

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

Fourth Day

Tuesday, June 15, 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 Mandy Pomeroy; Disaster Services Coordinator Chris Corwin; Human Resources Generalist Justin Highhouse; Senior IT Analyst Ben Parker; Amanda Greer; County Land Use Director Tom Bergin; County Engineer Jeff Loomis; Land Use Zoning Specialist Nancy Cooley; Grants and Procurement Specialist Stephen McDougall Graham; Administrative Services Support Specialist Kay Draper; County Recording Secretaries Kirsten Eaton and Sunny Grant. Also present: Blaine County legal consultant Ron Williams; Bruce Armstrong; Dave Cosca; L. Meyer; Garry Pearson; *Idaho Mountain Express* reporter Gretel Kauffman; and Boise State Public Radio Reporter Rachel Cohen. County Clerk JoLynn Drage was present for part of the morning session.

Many participants in this meeting were by webconference or teleconference.

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

AMEND AGENDA

McCleary said this is an action item, and a revised agenda was posted.

Greenberg motioned, seconded by McCleary, to amend the agenda, pursuant to Idaho Code 74-204(4)(b), to consider transfer of Blaine County property, and whether it's in the public interest to do so. Motion passed unanimously.

PUBLIC COMMENT:

- Jed Sidwell said he'd previously sent the Commissioners a letter and videoclips of the intersection stop signs in front of his house in South Hiawatha at the entry to Cutters Subdivision. He asked the BCC to consider a speed bump to slow down speeding residents, contractors and people using Cutters Park. Sidwell said children, the elderly, and handicapped frequently walk the area, sometimes with pets. County Road and Bridge Manager Steve Thompson put down a speed counter for a week, but nothing more was done.
 - *Fosbury said the County Engineer is working with Hailey. It's a county road, but the intersection is in Hailey. The BCC suggested Sidwell and his neighbors submit a collective request in writing.*

BOARD OF EQUALIZATION - Idaho Code 63-501A

No Board of Equalization issues to address.

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.

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 CONSIDERATIONS - Board of County Commissioners Action

Greenberg moved, seconded by McCleary, to deny request number 2021-1133-1, finding that indigency has not been established. Motion carried unanimously.

LAND USE AND BUILDING SERVICES – Consideration of proposed resolution to determine if a transfer of Sec 7 Township 3N Range 18E Blaine County, Idaho, to the Blaine County Recreation District is in the public interest, pursuant to Idaho Code Section 31-808(9).

This odd-lot property is west of the Wood River Trail bike path, between Highway 75 right-of-way and ITD-owned former Union Pacific Railroad right-of-way, and near a park-and-ride lot for the multi-use trail. The BCC needs to decide if such transfer is in the public's interest. ITD is not interested in the property, but the Blaine County Recreation District wants it. The property was offered at tax deed auction several years ago, with no bidders.

County Attorney Tim Graves said if the property was unsuccessfully offered at auction, the County can dispose of it any way it chooses, including quitclaim deed. Graves asked the BCC to continue the discussion to a future BCC meeting, so he can confirm its legal status; and County Treasurer John David Davidson will confirm the back taxes amount. The BCC can transfer the property with or without payment of taxes.

McCleary moved, seconded by Greenberg, to continue consideration of proposed transfer of a Blaine County property to June 22, 2021 BCC meeting. Motion passed unanimously.

CONTRACTS, GRANTS AND AGREEMENTS

• **Idaho Power Company Mountain Overlay District Site Alteration Security Agreement**

County Land Use and Building Services Director Tom Bergin said the County issued a building permit to Idaho Power for work on power lines in East Fork, over into the Upper Elkhorn basin. Idaho Power has upgraded four transmission power poles on the route.

Greenberg moved, seconded by McCleary, to approve Idaho Power Company Mountain Overlay District Site Alteration East Fork Road / Juniper Drive Blaine County Security Agreement in the amount of \$18,558.00. Motion passed unanimously.

• **Sustainability Program Manager - Independent Contractor Agreement**

Pomeroy said the Sustainability Program Manager will be hired as an independent contractor for now, at an amount not to exceed \$10,000/month for all program expenses, paid out of contingency. The position will probably transition to full-time employee in the next fiscal year. The County and City of Ketchum have a 50/50 Cost-Share Agreement for the position. The County can invoice Ketchum for one quarter, July through September.

Greenberg moved, seconded by McCleary, to approve the Sustainability Program Manager Independent Contractor Agreement between Blaine County and Lynn Barber, in the amount of \$10,000 per month, term of the contract is July 1, 2021 through and including September 30, 2021. Motion passed unanimously.

CONSENT CALENDAR

- **Beverage License Renewals** for Tundra Cafe, Valley Car Wash, South Valley Pizzeria, Sun Valley Wine Company and Rominnas.

Greenberg moved, seconded by McCleary, to approve the Consent Calendar for June 15, 2021, as presented. Motion passed unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS

Fire Prevention Policy Discussion - Fosbury said the County is in an emergency drought situation. He's heard public concerns about fireworks; and the BLM in May restricted use of fireworks and open fires on public lands. County Attorney Tim Graves said the BCC also expressed concern about exploding targets, which are regulated differently under Idaho Code. Target practice, exploding targets and shooting at exploding targets can endanger persons and/or property, and can be regulated by ordinance.

County Attorney Amanda Greer has prepared advance legal public notice for the BCC to discuss a resolution to ban fireworks in areas that are deemed to be a "severe fire threat". Once the resolution is passed, State Code allows the County to enforce the law as a misdemeanor. McCleary will discuss enforcement with Sheriff Harkins.

COUNTY DEPARTMENT REPORTS

Treasurer's Report - John David Davidson

- The tax deadline is soon. The public is learning about the process through more user-friendly bills, and there have been few complaints.
- WRHS students have shadowed Treasurer's office staff and want to present what they've learned to the BCC.

Assessor's Report - Jim Williams

Assessment notices were sent out a week earlier than required, which gives landowners an extra week to review their values and call the Assessor's office with questions. The Assessor expected about 200 calls, and has received 109 calls so far, mostly from Ketchum, but no actual appeals yet.

- The BCC suggested the Assessor do a presentation of the work their office does.

Road and Bridge - Steve Thompson

- In South Hiawatha, people were speeding and running the stop sign, so R&B installed a 4-way stop, and will install lighted bars at the crosswalks. County Road and Bridge Manager Steve Thompson said enforcement is key to controlling speed issues.
- A speed study in Picabo showed most drivers in both directions going 25 to 28mph through Picabo. Thompson and Blaine County Engineer Jeff Loomis suggested adding a couple REDUCED SPEED LIMIT signs, but the majority of traffic is within the speed limit.
- Several residents, including McCleary, have complained about drivers on Warm Springs Road, specifically the Forest Service section. Drivers may be going the speed limit, but seem to be going fast, especially on gravel, and sometimes they're not on their side of the road. Thompson said new signs have been installed, with more still to be installed, and said the area should be patrolled.
- Traffic on East Fork seems to be slowing down, perhaps due to presence of Road and Bridge vehicles. Average speed is about 40mph. County Engineer suggested various pavement markings, including crosswalks at major intersections for bikes to get on the bikepath, and some signs.
 - *Greenberg said reducing speed a little is probably worth the investment.*

- Thompson said there is a shortage of paint and dustguard products.
- Thompson said the R&B 2021 budget was pretty lean, so if the BCC wants to set priorities for this summer, they may have to juggle funding sources.

LEGISLATIVE UPDATE

Also present: Idaho State Senator Michelle Stennett; and Idaho State Representatives Muffy Davis and Sally Toone.

The Idaho Legislature had a chaotic session, impacted by COVID, and compounded by complex policy bills that were introduced and rushed through late in the session without public or local government input or due process. Idaho State Senator Michelle Stennett said the bills will probably have to be revisited and modified next session.

- Stennett said there's an ongoing battle between surface and groundwater users.
- Representative Sally Toone said some of the new policies can impede counties, local school boards, etc. from collecting taxes and running their districts. There are millions of dollars in Idaho tax funds waiting to be used.
 - *The BCC said Blaine County's biggest issue is lack of housing. Counties across the state have a housing shortage, and are proposing an IAC resolution to the next session of Legislature and the Governor's office for badly-needed resources. Fosbury said the biggest impact to Blaine County was when the State took away local control on short- and long-term occupancy, which is destroying homeowners associations. McCleary agreed, and said the 2021 session was disheartening and off-putting.*
 - *Greenberg said the state (and/or counties) needs to develop a program to fund infrastructure, including housing. I.C. §67-8101 was established for housing, but it needs to be funded.*
- Fosbury added the "kill all the wolves bill" was another negative policy bill.
 - *Representative Toone said she voted differently from Stennett and Davis on the wolf bill, but the overriding complaint is that there should be discussion, with input from public, organizations and agencies.*
 - *Representative Davis said the Legislature shut out Idaho Fish and Game and U.S. Fish & Wildlife Service when discussing wolves.*
- Representative Davis said there is a list showing millions of dollars available that Idaho has yet to accept or use for a housing fund. Davis said people, and other branches of government, need to coalesce and be noisy. She said the cost of living keeps increasing, and Idahoans are bearing the burden of an influx of new residents, without any kind of impact fee.
 - *Fosbury said Blaine County appreciated the funding received for transportation. The BCC said Idaho has received federal funding this year, because of COVID, and the County would like to use it for transportation, roads, rental assistance and education, as the County transitions and recovers.*
- Davis said the public is asking whom to contact with their opinions, and what they can do to be heard.

COUNTY DEPARTMENT REPORTS

County Administrator - Mandy Pomeroy

- The County-owned accessory dwelling unit has been rented and is now occupied.
- A Housing Working Group is being formed.
- Fosbury suggested it might be good to have a regular Housing "column" in the Mountain Express to describe the efforts being made and the work being done.

BOARD of COUNTY COMMISSIONERS REPORTS

Idaho Association of Commissioners and Clerks Conference - Fosbury and Greenberg attended.

- Blaine County's ICRMP premium will increase only slightly.
- Greenberg said the IAC is probably made up of 10% liberals to 90% conservatives, so it's challenging.
- He doesn't think he'll be traveling to National Association of Counties or NACo Western Interstate Region (WIR) meetings, and will probably resign from NACo committee assignments.

South Central Behavioral Health Meeting - McCleary will be working on revamping the grant program, and hopes to get funds for Blaine County.

Local Emergency Planning Committee - McCleary said major discussion was on fires and floods.

Blaine County Housing Authority Vacancy - Fosbury met with Sun Valley Mayor Peter Hendricks to see if they can fill the vacancy on the BCHA.

Blaine County Fair Board – half the positions have been filled.

Break

LAND USE and BUILDING SERVICES HEARINGS

- **The Cliffs II Subdivision, 12545, 12547 and 12551 State Highway 75.** Public hearing on and consideration of an application by Cliffs Development LLC to subdivide 11.56 acres, consisting of Tax Lots 8141, 8142, and 8143, and Cliffs Subdivision Lot 3, Block 1, into 10 lots ranging in size from 1.00 to 1.52 acres.

Also present: Applicant George Kirk, and applicant's representative Samantha Stahlnecker; and Citizens for Responsible Development (CRD) Director Donn Wonnell.

Kathy Grotto read notice of hearing.

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

Disclosures:

- Fosbury noted he incidentally discussed this project previously while working on the County's housing initiative.

County Land Use Deputy Director Kathy Grotto said the hammerhead turnaround at the southern end of Cliff View Way would be vacated if the road connects through to the property to the south. Grotto proposed that the language be changed to "The hammerhead may be vacated ... " She said the two roads are private, and could remain that way if the two HOAs aren't able to coordinate on respective road maintenance.

Samantha Stahlnecker said the 10-lot subdivision is located on the east side of Highway 75, just north of The Meadows and adjacent to where Owl Rock Road connects to the west side of Highway 75. Most of the property is currently vacant. Any structures have been removed. The hammerhead turnaround is gravel. Stahlnecker described the entrance configuration and proposed improved access. The property has no water rights, so there is no water for common places or ditches.

The subdivision is in the Community Housing Overlay. No community housing is proposed at this time. They plan to underground the overhead lines from the west side of the property. All new power lines will be underground. Water and sewer will be provided on each lot, with onsite drainage site and underground septic tank.

- McCleary asked if this development could possibly be considered community housing, which would be more consistent with the Comprehensive Plan.
 - *Developer George Kirk said he had envisioned the entire Community Housing Overlay being used for community housing for 25 years. But the County never eliminated the potential for single family housing, and the neighborhood would prefer single family housing. When the CH-PUD was developed, the County, to his chagrin at the time, tried to please everyone, and in the end, pleased no one.*
 - Kirk said sewer is still not available to serve community housing density in this mid-valley area.*
 - Kirk has been in discussion with community housing developers, and has designed the development to promote Lots 1, 2 and 3, encompassing about three acres along the highway, to be developed as a CH-PUD, with its own highway access.*
- Fosbury said the County established the Community Housing Overlay District, and promoted and facilitated services to the area. Public water and sewer was studied, but did not result in a system in the area. The County will continue to explore opportunities to develop utilities and housing in the area.
- Greenberg said Idaho Fish and Game has not identified this area as a significant wildlife corridor, but the surrounding area is important habitat for diversity of wildlife, songbirds, etc.
 - *Kirk said the plant material in the area is sage and drought tolerant, and currently not disturbed. The future developer, HOA, and individual homeowners will have to be aware of weeds.*
- Grotto said trees along the highway would be limbed up to allow sightlines and scenic corridor.

Public Comment:

- Brisa Ayub, property owner on Highway 75, southeast of this development, asked about the timeline of developing Lots 1, 2 and 3, potentially community housing. She asked if the other lots would be one residence per acre, or subdivided as well.
 - *Kirk said Lots 1, 2 and 3, if sold for community housing, would require a separate land use application, and may take longer than single family lots. Kirk said there was potential the other lots could be sold as multi-family, but single family lots would sell fairly quickly.*

In deliberation:

- Fosbury said the County did not typically approve projects with dead-end roads, but the developer includes plans that provide for future connection.
- The Fire District seemed satisfied that potential fire issues can be addressed.
- Traffic can be managed with existing access and planned improvements.
- Project meets zoning. The BCC thanked the developer for offering the potential for community housing in the Community Housing Overlay District.
- The project needs a viable turnaround for first responders in compliance with County standards.
- Limbing conifers to 7ft is a good idea.
- Proposed improvements shown on Preliminary Plat— need to be installed or bonded for prior to preliminary plat approval.
- Note 13 should be revised to, "A 10' ~~public~~ utility easement shall exist"
- Note 7 should be "North Blaine County Fire District ..."

Greenberg moved, seconded by McCleary, to approve subdivision application by Cliffs Development LLC for ten lots Cliffs II Subdivision, finding the application complies with applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria of Title 9 Zoning Regulations, subject to Conditions and Plat Notes, as amended. Motion passed unanimously.

- **851 1st Street; Picabo Hills Subdivision Plat Amendment. Continuation, from May 18, 2021, of public hearing and consideration of an application by Drew and Celeste Avery for a plat amendment to modify a plat note restricting the access points to Lot 14, Block 4, Picabo Hills Subdivision and to allow a driveway within a platted landscape easement.**

Also present: Applicant Drew Avery, and applicant’s representative Sean Flynn.

County Land Use Deputy Director Kathy Grotto said this item is continued, and new notice, as required, was posted.

Disclosures: None

Grotto’s Staff Report for today’s hearing focused on the approach distance standard in the Right-of-Way Management Plan roadway functional classification, which is 400ft approach spacing for the R-5 Zoning District. County Engineer Jeff Loomis said the County’s approach standards have been in effect since at least 1994. AASHTO Design Controls and Criteria were the basis of the standards, and included potential for agricultural equipment traveling on the road. The subject property and adjacent properties are R-5 Zoning. Other properties in the subdivision are R-2.5 zoning with 300ft approach standard.

Applicant’s representative Sean Flynn said speeding on this road is uncommon, and requested an additional access.

Applicant Drew Avery said they would like to have a center driveway to the house and detached garage. He has revised his plan to accommodate parking the trailers around the garage. It’s over 40ft from the property line to First Street, which has limited traffic, and no visibility obstructions in either direction. The non-motorized trail is pretty well grown-over now, but if it reappears, there is still good visibility.

Public Comment: None.

Condition 8 is revised to allow one additional access point only.

Greenberg moved, seconded by McCleary, to approve application by Drew and Celeste Avery for a plat amendment for Lot 14, Block 4, Picabo Hills Subdivision, finding the application complies with applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria of Title 9 Zoning Regulations, subject to the condition providing one additional driveway access. Motion passed unanimously.

LAND USE and BUILDING SERVICES

- **Findings of Fact: Broken Branch Subdivision CD short plat/Priest Road**

No suggested changes by the Board.

Greenberg moved, seconded by McCleary, to approve Findings of Fact, Conclusions of Law and Decision regarding application of the Simpson Brothers, LLC for a cluster development to subdivide 189.55 acres into three lots, to be called Broken Branch Subdivision. Motion passed unanimously.

- **Ordinance Adoption: Adoption of Ordinance 2021-09, Accessory Dwelling Unit text amendments**

McCleary moved, seconded by Greenberg, to adopt Ordinance Number 2021-09, amending Blaine County Code, Title 9 Zoning Regulations, Chapter 2 Definitions, and Chapter 3 Section 11: Accessory Dwelling Units. Motion passed unanimously.

EXECUTIVE SESSION - IC Section 74-206(1)(f) - Pending Litigation: Tidwell et al. v Blaine County (Transmission Line)

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

ADJOURN

At the hour of 3:25 p.m., with no more business before them, the County Commissioners adjourned.

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