



FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER

Findings of Fact

1. The applicant, KM Engineering, representing Tradition Capital Partners, requests approval of the preliminary plat for Falcon Rim Subdivision consisting of 26 buildable lots and two (2) common lots on Parcel R37527011, approximately 37.4 acres (Attachment A). The application and preliminary plat were submitted and accepted on August 17, 2022 (Exhibit II.A of the staff report).
2. The subject property is 25683 Duff Lane, Middleton; Parcel R37527011; referenced as the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29, Township 5 North, Range 2 West, Boise-Meridian, Canyon County, Idaho (Exhibit II.B.1 of the staff report).
3. The subject property is zoned "CR-R-1" (Single Family Residential) subject to meeting the conditions of the development agreement (RZ2018-0018). *See Exhibits II.B.4a & II.B.4b of the staff report.*
4. The property is not located within an area of city impact (Exhibit II.B.1 of the staff report).
5. The acreage is 37.40 acres (31.42-acre buildable area). The development consists of a 1.21-acre average lot size (Preliminary Plat Data, Attachment A).
6. Irrigation will be delivered by Black Canyon Irrigation District. Irrigation will be delivered to individual lots via the proposed pressure irrigation system (Preliminary Engineering Note #7, Attachment A). Page PP1.2 of the plat shows the point of diversion (Keynote #3), the location of the proposed pump station (Keynote #2), and the proposed pressure irrigation line (PI) to each lot. A gravel access road to the proposed pump station is proposed within a 20' easement. The Homeowners Association or underlying property owner is responsible for maintaining any and all amenities (lawn, sprinklers, sidewalks, pathways, landscaping, etc.) approved by the district to be within the public right-of-way (Preliminary Plat Note #8). Compliance with Black Canyon Irrigation District requirements and comments (Attachment B) are applied as conditions of approval. *See Condition No. 4.*
7. The development will be served by individual wells and septic systems (Attachment A, Preliminary Engineering Notes 1-3). Although a community system is recommended (Exhibit II.B.2a through II.B.2e of the staff report), it is not required by DEQ (Exhibit II.B.2c of the staff report) and was not required as a condition of the rezone (Exhibits II.B.4a and II.B.4b of the staff report).
8. Storm drainage from the roadways and lots shall be collected in roadside swales that meet the Idaho Department of Environmental Quality and Highway District No. 4's requirements. The storm detention facilities will be determined during the final design. (Preliminary Engineering Note #4, Attachment A). Storm drainage infiltration basin locations are shown on Page PPI.2 (Keynote #1). The retention basins will be located within easements or in the common lots. The Homeowners Association, underlying property owner, or adjacent property owner is responsible for all storm drainage facilities, outside the public right of way, including all routine and heavy maintenance (Preliminary Plat Note #7). Finished grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved (Preliminary Plat Note #10).
9. A 56' wide public road system is proposed (Attachment A). A 20' wide gravel access road is proposed to provide access to the irrigation pump system near Lot 3. A 40' wide public right-of-way shown on the plat along Duff Lane will be dedicated to Highway District #4. The public street names were accepted and reserved for the subject parcel on April 18, 2022 (Exhibit II.C.2 of the staff report). Compliance with Highway District #4 requirements is applied as a condition of approval. *See Condition No. 3.*
10. The Middleton Rural Fire District responded stating the development could be served subject to compliance with applicable road, access, addressing, street signage, and water supply requirements (Attachment C). *See Condition No. 6.*

11. The development is not located within a mapped floodplain (Flood Zone X, Exhibits II.B.1 and II.B.5).
12. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2022-0047.
13. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on January 10, 2025. The newspaper notice was published on January 10, 2025. Property owners were sent a notice on January 10, 2025. The property was posted on January 10, 2025.

Conclusions of Law

CCZO 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.*

Conclusion: The Planning and Zoning Commission recommended approval (Exhibit I 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.*

Conclusion: Upon review of the preliminary plat and Planning and Zoning Commission recommendation (Exhibit I of the staff report), the Board 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, Preliminary Plat note #3, Attachment A);
- D. Idaho Code, Sections 31-3805 & 42-111 (Irrigation); and
- E. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations).

The preliminary plat was found to be consistent with the standards of review (See Exhibit II, Section 3 of the staff report and Exhibit II.B.2 of the staff report).

Conditions of Approval

- 1) All subdivision improvements (public or private roads, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioners' signature on the final plat.
 - a. Construction plans/drawings shall be submitted per CCZO Section 07-17-11. Construction plans/drawings are to be reviewed and approved by the County Engineer prior to construction beginning.
 - b. Development in the floodplain shall require a floodplain development permit and compliance with Chapter 7, Article 10a of the Canyon County Zoning Ordinance.
 - i. *See Exhibits II.C.4 & IIC.6 of the staff report.*
- 2) Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
- 3) Development shall comply with the requirements of the local highway district. Evidence shall include written correspondence from the highway district prior to the first public hearing held for the preliminary plat and the highway district signature on the final plat.
- 4) Development shall comply with irrigation district requirements. Evidence shall include written correspondence from the irrigation district prior to the first public hearing held for the preliminary plat and prior to the Board of County Commissioners' signature on the final plat.
 - a. The review includes compliance with the conditions stated in Attachment B (Exhibit II.C.1 of the staff report).
 - b. Evidence that water right 63-25948 is properly moved or transferred shall be submitted to Development Services prior to the Board of County Commissioners' signature on the final plat.

- 5) Development shall comply with Southwest District Health requirements. Evidence shall include written correspondence from Southwest District Health prior to the first public hearing held for the preliminary plat and Southwest District Health's signature on the final plat.
- 6) Development shall comply with Fire District requirements. Evidence shall include written correspondence from the Fire District prior to the first public hearing held for the preliminary plat and prior to the Board of County Commissioners' signature on the final plat.
 - a. The review includes compliance with the conditions stated in Attachment C (Exhibit II.C.7 of the staff report).
- 7) After preliminary plat approval, applicant shall provide GIS data containing georeferenced lot line and roadway linework to be included in Development Services GIS mapping.
- 8) A water user's maintenance agreement for the pressurized irrigation system shall be provided with the application for the final plat and recorded concurrently with the final plat.
- 9) Construction plans to be reviewed and approved by the County Engineer prior to construction beginning.
- 10) The recorded development agreement #21-127 shall be referenced on the final plat as a plat note.
- 11) A landscaping plan per Conditions No. 2c of the development agreement (Exhibit II.B.4b of the staff report) shall be submitted with the final plat. The landscaping plan shall include a maintenance plan to ensure the landscaping is maintained and does not become a nuisance. The landscaping and maintenance plan shall be included in the recorded conditions, covenants, and restrictions to be upheld by the homeowner's association.
- 12) An ag-disclosure per Conditions No. 2b of the development agreement (Exhibit II.B.4b of the staff report) shall be submitted with the final plat. The disclosure shall be included in the recorded conditions, covenants, and restrictions to be upheld by the homeowner's association or property owners.
- 13) All development on slopes 15% or greater is prohibited. Any changes that require hillside development will be reviewed per CCZO Section 07-17-33(1) through the preliminary plat and final plat application process.
- 14) Prior to the Board signing the final plat, a location on the common lot shall be provided for a United States Postal Service community mailbox unless waived by the United States Postal Service.
- 15) The final plan shall include a common area to be used to provide a safe bus stop spacing for school pickup/drop-off (Exhibit II.C.8 of the staff report).
- 16) Roads within the subdivision shall be public roads.



Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0047, the Board of County Commissioners **approve** the Falcon Rim Subdivision Preliminary Plat subject to the Conditions of Approval as enumerated herein.

DATED this 4 day of MARCH, 2025.

CANYON COUNTY BOARD OF COMMISSIONERS

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

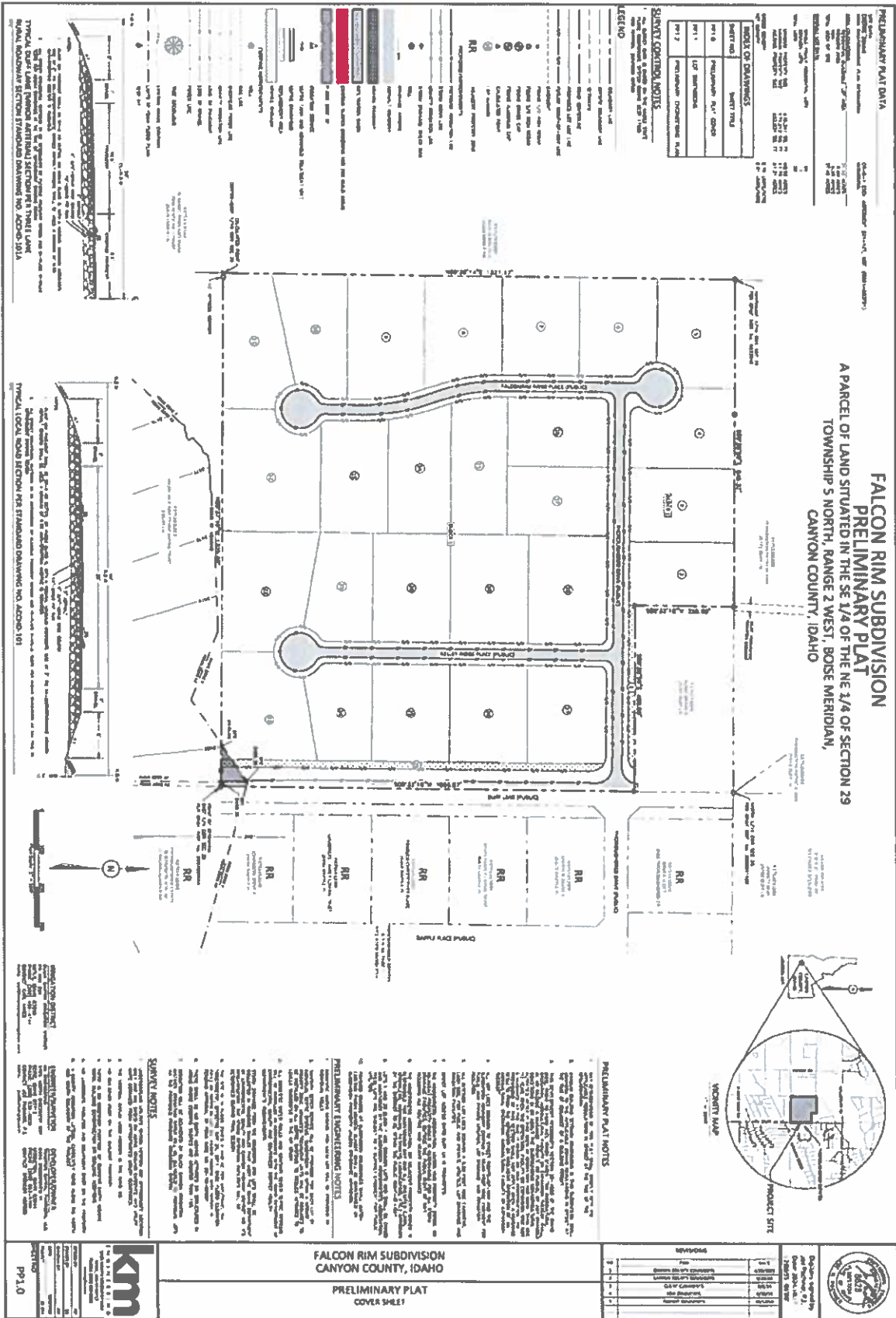
	Yes	No	Did Not Vote
<u></u> Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>did not participate</u> Commissioner Brad Holton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> Commissioner Zach Brooks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

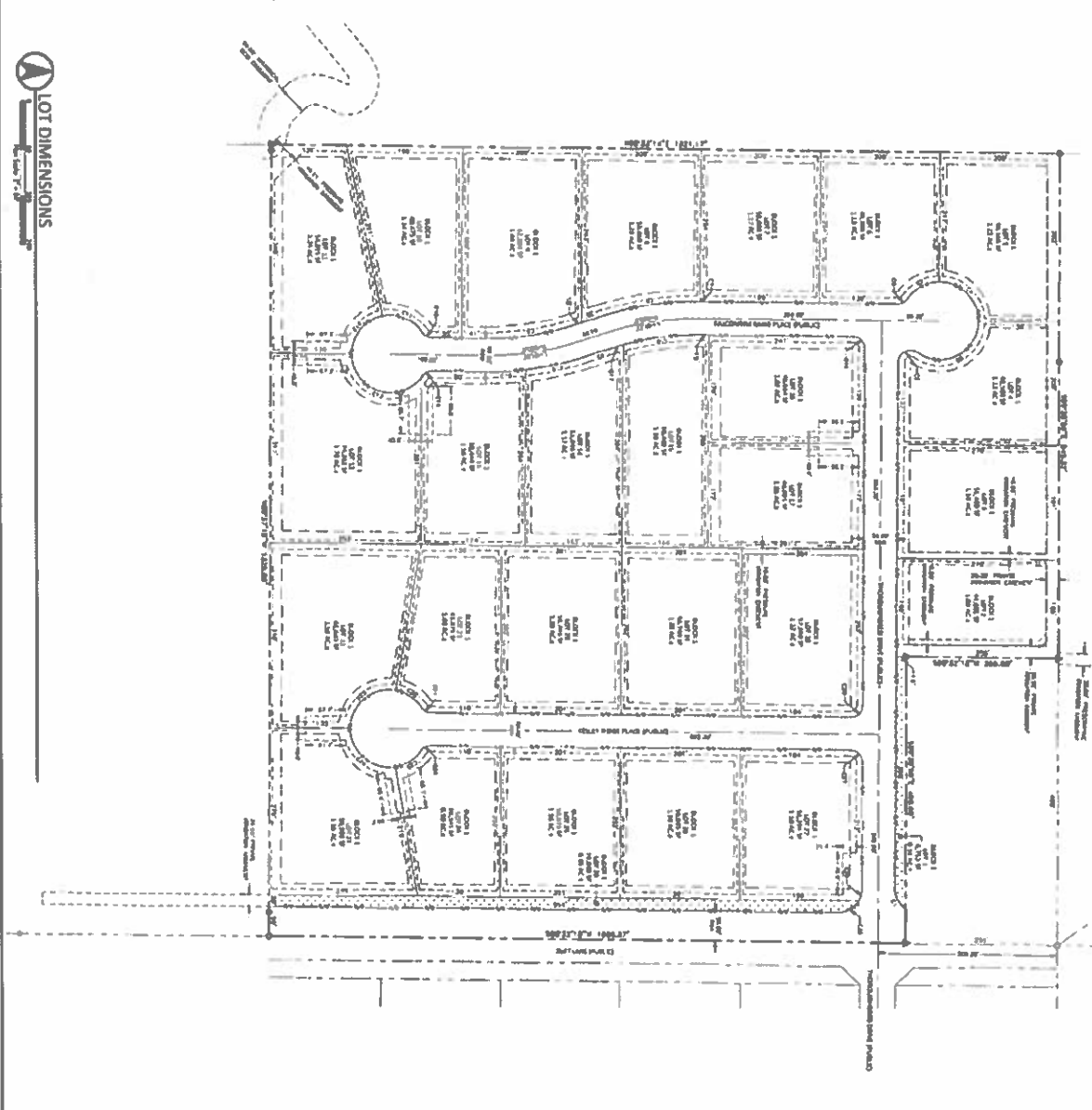
Attest: Rick Hogaboam, Clerk

By: 
Deputy

Date: 3-4-25

ATTACHMENT A





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km K&M ENGINEERS & ARCHITECTS, PLLC
 1200 W. BROADWAY, SUITE 100
 TULSA, OKLAHOMA 74107
 (918) 592-4100
 www.kmengineers.com
 PREPARED BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]

FALCON RIM SUBDIVISION
CANYON COUNTY, IDAHO
PRELIMINARY PLAT
LOT DIMENSIONS

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		



K&M ENGINEERS & ARCHITECTS, PLLC
 1200 W. BROADWAY, SUITE 100
 TULSA, OKLAHOMA 74107
 (918) 592-4100



ENGINEERING PLANS

NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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FALCON RIM SUBDIVISION
 CANYON COUNTY, IDAHO
 PRELIMINARY PLAT
 ENGINEERING PLANS

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	08/15/22
2	REVISED PER COMMENTS	08/15/22
3	REVISED PER COMMENTS	08/15/22
4	REVISED PER COMMENTS	08/15/22
5	REVISED PER COMMENTS	08/15/22



ATTACHMENT B

Dan Lister

From: Derick Corell <dcorell@rh2.com>
Sent: Wednesday, September 11, 2024 5:57 PM
To: Dan Lister
Cc: Mike Meyers; tyler@blackcanyonirrigation.com; Don Popoff; Spencer Kofoed; Stephanie Hopkins
Subject: [External] Canyon County Agency Response SD2022-0047 - Falcon Rim
Attachments: Ltr_2023.10.23-CHayes_PP_SUB23_22_FalconRim.pdf

Dan –

The District previously provided conditional pre-plat concurrence for Case No. SD2022-0047 on October 23rd, 2023. See attached.

As of today, no revised preliminary plat has been submitted to the District and all comments still apply. The applicant has been included in this email for ease of communication.

Thanks,
Derick



Derick Corell EIT

Civil Staff Engineer 3 | RH2 Engineering, Inc.

16150 N. High Desert Street, Suite 201

Nampa, Idaho 83687

C: 986.777.0464

O: 208.907.0520

dcorell@rh2.com

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RH2 ENGINEERING

Nampa

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October 23, 2023

Carl Hayes
District Manager
Black Canyon Irrigation District
PO Box 226
Notus, ID 83656

Sent via: Email

Subject: BCID SUB23-22 – Falcon Rim Subdivision Preliminary Plat Review – Approval

Dear Mr. Carl Hayes:

RH2 Engineering, Inc. (RH2) has reviewed the preliminary plat plan sheets (3 plan sheets, PP1.0-PP1.2), stamped and signed on June 23rd, 2023, prepared by Km Engineering for the Falcon Rim Subdivision. We are providing concurrence for approval of the preliminary plat with the following conditions:

Pre-Plat Conditions:

1. The Developer will need to demonstrate how they plan to divert flow at Tap 4 feeding the C.E. 18.1-1.0 pipeline to the north of the property. Typically, when water leaves a weir box the District no longer regulates the routing of the water, thus a private easement will need to be produced not involving BCID or BOR to verify that water can be delivered.
2. District records indicate a 25' historical easement from centerline of Lateral 18.1-1.3 extends into the southwest corner of the proposed subdivision. In particular please review that the 12" GI line is outside the District's right-of-way. District policy prevents any development within their easements.
3. A review of the historical water rights on this parcel will be required, including the determination of where water will be placed within the parcel(s). The District will perform this task. If it is determined that excess water is created from this proposed development (roads and other non-irrigable surfaces), the developer will have the opportunity to relocate this excess water.

WASHINGTON LOCATIONS

- Bellingham
- Bothell (Corporate)
- East Wenatchee
- Issaquah
- Richland
- Tacoma

OREGON LOCATIONS

- Medford
- Portland

IDAHO LOCATIONS

- Nampa



Final Plat Conditions (Prior to Final Plat Approval):

1. Prior to approval of final plat, a standalone easement will need to be recorded for Lateral 18.1-1.3 that extends within the boundary of the Falcon Rim Subdivision Plat. The developer will be required to provide the District with a legal exhibit and legal description. These documents will need to be signed by a licensed professional surveyor within the State of Idaho. Once recorded, the instrument number will need to be included on the final plat.
2. A Parcel Division Fee will be applied for each newly created lot per District policy.
3. All Development fees need to be paid prior to the District approving final plat.
4. A final as-constructed drawing will be required per District Standards.

General Pre-plat Notes and Design Comments:

1. When preparing gravity irrigation design plans for the District's review, please make sure to include all pertinent gravity irrigation design information such as flow rate, connection information, structure details, etc. This will help expedite the development review process.

Sheet PP1.0:

1. Please include Black Canyon Irrigation District (BCID) contact information on this sheet.

Sheet PP1.1:

1. Please change the "40' BCID Easement" callout to a "Private Irrigation Easement" on all plan views. The District easement will stop at the northern edge of the development and a private easement will bring water down the western edge.

Sheet PP1.2:

1. Please clarify where irrigation water will enter the property. Unclear what is meant by point of diversion (Keynote 3).
2. The proposed pump station will require an overflow drain. It appears that a drain will carry overflow to the southeast corner of the property via the 12" GI line. Please verify that this is true. Note that District policy does not allow drain water to re-enter BCID irrigation network.

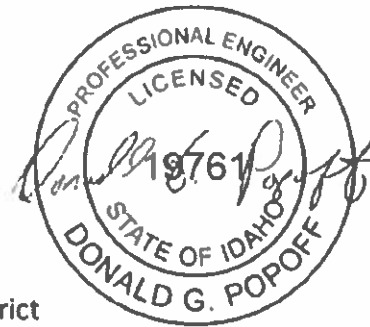


Sincerely,

A handwritten signature in black ink that reads "Donald G. Popoff". The signature is fluid and cursive.

Don Popoff, PE

Nampa Office Manager



CC: Tyler Chamberlain – Black Canyon Irrigation District
Debbie Root – Canyon County Development Services
Spencer Kofoed – Developer
Lacey Clark– Km Engineering

Attachments: SUB23-03 Falcon Rim – Preliminary Plat 20230623_RH2comments

ATTACHMENT C

MIDDLETON RURAL FIRE DISTRICT



STAR FIRE PROTECTION DISTRICT

DATE: August 27, 2023
TO: Lacey Clark
KM Engineering
FROM: Victor Islas, Deputy Chief
SUBJECT: Fire District Review (23MS-151)
PROJECT NAME: Falcon Rim Subdivision
25683 Duff Ln., Middleton, ID 83644

Fire District Summary Report:

1. Overview

- a. This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC), Authority Having Jurisdiction (AHJ) and any codes set forth by the Canyon County, Idaho
- b. Scope: New Development
- c. Construction Type – VB
- d. Purposed Lots = 26 with 2 Common
- e. Zoning – R1 Rural Residential
- f. Any overlooked hazardous condition and/or violation of the International Building and/or Fire Code does not imply approval of such condition or violation.

2. Fire Response Time:

- a. This development will be served by the Middleton Rural Fire District Station 52, located at 22585 Kingsbury Rd., Middleton, Idaho 83644. Station 52 is 5.9 mile with a travel time of 9 minutes under ideal driving conditions to the purposed entrance off Galloway Rd.

3. Accessibility: Roadway Access, Traffic, Radio Coverage

- a. Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.
- b. Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.
- c. All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to maintain access for emergency vehicles at all times.
- d. Purposed access roads meet the intent of the fire code for subdivision under 30 lots.
- e. If the home sites more than 150 ft off the road way additional turnaround will be required.
- f. No parking signs will be required in all cul de sac.

Project: Falcon Rim Subdivision Preliminary Plat Review (23MS-151)



4. **Addressing/Street Signs:**

- a. Addressing/building identification sign shall be placed in a position that is plainly legible and visible from the street or road fronting the property.
 - i. Approved residential address numbers a minimum of six inches (6") in height and in a contrasting color shall be placed on all new buildings in such a position as to be clearly visible and legible from the street or road fronting the property.
- b. Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

5. **Water Supply:** Water supply requirements will be followed as described in Appendix B of the 2018 International Fire Code unless agreed upon by the Fire District.

- a. Fire Flow: The fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building.
- b. Fire Flow: One and two family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hour to service the entire project. One and two family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
- c. Water Supply: Water Supply Options
 - i. Municipal Water System
 - ii. Private or Community well capable of supplying required fire flow.
 - iii. Elevated and pressure tanks
 - iv. NFPA 13D Residential Fire Sprinkler System

6. **Additional Comments:**

- a. Final inspection by the Fire District of the above listed must be completed before building permits are issued by Canyon County.