



August 1 & 2, 2022, Emmett, Idaho

Pursuant to a recess taken on July 26, 2022, the Board of Commissioners of Gem County, Idaho, met in regular session this 1st day of July 2022, at 8:30 a.m.

Present:	Mark Rekow	Chairman
	Bryan Elliott	Commissioner
	Bill Butticci	Commissioner
	Sarah Story	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

August 1, 2022

REVIEW AND APPROVAL OF AGENDA: The Commissioners reviewed the agenda. A motion was made by Commissioner Butticci to approve the agenda as presented. It was seconded by Commissioner Rekow and carried unanimously.

EXECUTIVE SESSION FOR PURCHASE OF REAL PROPERTY: At 9:32 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Elliott and carried unanimously to go into executive session under Idaho Code 74-206(1)(c) for matters of real estate with a roll call vote as follows: Commissioner Butticci, aye, Commissioner Elliott, aye, and Commissioner Rekow, aye.

Regular session reconvened at 11:19 a.m.

LCA ARCHITECTS COUNTY FACILITY DISCUSSION/PROPERTY TOUR: The Commissioners met with LCA Architects to go on a tour of county property to discuss a potential building remodel and determine site possibilities for election equipment storage.

CONSENT AGENDA: A. Letter of recommendation for the Stewardship Efforts of the Gem Soil & Water Conservation District, B. Certificate of residency for Junior College tuition for Amanda Zilles and Kamila Rangel, C. UTV Law Loan Program agreement with Main Street Motorsports/Yamaha, D. Thomas Minor Subdivision plat, E. Professional Services Agreement for Emergency Management Grant Management with Laurie Boston and F. Valley Office Systems sales order, maintenance and support agreements.

A motion was made by Commissioner Butticci to approve the consent agenda items A-F as presented. It was seconded by

Commissioner Elliott and carried unanimously.

GEM COUNTY SPECIAL EVENTS APPLICATION FOR USE OF GEM COUNTY ISLAND SPORTS COMPLEX AND FEE WAIVER REQUEST FROM THE GEM COUNTY HISTORICAL SOCIETY FOR THE RIVER THROUGH TIME EVENT:

Commissioner Butticci advised that the Historical Society is asking for a waiver for fees for their annual event which is a 2 day event. He advised that the deposit was paid and the application is complete and that this is an educational community event.

A motion was made by Commissioner Elliott that for the Gem County special events application for use of Gem County Island Sports Complex for the Gem County Historical Society, that the fees be waived as requested and to approve the permit application. It was seconded by Commissioner Rekow and carried unanimously.

MINUTES: The minutes for July 18 & 19, 2022 were reviewed. A motion was made by Commissioner Butticci to approve the minutes for July 18 & 19, 2022 as amended. It was seconded by Commissioner Rekow and carried unanimously.

PUBLIC WALK-IN: Joe Mayer advised that he sent them an email in regards to the stability of the power grid. Commissioner Elliott stated that he reviewed the email and that most of the concerns are outside of Gem County authority. Joe advised that he is concerned about the public sector as well as government.

FISCAL YEAR 2023 BUDGET: Clerk Tilton met with the Commissioners to discuss the budget for Fiscal Year 2023.

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

JMH FARMS PRELIMINARY PLAT PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the JMH Farms preliminary plat. 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, applicant Anthony Hafen, Jeff Beagley from Sawtooth Land Surveying, Derritt Kerner from Rock Solid Civil Engineering and various members of the public. Commissioner Rekow read the notice of public hearing. Those wishing to testify were sworn in.

There were no conflicts or declarations pertaining to this meeting such as site reviews or other conversations outside of

this hearing.

Development Services Director Jennifer Kharrrl asked to have the packet of information be added into the record which includes the notice of Public Hearing, the application, the Zoning Commission recommendation, the staff report and impact agency letters.

A motion was made by Commissioner Butticci to enter the documents that were described by Jennifer Kharrrl into the record. It was seconded by Commissioner Elliott and carried unanimously.

Jennifer reviewed the JMH Farms preliminary plat request. The applicant, Anthony Hafen, on property owned by JMH Farms of which Mr. Hafen is a member, has applied for a Standard Subdivision Permit application (preliminary plat) to construct a single-family residential development on approximately 40 acres on Gem Avenue. She advised that there are currently 2 outbuildings and that there would be 8 lots, 1 being a substandard lot. Other items that she talked about were access and a waiver from the Fire District. She advised that this property was rezoned to 5-acre minimum lots in 2021 with a Development Agreement that required the developer to pay Gem County \$41,720 to go towards the improvements to Gem Avenue. She also advised that there was a consideration for a dust abatement program. She advised that the Zoning Commissioner recommend approval with a condition for weed control and that the homeowners would be responsible for the weed control.

Applicant Anthony Hafen advised that they have met all requirements for the Development Agreement, but have not built the road yet. He talked about dust abatement, road improvement money that was paid, advised that all easements are in place and that he has met with Emmett Irrigation. He advised that the Home Owner's Association will be responsible for the weeds. He also talked about irrigation and septic systems. He stated that a pressurized irrigation system is in place.

In favor, Jeff Beagley from Sawtooth Land Surveying and Derritt Kerner from Rock Solid Civil Engineering had no additional information to provide. Anthony talked about the ditch on the property. There were no others present in favor or neutral that wished to speak.

Opposed, Brian Morrow expressed concerns with needed repairs on Gem Avenue and the adjacent road to his property. He believes he will need a barrier to protect his property from the impacts from lights and noise to his home.

Road and Bridge Supervisor Neal Capps advised that there is a plan for paving Gem Avenue. He also talked about the access and the requirement for a paved approach. Jennifer talked about the road plan and the possibility to make adjustments to lessen

the effects to the existing home. There were no others opposed.

Derritt spoke on the location of the pump station, the changes made to the road and stated that foliage or fencing could help with the lights and noise. Commissioner Butticci suggests a solid fence be placed on the Morrow property. Brian advised that that there is approximately 100 feet that would need a barrier.

Jennifer talked about the conditions that need to be met before the final plat is signed. Jeff talked about revisions that were made for a cul-da-sac.

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

Commissioner Butticci talked about weed control and the need to mitigate the impact to the neighbor. He accepts the Findings presented by the Zoning Commission with the addition for mitigation for a fence east to west on Ruby Lane to mitigate the increased traffic for the Morrow's.

Brian advised that he prefers shrubbery instead of a fence in which he would maintain.

Jennifer advised that maintenance requirements would need to be spelled out prior to the final signing of the plat. She advised that the only time that the county can get involved with weed control is for high dry weeds, in which Code Enforcement would handle.

A motion was made by Commissioner Butticci to approve preliminary plat for JMH Farms Subdivision and to accept Exhibit A, Findings and Facts from the Zoning Commission, accept Exhibit B, Conditions of Approval with a modification under Private Road Application to add #7 which is the weed mitigation for the road and under General Conditions to add a condition that a barrier is placed on Ruby Lane, east to west, to block the noise, headlights and traffic for that residence in the form of either a fence or shrubbery not to exceed 100 feet. It was seconded by Commissioner Elliott and carried unanimously.

ZONING AND SUBDIVISION ORDINANCE AMENDMENT PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the Zoning and Subdivision Ordinance Amendment. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Development Services Coordinator Stephanie Crays and Deputy Prosecuting Attorney Tahja Jensen. Commissioner Rekow read the notice of public hearing. Jennifer Kharrl was sworn in.

Development Services Director Jennifer Kharrl asked to have the packet of information be added into the record which includes the legal notice, a memo to the Board of County

Commissioners with the Zoning Commission recommendations and the amendments. Commissioner Elliott expressed concerns that Prime Agriculture with more dwellings did not include orchard or high density use of agriculture which may need additional housing were not included. Jennifer advised that it can be considered in a future amendment. She advised that she is only reviewing sections of code that has been changed at this hearing.

A motion was made by Commissioner Butticci to enter the packet in the record as described by Jennifer Kharrl. It was seconded by Commissioner Elliott and carried unanimously.

Jennifer advised that Comprehensive Plan duties will go back to the Zoning Commission which will now be known as the Planning & Zoning Commission.

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

A motion was made by Commissioner Elliott to approve the Zoning Ordinance amendments as presented. It was seconded by Commissioner Butticci and carried unanimously.

MINUTES: The minutes for July 25 & 26, 2022 were reviewed. A motion was made by Commissioner Butticci to approve the minutes for July 25 & 26, 2022 as amended. It was seconded by Commissioner Rekow and carried unanimously.

The Board recessed at 5:00 p.m. to 9:00 a.m. on August 2, 2022.

August 2, 2022

HASS REZONE PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the Haas Rezone. 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, applicants Devon and Melisa Hass and Jessica Hass. Commissioner Rekow read the notice of public hearing. Those wishing to testify were sworn in.

There were no conflicts or declarations pertaining to this meeting such as site reviews or other conversations outside of this hearing.

Development Services Director Jennifer Kharrl asked to have the packet of information be added into the record which includes the notice of Public Hearing, the application, the staff report, the Zoning Commission recommendation for approval, letters of concern, a letter of support and agency letters.

A motion was made by Commissioner Butticci to enter the packet that was described by Jennifer Kharrl from Development Services into the record. It was seconded by Commissioner Elliott and carried unanimously.

Jennifer advised that the property owner, Devon Hass, is seeking approval to rezone his property from A-2 Rural Transitional Agriculture (5-acres minimum) to R-3 Rural Residential (2-acre minimum). The property proposed to be rezoned is 5.45 +/- acres in size, and lies fully within the Priority Growth Area 1 of the County Residential Area. She advised that staff and the Zoning Commission recommends approval.

Applicant, Devon Hass, advised that they will not add any more traffic since the number of people will not change that have lived on the property historically. He believes that they can comply with whatever is required. He explained that his son is currently living in the existing house and other family was temporarily living in an RV on the property. They have now moved, but will move back to live in one of the houses when the new one is built. They were all living on the property at the time of the application. There were no others in favor, neutral or opposed that wished to speak.

Road and Bridge Supervisor Neal Capps talked about the drain ditch, culverts, work that they have done on the property and he advised that the 2 properties will share a single access.

Jennifer talked about the 5 required Findings and that they must be met prior to the final signing of approval.

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

The Commissioners agree that they met all requirements.

A motion was made by Commissioner Butticci to approve the rezone for the Hass Rezone at 3850 S. Mill Road and to accept the Findings and recommendations from staff. It was seconded by Commissioner Elliott and carried unanimously.

LERA ESTATES PRELIMINARY PLAT PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the Lera Estates preliminary plat. This meeting is being 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, Amy Rosa from Sawtooth Land Survey and various members of the public. Those wishing to testify were sworn in. Commissioner Rekow read the notice of public hearing and advised that this is a continuation from a prior hearing and today is limited to a letter from Idaho Transportation Department (ITD) and Canyon County Drain.

Jennifer talked about a right-a-way and right turn lanes that ITD is requesting, but they state that they need more time for a full analysis. Canyon County Drain advised that they want a 50 foot easement along the drain and the movement of the drain cannot be altered.

Amy Sosa from Sawtooth Land Survey spoke of the location of the drain and that the 50ft easement does not interfere with the proposed road. She advised that they will wait for the analysis from ITD and revise their plan as necessary. There was discussion on access to all the lots.

Road and Bridge Supervisor Neal Capps met with ITD to look at the intersection. He talked about a turning lane on Highway 52 with a right-a-way. He advised that it will take a few months for ITD to complete the analysis. He also talked about the dedicated right-a-way on Bowman Road, which may need ingress & egress lanes. He advised that the county does not have money budgeted for this project, so he will be looking for grant money and relying on ITD for funding in return for the right-a-way.

There is no one in attendance that wished to speak in favor. Dan Tilson (neutral) from Enterprise Ditch stated that there are still concerns with the ditch. Brady Hicks from Reed Ditch Company talked about their easements, flooding and the high water table. Ron Holbrook, who is the previous owner of the property advised that the drains need to be maintained to eliminate flooding. He also talked about the pond and the water level. Commissioner Elliott would like future buyers to be notified of the flooding if possible and legal.

Opposed, Greg Gipson talked about traffic & speed. Kathy Hunt spoke on traffic, including big rigs. She would like a new study done due to the amount of growth and increase of traffic since the 2020 study. Neal advised that the last car count was completed in July/August 2021.

Commissioner Butticci expressed concerns with approving the application without knowing the ITD requirements after the analysis is complete, the ditch, the water table and not knowing the partnership needs of Gem County Road and Bridge. He is also concerned that the questions from Enterprise Ditch have not been answered and the high-water table. Jennifer advised that all requirements would have to be met prior to final approval, including the ITD requirements after their analysis is complete. Deputy Prosecuting Attorney Tahja Jensen provided options for moving forward and advised that a condition of approval needs to be met prior to final approval including the requirements from the engineer to address the flooding concerns. Tahja talked about making a notation on the final plat to notify future owners of the flooding concerns.

A motion was made by Commissioner Butticci to close the

public hearing. It was seconded by Commissioner Elliott and carried unanimously.

Commissioner Elliott was not present at the previous hearing on this matter, but stated that he had read the packet and familiarized himself with the information that has been provided and is capable of voting on this matter.

Commissioner Butticci is ready to move forward but clarified that if the conditions cannot be met the final plat would not be signed.

A motion was made by Commissioner Butticci to move forward with the Lera Estates Subdivision Preliminary plat with the added condition from Canyon Ditch Company, also that the final plat will have a notice of water table concern attached to it for the home buyer and that ITD will submit an official letter for the intersection of Highway 52 and Bowman Road with their email concerns that this subdivision will cause further traffic and safety hazards that would further contribute to the need for intersection improvements, so they will need to see the study back from ITD with their requirements and for the determination of the dedication needs and what part Gem County Road and Bridge will play in that improvement before they make the final plat decision. It was seconded by Commissioner Elliott and carried unanimously.

Commissioner Rekow stated that there are a lot of issues such as the ditches, bridges, traffic, flooding, which all must be resolved before moving forward. He is also concerned with the involvement of the county Road Department. Commissioner Elliott and Commissioner Butticci voted in favor. Commissioner Rekow voted opposed.

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

EXECUTIVE SESSION FOR PURCHASE OF REAL PROPERTY: At 1:34 p.m. a motion was made by Commissioner Rekow, seconded by Commissioner Elliott and carried unanimously to go into executive session under Idaho Code 74-206(1)(c) for matters of real estate with a roll call vote as follows: Commissioner Butticci, aye, Commissioner Elliott, aye, and Commissioner Rekow, aye.

Regular session reconvened at 2:15 p.m.

AUTHORIZATION OF REAL PROPERTY LEASE: A motion was made by Commissioner Butticci to move forward with the authorization of real property lease. It was seconded by Commissioner Elliott and carried unanimously.

APPRAISAL REPORT LETTER OF ENGAGEMENT: A motion was made by

Commissioner Butticci to move forward with the appraisal report letter of engagement with Timothy Robb. It was seconded by Commissioner Elliott and carried unanimously.

PROSECUTING ATTORNEY: There were no topics to discuss.

ROAD DEPARTMENT UPDATE: Road and Bridge Supervisor talked about various current and future projects they are working on. Other items that he talked about were Highway 16 road closures, a new environmental study by Idaho Transportation Department (ITD), training, new subdivisions and infrastructure needs at 12th Street and Substation Road. He also talked about the current open positions, the Idaho Local Bridge grant and the RV Park.

DRAFT TRANSPORTATION PLAN: Road and Bridge Supervisor Neal Capps provided a draft copy of the transportation plan for the Commissioners to review. Items that he talked about were road segments, crash data, asphalt, impact fees, maps and possible bypasses. He also talked about pavement conditions, funding and conclusions. This will be added back on the agenda for a later date.

The Board recessed at 5:00 p.m. to 8:30 a.m. on August 8, 2022.

Approved: _____
Chairman

Attest: _____
Clerk