NOTICE OF PUBLIC HEARING

THE GEM COUNTY BOARD OF COMMISSIONERS WILL HOLD A PUBLIC HEARING ON TUESDAY, AUGUST 2ND, 2022, AT 9:00 A.M. AT THE GEM COUNTY COURTHOUSE, 415 EAST MAIN STREET, EMMETT, IDAHO IN ADDITION TO A ZOOM MEETING/CALL TO HEAR THE FOLLOWING REQUEST:

A Rezone request by Devon and Melissa Hass to rezone 5.49 +/- acres, from A-2 – Rural Transitional Agriculture (a 5 acre minimum lot size) to R-3 – Residential Transitional (a 2 acre minimum lot size) Located at 3850 S. Mill Road, T 06N, R 01W, Section 19, Parcel # RP06N01W196355. The Gem County Zoning Commission has recommended approval of this rezone.

THE APPLICATION AND LEGAL DESCRIPTION IS AVAILABLE FOR REVIEW BY CONTACTING THE DEVELOPMENT SERVICES DEPARTMENT VIA EMAIL (MBARRON@CO.GEM.ID.US) OR PHONE 208-365-5144.

WRITTEN CORRESPONDENCE IS HIGHLY RECOMMENDED AND MUST BE SUBMITTED TO THE DEVELOPMENT SERVICES OFFICE (109 SO. MCKINLEY AVE., EMMETT, ID.) NO LATER THAN 12:00 P.M. JULY 26TH, 2022. WE HAVE A MAIL SLOT IN OUR DOOR FOR CONVENIENCE. WRITTEN CORRESPONDENCE WILL BE GIVEN TO THE COUNTY COMMISSIONERS FOR CONSIDERATION AND IS ENCOURAGED TO SHARE YOUR COMMENTS AND CONCERNS.

THE MEETING LINK AND CODE FOR CALLING IN WILL BE LISTED ON THE DEVELOPMENT SERVICES PAGE AT WWW.GEMCOUNTY.ORG FOR ANYONE WISHING TO ATTEND THIS MEETING VIRTUALLY. IF YOU DO NOT HAVE ACCESS TO THE WEB PAGE, YOU MAY CALL THE DEVELOPMENT SERVICES OFFICE AT 208-365-5144 PRIOR TO THE MEETING TO GET A MEETING LINK OR CALL IN CODE.

PUBLISH JULY 13

Jennifer Kharrl
Planning Director

GEM COUNTY

Zoning Commission
Recommendation to Board of County Commissioners

(This recommendation is to be used in conjunction with the Staff Report for the same application.)

Application/Project Name: Rezone Application – File #RZ-22-004

Applicant Name: Devon and Melisa Hass

Date of Written Recommendation: July 15, 2022

Date of Zoning Commission Public Hearing(s): June 13, 2022

Date of Board Public Hearing: August 2, 2022, 9:00 AM

Summary of Public Oral Testimony:

- In Favor: Devon Hass
- Opposed: None
- Neutral: None

Recommendation: Approval. (Unanimous)

Reason(s) and Findings for Recommendation:
See the attached recommendation. For further analysis see the Staff Report.

Commission Changes to Staff Recommendation: None.

Outstanding Issues for Board of County Commissioner Meeting: None

GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

OFFICE OF THE ADMINISTRATOR

PLANNING & ZONING

PHONE (208) 365-5144 **WEBPAGE** www.gemcounty.org

BEFORE THE ZONING COMMISSION

GEM COUNTY, IDAHO

In Re: REZONE APPLICATION #RZ-22-004	)	
For Devon and Melisa Hass	)	
from A-2, Rural Transitional Agriculture	)	**RECOMMENDATION TO BOARD**
to R-3, Rural Residential	)	**OF COUNTY COMMISSIONERS**

I.

RECOMMENDATION

The property owner, Devon Hass, sought approval to rezone his property (see **Exhibit A**) from A-2 Rural Transitional Agriculture (5-acre minimum) to R-3 Rural Residential (2-acre minimum). The property proposed to be rezoned is 5.45+/- acres in size, and lies fully within the Priority Growth Area 1 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan. The property is located at 3850 Mill Road and identified in Township 6 North, Range 1 West, Section 19, of the Boise Meridian, Gem County Idaho and Gem County Assessor's records as RP06N01W196355.

The matter came before the Gem County Zoning Commission (hereafter referenced as Commission) on the 13th day of June 2022, for the purpose of hearing the Rezone Application submitted by the applicant. Staff submitted a staff report for Commission consideration. There was no testimony from the public.

Notice of Public Hearing on the application was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on May 25, 2022. Notice of the public hearing was mailed to property owners within 300 feet of the subject property, in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on May 16, 2022. The physical property was posted for the public hearing on May 18, 2022. Requests for all impact agency reviews were mailed on May 16, 2022.

Pursuant to section 11-15-4 of the Gem County Code, to grant approval of a Rezone Application, the Commission shall find adequate evidence showing the following:

1. The requested amendment complies with the Comprehensive Plan text and Future Land Use Map;

2. The requested amendment is not materially detrimental to the public health, safety, or welfare;

3. The subject property meets the minimum dimensional standards of the proposed zoning district;

4. The uses allowed under the proposed zoning district would be harmonious with and appropriate for the existing or intended character of the general vicinity and that such uses would not change the essential character of the same area;

5. The effects of the proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within Gem County's planning jurisdiction have been considered and no unmitigated adverse impacts upon those services will impose additional costs upon current residents of Gem County's planning jurisdiction.

The Commission finds the Gem Community Comprehensive Plan and Zoning Ordinance supports a rezone of the property to R-3, Rural Residential. Based on the findings outlined in **Exhibit B** of this Recommendation, the Commission voted unanimously to recommend approval of the application.

A motion was made by Commissioner Vickery to recommend to the Board of County Commissioners approval of the rezone. That motion was seconded by Commissioner Jones and the vote was as follows:

The final vote of the Rezone application was:

Commissioner Vickery	Yea
Commissioner Jones	Yea
Chairman Eichelberger	(If applicable in case of tie vote)

CERTIFICATE OF SERVICE

I hereby certify that on this 18 day of July, 2022, I served a true and correct copy of the foregoing RECOMMENDATION upon

NAME Devon Hass

ADDRESS 7444 N. Corinthia St.
Eagle, ID 83616

By depositing a copy thereof in the United States mail, with first class postage prepaid.

Stephanie Crays

Stephanie Crays, Development Services Coordinator

EXHIBIT A

LEGAL DESCRIPTION
Hass RZ #22-004

A tract of land situated in the West half of the Southwest quarter of section 19, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, more particularly described as follows:
Beginning at the Southwest corner of said Section 19, being the REAL POINT OF BEGINNING; thence North 0°03'14" East along the West line of said Section 19, a distance of 560 feet; thence South 89°17'05" East a distance of 836.00 feet to the Northwesterly bank of a canal; thence South 56°15'55" West along said canal a distance of 989.88 feet to the South line of said Section 19; thence North 89°17'05" West along said South line a distance of 13.26 feet to the REAL POINT OF BEGINNING.

EXHIBIT B

REQUIRED FINDINGS FROM ZONING ORDINANCE
HASS REZONE (RZ-22-004)

According to Title 11, Chapter 15, Section 4, "No map amendments (rezones) shall be recommended for approval by the Commission or granted by the Board of Commissioners unless the following findings are made by the Commission or Board": (Commission findings are in *italics*.)

1. The requested amendment complies with the Comprehensive Plan text and Future Land Use Map;

   Based on the Comprehensive Plan analysis provided in Section 5 of the accompanying staff report, the Commission finds the majority of the applicable policies support an R-3 rezone in this area. In the Commission estimation, the Comprehensive Plan Future Land Use Map relevant policies does support the rezone application to R-2 since the parcel falls within the County Residential Area, Priority Growth Area 1.

2. The requested amendment is not materially detrimental to the public health, safety, or welfare;

   Commission finds an R-3 zone would allow one (1) additional dwelling on the subject parcel (as it sits today there is an existing single-family dwelling on the property). The potential increased septic use has not been viewed as detrimental to the health, safety, or welfare when located on two (2) acre minimum lot sizes, but has not yet been verified by SWDH.

3. The subject property meets the minimum dimensional standards of the proposed zoning district;

   The minimum lot size in the proposed R-3 zone is two-acres. The subject area to be rezoned to R-3 is currently 5.45 acres in size. The site complies with the minimum size and setbacks of the R-3 zone. The subject site could be developed to comply with the minimum dimensions for an R-3 zone.

4. The uses allowed under the proposed zoning district would be harmonious with and appropriate for the existing or intended character of the general vicinity and that such uses would not change the essential character of the same area;

   A list comparing the allowed uses in the proposed R-3 zone with the existing A-2 zone is shown in Section 6 of the accompanying staff report. More intense uses are allowed with or without a SUP in the current zone than in the proposed R-3 zone. There are a few special uses allowed in the R-3 zone that would not be harmonious with the existing rural residential character of East Idaho Boulevard, such as convenience stores, but since these require special approval from the County as well as neighbor notification, they are not found to change the essential character of the area in and of themselves. As such, the Commission finds the uses allowed in an R-3 zone are compatible with the intended character of the area. This is largely due to the mining and entertainment land uses allowed in the A-2 zone with a SUP which are prohibited in the R-3 zone. The specific uses are listed according to each zone as allowed outright, prohibited or allowed with a Special Use Permit.

5. The effects of the proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within Gem County's planning jurisdiction have been considered and no unmitigated adverse impacts upon those services will impose additional costs upon current residents of Gem County's planning jurisdiction.

   The public service agencies/providers that responded to this rezone application were the Gem County Road and Bridge Department.

   If the applicant submits a subdivision request, all agencies/providers will review for compliance with their regulations at that time.

   The impacts of development of 5.45 acres of R-3-zoned land into two-acre parcels is not expected to generate demands on public services beyond the current service demands with the addition of 1 home. The Board adopted an Impact Fee Ordinance which is used to off-set costs, to the public road system and other public services that are provided, caused by new homes and their traffic generation.

MAR 2 3 2022
BY: JV

MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES
109 SOUTH MCKINLEY, EMMETT, IDAHO 83617 WWW.GEMCOUNTY.ORG PHONE: (208) 365-5144

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)

- ☐ APPEAL
- ☐ COMPREHENSIVE PLAN TEXT AMENDMENT
- ☐ COMPREHENSIVE PLAN MAP AMENDMENT
- ☐ DESIGN REVIEW
- ☐ DEVELOPMENT AGREEMENT
- ☐ PLANNED UNIT DEVELOPMENT
- ☐ PLANNED COMMUNITY
- ☒ REZONE
- ☐ SPECIAL USE PERMIT
- ☐ SPECIAL USE PERMIT (MINERAL EXTRACTION)
- ☐ SUBDIVISION, PRELIMINARY
- ☐ SUBDIVISION, MODIFICATION
- ☐ SUPPLEMENTAL AMENDMENT
- ☐ VACATION
- ☐ VARIANCE
- ☐ ZONING TEXT AMENDMENT

PROJECT NAME: _____

SITE INFORMATION:

(This information can be found on the Assessor's property information assessment sheet.)

Quarter: S.W. Section: 19 Township: 6 North Range: 1W, Boise Meridian, Gem Co. Total Acres: 5.49

Subdivision Name (if applicable): N/A

Site Address: 3850 S. Mill RD Lot: _____ Block: _____ City: EMMETT

Tax Parcel Number(s): _____ Current Zoning: A2 Current Land Use: _____

PROPERTY OWNER:
Name: DEVON AND MELISSA HASS
Address: 7444 W. CORINTHIA ST.
City: EAGLE State: ID Zip: 83616
Telephone: 949-795-3861
Email: dhass@eandeconstruction.com

I consent to this application and allow Development Services staff to enter the property for site inspections related to this application.

Signature: (Owner) Date

APPLICANT:
Name: DEVON HASS
Address: 7444 W CORINTHIA ST.
City: EAGLE State: ID Zip: 83616
Telephone: 949-795-3861
Email: dhass@eandeconstruction.com

I certify this information is correct to the best of my knowledge.

Signature: (Applicant) Date

OFFICE USE ONLY

File No.: RZ22-004 Received By: JV Date: 3/22/22 Fee: 710.00 Receipt No: 22-00171

Gem County Development Services

109 S McKinley, Emmett ID 83617

208-365-5144

To Whom it may concern,

We are requesting a rezone of our property of 5.49 acres, located at 3850 S Mill Road Emmett ID, 83617 in order to allow our son and his wife to build a new home on 2 acres. This will leave our property at 3.49 acres with the existing home and all structures on the 3.49 acres. The new 2 acres parcel will be jointly owned by Devon Hass, Melisa Hass, Dalton Hass and Jessica Hass. The new home will be a 3-bedroom 2-bath stick-built home of approximately 1800 Sq Ft with an attached 2 car garage. This project will maintain the rural/residential usage of the area and surrounding properties. This project will have little to no impact on the area as there will be no discernable increase in traffic or demands on the existing infrastructures, we have already contacted Idaho Power and are working with them on the required new service (Request number 48994) We have also paid for and begun the test well application for the additional septic tank system with County health on 3/21/2022

This request complies with the Comprehensive Plan text and future land use map is not materially detrimental to public health, safety, or welfare.

Our property meets the minimum dimensional standards of the proposed zoning district, and meets the uses allowed under the proposed zoning district would be harmonious with and appropriate for existing intended character of the general vicinity and that such uses would not change the essential character of the area.

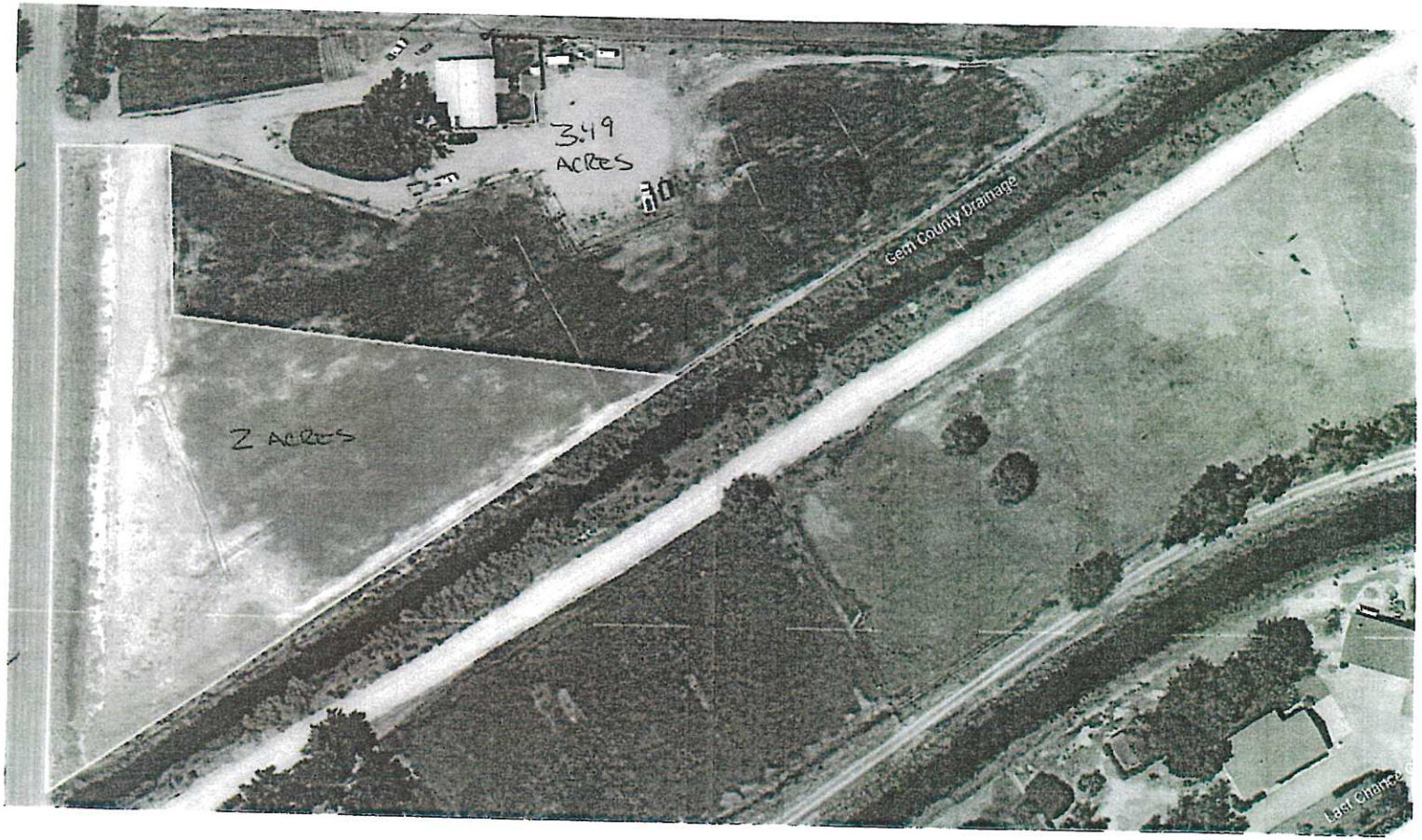
The effects of the proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, withing Gem County's planning jurisdiction have been considered and no unmitigated adverse impacts upon those services will impose additional costs upon current residents of Gem County's planning jurisdiction.

Devon Hass 3/22/2022

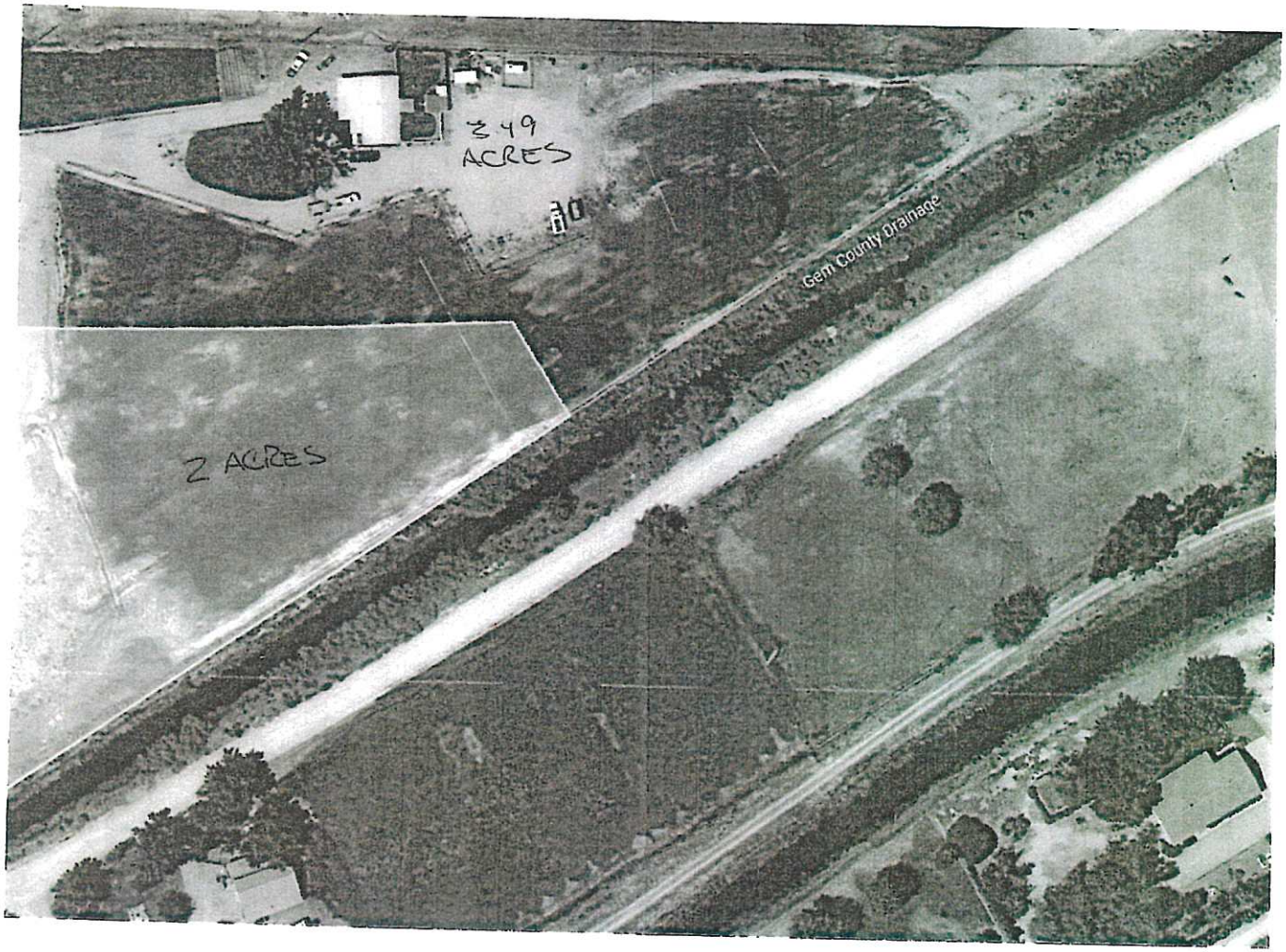
E ZONE

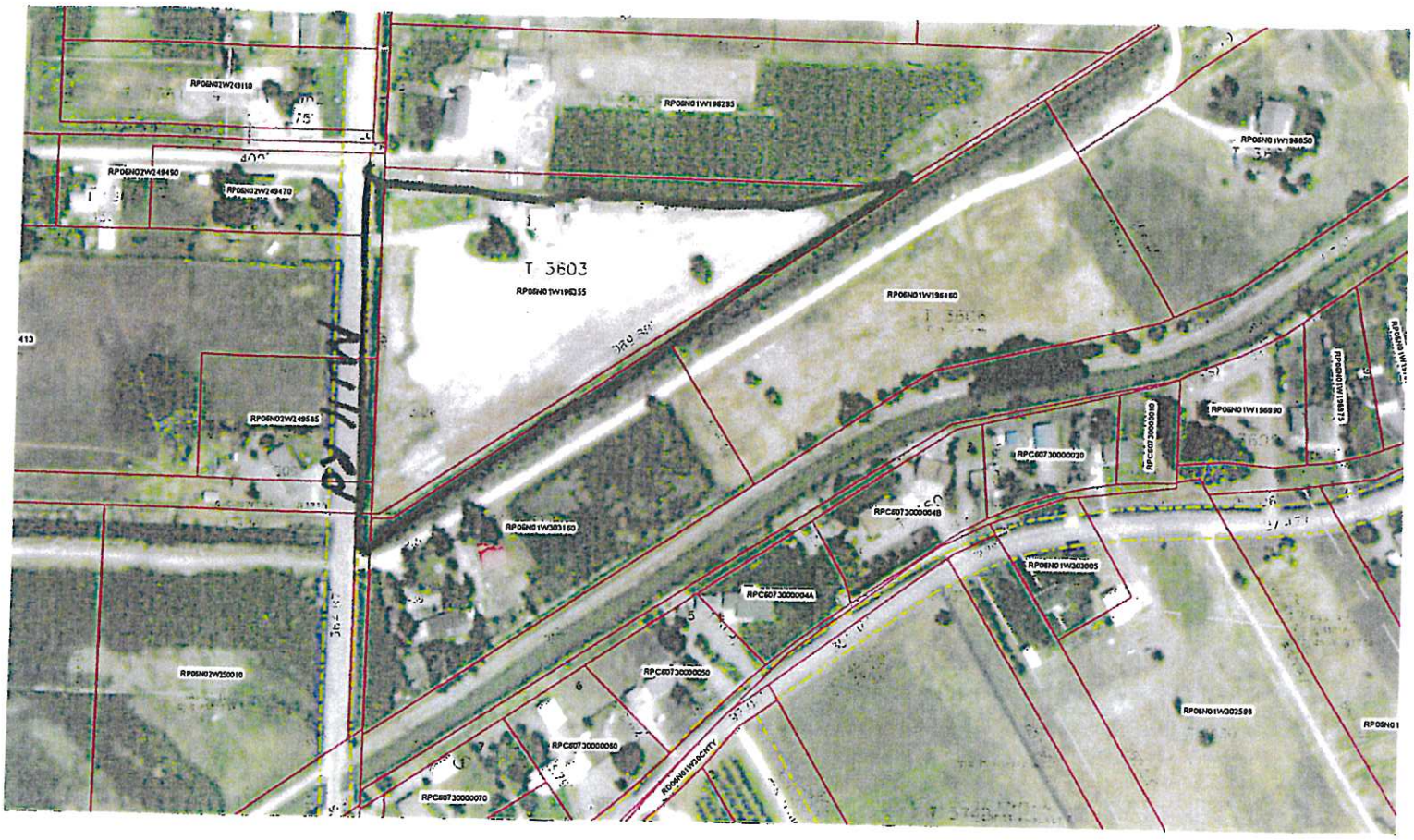
,850 S Mill RD

PTION 1



REZONE
3850 S. Mill RD
OPTION 2





Approx. location

GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

OFFICE OF THE ADMINISTRATOR

PLANNING & ZONING

PHONE: (208) 365-5144 **WEB PAGE: GEMCOUNTY.ORG**

STAFF REPORT

APPLICATION DESCRIPTION: REZONE (A-2 TO R-3)

FILE NUMBER(s): RZ-22-004

ZONING COMMISSION HEARING DATE: June 13, 2022, 6:00pm

PROPERTY OWNER: Devon Windsor Hass and Melisa Dawn Hass Living Trust
7444 W Corinthia Street
Eagle, ID 83616

APPLICANT: Devon Hass

SITE LOCATION: 3850 MILL ROAD

STAFF PLANNER: Jennifer Kharrl

1. APPLICATION SUMMARY:

The property owner, Devon Hass, is requesting a rezone of his property located at 3850 Mill Road. The application proposes a change from A-2, Rural Transitional Agriculture (5-acre minimum lot size), to R-3, Rural Residential (2-acre minimum lot size). The application states the reason for the request is to apply for a minor subdivision to create two Lots. (Subdividing the property is a separate application and must be preceded by a rezone.) The property proposed to be rezoned is 5.45 acres in size and lies fully within the Priority Growth Area 1 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan.

2. APPLICATION & PROPERTY FACTS:

A. Site Address/Location:
The property is located at 3850 Mill Road, and is within Township 6N, Range 1W, Section 19 (Tax Parcel #RP06N01W196355).

B. Current Owner(s): Devon Windsor Hass and Melisa Dawn Hass Living Trust
7444 W Corinthia Street
Eagle, ID 83616

C. Applicant(s): Devon Hass

D. Present Zoning: A-2, Rural Transitional Agriculture (5-acre minimum)

E. Present Comprehensive Plan Designation: County Residential Area, Priority Growth Area #1

F. Property Size: 5.45 acres

3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on March 22, 2022.

B. Notice of Public Hearing:

Notice of Public Hearing on the application for the Gem County Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on May 25, 2022. Notice of this public hearing was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on May 16, 2022. The physical property was posted for the public hearing on May 17, 2022. Requests for all impact agencies' reviews were mailed on May 16, 2022.

Gem County Development Services received a letter from the following public impact agencies: Gem County Road and Bridge Department.

Public hearing notices were mailed to sixteen (16) parcels in the immediate vicinity. Two letters of concern were submitted by the public.

C. Relevant Ordinances and Required Actions:

The subject application will in fact constitute a rezone as determined by Gem County Code. By reason of the provisions of the Gem County Code Title 11, Chapter 15, a public hearing is required before the Zoning Commission and the Board of County Commissioners on this matter.

D. History of Previous County Actions on Property: None.

E. Companion Applications: There are no companion applications to the Rezone.

4. LAND USE

A. Existing Land Use(s): Irrigated agricultural land and a single-family dwelling and outbuildings.

B. Description of Character of Surrounding Area: The immediate vicinity includes a combination of active and inactive agricultural lands and low-density single-family residential properties. The entire vicinity contains irrigated and/or irrigatable lands (Last Chance Ditch). Within ½ mile of the subject property there are 33 parcels below 1 acre, 21 parcels between 1-2 acres and 16 parcels between 2-4.9 acres.

C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture and R-2, Residential Transitional	Irrigated agricultural land; rural residential
South of site	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential; Black Canyon Irrigation District Tunnel No. 2 Waste Way Drain
East of site	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential
West of site	County Residential Area, Priority Growth Area #2	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential

D. Physical Constraints and Opportunities:

1. Wastewater and Domestic Water:

   a. Water: The site currently has a domestic well.

   b. Septic: The site currently has an individual septic system and drain field. Under today's Zoning Ordinance, future lots in the proposed R-3 zone may apply for individual septic systems, subject to approval by Southwest District Health.

2. Floodplain: The parcel falls within zone "D" on FEMA's Flood Insurance Rate Map, on a non-printed Panel, which indicates area of undetermined flood hazard.

3. Canals/Ditches/Irrigation: The property is served by Last Chance Ditch.

E. Subdivision Plat Information: N/A (separate application)

F. Streets and/or Access Information:

The site has approximately 560 feet of frontage along Mill Road.

5. COMPREHENSIVE PLAN POLICIES & GOALS [Staff comments and analysis are shown in *italics*.]

Staff finds the following policies in the Joint Comprehensive Plan are applicable to this application:

The Comprehensive Plan Future Land Use Map identifies the subject property as **County Residential Area, Priority Growth Area 1**. The County Residential Area is set aside for primarily residential development. The long-term vision for this planning area is to maintain the uniquely rural character and to preserve non-conforming uses. The Priority Growth Area 1 allows densities down to one (1) unit per one (1) acre, or as the Zoning and Subdivision Ordinances currently allow.

The proposed R-3 zone designation would allow a minimum one (1) acre lot size for primarily residential uses. The proposed R-3 zone complies with the purpose of the County Residential Area and Priority Growth Area 1 policies.

The following policies have been set forth in the ***Housing*** *Chapter of the Joint Comprehensive Plan (Chapter 3) and are found to be relevant to this application:*

3.8 - Rural residential and small ranchette type development shall be encouraged in areas where it is compatible with existing agricultural and ranching development.

The following policy has been set forth in the ***Natural Resources and Hazardous Areas*** *chapter of the Joint Comprehensive Plan (Chapter 6) and are found to be relevant to this application:*

6.7 – Preserve, protect and promote high quality standards for ground and surface water as an essential and limited natural resources throughout the community.

6.8 - Ensure that new development includes Health District approved site utilities to protect the quality of water in the county.

6.11 – Prevent contamination of groundwater from sewage and wastewater through appropriate planning, treatment and through regulations.

6.14 Manage and prevent unsuitable uses along creeks, canals, drainage ways, ponds and rivers to protect water quality.

The following policy have been set forth in the ***Transportation*** *chapter of the Joint Comprehensive Plan (Chapter 10) for future growth and are found to be relevant to this application:*

10.1.4- Encourage clustering of uses and access points along arterial, minor arterial and section line roads where applicable

The following policies have been set forth in the ***Land Use*** *chapter of the Joint Comprehensive Plan (Chapter 12) for future growth and are found to be relevant to this application:*

12.1 – Respect the responsibilities and rights of land ownership.

12.3 – Ensure due process of land development is clear and concise and avoid unnecessary delays for citizens and businesses.

The applicant/property owner met with Development Services staff to review the application process for both rezoning and subdividing.

12.7 – Support agriculture and business by buffering agriculture and business from incompatible land use encroachment.

There are existing agricultural uses in the vicinity of this parcel. They are mostly small-scale and a potential residential development of 1-acre minimum lot sizes should not encroach or impede these enterprises more than what is existing as there are several smaller parcels in the area as

noted in section 4.B. above.

12.1.10 – Review all development proposals in areas that are critical to groundwater recharge and groundwater source to determine impacts, if any, to protect surface and groundwater quantity and quality.

12.1.11 – Growth should start at the community centers and radiate outwards in a logical, orderly fashion.

12.9.1 – Encourage management and land –use priorities that support agricultural lands.

6. ZONING ORDINANCE

A. Purpose Statement of Zone: Gem County Code 11-4-4.B lists the purpose of the R-3 zone as follows: "To provide lands for the development of single-family dwellings, in areas that can be served by individual well and septic systems." The R-3 zone has a two (2) acre minimum lot size requirement.

The applicant's intent is to apply for a minor subdivision for two Lots. (If the rezone is approved, a Minor or Standard Subdivision application must be filed to subdivide the property).The requested zoning would support this type of development. The subject site is large enough for such development, therefore this criteria is met.

B. Permitted Uses:

The subject site is currently zoned A-2 (5-acre minimum) and allows the following types of uses, either outright or as a Special Use Permit:

> Agriculture, kennel, mining, utilities, some manufacturing, limited trade, entertainment and recreation, aircraft transportation, government services, limited private services (e.g. auto repair, construction yards), group quarters, various housing/residential uses, including halfway houses and single-family residential.

The proposed R-3 zone allows the following uses, either outright or as a Special Use Permit:

Fruit and produce stand (commercial), utilities, convenience store, park and ride lots, health club, libraries, parks, schools, swimming pools, sports arenas, daycares, government services, clinics, bed and breakfast, and single-family residential.

With the exception of a convenience store (only allowed through a Special Use Permit in the R-3 zone), staff finds the land uses in an R-3 zone to be generally more restrictive than the current allowed A-2 land uses. This is largely due to the mining and entertainment land uses allowed in the A-2 which are prohibited in the R-3 zone.

7. REQUIRED FINDINGS & STAFF ANALYSIS [Staff comments and analysis are shown in *italics*.]

According to Title 11, Chapter 15, Section 4., "No map amendments (rezones) shall be recommended for approval by the Commission or granted by the Board of Commissioners unless the following findings are made by the Commission or Board":

1. The requested amendment complies with the Comprehensive Plan text and Future Land Use Map;

   Based on the Comprehensive Plan analysis provided in Section 5 above, staff finds the majority of the applicable policies support an R-3 rezone in this area. In Staff's estimation, the Comprehensive Plan Future Land Use Map relevant policies does support the rezone application to R-3 since the parcel falls within the County Residential Area, Priority Growth Area 1.

2. The requested amendment is not materially detrimental to the public health, safety, or welfare;

   Staff finds an R-3 zone would allow one (1) additional dwelling on the subject parcel beyond what is permitted today (as it sits today, there is an existing single-family dwelling). The potential increased septic use has not been viewed as detrimental to the health, safety, or welfare when located on two (2) acre minimum lot sizes, but has not yet been verified by SWDH.

3. The subject property meets the minimum dimensional standards of the proposed zoning district;

   The minimum lot size in the proposed R-3 zone is two-acres. The subject area to be rezoned is currently 5.45 acres in size. The site complies with the minimum size and setbacks of the R-3 zone. The subject site could be developed to comply with the minimum dimensions for an R-3 zone.

4. The uses allowed under the proposed zoning district would be harmonious with and appropriate for the existing or intended character of the general vicinity and that such uses would not change the essential character of the same area;

   A list comparing the allowed uses in the proposed R-3 zone with the existing A-2 zone is shown in Section 6 of this report. More intense uses are allowed with or without a SUP in the current zone than in the proposed R-3 zone. There are a few special uses allowed in the R-3 zone that would not be harmonious with the existing rural residential character of East Idaho Boulevard, such as convenience stores, but since these require special approval from the County as well as neighbor notification, they are not found to change the essential character of the area in and of themselves. As such, staff finds the uses allowed in an R-3 zone are compatible with the intended character of the area. This is largely due to the mining and entertainment land uses allowed in the A-2 zone with a SUP which are prohibited in the R-3 zone. The specific uses are listed according to each zone as allowed outright, prohibited or allowed with a Special Use Permit.

5. The effects of the proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within Gem County's planning jurisdiction have been considered and no unmitigated adverse impacts upon those services will impose additional costs upon current residents of Gem County's planning jurisdiction.

The public service agencies/providers that responded to this rezone application were the Gem County Road and Bridge Department.

If the applicant submits a subdivision request, all agencies/providers will review for compliance with their regulations at that time.

The impacts of development of 5.45 acres of R-3-zoned land into two-acre parcels is not expected to generate demands on public services beyond the current service demands with the addition of 1 home which could be allowed as a secondary dwelling. The Board adopted an Impact Fee Ordinance which is used to off-set costs, to the public road system and other public services that are provided, caused by new homes and their traffic generation.

8. IMPACT AGENCIES NOTIFIED

Gem County Road Department
Gem County School District #221
Gem County Mapper
Idaho Department of Transportation
Gem Rural Fire District #1
Last Chance Ditch

9. STAFF RECOMMENDATION

Staff finds that the proposed rezone application meets all of the required findings from the Zoning Ordinance listed in Section 7 of this report and conforms with the overall intent of the applicable Comprehensive Plan policies and Future Land Use Map. The R-3 zone appears to be appropriate for this location at this time. Based on the information presented to date and available to staff, we support this application. The Commission must rely upon any additional testimony provided during the public hearing when making its recommendation to the Board of County Commissioners.

Michelle Barron

From: 2Ross Dogz <2rossdogz@gmail.com>
Sent: Tuesday, May 24, 2022 2:09 PM
To: Michelle Barron
Subject: Re: Request info regarding sign on Mill Rd
Attachments: HASS RZ LTR.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Michelle.

I realize the Comprehensive Plan is still being drafted, but, as I've mentioned before, my concern for development around here mainly focuses on ground water availability. With the Gutherie rezoning, for example, the Commissioners agreed to requiring a "water study" for any future development.

I hate to be the squeaky wheel and bring this up for every new house, but it's a big issue and going without a larger-scale water eval sets a precedent in my opinion. Until the County has a plan for this area, I'd hope that they are doing something to ensure ground water is not compromised for current residents.

Thanks again for the info; this new house is quite close to us.

Traci Ross

> On May 24, 2022, at 10:34 AM, Michelle Barron <MBarron@co.gem.id.us> wrote:
>
> Hi Traci,
>
> I am attaching the letter that I sent out as a notice. Let me know if you have any questions.
>
> Thanks,
>
> Michelle Barron
> Associate Planner
> Gem County Development Services
> 208-365-5144
>
> -----Original Message-----
> From: 2Ross Dogz [mailto:2rossdogz@gmail.com]
> Sent: Monday, May 23, 2022 12:44 PM
> To: Michelle Barron <MBarron@co.gem.id.us>
> Subject: Request info regarding sign on Mill Rd
>
>
> Hi Michelle,
> What can you tell me about your new sign on Mill near the South Slope intersection?
>
> Thanks!

Stephanie Crays

From: Melody Fourtner <crazypigs373@gmail.com>
Sent: Monday, June 6, 2022 8:23 AM
To: Stephanie Crays
Subject: Rezoning 3850 S. Mill Rd

To whom it may concern,
I am against the rezoning of the property at 3850 S. Mill Rd T 069,R 01W, Section 19, Devon and Melisa Hass. I have several concerns about the rezoning. I am concerned that if this is passed it will allow other properties to be split. It will just be a trickle down affect. I have concerns that if this happens it has possibilities of wells running dry and will be costly to home owners. With more homes taking away farm land wells are going to run dry. I am also concerned about the added traffic on our road. I realize with this particular request there will not be added traffic but if others request the same rezoning it is going to cause a problem. We have a country feel right now and I do not want to look out at more houses. Traffic already speeds down the road and do not want more. There is cause for concern for more accidents.

Eddie M Hartsock
3827 Mill Rd
Emmett, ID 83617

Gem County
Road & Bridge Dept.
402 N. Hayes Ave.
Emmett, ID 83617

Neal Capps, Director
Phone: 208-365-3305
Fax: 208-365-2530
Email: gcrb@co.gem.id.us

RECEIVED
MAY 26 2022
BY: SL

May 19, 2022

Jennifer Kharrl
Development Services
109 S. McKinley Ave.
Emmett, ID 83617

RE: Hass Rezone

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the Rezone Application of Devon and Melissa Hass, property located at 3850 S. Mill Road. There is a drain ditch running parallel to the East side of Mill Road that has not been cleaned or maintained regularly. GCRB has concerns granting a second ingress/egress to the property in question.

GCRB recommends the following conditions be added to the subdivision if approved;

1. Applicant shall use existing driveway access, to ingress/egress the proposed 2nd lot.
2. Applicant shall obtain a driveway approach permit, with Gem County Road & Bridge.

If you have any questions please contact our office at 208-365-3305.

Thank you,

Neal Capps, Director
Gem County Road & Bridge

RECEIVED
JUN 06 2022
BY: JS 1:42pm

To whom it may concern,

We, Carter and Katie Yocham, at 3800 S. Mill Road, are in support of the rezone of 3850 S. Mill Road from A2 to R3.

Best regards,

Carter and Katie Yocham

3800 S. Mill Rd

Gem County Assessor
Hollie Ann Strang
415 E Main Street, Room 201 ~ Emmett, Idaho 83617
Phone: (208) 365-2982 ~ Fax: (208) 365-2163 ~ Email: assessor@co.gem.id.us

Assessor's Office Review for Subdivision/Administrative Split/ Administrative Combo/Property Boundary Adjustment

*Re-Zone Application**

Date received from DS: 5/16/22 Due Date: 5/26/22 Review #: R-1 DS File #: ReZone-1

Current parcel numbers: Hass - RPG6N01W196355

The Gem County Assessor's office has reviewed the submitted documents. Our findings are summarized below.

	Compliant	Non-compliant	Not Reviewed	Initials
Conveyances	☐	☐	☒	SW
Closures	☐	☐	☒	SW
Fit	☐	☐	☒	SW

Comments: • New Conveyances, Closure, & Fit are not reviewed for Re Zone Applications

*I have no comments to add for this Re Zone Application at this time.

Mapper Signature: [signature] Date Completed: 5/20/22

Assessor Signature: _____ Date: _____

CERTIFICATE OF MAILING

I hereby certify that on the 7 day of July 2022, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET
Hass
T06N, R01W, Section 19

Charles Curtis
991 Hobson Ln
Emmett, ID 83617

David Brotherson
3838 S. Mill Rd
Emmett, ID 83617

Christopher Larson
601 Hobson Ln
Emmett, ID 83617

Carrol Hobson
500 Hobson Ln
Emmett, ID 83617

Marci Toombs
3895 S. Mill Rd
Emmett, ID 83617

Eddie Hartsock
3827 S. Mill Rd
Emmett, ID 83617

Bonnie Spicer
3831 S. Mill Rd
Emmett, Id 83617

Lorin Hughes
201 W. 1st Street
Emmett, ID 83617

Nathan Weldon
793 Hobson Ln
Emmett, ID 83617

Carter Yocham
3800 S. Mill Rd
Emmett, ID 83617

Toni Judy
3700 S. Mill Rd
Emmett, ID 83617

Thomas Greene
3839 S. Mill Rd
Emmett, ID 83617

Ryan Humphries
3833 S. Mill Rd
Emmett, Id 83617

Tracie Sue Reed
3823 S. Mill Rd
Emmett, ID 83617

City Transfer Redi Mix
P.O. Box 159
Emmett, Id 83617

Frank Rolland
3815 S Mill Road
Emmett, ID 83617

By depositing a copy thereof in the United States mail, with first class postage prepaid

Stephanie Crays
Development Services Coordinator