



Board of County Commissioners
Kelly Ridge Subdivision Preliminary Plat SD2020-0023

FINDINGS, CONCLUSIONS LAW, AND ORDER

Preliminary Plat — SD2020-0023

Findings of Fact

1. The applicant, Robert and Jeanne Kelly and representative Steve Wellington, PLS, are requesting approval of a preliminary plat and irrigation plan for the Kelly Ridge Subdivision. This proposed subdivision will consist nine (9) residential lots and one (1) private road lot.
2. The subject property was rezoned from “AG” agricultural to “R1” residential in case RZ2018-0010 approved on August 29, 2018.
3. The subject property is also known as parcel R38157011 and is located at 14715 Purple Sage Road, Caldwell and located in the NW ¼ of section 34 Township 5N 3W Canyon County, Idaho.
4. The property is located within the Middleton Area of City Impact. The City of Middleton had no comments for this case (Exhibit G Attachment 5d).
5. The subject property is located within Black Canyon Irrigation District jurisdiction. The district provided comment on the updated irrigation plan and has provided requirements and recommendations (Exhibit G Attachment 5b and 5c).
6. The development will be served by individual wells and septic systems.
7. Four (4) Structures are to remain on the Lots 1 and 2. The Kelly’s primary residence and a barn will remain on Lot 1. Two barn structures will remain on Lot 2.
8. Access to the public road system will be via Purple Sage Road from a private road named All Seasons Lane. A private road application has been submitted with this preliminary plat application.
9. The subject property is located within Highway District Number 4 jurisdiction. Comments and requirements were provided by the highway district. (Exhibit G Attachment 5a)
10. Stormwater runoff shall be conveyed to the roadside ditches along the private road and or retained on site. All stormwater facilities are the responsibility of the Homeowner’s Association. If no homeowner’s association exists maintenance both routine and non-routine maintenance will be the responsibility of the property owner.
11. The development is not located in a floodplain (Flood Zone X).
12. Notice of the public hearing was provided in accordance with CCZO §07-05-01. The Agency and City of Middleton were notified on June 27th, 2023. Agencies were noticed again on November 22, 2023. A newspaper notice was published on November 24, 2023. Property owners within 600’ were notified by mail on November 22, 2023. The property was posted on December 1, 2023.
13. The record includes all testimony received at the public hearing held on January 4, 2024, as well as public testimony from other hearings, as noted in the minutes of those hearings, the staff report, exhibits, and any late exhibits entered into the record on January 4, 2024 at the Planning and Zoning hearing and documents in Case file No. SD2020-0023. The Planning & Zoning Commission forwarded the case to the Board of County Commissioners with a recommendation of approval and signed the FCO’s on January 18, 2024 (Exhibit F).
14. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on February 14, 2024. Newspaper notice was published on February 15, 2024. Property owners within 600’ were notified by mail on February 15, 2024. The property was posted on February 21, 2024.
15. The record includes all testimony received at the public hearing held on March 26, 2024, as well as public testimony from other hearings, as noted in the minutes of those hearings, the staff report, exhibits, and any late exhibits entered into the record on March 26, 2023 at the Board of County Commissioners hearing and documents in Case file No. SD2020-0023.



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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 G Attachment 5f and 5g) subject to conditions of approval.
- F. Canyon County Code Section 09-09-13, Middleton – Area of City Impact Agreement.
 - a. The property is located within the Middleton Area of City Impact. Pursuant to CCZO Section 09-09-13, Middleton – 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 27, 2023, the City of Middleton was noticed regarding the plat application which included a copy of the plat. The City of Middleton responded that they had no comment on the proposed preliminary plat. (Exhibit G Attachment 5d).

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.
3. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved (Exhibit G Attachment 5f).
4. Plat shall comply with the requirements of Highway District No. 4 (Exhibit G Attachment 5a). Evidence of compliance shall be Highway District No. 4 signature on the final plat.
5. The development shall comply with Southwest District Health requirements. 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. Plat shall comply with the International Fire Code as administered through Middleton Fire District.
9. 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



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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.

10. Prior to Board of County Commissioner's signature on the Final Plat, the applicant shall show compliance with Plat Note 5 regarding a drainage plan on the Final Plat.

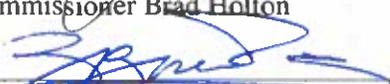
Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2020-0023, the Board of County Commissioners **approves** case #SD2020-0023, the preliminary plat and irrigation plan for Kelly Ridge Subdivision subject to conditions of approval as enumerated herein.

APPROVED this 26th day of March, 2024.

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	X	_____	_____
 _____ Commissioner Zach Brooks	X	_____	_____

Attest: Rick Hogaboam, Clerk

By: 

Deputy

Date: 3-26-24