



FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER

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 C - 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 Canyon County Code of Ordinances (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 C - 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 C - 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 C - 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, Exhibit C -1).

13. 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).
14. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2022-0056.
15. 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 Section 67-6513 (Subdivisions);
- B. Idaho Code Sections 50-1301 through 50-1329 (Platting);
- C. Idaho Code Section 22-4503 (Right-to-Farm Act);
- 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.
8. 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.
9. The recorded development agreement shall be referenced as a plat note on the final plat.

Order



Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0056, the Board of County Commissioners **approves** the Preliminary Plat for Alpine View Estates 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 11 day of Sept., 2024.

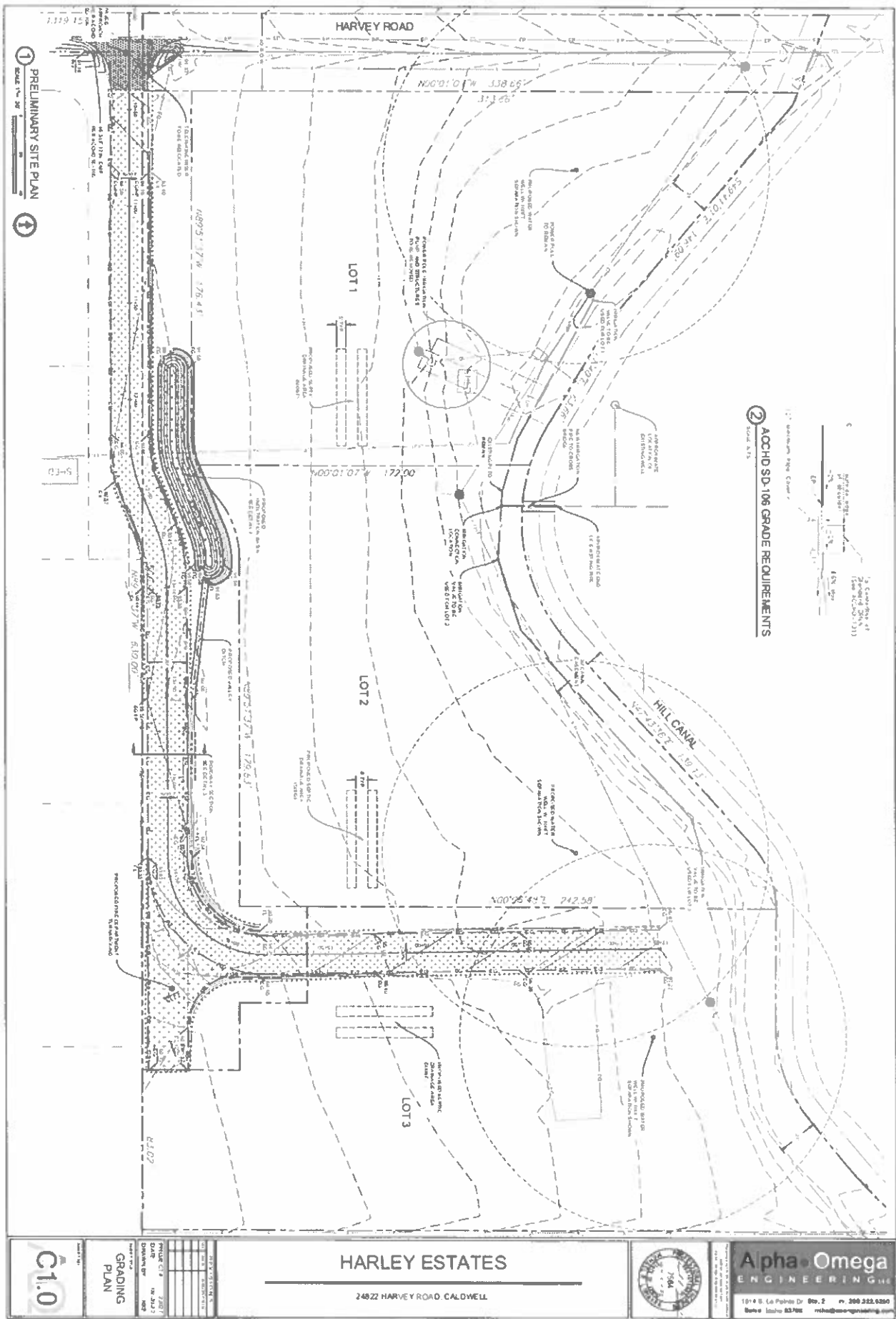
CANYON COUNTY BOARD OF COMMISSIONERS

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

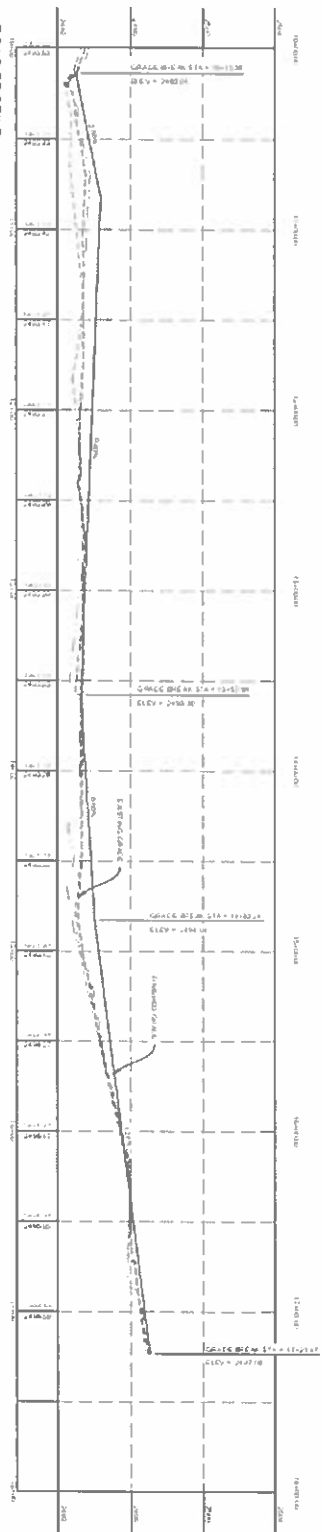
	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Did not participate</u> Commissioner Zach Brooks	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

Attest: Rick Hogaboam, Clerk
By: 
Deputy

Date: 9-11-24



1 ROAD PROFILE
SOUTH ELEVATION



2 DRAINAGE CALCULATIONS

INTERSECTION CONTROLLING GRADE

ROAD GRADE	1.1%	4.8%
ADJACENT GRADE	1.0%	4.8%
GRADE 1	0.1%	4.8%
GRADE 2	1.0%	4.8%

10% TYPICAL ROADWAY SLOPE

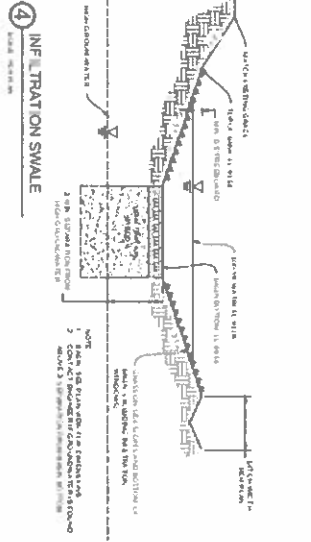
10% TYPICAL ROADWAY SLOPE

10% TYPICAL ROADWAY SLOPE

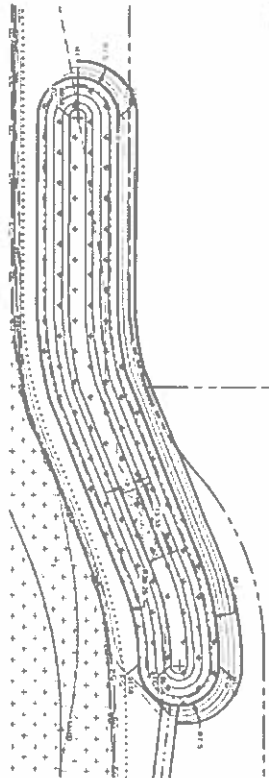
10% TYPICAL ROADWAY SLOPE

10% TYPICAL ROADWAY SLOPE

3 STORM CALCULATIONS
S.W.A. 1.1%



4 TYP. ROADWAY X-SECTION
S.W.A. 1.1%



<p>C1.1</p> <p>GRADING DETAILS</p> <p>DATE: 2/20/22 BY: [Signature]</p>	<p>HARLEY ESTATES</p> <p>24822 HARVEY ROAD CALDWELL</p>			<p>Alpha-Omega ENGINEERING LLC</p> <p>1014 S. La Poma Dr. Ste. 2 P.O. Box 63705 Bessemer, AL 35205 Tel: 800.282.6360 Email: info@alphaomegaeng.com</p>
	<p>SCALE: AS SHOWN</p>			



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.

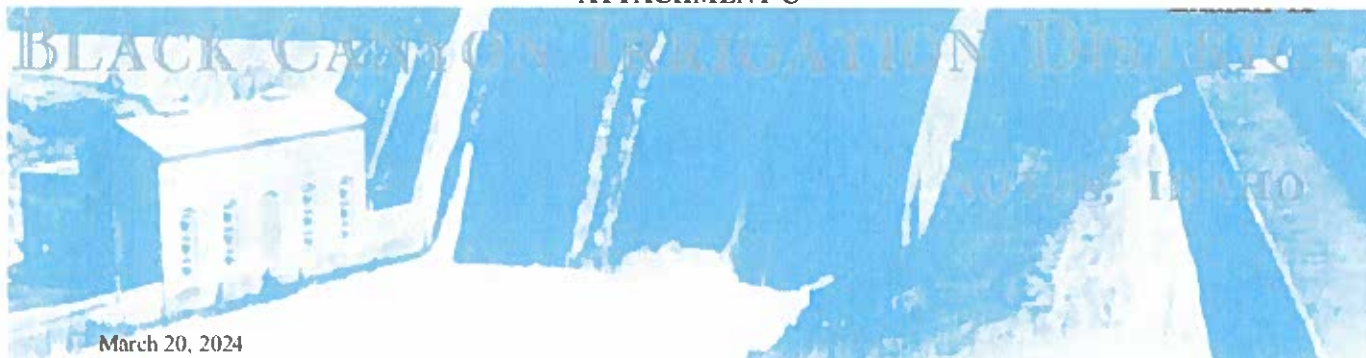
Sincerely,

KELLER ASSOCIATES, INC.

A handwritten signature in blue ink that reads "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-foot 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