

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
January 10, 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 Kharl, Associate Planner – Michelle Barron (Moderator), Development Services Coordinator – Stephanie Crays, Road and Bridge Director- Neal Capps, and Deputy Prosecuting Attorney – Tahja Jensen (online).

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 December 13, 2021**
Commissioner **Jones** approved the minutes as written.
Commissioner **Vickery** seconded the motion.
Vote: Unanimous.

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

PRELIMINARY PLAT (WHITE OWL RANCH SUBDIVISION) #PP-21-005 APPLICATION BY SAWTOOTH LAND SURVEYING ON PROPERTY OWNED BY WHITE OWL RANCH LLC TO REQUEST APPROVAL OF FIVE BUILDABLE LOTS ON 53.944+/-ACRES LOCATED OFF OF KINGS LANE.

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Director Kharrl-This is a five lot preliminary plat located on Kings Lane which is an existing private road. There are nine required findings to meet before this can move forward, tonight the commissioners are making a recommendation to the board of county commissioners they will then hold a public hearing based on the commission's recommendations. Staff has recommended approval with eight conditions.

Road and Bridge Director Neal Capps- We are requesting a paved approach to Sales Yard Road, this is stated in his letter.

Applicant:

Sawtooth Land Surveying Amy Rosa- 2030 S. Washington-She contacted the engineer and they said the SER won't get approved until spring, they want them to continue monitoring until spring that's the only thing the engineering is waiting on.

Dustin Simpson- 1155 North Ballantyne Lane Eagle, Idaho-Project consist of a 55 acre split into five lots consisting of eight to thirteen acres.

Commissioner **Vickery**- Is it intended to have Kings Lane paved?

Dustin Simpson- We had not intended to have Kings Lane paved. We understood it was a private lane there is a maximum of ten lots allowed. We were told by the county we would be allowed six, my intentions are to work with the other neighbors to come up with a maintenance agreement and work together on this.

Favor:

Jennifer Moore-(online)-368 West Valentine, Meridian. She is in support for White Owl Ranch.

Susan Henningsen-(online)-11723 West Pinewood River Lane. Definitely in favor.

Neutral:

Norm Johnson-2423 W. Sales Yard Road. Their concern is that the last fifteen years he has taken care of Kings Lane maintenance of the road, it's expensive to maintain the up keep and wants to make sure this is addressed.

Opposed: None

Commissioner **Jones** moved to closed public hearing.

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Commissioner **Vickery** seconded the motion.

Vote: Unanimous

Chairman **Eichelberger** closed public hearing at 6:27 pm.

Commission Discussion

Commissioner **Eichelberger** discussed there are concerns about drainage, septic, and water, there is a requirement already in place. Also the letter from Road and Bridge.

Commissioner **Vickery** application is favorable.

The Commissioners discussed the required findings. Commissioners said it meets all requirements. Staff does have recommendations for conditions of approval.

Director **Kharri**-Look at adding a requirement for the storm water drainage, because Southwest District Health is not looking for this, they are not looking for drainage. It would be beneficial to have a requirement for storm water drainage plan. That way the county engineer could still review to make sure the water stays on site.

Commissioner **Vickery** made a motion to recommend approval for preliminary plat #PP-21-005 with the conditions from Road and Bridge and Last Chance Ditch Company, they are also asking for a condition for the storm drainage to be addressed.

Commissioner **Jones** seconded the motion.

Vote: Unanimous.

ACTION ITEM #2

PRELIMINARY PLAT (LETHA MEADOWS SUBDIVISION) #PP-21-006 APPLICATION BY KIT KJELSTROM ON PROPERTY OWNED BY KJELSTROM TRUST 11/6/02 TO REQUEST APPROVAL OF SIX BUILDABLE LOTS ON 15.32 +/- ACRES LOCATED OFF OF W. IDAHO BOULEVARD AND BERGLUND ROAD.

Director Kharri-This is a six lot Preliminary Plat. This property is a unique island surrounded by two county roads and a State Highway. Berglund Road, Idaho Boulevard and Highway 52 on this property. The property is zoned mixed use. There are nine required findings, also staff has ten recommended conditions for approval for this application, and there are a few letters of concern.

Road and Bridge Director Neal Capps- They are requesting lots one and two have shared access three and four have shared access and five and six have access to be constructed prior to final approval.

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Applicant:

Shaun Kjelstrom-841 Kalpati Circle #A, Carlsbad, CA 92008-They are splitting thirteen acres to split into 6 lots. They have been working with Southwest District Health and Irrigation Company to make sure they are meeting all requirements. They have done the monitoring for Southwest District Health.

Favor: None

Neutral: None

Opposed: None

Chairman Eichelberger opened up public comments there was no additional testimony, closed public comments at 6:55 pm.

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

Commissioner **Vickery** second the motion.

Vote: Unanimous.

Commission Discussion

Concerns were brought up about the irrigation. There is a letter from the irrigation district and it goes over their requirements. An engineering study is being required by Southwest Health District that is in process, it will be required to be approved by Southwest Health District. Applicant is aware of flood letter. The commission discussed the nine findings. All findings and requirements are met. There are some recommended conditions of approval from staff. Findings were read and gone over.

Commissioner **Jones** made a motion to recommend approval for #21-006

Commissioner **Vickery** seconded the motion.

Vote: Unanimous.

ACTION ITEM #3

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

Director Kharri-This application is a temporary hardship permit, these are usually administrative applications the code does allow for a public hearing that is the case of this

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temporary hardship permit. There are a certain set of standards conditions for approval that are put on these applications. On this application there are a few outstanding items that we have not seen a resolution for. The concerns are the septic and the access of the driveway that was put in.

Road and Bridge Director Neal Capps- Gem County Road and Bridge has been working through this approach issue that they have on Sweet Ola Highway. They have a non-permitted approach that was installed, therefore it does not meet Road and Bridge requirements for standards and so they are working on getting out those letters and they are behind on the temporary hardship permit and will be working with the applicant on this issue.

Applicant:

Leanna McKinney and Ron Meyers-11875 Sweet Ola Hwy, Sweet.

Ron's wife is in need of care and Leanna is there living in a RV on Ron's property to take care of her. They applied for the Temporary Hardship Permit and went through all that was required. They access drive that they are talking about use to be an old driveway to get to the well head that was there. Someone turned them into the Southwest District Health stating that they were dumping into the ground. Mitch from Southwest District Health sent out people and said it was good to go. They had to send pictures to Mitch that they pulled the pipe. They have paid Johns plumbing to have the tank pumped.

Favor: None.

Neutral: None.

Opposed:

Diane and Ken Swader (online) - 12000 Sweet Ola Hwy, Sweet.

They have an issue with all the stuff on the property because it's an eye sore. Their biggest concern is the sanitation issue, they called Southwest District Health. They had their sewage going into the ground. They said Johns plumbing does not come out repeatedly and drain a tank. They are really close to the road and that is a concern also.

Chairman Eichelberger opened up public comments there was no additional testimony, closed public hearing comments at 7:31 pm.

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

Commissioner **Vickery** second the motion.

Vote: Unanimous.

Applicant rebuttal

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Ron Meyers (online) - 11875 Sweet Ola Hwy, Sweet

Them being here permanently is not true, the permit says temporary. So he doesn't understand what the problem is, and what's being stored out there is his business, he has six acres.

Commission Discussion

Chairman **Eichelberger** had a few questions of the applicant, how many times has the tank been emptied? If so how many times has it been emptied since the first time? Does the applicant have an agreement with this service to come on a regular time of emptying the tank? Is that road built on someone else's property? Director **Kharri** also stated that Swader's had a survey done and it shows road and parts of the land ownership being the Swader's. **Applicant** stated that they have had the tank emptied once on January 7, 2022 by Johns plumbing there is no agreement they just will call them when it needs emptied. They have a 550 gallon tank outside of the RV. Johns plumbing was able to access drive way to get to RV applicant said. Applicant also addressed doesn't matter where they put his property, they still have to pay taxes, and he doesn't understand what the problem is, the driveway was already there. Commissioner **Jones** had concerns with the road being built without a permit and the septic situation and is not satisfied with the answers given. Commissioner **Vickery** concern with driveway being built and also with the septic, and would like to see agreements about pumping the tank.

Chairman **Eichelberger** made a motion to continue to the February 15th, 2022 meeting, with documentation of the approved permit from Road and Bridge Department , a letter from Southwest District Health of approval and that they accept the holding tank and that the previous violation has been corrected, and to provide a contract from the 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.

Commissioner **Jones** seconded the motion.

Vote: Unanimous.

Chairman **Eichelberger** allowed Carol McKinney Sweet Ola Hwy to speak after closed hearing, she had been trying to get through and couldn't until after it was already closed. Her concerns were how long a hardship permit last and concerns on the septic. Chairman **Eichelberger** assured her that these questions will be addressed in the meeting February 15, 2022.

REGULAR MEETING

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

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2. **ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** Director **Kharri-**Steering Committee for the Comprehensive Plan is meeting Thursday of this week, we will give you an update on the meeting.
We are hiring a new building inspector, the current building inspectors last day will be February 1, 2022.
3. **ITEMS FROM/OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:** **Tahja Jensen-**Scheduling training should be in a couple of months. Needing more Zoning Commissioners.
4. **ITEMS FROM THE ZONING COMMISSION:** None
5. **UPCOMING MEETINGS:**
 - a) **Next upcoming meeting is:** February 15, 2022 at 6:00 PM
6. **ADJOURN:**
Commissioner **Vickery** made a motion to adjourn.
Commissioner **Jones** seconded the motion.
Vote: Unanimous.

Chairman Eichelberger

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Applicant:

MICHAEL BRATCHER- 850 Santa Lane. Mr. Bratcher spoke of two specific reasons he is here today, he brought the material, but if he would have known he would have come with this in detail. He spoke of emails that he got from Southwest Health District in June, stated he was busy, got another email nothing was done, got another email in March, he noticed something was not right with the sewer system. Southwest Health District gave permit without looking at work. Code Enforcer sent him a letter, he knew the neighbors were wondering what is going on, why is this taking so long? Received letter from Joe stating redesign is necessary, letter dated in April, his letter was given to Southwest Health District didn't get what he needed until June, he requested Southwest Health District to come to the site and measure and look at it. They did come out. He called for an inspection to Southwest Health District and this person know longer works for Southwest Health District. He showed a letter to the Code Enforcer from the engineer. He stated supply letters coming in that materials are delayed July, August, September no supplies. Stated that without electrical permit he couldn't do anything. He got everything done once he got all the stuff he needed done in four or five months. He stated that there was RVs on the property when he purchased the property and people were living in them. He received another letter from Code Enforcer stating that he needed to evict the RVs. He said Covid-19 was in effect and you can't evict anyone, then Covid-19 rules were lifted and it was Thanksgiving. Now that the park is finished he is waiting on the engineer. He doesn't see any reason to evict anyone. He would like to address the 30 day max stay stipulation. He doesn't understand why he can't have a longer staying time, while when in Idaho there is over 200 RVs that have longer staying times. He was giving reasons of other RV Parks of long term open times.

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Favor: none

Neutral: none

Opposed:

Vice Chairman

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