



February 13, 14 & 16 2023, Emmett, Idaho

Pursuant to a recess taken on February 7, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 13<sup>th</sup> day of February 2023, at 8:30 a.m.

Present:	Bill Butticci	Chairman
	Mark Rekow	Commissioner
	Kirk Wille	Commissioner
	Shelly Tilton	Clerk

Whereupon the following proceedings were had, to-wit:

**February 13, 2023**

**REVIEW AND APPROVAL OF AGENDA:** The Commissioners reviewed the agenda. A motion was made by Commissioner Wille to approve the agenda Monday February 13<sup>th</sup>, Tuesday February 14<sup>th</sup> and Thursday February 16<sup>th</sup> as presented. It was seconded by Commissioner Rekow and carried unanimously.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney Tahja Jensen talked about various county legal matters. Tahja discussed logistics of the county tour the Commissioners will attend on Thursday. Tour route and rental of a bus from the school district was discussed. Tahja suggested priorities to include the rezone ordinance, private roads, recreational vehicle ordinance and secondary dwellings. Neal will develop a final route. Other topics discussed included the hospital lease agreement, Area of City Impact that goes to the Zoning Commission tonight, policies and procedures relating to salary compensation, Tahja will set the Board of Guardians annual report and executive session allowances for the Local Emergency Planning Committee (LEPC).

**REVIEW AND POSSIBLE REMOVAL OF COURTHOUSE SECURITY RESTRICTIONS FOR ALYSIA THOMPSON:** Clerk Tilton discuss the possibility of removal or reduction of security restrictions for Alysia Thompson. She has been calling the court office and maintaining a civil, non-aggressive demeanor when using the court system.

A motion was made by Commissioner Rekow to remove the courthouse security restrictions for Alysia Thompson effective

immediately. It was seconded by Commissioner Wille and carried unanimously.

**LANDFILL DISCUSSIONS - FAIRGROUNDS MANURE DISPOSAL, TIRE**

**DISPOSAL FEES AND OUT OF COUNTY FACILITY USE:** The fairgrounds paying manure disposal fees for horses boarded at the fairgrounds was discussed. Commissioner Butticci requested an invoice to know what had not been paid so the fair board will be able to pay the amount owed and also determine if the fees they are charging cover the costs or need to be raised. Landfill Supervisor Martin Joyce stated that they have been provided a scale ticket for each load of manure removed. Martin will put together the total. He said they are able to dump the manure at the transfer station, it doesn't have to be hauled to Clay Peak. Commissioner Butticci said that tipping fee and transport costs should be included in the amount the landfill invoices the fair board. Martin wondered if the bin rental should also be paid. The Commissioners said that it should be costs only, if he doesn't charge for bin costs not to include that. Commissioner Butticci has informed the fair board they should be paying this bill, with the complete numbers he will take it to the fair board to get caught up on.

Martin discussed tire disposal costs. The county currently charges \$2.50 per tire and \$3.50 per tire if they are mounted. The county loses money on certain tires; he doesn't feel that the county is competing with local businesses because Les Schwab doesn't want them. Landfill employee Doug Dillon said that depending upon the lock ring it can take 15 minutes or more to dismount them. About 90% of the tires the landfill takes goes to Ashgrove. Martin said if they raise the fee too much they will be picking them up for free along the side of the road. Tahja recommended having a public hearing on all of landfill fees to 2023 standards. She discussed Payette County landfill fees. Martin will come up with a recommendation that covers the county's costs. Speaking with the Sheriff about enforcement of dumping sites outside of the transfer station was discussed.

Martin discussed out of county use of the landfill. Many people with out of county plates say they live in Gem County so they can dump without charge. They request proof of residence from those without of county plates although many out of county residents come to Gem County to register their vehicles so they may be out of county residents with Gem County plates. The Commissioners asked Martin to work with Tahja on what can be done legally and provide a recommendation; they are not opposed to requiring proof of residency for landfill use.

**CONSENT AGENDA:** A. Gem County/Canyon County Juvenile Detention

Housing Agreement, B. Fiscal Year 2022 Defending Attorney Annual Report for Jake Sweeten/Gravis Law and C. Gem County Resolution 2023-05 Authorizing Destruction of Certain Assessor's Records.

A motion was made by Commissioner Rekow to approve items A-C on the consent agenda as presented. It was seconded by Commissioner Wille and carried unanimously.

**MINUTES**: The minutes for February 6 & 7, 2023 were reviewed. A motion was made by Commissioner Wille to approve the minutes for February 6 & 7, 2023 as amended. It was seconded by Commissioner Rekow and carried unanimously.

**PUBLIC WALK-IN**: No members of the public met with the Commissioners for public walk-in today.

**DEPARTMENT HEADS**: Department Heads met with the Commissioners to discuss their departments. Commissioner Butticci reminded staff to keep up with the KnowB4 trainings from IT and to be careful of spam email. Larry Shippy asked about the ICRMP trainings. Larry discussed grants he has applied for equipment for the county and chemicals for landowners. Landfill Supervisor Martin Joyce discussed an increase they are seeing in the number of people coming across the scale due to the weather. They recently burned the brush and all went well. Juvenile Probation Manager Shannon Carter discussed a review completed by the Idaho Department of Corrections; policies and procedures were updated as they haven't been updated for some time. Case plans, files and contact with juveniles were included in the review. Extension Director Rebecca Mills discussed regular staff meetings she is looking to have in the office to keep everyone informed. A staff member goes to the schools for school enrichment programs, during the summer community enrichment is the focus. Last year there was a program partnered with the library, this year will be partnered with summer school. She discussed the master gardener program and 4-H numbers. She said that it seems many people rotate as 1<sup>st</sup> year 4-H participants, this year she wants to track how many stay for a second year. Beef weigh-in is scheduled for the end of the month. Living on the land course will be held again this year at the Ada County Pest Management building, Rebecca will teach some of the classes. Rebecca has been researching modular buildings and found they are currently \$150-\$160 per square foot. Commissioner Butticci asked if there will be a second judge for fair this year. The judge from last year is not available this year, there currently is not a second judge. She has pulled the judges committee together to try to find livestock judges. Maintenance Supervisor Chuck Shambaugh has a new seasonal

employee starting next month. He discussed asbestos abatement in the courthouse. Emergency Manager Jeff Ulmer discussed a cyber security survey that was completed. He discussed the Southwest Emergency Workshop and Emergency Managers Conference he attended and agencies he has met with about potential spring flooding when that was a possibility, with less precipitation he said that doesn't look to be as worrisome at this point. He attended a meeting that reviewed the mall shooting from 2022. Valor Health is having a PIO tabletop exercise with local various agencies. Jeff will attend a training next month with Idaho Power that regarding what to do if the power goes out. He has updated the county website to provide information and links to available resources. Road Supervisor Neal Capps said they are grading roads, patching holes and soon will be pouring concrete on Farmer's Coop Bridge. He discussed road plowing for the Forest Service for logging.

**FARMERS CO-OP BRIDGE IDAHO POWER TEMPORARY POWER POLE PLACEMENT**

**DISCUSSION:** Road Supervisor Neal Capps discussed process and costs involved with the power pole placement options. He discussed expected power outage timeframes to people in that area. He will have quotes for next week's agenda.

**EXECUTIVE SESSION REGARDING ACQUIRING AN INTEREST IN REAL**

**PROPERTY:** At 11:43 a.m. motion was made by Commissioner Rekow to go into executive session under Idaho Code 74-206(1)(c). It was seconded by Commissioner Wille and carried unanimously.

Regular session reconvened at 12:00 a.m.

**DECISION REGARDING ACQUIRING INTEREST IN REAL PROPERTY:** A motion was made by Commissioner Wille to take the suggestions of the Director of the Road Department for expansion of the right-of-way for the Farmer's Coop Bridge project. It was seconded by Commissioner Rekow and carried unanimously.

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

**EXPENSE CLAIMS APPROVAL:** The claims presented were reviewed. Commissioner Rekow made a motion to approve the claims as presented and as initialed on the individual claim forms. It was seconded by Commissioner Wille and carried unanimously.

**DEVELOPMENT SERVICES- BELL ESTATES MINOR SUBDIVISION:**

Development Services Director Jennifer Kharrrl met with the Commissioners on Bell Estates Minor Subdivision. The applicant is looking for a split zone, rezoning the front two parcels at

2.5 acres each for homes and leaving the back two parcels as 5 acres. Jennifer shared a map of the property and discussed the emergency vehicle turn around. Jennifer doesn't have any concerns on this application. Commissioner Wille suggested that Jennifer contact Mr. Hines to see if he has concerns on the restrictions. Jennifer will see what the applicant is thinking on the turnaround; the current conditions require moving it, she would need a letter from the Fire Department indicating approval if it is not moved.

A motion was made by Commissioner Wille to approve the Bell Estates Subdivisions application with the change to conditional approval #5 to either move the turn around outside the flood area or submit approval from the fire district. It was seconded by Commissioner Rekow and carried unanimously.

**DEVELOPMENT CODE UPDATES - JOINT WORKSHOP WITH PLANNING & ZONING**

**COMMISSION:** A joint workshop was held with the commissioners and Planning & Zoning Commission. Jennifer Gardner reviewed the Land Use and Development Code stating it includes zoning and land use standards, subdivision and development standards and application procedures. She reviewed the code update schedule, with Assessment February to May this year, Drafting June 2023-June 2024, with final adoption anticipated for July -September 2024. Action to be taken within each section as well as goals and objectives were detailed. Commissioner Butticci stated they would like a dark sky ordinance included in this project. Jennifer Kharri said she has a draft ordinance and feels that can be moved forward outside of this project. Commissioner Butticci discussed the Master Road Plan that is being worked on. He said they would like the code to be more user friendly to navigate. Housing standards, secondary dwellings and hardship permits are items that are sometimes difficult to work through. He said view obstructions are something to consider if that is possible and the county has a hillside ordinance. He would like to see a streamlined application process. Commissioner Rekow asked county staff how they feel about the current ordinance. Jennifer Kharri said she has worked with the code for 18 years and has seen a lot of changes. She said there are still conflicts that remained after the last update that make it difficult to navigate. She is excited to have one land use standard code instead of two. She would like to see setbacks and wells addressed. Currently they are taken site specific on a case by case basis. She feels like many sections leave a gray area and she would like to have that cleaned up. Road Supervisor Neal Capps said that the roads are looked at on a site-specific basis also. He said depending on the size of development there could be road upgrades needed for every road in the county.

Commissioner Wille wondered about specific locations, a list from staff, so that the contradictions in the two codes are addressed. Jennifer said there are currently meetings with Logan Simpson twice each month to address those conflicting areas. He wondered if county agencies have been involved to get their comments on that as well. Jennifer said Fire Districts have been involved in a few but irrigation districts and Southwest District Health etc. should be consulted before the project is completed. Dan Eichelberger said that noise, lighting and traffic issues arise in every application so they are important to be more detailed as to things like what down lighting is. He said they rely heavily on the code to keep themselves within the guidelines. Debbie Jones said that user friendly is important so that things are easy to find. Justin Vickery would like to see more granularity in the code with lighting and also naming new private lanes. He believes the code has been updated at this point but that has been an issue previously. He said the lines between commercial and personal in telecommunications are hard to distinguish. He discussed tiny homes, stating the last he read those are basically outlawed and he would like to see those incorporated. Debbie Jones said that tiny homes are a reality that should be included. Dan added that he would like to see affordable alternative housing options. Jennifer Kharrrl discussed the large number of recreational vehicles being lived in within the county. Commissioner Wille discussed the need to ensure there are standards to ensure the living options, including RVs, are safe for living in. Commissioner Wille asked about power, and Jennifer Kharrrl said the county doesn't get into the power side currently. Dan said he is under the impression that there are RVs all over the county that are being lived in that are not compliant. He expressed concerns that enforcement is complaint driven when most people try to mind their own business and don't file complaints. He said the zoning commission doesn't mention this to people but tells them there will be an annual review, but the review is based on the number of complaints so if people aren't filing complaints waiting for the review a continuation may be granted due to there being no complaints. Commissioner Rekow further discussed outdoor lighting stating his feelings that lighting should be controlled so that it isn't excessive. Jennifer stated that lighting enforcement would be difficult to handle. The county Transportation Plan and road requirements were discussed. Neal stated that roads, water and sewer are generally main topics for each application. Zoning areas were discussed. A list was made of agencies to obtain comments from for applications. Zoning Commission members were invited on the tour of the county this Thursday.

There was discussion about having lunch brought out to them and continuing the county tour on Thursday through the lunch break. A motion was made by Commissioner Wille to amend the agenda for Thursday to continue the tour from 8:30 to 3:00 unless we end the tour before then. It was seconded by Commissioner Rekow and carried unanimously.

**The Board recessed at 5:00 p.m. to 8:30 a.m. on February 14, 2023.**

**February 14, 2023**

**ADMINISTRATIVE TIME:** The Commissioners worked on various administrative items.

**The Board recessed at 5:00 p.m. to 8:30 a.m. on February 16, 2023.**

**February 16, 2023**

**COUNTY TOUR WITH LOGAN SIMPSION FOR COMPREHENSIVE PLAN REVIEW:**

The Commissioners participated in a county tour with Logan Simpson, the company assisting the county with the Comprehensive Plan review.

**COMPREHENSIVE PLAN PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing for the Comprehensive Plan. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Development Services Coordinator Stephanie Crays, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, Miriam McGilvray from Logan Simpson, Interim Associate Planner Justin Vanderbilt, Building Official Matthew Humphrey, Del Gray from the Emmett Messenger and various members of the public.

Development Services Director Jennifer Kharrl asked to have the packet of information be added into the record which includes the Draft Comprehensive Plan, minutes from the Planning & Zoning Commission hearing and 5 letters that were submitted timely.

A motion was made by Commissioner Rekow to enter the information into the record as presented by Ms. Kharrl from Development Services. It was seconded by Commissioner Wille and carried unanimously.

Miriam McGilvray from Logan Simpson advised that the Comprehensive Plan guides land use and development choices and is a long-term policy document. She reviewed the 3 phases that

they went through for the planning process and advised that they are in the final stage of the plan. She reviewed the engagement process with the community and the plan organization and each chapter. She advised that this is the first time having the Preservation Plan included and it is in the Appendices. She advised that Chapter 3 is what the Commissioners would see the most, with it being the "Envisioning the Future" chapter. She also talked about the future land-use map, preserving agriculture, removing priority growth areas and the area of city impact boundary. Other items that she talked about were recreation and natural resources, agriculture, ranching and advised that they have differentiated the difference between large lots and small lots. She also discussed rural areas, county residential, transitional, business mixed-use and rural centers. Other items she discussed were housing, economic development, historic and cultural resources, transportation, public facilities, utilities, education, recreation, open space, natural resources, agriculture and hazardous areas. She reviewed the implementation process and talked about code updates, new studies, plan and programs and new policies. She discussed the importance for a plan management and amendment process. She recommends a plan review every 5-10 years to ensure that everything is still relevant.

There were no members of the public that wished to speak in favor.

Neutral, Karen Kienitz talked about a video on the 1997 flooding, the similarities with our current weather and effects of local properties. She expressed concerns with potential damage from the weather and putting subdivisions in certain areas due to potential flooding. Terry Hauser expressed concerns with the impacts to water tables. Carlos Nelson want to limit the growth and wants to put a moratorium in place. He expressed concerns with water and schools. Susan Dill expressed concerns with water quality, wells & septic systems, water protection standards for new development and commercial development on both sides of Highway 16.

Opposed, Cathy Smith advised that she is not against the entire Comprehensive Plan but is opposed to Agriculture Preservation without individual property owners being surveyed. She expressed concerns with limitations on property rights and discussed challenges with sustaining farm land due to cost & labor. She would like different ways of land development be considered for open spaces. John Evans believes that 1-acres zones are still needed. He has concerns with the cost of housing and agriculture preservation. He believes that clusters would work. He also talked about water levels. Adrian Marcu expressed concerns with open spaces being neglected. Dan Yet expressed



concerns with 1-acre lots and priority zones being taken away.

Jennifer advised that water is a concern with every application received and individual ground water quality & quantity studies are being done. She discussed impact fees that are collected, which by law, do not include schools. She talked about community involvement throughout this process and advised that property owners will have the option to ask for amendments to the plan. She advised that the Steering Committee and the Zoning Commission is in support of this plan. She stated that current 1-acre lots will not go away and advised that concerned individuals have until this plan goes into effect to apply for a rezone, or they can ask for an amendment in the future. She advised that infrastructure constraints, public concerns and agriculture preservation were considered when developing this plan. Road and Bridger Supervisor Neal Capps talked about the Transportation Plan, concerns with smaller roads and the cost of road maintenance. Jennifer talked about the area of city impact on Highway 16. Commissioner Butticci advised that for the last 5 years a water study has been conducted throughout the valley. Jennifer talked about the Floodplain Ordinance.

Karen Keinitz expressed concerns with properties on 40-acre minimum lots being allowed to build on smaller parcels. Jennifer advised that the west side of Jackson is 40-acre parcels and that there are many lots that are substandard that were previously approved. Terry Houser expressed concerns with the water, flooding into the canal and the roads. Miriam advised that the intended goal for the county is to address these concerns and a further study may be needed. Jennifer advised that this new plan greatly reduced the area that can be rezoned but there are still parcels that are grandfathered in. She also advised that this plan will help guide the county and public and it greatly preserves the agriculture areas.

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

Commissioner Butticci talked about the work that was put into this plan and is ready to move forward with it. He acknowledged that amendments can be done in the future. Commissioner Wille talked about community consensus, protection of agriculture land, reviews of the plan possibly every 2 years and that he is in favor of moving forward with the plan. Commissioner Rekow advised that his own property is affected by this plan and believes that this is a good plan. He appreciates the work that was put into this. Commissioner Butticci agrees with reviewing it in 2 years as well.

A motion was made by Commissioner Wille to approve the Comprehensive Plan as presented subject to and conditioned on

the approval of the area of city impact approval with the city of Emmett. It was seconded by Commissioner Rekow and carried unanimously.

Jennifer explained the next steps that need to be taken and the timeline with the City of Emmett in order for this to take effect.

**The Board recessed at 8:00 p.m. to 8:30 a.m. on February 21, 2023.**

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

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