

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
APRIL 13, 2009

Page #1

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

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

**MEMBERS ABSENT WITH PRIOR NOTICE:** Will Maupin.

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

**Vice Chairman Reynolds** opened the public hearing at 6:59:39 p.m. and welcomed everyone, then explained the public hearing process.

**CONSENT AGENDA**

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

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

**Fran Yett** seconded the motion.

**Vote:** Unanimous.

**PUBLIC HEARING**

**1. (Continued) 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:**

**The public hearing was closed on March 9, 2009.**

**Discussion by the Commission.** The Commission discussed the changes they requested at the March 9, 2009 hearing.

**Don Wilkerson** made a motion to recommend approval of the proposed Zoning and Subdivision Ordinance Amendments to the Board of County Commissioners with the following changes:

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
APRIL 13, 2009

Page #2

- Add to 11-6-10C-2-f (2) Minimum 3 feet for entrance walks.
- Remove 11-6-10 D(1) regarding service buildings being located at 200 feet from any space in an RV park.
- Add to 11-6-10 D(4): Minimum of one laundry unit (laundry or washing machine); one water closet, one lavatory and one shower for women; and one water closet, one lavatory and one shower for men.
- Add to 12-6-1 C: Such utilities must include underground service connections for (to) each platted lot.
- Add to 12-6-1 C: Service feeder lines into the subdivision from the exterior utility point of feed shall be installed underground, beginning at the subdivision boundary. Utilities can be overhead or underground to the subdivision boundary.

**David Poole** seconded the motion.

**Vote:** Unanimous.

**2. A Temporary Hardship Permit by Randall Benge (#THP-09-001) to live in an RV or manufactured home on his parent's property to help care for them. Located at 2060 South Johns Avenue. T 06N, R 01W, Section 17:**

Applicant/representative testimony:

**Randall Benge** – 2060 South Johns Avenue- Stated that his parents are Howard and Irene Benge. His mother is 85 years old and has macular degeneration and his father is 87 years old and is having a hard time taking care of the 5 acres. He and his wife would like to move a temporary RV or modular home onto the property to help care for his parents and their property.

**Staff Review:** Brad Hawkins-Clark presented the Commission with some site photos and parcel maps and reviewed the staff report and the recommended conditions of approval.

Public testimony:

In Favor: None.

In Opposition: None.

Neutral: None.

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
APRIL 13, 2009

Page #3

**Vice Chairman Reynolds** closed the public portion of the hearing.

**Discussion by the Commission.** The Commission discussed the possibility of two drain fields and septic systems. It was decided that when the existing drain field fails, the permanent house will need to be hooked into the new drain field so there is only one drain field on the property.

**David Poole** made a motion to approve Temporary Hardship Permit #THP-09-001 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 with one addition:

- In the event the existing septic system fails, it will have to be hooked into the new septic system that will be placed and the new septic system needs to be large enough to accommodate both houses.

**Don Wilkerson** seconded the motion.

**Vote:** Unanimous.

**3. A Special Use Permit request by the Emmett Valley Christian School (#SUP-09-001) to allow the addition of a new building for a classroom. Located at 833 Tyler Road in T 06N, R 02W, Section 13:**

Applicant/representative testimony:

**Jason Hill** – 837 Tyler Road- Stated they are trying to accommodate their current elementary class. The current classroom is in a 9' x 12' room so they are trying to build a larger classroom. He stated that he will get together with the Assessor's Office to work out the parcel line issues.

**Staff Review:** Brad Hawkins-Clark presented the Commission with some site photos and parcel maps and reviewed the staff report and the recommended conditions of approval.

Public testimony:

In Favor:

**Mark Howard**- 1601 Sales Yard Road- Stated that he is the owner of Reborn Construction and he has worked on designing the proposed building. Also, there is a budget in place for the driveway (along the east side of buildings) and it will be built to Fire District standards.

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
APRIL 13, 2009

Page #4

In Opposition: None.

Neutral: None.

**Vice Chairman Reynolds** closed the public portion of the hearing.

**Discussion by the Commission.** The Commission discussed the conditions of approval and felt that they are adequate.

**David Poole** made a motion to approve Special Use Permit #SUP-09-001 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.

**Don Wilkerson** seconded the motion.

**Vote:** Unanimous.

4. **A Temporary Hardship Permit by Mark Higginbotham (#THP-09-002) to allow the temporary placement of an RV on his property to help care for his father. Located at 3500 Bishop Road. T 06N, R 03W, Section 10:**

Applicant/representative testimony:

**Mark Higginbotham** – 3500 Bishop Road – Stated that his father is 80 years old and is in the final stages of pulmonary fibrosis and it is progressing very fast. His father requires 24 hour care and he wants to make him as comfortable as possible. He submitted an updated doctor's letter to the Commission (Exhibit A).

**Staff Review:** Brad Hawkins-Clark presented the Commission with some site photos and parcel maps and reviewed the staff report and the recommended conditions of approval.

Public testimony:

In Favor:

**Sally Geier** – 3610 Bishop Road and neighbor to the west - Stated that she is in favor of the temporary hardship permit.

In Opposition: None.

Neutral: None.

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
APRIL 13, 2009

Page #5

**Vice Chairman Reynolds** closed the public portion of the hearing.

**Discussion by the Commission.** The Commission discussed the staff report and felt that the recommended conditions of approval would be adequate.

**Don Wilkerson** made a motion to approve Temporary Hardship Permit #SUP-09-002 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.

**David Poole** seconded the motion.

**Vote:** Unanimous.

**5. A 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- Stated that his request is to remove gravel from his property. He would like to level part of his property and will probably hit rock. He stated that he is an excavator. He submitted a letter of intent and a written response to the staff report and written testimony that was received at the Development Services Office (Exhibit A).

**Staff Review:** Brad Hawkins-Clark presented the Commission with some site photos and parcel maps and reviewed the staff report and the recommended conditions of approval.

**Discussion by the Commission.** The Commission discussed the options of either receiving public testimony tonight or continuing the hearing to next month in order for the Commission and public to review the applicant's written response submitted tonight.

**Don Wilkerson** made a motion to continue Special Use Permit #SUP-09-002 to the May 11, 2009 hearing in order for the Commission and the public to review the items submitted tonight by the applicant.

**Reisse Perin** seconded the motion.

**Vote:** Unanimous.

**6. An amendment to Special Use Permit #SUP-09-002 by Gary and Martha Cunningham:**

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
APRIL 13, 2009

Page #6

Applicant/representative testimony:

**Gary Cunningham** – 5900 Pearl Road- Stated that they have a winery and they are asking that the manufactured home that was originally placed for hired help for their horse boarding facility now be allowed to be used as a temporary wine tasting room.

**Staff Review:** Brad Hawkins-Clark reviewed the requested amendment to the current wine production special use permit and the new proposed conditions of approval.

Public testimony:

In Favor: None.

In Opposition: None.

Neutral: None.

**Vice Chairman Reynolds** closed the public portion of the hearing.

**Discussion by the Commission.** The Commission discussed the hours of operation and the proposed conditions of approval.

**David Poole** made a motion to approve the amendment to Special Use Permit #SUP-467 with the six conditions recommended by staff.

**Fran Yett** seconded the motion.

**Vote:** Unanimous.

**REGULAR MEETING**

**1. ITEMS FROM THE PUBLIC:**

**Joe Morton** – 5722 Silverleaf Extension – Wanted to clarify that his comment from the last meeting regarding backflow prevention was in regards to domestic wells and not irrigation water. He asked if there was any progress or timeframes on the Confined Animal Feeding Operation Ordinance (CAFO). He was told this issue would be discussed in the next item.

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

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
APRIL 13, 2009

Page #7

**Brad Hawkins-Clark-** Presented the Commission with the last draft of the CAFO from 2005 and discussed the 2002 Legislature Session regarding the CAFO. The Commission forwarded this draft on to the Board of County Commissioners who did not adopt it because of consistency, wording and grammar issues. Gem County remains out of compliance with the State Statute that says the local jurisdictions have to adopt a CAFO Ordinance. Stated that this should be the next priority of the Commission and a process regarding ordinance preparation should be discussed.

**Discussion by the Commission:** Discussed the options of the beginning stages of reviewing and adopting the CAFO ordinance.

**Tim McNeese:** Explained workshops and the options that they would have regarding public input. Discussed the open meeting law.

**Discussion by the Commission:** Discussed how to conduct the first workshop and whether or not to allow public comment. They stated that they would like to have a representative from the public and the Farm Bureau to serve on the sub-committee. They decided to start a sub-committee and to have the first workshop before the next regular meeting.

**Brad Hawkins-Clark-** Asked the Commission if they would like to receive the minutes via e-mail.

**Discussion by the Commission-** They decided they would like to have the minutes e-mailed to them instead of sent through the regular mail.

**3. ITEMS FROM/OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:**

**Tim McNeese-** Stated that the Commission handled the Ferguson SUP very well and he thought they made the correct decision on continuing the hearing.

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

**Don Wilkerson –** Asked about the Black Canyon Community changes that he read in the Board of County Commissioner minutes.

**Brad Hawkins-Clark-** Stated that Black Canyon Partners had until November 2008 to finish the road improvements to Frozen Dog Road. They asked the Board of County Commissioners for an extension to May 31, 2009. They are rebuilding the base of  $\frac{3}{4}$  mile of Frozen Dog Road, from Plaza Road east to the irrigation canal.

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
APRIL 13, 2009

Page #8

**Don Wilkerson-** Asked about the Mountain Creek Minor Subdivision and the mitigation fees.

**Brad Hawkins-Clark-** Stated that before the Board of County Commissioners approved the application they looked into the different uses that could be allowed on that property to help determine the mitigation fee. They came up with a minimum fee and it will be determined when a use is proposed for the new building lot.

**5. ADJOURN:**

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

**Fran Yett** seconded the motion.

**Vote:** Unanimous.

**Vice Chairman Reynolds closed the meeting at 9:03:27 p.m.**

---

Vice Chairman Dale Reynolds