

**MEMBERS PRESENT:** Don Wilkerson, Brent Jensen, Steve Ethington and David Poole.

Members absent with prior notice: Jim Hutchins.

Others absent: J.B.

**OTHERS PRESENT:** Sissy Stewart – Administrative Assistant and Jennifer Kharrl - Development Services Department Staff; David 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 –(Continued) - A Rezone request by Siller Farms to rezone approximately 20+/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential, located on the east side of Jackson Avenue between Edgemont Road and Sunset Drive. 6N, 2W, Section.**

No ex parte or conflicts of interest were reported.

**Darrin Youngstrom-** 1990 Geneva Way.

As stated before at the October 17<sup>th</sup> meeting we are here to rezone this property.

**Chairman Wilkerson opened the public portion of the hearing.**

**Fred Nussbaumer-** 1700 Sunset.

I am in favor of this rezone. I live on the twenty acres next to it, and we were allowed to develop into four 4.67-acre parcels without a rezone. I was negotiating on buying this property and Planning and Zoning told me that the Prosecuting Attorney ruled that you could not go less than five acres. Debbie Smith said the only way to divide up the property was to create three 6-acre parcels. I think if decisions are going to be made we need more information that rezones are possible instead of a flat no answer.

**Dan Staples-** 1713 Sunset Drive.

I am caddy corner to this property. I am in favor of the rezone and I think it is proper use of the land. I am a little disappointed that the Siller's have to go through this grief when they have a deed describing 20 acres. Common sense tells me that if the County comes in and takes your land leaving you short and in jeopardy, something doesn't seem right.

**Karl Siller-** 1945 Jackson.

I appreciate this chance to come back before you Mr. Chairman and Board Members.

**Sue Siller-** 1945 Jackson.

I apologize for my outburst at the last meeting and I thank you for this extra meeting.

**Chairman Wilkerson closed the public portion of the hearing.**

**David Poole** -Made a motion to recommend approval of the Rezone for Siller Farms to rezone approximately 20+/- acres as the request complies with the Comprehensive Plan.

**The motion received a second.**

**Vote:** Unanimous.

**Item Two- A Rezone request by J-2 Ventures to rezone approximately 4.669 +/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential located south of 1677 Sunset Drive. 6N; 2W; Section 1.**

No ex parte or conflicts of interest were reported.  
Chairman Wilkerson had a site visit.

Letter read in to record from Emmett Irrigation.

**Jamie Watts**- 1490 East Gem Estates Lane.

I apologize for the confusion at the last meeting. We want to rezone from A-2 to R-3 so we can create two building parcels and it fits within the Comprehensive Plan and complies with the surrounding areas.

**David Poole**-There is a drawing here showing an access to the back piece of property, is it there now?

**Jamie Watts** -Yes, it is a recorded easement.

**David Poole**-How wide is the easement?

**Jamie Watts**-I am sure it is up to County standards there was a rezone and splits taken right along this easement. There is one house being built at this time.

**Brent Jensen**-How are you going to access the Southern most lot?

**Jamie Watts**-We can extend the existing access.

**Brent Jensen** Does that give you enough room for a lot?

**Jamie Watts**- Absolutely. The split may end up being more of a triangle shaped parcel. We only want to split the property into two parcels.

**Chairman Wilkerson**- I did drive out to this property. Looking at this drawing on the second application, if you look at the road easement once it turns West of the Rambow property it shows it as a forty-foot easement. From my own scaling of the easement I come

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up with twenty-seven feet for a road because of the tow of the slope. To meet the County's requirements you do not have a proper easement.

**Jamie Watts**- Lets not talk sideways here, we are here tonight for the rezone only. We are not here to discuss the County road requirements.

**Chairman Wilkerson**- Part of the rezone requirements is you have to have proper access to the property.

**Jamie Watts**- We do have other ways to access the property, I think you would understand if we have to do that.

**Chairman Wilkerson**- In order to do that you would have to have a deeded easement to the property, and you don't have that right now.

**Jamie Watts**- I can get that.

**Chairman Wilkerson**- I think we will have to delay the rezone until that is deeded, but let me check with David Hargraves.

**The Board took a five-minute recess.**

**Sissy Stewart**- The access will have to be resolved prior to issuing any building permits.

**Jamie Watts**- That road was already approved by the County.

**David Poole**- It was approved for one lot; you are looking at creating two lots so we have to look at it in a different light.

**Jamie Watts**- I understand that, but it was approved for one lot and I will have to make some adjustments so it will work for two lots.

**Chairman Wilkerson**- My concern is that the corner is not wide enough. We may have to add a stipulation to the rezone that the Fire District inspects the road again.

**Jamie Watts**- So if we only put one house back there, will the road work?

**Chairman Wilkerson**- That corner still does meet the forty-foot requirement.

**Nissa Watts**- 1490 East Gem Estates Lane.

If the rezone does get approved, and we only decide to build one house instead, will the building permit be affected?

**Chairman Wilkerson**- By the way I read the Zoning Ordinance, you have to have a forty-foot easement within one hundred and fifty feet of the structure.

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**Nissa Watts**-We bought this property about six months ago, and it was approved to be sold that way.

**Chairman Wilkerson**- You are aware that there is not a forty foot easement there?

**Nissa Watts**-How did they get approval to sell it to us this way?

**Chairman Wilkerson**- I don't know.

**Jamie Watts**-That means the house going in at the back right now is being built illegally since they don't have a forty foot easement.

**Chairman Wilkerson**- Yes, they do because it is forty foot wide until it goes around the corner near your property. Lets back up and look at the rezone only, it sounds like the road issue will be addressed at time of building permit issuance.

**Jamie Watts**-Does anyone have more questions?

**Chairman Wilkerson**- While we are talking about roads, the map you submitted shows a turnaround radius of fort-eight feet. Gem County requires a fifty-foot radius

**Jamie Watts**-I understand, I am not hear to break the law. That road is already approved and platted. It has already been inspected by the County Road Department and the Fire Department.

**David Hargraves**-It would be best for those issues to be handled at the Planning and Zoning office.

**Chairman Wilkerson opened the public portion of the hearing.**

**Dan Staples**-1713 Sunset.

I own the property immediately to the Northwest of this property. I would consider myself neutral on this rezone. My only concern is that there are no water rights to this parcel. And if houses are built here I worry about the owners irrigating their land with domestic wells, which is illegal. The easements and roads could affect the property lines depending on how they are set up.

**Jamie Watts**- If someone were to do something illegal with water, Dan Staples would be the first one to turn them in and it would get taken care of.

**Chairman Wilkerson closed the public portion of the hearing.**

**Steve Ethington** -Made a motion to recommend approval of the Rezone for J-2 Ventures to rezone approximately 4.669+/- acres as the request complies with the Comprehensive Plan.

**The motion received a second.**

**Vote:** Unanimous.

**Item Three- A Rezone request by Janette Drew to rezone approximately 3.50 +/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional located at 1677 Sunset Drive. 6N; 2W; Section 1.**

No exparte or conflicts of interest were reported.  
Chairman Wilkerson has prior knowledge of the property.

**Jamie Watts**- 1490 East Gem Estates Lane.

Janette Drew gave me full authorization to handle this application. This is an awkward parcel since the manufactured home sits on an original parcel. The remainder piece is an original piece also. I would like to split off the home with one acre and create two building sites. This parcel does comply with the Comprehensive Plan and the surrounding area is being developed.

**Chairman Wilkerson**- In previous minutes, Nissa Watts stated that the intention was to put a community well for the back two parcels and one for the front parcel. The Zoning Ordinance states that all parcels have to be served by a community well in the R-2 zone.

**Jamie Watts**-So we can't use the existing well with the manufactured home then?

**Chairman Wilkerson**-It is possible but the other parcels with have to be served by that same well.

**Steve Ethington**-I would think that they could abandon one and then drill a new one.

**Chairman Wilkerson**- Yes, I agree but you can have only one well for the three parcels. Another item that we just dealt with on a prior rezone it appears that the County Road Department has designated Sunset Road as a major arterial street and they are asking for an eighty-foot right away. Will you have any problem with dedicating 15 feet to the County?

**Jamie Watts**-No, as long it doesn't cut into my required acreage amount.

**Chairman Wilkerson**-I penciled it out and it will cost you about three thousand square feet.

**David Poole**-Will he still be able to maintain the proper setbacks?

**Jamie Watts**-I will bring up one stipulation, my property boundary actually goes ten feet into my neighbor and I am basically giving up that land so I don't have to fight for it.

**Chairman Wilkerson**-That is something the two of you will have to figure out.

**Jamie Watts**-I am just saying that property goes 10 feet all the way down the boundary so I am losing that land already and giving the County 15 feet also.

**Chairman Wilkerson opened the public portion of the hearing.**

**Dan Staples**-1713 Sunset.

I live at the property immediately to the West of this property. I have no problem with the splits. The map I have shows that it is only 6.2 feet along the boundary not 10 feet like Jamie keeps saying. Another thing I would like to bring up is I have waste water running down the fence line on the other property we discussed earlier.

**Brent Jensen**-You have to be careful messing with waste water. Some of that river bottom ground has some of the only ground in the Emmett Irrigation District and that does have water rights connected to it.

**Chairman Wilkerson closed the public portion of the hearing.**

**David Poole**-Made a motion to recommend approval of the Rezone for Janette Drew to rezone approximately 3.50+/- acres as the request complies with the Comprehensive Plan.

**The motion received a second.**

**Chairman Wilkerson**-Made a motion to amend the previous motion with two stipulations, one to increase tax number seventeen to at least one acre and that fifteen feet of additional road frontage be dedicated to the County.

**Steve Ethington**-Chairman, doesn't the Zoning Ordinance dictate that?

**Chairman Wilkerson**-Yes, but we need to protect that since we just went through that with the Sillers.

**David Hargraves**-That was for a Minor Subdivision this situation is different I don't think that would apply. I think we need to take some time to review this.

**Chairman Wilkerson**-The Siller's were here for a rezone just like this.

**Discussion.**

**The amended motion received a second.**

**Vote:** Unanimous.

**Regular Meeting:**

**Item One – Approval of Minutes of October 17, 2005.**

**David Poole**-Made a motion to approve the minutes.

**Motion received a second.**

**Vote:** Unanimous.

The minutes were approved and signed.

**Item Two – Items from the Public.**

**John Evans**-1103 Phillips.

I want to thank you guys for having this meeting.

**Item Three – Items from the Administrator.**

The Rezone for Laurence Shuermann was approved.

The Rezone for Steve Mednicoff was approved.

**Item Four – Items from the Zoning Commission.**

**Steve Ethington**-I would like to thank David Hargraves for getting back to us about the exparte and quorum.

The Board reviewed the final plat for Shadow Butte Development and agreed with the County Commissioners comments.

The Board scheduled a workshop December 13<sup>th</sup> at 6pm to discuss hilltop development.

**Item Five – Adjourn.**

**Steve Ethington**- Made a motion to adjourn.

**The motion received a second.**

**Vote:** Unanimous.

Chairman Wilkerson closed the meeting at 8:37 p.m.

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Chairman

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Secretary

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

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