



June 16 & 17, 2008, Emmett, Idaho

Pursuant to a recess taken on June 10, 2008, the Board of Commissioners of Gem County, Idaho, met in regular session this 16th day of June, 2008, 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:

June 16, 2008

**WOODS RANCH PRELIMINARY PLAT PUBLIC HEARING:** A public hearing was held to hear a request for a Preliminary Subdivision Plat by Landmark Engineering for Woods Ranch Subdivision for approval of 25 buildable lots on 132 +/- acres located on West Highway 52 and Morehouse Road.

Clint Boyle discussed the application. The PUD was brought before the board approximately a year ago. A portion of the property has been closed on. A scaled back version with 25 5+ acre lots proposed is now being presented. A color layout of the new configuration of the proposed subdivision was presented as Exhibit A. extended treatment program systems will be set up on all of the lots. An emergency access easement will be constructed to support fire apparatus. Roadway improvements will be made on Morehouse Road including both the frontage and the portion that extends to the highway. Elevation of the bank of the Seven Mile Slough on lot 15 to accommodate potential flooding was discussed. A landscape easement to be maintained by the homeowners association will be included along Highway 52 and Morehouse Road. Idaho Transportation Department is not requiring a noise buffer. Recognizing the transportation impacts, the developer agrees to the fees provided in the Capital Improvement Program and understands they will receive credits for the offsite improvements on Morehouse Road. The subdivision is not significantly further away from the Letha sewer lagoons.

Preservation of right of way on Wagon Wheel Drive as well as Highway 52 improvements was discussed as well as maintenance of the piped portion of the irrigation system

from Columbia Ditch.

Second pages of letters previously received from John Henderson, Gem County Map Technician, and Gregory Martinez, Regulatory Project Manager Army Corp of Engineers were added to the record.

The emergency access easement isn't a private road and would be used for emergency vehicles only; it would not be used for any general use. It is part of a common lot that would be maintained by the homeowners association. It won't be paved but will have the appropriate base.

Fencing was discussed. The Commissioners were not in favor of vinyl fencing.

Adding a statement to the CC&Rs acknowledging the proximity of the highway was requested by Commissioner Sherrer.

Irrigation will pump from the drain ditch rather than the slough itself.

Brad Hawkins-Clark, Development Services Director, reviewed the application, the Planning & Zoning recommendation and provided site photos.

Road standards with regards to Morehouse Road were reviewed and discussed. The developer has attempted to acquire the Ratcliff property for right of way purposes.

Stephanie Oxley spoke in favor of the application. Irrigation has been discussed many times. The developer has assured her that current resident's legal irrigation rights will be preserved. She reviewed the current irrigation system and the environmental impact to the area. She stated that more humans and horses in the area will provide increased risk for the West Nile virus. Being an extremely low area the water table is high during irrigation. She noted the high number of properties for sale in the area as well as stating that not one current resident has spoken in favor of the development. She discussed alternatives for a connector from Idaho Blvd. to Highway 16.

Steps taken to prevent drain blockage and maintenance under the roadway to be done by the homeowner's association was discussed.

Clint Boyle summarized the application.

Discussion will continue July 23, 2008 at 10:00 a.m.

**DISHION ENTERPRISES QUARTERLY REPORT:** Wade Dishion met with the Commissioners to review the adult probation quarterly report. Community service was also discussed.

**INDIGENT APPLICATIONS:** At 11:29 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) for indigent matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.

08-017 Notice of Hearing  
08-035 Notice of Statutory Lien  
08-036 Notice of Statutory Lien  
08-037 Notice of Statutory Lien  
08-037 Non-Medical Application  
08-038 Non-Medical Application

After reconvening in regular session at 11:50 a.m., Commissioner Smith made a motion to sign Notice of Hearings for 08-017; sign Notice of Statutory Lien and N1 Lien as applicable for 08-035 and 08-036; sign Notice of Statutory Lien and approve 08-037; deny 08-038 because the applicant was non-cooperative, incomplete application, the county is not the last resource and unable to determine indigency. 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 from the meeting.**

**CONSENT AGENDA:** The Consent Agenda included items A. A. Ralph Gurney Minor Subdivision Decision & Order, B. Haymaker Minor Subdivision Decision & Order, C. Elsie Estates Minor Subdivision mitigation agreement consideration and D. Elsie Estates Minor Subdivision Decision & Order. A motion was made by Commissioner Smith to approve items A. and B. on the consent agenda and remove items C. and D. for discussion. It was seconded by Commissioner Sherrer and carried unanimously.

After review of the Decision & Order for Elsie Estates Minor Subdivision and the letter from Brad Webb requesting consideration of the mitigation fees those items were discussed.

**Commissioner Pratt rejoined the meeting.**

Discussion regarding mitigation fees continued. A

motion was made by Commissioner Smith to approve the Decision & Order for Elsie Estates Minor Subdivision. It was seconded by Commissioner Pratt and carried unanimously.

(The mitigation fees are included in the Decision & Order for Elsie Estates Minor Subdivision.)  
*Commissioner Sherrer signed the final plat and mitigation agreement for Shipman Acres Subdivision.*

**INDIGENT HEARING 08-012:** At 2:05 p.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) for indigent matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.

In addition to the Commissioners, those in attendance included Rhonda Walters representing the hospital, Brian Nichols and Dillon Eaton attorneys for the hospital, David Hargraves, Deputy Prosecutor and Diane Wright Deputy Clerk.

Rhonda Walters spoke regarding the application.

The case file was entered as Exhibit A, updated information as Exhibit B and information submitted by the hospital after the initial determination as Exhibit C.

Brian Nichols discussed the necessity of care.

Regular session reconvened at 2:40 p.m.

A motion was made by Commissioner Pratt to direct counsel to draft a decision and order upholding our denial. It was seconded by Commissioner Smith and carried unanimously.

**BLACK CANYON PARTNERS REQUEST FOR TIME EXTENSION**

**DISCUSSION:** Deputy Prosecutor David Hargraves stated since this application came under the old ordinance the decision to allow a time extension for the final plat should go to the Planning & Zoning Commission rather than the Board of County Commissioners. Since the request came in before the expiration date David stated they would be ok to get on the agenda for the next Planning & Zoning Commission meeting even though the extension will expire prior to that meeting.

**APPROVAL OF MINUTES:** The minutes of June 9 & 10, 2008 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of June 9 & 10, 2008 as amended. It was seconded by Commissioner Smith and carried unanimously.

**BUDGET WORKSHOP:** The Commissioners and the Clerk reviewed

and discussed the FY2009 Budget.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on June 17, 2008.**

**June 17, 2008**

**SHADOW BUTTE DEVELOPMENT CORPORATION:** Commissioner Pratt attended a Shadow Butte Development Corporation meeting.

**LOCAL EMERGENCY PLANNING COUNCIL MEETING:** Commissioners Smith & Sherrer attended a Local Emergency Planning Council meeting.

**Commissioner Pratt was absent from the meeting due to attendance at a Western Idaho Community Action Program meeting.**

**PUBLIC WALK-IN:** Shawn Charters met with the Commissioners to discuss available lots at the Shadow Butte Industrial Park.

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

**ELECTED OFFICIALS LUNCHEON:** The Elected Officials met for lunch at the Toadstool Station Café. Those in attendance included Commissioners Sherrer and Smith, Clerk Gannon, Assessor Himes, Treasurer Goins and Coroner Buck.

**BUDGET WORKSHOP:** The Commissioners and the Clerk reviewed and discussed the FY2009 Budget.

**Commissioner Pratt rejoined the meeting.**

**The Board recessed at 5:00 p.m. to 8:00 a.m. on June 23, 2008.**

Approved: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk