



December 12 & 13, 2005, Emmett, Idaho

Pursuant to a recess taken on December 6, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 12th & 13th day of December, 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:

December 8, 2005

DISCUSSION OF BLACK CANYON PARTNERS DEVELOPMENT TRAFFIC STUDY

MITIGATION REPORT: Being tape-recorded the Commissioners held a special meeting to discussion on Black Canyon Traffic Study Mitigation report. Commissioner Pratt noted that the name of Shalerock Road needs to be corrected in several areas where it is spelled "Shale Rock."

Commissioner Smith stated that the report was supposed to address two items that were stipulations of the approval of the project. He stated that the report did not include enough baseline data of the project's impact on the roadways. Also asked for in the report was the projected impact on the roads, especially the east side of the project. The language seems to indicate or put a number on the impact of the surrounding projects, not necessarily their project. He thinks that Black Canyon needs more time to redo the report.

Commissioner Sherrer agreed with Commissioner Smith in that there is too much information in the study not dealing with the Black Canyon Project. All that was expected in the report was a baseline of traffic count on the roads going into the Black Canyon Project and the projected impact on those roads in the future.

The decision was made to give Black Canyon Partners an extension to redo and simplify their report. It needs to be done and approved before construction is begun. The decision was made through a motion made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously. More discussion was had with representatives of Black Canyon Partners and Holladay Engineering.

December 12, 2005

Pledge of Allegiance was said.

EGBERT REZONE DISCUSSION/DECISION: While being tape-recorded, discussion was had on rezone request No. 360 by Bruce and Amber Egbert to rezone 5.82 +/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential. The property is located at 1333 West Central Road.

Commissioner Sherrer stated that there is no split available unless the property is rezoned. The property is on the dividing line of A-1 and A-2. She stated that maybe this would not be transitional if the property is rezoned to R-3.

Commissioner Smith stated that there was no specific purpose to rezone except to be able to have a split sometime in the future. He stated he could see no benefit to the County to allow the rezone and it does not seem to be orderly.

Commissioner Pratt stated that she agrees. She asked if this rezone would comply with the Comprehensive Plan. Commissioner Smith stated that the Comp Plan sets forth a plan for orderly development and since the applicant has no plans for the split, it is not orderly, but that it does comply with the Comp Plan future land-use map.

After further discussion, a motion was made by Commission Smith to approve the Bruce and Amber Egbert rezone request because it complies with the Comprehensive Plan. After discussion, it was seconded by Commissioner Sherrer and carried unanimously.

DECISION AND ORDER: A motion was made by Commissioner Sherrer to approve the Decision and Order for Rezone Application No. 360 for Bruce and Amber Egbert. It was seconded by Commissioner Smith and carried unanimously.

ORDINANCE NO. 2005-16: A motion was made by Commissioner Sherrer to adopt Ordinance No. 2005-16 to rezone 5.82 +/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential. The property is located at 1333 West Central Road, and is owned by Bruce and Amber Egbert. It was seconded by Commissioner Smith and carried unanimously.

ECONOMIC DEVELOPMENT UPDATE: Economic Development Specialist Morris Huffman met with the Commissioners. The USDA stated that they feel there needs to be County and City money attached to a grant application for pursuing the feasibility study to build a motel in the area. He asked for a resolution supporting the idea of doing the study, along with \$500.

Morris presented information from a Wind Energy Conference he attended. Gem County is at the bottom of a list for possible resources for wind energy.

PLANNING & ZONING UPDATE: Planner Brad Hawkins-Clark and Assistant P & Z Administrator Sissy Stewart met with the Commissioners to give any Planning & Zoning updates. Discussion was had on several matters.

VALLEY COUNTY SERVICES TO HIGH VALLEY: A conference call was had with the Valley County Commissioners concerning services to High Valley. The Valley County residents in High Valley bring their trash to the Gem County transfer station in Ola. When trash is taken in, the County becomes liable for it and we also have a contract with Clay Peak in Payette to take only trash from Gem County. More information will be gathered to determine if a contract can be drawn up between Gem County and Valley County.

The maintenance of the road in Valley County through High Valley may also be an area that a contract between Gem County and Valley County would work. A contract at \$80/hour was decided on.

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:

05-060 Application needed a Withdrawal of County Application approval signed and a cancellation of an appeal hearing.

06-015 Application for help with home-health nursing expenses for October needed a statutory lien signed.

06-016 Application for medical expenses 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 a approval of a Withdrawal of County Application and cancel the appeal hearing for 05-060 and to sign statutory liens and applicable UCC liens for 06-015 and 06-016. It was seconded by Commissioner Smith and carried unanimously.

EXECUTIVE SESSION: 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)(f) concerning litigation. Those governing bodies present in the meeting were Commissioners Pratt, Sherrer, and Smith. No final decisions were made. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

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

EXECUTIVE SESSION: A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d) concerning records exempt from disclosure. Those governing bodies present in the meeting were Commissioners Pratt, Sherrer, and Smith. No final decisions were made. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

ROWLEY REZONE DISCUSSION/DECISION: While being tape-recorded, discussion was had concerning a rezone request No. 361 by Melvin and Dixie Rowley to amend rezone No. 284 to allow a total four parcels be created from the 5.57 +/- acres instead of only three parcels as stipulated in the Findings of Facts approving the rezone. The property is located at 353 East Central Road.

Commissioner Sherrer stated that drainage issues were brought up by neighboring property owners. Commissioner Smith stated that the drainage problems were not caused nor hindered by the Rowley property. Commissioner Pratt stated that the concern would be with the future owners of the property and drainage

issues, although the time to address these issues would come at a later date.

A motion was made by Commissioner Smith to approve the applicants' request, based on current zoning. It was seconded by Commissioner Sherrer and carried unanimously.

DECISION AND ORDER: A motion was made by Commissioner Sherrer to approve the Decision and Order for Rezone Application No. 361 for Melvin and Dixie Rowley. It was seconded by Commissioner Smith and carried unanimously.

ORDINANCE NO. 2005-17: A motion was made by Commissioner Sherrer to adopt Ordinance No. 2005-17 to approve rezone request No. 361 to amend rezone No. 284 to allow four parcels to be created from the 5.57 +/- acres instead of only three parcels as stipulated in the Findings of Facts approving the rezone. The property is located at 353 East Central Road and is owned by Melvin Rowley. It was seconded by Commissioner Smith and carried unanimously.

CERTIFICATE OF RESIDENCY: A motion was made by Commissioner Sherrer to approve the certificate of residency for tuition aid for Rebecca Cole to attend the Spring 2006 term at College of Southern Idaho. It was seconded by Commissioner Smith and carried unanimously.

ALCOHOLIC BEVERAGE LICENSE RENEWALS: While being tape-recorded and after being presented and hearing no objections from anyone, a motion was made by Commissioner Sherrer to renew the 2006 alcoholic beverage licenses for Charley Jones, President dba Fearless Farris Service Stations, Inc., Buff, Inc./Laura Johnson dba Round-Up, Albertson's, Inc., dba Albertson's Fuel Center #126, Scott Lemen dba Lemco, Inc., Linda Barry dba Maverik Country Stores, Chow Chavatipon dba Pizza Factory, and Albertson's, Inc. dba Albertson's #126. It was seconded by Commissioner Smith and carried unanimously.

SCHOFIELD REZONE DISCUSSION/DECISION: While being tape-recorded, discussion was had on a rezone request No. 264 by Clay and Margie Scofield to rezone approximately 6.33 +/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional, located at 1800 Fenton Drive.

Commissioner Smith was not present for the public hearing, thus he recused himself from the discussion and decision.

Commissioner Sherrer stated she has reviewed all of the information and just wanted to reiterate that community water would be required. It does comply with the comprehensive plan.

Commissioner Pratt agreed, and would like to see a road maintenance agreement to protect future owners. It was just a suggestion, not a stipulation.

Commissioner Sherrer made a motion to approve Clay and Margie Scofield's rezone request No. 364. It was seconded by Commissioner Pratt and carried unanimously, with Commissioner Smith not voting.

DECISION AND ORDER: A motion was made by Commissioner Sherrer to

approve the Decision and Order for Rezone Application No. 364 for Clay and Margie Scofield. It was seconded by Commissioner Pratt and carried unanimously, with Commissioner Smith not voting.

ORDINANCE NO. 2005-18: A motion was made by Commissioner Sherrer to adopt Ordinance No. 2005-18 to rezone approximately 6.33 +/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional, located at 1800 Fenton Drive, owned by Clay and Margie Scofield. It was seconded by Commissioner Pratt and carried unanimously, with Commissioner Smith not voting.

WIDENING OF PLAZA ROAD DISCUSSION: Ron and Marlene Moore met with the Commissioners concerning S. Plaza Road. A previously built subdivision on S. Plaza widened the Road at the time the subdivision was put in. Now there is an area of about 500 feet before another subdivision is going in where the Road once again will be widened. A couple of the property owners of the lots along the 500 feet are not very excited about giving up the land to widen the road. The Moores live in the Sand Hollow Subdivision and presented a proposal with maps and pictures.

TRANSPORTATION IMPACTS - HOLLADAY ENGINEERING: John Blom from Holladay Engineering met with the Commissioners to discuss transportation impacts in the County. He used the example of Boise County and the study they did on their roads. Through development agreements, the roads will be improved, with the cost depending on the amount of lots that could be in that area, up to that certain spot on the road. The further up the road, the greater the cost to the developer. Holladay could give Gem County a proposal to do the same thing for Gem County that they did for Boise County, at a cost of approximately \$10,000. No decision was made.

The Board recessed at 5:00 p.m. to 8:00 a.m. on December 13, 2005.

December 13, 2005

OLSON REZONE DISCUSSION/DECISION: While being tape-recorded, discussion was had on a rezone request No. 362 by Robert Olsen to rezone approximately 0.676 +/- acres from R-2 Residential Transitional to R-1 Residential, located at 1009 Edgemont Road.

Commissioner Sherrer stated that the minimum zoning for this area is one acre, so there is no split currently available unless the rezone is approved.

Commissioner Smith stated that he has found nothing to indicate that the P & Z Commission erred in their decision of recommending denial. He stated the request does not comply with the Comprehensive Plan.

Commissioner Pratt stated that the size of the lot does not constitute a rural residential lot.

Commissioner Smith stated that to put an R-1 in the middle of R-2 and A-2 zones is not something that should be done. He made a motion to deny the application. It was seconded by Commissioner Sherrer and carried unanimously.

The Commissioners attended a Southwest District Health Public Officials Briefing in Nampa.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney David Hargraves met with the Commissioners to discuss legal matters. Items of discussion were the no response on the prequalification documents from EDA for Shadow Butte Industrial Park, the status of the subdivision ordinance, and land use issues.

CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Sherrer to pay the claims as presented and noted on the Claims Report Form. It was seconded by Commissioner Smith and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on December 19, 2005.

Approved: _____
Chairman

Attest: _____
Clerk