

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
October 12, 2010

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

MEMBERS PRESENT: Dale Reynolds, Reisse Perin and Laurie Boston.

MEMBERS ABSENT: Kirk Darnell.

OTHERS PRESENT: Planning Director/Administrator - Brad Hawkins-Clark and Deputy Prosecuting Attorney- Tim McNeese.

7:00 P.M.

- 1. CALL TO ORDER: Chairman Reynolds** opened the public hearing at 7:03:40 p.m. and welcomed everyone, then explained the public hearing process.
- 2. ROLL CALL:** Dale Reynolds – present, Reisse Perin – present, Laurie Boston - present.
- 3. REVIEW AGENDA:** No change to the agenda.

PUBLIC HEARING

1. (Continued) A Special Use Permit Extension request by Michael and Sarah Redman to allow an extension of time for the permit they received on October 13, 2009. Located in Ola on Third Fork Road in T 010N, R 01E, Section 23:

No exparte or conflicts of interest were reported. (Note: Commissioner Boston asked legal counsel if her employment at Southwest District Health Department constituted a conflict of interest on this application but Tim did not feel it did.)

Sarah Redman – 2309 N 18th Street, Boise.

Sarah explained they got to the point in August where they had hired and worked with architects, had the restaurant plans drawn up, had done the perk test, had the driveway engineered, had purchased 3 truckloads of building logs and had a contract for the cement. They had already purchased a building that was going to be the office building during construction when they were notified by Southwest District Health saying the perk test and the permit were great but then realized the Redman's were commercial and she hadn't factored that in. That is when everything stopped. They were contacted by the Caldwell Southwest District Health Office who told them that they would have to work with DEQ. They found out that they have to put in a Transient Public Water System,

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which will cost them \$95,000.00 to put it in. She stated that they are asking for an extension because they are still working on this and not giving up at this point and they need more time to consider their options.

Chairman Reynolds closed the public hearing.

Discussion by the Commission.

Reisse Perin made a motion to approve the extension request for 365 days that will expire on October 20, 2011.

Laurie Boston seconded the motion.

Vote: Unanimous.

REGULAR MEETING

1. LINN AVENUE CONSTRUCTION DISCUSSION:

Brad Hawkins-Clark stated that David Poole and Sons received a Special Use Permit from the Commission a few months ago to move their box assembly plant and one of the conditions that the Commission placed was that Linn Avenue be widened. Mr. Poole dedicated the applicable portion of Linn Avenue to Gem County and the agreement was that the Gem County Road and Bridge Department would do the project when the water was out of the ditch. There is a power pole right at the intersection of Linn and Black Canyon Highway and when the road is widened the power pole must be moved. Idaho Power felt that relocating the pole would be driven by a private, commercial project so they won't waive the fee to move the pole. This means that Mr. Poole cannot fulfill all of the conditions that this Commission placed on the Special Use Permit. They have an active building permit and are renovating the building and expect to keep moving along. If they can't meet all of the conditions than they won't be able to open the business. He said if they feel that Linn Avenue should be widened to accommodate the extra truck traffic then they should hold a public hearing and re-open those conditions so that they can be talked about.

Discussion by the Commission. The Commission felt that they would be doing a disservice to the public who testified at the Special Use Permit hearing who had issues with Linn Avenue and the safety issues if they just let this go and it wouldn't be fair to the applicant to not allow them to operate when they followed the conditions that were in their control. The Commission felt that they should re-open the public hearing and give both sides the opportunity to speak and hear the issues.

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2. ITEMS FROM THE PUBLIC. None.

3. APPROVAL OF THE MINUTES OF SEPTEMBER 13, 2010:

Laurie Boston made a motion to approve the minutes as corrected.

Reisse Perin seconded the motion.

Vote: Unanimous.

4. ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:

Brad Hawkins-Clark stated the Board of County Commissioners held the Mary Brown Appeal Hearing today and they decided not to uphold the Zoning Commission's decision at this time. They will be scheduling a public hearing to hear testimony on the Appeal application.

a. Idaho Power Western Treasure Valley Plan:

Brad stated that he is participating in the Western Treasure Valley Electrical Plan with Idaho Power. Idaho power puts together a master plan for their future infrastructure and they get the communities that affected involved. The Western Treasure Valley includes Owyhee County, Gem County, Canyon County, Payette County, Washington County and Malheur County. This is a six month plan where they will plan the locations for their large transmission lines and the substations. He was asked to sit on the Citizen Advisory Committee for six months along with Commissioner Sherrer and Dian Streeby from the Chamber of Commerce. They will be meeting every month in Caldwell.

b. APA – Idaho 2010 Conference:

Brad stated that he will be attending the conference that begins tomorrow evening and goes through Friday afternoon. He said he is facilitating one of the panels on floodplain management.

5. ELECTION OF OFFICERS:

Chairman Reynolds nominated Reisse Perin for Vice Chairman.

Vote: Unanimous.

Reisse Perin nominated Dale Reynolds to continue serving as Chairman.

Vote: Unanimous.

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

Tim McNeese stated that he will further research about conflicts of interest.

7. ITEMS FROM THE ZONING COMMISSION: None.

8. UPCOMING MEETINGS:

- a. Next regular meeting: November 8, 2010

9. ADJOURN:

Laurie Boston made a motion to adjourn.

Reisse Perin seconded the motion.

Vote: Unanimous.

Chairman Reynolds closed the meeting at 8:03 p.m.

Chairman Dale Reynolds