

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

Second Day

Tuesday, April 6, 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 Derek Voss; County Administrative Services Manager Mandy Pomeroy; County Services Manager Brooke Baird; Recording Secretary Sunny Grant; Sarah Michael; Idaho Power Local Area (Blaine County) Energy Advisor Amber Larna; Ross Dickinson; Terry Rich; Amy Roberts; and Idaho Mountain Express reporter Gretel Kauffman. Grants and Procurement Specialist Stephen McDougall Graham was present for the morning session. County Clerk JoLynn Drage was present for part of the morning session.

Due to the continuing COVID-19 pandemic, many participants in this meeting were by webconference or teleconference.

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

PUBLIC COMMENT:

- Kiki Tidwell said California is installing 1,700 MW of batteries in 2021, in addition to over 600 MW installed last year. Idaho Power's Integrated Resource Plan (IRP) indicates no plan to install any batteries until 2030. Tidwell encouraged the BCC to participate in Idaho Power's IRP online. Tidwell asked the status of the County's Request for Proposal for Sustainable Energy.
 - Fosbury said notice of upcoming Idaho Power IRP meetings is good information.
 - Fosbury said the draft RFP is being revised. Once finalized, the RFP will be managed by the County's new Sustainability Manager.

Proposed Croy Canyon Campground

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Dennis Kavanaugh; and Amy Roberts.

- Wood River Fire and Rescue Commissioner Steven Garman submitted a letter expressing opposition to the proposed Croy Canyon Campground, due to fire dangers from campfires, motorcycles, etc., in an arid environment; as well as noise, traffic, light and pollution. WRFR has jurisdiction for fire suppression on this and the surrounding area.
- Lili Simpson supported Garman's comments, and added concern about proposed trails in this wildlife migration corridor area.
- Dana Orzell supported WRFR's recommendation to not approve the proposed campground. Orzell said the County would be responsible for fire suppression and law enforcement, and their expense.
 - Fosbury said the proposed campground is currently before the Blaine County Planning & Zoning Commission. Comments at this time before the BCC are ex parte communications, so WRFR's letter will be submitted to Blaine County P&Z.

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.

McCleary moved, seconded by Greenberg, 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 Medical Request #s 2021-1121-1, 2021-1122-1 and 2021-1123-1, and Non-Medical Request 2021-1127-1, finding that indigency has not been established. Motion carried unanimously.

TAX CANCELLATION

Also present: Blaine County Assessor Jim Williams; and Treasurer John David Davidson.

- **Michael M. Penrose - PP1P00000U0002 - Unregistered Aircraft - I.C. 21-114**
Blaine County received incorrect information from the state on the value of this aircraft, and is now correcting the value.

Greenberg moved, seconded by McCleary, to cancel taxes PP1P00000U0002 in the amount of \$1,055.07, for an unregistered aircraft owned by Penrose. Motion passed unanimously.

COUNTY DEPARTMENT REPORTS

Disaster Services - Chris Corwin

• Drought Declaration

District 37 Watermaster Kevin Lakey suggested Blaine County petition the Idaho Department of Water Resources to declare drought disaster. Water levels were below average last year and are again this year.

Greenberg moved, seconded by McCleary, to approve the letter for 2021 Drought Emergency Declaration for Blaine County to be sent to the Director of Idaho Department of Water Resources, to be signed by the three commissioners. Motion passed unanimously.

Facilities - Pat Boyle

• McBride Accessory Dwelling Unit Usage

The ADU building should be done in a couple weeks. County Attorney Tim Graves is preparing a lease agreement for the ADU. The BCC said County staff of all income levels are having a hard time finding housing. County Administrator Voss said the County should specify clear parameters for eligibility. Housing is so in demand that the County has to be careful about the perception of favoritism.

McCLEARY TEMPORARILY LEFT THE ROOM AT THIS TIME.

Road and Bridge - Steve Thompson

Thompson said the BCC previously directed him to search for a used truck. A dealer suggested a new 2022 truck might be the best deal, purchased under a government contract, and ready to go with no retrofit necessary. Thompson requested bids and received quotes. This government piggyback purchase meets bid laws. County Clerk Drage recommended the truck be purchased out of Contingency.

Greenberg moved, seconded by McCleary, to approve \$125,152.02 to purchase a truck, out of Contingency, as requested by Road and Bridge. Motion passed 2/0.

Administrative Services - Mandy Pomeroy

- HR is making an offer to a Human Resources Generalist.
- HR is preparing applications for the Sustainability Program Manager position to send to the Review Committee this week.
- The County's website will soon be three years old. The County can have a no-charge "refresh" of the layout and design, but not functionality, if the County chooses.
- Stephanie Carlson has been named the new Administrative Services Supervisor, in addition to her responsibilities of Outreach and Education.

McCLEARY RETURNED TO THE MEETING ROOM AT THIS TIME.

County Administrator - Derek Voss

Voss is working with County Attorney Tim Graves and incoming Administrator Mandy Pomeroy on contract management; and going through decades of files from previous administrators and former County Commissioners.

CONTRACTS, GRANTS AND AGREEMENTS

Idaho Commerce Community Development Block Grant CARES 1 Agreement for Public Service Senior Connection Meals on Wheels Delivery Vehicle

This is acceptance of the Agreement with Idaho Commerce and grant funds.

Greenberg moved, seconded by McCleary, to approve the Request to Accept Grant Money from the Idaho Department of Commerce Community Development Block Grant for \$49,911 for the purpose of purchasing a new Meals on Wheels delivery vehicle. Motion passed unanimously.

CONSENT CALENDAR

- **Settlement Agreement**
- **Junior College Certificate of Residency forms**
College of Southern Idaho, Fall 2020-Spring 2021: Isai Mendoza.
College of Western Idaho, Fall 2020-Spring 2021: Isai Mendoza.

Greenberg moved, seconded by McCleary, to approve the Commissioners' Consent Calendar for April 6, 2021. Motion passed unanimously.

COVID-19 UPDATES

The Commissioners reported on COVID-19-related concerns and committees they were involved in:

- **Adaptive Planning Committee** - Outreach and Education Specialist Stephanie Carlson reported on upcoming in-person school schedules.
The County is again at high risk level.
St. Luke's will begin testing asymptomatic people who think they may be exposed.
Anyone 16 years or older can now be vaccinated with the Pfizer vaccine.

- **Blaine County COVID-19 Risk Level Plan** – McCleary is concerned about the number of variants being seen in the community. Local city officials are receiving input from citizens for and against mask mandates, and officials themselves are pro and con about a mask mandate.

**SOUTH CENTRAL IDAHO RAC PROPOSALS
(USFS South Central Resource Advisory Committee)**

Ketchum Ranger District and the Sawtooth National Recreation Area

Also present: Blaine County Grants and Procurement Specialist Stephen McDougall Graham; Outreach and Education Specialist Stephanie Carlson; USFS Sawtooth National Recreation Area Ranger Kirk Flannigan; and USFS District Ranger Kurt Nelson.

Each year, the BCC reviews projects recommended for federal funding by the USFS South Central Resource Advisory Committee, and writes a letter to support those projects. Projects proposed this year are:

- Bethine and Frank Church Overlook Interpretive Signs Replacement - \$5,000
- Big Wood Travel Management Implementation - Galena Area - \$16,000
- Invasive Plant Management on Trail Systems on the Ketchum Ranger District - \$12,500
- Adam’s Gulch Adaptive Sports Trail Project - \$12,500
- Ketchum Trailhead Dust Abatement - \$12,500
- Ketchum Campground and Trailhead Facility - \$12,500
- Ketchum to Stanley Sheep Driveway Restoration - \$12,500
- Ketchum Trail Crew ICC/SCA Liaison \$12,500
- Sawtooth Avalanche Center Remote Weather Station and Rescue Training Park Maintenance - \$12,465

The BCC supported all nine projects.

Flannigan assured the BCC that the Department of Justice and Office of General Counsel enforced restrictions on public lands, and was currently involved in 10 legal actions on Forest Service lands.

BREAK

Outreach and Education Specialist Stephanie Carlson was present for the afternoon session.

BOARD of COUNTY COMMISSIONERS REPORTS

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

Carey Car Show Use of Fairgrounds – The Blaine County Fair Board members’ terms have expired, and the BCC is currently recruiting new appointees.

The John Adamson Car Show has requested use of the Blaine County Fairgrounds for their annual car show on July 10, 2021. The Fairgrounds are County property, so the Car Show organizers will submit a proposal, including COVID protocols, to the BCC for consideration.

Blaine County Regional Transportation Committee Meeting – McCleary said a priority is to update the Bicycle-Pedestrian Master Plan.

Mike Simpson's Northwest in Transition - Energy, Dams, and Salmon Concept Letter of Support

Also present: Environmental News Network: Bluefish Salmon Chat filmmaker Scott Levy.

The BCC has discussed Simpson’s NW in Transition concept proposal. There are major impacts on many areas in Idaho to consider. Fosbury, a retired engineer, believes there are solutions; and the BCC plans to submit a letter in support.

Scott Levy offered to work with the BCC on this topic.

Rinker Rock Creek Ranch contacted McCleary, requesting a letter of support from the BCC for a funding opportunity for post-secondary education.

Colorado Gulch Bridge – County Engineer Jeff Loomis recommends the County hire a consultant to prepare an application for Floodplain Conditional Use Permit for the Colorado Gulch Bridge access and construction. Fosbury suggested the Land Trust and Biota be invited to a future BCC meeting to discuss a Contract for Services with Biota to do a cost-benefit analysis for FEMA

LAND USE and BUILDING SERVICES HEARINGS

- **Comprehensive Plan - Chapter 8, Land Use.** Public hearing and consideration of proposed amendments to Title 8, Comprehensive Plan. The proposed Chapter 8, Land Use and Land Use Maps, would replace two sections of the current plan: Section 9, Land Use and Section 12, Property Rights. The chapter also covers Community Design. Minor revisions to Land Use Classification Maps for Mid Valley and Bellevue Triangle & Foothills subareas are also proposed.

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto and County Comprehensive Plan Consultant Lisa Horowitz.

Grotto read public notice.

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

The BCC discussed and made revisions to the current draft Chapter 8 Land Use:

- McCleary suggested the Overlay Districts be listed where discussed, and also be routinely updated.
- Fosbury suggested a new energy-defined zone for locations that can be used for local energy development—geothermal, wind farms, PV solar, etc., especially for a private entity that would develop a service for remote communities.
- The BCC doesn't want to encourage growth in the wildland urban interface, remote areas, or inholdings.

Public Comment:

- Kiki Tidwell said the Peregrine Ranch is over 100 acres and is an agricultural working ranch, so it is not correct to say all ranches are south of the Bellevue Triangle. The Peregrine is now in the Hailey Area of City Impact, which is an urban transitional zone of higher density housing. She suggested the BCC consider whether Valley residents want to permit continuous sprawl between the cities and give up the open space area south of the hospital.

Tidwell said Idaho Department of Lands owns a parcel at Ohio Gulch that it says it can subdivide without any legal process. She said IDL was given the right to lease and sell the land, but not to subdivide the land. She suggested this property would be a good place for a Renewable Energy Overlay.

McCleary moved, seconded by Greenberg, to continue this hearing to April 13, 2021 at 2:15pm. Motion passed unanimously.

- **210 Red Devil Drive, Plat Amendment Modification: Public hearing and consideration of a modification to an approved application by Robert and Deborah Commons to modify the existing building envelope on Lot 16A, Block 2, Buckhorn Subdivision First Addition. The applicant now proposes to modify the shape of the previously approved building envelope.**

Also present: Blaine County Land Use and Building Services Director Tom Bergin and Deputy Director Kathy Grotto; Land Use Planner Allison Kennedy; and Sean Flynn for the applicant.

Kennedy read public notice. Land Use received no public comment.

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

No disclosures.

The BCC approved a plat amendment on February 16, 2021, to change the building envelope. Before the BCC was presented with the Findings, the applicant requested to change the building envelope. This is beyond administrative review, so the change was noticed. Land Use received no public comment.

Applicant's representative Sean Flynn said there was miscommunication between the owner and himself. The envelope is the same square footage, is outside the 25% slope area, but the applicant requests a longer and narrower shape to accommodate an outbuilding. All standards of evaluation are the same, and BCC comments are included from last meeting.

Greenberg moved, seconded by McCleary, to approve the application by Robert and Debra Commons to amend the plat of building envelope on Lot 16A, Block 2, Buckhorn Subdivision, First Edition, as proposed in the February 2021 Preliminary Plat, finding the application complies with applicable criteria set forth in Title 10 Subdivision Regulations and applicable criteria in Title 9 Zoning Regulations, subject to the approved conditions, as discussed in February 16, 2021 public hearing, and previously approved. Motion passed unanimously

- **Land Use Discussion and Consideration: Comprehensive Plan - Chapter 9, Special Areas and Sites. Correction of factual error.**

Blaine County Land Use and Building Services Deputy Director Kathy Grotto said there is an error in the updated Comprehensive Plan Hailey-Bellevue Sub-area under Archeological / Historical Sites that should be corrected. The Edres Mine is listed as being "in Lees Gulch". The Edres Mine is not in Lees Gulch, and other mines don't give their actual site to avoid traffic going to the mines. Grotto suggested the "in Lees Gulch" be removed from the Edres Mine. County Attorney Tim Graves said this correction doesn't need to be a public hearing because it is incorrect and other listings don't give locations.

Greenberg moved, seconded by McCleary, to affect the correction of factual error in Special Areas and Sites chapter in the Comprehensive Plan Hailey-Bellevue Canyon Area Sub-Area Section on page 24 to remove "in Lees Gulch" from the line that specifies the Edres Mine. Motion passed unanimously.

- **Building Services: Adoption of Ordinance No. 2021-06, 2018 International Fire Code and Amendments Record # 681215**

Also present: Blaine County Land Use and Building Services Director Tom Bergin and Blaine County Certified Building Official Jeff Giese.

Giese reviewed the last revisions requested by the BCC.

McCleary moved, seconded by Greenberg, to adopt Ordinance 2021-06, Fire Code Amendments, an ordinance of Blaine County, Idaho amending Blaine County Code, Title 7, Chapter 7, Fire Code, by deleting it in its entirety and adopting a new Chapter 7, Fire Code, by which the 2018 International Fire Code (IFC), including Appendices B, C, D, E, F, and I, as published by the International Code Council, and adopted by the Idaho State Fire Marshall, along with amendments and additions relating to local conditions are added, including; a requirement for Class A non-wood roof coverings for new construction, additions, and re-roofs; providing a minimum requirement for water supply for subdivisions and re-plats; requiring driveways to meet the standards for fire apparatus access roads, including an exception for the repair or replacement of existing bridges; providing a severability clause and an effective date. Motion passed unanimously.

EXECUTIVE SESSION – §74-206 (1)(f) Potential Litigation – Flying Heart Ranch Owners Association

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, or controversies not yet being litigated but imminently likely to be litigated, regarding Flying Heart Ranch Owners Association. Roll call: Greenberg (aye), McCleary (aye) and Fosbury (aye). Motion carried unanimously.

ADJOURN

At the hour of 4:30 p.m., with no more business before them, the County Commissioners adjourned.

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