

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

MEMBERS ABSENT: J.B.

OTHERS PRESENT: Zoning Administrator – Debbie Smith; Development Services Department Staff – Jennifer Kharrl and Sissy Stewart;

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

Item One – Variance #285 by Thomas Wing to allow a 30-foot easement for access instead of the current 40-foot requirement by Gem County Zoning Ordinance. Located at 1530 West South Slope Road. 6N, 2W, Section 25

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

No exparte or conflicts of interest were reported.

Thomas Wing-1530 West South Slope.

My narrative is pretty set forth. And the Planning and Zoning office recommends this process in the staff recommendations.

Jim Hutchins- It is not really clear where the easement is currently.

Tom Wing- I can show you an aerial photo for the record.

Chairman Wilkerson- Were you aware that you needed a forty-foot easement before you purchased the property?

Tom Wing- I was told by Planning and Zoning that I needed the forty-foot easement after I purchased the property.

Chairman Wilkerson- When was the new manufactured home placed on the property?

Tom Wing- About three weeks ago. The old manufactured home was removed.

Opened the hearing to the public.

No comment.

Closed the hearing to the public.

Steve Ethington- I noticed in the past Rick Welch from the fire department has been here. Is he here tonight?

Debbie Smith- No, Rick is not here tonight. The fire district and the canal company will have to give us something in writing before the Certificate of Occupancy will be issued on the manufactured home. And also any turnouts and widths will have to meet our requirements.

Steve Ethington- Made a motion to approve the Variance with the stipulations:

- ?? Must meet the Private Driveway standards as per Gem County Zoning Ordinance.
- ?? Must have approval from the Gem County Fire District #1 for the adequacy of both the bridge and the driveway.
- ?? Must have approval from the Farmers Co-op Canal for the bridge access.

Jim Hutchins- Second the motion.

Vote: Unanimous.

Item Two – Variance #286 by Ron Chambers to allow a 16-foot easement for access instead of the current 40-foot requirement by Gem County Zoning Ordinance. Located at 389 West Highway 52. 6N, 1W, Section 18.

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

No exparte or conflicts of interest were reported.

Letter read into record from Idaho Transportation Department.

Toni Judy- Representing Ron Chambers-389 West Highway.

I own the property that the easement crosses. The property is for sale and the buyer inquired that if the home could be replaced if it was to burn down or something like that. Planning and Zoning requires that the current easement be brought up to current zoning standards if a change of ownership takes place or if the replacement of the home was to happen.

David Poole-Is the property owners plans to put in a turn around for an emergency access?

Toni Judy- At the end of easement there is an area for trucks to turn around.

Discussion.

Steve Ethington-What is the length of the driveway currently?

Toni Judy- Approximately 354 feet.

Steve Ethington- Anything over 150 feet requires a turnaround, my concern is the fire trucks. That driveway is very narrow.

Discussion by the board.

Opened the hearing to the public.

No comment.

Closed the hearing to the public.

Steve Ethington- Made a motion to approve the Variance with the stipulations:

- ?? Must meet the Private Driveway standards as per Gem County Zoning Ordinance.
- ?? Must have a 20-foot recorded easement for access before any Building Permit will be issued.
- ?? The Gem County Fire District #1 must approve driveway before any Building Permits will be issued.

Brent Jensen- Second the motion.

Vote:

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

Opposed-David Poole.

Motion to approve the application by a 3 to 1 vote.

Item Three- Special Use Permit #461 by Diana Siderides to allow her to teach Reiki classes (Japanese Healing). Located at 5491 Montour Road. Lot 4, Block 1, Montour Heights Subdivision.

Site visits were performed by: Don Wilkerson, Jim Hutchins, Dave Poole and Brent Jensen.

No exparte or conflicts of interest were reported.

Letters read into record:

Diana Siderides sent in a more detailed narrative.

Scott and Justine Weaver- Opposed.

Rick and Cindy Beutler-Opposed.

Larry and Janet Crist-In Favor.

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Idaho Fish and Game-In Favor.

Pamela J. MacFarlane-Neutral.

Loren Macey-In Favor.

Diana Siderides-5491 Montour Road.

When I first went in the office for this application it was for Reiki classes and to use a building for seminars. I am an advocate for the Flight to Freedom- birds of prey. I also am one of a few that is able to rehabilitate these birds and educate the public. I now have moved the birds from Eagle to Montour. I would like to have school children come and learn about these birds as well as operate my Reiki healing classes.

Explanation of a free standing building.

Steve Ethington-The other buildings you have, are they not adequate for this use?

Diana Siderides- There is a shop and a pump house and on the other side of the shop is a loafing shed, it was my understanding that I couldn't use the existing shop.

Steve Ethington-I don't think there is any reason you couldn't use the existing shop.

Dave Poole- The allowed use in this zone is the reason.

Dave Poole- What kind of impact would this have on the neighbors and what hours of operation would you have?

Diana Siderides- An hour twice a week at the most for the viewing of the birds by the public. This is a seasonal project I will be closed for certain times of the year due to breeding season. Closed November thru March.

Dave Poole- What about the seminars? What is the impact and hours of operation?

Diana Siderides- They will be sporadic and by appointment.

Discussion by the board.

Brent Jensen- Do you have a road maintenance agreement?

Diana Siderides- Yes, a discussion on the maintenance agreement.

Chairman Wilkerson- Can you explain Reiki Healing?

Diana Siderides- The laying on hands healing, it is for healing broken bones, wings etc. and for people with cancer. It is an alternative way of healing. It helps you feel good and takes away stress. This takes two days for a full session.

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Chairman Wilkerson- You are proposing to do two different things on your property, is that correct?

Diana Siderides- Mostly the birds of prey rehabilitation and then some Reiki healing that is correct.

Opened the hearing to the public.

Scott Weaver- 5487 Montour Road.

There are currently six structures on this property and if this is approved there will be seven. Our association has an agreement to maintain the road but this application will create an impact on the homeowners. We do see the traffic coming in and we can hear people talking in her yard all the time. I am opposed to this application.

Diana Siderides- I don't really have more to say except that the few people that have been to my property haven't been loud. I want people to know how important rehabilitation is for these birds.

Dave Poole- There is a compromise that can be met; open three days a week for certain hours. I think we can reduce the impact that this would have on the neighbors.

Brent Jensen- I still see the issue of the access on a private road and maintenance.

Chairman Wilkerson- Per staff Debbie Smith states this is a Subdivision and we have no control over the CC&Rs to enforce the maintenance agreement.

Discussion by the board.

Dave Poole- Made a motion to approve the Special Use Permit for Diana Siderides as it meets the standards as outlined in Chapter 7; Section 7-3 of the Gem County Zoning Ordinance 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.
- ?? Gravel parking in lieu of paved.
- ?? Hours of operation are to be four hours a day between 8:30 a.m. to 5:30 p.m., three days a week, only.
- ?? A building permit is required prior to construction of the new building.
- ?? The building used for Special Use Permit must be ADA accessible, with at least one restroom.

?? Applicant must provide a letter from the local fire district approving the building prior to occupancy.

Brent Jensen- Second the motion.

Vote: Unanimous.

Item Four- Special Use Permit #462 by Deon Canaday to allow the placement of a manufactured home to house a caretaker for the property. Located at 10500 Main Street Montour. 7N, 1E, Section 23.

Site visits were performed by: Don Wilkerson, Jim Hutchins, Dave Poole and Brent Jensen.

No exparte or conflicts of interest were reported.

Deon Canaday-10500 Main Street Montour.
No additional information.

Jim Hutchins- I could not pinpoint the exact location for the placement of the manufactured home? And is their existing sewer and water hookup?

Discussion by the board.

Brent Jensen- Made a motion to approve the Special Use Permit for Deon Canaday as it meets the standards as outlined in Chapter 7; Section 7-3 of the Gem County Zoning Ordinance with the following stipulations:

- ?? The permit is subject to an annual review.
- ?? The permit is non transferable.
- ?? The home must be temporary and removed once the need no longer exists or if the property is sold or transferred.
- ?? The applicant must provide current proof of employment for the occupant.
- ?? The home cannot be rented to persons other than an employee and his/her immediate family.
- ?? The applicant must apply for and obtain the proper placement permits before the home is moved onto the property.

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?? The applicant must meet Southwest District Health Department requirements for septic.

Dave Poole- Second the motion.

Vote: Unanimous.

Item Five- Rezone #355 by Jim D. Waters to rezone 5.27 +/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional. Located at 2425 Plum Street. 6N, 1W, Section 16.

Continuation.

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

No exparte or conflicts of interest were reported.

Letters read into the record:

Phil and Renee Housley-Opposed.

Greg and Cynthia Hall-Opposed.

Louie Gorrano Attorney at Law representing Robert and Grace Kaiser-Opposed.

Sue and Andre Long-Opposed.

Joann Waters-2425 Plum Street.

A few weeks ago when this was tabled I was aware of three issues. One was irrigation and the Irrigation Company has been out, we have determined and will stipulate that sprinkler will irrigate these properties. The access is another issue, the squares on the map represent 10,000 square feet, that road that is drawn there is 40-foot wide all the way through with a 90-foot turnaround at the end. And from the road the nearest house is 400 feet, excluding the Kaisers property. There is plenty of room for access. And I have no problem meeting and enforcing the covenants from the Orchard View Subdivision on these parcels if approved.

Chairman Wilkerson- In your packet you show option #1 and option #2 for access, and you prefer option #1? Also you would have to eliminate your red barn correct?

Joann Waters- Yes, there is plenty of room even if the barn is there; the reason the barn will be removed is so that this will have less of an impact on the Kaisers.

Discussion.

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Chairman Wilkerson- You didn't really address the drainage issue in your latest packet, is it drainage or surface water?

Joann Waters- As far as drainage, the property will be irrigated by sprinkler and there wouldn't be any drainage issues. The people that do flood irrigation are the only ones with a problem to my knowledge. I have never had any problems with my property.

Discussion.

Jim Hutchins- What you are saying is someone cut off a historic or natural drain?

Joann Waters- Yes, there is no easement for the irrigation that runs through that property and there is no easement for the road that seems to be an issue with the Kaisers that we have never questioned the use. And that road will be improved not taken away from.

Chairman Wilkerson- Can you point out for me where the natural drain use to be?

Joann Waters- Sure.

Jim Hutchins- If they are going to allow only sprinkled lots I don't see water retention a problem.

Discussion by the board.

Dave Poole- Question to the staff: Does this require a Subdivision Application?

Debbie Smith- No, the Waters property has splits available.

Opened the hearing to the public.

In Favor.

Ray Rohrbacher- 1422 W. 12th Street.

Joann is my daughter and I think we should approve this application and let her move on. If she puts in a stipulation about the irrigation there should be no problems.

Neutral.

None.

Opposed.

Gerry Knight- 403 N. Main, Cascade, Idaho.

I am the daughter of Bob and Grace Kaiser. The main concern is still the access to the one-acre parcels that Mrs. Waters wants to develop. This directly affects our family and

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does affect my mother's health as well, this has been the only access used for years and I have a picture of a swing that has been used by my family for over 30 years that if this project was to go through that swing would no longer be there. We definitely object to this application and I don't understand that everything that has to do with my parents has been overlooked.

Greg Hall- 2845 Cherry Circle.

I provided a letter previously. The ordinance says that no rezone should be approved if it can be used as it is currently zoned and does not comply with the Comprehensive Plan.

We feel our property will be affected. Read letter that is on file.

We do not support this application.

Debbie Smith- City of Emmett was notified and there has been no correspondence.

Phil Housley- 2865 Cherry Circle.

My property is located northwest of the Waters. I have put in 3 drain fields on my parcel of land. My concern is irrigation.

Grace and Bob Kaiser-2311 Plum Street.

We have not had any conversations with Joann. We are concerned with the road access and safety.

Letter read into record from Grace Kaiser. Inaudible.

It has been used as a private drive for 35 years. This is only our concern and not the neighbors.

Sue Long-2015 Cherry Circle.

I have concerns with the water tables and leech lines.

Chairman Wilkerson- Would you like to read the letter from Mr. Gorrone? And can you show me on the map the Kaisers property line.

Gerry Knight- demonstrates on map where they think the property line is.

Read letter into record from Louie Gorrone Attorney at Law representing Robert and Grace Kaiser.

Closed the hearing to the public.

Joann Waters-I am not aware of any easement recorded, we have never questioned their use of the road. I have had a surveyor out to locate the pins of our property line and the road is completely on our property.

Chairman Wilkerson- They will still have access, but more traffic.

Discussion by the Commission.

Jim Hutchins - You had it surveyed and the road is entirely on your property?

Joann Waters - Yes, the Kaisers would still have the access they currently use. Again we have never questioned the use of it from the beginning. The access would be shared with the new parcels if approved.

Discussion by the Commission.

Jim Hutchins - I would say that houses would be a definite improvement for this area. And I am in favor of the application.

Jim Hutchins - Made a motion to recommend approval of the Rezone for Jim D. Waters to Rezone approximately 5.27 +/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional. I feel the property does comply with the Comprehensive Plan and the property cannot be used at the present time as it is currently zoned.

Steve Ethington - Second the motion.

Vote: Unanimous.

Item Six- Rezone #359 by Gene Atkinson to rezone 60 +/- acres from R-2 Residential Transitional to R-1 Residential. The property is located between West Idaho Boulevard and Edgemont Road, east of Jackson Avenue. 6N, 2W, Section 1.

Site visits were performed by: Don Wilkerson, Jim Hutchins, Dave Poole and Brent Jensen.

No exparte or conflicts of interest were reported.

Letters read into record:

Emmett Irrigation District-Require a pressurized irrigation system and requires laterals to be piped and a water users association be formed.

James Althoff-Opposed.

Terry Sandifer-Opposed.

Gary and Tyree White-Opposed.

Raymond Bowden-Opposed.

K.C. Cowen-Opposed.

Bruce Driscoll and Marcia Todd-Neutral.

John and Barbara Reeder-Opposed.

Petition signed in opposition with 134 signatures.

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Evelyn Atkinson-1315 W Idaho Blvd.

We do not want 400 new neighbors either. As far as we knew in 1979 when we rezoned another piece of our property we thought this was included. We have had a lot of people interested in smaller lots. The covenants that we do have in place today for Atkinson Acres would also remain for the new Subdivision. We have not had any problems with sewer systems. We want half-acre lots.

Evelyn Atkinson-Inaudible.

Inaudible.

Debbie Smith- Just to clarify what Mrs. Atkinson said; in 1979 when they rezoned the property at that time it was zoned the B-1 zone that was a residential zone with a 6000 square foot lot size. In 2001 Gem County changed the residential zones and at that time is when a one-acre minimum requirement came about. When they first had their rezone done this would have been allowed but we put a condition on this. R-1 is the same as the old B-1 zone. Also this zone will require a central water and sewer. Individual septic and wells are not allowed it will have to be one system to supply all the lots. Also if they would have done this prior to the zoning changes they would have been grandfathered in but they did not. The acreage in question tonight was never platted. Therefore they need to meet current Gem County Zoning Ordinance.

Discussion on Central Services.

Opened the hearing to the public.

Inaudible microphone off.

Bill Lang- 1211 Shady Lane.

When the Atkinson's started their Subdivision several years ago they where approved by the County Commissioners. We as property owners have been trying to protect or at least to keep one-acre parcels on the bench. If we let this get approved we are opening the door to many developers. These roads are very narrow and they would need to be widened.

Fred Nussbaumer- 1700 Sunset Drive.

I talked to approximately 70 or 80 people that signed the petition. I also have a summary of the major concerns with this application. I have had 3 major developers talk to me recently. I think we will be opening a door for developers. I have unbelievable support in opposition for this application. Inaudible.

Carl Siller-1945 Jackson Ave.

I believe the property can be used as it is currently zoned. I currently farm 150 acres across from the proposed development. I am opposed to the application.

Larry Reynolds- Lilac Lane.

Inaudible.

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Brad Masco- 1825 Sunset Drive.
Opposed to the application.

Cindy Rowland- 1468 Greenfield Loop.
I have done some research on the schools district and taxes; the new school bond just goes for maintenance, books and supplies. With this development it would increase the need for more schools.

Gary White- Letter read into record. How does the sewer and wells affect my home?
Opposed to the application.

Charles Castoe- 865 Jackson Ave.
We moved on the bench because of low density, I am concerned with the water. Opposed to the application.

Connie Lindley- 1710 Idaho Blvd.
Opposed to the application. Inaudible.

Ray Bowden- 1940 West Idaho Blvd.
I live across the street of the proposed application, if you approve this application I do not see how you would be able to deny any others that wanted the same thing, it goes against the Comprehensive Plan. Opposed to application.

Dan Staples- 1713 Sunset Drive.
I work in real estate business, if the Atkinson's get sick and cannot complete the proposal and a developer could come in and develop this then I am opposed. Inaudible.

Larry Kroush- 1901 Edgemont.
Other developments have to be approved by DEQ and EPA also other agencies, we are close to the Payette River and we are opening a can of worms with government agencies. Opposed to the application.

Rich- 1978 Geneva Way.
I am concerned with the homes, the roadways, school board, if this rezone happens it would hide the view from the Geneva Way Homes. I would like Gem County to invite EPA out for review. Opposed to the application.

Steve- Inaudible. Opposed to the application.

Robert Clausen- 1998 W Idaho Blvd.
There are several school buses that come down Idaho Blvd and already we have a stream of traffic that gets behind the buses. There currently are some real traffic issues. Opposed to the application.

Jim Althoff- 1972 Geneva Way.

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My concern is irrigation water; right now our irrigation system in Atkinson acres is a farce. Opposed to the application.

Vicki- I moved to Gem County to stay away from Crime. Opposed to the application.

Jerry- 1000 Jackson Ave.
Opposed to the application.

Closed the hearing to the public.

Gene Atkinson- How come these people knocking the ½ acre proposal bought ½ acre parcels. Inaudible.

Debbie Smith- We are looking at the Rezone only tonight. Not the development.

Jim Hutchins- Issues with CAFO and AFO's in the immediate area and the impact of the neighbors therefore I am against the application.

Discussion by the board.

Steve Ehtington- If you look at the qualifications, it does comply with the Comprehensive Plan and the property can be used as is currently zoned.

Don Wilkerson- My thought is the property is currently zoned R-2 and can be used and that should not change.

Discussion with the applicant about community water systems.

Dave Poole- Made a motion to recommend denial of the application onto the Gem County Board of Commissioners based on the following: The property does not comply with the Comprehensive Plan due to the density and the property can be used as it is currently zoned and the Rezone would adversely affect the neighbors.

Jim Hutchins- Second the motion.

Vote: Unanimous

Regular Meeting:

Item One- Approval of Minutes of July 13, 2005.

Dave Poole- Made a motion to approve minutes with corrections.

Motion received a second.

Vote: Unanimous.

Item Two - Items from the Public.

None

Item Three- Items from the Administrator.

A. Recent Board of Commissioner P&Z Decisions.

The Commissioners approved the Savage Rezone and Freeman Rezone. No decision on Black Canyon Planned Community and still no Final Plat from Shadow Butte Industrial Park.

There is a Workshop Sept 7th on "The Cost of Growth" in Boise. I have included the brochure for all of you and feel free to attend also lunch will be included.

Item Four- Items from the Zoning Commission.

Steve Ethington- I think we can improve these meetings so much if we have a timer with a green and red light to control the public.

Chairman Wilkerson- Each of you got a draft of our A-1 zone amendments do you want to schedule for hearing or we can have a workshop this week or next week to make it into September's hearing?

Workshop scheduled for August 15th at 7:00 p.m.

Discussion by the board.

Item Five – Adjourn.

Steve Ethington- Made a motion to adjourn.

The motion received a second.

Vote: Unanimous.

Chairman Wilkerson closed the meeting at 10:35 P.M.

Chairman
Don Wilkerson

Secretary
Brent Jensen