

NOTICE OF PUBLIC HEARING

THE GEM COUNTY BOARD OF COMMISSIONERS WILL HOLD A PUBLIC HEARING ON **MONDAY, NOVEMBER 27, 2023, AT 2:30 P.M.** AT THE GEM COUNTY COURTHOUSE, 415 EAST MAIN ST., EMMETT, ID IN ADDITION TO A ZOOM MEETING/CALL TO HEAR THE FOLLOWING REQUESTS:

A REZONE REQUEST BY JOHN BOLDON TO REZONE 5.00+/- ACRES FROM A2 RURAL TRANSITIONAL AGRICULTURE (5 ACRE MINIMUM) TO R2 RESIDENTIAL TRANSITIONAL (1 ACRE MINIMUM) AT 1801 SUNSET DRIVE, T 06N, R 02W, SECTION 01. RP06N02W015925. THE PLANNING AND ZONING COMMISSION RECOMMENDED APPROVAL OF THE REZONE WITH A DEVELOPMENT AGREEMENT.

THE APPLICATION AND LEGAL DESCRIPTION IS AVAILABLE FOR REVIEW BY CONTACTING THE DEVELOPMENT SERVICES DEPARTMENT VIA EMAIL (OMOCNIK@CO.GEM.ID.US) OR PHONE 208-365-5144.

WRITTEN CORRESPONDENCE IS HIGHLY RECOMMENDED AND MUST BE SUBMITTED TO THE DEVELOPMENT SERVICES OFFICE (109 SO. MCKINLEY AVE., EMMETT, ID.) NO LATER THAN 12:00 P.M. MONDAY, NOVEMBER 20, 2023. WE HAVE A MAIL SLOT IN OUR DOOR FOR CONVENIENCE. WRITTEN CORRESPONDENCE WILL BE GIVEN TO BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION AND IS THE BEST WAY TO SHARE YOUR COMMENTS AND CONCERNS.

THE MEETING LINK AND CODE FOR CALLING IN WILL BE LISTED ON THE DEVELOPMENT SERVICES PAGE AT WWW.GEMCOUNTY.ORG/DEVELOPMENT-SERVICES/ FOR ANYONE WISHING TO ATTEND THESE MEETINGS. IF YOU DO NOT HAVE ACCESS TO THE WEB PAGE, YOU MAY CALL THE DEVELOPMENT SERVICES OFFICE AT 208-365-5144 PRIOR TO THE MEETING TO GET A MEETING LINK OR CALL IN CODE.

PUBLISH NOVEMBER 8, 2023

Jennifer Kharri
Planning Director



GEM COUNTY
Planning and Zoning Commission
Recommendation to Board of County Commissioners

*(This recommendation is to be used in conjunction with the Staff Report
for the same application.)*

Application/Project Name: Rezone Application – File #RZ-23-005

Applicant Name: John Boldon

Date of Planning and Zoning Commission Public Hearing(s): October 10, 2023

Date of Board Public Hearing: November 27, 2023, 2:30 PM

Summary of Public Oral Testimony:

- In Favor: John Boldon (applicant)
- Opposed: None
- Neutral: None

Staff Recommendation: Approval with consideration for a Development Agreement for a Water Quality and Quantity Study.

Staff Reason(s) and Findings for Recommendation: Recommended approval based on the 5 required findings from Gem County Code 11-15 being met.

Planning and Zoning Commission Recommendation: Recommended approval with a Development Agreement to require a water quality and quantity study and to limit the number of parcels to be created with a minor subdivision. (Unanimous)

Planning and Zoning Reason(s) and Findings for Recommendation: Recommended approval based on the 5 required findings from Gem County Code 11-15 being met. The Commission has been concerned with water and it has been standard practice to require a water quality and quantity study on R-2 rezones. They wanted to ensure that the applicant's intent is being met. See the attached recommendation. For further analysis see the Staff Report.

Commission Changes to Staff Recommendation: Recommended approval with a Development Agreement to limit the number of parcels that can be created to a total of 3.

Outstanding Issues for Board of County Commissioner Meeting: None



GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

**OFFICE OF THE ADMINISTRATOR
PLANNING & ZONING**

PHONE (208) 365-5144

WEBPAGE

www.gemcounty.org

BEFORE THE PLANNING AND ZONING COMMISSION

GEM COUNTY, IDAHO

In Re: REZONE APPLICATION #RZ-23-005)	
For John Boldon)	
from A-2, Rural Transitional Agriculture)	RECOMMENDATION TO BOARD
to R-2, Residential Transitional)	OF COUNTY COMMISSIONERS

I.

RECOMMENDATION

The property owner, John Boldon, sought approval to rezone his property (see **Exhibit A**) from A-2 Rural Transitional Agriculture (5-acre minimum) to R-2 Residential Transitional (1-acre minimum). The property proposed to be rezoned is 5.00+/- acres in size, and lies fully within the Priority Growth Area 1 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan. The property is located at 1801 Sunset Drive and identified in Township 6 North, Range 2 West, Section 01, of the Boise Meridian, Gem County Idaho and Gem County Assessor's records as RP06N02W015925.

The matter came before the Gem County Planning and Zoning Commission (hereafter referenced as Commission) on the 10th day of October 2023, for the purpose of hearing the Rezone Application submitted by the applicant. Staff submitted a staff report for Commission consideration. The applicant testified in favor and there was no public testimony given.

Pursuant to section 11-15-4 of the Gem County Code, the Commission found adequate evidence of each of the Standards for Granting of Zoning Ordinance, a copy of which is attached hereto as **Exhibit B**. Based on the findings outlined in **Exhibit B** of this Recommendation, the Commission voted unanimously to recommend approval of the application.

A motion was made by Commissioner Vickery to recommend to the Board of County Commissioners approval of the rezone with a Development Agreement. That motion was seconded by Commissioner Jones and the vote was as follows:

The final vote of the Rezone application was:

Commissioner Vickery Yea

Commissioner Jones Yea

Chairman Eichelberger (If applicable in case of tie vote)

CERTIFICATE OF SERVICE

I hereby certify that on this 17 day of November, 2023, I served a true and correct copy of the foregoing RECOMMENDATION upon

NAME John Boldon

ADDRESS 1801 Sunset Dr
Emt, Id 83617

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

Stephanie Crays

Stephanie Crays, Development Services Coordinator

EXHIBIT A

LEGAL DESCRIPTION

Boldon RZ #23-005

That portion of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 6 North, Range 2 West, B.M. Gem County, Idaho, described as follows:

BEGINNING at the Southeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, T 6 N., R. 2 W., B.M., Gem County, Idaho, marked by a found 5/8" iron pin; thence South 89°58'30" West, 458.12 feet, along the South line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ to a set 1/2" iron pin with plastic cap PLS 6552; thence North 02°49'11" West, 470.49 feet to a found 12" iron pin with plastic cap PLS 4108; thence South 88°23'20" East, 483.14 feet to a point on the East line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, marked by a found 1/2" iron pin with plastic cap PLS 4108; thence South 00°12'40" West, 456.14 feet, along said East line to the REAL POINT OF BEGINNING.

EXHIBIT B

REQUIRED FINDINGS FROM ZONING ORDINANCE BOLDON REZONE (RZ-23-005)

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”: (Commission findings are in *italics*.)

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

Based on the Comprehensive Plan analysis provided in Section 5 of the accompanying staff report, the Commission finds the majority of the applicable policies support an R-2 rezone in this area. In the Commission’s estimation, the Comprehensive Plan Future Land Use Map relevant policies does support the rezone application to R-2 since the parcel falls within the County Residential Area, Priority Growth Area 1.

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

*The Commissions finds an R-2 zone could allow four (4) additional dwellings on the subject parcel (as it sits today, there is an existing single-family dwelling on the parcel). The applicant only intends on creating a total of 3 parcels and that is proposed to be included in the Development Agreement. 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 a perc test for all building permits. **The County should require further analysis on ground water impacts, as it is the standard for R-2 zoning, before a subdivision can be approved which would need to be a condition of a Development Agreement tied to this rezone.***

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

The minimum lot size in the proposed R-2 zone is one-acre. The subject area to be rezoned to R-2 is currently 5.00 acres in size. The site complies with the minimum size and setbacks of the R-2 zone. The subject site could be developed to comply with the minimum dimensions for an R-2 zone.

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

A list comparing the allowed uses, as listed in the GCC 11-5-5 Matrix Chart, in the proposed R-2 zone with the existing A-2 zone is shown in Section 6 of the accompanying staff report. More intense uses are allowed with or without a SUP in the current zone than in the proposed R-2 zone. There are a few special uses allowed in the R-2 zone that would not be harmonious with the existing rural residential character of Sunset Drive, such as convenience stores and a hospital, but since these require special approval from the County as well as neighbor

notification, they are not found to change the essential character of the area in and of themselves. As such, staff finds the uses allowed in an R-2 zone are compatible with the intended character of the area. This is largely due to the mining and entertainment land uses allowed in the A-2 zone with a SUP which are prohibited in the R-2 zone. 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.

No public service agencies/providers responded to this rezone application.

If the applicant submits a subdivision request, all agencies/providers will review for compliance with their regulations at that time.

The impacts of development of 5.00 acres of R-2-zoned land into one-acre parcels could be expected to generate demands on public services beyond the current service demands. However, the applicant only intends on adding two new parcels, which will be included in the Development Agreement. The Board adopted an Impact Fee Ordinance which is used to offset costs, to the public road system and other public services that are provided, caused by new homes and their traffic generation.

EXHIBIT 2
CONDITIONS
BOLDON RZ #23-005

General Terms

1. Nothing in this Agreement shall be construed as relieving Developer, or his successors, from further compliance with all other permit and code requirements for subsequent development of the Property.
2. Entering into this Agreement shall not prevent the County from applying new standards, regulations or conditions that do not conflict with the written commitments within this Agreement in any subsequent actions or applications made for development of the Property.
3. The allowed uses in the R-2 zone shall be as prescribed in Chapter 5 of the Gem County Zoning Ordinance.
4. Any and all new development of the Property shall be submitted to Gem County in accordance with the adopted ordinances and application processes at the time of the application.
5. The maximum number of Lots to be created shall not be more than three (3) total (two (2) new Lots).
6. Prior to making application for a Minor Subdivision, the developer shall provide a water quality and quantity study for wells from an Idaho Licensed Hydrologist or Geotechnical Firm. The study shall address water quality and quantity with the addition of 2 new wells as proposed on the 5.00-acre development. The report must provide a conclusion as to whether the addition of the 2 new wells will have detrimental effects on existing wells in the immediate area and should provide for any specific mitigation requirements.



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 checked="" type="checkbox"/> REZONE | <input type="checkbox"/> VACATION |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT | <input type="checkbox"/> SPECIAL USE PERMIT | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> DESIGN REVIEW | <input type="checkbox"/> SPECIAL USE PERMIT (MINERAL EXTRACTION) | <input type="checkbox"/> ZONING TEXT AMENDMENT |
| <input type="checkbox"/> DEVELOPMENT AGREEMENT | <input type="checkbox"/> SUBDIVISION, PRELIMINARY | |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT | <input type="checkbox"/> SUBDIVISION, MODIFICATION | |

PROJECT NAME: "BINX 9 US"

SITE INFORMATION:

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

Quarter: 06N 02W Section: 01 Township: Range: Total Acres: 5

Subdivision Name (if applicable):

Site Address: 1801 SUNSET DR Lot: City: EMMETT

Tax Parcel Number(s): 0517 Current Zoning: R2 Current Land Use: RESIDENTIAL

PROPERTY OWNER:

Name: JOHN L BOLDON

Address: 1801 SUNSET DR

City: EMMETT State: ID Zip: 83617

APPLICANT:

Name: JOHN L BOLDON

Address: 1801 SUNSET DR

City: EMMETT State: ID Zip: 83617

Telephone: 208 440-1105
Email: JLeilandBoldon@gmail.com

Telephone: 208 440 1105
Email: JLeilandBoldon@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.

[Signature] 4/10/23
Signature: (Owner) Date

[Signature] 4/10/23
Signature: (Applicant) Date

R2.23-005

File No.:	Received By: JV	Date: 4-14-23	Fee: \$170	Receipt No: 2023-00214
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OFFICE USE ONLY

John and Alyson Boldon
1801 Sunset Drive
Emmett, Idaho 83617

14 April 2023

Letter of Intent for Proposed Zoning Change

Gem County Planning and Zoning Commission:

Dan Eichelberger – Chairman
Debra Jones – Vice Chairman
Justin Vickery
Stacy Heimlich

109 South McKinley Avenue
Emmett, Idaho 83617

Members of the Planning and Zoning Commission,

Please consider this our formal Letter of Intent to request a Zoning Change for our property located at 1801 Sunset Drive from A2 (Rural Transitional Agriculture) to R2 (Residential Transitional). The reason for this change is that it is our intention to split our 5 acre lot into one 3 acre and two 1 acres lots in order to deed one 1 acre lot to each of our two adult children.

Although the current Comprehensive Plan maintains the A2 designation for our section of Sunset Drive, we would point out that a number of adjacent lots (our neighbor directly to the north – 1713 Sunset Drive, our neighbor to the northwest - 1825 Sunset Drive, and a new subdivision with nine 1 acre lots on the southern end of Jackson Avenue) have been approved for R2 re-zoning in recent years. Approval of our request for re-zoning would neither be novel nor out of line with current trends in our corner of Gem County.

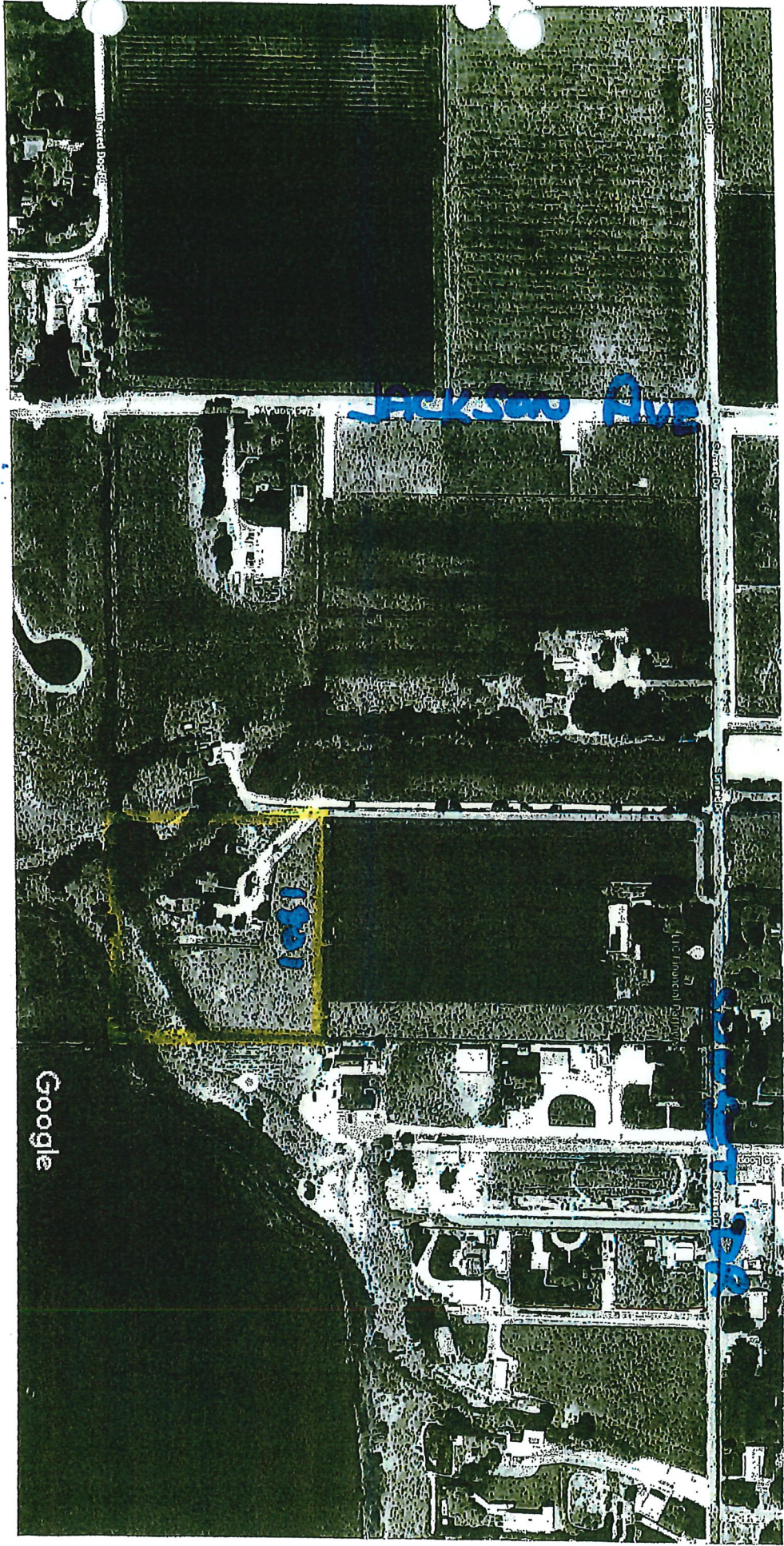
Impact on county services and our neighbors will be minimal as our children (and one spouse) currently reside with us, so while the number of residences on our (current) 5 acre lot will eventually increase by two, the number of people residing there will remain the same. The driveway that we share with our neighbor to the west (1805 Sunset Drive) will need to be improved, but that is already the case with the planned development of five 1 acre lots adjacent to our property to the north.

Thank you in advance for your attention to this matter,



John Boldon

1801 Sunset Dr



Imagery ©2023 Google, Imagery ©2023 Airbus, CNES / Airbus, Maxar Technologies, State of Oregon, U.S. Geological Survey, USDA/FPAC/GEQ, Map data ©2023 100 ft



GEM COUNTY

RP06N02W015925



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

CERTIFICATE OF MAILING

I hereby certify that on the 2 day of November, 2023, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Boldon
T06N, R02W, Section 01

James Standley
3527 Pioneer Ave
Emmett, ID 83617

Cindy Chavatipon
1805 Sunset Dr
Emmett, Id 83617

Kienitz Tin Cup Ranch
1347 Sunset Dr
Emmett, Id 83617

Cynthia Isaak
10114 S Fisher Ave
Reedley, CA 93654

Michael Blain
1035 Greenfields
Emmett, ID 83617

Spencer Thompson
1435 Shady Lane
Emmett, Id 83617

Daniel Staples
1713 Sunset Dr.
Emmett, Id 83617

Dennis Lapham
1825 Sunset Dr
Emmett, ID 83617

Gaylord Dubie
999 Hermosa St
Emmett, ID 83617

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


Stephanie Crays
Development Services Coordinator

SUMMARY MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
October 10, 2023

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or a visit from the Code Enforcer. Chairman **Eichelberger** what is the status of the sound proof feeding shelter? **Anne Rice** it's the sheer cost, so there has not been one built, nothing has been done. Chairman **Eichelberger** asked if there has been any efforts to fix this problem. **Anne Rice** they have used bark collars, they go out and try and stop them from barking, daughter is a hound trainer, and tries to stop them.

Closed public comments 6:54pm

Commission Discussion

Commissioner **Vickery** condition number four, was brought up. Chairman **Eichelberger** brought up sound proof feeding area, there was nothing done, they are out of compliance of the permit. Commissioner **Vickery** stated revising the permit or revoke it. Chairman **Eichelberger** read through the nine requirements. It is his suggestion to revoke the Special Use Permit, it's out of compliance. His proposal would be to down size the dogs on a limited time line.

Chairman **Eichelberger** made a motion to revoke the permit with a timeline of dog replacement removal 3 months to get down to a count of 10 dogs and 6 months to get down to a count of 4 dogs.

Commissioner **Vickery** seconded the motion

Vote: Unanimous

ACTION ITEM #2

A REZONE REQUEST BY JOHN BOLDON TO REZONE 5.00+/- ACRES FROM A2 RURAL TRANSITIONAL AGRICULTURE (5 ACRE MINIMUM) TO R2 RESIDENTIAL TRANSITIONAL (1 ACRE MINIMUM) AT 1801 SUNSET DRIVE, T 06N, R 02W, SECTION 01. RP06N02W015925.

Director Kharri-The applicant, John Boldon, on property he owns, is requesting a rezone of his parcel from A-2, Rural Transitional Agriculture (5-acre minimum lot size) to R-2, Residential Transitional (1-acre minimum lot size). The application states the reason for the request is to deed each of their 2 children a 1-acre parcel and keep the remaining 3 acres for themselves.

Applicant:

John Boldon-1801 Sunset Drive, Emmett, ID. They would like to change the A2 to R2 for a rezone for their children to someday build on 1 acre parcel, they would keep the remaining 3 acres for themselves.

SUMMARY MINUTES
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Favor: None

Neutral: None

Opposed: None

Chairman **Eichelberger** closed public hearing 7:44pm

Commission Discussion

Chairman **Eichelberger** read through the findings. Commissioner **Vickery** agrees with Staff. Chairman **Eichelberger** this meets the requirements and recommends the Development Agreement and should be related to a water study and intent of division of the property.

Commissioner **Vickery** made a motion to recommend approval requiring a development agreement that only allows for a total of 3 lots and a water study.

Commissioner **Jones** seconded the motion.

Vote: Unanimous

ACTION ITEM #3

A REZONE REQUEST BY RICK MARSTON TO REZONE 38.85+/- ACRES FROM A1 PRIME AGRICULTURE (40 ACRE MINIMUM) TO A2 RURAL TRANSITIONAL AGRICULTURE (5 ACRE MINIMUM) AT 2601 EAST BLACK CANYON HIGHWAY, T 07N, R 01W, SECTION 28. RP07N01W287350 AND RP07N01W287200.

Director Kharri-The property owners, Rick and Melissa Marston, are requesting a rezone of their property located at 2601 E. Black Canyon Highway. The application proposes a change from A-1, Prime Agriculture (40-acre minimum lot size), to A-2, Rural Transitional Agriculture (5-acre minimum lot size). The application states the reason for the request is to give each of their 2 children a 5 acre parcel and the remainder will be agricultural.

Applicant:

Melissa Marston-2601 E. Black Canyon Hwy, Emmett, ID. They would like to rezone to a A-2 five acre minimum lot size. The purpose of this rezone is to give their 2 children a 5 acre parcel to build their own home, the remainder will stay agricultural.

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Favor: None

Neutral: None

Opposed:

Deborah Brendsel-2700 E. Black Canyon Hwy, Emmett, ID. There has been a lot of changes along this highway. She would request drain fields, water, and irrigation. She thinks it great to give to the children.

Chairman **Eichelberger** closed public hearing 8:03pm

Commission Discussion

Chairman **Eichelberger** read through the findings. They discussed the development agreement and to limit to two 5 acre parcels.

Commissioner **Vickery** made a motion to recommend for approval with a Development Agreement limiting total of two 5 acre parcels.

Commissioner **Jones** seconded the motion.

Vote: Unanimous

REGULAR MEETING

1. **ITEMS FROM THE PUBLIC:** none
2. **ELECTIONS OF OFFICERS-** The commission unanimously voted for: Chairman- Debra Jones, Vice Chairman- Dan Eichelberger, and Sergeant of Arms- Justin Vickery.
3. **FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** none
4. **ITEMS FROM THE PLANNING AND ZONING COMMISSION:** none
5. **ITEMS FROM /OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:** none
6. **UPCOMING MEETINGS:** November 13, 2023 at 6:00pm