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**MEMBERS PRESENT:** Don Wilkerson, Steve Ethington, J.B., Jim Hutchins, Fred Nussbaumer and Brent Jensen.

**MEMBERS ABSENT WITH PRIOR NOTICE:** David Poole.

**OTHERS PRESENT:** Brad Hawkins-Clark- Planning Director, Jennifer Kharri - Development Services Coordinator; David Hargraves- Prosecuting Attorney.

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

**Item One- (Continued) A Special Use Permit by Masco, Inc. to allow the operation of a gravel pit. The general location is 5900 Pearl Road. T 06 North, R 01 West, parts of Section 24, 25 and 26.**

Brad Hawkins-Clark showed a power point presentation on different views of the property.

No ex parte or conflicts of interest were reported.

Letters read into record:  
Shadow Butte-In Favor.

**Gary Cunningham**-5900 Pearl Road.

This is to remove sand from some hills that we are planting vineyards on. None of the roads on the map will ever be used by Masco. We have worked with Gem County; we will be exiting the ranch on 1.3 miles of Pearl road that is in Gem County. Masco has agreed to service the road that they will be using to exit the ranch. This property has cheat grass and gophers and we are just moving dirt to access more land for vineyards. There will be no pits left on this ranch.

**Fred Nussbaumer**-Any estimate of the total cubic yards that will be removed?

**Gary Cunningham**-That is hard to answer that because Masco will work as they need it. For economics they will only move it when they have somewhere to use it. Masco's estimate is about 18 acres.

**Fred Nussbaumer**-Have you had any core samples on what is underneath?

**Gary Cunningham**- Yes, it is strictly sand. There is a big chunk taken out of the hillside and you can see what is there. There is a couple of feet of topsoil that will be used by someone else and Masco will remove the fill.

**Brent Jensen**-The topsoil will be relocated off of the property also?

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**Gary Cunningham-** We will try to use as much of it as we can. I did trade some of the topsoil for some excavating work I had done. We will be planting on the weekend of the 21<sup>st</sup> and 22<sup>nd</sup>.

**Don Wilkerson-** As you know there was meeting between Brad Hawkins-Clark and Masco and Masco agreed to maintain the 1.3 to 1.7 acres of Pearl road and keep up to Gem County standards.

**Gary Cunningham-** Yes.

**J.B.-** One of my concerns remains that if this were to become a gravel pit and you sold the property it will still be a gravel pit. It would seem to me that it is a poor way for you to do business in not knowing how long this will take. Would you have a problem if we limited the time frame to 3-4 years?

**Gary Cunningham-** Masco has a five-year contract it will not take more than five years. With the growth around this area I do not see it taking the whole five years. If they don't get it out of my way I will go the opposite direction on the ranch.

**J.B.-** Did you happen talk to Unimin to see if the sand would be useful to them?

**Gary Cunningham-** I called a couple companies and Masco was the one to show up and they were referred to me because they were the largest and could use the material the fastest. The gravel pit issue, we are more than willing to put whatever terms we need to keep this from becoming a gravel pit. I own the property and I can assure you that I will not allow a gravel pit there.

**Vice Chairman Ethington-** I understand that you have four to five outcroppings that you plan on outcropping and on each outcropping you plan on planting your grapes. Is there any need to plant grass in that area?

**Gary Cunningham-** It will be removed and used to plant vineyards.

**Fred Nussbaumer-** You mentioned at the last meeting that there would be other knolls that you want to remove; will this application cover those also?

**Gary Cunningham-** Yes, I am planting this area either way but it depends on how fast Masco removes the material. As long as I can economically use the land correctly, I will use it.

**Fred Nussbaumer-** Will these other knolls affect any of the roads?

**Gary Cunningham-** Same roads will be impacted.

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**Brad Hawkins-Clark**-Just a couple of reminders that at the last hearing your motion had two items on it, to get feedback from Dennis Pulley and some advice from Prosecuting Attorney Hargraves. You should have received both of those and a memo from myself. There was a letter from Shadow Butte Corporation expressing their support for the project primarily for Economic reasons and a letter from Masco themselves. If you do make a motion to approve don't reference the staff report because it recommends denial. The letter from Masco will answer some of your questions. If you choose to go with denial you can reference the staff report for your finding of facts.

**Vice Chairman Ethington opened the public portion of the hearing.**

None.

**Vice Chairman Ethington closed the public portion of the hearing.**

**Don Wilkerson**-There was discussion at the last hearing that this is not a mining operation, it is merely an applicant that is trying to make his property more successful. I recommend we approve this special use permit with some conditions. Those conditions can come about in the motion. The contract with Masco is for five years, if the demand is high it could cease before five years.

**J.B.**-I am in favor of this, I am not comfortable restricting gravel because he might come across it and it might help his operation. How do we protect this from becoming a project of selling more material? He is excavating for farming and I support that.

**Brent Jensen**-I think this is a great and workable solution that he is improving some ag land. The hang up here is the fact that he is selling the material. My concern is that it is not rocket science to measure yardage and I feel as a commission we need to know what the yardage will be. A lot of material could be moved in five years. I do think we should approve this with stipulations, one to maintain the County roads and two we need to stipulate some yardage limit so it will remain a farm improvement operation.

**Don Wilkerson**- I feel we should stipulate that no gravel is allowed, because it could become a washing or even a crushing operation. If they come across gravel they need to come back before this commission. I think a Masco representative estimated at the last hearing that it would be approximately 250,000 cubic yards.

**Brent Jensen**-I do remember Masco also stating that there will be no crushing equipment on site so I think we are covered there.

**J.B.**- Is there a way to stipulate that a way around if they were to come across gravel as long as they relocate it on the property then they wouldn't have to come back before us.

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**Don Wilkerson**-I am just trying to protect the County so if they get into gravel they can come before us to amend the special use permit.

**Fred Nussbaumer**-My main concern is the way the application is worded. It is asking for a gravel pit. If this is approved on ag land and someone else comes before us in the ag zone they will see that we approved a gravel pit in an ag zone.

**Vice Chairman Ethington**-We need to look at the whole situation and we can define as we see it, we can state what the approval is for. We can approve a sand removal operation not a gravel pit.

**Don Wilkerson**-What may be a gravel pit in one zone can be different in other zones. Each application stands alone.

**Brent Jensen** - Made a motion to approve the Special Use Permit for Masco Inc. to allow the sand and top soil removal on the Gary and Martha Cunningham property because it does comply with the Special Use Permit Standards with the following stipulations:

1. The applicant shall submit a statement to the P&Z Commission regarding plans for on-site toilet and sanitation facilities for Masco employees.
2. This permit is subject to an annual review by the Development Services Department.
3. The permit is non-transferable to another property and is only valid at the location specified in the application.
4. Any new signs for the business shall comply with Gem County Sign Ordinance (Chapter 10).
5. Hours of operation for the gravel extraction facility shall be limited to between 6:00am and 10:00pm.
6. The applicant shall comply with all Department of Lands and other applicable state and/or federal regulations in the operation of this permit.
7. Upon depletion of the area, all temporary building and structures except property line fences and structures for the loading, measuring or weighing of salable material in storage, shall be entirely removed from the property.
8. Comply with all relevant sections of GCC 11-6-5, Sections J, regarding grading and I earth moving and gravel pit operations.
9. Masco, Inc. will water and provide adequate dust control measures along Pearl

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Road, from the project site south to the Gem County/Ada County line. In addition, as long as the permit is active, Masco, Inc. will be responsible to grade and maintain Pearl Road in a condition that is equivalent to or better than existing road conditions, from the project site south to the Gem County/Ada County line. The determination of adequate dust control and road conditions will be made in coordination with Gem County Road & Bridge Department.

**The motion received a second.**

**Brent Jensen** –Amended his previous motion to add the following stipulations:

10. The Special Use Permit is good for five years.
11. Masco Inc. and the property owner are the only entities to remove material from the site exclusively.

**The motion received a second**

**Vote:** Unanimous.

**Item Two- A Special Use Permit by Cyril McCool to allow the operation of a Gravel Pit. The site location is 3575 Star Lane. T 06N, R 02W, Section 22.**

Brad Hawkins-Clark showed a power point presentation on different views of the property.

No exparte or conflicts of interest were reported.

Don Wilkerson contacted Dennis Pulley from the road department prior to the hearing.

Letter read into record:

Gem County Mosquito Abatement District-Concerns with increased mosquito population.

**Cyril McCool-** 3175 South Slope.

I am requesting a gravel pit at 3575 Star Lane.

**Brad Hawkins-Clark-**The gravel pit that Idaho Transportation Department has on the east side of Star Lane. They have owned the property since 1984, the last time gravel was extracted was 1996. ITD is leasing the property for cattle grazing. It is not abandoned like I mentioned in the staff report, it is inactive. There is the potential for ITD to remove some material.

**J.B.-** Under what authority does ITD have?

**Brad Hawkins-Clark-**My understanding is that in 1984 there was no special use permit requirement in Gem County code. It would be grand fathered in and considered a legal non-conforming use.

**Vice Chairman Ethington-** You are saying that there is a gravel pit to the East of Mr. McCool's property. Would they be required to obtain a special use permit if they started excavating again?

**Brad Hawkins-Clark-** The question would be if it is a continued use. There is no permit for that property that has standards attached to it.

**David Hargraves-** I would have to research that. To see what process they would have to go through to become active again.

**Don Wilkerson-** When I talked to the road department this morning what he explained to me was for a distance of 150 feet parallel to Star Road, the applicant will have to start out with a 60 foot radius and come into a 30 foot paved driveway for a distance of 100 feet from Star Road. Dennis Pulley did mention that there is an apparatus that can be placed on driveways that wash trucks so gravel and rocks don't get on the roads. Have you given any thought to the mosquito issue?

**Cyril McCool-** I did not think about that at the time of application. It is logical now and I will do what I need to do that is the cost of running a business.

**Don Wilkerson-** It shows on your application hours of operation from 6:00 a.m. to 10:00 p.m., you will have excess trucks on those roads that might be disturbing to the neighbors. Would you have a problem if we stipulated the hours?

**Cyril McCool-** I will work with you.

**J.B.-** As to the mosquito abatement, is the pond existing?

**Cyril McCool-** This is not a wetland, that basin is only filled when the rainfall and snowfall fills it. In the summer time it is a dry basin. You can check with the NRCS and ask them.

**Brent Jensen-** Is there irrigation water rights attached to the property? Have you applied for a Reclamation Plan with the Department of Lands?

**Cyril McCool-** There are no water rights to the property and yes I have a reclamation plan, it should be in the packet you received.

**Brent Jensen-** Have you performed core drilling there?

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**Cyril McCool**-I will have to look back to 1980, the State of Idaho was interested in purchasing our property and they dug some test holes roughly 16 feet deep to see the size of the gravel and to check the water table.

**Brent Jensen**-How deep will your pit go?

**Cyril McCool**-I don't know for sure, it depends on the deposit.

**Don Wilkerson**- What kinds of machinery will you be using to remove the material?

**Cyril McCool**- I have not made a contract with an operator because I wanted to get approval first.

**Jim Hutchins** -Will there be a crushing operation with this?

**Cyril McCool**-It is possible. If there was a crushing operation they will have to comply with all the clean air standards just like City Transfer does.

**Don Wilkerson**-If you get this Special Use Permit, it sounds like you will be contracting the operation.

**Cyril McCool**- Yes, sir.

**Don Wilkerson**- Will you do washing on site?

**Cyril McCool**- It is possible, that is what the settling pond will be used for.

**Vice Chairman Ethington opened the public portion of the hearing.**

**Robert Miller**-2672 Star Lane.

My concern is the speed limit with the excess of trucks coming up and down the road. The speed limit is 45 miles and hour and I am concerned that the large trucks will be going to fast. There are a lot of children that reside on the road.

**Vice Chairman Ethington**- Where is your property in reference to Mr. McCool's?

**Robert Miller**-It is about a half mile north.

**Don Wilkerson**-Are you concerned with the general public exceeding the speed limit?

**Robert Miller**-Not so much. It is a little concern but it doesn't seem too bad right now.

**Holger Uhl**-3905 South Slope.

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I am an attorney but I am here as a concerned neighbor. Our concern is that the application is void of any details that would allow the Commission the findings to allow gravel pit according to the Comprehensive Plan and Zoning Ordinance, as it exists under 7-03 and

sections 6-04 and 6-05. For this reason alone the application should be denied. I am concerned about the traffic, there are several school buses that use this road every day. I think the operation should be restricted to the times that the school buses are not on the road. I think the hours should be restricted also, I have looked under ordinances from other counties and they require the hours to be dusk or 6:00 p.m. whichever happens first. I think that is a reasonable suggestion. Is this going to be a crushing or washing operation? As neighbors we do not want a crushing operation because of noise and dust levels. These are questions that the Commission needs to address. The landscape plan is not very detailed and in particular it does not specify how it will abate noise, vibration and dust levels. South Slope will be impacted also and there needs to be a restriction on other access roads.. A traffic study on Star Lane would be a great idea. Gravel pit operations are normally restricted to five years. There doesn't seem to be a limitation on the length of time the operation will running. If there are going to be abatement efforts for the dust and the noise, we as neighbors should be notified so we will know what is being done and we know when there is non-compliance with these issues and we come to the Commission to let you know that there is non-compliance.

**Suzie Bankstein-** 2875 South Slope.

We have some rules and laws out in our area that we cannot get enforced. If you allow this special use permit with stipulations, I would like to know who is going to step up to the plate to enforce those stipulations.

**Brent Jensen-** If the public makes a complaint against an entity that has a special use permit, it will be reviewed. If they are not in compliance the permit can be revoked.

**Suzie Bankstein-** Who revokes it, do you?

**Brent Jensen-** The staff.

**Vice Chairman Ethington-** At the time of annual review, if there are complaints the office will review those complaints and address them at that time.

**David Hargraves-** The Development Services Department does take complaints and they do the best to make sure that the permits are in compliance with the stipulations. We can take it a step further and get the law enforcement involved. The permit holder can be prosecuted civilly and criminally.

**Suzie Bankstein-** I will hold you to that, because we have a lot of issues going on out there and we cannot find anyone to help us.

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**Brent Jensen-** My understanding is that there will soon be an enforcement officer in the office.

**Suzie Bankstein-** What we find right now is one agency refers it to another agency and nobody steps up to the plate to accept responsibility for it.

**J.B.-** Ma'am, have you ever filed a formal complaint?

**Suzie Bankstein-** Do you mean by calling or writing letters?

**J.B.-** A formal complaint would be going into the office and filling out a complaint form with your name and address. Have you ever filed a formal complaint?

**Suzie Bankstein-** I don't know what the process is, I am just learning that there is a process after fighting this problem for nine years out there.

**J.B.-** It is discouraging to me to hear that nothing is being done when in fact nothing is being done formally.

**David Hargraves-** I suggest you address the staff.

**Roseanne King-**2825 South Slope.

I came here to address you mostly because I don't think you are hearing our concerns. I support all my neighbors and their concerns. I would like to see rules and regulations and I would like to see someone responsible for something.

**Bob King-**2825 South Slope.

I do believe that a person should be able to do what he wants to do with his own property. But we have several gravel pits in the County already that we are going to end up being a big lake one of these days. We have one on Salesyard Road and one on Cascade and one west of Star Road. We have Sawyers ponds that are almost oceans. I recommend disapproval.

**Calvin Snelling-**3606 South Slope.

I farm right across the drain ditch from this property. I am concerned about the aquifer. We don't know how deep this gravel pit will go. I live next to this drain ditch and upstream where they extracted gravel last summer the material from washing the gravel came down the ditch. I was really concerned because I have cattle that drink out of that ditch. I contacted several entities and nobody could help me. We have an awful delicate aquifer. I have a rental house on Mill road and I had a well that went completely bad, you couldn't even drink out of it the water was putrid. I had to dig down 220 feet to get water that we could

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drink. That was an expense to me, which happened at the time that Sawyer was running his gravel pit. We need to get a grip on things here.

**Susie Henson**-3905 South Slope.

We moved to this property because I plan on farming this land. We moved to this area because it is a farming community with a lot of ag land, I would hate to see it become gravel land. I am very much opposed to this.

**Cyril McCool**-Being agriculture land, sometimes there are gravel deposits that need to be removed. There are a lot of ponds in the area. That is one reason that the drain ditches were dug was because of the high water table. Something should be done with the traffic but look at the traffic on Mill Road, it does happen. If the development comes in at Merrill's just think of the traffic that will happen then.

**Vice Chairman Ethington closed the public portion of the hearing.**

**J.B.**-I am very against this gravel pit for several reasons. I would insist on restricting the hours. I am opposed specifically because Gem County Code 15-5-3 does not allow a special use permit in this particular zone. The fact that someone has one near there doesn't change anything because currently the code does not allow it.

**Jim Hutchins**-These are only allowed in the industrial zones. The A-2 is more for residential than it is for gravel pit operations.

**Fred Nussbaumer**- I agree, I do not think this is appropriate for this area and I don't feel it complies with the Comprehensive Plan.

**Don Wilkerson**- I echo the other members that we should deny this application. It is an ag zone and we are supposed to protect it. We have the potential of having a large development out in that area and I think we should be thinking of the future. A gravel pit in that area is not defined as an agriculture use. I recommend we deny this.

**Vice Chairman Ethington**-The public had some really good comments and that is what we like to see. I agree with you. We need to respect the integrity of our Comprehensive Plan and Zoning.

**Jim Hutchins.** - Made a motion to deny the Special Use Permit for Cyril McCool to allow the operation of a gravel pit because it does not comply with the Comprehensive Plan designation for that area:

**The motion received a second.**

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**Vote:** Unanimous.

**Regular Meeting:**

**Item One – Approval of Minutes of March 13, 2006.**

**J.B.-**Made a motion to approve the minutes as corrected.

**Motion received a second.**

**Vote:** Unanimous.

**The minutes were approved and signed**

**Item Two – – Items from the Public.**

**Roseanne King-**2825 South Slope.

I live directly in front of a pseudo subdivision because it is several parcels that never got subdivided. The piece of property that two years ago only had four splits available and now someone read the deeds and multiplied by three and they have created twelve lots, I don't understand that at all. I understand that the person that made this decision was from Planning and Zoning and promptly left. Now they are putting up houses, I have four houses going up in front of me that say they are on five acres when in fact they will only live on 2.5 acres because the rest of the acreage goes up the Black Canyon Canal. Who is responsible for the ditch if they dig into it?

**Brent Jensen-**They are.

**Roseanne King-**So, if someone decides to put a hot tub up there and makes a hole in the ditch and creates a washout, who is responsible? The irrigation district denies responsibility.

**Brent Jensen-** They would be responsible. As a neighbor you have the privilege to report to the Bureau of Reclamation if someone is being ignorant. In order to obtain a building permit they have to give the staff a site plan and they have requirements to meet.

**Roseanne King-**As far as I am concerned they are building on only 2.5 acres. There will be wells and septic up there. This could have been spread out instead these parcels are squeezed right together. The Health Department said if the septic is 100 feet away I wouldn't have to worry about it. They are now installing lights so I won't be able to see the stars any more. You are Planning and Zoning and you need to be more responsible on your decisions because people like me have to deal with the outcome. This really has me upset.

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**Brent Jensen**-I feel for you, we as a Commission are bound by the Zoning ordinance and the current Comprehensive Plan to guide us on our decisions. Right now this community is going under a revision of the Comprehensive Plan and as a citizen I would encourage you to get involved in that process.

**David Hargraves**-The moratorium is giving the Planning and Zoning office a chance to control the splits.

**Vice Chairman Ethington**- Gem County is in the process right now of tweaking the Subdivision Ordinance and Comprehensive Plan. In that area you can address the lights, you can request a skyline ordinance. The 20<sup>th</sup> of this month we will be holding a public hearing on the proposed Subdivision Ordinance.

**Brent Jensen**- The community needs to have public input on the proposed ordinance.

**Roseanne King**-I would like to discuss Merrills; they have not taken care of their manure for six weeks. The flies are all over South Slope. I called the Health Department and they told me it wasn't their problem. I called the ag department and they said they only handle cattle not chickens. So then I called DEQ and they told me this is a very interesting problem and they are working on it. Someone needs to be responsible for things that happen.

**Suzie Bankstein**- 2875 South Slope.

This Comprehensive Plan has been manipulated over the past ten years. I am glad to see you that are open to this new ordinance and to make sure that the integrity of the Comprehensive Plan is kept.

**Brent Jensen**-I hope you all can see what an impact public comment can make in our decisions.

**Suzie Bankstein**- How long have you been working on the Comprehensive Plan?

**Brent Jensen**- The community has been working on this.

**Suzie Bankstein**- What institute changes the County laws?

**J.B.**- The County Commissioners and the City of Emmett.

**Vice Chairman Ethington**-There has been a need for some changes.

**Suzie Bankstein**- Can they override anything?

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**Brent Jensen**-The Commissioners can but the City cannot.

**Vice Chairman Ethington**- The special use permit that we denied tonight stops here.

**Don Wilkerson**- Mr. McCool can appeal our decision to the Commissioners and they can overrule our decision.

**Brent Jensen**- If that were to happen you would have the opportunity for public comment.

**Suzie Bankstein**-Who puts up the little signs on the property?

**Brad Hawkins -Clark**- Our office places the signs.

**Suzie Bankstein**- One day the sign was up, we didn't see it but one day.

**Brad Hawkins -Clark**-The sign was posted fifteen days ago, it probably blew over from the wind.

**Joyce Baird**-3300 South Slope.

I have called Planning and Zoning several times on this same issue on Star Lane. There is a junkyard on Star Lane and we have been calling about it for several years.

**Brent Jensen**- You need to fill out a formal complaint.

**David Hargraves**- Come talk to my office about this junkyard. This has already gone beyond the Planning and Zoning office and the Board of County Commissioners, so that is why I am telling you that my office can help.

**J.B.**- I would like to comment about people tonight saying they have called in complaints, a phone call is not a formal complaint. You have to go through the process to make a formal complaint.

**Don Wilkerson**-I feel for you in the public I have been in a similar situation with a nonconforming use in our subdivision. I have to say that I feel for the County people also. Before nobody was willing to take it on. I did submit a formal complaint with a petition and color pictures and nothing ever happened. I was told at the time that the legal office for the County said this wasn't a priority. Hopefully with an enforcement officer on board that will change. Until the County is ready to step up to the plate and take of these problems in a timely manner, the public won't comply.

**Brad Hawkins -Clark**- When I was hired by the Board of County Commissioners, code enforcement was brought up during my interview. They are very much aware of the

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problems we have and it is a priority for them. It comes down to being able to do site visits and working one on with these people.

**Vice Chairman Ethington-** I think in the past year our Commission has really come far. We have an attorney present at our hearings now and we have an excellent administrator. I think you are going to see a lot of good things for the valley.

**Susie Henson-3905 South Slope.**

Last Monday we were unable to access our house because of the black flies. This is directly from Merrill's. I did call them and they said they were sorry. I called a senator and a representative's office that referred me to the ag department. This is a problem that can be taken care of and it is just sitting there. We have called the Health Department and nobody wants to help us. I believe several of us are filing small claims against them.

**Item Three – Items from the Planning Director.**

**Brad Hawkins -Clark-**The Grand Castle Auto Special Use Permit was appealed by a neighbor. May 1<sup>st</sup> the Board of County Commissioners will be hearing that. We did purchase a timer and we will need to formalize the process of the timer at the beginning of the hearings.

**David Hargraves-**I would like to see an ordinance or resolution adopted that specifies the timer process. You can still announce it at the next meeting but we also need a resolution because Idaho Code requires it.

**J.B.-** Can we word it in such a way that says we may enforce a time limit of two minutes? Depending on how many people are here to testify.

**David Hargraves-**Out of fairness to everybody we need to try to keep it the same. We can be flexible in our wording.

**Vice Chairman Ethington-** I would say we need to have the timer ready to go at the next hearing and whoever is sitting next to the Chairman can run the timer. We will announce it at the beginning of the meeting.

**Brad Hawkins -Clark-** I recommend that the applicant also be given a time limit to keep it fair.

**David Hargraves-** The hearing on the 20<sup>th</sup> you will not be a quasi commission but a legislative commission.

**A. Recent Board of Commissioner P&Z Decisions.**  
Ralph Gurney's rezone was approved.

**Subdivision Ordinance Update.**

**Brad Hawkins-Clark-** The public hearing for the Subdivision Ordinance draft will be held on April 20<sup>th</sup> and there is a joint Comprehensive Plan workshop on April 18. If you are willing the Board of County Commissioners would like to give the chance to the Land Use committee to present to you what they have been working on for two years.

Their goal is to show you the major changes. You don't have to be worried about the hearing being influenced. They have held 51 meetings; they have put a lot of time and effort into this plan.

**Jim Hutchins-** Lan Smith brought this to my attention last week and suggested we give them fifteen minutes for a presentation but then they have no further ability to make comments on what we are discussing. I don't have a problem with that, but I do not want them to be interrupting us while we discuss these things.

**Vice Chairman Ethington-** The Comprehensive Plan hearing is going to get emotional and heated, we as a Commission need to be able to control that. It is easy to get involved and we need to do our best to not get involved.

**Vice Chairman Ethington-** How is the hearing for the Subdivision Ordinance going to be held next week? Are we going to address each section with a description?

**Brad Hawkins-Clark-** I would like to see that staff has fifteen minutes to present the major differences and have some wording on the screen. We can start out with that to highlight some of the changes.

**David Hargraves-** You are not required to make a decision that night, you take the comments and think it over before you make your decision.

**J.B.-** Do we have hear to every testimony or can we cut it off at a certain time?

**David Hargraves-** You can open public comment for an hour if you choose. You can cut off public hearing and you can discuss it among yourselves.

**Brad Hawkins-Clark-** I will address the microphone issue to the Commissioners.

**David Hargraves-** We struggle through how to word your motions, one way to make it clearer you could say it looks like it should be approved for these reasons. We as staff can put together reasons of decision in writing and bring it back to you the next month for final approval. Don't feel bad if it takes you thirty days to make a decision. Once we get more comfortable and can identify what will be a slam-dunk, we can have the decision

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drafted for you to have that night. You should have that done and read over the decision at the next hearing and make your decision final after that.

**Jim Hutchins** - I appreciate the staff reports we are getting now.

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

**A. Board Elections.**

**Don Wilkerson**- We need to elect a Chairman and a Vice Chairman.

**J.B.**- I have appreciated the work Don as a Chairman has done and being under his tutelage and have appreciated him considerably.

**Vice Chairman Ethington**- I second that.

**Brent Jensen**- I second that also, thanks Don.

**J.B.**- Made a motion to elect Steve Ethington as Chairman.

**Motion received a second.**

**Vote:** Unanimous.

**Jim Hutchins** - I would like to ask Don if he would consider being Vice Chairman. If Steve can't be here then he can step up as Chairman.

**Don Wilkerson**- If nobody else wants it then that will be okay.

**Jim Hutchins** - We appreciate you Don.

**Jim Hutchins** -Made a motion to elect Don Wilkerson as Vice Chairman.

**Motion received a second.**

**Vote:** Unanimous.

**Item Five –Adjourn.**

**J.B.**- Made a motion to adjourn.

**The motion received a second.**

**Vote:** Unanimous.

Vice Chairman Ethington closed the meeting at 9:20 p.m.

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MINUTES  
GEM COUNTY PLANNING AND ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
April 10, 2006

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Chairman

Secretary