

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

**First Day**

**Tuesday, February 11, 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 most of the meeting) and Commissioner Dick Fosbury; County Administrator Derek Voss; County Administrative Services Manager Mandy Pomeroy; and Recording Secretary Sunny Grant. County Clerk JoLynn Drage and Carl Massaro were present for part of the morning session.

Chairman Greenberg called the meeting to order at 9:00 a.m.  
McCleary was absent until 9:40 a.m..

**PUBLIC COMMENT:**

- Marcia Hart said Blaine County wants people to visit our valley, but they won't want to come if we have 5G high frequency microwave transmission that impacts people's health.
- Lisa Lintner said a California firefighters union presented evidence that cell towers close to fire stations caused brain abnormalities in firefighters. Lintner asked local leaders to pass legislation that will preempt any plans the wireless industry has to install facilities until they have completed an environmental assessment and environmental impact statement. Lintner said people want 5G, but in a safe manner, as originally presented in fiber optic cables buried underground.
  - Greenberg and Fosbury have been tracking 5G and accumulating information. The BCC plans to have a meeting where both sides can present their position.

**EXECUTIVE SESSION – §74-206 (1)(d) INDIGENT** - Consideration of records that are exempt from disclosure as provided in Chapter 1, Title 74, Idaho Code

Also present: Blaine County Services Manager Brooke Baird and County Indigent Services Assistant Hayleigh Simpson.

**Fosbury moved, seconded by Greenberg, that the BCC convene in Executive Session, pursuant to Idaho Code 74-206 (1)(d), to consider indigent medical records that are exempt from disclosure. Roll call: Fosbury (aye), and Greenberg (aye). Motion carried 2/0.**

**OPEN SESSION RESUMED**

**INDIGENT CONSIDERATIONS - Board of County Commissioners Action**

**Fosbury moved, seconded by Greenberg, to deny request 2019-1016-3, based on medical review. Motion carried 2/0.**

**Fosbury moved, seconded by Greenberg, to deny request 2020-1077-1, since indigency has not been established. Motion carried 2/0.**

**Fosbury moved, seconded by Greenberg, to approve request 2019-1070-1, with reimbursement of \$100 per month. Motion carried 2/0.**

**Fosbury moved, seconded by Greenberg, to approve request 2019-1020-2, with reimbursement of \$50 per month. Motion carried 2/0.**

**Fosbury moved, seconded by Greenberg, to approve and cancel the hearing of request 2019-1016-1, with reimbursement of \$50 month. Motion carried 2/0.**

**COUNTY DEPARTMENT REPORTS**

**Claims – Gretchen Stinnett**

**Fosbury moved, seconded by Greenberg, to approve claims dated February 5, 2020, as submitted. Motion carried 2/0.**

**McCleary was present by phone for the following two discussions.**

**Administrative Services – Mandy Pomeroy**

- **Request to Apply - TEGPA E-Citation Equipment**

Also present: Blaine County Chief Deputy Sheriff Will Fruehling; and County Grants and Procurement Specialist Lyn Drewien.

The Sheriff's office would like to apply for funding for statewide electronic ticketing software and hardware. The state requires all law enforcement agencies to eventually use such a system. Maintenance is the responsibility of each County.

**Fosbury moved, seconded by McCleary, to approve request to apply for statewide electronic ticketing program grant in the amount of \$21,506.40. Motion carried unanimously.**

• **Outreach and Education Coordinator Job Description Review**

Administrative Services is still looking for an Outreach and Education Coordinator, to incorporate a County Office of Sustainability. The BCC agreed they need to discuss what an Office of Sustainability should be; but, for now, they approved the job description.

**McCleary left the meeting at this time.**

**County Administrator - Derek Voss**

- The County Services department remodel in the Old County Courthouse basement is almost complete. The Public Defender's space in the OCC is under construction now.
- The FY2021 budget season is being scheduled.
- The Clerk is working on the Emergency Communications funding agreement.

**Road and Bridge – Steve Thompson**

Also present: Blaine County Grants and Procurement Specialist Lyn Drewien.

- Grant funds are available through the Volkswagen Settlement Vehicle Replacement Program that can pay up to 40% of the cost of a new vehicle. With BCC approval, Thompson would like to apply for this grant to purchase two vehicles in FY2021.
- Update on ITD’s Sun Valley Road transfer: The County and ITD will meet this week to finalize the application. As part of the process, the City of Sun Valley requested encroachment in the County's right-of-way to extend the bike path. The County proposes to initiate a bikepath easement.

**CONTRACTS, GRANTS AND AGREEMENTS**

• **State/Local Agreement (Construction) Project No. A013 (998) West Glendale Road and Canal Bridge Blaine Co. Key No. 13998**

Also present: Blaine County Road and Bridge Manager Steve Thompson; and Blaine County Grants and Procurement Specialist Lyn Drewien.

Some Local Highway Technical Assistance Council (LHTAC) projects have been delayed and their costs increased. This grant application process has been postponed to January, 2021.

**CONSENT CALENDAR**

- **Resolution 2020-04 Transfer of Information Technology Equipment to The City of Bellevue is in the public interest** ..... [Record #667049](#)
- **Resolution 2020-05 Sheriff Budget Adjustment** ..... [Record #667050](#)
- **Resolution 2020-06 Forfeited Cafeteria Funds Transfer** ..... [Record #667051](#)
- **Catering permit** for The Smokey Bone BBQ for a Skijoring event February 15 located at 81 Browning Lane, Bellevue Idaho.

**Fosbury moved, seconded by Greenberg, to approve the Commissioners Consent Calendar for February 11, 2020, as presented. Motion carried 2/0.**

**CENTRAL PUBLIC HEALTH DISTRICT UPDATE**

Also present: South Central Public Health District (SCPHD) Environmental Health Specialist Matt Wildhagen; SCPHD RN Karissa Martin; and Sun Valley Board of Realtors Government Affairs Director Bob Crosby.

- SCPHD epidemiologist and public health preparedness staff are formulating plans in the event Coronavirus appears in Idaho.
- Home Visit Program, Mommy and Baby Group Program, and Women, Infants and Children (WIC) are growing.
- Tobacco Cessation educators Cody Orchard and Christina Cernansky are teaching classes in schools.
- Doctor who works with St. Luke’s Foundation has been talking to South Valley community members trying to establish a non-profit clinic in Blaine County.
- The Hunger Coalition is interested in providing immunizations, but there are still administration costs.
- Wildhagen met with the Wood River Fire Authority to discuss septic systems for the Hulen Meadows and Greenhorn fire stations.
- SCPHD now has handheld tablets that can collect data and display history in the field.

Matt Wildhagen and SCPHD Public Health Director Craig Paul met with County P&Z to discuss the County's Strategic Plan and SCPHD policy, specifically regarding Accessory Dwelling Units.

**Public Comment:**

- Bob Crosby asked if the SCPHD could formulate an online calculator to help developers estimate septic costs and financial feasibility in the future.
  - *Wildhagen said a developer usually does lot test holes when creating a subdivision and can apply for a community septic system and blanket variance for the entire created subdivision at no additional charge.*

**FRIEDMAN MEMORIAL AIRPORT**

Also present: Friedman Memorial Airport Manager Chris Pomeroy and Contracts/Finance Administrator Lisa Emerick.

Pomeroy said the main topic at tonight's FMAA meeting will be the FY2020 budget.

## **BREAK**

Boise State University Practicum Student John Inman was present for the afternoon session.

## **LAND USE and BUILDING SERVICES HEARINGS**

- **Short Plat Subdivision-12553 & 12551 State Highway 75.** Public hearing and consideration of an application by William Mark Savage to reconfigure two parcels into three lots, to be named The Cliffs Subdivision. The property is zoned Low Density Residential (R-1) with Scenic Highway Overlay District and Wellhead Protection Area.

Also present: Blaine County Land Use Administrator Tom Bergin; County Planner Allison Marks; applicant Mark Savage and representative Mark Phillips; Citizens for Responsible Development (CRD) Director Donn Wonnell and David Cosca

Commissioner McCleary was not present.

Marks read notice.

**Fosbury moved, seconded by Greenberg that notice was adequate. Motion carried 2/0.**

There were no disclosures.

There were no new materials

Mark Phillips presented a site plan of the property, and described where they propose to put the lot lines to redistribute two parcels into three lots.

The lots are larger than the minimum one acre. There is an existing septic and well on proposed Lot 3. There is an existing well on the previous tax lot that will serve proposed Lot 2 until such time as a new well is drilled. There is an existing access that will serve the proposed Lot 1 and existing residences on proposed Lot 2. At the south end, an existing access serves the tax lot. There are no new accesses off State Highway 75.

- South Central Public Health District will not sign the official plat until a test pit is done. The applicant can't dig a test pit in the middle of winter, and is waiting until they have County project approval.
- Fosbury suggested the Conditions of Approval require recordation of final plat be one year.
- Fosbury suggested an additional plat note requiring 5ft of snow storage on both sides of the 20ft driveway across Lot 1 to provide snow storage outside the existing driveway.

Public Comment:

- Joe Scott, River Rock Court, said this is a wildlife migration area, although it hasn't officially been declared.

**Fosbury moved, seconded by Greenberg, to approve the application by William Mark Savage to subdivide 12553 and 12551 State Highway 75 into 3 lots, to be named The Cliffs Subdivision, finding that the application complies with applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria of Title 9 Zoning Regulations, subject to the Conditions of Approval 1 through 6 in the Staff Report, with revised Condition 1 to record final plat within one year of final approval; and addition of a Plat Note 10 13 to add 5 foot snow storage easement along both sides of the common driveway across proposed Lot 1. Motion carried 2/0.**

- **217 Broadford Highland Lane - Appeal.** Public meeting and consideration of an appeal by Mike Beck for a denied conditional use permit for a Tier 2 Home Occupation to split, store, sell and deliver firewood. Lot 6, Bk 2, Broadford Highlands Subdivision No. 2 is zoned Low Density Residential District (R-1). The Hearing Examiner denied the application on August 12, 2019. No public comment will be taken on this item.

Also present: Deputy Chief County Prosecutor Tim Graves; and County Land Use Administrator Tom Bergin; applicants Mike Beck and Paula Crawford.

Disclosure: Fosbury was on Planning & Zoning when the Home Occupation ordinance was considered.

County Attorney Tim Graves outlined the appeal procedure. The BCC can only consider the evidence previously presented to the hearing examiner. There can be no public comment, or new comments or evidence.

Bergin read notice.

**Fosbury moved, seconded by Greenberg, that notice is adequate for this hearing. Motion carried 2/0.**

Mike Beck said only one person had issues with the application at the initial hearing examiner hearing. Beck explained and corrected what he said were inaccuracies in the letter opposed to his application.

Land Use Administrator Bergin said the Hearing Examiner was evaluating this business in this location, and concluded the applicant could not operate this business in this location. The Hearing Examiner did not allow a Conditional Use Permit that would allow for certain limitations that could regulate impacts of this business in this location.

Fosbury asked if the Zoning Ordinance included a definition of "industrial operation" vs. "home occupation". The Hearing Examiner's criteria included a comment that "industrial use in a residential zone was contrary." Bergin said that comment may not be consistent with Findings made at the time the Home Occupation was expanded to allow for Tier 1 (meeting certain requirements) and Tier 2 (did not meet Tier 1 requirements) types of operation. If a certain zone did not permit Tier 2 home occupations, staff would not consider it as a conditional use and would not proceed with an application.

**BCC Deliberation**

- It is the applicant's responsibility to prove compliance.
- Fosbury can sympathize with both sides, but he considers some Findings could be remanded to further evaluate, including screening of materials in the backyard.
- Fosbury noted immediate neighbors didn't have issue; but neighbors down the street did. The Hearing Examiner noted "excessive production traffic and noise ...".
- The very idea of an industrial use in a residential zone is contrary to the spirit of the Comprehensive Plan and zoning.
- The BCC discussed amending the Conditions of Approval to contain restrictions, including hours and days of operation.
- Regular burning could be noxious. The County doesn't have a prohibition of people burning garbage.
- The BCC discussed roads in the area, and didn't think this business would generate excessive traffic.

The BCC agreed that they had authority to set restrictions for a home occupation.

Graves said the BCC seemed to be okay with modifying the Hearing Examiner decision with revised and new conditions of approval. The BCC directed staff to draft a revised set of conditions and decision for review at a later BCC meeting.

**BOARD of COUNTY COMMISSIONERS REPORTS**

**Other**

Fosbury was at the Bellevue City Council's discussion of Area of City Impact (ACI) and annexation the night before. Councilmembers and their City Attorney all had differing opinions on what should be done to deal with Hailey and Bellevue ACI maps that overlap each other.

**EXECUTIVE SESSION - Idaho Code 74-206(1)(a) - P&Z Commission interviews**

**Fosbury moved, seconded by Greenberg, to go into Executive Session, under Idaho Code 74-206(1)(a) to consider Planning & Zoning Commissioner interviews and selection. Roll call: Fosbury (aye), Greenberg (aye). Motion carried 2/0.**

**McCleary joined Commissioners Greenberg and Fosbury in the Executive Session.**

**P & Z COMMISSIONER APPOINTMENT**

Also present: Blaine County Land Use Administrator Tom Bergin; and County Land Use and Building Services Deputy Director Kathy Grotto.

There were five applicants for Planning and Zoning Commissioner. The BCC decided to offer the position to Stephanie Eisenbarth.

**Fosbury moved, seconded by McCleary, to appoint Stephanie Eisenbarth to be on our Blaine County Planning and Zoning Commission for a term that we have according to bylaws. Motion carried unanimously.**

**ADJOURN**

**At the hour of 4:40 p.m., with no more business before them, the County Commissioners adjourned.**

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

JoLynn Drage  
County Clerk

Jacob Greenberg  
Chairman