



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: _____

SITE INFORMATION:

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

Quarter: _____ Section: _____ Township: _____ Range: _____ Total Acres: _____

Subdivision Name (if applicable): _____

Lot: _____ Block: _____

Site Address: 970 W Black canyon Hwy City: Emmett

Tax Parcel Number(s): _____ Current Zoning: _____ Current Land Use: _____

PROPERTY OWNER:

Name: Whiskey Business LLC

Address: 2487 E Blackstone St

City: Eagle State: ID Zip: 83616

Telephone: 208-921-1016

Email: Carteryocham@gmail.com

APPLICANT:

Name: Carter Yocham

Address: 2487 E Blackstone St

City: Eagle State: ID Zip: 83616

Telephone: 208-921-1016

Email: Carter yocham@gmail.com

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

Carter Yocham 11/6/23
Signature: (Owner) Date

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

Carter Yocham 11/6/23
Signature: (Applicant) Date

OFFICE USE ONLY

File No.:	Received By:	Date:	Fee:	Receipt No:
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Gem County Development Services

Terry E. Rekow

1110 Old Sundance rd.

Moorcroft Wy 82721

(208) 365-8336

Dear Sirs,

This is my letter of intent for the 18.86 acres located at 970 West Black Canyon Hwy.

It is my understanding it is currently zoned A 1 Ag which allows it to be divided into 5 acre parcels. The new zoning would not allow anything less than 40 acres.

My request is this property would retain the current status of the possibility of being divided into 5 acre parcels.

Sincerely,



Terry e. Rekow





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-23-006

ZONING COMMISSION HEARING DATE: November 13, 2023

PROPERTY OWNER: Whiskey Business, LLC
2487 E. Blackstone Street
Eagle, ID 83616

APPLICANT: Carter Yocham

SITE LOCATION: 970 WEST BLACK CANYON HIGHWAY

STAFF PLANNER: Jennifer Kharri

Note: The previous owner, Terry Rekow, submitted the rezone application on May 12, 2023 then sold the property to Whiskey Business, LLC on August 15, 2023. Development Services wasn't aware that the property had sold until a neighboring property owner let us know after the rezone application notices were mailed out.

1. APPLICATION SUMMARY:

The applicant, Carter Yocham, on property owned by Whiskey Business, LLC, of which Carter Yocham is a member, is requesting a rezone of property located at 970 West 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 have the ability to create 5-acre parcels. (A Minor Subdivision is a separate application and must be preceded by a rezone.) The property proposed to be rezoned is 18.86 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 970 West Black Canyon Highway, and is within Township 7N, Range 1W, Section 30 (Tax Parcel #RP07N01W306300).

B. Current Owner(s): Whiskey Business, LLC

2487 E. Blackstone Street
Eagle, ID 83616

- C. Applicant(s): Carter Yocham
- 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: 18.86 acres

3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on May 12, 2023.

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 25, 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 October 19, 2023. The physical property was posted for the public hearing on October 20, 2023. Requests for all impact agencies' reviews were mailed on October 19, 2023.

There were no concerns submitted from Impact Agencies.

Public hearing notices were mailed to nine (9) parcels in the immediate vicinity. One (1) written neutral comment has 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 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): Two single-family dwellings, outbuildings, 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; A-2, Rural Transitional Agriculture	Rural Residential; Irrigated agricultural land
South of site	County Residential Area, Priority Growth Area #2	A-1, Prime Agriculture	Rural Residential; Irrigated agricultural land
East of site	County Residential Area, Priority Growth Area #3	A-1, Prime Agriculture	Rural Residential; Irrigated agricultural land
West of site	County Residential Area, Priority Growth Area #3	A-2, Rural Transitional Agriculture	Rural Residential; Irrigated agricultural land

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: 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 the .2% annual chance flood plain. 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 currently has access via a driveway off of 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.

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 additional 5-acre minimum lot should not encroach or impede these enterprises more than what is existing.

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 wants to have the ability to create 5-acre parcels. (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 criterion 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. REVISED 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 one (1) or two (2) additional dwellings on the subject parcel beyond what is permitted today (as it sits today, the parcel has two existing single-family dwellings). Depending on the future plans, if the two homes will each be on a separate parcel, then there would only be 1 additional 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. At the time a building permit is applied for, SWDH will perform an on-site perc test to determine the suitability and type of septic system that will be required.

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 18.86 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, as listed in the GCC 11-5-5 Matrix Chart, 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, as listed in Gem County Code today, are compatible with the intended character of the area. 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.

There were comments received from Emmett Irrigation District and Gem County Road and Bridge Department relating to a future subdivision.

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 18.86 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 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
School District #221 Transportation
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.

Attn: Gem County Development Services Department
109 S. McKinley Ave, Emmett ID 83617
Office of the Administrator Planning & Zoning



November 3, 2023

To Planning & Zoning committee:

This correspondence is reference to the planning & zoning meeting on November 13, 2023 for the application for a Rezone by Terry Rekow on property located at 970 W. Black Canyon Hwy. The purpose is to allow a parcel that is 18.8600 +/- acres to be changed from A1 Prime Agriculture (40 acre minimum) to A2 Rural Transitional Agriculture (5 acre minimum).

We do not oppose this property going to A2 Rural Transitional Agriculture with a 5 acre minimum. As long as it is 5 acres and no less. We would not want to see three 5 acre parcels and one 3.86 acre parcel.

We do have some concerns about the set backs (where any new houses will be built) since our property borders this property on the north side all the way from UA Ave to property line on the east.

Also we would not like to see shop/apartments built, like what was allowed on Black Canyon west of Gem Ave. Those do not fit in with the rural area.

A handwritten signature in black ink, appearing to read "Cindy McBride", with a stylized flourish to the left.

Robert & Cindy McBride
3274 UA Ave

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 25, 2023

*Rec'd
Oct 25-23*

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

RE: Rekow (Rezone)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the Rezone Application for Terry Rekow, property located at 970 W. Black Canyon Highway. W. Black Canyon Highway is a major collector under the Gem County Functional Class Map. This roadway was constructed of asphalt at a width of 24 feet, with a posted speed limit of 40 MPH at the proposed rezone property. The property in question has a current residence with an approach access located on W. Black Canyon Highway, and a field access located on UA Avenue. GCRB has concerns regarding additional ingress/egress meeting the approach separation distance of 330 feet, as outlined in Gem County Approach Standards.

GCRB recommends the follow conditions be added to the rezone if approved;

1. GCRB shall only grant on additional approach access to the property in question.

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

Thank you,

A handwritten signature in blue ink, appearing to read "Neal Capps", is written over the printed name.

Neal Capps, Director
Gem County Road & Bridge

222 E. Park St.
Emmett, Idaho 83617



208-365-4582
Fax 208-365-1324

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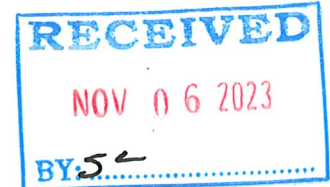
Office: emmettirrigationoffice@gmail.com

District Manager: emmettirrigationshop@gmail.com

November 6, 2023

Re: Rezone

Parcels: 970 W Black Canyon Hwy/RP07N01W306300



To Whom this may concern,

Emmett Irrigation District does not oppose the rezone requested for 970 W Black Canyon Hwy/RP07N01W306300. Please note the requirements attached that are necessary prior to subdivision approval.

Project completion and inspection by EID will be required prior to final platting. If you have any questions please contact our District Manager, Andrew Griggs.

Andrew Griggs

District Manager
Emmett Irrigation District
Ph: 208-365-8983
emmettirrigationshop@gmail.com

222 E. Park St.
Emmett, Idaho 83617



208-365-4582

Serving the Valley Since 1910

emmettirrigationoffice@gmail.com Office
emmettirrigationshop@gmail.com District Manager

Recommendations:

1. EID Subdivision Application filled out and returned with all paperwork required and application fee for Board approval.
Fees as follows: \$400.00 covers 4 lots or less
\$100.00 per lot with 5 lots or more
2. Engineer certified irrigation delivery and overflow conduit system installed within the irrigation easements on the subdivision plat to each parcel, inspected by EID.
3. Copy of the Certified Irrigation Plan delivered to EID.
4. Water User's agreement, recorded with the county, if required.
5. Encroachment Application and all requirements fulfilled, if required.
6. After final plat is approved you will need to submit a copy to the Emmett Irrigation District Office so new parcels can be setup.
7. Open irrigation ditches existing on property may be required to be tiled to current Irrigation district standard and specs.
8. Warranty deed

Emmett Irrigation District board meets the first Tuesday of each month, for final approval, projects need to be on the Agenda 48 hours before start of meeting. (Agenda is posted the Friday before the meeting)

Andrew Griggs
District Manager
Emmett Irrigation District
Cell: 208-365-8983

Emmett Irrigation District

Subdivision Application

To be completed by Applicant- incomplete applications will not be considered

Subdivision Name: _____

Applicant/Developer: _____

Contact Person: _____

Mailing Address: _____

Phone: _____

Email Address: _____

Design Engineer: _____

Mailing Address _____

Phone: _____

Email Address: _____

For Emmett Irrigation District Use Only

Assessment # _____

Received

- ☐ Fee
- ☐ Irrigation Plan
- ☐ Warranty Deed
- ☐ Water Users Agreement (if required)
- ☐ Encroachment Application (if required)
- ☐ Preliminary Plat

Application Number: _____

Date Received: _____

Date Application Approved _____ Denied _____

Andrew Griggs
District Manager

CERTIFICATE OF MAILING

I hereby certify that on the 19 day of October 2023, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Rekow
T07N, R01W, Section 30

Gene Talent
3300 UA Ave
Emmett, ID 83617

Cotner Development LLC
1380 W. Black Canyon Hwy
Emmett, Id 83617

Clayton Smith
3322 UA Ave
Emmett, Id 83617

Zachary Wagner
3334 UA Ave
Emmett, ID 83617

Daniel Rauch
3480 US Ave
Emmett, ID 83617

George Nickel JR
3600 UA Ave
Emmett, Id 83617

Lloyd Johnson
3620 UA Ave
Emmett, Id 83617

Strickland Living Trust
3605 Van Deusen Rd
Emmett, ID 83617

Christopher Donaldson
3640 UA Ave
Emmett, ID 83617

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



Stephanie Crays
Development Services Coordinator