



# 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: Warren Building Lot

## SITE INFORMATION:

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

Quarter: NWSE Section: 30 Township: 7 North Range: 1 West Total Acres: 10.166

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

Site Address: 3260 Van Deusen Rd,

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

City: Emmett

Tax Parcel Number(s): RP07N01W308255 Current Zoning: A1 Current Land Use: Residence/Ag

## PROPERTY OWNER:

Name: Dusty Warren

Address: 3260 Van Deusen Rd

City: Emmett State: ID Zip: 83617

Telephone: 208-880-6778

Email: dusty@raddiversified.com

## APPLICANT:

Name: Annie Warren

Address: 3260 Van Deusen Rd

City: Emmett State: ID Zip: 83617

Telephone: 208-880-6334

Email: da.warren.family@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: (Owner)

1/4/2023

Date

Signature: (Applicant)

1/4/23

Date

RZ 23-001

## OFFICE USE ONLY

File No.: \_\_\_\_\_ Received By: SC Date: 1-10-23 Fee: \$710.00 Receipt No: 2023-00092

9 January 2023  
Gem County Development Services 109 South McKinley  
Emmett, ID 83617

To Whom It May Concern:

Our intent with this property is to build a house that is more suitable to our family's personal needs. We intend to split the property into two five-acre parcels. It would be more economical for our family to split the property here, rather than buying another piece, because we already own this property. We intend to use the existing lane for access to the new lot and access the existing utility's locations on the new proposed parcel.

Our proposed parcel split is similar in form and function to our neighbors to the east and south of us, each having lots about 4-6 acres. One neighbor recently requested and were granted a 5-acre split off of their 40-acre property. We believe that this proposal will not cause any disturbances with our neighbors since the lot would be of similar size and use.

In the Comprehensive Plan it states on pages 6, 47, 52 and others that one of the first goals of the plan is "to respect the rights of property owners." We do own this land and believe it is a basic right of ours to do with it as we see fit. We were both raised here in Gem County, and love and value the agricultural lifestyle of this community and chose to raise our family here because of the values that come with this lifestyle. We do not have intentions of over growing our small town. Page 13 of the Comprehensive Plan brings up the point that Gem County has very little availability of rental properties for families that cannot buy their own homes but want to live in a small farming community. Our plan is to retain ownership of both parcels and rent out the existing home and land to another family who wants to raise chickens, garden, and raise their own beef, or pigs, or sheep, etc. This would allow plenty of space for two families (ourselves and the renters) to participate in "micro farming" as is mentioned on page 42. There is really nothing like having a little self-reliance, and even the ability to share with the neighbors eggs, and fresh garden vegetables. The last point from the Comprehensive Plan that is in direct relation to our particular property is the map on page 48 and the corresponding verbiage on page 49. The map indicates that our property will be zones as "large lot agriculture" or "ag preservation" both of which are smallest lot size of 40 acres. Our property is already 30 acres shy of that minimum (and many of our surrounding neighbors are smaller than us). We would be better suited as two potential micro farms than as "large lot."

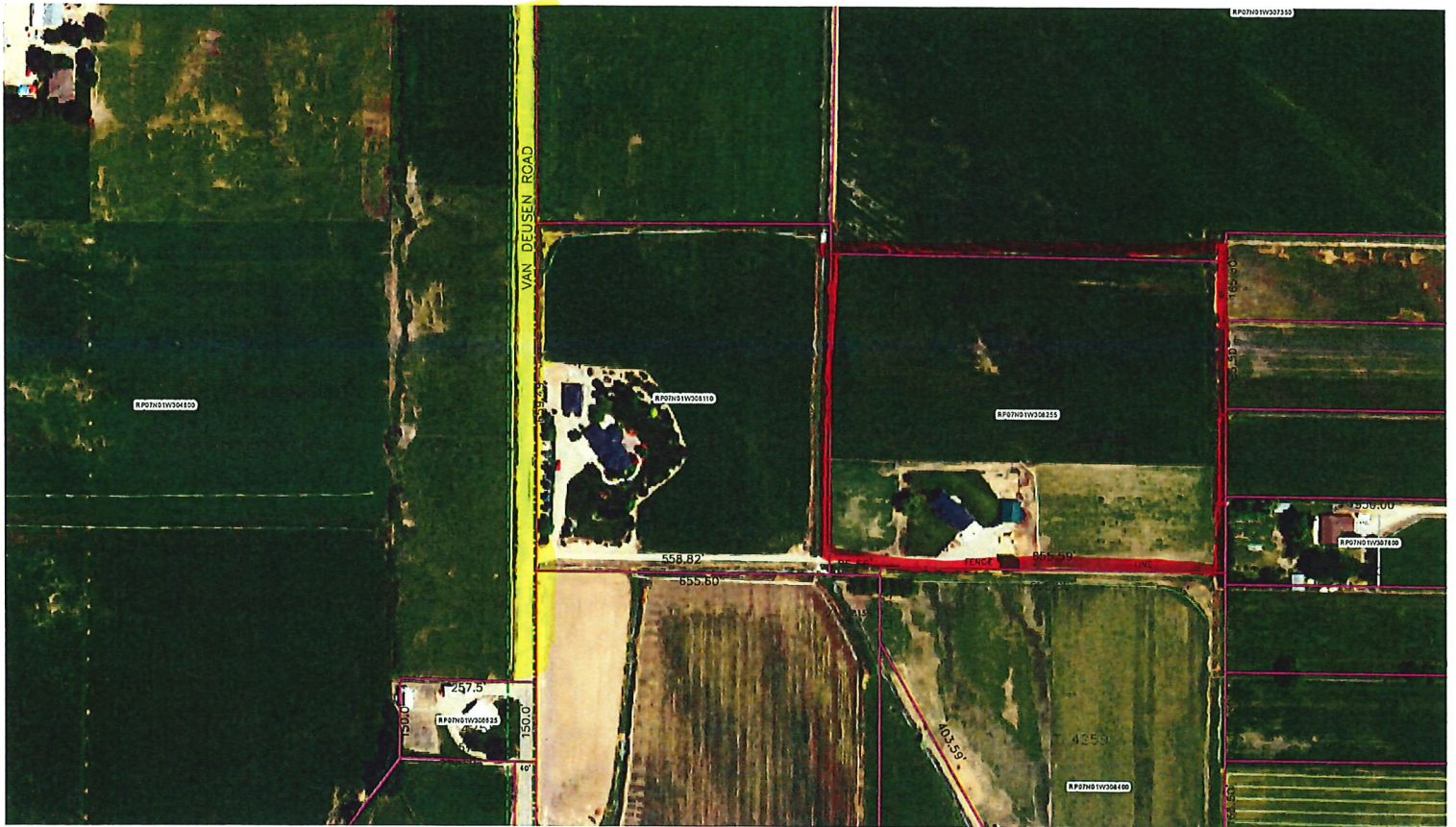
Thank you for your consideration of this proposal.

Best Regards,

Dusty and Annie Warren 3260 Van Deusen Rd Emmett, ID 83617, 208-880-6778



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Find address or place



Satellite



ISO 6709

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## 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](http://gemcounty.org)

### STAFF REPORT

**APPLICATION DESCRIPTION:** REZONE (A-1 To A-2)

**FILE NUMBER(s):** RZ-23-001

**ZONING COMMISSION HEARING DATE:** June 12, 2023, 6:00pm

**PROPERTY OWNER:** Dusty and Annie Warren  
3260 Van Deusen Road  
Emmett, ID 83617

**APPLICANT:** Same

**SITE LOCATION:** 3260 VAN DEUSEN RD

**STAFF PLANNER:** Jennifer Kharri

#### 1. APPLICATION SUMMARY:

The property owner, Dusty and Annie Warren, is requesting a rezone of property located at 3260 Van Deusen Road. 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 build another home for themselves, which will require a minor subdivision to create another parcel. (A Minor Subdivision is a separate application and must be preceded by a rezone.) The property proposed to be rezoned is 10.16 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 3260 Van Deusen Rd, and is within Township 7N, Range 1W, Section 30 (Tax Parcel #RP07N01W308255).

B. Current Owner(s): Dusty Warren

3260 Van Deusen Road  
Emmett, ID 83617

C. Applicant(s): Annie Warren



- 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: 10.166 acres

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

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

The application for this item was received and deemed complete by the Development Services Department on January 10, 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 May 16, 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 May 17, 2023. The physical property was posted for the public hearing on May 17, 2023. Requests for all impact agencies' reviews were mailed on May 17, 2023.

There were no concerns submitted from Impact Agencies.

Public hearing notices were mailed to twelve (12) parcels in the immediate vicinity. One (1) written comment of concern 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 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, 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:



|                      | <b>COMP PLAN DESIGNATION</b>   | <b>ZONING DESIGNATION</b>     | <b>LAND USE</b>             |
|----------------------|--|-------------------------------|-----------------------------|
| <b>North of site</b> | County Residential Area, Priority Growth Area #3; Agricultural/ Natural Resource | A-1, Prime Agriculture        | Irrigated agricultural land |
| <b>South of site</b> | County Residential Area, Priority Growth Area #2, Mixed Planned Development      | R-2, Residential Transitional | Irrigated agricultural land |
| <b>East of site</b>  | County Residential Area, Priority Growth Area #3                                 | R-2, Residential Transitional | Rural Residential           |
| <b>West of site</b>  | County Residential Area, Priority Growth Area #3                                 | A-1, Prime Agriculture        | 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: Pasture land and cropland.

3. Floodplain: The parcel falls within zone "D" on FEMA's Flood Insurance Rate Map, on a non-printed Panel, which indicates area of undetermined flood hazard.

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 an easement and driveway off of Van Deusen 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 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 rezoning.*

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’s intent is to create another parcel so they can build themselves another home. (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. 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) additional dwelling on the subject parcel beyond what is permitted today (as it sits today, the parcel has 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. 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 10.16 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 no comments received from public service agencies/providers.*

*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 10.16 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 1 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.

Michael L. Ohran, Colleen Ohran  
3250 Van Deusen Rd.  
Emmett, ID 83617



May 25, 2023

To: Gem County Development Services Department / Planning and Zoning  
109 S McKinley Avenue  
Emmett, ID 83617

Subject: Strong Opposition to Proposed Rezoning at 3260 Van Deusen Road, Emmett, ID

Dear Gem County Development Services,

We are writing to express our strong opposition to the proposed rezoning at the property located at T07N, R1W, Sec 30, Emmett, ID. It has come to our attention that the owner intends to rezone the property in order to divide it into a subdivision. We are deeply concerned about the potential implications this rezoning may have on our property and the surrounding area.

Some of our concerns are related to the diminishing agricultural acres in Gem Co. We would like to see those acres sustained as much as possible. Another of our concerns relates to the access the owner would have to get to their subdivided parcels. Currently, they have an ingress, egress, utility, and irrigation easement through our property, for which we are responsible for paying the taxes. While we understand that the owner may be well intended, we fear that once the property is rezoned and subdivided, their plans may change. It is possible that instead of building a house and residing on the property, they may opt to sell the lot and the house solely for monetary gain.

If this were to occur, it would leave us to contend with the increased traffic on the easement through our property, particularly if there are multiple houses in the area. Additionally, we anticipate that our driveway would experience excess traffic, adding further congestion and potential safety risks. The presence of a large dip just before our driveway on Van Deusen Road further heightens our concerns, as the increased traffic from the easement road could elevate the risk of accidents occurring.

We made the decision to purchase our house with the intent of living in a rural area within the County, where we could enjoy a tranquil lifestyle. It was our understanding that there would only be one house situated behind ours, with the owner being the primary user of the easement through our property. Furthermore, a significant portion of our property is dedicated to agricultural activities. We sincerely hope that this character will be maintained, and the existing zoning, designated as A1 Prime Agriculture, will remain unchanged.

We kindly request that you carefully consider our opposition to the proposed rezoning and take into account the potential negative impacts it could have on our property and the surrounding community. Preserving the current zoning designation will not only protect our investment but also ensure the continued enjoyment of our rural lifestyle.

Thank you for your time and consideration in this matter. We trust that you will make a decision that prioritizes the best interests of the community and upholds the principles of responsible land use planning.

Sincerely,

Michael and Colleen Ohran



CERTIFICATE OF MAILING

I hereby certify that on the 17 day of May, 2023, I served a true and correct copy of the foregoing upon:

**PROPERTY OWNER LIST WITHIN 300 FEET**

Warren  
T07N, R01W, Section30

Judi Mault  
3215 Lower Bluff Road  
Emmett, ID 83617

Dione Perkins  
322 E. Black Canyon Hwy  
Emmett, Id 83617

Brent Wynn  
3227 Lower Bluff Road  
Emmett, ID 83617

Joann Urcaregui  
316 E. Black Canyon Hwy  
Emmett, ID 83617

Michael Polk  
378 E. Black Canyon Hwy  
Emmett, Id 83617

Kenny Elliott  
3291 Lower Bluff Road  
Emmett, Id 83617

Mari Dye  
3295 Lower Bluff Road  
Emmett, Id 83617

Midhat Smajic  
3299 Lower Bluff Road  
Emmett, Id 83617

Paul Vaughn  
3305 Van Deusen Road  
Emmett, Id 83617

Ohran  
3250 Van Deusen Road  
Emmett, Id 83617

Derrick Thanyn  
3501 Lower Bluff  
Emmett, ID 83617

Linda Hoalst  
3770 Van Deusen Road  
Emmett, ID 83617