

SUMMARY MINUTES  
GEM COUNTY PLANNING AND ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
February 13, 2023

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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:** Stacy Heimlich

**OTHERS PRESENT:** Planning Director – Jennifer Kharri, Associate Planner – Development Services Coordinator –(Moderator) Stephanie Crays, Road and Bridge Director- Neal Capps.

**6:08 P.M.**

**REGULAR MEETING**

1. **CALL TO ORDER:** Chairman **Eichelberger** opened the public meeting at 6:08 PM., held in the Commissioner Chambers and via Zoom.
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 9, and 10, 2023**  
Commissioner **Vickery** approved the minutes as written.  
Commissioner **Jones** seconded the motion.  
**Vote:** Unanimous.

**PUBLIC HEARING – ACTION ITEMS**

**ACTION ITEM # 1**

**TEMPORARY HARDSHIP PERMIT #22-004 – THERESE BURGESS – 2395 WATERWHEEL ROAD.**

**Director Kharri-**Therese Burgess, is requesting a Temporary Hardship Permit THP for her son to reside in a temporary RV for medical reasons so she can help assist him. The Development Services Department received a letter from an affected property owner opposing the THP application and requesting a public hearing, Gem County Code 11-19-2 requires a public

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hearing be held before the Planning and Zoning Commission, if requested by an affected party. Otherwise, THP applications are Administrative.

**Applicant:**

**Therese Burgess**-2395 Waterwheel, Emmett, ID. She stated that the RVs are storage units. She wants the RV for her son, she cannot sleep at night with her son in the home. She wants her son to live in the RV by himself. She doesn't understand why she is here, her neighbor is lying.

**Favor:**

**Shere Clark**-2349 Waterwheel Road, Emmett, ID. She has known Ms. Burgess for several years, and was once Sean's tech, she knows that Sean does not have a driver's license. She says she knows the brother has moved. Sean is a good kid.

**Neutral:** None

**Opposed:**

**Daria Nelson**- 2389 Waterwheel Road, Emmett, ID. The request for a THP should be denied. When Ms. Burgess bought the property she came and talked with us about expanding the septic system, and bring in a couple of RV trailers and that her brother would be renting one from her and in addition her brother would be running a motorcycle business out of the garage. Ms. Burgess has to drive down the driveway passing several homes before getting to hers, after she moved in several RVs came, motorcycles on trailers and sheds came onto the property, and he would race the motorcycles up and down the driveway to test them out. They don't believe the RV was ever intended for her son to live in, he had been living with her. When she found out that there was going to be a hearing she had the RV that her brother was living in moved out. They don't know if the septic has been improved since the brother was living there and are concerned where the waste water has been going for the past 5 months since her brother had been living there. We are concerned with Sean living in a RV by himself for his safety, with all the strangers coming onto the property for the motorcycle business. When Code Enforcement came out on the report of the business Ms. Burgess told them that Sean owned the motorcycles and they had never seen him ride or thought he had or could have a driver's license. We are concerned of the RV being used for Sean to live in.

**Mark Pickrel**-2387 Waterwheel Road, Emmett, ID. He has not gone down to the trailers, but there is a person going down the road very fast every day at the same time.

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Commissioner **Jones** asking **Therese Burgess** how long has Sean been living with you, **Therese Burgess** said his whole life except for three years when he lived in a CPI home, Commissioner **Jones** asked if it was successful, **Therese Burgess** said yes, Commissioner **Jones** do you feel he could do this again on his own, **Therese Burgess** said yes. Commissioner **Vickery** the mention of the septic system, is there a RV there now? **Therese Burgess** said no, Commissioner **Vickery**, but the intention is to have the RV hooked up to the septic now. **Therese Burgess** said yes, Commissioner **Vickery** you are aware that you need to contact Southwest District Health to get a permit for this? **Therese Burgess** I already have a permit for this.

Chairman **Eichelberger** closed public comments 6:28pm

### Commission Discussion

Chairman **Eichelberger** the requirements for a Temporary Hardship Permit is to have a medical need, they have a document showing this. Chairman **Eichelberger** read the code for a Temporary Hardship Permit. Chairman **Eichelberger** read through the Staff Report comments. Both Commissioner **Vickery** and **Jones** brought up the other RV not being lived in, and to have it verified by Code Enforcement. Add to number nine in the Staff Report.

Commissioner **Vickery** moved to approve the Temporary Hardship Permit with the site specific condition approval amending #9 to request additional site visit within the first year.

Commissioner **Jones** second the motion.

**Vote:** Unanimous

### ACTION ITEM #2

#### **SPECIAL USE PERMIT SUP #22-007 – JUSTIN VICKERY – TO ALLOW A 60 FOOT MONO POLE TOWER TO PROVIDE HIGH SPEED INTERNET AT 2693 WEST SUCCESS WAY.**

**Director Kharri**-The applicant, Justin Vickery, on property owned by Michael and Takako Graviet, is requesting approval of a Special Use Permit to allow the placement of a 60' tall wireless telecommunications facility on their property with their business, Ladder King. The property is within the Shadow Butte Industrial Park Located off of West Highway 52.

### Applicant:

**Justin Vickery**-3810 W. Idaho Blvd. Emmett, ID. This application is for a transmitting tower to transmit internet. This is the seconded tower that they have needed a Special Use Permit. The tower is a 60' foot tower, it's a fairly short tower. This tower is to allow greater speed in the area.



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He does have a request when it is time to remove that they have 90 to 120 days to remove the tower, it's quite a chore to take a tower down.

**Favor:** None

**Neutral:** None

**Opposed:** None

**Commission Discussion**

Chairman **Eichelberger** read through the findings. They didn't find any concerns at this time. Leaving the removal of the tower at 60 days.

Chairman **Eichelberger** made a motion to approve the Special Use Permit.  
Commissioner **Jones** seconded the motion.

**Vote:** Unanimous.

**ACTION ITEM #3**

**SPECIAL USE PERMIT SUP #22-009 – HIDDEN PEARL – EVENT CENTER AND BED & BREAKFAST AT 6951 PEARL ROAD.**

**Director Kharri** – The applicant, Karen Burger, is requesting approval of a Special Use Permit to allow the operation of a bed and breakfast and event venue on private, residential property. Gem County Code 11-5-3, allows special land uses not listed in the Zoning Matrix to be granted through a Special Use Permit and 11-5-5 permits a bed and breakfast within the A-1 zone with a Special Use Permit.

**Road and Bridge Director Neal Capps**- The use is being changed from a house to a commercial use, in review needs to have an approach permit, also requesting 10 foot to be added to the approach per width.

**Applicant:**

**Karen Burger**-6951 Pearl Road, Eagle, ID. She bought the home in 2020 for the purpose of a B&B and Event Center. The house is designed for entertaining it's a really big home. She talked with Jack at Southwest District Health, she has amended her intent letter to address this and he

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was fine with it, she is having 7 to 14 events a year, after that up to 21 events a year. She is adding two outdoor bathrooms for this.

**Favor:**

**Vanessa Wakeham**-1971 W. Eagle Mtn. Dr. Karen is a great business woman, and she thinks this would be a great venture for her, it's a beautiful place.

**Terri Hull**-24499 Lansing Lane, Middleton, ID. Karen has a passion for this kind of venture. She loves to be around people, and has a beautiful place for this kind of business.

**Neutral:** None

**Opposed:** None

Chairman **Eichelberger** closed public hearing 7pm.

**Commission Discussion**

Chairman **Eichelberger** read through a few of the findings. Chairman **Eichelberger** noted that a few of the conditions have already been met. Item #15 lighting was talked about, but most of the events are held indoor. The applicant said there is solar lights so that people can see their way out to their car at night.

Commissioner **Jones** made a motion to approve the Special Use Permit.  
Commissioner **Vickery** seconded the motion.

**Vote:** Unanimous.

**REGULAR MEETING**

1. **ITEMS FROM THE PUBLIC:** none
2. **ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** Director **Kharri**- Discussed having the Area of City Impact Agreement with the Planning and Zoning to have the City of Emmett agreement review, March 6, at 4:00pm. This is not a public hearing.

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3. **ITEMS FROM THE ZONING COMMISSION:** none

4. **UPCOMING MEETINGS:** March 20, 2023 at 6:00pm

5. **ADJOURN:**

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

Commissioner **Jones** seconded the motion.

**Vote:** Unanimous.

A handwritten signature in black ink, appearing to read "Dan Eichelberger", written over a horizontal line.

Chairman Eichelberger