



**Board of County Commissioners
Lewis Heights Subdivision — SD2021-0018**

FINDINGS, CONCLUSIONS, CONDITIONS, ORDER

Preliminary Plat — SD2021-0018

Findings

1. Darren Goldberg LGD Ventures, LLC, is a preliminary plat (including irrigation & drainage) for Lewis Heights Subdivision (Attachment A).
2. The 78.5-acre property (Parcel No. R30117) is located on the south side of Lewis Lane, approximately 1300 ft. east of the intersection of Sky Ranch Road and Lewis Ln., Nampa, Idaho. The property is located in a portion of the NE¹/₄ of Section 13, T2N, R3W, B.M., Canyon County, Idaho.
3. The plat is being considered concurrently with a conditional rezone from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone Rural Residential) Zone (RZ2021-0030). The conditional rezone application was recommended for approval on December 21, 2023.
4. The subject property is not located within an area of city impact.
5. Lewis Heights Subdivision contains 31 residential lots.
6. The Subdivision would be serviced by individual septic systems and a community water system.
7. Internal public roads will provide access to each residential lot.
8. The subject property is located within Nampa Highway District No. 1, Upper Deer Flat Fire District, Nampa School District and Boise Project Board of Control.
9. The development is not located in a floodplain (Flood Zone X).
10. The public hearing was held by the Planning & Zoning Commission on April 7, 2022, after which the Commission recommended denial of Case No. RZ2021-0030 and SD2021-0018.
11. On November 16, 2022, the Board of County Commissioners held a public hearing at which time they agreed with the applicants request to send the case with new evidence back to the Planning and Zoning Commission.
12. Additional materials from applicant including, but not limited to, updated Preliminary Plat, memo related to community water system, modified letter of intent, and fire district information has been submitted.
13. The public hearing was held by the Planning & Zoning Commission on December 21, 2023, after which the Commission recommended denial of Case No. RZ2021-0030 and SD2021-0018.
14. Notice of the Board of County Commissioners public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on January 29, 2024. Full political notice was sent on January 29, 2024. Newspaper notice was published on February 3, 2024. Property owners within 600' were notified by mail on January 29, 2024 and re-noticed on February 9, 2024. The property was posted on February 15, 2024.
15. The record includes all testimony received at the public hearing held on March 14, 2024, as well as public testimony from other hearings, as noted in the minutes of those hearings, the staff report, exhibits, late exhibits entered into the record on March 14, 2024 at the Board of County Commissioner's hearing and documents in Case file No. SD2021-0018.
16. The Board of County Commissioners requested new FCO's to be drafted in the affirmative as well as an updated Development Agreement with conditions be drafted to be presented at a public hearing on May 1, 2024 at 1:30 pm.
17. The record includes all testimony received at the public hearing held May 1, 2024, as well as public testimony from other hearings, as noted in the minutes of those hearings, the staff report, exhibits, late exhibits entered

into the record on March 14, 2024 at the Board of County Commissioner's hearing and documents in Case file No. SD2021-0018.

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."*

Pursuant to CCZO §07-17-09(5): Board Action:

"The board shall consider the commission's recommendation at a noticed public hearing. The board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:

1. *The ordinance and standards used in evaluating the application;*
2. *The reasons for approval or denial; and*
3. *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 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions);
- B. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- C. Idaho Code, 31-3805 (Irrigation)
- D. Canyon County Code §07-17-19 (Preliminary Plat)
- E. Canyon County Zoning Ordinance (CCZO), Article 17 (Subdivision Regulations).
 - a. The preliminary plat was found to be complete by Keller Associates (Exhibit C, Attachment 1) subject to conditions of approval.

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 C, Attachment 1).
4. Plat shall comply with the requirements of Nampa Highway District No. 1 (Exhibit I, Attachment 7b). 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 C, Attachment 9). 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 Upper Deer Flat Fire District.
9. A lighted bus stop area shall be placed near the entrance of the subdivision, with coordination with Nampa School District, prior to the Board's signature on the final plat.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0018 the Board of County Commissioners **approves** the Preliminary Plat (irrigation & drainage plan) for Lewis Heights Subdivision.

DATED this 2 day of July, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

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

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

Attest: Rick Hogaboam, Clerk

By: Theresa Reeves
Deputy

Date: 7-2-24