



# 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:

Stratton Rezone

## SITE INFORMATION:

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

Quarter: L4 Section: 60 Township: 6N Range: 1W Total Acres: 4.969

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

Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Site Address: No. 5125 Edgemont Road

City: Emmett

Tax Parcel Number(s): RP66A01A003339

Current Zoning: A2 Current Land Use: \_\_\_\_\_

## PROPERTY OWNER:

Name: Kyle Stratton

Address: PO Box 718

City: Emmett State: ID Zip: 83617

Telephone: 208-870-8075

Email: kyle@evansrealtyllc.com

I consent to this application and allow Development Services staff to enter the property for site inspections related to this application.

Signature: (Owner)

Date

## APPLICANT:

Name: Sawtooth Land Surveying

Address: 2030 S. Washington Ave

City: Emmett State: ID Zip: 83617

Telephone: 208-398-8104

Email: dmy@SawtoothLS.com

I certify this information is correct to the best of my knowledge.

Signature: (Applicant)

Date

4-6-22

## OFFICE USE ONLY

File No.: B2-22-005

Received By: SCrays

Date: 4-20-22

Fee: \$710.00

Receipt No: 2022-00208



## Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105  
2030 S. Washington Ave., Emmett, ID 83617

April 14, 2021

Development Services

RE: Rezone No Situs Edgemont Road

To whom it may concern,

On behalf of Kyle Stratton, we are pleased to submit this Letter of Intent and attached application and supporting documents for the proposed Rezone on No Situs Edgemont Road.

<u>Address</u>	<u>Parcel Number</u>	<u>Acreage</u>
No Situs Edgemont Road	RP06N01W06338	4.969

This property is within Gem County and is currently zoned A2. We are looking to have the property zoned R2. The future plan is to subdivide the property into four, 1 acre lots. This appears to coincide with the future land use map, as this parcel is under county residential area. The comprehensive plan states in chapter 12, that area is for primarily single family and multi-family use. 3.1.1 Encourage the provision of quality and diverse housing, as well as creative subdivision designs, of all price ranges for present and future residents

The proposed subdivision will not create excessive additional requirements at public expense. Additional services will be supported by property taxes and/or fees paid directly to service providers.

There is no know health, safety or environmental issues that currently exist or that will exist as a result of this development.

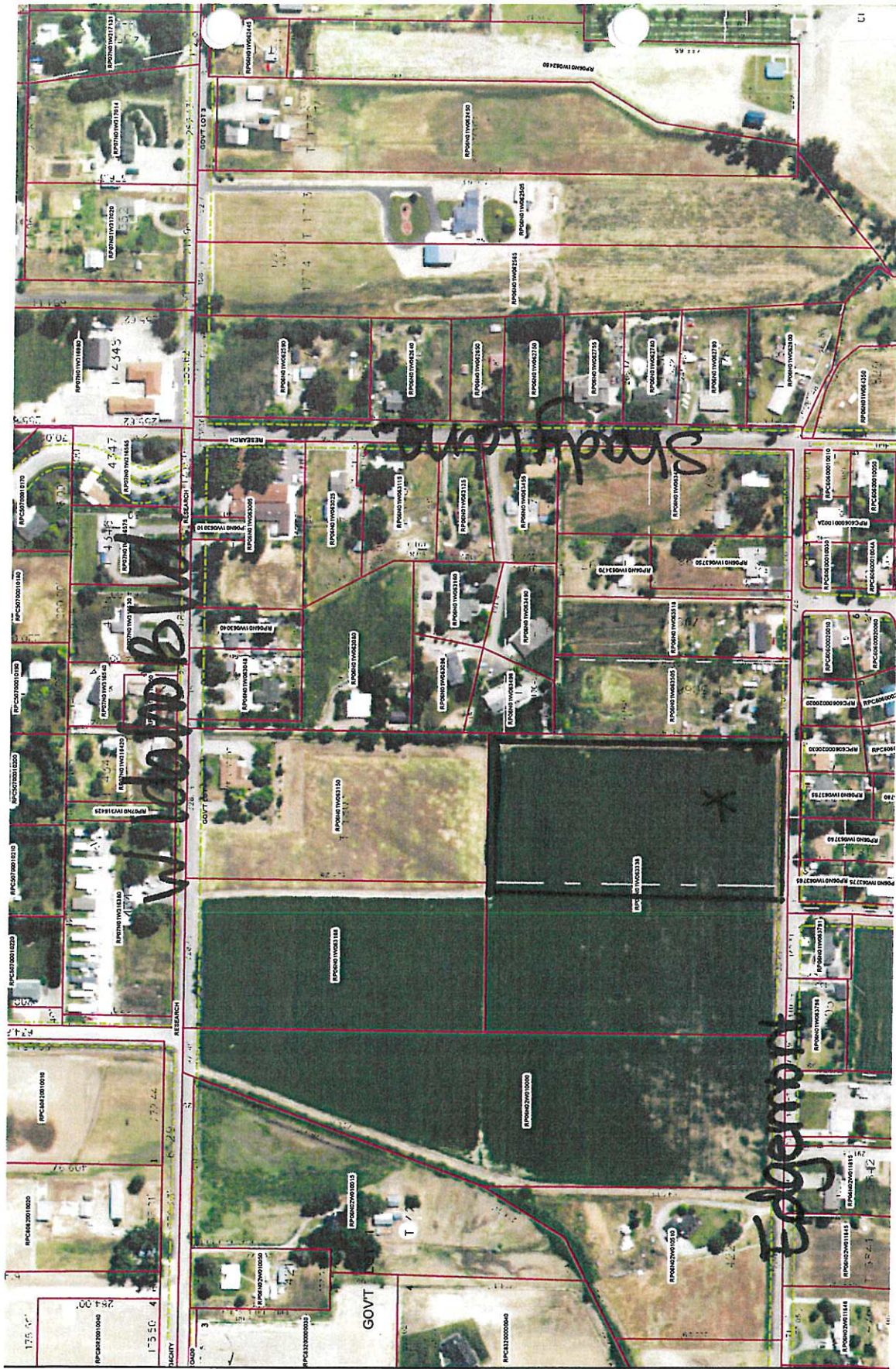
All lots will have their own wells and septic systems.

Please contact us should you have any questions or if we can be of any assistance with your processing of these applications.

Sincerely,

Amy Rosa  
Project Manager  
Sawtooth Land Surveying, LLC





\* Approximate Location

←  
N





## **GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT**

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

**OFFICE OF THE ADMINISTRATOR  
PLANNING & ZONING**

PHONE: (208) 365-5144

WEB PAGE: GEMCOUNTY.ORG

### **STAFF REPORT**

**APPLICATION DESCRIPTION:** REZONE (A-2 TO R-2)

**FILE NUMBER(s):** RZ-22-005

**ZONING COMMISSION HEARING DATE:** July 11, 2022, 6:00pm

**PROPERTY OWNER:** Kyle Stratton  
PO Box 718  
Emmett, ID 83617

**APPLICANT:** Sawtooth Land Surveying, LLC

**SITE LOCATION:** EDGEMONT ROAD

**STAFF PLANNER:** Jennifer Kharri

#### **1. APPLICATION SUMMARY:**

The applicant, Sawtooth Land Surveying, on property owned by Kyle Stratton, 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 apply for a minor subdivision to create 4 parcels. (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 4.96 acres that lies fully within Priority Growth Area 1 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan. The property is bare.

#### **2. APPLICATION & PROPERTY FACTS:**

**A. Site Address/Location:**

The property is located on Edgemont Road and is within Township 6N, Range 1W, Section 6 (Tax Parcel #RP06N01W063339).

**B. Current Owner(s):** Kyle Stratton

PO Box 718  
Emmett, ID 83617

**C. Applicant(s):** Sawtooth Land Surveying, LLC

- D. Present Zoning: A-2, Rural Transitional Agriculture (5-acre minimum)
- E. Present Comprehensive Plan Designation: County Residential Area, Priority Growth Area #1
- F. Property Size: Approximately 4.96 acres

### **3. APPLICATION PROCESS FACTS:**

#### **A. Application Submittal:**

The application for this item was received and deemed complete by the Development Services Department on April 20, 2022.

#### **B. Notice of Public Hearing:**

Notice of Public Hearing on the application for the Gem County Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on June 22, 2022. Notice of this public hearing was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on June 21, 2022. The physical property was posted for the public hearing on June 22, 2022. Requests for all impact agencies' reviews were mailed on June 22, 2022.

Gem County Development Services received letters from the following public impact agencies: Emmett Irrigation District and Gem County Road and Bridge Department.

Public hearing notices were mailed to seventeen (17) parcels in the immediate vicinity. One letter were submitted from members of the public.

#### **C. Relevant Ordinances and Required Actions:**

The subject application will in fact constitute a rezone as determined by Gem County Code. By reason of the provisions of the Gem County Code Title 11, Chapter 15, a public hearing is required before the Zoning Commission and the Board of County Commissioners on this matter.

#### **D. History of Previous County Actions on Property: None.**

#### **E. Companion Applications: There are no companion applications to the Rezone.**

### **4. LAND USE**

#### **A. Existing Land Use(s): Bare land.**

#### **B. 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 (Emmett Irrigation District).**

#### **C. Adjacent Comprehensive Plan, Zoning and Land Use:**

	<b>COMP PLAN DESIGNATION</b>	<b>ZONING DESIGNATION</b>	<b>LAND USE</b>
<b>North of site</b>	County Residential Area, Priority Growth Area # 1	A-2, Rural Transitional Agriculture and R-2, Residential Transitional	Irrigated agricultural land; rural residential; 4 Lot Minor Subdivision (1 acre)
<b>South of site</b>	County Residential Area, Priority Growth Area #1	R-2, Residential Transitional	Rural residential; Edgemont Subdivision 14 Lots (.32 to .56 acre)
<b>East of site</b>	County Residential Area, Priority Growth Area #1	R-2, Residential Transitional	Irrigated agricultural land; rural residential (.65 acre to 2.00 acre size parcels)
<b>West of site</b>	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture and R-3, Rural Residential	Irrigated agricultural land; rural residential;

**D. Physical Constraints and Opportunities:**

**1. Wastewater and Domestic Water:**

- a. Water: The site currently has no domestic well.
- b. Septic: The site currently doesn't have an individual septic system and drain field. Under today's Zoning Ordinance, future lots in the proposed R-2 zone may apply for individual septic systems, subject to approval by Southwest District Health.

**2. Vegetation: Pasture land**

- 3. Floodplain:** The parcel falls within zone "X" on FEMA's Flood Insurance Rate Map, Community Panel Number 160127 0319 B, which indicates areas outside of floodplain. No flood insurance is required in Zone X areas.

**4. Canals/Ditches/Irrigation:** The property is served by Emmett Irrigation District.

**E. Subdivision Plat Information:** N/A

**F. Streets and/or Access Information:**

The site has approximately 330 feet of frontage along Edgemont Road.

**5. COMPREHENSIVE PLAN POLICIES & GOALS** [Staff comments and analysis are shown in *italics*.]

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

The Comprehensive Plan Future Land Use Map identifies the subject property as **County Residential Area, Priority Growth Area 1**. The County Residential Area is set aside for primarily residential development. The long-term vision for this planning area is to maintain the

uniquely rural character and to preserve non-conforming uses. The Priority Growth Area 1 allows densities down to one (1) unit per one (1) acre, or as the Zoning and Subdivision Ordinances currently allow.

*The proposed R-2 zone designation would allow a minimum one (1) acre lot size for primarily residential uses. This area of the bench that lies east of Jackson Avenue and south of Central Avenue is intended for rural residential growth of densities that range between 1 and 2 acres per dwelling unit. The proposed R-2 zone complies with the purpose of the County Residential Area and Priority Growth Area 1 policies.*

The following policies have been set forth in the Housing Chapter of the Joint Comprehensive Plan (Chapter 3) and generally support the application:

3.8 - Rural residential and small ranchette type development shall be encouraged in areas where it is compatible with existing agricultural and ranching development.

*If the rezone request is approved, the applicant intends to subdivide their 4.96 acres and create a total of 4 parcels.*

The following policy has been set forth in the Natural Resources and Hazardous Areas chapter of the Joint Comprehensive Plan (Chapter 6) and generally supports the application:

GC6.8 - Ensure that new development includes Health District approved site utilities to protect the quality of water in the county.

*At this time, no new development is being proposed. If the rezone is approved and the applicant proceeds with a subdivision application, Southwest District Health will be notified and new development will need to comply with their standards.*

The following policies have been set forth in the Land Use chapter of the Joint Comprehensive Plan (Chapter 12) for future growth and are found to be relevant to this application:

12.1 – Respect the responsibilities and rights of land ownership.

12.3 – Ensure due process of land development is clear and concise and avoid unnecessary delays for citizens and businesses.

*The applicant/property owner met with Development Services staff to review the application process for both rezoning and subdividing.*

12.1.10 – Review all development proposals in areas that are critical to groundwater recharge and groundwater source to determine impacts, if any, to protect surface and groundwater quantity and quality.

12.1.11 – Growth should start at the community centers and radiate outwards in a logical, orderly fashion.

12.9.1 – Encourage management and land –use priorities that support agricultural lands.



## 6. ZONING ORDINANCE

- A. Purpose Statement of Zone: Gem County Code 11-4-4A lists the purpose of the R-2 zone as follows: "To provide lands for the development of single-family dwellings." The R-2 zone has a one (1) acre minimum lot size requirement.

*The applicant's intent is to create a total of 4 parcels. (If the rezone is approved, a Minor 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-2 zone allows the following uses, either outright or as a Special Use Permit:

Commercial food stand, utility buildings, convenience store, park and ride lot, botanical garden/arboretum, health club, libraries, government services, parks, schools, swimming pools, sports arena, hospitals/clinics, bed and breakfast, daycare facilities, group quarters, single-family residential, multifamily residential, and manufactured home parks.

*With the exception of a health club and a hospital (only allowed through a Special Use Permit in the R-2 zone) and duplex/multi-family residential uses allowed outright, staff finds the land uses in an R-2 zone to be more restrictive than uses allowed in the current A-2 zone. This is largely due to the mining and entertainment land uses allowed in the A-2 which are prohibited in the R-2 zone.*

## 7. REQUIRED FINDINGS & STAFF ANALYSIS [Staff comments and analysis are shown in *italics*.]

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 in Section 5 above, staff finds the majority of the applicable policies support an R-2 rezone in this area. In Staff'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;

*Staff finds an R-2 zone would allow three (3) additional dwellings on the subject parcel (as it sits today, there is a building permit available on the parcel). 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. The County may require further analysis on ground water impacts 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 4.96 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 this 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 Edgemont 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-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.

*The public service agencies/providers that responded to this rezone application was Emmett Irrigation District and the Road and Bridge Department.*

*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 4.96 acres of R-2-zoned land into one-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.*

**8. IMPACT AGENCIES NOTIFIED**

Gem County Road Department  
Gem County School District #221  
Gem County Mapper  
Idaho Department of Transportation  
Gem Rural Fire District #1  
Emmett Irrigation District

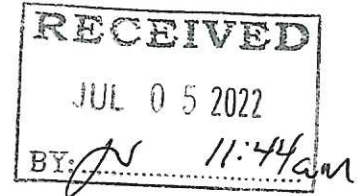
**9. STAFF RECOMMENDATION**

Staff finds that the proposed rezone application meets all of the required findings from the Zoning Ordinance listed in Section 7 of this report and conforms with the overall intent of the applicable Comprehensive Plan policies and Future Land Use Map. The R-2 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. The Commission must rely upon any additional testimony provided during the public hearing when making its recommendation to the Board of County Commissioners.



## Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105  
2030 S. Washington Ave., Emmett, ID 83617



April 14, 2021

Development Services

RE: Rezone No Situs Edgemont Road

To whom it may concern,

On behalf of Kyle Stratton, we are pleased to submit this Letter of Intent and attached application and supporting documents for the proposed Rezone on No Situs Edgemont Road.

Address	Parcel Number	Acreage
No Situs Edgemont Road	RP06N01W06338	4.969

This property is within Gem County and is currently zoned A2. We are looking to have the property zoned R2. The future plan is to subdivide the property into four, 1 acre lots. This appears to coincide with the future land use map, as this parcel is under county residential area. The comprehensive plan states in chapter 12, that area is for primarily single family and multi-family use. 3.1.1 Encourage the provision of quality and diverse housing, as well as creative subdivision designs, of all price ranges for present and future residents

The proposed subdivision will not create excessive additional requirements at public expense. Additional services will be supported by property taxes and/or fees paid directly to service providers.

There is no know health, safety or environmental issues that currently exist or that will exist as a result of this development.

All lots will have their own wells and septic systems.

Please contact us should you have any questions or if we can be of any assistance with your processing of these applications.

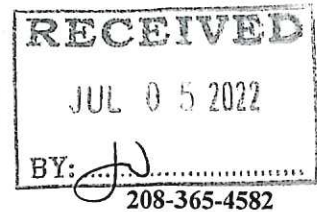
Sincerely,

Amy Rosa  
Project Manager  
Sawtooth Land Surveying, LLC

Leave it as it is. Farm land  
is more valuable and cannot be replaced  
And, Edgemont Rd cannot handle any more  
traffic. Mark Gustafson  
727 Edgemont Rd



222 E. Park St.  
Emmett, Idaho 83617



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**Serving the Valley Since 1910**

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emmettirrigationoffice@gmail.com

July 5, 2022

Gem County Development Services  
Attn: Stephanie Crays  
109 S McKinley  
Emmett, Idaho 83617

**RE: Rezone – from A2 (5 acre minimum – Rural Transitional Agriculture) to R2 (1 acre minimum Residential Transition)**  
**Kyle Stratton - Subdivision**  
**Edgemont Road – T 06N, R 01W, Section 6**

To Whom It May Concern,

Emmett Irrigation District (EID) recently received a request of comment concerning the rezone of listed above.

EID does not oppose the rezone; however, EID will require approval from EID Board of Directors before subdivision approval.

Please contact me at 208-365-8983 or email [emmettirrigationshop2@gmail.com](mailto:emmettirrigationshop2@gmail.com) with any questions you may have.

Sincerely,

Andrew Griggs  
District Manager  
Emmett Irrigation District



Gem County Assessor

**Hollie Ann Strang**

415 E Main Street, Room 201 ~ Emmett, Idaho 83617

Phone: (208) 365-2982 ~ Fax: (208) 365-2163 ~ Email: [assessor@co.gem.id.us](mailto:assessor@co.gem.id.us)

*ReZone Application* Assessor's Office Review for  
Subdivision/Administrative Split/  
Administrative Combo/Property Boundary Adjustment

Date received from DS: 6/22/22 Due Date: 7/5/22 Review #: R-1 DS File #: ReZone - Stratton

Current parcel numbers: K. Stratton - RP00N01W06L3339

The Gem County Assessor's office has reviewed the submitted documents. Our findings are summarized below.

	Compliant	Non-compliant	Not Reviewed	Initials
Conveyances	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SW</u>
Closures	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SW</u>
Fit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SW</u>

Comments: Conveyances, Closures, Fit is not reviewed  
for a ReZone Application.

\* I have no comments to add for this  
ReZone Application

*Max Wiley* 6/23/22  
Mapper Signature Date Completed

Assessor Signature

Date

**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**

June 30, 2022

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

RE: Stratton Rezone

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the Rezone Application of Kyle Stratton, property located adjacent to Edgemont Road. Edgemont Road is a local road under the Transportation Functional Classifications.

GCRB shall recommend the following conditions be added to the Development Agreement, if approved;

1. GCRB shall only grant one access for the property in question.

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

Thank you,

A handwritten signature in black 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 21<sup>st</sup> day of June 2022, I served a true and correct copy of the foregoing upon:

**PROPERTY OWNER LIST WITHIN 300 FEET**

Stratton  
T06N, R01W, Section 6

Zachary Sowder  
993 Peacock Ln  
Emmett, ID 83617

Michael Jones  
845 Edgemont Rd  
Emmett, ID 83617

Eric Flowers  
1081 Melrose Rd  
Emmett, ID 83617

Marla Gunter  
7272 Edgemont Rd  
Emmett, ID 83617

Jacqueline Owens  
977 Edgemont Rd  
Emmett, ID 83617

Michael Rosecrans  
989 Edgemont Rd  
Emmett, ID 83617

Judy Wiseman  
3800 S. Mill Rd  
Emmett, ID 83617

Dave Way  
1420 Judo Ln  
Emmett, ID 83617

James Cotten  
1009 Edgemont Rd  
Emmett, ID 83617

Michael Barrows  
1111 Edgemont Rd  
Emmett, Id 83617

Arllie Stiles  
1115 Edgemont Rd  
Emmett, ID 83617

Douglas Danser  
1061 Melrose Drive  
Emmett, ID 83617

Lace Fenwick  
999 Peacock Lane  
Emmett, ID 83617

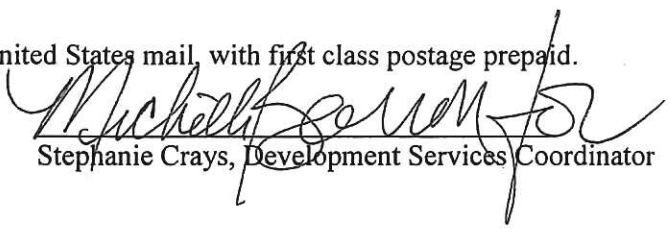
Mark Lawrence  
991 Peacock Lane  
Emmett, ID 83617

Richard Riley  
1905 Edgewater Street  
Baker City, OR 97814

Neal Canaday  
PO Box 308  
Emmett, ID 83617

William Meyers  
1021 W Idaho Blvd  
Emmett, ID 83617

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

  
Stephanie Crays, Development Services Coordinator