

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

**Second Day**

**Tuesday, February 18, 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. Chief Deputy Clerk Leslie Londos and *Idaho Mountain Express* reporter Gretel Kauffman were present for most of the morning session.

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

**PUBLIC COMMENT** – None

**MEDIATION AGREEMENT** - Tidwell v Blaine County

This agreement stipulates that Blaine County will participate in mediation, with Walter H. Bithell as mediator, but the County is not bound by any decision.

**Fosbury moved, seconded by McCleary, to approve the Agreement to Mediate the issues raised in a lawsuit filed in District Court of the Fifth Judicial District of the State of Idaho, Case CV07-18-5541. The parties in litigation are Leslie “Kiki” Anne Tidwell, the Madison Jean Tidwell Qualified Subchapter S Trust, Blaine County ARCH Community Housing Trust, and Blaine County Housing Authority, with the understanding that the parties have engaged Walter H. Bithell as mediator to provide mediation services to all the parties and will be compensated at a fee of \$300 per hour for time and expenses, which will be divided equally between the parties’ counsels unless otherwise agreed to by the parties; and that Blaine County is not to be held to follow the decision of the mediation, but it is in the interest of trying to settle the lawsuit. Motion carried unanimously.**

**COUNTY DEPARTMENT REPORTS**

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

- Point & Pay claims they intend to improve their services to the County.
- Forte is going to make a presentation to the Treasurer’s office in a couple months on how they can potentially handle property tax payments easier than Point & Pay.
- Treasurer is researching if there are existing contracts with Point & Pay and Forte.
- Treasurer is vice president of Idaho Association of County Treasurers and will attend next week’s National Association of Counties Taxpayers meeting.

**Assessor's Report** - Jim Williams

Also present: Chief Deputy Assessor Melissa Fry; and certified appraiser Alyssa Cenarrusa.

The County recognized Alyssa Cenarrusa, who recently achieved Idaho certification to perform appraisals for tax purposes.

- Assessor’s staff are working on applying modifier numbers.
- Appraisers are on schedule with assessments, and will be able to mail notices early.
- Assessor’s office is previewing a new appraisal system that Idaho is proposing, but Treasurer thinks the software is still at least a couple years from being functional. Williams said three of the eight counties who use the new system are having problems with it, and Blaine County’s Computer Arts system doesn’t work with it. County staff will attend a user-group training meeting in March.
- The Idaho Department of Motor Vehicles’ new software system is experiencing multiple glitches, so roll-out has been postponed to June 15, when it has to go live because there is no other system. Blaine County will publicize the anticipated problems and potentially long wait times. The BCC will express their concern about the new software to the Governor’s Office
- Williams suggested the DMV and Drivers Licenses could post signs reminding people of the importance of the upcoming Census. Fosbury will check with the County attorney to be sure this is legal.

**County Administrator** - Derek Voss

- Updated BCC on financing the emergency communications software program and reviewing it.
- **Ron Williams - Retainer Agreement to assist with Idaho Power Transmission Line**  
Also present: Blaine County Land Use Administrator Tom Bergin; and County Planner Allison Marks. This contract (on today’s agenda under Contracts, Grants and Agreements) with Ron Williams would replace a set fee hourly-rate contract with a percentage of money saved contract. The BCC tabled this contract until next week.

## **MEMORIALIZING ADMINISTRATIVE GUIDELINES FOR WINTER WILDLIFE CLOSURES AND RESTRICTIONS REVIEWED JANUARY 30, 2020**

Also present: Land, Water and Wildlife Levy Program Board Member Lili Simpson.

Commissioner McCleary said this agreement is a first step in memorializing administrative guidelines for handling winter wildlife. The cities of Bellevue and Hailey will sign this contract, along with Blaine County, to indicate agreement. The BLM and Fish and Game publicly support the document, and will adhere to it, but suggested these Administrative Guidelines instead of a more formal agreement.

Lili Simpson expressed her support.

**Fosbury moved, seconded by McCleary, to approve memorializing the Administrative Guidelines for Winter Wildlife Closures and Restrictions that were previously reviewed on January 30, 2020. Motion carried unanimously.**

## **CONTRACTS, GRANTS AND AGREEMENTS**

### **• ICDBG Grant Closeout - Senior Connection Renovation Project**

Also present: Blaine County Grants and Specialist Lyn Drewien; and Client Care Procurement Manager Ramona Duke.

Lyn Drewien said this 12-month project has been completed; and the grant process is almost done.

**Fosbury moved, seconded by McCleary, to approve this Close-Out Agreement between Idaho Department of Commerce and Blaine County on the Idaho Commerce Department Block Grant Project 19-VII-02-SR, having been completed, in order to submit the Final Performance Report. Motion carried unanimously.**

### **• VW Settlement Fund Electric Vehicle Supply Equipment Program Rebate Agreement**

Also present: Blaine County Facilities Manager Patrick Boyle; and County Grants and Procurement Specialist Lyn Drewien; Wood River Land Trust Project Coordinator Ryan Santo; and Lili Simpson.

Lyn Drewien said the County is installing an electric vehicle charging station at the County Annex, funded by the Volkswagen Settlement Fund rebate program. The County must pay expenses, then be reimbursed. The original funding request for the electric vehicle charging station has been revised downward because the selected location does not need as much infrastructure. There is no County match anticipated. Much of the work will be done in-house. County Attorney Graves was concerned about the arrangement because Idaho Constitution prohibits counties from going into debt beyond the current fiscal year; and the BCC realizes this is a special situation.

**Fosbury moved, seconded by McCleary, to approve the Volkswagen Settlement Fund Electric Vehicle Supply Equipment Program Rebate Agreement between Blaine County and the Idaho Department of Environmental Quality, with estimated cost of installation at \$85,000. Motion carried unanimously.**

### **• Ron Williams - Retainer Agreement to assist with Idaho Power Transmission Line**

The BCC discussed this under the Administrator's Department Report and tabled it to the next regular meeting. They will consider whether the County wants to hire Williams on a flat rate basis, or pay him a percentage of money saved.

## **CONSENT CALENDAR**

### **• Junior College Certificate of Residency forms - College of Sothern Idaho - Spring 2020: Alexandra Brooks; and Claire Kristine Stickney.**

**Fall 2019 - Spring 2020: Diana C Bello Pomazongo; Hanna Blackwell; Brooke Degan; Aidan Green; Arika Gourley; Yessica Zavala Nunez; and Alyson M Rogers.**

**Fosbury moved, seconded by McCleary, to approve the Commissioners' Consent Calendar of February 18, 2020, as presented. Motion carried unanimously.**

## **BOARD of COUNTY COMMISSIONERS REPORTS**

### **Colorado Gulch Access and Bridge Update - Fosbury**

Also present: County Land Use and Building Services Deputy Director Kathy Grotto; Blaine County Grants and Procurement Specialist Lyn Drewien; Blaine County Emergency Communications Director Robin Stellers; Land, Water and Wildlife Levy Program Board Member Lili Simpson; Ken Lagergren; and Ginna Lagergren.

Fosbury and WRLT Project Coordinator Ryan Santo discussed the proposed bridge with Experiential Resources and then did a site visit to take field measurements of the estimated 500ft suspension bridge. Bridge width would be 7-10ft, which would help strengthen the structure and potentially reduce cost. They estimate construction of the bridge, able to carry Blaine County snowload and occasional light maintenance vehicles, to cost about \$1.5 million. Fosbury will get soil tests of the Bow Bridge for comparison. The Wood River Land Trust will fund raise and look for additional funding. The County's access road right-of-way would need to be redefined for this new alignment.

Voss advised the BCC and the Land Trust that the \$180,000 FEMA grant is still available and usable for the actual bridge, but they may be able to increase the amount to \$250,000 if the County can show the wider span is advisable. Fosbury said the bridge is still at the same stream mile. He said it's a good design and should provide a long-term stable bridge.

**Public Comment:**

- Lili Simpson said her experience with cable suspension bridges indicates they are effective to achieve a conservation outcome. She suggested the bridge supports could also be funded because they allow the river to move.
- Ken Lagergren said two bridges in this location have washed out in the last 50 years. He suggested FEMA could be convinced that it is economical to span the floodplain to avoid washing out another bridge. He expressed concern that the water current west of the culvert could flush people and dogs downstream.
- Ginna Lagergren said there is a lot of community interest in the bridge, including people willing to contribute.

**Idaho Association of Counties Midwinter Legislative Conference – Commissioners**

Committee discussions included:

- Boise State University is looking at what ITD and counties may need to fund road infrastructure, but Legislature may balk at increasing fuels tax, so there was talk about where to get funding.
- Change State Code to require car transportation networks (such as Uber) to pay use tax to airports.
- Public lands discussion on removing large "wake" zones, caused by boats to enable people to surf behind them. This is another attempt by State Legislature to remove local control.
- Presentation by independent auditor on establishing process for counties to do financial forecasting.
- Proposed property tax freeze could really affect some counties' abilities to provide basic needs. Legislature doesn't realize the financial impacts its mandates have on counties. Giving commercial properties a break shifts the burden to residential.
- Discussion about crisis centers and Medicaid expansion and costs.

**Wildlife Friendly Community Meeting – McCleary**

Also present: Land, Water and Wildlife Levy Program Board Member Lili Simpson.

Meeting organized by Idaho Conservation League, City of Ketchum and Fish and Game concerned about variety of wildlife issues. Group plans to schedule public information meetings in cities and County to discuss ways to reduce predatory attacks in populated areas and follow-up resolution to be a wildlife-friendly community. Fosbury said the wildlife undercrossings on Hwy. 20 seem to be a success.

**Public Comment:**

- Lili Simpson said it's important to include County Land Use in the overall perspective in what happens to wildlife in the community, especially in wildlife wintering areas and corridors. County ordinances need to recognize that where deer go, predators follow.

**Valley Club Drive Meeting – Greenberg**

- Greenberg and County staff told HOA president Cynthia Wooley that the County will not enter into any kind of contractual arrangement to maintain or fund the maintenance of Valley Club Drive, which the HOA maintains; but County Road and Bridge Manager Steve Thompson will review Valley Club Drive in the spring and determine if he can help them do maintenance work.
- Idaho Transportation Department Shoshone District Engineer Jesse Barrus met with County staff and Starweather homeowners to discuss ITD's plans for the intersection of Ohio Gulch Road and Highway 75. ITD may consider a traffic light. One side of the road is ITD owned; and the other side is Starweather, which may help fund the light.

**Gallagher Benefit Services presents Best in Class award for HR Management  
To the Blaine County Human Resources Department**

Also present: Arthur J. Gallagher Benefits Consultant Cindy Smart Tealy and Account Executive Barbara Hopkins.

Cindy Tealy congratulated Blaine County for receiving the Certificate of Excellence for Best in Class Award in HR Management. Gallagher congratulated Blaine County for its long range view of employees.

**Benefits Update**

- The largest cost driving claims is prescription drugs. Even some generic drugs have tripled in price.
- Tealy said the Gem Plan is a self-funded trust, and Blue Cross is the "administrator".
- County Administrator Voss asked the Gem Plan to submit regular financial statements.

**Idaho Public Safety Communication Commission Meeting – Greenberg**

The engineering consultant for Next Generation communications has submitted their report. There are special meetings scheduled for the IPSCC to discuss budgets and proposals before going to the Legislature for approval.

**BREAK**

**Commissioner McCleary was traveling and present (by phone) for most of the afternoon session.**

**LAND USE and BUILDING SERVICES HEARINGS**

- **Picabo Fly-In Subdivision: Public hearing and consideration of an application by Picabo Livestock Company** to subdivide 343.45 acres of land including and just north of the Picabo airport. Proposed is a Simple Planned Unit Development with 6 lots and 7 parcels. The property is zoned Residential/Agricultural (R-5); Light Industrial (LI); and Productive Agriculture (A-20) Districts with areas of Wetland Overlay District (W). It is located near the junction of North Picabo Rd and US Hwy 20. The Planning and Zoning Commission recommended approval on December 19, 2019.

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; applicant Nick Purdy and applicant's representative Samantha Stahlnecker; Robert Gardner; Robin Christensen; Pam Rhineschild; Tim White; Dale Stocking; Heidi Peck; Rob Struthers; Katie Breckenridge; attorney Michael J. Kraynick; and Steve Geoffrion.

**Commissioner McCleary was not present at this time.**

Grotto read public notice.

**Fosbury moved, seconded by Greenberg, that notice is in compliance with applicable regulations. Motion carried 2/0.**

**Disclosures:** None.

**Additional materials:**

- Two late public comment letters have been given to the BCC.

Samantha Stahlnecker, representing the applicant, said this is a subdivision application for a location directly north of the Picabo Airport. The property is north of Highway 20, split down the middle by North Picabo Road, without dedicated right-of-way. The intent is to subdivide the property into residential lots next to the airport, so owners can taxi their planes from hangars next to their house to and from the Picabo Airport runway.

Part of the property is a Nature Conservancy conservation easement where there can be no development. Part of the property is LI zoning adjacent to Highway 20. The developable 35 acres is R-5 zone.

The applicant is requesting a Planned Unit Development to cluster the development closer to North Picabo Road. The Planning & Zoning Commission approved the subdivision, with a number of plat note changes that make this property consistent with neighboring properties. There is one access off North Picabo Road, fairly close to the airport. The County recently adopted a Right-of-Way Management Plan, which defines North Picabo Road as a rural agricultural access road, with a required 50ft right-of-way.

The application proposes six residential lots from 1.77 acres to 1.35 acres; 30% open space in two of the parcels to meet the PUD requirement. There is a dedicated equestrian access along the canal, and access through the open space.

There are no changes proposed to the Picabo Airport. There are plat notes added to address P&Z concerns about the airport, and one aircraft per lot. The size of the airport restricts the size of the aircraft that can land there. Use of the runway is limited to daylight hours. A non-buildable area has been added to the plat to provide 125ft non-buildable shoulder on each side of the runway centerline. Airport owner Nick Purdy said general aviation seems to be declining, and doubted the number of aircraft using this airport would increase. There are seven parking spaces for visiting aircraft.

A lot of the proposed open space is protected wetlands. They have received a permit from the Army Corps of Engineers to build a road across the wetlands, covering ¼ acre. They propose to restore wetlands along the north side of the residential lots; and will mitigate for the road encroachment on the wetlands.

Storm water will be collected and filtrated onsite. Each lot has a well and septic system. No community system is proposed.

A letter from the Fire Chief was fairly general regarding construction of the road; and initial letter from the Fire District Commissioner didn't indicate any strong concerns. The applicant was surprised when they received a follow-up letter from the Fire District that included a list of concerns, some of which the applicant said were inaccurate and misleading.

Fosbury asked if they could dedicate 5ft on each side of the 50ft right-of-way to widen the road to 60ft through this project. He suggested the Airport Vicinity Overlay be continued through Parcel C, parallel through the existing runway.

**Public Comment:**

- B-Bar-B owner Katie Breckenridge said the County staff report addressed all the impacts of the subdivision on surrounding neighborhoods, but not the impacts of airplanes flying in and out. She said airplanes flying into and out of the airport fly over her land at low-altitude and disturb her breeding horses, who run when scared by airplanes and can get hurt or miscarry.
- Steve Geoffrion, pilot and horse owner, said he has been in charge of noise mitigation and community relationships at a Navy airbase; and suggested the Picabo Airport devise airport zones, altitude limitations, corridors, etc., to avoid low-flying aircraft over the B-Bar-B.
- Dale Stocking, Chairman of the Carey Rural Fire Protection District, is concerned that increased airport usage will increase the potential of disaster events for limited first responders.
- Heidi Peck, EMS Assistant Chief in Carey, agreed.
- Rob Struthers said storage units adjacent to the property use the same access as the hangars, some of which are used for storage, and can cause considerable potential for conflict if there is no protocol or enforcement.
- Pam Rhineschild, general aviation pilot, said a good pilot will take safety and courtesy protocols into consideration, and encouraged this accommodation for general aviation.

Nick Purdy agreed that restricted areas and altitudes can be added to the CC&Rs. The fire station is across the road from the airport and there are fire hydrants along the north side of road. The County will require a cistern and fire protection for residents.

Staff have contacted Friedman Memorial Airport Manager Chris Pomeroy to help them design an airport management plan to be included in the Plat Notes.

Conditions of approval need to be changed to reflect only one aircraft per lot; and visiting aircraft can park in specific areas. Fosbury would prefer to widen the roadway to 60ft, in the interest of long-term planning, but will accept 50ft minimum.

**Fosbury moved, seconded by Greenberg, to approve this subdivision application by Picabo Livestock to subdivide 343.45 acres of land into six lots and seven parcels to be called Picabo Fly-In Subdivision, finding the application does comply with the applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria of Title 9 Zoning Regulations, and Conditions of Approval recommended by P&Z, as amended, on pages 4 and 5 of the Staff Report; and including the development and submittal of an airport management plan for flight path over neighboring properties and the neighborhood. Motion carried 2/0.**

**Commissioner McCleary arrived at 3:00.**

- **Lot 1, Block 1, Henslee Ranch Subdivision: A public hearing and consideration of a stream alteration and floodplain conditional use permit applications by property owners Rolf and Nancy Engh of 300 Pole Creek Rd. They propose wetland, floodplain and stream alterations within and adjacent to Pole Creek to replace an existing vehicular bridge with a larger spanning bridge. The 640-acre property lies within the Sawtooth National Recreation Area (SNRA) approximately 1.5 miles northeast of Smiley Creek. It is zoned Rural and Remote District (RR-40), with areas of Mountain Overlay (MOD), Floodplain Overlay (FP), and Riparian Setback (R) Districts.**

Also present: Blaine County Land Use Administrator Tom Bergin; County Certified Floodplain Manager Kristine Hilt; applicants Rolf Engh and Nancy Engh (by phone), and their representatives Fritz Haemmerle, Dave Patrie, Garth McClure, and Jim Bishop; Sawtooth National Recreation Area (SNRA) Private Land Administrator Sharon Barnes; Diane Shay; Hailey Community Development Director Lisa Horowitz; Wood River Land Trust Deputy Director Amy Trujillo; neighbor Amy Blechman; Jim Phillips; and *Idaho Mountain Express* reporter Gretel Kauffman.

Hilt read public notice.

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

**Disclosures:** Commissioners Fosbury, McCleary and Greenberg had no additional disclosures.

**New materials:**

Exhibit A9 – letter from Fritz Haemmerle came in on Thursday, February 13, and was distributed to the Commissioners.

Exhibit A10 – Statement from Rolf Engh, property owner, read into record in the hearing.

Exhibit C2 – Copy of the subdivision plat was listed in the staff report but not included in the Commissioners' packets. It was distributed to the applicant team and Commissioners.

Exhibit C2 – Recorded plat and plat notes and signature page.

Exhibit D1 - Public comment from Mark Moulton directed to the BCC.

Exhibit D2 - Public comment from Fritz Haemmerle, who represents the applicant.

Exhibit D3 – Public comment from Michael Henslee, dated December 11, 2019.

Exhibit D4 – Public comment from Annee Blechman, dated December 9, 2019

Exhibit D5 – Public comment from John Miller, dated December 12, 2019

Exhibit B5E – Included in the BCC's packets – an email from Sharon Barnes, stating that the application says there will be no fording across the creek and work will be done from both the East side and the West side of Pole Creek; but Barnes told the ACE that the Forest Service did not authorize work across their property.

Fritz Haemmerle said Pole Creek bifurcates the 640 acres of Lot 1 Henslee Ranch Subdivision.

Applicant Rolf Engh related the history of the ranch back to the 1880s, and the bridge back to 1930. The bridge provides access to land east of Pole Creek, and is critical to ranching the property and managing irrigation. The applicant does not have Forest Service permission to access the east side on Forest Service property or road. The historic diversion of the 1818 water right is adjacent to the bridge. All state and federal agencies have approved the bridge; and they request approval of their application for a Stream Alteration Permit to replace the existing bridge.

Haemmerle said the authorized place of use for this water right is located entirely on the east of Pole Creek. Idaho State Statute gives water rights holders the right and obligation to keep their canals in good working order, with whatever technology or motorized vehicles are in use at the time.

Jim Bishop, contractor, said they can install a replacement bridge from the west side to avoid trespassing on Forest Service land, as eastern access is not authorized.

Haemmerle said the Staff Report says the property is not in the floodway, only the floodplain, so they request a Stream Alteration Permit; and that the proposed bridge is a permitted use under County Code as an Agricultural Use. Hilt clarified that only non-structural agricultural uses are permitted within County Code. She went on to state that the bridge does not meet this exemption as it's considered a structure.

Haemmerle said bridges and culverts that span a Class 2, 3 or 4 stream are a Categorical Exclusion (Cat-Ex) under Blaine County Code, and questioned why he was given a Floodplain CUP application (FP-CUP). Hilt said the application came in on January 2, 2019, which at the time was before the County adopted the most recently revised floodplain regulations. Prior to this revision, bridges and culverts that spanned Class 2, 3, or 4 streams required a FP-CUP, which was why the applicant received the appropriate application at the time. Further, Cat-Exes did not exist within the floodplain regulations prior to February of 2019. Bergin confirmed that the Land Use Department would apply rule changes made during a pending application if they favored an applicant. Hilt said she would not object to a CatEx in this application; which would result in the removal of applicable Standards of Evaluation required under the Floodplain Conditional Use Permit section of County Code. Lastly, the hearing would not include discussion regarding any of these criteria, rather only the SAP criterion.

Haemmerle said they were not changing anything to affect Applicable SAP Criteria #5, the Local Public Interest. They were requesting permission to rebuild a bridge that had been in place for nearly 100 years.

Haemmerle said the plat notes purport to prevent the building of structures. The applicant team doesn't believe roads that have been in place historically just disappear. If the road is not identified on the original plat, it was a mistake. He said the owner of a 640-acre piece of property should be able to use any part of that property as he chooses, particularly if it is a historical use.

The BCC, applicant and SNRA Private Lands Administrator Sharon Barnes discussed various Forest Service permits, diversions and management practices. The application states the work will be done from the east side or west side. Barnes' email to the Army Corps of Engineers, before they issued their final authorization, stated the applicant had not asked to cross Forest Service land to replace the existing bridge; but the Forest Service may authorize vehicular access across Forest Service land under a Special Use Permit given to the Henslees for maintenance of the Henslee Canal.

The Staff Report states that the existing bridge is unpermitted. Hilt said her research indicated that some kind of bridge, likely a foot bridge based on photos, was previously located where the existing bridge is. In 2000, when the subdivision was approved and the plat was recorded, a newer bridge, different from the historic bridge, was installed on fill, without Idaho Department of Water Resources (IDWR) or Army Corps of Engineers (ACE) permits. State and federal agencies do not have any record of this bridge. Engh said IDWR and ACE told him at the time that he didn't need approval because work would not be in the streambed. McCleary said the Enghs would still have needed a permit from Blaine County.

**Public Comment:**

- Sharon Barnes said a bridge in Pole Creek was problematic because it materially interferes with the Riparian Easement purchased by the United States to manage and protect the Pole Creek Habitat Maintenance area; and any type of road or bridge intercepting Pole Creek will continue to introduce sediment into Pole Creek. Both the existing bridge and proposed bridge design, which would discharge an estimated 213 cubic yds of fill into the floodplain, will degrade water quality and geomorphic integrity of the stream.

In 2015, the Forest Service authorized a 20-year Special Use Permit for Salmon Falls Land and Livestock Company (Henslee family) to access the platted canal access road through the east gate of what is now the Enghs' property.

Barnes said SNRA Ranger Kirk Flannigan is willing to consider a Special Use Permit across National Forest land to access this platted canal access route, if the County supports this approach, to avoid more impacts to Pole Creek through the construction of a bridge. The SNRA would like some assurance that the existing bridge and its approaches would be permanently removed and the area restored following National Marine Fisheries Service Best Management Practices to avoid further impacts to Pole Creek.

- Haemmerle said there is no support by any engineer or credentialed person that this bridge will cause any adverse impact to Pole Creek. He said this was the first time the Enghs have heard any possible positive solution or approach from the Forest Service.

A letter from National Oceanic and Atmospheric Administration (NOAA) said the National Marine Fisheries Service concluded that [this application] would not adversely affect essential fish habitat; thus, consultation under the Magnuson-Stevens Act (MSA) is not required for this action.

Hilt said County staff had suggested to the Forest Service that they consider a Special Use access to the east if they can; and she and Bergin had discussed potential opportunities with Haemmerle to clean up existing violations and address plat notes restricting unplatted driveways (plat note 6a). Hilt explained her Staff Report comments referring to information from Salmon Region of Idaho Fish and Game relating to cumulative impacts of insufficient planning and construction practices; and added that she had spent considerable time with NOAA learning about dealing with MSA streams, but that MSA didn't seem to directly refer to this application.

Haemmerle said their environmental consultant could devise a plan to address Condition of Approval 3. Garth McClure said they would submit a more specific vegetation plan.

#### **The BCC reviewed Streambank Permit Standards of Evaluation and plat notes.**

- Fosbury said they were reviewing an application for a new bridge with a new design, with a longer span.
- Bergin said the BCC will typically amend a plat note that is in conflict with an application.
- Greenberg felt Standards 4 and 5 could be mitigated. McCleary hesitated to approve Standards 4 and 5 until such time as the plat note could be amended. Fosbury said the current bridge was unpermitted, but the applicant had no other access to half their property and the BCC needed to work toward a solution. The Forest Service land that could provide access is a wet meadow until the 4<sup>th</sup> of July; so he was inclined to allow Engh to construct the bridge over Pole Creek. The project should be monitored for several years to ensure riparian vegetation efforts are successful and there is no increased sedimentation.

#### **The BCC reviewed Conditions of Approval.**

- Fosbury asked the applicant to provide contours of proposed finished grade.
  - Garth McClure agreed to do so.
  - Hilt added that staff regularly review post-construction, and there will be a Security Bond to monitor post-construction erosion control and revegetation measures for up to four years.
  - Condition of Approval 9 regarding decommissioning of the bridge and post-construction erosion control.
- Fosbury recommended that the bridge design meet National Streambed Mitigation Standards for Protection of Endangered Fisheries, as outlined by Idaho Fish and Game.

**Fosbury moved, seconded by Greenberg, to approve the application by Rolf and Nancy Engh for a Stream Alteration Permit on Pole Creek, finding that the proposal does comply with applicable criteria set forth under Title 9, Chapter 17 Floodplain Overlay District and Riparian Setback District, subject to Conditions of Approval in the Staff Report 1 through 9, as amended and discussed, particularly Conditions 3 and 9. Motion carried, with Greenberg and Fosbury in favor; McCleary opposed, due to her concern with existing plat notes and SAP Criteria 2, 4 and 5.**

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

- **Reconsideration of Stream Alteration Permit: Request for reconsideration of a Stream Alteration Permit issued to Jerry and Angela Tegan for stabilization of eroding bank on the Big Wood River at 180 S. Golden Eagle Rd. The reconsideration request proposed re-evaluation of the revegetation requirements for land located within the 75 foot riparian setback.**

Also present: County Land Use and Building Services Deputy Director Kathy Grotto; and applicant's attorney Fritz Haemmerle.

**Fosbury moved, seconded by McCleary, to reconsider Stream Alteration Permit for Jerry and Angela Tegan at 180 South Golden Eagle Road, for a hearing date to be determined. Motion carried unanimously.**

#### **Discussion Items:**

- **Area of City Impact** - Questions to submit to Planning & Zoning Commission.

Also present: Blaine County Land Use Administrator Tom Bergin; Bellevue Mayor Ned Burns and Bellevue Community Development Director Diane Shay.

Both cities of Hailey and Bellevue are beginning to define their Areas of City Impact and future annexation possibilities on County land between the two cities. At this time, their intended ACIs overlap. In the near future, both cities will present their proposed ACI boundaries to the County Planning & Zoning Commission. Greenberg asked the two cities to give careful consideration to their respective priorities, keeping in mind that County P&Z is going to give priority consideration to open space and park space between Hailey and Bellevue. The BCC said that Hailey has growth potential to its north and Bellevue has growth potential to its south.

Land Use gave the BCC a list of potential topics of discussion. Bergin said today's discussion is to decide what questions and guidance the BCC would propose to the County P&Z.

Hailey submitted conceptual zoning in their proposed ACI; Burns said Bellevue believes zoning is not appropriate until annexation.

Fosbury asked if it is necessary for a city to initiate an ACI agreement with the County before making an annexation request. Bergin said the County's perspective is that a city needs an ACI, and annexation proposal must be within the boundaries of the ACI; which is why the County encourages both cities to negotiate their proposed ACIs with County P&Z. Bergin acknowledged that Bellevue had previously annexed property to its south and east without an ACI, which the County did not contest.

The BCC approved a list of potential questions the County will ask Bellevue and Hailey to consider before a workshop on ACI. The BCC directed Land Use to look for a mediator who understands Idaho Code, Idaho law on ACIs and annexation, and schedule a workshop in the next month or so.

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

**Fosbury moved, seconded by Greenberg, to submit ACI-related Questions 1 through 10 that the BCC discussed to P&Z Commission for recommendation and request they make their recommendation to the BCC within 90 days. Motion carried 2/0.**

- **Resolution 2020-07 Airport and Transportation Chapters of Comprehensive Plan ..... [Record #667198](#)**

**Fosbury moved, seconded by Greenberg, to approve Resolution 2020-07, a resolution of Blaine County Board of Commissioners, enacted pursuant to Idaho Code § 67-6509, adopting revisions to the Blaine County Comprehensive Plan, Section 2, Blaine County Aviation System, which was adopted by Blaine County Resolution 2009-25 on May 12, 2009, and adopting minor revisions to Chapter 1 Transportation, which was adopted by Blaine County Resolution 2015-20 on May 12, 2015. Motion carried 2/0.**

- **Initiate text amendments to Airport Vicinity Overlay District**

**Fosbury moved, seconded by Greenberg, to initiate amendments to Title 9, Chapter 18 Airport Vicinity Overlay District, as supported by Chapter 1a Public Airport Facilities of the Comprehensive Plan. Motion carried 2/0.**

**Fosbury moved, seconded by Greenberg, to continue consideration of December 17, 2019 minutes of Blaine County Board of Commissioners to a Special County Commissioners meeting on February 19, 2020 at 10:00 am. Motion carried 2/0.**

**ADJOURN**

**At the hour of 5:54 p.m., with no more business before them, the County Commissioners adjourned.**

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

JoLynn Drage  
County Clerk

Jacob Greenberg  
Chairman