

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
May 9, 2022

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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 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.

6:11 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 April 11, 2022**
Commissioner **Jones** approved the minutes as written.
Commissioner **Vickery** seconded the motion.
Vote: Unanimous.

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

SPECIAL USE PERMIT REVIEW FOR #SUP-21-001-ANNE RICE-ONE YEAR REVIEW OF DOG KENNEL PERMIT AT 3131 FULLER ROAD.

Director Kharri- Special Use Permit Review approved in May of 2021, one of those conditions was to have a review a year later. In that year the office has received three complaints of dogs barking. With this review zoning commission can leave this Special Use Permit as is or they can modify the condition or revoke the permit.

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Applicant:

Rob Cook- 3131 Fuller Road, Idaho-He now is married to Anne Rice. They are outside and the dogs are not an issue. They have seen the videos of the opposed neighbor, the hounds were barking because they heard noise of him videoing also could have been during feeding time. They also submitted a video and it is not loud, and when they do bark they go out and quiet them down and take care of the barking. Bark collars are not an issue with hounds that does not work, hounds are trained up in the mountains. They are aware that if the dogs are barking they make every attempt to quiet the dogs.

Favor: None

Neutral: None

Opposed:

Jordan Alvis-(online) 3135 Fuller Road, Emmett, Idaho. Submitted a letter, and a video. He lives to the east of the kennel. Would like the conditions changed, the dogs are allowed to bark fifteen hours a day. They would like to recommend bark collars and/or sound proof kennels. They have received advice from sheriff's department/code enforcement. They listened to a video online of the applicants also. Opposed to the current conditions, nineteen dogs is a lot of dogs to have.

Rob Cook- The dogs are not allowed to bark. That does not happen, the dogs light up when it is feeding time and the time stamp on that video is feeding time.

Chairman **Eichelberger** closed public hearing 6:32pm

Commission Discussion

Commissioner **Vickery** they want the permit to stay in place, but it needs to be worded so that they can protect the neighbors, but also it would be hard to rewrite this, they are not licensed dog handlers.

Commissioner **Jones** they suggested the collars and sound proof structure not sure what else they can do.

Chairman **Eichelberger** hound dogs can make constant noise, all dogs can. Nineteen dogs is a lot of dogs. When it's feeding time the dogs do make noise. When people pull up dogs bark to let them know someone is on your property.

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Commissioner **Vickery** condition one should be rephrased to not require revisiting the permit, but should allow it. Condition three no more than nineteen dogs, maybe ask to lower the amount of dogs, condition four ask the applicant, sound proof structure. They could add a condition.

Chairman **Eichelberger** good fences make good neighbors. A structure will help the noise.

Rob Cook they would look at steps to be taken. They could build a structure that could help diminish the noise, they would need to be given some time to build this. If a dog passes they don't plan to replace dog. They would need a least 90 days to do the structure. They are asking that if a complaint is given that they be notified.

Commissioner **Vickery** move that they keep in place SUP #21-001 with the alterations conditions 1.Remove 2nd half. 3. No more than 19 dogs and to not be replaced. 4. No bark collars. 6. Construct a sound proof building within 4 months.

Commissioner **Jones** Seconded the motion.

Vote: Unanimous

ACTION ITEM #2

(RESCHEDULED) 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-This is a seven lot subdivision five acre lots, to be served by a private road that the applicant will have to construct. This property is within the city impact and within one mile of the city. The applicant asked for a waiver from the City of Emmett Ordinance for curb, gutter and sidewalks, it was granted. Five findings for this subdivision

Director Neal Capps Road and Bridge- They are requiring a traffic impact study (TIS), they are requiring a paved approach.

Applicant:

Amy Rosa- Sawtooth Land Surveying-This is a seven lot subdivision. They have been working with Last Chance Ditch they should have the conditions met, they are waiting for the engineer to sign off. They had the bridge brought up to fire code this has been approved. They did what Farmers Co-operative irrigation wanted.

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Favor: None

Neutral:

Robert Towery- 1400 Fernlee St. Emmett, Idaho. They wanted to know what two lots are not going to the family.

Opposed:

Laina Smalley- (online) - 1849 North. Substation Road, Emmett, Idaho. Their main concern is corner of Substation and Waterwheel. Their fence has been taken out several times. They were asking about a yellow blinking light to have at this corner going North on Substation.

Karen Luther- (online) - 1525 North Substation Road, Emmett, Idaho. Their concern is the traffic.

Commission Discussion

Chairman **Eichelberger** read through the required findings. Applicant shall comply with the conditions from the Gem County Road and Bridge Department. 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** made a motion to approve #PP-22-001 with conditions as read.
Commissioner **Jones** second the motion.

Vote: Unanimous.

ACTION ITEM #3

PRELIMINARY PLAT (STEVENS RANCHETTES SUBDIVISION) #PP-22-003-APPLICATION BY STEVENS WELL DRILLING ON PROPERTY OWNED BY KRISTEN JUMPER AND JUDY YOUNGBERG TO REQUEST APPROVAL OF 32 BUILDABLE LOTS ON 40.018 ACRES LOCATED OFF OF WEST IDAHO BLVD.

Director Kharri- This application is proposing thirty two lots, one acre each, with two public roads. There are nine required findings, eight letters of concerns submitted, letters from Road and Bridge and Emmett School District. There are ten proposed conditions of approval that can be revised. The nine required findings, the last finding staff didn't find it was met the since County Code disfavors cul-de-sacs staff is asking for a different road design.

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Road and Bridge Director Neal Capps-Concerns would be to not have traffic exit onto Edgemont Road it can't handle the traffic. They would like to see the traffic go more towards West Idaho Boulevard. The irrigation cement ditch that needs to be looked at.

Applicant:

Kurt Smith-2787 Southside Blvd. Melba, Idaho. The plan is to build thirty two lots, the current zone R2 allows this. They are set out to meet the requirements. Planning on public roads, irrigation is to be moved, irrigation is to go to each individual on each lot. They have decided to put in gravity irrigation for the lots. The staff recommendation item two D Keller and Associates. letter the traffic study is recommended they are not responsible for this, Road and Bridge is. Is the County Road and Bridge asking for a traffic study? Second item ten it states to hire hydrologist, they provided them the study. They would like to follow the study.

Favor:

Gary Jumper- Bluffdale, Utah. His family owns this property, As long as they follow all the recommendations this should not be denied. They can't stop growth.

Vaughn Youngblood- Weiser, Idaho. His family owns this property also. They are farmers in Weiser and understand that houses moving in on farmland makes farming hard to do. It's been zoned this way for several years.

Nic Stevens-7797 Crestwood Dr, Boise, Idaho. This is zoned R2. They are well drillers. The impact will be very small. They will be building the wells to handle this. They will follow the study, storm drain all of which the study shows.

Neutral:

Andrew Griggs Emmett Irrigation District. 222 E. Park St. Emmett, Idaho. They have not finished their application. They gave them copy of the specs and recommendation. Everything goes before the Board. They will get a copy of the recommendation from the Board. They have not seen the engineered recommendations.

Bob Orlandos -1720 Jackson Ave. Emmett, Idaho. The report was done in 2015. That was seven years ago. What about the run off? Is there a sewer system? Septic system? They have lots of concerns.

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Dale Atkinson -1203 W. Delmar Meridian, Idaho. They would like to see access on to both West Idaho Blvd. and Edgemont roads. The water needs to be to the south side, irrigation really needs to be looked at. Septic needs to have a schedule for these to be emptied.

Opposed:

Koni Lindley- 1710 W. Idaho Emmett, Idaho. They have concerns with the access coming onto West Idaho, they have concern for bus safety. Garbage collection there will be so many garbage cans. They have a big concern there is no place for kids to play.

Linda Hull- 1653 Edgemont Emmett, Idaho. They have concerns about the irrigation about how the shares are going to be split up. Concerns about the CCR is there going to be any? Concerns about junk being brought in. How is all that sewer going to be handled? Concerns about exiting on Edgemont they don't want it unless they widen it out.

Richard Rice-1974 Geneva Way Emmett, Idaho. They are concerned about the wells. Edgemont Road is too small.

Gary White-1753 Katie Lane, Emmett, Idaho. Concerns take in the feelings of constituents, trim down the lot size. Who did the water study, what was there name, nobody knows, it was so long ago they need a new one done.

Dan Spanfelner- 2662 Lower Bluff Road, Emmett, Idaho. The soil in this area is prime soil. Let's not turn farm land into residential.

Bob Perrune-3318 E. Idaho Blvd. Emmett, Idaho. Concerns are about a turn lane going down West Idaho into this subdivision. Concerns about traffic, water, septic.

Dusty White-1984 Edgemont Road, Emmett, Idaho. Concerns with cramming a house in every part of the property, do five acre lots. Aquifer is a huge concern.

Applicant Rebuttal:

Kurt Smith- They have heard everyone's concerns. They will do everything the agencies have asked of them. Storm runoff, State of Idaho has state requirements that they will abide by. They will do what the Southwest District Health requires. The school bus stop, they will put in whatever Road and Bridge recommends. They are going with CCRS.

Chairman Eichelberger closed Public hearing 8:51pm

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Chairman Eichelberger read through the conditions.

Commission Discussion

Chairman **Eichelberger** undetermined is the final irrigation the final road design and the water study. The water study is old, Commissioner **Vickery** read a study from several different years ago. Recommendations will need to be brought forth. Commissioner **Jones** there are several that are not met they have an issue with this.

Chairman **Eichelberger** Southwest District Health takes care of the septic. There is one share per acre. The county says the traffic can handle this. This is zoned for R2. Commissioner **Vickery** they could require a water study.

Chairman **Eichelberger** make a motion to recommend approval to the board with the recommendation outlined by the staff.

Commissioner **Vickery** seconded the motion

Commissioner **Jones** Nay

Vote: 2 to 1

ACTION ITEM #4

PRELIMINARY PLAT (LERA ESTATES SUBDIVISION) #PP-22-004- APPLICATION BY SAWTOOTH LAND SURVEYING ON PROPERTY OWNED BY VINCE LERA TO REQUEST APPROVAL OF 18 BUILDABLE LOTS AND 1 COMMON LOT ON 96.095 +/- ACRES LOCATED OFF OF BOWMAN ROAD.

Director Kharri-This is a 96 acre parcel on Bowman Road they are proposing 18 lots 5 acre parcels zoning is a 5 acre minimum. Two private roads are proposed to serve those lots. They have three letters of concern from neighbors. They have requirements from Road and Bridge, School District #221, and letters from Reed and Enterprise Ditch Company.

Road and Bridge Director Neal Capps-Bowman Road is a high commuter route to the other valley. They are requesting both private roads have a paved approach and everything be removed out of the right of ways except for the irrigation and the fencing. They see this subdivision may cause more commuting traffic with no plans for maintenance to Bowman Road.

Applicant:

Amy Rosa-Sawtooth Land Surveying -They are aware of the 300 foot right of way that's in place with their easement, they are making that their private lane. They are having a common lot

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to acquire that property where it has the drainage to the south and the Reed Ditch to the north. They didn't receive anything from Enterprise Ditch Company stating how much easement they wanted for ditch on the south boundaries of the property, they need guidance, they left a message and have not heard back and they have an engineer a couple months ago to work on their plat, so whatever information they need to get to them from tonight's meeting would be beneficial. They need direction where they want the private roads to go in at.

Favor: None.

Neutral:

Ronnie Weekes - 1996 Boise Ave. Letha, Idaho.

Vice Chairman of the Reed Ditch Company. Their concerns are not to hold them up as long as requirements are met, they are proposing anything ten acres or less going in these subdivisions are pressurized systems, moving forward on this particular parcel there are some concerns about when the Reed Ditch is checked up to supply water to the correct places it backs up so they are worried about basements, sanitary structures on these lots and flooding in general it's a real concern to the Reed Ditch Company. They are setting policy right now, but that policy is subject to change. Moving forward these individuals that are choosing to subdivide these properties via sell or by themselves need to understand that just because what it is today it may not be that way tomorrow. They are trying to protect all entities on both sides of the spectrum.

Dan Tilson - 2992 Bowman Road Emmett, Idaho.

President of the Enterprise Ditch Company. They will give them a packet that has all of their policies. Its 25 feet from the slope to the bank out is what they require this is on a high ditch bank. They require a pressurized system with measuring devices, they need to see a design from them, they have concerns of the waste run off, and also the flooding. There is a pipeline that was not shown on the plat that pipeline comes with a 20 foot easement as the state allows. There are waste ditches that need to be documented also. The developer needs to be aware of three shareholders that didn't buy into this interrupting their ditch water. They are requiring a water master that they can deal with. There will be a policy packet with everything that they require.

Opposed:

Marlene Hurren – 3301 Magnolia Lane Emmett, Idaho

There is so much traffic on Bowman Road, they would like to see a traffic study. This is prime agriculture area. They would like a wider road.

Jonathon Beck – 7203 W. Hwy 52, Emmett, Idaho

How are they going to get their water? They are on the back side. They want to know how the wells will work, concerns about the septic and ground water.

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Kathleen Hunt – 2426 Bowman Road, Emmett, Idaho

They are zoned for A2, and their concern is traffic. There are a lot of accidents on Bowman Road. Where will bus stop be? Where is the traffic going to pull over? They are very concerned about the water. They would like to keep this rural. There needs to be impact studies out here.

Diana Clarke – 3811 Bowman Road, Emmett, Idaho

There is so much traffic. There are so many semi-trucks that come flying down this road. They have a concern with the EMS getting out there in a timely manner. They want it to stay agriculture.

Annette Smith – 6900 W. Hwy 52, Emmett, Idaho

They are concerned with traffic there is a blind corner, there is no room, they are concerned with the school bus issue it's a safety concern. They also have water concerns, they say it's high water table.

Dan Tilson -2992 Bowman Road, Emmett, Idaho

They are concerned with traffic, nobody is policing this area, only when something happens do they come, if they just would lower the speed limit. The well system is great now, but when all this comes in and it goes away that will not make him happy. The roadways are very tight, it should have been made wider, and those are very big concerns.

Greg Gibbson – (online) 3650 Bishop Road, Emmett, Idaho

The water table is an issue here. The water table is going to get messed up. The older homes in the area will be effected.

Brady Hicks – (online) 2405 Brogan Road, Emmett, Idaho

The Reed ditch floods in the spring every year. Very high water table. They want people to be aware of this whoever buys these properties.

Chairman **Eichelberger** made a motion to continue the deliberation due to the late hour, to May 23rd, at 6:00 p.m.

Public Hearing closed at 10:18 p.m.

REGULAR MEETING

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

2. **ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** Director **Kharri-**
A meeting with the County and City steering committees to discuss the Area of City Impact

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policy and land use map is Tuesday at noon. Wednesday is the County Steering meeting. They have a draft plan. They are still planning to have a public meeting in June.

3. ITEMS FROM/ORQUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:

Tahja Jensen The Comprehensive Plan is moving forward, coupled with that they will have ordinance revisions, the County has gone out for a request for proposal for a firm to come in to take a look at the Comprehensive Plan revisions that they made and turn around and do ordinance revisions, they have flagged some areas and will be going over them.

4. UPCOMING MEETINGS: May 23, 2022 and the regular meeting June 13, 2022 at 6:00pm

ADJOURN:

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

Commissioner **Vickery** seconded the motion.

Vote: Unanimous.

Chairman Eichelberger

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