



# MASTER ADMINISTRATIVE REVIEW APPLICATION

GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 South McKinley, Emmett, Idaho 83617 www.gemcounty.org phone: (208) 365-5144

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

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> ALTERNATIVE COMPLIANCE<br>(LANDSCAPE PLAN)              | <input type="checkbox"/> DESIGN REVIEW ADMINISTRATOR APPROVAL | <input type="checkbox"/> SECONDARY DWELLING SITE PLAN         |
| <input type="checkbox"/> CERTIFICATE OF ZONING COMPLIANCE                        | <input type="checkbox"/> FLOODPLAIN DEVELOPMENT PERMIT        | <input type="checkbox"/> SIGN PERMIT                          |
| <input type="checkbox"/> CERTIFICATE OF ZONING COMPLIANCE<br>WITH PRIOR APPROVAL | <input type="checkbox"/> PLAT TIME EXTENSION                  | <input checked="" type="checkbox"/> TEMPORARY HARDSHIP PERMIT |
| <input type="checkbox"/> DIRECTOR DETERMINATION                                  | <input type="checkbox"/> PRIVATE ROAD APPLICATION             | <input type="checkbox"/> TEMPORARY USE PERMIT                 |
|  | <input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT         |   |

PROJECT NAME: \_\_\_\_\_

## SITE INFORMATION:

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

Quarter: NW Section: 15 Township: 08N Range: 01E Total Acres: 6.4

Subdivision Name (if applicable): \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_

City: \_\_\_\_\_

Site Address: \_\_\_\_\_

Tax Parcel Number(s): \_\_\_\_\_ Current Zoning: \_\_\_\_\_ Current Land Use: \_\_\_\_\_

## PROPERTY OWNER:

Name: Ronald P Myers

Address: 11875 Sweet Ola Hwy

City: Sweet State: ID Zip: 83620

Telephone: 208 584-3837 Fax: \_\_\_\_\_

## APPLICANT:

Name: Leanna McKinney

Address: P.O. Box 88

City: Ola State: ID Zip: 83657

Telephone: 208 477-4899 Fax: \_\_\_\_\_

Email: McKinney197230@yahoo.com

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

Ronald P. Myers

Signature: (Owner)

7-8-21

Date

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

Leanna McKinney

Signature: (Applicant)

Date

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

## OFFICE USE ONLY

File No.: TRP-21-002 Received By: LD Date: 7/14/21 Fee: 225.00 Receipt No: 1101

\* Complete as of 7/14/21 mb



## TEMPORARY HARDSHIP SUBMITTALS AND CHECKLIST

GEM COUNTY DEVELOPMENT SERVICES

Ron Myers

NAME OF PERSON IN NEED OF ASSISTANCE: Margaret Massey

Legal description of property where temporary resident will be placed. Attach an exhibit if necessary.

Describe the reasons why this person needs assistance (age, health, physical disability, etc.)

Age - help with house keeping.

Describe the type of dwelling to be placed on the premises: (manufactured home or RV type, size and where it will be placed on the property).

5<sup>th</sup> wheel - RV

Will the temporary dwelling utilize an existing domestic well or will a new well be dug? existing

Will the temporary dwelling be hooked to an existing or new septic system? NO, WILL DUMP SITE

An estimate of how long the need for the temporary dwelling will exist? 15 - 20 years.

### Submittal Requirements:

**FEE:** A \$225.00 fee must accompany this completed application. (Non-refundable)

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

**SITE PLAN:** A plan showing location of all existing buildings, parking, driveway(s), well, septic and proposed site for temporary manufactured home for property under consideration. Show the dimensions of the parcel and all building setbacks (front, side, rear).

**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 SERVICES OFFICE)

**A MEDICAL PROFESSIONAL'S STATEMENT:** (a written and signed statement confirming need of hardship)  
**SIGNED HOME REMOVAL AGREEMENT FORM (SEE ATTACHED)**



# *Idaho* ARTHRITIS CENTER

*With compassionate care & advanced medical insight*

Mikael D. Lagwinski, M.D., F.A.C.R.  
Svetlana Meier, M.D., F.A.C.R.  
Eric J. Palfreyman, M.D.

October 13, 2021

Re: Margaret Massey  
DOB 12/10/1948

To Whom It May Concern:

Due to patient's medical conditions, she is in need of assistance with her activities of daily living. A request is being made for a temporary hardship permit in order for a 5th wheel trailer to be utilized by those will be helping her with these activities. Please take this information into consideration for your decision.

Thank you.

Kyle George PA-C

tel 208.887.9500 | fax 208.887.9800 | IDAHOARTHRITIS.COM | 3277 E. Louise Dr., Ste. 350 | Meridian, ID 83642





## TEMPORARY HARDSHIP PERMIT DWELLING REMOVAL AGREEMENT FORM

I/We, Ronald P. Myers & Margaret A. Massey  
request approval of Temporary Hardship Permit # \_\_\_\_\_. I/We agree that if Temporary  
Hardship Permit is approved that the dwelling will require obtaining a Zoning Permit for the  
placement of the unit. I/We understand and agree that the dwelling may not be placed on a  
permanent foundation. I/We understand and agree that a condition of approval of the Temporary  
Hardship Permit is that when the need no longer exists, or if the property is sold, the permit is void  
and the dwelling **must be removed within sixty (60) days.**

Ronald P. Myers Date 7 / 8 / 21  
Property Owner

[Signature] Date 7 / 8 / 21  
Applicant (if different)







## **GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT**

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

**OFFICE OF THE ADMINISTRATOR  
PLANNING & ZONING**

PHONE: (208) 365-5144

WEB PAGE: GEMCOUNTY.ORG

### **STAFF REPORT**

**DESCRIPTION:** TEMPORARY HARDSHIP PERMIT APPLICATION

**FILE NUMBER(s):** THP-21-002

**ZONING COMMISSION HEARING DATE:** JANUARY 10, 2022

**APPLICANT:** LEANNA MCKINNEY  
PO Box 88  
OLA, ID 83657

**PROPERTY OWNER:** RONALD P MYERS AND MARGARET A MASSEY  
11875 SWEET-OLA HIGHWAY  
SWEET, ID 83670

**PROPERTY LOCATION:** 11875 SWEET-OLA HIGHWAY

**STAFF PLANNER:** JENNIFER KHARRL

#### **1. APPLICATION SUMMARY:**

The applicant, Leanna McKinney, on property owned by Ronald Myers and Margaret Massey, is requesting a Temporary Hardship Permit (THP) for herself and her husband to reside in a temporary fifth wheel for medical reasons to help care for Margaret Massey. The site of the proposed THP is zoned A-3, Rural Agriculture, and is approximately 6.4 +/- acres in size. The recommending medical professional on this application is Kyle George, PA-C., of Idaho Arthritis Center, who notes that Margaret needs assistance with her daily activities due to medical issues.

Because the Development Services Department received a letter from an affected property owners opposing the THP application and requesting a public hearing, Gem County Code (GCC) 11-19-2 requires a public hearing be held before the Zoning Commission. Otherwise, THP applications are administrative.

#### **2. APPLICATION & PROPERTY FACTS:**

##### **A. Site Address/Location:**

The property is located at 11875 Sweet-Ola Highway in Sweet. The property lies within Section 18

of T 08N, R 01E.

B. Assessor Parcel No(s): RP08N01WE154400

C. Current Owner(s): Ronald P. Myers and Margaret A. Massey  
11875 Sweet-Ola Highway  
Sweet, ID 83670

D. Applicant(s): Leanna McKinney  
PO Box 88  
Ola, ID 83657

E. Present Zoning: A-3, Rural Agriculture

F. Present Comprehensive Plan Designation: Agriculture/Natural Resources

G. Property Size: Approx. 6.53 acres

### 3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The application for this item was submitted to the Development Services Department on July 14, 2021 and deemed complete on November 4, 2021.

B. Notice of Temporary Hardship Application/ (Public Hearing if applicable):

- Notice of the Temporary Hardship Application for the Gem County Development Services Department was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Gem County Code 11-19-2 on November 5, 2021. (Note: This mailing informed neighbors of the initial application and differs from the public hearing mailing, which was sent only after the letter of opposition was received.)
- Notice of Public Hearing on the application for the Gem County Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on December 22, 2021. 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 December 20, 2021. The physical property was posted for the public hearing on December 21, 2021.

C. Relevant Ordinances and Required Actions:

The subject application will in fact constitute a temporary hardship permit as determined by Gem County Code Title 11, Chapter 19 -1. By reason of the provisions of the Gem County Code Title 11, Chapter 19-2, a public hearing is required before the Zoning Commission.

D. History of Previous Actions on Property: Gem County Code Enforcement Officer visited the property regarding the complaint filed on November 16, 2021. And an Environmental Health Specialist from Southwest District Health visited the subject property regarding a complaint about open sewage.

E. Companion Applications: No companion public hearing applications were filed.

### 4. LAND USE

A. Existing Land Use(s): Single-family residence with a few outbuildings.

B. Description of Character of Surrounding Area: Rolling baron hillside, dry land vegetation with seasonal

grazing. This vicinity of Sweet-Ola Highway has rural scattered single-family houses on 5+ acre parcels.

C. Adjacent Comprehensive Plan, Zoning and Land Use:

|               | COMP PLAN<br>DESIGNATION         | ZONING<br>DESIGNATION  | LAND USE   |
|---------------|----------------------------------|------------------------|--|
| North of site | Agriculture/Natural<br>Resources | A-3, Rural Agriculture | Scattered Rural Residential,<br>dry land vegetation with<br>seasonal grazing |
| South of site | Agriculture/Natural<br>Resources | A-3, Rural Agriculture | Scattered Rural Residential,<br>dry land vegetation with<br>seasonal grazing |
| East of site  | Agriculture/Natural<br>Resources | A-3, Rural Agriculture | Scattered Rural Residential,<br>dry land vegetation with<br>seasonal grazing |
| West of site  | Agriculture/Natural<br>Resources | A-3, Rural Agriculture | dry land vegetation with<br>seasonal grazing                                 |

D. Existing Site Characteristics: A single family dwelling and outbuildings are located on the site.

E. Physical Constraints and Opportunities:

1. Wastewater & Domestic Water:

- a. The single-family dwelling is served by an individual septic system and well. Southwest District Health Department will need to approve the new septic system/hookup for the temporary fifth wheel.

2. Hazards: Staff is not aware of any potential hazards on this property.

F. Streets and/or Access Information: The subject property has access via a driveway off of Sweet-Ola Highway that needs to be approved/permitted by the Gem County Road and Bridge Department.

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

A. Purpose Statement of Zone: Gem County Code 11-4-3 lists the purpose of the A-3 (RA) zone as follows:

“Lands lying within those unincorporated portions of Gem County that are restrained by topography and/or vehicular access and are intended to remain rural in nature without urban development. The regulations governing this zone are designed to protect long-term agricultural pursuits.”

B. General Standards: The minimum property size shall be five (5) acres.

C. Other: The following section of the Zoning Ordinance directly addresses the THP application:

- **11-2-2 Definitions:** “Temporary Hardship Permit” is defined as follows:

“A use allowed to install a temporary residence (manufactured home or recreational vehicle only) on a parcel of land to house a person or persons in need of assistance or care because of medical, disability, or geriatric needs. Also may be used for the purpose of retaining a caretaker.”

- **11-19-1 Permit Required:**

“A property owner may apply for a temporary use permit for placement of a manufactured/mobile home or recreational vehicle (RV) for a temporary hardship permit for substantiated healthcare



needs for any member of the property owner's family. Proof of healthcare need as evidenced through written and signed authorization from a medical professional is required. Under no circumstance shall the temporary dwelling be placed on a permanent foundation."

- **11-19-2 Application and Notification:**

"The application for a temporary use permit shall be filed with the Administrator and the applicant shall pay the required fee provided in Chapter 11-14-13 of this title prior to the issuance of any temporary use permit. For temporary use permits for healthcare needs, the Administrator shall give written notice of the pending application to those property owners and/or purchasers of record within three hundred feet (300') of the exterior boundary of the subject property. Notified property owners have twenty one (21) days from the date of the mailing to respond to the notice. If an affected party is opposed to the application, a public hearing shall be held before the Commission."

## **6. REQUIRED FINDINGS & STAFF ANALYSIS**

There are no required findings for Temporary Hardship Permits listed in the Gem County Code. The Commission must determine that an application is consistent with and can comply with the definition and standards listed in GCC 11-2-2, 11-19-1 and 11-19-2 listed above. The Commission should also base its decision upon facts and evidence of need presented during the public hearing. There are outstanding concerns that can be addressed through conditions of approval if the Commission chooses to approve the application. The THP should not change the basic character of the property from its intended use or the purpose of the A-3 zone.

Based upon the application and the recommendation from Kyle George PA-C., it appears there are medical needs for Margaret Massey that would justify the need for a temporary 5<sup>th</sup> wheel trailer to be utilized for a caretaker to reside in.

## **7. SITE SPECIFIC CONDITIONS OF APPROVAL**

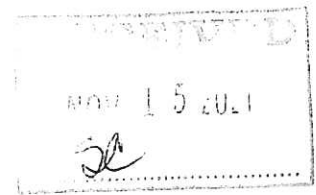
*If the Commission chooses to approve the application, staff recommends the following conditions be applied to the application:*

1. The property must be in compliance with all County Ordinances.
2. The permit is subject to an annual review by the Development Services Department staff.
3. The permit is non-transferable to another property and/or property owner.
4. The temporary fifth wheel must be removed as a residence when the need no longer exists or if the property is transferred or sold.
5. The temporary fifth wheel shall be located in the side or rear yard of the permanent dwelling.
6. Applicant shall comply with all requirements of Southwest District Health Department for the approval of the septic system/hookup. An approval letter shall be submitted to Development Services.
7. Applicant shall comply with all requirements of the Road and Bridge Department for the driveway approach that was built without a permit. An approval letter shall be submitted to Development Services.
8. Applicant shall comply with all requirements of Fire District #2 for the driveway that was built without a permit. An approval letter shall be submitted to Development Services.
9. Only the individuals identified in the application are permitted to reside in the temporary dwelling.
10. The temporary fifth wheel shall be meet the minimum setbacks including, 80-feet from the centerline of Sweet-Ola Highway and 8-feet from all other sides.

## 8. STAFF RECOMMENDATION

Staff finds that the proposed temporary hardship permit may conform with the basic intent of the Zoning Ordinance with the proposed Conditions of Approval. The Commission must consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application. We recommend the Commission deliberate with the applicant to determine if the need for a THP is indeed justified.

Stephanie Crays,



We are adamantly objecting to the placement of an RV for Leanna McKinney on Ron Meyers property.

For the following reasons:

There is no septic nor can one be legally put there due to closeness to Highway. They have dug a hole and their septic hose is draining into it.

We applied to Road and Bridges to get a driveway approval onto our property that we are selling right across from them and we were denied, so now we are paying fees for an easement. They created their own driveway without filing for permission and this should be checked by Road and Bridges because when it rains mud comes down and makes a mess on the Hwy. and becomes a traffic hazard, also large delivery trucks have to come down to our property to turn around as they can only enter going South onto their property. They never compacted it or put base material under the fine gravel. This seems so unfair.

With all the junk they keep putting on the property it shows that they are there to permanently stay as they were forced to leave their previous home right next door. With no where to go for the past year they have been staying with various friends. They even asked us if they could live on our property. Ron Meyers being nice and a good friend said they could live there if they fixed the broken well pump so they could have water. They did fix it and then moved onto the property.


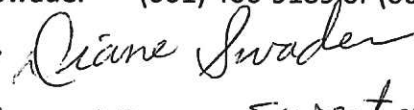
It is becoming a huge eyesore with all the junk they have put on that tiny piece of land, and it just cost us a prospective buyer from giving an offer. He told the Realtor, "I want to leave Emmett to be somewhere uncrowded but I don't want to have to stare at all that junk."

Leanna is State disabled (bad Back) so it would be hard for her to care for a disabled person. The only help she could provide would be maybe cooking or slight cleaning. Marge does have very bad back issues but is very mobile. Ron is there 24/7, so she really doesn't need that much help. She does sometimes take her to Dr. appts but she has been doing that for years. Leanna is scamming and this isn't her first time. They are planning on living there forever. And with the property only being 5-7 acres is that legal?

Lastly, we had our whole property surveyed by Sawtooth and we legally own 30-40 feet of property across the Hwy all down Ron Meyers property. So technically where they illegally built the road and have some junk on, it is our property and we do not give them permission to be there.

We do feel sorry for them since they are basically homeless but because of all the issues mentioned before we are 100% opposed to this "hardship" permit,

Thank you, Ken and Diane Swader (661) 406-9189 or (661) 406-2508

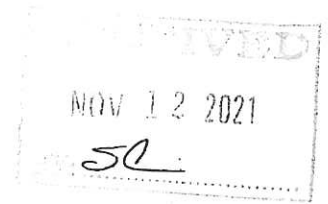
 

12000 Sweet-OLA Hwy

*and do request a hearing before the zoning commission if they are allowed to continue to live there.*



November 11, 2021



Gem County Development Services Department  
109 S. McKinnley Avenue  
Emmett, Idaho 83617  
ATTN; Stephanie Crays

In answer to your letter I do not think this is a temporary hardship as all their personal belongings have been moved onto the property located at 11875 Sweet Ola Highway.

However, I do not object to them living there as long as nothing else is moved onto that particular piece of property or anything moved closer to our property line.

Thank you,

*Carol McKinney*

I find this hard to believe as temporary. Nearly all of their belongings are stored on Myers property.. Including at least one horse and corral and including horse trailer. Does the site have proper sewage disposal? Where does the waste go? This should be checked out!

Lastly, how can she work and lift heavy objects when she is on SS disability?

That is my thoughts. Otherwise I have no objection.

Vern McKinney

*Vern McKinney*      11/11/21



NOT To Scale:





**GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT**

109 S. McKinley Avenue Emmett, Idaho 83617

OFFICE OF THE ADMINISTRATOR

CODE ENFORCEMENT

Office: (208) 365-5144

Phone: (208) 477-2214

WEB PAGE: [www.gemcounty.org](http://www.gemcounty.org)

**Complaint Form**

Date: 11-16-2021

Person registering this complaint: Ken & Diane Swader

Address: 12000 Sweet-Ola Hwy Phone: 661 406-9189

City, State, ZIP: OLA Email: dswader1@sbcglobal.net

Address of complaint: 11875 Sweet-Ola Hwy

Property owner's name: Ron Myers

Nature of the complaint: ☒ Other Temporary RV- No Septic

☐

ANIMALS

☐

HIGH GROWTH

☒

much  
JUNK & DEBRIS  
"eyesore"

☐

JUNK VEHICLES

☐

SIGNAGE

☐

PERMIT VIOLATION

☐

REMOVAL OF GROUND

☒

REMOVE TEMPORARY HARDSHIP PERMIT  
OR SPECIAL USE PERMIT

☐

UNMAINTAINED PROPERTY

☐

ZONING VIOLATION

☐

RV/MOBILE HOME AS 2nd RESIDENCE

Comments: Due to No septic and unapproved driveway (which is my legal property) we would like them removed from property.

Feedback requested: ☒ Yes ☐ No

Signature: Diane Swader



## Larry Robertson

---

**From:** Stephanie Jansen <Stephanie.Jansen@phd3.idaho.gov>  
**Sent:** Tuesday, November 16, 2021 11:52 AM  
**To:** Larry Robertson  
**Subject:** RE: Parcel Question

Larry,

Thank you for looking into that!

Thank you,



**Stephanie Jansen**  
Environmental Health Specialist | Southwest District Health  
13307 Miami Lane | Caldwell ID 83607 | ph: (208) 455-6023 | cell: (208) 510-7050  
[Stephanie.Jansen@phd3.idaho.gov](mailto:Stephanie.Jansen@phd3.idaho.gov) | *Healthier Together* | [www.swdh.org](http://www.swdh.org)



**From:** Larry Robertson <lrobertson@co.gem.id.us>  
**Sent:** Tuesday, November 16, 2021 11:45 AM  
**To:** Stephanie Jansen <Stephanie.Jansen@phd3.idaho.gov>  
**Subject:** FW: Parcel Question

2 more

Larry D Robertson



Gem County  
Code Enforcement Officer & ADA Coordinator  
208-477-2214  
Radio – PZ 100



Code Enforcement Professionals of Idaho

**From:** Larry Robertson  
**Sent:** Tuesday, November 16, 2021 11:32 AM  
**To:** 'Stephanie Jansen' <[Stephanie.Jansen@phd3.idaho.gov](mailto:Stephanie.Jansen@phd3.idaho.gov)>  
**Subject:** RE: Parcel Question

They are definitely dumping into the ground and, based on the location of the RV, I would guess there is no capability to place a septic system. Pictures attached.

Larry D Robertson



Gem County  
Code Enforcement Officer & ADA Coordinator  
208-477-2214  
Radio – PZ 100

**From:** Stephanie Jansen <[Stephanie.Jansen@phd3.idaho.gov](mailto:Stephanie.Jansen@phd3.idaho.gov)>  
**Sent:** Monday, November 15, 2021 4:06 PM  
**To:** Larry Robertson <[lrobertson@co.gem.id.us](mailto:lrobertson@co.gem.id.us)>  
**Subject:** Parcel Question

Hi Larry,

See attachment. We received an open sewage complaint, and the RV is where the red circle is on my attachment. I know these parcel lines can be off sometimes. Is the red circle for sure apart of parcel RP08N01E152550 (12000 sweet-ola hwy) or is it actually apart of the parcel to the left?

Would we need to conduct a site visit on this one to determine it?

We need to send out a notice of violation, but we're not sure who to send it to.

Thank you for your help!!



Stephanie Jansen  
Environmental Health Specialist | Southwest District Health  
13307 Miami Lane | Caldwell ID 83607 | cell: (208) 510-7050  
[Stephanie.Jansen@phd3.idaho.gov](mailto:Stephanie.Jansen@phd3.idaho.gov) | [Healthier Together](#) | [www.swdh.org](http://www.swdh.org)



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11/16/2021



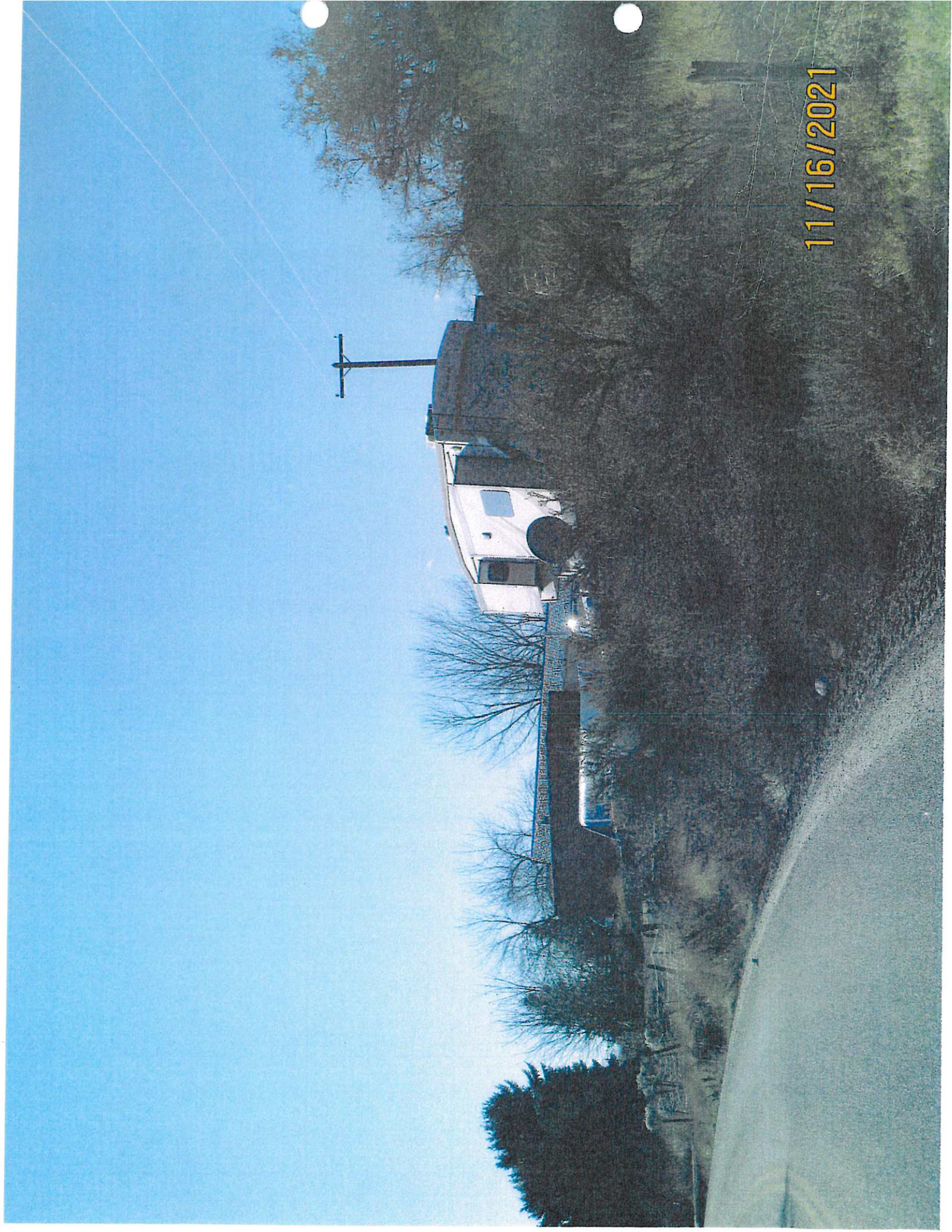




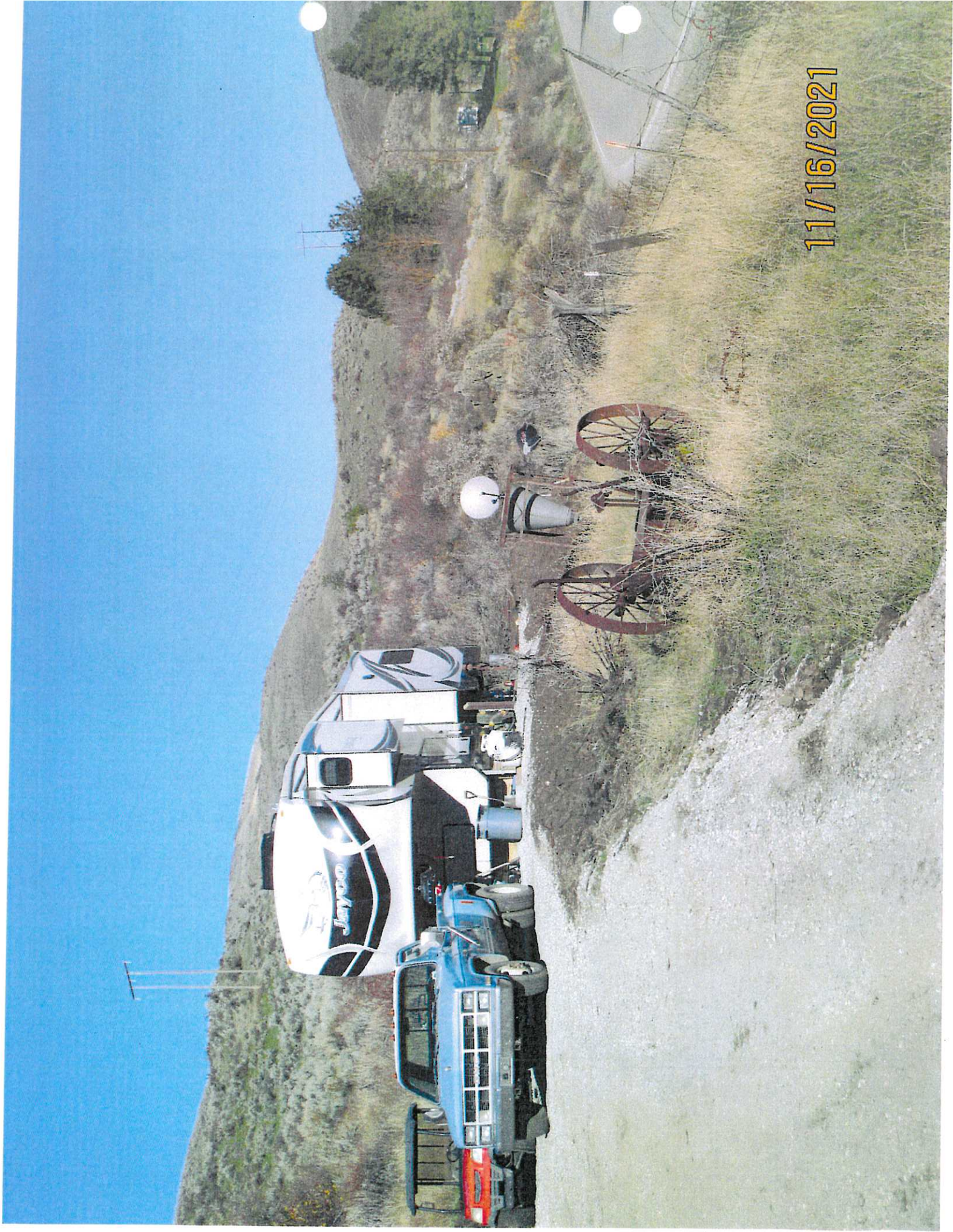
11/16/2021



11/16/2021







11/16/2021



CERTIFICATE OF MAILING

I hereby certify that on the 20th day of December 2021, I served a true and correct copy of the foregoing upon:

**PROPERTY OWNER LIST WITHIN 300 FEET**

Myers  
11875 Sweet Ola Hwy  
T08N, R01E, Section 5

Harry McCaulou  
PO Box 54  
Ola, ID 83657

William Swader  
12000 Sweet Ola Hwy  
Ola, ID 83657

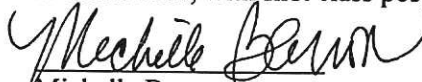
Jerry Sampo  
11850 Sweet Ola Hwy  
Sweet, Id 83670

Laverne McKinney  
1516 Basque Ln  
Emmett, ID 83617

James R. Bunting  
11800 Sweet Ola Hwy  
Sweet, Id 83670

Thomas Blessinger  
2053 Cove Rd  
Weiser, ID 83672

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

  
Michelle Barron  
Associate Planner



