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

MEMBERS PRESENT: Robb Menlove, Dan Eichelberger and Danny Garringer.

MEMBERS ABSENT: None.

OTHERS PRESENT: Planning Director – Jennifer Kharrl, Development Services Coordinator – Michelle Barron, Deputy Prosecuting Attorney – Tahja Jensen and Road and Bridge Director – Neal Capps.

6:00 P.M.

REGULAR MEETING

1. CALL TO ORDER: Chairman Menlove opened the public meeting at 6:13 P.M.

2. ROLL CALL: Robb Menlove – present, Danny Garringer – present, Dan Eichelberger - present.

3. REVIEW AGENDA: Commissioner Garringer made a motion to approve the agenda as written. Commissioner Eichelberger seconded the motion.
   Vote: Unanimous.

4. APPROVAL OF MINUTES – July 15, 2019
   Commissioner Eichelberger made a motion to accept the minutes as written. Commissioner Garringer seconded the motion.
   Vote: Unanimous

   Rules and process of public hearing read into record by the Sergeant at Arms, Commissioner Eichelberger.

PUBLIC HEARING

Oath administered.

1. ZONING ORDINANCE AMENDMENTS TO TITLE 11, CHAPTER 4: ZONE USES, TITLE 12, CHAPTER 3-6: PRELIMINARY CONSTRUCTION PLAN ELEMENTS, CHAPTER 3-7: MINOR SUBDIVISION REVIEW, NOTICE, ACTION AND REQUIRED FINDINGS FOR APPROVAL AND CHAPTER 4-3: STATEMENTS.

   Applicant:

   Planning Director Kharrl:
   Introduced the amendments to the Zoning and Subdivision Ordinance. In the process of drafting proposed amendments, staff met with Prosecuting Attorney. She explained the process of this
A recommendation is made from the Zoning Commission for one of the following; approval as written, modification to draft or recommended denial to the Board of County Commissioners. This hearing will only be a recommendation and will resume with a public hearing before the County Commissioners making a final decision. She gave time and location of public hearing. She read into the record a petition that was signed by 27 people. She noted that it was received according to deadlines for public written submission. She explained proposed amendments to title 11(zoning) and title 12(subdivision) followed by giving history of amendments made to the subdivision ordinance. Gave facts about current zoning. She explained the importance of the proposal. This will allow the language to be consistent throughout the Gem County Ordinance. She clarified that 3 zones, A1 A2 A3, are not being amended. They will all remain to have individual acreage minimum requirements. Requesting 1 acre individual well and septic systems will only be approved through Southwest District health. Currently, 1 acre zones, are allowed for a shared well/septic system.

She educated the public along with the Zoning Commission about the subdivision process. Explained the difference between a minor subdivision and a standard. That let into explaining the proposal to Title 12-3-7. She clarified to the public that there will still be a sign posted on proposed property of minor subdivision, a letter will be sent out to surrounding property owners within 300 feet and all written concerns will become part of the record. The next step is to prepare a packet for the commission for a final decision to be made. Public concerns will not be taken away. Site specific conditions are still going to be a mandatory requirement for minor subdivisions.

Removing this section of this code will only be removing redundancy. All public notification sent via mail give instruction to submit written concerns to voice opinion. County engineer is being proposed to sign minor subdivision (if applicable) if on hillside/floodplain due to engineering not being needed in the past, moving forward hillside/floodplain subdivisions (minor) will need engineering approval.

**Commission Discussion:**

Asked for clarification on hillside process referring title 12-3-7. Clarification of how the public can still have their voices heard was discussed. Deputy Prosecuting Attorney Jensen clarified that The State Code defines a subdivision as 5 lots or less. The Gem County Code is already more stringent. In Gem County, 4 lots or less is considered a minor. Gave direction to public speaking to give specification on which title is being addressed.

Chairman Menlove: As the public testifies he asked for each individual to be specific on which title is being referenced.

**In Favor:**

**Tom Helzer – 2323 N. Plaza Road Emmett, ID**

In favor of proposed amendment changes. Felt that if the health district approved the wells and septic on the 1 acre lots, the county should as well. Gathered a list of signatures of parties in favor of ordinance amendments. He is concerned that the Comprehensive Plan that calls for 1 acre lots in a certain section of the county, Southwest District Health approval but a footnote in the ordinance requires a 2 acre minimum. In favor of striking the footnote.
Ed Youngstrom – 1102 Royalty Ave. Emmett, ID
He is currently working on development/construction locally. His question was for Planner Kharrl. Asked for clarification on 1 acre well and septic systems and current subdivision processes.

Patty Bowman – 225 South Slope Road Emmett, ID
She is in favor of all of the amendments. She has had meetings with Southwest District Health about appropriate lot size to properly obtain an individual well and septic. She explained that 1 acre lots are more than adequate to serve an individual well and septic system. Added clarification that every new lot that is created, there is a mitigation fee to go towards repairs of roads. There is designation to the fees.

Neutral:
None

Opposed:

Betty Riedell – 1698 Kathy Street Emmett, ID
She spoke about the change to one acre lots allowing individual well and septic. She received for clarification on definitions on subdivision and lot size minimum. Title 12 change was a concern to her. She expressed that some people find it easier to discuss matters in person easier rather than written responses. Title 12-3-7, hearing examiner clarification. She felt it was no longer going to be required for a licensed professional to review plans.

Planning Director Kharrl:
She gave explanation of job duties as administrator/ hearing examiner. Currently, this person acts as one. Hearing examiner would no longer be needed if amendment was approved, so it is being proposed to strike out hearing examiner to allow language to be consistent. Other agencies would still have overview of applications as the ordinance states currently.

Deputy Prosecuting Attorney Jensen:
The reason the code is written this way is because there are certain entities or agencies that do hire a hearing examiner to conduct such public hearings, to her knowledge in Gem County the administrator has always fulfilled this roll.

Betty Riedell:
Existing subdivision applications that have been submitted and are in the review process, if these proposals are approved, which rules they will have to abide by the current ordinance or the amended version. She is mostly concerned about the 1 acre well and septic. Asked for clarification on what the current ordinance says, when application is submitted.

Deputy Prosecuting Attorney Jensen:
Discussed the conflict between the subdivision and zoning ordinance.
Commissioner Eichleberger:
Intercepts due to timing. Would like to make a note that there is not a final answer on what the procedure will be for current applications in the subdivision process.

Carlos Nelson – 3344 Wilson Lane Emmett, ID
When asked for clarification on which title he was referencing, he said he would like his concerns to be generalized for growth in the county. He has environmental concerns. The groundwater will go down if there are more wells. With more septic systems there can be contamination. With more people, there will be more emission and pollution. He is concerned with the safety with additional traffic. There will be more traffic congestion and more traffic related issues. Concerned about what the traffic will do to school zones. Discussed issues off Plaza Road with the increase in traffic. He is concerned with additional crime. He brought up construction and taxes are going to rise and gave input on how to have healthy growth. He feels if Emmett, Idaho grows too large it will lose its small town flavor.

Chairman Menlove:
Informed Mr. Nelson that he is not the only one with these concerns. He felt that this is not on topic for tonight’s public hearing, rather at a future meeting to address concerns and questions for the growth of the community.

Joann Rice – 3471 Fuller Road Emmett, ID
She explained that surrounding her home, there was a proposed subdivision. Her concern with the subdivision was rural road conditions. Received clarification that these proposed amendments would be applied to all of Gem County, not just the impact area for growth. She informed the zoning commission that in the county, 300 feet perimeter for notification is not large enough.

Chairman Menlove:
Discussed agriculture taxes versus residential taxes, explaining the different revenues.

Ensured no one further wanted to testify.

Chairman Menlove closed public hearing.

Commission Discussion:
Addressed that road conditions was a large concern with the public, unfortunately is not under the topic of proposed amendments or on the agenda for current meeting. Discussed promoting growth and current 1 acre lots with individual well and septic systems. The comprehensive plan allows for 1 acre zones in priority growth area 1 currently.

Deputy Prosecuting Attorney Jensen: County Code 11.15.4 (read code) suggested that if this is not proposed for approval, then there needs to be recommendations on how to change the other parts of the code that it will affect. Summarizing that the language between the current code and comprehensive plan, it is needed to be in conjunction of each other moving forward.
Planner Kharrl: In 2014, ordinance amendment of the R-2 zone that previously required a shared well on 1 acre lots. Many entities were brought in when this amendment took place. Gave the history of the process in 2014 when the R-2 zone was amended. She explained that it is necessary that all codes complement each other and discrepancies are removed.

Discussed the pros and cons of allowing individual septic systems and wells compared to sharing. If this amendment was recommended for denial, any future development could still have one acre lots; they would just have to share a well and septic. Explanation was made from Director Kharrl that upon approval of Southwest District Health, 1 acre lots are allowed to have individual well and septic systems. Property rights were discussed. It was shared that growth is trying to be slowed down but property rights are something that have to be considered. Hesitation about removing public hearing from Commissioner Garringer but now understands that no voice is being removed. Written concerns will still be accepted on each application. Discussed the concern that was shared from the public about not being able to voice an opinion in person. It was explained that the concerns will still be heard with the same participants that would hold the public hearing. The formality of a public hearing would just not be put on an agenda if it were to be requested, as written in the current code.

Commissioner Garringer made a motion to recommend approval to the Board of County Commissioners of Zoning Ordinance Amendments to Title 11, Chapter 4, Title 12, Chapter 3-6, 3-7 and 4-3 with changes to adding verbal comments to the record for the notice letter. Commissioner Eichelberger seconded the motion.

Vote: Unanimous.

REGULAR MEETING

1. ITEMS FROM THE PUBLIC:
   None.

2. ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:
   a. The August meeting will have two Special Use Permits, a Rezone, a Variance and a Temporary Hardship Permit will be on the agenda for that meeting.

3. ITEMS FROM/OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:
   a. A Vice-Chairman appointment needs to be added to the August 19th agenda as an action item.
   b. Went over process of judicial proceedings for the Rouwenhorst Rezone.
   c. Gave an update on Capital Improvement Plan.

4. ITEMS FROM THE ZONING COMMISSION:

5. UPCOMING MEETINGS:
   a. August 19, 2019 at 6:00 pm.
6. ADJOURN:
Commissioner Eichelberger made a motion to adjourn.
Commissioner Garringer seconded the motion.
Vote: Unanimous.

Chairman Menlove closed the meeting at 7:50 P.M.

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Chairman Menlove