

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
REGULAR MEETING OF THE MAY 2019 SESSION**

**Third Day**

**Tuesday, May 7, 2019**

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, and Commissioner Dick Fosbury; County Administrator Derek Voss; County Administrative Services Manager Mandy Pomeroy; and Recording Secretary Gary Brower. County Clerk JoLynn Drage and *Idaho Mountain Express* reporter Mark Dee were present for part of the morning session.

Commissioner Fosbury was absent until 9:04 a.m.  
Chairman Greenberg called the meeting to order at 9:02 a.m.

**PUBLIC COMMENT – None**

**BOARD OF EQUALIZATION - I.C. 63-501A**

There were no BOE issues to address.

**MAY IS MENTAL HEALTH AWARENESS MONTH, PROCLAMATION 2019-02.....Record 659965**

Also Present: NAMI Representative Christina Cernansky; NAMI Program Coordinator Brittany Shipley; St Luke's Wood River Foundation Representative Megan Tanous; Blaine County School District Mental Health Therapist Laurie Strand; Blaine County Outreach And Education Specialist Colleen Clark; Blaine County Senior Connection Executive Director Teresa B Lipman; County Probation officer Jodi Fuller; County Sheriff Office Captain Curtis Miller; St Luke's Director Erin Pfaeffle; Wood River High School Social Worker Julie Carney; Magistrate Judge Jennifer Haemmerle; Crisis Hotline Executive Director Tammy Davis and County Sheriff Steve Harkins.

Vice-Chair McCleary read Proclamation 2019-02 into the record.

**Public Comment:**

- Christina Cernansky thanked the BCC for taking a stand against mental health stigmas.
- Teresa Lipman thanked the BCC for recognizing mental health effects on seniors.
- Julie Carney thanked the BCC for recognizing students with mental health issues.
- Magistrate Judge Jennifer Haemmerle thanked everyone in the room for stigma free posture this community takes with mental health issues in respect to interaction and impacts with the judicial system.
- Tammy Davis thanked BCC and community members for their leadership.
- Brittany Shipley thanked the BCC and complimented the High School Bluebirds for bracelet distribution.

**McCleary moved, seconded by Fosbury, to approve Proclamation 2019-02 proclaiming May is Mental Health Awareness Month and Blaine County is a stigma free community. Motion carried unanimously.**

Public photo opportunity.

**EXECUTIVE SESSION – §74-206 (1)(d) INDIGENT** - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code

Also Present: Blaine County Services Manager Brooke Baird

**McCleary moved, seconded by Fosbury, that the BCC convenes in Executive Session, pursuant to Idaho Code 74-206 (1)(d) to consider indigent medical records that are exempt from disclosure, as provided in Chapter 3, Title 9, Idaho Code. Roll call: Fosbury (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.**

**OPEN SESSION RESUMED**

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

**Fosbury moved, seconded by McCleary, to approve Case #2018-41 with reimbursement in the amount of \$25/month. Motion carried unanimously.**

**Fosbury moved, seconded by McCleary, to approve Case #2019-1007-1 with reimbursement in the amount of \$100/month. Motion carried unanimously.**

**Fosbury moved, seconded by McCleary, to deny Cases #2019-16, 2019-26, 2019-30, 2019-31, and 2019-1013-1 based on the finding that indigency has not been established. Motion carried unanimously.**

## **TAX DEED HEARING**

- RP0055200000A0

Also Present: Blaine County Treasurer John David Davidson

Blaine County Treasurer John David Davidson reported on the history, read the publically noticed material into record, and informed the BCC of the current status of parcel RP0055200000A0. Recommendation is Blaine County take Tax Deed for this parcel.

**Fosbury moved, seconded by McCleary that Blaine County take the tax deed on parcel RP0055200000A0 located at 140 Desperado Dr in Sun Dance Subdivision Parcel A open space due to the fact that the 2015 property taxes are delinquent. Discussion: None. Motion carried unanimously.**

## **PROPERTY TAX EXEMPTIONS**

Also Present: Blaine County Assessor Jim Williams and Deputy Assessor Melissa Fry.

Blaine County Assessor Jim Williams presented the 2019 annual list of exempt properties and 2019 new properties applying for exemption under Idaho Statute title 63-602B.

Chief Deputy Assessor Melissa Fry reviewed list of new applicants. Two vacant lots for parcels RP02N18009292C and RP003840010010 for the applicant The Life Church were presented to the BCC for determination of tax exempt status under Idaho Statute 63-602B.

Chief Deputy Assessor read Idaho Statute 63-602B into the record. The BCC discussed how to apply the new applicant list of parcels presented.

**Fosbury moved, seconded by McCleary to approve the list submitted for BCC consideration on May 7 for Exempt Properties under 63-602 in its entirety. Motion carried unanimously.**

## **COUNTY DEPARTMENT REPORTS**

- **Blaine County Sheriff Office** – Steve Harkins

Also Present: Blaine County Sheriff Steve Harkins; Road and Bridge Manager Steve Thompson

Blaine County Sheriff updated the BCC on his department. Topics include: minor staffing changes; healthy morale of employees; increased revenue from housing inmates of surrounding counties; recent audit pass on an operational jail inspection; recent increase of vehicular accidents; and a new K9 program has been implemented with 2 teams.

- **Road and Bridge** – Steve Thompson

### **Landfill Fees**

Blaine County Road and Bridge Manager Steve Thompson presented a letter to BCC that requests Southern Idaho Solid Waste District to rescind recently charged fees and waive future fees. BCC is supportive of the letter.

### **Adams Gulch Bridge Structures Survey**

Blaine County Road and Bridge Manager Steve Thompson said a letter of map revisions needs to be sent to Federal Emergency Management Agency (FEMA) to close out the bridge project with fee of \$30K-\$50K and Blaine County will be responsible for their portion of 7.34%, which will come out of line item on this projects budget.

- **County Administrator** – Derek Voss

Blaine County Administrator Derek Voss updated the BCC on several items. Topics include: building inspections are now occurring on Fridays with recent staffing increase; updates on capital improvement projects will be upcoming in future agenda; updates on need and cost for an updated transportation plan; and reviewed several aspects of the grant process.

## **CITY OF CAREY**

- Landfill Fees

Also Present: City of Carey Clerk Tess Cenarrusa

City of Carey Clerk Tess Cenarrusa said planning is underway for a Centennial Celebration on July 20 and would like a few free Carey landfill days to incentivize citizens to clean up for the event.

BCC is supportive of providing a few free landfill days.

## **SOUTH CENTRAL PUBLIC HEALTH DISTRICT BUDGET PRESENTATION**

Also Present: South Central Public Health District (SCPHD) Director Melody Bowyer; Board Chair Linda Montgomery; Environmental Health Specialist Matt Wildhagen; Women Infant Children (WIC) Nutritionist Helen Hopkins; Registered Nurse (RN) Karissa Martin; Health Education Specialist Cody Orchard

Board Chair Linda Montgomery, Director Melody Bowyer, Health Specialist Matt Wildhagen, WIC Nutritionist Helen Hopkins, Educational Specialist Cody Orchard, Environmental Health Specialist Matt Wildhagen and RN Karissa Martin gave an organizational overview of programs and budget presentation to the BCC. Topics include: providing immunizations and vaccines to the public and schools; providing regular public outreach for health related issues; emergency preparedness for regional public health threats; helping coordinate disaster resources with local, state and national programs; red refrigerator envelope information packets for seniors living alone; increases to food establishment fees for both

temporary and permanent locations over the next several years; discussion of septic systems; discussion of WIC program and services provided; providing smoking cessation programs; office presence in Ketchum and Bellevue along with mobile services; drug education classes for both parents and students; providing infant car seats program; and developing peer to peer mentoring programs.

**BALLOT COUNTING DEVICE LOGIC AND ACCURACY TEST**

(Elections office, Old Blaine County Courthouse)  
All processes were accurate and approved.

BREAK

**CONSENT CALENDAR**

- **Junior College Residency Forms** for College of Southern Idaho - Spring 2019: Jullisa Romero Salinas and Sole J Spigner.
- **Beverage license location transfer** of MCCF, Inc dba That’s Entertainment from 105 Lewis Street, Ketchum to 180 Northwood Way, Ketchum.
- **Resolution 2019-23 Destruction of I.T. Records** ..... Record #659966

**McCleary moved, seconded by Fosbury, to approve the Consent Calendar for May 7, 2019. Motion carried unanimously.**

**LAND USE and BUILDING SERVICES HEARINGS**

- **185 Hyndman View Dr. Plat Amendment/Accessory Dwelling Unit Conditional Use Permit:** A public hearing and consideration of an application by Richard and Sarah Jane Vanica of 185 Hyndman View Dr., also known as Lot 1, Block 1, Hyndman Peak Sub. The 2.94-acre property is located in the Residential/Agricultural District (R-5).

Also present: Blaine County Land Use and Building Services Nancy Cooley; Land Use Administrator Tom Bergin; Resident Representative Architect Matt Miller; and Resident Representative David Patrie.

Blaine County Land Use and Building Services Nancy Cooley read note into the record.

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

Disclosures: none. No new materials.

Applicant Representative David Patrie and Architect Matt Miller presented project to BCC. Topics include: building envelope shift; replace barn with accessory dwelling unit (ADU); plat amendment; addition to home; conditional use permit for barn conversion into ADU; discussion of drainage ditch; review of current setbacks.

BCC requested letter of no objection from the HOA.

Public Comment: None

Deliberations: BBC discussed the drainage ditch; plat note additions; and building envelope size.

**Fosbury moved, seconded by McCleary to approve plat amendment application by Richard and Sarah Jane Vanica to amend the Hyndman Peak Subdivision Plat by amending the building envelope on Lot 1 Block 1 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 subject to the additional plat notes and plat notes which are conditions 1-9 plus an additional plat note ensuring that all structures are located with the platted building envelope as submitted; and as listed on the staff report regarding plat notes: 1) regarding septic systems; and 2) regarding domestic well water. Discussion: none. Motion carried unanimously.**

**Fosbury moved, seconded by McCleary to approve application by Richard and Sarah Jane Vanica to construct an accessory dwelling unit conditional use permit as presented finding the application does comply with the applicable criteria set forth under criteria of Title 9, Zoning Regulation, subject to the 3 conditions listed on the staff report. Discussion: none. Motion carried unanimously.**

**Break**

**Pole Creek Stream Alteration and Lot 1, Block 1, Henslee Ranch Sub. Plat Amendment**

A public hearing and consideration of applications by Rolf and Nancy Engh of 300 Pole Creek Rd. The subject property lies within the Sawtooth National Recreation Area (SNRA) and is zoned Rural Remote District (RR-40), with Mountain Overlay (MOD), Floodplain Overlay (FP), and Riparian Setback (R) Districts.

Also present: Blaine County Land Use Administrator Tom Bergin; County Building Official Jeff Giese, and County planner Nancy Cooley; United States Forest Service (USFS) Lands Administrator Sharon Barnes, and USFS Land Architect Matt Phillips; Applicant Rolf Engh, and applicant’s representatives environmental consultant Trent Stumph, engineer Steve Butler; attorney Fritz Haemmerle, planner Garth McClure and engineer David Patrie; and John Kelly.

Commissioner Fosbury left room for a moment.

Blaine County Land Use Administrator Tom Bergin read notice into the record.

**McCleary moved, seconded by Greenberg to approve notice was adequate. Discussion: none. Motion carried 2/0.**

Commissioner Fosbury is present.

Additional materials: Land Use & Building Services Department received letter by email on April 28 from the Smiley Creek Fire Protection District, and an outline of the PowerPoint presentation in paper format. Both were added to Commissioners' materials today. Some supplemental materials were added between the first hearing and today, and were previously given to the Commissioners.

Fosbury received email correspondence yesterday from Benchmark Associates, and presented material to other Commissioners and staff.

Applicant Representative McClure said the primary purpose of the application is to downsize and shift the platted building envelope to a better location, and build a residence on it. Development rights are limited by terms of a Conservation Easement held by the Forest Service Sawtooth National Recreational Area. One single family residence is permitted, according to SNRA Scenic Easement. The applicant could find no specific criteria or standards for selection of a building envelope. When Blaine County's Mountain Overlay District was formed, the platted building envelope became located entirely within the MOD and subject to—limited emergency access, erosion and drainage concerns; and would require cut and fill for a road and building site, etc.

The existing building envelope is approximately eight acres; the proposed building envelope is a little over one acre. Blaine County has strict hillside regulations to limit development and protect habitat and wildlife preservation. A portion of the building envelope is visible from Highway 75. The applicants propose a building envelope that is outside the MOD and floodplain, 170ft lower in elevation, less visible, meets County setbacks, and they say has lower impact.

Included in the application is a building envelope for a pole barn; and a new railroad car bridge to replace an existing historical access bridge across Pole Creek.

The BCC discussed past violations on the property, including an improved road through a wetland area; and a remaining yurt, which the applicant said is intended to remain during construction of the residence, and, at less than 120sf, does not require a building permit. County Building Official Giese said the exemption for utility sheds, tool storage, etc., does not exempt the 120sf structure from needing a building permit.

The applicant has submitted proposed plat notes; and objects to staff's proposed plat note #12.

The BCC has been given a letter dated April 9 from Sawtooth National Recreation Area Ranger Kirk Flannigan that states this scenic easement does not have an explicit requirement that the landowner consult with the Forest Service prior to construction, although it would be difficult to avoid violating the easement without such consultation.

#### **Public Comment**

- Sharon Barnes discussed SNRA concerns, including permanent structures that are likely to interfere with easements, and recommended size of structures be smaller than 2,400sf. She was concerned the proposed project would materially interfere with the riparian easement and the historic corridor.
- John Kelly said it was determined in 2015 that relocating the building envelope from its current location would materially alter the character of the subdivision and therefore could not be approved by Blaine County. Kelly supplied a handout to the BCC and applicant listing his concerns with this project changing the scenic character of the area.

#### **Response to Public Comment:**

Applicant Attorney Fritz Haemmerle responded to public comment.

Applicant representatives and staff discussed several topics, including previous enforcement of various scenic and riparian easements by the USFS.

#### **Deliberation**

BCC and staff discussed the proposed request for changes and enforcement of existing plat notes; and discussion of wildlife habitat vs wildlife migration in the project area. The BCC agreed they were not ready to make a decision on the application at this time.

**McCleary moved, seconded by Fosbury, to continue Pole Creek Stream Alteration and Lot 1, Block 1, Henslee Ranch Sub. Plat Amendment hearing until June 18, 2019 at 1:30pm.** In discussion, the BCC said they have been receiving new materials up to the time of this hearing, and is considerably over agenda time allotted. **Motion carried unanimously.**

**LAND USE and BUILDING SERVICES**

Land Water Wildlife Program: Pronghorn - Hwy. 20 Interaction Study Funding Decision

Also present: Land Use Administrator Tom Bergin.

Agenda item moved to next week after a brief discussion.

**CONTRACTS, GRANTS AND AGREEMENTS**

- MOU between the Cities of Stanley, Ketchum and Sun Valley, Blaine County and the USDA, Forest Service Sawtooth National Forest

Also present Blaine County Administrator Derek Voss; and Carole Cole.

Vice-Chair McCleary summarized the Memorandum of Understanding (MOU) for the Dark Sky Reserve Initiative.

BCC, staff, and Carole Cole discussed several aspects of the MOU including topics of: capacity of BCC in their role with other entities; potential effects of funding in future agreements; potential edits to the initiative; how other communities may participate; and discussion that the International Dark Sky Reserve is the certifying body.

**Public Comment**

- Carole Cole said MOU is a good step to solidify cooperation between the various participating agencies.

**McCleary moved, seconded by Fosbury to approve the Memorandum of Understanding between the City of Stanley, Idaho and the City of Ketchum Idaho, and the City of Sun Valley, and the County of Blaine, Idaho and the Idaho and the USDA, Forest Service in regards to their work as cooperators in overseeing the Central Idaho Dark Sky Reserve. Discussion: None. Motion carried unanimously.**

**BOARD of COUNTY COMMISSIONERS REPORTS**

**Starweather Fire Mitigation Project Update – McCleary**

Also Present: Starweather Project Manager Stacy McLaughlin

- Commissioner McCleary updated the BCC on the project. Topics include: positive and negative public input on the project; and potential Conditional Use Permit (CUP) violations.

Project Manager Stacy McLaughlin mentioned several topics such as: a walk through the project with Wood River Fire Chief Bart Lassman; recent river changes limited access to some areas of the project that would need homeowner approval for equipment access; potential access for project completion in more difficult to reach southern areas while working on Heatherlands side; and daily photography of project.

**South Central Public Health District Medical Consultant**

- BCC discussed who it will nominate for this position on the Board of Health.
- BCC discussed a liaison to the SCPHD Board.

**City of Ketchum Meeting on Fire Services**

- McCleary updated the BCC on several topics including: continued interest by Ketchum Rural to continue contract with Blaine County Ambulance Board; pump truck purchase; ambulance contracts and budget shortfalls upon separation; and Ambulance district participation in potential transitions of Ketchum Rural Fire.

**Idaho Association of Counties District IV Meeting – Greenberg**

Brief discussion of mussels as an invasive species.

BCC moved minutes review and remaining commissioner reports to future agenda.

**ADJOURN**

**At the hour of 4:57 p.m., with no more business before them, the County Commissioners adjourned.**

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