

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

Seventh Day

Tuesday, June 22, 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; Assessor Jim Williams; Treasurer John David Davidson; IT Specialist Jon Eaton; Deputy Prosecuting Attorney Amanda Greer; County Land Use Director Tom Bergin and Deputy Director Kathy Grotto; County Engineer Jeff Loomis; Land Use Zoning Specialist Nancy Cooley and Land Use Planner Allison Kennedy; County Recording Secretaries Kirsten Eaton and Sunny Grant; Idaho Power Local Area (Blaine County) Energy Advisor Amber Larna; Boise State Public Radio Journalist George Prentice; Steve Edsall; architect Chase Gouley; *Idaho Mountain Express* reporters Gretel Kauffman and Emily Jones; 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.

PUBLIC COMMENT: None.

COUNTY DEPARTMENT REPORTS

Claims - Breanna Harshbarger

McCleary moved, seconded by Greenberg to approve claims dated June 16, 2021. Motion passed unanimously.

CONTRACTS, GRANTS AND AGREEMENTS

• **Request to Accept: FY22 Office of Drug Policy (ODP) Partnership for Success - Sheriffs Dept**
Also present: Chief Deputy Sheriff Will Fruehling; and Grants and Procurement Specialist Stephen McDougall Graham.

This is an annual request to the ODP Partnership for Success program for drug interdiction activities. This year's \$16,312 award is for one vehicle laptop and personnel expenses. There is no matching amount.

Greenberg moved, seconded by McCleary, to approve request to accept FY2022 Idaho Office of Drug Policy Partnership for Success grant award of \$16,312.44. Motion passed unanimously.

• **Request to Accept: Idaho Department of Parks and Recreation Waterways Improvement Fund Grant - West Magic Boat Dock Ramp #3**

Also present: Blaine County Grants and Procurement Specialist Stephen McDougall Graham on behalf of Waterways Director Lamar Waters.

This is to purchase and assemble two ADA-compliant ramps, at a cost-share of 20% from the Waterways budget.

Greenberg moved, seconded by McCleary, to approve the Request to Accept FY2022 Idaho Department of Parks and Recreation Waterways Improvement Fund grant in the amount of \$30,716 for the West Magic Boat Ramp #3, with a matching amount of \$7,679. Motion passed unanimously.

• **Syringa Exhibit A - 200Mb Ethernet Reterm**

This 36-month contract renewal is an addendum to the Master Service Agreement for County IT between the Annex and Public Service Facility. This renewal is a \$90/month reduction to the Master Contract price. Graves said he has not reviewed the contract, and would not ordinarily recommend a 36-month term beyond a fiscal year budget without a non-appropriation clause, which allows the County to terminate a contract if it is not funded in the future. The BCC will revisit the contract at a future BCC meeting.

RESOLUTION 2021-18 BANNING FIREWORKS

Blaine County is in serious drought. The BCC determined that a severe fire threat exists in Blaine County's current vegetative condition, and are considering Resolution 2021-18 to ban fireworks. Deputy Attorney Amanda Greer said legal notice was provided in the Mountain Express legal section on June 16, 2021. Once the BCC declares a severe threat exists, the State prohibition on fireworks, I.C. 39-2609 (4) is invoked. The County expects local jurisdictions to follow with their own restrictions.

Public Comment: None

McCleary moved, seconded by Greenberg, to pass Resolution 2021-18 banning fireworks, pursuant to Idaho §39-2609(4) declaring a ban of the use of fireworks in areas that constitute a severe fire threat. Motion passed unanimously. Record # 6

The BCC supported Outreach and Education Specialist Stephanie Carlson's suggestion to place a display ad in the local newspaper before July 4th.

ORDINANCE 2021-10 PROHIBITING THE SHOOTING OF EXPLOSIVE TARGETS

Blaine County Attorney Tim Graves said Ordinance 2021-10 allows the County to prohibit the shooting of a projectile into or toward an explosive device, when shooting targets within the incorporated County might endanger persons or property. Required agenda notice has been met. The ordinance will go into effect when published on June 30, 2021. The BCC agreed to make the effective dates May 1 to October 31. The ordinance will need to be renewed every year based on need.

Public Comment:

- Ryan Jensen, convicted of shooting at explosive devices and starting the 2018 Sharps Fire in Blaine County, stated his support for the Ordinance.

McCleary moved, seconded by Greenberg, to approve Ordinance 2021-10, an ordinance of Blaine County, Idaho, amending Blaine County Code Section 4-2-1 to prohibit the discharge of firearms into or toward an explosive device, as amended in today's hearing to change the date from May 1 to October 31. Motion passed unanimously. Record # 6

Outreach and Education Specialist Stephanie Carlson informed the BCC of efforts to make the public aware of the prohibition on target practice at explosive devices.

COUNTY DEPARTMENT REPORTS

Human Resources - Justin Highhouse

The BCC recognized Land Use Office Manager Tina Lewis. Blaine County Land Use and Building Services Director Tom Bergin and Deputy Director Kathy Grotto, along with Building Official Jeff Giese, said Tina had kept Land Use moving on an even keel when the department was short-staffed during the critical spring building season.

Assessor's Office - Jim Williams

Also present: Deputy Assessor Melissa Fry.

The Assessor's office has gotten 165 calls this year questioning assessed property values, which is not bad considering how property values have increased in the last year. He doesn't expect too many appeals.

Department of Motor Vehicles – Jim Williams

Assessor Williams said many counties have two DMV locations. DMV equipment is state-owned, and DMV operations, including employees, are funded by users. Blaine County has completed 28,000 transactions in the past year, about 9,300 transactions for each of Blaine County's three DMV clerks. Adding an extra person would reduce that number to about 7,000 transactions. Because user fees support DMV operations, transaction fees would be increased from \$8.65 to \$10.95. Ketchum City Administrator said he would consider giving DMV space in their new city hall building. The BCC was concerned about cost-benefits to the general public, but will review a proposal if Williams presents data to support a second location.

County Administrator - Mandy Pomeroy

- All employees are required to take ICRMP's online cyber security training.
- The BCC discussed possible grant opportunities.
- Ambulance District proposal responses will be received on July 20.
- Wood River Fire and Rescue is considering a new location.

CONSENT CALENDAR

- Beverage License Renewals for Perry's Restaurant LLC, Sun Valley Resort, Carol's Dollar Lodge/Elkhorn Golf, River Run Lodge, Warm Springs Lodge, Seattle Ridge Lodge, Roundhouse, Lookout; CK's Real Food; China Panda Chinese Restaurant; Taylor'd Events; Oasis Stop 'N Go #31; Guffy's; Oasis Stop 'N Go #29; Oasis Stop 'N Go #27; Village Market; Atkinsons' Market Ketchum; Atkinsons' Market Hailey; Atkinsons' Market Bellevue; Da Vinci's; Bigwood Golf Course; Nourish Me; The Smokey Bone BBQ; Fox Creek Wines; Grill at Knob Hill; and The Haven.

Greenberg moved, seconded by McCleary, to approve the Consent Calendar for June 22, 2021. Motion passed unanimously.

COVID-19 UPDATES

- St. Luke's Wood River is planning for a potential COVID surge in the fall.
- The Delta variant is spreading quickly. General consensus is that people who want to be vaccinated are vaccinated. The remainder aren't going to be swayed by much of anything.

BOARD of COUNTY COMMISSIONERS REPORTS

Idaho Association of District Boards of Health Annual Conference - Funding and future resources will affect County resources. Members support increasing tax on everything but cigarettes.

South Central Public Health Budget Hearing – McCleary said the SCPHD must start budgeting for programs that benefit all eight of the District’s counties, including Blaine County.

Sawtooth Valley Wildland Fire Collaborative - June 28th site visit scheduled.

Other Discussions:

- Property south of The Valley Club may be considered for affordable housing.
- Legal review and Sheriff’s input of the Communities Act Resolution approved by Hailey, and being considered by the County and Ketchum.
- The County decided to not continue membership in Southern Idaho Economic Development.
- Greenberg said Ketchum Mayor Bradshaw asked if the County would be interested in being the pass-through recipient of the proposed Sun Peak project land from the BLM to the Land Trust. The BCC had a prior conversation with Wendy Jaquet some time ago. The BCC heard a presentation by the Wood River Land Trust; but the Land Trust decided to partner with Ketchum and Biota Research on the project. Greenberg attended some meetings, and said there were people opposed to the project, including Hulen Meadows residents, so the County faded away. Ketchum is now involved with a bunch of different projects, and may be wanting the County to take over. Greenberg said Sun Peak could present their project, and the County would take public comment on the public part of the project over and above the stream rehabilitation that needs to be done. The BCC said the land cannot be directly transferred to a non-profit, so they need a government entity pass-through. Chairman Fosbury will consider a future agenda item.
- A Rotarun-area homeowner said her pet was attacked and killed in her front yard. Idaho law requires fencing to keep wildlife out of your yard. The homeowner suggested the County provide signs and/or notice about herding dogs who can attack pets while protecting sheep bands. The BCC will ask Blaine County Recreation District (BCRD) Trail Coordinator Chris Leman to let the public, the Wildlife Coalition, and County Outreach and Education know when sheep bands will be on the recreational trails. The BCC will ask County Attorney Tim Graves for his opinion.

HOUSING WORKFORCE WORKING GROUPS DISCUSSION

Following the recent Housing Workshop, County Administrator Mandy Pomeroy developed seven potential subgroups and a list of community volunteers, matching people she thought would be appropriate for each subgroup.

The BCC discussed how the Groups could best accomplish community housing as soon as possible. Fosbury asked the Group to start with what is currently being discussed and developed. He said developers of Limelight Hotel and Warm Springs Golf Course are researching the possibility of developing workforce housing, including tiny houses. The Workforce Housing Groups need to bring the necessary partners together, including South Central Public Health District and South Central Community Action Partners, to talk possibilities, as well as infrastructure, County build-out, zoning and restrictions. County Grants Specialist Stephen McDougall Graham will look into housing-related grant possibilities. Pomeroy will continue to refine and coordinate the volunteers and subgroups.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

Also present: Blaine County Land Use and Building Services Director Tom Bergin and Land Use Planner Allison Kennedy; Landowners Michael Shoup and Ramona Shoup and their representative Sean Flynn.; Anna Mathieu; Gerardo Perez Cano; and Marlene Grimaldo.

- **102 and 108 Derby Rd.; Vacate T&T Subdivision and replat as Perez Subdivision: A public hearing and consideration of an application by Gerardo Perez-Cano to vacate the T&T Subdivision and, after attaching TDRs, replat the 16.7 acres as a four lot subdivision, named Perez Subdivision.**

Kennedy said some of the data in the Staff Report were incorrect.

Kennedy read public notice.

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

No new disclosures by the BCC.

New materials: Letters regarding water issues, including letter from Chuck Brockway.

Today’s hearing is continued from the May hearing. The applicants agreed with the BCC’s prior suggestion to consider vacating the subdivision, and then present the Short Plat. Applicant’s representative Sean Flynn said the Code requires the original parcel to be ≥ 10 acres, so the applicant is vacating the two-lot plat to make the parcel 10 acres. (State Code has been amended to state that any land that has been subdivided and platted in accordance with Chapter 50-1306A(9) does not need to be vacated in order to be replatted, but the P&Z Commission would prefer to have clean title in compliance with TDR Code.)

Flynn submitted an irrigation plan, as requested by the BCC. Each lot would have a tap to the irrigation system and its own separate well. Flynn said the proposed lots are four acres, but will match the five-acre lots to the north. Fosbury said this area has been in the TDR receiving zone for over a decade.

All conditions of approval are the same as previously presented. New Condition of Approval #9 is that the irrigation water diversion will be metered to comply with water rights.

Public Comment: None.

Greenberg moved, seconded by McCleary, to approve vacation of the T&T Subdivision. In discussion: Vacation will be filed before recording final plat on the proposed replat. **Motion passed unanimously.**

Greenberg moved, seconded by McCleary, to approve the short plat subdivision application by Gerardo Perez-Cano to subdivide Lots 1 and 2, Block 1, T&T Subdivision, finding the application complies with applicable criteria of Title 10 Subdivision Regulations and applicable criteria of Title 9 Zoning Regulations, subject to Conditions of Approval as presented, including new Condition 9. Motion passed unanimously.

- **105 and 109 Thunder Road; Thunder Meadows Subdivision Plat Amendment: A public hearing and consideration of an application by Elizabeth Collins Trust to shift the lot line between Lots 22 and 23, Thunder Meadows Subdivision.**

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto; applicant's representatives David Patrie and Garth McClure; and Reid Sanborn.

Grotto read public notice.

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

No disclosures.

No new materials.

Patrie said the owners of Lots 21, 22 and 23 are the same. He described the lots and main access, East Fork Road, and nearby public and private roads. Patrie said the purpose of the application is to reconfigure the lot line between the two lots and eliminate the driveway encroachment of Lot 22 onto Lot 23, and maintain development rights as they exist. They also want to correct the mapping error that put a 1978 Mears avalanche study in the wrong place on the 1997 Forced Replat. The result of the reconfiguration is to shift .3 acre from Lot 23 to Lot 22. The existing building envelope on the plat will not be moved.

Applicant's representative David Patrie corrected the Staff Report summary that a single purchaser was interested in "both lots". There is a Purchase and Sale Agreement for Lot 22, contingent upon fixing the encroachment; and a Right of First Refusal for the purchaser of Lot 22 to purchase Lot 21. The current owner of Lot 22 intends to keep Lot 23 and build a home on the lot.

The applicant knows a building application on any of these lots will require an updated avalanche study, wetlands delineation, and a new ordinary high water mark study if necessary. Grotto said Avalanche Hazard lines take priority, and the County doesn't know where the actual updated lines will be, so the lot may be more or less constrained. The lot is highly encumbered by hazard and environmentally-sensitive areas.

Plat Note #3 acknowledges that any new application will be subject to Title 9 Zoning Regulations standards, particularly floodplain, riparian and wetlands.

- The applicant asks that the lots, primarily Lot 23, be subject to Title 9 setbacks rather than Title 10.
- Patrie asked the BCC to revise Conditions of Approval to remove the 125ft and 75ft setbacks, which take away the existing building envelope. He said moving the building envelope would put it into the red and blue avalanche zones. Patrie said the County Assessor has taxed the lot as a buildable lot as it was platted in 1978. Patrie said they don't expect the avalanche lines to change much, and that the structure has been impacted by an avalanche once before.

Public Comment: None.

Deliberation:

- Fosbury supported the lot line shift so the Lot 23 owner owns the land under his driveway. The lot was platted before the riparian setbacks. The avalanche hazard, which protects life safety, is a compelling reason to be more flexible in riparian zone setbacks.
- Greenberg said the Lot 23 owner and builder must build within the building envelope.
 - *Land Use and Building Services Director Tom Bergin said the building envelope could be considered an envelope, with the entire structure inside; or a centroid, in which case the center of the building must be within the envelope, giving the landowner some flexibility.*

Greenberg moved, seconded by McCleary, to approve the application by Elizabeth Collins Trust to shift the lot line between Lots 22 and 23, Thunder Meadows subdivision, finding the application complies with the applicable criteria set forth under Title 10 Subdivision Regulations and applicable criteria of Title 9 Zoning Regulations, subject to Conditions as presented, and amended Plat Notes. Motion passed unanimously.

- **74 Townsend Gulch Rd/Vowels/ Plat Amendment: Continuation, from May 11, 2021, of public hearing and consideration of Michael Vowels, to amend Lot 1, Fox Hollow Subdivision by relocating and reconfiguring the building envelope. The 13.78-acre property is located at 74 Townsend Gulch Rd.**

Also present: Blaine County Attorney Tim Graves; Land Use and Building Services Director Tom Bergin; Applicant's Representative Samantha Stahlnecker; Garth McClure; David Riemann and Ed Simon, attorney for Reiman; and Jim Laski.

Land Use Director Tom Bergin said this application was originally continued to the June 29 BCC meeting, which was cancelled. When today's meeting was noticed, there was no onsite posting, so the BCC cannot make a decision today. The BCC can take public comment today, and could continue to take public comment, at their discretion. He said the Plat Amendment application has been withdrawn.

Attorney Ed Simon, suggested that County Engineer Jeff Loomis, who is a member of the firm representing the applicant, was a conflict of interest. County Attorney Tim Graves said there apparently is no application before the BCC since the Lot amendment has been withdrawn by the applicant. He suggested staff review the application before any additional proceedings. Chairman Fosbury said the plat amendment before the BCC is no longer pertinent; and Mountain Overlay District site alterations must be reconsidered by Planning and Zoning again.

Applicant's representative Sam Stahlnecker said they submitted a Site Alteration Permit to cover road improvements to access the building area and for the actual structure, which is located outside the existing building envelope, which will be reviewed by staff as a categorical exclusion

Stahlnecker said the only thing the BCC could review was driveway improvements, part of the Mountain Overlay District Site Alteration Permit. The BCC determined this was under authority of Planning & Zoning Commission. Bergin said the BCC could direct staff to notice surrounding landowners.

The BCC concluded the item without considering it.

LAND USE and BUILDING SERVICES

- **Findings of Fact: The Cliffs II Subdivision**

Fosbury said Land Use and Building Services Deputy Director Kathy Grotto dismissed his concerns about potential restricted circulation on the three lots fronting the highway. The BCC discussed the County's Design Standards, which include preservation of natural habitat.

Greenberg moved to approve the Findings of Fact, Conclusions of Law and Decision regarding an application of The Cliffs Development LLC, to subdivide Tax Lots 8141, 8142 and 8143, and Cliffs Subdivision Lot 3, Block 1, into 10 lots. Motion passed unanimously.

- **Findings of Fact: Picabo Hills Plat Amendment / Avery**

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

Greenberg questioned a couple of things in the Findings. Grotto will revise the Findings and re-submit them to the BCC at the next meeting.

- **Adoption of Resolution #2021-19 adopting Chapter 8, Land Use and Land Use Map of the Comprehensive Plan Record # 6**

McCleary moved, seconded by Greenberg to adopt Resolution 2021-19, a resolution of the Blaine County Board of Commissioners enacted pursuant to Idaho Code 67-6509, adopting Chapter 9, Land Use, replacing the Blaine County Comprehensive Plan, Section 9, Land Use and Land Use Map, and Section 12, Property Rights. Motion passed unanimously.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **April 13, 2021 Regular Meeting**

Greenberg moved, seconded by McCleary, to approve minutes of April 13, 2021, as presented. Motion passed unanimously.

- **April 20, 2021 Regular Meeting**

Greenberg moved, seconded by McCleary, to approve minutes of April 20, 2021, as presented. Motion passed unanimously.

- **April 27, 2021 Regular Meeting**

Greenberg moved, seconded by McCleary, to approve minutes of April 27, 2021, as amended. Motion passed unanimously.

- **June 7, 2021 Special Meeting**

McCleary moved, seconded by Greenberg, to approve minutes of June 7, 2021, as amended. Motion passed unanimously.

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

Greenberg moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code 74-206(1)(b) to consider the evaluation, dismissal or disciplining of an employee. Roll call: Greenberg (aye), McCleary (aye) and Fosbury (aye). Motion carried unanimously.

ADJOURN

At the hour of 3:57 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____
JoLynn Drage County Clerk Jacob Greenberg Chairman