



MEMBERS PRESENT: Don Wilkerson, JB, Brent Jensen, and Dave Poole.

MEMBERS ABSENT WITH PRIOR NOTICE: Jim Hutchins.

OTHERS ABSENT: Steve Ethington.

OTHERS PRESENT: Debbie Smith - Zoning Administrator and Jennifer Kharrl - Development Services Department Staff.

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 #454 by Whitney B. Eggers to allow the operation of an equestrian center which would allow riding lessons, training, clinics, event derbies, and other equestrian activities. Located at 1550 West South Slope Road. 6N; 2W; Section 25.

Site visits were performed by: Don Wilkerson, JB, Brent Jensen, and Dave Poole. No exparte or conflicts of interest were reported.

Chairman Wilkerson-Letter read into the record from Farmers Co-operative Irrigation Company dated May 9th stating they cannot give a favorable recommendation for the Special Use Permit.

Doug Eggers-1550 West South Slope - From the last meeting we have met with Farmers Co-operative Irrigation Company and we cannot get the official bridge inspection done until the water is gone. That should be the end of October or early November. They also thought there was an easement issue. Our access may encroach on their easement. I have heard that the property next to me might be selling and they want them to apply for an easement so we would have our own. The fire inspector came out and if the bridge inspection comes through all that they would like to see a new deck laid and stringers. Only one fire truck at this time could not cross the bridge. We have come back with what we can; my hands are tied at this point. We have paved an approach that is 20 foot deep.

J.B.-Do you have in writing what the fire inspector said?

Doug Eggers-Yes it is in the papers we gave you.

Chairman Wilkerson-We still have not addressed the issue of the width of the bridge.

Doug Eggers-The bridge width is twelve feet.

Chairman Wilkerson-Are you aware that the Gem County Ordinance requires a width of fourteen feet?

Doug Eggers-Yes I am aware of that, but shouldn't our bridge be grandfathered in?

Chairman Wilkerson-It is grand fathered in until you change the use.

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Chairman Wilkerson- It says here the inspection report was done by Holladay Engineering and it looks like you will have to add stringers, expand the deck of the bridge out on each side.

Doug Eggers- Beams are placed on the embankment. That is something that can happen now. It should also say that they want to take the rails and post weight limits on the bridge.

Brent Jensen- You mentioned several issues with the canal company that apparently you share with your neighbor. Can you explain that a little bit?

Doug Eggers- The parcel was originally 30 acres and then split to 10 acres. At that time the owner that bought the 10 acres set up a 30 ft ingress/egress easement along the canal bank right of way. They are trying to sell that property. My well sits in that easement. They are talking to the ditch company to see if a 16-foot wide driveway would be adequate until they are past that well.

Chairman Wilkerson- Are you aware that ordinance requires a 40-foot easement?

Doug Eggers – Explains where the easement is to the Commission.

Earl Defur - 1555 W.South Slope - I would like to start by saying that the Eggers have worked really hard to improve their property and I truly appreciate it. I am not completely opposed to the Special Use Permit but I do have some concerns. Mr. Snow has young children that play outside all the time and we worry about their safety with the increased amount of traffic. I don't quite understand how a special use permit works as far the hours of operation and if it can be transferred if they sell the property.

J.B.- I have some real concerns, the easement issues, and the bridge report. I hate to grant a special use permit with several unknowns here.

Dave Poole- I too share those concerns. I feel we should grant him the time to get everything in order and we need to resolve these issues before we make a decision.

J.B.- I agree. When the water is out in October and we actually have the official bridge reports. My other concern is giving them false hope because we are not in the position to say if the bridge passes then we will approve the Special Use Permit.

Discussion by the Commission.

Rick Welch- I was involved in the inspection and at this point we have some real concerns with the bridge. The Fire Department helped with putting together the Gem County Ordinance and we would like to see it stay that way. We would like to have a bridge we can get all of our trucks over not just select ones.

Doug Eggers- The concerns I have is the width. There are widths that you can drive down the road with, and I'm sure that that is not 14 foot. It is straight. There is no radius until the property beside me comes in. I hope they create the radius at that time. My other issue with the fire department is that there was a fire truck that fell through an old structure there. At that time wouldn't someone have readdressed that issue so that the next fire truck would not fall through?

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Chairman Wilkerson- We shouldn't put the fire district in the position that only certain trucks can respond. I feel the bridge will have to be brought up to code and follow the requirements from the Gem County Ordinance.

Doug Eggers – If the bridge does pass I would ask what it would take to address the two feet that we are looking for.

Chairman Wilkerson closed the public portion of the hearing.

Chairman Wilkerson – The recommendations and desires of the fire district should prevail. My comment is that the road and the bridge have to meet ordinance.

J.B.- One concern is “hopes the radius will be addressed.” We do have an obligation to the fire department to listen to their recommendations and concerns.

J.B. made a motion to deny application, as the bridge is substandard.
Motion dies with lack of a second.

Brent Jensen made a motion to table the application until we have an official bridge inspection, address the turning radius issues, and present a plan based on the report from the bridge, and the easement issues are worked out and agreed upon with the Canal Company.

Motion received a second.

Vote:

In Favor: Brent Jensen and Dave Poole.

Opposed: JB.

Chairman Wilkerson -Let the Eggers know that the business needs to cease at this point.

Item Two – Special Use Permit #457 by Joseph Lawing to allow a kennel for personal use for 10 dogs. Located at 800 East Central Road. 7N; 1W; Section 32.

Site visits were performed by: Don Wilkerson, JB, Brent Jensen, and Dave Poole. No exparte or conflicts of interest were reported.

Joseph Lawing-800 E Central - I have a pretty private parcel and before I bought the land I talked to the near neighbors about my dogs. I built a 70x80 doghouse with a septic system that is insulated and very sound proof. I care for my dogs a lot and take great care of them. I don't want them to be a nuisance to anyone.

Chairman Wilkerson-Letter read into record from Ken Tackitt who is in favor of the kennel, and an old neighbor, Stacy Bennett, who states his dogs were never a problem.

J.B.-What kind of dogs do you have and what kind of fence do you have on the property?

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Joseph Lawing- I have English Pointers and it is a no climb horse fence.

Dave Poole-How many do you train at a time?

Joseph Lawing- I train all ten, I put them out in what I call chain gang. If they bark I figure eight their nose with the chain so it hurts them. They learn not to bark. The dogs are trained with pigeons.

Chairman Wilkerson-Don't you think there is a noise factor with shooting?

Joseph Lawing-I use blanks and I really don't think they can be heard.

Chairman Wilkerson-You mentioned a separate septic system for the doghouse?

Joseph Lawing – Yes.

Brent Jensen-For the record I have a few questions and concerns. I do support the right to your property and doing what you want with it. You are in the A1 zone. I have concerns with weed control on the 20 acres, keeping the dogs in, and releasing pigeons. I have heard some of the dogs have been out. Staff recommends an annual review.

Debbie Smith-Once a year our office will go out to make sure everything is in compliance.

Dave Poole-If the office receives too many complaints the Special Use Permit can be pulled.

Brent Jensen- Do you release pigeons?

Joseph Lawing- They are homing pigeons. Plans on putting in pasture grass to keep the weeds down.

Don Harrison – 945 Santa Lane – Why 10 dogs?

Joseph Lawing – They are pets.

Chairman Wilkerson closed the public portion of the hearing.

Discussion by commission.

Dave Poole made a motion to approve the special use permit as presented, as it meets the criteria if the following stipulations are met:

- Applicant must comply with the standard stipulations for all Special Use Permit approval.
- The permit is subject to an annual review.
- The permit is non-transferable.
- Gravel drive and parking in lieu of paved.
- Limit the amount of dogs to ten (10).
- No commercial boarding.
- Applicant to implement a weed abatement program

Motion received a second.

Brent Jensen made a motion to amend the original motion to change weed abatement to cultivation to control weeds so the land doesn't sit idle.

Motion received a second.

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Vote on Amendment: Unanimous.

Vote on Motion: Unanimous.

Final stipulations:

- Applicant must comply with the standard stipulations for all Special Use Permit approval.
- The permit is subject to an annual review.
- The permit is non-transferable.
- Gravel drive and parking in lieu of paved.
- Limit the amount of dogs to ten (10).
- No commercial boarding.
- The applicant must cultivate the land, so the land doesn't sit idle, to control the weeds.

Item Three – Rezone #354 by Jeff Savage to rezone 6.14 +/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential. Located at 2225 East Locust. 6N; 1W; Section 9.

Site visits were performed by: Don Wilkerson, JB, Brent Jensen, and Dave Poole. No exparte or conflicts of interest were reported.

Rod Agenbroad-523 South Hayes – representing Jeffrey Savage. Jeff asked me to represent him.

Chairman Wilkerson closed the public portion of the hearing.

Chairman Wilkerson -Did the city of Emmett see the application?

Debbie Smith-There was no comments from City of Emmett.

Chairman Wilkerson-The intended use is to split it off for residential single-family dwelling.

J.B.-Considering with the surrounding areas I have no problem approving this.

Dave Poole Made a motion to recommend approval of application as submitted. The rezone complies with the Comprehensive Plan.

Motion received a second.

Vote: Unanimous.

Item Four – 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.

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Site visits were performed by: Don Wilkerson, JB, Brent Jensen, and Dave Poole. No exparte or conflicts of interest were reported.

Chairman Wilkerson-Letter read into record from Emmett Irrigation stating that a workable, buried conduit system be engineered and installed guaranteeing the continued delivery of water to every parcel. Letter read in to record from Black Canyon Irrigating Company stating that no excavation will be permitted within 25' of the fill of the slope of the canal maintenance road. Letter read into record from Robert Kaiser who is opposed to application. Letter read into record from Grace Kaiser who is opposed to application. Letter read into record from Steven and Jerry Knight who are opposed to the application. Letter read into record from Gregory and Cynthia Hall stating they had some concerns with drainage, septic system, road access and utilities, and covenants and restrictions. They attached covenants for the Subdivision they live in. Letter read into record from Phil and Renee Housley who have concerns about the water table, covenants and restrictions, and road access and maintenance.

Joann Waters -2425 Plum Street - Basically the only way I can sell the property I have is to split the property. I want to stay in my house and split off the rest.

Chairman Wilkerson-We have a drawing of your proposal, where do plan to put the access to get to the south lots.

Joann Waters -The access is off of Orchard and off of Plum.

Chairman Wilkerson-The property is used as pasture at this time?

Joann Waters-Yes.

Chairman Wilkerson-in the past you have had irrigation issues and flooding the neighbors?

Joann Waters -I would guess homes would sprinkle it instead.

J.B.-Is it currently cultivated?

Joann Waters-It's partial pasture.

Phil Housley -2865 Cherry Circle- We have lived there 23 years. Concerns on where the private road will go and ground water. They have replaced their drain field twice.

Greg Hall- 2845 Cherry Circle – Lived there for 14years. We are opposed. Concerns on the drainage issue - they don't irrigate very often but when they do it floods our property. Septic concerns. Access and road concerns. Dust control concerns. Also concerns on whether or not the electrical lines will be underground and if there will be any restrictive covenants.

Steve Kaiser -I really urge you to read the letters. Our biggest concern is safety. The access is right at my mother's kitchen window. We have lots of family functions. Not against the application if the road does not go right by the house.

Chairman Wilkerson – Where will the road go?

Joann Waters-We have several options for the access. We haven't talked the neighbors yet. We thought we should rezone first. The Kaisers are the best neighbors. The road will go on the east by the canal.

Chairman Wilkerson-The slope of canal to your back door can't be more than 40 feet.

Joann Waters -I think there is well over 40 feet.

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Chairman Wilkerson-Would this require subdividing?

Debbie Smith – It is an original parcel. There are four splits available.

J.B.-Did you go to the neighbors?

Joann Waters- No we thought the first step would be to rezone.

Steve Kaiser- The Kaisers and Waters are close neighbors. They aren't against it they just don't want the access at their property right next to the house.

Rick Welch- Our concern would be the road access and turnarounds.

Sue Long- 2815 Cherry Circle – Lived there 13 years. Concerns on the impact the value of their home and quality of life, leach lines, and the aquifer.

Renee Housley- 2865 Cherry Circle – Concerns on the lots not having any restrictions, and drainage due to the slope of the property.

Chairman Wilkerson closed the public portion of the hearing.

J.B.-The drainage issues concern me. They are right next to subdivision. If they were willing to adopt covenants I would be greatly pleased.

J.B. Made a motion to deny based on testimony.

Motion dies for a lack of a second.

Chairman Wilkerson-I feel we should table to have more time to review the information.

J.B.- If we table for a month, I would rather have applicant talk to the neighbors about access and restrictions.

Chairman Wilkerson opened the hearing for public comment.

Greg Hall-2845 Cherry Circle - I haven't heard you talk about requirement engineering on drainage.

Debbie Smith- Idaho Code does not allow wastewater or runoff to go onto others' property. It must be contained on site.

Phil Housley- Is there a way to test seepage?

Brent Jensen- You said you could place restrictions?

Joann Waters -I value my home I will not allow a mobile home in. What do I need to do?

Chairman Wilkerson-Get some restrictions in writing.

Dave Poole Made a motion to continue it in two months to give the applicant a chance to amend original application.

Motion received a second.

Vote: Unanimous.

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Item Five – Rezone #356 by Wayne Freeman to rezone 5.00 +/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional. Located at 2393 Waterwheel Road. 6N; 1W; Section 4.

Site visits were performed by: Don Wilkerson, JB, and Brent Jensen. No exparte or conflicts of interest were reported.

Chairman Wilkerson-Letter read into record from Emmett Irrigation stating that a workable, buried conduit system be engineered and installed guaranteeing the continued delivery of water to each parcel.

Wayne Freeman-2393 Waterwheel Road - My intention is to give an acre to my daughter.

Dave Poole-Are you rezoning the 5 acres? Can it be split?

Debbie Smith-This piece only has one split available because the neighbor to the North took a split.

Chairman Wilkerson- Question for Debbie – the 40-foot easement is only 34 feet.

Debbie Smith- That is civil, but the easement has to be non-obstructed.

Wayne Freeman- Showed Commission how the easement to the back parcel would be laid out.

Don Harrison- 945 Santa Lane - My comment is all the ground from plaza to the Railroad are all 5 acres or larger. Why do we have to break up 5 acres? I am against the rezone. We bought the place to be around 5 acres.

Doris Drooger -2610 E Locust - We have fought with Miche's. We all have shallow wells. According to the letter they will share a well.

Wayne Freeman - My 5 is part of the 10 that you already allowed a rezone in. They haven't done anything with it. I have two wells, one is for irrigation.

Doris Drooger - If they sell that acre, what about the water then?

Debbie Smith- The zone requires central well. They can't get around that.

Wayne Freeman – There will be two separate pumps for the well.

Chairman Wilkerson closed the public portion of the hearing.

J.B Made a motion to recommend approval of the rezone to the County Commissioners as the request complies with the Comprehensive Plan.

Motion received a second.

Vote: Unanimous.

Regular Meeting:

Item One – Approval of Minutes from May 9, 2005

Brent Jensen made a motion to approve the minutes.

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Motion received a second.

Vote: Unanimous.

The minutes were approved and signed.

Item Two – Items from the Public

None

Item Three – Review of Agenda

Item Four – Items from the Administrator

Special Meeting June 27th the packets went out today. It's by Black Canyon Partners, LLC, to amend the Comprehensive Plan.

Item Five – Items from the Zoning Commission

Chairman Wilkerson-Questions on changing the application for a temporary hardship permit.

Debbie Smith -We will remove the Southwest District Health requirement and make a doctor's note mandatory.

Item six – Adjourn

Dave Poole made a motion to adjourn. The motion received a second.

Vote: Unanimous.

Chairman Wilkerson closed the meeting at 9:50 p.m.

Chairman

Secretary