



September 11 & 12, 2006, Emmett, Idaho

Pursuant to a recess taken on September 5, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 11th & 12th day of September, 2006, at 8:00 a.m.

Present:	Sharon Pratt	Chairman
	Michele Sherrer	Commissioner
	Susan Howard	Clerk

Whereupon the following proceedings were had, to-wit:

September 11, 2006

Pledge of Allegiance was said.

PUBLIC HEARING - ZONING AMENDMENTS: While being tape-recorded, a public hearing was held for County initiated Zoning Ordinance text amendments. There were five of which were in Title 11, Chapter 2, Definitions of Terms, Title 11, Chapter 13, Appeal, Variance and Action by Affected Persons, Title 11, Chapter 15, Amendment or Rezone (including new section allowing the use of Development Agreements), Title 11, New Chapter, Land Use Application Hearing Procedures, and Title 11, New Chapter, Hearing Examiners.

Deputy Prosecuting Attorney David Hargraves went over each proposed amendment, with questions and discussion from the Commissioners and Planning Director Brad Hawkins-Clark, with written input from Commissioner Smith who was absent from the hearing. Changes were discussed and made.

The Commissioners directed the Planning and Zoning Staff to make the changes decided on and a motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to close the hearing.

PLANNING & ZONING UPDATE: Planning Director Brad Hawkins-Clark met with the Commissioners concerning several land issue matters. Brad was given the files on the Stormwater 319 Grant and will follow up on it. The RFQ for a consulting engineer was discussed. He has been working on the COMPASS model for the Dewey Road Extension.

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.

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 to approve the consent agenda, which included: B. re-appointments to the Orchard Review Board of Dave Anderson, Robert Markley, and Norvil Elliott for 2-year terms ending June 1, 2008, and C. the LHTAC Dewey Road Corridor Plan billing for \$2,590.31. Item A. Quail Hollow Subdivision decision was pulled off of the Consent Agenda for further discussion and decision. It was seconded by Commissioner Pratt and carried unanimously.

QUAIL HOLLOW SUBDIVISION DISCUSSION/DECISION: There are several unresolved items for the Quail Hollow Subdivision. One was a request from Road and Bridge for the amount of \$42,000 to be given to the County for future road improvements, which Commissioner Pratt stated she thinks is excessive. Another is the name of the subdivision. There is already a Quail Hollow Lane in the area and the Street Naming Committee is recommending that the name of the subdivision be changed because of the possibility of confusion with emergency response. The Commissioners stated this name was presented in 2004, so it would be too late to change the name. Deputy Prosecuting Attorney David Hargraves will bring back a Decision and Order.

INDIGENT APPEAL HEARING: In executive session, an appeal hearing was held for Indigent Case No. 06-072. Those present were Commissioners Pratt and Sherrer, Deputy Clerk Tiffani Sulgrove, and the Indigent. After closing the hearing and coming out of executive session, a motion was made by Commissioner Sherrer to take the matter under advisement. It was seconded by Commissioner Pratt and carried unanimously.

PUBLIC HEARING - GARY SHIPLEY REZONE: While being tape-recorded, a public hearing was held for a rezone request by Gary Shipley to rezone 155+/- acres from M-1 light Industrial to MX Mixed Use, located at 2719 W. Highway 52.

Mike Williams, representing Gary and Judith Shipley, presented for the application request using a PowerPoint presentation. He explained the request and went through the items in the record. He stated that within the staff report, the listed policies of the Comprehensive Plan generally supports the application and that staff indicated the rezone conforms with the basic intent of the Comprehensive Plan policies and Future Land Use Map and it also meets the required findings set forth in the Zoning Ordinance. He stated that the Mixed Use zone provides more flexibility for the owner/developer but also gives the County some control over future uses through the PUD and/or the ?SUP process. Should the airport be expanded, it can be addressed during the PUD or SUP process.

Gary Shipley explained that irrigation concerns of his neighbor, Colleen Cox, had been addressed.

Planning Director Brad Hawkins-Clark, stated that there were no people who testified against the rezone. He stated that the Planning and Zoning Commission discussed a lot about the Airport. They recommended denial because the proposed MX zoning allows single-family residential housing and that would not be compatible with the adjacent airport and that the MX zoning would

adversely affect surrounding property owners, which are Industrial and A-2 zones. He stated he sees no relevance of the Cox irrigation problem to this application. He stated that his staff report says that the Comprehensive Plan could support this application.

Attorney Susan Wildwood spoke for the applicant. She made comments concerning the airport concerns. She presented information that was gathered concerning the Boise Airport and the Caldwell Industrial Airport.

There were no comments from anyone neutral or opposed to the application.

Mike Williams addressed a couple of rebuttal comments from Gem County Development Services staff report. He stated it does comply with the Comprehensive Plan and asked for an approval of the rezone.

Gary Shipley answered Commissioner Pratt's question about his ownership of the Railroad easement. He also answered her question concerning property on the East boundary of his property.

After asking for and receiving a copy of Mike William's PowerPoint presentation, and various other items which were admitted into the record, a motion was made by Commissioner Sherrer, seconded by Commissioner Pratt and carried unanimously to close the hearing. No decisions were made.

PUBLIC HEARING - CASEY JOHNSTON REZONE: While being tape-recorded, a public hearing was held for a rezone request by Casey Johnston to rezone 3.22+/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional, located at 1732 E. Main Street.

Valerie Wilson, representing Orval Casey Johnston, presented the request for rezone. His property is in the City area of impact and they would like a building permit, but are not asking for any division of the property.

Development Services Staff member Maureen Hill went over the Staff report. She stated that the Planning & Zoning Commission recommended approval with conditions, all of which the Staff agrees with.

Jay Ferguson, owner of adjacent property, stated he is not opposed to the rezone.

Commissioner Sherrer asked that there be something in writing in the packet from Casey Jackson stating he is in agreement of the change in his application. It will be admitted into the record, along with the application and the Staff Report.

A motion was made by Commissioner Sherrer to approve Rezone #371 for Orval Casey Johnston from A-2 to R-3, as recommended by the Planning and Zoning Commission. It was seconded by Commissioner Pratt and carried unanimously. The public hearing was closed.

The Board recessed at 5:00 p.m. to 8:00 a.m. on September 12, 2006.

CITY/COUNTY MEETING: A joint City/County meeting was held at the Emmett City Hall on Monday, September 11, at 5:00 p.m. Those in

attendance from the City of Emmett Mayor Marilyn Lorenzen, Councilpersons John Rogers, Dennis White, and Katie Agenbroad, and Clerk Marge Lawrence. Those in attendance from Gem County were Commissioners Sharon Pratt and Michele Sherrer, Clerk Susan Howard, and Treasurer Connie Goins.

Topics of discussion were the County Budget, the Building Official, Development Services, mosquito abatement, hillside development, Shadow Butte Industrial Park, Emmett sewer treatment plant, and the open house for the new building at the Emmett Cemetery.

September 12, 2006

TAX DEED HEARING: Treasurer Connie Goins met with the Commissioners for a tax deed hearing for one property. The Treasurer has followed Idaho Code 63-1005 procedure for taking a tax deed. The process was started in June with a certified letter and then there were three three four (corrected 11/20/06) publications in the local newspaper.

The non-certified letters that come back unsigned were then sent by regular mail. The parcels remaining in August had a posting put on the property by the Sheriff.

Parcel RP 0046700, located at 3636 Gem Avenue, was taken in tax deed and directed through motion by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to record the parcel with the Clerk's Office.

There is a State medical lien on this property. The State plans to exercise their right of redemption for the amount of \$3,386 as soon as the tax deeded property is recorded.

PUBLIC WALK-IN AND INPUT: Steven Weston met to let the Commissioners know that he feels the process of applying for a building permit through Gem County Development Services is very cumbersome. He stated that after all of the information is turned in, it would take two weeks to get the permit. He thinks it should take no longer than 48 hours. He was told that it has been a matter of discussion between the Commissioners and Development Services about this issue in order to resolve it.

Terry Bennett met with the Commissioners concerning Development Services. Mr. Bennett is applying for a subdivision. He complained about how slow the process has been. He was lead to believe that it would be a quick process after the moratorium. He stated that there are not enough employees who can make decisions in Development Services to get things done in a satisfactory time frame. The Commissioners will visit with Development Services.

Darrel Carruth met with the Commissioners concerning dwellings on his private driveway. His understanding is that there could be no more than two residences could be on a private driveway. He has an application for a minor subdivision. An adjoining parcel has been subdivided during the moratorium and now there are four additional lots on a private driveway. He stated that he was told by Development Services that it was a mistake, but the Prosecuting Attorney said there is nothing they could do about it. The Commissioners will look into it. Mr. Carruth stated that he would like to see some consistency from

Development Services.

Dana Divin and Palla Garringer from Stewart Title were introduced to the Commissioners. They are working with Clerk Susan Howard with the possibility of imaging all of the old land documents in the County, keeping a copy for themselves and providing a copy for the County.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney David Hargraves met with the Commissioners concerning legal matters. Topics of discussion were: the new Solid Waste fees; a cleaning contract for Road & Bridge, Prosecuting Attorney's Office, and Extension Office; hiring of a contractor; Qwest Agreement for E-911; Casey Johnston rezone decision and order.

Other topics were: Recreation District contract for use of Gem Island Sports Complex; land use issues.

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)(f) concerning litigation. 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.

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

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 Tiffani Sulgrove presented the following indigent applications:

06-082 Application for power and natural gas.

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 the 06-082 because of lack of indigency. It was seconded by Commissioner Pratt and carried unanimously.

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 Pratt and carried unanimously.

MINUTES READ AND APPROVED: The minutes of August 1, 14 & 15, 21 & 22, and 28 & 29, 2006, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of August 1, 14 & 15, 21 & 22, and 28 & 29, 2006, as read and corrected. It was seconded by Commissioner Pratt and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on September 25, 2006

Approved: _____
Chairman

Attest: _____
Clerk