### **EXHIBIT B**

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

### **General Conditions**

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

### **Subdivision Improvement & Mitigation Conditions**

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

### **GEM COUNTY**

OFFICE OF
Megan Keene
TREASURER
TAX COLLECTOR
PUBLIC ADMINISTRATOR



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

April 14, 2023

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

RE: Cherry Heights Subdivision No. 1

Loc: 3700 Wills Road

PIN(s): RP06N01W201805

Dear Olivia,

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

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

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

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

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

Singerely,

Gem County Treasurer

Serving the Valley Since 1910

222 E. Park St. Emmett, Idaho 83617

208-365-4582

# emmettirrigationoffice@gmail.com Office

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

Date: April 27, 2023

Re: Cherry Heights Subdivision No. 1

Parcel #RP06N01W201805

Assessment #129

### Requirements:

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

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

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

April 27, 2023

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

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

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

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

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

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

Thank You,

Donald Popoll

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



April 28, 2023

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

Re: Cherry Heights Subdivision Preliminary Plat Application

Dear Jennifer:

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

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

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

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

Sincerely,

KELLER ASSOCIATES, INC.

DocuSigned by:

Justin Walker, P.E.

County Engineer

cc: File

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



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

Email: gcrb@co.gem.id.us

April 27, 2023

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

RE: Cherry Heights Standard Subdivision (Hess Properties LLC)

Dear Jennifer,

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

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

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

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

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

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



Neal Capps, Director Phone: 208-365-3305

Fax: 208-365-2530

Email: gcrb@co.gem.id.us

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

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

Thank you,

Neal Capps, Director

Gem County Road & Bridge

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



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

Email: gcrb@co.gem.id.us

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

# TABLE 4

r	- INIA	T-	T		1
	MINOR ARTERIAL	MAJOR COLLECTOR	MINOR COLLECTOR	LOCAL ROADS	CLASS OF ROADS
	24"	187	6,	12"	SUBBASE OR BALLAST
	4	4.	Ą	.₽ <u>.</u>	BASE COURSE
	4.	4.	હ્યુ	સ્	PLANT MIX PAVEMENT
	361	36	30°	24'	PAVEMENT WIDTH
1	100'	100'	80'	60'	RIGHT OF WAY WIDTH (FT)
		4"	OR 18" 4" 4" 36"	OR 16" 4" 3" 30° OR 18" 4" 4" 36° 24" 4" 4" 36°	12"     4"     3"     24"       OR     16"     4"     3"     30"       OR     18"     4"     4"     36"       24"     4"     4"     36"

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

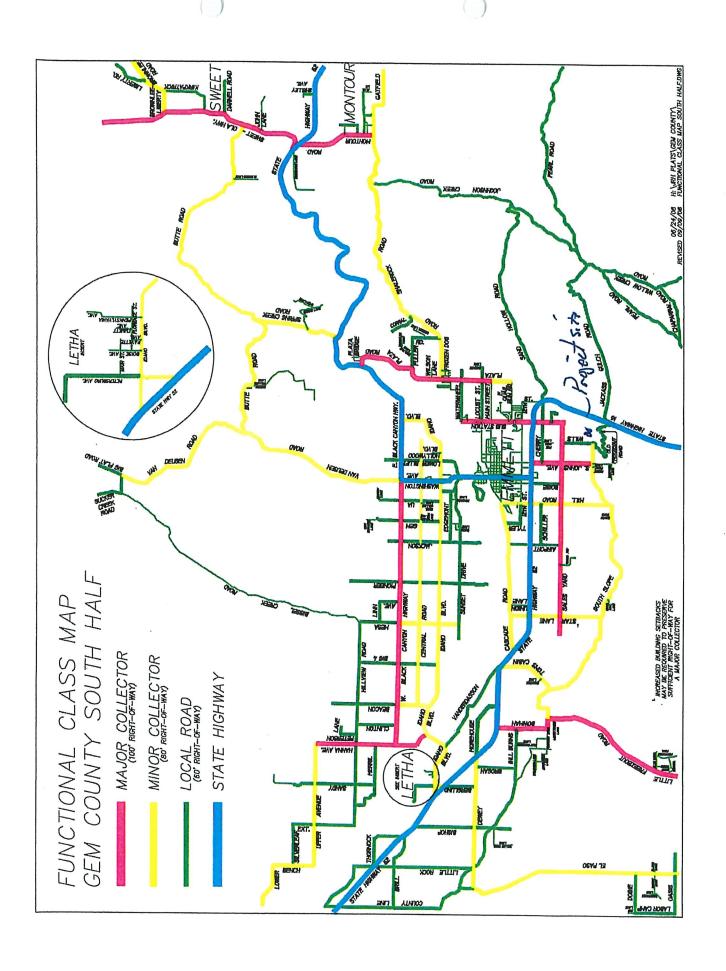
GEM COUNTY ROAD STRUCTURE SCHEDULE

INSTRU. NO. 36/654 PAGES 14 OF 37

# LAND USE APPLICATION

DATE: 04-27-2023	
PROJECT: Hess Property LLC	
ROAD:	7
Wills Road	
MAJOR/MINOR COLLECTOR:	
Local Collector	
ROAD PROJECTS:	
N/A	
ROAD SURFACE:	
Asphalt	
ROAD WIDTH:	
Approximately 17 Ft.	
ROAD LENGTH:	
Approximately 1 miles	
RIGHT OF WAY - DISTANCE:	
30 feet form center	

APPROACH PERMIT:	
Need to obtain permit	
SAFETY IMPROVEMENTS:	
N/A	,
TRAFFIC COUNTS:	
N/A	
	9.77.73
SIGNATURE:	DATE:



### Olivia Mocnik

From:

Luke, Tim <Tim.Luke@idwr.idaho.gov>

Sent:

Tuesday, April 11, 2023 2:53 PM

To:

Olivia Mocnik

Cc:

Miller, Nick; Weaver, Mathew; Tesch, Craig; steve.stuebner@gmail.com

Subject:

FW: Cherry Heights Preliminary Subdivision

**Attachments:** 

Cherry Heights Transmittals.pdf

Olivia,

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

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

### Respectively,



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

From: Olivia Mocnik < omocnik@co.gem.id.us >

Sent: Tuesday, April 11, 2023 2:09 PM

**To:** amattingly@isd221.net; sdavis@isd221.net; Mitch Kiester < mitch.kiester@phd3.idaho.gov >; juhrig@idahopower.com; webmaps@digline.com; Margheim, Kris < Kris.Margheim@idwr.idaho.gov >;

<u>D3Development.Services@itd.idaho.gov</u>; <u>niki.benyakhlef@itd.idaho.gov</u>; Mike Welch < <u>mwelch@gemfireems.org</u>>; Brian

Sullivan < bsullivan@cityofemmett.org>

**Subject:** Cherry Heights Preliminary Subdivision

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

Good afternoon -

### Olivia Mocnik

From:

Uhrig, Jake < JUhrig@idahopower.com>

Sent:

Wednesday, April 12, 2023 7:36 AM

To:

Olivia Mocnik

Subject:

RE: Cherry Heights Preliminary Subdivision

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

Thank you,

### Jake Uhrig

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

From: Olivia Mocnik <omocnik@co.gem.id.us>

Sent: Tuesday, April 11, 2023 2:09 PM

**To:** amattingly@isd221.net; sdavis@isd221.net; mitch.kiester@phd3.idaho.gov; Uhrig, Jake <JUhrig@idahopower.com>; webmaps@digline.com; kris.margheim@idwr.idaho.gov; D3Development.Services@itd.idaho.gov;

niki.benyakhlef@itd.idaho.gov; Mike Welch <mwelch@gemfireems.org>; Brian Sullivan <bsullivan@cityofemmett.org>

**Subject:** [EXTERNAL]Cherry Heights Preliminary Subdivision

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

### Good afternoon -

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

Have a great day ☺

Olivia Mocnik Associate Planner Gem County 208-365-5144

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

### Olivia Mocnik

From:

Niki Benyakhlef < Niki.Benyakhlef@itd.idaho.gov>

Sent:

Wednesday, April 12, 2023 6:43 AM

To:

Olivia Mocnik

Subject:

RE: Cherry Heights Preliminary Subdivision

### Good Morning, Olivia -

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

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

Thank you,



Niki Benyakhlef Development Services Coordinator

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

From: Olivia Mocnik <omocnik@co.gem.id.us>

Sent: Tuesday, April 11, 2023 3:27 PM

To: amattingly@isd221.net; sdavis@isd221.net; mitch.kiester@phd3.idaho.gov; juhrig@idahopower.com;

webmaps@digline.com; kris.margheim@idwr.idaho.gov; D3 Development Services

<D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Mike Welch

<mwelch@gemfireems.org>; Brian Sullivan <bsullivan@cityofemmett.org>

Subject: RE: Cherry Heights Preliminary Subdivision

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

Hi everyone, me again!

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

Thanks,

Olivia Mocnik Associate Planner Gem County 208-365-5144

### CERTIFICATE OF MAILING

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

### PROPERTY OWNER LIST WITHIN 300 FEET

Cherry Heights #2 T06N, R01W, Section 20

Sands Orchards Inc 2950 E. 12<sup>th</sup> St. Emmett, ID 83617

Danny Nebeker 4156 Old Freezeout Rd Emmett, Id 83617

Dean Wilkinson 4080 Old Freezeout Rd Emmett, ID 83617

Patrick Palmer 3979 Wills Rd Emmett, Id 83617

Garcia Combs 3957 Wills Rd Emmett, Id 83617

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

Wayne Andrews 3680 Wills Rd Emmett, ID 83617

Paul Long 3787 Wills Rd Emmett, Id 83617

D6 Trust 3623 Wills Rd Emmett, ID 83617

Toni Jo Bucciero 3624 Wills Rd Emmett, ID 83617 Donald Wyatt 3540 Wills Rd Emmett, ID 83617

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

Carl Moyer 3414 Wills Rd Emmett, ID 83617

Edward Illingworth 3411 S Substation Rd Emmett, ID 83617

Ken Williamson 3010 Wills Rd Emmett, ID 83617

Stella Hembree 11074 W Edge Hill Dr Boise, Id 83709

David Smith 3710 S. Substation Rd Emmett, Id 83617

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

Johnnie Edmunson 1806 Highway 16 Emmett, Id 83617

BLM Bureau of Land Management 1387 S. Vinnell Way

Emmett, Id 83617

Vance Beckner 3645 Butte Rd Emmett, Id 83617

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

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

Stephanie Crays
Development Services Coordinator

# Cherry Heights N

