



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: Black Canyon Ranch Subdivision

SITE INFORMATION:

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

Quarter: SE Section: 25 Township: 7N Range: 2W Total Acres: 78.6
 Subdivision Name (if applicable): Black Canyon Ranch Subdivision
 Lot: N/A Block: N/A
 Site Address: 1380 Black Canyon Hwy City: Emmett
 Tax Parcel Number(s): RP07N02W257200 Current Zoning: A2 (RTA) Current Land Use: Agricultural

PROPERTY OWNER:

Name: Cotner Development Company, LLC (Contact: John Cotner)

Address: PO Box 785

City: Meridain State: ID Zip: 83680

Telephone: 208-941-9623

Email: john@cotnerbuilding.com

APPLICANT:

Name: (Same as Owner)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Email: _____

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

[Signature]
 Signature: (Owner) Date: 11/17/22

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

Signature: (Applicant) Date: _____

OFFICE USE ONLY			
File No.: <u>PP22-013</u>	Received By: _____	Date: <u>12/2/22</u>	Fee: <u>1660</u> Receipt No: <u>2023-00072</u>

February 15, 2023

Jennifer Kharri
Gem County
109 S McKinley Ave,
Emmett, ID 83617



**SUBJECT: Preliminary Plat for
BLACK CANYON RANCH SUBDIVISION
1380 W. Black Canyon Hwy
Emmett, Gem County, Idaho**

Dear Jennifer:

The purpose of this letter is to describe the requested Preliminary Plat Approval for Black Canyon Ranch Subdivision, which is in an A-2 (Rural Transitional Agricultural) zone. The project is located on one parcel owned by Cotner Development Company LLC, at 1380 W. Black Canyon Hwy in Gem County, Idaho. The parcel is located at the Northeast corner of the W. Black Canyon Hwy and UA Ave. The property has an area of approximately 78.6 acres.

The property is currently used as pasture for livestock and as a homestead. The proposed development has Rural-Residential properties along the East, North and West, with farm land to the south. The average lot size of the Black Canyon Ranch Subdivision is 5.12 acres, so we believe that it will fit well into the area, which is made up of mostly farm land, large property with homes, and a subdivision with large acreage.

It is proposed that the development will be served by two private roadways that will take access from UA Ave. The configuration of the proposed roads has been discussed with the Gem County Road and Bridge and the proposed typical road sections are provided on Sheet PP-1 of the preliminary plat. As per our discussions with Road and Bridge, there will be no new access to W. Black Canyon Hwy, and no lots will take access from UA Ave.

The development will have two access from W. Black Canyon Hwy. Each private road is currently planned to be paved with a width of 24', both roads will end in a Cul-de-Sacs sized per Road and Bridge requirements. 7 lots will take access off each private road with the existing home (Lot 15) keeping its historical access to W. Black Canyon Hwy. The lots will be at or above 5 acres with an average buildable lot size of 5.12 acres. The additional 14 lots are expected to add a daily travel of 165 trip on UA Ave, with these additional trips UA Ave is estimated to remain under 400 daily trips.

Irrigation water for the property will be provided Emmett Irrigation District through a pressurized irrigation system. The water system is proposed to have one pump located near the south private road in Lot 9. The private pressure irrigation system will be piped in an easement along property lines and outside of the proposed private roadway and utility easements. The irrigation water will be delivered inside the property by the existing point of delivery near the center of the property on the north boundary. The irrigation water will be piped along the property and lot lines to the proposed pressure irrigation pump. The water will continue and will discharge into the existing irrigation pond in Lot 15

Jennifer Kharri
Gem County
February 15, 2023



where it will leave the site from its historical point.

Each of the buildable lots will have a septic system and individual domestic well to be constructed as part of each home construction. Test holes have been dug on each buildable lot to confirm the suitability of onsite soils for each lot with SWDH present during the test hole digging. The septic systems for each of the lots will be designed and developed to the specifications of the Southwest District Health Department. A pre-development meeting has been held with Southwest District Health Department and they do not have any objections to the development. At this time, we are not proposing any buildable lots smaller than 5 acres so we anticipate that there will be room on each lot for a septic field and domestic well without crowding the proposed lots or neighboring properties. A groundwater study has been performed by HDR (Formerly SPF) to verify the water availability and that it will have minimal impact to the surrounding properties.

We believe that the enclosed preliminary plat meets the requirements and we ask that you approve the preliminary plat.

Feel free call me at 208-466-8181 if you have any questions or need additional information.

Respectfully,
Aspen Engineers, Chartered

A handwritten signature in blue ink, appearing to read "Lance Warnick", with a stylized flourish at the end.

Lance Warnick, PE
Principal Engineer

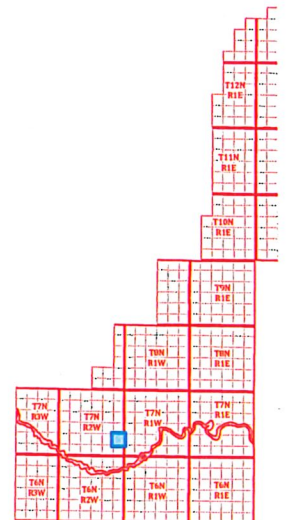
cc: Aspen 21074



View Date: 4/22/2021

Document Path: J:\Assessors\GIS Dept\Projects\County Plat Maps\Section Plat Maps\13
Created By: swiley

Coordinate System: NAD 1983 StatePlane Idaho West FIPS 1103 Feet
Projection: Transverse Mercator
Datum: North American 1983
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Latitude of Origin: 41.6887
Units: Feet US



pared for, or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information



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 PRELIMINARY PLAT FOR BLACK CANYON RANCH SUBDIVISION

FILE NUMBERS: PP-22-013

PLANNING AND ZONING COMMISSION HEARING DATE: APRIL 10, 2023

APPLICANT: ASPEN ENGINEERING
1619 N LINDER ROAD STE 110
KUNA, ID 83634

PROPERTY OWNER: COTNER DEVELOPMENT COMPANY, LLC
PO BOX 785
MERIDIAN, ID 83680

SITE LOCATION: 1380 WEST BLACK CANYON HIGHWAY

STAFF PLANNER: JENNIFER KHARRL

1. APPLICATION SUMMARY & OVERVIEW

The applicant, Aspen Engineering, on property owned by Cotner Development Company, LLC, has applied for a Standard Subdivision Permit application (referred to as "Preliminary Plat" (PP) herein) to construct a single-family residential development on approximately 78.6 acres at the northwest corner of Black Canyon Highway and UA Avenue. There is an existing single family residence with outbuildings located on the property (Lot 15). The property is zoned A-2, Rural Transitional Agriculture.

The PP application proposes 15 building lots. The average building lot size is 5.12 acres. Individual wells and septic systems are proposed for each lot. Two private roads are proposed through the development. A neighborhood meeting was held on November 1, 2022 and thirteen (13) people attended the meeting.

Application Review Process

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

Staff Recommendation

Staff finds the majority of the Comprehensive Plan policies and required findings support the approval of the PP application under the proposed conditions. (See further analysis in Sections 4 - 6 below.) If the Commission feels all requirements have been adequately addressed at the hearing, a recommendation can be sent to the Board.

2. APPLICATION & PROPERTY FACTS

A. Site Address/Location:

The property is located at 1380 West Black Canyon Highway, which is located at the northwest corner of UA Avenue and Black Canyon Highway and is within Township 7N, Range 2W, Section 25 (Tax Parcel #RP07N02W257200).

B. Current Owner(s): Cotner Development Company, LLC

C. Applicant(s): Aspen Engineers

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

E. Present Comprehensive Plan Designation: County Residential Area, Priority Growth Area 3

F. Property Size: Approx. 78.6 acres

3. APPLICATION PROCESS FACTS

A. Pre-Application Conference & Neighborhood Meeting:

In accordance with Gem County Code 12-3-2, a pre-application conference was held on the PP application at the Development Services Department on September 21, 2022. A Notice to Proceed was issued on September 21, 2022. In accordance with Gem County Code 12-3-3, the applicant conducted a neighborhood meeting on November 1, 2022.

B. Application Submittal:

The complete Preliminary Subdivision application for this item was received by the Development Services Department on February 28, 2023.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the Gem County Planning and Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on March 22, 2023. Notice of this public hearing was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on March 10, 2023. The physical property was posted for the public hearing on March 16, 2023. Requests for all impact agencies' reviews were mailed on March 10, 2023.

D. Relevant Ordinances and Required Actions:

The Standard Subdivision Permit application review process is outlined in Gem County Code 12-3-8. Standard subdivisions require a public hearing before the Planning and Zoning Commission and the Board of County Commissioners ("Board"). The Administrator makes a recommendation to the Commission; the Commission reviews and makes a recommendation to the Board, and the Board is the final, decision-making body (after holding a second public hearing of their own). A final written decision for approval, approval with conditions or denial must be issued by the Board within 30 days of the close of their public hearing (GCC 12-3-8-5).

E. History of Previous County Actions on Property. The Board of County Commissioners approved a Rezone from A-1 to A-2 with a Development Agreement in 2022.

F. Companion Applications: Two private road applications.

4. LAND USE

A. Existing Land Use(s): Single-family residence, outbuildings, irrigated agricultural land.

B. Description of Character of Surrounding Area: The immediate vicinity includes active agricultural lands and single-family residential properties. The entire vicinity contains irrigated and/or irrigatable lands (Emmett Irrigation District).

C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	County Residential Area, Priority Growth Area #3	A-2, Rural Transitional Agriculture and R-2, Residential Transitional	Irrigated agricultural land; rural residential
South of site	County Residential Area, Priority Growth Area #2	A-1, Prime Agriculture	Irrigated agricultural land; rural residential
East of site	County Residential Area, Priority Growth Area #3	A-1, Prime Agriculture and A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential (8 parcels that are nonconforming)
West of site	County Residential Area, Priority Growth Area #3	A-1, Prime Agriculture and A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential (11 parcels that are nonconforming)

D. Physical Constraints and Opportunities:

1. Wastewater & Domestic Water: The applicant intends to provide individual wells and septic systems within the development.
2. Vegetation: Pastureland
3. Floodplain: The parcel falls within zone "D" on FEMA's Flood Insurance Rate Map, on a non-printed Panel, which indicates area of undetermined flood hazard.
4. Canals/Ditches/Irrigation/Creeks: The property lies within the boundaries of the Emmett Irrigation District jurisdiction. Emmett Irrigation District submitted a letter with a few conditions if the subdivision is approved.
5. Hazards: Staff is not aware of any hazards. Any potential hazards should be addressed by the applicant at the public hearing.
6. Streets and/or Access Information: The plat proposes to construct two new private roads (Arabian Lane and Peruvian Lane). All Lots, except Lot 15 where the existing house is located, will access the new roads. Access will be prohibited from Black Canyon Highway except for the existing driveway.

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

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

Priority Growth Area 3.

The Comprehensive Plan defines the “County Residential Area, Priority Growth Area 3” category (in Chapter 12,) as follows:

The County Residential Area is set aside for primarily residential development. The long-term vision for this planning area is to maintain the uniquely rural character and to preserve non-conforming uses. The Priority Growth Area 3 allows densities at one (1) unit per five (5) acres (or as allowed under existing zoning) until 80% of the area within Priority Growth Area 2 is served or can be clearly demonstrated that it will be served by essential public facilities (as defined in the front of the Land Use Chapter).

This property is located in A-2 zone and within the County Residential Area, Priority Growth Area 3 designation of the Future Land Use Map. The property contains 78.6 acres and all of the proposed lots will meet the minimum zoning requirement.

Supporting Policies/Goals

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

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

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

- Housing, 3.1.3 and Land Use, 12.2.3 – Encourage compatible infill development, which will complement existing neighborhoods.
- Natural Resources, 6.10 – Manage storm water generation and disposal consistent with best-available technology to prevent degradation of water quality and natural resources.

The developer will be required to contain all stormwater run-off on site. An engineered plan is required to be submitted as part of the construction drawings to be reviewed by the County Engineer.

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

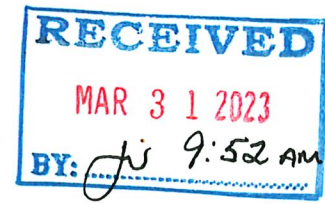
Gem County Code (GCC) 11-4-2.A. lists the purpose of the A-2, Rural Transitional Agriculture, zone as follows: “Lands lying within those unincorporated portions of Gem County that are likely to undergo a more intensive urban development. The regulations governing this zone are designed to protect agricultural 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

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



March 31, 2023

To Planning & Zoning committee:

This correspondence is in response to the application for a Preliminary Subdivision Plat (Black Canyon Ranch Subdivision) by Cotner Development Company, LCC. The property is located at 1380 W Black Canyon Highway. T07N, R02W, Section 25.

Since this is a substantial subdivision, the homeowners that use UA Ave have the following concerns and questions:

Concerns/questions -

* Water - We understand that a ground water study was done April 2022, this would be one of the months with the higher ground water levels. Why was it not done in August or September, lower water months? We are still very concerned about our wells with the addition of 14 more wells. One resident on UA Ave moved from the upper Treasure Valley, because their well dried up due to a housing development near them.

How will storm runoff be managed as the proposed plat has two roads draining onto UA Ave? Both of the roads coming out of the subdivision will be across from existing houses.

* Increased traffic issues – the addition of 14 homes with potentially 28 plus, more vehicles creates congestion and safety issues on UA Ave. The Avenue is used by pedestrians, horseback riders, farm equipment, and other recreational vehicles. Some of this traffic comes from people living south of Black Canyon highway going to access the canal road at the end of UA Ave. This does not include increase of service vehicles to support the additional homes. Then add the two entrances from the subdivision, the 15 residents that use the road now (plus one more under construction), the narrow road will make travel conditions hazardous. The UA road surface now is already in poor condition, and in many places completely deteriorating.

With the new proposed subdivision there will be congestion at Black Canyon and UA Ave, which is already an unsafe intersection with the limited view to the east due to the dip in the road on Black Canyon. The school bus picks up, and drops off at that intersection, cars will park on UA to drop off and pick up their students. With the added cars this will create another potential traffic hazard.

Will the builder or the county provide improvements to UA Ave to support the increased traffic? Repairs on the road during construction, and maintenance after? Also widening to accommodate more traffic? We feel there needs to be a speed limit reduction.

* What about the CCR's? We have asked for the CCR's and have never received copies. What are the housing setbacks? What is the building height limitation? What are square footage parameters? Will there be an HOA board? We do not want to see businesses allowed (like a daycare, auto repair etc). Will there be a berm or fencing surrounding the subdivision? What will be the fencing for each individual residence? (wire, board, pvc or privacy fencing) What kind of lighting would be in the subdivision?

* How are the canal water rights divided and delivered? Has Irrigation District approved this subdivision? Will the purchasers of the lots be allowed to use the wells for irrigation purposes?

* Who and how would the lots be maintained when they are waiting to be developed or not sold? (weeds growing)

We would like answers to our questions and concerns.

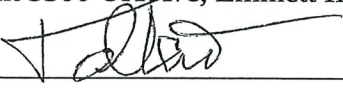
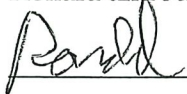
We the signed residents do not support the proposed subdivision (Black Canyon Ranch). The property is located at 1380 W Black Canyon Highway. T07N, R02W, Section 25.

Robert and Cindy McBride 3274 UA Ave, Emmett Id 83617



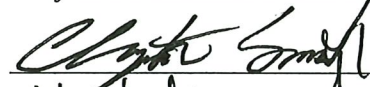
Cindy McBride

Ronald and Judith Tallent 3300 UA Ave, Emmett ID 83617



Judith Tallent

Clay and Madaline Smith 3322 UA Ave, Emmett ID 83617

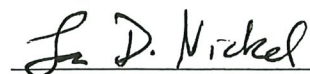


Madaline Smith

Zachary and Karen Wagner 3334 UA Ave, Emmett ID 83617



George and Laura Nickel 3600 UA Ave, Emmett ID 83617

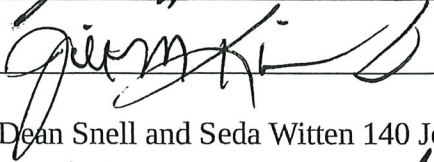


George Nickel

Stephen Johnson 3620 UA Ave, Emmett ID 83617

_____

John and Jill Kimack 120 Jeffrey Ln, Emmett ID 83617

_____
_____

Dean Snell and Seda Witten 140 Jeffery Ln, Emmett ID 83617

_____
_____

Brent and Tonya Smith 800 Robin Ln, Emmett ID 83617

Tonya Smith
B. Smith

Ron and Shirley Smith 800 Robin Ln, Emmett ID 83617

Ronald Smith
Shirley Smith

David and Christina Allen 900 Robin Ln, Emmett ID 83617

David Allen
Christina Allen

Florence Ethington 1100 Robin Ln, Emmett ID 83617

Florence E. Ethington

Mark and Carla Matthews 1200 Robin Ln, Emmett ID 83617

Carla Matthews
Mark Matthews

EXHIBIT A

REQUIRED FINDINGS FOR STANDARD SUBDIVISION PERMIT Black Canyon Ranch Subdivision (File #PP-22-013)

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. Gem County Code doesn’t require a public drinking water system in the A-2 zone. This means the subdivision is not subject to the DEQ rules for a public drinking water system, which is defined by DEQ in the Idaho Administrative Code as having at least 15 service connections or serving 25 individuals daily at least 60 days out of the year. Gem County does not have any adopted water quality standards separate from the State of Idaho (DEQ or IDWR). Neither the SWDH or DEQ have testing requirements for private wells, so it is incumbent upon each property owner to have their individual wells tested. SWDH recommends testing at least one time per year, especially since contaminant levels can fluctuate. It is unlikely that each property owner will have their wells tested this often.

Domestic wells (those used for homes and other drinking purposes, used to irrigate no more than a ½ acre of land, and where no more than 13,000 gallons per day is used) are exempt from having to obtain a water right under Idaho statute.

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

As a requirement of the Development Agreement tied to the rezone, a water quality and quantity study was obtained and approved by the County Engineer.

The proposed subdivision complies.

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

An on-site, Pre-Development Meeting with Southwest District Health on September 29, 2022. Their preliminary review does not indicate any potential problems with individual systems. Upon submittal of the Final Plat application, the applicant will need to comply with SWDH requirements including hiring an engineer to supply a Subdivision Engineering Report (SER) and septic permits must be issued before any building permits are released by

Gem County. DEQ standards shall be required as administered by Southwest District Health Department (SWDH).

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

The plat proposes to construct two new private roads to serve the subdivision.

The Gem County Road & Bridge Department (Neal Capps) was notified of the application and responded in writing regarding the new approaches for the private roads off of UA Avenue.

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 County Residential Area, Priority Growth Area 3 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 Black Canyon Ranch Subdivision application and the plat states the proposed use is only single-family residential.

The County Residential Area is set aside for primarily residential development. The long-term vision for this planning area is to maintain the uniquely rural character and to preserve non-conforming uses. The Priority Growth Area 3 allows densities at one (1) unit per five (5) acres (or as allowed under existing zoning) until 80% of the area within Priority Growth Area 2 is served or can be clearly demonstrated that it will be served by essential public facilities (as defined in the front of the Land Use Chapter).

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.**

UA Avenue 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. Black Canyon Highway is identified as a major collector (100' total right-of-way) with the Average Daily Traffic (ADT) volumes exceeding 8,500 vehicle trips per day at full build out, there was not request for a right-of-way dedication due to the fact the right-of-way dedication previously took place when the State of Idaho deeded the highway to Gem County. 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.

As a requirement of the Development Agreement tied to the rezone, a traffic impact study of the UA Avenue/Black Canyon Highway intersection was obtained and approved by the County Engineer.

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. Emmett Irrigation District has requirements for the irrigation system and access easements for their maintenance needs.

Other than these items, no other requests for public facilities have been made by other agencies and/or departments.

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

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

- a) Natural Feature Areas – N/A
- b) Utilities – the subdivision developer is responsible to 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 – Emmett Irrigation District
- 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 required 30' ROW dedication of UA Avenue is shown on the plat.
- g) Lots – The A-2 zone requires a five (5) acre minimum lot size. As the applicant is proposing 5.00+ acre parcels, this standard has been met.
- h) Remainder lots – n/a
- i) Blocks – n/a
- j) Drainage – suitable drainage facilities required; will be reviewed by County Engineer at time of construction drawing submittal
- 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.**

Staff finds that all standards have been complied with or will be per the proposed conditions of approval.

EXHIBIT B

STAFF RECOMMENDED CONDITIONS OF APPROVAL BLACK CANYON RANCH SUBDIVISION (#PP-22-013)

General Conditions

1. The Preliminary Plat for “Black Canyon Ranch Subdivision” by Aspen Engineering, Lance Warnick, PE, is approved with conditions, as noted below.
2. The applicant shall comply with the conditions/comments of the following impact agencies:
 - a. Gem County Treasurer (3/14/23) (*this condition does not technically apply until Final Plat*)
 - b. Keller Associates (County Engineer (3/29/23) **except for #1**)
 - c. Gem County Road and Bridge (3/22/23)
 - d. Emmett Irrigation District (3/21/23)
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 1-15 Block 1 of Black Canyon Ranch Subdivision. Copies 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 required improvements including a storm water drainage plan to be reviewed by the County Engineer.
7. Per the Development Agreement, the Developer shall meet with the Emmett School District to determine if there is a need for a bus stop for the subdivision and if so develop a safe plan for the location of either a bus stop at the UA Avenue/Black Canyon Highway intersection or a location elsewhere within the subdivision prior to the subdivision being finalized.
8. Per the Development Agreement, unless addressed during the Subdivision Engineering Report process through Southwest District Health, an environmental analysis shall be obtained to verify that the existing soil along the northern boundary of the property doesn’t present a significant health risk from potential historic agricultural chemical uses on the property to the north prior to the subdivision being finalized.

Private Road Applications

1. The proposed Private Road names of “Peruvian Lane” and “Arabian Lane” are approved by the Street Naming Committee and shall be shown on the plat.

2. Applicant shall hire an engineer to design constructions drawings for the private roads to be reviewed by the County Engineer.
3. Applicant shall comply with all Gem County Fire District #1 requirements for emergency turnarounds on the private roads. Submit a letter of approval from Gem County Fire District #1 prior to the Board signature of the Mylar.
4. Applicant shall purchase and install a blue private road sign and a stop sign at the intersection of each private road and UA Avenue.
5. Per GCC 12-6-1.F.4.d, the developer shall construct the private roads as a subdivision improvement. The roads shall be constructed to 24' wide and obtain a final inspection prior to the Board signature of the Mylar.
6. Submit a signed and ready-to-record Maintenance Agreement for the private roads to the Development Services Department prior to the Board signature of the Mylar.

GEM COUNTY

OFFICE OF
Megan Keene
TREASURER
TAX COLLECTOR
PUBLIC ADMINISTRATOR



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

March 14, 2023

Gem County Development Services Department
Attn: Jennifer Kharri
109 S. McKinley Avenue
Emmett, ID 83617

RE: Black Canyon Ranch Subdivision (Preliminary Plat) – PP22-013
Loc: Black Canyon Rd & UA Ave
PIN: RP07N02W257200

Dear Jennifer,

After reviewing the application for Black Canyon Ranch Subdivision, the following are my comments regarding the subject parcel:

Parcel RP07N02W257200 has 2022 taxes owing in the amount of \$818.66. This parcel or sub parcel(s) will have 2023 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, 2023, in order to show up in the 2023 Assessment Roll and 2023 Tax Roll. Anything recorded after that date will be valued and taxed based on how the property was as of January 1, 2023.*

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

Sincerely,

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



100 East Bower Street, Suite 110
Meridian, ID 83642

(208) 288-1992

March 29, 2023

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

Re: Black Canyon Ranch Subdivision Preliminary Plat Application

Dear Jennifer:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Black Canyon Ranch Subdivision dated February 23, 2023. 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:

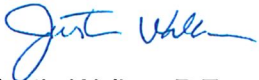
1. Black Canyon Highway is considered a major collector according to the Gem County Transportation Plan, which requires 50-feet of right of way dedication. Please revise.
2. Provide a legal description with dimensions of the site.
3. Gem County Code defines Hillside Developments as average slopes 10% or greater. Update note 15 to state 10% slopes instead of 15%.
4. Provide typical section for private roads/lanes that demonstrate they meet Gem County Code for Type B roadways as defined in Gem County Code 11-6-3.
5. There appears to be an irrigation lateral along the west property boundary. Clarify who owns this lateral and if there is an existing easement for the lateral, or if there will be a future easement established for the lateral.
6. A permanent perpetual easement and road user's agreement will be required for private roads prior to signature on the final plat mylar.
7. Provide Emmett Irrigation District approval when available. This will be required prior to Gem County construction drawing approval.
8. Provide fire department approval for private road lengths and turnarounds.
9. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
10. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
11. Plat shall comply with irrigation district requirements.
12. 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,

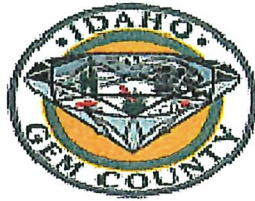
KELLER ASSOCIATES, INC.



Justin Walker, P.E.
County Engineer

cc: File

Gem County
Road & Bridge Dept.
402 N. Hayes Ave.
Emmett, ID 83617



Neal Capps, Director
Phone: 208-365-3305
Fax: 208-365-2530
Email: gcrb@co.gem.id.us

March 22, 2023

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

RE: Black Canyon Ranch Subdivision (PP-22-013)

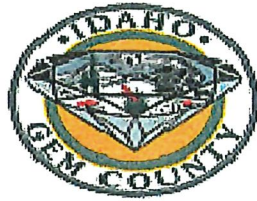
Dear Jennifer,

Gem County Road & Bridge (GCRB) has reviewed the application of Black Canyon Ranch Subdivision, a proposed 15 lot minor subdivision, located adjacent to UA Avenue. This proposed subdivision has 14 lots accessing UA Avenue, and 1 lot using an existing approach off of Black Canyon Highway. UA Avenue is a local roadway under the Gem County Functional Class Map. This roadway was constructed of asphalt at a width of 24 feet. This proposed subdivision will create approximately 140 Average Daily Trips (ADT) to this roadway, (10 trips per household national average). This subdivision has 2 private roads connected to UA Avenue.

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

1. Applicant shall relinquish access rights to U.A. Avenue on lot numbers 1, 7, 8, and 14.
2. Applicant shall indicate relinquished access rights to listed lots on the final plat.
3. Applicant shall remove all irrigation structures, fencing, and trees out of Gem County's dedicated right of way.
4. Applicant shall apply for 2 driveway approach permits with GCRB.
5. Approach shall be constructed to Gem County approach standards, at a 2% fall away from the existing roadway, with 12 inches of pit run and 4 inches of road mix.
6. Applicant shall pave the approach to the proposed subdivision.
7. Applicant shall provide GCRB with compaction test results for all road materials, subbase, pit run, road mix and asphalt. The compaction tests shall be a minimum of 92%.
8. Applicant shall hire an experienced paving contractor licensed in the State of Idaho.
9. Applicant or contractor, shall provide commercial asphalt mix design to GCRB for approval, prior to paying approach.

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

10. Applicant shall saw cut the edge of the existing pavement and apply tack oil on said roadway, prior to paving approach.
11. Paved approach shall be a minimum of 30 feet in width and a minimum of 20 feet in length. The asphalt shall be a depth of 3 inches after compaction. The compaction test shall be a minimum of 92%.
12. Approach shall meet Gem County approach standards upon completion.

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", is written over a faint, larger blue outline of the same signature.

Neal Capps, Director
Gem County Road & Bridge

LAND USE APPLICATION

DATE: 3-22-2023

PROJECT: Black Canyon Ranch Subdivision

ROAD:

UA Ave.

MAJOR/MINOR COLLECTOR:

Local Collector

ROAD PROJECTS:

N/A

ROAD SURFACE:

Asphalt

ROAD WIDTH:

Approximately 22 Ft.

ROAD LENGTH:

Approximately 0.5 miles (North of Black Canyon Road)

RIGHT OF WAY - DISTANCE:

30 feet form center of UA Ave.

APPROACH PERMIT:

Need to obtain permit for both proposed private roads

SAFETY IMPROVEMENTS:

N/A

TRAFFIC COUNTS:

N/A


SIGNATURE:

3-22-2023
DATE:

The diagram shows a cross-section of a four-lane highway. From left to right, the lanes are: a blue lane, a green lane, a yellow lane, and a pink lane. Each lane has a corresponding label to its right, rotated 90 degrees counter-clockwise. The labels are: 'MAJOR COLLECTOR (100' RIGHT-OF-WAY)' for the pink lane, 'MINOR COLLECTOR (60' RIGHT-OF-WAY)' for the yellow lane, 'LOCAL ROAD (60' RIGHT-OF-WAY)' for the green lane, and 'STATE HIGHWAY' for the blue lane.

Lane Color	Label
Pink	MAJOR COLLECTOR (100' RIGHT-OF-WAY)
Yellow	MINOR COLLECTOR (60' RIGHT-OF-WAY)
Green	LOCAL ROAD (60' RIGHT-OF-WAY)
Blue	STATE HIGHWAY



222 E. Park St.
Emmett, Idaho 83617



208-365-4582

Serving the Valley Since 1910

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

March 21, 2023

Re: Black Canyon Ranch Subdivision
Parcel #**RP07N02W257200**
Assessment # 558

Requirements:

1. EID Subdivision Application filled out and returned with all paperwork required and application fee for Board approval.
2. Engineer certified irrigation delivery and overflow conduit system installed within the irrigation easements on the subdivision plat to each parcel, inspected by EID.
3. Copy of the Certified Irrigation Plan delivered to EID.
4. Lateral User's agreement, recorded with the county to include all deliveries associated with the designated delivery point.
5. Encroachment Application and all requirements fulfilled, if required.
6. Any Emmett Irrigation District Board approved lateral piping projects will require a licensing agreement to be drawn up by Emmett Irrigation District Attorney's at the expense of applicant.
7. After final plat is approved you will need to submit a copy to the Emmett Irrigation District Office so new parcels can be setup.
8. Warranty deed of title.

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

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

Stephanie Crays

From: Jack Nygaard <Jack.Nygarrd@phd3.idaho.gov>
Sent: Monday, March 13, 2023 4:19 PM
To: Stephanie Crays
Cc: Mitch Kiester
Subject: Black Canyon Subdivision

Hi Stephanie,

Southwest District Health has met with the engineering firm for a Pre-Development meeting for the Black Canyon Subdivision. There were no imminent issues based on the pre-development meeting, and therefore test holes were scheduled and excavated. During the excavation of test holes, there were not any issues with soils, and on each proposed lot, a suitable location for a drainfield was identified. Southwest District Health has no issues with the proposed Black Canyon Subdivision.

Thank you,

Jack

Stephanie Crays

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Monday, March 20, 2023 8:09 AM
To: Stephanie Crays
Subject: RE: Black Canyon Ranch Sub.(Cotner) Transmittal

Good morning, Stephanie.

After careful review of the transmittal submitted to ITD on March 10, 2023 regarding Black Canyon Ranch Sub. (Cotner) PP-013, the Department has no comments or concerns to make at this time. This development's size falls under the IDAPA threshold of generating more than 100 trips per peak hours, and I believe it will not have a large impact on our state highway system.

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

Thank you,



Niki Benyakhlef
Development Services Coordinator

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

From: Stephanie Crays <scrays@co.gem.id.us>

Sent: Friday, March 10, 2023 3:11 PM

To: Neal Capps <ncapps@co.gem.id.us>; Road & Bridge Office <gcrb@co.gem.id.us>; Angela Mattingly <amattingly@isd221.net>; Shauna Davis <sdavis@isd221.net>; Kiester, Mitch SWDH (Mitch.Kiester@phd3.idaho.gov) <Mitch.Kiester@phd3.idaho.gov>; WebMaps@digline.com; juhrig@idahopower.com; kris.margheim@idwr.idaho.gov; D3 Development Services <D3Development.Services@itd.idaho.gov>; Mike Welch <mwelch@gemfireems.org>; emmettirrigationoffice@gmail.com

Subject: Black Canyon Ranch Sub.(Cotner) Transmittal

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

Please see attached.

Please reply with your comments or recommendations even if you have none.
By or before March 31, 2023 this would be greatly appreciated. Thanks

Be Blessed

Stephanie Crays

From: Luke, Tim <Tim.Luke@idwr.idaho.gov>
Sent: Monday, March 13, 2023 4:29 PM
To: Stephanie Crays
Cc: Miller, Nick; Tesch, Craig; Boe, Erik; Palmer, Cherie; steve.stuebner@gmail.com
Subject: RE: Black Canyon Ranch Sub.(Cotner) Transmittal

Hi Stephanie,

IDWR has received quite a few inquiries from Gem County over the past year seeking comments on proposed sub-division development projects. The latest was the Black Canyon Ranch Subdivision, Preliminary Plat 22-013. This proposed subdivision and development seems consistent with most other proposals that Gem County has sent us over the past year, sub-dividing agricultural land to residential lots about 5 acres each, and each lot with its own individual well and septic system. Although it seems logical to drill individual wells for each lot given the size of the proposed lots, I am concerned about the proliferation of individual domestic wells in Gem County over the long term. My concern stems from various complaints IDWR has received in some areas of the State and the Treasure Valley in recent years about domestic wells going dry, particularly during periods of drought. To begin addressing those questions, IDWR recently compiled a list of [Frequently Asked Questions and responses](#). A community well may not be practical for 5-acre lot subdivisions but should be considered for smaller lot sub-divisions or denser residential developments. My point in commenting is to merely make you aware of the concern, potential problems that the county may experience years later as land use changes continue, and the FAQ document referenced herein.

Respectively,



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

From: Stephanie Crays <scrays@co.gem.id.us>
Sent: Friday, March 10, 2023 3:11 PM
To: Neal Capps <ncapps@co.gem.id.us>; Road & Bridge Office <gcrb@co.gem.id.us>; Angela Mattingly <amattingly@isd221.net>; Shauna Davis <sdavis@isd221.net>; Mitch Kiester <mitch.kiester@phd3.idaho.gov>; WebMaps@digline.com; juhrig@idahopower.com; Margheim, Kris <Kris.Margheim@idwr.idaho.gov>; d3development.services@itd.idaho.gov; Mike Welch <mwelch@gemfireems.org>; emmettirrigationoffice@gmail.com
Subject: Black Canyon Ranch Sub.(Cotner) Transmittal

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

Please see attached.

Please reply with your comments or recommendations even if you have none.
By or before March 31, 2023 this would be greatly appreciated. Thanks

Be Blessed

Stephanie Crays
Development Services Coordinator
109 South McKinley
Emmett, Id 83617
(208)365-5144

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



Frequently Asked Questions (FAQs) about Idaho's Groundwater Resources

Aquifer/Groundwater Monitoring and Management

1. Who monitors aquifer conditions (quantity and quality) in the state of Idaho?

In Idaho, the Idaho Department of Water Resources (IDWR) and the Idaho Department of Environmental Quality (IDEQ) share responsibility for monitoring Idaho's groundwater resources.

IDWR monitors water levels in more than 1,200 wells annually, primarily in areas of interest and concern throughout the state. Additionally, IDWR has installed data loggers in over 500 wells to obtain continuous water level records throughout the state. IDWR maintains water level monitoring sites in 40 of Idaho's 44 counties.

IDWR monitors water quality in approximately 250 wells annually, maintains an inventory of 1,500 active wells, and has measured water quality in more than 2,200 wells since 1990. IDWR conducts water quality monitoring in all 44 Idaho counties. IDEQ performs local monitoring at approximately 300 wells annually and regulates Idaho's Ground Water Quality Rules (IDAPA 58.01.11).

Additionally, the Idaho Water Resource Board (IWRB) monitors water levels and water quality in 55 wells for 10 groundwater recharge sites across the Eastern Snake Plain Aquifer (ESPA) region.

2. Can IDWR measure the water level in my well or collect a water quality sample?

As mentioned above, IDWR currently maintains a monitoring network of more than 1,200 water level wells and 1,500 water quality wells. We first recommend looking at wells monitored in your area on IDWR's groundwater data portal [available online here](#). Any nearby wells that IDWR monitors should generally represent conditions at your well unless it is drilled into a different aquifer.

While there may be opportunities to add wells to the various IDWR monitoring networks from time to time, IDWR has defined policies, budgets, and staffing that limit the ability to respond to every request. IDWR recommends searching online for a local hydrologic consultant, [well driller](#), pump company, or water quality laboratory to assist with groundwater issues such as well problems, water level measurement, or water quality sampling. Additionally, when a new well is drilled or a pump is pulled for maintenance, consider installing a 1" PVC sounding tube to facilitate any water level monitoring equipment being inserted into the well.

3. Are IDWR aquifer monitoring programs expanding in response to increased population growth and development?

Yes, IDWR adds new wells to our existing groundwater monitoring network on an annual basis to assist with administration in local areas of concern, IWRB projects, groundwater modeling efforts, and general tracking of aquifer health.

4. Is it possible to determine the amount of groundwater use that an aquifer can sustain? Can the state forecast changes to aquifer conditions in response to changes in climate and land use?

At the simplest level, groundwater hydrographs (graphs of water levels in wells) provide the State with data to evaluate changes in aquifer conditions over time. When discharge in an area exceeds recharge, water levels decline.

Groundwater budgets can be developed for an aquifer system by quantifying inflows to the system (recharge) and outflows from the system (discharge). The difference between inflows and outflows equals the change in storage of the aquifer. As stated above, when discharge exceeds recharge, the aquifer storage and groundwater budget become negative, and regional groundwater levels decline.

Groundwater models are developed using all the information that is known about an aquifer system such as recharge, discharge, water levels, precipitation, streamflow, and water use to develop a relationship between how much water is being used and the impact those uses have on the aquifer and streams. The models are often used to estimate how future uses of groundwater may impact the same aquifer and streams. Groundwater models are constructed for select basins and require a large expenditure of funds and staff resources for initial development and ongoing maintenance.

The State has developed numerical groundwater flow models for several aquifer systems including the ESPA, Treasure Valley, and Big Wood River Basin. These models are available to the public and can be used by groundwater modelers in conjunction with climate change or land use forecasts to evaluate potential changes in aquifer conditions. In collaboration with the USGS, the State began development of a Big Lost River Basin groundwater model in November 2022 and anticipates completion in three years.

5. What responsibilities do local government entities have in managing groundwater resources and responding to groundwater shortages?

Counties are responsible for approving new subdivisions. Local authorities may require the installation of community wells instead of individual domestic wells, depending on local ordinances and conditional use permitting processes. Community wells are typically drilled to a greater depth, are better constructed, and tested regularly (see Pros and Cons of Community Wells below). Although expensive, counties can potentially work with cities or water purveyors to extend service areas and water mainlines to new subdivisions to connect with existing city water services, eliminating the need to drill new or additional wells in a sensitive resource.

6. What responsibilities does IDWR have in managing groundwater resources and responding to groundwater shortages?

IDWR is responsible for managing and allocating the state's water resources, including groundwater resources. This is accomplished through many programs and activities, including but not limited to:

- managing processes for water appropriation and administration of water rights;
- monitoring groundwater levels throughout the state;
- measuring groundwater use in designated areas of the state where groundwater supply is limited or managed conjunctively with surface water supplies;
- regulating groundwater use and conducting enforcement of groundwater rights;

- designating Critical Ground Water Areas or Ground Water Management Areas, and developing management plans within such areas;
- limiting or restricting appropriation of new water uses by issuing water right moratorium orders;
- facilitating groundwater recharge projects; and
- developing quantitative models to assess the hydrologic impact from water diversions and to predict future water supplies.

7. What is a Critical Ground Water Area?

Under Idaho Code § 42-233a, the Director of IDWR is granted authority to designate Critical Ground Water Areas (CGWAs) in Idaho. A Critical Ground Water Area is all or part of a groundwater basin that does not have sufficient groundwater to provide a reasonably-safe supply for irrigation or other uses at the projected rates of withdrawal. The IDWR Director can deny an application for a proposed use if the point of diversion lies within the designated CGWA. For more information, go to: [IDWR Critical Ground Water Areas](#).

8. What is a Ground Water Management Area?

Under Idaho Code § 42-233b, the Director of IDWR is granted authority to designate a Ground Water Management Area (GWMA). A Ground Water Management Area is all or part of a groundwater basin that may be approaching the conditions of a Critical Ground Water Area. Applications for new water appropriations may be approved only after it is determined that sufficient supply is available and other prior water rights will not be injured. The Director may require reporting of water users in a GWMA. For more information, go to [IDWR Ground Water Management Areas](#).

9. What is an Area of Drilling Concern?

Areas of Drilling Concern are designated by the IDWR Director in response to known occurrences of waste or contamination of the state's water resources and are established to protect public health and the state's water resources. Currently, there are two Areas of Drilling Concern in the state of Idaho – Bunker Hill area in Kellogg and West Boise. Anyone drilling a new well or deepening/modifying an existing well for any purpose in an Area of Drilling Concern must comply with additional requirements. For more information, go to [IDWR Areas of Drilling Concern](#).

10. Does anyone have the authority to issue a moratorium on new groundwater development? What about new exempt (I.C. § 42-111) domestic well development?

The Director of IDWR, acting on behalf of the State of Idaho, has the statutory authority to control the appropriation and use of all surface and ground waters within the state. Idaho Code § 42-1805(7) authorizes the Director to suspend the issuance or further action on applications to appropriate water as necessary to protect existing water rights.

However, the Director currently lacks the explicit authority to restrict the appropriation of groundwater by the drilling of individual domestic wells. Idaho Code § 42-227 exempts the drilling of wells for domestic purposes, as defined in Idaho Code § 42-111(1), from "the permit requirement under section 42-229, Idaho Code." Idaho Code § 42-229 prescribes "the application permit and license procedure" as the method of appropriating groundwater.

Idaho Code § 42-1805 grants the Director limited authority to prohibit appropriation of water. The Director is only authorized to “suspend the issuance or further action on permits or applications...” Because the drilling of wells for domestic purposes is exempt from the application permit and licensing procedures, the Director does not have the explicit authority to issue a moratorium order that prohibits appropriation of water for qualifying exempt domestic ground water uses under Idaho Code § 42-111(1).

11. What are the pros and cons of a subdivision with one or several community wells versus many, individual, private domestic wells?

Pros – A community well is generally designed, drilled, and constructed to higher standards than an individual domestic well. A professional engineer or hydrologic consultant is typically involved in the design and installation of a community well. This generally results in a deeper well with a higher production rate and longer projected life.

Drilling a community well reduces potential well-to-well impacts that can occur in an area with many closely spaced domestic wells all pumping from the same production zone. An abundance of closely spaced wells can connect cones of depression and exacerbate water level declines in an area.

Contaminants that are present in groundwater, such as nitrate and arsenic, can also be present in well water. A community well is classified as a public drinking water well by IDEQ and is required to be sampled, tested, and treated for water quality contaminants based on the Safe Drinking Water Act. Private domestic wells do not have testing or treatment requirements. Individual well owners are responsible for the safety of their own water. Poorly constructed or degraded domestic wells can also potentially lead to the commingling of aquifers and the introduction of contaminants from shallower to deeper zones.

Cons – The cost to install and maintain a community well is significantly higher than a private domestic well due to design and consulting costs, costs related to increased construction standards, depths drilled to achieve a long-term sustainable supply, pump design and maintenance, and annual testing requirements. These costs are typically doubled as community systems must have a minimum of two wells (at least one well for backup).

Well Construction

1. Who is responsible for permitting the construction of a new well or the modification of an existing well?

IDWR administers the construction of wells in Idaho, which includes licensing well drillers and issuing permits for the construction, modification, or decommissioning of wells. All wells must be constructed by a licensed well driller. For more information, go to: <https://idwr.idaho.gov/wells/>

2. What is the difference between a private domestic well, a community well, and an irrigation well? Do they all adhere to the same construction standards?

The difference between the types of wells is based on the proposed use when the well is drilled. A well can have multiple uses and the designated use can change throughout the life of a well. All wells must

adhere to the IDWR well construction standards, and community wells must adhere to additional rules from IDEQ to protect water quality and public health.

3. What is the “start card” process?

The start card process is effectively an expedited (pre-approved) permit process for the construction or modification of single family residential domestic wells. To qualify, wells must be used for domestic purposes as defined in Idaho Code § 42-111(1)(a). Well drillers are required to submit start cards at least two (2) hours prior to starting construction or modification of the residential domestic well. Note that start cards are not valid in certain areas identified by IDWR, such as Areas of Drilling Concern, Critical Ground Water Areas, Ground Water Management Areas, and Areas of Ground Water Concern.

4. Does IDWR have well “testing and quality standards”?

IDWR does not have water quality testing requirements. IDEQ administers Idaho’s Ground Water Quality Rule (IDAPA 58.01.11). A community well is considered a public (drinking) water system by IDEQ and is required to be sampled, tested, and treated for water quality contaminants based on the Safe Drinking Water Act. Individual domestic wells do not have testing or treatment requirements. Individual (private) well owners are responsible for the safety of their own water.

5. What is the difference between a well and a water right?

In Idaho, a well is defined as an artificial excavation in the ground more than eighteen (18) feet in vertical depth below land surface. A water right authorizes the use of public water by private individuals and organizations.

6. Do I need a water right for a domestic well?

No, a water right currently is not required for a domestic well as long as the use meets the domestic or de-minimis exemption criteria described in Idaho Code § 42-111. Idaho Code § 42-227 exempts the drilling of wells for domestic and other de-minimis purposes, as defined in Idaho Code § 42-111, from the water right permit requirement under section 42-229, Idaho Code. However, a well owner is not prohibited from obtaining a water right for domestic or de-minimis uses defined in Idaho Code § 42-111.

7. What does IDWR consider and evaluate when permitting the construction or modification of a well?

IDWR considers the Well Construction Standards Rules (IDAPA 37.03.09) when evaluating Applications for Drilling Permits. These rules establish minimum standards for the construction of all new wells and the modification and decommissioning (abandonment) of existing wells. The intent of the Rule is to protect groundwater resources of the state against waste and contamination.

8. What steps should I take to ensure I'm installing a quality well?

Getting the advice of a local well driller who is licensed and bonded in the State of Idaho can help with installing a quality well. Having discussions with the well driller ahead of time and asking for recommendations on how best to construct a productive well with long-term reliability in mind will also help.

9. What kinds of water wells are allowed in the state of Idaho?

Examples of permittable wells include all water wells, monitoring wells, low temperature geothermal wells, geothermal wells, injection wells, and other artificial openings and excavations in the ground greater than 18 vertical feet below land surface.

10. Do I need advance permission before drilling a well?

A well drilling permit is always required prior to drilling a well in Idaho. Additionally, in some cases, a [water right](#) (or permit) authorizing diversion of groundwater is also required. Water rights (or permits) are not required for residential domestic wells, monitoring wells, or cathodic-protection wells. However, other wells such as irrigation, commercial/industrial, multi-family, or municipal wells require a water right (or permit) before a drilling permit can be issued.

11. What are the responsibilities of a private well owner?

Private well owners are responsible for drilling, installing, and maintaining their well, and ensuring an adequate water supply. Private well owners are also responsible for the safety of their own water. There are a number of harmful contaminants that can be present in groundwater; examples include nitrate and arsenic. Private well owners are strongly encouraged to have their well water tested on a periodic basis.

Impacts to Residential Well Yields

1. What are the reasons why a residential domestic well can go dry?

Domestic wells typically pump from shallow groundwater aquifers, often 75 feet or less below the earth's surface. There are several reasons why a domestic well may go dry:

- a. **Well construction** – wells have a limited lifespan and may be structurally worn out due to age, with degraded casing and screen, or experience caving of the surrounding geologic material due to poor well construction. Existing, aging wells typically will not produce as much water as they once did if poorly constructed or not properly maintained.
- b. **Pumping issues** – an improperly sized or malfunctioning pump can cause problems. Additionally, heavy pumping from a domestic well to irrigate lawns instead of using nearby surface water may quickly deplete the shallow groundwater system.
- c. **Completion depth** - an old well may have been originally drilled too shallow in the aquifer to account for the long-term water level trend in the completion zone. This may require a deepening of the existing well or the construction of a new, deeper well. Installing a well as deep as can

reasonably be afforded may prove more expensive upfront, but may be worth the investment in the long run. For example, a properly constructed and maintained well with 25 feet of water above the pump in an aquifer that experiences 0.5 ft/year decline should last approximately 50 years if all things stay the same. Getting the advice of local well drillers, pump installers, and hydrologic consultants can help in properly designing a well and determining a long-term depth for your area and budget.

- d. **Hydrogeologic conditions** - shallow aquifers are subject to short- and long-term variations in land use changes, surface water distribution and seepage, snowpack, weather, rainfall, and drought. New demands and climatic changes can change the rate of water level decline in the future.

We suggest calling a professional well driller or pump company to come out and check if there is a problem.

2. How can I find out more information about the status of the shallow aquifer that my well taps into?

IDWR tracks groundwater levels in Idaho's local and regional aquifers. Aquifer water levels are available online at IDWR's groundwater data portal here: <https://idwr-groundwater-data.idaho.gov/>

3. Do geology and topography limit the yield of domestic and community wells?

Hydrogeologic conditions govern how productive an aquifer can be (its potential). However, the design and construction of a well impacts how efficiently and reliably groundwater can be extracted from the aquifer. Community wells and corresponding pumping systems are designed by licensed professional engineers, as a result, they are generally more efficient and reliable than standard domestic residential wells.

4. What is the distance of impact from a pumping well?

Depending on the hydrogeologic conditions of the aquifer and pumping rate of the well, drawdown can propagate (called the cone of depression) from feet to miles.

Local Areas of Concern

What do we know about groundwater concerns in Southwest Boise?

1. Groundwater hydrographs derived from IDWR monitoring well data show there is a long-term, downward trend in the shallow aquifer in SW Boise, with an average decline of 0.4 to 0.8 feet per year.
2. SW Boise shallow aquifers receive less natural recharge than some other areas in the valley. Additionally, when land is converted from irrigated farmland to subdivisions, the irrigation water that historically seeped into the soil and recharged the aquifer no longer exists.
3. IDWR continues monitoring the minor declines in the shallow aquifer and water levels throughout the Treasure Valley; additional research is needed to definitively determine any causes. Water levels are [available online](#).

4. A water demand study was conducted by the Idaho Water Resource Board in 2016 that examines future growth and water supply in the Treasure Valley over a 50-year time span (2015-2065). This report can be found on [IDWR's website](#).
5. IDWR has developed a groundwater model of the Treasure Valley in conjunction with the USGS. The model will help answer questions related to water administration, planning, and recharge. The model was released in January 2023 and is [available online here](#).

Stephanie Crays

From: Uhrig, Jake <JUhrig@idahopower.com>
Sent: Monday, March 13, 2023 1:48 PM
To: Stephanie Crays
Subject: RE: Black Canyon Ranch Sub.(Cotner) Transmittal

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

Thank you,

Jake Uhrig

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

From: Stephanie Crays <scrays@co.gem.id.us>
Sent: Friday, March 10, 2023 3:11 PM
To: Neal Capps <ncapps@co.gem.id.us>; Road & Bridge Office <gcrb@co.gem.id.us>; Angela Mattingly <amattingly@isd221.net>; Shauna Davis <sdavis@isd221.net>; Kiester, Mitch SWDH (Mitch.Kiester@phd3.idaho.gov) <Mitch.Kiester@phd3.idaho.gov>; WebMaps@digline.com; Uhrig, Jake <JUhrig@idahopower.com>; kris.margheim@idwr.idaho.gov; d3development.services@itd.idaho.gov; Mike Welch <mwelch@gemfireems.org>; emmettirrigationoffice@gmail.com
Subject: [EXTERNAL]Black Canyon Ranch Sub.(Cotner) Transmittal

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

Please see attached.

Please reply with your comments or recommendations even if you have none.
By or before March 31, 2023 this would be greatly appreciated. Thanks

Be Blessed

Stephanie Crays
Development Services Coordinator
109 South McKinley
Emmett, Id 83617
(208)365-5144

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of March 2023, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Black Canyon Ranch

T07N, R02W, Section 25

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Charles Howell
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Emmett, ID 83617

Elaine Armstrong
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Earl Rekow
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Robert McBride
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