



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: Sapphire RV Park

SITE INFORMATION:

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

Quarter: 4362 Section: 31 Township: 07N Range: 01W Total Acres: 2.69

Subdivision Name (if applicable): _____

Lot: _____ Block: _____

Site Address: 2002 N Washington Ave

City: Emmett

Tax Parcel Number(s): RP07N01W318780

Current Zoning: C1 Commercial Current Land Use: Commercial

PROPERTY OWNER:

Name: Xena Vision LLC

Address: 521 E Main St #413

City: Emmett State: ID Zip: 83617

Telephone: 208-999-3384

Email: Office@SapphireRVPark.com

APPLICANT:

Name: Michael & Veronica Bratcher

Address: 2080 N Washington Ave

City: Emmett State: ID Zip: 83617

Telephone: 208-353-1319

Email: bratcherconcreteman@gmail.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.

MC Bratcher 6-30-22 MC Bratcher 6-30-22

Signature: (Owner)

Date

Signature: (Applicant)

Date

SUP 22-006

OFFICE USE ONLY

File No.:

Received By: SK

Date:

6-30-22

Fee:

325.

Receipt No:

2022-00304

Letter of Intent (Sapphire RV Park)

Addressing the Nine Standards

1. The commercial property has been used for over 50 years as a gas station and the last 8 years as a bar. The subject property is in a C-1 Commercial zone. The Gem County Code 11-5-5 zoning matrix does allow for an RV Park within a C-1 Zone, with a special use permit.
2. The RV Park is in accordance with the objectives of the Comprehensive Plan and / or Zoning Ordinance. The property was last used for the business operation of a bar that had loud noise late into the night. While an RV Park operating with quiet hours between 9:00 pm and 7:00 am is definitely more harmonious and appropriate in this C-1 Commercial zone.
3. The subject property is appropriate in appearance with the existing character of the general vicinity. Improvements have been made to the property however; the commercial front has not changed. The IDT design that has been implemented made the intersection adjacent to the property safer by complying with IDT updated rules for intersection traffic safety.
4. The RV Park will NOT be hazardous or disturbing to existing or future neighboring uses. The RV Park property is fully fenced with a wood privacy fence and the operation of the RV Park would not be a disturbance to the busy commercial businesses to the south and west. The property owner on the east side has planted a large row of trees blocking the view to the RV Park. The privacy fence has been installed outside the existing fence to ensure maintenance access to the drainage ditch. Furthermore, there is nothing hazardous involved with the operations of an RV Park business.
5. The RV Park will be served adequately by essential public facilities. I was personally told we have one of the best trash accesses in town for large garbage trucks as well as extra-large access for long RVs. Leavitt Engineers did a professional job on the site water and drainage as well as B&A Engineers providing the best overbuilt technology proprietary sewer system.
6. The RV Park will NOT be detrimental to the community; The RV Park customers will add to the purchases of goods and services from local business, which will be of great value to the community. Good Sam's Club members in Arizona (who call themselves snowbirds; great patrons who enjoy RV Park living) have reached out expressing interest

Letter of Intent (Sapphire RV Park)

in being at the RV Park during the summer months. The RV Park customers would add additional business to local businesses in the community.

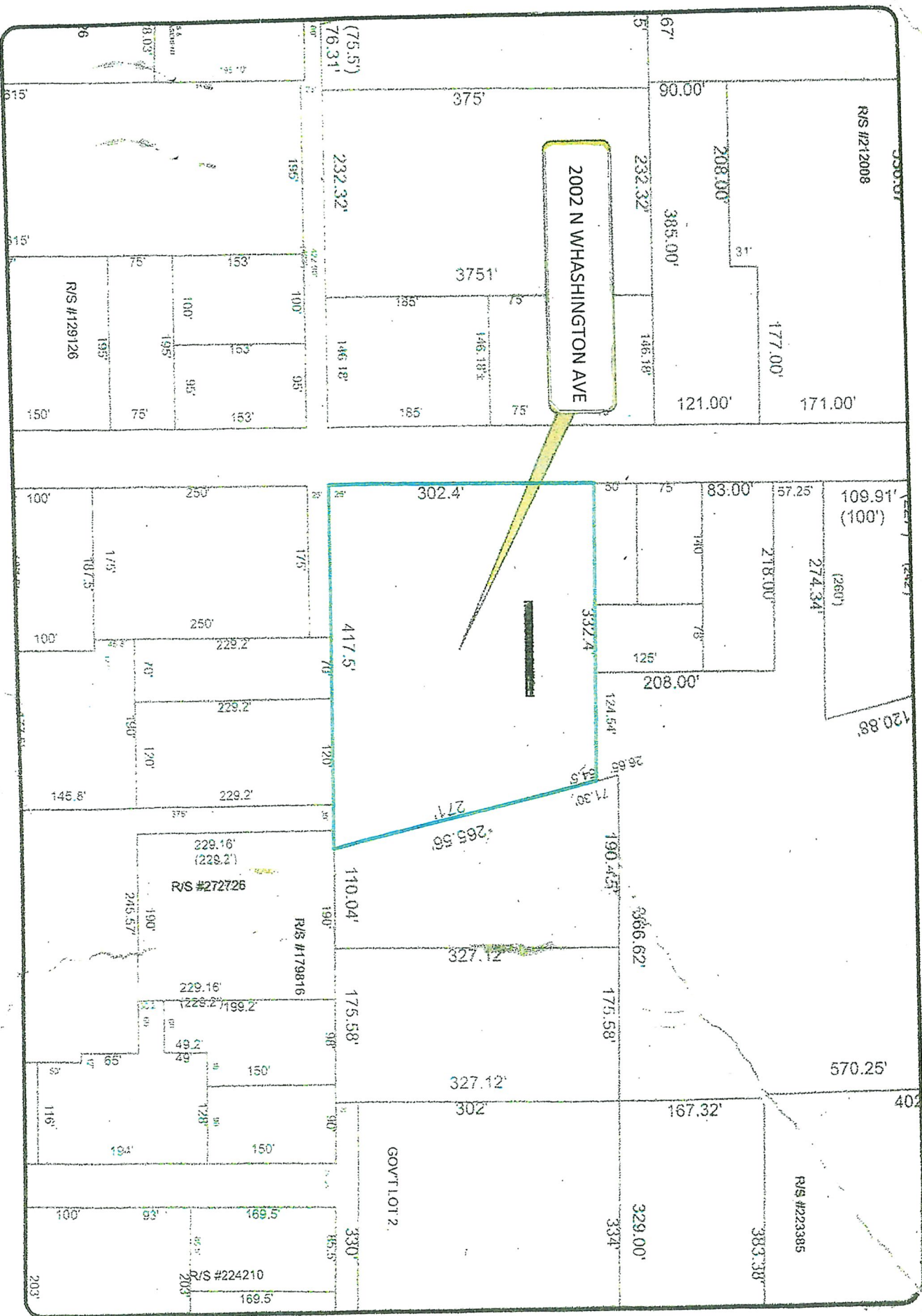
7. Upon the opening of the RV Park, the RV Park will NOT involve uses, activities, process, materials, equipment and conditions or operation that will be detrimental to any persons, property, or general welfare to the public.
8. An extensive costly traffic study was required by IDT before they designed and issued the frontage access for traffic to and from the RV Park and surrounding areas.
9. Lastly, the RV Park property is in a C-1 commercial zone and surrounded by commercial businesses. The operations of an RV Park would NOT affect any natural, scenic or historic features of major importance.
10. The RV Park will operate with the same standard RV Park rules, regulations and business practices as other RV Parks. The RV Park will operate under standard business practices of having daily, weekly, and monthly month- to- month rates. Reservations for daily, weekly, and month- to- month rates will enable traveling patrons to reserve in advance (Many RV Park patrons schedule months in advance for their stays; especially extended stays over 30 days). This reservation system also fills a need in the community by providing long term rentals for patrons who are relocating and need a place to stay during construction or while seeking permanent housing. Any impact from long term stays will be mitigated by the enforcement of park rules. Below are some of the RV Park rules, regulations and business practices that Sapphire RV Park will operate under. Please see attached Sapphire RV Park Rules & Regulations for a complete list of the RV Park Rules and Regulations.
 - a. RVS allowed entry will be in good condition and in good working order. Exterior of RVS will be in good condition and present an acceptable appearance. RVS with extended stays of more than 30 days will not be any older than 15 years old (with exceptions only to classic RVS in a restored good condition and appearance)
 - b. RV Sites:
 - i. Only items normally used for camping and recreation may be kept outside RV sites.
 - ii. No permanent RV skirting will be allowed such as plywood.
 - iii. No open burning wood flames (propane fire pits acceptable).
 - iv. No fireworks will be allowed.

Sapphire RV Park Rules & Regulations

- QUIET TIME: 9:00pm –7:00 am - please be considerate of others. No loud music at any time.
- DRIVING IN RV PARK: Maximum driving speed in RV Park is 5mph. Always, observe one-way roads and proper exits. Always stay on roads and do not cut through empty RV Sites.
- RV CONDITION & AGE of RV: RV must be in good condition, clean and in good working order. No leaking hoses, tanks, showers, etc. You must use a working gas furnace as a primary heat source. RV exterior must be in good condition and present an acceptable appearance. RV Park limits vehicle age for extended stays over 30 days. An RV more than 15 years old is not permitted for extended stays, (with exceptions only to classic RVS in a restored good condition and appearance).
- RV SITE: Only items normally used for camping and recreation may be kept outside or under your unit including grills, lawn chairs, and table. Bikes may be kept near unit.
- Items such as trash cans, appliances, hoses, storm windows, barrels, luggage, tools, building materials, ladder, dead plant containers, auto mechanic parts, etc. CANNOT BE KEPT OUTSIDE.
- PLANTS: Flowerboxes and flowerpots are welcome (limit 2 per space) but must be kept watered and weed free. In winter months, plant containers must be out of sight.
- RV SITE shall always remain neat and orderly; cloths lines are NOT allowed, tarps are NOT allowed, nothing can be built or erected on site, any permanent RV skirting such as plywood or straw skirting is NOT allowed.
- RV Park reserves the right at any time to ask to remove any item on site or to remove or disassemble anything built or erected on site.
- NO OPEN BURNING WOOD FLAMES (propane fire pits acceptable).
- NO FIREWORKS ALLOWED. NO OPEN FIREARMS DISPLAYED.
- TRASH: Dumpster located in the park is for personal trash only. All garbage must be bagged & tied, boxes broken down. DO NOT leave trash outside by your RV. Cleanliness of the park is important to us. Sites are to be kept clean and orderly, as determined by management.

- CHILDREN: We want the children to be safe & have a good time, but always under the watchful eyes of a parent/guardian. Please use good judgement if you decide to leave your children at the park when you are gone. We are not responsible for their safety or welfare. You are liable for their behavior.
- VISITORS: Visitors must park their vehicle as determined by RV Park in guests RV site or Visitor Parking. Visitors must be in the Guest(s) company. A visitor is NOT allowed to stay overnight unless authorized by RV Park. RV Park reserves the right to charge for an overnight visitor.
- CONDUCT: Disorderly conduct, drunkenness, illegal drugs, obscene language, obnoxious, disruptive or vulgar behavior will not be tolerated. There will be reason for immediate eviction without refund.
- DRUGS: Illegal drugs of any form are prohibited on the property of Sapphire RV Park. Person(s) caught in violation of this rule are subject to immediate eviction without a refund. Person(s) knowing of any illegal activity are encouraged to notify the management immediately. Any information reported will be strictly confidential.
- SOLICITING: NO Soliciting within the park. Breach of this rule will result in expulsion from the park with no refunds of fees paid.
- WATER CONNECTIONS: DIRECT USE OF WATER HYDRANTS IN FREEZING WEATHER IS AT YOUR OWN RISK. RV site guest(s) are responsible for wrapping and plugging in a heat tape to prevent freezing water lines. Any damages to the hydrant plus labor and services needed to repair the damage caused will be charged to the guest(s).
- MAINTENANCE PROBLEMS: Report any maintenance problems immediately to our office at [208-999-3384](tel:208-999-3384). For afterhours emergency call at [208-999-3384](tel:208-999-3384) opt 2.

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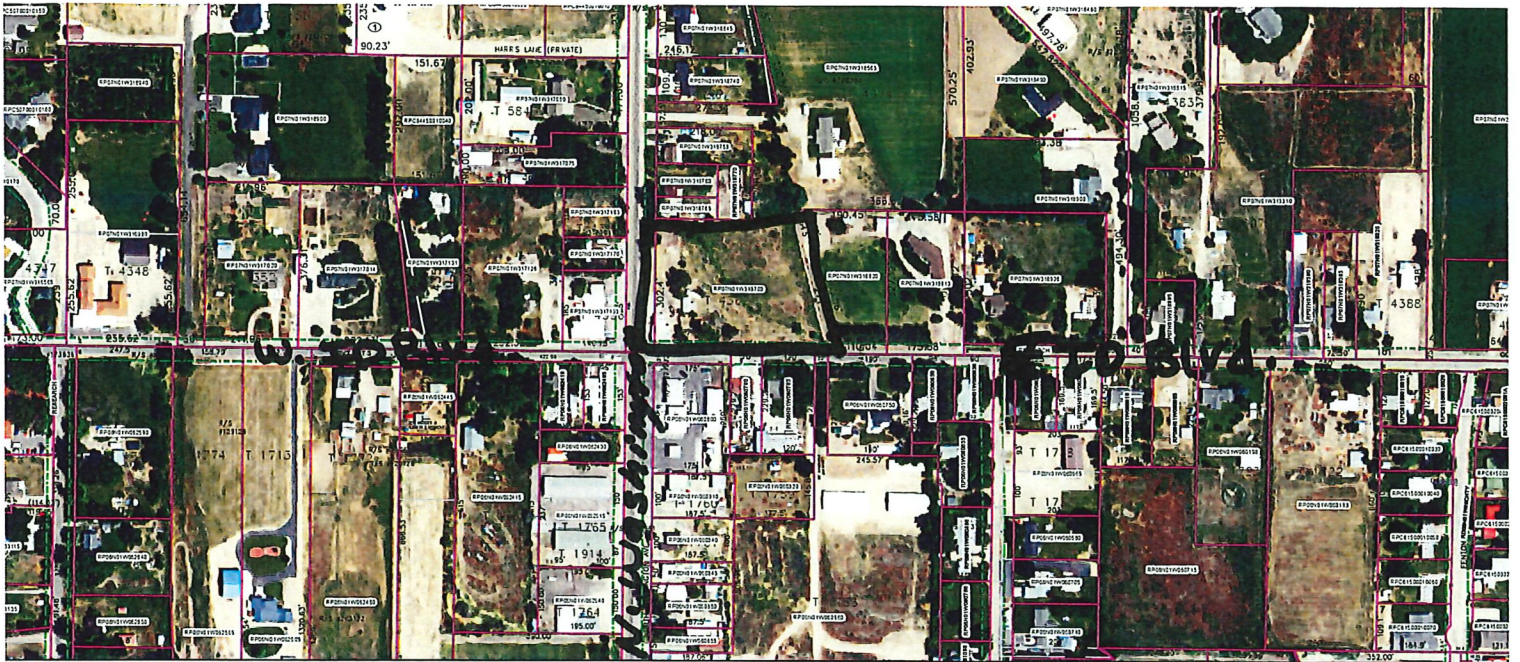


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prepared for, or be suitable for legal, engineering or surveying purposes. Users of this information should

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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

DESCRIPTION: SPECIAL USE PERMIT APPLICATION – RV PARK

FILE NUMBER: SUP #22-006

PLANNING AND ZONING COMMISSION HEARING DATE: OCTOBER 3, 2022 6:00 PM

**APPLICANT: MICHAEL AND VERONICA BRATCHER
2080 NORTH WASHINGTON AVENUE
EMMETT, ID 83617**

PROPERTY OWNER: XENA VISION LLC

SUBJECT PROPERTY: 2002 N WASHINGTON AVENUE, IN T 07N, R 01W, SECTION 31

STAFF PLANNER: JENNIFER KHARRL

***Update/history:** This application is a resubmittal of the SUP approved by the Zoning Commission in 2018. In December 2021, the Zoning Commission revoked the SUP due to non-compliance. The applicant has complied with all previous requirements.

1. APPLICATION SUMMARY

The applicant, Michael and Veronica Bratcher, on property owned by Xena Vision, LLC is requesting approval of a Special Use Permit (SUP) to allow a recreational vehicle park. The park is proposed at 2002 N. Washington Avenue and is located in the C-1, Commercial, zone. The subject property consists of approximately 2.69 acres and has an existing commercial building that has been converted into the service building for the RV Park. The applicant is proposing 12 RV spaces with hook-ups and 6 dry camp/tent spaces.

“Recreational Vehicle Park” is listed as a “Special Use Permit” in the C-1 zone per Gem County Code (GCC) 11-5-5, Zoning Matrix. The property lies within the “Neighborhood Commercial” land designation of the Future Land Use Map.

2. APPLICATION & PROPERTY FACTS

A. Site Address/Location:

The property is located at 2002 North Washington Avenue which is the northeast corner of North

Washington Avenue and Idaho Boulevard. The property is located in a portion of Section 31, T 07N, R 01W.

- B. Current Owner(s): Xena Vision, LLC
2080 N Washington Avenue
Emmett, ID 83617
- C. Applicant(s): Michael and Veronica Bratcher
- D. Present Zoning: C-1, Commercial
- E. Present Comprehensive Plan Designation: Neighborhood Commercial
- F. Property Size: Approx. 2.69 acres

3. APPLICATION PROCESS FACTS

- A. Application Submittal:
The application for this item was received by the Development Services Department on December 6, 2017 and deemed complete on June 30, 2022.
- 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 September 14, 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 September 9, 2022. The physical property was posted for the public hearing on September 13, 2022. Requests for all impact agencies' reviews were mailed on September 9, 2022.
- 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: As mentioned up above, this is a resubmittal of the same SUP application from 2018. The Zoning Commission revoked the SUP in 2021.
- E. Companion Applications: None.

4. LAND USE

- A. Existing Land Use(s): A commercial building.
- B. Description of Character of Surrounding Area: Rural Residential and Commercial uses.
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	Mixed Planned Development	MX, Mixed Use	Rural Residential
	Neighborhood	MX, Mixed Use	Convenience Store/Gas

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
South of site	Commercial		Station
East of site	Neighborhood Commercial	MX, Mixed Use	Rural Residential
West of site	Neighborhood Commercial	C-1, Commercial	Lund's Restaurant (vacant)

D. Existing Site Characteristics:

The property slopes toward the eastern property line where the drain ditch is located.

E. Physical Constraints and Opportunities:

1. Wastewater & Domestic Water: Currently, the property has a well and septic system. The septic system has been approved by SWDH for the RV Park.
2. Topography: The property slopes toward the east property line.
3. Vegetation: Mature shade trees.
4. FEMA Community panel number 160127-0319 B, Zone X: areas determined to be outside of the .2% annual chance of floodplain.
5. Hazards: The applicant should disclose any known hazards on the property at the public hearing.

F. Special Use Information: A Special Use Permit application is required for the proposed RV Park in the C-1 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 proposed to be taken off of North Washington Avenue and Idaho Boulevard.

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 Neighborhood Commercial.

The Comprehensive Plan defines the “Neighborhood Commercial” category as follows:

“A moderate sized shopping area that features a grocery store but may also include a drug store or variety of services such as stationary, clothes, restaurants, dry cleaners, real estates, gardening and other similar uses. A neighborhood commercial area may have a total of 15, 000 to 30, 000 square feet but no single buildings in excess of 25,000 square feet.”

This property is located in a C-1 zone and within the Neighborhood Commercial designation of the Future Land Use Map. The definition does not specifically mention an RV Park or similar uses as being part of the long-term vision for the Neighborhood Commercial areas. However, if the uses are approved through a SUP and are found to be largely compatible with surrounding land uses, the Commission may be able to approve the application, as supported by the Neighborhood Commercial policies.

Land Use – Chapter 12

Policy 12.6.4. Support commercial and business development throughout the county that are compatible with adjacent development and/or agricultural land uses.

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

- A. Schedule of Zoning Regulations: Gem County Code 11-5-5, Zoning Matrix, permits an RV Park with a Special Use Permit in the C-1 zone.
- B. Purpose Statement of Zone: Gem County Code 11-4-7.A. lists the purpose of the C-1, Commercial zone as follows: “To provide an area for convenience business use meeting the needs to nearby residential neighborhoods. To provide an area for commercial business uses and to restrict incompatible commercial uses which may be better located in other commercial zones.”

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 has submitted grading and drainage plans and Keller Associates (Gem County's engineer) is currently reviewing 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 C-1, Commercial zone. Gem County Code 11-5-5, Zoning Matrix does allow RV Parks within the C-1 zone with a Special Use Permit and is, therefore, 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 "Neighborhood Commercial" 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 commercial, with scattered single-family residential and some non-residential uses in the vicinity. The intended character of the area (as defined by the Comprehensive Plan) is for community and neighborhood retail, wholesale, service, office and limited manufacturing. The applicant has remodeled the existing structures on the property to serve the RV park. Depending upon the level of traffic and noise, 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 and businesses in the vicinity.

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

Two 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 traffic, becoming an eye sore and septic issues.

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 proposed conditions and other evidence presented at the hearing and consider other mitigation measures if necessary.

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 County 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 Road and Bridge Director, Neal Capps, who stated the property has complied with his requirements.

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;

The applicant is responsible for paying all improvement and other costs associated with ensuring the operation complies with public requirements.

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. 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 driveways shown on the site plan have been approved by ITD and Gem County Road and Bridge.

- 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
Emmett Irrigation District
Idaho Department of Transportation
Gem County Rural Fire District #1

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. Any outstanding concerns can be included in the County’s permit as conditions as the Commission deems necessary for mitigation measures. If the Commission proceeds with approval, we recommend the conditions in Exhibit A be placed on the permit.

EXHIBIT A

PRELIMINARY SITE SPECIFIC CONDITIONS OF APPROVAL BRATCHER FILE #SUP-22-006

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 2002 North Washington Avenue.
3. Only 12 RV spaces are permitted for hook-ups. Six spaces will be dry camp and tent only.
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. 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.
6. All lighting shall be fully contained within the property boundaries and not cause a nuisance or distraction to neighboring properties or to drivers.
7. No permanent off-premise signs are permitted with this permit and all on-premise signs need a permit and 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.

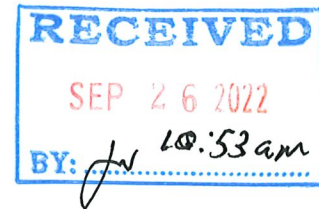
GCC 11-7-12: REQUEST FOR EXTENSION:

- (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.

September 23, 2022



Development Services Office
109 South McKinley Ave.
Emmett ID 83617

To Whom It May Concern:

In response to your letter of September 9, 2022 regarding Special Use Permit 22-006 for the property located at 2002 W. Washington Ave., I submit the following:

Once again, I hereby request that you deny the furtherance of Special Use Permit 22-006. A three year or more history has shown that Mr. Bratcher has not been able to demonstrate the ability to abide by terms and conditions required by the previously granted Special Use Permit. As such, why would the Gem County Planning and Zoning Commission grant a subsequent permit? To date, Gem County and its components have had to dedicate considerable resources and tax dollars to a process designed to protect and accommodate its taxpayers. It seems ludicrous to me this Commission continue to expend resources on someone that has been problematic in the past and will be guaranteed to be a problem in the future.

My disdain for the special use permit process has grown immensely over these years of dealing with Mr. Bratcher. During his very first open meeting and on the initial application he titled his project as an "RV Resort" and declared it would be very nice. Looking at it now, three or more years later, it is barely serviceable, I am especially impressed at how during the painting process of his main structure it was pressure washed, then painted. However, now the grounds around the structure are littered with volumes of white paint chips left to be scattered by the wind.

In continuance of the process and that first meeting, there were several issues that had not been finalized. One was obtaining permission from the State Transportation Department and the Department of Health and Welfare. Also, concerns were raised about the number of parking spaces (36 if memory serves) so a subsequent meeting would be needed in order to make a final determination. Of special interest to me was the fact that during his presentation, Mr. Bratcher was not very well prepared to answer questions from the Commission so his story kept changing. His plans and drawings were not professional and, as it turns out, were definitely not final.

Let me state emphatically that during this first meeting, not one person from the gallery testified in the affirmative on behalf of Mr. Bratcher.

Moving to the next scheduled meeting on the subject: During the time between the two scheduled meetings, we all were notified by mail of a change in the start time of the meeting. I recognized many of the neighbors arriving on time for the second meeting and we assembled in the chambers. Mr. Bratcher, however, was not only absent at the start of the meeting but arrived 30 minutes late. Unfortunately for us, we then had to wait until the very end of the meeting to take up his request. Again, I was curious about his lack of preparation, professional plans and major changes to the number of parking spaces. I was astounded that a special permit was granted to an applicant who had disrespected us all by being late, was ill prepared and presented with an entitled demeanor. It seemed to me that the Commission and the process was not going to deny Mr. Bratcher's request no matter

how many of us testified against this so called "RV Resort." Most of us are long term tax payers and members of this community and this man, the opposite, just walks in late and gets his way. I, along with the other neighbors, left disgusted and time has not improved my thinking of the special use permit process.

Shortly after the granting of this permit, travel trailers started moving onto the property. As you know, many of them stayed for up to two years. They became the hallmark for what is to come if you grant the current permit – that being permanent residency. I distinctly remember the view from my front porch of one of the permanent trailers. Evidently tired of using standard RV-sized propane tanks, they brought in a big upright and placed it right out front so that it could be struck by a vehicle. This is just one example. I could tell you many more. Unfortunately, from my porch I can see the ground of half of all the spaces. The "privacy fence" has no advantages for me. Subsequently, at my expense I have been forced to plant a row of trees along the fence to mitigate my exposure. A fact, much to my chagrin, Mr. Bratcher now takes advantage of in his application. It is a travesty that I lose grazing ground to grow trees in an attempt to block the view of what will become an eyesore.

One might argue how does one know if it will become an eyesore. I would counter that with show me one that is not, especially when they have month to month occupancy without a long list of rules and regulations. Frankly, the declaration of rules and regulations in this permit is ambiguous. I would want to see a comprehensive list that clearly gives an impression of control. I implore you, as commissioners, to take a few minutes and tour the current RV parks in Emmett before you decide to facilitate another one.

Mr. Bratcher continues to tout that since his location is zoned C1 commercial that it should be harmonious to all. I disagree. We already have a significant congestion issue at this location because of the gas station and the four-way intersection. As an example, this spring a pickup truck with travel trailer just parked right out on the Idaho Boulevard westbound just short of Bratcher's building. At first, I thought they were waiting to enter the gas station. Curious, I paused and waited only to discover they were purchasing ice and filling coolers in the middle of the street.

There may be a place and time that another RV park may be viable in Emmett. It certainly is not at this location with this individual at the helm. Mr. Bratcher has demonstrated that he is not entitled to a special use permit. You owe him nothing. I do not believe he deserves a second chance as he has had years to prove his worthiness for a special use permit and has failed.

Thank you for your time and consideration of this matter.

Respectfully,

Mike Frederick
374 E. Idaho Blvd.

A handwritten signature in black ink that reads "Michael Frederick". The signature is written in a cursive, flowing style with a large, stylized "M" and "F".

To: Planning and Zoning

Sept. 25 2022

From: K. Fuchs 2098 N Washington Ave

Subj. M. Bratcher Special Use Permit

Att. Site Plan

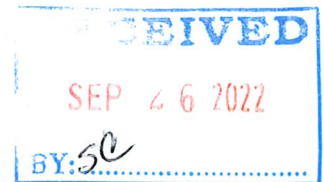
Review of the current Letter of Intent/Site Plan raises the following questions.

The six designated dry camps have water and electric. If these are used as over flow for RV's, trailers, where will they be able to drain their gray/black water tanks?

The Site Plan does not indicate a dump station. However, if there is a dump station, does he have a licensed professional to pump it out because not everyone is licensed to do them.

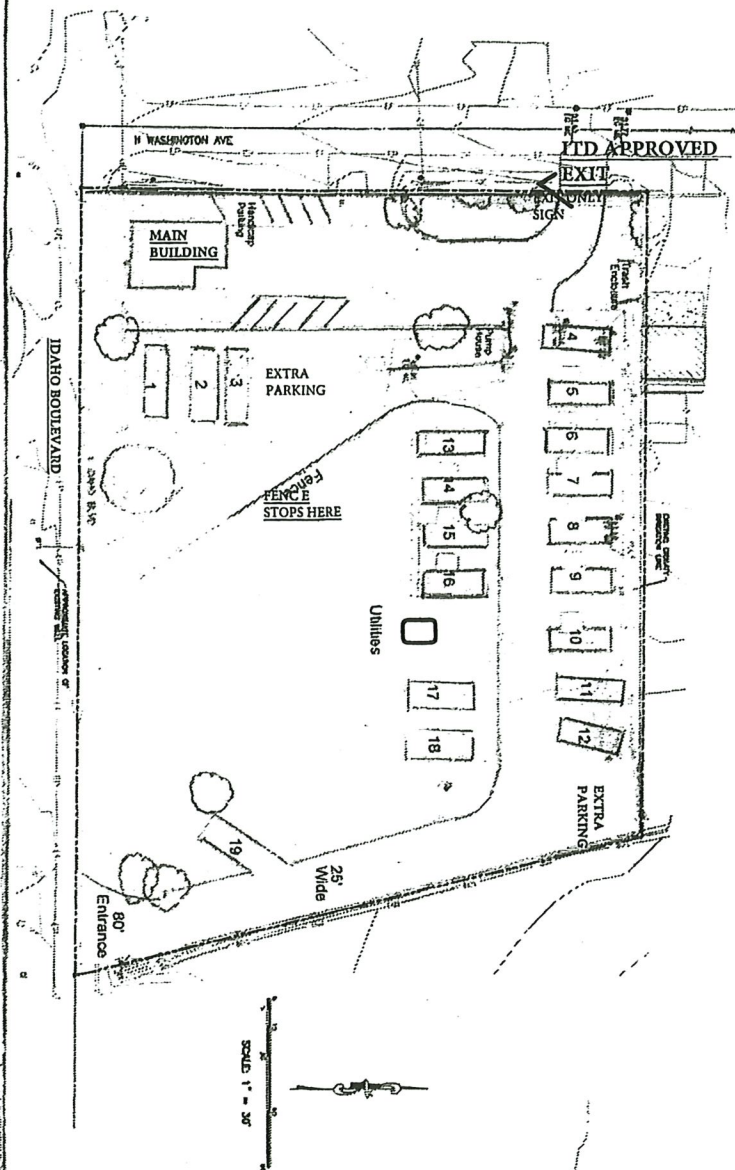
Thank you for looking into this question.

K. Fuchs



SAPPHIRE RV PARK SITE PLAN

EMMETT, IDAHO

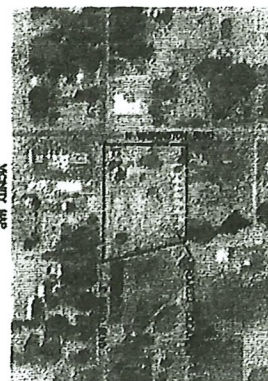
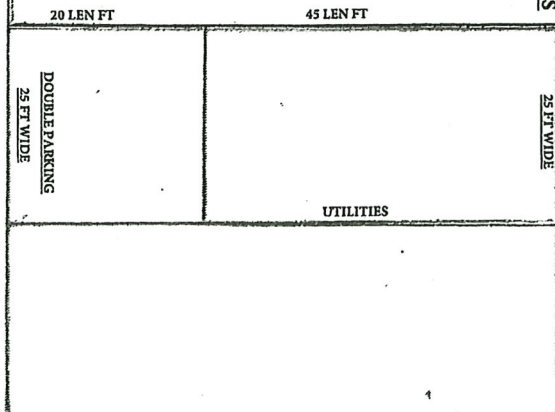


SITE DETAILS

SPACE 2,3,4,5,6,7,8,9,10,11,13,15 ARE FULL WATER SEWER AND ELECTRICAL HOOKUPS 12 TOTAL
SPACE 1,14,16,17,18,19 ARE CONSIDERED DRY CAMP WITH WATER AND ELECTRICAL ONLY
TRASH COLLECTION AREA IS ENCLOSED ON THREE SIDES HOUSING A LARGE COMMERCIAL
CONTAINER
THE MAIN BUILDING HAS ADA COMPLIANT RESTROOMS WITH SHOWERS AND LAUNDRY
FACILITY
INTERIOR ROADS ARE A 25 FT WIDE
MINIMUM

TREE SYMBOL

SPACE DETAILS



THE PROPERTY IS THE PROPERTY OF LEAVITT & ASSOCIATES, INC. AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF LEAVITT & ASSOCIATES, INC. THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF LEAVITT & ASSOCIATES, INC. THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF LEAVITT & ASSOCIATES, INC.

SAPPHIRE RV PARK
EMMETT, IDAHO
200805050000
SAPPHIRE RV PARK, LLC
621 E MAIN ST, UNIT 413
EMMETT, ID 83617
PHONE (208) 383-1319

**COVER SHEET, VICINITY MAP,
LEGEND, AND GRADING AND
DRAINAGE PLAN**

PRELIMINARY
PRINT

**LEAVITT & ASSOCIATES
ENGINEERS, INC.**
STRUCTURAL * CIVIL
SURVEYING
1724 FIRST STREET SOUTH Nampa Idaho 83651
PHONE (208) 465-0932 FAX (208) 465-0940

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

September 15, 2022

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

RE: Special Use Permit (RV Park)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the Special Use Permit (SUP) application of, Michael & Veronica Bratcher for a RV Park located at, 2020 N. Washington Avenue and E. Idaho Boulevard. This proposed SUP was approved with conditions in 2018 and resubmitted and approved in 2019. The applicant has met all of GCRB conditions outlined in the GCRB letter dated, June 26, 2019. GCRB has no additional comments in regards to the SUP in question.

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

Thank You,

A handwritten signature in blue ink, appearing to be "N. Capps", is written over a faint, larger blue outline of the same signature.

Neal Capps, Director
Gem County Road & Bridge

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of September 2022, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Xena Vision LLC
T07N, R01W, Section 31

B & W Fuels
P.O. Box 747
Emmett, ID 83617

Tracey Sturm
P.O. Box 284
Emmett, ID 83617

Robert Carter
1855 N. Washington Ave
Emmett, ID 83617

Mac Alley
856 Longview Dr
Emmett, ID 83617

Brad Smith
111 W. Idaho Blvd
Emmett, ID 83617

Route 52 Holding Co LLC
17777 Sweet Ola Hwy
Ola, ID 83657

Mark Painter
P.O. Box 61306
Fairbanks, AK 99706

Maryann Kirkpatrick
395 E. Idaho Blvd
Emmett, ID 83617

Russell Rekow
365 E. Idaho Blvd
Emmett, ID 83617

Arlene Rekow
299 E. Idaho Blvd
Emmett, ID 83617

Jim Myers
1400 N. Washington Ave
Emmett, ID 83617

David Garrison
277 E Idaho Blvd
Emmett, ID 83617

Mary Deppel
263 E. Idaho Blvd
Emmett, ID 83617

Wink Properties LLC
27601 2nd Fork Rd
Emmett, ID 83617

Candy Bailey
2015 N. Washington Ave
Emmett, ID 83617

Michael Frederick
374 E. Idaho Blvd
Emmett, ID 83617

James Sweetnam
P.O. Box 179
Emmett, ID 83617

Chad Humphries
112 W. Idaho Blvd
Emmett, ID 83617

Gene Heering
2097 N. Washington Ave
Emmett, ID 83617

Jeremy Russell
2090 N. Washington Ave
Emmett, ID 83617

Allen Marshall
2105 N. Washington Ave
Emmett, Id 83617

Jimenez Trujillo
2150 N. Washington Ave
Emmett, Id 83617

Fuchs Living Trust
P.O. Box 127
Emmett, Id 83617

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


Stephanie Crays, Development Services Coordinator