

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

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 and Justin Vickery.

MEMBERS ABSENT: None.

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

6:00 P.M.

REGULAR MEETING

1. **CALL TO ORDER:** Chairman **Eichelberger** opened the virtual public meeting at 6:06 PM. via Zoom, held in the Commissioner Chambers.
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 of March 14, 2022**
Commissioner **Vickery** approved the minutes as written.
Commissioner **Jones** seconded the motion.
Vote: Unanimous.

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

REZONE #RZ-22-003-JEFF STORKAN-A-2 (5 ACRE MINIMUM) TO R-2 (1 ACRE MINIMUM)-3488 FULLER ROAD.

Director Kharrl-This property is in the priority growth area number one of the Comprehensive Plan it does allow for one acre minimum lot size if the rezone findings can be met, there are five in the Gem County Code. There has been other rezones on Fuller Road that have not been approved, this application is a little bit different in the fact that staff feels that allowing this one

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

Page #2

acre parcel would be equivalent to a secondary dwelling. Tonight the Commission is making a recommendation to the Board of County Commissioners, after hearing from the public, applicant and the five findings to base the decision on.

Applicant:

Jeff Storkan-22727 N. CanAda Road Star, Idaho-Intended use of the rezone would help the owner's financial needs. They would like to create one acre lot, just to supplement their income. They would put a land development agreement with the county for one acre lot and the rest of the property cannot be split into further one acre lots.

Director Neal Capps-They look at Fuller Road as a substandard road for width and durability. This road is on the capital improvement program, they do not know when that will get approved. One lot will still create traffic they still see this as an impact to Fuller Road. The County Road and Bridge cannot support any additional impact on this road.

Favor: None

Neutral: None

Opposed: None

Jeff Storkan They understand the concerns of all the property owners around the area. The Brocketts didn't want to have to do this but their financial situation has changed to where they have too. They don't feel that one structure is going to have an impact on the road. They are willing to do whatever it takes to get this done. The trailer is sitting on a foundation and it's older than twenty plus years and they cannot get refinancing and that is why they are trying to rezone.

Chairman **Eichelberger** closed public hearing 6:26pm

Commission Discussion

Commissioner **Vickery** doesn't see how finding two can be met it is detrimental to the public health and safety or welfare based on the testimony by Road and Bridge and the fact that others have been denied for this very reason. Commissioner **Jones** is not familiar with this road and had no comment. Chairman **Eichelberger** had same concerns as Commissioner **Vickery**. Chairman **Eichelberger** read through the required findings. Commissioner **Jones** agreed with the findings as did Commissioner **Vickery**.

Commissioner **Vickery** made a motion that they recommend denial of this rezone based on the finding of number two being a concern and not met.

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

Page #3

Commissioner **Jones** Seconded the motion.

Vote: Unanimous

ACTION ITEM #2

SPECIAL USE PERMIT #SUP-22-002-EMILY GRAVES-THE PACKING SHED-2737 CHERRY LANE.

Director Kharri-This is a Special Use Permit. There are nine findings that have to be met for a Special Use Permit. Staff has recommended eight conditions of approval for this application, staff did not receive any letters from the public, and there is a letter from Road and Bridge and a letter from the City of Emmett. There is a letter from the Building Official who went in person to look at this site.

Director Neal Capps Road and Bridge-They met with Emily on site to go over access points, there are three approaches that come together, she has two together and then there is one for Travel By Susan's a driveway. One of the requirements would be deleting the middle driveway and create a commercial entrance on the west side that would be 40x40 entrance for delivery's and etc. They are trying to keep the approach as far west as possible.

Applicant:

Emily Graves-2731 Cherry Lane, Emmett, ID- She is the owner of Grit and Grace, and she is wanting to expand the business to the old Evan's fruit packing shed, to continue to showcase local growers. Artisans and makers in everything from raw milk, eggs, and baked goods, local produce, to jewelry, décor and antiques. In addition plant sunflowers and pumpkins for the community to pick. She plans to leave the area the same as much as possible by not removing trees and lawn. It is her intent to save and restore this property that honors Emmett's roots.

Favor: None

Neutral: None

Opposed: None

Commission Discussion

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

Page #4

Chairman **Eichelberger** read through the required findings. Applicant shall comply with the conditions from the Gem County Road and Bridge. Applicant shall comply with the considerations from the City of Emmett. Chairman **Eichelberger** read through the conditions of approval. Chairman **Eichelberger** has concerns about traffic flow. Commissioner **Vickery** they cannot control the traffic and make them turn a certain way.

Commissioner **Jones** made a motion to approve #SUP-22-002 with conditions in Exhibit A as part of that approval also on number six they add considerations rather than conditions.

Commissioner **Vickery** second the motion.

Vote: Unanimous.

ACTION ITEM #3

ZONING ORDINANCE AMENDMENTS TO TITLE 11, CHAPTER 6-3 AND TITLE 12, CHAPTER 6-1, ROAD NAMING STANDARDS.

Director Kharri- This is a draft ordinance for street naming standards. This board will be making a recommendation to the County Commissioners who will have a public hearing and make that final decision. This is the process for any ordinance amendment. The purpose of this ordinance tonight is the Board of County Commissioners directed staff to draft code for title 11 and title 12 to address the lack of standards for street naming. This will become a new chapter in the subdivision code, so there will be a stand-alone chapter to address these standards. A shared driveway is good for up to two homes, and a private road is required on the third.

Deputy Prosecuting Attorney Tahja Jensen- This is up for review in regards to a conflict that came up. This was drafted in an attempt to address the issues. The Commission is making a recommendation to the County Board of Commissioners. As to the percentages some local jurisdiction have gone to the 75%, the issue is completely up to the Planning and Zoning Commission to recommend what they would like to see. If it was 51%, some of these private roads may be looking at one. The purpose was based on a very small percentage.

Karen Bruner- 9650 Brownlee-Liberty Road, Sweet, ID.-By the way she commends the choice to limit thirteen characters because if you have lived on Brownlee Liberty your driver's license is truncated you do not have a complete address on anything because none of your fields will hold that many letters just so you know. This does not have that issue, but that makes great sense to her, she commends those that drafted what they did and the work they put in. Unfortunately now the ordinance requires input that was not their situation because it was not required and there are four of the six occupants of that lane have resided there, the newest one has lived there seventeen years we have all lived there twenty plus years. And she has had increased traffic and people driving around in her driveway, you're concerned about Fuller Road what's the traffic pattern

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

Page #5

and the inconvenience to people? Have you witnessed the people whipping around in her driveway to go back to take a selfie of this new road sign because none of you live there she doesn't expect you to, but she expected you to listen to her concern. When we went to mediation, four of the six that live there went to every session of mediation and were named called and still went back we did everything we could to come to a compromise we even gave one of the three names as one of ours to get a compromise going on this.

Chairman **Eichelberger interjected,**

Deputy Prosecuting Attorney Tahja Jensen- She apologizes. At this point they are taking public testimonies as to the specifics of the code. Any application that has long gone, just a reminder, this Board didn't have anything to do with mediation or have anything to do with the final decision they just made a recommendation so if we could just tailor to the comments of what is supported and what is not supported that would be great.

Karen Bruner

She wrote in her written comments the spirit of the public ordinance should be, if you adopt the new ordinance with the 65% with two that are already there, they are not overridden by the newcomer if you stick with the 75% the two that live there have no say. She knows the committee is well aware of the mediation cost the eighteen month process that they have been involved in the party's that are affected by this and she hopes that they are seriously and not purposely going to inflict additional injury to them by sticking with a standard that you know they can't meet. They've done everything they could to mediate this and come to terms, the 75% is a number they cannot get to in renaming this lane and therefor it would force us to be subject to the whims of one over the four there is one who chose to stay neutral so she would love to see them go with the 51% or the 60%, 65%, all of those seem fair.

Stacy Heimlich-2655 W. Black Canyon Hwy (online)-She listened to that meeting on the naming of that street, she understands both sides of it because maybe it was controversial but just because of that one street they shouldn't have to change everything she doesn't believe they have ever had a problem with any other street name.

Chairman **Eichelberger** closed public hearing at 7:58pm.

Commission Discussion

Chairman **Eichelberger** stated that they do appreciate the efforts that have gone into rewriting this, they did need a structure around street naming, and they like the idea that it requires notification of anyone on a lane. Where does the initial recommendation of the road name come from? Director **Kharri** it comes from the third house that makes an application. They could add something in the code for this process that they are going to get notification. Deputy Prosecuting

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

Page #6

Attorney **Jensen** the administrator makes the decision if there is a dispute on the decision then it goes to the Board of County Commissioners for a final decision. Chairman **Eichelberger** it should be difficult to rename a road not sure of the percent it should be. There is a process in naming a road. They are trying to just get clarification on the renaming of a road. Commissioner **Jones** this is a very lankly process to all who is involved. Commissioner **Vickery** recommendation is to only remove number 7 from 12-8-8.

Karen Bruner: tried to speak, Chairman **Eichelberger** tried to tell her they were closed for public comment, she continued, Chairman **Eichelberger** tried explaining to her that they were in a Commission Discussion public comments are closed now.

Commissioner **Vickery** made a motion to recommend to the Board of County Commissioners for approval and support the Zoning Ordinance Amendments, they call to attention to 12-8-7 sub section C point number 4 being the list of the names and addresses of the consenting seventy five percent (75%) of property owners. Additional consideration is requested for that number and section 12-8-8 number two and seven are a concern they could be modified or entirely removed. Commissioner **Jones:** Second the motion.

Vote: Unanimous

REGULAR MEETING

1. **ITEMS FROM THE PUBLIC:** none
2. **ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** Director **Kharri-**
The Zoning Commission meetings are booked out to July. They are still planning on having experts come in and do some training for the commissioners.
3. **ITEMS FROM THE ZONING COMMISSION:** none
4. **UPCOMING MEETINGS:** May 9, 2022 at 6:00pm

ADJOURN:

Commissioner **Jones** made a motion to adjourn.

Commissioner **Vickery** seconded the motion.

Vote: Unanimous.

Chairman Eichelberger

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

Page #7

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

Page #8

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

Page #9

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

Page #10



SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
April 11, 2022

Page #11