

SUMMARY MINUTES  
GEM COUNTY PLANNING AND ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
May 8, 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, Justin Vickery.  
**Members Absent:** Stacy Heimlich.

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

**6:15 P.M.**

**REGULAR MEETING**

- 1. CALL TO ORDER:** Chairman Eichelberger opened the public meeting at 6:15 PM., held in the Commissioner Chambers and via Zoom.
- 2. ROLL CALL:** Dan Eichelberger- present, Debra Jones – present, Justin Vickery– present. Stacy Heimlich absent.
- 3. REVIEW AGENDA:** Commission reviewed the agenda as written.
- 4. APPROVAL OF MINUTES of April 10 and May 8, 2023 –not ready.**

**PUBLIC HEARING – ACTION ITEMS**

**ACTION ITEM # 1**

**A REZONE REQUEST BY HESS PROPERTIES TO REZONE 23.81 +/- ACRES FROM A2 RURAL TRANSITIONAL AGRICULTURE (5 ACRE MINIMUM) to R2 RESIDENTIAL TRANSITIONAL (1 ACRE MINIMUM) AT 3700 WILLS ROAD.**

**Director Kharri-** Cherry Heights Development, LLC, is requesting a rezone of property located at 3700 Wills Road. The application proposes a change from A-2, Rural Transitional Agriculture (5-acre minimum lot size), to R-2, Residential Transitional (1-acre minimum lot size). The application states the reason for the request is to use the property for residential purposes and would be phase two of the Cherry Heights Subdivision. The property proposed to be rezoned is 23.8 acres in size.

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**Applicant:**

**Stephanie Hopkins**-KM Engineering 5725 N. Discovery way, Boise, ID. She presented a PowerPoint. They have a rezone on #1 that got approved. They want to rezone this to an R-2 1 acre minimum lot size. They have been working on this plan since 2021. They believe this supports the policies. This is close to city limits but still rural. They are in agreement with most everyone. They are trying to work through all the details. The traffic study was accepted. They are trying to respond to all letters and just hadn't gotten through all of them.

**Favor:**

**Lane Ranstrom**-6188 E. Path Dr. Nampa, ID. He is part of the ownership group. They just wanted to let the people know they are from Idaho, and they are Idaho natives, they understand growth is not wanted, but wanted everyone to know they will be using local builders. That they want this to be a good project. The type of homes will be nice homes.

**Spencer Kofoed**-8454 Brookhaven Place, Boise, ID. They have built some homes on South Slope. They are local home builders. They build very nice homes and they are from around here.

**Neutral:**

**Cathy Ballard**-3540 Wills Road, Emmett, ID. She doesn't want to hurt anyone, its okay if they build, but is concerned with water and road.

**Opposed:**

**Kayla Jacobsen**-999 E. Sales Yard Road, Emmett, ID. She talked about the acreage, the water wells and there should be a study done. This is going to pull so much water from irrigation. She wants it to stay 5 acres, they would not like to have 56 homes. She says it's very concerning about the septic, and the traffic that will be put in this area, and a concern that they will be building above them and what if their water and septic leak down to them, then what happens, she is very concerned.

**Betty Williamson**-3010 Wills Road, Emmett, ID. She has lived here for over 40 years, and has concerns. The property is on sand, she has concerns that homes will be falling apart because they build on sand. Her concerns are water, traffic, septic, well. She is concerned that they don't have enough EMS, Fire, police to protect them in the county. She does not want to live in a city, she

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wants her zone to stay 5 acre, that's why the Commissioners zoned it that way, why are we changing it to 1 acre?

**Ken Williamson**-3010 Wills Road Emmett, ID. He is very opposed to this changing of zones, he doesn't understand why they are changing it to 1 acre lots. He has a big concern of water. The run off of Last Chance is a huge concern of his. Roads will have to be replaced when the run off comes down. Concerned about the spray that was done years ago that seeped into the ground. He has concerns about Wills Road, it's not wide enough. Concerns about septic going into Last Chance ditch.

**Steven Weston**-333 Wills Road, Emmett, ID. He has concerns about the wildlife that is up on Sales Yard, Substation, and the Black Canyon Canal when the subdivision is built, where these animals will go. Back in the day there was hazardous sprays that were sprayed that have gone into the ground and they had the water tested and for now it's clean and when this gets stirred up it's going to run down to their ground water.

**Michael Bowling**-4460 Old freeze Out Road, Emmett, ID. He came here to live in the country. Wills Road needs to be widened and people just speed down that road. He has concerns about traffic on all these roads. There is so much traffic, how can it be avoided? We need to preserve this area. There is a lot of things they need to look at and who is going to pay for this.

**Wayne Andrews**-3680 Wills Road, Emmett, ID. He has concerns about traffic, he moved to live in the country, he is worried about his well and septic system.

**Katrina Andrews**-3680 Wills Road, Emmett, ID. She was told it would be 5 acre lots, now it's gone to 1 acre why? The road is not big enough, trucks and cars cannot pass each other the road is not wide enough this is a safety issue. The water is a huge issue here, they really need to look at the big problem here.

**Debbie Kimball**-759 E. Sales Yard Road, Emmett, ID. She has concerns about the water wells. Concerns about the soil. The road study impact on Wills Road she would like to see study. She loves where she lives and really wants everyone to address these concerns.

**Adrienne Illingworth**-3411 S. Substation Emmett, ID. (online) She has concerns about the irrigation and that Emmett Irrigation has not gotten anything. Wills Road is going to be a big problem cars cannot pass with a big truck coming the other way this is a big safety problem. Concerns with EMS, Police being able to come when you have more of an area to cover with this many homes coming into the area.

**Laura Cloherty**-4452 Old Freezeout Road, Emmett, ID. (online) Concerns of what everyone else has said, about the water, septic and traffic. They should be on city water.

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**Nadine Burak**-1495 E. sales Yard Road, Emmett, ID (online) She is against the rezone for all the stated reasons.

**Lou Darosa**-2511 Fox Fire Lane Emmett, ID. He is concerned with the traffic, Wills Road is not big enough to handle all this traffic. He has concerns of why they have to build a subdivision. He has concerns about his well.

**John Cloherty**-4452 Old Freezeout Rd, Emmett, ID. (online) He is concerned about traffic and this is a huge safety issue. There is so many cars on the roads and they go so fast.

**Gary Bacon**-2670 S. Substation Road, Emmett, ID. How did we get here? The rezone is 5 acre lots and now we are talking 1 acre lots.

**Peter Dill**-2222 S. Johns, Emmett, ID. The county has been working on the Comprehensive Plan. Please be thinking about how this affects all. We need sound evidence on water studies. He has concerns about the traffic and the roads. He also has concerns of the intersections being used.

**Dale Crank**-2650 S. Substation Road, Emmett, ID. He wanted to go on record that he agrees with everyone here.

**Ron Carr**-2731 Orchard Lane, Emmett, ID. He has concerns about the traffic and water.

**Applicant Rebuttal:**

**Stephanie Hopkins**-5725 N. Discovery Way, Boise, ID. This property is compatible to the Comprehensive Plan. She is going to turn it over to Joe Pachner.

**Joe Pachner**-5725 N. Discovery Way, Boise, ID. The Geotech has begun its work. This will have to be inspected by the Southwest District Health. They understand that the water is a big concern. They have been in touch with the irrigation district. There will be a lot more meetings with the Road and Bridge Department. He talked about the soil and they are having test done.

**Neal Capps**-Road and Bridge Director, The road structure was brought up. The impact of Substation was brought up, they will continue their study. There is a lot to consider and look at.

**Jennifer Kharri**- Planning Director. Under todays code R2 zone allows for induvial wells and septic's so with that recommendation from the Department of water resources, until the Gem County Code is amended as a requirement it's not something we can require, we can suggest, and we can recommend.

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Commissioner **Jones** asked the question is there a buffer between the agricultural and the subdivision. She had a 2<sup>nd</sup> question the Wills Road was not addressed was it? She says they rely on Neal Capps a great deal.

**Stephanie Hopkins**-They will do and work with Neal on the Wills Road concerns, they will have a great amount of work to do with Road and Bridge.

Commissioner **Vickery** has concerns about Wills Road also.

Chairman **Eichelberger** closed public comments 8:14pm

**Commission Discussion**

Chairman Eichelberger read through the five required findings. This application complies with the 2007 Comprehensive Plan. Road and Bridge was talked about of Wills Road of the letter they received. Commissioner **Vickery** concern is the additional traffic on Wills Road and that it was not addressed. Commissioner **Jones** concern also with traffic on Wills Road.

Commissioner **Vickery** moved that they recommend for denial based on findings number five and a concern that the proposed rezone will have additional cost upon the current residents of Gem County planning jurisdiction specific to Wills Road.

Commissioner **Jones** seconded the motion.

**Vote:** Unanimous

**ACTION ITEM #2**

**PRELIMINARY SUBDIVISION PLAT (CHERRY HEIGHTS) APPLICATION BY HESS PROPERTIES TO REQUEST APPROVAL OF 37 BUILDABLE LOTS ON APPROXIMATELY 68.9+/- ACRES LOCATED ON WILLS ROAD.**

**Director Kharrl**-Cherry Heights Development, LLC, has applied for a Standard Subdivision Permit Application to construct a single family residential development on approximately 68 acres located on Wills Road. The property is bare. The property is zoned R-2, Residential Transitional.

**Applicant:**

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**Stephanie Hopkins**-5725 N. Discovery Way, Boise, ID. They did a fair amount of work to make sure that all requirements were met. They designed the lots accordingly. They have been working with the irrigation and Road and Bridge. Proposing 38 lots, 37 buildable lot size is just over an acre. They will have a public road going through. There will be two access roads. There will be a pressurized irrigation system. They will work with the irrigation on the fencing.

**Favor:**

**Spencer Koford**-8454 Brookhaven Place. Boise, ID. He recently went to a presentation about wells in Canyon County and was saying how great it was. There is a lot of science to this.

**Lane Ranstrom**-6188 E. Path Dr. Nampa, ID. They are seeking information from the irrigation from the canal.

**Neutral:** None

**Opposed:**

**Kayla Jacobsen**-999 E. Sales Yard Rd Emmett, ID. She has concerns about the pressurized irrigation from Black Canyon. She has concerns about the septic system and giving them a choice. She has concerns about undeveloped roads.

**Steven Weston**-3333 Wills Road, Emmett, ID. He has concerns of the water study and has one been done. Concerns of the studies from Southwest District Health and wants to know about the results.

**Ken Williamson**-3010 Wills Road, Emmett, ID. Everything he said in the first meeting goes for this one. He also has concerns for the water.

**Katrina Andrews**-3680 Wills Road, Emmett, ID. The concerns they have is the water and what's going to happen with run off.

**Wayne Andrews**-3680 Wills Road, Emmett, ID. The concerns is the water from the irrigation from the run off. Also concerns are of the traffic. Everything he said before he stands by again on this one.

**Michael Boling**- 4460 Old Freeze Road, Emmett, ID. He has concerns about the canal.

**Debbie Kimball**-759 E. Sales Yard, Emmett, ID. She brought up about the two access onto Wills Road and that has not been brought up before. She also stated that everything that she said the first time goes for this one also.

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**Adrienne Illingworth**-3411 S. Substation, Emmett, ID (online). She is concerned about a gate going up.

**Peter Dill**-2222 S. Johns, Emmett, ID (online). His concerns are for more competent studies.

**Applicant Rebuttal:**

**Joe Pachner**-5725 N. Discovery Way, Boise, ID. They do not have a NPT study. They have not done a soil study, chemistry breakdown. The water rights issue is by the irrigation district not them. They have some work to do with Road and Bridge.

Chairman **Eichelberger** closed public hearing 9:24pm

**Commission Discussion**

Chairman **Eichelberger** read through the nine findings. Commission **Vickery** mentioned Wills Road being in poor condition stated by Keller Associates and wanted that noted. Chairman **Eichelberger** brought up soil condition.

Chairman **Eichelberger** made motion to recommend approval with the existing conditions of approval and adding a condition of a contaminate study from Southwest District Health that includes addressing concerns about potential contaminants in the soil from the orchard use and also adding that the road mitigation follows the recommendation of the letter from Road and Bridge.

Commissioner **Vickery** seconded the motion.

**Vote:** Unanimous

**REGULAR MEETING**

1. **ITEMS FROM THE PUBLIC:** none
2. **FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** Director **Kharrl**- The Board of County Commission and the City of Emmett will meet to sign the Area of City Impact Agreement then, the Board will sign the Comprehensive Plan.
3. **ITEMS FROM THE ZONING COMMISSION:** none
4. **ITEMS FROM /OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:** none

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5. **UPCOMING MEETINGS:** June 12, 2023 at 6:00pm

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

Chairman Eichelberger

A handwritten signature in cursive script, appearing to read "Don Eichelberger", written over a horizontal line.