



October 16 & 17, 2006, Emmett, Idaho

Pursuant to a recess taken on October 10, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 16th & 17th day of October, 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:

October 16, 2006

Pledge of Allegiance was said.

PLANNING & ZONING UPDATE: Director Brad Hawkins-Clark met with the Commissioners, with Eagle Mayor Nancy Merrill. Mayor Merrill gave an overview of a 840-acre development by SunCor Idaho, called Avimor Planned Community, has been approved in Ada County and an expansion is proposed to go into Gem County at some time. The development would like to be annexed into the City of Eagle. Mayor Merrill wanted, as a courtesy, to give the Commissioners a heads-up as to the possibilities of this development. The proposed development includes 20,080 acres with 6,290 to be developed. Intergovernmental agreements could be made to provide services. Brad stated that the portion in Gem County would not even be platted for at least 10-12 years. On October 23, the City of Eagle will be having a P & Z Commission agenda item for Avimor Comprehensive Plan Amendment. Brad will draft a letter of position from Gem County to be presented at Eagle's P & Z Meeting.

Discussion was had with Brad concerning Planning & Zoning Commission meetings, property line adjustments, and private roads.

Commissioner Pratt left the meeting for the rest of the day to attend an Idaho Rural Partnerships meeting.

INDIGENT APPLICATIONS: At 11:20 a.m., 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) with a roll call vote as follows: Commissioner Sherrer, aye, and Commissioner Smith, aye. Deputy Clerk Tiffany Sulgrove presented the following indigent applications:

- 06-086 Medical application needed a notice of statutory lien signed.
- 06-087 Medical application needed a notice of statutory lien signed.
- 06-078 Needed a release of a statutory lien signed.
- 06-076 Needed a release of a statutory lien signed.

Commissioner Minutes 10-16,17-06

06-062 Needed a release of a statutory lien signed.

After reconvening in open session at 11:37 a.m., a motion was made by Commissioner Sherrer to sign Notices of Statutory Lien on 06-086 and 06-087 and to sign Releases of Statutory Lien on 06-078, 06-076, and 06-062. It was seconded by Commissioner Smith 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 Smith to approve the consent agenda, which included the Rezone Application No. 371 Decision and Order for Orvil "Casey" Johnston. It was seconded by Commissioner Sherrer and carried unanimously with two aye votes.

ORDINANCE 2006-10: A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to adopt Ordinance No. 2006-10 approving the Orvil "Casey" Johnston rezone.

PUBLIC HEARING - KYLE STRATTON REZONE: While being tape-recorded, a public hearing was held for a rezone request by Kyle Stratton to rezone 9.83 +/- acres from A-2 Rural Transitional Agriculture (a 5-acre minimum lot size) to R-3 Rural Residential (a 2-acre minimum lot size), located at 3979 Wills Road. Commissioner Sherrer opened the meeting and asked for input.

Angela Comish, representing Kyle Stratton, described the application. The owners would like to go from a 5-acre minimum lot size to a 2-acre minimum lot size, through a rezone. She showed on a map that there are a variety of acreages in the area. She stated that the rezone complies with the Comprehensive Plan. She went over the requirements that they have met.

There were no comments from anyone opposed to the application.

Planner Brad Hawkins-Clark stated he had no further comment than what was in the P & Z Commission and Staff Report.

A motion was made Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to direct Staff to draft an approval of the P & Z Commission's recommendation to approve the rezone request.

A motion was made Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to close the public hearing.

The Board recessed at 5:00 p.m. to 8:00 a.m. on October 17, 2006.

October 17, 2006

CITY COUNTY MEETING: A City/County meeting was held on Monday, October 16, 2006, at 5:00 p.m. at the Emmett City Hall. Those in attendance from the City were Mayor Lorenzen, Councilmen John Rogers and Bill Butticci, and Clerk Marge Lawrence. Those in attendance from the County were Commissioners Sherrer and Smith

and Clerk Howard. Topics of discussion were the Building Official contract, the Building Official schedule, the Street Naming Committee, and the Comp Plan workshop.

Commissioner Smith and Sherrer were at a LEPC Meeting.

Commissioner Pratt was at a Shadow Butte Development Corporation Meeting.

Commissioner Smith was not in attendance at the meeting until the end of the Charles Crane rezone public hearing.

PUBLIC HEARING - CHARLES CRANE REZONE: While being tape-recorded, a public hearing was held for a rezone request by Charles Crane to rezone 9.00 +/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential, located at 2375 Airport Road. Commissioner Pratt opened the hearing and asked for input from the applicant, those in favor, Development Services staff, those neutral or against, and then rebuttal from the applicant.

Charles Crane stated that he is wondering why he is doing this because the housing sales seem to be decreasing the last little while. He gave a history as to why and when he decided to ask for the rezone. Because of not being a large developer, he does currently and would be using local businesses for the development. He would like to split his property so he would be able to build a new house some day.

Kelly Taylor, the previous owner of the property, stated he is in favor of the rezone. He stated that it is a good use of that area, being near the golf course and the airport.

Maureen Hill, Development Services, went over the Planning and Zoning decision, which was to deny the application due to being able to use the property as it is currently being used and the negative impact on neighbors. Her staff wanted the decision tabled for further investigation into a prior split that occurred in April, 2006. They also wanted to research the road easement.

Wayne Roller, owner of the contiguous property north of the applicant, stated that there was not a wide enough right-away for entrance into the applicant's property.

Helen Craw, who lives on Airport Road, stated she does not want the rezone because of concerns about septic tanks, wells, and the water table.

Charles Crane stated that it would be appropriate for some moderate growth in the area. He would like to be able to build a home on a smaller lot that would be easier to take care of.

Commissioner Sherrer has questions on the variance on the access easement and the non-conforming lot.

Commissioner Smith entered the meeting and stated that he would be abstaining from any decision during the hearing. If a decision is made at a later time, he may listen to the tape of the hearing and participate in any later decisions.

Commissioner Sherrer made a motion to continue the hearing for three weeks to allow Staff to get resolution to some concerns. It was seconded by Commissioner Pratt and carried with ayes from both Commissioners.

PUBLIC WALK-IN AND INPUT: Martin Fry met with the Commissioners concerning several topics. He discussed the possibility of having a "round-a-bout" in the Letha area and the right of way needs to be acquired before all of the land is developed in that area. He discussed people not being allowed to plant trees, etc., to block views. He stated that walkways along the sloughs and River in the area should be open to all the public, not just a few. He suggested that the old railway right-of-way could be used as a public walkway/equestrian/ATV trail.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney David Hargraves met with the Commissioners concerning legal matters. Some of the topics were the Fair Board, Boise Cascade easement for the Island pathway, Building Official Contract, Public Defender Contract renewal, Jail Medical contract, Comp Plan Workshop, and the Records Imaging Contract.

EXECUTIVE SESSION: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, with roll call vote of ayes from Commissioners Pratt, Sherrer, and Smith to go into executive session under Idaho Code 67-2345(1)(f) concerning litigation concern attorney fees for the Mosquito litigation. Those governing bodies present in the meeting were Commissioners Pratt, Sherrer, and Smith. No final decisions were made. The Commissioners returned to open session.

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

The Commissioners spent the afternoon preparing for personnel evaluations.

The Board recessed at 5:00 p.m. to 8:00 a.m. on October 23, 2006

Approved: _____
Chairman

Attest: _____
Clerk