

NOTICE OF PUBLIC HEARING

THE GEM COUNTY BOARD OF COMMISSIONERS WILL HOLD A PUBLIC HEARING ON MONDAY, AUGUST 8TH, 2022, AT 1:30 P.M. AT THE GEM COUNTY COURTHOUSE, 415 EAST MAIN STREET, EMMETT, IDAHO IN ADDITION TO A ZOOM MEETING/CALL TO HEAR THE FOLLOWING REQUEST:

An amendment to a Development Agreement by Dennis Lapham for Sunset Farms and Event Center. The Development Agreement was required as a Rezone condition, to restrict the number of parcels that could be created, that the Board of County Commissioners approved in 2021 for the property located at the southeast corner of Jackson Avenue and Sunset Drive. The applicant is requesting to amend the Agreement to allow for more parcels to be allowed at 1855 Sunset Drive. Parcel Number RPC8858A010040.

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. AUGUST 1ST, 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 21

**Jennifer Kharri
Planning Director**

To Join the BOCC Sunset Farms DA Amendment Zoom Meeting (1:30 am 8/8/22) use the following link information:

Join Zoom Meeting by computer/tablet/smartphone:

- Go to: <https://zoom.us>
- Click: "JOIN A MEETING"
- Enter the following information:

Meeting ID: 820 4376 9999

Passcode: 516049

Or follow this link:

<https://us06web.zoom.us/j/82043769999?pwd=dWtNaU80R2NlcFBQNFZWamo5SDRHZz09>

Join Zoom Meeting by phone:

Dial by your location

- +1 346 248 7799 US (Houston)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 312 626 6799 US (Chicago)
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- 833 548 0282 US Toll-free
- 877 853 5257 US Toll-free
- 888 475 4499 US Toll-free
- 833 548 0276 US Toll-free

Meeting ID: 820 4376 9999

Passcode: 516049

Tips for joining the meeting:

- If you join by phone: Dial the number, enter the meeting id then #, # for the next question, passcode then #
- You will be muted upon entry to the meeting. To unmute when asked to, press *6.

Memo

To: Board of County Commissioners
From: Jennifer Kharri, Planning Director
CC: Tahja Jensen (P.A.'s Office), Dennis Lapham (applicant)
Date: 7/26/22
Re: Application to amend Development Agreement – Public Hearing on 8/8/22

Commissioners,

The subject application is on your August 8th agenda. The applicant is requesting an amendment to the Development Agreement that was approved and recorded for his Rezone in 2021 that limited the total number of Lots to be created to a total of 4 on the 10.16 acres. Since this is a request to amend a Development Agreement, the application was noticed in the Messenger Index and hearing notices were sent to neighbors within 300 feet and the property was posted with a sign. No written correspondence was received by Development Services in response to the public notice as of the date of this Memo.

Attached is a copy of the staff report, Zoning Commission and Board minutes for the rezone to give you some background information along with the application for amendment. Below is a staff summary with some background to this application and recommended conditions of approval:

Application Summary / Background

- ☐ Rezone #20-007 was conditionally approved on 2/1/21 to change the zoning designation from A-2 to R-2 with a Development Agreement.
- ☐ The Development Agreement specifically limited the total number of parcels to 4 that could be created through a Minor Subdivision on the 10.16 acres in lieu of requiring a water quality and quantity study.
- ☐ On August 9, 2021, the Board approved a 4-Lot Minor Subdivision of 3 one-acre Lots and 1 six-acre Lot.

Recommended Exhibit 2, Development Agreement Conditions, if approved:

General Terms

1. Nothing in this Agreement shall be construed as relieving Developer, or his successors, from further compliance with all other permit and code requirements for subsequent development of the Property.

2. Entering into this Agreement shall not prevent the County from applying new standards, regulations or conditions that do not conflict with the written commitments within this Agreement in any subsequent actions or applications made for development of the Property.
3. The allowed uses in the R-2 zone shall be as prescribed in Chapter 5 of the Gem County Zoning Ordinance.
4. Any and all new development of the Property shall be submitted to Gem County in accordance with the adopted ordinances and application processes at the time of the application.
5. This Agreement shall only allow for one minor subdivision application to take place on the property which will create ~~three (3), one-acre parcels and 1 remainder parcel~~ for a total of 4 parcels.
6. Prior to making application for a Subdivision, the developer shall provide a water quality and quantity study for wells from an Idaho Licensed Hydrologist, Geotechnical Firm or a certified licensed Idaho laboratory certified to provide water quality analysis. The study shall rely on data received from ground water monitoring wells or any well(s) on the subject property or, in the alternative, state the reasons why monitoring wells or on-site wells are unnecessary and the data is accurate without such evaluating the information from such wells. The study shall address water quality and quantity with the addition of 4 new wells as proposed on the 6.5 acre development. The report must provide a conclusion as to whether the addition of the 4 new wells will have negative impacts on existing wells in the immediate area and should provide for any specific mitigation requirements.



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.)

- | | | |
|--|--|---|
| <input type="checkbox"/> APPEAL | <input type="checkbox"/> PLANNED COMMUNITY | <input type="checkbox"/> SUPPLEMENTAL AMENDMENT |
| <input type="checkbox"/> COMPREHENSIVE PLAN TEXT AMENDMENT | <input type="checkbox"/> REZONE | <input type="checkbox"/> VACATION |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT | <input type="checkbox"/> SPECIAL USE PERMIT | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> DESIGN REVIEW | <input type="checkbox"/> SPECIAL USE PERMIT (MINERAL EXTRACTION) | <input type="checkbox"/> ZONING TEXT AMENDMENT |
| <input checked="" type="checkbox"/> DEVELOPMENT AGREEMENT | <input type="checkbox"/> SUBDIVISION, PRELIMINARY | |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT | <input type="checkbox"/> SUBDIVISION, MODIFICATION | |

PROJECT NAME: Sunset Farms - Development Agreement Amendment

SITE INFORMATION:

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

Quarter: _____ Section: 01 Township: 06N Range: 02W Total Acres: 6.5 acres
 Subdivision Name (if applicable): Sunset farms
 Site Address: 1855 Sunset Dr Lot: _____ Block: _____
 City: Emmett
 Tax Parcel Number(s): RPC8858A010040 Current Zoning: _____ Current Land Use: _____

PROPERTY OWNER:

Name: Sunset Farms & Event Center, Inc.
 Address: 1825 Sunset Dr.
 City: Emmett State: ID Zip: 83617

APPLICANT:

Name: Dennis Lapham
 Address: 1825 Sunset Dr
 City: Emmett State: ID Zip: 83617

Telephone: 208-817-1293
 Email: dennis-lapham@yahoo.com

Telephone: 208-817-1293
 Email: dennis-lapham@yahoo.com

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

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

Dennis Lapham
 Signature: (Owner)

6/3/22
 Date

Dennis Lapham
 Signature: (Applicant)

6/3/22
 Date

OFFICE USE ONLY

File No.: _____ Received By: mb Date: 6/3/22 Fee: _____ Receipt No: N/A

Land source & mapping to be paid by applicant

Sunset Farms & Event Center, Inc.
Dennis Lapham – President
1825 Sunset Dr
Emmett ID 83617



May 27, 2022

Dear Council Members,

I am applying on behalf of Sunset Farms & Event Center, Inc to amend the Development agreement^{*} dated 2/8/2021 to allow one additional minor subdivision on the large parcel of 6.586 acres at address 1855 Sunset Dr, Emmett Id 83617. The zoning is R-2 (Residential Transitional). The proposed lot sizes for splitting this parcel will be 3 – 1.5 acre lots and 1 – 2 acre lot.

Regards,

A handwritten signature in blue ink that reads "Dennis Lapham".

Dennis Lapham - President
Sunset Farms & Event Center, Inc,

* Exhibit 2, Condition 5

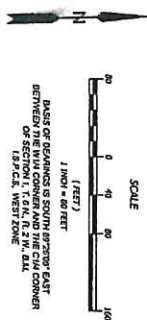
*

EXHIBIT 2

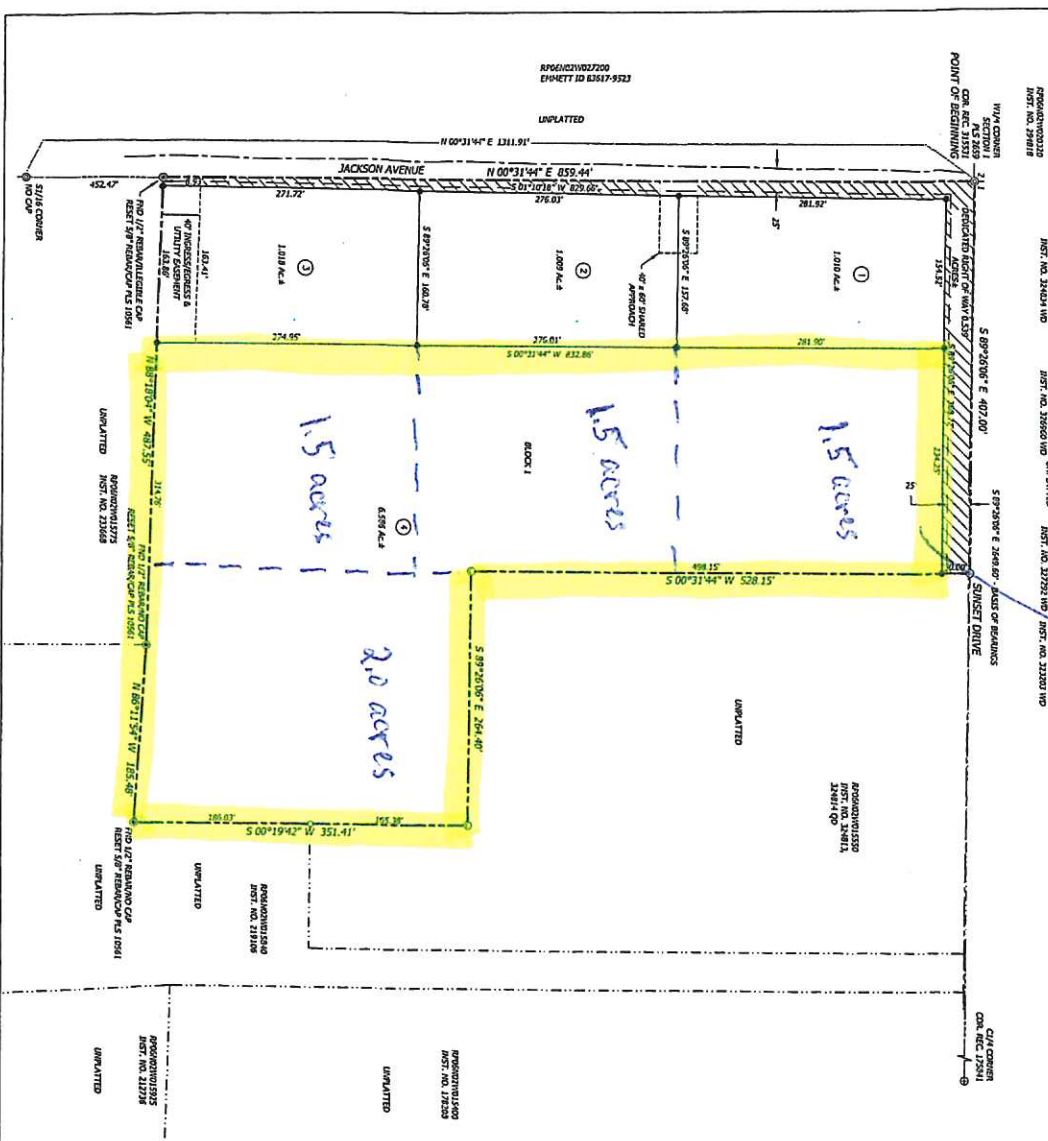
DEVELOPMENT AGREEMENT CONDITIONS
Sunset Farms and Event Center RZ #20-007

General Terms

1. Nothing in this Agreement shall be construed as relieving Developer, or his successors, from further compliance with all other permit and code requirements for subsequent development of the Property.
2. Entering into this Agreement shall not prevent the County from applying new standards, regulations or conditions that do not conflict with the written commitments within this Agreement in any subsequent actions or applications made for development of the Property.
3. The allowed uses in the R-2 zone shall be as prescribed in Chapter 5 of the Gem County Zoning Ordinance.
4. Any and all new development of the Property shall be submitted to Gem County in accordance with the adopted ordinances and application processes at the time of the application.
5. This Agreement shall only allow for one minor subdivision application to take place on the property which will create three (3), one-acre parcels and 1 remainder parcel for a total of 4 parcels.



1855 Sunset Dr
6.586 acres



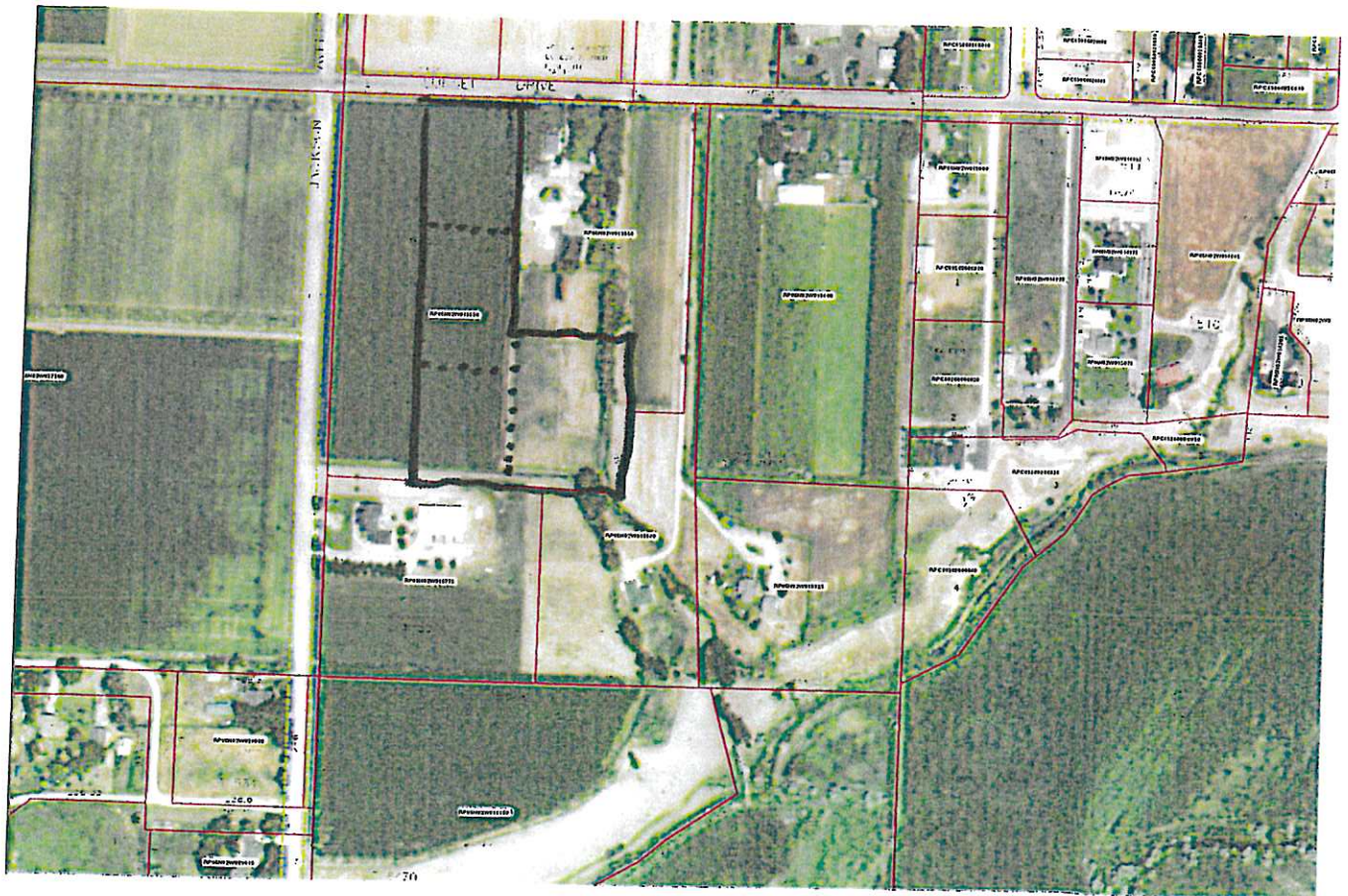
- LEGEND**
- SUBDIVISION BOUNDARY LINE
EXISTING ROAD OR LOT LINE
CENTRELINE
NEW LOT LINES
SECTIONAL LINES
RECREATION RIGHT-OF-WAY
ROUND LOT REMAINDER OF ROAD
ROAD REMAINDER OF ROAD
ROUND LOT REMAINDER OF ROAD
ROUND LOT REMAINDER OF ROAD
SET LOT REMAINDER OF ROAD
LOT REMAINDER
RECREATION ACCESS FROM SUBJECT PLOT, JOHNSON AVE

- [illegible]

REFERENCES

- R1) RECORD OF SURVEY INST. NO. 213121
- R2) RECORD OF SURVEY INST. NO. 209955
- R3) RECORD OF SURVEY INST. NO. 169900
- R4) RECORD OF SURVEY INST. NO. 16201
- R5) RECORD OF SURVEY INST. NO. 324012
- R6) QUILTAIM DEED INST. NO. 324012

OWNER: SUNSET FARMS & EVENT CENTER, INC.	
2030 S. WASHINGTON AVE.	
EMMETT, ID 83617	
(208) 398-8104	
FAX (208) 398-8105	
	
SAWTOOTH	
Land Surveying, LLC	
SHEET: 01 OF 3	DATE: 11/20/01
DRAWN BY: KAMAR	CHECKED BY: JDBF
NG	121015
DWG#:	121015-01
WWW.SAWTOOTHLS.COM	





- SURVEYOR'S NARRATIVE

THIS SURVEY WAS PERFORMED TO CREATE A FOUR LOT SUBDIVISION, BEING THE AGRICULTURAL PLOT OF RECORD OF SURVEY INST. NO. 324011 (R5). THE FOUND 1/2" AREAS WERE REMOVED AND RESET WITH 5/8" NEADUS/CAP PLUS 10561 TO COMPLY WITH COUNTY STANDARDS. SEE REFERENCES FOR OTHER RECORD DATA.

		2090 S. WASHINGTON AVE. EMMETT, ID 83617 (208) 398-8104 FAX (208) 398-8105	
Land Surveying, LLC WWW.SAWTOOTHIS.COM			
SHEET:	DATE:	DRAWN BY:	CHECKED BY:
1 OF 3	11/20/01	KOAR	
		NO	
		DATE:	PROJECT:
		12/15	12/15/01-F

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

July 20, 2022

Jennifer Kharri, Administrator
Development Services
109 S. McKinley
Emmett, ID 83617

RE: Sunset Farms Subdivision (Development Agreement - Amendment)

Dear Jennifer,

Gem County Road & Bridge (GCRB) has reviewed the application for Sunset Farms Subdivision, for an amendment of the Development Agreement. GCRB has no comments in regards to the proposed amendment.

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

Thank you,

A handwritten signature in blue ink, appearing to be "N. Capps", is written over a horizontal line.

Neal Capps, Director
Gem County Road & Bridge



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-2)

FILE NUMBER(s): RZ-20-007

ZONING COMMISSION HEARING DATE: December 14, 2020, 6:00pm

PROPERTY OWNER: Sunset Farms and Event Center
1825 Sunset Drive
Emmett, ID 83617

APPLICANT: Self

SITE LOCATION: SOUTHEAST CORNER OF SUNSET DRIVE AND JACKSON AVENUE

STAFF PLANNER: Jennifer Kharri

1. APPLICATION SUMMARY:

The applicant, Dennis Lapham, on behalf of Sunset Farms and Event Center, of which he is the president, is requesting a rezone of his property located at the southeast corner of Sunset Drive and Jackson Avenue. The application proposes a change from A-2, Rural Transitional Agriculture (5-acre minimum lot size), to R-2, Residential Transitional (1-acre minimum lot size). The application states the reason for the request is to apply for a minor subdivision to create three 1-acre Lots and keep the remaining land for agriculture. (Subdividing the property is a separate application and must be preceded by a rezone.) The property proposed to be rezoned is 10.16 acres in size and lies fully within Priority Growth Area 1 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan. The property is bare.

2. APPLICATION & PROPERTY FACTS:

A. Site Address/Location:

The property is located on the southeast corner of Sunset Drive and Jackson Avenue and is within Township 6N, Range 2W, Section 1 (Tax Parcel #RP06N02W015650).

B. Current Owner(s): Sunset Farms and Event Center
1825 Sunset Drive
Emmett, ID 83617

- C. Applicant(s): Self
- 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: 10.16 acres

3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on October 23, 2020.

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 November 25, 2020. 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 November 19, 2020. The physical property was posted for the public hearing on November 20, 2020. Requests for all impact agencies' reviews were mailed on November 19, 2020.

Gem County Development Services received letters from the following public impact agency: Gem County Road and Bridge Department.

Public hearing notices were mailed to nine (9) parcels in the immediate vicinity. One letter was submitted in favor from members of the public and one letter signed by 5 residents was submitted in opposition.

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: The administrator approved and agricultural land division in 2019.

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

4. LAND USE

A. Existing Land Use(s): Pasture land.

B. Description of Character of Surrounding Area: The immediate vicinity includes a combination of active and inactive agricultural lands and single-family residential properties. The entire vicinity contains irrigated and/or irrigatable lands (Emmett Irrigation District).

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	R-3, Rural Residential	Irrigated agricultural land; rural residential; Jackson Subdivision and Taylor Subdivision that each have 4 Lots of 2 acres
South of site	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture and R-2, Residential Transitional	Irrigated agricultural land; rural residential
East of site	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture and R-2, Residential Transitional	Irrigated agricultural land; rural residential
West of site	Agriculture/ Natural Resources	A-1, Prime Agriculture	Irrigated agricultural land; rural residential

D. Physical Constraints and Opportunities:

1. Wastewater and Domestic Water:

- a. Water: The site currently has no domestic well.
- b. Septic: The site currently doesn't have an individual septic system and drain field. Under today's Zoning Ordinance, future lots in the proposed R-2 zone may apply for individual septic systems, subject to approval by Southwest District Health.

2. Vegetation: Pasture land.

3. Floodplain: The parcel falls within zone "C" on FEMA's Flood Insurance Rate Map, Community Panel Number 160127 0270 A, which indicates areas of minimal flooding. No flood insurance is required in Zone C areas.

4. Canals/Ditches/Irrigation: The property is served by Emmett Irrigation District.

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

F. Streets and/or Access Information:

The site has frontage along Sunset Drive and Jackson Avenue.

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-2 zone designation would allow a minimum one (1) acre lot size for primarily residential uses. The proposed R-2 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 generally support the 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.

If the rezone request is approved, the applicant intends to apply for a minor subdivision, thereby creating the opportunity for small ranchette type development, which is consistent with this Comprehensive Plan policy.

The following policy has been set forth in the Natural Resources and Hazardous Areas chapter of the Joint Comprehensive Plan (Chapter 6) and generally supports the application:

GC6.8 - Ensure that new development includes Health District approved site utilities to protect the quality of water in the county.

At this time, no new development is being proposed. If the rezone is approved and the applicant proceeds with a subdivision application, Southwest District Health will be notified and new development will need to comply with their standards.

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. If such concerns are raised during the public hearing, the Commission has the option to require a Development Agreement with the Rezone if more restrictive conditions are warranted.

6. ZONING ORDINANCE

- A. Purpose Statement of Zone: Gem County Code 11-4-4A lists the purpose of the R-2 zone as follows: "To provide lands for the development of single-family dwellings." The R-2 zone has a one (1) acre minimum lot size requirement.

The applicant's intent is to apply for a minor subdivision for three 1-acre Lots and the remaining property would continue to be used for agriculture purposes. (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-2 zone allows the following uses, either outright or as a Special Use Permit:

Commercial food stand, utility buildings, convenience store, park and ride lot, botanical garden/arboretum, health club, libraries, government services, parks, schools, swimming pools, sports arena, hospitals/clinics, bed and breakfast, daycare facilities, group quarters, single-family residential, multifamily residential, and manufactured home parks.

With the exception of a health club and a hospital (only allowed through a Special Use Permit in the R-2 zone) and duplex/multi-family residential uses allowed outright, staff finds the land uses in an R-2 zone to be more restrictive than uses allowed in the current A-2 zone. This is largely due to the mining and entertainment land uses allowed in the A-2 which are prohibited in the R-2 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-2 rezone in this area. In Staff's 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;

*Staff finds an R-2 zone would allow a potential of ten (10) additional dwellings on the subject parcel. The potential increased septic use has not been viewed as detrimental to the health, safety, or welfare when located on one (1) acre minimum lot sizes, but has not yet been verified by SWDH and will be evaluated at the time of a subdivision application. **The County may require further analysis on ground water impacts before a subdivision can be approved.***

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

The minimum lot size in the proposed R-2 zone is one-acre. The subject area to be rezoned is currently 10.16 acres in size. The site complies with the minimum size and setbacks of the R-2 zone. The subject site could be developed to comply with the minimum dimensions for an R-2 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-2 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-2 zone. There are a few special uses allowed in the R-2 zone that would not be harmonious with the existing rural residential character of Sunset Drive and Jackson Avenue, such as convenience stores and a hospital, 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-2 zone are compatible with the intended character of the 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 public service agencies/providers that responded to this rezone application was the Road and Bridge Department and they had no concerns. 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 10.16 acres of R-2-zoned land into one-acre parcels could be expected to generate demands on public services beyond the current service demands. **The County may require a traffic impact study before a subdivision can be approved.***

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
Emmett Irrigation District

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-2 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.

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
DECEMBER 14, 2020

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3. REZONE #RZ-20-0077 – DENNIS LAPHAM (SUNSET FARMS & EVENT CENTER) – A-2 (5 ACRE MINIMUM) TO R-2 (1 ACRE MINIMUM) – SUNSET DRIVE. T 06N R 02W, SECTION 1.

Applicant:

Dennis Lapham – 1825 Sunset Drive Emmett, ID 83617

He explained the property he owns. He owns property off of Sunset Drive and Jackson Avenue. One is a 5 acre with a home. The second is a 10 acre parcel. He is requesting to rezone this property from A2 to R2. He intends on creating 3, 1 acre parcels. He will continue to farm the remainder of the property. His access will be off of Jackson Avenue.

Favor:

None.

Neutral:

None.

Opposed:

Joe Morton – 5276 Silverleaf Ext. Emmett, ID 83617

He has submitted written concern. He gave detail of his letter. He feels the comprehensive plan/land use is outdated.

Kathy & Ronald Summers – 1840 Sunset Emmett, ID 83617

New to the area. They moved to the area for the rural area. Concerned with traffic, increase in population and water.

Derold Franks – 1917 Edgemont Emmett, ID 83617

The approval of this application will unnecessarily increase the density of the area. This will also will put a high demand on the natural and public resources.

Chairman **Eichelberger** made a note of a letter of favor was submitted.

Dennis Lapham – Owner

Adjacent property was approved for a rezone for 1 acre lots directly to the east and south. If he were to apply for a 2 acre minimum, it would be less land for him to farm after dividing 3 lots. He clarified that he would have four building permits. 3 for the 1 acre parcels and a building permit available for the remainder agriculture land.

Chairman **Eichelberger** closed the public hearing.

Commission Discussion:

The commission reviewed the findings from the staff report. They discussed the thought of a ground water study. Over all, the main concern is traffic and the high nitrates in the area. Possible development agreement.

Planning Director **Kharri** –

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
DECEMBER 14, 2020

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Discussed a development agreement could be used to put conditions on the rezone to help mitigate some of the concerns. The development agreement can be specific to a certain number of lots. She verified there would be 4 lots in total with 4 building permits, 3 on the 1 acre lots and 1 for the remaining agricultural land.

Commissioner **Vickery** made a recommendation for approval on RZ#20-007 with the addition of a development agreement for four buildable lots. Commissioner **Jones** seconded the motion.

Vote: Unanimous

deny because the applicant is not medically indigent and the county is not the last resource, on case# 21-010 to sign a notice of lien and on case# 14-115 to sign release of lien. It was seconded by Commissioner Rekow and carried unanimously.

ROAD DEPARTMENT UPDATE: Road and Bridge Supervisor Neal Capps provided updates on multiple projects that they have been working on. Items that he talked about were radar signs on El Paso Road & Dewey Road, speed limit violations, average speed, violation times, road structure, signage and shoulder material. He spoke of run-off issues with the current rain and challenges with the roads in High Valley with rutting from trucks. He also talked about problems with high speed traffic on gravel roads throughout the county, a First Aide class that they have taken, illegal camping at the school bus turn-around, accidents on Black Canyon Road and Highway 16 and challenges with Transportation Department (ITD) asking for assistance. He also talked about a Gem County Road & Bridge safety handbook and a new Roadway Standard policy that he is working on. He advised that they are fully staffed at this time.

The Commissioners recessed at 12:00 p.m. for lunch to reconvene at 1:30 p.m.

SUNSET FARMS & EVENT CENTER REZONE & DEVELOPMENT AGREEMENT

PUBLIC HEARING: While being recorded, a public hearing was held for a rezone and development agreement request. Due to social distancing, this meeting was held virtually via Join Me. Commissioner Rekow read the Notice of Public Hearing for the virtual meeting. Those present were Development Services Director Jennifer Kharri, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen and applicant Dennis Lapham. Gem County resident Rick Addison attended the meeting virtually. Those wanting to present were all sworn in.

There were no indications of conflict from the Commissioners, nor were there any declarations pertaining to this meeting such as site reviews or conversations outside of this hearing.

The applicant is seeking approval to rezone their property from A-2 Rural Transitional Agriculture (5-acre minimum) to R-2 Residential Transitional (1-acre minimum). The property proposed to be rezoned is 10.16 +/- acres in size, and lies fully within the Priority Growth Area 1 of the Gem County Residential Area, as designated on the Future Land Use map in the Comprehensive Plan.

Development Services Director Jennifer Kharri requested to have the packet of information entered into record including the

application, the Zoning Commission recommendation, staff report, the draft Zoning Commission minutes, the draft Development Agreement conditions, letters from the Road & Bridge Department & Emmett School District, 1 letter of opposition from the Zoning Commission Public Hearing which was signed by 5 members of the public, a letter in opposition from Gem County resident Joe Morton with attached documentation and 1 letter of support. She also advised that at the Board Meeting they received 1 letter of opposition that was signed by 15 members of the public and 1 letter of support.

A motion was made by Commissioner Butticci to enter the requested items into the record. It was seconded by Commissioner Rekow and carried unanimously.

Jennifer reviewed the summary of the application. She advised that the applicants' intention is to develop 3 parcels and to leave the remaining parcel as-is. She advised that the Zoning Commission recommends approval with the Development Agreement. She explained the restrictions listed in the Development Agreement and that if future development is requested, the Development Agreement would be required to be amended at that time with a Public Hearing and possible further requirements.

Applicant Dennis Lapham spoke about the Comprehensive Plan and that his neighbors have been previously approved for rezones without a Development Plan. He advised that the parcel being left intact is used to farm hay. There were no others in favor, neutral or opposition that wished to speak.

Jennifer advised that if there is a future minor subdivision application, Southwest District Health will require an engineering report for septic. Commissioner Butticci spoke of the difficulties of getting permits for 1-acre parcels with the new higher standards that have been put in place by Southwest District Health even if the Board approves the application. He expressed his concerns on ground water quality. Dennis advised that he currently and will continue to flood irrigate all acres which will put water into the aquifers. Jennifer advised that the Zoning Commission did not request water studies in lieu of limiting the number of parcels at this time. There was discussion on who sets the standards of the Development Agreement.

A motion was made by Commissioner Butticci to close the public hearing for rezone RZ20-007. It was seconded by Commissioner Rekow and carried unanimously.

Commissioner Butticci advised that he had no further questions or concerns. Commissioner Rekow spoke of his concerns with the current growth and infrastructure needs. He also expressed pleasure with the higher standards that have been put

into place with Southwest District Health.

A motion was made by Commissioner Butticci to approve the rezone application for RZ20-007 for Dennis Lapham as presented with the Development Agreement, Exhibit #2, as presented. It was seconded by Commissioner Rekow and carried unanimously.

ROBIN LANE (SMITH, MATTHEWS, ETHINGTON, ALLEN) REZONE PUBLIC

HEARING: While being recorded, a public hearing was held for a rezone request. Due to social distancing, this meeting was held virtually via Join Me. Commissioner Rekow read the Notice of Public Hearing for the virtual meeting. Those present were Development Services Director Jennifer Kharri, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen and applicant Brent Smith. Those presenting were all sworn in.

There were no indications of conflict from the Commissioners, nor were there any declarations pertaining to this meeting such as site reviews or conversations outside of this hearing.

The applicants Mark and Carla Mathews, on behalf of themselves and Brent and Tonya Smith and Christina Allen and Florence Ethington are seeking approval to rezone their property from R-2 Rural Residential Transitional (1-acre minimum) to A-2 Rural Transitional Agricultural (5-acre minimum). The property proposed to be rezoned is 40.00 +/- acres in size (comprised of 4 parcels), and lies fully within the Priority Growth Area 3 of the Gem County Residential Area, as designated on the Future Land Use map in the Comprehensive Plan.

Development Services Director Jennifer Kharri requested to have the packet of information entered into record including the application, the Zoning Commission recommendation, the staff report, the draft Zoning Commission minutes, 1 letter from the Road & Bridge Department, 1 letter of opposition with attached documentation and 1 letter of support.

A motion was made by Commissioner Butticci that the documentation as described by Jennifer Kharri from Development Services for RZ20-008 be entered into the record. It was seconded by Commissioner Rekow and carried unanimously.

Jennifer reviewed the summary of the application. She advised that the purpose of this request is to minimize population density in a rural agricultural environment. She spoke of the private road, existing bridge and that if approved it aligns with the Comprehensive Plan allowing for 5-acre parcels. She advised that staff and the Zoning Commission recommends approval of the application.

Applicant Brent Smith advised that their intentions are to keep the rural atmosphere. There were no others in favor, neutral or opposition that wished to speak.