

Staff Report Zagarella Rezone, RZ-23-010

Hearing Date: May 13, 2024

Development Services Department

Applicant:

Michael D and Dawn R Zagarella

Property Owner:

Same

Representative:

Same

Planner:

Jennifer Kharrl

Parcel Number(s):

RP06N02W147800, RP06N02W147875, RP06N02W141765, RP06N02W146600

Parcel Address:

2385 Airport Road

Lot Size/Project Area:

35.00+/- (comprised of 4 parcels)

Impact Area:

Yes

Current Zone:

"A-2" (Rural Transitional Agriculture)

Comprehensive Plan:

Comprehensive Plan

Future Land Use: Business

Mixed Use

Current Uses:

Single family residential; bare land

Applicable Zoning Land Use

Regulations: GCC 11-15

Notification:

4/18/24-Agency

4/18/24-Mailing

4/24/24-Publication

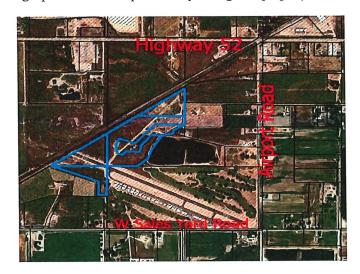
4/24/24-Posting

Exhibits:

- 1. Rezone Application
- 2. Comprehensive Plan Map
- Current Zoning Map
- Keller Associates
- 5. 300' List

Brief Summary of Request

The property owner, Michael and Dawn Zagarella, is requesting a rezone of their 4 contiguous properties from A-2, Rural Transitional Agriculture (5-acre minimum lot size) to MX, Mixed Use (1-acre minimum lot size). The application states the reason for the request is to allow for the use of airport hangers and hanger homes. The property proposed to be rezoned consists of approximately 35.00 acres that lies fully within the Business Mixed Use within the Area of City Impact, as designated on the Future Land Use Map in the Comprehensive Plan. One of the properties is located at 2385 Airport Road and has a single-family dwelling and outbuildings. The other three parcels are currently landlocked with no legal access and do not qualify for a building permit. These are unique parcels due to the vicinity of the airport, being landlocked and having a portion of the airport runway through the property.



Description of Character of Surrounding Area

The immediate vicinity includes a combination of active and inactive agricultural lands, single-family residential properties, City of Emmett Airport and golf course.

	COMP PLAN	ZONING	LAND USE
North	AOCI; Business Mixed Use	A-2; M-1	Irrigated agricultural land; rural residential
South	AOCI; Business Mixed Use	A-2; City of Emmett	Irrigated agricultural land; City of Emmett Airport and Golf Course
East	AOCI; Business Mixed Use	A-2	Irrigated agricultural land; rural residential; Idaho Fish and Game Airport Pond
West	AOCI; Business Mixed Use	A-2	Irrigated agricultural land; rural residential

Applicable Standards and Regulations [Staff comments and analysis are shown in italics.]

Zoning Ordinance

A. Purpose Statement of Zone: Gem County Code 11-4-6.A lists the purpose of the MX zone as follows: "Mixed development of residential, offices, commercial and light industrial along designated corridors of Gem County. Residential will be allowed in this zone. Office, commercial and light industrial uses will be allowed by a special use permit only in this zone." The MX zone has a one (1) acre minimum lot size requirement.

The applicant's intent is to allow for hangers and hanger homes. The requested zoning would support this type of development. The subject site is large enough for such development, therefore this criteria is met.

B. Permitted Uses:

The subject site is currently zoned <u>A-2</u> (5-acre minimum) and allows the following types of uses, either outright or as a Special Use Permit:

Agriculture, kennel, mining, utilities, some manufacturing, limited trade, entertainment and recreation, aircraft transportation, government services, limited private services (e.g. auto repair, construction yards), group quarters, various housing/residential uses, including halfway houses and single-family residential.

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

Kennel, Fruit and produce stand (commercial), vet hospital, agriculture equipment services, mining, utility building and substation, manufacturing, convenience store, drive-in restaurant, irrigation sales, apparel retail trade, automotive retail trade, building material retail trade, eating and drinking retail trade, furniture retail trade, general merchandise retail trade, wholesale trade, park and ride lots, amusements, botanical gardens, cultural activities, fairgrounds, golf range, indoor recreational facilities, health club, libraries, parks, resorts, schools, swimming pools, sports arenas, theaters, zoos, tire shop, auto repair, beauty and barber, construction services, daycares, educational, finance, government services, clinics, laundromat, professional offices and services, small engine repair, bed and breakfast, multi-family residential, manufactured home park, and single-family residential, RV parks and motels.

Staff finds the land uses in an MX zone to be generally more intensive than the current allowed A-2 land uses which is expected when going from an agricultural zone to a mixed-use zone.

Required Findings & Staff Analysis

According to Title 11, Chapter 15, Section 4., "No map amendments (rezones) shall be recommended for approval by the Commission or granted by the Board of Commissioners unless the following findings are made by the Commission or Board":

1. The requested amendment complies with the Comprehensive Plan text and Future Land Use Map;

Based on the Comprehensive Plan analysis provided below, staff finds the majority of the applicable policies and the category purposes <u>do not</u> support an MX rezone in this area. In Staff's estimation, the Comprehensive Plan Future Land Use Map relevant policies and category definition <u>do not</u> support the rezone application to MX since the parcel falls within the Business Mixed Use within the Area of City Impact.

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

Although the applicant doesn't state that he has any immediate plans to subdivide the property, if rezoned, staff finds an MX zone could potentially allow, at full buildout without considering future

roads, thirty-four (34) additional dwellings on the subject parcels beyond what is permitted today (as it sits today, one of the parcels has an existing single-family dwelling). The potential increased septic could be viewed as detrimental to the health, safety, or welfare when located on one (1) acre minimum lot sizes, but has not yet been verified by SWDH. SWDH will require an engineering subdivision report for any proposed standard subdivision to assess the future septic systems. There is a possibility that the adjacent property to the northwest could eventually extend City services from the Shadow Butte Industrial Park across Highway 52 which could give these properties an opportunity to tie into those City services. At this time, staff is not aware of any immediate plans to extend those services. Based on the information presented to date, staff finds that the requested amendment would be materially detrimental to the public health, safety, or welfare.

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

The minimum lot size in the proposed MX zone is one-acre. The subject area to be rezoned to MX is currently 35.00+/- acres in size. The site complies with the minimum size and setbacks of the MX zone. The subject site could be developed to comply with the minimum dimensions for an MX zone.

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

A list comparing the allowed uses, as listed in the GCC 11-5-5 Matrix Chart, in the proposed MX zone with the existing A-2 zone is shown above. More intense uses are allowed with or without a SUP in the proposed MX zone than in the current zone. As such, staff finds the uses allowed in an MX zone are not compatible with the exising character of the area in addition to the comments received from the City of Emmett and Gem County Engineer regarding the incompatibility with the Emmett Airport. The specific uses are listed according to each zone as allowed outright, prohibited or allowed with a Special Use Permit.

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

The public service agencies/providers that responded to this rezone application was Keller Associates, City of Emmett and Gem County Engineer. Their letter indicates that the proposed rezone is inconsistent with compatible land use guidelines in the vicinity of the airport.

The applicant hasn't stated any immediate development plans; however, the potential maximum buildout impacts of development of 35.00+/- acres of MX-zoned land into one-acre parcels is expected to generate demands on public services beyond the current service demands especially when there are several unknowns without a detailed project description including access to the land-locked parcels and future utility access.

Comprehensive Plan Goals and Policies

Staff finds the following policies in the Comprehensive Plan are applicable to this application:

The Comprehensive Plan Future Land Use Map identifies the subject property as **Business Mixed Use and Area of City Impact (AOCI)**. The **Business Mixed Use** category anticipates a variety of planned, compatible mixed uses, including commercial, light industrial, warehousing, office, public, and related land uses. These areas are unique in that they are accessible by arterials, and/or rail lines and/or the airport. The vision of these mixed-use areas, within the AOCI, is to allow commercial and light industrial uses without requiring a Special Use Permit as zoning allows. The business mixed use land use designation will most likely be an area that will need City services. Additional uses that may be considered include open space,

public/quasi-public educational, single-family residential, and residential mixed use.

The **AOCI** category is expected to be the most urbanized area of Gem County. Buildout residential densities are expected to be higher in the AOCI due to access to municipal utility services. <u>Until municipal services are extended to outlying parcels in the AOCI, properties are encouraged to remain at lower densities. This will allow for a more efficient and cost-effective network of roadways, and sewer and water lines to be constructed upon future annexations.</u>

The following policies have been set forth in the $\underline{Land\ Use}$ section of the Comprehensive Plan and generally $\underline{do\ not}$ support the application:

Land Use Goal 1.A. Support development in locations that utilize existing and planned infrastructure and services and minimize impact on agricultural uses.

Land Use Goal 3.A. Coordinate with the City of Emmett on review and approval of development submittals within the AOCI, to abide by the land use categories as illustrated in the Elevate Emmett Comprehensive Plan. Development within the AOCI should achieve consistency with the Emmett Future Land Use Plan and identify provision of urban level services (water, sewer, urban streets, and urban fire protection)

Land Use Goal 3.B. Coordinate shared standards for urban design, fee structure, transportation, and stormwater drainage within the AOCI.

Land Use Goal 4.A. Guide land use patterns as described in the Future Land Use Map and Categories that transition residential density outward from Emmett, conserve connected resource areas, and identifying opportunities for non-residential uses based on criteria such as services and infrastructure connections.

Land Use Goal 2.B. Align future rezoning of property to the Future Land Use Map.

The following policies have been set forth in the <u>Transportation</u> section of Comprehensive Plan for and generally <u>do not</u> support the application:

Transportation Goal 1.A. Prioritize maintaining existing infrastructure over building new infrastructure, such as new roads or additional lanes.

Transportation Goal 3.E. Assure that the land-use planning and approval process includes transportation related goals, policies, and actions.

The following policies have been set forth in the <u>Natural Resources</u> section of the Comprehensive Plan and generally support the application:

Natural Resources Goal 2.B. Encourage new subdivisions to assess both the immediate and long-term cumulative impacts on-water quantity and quality.

Comments

Public Comments

Public hearing notices were mailed to sixteen (16) parcels in the immediate vicinity. At the time of this report, staff received 1 letter of concern.

County Agency Comments

Staff informed applicable agencies of the proposed development and the responses are attached as exhibits.

Decision Options

- The Commission may recommend approval of the rezone; or
- The Commission may <u>recommend approval</u> <u>with conditions attached to a Development Agreement</u>;
- The Commission may **recommend denial** of the rezone; or
- The Commission may **continue the discussion** and request additional information needed to inform their decision.

Staff Recommendation

Staff finds that the proposed rezone application <u>does not</u> meet all of the required findings, specifically Findings #1, #2, #4 and #5, from the Zoning Ordinance listed in this report and conforms with the overall intent of the applicable Comprehensive Plan policies and Future Land Use Map. Based on the information presented to date and available to staff, we do not support this application and recommend that the Commission <u>recommend denial</u> of the rezone. The Commission must rely upon any additional testimony provided during the public hearing when making its recommendation to the Board of County Commissioners.

D. Michell Schneider 2323 Airport Rd / PO Box 13 Emmett, Idaho 83617 (208) 365-2201



May 5, 2024

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

Re: 2385 Airport Road / Zagarella Rezone

Greetings,

I am writing in response to your letter, dated April 18, 2024. As it stands now, I am against the application for rezone for the following reasons;

- 1) The Gem County Ordinance, 11-4-6(B), for Mixed Use allows one acre lots for residential use. Due to surrounding gravel pits, residents are dealing with large amounts of heavy truck traffic, along with our well water being adversely impacted. The addition of 35 new homes would only add to these issues as well as being a detriment to our rural way of life.
- 2) Per Gem County Ordinance, 11-6-3(B), (J), a driveway needs a 40' wide easement, and private roads can only serve 2-10 parcel lots. The current easement is only 34' wide, and is confined on the south by the Roller lateral ditch and property owned by Kevin Carney. The north side had a fence that was agreed to be the property line when put in place by then property owners, Wayne Roller and Merlin Savage in the mid 1970's. The easement, being the only access to this property, is far from adequate per Gem County Code. To my understanding the City of Emmett is attempting to purchase the Airport Pond from the Idaho Department of Fish and Game. Even if this purchase took place, there would still be an access issue, as that easement is tied to the property adjacent to the Pond on the north side.

3) In August of 2023, I had an appointment with GCDSD which I had waited more than three weeks to get. During this meeting, I was told, per the new Comprehensive Plan, I had missed the cut-off date to apply for a rezone. In addition, there would be absolutely no rezoning allowed for any properties within the City of Emmett Area of Impact, until the City annexed those properties. It didn't matter how I wanted to rezone my property, or the fact the new plan has my property is bordered to the north, east, and west by commercial, and light industrial zones, the answer was still no. To my knowledge the City hasn't annexed any properties in our area, so I don't understand why this application was accepted. By telling one property owner yes, and the other no in this matter, how is it not a violation of the rights provided to us by both the United States, and Idaho Constitutions, respectfully.

I sincerely wish the best for Mike and Dawn Zagarella, who I consider kind and considerate neighbor. However, because of the above reasons, I am against the request for rezone.

Respectfully,

D. Michell Schneider



MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES

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

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)
□ APPEAL □ PLANNED COMMUNITY □ SUPPLEMENTAL AMENDMENT □ COMPREHENSIVE PLAN TEXT AMENDMENT □ REZONE □ VACATION □ COMPREHENSIVE PLAN MAP AMENDMENT □ SPECIAL USE PERMIT □ VARIANCE □ DESIGN REVIEW □ SPECIAL USE PERMIT (MINERAL EXTRACTION) □ ZONING TEXT AMENDMENT □ DEVELOPMENT AGREEMENT □ SUBDIVISION, PRELIMINARY □ PLANNED UNIT DEVELOPMENT □ SUBDIVISION, MODIFICATION
PROJECT NAME:
SITE INFORMATION:
(This information can be found on the Assessor's property information assessment sheet.)
Quarter: Section: 14 Township: 02W Range: 06 N Total Acres: 7-35 Subdivision Name (if applicable):
Site Address: 2385 Airport Rd. Lot: Block: City: Emmett
Tax Parcel Number(s): RP06N02M47800, Current Zoning: A2 Current Land Use: Res. / Ag RP06N02M47875, RP06N02M41765, RP06N02M46600
PROPERTY OWNER: Name: Michael Zagarella/Dawn Zagarella Name: Michael Zagarella/Dawn Zagarella
Address: 2385 Airport Rd. Address: 2385 Airport Rd.
City: Emmett State: ID Zip: 83617 City: Emmett State: ID Zip: 83617
Telephone: (208) 365-4237 or (208) 286-55 ²⁷ Telephone: (208) 365-4237 or (208) 286-55 ²⁷ Email: Ambervalley forms @ live.com Email: Ambervalley forms @ live.com
I consent to this application and allow Development Services staff to enter the property for site inspections related to this application. I certify this information is correct to the best of my knowledge.
Signature: (Owner) Date Signature: (Applicant) Date
File No.: Received By: JV Date: 12 - 29 - 23 Fee 7/0 Receipt No:

Letter of Intent - 2385 Airport Rd.

1. Intended uses of property if Rezone approved.

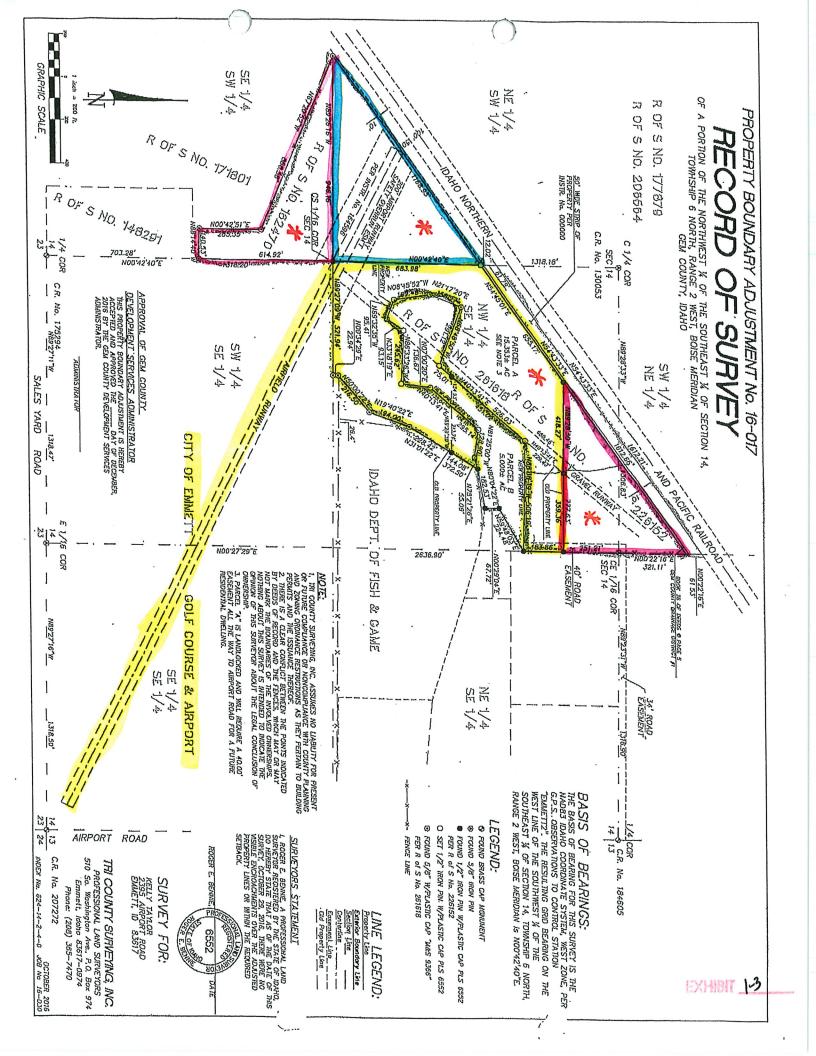
The uses would be for hangers, hanger homes, and homes with hangers.

2. How the proposed Rezone relates to the comprehensive plan.

The comprehensive plan has this area designated as Business - Mixed Use (Pg. 92). The property is adjacent to the City Airport and the Airport runway goes through three of our properties. There is a private runway that runs through the properties as well.

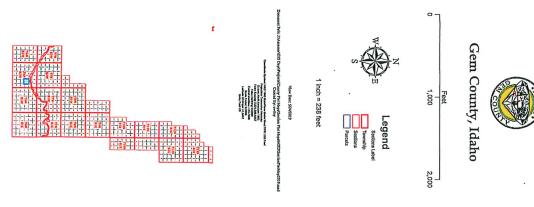
3. Availability of public facilities and compatibility with the surrounding area and quantifiable data that will verify that rezoning would not cause economic, social, or physical stress on existing use surrounding areas.

Economic/Social/Physical: The rezone will allow for the expansion of hangers and hanger homes that will help relieve the strong demand for aviation use. There is ample room for hangers and hanger homes over the 35 acres of property.



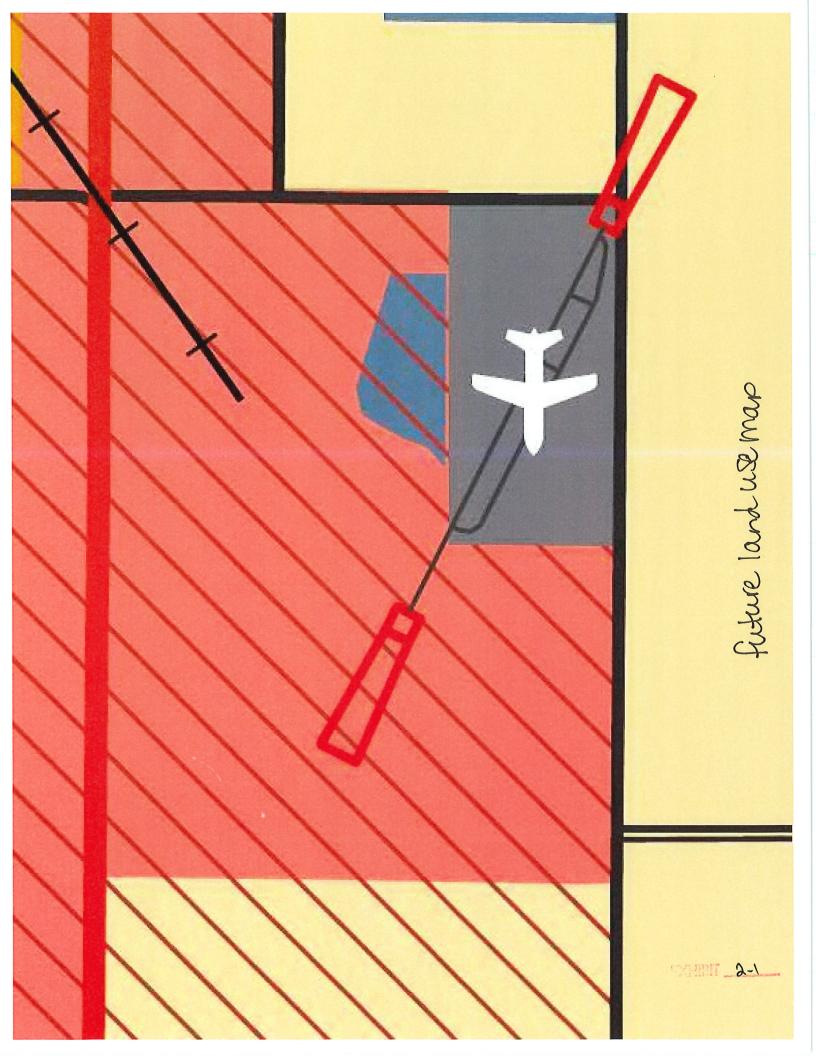
Township 06 North Range 2 West Section 14

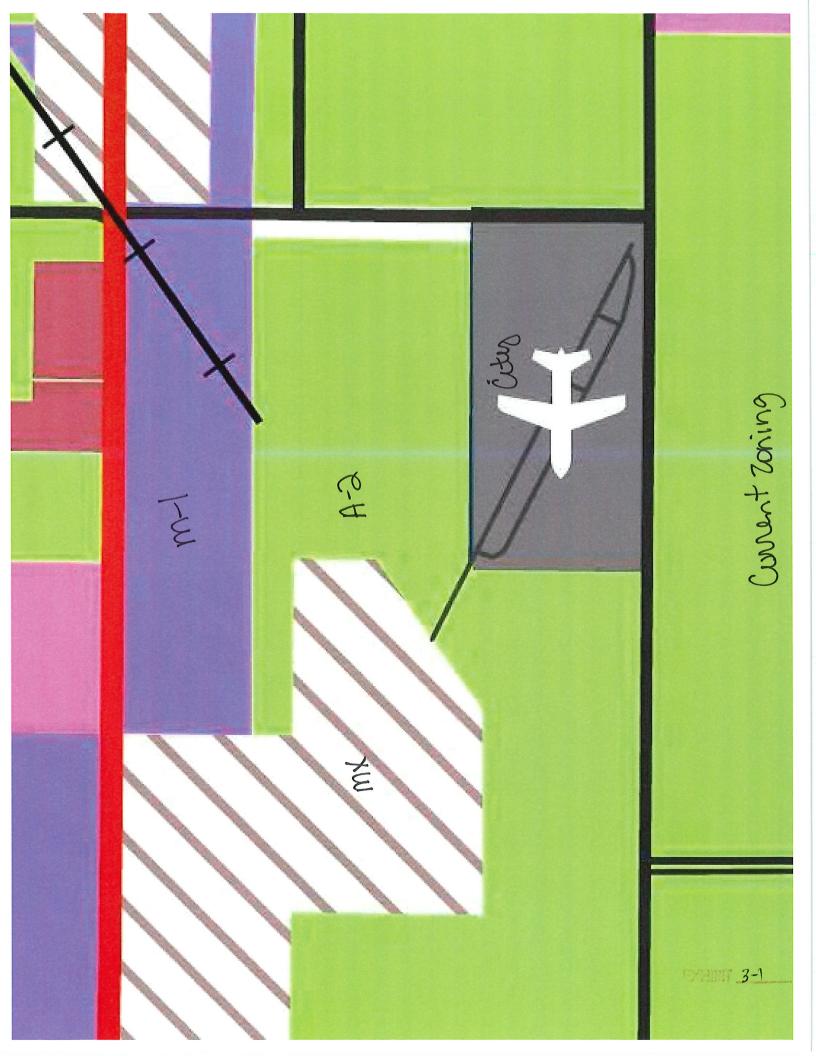














(208) 288-1992



April 19, 2024

Jennifer Kharrl
Gem County
Planning Director
109 S McKinley
Emmett, Idaho 83617

Re: Zagarella Rezone Application Adjacent to Municipal Airport

Dear Jennifer:

We have reviewed the proposed rezone application (Zagarella) that is under consideration by the Gem County (County) Development Services for land adjacent to the Emmett Municipal Airport owned and operated by the City of Emmett (City). The following is a summary of our comments regarding the requested change in zoning.

The applicant is requesting a zone change from A-2 (5-acre zone) to Mixed Use (1-acre zone) with the intent of accommodating aircraft hangars and homes with hangars. The application includes a figure identifying four parcels for which the applicant requested a zone change. The application materials do not include a conceptual layout for the proposed hangars or hangar homes and does not address site access or utilities. The subject parcels are landlocked and would require an easement from the City, County, or railroad to allow development. The construction of hangars on private property also assumes that the City would be willing to allow through-the-fence (TTF) access to the airport.

Through our conversations with the City, they do not intend to allow vehicle access to the subject properties on City owned land or TTF access to the airport to allow aircraft to access the runway. Subsequently, the intended use of the property as stated by the applicant is not recommended to protect the function and safety of the airport operations.

The applicant's expressed intention of rezoning to accommodate hangar homes is inconsistent with compatible land use guidelines in the vicinity of the airport. If the land is rezoned to accommodate more concentrated development, compatible land use zones should be applied consistent with the guidance provided in the Idaho Airport Land Use Guidelines. Land use and zoning should be carefully managed for properties around the airport, including the subject property, to protect the function and safety of airport operations and to reduce complaints of neighboring property owners. Allowable zoning designations around the airport should be limited to agricultural and light industrial outside of protected surfaces. Building heights in allowable locations (outside of runway approaches and transitional surfaces) should also be limited to avoid penetrating protected surfaces.

Any zone change considered in the vicinity of the airport should account for, protect, and maintain existing easements on the subject property.

The City may be open to acquiring some or all of the subject property at mutually agreeable terms in order to enhance the airport operations.

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If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992.

Sincerely,

KELLER ASSOCIATES, INC.

Justin Walker, P.E. County Engineer

gist While

cc: File, Brian Sullivan, Clint Seamons

CERTIFICATE OF MAILING

I hereby certify that on the <u>18</u> day of <u>April 2024</u>, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Zagarella T02W, R06N, Section 14

Doug Brotherson 2406 W. Sales Yard Rd Emmett, ID 83617

Jordan Ponce 2424 W. Sales Yard Rd Emmett, Id 83617

Lori Elliott 2500 W. Sales Yard Rd Emmett, ID 83617

Idaho Dept of Fish and Game P.O. Box 25 Boise, ID 83707

Dale Haynes 2737 Airport Rd Emmett, ID 83617

George Hayes 2759 Airport Rd Emmett, Id 83617

Kellie Taylor 2395 Airport Rd Emmett, ID 83617

Richard Van Beek 2375 Airport Rd Emmett, ID 83617

Michell Schneider 2323 Airport Rd Emmett, ID 83617

Roy Bloxham P.O. Box W Council, ID 83612 JCJ Holdings LLC 310 E. Watertower St. Meridian, ID 83642

Stirling, Joan 9225 Stewart Rd Meridan, ID 83642

Carol Hough P.O. Box 939 Emmett, ID 83617

Shipley Trust 2774 Orchard Ln Emmett, ID 83617

Idaho Northern & Pacific RR 6100 Southwest Blvd Ste 320 Benbrook, TX 76109

Ryan Goss 2588 Sales Yard Rd Emmett, ID 83617