



RECEIVED

MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES

109 SOUTH MCKINLEY, EMMETT, IDAHO 83617 WWW.GEMCOUNTY.ORG PHONE: (20

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)

- | | | |
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| <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:

Ethington Rezone

SITE INFORMATION:

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

Quarter: SW & SW Section: 25 Township: 7N Range: 2W Total Acres: 17.1550

Subdivision Name (if applicable): _____

Site Address: 1812 W. Black Canyon HwyLot: N/A Block: N/ACity: EmmettTax Parcel Number(s): RP07N02W256000 Current Zoning: A-1 Current Land Use: _____

PROPERTY OWNER:

Name: Colton Ethington + Michelle Ethington

APPLICANT:

Name: SameAddress: 1812 W. Black Canyon Hwy

Address: _____

City: Emmett State: ID Zip: 83617

City: _____ State: _____ Zip: _____

Telephone: 208-369-6526

Telephone: _____

Email: me+thington633@gmail.com

Email: _____

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: (Owner)

Date

Signature: (Applicant)

Date

File No.:

Received By: MH

OFFICE USE ONLY

Date: 7-8-22

Fee:

710.00

Receipt No:

2022-0031500316

LETTER OF INTENT

We are pleased to submit this letter of Intent, attached application, and supporting documents for the rezone of our current residence.

Our property is approximately 17.1550 acres and is located north off W Black Canyon Hwy and west of Jackson Ave. Details on the existing individual property comprising the project is as follows:

<u>Address</u>	<u>Parcel Number</u>	<u>Acreage</u>
1812 W Black Canyon Hwy	RP07N02W256000	17.1550

Our intent is to rezone this property from A-1 Prim Agricultural to A-2 Rural Transitional zoning and develop a Minor Subdivision with 3 building lots sized 5.15 acres more or less. We purchased the property with the intent of developing a Minor subdivision. We are not necessarily in a hurry to sell the lots once developed. My husband was in a work-related accident which left him permanently disabled, and we want to have the lots available to sell in the event that we need to sell them.

Our property is in Priority Growth area and located within County Residential Area on to the FUTURE LAND USE MAP ADOPTED BY BOARD OF COMMISSIONERS.

The property irrigation is served by Emmett Irrigation.

The property is an area with mixed lot sizes and land uses. Neighboring Lot sizes range from 2.314 acres to 53 acres. Neighboring properties have recently been rezoned and developed into Minor Subdivision with smallest lot size of 4.318 acres.

There is no know social, economic, or physical issues that currently exist to our knowledge or that developing these lot would cause to exist.





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-1 to A-2)

FILE NUMBER(s): RZ-22-010

PLANNING & ZONING COMMISSION HEARING DATE: November 14, 2022, 6:00pm

PROPERTY OWNER: Michelle and Colton Ethington
1812 West Black Canyon Highway
Emmett, ID 83617

APPLICANT: Same

SITE LOCATION: 1812 WEST BLACK CANYON HIGHWAY

STAFF PLANNER: Jennifer Kharri

1. APPLICATION SUMMARY:

The applicant, Michelle and Colton Ethington, is requesting a rezone of their property located at 1812 W. Black Canyon Highway. The application proposes a change from A-1, Prime Agriculture (40-acre minimum lot size), to A-2, Rural Transitional Agriculture (5-acre minimum lot size). The application states the reason for the request is to apply for a minor subdivision to create 3 lots. (A Minor Subdivision is a separate application and must be preceded by a rezone.) The property proposed to be rezoned is 17.15 acres in size and lies fully within Priority Growth Area 3 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan.

2. APPLICATION & PROPERTY FACTS:

A. Site Address/Location:

The property is located at 1812 W. Black Canyon Highway and is within Township 7N, Range 2W, Section 25 (Tax Parcel #RP07N02W256000).

B. Current Owner(s): Michelle and Colton Ethington
1812 W. Black Canyon Highway
Emmett, ID 83617

C. Applicant(s): Same

D. Present Zoning: A-1, Prime Agriculture (40-acre minimum)

E. Present Comprehensive Plan Designation: County Residential Area, Priority Growth Area #3

F. Property Size: 17.15 acres

3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on July 8, 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 October 19, 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 October 20, 2022. The physical property was posted for the public hearing on October 26, 2022. Requests for all impact agencies' reviews were mailed on October 20, 2022.

We received two (2) response letters from impact agencies –Gem County Road and Bridge Department (no objection) and Emmett Irrigation District (no objection).

Public hearing notices were mailed to nine (9) parcels in the immediate vicinity. No written comments have been received.

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): Single-family residence, irrigated agricultural land.

B. Description of Character of Surrounding Area: The immediate vicinity includes active 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:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	County Residential Area, Priority Growth Area #3	A-1, Prime Agriculture and A-1, Prime Agriculture	Irrigated agricultural land; rural residential
South of site	County Residential Area, Priority Growth Area #3	A-2, Rural Transitional Agriculture and A-1, Prime Agriculture	Irrigated agricultural land; rural residential
East of site	County Residential Area, Priority Growth Area #3	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential (4 Lot Minor Subdivision)
West of site	County Residential Area, Priority Growth Area #3	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential

D. Physical Constraints and Opportunities:

1. Wastewater and Domestic Water:

- a. Water: The site currently has a domestic well.
- b. Septic: The site currently has an individual septic system and drain field. Under today's Zoning Ordinance, future lots in the proposed A-2 zone may apply for individual septic systems, subject to approval by Southwest District Health.

2. Vegetation: Pastureland.

4. 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 the .2% annual chance flood plain. No flood insurance is required in Zone X areas.

5. 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 301 feet of frontage on Black Canyon Highway.

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 3**. 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 3 allows densities at one (1) unit per five (5) acres (or as allowed under existing zoning) until 80% of the area within Priority Growth Area 2 is served or can be clearly demonstrated that it will be served by essential public facilities (as defined in the front of the Land Use Chapter).

The proposed A-2 zone designation would allow a minimum five (5) acre lot size for primarily residential uses. The proposed A-2 zone complies with the purpose of the County Residential Area and Priority Growth Area 3 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.

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:

6.7 – Preserve, protect and promote high quality standards for ground and surface water as an essential and limited natural resources throughout the community.

6.11 – Prevent contamination of groundwater from sewage and wastewater through appropriate planning, treatment and through regulations.

6.14 Manage and prevent unsuitable uses along creeks, canals, drainage ways, ponds and rivers to protect water quality.

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 applying for a minor subdivision.

12.7 – Support agriculture and business by buffering agriculture and business from incompatible land use encroachment.

There are existing agricultural uses in the vicinity of this parcel. If approved, a potential residential development of 5-acre minimum lot sizes should not encroach or impede these enterprises more than what is existing. If such concerns are raised during the public hearing, the Commission has the option to require a Development Agreement with the Rezone if more restrictive conditions are warranted.

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 11-4-2.A lists the purpose of the A-2 zone as follows: “Lands lying within those unincorporated portions of Gem County that are likely to undergo a more intensive urban development. The regulations governing this zone are designed to protect agricultural pursuits and provide guidelines for conversion to suburban development” The A-2 zone has a five (5) acre minimum lot size requirement.

The applicant’s intent is to apply for a minor subdivision to create three 5-acre Lots. (If the rezone is approved, a minor subdivision application must be filed to divide the property). The requested zoning would support this type of division. The subject site is large enough, therefore this criteria is met.

- B. Permitted Uses:

The subject site is currently zoned A-1 (40-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, limited services, various housing/residential uses, including halfway houses and single-family residential.

The proposed A-2 zone allows the following uses, either outright or as a Special Use Permit:

Agriculture, kennel, mining, utilities, limited manufacturing, limited trade, entertainment and recreation, commercial school, limited services, various housing/residential uses, including halfway houses and single-family residential.

Staff finds the SUP uses noted above are mostly the same for either the A-1 or A-2 zones. The biggest difference is the A-2 zone would allow for a Commercial School with a SUP, whereas it would not be allowed in the A-1 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 A-2 rezone in this area. In Staff's estimation, the Comprehensive Plan Future Land Use Map relevant policies does support the rezone application to A-2 since the parcel falls within the County Residential Area, Priority Growth Area 3.

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

Staff finds an A-2 zone would allow two (2) additional dwellings on the subject parcel beyond what is permitted today (as it sits today, there is an existing single-family dwelling). The potential increased septic use has not been viewed as detrimental to the health, safety, or welfare when located on five (5) acre minimum lot sizes, but has not yet been verified by SWDH.

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

The minimum lot size in the proposed A-2 zone is five-acres. The subject area to be rezoned is currently 17.15 acres in size. The subject site could be developed to comply with the minimum dimensions for an A-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 in the proposed A-2 zone with the existing A-1 zone is shown in Section 6 of this report. None of the uses permitted in the A-2 zone are different than the A-1 zone. As such, staff finds the uses allowed in an A-2 zone are compatible with the intended character of the area.

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 were the Gem County Road and Bridge Department (no objection) and Emmett Irrigation District (no objection).

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 17.45 acres of A-2-zoned land into five-acre parcels is not expected to generate demands on public services beyond the current service demands with the addition of 2 more parcels. The Board adopted the Gem County Roadway Capital Improvement Program which is used to off-set costs to the public road system caused by new subdivision 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 A-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.

222 E. Park St.
Emmett, Idaho 83617



208-365-4582
Fax 208-365-1324

Serving the Valley Since 1910

emmettirrigationshop@gmail.com

11/7/2022

To whom it may concern.

RE: 1812 W. Black Canyon Hwy Emmett, Id 83617
RP07N02W256000

Emmett Irrigation District has no issue with the rezone application from A1 to A2.

There is a tiled lateral that runs through this property that will have to be addressed at time of subdivision.

Thank You
Andrew Griggs
Emmett Irrigation District
emmettirrigationshop@gmail.com
Cell: 208-365-8983

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

October 31, 2022

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

RE: Ethington (Rezone)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the Rezone Application for Colton and Michelle Ethington, property located at 1812 W. Black Canyon Highway. 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 20th day of October, 2022, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Ethington
T 07N, R 02W, Section 25

Kevin Knuth
1795 W. Black Canyon Hwy
Emmett, ID 83617

JMH Farms LLC
1051 Melrose Dr.
Emmett, Id 83617

Heather Hardman
1817 W. Black Canyon Hwy
Emmett, ID 83617

Raasch Melvin Family Trust
3520 Jackson Ave
Emmett, ID 83617

David Reichard
1999 W. Black Canyon Hwy
Emmett, ID 83617


James Standley
3527 Pioneer Ave
Emmett, ID 83617

Dian Aldrich
1800 W. Black Canyon Hwy
Lodi, CA 95242

Jesse Ferrer
9145 Highway 44
Middleton, ID 83644

Deloy Mecham
3200 Jackson Ave
Emmett, ID 83617

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


Stephanie Crays, Development Services Coordinator