



**FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER**

SD2023-0001 – Sunset View Subdivision Preliminary

**Findings**

1. The applicant is requesting approval of a short plat, Sunset View Subdivision, resulting in a total of two lots served by a shared access easement. The 2.91-acre parcel is located at 25220 Kingsbury Road, Middleton, parcel R37463010A; also referenced as a portion of the SW¼ of Section 26, T5N, R2W, BM, Canyon County, Idaho.
  - a. See Condition No. 8a regarding the subdivision name.
2. The parcel is zoned "CR-R-1" (Condition Rezone – Single Family Residential, one-acre average minimum lot size). The zone was approved in 2024 with a development agreement (CR2023-0001, Development Agreement No. 24.025). General Plat Note 1 states there are no secondary dwellings (Attachment A). See Condition No. 8b.
3. The property is located in the Star area of city impact. No comment was received from the City of Star. See Condition No. \_.
4. The land within this lot is not within an irrigation district. Irrigation water shall be supplied by individual wells (Attachment A).
5. The development will be served by individual wells and septic systems (Attachment A, General Plat Note #6 & 7). Southwest District Health has no concerns (Exhibit C.3 of the staff report).
6. Subdivision runoff will be maintained within the subdivision (Plat Note 8, Attachment A).
7. The development will take access to Kingsbury Road, a major collector, via a 40' wide shared access and utility easement (See Condition No. 2 regarding the easement reduction). Highway District #4 requires a 40' wide public right-of-way dedication. Highway District 4 requires a development agreement between Highway District 4 and the developer for roadway improvements. See Attachment B and Condition No. 6.
8. Middleton Fire District: did provide comments. This project shall comply with the 2018 International Fire Code for access and water supply. Evidence of compliance shall be a written letter of approval provided to DSD from the Middleton Fire District for the development prior to the Board signing the Final Plat. See Attachment C and Condition No. 5.
9. The development is not located within a mapped floodplain (Flood Zone X).
10. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2023-0001.
11. Notice of the public hearing was provided in accordance with CCCO §07-05-01. Agency notice was provided on December 9, 2024, and March 14, 2025. The newspaper notice was published on March 18, 2025. Property owners within 600 feet were sent a notice on March 17, 2025. A notice was posted on the property on March 18, 2025.

### **Conclusions of Law**

Section 07-17-09(4) of the Canyon County Code of Ordinances (CCCO) states, ‘

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 the 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:

- Idaho Code Section 67-6513 (Subdivisions);
- Idaho Code Sections 50-1301 through 50-1329 (Platting);
- Idaho Code Section 22-4503 (Right-to-Farm Act, Exhibit A.6 of the staff report);
- Idaho Code, Sections 31-3805 & 42-111 (Exhibit A.6 of the staff report); and
- Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations);

The preliminary plat for Sunset View Subdivision was found to be consistent with the standards of review, subject to conditions. Keller’s Engineering (County contract engineer) reviewed the preliminary plat (Exhibit B.3 of the staff report) and recommended approval as revised.

### **Conditions of Approval**

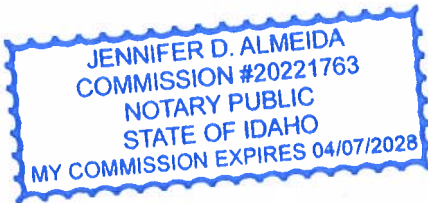
1. All subdivision improvements (roads, shared access, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioners’ signature on the final plat.
2. Director of DSD approval of the requested easement reduction shall be completed prior to the Board of County Commissioners’ 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 A and Exhibit B.3 of the staff report).
4. The development shall comply with Southwest District Health requirements.
5. The development shall comply with Middleton Fire District requirements (Attachment C).
6. The development shall comply with the requirements of Highway District 4 (Attachment B).
7. Per CCCO Section 09-19-09: For subdivisions and planned unit developments applied for in the Star area of city impact, Canyon County will require on the face of each final plat a certification line for execution by the City of Star engineer attesting to the plat's conformance with the city standards set forth above. Also, Canyon County will not sign a final plat or authorize the plat to be recorded prior to the city engineer's signing the plat.
8. Plat corrections to the preliminary plat before going to the Board of County Commissioners for final decision:
  - a. Amend the title of the subdivision from “Sunset View Lane Subdivision” to “Sunset View Subdivision”.
  - b. Per Development Agreement #24-025 (CR2023-0001) Secondary residences, per CCCO Section 07-10-27 and 07-14-25, are prohibited. Amend general note #1 from stating “Lot 2 to have no secondary dwellings per DA24-025” to “No secondary residences on any lot per DA24-025.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2023-0001, the Planning & Zoning Commission **recommends approval** of the Short Plat for Sunset View Subdivision to the Board of County Commissioners subject to the Conditions of Approval as enumerated herein.

**RECOMMENDED FOR APPROVAL** on this 17 day of April, 2025.

**PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO**



  
Robert Sturgill, Chairman

State of Idaho )

SS

County of Canyon County )

On this 17th day of April, in the year 2025, before me Jennifer D. Almeida a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she) executed the same.

Notary: Jennifer D Almeida  
My Commission Expires: 4/7/28

**ATTACHMENT A**

[illegible]

ATTACHMENT B



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

TELEPHONE 208.454.8135  
FAX 208.454.2008

January 6, 2025

Canyon County Board of Commissioners and  
Planning & Zoning Commission  
111 N. 11<sup>th</sup> Street  
Caldwell, Idaho 83605  
Attention: Dalia Alnajjar, Planner

Compass Land Surveying  
623 11<sup>th</sup> Avenue South  
Nampa, ID 83651  
Attention: Richard Gray, PLS

RE: **Sun View Lane Subdivision Preliminary and Final Plat (Short Plat)**  
**Canyon County Parcel R37463010A0**

Dear Commissioners:

Highway District No. 4 (HD4) has reviewed the application for preliminary plat and final plat (short plat) of Sun View Lane Subdivision, parcel R37463010A0, approximately 2.91 acres, located in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 26 T5N R2W. HD4 provides the following comments on the proposed development:

**General**

The subject property is located on the east side of Kingsbury Road north of the Purple Sage Kingsbury intersection by approximately 1,120'. The subject property is more than 1 mile from city limits. This parcel is considered rural for development purposes.

Kingsbury Road is classified as a principal arterial on the long range functional classification maps adopted by HD4 and Canyon County. Existing right-of-way for Kingsbury Road along the subject property is a 25-foot (half-width) prescriptive easement, measured from existing road centerline. Ultimate right-of-way width for a principal arterial is 50-feet (half-width), measured from the section line. The proposed 40' ROW dedication is consistent with surrounding subdivisions, Purple Sky Ranch, Mills Willow Creek, and Kingsbury Meadows and can be considered. The 70' setback from section line still applies.

**Preliminary Plat**

1. For next submittal please provide checklist and review plans against the HD4 preliminary and final plat checklist
2. Change all references from Canyon [County] Highway District 4 to Highway District No. 4 and from CHD4 to HD4. Review all sheets.

Sheet 1

1. All obstructions and right-of-way encroachments are shown to be removed
  - a. Add callouts for the following:
    - i. Remove existing south approach and restore borrow ditch
    - ii. Remove all trees within the 40' ROW
  - b. Prior to constructing the above improvements please request utility permit from IID4
    - i. (Please know prior to final plat signature, completion of the above items are required)
2. Is there a phone ped in the access easement? How does this affect the shared approach? Does it require relocating? Please identify
3. Intersection sight distance measured from phone pedestal to the north meets 45 mph.
  - a. Shared approach location meets standards

**Final Plat**

1. Change all references from Canyon [County] Highway District 4 to Highway District No. 4 and from CHD4 to IID4. Review all sheets.

Sheet 1

1. Add, "No permanent structure shall be located closer than seventy feet (70') to any section line or quarter section line preserved for a future road unless the highway district having jurisdiction waives the seventy foot (70') setback requirement."

Sheet 2

1. Change to, "The public streets and rights-of-ways shown on this plat are dedicated to the public forever."
2. Correct IID4 plat statement

Please revise the preliminary plat and final plat to address the comments above, and re-submit a single full-size hard copy and an electronic copy of the plat and supporting documents for approval.

Short plat application fee of \$340 (\$300 + \$20/lot) is due and required in next submittal.

If you have any questions you are welcome to call.

Regards,



Lenny Riccio, P.E.  
Transportation Planner  
Senior Assistant Engineer

**Dan Lister**

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**From:** Lenny Riccio <lrccio@hwydistrict4.org>  
**Sent:** Thursday, February 13, 2025 4:12 PM  
**To:** Mark Johns  
**Cc:** Dalia Alnajjar  
**Subject:** [External] RE: Sun View Lane Subdivision

Mark,

Variance application can be found here: <https://hwydistrict4.org/download/application-for-variance/>

Application fee is \$750

Do know staff recommendation to the Board will match the previous option 2:

2. Surveyor provides dimension in preliminary plat from tree trunk to edge line (fog line) or centerline (HD4 staff prefers edge line assuming this is in the survey topo). Trees that are closer than 16' shall be removed. Trees that are [more than] 16' ~~or further~~ from edge line those trees may remain with the following conditions:

- a. Applicant signs a license agreement with HD4 (prior to HD4 final plat signature)
- b. Cash deposit equivalent to landscaper estimate (prior to HD4 final plat signature)
  - i. Applicant provides estimate from landscape company for tree and stump removal
    1. Staff to confirm the estimate

Regards,

Lenny Riccio, P.E.  
Transportation Planner  
Senior Assistant Engineer



Highway District No. 4

[www.hwydistrict4.org](http://www.hwydistrict4.org)

15435 Hwy 44

Caldwell, ID 83607

Phone: (208) 454-8135 Ext 117

Fax: (208) 454-2008

*\*To enter review queue hard copies of plans required*

**From:** Mark Johns <mjohns126@gmail.com>  
**Sent:** Thursday, February 13, 2025 12:33 PM



**To:** Lenny Riccio <[Iriccio@hwydistrict4.org](mailto:Iriccio@hwydistrict4.org)>  
**Cc:** Dalia Alnajjar <[dalia.alnajjar@canyoncounty.id.gov](mailto:dalia.alnajjar@canyoncounty.id.gov)>  
**Subject:** Re: Sun View Lane Subdivision

Lenny,

Please inform me of the process, cost and scenario to apply for a variance.

In regards to my trees.

Mark Johns

On Thu, Feb 6, 2025 at 3:03 PM Mark Johns <[mjohns126@gmail.com](mailto:mjohns126@gmail.com)> wrote:

Lenny,

Before deciding on doing one of the options given, which are not desirable on my end, but are an option to approval, I have to keep trying here for a bit because the trees are such a valuable asset to my property and my quality of life as well. They provide aesthetic beauty, value and block from winds, the hot sun and help reduce road noise.

The road I live on is far from any area of future improvements and or development to the area. I have the power poles on my side of the road too, so not the ideal side to ever even widen the road which seemingly wouldn't come our way for a long time, if ever.

All along this country setting on Kingsbury road where my property is, there are trees within the set back called out and to be the only one that would cut their trees down or have to pay a deposit to keep my trees is unfair and would make my property look worse visually.

I'm asking for a meeting with your department to further examine this request.

Please advise.

Mark Johns

On Mon, Feb 3, 2025 at 2:15 PM Lenny Riccio <[Iriccio@hwydistrict4.org](mailto:Iriccio@hwydistrict4.org)> wrote:

Mark,

Thank you for the suggestion; however, when removal of the trees is warranted there is no guarantee that you will be in the area to make these improvements. Option 1 or 2 identified below still applies.

Regards,



Lenny Riccio, P.E.

Transportation Planner

Senior Assistant Engineer

Highway District No. 4

[www.hwylistrict4.org](http://www.hwylistrict4.org)

[15435 Hwy 44](#)

[Caldwell, ID 83607](#)

Phone: (208) 454-8135 Ext 117

Fax: (208) 454-2008

*\*To enter review queue hard copies of plans required*

ATTACHMENT C

**Dalia Alnajjar**

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**From:** Victor Islas <vislas@midstarfire.org>  
**Sent:** Friday, March 14, 2025 1:29 PM  
**To:** Dalia Alnajjar  
**Subject:** [External] Fire District Comments SD2023-0001

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

The fire district does not have an open land development application for this project. Since the applicant has not completed the fire district application process found on our website (<https://midstarfire.org/land-development>) our comments are limited.

This project shall comply with the 2018 International Fire Code for access and water supply.

If you have any questions, please let me know.

DC Islas

**Victor Islas, Deputy Chief**

Middleton Rural Fire District Star Fire Protection District

**A:** 11665 W. State St. Suite B, Star, ID 83669

**P:** (208) 286-7772 **M:** (208) 860-1078

**E:** [vislas@midstarfire.org](mailto:vislas@midstarfire.org) **W:** [www.midstarfire.org](http://www.midstarfire.org)

**We are social!:** <https://linktr.ee/dcmidstarfd>



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