

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE FEBRUARY 2022 SESSION**

Fourth Day

Tuesday, February 22, 2022

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 Muffy Davis; IT Enterprise Architect Ben Parker; Administrative Services Manager Stephanie Carlson; Human Resources Generalist Justin Highhouse; Appraiser Alyssa Cenarrusa; Recording Secretary Sunny Grant; Idaho Power Local Area (Blaine County) Energy Advisor Amber Larna; and *Idaho Mountain Express* staff writer Mike Shultz. County Clerk Stephen McDougall Graham and Blaine County Administrator Mandy Pomeroy were present for the morning session.

Some participants in this meeting were by web conference or teleconference.

Chairman Fosbury called the meeting to order at 9:05 a.m.

PUBLIC COMMENT: None.

AMEND AGENDA

Commissioner McCleary said the planned new development of affordable housing in the Community Housing Overlay District is displacing current residents in a mobile home park.

McCleary moved, seconded by Davis, to amend today's agenda to include a mobile home park relocation discussion action item at 11:30 a.m. today. Motion passed unanimously.

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: Indigent Services Assistant Hayleigh Simpson.

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

OPEN SESSION RESUMED

INDIGENT CONSIDERATIONS

Davis moved, seconded by McCleary, to deny Request 2022-1165-1, as applicant qualifies for Medicare. Motion passed unanimously.

Davis moved, seconded by McCleary, to cancel the hearing and suspend Request 2021-1158-1 for other possible [COVID-related federal] resources. Motion passed unanimously.

CLAIMS – Gretchen Stinnett

McCleary moved, seconded by Davis, to approve Claims dated February 16, 2022. Motion passed unanimously.

CONTRACTS, GRANTS AND AGREEMENTS

- **Sustainability Program Fellow-Independent Contractor Agreement** Record #6

Also present: Sustainability Manager Lynne Barker.

This contract is for the Sustainability Program intern fellow position. Prospective fellow Ashlee Forman's first big project is to get the regional website online in the next month or so.

McCleary moved, seconded by Davis, to approve Independent Contractor Agreement between Blaine County and Ashlee Forman, for Sustainability Program Fellow, in the amount of \$18.85/hour, not to exceed \$13,500 for the remainder of FY 2022. Motion passed unanimously.

McCleary moved, seconded by Davis, to convene as Blaine County Ambulance District Board. Motion passed unanimously.

BLAINE COUNTY AMBULANCE DISTRICT

- **Addendum to FY 22 Emergency Medical Services Agreement-Wood River Fire Protection District (WRFPD)**

Also present: Wood River Fire and Rescue Chief Ron Bateman.

County Administrator Mandy Pomeroy said this Addendum provides additional compensation from the Blaine County Ambulance Board for WRFPD to continue the current level of EMS service being provided by Wood River Fire and Rescue, over and above what is required in the contract currently in force. Pomeroy will amend the contract before signature.

McCleary moved, seconded by Davis, to approve Addendum to FY2022 Emergency Medical

Services Agreement with Wood River Fire Protection District, as amended in the hearing today and to include additional compensation in the amount of \$269,409. Motion passed unanimously.

McCleary moved, seconded by Davis, to reconvene as the Blaine County Board of Commissioners. Motion passed unanimously.

COUNTY DEPARTMENT REPORTS

Waterways - Lamar Waters

- **US Army Corps of Engineers (ACE) Permits for Hot Springs Landing**

Blaine County Waterways Director Lamar Waters presented two approved Army Corps of Engineers permits for a maintenance program to dredge the Hot Springs Landing boat launch area. Waters said the Wood River and Camas Creek converge and dump silt right in front of the boat launch. Waters said he's dredged the area twice before, but silt washes right back in, so he wants to do a bigger area this time. The Hot Springs Landing is heavily used and should be safe. Chairman Fosbury suggested the silt might be useful to Road and Bridge or a local business.

County Floodplain Manager Kristine Hilt said FEMA requires the County to collect a permit for work in a mapped regulatory floodway. Hilt said she didn't think there were any neighboring private properties, but she had to make sure disruption and extraction would have no negative impacts.

Hilt said weed infestation can be a real problem, and suggested Waters have the County Weed Department monitor the area for several years after the work is complete.

The BCC supported the project.

Administrative Services - Stephanie Carlson

Also present: Noxious Weed Supervisor John Cenarrusa; and Administrative Services Support Specialist Kay Draper.

Earth Day Update – The Climate Action Coalition wants to host an Earth Day event in the Judicial Building parking lot on Saturday following Earth Day. The BCC supported the event.

Yew Update – An Idaho Fish & Game botanist visited Blaine County and toured homes with County staff and the Sun Valley Asst. Police Chief to look for and remove yews on properties. Administrative Services Manager Stephanie Carlson said landowners are asking their property managers and County Noxious Weed Supervisor John Cenarrusa if they have yews on their property, so everyone is working together. Staff are reaching out to landscapers to be sure they know how to identify yews.

Administrative Staff are planning a **Yew Townhall Meeting** to give the public information on how yews affect animals, and how to control and thoroughly remove well-established yews.

County Administrator - Mandy Pomeroy

- **Colorado Gulch Right-of-Way** documents are ready for BCC review. FEMA is ready to release the bridge funding.
- **Housing Coalition** - City of Ketchum has retained Agnew-Beck as a housing consultant. Agnew-Beck would like to form a coalition of housing-related entities in Blaine County. Since BCHA is in transition right now, Agnew-Beck would like to present three options on how they can be a resource to the County.

Fosbury said he would like to see the services that Agnew-Beck offers, and acknowledged that the BCHA is in transition, but he felt the BCHA should hold the contract. He said the founding resolution of the Blaine County Housing Authority states, "... the Wood River Valley is one social and economic unit. The Board of County Commissioners believes it can better fulfill the affordable housing needs of County residents by creating a County Housing Authority that represents all the citizens through participation by the County, and all the cities with members of each of the cities on the governing board." Fosbury thinks the BCHA should be the starting point of housing-related entities. McCleary said the County could consider increased funding to the BCHA to support the BCHA's contract with Agnew-Beck. He will report on this discussion to the BCHA Board.

COVID-19 UPDATES

The BCC reported on COVID-19-related issues, concerns and committees they were involved in.

Blaine County COVID-19 Risk Level Plan – Blaine County is still at the "critical risk" level.

Administrative Order from the Idaho Supreme Court – Clerk of the Judicial Court Stephen McDougall Graham received a new administrative order from the Idaho Supreme Court which gives the District Administrative Judge the discretion to decide when to reconvene jury trials, and also what COVID protocols will be observed in the Courtroom. Blaine County can resume holding jury trials on February 28, 2022.

BOARD OF COMMISSIONERS DEPARTMENT REPORTS

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

South Central Public Health Board Meeting – SCPHD is updating their employee handbook.

Wood River Valley Collaborative Forest Enhancement Meeting has done a GIS assessment of Ketchum, Sun Valley and Hailey to decide the best locations to plant trees for water and/or air quality; and where trees should be removed to reduce fire risk. McCleary said this forest enhancement project

enabled the National Forest Foundation to fund a \$2+ million Joint Chiefs Restoration Partnership grant that will help fund restoration efforts and fire mitigation on Baldy; and additional funding for fire mitigation or riparian work on private or public land.

Fly Sun Valley Alliance – Davis reported that people are coming back this winter, and the guaranteed minimum passenger payments are low. The Local Option Tax is doing what it was meant to do. FSVA members discussed how to keep support for LOT high when the renewal comes up in May; and still keep visitor numbers manageable. Fosbury said other small towns, including in Idaho, are losing much of their regular air service.

Blaine County Housing Authority (BCHA) Meeting – Fosbury said the BCHA has been in transition with a new Board Chair and a new Executive Director. The BCHA Board budget is really tight.

- Fosbury cautioned the BCHA against not keeping close touch with legal counsel.
- BCHA is working with consultant Agnew-Beck to finish their Strategic Plan.
- BCHA is working with Ketchum and a building contractor to repair sewer lines so Lift Tower Lodge can be fully functional and occupied.
- CH-PUD amendments to allow more smaller units have been submitted to County staff.
- BCHA Board is asking the BCC to consider an emergency moratorium due to on a project in McHanville that has given eviction notices to its current tenants.

Housing Action Plan – Fosbury

Fosbury received a request for support from Tim Wolfe and Steve Shafran who want to form a new local housing charitable trust similar to ARCH that would include higher income levels up to 120% of Area Median Income.

CONSENT CALENDAR

- **Experian Account Renewal** Record #6
- **Junior College Certificate of Residency forms**
College of Southern Idaho, Spring 2022: Tessica A Shields
College of Western Idaho, Fall 2021- Spring 2022: Adriana Enriquez-Gonzalez

McCleary moved, seconded by Davis, to approve the Commissioners’ Consent Calendar for February 22, 2022. Motion passed unanimously.

POSSIBLE ZONING AMENDMENTS IN BLAINE COUNTY COMMUNITY HOUSING-PLANNED UNIT DEVELOPMENT MOBILE AND MANUFACTURED HOME OVERLAY DISTRICT

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; and Blaine County Housing Authority Board Chair Sarah Michael.

Several mobile home parks in the McHanville area are planning to redevelop, and are evicting current tenants during construction, resulting in a large number of displaced families. Blaine County Housing Authority Board Chair Sarah Michael, Crisis Hotline Executive Director Tammy Davis, and Neighbors Helping Neighbors representative Herbert Romero are asking the BCC to consider a temporary moratorium on development in the McHanville CH-PUD Overlay District to avoid these unanticipated evictions.

County Attorney Tim Graves said a moratorium would put a stop order on applications for demolition, alteration or destruction in this overlay area. This would give the BCC six months to pass an Ordinance that would, for example, put requirements on redevelopment in the area, such as develop affordable housing, or provide for relocation of existing residents. Idaho Code 74-204(1) states requirements for a moratorium as “... involving injury or damage to persons or property or immediate financial loss that justifies proceeding on an emergency basis”. Idaho Code 67-6523 asks “... is the threat immediate or is there imminent peril to the public health, safety or welfare to justify a moratorium.” A moratorium can be lifted when no longer necessary; or extended after six months, if necessary.

- Chairman Fosbury said a moratorium would help these tenants for now, but it wouldn’t stop the process and would just delay development of affordable housing.
- Commissioner McCleary asked if ARPA funds or Blaine County Charitable Funds could be used to help the displaced families find temporary relocation. She wasn’t sure a moratorium was the appropriate tool to deal with this issue and the housing crisis.
- Commissioner Davis said a moratorium probably wouldn’t stop the evictions already issued.

The BCC agreed that local community organizations can probably help the evicted families while the County does what it can to encourage development of new housing as soon as possible.

Sarah Michael suggested the County draft a policy to help people when development threatens existing housing. In the meantime, local assistance organizations will meet with the affected families this week to explore relocation possibilities.

LAND USE and BUILDING SERVICES HEARINGS

- (CONTINUED FROM FEBRUARY 8, 2022). **Review of conditions of approval as part of Catherine Sullivan's request for Reconsideration of the Board's decision upholding the Blaine County Hearing Examiner's conditional approval of an Outdoor Recreational Conditional Use Permit at 98 Broadford Rd. Megan Gruver is the conditional use permit applicant. The 17.5-acre property's legal description is Lot 2C,**

Silver Bell Ranch.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Code Compliance Specialist Kristine Hilt; applicant Gary Gruver and applicant's attorney Ed Lawson; and appellant's attorney Ben Worst.

Chief Deputy Prosecuting Attorney Tim Graves said the BCC issued a decision in the appeal of the Hearing Examiner's conditional approval of an Outdoor Recreational CUP. The appellant asked the BCC to reconsider their Decision on Appeal, and the BCC agreed to reconsider their decision and perhaps modify Conditions of Approval of its prior decision.

No notice is required for this hearing because it is a continuation of their reconsideration.

The BCC is limited by the record already prepared in its deliberations. No further argument or public comment is allowed.

- The total number of people—participants, volunteers, spectators, and anyone on the property at any time—is no more than 75 persons.
- Events can't be consecutive. There needs to be a minimum of 14 days in-between events.

McCleary moved, seconded by Davis, to direct staff to draft a Modified Decision reflecting the modifications discussed today. Motion passed unanimously.

COMPREHENSIVE PLAN IMPLEMENTATION WORKSHOP (CONTINUED FROM FEBRUARY 15, 2022).

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto; and wildlife advocate Lili Simpson.

The BCC previously indicated their Comprehensive Plan priorities, then had a couple weeks to think about their priorities; and were given the opportunity in this meeting to again mark their priorities without concern for how they had previously marked them.

Sustainability Manager Lynne Barker has reviewed the Comprehensive Plan.

- The BCC discussed community housing options, including state and federal opportunities, local option tax, impact fees, in-lieu contribution, and a housing "fund". Planned Unit Developments allow additional density if affordable housing is included in the PUD.
- Commissioner Davis said an investment fee aka a real-estate transfer tax is being proposed to the Idaho Legislature.
- Fosbury "Support and defend existing minimum stream flow (MSF) rights in the Big Wood River and promote other opportunities for new MSF rights in the watershed where feasible." should be an ACTION ITEM. The desired outcome refers to tributaries, specifically the East Fork [of the Big Wood River], which dried up; and protesting an IDWR application to acquire water rights in the water bank in the main Big Wood River channel

Public Comment:

- Blaine County resident Lili Simpson concurred that minimum stream flows were important and should be on a five-year monitor program.
- Simpson said Idaho's wildlife is "owned" by the public, but Idaho Fish and Game has jurisdiction over wildlife. She asked the BCC to give wildlife special consideration where appropriate.
- Simpson said some of the proposed bike-ped route on the maps in Blaine County Community Bike-ped Master Plan goes over private land in places and land owners weren't consulted with path location.

LAND WATER & WILDLIFE PROGRAM

- **Guy Canyon Restoration Project. Review of Grant Agreement and Funding Resolution for the University of Idaho's request for Land, Water & Wildlife Funds for the Rock Creek Ranch Phase II - Guy Canyon Restoration Project. The request is for \$21,525.00 (or 23%) of the total estimated project cost of \$92,000.00 for a tributary restoration in Guy Canyon.**

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto; and Land, Water and Wildlife Levy Program Coordinator Wendy Pabich.

The BCC reviewed the Guy Canyon Restoration Project Grant Agreement and Funding Resolution at last week's BCC meeting, but could not approve them due to a technicality. Both the Agreement and Funding Resolution can be approved in today's meeting.

McCleary moved, seconded by Davis, to approve the Land, Water and Wildlife Levy Grant Agreement between Blaine County and the University of Idaho for the Guy Canyon Restoration Project, outlined in Exhibit A of this Grant Agreement, in the amount of \$21,525.00, or 23% of total project cost, whichever is less. Motion passed unanimously.

Davis moved, seconded by McCleary, to approve Resolution 2022-01, a resolution between Blaine County and the Regents of the University of Idaho for the Guy Canyon Restoration project with Land, Water and Wildlife Levy project funding, pursuant to established criteria of the Land, Water and Wildlife Levy program, in the amount of \$21,525.00, or 23% of the total,

whichever is less. Motion passed unanimously.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- December 7, 2021 Regular Meeting
- January 4, 2022 Regular Meeting
- January 6 and January 10, 2022 Special Meetings
- January 18, 2022 Regular Meeting
- January 25, 2022 Regular Meeting
- February 8, 2022 Regular Meeting

McCleary moved, seconded by Fosbury, to approve Blaine County Commissioner regular meeting minutes of December 7, 2021 and January 4, 2022, as amended. Motion passed 2/0. Davis abstained, since she was not a commissioner at the time

McCleary moved, seconded by Davis, to approve Blaine County Commissioner special meeting minutes of January 6 and January 10, 2022, as presented; and January 18, January 25, and February 8, 2022 regular meeting minutes, as amended. Motion passed unanimously.

EXECUTIVE SESSION – §74-206 (1)(a) Personnel

Davis moved, seconded by Davis, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(a), to interview the selection of a Planning and Zoning Commissioner. Davis (aye), McCleary (aye) and Fosbury (aye). Motion carried unanimously.

ADJOURN

At the hour of 4:10 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____

Stephen McDougall Graham
County Clerk

Dick Fosbury
Chairman