

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
November 8, 2010

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

**MEMBERS PRESENT:** Dale Reynolds, Kirk Darnell, Reisse Perin, Michelle Barron and Laurie Boston.

**MEMBERS ABSENT:** None.

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

**7:00 P.M.**

- 1. CALL TO ORDER:** Chairman Reynolds opened the public hearing at 6:59:30 p.m. and welcomed everyone, then explained the public hearing process.
- 2. ROLL CALL:**  
Kirk Darnell – present, Dale Reynolds – present, Reisse Perin – present, Laurie Boston – present, Michelle Barron - present.
- 3. REVIEW AGENDA:** No change to the agenda.

**PUBLIC HEARING**

**1. (Continued) A Special Use Permit (#SUP-10-003) by Joanne Machdanz to allow a private kennel to house a maximum of 30 dogs. Located at 1080 Petersburg Road, Letha. T 07N, R 03W, Section 36:**

No ex parte or conflicts of interest were reported.

**Joanne Machdanz** – 1070 Petersburg Road.

She submitted a well report, clean-up plan and some photos of the kennels to the Commission. She stated that she re-organized and cleaned up the kennels.

**Reisse Perin** made a motion to continue the public hearing to their next meeting on December 13, 2010 in order to review the items submitted tonight and to give the Code Enforcement Officer time to take pictures of the kennels.

**Laurie Boston** seconded the motion.

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**Vote:** Unanimous.

**2. Linn Avenue widening and reconstruction at the Black Canyon Highway intersection related to the Special Use Permit (SUP-10-002) that was approved for Poole and Sons for their box assembly plant:**

No exparte or conflicts of interest were reported.

**Staff review:** Brad Hawkins-Clark reviewed the issues and the PowerPoint presentation with the Commission. He stated that the approximate cost to move the power pole on Linn Avenue is \$2,500.00 and the County doesn't have the money at this time to pay that. One of the conditions that the Commission placed on the Special Use Permit was to widen Linn Avenue, so at this time there is a condition that cannot be complied with.

**David Poole** -19509 Jacknife Lane.

He stated that he felt he met his end of the condition since he deeded 30 feet of his property to the County. He stated since the County doesn't have the money to widen the road at this time that maybe something needs to be amended until the budget allows for the power pole to be moved. He stated he needs to be able to move forward with his business and building renovation project.

**Public testimony:**

In Favor: None.

Neutral:

**Dan Walton** – 3621 Linn Avenue.

Stated he had a real problem with this continuing without the road being widened. He got hung up twice this summer with a 16-foot swather on Black Canyon because a car was at the stop sign. He would rather they use the other driveway east of Linn than going ahead and using Linn without widening it. He said he has no reason to not want this business out there and he knows Mr. Poole has put a lot of money into this project. He stated as a citizen from the public he didn't have a problem with going to Idaho Power and stating that the road needs to be widened for safety reasons.

Opposed: None.

**Applicant Rebuttal.**

**David Poole** – 19509 Jacknife Lane.

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Stated that there is an agreement between himself and the County and if they decide for the other access to be used, he would expect that the County would deed back the 30 feet that he had deeded to them to widen the road. The reason he deeded that portion to the County was for Linn Avenue to be widened. He stated that he could use the existing driveway off of Black Canyon for a temporary employee access and the larger trucks will have to use Linn Avenue until this issue can get resolved.

**Commission Discussion.**

The Commission discussed and raised concerns with the budget, timeframes, a temporary fix, contacting Idaho Power, payment plan with Idaho Power, temporary access and deadlines.

**Chairman Reynolds** made a motion to amend condition of approval #7 for Special Use Permit #10-002 to allow a temporary access where the existing driveway is located which is now classified as the emergency drive. The temporary access will be good until November 30, 2011 and then it will be returned to Linn Avenue access to the business. The applicant shall have 30 days after the roadwork to Linn Avenue is completed to stop using the temporary access and return it to the emergency access. The Commission will review this item on or after November 30, 2011 if this hasn't been resolved.

**Kirk Darnell** seconded the motion.

**Discussion on the Motion.** The Commission would like to have regular updates including complaints on this issue placed on their monthly agendas until this issue is resolved.

**Vote:** Unanimous.

**REGULAR MEETING**

1. **ITEMS FROM THE PUBLIC.** None.
2. **APPROVAL OF THE MINUTES OF OCTOBER 12, 2010:**

**Reisse Perin** made a motion to approve the minutes as submitted.

**Kirk Darnell** seconded the motion.

**Vote:** Unanimous.

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

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- a. Recent Board of County Commissioners Decisions and Hearings

**Brad Hawkins-Clark** stated that the Board overturned the Commission's denial of the temporary hardship permit by Mary Brown.

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

- 5. ITEMS FROM THE ZONING COMMISSION:** Chairman Reynolds stated that Fran Yett will be re-appointed to the Commission and will be attending the next meeting.

**6. UPCOMING MEETINGS:**

- a. Next regular meeting: December 13, 2010

**7. ADJOURN:**

**Kirk Darnell** made a motion to adjourn.

**Reisse Perin** seconded the motion.

**Vote:** Unanimous.

**Chairman Reynolds** closed the meeting at 8:56 p.m.

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Chairman Dale Reynolds