

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
MAY 11, 2009

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**NOTE: AN AUDIO RECORDING OF THE FULL PROCEEDINGS IS AVAILABLE THROUGH THE DEVELOPMENT SERVICES DEPARTMENT.**

**MEMBERS PRESENT:** Will Maupin, Dale Reynolds, Don Wilkerson, Fran Yett and Kirk Darnell.

**MEMBERS ABSENT WITHOUT PRIOR NOTICE:** Reisse Perin.

**OTHERS PRESENT:** Planning Director/Administrator - Brad Hawkins-Clark, Development Services Coordinator – Jennifer Kharrl and Deputy Prosecuting Attorney – Tim McNeese.

**Chairman Maupin** opened the public hearing at 6:58:15 p.m. and welcomed everyone, then explained the public hearing process.

**CONSENT AGENDA**

**1. APPROVAL OF THE MINUTES OF APRIL 13, 2009:**

**Dale Reynolds** made a motion to approve the minutes as submitted.

**Don Wilkerson** seconded the motion.

**Vote:** Unanimous.

**PUBLIC HEARING**

**1. A continued Special Use Permit request by Jay Ferguson (#SUP-09-002) to allow extraction of gravel on his property. Located at 5225 Butte Road in T 07N, R 01W, Section 1:**

Applicant/representative testimony:

**Jay Ferguson**-5225 Butte Road- Requesting a Special Use Permit to extract gravel from his property to sell. He stated that he has been in the gravel business for two years on a different property on Butte Road. He will hire someone to do the blasting if it happens to be necessary but he will do his own rock crushing.

**Staff Review:** Brad Hawkins-Clark reviewed site photos and parcel maps on the power point presentation and reminded the Commission that the testimony and minutes from

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the April meeting are part of the record and should be a part of the deliberations at this meeting. He discussed the staff report and the applicant's response to the staff report with the Commission.

Public testimony:

In Favor:

**Steve Crosby**- 5540 Spur Lane- In favor of the gravel pit and didn't feel there would be too much impact on the roads.

In Opposition:

**George Jumper**- 5200 Butte Road- Submitted some photos to the Commission in response to the applicant's rebuttal to the staff report that was submitted at the last hearing. He was showing how the proposed pit will affect their properties up there because he will take the top of the hill off.

**Lisa Jumper** – 5200 Butte Road- Expressed concerns regarding their spring fed water quality after the hill is removed and because of the dust mitigation. Also concerned with property values and severe horse injuries from being spooked by the crushing noises.

**Kennie Klingback** – 5450 Butte Road- Concerns with fencing for their cows to keep them out of the pit area, their spring fed water quality and the poor condition of Spring Creek Road and Butte Road today.

**Roger Klingback** – 5450 Butte Road- Concerns with the fencing for his livestock and wants to keep them away from the pit.

**John Swander**- 4333 Butte Road- Concerns with dust and suggested using oil instead of water for dust abatement and suggested the speed limit be reduced. Stated that he has an active Special Use Permit for a gravel pit that Jay had been working on for the last two years.

**Lewis Ciarsolo**– 4929 Spring Creek Road- Concerns with Spring Creek Road and Butte Road because of the increased dust and traffic in addition to the existing gravel pits in the area.

Neutral: None.

Rebuttal from the applicant:

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**Jay Ferguson-** Stated that his intention is not to level the hill and the view will not change. He won't be digging a hole and will only be extracting above the elevation of the road. He didn't think that the water quality would be affected by his small extraction activity since he will be extracting at least 75 feet above the groundwater level. He stated that he isn't opposed to putting up a fence to keep Klingback's cattle out of the pit if that is required. He plans on blasting maybe once a year and he didn't feel that it would affect the Jumper's horses any more than the loud thunder or his helicopter landing at his house. Blasters have to be licensed, insured and bonded and when blasting they limit the time between charges and drill the holes 6-15 feet apart in a grid. His house is the closest to the blasting area and he has two wells that are closer than anyone else. He is fine with the Road Mitigation Agreement even though it isn't really increasing the traffic up there. The Road Department is in favor of this pit and would like to have another rock source from Butte Road and it could save the County some money.

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

**Discussion by the Commission.** The Commission discussed the intention of the safety fencing, reducing speed limits and restricting land uses because of possible water concerns. They considered limiting the rock crushing hours, requiring the entire pit area to be fenced with warning signs on the fence, using water for dust mitigation during blasting and crushing and if a gate is installed it needs to be 100 feet from the edge of the right of way.

**Don Wilkerson** made a motion to approve Special Use Permit #SUP-09-002 as it meets the standards as outlined in Chapter 7; Section 7-3 of the Gem County Zoning Ordinance with the site specific conditions of approval recommended in the staff report with the following additions:

- Limit the hours of rock crushing to Monday through Friday only
- Safety fencing shall be erected around entire site
- During blasting and crushing operations the area shall be watered down to help mitigate dust
- Entrance road, if gated shall be set back a minimum of 100 feet from the County road right-of-way
- Road Mitigation Agreement between Gem County and Jay Ferguson will be enforced

**Dale Reynolds** amended the motion to take out the requirement for watering down the property during blasting and crushing times.

**Fran Yett** seconded the amendment.

**Vote:** 3 to 1.

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**Dale Reynolds** seconded the motion as amended.  
**Vote:** Unanimous.

- 2. A Temporary Hardship Permit by Rick Sanders (#THP-09-003) to allow the temporary placement of a mobile home on his property for his mother to reside in for medical reasons. Located at 2320 Bishop Road. T 07N, R 03W, Section 35:**

Applicant/representative testimony:

**Robin and Rick Sanders** – 2320 Bishop Road – Asking for a Temporary Hardship Permit for their mother because she suffers from a mental illness. Stated that she is currently living in the RV trailer and would they like to move her into the single wide instead. The place she was previously living in was sold and since she is on a fixed income they brought her to their property.

**Staff Review:** Brad Hawkins-Clark reviewed site photos and parcel maps on the power point presentation and discussed the staff report with the Commission.

Public testimony:

In Favor: None.

In Opposition: None.

Neutral: None.

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

**Discussion by the Commission.** The Commission discussed the application and the site specific conditions of approval.

**Dale Reynolds** made a motion to approve Temporary Hardship Permit #SUP-09-003 as it meets the definition as outlined in Chapter 2; Section 2-2 of the Gem County Zoning Ordinance with the site specific conditions of approval recommended in the staff report.

**Fran Yett** seconded the motion.  
**Vote:** Unanimous.

**REGULAR MEETING**

**1. ITEMS FROM THE PUBLIC:** None.

**2. ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:**

**Brad Hawkins-Clark-** reminded the Commission that once the hearing portion is closed on the applications they are hearing, to be careful to not allow dialogue between the Commission and the public unless the hearing is re-opened.

**Brad Hawkins-Clark-** Asked the Commission if they would like to consider different categories for gravel extraction businesses. He stated that there was a person in the office last week who wants to dig a pond and have a friend transfer the gravel to their property. Since the code doesn't mention that a gravel extraction business has to be for profit maybe it would be time to evaluate and decide if there should be different categories. There are some significant things to look at like acreage, number of loads per day, distinguishing between exchange and sale and whether or not to have mitigation. This is something for the Commission to think about.

**a. Status of Ordinance Amendments:**

**Brad Hawkins-Clark-** Stated that the County Commissioners held a workshop in Ola a couple of weeks ago and will hold one in Sweet tomorrow night. The Board hearing is scheduled for June 8<sup>th</sup> which is the same night as the Zoning Commission's regular meeting. He stated that there are no applications for the June agenda so since the Commission only needs to meet 9 times a year, they can choose to not hold a meeting at all in June.

The Commission chose to not hold a meeting in June.

**3. ITEMS FROM/OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:** None.

**4. ITEMS FROM THE ZONING COMMISSION:**

**a. Update from CAFO Sub-committee:**

**Dale Reynolds** stated that the first meeting went well and the next meeting is scheduled for May 28<sup>th</sup> at 6:30 p.m. but he was hoping to reschedule it because he will be out of town.

The CAFO sub-committee rescheduled the next meeting for June 4<sup>th</sup> at 6:30 p.m.

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**Will Maupin** stated this will be his last meeting due to a job that he has taken and the out of state schedule will not allow for him to attend these meetings with any consistency.

**Don Wilkerson** asked Tim McNeese if it was a conflict of interest for Kim Reed to state in the letter regarding Jay Ferguson's gravel pit that he would like to have another source of gravel up on Butte Road.

**Tim McNeese** stated it could be a conflict if the Commission's decision was in any way affected by Kim's statement but since it didn't affect the decision it's probably okay. It probably wasn't an appropriate statement for a County Official to make.

**5. ADJOURN:**

**Kirk Darnell** made a motion to adjourn.

**Dale Reynolds** seconded the motion.

**Vote:** Unanimous.

**Chairman Maupin closed the meeting at 8:54:22 p.m.**

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Vice Chairman Dale Reynolds