

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

Second Day

Tuesday, June 4, 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; Recording Secretary Sunny Grant; and Kiki Tidwell. County Clerk JoLynn Drage was present for part of the morning session.

Chairman Greenberg called the meeting to order at 9:02 a.m.

PUBLIC COMMENT – None

- Kiki Tidwell thanked the BCC for installing an electric vehicle charging station in Hailey; and for their stance on Idaho Power’s proposal to install above-ground redundant power lines. She is excited that Mountain Rides has a grant award to begin the transition to electric buses.

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

There were no Board of Equalization issues to address.

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

McCleary moved, seconded by Fosbury, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(d) to consider records exempt from disclosure. Roll call: Fosbury (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

INDIGENT CONSIDERATIONS

McCleary moved, seconded by Fosbury, to deny requests 2019-24, 2019-1010-1, 2019-1015-1, 2019-1019-1, and 2019-1020-1, due to the fact that indigency has not been established. Motion carried unanimously.

McCleary moved, seconded by Fosbury, to approve request 2019-1008-2, with a reimbursement of \$25.00/month. Motion carried unanimously.

McCleary moved, seconded by Fosbury, to approve non-medical request 2019-1022-1 for rental assistance, with no reimbursement. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS

- Voss reported that snowmobile trail grooming and maintenance is being brought in-house, under supervision of the Road and Bridge Department; and will likely be done by seasonal part-time snowmobile club members. Cost of maintenance is covered by revenue from snowmobile registration fees.
- County Land Use was contacted by Rotarun management for a permit regarding damage caused by an avalanche in the Mountain Overlay.
- Voss will do analysis of Ambulance District financials back to 2009.
- Public Defender department job descriptions are in process; and budgetary analysis will be presented to BCC.

CONTRACTS, GRANTS AND AGREEMENTS

• **Biota Contract Modification**

Also present: Blaine County Land Use Administrator Tom Bergin; County Grants and Procurement Specialist Lyn Drewien; and County Disaster Services Coordinator Chris Corwin.

The Biota project has been revised a couple times. The current contract has been reviewed by County Attorney Tim Graves. The project and current contract may be further revised, depending on grant funds. Voss will have Disaster Services and Grants staff create a budget request.

Blaine County has applied for excess FEMA funds for Sharps Fire mitigation. Grant applications for areas with historical or environmental importance can be delayed while in review. Staff will contact the state Congressman liaison to FEMA about pending FEMA grants.

Fosbury suggested Biota engineers reconsider their proposed parking lot design.

CONSENT CALENDAR

- **Resolution 2019-24 Sheriff Budget Adjustment** Record #660598
- **Resolution 2019-25 Snowmobile Budget Adjustment** Record #660599
- **New liquor license** for Headley Ventures LLC dba Cafe Della.

McCleary moved, seconded by Fosbury, to approve the Commissioners Consent Calendar for June 4, 2019. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS

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

- USFS South Central Idaho Resource Advisory Committee meeting – McCleary
- BLM Resource Advisory Committee Nominee – McCleary
- Snake River Juvenile Detention Center Joint Powers Advisory Board meeting – McCleary
- Central Idaho Dark Sky Reserve, Blaine County and Hailey Lighting Ordinances meeting – McCleary
- Rinker Rock Creek Ranch meeting – McCleary and Fosbury
- Correspondence
 - Greenberg reported on a letter from a West Magic resident about West Magic Road and attempts to develop a highway district.
 - Letter from the Idaho Public Defense Commission regarding Indigent Defense grant.
- The Commissioners discussed individual members serving on National Association of Counties (NACo) and NACo Western Interstate Region (WIR) committees; and if it was best to rotate commissioners or designate one primary commissioner.
- Other:
 - McCleary said most of the work in Starweather and Heatherlands under the Idaho Department of Lands Fire Mitigation Grant was done. There is about \$44,000 left. Starweather residents would like the County to use excess funds to make the fire mitigation landscaping more aesthetically pleasing; and are concerned that fire mitigation efforts may have created a flood hazard.
 - BLM continues Travel Management Plan public meetings.

NOTICE OF PUBLIC AUCTION - SALE OF TAX DEED PROPERTY

- **Wood River Meadow Sub, Lot 3, Block 1, 5,859 SF - Parcel # RPB04100010030**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use Administrator Tom Bergin; Blaine County Treasurer John David Davidson; Blaine County Housing Authority Executive Director Nathan Harvill; ARCH Community Housing Trust Executive Director Michelle Griffith and Board President John Flattery.

The County took tax deed to the property on May 8, 2018; and State Code requires a public auction be held within 14 months. Delinquent taxes, interest, penalties and expenses total \$1,407.58. The .135 acre property is assessed at \$27,872. County Treasurer staff made numerous attempts to contact interested parties.

Recording Secretary Sunny Grant read public notice.

McCleary moved, seconded by Fosbury, that notice was adequate for this hearing of public auction. Motion carried unanimously.

Graves said the BCC will set the minimum bid to cover the total delinquent amount. The BCC can accept the high bid or reject any and all bids.

Chairman Greenberg opened bidding.
ARCH Community Housing placed the single bid at \$1,407.58.

Public Comment:

- ARCH has available funds to construct affordable housing on the parcel, which is just big enough for one community home.
- Nathan Harvill supported ARCH's offer.
- Kiki Tidwell suggested the County be sure ARCH deed restricts all its affordable properties, rental and for sale, in perpetuity.

Fosbury moved, seconded by McCleary, to accept the bid by ARCH in the amount of \$1,407.58 for the property located at Lot 3 Block 1 Wood River Meadows Subdivision, Parcel #RPB04100010030. Motion carried unanimously. Quitclaim Deed Record #660613

FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING PREVIEW

Also present: Friedman Memorial Airport Manager Chris Pomeroy and Friedman Memorial Airport Contracts/Finance Administrator Lisa Emerick.

Chris Pomeroy reviewed tonight's FMAA meeting agenda with the BCC.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Hyndman Peak Sub. and Pioneer Mountain Ranch Sub.-Plat Amendment:** Public hearing and consideration of an application by Sandor Szombathy and David Bjerke to amend Hyndman Peak Sub., Lots 29 and 30, and Pioneer Mountain Ranch Sub, Lot 10. The properties are also known as 130 and 134 Hyndman View Dr. and 120 Pioneer Mountain Dr., zoned Residential/Agricultural District (R-5) with a small portion of R-10 (Lot 30), Floodplain Overlay (Lot 10); Wetland Overlay (Lot 29 & Lot 30); Avalanche Overlay (all 3 lots) and Mountain Overlay (Lot 30).

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto; County Zoning Specialist Nancy Cooley; Applicant Sandor Szombathy and his representative Garth McClure.

Cooley read notice.

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

Disclosures: Fosbury has been involved with both projects and did the original plat many years ago. Fosbury doesn't have any conflict and realizes his obligation to judge objectively.

No new materials.

This is a lot line shift to reflect the current use of the three properties, originally applied for administratively, but there was an avalanche delineations discrepancy found in the Highland and Pioneer Mountain subdivisions. The applicant commissioned Bruce Smith to do a site-specific avalanche study for Lot 29 and develop new avalanche lines as shown on the new plat, which shows that the Lot 29 building envelope is mostly within the blue avalanche zone. Applicant and staff agreed to let mountain and wetlands overlay districts guide development on Lot 29, which meant the lot line shift had to be approved by the BCC. Staff feel it's clearer if there is no designed building envelope. McClure will check with the homeowners association to be sure this causes no problem now or in the future.

PUBLIC COMMENT: None

Fosbury moved, seconded by McCleary, to approve plat amendment application by Sandor Szombathy Taszo LLC and David Bjerke to amend the plat for Hyndman Peak Subdivision Lots 29 and 30, and Pioneer Ranch Subdivision Lot 10, by shifting the lot lines and eliminating the building envelope on Lot 29, having considered the information presented and in compliance with the above criteria, subject to the following conditions and plat notes listed on the Staff Report as Conditions 1 through 6, and an additional plat note as per Exhibit A-3, Condition 7 which says Plat Note 6 on the Preliminary Plat should be modified as stated on the Staff Report, and Condition 8 that a plat note be added, "No building allowed within red or blue Avalanche Zone line." Motion carried unanimously.

- **Zoning Regulations – Small Unit Residential Text Amendment:** 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). The Planning and Zoning Commission recommended denial of this application on March 14, 2019.

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto; Sun Valley Economic Development (SVED) Executive Director Harry Griffith; SVED Outreach Director David Patrie and SVED representative Linda Haavik; Citizens for Responsible Development Director and Southern Comfort Homeowners Association Director Donn Wonnell; Webb, Inc. CEO/Board President Steve Mills; Sun Valley Board of Realtors Government Affairs Director Bob Crosby; Cheryl Hymas; and Bellevue Mayoral candidate Ned Burns.

Disclosure: The Staff Report indicates Commissioner Greenberg is one of six public ex-officio members of Sun Valley Economic Development. Greenberg said he has no vested interest in the outcome of this decision, was not involved in the creation of this document and excused himself from any meetings or discussion on this subject.

Grotto read public notice. Notice is in compliance with Idaho Code; but notice sent to three Blaine County political subdivisions, pursuant to Area of City Impact Agreements, was slightly short of the 30 days required by the ACI Agreements. Staff suggests going ahead with discussion today, and continuing consideration to the BCC meeting on June 25, 2019.

Fosbury moved, seconded by McCleary, that notice is in compliance with applicable regulations of Idaho Code §67-6509 and Blaine County Section 9-31-4 Zoning Ordinance, with the understanding that the BCC is scheduled to continue the hearing on June 25, 2019. Motion carried 2/1. McCleary opposed, because she was uncomfortable with notice.

No additional materials.

Harry Griffith and SVED have been exploring a text amendment to create a new zoning district that would allow for construction of small unit workforce residential units. Minimum parcel size would probably be one acre; and there would be residency restrictions, confirmed by an annual review process by the Blaine County Housing Authority.

There are several potential sites in the valley, from the South Gateway to Bellevue; and a number of landowners have expressed interest. The primary development restriction is water and sewer. The BCC expressed concern that small residential unit density could lead to urbanization of Blaine County.

The County Comprehensive Plan encourages affordable housing, but says dense development must be in cities, where the infrastructure is. Other topics discussed were:

- Distance to hospital and other facilities.
- Transferable Development Right (TDR) receiving properties.
- Impacts on emergency services.
- Distance from the highway.

Public Comment:

- Steve Mills said they would like to put rental workforce housing on a 60-acre parcel on Glendale Road that is surrounded by trees.
- Ned Burns said he could think of several areas that could potentially work.
- Donn Wonnell asked the BCC to be cognizant of traffic issues and impacts on the highway, local subdivision roads and the bikepath.
- Kiki Tidwell said her house is in a subdivision with three-acre lots. One lot near her house is vacant, and this zoning would allow 39 units and a mini sewer system on the vacant lot. Peregrine Ranch could have 2,600 small units on it. Tidwell said this kind of density would impact the real estate value of Blaine County.
- Bob Crosby reminded the BCC that P&Z and the BCC have been trying to find ways to add affordable housing for 20 years. Meanwhile, there is no place for workers to live here, and businesses are closing their doors.

McCleary moved, seconded by Fosbury, to continue this hearing to June 25, 2019 at 1:30 pm. Motion carried unanimously.

TRANSFER OF COUNTY-OWNED PARCEL - Public hearing and consideration of Resolution 2019-26 re: Transfer of County-owned parcel within Picabo Townsite (Lot 1A, Block 10) to the Blaine County Housing Authority.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Land Use and Building Services Deputy Director Kathy Grotto; County Planner Allison Marks; Blaine County Housing Authority Executive Director Nathan Harvill; and Jim Laski.

Marks read public notice.

McCleary moved, seconded by Fosbury, that notice for this hearing was adequate. Motion carried unanimously.

Land Use staff presented this vacant .68 acre property, with potential for a septic system, to the BCC in November 2018, and suggested it might be useful to the Blaine County Housing Authority (BCHA) for affordable housing. The BCHA would have to research if it's necessary to vacate the adjacent 3rd Street right-of-way to increase the property to be almost one acre, survey the property and apply for a replat, and apply to the Health District for a septic system on less than one acre.

Public Comment:

- Kiki Tidwell warned the County to keep long-term control over property they transfer to the BCHA.
- Nathan Harvill said the BCHA will build housing appropriately, expeditiously and cost effectively.

Fosbury moved, seconded by McCleary, based on the Finding that providing affordable housing within Blaine County is in the public interest, and Blaine County Housing Authority was created to perform the governmental function of promoting and fostering affordable housing, to approve Blaine County Resolution 2019-26, being a resolution of the Board of County Commissioners of Blaine County, Idaho, pursuant to Idaho Code 31-808(9), declaring that the transfer of certain properties to another political subdivision or taxing district is in the public interest, and in order to transfer Lot 1A Block 10 Picabo Townsite, located at 301 Robert Street, in Blaine County, Idaho. Motion carried unanimously. Record #660600

Fosbury moved, seconded by McCleary, to authorize the Chairman to execute a Quit Claim Deed when it's prepared for transfer. Motion carried unanimously. Record #660601

IDAHO POWER CONDITIONAL USE PERMIT (CUP) APPEAL - Consideration of Draft Decision

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Planner Allison Marks; Idaho Power Counsel Pat Harrington, Project Manager Tom Barber; Cheryl Hymas; Jim Laski, and Kiki Tidwell.

Tim Graves said public comment is not necessary, and will not be taken.

Graves reviewed suggested revisions with the BCC.

Fosbury said this decision will not change the existing distribution lines already along the highway and will not change scenic views. He added that if Idaho Power had proposed these lines as under-grounded, they would not have had to apply for a permit.

McCleary moved, seconded by Fosbury, to approve Decision on Appeal regarding an appeal of a decision by the Blaine County Planning & Zoning Commission approving Idaho Power Company's application for Conditional Use Permit, with modifications as presented by legal counsels. Those modifications include one change discussed in paragraph 1 by Chairman Greenberg, and about six changes proposed and discussed in this hearing by Tom Bergin, the Land Use Director. Motion carried unanimously.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

- **October 9, 2018 Regular Meeting**
- **April 16, 2019 Regular Meeting**

McCleary moved, seconded by Greenberg, to approve the regular meeting minutes of the Board of County Commissioners for Tuesday, October 9, 2018, as amended. Those amendments include proposed changes that were made last week, including changes by former Commissioner Schoen and the change today to include the missing motion. Motion carried 2/0. Fosbury abstained, since he was not a County Commissioner last year.

Fosbury moved, seconded by McCleary, to approve the minutes of the Blaine County Board of Commissioners regular meeting April 16, 2019. Motion carried 2/0. Greenberg abstained, since he was not at the meeting.

ADJOURN

At the hour of 3:52 p.m., with no more business before them, the County Commissioners adjourned.

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