

NOTE: AN AUDIO RECORDING OF THE FULL PROCEEDINGS IS AVAILABLE THROUGH THE DEVELOPMENT SERVICES DEPARTMENT. THE EXHIBITS LISTED HEREIN CAN BE FOUND IN THE RESPECTIVE FILES AT DEVELOPMENT SERVICES DEPARTMENT.

MEMBERS PRESENT: Dan Eichelberger, Debra Jones, Justin Vickery.

OTHERS PRESENT: Planning Director – Jennifer Kharri, Associate Planner and (Moderator) Olivia Mocnik, Director Road and Bridge-Neal Capps, Development Services Coordinator-Stephanie Crays.

6:03 P.M.

REGULAR MEETING

1. **CALL TO ORDER:** Chairman **Jones** opened the public meeting at 6:03 PM., held in the Commissioner Chambers and via Zoom.
2. **ROLL CALL:** Dan Eichelberger- present, Debra Jones- present, Justin Vickery-present.
3. **REVIEW AGENDA:** Commission reviewed the agenda as written.
4. **APPROVAL OF MINUTES-**Minutes for February 12, 2024 approved. March 11, 2024 were not available.

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

A REZONE REQUEST BY ANDREW AND AMBER PAYNE TO REZONE 12.68+/- FROM A2 RURAL TRANSITIONAL AGRICULTURE (5 ACRE MINIMUM) TO A3 RURAL RESIDENTIAL (2 ACRE MINIMUM) AT 120 WEST SALES YARD ROAD

Director Kharri-The property owner, Andrew and Amber Payne, is requesting a rezone of their parcel from A-2, Rural Transitional Agriculture (5 acre minimum lot size) to R3, Rural Transitional (2 acre minimum lot size). The application states the reason for the request is to split off a 2 acre parcel from the Boise Avenue parcel. The property proposed to be rezoned consists of approximately 23.48 acres. The properties are located at 120 W. Sales Yard Road single family dwelling and TBD S. Boise Avenue (bare land).

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Applicant:

Andy Payne-120 W. Sales Yard Road, Emmett, ID. They would like to split off two acres. Then they will do a minor subdivision. They want to rezone the 23.48 acres all at once.

Favor: None

Neutral: None

Opposed: None

Applicant Rebuttal

Chairman Jones closed public comments at 6:10pm

Commission Discussion

Chairman **Jones** read through the five required findings. Commissioners had no concerns.

Commissioner **Eichelberger** made a motion to recommend approval, with a Development Agreement that the intent is to split off a single two acre lot on Boise Avenue.

Commissioner **Vickery** seconded the motion.

Vote: Unanimous

ACTION ITEM #2

A VARIANCE REQUEST BY CATHY SMITH ON PROPERTY OWNED BY ACT HOLDINGS LLC, TO ALLOW A1 ACRE PARCEL IN A40 ACRE MINIMUM ZONE (PRIME AGRICULTURE) LOCATED AT 1111 EAST IDAHO BLOUAVARD

Director Kharri- The applicant, Cathy Smith, on property owned by ACT Holdings, LLC of which she is a member, has applied for a Variance to the minimum lot size in the A1 zone per Gem County Code 11-4-1.B. The minimum lot size in the A1 zone is 40 acres and the applicant is requesting to be allowed to create up to a 1 acre parcel.

Applicant:

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Cathy Smith-She is requesting a one acre parcel, she would like to someday to occupy this property, or her children, and they have a father that down the road will need care. The water right is on this property but she can't pump it up the hill. She can keep her water rights for the lower part of the property this does allow for a variance, it's on a hillside, there is no water, and variances are designed for this kind of instance.

Favor: None

Neutral:

Timothy Walker-1330 Edgemont Road, Emmett, ID. They own the farm next to Cathy, they share a common lane, and she always maintains this road very nicely. The best use for this one acre would be a building permit for this property, you can't do anything else with it. They just want to make sure they keep the access of the road open so they can use it like they have been.

Neil Shippy-3782 Elgin Road, New Plymouth, ID. Cathy Smith still does have water rights, she will have to get the claim adjusted.

Steven Russell-9288 Silver Leaf Road, here on behalf of Emmett Irrigation District. They have a lateral that runs along the brim, any lateral within boundaries needs to be addressed before any building can happen.

Opposed: None

Applicant Rebuttal

Cathy Smith- The irrigation will be 40 to 50 feet away from the ditch. She was never told that she would have to do a minor subdivision from the Planning and Zoning Office. It's only one lot, only the one acre would be revoked from the water right. Commissioner **Eichelberger** you can build a home on this parcel anywhere correct? **Smith** yes on the 139 acres. She keeps the farm separate from the residence.

Chairman **Jones** closed public hearing at 6:36pm

Commission Discussion

Chairman **Jones** read through the four required findings. Commissioner **Vickery** finding A and B can be met, but findings D does not see how this grants a variance, A1 Prime Agriculture we do not allow rezones. This is a 40 acre minimum zone. Commissioner **Eichelberger** you can build a house there, finding D cannot be met. It sounds more like a hardship permit.

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Commissioner **Vickery** made a motion to deny the variance based on finding D not being met. Commissioner **Eichelberger** seconded the motion.

Vote: Unanimous

ACTION ITEM #3

A SPECIAL USE PERMIT REQUEST BY GRANT WEBB ON PROPERTY OWNED BY WEBBS INC. FOR A MINERAL EXTRACTION OPERATION AT 18405 SWEET-OLA HIGHWAY

Director Kharri-The applicant, Grant Webb, on property owned by the Webb's Inc., is requesting approval of a Special Use Permit to allow a mineral extraction operation.

Applicant:

Grant Webb-3405 Elk Horn Lane, Emmett, ID. This is 28 acres that borders the highway, it has good access to the road. He walked the property and you can see two hay barns. He was going to get one building permit on this piece of property, they had a few problems with water coming off the road, and he addressed that with Road and Bridge department. He was denied power from the neighbors so he decided to do a rock pit. His concerns would be people traveling on the highway, this is a straight stretch on this road, his other concern would be noise for the neighbors, but he is just trying to use his land. After the mining and it's leveled off he would like to get a building permit to someday build a house on it.

Favor: None

Neutral: None

Opposed:

Chris Macaw-19200 Sweet Ola Hwy, Ola, ID. He's owned a ranch for over 30 years, they say there is going to be four phases. It will be seen from his property. The Comprehensive Plan said the land use goal is to preserve the rural area, and this pit does not belong. This has an impact on noise, this will change the migration of the elk coming through and all other wildlife. Noise is a major issue. He has a problem with the application that was filled out. He has concerns with the water, wells, creeks, and the wetlands. He has concerns with the dust that will be coming from this pit.

Allen Coburn-17800 Sweet Ola Highway, Ola, ID. He has concerns as what has been said. He has concerns that Mr. Webb first said he was going to build a house and now he has changed to putting in a pit, some of the things that he said in his letter is not true, there is a safety issue, and there is a water issue.

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Allen Hermansen-17777 Sweet Ola Highway, Ola, ID. He has concerns with how the application was submitted some things Mr. Webb put in the letter are not true, there is water in the right of way, there is animals that will be affected, and the noise will be a problem. Mr. Webb saying that there will be only five trucks, how is that going to be monitored? He is concerned how the water flows and how that will be corrected.

Flip Phillips-7825 North Star Road, Meridian, ID. He has concerns about the fence and where it's going to be, they own property up to this land. He has concerns about Mr. Webb saying there will be no dust, there will be dust every gravel pit has dust. Also he had big concerns about fire, how are they going to protect us or be prepared for fire.

Applicant Rebuttal

Grant Webb addressing the dust they drive 300 ft. before they hit the pavement, the dust is from the truck dust, that is what he meant by dust. **Mike Riner with Lurre Construction** spoke to the concerns of water, dust, noise, there is dust with a gravel pit, and it's driven on demand. He's just wanting to be a good neighbor here. His number one concern is safety, he grew up here. He couldn't get power to the property, so he wants to turn it into a rock pit.

Chairman **Jones** closed public hearing at 7:12pm

Commission Discussion

Commissioner **Vickery** they have a good idea of the area, these are hard applications because they have so much impact to the neighbors. Wherever you mine is hard. Commissioner **Jones** has concerns with the applicant asking for waivers for the fencing and other things.

Commissioner **Jones** read through the nine findings. Commissioner **Vickery** would like to hear from Mr. Capps Road and Bridge Director. **Neal Capps** Road and Bridge Director the applicant said five truck loads would be running and that there would be safety signs, they make sure the road mitigation can handle this. The other concern is the driveway, he wants to make sure this is safe to get onto the highway. Commissioner **Eichelberger** this will continue to impact the area for a number of time.

Chairman **Jones** read through the conditions of approval. Commissioner **Eichelberger** discussion of number #13 of the placement of the pit. Commissioner **Vickery** number #8 6 ft. fence needs to stay per code.

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Commissioner **Vickery** made a motion that they approve with the site specific conditions of approval addressed by Development Services as they are.
Commissioner **Eichelberger** seconded the motion.

Vote: 2 to 1

ACTION ITEM #4

PRELIMINARY SUBDIVISION PLAT (EDGEVIEW ESTATES #2) APPLICATION BY EDGEMONT ESTATES, LLC. TO REQUEST APPROVAL OF 5 BUILDABLE LOTS ON APPROXIMATELY 5.007+/-ACRES, LOCATED ON EDGEMONT ROAD

Director Kharri-The applicant, Kyle Stratton, on property owned by Edgemont Estates, LLC of which he is a member of, has applied for a Standard Subdivision Permit application to create five, single family lots on approximately 5.007+/- acres located in the R2, Residential Transitional zone.

Applicant:

Kyle Stratton-1103 Regency Way, Emmett, ID. This is a five lot subdivision. The water study has been completed. The septic study has been completed and signed off. The irrigation has been approved.

Favor: none

Neutral: none

Opposed:

Donna Burtnett-701 W. Idaho Boulevard, Emmett, ID. She is concerned with the acreage being approved. She also has concerns of water with this many parcels.

Larry White-687 W. Idaho Boulevard, Emmett, ID. He has concerns there is so many subdivisions. He has concerns with the wells going dry. Emmett use to be nice and quiet and now it's just becoming a big city. The population growth is a big concern.

Neil Shippy-3782 Elgins Road, New Plymouth, ID. There is a water right, this needs to be addressed.

Applicant Rebuttal: none

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Chairman **Jones** closed public hearing at 8:03pm

Commission Discussion

Chairman **Jones** read through the nine required findings.
Commissioner **Eichelberger** read through the conditions.

Commissioner **Vickery** made a motion to recommend approval with the site specific conditions of approval.

Commissioner **Eichelberger** seconded the motion.

Vote: Unanimous

REGULAR MEETING

1. **ITEMS FROM THE PUBLIC:** none
2. **FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** Update on code updates with the consultants, Logan Simpson.
3. **ITEMS FROM THE PLANNING AND ZONING COMMISSION:** none
4. **UPCOMING MEETINGS:** May 13, 2024 at 6:00pm
6. **ADJOURN:** Commissioner **Vickery** made a motion to adjourn
Commissioner **Eichelberger** seconded the motion.
Vote: Unanimous.

6:01 p.m. 5/13/24
