

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

Seventh Day

Tuesday, June 25, 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, and Vice-Chair Angenie McCleary; County Administrator Derek Voss; and County Clerk JoLynn Drage. Recording Secretary Sunny Grant wrote the minutes.

Commissioner Fosbury was absent.

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

PUBLIC COMMENT

- Kiki Tidwell thanked the BCC for hiring a consultant to work with Idaho Power on their plan to install redundant power lines north to Ketchum, which Idaho Power says would cost residents \$35 million to underground. Tidwell said a better long-range decision for the community would be to underground the deteriorating original power line for about \$18 million, and install back-up batteries, at about \$8 million each, at the Sun Valley-Ketchum and Hailey sub-stations.

LAND USE and BUILDING SERVICES

Also present: County Land Use and Building Services Deputy Director Kathy Grotto and County Road and Bridge Manager Steve Thompson.

- **Findings of Fact: 278 Teal Dr. Plat Amendment**

McCleary moved, seconded by Greenberg, to approve the Findings of Fact, Conclusions of Law and Decision regarding an application of Stephen and Lynne Heidel to amend Lot 45, Starweather Subdivision, at 278 Teal Drive. Motion carried 2/0.

- **Findings of Fact: 85 East Fork Rd. Plat Amendment**

Also present: Applicant Jacques Lalanne, representative Bruce Smith and architect Steve Cook; Idaho Fish & Game Environmental Biologist Frank Edelmann; and David Barber.

McCleary moved, seconded by Greenberg, to approve the Findings of Fact, Conclusions of Law and Decision regarding an application of Jacques and Danette Lalanne to amend Lot 4, East Fork Ranches #2 Subdivision, and 85 East Fork Road. Motion carried 2/0.

CONTRACTS, GRANTS AND AGREEMENTS

- **Request to Accept – FY20 Law Enforcement Partnership for Success Grant**

Also present: Blaine County Chief Deputy Sheriff Will Fruehling.

McCleary moved, seconded by Greenberg, to approve the request to accept the Idaho Office of Drug Policy Grant Award for the Law Enforcement Partnership for Success Program in the amount of \$43,592, Motion carried 2/0.

- **Memorandum of Understanding between the City of Ketchum, the City of Sun Valley and Blaine County, Idaho for Cooperative Statue Cleaning**

McCleary moved, seconded by Greenberg, to approve a Memorandum of Understanding with the City of Ketchum, the City of Sun Valley and Blaine County for cooperative statue cleaning. Motion carried 2/0.

Drage said the Auditor would present a claim for bridge statue cleaning expense of \$530.00 in a future BCC meeting, to be paid out of Contingency; and it would be included in the FY2020 budget.

COUNTY DEPARTMENT REPORTS

Claims – Gretchen Stinnett

- Deputy Auditor Gretchen Stinnett presented the claims.

McCleary moved, seconded by Greenberg, to approve claims dated June 19, 2019, as presented by staff. Motion carried 2/0.

Land Use and Building Services – Tom Bergin

- **Land transfer to Blaine County Housing Authority - Picabo lot**

Also present: County Planner Allison Marks.

A plat note states this parcel must remain a park in perpetuity, or other future needs as identified by Blaine County, in conjunction with Picabo residents. P&Z minutes in 1990-91 show that Picabo residents Nick Purdy and his family traded Kilpatrick Park and Block 7 with the Blaine County Recreation District, except for Block 10 Lot 1A, which was transferred to the Housing Authority on June 4, 2019, for affordable housing. At the time, Purdy wanted to keep the lot open and BCRD director Mary Austin Crofts wanted to keep it unrestricted in case they wanted to improve it, or sell it for revenue for the BCRD. In the end,

there was a deed on the property without any additional agreement, and this plat note may have constituted the “agreement”. Greenberg will schedule a future public hearing to notice all Picabo Townsite residents.

• **Scheduling of power line funding workshop**

Chairman Greenberg said the County needs to wait until it has a consultant that is not under contract with Idaho Power to present cost estimates and funding alternatives to consider, without Idaho Power’s influence. Greenberg will schedule a workshop once a consultant is on board.

Facilities – Pat Boyle

• **Public Defender Remodel Update**

Also present: Blaine County Chief Public Defender Justin McCarthy, County Grants and Procurement Specialist Lyn Drewien; and project architect Jolyon Sawrey.

County staff met with Sawrey in the basement to discuss needs and possible solutions for the lower floor remodel. Indigent and Elections will be moved to the south side of the hall, opposite where they are now. Sawrey explained his proposed budget and gave a turn-key quote, with the understanding that County staff maintain communications. Once a bid is awarded, construction can begin around mid-August, about when other summer construction slows down. The BCC discussed continuing construction during the November election, and decided to move forward and make whatever noise abatement adjustments are necessary.

County Administrator – Derek Voss

- LHTAC Grant has been awarded for Kilpatrick Bridge for approximately \$730,000.
- Commissioner Greenberg and Interim Chief Tom Bowman met regarding emergency medical services. Bowman will present Ketchum’s Ambulance budget during County budget meetings.
- Voss received an e-mail from Ketchum Mayor Bradshaw regarding law enforcement services contract, which he will discuss with County Attorney Tim Graves.

CONSENT CALENDAR

- **Resolution 2019-28 Road & Bridge Budget Adjustment** Record #661280
- **Beverage License Renewals** for KB’s, Enoteca, Town Square Tavern, Ketchum Grill, Tundra Café, Valley Club, Cristina’s, Sun Valley Resort, Shorty’s Diner, A Taste of Thai - Hailey, Hotel Ketchum, River Run Lodge/Warm Springs Lodge/Seattle Ridge Lodge/Roundhouse/Lookout, Barbara’s Party Rentals, Carol’s Dollar Lodge/Elkhorn Golf, Atkinsons’ Market (Hailey), Atkinsons’ Market (Ketchum), Oasis Stop’n Go #27, Guffy’s, Pioneer Saloon, Grill at Knob Hill, Warfield Distillery & Brewery, A Taste of Thai - Ketchum, Fox Creek Wines, CK’s Real Food, Wiseguy Pizza Pie (Ketchum), Wiseguy Pizza Pie (Hailey), Magic Lantern and Valley Car Wash.

McCleary moved, seconded by Greenberg, to approve the Commissioners Consent Calendar of June 25, 2019. Motion carried 2/0.

BOARD of COUNTY COMMISSIONERS REPORTS

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

- **City of Carey Centennial Plaque** – McCleary, in Fosbury’s absence
- **Idaho Lands Resource Coordinating Council Field Tour** – McCleary
- **Regional Collaboration Group Meeting** – McCleary

CITY OF CAREY

• **Landfill Fees Waived**

Carey City Clerk Tess Cenarrusa requested the BCC ask the Southern Idaho Solid Waste District to waive landfill fees during City of Carey Totally Free Dump Days on July 12 and 13, the week before the Centennial Celebration. Carey wants to encourage its residents to clean up their properties on Main Street, and will ask their local waste hauler to put 20-yard dumpsters on each end of town for residents’ use. The BCC supported the effort.

McCleary moved, seconded by Greenberg, that Blaine County submit a letter to South Central Solid Waste District, requesting that land fill fees be waived for the City of Carey on July 12 and 13, for specific terms forthcoming in a letter from the BCC to the Solid Waste District. Motion carried 2/0.

COMMUNITY SOLAR PROJECT

Also present: County Planner Allison Marks; Blaine County Road and Bridge Manager Steve Thompson; Idaho Power Business and Community Development Advisor Dan Olmstead, Delivery Planning Manager Dave Angell and Revenue Requirement Senior Manager Matt Larkin; Altenergy Sun Valley Manager Billy Mann (by phone); and *Idaho Mountain Express* reporter Mark Dee.

Idaho Power has a project in mind with an upfront subscription price and 18-year payback period that should work for Blaine County. A project in Blaine County will have to be almost 100% subscribed. Idaho Power will place a Request For Bid to provide indicative pricing which will go to the Idaho Public Utilities Commission.

A 1 MW project would need seven acres of land and 3,625 paid up-front subscribers. A 3 MW project would require 20 acres and 11,000 paid up-front subscribers. Subscriptions could be public or private. Ketchum would require a vote to do an upfront citywide payment; but an operating contract for services could be entered into without a vote.

Idaho Power is looking at private sites in south Blaine County. An Advisory Group is looking into a community solar plan, and there is a 26% solar Investment Tax Credit available for project cost that expires in 2020.

Blaine County owns land around the Glendale Road and Bridge shop that may be used as a gravel pit, and perhaps an expanded road and bridge shop; but there may be land available to share with a community solar project.

The BCC questioned who will benefit the most from such a solar farm.

Public Comment:

- Kiki Tidwell was enthusiastic about a community solar project in Blaine County. She said the County had a large power bill, and could reduce the budget by subscribing. She encouraged solar projects close to home, where energy is not lost in transmission, such as between Sun Valley and Ketchum, and in the South County. She asked about the subscriber and retail rates. Tidwell added that batteries are not too expensive.

Angell said a typical retail rate is 9-10 cents per kWh. Subscribers would be given credit in energy generated multiplied by 2-3 cents per kWh against their home energy bill at 9-10 cents per kWh.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Zoning Regulations – “Small Unit Residential” Text Amendment:** Continuation (from June 4, 2019) of public hearing and consideration of an application by Sun Valley Economic Development to amend Blaine County Code, Title 9, by adding a new chapter, Small Unit Residential District (SUR).

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; and Sun Valley Economic Development Executive Director Harry Griffith.

Grotto read notice.

McCleary moved, seconded by Greenberg, that notice was adequate. Motion carried 2/0.

New Material: New comment letter received yesterday, and given to BCC today.

Griffith requested this hearing be continued when all commissioners are present.

McCleary moved, seconded by Greenberg, to continue this Zoning Regulations Text Amendment hearing to July 23, 2019, at 1:30. Motion carried 2/0.

- **Eagle Springs Subdivision Plat Amendment:** Public hearing on and consideration of an application by Green Eagle LLC to re-plat Eagle Springs Sub by eliminating Lots 1-4 and Parcel A to create Rusted Wolf Subdivision, Lots 1-4. The property is also known as 20, 30 & 40 Eagle Springs Ct. and 13449 SH 75, zoned Rural Residential District (R-2.5), Rural Remote District (RR-40), with Wetlands, Mountain Overlay, Riparian Setback and Floodplain Overlay Districts.

Also present: Blaine County Engineer Jeff Loomis; Blaine County Zoning Specialist Nancy Cooley; applicants Greg and Monica Smith and their representatives David Patrie, Garth McClure, environmental consultant Trent Stumph, landscape architect Karen Sherrerd, attorney Mike Pogue, Brockway Engineers representatives Chuck Brockway, Erick Powell and Zach Latham, contractor Adam Elias; and Jess Deckard.

Cooley read public notice.

McCleary moved, seconded by Greenberg, that notice for this hearing was adequate. Motion carried 2/0.

Disclosures: None.

New materials:

- Comments from Jeff Loomis were emailed to the BCC the day before.
- Riparian Management and Mitigation Plan from Sawtooth Environmental Consulting.

This plat amendment application is to reconfigure the existing four lots into four new lots that take advantage of site characteristics to enhance the Smiths new home. All four lots are under single ownership. The intent at this time is to keep the four lots under single ownership, but the application allows for sale of individual lots should that be desirable in the future. Lot 1 fronts and accesses off Highway 75; the other three lots front and access off Eagle Creek Road. The entire parcel comprises about 37 acres, most of which is zoned R-2.5. A portion of the parcel at the toe of the slope is Rural Remote (RR-40) zoning. Maximum density, with Mountain Overlay District and floodplain, would be nine lots. Eagle Creek, its wetlands and floodplain, bisect a portion of the northern part of the property.

The applicant agreed with staff to remove existing building envelopes and let zoning in effect at the time direct future development.

Patrie reviewed staff suggestions:

- a plat note restricting construction in the Avalanche Zone;
- changes to plat notes 14 and 15;
- plat notes 5 and 6 refer to adoption of a Riparian Management and Mitigation Plan;
- Trent Stumph asked the BCC to consider revising minimum riparian setbacks to 25ft off Eagle Creek;
- add about 1.6 acres additional self-sustaining riparian area;
- plant a minimum of 30 trees and/or shrubs.

McCleary asked that the riparian area and floodplain be memorialized in a plat note that runs with the land.

Brockway said the water right is owned by Eagle Creek Irrigation Company. Individual lot owners have shares in the company, but not individual water rights. If the lot owners were to sell a lot, there is an option for the new owner to buy shares and use them on his lot, with the approval of the Irrigation Company. In addition, the use of the water has to meet Idaho Department of Water Resources (IDWR) requirements. Brockway noted that, if someone buys a lot without buying a water share, the water right applicable to the 37-acre parcel will go down proportionately; and the County could ultimately stop all development, if they wanted to, which he didn't think was good.

Public Comment:

- Landscape architect Karen Sherrerd was concerned that lots sold without water rights attached would have the same domestic irrigation permit associated with a domestic well. Sherrerd said the 75ft setback cuts the Lot 4 building envelope almost in half; and there is an additional setback on the east side.

Loomis said landscaped lots without water right would not be irrigated. Stumph said he didn't expect to see that many dynamic changes on the east side of the property boundary, and felt the channel could be maintained to deliver the water right as needed.

Mike Pogue, applicant's attorney, said plat notes give opportunity for potential new lot owners, to the extent they buy shares in the Irrigation Company, to have access to water. In 2008, District Court Judge Robert Elgee ruled, "The County has no authority to regulate or restrict the appropriation of water."

The BCC, staff and applicant discussed plat notes on preliminary and final plats.

McCleary moved, seconded by Greenberg, to approve the Subdivision application by Green Eagle, LLC, to replat Eagle Springs Subdivision, by eliminating Lots 1 through 4 and Parcel A, to create Rusted Wolf Subdivision, Lots 1-4, finding that it complies with applicable criteria set forth in Title 10, Subdivision Regulations, and applicable criteria of Title 9, Zoning Regulations, subject to the seven conditions listed on page 9 of the Staff Report; and with changes to the following plat notes: additional plat note that there will be no building located in the blue Low Hazard or red High Hazard Avalanche zones; and a change to plat note 5 stating that all development shall be set back from the delineated wetlands in accordance with Blaine County Code, Title 10, Subdivision Regulations, with the ability to reduce the setback based on an approved Riparian Management and Mitigation Plan, which will not be less than 50ft of riparian area on any lot except the southern portion of Lot 4, which will be depicted on a map in that Plan; Plat Note 6, all development shall be set forth from ordinary high water mark of Eagle Creek, in accordance with the same provisions of approved Riparian Management and Mitigation Plan; Plat Note 14 will add Blaine County; Plat Note 15, All development in the FEMA Floodplain shall be in accordance with Blaine County Code, Title 9 Zoning Regulations, as amended; and with regard to governing Plat Note 24, fencing will be changed from 25ft to 50ft; and plat note on Preliminary Plat regarding animal control. Motion carried 2/0.

ADJOURN

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

Attest: _____ Approved _____

JoLynn Drage
County Clerk

Jacob Greenberg
Chairman