



# 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: "BINK 9 US"

## SITE INFORMATION:

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

Quarter: 6N 02W Section: 01 Township: \_\_\_\_\_ Range: \_\_\_\_\_ Total Acres: 5

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

Site Address: 1801 SUNSET DR Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
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: JLelandBoldon@gmail.com

Telephone: 208 440 1105

Email: JLelandBoldon@gmail.com

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

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

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

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

R2.23-005

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

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.

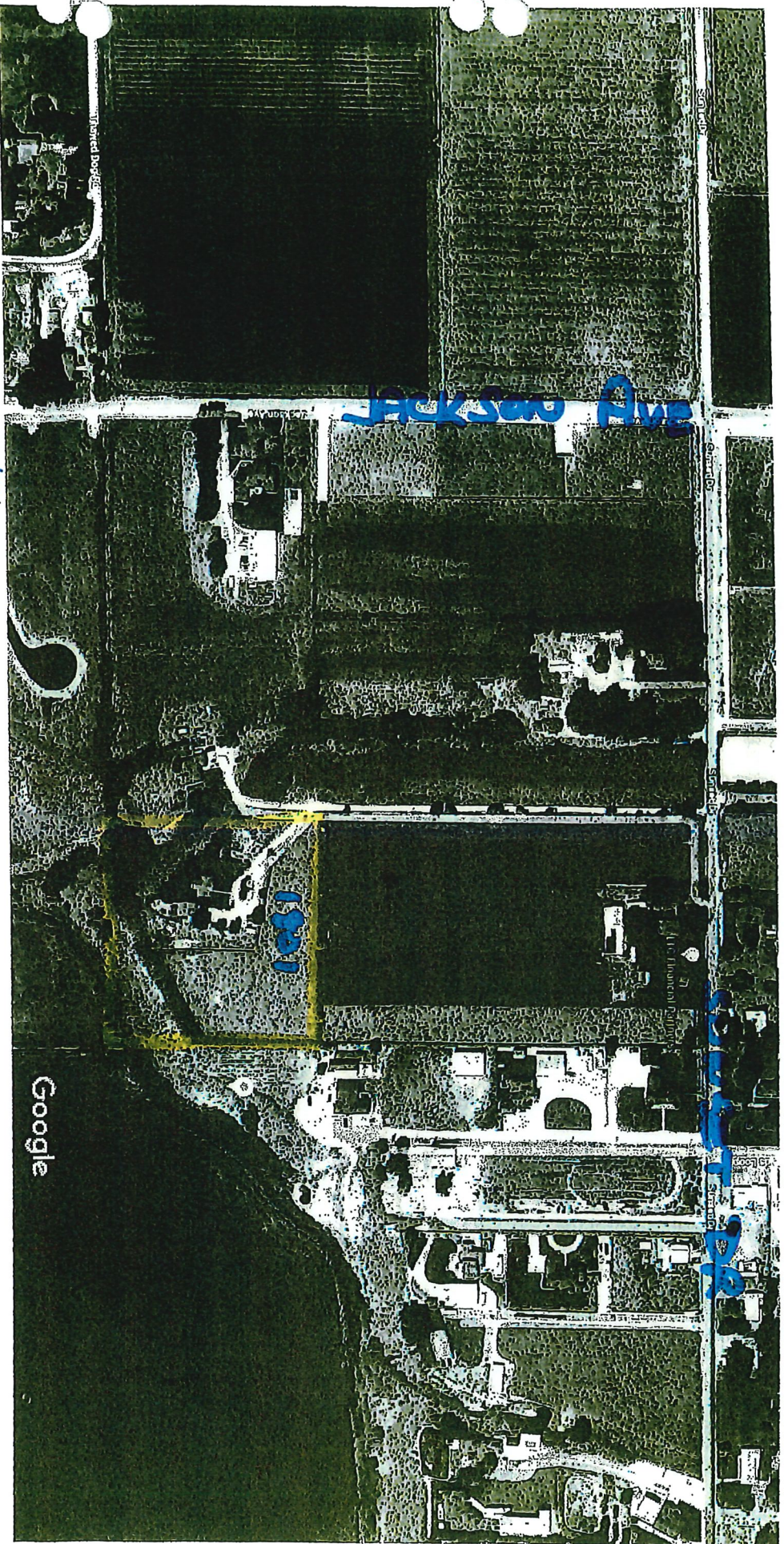
Thank you in advance for your attention to this matter,



John Boldon



1801 Sunset Dr





# 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.*





## **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-23-005

**PLANNING & ZONING COMMISSION HEARING DATE:** October 10, 2023

**PROPERTY OWNER:** John L and Alyson A Boldon  
1801 Sunset Drive  
Emmett, ID 83617

**APPLICANT:** Same

**SITE LOCATION:** 1801 Sunset Drive

**STAFF PLANNER:** Jennifer Kharri

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

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. (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 5.00 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 has a single-family dwelling.

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

**A. Site Address/Location:**

The property is located at 1801 Sunset Drive and is within Township 06N, Range 02W, Section 01 (Tax Parcel #RP06N02W015925).

**B. Current Owner(s):** John L and Alyson A Boldon  
1801 Sunset Drive  
Emmett, ID 83617

**C. Applicant(s):** Same



- 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 5.00 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 14, 2023.

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

Notice of Public Hearing on the application for the Gem County Planning and Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on September 20, 2023. 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 September 14, 2023. The physical property was posted for the public hearing on September 15, 2023. Requests for all impact agencies' reviews were mailed on September 14, 2023.

At the time this report was written, we didn't receive any response letters with comments from impact agencies.

Public hearing notices were mailed to nine (9) parcels in the immediate vicinity. At the time this report was written there were no letters from the public submitted.

#### **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 Planning and 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): Single family dwelling.**

#### **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>2007 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
<b>South 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
<b>East of site</b>	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture and R-2, Residential Transitional and R-3, Rural Residential	Irrigated agricultural land; rural residential; Vista View Estates with four 2.00 acres Lots
<b>West 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

## 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 his 5.00 acres.*

*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.

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 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-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 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. 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 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 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. 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.*

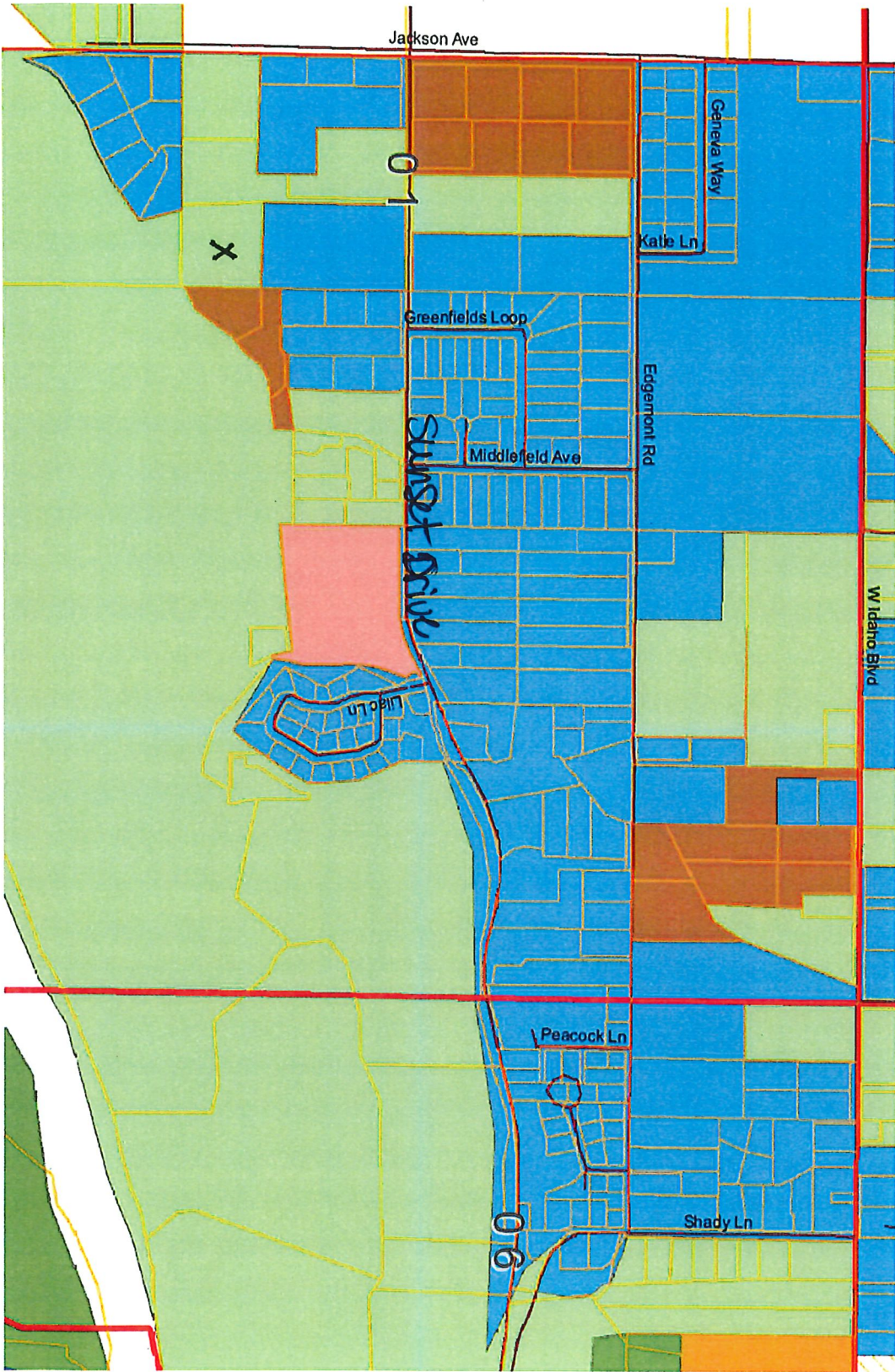
## 8. IMPACT AGENCIES NOTIFIED

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

## 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 with a Development Agreement requiring a water quality and quantity study be done prior to any subdivision application.** The Commission must rely upon any additional testimony provided during the public hearing when making its recommendation to the Board of County Commissioners.







CERTIFICATE OF MAILING

I hereby certify that on the 14 day of September, 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