

MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES

109 South McKinley, Emmett, Idaho 83617 www.co.gem.id.us phone: (208) 365-5144 fax: (208) 365-2499

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

TEXT AMENDMENT COMPREHENSIVE PLAN MAP AMENDMENT PLANNED UNIT SUBDIVIS SUBDIVIS SUBDIVIS		
PROJECT NAME: Letha Meadows		
SITE INFORMATION:		
(This information can be found on the Assessor's projudities of the Assessor's project of the Assessor's proje	perty information assessment sheet.) ownship: <u> 6N</u>	s: 15.32
Subdivision Name (if applicable): Letha Meadows	ownship Kange Total Actes	5,
out at the (a applicable).	Lot: Block:	
Site Address: TBD N. Berglund & HWY 52		
	Current Zoning: MX Current Land Use: Pa	cturo
Tax 1 meet 1 vaniber (9).	Current Land Use: Fa:	scure
PROPERTY OWNER: Name: Kjelstrom Trust 11/6/02	APPLICANT: Name: Kit Kjelstrom	
Address: 2395 Queensberry Rd.	Address: 2395 Queensberry Rd.	
City: Pasadena State: CA Zip: 911	04 City: Pasadena State: CA Zip:	91104
(909) 275-4545	(909)275-4545	
(909) 275-4545 Telephone: Fax:	Telephone:Fax:	
	Email: kjelassoc@msn.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	e Signature: (Applicant)	Date
NOTE: THIS APPLICATION MUST BE SUBM	TITTED WITH THE APPLICABLE CHECKLIST (S).	
OFFICE	USE QNLY	
File No.: Date:	Fee: Receipt No:	10
14 N. O. N.	ייין יין יין	1 +

Letter of Intent for Letha Meadows Subdivision TBD N. Berglund Rd. & HWY 52 Emmett, ID 83617 RP06N03W020035 File Number PP-21-006

November 2, 2021

The Letha Meadows subdivision is 15.32 acres located at the northwest corner of N. Berglund Road and Highway 52. The subdivision will have 6 lots ranging in size, from 2.00 acres to 2.53 acres.

Each new lot owner shall install an individual well on their property for domestic water use.

Each new lot owner shall install an individual septic system on their property to suit their needs.

Irrigation water is currently supplied from the southeast corner of the property. The existing irrigation ditches are not in ideal locations. New irrigation ditches will be dug along Highway 52 and along the property boundary parallel to Berglund Rd (see Preliminary Plat for proposed locations). Capital stock from Reed Ditch Company shall be split proportionally for each lot based on percentage of acreage. Each lot shall have access to irrigation water.

- 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.
 - a) Each new lot owner shall install an individual well on their property for domestic water use.
- 2) Adequate provisions have been made and approvals from the health authority sought for treatment of wastewater within the subdivision.
 - a) Each new lot owner shall install an individual septic system to suit their needs.

 Southwest District Health (SWDH) has been notified of the proposed subdivision.

 Groundwater monitoring is currently being performed per the SWDH requirements. A Subdivision Engineering Report (SER) shall be provided to SWDH after the groundwater monitoring is completed.
- 3) Proposed streets are consistent with the transportation element of the comprehensive plan and meet Gem County road and bridge department standards.
 - a) No new streets are proposed. Access to each lot shall be from the existing county roads (e.g. Berglund Road & W. Idaho Blvd.).
- 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.

- a) The existing site is relatively flat. No soil or topographical conditions present major hazards.
- 5) The area proposed for the subdivision is zoned for the proposed use and the use conforms to other requirements found in this code and the comprehensive plan.
 - a) The current zoning of the subdivision is MX Mixed Use. Single-family residential is an allowed use for the current zoning.
- 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.
 - a) The addition of the Letha Meadows Subdivision should have minor costs to Gem County and its citizens. The proposed subdivision will provide six (6) lots for single-family residential use. No additional streets are proposed and the additional residents should have minor impact on the existing streets/roads.
- 7) The proposed subdivision complies with the design and improvement standards set forth in this title.
 - a) The proposed subdivision shall comply with the design and improvement standards set forth by Gem County and any other agency with jurisdiction in the area of this subdivision.
- 8) The proposed subdivision, when applicable, meets any standards for subdivision in floodplain or hillside areas.
 - a) The existing site is relatively flat. The Hillside Development checklist is not applicable.
 - b) Per "Community Panel 0265," the site is located in Zone C (areas of minimal flooding). New owners of the lots shall take measures to flood proof buildings; however, the subdivision does not propose any modifications to the land to mitigate flooding.
- 9) The proposed subdivision complies with all other standards set forth in this title or any other applicable ordinance or statute.
 - a) The proposed subdivision shall comply with the design and improvement standards set forth by Gem County and any other agency with jurisdiction in the area of this subdivision.



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 LETHA MEADOWS SUBDIVISION

FILE NUMBERS: PP-21-006

ZONING COMMISSION HEARING DATE: JANUARY 10, 2022, 6:00 PM

APPLICANT:

KIT KJELSTROM

2395 QUEENSBERRY ROAD PASADENA, CA 91104

PROPERTY OWNER: KJELSTROM TRUST 11/6/02

SITE LOCATION: NORTHWEST CORNER OF WEST HIGHWAY 52 AND BERGLUND ROAD

STAFF PLANNER: JENNIFER KHARRL

1. APPLICATION SUMMARY & OVERVIEW

The applicant, Kit Kjelstrom on property owned by Kjelstrom Trust of which Kit is a trustee of, has applied for a Standard Subdivision Permit application (referred to as "Preliminary Plat" (PP) herein) to construct a single-family residential development on approximately 15.32+/- acres on property located on the northwest corner of Berglund Road and West Highway 52. There are no existing structures on site. The PP application proposes six (6) buildable lots. The average building lot size is 2.18 acres. Individual wells and septic systems are proposed for each new lot. Access will be via two shared driveway approaches on Idaho Boulevard and one shared driveway approach on Berglund Road. The property is zoned MX – Mixed Use.

The site is designated Agriculture/Natural Resources on the Joint Comprehensive Plan Future Land Use Map.

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-21-006

Page 1 of 5

PP application under the proposed conditions. (See further analysis in Sections 4 - 5 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 the northwest corner of Berglund Road and Highway 52. The property is located in Section 02 of Township 6N, Range 3W.

B. Current Owner(s): Kjelstrom Trust 11/6/02

2395 Queensberry Road Pasadena, CA 91104

C. Applicant(s): Kit Kjelstrom

D. Present Zoning: MX, Mixed Use (1-acre min. lot size)

E. Present Comprehensive Plan Designation: Agriculture/Natural Resources

F. Property Size: Approx. 15.32 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 with the Development Services Department on August 31, 2021. A Notice to Proceed was issued on September 3, 2021.

B. Application Submittal:

The Preliminary Subdivision application for this item was received by the Development Services Department on October 7, 2021, and deemed complete on November 8, 2021.

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 December 22, 2021. 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 December 10, 2021. The physical property was posted for the public hearing on December 15, 2021. Requests for all impact agencies' reviews were mailed on December 10, 2021.

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. None.

F. Companion Applications: None.

4. LAND USE

- A. Existing Land Use(s): Bare 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 (Reed Ditch Company).
- 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	Irrigated agricultural land; rural residential; Seven Mile Slough
South of site	Agriculture/ Natural Resources	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential
East of site	Agriculture/ Natural Resources	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential
West of site	Agriculture/ Natural Resources	A-2, Rural Transitional Agriculture	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: Grasses and pasture.
- 3. Floodplain: A small portion of the parcel falls within zone "A" on FEMA's Flood Insurance Rate Map, Community Panel Number 16045CO 295 B, which indicates the Special Flood Hazard Area (Floodplain).
- 4. Canals/Ditches/Irrigation/Creeks: The property is within the Reed Ditch Company.
- 5. 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.
- 6. Streets and/or Access Information: The subject property has frontage on two County Roads, Idaho Boulevard and Berglund Road, and a State Highway, West Highway 52. Access is proposed via three shared driveways on Idaho Boulevard and Berglund Road. Access rights to West Highway 52 will be relinquished.
- 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 the MX zone and within the Agriculture/Natural Resources designation of the Future Land Use Map. The property contains 15.32 acres and the six buildable 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, 6.4 Protect the safety and welfare of the public by identifying areas with physical development constraints (i.e. floodplains, steep slopes and fill areas)
 - The developer will be required to create a no-build zone in the small portion of floodplain or adhere to Title 13, Flood Damage Prevention Ordinance.
- Natural Resources, 6.10 Manage storm water generation and disposal consistent with bestavailable 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 trough 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 will have three shared access points of off Idaho Boulevard and Berglund Road.
- 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.

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

Purpose Statement of Zone: Gem County Code 11-4-6 lists the purpose of the MX zone as follows: "Purpose: Mixed Development of residential, offices, commercial and light industrial along designated corridors of Gem County. Residential will be allowed in this zone. Office, commercial and light industrial uses will be allowed by a special use permit only in this zone." The MX zone has a one (1) acre minimum lot size requirement.

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

Attached Exhibits

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

12-13-2021

Gem County Zoning Commission
Development Services Office

Gary & Bethany Van Hees 1990 Petersburg Ave Letha, Idaho 83636

RE: Letha Meadows Subdivision application, tax parcel RP06N03W020035

Commissioners,

Our concerns about this proposal relate to ground water, specifically domestic wells. As we are sure you are aware, many wells in this immediate area are artesian. We know from personal experience in the not too distant past this resource is not infinite, it can be, and has, on occasion, been overrun.

What we have not heard from any knowledgeable source is what this aquifer can reasonably support. Wells in some parts of the Treasure Valley have already been affected.

So do we build here in Gem County until there is a problem, then wonder what we do when it is already too late?

We believe these questions are valid, and deserve full, clear answers. Until such time, we must be opposed to this application.

Thank you for your consideration.

Gary & Bethany Van Hees

Hory In bles Bethany Van Hero

December 31, 2021

Casey & Trina Doyle 2175 Berglund Road Emmett, Idaho 83617 208-365-3900

To Gem County Zoning Commission:

We are writing to ask you to deny the preliminary subdivision plat proposed as "Letha Meadows" from developer Kit Kjelstrom . The property in question is bordered by Hwy 52, Berglund Rd., and Idaho Blvd.

We are owners and residents of a neighboring property that would be adversely affected by such a subdivision. We bought our agricultural property about 12 years ago to be able to farm/ranch away from suburban developments. Our opposition to this subdivision is due to the following negative development effects:

1. The surrounding properties on Berglund Rd. Idaho Blvd, and Hwy 52 are 5 acre minimum parcels. We value our quality of life having few lights at night, quiet, and distance from neighbors. Promoting 2 acre parcels (2 of the parcels are less than 2 acres as per plot map I received from Zoning) will increase the amount of lights at night, increase traffic/noise, and promote loss of our agricultural and rural character.

According to the Gem County 2014 Comprehensive Plan, mixed use policy 12.37 The integrity and identity of any adjoining residential and/or agricultural neighborhoods should be preserved through the use of compatible designs. 12.39 Site improvements and types of development should be in harmony with previously developed land in the area, and where located near or adjacent to any existing residential or agricultural area, shall be made to reduce the impact of noise, traffic and any other negative development effects.

Gem Community Comprehensive Plan Chapter 11 — Community Design Rural- These areas are defined by land use. These should remain, as they are to maintain the "farming way of life", with irrigation, animals, crops, wildlife and a preservation of the visual amenities within Gem County. The goal is to encourage the preservation of natural resources such as creeks, drainages, steep slopes, and ridgelines as visual amenities. Buffer and transition zones should be developed between conflicting types of land use. We intend to preserve the rural way of life.

2. Irrigation to the property is notoriously troublesome; the water comes from the Southeast corner, from under Hwy 52 where it has to flow uphill. Our property is directly across the highway on the same irrigation lateral. The proposed development application states that new ditches are to be dug. The current set up allows water to flow into somewhat of a catchment "pool" before being diverted across the property. That pool allows the water to flow away from our property without backing up. Our concern is that our land will be subject to flooding due to ineffective flow of irrigation water. Previously 2 different tenants of the property have caused significant flooding of our homes foundation and crawlspace as well as to our driveway and outbuildings due to their poor management of the water, causing it to back up and flood our property. Another concern with the irrigation is that currently there are only 3 properties on that irrigation lateral; the proposed land use would make 9 properties.

The wells in this area are shallow and require irrigation to recharge the groundwater supply. Our concern is that enough irrigation could be done, in our short irrigation season, to supply 6 households and any other uses they have without negatively effecting neighboring properties ground water levels.

Gem County 2014 Comprehensive Plan, General Land Use Policy 12.10 Review all development proposals in areas that are critical to groundwater recharge and groundwater source to determine impacts, if any, to protect surface and groundwater quantity and quality. Also, Mixed Use policy 12.49 The community should scrutinize any development or rezoning proposals in areas that are critical to groundwater recharge and groundwater source to determine impacts to surface and groundwater quantity and quality.

3. There is not an identifiable drainage for irrigation, water pools along the corner of Hwy 52 and Berglund Rd. in the barrow pit where it sits all season making a mosquito nuisance. This is the area that has been proposed for new irrigation trenches to be placed. Another concern is that this area is completely surrounded by FEMA flood zone designation A, effective date 8-24-2021, this is a change since the Letter of Intent dated 7-20-2021 was submitted to Gem County Zoning. A channel of the Payette River, fresh water, is directly across Idaho Blvd. to the North from the property making placement of irrigation runoff, domestic wells, or septic for 3 of the proposed properties another grave concern. The developer appears to have perc tests being done for 6+ months; those reports should be included before any plat is approved.

Gem County 2014 Comprehensive Plan 12.41 When single family land uses are proposed, enhanced wastewater evaluations will be required. 12.49 The community should scrutinize any development or rezoning proposals in areas that are critical to groundwater recharge and groundwater source to determine impacts to surface and groundwater quantity and quality. Any proposal that is approved in areas of close proximity to the river and / or existing wells of 50 feet deep or less, soil composition tests must first be completed by unbiased professionals.

Thank you for your time and consideration of our request for you to deny the proposed plat for the proposed "Letha Meadows" subdivision. Please feel free to contact us if you have any questions.

2 Juni Dry

Sincerely,

Casey and Trina Doyle

In regards to Letha meadows application with \$3 2022

In regards to Letha meadows application white through the property. Don't the drain fields have to be so far away from any water source.

Not to mention that I will have to deal with six different owners about getting my water.

5 incorely Thuk Putcher

To: Gem County Zoning Commission

12/28/2021

Re: Meeting slated for 1/10/2022

"A Preliminary Subdivision Plat (Letha Meadows Subdivision) application by Kit Kjelstrom to request approval of 6 buildable lots on approximately 15.32+/- acres, owned by Kjelstrom Trust 11/6/02 located off of W Idaho Boulevard and Berglund Road, T 06N, R 03W, Section 2, Parcel #RP06N03W020035"

Commissioners;

There are several questions that present themselves. Not necessarily in any order.

- 1. Would there be one main drive/entrance, or one per home? Where?
- 2. What are the set-back rules?
- 3. Was Idaho Rural Water contacted for their input?
- 4. There are no sewer services available, where would sewage go? with six homes there is not enough room for drain fields (High water table.)
- 5. Where would runoff (i.e., rain/snow/gas, oil) go? Right now, irrigation and weather runoff enter the slough. (Drainage issues)
- 6. Artesian wells in Letha townsite are shallow drilled, with water rights that are the most senior in this area. (1910ish) So, how are these proposed homes to get water?
- 7. Was an environmental impact study done? (Due to the proximity of Seven Mile Slough and wet lands)

I believe this project is ill-advised at best, with unrealistic expectations, please deny this application.

Thank you for your considerations.

Cathy Berglund 1450 Petersburg Ave. Letha, Id 83636

EXHIBIT A

REQUIRED FINDINGS FOR STANDARD SUBDIVISION PERMIT Letha Meadows Subdivision (File #PP-21-006)

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 MX 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: Berglund Road and Idaho Boulevard. No access to Highway 52 is proposed.

The Idaho Transportation Department was notified of the application and had no comments.

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. The Reed Ditch Company has not identified any concerns with the existing ditches.

 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 MX, Mixed Use, and is within the Agriculture/Natural Resources designation on the Gem County Comprehensive Plan Future Land Use map. The MX zone allows for the development of single-family dwellings on minimum 1-acre lot sizes. This minimum lot size is met with the Letha Meadows application and the plat states the proposed use is only single-family residential.

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. 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..."

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.

Idaho Boulevard is identified as a Minor Collector (80' total right-of-way width) with the Average Daily Traffic (ADT) volumes exceeding 6,500 vehicle trips per day at full build out and a 40' right-of-way from centerline is requested from the Gem County Road and Bridge Department and Berglund 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. Gem County Subdivision Ordinance (12-5-5) requires the area to be dedicated be free and clear of all liens and encumbrances, this included by is not limited to fences or structures.

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) <u>Natural Feature Areas</u> A small portion of Lot 4 lies within the Floodplain and any improvements or building shall comply with Title 13, Flood Damage and Prevention Ordinance.
- b) <u>Utilities</u> 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) <u>Domestic Water Supply</u> individual domestic wells; to be constructed at time of future building permit see Finding #1 above
- d) Irrigation Reed Ditch Company
- e) <u>Sewage Disposal</u> 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 street dedication along existing Idaho Boulevard is shown as required (40' right-of-way) and along existing Berglund Road is shown as required (30' right-of-way).
- g) <u>Lots</u> –The MX zone requires a one (1) acre minimum lot size. As the applicant is proposing 2.00+ acre parcels, this standard has been met.
- h) Remainder lots n/a
- i) <u>Blocks</u> n/a
- j) <u>Drainage</u> 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, due to the small amount of floodplain on the property, 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

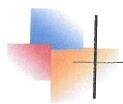
STAFF RECOMMENDED CONDITIONS OF APPROVAL LETHA MEADOWS SUBDIVISION (#PP-21-006)

General Conditions

- 1. The Preliminary Plat for "Letha Meadows Subdivision" by Eagle Land Surveying, Jeremiah B. Fielding, 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 (12/14/21) (this condition does not technically apply until Final Plat)
 - b. Gem County Road and Bridge Department (12/15/21)
 - c. Reed Ditch Company (12/29/21)
- 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.
- 4. The Final Plat shall indicate the BFE of the property or designate a no-build zone for the small portion of floodplain in 4.

Subdivision Improvement & Mitigation Conditions

- 5. Per GCC 12-6-1.C, the applicant is required to ensure all required utilities are available to the site 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.
- 6. A 25' landscape street buffer will be required for Lots 1, 2, 3 and 6 along West Highway 52. 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.
- 7. Prior to the Board signature of the Final Plat, the subdivider shall prepare a new Quitclaim Deed for Lots 1-6, Block 1 of Letha Meadows Subdivision. Copies of the new deed shall be provided to the Development Services Department for recordation with the plat.
- 8. Prior to submittal of the final plat application, applicant shall meet with and submit a written statement from Southwest District Health Department indicating compliance with all SER requirements.
- 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 along Idaho Boulevard and Berglund Road is free and
 clear of all liens and/or encumbrances.
- 10. Because of the drainage concerns and the proximity to the Seven Mile Slough and Payette River, the applicant shall submit an engineered storm water drainage plan for the County Engineer to review.



Reed Ditch Company

DEC 2 9 2021

3740 County Line Road Emmett, ID 83617

December 27, 2021

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

Gem County Development Services,

The Reed Ditch Company has received notice from the Gem County Development Services that there is a proposed subdivision on property within the Ditch company.

The Board of Directors reviewed the application and letter of intent for the Letha Meadows Subdivision on TBD N. Berglund Rd. & Hwy 52 and have the following requirements for the said property:

- The developer is responsible for installing a workable measuring device at the head gate (Yakima box or flow meter), based on the fall of the land. The installation will be completed by the Reed Ditch Manager at the developer's expense.
- 2. The developer is required to deliver water to each parcel.
- 3. There is one property that receives water beyond this proposed subdivision. It is the responsibility of the Board of Director's to ensure water is delivered to all stockholders at the head gate. Due to the nature of this subdivision, we are requiring the developer to install an appropriate sized pipe from the head gate to the landowner that receives water beyond the Letha Meadows Subdivision.
- 4. The developer must complete a Subdivision Permissive Use License and return it with appropriate fees in order to have this proposed development approved through Reed Ditch Company.

Sincerely,

Michelle Potter

Reed Ditch Secretary / Treasurer

SUBDIVISION PERMISSIVE PERMIT REQULAR AGREEMENT APPLICATION AND INFORMATION

Reed Irrigation Ditch Company
3740 County Line Road Emmett, ID 83617

plicant:
te:
ntact #:
ntact email:
Please check all box(s) that apply:
MINOR SUBDIVISION (UP TO 4 PARCELS) - \$1,000 FEE
5-9 PARCEL SUBDIVISION—\$2,000 FEE
10-14 PARCEL SUBDIVISION—\$4,000 FEE
15-19 PARCEL SUBDIVISION—\$6.000 FEE

- 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 Bridges, Culvert Crossings, Utility Crossings, Storm Water Discharge, Subdivisions, Water Wheels, and Projects, depending on the scope of the project. 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. The Board of Directors of the Canal Company will review your request. They reserve the right to approve or deny your request. If approved, the Canal Company will issue a **Subdivision Permissive License**; signed by the President, Secretary and Applicant. It will then be notarized and recorded at the Gem County; the applicant will receive a completed Subdivision Permissive License for their records.
- C. 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:	

REED IRRIGATION DITCH COMPANY

Right of Way Policy

WHEREAS, **Reed Irrigation Ditch Company** is claiming a 50 foot right of way from the center line of the canal on each side 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 <u>may</u> be allowed beyond 25 feet on the right of way with a permissive use agreement issued within the sole discretion of the Reed 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 Reed 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 Reed Irrigation Ditch Company free and harmless from any claim whatsoever arising out of use of the permissive permit.



TRANSMITTALS TO AGENCIES FOR COMMENTS ON DEVELOPMENT PROJECTS AND LAND USE CHANGES WITH GEM COUNTY

To insure that your comments and recommendations will be considered by the **Gem County Zoning Commission** please submit your comments and recommendations to Gem County Development Services Office located at 109 S McKinley.

X Gem County Mosquito Abatement X Id	
Application Type: Letha Meadows (Standard Subdivision) Applicants Name: Kit Kjelstrom Location/Address of Property or Project: Berglund Road and W Idaho Boulevard X Gem County Road Department X Gem County Mosquito Abatement	
Letha Meadows (Standard Subdivision) Applicants Name: Kit Kjelstrom Location/Address of Property or Project: Berglund Road and W Idaho Boulevard X Gem County Road Department X Gem County Mosquito Abatement X Idaho	y y
Kit Kjelstrom Location/Address of Property or Project: Berglund Road and W Idaho Boulevard X Gem County Road Department X Gem County Mosquito Abatement	Я
X Gem County Road Department X C X Gem County Mosquito Abatement X IC	
X Gem County Mosquito Abatement X Id	
Gem County Assessor	

Michelle Barron

From:

O'Shea, Maureen < Maureen. OShea@idwr.idaho.gov>

Sent:

Thursday, December 16, 2021 10:25 AM

To:

Michelle Barron; Jennifer Kharrl

Cc:

Margheim, Kris

Subject:

re: Letha Meadows Subdivision

Attachments:

12.10.21_Gem County -Letha Meadows.pdf

Jennifer, & Michelle,

Letha Meadows Subdivision (Berglund Road & W Idaho Blvd) - 15.32 Acres



Item 8) provides incorrect floodplain information: The site is located in the A Zone & Future Conditions X Zone FIRM Panel 16045C0295B dated 8/24/2021

- The proposed subdivision, when applicable, meets any standards for subdivision in floodplain or hillside areas.
 - a) The existing site is relatively flat. The Hillside Development checklist is not applicable.
 - b) Per "Community Panel 0265;" the site is located in Zone C (areas of minimal flooding). New owners of the lots shall take measures to flood proof buildings; however, the subdivision does not propose any modifications to the land to mitigate flooding.

Because the Base Level Engineering (BLE) BFE data for the A Zones in Gem County were not derived from a Hydraulic & Hydrologic Analysis, a Hydraulic & Hydrologic Analysis must be provided by the applicant, see 44CFR60.3(b)(3) below.

The proposed subdivision is subject to the NFIP regulations below:

Title 44 of the Code of Federal Regulations §60.3 Flood plain management criteria for flood-prone areas. ... Minimum standards for communities are as follows:

(a) ... the community shall:

- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall
 - (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
 - (ii) be constructed with materials resistant to flood damage,
 - (iii) be constructed by methods and practices that minimize flood damages, and
 - (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that
 - (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area,
 - (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (iii) adequate drainage is provided to reduce exposure to flood hazards;
- (5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
- (6) Require within flood-prone areas
 - (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and
 - (ii) <u>onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.</u>
- (b)... the community shall:
 - (1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;
 - (2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;
 - (3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;
 - (4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;
 - (5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:
 - (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - (ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and

- (iii) Maintain a record of all such information with the official designated by the community under §59.22 (a)(9)(iii);
- (6) <u>Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator;</u>
- (7) <u>Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;</u>
- (8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (c) ... the community shall:
 - (1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, Azones, AH zones, and AO zones, on the community's FIRM;
 - (2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with §60.6 (b) or (c);
 - (3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites
 - (i) Outside of a manufactured home park or subdivision,
 - (ii) In a new manufactured home park or subdivision,
 - (iii) In an expansion to an existing manufactured home park or subdivision, or
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.
 - (13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones Al-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the

base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.

- (14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either
 - (i) Be on the site for fewer than 180 consecutive days,
 - (ii) Be fully licensed and ready for highway use, or
 - (iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Should you have any questions please do not hesitate to contact me.

Thank you,
Maureen O'Shea, AICP, CFM
State NFIP Coordinator
Idaho Dept. of Water Resources
322 E. Front Street, PO Box 83720,
Boise, ID 83720-0098
Office # 208-287-4928
Cell # 208-830-4174
Maureen.OShea@idwr.idaho.gov
https://www.idwr.idaho.gov/floods/

From: Margheim, Kris < Kris. Margheim@idwr.idaho.gov>

Sent: Wednesday, December 15, 2021 4:40 PM

To: O'Shea, Maureen < Maureen. OShea@idwr.idaho.gov>; Miller, Nick < Nick. Miller@idwr.idaho.gov>

Subject: Letha Meadows Subdivision

Maureen & Nick,

- Gem County Zoning Commission
- Application Type: Minor Subdivision (Letha Meadows Subdivision)
- Please submit your comments and recommendations to Gem County: Attn: Michelle Barron by Noon on January 3rd, 2022
- I have a large map here at the desk if you need to look at.

Kris Margheim

Office Specialist II Idaho Department of Water Resources P: (208) 287-4802 https://idwr.idaho.gov



322 E. Front Street P.O. Box 83720 Boise, ID 83720-0098 208-287-4800 www.idwr.idaho.gov

GEM COUNTY

OFFICE OF
Megan Keene
TREASURER
TAX COLLECTOR
PUBLIC ADMINISTRATOR



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

December 14, 2021

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

RE: Letha Meadows Standard Subdivision Loc: Berglund Road and W Idaho Blvd

PIN: RP06N3W020035

Dear Michelle,

After reviewing the application for the Letha Meadows Standard Subdivision, applicant Kit Kjelstrom, the following are my comments regarding the subject parcel:

Parcel RP06N03W020035 has 2021 taxes paid in full.

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, 2021, in order to show up in the 2021 Assessment Roll and 2021 Tax Roll. Anything recorded after that date will be valued and taxed based on how the property was as of January 1, 2021.

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

Sincerely,

Megan Keene Gem County Treasurer Gem County Road & Bridge Dept. 402 North Hayes Ave. Emmett, ID 83617-2646



Neal Capps, Director Phone: 208-365-3305 Fax: 208-365-2530

Email: gcrb@co.gem.id.us

December 15, 2021

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

RE: Letha Meadows (Standard Sub)

Dear Jennifer,

Gem County Road & Bridge (GCRB) has reviewed the application for a proposed 6 lot Subdivision, located adjacent to West Idaho Boulevard and Berglund Road. This property borders, Gem County Roads to the East and to the West, and is also bordered by State Highway 52 to the South. West Idaho Blvd. and Berglund Rd. are both constructed of asphalt and at a width of approximately 24 feet. The subdivision in question, has a right of way dedication of 2.21 +/- acres, awarded to Gem County. GCRB has completed routine maintenance in the fiscal year 2021. The subdivision applicant has obtained an approach permit with GCRB, dated November 3, 2021. GCRB has approved 3 shared access for the subdivision in question.

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

- 1. Applicant shall construct all shared access to a minimum of 40 feet in width and 20 feet in length.
- 2. All approach accesses shall meet Gem County Standards upon completion.
- 3. Applicant shall relinquish all existing accesses to said property, and indicate this action on the plat map.

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

Thank you,

Neal Capps, Director

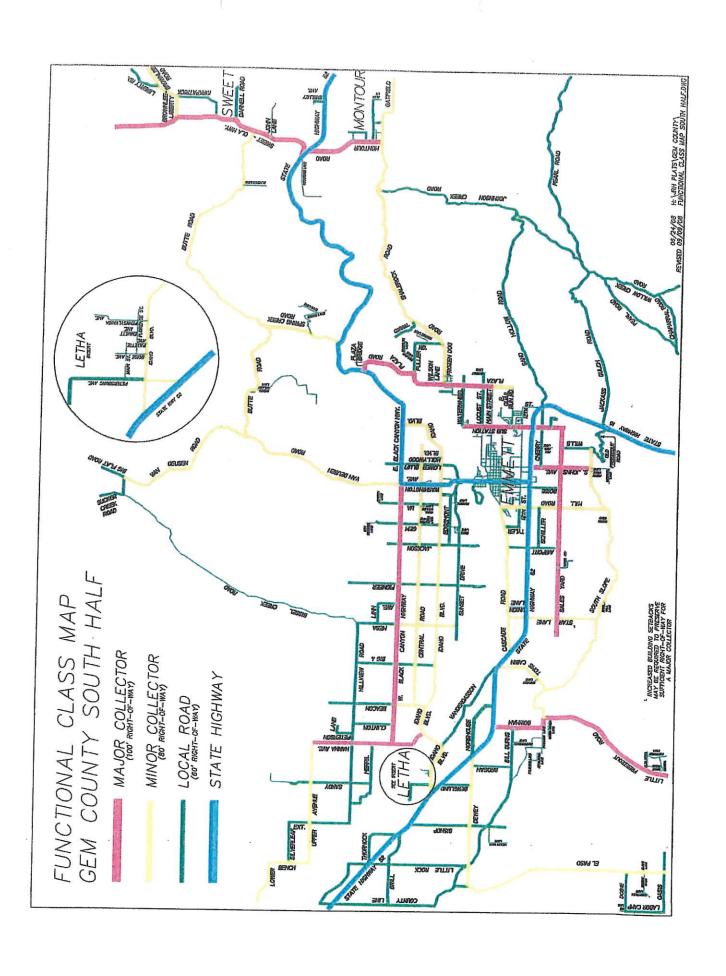
Gem County Road & Bridge

LAND USE APPLICATION

DATE: 12-16-2021			
PROJECT: Letha Meadows			
ROAD:			
Burglund Road, West Idaho Blvd.			
MAJOR/MINOR COLLECTOR:			
Minor Collector			
ROAD PROJECTS:	0		
NOAD PROJECTS.			
Grader patched in 2020			
ROAD SURFACE:			
Asphalt			
ROAD WIDTH:			
Approximately 22 Ft.			
ROAD LENGTH: Approximately .5 miles for Burglund Road, 8 m Idaho Blvd.	illes for West		
RIGHT OF WAY - DISTANCE:	1	8	, v
40 feet form center			

Yes, prior minor sub.	

SAFETY IMPROVEMENTS:	
Shoulder material added 2021.	
TRAFFIC COUNTS:	
TRAFFIC COUNTS:	
4	
4	
4	
4	12/16/2/



CERTIFICATE OF MAILING

I hereby certify that on the 10th day of December 2021, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Kjelstrom T06N, R03W, Section 2

Trina Doyle 2175 Berglund Rd Emmett, ID 83617

George Hallworth 8335 W Highway 52 Emmett, ID 83617

Peter Oxley 2000 Berglund Rd Emmett, ID 83617

Bradley McNeil 8466 W Idaho Blvd Letha ID 83636

Kirke Pritchert 8345 W Highway 52 Emmett, ID 83617

Josiah Barrett 8355 W Highway 52 Emmett, ID 83617 Jose Mejia 8491 W Idaho Blvd Letha, ID 83636

Kathryne Luke 8411 W Highway 52 Emmett, ID 83617

Gary Van Hees 1990 Petersburg Ave Letha, ID 83636

Jacob Welch 8499 W Idaho Blvd Letha, ID 83636

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

Michelle Barron Associate Planner

