

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE FEBRUARY 2022 SESSION**

First Day

Tuesday, February 8, 2022

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 Muffy Davis; IT Enterprise Architect Ben Parker and IT Security/Network Engineer Jon Eaton; Human Resources Generalist Justin Highhouse; Administrative Services Manager Stephanie Carlson, Support Specialist Kay Draper, and Administrative Assistant Morgan DeWitt; Grants, Elections and County Services Specialist Deidre Dolce; County Services Manager Brooke Baird; Recording Secretary Sunny Grant; Jennifer Rangel; Dave Hull; *Idaho Mountain Express* staff writer Mike Shultz; *Idaho Mountain Express* reporter Emily Jones; and Boise State Public Radio Reporter Rachel Cohen. Blaine County Administrator Mandy Pomeroy and County Clerk Stephen McDougall Graham were present for part of the morning session.

Some participants in this meeting were by webconference or teleconference.

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

PUBLIC COMMENT:

- Blaine County Housing Authority (BCHA) Executive Director Nathan Harvill suggested the County needs a Relocation and Displacement Policy. An influx of inbound migration into Blaine County has created a rush to redevelop places that have existing affordable housing, which has displaced those residents. The BCHA's main priorities are to preserve existing stock of affordable housing, and to maintain integrity of the community and the workforce that's here.
- Sarah Michael, BCHA Chairman, asked the BCC to prioritize draft amendments to the Housing Overlay, and Planned Unit Development and Mobile Home Ordinances. She said the County needs a policy to address the needs of those who might be displaced and in need of relocation assistance. Michael said it's important to not lose current working families as new homes are developed.
- Stevie Gawryluk asked the BCC to continue outreach and education about yew plants that are extremely toxic to wildlife. She asked the BCC to especially target residents and leadership of Sun Valley, which dismissed the idea of an ordinance prohibiting yew plants, even after several elk recently died in Sun Valley. Gawryluk suggested the County contact property management companies.
- Crisis Hotline Executive Director Tammy Davis said the Hotline's program, Neighbors Helping Neighbors (NHN), has established solid relationships with displaced families. She said this is more than just a housing issue, and greatly affects the social and emotional health of every member of the household. Children are displaced from schools, and employers lose employees. NHN is leading valuable solution-based conversations with affected parties and those willing to help, like adjacent trailer park owner, Demetre Booker.
- Herbert Romero said he has been working on relocation with residents of J and J Trailer Park. Relocation is very difficult, and these residents need more time. He is also working with the owner of the property and others for a smooth transition.

CLAIMS - Gretchen Stinnett

McCleary moved, seconded by Davis, to approve claims dated February 2, 2022. Motion passed unanimously.

TAX CANCELLATION

Blaine County Treasurer John David Davidson said MH1TWSM0040030 is a trailer that was sold and removed out of Blaine County. The Treasurer wasn't informed, so it wasn't removed from the tax rolls, and \$13.07 in 2021 taxes now need to be cancelled.

Davis moved, seconded by McCleary, to cancel 2021 property taxes for MH1TWSM0040030 in the amount of \$13.07, due to the Treasurer not notified that the trailer had been moved out of County. Motion passed unanimously.

CONTRACTS, GRANTS AND AGREEMENTS

- **Contract for Services Agreement between Blaine County and Glick and Fray Creative** Record #6
Sustainability Manager Lynne Barker said this contract was budgeted in FY2022. The contract is to create a brand and identity around the regional climate and sustainability program; and help design the website. **McCleary moved, seconded by Davis, to approve Contract for Services Agreement between Blaine County and Glick and Fray Creative to develop brand elements and website elements related to the Blaine County Sustainability Program, in an amount not to exceed \$7,500 for a contract through this fiscal year, ending September 30, 2022. Motion passed unanimously.**

- **Caterpillar Financial Services and Blaine County Road and Bridge Lease Agreement for 2022 966m Medium Wheel Loader** Record #6

Blaine County Road and Bridge Manager Steve Thompson said this is the last of the three-piece heavy equipment turnback originally leased in 2016.

Davis moved, seconded by McCleary, to approve 5-year Lease Agreement between Caterpillar Financial Services and Blaine County Road and Bridge for FY2022 966m Medium Wheel Loader in 5-year lease payments of \$38,668.63. Motion passed unanimously.

COUNTY DEPARTMENT REPORTS

Human Resources - Justin Highhouse

- **Employee Recognition**

The BCC joined Blaine County Assessor Jim Williams and Deputy Assessor Melissa Fry in congratulating Blaine County Personal Property Appraiser Ali Lierman and Mapper/Deed Processing Specialist Angelica Cenarrusa for passing state certifications, which require 80 hours in-class training, two tests and a full year of working in the position.

Road and Bridge - Steve Thompson/Jeff Loomis

- **Transportation Plan Update**

Blaine County Engineer Jeff Loomis said the County Transportation Plan needs to be updated, and staff think it can be done in-house, with Loomis as coordinator. Loomis said the Bicycle-Pedestrian Plan was completed after the original Transportation Plan and will be added to the updated Plan. County roads functional classifications will be added; and Road and Bridges' annual traffic counts will be incorporated.

The BCC agreed to have staff, including GIS, update the Plan and exhibits within FY2022, as long as it doesn't negatively impact existing work schedules. Loomis will draft a Scope of Work for an in-house project. Loomis said an updated Plan will greatly increase the County's grant worthiness.

- **Snowmobile Grooming Program/Sawtooth Avalanche Center Request**

Also present: Blaine County Road and Bridge Manager Steve Thompson.

Commissioner McCleary said the County received a FY2022 funding request for \$4,000 from the Sawtooth Avalanche Center; and a subsequent request that the funding request be paid from the County's General Fund, instead of out of the Snowmobile Grooming budget. McCleary agreed that Sawtooth Avalanche Services provides snowmobilers and Road & Bridge snowmobile groomers safety support, and suggested \$2,000 of the funding request be paid out of General Fund, out of Contingency, and the other \$2,000 be paid from Snowmobile Grooming line item. Blaine County Clerk agreed to this; and Idaho Parks and Recreation confirmed that the payment to the Sawtooth Avalanche Center was an allowable expense from the County's Snowmobile Grooming Fund.

In the future, snowmobile registration fees will provide grant funds that avalanche centers can request.

Administrative Services - Stephanie Carlson

- **Blaine County 2017 Yew Plant Ordinance and Education Discussion**

Also present: County Noxious Weed Supervisor John Cenarrusa; Idaho Fish & Game Magic Valley Regional Wildlife Manager Mike McDonald and Communications Director Terry Thompson.

- Idaho Fish and Game is creating a brochure to spread the word about extremely toxic yew plants; and working with Administrative Services Support Specialist Kay Draper on a brochure specific to Blaine County.
- Carlson has submitted weekly social media posts to alert people to the dangers of yew plants, and how to identify yew plants. Someone saw the post and reported Sun Valley Company has existing yew plants. Fish and Game may participate in a townhall meeting about yew plants on private property and how yews are immediately deadly toxic to elk. Yew plants could be added to the GIS wildlife and noxious weeds maps.
- Draper said they have sent yew brochures to landscape companies, property managers and homeowners associations in Blaine County, and neighboring counties where people can still buy yew plants.
- Weeds staff were invited to walk the Valley Club property to locate yew plants. Staff hope other large properties will invite them onsite to advise them about yews. Hikers can report locations of yew plants on the County's wildlife report site.

Clerk - Stephen McDougall Graham

- **Blaine County ARPA Grantmaking Program** - The County has received six applications for American Rescue Plan Act (ARPA) funds. The BCC would like to schedule a regular monthly time to hear request presentations, with the public invited. Reimbursement requests for something like personal protection equipment might be expedited.

County Administrator - Mandy Pomeroy

- Administrative Staff is planning a workshop with local fire chiefs and stakeholders to finalize the AP Triton Strategic Plan.
- The Ambulance District Board approved additional funding for Wood River Fire and Rescue.
- Commissioner McCleary would like to talk to HR Generalist Justin Highhouse and the County Administrator about allowing some discretion in expecting all new hires to work a 40-hour week.

BLUEPRINT FOR PEACE ENDORSEMENT

Susan Fierman asked the BCC to consider adopting a peace-building initiative in Blaine County. The BCC will join peacealliance.org, which fosters international peace; and endorse community peace building with a letter of support.

COVID-19 UPDATES

The BCC reported on COVID-19-related issues, concerns and committees they were involved in.

Blaine County COVID-19 Risk Level Plan and Covid-19 Mayor's Meeting – Blaine County remains at a critical level, but cases seem to be decreasing.

- Ketchum rescinded its mask mandate, over objections from Blaine County Medical Director Dr. Terry O'Connor and medical professionals.

BOARD OF COUNTY COMMISSIONERS REPORTS

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

Fly Sun Valley Alliance – Commissioner Davis said Jack Hand will be the new president, and Sun Valley Company's new General Manager Pete Sonntag will be Vice President. Discussion was about the future of the Local Option Tax, e.g., what percentage it will be and what it will be used for. The LOT is serving its purpose—six nonstop flights from six cities are pretty much self-supporting.

Friedman Memorial Airport Authority Meeting – FMAA Board elected new officers. BCC Commissioner Fosbury is Vice-Chair and Commissioner McCleary is Secretary. The Board discussed constructive modifications for the minimum standards.

Ketchum Housing Action Plan Meeting – This is a new collaboration of stakeholders that want housing to be a holistic approach.

Wood River Land Trust Smart Growth Brown Bag with Elaine Clagg – Clagg promoted smart growth from a regional perspective.

Blaine County Regional Transportation Committee Meeting – McCleary said they don't know what state funding will be available, and how the members of the Transportation Committee will apply for grants and funds.

Southern Idaho Solid Waste Meeting – Fosbury is now Chairman of the Board. Sustainability Manager Lynne Barker participated. Milner Butte was originally planned to accept waste to 2078, but there has been a significant increase in solid waste since the population has grown. SISWD acquired a neighboring 140 acres for expansion, and Milner Butte should now be able to accept solid waste to 2057, or longer, if some of the over 20% of solid waste dumped into Milner Butte is recycled.

Blaine County Housing Authority Meeting – BCHA is recruiting for a new executive director.

- New BCHA Chairman Sarah Michael is spearheading amendments for the County's Community Housing Overlay.
- The BCHA, under State Code, has authority to bond, and is developing a good advisory team to work with the local Housing Trust.

Idaho Association of Counties Legislative Conference was well attended by Chairman Fosbury, County Clerk, County Assessor, and County Treasurer.

- Idaho Coalition of Land Trusts tried to clarify that a land trust does not take land from a working ranch.
- Payment In Lieu of Taxes (PILT) is critical for rural counties' budgets.
- BLM said a number of huge wind generation projects are emerging in Idaho.
- Renewal of the Sage Grouse Study encourages county comments.
- The Good Neighbor Authority helps communication between counties and agencies.
- A number of Idaho counties have bridges rated POOR. Blaine County's Road and Bridge Manager is waiting in line for annual funding through Local Highway Technical Assistance Council (LHTAC).
- Counties discussed inadequate broadband. Fosbury reported that Blaine County was successful the last two years in getting two grants to install broadband to Carey area. He thought it might be advantageous for Blaine County to declare broadband an essential service.
- Fosbury said Governor Little is proposing \$50 million for a new workforce housing trust.

Wood River Valley Microgrid Scoping Project – Sustainability Manager Lynne Barker is working with consultants to prepare a grant application for a microgrid project that would provide power security.

Idaho Transportation Department Updates

- Idaho Transportation Department District Engineer Jesse Barrus is now working with County staff on the State Highway 75 / Glendale Road intersection. Recent ITD traffic counts trigger the need for turn lanes on Highway 75, and the State may have some funding for that improvement.
- McCleary said Mountain Rides is also interested in improvements for Highway 75 / Ohio Gulch intersection.
- Many Blaine County bridges are nearing their 50-year design life. South-Central Idaho needs infrastructure funding on an annual basis.

Miscellaneous

Davis said gray wolves may be relisted on the Federal Endangered List.

CONSENT CALENDAR

- **DataTel Annual Maintenance Agreement** Record #6
- **Junior College Certificate of Residency forms**
 College of Southern Idaho - Fall 2021: Kyle Rose.
 College of Southern Idaho - Spring 2022: Jessica McCoy; and Alyson Rogers.

McCleary moved, seconded by Davis, to approve the Commissioners’ Consent Calendar for February 8, 2022. Motion passed unanimously.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Review of a Request by Catherine Sullivan for Reconsideration of the Board's decision upholding the Blaine County Hearing Examiner's conditional approval of an Outdoor Recreational Conditional Use Permit at 98 Broadford Rd. (CONTINUED FROM JANUARY 18, 2022). Megan Gruver is the conditional use permit applicant. The 17.5 acre property's legal description is Lot 2C, Silver Bell Ranch.**

Also present Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Land Use and Building Services Director Tom Bergin, and Deputy Director Kathy Grotto; County Code Compliance Specialist Kristine Hilt; Land Use Planner Allison Kennedy; Ben Worst, attorney for the appellant; applicants Gary and Megan Gruver, and applicants’ attorney Heather O’Leary.

Blaine County Chief Deputy Prosecuting Attorney Tim Graves said this is a Request for Reconsideration, Idaho Code 67-6535 (2)(b). Graves said the Request is timely, and made by Catherine Sullivan, who is not the applicant, but State Code and Blaine County Code provide the ability to appeal to any person aggrieved by the decision of the BCC. Reconsideration can be requested by the applicant or an affected person. Graves said he considered Sullivan to be an affected person.

Graves said this is not a do-over of the BCC’s earlier deliberation and subsequent written decision, which was provided to both the applicant and the appellant. The appellant’s responsibility is to convince the BCC that there are deficiencies in their decision. The BCC will then hear from the applicant why they think the decision is correct. The BCC can then decide whether or not to reconsider the matter.

Commissioner Davis is new, and did not participate in the original proceedings of this matter, or the appeal. But Commissioner Davis has been given all prior documentation and is familiar with the application, and can vote on the Reconsideration.

County Attorney Graves explained that the original 2019 Conditional Use Permit (CUP) was as a home occupation, which has core Conditions of Approval plus Home Occupation Conditions, and is a vested right. In 2021, the CUP holder asked to add three events, limit the number of equine animals on the property, and have three employees. The Hearing Examiner decided to consider the property as an Outdoor Recreational Facility, and granted the 2021 Outdoor Recreational Facility CUP with its inherent Conditions of Approval. The appellant appealed this Outdoor Recreational Facility CUP to the BCC. The BCC denied the appeal, and approved a Decision on Appeal.

Request for Reconsideration

Attorney Ben Worst represents appellants Catherine Sullivan and other clients. Worst said this is an opportunity for the BCC to modify their decision on appeal, and a prerequisite required by Statute before he can bring a Motion for Judicial Review.

Worst said the CUP was granted in 2019 as a Tier 2 Home Occupation Permit, with Home Occupation criteria. It was not authorized as an Outdoor Recreational Facility, but the Hearing Examiner evaluated the property in 2021 as an Outdoor Recreational Facility. Worst said his clients are not opposed to the historic use of the property as a stable and riding school. But his clients have concerns about events that are high capacity, commercial uses, and are incompatible with neighboring residential uses. He added that the increased number of equine animals increases the volume of manure, which is stored on the boundary of a 17½-acre property.

Worst added that this is an Agricultural Business, defined as “riding stable, riding school, and boarding facility”. Worst said Agricultural Businesses are only allowed in two zones in the County, AG-20 and AG-40, and only with a CUP.

Worst asked the BCC to reevaluate the Outdoor Recreational Facility CUP, and determine if the requested activity is compatible with the neighbors, and what can be done to minimize or reduce the impacts. Worst asked the BCC to find that the events are not compatible with a Home Occupation or residential neighborhood.

Rebuttal

Heather O’Leary, attorney for Megan Gruver, said Worst is raising the same argument he previously presented to the hearing examiner and to the BCC on appeal. O’Leary said the time to challenge the 2019 Conditional Use Permit has passed.

O’Leary said the appellants have not presented any new facts or law to show why the BCC should reconsider approval of the 2021 Conditional Use Permit. The BCC and hearing examiner previously

analyzed the expansion and modification of the 2021 CUP under both the Home Occupation and Outdoor Recreational Facility CUPs in Blaine County Code. The applicant has complied with all Conditions of Approval; and the appellants are trying to restrict the applicant's ability to use their property.

O'Leary said no events have been held since 2019, so it's not proper to make the assertion that more than 75 people have been on the property. When there is an event, as authorized under the CUP, the applicants will comply with the conditions previously set forth by the BCC. To date, no evidence has been presented to show why any of the conditions of the 2021 CUP should be reconsidered, or that additional conditions should be imposed.

Appellant Response

Appellant's attorney Ben Worst said they were not challenging the 2019 CUP; but are challenging the illegal expansion of the 2019 CUP. They maintain that events are not part of that CUP, and cannot be added now.

BCC Deliberation

- Fosbury said Condition 15 said manure containers would be relocated under guidance of the administrator, specifically to minimize odor issues for all neighbors.
- Fosbury said he felt the BCC had addressed most of the issues.
- McCleary felt the BCC had followed the standards, and were appropriate in their decision, but she would consider reviewing the Conditions of Approval to make them clearer or improve them.

County Attorney Tim Graves agreed that the BCC could reconsider Conditions of Approval that were attached to this CUP, but cautioned that the BCC is confined to the record of the appeal hearing.

McCleary moved, seconded by Davis, to approve the Request for Reconsideration rehearing and reappearance limited to reevaluation of the Conditions of Approval. Motion passed unanimously.

The BCC will consider no additional materials or testimony on this appeal.

EXECUTIVE SESSION - Idaho Code §74-206 (1)(a) - Interview of two applicants for the Land Water & Wildlife Levy Advisory Board.

McCleary moved, seconded by Davis, to go into Executive Session, pursuant to Idaho Code 74-206(1)(a) to interview candidates for Land, Water and Wildlife Levy Advisory Board. Roll call: McCleary (aye), Davis (aye), and Fosbury (aye). Motion passed unanimously.

ADJOURN

At the hour of 3:35 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____
Stephen McDougall Graham Dick Fosbury
County Clerk Chairman