

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
MAY 9, 2005

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

MEMBERS ABSENT WITH PRIOR NOTICE: None.

OTHERS PRESENT: Debra Smith– Zoning Administrator, Development Services Department Staff - Sissy Stewart and Jennifer Kharri.

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

Item One – Temporary Hardship Permit #290 for Robert F. Huck to allow the temporary placement of a manufactured home to house Robert A. Huck for age related reasons. Located at 9503 Upper Avenue. 7N; 3W; Section 24.

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

No ex parte or conflicts of interests were reported.

Bob Huck- 9503 Upper Avenue.

My father is 83, he has cataracts and difficulty getting around. The main reason for the application is age related. My mother died last September and my father needs to be with family so we can help with his needs. I do not believe a doctor will tell you more than I can.

Steve Ethington- In the past we request a doctor's note to help us determine the need.

Chairman Wilkerson- Is your father under doctor's care now?

Bob Huck- Yes, currently in California until we get him in to see a doctor in Idaho.

Chairman Wilkerson- Would his doctor write a letter?

Bob Huck- It is clear that he needs assistance. And the application does not state that a doctor's note is mandatory. I can get a statement if you need but I still believe it is not going to tell you anything that I can't.

Chairman Wilkerson- We will accept a certified doctor letter to keep in the file.

Bob Huck- My father will be seeing Dr. Stone this Friday and I will ask him for a letter.

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Chairman Wilkerson-Will the temporary home be placed on the west side of existing home?

Bob Huck-Yes.

Gene Parks- 4621 Hanna Avenue.

I have met Bob's dad, he is 83 years old and frail and needs help. I am in favor of approving the application.

Chairman Wilkerson closed the public portion of the meeting.

Discussion by the Commission.

Steve Ethington – Made a motion to approve the Temporary Hardship Application based on the need does exist and there were no objections from surrounding property owners. Approved with the following stipulations:

- The applicant must obtain a Manufactured Home Placement Permit for the placement of the manufactured home on a temporary foundation.
- The permit is subject to an annual review.
- The home must be removed when the need no longer exists, or if the property is sold.
- The applicant must meet Southwest District Health's requirements for the septic.
- The permit is non-transferable.
- The applicant must provide verification from a doctor stating the need.

The motion received a second.

J.B. –The application does not state you need a letter from doctor, I would like to amend the motion that the applicant will not need a letter from his physician based on age related reasons for approval.

The motion received a second.

Vote.

In Favor: J.B and Dave Poole.

Opposed: Jim Hutchins, Steve Ethington and Brent Jensen.

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Amendment Failed.

Steve Ethington- Motion to approve as previously stated.

Motion received a second.

Vote: Unanimous.

Item two – Special Use permit #455 by George Norris to allow the operation of custom signs, pin striping and graphics business from the home. Located at 5424 West Highway 52.

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

No ex parte or conflicts of interest were reported.

George Norris- 5424 West Highway 52.

Most of the information was in file. I do custom work, one vehicle at a time and really do not want a lot of business. I came here to slow down.

Dave Poole-What will the hours of operation for the business be?

George Norris-9a.m.to 5p.m. most of the work will be done by appointment only and the traffic will be pretty low key.

Brent Jensen- What are your intentions for a sign?

George Norris- A 4x8 double sided sign for directional purpose.

Chairman Wilkerson-What about odors or fumes?

George Norris- Most of the work is computer generated, striping is low odor paint.

Chairman Wilkerson- Is there a paint room?

George Norris-Yes, I will have a paint room. I will also keep plenty of fire extinguishers on hand.

J.B.- Are there going to be any employees?

George Norris- No, I am a sole proprietorship.

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Gary Resinkin- 1225 Blaine.

I think George does fantastic work; also this business would be great for our valley and cruise night. I am in favor.

Carrie Hunt- 2175 Berglund.

Daughter of George, my father has been involved with the high school drag team and the community. I believe he will be a real asset to this community. He has been doing this custom work for 40 years.

Brent Jensen- What about customer car accumulation, how are you going to regulate number of vehicles?

George Norris- One vehicle at a time, maybe two. I have room in building for two cars now and I don't work on any more than that at once.

Brent Jensen- What if we issue the permit and 4-5 years down the road the neighbors complain? Do you have any objection to a limit of cars we may place on the permit?

George Norris- No objection at all to a limit.

Brent Jensen- What is reasonable?

George Norris- I think 4 to 5 cars is ok.

Dave Poole- That is a customer's car correct?

George Norris- Yes.

Chairman Wilkerson closed the public portion of the meeting.

Dave Poole made a motion to approve the Special Use Permit for George Norris 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.
- The hours of operation are 9a.m. to 5p.m.
- Applicant must not have more than 4 customer vehicles at any given time.

The motion received a second.

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Vote- Unanimous.

Item Three- Rezone #352 by Wilber W. Stirling to Rezone 9 +/-acres located at 2055 Airport Road. 6N; 2W; Section 14 from A-2 Rural Transitional Agriculture to M-1 Light Industrial.

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

No exparte or conflicts of interest were reported.

Wilbur Stirling-Idaho City.

I came to Emmett one day to look at the Industrial Park and bought a piece of property located at 2055 Airport Road zoned Light Industrial. Now we have a problem and I think that Planning and Zoning staff can explain it better than I can.

Debbie Smith- When Mr. Stirling came into our office to inquire about a piece of property on our zoning map it was designated as our Light Industrial zone. When our map was reprinted there was an error and a rezone was omitted. For that reason, in order for Mr. Stirling to become into compliance we have to rezone the property back to the original designation. In October of 1999 the original property owner changed the zone from Light Industrial to Agricultural. Now Mr. Stirling is reverting it back to Light Industrial.

Discussion by the Commission.

Wilber Sterling- The staff has been great.

Open to the public for comment.

None

Closed to the public for comment.

J.B.- Made a motion to recommend approval of application as submitted. The application complies with the Comprehensive Plan and there was no opposition from neighbors.

The motion received a second.

Vote: Unanimous.

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Item Four- Rezone #353 by Laurence Schurmann to Rezone 6.9 +/-acres located at 2425 Gem Avenue. 7N; 2W; Section 36 from A-2 Rural Transitional Agriculture to R-3 Rural Residential.

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

No exparte or conflicts of interest were reported.

Chairman Wilkerson- Emmett Irrigation letter for the record.

Laurence Schurmann- 2397 Gem Avenue.

Originally we bought the parcel and have been farming alfalfa. We have had some interest on the property so we would like to adjust the house and two acres and keep another two for the cattle that I raise with the potential of selling the remainder.

Chairman Wilkerson-Your intent is to rezone the total 6.9 acres Tax 26 and Tax 25?

Dave Poole- You concur that you will make 2- two-acre parcels and 2.9.

Laurence Schurmann- Yes, the acreage with the house will have to be adjusted.

Debbie Smith- Mr. Schurmann will have to add acreage to Tax parcel 25. Right now it is a legal non-conforming lot. This parcel also has one split remaining, which they can use with a rezone; for a total of three splits to this parcel of land currently there are two.

Discussion.

Laurence Schurmann- I am aware that an easement will have to be granted to access the parcel along with getting water back to that property and building requirements.

Dave Poole- This seems to be logical to me we are straightening up a parcel and it would comply with zoning.

Open to public for comment.

None.

Closed to public for comment.

Steve Ethington- Made a motion to recommend approval of the rezone. It does comply with the Comprehensive Plan and with the stipulation that Tax 25 be increased to 2 acres and must meet Emmett Irrigation recommendation.

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The motion received a second.

Vote: Unanimous.

Regular Meeting:

Item One – Approval of Minutes of April 11, 2005.

J.B.- Made motion to approve minutes with corrections.

The 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 P& Z Decisions.

Debbie Smith- The Commissioners are still reviewing Black Canyon there may be a few changes.

Robin Nuffer has withdrawn her rezone application and will reapply with new zone designation.

The Final Plat for Shadow Butte Industrial Park scheduled for Monday. The engineer still has a couple of things to go over so they may not be able to make any decisions.

Item Four – Items from the Zoning Commission.

Dave Poole- Another workshop?

Debbie Smith- I think we need one. I have a handout for your review from the notes or changes from last workshop.

Discussion.

Chairman Wilkerson-Schedule workshop on May 16, 2005, 7:00 p.m. Gem County Courthouse.

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Chairman Wilkerson- How can we tighten up the Temporary Hardship Permit so we do not have discrepancies like tonight on providing a doctors note?

Debbie Smith-I will talk to attorney.

Discussion.

Brian Sullivan may have information on secondary dwellings.

Secondary Dwelling, Transfer of permits and definition for geriatrics.

Item Five- Adjourn.

J.B.- Made a motion to adjourn.

The motion received a second.

Vote: Unanimous.

Chairman Wilkerson closed the meeting at 8:11 p.m.

Chairman

Secretary