



August 16 & 17, 2021, Emmett, Idaho

Pursuant to a recess taken on August 9, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 16th day of August 2021, at 8:30 a.m.

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

Whereupon the following proceedings were had, to-wit:

August 16, 2021

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 Elliott and carried unanimously.

REQUEST FROM NANCY BRATTON FOR HARDSHIP PERMIT FEE

WAIVER/REDUCTION: Nancy stated that she does not wish to move forward with her waiver/fee reduction request.

RIVER CROSSING ESTATES SUBDIVISION REPLAT OF LOT 7 FINAL PLAT:

Development Services Director Jennifer Kharrrl reviewed the River Crossing Estates Subdivision replat of lot 7 final plat. The property owners, Martin, Laura, Cory and Megan Walker have applied for a replat of Lot 7 of the River Crossing Estates for the purpose of removing the "no-build zone" wording for the floodplain. Jennifer advised that this is a request just to have this replatted to remove the note regarding the "no-build zone."

A motion was made by Commissioner Butticci to have this replatted to have the note removed regarding the "no-build zone." It was seconded by Commissioner Elliott and carried unanimously.

TARNASKY MINOR SUBDIVISION: Development Services Director Jennifer Kharrrl reviewed the Tarnasky minor subdivision. The applicant, Casey Tarnasky, has applied for a minor subdivision to create four (4), single-family lots on approximately 21.49 +/- acres located in the A-2, Rural Transition Agriculture zone. The site is designated Agriculture/Natural Resources, on the

Joint Comprehensive Plan Future Land Use Map. Items that she talked about were roads, neighbor concerns, easements, access and a Road Maintenance Agreement. Commissioner Butticci spoke of his concerns on roads.

A motion was made by Commissioner Elliott to approve the Tarnasky Minor Subdivision as presented with the required conditions of approval as presented in Exhibit B. It was seconded by Commissioner Rekow and carried unanimously.

EL PASO MINOR SUBDIVISION: Development Services Director Jennifer Kharrl reviewed the El Paso minor subdivision. The applicant, Kelly Fulfer, on property owned by El Paso Investments LLC has applied for a minor subdivision to create three (3), single-family lots on approximately 18.891 +/- acres located in the A-3, Rural Agriculture zone. The site is designated Agriculture/Natural Resources, on the Joint Comprehensive Plan Future Land Use Map. Items that she talked about were that this is lot 1 of the El Paso minor subdivision, that there are no irrigation rights, there were no letters of public concern, roads and the location of the subdivision.

A motion was made by Commissioner Butticci to approve the El Paso minor subdivision plat as presented. It was seconded by Commissioner Elliott and carried unanimously.

CONSENT AGENDA: The consent agenda included: A. Sunderland Foundation letter of support for a grant for Valor Health offsite clinic, B. Livescan System maintenance terms and conditions and Idemia Identity & security maintenance agreement addendum quotation, C. Gem County Resolution 2021-09 Flood Damage Prevention Ordinance, D. Iron Stallions plat and E. Certificate of residency for Junior College tuition for McKayla White and Amelia Keene.

A motion was made by Commissioner Elliott to approve items A-E as presented. It was seconded by Commissioner Butticci and carried unanimously.

MINUTES: There were no minutes for review.

PUBLIC WALK-IN: No members of the public were in attendance.

CREDIT CARD FOR INFORMATION TECHNOLOGY (IT) DEPARTMENT:

Commissioner Butticci talked about the necessity to buy some items on-line and that it would only be used for incidental expenses for the IT department. Treasurer Megan Keene recommends a US Bank "no fee" credit card for the IT Department. It would be a county credit card and will not show up on the employees' credit. Other items that he spoke of were the benefits to this

account, credit limit, sales tax, card options, billing and transferring the card at a later date.

A motion was made by Commissioner Butticci to move forward with the US Bank credit card for the IT Department based on the recommendation from the Treasurer. It was seconded by Commissioner Elliott and carried unanimously.

INDIGENT APPLICATIONS: There were no Indigent cases to review.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen spoke on various county legal matters.

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

KLC PARTNERS REZONE PUBLIC HEARING: While being recorded, the Commissioners discussed the KLC Partners rezone request. This meeting was held virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, applicant Chris Kelsey and resident Kerry Kelley from Unimin Corporation. Commissioner Rekow read the notice of public hearing.

There were no indications of conflict from the Commissioners. There were no other declarations pertaining to this meeting such as site reviews or conversations outside of this hearing.

Development Services Director Jennifer Kharrl asked to add the packet of information into the record which includes the application, the Zoning Commission recommendation, the staff report, the draft Zoning Commission minutes, letters of support, agency letters and a letter of support from Fish and Game.

A motion was made by Commissioner Butticci to enter the packet into the record. It was seconded by Commissioner Elliott and carried unanimously.

Jennifer reviewed the KLC rezone request. The applicant, Christopher Kelsey, on behalf of KLC Partners, LLLP of which he is a member, is seeking approval to rezone their property from M-2 Heavy Industrial (1-acre minimum) to A-2 Rural Transitional Agriculture (5-acre minimum). The property to be rezoned is 45.26 +/- acres in size, and lies fully within the Priority Growth Area 3 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan. Items that she talked about were property location, floodway areas and flood plain areas. The Zoning Commission and staff recommend approval.

The applicant, Chris Kelsey, talked about the ponds, water

rights, wildlife rights, agricultural zone and that the reason of the rezone was to protect modest future development and the agricultural use. He wants to protect the property for the community if they choose to sell the property in the future. He spoke of all the wildlife that utilizes this property, the nearby water treatment plant and traffic. He feels that this is the most compatible rezone for this property.

There was no one that wished to speak in favor or neutral. In opposition, Kerry Kelley talked about his current business location as he represents Unimin Corporation. He stated that developers would not be interested in the lot and that he does not believe that residential homes on 5-acre lots at this location is a good idea because of the surrounding Industrial businesses causing noise, dust and truck traffic. In rebuttal, Chris stated that dust does not affect their property and that there is very little noise from the Unimin plant. He also talked about the railroad tracks that is along his property.

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

Commissioner Elliott stated that he does not see a heavy industrial company on this property. He spoke of wind and the sand plant. He feels that the A-2 would be a better fit for this property. Commissioner Butticci and Commissioner Rekow also agree. Commissioner Elliott spoke of the cost it would take to develop that property.

A motion was made by Commissioner Butticci to rezone for KLC Partners LLLP for RZ-21-006 to approve the rezone and accept the Findings of Facts from the Zoning Commission in Exhibit B and the recommendation from staff and their Facts & Findings. It was seconded by Commissioner Elliott and carried unanimously.

Commissioner Elliott was not present for the remainder of the day.

BROADBAND DISCUSSION WITH SYRINGA: At 3:00 p.m. a motion was made by Commissioner Rekow to go into executive session under Idaho Code 74-206(1) (E) for matters of Commerce with a roll call vote as follows: Commissioner Butticci, aye, Commissioner Elliott, aye, and Commissioner Rekow, aye.

Regular session reconvened at 4:00 p.m.

The Board recessed at 5:00 p.m. to 8:30 a.m. on August 17, 2021.

August 17, 2021

Commissioner Rekow was absent from the meeting due to attendance

at a meeting of the Magistrate Commission.

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC): The Commissioners attended this meeting virtually.

STANDLEY ESTATES PRELIMINARY PUBLIC HEARING: While being recorded, the Commissioners discussed the Standley Estates preliminary plat request. This meeting was held virtually via Zoom. Those present were Development Services Director Jennifer Kharrrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps and applicants James and Carla Standley. Commissioner Butticci read the notice of public hearing.

There were no indications of conflict from the Commissioners. There were no other declarations pertaining to this meeting such as site reviews or conversations outside of this hearing.

Development Services Director Jennifer Kharrrl requested that the Board add the packet of information into the record which includes the application, the Zoning Commission recommendation, the staff report, the draft Zoning Commission minutes, impact agency letters and letters of concerns.

A motion was made by Commissioner Elliott to add the packet of information as described into the record. It was seconded by Commissioner Butticci and carried unanimously.

Jennifer reviewed the Standley Estates preliminary plat request. The property owners, James and Carla Standley, have applied for a Standard Subdivision Permit preliminary plat application to construct a residential subdivision on approximately 11.19 acres of land located on Jackson Avenue. The applicant proposes to create 9 single-family building lots. The property is zoned R-2, Residential Transitional. Items that she talked about were a private road, that a portion of the lots are considered hillside which is a "no-build" area and dust. Road and Bridge Supervisor Neal Capps talked about dust abatement material options for the road which is a yearly application that the homeowners would be responsible for.

Applicant Carla Standley talked about beautifying the hillside and wanting to make sure that it is kept clean. She talked about the road and possibly paving it in the future and the "no-build" area. She believes that this will be an asset to Gem County. There was no one present to speak in neutral or opposition. Neal advised that this will always will be a private road. Carla acknowledged that they understand the neighbors' concerns.

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 the dust abatement concerns, but that the applicant has met all the requirements. Commissioner Elliott agreed that all proper conditions have been met.

A motion was made by Commissioner Elliott that the preliminary subdivision plat for Standley Estates subdivision application by James and Carla Standley be approved. It was seconded by Commissioner Butticci and carried unanimously.

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

BROADBAND DISCUSSION WITH FATBEAM: At 1:30 p.m. a motion was made by Commissioner Butticci to go into executive session under Idaho Code 74-206(1) (E) for matters of Commerce with a roll call vote as follows: Commissioner Elliott, aye and Commissioner Butticci, aye.

Regular session reconvened at 2:30 p.m.

ADMINISTRATION TIME: The Commissioners worked on various administration items.

The Board recessed at 5:00 p.m. to 8:30 a.m. on August 23, 2021.

Approved: _____
Chairman

Attest: _____
Clerk