

# Memo

**To:** Zoning Commission  
**From:** Jennifer Kharri, Planning Director  
**Cc:** Anne Rice  
**Date:** 4/26/22  
**Re:** Rice Kennel Special Use Permit #SUP 21-001 Review

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Commissioners,

The subject item is on your 5/9 agenda for the purpose of reviewing the current conditions of approval per condition #1 that you placed on the SUP. Condition #1 states: This permit is subject to a review by the Zoning Commission in 1 year from the date of permit issuance. A public hearing will be held to determine compliance of the permit in May 2022.

Over the last year, there have been two written complaints with evidence of barking submitted via recordings. This is the first the applicant has been made aware of the complaints due to the wording in the original permit pertaining to training, which staff believes was a carryover from another kennel SUP and not intended for this application. Because this is a public hearing, you can amend the conditions of approval if you see fit. Notice was sent to property owners within 300 feet of the site regarding the SUP review to let them know that they can call in/sign on to listen or to attend in person to provide comments at the public hearing.

## Application Summary / Background

- ❑ SUP #21-001 was approved on 5/17/21 permitting a kennel (see attached application for more information). The application was filed following the complaint regarding barking dogs that the Code Enforcement Officer received.
- ❑ Two complaints have been filed since the issuance of the SUP. See attached to the Code Enforcement Officer Memorandum for record.

Attached to this memo are the following:

- SUP application (describing the use) and the 5/17/21 minutes (**Exhibit A**)
- Zoning Commission's 2021 written decision for the SUP (with conditions of approval) (**Exhibit B**)
- Code Enforcement Officer Memorandum for record with copies of the complaints received (**Exhibit C**)

- Written comments submitted for the SUP review. **(Exhibit D)**

After hearing from the applicant and public testimony, the Commission can make a motion to keep the SUP as is, can modify the conditions of approval as needed or the SUP can be revoked if there is sufficient evidence to do so.

EXHIBIT A



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

PROJECT NAME: Dog Kennel

SITE INFORMATION:

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

Quarter: \_\_\_\_\_ Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Total Acres: 10

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

Site Address: 3131 Fuller Rd Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Tax Parcel Number(s): \_\_\_\_\_ City: Emmett

Current Zoning: \_\_\_\_\_ Current Land Use: \_\_\_\_\_

PROPERTY OWNER:

Name: SUZANNE L. McCRACKEN

Address: 1899 N. WILMINGTON DR

City: BOISE

State: ID

Zip: 83724

APPLICANT:

Name: Luca Ricci

Address: 3131 Fuller Rd

City: Emmett

State: ID

Zip: 83617

Telephone: 208 559-2316 Fax: N/A

Telephone: 208 569-7765 Fax: \_\_\_\_\_  
Email: luca.henricci@idaho.gov

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.

Suzanne L. McCracken  
Signature: (Owner)

Date \_\_\_\_\_ Signature: (Applicant)

Date \_\_\_\_\_

NOTE: THIS APPLICATION MUST BE SUBMITTED WITH THE APPLICABLE CHECKLIST (3).

File No.: SUP-21-001 Received By: MB Date: 3/8/21 Fee: 250 Receipt No: 846197





## SPECIAL USE PERMIT SUBMITTALS AND CHECKLIST

(Not a business license or building permit)

### GEM COUNTY DEVELOPMENT SERVICES

109 South McKinley, Emmett, Idaho 83617    www.gemcounty.org  
phone: (208) 365-5144

#### DESCRIPTION OF EXISTING USE:

*most*  
Dogs are house dogs  
They are chihuahuas and do not live outside  
There are 4 beaver hunting dogs that have kennels  
on the west side of my house. Also two bloodhounds that  
live in the house. Or are in the fenced yard -

#### DESCRIPTION OF PROPOSED SPECIAL USE: (Attach other sheets if necessary):

dogs DO NOT  
run loose  
unless someone  
is supervising

#### Submittal Requirements:

FEE: Category 1: All residential uses (e.g. daycare): \$250.00  
Category 2: Commercial and industrial uses (up to 5 acres): \$325.00  
Category 3: Commercial and industrial uses (greater than 5 acres): \$450.00

LEGAL DESCRIPTION: A metes and bounds description or lot and block reference of proposed property.

SITE PLAN: A plan of the proposed site for the special use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs and yards.

LANDSCAPE PLAN as per Gem County Zoning Ordinance; Chapter 6; Section 6-6; Subsection C-1-C.  
(Please see attached Landscape Plan Checklist)

PROOF OF OWNERSHIP OR VALID OPTION HOLDER: Attach a copy of your property deed, option agreement, quit claim deed, or title report with a complete legal description.

PLAT MAP: show property under consideration and surrounding properties.

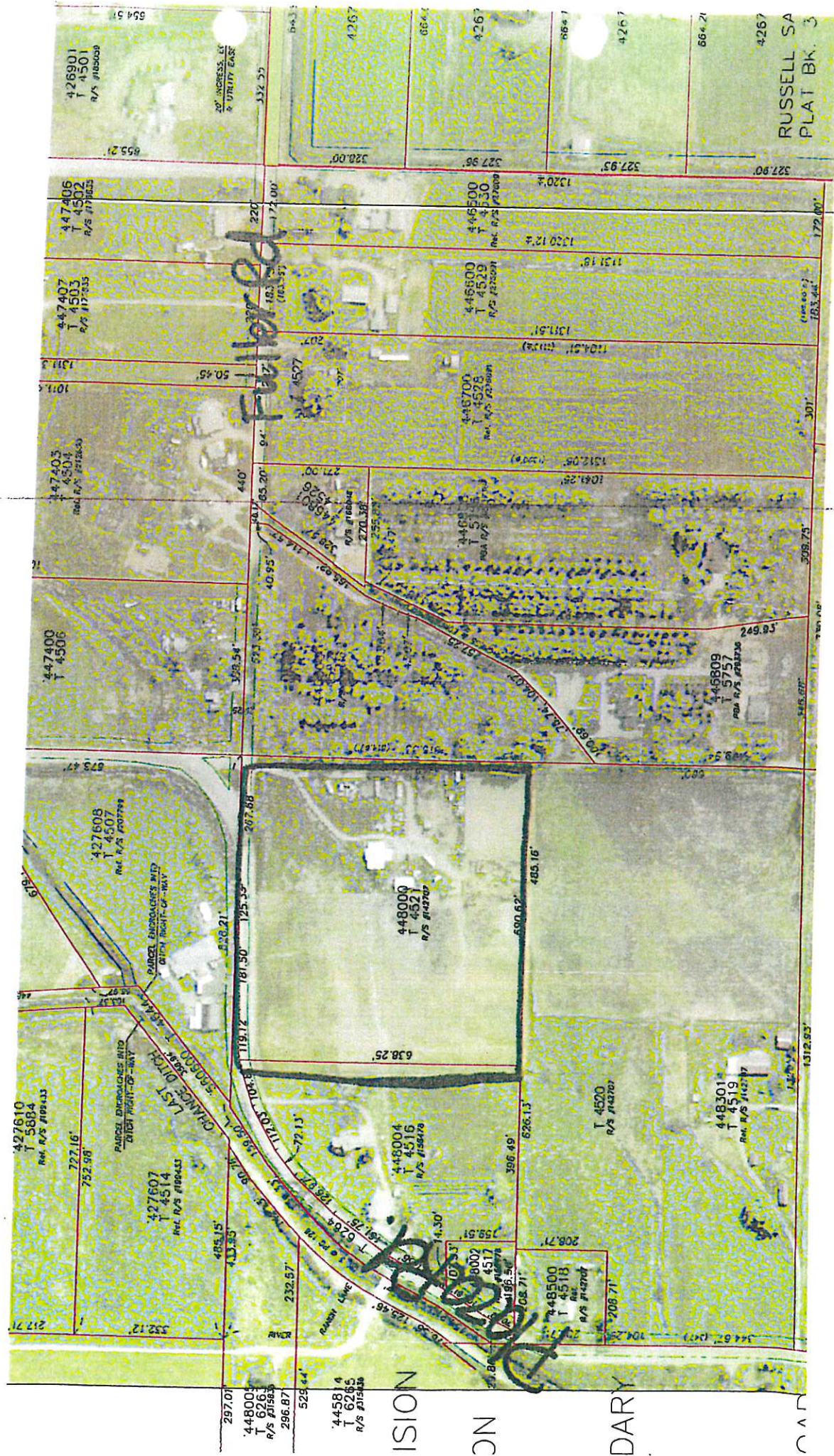
AERIAL PHOTO: Show property under consideration and surrounding properties

(THE ABOVE ITEMS WILL BE PROVIDED BY THE DEVELOPMENT SERVICE OFFICE)

LETTER OF INTENT: A narrative statement addressing the following nine standards:

GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES:







SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
May 17, 2021

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**2. SPECIAL USE PERMIT #SUP-21-001 – ANNE RICE – DOG KENNEL AT 3131 FULLER ROAD.**

APPLICANT:

**Anne Rice - 3131 Fuller Road**

She explained this is her second time applying for a kennel permit and was told she did not need one, due to the fact the dogs she owns are for personal use. She explained past issues with neighbors' complaints. She has dogs for pleasure, hunting, and search recovery dogs. The property is 10.3 acres.

**Chairman Eichelberger –**

Asked how many total acres the parcel consist of.

FAVOR:

**Rich Rice – 3131 Fuller Road**

Separated, divorce in process. The dogs are brought in at night after 10 pm, with the exception of the four dogs that are right outside the house. This is agricultural zoned land.

**Tamera Miller – 4881 Cascade Road**

Horses are boarded there, trains out of the facility. If constant barking were an issue, she would not be able to train there. She has taken her personal dogs out there and there never has been an issue.

**Rob Cook – 215 W. 1<sup>st</sup> Street**

Has boarded horses at this location in the past multiple times. He gave an example of being on the premises and not being able to hear the dogs. There are many trees on the property that can help absorb the noise. He explained the hound dogs will bark during the day if there is someone coming down the drive. Those dogs specifically brought in at night.

NEUTRAL:

NONE.

OPPOSED:

**Jordan Alvis – 3135 Fuller Road**

Submitted letter, feels it is affecting the way he enjoys his property. Lives to the east of the proposed kennel. Has received advice from sheriff's department/code enforcement. Has submitted video of the barking. It is late at night, early in the morning. Has to have music and cannot have guests over and outside without barking.

**Chairman Eichelberger -** letter reference barking/ howling

**Janice Lopez - 2733 River Ranch Lane**

SUMMARY MINUTES  
GEM COUNTY ZONING COMMISSION  
GEM COUNTY COURTHOUSE  
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To the west of the site, small home, converted the front part of her property to a RV turnaround. Has family that come to visit that will stay. Late night barking. Has to advise guests to close the windows. The dogs barking is very loud. You can hear it all the way down to the river. Gave example of family friends camping on the river. Sounds to be like large dogs barking. The barking has reduced since the notice has gone out for the public hearing.

APPLICANT REBUTTAL:

Explained the letter submitted by Jordan. Does not feel he is factual. The one dog he has video of, is not on the property anymore. Gave example of the shots fired at the dog. Read email from the Moyers. Verified the email was sent into the record. Explained what dogs sleep in her home and neighbors that have dogs, hounds specifically. Feels this is a target for harassment. She has tried to apply in the past; she was told she did not need one. She would like to be able to keep the amount of dogs that are there now. She does not plan to obtain any new dogs.

Chairman **Eichelberger** closed the public hearing.

COMMISSION DISCUSSION:

Multiple neighbors have submitted letters of concern. Asked for clarification of a kennel permit, restrictions allowed for the applicant. The commission reviewed the findings and the conditions of the staff report. Clarified with the property owner, all 19 dogs are hers. This is an allowed use within the A-2 zone.

Director **Kharri** -

Explained conditions can be specific to the amount of dogs. If the amount is set, and the property owner exceeds it, they would become in violation to the permit. She told the commission a larger amount is common on personal kennels.

Commissioner **Vickery** made a motion to **approve #SUP-21-001 with the change to condition #3, setting a limit of 19 adult dogs, and condition #1, adding a public hearing annual review.** Commissioner **Jones** seconded the motion.

**Vote:** Unanimous.



EXHIBIT B

**ZONING COMMISSION**  
*Rice Special Use Permit, SUP-21-001*

**FINDINGS, CONCLUSIONS, CONDITIONS, ORDER**

**Findings of Fact**

1. The applicant, Anne Rice, on property owned by Suzanne McCracken, sought approval of a Special Use Permit to allow a personal kennel to train and house more the four (4) dogs on her property that is zoned A-2, Rural Transitional Agriculture.
2. The property is located at 3131 Fuller Road and identified in Township 7 North, Range 1 West, Section 34, of the Boise Meridian, Gem County Idaho.
3. The subject property consists of approximately 10 acres in size and lies fully within the County Residential Area, Priority Growth Area #1, as designated on the Future Land Use Map in the Comprehensive Plan.
4. The record includes all testimony, application materials, the staff report, exhibits and documents in Special Use Permit file #SUP-21-001.
5. Notice of the public hearing was provided in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5.
6. The Zoning Commission held a public hearing on May 17, 2021. The applicant testified in favor along with three members of the public and two members of the public testified in opposition.
7. The Zoning Commission voted unanimously to approve the Special Use Permit with conditions.

**Conclusions of Law**

The Zoning Commission has the authority to hear this request and shall either approve, conditionally approve or disapprove the application as presented. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and County ordinances. Pursuant to section 11-7-3 of the Gem County Code (Zoning Ordinance related to Special Use Permits), the Commission finds adequate evidence of each of the General Standards for Special Use #SUP-21-001, as follows:

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

*The Commission finds that the proposed kennel lies within the A-2, Rural Transitional Agriculture zone. Gem County Code 11-5-5, Zoning Matrix does allow kennels within the A-2 zone and is, therefore, found to constitute a special use as established on the Official Schedule of District Regulations.*

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;

*The Commission finds that the proposed use, if operated according to the proposed conditions of approval, will be in accordance with the objectives and policies of the "County Residential Area, Priority Growth Area #1" designation on the Future Land Use Map of the Comprehensive Plan, as outlined in Section 5 of the accompanying staff report.*

Rice #SUP-21-001



- B. 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;

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

*The ability to own and raise animals and even some level of animal noise such as barking is to be expected in these rural parts of the county and does not change its essential character. Some barking or other animal or agricultural type sounds have been determined acceptable by the Commission in the past and do not change the essential character of the rural area. Only excessive, persistent barking would be deemed a nuisance and out of character for the agricultural character of this area. For this reason, the Commission finds some special conditions are necessary in order to protect the character of the area.*

*In 2012, Gem County Board of Commissioners did amend the Gem County Code to specify that "excessive, continuous or untimely barking or noise, during the hours of ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M." is now prohibited. The Sheriff's Office responds to complaints that fall within this timeframe. Outside of these night hours, the barking or animal noise must reach a level of actual public nuisance before any regulatory action would be taken.*

*The Commission finds that determining what is "harmonious" in a particular neighborhood relies strongly on the residents of that neighborhood. As such, the Commission finds some special conditions are necessary in order to be harmonious.*

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

*Two written comments were submitted by neighbors in response to the public notice for this application – in opposition. The Commission finds that the proposed use should not be hazardous or disturbing to neighboring uses except for the potential for excessive barking. This is an issue that the Commission addressed through conditions of approval, i.e., bark collars. If it is not complied with and a disturbance is created, the condition would allow for enforcement or permit modification, such as reducing the number of dogs, constructing soundproof housing, revoking the permit or other methods of controlling the noise.*

- D. 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;

*Commission finds that the proposed use could be adequately served by the Gem County Sheriff's Department, Mosquito Abatement, Emmett Sanitation and Gem Rural Fire District #1. There were no public service provider comments were received.*

- E. 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 proposed use is not expected to create excessive costs on any public facility with the addition of a personal dog kennel to what is existing on the property. The applicant is responsible for paying any improvement costs that may be associated with the kennel in the future. There are no anticipated*

*negative impacts on the public road system, EMS or school district. If operated in accordance with county and health department regulations, it should not be detrimental to the economic welfare of the community.*

- F. 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 barking if there were more than 4 dogs outside of the kennel at any one time, depending upon the type of breed.*

*The Commission finds that determining what is "detriment" in a particular neighborhood relies strongly on the residents of that neighborhood. As such, the Commission finds some special conditions are necessary in order to not be detrimental.*

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

*There should be no new vehicular access points created with this project and none are proposed. The existing driveway is found to be adequate for the proposed kennel. Excessive traffic is not anticipated for a personal kennel.*

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

*The Commission 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.*

### **Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Special Use Permit # SUP-21-001, the Zoning Commission hereby approves the special use permit request subject to the site-specific conditions attached hereto and incorporated herein as Exhibit A.

### **Notice to Applicant**

In accordance with Idaho Code Section 67-6535(3), the applicant in this case has the right to request a regulatory takings analysis pursuant to Idaho Code Section 67-8003.

### **Option to Appeal**

In accordance with Gem County Code, Section 11-13-1.B, any person having an interest in real property adversely affected by the Commission's decision has the right to file an Appeal of the Commission decision to the Board of County Commissioners. You must appeal the written decision within twenty (20) days from its rendering. Said appeal must follow the procedures outlined in Section B.1 of the Gem County Code 11-13-1.



DATED this 20<sup>th</sup> day of May, 2021.

On behalf of the Gem County Zoning Commission:

Jennifer Kharri, Planning Director

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of May, 2021, I served a true and correct copy of the foregoing DECISION AND ORDER FOR APPROVAL #SUP-21-001 upon

NAME Anne Rice  
ADDRESS 3131 Fuller Road  
Emmett, ID 83617

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

L. Olson

Lisa Olson, Planning and Building Assistant

## **EXHIBIT A**

### **SITE SPECIFIC CONDITIONS OF APPROVAL Rice Kennel SUP #21-001**

1. This permit is subject to a review by the Zoning Commission in 1 year from the date of permit issuance. A public hearing will be held to determine compliance of the permit in May 2021.
2. The permit is non-transferable to another property and is only valid at 3131 Fuller Road.
3. No more than 19 dogs, six (6) months or older, that are raised, kept, housed or boarded, are permitted on the property at any given time.
4. Uses associated with the kennel shall not generate a noise level to cause a disturbance to surrounding residents. Any persistent noise nuisance may be cause for reducing the maximum number of allowed dogs or revoking the permit. Bark collars or other barking or noise restraints shall be utilized and kept in good working order to comply with this condition during the training sessions.
5. The owner shall have a continuing obligation to maintain adequate housekeeping and sanitation practices and remain in compliance with all current public health guidelines designed to prevent the creation of a public nuisance and to reduce to a minimum the factors of noise and odor.

#### **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.

**MEMORANDUM FOR RECORD** – April 11, 2022

EXHIBIT C

Subsequent to the issuing of Special Use Permit #21-001 to address the number of dogs and their presenting a public nuisance, the situation has not changed. The SUP only protected the resident from further code enforcement actions.

The issue of persistent barking is not addressed adequately within the SUP as it only requires bark collars "during training", while the issue is persistent at all times of day and night.

Additionally, the extreme number of dogs exacerbates the problem by sheer volume.

Containment with sound proofing would be the only resolution that has the possibility of mitigating the issue, or bark collars and reduction in the number present.



Larry D Robertson

Code Enforcement Officer

Gem County, Idaho



Original complaint that resulted in SUP being processed, *LDH*



**Case #:** 318

**Case Date:** 08/28/20

**Complainant** Jordan Alvis  
**Name:**

**Complainant** 3151 Fuller Rd.  
**Address:**

**Complainant** 2085594962  
**Phone:**

**Complaint** Aware of 12 Adult dogs. 3 hounds, 1 Boxer, 6 Chihuahuas, and 2 mutts. Barking at all hours.

**Reported:** Sheriff has been called out twice for County Violations of barking and filed Nuisance complaint as requested by Sheriff. 'Dogs at large' at times but not had Sheriff ticket but have Video of violations. See the following link for videos:

[https://www.youtube.com/channel/UC5SyyVq\\_Vi5JUutqdl3Zouw/videos?view\\_as=subscriber](https://www.youtube.com/channel/UC5SyyVq_Vi5JUutqdl3Zouw/videos?view_as=subscriber)

**Close Date:**

**Status:** Closed

**Description:** Aware of 12 Adult dogs. 3 hounds, 1 Boxer, 6 Chihuahuas, and 2 mutts. Barking at all hours. Sheriff has been called out twice for County Violations of barking and filed Nuisance complaint as requested by Sheriff. 'Dogs at large' at times but not had Sheriff ticket but have Video of violations. See the following link for videos:

[https://www.youtube.com/channel/UC5SyyVq\\_Vi5JUutqdl3Zouw/videos?view\\_as=subscriber](https://www.youtube.com/channel/UC5SyyVq_Vi5JUutqdl3Zouw/videos?view_as=subscriber)

**Status:**

**Assigned To:** Larry D Robertson

### Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
RP07N01W343600	3131 FULLER RD	07N 01W SEC 34 TAX4521	MCCRACKEN GARY L		

### Violations

Date	Violation	Description	Notes	Status
08/28/2020	Animals - More than 4 adult dogs			Closed

### Notes

Date	Note	Created By:
2021-05-13	Kennel permit in process for public hearing.	Larry Robertson
2020-11-24	Left voicemail to have application in first of next week, or a citation will be issued.	Larry Robertson
2020-09-09	Spoke with Anne Rice (tenant), will submit application for kennel within 30 days - 208-509-7768	Larry Robertson
2020-08-28	See the following link for videos: <a href="https://www.youtube.com/channel/UC5SyyVq_Vi5JUutqdl3Zouw/videos?view_as=subscriber">https://www.youtube.com/channel/UC5SyyVq_Vi5JUutqdl3Zouw/videos?view_as=subscriber</a>	Larry Robertson

Complaint after issue of SUP.

LDR



**Case #:** 350

**Case Date:** 09/13/21

**Complainant** Jordan Alvis  
**Name:**

**Complainant** 3151 Fuller Rd.  
**Address:**

**Complainant** 2085594962  
**Phone:**

**Complaint**  
**Reported:**

**Close Date:**

**Status:** Open

**Description:** Permit #SUP-21-001. See Section "C" in permit for requirements regarding complaint. Videos to validate complaint will be emailed to the following: Lrobertson@gem.id.us. Dogs are barking loudly and excessively. Bark collars and sounds proof kennels not in use. Barking can be loudly heard within home and dogs are left outside to bark at will. Dogs have been left to bark as late as 11:30 at night and for hours at time. Tennant has not made changes as per zoning commissions requirements to permit issued May 20th 2021. Several hundred videos available for review since issuing of permit but will send sampling to email mentioned. Barking Nuisance occurs daily.

**Status:**

**Assigned To:** Larry D Robertson

### Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
RP07N01W343600	3131 FULLER RD	07N 01W SEC 34 TAX4521	MCCRACKEN GARY L		

### Violations

Date	Violation	Description	Notes	Status
09/13/2021	Permit Violation			Open

### Uploaded Files

Date	File Name
09/13/2021	

*Sup***Case #:** 351**Case Date:** 09/20/21**Complainant** Janine Strauss  
**Name:****Complainant** 3165 Fuller Rd.  
**Address:****Complainant** 2088606097  
**Phone:****Complaint** Dogs barking  
**Reported:****Close Date:****Status:** Open**Description:** Dogs barking loudly and for hours at a time. Kennel permit was to require bark collars and sound proof kennel which are not being used. Barking late into night and cannot be outside or have windows open. Dogs can be heard when left indoors and is a nuisance.**Status:****Assigned To:** Larry D Robertson**Property**

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
RP07N01W343600	3131 FULLER RD	07N 01W SEC 34 TAX4521	MCCRACKEN GARY L		





To: Gem County Zoning Commission

4/25/22

This letter is to address a special use permit for Anne Rice Dog Kennel SUP #21-001 located at 3131 Fuller Rd.

We live at 3169 Fuller Rd. We feel as long as the noise level at night is acceptable, we have no objections to a dog kennel. We strongly feel private property is sacred, and the business of Anne Rice Dog Kennel should be allowed. It is their property, and they should be allowed to do whatever they want on their property. Thank you for your time.

Sincerely,

Theodore e Laurie Moyer

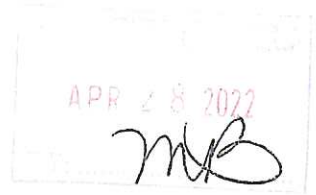
APR 28 2022

SE

4-28-2022

To Whom it may concern

My name is Leland F Gotcher Jr



I Live at 2751 N. Plaza Rd Emmett Idaho 83617  
Ph 208 631-1665

I Live Directly accross from The proposed dog kennel

I do NOT Want To have it directly across The Street  
from me

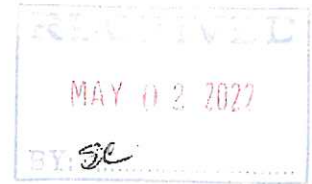
I bought This Place To have peace and quiet

Leland F Gotcher Jr.  
*[Handwritten signature]*



May 1, 2022

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



To whom it may Concern:

I am writing in response to the kennel permit at 3131 Fuller Rd. My home is behind this location. My address is 3165 Fuller Rd.

This review process has left little in results. We are still hearing loud barking even if the dogs are left indoors. They are extremely loud and bark often and for long periods of time. Why the county would allow a permit with no enforcement seems opposite to the point of this permit.

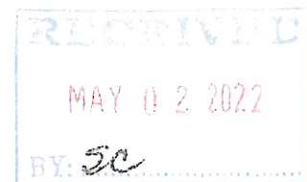
My request and recommendation remains the same as from a year ago. If the commission wishes to offer a permit require bark collars and sound proof kennels. Permitting a nuisance is a poor example and ill suited to the community.

Thank you,

Janine Strauss

May 1, 2022

Jordan T. Alvis  
3151 Fuller Rd.  
Emmett, ID 83617



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

Zoning Commission:

As per recommendation this letter is in response to a special use permit application(SUP-21-602) for Suzanne McCracken's tenant Ann Rice. Purpose is Dog Kennel at location 3131 Fuller Rd.

With regret I write this to inform the zoning commission that regardless of the good faith offered the results are the same. Being that my home and property adjoin the location of the landowners tenant my family and I are greatly affected. The persistent and loud barking has continued to be a nuisance both during the day and into the night. Hours of barking daily are common. There is no place to avoid the barking as it can be heard indoors. Guests are almost exclusively limited indoors for conversation and windows cannot be opened.

Per recommendation of Gem County Code Enforcement and Gem County Sheriff Department I have documented by video and have over 500 recordings since the issue of this Permit. In addition another 1,000 recordings since seeking the counsel of the County and Sheriff 3 years ago. All can substantiate these claims and are available for the Zoning Commission. Two samplings via USB have been included with this letter. One from this last year and one from the year prior. I'm requesting these be added to the file for the permit.

Being that we have endured another year with nothing provided by the County but good faith I'm requesting necessary measures of accountability to

avoid any further burden on my family's peace. Requiring soundproof kennels and bark collars places the responsibility on the Landowner and Tenant. To place a burden anywhere else would be unfit. The purpose of this "review" process was to offer an action of good faith but at the sacrifice and well being of their neighbors. I ask that such a burden not be continued.

Such a measure would be prudent as the permit would not be revoked, the Tenant could keep the 19 dogs, and would allow accountability with those who have the most power, the property owner and the dog owner. In addition this allows the County proper action to resolve any further issue through Code Enforcement.

Please review my previous letter and videos provided.

Thank you for your efforts,

A handwritten signature in cursive script, reading "Jordan T. Alvis". The signature is fluid and stylized, with a long horizontal stroke extending from the middle of the name.

Jordan T. Alvis



\* Breeding & Selling Dogs. Not mentioned  
By Applicant.

9:37 AM Wed Jan 5



Anne Cook in Emmett Yard Salers

## Anne Cook

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Anne Cook commented on her own post: "Pm for any  
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Anne Cook



23b ·

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3

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