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**MEMBERS PRESENT:** Will Maupin, Dale Reynolds, David Poole, Don Wilkerson, Reisse Perin and Fran Yett.

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

**Chairman Maupin** opened the public hearing at 7:01:30 p.m. and welcomed everyone, then explained the public hearing process.

**CONSENT AGENDA**

**1. MINOR SUBDIVISION REVIEW:**

**a. Mountain Creek Subdivision**

**Don Wilkerson** made a motion to remove this item from the consent agenda for further discussion.

**David Poole** seconded the motion.

**Vote:** Unanimous.

**2. APPROVAL OF THE MINUTES OF JANUARY 12, 2009:**

**David Poole** made a motion to approve the minutes as submitted.

**Dale Reynolds** seconded the motion.

**Vote:** Unanimous.

**ITEMS MOVED FROM CONSENT AGENDA:**

**1. Minor Subdivision Review – Mountain Creek Subdivision**

**Discussion by the Commission.** The Commission discussed the Minor Subdivision standards and conditions of approval recommended by staff and raised concerns about the future driveway off of S Substation, restricted access off of Highway 16, improvements for curb, gutter, sidewalk, stormwater, the no-build agreement, and agency comments.

**Don Wilkerson** made a motion to recommend approval of the Mountain Creek Minor Subdivision to the Board of County Commissioners per the recommended conditions of approval by staff with the addition of the following to the No Build Agreement:

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- Adding stormwater improvements to the No Build Agreement.
- Any future driveway access from S Substation Road shall be aligned with Wildwood Lane.

**David Poole** seconded the motion.

**Vote:** Unanimous.

**PUBLIC HEARING**

1. **(Continued) A Special Use Permit (#SUP-08-003) request by Trae Buchert and Jeff Schwerts to allow extraction of gravel to create lakes for future development. Located on the south side of Sales Yard Road in T 06N, R 02W, Section 23:**

**Chairman Maupin** stated that the hearing was continued from the January 12 meeting in order for the applicant to address a joint access off of Sales Yard Road and a buffer between the properties to the west.

Applicant/representative testimony:

**Trae Buchert** – 5446 N Highway 16, Eagle - and **Jeff Schwerts**- 3104 Dorchester Drive, Eagle.

Reviewed the continued items with the Commission and discussed the meetings they had with Kim Reed of the Road and Bridge Department and the neighbors to the west. All concerns were addressed and resolved.

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 continued items and felt that the outstanding issues were resolved.

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**Don Wilkerson** made a motion to approve Special Use Permit #SUP-08-003 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 along with the addition of the following conditions:

- No gate at the entry driveway shall be located within the first 100-150 feet south of the edge of the right-of-way of Sales Yard Road.
- If there is a need for a rock crusher it shall be located in the northeast corner of the property and the east boundary setback shall be reduced to 100 feet.
- Access shall be shared with the property owner to the west for 100-150 feet and continue to the east along the north property line.
- Strike the last sentence of the required finding of letter D of the staff report.

**David Poole** seconded the motion.

**Vote:** Unanimous.

**2. (Continued) A Special Use Permit (#SUP-08-004) request by Richard and Karen Cram to allow extraction of gravel to create small benches for future 40-acre home sites. Located on N Highway 52 in T 07N, R 01E, Section 13:**

**Chairman Maupin** stated that the hearing was continued from the January 12 meeting in order for the applicant to meet with ITD and Fire District #2 regarding the access driveway off of Highway 52.

Applicant/representative testimony:

**Richard Cram** – 11911 153<sup>rd</sup> Avenue E, Washington.

Reviewed the continued items with the Commission including the requirements of Gem County Fire District #2 and Idaho Transportation Department.

Public testimony:

In Favor: None.

In Opposition: None.

Neutral: None.

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

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**Discussion by the Commission.** The Commission discussed the continued items and and raised concerns about the requirements from ITD, Fire District #2, private road standards and erosion control.

**David Poole** made a motion to approve Special Use Permit #SUP-08-004 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 along with the addition of the following conditions:

- No gate on the entry driveway shall be located within 100 feet of the north edge of right-of-way of Highway 52.
- Applicant shall comply with the erosion control standards that he submitted at the January 12, 2009 public hearing.
- Driveway must meet the Fire District #2 driveway requirements.

**Dale Reynolds** seconded the motion.

**Vote:** Unanimous.

3. **A Special Use Permit (#SUP-08-005) request by Matt Fine to allow a gunsmith business in an existing shop building. Located at 3723 W Highway 52 in T 06N, R 02W, Section 9:**

Applicant/representative testimony:

**Matt Fine** – 1585 N Plaza Road.

Discussed the purpose for the Special Use Permit request and reviewed the staff recommended site specific conditions of approval with the Commission. One of the staff recommended conditions of approval was to have an easement recorded for access and it was recorded today.

**Brad Hawkins-Clark** presented the Commission with some site photos and parcel maps.

Public testimony:

In Favor: None.

In Opposition: None.

Neutral: None.

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

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**Chairman Maupin** re-opened the public portion of the hearing in order for Brad Hawkins-Clark to clarify the recorded easement with the applicant.

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

**Discussion by the Commission.** The Commission discussed the Special Use Permit standards and site specific conditions of approval recommended by staff and raised concerns about the required 40-foot easement and test firing of the firearms.

**David Poole** made a motion to approve Special Use Permit #SUP-08-005 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.

**Dale Reynolds** seconded the motion.

**Vote:** Unanimous.

4. **A Special Exception request for the proposed Timber Butte Subdivision application by Robb Menlove, which was remanded back to the Zoning Commission from the Board of County Commissioners due to the requirement that a private road is needed to serve the proposed subdivision. The applicant is requesting an exception to GCC 11-6-3-K.2 (private road width) and GCC 12-6-1.F.4.c (private road length). The property is located at 11660 Timber Butte Road, a portion of T 08N; R 01E; Sections 12 & 13:**

Applicant/representative testimony:

**Robb Menlove** – 11660 Timber Butte Road.

Reviewed the application and the purpose for the exception requests and why the Board of County Commissioners remanded the application back to the Zoning Commission.

**Brad Hawkins-Clark** presented the Commission with some site photos and parcel maps.

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 two special exception requests and raised concerns about the road type, base depth, road width, road length, compaction test, engineering report, emergency services and Gem Fire District #2 standards.

**Reisse Perin** made a motion to recommend approval of the special exception request to allow a 20-foot width driving surface for the Type B Private Road and accept the exception properly documented from Gem County District #2 to allow the exception of a secondary access road because the private road will be longer than 1200 feet and submit that documentation prior to the Board of County Commissioner public hearing.

**David Poole** seconded the motion.

**Vote:** Unanimous.

### **REGULAR MEETING**

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

2. **REVIEW OF BY-LAWS.**

**Dale Reynolds** made a motion to approve the by-laws as amended.

**David Poole** seconded the motion.

**Vote:** Unanimous.

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

a. **Update on SUP-07-007- Bret Garrigan**

**Brad Hawkins-Clark** reminded the Commission that they stipulated a condition that they would hold an annual review of this application. He stated that the Special Use Permit has never become fully operational and probably won't become active at this point. We will keep the Special Use Permit active on the land until the property owner requests to withdraw it. It will remain as an inactive Special Use Permit until something turns around.

**Brad Hawkins-Clark** handed out the latest draft of the Zoning Matrix for the Commission to review and asked that they compare it to their notes from the last workshop. The latest draft of the Zoning and Subdivision Ordinance that reflects all the workshops will be mailed out later this week. Brad states that as a Commission, they need to decide if they are comfortable with continuing on and scheduling these for a

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public hearing. I think the Messenger Index will run a special article that covers the key changes in order to inform the public once a date is set for the public hearing.

**Discussion by the Commission.** The Commission discussed and raised concerns about the latest draft of the Zoning Matrix and debated whether or not they were comfortable to move forward with the amendments. The Commission decided to move forward with the Zoning and Ordinance Amendments and set the public hearing for March 9, 2009.

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

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

**Discussion by the Commission.** The Commission discussed the new Fire District #1 standards and raised concerns about the issuance of the Certificate of Occupancy, key boxes, locked gates, location of address numbers, fire suppression water supply, maximum number of dwellings, fire apparatus road grades, and fire turn around requirements. Brad was asked to relay the concerns and comments to the Fire District.

**6. ADJOURN:**

**David Poole** made a motion to adjourn.

**Fran Yett** seconded the motion.

**Vote:** Unanimous.

**Chairman Maupin closed the meeting at 9:17:35 p.m.**

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Chairman Will Maupin