

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
September 12th, 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, Deputy Prosecuting Attorney- Tahja Jensen (online).

6:00 P.M.

REGULAR MEETING

1. **CALL TO ORDER:** Chairman **Eichelberger** opened the virtual public meeting at 6:05 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 August 8th , 2022**
Commissioner **Vickery** approved the minutes as written.
Commissioner **Jones** seconded the motion.
Vote: Unanimous.

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

PRELIMINARY PLAT (SALES YARD ESTATES #2 PP SUBDIVISION) #PP-22-006 APPLICATION BY SAWTOOTH LAND SURVEYING ON PROPERTY LOCATED ON GRANDVIEW LANE (OFF SALES YARD ROAD) TO REQUEST APPROVAL OF 6 BUILDABLE LOTS.

Director Kharri-The PP application proposes 6 building lots. The property is zoned A-2, Rural Transitional Agricultural. The average building lot size is 5.98 acres. Individual wells and septic

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systems are proposed for each lot. An existing private road (Grandview Lane) is proposed to be extended and will serve the Lots.

Applicant:

Amy Rosa-Sawtooth Land Surveying-The application proposes 6 building lots. The fire Chief has given a letter of approval on the extended lane. They are waiting for the approval letter from Southwest District Health. The construction drawings are ready and waiting for approval from tonight's meeting to be submitted. They are working with Last Chance Ditch on the irrigation.

Favor:

Neutral:

Opposed:

Chairman **Eichelberger** closed public hearing 6:17pm

Commission Discussion

Chairman **Eichelberger** read through the required findings. Commissioner **Vickery** all his concerns were met in the Staff Report. Commissioner **Jones** concurred.

Commissioner **Vickery** move that they recommend approval with the Staff Report conditions of approval as in exhibit B.

Commissioner **Jones** Seconded the motion.

Vote: Unanimous

ACTION ITEM #2

**PRELIMINARY PLAT (ELK VIEW ESTATES #2 PP SUBDIVISION) #PP-22-007
APPLICATION BY SAWTOOTH LAND SURVEYING ON PROPERTY LOCATED ON
WAPITI LANE (OFF DEWEY ROAD) TO REQUEST APPROVAL OF 7 BUILDABLE
LOTS.**

Director Kharri-This is a re-plat of Lot 4, Block 1 of the Elk View Estates Minor Subdivision. There are no structures on site. The property is zoned A-2, Rural Transitional Agricultural. The PP application proposes 7 building lots. The building lot size is 6.5 acres. An existing private road (Wapiti Lane) is proposed to be extended and will serve the Lots.

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Applicant:

Amy Rosa-Sawtooth Land Surveying-This is a re-plat of Lot 4. There is a letter from the fire chief of approval. The engineer has been in touch with Enterprise Ditch they are working on the plans. Everything has been approved on this one.

Favor: None

Neutral:

Brady Hicks-2405 Brogan Road, Emmett, Id. His concerns would be that the irrigation water that goes down between his property and Mr. Stern's property is maintained properly.

Opposed: None

Commission Discussion

Chairman **Eichelberger** read through the required findings. Read through recommendations of approval. There is a waiver letter from Gem County fire on the length of the road and 96 foot cul desac turn around and single access for EMS. There is a letter from Enterprise Ditch Company.

Commissioner **Jones** made a motion to recommend approval of PP #22-007.
Commissioner **Vickery** second the motion.

Vote: Unanimous.

ACTION ITEM #3

**PRELIMINARY PLAT (BIG SKY ESTATES PP SUBDIVISION) #PP-22-008
APPLICATION BY MIKE ENGBRITSON ON PROPERTY LOCATED ON LITTLE
ROCK ROAD TO REQUEST APPROVAL OF 5 BUILDABLE LOTS.**

Director Kharri: The PP application proposes 5 building lots. The average building lot size is 6.3 acres. Individual wells and septic systems are proposed for each new lot. A private road is proposed to serve all of the Lots. There were 19 letters of concern. There is an existing single-family dwelling and outbuildings on site. The property is zoned A-2, Rural Transitional Agricultural. Staff finds the majority of the Comprehensive Plan policies and required findings support the approval of the PP application under the proposed conditions.

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Applicant:

Mike Terpstra 2520 W. Newbury ct., Eagle, Id-They bought this property over a year ago. They love the location, they love the country side. It was advertised as being able to be split and that is why they bought it. They have met with neighbors all around them. The Jones, they have not met yet, but briefly. They want to be good neighbors, they feel that they have done what is asked of them. They got legal counsel, because he was presented with a letter that Jones got a lawyer.

Mike Engebritson-2251 S. Sumac St. Boise, Id-Engebritson Land Surveyor. The easement they are talking about in the letter, runs from Little Rock over to an existing easement, it will be part of Lot 1. The easement that is in place is also used for public utility purposes so it covers the overhead power facilities that are in there. They prepared a road maintenance agreement for this private lane. There is fencing on the north side, but not on the south side. Fire District has a letter granting them approval for Block length and also issued them a waiver on the length of the actual lane itself. They are working with Reed irrigation. They will have pressurized irrigation. This meets all required findings.

Elizabeth Koecheritz-601 S. Bannock, Boise, Id. They just need to bring this back around. They need to focus on what the application is for. This is for a small subdivision. This subdivision meets all the requirements. They are doing everything asked of them. It complies with the Comprehensive Plan. There is no reason why this would not be approved.

Chairman **Eichleberger** asked about the two gates, Mr. **Terpstra** when he bought the property you turn onto the lane and there is a gate. The gate belongs to Mr. **Terpstra**. Chairman **Eichleberger** he is trying to clear up what and where the two gates are. Ms **Koecheritz** they would put in the gate at the front, dark sky lighting face down, and keep the ditch open.

Favor:

Jeff Hull- 3405 Little Rock Rd, Emmett, Id. They live across the road from the property. Will they be required to have pressurized irrigation? They are for this. Will the road be paved?

Andrea Terpstra-3409 Little Rock Rd Emmett, Id. They are looking at one of the properties, they love the country.

Jacob Watts-3411 Little Rock Rd, Emmett, Id. The driveway in question borders the northside of his property. The portion that is not fenced is on his side, he works the field for hay and goes in and out of. One of the gates was put up to keep cattle out. The irrigation is a rise irrigation. He does not have trouble with traffic.

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Neutral: none

Opposed:

Preston Rutter- 251 E. Front Street, Boise, Id. (Counsel for Linda Jones) They are open to a workable solution, to help with the safety of the horses. Under the Comprehensive Plan it can't be ignored here, and if this were to be approved without any mitigation conditions in place that would be ignored. There is a conflict of concern.

Arlynn Hacker-43 S. Pit Lane, Nampa, Id. She has a breed horse in training now with Linda Jones, she has great clinics. She specializes in troubled horses. She has spent over 150,000 dollars to improve her property. Horses spook very easily, it can be very dangerous. They need a peaceful place to be taken care of. They need this wall for the safety of all.

Mary Vandebogart-12275 Goodson Road, Middleton, Idaho. She has a horse that has been seeing Linda for over 30 years. It can be very dangerous work, safety is a big concern. Her business is a big deal.

Steve Jones-3402 Little Rock Road, Emmett, Id. They are willing to talk about the concerns, the arena on the outside is the biggest concern. They do tremendous work with the horses, and want this to work. They are not against them building. He wanted to clarify the gates, the one in the middle wants to continue using. The other gate is to be used for irrigating and it has been addressed.

Linda Jones-3403 Little Rock Road, Emmett, Idaho. The business has grown so big, She is not out to make money, she just wants it to be a safe environment. She welcomes new neighbors, but she is concerned for the wellbeing of her business and safety of the horses.

Amanda Horton-1410 W. Highland View Dr. Boise, Idaho. She has had a lot of experience with land use. Let's zone in on what really is important here. It's unfortunate for everyone that this flag parcel was allowed to be created in the first place to plan this private road. That lot is part of that first lot and its 60 feet wide and that limits them. Mitigation is costly and who is going to bare the mitigation.

Applicant Rebuttal

Mike Terpstra -2520 W. Newbury ct. Eagle, Idaho. The last thing they are trying to do is cause any kind problems. They have concerns only with the neighbors trying to get a hold of them, but they never contacted them. And then they get a letter from a lawyer. **Elizabeth Koecheritz**, first to Jeffery Hall he would not have to be required to have pressurized irrigation on his property. She misspoke it is not going to be a paved road, but it will be built to county specs. The

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Comprehensive plan is being followed. They are not looking at a big subdivision, it is only four lots. We could have met with them and worked with them prior to this meeting.

Chairman **Eichelberger** closed public hearing 8:12pm

Commission Discussion

Commissioner **Vickery** struggles with this idea that this development really is negatively impacting this horse arena, well it's only four additional lots and so that's really hard to wrap my head around this that this would end their business. Commissioner **Jones** struggles the same if it weren't for this being an existing business, she wishes there could have been better communication earlier that could have been worked out before this. Chairman **Eichelberger** he didn't hear anyone say that this development shouldn't be done. The A-2 zoning is what it is zoned. There have been others living in this area and there hasn't been a fence up yet. Chairman **Eichelberger** read through the nine required findings. Read through the five conditions of approval. Commissioner **Vickery** asking about a speed limit sign. And road maintenance agreement. Commissioner **Jones** speed is an issue, everything is in compliance, but she sees the other side also. Chairman **Eichelberger** this has been zoned A2 for a very long time and there has been traffic on this road for a very long time. The developer is not required to have to put up a 8 foot fence. We are not changing zoning

Commissioner **Vickery** made a motion to recommend approval with the exhibit B adding to the private road application that of a speed limit recommendation sign and that the road maintenance agreement also contain dust mitigation provision.

Chairman **Eichelberger** seconded the motion

Vote: 2 to 1

REGULAR MEETING

1. **ITEMS FROM THE PUBLIC:** none
2. **ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** Director Kharri-
Welcome to Stacy Heimlich new commissioner.
3. **ITEMS FROM THE ZONING COMMISSION:** none

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4. **ITEMS FROM/OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:**
Tahja Jensen-Moving forward with a contract with Logan Simpson to help with ordinance revision.
5. **UPCOMING MEETINGS:** October 3rd, 2022 at 6:00pm

ADJOURN:

Chairman **Eichelberger** made a motion to adjourn.

Commissioner **Jones** seconded the motion.

Vote: Unanimous.

Chairman Eichelberger

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