



October 6 & 7, 2008, Emmett, Idaho

Pursuant to a recess taken on September 29, 2008, the Board of Commissioners of Gem County, Idaho, met in regular session this 6th day of September, 2008, at 8:00 a.m.

Present:	Michele Sherrer	Chairman
	Lan Smith	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

October 6, 2008

Commissioner Pratt was absent from the meeting due to attendance at a Resource Conservation & Development Conference.

AVIMOR FIRE DISTRICT ANNEXATION DISCUSSION/DECISION: In order to allow for further research into legalities of this process this discussion was continued to October 20, 2008 at 9:00 a.m.

SET POLLING PLACES FOR 2008 GENERAL ELECTION: The polling places were reviewed. The Clerk stated that three precincts have changed. The LDS Church in Letha is being remodeled and may not be completed by the election. The two precincts that vote there have been moved for this election. The Hanna precinct has been moved to the LDS Stake Center. A letter was sent to the registered voters in that precinct advising them of that change. The Letha precinct will be held at the Letha Fire Station. The Library also has some re-construction issues, the Butteview precinct will be changed to the Community Bible Church.

A motion was made by Commissioner Smith to adopt the precinct polling places as provided by the Clerk. It was seconded by Commissioner Sherrer and carried unanimously.

QUARTERLY JAIL INSPECTION: Deputy Clerk Leandra Rountree accompanied as Commissioner Sherrer conducted the quarterly jail inspection.

INDIGENT APPLICATIONS: At 11:37 a.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(1)(d) for indigent matters with a roll call vote as follows: Commissioner Smith, aye, and Commissioner Sherrer, aye.

08-048 Medical Application
08-049 Medical Application
08-057 Medical Application

After reconvening in regular session at 11:53 a.m., Commissioner Smith made a motion to deny 08-048 because the applicant is not a resident, Gem County is not the obligated county, lack of cooperation, and the county is not the last resource; deny 08-049 because the applicant is not indigent and the county is not the last resource; and deny 08-057 because the Board of Gem County Commissioners has no jurisdiction when the Magistrate Court must determine the responsible party in a Cost of Commitment Proceeding. It was seconded by Commissioner Sherrer and carried unanimously.

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

CONSENT AGENDA: The Consent Agenda included items A. Certification of residency for Kyle Tilton, B. Ada County Pathology Services Agreement, C. Gem County Resolution 2009-01 authorizing the borrowing of funds from the Solid Waste Fund to the General (Current Expense) Fund, D. Gem County Resolution 2009-02 adopting amendments to the Functional Class Map (Gem County Roadway Capital Improvement Program October 2007) and E. Shadow Butte Industrial Park Phase 1 Roadway Improvements Asphalt change order #3 and payment application #4. A motion was made by Commissioner Smith to approve the consent agenda items A - E. It was seconded by Commissioner Sherrer and carried unanimously.

APPROVAL OF MINUTES: The minutes were not approved this week.

BLACK CANYON PLANNED COMMUNITY TIME EXTENSION REQUEST: A public hearing was held to hear a request by Black Canyon Partners, LLC for a time extension to the Black Canyon Planned Community Specific Plan, specifically for Condition of Approval #2 requiring the improvement of Frozen Dog Road from the intersection of Plaza Road to the Black Canyon Canal to be completed by November 1, 2008.

Susan Wildwood spoke on behalf of Black Canyon Partners requesting an amendment to the plan to extend the date of completion to May 1, 2009. A neighborhood meeting has been held. She reviewed a project task list for the Frozen Dog Road Improvement Project discussing completion dates. Weather concerns were discussed. Moving resident mailboxes along Frozen Dog Road to allow for the improvements was also discussed.

Dominic Brown with Murray Smith and Associates reviewed engineering plans for the road to provide a sense of the impacts of a minor collector. Copies of these plans will be provided to be included in the record. Irrigation ditches and storm water runoff was discussed. He felt this is 2 weeks out from final design.

From Dominic's roadway discussion, Commissioner Smith stated concerns about deviating from current roadway standards. In response, Susan Wildwood stated that the county doesn't have title to the road but rather a prescriptive easement. They are trying to fit within the easement. Commissioner Sherrer stated that this public hearing would be only to consider the request for time extension. Susan stated they are trying to provide reasons for delays.

Irrigation system completion prior to April 1st was discussed to allow for irrigation water being opened up on April 15th.

Brad stated that the Planning & Zoning Commission did allow for an extension for the entire Preliminary Plat. The Board decides for the planned community. The ordinance doesn't say anything about extensions, which is the reason there isn't a staff report. Surface design would be to county standards, it would only be the width that would need to vary.

No members of the public spoke in favor, neutral or in opposition.

Walter Smith asked if there would be a public hearing regarding the deviation from the road standards. Commissioner Smith stated that in order to deviate from the standards at the time of approval of the conditions of approval a public hearing would be required. Brad Hawkins-Clark stated that if there is a change in a condition the ordinance would require a hearing. He suggested that the record would need to be reviewed to determine what was stated in the approval. Walter stated concerns that standards rather than common sense would be used. He would not want to lose his rose garden in order for standards to be met.

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

Commissioner Smith stated concerns about the project not being done on schedule. He feels that for the benefit of the county it is important to get it done. A motion was made to allow an extension contingent upon approval of a timeline that is submitted in the future. It was seconded by Commissioner Sherrer and carried unanimously.

MERRILLS REZONE AND DEVELOPMENT AGREEMENT PUBLIC HEARING

CONTINUATION: A public hearing continued from September 8, 2008 to hear a rezone and development agreement request by Galan Merrill to rezone 400 +/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional. The development agreement request includes a conceptual site plan, certain types of allowed uses and a project schedule for future development of the property located at 3610 Star Lane.

Commissioner Sherrer read the notice. Exhibits D - K were read into the record. Commissioner Pratt entered the minutes of the Planning & Zoning hearing held on August 11, 2008 into the record as item L. Commissioner Smith stated that although he had not been present at the previous hearing he has listened to the recording and has reviewed the materials.

Sean Merrill spoke in support of the project stating it is a large piece of property they are trying to develop in the right way to bring revenue into the community as well as nice amenities. He stated that Emmett has no subdivisions in line with this and feels it would draw people looking for this type of place to live. He said there would be many 5 acre parcels in the development.

Wyndy McGinley spoke in opposition to the development. She stated she was new to the area and discussed places she has lived. She said there is uniqueness to the South Slope area having orchards and 5 acre parcels, stating that Eagle has a feeling of money. She said that subdivisions such as this have strict rules. Currently she can see the Butte and bales of hay. She said she can hear the high school football game announcer from her home. She said 1 acre parcels and a gravel pit would ruin the current feel. She believes in personal property rights but also in being smart. She talked about Kansas school districts and subdivisions. She stated we need to take pride in and promote Emmett's uniqueness.

Kevin Dubrava spoke in opposition of the development.

He discussed the water table and traffic concerns stating that Emmett needs to grow evenly rather than having large subdivisions.

Commissioner Smith discussed the Future Land Use map that shows that eventually there could be 1 acre lots in that area. He said this Planned Unit Development provides an opportunity for development with controls.

Laurie Vaughn spoke in opposition of the development. She said that when Sawyer dug in the area many people lost their wells within a couple of months. She added that he did make it right. The dewatering process was discussed.

Suzie Benkstein spoke in opposition of the development. She stated that an FAA study needs to be done due to the proximity to the airport. She also said that a road study and a run off study need to be completed. She said the comprehensive plan has 3 zones requiring growth outward from the city. She wondered how a home would be built with water 18" below ground. She said this subdivision would take away from what is loved in the area. She said she agrees with a statement Nancy Merrill has made saying that hopscotch zoning isn't good for Emmett.

Holger Uhl spoke in opposition of the development. He said it doesn't fit with the comprehensive plan which says growth should start at city center radiating outward. He said this development doesn't start from the city center.

Lara Goers spoke in opposition of the development. She said she has spoken with Nancy Merrill and had many of her concerns addressed. She would like to see noise mitigated. She would also like to see night skies kept intact and would like transitional housing included.

Mark Rekow, Gem County Emergency Medical Services Director, spoke neutrally regarding the impact the development would have on emergency medical services. He discussed transport statistics and stated that they receive calls at a rate of about 65% for residents in assisted living. He estimated the impact of the development would be 70 calls annually which would result in a greater demand on staff. He stated that capacity is currently stretched to the limits. Formation of a taxing district was discussed. Currently EMS operates on fees for service. The need for additional staff, equipment and facilities was discussed.

Nancy Merrill stated that they are trying to provide an opportunity for diverse housing called for in this area in the comprehensive plan keeping a rural feel. She stated that South Slope is a very beautiful place to live. She said living on a hill allows for a beautiful view but also

brings noise. A rezone is proposed with a development agreement allowing stricter and stronger conditions. She said that Idaho Water Resources oversees groundwater and wells. Groundwater would be mitigated to ensure that landowners have the same water conditions they currently have. Water and sewer would be brought to the area. The sewer agreement planned for the future in allowing services for not only this property but also surrounding properties. A central water system was planned for, consolidating services. The Planned Unit Development (PUD) would allow for a variety of lot sizes. A traffic impact study will be offered. An easement for future road improvements has been agreed to. She stated that the concept plan shows one big lake, in reality there would be a series of smaller lakes that will not be deep, keeping extraction minimal. She stated that 80-85% of extraction will be used in the infrastructure of the development. Nancy stated that they agree there need to be limitations on lights, low sodium down lighting should be used through the entire subdivision. She stated that construction is part of growth. In order to bring growth to the valley we need quality subdivisions. She discussed an increase to the tax base, levies and growth paying its way. She discussed existing uses in the area including the stock yard, gravel pit and sales yard. She said the homes around the lakes will serve as buffers for noise. She discussed equestrian, water and pathway recreation within the development. She said the mosquito abatement letter points out that the tax base of the developed property will provide more revenue for services than the property does in its current agricultural state. She stated that a development agreement didn't have to be done, they wanted the neighbors and community to know that they care about what happens on the land. They don't want to bring Eagle to Emmett, they want to maximize on what Emmett already has.

Commissioner Smith stated he wants to see control of water issues stay within Gem County rather than being handled by the Idaho Department of Water Resources.

The record remained open as the Commissioners began discussion.

Commissioner Smith said the development agreement would need to be ironed out before he would be in favor of approving anything. He discussed controls allowed in the PUD process.

Commissioner Pratt stated she would like to see a traffic study at Salesyard and Airport Roads. She agrees issues in the development agreement need to be addressed.

The Commissioners reviewed the development agreement identifying their points of concern for later discussion. October 14, 2008 at 3:00 p.m. was set for discussion and possible decision. The record remained open to allow for information to be brought in to address questions the Commissioners might have.

The Board recessed at 5:00 p.m. to 8:00 a.m. on October 7, 2008.

October 7, 2008

Commissioner Smith was absent from the meeting due to attendance at a hospital committee meeting.

ROAD DEPARTMENT UPDATE: Kim Reed, Road Department Supervisor, met with the Commissioners to discuss Road Department issues.

Commissioner Smith rejoined the meeting.

PLANNING & ZONING UPDATE: Brad Hawkins-Clark, Development Services Director, met with the Commissioners to discuss Planning & Zoning matters.

PUBLIC WALK-IN: There were no members of the public that met with the Commissioners.

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

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

ADMINISTRATIVE TIME: The Commissioners worked on administrative matters.

The Board recessed at 5:00 p.m. to 8:00 a.m. on October 14, 2008.

Approved: _____
Chairman

Attest: _____
Clerk

