



Staff Report

Payne Rezone, RZ-23-009

Hearing Date: April 8, 2024

Development Services Department

Applicant:

Andrew and Amber Payne

Property Owner:

Andrew V and Amber M Payne

Representative:

Same

Planner:

Jennifer Kharri

Parcel Number:

RP06N01W188400 and
RP06N01W188500

Parcel Address:

120 W Sale Yard Road/ TBD S. Boise
Avenue

Lot Size/Project Area:

23.48+/- (comprised of 2 parcels)

Impact Area:

N/A

Current Zone:

"A-2" (Rural Transitional Agriculture)

Comprehensive Plan:

Comprehensive Plan
Future Land Use: County
Residential

Current Uses:

Single family residential/Bare land

Applicable Zoning Land Use

Regulations: GCC 11-15

Notification:

2/26/24-Agency
2/26/24-Neighbor
Mailing
3/20/24-Publication
2/16/24-Posting

Exhibits:

1. Rezone Application
2. Comprehensive Plan Map
3. Current Zoning Map
4. Road and Bridge Department Letter
5. 300' List

Brief Summary of Request

The property owner, Andrew and Amber Payne, is requesting a rezone of their parcel from A-2, Rural Transitional Agriculture (5-acre minimum lot size) to R-3, Rural Transitional (2-acre minimum lot size). The application states the reason for the request is to split off a 2-acre parcel from the Boise Avenue parcel. (Note: Subdividing the property is a separate application and must be preceded by a rezone to allow for the smaller lot size.) The property proposed to be rezoned consists of approximately 23.48 acres (comprised of 2 parcels) that lies fully within the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan. The properties are located at 120 W Sales Yard Road single-family dwelling) and TBD S Boise Avenue (bare land).



Description of Character of Surrounding Area

The immediate vicinity includes a combination of active and inactive agricultural lands and single-family residential properties. The entire vicinity contains irrigated and/or irrigatable lands (Last Chance Ditch).

	COMP PLAN	ZONING	LAND USE
North	County Residential	A-2	Irrigated agricultural land; rural residential
South	County Residential	A-2 and R-3	Irrigated agricultural land; rural residential
East	County Residential	A-2	Irrigated agricultural land; rural residential
West	County Residential	A-2	Irrigated agricultural land; rural residential

Zoning Ordinance

- A. Purpose Statement of Zone: Gem County Code 11-4-4.B lists the purpose of the R-3 zone as follows:
"To provide lands for the development of single-family dwellings, in areas that can be served by individual well and septic systems." The R-3 zone has a two (2) acre minimum lot size requirement.

The applicant's intent is to split off a 2-acre parcel which would require that he apply for a subdivision. (If the rezone is approved, a Subdivision application must be filed to subdivide the property). 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 A-2 (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 R-3 zone allows the following uses, either outright or as a Special Use Permit:

Fruit and produce stand (commercial), utilities, convenience store, park and ride lots, health club, libraries, parks, schools, swimming pools, sports arenas, daycares, government services, clinics, bed and breakfast, and single-family residential.

With the exception of a convenience store (only allowed through a Special Use Permit in the R-3 zone), staff finds the land uses in an R-3 zone to be generally more restrictive than the current allowed A-2 land uses. This is largely due to the mining and entertainment land uses allowed in the A-2 which are prohibited in the R-3 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 support an R-3 rezone in this area. In Staff's estimation, the Comprehensive Plan Future Land Use Map relevant policies does support the rezone application to R-3 since the parcel falls within the County Residential Area.

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

Staff finds an R-3 zone would allow nine (9) additional dwellings on the subject parcels (as it sits today, there is a single-family dwelling on one parcel and the other is eligible for 1 building permit for a single-family dwelling). However, the applicant's intent is to only split off a 2-acre parcel from the Boise Avenue parcel at this time. The applicant needs to specify if they eventually intend to subdivide the rest of the acreage. The Commission may require a Development Agreement to limit the number of parcels at this time before requiring any further studies. The potential increased septic could be

viewed as detrimental to the health, safety, or welfare when located on two (2) 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. The County may require further analysis on ground water impacts, depending on the number of the Lots the applicant is intending, before a subdivision can be approved which would need to be a condition of a Development Agreement tied to this rezone. Natural Resources Goal 2.B from the Comprehensive Plan encourages new subdivisions to assess both the immediate and long-term cumulative impacts on water quantity and quality.

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

The minimum lot size in the proposed R-3 zone is two-acres. The subject area to be rezoned to R-3 is currently 23.48 acres in size. The site complies with the minimum size and setbacks of the R-3 zone. The subject site could be developed to comply with the minimum dimensions for an R-3 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-3 zone with the existing A-2 zone is shown above. More intense uses are allowed with or without a SUP in the current zone than in the proposed R-3 zone. There are a few special uses allowed in the R-3 zone that would not be harmonious with the existing rural residential character of Boise Avenue and Sales Yard Road, 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-3 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-3 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.

The public service agencies/providers that responded to this rezone application was The Road and Bridger Department with no comments at this time.

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 28.84 acres of R-3-zoned land into two-acre parcels could be expected to generate demands on public services beyond the current service demands. The Board adopted an Impact Fee Ordinance which is used to off-set costs, to the public road system and other public services that are provided, caused by new homes and their traffic generation.

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 **County Residential Area**. This category describes residential development outside of Emmett's AOCL. These areas should be closer to service connections, existing infrastructure, and supported by the Transportation Plan. The uses in the County Residential category may include large-lot residential and clustered residential. Agriculture, open space, public/quasi-public, and educational uses may be appropriate as well. The minimum lot size is

2 acres.

The proposed R-3 zone designation would allow a minimum two (2) acre lot size for primarily residential uses. This area is intended for rural residential growth of densities of 2 acres per dwelling unit. The proposed R-3 zone complies with the purpose of the County Residential Area policies.

The following policies have been set forth in the Land Use section of the Comprehensive Plan and generally 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 2.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....

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 Housing section of the Comprehensive Plan and generally support the application:

Housing Goal 1.F. Support housing developments within the County Residential land use areas that are closer to employment, transportation, schools, and services.

The following policies have been set forth in the Transportation section of Comprehensive Plan for and generally 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 Natural Resources 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.

Natural Resources Goal 2.E. Coordinate with Southwest District Health to determine appropriate densities and setback standards for individual septic systems.

Comments

Public Comments

Public hearing notices were mailed to twenty-four (24) parcels in the immediate vicinity. At the time of this report, staff hadn't received any written comments.

County Agency Comments

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

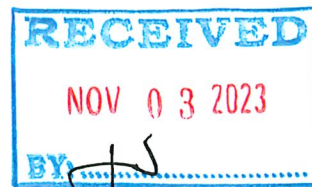
Decision Options

- The Commission may recommend approval of the rezone; or
- The Commission may recommend approval with conditions attached to a Development Agreement;
or

- 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 meets all of the required findings 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. The R-3 zone appears to be appropriate for this location at this time. Based on the information presented to date and available to staff, we support this application and recommend that the Commission **recommend approval** 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.



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
- ☐ COMPREHENSIVE PLAN TEXT AMENDMENT
- ☐ COMPREHENSIVE PLAN MAP AMENDMENT
- ☐ DESIGN REVIEW
- ☐ DEVELOPMENT AGREEMENT
- ☐ PLANNED UNIT DEVELOPMENT

- ☐ PLANNED COMMUNITY
- ☒ REZONE
- ☐ SPECIAL USE PERMIT
- ☐ SPECIAL USE PERMIT (MINERAL EXTRACTION)
- ☐ SUBDIVISION, PRELIMINARY
- ☐ SUBDIVISION, MODIFICATION

- ☐ SUPPLEMENTAL AMENDMENT
- ☐ VACATION
- ☐ VARIANCE
- ☐ ZONING TEXT AMENDMENT

PROJECT NAME: So. Boise Ave. Payne Rezone

SITE INFORMATION:

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

Quarter: SE Section: 18 Township: 06N Range: 01W Total Acres: 12.68

Subdivision Name (if applicable): _____

Lot: _____ Block: _____

Site Address: TBD So. Boise Ave. 120 w Sales Yard Rd. City: Emmett

Tax Parcel Number(s): RP06N01W188400 Current Zoning: A2 Current Land Use: AG
RP06N01W188500

PROPERTY OWNER:

Name: Andrew and Amber Payne

Address: 120 W. Sales Yard Rd.

City: Emmett State: ID Zip: 83617

Telephone: 208-573-6415

Email: apayne719@gmail.com

APPLICANT:

Name: Andrew and Amber Payne

Address: 120 W. Sales Yard Rd.

City: Emmett State: ID Zip: 83617

Telephone: 208-573-6415

Email: apayne719@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] 11/3/23
Signature: (Owner) Date

[Signature] 11/3/23
Signature: (Applicant) Date

File No.: R2-23-009 Received By: SV OFFICE USE ONLY Date: 11-3-23 Fee: 710⁰⁰ Receipt No: 00037

November 3, 2023

Gem County Development Services

109 South McKinley

Emmett, ID 83617

Re: So. Boise Ave. Payne Rezone 120w Sales Yard Rd.

Parcel RP06N01W188400 and RP06N01W188500

Dear Commission,

This letter of intent and attached application along with supporting documents is for a proposed rezoning of Parcel RP06N01W188400, TBD So. Boise Ave. here in Emmett. I am requesting to have this 12.68 acres rezoned from A2 to County Residential to allow for a 2-acre minimum lot size. We plan to split off and sell a 2-acre section along Boise Avenue. This rezone is in alignment with the comprehensive plan and future land use categories. (Comp. Plan Page 49)

Currently, this land is swampy, breeds mosquitoes and getting overgrown with trees. We have worked to improve the land in the last few years since taking ownership. Selling off one parcel will fund further improvements and allow for more options in the future. This rezone will be compatible with the surrounding area. There are 6 parcels to the south all 1 acre or less. We don't believe this rezone will cause economic, social, or physical stress on existing or surrounding areas.

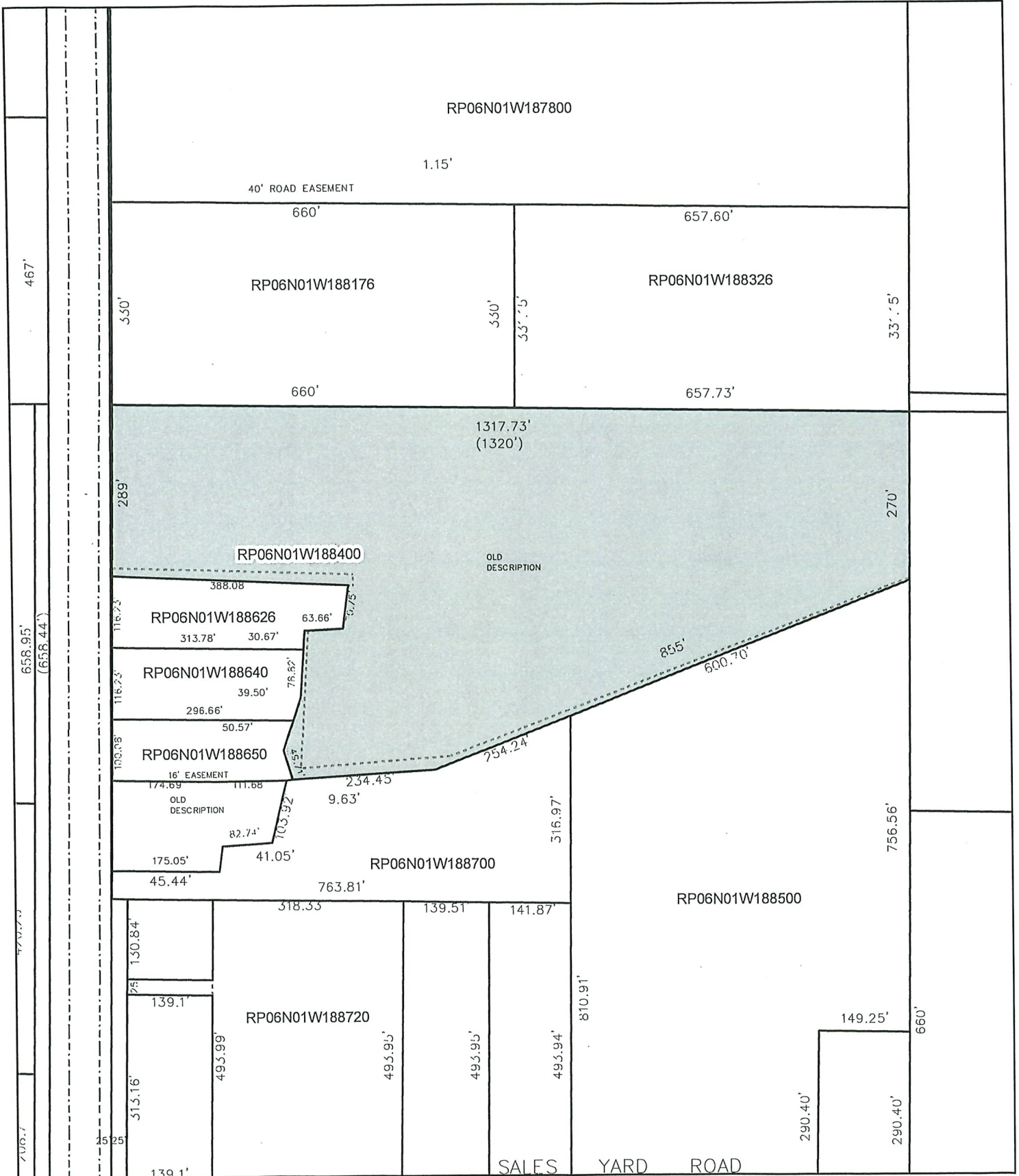
Along with this process of rezoning said parcel we would like to also rezone our adjacent property to be the same zoning from A2 to county residential. This Parcel # is RP06N01W188500. Currently, this is our primary residence which sits on 10.8 acres. We don't plan to do anything different at this time, but rezoning will allow for more options in the future. This rezone is in alignment with the comprehensive plan and future land use categories. (Comp. Plan Page 49) Surrounding properties along Sales Yard Rd. on each side of us are 1.6 acres and 1 acre. We don't believe this rezone will cause economic, social, or physical stress on existing or surrounding areas.

Respectfully,

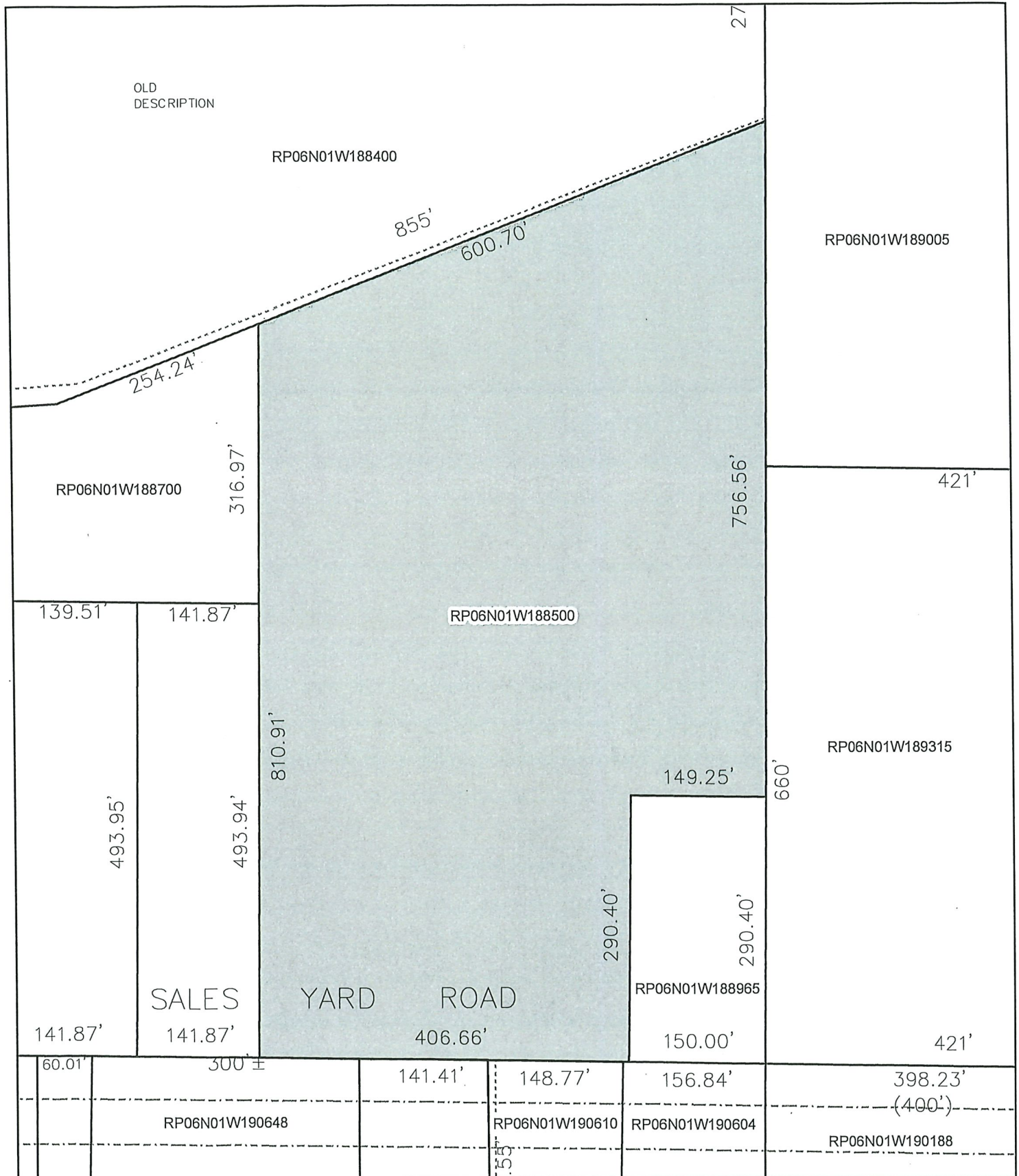
Andy Payne

208-573-6415

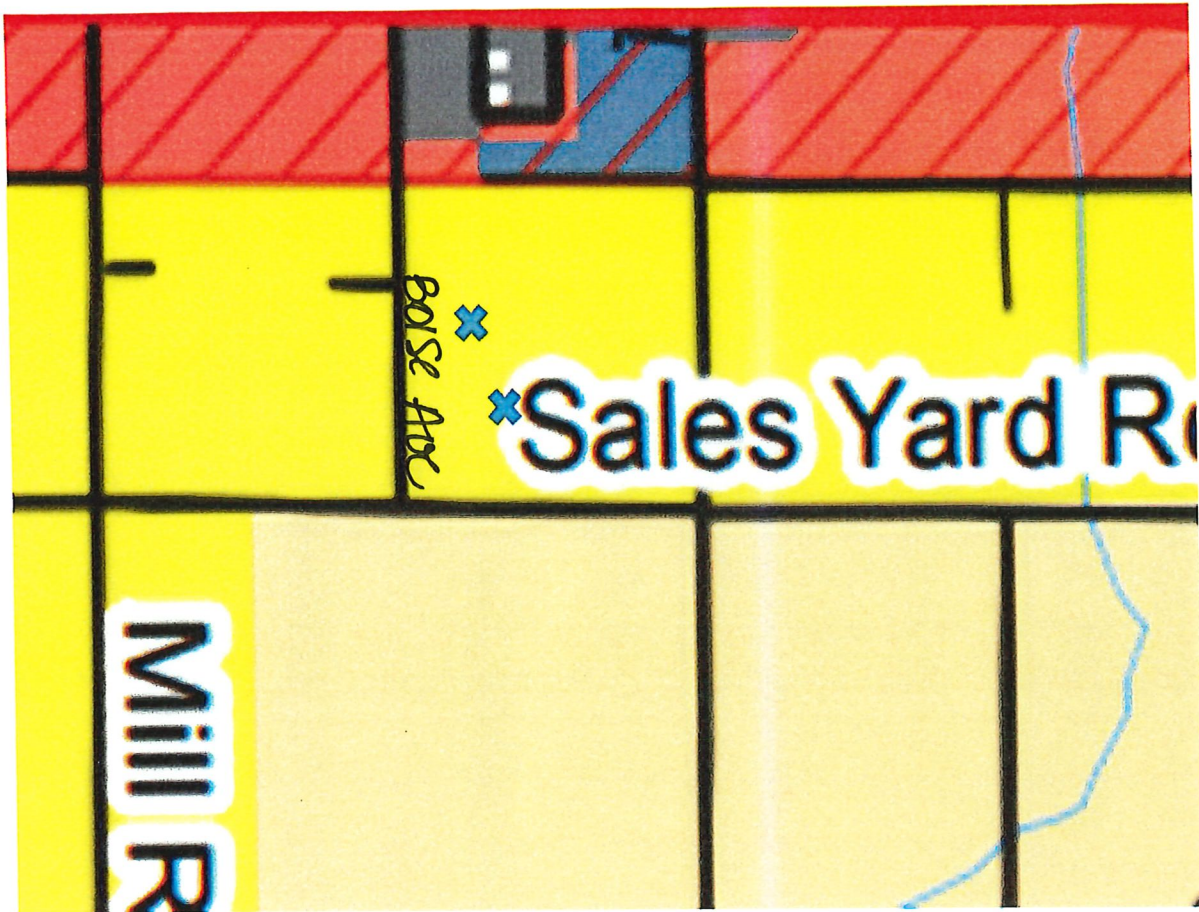
RP06N01W188400



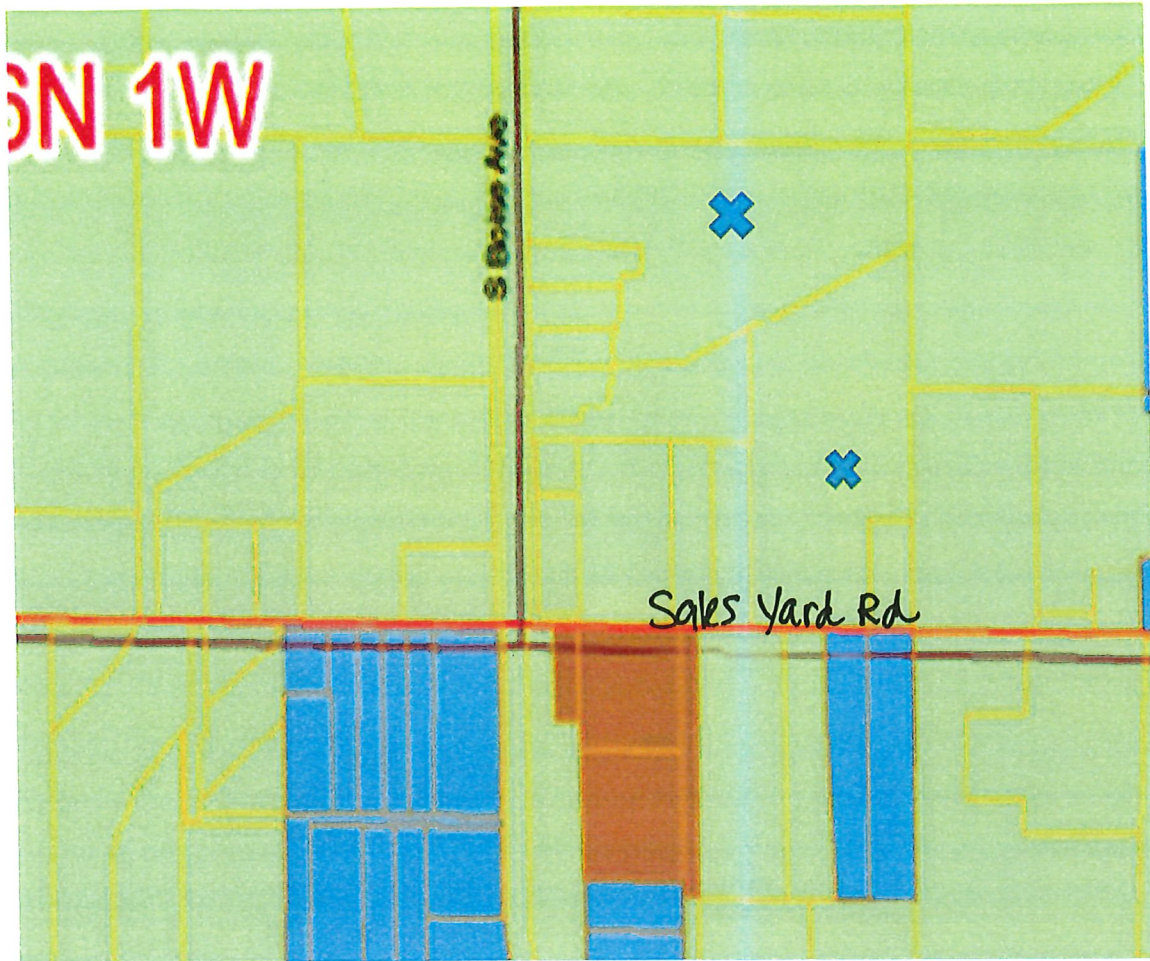
RP06N01W188500



FUTURE LAND USE MAP DESIGNATION



ZONING MAP



**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**

March 4, 2024

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

RE: Andrew & Amber Payne (Rezone)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the Rezone Application for Andrew & Amber Payne, property located at 120 W. Sales Yard Road. GCRB has no comments in regards to this application.

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

Thank you,

A handwritten signature in blue ink, appearing to be "Neal Capps", is written over a horizontal line.

Neal Capps, Director
Gem County Road & Bridge

CERTIFICATE OF MAILING

I hereby certify that on the 15 day of February 2024, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Payne

T06N, R01W, Section 18

- | | |
|---|--|
| - Donald Davison
121 E. Sales Yard Rd
Emmett, ID 83617 | |
| - Good Land LLC
222 S Johns Ave
Emmett, Id 83617 | - Shauna Greenfield
8402 Happy Valley Rd
Nampa, Id 83686 |
| - Guy Ghini
237 Overton Rd
Pueblo, CO 81008 | - Caliber INV. Group
PO Box 146
Saint Charles, ID 83272 |
| - James Davison
4315 Mesa Landing Ave
Las Vegas, NV 89085 | - Michael Kharri
2830 S. Boise Ave
Emmett, ID 83617 |
| - TJT Enterprises
PO Box 216
Emmett, Id 83617 | - Justin Fisher
110 E. Sales Yard
Emmett, ID 83617 |
| - Josh Stinson
245 W. Sales Yard Rd
Emmett, Id 83617 | - Neal Justice
2824 S. Boise Ave
Emmett, ID 83617 |
| - Patrick Stalder
105 Grande Vista St
Oakview, CA 93022 | - Patrick Medes
2788 S. Boise Ave
Emmett, ID 83617 |
| - Robert Hall
140 W. Sales Yard RD
Emmett, ID 83617 | - Justin Griggs
2750 S. Boise Ave
Emmet, ID 83617 |
| - Arthur Escalera
2328 S. Boise Ave
Emmett, ID 83617 | - Katherine Sanders
2740 S. Boise Ave
Emmett, ID 83617 |
| - David Holmes
2344 S. Boise Ave
Emmett, ID 83617 | - Hooterville LLC
605 W. Water Grove Dr
Eagle, ID 83616 |

✓ Wayne Diggs
620 W. Sales Yard Rd
Emmett, ID 83617


Frances Hunter
1213 Viewcrest Dr
Nyssa, OR97913

✓ Susan Dill
2222 S. Johns Ave
Emmett, ID 83617

✓ Matthew Heath
111 E Sales Yard RD
Emmett, ID 83617

✓ Lauren Welch
2351 S. Boise Ave
Emmett, ID 83617

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



Stephanie Crays
Development Services Coordinator