

# 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: \_\_\_\_\_

## SITE INFORMATION:

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

Quarter: SE Section: 19 Township: 06N Range: 01W Total Acres: 4.865

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

Site Address: 195 E. South Slope Rd Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
City: Emmett

Tax Parcel Number(s): RPO6N01W199160 Current Zoning: \_\_\_\_\_ Current Land Use: \_\_\_\_\_  
RP00268607

## PROPERTY OWNER:

Name: Marshall Griffin

Address: 195 E. South Slope Rd.

City: Emmett State: ID Zip: 83617

## APPLICANT:

Name: Marshall Griffin

Address: 195 E. South Slope Rd.

City: Emmett State: ID Zip: 83617

Telephone: 208-440-4229

Email: marshallgriffin@msn.com

Telephone: 208-440-4229

Email: marshallgriffin@msn.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.

Marshall D. Griffin 5-9-22  
Signature: (Owner) Date

Marshall D. Griffin 5-9-22  
Signature: (Applicant) Date

## OFFICE USE ONLY

File No.: SUP 22-004 Received By: SC Date: 5-9-22 Fee: 325.00 Receipt No: 2022-0035

June 15, 2022

To Whom It May Concern:

The following is our letter of intent for a special use establishment located at 195 E. SouthSlope Rd. Emmett, ID 83617.

1. Will in fact, constitute a special use as established on the Official Schedule of District Regulations for the zoning district involved;

A: Our property does in fact constitute as a special use establishment. It is our personal barn that will occasionally host future events, such as weddings, birthdays, graduation parties, and retirement parties.

2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/ or Zoning Ordinance;

A: We are in harmony with the Comprehensive Plan and/ or Zoning Ordinances.

3. 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;

A: The structure's aesthetic has been built to match our existing home and is in harmony with the surrounding structures.

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

A: We will abide by the laws and will be respectful of neighbors by requiring parties to end at 10pm.

5. 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;

A: We have accessibility to the barn by way of our personal driveway which is approximately 150 feet long, serving as our entrance and exit. Our approximate 2.5 acre field will serve as parking, and has an easement along the west side of our property that will allow access for emergency services as well as our main driveway. We have multiple points of water access, as well as a septic tank and drain filed that services the barn. The upstairs loft in the barn has 2 bathrooms and if needed, we will provide 2 ADA porta potties that will be placed on the south side of the barn. We will have 2 large trash containers on the south side of barn (near porta potties), 1 large trash container in the barn, 3 small trash containers in the loft, and 1 large trash container on the patio (south side of home). Trash will be hauled to Emmett Sanitation the following business day.

6. 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;

A: Our services will not require any costs or cause any harm to the public or community.

7. Will not involve uses, activities, processes, materials, equipment and conditions, or operation that will be detrimental to any persons, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

June 15, 2022

A: Our services will not allow any activities that would be harmful to the environment, community, or persons.

8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

A: We have approximately 2.5 acres of parking for our guests that will not interfere with traffic on SouthSlope Rd. We have a driveway that is approximately 150 ft long for the approach off the main road.

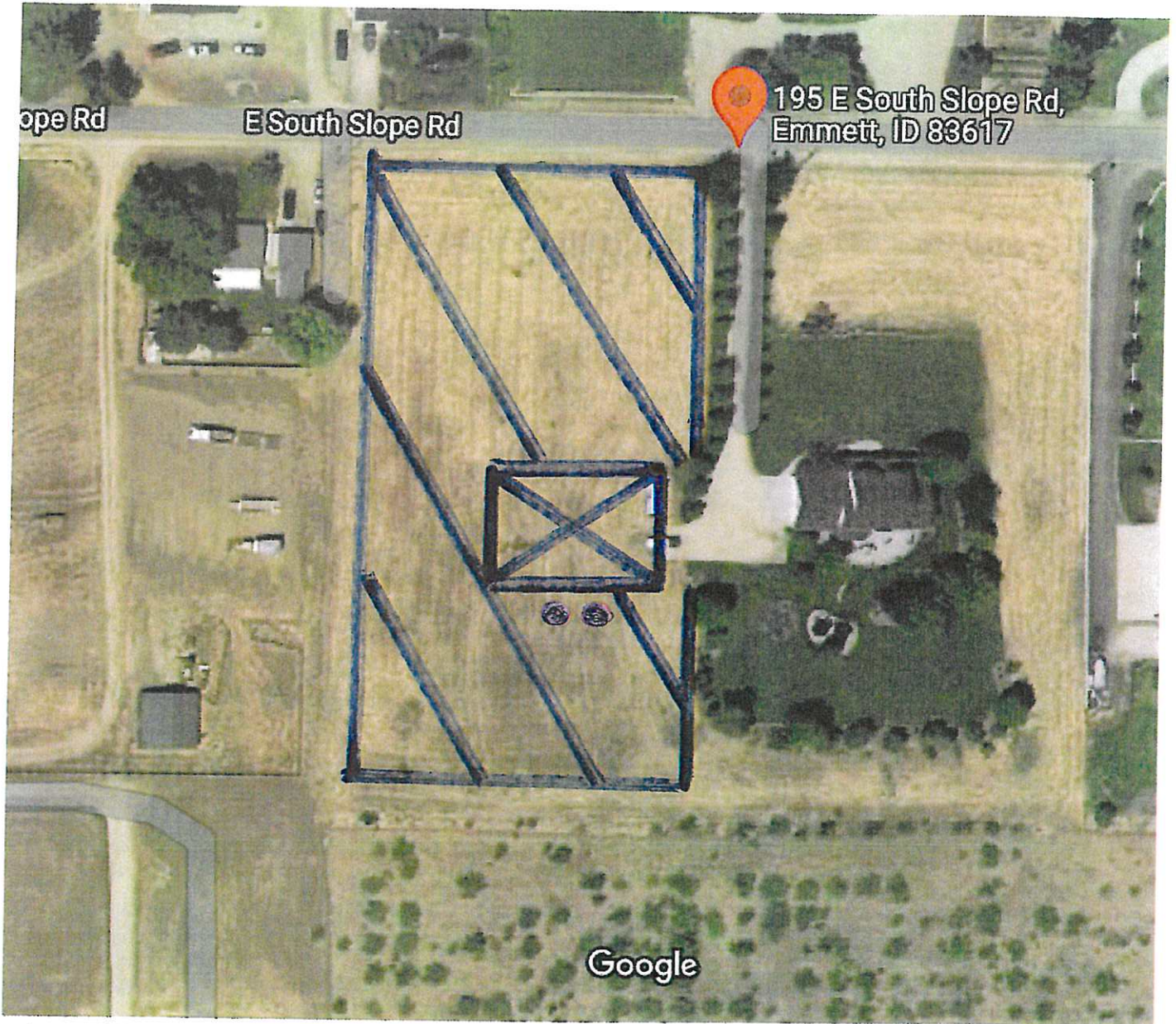
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

A: Our services will not be destructive to any natural, scenic, or historic features.

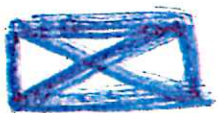
Sincerely,

Marshall & Angela Griffin





Imagery ©2022 CNES / Airbus, Maxar Technologies, State of Oregon, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 100 ft

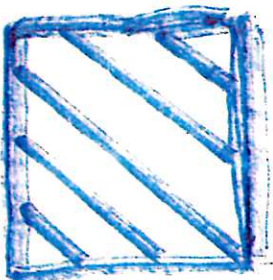


— BARN

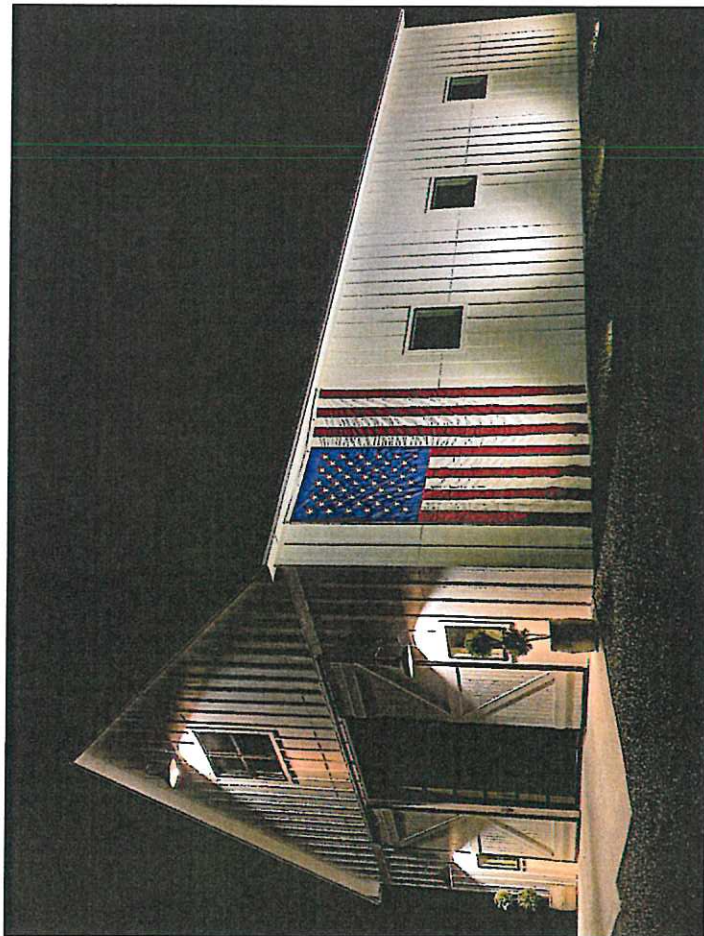


— 2 ADA

Porta Potties



— PARKING







\* 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: [WWW.GEMCOUNTY.ORG](http://WWW.GEMCOUNTY.ORG)

### **STAFF REPORT**

**DESCRIPTION:** SPECIAL USE PERMIT APPLICATION – WEDDING AND EVENT VENUE

**FILE NUMBER:** SUP-22-004

**ZONING COMMISSION HEARING DATE:** JULY 11, 2022

**APPLICANT:** MARSHALL D AND ANGELA GRIFFIN  
195 E SOUTH SLOPE ROAD  
EMMETT, ID 83617

**PROPERTY OWNER:** SAME

**SUBJECT PROPERTY:** 195 E SOUTH SLOPE ROAD, IN T 06N, R 01W, SECTION 19

**STAFF PLANNER:** JENNIFER KHARRL

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

The applicant, Marshall Griffin, is requesting approval of a Special Use Permit (SUP) to allow weddings and similar events on private, residential property. The venue is proposed at 195 East South Slope Road and is located in the A-2, Rural Transitional Agriculture zone (5-acre minimum). The subject property consists of approximately 4.86 acres. Off-site caterers, portable toilet providers, and other services associated with special events would also be permitted (as proposed).

“Wedding and Event Venue” is not a land use that is listed in Gem County Code (GCC) 11-5-5, Zoning Matrix. It is a unique category. The most similar land use in the Zoning Matrix is probably “cultural activities” under the sub-heading of “Entertainment and Recreation,” which requires a SUP in the A-2 zone. GCC 11-5-3 states that “uses not specifically listed or not deemed similar to allowed uses shall require a special use permit.” The property lies within the “County Residential Area, Priority Growth Area #1” land designation of the Future Land Use Map.

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

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

The property is located at 195 East South Slope Road. The property is located in a portion of Section 19, T 06N, R 01W.

B. Current Owner(s): Marshall D and Angela Griffin  
195 East South Slope Road  
Emmett, ID 83617

C. Applicant(s): Same as owner

D. Present Zoning: A-2, Rural Transitional Agriculture

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

F. Property Size: 4.86 +/- acres

### **3. APPLICATION PROCESS FACTS**

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on May 9, 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 11-7-6 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 22, 2022.

We received three (3) response letters from impact agencies – Gem County Road and Bridge Department, Emmett Irrigation District and Assessors Office.

Public hearing notices were mailed to thirteen (13) parcels in the immediate vicinity. Two written comments were 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 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): Single-family dwelling, pole building with irrigated pasture.

B. Description of Character of Surrounding Area: Irrigated pastureland and rural single-family dwellings.

C. Adjacent Comprehensive Plan, Zoning and Land Use:



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

D. Existing Site Characteristics:

The property is irrigated and contains a single-family dwelling and outbuildings.

E. Physical Constraints and Opportunities:

1. Wastewater & Domestic Water: Currently, the property has an individual domestic well and septic system for the home.
2. Topography: Relatively Flat.
3. Vegetation: Native vegetation and pastureland.
4. Floodplain: Parcel is outside of the mapped floodplain.
5. 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.

F. Special Use Information: A Special Use Permit application is required for the proposed special events in the A-2 zone.

G. 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.

H. Streets and/or Access Information: Vehicular access to the property is taken directly off of South Slope 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 County Residential Area, Priority Growth Area 1.

The Comprehensive Plan defines the “County Residential Area, Priority Growth Area 1” category (in **Chapter 12**) as follows:

“This is a special land use designation immediately adjacent to the City of Emmett and Area of City Impact. The County Residential Area is set aside for primarily residential development. The Priority Growth Area 1 allows densities at one (1) unit per acre, as the Zoning and Subdivision Ordinances allow. The long term vision for this planning area is to maintain the uniquely rural character and to preserve non-conforming uses.”

*This property is located in an A-2 zone and within the County Residential Area, Priority Growth Area 1 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.
- 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:

- **11-3-5.F. Residential Area Use:** No facilities or use can be permitted in residential areas unless it is clearly demonstrated that the proposed use will not result in smoke, dirt, litter, smog, air or water pollution, excessive noise or offensive odors beyond the limits of the facility.

*There are a few nearby residences. The proposed special event use may generate excessive noise at times. The Commission must find a way to mitigate the noise.*

**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. "Special Events" is not a land use that is listed in Gem County Code (GCC) 11-5-5, Zoning Matrix. It is a unique category. The most similar land use in the Zoning Matrix is "cultural activities" under the sub-heading of "Entertainment and Recreation," which requires a SUP in the A-2 zone. GCC 11-5-3 states that "uses not specifically listed or not deemed similar to allowed uses shall require a special use permit."*

- 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 "County Residential Area, Priority Growth Area #1" designation on the Future Land Use Map of the Comprehensive Plan, as outlined in Section 5 of this report. The increased noise and traffic may cause a nuisance.*

- 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 and agricultural, with scattered single-family residential and hobby farm uses in the vicinity. The intended character of the area (as defined in Chapter 12 of the Comprehensive Plan) is an area set aside for primarily residential development and to maintain the uniquely rural character and to preserve non-conforming uses.*

*Depending upon the level of traffic and services (including deliveries) and the number of special events, the proposed use has the potential to change the character of the area, especially if the events extend into late night hours. For this reason, staff finds some special conditions are necessary in order to protect 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 hearing from both existing residents and the applicant and their plans to address any compatibility concerns.*

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

*Staff finds that the proposed use has the potential to be disturbing to neighboring uses with the traffic generated by the special events (as compared to residential or agricultural uses) and, potentially, music or other amplification associated with the outdoor activities. When bands or DJ's are hooked up to a sound system they will generate noise levels that will affect neighboring properties. These levels will be beyond normal A-2 zone levels. The Commission should review this finding in relationship to the proposed conditions and other evidence presented at the hearing.*

- 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 couple 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. There are no anticipated negative impacts on the public facilities and services. If operated in accordance with county regulations, it should not be detrimental to the economic welfare.*

- 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. Staff finds that the use will not be detrimental to persons or property if operated in accordance with Gem County laws and the conditions below. Weddings and special outdoor events do not typically generate smoke, fumes, glare or odors, except the typical side effects of food preparation.*

*Staff finds that determining what is "detriment" 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 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 has some conditions for the access so the approach shouldn't create an interference with traffic and public thoroughfares.*

- 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. There are no known historical structures in the area.*

## **8. IMPACT AGENCIES NOTIFIED**

Gem County Road Department  
Gem County Mapping  
Southwest District Health Department  
Gem County Sheriff  
Fire District #1  
Emmett Irrigation District  
Idaho Transportation Department  
Gem County Building Official

## **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 at the public hearing. Should the Commission make positive findings of fact and vote to approve this application, staff recommends that the approval be subject to the Site Specific Conditions of Approval attached in Exhibit A.



**EXHIBIT A**  
**PRELIMINARY SITE SPECIFIC CONDITIONS OF APPROVAL**  
**GRIFFIN**  
**FILE #SUP-22-004**

1. This permit is subject to an annual review by the Development Services Department.
2. The permit is non-transferable to another property and is only valid at 195 East South Slope Road.
3. The events associated with the Special Use Permit shall only take place on Thursday through Sunday between 11:00 AM and 10:00 PM.
4. The applicant shall provide designated parking areas for each special event and shall ensure a minimum 20-foot wide open fire and emergency vehicle access lane is provided within 150 feet of the special event area. Emergency vehicles must have clear and unencumbered access to within 150 feet of the special event area. Comply with any Gem Fire District #1 or Gem County Sheriff special requirements for any event.
5. Applicant shall comply with the conditions from the Gem County Road and Bridge Department letter dated June 29, 2022.
6. 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.
7. The applicant is responsible to keep all refuse and trash on their property.
8. Music shall be played no later than 10:00pm at a low decibel as to not create a nuisance to the neighboring properties.
9. Illegal fireworks are prohibited to be discharged at any time.
10. No parking is allowed on South Slope Road.
11. No event associated with this permit shall allow for more than 200 guests on the property at any given time.
12. The applicant is responsible to provide all events with on-site toilet and sanitation services that comply with Southwest District Health Department rules and standards.
13. The applicant shall comply and/or ensure compliance by off-site caterers with all Southwest District Health Department standards for dispensing food to the public.
14. All lighting used during special events shall be fully contained within the property boundaries and not cause a nuisance or distraction to neighboring properties or to drivers.
15. No permanent off-premise signs are permitted with this permit and all on-premise signs shall comply with the Gem County Sign Ordinance.

#### **GCC 11-7-11: LAND USE TIME LIMITATIONS:**

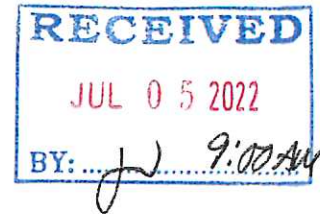
- (1) Commencement: When a special use permit is granted, the land use or construction of its facility proposed in the application must have commenced within one (1) year of the date of the final decision by the Commission, or the Board or a court of appropriate jurisdiction (if appealed) and completed 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.



June 29, 2022



Gem County Development Services  
109 South McKinley Ave  
Emmett, ID 83617

Re: Property at 195 E South Slope Rd, Marshal Griffin/Event Center Proposal

To whom it may concern,

I received the letter in the mail regarding the application for an event center located at the Griffin's home. Being a neighbor, my concern is noise level during these events. With everyone having open land area around our homes, and mostly 2 acre lots, noise travels easily and unfortunately noise does not stop at property lines. Also, during parties, especially during summer months, I would assume the barn doors would be open allowing music to spread more freely as well as party goes outside. In past family parties they have had, the music, voices and fireworks noise travels and impedes on enjoying our homes, so we have already experienced this very request of an event center at this property. I understand having family events occasionally, as it is their property, and they have that right. Having events on multiple weekends a month, in a residential area, that lasts into the evening or 10 pm as stated, would hinder the use of our outdoor space at our homes as well as noise heard inside our homes (again we have experience with this very matter so this is not an assumption). With the need for affordable event venues, this could easily turn into an every weekend occurrence of parties and be disruptive to our otherwise peaceful properties (even 2 Saturdays a month would be too much). We as homeowners in this area chose to purchase/build our homes in a peaceful rural surrounding for a reason. I ask that you take in account the homeowners surrounding this proposed event center and how it would impact their properties and individual use and enjoyment of it.

Thank you for giving us the opportunity to give our input.  
Concerned neighbor

June 28<sup>th</sup> 2022



To whom it may concern

Regarding the property located at 195 E. South Slope Rd. T06N, R01W, Section 19

We strongly oppose this application for special use. There are numerous options for the Griffins to hold "Events" at established Event centers. Our homes are our sanctuaries and our only place to expect peace and quiet. In your application you state you need this permit to hold "Occasional" parties. Nobody is opposed to anyone hosting occasional parties. The fact you are requesting a complete Special Use Permit indicates your intent to host far more than the occasional party.

We appreciate the relationship we currently have with all our neighbors on the slope and hate to see our rural, quiet neighborhood tuned into a party zone.

Please do not approve this application.

Chris Alexander

4220 Rocky Point Lane

A handwritten signature in black ink, appearing to read "Chris Alexander", with a long, sweeping underline.



**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 29, 2022

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

RE: SUP (Event Center)

Dear Jennifer,

Gem County Road & Bridge (GCRB) has reviewed the Special Use Permit application of Marshall Griffin for an event center, located at 195 E. South Slope Road. The applicant has provided the maximum number of 200, guests at this location. The current driveway does not meet the requirements for the additional vehicle volumes, which could potentially occupy this event center. In 2006 South Slope Road was widened to 24 feet and will support the added vehicle traffic from the event center in question.

GCRB recommends the following conditions be added to the special use permit, if approved;

1. Applicant shall apply for an access approach permit with GCRB.
2. Applicant shall construct the access to 40 feet in width, for commercial use. See (Exhibit A)
3. Applicant shall pave the approach access in question.
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. See (Exhibit B)
5. 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%.
6. Applicant shall hire an experienced paving contractor licensed in the State of Idaho.
7. Applicant or contractor, shall provide commercial asphalt mix design to GCRB for approval, prior to paving approach.
8. Applicant shall saw cut the edge of the existing pavement and apply tack oil on said roadway, prior to paving approach.
9. Paved approach shall be a minimum of 40 feet in width and a minimum of 30 feet in length. The asphalt shall be a depth of 3 inches after compaction. The compaction test shall be a minimum of 92%.
10. Approach shall meet Gem County approach standards upon completion.
11. No advertisement or event sign shall be placed in GCRB right of way. As per Idaho Code 40-2319, Encroachments.
12. No vehicles shall be permitted to park on E. South Slope Road, during business events.
13. Applicant shall retain and direct all storm water runoff into a holding pond, from the parking lot and property in question.

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

Thank you,

  
Neal Capps, Director  
Gem County Road & Bridge Department





Commercial Ingress/Egress

Exhibit A





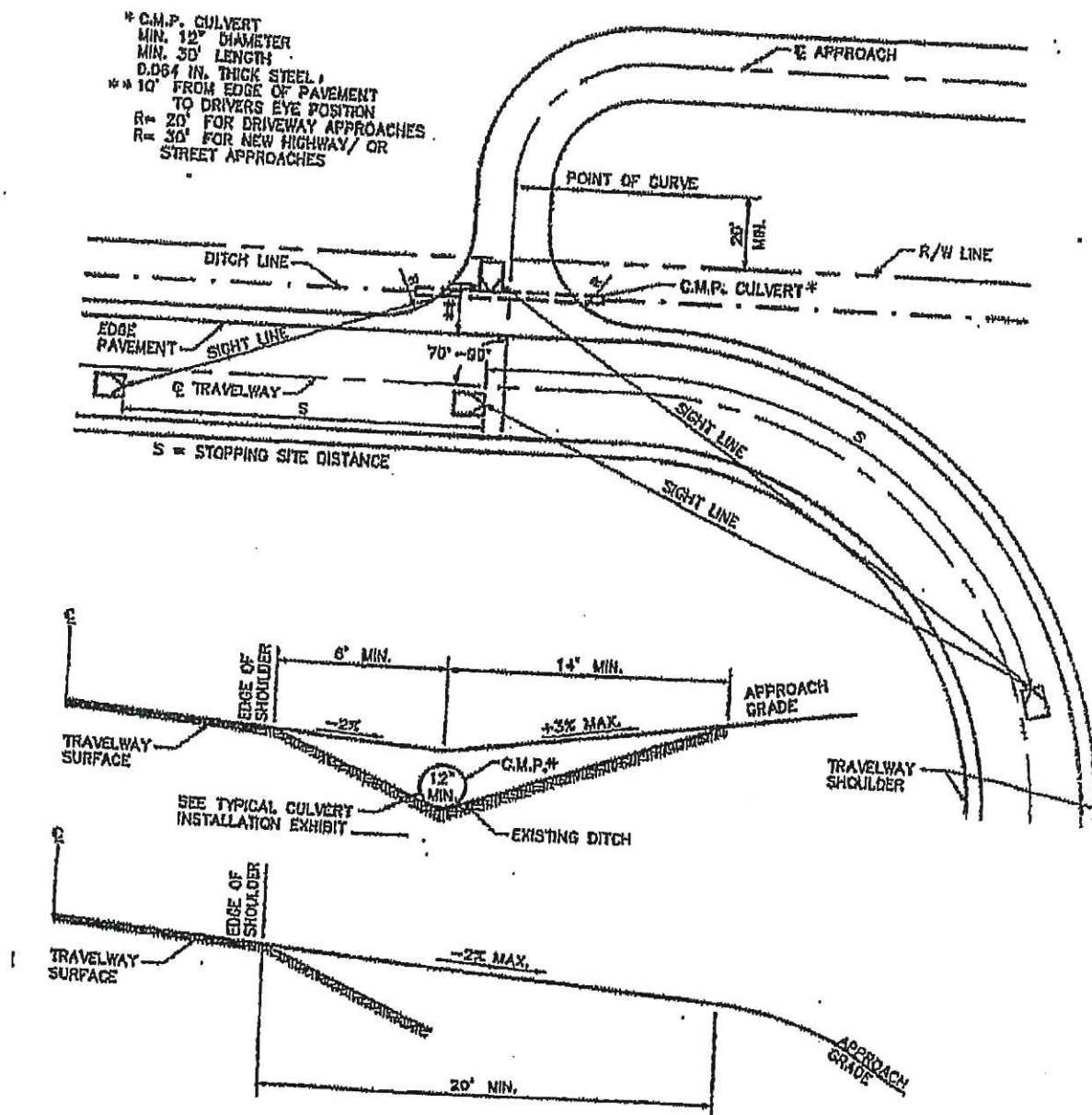
4 ft

© 2022 Google

Exhibit B

43°50'21.51" N 1





# STANDARD APPROACH POLICY N.T.S.



12 inches pit Run  
4 inches Rd. base

FIGURE V, H





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](mailto:assessor@co.gem.id.us)

Special Use  
Permit App

Assessor's Office Review for  
Subdivision/Administrative Split/  
Administrative Combo/Property Boundary Adjustment

Date received from DS: 4/22/22 Due Date: 7/5/22 Review # 51 DS File #: SWP-Griffin

Current parcel numbers: Griffin - RPOUND 16199160

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 not reviewed for  
Special Use Permit Applications

\* I have no comments to add for this  
Special Use Permit Application

Holly Strang 4/23/22  
Mapper Signature Date Completed

\_\_\_\_\_  
Assessor Signature Date

222 E. Park St.  
Emmett, Idaho 83617



**Serving the Valley Since 1910**

emmettirrigationoffice@gmail.com

July 5, 2022

Gem County Development Services  
Attn: Stephanie Crays  
109 S McKinley  
Emmett, Idaho 83617

RE: Special Use Permit – Event Center  
Marshall Griffin  
195 E South Slope Rd  
Emmett, Idaho 83617

To Whom It May Concern,

Emmett Irrigation District (EID) recently received a request of approval concerning EID easements with the property located at 195 E South Slope Rd. Emmett, Idaho 83617

EID does not oppose the special use permit; however, EID would like to express concerns about Idaho Statue 42-1102 and 42-1207, please see attached.

42-1102:  
Concerning Right-of-way for irrigation easements.

42-1207:  
Concerns with maintenance and repair of ditch, canal, drains or buried irrigation.

Please contact me at 208-365-8983 or email [emmettirrigationshop@gmail.com](mailto:emmettirrigationshop@gmail.com) with any questions you may have.

Sincerely,

Andrew Griggs  
District Manager  
Emmett Irrigation District





# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

## TITLE 42

### IRRIGATION AND DRAINAGE – WATER RIGHTS AND RECLAMATION

#### CHAPTER 11

#### RIGHTS OF WAY

42-1102. OWNERS OF LAND – RIGHT TO RIGHT-OF-WAY. (1) When any such owners or claimants to land have not sufficient length of frontage on a stream to afford the requisite fall for a ditch, canal or other conduit on their own premises for the proper irrigation thereof, or where the land proposed to be irrigated is back from the banks of such stream, and convenient facilities otherwise for the watering of said lands cannot be had, such owners or claimants are entitled to a right-of-way through the lands of others, for a ditch, canal, or conduit to convey water to the place of use for the purposes of irrigation.

(2) The right-of-way for a ditch, canal, or other conduit shall include but is not limited to the reasonable exercise of the following rights:

(a) The right to enter the land across which the right-of-way extends for the purposes of accessing, inspecting, operating, cleaning, maintaining, and repairing the ditch, canal, conduit, embankments, and irrigation structures, and to occupy such width of the land along the ditch, canal, conduit, and embankments as is necessary to properly perform such work with personnel and with such equipment as is commonly used or is reasonably adapted to that work.

(b) The right to remove from the ditch, canal, conduit, embankments, and irrigation structures the debris, soil, vegetation, and other material the ditch, canal, or conduit owner or operator reasonably deems necessary to properly access, inspect, operate, clean, maintain, and repair them. The owner or operator has the right and discretion to transport the material from the right-of-way, to utilize the material for reconstruction, repair, or maintenance of the ditch, canal, conduit, embankments, irrigation structures, and related roads and access areas, and to deposit and leave the material within the right-of-way, provided that the deposits occupy no greater width of land along the ditch, canal, conduit, and embankments than is reasonably necessary.

(c) The right to occupy the right-of-way during any season of the year to perform the work of operating, cleaning, maintaining, and repairing the ditch, canal, conduit, embankments, and irrigation structures, without prior notice to the owner or occupant of the land across which the right-of-way extends.

(d) The owner or operator of the ditch, canal, or conduit is not obligated to maintain or control the right-of-way or vegetation for the benefit of the owners or claimants of lands of others.

(3) Provided that in the making, constructing, keeping up and maintenance of such ditch, canal or conduit, through the lands of others, the person, company or corporation, proceeding under this section, and

those succeeding to the interests of such person, company or corporation must keep such ditch, canal or other conduit in good repair and are liable to the owners or claimants of the lands crossed by such work or aqueduct for all damages occasioned by the overflow thereof, or resulting from any neglect or accident (unless the same be unavoidable) to such ditch or aqueduct.

(4) The existence of a visible ditch, canal or conduit shall constitute notice to the owner, or any subsequent purchaser, of the underlying servient estate, that the owner of the ditch, canal or conduit has the right-of-way and incidental rights confirmed or granted by this section.

(5) Rights-of-way provided by this section are essential for the operations of the ditches, canals and conduits. No person or entity shall cause or permit any encroachments onto the right-of-way, including public or private roads, utilities, fences, gates, pipelines, structures, landscaping, trees, vegetation, or other construction or placement of objects, without the written permission of the owner or operator of the right-of-way, in order to ensure that any such encroachments will not unreasonably or materially interfere with the use and enjoyment of the right-of-way. Encroachments of any kind placed in such right-of-way without express written permission of the owner or operator of the right-of-way shall be removed at the expense of the person or entity causing or permitting such encroachment, upon the request of the owner or operator of the right-of-way, in the event that any such encroachments unreasonably or materially interfere with the use and enjoyment of the right-of-way. Nothing in this section shall in any way affect the exercise of the right of eminent domain for the public purposes set forth in section 7-701, Idaho Code.

(6) This section shall apply to ditches, canals, conduits, and embankments existing on the effective date of this act, as well as to ditches, canals, conduits, and embankments constructed or existing after such effective date.

**History:**

[(42-1102) 1881, p. 269; R.S., sec. 3181; reen. R.C. & C.L., sec. 3300; C.S., sec. 5647; I.C.A., sec. 42-1002; am. 1996, ch. 187, sec. 1, p. 594; am. 2004, ch. 179, sec. 1, p. 562; am. 2019, ch. 158, sec. 1, p. 511; am. 2019, ch. 183, sec. 1, p. 590; am. 2021, ch. 250, sec. 2, p. 778.]

How current is this law?

**Search the Idaho Statutes and Constitution**





# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

## TITLE 42

### IRRIGATION AND DRAINAGE - WATER RIGHTS AND RECLAMATION

#### CHAPTER 12

#### MAINTENANCE AND REPAIR OF DITCHES

#### 42-1207. CHANGE OF DITCH, CANAL, LATERAL, DRAIN OR BURIED IRRIGATION

**CONDUIT.** Where any ditch, canal, lateral or drain or buried irrigation conduit has heretofore been, or may hereafter be, constructed across or beneath the lands of another, the person or persons owning or controlling said land shall have the right at their own expense to change said ditch, canal, lateral or drain or buried irrigation conduit to any other part of said land, but such change must be made in such a manner as not to impede the flow of the water therein, or to otherwise injure any person or persons using or interested in such ditch, canal, lateral or drain or buried irrigation conduit. Any increased operation and maintenance shall be the responsibility of the landowner who makes the change, his heirs, executors, administrators, successors and assigns.

A landowner shall also have the right to bury the ditch, canal, lateral or drain of another in pipe on the landowner's property, provided that the pipe, installation and backfill reasonably meet standard specifications for such materials and construction, as set forth in the Idaho standards for public works construction or other standards recognized by the city or county in which the burying is to be done. The right and responsibility for operation and maintenance shall remain with the owner of the ditch, canal, lateral or drain, but the landowner, his heirs, executors, administrators, successors and assigns shall be responsible for any increased operation and maintenance costs, including rehabilitation and replacement, unless otherwise agreed in writing with the owner.

The written permission of the owner or operator of a ditch, canal, lateral, drain or buried irrigation conduit must first be obtained before it is changed or placed in buried pipe by the landowner.

While the owner or operator of a ditch, canal, lateral, drain or buried irrigation conduit shall have no right to relocate it on the property of another without permission, a ditch, canal, lateral or drain owner or operator shall have the right to place it in a buried conduit within the easement or right-of-way on the property of another in accordance with standard specifications for pipe, materials, installation and backfill, as set forth in the Idaho standards for public works construction or other standards recognized by the city or county in which the burying is to be done, and as long as the pipe and the construction is accomplished in a manner that the surface of the owner's property and the owner's use thereof is not disrupted and is restored to the condition of adjacent property as expeditiously as possible, but no longer than thirty (30) days after the completion of construction. A landowner shall have the right to direct that the conduit be relocated to a different route than the route of the ditch, canal, lateral or drain, provided that the landowner, his heirs, executors, administrators, successors and assigns shall be

responsible for any increased construction or future maintenance costs necessitated by said relocation. Maintenance of the buried conduit shall be the responsibility of the conduit owner or operator.

History:

[(42-1207) 1907, p. 237, sec. 4; reen. R.C. & C.L., sec. 3311a; C.S., sec. 5660; I.C.A., sec. 41-1107; am. 1994, ch. 151, sec. 1, p. 345; am. 2002, ch. 115, sec. 4, p. 329; am. 2005, ch. 331, sec. 1, p. 1038; am. 2011, ch. 177, sec. 1, p. 504; am. 2019, ch. 158, sec. 4, p. 513.]

How current is this law?

**Search the Idaho Statutes and Constitution**



CERTIFICATE OF MAILING

I hereby certify that on the 28<sup>th</sup> day of June 2022, I served a true and correct copy of the foregoing upon:

**PROPERTY OWNER LIST WITHIN 300 FEET**

Griffin

T06N, R01W, Section 19

Jerry Radant Jr  
140 E. South Slope Rd  
Emmett, ID 83617

Jim Zarybnisky  
4240 Rocky Point Ln  
Emmett, ID 83617

James Kalac  
4239 S. Johns Ave.  
Emmett, ID 83617

Christian Alexander  
4220 Rocky Point Ln  
Emmett, ID 83617

Heather Dykema  
311 E. South Slope Rd  
Emmett, ID 83617

Dale Bowman  
225 E. South Slope Rd.  
Emmett, ID 83617

Chinnock Living Trust  
1648 N. Plaza Rd  
Eagle, Id 83616

Austin Ferguson  
4200 Rocky Point Ln  
Emmett, Id 83617

Lance Hallworth  
130 E. South Slope Rd  
Emmett, Id 83617

Rocky Donica  
148 E. South Slope Rd  
Emmett, ID 83617

Donald Patterson  
400 E. South Slope Rd  
Emmett, ID 83617

Jeffrey Churchfield  
P.O. Box 369  
Emmett, Id 83617

Steven Hoek  
300 E. South Slope Rd  
Emmett, ID 83617

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

  
Stephanie Crays, Development Services Coordinator