

SUMMARY MINUTES  
GEM COUNTY PLANNING AND ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
August 14, 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, Stacy Heimlich.

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

**6:15 P.M.**

**REGULAR MEETING**

1. **CALL TO ORDER:** Chairman **Eichelberger** opened the public meeting at 6:02 PM., held in the Commissioner Chambers and via Zoom.
2. **ROLL CALL:** Dan Eichelberger- present, Debra Jones- present, Justin Vickery-present, Stacy Heimlich- present.
3. **REVIEW AGENDA:** Commission reviewed the agenda as written.
4. **APPROVAL OF MINUTES of July 10, 2023**

**PUBLIC HEARING – ACTION ITEMS**

**ACTION ITEM # 1**

**A SPECIAL USE PERMIT REQUEST BY KENNETH LONG FOR BOARDING AND TRAINING HORSES AT 11800 N., HIGHWAY 52.**

**Director Kharri-** The Applicant, is requesting approval of a Special Use Permit to allow a horse boarding and training facility on their property. The facility is proposed on three contiguous properties located at 11800 North Highway 52 and is located in the A-3, Rural 3 Agriculture zone. The subject properties consist of approximately 18.00 acres collectively.

**Applicant:**

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**Kenneth Long**-11800 North Highway 52, Horseshoe Bend, ID. They are applying for a Special Use Permit (SUP) for a horse boarding and training facility. They would like to help people learn to ride better. They will have about 25 horses. Parking is not an issue, there is plenty of parking, and riders only come one or two at a time. There is plenty of room for semis if need be.

**Favor:**

**Tom Long**-11700 N. Hwy 52, Horseshoe Bend, ID. He is for this Special Use Permit, and feels it would be a great business.

**Neutral:** none

**Opposed:** none

Chairman **Eichelberger** closed public comments at 6:20pm

Chairman **Eichelberger** read through the nine required findings for a Special Use Permit  
Chairman **Eichelberger** read through the proposed conditions of approval.

Commissioner **Vickery** made a motion to approve this Special Use Permit with one change to the condition of approval, the condition of #4 to be changed to 8am to 8pm.

Commissioner **Heimlich** seconded the motion.

**Vote:** Unanimous

**ACTION ITEM #2**

**A SPECIAL USE PERMIT REQUEST BY APRIL DILLWITH FOR A DAYCARE AT 1490 E. GEM ESTATES LANE.**

**Director Kharri**- The applicant, is requesting approval of a Special Use Permit to allow the operation and expansion of an in-home daycare to allow for 24+ children. The daycare, Little Tikes Daycare, is proposed at 1490 E. Gem Estates Lane and located in the A-2, Rural Transitional Agriculture zone. Hours of operation are proposed to be 6:30am to 6:30pm Monday through Friday. The property lies within the "County Residential Area, Priority Growth Area#3" land designation of the 2007 Future Land Use map. The applicant received a Home Occupation Permit, approved by the Planning Director in 2020 that allowed for 5 children to be cared for. A Special Use Permit should have been applied for when the number of children increased.

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**Applicant:**

**April Dillwith**-1490 E. Gem Estates Lane, Emmett, ID. She and her husband are the owners of Little Tikes Daycare. They are licensed through the State of Idaho for 12 children. The next step was to go to 24 plus kids when filling out the papers with the State. They have three full time employees and one part time employee. They want a safe and clean daycare. They have a hobby farm and the children get to have a learning experience all about farm life and being outdoors.

**Favor:** none

**Neutral:**

**Sara Roppe**-3989 Ranch Lane, Emmett, ID. She uses her daycare and was told to watch her speed coming and going to the Dillworth's daycare. She lives on a private lane also and understands the concerns. She explain that this daycare is the best she has found in Emmett.

**Grace Young**-300 E. Central Road, Emmett, ID. She has met several animals on the way to the daycare and is very careful of her driving. She drives very slowly. She goes to this daycare very early in the morning.

**Opposed:**

**Rick Welch**-3740 Gem Ave, Emmett, ID. They all paid for the private bridge on this private lane that they all pay for and maintain. She has a daycare and employees that drive this lane it's about 32 trips a day of extra traffic and is a lot more wear and tear on the lane, people are driving fast, and it creates a lot of dust. There has been no maintenance on this road at all since they started this daycare, they have done a little on the part that goes to their house. It is very difficult to get everyone to help pay for and take care of the lane. He takes care of the lane because he has a tractor. There is just so much more added traffic because of this daycare adding more kids to watch.

**Tim Zielicke**-1525 Gem Estates Lane, Emmett, ID. This is a very private area, and doesn't think a business should be here. Is concerned with so much traffic coming and going. He is opposed to even have more than five in the daycare, it's just added traffic on their private lane.

**Scott Peterson**-3800 Gem Avenue, Emmett, ID. He likes hearing the kids play. It does cause congestion on the road with all the cars coming and going. It's not like country living anymore because of the traffic.



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**John Stowell**-1530 Gem Estates Lane, Emmett, ID. There are a lot of people affected by this Special Use Permit. Everything else has been said so he will not repeat, but has the same concerns.

**Anthony Hafen**-1051 Melrose Dr., Emmett, ID. He was required to rebuild this road when he developed a subdivision and would be very upset if the added traffic tore it up.

**Jayson Dufresne**-3627 Gem Ave., Emmett, ID. They have been living in great bliss, until this daycare has opened. He says that some people have driven 50 to 60 mph on this road. He is very upset about her statement about how many employees she has for the four to five kids that she has. He is tired of it and nothing being done about the speeding it's gone on long enough.

**Joni Dufresne**-3627 Gem Ave., Emmett, ID. Just an echo of what everyone else is saying. The speed limit is 35mph, but everyone goes faster than that. The drivers are blowing through the bus signals, when she takes them to the bus stop. It's not a quiet road like it used to be.

**Kaitlyn Darling**-3333 Gem Ave., Emmett, ID. They see all the cars coming and going because they are the first house on the road, she invested in a fence because of all the traffic. She opposes any Special Use Permit.

**Katherine Massee**-3475 Gem Ave., Emmett, ID. She has lived here for 19 years. She lives on a dead end road and doesn't think a business should be here. She is concerned about the kids, and older people walking on the road and with the amount of traffic coming and going is a concern of hers.

**Tom Byrne**-1510 Gem Estates Lane, Emmett, ID. She does a terrific job at her daycare, he hears the kids laughing and playing, but the road is getting torn up. He says he owns the road and nobody else is taking care of the road but him.

**Scott Patterson**-3464 Gem Ave., Emmett, ID. He has concerns about traffic, dust and the Special Use Permit.

**Michael Welch**-1450 Gem Estates Lane, Emmett, ID. He has the same concerns as everyone on this Special Use Permit. He has a concern on the road maintenance.

**Betty Griffith**-3230 Gem Ave. Emmett, ID. Has concerns about the traffic.

**Christopher Norman**-3464 Gem Ave., Emmett, ID. This is a rural street, people walk their dogs, and farm. This traffic is causing pollution.

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**Susan Seyyed**-3550 Gem Ave., Emmett, ID. She has concerns of safety, cars come by very fast. She is opposed.

**Michael Loveless**-3550 Gem Ave., Emmett, ID. His concern is the traffic, speeding, and the dust.

**Applicant Rebuttal:**

April Dillwith-1490 E. Gem Estates, Emmett, ID. She has asked all her daycare parents to go the speed limit. They won't be allowed to have their children attend the daycare if they speed. The road maintenance they have paid for gravel on the road and now adding more to the bridge. She doesn't want twenty four kids, she does not have over twelve kids, and on the state application she had to circle twenty four kids, there's nothing to put an in-between amount of kids. There is nobody coming and going from nine o'clock to four o'clock only when employees go out to lunch. The traffic is mostly early morning and later after five o'clock, some of the cars they say that are coming to her place are not the parents coming to the day care. There could be other people speeding on this road.

Chairman **Eichelberger** closed public hearing 7:37pm

**Commission Discussion**

Chairman **Eichelberger** read through the findings for a Special Use Permit. Commissioner **Vickery** his concerns are with G of the findings traffic and safety, this needs a new updated road maintenance agreement. The septic is a big concern and needs to be looked at in depth with twenty four or more children. Chairman **Eichelberger** the growth is not stopping, he also has concerns with G of the findings. His vote is to deny. Commissioner **Jones** does not want to extend this SUP. Commissioner **Heimlich** wants to give applicant time. Legal Counsel for the county **Jensen** the choices tonight are to approve the Special Use Permit as presented or approve with conditions or to deny this Special Use Permit and if you deny there needs to be a reason why.

Commissioner **Vickery** made a motion to deny this application based on C, D and G not being met and maintenance not being met and conforming with the neighbors and meeting the Southwest District Health requirements.

Commissioner **Jones** seconded the motion.

Vote: 3 to 1

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**ACTION ITEM #3**

**PRELIMINARY SUBDIVISION PLAT (GRACE LAND) APPLICATION BY KING HOLDINGS, LLC TO REQUEST APPROVAL OF 8 BUILDABLE LOTS ON APPROXIMATELY 86.2+/- ACRES, LOCATED ON DEWEY RD.**

**Director Kharri-** The applicant, on property owned by Kings Holdings, LLC, has applied for a Standard Subdivision Permit application to construct a single-family residential development on approximately 86.23 acres, comprised of two adjacent parcels, on Dewey Road. The property is currently bare. The property is zoned A-2, Rural Transitional Agriculture. The site is designated Agriculture/Natural Resources on the joint Comprehensive Plan Future Land Use Map.

**Applicant:**

**TJ Wellard-**17482 Sand Hallow, Caldwell, Id. This is a ten lot subdivision, there is a private road, and they will be providing road and utilities and easements for the utilities. These are large lots.

**Favor:**

**Neutral:**

**Opposed:**

Chairman **Eichelberger** closed public hearing 8:40pm

Chairman **Eichelberger** read through the nine required findings for a Standard Subdivision, also read through the proposed conditions of approval.

Commissioner **Heimlich** made a motion to approve with conditions as it stands.

Commissioner **Vickery** seconded motion

**Vote:** Unanimous.

**REGULAR MEETING**

1. **ITEMS FROM THE PUBLIC:** none
2. **FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** **Director Kharri-** Gave update on the Warren rezone and the Stinson rezone the Board approved both. At the Board Public Hearing for Cherry Heights three people attended and the Board approved the Plat and



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denied the rezone. The Steering Committee for the Ordinance updates is having their first meeting.

3. **ITEMS FROM THE ZONING COMMISSION:** Chairman **Eichelberger** asked about his term and he needs to give the Board of Commissioners a letter if he wishes to serve another term. Director **Kharri** also told Commissioner **Heimlich** that she also needs to have a letter turned in as her term is up too since she was filling a previous term, if she wants to serve another term.. Commissioner Vickery is gone next October 10, but will call in.

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

5. **UPCOMING MEETINGS:** June 11, 2023 at 6:00pm

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

Chairman Eichelberger

