



January 22 & 23, 2007, Emmett, Idaho

Pursuant to a recess taken on January 16, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 22nd day of January, 2007, at 8:00 a.m.

Present:	Michele Sherrer	Chairman
	Sharon Pratt	Commissioner
	Lan Smith	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

January 22, 2007

Pledge of Allegiance was said.

A motion was made by Commissioner Smith to add Parametix payment #5 for Dewey Road as item K. to the consent agenda. It was seconded by Commissioner Pratt and carried unanimously.

LYNDA VISTA SUBDIVISION - FINAL PLAT: Brad Hawkins-Clark reviewed conditions of the final plat. He verified that a new description has been recorded. He confirmed that Keller and Associates has no further concerns with the pressure irrigation.

LHTAC curvature standards were reviewed and discussed. The curves that don't comply with the standards were identified.

Commissioner Sherrer questioned the lots to be affected by a curvature change.

Roger Bennie, surveyor, stated that it would change the entire subdivision. He also stated that the design had been reviewed by the Road Department.

Commissioner Pratt said that although the Road Department reviewed the design county employees aren't qualified engineers.

Commissioner Sherrer questioned whether the low speed limit would affect the standards.

Verification will be obtained through Keller and Associates and LHTAC as to whether the standards are for guidance or are requirements.

In response to a question from Commissioner Smith, Brad Hawkins-Clark confirmed that Exhibit D was still a correct condition to the Plat.

The discussion was continued to February 5th at 9:00 a.m.

HIGH VISTA SUBDIVISION - FINAL PLAT: Brad Hawkins-Clark stated that the construction drawings were provided to Mason & Stanfield but they haven't been able to complete their review of those drawings.

The discussion was continued to February 5th at 9:30 a.m.

RUSSELL NELSON REZONE HEARING: While being tape-recorded, a public hearing was held for a rezone of property located at 5200 W Hwy 52. Commissioner Sherrer opened the hearing at 10:03 a.m.

Russell Nelson, applicant, stated that he had purchased the property believing it was 10 acres. He stated that the Assessor had it accessed at 10.22 acres. He stated that he had a letter from Planning & Zoning indicating there was a split available. A surveyor stated that there is only approximately 6 acres. He is requesting a rezone so that 2 homes can be built on the property.

Brad Hawkins-Clark reviewed the Planning & Zoning denial recommendation. He outlined options for a possible development agreement.

Commissioner Pratt stated that decisions are based on county ordinances rather than economic returns for individuals.

The future land use map in the comprehensive plan was reviewed. Current zoning and development of properties in the area was discussed.

Commissioner Pratt references a letter from Gem County Assessor Greg Himes stating the need for a survey on the property. She stated concerns with curves in this location and additional vehicles, agreeing with Southwest District Health's concerns with the groundwater and whether more residences should be put in this area.

Commissioner Smith stated that Southwest District Health has real concerns about the septic system on the existing lot as well as adding another system.

David Hargraves from the Prosecutor's office verified that Commissioner Smith received no further information from Southwest District Health than had previously been provided.

Russell Nelson stated that he has researched the wetland concerns and found that it is caused from irrigation on property around his. He was told it would dry up if he cleaned out the neighbor's ditch. He stated that he didn't survey the property, he had used the existing legal description received from the Assessor's Office. He said he has had soil samples done on the property which indicated that there is enough good soil to put another septic system there. He said the properties around his are mostly under 5 acres. He feels smaller lots would aid weed control.

Roger Bennie, surveyor, provided a map of the area he had obtained from the Assessor's office which was marked as Exhibit A.

A motion was made by Commissioner Smith to close the hearing for the rezone proposal. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Pratt to uphold the recommendation of the Planning & Zoning Commission regarding the rezone application. It was seconded by Commissioner Smith and carried unanimously.

PUBLIC DEFENDER YEAR END REPORT: Susan Mimura presented a year end report for the Gem County Public Defender, Mimura, James & Mimura, PLLC. She reviewed the number and type of cases the Public Defender received and processed during the 2006 fiscal year. Topics of discussion included public defender reimbursement, the need to develop community based community service alternatives for juveniles and JAIBG funds to assist in funding programs for 1st time juvenile tobacco, alcohol and drug

paraphernalia offenders.

INDIGENT APPLICATIONS: At 10:59 a.m., a motion was made by Commissioner Smith, seconded by Commissioner Pratt, and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d) with a roll call vote as follows: Commissioner Pratt, aye; Commissioner Sherrer, aye, Commissioner Smith, aye. Deputy Clerk Tiffani Sulgrove presented the following indigent applications:

- 06-095 Sign Release of Lien
- 07-003 Sign Lien for medical application
- 07-002 Sign Lien for medical application
- 07-004 Sign Lien for medical application
- 06-096 Medical application

After reconvening in regular session at 11:08 a.m., a motion was made by Commissioner Smith to sign release of lien for 06-095, to sign statutory liens for medical applications for 07-002, 07-003, 07-004 and to approve medical application for 06-096. It was seconded by Commissioner Pratt and carried unanimously.

The Board recessed at 12:00 p.m. for lunch to reconvene at 1:15 p.m.

Commissioner Pratt was absent due to attendance at a WICAP meeting.

CONSENT AGENDA: A motion was made by Commissioner Smith to remove items A. Bishop Estates Minor Subdivison, B. Sunset Estates Minor Subdivision, C. Rex Walker Minor Subdivision, and D. Broken Circle Estates Minor Subdivision from the consent agenda for further discussion and to approve the remaining consent agenda which included: E. Rockin B Ranch Minor Subdivision, F. Concept Report, G. Bishop Road Bridge, H. HDR Contract, I. Certificate of Residency - Beatrice Rowton, J. Certificate of Residency - Robert Pratt and K. Parametrix payment #5 for Dewey Road. It was seconded by Commissioner Sherrer and carried unanimously with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Smith, aye. Commissioner Sherrer clarified that items F. Concept Report and G. Bishop Road Bridge were the same item, it was the concept report for the Bishop Road Bridge.

Commissioner Pratt rejoined the meeting.

Bishop Estates Minor Subdivision

Commissioner Sherrer indicated that staff had recommended discussion of mitigation measures and the potential for additional right-of-way dedication along the northern boundary.

Brad Hawkins-Clark clarified that had been the recommendation for the Planing & Zoning Commission previously.

Commissioner Pratt questioned the possibility of common driveways for the lots.

Steve Wells stated that lots 1 & 2 could have a common driveway but lots 3 & 4 could not.

A motion was made by Commissioner Smith to accept the Planning & Zoning recommendation and approve the Bishop Estates

Minor Subdivision. It was seconded by Commissioner Pratt and carried unanimously.

Rex Walker Minor Subdivision

Commissioner Sherrer indicated that staff had recommended discussion of reimbursement for cost of correcting the map.

Commissioner Smith clarified the map correction was to make the lots compliant with the ordinance.

Commissioner Pratt asked if the access from lot 2 is on Little Rock Road. It was confirmed that it is.

Commissioner Sherrer asked if the public right-of-way dedication has been corrected.

Brad Hawkins-Clark stated that it is added as a condition of approval.

The cost of the map correction was clarified.

A motion was made by Commissioner Pratt to approve Walker Family Estates Minor Subdivision with recommendations and conditions of approval as documented in the packet. It was seconded by Commissioner Smith and carried unanimously.

Broken Circle Estates Minor Subdivision

Commissioner Sherrer indicated that staff had recommended discussion to verify the process and mitigation standards in the area of city impact.

Commissioner Smith stated that a copy of the letter from the City of Emmett wasn't included in their packets.

Brad Hawkins-Clark stated that the City's letter asked for curb, gutter, sidewalk and drainage, and that the right-of-way dedication on Cherry Lane be 35 feet. It was clarified that the right-of-way dedication would affect all 3 lots, the setback would affect the existing house on lot 3.

A common driveway access was discussed for lots 1 & 2.

The need for a zoning variance was discussed.

A motion was made by Commissioner Pratt to table this issue and put it on the consent agenda for February 5th. It was seconded by Commissioner Smith and carried unanimously.

Sunset Estates Minor Subdivision

Commissioner Pratt stated that staff recommended discussion of cul-de-sac radius discrepancy, hillside subdivision ordinance, subdivision name, and landscape waiver.

Roger Bennie clarified that the fire department said they wanted 70' radius, they meant they wanted 70' diameter which would exceed the 60' county requirement.

Commissioner Smith stated that this has been delayed for many months due to the moratorium and bad information from Planning & Zoning.

Jamie Watts stated they were told they wouldn't have to have a common lot or payment in lieu of because there isn't sufficient property to allow for open space. The bottom of the back piece of land in the draw could be dedicated for that if needed.

Brad Hawkins-Clark stated that if all of the common lot was hillside it wouldn't meet the ordinance requirements by being accessible and usable.

Commissioner Smith stated that variances are needed.

The outstanding issues include the hillside ordinance, landscape ordinance, cul-de-sac radius and subdivision name.

Brad Hawkins-Clark stated that the landscape ordinance requires 5% of area for open space.

David Hargraves stated that the hillside may work for passive rather than usable open space. He stated that with a Notice to Proceed having been issued the hillside ordinance should no longer be an issue.

Commissioner Smith pointed out that the conditions address the issue of subdivision name.

Nissa Watts asked about the mitigation or impact fees. She stated that impact fees of \$1800 per lot were not discussed previously.

Brad Hawkins-Clark said that he doesn't believe mitigation fees were previously discussed with the Watts' and those fees aren't listed as a condition of approval.

Nissa Watts verified that lots 3 & 4 are build-able sites excluding the slope areas.

A motion was made by Commissioner Smith to accept approval recommendation from the Planning & Zoning Commission, that conditions set forth by staff apply to that approval, and that staff will work out the open space with the Watts. It was seconded by Commissioner Pratt with discussion. The hillside ordinance is not applicable to this application and the only mitigation requirement is the landscaping ordinance and the open space issue. The motion carried unanimously.

REVIEW OF MINUTES: Due to the length of the consent agenda the minutes will be further reviewed in a later meeting.

CLAIMS: A motion was made by Commissioner Smith to approve claims as approved and signed. It was seconded by Commissioner Pratt and carried unanimously.

EXIT INTERVIEW: This interview was cancelled by the interviewee.

CC&R REVIEW: The Commissioners reviewed and suggested changes to the CC&Rs for the Shadow Butte Industrial Park.

The Board recessed at 5:00 p.m. to 8:00 a.m. on January 22, 2007.

January 23, 2007

Commissioner Smith was absent from the meeting due to attendance at a Southwest District Health board meeting.

Pledge of Allegiance was said.

PLANNING & ZONING UPDATE: Brad Hawkins-Clark met with the Commissioners to discuss Planning & Zoning issues. Topics discussed included the comprehensive plan, fees and staffing for the department.

PUBLIC WALK-IN: Jake Lemon met with the Commissioners to discuss his recommendation regarding non-requested annexation for

inclusion in the Comprehensive Plan.

PROSECUTING ATTORNEY MATTERS: Prosecutors David Hargraves and Tim McNeese met with the Commissioners to discuss Prosecuting Attorney issues. Topics discussed included the street naming process, community guardian administration, background checks for prospective employees, historical preservation commission, status of wastewater agreement with the city, encroachment and right-of-way issues.

BUDGET REVIEW: The budget review was rescheduled to the February 13th meeting.

Commissioner Smith rejoined the meeting.

FAIR BOARD INTERVIEW: At 3:01 p.m. a motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to go into executive session under Idaho Code 67-2345(b) personnel with a roll call vote as follows Commissioner Smith, aye, Commissioner Pratt, aye, Commissioner Sherrer, aye.

Regular session reconvened at 1:57 p.m.

The Commissioners discussed obtaining county credit cards.

A motion was made by Commissioner Smith to obtain credit cards for the Commissioners through Wells Fargo Bank with Shelly Gannon, Clerk as the administrator of the account. It was seconded by Commissioner Pratt and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. February 5, 2007

Approved: _____
Chairman

Attest: _____
Clerk