



June 19 & 20 & 21, 2006, Emmett, Idaho

Pursuant to a recess taken on June 13, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 19th and 20th and 21st day of June, 2006, 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:

June 19, 2006

Pledge of Allegiance was said.

Commissioner Smith left the meeting to attend a Juvenile Justice meeting in Boise.

UPDATE TO "LOT OF CARS" LEASE/PURCHASE AGREEMENT: The original agreement to purchase the "Lot of Cars" property needs to be amended because Alliance Title Company would not handle the escrow with a floating interest rate. A motion was made by Commissioner Sherrer to amend the lease purchase agreement with Frank and Gaylene Bruneel to a 9% locked-in interest rate, as reflected in Draft 4. It was seconded by Commissioner Pratt and carried unanimously.

PUBLIC HEARING - FEE INCREASE: Being tape recorded, a public hearing was held for the purpose of establishing or increasing fees for the following services: Sanitary Landfill, Driveway Permit, Planning and Zoning Applications, and Building Permit and Inspection. A motion was made by Commissioner Sherrer to continue the hearing to June 26, 2006, at 9:00 a.m. because the hearing did not get put in the printed agenda. It was seconded by Commissioner Pratt and carried unanimously.

KIN-CARE PROGRAM: Linda Dripps from KinCare Program met with the Commissioners. The KinCare Program provides support for grandparents or relatives raising "kin." She would like to eventually have a community center in the area for these support groups. She is looking at calling the groups "Families Again" rather than "KinKare." There is an active group in Emmett that is sponsored through St. Mary's Catholic Church. She would also like to see ongoing summit meetings in the different areas.

PLANNING & ZONING UPDATE: Planning Director Brad Hawkins-Clark met with the Commissioners to update them on Planning and Zoning matters.

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

INDIGENT APPLICATIONS: 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). Deputy Clerk Tiffany Sulgrove presented the following indigent applications:

06-058 Application for medical expenses.

06-066 Application needed Notices of Statutory and UCC Liens signed.

06-065 Application needed Notices of Statutory and UCC Liens signed.

06-039 Application needed a Release of Lien signed

06-049 Application needed a Release of Lien signed.

06-064 Application for cremation need a signed approval for a previous verbal approval.

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

A motion was made by Commissioner Sherrer to deny 06-058 because of other available resources, discretionary income, and divestment of assets, to sign Notices of Statutory and UCC Liens for 06-066 and 06-065, to sign Releases of Lien for 06-039 and 06-049, and to sign an approval for a previous verbal approval for 06-064. It was seconded by Commissioner Pratt and carried unanimously.

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

CONSENT AGENDA: A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to approve the consent agenda items: A. Appointment of Nick Peterson to the Gem County Historical Preservation Commission; B. Signing of the James and Debra Weaver Minor Subdivision Application Decision and Order.

INDIGENT APPEAL HEARING: In executive session and while being tape-recorded, an appeal hearing was held for Indigent Application #06-048. Those present were Commissioners Pratt and Sherrer, Deputy Clerk Tiffani Sulgrove, Deputy Prosecuting Attorney David Hargraves, and the applicant.

After coming out of executive session, a motion was made by Commissioner Sherrer to continue the hearing for 45 days to gather further information. It was seconded by Commissioner Pratt and carried unanimously.

VETERANS SERVICE OFFICER REPORT: Jerry Erickson, Veterans Service Officer, met with the Commissioners to give an update on the service he gives to the veterans of Gem County. He is helping some of the veterans with their disability benefits. He

transports several veterans to the VA hospital. There is one homebound veteran that he helps with. He has taken volunteers over to help with the Veterans Cemetery. There are two or three veterans that show up at the monthly outreach program. He takes care of the military burial services, but has a hard time getting volunteers to help.

Commissioner Smith returned to the meeting.

TAWNEY SPECIAL USE PERMIT DISCUSSION/DECISION: While being tape-recorded, discussion was had on the decision on the Bob Tawney special use permit #471 appeal by Walt Dittman. Discussion was had concerning requiring a solid, six-foot fence/solid screening along the driveway between the properties and that a change of occupancy permit be issued for the new use before the new use permit is issued. A motion was made and amended by Commissioner Sherrer to uphold the Planning and Zoning decision to approve the special use permit for Grand Castle Auto Repair with the discussed stipulations. It was seconded by Commissioner Smith and carried unanimously.

KAP - PICKETT CORRAL #4 PLAT: Discussion was had with Mapper John Henderson and Deputy Prosecuting Attorney David Hargraves concerning the process of amending a plat to delete easements. The plat in reference was the KAP - Pickett Corral #4 Plat. It will require the filing of a new plat, but it does not require the Planning and Zoning or public hearing process. Further discussion was had on the specific piece of property in question.

AQUIFER STATUS PRESENTATION: Bob Hawthorne has spent time in the homes of Gem County residents, and stated there needs to be a legislative mandate to require aquifer studies. He would like to keep abreast of that happening.

He thinks that the Sanderson development may cause problems with the aquifer because of all of the chemicals used in the orchards that were on that property and because the property sits on an old dump site.

Bob would like to see an intern hydrologist work on the County aquifer studies. He had a diagram that showed the testing wells in Gem County. He also detailed the wells he has tested in the County and what the results were.

The Board recessed at 5:00 p.m. to a public hearing in Sweet at 6:00 p.m.

PUBLIC HEARING - SUBDIVISION ORDINANCE: While being tape-recorded, a public hearing was held in Sweet at the Syringa Hall to hear testimony concerning the proposed Subdivision Ordinance.

Those in attendance were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, Planner Director Brad Hawkins Clark, and 32 members of the public.

Brad gave a history of the creation of the proposed Ordinance. He then went over the highlights of the Ordinance. He stated that there are a lot of similar things in the Ordinance as far as the process of doing a subdivision as the original

ordinance. The biggest change has to do with the process of creating a minor subdivision. There is a chapter that deals with hillsides.

Bill Gibron stated that he would have like to have gotten a copy a month ago so he could have some questions ready to ask.

Kyle Stratton stated that a couple of areas of concerning are being able to split off a parcel of land for a family member without going through the subdivision requirements and also having to plat a contiguous parcel.

Chuck McKenzie asked about who is the local authority in Ola and/or Sweet. Do they form their own committee?

Sherri Darnell stated that the subdivision ordinance has overlooked the upper county of Sweet and Ola. Many of their roads are gravel and dirt. They should be able to have subdivisions without paved roads. She hoped that consideration will be given to smaller than 5-acre parcels in the Sweet/Ola area.

Anthony Jones stated that he thought this would be a question and answer time. He doesn't agree with subdividing the Sweet/Ola valley. He is concerned about emergency medical services. There is only one access into the valley. He is concerned about the water table, septic systems, taxes, and schools if a lot of new people come. He wants to keep the small community. More people will necessitate the addition of stoplights and will add more time to his commute. He asked if this ordinance is "pre-ordained," or do they have some say as to whether it is going to happen or not.

Richard Rex stated that he agrees with a lot of the philosophy of the Ordinance. Currently, the valley is mostly a 5-acre minimum, with a corridor along the Sweet-Ola Highway being a 1-acre minimum. He can't see how 1-acre parcels could be allowed there. Even the minor subdivision requires a large amount of time and investment for a single split of property. He fears that over time, only the big developers will be able to split property. The current property owners have no ability to divide property within family.

Jacy Willis asked about emergency service, ambulance services, and school sizes. What can be done to be better informed as to what is happening and be part of it?

The Commissioners stated that notices have been published and documents have been available for some time. There have been open forums every four months in Sweet, Ola, Letha, and Emmett

Mike Samson read a letter that was drafted in May and given to the Planning and Zoning Commission that stated concerns with the Subdivision Ordinance. It was signed by over 50 members of the Sweet/Ola community. It sated that they would like to delete the minor subdivision requirement in their area.

The hearing was closed, after which there was a question and answer period.

The Board recessed at 7:30 p.m. to 8:00 a.m. on June 20, 2006.

June 20, 2006

SHERIFF'S BUDGET: Sheriff Clint Short and Deputy Donnie Wunder met with the Commissioners to discuss their FY2006 budget.

Commissioner Pratt left the meeting to attend another meeting.

BLACK CANYON PARTNERS TRAFFIC MITIGATION DECISION: While being tape-recorded, a discussion was had on the decision and order for the traffic mitigation study. After deciding that the mitigation plan was satisfactory, a motion was made by Commissioner Smith to approve the Decision and Order Addendum Number 1 for the Black Canyon Partners. It was seconded by Commissioner Sherrer, and carried unanimously.

A motion was made by Commissioner Smith to authorize the Acting Chair to sign the Abstract of Contract and the Traffic Mitigation Impact Fee Agreement with Black Canyon Partners. It was seconded by Commissioner Sherrer and carried unanimously.

Commissioner Pratt came back into the meeting.

QUAIL HOLLOW MINOR SUBDIVISION DECISION: While being tape-recorded, the Quail Hollow Minor Subdivision was presented by P & Z Maureen Hill. There are 7.339 acres with four lots proposed, one being a common lot. The Planning and Zoning Staff recommend approval with conditions. They found that all requirements are met.

Jim Myers, owner of the property, stated that he feels that the amount for future improvement of the frontage County road is too high. He feels it should be set at an amount per building permit rather than the amount of road frontage. He asked about the requirement of a common lot and why it has not been required by all subdivisions. He feels that with two-acre lots, a common lot is not needed, especially with only three residents in the subdivision. The maintenance expense would be excessive.

PUBLIC WALK-IN AND INPUT: Roberta Ushman asked why the Elected Officials meeting is held in the jury room instead of the Commissioners' room. She was told it was because having the meeting around a table would give the feeling of equality between the County Elected Officials. She asked why the property of "Lot of Cars" is not going to be used for a new auto license building. She was told that the hope is that some day all of the County offices will be in the Courthouse and a new Court Facilities be built. She was told that all avenues are constantly being looked at and the use of the new property has not been finalized.

Marsha Werle introduced the new Emmett City Library Director, Alyce Kelley. Marsha is retiring.

Jackie Twilegar, candidate for State Controller stopped in to introduce herself.

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

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)(d) concerning exempt records. 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.

DISHION INTERPRISES - MISDEMEANOR PROBATION: Wade Dishion met with the Commissioners to give his 2nd FY2006 quarterly report for misdemeanor probation. They had 60 cases assigned during the quarter. There were 42 case closures. There were 19 ordered to complete programs and 15 completed. Collections were \$23,346.50 ordered and \$21,964.50 paid. There were 19 on SILD, with 16 completed. The drug testing included 73 tested, with 58 testing negative. There were 15 probation violations, with 6 reinstated. Total as of March 31, 2006, are 994 cases assigned. There have been 82 that have absconded.

Wade asked that if the County is considering an in-house misdemeanor probation program that he be allowed time for a presentation of his program.

The Board recessed at 5:00 p.m. to a Public Hearing at 6:00 p.m.

PUBLIC HEARING - SUBDIVISION ORDINANCE: While being tape recorded, a public hearing was held to take public input on the proposed Subdivision Ordinance. Those in attendance were Commissioners Pratt, Sherrer, and Smith, Planning Director Brad Hawkins-Clark, and Deputy Prosecuting Attorney David Hargraves and 20 members of the public.

Brad Hawkins-Clark went over the history of the development of the Subdivision Ordinance. He stated it has been in the process with the staff for several months. There have been several open meetings and workshops and a Planning and Zoning hearing. He stated that the Subdivision Ordinance is different from the Comprehensive Plan. It does not regulate land use. It mandates the process by which land is divided. The "property boundary adjustments" is a new part of the Subdivision Ordinance that the County has not previously had.

Bryce Walker stated that there are a lot of changes on draft 4 and that the changes show that the Commissioners have been listening to comments from the public. He had a question on the sketch plan. He likes the idea as long as it does not lengthen out the process. He had concerns about the "in-between" acres from 1-acre to two-acre lots for septic tank requirements. He had concerns about the hillside requirements.

Teena Turner commented about the application adding "or agent of the landowner." She found a contradiction on the sketch plan requirement. Private streets are now allowed in minor subdivisions. She asked that approved private street

extensions be allowed. She feels that the non-allowance for minor subdivisions on a hillside should be a case-by-case basis. She commented on central water systems and felt they should also recognize shared and/or community systems. She has concerns about the clarification of parcels of lands with original deeds. She is concerned whether the Subdivision Ordinance is retro-active back to the beginning of the moratorium. She commented on community wells.

Darrel Karu stated that as a new guy from Denver (1981) he sees similarities. He had comments concerning private streets. He had concerns about the 10-resident limit on a private street. He would like to see the limit put on the number of acres instead of the number of homes.

Pam Garrison stated she is happy the Commissioners are considering a new subdivision Ordinance. She had comments concerning large scale developments. She wondered what defines a large scale development and when an applicant would be required to provide a traffic impact study. She had comments on utility mandates that would require gas along with other utilities. The requirements for public land or open space does not define the amount of land to set aside.

Roberta Ushman stated that she hasn't read the proposal, but wondered if a developer should assure everyone that there is drinkable water available before he starts building.

Jamie Watts commented on the road requirements and the consistency. He had concerns about the enforcement. He is opposed to the change of the requirement of a septic system for a 2-acre lot.

Terry Riley stated that he would like to change the term minor subdivision to "split." He thinks there should be another definition prior to a minor subdivision.

Jamie Watts made further comments on the lot sizes for community wells and septic systems.

Casey Johnston stated he is against the two-acre minimum lot size for septic systems.

Teena Turner stated that there has been so much work put into the ordinance and is excited about it. She wanted to compliment the Planning Director.

Stephanie Oxley had concerns with the septic community wastewater. She would like to see parcel size verses density. She would like to see consideration on location.

Nissa Watts stated that they were just approved for one-acre lots, but now they will be required to have community septic for a minimum of 2-acre lots. She would like to know what they will or will not be allowed to do now that the moratorium is almost done.

There being no further comments, the public hearing was closed.

The meeting was opened up for questions and answers, after which a motion was made by Commissioner Smith to continue the discussion/decision to June 21, 2006.

The Board recessed at 7:30 p.m. to a continued discussion/decision at 10:30 a.m. on June 21, 2006.

June 21, 2006

PROPOSED SUBDIVISION ORDINANCE DISCUSSION/DECISION: Discussion was continued on the proposed Subdivision Ordinance. Deputy Prosecuting Attorney David Hargraves went over the make-up of the differences in the draft copies #4, #5, and #6. He went over the changes in Draft #6 point-by-point.

A break was taken while the proposed changes from the discussion were made and the final working draft created.

A motion was made by Commissioner Sherrer to approve, through Ordinance No. 2006-06, the Gem County Subdivision Ordinance as reflected in Draft #7, dated June 21, 2007, and that staff will provide a final copy with the edits and the grammar cleaned up, with attached Exhibit A.

A motion was made by Commissioner Smith to adopt Ordinance No. 2006-07 amending the Gem County Zoning Ordinance to allow for property boundary adjustments as reflected in the attached exhibit B. It was seconded by Commissioner Sherrer and carried unanimously. Deputy Prosecuting Attorney David Hargraves will prepare a summary for publication.

The Board recessed at 4:45 p.m to 8:00 a.m. on June 26, 2006

Approved: _____
Chairman

Attest: _____
Clerk