



## Board of County Commissioners

Hearing Date: June 24, 2025 continued from Sept. 18, 2024

*Canyon County Development Services Department*

### PLANNING DIVISION ADDENDUM CONTINUANCE FROM SEPT. 18, 2025 TO JUNE 24, 2025

**CASE NUMBER:** SD2022-0024

**APPLICANT:** Joe Rumsey

**PROPERTY OWNER:** Joe Rumsey

**APPLICATION:** Requesting approval of a preliminary plat, irrigation and drainage plan for Hornet Cove Subdivision, a seven (7) residential lot development with an average lot size of 2.08 acres.

**LOCATION:** The 16.19 acres, R37877011B, is zoned "RR" (Rural Residential) and is located on Monarch Road, 200 feet south of the intersection of Swallowtail and Monarch Roads, Middleton, Idaho, and is a portion of Section 07-5N-3W SW B.M; Canyon County, Idaho.

**ANALYST:** Deb Root, Principal Planner

**P&Z RECOMMENDATION:** Approval with Conditions

#### **SUMMARY:**

The Board of County Commissioners opened a public hearing and took public testimony on September 18, 2024. Upon review of the proposed application documents and public testimony, the Board identified concerns with the plans and determined to provide the applicant time to work with staff and the irrigation district to address concerns with the presented preliminary plat.

The applicant was provided 45 days to reach out to staff with their solutions to the irrigation easement overlap with the road easement at the cul-de-sac.

- The applicant provided email communications from the Black Canyon Irrigation District indicating that the easement overlap is acceptable to the District. Staff continued to encourage the applicant to move the road lot and easements so that there would not be an overlap.
- The applicant provided an engineer's statement from Rodney Clark, P.E., indicating that there is sufficient grade for piping to deliver water at a minimum of low pressure to each lot. The applicant did not provide a specific plan/drawing of the proposed system. Email communications continue to indicate a reluctance that a pressurized system is warranted.
- The applicant was provided with specific subdivision code references indicating that the Board has the authority and latitude to place conditions and requirements on a preliminary plat, exceeding the minimum standards, including paving and pressurized irrigation. The nexus is to help to ensure that the available irrigation water is delivered to each lot and that the life, safety and welfare of the future occupants as well as good access for emergency services can be provided. Paving of the private road that has 10% or greater slope will provide for better

access for all services to serve the properties within the proposed Hornet Cove development regardless of the number of homes being served.

**EXHIBITS:**

- I. BOCC Meeting Minutes Dated September 18, 2024**
- II. BOCC September 18, 2025 audio record (see BOCC September 18, 2025 agenda for audio files)**
- III. BCID Mike Meyers-- email string re: overlapping easements**
- IV. Rodney Clark, P.E. – Engineer’s statement irrigation system dated January 29, 2025**
- V. Applicant/Staff emails:**
  - a. Applicant request to move forward**
  - b. 01-28-25 Rumsey synopsis of irrigation plan-piped**
  - c. 12-20-24 re-cap of phone conversation with Applicant-Please provide...**
  - d. 12-13-24 staff follow-up with applicant**
  - e. 10-23-24 email string – BOCC authority**
  - f. 09-19-24 Staff Hearing follow-up to applicant**

Commissioners Minutes

September 18, 2024 – 1:31 p.m. to 2:40 p.m.

**PUBLIC HEARING: REQUEST BY JOE RUMSEY FOR APPROVAL OF A PRELIMINARY PLAT, IRRIGATION AND DRAINAGE PLAN FOR HORNET COVE SUBDIVISION, CASE NO. SD2022-0024**

Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek

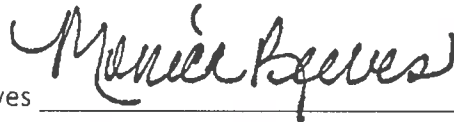
DSD Principal Planner Deb Root

DSD Planning Supervisor Carl Anderson

Joe Rumsey

Terrel McHenry

Deputy Clerk Monica Reeves



PUBLIC HEARING: REQUEST BY JOE RUMSEY FOR APPROVAL OF A PRELIMINARY PLAT, IRRIGATION AND DRAINAGE PLAN FOR HORNET COVE SUBDIVISION, CASE NO. SD2022-0024

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Joe Rumsey, for approval of the preliminary plat, and irrigation and drainage plan for Hornet Cove Subdivision, a seven (7) residential lot development with an average lot size of 2.08 acres, Case No. SD2022-0024. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Deb Root, DSD Planning Supervisor Carl Anderson, Joe Rumsey, Terrel McHenry, and Deputy Clerk Monica Reeves.

Principal Planner Deb Root gave the oral staff report. The subject property consists of 16.19 acres, Parcel R37877011B is zoned "R-R" (Rural Residential) and is located on Monarch Road, 200 feet south of the intersection of Swallowtail and Monarch Roads in Middleton. The property is zoned rural residential, there were no restrictions on secondary residences therefore the current lot configuration could potentially end up with 14 houses and staff recommended the road be paved for that reason. The Notus-Parma Highway District approved the access location for the proposed private road, Yellow Jacket Lane to Monarch Road. Monarch Road serves the adjacent development, Butterfly Ridge. Yellow Jacket Lane is proposed to be a private gravel road. Seven lots have entitlements for 14 total residences under the current zoning code and exceeding the potential 100 average daily trips. The applicant has proposed deed restrictions and/or a final plat note as paving of the road is a barrier to development for him. The County Engineer indicated that the drainage plan for the roadside swales should provide for erosion control details with rock dams as part of the measure to slow velocities. A crossing agreement is required for Lot 5, Block 1 to access the portion of the lot south and east of the buried lateral-CGE 1.1-4.3-0.2. The property is located within Black Canyon Irrigation District (BCID) boundaries and surface water rights are available to the property. The rights have not been forfeited or transferred in accordance with state statute requirements. A challenge with the irrigation plan is the open ditches running to supply and drain both sides of the road; it will require a two culvert access to every lot to contain the stormwater drainage and one for irrigation, either drainage or supply. The plat is in substantial

conformance with the requirements of the preliminary plat submittals, but there are many things that need to be addressed during the construction drawing phase. The P&Z Commission recommended approval with conditions. Following her report, Ms. Root responded to questions from the Board.

Joe Rumsey testified in support of his request and said the parcel is a poor piece of land that cannot be farmed and it does not irrigate very well and the only thing he can do is put houses on it. Paving of the road will be a deal breaker for him which is why he signed a deed restriction to limit the development to seven residences which kept him below the threshold to asphalt the road. County code allows someone to potentially build another house but he could have CC&R's that require anyone who wants a secondary residence to pave the road ahead of them and beyond their driveway. He initially had problems locating the laterals but it has been resolved. They have a crossing agreement on one road and are waiting for the final plat for the crossing agreement for the other lot.

Planner Root said when staff took the application to the P&Z Commission there wasn't a deed restriction. Rural residential zoning provides for secondary residences on parcels that can meet the requirements of the code and other agencies, therefore, staff required compliance with the private road and driveway code and they recommended paving and the P&Z Commission upheld that recommendation. Mr. Rumsey recorded the deed restriction after the P&Z Commission hearing and so the Board needs to determine if it wants to place restrictions on the development indicating the deed restriction is sufficient to only have seven homes. She noted deed restrictions are difficult for staff to catch or enforce and they are easily missed. It could be a final plat note, or a deed restriction, or it can be in the CC&R's.

Commissioner Holton asked about having a development agreement to close the door for accessory dwelling units or lot divisions in the future. DSD Planning Supervisor Anderson said the applicant received a straight rezone which is why staff recommended the road be paved at time of the plat because it was entitled for up to that secondary residence. The staff report outlines some options as alternatives to the road paving. Commissioner Holton asked Mr. Rumsey if he is opposed to paving the road even though it has a 10% grade? Mr. Rumsey said it would be cost prohibitive to pave the road and he would not be able to proceed further if he has to pave it and it will complicate things a great deal which is why he prefers a deed restriction.

Terrel McHenry testified in opposition to the request due to concerns about overpopulation, traffic issues, and light pollution. He said Mr. Rumsey wrote a letter of intent 2-3 years ago for one house per four acres, but now it's down to two acres. The countryside is gorgeous and being decimated by overpopulation and development and he is very concerned about the destruction of the wildlife habitat. He believes overpopulation and additional wells will destroy the environment and the quality of life.

Joe Rumsey offered rebuttal testimony and said all traffic is on Monarch Road, not Goodson Road; and for his ingress/egress, all traffic will go up to Monarch Road. He said the lights and

traffic on Farmway Road are no reflection on what is occurring on the subject property and it's unlikely that seven houses will make a big difference in the lighting situation that Mr. McHenry referenced.

Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Commissioner Van Beek said she has a difficult time varying from the P&Z Commission's conditions of approval. Having the road system inconsistent with the access point is not advantageous to those who would buy there, and she is not in favor of a gravel road. There are questions about whether the project is entitled to 14 homes or 7 homes. Commissioner Holton has concerns about the irrigation and drainage issues. Commissioner Brooks said the applicant's letter stated they were going to petition the irrigation district to relinquish the water rights and so he is confused with the plan to have multiple culverts if we're not going to have water going to the lots. Planner Root said the applicant has had ample time to work with the irrigation district to relinquish those rights but he has not done so and therefore he had to have the irrigation plan in place and he chose to have it as an open surface ditch rather than a pressurized irrigation plan. Because of the accesses and how each lot has to be provided water lends itself to a different system, but that is not what was proposed and the plat complies with the state statute and County code for irrigation. It's challenging to think each individual lot owner will be able to utilize the irrigation. Commissioner Van Beek said this is minimally compliant and there has to be a better design. She said the Board could impose a condition that either a pressurized irrigation system be provided prior to submission of the final plat, and/or that proof of relinquishing the water rights back to BCID. The water rights are currently being sold to farmers downstream. Commissioner Brooks is okay with what staff has presented as far as limiting the development to seven residences, and he is okay with a gravel road because potential buyers will choose whether they want to live there with a road that is not paved. He also supports a condition for a pressurized irrigation system. Commissioner Holton said they have encroached into the 60-foot irrigation easement and that's a flawed detail. Planner Root requested the Board table the hearing to fix some issues and verify with BCID that there is an encroachment. Commissioner Holton does not want to approve a gravel road with a 10% grade; the road should be paved. Commissioner Van Beek doesn't want to hear this again unless the resources are there to provide the infrastructure that's going to carry this project into the future.

DSD Planning Supervisor Anderson summarized the issues the Board wants the applicant to address with their representative/surveyor or with DSD staff:

1. Paving of the road and the options available there; staff will explore with Legal the option for development agreement further beyond the rezone.
2. Encroachment of the turnaround into Black Canyon Irrigation District's easement; the applicant needs to work with BCID to ensure that it's outside of the easement.
3. Exploration of either a pressurized irrigation system or relinquishment of the water right, etc.

Commissioner Holton said there is a water problem out there so he does not want to give up irrigation rights on the lots and tell people to pump on their domestic well because he is sensitive about domestic wells sucking up the aquifer. Mr. Anderson recommends continuing the hearing to a date uncertain and have the applicant reach out to DSD staff within 90 days. Commissioner Holton made a motion to continue the hearing to a date uncertain to allow for staff to receive additional information on the areas of concern as delineated by DSD Planning Supervisor Carl Anderson. The applicant shall provide a status update to DSD staff within 45 days. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 2:40 p.m. An audio recording is on file in the Commissioners' Office.

## EXHIBIT II.

### AUDIO FILE OF SEPTEMBER 18, 2024 HEARING

SEE:

<https://agenda.canyoncounty.id.gov/Agenda?date=2024-09-18>

## Debbie Root

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**From:** Mike Meyers <mikem@blackcanyonirrigation.com>  
**Sent:** Thursday, October 17, 2024 12:04 PM  
**To:** Debbie Root  
**Cc:** Joe Rumsey  
**Subject:** [External] FW: Hornet Cove

Debbie,

Joe asked if I would send you the correspondence that him and I had about the approval for flood irrigation and overlapping easements at Hornet cove. On 7/19/2024 we sent a letter out stating that we are good with the overlapping easements and that Black Canyon Irrigation has opinion on weather or not hornet cove is flood irrigation or pressurized irrigation. The only thing we need before signing off on final plate is the CAD drawings so we can load them into our system. Let me know if you need anything else from us. Thanks

**From:** Mike Meyers  
**Sent:** Friday, October 04, 2024 1:52 PM  
**To:** Joe Rumsey <vetflyr@yahoo.com>  
**Cc:** D Popoff <dpopoff@rh2.com>; Derick Corell @ RH2 <dcorell@rh2.com>  
**Subject:** RE: Hornet Cove

Joe,

1. Flood irrigation. The district does not have an opinion on whether you can flood irrigate or sprinkler this is left up to the County to decide. See below comments.

- The current sketch shows a sublateral on the west side of Yellow Jacket way. This sublateral will require an additional delivery including weir box to be installed and will be privately maintained. The layout of the irrigation system will need to be reviewed and approved during construction drawing review.

District's Comment 7/19/2024:

Private irrigation systems for this subdivision are covered under IDAPA 31-3805.a.iii, where the County is responsible for reviewing the private irrigation system. The Black Canyon Irrigation District will defer to the County for design review of this subdivision's private irrigation system per state statute.

No further action is required by BCID for this item.

2. Overlapping Easements. We are good with the overlapping easements and in our letter that should be sufficient for the County. Let me know if this helps.



- According to District records, there is a piped lateral (C.G.1.1-4.3-0.2) that is located on this parcel, centered in the District's easement. The lateral runs west to east across the top of the parcel and also north to south for the complete length of the parcel (vaguely similar to what is depicted on the applicant's sketch, PDF page 10). The pipeline is shown on District mapping to continue south off the proponent's parcel and delivers water to additional acreage to the south (this is not depicted on the applicants sketched map.)

The signed pre-plat survey attached to this application does not depict this infrastructure correctly. The District is requesting that the applicant resubmit the pre-plat survey for District review with the infrastructure and easements shown correctly. The infrastructure will likely affect parcel building locations and required offsets.

*District's Comment 1/12/2024:*

*The District potholed for C.G.1.1-4.3-0.2 on November 29, 2023 and found the pipe to be located as depicted on District records, different than what was shown on the preliminary plat for this subdivision as stated above. The developer has updated the preliminary plat, showing the potholed location of the lateral. With the current subdivision layout design, the pipeline and 60' BCID easement run directly underneath the cul-de-sac and also crosses several property accesses. The current subdivision layout as shown is not acceptable as it encroaches the District's easement on infrastructure. The District will require that the lateral and easement are not encumbered, by road right-of-ways or any other infrastructure. The layout of the subdivision needs to be addressed accordingly. Possible solutions are re-alignment of the subdivision layout or moving the District's infrastructure. Please revise and resubmit the preliminary plat to the District for review.*

*District's Comment 7/19/2024:*

*The applicant has provided an acceptable revised preliminary plat, a copy has been attached to this response. The District is in concurrence with moving this development forward and concurs with the attached preliminary plat. Prior to final plat, several items identified below are still required. No further action is required for this item.*

**From:** Joe Rumsey <[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)>

**Sent:** Monday, September 30, 2024 10:57 PM

**To:** Mike Meyers <[mikem@blackcanyonirrigation.com](mailto:mikem@blackcanyonirrigation.com)>

**Subject:** Re: Hornet Cove

Mike

Here is the plat and road drawings that you needed.

The road as you can see from the drawings is in place and has a protective 30' easement to keep it protected. And Yes I need a Letter saying BCID is fine with the overlap of easements and our gravity flow irrigation. (same system as we currently use now)

Joe Rumsey, DVM  
Rumsey Equine Hospital  
Nampa, Idaho  
(208)466-9440(office)  
(208)890-9440(cell)  
[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)

On Monday, September 30, 2024 at 11:29:01 AM MDT, Mike Meyers <[mikem@blackcanyonirrigation.com](mailto:mikem@blackcanyonirrigation.com)> wrote:

Joe,



I spoke with Don and here is where Black Canyon is. We are good with the 5' in overlap of the easement in lot #4. We are also fine with gravity irrigation staying in place for Hornet cove. Before we can sign off on Final plate however I need the CAD drawings so that we can upload them to our system. Also before final plate we will need to make sure the road next to the cul-de-sac is place. My question is does the County need us to write you a letter stating that we are ok with the 5' easement and the gravity irrigation before you can turn dirt? If so we can do that.

**From:** Derick Corell <[dcorell@rh2.com](mailto:dcorell@rh2.com)>

**Sent:** Monday, September 30, 2024 10:17 AM

**To:** Mike Meyers <[mikem@blackcanyonirrigation.com](mailto:mikem@blackcanyonirrigation.com)>; D Popoff <[dpopoff@rh2.com](mailto:dpopoff@rh2.com)>

**Cc:** Joe Rumsey <[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)>

**Subject:** RE: Hornet Cove

Mike –

I looked through the folder for this development, see the attached letter of last correspondence.

Couple things to do yet with this Development prior to final plat concurrence:

- Fully executed License agreement with BOR.
- Linework for water accounting for each newly proposed lot.
- Provide District access road in concurrence with District standards.

The list above is what I see from the letter that was provided to Mr. Rumsey and the County on 7/19/2024.

Let me know if you have any questions.

Thanks,

Derick



**Derick Corell EIT**

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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](mailto:dcorell@rh2.com)

[www.rh2.com](http://www.rh2.com)

**From:** Mike Meyers <[mikem@blackcanyonirrigation.com](mailto:mikem@blackcanyonirrigation.com)>

**Sent:** Monday, September 30, 2024 9:56 AM

**To:** Don Popoff <[dpopoff@rh2.com](mailto:dpopoff@rh2.com)>

**Cc:** Derick Corell <[dcorell@rh2.com](mailto:dcorell@rh2.com)>; Joe Rumsey <[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)>

**Subject:** Hornet Cove

Don,

Refresh my memory where we at with sighing off on Hornet Cove?



Thomas J. Wellard, PLS  
Rodney Clark, PE

Project No. FE0321

**Hornet Cove Subdivision**  
(At south end of Monarch Rd)

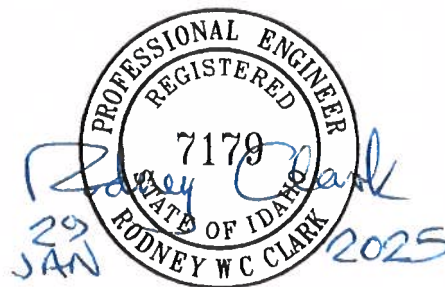
**ENGINEER'S STATEMENT**  
Canyon County Development  
Services

**Proposed Irrigation Water Distribution to Lots**

From the proposed ditch routings to distribute irrigation water to Lots 1-7, as shown on the *Well and Septic Drainfield Placement Map*, Rev. 1, and from the topography shown on the *Preliminary Plat*:

**I hereby state that, regarding irrigation water delivery to Lots 1-7:**

- The topography shows sufficient grade for piping to deliver water at a minimum of low pressure to each lot.
- I understand that the horizontal and vertical alignment of the pipe route and location of each lot delivery point will be finalized during construction.
- I understand that each lot will provide its own irrigation system to meet its needs.



Skinner Land Survey

Rodney Clark, PE

## Debbie Root

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**From:** Rodney Clark <rodney.clark@outlook.com>  
**Sent:** Wednesday, January 29, 2025 10:03 AM  
**To:** Joe Rumsey; Debbie Root  
**Subject:** [External] Hornet Cove Subdivision - Irrigation Statement  
**Attachments:** Scan.pdf

Good morning, Joe and Debbie:

Attached is the *Irrigation Statement* you requested.

Best wishes. Rodney.

**EXHIBIT V.**  
**APPLICANT / STAFF EMAILS**

**EXHIBIT  
V.**

## Debbie Root

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**From:** Joe Rumsey <vetflyr@yahoo.com>  
**Sent:** Monday, March 3, 2025 10:11 AM  
**To:** Debbie Root  
**Subject:** [External] New Commissioner meeting

Hi Debbie

After my engineers conclusions that irrigation can be accomplished without a pump and the commission is not going to give in on the pavement issue, I think we should go forward with another meeting.

Joe Rumsey, DVM  
Rumsey Equine Hospital  
Nampa, Idaho  
(208)466-9440(office)  
(208)890-9440(cell)  
vetflyr@yahoo.com

## Debbie Root

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**From:** Joe Rumsey <vetflyr@yahoo.com>  
**Sent:** Tuesday, January 28, 2025 9:57 AM  
**To:** Debbie Root  
**Subject:** [External] Irrigation Plan  
**Attachments:** Scan.pdf

Hi Deb

Sorry I didn't this to you earlier, but I was super busy last week.

So This is what the engineer came up with.

A full volume of water can be delivered via a closed pvc system with limited pressure.

In other words, the system will deliver the allotted volume of water, but the homeowner will have to develop their own system, which may include a pump, to get it where they want it.

Joe Rumsey, DVM  
Rumsey Equine Hospital  
Nampa, Idaho  
(208)466-9440(office)  
(208)890-9440(cell)  
vetflyr@yahoo.com



## Debbie Root

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**From:** Debbie Root  
**Sent:** Friday, December 20, 2024 1:30 PM  
**To:** 'Joe Rumsey'  
**Cc:** Debbie Root  
**Subject:** Please provide ...

Joe,

Good to talk with you today. Just to recap:

Please provide me a time line of when you expect to have an assessment/analysis/plan completed for the irrigation system. I need a timeline provided to me by January 10, 2025. This just needs to be a plan as to when I should expect to have revised irrigation plan or written expert testimony as to why it cannot be done.

I understand that TJ has indicated there is no intention of moving the road & easement that overlaps the irrigation district easement. I also have the documents from the irrigation district indicating that the District is fine with the overlapping easements and that there is sufficient area to maintain the buried structures. The Board may accept this—I cannot speak for them.

We also discussed the opportunity for you to contact a civil engineer that could either provide you with a workable irrigation plan utilizing buried pipe and delivery points to each lot or alternatively, based on quantity and how water is delivered to the property from Black Canyon as to why there are no workable solutions for a pressurized system. If the option is to not provide a pressurized system then there should be a good analysis as to why not—how does a gravity open ditch provide a better solution? Keep in mind, per our discussion, pressurized does not necessarily mean that an irrigation pump has to be utilized to pressurize those structures. As discussed the Board did not seem too favorable about relinquishing the rights either.

Look forward to hearing from you by Jan. 10, 2025.

Respectfully,

Deb Root, MBA  
Canyon County Development Services  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)  
208-455-6034

## Debbie Root

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**From:** Debbie Root  
**Sent:** Friday, December 13, 2024 12:51 PM  
**To:** Joe Rumsey  
**Cc:** Debbie Root  
**Subject:** Hornet Cove PP

Joe,

The last email I received from you disputed the BOCC's right to impose additional requirements regarding the paving of the road and requiring a pressurized irrigation system. I responded to you with the code references that provide for the BOCC to impose additional conditions or requirements on the plat.

I then received a phone call from a realtor requesting information on the development as they were looking into purchasing the property.

I have not received any additional plans or direction from you regarding the status of the required pressurized irrigation and the overlapping easements. We can proceed to schedule a follow-up hearing with the Board at which they **could deny** the preliminary plat application for failure to comply with the discussed improvements/modifications to the preliminary plat.

I am reaching out to see where you are at in the process?

If I do not receive a response or direction from you by **December 31, 2024** I will proceed to schedule a hearing with the Board to complete the preliminary plat hearing that was initially conducted on September 18, 2024 and continued to allow for you to correct the easement overlap and to provide a pressurized irrigation plan.

Respectfully,

Deb Root, MBA  
Canyon County Development Services  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)  
208-455-6034

## Debbie Root

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**From:** Debbie Root  
**Sent:** Wednesday, October 23, 2024 8:03 AM  
**To:** Debbie Root  
**Subject:** RE: [External] Fw: Hornet Cove  
**Attachments:** hornet cove minutes 9 18 24.pdf

Joe,

Thank you for expressing your concerns regarding the hearing for Hornet Cove. I am sending you the link to the hearing audio, I have also attached the minutes, and I have included code references whereby the code provides for the BOCC to have the authority and latitude to place conditions and requirements on a preliminary plat including paving and pressurized irrigation. I understand that you don't agree and if you so choose I would be happy to reschedule a hearing and take the preliminary plat back to the Board with no changes and you can make the argument that your plan meets the code and that the Board doesn't have the authority to require the improvements. I encourage you to listen to the audio and consider the BOARD's discussion and concerns. The decision is yours if you would just like me to reschedule the hearing and move ahead with no changes to your plans.

Link to Audio File for September 18, 2024 meeting:

<https://agenda.canyoncounty.id.gov/Agenda?date=2024-09-18> then go to your hearing and click on the audio button.

### 07-17-09 (5) Board Action:

- A. The board shall consider the commission's recommendation at a noticed public hearing.
- 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. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

And:

### 07-17-31: Required Improvements

(2) Subdivision Improvements: The commission or hearing examiner may recommend **and the Board may require improvements** in the subdivision, for example curbs, gutters, sidewalks, streetlights, ribbon curbing, swales, and stormwater retention and disposal.

(4) Other Improvements: All other improvements required as conditions of approval shall be completed. (Ord. 16-007, 6-20-2016)

NOTE: Commissioner Holton voiced his strong concerns about the road being constructed at 10% grade.

§07-17-33(1) HILLSIDE DEVELOPMENT: Any development or that portion of a development located in terrain having a maximum slope exceeding fifteen percent (15%), except where evidence is provided that no construction or development shall take place on slopes greater than fifteen percent (15%).

The developer/surveyor identified the areas greater than 15% slope with hatching as no build zone—and did not provide the soils, geology, and hydrology—the site is comprised of significant slope on the majority of the proposed parcels. JUB Engineers (Notus Parma Hwy Dist) in a review of the private road indicated that baffles/water checks should be installed to slow the flow of run-off in the roadside swales. Irrigation water would be no different in that it is going to rush downhill and any check dams (or clogged up culverts for road/driveway crossings) are likely to create a flood situation onto other properties within the development.

07-17-29 (2) Irrigation Supply And Distribution Systems: The developer shall disclose, pursuant to Idaho Code section 31-3805, and file as part of the preliminary plat with DSD, **evidence that an adequate irrigation supply and distribution system** to serve the land within the plat to be recorded will be provided and must include consideration of using existing water rights that go with the land being platted. Such evidence shall include, but not be limited to, the following:

A. Copies of the plans of the proposed distribution system for the lots and areas to be served in the proposed development; and

B. Copies of the community association's or similar organization's documents which may be required precedent to the establishment of an irrigation distribution system within the proposed development.

Deb Root, MBA  
Canyon County Development Services  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)  
208-455-6034

Development Services Department (DSD)  
**NEW public office hours**  
Effective Jan. 3, 2023  
Monday, Tuesday, Thursday and Friday  
8am – 5pm  
Wednesday  
1pm – 5pm  
\*\*We will not be closed during lunch hour \*\*

**From:** Joe Rumsey <[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)>  
**Sent:** Monday, October 21, 2024 8:47 AM  
**To:** Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>  
**Subject:** Re: [External] Fw: Hornet Cove

Thank You Deb  
I think there is a disconnect somewhere.  
What I can't understand is that according to code at 7 lots (and I have taken every measure to keep that) I do not have to pave the road.  
That is the Code.  
The irrigation also clearly states that one has to get water to each lot and does not state how that is done.  
With all do respect, I think the commission does not have the authority to circumvent the county codes to force their personal preferences on to a land owner.  
Again I am not being disrespectful. But I feel the commissioners are overstepping there bounds.  
This is not personal I understand, but again I don't think it is right.  
Lastly I can't understand the problem with the overlaps of easements. An easement is an easement and what is important here is that nothing can occupy or encumber that space. Which ever entity wants credit for stopping that occupation or encumbrance is irrelevant, Nothing Can go there.  
Mike at BCID understands the logic in this and is therefore willing to concede there side of the overlap in order to move on.

Joe Rumsey, DVM  
Rumsey Equine Hospital  
Nampa, Idaho  
(208)466-9440(office)  
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[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)

On Thursday, October 17, 2024 at 10:30:32 AM MDT, Debbie Root <[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)> wrote:

Joe,

Thank you for reaching out and sending the other information from BCID. I understand that the irrigation company does not care whether gravity flow is used or pressurized irrigation and whether the road and irrigation easements overlap. **HOWEVER**, the Board of County Commissioners did care and they are the ones that directed that the overlapping easements be fixed and they are the ones that desire the irrigation to be a pressurized irrigation system which IS in their discretion to require. I believe that if you go back to them with the same plan they will deny your preliminary plat and you will have to start over with a new plat application and they graciously did not make a decision at the last hearing so that you could address those items without having to start over.

Respectfully,

Deb Root, MBA

Canyon County Development Services

[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)

208-455-6034

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8am – 5pm

Wednesday

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**From:** Joe Rumsey <[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)>  
**Sent:** Thursday, October 17, 2024 9:42 AM  
**To:** Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>  
**Subject:** [External] Fw: Hornet Cove

Hi Debbie

This is what Mike at BCID said.

BCID does not care if the road easement overlaps their easement. It is all an easement and no one can build on it.

As far as irrigation system is they don't care if we use gravity flow, it has always and still does work to irrigate that piece.

Joe Rumsey, DVM  
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----- Forwarded Message -----

**From:** Mike Meyers <[mikem@blackcanyonirrigation.com](mailto:mikem@blackcanyonirrigation.com)>  
**To:** Joe Rumsey <[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)>  
**Cc:** D Popoff <[dpopoff@rh2.com](mailto:dpopoff@rh2.com)>; Derick Corell @ RH2 <[dcorell@rh2.com](mailto:dcorell@rh2.com)>  
**Sent:** Friday, October 4, 2024 at 01:52:31 PM MDT  
**Subject:** RE: Hornet Cove

Joe,



1. Flood irrigation. The district does not have an opinion on whether you can flood irrigate or sprinkler this is left up to the County to decide. See below comments.

- The current sketch shows a sublateral on the west side of Yellow Jacket way. This sublateral delivery including weir box to be installed and will be privately maintained. The layout of the need to be reviewed and approved during construction drawing review.

**District's Comment 7/19/2024:**

Private irrigation systems for this subdivision are covered under IDAPA 31-3805.a.iii, where for reviewing the private irrigation system. The Black Canyon Irrigation District will defer to review of this subdivision's private irrigation system per state statute.

**No further action is required by BCID for this item.**

2. Overlapping Easements. We are good with the overlapping easements and in our letter that should be sufficient for the County. Let me know if this helps.

- According to District records, there is a piped lateral (C.G.1.1-4.3-0.2) that is located on District's easement. The lateral runs west to east across the top of the parcel and also no length of the parcel (vaguely similar to what is depicted on the applicant's sketch, PDF 1 on District mapping to continue south off the proponent's parcel and delivers water to ac (this is not depicted on the applicants sketched map.)

The signed pre-plat survey attached to this application does not depict this infrastructure requesting that the applicant resubmit the pre-plat survey for District review with the int shown correctly. The infrastructure will likely affect parcel building locations and requi

*District's Comment 1/12/2024:*

*The District potholed for C.G.1.1-4.3-0.2 on November 29, 2023 and found th on District records, different than what was shown on the preliminary plat for above. The developer has updated the preliminary plat, showing the potholed current subdivision layout design, the pipeline and 60' BCID easement run di sac and also crosses several property accesses. The current subdivision layout it encroaches the District's easement an infrastructure. The District will requi easement are not encumbered, by road right-of-ways or any other infrastru subdivision needs to be addressed accordingly. Possible solutions are re-align or moving the District's infrastructure. Please revise and resubmit the prelim review.*

**District's Comment 7/19/2024:**

The applicant has provided an acceptable revised preliminary plat, a copy has The District is in concurrence with moving this development forward and con preliminary plat. Prior to final plat, several items identified below are still req **No further action is required for this item.**



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**From:** Joe Rumsey <[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)>  
**Sent:** Monday, September 30, 2024 10:57 PM  
**To:** Mike Meyers <[mikem@blackcanyonirrigation.com](mailto:mikem@blackcanyonirrigation.com)>  
**Subject:** Re: Hornet Cove

Mike

Here is the plat and road drawings that you needed.

The road as you can see from the drawings is in place and has a protective 30' easement to keep it protected.

And Yes I need a Letter saying BCID is fine with the overlap of easements and our gravity flow irrigation. (same system as we currently use now)

Joe Rumsey, DVM  
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[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)

On Monday, September 30, 2024 at 11:29:01 AM MDT, Mike Meyers <[mikem@blackcanyonirrigation.com](mailto:mikem@blackcanyonirrigation.com)> wrote:

Joe,

I spoke with Don and here is where Black Canyon is. We are good with the 5' in overlap of the easement in lot #4. We are also fine with gravity irrigation staying in place for Hornet cove. Before we can sign off on Final plate however I need the CAD drawings so that we can upload them to our system. Also before final plate we will need to make sure the road next to the cul-de-sac is place. My question is does the County need us to write you a letter stating that we are ok with the 5' easement and the gravity irrigation before you can turn dirt? If so we can do that.

**From:** Derick Corell <[dcorell@rh2.com](mailto:dcorell@rh2.com)>  
**Sent:** Monday, September 30, 2024 10:17 AM  
**To:** Mike Meyers <[mikem@blackcanyonirrigation.com](mailto:mikem@blackcanyonirrigation.com)>; D Popoff <[dpopoff@rh2.com](mailto:dpopoff@rh2.com)>  
**Cc:** Joe Rumsey <[vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)>  
**Subject:** RE: Hornet Cove

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Mike –

I looked through the folder for this development, see the attached letter of last correspondence.

Couple things to do yet with this Development prior to final plat concurrence:

- Fully executed License agreement with BOR.
- Linework for water accounting for each newly proposed lot.
- Provide District access road in concurrence with District standards.

The list above is what I see from the letter that was provided to Mr. Rumsey and the County on 7/19/2024.

Let me know if you have any questions.

Thanks,

Derick



**Derick Corell** EIT

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## Debbie Root

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**From:** Joe Rumsey <vetflyr@yahoo.com>  
**Sent:** Thursday, September 19, 2024 11:41 AM  
**To:** Debbie Root  
**Subject:** [External] Re: Hornet Cove

Hi Deb

Interesting all right.

- 1) If the counties lawyer says that our zoning change will allow a development agreement for the 7 lot limit, that should help.
- 2) I understand we need to make sure there is no overlap on those easements, we need to move the road (5ft) to free those easements.
- 3) The pressurized irrigation was unexpected. That water that comes down that ditch flows and has flowed farther down that ditch to serve water users for decades including a 10 acre piece that I personally owned and sold and the current owner waters with no problem.  
I know one thing, who is in charge of the pump and who gets the power bill and collects from everyone who waters and not from those who want to water with their pump or most likely not water at all is going to be horribly more problematic than 2 adjacent culverts..

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vetflyr@yahoo.com

On Wednesday, September 18, 2024 at 04:59:30 PM MDT, Debbie Root <debbie.root@canyoncounty.id.gov> wrote:

Joe,

Interesting meeting, at least they didn't deny it outright which would have meant a new application going back to PZ for review.

What I gleaned from the Board discussion:

1. Two (2) of 3 commissioners will be requiring the road to be paved. I don't think this is up for further discussion.
2. They are mostly all in favor of only seven residences regardless but that is not currently a condition and if they require the road to be paved it may not be.

3. They are all onboard that the irrigation system should be pressurized so that it can be effectively utilized by each property owner and that the road accesses are not encumbered by the two culvert issue. So, your team needs to provide a plan for pressurized irrigation and that will have to be installed prior to the Board's signature on the final plat. It did not sound like at least two of them were in favor of relinquishing the water rights so that is also off the table.
4. Finally, the road layout must be adjusted to show NO conflict within the easements inclusive of the culdesac and irrigation lateral easement. It may be that what is encroaching is the 10 foot required utilities, irrigation and drainage easement. But that still should be outside of both the road lot and the lateral easement.

I'm sure that this is frustrating but you and I spoke about most of these items off and on over the past year or so. At least at this point you know straight from the Board what is expected to be addressed on the revised plat submissions.

Deb Root, MBA

Canyon County Development Services

[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)

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