

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
February 15, 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 Kharri, 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 6:00 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 January 10, 2022**
Commissioner **Vickery** approved the minutes as written.
Commissioner **Jones** seconded the motion.
Vote: Unanimous.

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

(CONTINUED) TEMPORARY HARDSHIP PERMIT #THP-21-002- LEANNA MCKINNEY AND RONALD MYERS-11875 SWEET OLA HIGHWAY

Director Kharri-The application was continued from the January meeting with some additional items from the applicant, including the approach permit, a letter from the Southwest District Health about the holding tank being used, and something from a plumbing company as far as a

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
February 15, 2022

Page #2

schedule for pumping the tank and an alternative location for the RV on that same property. The applicant submitted the approach permit as the approach was previously approved by Road and Bridge Department. There is a letter from Johns Plumbing that says they will come out as needed to pump the tank. Also a letter from Gem County Code Enforcement officer that had a conversation with Southwest District Health that said holding tanks are for emergency use only and they require a 1500 gallon holding tank. The RV does not meet the setbacks that are required by code, it is at 49 feet and code requires 80 feet.

Applicant:

Leanna McKinney-11875 Sweet Ola Highway-On the RV when they came in to apply for the application, they marked where it was going to be and laid out and they approved all that, they only needed a letter from the doctor and a copy of the deed and they did all that. They did what they were told by the lady that no longer works there. They had it all done.

Ronald Myer- 11875 Sweet Ola Highway-They got the approach permit, paid the \$60.00 dollars. Got the letter from Johns plumbing they will come pump it whenever. Southwest District Health they talked with Mitch he said he would call Larry and let him know everything was good. Is there anything else we have to do?

Commission Discussion

Chairman **Eichelberger** they asked for four specific things stating approved permit from Road and Bridge Department that was taken care of. The other three things, a letter from Southwest District Health of approval of holding tank, plumbing company showing the schedule for pumping the tank and submit an alternative location for the RV that meets the requirement to be located on the side or to the rear of the home. **Owner Ron Myers** stated that as an alternative site for the RV there has been several thousand dollars spent on getting the well working and getting the site prepped. The RV can't go behind or beside since they are on sloping ground. **Applicant Leanna McKinney** stated that when they came in they showed pictures of where the RV was going and Planning and Zoning approved it right there, that they only had to get Doctor's papers and that was it they were approved. Chairman **Eichelberger** yes they have Doctor's letter.

Commissioner **Vickery** they are not in compliance it needs to be 80 feet from the road and they are only 49 feet, and the letter from Southwest District Health their needs to be a septic system. If they gave a letter waiving that the zoning commission could accept that. It sounds like they are not compliant. Commissioner **Jones** agrees with Commissioner **Vickery**. Chairman **Eichelberger** stated that a holding tank is intended for a temporary emergency situation, this is a

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
February 15, 2022

Page #3

non-emergency set up and it is a long term set up. The application says as long as the need is there. The RV is too close to the highway and does not meet set back rules. The holding tank is not going to fly, the RV site is not going to fly. They do not meet the requirements. This application is completely out of compliance. They should deny this application. Commissioner **Vickery** agrees. Commissioner **Jones** agrees. Director **Kharri** stated that when an application is submitted it is not approved until it goes through the process, that's where the site plans, and set backs are looked at, and until it has been looked at and processed it is not approved.

Commissioner **Jones** made a motion that to reject this Temporary Hardship Permit for noncompliance of conditions.

Commission **Vickery** second the motion.

Vote: Unanimous.

ACTION ITEM #2

SPECIAL USE PERMIT AMENDMENT-GARY AND MARTHA CUNNINGHAM TO EXPAND THE USE OF A CURRENT SPECIAL USE PERMIT TO INCLUDE A BED AND BREAKFAST LOCATED AT 5900 PEARL ROAD

Director Kharri-This is an amendment to a Special Use Permit for the winery that is located on Pearl Road. Gary and Martha Cunningham are wanting to make the manufactured home into a bed and breakfast. There are not a lot of changes to the impacts from this proposed use.

Applicant:

Martha Cunningham-5900 Pearl Road-The manufactured home has been used for several uses, it has been their home, housed ranch hands, housed their tasting room, and now they are asking for it to be a bed and breakfast, they have not changed the inside, everything is the same. It's very nice inside. They will make everything compliant that needs to be.

Favor: None

Neutral: None

Opposed: None

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
February 15, 2022

Page #4

Chairman Eichelberger opened up public comments there was no additional testimony, closed public comments at 6:30 pm.

Commissioner **Jones** made a motion to close public hearing.

Commissioner **Vickery** second the motion.

Vote: Unanimous.

Commission Discussion

Chairman **Eichelberger** read through the findings. They didn't find any concerns at this time.

Commissioner **Vickery** made a motion to recommend approval for Special Use Permit Amendment, with the additional conditions of approval as contained in packet.

Commissioner **Jones** seconded the motion.

Vote: Unanimous.

ACTION ITEM #3

REZONE #RZ-21-013 COTNER DEVELOPMENT COMPANY- A-1 (40 ACRE MINIMUM) TO A-2 (5 ACRE MINIMUM)-1380 WEST BLACK CANYON HIGHWAY

Director Kharri-This is a rezone request for approximately 79 acres, at the corner of UA Avenue and West Black Canyon Highway. This is a 40 Acre minimum requesting to go to a 5 acre minimum. The property lies within priority growth area three on the future land use map, which does allow for five acre minimum if the five required findings of the zoning ordinance can be met.

Road and Bridge Director Neal Capps-They evaluated this property. Traffic Impact Study reporting is being done, they are waiting for the report. Concerns they are having currently to the east is visibility with some clean up the visibility will be ok. Also looking at concerns with the school bus safety. Looking at alternatives if this gets approved these will be all addressed.

Applicant:

Todd Lakey-12905 Venezia Ct. Nampa, Id-With Todd Lakey Law-Is here on behalf of the Baker's. This land has been in the Baker family over fifty years, he is getting older and needs to retire. This area fits into the future land use map and the comprehensive plan as it is now. The five acre fits very well it allows for those homeowners to continue to have rural residential activities they can have pasture, animals, large gardens it fits all these needs. They are in line

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
February 15, 2022

Page #5

with those goals. Cotner Development is very good at what they do. The homes they build are top notch. There was questions and concerns from the neighbors. They will address all concerns, water, septic, traffic, and irrigation. They will do what has to be done. He submitted a copy of the comprehensive plan, zoning map and vicinity map (Exhibit A).

Favor: None

Neutral: None

Opposed:

Dean Snell-140 Jeffrey Land, Emmett, Idaho.

He lives up by the canal and there are a lot of people who use the canal to walk, ride their motorcycle, and walk their dogs. It's no trespassing but they still do it, there's a concern if fourteen or fifteen more homes come in that will increase the traffic of people up here and the liability of people getting hurt.

Cindy McBride-(online)-3274 UA Avenue, Emmett, Idaho.

Their concerns are the traffic increase that this will involve. The concern also is the amount of headlights into their living room at night. The wells are a huge concern. Who is going to police the irrigation? This is big concerns.

Madaline Smith-(online)-3322 UA Avenue, Emmett, Idaho.

Their concerns are also water wells, and traffic.

Christina Allen-(online)-900 Robin Lane, Emmett, Idaho

Their concerns are the road and will it accommodate the traffic?

Judy Tallent-(online)-3300 UA Avenue, Emmett, Idaho.

Their concerns are the well water, traffic, and so many people use this road for walking, bicycling with their children and walking their horse. The increased traffic is a concern.

Laura Nickel-(online)-3600 UA Avenue, Emmett, Idaho.

There are many concerns in the letter that was submitted that was stated of why this project should not go ahead.

John Kimack-(online)-120 Jeffrey Lane, Emmett, Idaho

They concur with all the other concerns. Does this future plan include city water, sewer being here to supply those lots rather than tapping into the wells? That's his concern.

Clay Smith-(online)-3322 UA Avenue, Emmett, Idaho.

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
February 15, 2022

Page #6

He was on the fence about this, they should be able to do what they want with their own land. He moved to a place how it is. If it's zoned for farmland it should stay zoned farmland. He agrees with all the other concerns.

Director Kharri-The future land use map has an area designated, the area impact that area is closer to the city limits that is designated for future annexation. The county residential areas are intended to be on wells.

Todd Lakey-12905 Venezia Ct., Nampa, Idaho.

This area meets the Comprehensive Plan. Traffic is a concern they will work with whatever needs to be done, as well with irrigation. If they have to reduce the number of lots they are willing to do that.

Bob Baker-1380 W. Black Canyon Highway, Emmett, Idaho.

They have covered the irrigation, the water. The traffic I don't see as a big problem. The traffic on the canal is illegal and should not be on the canal walking or anything else, but that's for the irrigation people to take care of.

Chairman **Eichelberger** closed public hearing 7:20pm

Commission Discussion

Commissioner **Jones** they hear the concerns of all who came tonight to talk, along with the letters submitted and they have found middle ground at this meeting.

Commissioner **Vickery** the traffic is a concern and needs to be addressed, and irrigation water plan, School Bus safety.

The Commissioners discussed the required findings. There are processes in place, they have experts to take care of all these aspects.

Chairman **Eichelberger** made a motion to recommend approval of this to the board including a letter from Road and Bridge, a plan for the school bus safety through the school district, irrigation plan, and a ground water study in addition to the required Southwest District Health engineering study.

Commissioner **Vickery** second the motion.

Vote: Unanimous.

REGULAR MEETING

1. **ITEMS FROM THE PUBLIC:** none

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
February 15, 2022

Page #7

2. **ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR: Director Kharri-**
The comprehensive plan rewrite is going to have a joint meeting with the Zoning Commission and the Board of County Commissioners and the consultant March 14, 2022 at 4:00 if you all can make it. Dinner will be provided. There is a workshop meeting at Carberry in person March 15, 2022 at 6:00pm and Wednesday 16, 2022 at 6:00pm is a virtual meeting for those that could not attend. A postcard is being mailed out to every household in Gem County.
3. **ITEMS FROM THE ZONING COMMISSION:** none
4. **UPCOMING MEETINGS:** March 14, 2022 at 4:00pm
5. **ADJOURN:**
Commissioner **Jones** made a motion to adjourn.
Commissioner **Vickery** seconded the motion.
Vote: Unanimous.

Chairman Eichelberger