, was the first person to testify. Mr. Shaffer stated that they are under contract with Idaho Country Concerts to provide wildfire services during the festival. He explained the personnel qualifications and the services they are contracted to provide. Per the contract, they will provide two fire trucks. Commissioner Corbus asked if they will be providing 24 hour protection per day. Mr. Shaffer stated that they will be. Commissioner Corbus asked if there will be any structure trucks provided at the event. Mr. Shaffer stated that there are no structure trucks contracted, there will only be brush trucks available. Chairman Hofer asked if they would respond to an RV fire. Mr. Shaffer stated that the brush trucks are capable of putting out an RV fire and they will take what steps are necessary, but their staff is not qualified to enter structures.

Jack Faulkner was the next person to testify. Mr. Faulkner's family owns property where the festival is being held. They have done extensive research on Idaho Country Concerts and have spoken with the people who own the lands where festivals were held in Oregon and Mr. Faulkner feels confident in the ability of Idaho Country Concerts to protect their lands as well as the neighboring lands.

John Faulkner was the next person to testify. He stated that they are planning on grazing all of their land bare and he feels that there will be no chance of a fire starting. If a fire does start, it would be very easy to put out. Mr. Faulkner stated that they have two wells on the property and they allow Tree Top Ranches to use the water for grazing.

Mike Faulkner was the next person to testify. Mr. Faulkner is the co-chairman of the Sand Creek RFPA and stated that they have not been contracted, but will be on hand to provide fire protection during the festival, because as landowners, they want to protect the area as well.

Traci Stewart was the next person to testify. Ms. Stewart is the president of the Glens Ferry Chamber of Commerce, a member of the Glens Ferry City Council and also owns several businesses in Glens Ferry. She stated that the City of Glens Ferry is open to having a discussion with Idaho Country Concerts to provide additional fire fighting support for the festival. She feels that the event will have a great economic impact on the local businesses.

Bonnie Harper was the next person to testify. She has attended a similar event and saw what a huge economic boost the festival brought to the area. She knows people from Alberta who are planning on coming to the festival, who would not have otherwise ever come to Idaho. She feels this will be a great opportunity to expose the beauty of southern Idaho to people who may only see the county from driving through on Interstate 84.

Terri Huxhold was the next person to testify. Ms. Huxhold is the acting president of the Mountain Home Chamber of Commerce. The Chamber is in support of the festival and feels that the positive economic impact that the festival will have on the community and local businesses will be tremendous.

Chairman Hofer asked if there was anyone else who would like to provide testimony.

Alan Bermansolo, Mountain Home Fire Chief testified. Mr. Bermansolo stated that each year in the third week of June, he puts a burn ban in place, which is followed by the implementation of the county wide burn ban. This burn ban will be in place during the festival. The county wide burn ban prohibits open burning, so anyone camping outside of the venue would not be allowed to have campfires and that anyone planning on attending the festival needs to be aware of this. Mr. Bermansolo also made the board aware that the festival site is outside of the jurisdiction of the Mountain Home Fire Department and any fire protection district. As of now, there are no mutual aid agreements in place, so if there were a major fire, Mountain Home would not be able to respond without prior approval from Mayor Tom Rist.

Chairman Hofer asked if there was anyone else who would like to provide testimony. There were no others who wanted to testify.

Final comments from the applicant were heard.

Tim Flowerday discussed the fire lanes and stated that they are watered down on a regular basis throughout the day to keep the dust down, but more importantly to reduce fire danger, such as hot catalytic converters on RV's in an area with dry grass, as mentioned earlier. Commissioner Corbus wanted to stress the fact that it is very important to have ample fire protection to protect the livelihood of the ranchers. Chairman Hofer asked about water storage for use when watering down the site. Mr. Flowerday anticipates having three 2,500 gallon water storage tanks on site. Susan Buxton addressed Commissioner Corbus' concern of fire protection. She stated, in accordance with the requirements included in the staff report, Idaho Country Concerts will provide information 90 days prior to the event, regarding the company they are contracting with, personnel on site that can address wildfires, personnel on site that can address structural fires and extrication if necessary. An incident plan will also be in place to address issues that occur on site as well as because of the festival. In regards to the trespass concerns, Ms. Buxton stated that these are speculative issues. Idaho Country Concerts are experts on running these festivals and provided testimony that very few incidents happen on private property near and about the festival sites. People who attend the festivals want to be a part of the entire experience. They not only advertise and educate people on how much fun will be had at the festival, but also on the rules and regulations and that they will not encourage or tolerate trespassing. Security will be on site to help deter trespassing and assist the sheriff's department in any way they can. She feels that being required to hire someone or have the sheriff patrol a wide spectrum of the county for trespassers, as requested by Tree Top Ranches, is unrealistic.

The board had no questions at this time.

Rebuttal from the appellant was heard.

David Penny stated that this is Tree Top Ranches chance to have input regarding the festival. If everything is done by contract, 90 days prior to the event, then they are bypassed in the process. Mr. Penny discussed the issue of fire protection. The appeal asked for what their researched showed should be in place for first responders for the event location. This is the time to put in a condition that states “you will provide these things in a first responder capacity”. Then Idaho Country Concerts can contract with a provider that can meet that condition. Mr. Penny feels that sufficiency of requirements and conditions need to be set forth now. They are not against the festival or the conditional use permit, but in accordance with Elmore County code, if the use is within an agricultural district, which this use is, the proposed shall not cause detrimental impacts to agriculture.

Chairman Hofer informed the audience that deliberations will be held at the next commissioners meeting on Monday December 15, 2015. Deliberations will begin at 2:00 pm.

The hearing was closed.

Motion by Wootan, second by Corbus, to adjourn.

**HOFER** ..... -**AYE**

**CORBUS** ..... -**AYE**

**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

**/S/ ALBERT HOFER, Chairman**

**ATTEST: /S/ BARBARA STEELE, Clerk**