



MASTER PUBLIC HEARING APPLICATION *my H*

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 checked="" type="checkbox"/> REZONE | <input type="checkbox"/> VACATION |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT | <input 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: _____

SITE INFORMATION:

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

Quarter: _____ Section: 33 Township: 07N Range: 01W Total Acres: 13.36

Subdivision Name (if applicable): _____

Site Address: 2659 RIVER RANCH LANE Lot: _____ Block: _____
City: Emmett

Tax Parcel Number(s): RPO7N01W331826 Current Zoning: Res R3 Current Land Use: AG
RPO7N01W331826

PROPERTY OWNER:

Name: Jenamy Roethle

Address: 5458 N Veneill Way

City: Meridian State: ID Zip: 83646

APPLICANT:

Name: Jenamy Roethle

Address: 5458 N Veneill Way
Veneill

City: Meridian State: ID Zip: 83646

Telephone: 805-746-0544

Email: Jenamy29@yahoo.com

Telephone: 805-746-0544

Email: Jenamy29@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]
Signature: (Owner)

9/22/22
Date

[Signature]
Signature: (Applicant)

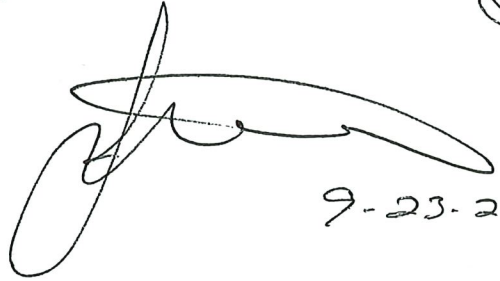
9/22/22
Date

R2-22-013

OFFICE USE ONLY

File No.: _____ Received By: SC Date: 9-23-22 Fee: 710⁰⁰ Receipt No: 2022-00409

I Jeremy Roethle would like to rezone my parcel of land from Residential to Agriculture. I intend to build my primary home with a second dwelling with remaining land to be farmed or for livestock. This rezone will not cause economic, social or physical stress on existing use surrounding areas.



9-23-22



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 (R-3 To A-2)

FILE NUMBER(s): RZ-22-013

ZONING COMMISSION HEARING DATE: January 9, 2022, 6:00pm

PROPERTY OWNERS: Jeremy Roethle
5458 N Vercelli Way
Meridian, ID 83646

APPLICANT: Same

SITE LOCATION: 2659 RIVER RANCH LANE

STAFF PLANNER: Jennifer Kharri

1. APPLICATION SUMMARY:

The applicant, Jeremy Roethle, on property he owns, is requesting a rezone of his property located at 2659 River Ranch Lane which is located off of Plaza Road. The application proposes a change from R-3, Rural Residential (2-acre minimum lot size) to A-2, Rural Transitional Agriculture (5-acre minimum lot size). The purpose of the rezone is to be eligible for to apply for a secondary dwelling and run livestock on the remaining land. The property proposed to be rezoned is 13.36 +/- acres in size and lies fully within 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 2659 River Ranch Lane within Township 7N, Range 1W, Section 33 (Tax Parcel #RP07N01W331826).

B. Current Owner(s): Jeremy Roethle

C. Applicant(s): Same

D. Present Zoning: R-3, Rural Residential (2-acre minimum)

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

F. Property Size: 13.36+/- 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, 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 December 21, 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 December 15, 2022. The physical property was posted for the public hearing on December 15, 2022. Requests for all impact agencies' reviews were mailed on December 15, 2022.

Gem County Development Services received letters from the following public impact agency: Gem County Road and Bridge Department.

Public hearing notices were mailed to eight (8) parcels in the immediate vicinity. No letter were submitted from members of the public.

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 have been zoned R-3 since 2005.

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

4. LAND USE

A. Existing Land Use(s): Single family residential and irrigated pasture land.

B. Description of Character of Surrounding Area: The immediate vicinity is scattered residential with some pastureland. The vicinity contains irrigated and/or irrigatable lands (Last Chance Ditch).

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-3, Rural Residential	Agriculture/Pasture/ Single Family Residential
South of site	County Residential Area, Priority Growth Area 1	R-3, Rural Residential	Agriculture/Pasture/ Single Family Residential
East of site	County Residential Area, Priority Growth Area 1	A-2, Rural Transitional Agriculture	Agriculture/Pasture/ Single Family Residential/Last Chance Ditch
West of site	County Residential Area, Priority Growth Area #2/Area of Critical Concern- Payette River	A-1, Prime Agriculture	Irrigated open pasture / Payette River / island

D. Physical Constraints and Opportunities:

1. Wastewater and Domestic Water:

- a. Water: The site currently has no domestic well.
- b. Septic: The site currently doesn't have 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 majority of the parcel falls within zone "A" on FEMA's Flood Insurance Rate Map, Community Panel Number 160127 0339 B, which indicates floodplain. The property will be subject to Title 13, Flood Damage and Prevention Ordinance at the time of development.

4. Canals/Ditches/Irrigation: The property is served by Last Chance Ditch.

E. Subdivision Plat Information: N/A (separate application)

F. Streets and/or Access Information: The site is served by an existing private road (River Ranch Lane).

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 A-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 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 A-2 zone would be consistent with this Comprehensive Plan policy.

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:

GC6.8 - Ensure that new development includes Health District approved site utilities to protect the quality of water in the county.

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 both rezoning.

12.7 – Support agriculture and business by buffering agriculture and business from incompatible land use encroachment.

The A-2 zone would not cause a land use encroachment.

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 subject site is large enough for such development, therefore this criteria is met.

B. Permitted Uses:

Fruit and produce stand (commercial), utilities, convenience store, park and ride lots, health club, libraries, parks, schools, swimming pools, sports arenas, daycares, government services, clinics, bed and breakfast, and single-family residential.

The proposed A-2 (5-acre minimum) zone allows the following 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.

Staff finds the land uses in the current R-3 zone to be more restrictive than uses allowed in the proposed 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-3 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 A-2 rezone in this area. In Staff's estimation, the Comprehensive Plan Future Land Use Map relevant policies do support the rezone application to A-2 since the parcel is requesting a smaller density.

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

Staff finds an A-2 zone greatly reduces the density therefore it is not found to be detrimental to the public health, safety or welfare.

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 (accumulative) to be rezoned is currently 13.36 acres in size. The site complies with the minimum size and setbacks of the A-2 zone. 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 in the proposed A-2 zone with the existing R-3 zone is shown in Section 6 of this report. More intense uses are allowed with or without a SUP in the proposed zone than in the current R-3 zone. There are a few special uses allowed in the A-2 zone that would not be harmonious with the existing rural residential character of River Ranch Lane, such as mining and entertainment, 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 A-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 Road and Bridge Department. The letter from the Road and Bridge Department has no concerns.

The impacts of rezoning to a smaller density is greatly reduced versus an R-3 zone.

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
Last Chance Ditch
Farmers Co-op Irrigation

9. STAFF RECOMMENDATION

Staff finds that the proposed rezone application, could meet all of the required findings from the Zoning Ordinance listed in Section 7 of this report, and with the overall intent of the applicable Comprehensive Plan policies and Future Land Use Map. 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 from the applicant and the public when making its recommendation to the Board of County Commissioners.

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

December 30, 2022

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

RE: Roethle (Rezone)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the Rezone Application for Roethle, property located on River Ranch Lane. GCRB has no comments in regards to this application.

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 faint, circular official stamp.

Neal Capps, Director
Gem County Road & Bridge

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of December, 2022, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Roethle

T 07N, R 01W, Section 33

Larry Degrange
2505 N. Plaza Rd
Emmett, ID 83617

Richard Hall
~~3120 Cool Water Ln~~
Emmett, ID 83617

Brenda Curtis
2592 N. Plaza Rd
Emmett, ID 83617

Christopher Brazil
2830 Chuckwagon Ln
Emmett, ID 83617


Lila Jorgensen
2899 N. Plaza Rd
Emmett, ID 83617

Janice Lopez
2733 N River Ranch Ln
Emmett, Id 83617

Randal Hallman
4807 W. Little Feather Ln
Eagle, ID 83616

Jeremiah Vickery
2775 River Ranch Ln
Emmett, ID 83617

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


Stephanie Crays, Development Services Coordinator