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NOTICE OF PUBLIC HEARING

THE GEM COUNTY BOARD OF COMMISSIONERS WILL HOLD A PUBLIC HEARING ON MONDAY, JULY 24, 2023, AT 6:00 P.M. AT THE GEM COUNTY COURTHOUSE, 415 EAST MAIN ST., EMMETT, ID IN ADDITION TO A ZOOM MEETING/CALL TO HEAR THE FOLLOWING REQUESTS:

A REZONE REQUEST BY HESS PROPERTIES TO REZONE 23.81+/- ACRES FROM A2 RURAL TRANSITIONAL AGRICULTURE (5 ACRE MINIMUM) TO R2 RESIDENTIAL TRANSITIONAL (1 ACRE MINIMUM) AT 3700 WILLS ROAD, T 06N, R 01W, SECTION 20. RP06N01W201200. THE GEM COUNTY PLANNING AND ZONING COMMISSION HAS RECOMMENDED DENIAL OF THE REZONE.

A PRELIMINARY SUBDIVISION PLAT (CHERRY HEIGHTS) APPLICATION BY HESS PROPERTIES TO REQUEST APPROVAL OF 37 BUILDABLE LOTS ON APPROXIMATELY 68.9+/- ACRES, LOCATED ON WILLS ROAD T 06N, R 01W, SECTION 20. RPO6N01W201805. THE GEM COUNTY PLANNING AND ZONING COMMISSION HAS RECOMMENDED APPROVAL OF THE SUBDIVISION.

THE APPLICATIONS AND LEGAL DESCRIPTIONS ARE AVAILABLE FOR REVIEW BY CONTACTING THE DEVELOPMENT SERVICES DEPARTMENT VIA EMAIL (OMOCNIK@CO.GEM.ID.US) OR PHONE 208-365-5144.

WRITTEN CORRESPONDENCE IS HIGHLY RECOMMENDED AND MUST BE SUBMITTED TO THE DEVELOPMENT SERVICES OFFICE (109 SO. MCKINLEY AVE., EMMETT, ID.) NO LATER THAN 12:00 P.M. MONDAY, JULY 17, 2023. WE HAVE A MAIL SLOT IN OUR DOOR FOR CONVENIENCE. WRITTEN CORRESPONDENCE WILL BE GIVEN TO BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION AND IS THE BEST WAY TO SHARE YOUR COMMENTS AND CONCERNS.

THE MEETING LINK AND CODE FOR CALLING IN WILL BE LISTED ON THE DEVELOPMENT SERVICES PAGE AT WWW.GEMCOUNTY.ORG/DEVELOPMENT-SERVICES/ FOR ANYONE WISHING TO ATTEND THESE MEETINGS. IF YOU DO NOT HAVE ACCESS TO THE WEB PAGE, YOU MAY CALL THE DEVELOPMENT SERVICES OFFICE AT 208-365-5144 PRIOR TO THE MEETING TO GET A MEETING LINK OR CALL IN CODE.

PUBLISH JULY 5, 2023

Jennifer Kharri
Planning Director



GEM COUNTY
Planning and Zoning Commission
Recommendation to Board of County Commissioners

*(This recommendation is to be used in conjunction with the Staff Report
for the same application.)*

Application/Project Name: Preliminary Plat Application – File #PP-22-014

Applicant Name: Hess Properties

Date of Planning and Zoning Commission Public Hearing(s): May 8, 2023

Date of Board Public Hearing: July 24, 2023, 6:00 PM

Summary of Public Oral Testimony:

- In Favor: Stephanie Hopkins (applicant), Lance Ranstrom, Joe Pachner, Spencer Kofed
- Opposed: Kayla Jacobsen, Ken Williamson, Steve Weston, Michael Boling, Wayne Andrews, Katrina Andrews, Debbie Kimball, Adrienne Illingworth, Peter Dill
- Neutral: None

Staff Recommendation: Approval.

Staff Reason(s) and Findings for Recommendation: Recommended approval with conditions based on the 9 required findings from Gem County Code being met along with the conditions of the Development Agreement being met.

Planning and Zoning Commission Recommendation: Recommended approval. (Unanimous)

Planning and Zoning Reason(s) and Findings for Recommendation:

Recommended approval with conditions based on the 9 required findings from Gem County Code being met along with the conditions of the Development Agreement being met. See the attached recommendation. For further analysis see the Staff Report.

Commission Changes to Staff Recommendation: They added two conditions to the conditions of approval: 1. additional testing from SWDH for contaminants from historic chemicals sprayed for orchard use and 2. work out an agreement with Gem County Road and Bridge for the proportionate share for the Wills Road mitigation.

Outstanding Issues for Board of County Commissioner Meeting: None.



GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

OFFICE OF THE ADMINISTRATOR
PLANNING & ZONING

PHONE (208) 365-5144

WEBPAGE

www.gemcounty.org

BEFORE THE PLANNING AND ZONING COMMISSION

GEM COUNTY, IDAHO

In Re: PRELIMINARY PLAT Application)	
for CHERRY HEIGHTS SUBDIVISION)	SUMMARY OF
For HESS PROPERTIES, LLC)	RECOMMENDATION

I.

RECOMMENDATION

The applicant, Hess Properties, LLC, on property owned by Cherry Heights Development, LLC, have applied for a Standard Subdivision Permit (Preliminary Plat – “PP” – see **Exhibit C** of this Summary) application to construct a residential subdivision on approximately 68.00 acres of land located on Wills Road. The applicant proposes to create 37 single-family building Lots. The property is zoned R-2, Residential Transitional. Four new public roads are proposed to be built through the development. The subject property lies within the County Residential Area, Priority Growth Area #1 designation on the Joint Comprehensive Plan Future Land Use Map.

The Gem County Planning Zoning Commission (Commission) conducted a public hearing on the application on May 8, 2023, at 6:00 pm and voted unanimously to recommend approval of the preliminary plat, with conditions, to the Board of County Commissioners. (See the detailed Conditions of Approval in **Exhibit B** of this Summary.) There was public testimony presented at

the hearing in favor by the applicant(s) and public testimony presented in opposition and neutral from the public.

The final vote to recommend approval, with the Conditions of Approval recommended by staff and two additional Conditions, of the Standard Subdivision Permit (Preliminary Plat) application was Unanimous:

Commissioner Jones	<u>Yea</u>
Commissioner Vickery	<u>Yea</u>
Commissioner Heimlich	<u>Yea</u>
Chairman Eichelberger	<u>Yea</u>

Pursuant to section 12-3-8-6 of the Gem County Code, to recommend approval of a Preliminary Plat Application to the Board, the Commission finds adequate evidence of each of the Required Findings for approval of a Standard Subdivision Application, a copy of which is incorporated herein as **Exhibit A**.

Attached Exhibits

- Exhibit A – Required Findings
- Exhibit B – Proposed Conditions of Approval
- Exhibit C – Proposed Preliminary Plat

EXHIBIT A

REQUIRED FINDINGS FOR STANDARD SUBDIVISION PERMIT Cherry Heights Subdivision (File #PP-22-014)

GCC 12-3-8-6 outlines the following required findings the County must make before an application can be approved. It states that “No standard subdivision permit application shall receive a recommendation of approval from the Commission or be approved by the Board unless each of the following findings and conclusions are made.” There are nine (9) required findings. Each of these is listed below with Commission comments and analysis shown in *italics* below each one. Each finding must be found to be either in favor or not in favor of the application.

1. Adequate provisions have been made for a domestic water supply system that meets or exceeds the adopted water quality standards within Gem County and the State of Idaho.

The applicant is proposing private, individual domestic wells for each lot, which is permitted under Gem County Code for lots in the R-2 zone. Gem County Code doesn't require a public drinking water system in the R-2 zone. This means the subdivision is not subject to the DEQ rules for a public drinking water system, which is defined by DEQ in the Idaho Administrative Code as having at least 15 service connections or serving 25 individuals daily at least 60 days out of the year. Gem County does not have any adopted water quality standards separate from the State of Idaho (DEQ or IDWR). Neither the SWDH or DEQ have testing requirements for private wells, so it is incumbent upon each property owner to have their individual wells tested. SWDH recommends testing at least one time per year, especially since contaminant levels can fluctuate. It is unlikely that each property owner will have their wells tested this often. Domestic wells (those used for homes and other drinking purposes, used to irrigate no more than a ½ acre of land, and where no more than 13,000 gallons per day is used) are exempt from having to obtain a water right under Idaho statute.

The Department of Water Resources was sent a copy of the plat application and sent in a generic letter regarding water supply with some general observations regarding the increased numbers of subdivisions in Gem County and the amount of individual wells. There were no specific recommendations for this subdivision.

The proposed subdivision complies.

2. Adequate provisions have been made and approvals from the health authority sought for treatment of wastewater within the subdivision.

An on-site, Pre-Development Meeting with Southwest District Health and the applicant/developer was held on 11/16/22. Their preliminary review does not indicate any potential problems with individual systems. Upon submittal of the Final Plat application, the applicant will need to comply with SWDH requirements including hiring an engineer to supply a Subdivision Engineering Report (SER) and septic permits must be issued before any building permits are released by Gem County. DEQ standards shall be required as administered by Southwest District Health Department (SWDH).

3. Proposed streets are consistent with the transportation element of the Comprehensive Plan and meet Gem County Road and Bridge Department Standards.

The plat proposes to construct and dedicate to Gem County four new public streets to serve the subdivision that will be classified as local roads. Wills Road is classified as a Local Road and requires a minimum 60-foot right-of-way width. The applicant is proposing to dedicate 30-feet of public right-of-way from the centerline of Wills Road to meet this requirement.

The Gem County Road & Bridge Department (Neal Capps) was notified of the application and responded in writing regarding the new approaches off of Wills Road and Substation Road and the requirements for the proposed public roads.

- 4. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.**

Staff is not aware of any soil or topographical conditions that may present a hazard within this development. Per the Development Agreement, the developer submitted an engineered geotechnical report prepared by Atlas Technical Consultants, LLC that determined that the site is adequate for the proposed development.

- 5. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in the Gem County Code and the Comprehensive Plan.**

See Comprehensive Plan analysis in section 5 of the staff report for details. The Commission finds that the PP application proposes a minimum lot size of 1 acre. The current R-2 zone allows for a minimum lot size of 1 acre and is intended to provide lands for the development of single-family houses. The subdivision is intended for single-family, on-site built houses, which complies with the R-2 purpose and dimensional standards.

- 6. The applicant has made adequate plans to ensure that Gem County and its citizens will bear no more than their fair share of costs to provide services, by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within Gem County.**

Wills Road is identified as a Local Road (60' total right-of-way width) with the Average Daily Traffic (ADT) volumes exceeding 2,000 vehicle trips per day at full build out and a 30' right-of-way from centerline is requested from the Gem County Road and Bridge Department. The proposed public roads will offer the full 60' right-of-way for local roads. If the plat is approved, those areas of right-of-way would be provided to the county. Gem County Subdivision Ordinance (12-5-5) requires that areas to be dedicated are free and clear of all liens and encumbrances; this includes but is not limited to: fences or structures of any kind. This area will need to be confirmed at the time of Final Plat application. The County Engineer has recommended a discussion to determine pavement rehabilitation or replacement measures on Wills Road.

In order to mitigate other impacts on the Gem County Road and Bridge system and other public facilities, the Board adopted an Impact Fee Ordinance which establishes impact improvement costs required for any new residence. This fee is required at the time of building permit issuance of a new residence.

Emmett Irrigation District will have requirements for the irrigation system and access easements for their maintenance needs. Other than these items, no other requests for public facilities have been made by other agencies and/or departments.

The developer is also be responsible, at their cost, to ensure all proposed utilities are available to the subdivision. Future lot owners are responsible to pay for private wells and private septic systems. To date, no other requests for public facilities have been made by other agencies and/or departments.

7. The proposed subdivision complies with the design and improvement standards set forth in this Ordinance.

GCC 12-6-1 sets the following standards for subdivision improvements:

- a) Natural Feature Areas – n/a
- b) Utilities – the subdivision developer is responsible to install the required utilities prior to the recordation of the final plat
- c) Domestic Water Supply – individual domestic wells; to be constructed at time of future building permit – see Finding #1 above
- d) Irrigation – Emmett Irrigation District
- c) Sewage Disposal – individual septic systems to be approved via the SER; to be constructed at time of future building permit – see Finding #2 above
- d) Public & Private Streets – street dedication along existing Wills Road is shown as required (30' right-of-way). The four proposed public roads will be reviewed by County Engineer at time of construction drawing submittal in conjunction with the Road and Bridge Director.
- e) Lots – The R-2 zone requires a one (1) acre minimum lot size. As the applicant is proposing 1.00+ acre parcels, this standard has been met.
- f) Remainder lots – n/a
- g) Blocks – n/a
- h) Drainage – suitable drainage facilities required; will be reviewed by County Engineer at time of construction drawing submittal.
- i) Park or School Site Dedication – n/a
- j) Public Access Easements – n/a
- k) Easements – All required easements will be more specifically designed for the Final Plat

8. The proposed subdivision, when applicable, meets any standards for subdivision in floodplain or hillside areas.

This subdivision does not qualify as a Floodplain or Hillside subdivision.

9. The proposed subdivision complies with all other standards set forth in this Ordinance or any other applicable ordinance or statute.

The application is found to comply with the standards of Gem County Code, Title 12.

EXHIBIT B

P&Z COMMISSION RECOMMENDED CONDITIONS OF APPROVAL CHERRY HEIGHTS SUBDIVISION (#PP-22-014)

General Conditions

1. The Preliminary Plat for “Cherry Heights Subdivision” by KM Engineering, Joe N. Pachner, PE, is approved with conditions, as noted below.
2. The applicant shall comply with the conditions/comments of the following impact agencies:
 - a. Gem County Treasurer (4/14/23) (*this condition does not technically apply until Final Plat*)
 - b. Emmett Irrigation District (4/27/23)
 - c. Black Canyon Irrigation District (4/27/23)
 - d. Gem County Road and Bridge (4/27/23)
 - e. Keller Associates (County Engineer) (4/28/23)
3. The Final Plat application(s) shall be filed in accordance with the timeframes and format as required in Chapter 3 and 4 of the Subdivision Ordinance for Gem County.

Subdivision Improvement & Mitigation Conditions

4. Per GCC 12-6-1.C, the applicant is required to install all required utilities and appropriate easements are in place on the plat. It is the applicant’s responsibility to ensure that future lot owners will bear no additional charge to obtain phone or power service for their lot.
5. Prior to the Board signature of the Final Plat, a partial release/reconveyance will need to be completed and verified to ensure the public road dedication is free and clear of all liens and/or encumbrances.
6. Prior to the Board signature of the Final Plat, the subdivider shall prepare a new Quitclaim Deed for Lots 1-37, Block 1 of Cherry Heights Subdivision. Copies of the new deed shall be provided to the Development Services Department for recordation with the final plat.
7. The developer shall submit engineered construction drawings for the required improvements to be reviewed by the County Engineer.
8. The developer shall submit a copy of the Subdivision Engineering Report approval from Southwest District Health for the proposed septic systems.
9. A 10’ landscape street buffer will be along Wills Road. The street buffer shall be planted with trees shrubs, lawn and other vegetative ground cover and maintained by the property owner upon which the buffer lies or by a homeowner’s association.
10. The developer shall have additional testing done from Southwest District Health for potential contaminates from the historic orchard chemical spraying.
11. The developer shall draft an agreement with Gem County Road and Bridge Department for the proportionate share of the Wills Road mitigation.



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 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 checked="" type="checkbox"/> SUBDIVISION, PRELIMINARY | |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT | <input type="checkbox"/> SUBDIVISION, MODIFICATION | |

PROJECT

NAME: Cherry Heights Subdivision No. 1

SITE INFORMATION:

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

Quarter: E 1/2 Section: 20 Township: 6N Range: 1W Total Acres: 68.90
 Subdivision Name (if applicable): Cherry Heights Subdivision No. 1
 Site Address: 3700 Wills Rd. Lot: _____ Block: _____
 City: Emmett
 Tax Parcel Number(s): RP06N01W201805 Current Zoning: R-2 Current Land Use: County Residential

PROPERTY OWNER:

Name: Cherry Heights Development

Address: 2775 W Navigator Dr. Ste 110

City: Meridian State: ID Zip: 83642

Telephone: 208.869.9885

Email: lane@beaconidaho.com

APPLICANT:

Name: Hess Properties LLC

Address: 15031 Spyglass Ln.

City: Caldwell State: ID Zip: 83607

Telephone: 208.409.0864

Email: tyler@hesspropertiesidaho.com

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

Authentisign

[Signature]

11/01/22

Signature: (Owner)

Date

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

[Signature]

Signature: (Applicant)

Date

File No.:

Received By:

Date:

OFFICE USE ONLY

Fee:

\$590.00

Receipt No:

*Held
CH until
3-13-23*

February 28, 2023
Project No.: 21-129

Ms. Jennifer Kharri
Planning Director
Gem County
109 South McKinley
Emmett, ID 83617

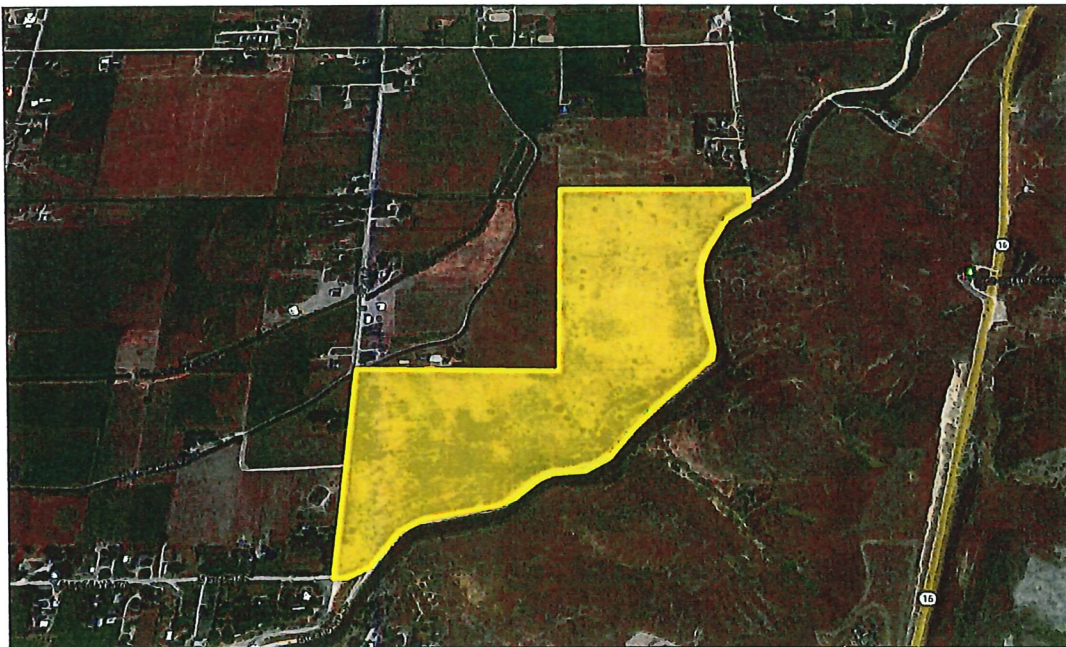
RE: Cherry Heights Subdivision – Gem County, ID
UPDATED Preliminary Plat Application

Dear Ms. Kharri:

On behalf of Hess Properties, LLC, we are pleased to submit the attached preliminary plat application and required supplements for Cherry Heights Subdivision.

Site & Background Information

The subject property is an approximately 68.90-acre parcel, identified as Parcel No. RP06N01W201805, located east of Wills Road between Sales Yard Road and Slope Road in Gem County. A Development Agreement (Inst. #321365) was entered into on May 6th, 2019, between Gem County and Sands Orchard Inc. As part of this Development Agreement, the subject property was rezoned from A-2 (Rural Transitional Agriculture) to the R-2 (Residential Transition) zone. The subject property is designated on the Gem County Future Land Use Map as a County Residential Area and lies within Priority Growth Area 1. Adjacent properties to the north and west are zoned A-2 and properties to the south and east are zoned A-3 (Rural Agriculture).

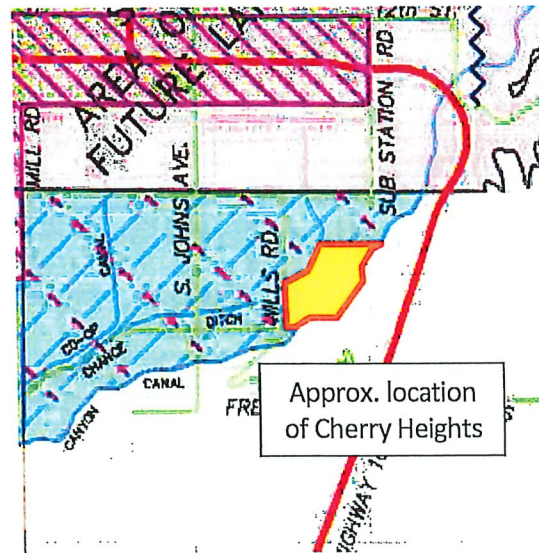


We held a neighborhood meeting on Tuesday, October 25, 2022. This meeting was attended by at least two dozen neighbors, who expressed numerous concerns about the overall Cherry Heights Development. In this narrative, we will discuss how we have addressed these concerns.

Comprehensive Plan

The subject property lies within a County Residential Area, specifically Priority Growth Area 1. Consistent with Gem County's Comprehensive Plan, Cherry Heights will not detract from the rural character of the area and does not burden the Gem community with the cost of development. In Priority Growth Area 1, densities at 1 unit per 1 acre are allowed.

Cherry Heights will help the Gem community achieve many of its Comprehensive Plan goals and policies. The Housing Element of the Comprehensive Plan encourages development that conserves open space, reduces unnecessary cost, and provides current and future residents with quality housing choices. Cherry Heights has been designed to conserve open space and integrate with its surroundings. Housing Policy 3.1.8 encourages rural residential development in areas where it is compatible with existing agricultural and ranching development. We have designed Cherry Heights with single-family homes on large, 1-acre lots to complement the existing agricultural character, without detracting from the natural beauty of the area.



Further, Residential Land Use Policy 12.13 encourages the provision of quality and diverse housing, as well as creative subdivision designs, of all prices for present and future residents. We have met with neighbors and coordinated with numerous agencies to ensure the lots provided within this development will provide a foundation for high quality homes and will not negatively impact neighboring properties. We have also utilized frontage along the Black Canyon Canal to provide residents with access to open space near their homes.

Preliminary Plat

The attached preliminary plat for Cherry Heights includes a total of 37 single-family residential lots and 1 common lot on approximately 68.90 acres. The proposed layout reflects a gross density of 0.54 lots per acre with an average lot size of 54,869 square feet, which exceeds the standards of the R-2 zoning district. Buildable lots range in size from approximately 1.01 acres to 2.04 acres, providing large lots with favorable configurations. The lots have been designed to exceed minimum requirements to enhance the availability of low-density single-family living options, which is an objective of the R-2 district.

Cherry Heights will develop in two phases. A separate application to rezone parcel RP06N01W201200 to the R-2 zoning district was submitted on November 2, 2022, and a subsequent preliminary plat application for Cherry Heights No. 2 is forthcoming. Anticipated construction will depend on market conditions as well as coordination and approval timelines with reviewing agencies.

Development Agreement

A Development Agreement (Inst. #321365) was entered into on May 6th, 2019, between Gem County and Sands Orchard Inc. Condition 8.4 of the DA requires the development to be generally designed in accordance with an approved concept plan. The basic residential areas, circulation, and access control has been designed to be generally like the concept plan, with some minor differences. The concept plan depicts one access point to Wills Rd., whereas the preliminary plat proposes two access points to Wills Rd. An additional access point will reduce congestion and improve circulation when adjacent parcels develop in the future. A property boundary adjustment application was approved which removed approximately 7.63 acres from the subject parcel and joined it with Parcel #RP06N01W201200 to the northwest to create a more desirable configuration to accommodate future development.

The developer met with the Gem County Development Services Department in a pre-application meeting prior to submitting this application. A traffic impact study (TIS), preliminary grading and drainage plan, irrigation plan, geotechnical report, and engineering report were submitted to the County for review. We have incorporated comments received from the County into this application.

Access & Connectivity

Cherry Heights proposes two primary access points via Wills Road. Homes within Cherry Heights will take access from internal local roadways, all of which will be improved to the standards of the Gem County Road and Bridge Department. Connectivity is provided through parcel RP06N01W201200 to accommodate future development.

A traffic impact study (TIS) was completed by CR Engineering, Inc. in June 2022. This study concluded that the proposed development is anticipated to have minimal impacts on the existing transportation system. Additionally, the existing roadways and intersections within the study area are anticipated to continue to operate at an acceptable level of service with the build-out of the proposed development.

Water Rights Statement

The developer possesses adequate surface and or groundwater rights to meet the needs of the development. 81.3 miner's inches of water are available to the property, flowing at a rate of 0.02 cfs/miner's inch. This is an adequate quantity of water to meet the proposed domestic and landscape needs of the development; additional rights will not be sought.

The Irrigation District for the property is the Lake Reservoir Company and Emmett Irrigation District.

12-3-8-6: Required Findings for Approval of Standard Subdivision Applications

No standard subdivision permit application shall receive a recommendation of approval from the commission or be approved by the board unless each of the following findings and conclusions are made:

- A. Adequate provisions have been made for a domestic water supply system that meets or exceeds the adopted water quality standards within Gem County and the State of Idaho.*

Domestic water service for each lot will be provided by individual wells. All domestic water wells will be installed in accordance with the Idaho Department of Environmental Quality and Southwest District Health Department's requirements.

A concern expressed by neighbors was how the number of new wells would affect the area's water supply. We are working with well companies familiar with this area to ensure that there is adequate supply to accommodate this development.

- B. Adequate provisions have been made and approvals from the health authority sought for treatment of wastewater within the subdivision.*

* Sanitary sewer service will be provided for each lot by individual septic systems. We have held a pre-development meeting with Southwest District Health to determine what will be required for new septic systems. All sanitary sewer septic systems will be installed in accordance with the Idaho Department of Environmental Quality and Southwest District Health Department's requirements.

At this time, Atlas Technical Consultants, LLC is conducting a nutrient pathogen (NP) study to ensure that the soils, geologic conditions, and water resources in this area can accommodate the number of proposed septic systems.

- C. Proposed roads are consistent with the transportation element of the comprehensive plan and meet Gem County Road and Bridge department standards.*

Homes within Cherry Heights will take access from internal local roadways, all of which will be improved to the standards of the Gem County Road and Bridge Department. Connectivity is provided to adjacent lots to accommodate future development.

- D. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.*

No hazards have been identified at this time. The proposed use, single-family residential, is compatible with the present conditions of the site.

- E. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in this code and the comprehensive plan.*

A Development Agreement (Inst. #321365) was entered into on May 6th, 2019, between Gem County and Sands Orchard Inc. As part of this Development Agreement, the subject property was rezoned to the Residential Transitional Zone (R-2), subject to the provisions of the Development Agreement. Single-family residences are an allowed use in this zone. Additionally, Cherry Heights Subdivision conforms to policies found in the Gem County Comprehensive Plan, as discussed above.

- F. The applicant has made adequate plans to ensure that Gem County and its citizens will bear no more than their fair share of costs to provide services, by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to roads, parks, and other public facilities within Gem County.*

The development is a private venture to be financed through private funds. Therefore, no public funds will be required for the site improvements.

G. The proposed subdivision complies with the design and improvement standards set forth in this title.

Cherry Heights Subdivision will comply with all design and improvement standards. A diverse mixture of quality housing products will be offered in this subdivision which will create and maintain a high quality of life for residents.

H. The proposed subdivision, when applicable, meets any standards for subdivision in floodplain or hillside areas.

The proposed subdivision is not situated within a floodplain or on a hillside.

I. The proposed subdivision complies with all other standards set forth in this title or any other applicable ordinance or statute.

The applicant will cooperate with Gem County to ensure compliance with all standards throughout the duration of this project.

Conclusion

Cherry Heights has been designed to ensure compatibility with adjacent land uses and consistency with existing and anticipated development in the area. We have taken steps to mitigate neighbors' concerns with the development, and these changes will be carried over into the second phase; all studies that have been conducted or are underway include both phases. Cherry Heights will provide quality and diverse housing options to residents of Gem County. Residents will enjoy proximity to a full-service community in Emmett as well as access to recreational opportunities across the County.

Should you have questions or require further information to process these applications, please feel free to contact me.

Sincerely,
KM Engineering, LLP



Stephanie Hopkins
Land Planning Manager

cc: Cherry Heights Development, LLC



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

DESCRIPTION: STANDARD SUBDIVISION PERMIT FOR CHERRY HEIGHTS SUBDIVISION

FILE NUMBERS: PP-22-014

PLANNING AND ZONING COMMISSION HEARING DATE: MAY 8, 2023

APPLICANT: HESS PROPERTIES, LLC

**PROPERTY OWNER: CHERRY HEIGHTS DEVELOPMENT, LLC
2775 W NAVIGATOR DR STE 110
MERIDIAN, ID 83642**

SITE LOCATION: WILLS ROAD, T 06N R 01W Section 20

STAFF PLANNER: JENNIFER KHARRL

1. APPLICATION SUMMARY & OVERVIEW

The applicant, Hess Properties, LLC, on property owned by Cherry Heights Development, LLC, has applied for a Standard Subdivision Permit application (referred to as "Preliminary Plat" (PP) herein) to construct a single-family residential development on approximately 68 acres located on Wills Road. The property is bare. The property is zoned R-2, Residential Transitional.

The PP application proposes 37 building lots. All Lots meet the minimum lot size of 1 acre. Individual wells and septic systems are proposed for each lot. Four new public roads are proposed through the development to be built. A neighborhood meeting was held on October 25, 2022 and twenty four (24) people attended the meeting.

Application Review Process

Standard subdivisions require one public hearing before the Commission and one public hearing before the Board. The Board is the final, decision-making body. The Commission must make a recommendation to the Board within 45 days after the public hearing.

Staff Recommendation

Staff finds the majority of the Comprehensive Plan policies and required findings support the approval of the PP application under the proposed conditions. (See further analysis in Sections 4 - 6 below.) If the

Commission feels all requirements have been adequately addressed at the hearing, a recommendation can be sent to the Board.

2. APPLICATION & PROPERTY FACTS

A. Site Address/Location: The property is located on the east side of Wills Road and is within Township 6N, Range 1W, Sections 20 & 21 (Tax Parcel #RP06N01W201806). The property has approximately 1,303 feet of frontage along Wills Road.

B. Current Owner(s): Cherry Heights Development, LLC

C. Applicant(s): Hess Properties, LLC

D. Present Zoning: R-2, Residential Transitional (1-acre min. lot size)

E. Present Comprehensive Plan Designation: County Residential Area, Priority Growth Area #1

F. Property Size: Approx. 68.90 acres.

3. APPLICATION PROCESS FACTS

A. Pre-Application Conference & Neighborhood Meeting:

In accordance with Gem County Code 12-3-2, a pre-application conference was held on the PP application at the Development Services Department on October 12, 2022. A Notice to Proceed was issued on October 26, 2022. In accordance with Gem County Code 12-3-3, the applicant conducted a neighborhood meeting on October 25, 2022.

B. Application Submittal:

The complete Preliminary Subdivision application for this item was received by the Development Services Department on March 27, 2023.

C. 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 April 19, 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 April 7, 2023. The physical property was posted for the public hearing on April 10, 2023. Requests for all impact agencies' reviews were mailed on April 7, 2023.

Gem County Development Services received a reply letter from the following public impact agencies: Gem County Road and Bridge Department, Emmett Irrigation District, Keller Associates, Black Canyon Irrigation District, Gem County Treasurer, ITD, Idaho Power and IDWR.

Public hearing notices were mailed to one hundred and four (104) parcels in the immediate vicinity including the properties within 300 feet and to all of the properties that submitted letters after the developer held a neighborhood meeting on site. 148 letters of opposition were sent in after the neighborhood meeting raising concerns regarding traffic, wells, septic and storm water. Five letters of opposition were received for the Commission public hearing.

D. Relevant Ordinances and Required Actions:

The Standard Subdivision Permit application review process is outlined in Gem County Code 12-3-8. Standard subdivisions require a public hearing before the Planning and Zoning Commission and the Board

of County Commissioners (“Board”). The Administrator makes a recommendation to the Commission; the Commission reviews and makes a recommendation to the Board, and the Board is the final, decision-making body (after holding a second public hearing of their own). A final written decision for approval, approval with conditions or denial must be issued by the Board within 30 days of the close of their public hearing (GCC 12-3-8-5).

- E. History of Previous County Actions on Property. The Board of County Commissioners conditionally approved a rezone from A-2 (5-acre Lot size) to R-2 (1-acre Lot size) in 2018 with a robust Development Agreement that required a Traffic Impact Study (“TIS”), to include impacted roadways and intersections at current conditions/the time of development and project build-out; a Preliminary Grading and Drainage Plan with preliminary water retention facilities design for the project site; an Irrigation Plan encompassing handling of waste water and delivery to downstream water rights; a Geotechnical Report including soils analysis; and an Engineering Report with well log research and impacts of proposed well and sanitary septic to establish the proposed density can be supported.
- F. Companion Applications: A rezone application of the adjoining property to the north that is intended to be a second phase.

4. LAND USE

- A. Existing Land Use(s): Irrigated pasture 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). R-2 and R-3 zones are scattered throughout the A-2 zone.
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture and R-3, Rural Residential	Irrigated pasture land; rural residential;
South of site	Agriculture/Natural Resources	A-3, Rural Agriculture	Black Canyon Canal
East of site	Agriculture/Natural Resources	A-3, Rural Agriculture	Irrigated pasture land/Black Canyon Canal
West of site	County Residential Area, Priority Growth Area #1	R-2, Residential Transitional and R-3, Rural Residential	Irrigated agricultural land; rural residential

- D. Physical Constraints and Opportunities:
1. Wastewater & Domestic Water: The applicant intends to provide individual wells and septic systems within the development.
 2. Vegetation: Irrigated pasture land.
 3. Floodplain: The parcel lies outside of any FEMA mapped Floodplain.

4. Canals/Ditches/Irrigation/Creeks: The property lies within the boundaries of the Emmett Irrigation District jurisdiction. The Black Canyon Canal runs along the southern and eastern property boundaries.
5. Hazards: Staff is not aware of any hazards. Any potential hazards should be addressed by the applicant at the public hearing.

E. Streets and/or Access Information: The plat proposes to construct and dedicate to Gem County four new public streets to serve the subdivision (Rainier Road, Stella Road, Magenta Road and Regina Road). All Lots, will access the new roads.

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

The Comprehensive Plan **Future Land Use Map** identifies the subject property as County Residential Area, Priority Growth Area 1.

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.

This property is located in R-2 zone and within the County Residential Area, Priority Growth Area #1 designation of the Future Land Use Map. The property contains 68.90 acres and the thirty-seven proposed lots will meet the minimum zoning requirement.

Supporting Policies/Goals

The Comprehensive Plan includes the following policies that generally support this application:

- Land Use, 12.2.1 – Encourage the provision of quality and diverse housing, as well as creative subdivision designs, of all prices ranges for present and future residents.
- Natural Resources, 6.11 – Prevent contamination of groundwater from sewage and wastewater through appropriate planning, treatment and through regulations.

The proposed plan appears to conform with SWDH standards, as preliminarily determined by SWDH staff during on-site visits for this application. This will be determined during the Subdivision Engineering Report (SER) process.

- Housing, 3.1.3 and Land Use, 12.2.3 – Encourage compatible infill development, which will complement existing neighborhoods.

The Wills Road area includes a mix of R-2 and R-3 zoned parcels.

- Natural Resources, 6.10 – Manage storm water generation and disposal consistent with best-available technology to prevent degradation of water quality and natural resources.

The developer will be required to contain all stormwater run-off on site. An engineered plan was required to be submitted as part of the Development Agreement and was reviewed by the County Engineer.

6. ZONING ORDINANCE [Staff comments and analysis are shown in *italics*.]

Purpose Statement of Zone: Gem County Code 11-4-4A lists the purpose of the R-2 zone as follows:

“Purpose: To provide lands for the development of single-family dwellings, in areas that can be served by

individual well and septic systems as approved by the health department.” The R-2 zone has a one (1) acre minimum lot size requirement.

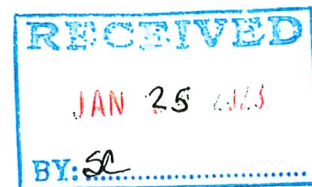
The property is found to comply with the intent and purpose of the R-2 zone to allow single-family uses on 1-acre lots.

Attached Exhibits

- Exhibit A – Required Findings
- Exhibit B – Proposed Conditions of Approval
- Exhibit C – Proposed Preliminary Plat

Development Services received the attached letter from 148 concerned citizens following the required neighborhood meeting that the developer held on site on October 25, 2022. Also attached is the list of citizens who sent in the letters.

RE: Cherry Heights Subdivision
3700 Wills Road
Emmett, ID 83617



County Commissioners,

Many of the existing property owners have significant concerns regarding the proposed Cherry Heights Subdivision at 3700 Wills Road. The questions that were asked at the "Neighborhood Review" meeting which KM Engineering held on Tuesday, October 25, 2022 went unanswered for the most part. Some of the concerns that we need answers to are following:

1. Water:

The proposal calls for a well on each building site. This alone caused great concern for the residents down slope because of the amount of ground water that will be extracted, there are potential issues for existing properties that could experience water quantity if existing wells have to be redone by drilling deeper or re-drilling completely? Most of the down gradient wells have been in service for over 30 years. As the County is the approving agency, will you assure and be liable for changes to existing water quantity and quality issues that arise?

2. Septic:

The proposal calls for each building site to have a leach line septic system. This again causes great concern for the down gradient property owners and relates again to water quality concerns for their domestic wells. The proposed subdivision is on a sand hill that will provide for a superb leach field, the problem is that the sand overlays a silt clay base which will then direct affluent down gradient causing the potential for the down gradient wells to be affected with Nitrate, Nitrite and coli-form contamination. How will you assure that this does not happen?

3. Run-off Water and Storm Water:

The proposed subdivision is on a highly erodible hillside, the addition of hard surfaces that will deflect and aggregate water causing a larger volume of run-off and storm water coming off the site. This is problematic from an erosion stand point but also may cause drainage issues. Last Chance Ditch runs along the bottom of the property and is not able to accommodate the increased fluctuations this volume can/will cause. The large drainage ditch, which would have to handle any run-off is not maintained until it reaches South Johns. So, who is responsible to assure that the existing culverts and drain are adequate to handle the increased water volume? Who will clean/maintain the drain ditch of the sand that washes off the hill? As it is now after a storm, water running along Wills Road washes out along the edges and sand flows across the intersection at the top of Wills Road, more run-off does not make this situation better!

4. Traffic

KM Engineering state that a traffic survey has been completed for Wills Road. That being said, the roads in the lying area are not sufficient for ingress and egress for the additional traffic that a subdivision of this size will bring. Wills Road at this time with normal traffic is too narrow. Cars have to move to the shoulder to pass, let alone larger vehicles or farm equipment. The shoulders deteriorating with the current traffic and consistent erosion issue lend to the question of widening the road to accommodate the additional traffic load. That is only one piece of the puzzle as Wills Road is not a through road so additional traffic will have to travel Old Freezeout, Salesyard, Substation or Cherry Lane to connect to an arterial that will get them over the hill for work or shopping or to South Johns to get into Emmett. Widening Wills Road makes little sense to widen, as it does not directly connect to an arterial road.

These concerns need to be addressed as KM Engineering could not provide answers to our questions in the meeting they conducted on Tuesday, October 25, 2022.

This subdivision is extremely detrimental to the environment, the community, the surrounding neighbors, but also the quality of life that this community has in the Emmett valley.

Thank you for your consideration on this matter.

Printed Name: NANCY L. DAVIS Signed: Nancy L. Davis
Address: 950 E South Slope Rd
Emmett, ID 83617

First	Last	Address	City	State	Zipcode
DeAnna	Barrett	740 Cherry Lane	Emmett	ID	83617
Dianna	Troudt	744 Cherry Lane	Emmett	ID	83617
Larry	Troudt	744 Cherry Lane	Emmett	ID	83617
Nicole	Sims	3700 Wills Road	Emmett	ID	83617
Bruce	Sims	3700 Wills Road	Emmett	ID	83617
Peter	Dill	2222 S. Johns Ave	Emmett	ID	83617
Margrieth	Dill	2295 S. Johns Ave	Emmett	ID	83617
Susan	Dill	2222 S. Johns Ave	Emmett	ID	83617
Russell	Einwalter	800 Cherry Ln	Emmett	ID	83617
Brenda	Hansen	1687 Cherry Ln	Emmett	ID	83617
Roy	Hansen	1687 Cherry Ln	Emmett	ID	83617
Joshua	Gearheard	3370 S. Johns Ave	Emmett	ID	83617
Samantha	Crossley	3370 S. Johns Ave	Emmett	ID	83617
Stuart	Peterson	1515 E. Sales Yard Rd	Emmett	ID	83617
Elizabeth	Peterson	1515 E. Sales Yard Rd	Emmett	ID	83617
Ron	Jackson	3395 S. Johns Ave	Emmett	ID	83617
Brenda	Moyer	3414 Wills Rd	Emmett	ID	83617
Carl	Moyer	3414 Wills Rd	Emmett	ID	83617
Robert	Payne	3440 S. Johns Ave	Emmett	ID	83617
Lillie	Payne	3440 S. Johns Ave	Emmett	ID	83617
Kodi	Quenzer	922 E. Sales Yard	Emmett	ID	83617
Joseph	Schissler	2275 Cherry Ln	Emmett	ID	83617
Bailey	Schissler	2275 Cherry Ln	Emmett	ID	83617
Mary	McCown	2190 Cherry Ln	Emmett	ID	83617
Robert	McCown	2190 Cherry Ln	Emmett	ID	83617
Beverly	Carroll	2714 Orchard Ln	Emmett	ID	83617
Michael	Carroll	2714 Orchard Ln	Emmett	ID	83617
Jason	Sebastian	4450 Old Freeze Out	Emmett	ID	83617
Zobin	Sebastian	4450 Old Freeze Out	Emmett	ID	83617
Marvin	Johnson	720 E. South Slope Rd	Emmett	ID	83617
Roba	Johnson	720 E. South Slope Rd	Emmett	ID	83617
Rodric	Smith	3777 S. Johns Ave	Emmett	ID	83617
Cindy	Smith	3777 S. Johns Ave	Emmett	ID	83617
Tony	Norella	2677 S. Substation	Emmett	ID	83617
Mic	Norella	2677 S. Substation	Emmett	ID	83617
Erwin	Jantz	2260 Cherry Ln	Emmett	ID	83617
Sherry	Jantz	2260 Cherry Ln	Emmett	ID	83617
Mary	Morris	1286 E. Sales Yard	Emmett	ID	83617
Jeremy	Morris	1286 E. Sales Yard	Emmett	ID	83617
Ira	Fallon	3287 Breshears Ln	Emmett	ID	83617
Pam	Fallon	3287 Breshears Ln	Emmett	ID	83617
John	Dollar	3575 Willis Rd	Emmett	ID	83617
Michelle	Dollar	3575 Willis Rd	Emmett	ID	83617
Kitti	Roberts	2660 S. Sub Station Rd	Emmett	ID	83617
Roderick	Roberts	2660 S. Sub Station Rd	Emmett	ID	83617
Catherine	Bacon	2670 S. Substation Rd	Emmett	ID	83617

Gary	Bacon	2670 S. Substation Rd	Emmett	ID	83617
Steven	Weston	3333 Wills Rd	Emmett	ID	83617
Wendy	Weston	3333 Wills Rd	Emmett	ID	83617
Laura	Cloherly	4452 Old Freezeout Rd	Emmett	ID	83617
Nadine	Burak	1495 E. Sales yard Rd	Emmett	ID	83617
Steven	Burak	1495 E. Sales yard Rd	Emmett	ID	83617
Gudrun	Robinson	3535 S. Johns Ave	Emmett	ID	83617
Sherry	Lamb	807 E. South Slope Rd	Emmett	ID	83617
Gale	Lamb	807 E. South Slope Rd	Emmett	ID	83617
Margret	Brierley	3427 Wills Rd	Emmett	ID	83617
E.R.	Brierley	3427 Wills Rd	Emmett	ID	83617
Mary	Heflin	2240 Cherry Ln	Emmett	ID	83617
Lisa	Garcia	808 E. South Slope Rd	Emmett	ID	83617
James	Lund	2222 Cherry Ln	Emmett	ID	83617
Terri	Lund	2222 Cherry Ln	Emmett	ID	83617
Sharon	Boatman	743 E. South Slope Rd	Emmett	ID	83617
Matthew	Boatman	743 E. South Slope Rd	Emmett	ID	83617
James	Schaad	2160 Cherry Ln	Emmett	ID	83617
Theresa	Schaad	2160 Cherry Ln	Emmett	ID	83617
Lucinda	Plotts	3130 S Johns Ave	Emmett	ID	83617
Richard	Plotts	3130 S Johns Ave	Emmett	ID	83617
Donna	Martin	2615 S. Substation Rd	Emmett	ID	83617
Gerry	Case	2505 S. Substation Rd	Emmett	ID	83617
Steve	Case	2505 S. Substation Rd	Emmett	ID	83617
Roswitha	Hubbard	2520 S. Substation Rd	Emmett	ID	83617
Jerry	Davison	2550 S. Substation Rd	Emmett	ID	83617
Maral	Davison	2550 S. Substation Rd	Emmett	ID	83617
Erin	Maurer	2665 S. Substation Rd	Emmett	ID	83617
Thomas	Brodock	2630 S. Substation Rd	Emmett	ID	83617
Patricia	Brodock	2630 S. Substation Rd	Emmett	ID	83617
Donald	McGregor	2620 S. Substation Rd	Emmett	ID	83617
Lynn	Garcia	3957 Wills Rd	Emmett	ID	83617
Michael	Combs	3957 Wills Rd	Emmett	ID	83617
Jess	Careage	2610 S. Substation Rd	Emmett	ID	83617
Roma	Careage	2610 S. Substation Rd	Emmett	ID	83617
Maria	Marin	2580 S. Substation Rd	Emmett	ID	83617
Gabriela	German	2580 S. Substation Rd	Emmett	ID	83617
Paul	Jacobsen	999 E. Salesyard Rd	Emmett	ID	83617
Kayla	Jacobsen	999 E. Salesyard Rd	Emmett	ID	83617
Steve	Dixon	3387 Wills Rd	Emmett	ID	83617
Cynthia	Dixon	3387 Wills Rd	Emmett	ID	83617
Eugene	Parks	2386 S. Substation Rd	Emmett	ID	83617
Donald	Wyatt	3540 Wills Rd	Emmett	ID	83617
Catherine	Ballard	3540 Wills Rd	Emmett	ID	83617
Katrina	Andrews	3680 Wills Rd	Emmett	ID	83617
Wayne	Andrews	3680 Wills Rd	Emmett	ID	83617
Susan	Griffith	2575 S. Substation Rd	Emmett	ID	83617

Charles	Griffith	2575 S. Substation Rd	Emmett	ID	83617
Donna	Martin	2615 S. Substation Rd	Emmett	ID	83617
Donald	Martin	2615 S. Substation Rd	Emmett	ID	83617
Toni	Bucciero	3624 Wills Rd	Emmett	ID	83617
Duane	Ross	2490 S. Substation Rd	Emmett	ID	83617
Geraldene	Ross	2490 S. Substation Rd	Emmett	ID	83617
Jeanne	Wiegand	3655 S. Johns Ave	Emmett	ID	83617
Betty	Williamson	3010 Wills Rd	Emmett	ID	83617
Ken	Williamson	3010 Wills Rd	Emmett	ID	83617
Robert	Suyehira	777 E. South Slope Rd	Emmett	ID	83617
Ruth Ann	Suyehira	777 E. South Slope Rd	Emmett	ID	83617
Gregory	Forte	811 E. South Slope Rd	Emmett	ID	83617
Connie	Bigelow	1210 E. Salesyard Rd	Emmett	ID	83617
Theodore	Smith	2280 Cherry Ln	Emmett	ID	83617
Susie	Smith	2280 Cherry Ln	Emmett	ID	83617
Justin	Sirohlman	3397 S. Johns Ave	Emmett	ID	83617
Michael	Bowling	4460 Old Freeze Out Rd	Emmett	ID	83617
Patrick	Palmer	3979 Wills Rd.	Emmett	ID	83617
Natasha	Palmer	3979 Wills Rd.	Emmett	ID	83617
Edward	Illingworth	3411 S. Substation Rd	Emmett	ID	83617
Adrianne	Illingworth	3411 S. Substation Rd	Emmett	ID	83617
Daniel	Fimby	945 E. South Slope Rd	Emmett	ID	83617
Belinda	Fimby	945 E. South Slope Rd	Emmett	ID	83617
William	Walburn Jr.	1300 E. Sales Yard Rd	Emmett	ID	83617
Bobbie	Walburn Jr.	1300 E. Sales Yard Rd	Emmett	ID	83617
Rose	Tucker	3303 S. Johns Ave	Emmett	ID	83617
Lawrence	Tucker	3303 S. Johns Ave	Emmett	ID	83617
Bruce	Evans	798 E. South Slope Rd	Emmett	ID	83617
Sherry	Evans	798 E. South Slope Rd	Emmett	ID	83617
Sandra	Goehring	901 E. Sales Yard Rd	Emmett	ID	83617
Barbara	Driemeyer	2180 Cherry Ln	Emmett	ID	83617
Dennis	Driemeyer	2180 Cherry Ln	Emmett	ID	83617
Gary	McDonald	2677 S. Johns Ave	Emmett	ID	83617
Carol	Robison	2677 S Johns Ave	Emmett	ID	83617
Jaime	Kurata	1720 E. Salesyard Rd	Emmett	ID	83617
Matthew	Kurata	1720 E. Salesyard Rd	Emmett	ID	83617
Elfreida	Bennett	2570 S. Substation Rd	Emmett	ID	83617
Richard	Bennett	2570 S. Substation Rd	Emmett	ID	83617
David	Warrick	2520 Foxfire Ln	Emmett	ID	83617
Lindsey	Warrick	2520 Foxfire Ln	Emmett	ID	83617
Harley	Warrick	2520 Foxfire Ln	Emmett	ID	83617
Kerri	Vaughn	2590 S.Substation	Emmett	ID	83617
Troy	Vaughn	2590 S. Substation	Emmett	ID	83617
Randy	Reiman	1104 Cherry Ln	Emmett	ID	83617
Mary	Carson	1108 Cherry Ln	Emmett	ID	83617
M.	Carson	1108 Cherry Ln	Emmett	ID	83617
Michael	Darling	920 Cherry Lane	Emmett	ID	83617

Becky	Darling	920 Cherry Lane	Emmett	ID	83617
Elsie	Kimball	3010 S. Johns Ave	Emmett	ID	83617
Dana	Guernno	1117 Cherry Lane	Emmett	ID	83617
Michael	Guernno	1117 Cherry Lane	Emmett	ID	83617
Brent	Kimball	759 E. Salesyard Road	Emmett	ID	83617
Debbie	Kimball	759. E. Salesyard Road	Emmett	ID	83617
Tinker	Bell Mead	737 Cherry Lane	Emmett	ID	83617
Julianne	Prince	737 Cherry Lane	Emmett	ID	83617



Stephanie Crays

From: Robbie Roberts <robnkitti@gmail.com>
Sent: Monday, April 17, 2023 4:27 PM
To: Stephanie Crays
Cc: Robbie Roberts; tyler@hesspropertiesidaho.com; lane@beaconidaho.com
Subject: Cherry Heights Application

Hi Stephanie,

Robbie Roberts, former Economic Developer for the City of Emmett here. I am writing in response to the Cherry Heights application and have serious concerns about the developer's responses relative to the availability of well water for the properties within this application.

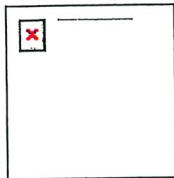
I've reviewed both of the packet's documents and the developer has not answered whether a recognized expert believes there is sufficient groundwater to prevent loss of well water availability to existing properties near the development. Sorry, but asking local well companies to verify that there is sufficient water availability is a conflict of interest as these companies benefit from drilling new wells. An Idaho state-recognized authority needs to verify that sufficient water capacity exists that will provide sufficient water for the development and not harm existing water capacity for existing properties adjacent to the development.

The Water Rights Statement contains language that is unfamiliar to me; however, it appears that this is limited to water taken from the adjacent Black Canyon canal for landscaping purposes.

Until an Idaho state-recognized authority determines that there is sufficient well water capacity to accommodate the new development without negatively affecting the well water capacity of existing properties adjacent to the development, I would ask Planning & Zoning to reject the application until such guarantees can be verified.

Many thanks for the efforts of the Planning & Zoning Commission and the work by the Gem County Development Services department as Gem County is seeing new growth!

All the best...

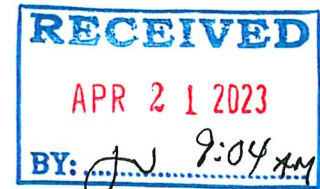


Robbie Roberts

(208) 631-1530 | robnkitti@gmail.com

"All we have to decide is what to do with the time that is given us."

Gem County Development Services Department
109 S. McKinley Ave. Emmett Idaho 83617
Office of the Administrator
Planning and Zoning



Attention: Olivia Mocnik Associate Planner

Regarding: Cherry Heights application to rezone A2 to R2

To maintain the small-town character & rural feel, it is a mistake to rezone the foothills from A2(5 acre) to R2(1 acre). The proposed subdivision, Cherry Heights, will spread urbanization into the rural county lands ultimately decreasing values of existing properties.

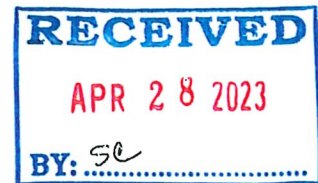
Other concerns include the 37 lots will put a stress on the aquafer, the septic systems will be leaching into the ground effecting ground water for existing properties, increased traffic on Wills Road. and S. Substation Road will affect the rural perception existing in the county today.

Community designing and planning needs to recognize the special qualities of Emmett that you can see when driving down the Freeze-Out Hill on Highway 16. From the Memorial Site, the Cherry Height Subdivision would not fit into the overall feel of our valley.

Sincerely, Donna Martin

2615 S. Substation Road (208-963-2995)

April 27, 2023



Gem County Planning and Zoning Commission

Re Wills Road development

Dear Commissioners,

We live at 2222 South Johns Avenue. We have serious concerns about the proposed development off Wills Road.

We are very concerned about water quality for the existing homes nearby and for this development if septic systems are installed at this density and with this topography. We are also very concerned about traffic affecting existing homes and this development. To add 37 or 60 homes to the traffic flow on Wills road and/or Substation, or the Canal Road, will be intense. The entrance near the southwest corner of the site near the complex intersection of Wills Road, the Canal Road and South Slope looks to create traffic congestion and accident risk. Currently there are approximately 70 homes accessing Substation directly. The increase by this development is remarkable and complicating for existing residents. If approved, this request sets a precedent and if the pattern continues it looks quite unmanageable. Who will pay to re-do this set of old roads?

The county has been through a long process preparing a new comprehensive plan. Hours and hours have been spent discerning what density and development approaches would benefit the county and protect existing neighbors. While the Cherry Heights application precedes the new comprehensive plan and may not be subject to it, your task as Planning and Zoning is to determine what is wise and appropriate. All the reasons why the new comprehensive plan chose a less dense zoning for the area including this parcel are still wise and appropriate for applications not governed strictly by the new plan. Please reject the application or ask them to revise it to meet the current comp plan which is a good plan going forward.

Sincerely,

Peter and Susan Dill

Susan Dill *Peter Dill*

Theresa Schaad
2160 Cherry Lane,
Emmett, ID 83617

Gem County Planning and Zoning Commission

April 26, 2023

Dear Chairman and Board Members of Gem County Planning and Zoning Commission,

Thank you all for serving our community. I know you are very busy with many things on your agenda and its impossible to know every detail. I love this community; I love growth and people! I believe you have its best interests at heart in your decisions.

Id like to address the Cherry Heights subdivision.
I hope you will give concern, study and answers in 3 areas:

Issue # 1. I request a county road and traffic study, beyond the developer, on the roads that will see increased traffic. Wills, are very narrow, almost shoulderless and in poor repair. Not TODAY, but if this subdivision is built, there will be MANY heavy equipment vehicles traveling as well as future daily increased traffic on those and entrance roads such as Cherry Lane, Substation Rd and S. Johns.

Forbes.com says Idaho and Wyoming tied for the highest rate of car ownership nationwide, with 96.2% of households in both states reporting access to at least one vehicle in 2021.
Car ownership rates by state from Motley website shows this for 2022 for Idaho:

State	Percentage of households with at least one vehicle	Average number of vehicles per household
Idaho	96.1%	3.0

These factual numbers will impact Emmet's roads far more than the developers "estimate"

Issue #2 is existing and future wells, protection for existing homeowners. The KM / developers state there is enough water for THEIR development but what about the existing homes with wells in the area with increased us and no more agriculture to replenish the ground water supply. What is YOUR plan to protect your citizen's existing wells in the area? Will the City or County dig new wells in a timely manner at NO further expense to homeowners in the area? Will the developer? Has there been any accurate water studies? How will you protect existing citizens?

Boise/Kuna have seen wells drying up due to rapid development and have a long waiting list and ridiculous expense for new wells needed for existing homeowners. Middleton as well has experienced this.

BOISE, Idaho (CBS2)(KBOI) — Some wells in Southwest Boise are drying up. It's not because of the hot dry summers, but **in part because of development in the Boise area.**

KTVB 7 quotes "The development and growth of the area have impacted the wells. "As more and more subdivisions go in, less and less farmland is there. With less farmland, the aquifer doesn't get replenished," said Nick Estes, a nearby resident who just had a well dug before the company left town.

The above problems WILL occur HERE. I am presuming you fully understand land facts and am eager to hear your plan to protect existing wells and land/homeowners.

Issue #3 is a request to do a land study, in terms of layers and ability of the land to absorb rain, runoff, water, septic, etc. that will affect the homes. Please keep the zoning at 5-acre parcels to help prevent future problems for existing residents.

Thank you so much for your consideration to make growth compatible with existing residents! I will be part of the meeting via zoom to allow for others to fill the chairs.



A handwritten signature in red ink that reads "Theresa Schaad". The signature is written in a cursive, flowing style.

Theresa Schaad

Stephanie Crays

From: Deborah Weaver <dmfweaver@yahoo.com>
Sent: Thursday, April 27, 2023 12:54 PM
To: Stephanie Crays
Subject: Re: Development at 3700 Willis Road

I am writing to voice my opposition to the new development/rezone. This breaking up of large pieces of rural transitional agriculture ground needs to stop. The water table here will not support so many wells/septics in a relative small parcel. I have friends who have no water pressure on Star Lane and others in the Sand Hollow area who have had to drill new wells. We built a new house 2 years ago - drilled a new well and had to go down twice the depth of our old well (on the same property and are sucking up lots of sand (requiring expensive filters, etc.). Services such as law enforcement/EMS/road department are stressed to deal with the new developments that have already been put in.

Please reconsider leaving it 5 acres - even at that it's a lot of wells/septics. Our water is not unending.

Thank you,

Deborah Weaver
4185 County Line Road
Emmett, ID. 83617

EXHIBIT A

REQUIRED FINDINGS FOR STANDARD SUBDIVISION PERMIT

Cherry Heights Subdivision (File #PP-22-014)

GCC 12-3-8-6 outlines the following required findings the County must make before an application can be approved. It states that “No standard subdivision permit application shall receive a recommendation of approval from the Commission or be approved by the Board unless each of the following findings and conclusions are made.” There are nine (9) required findings. Each of these is listed below with staff comments and analysis shown in *italics* below each one. The Commission or Board may agree, disagree, and/or modify staff’s proposed findings, but a finding cannot be omitted altogether. Each finding must be found to be either in favor or not in favor of the application.

1. Adequate provisions have been made for a domestic water supply system that meets or exceeds the adopted water quality standards within Gem County and the State of Idaho.

The applicant is proposing private, individual domestic wells for each lot, which is permitted under Gem County Code for lots in the R-2 zone. Gem County Code doesn't require a public drinking water system in the R-2 zone. This means the subdivision is not subject to the DEQ rules for a public drinking water system, which is defined by DEQ in the Idaho Administrative Code as having at least 15 service connections or serving 25 individuals daily at least 60 days out of the year. Gem County does not have any adopted water quality standards separate from the State of Idaho (DEQ or IDWR). Neither the SWDH or DEQ have testing requirements for private wells, so it is incumbent upon each property owner to have their individual wells tested. SWDH recommends testing at least one time per year, especially since contaminant levels can fluctuate. It is unlikely that each property owner will have their wells tested this often. Domestic wells (those used for homes and other drinking purposes, used to irrigate no more than a ½ acre of land, and where no more than 13,000 gallons per day is used) are exempt from having to obtain a water right under Idaho statute.

The Department of Water Resources was sent a copy of the plat application and sent in a generic letter regarding water supply with some general observations regarding the increased numbers of subdivisions in Gem County and the amount of individual wells. There were no specific recommendations for this subdivision.

The proposed subdivision complies.

2. Adequate provisions have been made and approvals from the health authority sought for treatment of wastewater within the subdivision.

An on-site, Pre-Development Meeting with Southwest District Health and the applicant/developer was held on 11/16/22. Their preliminary review does not indicate any potential problems with individual systems. Upon submittal of the Final Plat application, the applicant will need to comply with SWDH requirements including hiring an engineer to supply a Subdivision Engineering Report (SER) and septic permits must be issued before any building permits are released by Gem County. DEQ standards shall be required as administered by Southwest District Health Department (SWDH).

3. Proposed streets are consistent with the transportation element of the Comprehensive Plan and meet Gem County Road and Bridge Department Standards.

The plat proposes to construct and dedicate to Gem County four new public streets to serve the subdivision that will be classified as local roads. Wills Road is classified as a Local Road and requires a minimum 60-foot right-of-way width. The applicant is proposing to dedicate 30-feet of public right-of-way from the centerline of Wills Road to meet this requirement.

The Gem County Road & Bridge Department (Neal Capps) was notified of the application and responded in writing regarding the new approaches off of Wills Road and Substation Road and the requirements for the proposed public roads.

4. **All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.**

Staff is not aware of any soil or topographical conditions that may present a hazard within this development. Per the Development Agreement, the developer submitted an engineered geotechnical report prepared by Atlas Technical Consultants, LLC that determined that the site is adequate for the proposed development.

5. **The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in the Gem County Code and the Comprehensive Plan.**

See Comprehensive Plan analysis in section 5 of the staff report for details. Staff finds that the PP application proposes a minimum lot size of 1 acre. The current R-2 zone allows for a minimum lot size of 1 acre and is intended to provide lands for the development of single-family houses. The subdivision is intended for single-family, on-site built houses, which complies with the R-2 purpose and dimensional standards.

6. **The applicant has made adequate plans to ensure that Gem County and its citizens will bear no more than their fair share of costs to provide services, by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within Gem County.**

Wills Road is identified as a Local Road (60' total right-of-way width) with the Average Daily Traffic (ADT) volumes exceeding 2,000 vehicle trips per day at full build out and a 30' right-of-way from centerline is requested from the Gem County Road and Bridge Department. The proposed public roads will offer the full 60' right-of-way for local roads. If the plat is approved, those areas of right-of-way would be provided to the county. Gem County Subdivision Ordinance (12-5-5) requires that areas to be dedicated are free and clear of all liens and encumbrances; this includes but is not limited to: fences or structures of any kind. This area will need to be confirmed at the time of Final Plat application. The County Engineer has recommended a discussion to determine pavement rehabilitation or replacement measures on Wills Road.

In order to mitigate other impacts on the Gem County Road and Bridge system and other public facilities, the Board adopted an Impact Fee Ordinance which establishes impact improvement costs required for any new residence. This fee is required at the time of building permit issuance of a new residence.

Emmett Irrigation District will have requirements for the irrigation system and access easements for their maintenance needs. Other than these items, no other requests for public facilities have been made by other agencies and/or departments.

The developer is also be responsible, at their cost, to ensure all proposed utilities are available to the subdivision. Future lot owners are responsible to pay for private wells and private septic systems. To date, no other requests for public facilities have been made by other agencies and/or departments.

7. The proposed subdivision complies with the design and improvement standards set forth in this Ordinance.

GCC 12-6-1 sets the following standards for subdivision improvements:

- a) Natural Feature Areas – n/a
- b) Utilities – the subdivision developer is responsible to install the required utilities prior to the recordation of the final plat
- c) Domestic Water Supply – individual domestic wells; to be constructed at time of future building permit – see Finding #1 above
- d) Irrigation – Emmett Irrigation District
- c) Sewage Disposal – individual septic systems to be approved via the SER; to be constructed at time of future building permit – see Finding #2 above
- d) Public & Private Streets – street dedication along existing Wills Road is shown as required (30' right-of-way). The four proposed public roads will be reviewed by County Engineer at time of construction drawing submittal in conjunction with the Road and Bridge Director.
- e) Lots – The R-2 zone requires a one (1) acre minimum lot size. As the applicant is proposing 1.00+ acre parcels, this standard has been met.
- f) Remainder lots – n/a
- g) Blocks – n/a
- h) Drainage – suitable drainage facilities required; will be reviewed by County Engineer at time of construction drawing submittal.
- i) Park or School Site Dedication – n/a
- j) Public Access Easements – n/a
- k) Easements – All required easements will be more specifically designed for the Final Plat

8. The proposed subdivision, when applicable, meets any standards for subdivision in floodplain or hillside areas.

This subdivision does not qualify as a Floodplain or Hillside subdivision.

9. The proposed subdivision complies with all other standards set forth in this Ordinance or any other applicable ordinance or statute.

The application is found to comply with the standards of Gem County Code, Title 12.

EXHIBIT B

STAFF RECOMMENDED CONDITIONS OF APPROVAL CHERRY HEIGHTS SUBDIVISION (#PP-22-014)

General Conditions

1. The Preliminary Plat for "Cherry Heights Subdivision" by KM Engineering, Joe N. Pachner, PE, is approved with conditions, as noted below.
2. The applicant shall comply with the conditions/comments of the following impact agencies:
 - a. Gem County Treasurer (4/14/23) (*this condition does not technically apply until Final Plat*)
 - b. Emmett Irrigation District (4/27/23)
 - c. Black Canyon Irrigation District (4/27/23)
 - d. Gem County Road and Bridge (4/27/23)
 - e. Keller Associates (County Engineer (4/28/23)
3. The Final Plat application(s) shall be filed in accordance with the timeframes and format as required in Chapter 3 and 4 of the Subdivision Ordinance for Gem County.

Subdivision Improvement & Mitigation Conditions

4. Per GCC 12-6-1.C, the applicant is required to install all required utilities and appropriate easements are in place on the plat. It is the applicant's responsibility to ensure that future lot owners will bear no additional charge to obtain phone or power service for their lot.
5. Prior to the Board signature of the Final Plat, a partial release/reconveyance will need to be completed and verified to ensure the public road dedication is free and clear of all liens and/or encumbrances.
6. Prior to the Board signature of the Final Plat, the subdivider shall prepare a new Quitclaim Deed for Lots 1-37, Block 1 of Cherry Heights Subdivision. Copies of the new deed shall be provided to the Development Services Department for recordation with the final plat.
7. The developer shall submit engineered construction drawings for the required improvements to be reviewed by the County Engineer.
8. The developer shall submit a copy of the Subdivision Engineering Report approval from Southwest District Health for the proposed septic systems.
9. A 10' landscape street buffer will be along Wills Road. The street buffer shall be planted with trees shrubs, lawn and other vegetative ground cover and maintained by the property owner upon which the buffer lies or by a homeowners association.

OFFICE OF
Megan Keene
TREASURER
TAX COLLECTOR
PUBLIC ADMINISTRATOR

GEM COUNTY



415 E MAIN STREET
ROOM 200
EMMETT, IDAHO 83617
(208) 365-3272

April 14, 2023

Gem County Development Services Department
Attn: Olivia Mocnik, Associate Planner
109 S. McKinley Avenue
Emmett, ID 83617

RE: Cherry Heights Subdivision No. 1
Loc: 3700 Wills Road
PIN(s): RP06N01W201805

Dear Olivia,

After reviewing the application for the Cherry Heights Subdivision No. 1, the following are my comments regarding the subject parcel(s):

Parent Parcel RP06N01W201805 has 2022 taxes paid in full and is no longer an active parcel. Child parcel RP06N01W201806 is an active parcel for 2023 and will be subject to paying the 2023 estimated/actual taxes.

Any split/combined/property boundary adjustment/minor sub parcels must have all taxes paid in full.

***Please note--Splits, Combos, PBAs, Platted Subdivisions, and Manufactured Homes Declared Real need to be correctly recorded by no later than May 1, 2023 in order to show up in the 2023 Assessment Roll and 2023 Tax Roll. Anything recorded after that date will be valued and taxed based on how the property was as of January 1, 2023 and will need the current years estimated/actual taxes paid.*

If you have any questions, please feel free to contact the Treasurer's office.

Sincerely,

A handwritten signature in black ink that reads "Megan Keene".
Megan Keene
Gem County Treasurer

222 E. Park St.
Emmett, Idaho 83617



208-365-4582

Serving the Valley Since 1910

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

Date: April 27, 2023

Re: Cherry Heights Subdivision No. 1
Parcel #RP06N01W201805
Assessment #129

Requirements:

1. EID Subdivision Application filled out and returned with all paperwork required and application fee for Board approval.
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. Lateral User's agreement, recorded with the county to include all deliveries associated with the designated delivery point.
5. Encroachment Application and all requirements fulfilled, if required.
6. Any Emmett Irrigation District Board approved lateral piping projects will require a licensing agreement to be drawn up by Emmett Irrigation District Attorney's at the expense of applicant.
7. After final plat is approved you will need to submit a copy to the Emmett Irrigation District Office so new parcels can be setup.
8. Warranty deed of title.

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



April 27, 2023

Gem County Development Services
109 South McKinley
Emmett, ID 83617
(208) 365-5144

RE: Cherry Heights Subdivision No. 1, Preliminary Plat Comments, Parcel RP06N01W201805
Applicant: Hess Properties LLC, Tyler Hess

The parcel is located at 3700 Willis Road in Emmett, Idaho.

The proposed subdivision development is located within a parcel that is outside of the Black Canyon Irrigation District (District). However, as discussed with Gem County Planning and Zoning, the parcel is located adjacent to the Black Canyon Main Canal which is operated and maintained by the District. Emmett Irrigation District and the Lake Reservoir Company are the stated irrigation providers for this property by the applicant.

The following items will be required prior to approving final plat of this subdivision by the District.

- a. The existing Black Canyon Main Canal will need to be fenced at the easement/right-of-way line along the length of the subdivision. District standard fencing or an approved equal will be required.
- b. No structures or encroachments will be allowed to be located within the existing easement/right-of-way. (A pumphouse is currently shown within the easement on the plan.)
- c. All diversions from the canal and along the subdivision will need to be metered.
- d. A separately recorded document, describing the District's facilities will be required with separate instrument number shown on the final plat. The Bureau of Reclamation has identified a recorded right-of-way document for this area (Gem County, 2/25/1939, instrument 40602). Assuming that the developer has used this recording to set the boundary for the preliminary plat and no additional detail is necessary, referencing this document should meet the District's requirements. Clarification from the Developer on how this boundary was set will clarify this issue.

Thank You,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District



100 East Bower Street, Suite 110
Meridian, ID 83642

(208) 288-1992

April 28, 2023

Jennifer Kharri
Gem County
Planning Director
109 S McKinley
Emmett, Idaho 83617

Re: Cherry Heights Subdivision Preliminary Plat Application

Dear Jennifer:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Cherry Heights Subdivision dated July 28, 2022. We reviewed this package to check conformance with the County Subdivision Ordinance. We have the following comments in order for the applicant to satisfy the County's requirements:

1. Label streets as public or private. Streets shall have no more than 6% vertical curve for public roads and 7% vertical curve for private roads without special approval from the appropriate fire district.
2. Based on discussion with the County Road and Bridge Department and visual observation of Wills Road, segments of this roadway from S Slope Road to Sales Yard Road are in poor condition with significant asphalt deterioration and substandard width. The transportation plan completed in January 2023, which contains a pavement condition assessment, classifies the road in "poor" condition and estimates the remaining service life to be between 0 and 6 years. Added traffic on this roadway will accelerate the deterioration of this roadway already in poor condition. Discussion with the applicant is recommended to determine pavement rehabilitation or replacement measures on Wills Road.
3. Clarify if Greenbrier Drive is a private or public road. The County's transportation plan identifies this as a local road. Provide a typical section for this roadway.
4. Provide a typical section for improvements to Wills Road.
5. Is any part of the property within the easement of the Black Canyon Canal? If so, the easement will need to be shown on the plat and approval will be required from the Canal Owner prior to approval of the final plat.
6. Show Right of Way dedication on Substation Road connection. The County's transportation plan identifies this as a Major Collector which requires a full right of way of 100-feet.
7. Provide a metes and bounds description of the property.
8. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
9. Plat shall comply with irrigation district requirements.
10. Plat shall comply with Southwest District Health requirements.

We recommend that the **conditions 1 through 7 listed above be addressed prior to approval of the Preliminary Plat.** Any variance or waivers to the Gem County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above-referenced Preliminary Plat does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992.

Sincerely,

KELLER ASSOCIATES, INC.

DocuSigned by:


CA22E3A80DD0455...
Justin Walker, P.E.

County Engineer

cc: File

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

April 27, 2023

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

RE: Cherry Heights Standard Subdivision (Hess Properties LLC)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the Subdivision Application of Hess Properties LLC, a proposed 38 lot subdivision located adjacent to Wills Road. The subdivision in question has proposed two access points, one located on Wills Road and the second located on South Substation Road. During the Rezone process this subdivision had a Development Agreement (DA) with several conditions needing to be completed prior to submitting for a Preliminary Plat. One of these DA conditions were to perform a Traffic Impact Study (TIS). The applicant hired CR Engineering Inc. for this task. The study area was Sales Yard Road, Wills Road, South Slope Road, and Substation Road. The TIS illustrated hours of peak traffic flow and geometry of the subdivision traffic flows. The TIS did not address the road conditions of Wills Road.

Wills Road is a narrow local roadway under the Gem County Functional Class Map. This roadway was constructed of asphalt to a width of 17 feet. The asphalt on this roadway is in poor condition, it has transverse, longitudinal, and alligator cracking. Additional traffic generated from said subdivision will cause added stress to this roadway. GCRB has evaluated the roadway structure of Wills Road and has calculated the approximate cost to rebuild and widen this roadway. The cost to widen Wills Road would be approximately \$726,385.00, for the road reconstruction. See (Exhibit A).

Gem County has adopted Impact Fees in the fall of 2022, these fees were added to the build permit at the time of construction. With the proposed 37 Lots, the impact fees would be approximately \$270,000.00. This impact fee money would go to projects listed on Gem County capital improvement program. Wills Road is currently not listed.

GCRB recommends the following conditions be added to the subdivision if approved.

1. Applicant shall apply for a driveway approach permit with GCRB.
2. Applicant shall provide mitigation measures to reconstruct Wills Road.
3. Applicant shall construct, and pave all roadways within the subdivision to Gem County Road & Bridge 2007 Highway and Street Standards for Design and Construction ordinance. Table 4 page 14 See (Exhibit B)
4. Applicant shall provide GCRB the material proctors for construction of the roadways.

**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**

5. Applicant shall provide GCRB with compaction test results for all road materials, subbase, pit run, road mix and asphalt. The compaction tests shall be a minimum of 92%.
6. Applicant shall hire an experienced paving contractor with a Public Works licensed in the State of Idaho that can perform this type of construction.
7. Approach, and roadways shall meet Gem County standards upon completion

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

Thank you,

A handwritten signature in black ink, appearing to be "Neal Capps", written over a horizontal line.

Neal Capps, Director
Gem County Road & Bridge

**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**

Fabric – 30 rolls \$860.00 per roll -	\$11,466.00
Pit Run – approximate 7,600 tons at \$16.00 per ton -	\$121,600.00
Road Mix – approximate 2,500 tons at \$28.00 per ton -	\$70,000.00
Asphalt – approximate 2,450 tons at \$105.00 per ton -	\$257,250.00
Excavation – approximate 13,000 square yard -	\$80,000.00
Drainage/Box Culvert -	\$120,000.00
10% Overage -	\$66,035.00
Total -	\$726,385.00

TABLE 4

CLASS OF ROADS	SUBBASE OR BALLAST	BASE COURSE	PLANT MIX PAVEMENT	PAVEMENT WIDTH	RIGHT OF WAY WIDTH (FT)
LOCAL ROADS	12"	4"	3"	24'	60'
MINOR COLLECTOR	16"	4"	3"	30'	80'
MAJOR COLLECTOR	18"	4"	4"	36'	100'
MINOR ARTERIAL	24"	4"	4"	36'	100'

ROAD STRUCTURE SECTIONS MAY VARY FOR POOR SOIL CONDITIONS. CHANGES TO THESE SECTION REQUIREMENTS WILL BE BASED ON A GEOTECHNICAL REPORT PREPARED BY A REGISTERED PROFESSIONAL ENGINEER OR GEOLOGIST.

GEM COUNTY ROAD STRUCTURE SCHEDULE

LAND USE APPLICATION

DATE: 04-27-2023

PROJECT: Hess Property LLC

ROAD:

Wills Road

MAJOR/MINOR COLLECTOR:

Local Collector

ROAD PROJECTS:

N/A

ROAD SURFACE:

Asphalt

ROAD WIDTH:

Approximately 17 Ft.

ROAD LENGTH:

Approximately 1 miles

RIGHT OF WAY - DISTANCE:

30 feet form center

APPROACH PERMIT:

Need to obtain permit

SAFETY IMPROVEMENTS:

N/A

TRAFFIC COUNTS:

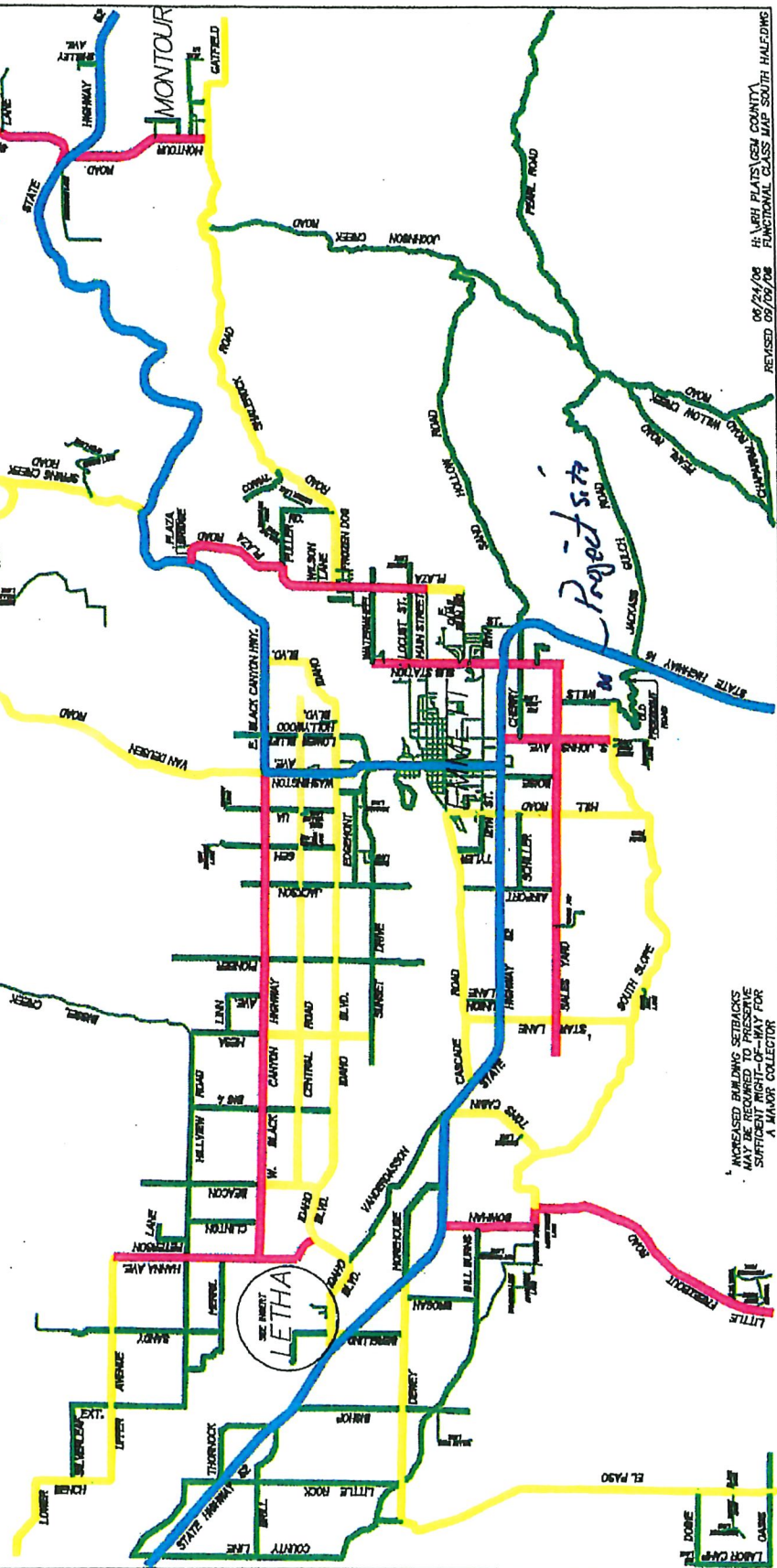
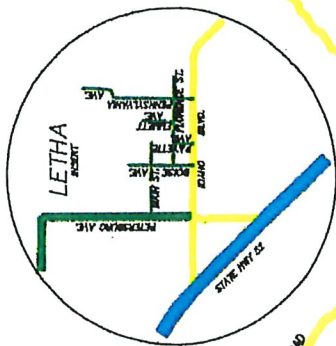
N/A


SIGNATURE:


DATE:

FUNCTIONAL CLASS MAP GEM COUNTY SOUTH HALF

- MAJOR COLLECTOR
(100' RIGHT-OF-WAY)
- MINOR COLLECTOR
(80' RIGHT-OF-WAY)
- LOCAL ROAD
(60' RIGHT-OF-WAY)
- STATE HIGHWAY



INCREASED BUILDING SETBACKS
MAY BE REQUIRED TO PRESERVE
SUFFICIENT RIGHT-OF-WAY FOR
A MAJOR COLLECTOR

06/24/08
REVISED 09/09/08
HARVEY PLAYS (SEE COUNTY)
FUNCTIONAL CLASS MAP SOUTH HALF

Olivia Mocnik

From: Luke, Tim <Tim.Luke@idwr.idaho.gov>
Sent: Tuesday, April 11, 2023 2:53 PM
To: Olivia Mocnik
Cc: Miller, Nick; Weaver, Mathew; Tesch, Craig; steve.stuebner@gmail.com
Subject: FW: Cherry Heights Preliminary Subdivision
Attachments: Cherry Heights Transmittals.pdf

Olivia,

IDWR has recently commented on several proposed sub-division developments within Gem County. The attached Preliminary Plat Application proposes 37 single-family residential lots ranging in size from 1 to 2 acres, with each lot served by an individual well and septic system.

I am concerned about the potential proliferation of individual domestic wells in Gem County over the long term. My concern stems from various complaints IDWR has received in some areas of the State and the Treasure Valley in recent years about domestic wells going dry, particularly during periods of drought. To begin addressing those questions, IDWR recently compiled a list of [Frequently Asked Questions and responses](#). IDWR recommends a community well be considered or required for the proposed Cherry Heights sub-division based on the proposed density and lot sizes. My point in commenting is to merely make you aware of this concern, potential problems the county may experience years later as land use changes continue, and the FAQ document referenced herein.

Respectively,



Tim Luke
Idaho Dept. of Water Resources
Water Compliance Bureau Chief
tim.luke@idwr.idaho.gov
208-287-4959

From: Olivia Mocnik <omocnik@co.gem.id.us>
Sent: Tuesday, April 11, 2023 2:09 PM
To: amattingly@isd221.net; sdavis@isd221.net; Mitch Kiester <mitch.kiester@phd3.idaho.gov>; juhrig@idahopower.com; webmaps@digline.com; Margheim, Kris <Kris.Margheim@idwr.idaho.gov>; D3Development.Services@itd.idaho.gov; niki.benyakhlef@itd.idaho.gov; Mike Welch <mwelch@gemfireems.org>; Brian Sullivan <bsullivan@cityofemmett.org>
Subject: Cherry Heights Preliminary Subdivision

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good afternoon –

Olivia Mocnik

From: Uhrig, Jake <JUhrig@idahopower.com>
Sent: Wednesday, April 12, 2023 7:36 AM
To: Olivia Mocnik
Subject: RE: Cherry Heights Preliminary Subdivision

Idaho Power has no comments at this time. We will work with the developer on power and easement requirements at the time of their submittal to our company.

Thank you,

Jake Uhrig
Regional Design Leader Western Region
1550 S. Main Street | Payette, ID 83661
Idaho Power | Payette Operations Center
(208) 642-6278
juhrig@idahopower.com

From: Olivia Mocnik <omocnik@co.gem.id.us>
Sent: Tuesday, April 11, 2023 2:09 PM
To: amattngly@isd221.net; sdavis@isd221.net; mitch.kiester@phd3.idaho.gov; Uhrig, Jake <JUhrig@idahopower.com>; webmaps@digline.com; kris.margheim@idwr.idaho.gov; D3Development.Services@itd.idaho.gov; niki.benyakhlef@itd.idaho.gov; Mike Welch <mwelch@gemfireems.org>; Brian Sullivan <bsullivan@cityofemmett.org>
Subject: [EXTERNAL]Cherry Heights Preliminary Subdivision

KEEP IDAHO POWER SECURE! External emails may request information or contain malicious links or attachments. Verify the sender before proceeding, and check for additional warning messages below.

Good afternoon –

Attached is the information regarding the Cherry Heights preliminary subdivision. Comments on this subdivision are due by noon on May 1, 2023. Even if you have no comment, please get back to us so we can have our file ready to go on the due date!

Have a great day ☺

Olivia Mocnik
Associate Planner
Gem County
208-365-5144

GEM COUNTY CONFIDENTIALITY DISCLAIMER: *This message (including any attachments) may be privileged, confidential and/or protected from disclosure under applicable law. It is intended only for the use of the individual or entity above-named. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you are not the intended recipient please notify the sender by reply email and immediately delete this email.*

Olivia Mocnik

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Wednesday, April 12, 2023 6:43 AM
To: Olivia Mocnik
Subject: RE: Cherry Heights Preliminary Subdivision

Good Morning, Olivia -

After careful review of the transmittal submitted to ITD on April 11, 2023 regarding Cherry Heights Preliminary Subdivision, the Department has no comments or concerns to make at this time. The distance to the state highway system along with a total of 38 lots, we anticipate little direct impact onto SH-16.

Please let me know if you have any questions or concerns.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Olivia Mocnik <omocnik@co.gem.id.us>
Sent: Tuesday, April 11, 2023 3:27 PM
To: amattingly@isd221.net; sdavis@isd221.net; mitch.kiester@phd3.idaho.gov; juhrig@idahopower.com; webmaps@digline.com; kris.margheim@idwr.idaho.gov; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Mike Welch <mwelch@gemfireems.org>; Brian Sullivan <bsullivan@cityofemmett.org>
Subject: RE: Cherry Heights Preliminary Subdivision

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi everyone, me again!

Just realized I didn't attach the agency list with the dates and other important info on it. So here you go!

Thanks,

Olivia Mocnik
Associate Planner
Gem County
208-365-5144

CERTIFICATE OF MAILING

I hereby certify that on the 7 day of April 2023, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Cherry Heights #2
T06N, R01W, Section 20

Sands Orchards Inc
2950 E. 12th St.
Emmett, ID 83617

Danny Nebeker
4156 Old Freezeout Rd
Emmett, Id 83617

Dean Wilkinson
4080 Old Freezeout Rd
Emmett, ID 83617

Patrick Palmer
3979 Wills Rd
Emmett, Id 83617

Garcia Combs
3957 Wills Rd
Emmett, Id 83617

Paul Derig
1518 E. South Slope Rd
Emmett, ID 83617

Wayne Andrews
3680 Wills Rd
Emmett, ID 83617

Paul Long
3787 Wills Rd
Emmett, Id 83617

D6 Trust
3623 Wills Rd
Emmett, ID 83617

Toni Jo Bucciero
3624 Wills Rd
Emmett, ID 83617

Donald Wyatt
3540 Wills Rd
Emmett, ID 83617

Cherry Heights Development LLC
2775 W Navigator Dr Ste 110
Meridian, ID 83642

Carl Moyer
3414 Wills Rd
Emmett, ID 83617

Edward Illingworth
3411 S Substation Rd
Emmett, ID 83617

Ken Williamson
3010 Wills Rd
Emmett, ID 83617

Stella Hembree
11074 W Edge Hill Dr
Boise, Id 83709

David Smith
3710 S. Substation Rd
Emmett, Id 83617

Steven Burak
1495 E. Sales Yard Rd
Emmett, Id 83617

Johnnie Edmunson
1806 Highway 16
Emmett, Id 83617

BLM Bureau of Land Management
1387 S. Vinnell Way

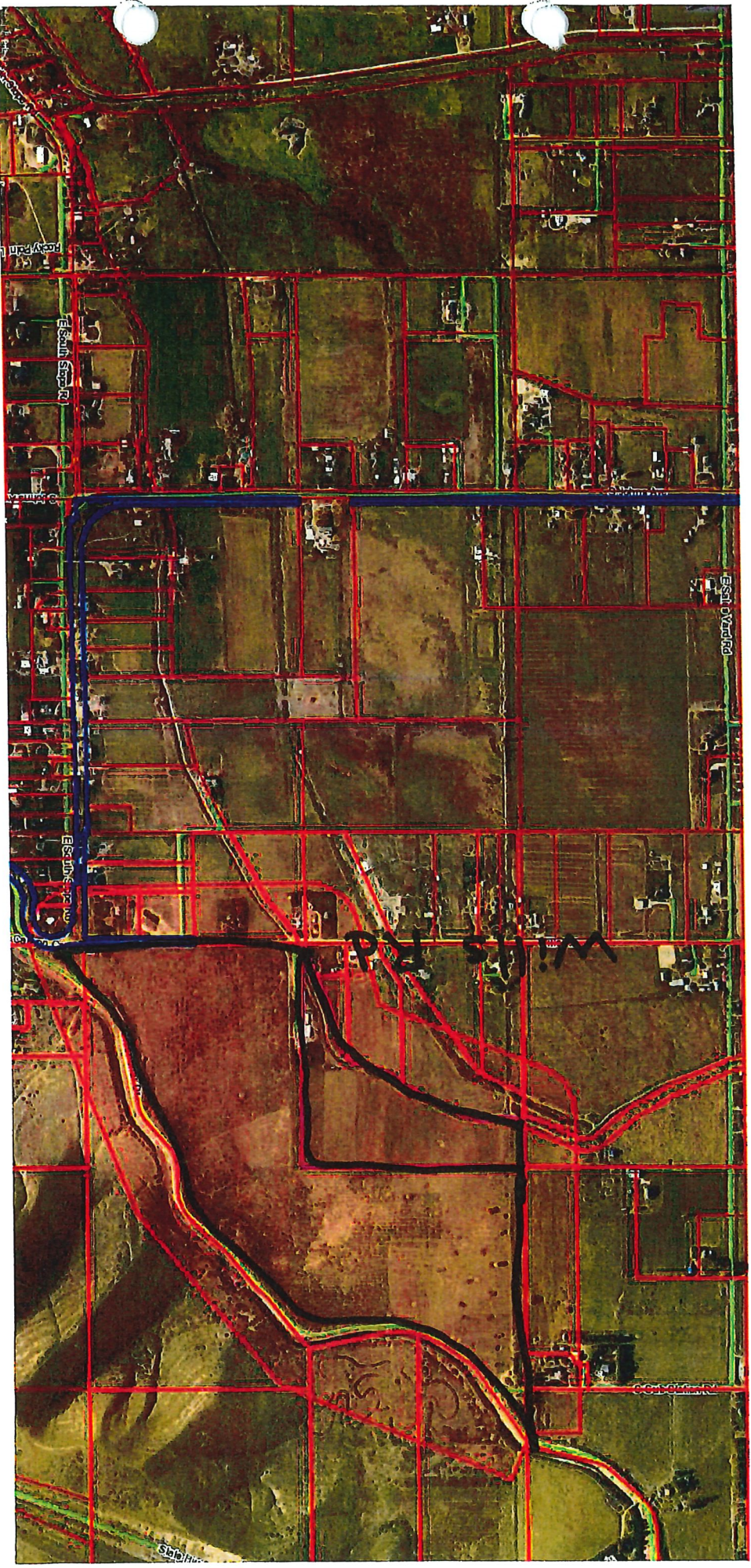
Emmett, Id 83617

Vance Beckner
3645 Butte Rd
Emmett, Id 83617

Craig Woods
987 E. South Slope Rd
Emmett, ID 83617

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

Stephanie Crays
Development Services Coordinator



2023



- PP 22-014

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of June 2023, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Cherry Heights #2
T06N, R01W, Section 20

Sands Orchards Inc
2950 E. 12th St.
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Craig Woods
987 E. South Slope Rd
Emmett, ID 83617

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

A handwritten signature in black ink, appearing to read "Steph Crays", written over a horizontal line.

Stephanie Crays
Development Services Coordinator

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NOTE: AN AUDIO RECORDING OF THE FULL PROCEEDINGS IS AVAILABLE THROUGH THE DEVELOPMENT SERVICES DEPARTMENT. THE EXHIBITS LISTED HEREIN CAN BE FOUND IN THE RESPECTIVE FILES AT DEVELOPMENT SERVICES DEPARTMENT.

MEMBERS PRESENT: Dan Eichelberger, Debra Jones, Justin Vickery.
Members Absent: Stacy Heimlich.

OTHERS PRESENT: Planning Director – Jennifer Kharri, Development Services Coordinator – (Moderator) Stephanie Crays, Director Road and Bridge-Neal Capps.

6:15 P.M.

REGULAR MEETING

1. **CALL TO ORDER:** Chairman Eichelberger opened the public meeting at 6:15 PM., held in the Commissioner Chambers and via Zoom.
2. **ROLL CALL:** Dan Eichelberger- present, Debra Jones – present, Justin Vickery– present. Stacy Heimlich absent.
3. **REVIEW AGENDA:** Commission reviewed the agenda as written.
4. **APPROVAL OF MINUTES** of April 10 and May 8, 2023 –not ready.

PUBLIC HEARING – ACTION ITEMS

ACTION ITEM # 1

A REZONE REQUEST BY HESS PROPERTIES TO REZONE 23.81 +/- ACRES FROM A2 RURAL TRANSITIONAL AGRICULTURE (5 ACRE MINIMUM) to R2 RESIDENTIAL TRANSITIONAL (1 ACRE MINIMUM) AT 3700 WILLS ROAD.

Director Kharri- Cherry Heights Development, LLC, is requesting a rezone of property located at 3700 Wills Road. The application proposes a change 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 use the property for residential purposes and would be phase two of the Cherry Heights Subdivision. The property proposed to be rezoned is 23.8 acres in size.

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Applicant:

Stephanie Hopkins-KM Engineering 5725 N. Discovery way, Boise, ID. She presented a PowerPoint. They have a rezone on #1 that got approved. They want to rezone this to an R-2 1 acre minimum lot size. They have been working on this plan since 2021. They believe this supports the policies. This is close to city limits but still rural. They are in agreement with most everyone. They are trying to work through all the details. The traffic study was accepted. They are trying to respond to all letters and just hadn't gotten through all of them.

Favor:

Lane Ranstrom-6188 E. Path Dr. Nampa, ID. He is part of the ownership group. They just wanted to let the people know they are from Idaho, and they are Idaho natives, they understand growth is not wanted, but wanted everyone to know they will be using local builders. That they want this to be a good project. The type of homes will be nice homes.

Spencer Kofoed-8454 Brookhaven Place, Boise, ID. They have built some homes on South Slope. They are local home builders. They build very nice homes and they are from around here.

Neutral:

Cathy Ballard-3540 Wills Road, Emmett, ID. She doesn't want to hurt anyone, its okay if they build, but is concerned with water and road.

Opposed:

Kayla Jacobsen-999 E. Sales Yard Road, Emmett, ID. She talked about the acreage, the water wells and there should be a study done. This is going to pull so much water from irrigation. She wants it to stay 5 acres, they would not like to have 56 homes. She says it's very concerning about the septic, and the traffic that will be put in this area, and a concern that they will be building above them and what if their water and septic leak down to them, then what happens, she is very concerned.

Betty Williamson-3010 Wills Road, Emmett, ID. She has lived here for over 40 years, and has concerns. The property is on sand, she has concerns that homes will be falling apart because they build on sand. Her concerns are water, traffic, septic, well. She is concerned that they don't have enough EMS, Fire, police to protect them in the county. She does not want to live in a city, she

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wants her zone to stay 5 acre, that's why the Commissioners zoned it that way, why are we changing it to 1 acre?

Ken Williamson-3010 Wills Road Emmett, ID. He is very opposed to this changing of zones, he doesn't understand why they are changing it to 1 acre lots. He has a big concern of water. The run off of Last Chance is a huge concern of his. Roads will have to be replaced when the run off comes down. Concerned about the spray that was done years ago that seeped into the ground. He has concerns about Wills Road, it's not wide enough. Concerns about septic going into Last Chance ditch.

Steven Weston-333 Wills Road, Emmett, ID. He has concerns about the wildlife that is up on Sales Yard, Substation, and the Black Canyon Canal when the subdivision is built, where these animals will go. Back in the day there was hazardous sprays that were sprayed that have gone into the ground and they had the water tested and for now it's clean and when this gets stirred up it's going to run down to their ground water.

Michael Bowling-4460 Old freeze Out Road, Emmett, ID. He came here to live in the country. Wills Road needs to be widened and people just speed down that road. He has concerns about traffic on all these roads. There is so much traffic, how can it be avoided? We need to preserve this area. There is a lot of things they need to look at and who is going to pay for this.

Wayne Andrews-3680 Wills Road, Emmett, ID. He has concerns about traffic, he moved to live in the country, he is worried about his well and septic system.

Katrina Andrews-3680 Wills Road, Emmett, ID. She was told it would be 5 acre lots, now it's gone to 1 acre why? The road is not big enough, trucks and cars cannot pass each other the road is not wide enough this is a safety issue. The water is a huge issue here, they really need to look at the big problem here.

Debbie Kimball-759 E. Sales Yard Road, Emmett, ID. She has concerns about the water wells. Concerns about the soil. The road study impact on Wills Road she would like to see study. She loves where she lives and really wants everyone to address these concerns.

Adrienne Illingworth-3411 S. Substation Emmett, ID. (online) She has concerns about the irrigation and that Emmett Irrigation has not gotten anything. Wills Road is going to be a big problem cars cannot pass with a big truck coming the other way this is a big safety problem. Concerns with EMS, Police being able to come when you have more of an area to cover with this many homes coming into the area.

Laura Cloherty-4452 Old Freezeout Road, Emmett, ID. (online) Concerns of what everyone else has said, about the water, septic and traffic. They should be on city water.

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Nadine Burak-1495 E. sales Yard Road, Emmett, ID (online) She is against the rezone for all the stated reasons.

Lou Darosa-2511 Fox Fire Lane Emmett, ID. He is concerned with the traffic, Wills Road is not big enough to handle all this traffic. He has concerns of why they have to build a subdivision. He has concerns about his well.

John Cloherty-4452 Old Freezeout Rd, Emmett, ID. (online) He is concerned about traffic and this is a huge safety issue. There is so many cars on the roads and they go so fast.

Gary Bacon-2670 S. Substation Road, Emmett, ID. How did we get here? The rezone is 5 acre lots and now we are talking 1 acre lots.

Peter Dill-2222 S. Johns, Emmett, ID. The county has been working on the Comprehensive Plan. Please be thinking about how this affects all. We need sound evidence on water studies. He has concerns about the traffic and the roads. He also has concerns of the intersections being used.

Dale Crank-2650 S. Substation Road, Emmett, ID. He wanted to go on record that he agrees with everyone here.

Ron Carr-2731 Orchard Lane, Emmett, ID. He has concerns about the traffic and water.

Applicant Rebuttal:

Stephanie Hopkins-5725 N. Discovery Way, Boise, ID. This property is compatible to the Comprehensive Plan. She is going to turn it over to Joe Pachner.

Joe Pachner-5725 N. Discovery Way, Boise, ID. The Geotech has begun its work. This will have to be inspected by the Southwest District Health. They understand that the water is a big concern. They have been in touch with the irrigation district. There will be a lot more meetings with the Road and Bridge Department. He talked about the soil and they are having test done.

Neal Capps-Road and Bridge Director, The road structure was brought up. The impact of Substation was brought up, they will continue their study. There is a lot to consider and look at.

Jennifer Kharri- Planning Director. Under todays code R2 zone allows for induvial wells and septic's so with that recommendation from the Department of water resources, until the Gem County Code is amended as a requirement it's not something we can require, we can suggest, and we can recommend.

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Commissioner **Jones** asked the question is there a buffer between the agricultural and the subdivision. She had a 2nd question the Wills Road was not addressed was it? She says they rely on Neal Capps a great deal.

Stephanie Hopkins-They will do and work with Neal on the Wills Road concerns, they will have a great amount of work to do with Road and Bridge.

Commissioner **Vickery** has concerns about Wills Road also.

Chairman **Eichelberger** closed public comments 8:14pm

Commission Discussion

Chairman Eichelberger read through the five required findings. This application complies with the 2007 Comprehensive Plan. Road and Bridge was talked about of Wills Road of the letter they received. Commissioner **Vickery** concern is the additional traffic on Wills Road and that it was not addressed. Commissioner **Jones** concern also with traffic on Wills Road.

Commissioner **Vickery** moved that they recommend for denial based on findings number five and a concern that the proposed rezone will have additional cost upon the current residents of Gem County planning jurisdiction specific to Wills Road.

Commissioner **Jones** seconded the motion.

Vote: Unanimous

ACTION ITEM #2

PRELIMINARY SUBDIVISION PLAT (CHERRY HEIGHTS) APPLICATION BY HESS PROPERTIES TO REQUEST APPROVAL OF 37 BUILDABLE LOTS ON APPROXIMATELY 68.9+/- ACRES LOCATED ON WILLS ROAD.

Director Kharri-Cherry Heights Development, LLC, has applied for a Standard Subdivision Permit Application to construct a single family residential development on approximately 68 acres located on Wills Road. The property is bare. The property is zoned R-2, Residential Transitional.

Applicant:

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Stephanie Hopkins-5725 N. Discovery Way, Boise, ID. They did a fair amount of work to make sure that all requirements were met. They designed the lots accordingly. They have been working with the irrigation and Road and Bridge. Proposing 38 lots, 37 buildable lot size is just over an acre. They will have a public road going through. There will be two access roads. There will be a pressurized irrigation system. They will work with the irrigation on the fencing.

Favor:

Spencer Koford-8454 Brookhaven Place. Boise, ID. He recently went to a presentation about wells in Canyon County and was saying how great it was. There is a lot of science to this.

Lane Ranstrom-6188 E. Path Dr. Nampa, ID. They are seeking information from the irrigation from the canal.

Neutral: None

Opposed:

Kayla Jacobsen-999 E. Sales Yard Rd Emmett, ID. She has concerns about the pressurized irrigation from Black Canyon. She has concerns about the septic system and giving them a choice. She has concerns about undeveloped roads.

Steven Weston-3333 Wills Road, Emmett, ID. He has concerns of the water study and has one been done. Concerns of the studies from Southwest District Health and wants to know about the results.

Ken Williamson-3010 Wills Road, Emmett, ID. Everything he said in the first meeting goes for this one. He also has concerns for the water.

Katrina Andrews-3680 Wills Road, Emmett, ID. The concerns they have is the water and what's going to happen with run off.

Wayne Andrews-3680 Wills Road, Emmett, ID. The concerns is the water from the irrigation from the run off. Also concerns are of the traffic. Everything he said before he stands by again on this one.

Michael Boling- 4460 Old Freeze Road, Emmett, ID. He has concerns about the canal.

Debbie Kimball-759 E. Sales Yard, Emmett, ID. She brought up about the two access onto Wills Road and that has not been brought up before. She also stated that everything that she said the first time goes for this one also.

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Adrianne Illingworth-3411 S. Substation, Emmett, ID (online). She is concerned about a gate going up.

Peter Dill-2222 S. Johns, Emmett, ID (online). His concerns are for more competent studies.

Applicant Rebuttal:

Joe Pachner-5725 N. Discovery Way, Boise, ID. They do not have a NPT study. They have not done a soil study, chemistry breakdown. The water rights issue is by the irrigation district not them. They have some work to do with Road and Bridge.

Chairman **Eichelberger** closed public hearing 9:24pm

Commission Discussion

Chairman **Eichelberger** read through the nine findings. Commission **Vickery** mentioned Wills Road being in poor condition stated by Keller Associates and wanted that noted. Chairman **Eichelberger** brought up soil condition.

Chairman **Eichelberger** made motion to recommend approval with the existing conditions of approval and adding a condition of a contaminate study from Southwest District Health that includes addressing concerns about potential contaminants in the soil from the orchard use and also adding that the road mitigation follows the recommendation of the letter from Road and Bridge.

Commissioner **Vickery** seconded the motion.

Vote: Unanimous

REGULAR MEETING

1. **ITEMS FROM THE PUBLIC:** none
2. **FROM THE PLANNING DIRECTOR/ADMINISTRATOR:** Director **Kharri**- The Board of County Commission and the City of Emmett will meet to sign the Area of City Impact Agreement then, the Board will sign the Comprehensive Plan.
3. **ITEMS FROM THE ZONING COMMISSION:** none
4. **ITEMS FROM /OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:** none

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5. **UPCOMING MEETINGS:** June 12, 2023 at 6:00pm

ADJOURN: Commissioner **Vickery** made a motion to adjourn
Commissioner **Jones** seconded the motion.
Vote: Unanimous.

Chairman Eichelberger

A handwritten signature in black ink, appearing to read "Don Eichelberger", is written over a horizontal line.