



January 24 & 25, 2010, Emmett, Idaho

Pursuant to a recess taken on January 18, 2011, the Board of Commissioners of Gem County, Idaho, met in regular session this 24th day of January, 2011, at 8:00 a.m.

Present:	Sharon Pratt	Chairman
	Lan Smith	Commissioner
	Michele Sherrer	Commissioner
	Leandra Rountree	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

January 24, 2011

The Pledge of Allegiance was said.

Commissioner Smith made a motion to add the EECGB Grant time extension to the consent agenda as item I. due to time constraints. It was seconded by Commissioner Sherrer and carried unanimously.

At 9:16 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)(b) for personnel matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Smith, aye, and Commissioner Pratt, aye.

Regular session reconvened at 9:26 a.m.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) UPDATE - PETE WAGNER

: Julia Achabal and Michael McCurdy with The Department of Environmental Quality met the Commissioners to provide an update and discuss a new project. Nitrate areas in Gem County were discussed.

Julia Achabal discussed a Ground Water Quality Improvement and Drinking Water Source Protection Plan. She explained that DEQ wanted to provide a document that can be used at the County level to assist local officials in making land use decisions. The plan would be specifically molded for Gem County and would provide water resource information for Gem County. Julia provided an example plan for Ada County.

Planning Director Brad Hawkins-Clark will work with

DEQ to help develop a plan for Gem County.

INDIGENT APPLICATIONS: At 11:03 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) for indigent matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Smith, aye, and Commissioner Pratt, aye.

11-027	Medical Application
11-029	Medical Application
11-032	Notice of Lien

After reconvening in regular session at 11:22 a.m. a motion was made by Commissioner Sherrer to hold 11-027, deny 11-029 applicant is not medically indigent, not the last resource, and lack of cooperation, and sign statutory and N1 liens as applicable on 11-032. It was seconded by Commissioner Smith and carried unanimously.

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

CONSENT AGENDA: Items on the consent agenda included A. Gem County Senior Center Request for Funds #6, B. Dale Reynolds Zoning Commission Resignation, C. Appointment of Jim England to the Gem County Fair Board, D. Appointment of Earl Defur to the Hospital Board, E. Gem County Fire District #2 fee waiver request for building permit fees and zoning certificate fees, F. Boy Scouts of America Island reservation for June 4, 2011, G. Affidavit of legal interest for portion of Walter Knox Memorial Hospital property annexation, H. Certificate of Residency for Zane Robertson, Wanda Brock, Geri Ferguson, Jennifer Libengood, Mara Stelzried, Julie Alexander, Kathy Kalac, and Jack Sigman, and I. EECGB Grant time extension.

A motion was made by Commissioner Sherrer to approve items A. through I. It was seconded by Commissioner Smith and carried unanimously.

MINUTES: The minutes of December 20 & 21, 2010 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of December 20 & 21, 2010 as amended. It was seconded by Commissioner Pratt and carried unanimously.

The minutes of December 27, 2010 were reviewed. A

motion was made by Commissioner Smith to approve the minutes of December 27, 2010 as amended. It was seconded by Commissioner Pratt and carried unanimously.

The minutes of January 3 & 4, 2011 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of January 3 & 4, 2011 as amended. It was seconded by Commissioner Smith and carried unanimously.

CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Smith to approve the claims as submitted. It was seconded by Commissioner Pratt and carried unanimously.

GEM COUNTY SENIOR CENTER PUBLIC HEARING: A public hearing was held for the Gem County Senior Center Idaho Community Development Block Grant. Grant Administrator Shawn Charters was present. There were no members from the public present and no written testimony has been received. Commissioner Pratt read the public hearing notice. The total funds spent, balance of funds available, and construction schedule was reviewed. Public comments will be taken until Monday January 31, 2011.

The Board recessed at 5:00 p.m. to 8:00 a.m. on January 25, 2011.

January 25, 2011

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

ROAD DEPARTMENT UPDATE: Road Department Supervisor Kim Reed and a representative from Tele Trac met with the Commissioners. They explained that their company manages vehicles to help them run more efficiently. Their system tracks, locates, & monitors vehicles in real time.

Kim discussed projects he is currently working on. Topics discussed included the Bissel Creek project and the mitigation grant.

DEVELOPMENT SERVICES UPDATE: Planning Director Brad Hawkins-Clark, Elsa MacDonald with the Community Transportation Association of Idaho, Walt Satterfield with Compass, and Shawn Charters met with the Commissioners to discuss a potential grant for a park and ride.

PUBLIC WALK-IN: There were no members of the public to meet with the Commissioners.

PROSECUTING ATTORNEY: Prosecuting Attorney Dick Linville and Deputy Prosecuting Attorney Tim McNeese met with the Commissioners to discuss legal matters. Topics discussed included the Board of Community Guardians and the personnel policy.

The Commissioners recessed at 12:00 p.m. for lunch to reconvene at 1:30 p.m.

Commissioner Smith returned to the meeting.

LOUCKS APPEAL HEARING DISCUSSION POSSIBLE DECISION: While being tape recorded the Commissioners discussed the Loucks Appeal Hearing.

Commissioner Pratt welcomed everyone and explained the process. The Commissioners all stated that they had received ex-parte communication from an e-mail sent by Michell Schneider, but each of them deleted it.

Each finding was discussed to see if there were any further issues. The nine standards for Special Use Permits were reviewed.

Item A. (Will in fact, constitute a special use as established in the schedule of zoning regulations) was discussed. The Commissioners stated that they all agree with the Zoning Commission that this does comply.

Item B. (Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this title) was discussed.

Commissioner Sherrer stated that she broke down the requirements. She stated that she reviewed the Comprehensive Plan and came to the conclusion that it is not harmonious with the general objectives of the comprehensive plan. She stated that it did comply with the Economic Development chapter of the Comprehensive Plan but, it did not comply with the Zoning Ordinance. She stated that she felt it did comply with item B. because it did comply with the specific objectives of the Comprehensive Plan.

Commissioner Smith discussed potential impacts and burdens on area homeowners as well as the type of development. He also reviewed the definition of the A2 zone as well as the mixed planned development area and the residential priority growth area. The predominant use of

the area was reviewed.

The Commissioners discussed the allowed uses according to the zoning matrix chart as well as conditions of approval.

The Buchert Schwers and Sawyer Special Use Permits were discussed as well as the Merrill's Planned Unit Development.

Commissioner Pratt discussed the Zoning Commission decisions as well as the predominant use of the area.

Commissioner Sherrer reiterated that she feels the Zoning Commission erred in their decision on item B. and feels that the application does comply with item B.

Commissioner Smith stated that he feels the application does not comply with item B.

Commissioner Pratt stated that she agrees with Commissioner Sherrer and that it would comply. One of her concerns is the approval of the extraction operation to the west of this project.

Commissioner Smith also discussed property rights, the vicinity of neighbors, and expectations of the application.

Item C. (Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area) was discussed.

The character of the area, noise, electric pumps, view obstructions, potential conditions, and previous applications were all discussed.

Commissioner Pratt stated that the essential character of the area has not been changed simply by the application, but some of the decisions on previous applications by the Zoning Commissions may have already changed the character.

Commissioner Sherrer reviewed her findings and discussed the current land use, zoning designation, and comprehensive plan designation of the area. She believes that the application will change the existing and intended character of the area and does not believe that it can be mitigated. She stated that she agrees with the Zoning Commissions recommendation in that the condition cannot be met.

Commissioner Smith stated that the County has the opportunity to preserve the intended use of the area at this time, but he's not sure if we have the opportunity if this application is approved as proposed.

Item D. (Will not be hazardous or disturbing to existing or future neighboring uses) was discussed.

Commissioner Sherrer stated that after considering the record she does find it to be hazardous. Property values, health hazards, dust creation, constant noise, groundwater, and wells were all discussed. She stated that after reviewing the testimony and written documentation that the proposed application use will be both hazardous and disturbing to both the existing and future neighboring uses.

Commissioner Smith stated that he agrees with Commissioner Sherrer but believes that we do have the opportunity by monitoring wells to see if the groundwater is being affected. He also believes that dust can be mitigated to a degree.

Commissioner Pratt stated that she feels that there is some potential hazard with this type of operation including contamination of the aquifer. Property values, ponds, dust, water, air quality, and aquifer contamination were all discussed. Commissioner Pratt stated that she is struggling to see what the difference between this application and the Buchert Schwerts application that was approved.

In regards to the remaining standards of approval the Commissioners agreed with the Zoning Commissions decision that with conditions or mitigation the application would comply with the remaining five standards.

Item C. was discussed further. Commissioner Pratt stated she feels that the application can comply. Commissioners Sherrer and Smith both stated that they do not feel that it can comply.

A motion was made by Commissioner Smith to deny the appeal application of Loucks Special Use Permit application based on the applicant can not comply with C. of the criteria for Special Use applications as discussed in our deliberations. It was seconded by Commissioner Sherrer. Commissioner Smith, aye, Commissioner Sherrer, aye, and Commissioner Pratt, nay.

The Board recessed at 5:00 p.m. to 8:00 a.m. on February 1, 2011.

Approved: _____
Chairman

Attest: _____
Clerk

