

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

First Day

Tuesday, January 4, 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, and Vice-Chair Angenie McCleary; Administrative Services Support Specialist Kay Draper; Human Resources Generalist Justin Highhouse; Administrative Assistant Morgan DeWitt; Deputy Prosecuting Attorney Amanda Greer; Administrative Services Manager Stephanie Carlson; IT Enterprise Architect Ben Parker and IT Security/Network Engineer Jon Eaton; Treasurer John David Davidson; Chief Deputy Sheriff Will Fruehling and Sheriff's Civil Administrator Ginger Clement; Land Use Zoning Specialist Nancy Cooley; Accounts Payable Clerk Gretchen Stinnett; Recording Secretary Sunny Grant; incoming County Commissioner Muffy Davis; Idaho Power Local Area (Blaine County) Energy Advisor Amber Larna; Justin Stevenson; K Simmons. *Idaho Mountain Express* staff writer Mike Shultz; and Boise State Public Radio Reporter Rachel Cohen. Blaine County Clerk Stephen McDougall Graham and County Administrative Mandy Pomeroy 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: None.

BOARD OF EQUALIZATION - Idaho Code 63-501A

No Board of Equalization issues to address.

CONTRACTS, GRANTS AND AGREEMENTS

- **Blaine County Security Agreement for 124 Lake Creek Meadows Road/
Steven and Julie Rendle** Record #6

Blaine County Floodplain Manager Kristine Hilt said the amount is 150% of the estimate submitted by Sawtooth Environmental Consulting.

McCleary moved, seconded by Fosbury, to approve Blaine County Security Agreement with Steven and Julie Rendle for wetlands revegetation and restoration, as required by their Wetland Conditional Use Permit, in the amount of \$3,375. Motion passed 2/0.

- **Blaine County Security Agreement for Skillman Stream Alteration Permit
1317 Glen Aspen Drive** Record #6

Blaine County Floodplain Manager Kristine Hilt said this is a Condition of Approval of their Stream Alteration Permit.

McCleary moved, seconded by Fosbury, to approve the Blaine County Security Agreement between Blaine County and Peter and Laurel Skillman for riparian restoration work related to a Stream Alteration Permit located at 1317 Glen Aspen Drive, in the amount of \$1,500. Motion passed 2/0.

- **FY 2022 Independent Contractor Agreement for Project Management for the
Heatherlands and Starweather Fire Mitigation Project** Record #6

Also present: Fire Mitigation Grant Project Manager Stacy McLaughlin.

Fire Mitigation Grant Project Manager Stacy McLaughlin's contract expired in November, 2020. This new contract is an extension of the previous contract, to close out the project with Idaho Department of Lands. Compensation is the same, at \$75 hour and reimbursement for mileage.

McCleary moved, seconded by Fosbury, to approve Independent Contractor Agreement between Blaine County and The Organized Experience LLC for a Western Fire Manager's grant, in the amount of \$75 per hour, for a term of October 1, 2021 through January 31, 2022. Motion passed 2/0.

COUNTY DEPARTMENT REPORTS

Information Technology - Jon Eaton and Ben Parker

- IT has a new team IT Analyst member.
- Long-term storage expansion project has been completed. This will allow the County to keep backups according to statutory requirements.
- An Outlook Exchange error occurred worldwide over New Year's weekend. Parker had planned to update the Exchange over the weekend, and fortunately caught the error.
- New software and hardware for Ketchum Patrol Officers are installed.
- New server for officer bodycams is here and will be set up soon.
- IT is Exploring Computer Arts suite options to see if the new owner can upgrade CA to serve County needs.
- IT is finishing Public Safety Facility refresh. The new IT analyst team member will complete County refresh.

- IT has implemented a security training program that will routinely test every department. So far, Blaine County is better than industry standard at catching suspicious emails.
- Blaine County has to replace four firewalls, two on campus and two at the PSF, as soon as funds are available.

Public Defender - Cheri Hicks

- Deputy Public Defender Cheri Hicks introduced new Deputy Public Defender Robert “Tom” Curl.
- Contract County Public Defender Keith Roark has been acting as interim Chief Public Defender.

Public Defender - FY21 County Indigent Defense Expenditure Report

Deputy Public Defender Cheri Hicks reviewed the Expenditure Report with the BCC.

McCleary moved, seconded by Fosbury, to approve the FY2021 Indigent Defense Expenditure Report under Idaho Code 19-850(c) IDAPA 61.01.03. Motion passed unanimously.

County Administrator - Mandy Pomeroy

- The final draft of the Ambulance District Strategic Plan will be ready for next week’s BCC meeting.
- Wood River Fire and Rescue would like to present an amended FY2022 Budget on next week’s agenda.

Fosbury moved, seconded by McCleary, to convene as the Blaine County Ambulance District Board. Motion passed 2/0.

BLAINE COUNTY AMBULANCE DISTRICT

DEA Fees for Medical Director

Blaine County Medical Director Dr. Terry O’Connor said the medical director historically is required to purchase a Department of Environmental Quality license which allows the Ambulance District contract holders—Ketchum Fire and Wood River Fire and Rescue—to purchase controlled substances. In the past, contract holders have been exempt from paying a fee, but are no longer exempt. Dr. O’Connor paid the fee and is asking to be reimbursed.

McCleary moved, seconded by Fosbury, to approve reimbursement of two DEA license fees to the medical director for three-year licenses for Ketchum Fire and Wood River Fire and Rescue, in the total amount of \$1,776 for two \$888 fees, to be paid from Contingency. Motion passed 2/0.

McCleary moved, seconded by Fosbury, to reconvene as the Board of Blaine County Commissioners. Motion passed 2/0.

COVID-19 UPDATES

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

McCleary said Blaine County is spiking in new COVID cases, along with the rest of the country.

Blaine County Sick Leave Policy – Blaine County Department heads have asked for an update on a County Sick Leave Policy.

- Pomeroy doesn’t think it’s wise to limit sick leave to those vaccinated. County employees don’t want unvaccinated people to come to work sick and spread the virus, plus the virus is infecting people who are fully vaccinated with boosters.
- Any employee who has COVID symptoms and self-quarantines at home receives sick leave benefit at 100%.

Safe work practices

- Blaine County retired its COVID sick leave policy last summer, but is considering reinstating it. The BCC agreed to keep the County’s 10-day quarantine policy, instead of following CDC’s new guidelines for five-day quarantine and isolation. The BCC doesn’t want to take a chance on an employee spreading the virus by returning to work too soon.
- The County’s prior COVID Policy cost the County about \$20,000 to implement. The BCC had no hesitation about approving a reinstated policy.

McCleary moved, seconded by Fosbury, to reinstate the Blaine County COVID-19 Sick Leave Policy, as discussed, effective immediately. Motion passed 2/0.

Blaine County internal practices (remote work and office coverage) discussion

County Administrator Pomeroy said employees are encouraged to stay home if they don’t feel well, and will be paid whole to keep people home and away from other employees.

County Clerk McDougall Graham invested in air cleaners in all Clerk-Recorder-Auditor-Elections offices, and asked that some part of that expense be paid out of ARPA funds. He suggested other departments be allowed to do the same with ARPA funds.

McDougall Graham said several people in his department are unable to work remotely. In consultation with County Attorney Tim Graves, McDougall Graham is drafting a resolution for BCC consideration that would outline circumstances in which it may be permissible for a department head to suspend County operations if there is serious threat to staff or public health.

Fosbury supported any expenditure to provide a healthy environment while staff are indoors and working with the public during this high risk level. He will discuss the complications of adjusting operating hours with Human Resources Generalist Highhouse and County Administrator Pomeroy, McCleary said the County could use ARPA funds to pay for advisable COVID-related measures, without having to budget a specific amount.

- County Attorney Tim Graves said the BCC could make a policy to limit meeting room public attendance to 10. He suggested that signs stating “Encourage virtual meeting attendance” could be included on the agenda, the County’s website, and the meeting room door.

BOARD OF COMMISSIONERS DEPARTMENT REPORTS

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

Southern Idaho Solid Waste Meeting Update

- Fosbury said Milner Butte landfill had snow-related access problems for a day.
- Two key employees who worked under the SISWD Executive Director requested employment agreements, which the SISWD Board provided, but with a merit raise up to 2.6%. McCleary and Fosbury felt the employment agreements should have a 3% merit raise.
- Fosbury said the SISWD received no applications for its Human Resources position, probably due to inadequate funding. He said SISWD is beginning a Strategic Planning session, and is going to talk to a Human Resources consultant about getting and retaining good employees.
- Sustainability Manager Lynne Barker attended the SISWD meeting and provided constructive comments. Fosbury said SISWD is moving in a positive direction and has significant revenue opportunities with landfill-gas-to-energy project.

Cooperating Agency on Sage Grouse Plan Amendments Discussion – The BCC agreed to participate as a Cooperating Agency on the proposed Sage Grouse Amendments being discussed to protect Sage Grouse and habitat.

Public Comment:

- Larry Schoen supported the County participating as a Cooperating Agency in the regional planning process to protect Sage Grouse. He said Blaine County has a significant amount of quality Sage Grouse habitat in southern Idaho.

Correspondence – Mountain Rides request for grant support – The BCC supports Mountain Rides’ request for a grant support letter. The BCC agreed that Mountain Rides is a progressive transportation organization, and it’s important to expand transportation opportunities to neighboring counties and commuters.

Wildlife and Recreation Conflict – McCleary met with local cities and wildlife-oriented organizations to discuss current weather and snow depth conditions for local wildlife. Idaho Department of Fish and Game has agreed to consider closures to off-trail recreationists, backcountry skiers, and dogs off leash. McCleary will suggest drone tracking. Fosbury said data collection could be used to inform the public and help avoid conflicts.

Fosbury suggested asking ITD to reduce the speed limit south of Bellevue, similar to what was done north of Hailey.

CONSENT CALENDAR

- **Junior College Certificate of Residency forms**

College of Southern Idaho, Fall 2021 - Spring 2022: Nicole Nelson; and Ethan Shoemaker.

McCleary moved, seconded by Fosbury, to approve the Commissioners’ Consent Calendar for January 4, 2022, as presented. Motion passed 2/0.

FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING PREVIEW, Airport Manager Chris Pomeroy

This evening’s Friedman Memorial Airport Authority (FMAA) meeting will include discussions of FMAA Board officer positions and airport parking lot operations.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Bell Ranch Subdivision: The applicant, David Garst Trustee Bell Ranch Trust DTD, proposes a Cluster Development, subdividing 154.14 acres into eight lots. The Planning & Zoning Commission recommended approval on October 28, 2021.**

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Land Use and Building Services Director Tom Bergin; County Engineer Jeff Loomis; Land Use Planner Allison Kennedy; applicant David Garst and applicant’s representative David Patrie.

Land Use Planner Allison Kennedy read public notice.

McCleary moved, seconded by Fosbury, that notice was adequate. Motion passed 2/0.

Disclosures: McCleary received a phone call from David Patrie checking on in-person attendance in the meeting room for BCC meetings. McCleary suggested sending one representative. She said they did not discuss the application at all.

New Materials: Kennedy presented an informative sheet on cluster developments.

Applicant Presentation:

David Patrie, representing the applicants David and Lisa Garst, presented an overview of the subject A-20 parcel, and Highway 75 and neighboring roads. The parcel is surrounded by mostly A-20 agricultural, with some heavy industrial and residential agricultural zoning.

Blaine County 2025 revised its County Code to slow down splitting big parcels into subdivisions, and established the Cluster Development chapter in the Zoning Code. There is about 626 acres, and 26 parcels, averaging 24 acres, of different types of agricultural use in this area, and no big contiguous open space.

Patrie said the applicants want to preserve 130 acres of open-agricultural land and develop seven small lots in a cluster development on this parcel. There is a 20ft utility easement along the front. A five-foot dedication along Pero Road and Friedman Lane will, when added to the existing 50ft of roadway, give the County a full 60ft right-of-way. There is a 50ft setback from Lot 1 active agricultural use.

County Engineer Jeff Loomis said the County might consider relocating the ditch that runs on the other side of Friedman Lane, then crosses the highway diagonally in a culvert, and angles around to become the water access point for the Cadillac Ranch. Patrie described how the applicant proposes to take the irrigation ditch from the culvert and reroute it along the back of the small lot, and leave an easement for maintenance of the ditch.

McCleary suggested Lot 8 be closer to the cluster, road and utilities.

Fosbury said the BCC has heard concern from residents impacted by pest overspray on agricultural uses, and he is concerned about exterior boundaries on Lots 7 and 8. He said there is plenty of buildable area on Lot 8, and the setback could be increased. Applicant David Garst said he expected to farm his land, and spray applicators were absolutely responsible to make sure there was no spray drift from the property, regardless of setbacks. Garst added that the Lot 7 driveway easement running through Lot 8 along the southern boundary will create additional setback from the southern lot line.

Total of 19 Conditions, including:

- Condition 10 describes the P&Z Commission’s and staff’s proposal to reduce and move the building envelopes to create more buffer between them and the ag lot; and allow the owner to continue to irrigate the area. If the owner sells the lots, he can sell them with a right to do ag operations and pay him for the right.
- P&Z Condition 15 recommends that lot dimensions be shown on Final Plat. Fosbury asked that dimensions be on Preliminary Plats as well.
- County Engineer Jeff Loomis expressed concern about the non-standard intersection at Pero Road and Highway 75. There have been two incidents in this area in the last five years, one an animal incident, and the other a “minor injury” left turn from Highway 75 onto Pero Road. ITD plans to fix the intersection as part of its Ketchum-to- Timmerman improvements, at no cost to the County.
- Conditions of Approval include a voluntary road mitigation fee, which Patrie clarified is for construction of the road, not maintenance of the road. The applicant understands the road mitigation fee is intended to help mitigate Standard 10-9-8d, where offsite impacts are found to result from the proposed development of the development. Patrie said the suggested \$20,000 amount seems excessive for a development that anticipates generating 67 (or 3%) of the 2,000 daily trips the road is designed for. Kennedy explained how Land Use staff calculated the proposed \$3,000 per lot impact fee. The money remains in a fund until it is used or refunded.
- Conditions of Approval include a legal agreement with the owner of the Cadillac Ranch regarding the ditch that traverses the Ranch. Patrie said the two owners of the water in the ditch have a right to the ditch, regardless of where it is. They would prefer a more informal acknowledgement from the Cadillac Ranch.
- Conditions include indicating a building envelope on Lot 1.

The applicant and the BCC discussed water rights and delivery issues and concerns.

Public Comment: None.

Standards of Evaluation

- Fosbury said the roads in the “Triangle” need maintenance, and sometimes improvements. County Attorney Tim Graves said the Road Mitigation Fee should not be a negotiation. The burden is on the applicant to use this and other proposed improvements to incentivize the BCC to make a positive Finding on the applicable Standards of Evaluation. Graves said “Road mitigation” is not an Impact Fee, which, under Idaho law, requires an ordinance and certain enabling studies to be made, neither of which are in place.
- Fosbury said satellite service is available in this area; but Internet service is substandard. Perhaps it is possible to get a broadband grant to get the community better connected.

- Fosbury is okay with their plan to modify building envelope size; and water management within the HOA.
- Lighting standards are okay, with plat note as provided.

Threshold Standards:

- A, B and C - are met, with additional right-of-way proposed to be dedicated.
- E - is met, to ensure agricultural operations are uninterrupted. BCC agreed there should be 100ft setback on west boundary of Lot 8; and 50ft on south boundary of Lots 7 and 8.
- I - water quality and quantity look okay, with plat note regarding State requirement that irrigation from private wells is limited to one-half acre.

Design Standards:

- B - Met, with lot requirements as stated in Staff Report.
- M – Subdivision adjacent to agricultural zones A-20, A-40, R-10 and R-40 is always difficult, but this cluster development provides adequate buffer and is appropriate use of areas away from center pivot irrigation.
- R - Wildlife – Idaho Fish and Game plat notes are provided.
- Additional P&Z recommended plat notes under A, B and C.

McCleary moved, seconded by Fosbury, to approve this subdivision application by David Garst Trustee, Bell Ranch Trust, to subdivide 154.14 acres into 8 lots, to be named Bell Ranch Subdivision, with conditions stated in this hearing, finding that the application complies with applicable criteria set forth under Title 10 Subdivision Regulations, and applicable criteria of Title 9, Zoning Regulations. Motion passed 2/0.

LAND USE and BUILDING SERVICES

• Findings of Fact: Lateral 75 Ranch Subdivision

Also present: Blaine County Land Use and Building Services Deputy Director Kathy Grotto; and applicant’s representative, Samantha Stahlnecker.

County Land Use Deputy Director Kathy Grotto said she listened to the BCC meeting audio of the discussion of alternatives that were suggested to Condition 16D. She said Commissioner Fosbury’s final comment was, “Okay. And we’re clear on Condition 16D, which addresses ‘Submit application for Final Plat, according to the following schedule, with the three phases that we discussed. Phase 1 would include five lots.’” Grotto said the Phasing Plan would be five platted lots, and not some alternative method, and she didn’t think any modification should be made to Condition 16D at this time. Fosbury agreed that this was the BCC’s decision.

Disclosure: Fosbury said he was contacted by two neighbors, and told them the Lateral 75 Ranch application was still in process and he could not discuss it. He said they discussed TDR receiving areas for future applications. Fosbury said he recommended the neighbors hire a planner and talk to Land Use staff about making any application or request to Planning and Zoning.

County Attorney Tim Graves confirmed that the application was open until the BCC approved the final decision, and the BCC was under ex parte rules for a quasi-judicial decision. Graves said the final decision reflects what occurred in the meeting room, confirmed by County Land Use Deputy Director Kathy Grotto, who said the Findings are consistent with the audio recording verbatim of the meeting.

The BCC discussed if the Findings adequately covered aquifer issues that Dr. Chuck Brockway, Jr. described. Grotto said the Findings on page 13 included this statement, “The Board found that the proposal did not have a consequential impact on water quantity beyond that described by Dr. Brockway, upon meeting multiple Conditions of Approval related to limitations on water use and water conservation measures.”

McCleary moved, seconded by Fosbury, to approve the Findings of Fact, Conclusions of Law and Decision regarding an application of Flying Squirrel Production LLC for the Lateral 75 Subdivision, resubdividing Lots 1, 2 and 3, Gregory Ranch Subdivision, into 24 lots, utilizing TDRs. Motion passed 2/0.

ADJOURN

At the hour of 3:39 p.m., with no more business before them, the County Commissioners adjourned.

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