

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
March 14, 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.

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 February 15, 2022**
Commissioner **Vickery** approved the minutes as written.
Commissioner **Jones** seconded the motion.
Vote: Unanimous.

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

PRELIMINARY PLAT (MEYER SUBDIVISION) #PP-22-001 – APPLICATION BY SAWTOOTH LAND SURVEYING ON PROPERTY OWNED BY RICHARD MEYER TO REQUEST APPROVAL OF 7 BUILDABLE LOTS ON 40.03 +/- ACRES LOCATED OFF OF SUBSTATION ROAD.

Director Kharri-Rescheduled on the next available agenda due to applicant not being present.

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
March 14, 2022

Page #2

ACTION ITEM #2

REZONE #RZ-22-001 – CODY THORNOCK AND JENNIFER KETCHAM – A-2 (5 ACRE MINIMUM) TO R-2 (1 ACRE MINIMUM) – 753 EAST IDAHO BOULEVARD.

Director Kharri-This is a rezone from A2 (5 acre minimum) to a R2 (1 acre minimum). The location is on East Idaho Boulevard. The property lies within priority growth area one, according to the future land use map. This application needs to meet the required five findings for a rezone from the Gem County Code. This application is different, staff has made a development agreement recommendation to coincide with the applicant's intentions as far as splitting off one acre around the house and keeping the rest of the land. Doing it with a development agreement that will allow a total of two parcels only. Staff is recommending it this way so the intent is held up this way.

Applicant:

Cody Thornock-753 E. Idaho-They want to split the property so they can build a house. They would sell the front property. The house that is on the property now is too small for their family and they would like a bigger home. They only want to make it two parcels no more than one house to be built.

Favor: None

Neutral: None

Opposed: None

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

Commissioner **Jones** second the motion.

Vote: Unanimous.

Commission Discussion

Chairman **Eichelberger** read through the required findings. A development agreement has been recommended by staff. Concerns with Road and Bridge they will need to get an application with them. Clearly outline there is only one split.

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
March 14, 2022

Page #3

Commissioner **Vickery** made a motion that they recommend for approval this rezone requesting a development agreement that addresses the concerns of Road and Bridge and limiting the lots to one split.

Commissioner **Jones** Seconded the motion.

Vote: Unanimous.

ACTION ITEM #3

REZONE #RZ-22-002 - KELLY AND LORI CAMPBELL - A-2 (5 ACRE MINIMUM) TO R-2 (1 ACRE MINIMUM) - 2153 AND 2155 UA AVENUE.

Director Kharri-This is a rezone application. There are two parcels involved that total 12.67 acres. The owner is requesting 2.6 acres be rezoned to the R-2. The remainder will stay A-2. This is in the priority growth area one of the comprehensive plan that will allow a one acre minimum if the five findings can be met. Staff recommended a development agreement to make sure their intent is sustained, that would be the only way to put those two homes on the proposed one acre parcels like they are planning and the rest stays A-2.

Applicant:

Kelly and Lori Campbell - 4655 N. Jaguar Avenue, Boise, Id – They purchased 2153 UA Avenue 4.99 acre along with 2155 UA Avenue, with 7.67 acres there is a house on each parcel. They would like to subdivide each individual home so they would be R2 they would have this surveyed to have them readjust the lot lines. The back 10 acres would like to keep those A2 zoned so that at some point could be split into 2 five acre parcels.

Favor: None

Neutral: None

Opposed:

Chairman **Eichelberger** closed public hearing 6:48pm

Commission Discussion

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
March 14, 2022

Page #4

The rezone is for only the two houses R2 and the remainder would be in A2. The development agreement is only tied to the 2.6 acres. In the future they could come back and rezone the back for two five acres if they want. They will have to have a survey done to have a description on the parcels. The five findings were read and no concerns were found.

Commission **Vickery** made a motion to recommend the two parcels are rezoned to R2 the rest remains A2.

Commissioner **Jones** second the motion.

Vote: Unanimous.

ACTION ITEM #4

**SPECIAL USE PERMIT #SUP-22-001 – RAUL BANUELOS – STRONG ROOTS FARMS
- RV AND CABIN RENTAL – 2713 EAST BLACK CANYON HIGHWAY.**

Director Kharri-This is a Special Use Permit. The applicant is asking for some type of RV or cabins to go along with their farm, they offer educational classes and would like to offer a place to stay while the classes are going. There are nine findings that have to be met for a Special Use Permit. Staff has recommended approval if the commission decides to approve this, right now there are fifteen proposed conditions and one of those conditions is a big concern of the neighbors is access to Honey Lane and one of those prohibits access to Honey Lane for this application. Staff has asked the commission to spend time on findings C,D,and G. Tonight the Zoning Commission is the final decision maker.

Applicant:

Raul Banuelos-2713 E. Black Canyon Highway-Their Aquaponic Farm produces leafy greens, meats and eggs. They teach hands on courses, when they have classes students are in need of boarding due to multiple day classes, which is why they are asking for RV and cabins, about ten RVs and two cabins. These spots would be short term rentals and listed on sites like Airbnb and Hip Camp. They will have strict rules, each trailer will have essential facilities, power and water. They are currently working with the health department on the septic. Their land has two entrances one in the front and one in the back for easy entry and exit.

Favor:

Deborah Brendsel-(online)-5700 E. Black Canyon Highway, Emmett, Idaho

Their concern is that there is a need for teaching classes and would like for this to happen. They don't understand what the deal is with the RVs. They like the education factor of teaching people to learn about the farming.

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
March 14, 2022

Page #5

Neutral: None

Opposed:

Dan Lebeau- (online)-3800 Birch Lane, Emmett, Idaho

Their concern is the RV parking this is a no go. They do not like the idea of storing the RVs for 49 weeks out of the year and used for 3 weeks not in favor.

Michael Newhouse-(online)-3860 Birch Lane, Emmett, Idaho

Their concern is the number of RVs being stored on the property and the number of cabins that would be built, they never specified this. Concern also is the rental of the RVs.

Steve Adams-(online)-3830 Birch Lane, Emmett, Idaho

Their concern is about the RVs being listed a Airbnb and Hip Camp.

Kevin Dickey-(online)-2953 Honey Lane, Emmett, Idaho

Their concern is about the RVs being stored on the property, and could possibly turn into having people living in the RVs full time.

Martin Walker-(online)-2990 Honey Lane, Emmett, Idaho

Their concern is about the RVs being okay on 5 acres along with all the traffic that will be coming and going.

Aaron Probst-(online)-2772 E. Black Canyon Highway, Emmett, Idaho

Their concern is this will bring down the value of their property. Is not in favor of the traffic that this would bring coming in and out.

Stefani Dwyer-(online)-3875 Birch Lane, Emmett, Idaho

Their concern is this is a residential area this should be in a business area.

Paula Fischer-(online)-2900 Honey Lane, Emmett, Idaho

They agree with all their neighbors.

Connie Chang-(online)-3860 Birch Lane, Emmett, Idaho

Their concern about the cabins, how many? Having RVs on the property for classes that are only going to be for a short time.

Applicant rebuttal

Raul Banuelos-(online)-2713 E. Black Canyon Highway, Emmett, Idaho

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
March 14, 2022

Page #6

They will keep their place very nice. They are not sure how many at this time of RVs will be on the place. They are very involved with the community. They are open to what will work. Addressing the property value they don't see this being a problem. Addressing the traffic they are taking down a tree that is obstructing the view on Black Canyon.

Commissioner Discussion

Commissioner **Vickery** they have concerns about how many RVs or cabins can be on this property.

Chairman **Eichelberger** they can limit how many RVs are allowed with this permit, but has concerns about the RVs becoming a rental.

Commissioner **Jones** maybe the applicant could talk to our local motel about when he is having classes and they could work out something for his students to stay there.

The Commissioners discussed the required findings. Chairman **Eichelberger** the RVs are a problem. Owner **Raul Banuelos** went on to explain his plan again and does not understand the hang up of having the RVs on the property, he says now that he does not want cabins on his property just 20 foot RVs. He is open to whatever the board says, he is just trying to please everyone. Chairman **Eichelberger** said they would be willing to limit the RVs and limit them to people who are in class and have the RVs on the property only during this time. Commissioner **Vickery** there are too many risks and downsides and not enough upsides, they don't see how the conditions can allow for this safely they can limit, but to insure how many people attend there is no way to keep track of this. He can operate this business without RVs. Commissioner **Jones** there are other options for the students, the RVs are a stumbling block. Chairman **Eichelberger** it is not meeting C, appropriate in appearance with the existing or intended character of the general vicinity. The number of RVs has not been determined, and that any are too many. Finding D is not met it has the potential to be disturbing to neighboring uses, traffic generated by the proposed use.

Commissioner **Vickery** made a motion to deny SUP-22-001 Strong Roots Farms based on conditions C and D being unmet based on public comment and the commissioner discussion at this time.

Commissioner **Jones** second the motion.

Vote: Unanimous.

REGULAR MEETING

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

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
March 14, 2022

Page #7

2. **ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR: Director Kharri-**
The comprehensive plan re-write meeting for the public will be on March 15th at 6:00pm.
3. **ITEMS FROM THE ZONING COMMISSION:** none
4. **UPCOMING MEETINGS:** April 11, 2022 at 6:00pm
5. **ADJOURN:**
Commissioner **Jones** made a motion to adjourn.
Commissioner **Vickery** seconded the motion.
Vote: Unanimous.

Chairman Eichelberger