



**SECONDARY DWELLING APPLICATION**  
**GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT**  
 109 South McKinley Avenue, Emmett, Idaho, 83617  
 (208) 365-5144 Fax (208) 365-2499  
 Web: [www.co.gem.id.us](http://www.co.gem.id.us)

Date: \_\_\_\_\_

**GENERAL INFORMATION:**

Property Owner: \_\_\_\_\_ Phone #: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Square Footage of Building: \_\_\_\_\_ Parcel #: \_\_\_\_\_ Total Acres: \_\_\_\_\_

Zone: \_\_\_\_\_ (Secondary dwellings are only permitted in the "A" zone)

**REQUIRED SUBMITTALS:**

- Application Fee: \$40.00 (**does not include building permit fee**)
- Proof of Property Ownership (Warranty Deed, etc.)
- Recorded Restrictions (see #2 on the attached standards sheet) referencing the instrument number of the Warranty Deed - Declaration form is attached
- Driveway Access Permit (required if new driveway is installed) - Gem County Road and Bridge, 402 N. Hayes or call 208-365-3305
- Septic Permit/Approval - S.W. District Health, 1008 E. Locust or call 208-365-6371
- 2 Complete Sets of Building Plans, including exterior building elevations (the secondary dwelling must be similar in design to the principal dwelling)
- Color photo of primary dwelling
- Plot Plan / Site Plan (drawn with dimensions) - show all existing buildings/structures, property lines, setback distances, well, septic, etc.
- Architectural Committee Approval (if required)
- Easements affecting the Property (irrigation, ingress/egress, power, etc.)
- Primary owner occupancy verification (see #3 on the attached standards sheet)
- Well size verified for multiple dwelling use

**I/we, the undersigned owner and applicant, have read the attached standards from the ordinance and understand our responsibilities.**

Signatures: \_\_\_\_\_

Property Owner

Applicant

\*\*\*\*\*Office Use Only\*\*\*\*\*

Date of Acceptance: \_\_\_\_\_ Accepted by: \_\_\_\_\_

Administrative Notes/Changes: \_\_\_\_\_

**Gem County  
Secondary Dwelling Units Ordinance**

**11-6-5 L. - Dwelling, Secondary:**

*Purpose: The intent of this section is to provide an opportunity for the development of permanent, single-family, independent living dwellings for Gem County citizens; to provide a type of affordable housing alternative; to provide economic support for resident families through small rental units; and to implement policies in the Housing and Land Use chapters of the Comprehensive Plan that call for a diversity of housing types. The purpose is to provide such development opportunities while still maintaining the residential character of the surrounding neighborhood. To ensure that no avoidable adverse impacts on the public health, safety and general welfare result from the creation of a secondary dwelling, the County prescribes standards for the approval of such units.*

1. Permitted: One permanent secondary dwelling is permitted on the same property in conjunction with and clearly subordinate to an existing single-family dwelling, in accordance with the standards listed in this section. Secondary dwellings are only allowed in “A” districts.
2. Recorded Restrictions: Before a building permit for a secondary dwelling unit is issued, the property owner shall file with the County Recorder’s Office and submit to Development Services Department a declaration or agreement of restrictions containing a reference to the deed under which the property was acquired by the owner and stating that:
  - a. The secondary dwelling unit shall not be sold separate from the primary dwelling unit;
  - b. The secondary dwelling unit is restricted to the maximum size allowed per the development standards.
  - c. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.
3. Owner Occupancy: To create and maintain a secondary dwelling, the property owner shall reside on the property. The applicant for a secondary dwelling shall demonstrate at the time of building permit application that either the primary dwelling or the secondary dwelling is occupied by the property owner. Owner occupancy is demonstrated by title records, vehicle registration, voter registration or other similar means.
4. Subdivision: Secondary dwelling units shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit.
5. Maximum Size: Secondary dwelling units shall be limited to a maximum gross floor area of one thousand and one hundred (1,100) square feet, not including the garage.
6. Septic and Well: The secondary dwelling unit shall be hooked to a wastewater system approved by the Health Department and shall share the same domestic water source as the primary dwelling unit. Modifying the existing water source to accommodate both dwellings is permitted.
7. Location: The secondary dwelling may be: located within or attached to the primary dwelling; a detached structure; or above or beside a detached structure, such as a garage. Detached secondary dwelling units shall be located to the side or rear of a primary dwelling and no closer than ten (10) feet. No portion of the secondary dwelling shall be located in front of the primary dwelling. It shall not be allowed where it would create adverse effects on essential public services and/or natural features. These include, but are not limited to, water supply, stormwater, roadways, unsuitable soil types and hillsides.

8. Driveway and Address: The driveway serving the secondary dwelling shall be shared with the primary dwelling. If combining driveways is prohibited by a physical site constraint or some other barrier beyond the owner's control, a separate driveway permit may be allowed as authorized by the Road and Bridge Department. A separate address shall be issued for the secondary dwelling.

9. Design: The secondary dwelling shall be similar in design to the primary single-family dwelling, including roof pitch, siding, color, materials, and window treatments.

10. Prohibitions:

- a. Manufactured and mobile homes, trailers, and recreation vehicles shall be prohibited for use as a secondary dwelling. However, when the primary dwelling is a manufactured home, as defined in Chapter 2-2 of this title and possessing a valid Certificate of Occupancy, a manufactured home may be allowed as the secondary dwelling, subject to compliance with all other standards listed in this section.
- b. A secondary dwelling is not permitted on parcels where more than one dwelling already exists or on parcels already approved for a temporary dwelling under Chapter 11-19.
- c. A secondary dwelling is not permitted on any parcel less than five (5) acres in size.
- d. A secondary dwelling is not permitted on an illegal parcel.

11. Code Compliance: In cases where an existing garage, shop, or single-family dwelling is to be converted to a secondary dwelling, the area designated for the secondary dwelling must be brought into compliance with current International Residential Code standards, as determined by the Building Official.

