



Planning and Zoning Commission
Canyon County Development Services Dept.
Case No. SD2022-0056

HEARING DATE July 11, 2024

OWNER/APPLICANT Shawn and Rae Lynn Kelley

PLANNER: Dan Lister, Principal Planner

CASE NUMBER: SD2022-0056

LOCATION: 24720 Harvey Road, Caldwell; Parcel R38194010A

PROJECT DESCRIPTION

The applicants, Shawn, and Rae Lynn Kelley, request approval regarding Alpine View Estates Subdivision, a three-lot subdivision served by a private road lot. The request includes a waiver of subdivision improvements such as sidewalks, gutters, street lighting, and landscaping.

The subject property is located at 24720 Harvey Road, Caldwell; also referenced as a portion of the NW ¼ of Section 35, T5N, R3W, BM, Canyon County, Idaho.

PROJECT INFORMATION (See Exhibit 1 for Parcel Information)



The subject parcel, 4.12 acres, was approved via an Administrative Land Division (AD2022-0003, Exhibit 5a). A dwelling was built on the property in 2022 (BP2022-0572).

In May 2024, the parcel was rezoned to a “CR-R-1” (Conditional Rezone – Single Family Residential; one-acre average minimum lot size) subject to conditions of a development agreement (CR2022-0033, Exhibit 5b).

An application to subdivide Parcel R38194010A, formerly named Harvey Estates, was submitted on November 29, 2022 (Exhibit 2).

PROJECT OVERVIEW

Pursuant to CCZO Section 07-17-09(4) – Commission Review:

- A. *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:*
- 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.*

Alpine View Estates (Exhibit 2b)

- Acreage: 4.12 acres
- Average residential lot size: 1.21 acres
- Zoning: “CR-R-1” (Conditional Rezone – Single Family Residential).
- Lots: Three (3) residential lots. The plat does reference the development agreement conditions which include restrictions such as no further divisions and no secondary dwellings (Exhibit 5b). As a condition of approval, the recorded development agreement shall be referenced as a plat note on the final plat.
- Roads/Access: Current access is via a 25’ unmaintained right-of-way established by Drake Subdivision. The applicant proposes a private road, Kelley Lane (RD2022-0040, Exhibit 5c), to serve the three lots. The proposed private road does not meet County requirements. A private road must be located within a road lot (60’ wide unless reduced through the director’s decision to 50’ wide; CCZO Section 07-17-31). The road lot proposed is only 25’ wide (50’ wide if the public right-of-way is included). Therefore, the following condition is required to be met at the time of final plat submittal:
 - o Lot 4, the private road lot, shall be dedicated to the highway district to make the total width of the right-of-way 50’ or the 25’ public right-of-way must be abandoned and shown within the private road lot as 50’ wide. If the highway district determines the 25’ right-of-way is adequate to provide access to the subdivision, then Lot 4 shall be removed.

Highway District #4 requires a 40’ wide public right-of-way dedication along Harvey Road, a major collector road. The highway district requires a plat note prohibiting direct access onto Harvey Road. Before final plat approval, all irrigation lines and fencing located in the new right-of-way area, and existing field access must be removed or relocated. *See Exhibit 4b for comment letter.*

- Fire: Middleton Fire District did not comment. The proposed access is longer than 150’ (CCZO Section 07-10-03), fire district access and turnaround review are required before final plat approval.
- Area of City Impact: The property is located in the Middleton Impact Area. Per CCCO Section 09-09-13, County subdivision requirements apply in the impact area.

The City of Middleton was noticed per CCCO Section 09-09-17. No comments were received from the City of Middleton.

The development agreement approved as part of the approved rezone (CR2022-0033) requires a utility easement along Harvey Road to be established to ensure development does not impede the city’s ability to extend services to the area in the future (Exhibit 5b, Condition 2c). The plat shows a 10’ utility easement along Harvey Road. Plat Note #4 states the different utilities that can be established within the easement including public utilities.

- Water: Individual domestic wells (Plat Note 7).
- Sewage Disposal: Individual septic systems (Plat Note 8).
- Irrigation: Irrigation water will be provided to each lot through a pressurized irrigation system owned and maintained by Drake Subdivision Homeowner’s Association (Exhibit 2c and Plat Note 3). The proposed irrigation complies with Black Canyon Irrigation District’s letter (Exhibit 4c) and

condition 2d of the development agreement approved as part of the rezone (CR2022-0033, Exhibit 5b).

As a condition of approval, Black Canyon Irrigation District shall review the final plat and provide comment; and a water user's maintenance agreement between Drake Subdivision HOA and the proposed subdivision shall be recorded.

- Drainage: Subdivision runoff and storm drainage facilities will be maintained by the homeowner's association or each property owner (Plat Note 9).

Standard of Review for Subdivision Plat:

- A. Idaho Code Section 67-6513 (Subdivisions);
- B. Idaho Code Sections 50-1301 through 50-1329 (Platting);
- C. Idaho Code Section 22-4503 (Right-to-Farm Act, Plat Note #2);
- D. Idaho Code, Sections 31-3805 & 42-111 (Irrigation);
- E. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations); and
- F. City of Middleton – Area of City Impact Agreement (CCCO Section 09-09-17)

The preliminary plat was found to be consistent with the standards of review subject to conditions (Exhibit 4a).

COMMENTS

A courtesy notice was sent to affected agencies and the City of Middleton (per CCCO Section 09-09-17) on April 27, 2023.

The following agency comments were received:

- Highway District #4 (Exhibit 4b)
- Black Canyon Irrigation District (Exhibit 4c)
- Idaho Transportation Department (Exhibit 4d): No comments or concerns
- Dept. of Environmental Quality (Exhibit 4e): Form letter; not project specific

RECOMMENDATION

As conditioned, the plat meets all applicable ordinances and standards. Recommended conditions of approval ensure development meets County and affected agency requirements and standards so the development does not create adverse impacts. Therefore, staff recommends approval of the request. Draft Findings of facts, Conclusions of law and Order (FCOs) are included for the Commission's consideration (Exhibit 6).

DECISION OPTIONS

The Planning and Zoning Commission may:

- Recommend approval of SD2022-0056 with conditions of approval (as presented or as modified);
- Recommend denial of SD2022-0056 and direct staff to return with amended FCOs supporting the decision; or
- Continue the hearing of SD2022-0056 and request additional information to be submitted.

EXHIBITS

1. Parcel Information Report – R30606100
2. Application
 - a. Letter of Intent/Subdivision Worksheet
 - b. Preliminary Plat
 - c. Irrigation Plan
3. Maps

- a. Aerial
- b. Vicinity
- 4. Comments
 - a. Keller Associates
 - b. Highway District #4
 - c. Black Canyon Irrigation District
 - d. Idaho Transportation Dept.
 - e. DEQ
- 5. Cases
 - a. AD2022-0003
 - b. CR2022-0033
 - c. RD2022-0040
- 6. Draft FCOs w/ Attachments

R38194010A PARCEL INFORMATION REPORT

1/9/2024 4:23:30 PM

PARCEL NUMBER: **R38194010A**

OWNER NAME: **KELLEY RAE LYNN**

CO-OWNER: **KELLEY SHAWN LEE**

MAILING ADDRESS: **24720 HARVEY RD CALDWELL ID 83607**

SITE ADDRESS: **24720 HARVEY RD**

TAX CODE: **0320000**

TWP: **5N** RNG: **3W** SEC: **35** QUARTER: **NW**

ACRES: **4.12**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **CANYON HWY**

FIRE DISTRICT: **MIDDLETON FIRE**

SCHOOL DISTRICT: **MIDDLETON SCHOOL DIST**

IMPACT AREA: **MIDDLETON**

FUTURE LAND USE 2011-2022 : **Res**

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **Res**

IRRIGATION DISTRICT: **BLACK CANYON IRRIGATION DIST**

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In** FLOODWAY FIRM PANEL: **16027C0235F**

WETLAND: **Riverine**

NITRATE PRIORITY: **NE CANYON CO.**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2023028001**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **35-5N-3W NW TX 22170 IN NWNW**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM
THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

Dan Lister, Planning Official
 Canyon County Development Services
 111 N. 11th Ave. Room 310
 Caldwell, ID 83605

RE: Letter of Intent – Parcel No. R38194010A
 Zoning Map Amendment/Conditional Rezone, Preliminary Plat & Private Road

Dear Mr. Lister:

Please accept the enclosed applications for a Zoning Map Amendment/Conditional Rezone with a Development Agreement, Preliminary Plat and Private Road for the development of Parcel #R38194010A0, generally located on the east side of Harvey Rd., approximately ¼ mile south of Purple Sage Rd., within the City of Middleton's Area of Impact.

Zoning Map Amendment/Conditional Rezone:

The property consists of 4.12 acres of land currently zoned for Agricultural use in Canyon County. A zoning map amendment and conditional rezone to R-1 is proposed consistent with the zoning amendment criteria listed in CCZO §07-06-05 and §07-06-07(6), as detailed below.

The proposed R-1 (residential) zoning is consistent with the Comprehensive Plan future land use designation of Residential for the property and is more appropriate than the existing agricultural zoning for the property due to the residential nature of the area.

The abutting property to the east is zoned CR-R1 and is in the process of developing with 1 +/- acre lots; the abutting properties to the north and south and across Harvey Rd. to the west are all zoned Agricultural and developed with residential uses. The proposed R-1 zoning and residential use of the property will be compatible with adjacent land uses and will not negatively affect the character of the area. Proposed lot sizes will be slightly larger but generally comparable to those to the south.

Each of the proposed building lots will be developed with its own well and septic system and drainage, irrigation, and utilities will be provided for each lot.

A legal access exists to this property from Harvey Rd. A private road is proposed from Harvey Rd. for access to the proposed lots. Public street improvements are not required with the proposed map amendment in order to provide access to and from the subject property.

Approval of the proposed map amendment/conditional rezone and subsequent development should have minimal impacts on essential public services and facilities, such as schools, police, fire and emergency medical services as only three (3) building lots are proposed.

We are amenable to the requirement of a Development Agreement as a provision of the rezone that ties future development to that proposed with this application.

Preliminary Plat:

A preliminary plat consisting of three (3) residential building lots is proposed with each lot consisting of an average minimum lot size of 1 acre as required in the R-1 district. No open space lots are proposed or required. Each lot will be improved with a well and septic system and adequate drainage, irrigation and utilities will be provided. Because the proposed lot sizes are compatible with those to the south, there should be no adverse impacts on those properties. A waterway separates this property from the property to the north and provides a natural buffer and separation.

A lot for a private road is proposed for access from Harvey Rd. to the proposed building lots and will be constructed to the standards for 100 average daily trips or less.

Because there isn't any curb, gutter or sidewalk along Harvey Rd. in this area, we request a waiver from these requirements.

Sincerely,

Shawn & Rae Lynn Kelley

SUBDIVISION WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633



GENERAL

1. HOW MANY LOTS ARE YOU PROPOSING?
Residential 3 Non-buildable 1 ^{Private} Road Common _____
2. AVERAGE LOT SIZE OF THE RESIDENTIAL PARCELS
1 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? 1 inch per acre yearly
4. HOW DO YOU PLAN TO RETAIN STORM AND EXCESS WATER ON EACH LOT?
See attached plan
5. HOW DO YOU PLAN TO PROCESS STORM WATER / EXCESS IRRIGATION WATER PRIOR TO IT ENTERING THE ESTABLISHED DRAINAGE SYSTEM?
See attached plan

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

N/A

1. OF THE TOTAL LOTS REQUESTED, HOW MANY OF THE LOTS WILL CONTAIN SLOPES GREATER THAN 15%?
Residential _____ Non-Buildable _____ Common _____
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

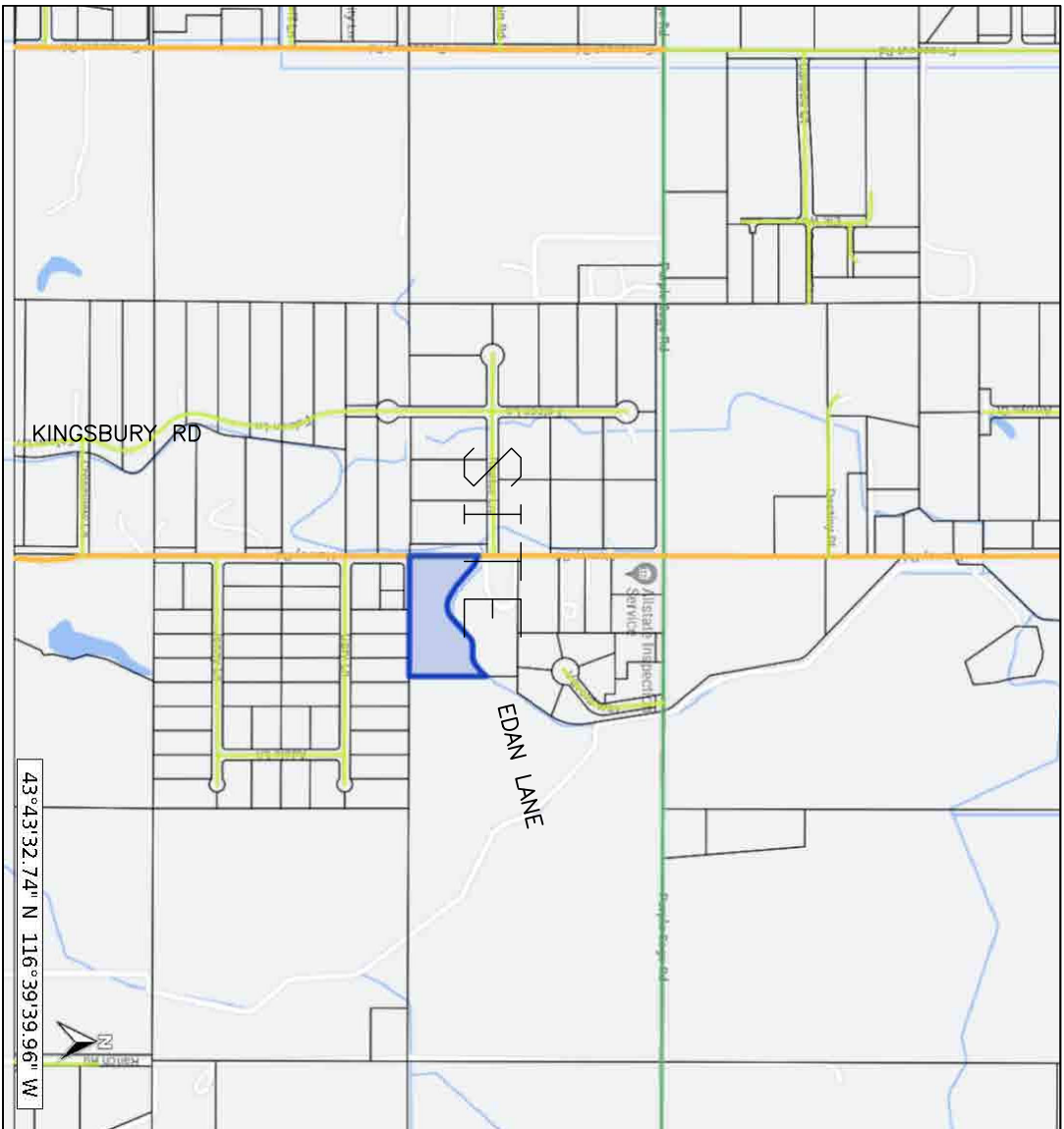
111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov 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



VICINITY MAP
SCALE: 1"=1000'

CHRISTINA TUCKER
24847 HARVEY RD.
CALDWELL, ID 83607

UNPLATTED

LEGEND

- Found Brass Cap
- Found 5/8" rebar
- Found Aluminum Cap
- Found 1/2" rebar
- Record Distance
- Lot Number
- Point of Beginning

- Boundary Line
- Section Line
- Lot Line
- Centerline
- Easement Line
- Existing Fence Line
- Contour Line
- Existing Telephone Line
- Existing Overhead Power
- Existing Edge of Pavement
- Existing Edge of Gravel
- Existing Top of Bank

SITE:

CURRENT ZONING: AC
PROPOSED ZONING: R-1
LOT SIZE MIN.: 45,973 SF/1.06 AC
TOTAL AREA: 179,444 SF/4.12 AC
SITE ADDRESS: 0 HARVEY ROAD

OWNER/DEVELOPER:

SHAWN AND BRIE KELLEY
0 HARVEY ROAD
CALDWELL, ID. 83607
208-697-8306
LAND SURVEYOR:
JEREMY FIELDING
EAGLE LAND SURVEYING, LLC.
106 W. MAIN ST. UNIT D
MIDDLETON, ID. 83644
208-861-7513

MATTHEW CRANE
24831 HARVEY RD.
CALDWELL, ID 83607

UNPLATTED

RANDALL ROWLAND
24760 FALCON LN.
CALDWELL, ID 83607

PURPLE SAGE ROAD (PUBLIC)

NW COR. SEC. 35
CR# 200329250

W 1/16 COR.
CR# 200329251

W 1/4 COR.
CR# 200378970

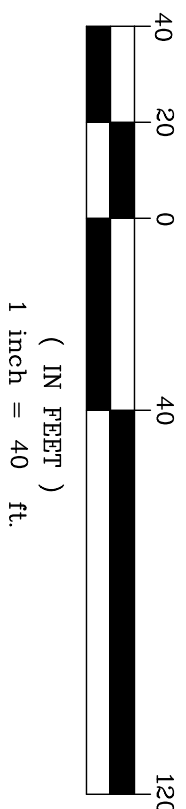
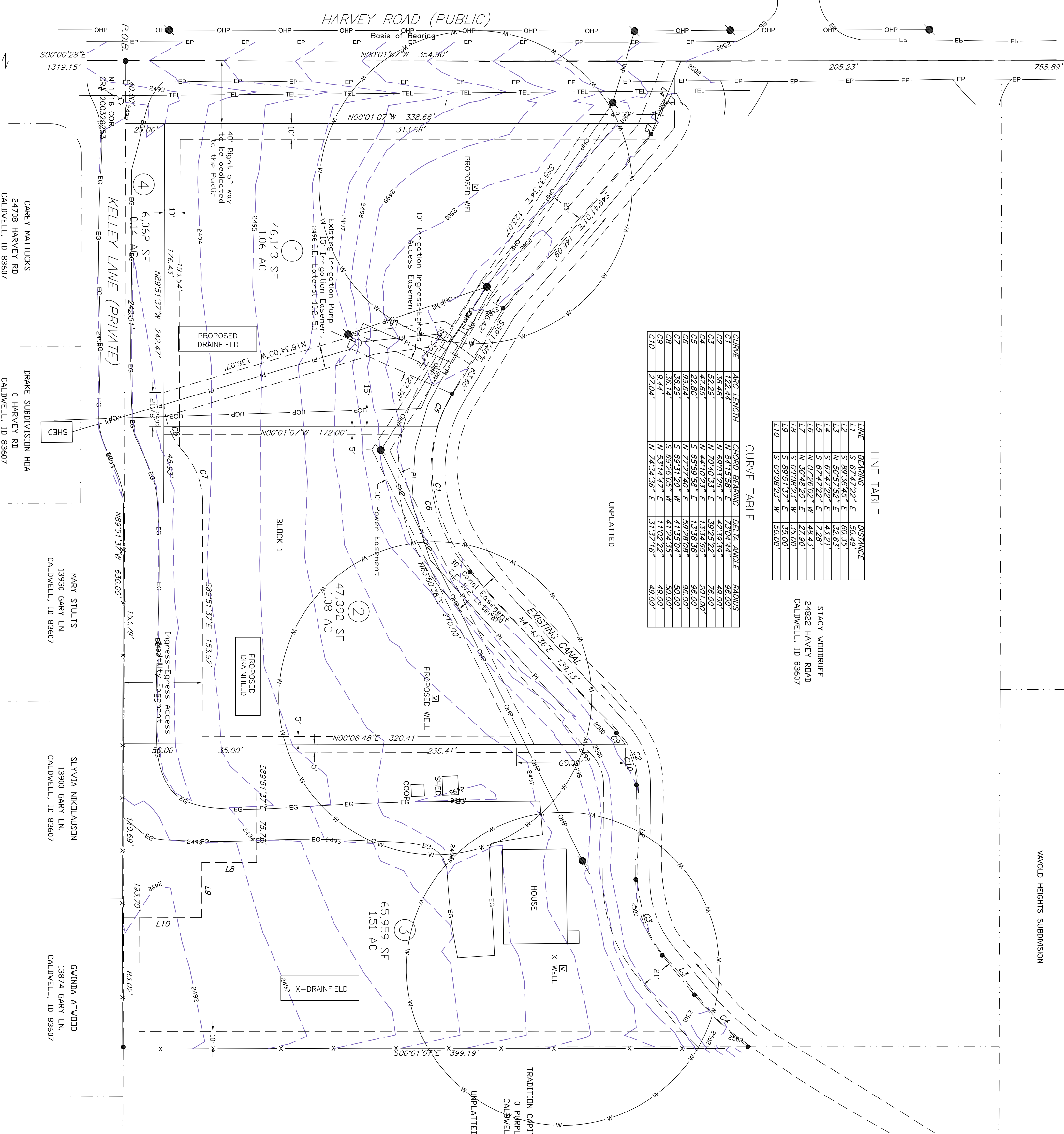
ALPINE VIEW ESTATES SUBDIVISION
PART OF THE NW 1/4 OF THE NW 1/4 OF
SECTION 35, T. 5 N., R. 3 W., B.M.
CANYON COUNTY, IDAHO
2024

LINE	BEARING	DISTANCE
L1	S 67°47'29" E	50.49'
L2	S 89°36'42" E	60.15'
L3	S 89°36'42" E	60.15'
L4	S 67°47'29" E	44.51'
L5	S 67°47'29" E	7.28'
L6	N 07°26'02" W	48.43'
L7	N 07°26'02" W	48.43'
L8	S 07°08'23" W	35.00'
L9	S 89°31'39" E	35.00'
L10	S 07°08'23" W	35.00'

CURVE TABLE

CURVE	ARC LENGTH	CHORD BEARING	DELTA ANGLE	TRADUOUS
C1	122.44'	N 84°15'59" E	73°04'42"	96.00'
C2	52.29'	N 20°40'53" E	39°25'22"	16.00'
C3	52.29'	N 20°40'53" E	39°25'22"	16.00'
C4	47.65'	N 44°10'23" E	13°14'59"	20.00'
C5	62.80'	N 65°37'40" E	19°36'08"	26.00'
C6	56.29'	S 69°31'20" W	41°15'04"	50.00'
C7	56.29'	S 69°31'20" W	41°15'04"	50.00'
C8	56.14'	S 69°36'05" W	41°24'55"	50.00'
C9	56.14'	S 69°36'05" W	41°24'55"	50.00'
C10	27.04'	N 74°14'46" E	31°17'16"	49.00'

UNPLATTED



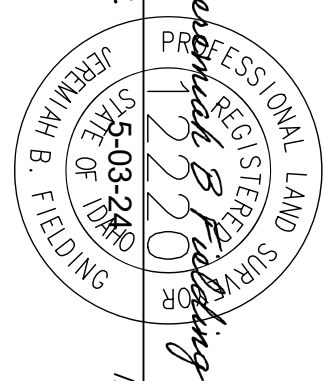
NOTES

- MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS, OR AS SPECIFICALLY APPROVED AND/OR REQUIRED, OR AS SHOWN ON THIS PLAT.
- THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT OF FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATOR, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN BEGUN OR WAS CONSTRUCTED, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
- IRRIGATION WATER SHALL BE PROVIDED TO EACH LOT THROUGH A PRESSURIZED IRRIGATION SYSTEM SHOWN AND MAINTAINED BY THE IDAHO CODE SECTION 31-3805(1)(b). ALL LOTS WILL BE SUBJECT TO ASSESSMENTS FROM THE DRAKE SUBDIVISION.
- ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY SHALL HAVE A TEN (10) FOOT WIDE EASEMENT, PROPERTY DRAINAGE, IRRIGATION, AND PUBLIC UTILITY EASEMENT.
- ALL REAR LOT LINES ADJACENT TO THE SUBDIVISION BOUNDARY SHALL HAVE A TEN (10) FOOT WIDE PROPERTY DRAINAGE, IRRIGATION, AND PUBLIC UTILITY EASEMENT UNLESS SHOWN OTHERWISE.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION.
- LOTS BE REQUIRED TO DRILL A WELL FOR DOMESTIC WATER.
- LOTS WILL BE REQUIRED TO PROVIDE AN INDIVIDUAL SEPTIC SYSTEM.
- STORM DRAINAGE FACILITIES OUTSIDE THE PUBLIC RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION OR PROPERTY OWNER WHICH EXISTS. RESPONSIBILITY FOR STORM DRAINAGE FACILITIES INCLUDES ALL MAINTENANCE BOTH ROUTINE AND NON-ROUTINE.
- NO NEW DEVELOPMENT OR REDEVELOPMENT OF LAND MAY DISCHARGE STORM WATER INTO ANY DRAINAGE DISTRICT RIGHT-OF-WAY OR INTO THE DISTRICT'S MUNICIPAL SEPARATE STORM SEWER SYSTEM.
- NO LOT SHALL HAVE DIRECT ACCESS TO HARVEY ROAD EXCEPT VIA THE PRIVATE ROAD (LOT 4, BLOCK 1).
- LOT 4, BLOCK 1, SHALL BE A PRIVATE ROAD LOT TO BE OWNED AND MAINTAINED BY THE ALPINE VIEW ESTATES HOMEOWNERS ASSOCIATION.

SURVEYOR'S CERTIFICATE

I, JEREMIAH B. FIELDING, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE DATE AND UNDER THE CIRCUMSTANCES STATED HEREON, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

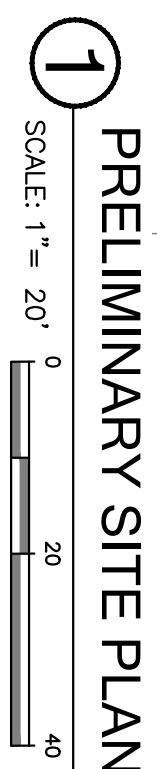
JEREMIAH B. FIELDING, P.L.S.



EAGLE LAND SURVEYING, LLC.

106 [CR#] 861-7513, Ph 223200@eagle.com

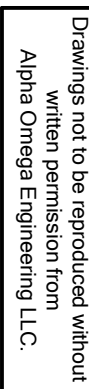
REVISIONS			
REVISED:	5-03-24		
DATE	5-21-24	PROJECT	22-0983
DRAWN BY	JP	DATE	5-21-24
CHECKED BY	JP	DATE	5-21-24
SHEET 1 OF 1			



PROJECT #:	22027
DATE:	09-20-22
DRAWN BY:	KKE

SHEET NO.:

24822 HARVEY ROAD, CALDWELL



1014 S. La Pointe Dr, Ste. 2 Ph: 208.322.5250
Boise, Idaho 83706 mike@aoengineering.com

IRRIGATION PLAN APPLICATION**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633



Applicant(s) Shawn & Rae Lynn Kelley 208-697-8306
 Name Daytime Telephone Number
24720 Harvey Rd Caldwell, ID 83607
 Street Address City, State Zip

Representative Name same as applicant
 Daytime Telephone Number / E-mail Address
 Street Address City, State Zip

Location of Subject Property: East side of Harvey Rd, just south of Raptor Ln. Caldwell
 Two Nearest Cross Streets or Property Address City

Assessor's Account Number(s): R 38194010A Section 35 Township 5N Range 3W

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.

Revised 5/2/22

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: Self-contained

Drainage: Self-contained

3. How many acres is the property being subdivided? 4.12 acres

4. What percentage of this property has water? 100%

5. How many inches of water are available to the property? 1 inch an acre per year

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.

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 attached drawing

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)

See attached drawing

**DRAKE SUBDIVISION PROPERTY OWNERS' ASSOCIATION
OF DOMESTIC & LATERAL WATER USERS, INC.**

24633 Adele Lane, Caldwell, ID 83607

April 9, 2024

Alpine View Estates
24720 Harvey Road
Caldwell, ID 83607

ATTN: Shawn Kelley

Dear Shawn:

This letter serves as official documentation between Drake Subdivision Property Owners' Association of Domestic & Lateral Water Users, Inc. (aka Drake Subdivision) and Alpine View Estates for the purpose of using our Irrigation Water. Alpine View Estates will be charged \$40.00 per month while Irrigation Water is available for use. Payment will be due on the 1st of the month with a ten (10) day grace period.

Alpine View Estates will be responsible for all installation costs, hook ups, and regular maintenance of connections to our system.

An official Contract will be drawn up by Drake Subdivision and signed by both parties prior to the use of our Irrigation Water system.

Sincerely,

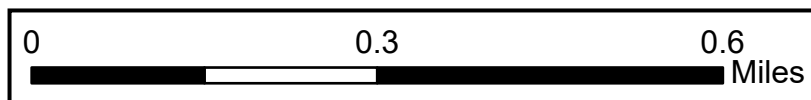
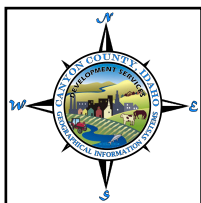
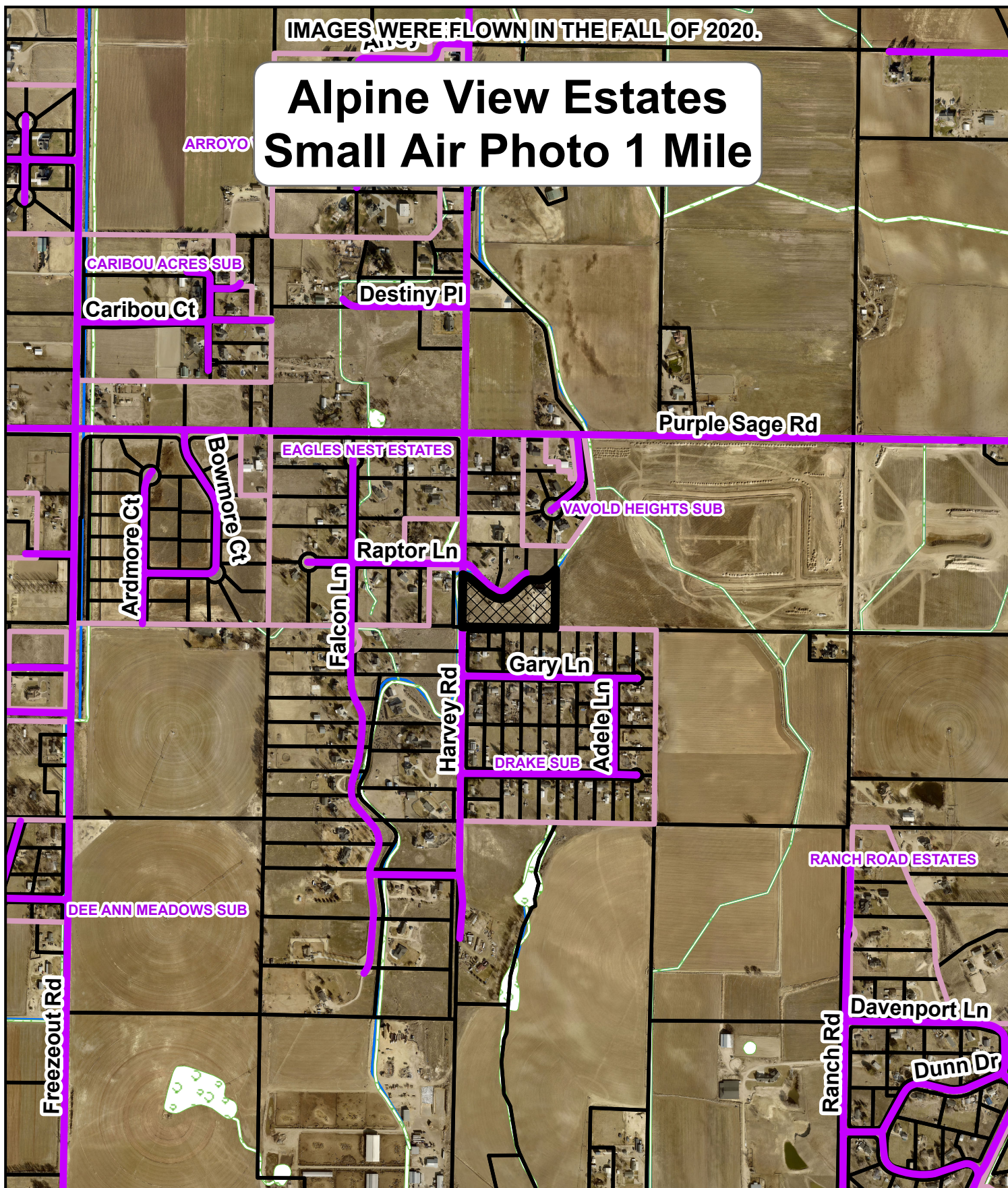


Gerald Harbel, President
DRAKE SUBDIVISION
(208) 407-6383

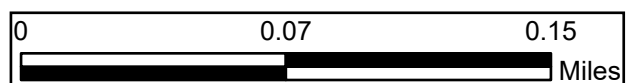
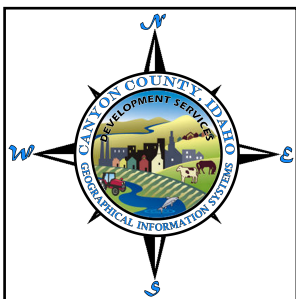
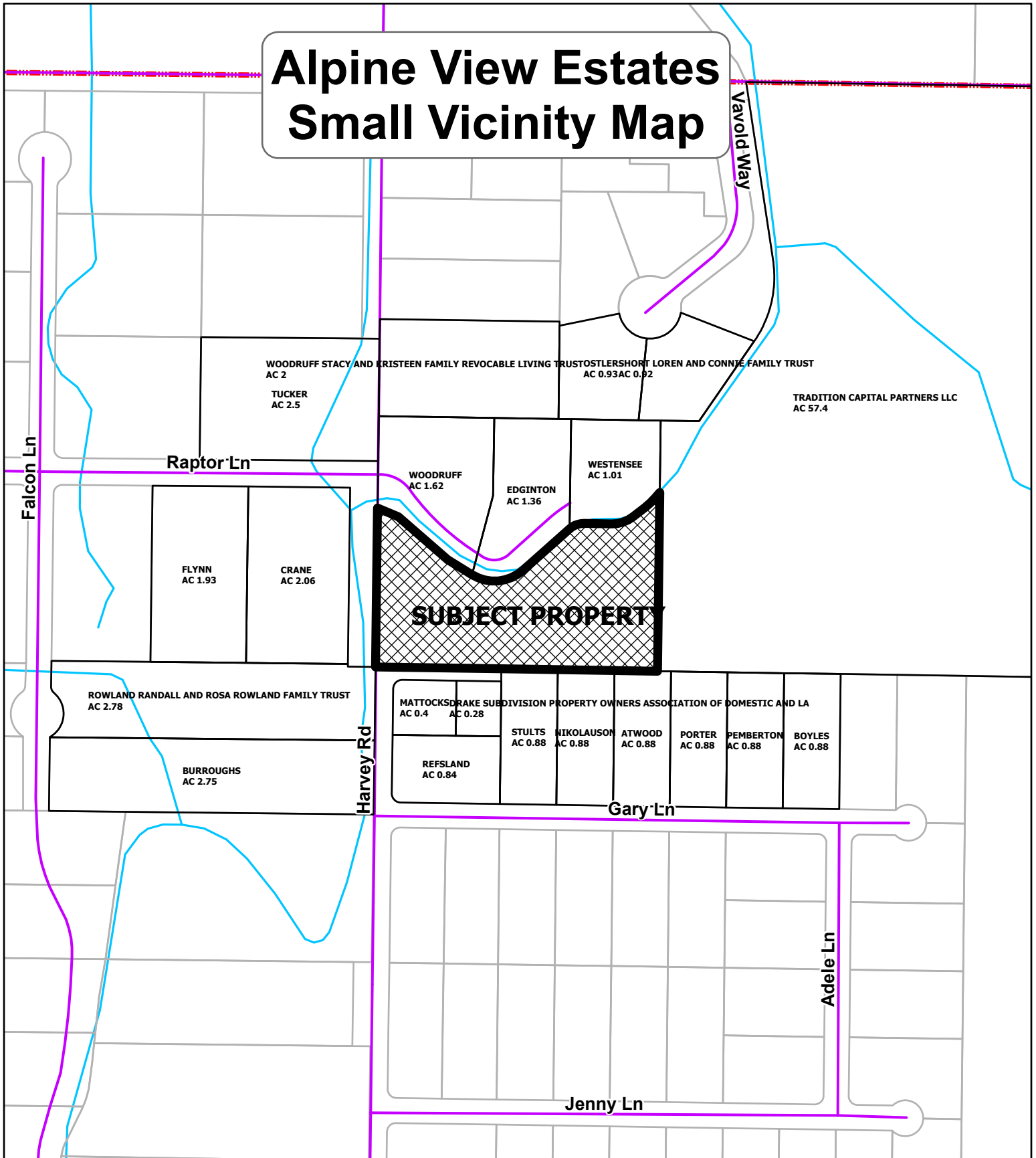
cc: Annette Moore, Treasurer
DRAKE SUBDIVISION

IMAGES WERE FLOWN IN THE FALL OF 2020.

Alpine View Estates Small Air Photo 1 Mile



Alpine View Estates Small Vicinity Map





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

May 29, 2024

Dalia Alnajjar
Engineering Supervisor
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Alpine View Estates Subdivision Preliminary Plat Application

Dear Ms. Alnajjar,

Keller Associates, Inc. has reviewed the Preliminary Plat for the Alpine View Estates Subdivision dated May 3, 2024. 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. Address comments from the Black Canyon Irrigation District in letter dated, March 20, 2024 relevant to the preliminary plat phase. Provide BCID approval of constructing pressure irrigation lines within their canal easement.
2. Provide approval letter for private road from the applicable fire district.
3. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
4. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
5. Plat shall comply with requirements of the local highway district.
6. Plat shall comply with Southwest District Health requirements.

We recommend that **Preliminary Plat be APPROVED with the conditions listed above**. 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.

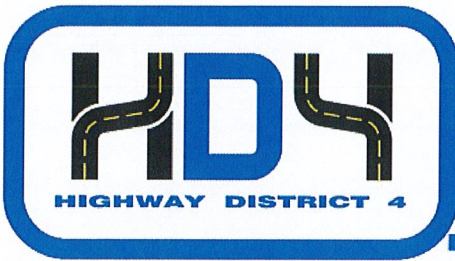
If you have any questions, please do not hesitate to call Keller Associates at (208) 244-5065.

Sincerely,

KELLER ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Justin Walker".

Justin Walker, P.E.
County Engineer



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

TELEPHONE 208.454.8135
FAX 208.454.2008

March 18, 2024

Canyon County Board of Commissioners and Planning & Zoning Commission
 111 N. 11th Street
 Caldwell, Idaho 83605
 Attention: Stephanie Hailey, Planner

RE: SD2022-0056
Alpine View Subdivision
Harvey Rd- Canyon County Parcel R3.8194010A aka 24720 Harvey Rd

Dear Commissioners:

Highway District No. 4 (HD4) has reviewed the agency notice and application for subdivision of Parcel R38194010A aka 24720 Harvey Rd. The applicant is proposing 3 residential lots (1 existing) on approximately 4.12 acres. HD4 provides the following comments on the request:

General

The subject property consists of 1 parcels totaling approximately 4.12 acres, located in the NW 1/4 NW 1/4 Section 35 T5N R4W, and lying on the east side of Harvey Rd approximately 1,000-ft south of Purple Sage Rd. The subject property has approximately 355-feet of frontage on Harvey Rd along the westerly boundary. There does not appear to be any other public road access available to the property.

Harvey Rd is classified as a major collector on the functional classification maps adopted by HD4 and Canyon County. Existing right-of-way width along the subject property is a 25-foot prescriptive right-of-way, measured from the existing road centerline. Ultimate right-of-way width is a 40-foot half width measured from the section line (west property boundary).

Existing Access

The subject property is currently served by a residential gravel driveway approach to Harvey Rd at the southwest corner of the property.

Future Access for Residential Development

Access for the 3 residential lots portrayed on the plat is shown as a private road approach to Harvey Rd, located at the existing gravel driveway approach. This approach location is acceptable to the District. The approach will be required to be paved per ACCHD Standard Drawing SD-106, with a maximum throat width of 30-feet and maximum radii of 20-feet. This requirement shall be made with construction of the third residential lot making use of the approach; however HD4 recommends the County condition the developer to complete this work prior to approving the final plat.

Requirements for Final Plat

The following requirements shall be included with, or completed prior to approval of final plat by the Highway District:

1. Provide a 40-foot right-of-way dedication for Harvey Rd as shown.
2. Add a note to the final plat: "No lot shall have direct access to Harvey Rd except via the private road Lot 4 Block 1."
3. Remove all irrigation facilities public or private from the 40-foot right-of-way area along Harvey Rd.
4. Relocate or remove any existing fences to the new right-of-way line.
5. Abandon (remove and regrade shoulder or borrow ditch) existing field access to Harvey Rd along Lot 1 Block 1 (two locations).

Transportation Impacts:

The two additional residential lots proposed by the development are not anticipated to materially affect existing or future transportation systems. Transportation impacts from the development will be mitigated by right-of-way dedication, frontage improvements, impact fees, or a combination of these means.

Section Line Setbacks

Canyon County code Chapter 7 Section 19-10 requires a 70-foot building setback to any section line or quarter section line. These setbacks are in effect along the westerly boundary of the subject property.

HD4 does not oppose the requested development application, and requests the Commission make these comments conditions of any approved land use action. Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Subdivision_Harvey Rd- Alpine View Estates Sub

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

March 20, 2024

Canyon County Development Services Department
111 North 11th Ave. Suite 310
Caldwell, ID 83605
(208) 454-7458

RE: **Subdivision (SD)**. Parcel R38194010A – **UPDATES in RED**
Case No.: **SD2022-0056 (Was originally responded to under CR2022-0033)**
Applicant: Shawn & Rae Lynn Kelley
Planner: Dan Lister

Black Canyon Irrigation District (District) has previously commented on the agency notice case number CR2022-0033. Please see below for the previous correspondence we have had on this project. All comments on this project are still pertinent (unless noted otherwise).

The parcel is located at 24720 Harvey Road, Caldwell, Canyon County, Idaho.

The District is requesting that Canyon County require the proponent to clarify/answer the following initial comments regarding this proposed land use change prior to approving the change. Significant infrastructure affecting multiple landowners could be affected by approving this change without receiving clarification on the below listed items.

11.30.2023 – The District spoke with the applicant on November 17, 2023 and November 30, 2023, to discuss items listed in the agency response letter submitted to the County on October 30, 2023. Additional comments based on the correspondence with the applicant are shown in red below.

3.20.2024 – No resolution has been offered by the applicant to date.

Pre-Application (Prior to concurrence approval of conditional rezone)

1. Please fill out and submit a Development Intake Sheet form found on our website (<https://blackcanyonirrigation.com/development>). It is recommended that the proponent apply to the District using this form for their proposed project to help identify any additional project requirements. The proponent has not contacted the District with this application to date.

11.30.2023 – A parcel split fee (which is processed through the form listed above) is required to be paid for the creation of each new lot.

03.20.2024 – *Request still outstanding.*

2. Records show that this property receives surface water from the adjacent Drake subdivision. The proponent will need to address their plan for delivering existing surface water to the property. Specifically, it will need to be clarified what arrangements (if any) have been made and how the irrigation water will be accounted for in the proposed re-zoned property. This is in direct contrast to what is presented on the Land Use Worksheet (Item #3) and the Irrigation Plan application (Page 2, Item 2 and Item 6). Please clarify.

11.30.2023 – The District has suggested to the applicant to speak with the Drake Subdivision HOA regarding irrigation assessment billing for this conditional rezone and parcel split. This property does have irrigation water from the District (different from that stated in the application). The property has been historically receiving this water from the Drake Subdivision. The Drake Subdivision HOA has been historically paying the assessment for the proponent's irrigation water. The District will need concurrence from the property owner and Drake subdivision if they wish to continue to be included in the Drake Subdivision irrigation system. The District will default to assessing each new property created, individually billing each of these three parcels if no further resolution is reached prior to approval of this conditional Rezone application. The applicant is encouraged to coordinate with the Drake Subdivision HOA.

03.20.2024 – *Request still outstanding.*

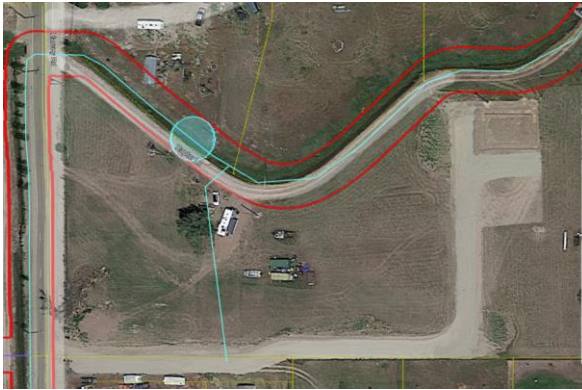
BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

3. District records show an irrigation lateral C.E. 10.2-5.1 is installed across the center of this parcel (north to south) that feeds the Drake subdivision located due south of the proposed proponent's property. This lateral needs to be shown on the plans and addressed by either an easement or other legal means. See map below.

11.30.2023 – The pipeline shown running North and South across the property is downstream of the District's weir. This pipeline is not a District facility, it is a private facility. It is recommended that this pipeline be properly addressed on any documented survey or preliminary plat. *No further action from the District is required on this item.*

03.20.2024 – *Per I.C. 31-3805 (1)B.ii, we assume both Canyon County and the City of Middleton are required to review the private irrigation system located on this subdivision including its effects on the Drake subdivision. This is the appropriate time to clean this irrigation system deficiency up.*



4. The proponent's grading plan shows private irrigation being fed from the North, across the canal from an existing well. The proponent needs to clarify how this is intended to be applied in conjunction with receiving surface irrigation? Are there arrangements to move surface irrigation water from the parcel?

11.30.2023 – The proponent has been requested to add/revise note to the development agreement, site survey or preliminary plat document that states, "Groundwater irrigation is available, however prior to being able to receive this groundwater, irrigation infrastructure needs to be installed across the Black Canyon Irrigation District's lateral. A license agreement is required to cross and/or work within the District's easement. Crossing infrastructure currently does not exist." *Once this note is provided, this comment will be satisfied.*

03.20.2024 – *Request still outstanding.*

5. The grading plan sheet shows a private irrigation line crossing the District's canal. Any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or Reclamation.

11.30.2023 – See response to Item #4 above. The proponent has been asked to add a note to the development agreement, formal site survey, or preliminary plat document to provide clarity to any potential future owner. *Once this note is provided, this comment will be satisfied.*

03.20.2024 – *Request still outstanding.*

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

6. The District will require that the laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons. This parcel is located directly adjacent to the section of C.E. 10.2 canal which will need to be piped. The piped canal must meet minimum requirements outlined in the District's standards found on the website (<https://blackcanyonirrigation.com/development>). The District and Reclamation may require additional modifications to ensure irrigation water is made available to patrons as this proposed project proceeds.

11.30.2023 – The District has waived their requirement to pipe the existing canal for this application. No further action required.

7. Fencing will be required along the lateral per District's standards.

11.30.2023 – The District recommends installing fencing along the lateral. No further action required.

8. The grading plan sheet shows private irrigation lines in the District's right-of-way which need to be relocated. No outside utilities or other structures are allowed within District's right-of-way.

11.30.2023 – Request still outstanding.

03.20.2024 – Request still outstanding.

9. Any and all maintenance road right-of ways, lateral right-of ways and drainage right-of ways will need to be protected (including the restriction of all encroachments). There is a District's maintenance road that runs along the south side of the canal which will need to remain in place and accessible.

11.30.2023 – No action required, notification for proponents understanding only.

General Comments:

1. A standalone, recorded easement(s) will be required for any irrigation lateral that is located within the property boundary. The District's lateral along this parcel has a prescriptive easement which needs to be recorded. The Developer will be required to provide the easement description and exhibit signed by a professional surveyor licensed in the state of Idaho. The District will provide the easement language once the description and the exhibit have been provided.
2. Construction runoff and drainage from the proposed land should be addressed as it shall not enter the lateral or District's right of way.
3. Please ensure that separation distances between any proposed wells, septic drain fields, and the District's irrigation canal meet minimum IDAPA requirements.

All of the above requirements need to be met, including any others that arise during future review.

Thank You,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District

CC: Shawn & Rae Lynn Kelley – Developer
Roberta Stewart – City of Middleton
Carl Hayes – Black Canyon Irrigation District
Tyler Chamberlain – Black Canyon Irrigation District
Heather Grubaugh – Black Canyon Irrigation District

Dan Lister

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Thursday, March 7, 2024 1:40 PM
To: Dan Lister
Cc: Amber Lewter
Subject: [External] RE: Initial Legal Notification SD2022-0056 Kelley

Hello Dan -

After careful review of the transmittal submitted to ITD on February 21, 2024, regarding SD2022-0056 Kelley, the Department has no comments or concerns to make at this time.

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

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, February 21, 2024 9:06 AM
To: 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'Chris Hopper' <CHopper@canyonhd4.org>; 'Iriccio@canyonhd4.org' <Iriccio@canyonhd4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziplay.com' <contract.administration.bid.box@ziplay.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Initial Legal Notification SD2022-0056 Kelley

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550



Brad Little, Governor
Jess Byrne, Director

February 26, 2024

Daniel Lister, Assistant Planning Manager
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
Daniel.Lister@canyoncounty.id.gov

Subject: Case No. SD2022-0056

Dear Mr. Lister:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:
<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK



DSD Director Administrative Decision
Canyon County Code of Ordinances
§07-18-01

Case Number: **AD2022-0003**

Parcel #'s: **R38194010**

Property Owner/Applicant(s): **Jennifer Sala**

Exhibit 5a

2022-008875

RECORDED

02/16/2022 02:52 PM



00683540202200088750020028

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=2 LBERG

\$13.00

MISC

RYAN COIT

Request: The applicant is requesting an administrative land division. The land division request results in two parcels with both parcels taking access to Harvey Road (collector).

Property History: The parcel, approximately 8.10 acres, is zoned "A" (Agricultural) and considered an original parcel (created prior to September 6, 1979; CCZO §07-02-03).

Findings - Administrative Land Division: The request is consistent with CCZO §07-18-01, as follows:

- The request is consistent with the minimum lot size and number of divisions allowed within an "A" zone. The 8.10-acre parcel will be divided to create a 3.98-acre parcel and a 4.12-acre parcel.
- The request is consistent with §07-18-01 as noted: "The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code) and the building code (chapter 6 of this code) before the director can approve the application.
- Development shall either use water rights from an Irrigation District or 0.5 acre-feet from the domestic well in accordance with Idaho Law 42-111(a).
- Based on contour maps, the property does not contain slopes greater than 15%.
- On January 20, 2022, Canyon Highway District No. 4 and Middleton Fire District were noticed. The following comments were received.
 - Melba Fire District: Fire District review is required at the time of building permit submittal.
 - Nampa Highway District No. 1: Any new approaches must meet current highway district standards and conditions.
- The requested division is consistent with the record of survey recorded on February 9, 2022; Instrument #2022-007396, described as follows:

Parcel 1: 3.98 ± acres (Existing dwelling and accessory structures)

Parcel 2: 4.12 ± acres (Building permit available)

DISCLAIMER: Parcels will not be adjusted by the Assessor's Office until deeds are recorded.

Decision: The application to complete the described administrative land division in accordance with CCZO §07-18-01 is **APPROVED** subject to the following conditions of approval:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property. The Idaho Right to Farm Act (Idaho Code §22-4503) applies to this land use decision.
 - a. Stormwater run-off shall be retained on-site. Stormwater retention is the responsibility of the homeowner.
2. Prior to building permit issuance, an onsite evaluation and septic permit is required from Southwest District Health.

3. Comply with all requirements of ACCHD Standards Manual. Prior to building permit issuance, an approach permit is required by CHD No. 4. Proposed driveway locations shall meet Section 3061.020 of the ACCHD Standards.
4. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification shall be approved in writing by the local irrigation District and/or Bureau of Reclamation.


Dan Lister, Planning Official

2-16-22

Date

State of Idaho)

SS

County of Canyon County)

On this 16 day of February, in the year of 2022, before me Cassandra J Lamb, a notary public, personally appeared Dan Lister, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.



Notary:

Cassandra J Lamb

My Commission Expires:

11-05-2026

UNOFFICIAL COPY

RECORD OF SURVEY-LAND DIVISION
PART OF THE NW 1/4 OF THE NW 1/4
SECTION 35, T. 5 N., R. 3 W., B.M.
CANYON COUNTY, IDAHO

2022

PURPLE SAIGE ROAD

NW COR. SEC. 35
CR# 200329250
S89°51'29"E 1371.28'

ROS# 8403692

ROS# 200140552
ROS# 200336272

VANDOL HEIGHTS SUBDIVISION

58°50'27"E 401.77'
32.2' [SHED]
43.4'
129.8'

15' MC

65.66'

228.23'

S89°51'52"E 3113.89'

160.96'

550.00' 3,376.10,000

399.19'

692.01'

N89°51'37"W 1322.01'

N 1/16 COR.
CR# 200329253

1:119.15'

500'00'28"E

354.90'

N00°01'07"W 560.15'

Base of Berms

HARVEY ROAD

10' Irrigation Ingress-Egress Access Easement

Existing Irrigation Pump

PARCEL 1
175,377 SF
3.98 AC

PARCEL 2
175,444 SF
4.02 AC

DRINKING CREEK

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BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Kelley – CR2022-0033

The Canyon County Planning and Zoning Commission considers the following:

1. Conditional rezone of parcel R38194010A from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone – Single Family Residential).
 - a. The request includes a development agreement limiting development to three (3) buildable lots.
 [Case CR2022-0033, 24720 Harvey Road, Caldwell, portion of the NW¼ of Section 35, T5N, R3W, B-M Canyon County, Idaho]

Summary of the Record

1. The record is comprised of the following:
 - A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0033.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-09-15 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application, CR2022-0033, was presented at a public hearing before the Canyon County Board of County Commissioners on April 23, 2024. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: As conditioned by the development agreement, the conditional rezone is generally consistent with the 2020 Comprehensive Plan.

- Findings:**
- (1) The application was submitted at the time the 2020 Canyon County Comprehensive Plan was in effect. The future land use plan designation is residential (Exhibit 3c, Staff Report). The 2030 Comprehensive Plan also designates the parcel as ‘residential’ (Exhibit 3d, Staff Report).
 - (2) The request generally aligns with the following goals and policies of the 2020 Canyon County Comprehensive Plan.
 - Private Property Rights Policy 1: *“No person shall be deprived of private property without due process of law.”*
 - o The conditional rezoning application was submitted on November 29, 2022. The application requires all public hearings to comply with Idaho Code Section 69-6511 & 69-6511A and CCZO Chapter 7, Articles 5 and 6.
 - Population Policy 2: *“Encourage future high-density development to locate within incorporated cities and/or areas of city impact.”*
 - o The request is located within the Middleton Area of City Impact (Exhibit 3d, Staff Report).
 - Population Policy 3: *“Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.”*
 - o See the findings for Criteria 2, 3 & 4 for evidence.
 - Land Use Policy 2: *“Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.”*
 - o The request will allow the development of a three-lot subdivision conditioned by a development agreement (Attachment A). See Criteria 2, 3 & 4 for evidence.
 - Land Use – Residential Policy 2: *“Encourage residential development in areas where agricultural uses are not viable.”*
 - o See the findings for Criteria 2 for evidence.
 - Natural Resources – Agricultural Land Policy 2: *“Development should not be allowed to disrupt or destroy irrigation canals, ditches, laterals and associated rights-of-way. This does not apply to privately owned, self-contained systems.”*
 - o See Attachment A for conditions of the development agreement and the findings for Criteria 4 & 5 for evidence.
 - Natural Resources – Agricultural Land Policy 3: *“Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.”*
 - o See the findings for Criteria 2, 3 & 4 for evidence.
 - Hazardous Areas – Goal 1: *“To ensure the safety of residents and the protection of property.”*
 - o The request is not located in a floodplain, hillside, or unstable or hazardous location (Exhibit 3, Staff Report).

- Public Services, Facilities, and Utilities Policy 2: “Encourage the establishment of expanded sewer infrastructure and wastewater treatment in areas of city impact.”
 - o See findings and evidence in the section titled Canyon County Code §09-09-15 - MIDDLETON AREA OF CITY IMPACT AGREEMENT ORDINANCE.
- Public Services, Facilities, and Utilities Policy 3: “Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”
 - o The request is located within the jurisdiction of Middleton Rural Fire District.
- Transportation Policy 20: “Work with highway districts, ITD, cities, and others to reserve rights-of-way for planned transportation facilities.”
 - o See the findings in Criteria 6 for evidence.
- Special Areas, Sites, and Recreation Goal 1: “To encourage the preservation of recreational, historical, archeological, and architectural landmark areas of the county for the beneficial use of future generations.”
 - o The request is not located near a special area, historic site, or recreational area.
- Housing Policy 1: “Encourage a variety of housing choices that meet the needs of families, various age groups, and incomes.”
 - o The request will allow the 4.12-acre parcel to be divided into a total of three lots for residential development (Attachment A).
- Housing Policy 2: “Limit housing in areas that are hazardous whenever possible. Such constraints or hazards include but are not limited to, the following: - Flood Hazards, - Unstable soil and/or geologic, - Contaminated groundwater.”
 - o The request is not located in a floodplain, hillside, or unstable or hazardous location (Exhibit 3, Staff Report).
- Agriculture Policy 3: “Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.”
 - o See the findings in Criteria 2, 3 & 4 for evidence.
- Agriculture Policy 4: “Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.”
 - o See Attachment A for conditions of the development agreement.

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0033.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: Based on the location of the parcel near other similar subdivisions and zones, the request to “CR-R-1” is more appropriate.

Findings:

- (1) The parcel is zoned “A” (Agricultural; Exhibit 3f, Staff Report). The future land use plan designation within the Canyon County Comprehensive Plan is residential (Exhibit 3c & 3d, Staff Report). The property is located in the Middleton Area of City Impact where they designated the future land use as residential (Exhibit 3e, Staff Report).
- (2) The parcel consists of Class III, moderately-suited soils, and is considered prime farmland (Exhibit 3i, Staff Report). The parcel is surrounded immediately by residential parcels to the north, Drake Subdivision to the south, Eagles Nest Estates Subdivision and rural sized parcels to the west, and a future subdivision, Green Hills Landing Subdivision, to the east. The parcel is less than five acres and does not have a bona fide agricultural operation; and therefore, it does not qualify for an agricultural tax exemption (Idaho Code 63-604). Canyon Soils

Conservation District has no comment or concern regarding the request (Exhibit 4d, Staff Report).

- (3) There are no productive agricultural uses near the parcel. Productive agricultural uses are predominant north of Purple Sage Road (Exhibit 3a, Staff Report). The property is not located near any gravel pits but is within one mile of three feedlots and over one mile from two dairies (Exhibit 3j, Staff Report). The nearest feedlot, Rising Star Cattle, is located north of Purple Sage Road approximately 1,400 feet northeast of the subject parcel
- (4) *See additional evidence in the findings for Criteria 3 & 4.*
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0033.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: The request is compatible with existing uses found in the area.

- Findings:**
- (1) The north boundary of the parcel abuts three parcels, R38194010, R38194010B, and R38194010C, that were created via conditional rezone in 2022 (CR2022-0026) and divided into three parcels in 2023 (AD2023-0034). The south boundary line abuts parcels created by Drake Subdivision in 1973 with 41 lots with a 0.98-acre average lot size (Exhibit 3h, Staff Report). The east boundary abuts a large 57.4-acre agricultural parcel conditionally rezoned to "CR-R-1" in 2018 (RZ2018-0021). The preliminary plat for Green Hills Landing Subdivision was approved in 2020 with 40 lots and a 1.44-acre average lot size (SD2018-0019). The west boundary abuts Harvey Road, a public road. East of Harvey Road are residential parcels and subdivisions, Eagles Nest Estates, approved in 1998 with 11 lots and a 3.24-acre average lot size.
 - (2) Per Exhibit 3g of the Staff Report, approximately 1,300 feet west of the subject parcel is a large parcel rezoned "CR-R-1" (CR2019-0008), and subsequently Spring Hills Ranch Subdivision was approved in 2022 with 28 lots with a 1.36-acre average lot size (SD2021-0044). Approximately 2,000 feet east and 750 feet southeast are two large parcels rezoned to "R-R" (Rural Residential) in 2007 (RZ2006-10). A 40-acre portion approximately 2,000 feet east received preliminary plat approval for 18 lots with a 2.15-acre average lot size (Ridgeland Estates Subdivision, SD2020-0036).
 - (3) Within a one-mile radius, there are 36 subdivisions with an average lot size of 1.62 acres and four approved preliminary plats with a 1.68-acre average lot size (Exhibit 3h, Staff Report).
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0033.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The request will not negatively impact the character of the area.

- Findings:**
- (1) The request will be similar to the recent development immediately north of the subject parcel. The north boundary of the parcel abuts three parcels, R38194010, R38194010B, and R38194010C, that were created via conditional rezone in 2022 (CR2022-0026) and divided into three parcels in 2023. The subject parcel currently has a dwelling. The request allowed two more dwellings on a total of three residential lots. The division to create those lots requires platting. The development agreement (Attachment A) restricts the rezone to only three lots.
 - (2) The development agreement (Attachment A) includes conditions regarding no secondary dwellings, private road access, and irrigation to ensure the development reduces potential impacts to the area to a level less than significant. *See the findings for Criteria 5-8 and City Impact Agreement findings for evidence.*

- (3) Notice of the public hearing was provided per CCZO §07-05-01. Property owners within 600' of the subject parcel were notified on December 20, 2023 and March 12, 2024. A newspaper notice was published on December 22, 2023 and March 14, 2024. A notice was posted on the property on December 29, 2023 and March 19, 2024.
 - a. No comments from the public were received.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0033.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Subject to conditions of the development agreement (Attachment A), the proposal can ensure adequate facilities can be provided before signing of the final plat.

- Findings:**
- (1) The parcel is currently served by a septic and well (Exhibit 2a, Staff Report). Future lots will be served by individual wells and septic. The parcel is located within a nitrate priority area (Exhibit 3I). A Nitrogen Pathogen (NP) Study will be required by Southwest District Health at the time of platting. No comments were received from Southwest District Health.
 - (2) Powerline bisects the property that can serve the request (Exhibit 5). The plat requires utility easements and easements where existing utilities exist and cannot be moved (CCZO Section 07-17-09(1)D&E). No comments were received from ID Power or Intermountain Gas.
 - (3) The property is currently served by an irrigation well with rights to one inch per acre a year (Exhibit 2c, Staff Report). The well appears to be located on parcel R38194010A, outside of the subdivision, which crossed the CE10.2-5.1 Lateral to serve the request (Exhibit 2b, Staff Report).
 - (4) Notice of the public hearing was provided per CCZO §07-05-01. Full political notice was sent on December 20, 2023. Affected agencies were noticed on October 2, 2023, December 20, 2023 (Planning and Zoning Commission), and March 12, 2024.
 - a. Black Canyon Irrigation District (BCID) identifies concerns regarding the irrigation serving the request (Exhibit 4e, Staff Report). BCID finds the property has surface water rights via Drake Subdivision. BCID requests the applicant to work with Drake Subdivision HOA to address the issue.
 - i. Per ID CODE 67-6537(1) *"The intent of this section is to encourage the use of surface water for irrigation. All applicants proposing to make land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation. Surface water shall be deemed reasonably available if:*
 1. A surface water right is, or reasonably can be made, appurtenant to the land;
 2. The land is entitled to the distribution of surface water from an irrigation district, canal company, ditch users association, or other irrigation delivery entity, and the entity's distribution system is capable of delivering the water to the land; or
 3. An irrigation district, canal company, or other irrigation delivery entity has sufficient available surface water rights to apportion or allocate to the land and has a distribution system capable of delivering the water to the land."
 - b. The groundwater well to be used for irrigation crosses the lateral and is located within the district easements. The applicant requires a license/crossing agreement approval from BCID. BCID recommends their concerns be conditions of the development agreement so they are addressed during platting.

As a condition of the development agreement (Attachment A), the plat shall demonstrate compliance with Idaho Code 67-6537(1) and the comments letter from Black Canyon Irrigation District before approval of the preliminary plat.

- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0033.

6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The request, as conditioned, is not anticipated to impact existing or future traffic on Harvey Road.

- Findings:**
- (1) The parcel has access to Harvey Road, a public road. The request allowed three lots to be developed for residential use (including the existing dwelling on the parcel) which creates 28.56 average daily trips (ADT) per CCZO Section 07-10-03(3)A1.3. As conditioned, Secondary dwellings per CCZO Sections 07-10-27 and 07-14-25 are prohibited which reduces trips generated on the private road and Harvey Road and are similar conditions placed on the development north of the subject parcel (Attachment A).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Full political notice was sent on December 20, 2023. Affected agencies were noticed on October 2, 2023, December 20, 2023 (Planning and Zoning Commission), and March 12, 2024.
 - a. Highway District #4 (HD4) finds the request does not trigger a traffic impact study (Exhibit 4c, Staff Report). HD4 will require public right-of-way dedication and payment of impact fees as traffic impact mitigation measures.
 - b. Idaho Transportation Department (ITD) finds any impacts based on the request to be minimal (Exhibit 4b, Staff Report).
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0033.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property has legal access. Future development will require private road improvements.

- Findings:**
- (1) The property has legal access from Harvey Road via a 25' open public right-of-way. The request will be required to meet private road requirements and construction standards (CCZO Section 07-10-03 and 07-17-31).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Full political notice was sent on December 20, 2023. Affected agencies were noticed on October 2, 2023, December 20, 2023 (Planning and Zoning Commission), and March 12, 2024.
 - a. Highway District #4 (HD4) finds no access issues. The request does not trigger a traffic impact study (Exhibit 4c, Staff Report). HD4 will require public right-of-way dedication and payment of impact fees as traffic impact mitigation measures.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0033.

8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned by the development agreement, the request is not anticipated to impact essential services.

- Findings:**
- (1) As conditioned by the development agreement (Attachment A), the request is not anticipated to impact essential services. The property has an existing dwelling served by Middleton Fire District (Exhibit 2a, Staff Report), Middleton School District, Canyon County Sheriff's Department, and Canyon County Paramedics/EMT (Exhibit 6, Staff report) As conditioned, an

additional two lots are not anticipated to impact essential services. No comments were received from the above-stated agencies. The fire district approval provided by the applicant is for the existing dwelling on the property, not the request (Exhibits 2a and 6, Staff Report).

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Full political notice was sent on December 20, 2023. Affected agencies were noticed on October 2, 2023, December 20, 2023 (Planning and Zoning Commission), and March 12, 2024.

Canyon County Code §09-09-15 - MIDDLETON AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Middleton Area of City Impact. A notice was sent to the City of Middleton per Canyon County Code Section 09-09-15. The development agreement (Attachment A) includes a condition requested by the City of Middleton for an easement to ensure future city services are not blocked.

- Findings:**
- (1) The subject property is located in the Middleton Area of City Impact (Exhibit 3e, Staff Report). The Middleton Area of City Impact Ordinance was adopted in 2001 (Ord No. 05-013). Section 09-09-03(2) of the Ordinance states: *"The purpose of these provisions is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of the county and the inhabitants thereof by establishing regulations for the Middleton area of city impact."*
 - a. Middleton's Comprehensive Plan designated the parcel as "residential" on the future land use map (Exhibit 3e, Staff Report).
 - (2) Section 09-09-15 of the Ordinance states: *"All proposed county ordinance amendments to the text and/or map which may relate to the Middleton area of city impact shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article, except that recommendations received from the city by the county are nonbinding but any factually supported recommendations shall be seriously considered by the county."* According to Section 09-09-11(3) of the Ordinance, notice shall be provided to the City of Middleton at least 30 days before the first public hearing. An official notice was provided on October 2, 2023. A hearing notice was provided on December 20, 2023. Full political notice was sent on December 20, 2023. Affected agencies were noticed on October 2, 2023, December 20, 2023 (Planning and Zoning Commission), and March 12, 2024.
 - a. The City of Middleton did not submit a comment to County staff. However, the applicant provided an e-mail between the city and the property owner (Exhibit 4a, Staff Report). The city requires a pre-annexation agreement and utility easement for future city services to be located within when services reach the area.
 - b. Per CCZO Section 09-09-11(3): *"If a recommendation is received it shall be given great weight by the county, provided it is factually supported, but such recommendation shall not be binding on the county. If no response is received the county may proceed without the recommendation of the city."*
 - c. As a condition of the development agreement (Attachment A), a utility easement shall be provided for future city services along the frontage of the property. However, the condition does not include the requested pre-annexation agreement. The city is not providing services to the development. Therefore, there is no nexus to require a pre-annexation agreement.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0033.

Order


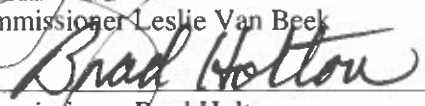
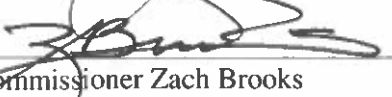
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** Case # CR2022-0033, a conditional rezone of parcel R38194010A from an "A" Zone to a "CR-R-1" zone, subject to conditions of the development agreement (Attachment A).

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.

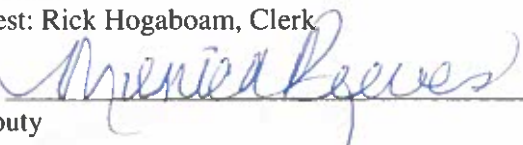
DATED this 10 day of MAY, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

☒ Motion Carried Unanimously
☐ Motion Carried/Split Vote Below
☐ Motion Defeated/Split Vote Below

	<u>Yes</u>	No	Did Not Vote
 Commissioner Leslie Van Beek	<u> </u>	<u> </u>	<u> </u>
 Commissioner Brad Holton	<u>X</u>	<u> </u>	<u> </u>
 Commissioner Zach Brooks	<u>X</u>	<u> </u>	<u> </u>

Attest: Rick Hogaboam, Clerk

By: 
Deputy

Date: 5/6/24

ATTACHMENT A
DRAFT CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
 - a. Prior to the Board of County Commissioners signing of the final plat, the private road shall comply with CCZO Section 07-17-29 & 31.
 - b. Prior to the Board of County Commissioners signing of the final plat, Highway District #4 and Southwest District Health signatures must be on the final plat.
2. The subject parcel, 4.15 acres, shall be divided in compliance with County Subdivision requirements (Chapter 7, Article 17, Canyon County Zoning Ordinance, in substantial compliance with the conceptual site plan (Attachment B) subject to the following restrictions:
 - a. Secondary dwellings (CCZO §07-10-27 & 07-14-25) are prohibited.
 - b. Further division of the parcels is prohibited unless the development agreement is modified or approval of a zoning map amendment.
 - c. A utility easement along Harvey Road shall be included to ensure the development does not impede the city's ability to extend city services to the area in the future. The applicant shall work with the City of Middleton to ensure the utility easement width is adequate.
 - d. Pressurized irrigation shall be provided. Use of water rights shall comply with Idaho Code Section 67-6537(1).
 - i. The applicant must comply with all standards and regulations outlined in the Black Canyon Irrigation District Letter (Exhibit 4e, Staff Report).
 - ii. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modifications or improvements shall be approved in writing by the local Irrigation District.
3. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

**PRIVATE ROAD NAME APPLICATION****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #310, Caldwell, ID 83605zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633

Addressing Ordinance CCZO 06-05-09(28) & 06-05-11(1, 3): All street names shall be approved by the Director within the unincorporated area of the County designated for addressing by the County. The right to use a street or private road name, its accompanying street designation and right to install a sign for a street. Proposed street and private road names for new subdivisions, proposed new private roads.

Applicant(s): Shawn & Rae Lynn Kelley Phone: 208-697-8306
 Please Print Name

24720 Harvey Rd. • Caldwell ID 83607
 Applicant Mailing Street Address City/State Zip

Location of Private Road: Harvey & Daptor
 Two Nearest Cross Streets

Parcel Number of owner requesting private road name: R38194010A

The following must be provided as part of this application:

1. A dimensioned sketch showing the location, configuration and length of the private road.
2. A typewritten or printed list of names and addresses of all persons having a legal right to use the road. (They must sign below.)
3. A list containing a minimum of three proposed road names in preferential order, i.e. first choice as number one, etc.
If proposed are private roads, the street type must be Lane.

- a. First Choice: Dragonfly Lane
- b. Second Choice: Twisted Branch Lane
- c. Third Choice: Starry Sky Lane

If project requires multiple road names provide road names use this section. Mark on sketch which road names belongs to each road segment. If more than three road names are needed, please write them on a separate piece of paper. If proposed are private roads, the street type must be Lane.

- d. First road name: _____
- e. Second road name: _____
- f. Third road name: _____

NOTE: Words that are difficult to spell or pronounce are generally prohibited. The Director may reject a street name if the street name is found to be vulgar, rude or offensive. Private road names cannot be first, last names, or initials. Proposed roads names cannot use words, sound alike or similar spelling from an existing road name. If the parties who have the legal right to utilize the road cannot agree on a name, Development Services Department will take suggestions from all parties and make the final decision and approval. (§ 06-05-13(13)). Please note that The County makes every effort to notify public and private agencies of new address, address changes or new private roads. The County cannot guarantee the agencies will update their records to reflect this new address, address change or new private road. It is suggested that you make "Suggestion Edits" on Google Maps to update your new private road and new addresses.

Revised 6/9/22

We, the undersigned, declare that we are owners of all or portions of the land upon which the private road lies or have legal right of ingress and egress upon said road. We understand that we are responsible for the purchasing of a blue private road sign of a design approved by the Board of County Commissioners, and installed in accordance with the most current edition of the Manual Of Uniform Traffic Control Devices. **We further understand that our address will change as a result of naming this private road.**

Signed: Rae Lynn Kelley Date: 11/19/22
Primary Applicant/Property Owner Application Date

Signed: Rae Lynn Kelley Printed Name: Rae Lynn Kelley Date: 11-28-22
Applicant/Property Owner

Signed: _____ Printed Name: _____ Date: _____
Applicant/Property Owner

Signed: _____ Printed Name: _____ Date: _____
Applicant/Property Owner

(Please attach additional sheets if more signatures are required)

Accepted By: _____ Date: _____
Director / Staff Signature Application Accepted

Office Use Only:	Case #: RD2022-0040	Received by:	Date:	Fees:	Receipt #:
------------------	---------------------	--------------	-------	-------	------------

Road Users Maintenance Agreement

Each lot owner agrees to equally share the cost of the private road repairs and maintenance. Maintenance will be done and then billed to each owner with payment to be remitted within 30 days.

[illegible]

LEGEND

- [illegible]

SITE:
CUMING ROAD

ONNE/DEVELOPER

SWAN AND HILL
Q WILSON ROAD
CALIFORNIA 94007
206-867-8008

LEO, SWANSON
ASSOC BUILDING
EXCEL LAND MARKING, LLC
906 E MAIN ST UNIT 3
BOULDER, CO 80504
206-867-1713

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

1. *Chlorophyll a* (Chl *a*)
 2. *Chlorophyll b* (Chl *b*)
 3. *Carotenoids* (Car)

APPENDIX

[illegible]

PURPLE SAGE ROAD (PURPLE)
SUNNY 2075 1471 209

LINE THREE

CURRENT TABLE

45004-2

WINDYBUSH GARAGE, 444/446 REX
 & MAISON, 2006, 40,
 CHS. 1001, 1002, 1003

USENIX

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NOTES

SURVIVOR'S CRIMINALS

THESE RESULTS WERE OBTAINED USING THE SAME METHOD AS IN THE PREVIOUS STUDY. THE RESULTS WERE OBTAINED USING THE SAME METHOD AS IN THE PREVIOUS STUDY. THE RESULTS WERE OBTAINED USING THE SAME METHOD AS IN THE PREVIOUS STUDY.

2011-12-15

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22. The Boston Globe

FOR A FREE COPY OF THE NEW

PROBATIONARY PL
OF
GALLERY ESTATES S
SER. 2A. 7. 5 A. R. 5

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EXHIBIT A

Part of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho described as:

Beginning at a found 5/8" rebar marking the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and running thence N00°01'07"W 354.90 feet along the West line of the Northwest 1/4 of the Northwest 1/4 of said Section to a point on the South bank of an existing canal; thence along said South bank the following ten (10) courses: (1) thence S67°47'22"E 50.49 feet; (2) thence S49°41'01"E 146.09 feet; (3) thence S59°11'40"E 63.66 feet to a point of curve; (4) thence Easterly 122.44 feet along said curve to the left (Curve data: Radius= 96.00', Delta= 73°04'44", Chord Bearing and Distance= N84°15'58"E 114.31 feet); (5) thence N47°43'36"E 139.13 feet to a point of curve; (6) thence Northeasterly 36.48 feet along said curve to the right (Curve data: Radius= 49.00', Delta= 42°39'39", Chord Bearing and Distance= N69°03'25"E 35.65 feet); (7) thence S89°36'45"E 60.35 feet to a point of curve; (8) thence Northeasterly 52.29 feet along said curve to the left (Curve data: Radius= 76.00', Delta= 39°25'22", Chord Bearing and Distance= N70°40'33"E 51.27 feet); (9) thence N50°57'52"E 32.63 feet to a point of curve; (10) thence Northeasterly 47.65 feet along said curve to the left (Curve data: Radius= 201.00', Delta= 13°34'59", Chord Bearing and Distance= N44°10'23"E 47.54 feet); thence S00°01'07"E 399.19 feet parallel to the West line of the Northwest 1/4 of the Northwest 1/4 of said Section to a point on the South line of the Northwest 1/4 of the Northwest 1/4 of said Section; thence N89°51'37"W 630.00 feet along said South line to the Point of Beginning.

(Shown as Parcel 2 of Record of Survey recorded as Instrument No. 2022-007396)



Planning & Zoning Commission
Alpine View Estates - SD2022-0056

Development Services Department

FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER

Alpine View Estates - SD2022-0056

Findings

1. The applicants, Shawn, and Rae Lynn Kelley, request approval regarding Alpine View Estates Subdivision, a three-lot subdivision served by a private road lot (Attachment A). The request includes a waiver of subdivision improvements such as sidewalks, gutters, street lighting, and landscaping. The subject property is located at 24720 Harvey Road, Caldwell; also referenced as a portion of the NW ¼ of Section 35, T5N, R3W, BM, Canyon County, Idaho.
2. The 4.12-acre parcel is zoned “CR-R-1” (Conditional Rezone – Single Family Residential; one-acre average minimum lot size) subject to conditions of a development agreement (CR2022-0033, Exhibit 5b of the staff report). *See Condition No. 9.*
3. The average residential lot size is 1.21 acres (Attachment A).
4. Each lot will be served by individual domestic wells (Attachment A, Plat Note 7).
5. Each lot will be served by individual septic systems (Attachment A, Plat Note 8). *See Condition No. 4.*
6. Middleton Fire District did not comment. Fire district review and approval of the access and turnaround is required per CCZO Section 07-10-03(2) (Attachment B). *See Condition No. 8.*
7. The property is located in the Middleton Impact Area. Per CCCO Section 09-09-13, County subdivision requirements apply in the impact area. The City of Middleton was noticed per CCCO Section 09-09-17. No comments were received from the City of Middleton. The development agreement approved as part of the approved rezone (CR2022-0033) requires a utility easement along Harvey Road to be established to ensure development does not impede the city’s ability to extend services to the area in the future (Exhibit 5b of the staff report, Condition 2c). The plat shows a 10’ utility easement along Harvey Road. Plat Note #4 states the different utilities that can be established within the easement including public utilities (Attachment A).
8. Irrigation water will be provided to each lot through a pressurized irrigation system owned and maintained by Drake Subdivision Homeowner’s Association (Exhibit 2c of the staff report and Attachment A, Plat Note 3). The use of existing irrigation water complies with Black Canyon Irrigation District’s letter (Attachment C) and condition 2d of the development agreement approved as part of the rezone (CR2022-0033, Exhibit 5b of the staff report). Other comments from Black Canyon Irrigation District shall be addressed before the final plat signature. *See Condition No. 2a.*
9. Subdivision runoff and storm drainage facilities will be maintained by the homeowner’s association or each property owner (Attachment A, Plat Note 9).
10. Current access is via a 25’ unmaintained right-of-way established by Drake Subdivision. The applicant proposes a private road, Kelley Lane (RD2022-0040, Exhibit 5c of the staff report), to serve the three lots. The proposed private road does not meet County requirements. A private road must be located within a road lot (60’ wide unless reduced through the director’s decision to 50’ wide; CCZO Section 07-17-31). The road lot proposed is only 25’ wide (50’ wide if the public right-of-way is included). The access must be reviewed on the final plat to comply with County requirements. *See condition No. 5a for compliance options.*
11. Highway District #4 requires a 40’ wide public right-of-way dedication along Harvey Road, a major collector road. The highway district requires a plat note prohibiting direct access onto Harvey Road. Before final plat approval, all irrigation lines and fencing located in the new right-of-way area, and existing field access must be removed or relocated (Attachment D). *See Condition No. 5.*
12. The development is not located within a mapped floodplain (Flood Zone X).
13. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2022-0056.

14. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on February 21, 2024, and June 11, 2024. The newspaper notice was published on June 11, 2024. Property owners were sent a notice on June 11, 2024. The property was posted on June 11, 2024.

Conclusions of Law

Section 07-17-09(4)A of the Canyon County Zoning Ordinance (CCZO) states, “*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.”*

Upon review of the preliminary plat, the Planning and Zoning Commission finds that the plat is consistent with the following subject to conditions of approval:

- A. Idaho Code Section 67-6513 (Subdivisions);
- B. Idaho Code Sections 50-1301 through 50-1329 (Platting);
- C. Idaho Code Section 22-4503 (Right-to-Farm Act, Plat note #2);
- D. Idaho Code, Sections 31-3805 & 42-111 (Irrigation);
- E. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations); and
- F. City of Middleton – Area of City Impact Agreement (CCCO Section 09-09-17).

The preliminary plat was found to be consistent with the standards of review subject to conditions (Attachment B).

Conditions of Approval

1. All subdivision improvements (public roads, shared access, irrigation, and drainage swales/basins) 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, and ditch flow patterns shall be maintained and protected.
 - a. Black Canyon Irrigation District shall review the final plat to ensure all concerns in their comment letter (Attachment B & C) are addressed. Evidence of compliance shall be submitted to DSD prior to the Board's signature on the final plat.
3. Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on the subject property (Attachment B).
4. The development shall comply with Southwest District Health (SWHD) requirements. Evidence shall be SWDH’s signature on the final plat (Attachment B).
5. The development shall comply with the requirements of the Highway District #4 (Attachment D). Evidence shall be the Highway District’s signature on the final plat.
 - a. Lot 4, the proposed road lot, shall either (1) be dedicated to the highway district to make the total width of the right-of-way 50’, or (2) the 25’ public right-of-way must be abandoned and shown within the private road lot as 50’ wide. If the highway district determines the 25’ right-of-way is adequate to provide access to the subdivision, lot 4 shall be removed.
6. The shared 60’ wide access easement (unless reduced to 50’ via an easement reduction application pursuant to CCZO Section 07-10-03(1) D) shall have a recorded road user’s maintenance agreement in accordance with CCZO Section 07-10-03(1)B3. The agreement with the instrument number shall be added as a plat note on the final plat.
7. A water user’s maintenance agreement between the subdivision and Drake HOA shall be recorded. The agreement with the instrument number shall be added as a plat note on the final plat.

- ## Order

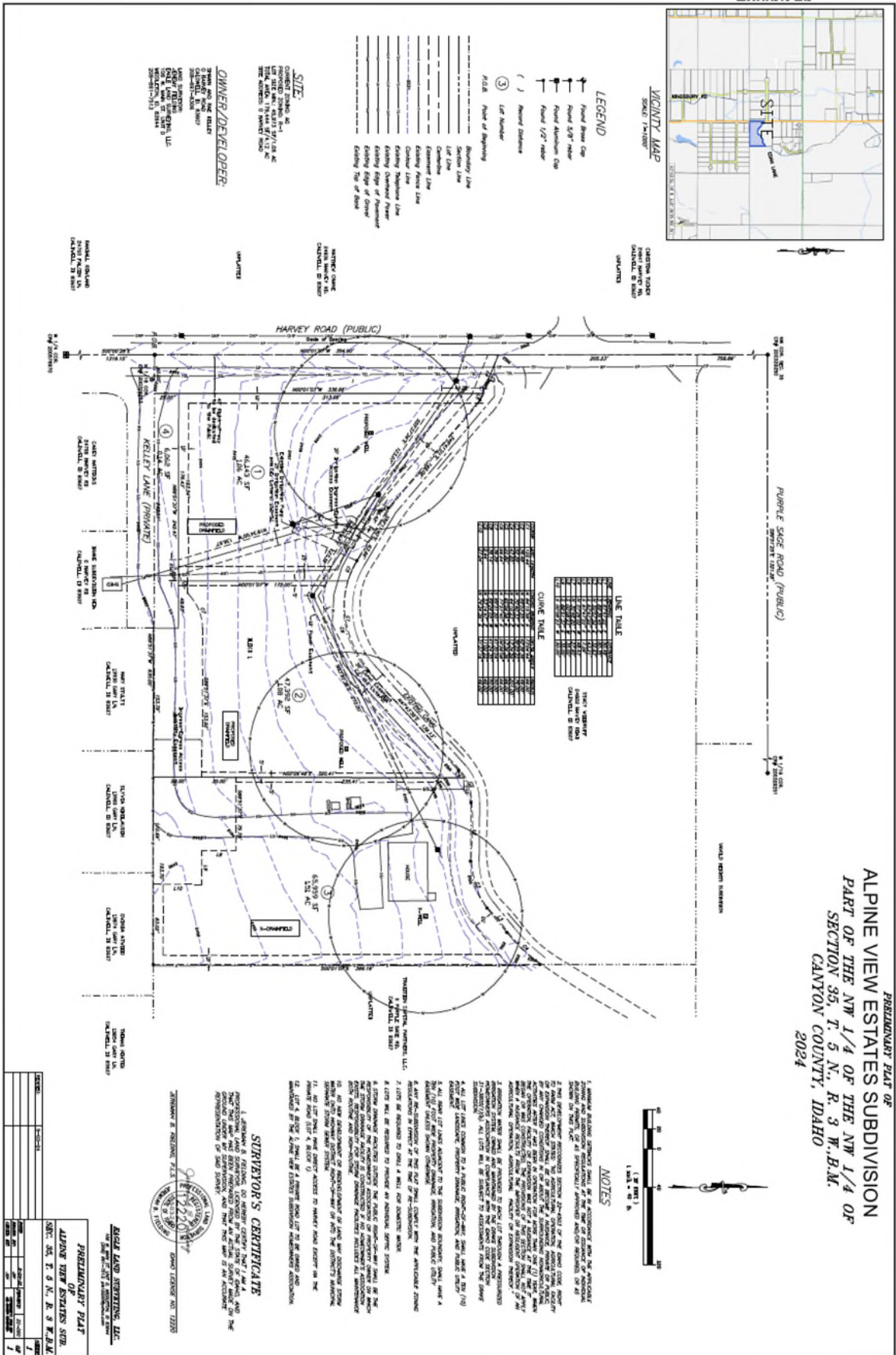
RECOMMENDED FOR APPROVAL on this _____ day of _____, 2024.

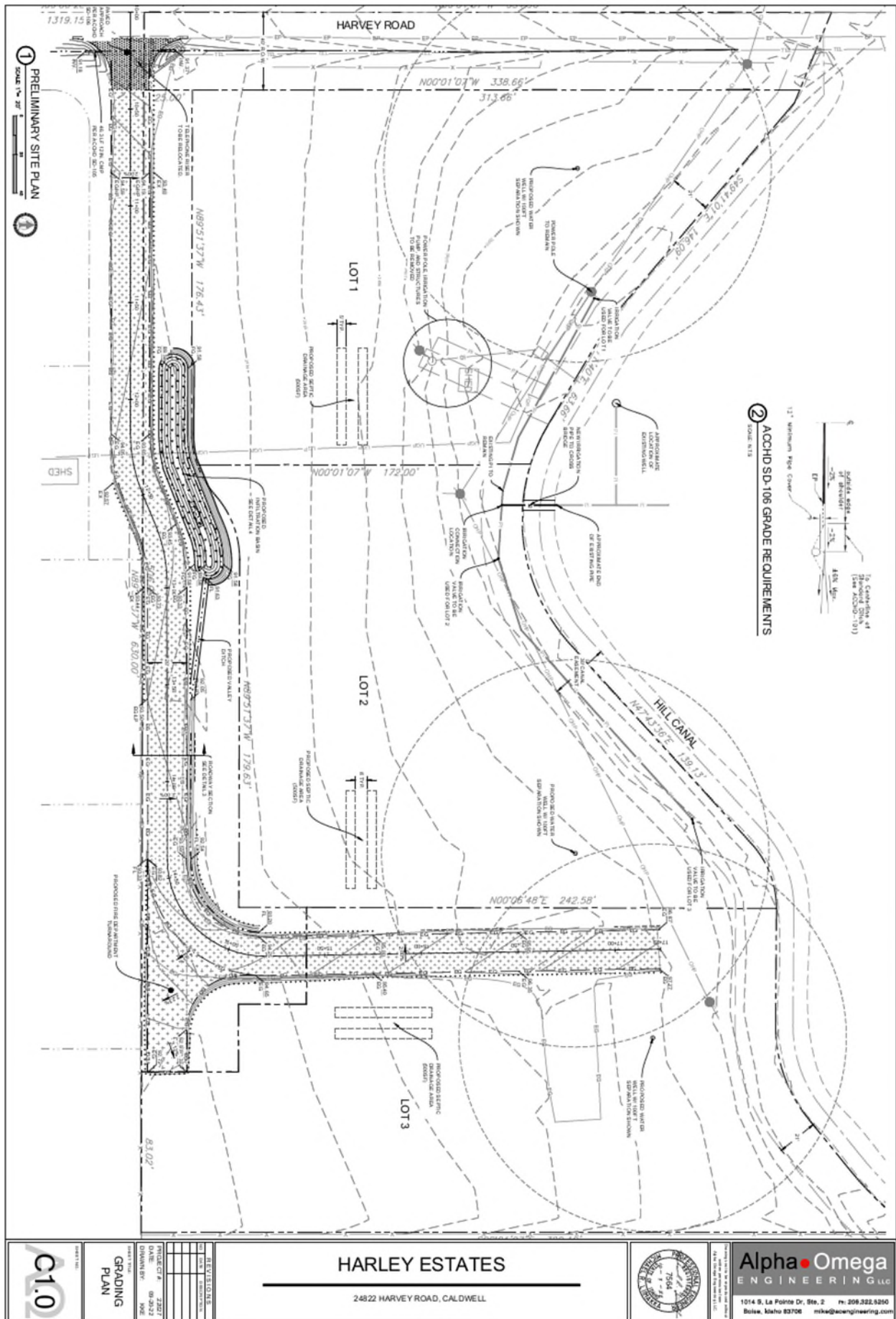
Robert Sturgill, Chairman

SS

Notary: _____

My Commission Expires: _____







May 29, 2024

Dalia Alnajjar
Engineering Supervisor
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Meridian, ID 83642
(208) 288-1992

Re: Alpine View Estates Subdivision Preliminary Plat Application

Dear Ms. Alnajjar,

Keller Associates, Inc. has reviewed the Preliminary Plat for the Alpine View Estates Subdivision dated May 3, 2024. 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. Address comments from the Black Canyon Irrigation District in letter dated, March 20, 2024 relevant to the preliminary plat phase. Provide BCID approval of constructing pressure irrigation lines within their canal easement.
2. Provide approval letter for private road from the applicable fire district.
3. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
4. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
5. Plat shall comply with requirements of the local highway district.
6. Plat shall comply with Southwest District Health requirements.

We recommend that **Preliminary Plat be APPROVED with the conditions listed above**. 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.

A handwritten signature in blue ink, appearing to read 'Justin Walker'.

Justin Walker, P.E.
County Engineer

ATTACHMENT C



March 20, 2024

Canyon County Development Services Department
111 North 11th Ave. Suite 310
Caldwell, ID 83605
(208) 454-7458

RE: **Subdivision (SD), Parcel R38194010A – UPDATES in RED**
Case No.: **SD2022-0056 (Was originally responded to under CR2022-0033)**
Applicant: Shawn & Rae Lynn Kelley
Planner: Dan Lister

Black Canyon Irrigation District (District) has previously commented on the agency notice case number CR2022-0033. Please see below for the previous correspondence we have had on this project. All comments on this project are still pertinent (unless noted otherwise).

The parcel is located at 24720 Harvey Road, Caldwell, Canyon County, Idaho.

The District is requesting that Canyon County require the proponent to clarify/answer the following initial comments regarding this proposed land use change prior to approving the change. Significant infrastructure affecting multiple landowners could be affected by approving this change without receiving clarification on the below listed items.

11.30.2023 – The District spoke with the applicant on November 17, 2023 and November 30, 2023, to discuss items listed in the agency response letter submitted to the County on October 30, 2023. Additional comments based on the correspondence with the applicant are shown in red below.

3.20.2024 – No resolution has been offered by the applicant to date.

Pre-Application (Prior to concurrence approval of conditional rezone)

1. Please fill out and submit a Development Intake Sheet form found on our website (<https://blackcanyonirrigation.com/development>). It is recommended that the proponent apply to the District using this form for their proposed project to help identify any additional project requirements. The proponent has not contacted the District with this application to date.

11.30.2023 – A parcel split fee (which is processed through the form listed above) is required to be paid for the creation of each new lot.

03.20.2024 – Request still outstanding.

2. Records show that this property receives surface water from the adjacent Drake subdivision. The proponent will need to address their plan for delivering existing surface water to the property. Specifically, it will need to be clarified what arrangements (if any) have been made and how the irrigation water will be accounted for in the proposed re-zoned property. This is in direct contrast to what is presented on the Land Use Worksheet (Item #3) and the Irrigation Plan application (Page 2, Item 2 and Item 6). Please clarify.

11.30.2023 – The District has suggested to the applicant to speak with the Drake Subdivision HOA regarding irrigation assessment billing for this conditional rezone and parcel split. This property does have irrigation water from the District (different from that stated in the application). The property has been historically receiving this water from the Drake Subdivision. The Drake Subdivision HOA has been historically paying the assessment for the proponent's irrigation water. The District will need concurrence from the property owner and Drake subdivision if they wish to continue to be included in the Drake Subdivision irrigation system. The District will default to assessing each new property created, individually billing each of these three parcels if no further resolution is reached prior to approval of this conditional Rezone application. The applicant is encouraged to coordinate with the Drake Subdivision HOA.

03.20.2024 – Request still outstanding.



3. District records show an irrigation lateral C.E. 10.2-5.1 is installed across the center of this parcel (north to south) that feeds the Drake subdivision located due south of the proposed proponent's property. This lateral needs to be shown on the plans and addressed by either an easement or other legal means. See map below.

11.30.2023 – The pipeline shown running North and South across the property is downstream of the District's weir. This pipeline is not a District facility, it is a private facility. It is recommended that this pipeline be properly addressed on any documented survey or preliminary plat. No further action from the District is required on this item.

03.20.2024 – Per I.C. 31-3805 (1)B.ii, we assume both Canyon County and the City of Middleton are required to review the private irrigation system located on this subdivision including its effects on the Drake subdivision. This is the appropriate time to clean this irrigation system deficiency up.



4. The proponent's grading plan shows private irrigation being fed from the North, across the canal from an existing well. The proponent needs to clarify how this is intended to be applied in conjunction with receiving surface irrigation? Are there arrangements to move surface irrigation water from the parcel?

11.30.2023 – The proponent has been requested to add/revise note to the development agreement, site survey or preliminary plat document that states, "Groundwater irrigation is available, however prior to being able to receive this groundwater, irrigation infrastructure needs to be installed across the Black Canyon Irrigation District's lateral. A license agreement is required to cross and/or work within the District's easement. Crossing infrastructure currently does not exist." Once this note is provided, this comment will be satisfied.

03.20.2024 – Request still outstanding.

5. The grading plan sheet shows a private irrigation line crossing the District's canal. Any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or Reclamation.

11.30.2023 – See response to Item #4 above. The proponent has been asked to add a note to the development agreement, formal site survey, or preliminary plat document to provide clarity to any potential future owner. Once this note is provided, this comment will be satisfied.

03.20.2024 – Request still outstanding.



6. The District will require that the laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons. This parcel is located directly adjacent to the section of C.E. 10.2 canal which will need to be piped. The piped canal must meet minimum requirements outlined in the District's standards found on the website (<https://blackcanyonirrigation.com/development>). The District and Reclamation may require additional modifications to ensure irrigation water is made available to patrons as this proposed project proceeds.

11.30.2023 – The District has waived their requirement to pipe the existing canal for this application. No further action required.

7. Fencing will be required along the lateral per District's standards.

11.30.2023 – The District recommends installing fencing along the lateral. No further action required.

8. The grading plan sheet shows private irrigation lines in the District's right-of-way which need to be relocated. No outside utilities or other structures are allowed within District's right-of-way.

11.30.2023 – Request still outstanding.

03.20.2024 – Request still outstanding.

9. Any and all maintenance road right-of ways, lateral right-of ways and drainage right-of ways will need to be protected (including the restriction of all encroachments). There is a District's maintenance road that runs along the south side of the canal which will need to remain in place and accessible.

11.30.2023 – No action required, notification for proponents understanding only.

General Comments:

1. A standalone, recorded easement(s) will be required for any irrigation lateral that is located within the property boundary. The District's lateral along this parcel has a prescriptive easement which needs to be recorded. The Developer will be required to provide the easement description and exhibit signed by a professional surveyor licensed in the state of Idaho. The District will provide the easement language once the description and the exhibit have been provided.
2. Construction runoff and drainage from the proposed land should be addressed as it shall not enter the lateral or District's right of way.
3. Please ensure that separation distances between any proposed wells, septic drain fields, and the District's irrigation canal meet minimum IDAPA requirements.

All of the above requirements need to be met, including any others that arise during future review.

Thank You,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District

CC: Shawn & Rae Lynn Kelley – Developer
Roberta Stewart – City of Middleton
Carl Hayes – Black Canyon Irrigation District
Tyler Chamberlain – Black Canyon Irrigation District
Heather Grubaugh – Black Canyon Irrigation District

ATTACHMENT D



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

TELEPHONE 208.454.8135
FAX 208.454.2008

March 18, 2024

Canyon County Board of Commissioners and Planning & Zoning Commission
111 N. 11th Street
Caldwell, Idaho 83605
Attention: Stephanie Hailey, Planner

RE: **SD2022-0056**
Alpine View Subdivision
Harvey Rd- Canyon County Parcel R3.8194010A aka 24720 Harvey Rd

Dear Commissioners:

Highway District No. 4 (HD4) has reviewed the agency notice and application for subdivision of Parcel R38194010A aka 24720 Harvey Rd. The applicant is proposing 3 residential lots (1 existing) on approximately 4.12 acres. HD4 provides the following comments on the request:

General

The subject property consists of 1 parcels totaling approximately 4.12 acres, located in the NW 1/4 NW 1/4 Section 35 T5N R4W, and lying on the east side of Harvey Rd approximately 1,000-ft south of Purple Sage Rd. The subject property has approximately 355-feet of frontage on Harvey Rd along the westerly boundary. There does not appear to be any other public road access available to the property.

Harvey Rd is classified as a major collector on the functional classification maps adopted by HD4 and Canyon County. Existing right-of-way width along the subject property is a 25-foot prescriptive right-of-way, measured from the existing road centerline. Ultimate right-of-way width is a 40-foot half width measured from the section line (west property boundary).

Existing Access

The subject property is currently served by a residential gravel driveway approach to Harvey Rd at the southwest corner of the property.

Future Access for Residential Development

Access for the 3 residential lots portrayed on the plat is shown as a private road approach to Harvey Rd, located at the existing gravel driveway approach. This approach location is acceptable to the District. The approach will be required to be paved per ACCHD Standard Drawing SD-106, with a maximum throat width of 30-feet and maximum radii of 20-feet. This requirement shall be made with construction of the third residential lot making use of the approach; however HD4 recommends the County condition the developer to complete this work prior to approving the final plat.

Requirements for Final Plat

The following requirements shall be included with, or completed prior to approval of final plat by the Highway District:

1. Provide a 40-foot right-of-way dedication for Harvey Rd as shown.
2. Add a note to the final plat: "No lot shall have direct access to Harvey Rd except via the private road Lot 4 Block 1."
3. Remove all irrigation facilities public or private from the 40-foot right-of-way area along Harvey Rd.
4. Relocate or remove any existing fences to the new right-of-way line.
5. Abandon (remove and regrade shoulder or borrow ditch) existing field access to Harvey Rd along Lot 1 Block 1 (two locations).

Transportation Impacts:

The two additional residential lots proposed by the development are not anticipated to materially affect existing or future transportation systems. Transportation impacts from the development will be mitigated by right-of-way dedication, frontage improvements, impact fees, or a combination of these means.

Section Line Setbacks

Canyon County code Chapter 7 Section 19-10 requires a 70-foot building setback to any section line or quarter section line. These setbacks are in effect along the westerly boundary of the subject property.

HD4 does not oppose the requested development application, and requests the Commission make these comments conditions of any approved land use action. Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Subdivision_Harvey Rd- Alpine View Estates Sub