

**REGULAR SESSION, NOVEMBER 10, 2008**

Chairman Faulkner convened the regular session with Commissioner Williams, Commissioner Edwards and the Clerk, Denise Gill present.

**PLANNING AND ZONING – COMMISSION**

Chairman Faulkner read a letter of resignation from Jim Brockman. Mr. Brockman serves as Chairman on the Planning and Zoning Commission.

**CLAIMS**

Commissioner Faulkner moved to approve the claims. Commissioner Edwards seconded the motion. Motion carried.

General	17,604.17	Fair	279.52	Revaluation	1,211.78	Road & Br.	1,320.00
Public Health	5,646.17	Indigent	2,417.93	Weeds	753.68	Dist Court	3,189.60
Total	32,422.85	Amb. Dist	6,562.20				

**JUVENILE PROBATION**

Leslie Dunn presented the Juvenile Justice 2008 Annual Financial Report. Commissioner Edwards moved to allow the Chair to sign the Juvenile Justice 2008 Annual Financial Report. Commissioner Williams seconded the motion. Motion carried.

**MINI-CASSIA – JUVENILE DETENTION CENTER – AGREEMENT**

Commissioner Edwards moved to sign the Mini-Cassia Juvenile Detention Center Agreement. Commissioner Williams seconded motion. Motion carried.

**SHERIFF – EQUITABLE SHARING AGREEMENT**

Chairman Faulkner moved to allow the Chair to sign the Equitable Sharing Agreement and Certification with the Federal Government.

**PLANNING & ZONING – JUDY DAVIS**

Ms. Davis reported that the Commission approved two towers with conditions. The Board informed Judy of the Jim Brockman's resignation. Each Monday the Commission holds a CAFO hearing. Judy invited the Board to the annual Christmas Dinner. The group discussed the idea of the public taking an oath when testifying at public hearings.

**INDIGENT**

Commissioner Edwards moved to go into an executive session pursuant to IC§31-874 to consider indigent matters.

Commissioner Faulkner seconded the motion. Roll call vote: Edwards – Aye, Williams – Aye. Beverly Johannsen, County Services Director, and Linda Leguineche Assistant Director joined the meeting to review indigent cases and claims. The board vacated executive session and returned to regular session at 3:30 p.m. Commissioner Edwards moved to deny 08-10-3371, 08-10-3373, 08-10-3372, 08-7-3342 and 08-7-3334. Commissioner Williams seconded motion. Motion carried.

**RESOLUTION 08-11-10**

Commissioner Edwards moved to adopt resolution 08-11-10. Commissioner Williams seconded motion. Motion carried.

**Resolution # 08-11-10**

Whereas, Gooding County has enacted Subdivision Ordinance # 80 regulating certain divisions of real property; and

Whereas, Gooding County Ordinance # 80, Article IV., Section B (attached) relates to the reference date for ownership of land, which allows for determination of an original parcel; and

Whereas, Ordinance # 80, Article IV., Section B also regulates divisions of real property (splits) and specifically how many times an original parcel of real property (parcel) may be split before subdivision is required; and

Whereas, Ordinance # 80, Article IV., Section B does not allow issuance of a building permit for a parcel of land which has been illegally split; and

Whereas, a question has arisen regarding the status of a parcel legally split when a portion of that legal parcel has subsequently been split from that legal parcel in violation of Ordinance # 80; and

Whereas, the Board of County Commissioners for Gooding County wishes by this resolution to interpret Ordinance # 80 and therefore resolve the pending question and clarify Ordinance # 80 for the benefit and guidance of Gooding County Property Owners; therefore,

BE IT HEREBY RESOLVED BY THE GOODING COUNTY BOARD OF COMMISSIONERS:

1. When a legally split parcel of real property which has been developed with a residence, is subsequently split in violation of Ordinance # 80, without the subdivision process being adhered to, the parcel(s) created by the split(s) of land shall not be issued building permits (non-buildable parcel) unless and until the subdivision process has been complied with and the subdivision approved.
2. The portion of the legally split parcel retained by the owner of the legally split parcel upon which the residence has been built, which has previously been eligible for the issuance of building permits (buildable parcel), shall remain eligible for the issuance of building permits.

Example 1: Owner has "buildable" 10 acre parcel with no further split available, unless the subdivision process is complied with. Owner has built residence on ten acre parcel. Owner decides to split the property, creating and selling a new 5 acre parcel, and retaining a 5 acre parcel. The newly created and sold 5 acre parcel is not eligible for a building permit unless and until the subdivision process is complied with. The 5 acre parcel retained by Owner remains eligible for issuance of building permits.

Example 2: Owner then decides to divide the retained 5 acre parcel again, selling a newly created 3 acre parcel. The 3 acre parcel is not a buildable lot, unless the subdivision process is complied with. The retained parcel of 2 acres remains a buildable lot.

Example 3: Owner then sells the retained 2 acre parcel, along with the residence and any other improvements. The 2 acre parcel remains a buildable parcel.

Approved by the Board of County Commissioners, Gooding County, this 10th day of November, 2008.

Commissioner:  
/s/Tom Faulkner  
Commissioner:  
/s/ Helen Edwards  
Commissioner:  
/s/Terrell Williams  
Attest:  
/s/Denise Gill

**ORDINANCE #98**

Commissioner Williams moved to adopt Ordinance #98. Commissioner Edwards seconded motion. Roll call vote: Edwards– Aye, Williams – Aye.

**ORDINANCE # 98**

Ordinance of the Gooding County Commissioners State of Idaho, adopting and enacting an ordinance prohibiting access immediately above and immediately below hydroelectric projects located on the Snake River.

Whereas, the Gooding County Commissioners have authority pursuant to Idaho Code 31 -714-716 and the Idaho Constitution Article XII, section 2, to enact ordinances to protect the health, safety, and welfare of citizens of Gooding County and all persons who may be present in Gooding County from time to time; and

Whereas, the health, safety, and welfare of any person crossing the buoy line on the upstream side of hydroelectric projects located on the Snake River may be endangered by coming into close contact with the hydroelectric project; including but not limited to turbine water intake apparatus and floodgates; and

Whereas, the health, safety, and welfare of any person coming too close to the downstream side of the hydroelectric projects located on the Snake River may be endangered by coming into close contact with the hydroelectric project; including but not limited to spillways, the power canal, and swiftly rising and falling water levels; therefore,

Be it ordained by the Board of County Commissioners of Gooding County, Idaho, as follows:

- Section I Purpose - to promote and protect the health, safety and welfare of the public immediately above and below hydroelectric projects located on the Snake River due to the inherent dangers associated with such projects, as authorized by Title 31, Sections 31 -714 to 716 of the Idaho Code;
- Section II Definitions: Access - includes physical access of any type for any purpose, including but not limited to, boating, kayaking, fishing, swimming, hunting, and/or picture taking;
- Section III Prohibited Acts - It shall be unlawful for any person, other than law enforcement, officials or employees of local, state, or federal agencies, employees of the owner and/or operator of any hydroelectric project located on the Snake River or their agents, or persons with specific written permission of the owner and/or operator of any hydroelectric project located on the Snake River to access the Snake River below the high water mark at the following locations:  
- at Bliss Power Plant, between the downstream side of Idaho Power Company's dam, spillway and powerhouse, and Idaho Power Company's upstream buoy line; - at Lower Salmon Falls Power Plant, between the downstream side of Idaho Power Company's dam, spillway and powerhouse and Idaho Power Company's upstream buoy line;  
- at Upper Salmon Falls Power Plants, between the downstream side of Idaho Power Company's dam, spillway and powerhouse and Idaho Power Company's upstream buoy line, including, but limited to the power canal;
- Section IV Penalty - Any violation of this ordinance is declared to be a misdemeanor, and shall be punishable in accordance with the general misdemeanor penalties set forth in the Idaho Code.
- Section V Search and Rescue Expense - In the event that it becomes necessary to provide search, rescue or retrieval services for a person or persons who violate(s) this ordinance, the County reserves the right to assess and recover expenses from the violator(s) pursuant to Idaho law.

Approved by the Board of County Commissioners, Gooding County, this 10th day of November, 2008.

Commissioner:  
/s/Tom Faulkner  
Commissioner:  
/s/ Helen Edwards  
Commissioner:

/s/Terrell Williams

Attest:

/s/Denise Gill

Chairman Faulkner moved to adopt the Findings of Fact, Conclusions and Decision on the rezone Lot 1 and 2 in Section 31, T6S, R14EBM. Commissioner Edwards seconded the motion. Roll call – Edwards –Aye, Faulkner – Aye, Williams – Aye.

**GOODING COUNTY BOARD OF COMMISSIONERS**

Amendment of Ordinance 78

**REGARDING APPLICATION FOR** )  
)  
**RECOMMENDATION OF REZONE** )  
**LOT 1 AND 2 IN SECTION 31,** )  
**TOWNSHIP 6, S., R. 14 EBM** )  
)  
Property Owner - )  
\_\_\_\_\_ Don and Carol McFarland )

**FINDINGS OF FACT,  
CONCLUSIONS and  
DECISION**

FINDINGS OF FACT

Having given due consideration to the application and testimony presented at the hearing, the Board of Gooding County Commissioners hereby makes the following findings:

1. Public hearing was held on September 29, 2008. The purpose of the hearing was for public input and discussion on rezoning property at approximately 1202 E. 2350 S., Bliss, ID (Tuttle), which is located in W 1/2 of the NW 1/4 of Lot 1 and 2 in Section 31, Township 6 South, Range 14 EBM in an Agricultural Zoning District. The Rezone is to change 27.1 acres in the agricultural zone to a Commercial Zoning District and amend the Gooding County Zoning Map.
2. The legal notice was published in the Times News, the official county newspaper on September 4, 2008. Notice was mailed to 16 property owners within 300' of the external boundaries of the property on September 5, 2008.
3. The existing zoning of the subject land is Agricultural.
4. The subject property is approximately 27.1 acres in size and adjoins 11.5 acres already zoned commercial.
5. The requested rezone is consistent with the comprehensive plan.

CONCLUSIONS

1. The Comprehensive Plan Land Use Map designates this area as changing to Commercial.
2. The Comprehensive Plan does not need amendment.
3. The requested rezone is appropriate.

DECISION

The Board of Gooding County Commissioners having considered the recommendation, the information presented and the written and oral testimony provided hereby approves the recommendation of Rezone Lot 1 and 2 in Section 31, Township 6, S., R. 14 EBM by unanimous vote. Roll call vote: Commissioner Faulkner, aye; Commissioner Edwards, aye and Commissioner Williams aye. Any affected parties aggrieved by this decision have fifteen (15) days from the signing of these Findings, Conclusion and Decision to file an appeal with the Gooding County Board of Commissioners.

Signed this 10 day of November, 2008.

/s/Helen Edwards

Helen Edwards

/s/Tom Faulkner

Tom Faulkner

/s/Terrell Williams

Terrell Williams

/s/Denise Gill

Attest:

TREASURER

Commissioner Faulkner moved to approve the cancellation on RP07S13E137199 \$1,125.94. Commissioner Edwards seconded motion. Motion carried. Parcel will be re-billed on sub-roll new tax \$1,880.75. Commissioner Edwards moved to cancel the Landfill Fee RPG1000133019A; owner has passed away. Commissioner Williams seconded motion. Motion carried.

EMPLOYEE COMMITTEE

Deanna Lenker from the employee committee requested the Gooding County employees be allowed to have a payroll deduction for a membership at the Fitness Center. It would be \$20.00 month for a minimum six months. The Board approved the request. Employees must sign an authorization for deduction and acknowledge the six month commitment.

**MINUTES**

Commissioner Edwards moved to approve the minutes from October 14 & 16, 2008. Commissioner Williams seconded the motion. Motion carried.

Commissioner Faulkner moved to adjourn meeting. Commissioner Edwards seconded motion. Motion carried.

/s/Helen P. Edwards, Commissioner

/s/Terrell Williams, Commissioner

/s/Tom Faulkner, Chairman

Attest:/s/Denise M. Gill, Clerk

**REGULAR SESSION, NOVEMBER 24, 2008**

Chairman Faulkner convened the regular session with Commissioner Williams, Commissioner Edwards and the Clerk, Denise Gill present.

Commissioner Edwards moved to adopt the amended agenda. Commissioner Faulkner seconded the motion. Motion carried.

**ICRMP – BOARD**

Commissioner Faulkner moved to vote for Cleon Jolley for Member at Large on the ICRMP Board. Commissioner Williams seconded the motion. Motion carried.

**LIQUOR LICENSE**

Commissioner Edwards and Commissioner Williams moved and seconded to approve the renewal liquor licenses for the: Stinker Stores, Inc., Snake River Grill, Ridley's Family Markets, Hagerman Hometown Mart, Clear Lake Country Club, Larry & Mary Restaurant, GC Chappel, Inc., Steve's Quick Services, Inc., El Cazador Mexican Restaurant, and Simerly's Inc. Motion carried.

**ASSESSOR**

Commissioner Edwards moved to allow a tax cancellation for the homeowners of \$875.92 on RP06S15E065551A. Commissioner Williams seconded the motion. Motion carried. Commissioner Edwards moved to allow a tax cancellation for \$791.83 on RPG1000024020A. Commissioner Faulkner seconded the motion. Motion carried.

Regular session recessed.

**BOARD OF EQUALIZATION**

Commissioner Edwards moved to open the Board of equalization. Commissioner Williams seconded the motion. Motion carried. Assessor Bauscher presented the sub-occupancy and sub-roll for tax year 2008. Commissioner Williams motioned to accept the sub-occupancy and sub-rolls as presented. Commissioner Edwards seconded the motion. Motion carried.

Board of equalization recessed. Regular session reconvened.

**DISASTER SERVICES**

Lori Capps, Disaster Services Coordinator, reported that homeland security wants to put a communication tower behind the EOC. Lori instructed to HSB they will need to contact the City of Gooding for their permit. Commissioner Faulkner and Commissioner Williams moved and seconded to approve the 2009 Emergency Management Program Grant. Motion carried. Commissioner Edwards moved to sign the 2008 HSB grant application. Commissioner Williams seconded the motion. Motion carried.

**WEEDS**

Commissioner Edwards and Commissioner Williams moved and seconded to sign the Joint Powers Agreement for Weed Control. Motion carried.

**BUILDING AND GROUNDS**

Commissioner Faulkner moved to approve the electric bid to install lights in the weed building. Commissioner Williams seconded. Motion carried.

**PLANNING AND ZONING – COMMISSION**

Commissioner Edwards moved to appoint Dave White to complete the term of Jim Brockman on the P&Z Commission. Commissioner Faulkner seconded the motion. Motion carried. Mr. White's term will end September 30, 2011. Judy Davis, P&Z Administrator, reported on the P&Z Commission meetings. They approved applications for the Box Canyon Dairy 1 & 2 and Blind Canyon Aquifer Ranch. The Aardema Jersey application was not approved. The CAFO siting team new scoring will reviewed at a meeting on December 11, 2008 in Jerome County.

**LANDFILL FEE – AIRPORT HANGERS**

A group of citizens that own hangers at the Gooding Airport joined the Commissioners meeting to discuss the landfill fee assessment. The discussion led to setting a fee schedule based on the square footage of the hangers. For this year the Board will do tax cancellations and amend the ordinance to reflect the change. Chairman Faulkner moved to reduce the fee by \$35.00 on five hangers that are 1200 square foot or less. Commissioner Williams seconded the motion. Motion carried.

**TAX CANCELLATIONS – HARDSHIP**

Commissioner Faulkner moved to cancel RP06S15E052427A for \$449.44. Commissioner Edwards seconded the motion. Motion carried. Commissioner Faulkner moved to cancel RP G10000053016A for \$445.30. Commissioner Williams seconded the motion. Motion carried.

**INDIGENT**

Commissioner Faulkner moved to go into an executive session pursuant to IC§31-874 to consider indigent matters. Commissioner Williams seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye,. Beverly Johannsen, County Services Director, and Linda Leguineche Assistant Director joined the meeting to review indigent cases and claims. The board vacated executive session and returned to regular session at 4:20 p.m. Commissioner Williams moved to deny 08-10-3380, 08-10-3377, 08-10-3378, 08-10-3379, 08-7-3331, and 08-8-3353.

**MINUTES**

Commissioner Edwards moved to approve the minutes from October 27, 2008, November 6, 2008 and November 10, 2008. Commissioner Faulkner seconded the motion. Motion carried.

Commissioner Faulkner moved to adjourn meeting. Commissioner Williams seconded motion. Motion carried.

/s/Helen P. Edwards, Commissioner

/s/Terrell Williams, Commissioner

/s/Tom Faulkner, Chairman

Attest: /s/Denise M. Gill, Clerk