

NOTICE OF PUBLIC HEARING

THE GEM COUNTY BOARD OF COMMISSIONERS WILL HOLD A PUBLIC HEARING ON **TUESDAY, JANUARY 3, 2023, AT 1:30 P.M.** AT THE GEM COUNTY COURTHOUSE, 415 EAST MAIN ST., EMMETT, ID IN ADDITION TO A ZOOM MEETING/CALL TO HEAR THE FOLLOWING REQUESTS:

A Rezone request by Grant Webb Building LLC on property owned by Veritas Holdings LLC to rezone 4.95 +/- acres, from A-2 Rural Transitional Agriculture (a 5 acre minimum lot size) to R-2 (1 acre minimum lot size) located on W Idaho Blvd., T 06N, R 01W, Section 06, Parcel #RP06N01W063188. The Gem County Planning and Zoning Commission has recommended approval of the rezone contingent on a development agreement to be heard.

THE APPLICATION AND LEGAL DESCRIPTION IS AVAILABLE FOR REVIEW BY CONTACTING THE DEVELOPMENT SERVICES DEPARTMENT VIA EMAIL (JVANDERBILT@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. DECEMBER 27, 2022. WE HAVE A MAIL SLOT IN OUR DOOR FOR CONVENIENCE. WRITTEN CORRESPONDENCE WILL BE GIVEN TO THE COUNTY COMMISSIONERS FOR CONSIDERATION AND IS THE BEST WAY 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/DEVELOPMENT-SERVICES/ 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 DECEMBER 14

Jennifer Kharri
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-22-009

Applicant Name: GW Building, LLC

Date of Written Recommendation: December 15, 2022

Date of Zoning Commission Public Hearing(s): November 14, 2022

Date of Board Public Hearing: January 3, 2023, 1:30 PM

Summary of Public Oral Testimony:

- In Favor: Grant Webb (applicant)
- Opposed: None
- Neutral: None

Recommendation: Approval with a Development Agreement for a Water Quality and Quantity Study.
(Unanimous)

Reason(s) and Findings for Recommendation:

See the attached recommendation. For further analysis see the Staff Report.

Commission Changes to Staff Recommendation: Recommended approval with a Development Agreement to require a water quality and quantity study.

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-22-009)	
For Veritas Holdings, LLC)	
from A-2, Rural Transitional Agriculture)	RECOMMENDATION TO BOARD
to R-2, Residential Transitional)	OF COUNTY COMMISSIONERS

I.

RECOMMENDATION

The applicant, GW Building, on property owned by Veritas Holdings, LLC, sought approval to rezone their property (see **Exhibit A**) from A-2 Rural Transitional Agriculture (5-acre minimum) to R-2 Residential Transitional (1-acre minimum). The property proposed to be rezoned is 4.95+/- 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 on West Idaho Boulevard and identified in Township 6 North, Range 1 West, Section 6, of the Boise Meridian, Gem County Idaho and Gem County Assessor's records as RP06N01W063188.

The matter came before the Gem County Zoning Commission (hereafter referenced as Commission) on the 14th day of November 2022, for the purpose of hearing the Rezone

Application submitted by the applicant. Staff submitted a staff report for Commission consideration. There was public testimony given in favor of the application.

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 October 20, 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 October 20, 2022. The physical property was posted for the public hearing on October 21, 2022. Requests for all impact agency reviews were mailed on October 20, 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-2, Residential Transitional. Based on the findings outlined

in **Exhibit B** of this Recommendation, the Commission voted unanimously to recommend approval of the application with a Development Agreement.

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

The final vote of the Rezone application was:

Commissioner Vickery	<u>Yea</u>
Commissioner Jones	<u>Absent</u>
Commissioner Heimlich	<u>Yea</u>
Chairman Eichelberger	<u>(If applicable in case of tie vote)</u>

CERTIFICATE OF SERVICE

I hereby certify that on this 19 day of December, 2022, I served a true and correct copy of the foregoing RECOMMENDATION upon

NAME Veritas Holdings LLC
ADDRESS 1420 Judo Lane
Emmett, ID 83617

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 VERITAS HOLDINGS, LLC RZ #22-009

A parcel of land described as the W1/2 of the N1/2 of the W1/2 of Govt Lot 4 of Section 6, T 6N, R 1W, Boise Meridian, Gem County, Idaho, described as follows:

Beginning at the NW corner of Section 6, a railroad spike N 89°54'10" E a distance of 328.48 feet to a ½ inch steel pin from which the NE corner of said Govt Lot 4 a 5/8 inch steel pin bears N 89°54'10" E a distance of 985.46 feet; thence S 00°29'01"W a distance of 656.26 feet to a ½ inch steel pin; thence N 89°44'58" W a distance of 329.72 feet to a ½ inch steel pin; thence N 00°35'36"E a distance of 654.27 feet to the Point of Beginning.

EXHIBIT B

REQUIRED FINDINGS FROM ZONING ORDINANCE VERITAS HOLDINGS, LLC REZONE (RZ-22-09)

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-2 rezone in this area. In the Commission’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;

*Commission finds an R-2 zone would allow three (3) additional dwellings on the subject parcel (as it sits today, there is a building permit available on the parcel). The potential increased septic could be 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. **The County may require further analysis on ground water impacts before a subdivision can be approved which would need to be a condition of a Development Agreement tied to this rezone.***

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 to R-2 is currently 4.95 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, as listed in the GCC 11-5-5 Matrix Chart, in the proposed R-2 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-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 Idaho Boulevard, 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, the Commission finds the uses allowed in an R-2 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-2 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 was the Road and Bridge Department and Emmett Irrigation District.

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 4.95 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 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.

EXHIBIT 2
CONDITIONS
VERITAS HOLDINGS, LLC RZ #22-009

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.
6. Prior to making application for a Minor Subdivision, the developer shall provide a water quality and quantity study for wells from an Idaho Licensed Hydrologist or Geotechnical Firm. The study shall address water quality and quantity with the addition of 4 new wells as proposed on the 4.95 acre development. The report must provide a conclusion as to whether the addition of the 4 new wells will have detrimental effects 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.)

- | | | |
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| <input type="checkbox"/> APPEAL | <input type="checkbox"/> PLANNED COMMUNITY | <input type="checkbox"/> SUPPLEMENTAL AMENDMENT |
| <input type="checkbox"/> COMPREHENSIVE PLAN TEXT AMENDMENT | <input checked="" 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 type="checkbox"/> DEVELOPMENT AGREEMENT | <input type="checkbox"/> SUBDIVISION, PRELIMINARY | |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT | <input type="checkbox"/> SUBDIVISION, MODIFICATION | |

PROJECT NAME: Ronald Way II

SITE INFORMATION:

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

Quarter: _____ Section: 6 Township: 6 North Range: 1 West Total Acres: 4.95
Subdivision Name (if applicable): N/A

Site Address: TED W. Idaho Blvd Lot: 4 Block: _____
City: Emmett

Tax Parcel Number(s): RPD6N01W063100 Current Zoning: A-2 Current Land Use: Ag.
TOWN ROW SECTION 06 Rural Transitional Agriculture

PROPERTY OWNER: Name: Veritas Holdings LLC APPLICANT: Name: GW Building LLC

Address: 1420 Judo Lane Address: PO Box 445

City: Emmett State: ID Zip: 83617 City: Emmett State: ID Zip: 83617

Telephone: 805 720-4906 Telephone: 208 365-5700 Ext 2
Email: KarinWay@wascoinc.com Email: andrea@buildgwb.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.

[Signature] 6/27/22
Signature: (Owner) Date

[Signature] 6/27/22
Signature: (Applicant) Date

12-22-009

OFFICE USE ONLY

File No.: _____ Received By: SC Date: 6-27-22 Fee: \$710.00 Receipt No: 2022-00301



June 27, 2022

Jennifer Kharri
Gem County Development Services

RE: Parcel #RP06N01W063188

Dear Jennifer Kharri,

On behalf of Veritas Holdings/David & Kari Way, we are submitting this Letter of Intent, application and associated documentation for the minor plat of Ronal Way II Subdivision.

The plat is comprised of approximately 4.95 acres and is located at and front and the south side of W. Idaho Blvd., east of Ua Ave. Details on the existing individual property comprising the project is as follows:

Address	Parcel Number	Acreage
TBD W. Idaho Blvd	RP06N01W063188	4.95

This property is within Gem County and carries the A-2 zoning designation. The attached preliminary plat offers four lots and front on the south side of W. Idaho Blvd.. The subject property takes direct access from the private Ronald Lane directly east. The lot sizes proposed would equate to four lots at more or less 1.2375 acres each with the requested re-zoning to an R-2.

The subject properties irrigation is served by the Emmett Irrigation District and will continue to be served by such.

Ronald Way II minor subdivision will not create excessive additional requirements at public expense. Additional services will be supported by property taxes and/or fees paid directly to service providers. There is no known health, safety or environmental issues that currently exist or that will exist as a result of this development.

Please contact us should you have any questions or if we can be of any assistance with your processing of these applications.

Sincerely,

Grant Webb
GW Building/LLC

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633 W IDAHO BLVD
GRINETT ID 83417

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RENEWAL THOMAS A
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GRINETT ID 83417

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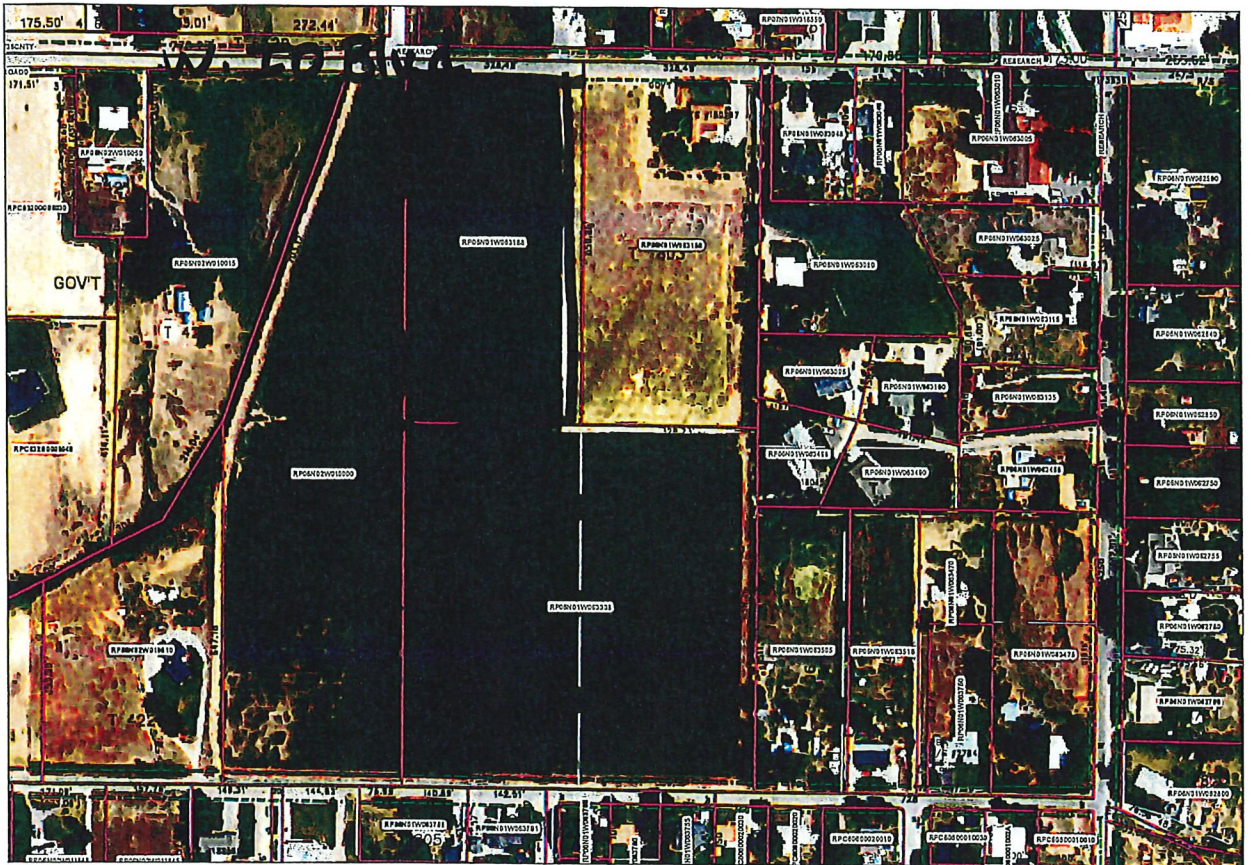
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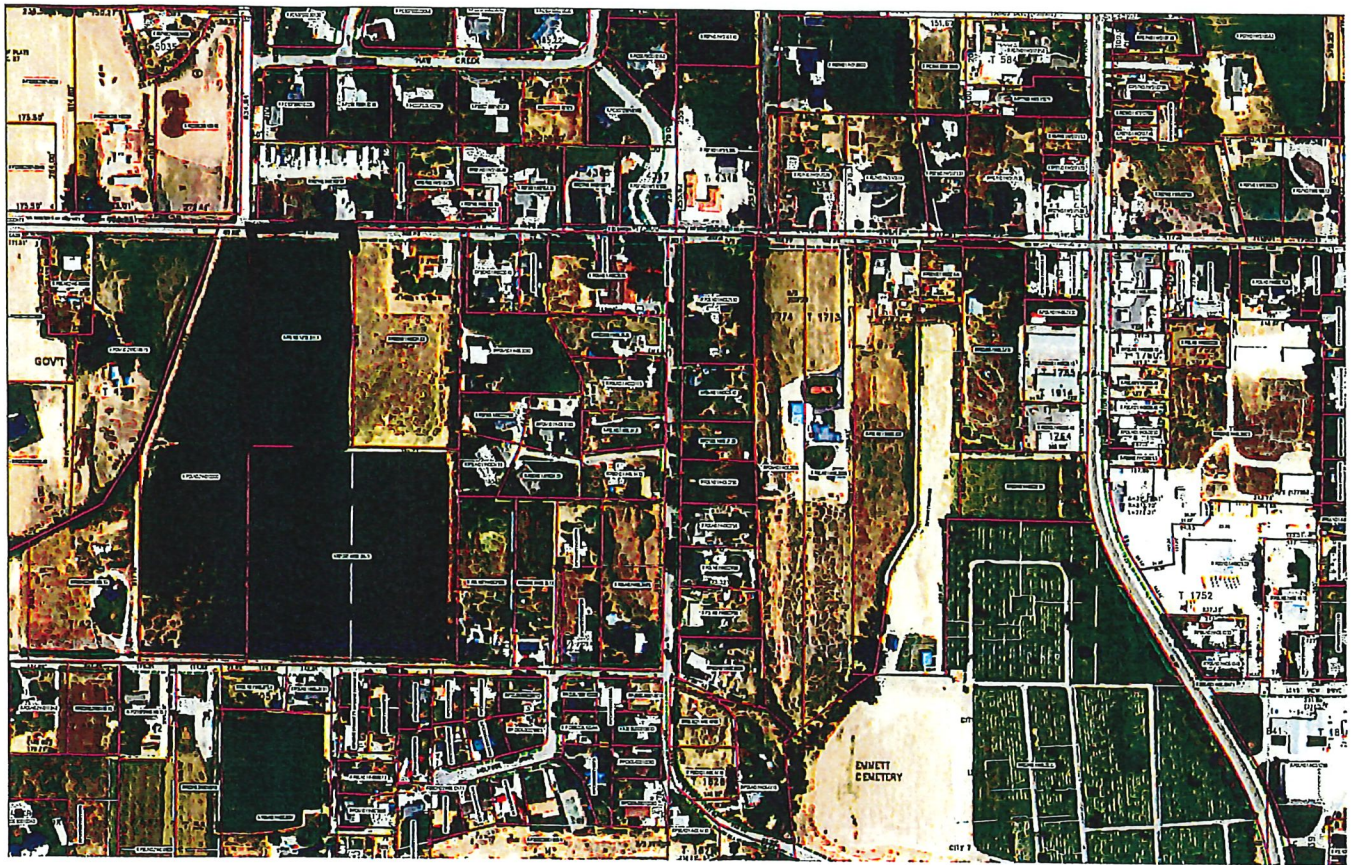
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GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

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-22-009

PLANNING & ZONING COMMISSION HEARING DATE: November 14, 2022, 6:00pm

PROPERTY OWNER: Veritas Holding, LLC
1420 Judo Lane
Emmett, ID 83617

APPLICANT: GW Building, LLC

SITE LOCATION: WEST IDAHO BOULEVARD

STAFF PLANNER: Jennifer Kharri

1. APPLICATION SUMMARY:

The applicant, GW Building, LLC, on property owned by Veritas Holding, LLC, is requesting a rezone of their parcel 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 4 parcels. (Note: Subdividing the property is a separate application and must be preceded by a rezone to allow for the smaller lot size.) The property proposed to be rezoned consists of approximately 4.95 acres that 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 West Idaho Boulevard and is within Township 6N, Range 1W, Section 6 (Tax Parcel #RP06N01W063188).

B. Current Owner(s): Veritas Holding, LLC

1420 Judo Lane
Emmett, ID 83617

C. Applicant(s): GW Building, LLC

- 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: 4.95 acres

3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on June 27, 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 October 19, 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 October 20, 2022. The physical property was posted for the public hearing on October 21, 2022. Requests for all impact agencies' reviews were mailed on October 20, 2022.

Gem County Development Services received letters from the following public impact agencies: Emmett Irrigation District and Gem County Road and Bridge Department.

Public hearing notices were mailed to nine (9) parcels in the immediate vicinity. There were no written comments submitted to Development Services.

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): Bare, irrigated 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). A mobile home park lies north of the subject property.

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	Mobile Home Park
South of site	County Residential Area, Priority Growth Area #1	R-2, Residential Transitional and A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential
East of site	County Residential Area, Priority Growth Area #1	R-2, Residential Transitional	Irrigated agricultural land; rural residential
West of site	County Residential Area, Priority Growth Area #1	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 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 "X" on FEMA's Flood Insurance Rate Map, Community Panel Number 160127 0319 B, which indicates areas outside of floodplain. No flood insurance is required in Zone X 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 approximately 328 feet of frontage on Idaho Boulevard. The Road & Bridge Department submitted comments and stated that they have met with the applicant and discussed their plans to share the access with the property to the east.

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. This area of the bench that lies east of Jackson Avenue and south of Central Avenue is intended for rural residential growth of densities that range between 1 and 2 acres per dwelling unit. 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 subdivide their 4.95 acres and create a total of 4 parcels.

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.

12.1.10 – 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.

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 create four parcels. (If the rezone is approved, a Minor 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. Given the smaller lots in the area, the more residential-oriented R-2 zone is a more appropriate zoning district within this neighborhood.

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 three (3) additional dwellings on the subject parcel (as it sits today, there is a building permit available on the parcel). The potential increased septic could be 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. **The County may require further analysis on ground water impacts before a subdivision can be approved which would need to be a condition of a Development Agreement tied to this rezone.***

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 to R-2 is currently 4.95 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, as listed in the GCC 11-5-5 Matrix Chart, 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 Idaho Boulevard, 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. 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-2 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 was the Road and Bridge Department and Emmett Irrigation District.

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 4.95 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 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
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.

222 E. Park St.
Emmett, Idaho 83617



208-365-4582
Fax 208-365-1324

Serving the Valley Since 1910

emmettirrigationshop@gmail.com

11/7/2022

To whom it may concern.

RE: Rezone application for GW Building for Ronald Way 2, W. Idaho Blvd
RP06N01W063188

Emmett Irrigation District has no issue with the rezone application from A2 to R2.

Thank You
Andrew Griggs
Emmett Irrigation District
emmettirrigationshop@gmail.com
Cell: 208-365-8983

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

October 24, 2022

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

RE: GW Building LLC (Rezone)

Dear Jennifer,

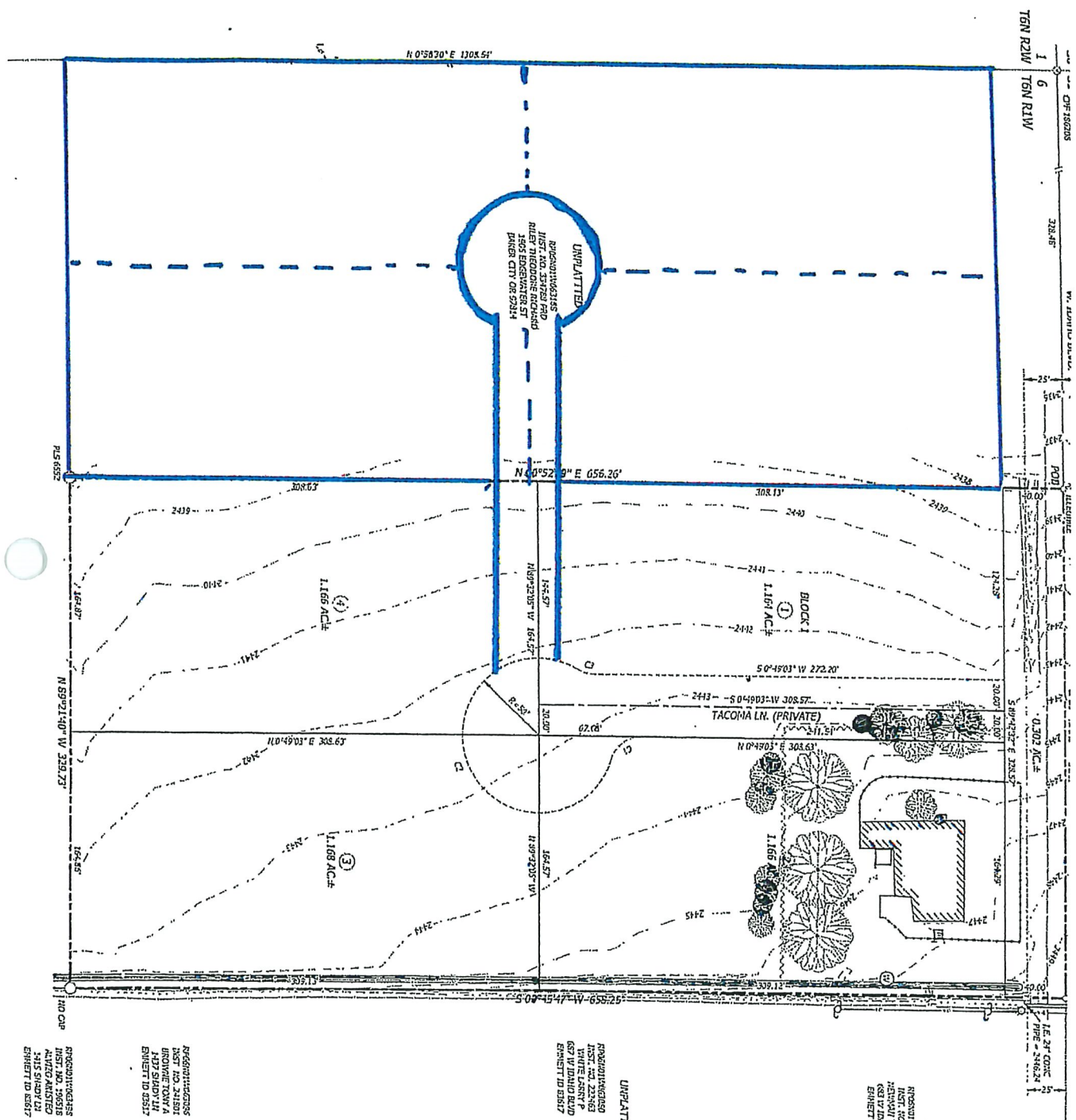
Gem County Road & Bridge Department (GCRB) has reviewed the Rezone Application of GW Building LLC, for the proposed property rezone of approximately 4.96 +/- acres, located adjacent to W. Idaho Boulevard. The applicant and I have met on site to review the ingress/egress for the proposed rezone. I have attached a site plan that shows access to future development. GCRB has no comments in regards to this Rezone.

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

Sincerely,

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

Neal Capps, Director
Gem County Road & Bridge



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PROPOSED EASEMENT
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PROPOSED EASEMENT
N 0°58'20\"/>

UNPLATTED

CERTIFICATE OF MAILING

I hereby certify that on the 13 day of December, 2022, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Ronald Way #2
T 06N, R 01W, Section 6

Edgemont Estates LLC
P.O. Box 718
Emmett, ID 83617

Gregory Drake
5627 Spring Creek Rd
Emmett, ID 83617

Michele Sherrer
2119 Haw Creek Cir.
Emmett, ID 83617

James Salnave
P.O. Box 665
Emmett, ID 83617

William Myers
1021 W. Idaho Blvd
Emmett, ID 83617

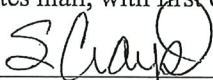
Richard Riley
1905 Edgewater St.
Baker City, OR 97814

Dustin Crea
2141 UA Ave
Emmett, ID 83617

Stephen Tucker
1024 W. Idaho Blvd
Emmett, ID 83617

Kyle Stratton
P.O. Box 718
Emmett, ID 83617

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


Stephanie Crays, Development Services Coordinator

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
November 14, 2022

Page #4

ACTION ITEM #3

REZONE #RZ 22-009 – REQUEST BY GW BUILDING LLC – A2 (5 ACRE MINIMUM) TO R2 (1 ACRE MINIMUM LOT SIZE) –PROPERTY OWNED BY VERITAS HOLDINGS LLC LOCATED ON W. IDAHO BLVD.

Director Kharri-The applicant, GW Building, LLC, on property owned by Veritas Holding, LLC, is requesting a rezone of their parcel from A-2 (5 acre minimum lot size) to R-2 (1 acre minimum lot size). The application states the reason for the request is to apply for a minor subdivision to create 4 parcels. The property proposed to be rezoned consists of approximately 4.95 acres.

Applicant:

Grant Webb-3405 Elk Horn Lane, Emmett, ID. They have met with Fire, Irrigation, Road and Bridge. They are asking for four lots. They know water is a big concern.

Favor: None

Neutral: None

Opposed: None

Chairman **Eichelberger** closed public hearing 6:44pm

Commission Discussion

Chairman **Eichelberger** read through the five required findings. Proposed to have a ground water study done with the other rezones.

Commissioner **Vickery** moved to recommend approval with a water study tied to development agreement.

Commissioner **Heimlich** seconded motion.

Vote: Unanimous.

ACTION ITEM #4

REZONE #RZ 22-012 – REQUEST BY EDGEMONT ESTATES LLC – A2 (5 ACRE MINIMUM) TO R2 (1 ACRE MINIMUM LOT SIZE) –PROPERTY OWNED BY KYLE STRATTON LOCATED ON EDGEMONT ROAD