

SUMMARY MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 10, 2023

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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, Stacy Heimlich, Justin Vickery (online).

OTHERS PRESENT: Planning Director – Jennifer Kharrl, Associate Planner – (Moderator) Olivia Mocnik, Director Road and Bridge-Neal Capps.

6:02 P.M.

REGULAR MEETING

1. **CALL TO ORDER:** Chairman **Eichelberger** opened the public meeting at 6:05 PM., held in the Commissioner Chambers and via Zoom.
2. **ROLL CALL:** Dan Eichelberger- present, Debra Jones – present, Justin Vickery– present (online), Stacy Heimlich-present.
3. **REVIEW AGENDA:** Commission reviewed the agenda as written.
4. **APPROVAL OF MINUTES of March 20, 2023**

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

A REZONE REQUEST BY KYLE STRATTON TO REZONE 8.265 +/- ACRES FROM A2 RURAL TRANSITIONAL AGRICULTURE (5 ACRE MINIMUM) to R2 RESIDENTIAL TRANSITIONAL (1 ACRE MINIMUM)

Director Kharrl- The applicant, Kyle Stratton, on property owned by Theodore Richard Riley, is requesting a rezone of his parcel. The application states the reason for the request is to apply for a subdivision to create 1 acre parcels.

Applicant:

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Kyle Stratton-1103 Regency Way, Emmett, Id. He is helping the owner Mr. Riley rezone his property. This property is adjacent to his property.

Favor:

Amy Rosa-2030 Washington Ave, Emmett, ID. Is in support of this rezone, they are the surveyor on this property. She was explaining the process of what they did and will do.

Neutral: None.

Opposed: None.

Chairman **Eichelberger** had some letters of concern that were submitted, he highlighted what the letters were about, the letters were a concern about water, septic, additional housing and building, traffic and noise.

Applicant Rebuttal:

Kyle Stratton- The water issue will be taken care of when the study is complete. What we are requesting does fall in the current Comprehensive Plan.

Chairman **Eichelberger** closed public comments 6:16pm

Commission Discussion

Chairman **Eichelberger** read through the five required findings. A letter from Road and Bridge there will be only one access given. Commissioner **Vickery** is in favor of the staff's comments requiring a development agreement if they were to recommend it he feels that he would want Southwest District Health to weigh in specifically on these 1 acres. Director **Jennifer Kharri** Southwest District Health will be involved if this goes to a standard subdivision they will require an engineering report. Chairman **Eichelberger** addressed the water study and have not ever received a bad report. To address the additional housing with this being one acre lots this application complies with the current Comprehensive Plan.

Commissioner **Vickery** moved that they recommend for approval to the Board of County Commissioners with a development agreement requiring a quality and quantity water study also the letter from Road and Bridge with only one access be granted.

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Commissioner **Heimlich** seconded the motion.
Vote: Unanimous

ACTION ITEM #2

A SPECIAL USE PERMIT #SUP 22-010 APPLICATION BY BENJAMIN BOMAN AND MICHAEL YERBY TO OPERATE AN RV STORAGE BUSINESS LOCATED ON 864 AND 874 E. IDAHO BLVD.

Director Kharri-The applicant, Jeannine and Benjamin Boman and Michael and Cassandra Yerby, is requesting approval of a Special Use Permit to Allow an RV storage facility on their property. The facility is proposed at two adjacent properties located at 864 and 874 E. Idaho Boulevard. "RV Storage" is not a land use that is listed in Gem County Code 11-5-5, Zoning Matrix. It is a unique category in the matrix. Staff is proposing that the previous Special Use Permit become null and void if this one is approved.

Applicant:

Ben Boman-874 E. Idaho Blvd., Emmett, ID. He has a Special Use Permit now on this property and was just thinking he could do something else with this property. He has seven foot berms on the property now and wants to put them along the back now for the RV Storage along with some trees. He wants everyone to be cool with this, he has talked with a few neighbors. There won't be any junk and when the trees grow up it will be beautiful. He is trying and wants it to look nice and be nice. The RV's will all be in the back and nobody can see it. There will be no lights. This is a RV Storage not a park.

Favor: None

Neutral: None

Opposed:

Lyn Whittsell-1818 E. Idaho Blvd. Emmett, ID. She is very opposed to the RV Storage. This should have coverage. She doesn't believe the road can handle the RV's coming and going. It's going to be an eye sore it doesn't fit.

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Glenn Flaherty-1759 Buttercup lane Emmett, Id. Emmett, ID. The berms on his side only look to be 3 or 4 feet tall. His backyard faces the RV Storage and it's not pleasing to the eye. Why not require the RV Storage to be at the South end and not the North end which is close to his property. A 6 foot fence will not be high enough. He proposes at least 12 feet. When RVs are coming down, the road is very dangerous, it's windy and not big enough for RV's. Please hear our concerns on the height of the fence.

Applicant Rebuttal:

Ben Boman-He thinks a 12 foot fence would be more of an eye sore. The berms are on the back of the property, he would like to plant trees and make it look nice. Someday he will have lean to's, but that's going to be a long time.

Chairman **Eichelberger** closed public hearing 6:56pm

Commission Discussion

Commissioner **Vickery** asking Director **Neal Capps**, is the condition not safe? Director Neal Capps at this time they do not have concerns. Chairman **Eichelberger** asked Director Neal Capps does there need to be a traffic study. Director **Neal Capps** not at this time. Chairman **Eichelberger** has concerns about the look, trees take a long time to grow. Lighting is a concern of not having any. Chairman **Eichelberger** read through the findings. Concerns of the findings, C,D,E,and G should be looked at. The concerns are traffic on the road, fence, and the look of the area and the age of the RVs that are going to be on this property. Director **Kharrl** asked the Commission to be specific of what they are asking the applicant to do.

Chairman **Eichelberger** made a motion to approve the Special Use Permit with the conditions listed on Exhibit A with the change to item #10 to a 10 foot solid privacy fence on the North, East and West sides of the designated RV parking area.
Commissioner **Vickery** seconded the motion.

Vote: 3 to 1
Commissioner **Heimlich** neutral

ACTION ITEM # 3

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PRELIMINARY SUBDIVISION PLAT (BLACK CANYON RANCH) APPLICATION BY COTNER DEVELOPMENT COMPANY, LLC, TO REQUEST APPROVAL OF 15 BUILDABLE LOTS ON APPROXIMATELY 78.6 +/- ACRES, LOCATED AT 1380 BLACK CANYON HIGHWAY.

Director Kharri- The applicant, Aspen Engineering, on property owned by Cotner Development Company, LLC, has applied for a Standard Subdivision Permit application to construct a single-family residential development on approximately 78.6 acres at the northwest corner of Black Canyon Highway and UA Avenue. The PP application proposes 15 building lots. Two private roads are proposed through the development.

Applicant:

Lance Warnick-1619 N. Linder Rd Suite 110 Kuna, ID. He is just explaining the PP application. This is just less than 79 acres. There are two private roads. They will meet the requirements of the Road and Bridge. There is not a view or safety issue. The property will continue to use irrigation and use pressure irrigation. Septic has already been tested and has passed. Water study was done and no problems showed up. The soil condition there is no levels to show concern. The Plat has met all conditions.

Favor: None.

Neutral:

Bruce Stelzried-3460 Gem Ave. Emmett, ID. He has a grass air strip and his concern if someone moving in and complains is he protected?

Opposed:

Clay Smith-3322 UA Avenue, Emmett, ID. His concern is about the water, and wanted to know more about the test.

Ellen Ethington-1100 Robin Land, Emmett, ID. They have concerns about the road and does not fall within the legal limits. The road is in very poor condition. She has concerns about the school bus and it needs to be addressed. It's not safe and it really needs to be looked into.

Cindy McBride-3274 UA Ave. Emmett, ID. She has concern about run off and is worried it will come into her property. Concerns are about flooding. Concerns are about the headlights coming into people's homes off of these properties. Concern about the wells also.

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Ron Tallent-3300 UA Ave, Emmett, ID. He is asking the question do they know how long this development will take or will it start and then stop and the weeds take over?

Bruce Stelzried-3460 Gem Ave. Emmett, ID. He has a grass air strip and his concern if someone moving in complains is he protected?

Zack Wagner-3334 UA Ave, Emmett, ID (online). His concerns are the roads, and concerns about the safety of his children and about the speed limit all needs to be addressed.

Applicant Rebuttal:

Lance Warnick-He has a clarification of the water if anyone wishes to look at it. The speed limit on UA is 35. They are proposing 5 acre lots. Commissioner **Jones** is asking about timeline. **Mr. Warnick** they would like to go faster, but there is not a specific timeline. Commissioner **Heimlich** are the houses going to be built or are they going to sell the lots empty and the client will build to suit. **Mr. Warnick** Mr. Cotner builds very nice homes. Commissioner **Vickery** what will happen with the storm run off? **Mr. Warnick** this is all addressed.

Chairman Eichelberger closed public hearing 8:28pm

Commission Discussion

Chairman **Eichelberger** asked for Director **Neal Capps** for input, the speed limit is 35 on UA, there is an impact fee at time of building permit. They did have a discussion with the school district and they are going to be working with them to make this a safe stop.

Chairman **Eichelberger** read through the nine findings. All the nine findings have been met. He read through the conditions of approval. Chairman **Eichelberger** talked about the air strip this may be in question. Director **Jennifer Kharri** typically this is grandfathered in, but this will have to be looked at if there is ever a complaint.

Commissioner **Vickery** moved that they recommend for approval with the condition of approval as stated.

Commissioner **Jones** seconded the motion.

Vote: Unanimous.

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1. **ITEMS FROM THE PUBLIC:** none

2. **FROM THE PLANNING DIRECTOR/ADMINISTRATOR: Director Kharrl-**
Discussed having the Area of City Impact Agreement with the Board of Gem County Commissioners to have the City of Emmett agreement review. Next month there will be 2 items on the agenda for Cherry Heights.

3. **ITEMS FROM THE ZONING COMMISSION:** None.

4. **ITEMS FROM /OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:** None

5. **UPCOMING MEETINGS:** May 8, 2023 at 6:00pm

ADJOURN: Commissioner **Jones** made a motion to adjourn
Commissioner **Heimlich** seconded the motion.
Vote: Unanimous.



Chairman Eichelberger