

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
August 8th, 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.

6:00 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 June 13th and July 11th, 2022**
Commissioner **Jones** approved the minutes as written.
Commissioner **Vickery** seconded the motion.
Vote: Unanimous.

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

REZONE #RZ 22-007-REQUEST BY PATRICK MODJESKI A2 (5 ACRE MINIMUM) TO R3 (2 ACRE MINIMUM) PROPERTY OWNED BY MICHAEL MODJESKI LOCATED ON 2440 N. PLAZA.

Director Kharri-They are asking for a rezone of a portion of their parcel from A-2 to R-3. The property proposed to be rezoned consists of approximately 4.75 acres that sits on the western edge of a larger parcel that lies fully within Priority Growth Area 1 of the County Residential

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Area, as designated on the Future Land Use Map in the Comprehensive Plan. There are 5 findings, staff recommends to include a Development Agreement to limit that front 4.75 acres to the rezone.

Applicant:

Patrick Modjeski-2440 North Plaza Road, Emmett, Idaho. They would like to build a house next to their parents to provide necessary support. The property is just shy of 20 acres they would like to propose the property be divided into three 5 acre lots, the remaining 4.75 acres would be divided into two 2+acre lots.

Favor: None

Neutral:

Susan Steppe -3300 Wilson Lane, Emmett, Idaho. They would like their parcel's access to Plaza and connect ability to utility easements, they would support the rezone with the condition that the road into the new subdivision be a deeded road that they may also take access from. A deeded road has many pros, like possibly rezone their property, provide emergency services access. They do not have access to garbage or mail at their home, they have to go out to Plaza which is a very long way from their home.

Opposed:

Janet Hall-2550 North Plaza Road, Emmett, Idaho. They moved out here to have a small farm and want to keep it 5 acres. They just want to keep it the 5 acres and not two acres. Concerned that the new people would start complaining about the cows.

Anthony Wingett-(online) 2330 North Plaza Road, Emmett, Idaho. They are not against the rezone, they are against the expansion of the driveway between the Modjeski and them. They would like to see a consideration of the two 2 acre lot be kept at 4.75 and not split into 2 parcels of 2 acres.

Director Neal Capps Road and Bridge-The lots driveways will not support the required footage off Plaza Road and will not be met. The access point can only be on the driveway currently there.

Richard Hall- 2550 North Plaza Road, Emmett, Idaho. Plaza road is a dangerous road there's a big curve, they would like it just kept one parcel not two.

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Applicant Rebuttal

Patrick Modjeski-2440 North Plaza Road, Emmett, Idaho. They wanted the 4.75, but was told it would be easier if they applied for two 2 acres. It would be easier to do the 4.75 if the Commissioners would go for that.

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

Commission Discussion

Commissioner **Vickery** doesn't have any concerns. Commissioner **Jones** Mr. Capps cleared up their concerns. Chairman **Eichelberger** read through the required five findings.

Commissioner **Vickery** made a motion to recommend approval of rezone 22-007 requiring a Development Agreement that meets the Road and Bridge requirement of no additional access to Plaza Road and that the rezone only applies to the West 4.75 acres.

Commissioner **Jones** Seconded the motion.

Vote: Unanimous

ACTION ITEM #2

REZONE #RZ 22-008-REQUEST BY DEBBIE CARLOCK-NEWTON A1 (40 ACRE MINIMUM) TO A3 (5 ACRE MINIMUM) PROPERTY LOCATED ON 2ND FORK.

Director Kharri-The rezone of this property is located on 2nd Fork Road in Ola. The application proposes a change from A-1 to A-3. The reason for the request is to correct the zoning map in which they believe was zoned incorrectly to A-1. Staff has researched the original Zoning Map from 1978. There are five finding, the Code as written does not support the rezone. Staff spent several hours with counsel looking into an error.

Applicant:

Debbie Carlock-Newton-2254 Plum Street, Emmett, Idaho. If you look at the map for the zoning in Gem County the plan map doesn't cover all of the land, it appears when the Comprehensive Plan was updated an error was made. It was the same color as Prime Ag instead of the Rural Ag that it clearly is. Their ranch is in 11N and 12N, the ranch land 11N is zoned

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correctly as A-3, but the 90.15 acres in the 12N is zoned as A1 it is the same type of dryland hillside that the larger portion of their ranch is, and is zoned A3 Rural Ag.

Favor: None

Neutral: None

Opposed: None

Close public hearing at 7:00 pm

Commission Discussion

Chairman **Eichelberger** read through the required findings. Road and Bridge had a letter with no concerns. Commissioner **Jones** brought up the Comprehensive Plan, Agriculture Natural Resources 40 acre minimum. Commissioner **Vickery** concern is they do not rezone A1 Prime Agriculture, the Comprehensive Plan does not support this.

Commissioner **Vickery** move that we recommend denial rezone Heath Place Zoning Correction, based on finding one to our interpretation not being met the property line outside of priority growth and finding five possibly not met.

Commissioner **Jones** second the motion.

Vote: Unanimous.

ACTION ITEM #3

PRELIMINARY PLAT (EL PASO RANCH PP SUBDIVISION) #PP-22-005 LOCATED ON EL PASO ROAD TO REQUEST APPROVAL OF 13 BUILDABLE LOTS.

Director Kharri-Owner has applied for a Standard Subdivision Preliminary Plat for 13 building lots, the average lot would be 5.31 acres. There are 9 required findings. Staff has proposed 12 conditions. Individual wells and septic systems are proposed for each lot. One new private road is proposed through the development and another private road is existing. The property is zoned A-3, Rural Agriculture.

Road and Bridge Director Neal Capps-El Paso Road is a minor collector with asphalt at a width of 24 feet. El Paso road is a highly traveled commuter route to Caldwell and surrounding areas. Gem County Road and Bridge sent a letter of recommendations to be added to the subdivision if approved.

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Applicant:

Robert Brian Burnett- 1125 W. Two Rivers Lane, Eagle, Idaho. El Paso Ranch intent is to provide 13 rural residential lots, 5 acres for single family homes. Domestic water and sewer will be served by individual wells and septic systems. Irrigation water will be provided by a pressure irrigation system. The development will be accessed from El Paso Road using two private lanes. Storm water will be retained on site. Each lot is required to be landscaped to retain storm water on their individual lot. Traffic is a concern. There will be CC & Rs. There will be a road maintenance agreement.

Favor:

Elwin Butler-P.O. Box 683, Middleton, Idaho. He is the design engineer. They addressed the hillside, and have taken care of it. All the roads are 3%. There is an easement called the sheep herders easement they provided the easement.

Neutral: None

Opposed:

Brittney Ketcherside-7353 Cloud Ct, Caldwell, Idaho. Their 67 page document has all of their concerns. The biggest concerns they have is the traffic. They did bring up water issues and what the long term issues would be.

Mary K Frey-7369 Cloud Ct, Caldwell, Idaho. They have similar concerns. There is going to be more cars coming.

Patrick Fry-7369 Cloud St, Caldwell, Idaho. They have traffic concerns. The speed limit is an issue.

Rignee Denbeste-6805 El Paso Road, Caldwell, Idaho. The response time for Emergency Services is a long time. The traffic has increased so much, it's very unsafe. Winter is very scary, with the traffic, the road is not wide enough.

Don Kraft-7372 Cloud Ct. Caldwell, Idaho. They are concerned of water issues. They need more testing done.

Kathy Attebery-9980 Blanc Lane, Caldwell, Idaho. Traffic is a big concern on El Paso. The property taxes have gone up and the County should take responsible in taking care of the roads.

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Janice Tuma-5500 El Paso Road, Caldwell, Idaho. The Gem County Road does a good job taking care of the road. They haven't noticed any accidents. The irrigation system needs to be looked at, the water needs to be cleaned up. They need to submit to the County they have a good system. The speed limit out there is just fine.

Vicki Homes-6345 El Paso Road, Caldwell, Idaho. The speed limit is not an issue, it doesn't need to be changed. They don't think they need turn lanes. They have a trucking company and are very respectful. They need a moratorium, they are in a drought. They don't want to lose their water. They should fix the pipe now and not wait for fall, they can shut the water down.

Karie Rose-9950 Blanc Lane, Caldwell, Idaho. The concerns is just not one set of 16 houses, with the speed limit, with the increased traffic, and the water. They have no control over what happens with their land. They are not close to resources and don't understand why they would put this subdivision here.

Pennie Keller-(online) 7366 Tuning Place, Caldwell, Idaho 83617. They have concerns about traffic.

Brian Schoolcraft-5951 El Paso Road, Caldwell, Idaho. They have noticed the increase of traffic.

Applicant Rebuttal

Robert Brian Burnett-1125 W. two Rivers Lane, Eagle, Idaho. They do have an approved pressurized irrigation system. They will be fixing that broken pipe, they were not aware that it could be fixed with the water in it. Everything they can control, they feel they have gone through all the right agencies to have everything in order.

Chairman **Eichelberger** closed public hearing at 8:11pm

Commission Discussion

Chairman **Eichelberger** read through the required nine findings. Commissioner **Vickery** no concerns. Commissioner **Jones** brought up condition #2 Keller had concerns about Hillside requirements. Director **Jennifer Kharri** this is conditioned if this gets recommended for approval or approved the final plat can't be submitted until all of these items are met. Commissioner **Jones** asked Mr. Burnett about the hazards of the canal for safety. **Mr. Burnett** they are working with the canal district with putting up a three rail fence. They are waiting to hear from them of what kind of fencing and they will put up whatever they decide. Chairman **Eichelberger** read through recommended conditions of approval.

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Commissioner **Vickery** move to recommend approval with the general conditions as listed by staff adding all requirements submitted by Black Canyon Ditch Company and encouraging all expedition possible to the repair of any irrigation lines that were, if damaged that the developer can control.

Commissioner **Jones** seconded the motion.

Vote: Unanimous.

REGULAR MEETING

1. **ITEMS FROM THE PUBLIC:** none
2. **ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** Director Kharri-
the Comprehensive Plan meeting was not as well attended as we had hoped. Our office is closed on Thursdays so that we can work on the Comprehensive Plan and go through it. There will be one more meeting with the steering committee, and then it will go to the Board of Commissioners and we could see more public input.
3. **ITEMS FROM THE ZONING COMMISSION:** none
4. **ITEMS FROM/OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:**
Tahja Jensen
5. **UPCOMING MEETINGS:** September 12th, 2022 at 6:00pm

ADJOURN:

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

Commissioner **Vickery** seconded the motion.

Vote: Unanimous.

Chairman Eichelberger

