



December 28 & 29, 2020, Emmett, Idaho

Pursuant to a recess taken on December 21, 2020, the Board of Commissioners of Gem County, Idaho, met in regular session this 28th day of December 2020, at 8:30 a.m.

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

Whereupon the following proceedings were had, to-wit:

The Pledge of Allegiance was said.

December 28, 2020

Commissioner Elliott was not present for any meetings for December 28, 2020 due to personal leave. He will return for the meeting on December 29, 2020.

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.

ADMINISTRATIVE TIME: The Commissioners worked on administrative matters.

DEVELOPMENT SERVICES: Gem County Enforcement Office Larry Robertson spoke about the number of people living in RV's in the county, complaints received and the reasons why people are living in the RV's. He expressed concerns on landlords not being able to evict. Deputy Prosecuting Attorney Tahja Jensen spoke about the guidelines of the rental moratorium process. Commissioner Butticci spoke about the challenges of being a property management. He also spoke about the homeless on the public grounds by the river. Tahja talked about the "trespass" guidelines and the Sheriff's Department involvement. It was suggested that Larry meet with Tahja to discuss their options. Gem County resident Marty Fry spoke about his experience of people staying on his property and not leaving and what he sees throughout the county. A committee was recommended by Marty.

Tahja spoke about the current ordinance that is in place. There was discussion on a secondary dwelling ordinance and temporary hardship permits.

Development Services Director Jennifer Kharrrl spoke about a comp time payout/carryover request for an employee. Due to their workload the employee is not able to take any additional time off by the deadline and she is asking that the comp time be paid out. She advised that they have the money in their budget to cover it.

A motion was made by Commissioner Butticci to allow Jennifer Kharrrl Development Services Director to pay out the 40 hours of comp time for the Building Inspector. It was seconded by Commissioner Rekow and carried unanimously.

COVID DISCUSSION: Emergency Manager Laurie Boston provided updates on the current COVID cases in Gem County. She also talked about a COVID related death last week, the cooling trailer, glove supply, vaccine administration and that all the doses were used. She also advised that she is starting to move her office to her new location. Valor Marketing Manager Staci Carr talked about the current 30-day trend and 7-day trend, which shows a decrease. She spoke about the number of patients seen in Urgent Care and Emergency Room and that they have 1 patient in the COVID wing. She talked about who have received the vaccines so far.

The commissioners discussed a request for Administrative Leave time by the Landfill for 56 hours.

A motion was made by Commissioner Butticci to approve the requested 56 hours of Administratiive Leave for the Landfill. It was seconded by Commissioner Rekow and carried unanimously.

A motion was made by Commissioner Butticci to approve the requested 18 hours for Administrative Leave due to COVID for the Road Department. It was seconded by Commissioner Rekow and carried unanimously.

CARES ACT FUNDING: Clerk Shelly Tilton spoke about outstanding invoices, claims approval and that she will be submitting a final reimbursement request later in the day. She spoke about the invoices she had not yet received.

INDIGENT HEARING 20-039: At 10:49 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Butticci and carried unanimously to go into executive session under Idaho Code 74-206(1)(d) for indigent matters with a roll call vote as follows: Commissioner Butticci, aye and Commissioner Rekow, aye. Indigent Director Sarah Story was sworn in.

Regular session reconvened at 10:50 a.m.

Commissioner Butticci made a motion to continue the Indigent Hearing on case 20-039. It was seconded by Commissioner Rekow and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen spoke about the grandstand bleachers, phone bid for the jail and the workshop that is scheduled for tomorrow. She advised that she has not heard any updates on Rouwenhorst and that she will work with Code Enforcement to discuss options for dealing with people using their RV's to live in. She also talked about vaccines for essential employees and also the Comprehensive Plan.

CONSENT AGENDA: The consent agenda included A. Linville Rezone Findings, Conclusions, Conditions, Order, B. Gem County Ordinance 2020-07 Linville Rezone and C. Idaho State Historic Preservation Certified Local Government Subgrant application for Ola School Committee.

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

MINUTES: The minutes from December 21, 2020 were reviewed. A motion was made by Commissioner Butticci to approve the minutes for December 21, 2020 as amended. It was seconded by Commissioner Rekow and carried unanimously.

INDIGENT APPLICATIONS: It was not necessary to go into Executive Session.

21-007	Notice of Lien
20-039	Notice of Hearing
21-002	Notice of Hearing

Commissioner Butticci made a motion on case 21-007 to sign notice of lien and cases 20-039 & 21-002 to sign notice of hearings. It was seconded by Commissioner Rekow and carried unanimously.

EXPENSE CLAIMS APPROVAL: The claims presented were reviewed. Commissioner Rekow made a motion to sign the claims as presented and as initialed on the individual claim forms as well as the Indigent claims. 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.

THAYNE REZONE PUBLIC HEARING: While being recorded, a public hearing was held for a rezone request. Due to social distancing this meeting was held virtually via Join Me. Commissioner Rekow read the Notice of Public Hearing for the virtual meeting for the ordinance amendment. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, applicant Kara Thayn, Gem County residents Joe Morton and Annette Smith. Those wanting to present were all sworn in.

There were no indications of conflict from the Commissioners, nor were there any declarations pertaining to this meeting such as site reviews or conversations outside of this hearing.

Development Services Director Jennifer Kharrl requested to have the packet entered into record including the rezone application, the Zoning Commission recommendation, the staff report, the draft Zoning Commission minutes, the draft Development Agreement, 3 letters from impact agencies with no concerns or comments which were from Gem County Mapper, Road & Bridge Department and Emmett School District and 7 letters of opposition from the public. Commissioner Rekow advised that the packet of information was entered into the record.

Jennifer reviewed the Thayne Rezone request which is a request from applicant Derrick and Kara Thayn to rezone their property from A-1 Prime Agriculture (40-acre minimum) to A-2 Rural Transit Agriculture (5-acre minimum). The property proposed to be rezoned is 40.00 +/- 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. She explained that the applicant was requesting a 35-acre parcel and a 5-acre parcel in which they would build their home on the 5-acre parcel. She advised that the Zoning Agreement recommended approval with a Development Agreement to make the 35-acre parcel agriculture use only at this time. If there is a future development request the Development Agreement would have to be amended which would require a public hearing. She also spoke about the maximum number of lots that there could potentially be and that currently it is a bare 40-acres with no residences.

Applicant Kara Thayn advised that their request for the rezone was so that they could obtain a bank loan in order to build a home on the 5-acre parcel and to farm the 35-acre parcel. There was no testimony that were neutral or opposed.

Commissioner Butticci expressed concerns on the other 7 potential lots being sold individually. Jennifer explained the

steps that would be needed to help ensure that would not happen until there was an amended Development Agreement with a subdivision plan. She advised that with this request there would be only 2 parcel. She also advised that a building permit was already approved for. Commissioner Butticci expressed concerns on roads and water if there is potential future growth. Jennifer explained how the zoning map would look. Commissioner Rekow expressed concerns of traffic, septic and water for potential future growth as well.

A motion was made by Commissioner Butticci to close the public hearing on the Thayn Rezon 20-005. It was seconded by Commissioner Rekow and carried unanimously.

Commissioner Butticci requested that Development Services bring back the draft of the Agriculture Development Agreement so they could see what the acreage split would look like.

A motion was made by Commissioner Butticci to continue the deliberation until January 4, 2021 in the afternoon when a time is set on the calendar so they can review what the draft of the Agriculture Development Agreement looks like before they make a decision on this rezone. It was seconded by Commissioner Rekow and carried unanimously.

The Board recessed at 3:00 p.m. to 9:30 a.m. on December 29, 2020.

Commissioner Elliott was present for this meeting.

FLOOD MANAGEMENT WORKSHOP WITH KELLER ASSOCIATES: While being recorded, a workshop was held to discuss flood management with Keller Associates. Due to social distancing this meeting was held virtually via Join Me. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Project Manager Ryan Morgan from Keller Associates, Andy Waldera from Sawtooth Law, County Inspector Vince Lombardo and Stefani Dwyer, potential landowner.

Project Manager, Ryan Morgan from Keller Associates reviewed a presentation on flood management. Items that he talked about were National Flood Insurance Programs (NFIP) and their purpose, requirements and benefits for participating in the NFIP, what the flood insurance requirements were in regards to Floodplain Ordinance, regulatory requirements and design requirements. There was discussion on potential increase of water flow rates and the potential effects of that. He also talked about who was responsible for enforcement. He explained what hydraulic modeling was and the difference between 1D & 2D

modeling, basic equations and variables and model data collection. He spoke about the best conditions to get the best data for surveying and explained what FEMA's requirements were for a Floodplain Study. He also talked about the process for Flood Study updates and how long they can potentially take. He explained the differences between Floodway vs. Floodplain and the different zones in the Floodplain areas. He also explained how the percent for annual chance of flood is calculated and what properties are most vulnerable. He spoke about the differences between LOMA (letter of map amendment), LOMR-F (letter of map revision based on fill), LOMR (letter of map revision), PMR (physical map revision) and CLOMR (conditional letter of map revision) and what activities trigger one of them. He advised that a study would be good before allowing fill in a Floodplain and that it is required by FEMA if you are going to do it in the Floodway. He also talked about Floodplain requirements. Andy Waldera from Sawtooth Law spoke of the strict current restrictions in Gem County. Ryan spoke of several surrounding counties that have removed language from their ordinance to allow some fill in the Floodplain and required studies were completed. He provided multiple options for developing in the Floodplain. He also spoke of the Floodplain application permit process. Commissioner Elliott expressed his concerns on what happens when things are changed to 1 property and the effects of other properties. Ryan advised that the studies are good tools to see those impacts. Commissioner Rekow spoke about the levies and briges and potential water breaching them. Ryan spoke of the studies and computer modeling, how they have improved and the use of 2D models and how the new maps help.

The Board recessed at 11:30 a.m. to 8:30 a.m. on January 4, 2021.

Approved: _____
Chairman

Attest: _____
Clerk