MASTER PUBLIC HEARING APPLICATION

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

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

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

PROJECT NAME: MEHARRY REZONE

SITE INFORMATION:

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

Quarter: NW Section: 19 Township: T Range: 01W Total Acres: 5.01

Subdivision Name (if applicable): Panorama Ranch

Lot: 03 Block: 01

Site Address: 485 W. South Slope Rd City: Emmett, ID

Tax Parcel Number(s): RP00267715 Current Zoning: See below Current Land Use: Res, 3m acreage

12 Rural Res Front 4.01
12H Rural Res 1.00

PROPERTY OWNER:
Name: Steve & Zendie Meharry
Address: 485 W. South Slope Rd
City: Emmett State: ID Zip: 83617
Telephone: (208) 863-6744
Email: steverneharry@hotmail.com

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

Signature: (Owner) 8/17/21 Date

APPLICANT:
Name:
Address:
City: State: Zip:
Telephone:
Email:

same

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

Signature: (Applicant) 8/17/21 Date

OFFICE USE ONLY

File No.:	Received By:	Date:	Fee:	Receipt No:
21-012	Justin	9/23/21	$ 710.00	1204

REZONE SUBMITTALS AND CHECKLIST

(Not a business license or building permit)

GEM COUNTY DEVELOPMENT SERVICES
109 South McKinley, Emmett, Idaho 83617 Phone: (208) 365-5144
WWW.GEMCOUNTY.ORG

No rezone shall be recommended for approval by the Commission or granted by the Board of Commissioners unless the following findings are made by the Commission or Board;

a) The requested rezone complies with the Comprehensive Plan text and future land use map; and - priority growth area 1

b) The requested amendment is not materially detrimental to the public health, safety, or welfare; and

c) The subject property meets the minimum dimensional standards of the proposed zoning district; **and**

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

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

PRESENT LAND USE: See attached

PROPOSED LAND USE:

EXISTING ZONING CLASSIFICATION: 12 Rural Res

PROPOSED ZONING: 12H Rural Res

COMPREHENSIVE PLAN DESIGNATION:

Submittal Requirements:

FEE: A $710.00 fee must accompany this completed application. *(Non-refundable)*

LETTER OF INTENT:

- Intended uses of property if Rezone approved.
- How the proposed rezone relates to the Comprehensive Plan (please refer to page and section numbers of the Comprehensive Plan).
- Availability of public facilities and compatibility with the surrounding area and quantifiable data that will verify that rezoning would not cause economic, social or physical stress on existing use surrounding areas.

LETTER OF INTENT

Rezone Request for 485 W. South Slope Rd, Emmett, Idaho

Described as Lot 3 in Block 1 of Panorama Ranches Subdivision, according to the Official Plat thereof, filed in Book 3 of Plats at page 35, Records of Gem County, Idaho

We, Steve and Zendi Meharry, submit the following rezone request findings are in favor of recommendation for approval:

a. Our rezone request is in Priority Growth Area 1 according to the Comprehensive Plan Future Land Use Map.
b. Our rezone request is not deemed detrimental to the public health, safety, or welfare.
c. Our property meets the minimum dimensional standards of the proposed zoning district.
d. Under the Comprehensive Plan Future Land Use Map, our rezone request use would be harmonious and appropriate for existing or intended character of the general vicinity and that such uses would not change the essential character of the area.
e. Our request for rezoning will not have adverse impacts on other Gem County residents or change the delivery of services.

Present Land Use:

Total land is 5.01 acres utilized by single homeowner with small acreage improvements

- Rural residential with house on up to 1 Acre
- Rural site residential over 1 Acre of unimproved land

Currently the land use across the street has no acreage minimums with many on less than one acre. On the requested rezone side of the street there has been subdivisions that have occurred on both ends which have added homes on less than 5 acres.

Proposed Land Use:

The proposed rezone retains the small acreage rural residential character harmonious with, and appropriate for, the existing and intended zoning of the general vicinity. Allowing this rezone request to subdivide the current 5 acres into 3 lots with 2 acres attached to the current home and 2 additional parcels of 1.5 acres allows the redistrict to retain the essential character of the same area which coordinates with the county Comprehensive Plan Future Land Use Map, between Johns and Mill, as a Priority Growth Area 1.

Thank you for your consideration.

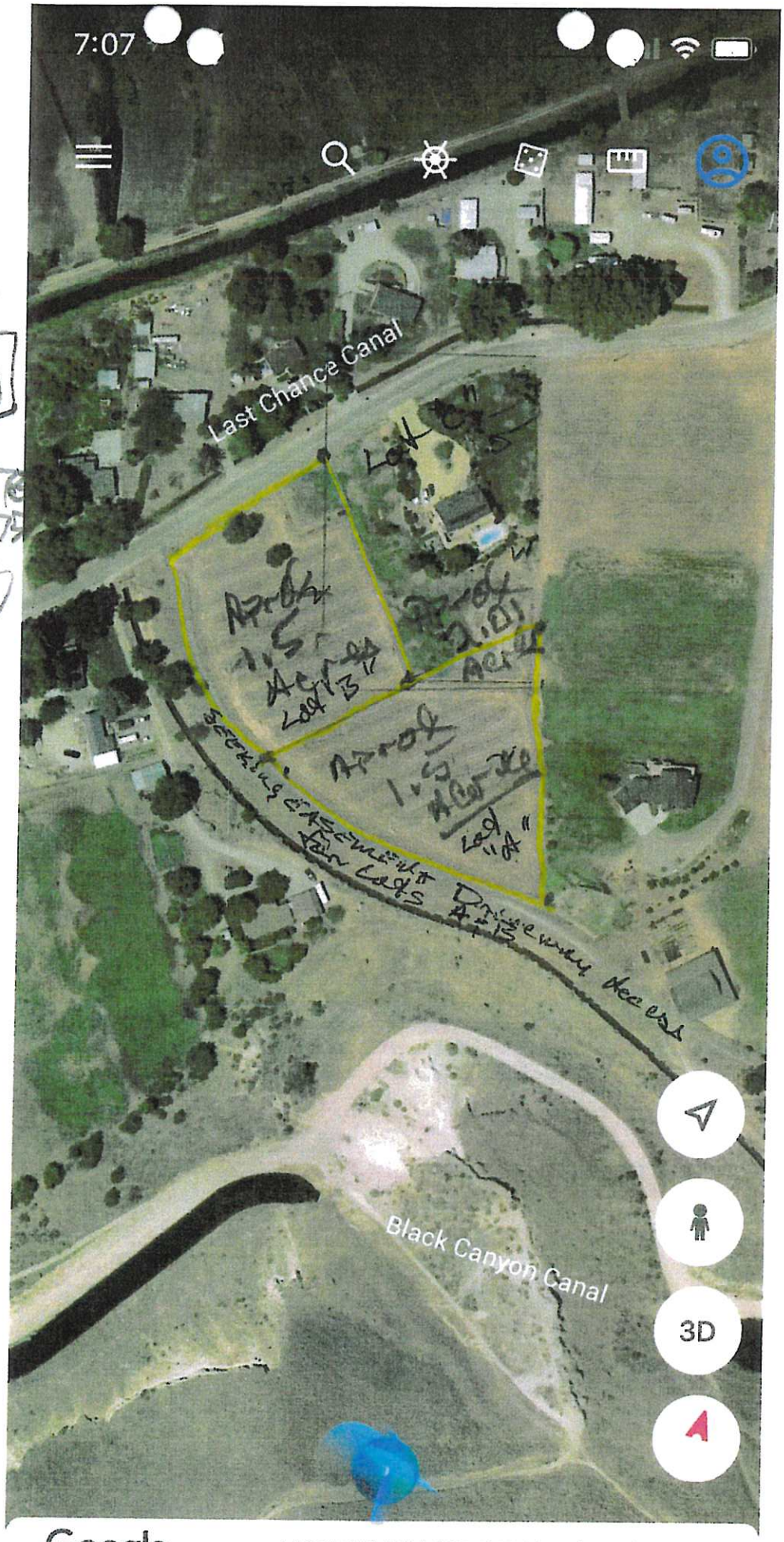
Sincerely,

Steve Meharry
(208)863-6744

Zendi Meharry
(208)863-4411

Google (43°50'11"N 116°30'15"W) 4,626 ft

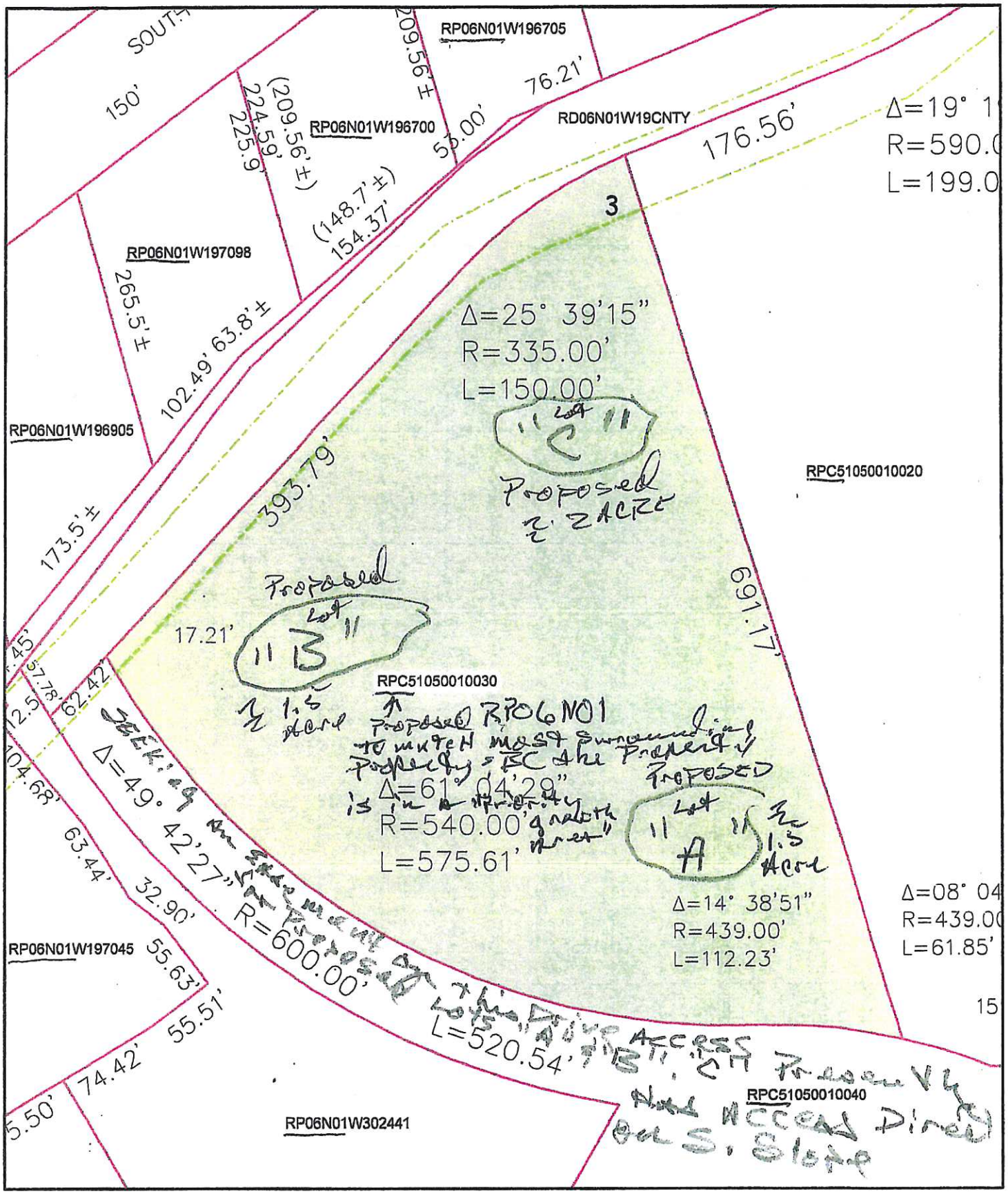
House Lot
7/8 x 11/8 -
(6/8 x 11/8) +
(13/8 x 4/8) / 2
= 2.9218
= .42187
2.0



Parcel
7/8 x 11/8 +
4/8 x 11/8
= 1.0 Acre

GEM COUNTY

RPC51050010030



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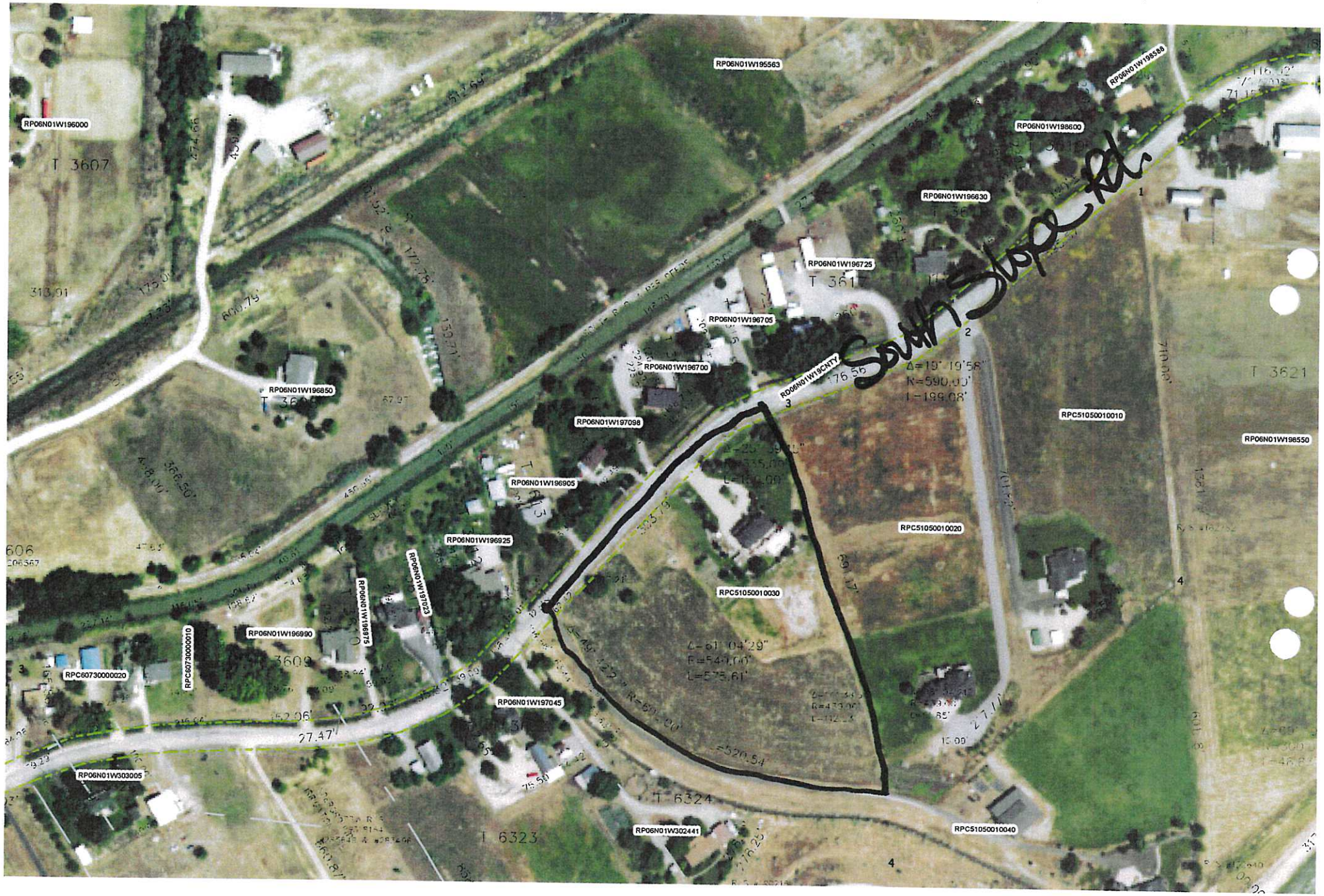
RP06N01W195563
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RP06N01W198600
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RP06N01W197023
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RP06N01W196990
RPC60730000010
RPC60730000020
RP06N01W197045
RP06N01W303005
RP06N01W302441
RPC51050010010
RPC51050010020
RPC51050010030
RPC51050010040
RP06N01W198550
South Slope Rd.
T 3607
T 3609
T 6324
T 6323
T 3621
Δ=19°19'58"
R=590.00'
L=199.08'
Δ=61°04'29"
R=540.00'
L=575.61'
R=50.00'
520.54'
27.47'

GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

OFFICE OF THE ADMINISTRATOR

PLANNING & ZONING

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

STAFF REPORT

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

FILE NUMBER(s): RZ-21-012

ZONING COMMISSION HEARING DATE: November 8, 2021, 6:00pm

PROPERTY OWNER: Steve and Zendi Meharry
485 W. SOUTH SLOPE ROAD
Emmett, ID 83617

APPLICANT: Self

SITE LOCATION: 485 SOUTH SLOPE ROAD

STAFF PLANNER: Jennifer Kharrl

1. APPLICATION SUMMARY:

The property owners, Steve and Zendi Meharry, are requesting a rezone of their property located at 485 West South Slope Road. The application proposes a change from A-2, Rural Transitional Agriculture (5-acre minimum lot size), to R-2, Residential Transitional (1-acre minimum lot size). The application states the reason for the request is to apply for a minor subdivision to create three Lots. (Subdividing the property is a separate application and must be preceded by a rezone.) The property proposed to be rezoned is 5.01 acres in size and lies fully within the Priority Growth Area 1 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan.

2. APPLICATION & PROPERTY FACTS:

A. Site Address/Location:
The property is located at 485 South Slope Road Road, approximately ½ mile east of Mill Road, and is within Township 6N, Range 1W, Section 19 (Tax Parcel #RPC51050010030). The property is Lot 3 out of 4 Lots in the Panorama Ranches Subdivision.

B. Current Owner(s): Steve and Zendi Meharry
485 West South Slope Road
Emmett, ID 83617

C. Applicant(s): Se

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

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

F. Property Size: 5.01 acres

3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on September 23, 2021.

B. Notice of Public Hearing:

Notice of Public Hearing on the application for the Gem County Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on October 20, 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 October 15, 2021. The physical property was posted for the public hearing on October 19, 2021. Requests for all impact agencies' reviews were mailed on October 15, 2021.

Gem County Development Services received a letter from the following public impact agencies: ITD (no objection) and Gem County Road and Bridge Department (no objection at this time).

Public hearing notices were mailed to thirteen (13) parcels in the immediate vicinity. Three letters were submitted in opposition. Two letters were submitted in opposition from members of the public that belong to the same subdivision as the applicant – CCR concerns and one in opposition from neighbors.

C. Relevant Ordinances and Required Actions:

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

D. History of Previous County Actions on Property: This property is part of a 4-Lot subdivision (Panorama Ranches) that was approved and recorded in 2000.

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

4. LAND USE

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

B. Description of Character of Surrounding Area: The immediate vicinity includes a combination of active and inactive agricultural lands and low-density single-family residential properties. The entire vicinity contains irrigated and/or irrigatable lands (Emmett Irrigation District). There 16 properties within 1,300 feet each direction of the subject property that range between .31 to 2.6 acres.

C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	County Residential Area, Priority Growth Area #1	R-2, Residential Transitional	Rural Residential
South of site	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential
East of site	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture and R-3, Rural Residential	Irrigated agricultural land; rural residential
West of site	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential

D. Physical Constraints and Opportunities:

1. Wastewater and Domestic Water:

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

   b. Septic: The site currently has an individual septic system and drain field. Under today's Zoning Ordinance, future lots in the proposed R-2 zone may apply for individual septic systems, subject to approval by Southwest District Health.

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

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

E. Subdivision Plat Information: Lot 3, Block 1 of Panorama Ranches

F. Streets and/or Access Information:

The site has frontage along South Slope Road. The application states that they are seeking an easement to the west for an additional access for two of the proposed Lots. If this easement is granted, the driveway will need to become a private road and brought up to County standards and addresses will be addressed of the new private road including the existing house on Lot 4. The easement grantor would also have to give written permission for the expansion of the driveway to become a private road.

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

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

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

The proposed R-2 zone designation would allow a minimum one (1) acre lot size for primarily residential uses. As noted in Section 4, several properties in the immediate vicinity are already zoned for 1-acre minimum lots. The proposed R-2 zone complies with the purpose of the County Residential Area and Priority Growth Area 1 policies.

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

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

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

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

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

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

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

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

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

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

12.1 – Respect the responsibilities and rights of land ownership.

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

12.7 – Support agriculture and business by buffering agriculture and business from incompatible

land use encroachment.

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

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

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

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

6. ZONING ORDINANCE

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

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

B. Permitted Uses:

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

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

The proposed R-2 zone allows the following uses, either outright or as a Special Use Permit:

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

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

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

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

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

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

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

   Staff finds an R-2 zone would allow four (4) additional dwelling on the subject parcel beyond what is permitted today (as it sits today, there is an existing single-family dwelling), however the applicants intent is to only create two (2) additional dwelling units. The potential increased septic use has not been viewed as detrimental to the health, safety, or welfare when located on one (1) acre minimum lot sizes, but has not yet been verified by SWDH. ***The County may require a Development Agreement for further analysis on ground water impacts before a subdivision can be approved and/or to limit the number of parcels to be created with a future subdivision application.***

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

   The minimum lot size in the proposed R-2 zone is one-acre. The subject area to be rezoned is currently 5.01 acres in size. The site complies with the minimum size and setbacks of the R-2 zone. The subject site could be developed to comply with the minimum dimensions for an R-2 zone.

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

   A list comparing the allowed uses in the proposed R-2 zone with the existing A-2 zone is shown in Section 6 of this report. More intense uses are allowed with or without a SUP in the current zone than in the proposed R-2 zone. There are a few special uses allowed in the R-2 zone that would not be harmonious with the existing rural residential character of South Slope Road, such as convenience stores and a hospital, but since these require special approval from the County as well as neighbor notification, they are not found to change the essential character of the area in and of themselves. As such, staff finds the uses allowed in an R-2 zone are compatible with the intended character of the area.

5. The effects of the proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within Gem County's

planning jurisdiction have been considered and no unmitigated adverse impacts upon those services will impose additional costs upon current residents of Gem County's planning jurisdiction.

The public service agencies/providers that responded to this rezone application was the Gem County Road and Bridge Department, Emmett School District and ITD (all with no objections at this time). If the applicant submits a subdivision request, all agencies/providers will review for compliance with their regulations at that time.

The impacts of development of 5.01 acres of R-2-zoned land into one-acre parcels could be expected to generate demands on public services beyond the current service demands. The Board adopted an Impact Fee Ordinance which is used to off-set costs, to the public road system and other public services that are provided, caused by new homes and their traffic generation.

8. IMPACT AGENCIES NOTIFIED

Gem County Road Department
Gem County School District #221
Gem County Mapper
Idaho Department of Transportation
Gem Rural Fire District #1
Emmett Irrigation District

9. STAFF RECOMMENDATION

Staff finds that the proposed rezone application meets all of the required findings from the Zoning Ordinance listed in Section 7 of this report and conforms with the overall intent of the applicable Comprehensive Plan policies and Future Land Use Map. The R-2 zone appears to be appropriate for this location at this time. Based on the information presented to date and available to staff, we support this application. The Commission must rely upon any additional testimony provided during the public hearing when making its recommendation to the Board of County Commissioners.

October 25, 2021

RECEIVED
NOV 0 1 2021
BY: .....

Michelle Barron
Associate Planner, Gem County Zoning Commission
109 S. McKinley Ave.
Emmett, ID

Re: Meharry Rezone.

Dear Michelle,

We are writing to oppose the rezone request for 485 W. South Slope Rd. The request violates the written and recorded covenants of Panorama Ranches Subdivision under which the property in question, as well as our own, are bound.

Panorama Ranches is composed of four contiguous parcels, each with a separate residence and owner. Our subdivision and its covenants were established June 15, 2001 with approval by Gem County Planning and Zoning, and the Board of County Commissioners. Per the agreement, these covenants **"are to run with the land for 25 years"** and **"may be modified upon written agreement of the owners of not less than 3 of the 4 above described parcels."** We represent 3 of the 4 owners in opposition.

These covenants exist **"for the purpose of protecting the value of the respective lots... and to maintain the rural residential character of the area."** Our subdivision was crafted within a Rural Transitional Agriculture zone with 5 acre minimum lots which define its rural character. To this end, the very first covenant states: **"Residences shall be limited to one primary dwelling on each parcel."** Subdividing our intentionally rural subdivision violates this covenant and the stated purpose of our agreement. There can be no doubt that replacing pasture, open spaces and long views with more homes, noise and traffic will erode this subdivision's value and destroy its rural character.

Furthermore, we specifically oppose Mr. Meharry's proposed easement onto 525 W. South Slope Rd. In essence, Mr. Meharry is attempting to divert access up his neighbor's personal driveway and private property. Please consider the fact that Mr. Meharry already has 394 feet of frontage along South Slope Road, including a personal driveway. Compare this to the neighboring 62 feet of frontage he wishes to encroach upon. It would appear Mr. Meharry wants to profit from subdividing his lot, but push the cost of traffic, noise and dust away from his own home and onto his neighbor.

Panorama Ranches was created to protect its residents from exactly what Mr. Meharry is trying to do. We ask that you honor our covenants and help us preserve our investment, our neighborhood, and our rural character. Please deny Mr. Meharry's request.

Respectfully,

Deric & Teri Patterson

James Durance

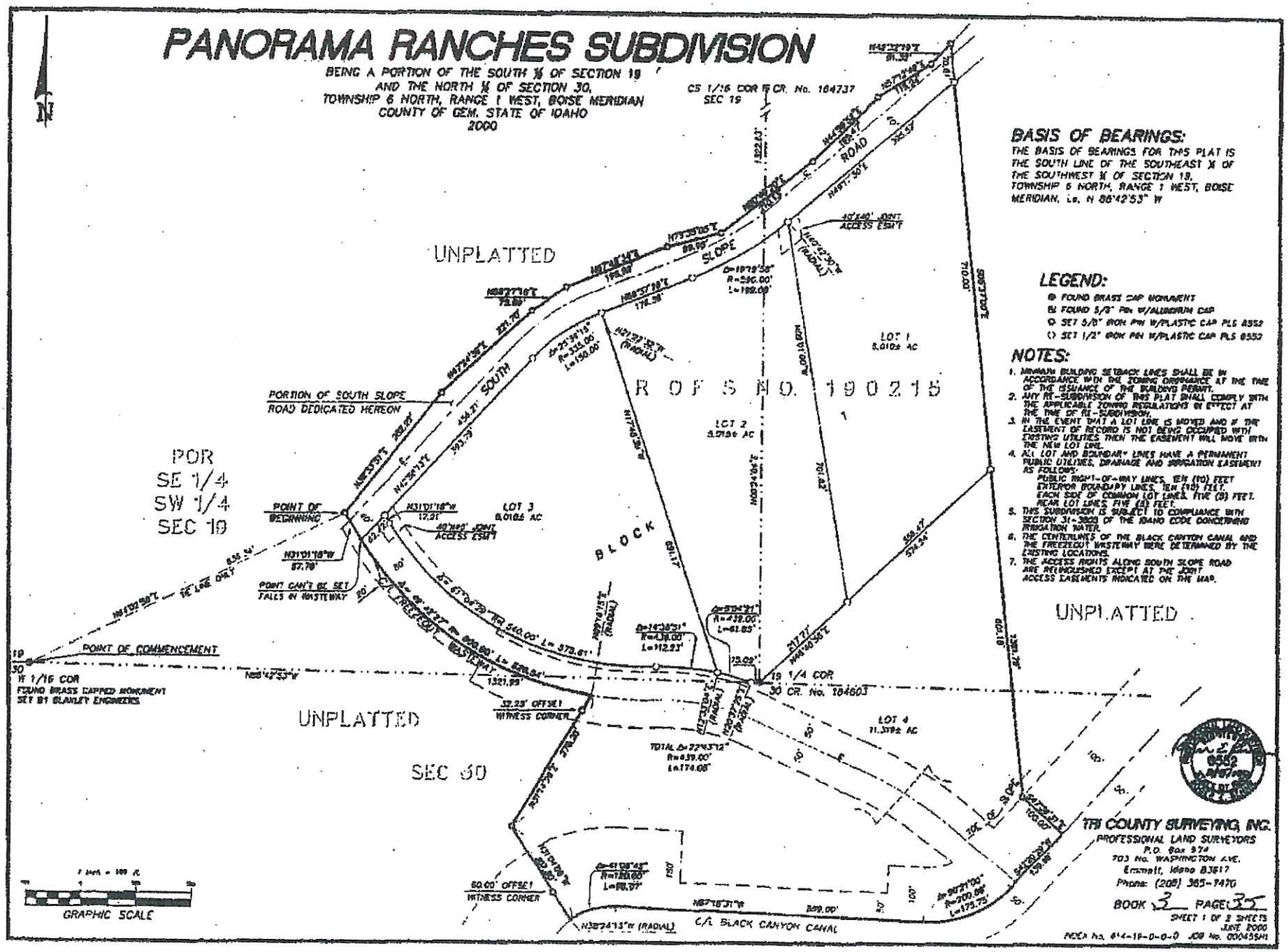
Mike & Julieann Schofield

Enclosed (3):

1. Panorama Ranches Subdivision Map
2. Panorama Ranches Subdivision Certificate
3. Panorama Ranches Subdivision Covenants (2 pages)

PANORAMA RANCHES SUBDIVISION

BEING A PORTION OF THE SOUTH ½ OF SECTION 19
AND THE NORTH ½ OF SECTION 30,
TOWNSHIP 6 NORTH, RANGE 1 WEST, BOISE MERIDIAN
COUNTY OF GEM, STATE OF IDAHO
2000



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 1 WEST, BOISE MERIDIAN, i.e. N 88°42'53" W

LEGEND:

- ⊕ FOUND BRASS CAP MONUMENT
- ⊠ FOUND 5/8" PIN W/ALUMINUM CAP
- ⊙ SET 5/8" IRON PIN W/PLASTIC CAP PLS 8552
- ○ SET 1/2" IRON PIN W/PLASTIC CAP PLS 8552

NOTES:

1. MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE AT THE TIME OF THE ISSUANCE OF THE BUILDING PERMIT.
2. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION.
3. IN THE EVENT THAT A LOT LINE IS MOVED AND IF THE EASEMENT OF RECORD IS NOT BEING OCCUPIED WITH EXISTING UTILITIES THEN THE EASEMENT WILL MOVE WITH THE NEW LOT LINE.
4. ALL LOT AND BOUNDARY LINES HAVE A PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT AS FOLLOWS:
   PUBLIC RIGHT-OF-WAY LINES, TEN (10) FEET
   EXTERIOR BOUNDARY LINES, TEN (10) FEET.
   EACH SIDE OF COMMON LOT LINES, FIVE (5) FEET.
   REAR LOT LINES, FIVE (5) FEET.
5. THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH SECTION 31-3805 OF THE IDAHO CODE CONCERNING IRRIGATION WATER.
6. THE CENTERLINES OF THE BLACK CANYON CANAL AND THE FREEZEOUT WASTEWAY WERE DETERMINED BY THE EXISTING LOCATIONS.
7. THE ACCESS RIGHTS ALONG SOUTH SLOPE ROAD ARE RELINQUISHED EXCEPT AT THE JOINT ACCESS EASEMENTS INDICATED ON THE MAP.

TRI COUNTY SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
P.O. Box 374
703 No. WASHINGTON AVE.
Emmett, Idaho 83617
Phone: (208) 365-7470

BOOK 3 PAGE 35

SHEET 1 OF 2 SHEETS
JUNE 2000
PCN No. 614-19-0-0-0 JOB No. 0004SSH1

PANORAMA RANCHES SUBDIVISION

BEING A PORTION OF THE SOUTH ½ OF SECTION 19
AND A PORTION OF THE NORTH ½ OF SECTION 30,
TOWNSHIP 6 NORTH, RANGE 1 WEST, BOISE MERIDIAN
COUNTY OF GEM, STATE OF IDAHO
2000

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS, THAT CHARLES PARKER, M.D. AND ROBERTA A. KARPACH DO HEREBY CERTIFY THAT THEY ARE THE OWNERS OF A CERTAIN TRACT OF LAND TO BE KNOWN AS PANORAMA RANCHES SUBDIVISION AND STATE THAT IT IS THEIR INTENTION TO INCLUDE SAID PROPERTY AS SHOWN ON THIS SUBDIVISION PLAT AND DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTH ½ OF SECTION 19 AND THE NORTH ½ OF SECTION 30, TOWNSHIP 6 NORTH, RANGE 1 WEST, BOISE MERIDIAN, GEM COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 1 WEST, BOISE MERIDIAN FROM WHICH THE SOUTHEAST CORNER OF SAID SOUTHEAST ¼ OF THE SOUTHWEST ¼ BEARS SOUTH 88°42'35" EAST, 1391.99 FEET; THENCE NORTH 84°02'58" EAST, 638.34 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 30°33'37" EAST, 242.22 FEET; THENCE NORTH 47°24'38" EAST, 221.70 FEET;
THENCE NORTH 53°27'16" EAST, 73.59 FEET; THENCE NORTH 87°42'34" EAST, 195.80 FEET;
THENCE NORTH 75°35'05" EAST, 99.95 FEET; THENCE NORTH 50°49'20" EAST, 210.13 FEET;
THENCE NORTH 44°38'37" EAST, 195.47 FEET; THENCE NORTH 57°37'49" EAST, 115.24 FEET;
THENCE NORTH 42°32'18" EAST, 31.32 FEET; THENCE SOUTH 05°37'00" EAST, 1301.79 FEET;
THENCE SOUTH 47°38'21" EAST, 100.00 FEET TO THE CENTERLINE OF THE BLACK CANYON CANAL; THENCE SOUTH 42°30'29" WEST, 138.96 FEET TO THE BEGINNING OF A TANGENT 200.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50°21'00" A DISTANCE OF 175.73 FEET; THENCE TANGENT TO SAID CURVE NORTH 87°18'31" WEST, 859.00 FEET TO THE BEGINNING OF A TANGENT 130.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41°05'42" A DISTANCE OF 93.07 FEET;
THENCE NORTH 31°54'08" WEST, 207.30 FEET; THENCE NORTH 31°14'28" EAST, 378.28 FEET TO A POINT ON THE CENTERLINE OF A WASTE DRAIN DITCH, SAID POINT BEING ON THE ARC OF A NON-TANGENT 800.00 FOOT RADIUS CURVE TO THE RIGHT A RADIAL BEARING TO SAID POINT BEARS SOUTH 09°16'15" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°42'27" A DISTANCE OF 346.34 FEET; THENCE TANGENT TO SAID CURVE NORTH 31°01'18" WEST, 87.78 FEET TO THE TRUE POINT OF BEGINNING

SAID TRACT OF LAND CONTAINING THEREON A CALCULATED AREA OF 26.383 ACRES, MORE OR LESS.

THE OWNERS DO HEREBY PLAT THIS TRACT OF LAND AS PANORAMA RANCHES SUBDIVISION AND DEDICATE TO THE PUBLIC FOREVER THAT PORTION OF SOUTH SLOPE ROAD AS SHOWN ON SAID PLAT.

PUBLIC UTILITY AND DRAINAGE EASEMENTS ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT OF ACCESS TO AND USE OF PUBLIC UTILITY AND DRAINAGE EASEMENTS REQUIRED TO SERVICE ALL LOTS WITHIN THIS PLATTING IS PERPETUALLY RESERVED.

THE INDIVIDUAL LOTS DESCRIBED IN THIS PLAT WILL NOT BE SERVED BY ANY WATER SYSTEM COMMON TO ONE (1) OR MORE LOTS, BUT WILL BE SERVED BY INDIVIDUAL WELLS. (IDAHO CODE 50-1334)

THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH IDAHO CODE 31-3805 CONCERNING IRRIGATION WATER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS MONTH OF JUNE, 2000.

Charles Parker M.D. 6-16-00
CHARLES PARKER, M.D. DATE

Roberta A. Karpach 6-16-00
ROBERTA A. KARPACH DATE

ACKNOWLEDGMENTS

STATE OF IDAHO }
COUNTY OF GEM } ss.

ON THIS 16th DAY OF June, 2000, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO, PERSONALLY APPEARED CHARLES PARKER, M.D. KNOWN OR IDENTIFIED TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR IDAHO
RESIDING AT: Fairfield
COMMISSION EXPIRES: 12-18-05

CERTIFICATE OF SURVEYOR

I, ROGER E. BENNE DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED BY THE STATE OF IDAHO, AND THAT THIS SUBDIVISION PLAT OF PANORAMA RANCHES SUBDIVISION, AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND SHOWN ON THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY, MADE ON THE GROUND UNDER MY SUPERVISION, AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMANCE WITH THE STATE OF IDAHO CODE, TITLE 50, CHAPTER 13, RELATING TO PLATS AND SURVEYS, AND CONFORMS TO THIS ORDINANCE.

6582

APPROVAL OF COUNTY SURVEYOR

I, THE UNDERSIGNED COUNTY SURVEYOR, IN AND FOR GEM COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS SUBDIVISION PLAT AND THAT IT IS IN COMPLIANCE WITH STATE OF IDAHO CODE, TITLE 50, CHAPTER 13, RELATING TO PLATS AND SURVEYS.

7-7-2000
SURVEYOR NAME AND LICENSE NO.
Richard L. Jensen PLS 4503

CERTIFICATE OF COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF GEM, IDAHO, PER THE REQUIREMENTS OF STATE OF IDAHO CODE, TITLE 50, CHAPTER 13, SECTION 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THE SUBDIVISION PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT (30) DAYS ONLY.

8-17-00
DEPUTY COUNTY TREASURER DATE
By Marilyn Chapman

APPROVAL OF GEM COUNTY PLANNING AND ZONING

ACCEPTED AND APPROVED THE ___ DAY OF ___, 2000 BY GEM COUNTY PLANNING AND ZONING DEPARTMENT.

CHAIRMAN DATE

SECRETARY DATE

ACKNOWLEDGMENTS

STATE OF IDAHO }
COUNTY OF GEM } ss.

ON THIS 16 DAY OF June, 2000, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO, PERSONALLY APPEARED ROBERTA A. KARPACH KNOWN OR IDENTIFIED TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR IDAHO
RESIDING AT: Boise
COMMISSION EXPIRES: 01-17-01

APPROVAL OF SOUTHWEST DISTRICT HEALTH DEPARTMENT

SANITARY RESTRICTIONS OF THIS SUBDIVISION PLAT ARE HEREBY LIFTED ACCORDING TO THE LETTER OF APPROVAL ON FILE WITH THE GEM COUNTY RECORDER.

NAME 8-17-00 DATE

APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS

ACCEPTED AND APPROVED THIS ___ DAY OF ___, 2000, BY THE BOARD OF COUNTY COMMISSIONERS OF GEM COUNTY, IDAHO.

CHAIRMAN
GEM COUNTY COMMISSIONERS

CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO }
COUNTY OF GEM } ss.

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF THE COUNTY SURVEYING, INC., AT ___ MINUTES PAST ___ O'CLOCK ___ M. THIS ___ DAY OF ___, 2000, IN BOOK ___ OF PLATS AT PAGE ___ INSTRUMENT NO. ___

DEPUTY EX-OFFICIO RECORDER

Instrument # 212865
EMMETT GEM, IDAHO
2000-08-22 12:27:00 No. of Pages: 1
Recorded for : TRI COUNTY SURVEYING
SUSAN K. HOWARD Fee: 11.00
Ex-Officio Recorder Deputy Judy Bohm
Index to: PLAT

TRI COUNTY SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
P.O. Box 974
703 No. Washington Ave.
Emmett, Idaho 83617
Phone: (208) 365-7470

BOOK 3 PG. 35
SHEET 2 OF 2 SHEETS
JUNE 2000
INDEX No. 814-19-0-0-0 JOB No. 00015912

FA-8743

Instrument # 217054
EMMETT, GEM, IDAHO
2001-08-20 03:21:00 No. of Pages: 2
Recorded for : FIRST AMERICAN TITLE & ESCROW
SUSAN K. HOWARD Fee: 6.00
Ex-Officio Recorder Deputy
Index to: BONDS AND AGREEMENTS

PANORAMA RANCHES

COVENANTS AND MAINTENANCE AGREEMENT

Roberta Karpach and Charles Parker hereby declare the following covenants and maintenance provisions for Panorama Ranches, Lots 1 through 4, according to the official records of Gem County, Idaho.

These covenants and provisions are for the purpose of protecting the value of the respective lots and the improvements that may be constructed thereon, and to maintain the rural residential character of the area.

Said covenants and maintenance provisions are to run with the land for 25 years. If the owners of at least 3 of the 4 above described lots agree in writing, said covenants and maintenance provisions may be renewed for successive 25 year periods without limit. Said covenants and maintenance provisions may be modified upon written agreement of the owners of not less than 3 of the 4 above described parcels.

COVENANTS REGARDING USE

1. Residences shall be limited to one primary dwelling on each parcel, plus guest or servants' quarters, provided that no such quarters shall be rented at any time whatsoever. Said primary dwelling shall be constructed on-site of new materials, and shall contain not less than 1400 square feet of gross living area plus an attached garage of not less than 500 square feet. All exposed windows, doors, siding and trim must be finished and painted and/or stained. All roofs shall be of wood shingles or 25 year architectural composition shingles, installed at a pitch of not less than 1 foot of height to 2.5 feet of horizontal distance. Front entrances shall include a minimum 32 square foot covered porch. No metal siding or roofs shall be allowed without written approval of the owners of all four parcels. Once construction commences, it must be completed within six months. No deviation from these minimum construction standards shall be allowed without written approval of the owners of all four parcels.

2. Any legal residential or farm use is allowed, except that no animal feed lots nor kennels are allowed. Feed lots are defined as more than 2 per acre of the following animals in the aggregate: horses, cattle, bison, sheep, llamas, goats, emus, or fowl. Kennels are defined as more than 2 dogs, plus unweaned pups. No swine or wild animals are allowed.

3. No outside storage of unused vehicles, machinery, tools, building materials, antiques, or junk is allowed for longer than 2 weeks. This provision does not apply to a motor home or travel trailer of the owner, or farm equipment used on the lot and not for hire. Such vehicles and equipment must, however, be screened from view.

4. All dwellings, garages, and outbuildings shall be landscaped and maintained at all times. All land not in crops is to be mowed and/or disced as required for neat appearance and control of erosion and runoff.

DRIVEWAYS AND ENTRANCES

Lots 1 and 2, and Lots 3 and 4, share common entrances onto South Slope Road, as shown on the official Plat. The owners of the respective entrances are to share maintenance costs equally. Driveways are to be constructed in accordance with engineering plans approved by Gem county in connection with the subdivision plat.

IRRIGATION SYSTEM

Water from the Black Canyon Canal is to be piped underground to each lot. There is sufficient fall to distribute water adequately without pumping. However, if individual lot owners wish to use sprinkler irrigation, a booster pump may be needed. Such individual pumps, if any, shall be located on each respective lot, and shall be purchased, installed, and maintained by the owner of that lot.

The canal inlet and underground mainline system is to be maintained in proper working order at all times. The owners of each of the four lots shall pay one-fourth the cost of maintenance and repairs of the mainline. A non-exclusive easement for access to and maintenance of the mainline in its present location, and 5 feet on each side of interior lot lines and 10 feet inside of exterior lot lines, is hereby granted and reserved for the use of the owners of the four lots in perpetuity.

WELL AND SEPTIC SYSTEMS

All wells and septic systems are to be located and constructed in accordance with engineering plans approved in connection with the subdivision plat. Deviation from these plans will require approval of the southwest District Health Department.

THESE COVENANTS AND MAINTENANCE PROVISIONS are created and dedicated this 15 day of June, 2001.

Roberta Karpach

Roberta Karpach

Charles R Parker

Charles Parker

INSTRU. NO. 217054
PAGES 2 OF 2

November 1, 2021

Michelle Barron
Associate Planner, Gem County Zoning Commission
109 S. McKinley Ave.
Emmett, ID

Re: Meharry Rezone.

Dear Michelle,

We are neighbors of the Meharry's and pose the following questions/concerns to the zoning board regarding the rezone request for 485 W. South Slope Rd.

Regarding our wells. Will there be any assessment of impact for how additional households will impact aquifer quality and quantity?

Regarding irrigation water. There are currently 9 lots that have water rights and draw from a single gravity-fed siphon off Black Canyon canal. Considering the Marshalls rezone (adding 3 lots) plus the 2 additional lots proposed here, that makes 5 additional households to be serviced - a 55% increase. Will future lots have water rights? If so, will they seek to use the existing infrastructure? How will we supply this demand and coordinate the water use?

Regarding future building. Will this rezone open the way to multi-unit housing such as apartments or duplexes which will further increase the demand on available resources and create more noise and traffic?

Regarding preservation of neighborhood character and value. Would the impending subdivision within a subdivision be bound by any CC&Rs? Who would determine them? Given the current proposal violates existing CC&Rs - do they even matter?

Thank you for your time and consideration.

Sincerely,

Deric Patterson MD
Teri Patterson

Deric & Teri Patterson

Michelle Barron

From: Sandra Hoyle <sandrahoyle@hotmail.com>
Sent: Thursday, October 28, 2021 5:46 AM
To: Michelle Barron
Subject: re: 485 W South Slope Rd rezone - T 06N, R 01W, Section 19

October 26, 2021

GCDSD
Office of the Administrator Planning & Zoning
109 S McKinley Ave
Emmett, ID. 83617

Re: Rezone at 485 W South Slope Rd. T 06N,R 01W, Section 19

I know nothing we write will stop this onslaught of building on the South Slope. However, we want our concerns on record.

We have written before regarding the aquifers in this area and the septic systems since we are all on well water. By getting this "courtesy" notification of more housing we have to believe that the GCDSD has done their due diligence regarding these two issues. Already in Boise there are new subdivisions having problems with their well water.

In the letter of intent I like
b) Our rezone request is not deemed detrimental to public health, safety or welfare. Ok, so our water is secure. I take exception to the safety statement as I was passed on the 20 mile per hour corner…there has been such an increase in traffic as your throw more and more houses out here.
e)Our request will not have adverse impacts - I'm sorry but every house that is added to this country setting adversely impacts the people that have lived here for decades.
But, again, it's going to happen regardless. Thank you so much for your "courtesy" notification that our peace in life is slowly being chipped away.

Sincerely,
Sandra Hoyle
388 W South Slope
And
Doris Blume
364 W South Slope

(Sent by mail 10/28/21 and by email to - mbarron@co.gem.id.us)

Measure wealth not by the things you have, but by the things you have for which you would NOT take money.

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

November 1, 2021

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

RE: Meharry (Rezone)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the 5 acre Rezone Application of Steve & Zendi Meharry, property located on/at 485 W. South Slope Road. With no easement in place, GCRB has concerns regarding ingress/egress to lots A & B. Without easement, GCRB will reserve for additional comments at the subdivision process, if approved.

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

Thank you,

Neal Capps, Director
Gem County Road & Bridge

INDEPENDENT SCHOOL DISTRICT OF EMMETT
#221

Craig Woods, Superintendent

October 28, 2021

Jennifer Kharrl
Development Service Coordinator
Gem County Development Services
109 S. McKinley
Emmett ID, 83617

Jennifer Kharrl Gem County Development Services:

At this time, Emmett Independent School District 221 does not have any current concerns regarding the application made by Steve and Zendi Mcharry on their own behalf to rezone their property.

Respectfully,

Craig Woods

Craig Woods
Emmett School District Superintendent

Michelle Barron

From: Sarah Arjona <Sarah.Arjona@itd.idaho.gov>
Sent: Monday, October 18, 2021 10:07 AM
To: Michelle Barron
Subject: RZ-21-012

Good morning,
ITD has received application RZ-21-012 for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

From: Michelle Barron <MBarron@co.gem.id.us>
Sent: Friday, October 15, 2021 2:57 PM
To: Sarah Arjona <Sarah.Arjona@itd.idaho.gov>
Subject: [EXTERNAL] Proposed Rezones and Special Use Permit for Gem County

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Michelle Barron
Associate Planner
Gem County Development Services
208-365-5144

GEM COUNTY CONFIDENTIALITY DISCLAIMER: *This message (including any attachments) may be privileged, confidential and/or protected from disclosure under applicable law. It is intended only for the use of the individual or entity above-named. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you are not the intended recipient please notify the sender by reply email and immediately delete this email.*

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of October 2021, I served a true and correct copy of the foregoing upon:

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

Gordon Wimer
555 W South Slope Road
Emmett, ID 83617

Robert Hobson
600 W South Slope Road
Emmett, ID 83617

Allen Smith
420 W South Slope Road
Emmett, ID 83617

Deric Patterson
525 W South Slope Road
Emmett, ID 83617

Mary Lutes
700 W South Slope Road
Emmett, ID 83617

Martin Walker
522 W South Slope Road
Emmett, ID 83617

Dale Tolliver Living Trust
12450 W Briarwood Drive
Boise, ID 83713

Sandra Hoyle
388 W South Slope Road
Emmett, ID 83617

James Durance
215 W South Slope Road
Emmett, ID 83617

Doris Blume
364 W South Slope Road
Emmett, ID 83617

Richard Downen
320 W South Slope Road
Emmett, ID 83617

Michael Schofield
145 W South Slope Road
Emmett, ID 83617

Herman Winberry
553 W South Slope Road
Emmett, ID 83617

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

Michelle Barron
Associate Planner