



May 21, & 22, 2007, Emmett, Idaho

Pursuant to a recess taken on May 15, 2007, the Board of Commissioners of Gem County, Idaho, met in regular session this 21st day of May, 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:

May 17, 2007

MEADOWS AT SAND HOLLOW PUBLIC HEARING: While being tape recorded a public hearing was held at 6:33 p.m. at the Gem County Courthouse to hear a request by David Grundy for a Planned Unit Development, preliminary subdivision plat and vacation request for the Meadows at Sand Hollow. The request is for a residential development to include 72 buildable lots and 11 common lots on 312+/- acres located at the northeast corner of Oasis Road and El Paso Road.

Doug Burgey discussed the vacation request of approximately 40' varying in width along Oasis Road and dedication of a section of property along El Paso Road. Due to conflicting deeds the right-of-way currently passes through an existing house. Vacation of the proposed property corrects this. Access to the existing house would be moved to a location within the proposed subdivision.

Brad Hawkins-Clark, Planning Director, stated that all property in the vacation request is located within Gem County.

Trina Nishitani, being the owner of the existing house currently located in the right-of-way, spoke in favor of the vacation request.

Doug Burgey discussed the planned unit development (PUD) stating it would include 315 acres with 72 three plus acre lots. He discussed the trailway within the development which would include approximately 6 miles of pedestrian and equestrian trails which are designed to be assessable to all lots. He reviewed the landscaping, water features, and amenities to include picnic shelters. He stated there will be a turnaround on both sides of the pond for emergency access. Fencing types and locations, including safety fencing at the canal, were discussed. A pedestrian bridge would be placed across the canal. The applicant is proposing individual wells and septic systems with pressurized irrigation to every lot. Common areas would be maintained by the homeowners association.

Brad Hawkins-Clark clarified the PUD ordinance discussing requirements for bonus density.

The agricultural pivot located within the development being

considered open space was discussed.

Trina Nishitani spoke in favor of the PUD stating that it is a well laid out plan with lots of view.

Steve Chadwick is opposed to the PUD. He wonders if the next subdivision in the area will be allowed to have 3 acre lots also. He is concerned about barbed wire fencing being equestrian friendly. He feels that High Terrace Way located in the development is fairly flat and could be developed.

Commissioner Pratt stated a concern with the lack of amenities.

Cathy White stated her concerns with the development being that the corner of Oasis Road and El Paso Road is a dangerous intersection, there is a gas plant in the area, the nitrates that could be added to the ground water with the large number of lots, over-fertilization of lawns and septic systems and having barbed wire around horses.

Doug Burgey stated that an area would be created for a bus stop avoiding the intersection at Oasis and El Paso Roads. Fencing was further discussed.

David Grundy stated that High Terrace Road will be stubbed through per request by Development Services and no part of the project exceeds 6% grade. He said the amenities are designed to ensure what is there can be maintained long-term keeping fees low.

Doug Burgey presented the preliminary plat. Turn Lane Design at the Intersection of El Paso and Oasis Roads for The Meadows at Sand Hollow PUD was presented and entered into the record as Exhibit A. Requested changes to the P & Z Recommendations regarding the Meadows at Sand Hollow Preliminary Plat and PUD applications were presented and entered into the record as Exhibit B.

There was discussion about drainage swales.

In rebuttal to concerns stated in opposition, David Grundy stated the gas plant is a pump station for distribution elsewhere. The lot sizes were kept with 3 acre minimums to help with the nitrate concerns.

There was discussion about intended uses of the agricultural pivot area and it's inclusion in the common area requirements.

Items presented and entered into the record included: an email from Rosemary Thomas stating that the Bureau of Land Management has no opposition to the bridge over the canal as long as it is fully on private property as Exhibit C, emails from Mark Coombs and Trina Nishitani in response to a concern stated during the Planning & Zoning Commission public hearing regarding standing water on the site was entered as Exhibits D and E and a Ground-Water Supply Assessment for the Meadows at Sand Hollow as Exhibit F.

Brad Hawkins-Clark showed site photos, reviewed the phasing plan and showed sample home elevations. There will be no affordable housing options in this development.

There was discussion regarding design of the intersection at Oasis and El Paso roads and speed limits. Commissioner Smith stated that El Paso, being the second most used roadway in Canyon

County District #4, should be kept at the current speed limit and the development should design the roadway to allow El Paso to remain at the current speed so that current traffic flow isn't disrupted.

There was discussion regarding the testing of wells and the equipment expected to be used in the pivot area.

A motion was made by Commissioner Pratt to continue the hearing to June 11th at 2:00 p.m. It was seconded by Commissioner Smith and carried unanimously.

May 21, 2007

Pledge of Allegiance was said.

RIVER VALLEY PRELIMINARY PLAT: While being tape recorded a public hearing was held to hear a preliminary subdivision plat request by Toothman-Orton Engineering for 13 buildable lots on 71+/- acres in the A-2, Rural Transitional Agriculture zone, located at 2413 W. Salesyard Road.

Pat Colwell presented the project.

Brad Hawkins-Clark stated there is no rezone needed for this project. He showed a vicinity map reviewing the property involved. He said the 60' right-of-way was changed to 80'. Common area and possible administrative splits were discussed.

Pat Colwell stated that the Preliminary Plat currently includes 13 lots with one lot unplatted.

The Commissioners would like to see the unplatted lot included in the subdivision.

Brad Hawkins-Clark presented site photos and reviewed conditions recommended by the Planning & Zoning Commission.

Speed limits and roadway standards, compliance with a condition regarding parks and public facilities within Gem County and street name concerns in a letter from John Henderson were discussed as well as bus stop location and fire hydrant location.

There is no affordable housing expected in the subdivision. Right-of-way in regards to location of a current ditch was discussed.

There was no public comment in favor, neutral or against the project.

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

A motion was made by Commissioner Smith to approve the River Valley Subdivision Preliminary Plat as recommended by the Planning & Zoning Commission with the exception that item #1 be modified to delete the word maintenance, concerning the mitigation fee, so that it says "intended to cover future improvements of the public roadway system". That the Board will grant the waiver as contemplated in the recommendations from the Planning & Zoning Commission becoming effective upon signing of the decision and order. An additional item will be added in the conditions that incorporates parcel E into the subdivision. It was seconded by Commissioner Pratt and carried unanimously.

INDIGENT HEARING 07-011: At 10:04 a.m. a motion was made by Commissioner Pratt, 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, Commissioner Pratt, aye, Commissioner Smith, aye.

While being tape-recorded during executive session, an indigent appeal hearing was held for 07-011. Those present were Commissioners Pratt, Sherrer, and Smith, Deputy Clerk Leandra Rountree, Deputy Clerk Tiffani Sulgrove, and Deputy Prosecutor Hargraves. Documents entered into the record included: chart notes as exhibit A, medical timeline as exhibit B, additional billings as exhibit C, and Idaho Code 31-3511(3) as exhibit D.

Regular session reconvened at 10:26 a.m. The Commissioners will take the information under advisement and will hold further discussion on June 4th.

At 10:30 a.m. 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) regarding possible litigation with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye, Commissioner Smith, aye.

Regular session reconvened at 10:33 a.m.

INDIGENT APPLICATIONS: At 11:34 a.m. a motion was made by Commissioner Pratt, 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, Commissioner Smith, aye, Commissioner Pratt, aye. Deputy Clerk Tiffani Sulgrove presented the following indigent applications:

07-013	Sign Release of Statutory Lien.
07-016	Sign Release of Statutory Lien.
07-021	Medical Application.
07-022	Medical Application.
07-026	Medical Application.
07-028	Medical Application.
07-029	Medical Application.
07-030	Medical Application.
05-058	Payoff letter.

After reconvening in regular session, Commissioner Pratt made a motion to sign release of statutory lien for 07-013 and 07-016, to deny 07-021 because the applicant is not indigent and has other resources, deny 07-028 because the applicant is not indigent and failure to cooperate, deny 07-029 because the applicant is not indigent and failure to cooperate, approve 07-022, 07-026, 07-030, and sign payoff letter for 05-058. It was seconded by Commissioner Smith and carried unanimously.

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

CONSENT AGENDA: A motion was made by Commissioner Pratt to approve items C. Parametrix Payment #9 for Dewey Road Extension Study, D. Crisp Minor Subdivision Decision and Order, E. Zoning Ordinance 2007-04, F. Christina Fout Rezone Decision and Order, G. Gem County Sports Complex Agreement with the Recreation District, H. Ordinance 2007-05 and Dean Charters Rezone Decision and Order and I. Ordinance 2007-06 and Matthew Johnston Rezone Decision and Order and remove items A. Picone Minor Subdivision and B. Pleasant View/Kyle Rex Minor Subdivision. It was seconded by Commissioner Smith and carried unanimously.

Picone Minor Subdivision was discussed. Wendy Akins stated she met with Kim Reed, with the Road Department, he is requesting a 40' right-of-way to the north of the easement in addition to the 40' from centerline. 40' would go into the existing house and take the well out. Access to Dewey Road and setback requirements were discussed.

A motion was made by Commissioner Smith to approve the subdivision contingent upon acquisition of a 40' right-of-way from centerline of Dewey Road and a requirement for a 100' setback for any improvements off of Bill Burns. It was seconded by Pratt with discussion. Modification to Exhibit A recommendation by the Road Department and contingent upon signing of the decision and order was included in the motion. It carried unanimously.

Commissioner Pratt stated she is satisfied posting has been done correctly for the Pleasant View/Kyle Rex Minor Subdivision.

A motion was made by Commissioner Pratt to approve the minor subdivision for Kyle Rex, the name of the subdivision is Pleasant View, contingent on the decision and order being signed. It was seconded by Commissioner Smith and carried unanimously.

REVIEW OF MINUTES: The minutes of May 14 & 15, 2007 were reviewed. Commissioner Pratt made a motion to approve the minutes as reviewed and corrected. It was seconded by Commissioner Smith and carried unanimously.

REVIEW OF CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Pratt to approve the claims as approved and signed on the individual claim forms. It was seconded by Commissioner Smith and carried unanimously.

TRACY BLAMIREs-COUNTY ISSUES: Mr. Blamires didn't meet with the Commissioners.

CAPITAL IMPROVEMENT PLAN DISCUSSION/ADOPTION: Erv Olen from Parametrix met with the Commissioners to discuss the Capital Improvement Plan.

GROUNDWATER STUDY DISCUSSION: Russ Manwaring with RC&D and Sheryl Stelling with the Gem Soil & Water Conservation District met with the Commissioners to discuss a groundwater study.

ALCOHOLIC BEVERAGE LICENSE FOR TRIANGLE T RANCH: The Commissioners continued the request for Triangle T Ranch for an alcoholic beverage license to have the applicant present as required by Idaho Code.

May 22, 2007

Pledge of Allegiance was said.

Commissioner Smith was absent from the meeting to attend the budget hearing for Southwest District Health.

ROAD DEPARTMENT UPDATE: Kim Reed, Road Department Supervisor, met with the Commissioners to provide an update on road department activities. Topics discussed included: working with Co-op Canal Company in regards to right of ways on Bill Burns Road, the Industrial Park, their water truck, and the 2008 budget.

PLANNING & ZONING UPDATE: Brad Hawkins-Clark, Planning Director, met with the Commissioners to discuss Planning & Zoning matters. Topics discussed included: Darnell Road dedication discussion with Brad Hawkins-Clark, Kim Reed, John Henderson, Kyle Stratton, & John Evans.

PUBLIC WALK-IN: Becky Reynolds and Lee Rigdon met with the Commissioners to discuss a delinquent account for the Letha Sewer District that they would like to have put on the County tax rolls.

Tracy Helget-Jones met with the Commissioners to discuss issues with the Letha Sewer District.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutor David Hargraves met with the Commissioners to discuss Prosecuting Attorney matters.

A motion was made by Commissioner Pratt to add Equity 1 Appeal of Planning & Zoning Commission's Denial of Application for Special Use Permit Decision and Order on Second Appeal to the agenda. It was seconded by Commissioner Sherrer and carried.

A motion was made by Commissioner Pratt to adopt Equity 1 Decision & Order. It was seconded by Commissioner Sherrer and carried.

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

The Board recessed at 5:00 p.m. to 8:00 a.m. on May 21, 2007.

CLAIMS FOR THE FOLLOWING FUNDS WITH WARRANTS WRITTEN April 1 through April 31, 2007:

CURRENT EXPENSE FUND	\$ 243,727.48
ROAD & BRIDGE FUND	136,898.91
CIGARETTE TAX/BLOCK GRANT	5,724.17
DISTRICT COURT FUND	15,257.69
COUNTY FAIR	15,000.00
COUNTY JUSTICE FUND	194,215.58
FAIR, GROUNDS & BUILDINGS FUND	6,056.45
HEALTH DISTRICT	6,250.00
INDIGENT	42,616.54
JUNIOR COLLEGE	4,150.00
ENHANCED 911	16,050.20
REVALUATION FUND	14,034.90
SOLID WASTE FUND	29,470.32
NOXIOUS WEED FUND	32,655.27
WATERWAYS	23.03
INSURANCE POOL	9,618.05
AMBULANCE FUND	<u>17,860.57</u>
TOTAL	\$ 789,609.16

Approved: _____
Chairman

Attest: _____
Clerk