



**Board of County Commissioners**  
**DTH Subdivision Preliminary Plat SD2018-0013**

**FINDINGS, CONCLUSIONS LAW, AND ORDER**

**Findings of Fact**

1. The applicant, Tom Hood, represented by Derritt Kerner, David Evans and Associates, is requesting approval of a **Preliminary Plat** for DTH Subdivision on Parcel R30461. The development consists of seven (7) residential lots (Exhibit B). The request includes a deferral 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 “R-R” (Rural Residential) to “R-1” (Single Family Residential) on June 1, 2016 (PH2016-10, Ordinance No. 16-006). (Exhibit H, Attachment 4e)
3. The property is located within the Nampa Area of City Impact. The City of Nampa did not waive city subdivision improvements but does agree to defer improvements until the parcel is annexed into the city. (Exhibit H, Attachment 4b)
4. The subject property is located within Nampa Meridian Irrigation District. The district did not comment, but the property is serviced by the Ridge Lateral Tap 7618. There is currently no Water User’s Agreement.
5. The development will be served by individual wells and septic systems.
6. Access to the public road system will be via the extension of N. 63<sup>rd</sup> Street as approved by the City of Nampa (Exhibit H, Attachment 4c).
7. The subject property is located within Nampa Highway District No1. Comments and requirements were provided by the highway district. (Exhibit H, Attachment 4h)
8. Post-development stormwater run-off is to be contained within the retention ponds and is the responsibility of the property owner. (Exhibit H, Attachment 4f)
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 Nampa notice was sent on August 3, 2022. Agencies were noticed again on October 25, 2023, 2023. A newspaper notice was published on October 21, 2023. Property owners within 600’ were notified by mail on October 25, 2023. The property was posted on November 2, 2023.
11. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2018-0013.
  - a. On July 20, 2023, after public testimony was completed, the Planning and Zoning Commission postponed the hearing to August 17, 2023 requesting the applicant provide the following information:
    - i. Clarification from Nampa regarding the deferral of subdivision improvements and future of Stamm Lane (See Attachment j for updated information).

**Conclusions of Law**

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

*“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 (Exhibit H, Attachment 4i) subject to conditions of approval.
- F. Canyon County Code Section 09-01-19, Nampa – Area of City Impact Agreement.
  - a. The property is located within the Nampa Area of City Impact. Pursuant to CCZO Section 09-01-19, Nampa– 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 August 3, 2022, and June 8, 2023 and October 25, 2023, the City of Nampa was noticed regarding the plat application which included a copy of the plat. The City of Nampa responded that the subject parcel is about 1000 feet from city services but they are not directly accessible via public right-of-way. The City defers subdivision improvements until the parcel is annexed into the city. (Exhibit H, Attachment 4b).
    - i. On August 1, 2023, the applicant provided an e-mail from City of Nampa addressing what deferral of subdivision improvements means and future plans for Stamm Lane (Exhibit H, Attachment 4j). Nampa states the following: *“Granting a deferral gives the City rights to require construction of the improvements by property owners at some point in the future when the property is annexed and the improvements are deemed warranted by the City. An example of when this may occur is when a property owner applies for a building permit for an addition/accessory structure, or a complete redevelopment of the lot, where City code dictates the construction of typical frontage improvements are required.”*
    - ii. Nampa states the following regarding Stamm Lane, *“Stamm Lane extension would happen with the SH16 southerly connection, which is likely 10+ years off.”*

**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.
2. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation entity.
  - a. Historic irrigation water delivery to the existing development north of the subject parcel shall be delivered to the high point of the existing ditch flow pattern.
3. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved (Exhibit H, Attachment 4i).
4. Plat shall comply with the requirements of Nampa Highway District No. 1 (Exhibit H, Attachment 4h). Evidence of compliance shall be Nampa Highway District No. 1 signature on the final plat.
5. The development shall comply with Southwest District Health requirements (Exhibit H, Attachment 4g). Evidence of compliance shall be Southwest District Health’s signature on the final plat.
6. 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.
7. 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.
8. Prior to the Board signing the final plat, the final plat shall be signed by the City of Nampa’s engineer (Section 09-1119(5) of the Canyon County Code).
9. Note 17 on the Preliminary Plat shall be revised to state “Development on slopes over 15% is prohibited.”

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2018-0013, the Board of County Commissioners **approves** the preliminary plat for the DTH Subdivision with deferral of subdivisions improvements (Attachment b & j) and conditions of approval as enumerated herein.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 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	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Chris Yamamoto, Clerk

By: \_\_\_\_\_  
Deputy

Date: \_\_\_\_\_