

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

Page #1

**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 (online).

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

**6:01 P.M.**

**REGULAR MEETING**

1. **CALL TO ORDER:** Chairman **Eichelberg** 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-(online),
3. **REVIEW AGENDA:** Commission reviewed the agenda as written.
4. **APPROVAL OF MINUTES:** Minutes were not available.

**PUBLIC HEARING – ACTION ITEMS**

**ACTION ITEM # 1**

**A SPECIAL USE PERMIT REVIEW ON SUP-21-001 FOR ANNE RICE’S DOG KENNEL FACILITY AT 3131 FULLER RD. T 07N, R 01W, SECTION 34. RP07N01W343600.**

**Director Kharri-**The purpose of the public hearing is a compliance check on the Special Use Permit that was conditionally approved for a kennel on 5/17/21. Over the last year, there have been three written complaints with evidence of barking submitted via recordings. The applicant hasn’t adhered to the conditions of the SUP, which is the reason for the public hearing.

**Applicant:**

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

Page #2

**Rob Cook**-117 Canyon ST Space 9F, Horseshoe Bend, ID. He is Anne's husband, but he no longer lives at 3131 Fuller residence. He was at the last meeting a year ago and brought a video also. According to the claims that have been reported they are not true. Barking is only at feeding time or when a car comes up the driveway. Last year he committed to a feeding shelter. This didn't get built, or a fence built due to the cost.

**Favor:**

**Richard Hall**-2550 N. Plaza Road, Emmett, ID. He has heard the hound dogs, but they are not an issue. We don't hear howling while trying to talk. Once in a while you might hear them bark.

**Rob Cook**-117 Canyon St. Space 9F, Horseshoe Bend, ID. They have spoken to the neighbors and Mr. Alvis has a lot of issues with his neighbors. He brought up a lot of issues with Mr. Alvis. Barking claim is not happening 24/7. There are other dogs that bark.

**Anne Rice**-3131 Fuller Road, Emmett, ID. The complaints that come from Mr. Alvis has harassed her from day one. The dogs do not bark all night, if they bark she goes out to see what is wrong. She has used bark collars before. There are other dogs in this area that do bark.

**Tamara Miller**-4881 Cascade Road, Emmett, ID. She has been to their house several times and has not had a problem talking in driveway since the dogs were not barking. The dogs do not bark 24/7. The dogs might bark when someone comes to the house.

**Emily Lindley**-3131 Fuller Road, ID. She lives on the property in a camper about 8 feet from the dog kennels, if we hear them we get them quiet as soon as we can, we are there most of the time. They bark when they see something, but we quiet them down. The dogs are down in a gully by the house, not sure how Mr. Alvis can hear when we don't hear them.

**Neutral:** None

**Opposed:**

**Jordan Alvis**-3151 Fuller Road, Emmett, ID. He is not the only one making complaints about the dogs. There are others that have made complaints. In addition making the dogs behave has not worked. He has sent in several videos of the dogs barking.

**Applicant Rebuttle:**

**Anne Rice**-3131 Fuller Road, Emmett, ID. Commissioner **Vickery** how many dogs was there two or three years ago? **Anne Rice** the permit was for 19 dogs, and as the dogs passed away they would not be replaced. No dogs have passed. **Anne Rice** stated that she has not received letters,

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

Page #3

or a visit from the Code Enforcer. Chairman **Eichelberger** what is the status of the sound proof feeding shelter? **Anne Rice** it's the sheer cost, so there has not been one built, nothing has been done. Chairman **Eichelberger** asked if there has been any efforts to fix this problem. **Anne Rice** they have used bark collars, they go out and try and stop them from barking, daughter is a hound trainer, and tries to stop them.

Closed public comments 6:54pm

**Commission Discussion**

Commissioner **Vickery** condition number four, was brought up. Chairman **Eichelberger** brought up sound proof feeding area, there was nothing done, they are out of compliance of the permit. Commissioner **Vickery** stated revising the permit or revoke it. Chairman **Eichelberger** read through the nine requirements. It is his suggestion to revoke the Special Use Permit, it's out of compliance. His proposal would be to down size the dogs on a limited time line.

Chairman **Eichelberger** made a motion to revoke the permit with a timeline of dog replacement removal 3 months to get down to a count of 10 dogs and 6 months to get down to a count of 4 dogs.

Commissioner **Vickery** seconded the motion

**Vote:** Unanimous

**ACTION ITEM #2**

**A REZONE REQUEST BY JOHN BOLDON TO REZONE 5.00+/- ACRES FROM A2 RURAL TRANSITIONAL AGRICULTURE (5 ACRE MINIMUM) TO R2 RESIDENTIAL TRANSITIONAL (1 ACRE MINIMUM) AT 1801 SUNSET DRIVE, T 06N, R 02W, SECTION 01. RP06N02W015925.**

**Director Kharri**-The applicant, John Boldon, on property he owns, is requesting a rezone of his parcel 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 deed each of their 2 children a 1-acre parcel and keep the remaining 3 acres for themselves.

**Applicant:**

**John Boldon**-1801 Sunset Drive, Emmett, ID. They would like to change the A2 to R2 for a rezone for their children to someday build on 1 acre parcel, they would keep the remaining 3 acres for themselves.



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

Page #4

**Favor:** None

**Neutral:** None

**Opposed:** None

Chairman **Eichelberger** closed public hearing 7:44pm

**Commission Discussion**

Chairman **Eichelberger** read through the findings. Commissioner **Vickery** agrees with Staff. Chairman **Eichelberger** this meets the requirements and recommends the Development Agreement and should be related to a water study and intent of division of the property.

Commissioner **Vickery** made a motion to recommend approval requiring a development agreement that only allows for a total of 3 lots and a water study.

Commissioner **Jones** seconded the motion.

**Vote:** Unanimous

**ACTION ITEM #3**

**A REZONE REQUEST BY RICK MARSTON TO REZONE 38.85+/- ACRES FROM A1 PRIME AGRICULTURE (40 ACRE MINIMUM) TO A2 RURAL TRANSITIONAL AGRICULTURE (5 ACRE MINIMUM) AT 2601 EAST BLACK CANYON HIGHWAY, T 07N, R 01W, SECTION 28. RP07N01W287350 AND RP07N01W287200.**

**Director Kharri-**The property owners, Rick and Melissa Marston, are requesting a rezone of their property located at 2601 E. Black Canyon Highway. The application proposes a change from A-1, Prime Agriculture (40-acre minimum lot size), to A-2, Rural Transitional Agriculture (5-acre minimum lot size). The application states the reason for the request is to give each of their 2 children a 5 acre parcel and the remainder will be agricultural.

**Applicant:**

**Melissa Marston-**2601 E. Black Canyon Hwy, Emmett, ID. They would like to rezone to a A-2 five acre minimum lot size. The purpose of this rezone is to give their 2 children a 5 acre parcel to build their own home, the remainder will stay agricultural.

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

Page #5

**Favor:** None

**Neutral:** None

**Opposed:**

**Deborah Brendsel**-2700 E. Black Canyon Hwy, Emmett, ID. There has been a lot of changes along this highway. She would request drain fields, water, and irrigation. She thinks it great to give to the children.

Chairman **Eichelberger** closed public hearing 8:03pm

**Commission Discussion**

Chairman **Eichelberger** read through the findings. They discussed the development agreement and to limit to two 5 acre parcels.

Commissioner **Vickery** made a motion to recommend for approval with a Development Agreement limiting total of two 5 acre parcels.

Commissioner **Jones** seconded the motion.

**Vote:** Unanimous

**REGULAR MEETING**

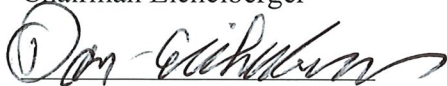
1. **ITEMS FROM THE PUBLIC:** none
2. **ELECTIONS OF OFFICERS-** The commission unanimously voted for: Chairman- Debra Jones, Vice Chairman- Dan Eichelberger, and Sergeant of Arms- Justin Vickery.
3. **FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** none
4. **ITEMS FROM THE PLANNING AND ZONING COMMISSION:** none
5. **ITEMS FROM /OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:** none
6. **UPCOMING MEETINGS:** November 13, 2023 at 6:00pm

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

Page #6

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

Chairman Eichelberger

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