

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
REGULAR MEETING OF THE JANUARY 2020 SESSION**

**Third Day**

**Tuesday, January 21, 2020**

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 (by phone for morning session and in person for afternoon session), and Commissioner Dick Fosbury; County Administrative Services Manager Mandy Pomeroy; and Recording Secretary Sunny Grant. Boise State University Practicum Student John Inman was present for the afternoon session.

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

**PUBLIC COMMENT:** None.

**EXECUTIVE SESSION** – §74-206 (1)(d) Confidential Records.

Also present: Blaine County Services Manager Brooke Baird.

Fosbury moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(d), to consider records that are exempt from disclosure as provided in Chapter 1, Title 74, Idaho Code. Roll call: Fosbury (aye), McCleary (aye) and Greenberg (aye). Motion carried unanimously.

**INDIGENT CONSIDERATIONS**

Fosbury moved, seconded by McCleary, to deny Request 2019-1071-1, finding that indigency has not been established. Motion carried unanimously.

Fosbury moved, seconded by McCleary, to deny Request 2019-1019-2, finding that indigency has not been established and the application was filed untimely, pursuant to I.C. 31-3505. Motion carried unanimously.

**COUNTY DEPARTMENT REPORTS**

**Administrative Services** - Mandy Pomeroy

• **Employee Appreciation**

Also present: Blaine County Assessor Jim Williams; Chief Deputy Assessor Melissa Fry and Appraiser David Vanderpool.

The BCC commended appraiser David Vanderpool who was now a State Tax Commission certified appraiser with a full year of experience as an appraiser.

**Facilities** - Pat Boyle

• **McBride Accessory Dwelling Unit update to obtain approval to proceed**

Also present: Project architect Jolyon Sawrey.

The County wants to build an accessory building on the McBride building lot, with an Accessory Dwelling Unit upstairs and storage for election equipment on the ground floor. The McBride Building currently houses the University of Idaho Extension Office. The County has two potential design options for the new building:

- The lot is in Hailey's Transition Zone and the building could be Mixed Use: the upstairs a "residential" accessory dwelling unit, and the downstairs a "commercial" use—general office/storage—and a garage for the ADU; OR

Since the McBride Building is a grandfathered "commercial" office, the new building in the back could be an accessory "commercial" use for the McBride Building (and used for storage); or an additional commercial building on the lot, used for storage; OR

- Alternatively, the County could apply for a Conditional Use Permit for a public or semi-public use by the County, which could be storage.

Jolyon Sawrey will present the first option to Hailey P&Z. If P&Z objects, he will present the second option.

**Treasurer's Report** - John David Davidson

- Treasurer's office was busy in December with property taxes due. Office staff were in the office on Friday, the due date; and the Treasurer came in on Saturday to be sure any payments in the overnight box were posted for the due date.
- The entire Treasurer's office staff will attend a one-day training in Boise.
- The Treasurer will attend a national treasurer's conference in Washington, D.C.

**Assessor's Report** - Jim Williams

Also present: Chief Deputy Assessor Melissa Fry and Appraiser David Vanderpool.

- The Assessor's office will preview mass appraisals software.
- The Department of Motor Vehicles will roll out new ITD software in April. Staff are anticipating the same kind of problems they had with new Drivers License software two years ago.

**CONTRACTS, GRANTS AND AGREEMENTS**

• **Grant Request to Apply: Idaho Parks and Recreation Waterways - West Magic Dock Ramp #3**  
Also present: Blaine County Waterways Coordinator Lamar Waters; and County Grants and Procurement Specialist Lyn Drewien.

**Fosbury moved, seconded by McCleary, to approve Idaho Department of Parks and Recreation West Magic boat docks ramp #3 project with an estimated total project cost of \$36,887 for FY2020 with a County match of \$7,377, which has been budgeted for FY20. The grant amount is \$29,510. Motion carried unanimously.**

**CONSENT CALENDAR**

- **Transfer of State Liquor License #3871** from Ketchum & Mustard, LLC dba Hotel Ketchum to GuacStar LLC dba Barrio 75 located at 700 N Main St Ketchum.
- **New Liquor License** for Ketchum & Mustard, LLC dba Hotel Ketchum located at 600 N Main St., Ketchum.
- **Resolution 2020-02 Destruction of election documents: poll books, unused and spoiled ballots, absentee precinct zero tapes, etc. from November 8, 2018, and prior, according to State Statute.** ..... [Record #666506](#)

**Fosbury moved, seconded by McCleary, to approve Commissioners Consent Calendar of January 21, 2020, as presented. Motion carried unanimously.**

**BOARD of COUNTY COMMISSIONERS REPORTS**

**5B Restoration Coalition/Baldy Forest Health Meeting – McCleary**

McCleary relayed current 5B Restoration Coalition projects, including plans to improve Baldy Forest Health.

**Sharps Fire Restorative Justice Meeting – McCleary**

McCleary said the County Prosecuting Attorney’s office discussed its draft prosecution plan with her and landowners who were victims in the Sharps Fire before they meet with the defendant’s public defender.

**Colorado Gulch Road Access – Fosbury**

Also present: Blaine County Land Use Administrator Tom Bergin and Certified Floodplain Manager Kristine Hilt; and WRLT Project Coordinator Ryan Santo.

Fosbury said he’d walked the proposed bridge area with concerned neighbors who suggested the new bridge be downstream from the old location, farther away from the river meanders. Fosbury will follow up with WRLT Project Coordinator Ryan Santo, and they will have a conference call with the bridge designer regarding a longer span bridge.

**Sun Valley Economic Development Meeting – Greenberg**

SVED is planning a memorial to Steve Mills.

**Idaho Public Safety Communications Commission – Greenberg**

Working on consolidating into a regional or statewide approach.

**Local Fire Departments – Greenberg**

Also present: County Land Use Administrator Tom Bergin; and Blaine County Emergency Communications Director Robin Stellers.

A former Ketchum Rural Fire Department Commissioner was concerned that an ambulance was buried in the snow at the Greenhorn Station. Greenberg went looking for the ambulance and found all three ambulances housed inside the Ketchum Fire Station; which makes sense because the majority of calls this time of year are centered on the ski mountain. Greenberg discussed utilization of Greenhorn Station with the Ketchum Fire Chief; and there may be further protocol discussions.

**LAND USE and BUILDING SERVICES HEARINGS**

- **Rivers Edge Ranch Subdivision - Stream Alteration Permit:** A continuation from June 11, 2019 of a public hearing and consideration of an application by James Cooper, 605 Benjamin Way, for a stream alteration permit within the Big Wood River. The project area includes approximately a 1,600-foot reach of the Big Wood River and associated floodplain within the Rivers Edge Ranch Subdivision initiating from downstream of the Hwy 75 Bridge north of St. Luke's Hospital and terminating downstream at the Cliffside Subdivision. The property is zoned Rural/Residential District (R-1) and is within the Floodplain, Floodway, and Wetland Overlay Districts.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Land Use Administrator Tom Bergin; County Certified Floodplain Manager Kristine Hilt; Blaine County Engineer Jeff Loomis; Land, Water and Wildlife Levy Program Coordinator Wendy Pabich and LAB members Rob Santa and Lili Simpson; applicant James Cooper and applicant’s team Gary Slette and Steve Fisher; WRLT Project Coordinator Ryan Santo; Biota Research & Consulting Fisheries Biologist Ryan Colyer and Research & Consulting Fluvial Geomorphologist Jeff Phillips; Trout Unlimited Big Wood River Project Manager Keri York; project neighbors Carter and Karen Cox and their representative, Brockway Engineering hydrologist Zach Latham; and *Idaho Mountain Express* reporter Gretel Kauffman.

Hilt read public notice.

**McCleary moved, seconded by Fosbury, that notice for this hearing was adequate. Motion carried unanimously.**

**Disclosures:** None

**New materials:** Letters received the day before from Brockway Engineering and the Wood River Land Trust, which were emailed to the BCC and the applicant, and uploaded to the website.

Biota's Ryan Colyer recapped the project timeline, starting with the original Stream Alteration Permit in 2015.

Colyer said the overall goal is to flood the river to remove sediment without destroying riparian land and wrecking infrastructure that would mandate emergency action. In addition, they propose to excavate a sediment storage area where the river can deposit excess bedloads during periodic floods. Biota expects the storage pool to fill up on about five-year intervals. Fosbury said reactivating the historic pond on the outside meander is a new concept and could be a real benefit.

Colyer described their proposed bank excavation and pool bed features to create depth. Fosbury said the plan would slowly move the river away from Cooper's house, although it does shorten the length of the river. Brockway Engineering has expressed concern about a narrow stretch of the river. Colyer discussed Cardno and Brockway concerns with the BCC.

The BCC asked if the County Engineer had signed off on the application. Jeff Loomis said he doesn't like this language in the County Code because an engineer wouldn't want to take responsibility for another engineer's work. Loomis said the BCC could accept the application because they have third party review (Cardno) comment; and a Condition of Approval requires the project be approved by FEMA, which has the ultimate decision regarding no rise. Loomis said the applicant has submitted a No-Rise signed by an engineer (Biota), as the ordinance requires; although the No-Rise was reviewed by a third party (Cardno), which has questions.

Hilt questioned whether a No-Rise signed by an engineer necessarily met the County's ordinance, and added that Cardno Engineers and Brockway Engineers both said the model didn't show enough cross-sections to satisfy there would be no rise. She would like to have enough information that staff can sign off on the No-Rise without reservations. Hilt added that County ordinance strictly prohibits a rise as a result of development, regardless of whether an application is approved by FEMA.

Fosbury said applications usually have approval from Army Corps of Engineers, Idaho Department of Water Resources (IDWR), and third engineer review. A letter from FEMA seems to indicate that FEMA doesn't consider this application adequately reviewed. Colyer said IDWR approved the project in December, 2018.

Loomis said the applicant had to submit a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR), and FEMA review, so he wasn't sure what good a No-Rise was at this point. Loomis said the No-Rise Biota submitted was consistent with what had been submitted to the County in the past and been approved. This project area isn't in the mapped floodway anymore. Biota's Jeff Phillips felt Biota's submittal included all aspects of the project. Hilt said there was a lot of wood in the project, and Biota said none of the wood was incorporated into the model. Phillips said they thought the wood quantities were okay because they were similar to what were approved for the County's Fishermen Access project.

Colyer said Biota Research & Consulting Senior River Engineer (licensed in Idaho) Chad Bailey had reviewed the application, and reviewed it again after receiving Cardno comments, before stamping it. Colyer said Biota field-verified FEMA cross sections and collected additional cross sections to update the FEMA model, so their model should be more accurate than FEMA. Hilt said staff hoped Cardno's concerns would be addressed by this hearing, but Biota's response to Cardno's review left questions unanswered.

Fosbury and Colyer discussed remnants of old drop structures and steepness of the existing stream channel, scour and stability. Biota plans to lower an area adjacent to the channel yard, maintaining the streambed gradient, but shifting it; and storing sediment. Colyer said the structures proposed in this application are more resilient than in the past, but he did feel it would be wise to have a maintenance plan.

**Public comment:**

- Neighbor Carter Cox asked the BCC to be very careful in considering this application. Any elevation at the Comstock Ditch headgate could cause problems for his lot.

Gary Slette, attorney for the applicant, related history of public works that have altered the course of the river at this location. He said the County has approved subdivisions along the river, and now the County must give landowners the opportunity to protect their property with well-engineered plans.

Applicant James Cooper said they and their children expect to keep this property for decades. With the bank eroded as it is, the house may not survive another flood.

The BCC reviewed past flood history and individual County Standards with Biota representatives and applicant's aquatic consultant Steve Fisher. The BCC noted that the applicant had received a Stream Alteration Permit in Winter 2017-18; and Steve Fisher's work seems to be holding up.

Hilt said Land Use staff had experienced problems with revegetation compliance on this property for over 10 years. The applicant said they didn't want to complete some of the original vegetation plan until this project was complete. Condition of Approval #10 addresses this: "An expanded maintenance plan shall be submitted to include expected lifespan of structures ... Future maintenance may be subject to further review and permitting requirements."

**Commission Deliberation:**

- Fosbury said this is a complex project. He thinks he understands the application and that it meets standards. He doesn't think it will narrow the channel or go beyond the capacity of the stream. He said it is clearly a broader restoration that goes beyond protection of the homesite.
- McCleary doesn't believe it meets Standard 3, acceptance by the County Engineer that demonstrates that encroachment shall not result in any increase in flood level. Both FEMA and a third party review question the No-Rise.
- Greenberg has some questions, but thinks the applicant's answers were adequate. He didn't think Cardno provided any analysis to substantiate insufficient information. Greenberg said the engineer is licensed and responsible, and he accepts the engineer stamp as sufficient. He didn't know how the project would affect flooding onto the Cox neighboring property.

Fosbury would like to table this application to give the applicant time to respond to BCC concerns and provide answers to Cardno. Staff would like to see the project be successful. Hilt said Biota can provide revised drawings that Brockway can review and provide comment for Biota to respond to. Hilt and Loomis can review the Cardno report and highlight specific questions they feel should be answered.

**McCleary moved, seconded by Fosbury, to continue this hearing to April 14 at 1:30 PM. Motion carried unanimously**

**ADJOURN**

**At the hour of 5:05 p.m., with no more business before them, the County Commissioners adjourned.**

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