



November 27 & 28, 2023, Emmett, Idaho

Pursuant to a recess taken on November 21, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 27th day of November, 2023, at 8:30 a.m.

Present:	Bill Butticci	Chairman
	Kirk Wille	Commissioner
	Mark Rekow	Commissioner
	Laure McCann	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

November 27, 2023

REVIEW AND APPROVAL OF AGENDA: The Commissioners reviewed the agenda. A motion was made by Commissioner Rekow to approve the agenda for Monday, November 27th and Tuesday, November 28th, 2023 with the addition on the Consent Agenda adding a request for Tax and/or Fee Cancellation for Boise County, Parcel Number MH07N01W316980. It was seconded by Commissioner Wille and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutor Tahja Jensen met with the Commissioners to discuss legal matters. Tahja discussed a temporary plan for the homeless population in Emmett, the Impact Fee ordinance, the Local Emergency Planning Committee (LEPC) meeting, lighting at the Industrial Park and the Premier Gravel Permit. She also discussed the Public Defense contract with the state as it relates to Child Protection cases.

CONSENT AGENDA: A. Rocky fence Minor Subdivision Findings, Conditions, Conclusions, Order B. Morehouse Estates Preliminary Plat Findings, Conditions, Conclusions, Order C. Request for Tax and/or Fee Cancellation for Assessor's Parcel RPC40200T0023B for Bill Stover D. Request for Tax and/or Fee Cancellation for Assessor's Parcel RPC40200T0023B E. Request for Tax and/or Fee Cancellation for Assessor's Parcel RP07N03W139000 for Lonna Watson & Gary Cutbirth F. Request for Tax and/or Fee Cancellation for Assessor's Parcel RPE3100004021A for Heimlich Stacy Billynn Living Trust G. Request for Tax and/or Fee Cancellation for Assessor's Parcel RP07N01E167825 FOR Kelley Marie Griggs & Andrew Ray H. Request for Tax and/or Fee Cancellation for Assessor's Parcel MHP0820000015A for Linda Miller I. Request for Tax and/or Fee Cancellation for

Assessor's Parcel MD06N01W092715 for Herbert Lee Quenzer Estate J. Request for Tax and/or Fee Cancellation for Assessor's Parcel RP07N02W199000 for Mark Maliwauki K. Request for Tax and/or Fee Cancellation for Assessor's Parcel RP07N02W199025 for Cory and Megan Walker L. Certificate of Residency for Junior College Tuition for Patrick Smith and Chris Phillips M. Western Construction Asphalt Crushing Bid N. Request for Tax and/or Fee Cancellation for Parcel Number MH07N01W316980 for Boise County.

A motion was made by Commissioner Wille to approve the Consent Agenda for Monday, November 27th, 2023 item A. through N. as presented. It was seconded by Commissioner Rekow and carried unanimously.

REVIEW AND APPROVAL OF MINUTES: The Commissioners reviewed the Minutes. A motion was made by Commissioner Rekow to approve the minutes for Monday, November 20th, and Tuesday, November 21st, 2023 as amended. It was seconded by Commissioner Wille and carried unanimously.

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

PUBLIC WALK-IN: No members of the public attended public walk-in.

BID FOR AN UNUSED 4000 GALLON WATER TANK: Road and Bridge Supervisor Neal Capps reviewed the bids for an unused 4000 Gallon water tank. Neal stated that of the three requests for bid, 2 were returned. The low bid from Denver Truck Sales included the cost of mounting to the truck. This would involve the additional cost of freight to and from Denver Colorado, but still comes in below what was budgeted. Neal asked for approval of the bid from Denver Truck Sales and Equipment for \$35,950 plus \$6,000 for freight, and a claim for a \$5,000 deposit to get on the installation schedule.

NOTICE OF AWARD TO DENVER TRUCK SALES & EQUIPMENT FOR UNUSED 4000 GALLON WATER TANK: A motion was made by Commissioner Wille to accept the bid from Denver Truck Sales and Equipment for \$35,950 for the truck mounted tank and to sign the Notice of Award with an additional \$6,000 in freight and a claim for a \$5,000 deposit to get on the schedule. It was seconded by Commissioner Rekow and carried unanimously.

2023 AND 2024 ALCOHOL BEVERAGE LICENSE FOR TONIC EVENTS LLC DBA

GEM & TONIC: The Commissioners reviewed the New Alcohol Beverage License for Tonic Events LLC for 2023 and a renewal for 2024.

A motion was made by Commissioner Rekow to approve the new license for 2023 for the Gem and Tonic as presented. It was seconded by Commissioner Wille and carried unanimously.

RETAIL ALCOHOL BEVERAGE LICENSE ANNUAL RENEWALS: The Commissioners reviewed the Annual Retail Alcohol Beverage License Renewal Requests. A motion was made by Commissioner Butticci to approve the Alcohol Beverage License renewals as presented. It was seconded by Commissioner Rekow and carried unanimously.

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

MARSTON REZONE PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the Marston Rezone application. This hearing was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl and the applicant.

Commissioner Butticci read the notice of public hearing. The Rezone Request by Rick Marston is to rezone 38.85+/- acres from A1 Prime Agriculture (40-acre minimum) to A2 Rural Transitional Agriculture (5-acre minimum) at 2601 East Black Canyon Highway. The Gem County Planning and Zoning Commission recommended approval with a Development Agreement. The roll call of Commissioners was taken; Commissioner Rekow, aye, Commissioner Wille, aye Commissioner Butticci, aye. 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. No members of the public were on Zoom or present accept for the applicant.

Development Services Director, Jennifer Kharrl asked to have the packet of information added into the record which included Notice of Hearing, the rezone application, Planning & Zoning recommendation for approval, Staff Report, Draft minutes from the October 10th Planning & Zoning Commission meeting, and

a draft Development agreement to limit the number of lots to be created and a letter from Emmett Irrigation District.

A motion was made by Commissioner Rekow to enter the packet of information that was presented by Ms. Kharrl from Development Services into the record. It was seconded by Commissioner Wille and carried unanimously. Commissioner Butticci stated for the record that Road and Bridge Supervisor Neal Capps entered the meeting at this point.

Jennifer reviewed the application. The applicant is requesting a rezone of approximately 38.85 acres from A1 Prime Agriculture (40-acre minimum) to A2 Rural Transitional Agriculture (5-acre minimum) the property is comprised of 2 adjacent parcels. The house exists on a 5-acre parcel and the remainder is a 33-acre parcel. The future land use map currently allows a 5-acre rezone if findings can be met from Gem County code. Staff recommended approval of the rezone to the Planning and Zoning Commission. The Commission recommended approval of the application with Development Agreement limiting the number of lots.

The applicant Melissa McBee Marston spoke on behalf of herself and her husband. She stated her request to rezone the property to give 2 5-acre lots to their children to build their own homes in the future, keep their 5-acre lot with their home and leave the remainder as agricultural land. With no other public being present, no further testimony was taken.

Commissioner Rekow asked if there has been contact with ITD in regards to the rezone. Jennifer stated that the packet of information was sent with no reply.

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

The Commissioners stated that they had no objections to the rezone.

A motion was made by Commissioner Wille to approve the rezone request by the Marston's to rezone 38.85+/- acres from A1 Prime Agriculture to A2 Rural Transitional Agriculture at 2601 East Black Canyon Highway with a Development Agreement as submitted. It was seconded by Commissioner Rekow and carried unanimously.

BOLDON REZONE PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the Boldon Rezone

application. This hearing was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Road and Bridge Supervisor Neal Capps, Deputy Prosecutor Tahja Jensen on Zoom, Deputy Clerk Laure McCann, the applicant and 1 caller on Zoom.

Commissioner Butticci read the notice of public hearing for a Rezone Request by John Boldon to rezone 5.00+/- acres from A2 Rural Transitional Agriculture (5-acre minimum) to R2 Residential Transitional (1-acre minimum) at 1801 Sunset Drive. The Gem County Planning and Zoning Commission has recommended approval of the rezone with a Development Agreement. The roll call of Commissioners was taken; Commissioner Rekow, aye, Commissioner Wille, aye Commissioner Butticci, aye. No other members of the public were present besides the applicant. One member of the public was present on Zoom but did not identify themselves other than the phone number of 208-440-1400. Those wishing to testify were sworn in.

Commissioner Butticci recused himself due to a personal conflict pertaining to this hearing. There were no other 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 added into the record which included Notice of Hearing, the rezone application, Planning & Zoning Recommendation for Approval, Staff Report, Draft minutes from the October 10th Planning & Zoning Commission hearing, and the Draft Development Agreement for a water study and to limit the number of lots to be created.

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

Jennifer reviewed the application. The rezone request is to rezone of 5 acres from A2 Rural Transitional Agriculture (5-acre minimum) to R2 Residential Transitional (1-acre minimum) at 1801 Sunset Drive. This application was submitted prior to the new comprehensive plan and allows for 1-acre minimum lots if the findings for rezone can be met. Staff recommended approval with a consideration for a development agreement for the water study. The Planning and Zoning Commission recommended approval of the rezone with a Development Agreement for a water study and to limit the number of lots to a total of 3.

John Boldon the applicant stated that his intention is to set aside 2, 1-acre lots for each of his children's use. There are neighbors who have subdivided into 1 acre lots previously. There will be some increased traffic on their driveway and an easement will be created on the remaining 3 acres. No members of the public were present. The caller on Zoom identified herself as Cindy Chavatipon at 1805 Sunset Drive and gave neutral testimony. She had questions regarding the driveway because the Boldons have an easement on her property that is set up for only 2 households. John Boldon and an adjacent neighbor to the north have plans to widen the driveway and make it a private lane up to the Boldon residence at their own expense.

A motion was made by Commissioner Rekow to close the public hearing. It was seconded by Commissioner Wille and carried unanimously. There was no further discussion.

A motion was made by Commissioner Rekow to approve the rezone request by John Boldon that includes exhibit 2 which has the rezone conditions listed. It was seconded by Commissioner Wille and carried unanimously.

DEVELOPMENT SERVICES CONSIDERATION OF CHARLIE AND RHONDA VESPER, TEC AND JERI BRANDVOLD AND DAVID ROBERTS MOTION FOR RECONSIDERATION ON THE BYINGTON MINOR SUBDIVISION APPROVAL AND WELLS MINOR SUBDIVISION APPROVAL:

Commissioner Butticci reviewed the request for reconsideration. Present on the line were applicants Megan Wells and Ashley Byington, and physically present were Rhonda and Charlie Vespers. Charlie Vesper stated that he has concerns about Falcon and Mallard Roads. He feels that the roads will not hold up to increased traffic and be safe for emergency vehicles. He is also concerned that there was a conflict of dates on the paperwork and that water builds up against Falcon Lane when crops are flood irrigated.

Development Service's Jennifer Kharrl reviewed the Staff's Report and stated that the developer and appellants have received the packet of information that was submitted to the board. The letters of concern from the public were part of the original decision for the subdivisions. The concerns about roads were considered and some conditions have been modified to address those matters. Staff is recommending denial of the request because it doesn't meet the requirements for a request for reconsideration. Regarding the flooding issues on Falcon Lane, Road and Bridge Supervisor Neal Capps stated that the road is a private road and not a county road.

Megan Wells said that the information they wanted to convey has been stated in their packet. She and her husband have

worked with the county and the fire department to be sure that county code has been met. She has worked with the neighbors and addressed their complaints and feels that they have met all the requirements set out by the County. Ashley Byington had nothing further to add. There were no further questions from the commissioners and nothing more added from Jennifer Kharrl.

A motion was made by Commissioner Wille to deny the request for reconsideration for the Byington and Wells Minor Subdivisions and approve the conclusions and findings that Development Services has provided. It was seconded by Commissioner Rekow and carried unanimously.

SWADER ESTATES MINOR SUBDIVISION: The Commissioners with Development Services Director Jennifer Kharrl reviewed the Swader Estates Minor Subdivision application. The property is in Ola in a 5-acre zone. The applicant is requesting to create four single-family lots that meet the 5-acre minimum on approximately 66.82 acres. It is considered a hillside plat and the applicant has chosen to identify no build areas rather than go through engineering, which meets county code. Road and Bridge Supervisor Neal Capps reviewed roads and access for the proposed subdivision. The builder intends to have 4 buildable lots, 3 parcels already exist so this would add 1 parcel to the property. Commissioner Wille asked about water concerns in the area and well depth, because the soil is rocky and drilling may be difficult. Jennifer said that water issues have not been a concern since they are only proposing one additional lot. Jennifer suggested including a note of concern to the plat regarding the depth of water and production rate.

A motion was made by Commissioner Wille that we approve the application for the Swader Subdivision with the addition of some annotation by Development Services regarding the water availability and depth in that location. It was seconded by Commissioner Rekow and carried unanimously.

ADMINISTRATIVE TIME: The Commissioners worked on administrative matters.

The Board recessed at 5:00 p.m. to 8:30 a.m. on November 21st, 2023.

November 28, 2023

SOUTHWEST DISTRICT HEALTH DEPARTMENT PUBLIC HEALTH SYMPOSIUM:
The Commissioners attended the Southwest District Health Department Public Health Symposium.

ADMINISTRATIVE TIME: The Commissioners worked on administrative matters.

The Board recessed at 5:00 p.m. to 8:30 a.m. December 4, 2023.

Approved: _____
Chairman

Attest: _____
Clerk