

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE FEBRUARY 2021 SESSION**

Fourth Day

Tuesday, February 16, 2021

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Dick Fosbury, Vice-Chair Angenie McCleary, and Commissioner Jacob Greenberg; County Administrator Derek Voss; Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Deputy Prosecuting Attorney Amanda Greer; Administrative Services Manager Mandy Pomeroy; Administrative Services Support Specialist Kay Draper; Grants and Procurement Specialist Stephen McDougall Graham; Land Use Planner Allison Marks; Disaster Services Coordinator Chris Corwin; Recording Secretary Sunny Grant; Sarah Michael; Anne McCauley; Lili Simpson; Ginna Lagergren; Kurt Eggers; Lawrence Schoen; Mark Deagle; Morgan Drage; Ross Dickinson; Steve Cox; Therese Magner. Virtual Meeting Specialist Stephanie Carlson was present for the morning session.

Due to the continuing COVID-19 pandemic, many participants in this meeting were by webconference or teleconference.

Commissioner Fosbury called the meeting to order at 9:03 a.m.

PUBLIC COMMENT: None

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.

McCleary 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: Greenberg (aye), McCleary (aye), and Fosbury (aye). Motion carried unanimously.

OPEN SESSION RESUMED

INDIGENT CONSIDERATIONS - Board of County Commissioners Action

McCleary moved, seconded by Greenberg, to deny Requests 2020-133-1 and 2021-155-1, finding that indigency has not been established. Motion carried unanimously.

COUNTY ADMINISTRATOR POSITION

After interviewing and considering candidates for several months, the BCC named Mandy Pomeroy as the next County Administrator.

McCleary moved, seconded by Greenberg, to approve Mandy Pomeroy as the next Blaine County Administrator, effective April 19, 2021, and direct Pomeroy to complete a Personnel Action form, and authorize Chairman to sign. Motion passed unanimously.

COUNTY DEPARTMENT REPORTS

Treasurer's Report - John David Davidson

- The Treasurer and Assessor are considering a different credit card processor that is less expensive and uses a chip reader. This processor has the ability to create individual QR codes, which would allow taxpayers to pay their property tax from their phone.

Assessor's Report - Jim Williams

- Appraisers are working on property values, including new subdivisions, prior to assessment notices in May.
- The new ITD software seems to be working well for Blaine County.

Administrative Services - Mandy Pomeroy

• **Employee Recognition**

Blaine County GIS Manager Sam Young asked the BCC to recognize Senior GIS Analyst Kelly Green for her continued efforts on the GIS database and new applications on the GIS website.

COVID-19 UPDATES

The Commissioners reported on COVID-19 concerns and committees they were involved in:

- **Innovation and Testing Task Force** – Greenberg said the Task Force is in final stages of completing preparation details to start testing with results used to collect data.
- **Adaptive Planning Committee** – Greenberg said the School District is considering bringing high school students back to school four days a week, with possible mass vaccination if vaccines are available.
- **Emergency Medical Services Health Emergency Operations Center** – COVID-related

hospitalizations in Blaine County are minimal, so no need at this time for out-of-county transport or home service.

- **Community Events** – McCleary said the possible Sun Valley Ski Education Foundation Nordic ski race in March is on Forest Service land, and sanctioned by the US Ski Association, both of which require compliance with County Ordinance. If the race is held, they will submit a plan to the County.

SAGEBRUSH HABITAT CONSERVATION FUND PRESENTATION

Also present: Retired Forest Service biologist / range science professor/ Lost River native Dave Stricklan. Commissioner Greenberg disclosed that his son works for Western Watersheds Project.

The Sagebrush Habitat Conservation Fund (SHCF) is revisiting the idea of expanding and proposing National Monument and Preserve Craters of the Moon as a national park. The SHCF has added sagebrush steppes, a major ecological zone, and areas—private land and public corridors—large enough to increase animal gene pools, to the proposal.

The national park proposal includes long term, meaningful, sustainable economic stimulus for neighboring counties to compensate for added traffic and crowds. SHCF is currently meeting with local counties and tribal elders, and defining the proposal to work for neighbors.

Stricklan presented a preliminary potential site map, comprising at least 2.2 million acres, that wraps around INL. The proposal would include headquarters and up to five district offices, native species arboretum, an Ice Age museum in Arco, a seed bank, and airport upgrades in Arco and Dubois. The acreage is comparable to Yellowstone, so a national park and accompanying services would employ many people. Carey could potentially have a fully-staffed District Office, recreation, trails, an arboretum with arborists, four techs, office staff, and possibly an airport. He said there may be minimal concessionaires. Stricklan said the Preserve area would allow hunting, managed under the National Park and Preserve and Idaho Fish & Game. Active grazing allotments will be grandfathered in as long as the current owner is alive, or until the owner retires or is willing to sell.

The BCC supported the proposal.

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

Greenberg moved, seconded by McCleary, to go into Executive Session

Greenberg moved, seconded by McCleary, 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: Greenberg (aye), McCleary (aye), and Fosbury (aye). Motion carried unanimously.

OPEN SESSION RESUMED

INDIGENT MEDICAL APPEAL DECISION

Greenberg moved, seconded by McCleary, to confirm prior determination of denial of Case 2020-1091-1, and direct staff to draft Findings of Fact, Conclusions of Law and Decision. Motion passed unanimously.

BREAK

Virtual Meeting Specialist Jenny Lovell was present for the afternoon session.

LAND USE and BUILDING SERVICES HEARINGS

- **210 Red Devil Drive, Plat Amendment: Public hearing and consideration of an application by Robert and Deborah Commons to modify the existing building envelope on Lot 16A, Block 2, Buckhorn 9 Subdivision First Addition. They propose to remove 2,766 sf from the existing building envelope and create a separate 2,766 sf building envelope at a lower elevation.**

Also present: Land Use Planner Allison Marks; and applicant's representative Sean Flynn.

Marks read public notice.

McCleary moved, seconded by Greenberg, that notice for the hearing is adequate. Motion passed unanimously.

Disclosure: Commissioner Fosbury did the original subdivision before there was an overlay district.

Marks received no public comment.

Applicant's representative Sean Flynn said the owners would like to build a barn in an area on their lot where there is currently no building envelope, so they want to shift one side of the building envelope that is in the Mountain Overlay District (MOD) to the other side of the building envelope that is in the MOD buffer, but not in the 25% slope. The resulting building envelope is only one building envelope. although it looks like two separate envelopes.

- Greenberg supported landscaping and grading as a Condition of Approval.

- The BCC asked about Plat Note 5 on the previous plat: “Any structure proposed in the amended building envelope shall be nonresidential, single story, and its foundation no higher in elevation than the existing house.”
The BCC agreed to add this 2017 Plat Note #5 to the new plat referring to the newly-revised building envelope configuration, and asked staff to clarify what exactly is allowed, since this application is for a barn, which could exceed one story, and potentially accommodate an accessory dwelling unit.
- Condition #4 is a standard subdivision requirement.

Public Comment: None.

The BCC agreed the application met Standards of Evaluation. The building envelope encroaches on the MOD buffer, but is on a flatter area.

Greenberg moved, seconded by McCleary, to approve application by Robert and Debra Commons to amend the platted building envelope on Lot 16A Block 2 Buckhorn Subdivision First Edition, as proposed in the November, 2020, preliminary plat, finding the application complies with the applicable criteria set forth under Title 10 Subdivision Regulations, and applicable criteria of Title 9 Zoning Regulations, subject to conditions presented, as amended, and plat note. Motion passed unanimously.

- **106 River Rock Lane, Plat Amendment: Continuation (from January 26, 2021) of public hearing and consideration of an application by David and Sarah Woodward to amend Lot 5B, Huffman-Bender-Cox Subdivision by modifying the platted building envelope to encompass a new garage addition. The overall size of the envelope will not change as a result of this application.**

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto; and applicant’s representative Sean Flynn.

Grotto read public notice. The hearing today was continued from January 26, 2021, to give the applicant time to post notice on site, which was done on February 1, which was more than seven days prior to today’s hearing.

Greenberg moved, seconded by McCleary, that notice was adequate. Motion passed unanimously.

No Disclosures.

Applicant’s representative Sean Flynn displayed the preliminary plat of the applicant property, which is just off Broadway Run, south of Ketchum, and next to the river. The applicant wants to reconfigure the building envelope to accommodate expansion of an existing garage to the west. There is no change in the overall size of the building envelope.

An existing Idaho Power easement crosses the area the applicant wants to expand into. The actual power line is nowhere near the easement, so Idaho Power has completed the process to vacate the easement.

Public Comment: None.

The Conditions of Approval cover all issues. An additional Condition of Approval will add a plat note on the final plat to clarify the use of the drainage easement. The applicant meets Standards of Evaluation.

Greenberg moved, seconded by McCleary, to approve application by David and Sarah Woodward for a plat amendment to Lot 5B, Huffman-Bender-Cox Lot 5B Cox Subdivision, finding the proposed building envelope amendment complies with the applicable criteria set forth under of Title 10, Chapters 4 and 5, Subdivision Regulations, and applicable regulations of Title 9 Zoning Regulations, subject to Conditions of Approval in the Staff Report, as amended in this meeting. Motion passed unanimously.

LAND USE and BUILDING SERVICES

- **Draft Recommended Findings and Decision, Minor Plat Amendment: Lots 6 - 9, Block 16, Gannett Townsite; application by Allen and Stacey Allred.**

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto.

Grotto read notice for this minor plat amendment. Land Use did not receive any written comment to the proposal to eliminate interior lot lines, creating one single larger lot.

Greenberg moved, seconded by McCleary, that notice was adequate. Motion passed unanimously.

The new single lot is .52 acre lot. Zoning is R-.4. Grotto said it will be easier to get a septic system and well on the new larger lot.

McCleary moved, seconded by Greenberg, to approve application by Allen and Stacey Allred for a minor plat amendment of Lots 6 through 9, Block 16, Gannett Townsite, finding compliance with applicable notice requirements and applicable criteria of Title 9 Zoning Regulations and Title 10 standards, and to adopt the Findings of Fact and Decision. Motion passed unanimously.

- **P&Z Discussion: Consideration of initiating amendments to Scenic Highway Overlay District.**

Also present: Land Use and Building Services Deputy Director Kathy Grotto; Land Use Planner Allison Marks; and environmental consultant Trent Stumph.

Marks requested the BCC consider staff-initiated amendments to the Scenic Highway Overlay District.

A 2017 Executive Order changing the definition of “Waters of the United States” took effect in June 2020. (The Order was just repealed by the new Administration, but the repeal may not take effect for a couple years.) The definition of “Waters of the United States” affects the Clean Water Act and changed the definition of “wetlands”, which, since the County’s definitions defer to current federal definitions, means an applicant may not provide proper setbacks and doesn’t need an Army Corps of Engineers permit to fill in a spring. Land Use would like to review and bolster the County’s Wetlands Overlay District and provide Blaine County standards.

Trent Stumph said he has clients who are asking him what current regulations are for side channels and intermittent drainages, since there is no longer federal jurisdiction. He said the County’s wetland resources had been greatly compromised over the decades, and suggested the County’s overall objective is to protect them from further degradation.

McCleary moved, seconded by Greenberg, to direct staff to prepare an amendment to the Wetlands Overlay District. Motion passed unanimously.

- **P&Z Discussion: Consideration of initiating amendments to Wetlands Overlay District.**

Also present: Land Use and Building Services Deputy Director Kathy Grotto; Land Use Planner Allison Marks.

Land Use has received phone calls about a 5ft solid wall the entire length of a property north of Ketchum. The wall, which is 20ft from the highway, will eventually have berms on both sides of it. Fish and Game reviewed the wall for traffic safety and also for wildlife movement. Marks said walls, berms and fences are currently permitted, with grade and height determined by their distance from the center line of the road, as a Categorical Exclusion, just needing administrative approval.

Land Use staff suggest removing the word “walls” from the Scenic Highway Overlay District, and adding a definition for “wall”. If a wall is needed in the future, e.g., a sound wall, there is the option of getting a Site Alteration Permit.

McCleary moved, seconded by Greenberg, to initiate amendment to the Scenic Highway Overlay District. Motion passed unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS

The Commissioners reported on issues and committees they were involved in:

- **Colorado Gulch Bridge Access Update**

Also present: Wood River Land Trust Project Coordinator Ryan Santo.

Fosbury and Santo visited the site a couple weeks ago to consider alternatives to the long span bridge currently under consideration that is expensive and impractical for equestrian use. They are reconsidering a two-bridge scenario with a 110ft clearspan bridge across the Big Wood River and floodplain to a 28ft clearspan bridge across the secondary channel. This configuration would comply with ADA access, since the whole area sheetfloods during high water, and minimize tree removal and other disturbance to the existing riparian environment. Fosbury is consulting with County and local engineers on design and river concerns, and parking areas, particularly for horse trailers.

Idaho Office of Emergency Management (IOEM) told Santo that combining the two FEMA grants, on hold—one for river restoration and one for the bridge replacement—would facilitate getting the full \$200,000 award. County Disaster Services Coordinator Chris Corwin will work with FEMA and IOEM to update the grant timeline and scope of work. There is potential to get Land, Water and Wildlife funds for the FEMA grant match.

Santo said there will have to be a management plan to address neighbors’ concerns about people driving too fast and partying, and design will include restroom(s), ADA access, parking plan, etc.

Wolf Trapping in Units 48-49 – Fosbury said local pets have been trapped while on hikes, and it is dangerous and extremely difficult to remove the traps. Apparently, there is a \$1,000 bounty for wolf carcasses, and out-of-state trappers are pushing to keep trapping available.

- The BCC has submitted an Opinion Letter to the Editor to the *Mountain Express* newspaper.
- Fosbury will update the BCC’s previous letter to Idaho Fish and Game to include new facts.
- Idaho Fish and Game denied an application request to require signage around trap locations on the grounds that it was not necessary.

Blaine County Housing Authority (BCHA) Strategic Plan – Fosbury said the BCHA asked stakeholders to name their three highest priorities for the new BCHA Strategic Plan. Fosbury said the current BCHA Plan does not include development of housing units. The BCC would like to discuss this with the BCHA and ARCH.

- Fosbury said BCHA has not made plans to put housing on a Picabo lot the County transferred to them a year ago for fear of potential lawsuit. Fosbury suggested the County could take the lot back and pool it with platted lots and move forward with housing.

The BCC will invite BCHA for an update presentation.

Mountain Pact website – The BCC approved the Blaine County logo on the Mountain Pact website.

Hailey Safe Community Resolution – Blaine County Sheriff and Deputy Sheriff confirmed that the new Hailey Safe Community resolution will not affect their ability to question or process detainees.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- September 3, September 10, and September 21, 2020 Special Idaho Power Meetings
- February 2, 2021 Regular Meeting

Greenberg moved, seconded by McCleary, to approve minutes of Special Blaine County Commissioner meeting of September 3, 2020, as amended. Motion passed unanimously.

Greenberg moved, seconded by McCleary, to approve minutes of Special Blaine County Commissioner meeting of September 10, 2020, as amended. Motion passed unanimously.

Greenberg moved, seconded by McCleary, to approve minutes of Special Blaine County Commissioner meeting of September 21, 2020, as presented. Motion passed unanimously.

Greenberg moved, seconded by McCleary, to approve minutes of Regular Blaine County Commissioner meeting of February 2, 2021, as amended. Motion passed unanimously.

EXECUTIVE SESSION – §74-206 (1)(f) Potential Litigation, Flying Heart Ranch Owners Association

Greenberg moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(f), to discuss with legal counsel the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated, regarding Flying Heart Ranch Owners Association. Greenberg (aye), McCleary (aye) and Fosbury (aye). Motion carried unanimously.

ADJOURN

At the hour of 4:30 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____
JoLynn Drage Dick Fosbury
County Clerk Chairman