



Board of County Commissioners
Rhett's Acres Preliminary Plat SD2022-0014

FINDINGS, CONCLUSIONS LAW, AND ORDER

Findings of Fact

1. The applicant, TJ Wellard, Skinner Land Survey, is requesting approval of a **Preliminary Plat** for Rhett's Acres Subdivision. The development consists of ten (10) lots and one (1) road lot (Attachment 2 and 3). The request includes a waiver of subdivision improvements such as curb, gutter, sidewalk, streetlights, and landscaping per Canyon County Code Section 09-11-19(6).
2. The subject property was rezoned from "A" (Agricultural) to "R-R" (Rural Residential) on November 8, 2021 (RZ2020-0029, Ordinance No. 21-037).
3. The property is located within the Caldwell Area of City Impact. The City of Caldwell did not waive city subdivision improvements but does not oppose the subdivision. (Attachment 4b)
4. The subject property is located within Pioneer Irrigation District. The district responded that the property has water rights available and that it would be a private system after the head gate (Attachment 4e). The irrigation system is already in place and has an Engineer's Statement. (Attachment 4i)
5. The development will be served by individual wells and septic systems.
6. Access to the public road system will be via Tranquil Place, a private road. At the time of the Final Plat, a recorded Road User's Maintenance Agreement (RUMA) will be required pursuant to CCZO 07-10-03(1)B3. The existing/upgraded private road has an Engineer's Statement. (Attachment 4h)
7. The subject property is located within Canyon Highway District No.4 and Caldwell Rural Fire Protection District. Comments and requirements were provided by each district. (Attachment 4d and 4f)
8. Post development storm water run-off is to be contained with swales, ditches, and similar retention methods and is the responsibility of the property owner.
9. The development is not located in a floodplain (Flood Zone X).
10. Notice of the public hearing was provided in accordance with CCZO §07-05-01. The Agency and City of Caldwell notice was sent on June 29, 2022. Agencies were noticed again on July 11, 2023. A newspaper notice was published on July 14, 2023. Property owners within 600' were notified by mail on July 13, 2023. The property was posted on July 21, 2023.
11. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2022-0014.

Conclusions of Law

Pursuant to CCZO §07-17-09(4): Commission Action:

Pursuant to CCZO §07-17-09(4): *"The commission or hearing examiner shall hold a noticed public hearing on the preliminary plat. The hearing body shall recommend that the board approve, approve conditionally, modify, or deny the preliminary plat. The reasons for such action will be shown in the Commission's minutes. The reasons for action taken shall specify:*

1. *The ordinance and standards used in evaluating the application;*
2. *Recommendations for conditions of approval that would minimize adverse conditions, if any;*
3. *The reasons for recommending the approval, conditional approval, modification, or denial; and*
4. *If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision."*

Standard of Review for Subdivision Plat:

- A. Idaho Code, Sections 67- 6513 (Subdivisions);
- B. Idaho Code, Section 31-3805 & 67-6537 (Water Rights/Irrigation Water Delivery);
- C. Idaho Code, Section 22-4503 (Right-to-Farm Act);

- D. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- E. Canyon County Zoning Ordinance (CCZO), Article 17 (Subdivision Regulations).
 - a. The preliminary plat was found to be complete by Keller Associates (Attachment 4a) subject to conditions to approval.
- F. Canyon County Code Section 09-01-19, Caldwell – Area of City Impact Agreement.
 - a. The property is located within the Caldwell Area of City Impact. Pursuant to CCZO Section 09-01-19, Caldwell – Area of City Impact Agreement, the City had the opportunity to review the plat application and render an opinion and recommendation to the County. On June 29, 2022, the City of Caldwell was noticed regarding the plat application which included a copy of the plat. The City of Caldwell responded that the subject parcels are too far from the city to annex and that the proposed subdivision would be permitted with the Residential Estates zone in their 2040 Caldwell Comprehensive Plan (Attachment 4b).

Conditions of Approval

1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner’s signature on the final plat.
 - a. Prior to the Board signature on the final plat, a drainage plan for the existing private road shall be approved by the County Engineer.
 - b. A Road User’s Maintenance Agreement (RUMA) shall be recorded in accordance with CCZO Section 0-10-03(1)B3 prior to the signing of the final plat. All parties using Tranquil Place shall be subject to a RUMA or a new RUMA that includes all users for the construction and maintenance of the shared access/private road, including repairs, and necessary improvements to accommodate additional accesses in the future.
2. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation of the ditch company (Attachment 4a).
3. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved (Attachment 4a).
4. Plat shall comply with the requirements of Canyon Highway District No. 4 (Attachment 4d). Evidence of compliance shall be Canyon Highway District No. 4 signature on the final plat.
5. Plat shall comply with the requirements of Caldwell Rural Fire Protection District.
6. The development shall comply with Southwest District Health requirements (Attachment 4c). Evidence of compliance shall be Southwest District Health’s signature on the final plat.
7. An Irrigation Water User’s Maintenance Agreement for all lots within the development shall be recorded with the Canyon County Recorder’s Office prior to the Board signing the final plat.
8. Prior to the Board signing the final plat, an easement or common lot shall be added to provide a United States Postal Service community mailbox unless waived by the United States Postal Service.

Order

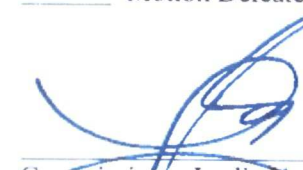
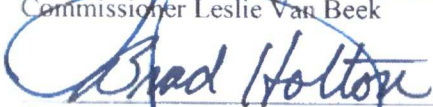
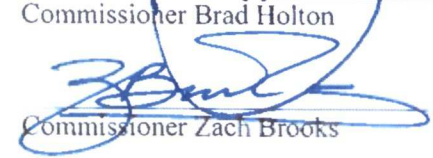
Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0014, the Board of County Commissioners **approve** the preliminary plat of Rhett’s Acres Subdivision subject to conditions of approval as enumerated herein. A waiver of the City of Caldwell subdivision requirements is hereby granted.

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

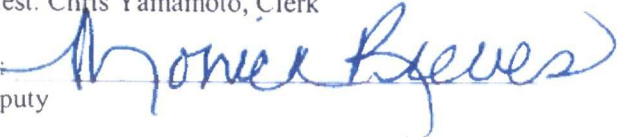
DATED this 23 day of August, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

- Motion Carried Unanimously
- Motion Carried/Split Vote Below
- Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Chris Yamamoto, Clerk

By: 
Deputy

Date: 8-23-23

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: Best Investments, LLC & Troost Family Living Trust
	MAILING ADDRESS: 30540 Sabin Road Parma, Idaho 83660
	PHONE: 208-941-1076 EMAIL: gregbullock14@gmail.com

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature: *[Handwritten Signature]* MEMBER Date: 3/14/22

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: T.J. Wellard
	COMPANY NAME: Skinner Land Survey
	MAILING ADDRESS: 17842 Sand Hollow Road Caldwell, Idaho 83607
	PHONE: 208-454-0933 EMAIL: tj@skinnerlandsurvey.com

SITE INFO	STREET ADDRESS: 0 Linden St & 0 Tranquil Place	
	PARCEL #: R35598010A0, R3559801400, R3559801200 AREA: 24.317 Acres	
	LOT:	BLOCK: SUBDIVISION:
	QUARTER: NW 1/4 SECTION: 32 TOWNSHIP: 4 North RANGE: 3 West	
	ZONING DISTRICT: RR FLOODZONE (YES/NO): No	

HEARING LEVEL APPS	<input type="checkbox"/> CONDITIONAL USE <input type="checkbox"/> COMP PLAN AMENDMENT <input type="checkbox"/> CONDIT ONAL REZONI
	<input type="checkbox"/> ZONING AMENDMENT (REZONE) <input type="checkbox"/> DEV. AGREEMENT MODIFICATION <input type="checkbox"/> VARIANCE > 33%
	<input checked="" type="checkbox"/> MINOR REPLAT <input type="checkbox"/> VACATION <input type="checkbox"/> APPEAL
	<input checked="" type="checkbox"/> SHORT PLAT SUBDIVISION <input checked="" type="checkbox"/> PRELIMINARY PLAT SUBDIVISION <input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION <input type="checkbox"/> EASEMENT REDUCTION <input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT <input type="checkbox"/> HOME BUSINESS <input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME <input type="checkbox"/> TEMPORARY USE <input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER _____

CASE NUMBER: D2022-0014	DATE RECEIVED: 3/2/22
RECEIVED BY: JP	APPLICATION FEE: CK MO CC CASH

Revised 1/3/21

SCANNED

Initial _____ Date _____



Thomas J. Wellard, PLS
Rodney Clark, PE

March 18, 2022

Best Investments, LLC/Troost Family Living Trust
Job No. NV1020

Letter of Intent

Canyon County Development Services,

We are requesting a ^{preliminary} short plat of Parcel R35598010A0, R3559801400 and R3559001200. The property is currently zone RR. The property is currently served by Tranquil Place, a private road. All lot will be accessed from Tranquil Place. All new lots will be served by individual wells and septic systems. A pre-application meeting was held with SWDH and the application for SER will be submitted shortly. A new gravity irrigation system is currently being installed to better serve the subdivision and existing parcels which use the same head gate.

We appreciate your consideration of this request and hope you find our application in compliance and approve our request.

Respectfully submitted,

T.J. Wellard, PLS
Skinner Land Survey
208-454-0933
tj@skinnerlandsurvey.com

Michelle Barron

From: T.J. Wellard <tj@skinnerlandsurvey.com>
Sent: Monday, April 24, 2023 3:07 PM
To: Michelle Barron; Greg Bullock
Subject: Re: [External] Re: Rhett's Acres SD2022-0014

Canyon County DSD, P&Z Commission & Canyon County Board of Commissioners,
On behalf of Best Investments, LLC and the Troost Family Living Trust I am requesting a waiver of the City of Caldwell's subdivision improvements of curb/gutter/sidewalk, street lights and landscaping for the proposed Rhett's Acres Subdivision. During the rezoning application process the current users of the private Road, Tranquil Place, which also serves Rhett's Acres Subdivision opposed a "City type" subdivision. For us to move forward and now install the City required improvements would go against what we agreed to with the neighbors and common users of Tranquil Place. We ask you up hold the testimony and vision of the rezone approval and to please waive the City of Caldwell's required improvements of curb/gutter/sidewalk, street lights and landscaping for the proposed Rhett's Acres Subdivision.

Respectively Submitted,

T.J. Wellard, PLS

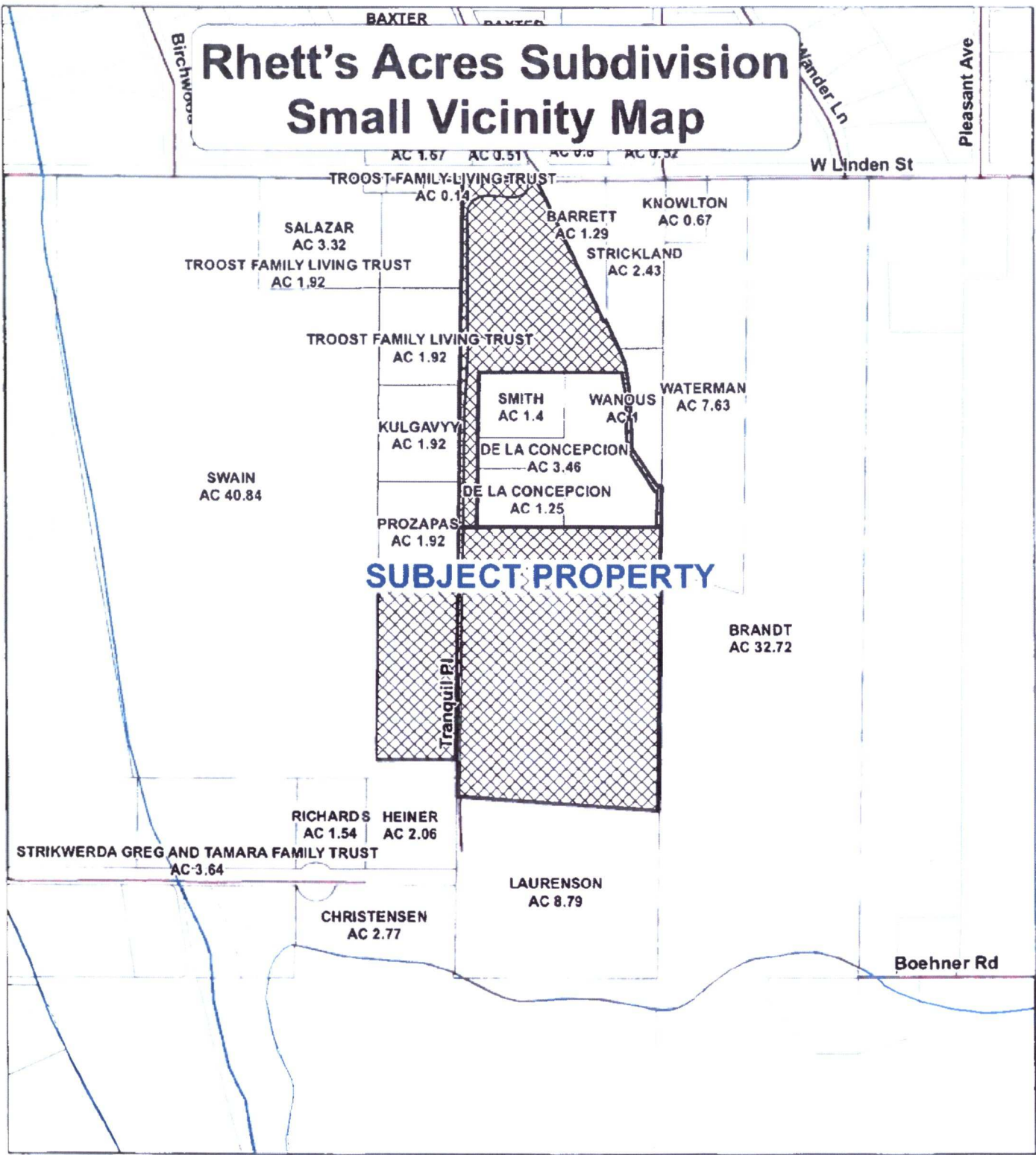
Skinner Land Survey

17842 Sand Hollow Road
Caldwell, Idaho 83607
208 454-0933
www.skinnerlandsurvey.com
ID PLS #15352, OR PLS #88835

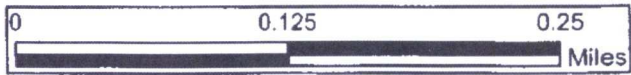
Privileged and Confidential Communication

This electronic transmission and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC 2510-2521), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of the information received in error is strictly prohibited.

Rhett's Acres Subdivision Small Vicinity Map



SUBJECT PROPERTY





0004005632



STATE OF IDAHO
 Office of the secretary of state, Lawrence Denney
CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY
 Idaho Secretary of State
 PO Box 83720
 Boise, ID 83720-0080
 (208) 334-2301
 Filing Fee: \$100.00

For Office Use Only
-FILED-
 File #: 0004005632
 Date Filed: 9/16/2020 1:15:40 PM

Certificate of Organization Limited Liability Company
 Select one: Standard, Expedited or Same Day Service (see descriptions below) Expedited (+\$40; filing fee \$140)

1. Limited Liability Company Name
 Type of Limited Liability Company Limited Liability Company
 Entity name Best Investments, LLC

2. The complete street address of the principal office is:
 Principal Office Address GREG TROOST
30540 SABIN ROAD
PARMA, ID 83660

3. The mailing address of the principal office is:
 Mailing Address GREG TROOST
30540 SABIN RD
PARMA, ID 83660-6787

4. Registered Agent Name and Address
 Registered Agent GREG TROOST
Registered Agent
Physical Address
30540 SABIN RD
PARMA, ID 83660
Mailing Address

I affirm that the registered agent appointed has consented to serve as registered agent for this entity.

5. Governors

Name	Address
Greg Troost	30540 SABIN ROAD PARMA, ID 83660
Devin M. Bell	35373 HIGHWAY 23 SIDNEY, MT 59270

Signature of Organizer
 Michael O. Roe 09/16/2020
 Sign Here Date

B0540-2983 09/16/2020 1:17 PM Received by ID Secretary of State Lawrence Denney

SUBDIVISION WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



GENERAL

1. HOW MANY LOTS ARE YOU PROPOSING?
Residential 10 Non-buildable 1 Common _____
2. AVERAGE LOT SIZE OF THE RESIDENTIAL PARCELS
24.317 ACRES

IRRIGATION

1. IRRIGATION WATER IS PROVIDED VIA:
 Irrigation Well Surface Water
2. WHAT PERCENTAGE OF THE PROPERTY HAS WATER? 100 %
3. HOW MANY INCHES OF WATER ARE AVAILABLE TO PROPERTY? Varies
4. HOW DO YOU PLAN TO RETAIN STORM AND EXCESS WATER ON EACH LOT?
See plat
5. HOW DO YOU PLAN TO PROCESS STORM WATER / EXCESS IRRIGATION WATER PRIOR TO IT ENTERING THE ESTABLISHED DRAINAGE SYSTEM?
See plat

ROADS

1. ROADS WITHIN THE DEVELOPMENT WILL BE:
 Public Private N/A

* Private Road names must be approved by the County and the private road application submitted with the Preliminary Plat*

HILLSIDE DEVELOPMENT

1. OF THE TOTAL LOTS REQUESTED, HOW MANY OF THE LOTS WILL CONTAIN SLOPES GREATER THAN 15%?
Residential 0 Non-Buildable 0 Common 0
2. WILL THE PROPOSED ROAD (S) BE LOCATED WITHIN ANY AREA THAT HAS SLOPES GREATER THAN 15%?
 YES NO

*If YES, a grading plan is required.

SUBDIVISION WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



SUBDIVISIONS WITHIN AN AREA OF CITY IMPACT

1. **WILL YOU BE REQUESTING WAIVERS OF SUBDIVISION IMPROVEMENT REQUIREMENTS FROM THE CITY?**
 YES NO

2. **IF YES, WHICH WAIVERS WILL YOU BE REQUESTING?**
 CURBS GUTTERS SIDEWALKS STREETLIGHTS LANDSCAPING

IRRIGATION PLAN APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



Applicant(s) Best Investments, LLC Troost Family Living Trust 208-941-1076
Name Daytime Telephone Number
30540 Sabin Road Parma, Idaho 83660
Street Address City, State Zip

Representative Name T.J. Wellard 208-454-0933 tj@skinnerlandsurvey.com
Daytime Telephone Number / E-mail Address
17842 Sand Hollow Road Caldwell, Idaho 83607
Street Address City, State Zip

Location of Subject Property: Tranquil Place/Linden Street Caldwell
Two Nearest Cross Streets or Property Address City

Assessor's Account Number(s): R R35598010A0, R3559801400 Section 32 Township 4N Range 3W
R3559001200

This land:

- Has water rights available to it.
- Is dry and has no water rights available to it. If dry, please sign this document and return to the Development Services Department representative from whom you received it.

Idaho Code 31-3805 states that when all or part of a subdivision is "located within the boundaries of an existing irrigation district or canal company, ditch association, or like irrigation water delivery entity ... **no subdivision plat or amendment to a subdivision plat or any other plat or may recognized by the city or county for the division of land will be accepted, approved, and recorded unless:**"

- a. The appropriate water rights and assessment of those water rights have been transferred from said lands or excluded from an irrigation entity by the owner; or
- b. The owner, person, firm, or corporation filing the subdivision plat or amendment to a subdivision plat or map has provided underground tile or conduit for lots of one (1) acre or less, or a suitable system for lots of more than one (1) acre which will deliver water to those land owners within the subdivision who are also within the irrigation entity with the appropriate approvals:
 1. For proposed subdivisions located within negotiated area of city impact, both city and county zoning authorities must approve such irrigation system in accordance with Idaho Code Section 50-1306. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.

2. For proposed subdivisions outside of negotiated areas of city impact, the delivery system must be approved by the Planning and Zoning Commission and the Board of County Commissioners with the advice of the irrigation entity charged with the delivery of water to said lands.

To better understand your irrigation request, we need to ask you a few questions. A list of the map requirements follows the short questionnaire. **Any information missing information may result in the delay of your request before the Planning and Zoning Commission and ultimately the approval of your irrigation plan by the Board of County Commissioners.**

1. Are you within an area of negotiated City Impact? Yes No
If yes, please include a copy of approvals by the City Planning & Zoning Commission and City Council of your Irrigation Plan.

2. What is the name of the irrigation and drainage entities servicing the property?

Irrigation: Pioneer Irrigation District

Drainage: Pioneer Irrigation District

3. How many acres is the property being subdivided? 24.317

4. What percentage of this property has water? 100

5. How many inches of water are available to the property? Varies

6. How is the land currently irrigated? Surface Irrigation Well
 Sprinkler Above Ground Pipe Underground Pipe

7. How is the land to be irrigated after it is subdivided? Surface Irrigation Well
 Sprinkler Above Ground Pipe Underground Pipe

8. Please describe how the head gate/pump connects to the canal and irrigated land and where ditches and/or pipes go.

See preliminary plat

9. Are there irrigation easement(s) on the property? Yes No

10. How do you plan to retain storm and excess water on each lot?

See plat notes and preliminary plat


11. How do you plan to remove the storm water /excess irrigation water prior to it entering the established drainage system? (i.e. oil, grease, contaminated aggregates)

===== Applicant Acknowledgement =====

I, the undersigned, agree that prior to the Development Services Department accepting this application I am responsible to have all of the required information and site plans.

I further acknowledge that the irrigation system, as approved by the Planning and Zoning Commission and ultimately the Board of County Commissioners, must be bonded and/or installed prior the Board's signature on the final plat.

Signed: _____ Date: ____/____/____
Property Owner (Application Submitted)

Signed:  _____ Date: 3 / 16 / 22
Applicant/Representative (if not property owner) (Application Submitted)

Accepted By: _____ Date: ____/____/____
Director / Staff

**KELLER
ASSOCIATES**



Exhibit D,
Attachment 4a

100 E Bower Street, Suite 110
Meridian, ID 83642
(208) 288-1992

April 20, 2022

Ms. Jennifer Almeida
Canyon County Planner
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Rhett's Acres Subdivision Preliminary Plat Application

Dear Ms. Almeida,

Keller Associates, Inc. has reviewed the Preliminary Plat for the Rhett's Acres Subdivision dated September 9, 2021. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:

1. Director approval is needed for the reduction of the private drive easement width less than 60-feet along the frontage of Linden St.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
3. Plat shall comply with requirements of the local highway district.
4. Plat shall comply with irrigation district requirements.
5. Plat shall comply with Southwest District Health requirements.

We recommend that **condition 1 listed above be addressed prior to approval of the Preliminary Plat**. Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above-referenced Preliminary Plat, when granted, 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) 244-5065.

Sincerely,

KELLER ASSOCIATES, INC.

Justin Walker, P.E.
County Engineer

cc: File

213060-250/20-125

GROWING POSSIBILITIES



CITY OF
Caldwell, Idaho

JAROM WAGONER
Mayor

208-455-1811
or 208-455-1800

City Hall
201 N. Baring Street
Caldwell, Idaho 83402

Post Office Box
201 N. Baring Street
Caldwell, Idaho 83402

For a list of City Council members, visit
www.caldwellidaho.gov

Website
www.caldwellidaho.gov

July 6, 2022

Stephanie Hailey
Engineering Coordinator
Canyon County Development Services Dept.
111 North 11th Ave. Ste. 310

Re: Rhett's Acres Subdivision
0 Linden St & 0 Tranquil Place
SD2022-0014

Dear Ms. Hailey,

Our office received the notification from the Canyon County Development Services regarding the Rhett's Acres Subdivision, located on parcels R355900120, R35598010A0, and R355980140. This application is request for the approval of a preliminary plat for Rhett's Acres Subdivision. The preliminary plat includes ten (10) residential lots and 1 private road lot.

The proposed development is within the City of Caldwell's Area of City Impact but is not currently contiguous to the City of Caldwell. These parcels have been designated as Residential Estates with the 2040 Caldwell Comprehensive Plan.

Zoning Legend
Tan- Residential Estates



July 13, 2022

Troost Family Living Trust
30540 Sabin Road
Parma, ID 83660

RE: Rhett's Acre Subdivision

Dear Troost Family Living Trust,

Southwest District has conducted a subdivision engineering report review for the proposed Rhett's Acre Subdivision.

The Engineering Report and associated plans and specifications appear to meet applicable regulations. If changes are made in the design to the plat submitted to Southwest District Health, re-engineering will be required.

Condition(s) of approval:

- The designated REHS/RS from Southwest District Health must sign the final plat.
- A full-size final plat must be submitted to Southwest District Health.

At this time, due to the condition(s) of approval, sanitary restrictions as required by Idaho Code, Title 50, Chapter 13, are in force. No owner shall construct any building, dwelling or shelter which necessitates the supplying of water or sewage facilities for persons using the premises until sanitary restriction requirements are satisfied. Once the condition(s) of approval have been met, the sanitary restrictions may be satisfied.

If you have questions, please contact me at 208.899.1285, or via e-mail: jack.nygaard@phd3.idaho.gov

Sincerely,

Jack Nygaard, MS, REHS/RS
Land Development Senior

Cc: Rodney Clark, Skinner Land Survey

Healthier Together

13307 Miami Lane • Caldwell, ID 83607 • (208) 455-5300 • FAX (208) 454-7722



Exhibit D, Attachment 4d

CANYON HIGHWAY DISTRICT No. 4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

November 21, 2022

Canyon County Development Services
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605
Attention: Stephanie Hailey, Planner

Skinner Land Survey
17842 Sand Hollow Road
Caldwell Idaho 83607
Attention Thomas J. Wellard

RE: SD2022-0014
Rhett's Acres Subdivision
Parcel Number(s): R355900120, R35598010A0 & R355980140

Dear Stephanie:

Canyon Highway District No. 4 (CHD4) has reviewed the preliminary plat application for Rhett's Acres Subdivision dated March, 2022. Subject parcel is within Section 32 of T4N R3W of Canyon County. The development proposal is located south of Linden Rd. consists of the 10 residential lots on approximately 24.3 acres. The subject properties have a combined approximately 238 feet of frontage on Linden Rd along the northerly boundary. CHD4 provides the following comments on the proposed rezone:

Access

Existing access to the subject properties is via a shared private road approach (Tranquil Place) to Linden Rd in the northeast corner of Parcel R35598010A. None of the other subject parcels have public road access nor do they appear to be served by any existing private road or driveway access. Approximately 6 other parcels (not included with the subdivision application) appear to currently use Tranquil Lane, or have no other access available.

The existing Tranquil Lane private road approach to Linden Rd. near the easterly boundary, is located in the best available location to provide sight distance east and west along Linden Rd, and no other access location along the subject property frontage can provide sufficient intersection sight distance. The existing gravel access at the northwest corner of Parcel R35598010A was conditioned by permit to be removed in 2015, as it does not have adequate available sight distance. This approach was either never removed, or has been reconstructed or redeveloped by use from the subject property.

The existing Tranquil Lane private road approach to Linden Rd has a paved apron meeting current standards (ACCHD SD-106) for a private road or shared driveway serving more than 3 residences. Access for future residential development of the subject properties, including the existing residences at 18951, 18701, 18532, 18986 & 18724 Tranquil Pl. should be planned via use of the existing Tranquil Lane approach to Linden Rd, as no other location on the subject property offers superior intersection sight distance.

If a public road is intended to serve additional development of the subject property, it must be designed and constructed to meet the Highway Standards and Development Procedures adopted by CHD4, which includes a minimum 200-foot centerline radius for horizontal curves. A pre-development meeting with

CHD4 is recommended prior to future development activities involving public road improvements to serve the property if public roads are desired within the subdivision.

Traffic Mitigation

The proposed rezone, which could allow up to 12 residential lots, or approximately 115 vehicle trips/day, does not meet the minimum threshold for requiring a Traffic Impact Study (TIS). New traffic impacts from the proposed development will be mitigated by dedication of public right-of-way, and frontage improvements to public roadways adjacent to or within the subject property.

Preliminary Plat

Preliminary plats are approved by the CHD4 Board of Commissioners. Staff recommends the preliminary plat be revised to address the comments below, and resubmitted for consideration by the CHD4 Board.

Right-of-Way

1. Show irrigation facilities and all other obstructions to be removed from public right-of-way.
2. Dedicate a 40-ft half width right-of-way for Linden Street (50+ feet shown west of development) adjacent to the development to accommodate ACCHD HSDP standard collector street section, half of 3 lane rural road (drawing 101a).
3. Provide a note on the preliminary plat stating direct lot access to Linden Street is prohibited.

Roadway Improvements

1. Remove the unapproved gravel approach on the westerly boundary, regrade to gravel shoulder borrow ditch.
2. Internal street is proposed to be private.

All other platting and improvement requirements to be in accordance with the Highway Standards and Development Procedures Manual (HSDP Manual) available on at <https://www.canyonhd4.org/resources/forms-and-maps> at time of improvement drawing submittal.

CHD4 recommends the applicant revise the preliminary plat to address the comments above, and resubmit to CHD4 for final review and consideration by the CHD4 Board of Commissioners. Please feel free to contact me with any questions on these comments.

Sincerely,



Craig Wartman
Senior Engineering Tech.
Canyon Highway District No. 4

File: Linden Rd Rhett's Acres Subdivision

Michelle Barron

From: TJ Wellard <tj@skinnerlandsurvey.com>
Sent: Wednesday, March 15, 2023 4:02 PM
To: Michelle Barron; Greg Bullock
Subject: [External] Fwd: Rhetts Acres Subdivision

Michelle,

I have forwarded the email from Dave at Pioneer Irrigation District. He has stated to me verbally that the system is private once it leaves the headgate and they will not be reviewing the system for their approval. Just sending this over for your records.

Thanks,

T.J. Wellard, PLS

Skinner Land Survey

17842 Sand Hollow Road
Caldwell, Idaho 83607
208-454-0933
www.skinnerlandsurvey.com
ID PLS #15352, OR PLS #88835

----- Forwarded message -----

From: Dave Watkins <davew@pioneerirrigation.com>
Date: Wed, Mar 15, 2023 at 3:53 PM
Subject: RE: Rhetts Acres Subdivision
To: TJ Wellard <tj@skinnerlandsurvey.com>

TJ,

Pioneer Irrigation District delivers the irrigation water for the Rhetts Acres Subdivision properties from the Phyllis Canal into a private gravity irrigation system. Pioneer Irrigation District only maintains the headgate and the 16' delivery pipe at the Phyllis Canal. The properties are entitled to 1 Miners' inch of water per acre during the irrigation season.

Regards,

Dave Watkins

Assistant Superintendent

Cell (208) 249-2509

Office (208) 459-3617



Date 3/20/2023

Canyon County – Planning and Zoning
Re: Case No. SD2022-0014

Dear Bonnie Puleo,

Case No. SD2022-0014 – A request by Best Investments, LLC & Troost Family Living Trust, for approval of a Preliminary Plat for Rhett's Acres Subdivision. The development consists of 10 residential lots and 1 private road lot. The subject property, Parcel No's, R355900120, R35598010A0, and R355980140, are located in the NW ¼ of Section 32, T4N, R3W, BM, Canyon County, Idaho.

The Caldwell Rural Fire Protection District has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the 2018 International Fire Code (IFC) as adopted by the Idaho State Fire Marshal's Office.

Comments:

1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
2. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105)
3. Roadway serving a fire hydrant shall be a minimum of 26-feet in width. (IFC D103.1)
4. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
5. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
6. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)



7. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
8. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)
9. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)
10. Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5).
11. Shall comply with all access requirements located in 2018 IFC appendix D.
12. Plans shall be submitted to the Canyon County Building Department as well as the Caldwell Rural Fire Protection District.

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and City of Caldwell Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Regards,

Alan Perry
Deputy Chief
Fire Marshal
Caldwell Rural Fire Protection District
Aperry@cityofcaldwell.org

Michelle Barron

From: Bonnie Puleo
Sent: Thursday, March 23, 2023 1:51 PM
To: Michelle Barron
Subject: FW: [External] RE: Agency Notice of Hearing SD2022-0014 / Rhett's Acres

Follow Up Flag: Follow up
Flag Status: Flagged

Michelle:

FYI.



Bonnie Puleo
Hearing Specialist
Canyon County Development Services
111 No 11th Ave Suite 310
Caldwell, ID 83605
bonnie.puleo@canyoncounty.id.gov
(208) 454-6631 *direct*
NEW public office hours effective January 3, 2023
Monday, Tuesday, Thursday and Friday
8 am – 5 pm
Wednesday
1 pm – 5 pm
****We will not be closed during lunch hour****

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Thursday, March 23, 2023 12:23 PM
To: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Subject: [External] RE: Agency Notice of Hearing SD2022-0014 / Rhett's Acres

Hello Bonnie –

After careful review of the transmittal submitted to ITD on March 20, 2023 regarding SD2022-0014 / Rhett's Acres, the Department has no comments or concerns to make at this time. This land use decision will not impact the state highways system.

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



Thomas J. Wellard, PLS
Rodney Clark, PE

Project No. NV1020

TRANQUIL PLACE (a private road accessing Rhett's Acres Subdivision and other properties), SW of Caldwell, ID

ENGINEER'S STATEMENT
Canyon County Development Services

Tranquil Place, running south for a little less than half a mile from Linden Street to the north boundary of the Bryan and Sarah Laurenson property, is an existing compacted gravel surfaced private road that has been in place for ±30 years, and is now being up-graded to a County Private Road. Post construction observation after laying the aggregate bases was performed in June - September 2022. Construction observation and post construction observation of the asphalt were performed in October. (During the last twenty years, these are the hardest road base materials – most compacted - that I have encountered.)

I hereby state that, for Tranquil Place:

- The base material was very well compacted and more than 6 in thick as measured at (12) locations along the road.
- The sub-base material was also very well compacted. At the (12) locations along the road, hand excavation of pot holes to full depth was not possible. Machine excavation during further construction showed more than 10 in base thicknesses.
- The asphalt paved approach to Linden St was 36 ft wide.
- The asphalt surface was ±24 ft wide as measured at (15) locations along the road, approximately 150 ft apart.
- The asphalt thickness measured at (42) locations was 2½ in or more.
- There was a hammerhead turn-around at the south end of the road, with a ±20 ft wide x ±70 ft long stub.
- On 05 November there was a Tranquil Pl street sign (blue) and a Linden St sign (green) at the approach to Linden St.



Rodney W C Clark
Skinner Land Survey

Skinner
Land Survey
Precision Land Surveyors, P.C.
17842 Sand Hollow Road,
Caldwell, Idaho 83607 208 454 0933

Thomas J. Vrentas, PLS
Rodney Clark, PE

Project No. NV1020

IRRIGATION WATER - gravity flow distribution for the **RHETT'S ACRES** Subdivision and other properties), SW of Caldwell, ID

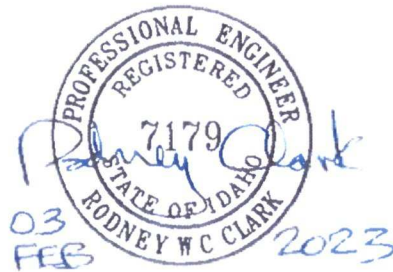
ENGINEER'S STATEMENT
Canyon County Development Services

Tranquil Place, a private road, runs south for a little less than half a mile from Linden Street, to the north boundary of the Bryan and Sarah Laureson property. It provides access to the ten residential lots of the Rhett's Acres Subdivision, and seven additional lots.

Construction observation for the pipe crossing of Tranquil Place was performed in the Fall of 2022. Post construction observation for the gravity flow piping was performed on 02 February 2023.

I hereby state that, for lots accessed from Tranquil Place:

- There is a slide gate or valve at the points of delivery for the west and east distribution lines.
- Both the west and east distribution lines overflow to an existing waste ditch system.
- There is a service point for each lot – seventeen total.
- Shut-off valves are in place for the branch lines servicing two already-developed lots on the east side of Tranquil Place.
- All distribution and branch line piping trenches were backfilled to existing grade.
- No water testing of the system was performed.



Rodney W C Clark
Skinner Land Survey