

Board of County Commissioners
Basin View Subdivision #2 - SD2022-0053

Development Services Department



FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER

Findings

1. The applicant, Daniel Caldwell requests approval of a short plat for Basin View Subdivision #2 (Attachment A). The result divides Lot 1, Block 1 of Basin View Subdivision into two lots (2.5-acre average lot size). The request includes a waiver of subdivision improvements. The subject property is 217 S. McDermott Road, Nampa (Parcel R30606100), also referenced as a portion of the SE¼ of Section 29, T3N, R1W, BM, Canyon County, Idaho.
2. The subject parcel, 5.01 acres, is Lot 1, Block 1 of Basin View Subdivision; a three-lot subdivision approved in 2018 (PH2017-52, Exhibit C - 5b & 5c of the staff report).
3. The subject property is located in the Nampa area of City Impact. The City of Nampa was notified of the application per the Canyon County Code of Ordinances (CCCO §09-11-25(3)). The City of Nampa – Planning Division does not support the proposal because the density proposed does not align with their comprehensive plan which identifies the area as a Low-Density Residential designation (1.01-2.5 dwelling units per acre; Exhibit C - 4b and D.2 of the staff report). The subject property was rezoned to “R-R” (Rural Residential) in 2017 (Exhibit C - 5a of the staff report). The County subdivision regulations require the division to be consistent with the approved zone.
4. Per CCCO §09-11-19, Nampa Subdivision requirements must be met unless waived per CCCO §09-11-19(6). Comments from Nampa Engineering did not find the proposed subdivision inconsistent with the City subdivision requirements. The city deferred subdivision improvements (Attachment D). Per CCCO §09-11-19(5), the county will not sign a final plat, or authorize the plat to be recorded, before the city engineer's signature is on the plat. *See Condition No. 5a.*
5. The property has irrigation water rights. The property currently is flood-irrigated via water rights from Nampa Meridian Irrigation District (Exhibit C - 2c of the staff report and Attachment A, plat note 6).
6. The development will be served by individual wells and septic systems (Attachment A, plat notes 3 & 4). *See Condition No. 4.*
7. Subdivision runoff will be maintained within the subdivision (Attachment A, plat notes 5). *See Condition No. 3.*
8. The subject parcel has frontage and driveway access onto McDermott Road. A 60’ easement is proposed along the north boundary as a shared driveway. The existing shared access along the south boundary will continue to serve Lots 2 and 3 of Basin View Subdivision approved in 2018 (Exhibit C - 5c of the staff report). The applicant does not want to make the access a private road which requires the easement to be a road lot (CCZO §07-17-33). Therefore, secondary dwellings or inhabited structures other than a primary dwelling on each lot are prohibited unless the subdivision is amended to include a road lot and a private road is established (Exhibit C - 2d & 4d of the staff report). Additionally, a road user’s maintenance agreement per CCZO §07-10-03(1)B3 shall be recorded before the approval of the final plat. *See Conditions No. 7 & 8.*
9. Nampa Highway District #1 states McDermott Road is an Expressway Roadway (Attachment C). Therefore, no direct access is allowed unless a variance is submitted and approved. A 50’ public right-of-way dedication is required and a private driveway to lots 1 and 2 must be identified along the northern boundary. Nampa Highway District #1 does not approve the access to become a private road. *See Condition No. 5.*
10. No comments were received from the Nampa Fire District. The proposed private driveway/access is over 150’. Therefore, the Nampa Fire District requires access and turnaround review before final plat approval. *See Condition No. 6.*
11. The development is not in a mapped floodplain (Flood Zone X, Exhibit C - 1).

12. The Planning & Zoning Commission heard the case at a public hearing held on July 11, 2024. After deliberation, the Planning & Zoning Commission recommended approval with conditions of the request (Exhibit A & B of the staff report).
13. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2022-0053.
14. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on April 27, 2023, June 5, 2024 (Planning and Zoning Commission), and August 7, 2024. The newspaper notice was published on August 13, 2024. Property owners were sent a notice on June 5, 2024 (Planning and Zoning Commission), and August 7, 2024. The property was posted on August 15, 2024.

Conclusions of Law

Section 07-17-09(5) of the Canyon County Zoning Ordinance (CCZO): *Board Action:*

- A. *The board shall consider the commission's recommendation at a noticed public hearing.*
- The Planning & Zoning Commission heard the case at a public hearing held on July 11, 2024. After deliberation, the Planning & Zoning Commission recommended approval with conditions of the request (Exhibit A & B of the staff report).
- B. *The board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify, or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:*
1. *The ordinance and standards used in evaluating the application;*
 2. *The reasons for approval or denial; and*
 3. *If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.*

Upon review of the preliminary plat, the Board of County Commissioners finds that the plat is consistent with the following subject to conditions of approval:

- A. Idaho Code §67-6513 (Subdivisions);
- B. Idaho Code §50-1301 through 50-1329 (Platting);
- C. Idaho Code §22-4503 (Right-to-Farm Act);
- D. Idaho Code, §31-3805 & 42-111 (Irrigation);
- E. Canyon County Zoning Ordinance (CCZO), Chapter 7, Article 17 (Subdivision Regulations); and
- F. City of Nampa – Area of City Impact Agreement, Canyon County Code of Ordinances (CCCO) §09-11-25.

The preliminary plat was found to be consistent with the standards of review subject to conditions of approval (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 unless approved by the irrigation district (Attachment B).
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 Nampa Highway District (Attachment B & C). Evidence shall be Nampa Highway District's signature on the final plat.
 - a. Per CCCO §09-11-19(5), the county will not sign a final plat, or authorize the plat to be recorded, before the city engineer's signature is on the plat.

6. Compliance with the international fire code and fire district review of the access and turnaround is required. Evidence of compliance shall be submitted to DSD prior to the Board's signature on the final plat.
7. The shared 60' wide access easement shall have a recorded road user's maintenance agreement in accordance with CCZO §07-10-03(1)B3. The agreement with the instrument number shall be added as a plat note on the final plat.
8. Secondary dwellings or inhabited structures other than a primary dwelling on each lot are prohibited unless the subdivision is amended to include a road lot and a private road is established.

Order



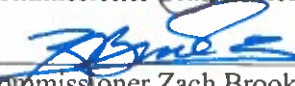
Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0053, the Board of County Commissioners **approves** the Preliminary Plat for Basin View Subdivision #2 subject to the Conditions of Approval as enumerated herein.


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 12 day of Sept, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

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

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	✓	_____	_____
 _____ Commissioner Brad Holton	X	_____	_____
 _____ Commissioner Zach Brooks	X	_____	_____

Attest: Rick Hogaboam, Clerk
 By: 
 Deputy

Date: 9-12-24

KELLER
ASSOCIATES



100 E Bower Street, Suite 110
Meridian, ID 83642
(208) 288-1955

May 11, 2023

Ms. Stephanie Hailey
Engineering Coordinator
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Basin View Subdivision Preliminary Plat Application

Dear Ms. Hailey

Keller Associates, Inc. has reviewed the Preliminary Plat for the Basin View Subdivision dated February 6, 2023. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17.

1. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
2. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
3. Plat shall comply with requirements of the local highway district.
4. Plat shall comply with irrigation district requirements.
5. Plat shall comply with Southwest District Health requirements.

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

Justin Walker, P.E.
County Engineer

Dan Lister

From: Dan Caldwell <slydog772@gmail.com>
Sent: Monday, May 13, 2024 4:33 PM
To: Dan Lister
Subject: Re: FW: [External] RE: Basin View Sub #2
Attachments: image001.jpg

Dan

Thank you for the clarification.

I do not plan any secondary dwellings so I can keep my driveway private and not a subdivision road, so that can be noted in the approval process if that is what it takes to get this done.

I apologize for any confusion, and if it is okay, I would like to make an appointment to come in and visit with you, and I can bring a hard copy so maybe you can help me understand what else I need to do to get this done.

Your time is greatly appreciated!

Sincerely

Dan Caldwell

On Mon, May 13, 2024, 4:00 PM Dan Lister <Daniel.Lister@canyoncounty.id.gov> wrote:

Mr. Caldwell,

Below is a conversation with Nampa Highway District regarding Basin View #2. They only allow the 60' wide shared access if it stays a private drive serving the two lots (cannot be a private road). If a private road is required, a variance would need to be approved. The City of Nampa would have ultimate approval since it's located in the City's Impact Area.

Unless revised, a condition will be placed on the approval of the plat that states secondary dwellings per CCZO Section 07-02-03/07-14-25 are prohibited. This will ensure the private driveway does not become a private road.

Sincerely,

Dan Lister, Principal Planner

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

Daniel.Lister@canyoncounty.id.gov

Dan Lister

From: Dan Lister
Sent: Monday, May 13, 2024 10:15 AM
To: 'Dan Caldwell'
Cc: Stephanie Hailey; Dalia Alnajjar
Subject: Basin View #2 - 2nd Review by DSD
Attachments: NampaCCActionLtr_Basin View Sub_WaiverRequest_20240506.pdf; 22-121 Preliminary Plat 3-21-24_240405_103955.pdf; 22-121 Basin View No 2 Final Plat_240405_104214.pdf

Mr. Caldwell,

I've reviewed the revised preliminary plat and final plat for Basin View #2 (dated 3/21/24) based on my prior review completed in February 2024. Here are a few items to address:

Preliminary Plat

- **Vicinity Map:** The vicinity map must be drawn to scale (CCZO Section 07-17-09(1)B8). The scale is still not provided.
- **Plat discrepancies:** (1) 60' access easement states to see Note 13. There is no note 13. Please add the note and appropriate note number. (2) Only one page was provided, but it states sheet: 1 of 3. Either provide the missing pages or fix.
- **Concerns regarding the 60' access:** (1) The access easement is adjacent to an existing access to Parcel R30606011. It doesn't meet highway district minimum spacing requirements. Will Nampa Highway District/City of Nampa allow the access that close or do they want you to use the existing shared access created by Basin View Sub or merge access with R30606011? Please work with NHD1/City of Nampa Engineering to get an answer. (2) If the lots want to be able to have a secondary dwelling (accessory dwelling), the 60' easement should meet private road requirements which include making the easement a road lot instead per CCZO Section 07-17-31 (below). If not, a condition will be added prohibiting secondary dwelling until the plat is amended to include a road lot and private road name.
07-17-31: REQUIRED IMPROVEMENTS:
(1) *Road Improvements:*
A. Private Roads:
 1. *Private roads must be a numbered lot and constructed in accordance with section 07-10-03 of this chapter.*
 2. *A minimum private road lot width of sixty feet (60') is required. This requirement may be reduced to a width not less than fifty feet (50'), in accordance with subsection 07-10-03(1)D of this chapter.*

Final Plat

- **Missing Note** to include that identifies the recorded road user's maintenance agreement and instrument number for the 60' access easement.

Once the above is revised/information is provided, I can (1) send the updated plats to Keller Associates for review and approval, and (2) draft a staff report/schedule the first public hearing.

Sincerely,

Dan Lister, Principal Planner

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

Daniel.Lister@canyoncounty.id.gov

Development Services Department (OSD)

Public office hours

NAMPA HIGHWAY DISTRICT NO. 1

August 29, 2023

Accurate Surveying & Mapping
C/O Nathan J. Dang
1520 W. Washington St.
Boise, ID. 83702

RE: Basin View Subdivision Re-Plat

Dear Nathan,

As requested, we have completed a review of the Re-Plat of the Basin View Subdivision. The following comments relating to this development are based on the Highway Standards & Development Procedures for the Association of Canyon County Highway Districts:

Sec. 2020.060 – Plat note “B” and a signature line is required on the plat page as well as the signature page. No note or signature line is currently on the plat page, and the wrong note is on the signature page.

Sec. 3030.010 – Clearly show the 50’ right-of-way along McDermott Rd as “Dedicated to the Public” as in the original plat.

Sec. 3061.070 – Clearly identify the access at the northern end of the property as a private driveway, as shown on the original plat, but show it is the access for lots 1 and 2.

We recommend these comments be addressed prior to approval of the Final Plat. If you have any questions or need additional information, please give us a call.

Sincerely,

Eddy Thiel
Right-of-Way Tech



Nampa Development Services Center
500 12th Ave South
Nampa, Idaho 83651

(208) 468-5409
engineering@cityofnampa.us
cityofnampa.us/engineering

May 8, 2024

Daniel Caldwell
217 S. McDermott Road
Nampa, Idaho 83687

**RE: Basin View Subdivision No. 2
Nampa City Council Action Letter for Subdivision Improvement Waiver Request**

To Whom It May Concern,

The proposed Basin View Subdivision No. 2 is located within the Nampa City Impact Area. As such, it is required by mutual agreement between Canyon County and the City of Nampa to construct subdivision improvements to Nampa City standards as described in Chapter 9, Article 11 of the Canyon County Code or obtain approval from Nampa City Council to waive/defer said improvements.

On May 6, 2024, the Nampa City Council, during their regular meeting voted to **defer** the roadway improvements for the Basin View Subdivision No. 2 until such time as the property is annexed into the Nampa City Limits which is documented in official minutes on file with the Nampa City Clerks office. The deferred roadway improvements include installation of sidewalk and streetlights..

Please call me at (208) 468-5422 should you have any follow up questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Daniel Badger', written over a white background.

Daniel Badger, P.E.
City Engineer

CC: Daniel Badger, P.E. – City Engineer, City of Nampa
CC: Tom Points, P.E. – Public Works Director, City of Nampa
CC: Rodney Ashby – Planning Director, City of Nampa
CC: Dan Lister – Planning Official, Canyon County Development Services
CC: Eddy Thiel – ROW Agent, Nampa Highway District No. 1

NAMPAReady