

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
MARCH 9, 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, Reisse Perin and Fran Yett.

**MEMBERS ABSENT WITH PRIOR NOTICE:** David Poole.

**OTHERS PRESENT:** Planning Director/Administrator - Brad Hawkins-Clark, Development Services Coordinator – Jennifer Kharrl, Deputy Prosecuting Attorney – David Hargraves and Teri Ottens – Ordinance Amendment Consultant.

**Chairman Maupin** opened the public hearing at 6:59:15 p.m. and welcomed everyone, then explained the public hearing process.

**CONSENT AGENDA**

**1. APPROVAL OF THE MINUTES OF FEBRUARY 9, 2009:**

**Don Wilkerson** made a motion to approve the minutes as submitted.

**Dale Reynolds** seconded the motion.

**Vote:** Unanimous.

**PUBLIC HEARING**

**1. Amendments to the Gem County Code in the following sections: Title 11, Zoning Ordinance (including adding a new Chapter 19 for Temporary Uses); and Title 12, Subdivision Ordinance:**

**Chairman Maupin** surveyed the audience to see who all was present to testify regarding the proposed changes to the commercial feedlot text in Title 11, Chapter 6, Section 5. He explained that the language for commercial feedlots that was proposed to be removed will remain in the ordinance and not be deleted at this time because of the public interest and concerns in the newspaper and around town regarding commercial feedlots. A Confined Animal Feeding Operation (CAFO) ordinance will be drafted very soon to come before the Commission after the amendments to be heard tonight are moved forward to the County Commissioners. He further explained that the CAFO was

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not included in the public notice for this meeting and it will not be discussed or presented.

**Don Wilkerson** reiterated that the CAFO wasn't on the agenda and it will not be discussed. Once it is ready to come before the Commission, all meetings and workshops for the draft CAFO will be open to the public and will be noticed in order to receive public input.

**Staff Review:**

**Teri Ottens** reviewed and gave a PowerPoint presentation on the proposed significant changes to Gem County Code Title 11, Zoning Ordinance including: 11-2-2 Definitions, 11-3-7 Emergency Services, 11-5-5 Zoning Matrix, 11-5-6 Accessory Buildings or Uses, 11-6-3 Supplemental General Provisions, 11-6-8 Manufactured and Mobile Homes Standards, 11-6-9 Recreational Vehicle, 11-6-10 Manufactured Home/Recreational Vehicle Park Improvements, 11-6-11 Stormwater Drainage Standards, 11-7-10 Violations of Conditions, 11-7-11 Land Use Time Limitations, 11-7-12 Request for Extension, 11-9 Nonconforming Uses, 11-16-6 Property Boundary Adjustments and 11-19 Temporary Uses.

**Public Testimony:**

**Joe Morton** - 5722 Silverleaf Extension – Had questions regarding Idaho state laws when county ordinance is silent, special use permits, and commercial animal feedlots.

**Gregory Kambish** - 5588 Silverleaf Extension – Had a question regarding the number of temporary homes allowed with the new Chapter 19 Temporary Use for hired help.

**Robert Hawthorne** – 2439 Julie Avenue – Expressed that the Commission needs to notice the public for any CAFO discussion and meetings in the future.

**Roger Bennie** - 8155 Bill Burns Road- Had concerns about the proposed language for agricultural buildings with no bathroom allowed.

**Mike Williams** – 825 Hawthorne – Presented his suggestions for the gravel extraction language, roadside stands language and the commercial feedlot language.

**Teena Turner** – 501 N Star Road, Star – Had questions and concerns regarding RV Parking and Temporary Housing for new construction and special use permits and how they affect real estate and financing.

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**Joe Morton**- 5722 Silverleaf Extension – Read into the record some of the Idaho State Statutes and Gem County Ordinance wording regarding the protection of public health, welfare safety of the community.

**David White** - 2213 Haw Creek Circle – Comments were made regarding non-conforming uses.

**Staff Review:**

**Teri Ottens** reviewed and presented the proposed significant changes to Gem County Code Title 12, Subdivision Ordinance including: 12-2-2 Definitions, 12-3-7-4 Action, 12-3-8-10 Phasing or Sectionalizing Subdivisions and 12-6-1 Standards Enumerated.

**Public Testimony:**

**Joe Morton** – 5722 Silverleaf Extension – Questions regarding subdivision requirements, backflow prevention requirements for irrigation systems and water protection concerns.

**Mike Williams** – 825 Hawthorne- Comments regarding power lines, right-of-way dedication, minimum lot sizes, easements and the minor subdivision process.

**Bryce Walker**- 3920 S Mill Road – Questions about the Hearing Examiner, development capacity and 40-acre parcel subdivisions.

**Bob Hawthorne** – 2439 Julie Avenue- Concerns regarding septic regulations and water tables.

**Teena Turner** – 501 N Star Road, Star – Comments regarding overhead versus underground power lines and a concern with development capabilities regarding parcels that can be created with a building permit and how it can affect real estate.

**Roger Bennie** - 8155 Bill Burns Road- Comments about utility line locations.

**Wayne Elquist** - 2461 Schiller Road – Comments about underground power lines and well and leeching concerns.

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

**Discussion by the Commission.** The Commission discussed the testimony from the public along with clerical and spelling errors throughout the drafts. They discussed the following:

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- RV parks versus temporary housing limits and felt that if someone is living in an RV park there should not be any time limits since they are hooked up to public facilities.
- Special Use Permits and how they can affect real estate and financing.
- Backflow prevention for wells.
- Overhead versus buried utilities.
- Secondary dwelling wording – attached versus detached.
- Definition for utilities.
- Manufactured home improvements.
- Definition for manufactured home park/RV park.
- Setbacks for service buildings in RV parks.
- Clarification on manufactured home park versus subdivision.
- Time limit for living in a temporary RV/manufactured home while building a new house with one extension.
- Minimum lot size after road dedication in subdivisions.

**Don Wilkerson** made a motion to continue the proposed Ordinance Amendments to the next meeting, April 13<sup>th</sup>, in order for Teri Ottens and Brad Hawkins-Clark to incorporate the changes discussed.

**Dale Reynolds** seconded the motion.

**Vote:** Unanimous.

### **REGULAR MEETING**

#### **1. ITEMS FROM THE PUBLIC:**

**John Kienitz** -3512 Sunset Drive – Representing the Farm Bureau and expressed that they would be more than happy to assist with re-writing the CAFO ordinance again, as they did a few years ago.

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

**Brad Hawkins-Clark**- Update on Gary Cunningham's Special Use Permit on Pearl Road for a manufactured home for hired help related to their horse boarding facility. They have closed down the horse boarding facility and have asked to continue to use the manufactured home for their wine-tasting facility.

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The Commission unanimously felt they would like to see Mr. Cunningham come before them for an amendment to the wine production facility special use permit to be fair to the neighbors.

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

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

**Chairman Maupin** suggested that someone other than the Chairman or Vice Chairman take notes throughout the hearing to make the motions and discussions easier and clearer.

**Don Wilkerson** asked that staff hand out the old notes from the previous CAFO drafts. He also suggested reviewing the CAFO ordinance from Elmore County as a starting point.

**5. ADJOURN:**

**Reisse Perin** made a motion to adjourn.

**Don Wilkerson** seconded the motion.

**Vote:** Unanimous.

**Chairman Maupin closed the meeting at 10:03:03 p.m.**

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Chairman Will Maupin