

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
FEBRUARY 14, 2005

Page #1

MEMBERS PRESENT: Don Wilkerson, Jim Hutchins, Steve Ethington, JB, Dave Poole and Brent Jensen.

OTHERS PRESENT: Debra Smith – Zoning Administrator, Development Services Department Staff – Sissy Stewart and Dave Hargraves-Prosecuting Attorney.

Chairman Wilkerson opened the public hearing at 7:00 p.m. and welcomed everyone, then explained the public hearing process.

Item One – Special Use Permit #448 by Treasure Valley Transition Home to allow the operation of a foster home for boys ages 16 through 18 transitioning back into the community located at 9755 Sweet-Ola Hwy.

Postponed

Item Two – Special Use Permit #449 by Stephen V. Fischer III to allow the operation of Moon Pond Ranch and Event Center which would host ranch weddings, family reunions, church gatherings and other social gatherings located at 1114 Vanderdassen Road.

Site inspections were performed by: Jim Hutchins, Don Wilkerson, Dave Poole, JB, Steve Ethington and Brent Jensen.

No exparte or conflict of interest was reported.

Steven V. Fischer III- 1114 Vanderdasson Rd.

I would like to summarize my narrative for you. My parents started this Ranch in 1976 and unfortunately they where unable to see the better parts of their life.

My sister Linda and myself have decided to fulfill their dream. In 1999 my sister Linda tried this same facility, but due to staffing and other issues that came up she was unable to operate this same type of operation at that time. What we have decided to do is upgrade the current facility. At this time we are having the existing facility professionally landscaped. We want to use local contractors for a parking structure that will be put in and get local people involved with any other things that may be needed. My main goal is to have people come to the country and see the current and natural setting and have a place for family and friends to get together.

Jim Hutchins-The existing road is 12 foot and that is a problem with this type of activities. If something where to happen and a need for emergency vehicles they would have a hard time getting in and turning around. Have you thought about getting a better access into that area?

Mr. Fischer- We have not looked at the road issues yet, but we will as we go forward. There are some areas that can be used for these types of improvements.

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
FEBRUARY 14, 2005

Page #2

JB- My concern is the same, you may need to use some of the pasture for parking and if an emergency vehicle was to have to get in, I don't think 12 foot is adequate.

Mr. Fischer- I didn't pace it off but I know there are some areas that are 14-16 feet wide and maybe some areas that are 10 feet.

Chairman Wilkerson- When I drove in there just past the locked gate you see a house and to the left a hay shed or pole barn. Where is the site to be located?

Mr. Fischer- That pole barn is the site.

Chairman Wilkerson- I look at this as a private drive and it serves one house correct?

Mr. Fischer- It serves the house but there are other parcels it serves also.

Chairman Wilkerson- Then it should be 16 foot wide with turnouts. And also bridges and culverts have to be 14 feet wide. The road issues are real concerns.

Mr. Fischer- We were approved previously and I assumed what was good then is good now. But if improvements are needed we will do them. There is a 50-foot easement and the road can be widened. Where can I get a copy of the definition for the roads?

Chairman Wilkerson- The Planning and Zoning Staff will help you with that just stop by their office.

Chairman Wilkerson- Read letters into the record from:

Jill Bryson-Owner of Property at 1112 Vanderdasson Rd. No objection.

Letha Irrigation-Opposed until water share transaction is completed.

Chairman Wilkerson-Open the hearing for Public comment.

In favor-None.

Neutral-None.

Opposed-None.

Chairman Wilkerson- Closed the Public portion of the hearing.

Discussion by Commission.

JB- This type of facility is good for the community but I am in favor of tabling this tonight to get the road issue addressed and water issue resolved.

Dave Poole- Let's address these issues and not table. We will include stipulations that will resolve the irrigation and road issues.

Jim Hutchins - I agree we can proceed with application and include the stipulations.

Chairman Wilkerson- Let's address the 9 key points and determine that the application either meets or does not meet each reason as part of the Facts and Findings.

Item 1-This application will in fact constitute a Special Use Permit in order to operate a business. A-2 does not allow a business to operate without a Special Use Permit.

Item 2- This application does meet the Comprehensive Plan because the Comprehensive Plan does allow Commercial in a Agriculture area.

Item 3- This application does meet the criteria and will require the necessary permits needed to operate the facility.

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
FEBRUARY 14, 2005

Page #3

Item 4- No public input and due to location it will not be disturbing and will be harmonious with the general vicinity.

Item 5- This application will meet with following stipulations: Must meet Gem County Private Drive requirements and Approval from Gem County Fire District #1.

Item 6- No new public infrastructure needed.

Item 7- Any problems will be addressed through the Complaint process and may be subject to revocation of permit.

Item 8- Approach will be used as it is currently designed.

Item 9- This location is not considered historical site.

Dave Poole made a motion to approve the Special Use Permit for Stephen V. Fisher III as it meets the standards as outlined in Chapter 7; Section 7-3 of the Gem County Zoning Ordinance and would be advantageous to the community with the following stipulations:

?? The permit is subject to an annual review.

?? The permit is non-transferable.

?? Any signage must comply with the Gem County Sign Ordinance.

?? Must meet Gem County Private Drive requirements and receive approval from Gem County Fire District #1.

?? Any problems will be addressed through the Planning and Zoning Complaint process and may be subject to revocation of permit.

Motion received a second.

Vote: Unanimous.

Item Three- Rezone #349 by Joseph Morton to Rezone a five-acre portion of the original 79.29 +/- parcel located at 5722 Silverleaf Ext. 7N; 3W; Section 14.

Site inspections were performed by: Jim Hutchins, Don Wilkerson, JB, Brent Jensen, Steve Ethington and Dave Poole.

No exparte or conflict of interest was reported.

Correspondence from Emmett Irrigation addressing the delivery system was read for the record.

Joe Morton-5722 Silverleaf Ext.

My father has lived here for 20 years and due to his age and health I have an opportunity to purchase the property and relocate. I have granted my father a one-acre piece for him to stay.

Brent Jensen-The property that you have purchased is it the entire 80 acres?

Mr. Morton- Yes.

Brent Jensen- Why do you feel it necessary to rezone this acreage?

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
FEBRUARY 14, 2005

Page #4

Mr. Morton- As it is currently zoned A-1 that particular property has never been farmed and cannot be farmed because of the elevation and the grade. I feel the A-2 zone would be useful for the five-acre tract.

Dave Poole- Grazing is a use for A-1 zoning and I assume that the property can be used for that. The point of rezoning is we need a reason for the change in zoning of the property. And I see that it can be used for grazing. And it does fit the use.

Steve Ethington- You currently have two homes on the 80 acres correct?

Mr. Morton- Yes.

Debbie Smith- One home is on the one-acre parcel and one home is on the remaining 79 +/- acres.

Steve Ethington- By us allowing a rezone of the five-acre piece you are creating a building permit for the remaining acreage.

Discussion by the Commission.

Chairman Wilkerson- To clear things up we don't know why you are rezoning.

Mr. Morton- I want to separate the five-acre parcel from the other two.

Dave Poole- If you rezone the five-acre piece you have created a sub-standard lot. And that is not allowed in A-1 Prime Agriculture.

Dave Hargraves- There are two areas that the rezone has to meet. One is it must meet the intent of the Comprehensive Plan and the parcel cannot be used as it is currently zoned.

Dave Poole- This property can be used as grazing so I am opposed to the rezone.

Chairman Wilkerson opened the hearing for Public comment.

In favor- None.

Neutral- None.

Opposed- None.

Chairman Wilkerson closed the Public portion of the hearing.

Discussion by the Commission.

Chairman Wilkerson- I agree with a previous statement that the property can be used as it is currently zoned.

JB- Made a motion to recommend approval of the Rezone request for Joe Morton because this does meet the Comprehensive Plan.

Motion received a second.

Vote in favor: JB and Dave Poole.

Vote Opposed: Brent Jensen, Jim Hutchins and Steve Ethington.

Failed by 2 to 3 vote.

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
FEBRUARY 14, 2005

Page #5

Steve Ethington- Made a motion to recommend denial of the Rezone by Joe Morton based on the property requested to be rezoned can be used as it is currently zoned. And this application does not comply with the Comprehensive Plan. Under the land use goal statement page 44 G-9-1 that we should discourage development proposal that would have a negative impact on Agriculture.

Motion received a second.

In favor of motion- Brent Jensen, Jim Hutchins and Steve Ethington.

Opposed- JB and Dave Poole.

Recommended denial to the Board.

Item Four- Special Use Permit #450 by TJT, Inc. to allow a display of metal buildings located at North Washington Avenue, directly across the street from TJT, Inc.

Site inspections were performed by: Jim Hutchins, Don Wilkerson, JB, Brent Jensen, Dave Poole and Steve Ethington.

No exparte or conflict of interest was reported.

Lynn Walker- 2021 Shady Lane, representing TJT, Inc.

TJT, Inc. entered into the Metal Building business about a year and a half ago. And by displaying the building with the signage this would help in the advertising of the business. And that is why we are seeking a Special Use Permit to be able to be in compliance with Gem County Ordinance.

Letter for the record- Idaho Transportation Department.

Chairman Wilkerson- Are you aware you may need a new approach?

Mr. Walker- I have not seen that letter.

JB- Are you anticipating people driving to the property?

Mr. Walker- There may be some that drive in from time to time, but mostly they will come to the main office.

JB- Are you planning on having a sales office out of the display buildings?

Mr. Walker- No, we will not. The main sales office is located across the street. And that is where all sales will take place.

Discussion on Highway Department Letter.

Chairman Wilkerson- The Highway Department requirements we can add as stipulations if needed.

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
FEBRUARY 14, 2005

Page #6

Chairman Wilkerson opened the hearing for Public comment.

In favor- None.

Neutral- None.

Opposed- None.

Chairman Wilkerson closed the Public portion of the meeting.

JB made a motion to approve the Special Use Permit for TJT, Inc. as it meets the standards as outlined in Chapter 7; Section 7-3 of the Gem County Zoning Ordinance and would be advantageous to the community with the following stipulations:

?? The permit is subject to an annual review.

?? The permit is non-transferable.

?? Any signage must comply with the Gem County Sign Ordinance.

?? Must meet Idaho Department of Transportation recommendations.

Motion received a second.

Vote: Unanimous.

Item Five- Special Use Permit #451 by TJT, Inc. to allow a display of metal buildings located at 8770 North Highway 52 in the parking area of the Triangle Restaurant.

Site inspections were performed by: Jim Hutchins, Don Wilkerson, JB, Brent Jensen, Steve Ethington and Dave Poole.

No exparte or conflict of interest was reported.

Letter of correspondence from Idaho Department of Transportation.

Lynn Walker- 2021 Shady Lane representing TJT, Inc.

Same request but a different location.

Chairman Wilkerson- On the drawing can you tell us where the sign will be?

Mr. Walker- The sign will attach to the shelter itself. In the open area of the shelter.

JB- Thank you for your effort to take down your signs and comply with Gem County Ordinance we really appreciate that.

Chairman Wilkerson opened the hearing for Public comment.

In Favor- None

Neutral- None

Opposed- None

Chairman Wilkerson closed the Public portion of the hearing.

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
FEBRUARY 14, 2005

Page #7

Dave Poole- made a motion to approve the Special Use Permit for TJT, Inc. as it meets the standards as outlined in Chapter 7; Section 7-3 of the Gem County Zoning Ordinance and would be advantageous to the community with the following stipulations:

- ?? The permit is subject to an annual review.
- ?? The permit is non-transferable.
- ?? Any signage must comply with the Gem County Sign Ordinance.

Motion received a second.

Vote: Unanimous.

Item Six- Special Use Permit #452 by Unimin Corporation to allow for the mining of industrial sand located at Jackass Gulch Road.

Site inspections were performed by: Jim Hutchins, Don Wilkerson, JB, Brent Jensen, Steve Ethington and Dave Poole.

No ex parte or conflict of interest was reported.

Steve Groening- 4601 Cascade Road representing Unimin Corporation.
Plant Manager

Bill Salter- Marsells, Illinois representing Unimin Corporation.
General Manager of Environmental Affairs for Unimin Corporation.

Debbie Smith- The Reclamation Plan has been approved and is in the office for the record.

Mr. Salter- Unimin Corporation acquired this plant in 1983. In 1983, 1984 and 1987 we applied for Special Use Permits for sections that we have been mining for the last 20 years. Earlier this year we acquired another 86-acre track and this proposed Special Use marks it. We are finding that we are limited to certain types of sand and we have identified that there are some reserves on the south side of the road of our north plant. The surrounding land uses are industrial sand mining and we are proposing the same use. The other use is the County Landfill with an access road off of Jackass Gulch Road. And any thing else is dry land grazing. The Industrial Sand Mining is an interim use and after we get done mining it will be turned back into dry land grazing. So this is not a permanent use. The operation here will be similar to the north side of the road that is currently in operation.

Steve Groening- Shows on charts and explains use of current mining and intentions of new proposal.

Dave Poole- Is the intent is not to run both sites at once?

Steve Groening- We would move back and forth depending on the demand needed. Our market is changing all the time. And so as the need or requests come up that would determine which plant would be used.

Chairman Wilkerson- If you had a demand would you be mining at the same time both plants?

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
FEBRUARY 14, 2005

Page #8

Steve Groening - No, we stockpile the sand.

Chairman Wilkerson- I noticed a 6-strand barbwire fence and also, are there signs for motorist?

Steve Groening- The barbwire fence was requested by Mr. Little for a driving lane when he moves cattle. And yes we have No Trespassing signs posted.

Chairman Wilkerson- When I was out there a new access road came right off of Pearl Road almost at a right angle.

Steve Groening- Yes that was a temporary access. Now that the pit will be there we will work with Dennis Pulley on entrance and egress.

Chairman Wilkerson-When you reclaim the new pit it will be at a different topography then correct?

Steve Groening-Yes. There will obviously be a bottom of the pit at the end of the mining. But the ultimate finish topography will have a 2 to 1 slope and will match the existing natural topography.

Brent Jensen- One concern I have is with weed control, I am sure that is addressed in your Reclamation Plan but do you have any on going program or plan?

Steve Groening-Yes, we have a State specified seed mixture that we use and it is ongoing. And we work with the State very closely to control any noxious weeds etc. We also are involved with the Wildlife Habitat Council and they are very strict on how you get certified with them also.

Chairman Wilkerson opened the hearing for Public comment.

In favor- None.

Neutral- None.

Opposed- None.

Chairman Wilkerson closed the Public portion of the hearing.

Brent Jensen-Discussion on weed problems for the county and funding. (Inaudible.)

JB- There is in place a management program that is governed by Law. It may not be enforced but it is in place.

Chairman Wilkerson- I would like to see that Unimin Corporation get written approval of egress and ingress from Gem County Road Department and that be submitted to the Planning and Zoning Office before approval, for safety reasons.

JB- made a motion to approve the Special Use Permit for Unimin Corporation as it meets the standards as outlined in Chapter 7; Section 7-3 of the Gem County Zoning Ordinance and would be advantageous to the community with the following stipulations:

- ?? The permit is subject to an annual review.
- ?? The permit is non-transferable.
- ?? Any signage must comply with the Gem County Sign Ordinance.
- ?? Access permit by the Gem County Road Department.
- ?? Maintain weed control.

Motion received a second.

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
FEBRUARY 14, 2005

Page #9
Vote: Unanimous.

Regular Meeting:

Item One – Approval of minutes of January 10, 2005.

JB- Made a motion to approve as corrected.
Motion received a second.
Vote: Unanimous.

The minutes were approved and signed.

Item Two – Items from the public.

None.

Item Three – Items from the Administrator

A. RECENT BOARD OF COMMISSIONER MEETINGS

None.

Item Five – Items from the Zoning Commission.

Steve Ethington- The meeting with the Board on Administrative Splits went well we discussed some alternatives the other counties use and we might want to look at as well. We also need to address the conflict with the Comprehensive Plan.

Discussion by the Commission.

Chairman Wilkerson- What do we feel about changing the flow of meeting?
Applicant then the Public then question to applicant again.
Also motions- Agree on the motion and then amendments then approve with amendments.

Brent Jensen- About the presentation on right a ways are we still interested?
Yes, next month regular meeting.

Chairman Wilkerson-CAFO- A.U. to actual number P&Z office heard from a Commissioner that the Department of Agriculture and DEQ might have changed this. We need to find out if there is information on this before we go to the Commissioners with our draft.

Dave Hargraves- P & Z and site visits we have some new information and I will get it to you on how these should be done for our protection. If you have questions for me to

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
FEBRUARY 14, 2005

Page #10

answer please get them to me before the meeting, so there is adequate time for me to research the answer.

Item Six – Adjourn.

JB- Made a motion to adjourn.

The motion received a second.

Vote: Unanimous.

Chairman Wilkerson closed the meeting at 10:00 p.m.

Chairman

Secretary