

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 Kharrl, Associate Planner and (Moderator) Olivia Mocnik, Director Road and Bridge-Neal Capps, Development Services Coordinator-Stephanie Crays.

6:05 P.M.

REGULAR MEETING

1. **CALL TO ORDER:** Chairman **Jones** 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.
3. **REVIEW AGENDA:** Commission reviewed the agenda as written.
4. **APPROVAL OF MINUTES- No Minutes to approve.**

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

AN APPEAL OF THE ADMINISTRATOR DECISION, BY A NEIGHBOR, ON THE COMPLIANCE OF SPECIAL USE PERMIT AT ANDERSON RESERVE

Director Kharrl- This application is an appeal of the decision that Development Services/Administrator made regarding the compliance of the Special Use Permit #19-006 for Anderson Reserve. Development Services/Administrator received complaints regarding: 1) RV Camping on the property as part of a program called Harvest Host, and: 2) the addition of the cigar silos. Development Services/Administrator found the SUP #19-006 to be in compliance as outlined below. The appellant, Lisa Melling and Bud Owens, through counsel, believe the RV Camping and creation of the Cigar Silos to be an illegal expansion of SUP #19-006, as outlined in the correspondence in the packet.

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Gem County Code Title 11, Chapter 13 governs appeals of Development Services/Administrator. Upon receipt of the appeal, the public hearing was scheduled and noticed pursuant to Gem County Code and Development Services practice. For the purpose of the public hearing, the Zoning Commission should decide whether or not Development Services made the incorrect decision for compliance. The public hearing should consider the appeal and all documents submitted in support of the appeal and this memo of decision. Testimony at the public hearing should be limited to whether or not the decision for compliance for the RV's and cigar silos was in error.

Applicant:

Danielle Strollo-601 Bannock Street, Boise ID. She is counsel for Bud Owens and Lisa Milling. She showed a presentation of the property. She begins explaining the legal side of the proceedings. They were there today because Mr. Anderson is using his property in a way that conflicts with his SUP in harming Mr. Owens and Ms. Melling in the process he is allowing RV camping and operating a cigar bar, public comments that he is also landing helicopters on his property. We are asking that you support this appeal and reverse this decisions of the Planning Administrator's decision so that Mr. Anderson has to get a modification on his Special Use Permit for these additional unpermitted uses. This is not attempt to close down Anderson Reserve, this appeal is to protect our client's property. Anderson Reserve applied and got a Special Use Permit, in an A3 zone they needed to get a Special Use Permit as it states in the code. She showed on the slide, some RV's being parked on the Anderson Reserve property that is not part of the Special Use Permit, second is the cigar bar it is not an allowed use under the Special Use Permit. He got a building permit for the cigar bar. Building permits and zoning are two different things. Many neighbors are upset with how Mr. Anderson is using his Special Use Permit. There are multiple comments in the record surrounding the Anderson Reserve the lights, traffic, and noise. The Road and Bridge had concerns at the application time of the Special Use Permit and would likely have additional concerns with the added uses now. Mr. Owens and Ms. Melling have the same concerns as all the neighbors have, all they are asking is that the County take the steps legally required before simply allowing these unpermitted uses to continue. They would like for Mr. Anderson to file a modified Special Use Permit and demonstrate that he needs and meets the criteria, and go before the Board and have it approved or denied.

Bud Owens-7241 Sweet Ola Hwy, Sweet, ID. They live in and love Sweet, Id. They support all business owners. When they bought the property they knew there was a restaurant there, their complaint is not about that, it's about Anderson Reserve not be notifying us about his adding and changing his Special Use Permit. The bar and lights and RV parking are facing our house

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and there is no dark sky ordinance. It is very weird waking up to having a different RV every morning when they wake up. Their desire is to protect our property rights and the rural rights.

Director Kharri-They researched code extensively. The silo met the Special Use Permit it was all listed on the application with what was planned to have. The RV park was researched also, it's not a RV park with RVs only staying one night, and it's called a Harvest Host Camp.

Attorney William Dean-5700 E. Franklin Road Nampa, Id. The address at 7275 Sweet Ola Hwy is zoned A3, mixed use this is correctly zoned for the Special Use Permit and the silos were in the permitted to expand. In the Special Use Permit Paul Anderson listed several items that he would be doing and adding to his Special Use Permit, it's no different he is just expanding. The silos are not separate period. Everything being in the restaurant is the something being offered in the silos. The RV camping claim at 7105 Sweet Ola Hwy, there are not people there every morning that Mr. Owens states. There was only 28 travel trailers for the year of 2023, this is a Harvest Camp there are several rules that the travelers have to abide by, none of them stayed longer than 24hrs. We appeal to you to simply disregard this claim. This is not a RV park. The staff did their research and didn't approach this lightly, the decision they made was an informed one. He moves that they would affirm deny the appeal.

Commissioner Vickery-Asking Mr. Anderson to confirm or deny the Harvest Host Camp.

Paul Anderson- This is not an RV park, the travelers are parking at 7105 Sweet Ola Hwy not camping they have to follow rules, they park just overnight not for several nights there is no hook ups.

Commissioner Eichelberger- he is asking staff when the Special Use Permit was issued, the overnight camping was not in the permit. **Director Kharri**, no requirement up to 30 days after that there is residential RV permit its good for one year.

Favor:

Derek Have-7374 Sweet Ola Hwy, Sweet, ID. He has concerns not having a voice about what is happening on the Anderson Reserve property and would like a vote.

Allison Hatzenbuttler-9720 Darnell Lane, Sweet, Id. Has concerns about the camp ground, trash, black water, noise, speeding. She has lived it and seen it. It brings in transients. They do not have police to parole roads on regular bases. This could also put a stress on our fire department. Also she has to deal with the helicopters coming and going at all times of the day and night.

Karen Bruner-9650 Brownlee Liberty Road Sweet, ID. She has concerns if you're going to have Harvest Host have them park south of the silos. They won't be bothering Mr. Owens and would accommodate the Harvest Host campers.

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Neutral: NONE

Opposed:

Mitch Meade-11265 Liberty Road, Sweet, Id. They have tried Anderson Reserve. They had concerns about the RV and that it's not a problem they have RVs of their own. They don't have a problem with them staying overnight.

Bette Willhite-12625 Liberty Road, Sweet, ID. Anderson's property wraps around the church grounds, they have never had a problem with them. It has been a wonderful experience having them. They have never seen an RV staying longer than overnight. They don't see this as a RV park.

Leanne Meade-11265 Liberty Road, Sweet, ID. This is not a RV Park.

Samantha Scheller-7275 Sweet Ola Hwy, Sweet, Id. She agrees with the decision that was made. She feels that it will take so much time and effort to have to follow the RVs coming and going and the cost it would take on our county.

Susan Jenkins-125 S. Plaza Road, Emmett, Id. They value their relationship with all businesses around the Gem County. Anderson Reserve has given world class one of a kind service. The silos are a great addition and doesn't have a concern with the overnight RV parking. They are in support of staff on the decision.

Applicant Rebuttal

Danielle Strollo-601 Bannock, Boise, Id. The silos are an extension and that is an expansion which is not allowed on the Special Use Permit. The cigar is an addition to the bar and a Special Use Permit is required. The RV Park is consistent RVs parking in this place.

Chairman Jones closed public comments at 7:16 p.m.

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Commission Discussion

Commissioner **Vickery** agrees with staff they are just parked in the parking lot not at a park site. This is not camping. Commissioner **Eichelberger** he agrees. This business has grown beyond their expectations the silo is permitted under the Special Use Permit.

Commissioner **Eichelberger** made a motion to approve the staff's decision of the appeal. Commissioner **Vickery** seconded the motion.

Vote: Unanimous

ACTION ITEM #2

A SPECIAL USE PERMIT REQUEST BY KENNIE KLINGBACK FOR A SHORT TERM VACATION RENTAL

Director Kharri-The applicant, Kennie Lynn Klingback, on property owned by the Roger and Kennie Lynn Klingback Trust, is requesting approval of a Special Use Permit (SUP) to allow the operation of a short-term vacation rental. The use is proposed at 5340 Butte Road on property that is zoned A-1, Prime Agriculture. "Short Term Rental" is not a land use that is listed in Gem County Code (GCC) 11-5-5, Zoning Matrix. It is a unique category. The most similar land use in the Zoning Matrix is "bed and breakfast" which requires a SUP in the A-1 zone. GCC 11-5-3 states that "uses not specifically listed or not deemed similar to allowed uses shall require a special use permit." The property lies within the "Agriculture and Ranching – Large Lot" land designation of the Future Land Use Map.

Applicant:

Kennie Lynn Klingback-5450 Butte Road, Emmett, Id. The ranch needs more income, it's going to be a cabin for people to come and enjoy a quiet place and the view. It's short term staying.

Favor:

Karen Bruner-9650 Brownlee Liberty Road, Sweet, Id. She states that this is a beautiful area and would like for this to pass.

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Neutral: none

Opposed: none

Applicant Rebuttal

Chairman Jones closed public comments at 7:33pm

Commission Discussion

Commissioner **Vickery** has no concerns.

Commissioner **Eichelberger** stated that all the nine required findings were found to meet the staffs report.

Commissioner **Vickery** made a motion to approve based on the nine finding set forth by staff including the site specific conditions of approval

Commissioner **Eichelberger** second motion

Vote: Unanimous.

ACTION ITEM #3

PRELIMINARY SUBDIVISION PLAT (HERITAGE FARMS) APPLICATION BY BROOKSIDE ADVENTURES, LLC TO REQUEST APPROVAL OF 7 BUILDABLE LOTS ON APPROXIMATELY 37.76 ACRES, LOCATED ON BOWMAN ROAD

Director Kharri- The applicant, Mark Fitzpatrick, on property owned by Brookside Adventures, LLC of which Mark Fitzpatrick is a member of, has applied for a Standard Subdivision Permit application (referred to as "Preliminary Plat" (PP) herein) to create seven (7), single-family lots on approximately 37.76+/- acres located in the A-2, Rural Transitional Agriculture zone. Vehicular access for the new lots will be via a new private road. There is an existing single-family dwelling and outbuildings on the property. The new lots are proposed to have an individual well and septic. The site is designated Rural, on the 2023 Comprehensive Plan Future Land Use Map.

Applicant:

Dustin Hayes- 5153 W. Caragana Street, Meridian, ID. This is seven lots, with private drive. Each lot will have a domestic well and septic system. This is five acre lots.

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Favor: None

Neutral:

Shelly Obermeyer-3520 Bowman Road, Emmett, Id. They are concerned with the traffic and was never designed to be used as a commuter road to Caldwell. This should be posted as a one lane bridge. The speed limit should be lowered. Traffic is only going to get worse. Would like to see speed bumps added or a turn around.

David Obermeyer-3520 Bowman Road, Emmett, Id. They have concerns with the traffic also, they would like to see a truck limit on this road.

Opposed: none

Applicant Rebuttal:

Dustin Hayes-5153 W Caragana Street, Meridian, Id. They would leave it up to the County on the traffic concerns and speed limit. They access off the private drive.

Andrew Griggs Emmett Irrigation-222 E. Park Street, Emmett, Id. They submitted a letter, there is one lot that they will have to provide water to that is not part of their lot. The drain will have to be tiled, the board has a letter addressing concerns and recommendations.

Chairman Jones closed public comments at 7:57pm

Commission Discussion

Commissioner **Jones** read through the required findings. Read through conditions of approval. Commissioner **Eichelberger** brought up weight limits on the roads and speed limits. It's not the developer's place it should be the County.

Commissioner **Vickery** made a motion to recommend approval noting the condition of approval as indicated with exception with Keller Engineering condition number five as it cannot be met yet and adding condition from Road and Bridge requiring lots 5,6,and 7 no access be given off Bowman Road.

Commissioner **Eichelberger** seconded motion

Vote: Unanimous

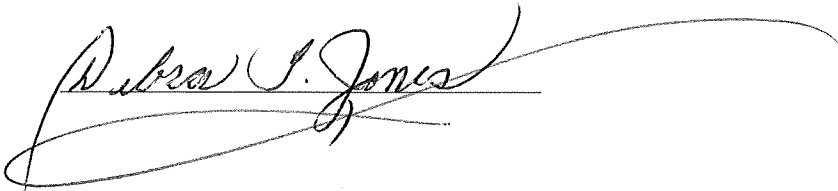
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REGULAR MEETING

1. **ITEMS FROM THE PUBLIC:** none
2. **FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** Irrigation entities are going to start participating in meetings. Work session with the BOCC March 11, 3:00pm on the draft code revisions.
3. **ITEMS FROM THE PLANNING AND ZONING COMMISSION:** none
4. **UPCOMING MEETINGS:** March 11, 2024 at 6:00pm
5. **ADJOURN:** Commissioner **Vickery** made a motion to adjourn
Commissioner **Eichelberger** seconded the motion.
Vote: Unanimous.

Chairman Jones

A handwritten signature in cursive script, reading "Debra J. Jones", with a long horizontal flourish extending to the right.