



Findings of Fact, Conclusions of Law, and Order

Findings of Fact

1. The applicant, Destiny Platt, is appealing the Director's Decision for Case #AD2021-0060MOD, which was a denial to modify the condition related to access for parcel R38437011. Parcel R38437011 is generally described as portion of NE quarter of Section 24, T5N, R4W, BM, Canyon County, Idaho.
2. On 8/3/2021, Edward Goodson, received approval (with conditions) for an administrative land division for Parcel R38437. The approval created a total of four (4) parcels, three (3) with building permits and one (1) agricultural only parcel.
 - a. On November 26, 2023, the applicant, Destiny Platt/Goodson Family Trust requested modifications of two conditions for "Lot 3" in AD2021-0060 and RD2021-0021 to: A) Remove condition #7 "Crossing agreement with Black Canyon Irrigation (BCID) must be in place prior to the issuance of any building permit(s)" with a request to replace it with "a crossing agreement to be in place at time building permits applied for." Or "Crossing Agreement must be in place prior to the issuance of any building permit(s) to parcel #4 as cited on record of survey for Goodson Family Trust." And; B) Changing ingress/egress for parcel #3 from the approved access per AD2021-0060 and RD2021-0021, which utilized a proposed private road, "Indecision Lane," and the approved 28' easement reduction for a portion of the access, and replace with an alternate access for Lot 3 (R38437011) to utilize "Goodson Road," a 25' easement for a public road over land owned by the Bureau of Reclamation. Canyon County is the grantee for the easement, and has not utilized or improved it for a public road.
3. On February 8, 2024, A Director's Decision was signed denying both modifications. (Exhibit 8 of the staff report)
4. On February 8, 2024, the applicant submitted a partial withdrawal of the modification request to NOT remove of Condition #7, as they were able to obtain a crossing agreement.
5. On February 21, 2024, the applicant submitted an appeal of the Director's decision, requesting the Canyon County Board of Commissioners approve AD2021-0060MOD, modifying the ingress/egress approval to the County easement off of Goodson Road.
 - a. Property owners within 600 feet and applicable agencies were notified of the appeal, the
 - b. property was posted with signs for the public hearing, and legal notice was submitted to the newspaper of record.
6. On April 24, 2024, during the written public comment period, applicant submitted additional materials including, but not limited to, letters solicited by, and provided directly to the applicant, from Canyon County Sheriff's Office, Canyon County Ambulance District, and Caldwell Rural Fire District. The applicant also submitted an additional report from their Engineer, Orton Engineering.
7. On April 25, 2024, during the written public comment period, the applicant's representative, Darin Taylor, submitted additional materials including, but not limited to, a letter, an additional copy of the 1978 contract between US Bureau of Reclamation and Canyon County, and a letter dated 4/17/24 from Black Canyon Irrigation District.
8. On April 23, during the written public comment period, a letter opposing the appeal was submitted by Mr. and Mrs. Smith who reside at 26890 Hop Road, Caldwell Idaho and own the property adjacent to the proposed new access.
9. The 10.0-acre parcel, R38437011, is zoned "A" (Agricultural).

10. The Canyon County Future Land Use Plan within the 2030 Canyon County Comprehensive Plan designates the subject property as “agriculture”.
11. The request was noticed/published per Canyon County Code §07-05-01. Property owners within 600’ of the external boundaries of the parcel and affected agencies were notified per CCZO §07-05-01 on March 29, 2024.
12. All records herein consist of exhibits provided in the public hearing staff report, testimony, and exhibits provided during the public hearing on May 14, 2024, and all information in case file AD2021-0060MOD-APL.

Conclusions of Law

Upon review, the Board of County Commissioners finds and concludes the following regarding the Standards of Review for Appeal of Director Administrative Decision (CCZO §07-05-07):

- (1) *Appeal to Board: An affected person aggrieved by a final administrative decision or action of the director that was made pursuant to the provisions of this chapter may appeal to the board.*
- (2) *Appeal Procedures:*
 - A. *Appeals shall be filed with DSD within fifteen (15) calendar days after the date of the decision. A notice of appeal should include a statement of the reasons for the appeal and must be accompanied with all appropriate fees as established by the adopted fee schedule.*
 - B. On November 26, 2023, the applicant, Destiny Platt/Goodson Family Trust requested modifications of two conditions from AD2021-0060 (related to RD2021-0021.), one relating to irrigation crossing agreement and one related to access. The Applicant subsequently submitted additional information to remove the request to modify the condition related to the irrigation crossing.
 - C. On February 8, 2024, Case AD2021-0060MOD was denied by the Director of DSD (Exhibit 8) due to the Canyon County easement (from 1978 agreement with Bureau of Reclamation) had not been improved, nor maintained as a County roadway. The easement is also only 25’ in width, and does not meet Canyon County standards for access for a private road. Canyon County does not have standards for a public road, since the County does not improve, maintain or operate roadways. Furthermore, AD2021-0060 contained an explicit condition for the land division for access for parcel three to utilize Indecision Lane and a private driveway.
 - D. On February 21, 2024, the applicant submitted an appeal of the Director’s decision requesting approval of AD2021-0060MOD (Exhibit 4 in staff report)
 - E. *At the public hearing held in accordance with this article, the board shall consider the decision of the director and any additional evidence that may be offered by the public, applicant, or director.*
 1. All records herein consist of exhibits provided in the public hearing staff report, testimony, and exhibits provided during the public hearing on May 14, 2024, and all information in case file AD2021-0060MOD-APL.
 2. Property owners within 600’ of the external boundaries of the parcel and affected agencies were notified per CCZO §07-05-01 on March 29, 2024. One comment was received (Exhibit 7.)
 - F. *The board may affirm, reverse, or modify, in whole or in part, the director's decision.*

After reviewing all applicable codes and considering all information a duly noticed hearing, the Board of County Commissioners affirms the decision made by the Director of DSD on February 8, 2024 (Exhibit 8 of the staff report).

Order

Based upon the Findings of Fact and Conclusions of Law enumerated above, the Board of County Commissioners hereby **denies** the appeal affirming the decision by the Director of DSD for Case No. AD2021-0060MOD-APL.

According to Idaho Code §67-6519, the following actions may be taken to obtain approval:

Not applicable, all ingress/egress shall comply with the original condition in AD2021-0060. All other conditions also remain in place.

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

APPEAL DENIED this 83 day of May, 2024.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY,**

	Yes	No	Did Not Vote
<u>Brad Holton</u> Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Z. Brooks</u> Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Leslie Van Beek</u> Commissioner Leslie Van Beek	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attest: Rick Hogaboam, Clerk			
By: <u>Monica Reeves</u>			