

MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES

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

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

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

PROJECT NAME: True Brother's Retirement.

SITE INFORMATION:

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

Quarter: _____ Section: 24 Township: 06N Range: 02W Total Acres: 5.0

Subdivision Name (if applicable): _____

Site Address: 1855 W. Sales Yard Rd Lot: _____ Block: _____
City: _____

Tax Parcel Number(s): RP06N02W243150 Current Zoning: A2 Current Land Use: _____

PROPERTY OWNER:

Name: Theodore M True Samuel A True

APPLICANT:

Name: Theodore M. True

Address: 4721 E. Victory Rd. Address: Same

City: Nampa State: Id Zip: 83687 City: _____ State: _____ Zip: _____

Telephone: 208-880-7168 Telephone: Same

Email: temoreconstruction@gmail.com Email: Same

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

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

Theodore M True
Signature: (Owner)

Date

Theodore M True
Signature: (Applicant)

Date

SUP 23-003

OFFICE USE ONLY

File No.: _____ Received By: SV Date: 3-8-23 Fee: 325⁰⁰ Receipt No: 2023-00168

Letter of

Intent

March 8, 2023

To Whom It May Concern:

This project will probably be special use because we want to do several things on the same property.

I think it will be harmonious because there is a fishing pond close by for campers to enjoy. Storage for personal property and RV's appears to be needed everywhere.

We plan to design the RV and storage area to be an attractive asset to the immediate area. Plan to have an onsite manager living in a house on the property as well.

Should not be hazardous or disturbing to the neighbors. We want it to be attractive not detractive.

We will be providing a sewer system and well. Other services are currently provided to this location such as trash, fire, police and roads.

This project should not create excessive public cost for public facilities and services and will not be detrimental to the economic welfare of the community, but instead boost the economy around it.

It should not produce excess traffic, noise, smoke, fumes, glare or odors. It will be people camping and enjoying fishing and the outdoors. Others will be using it to store personal belongings and retrieve them as needed. Someone will be living on the premises to monitor activities.

Property access will allow smooth flow of traffic onto the area roads.

This project will not damage scenic or historic features. It should enhance the area.

Respectfully,

Ted True

Please see attached detailed explanation of plans for the project as requested.

1. The primary dwelling would be used by one of the property owners - Sam True or Ted True. The secondary dwelling would be used for the onsite manager/caretaker.
2. The RV's would be able to stay for no more than 14 days.
3. The number of RV sites would be up to but no more than 20.
4. The RV storage would be approximate to Sales Yard Rd -the north side of the property. 6ft chain link will be on that side of the property as well. Ground prep will be packed gravel base.
5. The club house will be a gathering place and will include bathrooms, showers, and laundry.
6. The picnic shelter will be a covered area with concrete and space to accommodate six picnic tables and space for grills.
7. We plan to install a coded gate system and adequate lighting. We will have an onsite manager to provide security.

We plan to do this project in phases. A five year plan would be as follows:

1. Summer 2024 - put in RV storage and roads.
2. Summer 2025 - build main residence and shop.

3. Summer 2026 - build RV camping sites and caretaker house.

4. Summer 2027 - build clubhouse/bathrooms/laundry combination.
Build picnic shelter and firepit.

5. Summer 2028 - build storage units.

There could be slight variations to the times of development, but this would be a rough plan.

John Knox Lands

Bareford New



125'

R.V. Spaces
20 Spaces

Trash
60'

Laundry
Showers

Picnic
Shelter

Clubhouse

Open Spaces

Storage Units
40 Units

Storage Units
40 Units

Open
Space

R.V. Storage
40 Spaces

R.V. Storage
40 Spaces

News
stand

Shop

Trash
40'

Bareford Road

Sign

30'

40'

125'

125'



CERTIFICATE OF MAILING

I hereby certify that on the 17 day of August, 2023, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

True

T 06N, R 02W, Section 24

Idaho Fish and Game Commission
PO Box 25
Boise, ID 83707

Brian Padgett
2001 W. Sales Yard Rd
Emmett, ID 83617

Schafer-Board Famioy Trust
1860 W. Sales Yard Rd
Emmett, ID 83617

Gary Carlock
1868 W. Sales yard Rd
Emmett, ID 83617

Bradley Rex
1852 W. Sales Yard Rd
Emmett, ID 83617

Glenn Schwede
1840 W Sales Yard Rd
Emmett, ID 83617

Rangel-Servin Rafael
1912 E. Main St
Emmett, ID 83617

Jonathon Phillips
1845 W. Sales Yard
Emmett, ID 83617

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


Stephanie Crays,
Development Services Coordinator



GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

**OFFICE OF THE ADMINISTRATOR
PLANNING & ZONING**

PHONE: (208) 365-5144

WEB PAGE: WWW.GEMCOUNTY.ORG

STAFF REPORT

DESCRIPTION: SPECIAL USE PERMIT APPLICATION – STORAGE UNITS, RV STORAGE, RV PARK

FILE NUMBER: SUP-23-003

PLANNING AND ZONING COMMISSION HEARING DATE: SEPTEMBER 11, 2023

APPLICANT: THEODORE M AND SAMUEL A TRUE
4721 E VICTORY ROAD
NAMPA, ID 83687

PROPERTY OWNER: THEODORE TRUE

SUBJECT PROPERTY: 1855 SALES YARD ROAD IN T 06N, R 02W, SECTION 24

STAFF PLANNER: JENNIFER KHARRL

1. APPLICATION SUMMARY

The applicant, Theodore True, is requesting approval of a Special Use Permit (SUP) to allow a mix of uses, including storage units, RV storage and an RV Park on his property. The SUP is proposed at 1855 Sales Yard Road and is located in the A-2, Rural Transitional Agriculture zone (5-acre minimum). The subject property consists of approximately 5 acres.

“RV Storage/Storage Units” is not a land use that is listed in Gem County Code (GCC) 11-5-5, Zoning Matrix. It is a unique category in the matrix. GCC 11-5-3 states that “uses not specifically listed or not deemed similar to allowed uses shall require a special use permit.” “Recreational Vehicle Park” is listed as a “Special Use Permit” in the A-2 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 on Sales Yard Road. The property is located in a portion of Section 24, T 06N, R 02W.

B. Current Owner(s): Theodore M and Samuel A True

4721 E Victory Road
Nampa, ID 83687

- C. Applicant(s): Theodore M True
- D. Present Zoning: A-2, Rural Transitional Agriculture
- E. Present Comprehensive Plan Designation: Mixed Planned Development
- F. Property Size: 5.00+/- acres

3. APPLICATION PROCESS FACTS

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on March 8, 2023.

B. Notice of Public Hearing:

Notice of Public Hearing on the application for the Gem County Planning and Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on August 23, 2023. 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 August 17, 2023. The physical property was posted for the public hearing on August 22, 2023. Requests for all impact agencies' reviews were mailed on August 17, 2023.

We received one (1) response letter from impact agencies – Gem County Road and Bridge Department (with a few proposed conditions).

Public hearing notices were mailed to eight (8) parcels in the immediate vicinity. Four (4) written comments in opposition have been received.

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 Planning and 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): Bare land with irrigated pasture.
- B. Description of Character of Surrounding Area: Rural residential, agricultural uses, recreation uses and commercial uses.
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

	2007 COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	Mixed Planned Development	A-2, Rural Transitional Agriculture	Rural Residential, Agricultural
South of site	Mixed Planned Development	A-2, Rural Transitional Agriculture	Dick Knox Pond
East of site	Mixed Planned Development	A-2, Rural Transitional Agriculture; M-2, Heavy Industrial	Rural Residential, Livestock Sales Yard
West of site	Mixed Planned Development	A-2, Rural Transitional Agriculture	Rural Residential, Agricultural, Gravel Extraction

D. Hazards: Staff is not aware of any existing or potential hazards on the property. The applicant should disclose any other known hazards on the property at the public hearing.

E. Special Use Information: A Special Use Permit application is required for the proposed RV park, storage units and RV storage in the A-2 zone.

F. 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.

G. Streets and/or Access Information: Vehicular access to the property is taken directly off Sales Yard Road.

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 Mixed Planned Development.

The Comprehensive Plan defines the “Mixed Planned Development” category (in **Chapter 12**) as follows:

“These lands are anticipated for a variety of planned, compatible mixed uses. Probable mixed uses for these areas could be commercial, multi-family residential, open space uses, light industrial, office, public and related land uses.”

This property is located in an A-2 zone and within the Mixed Planned Development designation of the Future Land Use Map. The proposed use is only allowed in the existing zone (A-2) if the Commission grants a SUP.

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

A. Schedule of Zoning Regulations: Gem County Code 11-5-3, allows special land uses not listed in the Zoning Matrix to be granted through a Special Use Permit and Gem County Code 11-5-5, Zoning Matrix, permits an RV Park with a Special Use Permit in the A-2 zone.

B. Purpose Statement of Zone: Gem County Code 11-4-2.A. lists the purpose of the A-2, Rural Transitional Agricultural, zone as follows: “Lands lying within those unincorporated portions of Gem County that are likely to undergo a more intensive urban development. The regulations governing this zone are designed to protect agricultural pursuits and provide guidelines for conversion to suburban development.”

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 on 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.

The applicant will be required to submit grading and drainage plans and Keller Associates (Gem County's engineer) will review the 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 A-2, Prime Agriculture zone. "RV Storage" is not a land use that is listed in Gem County Code (GCC) 11-5-5, Zoning Matrix. It is a unique category in the matrix. GCC 11-5-3 states that "uses not specifically listed or not deemed similar to allowed uses shall require a special use permit." Gem County Code 11-5-5, Zoning Matrix, permits an RV Park with a Special Use Permit in the A-2 zone. Therefore, the storage units, RV storage and RV Park are 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.

- 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 residential, agricultural, gravel pits and recreation uses (golf, airport, fishing ponds) in the vicinity. The intended character of the area (as defined in Chapter 12 of the Comprehensive Plan) is an area set aside for a variety of planned, compatible mixed uses. Probable mixed uses for these areas could be commercial, multi-family residential, open space uses, light industrial, office, public and related land uses.

Depending upon the level of traffic, noise and potential negative aesthetics, 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, recreation uses, fish and wildlife, and agricultural uses in the vicinity if this finding can be met.

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

Four 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 additional traffic, becoming an eye sore, septic and well issues, effects on fish and wildlife and not compatible with the area.

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 evidence presented at the hearing and proposed conditions of approval while considering other mitigation measures if necessary if this finding can be met.

- 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 Rural 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 the Gem County Road and Bridge Department, which has a few conditions.

- 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;

Staff finds that the proposed use will not significantly increase demands on public facilities or services, assuming all conditions of approval are met. No public service providers raised this as a concern during the public comment period. The applicant is responsible for paying all improvement and other costs associated with ensuring the operation complies with public requirements therefore, the use is not found to be detrimental to the economic welfare of the community.

- 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. Based on the written comments received, the proposed uses will be detrimental to the adjacent properties. 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 Road and Bridge Department is requiring an engineered traffic study has a couple of conditions regarding the access.

- 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.

8. IMPACT AGENCIES NOTIFIED

Gem County Road Department
Gem County Mapping
Southwest District Health
Reed Ditch and Noble Ditch
Gem County Sheriff
Fire District #1
Idaho Transportation Department

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", and "G" that the Commission should address along with the impact agency letters submitted by Fish and Game and Road and Bridge Department at the public hearing. If necessary, the Commission may need to continue or table the application for further information. Should the Commission make positive findings of fact and vote to approve this application, staff recommends that the approval, at a minimum, be subject to the Site-Specific Conditions of Approval attached in Exhibit A.

EXHIBIT A

PRELIMINARY SITE-SPECIFIC CONDITIONS OF APPROVAL

True

FILE #SUP-23-003

◆These conditions of approval, if the SUP is granted, shall be met prior to the operation of the business. ◆

1. This permit is subject to an annual review by the Development Services Department.
2. This permit shall be in substantial compliance with the applicant's attached letter of intent and site plan.
3. The permit is non-transferable to another property and is only valid at 1855 W Sales Yard Road.
4. All stormwater design and improvements for the construction site shall comply with GCC 11-6-11, as approved by the County Engineer. The applicant has submitted the grading and drainage plan and is currently being reviewed by the County Engineer.
5. The hours associated with the storage units and RV storage shall only take place on Monday through Sunday between 8:00 AM and 9:00 PM. **Commission to discuss the business hours**
6. 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. 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.
7. 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.
8. The applicant shall submit an approval letter from Southwest District Health for the septic system to serve the RV park. The applicant shall obtain the required permits for the septic system(s).
9. Any lighting associated with the facility shall be fully contained within the property boundaries and not cause a nuisance or distraction to neighboring properties or to drivers.
10. Applicant shall comply with the conditions from the Gem County Road and Bridge Department letter dated August 31, 2023.
11. 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.
12. No permanent off-premise signs are permitted with this permit and all on-premise signs shall comply with the Gem County Sign Ordinance.
13. The applicant shall install a 6-foot privacy fence (not chain link) along all property lines. **Commission to discuss the height for the fence.**

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 N. Hayes Ave.
Emmett, ID 83617



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

August 31, 2023

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

RE: SUP (RV Park/Storage Facility)

Dear Jennifer,

Gem County Road & Bridge (GCRB) has reviewed the Special Use Permit application of Theodore True for a RV/Storage Facility, property located at 1855 W. Sale Yard Road. The letter of intent for this application claims to break this project out over a 5 year span, and shall not produce excess traffic to Sales Yard Road. Sales Yard Road is a major collector on the Gem County Capital Improvements Program. This roadway is constructed of asphalt at a width of 20 feet. This section of Sales Yard Road has a high volume of gravel and livestock truck traffic.

GCRB recommends the following conditions be added to the Special Use Permit if approved;

1. Applicant shall provide GCRB with trip generated numbers for the facility by a Licensed Engineer, from the State of Idaho.
2. Applicant shall obtain an access approach permit with GCRB.
3. Applicant shall construct a commercial approach, 40 feet in width and 40 feet in length.
4. Approach shall be constructed to Gem County approach standards, at a 2% fall away from the existing roadway, with 12 inches of pit run and 4 inches of road mix.
5. Applicant shall pave the approach to the proposed subdivision.
6. Applicant shall provide GCRB with compaction test results for all road materials, subbase, pit run, road mix and asphalt. The compaction tests shall be a minimum of 92%.
7. Applicant shall hire an experienced paving contractor licensed in the State of Idaho.
8. Applicant or contractor, shall provide commercial asphalt mix design to GCRB for approval, prior to paving approach.
9. Applicant shall saw cut the edge of the existing pavement and apply tack oil on said roadway, prior to paving approach.
10. Paved approach shall be a minimum of 40 feet in width and a minimum of 40 feet in length. The asphalt shall be a depth of 3 inches after compaction. The compaction test shall be a minimum of 92%.
11. Approach shall meet Gem County approach standards upon completion.
12. Applicant shall place the facility gate with a setback of 100 feet from the edge of Sales Yard Road.

GCRB reserves the right to modify and/or add conditions to this Special Use Permit based on the results from the Engineered Traffic Study for the facility in question.

If you have any questions, please contact me at the office phone number 208-365-3305.

Thank you,

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

Neal Capps, Director
Gem County Road & Bridge Department

Stephanie Crays

From: Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>
Sent: Thursday, August 17, 2023 4:19 PM
To: Stephanie Crays
Cc: Anthony Lee
Subject: FW: True SUP

Stephanie

The 1855 West sales yard RV proposal will more than likely need to go through engineering. The applicant needs to reach out to Anthony Lee and schedule a pre-development meeting.

Thank you,
Mitch

I'm using Adobe Acrobat.

You can view and comment on "SUP 23-003 True RV Storage.pdf" at:

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:321e010f-16a3-4bd8-9fef-c72ff38dbbc4>

Check out our new online self-service portal here! [PORTAL](#)



Mitch Kiester, MPH, CPM, REHS/RS | Program Manager | Southwest District Health
13307 Miami Lane | Caldwell ID 83607 | ph: 208.455.5321 | cell: 208.580.3953
Mitch.Kiester@phd3.idaho.gov | *Healthier Together* | www.swdh.org



From: Stephanie Crays <scrays@co.gem.id.us>
Sent: Thursday, August 17, 2023 4:01 PM
To: Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>
Subject: True SUP

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please see attached.

Please comment with or without a response. Thanks

Be Blessed

Stephanie Crays
Development Services Coordinator
109 South McKinley
Emmett, Id 83617
(208)365-5144



IDAHO DEPARTMENT OF FISH AND GAME
SOUTHWEST REGION
15950 N. Gate Blvd.
Nampa, Idaho 83687

Brad Little / Governor
Jim Fredericks / Director

August 29, 2023

Gem County Planning and Zoning Commission
109 S. McKinley Ave.
Emmett, ID 83617

RE: Theodore True Storage Unit & RV Storage Facility

Dear Commissioners,

The Idaho Department of Fish and Game (IDFG) has reviewed the application material and letter of intent provided by Ted True for a Special Use Permit for a storage facility to be located on property at 1855 W. Sales Yard Rd. in Emmett, Idaho (Parcel No. RP06N02W243150). The project property is located directly north of Dick Knox Pond (Parcel No. RP06N02W243076) which is owned by the Idaho Fish and Game Commission and managed by IDFG.

The purpose of these comments is to assist the Gem County Planning and Zoning Commission by providing information addressing potential effects on wildlife, wildlife habitat, and public access to hunting and fishing opportunities and how any adverse effects might be mitigated. Resident species of fish and wildlife are property of all Idaho citizens, and IDFG and the Idaho Fish and Game Commission are expressly charged with statutory responsibility to preserve, protect, perpetuate and manage all fish and wildlife in Idaho (Idaho Code § 36-103(a)). In fulfillment of our statutory charge and direction as provided by the Idaho Legislature, we offer the following comments and suggestions.

The Letter of Intent and explanation of plans included in the application materials state there will be multiple uses on the property including 80 storage units, 80 RV storage spots, 20 RV camp sites with a 14-day camping limit, a clubhouse, restrooms, showers, laundry facilities, a private residence, and an on-site manager house. The applicant will provide a sewer system (we assume this refers to a septic system) and a well. A 6-foot chain link fence would be built on the north side of the property and the drawing shows a fence between the storage/camping portion of the property and the private residence and manager's home, as well. The 20 RV camping spaces would be located on the south edge of the project property. There will also be coded gates at the entrances of the property which would be located at the northeast and southwest corners of the project property, according to their map drawing. The applicant plans to construct the project in phases over a 5-year period.

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-465-8465 • Fax: 208-465-8467 • Idaho Relay (TDD) Service: 1-800-377-3529 • <https://idfg.idaho.gov>

IDFG's concerns with this project are listed below for the Planning and Zoning Commission to consider.

- The application does not mention, and the map does not indicate, that a fence will be constructed around the entire project property. Dick Knox Pond is managed with a single parking area and access road that comes off Sales Yard Rd. and this is the only authorized access point. IDFG is concerned about additional unauthorized access points to Dick Knox Pond that could be created by this project. Unauthorized access locations create inequity when certain access is only allowed for paying customers of the RV park and not the general public.
- The map shows that the applicant intends to have ingress/egress near the southwest corner of the project property. This entrance would allow access to the Dick Knox Pond access road, which is not a public road but is owned and managed by IDFG. The applicant has not requested an access easement from IDFG, and ingress/egress at that location would be unauthorized by IDFG.
- The applicant will provide a sewer system and well. IDFG assumes this means a septic system. A commercial well and a septic system are cause for concern in this location. Dick Knox and Sawyer Ponds have both been susceptible to ground water fluctuations in the past. When adjacent gravel operations pump water that has collected in their pits, the water level in the fishing ponds can drop significantly. IDFG is concerned that a commercial well that taps into the same ground water aquifer could cause undesirable pond level fluctuations for fish survival and for angler access and use of the ponds. In addition, because of the high ground water table in the area IDFG is concerned that a septic system that will be used by the 2 residences and the RV park may be insufficient and could cause ground water contamination issues throughout the area.
- The Idaho Department of Water Resources shows the applicant's property is associated with several water rights. All are held by Harley and Winifred True and all are sourced from ground water.
 - Water right 65-3337 is for 0.2 CFS and a beneficial use of irrigation from 3/15 to 11/15 on 10 acres.
 - Water right 65-3338 is a year-round right for 0.02 CFS for a total of 0.7 AFA and a stockwater beneficial use, and 0.04 CFS for a total of 1.2 AFA and a domestic beneficial use.
 - Water right 65-3339 is a year-round right for 0.02 CFS for a total of 2.7 AFA and a stockwater beneficial use, and 0.04 CFS for a total of 1.2 AFA and a domestic beneficial use.

Does the applicant have plans to use any of these water rights in this project? Could the applicant use the existing domestic water rights to supply the entire project without having to drill a new commercial well? At a minimum, could they be used to supply the owner and manager's houses? A transfer of water right ownership and an analysis of the water supply needed for the project might need to take place to provide additional information for the Planning and Zoning Commission to make a decision.

- Although the applicant's map shows multiple locations throughout the project property where trash receptacles would be located, IDFG is concerned about the potential for excessive and unnecessary trash finding its way onto the Dick Know Ponds property. This could occur due to camper negligence or from wind events that blow trash across the

property which could lead to an increase in IDFG personnel costs to maintain the pond property.

- It is mentioned several times in the application that there are fishing ponds nearby for campers to enjoy. The fishing ponds include Dick Knox Pond, Emmett Airport Pond, and Sawyer Pond. While IDFG owns and manages all of these ponds for public use, there are rules and specific access points associated with each of these ponds. As such, we are disappointed the applicant did not contact us to discuss the project and work with us to alleviate concerns related to the project before initiating the application process with Gem County. In addition, to assist the applicant with any future plans related to the fishing ponds, commercial use of IDFG property is prohibited without a special permit from IDFG.

IDFG provides the following recommendations for consideration as conditions of approval by the Gem County Planning and Zoning Commission:

- A full 6-foot boundary fence be built around the project property with a 6-foot privacy fence built on the south boundary between the project property and Dick Knox Ponds.
- Ingress/Egress to the project will only be allowed from Sales Yard Rd.
- We recommend that a study be conducted to understand the potential impact of a commercial well on the ground water levels in this area.
- We recommend that a study be conducted to understand the potential for ground water contamination by the septic system and to determine if a special commercial septic system would be required.
- We recommend the applicant provide additional information related to the existing water rights associated with the property and how they might be incorporated into the project.

IDFG requests that the Gem County Planning and Zoning Department keep us informed of the decisions that are made related to this project so that, if needed, we can take actions to maintain the integrity and equity of public access to Dick Knox Pond and the other nearby fishing ponds.

IDFG appreciates the opportunity to provide information pertinent to the proposed projects. Please contact Brandon Flack in the Southwest Region office at (208) 465-8465 or via email at brandon.flack@idfg.idaho.gov if you have any additional questions concerning this letter.

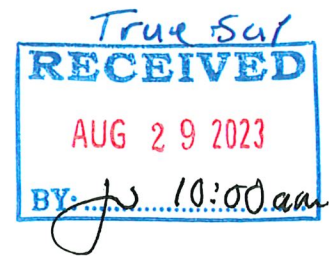
Sincerely,



Josh Royse
Southwest Regional Supervisor

JR/BF

e-file: S:\TECH ASSISTANCE\Counties\Gem County\Gem County PZ_Ted True RV
Park_08292023_FINAL



Marijane Schafer
1860 W. Sales Yard Road
Emmett, ID 83617

August 29, 2023

Gem County Development Services Department
109 S. McKinley Ave
Emmett, ID 83617

To Whom it May Concern:

This letter is in response to the proposed zoning change to the property at 1855 W. Sales Yard Road, Emmett, ID 83617.

Some background on us: We settled in Emmett to live out the rest of our lives, semi-retirement in peace and harmony in a rural agricultural area. Our home is directly across from this ill-conceived project. When we bought our house on Sales Yard Road, we were told that the area was 5-acre minimum zoning. We have enjoyed this environment.

I am opposed to the proposed change in zoning or special use of this property for the following reasons.

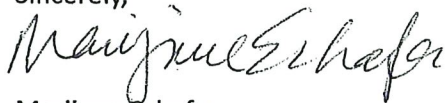
- The owners are not even residents of Emmett, nor do they live in this neighborhood, so they will not be affected except to make money.
- The owners stated that the project would not damage scenic areas and would enhance the area. How can a storage yard not impinge on the area that is now a lovely pasture.
- RV storage **cannot** be made attractive and a 6-foot chain-link fence will be an eyesore with stored RV's blocking the view of the beautiful hills to the south of us. I guess it would have barbed wire at the top as many such places do.
- I did not choose an industrial or automotive environment to live in. This is a rural neighborhood not a business area.
- The surrounding property values would certainly be negatively affected. Who would want to buy a house across from an ugly RV and storage yard or a noisy smokey campground.
- This use is certainly not "harmonious" with the sleepy rural, agricultural community.
- I question whether the sewer system for this many campers in RV's (that have chemicals in their plumbing) would affect our wells and make our water unpotable or even poison our wells.
- No excessive public cost?! So is this going to cost us or increase our property taxes? What public costs?

Concern about hazard and disturbing the neighbors, i.e. crime, noise, drugs, trash, rodents, smoke from campfires.

- We already have one homeless person staying on and off at the pond. How many more will we have with campgrounds. They say 14 days but REALLY???

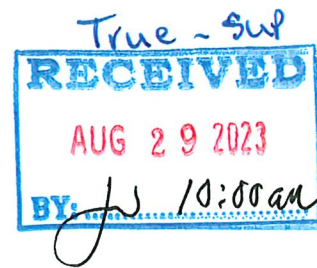
- The **noise** of generators, loud music and campers partying all hours of the night will be disturbing to neighbors.
- Artificial **lighting** would fundamentally change the atmosphere of our area.
- We now enjoy weekends and holidays that are quiet with little to no **traffic** on our narrow country road. This business would change the area into high traffic on our peaceful weekends.
- While camping often there is often alcohol abuse causing danger from **drunk** drivers as well as drunks wandering our neighborhood.
- We have felt very safe in this neighborhood because all the neighbors look out for each other but now there will be strangers wandering around our area and I for one will not feel safe in my home with potential break ins or theft of our property.
- I will feel the need to lock our doors when I am home, which we do not do now, for fear of strangers wandering the neighborhood.
- The RV storage will be a draw to **criminals** who would break into them to steal what is there or to squat in them.
- Rodants would be drawn to the food and trash and cause danger of disease. Below is a quote from a friend who has experienced this where he lived:
"Having lived in a nice quiet 6ac lot a full pasture across from a KOA..... nightmare. Some of the rudest humans on the planet, extra traffic you don't want. Generators and.... Of all thing I never thought were a complaint, chipmunks. They seem to show up wherever RVs go and become a rodent pest for all surroundings." Matt B.
- Drugs are a problem everywhere and campgrounds are often where these illicit activities take place.
- Campfires and outdoor cooking will certainly change the smell of our atmosphere.

Sincerely,



Marijane Schafer

Lewis Board
1860 W. Sales Yard Rd.
Emmett, ID 83617



August 28, 2023

Gem County Development Services Dept.
109 S. McKinley Ave.
Emmett, ID 83617

Dear Sir or Madam:

My name is Lewis Board. My wife, Marijane, and I reside at the address listed above. I am responding to a letter I received on August 19th in regards to an application for a Special Use Permit for the property located at 1855 W. Sales Yard Rd.

As you can probably guess, we are against the use of this property in the manner requested. I shall be attending the meeting on the 11th, but did want to get our reasons for being against this in writing for the staff's consideration ahead of time.

Increase in crime – It is a mathematical impossibility that crime won't increase. The reason for this we have zero crime now. So one person smoking weed in their campsite would be a technical "increase in crime". But sadly I don't think it would be limited to that. Break-ins to stored RV's and possibly their storage units will undoubtedly occur. Drunken fights at campsites will happen. Folks overstaying the 14 day limit will occur (BTW – what is the plan for getting squatters out?). Meth use and sales will occur. The fact that the True brothers had the gall to say there would be nothing hazardous made me laugh out loud (lol, as the kids would say).

Increase in traffic – Monday through Friday (and a little on Saturdays) from 9am to 5pm, we have fairly heavy truck traffic from both the Granite cement yard and Premier's gravel pit. But in the evenings and on the weekends things are nice and quiet. We do get folks enjoying the ponds, but that is daytime use and the folks are generally respectful. But add overnight camping, and now we've got folks making beer runs and going in and out at all hours. So that will mean drunken driving in our area which doesn't occur much now.

Caretaker house – Why not just a camp host? Every campground I've ever heard of from sea-to-shining-sea has a camp host. The camp host parks their RV in one of the spaces and keeps an eye on things from there. If you want to build a house, great. Use half of the property to build one on the five acres that is the current chop.

Owner house – Hey True brothers – you're in luck. You can build a caretaker house on 5 acres, then an owner house on the other 5 acres. Why do you need to cram two building (and two shops) on a tiny part of the land? Is it because you secretly are waiting for the chop to drop to one acre? The whole way you want to build permanent structures within this whole proposed complex is awful suspicious.

Lighting – “Adequate lighting” was mentioned in the letter. That sounds awesome. I’ve always dreamed of spending my retirement sleeping under stadium lighting.

Squirrels - These kind of rodents appear and overrun campgrounds and the surrounding areas.

Sewer – How would a septic system for such a large endeavor affect the local water? How safe will it be to eat the fish that come out of a pond located so close to a giant septic system?

As residents of Nampa, I’m not sure how the True brothers can have any opinion about how such a project would affect the quality of life in our area.

My view – This one is purely just a NIMBY reason, but I figure it’s worth mentioning. 20 feet from my property on the south side is where their fence and up to 40 RV’s will be stored. Wow, that sound like a much better view than my current view of a pasture, a pond and foothills.

No excessive public costs - Why would there be any public costs? I would urge the Commissioners to ask the brothers why they mentioned that.

Won’t be detrimental to the local economy – What about our property values?

Boost the economy - For who? Obviously the True brothers would see a boost in their economy, but who else will? I suppose liquor stores and meth dealers will get a boosted economy from the ne’er-do-wells who will be my new neighbors.

“It should not produce excess traffic, noise, smoke, fumes, glare, or odors” – It will in fact produce all those things!

The brothers mentioned a **shortage of storage and RV storing places**. Is that really a problem for our community?

Club house, bathrooms, shower, laundry –Welcome homeless people. I know if I were homeless or couch surfing, I’d love to have a place right by a pond where I could shower up and wash some clothes.

Well, that’s all I can think of for now. I look forward to the meeting on the 11th. Thank you for your attention in this matter.

Sincerely,



Lewis Board
(858)243-5981

lewisboard67@gmail.com

Brian & Valerie Padgett
2001 W. Sales Yard Rd.
Emmett, ID 83617



August 28, 2023

Gem County Development Services Dept.
109 S. McKinley Ave.
Emmett, ID 83617

To Whom it May Concern,

My name is Valerie Padgett. My husband Brian, myself, and our two children live at the address above. We are located to the East of property owned by the True brothers. I am responding to a letter I received on August 19th in regards to an application for a Special Use Permit for the property located at 1855 W. Sales Yard Rd.

I am writing you this letter to let you know that we are completely AGAINST the use of the property as it has been proposed by Mr. True. We will be attending the meeting on September 11th.

Here are just a few of our reasons why.

1. Right now pieces of land can not be broken down to less than 5 acres. With a house on each piece. They want to add more than one house and a structure for showers and laundry. Plus 20 RV campsites. This is like adding 22 homes!! How will all of this affect our water? What about our well? What will the environmental impact be?
2. We are concerned that people would move in and then never leave. We are opposed to an RV park, especially one where people would live permanently.
3. With extra people that will mean lots of trash. Not to mention the animals.
4. We are worried that having storage units and RV storage would bring a bad element out to our area. It would be very tempting for a thief to break into the storage units and the travel trailers.
5. It really is not a good location for this type of facility. It is a rural area. We still farm our land and we have cattle. I don't want to have people complaining about the smell from my cows or the hours in which I am doing my farming.
6. We have a lot of traffic in our area. We have semi trucks from Premier Aggregates and Granite Monday through Friday and a few on Saturdays. I do not wish to add more.

The True brothers do not live in Emmett, so how do they know what this will do to us? They can not say that this will not be hazardous or disturbing to us. Would they want this type of facility next to their house??? How will it boost the economy? They are the only ones that will benefit from this. I would ask them how they think their parents would feel about this. I can not see them being very happy about it.

I am sure that I have forgotten something. I will have more to add at the meeting.

Thank you for your attention to this matter.

Sincerely,
Valerie Padgett
(208)369-0163

Stephanie Crays

From: SHERYL BRADLEY REX <BWREX3008@msn.com>
Sent: Friday, September 1, 2023 4:46 PM
To: Stephanie Crays
Subject: SPU Theodore True



Attn: Gem County Panning and Zoning Commision:

We would like to voice our concerns about the proposed special use permit proposed by Theodore True at 1855 W. Salesyard Rd. Emmett, Idaho.

1. Sewer . Concerns about the high water table in this area and the fishing ponds very close to the proposed development. No real plan for this is included in the application.
2. Well water. Will more wells be drilled? If more wells are drilled or if increased consumption of water from current wells used for this development causes water shortage in neighboring wells what will happen? Who will be responsible, what will be done? This issue is also not addressed in the application.
3. Increased lighting from this development will have a significant impact on neighbors.
4. Increased traffic to existing roads that have been abused and torn up from trucks hauling gravel from near by pits.
5. Increased need for County Sheriff's to patrol will increase. Do they have the time and manpower to do this?
6. The application states that this development "**should not be hazardous of disturbing to the neighbors.**" This is a very subjective statement that needs further explanation from the developer.

Thank you,

Bradley and Sheryl Rex
1852 W. Salesyard Rd.
Emmett, Idaho