



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: ELK View Estates #2

SITE INFORMATION:

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

Quarter: NE Section: 11 Township: 6N Range: 3W Total Acres: 45.622
 Subdivision Name (if applicable): ELK View Estates
 Site Address: 1121 Wapiti Lane Lot: 4 Block: 1
 City: Emmett
 Tax Parcel Number(s): RPC 8348A010040 Current Zoning: A2 Current Land Use: Rural Ag

PROPERTY OWNER:

Name: Roy Sternes

Address: 8611 Dewey Road

City: Emmett State: ID Zip: 83617

APPLICANT:

Name: Sawtooth Land Surveying

Address: 2030 S. Washington Ave

City: Emmett State: ID Zip: 83617

Telephone: 208-631-5375

Email: blackcanyonelk@msn.com

Telephone: 208-398-8184

Email: amy@sawtoothls.com

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

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

Signature: (Owner)

Date

Signature: (Applicant)

Date

File No.: <u>P22-07</u>	Received By: <u>MB</u>	OFFICE USE ONLY	Date: <u>6/9/22</u>	Fee: <u>1280⁰⁰</u>	Receipt No: <u>22-287</u>
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Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

June 7, 2022

Development Services

RE: Elk View Estates #2 Subdivision

To whom it may concern,

On behalf of Roy Sternes, we are pleased to submit this Letter of Intent and attached application and supporting documents for the proposed Elk View Estates #2 Subdivision.

Elk View Estates #2 Subdivision comprises of approximately 45.622 acres. The property is located off Dewey Road and Berglund Road. Details on the existing property comprising the project is as follows:

<u>Address</u>	<u>Parcel Number</u>	<u>Acreage</u>
1121 Wapiti Lane	RPC834A010040	45.622

This property is within Gem County and is currently zoned A2. The attached preliminary plat offers 7 lots, ranging from 6.003 to 8.604 acres.

The subject property lies within the Enterprise Ditch Co. District service area.

Elk View Estates #2 Subdivision will not create excessive additional requirements at public expense. Additional services will be supported by property taxes and/or fees paid directly to service providers.

There is no know health, safety or environmental issues that currently exist or that will exist as a result of this development.

All lots will have their own wells and septic systems.

Applicant is requesting an exception and a waiver has been submitted to the fire department for the length of the private road and block.

Please contact us should you have any questions or if we can be of any assistance with your processing of these applications.

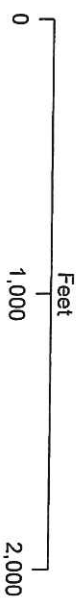
Sincerely,

Jeff Beagley

Sawtooth Land Surveying, LLC



Gem County, Idaho



- Legend**
- Parcels
 - OIdPI
 - Road Easement

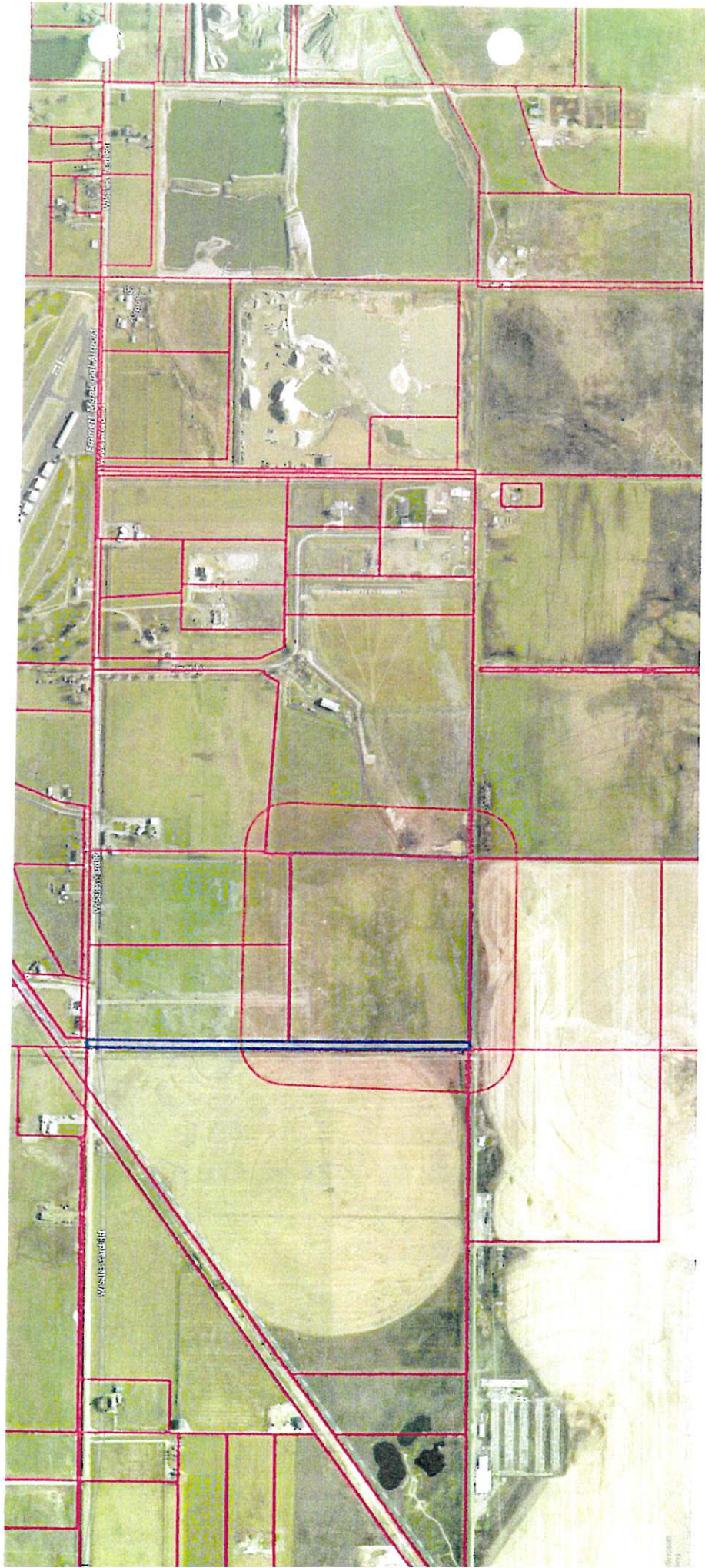
1 inch = 240 feet

View Date: 8/11/2021

Document Path: J:\MapServer\GIS Dept\Project\County Plat Maps\Section Plat Maps\WXXD\SectionPlatMap2021.mxd
Created By: smiley

Coordinate System: NAD 1983 StatePlane Idaho West FIPS 1103 Feet
Projection: Transverse Mercator
Datum: North American 1983
Units: Feet
Scale Factor: 0.9999
False Easting: 2,424,666.6667
False Northing: 0.0000
Central Meridian: -111.0000
Latitude Of Origin: 41.6667
Units: Feet US





11/19/2021 - 12/18/2021



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 ELK VIEW ESTATES #2
SUBDIVISION

FILE NUMBERS: PP-22-007

P&Z COMMISSION HEARING DATE: SEPTEMBER 12, 2022

APPLICANT: SAWTOOTH LAND SURVEYING
2030 S WASHINGTON AVENUE
EMMETT, ID 83617

PROPERTY OWNER: ROY STERNES

SITE LOCATION: 1121 WAPITI LANE OFF OF DEWEY ROAD

STAFF PLANNER: JENNIFER KHARRL

1. APPLICATION SUMMARY & OVERVIEW

The applicant, Sawtooth Land Surveying, on property owned by Roy Sternes, has applied for a Standard Subdivision Permit application (referred to as "Preliminary Plat" (PP) herein) to construct a single-family residential development on approximately 45.62 acres on Wapiti Lane (private road off of Dewey Road. This is a re-plat of Lot 4, Block 1 of the Elk View Estates Minor Subdivision. There are no structures on site. The property is zoned A-2, Rural Transitional Agricultural.

The PP application proposes 7 building lots. The average building lot size is 6.5 acres. Individual wells and septic systems are proposed for each lot. An existing private road (Wapiti Lane) is proposed to be extended and will serve the Lots.

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 at 1121 Wapiti Lane. The property doesn't have any frontage on Dewey Road and is accessed by Wapiti Lane. The property is located in Section 11 of Township 6N, Range 3W.

B. Current Owner(s): Roy Sternes

C. Applicant(s): Sawtooth Land Surveying

D. Present Zoning: A-2, Rural Transitional Agricultural (5-acre min. lot size)

E. Present Comprehensive Plan Designation: Agriculture/Natural Resources

F. Property Size: Approx. 45.62 acres

3. APPLICATION PROCESS FACTS

A. Pre-Application Conference:

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 27, 2021. A Notice to Proceed was issued on October 28, 2021.

B. Application Submittal:

The Preliminary Subdivision application for this item was received by the Development Services Department on June 9, 2022 and deemed complete on July 29, 2022.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the Gem County Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on August 24, 2022. Notice of this public hearing was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on August 12, 2022. The physical property was posted for the public hearing on August 18, 2022. Requests for all impact agencies' reviews were mailed on August 12, 2022.

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 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 approved a 4 Lot Minor Subdivision in 2020 along with a Private Road application.

F. Companion Applications: None.

4. LAND USE

- A. Existing Land Use(s): Bare pastureland.
- B. Description of Character of Surrounding Area: The immediate vicinity includes a combination of pasturelands and low-density single-family residential properties.
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	Agriculture/Natural Resources	A-2, Rural Transitional Agriculture	pastureland; rural residential; Elk View Estates Minor Subdivision
South of site	Agriculture/Natural Resources	A-2, Rural Transitional Agriculture	pastureland; rural residential
East of site	Agriculture/Natural Resources	A-2, Rural Transitional Agriculture	pastureland; rural residential
West of site	Agriculture/Natural Resources	A-2, Rural Transitional Agriculture	pastureland; rural residential

- D. Existing Site Characteristics: Site is relatively flat with a drain ditch bordering the western property line and southern property line.
- E. Physical Constraints and Opportunities:
1. Wastewater & Domestic Water: The applicant intends to provide individual wells and septic systems within the development.
 2. Topography: Flat
 3. Vegetation: Pastureland.
 4. Floodplain: No portion of the property lies within a designated FEMA floodplain.
 5. Canals/Ditches/Irrigation/Creeks: The property lies within the boundaries of the Enterprise Ditch Company jurisdiction.
 6. Hazards: Staff is not aware of any existing or potential hazards on the property. The applicant should disclose any known hazards on the property at the public hearing.
- F. Streets and/or Access Information: All Lots will have access via an existing private road.

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 “Agriculture/Natural Resources”.

The Comprehensive Plan defines the “Agriculture/Natural Resources” category (in **Chapter 12,**) as follows:

“Irrigated and non-irrigated lands located throughout the county that consist of a diversity of natural resource-based land uses, including crops, pastures, grazing, mining, forestry and similar industries that are land-dependent.”

The Plan also notes that “this is an area where the community recognizes that there will be rural residential in long-range planning, but the purpose of this land-use policy is to buffer agricultural pursuits and to provide guidelines for conversion to future rural residential development of 1 unit to 40 acres or more. . New building and development within the Agriculture/Natural Resources area is based upon the existing zoning.”

This property is located in A-2 zone and within the Agriculture/Natural Resources designation of the Future Land Use Map. The property contains 45.62 acres and all proposed lots will meet the minimum zoning requirement.

Supporting Policies/Goals

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

- Housing, 3.1.3 and Land Use, 12.2.3 – Encourage compatible infill development, which will complement existing neighborhoods.
- 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.
- Natural Resources, 6.11 – Prevent contamination of groundwater from sewage and wastewater through appropriate planning, treatment and through regulations.
SWDH has required on-site water monitoring prior the Subdivision Engineering Report to ensure the proposed septic systems will meet the required regulations.
- Public Facilities, 9.4.1- All proposed commercial, industrial and residential (subdivision) development plans should be reviewed by fire and police protection personnel.
- Transportation, 10.1.4 – Encourage a clustering of access points along arterial and section line roads where applicable.
The plat has a single point of access to Dewey Road via an existing private road (Wapiti Lane) that is shared with three other parcels.
- Land Use, 12.2.1 – Encourage the provision of quality and diverse housing, as well as creative subdivision designs, of all price ranges for present and future residents.

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

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

The property is found to comply with the intent and purpose of the A-2 zone to allow single-family uses on 5-acre lots.

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 Elk View Estates No 2 Subdivision (File #PP-22-007)

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 A-2 zone. The Dept. of Water Resources was sent a copy of the plat application but no response was received regarding the water supply. Gem County does not have any adopted water quality standards separate from the State of Idaho (DEQ or IDWR). 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. 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 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 SWDH and the applicant/developer was held and due to the high water table, ground water monitoring was required. All current SWDH rules and regulations pertaining to subsurface sewage disposal must be achieved. 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 primary off-site public roads that would serve this subdivision are already built: Dewey Road. Access to the proposed subdivision will be via an existing private road that is proposed to be extended (Wapiti Lane).

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.

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.

The subject property is zoned A-2, Rural Transitional Agriculture, and is within the Agriculture/Natural Resources designation on the Gem County Comprehensive Plan Future Land Use map. The A-2 zone allows for the development of single-family dwellings on minimum 5-acre lot sizes. This minimum lot size is met with the Elk View Estates No 2 Subdivision application.

The Comprehensive Plan defines the "Agriculture/Natural Resources" area of the Future Land Use Map as being intended for agricultural pursuits and/or natural resource operations with "limited" residential uses. A section in Chapter 12 of the Plan states, ". . . this is an area where the community recognizes that there will be rural residential in long-range planning, but the purpose of this land use policy is to buffer agricultural pursuits. . . ." The primary agricultural pursuit in this area is pasture activities. Other than houses, the overall character of the area should remain open, rural, and very low density (i.e. 5-acre lots or larger) to comply with the Comprehensive Plan goals.

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.

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.

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, private septic systems and extending the utilities from the subdivision boundary to their house. 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 – a drain ditch lies along the western property line and along the southern portion of the property.
- b) Utilities – the subdivision developer is responsible to extend power, phone and other proposed utilities to the subdivision boundary and provide utility easements to ensure each lot has legal access to said utility. Utilities will be more specifically designed at the time of Final Plat construction drawing submittal.

- c) Domestic Water Supply – individual domestic wells; to be constructed at time of future building permit – see Finding #1 above
- d) Irrigation – Enterprise Ditch Company
- e) Sewage Disposal – individual septic systems to be approved via the SER; to be constructed at time of future building permit – see Finding #2 above
- f) Public & Private Streets – the property doesn't have any frontage on a public road
- g) Lots – The A-2 zone requires a five (5) acre minimum lot size. As the applicant is proposing 6.00+ acre parcels, this standard has been met.
- h) Remainder lots – n/a
- i) Blocks – n/a
- j) Drainage – site drainage is required to remain on the subject site
- k) Park or School Site Dedication – n/a
- l) Public Access Easements – n/a
- m) 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 Subdivision 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 ELK VIEW ESTATES NO 2 SUBDIVISION (#PP-22-007)

General Conditions

1. The Preliminary Plat for "Elk View Estates No 2 Subdivision" by Sawtooth Land Surveying, Jeff Beagley, PLS, 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 (8/17/22) (*this condition does not technically apply until Final Plat*)
 - b. Keller Associates (County Engineer (8/31/22)
 - c. Enterprise Ditch Company (6/10/22)
3. The Final Plat application 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 must install utilities and underground service connections that shall be provided to each platted lot. Utilities can be either overhead or underground outside of the subdivision boundary but must be underground within the subdivision. Appropriate easements will need to be 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, the subdivider shall prepare a new Quitclaim Deed for Lots 1-7 Block 1 of Elk View Estates No 2 Subdivision. A copy of the new deed shall be provided to the Development Services Department for recordation with the plat.
6. The developer shall submit engineered construction drawings for the private road extension including a storm water drainage plan to be reviewed by the County Engineer.
7. Submit a signed and ready-to-record amended Maintenance Agreement for the private road, adding the new Lots, to the Development Services Department prior to the Board signature of the Mylar.
8. Prior to submittal of the final plat, applicant submit a written statement from Southwest District Health Department indicating compliance with all SER requirements.



100 East Bower Street, Suite 110
Meridian, ID 83642

(208) 288-1992

August 31, 2022

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

Re: Elk View Estates No. 2 Subdivision Preliminary Plat Application

Dear Jennifer:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Elk View Estates No. 2 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. Provide approval from Gem County Fire Department for the length of Wapiti Ln that exceeds County requirements.
2. Provide a typical section for Wapiti Ln showing a minimum 24-foot all weather driving surface. Road shall comply with Type B requirements including 3" of road mix and 12" subbase of pit run.
3. Provide locations of proposed water wells and septic systems.
4. Why is there not an easement called out for the waterway along the southern and western border?
5. Update data table to include total acreage of the tract, amount of open space, density in lots per acre and average lot size.
6. A recorded, permanent perpetual easement and permanent road users' association or maintenance agreement will be required prior to signature of the final plat.
7. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
8. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
9. Plat shall comply with irrigation district requirements.
10. Plat shall comply with Southwest District Health requirements.

We recommend that the **conditions 1 through 5** 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.

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

Justin Walker, P.E.
County Engineer

cc: File

Gem County Fire Protection District #1

Chief: Rick Welch
Cell: (208)859-4775
Email: Rwelch@gemfireems.org



Commissioners

Earl Defur
Jason McIntosh
David Timony

Phone: (208)365-2012

Address: 115 W 3rd St. Emmett, Idaho 83617

Email: info@gemfireems.org

July 28, 2022

Gem County Planning & Zoning

I have reviewed the plat for Elk View Estates No. 2 and Gem County Fire District 1 will grant an exception and a waiver for the road and the block length with a 96-foot diameter cul-de-sac turn-a-round between lot 6 and 7.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Welch".

Rick Welch

Fire / EMS Chief

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

August 17, 2022

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

RE: Elk View Estates #2

Dear Jennifer,

Gem County Road & Bridge (GCRB) has reviewed the application for Elk View Estates #2 a proposed 7 lot Subdivision, located adjacent to Dewey Road. All GCRB required conditions were met, with the first phase of Elk View Estates #1. GCRB has no additional requirements for Elk View Estates #2.

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

Thank you,

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

Neal Capps, Director
Gem County Road & Bridge



ENTERPRISE DITCH COMPANY

3740 COUNTY LINE ROAD ~ EMMETT, IDAHO 83617

3740 County Line Road
Emmett, ID 83617

June 10, 2022

Gem County Development Services
109 S. McKinley Ave.
Emmett, ID 83617

Gem County Development Services,

The Enterprise Ditch Company (EDC) has received notice from the Gem County Development Services that there is a proposed subdivision within EDC service area. The Board of Directors reviewed the application and letter of intent for the minor subdivision called Elk View Estates and have the following requirements for the said property:

1. The developer is required to deliver water to each parcel. Developer must submit a written irrigation and waste water plan.
 - a. A pressurized system is required with measuring devices.
2. All plans must abide by the EDC right of way policy.
3. The developer must submit subdivision blue prints.
4. The developer must complete a Subdivision Application and return it with appropriate fees.
5. The developer must form a water users association.
6. The developer must obtain a permissive use permit for anything that crosses EDC right of way (power/bridge/etc).
7. All applications and policies will be submitted to owner. Before approval is granted by EDC, all documents and appropriate fees listed above need to be submitted to EDC. They will be reviewed at the next Board of Directors meeting.

Sincerely,

Michelle Potter
Enterprise Ditch Secretary / Treasurer

SUBDIVISION APPLICATION

Enterprise Irrigation Ditch Company

3740 County Line Road Emmett, ID 83617

Applicant: _____

Name of Subdivision: _____

Date: _____

Contact #: _____

Contact email: _____

Rates for subdivision application are as follows:

\$500 base fee + \$250 per parcel.

Base fee \$500

of parcels x \$250 = _____

Total Due= _____

Paying the application fee does not guarantee the board approval on the proposed subdivision irrigation plan.

- A. **The fee scale is listed on page one for each subdivision application.** The applicant will be required to furnish the Canal Company with a map of the project including: Legal Description, Range, Township, Section, of property. Blueprints will be required for Subdivisions and the proposed irrigation system. If your project requires a CWA (Clean Water Act) 404 Permit, it will be the applicant's responsibility to acquire this permit and make a copy available to the Canal Company.
- B. Any projects that cross or encroach the right of way policy do require one permissive use license for each project (power/fiber optics, roads, bridge/culvert crossing, headgate, pump, gate, fence or shop/outbuilding).
- C. The Board of Directors of the Canal Company will review your request. They reserve the right to approve or deny your request. The approval of the Subdivision application does not mean the board of directors have approved the proposed irrigation plan.
- D. Any and all requests will be inspected by Canal Company personnel during and at the completion of each request. The applicant agrees to indemnify and hold the Canal Company free and harmless from any claim of damages arising out of the activities associated with or use of the Canal Company Right of Way.

Date: _____

Applicant Signature: _____

ENTERPRISE IRRIGATION DITCH COMPANY

Right of Way Policy

WHEREAS, **Enterprise Irrigation Ditch Company** is claiming a 50 foot right of way from the center line of the canal on each side or 25 from the top of the slope or Idaho Code #42-1102, which ever is applicable.

WHEREAS, having such a right of way, no permanent structures such as buildings, trees, etc. shall be allowed on the 100 foot of right of way. A power line crossing the canal shall not be less than 35 feet in height.

WHEREAS, temporary uses may be allowed beyond 25 feet on the right of way with a permissive use agreement issued within the sole discretion of the Enterprise Ditch Company with each request for permissive use being reviewed as separate or an individual request, by the Board of Directors of said Corporation. Any permissive use may be revoked at any time at the sole discretion of said Board of Directors of Enterprise Irrigation Ditch. No permissive license shall ever advance or ripen to prescriptive or adverse easement. Any permissive use issued shall be at the sole expense of the permissive user, who shall also be solely responsible for any activities and shall indemnify and hold the Enterprise Irrigation Ditch Company free and harmless from any claim whatsoever arising out of use of the permissive permit.

Pump Policy

Before the Enterprise Irrigation Company Board of Directors may consider any request;

Any person or persons requesting to install a pump shall furnish the Company with a detailed plan showing the acres, shares of water and a pump design with the gallons per minute (GPM) matching the acreage. For example, 50 acres needs 50 inches of water or 450 GPM. The Company will also request an accurate measuring device, a weir measuring in CFS or inline flow meter showing GPM. The owner will be responsible to keep the measuring device in good working order. Any new pump to be installed on either side of the canal shall be set back not less than 25' from the top of the slope. Enterprise Ditch personnel will do any pipe installation within Enterprise Ditch and the cost will be the responsibility of the person or persons making the request.

Owners of land that is presently serviced by a pump and subsequently divided into smaller parcels shall, if water is supplied from another source, provide a device to restrict the flow of said pump to meet the requirement of only one inch per acre (9 gal per minute) and have an emergency shut-off in case a lack of water.

Subdivision Policy

A residential subdivision shall form a Water Users Association (must be filed with the State of Idaho) and shall require (1) minor inch water per deeded acre for said subdivision. Total amount of shares allowed a subdivision shall be whole shares, with no half shares allowed.

The Water Users Association shall be responsible for the collection and payment of yearly assessments to the Enterprise Ditch Company, and shall also be responsible for any maintenance of their system.

A pressurized system is required for all irrigation plans. Developer is required to continue to convey water to any landowner beyond the subdivision at the developers expense. The pump/pumps shall be limited to the gpm required for the number of assessed acres. Must meet the standards of the EDC pump policy.

The Water Users Association shall provide to Enterprise Ditch Company the name of an association contact person (watermaster), along with the pumping station specifications designed as close to the number of shares required and a detailed list of pumping station components (pump, motor and an emergency shut-off due to lack of water). At the event that the watermaster changes, the ditch company must be promptly notified.

Enterprise Ditch Company shall issue a water stock certificate for the required shares to the Water Users Association. A certificate shall not be issued to the individual subdivision residents.

At no time shall Enterprise Ditch Company be obligated to deliver the amount of water as adjudicated.

OFFICE OF
Megan Keene
TREASURER
TAX COLLECTOR
PUBLIC ADMINISTRATOR

GEM COUNTY



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

August 17, 2022

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

RE: Elk View Estates #2 (Standard Subdivision)
Loc: 1121 Wapiti Lane (off of Dewey Road)
PIN: RPC8348A010040

Dear Michelle,

After reviewing the application for the Elk View Estates #2 Standard Subdivision, the following are my comments regarding the subject parcel:

Parcel RPC8348A010040 is a new parcel number for 2022; split from parent parcel and will have 2022 taxes due at a future date.

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, 2022, in order to show up in the 2022 Assessment Roll and 2022 Tax Roll. Anything recorded after that date will be valued and taxed based on how the property was as of January 1, 2022.***

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

Sincerely,

A handwritten signature in cursive script that reads "Megan Keene".
Megan Keene
Gem County Treasurer

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of August 2022, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Sternes
Dewey Road
T06N, R03W, Section 11

Tony M Garrison
8242 Bill Burns Road
Emmett, ID 83617

JR Simplot Company
PO Box 27
Boise, ID 83707

Tony M Garrison II
8260 Bill Burns Road
Emmett, ID 83617

Mary Lucas
6246 N Maximus Place
Meridian, ID 83646

Mark Maxfield
8402 Bill Burns Road
Emmett, ID 83617


Devin Montgomery
16682 N Yorkshire Lane
Nampa, ID 83687

Gary Mallory
4615 Hillview Road
Emmett, ID 83617

Jerin Orr
1011 Wapiti Lane
Emmett, ID 83617

Scott Morgan
8598 Bill Burns Road
Emmett, ID 83617

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


Michelle Barron
Associate Planner