

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
REGULAR MEETING OF THE JULY 2015 SESSION**

**Fourth Day**

**Tuesday, July 14, 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 Administrator Derek Voss; County Clerk JoLynn Drage; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Tony Evans.

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

**PUBLIC COMMENT - NONE**

**PRESENTATION OF PETITION TO FORM GALENA GROUNDWATER DISTRICT**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County GIS Program Manager Joel Hall; Sun Valley Water/Sewer District General Manager Pat McMahon; Paul Arrington representing the petitioners; Karl Nichols; Judd McMahan; Bob Stavos; Gilbert L. Farr; Jim Laski; Jim Koonce; Barbara Browning; Jim Jaquet; Bruce Norvell; Wood River Land Trust Project Coordinator Patti Lousen; Brian Lee; and *Idaho Mountain Express* reporter Tony Evans.

Blaine County Chief Deputy Prosecuting Attorney Tim Graves confirmed with County Clerk JoLynn Drage that the petition to organize the Galena Ground Water District had been filed on June 16, 2015, according to Idaho Statute. Drage estimated County expense for the District election at \$10,000. Fifty signatures on the petition were required; 64 signatures were collected. Signatures on the petition have been validated by the County Assessor and the petition is valid. The petition includes a map of the boundaries of the proposed district.

Recording Secretary Sunny Grant read legal notice of the petition.

**Schoen moved, seconded by McCleary, that proper public notice for this hearing has been given, valid petition with validated signatures and a map outlining boundaries of proposed district has been submitted to Clerk of the Board. Motion carried unanimously.**

DISCLOSURE: Chairman Jacob Greenberg resides in the proposed Galena Ground Water District, but did not sign the petition and has not participated in discussions of its proposed formation.

Paul Arrington, Twin Falls attorney, on behalf of petitioners, said a copy of the bond for \$20,000, equivalent to double the estimated election cost, had been submitted to the County Clerk.

The proposed boundaries of the ground water district will encompass wells that are going to be more than 30 miles apart. The northernmost well is 41 miles from the southernmost well. Idaho Code 42-5203 (2) states, "The boundaries specified in the petition shall be proposed in such manner that the greatest distance between two wells within the district shall be no more than 30 miles apart, unless good cause is shown to the County Commission for including a larger area." Arrington suggested water users would be best served with two larger districts working together and there is no need to have a third small ground water district in the valley.

**PUBLIC COMMENT:**

- Wood River Land Trust Project Coordinator Patti Lousen asked that the public hearing for organization of the ground water district be set as soon as possible.
- Sharon Lee, representing Wood River Ranch, asked Commissioners to extend the Galena Ground Water District boundaries to include all wells.

Sun Valley Water/Sewer District General Manager Pat McMahon said the petition was filed with Idaho Department of Water Resources (IDWR).

**Schoen moved, seconded by McCleary, to set the bond amount for election pertaining to formation of Galena Ground Water District at \$20,000. Motion carried unanimously.**

**McCleary moved, seconded by Schoen, to schedule the organizational hearing for the Galena Ground Water District for August 25, 2015. Motion carried unanimously.**

**COUNTY DEPARTMENT REPORTS, Discussion and Consideration**

**Claims - Schar Boyd**

**McCleary moved, seconded by Schoen, to approve claims dated July 14, 2015, with additional claim for \$34.50 per diem for Amy Rivkin submitted today. Motion carried unanimously.**

**County Administrator - Derek Voss**

- The City of Hailey will no longer provide police services for the City of Bellevue. This may impact emergency communications and equipment funding obligations.
- Blaine County GIS Program Manager Joel Hall said GIS's three historic applications are updated; and the transition to new programming language is almost done. GIS will host public and staff training classes in August.
- The GIS map shows water layers, including places of use and points of diversion, which are updated regularly from County, FEMA, USGS, and IDWR, respectively.

**BLAINE COUNTY ROAD AND BRIDGE LEVY, Discussion and Consideration**

Also present: Blaine County Operations Administrative Assistant Andrea Walton; and Clare Swanger.

Greenberg talked to Idaho State Tax Commission about raising Blaine County vehicle registration fees. The BCC can ask voters for permission to raise base registration fees, up to double the current amount. The cities would get 30% of the registration fee increase and the County 70%. Blaine County has about 22,000 vehicles, so a \$30 per vehicle registration fee would give the County about \$500,000. The increase could be permanent, or for a different period of time, as the BCC chooses. The state would process the fee and can retain up to 1½% for processing.

The vote for an increased registration fee is by simple majority. Respondents to the County's recent Road and Bridge Levy survey supported increasing the registration fee 56% to 35%.

Greenberg supported the registration fee increase. McCleary agreed to consider the registration fee increase, although \$500,000 is considerably less than the County considered raising in a bond.

**PUBLIC COMMENT:**

- Clare Swanger said doubling the registration fee is a considerable increase and is regressive. She asked if there was a socio-economic breakdown in the survey.

**CRATERS OF THE MOON RESOLUTION, Discussion and Consideration**

Also present: Butte County Commissioner Rose Bernal; Craters of the Moon Change the Name Coalition member / Butte County School Board Chairman Marie Cummins; Craters of the Moon Superintendent Dan Buckley; Craters of the Moon Coalition member Karen Pyron; and Idaho Conservation League (ICL) Associate Dani Mazzotta

Butte County representatives asked the Blaine County Commissioners to consider a resolution supporting changing the name of the original 54,000 acres Craters of the Moon National Monument to Craters of the Moon National Park. The change in designation will not change the boundaries of the national monument area; and will not affect Craters of the Moon National Preserve under National Park Service management; or Craters of the Moon National Monument under BLM management, where hunting and grazing is currently allowed and will continue. Boundary lines of the three parts of Craters of the Moon will not change. The designation change of the national monument to national park will not in itself change management or fees, but may increase funding.

Butte County encourages the name change to increase visitor numbers and tourist dollars. Nearby cities, including Carey in Blaine County, support the designation to national park status. Idaho Senator Mike Crapo will support the status change if he gets support from Blaine and Butte counties.

Craters of the Moon Superintendent Dan Buckley said there was an average of five medical transports out of Craters a year, and most park staff have EMT training. Buckley said Craters could use more staffing, and should benefit from the name change. Craters' unique geology, volcanic areas and wildlife in a harsh climate are host to scientific study, NASA, and volcanologists.

The BCC said preservation and protection of the resource would be more important to Blaine County than economic development of surrounding communities. Buckley said park management will continue to focus on conservation and environmental protection policies to preserve Craters' geological significance. Designating the original national monument part of the park as a national park would distinguish it from the other two areas in Craters, which are less public.

**PUBLIC COMMENT:**

- Carey resident JoLynn Drage said the national monument part of Craters has had environmental protection for decades. It is important to retain parts of the park that nearby landowners currently use for grazing and hunting as is.
- Mazzotta said ICL supports a resolution in the Idaho Statehouse that has good support from both parties for both economic development and conservation measures. She encouraged the BCC to support the designation change.  
Mazzotta said ICL is an active member of Pioneers Alliance, which would like to see mining around Craters withdrawn.
- Cummins said the area could use an economic boost, and this is one possibility.

The BCC directed Schoen to draft a resolution in support of the designation to national park, to include language that there be adequate appropriation to allow Craters National Park to be managed for conservation and preservation.

## **CONSENT CALENDAR**

Beverage License renewals for NexStage Theater; Magic Lantern; Sun Valley Wine Company; Galena Lodge; Albertsons #130; Smoky Mountain Pizzeria Grill; Smiley Creek Lodge; That's Entertainment; Grumpy's; Silver Dollar Saloon; Castle's Corner; Valley Club; The Ranch Clubhouse; Uptown Mini Mart; Da Vinci's; CK's; Elkhorn Springs Restaurant; Seasons Steakhouse; Guffy's; Sawtooth Brewery; Shorty's; Veltex Market; Stinker Store #111; Velocio; Rico's Pizza & Pasta; Mahoney's Bar & Grill; KB's; West Magic Resort; Sun Valley Brewing; and Burger Grill Ketchum.

**McCleary moved, seconded by Schoen, to approve the Consent Calendar of July 14, 2015. Motion carried unanimously.**

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

### **Blaine County Regional Transportation Committee – McCleary**

- ITD finished its traffic study on the improved portion of Highway 75 near the hospital, and, based on the 85<sup>th</sup> percentile of drivers' speeds as measured in the study, ITD will revise the speed limit from 45mph to 55mph in certain areas and from 35mph to 45mph in others. These speeds will closely approximate pre-construction speeds in these areas. 35mph speed limit will start just north of the hospital. The majority of public comment support ITD's recommendation.
- There will be a speed advisory in front of Galena Lodge recommending drivers reduce their speed to 35mph and signs RECREATIONAL CROSSING – WATCH FOR PEDESTRIANS will be erected in the area.

### **Request for FY2016 SCIPES (Weather Modification) Support – Schoen**

Blaine County has received a FY2016 contribution request from Wood River Resource Conservation and Development (RC&D) for \$5,000 to The South Central Idaho Precipitation Enhancement Strategy (SCIPES) to support a regional effort at cloud seeding. Research and data claim cloud seeding is effective, but the BCC feels budget constraints preclude their support at this time.

### **Wood River Electrical Plan Update - Schoen**

Also present: Blaine County Disaster Services Coordinator Chuck Turner.

The regional committee to help Idaho Power plan electrical service upgrades to the north valley has been meeting for a number of years. The latest proposal to create redundant capacity on the transmission lines has a potential impact on County budget. Idaho Power plans to run a 138kV underground distribution line from a substation at the hospital north to Ketchum / Sun Valley at a community cost of under \$1.9 million, which is substantially less than \$13 million originally proposed. The original estimate was based on much larger cable and other estimated construction cost factors. The County would be responsible for 16% of the cost, Ketchum for 48% and Sun Valley for 36%. Idaho Power will discuss funding with Ketchum and Sun Valley. Idaho Power asks the County to commit its portion in 2016, to be paid in 2018. The BCC noted that no Board of Commissioners can commit a future Board to any financial commitment.

The power lines between Hailey and the hospital will still be above ground. Greenberg and McCleary expressed concern about the visual impact of the power poles, especially down Buttercup Road. McCleary questioned the priority of redundant lines, and the public has mixed feelings about the value of redundant lines. The project would go before P&Z as a Conditional Use Permit application, which would include public comment; and only come to the BCC if necessary to appeal P&Z's decision.

### **Region IV Development Association Update – Schoen**

The Magic Valley is recognized for food production, and has been designated as one of 12 U.S. communities to receive federal Manufacturing Community status, which has over \$1 billion in federal economic development assistance and specific points of advocacy at the federal level in commerce, labor, transportation, agriculture, etc.

### **National Association of Counties (NACo) Annual Conference Update - Schoen**

- Schoen, a member of NACo's Environment Energy and Land Use Committee and Rural Action Caucus, introduced platform planks and resolutions for NACo to consider for lobbying efforts on the federal level. He emphasized collaboration of multi-level government agencies in research and planning.
- Schoen introduced a platform amendment related to transmission grid security, which is an important component of NACo initiative on Safe and Secure Communities.
- NACo opposes sage grouse listing at this time. Different states have had varied processes, so NACo's Public Lands Committee debate pitted people with very different approaches and experiences; and ended up passing a resolution asking NACo to lobby Congress to nullify any agency rules that states and counties didn't like. This was rejected by NACo's Board of Directors.
- Schoen attended multiple sessions on Medicaid and Jail Mental Health. The Affordable Healthcare Act provides more assistance for mentally ill patients. Nationwide, 70% of jail inmates have mental health and substance abuse issues. When someone is incarcerated, they (by federal law) lose Medicaid. Recently, some states have passed laws that allow Medicaid to be suspended instead of terminated, which makes reintegration easier when inmates are out of jail.

**EXECUTIVE SESSION – §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 and Assistant Amy Rivkin.

**McCleary moved, seconded by Schoen, to convene in Executive Session pursuant to Idaho Code 74-206 1(d) to consider indigent medical applications. McCleary (aye); and Schoen (aye). Chairman Greenberg is currently out of the room and will join Executive Session momentarily. Motion carried unanimously.**

**OPEN SESSION RESUMED**

**Schoen moved, seconded by McCleary, to approve Case #2015-44 Medical Indigent Application for Assistance, with a \$25 monthly reimbursement, based on staff recommendation. Motion carried unanimously.**

**BREAK**

**LAND USE and BUILDING SERVICES HEARINGS**

- **Lot 11, Lane Ranch #1 Amended, Plat Amendment and Stream Alteration Permit:** A public hearing and consideration of a plat amendment application and a stream alteration permit application by property owner Felisa Vanoff Trust of 146 River Ranch Rd.

This item was cancelled.

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

- **Letter to Blaine County Housing Authority re Valley Club West 9 parcels**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Land Use Administrator Tom Bergin; and Senior Planner Kathy Grotto.

The BCC agreed that it would consider donating both County-owned parcels to the Blaine County Housing Authority for community housing. Graves confirmed that the plat sets aside the parcels for public use, and that affordable housing qualifies as a public use. The BCC encouraged the Housing Authority to engage with neighbors to ensure the housing development fits in with the neighborhood.

**FY2016 Budget**

The BCC discussed their priorities for the July 15, 2015 Budget Hearing agenda.

**EXECUTIVE SESSION - Idaho Code 74-206 1(f)** - Pending Litigation, Engl Appeal

Executive Session was cancelled since response was not received from attorney.

- **Lot 1, Block 1, Henslee Ranch Sub. Plat Amendment:** A public hearing and consideration of a plat amendment application by property owners Rolf and Nancy Engh of 300 Pole Creek Rd. They propose relocating an existing platted building envelope to incorporate existing, unpermitted structures consisting of a garage, two outhouses and three yurts; adding a new habitable building envelope and a new non-habitable building envelope. The subject property lies within the Sawtooth National Recreation Area (SNRA) and is zoned Rural and Remote District (RR-40), contains areas of Mountain Overlay District (MOD), Floodplain Overlay and Riparian Setback Districts. The property consists of 640 acres located approximately 1.5 miles northeast of Smiley Creek in the Henslee Ranch Subdivision, Lot 1, Block 1 in Section 25, T7N, R14E, Blaine County, BM, Idaho.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Land Use Administrator Tom Bergin; Zoning Specialist Nancy Cooley; USFS Sawtooth National Recreation Area Ranger Kirk Flannigan and Deputy Area Ranger Barbara Garcia; Applicants Rolf and Nancy Engh (by phone); applicants' attorney Noel Sitton and engineer Sean Flynn; Diane Barker, and adjacent property owner MMW Enterprises Managing Member Wes Wills.

Cooley read notice.

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

The applicants propose to relocate an existing platted building envelope to incorporate existing unpermitted structures, add a new habitable building envelope and new non-habitable building envelope. The property, within the Sawtooth National Recreation Area, is zoned R Rural and Remote; and contains areas of the Wetland Overlay, Floodplain Overlay and Riparian Setback Districts.

DISCLOSURES: none.

Sean Flynn, representing the applicants Rolf and Nancy Engh, said the Enghs would like to replat the existing envelope to build a house and barn on the property. Four existing structures on the hillside are currently not permitted. A structural engineer will evaluate the structures to be sure they comply with snowload standards and wind requirements, and if not, will get them up to standard. The four structures are not visible from the county access road. A yurt can be seen if you know where to look.

The applicants will get a wetland delineation, and if necessary, revise the proposed new building envelope. The existing envelope, platted in 2000, is almost entirely within the Mountain Overlay District (MOD) boundary and very visible from the road. The applicants want to reconfigure the building envelope

to include the four existing structures and stipulate that no further structures will be permitted. Replatting the buildable envelope will remove the applicants' ability to build within the MOD.

The Enghs purchased the property 15 years ago and, since then, removed a lot of dead trees and installed almost three miles of antelope-friendly fence on the property to protect three ponds, which support waterfowl and wildlife.

Commissioner Schoen said the BCC approved a similar application by the Enghs in 2007. No final plat was ever submitted. Before and after 2007, things were done on the property that are violations of Blaine County Code, Federal Scenic Easement, and potential violations of federal and state law. This proposed new building envelope contains existing violations of the MOD, and any building there would require a Site Alteration Permit.

Graves said the BCC is not bound by a prior amendment decision in 2007. The Enghs voluntarily abandoned that project. Violations are normally treated separately as criminal or civil matters through code enforcement. Some current violations on this property would be cured if the BCC approved this plat amendment. One violation is in the process of being rectified. The BCC has to review applications based on standards of evaluation, one of which is to determine if the application will satisfy all applicable requirements of the Code and another is if approving this plat amendment would alter the existing character of subdivision. Graves didn't think the BCC could postpone a decision on this plat amendment until any violation(s) are cured.

#### PUBLIC COMMENT:

- Flannigan said there are several structures that are outside Forest Service terms and agreements of the easements on the property. The yurts, hot tub, shower platforms, trailer location, etc. do not meet the Forest Service's private property terms and agreements. The Forest Service doesn't know if the existing and new building envelopes meet the terms and agreements of the easement; but looks forward to working with the landowner.
- Diane Barker said the yurts were never meant to be permanent, and asked if County Code defined permanent structure.
- Wes Wills, manager of the 600-acre MMW property adjacent to the Enghs' property, asked if plat notes suggested by County staff to apply to the Engh property would be exclusive to the Engh property and not the rest of the properties in the subdivision. MMW does not object to the plat amendment as presented in the County's staff report.
- Wills said the Forest service has identical conservation easements on the Engh property and other properties on the original Henslee Ranch. The easement was purchased by the Forest Service, with some rights going to the Forest Service and some rights retained by the Henslees. The County and the Forest Service each have their own definitions, Code, enforcement, and appeal process, and shouldn't be confused.

Sitton said the three yurts were hardly visible from any road or the highway. One outhouse is visible from the road; and the Enghs are trying to make their property invisible from the road. She said the Enghs want to comply with County and Forest Service standards; and asked how the Forest Service's definition of yurt compared with Blaine County's definition of yurt.

Land Use staff said yurts are defined in County Code. Disturbances in the MOD without permits are not permissible. Some County standards may apply to "disturbances", if not structures. The riparian setback is 25 feet; wetlands setback is 75 feet. The yurts, the barn, the bridge, and all structures, including "temporary" structures, would require evaluation, and perhaps County permits. The outhouse may not be considered a structure, but requires a permit from the Health District. The plat amendment and notes would only apply to this lot, and not other lots in the Henslee Ranch Subdivision.

McCleary has concerns with all three building envelopes. Code violations need to be removed. Greenberg does not favor expansion into the MOD. The BCC said they could not set boundaries of a building envelope without a wetlands delineation. Schoen said the building envelope in the MOD does not comply with Blaine County Code. He would want to review conditions on the 2007 application; and have the bridge reviewed by Idaho Department of Water Resources and the Army Corps of Engineers. Schoen asked that roads be delineated on the map. All elements of the application must be in compliance with Blaine County Code, state and federal laws.

The original plat lists easements on the property. Graves reiterated that the Enghs are subject to easements the on property, and can work that out with the Forest Service.

**Schoen moved, seconded by McCleary, to continue public hearing on a Plat Amendment application on Lot 1, Block 1, Henslee Ranch Subdivision to a date uncertain, pending need for additional information. Motion carried unanimously.**

#### **MOUNTAIN RIDES LETTER TO STATE**

Chairman Greenberg will send a letter to the state in support of Mountain Rides, which is being considered for federal grant programs.

**PUBLIC DEFENDERS, Discussion and Consideration**

Also present: Blaine County public defenders Keith Roark; Christopher Simms and Cheri Hicks.

Public defender Doug Werth resigned. Public defender Christopher Simms agreed to assume Werth’s obligation for the duration of the current FY2015 contract.

- Schoen favored having six local public defenders, each responsible for two months.
- Public defender Cheri Hicks felt the current contract for five defenders was working well.
- Local attorneys are hesitant to be public defenders, due to conflict of interest and also time commitment.
- Voss said there is no obligation to put the public defender contract out to bid. Blaine County has had stability and excellent quality of service.
- Magistrate and District judges will be asked for their input.
- Attorneys agreed that public defenders should have an office in Blaine County. Roark said new attorneys like to get experience as a public defender; he suggested an actual public defenders office would facilitate experienced attorneys in mentoring new attorneys.

The BCC will discuss the public defender contract in budget discussions.

**EXECUTIVE SESSION – §74-206 1(f) Pending Litigation**

This Executive Session was cancelled. Communication from attorney was not received.

**ADJOURN**

**At the hour of 4:08 p.m., with no more business before them, the Commissioners adjourned.**

Attest: \_\_\_\_\_

JoLynn Drage  
County Clerk

Approved \_\_\_\_\_

Jacob Greenberg  
Chairman