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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, 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- 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.**

Sissy Stewart showed a power point presentation on different views of the property.

No ex parte or conflicts of interest were reported.

Letters read into record:  
Southwest District Health.  
Gem County Road and Bridge Department.

**Gary Cunningham-5900 Pearl Road.**

Masco is here tonight but since I am the property owner I thought I could help clarify what we want to do. I was here a few weeks ago for a Special Use Permit for a wine building. In the planting of the vineyards that we started a couple of years ago we have come across some mounds on the old alfalfa fields and that's what this is about. There is no mining operation and there is no gravel on this ranch; it is a much smaller operation than the application led on. The most important thing in a vineyard is the ripening of the fruit and ripening evenly. I have been excavating on my own with my own equipment but I have now come to some knolls that I cannot take care of by myself. We finally reached this hill and we cannot plant on the hill or over the hill so that is why we are here tonight. The only reason we are moving this is to keep a straight line and keep the irrigation main line that we currently have and plant the fruit in the same northeast southwest row orientation. This is not about a mining operation and there is no gravel on this ranch. I think the application to the County was a generic one that Masco has used in other counties and applied for a gravel pit. There is a pretty good map that I have here and you can see a straight line so we can plant correctly. We plan on planting a couple hundred acres of vineyards. It is not economically feasible to plant grapes on a knoll because the ripening will happen at different times. To clarify for the Road Department the road is only 1.3/10 of a mile in Gem County to the Ada

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County line that is paved. That is the only section of the Gem County road they will need to use. The other routes would be backtracking.

**Steve Ethington-** So this is for farming purposes? You hired Masco to accommodate your vineyards?

**Gary Cunningham-** Yes, we are selling the sand to Masco. I only contacted them because my equipment could not do what I needed done.

**Steve Ethington-** Why did you apply for a Special Use Permit?

**Gary Cunningham-** I am not sure about that, Masco felt they needed to obtain a permit. I have been leveling my land for years now; I don't understand why we needed a permit.

**Steve Ethington-** If you are only trying to accommodate your farm, then I would think you would not need a permit.

**Brent Jensen-** I think the key here is the selling of the material, rather than relocating on it on the farm for agriculture purposes. That is why they need a Special Use Permit.

**J.B.-** How long do you expect this to take?

**Gary Cunningham-** Maybe five years.

**J.B.** This will be much bigger than just exposing of some sand.

**Gary Cunningham-** There will be a couple of phases for this. This is all about farming. It is not farmable now. You can see in the pictures, the old alfalfa fields were planted around the knolls because the old farmers could not afford to move them.

**J.B.-** What is the acreage of your land?

**Gary Cunningham-** Approximately 1000 acres.

**Brent Jensen-** On your build out, what is the acreage you want to put into production?

**Gary Cunningham-** I think I figured about 400 acres. This will be a really large farming operation that will be taking the place of many orchards. Gem County has some great grape ground. There is a lot of money in planting vineyards.

**Brent Jensen-** On your 400-acre build out, how many of these outcroppings do you see?

**Gary Cunningham-** There will be probably four to six vineyard fields.

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**Brent Jensen-** How many as far as excavation sites and material sites that you will be hauling from?

**Gary Cunningham-** Four to six outcroppings that we will be hauling from.

**Brent Jensen-** All the material is sand?

**Gary Cunningham-** Yes, one hundred percent sand.

**Brent Jensen-** What is the estimated yardage to be removed?

**Gary Cunningham-** I don't have a clue. It would be hard to guess.

**Chairman Wilkerson-** According to the application from Masco it says that about 18 acres will have to be excavated.

**Gary Cunningham-** Yes.

**Chairman Wilkerson-** I guess the reason for the reclamation plan was because you thought you were going to do a mining operation when now you are going to be removing overburdened sand.

**J.B.-** It concerns me that you keep mentioning 1.3 miles the site, but it might be farther down the road if they go to other knolls.

**Gary Cunningham-** They are only removing the two knolls at the site shown, there is no need for them to go farther down the road.

**J.B.-** You think that will take five years?

**Gary Cunningham-** I don't know how long it will take them to do it, I guess it depends on the demand. Masco asked for a five-year contract so they could move dirt on demand. The first knoll will probably take about a year, I plan on planting it in a year.

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

None.

**Brad Hawkins-Clark-** The information in the staff reports was based on the application. It sounds like this was an honest mistake. That is the biggest reason for the confusion. A lot of new information has come forward tonight. The staff reports recommends that they rezone or you deny it based on the fact that it was identified as a gravel pit. You have a couple of

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things in front of you to base your decision. If you feel that this is a gravel pit then it is pretty clear that it doesn't comply with the Ordinance. If you feel you need some more time and information then you can continue this hearing and the staff supports that.

**David Hargraves**-I second that, one option is to continue this so you have more time to discuss.

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

**J.B.**- Brad, why does the staff note the mobile home issue? Are they still living in the mobile home and why is that an issue?

**Brad Hawkins-Clark**- Our goal there is to let you know what prior action this Commission has acted on this property. I believe they are still living in the mobile home.

**J.B.**-The permit is for a gravel pit, it concerns me that this is in fact a gravel pit and our zoning says no. This will cover them if they find gravel on the property. I have no objection to them leveling this hill.

**Steve Ethington**-We need to decide if this is gravel pit or a farming operation. It is not uncommon to plan for five years down the road for farming operations. If he had the right equipment he could move it on his own and keep it on the property and not have to come before the Commission. Gem County is losing orchards and I think we need to accommodate agriculture operations; it would be a great boom for Gem County.

**Brent Jensen**-The applicant is being creative in leveling his land to make it more productive. I feel as a Board to allow this type of land leveling improvement we can protect this operation from becoming a quarry. We could stipulate some road maintenance for the traffic and impact; we could limit the yardage of the sand.

**J.B.**-I applaud Mr. Cunningham for what he is doing. If we approve this we are allowing them to operate a gravel pit. If they come across a mother load of gravel, we have approved a permit for a gravel pit so they could proceed. How can we help him succeed in accomplishing his goal without giving him a permit for a sand pit?

**Brad Hawkins-Clark**-You can conditionally approve Special Use Permits, you don't have to allow gravel.

**Brent Jensen**-We can put conditions on this permit to keep it from becoming a grand scale mining operation so that material to be removed is to approve agriculture land and it will stay within the zone.

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**Chairman Wilkerson**-I look at this as a sand pit and we can put some conditions on the permit. I look at this as a land leveling operation. I am concerned about the letter from the Road Department and we need to get some answers from them since they are not here tonight. I would like to see this hearing continued so we can have a chance to get an answer from Dennis Pulley.

**David Hargraves**-I can offer you some legal advice but it will take me some time. There are a lot of unanswered questions.

**Steve**-I think we are blowing this way out of proportion and making it way too complicated.

**J.B.**-Is there a way of doing this without a permit?

**Brent Jensen**-I think we are fortunate to have a Special Use Permit because of the impact and to be able to put stipulations on it so it doesn't become a full-blown gravel operation.

**Chairman Wilkerson.** - Made a motion to continue the Special Use Permit for Masco to the next meeting, Inc. to allow the operation of a gravel pit with the following reasons:

?? To get some specification from Dennis Pulley at the Road Department on what he would like to see.

?? To give David Hargraves a chance to give the Commission some legal advice.

**The motion received a second.**

**In favor:** Jim Hutchins, J.B., and Fred Nussbaumer.

**Opposed:** Brent Jensen and Steve Ethington.

**Vote: 3 to 2.**

**Item Two- A Special Use Permit by Kirk Darnell to allow a wholesale and retail yard for the sale of post and pole materials. The property is located on Sweet/Ola Highway. T 08 North, R 01 East, Section 27.**

Sissy Stewart showed a power point presentation on different views of the property.

No ex parte or conflicts of interest were reported.

Letter read into record:  
Southwest District Health.

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**Kirk Darnell**-10050 Darnell Road.

We operate a post and pole operation at that address. We are moving to a new location and we are changing it to a retail/wholesale operation. It has become too hard to get raw material so we will be more like a lumberyard. About eighty percent of our business is installers. On average we might have two customers per day.

**Jim Hutchins**-It says here on the application there will be no treating or peeling.

**Kirk Darnell**- That is right, any treated material will be treated in Coeur D'Alene and it is brought in to us and distributed out.

**Brent Jensen**-So, your plan is to remain in the post fencing business? It may or may not expand into retail lumber?

**Kirk Darnell**- We will stick with the post and pole material; if a new fence comes out we might look into that.

**Brent Jensen**-One concern I have is that highway coming down off the hill, do you plan on doing excavating so there will be better site of the highway?

**Kirk Darnell**- You can see a long ways up the road, but the speed of people coming off the hill is scary.

**Steve Ethington**-With every Special Use Permit we require a site plan and a landscape plan to address the egress ingress and parking availability. We would like to see a landscape plan, maybe some trees to improve the view from the street.

**Kirk Darnell**-We do plan on adding some pine trees and a berm and I should have taken the time to draw up a plan. We have made several improvements to the property since we purchased it and we will continue to improve the land.

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

**James Young**- Sweet.

I own the property on the top of the hill right next to this property. I am neutral on this application. It sounds like it will be a nice place with fencing around the property. Does this permit allow expansion in the future?

**Chairman Wilkerson**-When he wants to change the mode of operation he will have to come back before us. If he just wants to expand he wouldn't have to come before us, but we can stipulate the permit.

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**Brent Jensen-** I understand that a Special Use Permit is renewable and subject to an annual review so it gives the neighbors a chance to be protected. There is a complaint process to the permit and at any time the permit can be revoked if they are not in compliance.

**Jay Kanrich-** 8426 Ustick Road.

We own the property across the highway from the Darnells and we hope to build a house there soon. My question to Kirk is hours of operation and the traffic. We won't have to worry about the pollution of the creek since he won't be using chemicals. I don't disapprove of this application.

**Kirk Darnell-** Our hours vary, we do have people come by on Saturdays to get material, probably 8am –7pm but usually only one car a day. There is not any noise or a lot of traffic. We are sitting on 14 acres so it would be hard for the neighbors to hear me. The school bus turns around twice a day on our turnout and they feel it is safe. We plan on widening the turn around to make it more appealing.

**Chairman Wilkerson-** Would you have a problem if we put a condition on the hours of operation to protect your neighbors?

**Kirk Darnell-** No, I wouldn't.

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

**Brent Jensen-** I don't see that a restriction on hours is necessary because the traffic is not heavy and the customers are existing.

**J.B.-** Made a motion to approve the Special Use Permit for Kirk Darnell to allow the operation of a wholesale and retail yard for the sale of post and pole materials with the following stipulations:

1. In accordance with Gem County Code (GCC) 11-14-1, the applicant shall obtain a building permit for all existing and future structures placed on the property. These permits must be issued prior to this Special Use Permit being effective.
2. In accordance with GCC 11-14-1, the applicant shall obtain a Zoning Certificate for the new use prior to any construction or change of use on the property. Said application must include a detailed site plan and landscape plan, drawn in accordance with the Commission's approval of the SUP application.
3. The applicant shall comply with GCC 11-6-6 regarding landscaping adjacent to Sweet-Ola Highway and other relevant sections of this ordinance.
4. The applicant shall comply with GCC 11-11-4 to provide off-street parking spaces for the new use. The number of spaces shall be determined by the Commission as part of the Special Use Permit hearing and based upon the building area and vehicles used in the

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5. operation of the business. All required parking areas shall be improved with such material to provide a durable and dust free surface.
6. The applicant shall comply with GCC 11-6-5.M. regarding screening of any outdoor storage of materials on the site.
7. The permit is subject to an annual review.
8. The permit is non-transferable to another property.
9. Any signs associated with the new use must obtain a separate sign permit and must comply with the Gem County Sign Ordinance (Chapter 10).
10. Applicant shall comply with all applicable Impact Agency requirements.
11. All vehicular access to the use shall be taken from existing driveways. No other new access points are permitted.

**The motion received a second.**

**Vote:** Unanimous.

**Item Three- A Special Use Permit by Grand Castle Auto repair to allow an auto repair shop. The property is located at 7110 West Highway 52. T 06 North, R 02 West, Section 07.**

Sissy Stewart showed a power point presentation on different views of the property.

No ex parte or conflicts of interest were reported.  
Steve Ethington has prior knowledge of property.

Letters read into record:  
Southwest District Health.  
Idaho Transportation Department.  
Walter Dittman-Opposed.  
John Olson-Opposed.

**Bob Tawney-7110 Highway 52.**

I just want a part time hobby after I retire from the prison. I would like to have something to do and offset insurance. I put down four to five cars as a maximum but I highly doubt that it will be that many. It will be less than what my neighbor has go through his yard every single day. We have a narrow 5-acre piece of land and my neighbor did not like where I placed the shop because it blocked his view. I had no room to place the shop in the front part. He has forty acres and he chose to place the home where he did.

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

**Martin Fry-2321 Brogan Road.**

I am directing my point to the narrative that the applicant was supposed to submit and address certain points according to Chapter 7 page 118 of the Planning Commission book that I have. And so far those points have not been addressed. This is a point of information to whether or not this application is complete because the effect on the neighbors has not been addressed. First of all the document from the department of highways doesn't even say anything, it doesn't even address the curve on Highway 52. This is comparable to Tom's Cabin Road where we have had several deaths from time to time. There are special conditions when there is low ground fog and you cannot see around that corner. Extra traffic is a huge concern; we need an opinion from a licensed engineer on a traffic study of that corner. The County could be liable for any accidents that happen there. I would like to submit some pictures on an auto shop that you approved for a Special Use Permit and how many cars are parked out there. There is no way to control violations we have a weak enforcement system here. Chances are if a complaint is turned in, nothing will happen with it. One thing he should have brought up is the value of his neighbor's property since he is going from an agricultural piece of property towards urban. We have a letter stating that this business will depreciate the neighbor's property but increase his property value. I cannot believe that anybody would want to see in an urban area where businesses contaminate the area.

**J.B.-**You submitted pictures of a Special Use Permit that you say is not in compliance, have you filed a complaint?

**Martin Fry-** I didn't say they weren't in compliance, I have no way to know whether or not they are in compliance. I am saying that Special Use Permits for small businesses can end up looking like those pictures over the weekend with seventeen cars.

**Walt Dittman-7120 W. Highway 52.**

First Bob was going to place the shop up front between his and his mother's place. He is going to buy cars at an auction and fix them up and sell them. He decided to put the shop in the back and I told him that I had a problem with and why I had a problem with it and he just ignored that. He has plenty of room to push it towards his mother's home that is a temporary permit and it will be removed when the need ceases. Why Bob chose to infringe on my privacy I have no idea. If you people would just go look at the property and the situation, have you done that? You can make a decision on this without having to see the property? This shop is only 150 feet away from my house. It seems to me that this is a deception to build a shop of this size and have this type of investment for it to be part time hobby. If it were going to be for a little money, the shop would have been smaller and closer to his residence. This shop is a full-blown auto shop and there will be a lot of traffic and noise right by my house. Those high doors could accommodate large vehicles, motor homes, buses etc. If you issue this there is no way to enforce the conditions you put on it.

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Everybody who has been to my house has wondered what that building was all about. This permit will affect me directly. I don't know anyone that would want this right out their window. If you deny this because of the points I have brought up tonight and by my letter I ask you to consider the points from the professional realtor. He had full intention on this being an auto shop when he built it and I don't know how he can do that. I do not want all that traffic by my house.

**Steve Ethington**-How long have you lived there?

**Walt Dittman**- I have lived there for fourteen years and you can see by the pictures I have submitted that Bob is already in violation with all the junk and cars he has on the property.

**Norma Decordova**-1477 Morehouse Road.

I am opposed to this mainly because of the traffic on the highway and because auto shops have junk cars and parts around their business. I would like to know how many cars will be allowed, because I have had some issues with a Special Use Permit in the past. I do worry about this devaluing my property.

**Tim Tawney**-2856 Main Street.

The vehicles you see in the pictures are mine and my brother has been holding them for me while I moved from Boise and they will be removed next week. I can vouch for my brother, we owned an auto shop in Colorado and he is a clean freak. There is no way he will let his place look like the place on Main Street. You won't see cars left there for long periods of time. Mr. Dittman does the same thing in his shop and doesn't worry about my mother's home. I went out to my shop that is fifty feet from the house to see if my wife could here me working and she could not. He is farther away from my brother's shop so he is lying to you.

**Walt Dittman**-On this application it comes down to the narrative, there are some points that have not been addressed and I don't have a copy of what Bob addressed, do any of you?

**Chairman Wilkerson**- Those nine points that you see on the application are for us to determine whether or not we approve a Special Use Permit.

**Bob Tawney**-As far as the noise he states in the paper there has not been any revving of engines or bad exhaust. As far as traffic he and his friends are constantly bringing in several horse trailers constantly on that corner. He never had a problem with me building a shop if I was going to put it up front. You can see in the pictures that his shop is right in front of my mom's house. This is a cinder block building that is gratted solid and pretty much sound proof, the doors are insulated and they are not cheap. An impact wrench is not that loud, my compressor will be behind the shop in an enclosed cinder block room. There will be no noise from the compressor. I did not place the shop there to block his view; I just didn't have any other place. He chose to place his home right on top of us.

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**Steve Ethington**-How much traffic do you anticipate?

**Bob Tawney**-Not a whole lot, I have worked on cars my whole life and I don't want this to be full time. I wouldn't see ever going over four or five cars maximum, but that wouldn't be per day there is no way I could do that many cars a day.

**Steve Ethington**-What about junking out cars and leaving junk around?

**Bob Tawney**-I don't like to have junk lying around, you can see by our house that we are clean. I won't be working on any of the big trucks so there will be no chance of that.

**Steve Ethington**-In the past when there was junking out cars, we have required a tall solid fence so no one can see the junk, would you be willing to do that?

**Bob Tawney**-I don't foresee that ever happening and if came to that I would build another storage shed to put the parts in.

**Fred Nussbaumer**- Will you be the only one working out of the shop?

**Bob Tawney**-Yes.

**Jim Hutchins**-In this one picture there is a few cars, are these the ones your brother was talking about?

**Bob Tawney**- I let my brother place these vehicles behind the shop while he sold his house in Boise. He will be moving them right away, as soon as the ground dries out. Everything behind the shop is his and will be removed.

**J.B.**-Would you have a problem with us putting a restriction that those items need to be removed before this permit is approved?

**Bob Tawney**- No.

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

**J.B.**-I think the applicants are poorly served when they say there is no noise or revving of the engines, that can't be. I don't think it helps them to say there won't be noise. I have no problem with the location or size of his building.

**Brent Jensen**-This Commission knows that I go to bat for a person's right to have a business on their property. However, I do not feel that this application meets all the nine points on the application. The neighbor's thought that he destroyed his view of the Butte is

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unfortunate but that is what happens. I do feel that this will have an effect on the neighbors because of the noise. I recommend that we deny this. I also feel that in the Public Hearing process, the effect on the neighbors needs to be a consideration as long as they aren't selfish requests. The fact that the shop is only 150 feet away from the neighbor's house should be considered.

**David Hargraves**-So, Brent you are saying that 150 feet is too close.

**Brent Jensen**- Yes, I feel that 150 feet is too close to the neighbor's residence since he has 5 acres to build on.

**Steve Ethington**-I see what you are saying Brent, but is there a way we can satisfy both parties by requesting that a buffer be placed to block the neighbor's view of the shop

**Brent Jensen**-Lets see what you can come up with.

**Steve Ethington**- I have seen several nurseries that have ten-foot arborvitaes and it would completely block the shop. That would shield the noise also.

**Chairman Wilkerson**-With this being a non-home occupation we can put a stipulation that he needs to provide a 25-foot buffer. That could be a berm or two or three rows of arborvitaes. We can stipulate that only four cars at a time be on the property and if he goes over that the Transportation Department will require a change in access to commercial.

#### **Discussion.**

**Jim Hutchins**-I think a vegetation buffer would help the noise issue more than a berm or screened fence. We can stipulate the size of the vegetation when planted.

**J.B.**- Made a motion to approve the Special Use Permit for Grand Castle Auto repair to allow an auto repair shop with the following stipulations:

1. The applicant shall submit a statement to the P&Z Commission that the on-site trailer currently approved under a Temporary Hardship Permit is still compliant with the terms of that permit. If the trailer is being used for any other occupant or use than approved under the hardship permit, no Special Use Permit will be issued.
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 7110 W. Hwy. 52.
4. Any new signs for the business shall comply with Gem County Sign Ordinance (Chapter 10).
5. Uses associated with the auto repair shop shall not generate a noise level greater than 60

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decibels (dBA) detectable at the property line before 8:00am or after 5:00pm.

6. Auto body painting work is prohibited as part of the auto repair shop.
7. The use, disposal and storage of any oils, solvents or other potentially hazardous or toxic substances shall be done in accordance with all applicable laws and practices.
8. No employees other than residents of 7110 W. Hwy 52 shall be hired for the business.
9. No retail sales are permitted on the site.
10. All vehicular access to the use shall be taken from existing driveways. No other new access points are permitted and no new address will be assigned to the auto shop.
11. All business transacted with the public that is associated with the auto repair shop shall be limited to the hours of 8 a.m. to 5 p.m. Monday through Friday. This does not apply to personal or private use of the shop.
12. No more than four customer cars (in addition to those licensed to the property owner) are permitted at any given time and all vehicles must be currently licensed and registered.
13. A buffer of vegetation of plants that shall grow over ten feet tall with maintenance and at the time of planting need to be at least six feet tall need to be placed three foot on center prior to operating the business.

**Motion received second.**

**Vote:** Unanimous.

**Item Four- A rezone request by Patricia Anderson executor for the William D. and Virginia A. Brown trust to rezone two existing parcels totaling approximately 25.77 +/- acres from A-2 Rural Transitional Agriculture to C-2 Commercial. The general location is 2210 West Highway 52. T 06 North, R 02 West, Section 14.**

Sissy Stewart showed a power point presentation on different views of the property.

No exparte or conflicts of interest were reported.

Letters read into record:  
Southwest District Health.  
Idaho Transportation Department.

**Toni Judy- 385 Highway 52.**

I am representing the Brown family trust and the intention is to rezone these two properties to commercial. The 14.2-acre piece is next to Unimin and the 11-acre parcel is next to that. The 14.2-acre parcel is listed and is on contract pending this hearing. The 11-

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acre parcel is not for sale, she was told that it would be for her best interest to rezone both properties at the same time. We are trying to kill two birds with one stone.

**Brent Jensen**-I see here on the application that light industrial has been scratched out and commercial has been added in. You are trying to go to commercial? All the surrounding property is heavy or light industrial or ag. So these parcels will be an island of commercial property.

**Brad Hawkins-Clark**- That is one way to look at it. Just to point out that the mixed-use zone allows several zones.

**Jim Hutchins**-Brad, is this property in the 660-foot corridor?

**Brad Hawkins-Clark**- I don't believe so. The mixed use does not extend that far.

**Chairman Wilkerson**-According the zoning map here in front of me the mixed use stops at Airport Road.

**J.B.**-Ms. Judy, you say this parcel is under contract? Is it to sell or purchase?

**Toni Judy**-This property is under contract for sale.

**Chairman Wilkerson**- There is a little piece of property shown on the map, will they still access off of the highway? Is that a deeded piece?

**Toni Judy**- Yes, that is a deeded strip of land.

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

**Virginia Davis**-91 W. Oakhampton Eagle Drive.

I am speaking in behalf of a family based LLC.that has a contract to purchase this property. I live in Eagle, but I have family that lives here in Emmett. We have met with EDGE and looked around. We have done some other commercial developments and some things like that in areas and we would like to provide some services to Emmett that would benefit the area. We have a variety of different skills and services and we would like to bring those to this area. We have been working with property owners nearby to see what is best for the area. We think it would help support the industrial park with some retail services nearby. We are in favor of this rezone.

**Bill Stirling**-Idaho City.

I am in favor of this rezone and I am a fan of industrial and commercial land. I own industrial property across the street from this piece. This is a great area for commercial

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property and there is a great saddle shop next to this property. I own the property right behind this piece and I am definitely in favor.

**Bob McFadden**-1671 Airport Road.

I own the property just to the East of this property looking to be rezoned. I own a saddle shop there. After the moratorium I will apply to rezone my property to commercial also. My property is on the market and there have been several inquiries to buy this property if it was commercial. I am in favor of this rezone.

**Morris Huffman**-109 South McKinley.

I work for EDGE for Gem and Boise Counties. I would be in favor of this rezone. There will be other pieces that will apply to be commercial adjoining this property. I don't think this is far from the commercial in the mixed-use zone. This is a logical extension and I think there is a need for the things that could occur on commercial land that could not occur in industrial zones.

**MillieENZler**-675 Spyglass Way.

I am in favor of bringing commercial real estate to the area.

**J.B.**- How does this affect you ma'am?

**MillieENZler**- I am part of the family that is purchasing the property.

**JimENZler**-675 Spyglass Way.

We love Idaho and we would love to be a part of the growth that is happening in this area and our intention is to do what is right for Emmett.

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

**J.B.** -Made a motion to recommend approval of the Rezone for Patricia Anderson to rezone approximately 25.77+/- acres as the request complies with the Comprehensive Plan.

**The motion received a second.**

**Vote:** Unanimous.

**Regular Meeting:**

**Item One – A request to vacate platted easements by Kap, LLC. / Terry Phillips to allow a lot line adjustment in order to maximize use of designated lots. The property is located at Pickets Corral #4 lots 33, 34, 35, 36, 37, and 38. T07 North, R 01 West, Section 35.**

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Letters read into record:  
Southwest District Health.  
Charter Cable Company.

**Jim Hutchins**-Made a motion to recommend approval of the Vacation of the platted easement by Kap, LLC. /Terry Phillips to allow a lot line adjustment in order to maximize use of designated lots.

**Item Two – Approval of Minutes of February 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 Three – Items from the Public.**

None.

**Item Four– Items from the Planning Director/Administrator.**

**A. Recent Board of Commissioner Meeting Decisions.**

None.

**B. Draft Chapters of the Gem Community Comprehensive Plan.**

**Brad Hawkins-Clark**-All the chapters of the Comprehensive Plan are complete except for transportation and open space recreation. We will mail those out to you in the next couple of days.

**C. Discuss Special Meeting to be held between City and County Planning and Zoning Commissions for Comprehensive Plan workshop.**

**Brad Hawkins-Clark** – We need to have a joint meeting with the City and a workshop on the subdivision draft. Both in the same night might work. Monday, March 27<sup>th</sup> at 6:00 P.M. to be held at the City Hall. The Comprehensive Plan discussion will be held first and then we will discuss the Subdivision Ordinance.

**Sissy Stewart**-We really recommend that you attend the Will and Jerry show. It is going to be April 8<sup>th</sup> from 9:00 a.m.to 3:00 p.m., it is on a Saturday.

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

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**J.B.-** Brent, I want to apologize I wasn't trying to buffalo it thorough. I didn't mean to cut off any of your discussion.

**Brent Jensen-** It is industrial out there and my concern is in the big picture do we want to throw an unlimited island of commercial in an industrial area? The lumberyard is a retail yard but it isn't a coffee shop or beauty shop. My tendency is to keep retail close to town instead of spreading it out.

**Chairman Wilkerson-** I think it would be a good ideas to have a mixture of things.

**J.B.-** At least their comment was to support the industrial park; there may be an awful amount of employees out there. I don't know that we will we ever get a commercial Home Depot here but if we were to it would be out there.

**Steve Ethington-**I would like to see the staff have the applicant submit a mandatory site plan and landscape plan before the hearing on Special Use Permits. There needs to be a precedence set. I am feeling that until we have a detailed landscape plan we should deny the applications.

**Brad Hawkins-Clark-** The Landscape Ordinance is 40 pages long so we could spend a lot of time on it. It is very clear on most of this stuff.

**Steve Ethington-**Your office will have to be the judge of that, if it is big project then we need a large plan if is a small project then we will need a small plan.

**Brent Jensen-** It can be fairly simple though if you go through the nine items and your landscape plan helps you meet those requirements.

**Chairman Wilkerson-** The plan stresses landscaping, parking, locations of buildings, and loading zones. When they come in for an application this needs to be a part of the application or you don't accept their application in your office.

**J.B.-**Brad, are you working with the City also?

**Brad Hawkins-Clark-** Yes.

**J.B.-** Like Fred mentioned to me, what about Albertson's who let all their trees die? What can we do about that?

**Brad Hawkins-Clark-** There is a maintenance part of the Landscape Ordinance, but I am not sure if Albertson's came in under that Ordinance?

**J.B.-** What is the City and County doing to get an ordinance enforcement officer?

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**Brad Hawkins-Clark-** The City is very much there they are extremely close to putting out an ad. Thirty percent of the new person in our office will be code enforcement. The job opening closes the 31<sup>st</sup> of this month.

**Chairman Wilkerson-** I have a stack of past applications, does the County have some sort of shredding to take care of it?

**Sissy Stewart-**The Treasurer's office contacts us when the shredding company is going to be here.

**Brent Jensen-** I would like to thank the staff for the new staff reports. They have improved so much and they are very helpful.

**Chairman Wilkerson-** We also need to thank them for the power points.

**Brent Jensen-** We need to format the Public Hearing a little bit. We need to put a time limit on presentations and specify a time for the power point presentation before the applicant stands up.

**Item Six-Adjourn.**

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

**The motion received a second.**

**Vote:** Unanimous.

Chairman Wilkerson closed the meeting at 10:05 p.m.

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Chairman

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Secretary