

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

Third Day

Tuesday, August 16, 2016

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary, Commissioner Lawrence Schoen; County Administrator Derek Voss; Chief Deputy Clerk Leslie Londos; Chief Deputy Assessor Martha Heuston; Social Media Services Provider Bronwyn Nickel; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Madelyn Beck.

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

COMMISSIONER COMMENT

Chairman Greenberg said last week's August 9, 2016 BCC meeting agenda had been amended and shortened to three items because one commissioner was out of the country and another commissioner was out of town due to an emergency, but present by phone with time constraints. As a result, Chairman Greenberg did not take public comment at that meeting.

PUBLIC COMMENT - NONE

Also present: Blaine County Land Use Administrator Tom Bergin; Blaine County Housing Authority Executive Director David Patrie; ARCH Community Housing Executive Director Michelle Griffith; Realtor Anna Mathieu; and Agave Place neighbors Kiki Tidwell and Brent Robinson.

- Blaine County Housing Authority (BCHA) Executive Director David Patrie said a lot of public complained that the ARCH house recently placed on Buttercup Road did not meet neighbors' expectations. Patrie said the house is compatible with Agave place in footprint, roof line, and building materials; and that the landscaping will mature to be compatible. Because the property is in the Scenic Highway Overlay, the berm on the property cannot be as large as the Agave Place berm. Patrie said they planned to paint the community housing unit brown like Agave Place, but weren't pleased with the way the house looked and, after trying other colors, painted the house a color different from Agave Place, which neighbors objected to. Patrie added that no variances were needed on the community housing unit and none were requested.
Patrie invited the BCC and the public to actively participate in development meetings of the Valley Club south parcel.
Patrie said the new owners of the house are fourth generation Idahoans who have contributed to the working class community for decades and look forward to raising fifth generation "locals" in their new house.
- Neighbor Kiki Tidwell said she was unable to determine which County official had oversight over development of the southern Parcel C now being developed by BCHA.
Tidwell suggested there was a fundamental due process violation on transfer of ownership from Blaine County Open Public Use Space to the BCHA and to the private owner. Blaine County Deputy Land Use Administrator Kathy Grotto said notices were not sent to neighbors.
Tidwell said a letter dated April 28, 2015 from Blaine County Land Use Administrator Tom Bergin to ARCH said "Parcel B and C are for public use. Community Housing is not per se a public use. Accordingly, Parcel B and C are not per se for community housing." Tidwell said she was unaware of any public discussion with advance notice that housing is a public use.
Tidwell's final comment was that this project was not developed according to public agreement, as it was represented. She said, "It does not meet anything that was promised to the neighbors."
- Realtor Anna Matthew represented BCHA and ARCH regarding this Buttercup Road property. She said affordable housing is very limited in Blaine County; and encouraged the County to continue exploring and embracing all opportunities to provide community housing.
- Brent Robinson, former Valley Club Homeowners Association president, said neighbors were present at last year's meetings and agreed about what should happen on Lots B and C adjacent to Agave Place. He sent a letter to the BCC and the BCHA that stated visual compatibility must include plant material, colors, exterior building materials, architectural style, rooflines, roof pitch, roofing materials, as well as other elements to achieve the compatibility objective."
- ARCH Community Housing Trust Executive Director Michelle Griffith said the last paragraph of County Land Use Administrator Tom Bergin's letter (referred to earlier by Ms. Tidwell) stated, "Therefore, housing on public land for public employees as originally anticipated, or even a broader range of housing for local employees ... continues to be viewed as benefitting the County or its residents is a public use."

Commissioner Schoen said there is no doubt that the provision of community housing is a public benefit, and is lawful under statute in the State of Idaho. The overall goal of the project has been met, but he agreed that the aesthetic component was not met. The BCC has to make a policy that community housing must go through Land Use process just like a private developer. Schoen asked the BCHA to develop a plan to make the structure more compatible with the surrounding area, as promised, and present it to the BCC at a future meeting.

Commissioner McCleary felt very strongly that community housing is a public benefit and public use, and felt that goal had been met in transferring both parcels to the BCHA. She thinks “visual compatibility” is subjective, but feels this parcel could be made more visually compatible. She is particularly looking for real visual compatibility on the second parcel.

Chairman Greenberg said Idaho doesn't have tools for community housing that are available in other states, but the BCC has to set up a better system going forward. He said the project turned out great, but isn't what the BCC assured neighbors the BCHA would give them. Greenberg reiterated that the County Comprehensive Plan and State Statute 31-808-9 support using public land for public purpose.

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Treasurer's Report - John David Davidson

- Treasurer's office staff attended Idaho Association of County Treasurers Conference. Educational topics included Excess Fund law changes, an Excel workshop, and an active shooter seminar.
- Conference attendees took a Federal Reserve Tour-Loomis field trip in Boise to see how money is collected and stored in Idaho.
- Idaho Transportation Department paid back taxes on the sliver of land recently transferred to them.

County Administrator - Derek Voss

- Blaine County's Administrative Services Manager Henry Brown passed on last week. The County is searching for a new Administrative Services Manager.
- Department of Environmental Quality is on the Blaine Manor site removing what appears to be a 10,000 gallon underground fuel tank. There appears to be no leakage. DEQ will test the soil, take samplings from the building for environmental hazards, and report back to the County about October 1.

JOINT PETITION FOR IRRIGATION DISTRICT CONSOLIDATION, Discussion and Consideration

Also present: Blaine County Land Use Administrator Tom Bergin; and Pepin Corso-Harris.

- Pepin Corso-Harris submitted a possible timeline for the BCC to consider the next meeting on this petition.

Schoen moved, seconded by McCleary, to send a letter to Tim Luke of the Department of Water Resources in Boise, Idaho, requesting the department investigate the proposed consolidation and address, per statute, all questions affecting such proposed consolidation and report back to the BCC timely. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

North Valley Redundant Transmission Line Project Update – Schoen

Also present: Len Harlig; and Kiki Tidwell.

County Land Use Administrator Tom Bergin, County Attorney Tim Graves and Commissioner Schoen met with representatives of Idaho Power to discuss how to present the issue of redundant power to the community. Idaho Power has applied for a Conditional Use Permit to Blaine County. If a portion of the line goes underground, the BCC has to decide on its share of funding.

PUBLIC COMMENT:

- Kiki Tidwell requested the BCC consider a future discussion on modern technology and energy security in Blaine County, particularly the north valley.

Agave Place Community Housing Unit Correspondence

- The BCC received much correspondence about the Agave Place community housing unit.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

Community Choice Grant Update - Hospital Drive Sidewalk

Staff requested this be postponed for one week.

Blaine Manor Purchase & Sale Agreement

Also present: Alpine Investment Group LLC principals John Sofro, and Michael Page.

The BCC suggested revisions to the Purchase & Sale Agreement, which Alpine Investment Group approved. The BCC directed County Administrator Voss and the County Attorney to revise the Agreement, per the discussion, and present it to the BCC at the August 23rd BCC meeting.

CONSENT CALENDAR

- **Junior College Residency forms:** College of Southern Idaho, Fall 2016: Rebecca Paucar. College of Southern Idaho, Fall 2016 – Spring 2017 term: Ted Angle; Alondra Arevalo; Teddy Berends; Patrick Bohl; Timothy Boyle; Parker Brown; Erik H Carrete; Jazmin Carrillo; Medin A. Cenarrusa; Savannah R Fredricks; Suleyli Galvan; Rebecca Hogan; Jason Howard; Sheryl Laureano; Corine Lizarraga; Eli McNees; Colton Metzler; Jesus E Morales; Paola Ornelas; Frank Rowland; Suzanne Rowland; Anthony Taylor; Kevin Virula; Brooke Wilkins; and James C Williams.
- **Beverage License renewals** for Muleshoe Tavern; and A Taste of Thai #1.
- **New Beverage License** for Esta@Club 511.

Schoen moved, seconded by McCleary, to approve the Consent Calendar of August 16, 2016. Motion carried unanimously.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- June 14, 2016 Regular Meeting
- July 26, 2016 Regular Meeting
- August 2, 2016 Regular Meeting
- August 9, 2016 Regular Meeting

Schoen moved, seconded by McCleary, to approve Blaine County Commissioners regular meeting minutes of June 14, July 19, July 26, August 2, and August 9, 2016, as amended. Motion carried unanimously.

LAND USE and BUILDING SERVICES, Discussion and Consideration

- **Findings of Fact: Lot 11, Block 1, Lake Creek Meadows #2 Plat Amendment**

Also present: Blaine County Land Use Administrator Tom Bergin; and Zoning Specialist Nancy Cooley.

McCleary moved, seconded by Schoen, to approve Findings of Fact, Conclusions of Law and Decision regarding the application of Brent and Annette Stevens to amend the Lake Creek Meadows #2 Subdivision Plat to relocate their platted building envelope on Lot 11 Block 1. Motion carried unanimously.

- **Findings of Fact: Lot 1 Grove Creek, Plat Amendment**

Also present: Blaine County Land Use Administrator Tom Bergin; and Zoning Specialist Nancy Cooley.

Schoen moved, seconded by McCleary, to approve the Findings of Fact, Conclusions of Law and Decision in the application by Brandon and Dixie Williams to amend the plat of Lot 1 Grove Creek Subdivision. Motion carried unanimously.

- **Resolution 2016-24 Ordering Vacation of Block 2 Alley, Gannett Townsite** Record #638185

Also present: Blaine County Land Use Administrator Tom Bergin.

Commissioner Schoen suggested a few changes on the resolution. Changes will be made and the Resolution presented to the BCC for approval later in today's meeting.

BREAK

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

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

OPEN SESSION RESUMED

McCleary moved, seconded by Schoen, to deny Cases #2016-39, 2016-45 and 2016-46, Medical Indigent Applications for Assistance, based on staff recommendation. Motion carried unanimously.

Schoen moved, seconded by McCleary, to accept cancellation of hearing and final determination of denial in Applications for Assistance #2016-20 and 2016-24. Motion carried unanimously.

LAND USE and BUILDING SERVICES HEARINGS

- **Resolution 2016-24 Ordering Vacation of Block 2 Alley, Gannett Townsite**

Schoen moved, seconded by McCleary, to approve Resolution 2016-24 of Blaine County, an order for right-of-way abandonment and vacation, and quit claims. Motion carried unanimously.

COMPREHENSIVE PLAN, TITLE 8, NATURAL ENVIRONMENT CHAPTER, CONTINUED

Also present: Blaine County Land Use Administrator Tom Bergin; County Deputy Land Use Administrator Kathy Grotto; Blaine County Comprehensive Plan Update Consultant Lisa Horowitz; and Comprehensive Plan Steering Committee member Len Harlig.

Commissioners continued to review the natural Environment Chapter. Discussions included:

- Wildlife species and habitat. Only the sage grouse is currently considered a Species of Concern.
- Policy Statements will be distinguished with a subhead.
- Water is a major topic, including water conservation, water use and education on water use.
- Len Harlig said a healthy river is good for the economy, the environment, wildlife and fish, and supported stronger language supporting the river.

The BCC suggested, "Support development and implementation of policies and practices to help achieve natural flow regimes in rivers and streams and protect and enhance fisheries and riparian habitats."

- Sinuosity of rivers; disconnected tributaries; attempts to armor or redirect the river.
- Integrated pest management should be defined.
- Noxious weeds, and obnoxious weeds not on the noxious weed list; and insect pests.
- Cooperative Weed Management Area (CWMA) develops coordinated plans with other agencies.
- The need to continue to collaborate with federal entities on fire mitigation efforts, education, and firewise programs.
- Grazing. Voluntary retirement of grazing permits.
The BCC supported additional language, "Support best management practices in all forms of public lands utilization."
- Grotto said the Comp Plan should indicate that human intrusion should be denied in sensitive areas; but encourage the public to experience and appreciate the natural environment.
- "Seek the correct balance." Chairman Greenberg suggested "Finding the correct balance."
Harlig said the word "balance" was used throughout the Comprehensive Plan, and seems to indicate that the balance should be equal, i.e., the environment should be equal to development. He said the Court would use this language to give equal balance to other opposing factions. Harlig said other Comprehensive Plan chapters focus on development and economy, and this Environment chapter is the one place to focus on the natural environment, which supports everything in this County.

The BCC will continue to review the Natural Environment Chapter 2:45 p.m. on September 13, 2016.

ADJOURN

At the hour of 3:13 p.m., with no more business before them, the County Commissioners adjourned.

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