

*February 12th Meeting*

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*2       **GEM COUNTY PLANNING AND ZONING PUBLIC HEARING***

*3*

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*6       **Date: February 12, 2007***

*7       **Time: 7:06pm - 10:38pm.***

*8       **Place: Gem County Courthouse***

*9*

*10       **MEMBERS PRESENT:***

*11       **Don Wilkerson, David Poole, Fred Nussbaumer, J.B., and***

*12       **Brent Jensen***

*13*

*14       **OTHERS PRESENT:***

*15       **Brad Hawkins-Clark - Planning Director/Administrator, David***

*16       **Hargraves - Deputy Prosecuting Attorney, and Dena Shaw -***

*17       **Administrative Assistant***

*18*

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*24       **Transcription is a summary of the meeting, not verbatim.***

*25       **Transcribed from recording by Amanda Shaw.***

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**ITEMS REFERENCE PAGE**

**CONSENT AGENDA:**

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**REGULAR MEETING:**

11

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**Item No. 4 Items from the Deputy District Attorney**

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**Item No. 5 Items from the Planning and Zoning**

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**PROCEEDINGS**

3

*City of Emmett, Gem County, February 12th, 2007*

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*(First 3 minutes of meeting not recorded.)*

6

7 *Consent Agenda - Item No. 1A Crisp Subdivision*

8

9 *MR. DON WILKERSON: On page 5 of the staff report, item 7,*

10 *it's concerning the right-of-way. It says that the Prosecuting*

11 *Attorney's Office will need to comment on this issue. So is*

12 *there anything that we need to address there?*

13 *MR. DAVID HARGRAVES: Staff and I have been discussing the*

14 *best way to handle that. There may be a way to do that but I*

15 *don't think you need to worry about that.*

16 *MR. DAVID POOLE: That's something that can be dealt with*

17 *staff.*

18 *MR. DAVID HARGRAVES: I think so.*

19 *MR. FRED NUSSBAUMER: On page 3 of 7, item no. 1, you have*

20 *a sentence in there that the Commission Board may want to*

21 *comment on the discrepancy on the application in the review*

22 *meeting. Is that in regards to separate wells?*

23 *MR. BRAD HAWKINS-CLARK: Yes. That is referring to the*

24 *wells. We have the Zoning Ordinance, which has a current*

25 *requirement for that zone, to have shared wells. Then the*

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1 *Subdivision Ordinance requires central water where any lot is 1*  
2 *acre or less. I think this County's position has been that if*  
3 *your in an R-Zone, then you need to do a shared well. That's*  
4 *based on the Zoning Ordinance. So that would be the consistent*  
5 *interpretation.*

6 *When we adopted the new Subdivision Ordinance, we had this*  
7 *one section in the Subdivision Ordinance that says the central*  
8 *water being 1 acre or less. These are more than 1 acre. This*  
9 *is 1.6 and 2.1. I was just pointing that out in the report.*

10 *The waivers have to be, ultimately, approved by the Board. So*  
11 *if you want to give your comments on whether you want the shared*  
12 *wells or not, we would welcome that and pass that on to the*  
13 *County Board of Commissioners.*

14 *MR. J.B.: I'm of the opinion that since our standard has*  
15 *been 1 acre or less has been shared wells on the subdivisions*  
16 *that this waiver on this one would not be inappropriate.*

17

18 *(Don Wilkerson made the motion to approve the Crisp*  
19 *Subdivision, Brent Jensen seconded the motion, and it carried*  
20 *unanimously.)*

21

22 *Consent Agenda - Item No. 1B - Garcia Subdivision*

23

24 *MR. DAVID POOLE: Is there anybody that wants to pull*  
25 *anything from the minor subdivision review consent agenda?*

□

*February 12th Meeting*

1 **MR. DON WILKERSON:** *I have a question on Garcia for*  
2 *clarification. Looking at the plat map that was given to us in*  
3 *the staff report along Lower Bluff Road plat map shows a center*  
4 *line right-of-way of 30 feet and your staff report says there*  
5 *should be an additional 10 feet; will that be part of it?*

6 **MR. BRAD HAWKINS-CLARK:** *Yes it will. It is under John*  
7 *Henderson's comments. We required his comments to be adhered*  
8 *to. It's his second paragraph. It says to change it from 30 to*  
9 *40.*

10 **MR. BRENT JENSEN:** *On that setback on Lower Bluff, the*  
11 *staff recommends setting the fence back. We also need to*  
12 *include setting the existing waste ditch back so it remains on*  
13 *the property and does not become established on the County*  
14 *easement property. In the past, we've had problems with waste*  
15 *ditches becoming our County property.*

16 **MR. BRAD HAWKINS-CLARK:** *So are you suggesting that we add*  
17 *that so it gets covered in the future?*

18 **MR. BRENT JENSEN:** *Yes.*

19 **MR. DAVID HARGRAVES:** *You might want to pull that off your*  
20 *consent agenda then.*

21

22 *Consent Agenda - Item No. 1C - Bowman Subdivision*

23

24 **MR. DAVID POOLE:** *Anything on the Bowman Subdivision before*  
25 *we make that decision?*

□

7

1 **MR. DON WILKERSON:** *There was a comment about the*

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2 *irrigation easement. In the irrigation letter it says that the*  
3 *developer must install additional buried pipe to guarantee*  
4 *delivery of water to lot 1 and show an irrigation easement, but*  
5 *what was presented to us by the plat, it looks like there's*  
6 *already a 10 foot irrigation easement to lot 1. That's kind of*  
7 *a jog there to lot 2. Then irrigation easement extends on to*  
8 *the west to lot 1. So I don't know if that has to be clarified.*  
9 *It looks like there's already an easement there.*

10 *There's an \$1800 per building lot fee for future road*  
11 *maintenance. I believe one of the applications says there's a*  
12 *no-build agreement. So they can pay that later down the road.*  
13 *How come that's not offered to every one of these three subs?*  
14 *It's not stated in the other two.*

15 *MR. BRAD HAWKINS-CLARK: It should be.*

16 *MR. DON WILKERSON: It's an open agreement to anybody on a*  
17 *minor sub then.*

18 *MR. BRAD HAWKINS-CLARK: Yes.*

19

20 *(Don Wilkerson made a motion to approve the Bowman*  
21 *Subdivision, it was seconded by Brent Jensen and motion carried*  
22 *unanimously.)*

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*February 12th Meeting*

2 *Subdivision*

3

4 *MR. DAVID POOLE: Does somebody want to make a motion to*  
5 *pull the Garcia Subdivision off the consent agenda?*

6 *(Don Wilkerson made the motion to pull Garcia Subdivision*  
7 *from the Consent Agenda, Brent Jensen seconded the motion, and*  
8 *it carried unanimously.)*

9

10 *MR. BRENT JENSEN: All we want to do is make sure the ditch*  
11 *is moved back with the fence and not left in the right-of-way.*

12 *MR. BRENT JENSEN: I will move that on Minor Subdivision*  
13 *Garcia we approve staff recommendations with the following*  
14 *addition, that on item number 3, page 6, modify clause c to*  
15 *include the existing waste ditch to be moved with the fence at*  
16 *the time of any future road widening.*

17 *MR. J.B.: I'll second it.*

18 *MR. DAVID POOLE: All those in favor signify by saying I.*

19 *Opposed same side.*

20

21 *(Motion carries unanimously.)*

22

23

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25

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1 *Public Hearing - Item No. 1 - Amendments to Gem County*

2 *Subdivision Ordinance, Tittle 12*

*February 12th Meeting*

3

4 *MR. BRAD HAWKINS-CLARK: We do allow private roads in*  
5 *subdivisions in two cases. If their going to do a private road,*  
6 *then we have about nine different standards that they have to*  
7 *meet. The language we used in writing the ordinance referred,*  
8 *specifically, to dwelling units.*

9 *If somebody comes in with a new private road and your*  
10 *coming across an easement and you have several parcels off of an*  
11 *existing roadway and if we're only counting dwelling units,*  
12 *which is the literal reading of the way we've drafted the*  
13 *Subdivision Ordinance, then it becomes a situation where there*  
14 *may be ten because that's what the ordinance says. Let's say*  
15 *there's nine building parcels back there already. They don't*  
16 *all have dwelling units but there are nine building parcels that*  
17 *were grandfathered in or they were created through the old split*  
18 *rule or the administrative split rule or somehow there's*  
19 *buildable parcels that are back off this easement. If we say*  
20 *dwelling units, in our opinion, we're setting ourselves up for a*  
21 *situation where we may be taking somebody's right-of-way who*  
22 *think they have a building permit because they have a*  
23 *grandfathered in parcel. They may not want to build for 5 years*  
24 *and the other people on that lane do build ahead of them. So*  
25 *all of a sudden you have 10 building units on a private lane and*

□

10

1 *somebody who had the ability to build before can't so we're just*  
2 *trying to protect the people that have existing building rights.*

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3 *MR. DAVID POOLE: So your resolution to this is that*  
4 *striking dwelling units and replace it with building parcels*  
5 *and/or lots.*

6 *MR. BRAD HAWKINS-CLARK: That's correct. That's really the*  
7 *driver for this. I mean, we added the clarification for this*  
8 *under section 6-1F-4A that just says maintain from the public*  
9 *road to and through. We haven't had that as an issue but we*  
10 *thought that since we're modifying this section we'd do that*  
11 *too.*

12 *MR. J.B.: First of all, I don't understand why dwelling*  
13 *units doesn't automatically include buildable lots. Wouldn't it*  
14 *just be easier to change the definition of building unit to also*  
15 *include a potential for a building unit? Just change the*  
16 *definition of what you're calling a dwelling unit.*

17 *MR. DAVID HARGRAVES: With this one we changed about four*  
18 *words. With a definition, it would probably take a whole*  
19 *paragraph to explain the definition of a dwelling unit.*

20 *MR. DAVID POOLE: Is there anyone in the public that would*  
21 *be interested in making comment on item one on our agenda?*

22 *MR. ROGER BENNIE: I have one question and I'm thinking of*  
23 *my own property. There are three 10 acre lots before we get to*  
24 *my place. Each one of those could be split into two. Now will*  
25 *that count?*

□

11

1 *MR. DAVID POOLE: You mean potential acres.*

2 *MR. ROGER BENNIE: Potential.*

3 *MR. DON WILKERSON: It can be four 2 acre lots or five 2*

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4 *acre lots.*

5 *MR. DAVID HARGRAVES: Not until it's split.*

6 *(There was no further public input. Mr. David Poole closed*  
7 *the public hearing portion and brought the item before the Board*  
8 *for discussion.)*

9 *MR. DON WILKERSON: I make a motion to recommend this*  
10 *amendment to the Subdivision Ordinance, Tittle 12, to the Board*  
11 *of County Commissioners as presented by the staff.*

12 *MR. BRENT JENSEN: I second that.*

13

14 *(Mr. David Poole called for a vote on the motion and it*  
15 *carried unanimously.)*

16

17 *Public Hearing - Item No. 2 - (Continued) Final Planned Unit*  
18 *Development (Blackstone PUD) - Serge Engurasoff*

19

20 *(Mr. David Poole asked the Commission if there was any ex*  
21 *parte communication, site visits or conflict of interest and the*  
22 *Commission replied that there was not. Then the Chairman*  
23 *requested that the spokesperson for this application.)*

24 *MS. ANGELA COMISH: The first issue from staff was*  
25 *regarding the open space. We changed things so that there is*

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12

1 *open space around each individual unit.*

2 *(Mr. Don Wilkerson and Ms. Angela Comish had discussion on*  
3 *the size of the potential houses being built. They are going to*

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4 *be two-story not three-story and if the buyer is wanting to*  
5 *change anything about the shape or size of the home, then they*  
6 *will have to come before the Commission because it would be a*  
7 *change to the plat.)*

8 *MS. ANGELA COMISH: Then next item from staff is future*  
9 *special use permits. We just have a few requests for a special*  
10 *use permit but beyond those, they will have to come before the*  
11 *Board with anything. Then my client can take this list before a*  
12 *realtor who can market it and say here are the possible uses*  
13 *that are approved.*

14 *(These are the following uses that Ms. Angela Comish named:*  
15 *Restaurant including a coffee shop, ice cream store, juice bar,*  
16 *deli, or expresso. Professional offices including doctors,*  
17 *dentist, optical, architects, engineers, attorney, real estate,*  
18 *investment banking, grocery, and pharmacy. Light retail*  
19 *including apparel, hair cut place, post office services.*  
20 *Professional services or organizations like fire protection and*  
21 *police. Convenient store/gas station with limited hours of*  
22 *operation from 6am to 11pm.*

23 *The Chairman had concerns with the term grocery and there*  
24 *was discussion on it. Angela Comish stated that there is a*  
25 *limited amount of space for it and it would be restricted in*

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13

1 *size. It would be more like a corner market.)*

2 *MR. DAVID POOLE: Now because this is under public hearing,*  
3 *without the elevations for those suggested buildings, is this*  
4 *something we'll need to continue so that the public hearing can*

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5 *continue to be here or is it something we can make a*  
6 *determination on tonight and pass on to the Board of County*  
7 *Commissioners?*

8 *MR. BRAD HAWKINS-CLARK: To me, it's up to the applicant.*  
9 *If the goal is to be able to get through the PUD and pull a*  
10 *building permit the next week, then I think we would need to see*  
11 *that. If you want to put it to the Board, then that could be an*  
12 *option.*

13 *MR. J.B.: We would still have the power to effect, through*  
14 *a special use permit, the design. So I don't see any reason why*  
15 *not to address these types of uses.*

16 *(Ms. Angela Comish then discussed the exceptions that were*  
17 *listed on the staff report and her answers to them, which were*  
18 *included in a packet that was given to the Commission and staff.*  
19 *They discussed home and signage sizes, siding of the homes,*  
20 *sewer systems, wetlands, traffic study, surface water study,*  
21 *neighborhood meeting, stub street, CC&R's, fire, local streets,*  
22 *and irrigation.*

23 *After that discussion, the Chairman asked for any public*  
24 *input.)*

25 *MR. MIKE THORTON: I just have a question. Are they going*

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14

1 *to block the back of those buildings so it will be pleasing to*  
2 *the eye when you drive by it?*

3 *MR. DAVID POOLE: That's the intention of all of this.*

4 *MS. MARY WALKER: I'm concerned about the entrance into the*

5 facilities. There is a blind spot. It might be something you

6 want to look at.

7 (Mr. David Poole closed the public portion and brought the

8 item before the Board for discussion.)

9 MR. J.B.: I'd like to make a motion that we recommend to

10 the County Commissioners that they approve this as it's been

11 presented.

12 MR. BRENT JENSEN: I second that.

13

14 (Mr. Chairman asked for discussion on the motion and there

15 was none. Then the vote was done and the motion carried

16 unanimously.)

17

18 Public Hearing - Item No. 3 - (Continued) Preliminary

19 Subdivision Plat (Blackstone PUD) - Serge Engurasoff

20

21 MR. ROGER BENNIE: We've made the adjustments that were

22 recommended by the Commission. We've added the streets and

23 changed the lot configuration around.

24

25 (Mr. Chairman asked for questions from the Commission for

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15

1 Mr. Bennie and there was none. Then Mr. Chairman asked for

2 comments from the public.)

3

4 MR. MIKE THORTON: My question would be with this design.

5 It's going to be really hard for people driving down Washington

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6 *to see these businesses.*

7 *MR. EARL LOUIS: What are the setbacks off the road around*  
8 *the perimeter of that on Washington and Central.*

9 *MR. ROGER BENNIE: There's a landscape buffer on the sides.*  
10 *It's 25 feet all the way down Central. It's a landscape*  
11  *easement. So there will be trees planted all the way down*  
12 *Central.*

13 *(Mr. Earl Louis also stated concern about the height of the*  
14  *townhouses and wants the speed limit lowered on West Central*  
15 *Road since there will be more traffic.)*

16

17 *(Mr. Chairman closed the public portion of the hearing and*  
18 *brought it before the Board for discussion.)*

19

20 *MR. J.B.: I make a motion that we recommend to the County*  
21 *Commissioners that they approve this Preliminary Subdivision*  
22 *Plat as presented.*

23 *MR. DON WILKERSON: I second.*

24

25 *(Mr. Chairman asked for discussion on the motion and there*

□

16

1 *was none. The vote was taken and the motion carried*  
2 *unanimously.)*

3

4 *A short recess was taken.*

5

6 Public Hearing - Item No. 4 - Special Use Permit #SUP-06-002

7 Equity One Real Estate

8

9 (Mr. Chairman asked if there had been any ex parte

10 communication, site visits, or conflict of interest. There was

11 none.)

12 MR. BRAD HAWKINS-CLARK: The order that the Board of County

13 Commissioners prepared was specific to the traffic study. This

14 was noticed as a new public hearing. We had to do that. It

15 went through all the standard noticing as if this were the first

16 time this came before you. It is your public hearing. You have

17 the ability to conduct this as you see fit. The reason the

18 Board of County Commissioners remanded it was because you did

19 not have a detailed traffic study completed prior to the last

20 public hearing.

21 The record remains for this application from the first

22 meeting. You can make your decision on both that prior

23 information and the information you see tonight.

24

25 (There were five new letters provided by the applicant that

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17

1 were acknowledged into the record by the Chairman.)

2

3 MS. CARRIE CRISP: Just to let you know, the only things

4 I'm touching on are concerns that were on your original findings

5 and the traffic study. I'm not recovering any ground that we've

6 already covered.

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7 *(Ms. Carrie Crisp showed some visual aids and explained*  
8 *them. There was also discussion on the signage.)*

9 *MS. CARRIE CRISP: The traffic study we had done states we*  
10 *are a low impact office. It does make the recommendation for*  
11 *the change in the entry and we are fine with that. It also*  
12 *recommends that the large vegetation along the south boundary be*  
13 *taken out. It states here under background traffic they do*  
14 *figure in a 3% per year growth.*

15 *(Ms. Crisp continued to go through the traffic study and*  
16 *highlight certain points in it.)*

17 *MR. DON WILKERSON: It looks like the engineer only did the*  
18 *traffic study for 15 minutes. It says on here .25 of an hour.*  
19 *Is that correct?*

20 *MS. CARRIE CRISP: I don't know. I hired a paid*  
21 *professional.*

22 *(Mr. Don Wilkerson and Mr. J.B. continued to express his*  
23 *concerns regarding the traffic study.)*

24 *MR. J.B.: I'm opposed to the signage being on the Highway*  
25 *because it's too distracting.*

□

18

1 *(Mr. Chairman asked for public input.)*

2 *MR. BRYCE WALKER: In favor.*

3 *MRS. JEANETTE MEDNICOFF: In favor.*

4 *MR. JOHN NORMAN: Against the application.*

5 *MR. TOM NICHOLAS: Against the application.*

6 *MS. TANYA KEENE: Against the application.*

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7 *MS. LINDA SWICKERD: Against the application.*

8 *MS. KATHY HOBDEL: Against the application.*

9 *MS. BETTY MCCALLICK: Against the application.*

10 *MR. UNKNOWN MCCALLICK: Against the application.*

11 *MS. CARRIE CRISP: 90% of our work is not done in the*  
12 *office so we don't have a lot of volume. Most of the other real*  
13 *estate offices are located in remodeled, old homes. I don't*  
14 *think they have caused a lot of traffic jams.*

15 *I want to note that there was not a new staff report*  
16 *generated for tonight's meeting. So we asked if there was*  
17 *anything additional that needed to be addressed. My*  
18 *understanding, from talking with Jennifer, was that there was no*  
19 *need for a new report because staff felt their concerns had been*  
20 *covered the first time.*

21 *(Mr. Chairman closed the public portion of the meeting to*  
22 *bring the application before the Board for discussion.)*

23 *MR. J.B.: I think this traffic report has no value. This*  
24 *is, however, zoned mixed use. The neighbors talk about*  
25 *preserving the character of their subdivision. I think an*

□

19

1 *argument could be made that the mixed use piece of property was*  
2 *there first before the subdivision went in.*

3 *MR. DAVID POOLE: I don't know if that's the case, J.B.. I*  
4 *think the subdivision was there first.*

5 *MR. BRENT JENSEN: My concern, after listening to all of*  
6 *the testimony, is that because there's only 200 feet of*  
7 *Substation south to the Highway off of Sundown, traffic will be*

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8 *tempted to detour around Shadow Drive to access Substation. So*  
9 *it will increase traffic in the subdivision. Another thing that*  
10 *concerns me is the business hours. My recommendation would be*  
11 *to deny the SUP because on page 5 of 8, it's not in harmony with*  
12 *the current use of the area. Also, item B and item D, it does*  
13 *present hazards to the neighborhood.*

14 *(The other Commissioners had the same concerns as Mr. Brent*  
15 *Jensen.)*

16 *MR. FRED NUSSBAUMER: I move that we deny this special use*  
17 *permit, SUP0-6-002, based on the testimony that has been*  
18 *presented here tonight.*

19 *MR. BRENT JENSEN: I'll second that motion. I'd like to*  
20 *amend the motion to add that the special use permit will not be*  
21 *a harmonious use with the residential area and it also*  
22 *introduces traffic hazards.*

23 *MR. FRED NUSSBAUMER: I second.*

24

25 *(Mr. Chairman asked for discussion on the motion and there*

□

20

1 *was none. Then Mr. Chairman called for a vote on the motion and*  
2 *it carried unanimously.)*

3

4 *(Mr. Chairman asked for a vote on the motion as amended and*  
5 *the amended motion carried unanimously.)*

6

7 *Public Hearing - Item No. 5 - Rezone #RZ-06-002 - Mike Thorton*

8

9 *MR. LES JARMIN: My father bought this property a lot of*  
10 *years ago. Time went by and he ended up in the nursing home.*  
11 *Somewhere in that timeframe, there was a zoning that required 40*  
12 *acres for a building permit. With my mother and father both in*  
13 *the nursing home we had very high expenses.*

14 *Our intention was to rent that property to gain income for*  
15 *my folks while they were in the nursing home. Mom passed away*  
16 *and it didn't look like it was going to be smart to do that. We*  
17 *went ahead and listed the property not knowing that it wasn't*  
18 *going to have a building permit with it. I filed the*  
19 *application with the intention to try to get the Thorton's a*  
20 *permit to try to do a stick built home for themselves on the*  
21 *property.*

22 *(Mr. Don Wilkerson and the applicant had some discussion on*  
23 *whether or not the buyer of the property knew there was no*  
24 *building permit when they bought the property or not. It was*  
25 *clarified that the buyer did understand at closing that the*

□

21

1 *property was illegally split in 1992 and there was no building*  
2 *permit.)*

3 *(Mr. Chairman asked for public input.)*

4 *MR. MIKE THORTON: Positive input. Mike is the buyer of*  
5 *the property.*

6 *MR. DARREN CRISP: Positive input.*

7 *(There was discussion by the Commission regarding the fact*  
8 *that if they approve this rezone to R-3, there is nothing to*

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9 *stop the property owner from splitting it all up into 5 acre*  
10 *parcels.)*

11 *MS. FAITH TODD: With Equity One Real Estate. Positive*  
12 *input.*

13 *MR. LOUIS UNKNOWN: (Inaudible last name.) Negative input.*  
14 *Opposed to the rezone.*

15 *MRS. JOAN UNKNOWN: (Inaudible last name.) Negative input.*  
16 *Opposed to the rezone.*

17 *MR. MIKE THORTON: I don't plan on subdividing this*  
18 *property. I want to be a good neighbor.*

19 *(Mr. Chariman closed the public portion of the meeting and*  
20 *brought the application before the Board for discussion.)*

21 *MR. J.B.: The permit, as applied, I'm opposed to. I'd*  
22 *like to see us table this and find a way for the staff and*  
23 *attorney to allow the replacement of the existing home.*

24 *MR. BRENT JENSEN: It's my understanding that under a*  
25 *special use permit you can grant the property owner a home. For*

□

22

1 *me to dig that out in the book would take me too much time now.*  
2 *I think we need to research that. I'm in favor of the gentleman*  
3 *being able to rebuild without a rezone. I'm opposed to the*  
4 *rezone.*

5 *MR. J.B.: I make a motion that we deny this rezone.*

6 *MR. BRENT JENSEN: I second.*

7 *(Mr. Chairman asked for discussion on the motion and there*  
8 *was none. Mr. Chairman held the vote on the motion and it*

9 carried unanimously.)

10

11 **MR. BRAD HAWKINS-CLARK:** I give the applicant every  
12 opportunity to withdraw but we'll do everything we can to find  
13 something. I'm hearing a lot of support. A rezone, at the  
14 time, seemed all we could do but there may be something in the  
15 nonconforming that we can work with the applicant on to rebuild.

16

17 **Regular Meeting - Item No. 1 - Temporary Hardship Permit**

18 **Review/Amendment**

19

20 (Mr. Chairman asked for any ex parte communication or  
21 conflict of interest and there was none. Mr. Brent Jensen said  
22 he has worked with Mr. Kimball but has not discussed this  
23 issue.)

24

25 **MR. STEVE KIMBALL:** The reason for the amendment is that

□

23

1 the lady that had the single wide trailer, who is a paraplegic,  
2 she has had a lot of problems getting in and out of this  
3 trailer. So our church is wanting to build a slab home for her.  
4 Then she can pull up in her van, get out, and go right into her  
5 home. So we just want to make a change that says it's going  
6 from a manufactured home to a slab home.

7 **MR. DAVID POOLE:** In this case, we can't find any other way  
8 to address the situation with a lift or something like that.

9 **MR. STEVE KIMBALL:** The problem is inside the house itself.

*February 12th Meeting*

10 *Since her shoulder is going out, she is switching to an electric*  
11 *wheel chair, which is too wide for the inside of the house.*

12 *MR. BRAD HAWKINS-CLARK: This is an active permit. There*  
13 *are minor modifications we can do but we felt this one was more*  
14 *of a major modification and yet not sure it requires a public*  
15 *hearing. So that's why we didn't notice this up and plus the*  
16 *timing. We wanted to work with the applicant to try and get*  
17 *this before you and get your opinions on it.*

18 *(The Commission had some discussion on this item regarding*  
19 *if it would still qualify as temporary housing as stated for a*  
20 *temporary hardship permit.)*

21 *MR. DON WILKERSON: I make a motion that we deny this*  
22 *amendment to this temporary hardship permit because it does not*  
23 *follow the current guidelines that we are issuing temporary*  
24 *hardship permits under or have done in the past because there*  
25 *are other options that individuals can use to correct a*

□

24

1 *situation that they have.*

2 *MR. J.B.: I'll second it.*

3 *(Mr. Chairman asked for discussion on the motion and there*  
4 *was none. Mr. Chairman asked for a vote on the motion and there*  
5 *were two Commissioners for the motion and two against. Mr.*  
6 *David Hargraves stated that under the temporary hardship permit*  
7 *terms, they are not sure that is the right tool to use and maybe*  
8 *they should dig a little deeper in the Ordinance to find*  
9 *something that may work. The Commissioners agree with that.*

*February 12th Meeting*

10 *Mr. David Poole broke the tie by voting in favor of not allowing*

11 *the amendment to the temporary hardship.)*

12

13 *Regular Meeting - Item No. 2 - Items from the Public*

14

15 *(There were none.)*

16

17 *Regular Meeting - Item No. 3 - Items from the Planning and*

18 *Zoning Director/Administrator*

19

20 *(Mr. Brad Hawkins-Clark updated the Commission on what the*

21 *Board of County Commissioners have done with some items that*

22 *have been passed to them from this Commission. There was also*

23 *discussion regarding the kind of public notice that is sent*

24 *out.)*

25

□

25

1 *Regular Meeting - Item No. 4 - Items from the Deputy Prosecuting*

2 *Attorney*

3

4 *(There was none.)*

5

6 *Regular Meeting - Item No. 5 - Items from the Zoning Commission*

7

8 *(Commission agreed that items they had were already covered*

9 *in the Regular Meeting, Item No. 3.)*

10

*February 12th Meeting*

*11 Regular Meeting - Item No. 6 - Adjourn*

*12*

*13 (Mr. J.B. moved to adjourn the meeting and it was seconded*

*14 by Fred Nussbaumer.)*

*15*

*16*

*17*

*18*

*19*

*20*

*21*

*22*

*23*

*24*

*25*