



March 21 & 22, 2005, Emmett, Idaho

Pursuant to a recess taken on March 15, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 21st & 22nd day March, 2005, at 8:00 a.m.

Present:	Sharon Pratt	Chairman
	Michele Sherrer	Commissioner
	Lan Smith	Commissioner
	Susan Howard	Clerk

Whereupon the following proceedings were had, to-wit:

March 21, 2005

Pledge of Allegiance was said.

OUTSIDE AUDIT REPORT: Jared Zwygart from Bailey & Company, met to go over the County's outside audit. He went over the audit page by page. Their opinion was that Gem County had a clean audit. The internal controls and compliance was good. Jared presented several journal entries to balance the accounts. He feels the numbers in the audit report are what should be used in the next budget process.

PLANNING & ZONING UPDATE: Planning & Zoning Administrator Debra Smith met to update the Commissioners. She is working with the Prosecutor's Office on a copy machine contract with Xerox. Their public hearings went well. A proposed subdivision that does not meet ordinance was discussed. Their office does not have updated zoning maps and it is causing problems. They could work on getting temporary maps from the Assessor's Office until the digital ones are ready. There are draft letters ready for the code enforcement.

ECONOMIC DEVELOPMENT UPDATE: Economic Development Specialist Morris Huffman met to update the Commissioners. He reported that after the earnest money is received from a business, all lots in Shadow Butte Industrial Park are sold. If another road in the Park is opened, there could be more lots opened. It is time to discuss Phase II and Phase III in the Park.

West Central Highlands have done a planning document for the six counties they are over. Morris presented the Commissioners a draft copy to review.

INDIGENT APPLICATIONS: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d). Deputy Clerk Sue Spencer presented the following indigent applications:

- 05-005 Application needed a continuation of hearing signed.
- 05-007 Application needed a continuation of hearing signed.
- 05-016 Application for medical expenses.
- 05-024 Application for rent assistance.

05-028 Application for dental expense.

05-029 Application for medical assistance needed a statutory lien signed.

A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

A motion was made by Commissioner Sherrer to sign continuations of hearing for 05-005 and 05-007, to approve 05-016, to deny 05-024 because no emergency exists, to deny 05-028 because of available resources, and to sign a statutory lien and applicable UCC lien for 05-029. It was seconded by Commissioner Pratt and carried unanimously.

CERTIFICATE OF RESIDENCY: A motion was made by Commissioner Sherrer to approve the Certificate of Residency for tuition aid for Julie Jerome to attend the fall term of 2003 at North Idaho College, as a late request. It was seconded by Commissioner Smith and carried unanimously.

The Board recessed for lunch at 12:00 p.m. and reconvened at 1:00 p.m.

PUBLIC HEARING(cont.) - BLACK CANYON PARTNERS DEVELOPMENT: A continuation of a public hearing on March 1, 2005, for Black Canyon Partners Development Project was held.

Commissioner Pratt opened the hearing and entered into the record all of the written comments and information that had come in since the last hearing, plus various maps.

Commissioners Smith and Pratt stated they had had some conversations with various people and reported who and what they were.

Those in support of the project were given an opportunity to speak.

Susan Wildwood gave a summary of the fire protection proposed for the development. Black Canyon will build a fire protection building after the 60th building permit is issued. She described the building. She also discussed emergency medical needs with 3,700 population at build-out. Black Canyon has agreed to pay the Gem County Ambulance Fund \$10,000 per year starting with their first residential building permit, for the next ten years. She then discussed the schedule of road improvements, which will all take place in Phase I. She explained the pedestrian walkway along the bridge on Frozen Dog Road.

Morris Huffman spoke in support of Black Canyon Partners and stated that it will compliment the economic development that is going on in the County.

Sam Fackrell, a resident on South Slope Road, stated he is in support of the project, both professionally and personally. Being from Kuna and seeing a lack of infrastructure before a large development, he feels Black Canyon is doing a good job in taking care of that, besides helping the economic development in Gem County.

Cathy Smith spoke in support of the project.

Those against the project were given an opportunity to

speaking. Before recognizing someone from the public, Commissioner Smith stated that in 2002 this whole area was rezoned as suburban agriculture and the comp map was changed. The minimum lot size was five acres. He asked what the road costs for all of the off-site road improvements will be. He asked about the size of the cul-de-sacs.

Martin Fry stated this project will change the community. He feels that taxes will go up. He stated that he hasn't heard anything about a school. He thinks developers need to pay their fair share. He feels the project should provide some affordable housing along with the expensive houses.

Janet Sulgrove stated that this is not for the local people—it is a resort to bring in people from other states. She feels it is not for our community and the middleclass people.

Norvil Elliott stated he concurred with the first gentleman that spoke and taxes will raise and new schools will be needed. The water issue is a concern to him and he is against the development.

David Pook was concerned about the boat traffic on the lake. It is already crowded. He is not for the project because of taxes and the boat issue.

Jerry Marks came from Seattle and now lives in Ola. He thinks that because of building all of the houses in Black Canyon, there will be a lot of empty houses. If there is inflation and if the development goes south, who will pay taxes on empty houses?

Jason Kinley, Mosquito Abatement Director, has a concern about the construction process becoming a breeding site for mosquitoes. If the golf courses are private, the Mosquito District cannot treat them. He stated that improving roads is good because it usually eliminates breeding areas.

Janet Sulgrove asked that the March 1 hearing be summarized. She was directed to the application on file that is available to the public.

Art McClure, Gem County Fire District #2, has a concern about the condition of Shalerock Road east of the Development.

Martin Fry asked if the services offered are only for the residents of the development.

Charles McLaren, Gem County Fire District #1, stated he is not taking a position. He stated that from his experience in collecting taxes for Fire District, there would not be any additional tax cost to existing taxpayers if they were to annex into District #1. The new development would support any new expenses.

Commissioner Smith stated that property rights need to be considered. Do they comply with the laws and ordinances of the County. If projects are turned down that are in compliance with rules and laws, there could be lawsuits.

Answers were given to questions and comments by Black Canyon Partners.

John Blom, Holladay engineering, stated that the offsite road improvements would cost a little more than \$2,000,000. There are not cul-de-sacs over 700 feet in Phase I.

Susan Wildwood stated that she compared their project with a like project in Ada County. They do not go through a

comprehensive plan change like in Gem County. She went through the difference between Gem County and Ada County. She feels that all of the requirements concerning the zoning ordinances and comprehensive plan have been met. She stated that this is not a planned resort. It is a planned community. They worked with the School District to donate 14 acres for a school. The residents will be full-time residents and part of the Gem County Community. There will be no boat docks, just a boat ramp and a parking lot, with limited parking. She stated that the developer will be liable for property taxes until the homes are sold. All of the homes will not be built at once, and each phase will be reviewed and okayed by the County. She went through the steps of the project. The developers are people from Idaho, and some residents of Gem County.

John Blom, Holladay Engineering, explained how they came about choosing the water supply for the development and went through the steps they will use to build the water system. No senior water rights will be infringed upon.

Martin Fry questioned the numbers of homes compared to the number of schools and the cost of the schools. He feels there needs to be more than one school.

Art McClure wanted to make sure his comments were on the record, which they were.

Susan Wildwood stated that extensive work was done with the Emmett School Administration and they were satisfied with Black Canyon Partners' proposal.

The Commissioners then went through Black Canyon Partners' application and asked questions of Black Canyon concerning the golf course, the neighboring BLM land, bare parcels in the project, pressurized water irrigation system, landscaping, and road improvements east of the development. Black Canyon Partners answered their concerns.

Roberta Ushman asked where the dirt is coming from to do the road improvements. She was told that a gravel pit in the proposed development will be utilized.

More questions from the Commissioners were asked concerning the rock quarry, natural gas utilities, space for schools, the number of building permits, cost of an elementary school, storm water drainage, compliance to Wildfire Plan, signage, land use and number of households and acreage per phase, infrastructure improvement for remaining phases, uses for special use permits, the impact on Gem County infrastructure at build out and phase 1, kinds and sizes of homes, number of rural lots, ADA parking requirements, mosquito abatement plans, size of cul-de-sacs, road right-of-way widths, solid waste management, length of financial plan or plan assurances, traffic impact study, existing water rights, placement of effluent from sewer system, well water testing, wildlife management, and CC&R enforcement.

The hearing was continued to April 11.

The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on March 22, 2005.

March 22, 2005

Pledge of Allegiance was said.

WATER DISTRICT #65 - LETHA PROJECT: Jason Kinley, Gem County Mosquito Abatement District Director, and Ron Shurtleff from Payette River Basin Water District 65 met with the Commissioners concerning the City of Letha's drainage problem. They have asked MAD take it on as a project with other entities getting involved. A cooperative approach seems appropriate including MAD, Gem County Soil and Water Conservation District, Letha Sewer District, Water District No. 65, and possibly RC&D and EPA. There may be some grant money available to help. Ron went over the logistics of the project that would be to construct a buried French Drain for the effected area with a portion of the system remaining as an open drainage ditch and the offending portion being a buried drainpipe with a gravel pack. Stagnant high water table will be removed, large mosquito breeding areas will be eliminated, roadway will be protected, and usable space will be gained. After completion the project will be dedicated to the Letha Sewer District, which may become Letha Sewer and Drainage District. They asked if the County may be willing to rebuild the roadway if the road has to be torn up to replace a culvert. The Commissioners stated that they were quite sure that the County could help out when needed.

PUBLIC WALK-IN AND INPUT: Tom Hoppell met with the Commissioners and had discussion concerning the proposed walking bridge on Gem Island Sports Complex.

Larry Droppers from Walter Knox Memorial Hospital met with paper work from the Hospital bonds to sign and an update on the remodel of the building.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorneys Richard Linville and David Hargraves met with the Commissioners concerning legal matters.

Advice was given that when cash is transferred from one County fund to another, it requires a resolution.

Other discussion was on a dog ordinance and on the sales agreements for purchase of property in Shadow Butte Industrial Park.

The Board recessed at 12:00 p.m. for lunch to reconvene at 1:00 p.m.

JOHNSON CREEK ROAD: Bryce Walker met with the Commissioners to discuss access to the Johnson Creek Road.

Commissioner Smith left the meeting to attend a safety-training meeting for supervisors put on by Workers Comp. He returned to the meeting at recess.

SHADOW BUTTE INDUSTRIAL PARK UPDATE: Members of Shadow Butte Development Corporation and others met to update the Commissioners on Shadow Butte Industrial Park. Qwest is working on a contract for the telecommunications for the Park. The 404 permit is still being worked on. The proposed cost of plants for the wetland mitigation is \$15,000, which does not include the

labor to plant. That cost may be negotiated. The revised bid specifications have been mailed to EDA. The advertisement for bids is ready to be signed. A letter to amend the EDA Contract to change the start date was signed. Holladay Engineering was asked to give a cost estimate to extend the road into Phase 2. Discussion was had on the sales agreements and possible deed restrictions. The revised plat was presented. Possibly, April 4 or April 18, 2005, will be the date set for the final plat going to the Technical Review Committee. Shadow Butte Development Corporation will come up with a date in the first part of May, 2005, for groundbreaking of the Park, with the Governor invited.

BID ADVERTISEMENTS: A motion was made by Commissioner Sherrer to sign the two advertisements for bid for Gem County Shadow Butte Industrial Park Phase 1 utility improvements and Phase 1, with an April 29 opening date. It was seconded by Commissioner Pratt and carried unanimously with ayes from Commissioners Pratt and Sherrer. Commissioner Smith was attending another meeting.

CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Sherrer to pay the claims as presented and noted in the Claims Report Form. It was seconded by Commissioner Pratt and carried unanimously with ayes from Commissioners Pratt and Sherrer. Commissioner Smith was attending another meeting.

The Board recessed at 5:00 p.m. to 8:00 a.m. on March 28, 2005.

Approved: _____
Chairman

Attest: _____
Clerk