



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:

Gardner Rezone

SITE INFORMATION:

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

Quarter: NE Section: 32 Township: 07N Range: 01W Total Acres: 20

Subdivision Name (if applicable): _____

Site Address: 800 E Central Rd Lot: _____ Block: _____

Tax Parcel Number(s): RPO1N01W321350 City: Emmett

PROPERTY OWNER:

Name: Larry D Gardner

Address: 800 E Central Rd

City: Emmett State: ID Zip: 83617

APPLICANT:

Name: Larry D Gardner

Address: 800 E Central Rd

City: Emmett State: ID Zip: 83617

Telephone: 208-989-2784

Email: ldgardner48@yahoo.com

Telephone: 208-989-2784

Email: ldgardner48@yahoo.com

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

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

Signature: (Owner) Larry D Gardner Date: 4/27/22

Signature: (Applicant) Larry D Gardner Date: 4/27/22

File No.: R222-006 Received By: SC

OFFICE USE ONLY

Date: 4-27-22

Fee: \$710⁰⁰

Receipt No: _____

April 27, 2022

Planning and Zoning:

Letter of Intent

- a) Yes
- b) Yes
- c) Yes
- d) Yes, the use is allowed. No, it would not change the character of area.
- e) No, the zone change would not adversely impact any public services.

I have just retired, and am finding that even with increased time on my hands, that 20 acres is too much. We have lived here on this place for 15 years. I would like to subdivide my property so that my son, Jason Gaardner, can build on the 10 acres, and take care of the property. Eventually, my daughter and son-in-law, Drs Darren and Andrea Wallace, would like to build on the 5 acres when they retire. The property will remain in pasture and hay for our small black angus herd.

Thank you for your consideration.



Larry D Gardner



Larry Gardner

E Black Canyon

E Idaho Blvd

E Central Rd

↑ N



* Approximate Location



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-1 TO A-2)

FILE NUMBER(s): RZ-22-006

ZONING COMMISSION HEARING DATE: July 11, 2022, 6:00pm

PROPERTY OWNER: Larry D and Sherry Gardner
800 East Central Road
Emmett, ID 83617

APPLICANT: Self

SITE LOCATION: 800 EAST CENTRAL ROAD

STAFF PLANNER: Jennifer Kharri

1. APPLICATION SUMMARY:

The property owner, Larry Gardner is requesting a rezone of property located at 800 East Central Road. The application proposes a change from A-1, Prime Agriculture (40-acre minimum lot size), to A-2, Rural Transitional Agriculture (5-acre minimum lot size). The application states the reason for the request is to create two additional parcels. (A Minor Subdivision is a separate application and must be preceded by a rezone.) The property proposed to be rezoned is 20.00 acres in size and lies fully within Priority Growth Area 2 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 800 East Central Road and is within Township 7N, Range 1W, Section 32 (Tax Parcel #RP07N01W311350).

B. Current Owner(s): Larry D and Sherry Gardner
800 East Central Road
Emmett, ID 83617

C. Applicant(s): Self

- D. Present Zoning: A-1, Prime Agriculture (40-acre minimum)
- E. Present Comprehensive Plan Designation: County Residential Area, Priority Growth Area #2
- F. Property Size: 20.00 acres

3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on April 27, 2022.

B. Notice of Public Hearing:

Notice of Public Hearing on the application for the Gem County Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on June 22, 2022. Notice of this public hearing was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on June 21, 2022. The physical property was posted for the public hearing on June 22, 2022. Requests for all impact agencies' reviews were mailed on June 21, 2022.

We received two (2) response letters from impact agencies –Gem County Road and Bridge Department (with concerns) and Gem County Assessor's Office (no objection).

Public hearing notices were mailed to ten (10) parcels in the immediate vicinity. One (1) written comment of concern has been received.

C. Relevant Ordinances and Required Actions:

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

D. History of Previous County Actions on Property: None.

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

4. LAND USE

- A. Existing Land Use(s): Single-family residence, outbuildings, irrigated agricultural land.
- B. Description of Character of Surrounding Area: The immediate vicinity includes active agricultural lands and single-family residential properties. The entire vicinity contains irrigated and/or irrigatable lands (Emmett Irrigation District).
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	County Residential Area, Priority Growth Area #2	A-1, Prime Agriculture	Irrigated agricultural land; 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 #2	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential (Brooklyn Meadows Subdivision has 11+ 5-acre Lots)
West of site	County Residential Area, Priority Growth Area #2	A-1, Prime 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 A-2 zone may apply for individual septic systems, subject to approval by Southwest District Health.

2. Vegetation: Pasture land.

3. Floodplain: The parcel falls within zone "X" on FEMA's Flood Insurance Rate Map, Community Panel Number 160127 0338 B, which indicates areas outside of floodplain. No flood insurance is required in Zone X areas.

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

E. Subdivision Plat Information: N/A

F. Streets and/or Access Information:

The site has approximately 655 feet of frontage along East Central Road which is considered prescriptive due to no County maintenance on that section of road. If the property is to be subdivided in the future, a private road will be required where the County's end of maintenance begins.

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 2. 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 2 allows densities down to one (1) unit per five (5) acres, or as the Zoning and Subdivision Ordinances currently allow.

The proposed A-2 zone designation would allow a minimum five (5) acre lot size for primarily residential uses. As noted in Section 4, several properties in the immediate vicinity are already zoned for 5-acre minimum lots. The proposed A-2 zone complies with the purpose of the County Residential Area and Priority Growth Area 2 policies.

The following policies have been set forth in the Housing Chapter of the Joint Comprehensive Plan (Chapter 3) and generally support the application:

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

The following policy has been set forth in the Natural Resources and Hazardous Areas chapter of the Joint Comprehensive Plan (Chapter 6) and generally supports the application:

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

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

12.1 – Respect the responsibilities and rights of land ownership.

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

The applicant/property owner met with Development Services staff to review the application process for rezoning.

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. If approved, a potential residential development of 5-acre minimum lot sizes should not encroach or impede these enterprises more than what is existing. If such concerns are raised during the public hearing, the Commission has the option to require a Development Agreement with the Rezone if more restrictive conditions are warranted.

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 11-4-2.A lists the purpose of the A-2 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 A-2 zone has a five (5) acre minimum lot size requirement.

The applicant’s intent is to apply for a subdivision to create three Lots. (If the rezone is approved, a subdivision application must be filed to divide the property). The requested zoning would support this type of division. The subject site is large enough, therefore this criteria is met.

B. Permitted Uses:

The subject site is currently zoned A-1 (40-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, limited services, various housing/residential uses, including halfway houses and single-family residential.

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

Agriculture, kennel, mining, utilities, limited manufacturing, limited trade, entertainment and recreation, commercial school, limited services, various housing/residential uses, including halfway houses and single-family residential.

Staff finds the SUP uses noted above are mostly the same for either the A-1 or A-2 zones. The biggest difference is the A-2 zone would allow for a Commercial School with a SUP, whereas it would not be allowed in the A-1 zone.

7. REVISED 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 A-2 rezone in this area. In Staff's estimation, the Comprehensive Plan Future Land Use Map relevant policies does support the rezone application to A-2 since the parcel falls within the County Residential Area, Priority Growth Area 2.

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

Staff finds an A-2 zone would allow three (3) additional dwellings on the subject parcel beyond what is permitted today (as it sits today, the parcel has an existing single-family dwelling). However, the applicant is only proposing two (2) additional parcels at this time. The potential increased septic use could be viewed as detrimental to the health, safety, or welfare when located on five (5) acre minimum lot sizes, but has not yet been verified by SWDH. The County may require further analysis on ground water impacts before a subdivision can be approved which would have to be conditioned with a Development Agreement tied to this rezone.

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

The minimum lot size in the proposed A-2 zone is five-acres. The subject area to be rezoned is currently 20.00 acres in size. The subject site could be developed to comply with the minimum dimensions for an A-2 zone.

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

A list comparing the allowed uses, as listed in the GCC 11-5-5 Matrix Chart, in the proposed A-2 zone with the existing A-1 zone is shown in Section 6 of this report. None of the uses permitted in the A-2 zone are different than the A-1 zone. As such, staff finds the uses allowed in an A-2 zone, as listed in Gem County Code today, are compatible with the intended character of the area. The specific uses are listed according to each zone as allowed outright, prohibited or allowed with a Special Use Permit.

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

The public service agencies/providers that responded to this rezone application were the Gem County Road and Bridge Department and Gem County Assessor's Office (no objection).

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 20.00 acres of A-2-zoned land into five-acre parcels is not expected to generate demands on public services beyond the current service demands with the addition of 2 more parcels.

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. STAFF RECOMMENDATION

Staff finds that the proposed rezone application as proposed 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 Commission must rely upon any additional testimony provided during the public hearing when making its recommendation to the Board of County Commissioners.

June 23, 2022

TO: GEM COUNTY DEVELOPMENT SERVICES

RE: GARDNER REZONE

800 E. Central Rd. T 07N, R01W, Section 32

Dear Sirs,

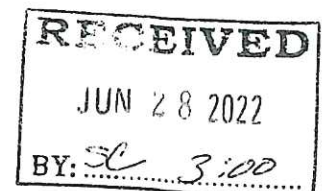
Mr. Gardner's property abuts mine on the east side. We have seen several requests nearby for this type of rezone in the recent past. To my knowledge most of them have been granted. I am not sure what the rationale is in authorizing these requests nor the reasons for placing the current restrictions. In general I respect the right of a property owner to do as he pleases with his property. However, I am often saddened by the crowding and pollution caused when money is the determining factor. My question at this point is how many septic systems and wells can the bench area accommodate before the aquifer is depleted or polluted. I know that several years ago a study of this type was considered but I do not know if it was completed. I believe it is time to place a hold on further rezones until this question is answered. To 'kick this can down the road' will cause us at some time in the future to regret it. I suggest a little science to balance the current money grab we have seen for the past while.

Thank you,

Barrie Smith

955 E. Black Canyon Hwy.

208-859-0475



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

June 30, 2022

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

RE: Gardner (Rezone)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the rezone application of Larry Gardner, property located on/at 800 E. Central Road. GCRB has no comments in regards to this application for rezone, as to the property in question is outside of GCRB jurisdiction. See (Exhibit A)

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

Thank you,

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

Neal Capps, Director
Gem County Road & Bridge

East Central Road

End of County Maintenance

Rezone

655 11



Gem County Assessor

Hollie Ann Strang

415 E Main Street, Room 201 ~ Emmett, Idaho 83617

Phone: (208) 365-2982 ~ Fax: (208) 365-2163 ~ Email: assessor@co.gem.id.us

*Re-Zone
Application*

Assessor's Office Review for
Subdivision/Administrative Split/

Administrative Combo/Property Boundary Adjustment

Date received from DS: 6/22/22 Due Date: 7/5/2022 Review #: R-1 DS File #: Re-Zone-Gardner

Current parcel numbers: Gardner - RP07N01W321350

The Gem County Assessor's office has reviewed the submitted documents. Our findings are summarized below.

	Compliant	Non-compliant	Not Reviewed	Initials
Conveyances	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SW</u>
Closures	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SW</u>
Fit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SW</u>

Comments: Conveyances, Closures, Fit is not reviewed
for Re-Zone Applications

* I have no comments to add for this
Re-Zone Application

Max Wilsey 6/23/22
Mapper Signature Date Completed

Assessor Signature

Date

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of June 2022, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Gardner
T07N, R01W, Section 32

Jeannine Boman
874 E Idaho Blvd
Emmett, ID 83617

Larry Weeks
213 E 46th Street
Garden City, ID 837174

Gary Houtz
950 S Prospect Peak Way
Emmett, ID 83617

Barrie Smith
955 E Black Canyon Highway
Emmett, ID 83617

Michael Yerby
864 E Idaho Blvd
Emmett, ID 83617

Erin Miller
1700 Buttercup Lane
Emmett, ID 83617

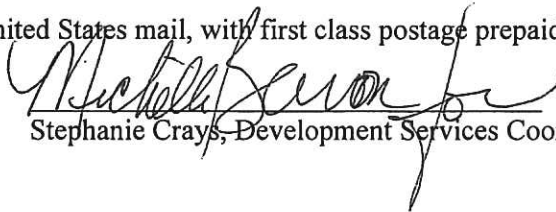
Thornock Family Investments
PO Box 872034
Wasilla, AK 99687

Allen M and Barbara L Carter Revoc Trust
1695 Buttercup Lane
Emmett, ID 83617

Brent Jensen
680 E Central Road
Emmett, ID 83617

Flaherty Family Trust
1759 Buttercup Lane
Emmett, ID 83617

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


Stephanie Crays, Development Services Coordinator