

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
December 14, 2009

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

MEMBERS PRESENT: Dale Reynolds, Don Wilkerson, Fran Yett, Kirk Darnell and Reisse Perin.

MEMBERS ABSENT WITH PRIOR NOTICE: None.

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

1. CALL TO ORDER:

Chairman Reynolds opened the public hearing at 6:58:00 p.m. and welcomed everyone, then explained the public hearing process.

2. ROLL CALL:

Don Wilkerson – present, Dale Reynolds – present, Fran Yett – present, Reisse Perin – present, Kirk Darnell – present.

3. REVIEW AGENDA:

Don Wilkerson made a motion to approve the agenda as presented.

Reisse Perin seconded the motion.

Vote: Unanimous.

PUBLIC HEARING

1. A Temporary Hardship Permit (#THP-09-008) request by Jody South to allow the temporary placement of a manufactured home/RV for his parents to live in for medical reasons. Located at 4112 County Line Road. T 06N, R 03W, Section 4:

No ex parte or conflicts of interest were reported.

Staff Review: Brad Hawkins-Clark presented the Commission with a power point presentation and reviewed the letters of opposition and the staff report with the Commission.

Applicant/representative testimony:

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Lorrie South – 4112 County Line Road.

She stated that they bought the property in July 2008 and her husband works out of town doing oil and gas supervision and they are on the road a lot. There were three trailers being lived in originally but now there is only one being lived in and that is the one they are requesting for the temporary hardship. There were two existing septic systems and a well on the property when they purchased it. She stated that her in-laws have several health problems. Parson had a major heart attack about 7 years ago and about 4 years ago he was diagnosed with throat cancer and had to have his voice box and thyroid removed and about 4 years ago Alice was diagnosed with breast cancer. They do help out around the property including feeding the animals. She stated that her two sons also reside on the property in the house and they help take care of Parson and Alice. There is always someone at the house; they may be alone for half a day at the most.

Public testimony:

In Favor: None.

In Opposition:

James Weaver – 4185 County Line Road.

He stated that he lives just south of the subject property. There are two additional trailers on the property now. It appears at night that the home is lighted and being lived in along with the Richard's trailer and there are lights on in another trailer behind that one and it leads them to believe it is also being lived in. It appears that Mr. Richard's is well enough to take care of the property and should be able to take care of himself. He stated that he and his wife and some of their neighbors are opposed to this application and have some serious concerns.

Wanda Hildebrandt – 4200 County Line Road.

She lives next door just across the pastures. She stated that she has seen Mr. Richards out working and doesn't think that qualifies as disability. The property appears junky and is not a homestead but a commercial lot with all the trucks and trailers.

Debra Weaver- 4185 County Line Road.

Stated that she would like to know why their own biological children can't take care of them. Mrs. South's sons are transients at best. She states that she has seen Mr. Richard's out working and it seems to be more of a convenience for the South's than a hardship for the Richards.

Neutral: None.

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Applicant Rebuttal.

Lorrie South – She stated that they live in a farming area and everything on their property is usable. Her boys are going through a divorce and that is why they live on her property. She has medical bills that can be shown. She planted all of pasture fields and her sons and father plowed the land. He pounded almost all of the fence posts out there and her mother and father were out there helping put the fence up. She stated that what her property looks like has nothing to do with the hardship and Gene and Alice are her kids' grandparents and she wants to help them out. Gene does go out and does some work when he feels like it but he is not capable of working a full time regular job.

Gene Richards – Stated that he does work on the property because he wants to and doesn't want to be stuck in the house all day. He is 70 years old was just in the hospital for seven days.

Alice Richards – 4118 County Line Road.

Stated that the grandkids get their prescriptions for them and takes them to doctor appointments. She stated that their grandson had to take Gene to the hospital a couple of weeks ago in the middle of the night and he was in really bad shape and almost died.

Chairman Reynolds closed the public hearing.

Discussion by the Commission. The Commission discussed the request and raised concerns about the septic, well, definition of family, multiple addresses, location of the trailer, whether or not there is someone to assist the Richard's at any given time, timeframe for permit and the procedure for yearly review.

Reisse Perin made a motion to approve the Temporary Hardship Permit #THP-09-008 for a period of one year subject to the stipulations as it meets the definition as outlined in Chapter 2; Section 2-2 and Chapter 19; Section 19-1 of the Gem County Zoning Ordinance with the site specific conditions of approval recommended in the staff report.

Kirk Darnell seconded the motion.

Vote: 2 to 2.

Reisse Perin – in favor.

Kirk Darnell – in favor.

Fran Yett – opposed.

Don Wilkerson – opposed.

Chairman Reynolds voted in favor to break the tie.

Vote: 3 to 2.

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2. A Special Use Permit (#SUP-09-007) request by Mikeal Bruce Nave to allow weddings and outdoor events at his residential property during spring through fall. Located at 5375 Westridge Lane in T 07N, R 01E, Section 17:

No ex parte or conflicts of interest were reported.

Applicant/representative testimony:

Bruce Nave – 5375 Westridge Lane.

He stated that they are proposing to have a wedding event area on their property that they will call River's Edge with a special use permit. He handed the Commission some photos from his daughter's wedding that took place on this property. He addressed the nine special use permit standards and the recommended conditions of approval. They will have a wedding tent that will be taken down after each wedding and they will remove the refuge after each event. He stated that they have 40 acres and it is pretty secluded and it won't be seen from the neighbors.

Staff Review: Brad Hawkins-Clark presented the Commission with a power point presentation and reviewed the staff report and the recommended conditions of approval.

Public testimony:

In Favor: None.

In Opposition: None.

Neutral: None.

Chairman Reynolds closed the public hearing.

Chairman Reynolds re-opened the public hearing.

Don Wilkerson – Asked the applicant what he had in mind for outdoor events.

Bruce Nave – He stated that he has the youth group from their church come out to the property, and he was thinking of business meetings and events, reunions, or dinners.

Chairman Reynolds closed the public hearing.

Discussion by the Commission. The Commission discussed the request and recommended conditions of approval and raised concerns about signage, noise levels,

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hours of events, number of events per week, site clean-up, portable toilet placement, BLM property, alcohol on site,

Don Wilkerson made a motion to approve the Special Use Permit #SUP-09-007 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:

- Add to condition of approval # 3, scheduled events, and change the time to 11:00 PM
- Add to condition of approval # 5, No more than 3 events are allowed in a 7 day period
- Add to condition of approval # 7, Toilets shall be stored out of public view
- Add to condition of approval # 9, lighting used and noise generated
- Add a condition of approval # 11, Site clean-up shall be the responsibility of the applicant

Reisse Perin seconded the motion.

Vote: Unanimous.

REGULAR MEETING

1. MINI WORKSHOP- COUNTY PUBLIC WORKS STANDARDS – JUSTIN WALKER (COUNTY ENGINEER):

Brad stated that Chairman Reynolds had asked to have a Public Works presentation as part of their 2010 priorities and he asked Justin Walker from Keller Associates, County Engineer and Surveyor to present some guidelines for stormwater and roads design standards.

Justin Walker – Keller Associates.

He discussed stormwater standards and rules and showed some examples. He reviewed the road design standards and right-of-way guidelines and went over some drawings with the Commission and answered questions from the Commission.

2. ITEMS FROM THE PUBLIC: None.

3. APPROVAL OF THE MINUTES OF NOVEMBER 9, 2009:

Fran Yett made a motion to approve the minutes as submitted.

Don Wilkerson seconded the motion.

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Vote: Unanimous.

**4. ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:
a. Recent Board of County Commissioner Decisions and Hearings:**

Brad Hawkins-Clark stated that the CAFO Ordinance hearing has been postponed until January 14th at 6:30 P.M. because of the Supreme Court case that is happening now. The Tony Loucks gravel pit appeal is scheduled for December 21st at 4:00 P.M. The Board of County Commissioners and the City Council will hold a public hearing on the Comprehensive plan on January 19th at 6:30 P.M. on the chapters that were recommended for approval by the Planning Commission.

Brad stated that the Board of County Commissioners approved the RV Ordinance that was remanded back to the Commission and it has been published.

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

6. ITEMS FROM THE ZONING COMMISSION:

Fran Yett stated that she prefers to have Brad do his presentation before the applicant so it gives them more information because sometimes the applicant seems confused or not sure what to say.

Brad stated that it is completely the Commission's call on which order to hold the hearing.

7. ADJOURN:

Don Wilkerson made a motion to adjourn.

Fran Yett seconded the motion.

Vote: Unanimous.

Chairman Reynolds closed the meeting at 9:58:20 p.m.

Chairman Dale Reynolds