

Memo

To: Gem County Zoning Commission
From: Jennifer Kharri, Planning Director
CC: Mike Bratcher (owner), Tahja Jensen (Deputy P.A.)
Date: 12/6/21
Re: SUP #17-006 – Mike Bratcher – RV Park

Commissioners,

The subject application is on your December 13th agenda. The purpose of the hearing is a compliance review and an extension request for SUP #17-006 that was approved in 2019 for an RV Park. The SUP has not met all of the conditions in a timely matter to operate. The SUP would have expired in August 2021, but staff granted a 4 month extension for COVID which makes the expiration this month. Also, there has been complaints regarding RV's being occupied on the site for the last 1.5 years which still have not been removed after notifications from the Code Enforcement Officer.

Since this is a public hearing, the application was noticed in the Messenger Index and we did send hearing notices to neighbors within 300 feet and the property was posted with a sign. Written correspondence in opposition was received by Development Services in response to the public notice. The Commission has the same review authority with this as with an original application and new conditions can be added as deemed appropriate.

GCC 11-7-10 allows the Zoning Commission to revoke the SUP or allow a specific period of time for correction of the conditions when brought forth a violation.

GCC 11-7-2 allows for an extension to be requested. If granted, it cannot exceed 1 year. The Commission may extend the completion period upon good cause by the applicant. The burden of proof shall be on the applicant and good cause shall be determined at the discretion of the Commission.

Because it has been longer than two years from the original SUP, I have listed the 9 findings for an SUP below for you to consider as you deliberate the amendment request. **See the attached exhibits for the original staff report and Zoning Commission decision.**

- 1) will in fact constitute a special use as established on the Official Schedule of District Regulations for the zoning district involved;
- 2) will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance;
- 3) will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

- 4) will not be hazardous or disturbing to existing or future neighboring uses;
- 5) will be served adequately by essential public facilities and services such as highways, streets police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such services;
- 6) will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 7) will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- 8) will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- 9) will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Attached is a copy of the original SUP #17-006 (**Exhibit A**), issued in 2019 for the RV Park. Please review so you are familiar with the permit that is being amended. Below is a staff summary with some background to this application and recommended conditions of approval:

Application Summary / Background

- ☐ SUP #17-006 was approved on 8/19/21 permitting an RV Park at 2002 North Washington Avenue (see attached application, approval, minutes etc for more information). (Ex A)
- ☐ 6/16/20 ^{10/16/20} complaint filed regarding RV's being occupied. 6/19/20 Notice sent to property owner(Ex B)
- ☐ 11/6/20 complaint filed regarding RV's being occupied. 11/6/20 Notice sent to property owner(Ex C)
- ☐ 11/16/20 certified letter sent to property owner(Ex D)
- ☐ 4/30/21 complaint filed. 5/10/21 Notice sent to property owner regarding timeframes (Ex E)
- ☐ 9/16/21 complaint filed. 9/27/21 Notice sent to property owner regarding potential revocation on 12/13/21 by the Zoning Commission(Ex F)

Site Specific Conditions of Approval for SUP 17-006:

1. This permit is subject to an annual review by the Development Services Department.
2. The permit is non-transferable to another property and is only valid 2002 North Washington Avenue.
3. Only 12 RV spaces are permitted for hook-ups. Six spaces will be dry camp and tent only. The site plan shall be amended to clearly show these spaces.
4. The applicant shall obtain a Certificate of Zoning Compliance and Building Permit from the Development Services Department prior to the start of any site work, building of structures more than 120 square feet in size or remodeling of existing buildings. This includes obtaining a valid septic permit through Southwest District Health prior to issuance of any building permit.

The emergency access and turnaround standards found in GCC 11-6-3.I shall be reflected on the zoning certificate site plan. **(Zoning Compliance Not Completed)**

5. The applicant shall obtain approval from Fire District #1 for the access roads. A copy of the approval letter shall be sent to the Development Services Department. **(Completed)**
6. The applicant shall install a 6-foot privacy fence (not chain link) along the perimeter that is consistent with current codes. **(Completed)**
7. The applicant shall comply with ADA (Americans with Disabilities Act) requirements listed in the ADA Coordinator's letter dated 3/1/18. **(Not Completed)**
8. All stormwater design and improvements for the construction site shall comply with GCC 11-6-11, as approved by the County Engineer. The applicant shall submit a grading and drainage plan with the certificate of zoning compliance application. **(Not Completed)**
9. The applicant shall obtain a septic permit from Southwest District Health. A copy of the permit shall be sent to the Development Services Department. **(Completed)**
10. Applicant shall comply with the conditions from the Emmett Irrigation letter dated June 21, 2019. **(Not Completed)**
11. Applicant shall comply with the conditions from the Road and Bridge Department letter dated June 26, 2019. **(Completed)**
12. Applicant shall comply with the conditions from the Idaho Transportation Department letter dated, October 17, 2018. **(Completed)**
13. All trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height or within an enclosed building or structure.
14. All lighting shall be fully contained within the property boundaries and not cause a nuisance or distraction to neighboring properties or to drivers.
15. No permanent off-premise signs are permitted with this permit and all on-premise signs need a permit and shall comply with the Gem County Sign Ordinance.
16. The applicant shall provide landscaping that is in compliance with the current codes. **(Not Completed)**
17. It shall be the policy of the park that long term stays exceeding 30 days are prohibited.
18. The Zoning Commission shall hold a public review of the Special Use Permit 1-year after the issuance of the Zoning Certificate.

If the Zoning Commission decides to grant an extension to the SUP, staff recommends that the extension be no longer than 6 months with no option for another extension based on the violations and to consider these added conditions of approval:

- There shall be an on-site park host to ensure park rules and SUP conditions are followed.
- Consider adding to #17, that there be a minimum amount of time before returning and only allowing a certain number of times per year.

222 E. Park St.
Emmett, Idaho 83617



208-365-4582
Fax 208-365-1324

Serving the Valley Since 1910

emmettirrigationshop@gmail.com

11/30/21

Gem County planning and zoning
Attn: Michelle Barron

Re: Xena Vision LLC RV Park

To whom it may concern.

The Xena Vision LLC RV Park at 2002 N. Washington Ave is bordered on the East side of the property by a waste ditch. The ditch is not the responsibility of Emmett Irrigation District. However as per Idaho Statute 42-1102 an easement shall be maintained accessible for the beneficial users of the ditch for the purpose of cleaning and maintenance. The fence constructed on the east side of noted property does not allow enough room as per Idaho Statute 42-1102.

Andrew Griggs
Emmett Irrigation District
Cell:208-365-8983

Michelle Barron

From: David Garrison <dwg961@hotmail.com>
Sent: Friday, December 3, 2021 1:57 PM
To: Michelle Barron
Cc: David Garrison
Subject: Michael Bratcher RV Park

To Whom It May Concern,

My name is David Garrison and I reside at 277 E. Idaho Blvd (the south side of E. Idaho Blvd which is across the street from said RV Park). Throughout the long course of construction with this fly- by -night project, I have six (6) important concerns with this project.

1. **Dust Mitigation:** In the 2 plus year construction period, NOT ONCE has a water truck been onsite to wet the flour dirt that was present while digging or pushing dirt. I confronted Mr. Bratcher about this issue and he said all water trucks in the valley were rented for other job sites. Lack of planning on his part...or was he not going to use a water truck for dust mitigation to start with? After my verbal complaint, Mr. Bratcher started to use a large sprinkler to attempt to skim coat the flour dirt to prevent dust clouds. Too little water was used to accomplish that objective. I have his top soils on my roof, siding, windows, doors, back yard, front yard, gutters, and all of my vehicles. I even spoke to Mr. Bratcher and told him I had to suspend my normal work within the shop (restoring my own muscle cars) because of dirt contamination. I could not paint anything without contamination present. When his equipment was in operation....my work had to be shut down. The Idaho DEQ was notified and they spoke with Mr. Bratcher but an inconsiderate neighbor will always be an inconsiderate neighbor. His dusty operation was shut down for a period of 7-10 days and then everything resumed as before with a never-ending dust cloud. Upon conclusion of the final grade of this property, are the bare earth areas to be hydro-seeded to prevent erosion or dusty conditions during windy periods?
2. **Cedar Wood Fence:** In the larger metropolitan areas, a mounding dirt system is installed with noise absorbing vegetation to help minimize the effects of road noise. A solid barrier is installed along multi-lane highways for a noise and safety barrier. Mr. Bratcher has installed a wood fence with no vegetation planted between the fencing material and E. Idaho Blvd. After the fence was installed the road noise within my home is amplified many times over and all road noise is now directed due south after bouncing off of his wood fence. People can be on Wild Willy's property talking and their conversations sound as if it is occurring in my driveway. Vehicles running on Wild Willy's property sound like their vehicle(s) is idling while parked on my driveway. I also, want to mention a 300 lineal foot wood fence is definitely a thing of beauty to behold, especially when the fence is spaced 12"-15" above ground or grade level. Mr. Bratcher never rakes his leaves on his "RV Resort" but waits for a northwest wind to blow all of his leaves under the fence and across E. Idaho Blvd where they land on my property and I get to clean them up. Vegetation needs to be addressed and planted to absorb the increased traffic noise after the wood fence installation. County Commissioners were concerned about visual effects of the trailer park but what about the increased traffic noise concerns?
3. **30 Day Occupancy Rule:** The 30-day rule currently does not exist, and never will...per Mr. Bratcher. I ask him why NO trailers are moved after 30 days and he responded with "all they would have to do is drive out one driveway and back into the park utilizing another driveway...so what's the point. He has

no intention of monitoring the length of stay for any RV on site. Currently, four (4) RV's have been parked on their same site pad for at least nine (9) months straight. Mr. Bratcher told the County Commissioners what they wanted to hear just to get the RV Resort approval. Mr. Bratcher is a grifter and liar who will say anything to get his zoning approval. It is very clear, Mr. Bratcher CANNOT police the 30-Day Rule. Which Gem County Employee is to be awarded the responsibility of policing the 30-day occupancy rule?

4. RV Resort touted as a high-end camping destination: During Mr. Bratcher's spiel in front of the zoning board and county commissioners, Mr. Bratcher always referred to his "RV Resort" as a high-end camping destination. He was to have public showers, a laundromat, plus a shade tree on each camping site. As of December 03, 2021, none of those amenities are present. Mr. Bratcher has NOT built a "high end camping destination type of RV Resort" but has instead built a less than promised "trailer park" with no supervision of the guests or their campers.
5. Engineered Septic System: The engineering firm originally contracted by Mr. Bratcher, made an error in their original septic system design. A revised septic system was implemented and the sewage system was installed. Can you guarantee my well water located in my front yard will not become contaminated by the "RV Resort" sewage waste?
6. Noise Violations: Bad renters make for bad neighbors. One problematic renter @ the "RV Resort" worked on his Honda automobile, which was without an exhaust system, and also, his Harley Davidson motorcycle at all hours of the Day or Night. It took Mr. Bratcher several months to finally evict his noisy and obnoxious renter. As mentioned before, there is a lack of policing and personal involvement from Mr. Bratcher on the oversight of his trailer park. Which county employee is going to oversee and police the daily operation of the squatter's camp?

Thank You,
David W. Garrison
277 E. Idaho Blvd
Emmett, Idaho 83617
208-369-8209

Michelle Barron

From: David Garrison <dwg961@hotmail.com>
Sent: Monday, December 6, 2021 9:34 AM
To: Michelle Barron
Cc: David Garrison
Subject: Picture attachments for email sent 12/03/2021
Attachments: IMG_0001.JPG; IMG_0002.JPG; IMG_0003.JPG; IMG_0004.JPG; IMG_0005.JPG; Emmett 005.jpg; Emmett 006.jpg

Ms. Barron,

Attached are pictures of Michael Bratcher's wood fence. Please include these photos with my last email so the zoning commissioners get to see the fence, if a drive-by the property is not possible. The fence has created noise pollution for several homes on E. Idaho Blvd. Primarily, 263 E. Idaho Blvd (owner Mary Knight) and 277 E. Idaho Blvd (owner David Garrison). Noise pollution has increased dramatically after the wood fencing installation. I want to know if the Gem County Zoning Commission will address this oversight...noise pollution. Vegetation needs to be planted in front of the fence to absorb the increasingly obnoxious vehicle traffic noise. PS: The last two pictures are from before the fence installation. The once serene view has been ruined and a wood fence now stands in its place. The gap at the bottom of the fence allows Mr. Bratcher's leaves to migrate onto my property and I have to clean them up. Also, the bottom gap allows noise from the "RV Resort" to also migrate outside of the trailer park.

Thank You,

David Garrison
277 E. Idaho Blvd
Emmett, Idaho 83617
dwg961@hotmail.com
208-369-8209

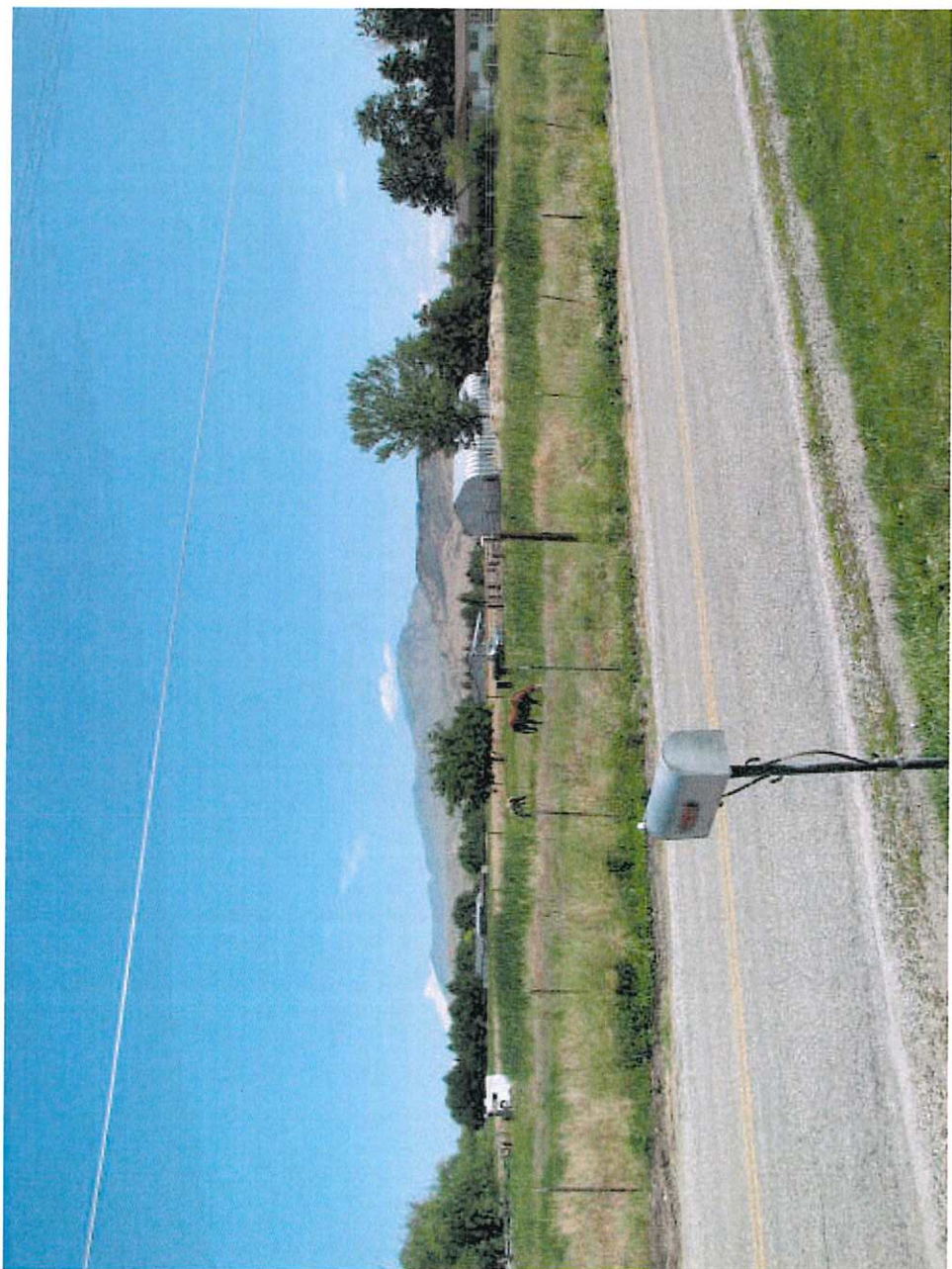


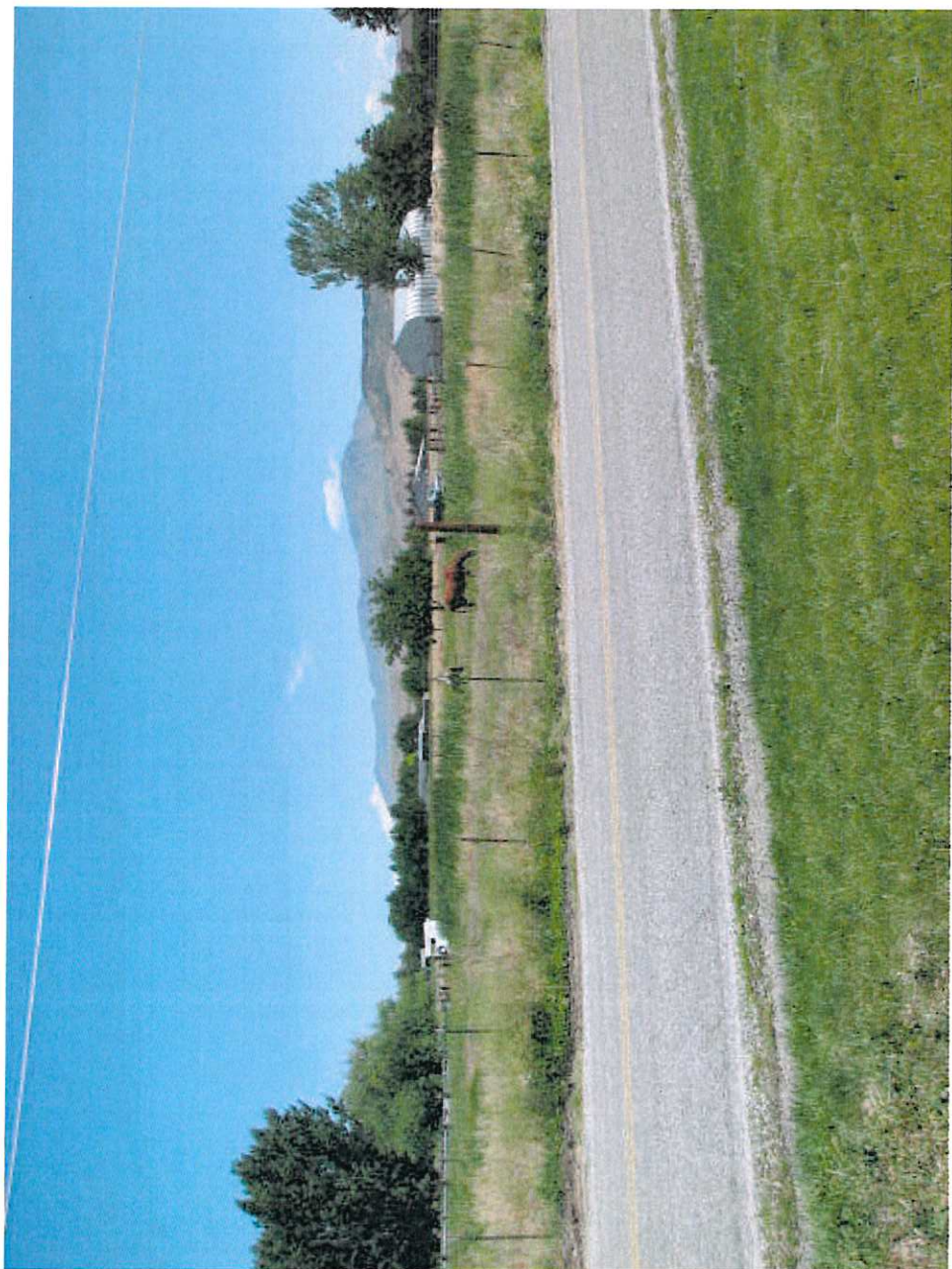












December 5, 2021

Development Services Office
109 South McKinley Ave.
Emmett ID 83617



To Whom It May Concern:

In response to your letter of November 19, 2021, I respectfully submit the following in reference to Special Use Permit SUP-17-006 for the property located at 2002 N. Washington Avenue.

I hereby request you deny the furtherance of the Permit in its current state including its construction component. Two years to complete construction and comply with the 18 conditions of approval is enough. The Zoning Commission has fulfilled its obligation to the applicant and owes nothing more to Mr. Bratcher. In fact, because of his actions over the last two years, the Commission now has a duty to protect the surrounding property owners, aka long-term tax payers, from Mr. Bratcher and his proposed development.

As you may know, from my front window I have a clear view of the majority of the property in question. As such I am witness to the daily proceedings and for the last two years the property has been continuously occupied by at least four RV trailers. I specifically remember a thirty-day time limit for occupancy of the spaces at this so-called RV Resort was a conditional requirement for the Permit. Code Enforcement Officer Larry Robertson has informed me that a Cease-and-Desist letter was sent to Mr. Bratcher regarding permanent occupancy. Mr. Bratcher was to have the trailers removed; however, he has failed to do so. This says to me he is not a man of honor and integrity and does not deserve at this point to avail himself of your good graces with a decision to grant his request for a special use permit. Subsequently, I view Gem County negligent if legal eviction proceedings are not commenced against Mr. Bratcher for failing to comply with the aforementioned letter. Gem County has the resources to do so. That is part of what our tax dollars are for. I should not have to sue Gem County in order for them to fulfill their obligations to the taxpayer. Furthermore, if he has failed to comply with this Condition of Approval during the construction phase, how can he be entrusted to comply in the future.

This one Condition in my opinion, is the key Condition in the prevention of the creation of a very distasteful environment and that is of long-term occupancy or slum-like conditions. Think about it for a minute. If 16 trailers move into this park at 16 different points in time who will track the arrival dates and enforce the occupancy limitations if the owner cannot be trusted. Gem County would have to send an enforcement officer to the property every day in order to not miss an overextended stay. We all know that is not going to happen. So what will happen is that this individual will end up doing whatever he damn well pleases. He has this all figured out already.

Let me give you an example. During demolition several years ago, he needed to remove one of the structures on the property so he used his excavator and skid steer loader to demolish the structure and move the debris towards the center of the property where he then started it on fire. With this being an illegal act, the County Fire Department was notified and the situation was dealt with. He was told at that time not to burn any more construction materials. One would think that would be the end of it, but no. This person being the person that he is waited a while and resumed his burning philosophy, only this time he was not present he had delegated this illegal activity to one of his employees. So, when the police and fire department arrived this time, it was his unfortunate employee who had to endure the recriminations.

I could continue on and on about the dirt and incessant construction noise we have had to endure or the failure for two years to abide by the Condition regarding entering and exiting the property. They are important reference points of a serious legal document that must be enforced by Gem County and adhered to by the applicant. I believe I am witness to the fact that Mr. Bratcher is unwilling or incapable of complying with this legal document and therefore should be disqualified.

During the open meetings the commission chair told me to not make this personal. I am telling you now this subject is most importantly personal for those who live right next door. This issue impacts our daily lives on a personal note. This is our home front, where we live, where we try to relax or raise a family. You bet it is personal and will continue to be personal every day.

In conclusion let me reiterate, the Gem County Zoning Commission should rule in favor of the tax payers in good standing with Gem County not the applicant that has failed to abide by the law. This decision should be based on known facts about past practice not promises for the future. I don't care about how much money he has spent to this point. That is his fault and all the more reason for him to abide by the rules.

As a retired public servant, I thank you for your service to our community and I thank you for your careful consideration of my letter.

Respectfully,

Michael Frederick

374 East Idaho Blvd.
Emmett ID 83617



COPY

MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES

109 South McKinley, Emmett, Idaho 83617 www.co.gem.id.us phone: (208) 365-5144 fax: (208) 365-2499

EXHIBIT A

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

- | | | |
|--|--|--|
| <input type="checkbox"/> APPEAL | <input type="checkbox"/> REZONE | <input type="checkbox"/> SUBDIVISION, MODIFICATION |
| <input type="checkbox"/> COMPREHENSIVE PLAN TEXT AMENDMENT | <input checked="" type="checkbox"/> SPECIAL USE PERMIT | <input type="checkbox"/> VACATION |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT | <input type="checkbox"/> SUBDIVISION, PRELIMINARY | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT, FINAL | <input type="checkbox"/> SUBDIVISION, FINAL | <input type="checkbox"/> ZONING TEXT AMENDMENT |
| <input type="checkbox"/> PLANNED COMMUNITY | <input type="checkbox"/> SUBDIVISION, MINOR | |
| | <input type="checkbox"/> SUBDIVISION, COMBINED | |

PROJECT NAME: Emmett R V Resort

SITE INFORMATION:

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

Quarter: 4362 Section: 31 Township: 07N Range: 01W Total Acres: 2.69

Subdivision Name (if applicable): _____

Site Address: 2002 N Washington Lot: _____ Block: _____
City: Emmett

Tax Parcel Number(s): RPO00421200 Current Zoning: Commercial Current Land Use: Bar/Saloon

PROPERTY OWNER:

Name: Michael Veronica Bratcher

Address: 7410 Hawthorne

City: Emmett State: ID Zip: 83617

Telephone: 2083651319 Fax: _____

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

APPLICANT:

Name: Michael Veronica Bratcher

Address: 7410 Hawthorne

City: Emmett State: ID Zip: 83617

Telephone: 2083651319 Fax: _____
Email: bratcherconcreteman@gmail.com

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

M Bratcher
Signature: (Owner)

Date

M Bratcher
Signature: (Applicant)

Date

NOTE: THIS APPLICATION MUST BE SUBMITTED WITH THE APPLICABLE CHECKLIST (S).

OFFICE USE ONLY

File No.: SUP-17-006 Received By: MB Date: 12/6/17 Fee: 375.00 Receipt No: CC



SPECIAL USE PERMIT SUBMITTALS AND CHECKLIST

(Not a business license or building permit)

GEM COUNTY DEVELOPMENT SERVICES

109 South McKinley, Emmett, Idaho 83617 www.co.gem.id.us

phone: (208) 365-5144 fax: (208) 365-2499

DESCRIPTION OF EXISTING USE: Bar Saloon front area

Stick built house on Foundation and a Mobil home in the
back.

DESCRIPTION OF PROPOSED SPECIAL USE: (Attach other sheets if necessary):

RV resort with 31 large pull up and through spaces
with Two Tent spaces.

Submittal Requirements:

FEE: Category 1: All residential uses (e.g. daycare): \$250.00

Category 2: Commercial and industrial uses (up to 5 acres): \$325.00

Category 3: Commercial and industrial uses (greater than 5 acres): \$450.00

LEGAL DESCRIPTION: A metes and bounds description or lot and block reference of proposed property.

SITE PLAN: A plan of the proposed site for the special use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs and yards.

LANDSCAPE PLAN as per Gem County Zoning Ordinance; Chapter 6; Section 6-6; Subsection C-1-C.
(Please see attached Landscape Plan Checklist)

PROOF OF OWNERSHIP OR VALID OPTION HOLDER: Attach a copy of your property deed, option agreement, quit claim deed, or title report with a complete legal description.

PLAT MAP: show property under consideration and surrounding properties.

AERIAL PHOTO: Show property under consideration and surrounding properties

(THE ABOVE ITEMS WILL BE PROVIDED BY THE DEVELOPMENT SERVICE OFFICE)

To the Commission

Letter of intent

The commercial property was purchased with a park in mind as Washington is a major thoroughfare to the reservoir cascade lakes and the outdoor recreation destinations towards McCall area.

The property is surrounded by commercial property such as a gas station, restaurants, storage units, etc. Great for a park propane and fuel, with meals close by.

The property already has multiple large paved vehicle entry access which will accommodate RV and large Coaches.

Each space will have a shade tree large 65 * 22 ft pull and back through access with a concrete pad top of the line utility hook ups. 25 ft roads with a dog park, bathroom, and laundry facilities.



January 18, 2018

Ada County Zoning and Ordinance
200 W. Front Street
Boise, ID 83702

RE: Letter of Intent

Madam or Sir,

The property is zoned commercial. The surrounding properties are conducive for an RV Park.

Across the street, to the south, are a gas station and a mini mart. Behind that, to the east, is a storage unit facility. Across the street, to the west is a restaurant and a small retail store. An RV Park would bring customers.

It is in route to all the great camping and outdoor activities.

This will be considered an RV Resort with top notch amenities. Each bay is twenty-five (25) feet wide and will have two (2) parking spots each. The center row of bays will accommodate the largest coaches made at forty (40) and fifty (50) feet.

The park will not allow outdated RV or coaches. There will be an onsite security and park rules and attendants for safety and customer directions on parking and *.

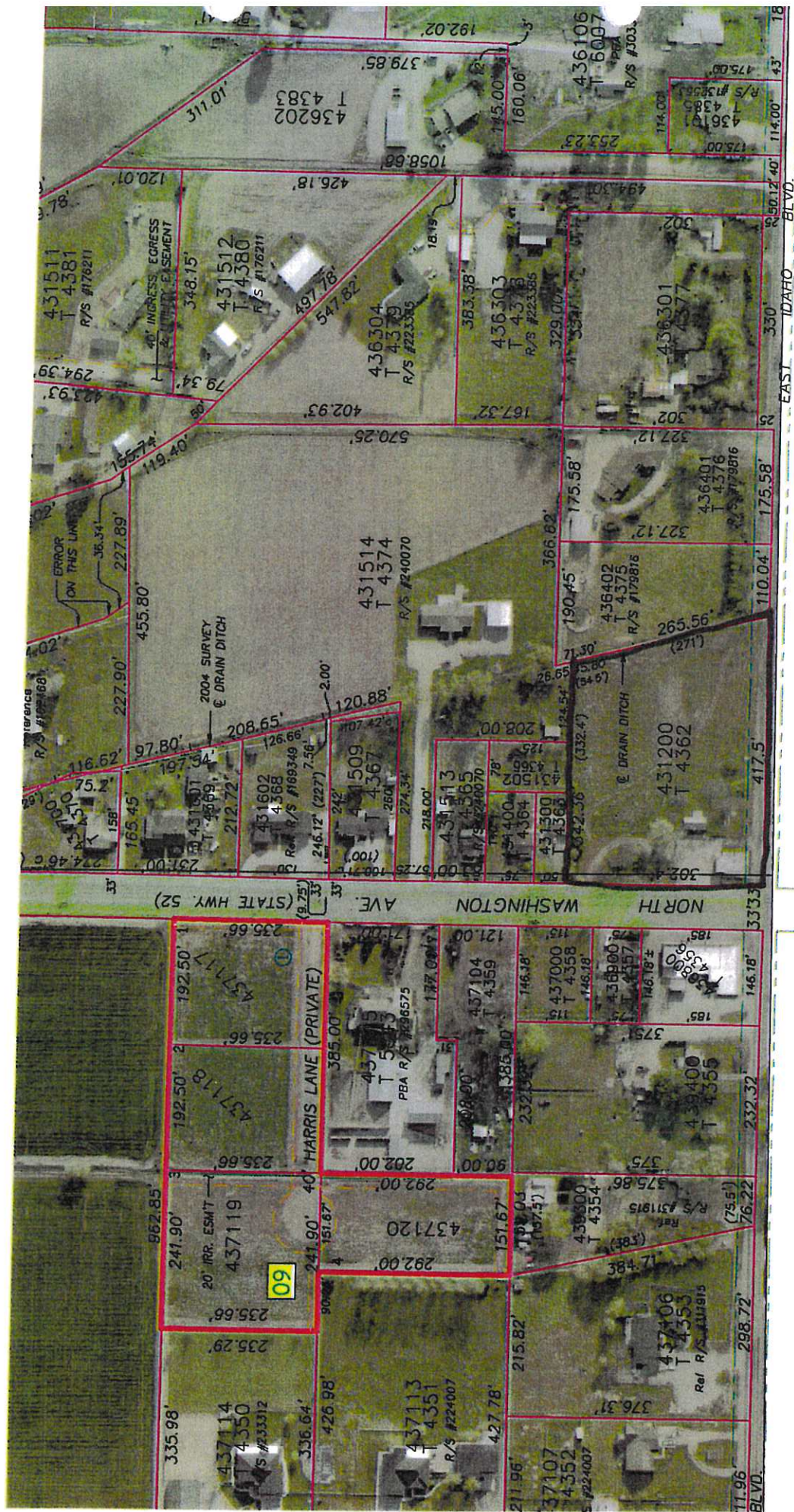
Bathrooms and showers will be Ada County compliant. There is more parking than required with onsite additional parking.

Sincerely,

Michael Bratcher, Vice President
A-1 Quality Concrete Co
1200 N Main St #1433
Meridian, ID 83680

EACH SPACE WILL INCLUDE

- 1 TREE SHADE
- 1 GRASS AREA
- UTILITIES





GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

**OFFICE OF THE ADMINISTRATOR
PLANNING & ZONING**

FAX: (208) 365-2499

PHONE: (208) 365-5144

WEB PAGE: GEMCOUNTY.ORG

STAFF REPORT

DESCRIPTION: SPECIAL USE PERMIT APPLICATION – RV PARK

FILE NUMBER: SUP #17-006

ZONING COMMISSION HEARING DATE: MARCH 12, 2018, 7:00PM

APPLICANT: MICHAEL AND VERONICA BRATCHER
740 HAWTHORNE
EMMETT, ID 83617

PROPERTY OWNER: XENA VISION LLC

SUBJECT PROPERTY: 2002 N WASHINGTON AVENUE, IN T 07N, R 01W, SECTION 31

STAFF PLANNER: JENNIFER KHARRL

1. APPLICATION SUMMARY

The applicant, Michael and Veronica Bratcher, on property owned by Xena Vision, LLC is requesting approval of a Special Use Permit (SUP) to allow a recreational vehicle park. The park is proposed at 2002 N. Washington Avenue and is located in the C-1, Commercial, zone. The subject property consists of approximately 2.69 acres and has an existing commercial building and a single-family dwelling that are both vacant. The applicant is proposing 19 RV spaces with hook-ups and 6 dry camp/tent spaces. Service buildings are proposed for bathrooms, showers and laundry facilities.

“Recreational Vehicle Park” is listed as a “Special Use Permit” in the C-1 zone per Gem County Code (GCC) 11-5-5, Zoning Matrix. The property lies within the “Mixed Planned Development” land designation of the Future Land Use Map.

2. APPLICATION & PROPERTY FACTS

A. Site Address/Location:

The property is located at the northeast corner of N Washington Avenue and Idaho Boulevard. The property is located in a portion of Section 31, T 07N, R 01W.

B. Current Owner(s): Xena Vision, LLC
740 Hawthorne

C. Applicant(s): Michael and Veronica Bratcher

D. Present Zoning: C-1, Commercial

E. Present Comprehensive Plan Designation: Neighborhood Commercial

F. Property Size: Approx. 2.69 acres

3. APPLICATION PROCESS FACTS

A. Application Submittal:

The application for this item was received by the Development Services Department on December 6, 2017 and deemed complete on January 18, 2018.

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 11-7-6 on February 21, 2018. 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 February 16, 2018. The physical property was posted for the public hearing on February 22, 2018. Requests for all impact agencies' reviews were mailed on February 16, 2018.

C. Relevant Ordinances and Required Actions:

The subject application constitutes a Special Use as determined by Gem County Code (GCC). By reason of the provisions of the GCC Title 11, Chapter 7, a public hearing is required before the Zoning Commission on this matter.

D. History of Previous Actions on Property: None.

E. Companion Applications: None.

4. LAND USE

A. Existing Land Use(s): A commercial building and a single-family dwelling.

B. Description of Character of Surrounding Area: Rural Residential and Commercial uses.

C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	Mixed Planned Development	MX, Mixed Use	Rural Residential
South of site	Neighborhood Commercial	MX, Mixed Use	Convenience Store/Gas Station
East of site	Neighborhood Commercial	MX, Mixed Use	Rural Residential
West of site	Neighborhood Commercial	C-1, Commercial	Lund's Restaurant

D. Existing Site Characteristics:

The property slopes toward the eastern property line where the drain ditch is located.

E. Physical Constraints and Opportunities:

1. Wastewater & Domestic Water: Currently, the property has a well and septic system. A new septic system will be required for the RV hookups.
2. Topography: The property slopes toward the east property line.
3. Vegetation: Mature shade trees.
4. Floodplain: FEMA Community panel number 160127-0270 A, Zone D: areas of undetermined but possible flood hazards.
5. Hazards: The applicant should disclose any known hazards on the property at the public hearing.

F. Special Use Information: A Special Use Permit application is required for the proposed RV Park in the C-1 zone.

G. Building Setback Information. Any new structures over 120 square feet in size would have to receive a building permit and comply with setbacks in effect at the time.

H. Streets and/or Access Information: Vehicular access to the property is proposed to be taken off of North Washington Avenue and Idaho Boulevard. This is still under review by ITD and Gem County Road and Bridge Department.

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

The Comprehensive Plan **Future Land Use Map** identifies the subject property as Neighborhood Commercial.

The Comprehensive Plan defines the “Neighborhood Commercial” category as follows:

“A moderate sized shopping area that features a grocery store but may also include a drug store or variety of services such as stationary, clothes, restaurants, dry cleaners, real estates, gardening and other similar uses. A neighborhood commercial area may have a total of 15, 000 to 30, 000 square feet but no single buildings in excess of 25,000 square feet.”

This property is located in a C-1 zone and within the Neighborhood Commercial designation of the Future Land Use Map. The definition does not specifically mention an RV Park or similar uses as being part of the long-term vision for the Neighborhood Commercial areas. However, if the uses are approved through a SUP and are found to be largely compatible with surrounding land uses, the Commission may be able to approve the application, as supported by the Neighborhood Commercial policies.

Land Use – Chapter 12

Policy 12.6.4. Support commercial and business development throughout the county that are compatible with adjacent development and/or agricultural land uses.

6. ZONING ORDINANCE [Staff comments and analysis are shown in *italics*.]

A. Schedule of Zoning Regulations: Gem County Code 11-5-5, Zoning Matrix, permits an RV Park with a Special Use Permit in the C-1 zone.

- B. Purpose Statement of Zone: Gem County Code 11-4-7.A. lists the purpose of the C-1, Commercial zone as follows: "To provide an area for convenience business use meeting the needs to nearby residential neighborhoods. To provide an area for commercial business uses and to restrict incompatible commercial uses which may be better located in other commercial zones."

The Commission must find that the proposed use is consistent with the purpose of the zone.

Other: The following sections of the Zoning Ordinance directly and/or indirectly address the application:

GCC 11-6-10 – Manufactured Home/Recreational Vehicle Park Improvements: The following improvements shall be provided in all manufactured home and recreational vehicle parks:

A. Site Selection:

1. Topography. The topography must be favorable to good site drainage, minimum grading, manufactured/mobile home/recreational vehicle placement, and ease of maintenance.
2. Availability of Utilities. The site must be readily accessible to public utilities, including water, sewerage, and electricity. All utilities within the park must be constructed underground.
3. Necessary Land Area. The area of the manufactured home/recreational vehicle park must be sufficient in size to accommodate:
 - (a) The number of manufactured/mobile home/recreational vehicle spaces desired;
 - (b) Roads and parking areas for motor vehicles;
 - (c) Service areas, buildings and playgrounds;
 - (d) On site utilities where public utilities are not available.

B. Site Improvements:

1. The physical improvements of the site must be arranged to provide:
 - (a) A convenient means of pedestrian and vehicular access to each manufactured/mobile home/recreational vehicle space, parking areas, and accessory buildings;
 - (b) An adequate supply of potable water;
 - (c) A safe method of sewage disposal;
 - (d) Electrical service for lighting and power; and
 - (e) Diversion of surface water away from buildings, manufactured/mobile home/recreational vehicle spaces, service and recreational areas, and its disposal from the site.

C. Site Planning:

A plan of the proposed park must be developed for approval of the County indicating the layout of manufactured/mobile home/recreational vehicle spaces, roads, walks, service buildings, service areas, utilities, and necessary grading.

Determination must be made in the initial planning stage on the number of manufactured/mobile home/recreational vehicles to be accommodated.

(a) Manufactured/mobile home/recreational vehicle space sizes

Each manufactured/mobile home/recreational vehicle space must be not less than one thousand two hundred fifty square feet (1250 sq.ft.) in area and should be at least twenty-five feet (25') wide.

(b) Spacing of manufactured/mobile home/recreational vehicle

The minimum spacing between manufactured/mobile home/recreational vehicles and manufactured/mobile homes and buildings must be:

Side-to-side spacing: Fifteen feet (15')

End-to-end spacing: ten feet (10') from the manufactured home park property line.

1. Roads, walks and parking areas.

- (a) General circulation. Safety and convenience must be a major consideration in the layout of roads, walks and parking areas within the park. All roads must be continuous.
- (b) Servicing. Suitable vehicular access for fire-fighting equipment, delivery of fuel, removable garage and refuse, and for other necessary services must be provided.
- (c) Width of roads and parking areas. Main access roads, excluding parking must be two lane and at least 24 feet wide.
- (d) Parking area. The same number of motor vehicle spaces must be provided as the number of manufactured/mobile home/recreational vehicle spaces. These must be provided in special parking areas.
- (e) Walks. The manufactured/mobile home/recreational vehicle park walk system must include a walk from the entrance to each home to service facilities.
- (f) Width of Walks
 - 1) Public walks – minimum 4 feet
 - 2) Entrance walks (from public walk to manufactured/recreational vehicle door) - minimum 3 feet

D. Service Buildings

Each manufactured/mobile home/recreational vehicle park that is planning on serving recreational vehicles must be provided with one or more service buildings containing the requisite number of plumbing fixtures and other service equipment. The service buildings must conform in general to the following requirements:

- 1. Construction: the materials and methods used in the construction of service buildings must conform to local building codes for buildings of this nature. It must have an interior finish which is moisture resistant and can be easily cleaned. All rooms of service buildings must be ventilated and all exterior openings provided with screens.
- 2. Facilities. Separate men's and women's toilet rooms must be provided and distinctly marked. These rooms must be separated by a sound-resistant wall. A vestibule or screen wall must be provided to prevent direct view into the toilet rooms when exterior doors are open.
- 3. Plumbing fixtures: Every park must provide adequate toilet and laundry facilities. In no instances should there be less than a minimum of one laundry unit (laundry or washing machine); one toilet room, one lavatory and one shower for women; one toilet room, one lavatory and one shower for men.

The facilities listed above will accommodate the planned number of recreational vehicle spaces. One water closet must be provided for each sex for every ten (10) additional recreational vehicles. (Urinals for men may be substituted for one-third (1/3) of these water closets).

One lavatory must be provided for each sex for every ten (10) additional recreational vehicles; and one (1) shower or bathtub for each sex for every twenty (20) additional recreational vehicles. A laundry unit must be provided for every twenty (20) additional spaces.

E. Fire Prevention:

The court area shall be subject to the rules and regulations of the fire-prevention authority.

F. Regulations:

No permanent additions of any kind shall be built onto, nor become a part of, any manufactured/mobile home/recreational vehicle. Skirting of manufactured/mobile home or recreational vehicle is permissible, but such skirting shall not permanently attach the manufactured/mobile home or recreational vehicle to the ground, provide a harborage for rodents, or create a fire hazard. The wheels of the manufactured/mobile home or recreational vehicle shall not be removed, except temporality when necessary for repairs. Jacks or stabilizers may be placed under the frame of the manufactured/mobile home or recreational vehicle to prevent movement on the springs while the manufacture/mobile home or recreational vehicle is parked and occupied. No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large, or to commit any nuisance within the limits of any park.

GCC 11-6-11 - Stormwater Drainage Standards: requires any single development that disturbs more than one (1) acre of land to design their drainage and run-off plans in accordance with minimum standards.

If the project will disturb more than one (1) acre of land, to ensure compliance with this section, the applicant will need to prepare grading plans and Keller Associates (Gem County's engineer) may need to review grading plans. The applicant will be responsible to pay for any engineering costs incurred by Keller.

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

- A. Will in fact, constitute a special use as established on the Official Schedule of District Regulations for the zoning district involved;

Staff finds that the subject property lies within the C-1, Commercial zone. Gem County Code 11-5-5, Zoning Matrix does allow RV Parks within the C-1 zone with a Special Use Permit and is, therefore, found to constitute a special use as established on the Official Schedule of District Regulations.

- B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance;

Staff finds that the proposed use, if operated according to the proposed conditions of approval, will be in accordance with the objectives and policies of the "Mixed Planned Development" designation on the Future Land Use Map of the Comprehensive Plan, as outlined in Section 5 of this report. The increased noise and traffic may cause a nuisance.

- C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

Staff finds the existing character of the area is rural and commercial, with scattered single-family residential and some non-residential uses in the vicinity. The intended character of the area (as defined by the Comprehensive Plan) is for community and neighborhood retail, wholesale, service, office and limited manufacturing. The applicant is proposing to remodel the existing structures on the property to serve the RV park. Depending upon the level of traffic and noise, the proposed use has the potential to change the character of the area.

Staff finds that determining what is "harmonious" in a particular neighborhood relies strongly on the residents of that neighborhood. As such, the Commission should review this finding after reviewing the written comments and hearing from both existing residents and the applicant and their plans to address any compatibility concerns. The Commission should consider any necessary mitigation measures to protect the character of existing homes and businesses in the vicinity.

- D. Will not be hazardous or disturbing to existing or future neighboring uses;

A few written comments were submitted by neighboring property owners in response to the public notice for this application. They were filed in opposition to the request. Their concerns were related to the traffic, impacts on existing wells, irrigation ditches, security, privacy, decreased property values, RV length of stay, septic system, contamination precautions, garbage and fire protection.

Staff finds that the proposed use has the potential to be disturbing to neighboring uses. The Commission should review this finding in relationship to the proposed conditions and other evidence presented at the hearing.

- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such services;

Staff finds that the proposed use could be adequately served by the Gem County Sheriffs Department, Mosquito Abatement District, Emmett Sanitation and Gem County Fire District #1. The Commission should also refer to any comments submitted from impact agencies during the course of the open public hearing. Staff received correspondence from Idaho Transportation Department and the Road and Bridge Director, Neal Capps, which have a couple conditions and concerns that will need to be addressed.

- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

The applicant is responsible for paying all improvement and other costs associated with ensuring the operation complies with public requirements. There are concerns from ITD and Gem County Road and Bridge Department regarding access and traffic.

- G. Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

As noted in finding D above, the main foreseeable detriment to the general welfare could be excessive noise and traffic. This is heavily dependent on the volumes of traffic generated by the new use.

Staff finds that determining what is "detriment" in a particular neighborhood relies strongly on the residents of that neighborhood. As such, the Commission should review this finding after reviewing the written comments and hearing from existing residents and the applicant and their plans to address any such concerns.

- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

The driveways shown on the site plan have not been approved by ITD or Gem County Road and Bridge. Access needs to be addressed.

- I. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Staff finds that the application would not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. There are no known historical structures in the area.

8. IMPACT AGENCIES NOTIFIED

Gem County Road Department
Gem County Mapping
Southwest District Health Department
Gem County Sheriff
Idaho Power Company
Emmett Irrigation District
Idaho Department of Water Resources
Idaho Department of Transportation
Gem County Rural Fire District #1

9. STAFF RECOMMENDATION

The Commission must consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application. Staff has raised questions concerning findings "C", "D", "E", "F", "G" and "H" that the Commission should address at the public hearing. There are significant outstanding concerns from the ITD letter, Road and Bridge Department letter and the SWDH letter that may impact the ability of an RV park, therefore we recommend the Commission continue the public hearing until those issues are resolved. Any minor outstanding concerns can be included in the County's permit as conditions. If the Commission proceeds with approval, we recommend the conditions in Exhibit A be placed on the permit.

EXHIBIT A

PRELIMINARY SITE SPECIFIC CONDITIONS OF APPROVAL BRATCHER FILE #SUP-17-006

1. This permit is subject to an annual review by the Development Services Department.
2. The permit is non-transferable to another property and is only valid 2002 North Washington Avenue.
3. Only 19 RV spaces are permitted for hook-ups. Six spaces will be dry camp and tent only. The site plan shall be amended to clearly show these spaces.
4. The applicant shall obtain a Certificate of Zoning Compliance and Building Permit from the Development Services Department prior to the start of any site work, building of structures more than 120 square feet in size or remodeling of existing buildings. This includes obtaining a valid septic permit through Southwest District Health prior to issuance of any building permit. The emergency access and turnaround standards found in GCC 11-6-3.I shall be reflected on the zoning certificate site plan.
5. The applicant shall obtain approval from Fire District #1 for the access roads. A copy of the approval letter shall be sent to the Development Services Department.
6. The applicant shall install a 6-foot privacy fence (not chain link) along the west, north and east property lines.
7. The applicant shall comply with ADA (Americans with Disabilities Act) requirements listed in the ADA Coordinator's letter dated 3/1/18.
8. All stormwater design and improvements for the construction site shall comply with GCC 11-6-11, as approved by the County Engineer. The applicant shall submit a grading and drainage plan with the certificate of zoning compliance application.
9. The applicant shall obtain a septic permit from Southwest District Health. A copy of the permit shall be sent to the Development Services Department.
10. Applicant shall comply with the conditions from the Road and Bridge Department letter dated March 7, 2018.
11. Applicant shall comply with the conditions from the Idaho Transportation Department letter dated, March 5, 2018.
12. All trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height or within an enclosed building or structure.
13. All lighting shall be fully contained within the property boundaries and not cause a nuisance or distraction to neighboring properties or to drivers.
14. No permanent off-premise signs are permitted with this permit and all on-premise signs need a permit and shall comply with the Gem County Sign Ordinance.

GCC 11-7-11: LAND USE TIME LIMITATIONS:

- (1) Commencement: When a special use permit is granted, the land use or construction of its facility proposed in the application must have commenced within one (1) year of the date of the final decision by the Commission, or the Board or a court of appropriate jurisdiction (if appealed) and completed within two (2) years of the same date. Upon expiration of the use or the approval of that use as provided by this section, the applicant can seek approval of the use only by filing a new initial application for review by the Commission.
- (2) Expiration: After the one (1) year period has expired, if any person, including staff or member of the Commission, files a written notice presenting sufficient evidence, as determined by the Administrator, to establish that the land use or construction of its facility provided for in the special use permit, has not commenced, or after the two (2) year period that said use has been abandoned or has ended, the Commission may find that the use has not been implemented or has been abandoned or has ended. If so, the Commission shall set aside the prior approval and order the property to revert to its prior status. An aggrieved person may appeal any Commission decision made under this section to the Board pursuant to Chapter 11-7-9 of this chapter.

GCC 11-7-12: REQUEST FOR EXTENSION:

- (1) Request: An applicant may request extension of the time period provided by this section by filing an application for extension with the Administrator. Such application must be filed at least sixty (60) calendar days prior to expiration of the one (1) year period for commencement of the land use or sixty (60) calendar days prior to the expiration of the two (2) year period for completion of the project. The matter shall be heard at a public hearing before the Commission or the Board, whichever made the final decision, in accordance with the notice and hearing procedures of this chapter. If the application is not timely filed, it shall be denied. A renewal extension, if granted, may be limited to three hundred sixty five (365) calendar days, which shall commence at the expiration of either period.
- (2) Decision: The Commission or the Board may extend the commencement period or the completion period as provided above upon proof of good cause by the applicant. The burden of proof as to the showing of good cause for the extension shall be on the applicant, and good cause shall be determined at the discretion of the Commission or the Board.

Larry Robertson

From: Larry Robertson
Sent: Thursday, March 01, 2018 11:50 AM
To: Jennifer Kharri
Subject: RV Park - ADA accessibility/pathways

1. Pathways must be a minimum of 36" clear of all protruding obstructions with a stable surface.
2. Slope cannot exceed 1:20 in grade.
3. A stable surface is one that remains unchanged by contaminants or applied force, so that when the contaminant or force is removed, the surface returns to its original condition. A firm surface resists deformation by either indentations or particles moving on its surface. A slip-resistant surface provides sufficient frictional counterforce to the forces exerted in walking to permit safe ambulation.
4. One RV space per 20 spaces should comply with ADA standards and be identified by signage. Any amenities of the space must be pathway accessible.
5. One van accessible handicap parking space per each 20 parking spaces.
6. All public use buildings must be ADA compliant for access and use.
7. ADA pathways required from handicap parking space(s) and handicap RV space(s) to public buildings.

Larry D Robertson



Code Enforcement Professionals of Idaho

Gem County
Code Enforcement Officer & ADA Coordinator
208-477-2214



IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028
Boise, ID 83707-2028

(208) 334-8300
itd.idaho.gov

March 5, 2018

Michelle Barron
Gem County Development Services
109 South McKinley Avenue
Emmett, Idaho 83617

VIA EMAIL

RE: SPECIAL USE PERMIT EMMETT RV PARK

The Idaho Transportation Department (ITD) has reviewed the referenced special use permit application for Emmett RV Park by Michael and Veronica Bratcher for the establishment of Emmett RV Park on a parcel located at 2002 North Washington Avenue, east of SH-52 milepost 37.96. ITD has the following comments:

1. This project abuts the State highway system.
 2. The Idaho Administrative Procedures Act (IDAPA) governs access to state highways. Per IDAPA 39.03.42 rules, a change in use warrants updating to current IDAPA 39.03.42 rules. SH-52 is classified as a "Regional-Urban<35 mph" route in this location. Current IDAPA 39.03.42 rules for spacing on a "Regional-Urban<35 mph" route is 660 feet upstream from a public road intersection, 250 feet downstream from an unsignalized public road, and 250 feet between accesses other than public roads. The current access does not meet these standards. Should the use change, generate more than 100 trips in the peak hour, generate more than 1000 trips in a day, or exceed any of the threshold values as shown in Table 2 of the IDAPA rules, the applicant would need to re-apply for access and show ITD what they are willing to construct that will provide the safety and mobility the current IDAPA 39.03.42 rules provide.
 3. If no suitable access can be determined access must be taken by use of local roads as per the Idaho Administrative Procedures Act (IDAPA) 39.03.42.400.07(b): *Traffic movements into and out of a business shall be designed, whenever possible, to utilize existing local roads. Existing approaches along traveled way should serve as exits only from the business onto the highway. Entrance to the property should be made from a local road.*
-

4. Trip generations for the site were not provided. The Idaho Administrative Procedures Act (IDAPA) governs access to state highways. Per IDAPA 39.03.42 rules, when a development generates 100 or more new trips in the peak hour, 1000 or more new trips per day, or the new volume of trips will result from development that equals or exceeds the threshold values in table 2, a traffic impact study shall be required, unless waived by the District Engineer. The applicant will be responsible to construct any mitigation identified by the traffic impact study

IDAPA Table 2	
LAND USE TYPE	THRESHOLD VALUE
Residential	100 Dwelling Units
Retail	35,000 square feet
Office	50,000 square feet
Industrial	70,000 square feet
Lodging	100 rooms
School (K-12)	All (Sections 67-6508 & 67-6519, Idaho Code)

5. IDAPA 39.03.60 rules govern advertising along the State highway system. The applicant can contact Justin Pond, Program Manager for ITD's Headquarters Right-of-Way Section at 334-8832 for more information.
6. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
7. ITD does not object to the special use permit application provided access concerns are addressed.

If you have any questions, you may contact Tyson McCoy at 334-8335 or me at 332-7190.

Sincerely,



Ken Couch
Development Services Coordinator
Ken.Couch@itd.idaho.gov

Jennifer Kharri

From: Poertner, Bob <Bob.Poertner@phd3.idaho.gov>
Sent: Thursday, March 01, 2018 8:05 AM
To: Jennifer Kharri
Subject: Proposed RV Park

Jennifer,

Thanks for the opportunity to comment on the proposed RV park. Here are some of my questions.

1. The well will need to be a public well. It will serve more than 15 hook-ups.
2. Will there be a RV dump site on the property? If someone show-up, with full holding tanks, where will they dump them at? The chemicals used in the toilets, in a RV, will damage a drain field.
3. Is the 125 gallons a day, including the shower waste? They show separate showering facilities.
4. If the waste number goes over 2500 gallons a day, the system will go into a classification called a Large Soil Absorption System. Requirements are such, I doubt that there is room, for a project, this size. The number they have list now is 2375 gallons per day.

If you have any more questions, please feel free to call me or email me.

Bob Poertner



Bob Poertner | Environmental Health Specialist 2 | Southwest District Health
1155 Third Ave N. | Payette ID 83661 | ph: 208.642-9321 | fx: 208.642-5098
Bob.Poertner@phd3.idaho.gov | *Healthier Together* | www.swdh.org



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Michelle Barron

From: Michael Bratcher <bratcherconcreteman@gmail.com>
Sent: Thursday, March 01, 2018 6:53 PM
To: Michelle Barron
Subject: Re: FW: Proposed RV Park

Michelle

Regarding your questions #1 The previous use of the property was a Bar the well and septic have already been in service for the public Valley pump inspected and updated on the project has in place necessary requirements to meet the public well updates.

#2 There will be a RV dump tank on site.

#3 The design flow for Travel Trailer Park is 125 gpd\space TGM table 007-08 that is per space the separate shower facility has its own .

#4 The waste number at 2375 gal per day has been professionally designed for this park six of the spaces will be dry camp and tent only witch greatly reduces the 2375 gallon per day with the peak on season at only six months out of the year this greatly reduces the subsurface disposal flow.

Our project Engineer is well aware of A large classification Soil Absorption System and has taken extra measures in design to exceed Idaho State Technical Requirements.



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On Thu, Mar 1, 2018 at 9:28 AM, Michelle Barron <MBarron@co.gem.id.us> wrote:

Mike,

Here is the email from Bob Poertner from SWDH. Please respond to us ASAP.

Thanks,

Michelle Barron

Development Services Coordinator

MBarron@co.gem.id.us

208-365-5144

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



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

March 7, 2018

Jennifer Kharri
Development Services
109 S. McKinley
Emmett, Idaho 83617

RE: Special Use Permit (SUP) R.V. Park

Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the application for the proposed R.V. Park located at 2002 North Washington Avenue. GCRB would recommend the following conditions be added to the SUP if approved.

1. GCRB will not allow any approach within 330 feet of North Highway 52 on East Idaho Blvd.
2. GCRB shall only allow one approach on East Idaho with a minimum of 80 feet approach—see attached map.
3. Applicant shall remove all debris in the Right-of-Way of East Idaho Blvd., which would be 25 feet from center line—reference Idaho Code 40-202(3).
4. Applicant shall maintain all drive way culverts, and/or borrow ditches of said property.

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

Sincerely,

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

Neal Capps, Director
Gem County Road & Bridge Department



No approach access in this area.

Min 80 feet approach

E Idaho Blvd

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Google



ZONING COMMISSION
Bratcher Special Use Permit, SUP-17-006

FINDINGS, CONCLUSIONS, CONDITIONS, ORDER

Findings of Fact

1. The applicant, Michael Bratcher, sought approval of a Special Use Permit to allow a recreational vehicle park on property that is zoned C-1, Commercial.
2. The property is located at 2002 Washington Avenue and identified in Township 07 North, Range 01 West, Section 31, of the Boise Meridian, Gem County Idaho.
3. The subject property consists of 2.69 acres in size and lies fully within the Mixed Planned Development Area, as designated on the Future Land Use Map in the Comprehensive Plan.
4. The record includes all testimony, application materials, the staff report, exhibits and documents in Special Use Permit file #SUP-17-006.
5. Notice of the public hearing was provided in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5.
6. The Zoning Commission held a public hearing on July 15, 2019. The applicant testified in favor. Six (6) members of the public testified in opposition.
7. The Zoning Commission voted unanimously to approve the Special Use Permit with conditions.

Conclusions of Law

The Zoning Commission has the authority to hear this request and shall either approve, conditionally approve or disapprove the application as presented. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and County ordinances. Pursuant to section 11-7-3 of the Gem County Code (Zoning Ordinance related to Special Use Permits), the Commission finds adequate evidence of each of the General Standards for Special Use #SUP-17-006, as follows:

1. Will in fact, constitute a special use as established on the Official Schedule of District Regulations for the zoning district involved;

The Commission finds that the subject property lies within the C-1, Commercial zone. Gem County Code 11-5-5, Zoning Matrix does allow RV Parks within the C-1 zone with a Special Use Permit and is, therefore, found to constitute a special use as established on the Official Schedule of District Regulations.

2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance;

The Commission finds that the proposed use, if operated according to the proposed conditions of approval, will be in accordance with the objectives and policies of the "Mixed Planned Development" designation on the Future Land Use Map of the Comprehensive Plan, as outlined in Section 5 of this report.

with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

The Commission finds the existing character of the area is rural and commercial, with scattered single-family residential and some non-residential uses in the vicinity. The intended character of the area (as defined by the Comprehensive Plan) is for community and neighborhood retail, wholesale, service, office and limited manufacturing. The applicant is proposing to remodel the existing structures on the property to serve the RV park. Depending upon the level of traffic and noise, the proposed use has the potential to change the character of the area.

The Commission finds that determining what is "harmonious" in a particular neighborhood relies strongly on the residents of that neighborhood. As such, the Commission finds some special conditions are necessary in order to be harmonious, attached hereto as Exhibit A, to protect the character of existing homes and businesses in the vicinity.

D. Will not be hazardous or disturbing to existing or future neighboring uses;

A few written comments were submitted by neighboring property owners in response to the public notice for this application. They were filed in opposition to the request. Their concerns were related to the traffic, impacts on existing wells, irrigation ditches, security, privacy, decreased property values, RV length of stay, septic system, contamination precautions, garbage and fire protection.

The Commission finds that the proposed use has the potential to be disturbing to neighboring uses. As such, the Commission finds some special conditions are necessary in order to mitigate negative impacts, attached hereto as Exhibit A.

E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such services;

The Commission finds that the proposed use could be adequately served by the Gem County Sheriff's Department, Mosquito Abatement District, Emmett Sanitation and Gem County Fire District #1. Staff received correspondence from Idaho Transportation Department and the Road and Bridge Director, Neal Capps, which have a couple conditions that were added to the site specific conditions of approval, attached hereto as Exhibit A.

F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

The applicant is responsible for paying all improvement and other costs associated with ensuring the operation complies with public requirements. There are concerns from ITD and Gem County Road and Bridge Department regarding access and traffic that were added to the site specific conditions of approval, attached hereto as Exhibit A.

G. Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

As noted in finding D above, the main foreseeable detriment to the general welfare could be excessive noise and traffic. This is heavily dependent on the volumes of traffic generated by the new use.

The Commission finds that determining what is "detriment" in a particular neighborhood relies strongly on the residents of that neighborhood. As such, the Commission finds some special conditions are necessary in order to not be detrimental, attached hereto as Exhibit A.

- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

The driveways shown on the site plan have not been approved by ITD or Gem County Road and Bridge. Access needs to be addressed.

- I. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The Commission finds that the application would not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. There are no known historical structures in the area.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Special Use Permit # SUP-17-006, the Zoning Commission hereby approves the special use permit request subject to the site-specific conditions attached hereto and incorporated herein as Exhibit A.

Notice to Applicant

In accordance with Idaho Code Section 67-6535(3), the applicant in this case has the right to request a regulatory takings analysis pursuant to Idaho Code Section 67-8003.

Option to Appeal

In accordance with Gem County Code, Section 11-13-1.B, any person having an interest in real property adversely affected by the Commission's decision has the right to file an Appeal of the Commission decision to the Board of County Commissioners. You must appeal the written decision within twenty (20) days from its rendering. Said appeal must follow the procedures outlined in Section B.1 of the Gem County Code 11-13-1.

DATED this 19 day of August, 2019.

On behalf of the Gem County Zoning Commission:

Jennifer Kharri
Jennifer Kharri, Planning Director

Bratcher #SUP-17-006

I hereby certify that on this 19th day of August, 2019, I served a true
and correct copy of the foregoing DECISION AND ORDER FOR APPROVAL #SUP-17-006 upon

NAME Michael Bratcher
ADDRESS 740 New Thorne
Emmett ID 83617

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

Michelle Barron

Michelle Barron, Development Services Coordinator

EXHIBIT A

**SITE SPECIFIC CONDITIONS OF APPROVAL
Bratcher SUP #17-006**

1. This permit is subject to an annual review by the Development Services Department.
2. The permit is non-transferable to another property and is only valid 2002 North Washington Avenue.
3. Only 12 RV spaces are permitted for hook-ups. Six spaces will be dry camp and tent only. The site plan shall be amended to clearly show these spaces.
4. The applicant shall obtain a Certificate of Zoning Compliance and Building Permit from the Development Services Department prior to the start of any site work, building of structures more than 120 square feet in size or remodeling of existing buildings. This includes obtaining a valid septic permit through Southwest District Health prior to issuance of any building permit. The emergency access and turnaround standards found in GCC 11-6-3.I shall be reflected on the zoning certificate site plan.
5. The applicant shall obtain approval from Fire District #1 for the access roads. A copy of the approval letter shall be sent to the Development Services Department.
6. The applicant shall install a 6-foot privacy fence (not chain link) along the perimeter that is consistent with current codes.
7. The applicant shall comply with ADA (Americans with Disabilities Act) requirements listed in the ADA Coordinator's letter dated 3/1/18.
8. All stormwater design and improvements for the construction site shall comply with GCC 11-6-11, as approved by the County Engineer. The applicant shall submit a grading and drainage plan with the certificate of zoning compliance application.
9. The applicant shall obtain a septic permit from Southwest District Health. A copy of the permit shall be sent to the Development Services Department.
10. Applicant shall comply with the conditions from the Emmett Irrigation letter dated June 21, 2019.
11. Applicant shall comply with the conditions from the Road and Bridge Department letter dated June 26, 2019.
12. Applicant shall comply with the conditions from the Idaho Transportation Department letter dated, October 17, 2018.
13. All trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height or within an enclosed building or structure.
14. All lighting shall be fully contained within the property boundaries and not cause a nuisance or distraction to neighboring properties or to drivers.
15. No permanent off-premise signs are permitted with this permit and all on-premise signs need a

Bratcher #SUP-17-006

16. The applicant shall provide landscaping that is in compliance with the current codes.
17. It shall be the policy of the park that long term stays exceeding 30 days are prohibited.
18. The Zoning Commission shall hold a public review of the Special Use Permit 1-year after the issuance of the Zoning Certificate.

GCC 11-7-11: LAND USE TIME LIMITATIONS:

(1) Commencement: When a special use permit is granted, the land use or construction of its facility proposed in the application must have commenced within one (1) year of the date of the final decision by the Commission, or the Board or a court of appropriate jurisdiction (if appealed) and completed within two (2) years of the same date. Upon expiration of the use or the approval of that use as provided by this section, the applicant can seek approval of the use only by filing a new initial application for review by the Commission.

(2) Expiration: After the one (1) year period has expired, if any person, including staff or member of the Commission, files a written notice presenting sufficient evidence, as determined by the Administrator, to establish that the land use or construction of its facility provided for in the special use permit, has not commenced, or after the two (2) year period that said use has been abandoned or has ended, the Commission may find that the use has not been implemented or has been abandoned or has ended. If so, the Commission shall set aside the prior approval and order the property to revert to its prior status. An aggrieved person may appeal any Commission decision made under this section to the Board pursuant to Chapter 11-7-9 of this chapter.

GCC 11-7-12: REQUEST FOR EXTENSION:

(1) Request: An applicant may request extension of the time period provided by this section by filing an application for extension with the Administrator. Such application must be filed at least sixty (60) calendar days prior to expiration of the one (1) year period for commencement of the land use or sixty (60) calendar days prior to the expiration of the two (2) year period for completion of the project. The matter shall be heard at a public hearing before the Commission or the Board, whichever made the final decision, in accordance with the notice and hearing procedures of this chapter. If the application is not timely filed, it shall be denied. A renewal extension, if granted, may be limited to three hundred sixty five (365) calendar days, which shall commence at the expiration of either period.

(2) Decision: The Commission or the Board may extend the commencement period or the completion period as provided above upon proof of good cause by the applicant. The burden of proof as to the showing of good cause for the extension shall be on the applicant, and good cause shall be determined at the discretion of the Commission or the Board.

Gem County
Road & Bridge Dept.
402 North Hayes Ave.
Emmett, ID 83617-2646



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

June 26, 2019

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

RE: Special Use Permit (RV Park)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the Special Use Permit application for the development of an RV Park on East Idaho Boulevard. GCRB shall require the following conditions added to this Special Use Permit, if approved;

1. GCRB shall approve a single approach off of East Idaho Boulevard. This approach shall be a minimum of 80 Feet wide and follow GCRB approach standards.
2. Approach shall have a metal corrugated culvert in place with a diameter of 12 inches and 90 feet long.
3. Approach shall be located on the East end of the property. As shown on the (ATT. A Map).
4. Applicant shall remove the existing culvert pipe from the borrow ditch. As shown on the (ATT. A Map).
5. Applicant shall regrade the borrow ditch and drain from the East of Highway 52 to the properties approach. As shown on the (ATT. Photo 3).
6. Applicant shall add $\frac{3}{4}$ Road Mix material to the shoulder of East Idaho Boulevard. The material used shall meet spec and be approved by GCRB. Material location is shown on (ATT. 5).

If you have any questions please contact me at the number listed above or by email
ncapps@co.gem.id.com.

Sincerely,

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

Neal Capps, Director
Gem County Road & Bridge



Go

Imagery Date: 7/18/2018 43°53'38.33" N 116°30'05.55" W elev

ATT A

Larry Robertson

From: Larry Robertson
Sent: Thursday, March 01, 2018 11:50 AM
To: Jennifer Kharri
Subject: RV Park - ADA accessibility/pathways

1. Pathways must be a minimum of 36" clear of all protruding obstructions with a stable surface.
2. Slope cannot exceed 1:20 in grade.
3. A stable surface is one that remains unchanged by contaminants or applied force, so that when the contaminant or force is removed, the surface returns to its original condition. A firm surface resists deformation by either indentations or particles moving on its surface. A slip-resistant surface provides sufficient frictional counterforce to the forces exerted in walking to permit safe ambulation.
4. One RV space per 20 spaces should comply with ADA standards and be identified by signage. Any amenities of the space must be pathway accessible.
5. One van accessible handicap parking space per each 20 parking spaces.
6. All public use buildings must be ADA compliant for access and use.
7. ADA pathways required from handicap parking space(s) and handicap RV space(s) to public buildings.

Larry D Robertson



Code Enforcement Professionals of Idaho

Blaine County
Code Enforcement Officer & ADA Coordinator
208-477-2214

222 E. Park St.
Emmett, Idaho 83617



208-365-4582
Fax 208-365-1324

Serving the Valley Since 1910

emmettirrigationshop@gmail.com

Gem county planning and zoning
Attn: Michelle Barron

06/21/19

Re: Xena Vision LLC RV park

To whom it may concern,
The Xena Vision LLC RV park does not encroach on EID right-of-ways, they will however need an easement on the East side of the property per Idaho statute 42-1102 for the purpose of cleaning the drain ditch.

Neil Shippy
Emmett Irrigation District
Cell:208-365-8983

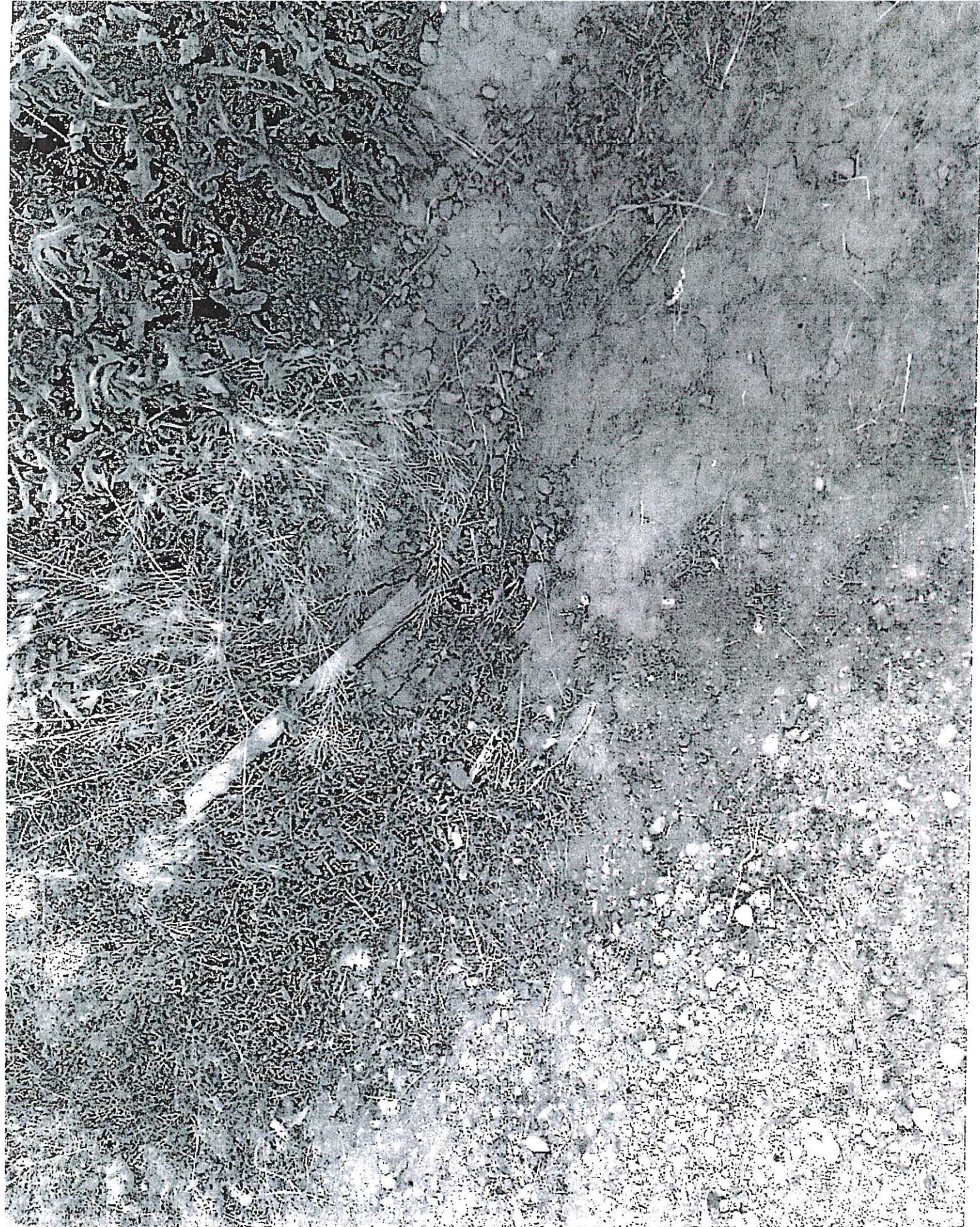


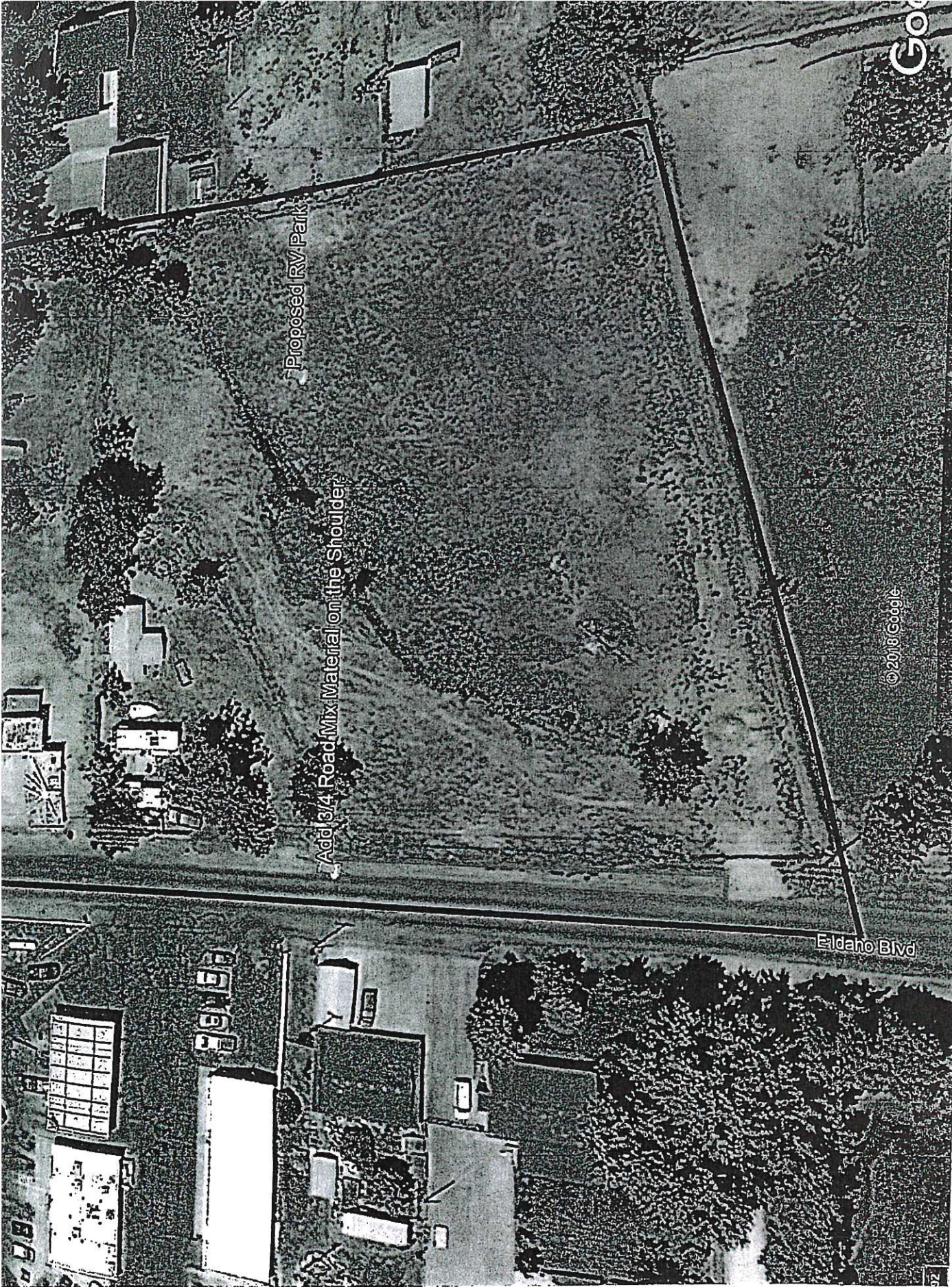
ATT B



ATT B.1







Proposed RV Park

Add 3/4 Road Mix Material on the Shoulder

Eldaho Blvd

© 2018 Google

Google

Imagery Date: 7/18/2018 43°53'38.12" N 116°33'04.98" W elev

ATT (





**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

October 17, 2018

Dan Thompson
Thompson Engineers
181 East 50th St.
Garden City, ID 83714

RE: Emmett RV Park – ITD TIS Acceptance Letter

Via Email

Dear Mr. Thompson,

The Idaho Transportation Department (ITD) has completed our review of the Emmett RV Park Traffic Impact Study (TIS). The development is located on the northeast corner of SH-52 and Idaho Blvd. The development is requesting a 40ft commercial exit only approach on SH-52 at approximate milepoint 32.75 (Right). Per IDAPA 39.03.42, ITD is only able to permit up to a 30ft one-way commercial approach. Based on the findings of the TIS there are no additional improvements needed to the State highway system.

This TIS is acceptable from a state highway access, safety and mobility standpoint. You may proceed with stamped engineered drawings to address the required corridor improvements.

ITD will need the following additional pieces of information with the submittal of civil drawings:

- Turning movements for the largest anticipate vehicle utilizing the RV Park. ITD anticipates this would be a motor home with trailer (MH/B).
- How the development will restrict access to the parcel from Idaho Blvd to the proposed 30ft exit only approach. Currently the entire western edge of the parcel has unrestricted access to SH-52.
- How the approach will restrict right-ins and left-ins turning movements.

This letter only acknowledges the acceptance of the TIS, final approval of the improvements is determined once all documentation has been provided and the permit is signed.



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • itd.idaho.gov

Maintaining safety and mobility for Idaho's motorists is of the utmost importance to ITD. Please let me know if you have any questions. I can be reached by phone at (208) 334-8340 or email at erika.bowen@itd.idaho.gov.

Sincerely,

Erika R. Bowen, P.E.

ITD District 3

Traffic Technical Engineer

cc:

Jennifer Kharri – Gem County

Mike Bratcher – Applicant

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
July 15, 2019

Page #5

Asked applicant about crusher operation.

Craig Gibson –

October through March would be the months of operation for the crusher. The water table would not be effected with this time frame. Crusher operation times would be the same hours of hauling. He said it would not run on weekends nor into the night.

Planning Director **Kharri –**

Discussed that ground water studies would have to be put in action prior to operation to challenge wells being affected.

Shadow Butte Industrial Park letter was read into record.

Director **Capps –**

Listed suggestions from letter submitted to this application. Applicant would enter into a Road Mitigation Agreement with the county. West entrance would have to create an approach apron onto Success Way to help mitigate rock, etc. with exit of hauls.

He explained what a construction entrance benefit would be to this site. It would help remove some debris off the trucks before entering the county road. This is to address excess gravel traveling onto the highway. Went over typical size of appropriate apron.

Commissioner **Eichelberger** made a motion to approve SUP # 19-004 with site specific conditions attached removing number 7 for additional fencing and number 17 posting additional financial guarantees.

Commissioner **Garringer** seconded the motion.

Vote: Unanimous.

2. SPECIAL USE PERMIT #SUP-17-006- MICHAEL BRATCHER – RV PARK – 2002 N. WASHINGTON AVENUE – T 07N, R 01W, SECTION 31.

Applicant:

Michael Bratcher – 740 S. Hawthorn Ave. Emmett, ID

Handed out additional information (Exhibit A).

Reviewed the requirements from Idaho Transportation Department and Gem County Road and Bridge. Discussed the changes he has made for the access points to be in compliance. An engineer was hired to make updates on previous issues that needed to be addressed with large coaches entering RV Park. Signs will be placed to regulate the direction of traffic. He gave a time line of this proposed site location and why he feels this location is appropriate for his application use. Explained his conversation with South West District Health to address the septic system questions. There will be a 1,000 gallon holding tank. There will be an onsite employee to help regulate questions and concerns of travelers. He explained that he has not put details into his application, such as length of stay and security, due to approval of application.

Commissioner questions:

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
July 15, 2019

Page #6

Discussed clarification with applicant on Idaho Transportation Department's requirements for entrance and exit. Asked applicant to explain how he will dictate the direction of traffic, length of stay allowed and specific guidelines missing out of the application.

In Favor:

None.

Neutral:

None.

Opposed:

Glenda Kuhlmann – 2198 Hollywood Blvd. Emmett, ID

The current road condition of East Idaho Boulevard is not sustainable for this type of traffic. She suggested Gem County should have impact fees. Explained her opinion of the intersection at East Idaho Boulevard and Highway 52. She believes there is too much traffic there and a stop light should be put in. Explained that if an RV park were to be put into this location it would bring unfamiliar drivers of coaches, trailers, etc. and would cause accidents. She is not opposed of the RV Park, however is concerned with the ingress/egress.

Chairman **Menlove:** Informed Mrs. Kuhlmann that Gem County Road and Bridge does have requirements of current road conditions in order for this application to proceed.

Rose Fuchs– 2098 N. Washington Ave. Emmett, ID

Her property borders the proposed RV Park. She gave examples where she had done modifications to her home and the contractor insisted the building permit be posted for public to see. About 2 years ago, she noted that there was construction going on at the bar/garage and there was no permit posted. Being familiar with the process, she was concerned that no one posted the building permit. Talked about demolition that happened at site location with material being buried. She claims there was no permit with this process either. Permits are to protect counties. She does not feel it was guaranteed by officials that buildings were tore down or built with oversight and approval. She has seen a burn pile and a citation was issued by the Fire Marshall.

Kurt Fuchs –2098 N. Washington Ave. Emmett, ID

Discussed surrounding buildings being vacant. He feels Highway 55 would be a more appropriate place for this type of use. Would like more information on the amenities that would be offered at future RV Park. Would like more details of security; would it just be security cameras or would someone physically be patrolling 24 hours a day. He feels the applicant is avoiding a high absorption system, keeping his septic below 2500 gallons a day. He has submitted a letter of concern discussing the details of the septic system. He feels he will exceed this with the type of RV's he is wanting to attract. Referenced the Gem County Ordinance about sewage and disposing process. Concerned about his unit parking spaces and lack of dimensions given in application. Emmett Irrigation District requirements was questioned about drainage ditch.

Marlene Rekow – 299 East Idaho Boulevard Emmett, ID

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
July 15, 2019

Page #7

She has lived in her home for 60 years. She takes pride in her land. Explained the visual of the corner property of application address as being unsightly. Referenced the demolition of building being left as a large pile. Was hoping improvement of the land was going to come along with the development of this proposed RV Park. It brings her concern of what the future site will look like and if it will be well maintained.

Steve Lankford – 392 East Idaho Boulevard Emmett, ID

The original proposal said it would tank for disposal. He was unaware of individual hookups for disposal of waste. Concerned with lack of interest will lead to this being an RV Park people chose to live in rather than become a destination location. He shared concerns of his well. He has a hand dug well that is providing wonderfully for his home. Would like to know what would happen if many travels did come through. Would this affect his well?

Dale Kuhlmann – 2198 Hollywood Boulevard Emmett, ID

Him and his wife have are very familiar with the process of traveling in an RV. He does not feel this will attract many travelers, only people looking to live in an RV for a lower cost of living. Questioned the setbacks of the drain field. Would like clarification on the traffic coming onto Washington Boulevard. He feels it is a dangerous location. There are many trucks coming in and out of intersection.

Rebuttal:

Michael Bratcher –

Is in the process of complying with governed agencies to meet all requirements. Idaho Transportation Department proposed what should be done in order for this RV Park to be run successfully. He recognized it is an eyesore but he has plans on improvements. He has meet offsets for the irrigation ditch and is communication with Emmett Irrigation and Gem County Road and Bridge about standards that need to be met. He has meet approach requirement from Road and Bridge. Discussed the requirements from Idaho transportation Department and is aware of what conditions they require. He explained this property being perfect for an RV Park. He has a more detailed business plan to place into action one he has received approval. Is aware of site specific conditions that could be placed on application. Discussed with commission of a 30 day maximum stay. Would like an age requirement on RVs along with having this be a RV park only.

Chairman **Menlove** closed the public hearing.

Commission Discussion:

Discussed with applicant the requirements from Gem County Road and Bridge. One being a 90 foot culvert 12 inches long. Went over Idaho Transportation department requirements. Discussed traffic entering and exit plan. Agreed there would need to be more details of operation, such as security/staff, limitations and restrictions.

Planning Director **Kharri** – Explained the process of applicant needing to become compliant with all conditions before operation occurs.

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
July 15, 2019

Page #8

Commission Discussion:

Reviewed all findings from staff report with detailed discussion.

Condition # 6 – Add privacy fencing around the perimeter of the property that is consistent with current code.

Condition #16 – Landscape Ordinance consistent with current code.

Condition #17 – 30 days maximum stay.

Condition #18 – Public Hearing review on year after the issuance of the Zoning Certificate.

Commissioner **Eichelberger** made a motion to approve SUP #17-006 with the Site Specific Conditions and noted changes to number **6, 16, 17, and 18**. Commissioner **Garringer** seconded the motion.

Vote: Unanimous.

REGULAR MEETING

1. ITEMS FROM THE PUBLIC:

None.

2. ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:

- a. July 29th at 6 P.M. will be a Public Hearing for the Zoning Ordinance amendments.
- b. The Devanney Rezone, #19-002, overturned the decision from this Commission and denied it.
- c. The August meeting will have two Special Use Permits, a Rezone and a Variance will be on the agenda for the next meeting.

3. ITEMS FROM/OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:

- a. There will be ordinance amendments in the near future.
- b. An update on the Rouwenhorst Rezone, #18-007, went before the Board of County Commissioners and is now up for Judicial Review.
- c. Updating script put into place for future hearings.

4. ITEMS FROM THE ZONING COMMISSION:

- a. A Vice-Chairman appointment needs to be added to the July 29th agenda.

5. UPCOMING MEETINGS:

- a. Changed to August 19, 2019 at 6:00 pm.

6. ADJOURN:

Commissioner **Eichelberger** made a motion to adjourn.

Commissioner **Garringer** seconded the motion.

Vote: Unanimous.

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
July 15, 2019

Page #9

Chairman **Menlove** closed the meeting at 9:20 P.M.

Chairman Menlove



EXHIBIT B

GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT
109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617
OFFICE OF THE ADMINISTRATOR
CODE ENFORCEMENT

Phone: 208-365-5144

Fax: 208-365-2499

Web Page: www.gemcounty.org

June 19, 2020

Michael Bratcher
DBA Xena Vision LLC
740 S Hawthorne Ave
Emmett, ID 83617-1074

Dear Mr. Bratcher,

It has been reported and observed that you have RV occupants at your RV Park that is under construction. This is a violation of your Special Use Permit #17-006.

The following requirements have not been met as conditions of your permit:

- Submission of a final on the ITD permit for your entry
- SW District Health approval/permit for the septic system
- No building permit application for "bar" building remodel
- No Certificate of Zoning Compliance issued

I have attached the conditions of your permit for your use. Until the requirements are met, all RVs with occupants must be removed immediately and will not be allowed until all conditions of the permit have been met.

Sincerely,

A handwritten signature in black ink, reading "Larry D Robertson".

Larry D Robertson
Code Enforcement Officer

CC: Planning Director
Prosecuting Attorney
File

EXHIBIT C

Larry Robertson

From: CenturyLink Customer <608thegreat@q.com>
Sent: Monday, November 16, 2020 10:33 AM
To: Larry Robertson
Subject: Special use permit

Dear Mr. Robertson

My name is Mike Frederick and i live at 374 East, Idaho Blvd. Gem County. I contacted you at your office this spring regarding my neighbor Michael Brascher and his special use permit granting him the ability to develop a RV Resort on the corner of HWY 52 and East Idaho Blvd. My concerns at the time were the following:

Can the property be used as intended before construction is completed?

How can there be more than one permanent occupant or occupants that have stayed longer than one month as dictated by the "Planning Commission".

Have all road, electrical, plumbing, and sewage reuirements been met before permanent occupancy is allowed?

As of this date my concerns remain the same, and unfortunately you have not contacted me in any way regarding the inquiry you said you would open referencing this special use permit. Subsequently i am now contacting you in writing hoping that you may address my concerns. Construction on this property halted many months ago however two more of the semi-finished rv spaces have been occupied. One of which has now been occupied for more than one month and another has been occupied two times with the last occupant approaching more than one month. Additionally this last occupant has tired of filling regular RV propane bottles and has placed a large upright propane bottle on the ground next to the unit. My speculation is that they plan on staying all winter and will require less need to fill. What is of most concern with the tank in question is that it is not protected by bollards and is in a place where it could be struck by a vehicle.

It has been over a year since the special use permit was granted and i can only assume it has been reviewed and renewed as we were under the assumption it was an annual permit. Testimony by the permittee was that he was building a "Resort", that it would be nice, and that it would not become a place where people live permanently. I can attest to you that it is currently not nice, no efforts to make it nice have occurred for months and the permittee is not a man of his word. He is the type of person that will tell you what want to hear and then do just exactly as he pleases regardless of the rules or requirements. I say this this because he, myself and the Gem County Fire Department have a history where he showed the world his true colors.

I thank you for your time and service to the community. I can only imagine how busy you are. Unfortunatly i have to ask more of you and that is to help me with my concerns for our neighborhood. I honestly believe my property value and well being is at stake here, i live with this issue daily. Please be kind enough to continue to monitor this issue and provide us feedback.

Sincerely Mike Frederick

374 E Idaho Blvd.
Emmett Id.
208-369-0986
11-16-2020



GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT
109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617
OFFICE OF THE ADMINISTRATOR
CODE ENFORCEMENT

Phone: 208-365-5144

Fax: 208-365-2499

Web Page: www.gemcounty.org

November 6, 2020

Michael Bratcher
740 S Hawthorne Ave
Emmett, ID 83617-1074

Dear Mr. Bratcher,

You received approval for Special Use Permit #17-006 effective 19 August 2019. That SUP provided certain stipulations to be met before any operation of your RV Park.

You have failed to meet all those stipulations, have not completed construction, and as such have not received a Certificate of Zoning Compliance. Currently there are 5 RVs occupying spaces in the park. This is a direct violation and your permit is now suspended until you get in compliance. The RVs present are to be removed NLT Nov 13, 2020. Failure to do so will result in possible revocation proceedings.

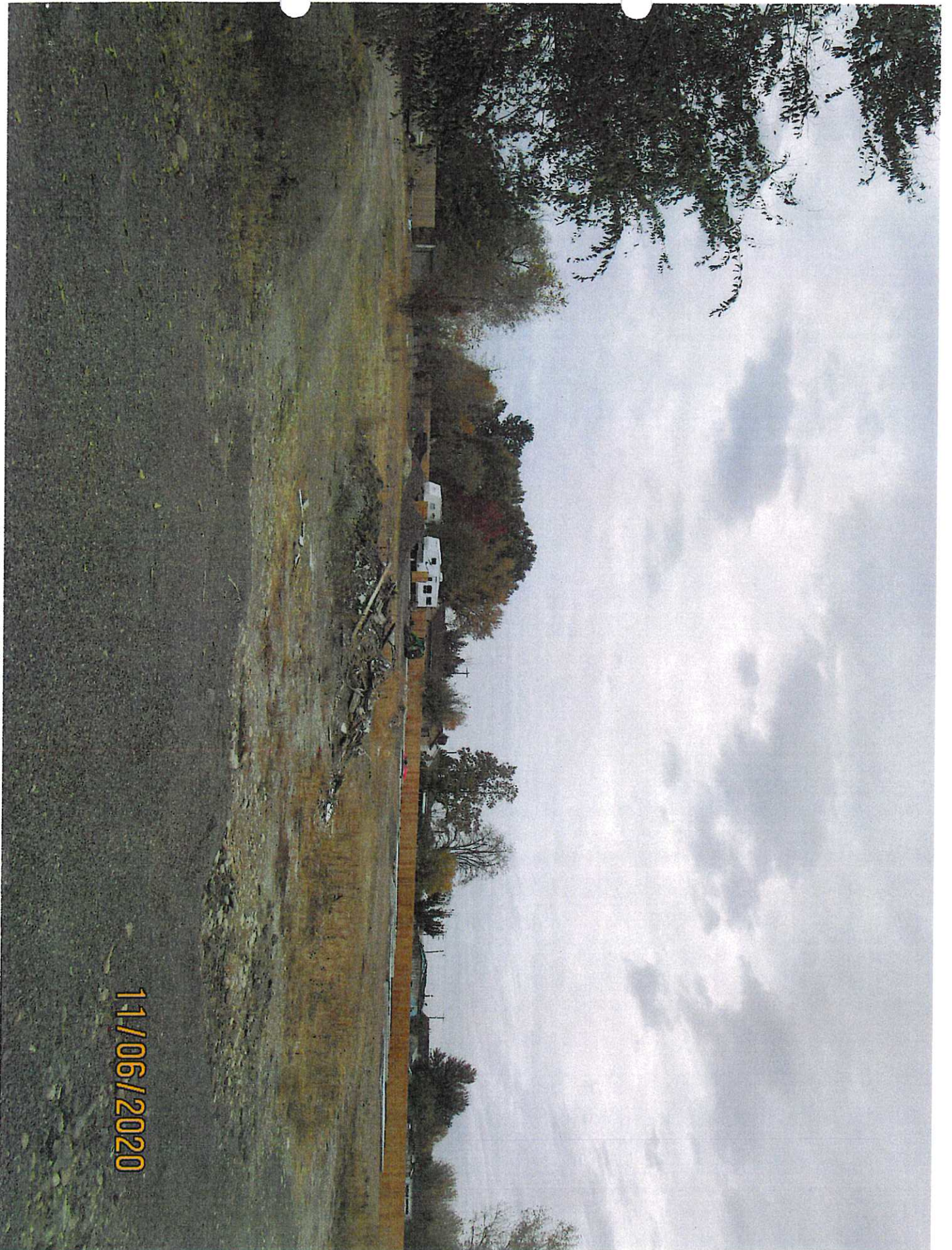
Please contact this office if there are any questions.

Sincerely,

A handwritten signature in black ink, reading "Larry D Robertson".

Larry D Robertson
Code Enforcement Officer

CC: Planning Director
Prosecuting Attorney
File



11/06/2020





11/06/2020



11/06/2020



EXHIBIT D

GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT
109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617
OFFICE OF THE ADMINISTRATOR
CODE ENFORCEMENT

Phone: 208-365-5144

Fax: 208-365-2499

Web Page: www.gemcounty.org

November 16, 2020

Michael Bratcher
740 S Hawthorne Ave
Emmett, ID 83617-1074

via: Certified Mail

Dear Mr. Bratcher,

On November 6, 2020, you were sent a letter notifying you that your Special Permit #17-006 was in suspension for failure to meet the required stipulations. You were required to remove all RVs and complete requirements prior to any operations. You have failed to do so and, effective with this notification, your permit is under review for revocation. If your permit is revoked any further attempt to go forward with the project will require new application and approval as done before. If you continue to operate without a valid permit, you are subject to being issue a criminal citation to answer charges in court.

Please contact this office immediately to resolve this violation.

Sincerely,

A handwritten signature in black ink, reading "Larry D Robertson".

Larry D Robertson
Code Enforcement Officer

CC: Planning Director
Prosecuting Attorney
File

Jennifer Kharri

To: Larry Robertson
Subject: RE: Special use permit

From: CenturyLink Customer <608thegreat@g.com>
Sent: Friday, April 30, 2021 10:09 AM
To: Larry Robertson
Subject: Re: Special use permit

Mr. Robertson

This is Mike Frederick, 374 East Idaho Blvd. Emmett Idaho contacting you once again regarding the RV Resort on the corner of Washington and E. Idaho Blvd. I'd like to request an update from you regarding the special use permit granted Mr. Brascher. Currently we have four travel trailers that have occupied the same spots for up to two years. Contruction is occurring at a snail pace and it is unknown if any inspections are taking place. I would imagine his permits have expired and doubt if he would renew them anyway. Recently he buried pipe for his irrigation water on the East end of the property however something is not right because water is running over the top of the ground where the pipe was buried. This whole situation is rediculous and a prime example of Government not listenening to the people. I attended the public hearings and testified against granting a permit to this man becuase i learned from first hand experience he can't be trusted and is of low moral character. Not one testimony at the public hearing was for the affirmative and yet the citizen board approved his permit. What a waste of time and tax payer dollars. AT the very least can you say if Gem County has rescinded the special use permit that was granted? Thanks for your time and attention to this matter.

Mike Frederick
374 E, Idaho Blvd.
208-369-0906



GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT
109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617
OFFICE OF THE ADMINISTRATOR
CODE ENFORCEMENT

Phone: 208-365-5144

Fax: 208-365-2499

Web Page: www.gemcounty.org

May 10, 2021

Michael Bratcher
740 S. Hawthorne
Emmett, ID 83617

Re: Special Use Permit – RV Park

Dear Mr. Bratcher,

This letter is to keep you advised as to the status of your permit as completion has still not been accomplished.

The Special Use Permit written decision was issued on August 19, 2019. The Code requires that the use be commenced within 1 year and completed within 2 years (conditions met and operational). The two years will expire on August 19, 2021, however we have been giving a 4-month COVID extension for Special Use Permits. In this case, if all of the conditions of approval are not met by December 19, 2021 the Special Use Permit will expire unless you request a time extension by October 19, 2021 (which will require a public hearing before the Zoning Commission).

Any further questions, please let me know.

Sincerely,

A handwritten signature in black ink, reading "Larry D Robertson".

Larry D Robertson
Code Enforcement Officer

CC: Planning Director
Prosecuting Attorney
File

Larry Robertson

From: CenturyLink Customer <608thegreat@q.com>
Sent: Thursday, September 16, 2021 12:17 PM
To: Larry Robertson
Subject: Special Use Permit - Michael Brascher

Mr. Robertson.

Mike Frederick, 374 East Idaho Blvd. contacting you once again regarding the special use permit for a RV Resort on the corner of East Idaho Blvd and Hwy. 52. Based on current levels of construction it looks likely that Mr. Brascher will finish by the December deadline. I am disgusted by the fact that for two years he has been allowed by the county to have permanent occupancy by four recreational vehicles when stipulations for his permit were supposed to prevent this behavior. If he has chosen not to abide by the stipulations in his permit for all this time, how can we expect him to abide by them in the future? It should not be my responsibility to sue the County in order to have them enforce their own rules. We have suffered for two years with noise and dust produced by his half baked construction practices. He doesn't deserve to have a permit if he can't meet the expectations of the County. Additionally the County has obligations to it's tax payers that must be met. I appreciate and look forward to your response.

Respectfully
Mike Frederick.



GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

OFFICE OF THE ADMINISTRATOR

CODE ENFORCEMENT

Phone: 208-365-5144

Fax: 208-365-2499

Web Page: www.gemcounty.org

September 27, 2021

Michael Bratcher
PO Box 542
Emmett, ID 83617-0542

Dear Mr. Bratcher,

The Special Use Permit (SUP) # 17-006 issued 19 August 2019 is being scheduled for review and potential revocation on 13 December, 2021.

The reasons for this review are:

- No submission of a final on the ITD permit for your entry
- No final approval of septic system from SW District Health
- No building permit application for building remodel
- No Certificate of Zoning Compliance issued
- No approval letter from Fire District #1 for the access roads
- No final approval from Emmett Irrigation meeting their conditions
- The continued illegal occupancy of RVs during construction, ignoring notices to have them removed.

At this point, it is anticipated that time constraints will not allow you to meet the above conditions before the 19 December 2021 deadline that has been established. Any conditions that you can in fact complete prior to the hearing will be considered, including the removal of the RVs within 10 days of the above date.

Questions regarding this review should be directed to myself, or the Planning Director.

Sincerely,

A handwritten signature in cursive script, reading "Larry D Robertson".

Larry D Robertson
Code Enforcement Officer

CC: Planning Director
Prosecuting Attorney
File



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PO Box 542
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Dear Mr. Bratcher,

The Special Use Permit (SUP) # 17-006 issued 19 August 2019 is being scheduled for review and potential revocation on 13 December, 2021.

The reasons for this review are:


- No submission of a final on the ITD permit for your entry (SUP#17-006, Exhibit A SITE SPECIFIC CONDITIONS OF APPROVAL, Paragraph 12).
- No final approval of septic system from SW District Health (SUP#17-006, Exhibit A SITE SPECIFIC CONDITIONS OF APPROVAL, Paragraphs 4, 9).
- No building permit application for building remodel (SUP#17-006, Exhibit A SITE SPECIFIC CONDITIONS OF APPROVAL, Paragraph 4).
- No Certificate of Zoning Compliance issued (SUP#17-006, Exhibit A SITE SPECIFIC CONDITIONS OF APPROVAL, Paragraph 4).
- No approval letter from Fire District #1 for the access roads (SUP#17-006, Exhibit A SITE SPECIFIC CONDITIONS OF APPROVAL, Paragraph 5).
- No final approval from Emmett Irrigation meeting their conditions (SUP#17-006, Exhibit A SITE SPECIFIC CONDITIONS OF APPROVAL, Paragraph 10).
- The continued illegal occupancy of RVs during construction, ignoring notices to have them removed.

At this point, it is anticipated that time constraints will not allow you to meet the above conditions before the 19 December 2021 deadline that has been established. Any conditions that you can in fact complete prior to the hearing will be considered, including the removal of the RVs within 10 days of the above date.

Questions regarding this review should be directed to myself, or the Planning Director.

Sincerely,

Notice

A handwritten signature in black ink, appearing to read "Larry D Robertson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Larry D Robertson
Code Enforcement Officer

CC: Planning Director
Prosecuting Attorney
File

