



**Board of County Commissioners**  
**Hearing Date: July 16, 2025**  
*Canyon County Development Services Department*

**PLANNING DIVISION ADDENDUM**

**CASE NUMBER:** SD2023-0001

**OWNER/APPLICANT:** Mark Johns

**APPLICATION:** Short Plat: Sunset View Subdivision

**LOCATION:** 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.

**ANALYST:** Dan Lister, Planning Supervisor

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

**SUMMARY:**

The applicant requests approval of a short plat, Sunset View Subdivision, resulting in a total of two lots served by a shared access easement. The applicant submitted the preliminary and final plats on October 5, 2023.

The case was heard by the Planning and Zoning Commission on April 17, 2025. After deliberation, the Planning and Zoning Commission recommended approval with conditions (**Exhibits 1 & 2**). The staff report packet dated April 17, 2025, with all supporting material, is contained in **Exhibit 3**.

See **Exhibit 4** for comments received on or before the comment deadline. The fire district reviewed and provided a letter approving the plat. Additional information, **Exhibit 5**, received on or before the comment deadline includes an updated preliminary plat with the updated subdivision name from "Sunset View Lane Subdivision" to "Sunset View Subdivision," and the general note that secondary residences are prohibited per DA24-025.

Draft Findings of fact, Conclusions of law, and Order (FCOs, **Exhibit 6**) are provided for the Board's consideration. The draft FCOs are based on the Planning and Zoning Commission's recommendation, except for the removal of Conditions 5 and 8 (**Exhibit 1**) and the following addition:

7. *Prior to final plat signing by the Board, the final plat shall include a plat note stating, "All lots are subject to Development Agreement #24-025 (CR2023-0001). Per the development agreement, secondary residences are prohibited."*
8. *Prior to building permit issuance on Lot 2, a road user's maintenance agreement shall be recorded per CCCO Section 07-10-03(1)B3.*

**EXHIBITS:**

1. **Planning & Zoning Commission FCOs Signed on April 17, 2025**
2. **Planning and Zoning Commission April 17, 2025 Minutes Signed on June 12, 2025**
3. **Staff Report Packet Dated April 17, 2025**
4. **Comments – Middleton Fire District**
5. **Additional Information – Revised Preliminary Plat**
6. **Draft FCOs**

**EXHIBIT 1**

**Planning & Zoning Commission FCOs Signed on April 17, 2025**

**Sunset View Sub. SD2023-0001**



**Canyon County Planning & Zoning Commission**  
**SD2023-0001 – Sunset View Subdivision**  
*Development Services Department*



**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**

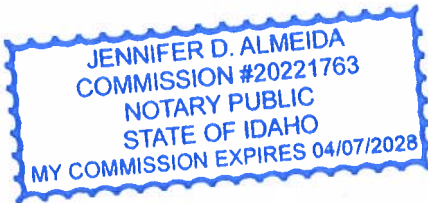
1. All subdivision improvements (roads, shared access, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioners’ signature on the final plat.
2. Director of DSD approval of the requested easement reduction shall be completed prior to 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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PUBLIC RECORD NOTICE: All communications transmitted within the Middleton Rural Fire District and Star Fire Protection District (midstarfire.org) E-mail system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 9-337 et seq.) and as such may be copied and reproduced by members of the public.

## **EXHIBIT 2**

**Planning and Zoning Commission April 17, 2025 Minutes Signed on June 12, 2025**

**Sunset View Sub. SD2023-0001**

## Exhibit 2



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, April 17, 2025  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman  
Brian Sheets, Vice Chairman  
Harold Nevill, Commission Secretary  
Geoffrey Mathews, Commissioner

Staff Members Present: Jay Gibbons, Director of Development Services  
Joshua Johnson, Assistant Director of Development Services  
Dalia Alnajjar, Engineering Supervisor  
Dan Lister, Planning Supervisor  
Michelle Barron, Principal Planner  
Caitlin Ross, Hearing Specialist

**Chairman Sturgill** called the meeting to order at 6:30 p.m.

**Commissioner Nevill** read the testimony guidelines and proceeded to the first business item on the agenda.

**1. CONSENT AGENDA:**

- A. February 20, 2025 MINUTES**
- B. March 6, 2025 MINUTES**
- C. Case No. CR2022-0027 – Hess: Approve revised FCO's**
- D. Case No. CU2024-0018 – Idaho Dept of Fish and Game: Approve revised FCO's**
- E. Case No. OR2025-0001 – Spring 2025 Ordinance: Approve revised FCO's**
- F. Case No. OR2025-0002 – Private Road Ordinance: Approve revised FCO's**
- G. Case No. OR2025-0003 – Impact Fees: Approve revised FCO's**

**Motion:** Commissioner Sheets moved to approve the Consent Agenda, removing Items 1E-1G to approve at the May 1, 2025 hearing, seconded by Commissioner Mathews. Voice vote, motion carried.

**Item 2A:**

**Case No. SD2023-0001 – Mark Johns/Sunset View:** The applicant requests approval of a short plat (preliminary plat and final plat) on Parcel R37463010A regarding Sunset View Subdivision, consisting of two lots served by individual well and septic system. The 2.9-acre parcel is located on 25220 Kingsbury Road, Middleton.

**Chairman Sturgill** called the applicant to testify.

**Mark Johns – (Applicant) IN FAVOR – 25220 Kingsbury Rd, Middleton, ID 83644**

Mr. Johns believes this application has met all criteria and conditions and the proposed use will fit well into the area.

Commissioner Nevill asked if the applicant had reviewed the staff report, to which Mr. Johns replied he had not. There were no disagreements with any of the conditions listed after Mr. Johns reviewed them.

Commissioner Nevill asked about the question about the trees from Highway District #4, and Mr. Johns said he had a license agreement in place to maintain the trees and landscaping.

Chairman Sturgill asked for clarification on the topic of drainage, and Mr. Johns confirmed the maintenance by the property owner's association was the wording the highway district suggested, and it would be potentially an association of 2 owners. Chairman Sturgill requested that a copy of the plans are provided to the County.

**Planning Supervisor Dan Lister** reviewed the Staff Report for the record.

**Engineering Supervisor Dalia Alnajjar** added that new comments from the highway district were received after the comment deadline, so the applicant was advised to draft a plan of the association for the final plat.

Chairman Sturgill confirmed that there is a condition listed regarding drainage and runoff, and that the County does not need a copy of the association plan.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. SD2023-0001, seconded by Commissioner Matthews. Voice vote, motion carried.

**Deliberation:**

None.

**MOTION:** Commissioner Sheets moved to **recommend approval** for Case No. SD2023-0001, seconded by Commissioner Mathews. Voice vote, motion carried.

**Discussion on the Motion:**

None.

Roll call vote: 4 in favor, 0 opposed, motion passed.

**Item 2B:**

**Case No. OR2023-0005 & CR2023-0011 – Q2 LLC:** The applicant, Q2 LLC, represented by Ardurra, is requesting a **(1)** Comprehensive Plan Map Amendment of Parcels R33590012G, R33590012A and R33590012I, approximately 70 acres, from an agriculture designation to a rural residential designation, and **(2)** Conditional Rezone of Parcels R33590012G, R33590012A and R33590012I, approximately 70 acres, from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The rezone includes a development agreement limiting development to 25 residential lots, a 2.8-acre average lot size. The subject property is located between 12639 Sunny Slope Road, Caldwell, and the Snake River.

**Chairman Sturgill** called the applicant to testify.

**Matthew Parks – (Representative) IN FAVOR – 251 E Front St, Boise, ID 83702**

Mr. Parks requested this case be tabled and brought back with modifications and changes regarding the staff report. There were concerns that there are no standards associated as the County has yet to adopt the zoning classification regarding agritourism overlay. Mr. Parks described this area being rural residential for the future use for the area and wishes to have more time to establish standards moving forward with a conditional rezone.

Commissioner Nevill asked if the applicant would be comfortable moving forward with the application as the conditional rezone from the A zone to R-R, but Mr. Marks responded that the issue was regarding the deficiencies with the overlay and that the staff's findings are incorrect.

Commissioner Nevill asked Planner Barron if she agreed with the testimony that her staff findings were incorrect. Planner Barron referenced the 2030 Comprehensive Plan, Future Land Use Designations. Although rural-residential is referenced under both residential and agricultural standards, she further relayed the separate definitions of the agricultural designation and rural-residential.

Planner Barron explained the late response for this change, and stated she would ok to continue this case. She also noted that she did recommend the applicant withdraw this case and reapply to be able to discuss the changes.

Chairman Sturgill specified that if there was a significant change between the Planning & Zoning Commission and the Board of County Commissioners, the application could be remanded, and confirmed that there would be changes to the application.

**MOTION:** Commissioner Sheets moved to **continue** Case No. OR2023-0005/CR2023-0011 to a date uncertain, seconded by Commissioner Nevill.

**Discussion on the Motion:**

Commissioner Nevill reminded the audience that there will be noticing sent out again since this was being tabled to a date uncertain.

Roll call vote: 4 in favor, 0 opposed, motion passed.

**Item 2C:**

**Case No. CR2023-0012 – Elordi:** The applicants, Tony Elordi & Victoria Cowan, request a Conditional Rezone of parcels R30262104 & R30262104A, approximately 42 acres, from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. The request includes a Development Agreement that restricts development to two buildable lots. The subject parcels are also referenced as Andorra Estates Block 1, Lot 5.

**Chairman Sturgill** called the applicant to testify.

**Victoria Cowan – (Applicant) IN FAVOR – 3065 Del Mar Dr, Sierra Vista, AZ 85635**

Ms. Cowan explained the family history of the property and their dedication, investment and commitment to responsible land stewardship. Their vision is to transform this land into a viable production piece of farmland through a diversified approach. Although this land will not be used for a subdivision development, 2 residential permits, ensuring minimal impact, are necessary for long-term farm management as daily operations require onsite presence. With over 40 acres, commuting from offsite is impractical. Ms. Cowan described the land as having multigenerational management ensuring long-term stability, and their approach integrates soil restoration, rotational grazing, and orchard maintenance. 90% will remain dedicated to agriculture, with 8-10 acres of apple orchards. The proposed use aligns with the County's priorities to encourage small scaled diversified farms that enhance sustainability and strengthen the local food market, as well as the 2030 comprehensive plan, reinforcing its suitability for approval. They are committed to keeping it productive, environmentally responsible and beneficial to Canyon County.

Commissioner Nevill asked for clarification on the 2 agriculture lots, to which Ms. Cowan explained she doesn't want to have to come back in the future requesting a lot split, and it allows for family to come in

as necessary. Commissioner Nevill asked why the building and ag lots don't quite align. Ms. Cowan said they had a 360-degree pivot and wanted to put the building lot 2 on the left side of the split for future use.

**Planning Supervisor Dan Lister** reviewed the Staff Report for the record.

Chairman Sturgill asked if there had been any change in ownership from the time of the development agreement. Planning Supervisor Lister responded that Mr. Elordi has maintained ownership.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Brad Carpenter – IN FAVOR – 18121 Andorra Ln, Caldwell, ID 83607**

Mr. Carpenter believes he is the most affected as the nearest neighbor and does not see any negative affect or impact on any of the other neighbors or the farm land.

**Mike Martin – IN FAVOR – 18164 Andorra Ln, Caldwell, ID 83607**

Mr. Martin explained he and his wife moved away from the sprawl they were experiencing in Nampa, and does not see anything like that happening with the applicant's property. They take very good care of the entire property and anything they dwell on will be improved; therefore, he is in favor.

**Ben Stevens – IN OPPOSITION – 17815 Marsing Rd, Caldwell, ID 83607**

Mr. Stevens stated he is originally from Texas and saw the negative impact farmlands were experiencing, and believes the applicant is being dishonest with their motives for the future use of this property. He is concerned about what their future plans entail as far as putting in a subdivision and impacting the view and the services of the area around them.

**Jerry Cereda – IN OPPOSITION – 11481 Eva Ln, Caldwell, ID 83607**

Mr. Cereda expressed concerns regarding water issues and congestion, and this area becoming another subdivision. He has seen Mr. Elordi go through this process several times and has just increased the number of houses rather than keep the farm land.

**René Bine – IN OPPOSITION – 12251 Riverside Rd, Caldwell, ID 83607**

Mr. Bine, as the president of the Canyon County Alliance for Responsible Growth, requests denial of this application. He commented that this was essentially the same proposal presented in the past that was turned down, and the same reasons exist today as far as the no guarantee of diversified farms and that the applicant won't sell the lots in the future.

**Claudia Haynes – IN OPPOSITION – 2139 W Egret St, Nampa, ID 83686**

Ms. Haynes, also a member of the Canyon County Alliance for Responsible Growth, agrees with prior testimony, adding that this property was contracted and marked that there would be no more residential permits available.

Chairman Sturgill asked what the appropriate time or set of circumstances would be that would make this development appropriate for changes. Ms. Haynes believes the applicant should have a discussion with DSD to establish the appropriate ordinances/regulations, and bring forward a new contract if they are unable to abide by the current one.

**Ron Kirtley – IN OPPOSITION – 11551 Eva Ln, Caldwell, ID 83607**

Mr. Kirtley expressed his main concerns with domestic wells, and the potential of having to drill another new well, and the lack of transparency of what the overall plan is.

**Bill Walker – IN OPPOSITION – 15248 Chicken Dinner Rd, Caldwell, ID 83607**

Mr. Walker also expressed concerns with the lack of transparency and honesty.

Commissioner Nevill asked if the lots Mr. Walker is farming are productive, to which Mr. Walker responded yes. Commissioner Nevill asked if the property in question has had productive crops, and Mr. Walker responded yes.

Commissioner Mathews confirmed that the person farming Mr. Walker's land does not live onsite.

**Jon Minkoff – IN OPPOSITION – 11648 Eva Ln, Caldwell, ID 83607**

Mr. Minkoff agrees with prior testimony, and mentioned Mr. Elordi has a house close by, so the statement of needing to live onsite is not valid. He does not want to see the loss of any more agricultural land.

**Victoria Cowan – (Applicant) REBUTTAL – 3065 Del Mar Dr, Sierra Vista, AZ 85635**

Ms. Cowan addressed a question regarding the original owner and described her family's history and background of the property. She explained the process in wanting to obtain 2 building lots with 1 split, and was advised to submit an amendment to the development agreement initially, but after that was denied, they returned with an application for a conditional rezone.

Commissioner Nevill asked for clarification on the 2 lots in regards to ownership within the family. Ms. Cowan explained the purpose of wanting each building and residential lots to be able to care for family. Commissioner Nevill confirmed that the extra lot could potentially be sold outside of the family in the future.

Commissioner Mathews confirmed that Ms. Cowan owned 50% of the whole 42-acre parcel.

Chairman Sturgill asked Ms. Cowan to comment on the criteria that shows this application as non-compliant, and the amendment to the agreement of ownership. Ms. Cowan stated she did not agree with staff's assessment as they are keeping the land as 90% agriculture, which she believes does align with the 2030 comprehensive plan. She also stated she does believe the proposed zoning change would be more appropriate for their proposed use, which conforms with the land uses of the adjacent farms. The future plans for this land are Ms. Cowan's wishes, which is why she is presenting instead of Mr. Elordi. Chairman Sturgill confirmed that one of the adjacent properties was not available to purchase.

Planning Supervisor Lister explained the discretionary processes and suggestions the planners make available for applicants.

Commissioner Nevill asked if the original agreement was agreed upon due to the condition this land must remain agricultural. Planning Supervisor Lister answered yes, and described the original development agreement.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. CR2023-0012, seconded by Commissioner Matthews. Voice vote, motion carried.



**Deliberation:**

Commissioner Sheets explained that despite the intents of the party's familial relations and plans, anything can happen with the proposed rezone, and due to the development agreement, it should remain as agricultural use and has no reason to change.

Commissioner Mathews provided input on the necessity of the use.

Commissioner Nevill sees the development agreement as a binding contract, so will not be in favor.

**MOTION:** Commissioner Sheets moved to **recommend denial** for Case No. CR2023-0012, seconded by Commissioner Mathews.

**Discussion on Motion:**

None.

Roll call vote: 4 in favor, 0 opposed, motion passed.

**3. DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Director of Development Services Jay Gibbons wanted to add for the record that minutes and findings for the April 3, 2025 hearing would be available as soon as possible.

**4. ADJOURNMENT:**

**MOTION:** Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 8:35 P.M

An audio recording is on file in the Development Services Departments' office.

Approved this 12<sup>th</sup> day of June, 2025



A handwritten signature in blue ink, appearing to read "Robert Sturgill", written over a horizontal line.

Robert Sturgill, Chairman

ATTEST

A handwritten signature in black ink, appearing to read "Caitlin Ross", written over a horizontal line.

Caitlin Ross, Hearing Specialist

**EXHIBIT 3**

**Staff Report Packet Dated April 17, 2025**

**Sunset View Sub. SD2023-0001**



**Planning and Zoning Commission**  
**Canyon County Development Services Dept.**

**Case No. SD2023-0001**

**HEARING DATE** April 17, 2025

**OWNER/APPLICANT** Sunset View Subdivision

**PLANNER:** Dalia Alnajjar, Engineering Supervisor

**CASE NUMBER:** SD2023-0001

**LOCATION:** 25220 Kingsbury, Middleton; Parcel R37463010A0

**PROJECT DESCRIPTION**

The applicant, Mark Johns, represented by Richard Green, 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.

**PROJECT INFORMATION** (See Exhibit B.1 for Parcel Information)

Pursuant to CCCO Section 07-17-09(4) – Commission Review:

- 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 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.”*

**Sunset View Subdivision Preliminary Plat** (Exhibit A)

The application for a preliminary plat, irrigation plan, and easement reduction application for Sunset was submitted on October 5, 2023.

- Total Acreage: 2.9± acres (2.71 acres after right-of-way dedication).
- Total Number of Lots: Two (2).
- Zoning: “CR-R-1” (Condition Rezone – Single Family Residential, one-acre average minimum lot size). The zone was approved in 2024 (CR2023-0001).
- Roads/Access: The development will take access to Kingsbury Road, a major collector, via a 40’ wide shared access and utility easement. Highway District #4 requires a 40’ wide public right-of-way dedication (Exhibit C.1).
- Fire: Middleton Fire District provided review comments on March 14, 2025 (Exhibit C.4). The final plat shall be conditioned to comply with the 2018 International Fire Code as administered by Middleton Fire District. Evidence of compliance shall be a written letter of approval provided to DSD from Middleton Fire District for the development prior to the Board's signing the Final Plat.
- Area of City Impact: The property is located in the Star area of city impact. No comment was

received from the City of Star. The applicant does not indicate if the subdivision improvements per City of Star subdivision ordinance (CCCO Section 09-19-09) were waived by the City of Star or requesting a waiver by the County.

- Water/ Sewage Disposal: Lot 1 has an existing domestic system; Lot 2 shall establish its own individual wells and septic system. (General Plat Note 6 & 7, Exhibit A.5). Southwest District Health has no concerns (Exhibit C.3).
- Irrigation: The land within this lot is not within an irrigation district. Irrigation water shall be supplied by individual wells (Exhibits A.3 and A.6).
- Drainage: Subdivision runoff and common area storm drainage facilities will be maintained by the property owners' association. Each property owner is responsible for maintaining stormwater runoff on each lot (Exhibit A.5 General Note 8).

Standard of Review for Subdivision Plat:

- 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);
- Idaho Code, Sections 31-3805 & 42-111 (Exhibit A.6); and
- Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations)

The preliminary plat for Sunset View Subdivision (Exhibit A.5) was found to be consistent with the standards of review subject to conditions (See Exhibit D for conditions of approval). Keller's Engineering (County contract engineer) reviewed the preliminary plat (Exhibit B.3) and recommended approval as revised.

## **COMMENTS**

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. The deadline comment date: April 7, 2025.

The following agency comments were received:

- Highway District #4 (Exhibits C.1): Highway District 4 requires 40-foot right-of-way dedication for future road improvements, as shown on the preliminary plat. Also required is a development agreement between Highway District 4 and the developer for roadway improvements.
- Middleton/Star Fire District (Exhibits C.4): The final plat shall be conditioned to comply with the 2018 International Fire Code as administered by Middleton Fire District. Evidence of compliance shall be a written letter of approval provided to DSD from Middleton Fire District for the development prior to the Board's signing the Final Plat.
- Idaho Transportation Department (Exhibit C.2): No concerns.
- Southwest District Health (Exhibit C.3): A nutrient pathogen study is not required. Test holes have been conducted, and the type of septic system is determined via an approved Subdivision Engineering Report (SER).
- No written comments were received from the public.

## **RECOMMENDATION**

As conditioned, the plat meets all applicable ordinances and standards. Recommended conditions of approval ensure that the development meets County and affected agency requirements and standards so the development does not create adverse impacts. Therefore, DSD staff recommends

approval of the request. Draft Findings of Facts, Conclusions of Law and Order (FCOs) are included for the Commission's consideration (Exhibit D).

### **DECISION OPTIONS**

The Planning and Zoning Commission may:

- Recommend approval of SD2023-0001 with conditions of approval (as presented or as modified);
- Recommend denial of SD2023-0001 and direct staff to return with amended FCOs supporting the decision; or
- Continue the hearing of SD2023-0001 and request additional information to be submitted.

## **7. EXHIBITS**

### **A. Application Packet & Supporting Materials**

1. Master Application
2. Letter of Intent
3. Irrigation Plan Application
4. Subdivision Worksheet
5. Preliminary Plat
6. Final Plat

### **B. Supplemental Documents**

1. Parcel Tools
2. Development Agreement Conditions #24-025
3. Engineering Review
4. Case Maps
  - a. Small Aerial
  - b. Zoning and Classification

### **C. Comments Received by April 7, 2025**

1. Highway District 4 additional January 6, 2025
2. Idaho Transportation Department Comments dated December 11, 2024
3. Southwest District Health Review Comments dated December 09, 2024
4. Middleton Fire District review dated March 14, 2025

### **D. Draft—Findings of Fact, Conclusions of Law & Order (FCOs)**

**MASTER APPLICATION****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633

<b>PROPERTY OWNER</b>	OWNER NAME: <u>Mark Johns</u>	
	MAILING ADDRESS: <u>25220 Kingsbury Rd, Middleton ID 83644</u>	
	PHONE: [REDACTED]	EMAIL: [REDACTED]
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign. Signature: <u>[Signature]</u> Date: <u>1-1-2023</u>		
<b>(AGENT) ARCHITECT ENGINEER BUILDER</b>	CONTACT NAME: <u>Richard Green</u>	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE: [REDACTED]	EMAIL: [REDACTED]
<b>SITE INFO</b>	STREET ADDRESS: <u>25220 Kingsbury Rd Middleton ID 83644</u>	
	PARCEL #: <u>R 3746301A 0</u>	LOT SIZE/AREA: <u>2.91 Acres</u>
	LOT:	BLOCK: SUBDIVISION:
	QUARTER: <u>SW</u>	SECTION: <u>26</u> TOWNSHIP: <u>5N</u> RANGE: <u>2W</u>
	ZONING DISTRICT:	FLOODZONE (YES/NO): <u>No</u>
<b>HEARING LEVEL APPS</b>	<input type="checkbox"/> CONDITIONAL USE <input type="checkbox"/> COMP PLAN AMENDMENT <input checked="" type="checkbox"/> CONDITIONAL REZONE <input checked="" type="checkbox"/> ZONING AMENDMENT (REZONE) <input type="checkbox"/> DEV. AGREEMENT MODIFICATION <input type="checkbox"/> VARIANCE > 33% <input type="checkbox"/> MINOR REPLAT <input type="checkbox"/> VACATION <input type="checkbox"/> APPEAL <input type="checkbox"/> SHORT PLAT SUBDIVISION <input checked="" type="checkbox"/> PRELIMINARY PLAT SUBDIVISION <input type="checkbox"/> FINAL PLAT SUBDIVISION	
	<b>DIRECTORS</b> <input type="checkbox"/> ADMINISTRATIVE LAND DIVISION <input type="checkbox"/> EASEMENT REDUCTION <input type="checkbox"/> SIGN PERMIT <b>DECISION</b> <input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT <input type="checkbox"/> HOME BUSINESS <input type="checkbox"/> VARIANCE 33% > <b>APPS</b> <input type="checkbox"/> PRIVATE ROAD NAME <input type="checkbox"/> TEMPORARY USE <input type="checkbox"/> DAY CARE <input type="checkbox"/> OTHER _____	
	CASE NUMBER: <u>SD2023-0001</u> DATE RECEIVED: <u>1/5/23</u>	
	RECEIVED BY: <u>Maddy Vander Veen</u> APPLICATION FEE: <u>\$1750</u> (CK) MO CC CASH	

submitted with CR2023-0001

(\$3150 total with rezone)

Revised 1/3/21

**EASEMENT & ROAD REDUCTION CHECKLIST****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx)

Phone: 208-454-7458

Fax: 208-454-6633



**CCZO § 07-10-03 (1) Frontage, Easement, or Road Lot Required:** For the purpose of providing adequate access for equipment, emergency vehicles and other services to inhabited buildings, each parcel must demonstrate access by one of the following prior to issuance of a Certificate of Zoning Compliance (A) Frontage, (B) Easement or (C) Road Lot.

**CHECK THE APPROPRIATE APPLICATION TYPE:**

- ☒ **Easement Reduction Request** – The easement width requirement may be reduced to a width not less than twenty eight feet (28') as determined by the director, upon approval of criteria outlined in the Zoning Ordinance § 07-10-03 (1)(B). *36' (41.)*
- ☐ **Frontage Reduction Request** – The frontage width requirement may be reduced to a width not less than fifty feet (50'), as determined by the director, upon approval of criteria outlined in the Zoning Ordinance § 07-10-03 (1)(A).
- ☐ **Road Lot Reduction Request** – The road width requirement may be reduced to a width not less than fifty feet (50') as determined by the director, upon approval of criteria outlined in the Zoning Ordinance § 07-10-03 (1)(C).

**THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST**

- ☒ Master Application completed and signed
- ☒ Site Plan 8 ½" x 11" showing the proposed reduction and any circumstances that may justify the need
- ☒ Detailed letter fully describing the request, and justifications for the request such as how it will provide adequate access, do physical characteristics of the site require the reduction, does the request cause injury, damage, or a safety hazard?
- ☒ Deed or evidence of property interest to all subject properties
- ☒ \$100 non-refundable fee (\$80 when combined with other applications)

**PROCESS: DIRECTORS DECISION**

*Mark Johnson* 1-1-2023

## Detailed description describing request

To whom it may concern:

I am requesting approval of a land division of my 2.91 acres located at 25220 Kingsbury Rd. Middleton ID 83644 into two total residential lots. The purpose for dividing the land is to create an additional building lot for the unused half of my property that is currently a field of dry grass and weeds.

The current property boundary lines measure 200 feet wide by 630 feet long. The design for the two lots that is most appealing to me and I believe is in the highest and best use of the property is to divide the property in half long ways NW to SE and record an easement on the NE side of the front lot to give permanent access to both the front and rear lots. A copy of my engineered site plan is included with my application and shows both proposed large lots of 1.49 acres each and easement for access. A reduction in the access easement width down to 36' is also being requested. As part of a Development Agreement and/or Conditional Rezoning consideration, secondary residences on either lot will not be allowed which eliminates the requirement for a private Ln. Additionally, if there is a need to go with just a rezoning and allow secondary residences that would be agreeable too, but for now a conditional rezone is the focus.

I believe that this land division is a positive for this area as currently the property is just a dry, dusty open area of land and the future use of a residential home and landscaping consistent with home sizes, style and large lots in the area will be a positive by beautifying the land and creating an environment that reduces dust and potential fire hazard.

Regarding this proposed land split, I have had a pre-development meeting with Jenna Petroll and staff of Canyon County Development Services, talked with the City of Middleton, ID and Star, ID, talked with Middleton Rural Fire District / Star Fire Protection District, talked with the Canyon Highway District No. 4, talked with the Idaho Department of Water Resources regarding a domestic well ( NOT an area of concern for a well according to them), talked with Idaho Public Health ( Septic System ), followed Canyon Counties guidelines and mailed invites to and held a neighborhood meeting for my neighbors within 600 feet of the project site on Dec. 12, 2022 and talked directly with my immediate neighbor to the NE John Perez about my proposed land division and all parties have said that they wouldn't oppose my land division.

In conclusion, I believe that the organized and clean condition of my current home and property at this site is a testament to the positive environment that I plan to bring to the area with an additional residential lot.

I thank you in advance for your time and consideration in this matter and ask that you pencil me in soon for review of my request in your next available scheduling slot.

Sincerely,

Mark Johns, 25220 Kingsbury Rd, Middleton ID 83644, [REDACTED]



Mark Johns 5500 Kingsbury Rd

LOCATED IN THE NW 1/4 NW 1/4 SW 1/4 S 1/4 OF SECTION 26,  
T 5 N, R 2 W, S 4 N, CITY OF MIDDLTON, CANON COUNTY, GEORGIA

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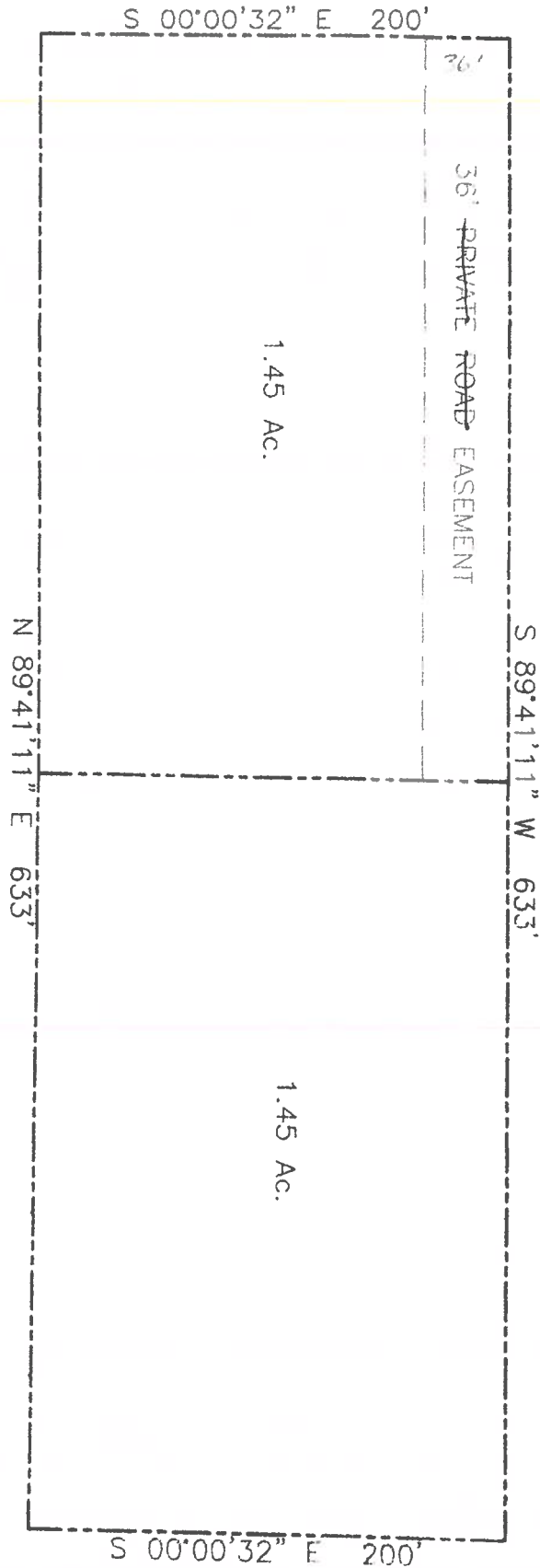
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[illegible]

25220 KINGSBURY RD.



Site Plan

Mark shows 25220 Kingsbury Rd

Exhibit 3

Mark Johns



# TitleOne

a title & escrow co.

## PROPERTY INFORMATION

**Date:**

12/22/2022

**Prepared By:**

TitleOne Customer Service

**Property Address:**

25220 Kingsbury Rd Middleton 83644

**Parcel Number:**

R37463010A0

**Warmest Regards,**

The TitleOne Team

TitleOne Corporation

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

**Disclaimer**

Any property information contained in this email is subject to the following: This report is based on a search of our tract indexes of the county records. This is not a title or ownership report and no examination of the title to the property described has been made. For this reason, no liability beyond the amount paid for this report is assumed hereunder, and the company is not responsible beyond the amount paid for any errors and omissions contained herein.



Parcel ID: R37463010A0

Alt Parcel ID: 05N02W266290

Property Addr: 25220 Kingsbury Rd

Middleton ID 83644 - 5321

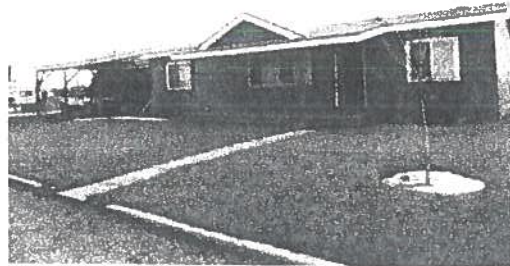
### Owner Information

Name: Johns, Mark

Johns, Louise

Address: 25220 Kingsbury Rd

Middleton ID 83644 - 5321



### Assessor Information

Legal Description: 26-5N-2W SW TX 97449 IN SWSW

Twn/Range/Section: 05N / 02W / 26 / SW

Acres: 2.91 (126,760 SqFt)

Irrigation Dist: Non-District Area

School District: 765 Middleton School Dist

Instrument #: 2022029216

Subdivision:

Plat Instr. #:

Lot:

Block:

Recreation:

### Assessed Values

Land Value: \$300,990.00

Improvement Value: \$202,700.00

Total Value: \$503,690.00 (2022)

### Treasurer Information

Year: 2022 Tax: \$1,718.28

Year: 2021 Tax: \$2,458.76

Year: 2020 Tax: \$2,293.52

Levy Year: 2022

Levy Code: 031-00

Levy Rate: 0.0045

### Assessor Land Categories

Use Code	Description	Value
12	12 Rural res tract	\$100,990.00
34H	34H Res imp on 12	\$22,400.00
12H	12H Rural Res	\$200,000.00
34H	34H Res imp on 12	\$180,300.00

### Residential Characteristics

Main Floor SqFt:	1,232	Second Floor SqFt:		Half Baths:		Bedrooms:	3
Lower Floor SqFt:		Year Built:	1999	Full Baths:	2	Carport SqFt:	728
Upper Floor SqFt:		Garage Area:	480	Decks:		AC:	Yes
Attic SqFt:		Attic Finished SqFt:		Deck SqFt:			
Bsmt SqFt:		Bsmt Finished SqFt:		Porches:	1		
Total SqFt:	1,232			Porch SqFt:	264		

### Transfer Information

Rec. Date: 06/26/2017

Owner: Dennis H Johns

Orig. Loan

Amt:

Finance Type:

Loan Type:

Doc Num: 26289

Doc Type: Deed

Grantor: DUKE PARTNERS II LLC

Title Co: FIDELITY NATIONAL TITLE

Lender:

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Escrow No.: 34601704411-PA

<b>2017-026289</b>	
RECORDED	
<b>06/26/2017 02:15 PM</b>	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=3 LBERG	\$16.00
TYPE DEED	
FIDELITY NATIONAL TITLE - BOISE	
ELECTRONICALLY RECORDED	

**SPECIAL WARRANTY DEED**

**FOR VALUE RECEIVED**

Duke Partners II, LLC

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

**Dennis Howard Johns and Mary Louise Johns, husband and wife**

whose address is **25220 Kingsbury Rd, Middleton, ID 83644**, the Grantee(s), the following described premises, in Canyon County, Idaho, TO WIT:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that no encumbrances were initiated during the ownership of the undersigned nor is the undersigned aware of any such.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Effective this 26th day of June, 2017.

Duke Partners II, LLC

BY: 

By: Wedgewood, LLC, a Delaware limited liability company  
As its Manager By: Gregory L. Geiser, its Manager

STATE OF Idaho, COUNTY OF Ada, -ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory L. Geiser, Manager of Wedgewood, LLC, known or identified to me to be the person whose name is subscribed to the within instrument, as the Manager of Duke Partners II, LLC, a Limited Liability Company and acknowledged to me that he executed the same as such.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(SEAL)

SEE ACKNOWLEDGMENT ATTACHED

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of California                     )  
County of Los Angeles                )

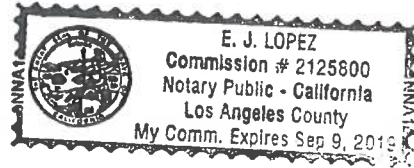
On June 22, 2017 before me, E.J. Lopez a Notary Public,  
personally appeared Gregory L. Geiser,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws  
of the State of California that the foregoing paragraph  
is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

My Commission Expires September 9, 2019



**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 37463010A 0**

A TRACT OF LAND SITUATED IN A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO, MARKED BY A 5/8-INCH IRON PIN WITH ALUMINUM CAP; THENCE NORTH 89°41'11" EAST A DISTANCE OF 633 FEET ALONG THE NORTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER TO A SET 1/2-INCH IRON PIN WITH PLASTIC CAP PLS 6552; THENCE SOUTH 00°00'32" EAST A DISTANCE OF 200 FEET TO A SET 1/2-INCH IRON PIN WITH PLASTIC CAP PLS 6552; THENCE SOUTH 89°41'11" WEST A DISTANCE OF 633 FEET TO A POINT ON THE WEST LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER MARKED BY A SET 1/2-INCH IRON PIN WITH PLASTIC CAP PLS 6552; THENCE NORTH 00°00'32" WEST A DISTANCE OF 200 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

**IRRIGATION PLAN APPLICATION****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx)

Phone: 208-454-7458

Fax: 208-454-6633



Applicant(s)

Mark Johns [Redacted]  
 Name Daytime Telephone Number  
25220 Kingsbury Rd Middleton ID 83644  
 Street Address City, State Zip

Representative Name

Mark Johns [Redacted] [Redacted]  
 Daytime Telephone Number / E-mail Address  
25220 Kingsbury Rd Middleton ID 83644  
 Street Address City, State Zip

Location of Subject Property:

Purple Sage / Kingsbury - 25220 Kingsbury Rd  
 Two Nearest Cross Streets or Property Address City Middleton ID 83644

Assessor's Account Number(s): R 37463010A0 Section 26 Township 5N Range 2W

This land:

- ☐ Has water rights available to it.  
☒ Is dry and has no water rights available to it. If dry, please sign this document and return to the Development Services Department representative from whom you received it.

**Idaho Code 31-3805** states that when all or part of a subdivision is "located within the boundaries of an existing irrigation district or canal company, ditch association, or like irrigation water delivery entity ... **no subdivision plat or amendment to a subdivision plat or any other plat or may recognized by the city or county for the division of land will be accepted, approved, and recorded unless:**"

- a. The appropriate water rights and assessment of those water rights have been transferred from said lands or excluded from an irrigation entity by the owner; or
- b. The owner, person, firm, or corporation filing the subdivision plat or amendment to a subdivision plat or map has provided underground tile or conduit for lots of one (1) acre or less, or a suitable system for lots of more than one (1) acre which will deliver water to those land owners within the subdivision who are also within the irrigation entity with the appropriate approvals:
  1. For proposed subdivisions located within negotiated area of city impact, both city and county zoning authorities must approve such irrigation system in accordance with Idaho Code Section 50-1306. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.

Revised 1/7/2021



2. For proposed subdivisions outside of negotiated areas of city impact, the delivery system must be approved by the Planning and Zoning Commission and the Board of County Commissioners with the advice of the irrigation entity charged with the delivery of water to said lands.

To better understand your irrigation request, we need to ask you a few questions. A list of the map requirements follows the short questionnaire. **Any information missing information may result in the delay of your request before the Planning and Zoning Commission and ultimately the approval of your irrigation plan by the Board of County Commissioners.**

1. Are you within an area of negotiated City Impact? \_\_\_\_\_ Yes ☒ No  
If yes, please include a copy of approvals by the City Planning & Zoning Commission and City Council of your Irrigation Plan.
2. What is the name of the irrigation and drainage entities servicing the property? NA  
Irrigation: NA  
Drainage: NA
3. How many acres is the property being subdivided? 2.91 Acres
4. What percentage of this property has water? 0%
5. How many inches of water are available to the property? NA
6. How is the land currently irrigated? ☐ Surface ☐ Irrigation Well  
☒ Sprinkler ☐ Above Ground Pipe ☐ Underground Pipe
7. How is the land to be irrigated after it is subdivided? ☐ Surface ☐ Irrigation Well  
☒ Sprinkler ☐ Above Ground Pipe ☐ Underground Pipe
8. Please describe how the head gate/pump connects to the canal and irrigated land and where ditches and/or pipes go.  
NA
9. Are there irrigation easement(s) on the property? ☐ Yes ☒ No
10. How do you plan to retain storm and excess water on each lot?  
Sufficient soil preparation for absorption of water into the soil using landscaping and grading.
11. How do you plan to remove the storm water /excess irrigation water prior to it entering the established drainage system? (i.e. oil, grease, contaminated aggregates)  
containment of pollutants and removal before they enter the water/soil.

Revised 1/7/2021

## Irrigation Plan Map Requirements

The irrigation plan **must be on a scalable map** and show all of the irrigation system including all supply and drainage structures and easements. Please include the following information on you map:

- NA
- 1 ☐ All canals, ditches, and laterals with their respective names.
  - 2 ☐ Head gate location and/or point of delivery of water to the property by the irrigation entity.
  - 3 ☐ Rise locations and types, if any.
  - 4 ☐ Easements of all private ditches that supply adjacent properties (i.e. supply ditches and drainage ways).
  - 5 ☐ Slope of the property in various locations.
  - 6 ☐ Direction of water flow (use short arrows → on your map to indicate water flow direction).
  - 7 ☐ Direction of wastewater flow (use long arrows -----→ on you map to indicate wastewater direction).
  - 8 ☐ Location of drainage ponds or swales, anywhere wastewater will be retained on the property.
  - 9 ☐ Other information: \_\_\_\_\_

Also, provide the following documentation:

- NA
- ☐ Copy of any water users' association / agreement (s) that are currently in effect, which outlines water schedules and maintenance responsibilities.

===== Applicant Acknowledgement =====

I, the undersigned, agree that prior to the Development Services Department accepting this application I am responsible to have all of the required information and site plans.

I further acknowledge that the irrigation system, as approved by the Planning and Zoning Commission and ultimately the Board of County Commissioners, must be bonded and/or installed prior the Board's signature on the final plat.

Signed: \_\_\_\_\_ Date: 1/1/2023  
Property Owner (Application Submitted)

Signed: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Applicant/Representative (if not property owner) (Application Submitted)

Accepted By: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Director / Staff

**SUBDIVISION WORKSHEET****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633**GENERAL**

1. **HOW MANY LOTS ARE YOU PROPOSING?**  
 Residential 2 Non-buildable \_\_\_\_\_ Common \_\_\_\_\_
2. **AVERAGE LOT SIZE OF THE RESIDENTIAL PARCELS**  
1.49 ACRES

**IRRIGATION**

1. **IRRIGATION WATER IS PROVIDED VIA:** ☐ Irrigation Well ☐ Surface Water ☒ sprinkler
2. **WHAT PERCENTAGE OF THE PROPERTY HAS WATER?** 0 %
3. **HOW MANY INCHES OF WATER ARE AVAILABLE TO PROPERTY?** 0
4. **HOW DO YOU PLAN TO RETAIN STORM AND EXCESS WATER ON EACH LOT?**  
sufficient soil preparation with landscaping /  
grading to absorb into soil & disperse.
5. **HOW DO YOU PLAN TO PROCESS STORM WATER / EXCESS IRRIGATION WATER PRIOR TO IT ENTERING THE ESTABLISHED DRAINAGE SYSTEM?**  
containment and removal of contaminants  
before they get into water/soil.

**ROADS**

1. **ROADS WITHIN THE DEVELOPMENT WILL BE:**  
☐ Public ☐ Private ☒ N/A

\* Private Road names must be approved by the County and the private road application submitted with the Preliminary Plat\*

**HILLSIDE DEVELOPMENT**

1. **OF THE TOTAL LOTS REQUESTED, HOW MANY OF THE LOTS WILL CONTAIN SLOPES GREATER THAN 15%?**  
 Residential 0 Non-Buildable 0 Common 0
2. **WILL THE PROPOSED ROAD (S) BE LOCATED WITHIN ANY AREA THAT HAS SLOPES GREATER THAN 15%?**  
☐ YES ☒ NO NA

\*If YES, a grading plan is required.

## **SUBDIVISION WORKSHEET**

### **CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633



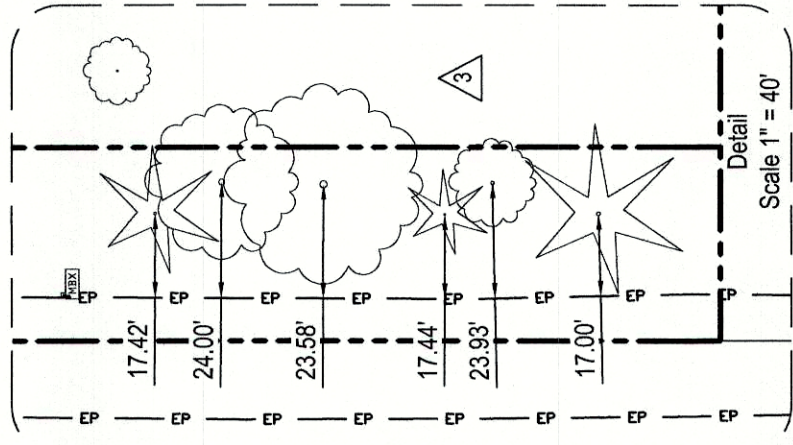
#### **SUBDIVISIONS WITHIN AN AREA OF CITY IMPACT**

1. WILL YOU BE REQUESTING WAIVERS OF SUBDIVISION IMPROVEMENT REQUIREMENTS FROM THE CITY?  
☐ YES ☐ NO
2. IF YES, WHICH WAIVERS WILL YOU BE REQUESTING?  
☐ CURBS ☐ GUTTERS ☐ SIDEWALKS ☐ STREETLIGHTS ☐ LANDSCAPING



PRELIMINARY PLAT for SUNSET VIEW LANE SUBDIVISION

PARCEL 1 OF RECORD OF SURVEY No. 9619248  
LOCATED IN THE NW1/4 NW1/4 SW1/4 OF SECTION 26,  
T. 5 N., R. 2 W., B.M., CITY OF MIDDLETON, CANYON COUNTY, IDAHO  
2025



GENERAL NOTES:

- 1.) LOT 2 TO HAVE NO SECONDARY DWELLINGS PER DA24-025.
- 2.) AGENCIES TO SEND INFORMATION TO SOUTHWEST DISTRICT HEALTH, CITY OF MIDDLETON AND CANYON COUNTY HIGHWAY DISTRICT #4.
- 3.) DEDICATION OF 40' RIGHT OF WAY FOR KINGSBURY ROAD.
- 3.) PROPOSED ZONING RESIDENT ZONE R1.
- 4.) EXISTING PARCEL GROSS ACREAGE 2.88± Ac. ( NET 2.71 Ac. ).
- 5.) MINIMUM LOT SIZE 1.26 Ac. AVERAGE LOT SIZE 1.355 AREAS.
- 6.) LOT 1, HAS EXISTING WELL AND SEPTIC SYSTEM
- 7.) LOT 2 WILL HAVE ITS OWN WELL AND SEPTIC SYSTEM AND SHALL
- 8.) ALL STORM WATER RUNOFF TO REMAIN AND BE MAINTAINED ON EXISTING AND PROPOSED SUBDIVISION LOTS UNLESS OTHERWISE APPROVED.
- 9.) ALL HISTORIC IRRIGATION LATERAL DRAIN, AND FLOW PATTERNS SHALL BE MAINTAINED UNLESS APPROVED IN WRITING BY THE LOCAL IRRIGATION DISTRICT OR DITCH COMPANY.
- 10.) GRADES ON ALL LOT SHALL MATCH EXISTING GRADES ALONG SUBDIVISION BOUNDARY.
- 11.) ALL REQUIREMENTS BY HIGHWAY DISTRICT NO. 4 AND SOUTHWEST DISTRICT HEALTH SHALL BE MET.
- 12.) EXISTING SOUTH APPROACH IS TO BE REMOVED AND BORROW DITCH SHALL BE RESTORED.

KEY NOTES:

- Ⓐ 40' Right-of-Way Dedication to Highway District No. 4.
- Ⓐ Held this line parallel with the West Boundary of the SW 1/4 of Section 26 for Right-of-Way Dedication.
- Ⓐ Fenceline Encroachment that may indicate ownership claims
- Ⓐ Dimensions to face of trees are from the edge of pavement

LEGEND

- △ Calculated point
- Found brass cap monument
- ⊕ Found aluminum cap monument
- ⊙ Found 5/8 inch dia. iron pin
- ⊙ Set 5/8 inch dia. x 24 inch iron pin w/ plastic cap "PLS 7732"
- ⊙ Found 12 inch dia. iron pin
- ⊙ Electric meter
- ☆ Light pole
- ⊙ Utility power pole
- ⊙ Clean-out
- ⊙ Telephone riser
- ⊙ Mail Box
- ⊙ Railroad Tie Fence Post
- ⊙ Set witness corner as noted
- ⊙ Block number
- ⊙ Lot number
- ⊙ Record data
- ⊙ Deciduous tree
- ⊙ Conifer tree
- ⊙ Shrubs / Bushes
- ⊙ Boundary line
- ⊙ Property line
- ⊙ Section line
- ⊙ Easement line
- ⊙ Fence line barbed wire
- ⊙ Edge of gravel
- ⊙ Major Contour line
- ⊙ Minor Contour line
- ⊙ Top of bank, canal
- ⊙ Irrigation line
- ⊙ Overhead utility lines

REFERENCE DATA

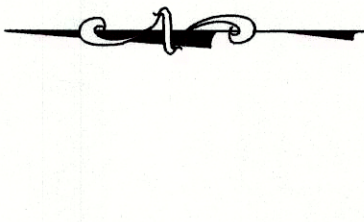
- R1) Record of Survey Inst. No. 9619248
- R2) Record of Survey Inst. No. 2016-049888
- R3) Record of Survey Inst. No. 2016-014637
- R4) Record of Survey Inst. No. 1984028958
- R5) Record of Survey Inst. No. 1988000470
- R6) Record of Survey Inst. No. 200477689
- R7) Record of Survey Inst. No. 1988004239
- R8) Record of Survey Inst. No. 991408
- R9) Kingsbury Meadows Subdivision, Book 40, Page 24, Inst. No. 2007061848
- R10) Mills Willow Creek Ranchettes, Book 17, Page 28, Inst. No. 866972

TITLE DATA

- D1) Title Commitment File No. 22455771, TitleOne, June 2, 2022 at 7:30am.
- D2) Special Warranty Deed, Inst. No. 2017-026289

PIPE NOTES

- PIPE#1: 14" RCP, S Top EI = 2592.42', N Top EI = Unable to locate
- PIPE#2: 12" CMP, N Top EI = 2593.28', S Top EI = 2593.43'
- PIPE#3: 12" CMP (South), 12" RCP (North), S Top EI = 2592.82', N Top EI = 2593.11'



BASIS OF BEARINGS

- ⊕ PURPLE SAGE ROAD
- ⊕ W1/16 Cor. Sec. 26
- ⊕ PLS 13765'
- ⊕ N 89°42'00" E 1327.02'
- ⊕ N 89°45'55" E 1327.08' (R2)

- Sec. 26
- Sec. 27
- Sec. 28
- Sec. 29
- Sec. 30
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SUN VIEW LANE SUBDIVISION

LOCATED IN THE SW1/4 SW1/4 OF SECTION 26,  
T. 5 N., R. 2 W., B.M., CANYON COUNTY, IDAHO  
2025

PLAT OF

W1/4 Cor. Sec. 26  
CP&F Inst. No. 2018-011764

N 89°48'17" E 24.92'  
S 89°46'53" E 25.00' (R2)  
S 89°42'25" W 25.00' (R3)

"PLS 4203"  
Per (R7)

40' Wide Ingress/Egress & Utilities Easement  
See Note 10

N 00°00'32" W 1120.54' (R1)  
N 00°03'24" E 1320.53' (R2)  
N 00°00'00" W 1320.70' (R3)  
N 00°00'32" E 1320.53' (R4)  
N 00°00'00" W 1320.53' (R5)  
N 00°36'34" E 1320.45' (R9)  
1320.53' (R11)  
2641.29'  
N 00°00'26" W 2641.29'  
KINGSBURY ROAD (PUBLIC)

POINT OF BEGINNING

40.00'

160.00'

10' Typ.

40.00'

276.76'

160.03'

5' Typ.

5' Typ.

160.03'

40.00'

10' Typ.

316.31'

10' Typ.

10' Typ.

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①  
54,710 sq.ft.  
1.27 acres

②  
63,272 sq.ft.  
1.45 acres

EAGLE CAP SUBDIVISION  
BOOK 57 PAGE 14

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SUN VIEW LANE SUBDIVISION

LOCATED IN THE SW1/4 SW1/4 OF SECTION 26,  
T. 5 N., R. 2 W., B.M., CANYON COUNTY, IDAHO

CERTIFICATE OF OWNERS

Known all men by these presents that Mark and Louise Johns, do hereby certify that they are the owners of the real parcel of land herein after described and that it is their intention to include said real property in this subdivision plat.

The following describes a parcel of land located in a portion of the SW 1/4 SW 1/4 of Section 26, Township 5 North, Range 2 West, Boise Meridian, Canyon County Idaho, more particularly described as follows:

**COMMENCING** at a found Aluminum Cap Stamped "PLS 13765" Marking the Southwest corner of said SW1/4 SW1/4 (Section corner common to Sections 26, 27, 34 and 35), said corner bears S 89°42'00" W a distance of 1327.02 feet from a found Aluminum Cap Stamped "PLS 13765" Southeast corner of said SW1/4 SW1/4 (W1/16 corner common to Sections 26 and 35);

Thence, along the West line of the SW1/4 SW1/4 of Section 26, N 00°00'26" W, a distance of 1120.65 feet to a set 5/8-inch diameter iron pin stamped "PLS 7732" marking the **POINT OF BEGINNING**;

Thence, continuing along said West line, N 00°00'26" W, a distance of 200.00 feet to a set 5/8-inch diameter iron pin stamped "PLS 7732" marking the Northwest Corner of the SW 1/4 SW 1/4 of Section 26 (S 1/16 corner common to Sections 26 and 27);

Thence, leaving said West line and along the North boundary line of said SW1/4 SW 1/4 of Section 26, N 89°41'14" E, a distance of 633.08 feet to a found 5/8-inch diameter iron pin stamped "PLS 15352";

Thence, leaving said North boundary line, S 00°00'42" W, a distance of 200.07 feet to a set 5/8-inch diameter iron pin stamped "PLS 7732" ;

Thence, S 89°41'36" W, a distance of 633.01 feet to the **POINT OF BEGINNING**.

This parcel contains 126,629 square feet or 2.91 acres, more or less.

The public streets and rights of way as shown on this plat are hereby dedicated to the public forever. The easements are not dedicated to the public, but are hereby reserved for the right and purpose as designated within this plat and no permanent structures other than those for utility, irrigation or drainage purposes are to be erected within the limits of said easements.

All lots in this subdivision shall receive water from individual wells and sewer service from individual septic systems approved by Southwest District Health.

Dennis Howard Johns, Owner

Date

Mary Louise Johns, Owner

Date

ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ } SS  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared Dennis Howard and Mary Louise Johns H/W, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public For \_\_\_\_\_  
Residing At \_\_\_\_\_  
Commission Expires \_\_\_\_\_

CERTIFICATE OF SURVEYOR

I, Richard A. Gray do hereby certify that I am a Professional Land Surveyor Licensed by The State of Idaho, and that this plat as described in the Certificate of Owners and the attached plat, was drawn from an actual survey made on the ground, made by me or under my direct supervision and accurately represents the points platted hereon; and is in conformity with State of Idaho Codes relating to Plats, Surveys and the Corner Perpetuation and Filing Act, Idaho Codes 55-1601 through 55-1612.

  
RICHARD A. GRAY  
PLS. LICENSE NO. 7732  
4/4/25

Canyon County Surveyor

Date

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for the County of Canyon, State of Idaho, per the requirements of I.C. 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this proposed subdivision have been paid in full. This certificate is valid for the next thirty (30) days only.

Canyon County Treasurer

Date

APPROVAL OF SOUTHWEST DISTRICT HEALTH

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a Certificate of Disapproval.

Southwest District Health Department

Date

APPROVAL OF HIGHWAY DISTRICT

Highway District No. 4 does hereby accept this plat, and the dedicated public streets, highways and right-of-way as are depicted on this plat, in accordance with the provisions of Idaho Code 50-1312.

Chairman

Date

APPROVAL OF THE CANYON COUNTY BOARD OF COMMISSIONERS

Accepted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Board of Commissioners, Canyon County, Idaho.

Chairperson

Date

COMPASS LAND SURVEYING, PLLC

623 11th Avenue South  
Office: (208) 442-0115

Nampa, ID 83651  
Fax: (208) 327-2106

JN 5022

09/10/2024

Rev. 03/28/2025

SHEET 2 OF 2



## R37463010A PARCEL INFORMATION REPORT

4/9/2025 10:17:37 AM

PARCEL NUMBER: **R37463010A**

OWNER NAME: **JOHNS MARK \$**

CO-OWNER: **JOHNS LOUISE**

MAILING ADDRESS: **25220 KINGSBURY RD MIDDLETON ID 83644**

SITE ADDRESS: **25220 KINGSBURY RD**

TAX CODE: **0310000**

TWP: **5N** RNG: **2W** SEC: **26** QUARTER: **SW**

ACRES: **2.91**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **CR-R1 / CONDITIONAL REZONE - SINGLE FAMILY  
RESIDENTIAL**

HIGHWAY DISTRICT: **HIGHWAY DISTRICT #4**

FIRE DISTRICT: **MIDDLETON FIRE**

SCHOOL DISTRICT: **MIDDLETON SCHOOL DIST #134**

IMPACT AREA: **STAR**

FUTURE LAND USE 2011-2022 : **Res**

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030: **RURAL RESIDENTIAL**

FUTURE LAND USE 2030: **RURAL RESIDENTIAL \ AG**

IRRIGATION DISTRICT: **BLACK CANYON IRRIGATION DIST**

FEMA FLOOD ZONE: **X \ X FLOODWAY: NOT In FLOODWAY FIRM PANEL:  
16027C0275F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **NO Nitrate Prio**

FUNCTIONAL Classification: **Major Collector**

INSTRUMENT NO. : **2022029216**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **26-5N-2W SW TX 97449 IN SWSW**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



### DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 N 11<sup>th</sup> Avenue • Caldwell, Idaho • 83605 • Phone (208) 454-7458  
[www.canyoncounty.id.gov/development-services](http://www.canyoncounty.id.gov/development-services)

# DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 24-025

**THIS AGREEMENT**, made and entered into this 19<sup>th</sup> day of March, 2024, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and Mark Johns, hereinafter referred to as "Applicant."

### RECITALS

**WHEREAS**, The Applicant has applied to the County for a conditional rezone from an "A" (Agricultural) Zone to "CR-R-1" (Conditional Rezone – Single-Family Residential) Zone (CR2023-0001), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

**WHEREAS**, Parcel R37463010A, approximately 2.90 acres, is owned by the Applicant; and

**WHEREAS**, on the 19<sup>th</sup> day of March, 2024, the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-1" Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B"; and

**WHEREAS**, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance, or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

**NOW THEREFORE**, the parties hereto do hereby agree to the following terms:

### SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

### SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Property which is located in the unincorporated area of Canyon County, Idaho, more particularly described in EXHIBIT "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold complete legal or equitable interest in the Subject Property and that all persons holding legal or equitable interests in the Subject Property or the operation of the business are to be bound by this Agreement.

### SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

#### **SECTION 4. TERM.**

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

#### **SECTION 5. MODIFICATION.**

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

#### **SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.**

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

#### **SECTION 7. COMMITMENTS.**

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Property from "A" (Agricultural) Zone to "CR-R-1" (Conditional Rezone – Single-Family Residential) Zone, which conditions are attached hereto as EXHIBIT "B".

#### **SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS**

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see EXHIBIT "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-R-1" (Conditional Rezone – Single-Family Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

#### **SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.**

##### **A. COUNTY REVIEW.**

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in EXHIBIT "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

**B. COUNTY PROCEDURES.**

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number CR2023-0001 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

**C. INDEMNITY.**

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

**D. DEFENSE EXPENSES.**

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

**SECTION 10. PERIODIC REVIEW.**

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

**SECTION 11. REQUIRED PERFORMANCE.**

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

**SECTION 12. DEFAULT AND REMEDIES.**



In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

### **SECTION 13. ZONING REVERSION CONSENT.**

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A" are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Properties conditionally rezoned from "A" (Agricultural) Zone designation to "CR-R-1" (Conditional Rezone – Single-Family Residential) Zone designation shall revert back to the "A" (Agricultural) Zone designation.

### **SECTION 14. COMPLIANCE WITH LAWS.**

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

### **SECTION 15. RELATIONSHIP OF PARTIES.**

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

### **SECTION 16. CHANGES IN LAW.**

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

### **SECTION 17. NOTICES.**

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director  
Development Services Department

Canyon County Administration  
111 North 11<sup>th</sup> Avenue, #310  
Caldwell, Idaho 83605

Notices and communications required to be given to the Applicant shall be addressed to, and delivered at, the following addresses:

Name: Mark Johns  
Street Address: 25220 Kingsbury Rd  
City, State, Zip: Middleton, Idaho 83644

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

#### **SECTION 18. TERMINATION.**

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicant(s), a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

#### **SECTION 19. EFFECTIVE DATE.**

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

#### **SECTION 20. TIME OF ESSENCE.**

Time is of the essence in the performance of all terms and provisions of this Agreement.



## EXHIBIT "A"

### LEGAL DESCRIPTION

For APN/Parcel ID(s): 37463010A 0

---

A TRACT OF LAND SITUATED IN A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO, MARKED BY A 5/8-INCH IRON PIN WITH ALUMINUM CAP; THENCE NORTH 89°41'11" EAST A DISTANCE OF 633 FEET ALONG THE NORTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER TO A SET 1/2-INCH IRON PIN WITH PLASTIC CAP PLS 6552; THENCE SOUTH 00°00'32" EAST A DISTANCE OF 200 FEET TO A SET 1/2-INCH IRON PIN WITH PLASTIC CAP PLS 6552; THENCE SOUTH 89°41'11" WEST A DISTANCE OF 633 FEET TO A POINT ON THE WEST LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER MARKED BY A SET 1/2-INCH IRON PIN WITH PLASTIC CAP PLS 6552; THENCE NORTH 00°00'32" WEST A DISTANCE OF 200 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.



## EXHIBIT "B"

### CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
  - a. Per CCZO §07-02-03: Definitions Enumerated, commencement is "the acceptance by DSD of a complete application, together with the application fee, for a preliminary plat or a short plat."
3. Secondary residences are prohibited.



July 17, 2024

Dalia Alnajjar  
Engineering Supervisor  
Development Services Department  
111 North 11<sup>th</sup> Ave. #140  
Caldwell, Idaho 83605

**Re: Sun View Lane Preliminary and Final Plat Application**

Dear Ms. Alnajjar,

Keller Associates, Inc. has reviewed the Preliminary Plat and Final Plat for Sun View Lane. 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:

**Preliminary Plat**

1. Provide a revision block in the lower righthand corner.
2. Per County Code, vicinity map shall be drawn to scale showing main arterial and collector road names.
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. 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.

**Final Plat**

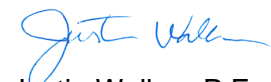
1. Spell out HOA on Note 7.
2. Provide revision block in the lower righthand corner.

We recommend that **conditions 1 through 2 on the Preliminary Plat and Condition 1 through 2 on the Final Plat listed above be addressed prior to approval. Please note on the Final Plat, that the County Surveyor may have additional comments outside of this letter prior to Final Plat signature.** Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above-referenced Preliminary Plat, when granted, does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 244-5065.

Sincerely,

**KELLER ASSOCIATES, INC.**



Justin Walker, P.E.  
County Engineer

cc: File



# Development Services Department

Canyon County, 111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605

▪ Engineering Division ▪

## Preliminary Plat Check-List

Applicant: <b>Mark Johns</b>	Case Number: <b>SD2023-001</b>
Subdivision Name: <b>Sunsetview</b>	Plat Date (Review #): <b>1</b>

### CANYON COUNTY CODE OF ORDINANCES 07-17-09

The information hereinafter required as part of the preliminary plat submitted shall be shown graphically or by note on plans, and may comprise several sheets showing various elements or required data. *Italicized items are supplemental to CCZO 07-17-09.*

GENERAL REVIEW ITEMS	Meets Code / Comments
1. Complete initial review of <b>all</b> information given graphically and by note on the plat	<i>need to be Added</i>
2. Check for compliance with FCOs and/or Development Agreement from entitlement process if applicable	<i>add by note no secondary dwelling per DA 24-025</i>
3. Check for compliance with CCO Chapter 9 - Areas of City Impact. Chapter 9 lists requirements unless waived.	
4. Check for applicable agency comment. These comments could have been made at the entitlement stage or after.	
5. Make note of agencies that should be noticed if not typically included on the notice list and pass information along to planner	<i>Send us any letter from SWD, city impact (star)?</i>
Items A through E below are directly from CCZO 07-17-09. Italicized items are checklist items related to requirements found in ordinance and may not be strictly required.	
A. FORM OF PRESENTATION	Meets Code / Comments
1. Scale of Drawing (No more than 1"=100' unless approved by DSD prior to submission)	✓
2. Size of Drawing (No larger than 24' x 36") • Obtain electronic version of all submittals	✓
B. IDENTIFICATION AND DESCRIPTIVE DATA	Meets Code / Comments
1. Proposed name of subdivision and its location by section, township, and range	✓ <i>fix name in title</i>

<ul style="list-style-type: none"> <li>Name of sub needs to be reserved through DSD GIS</li> </ul>	✓
2. Reference by dimension and bearing to a section corner or quarter section corner	✓
3. Name, address and phone number of developer	✓
4. Name address and phone number of the person preparing the plat	✓
5. North arrow	✓
6. Date of preparation	✓
7. Revision block showing dates if any revisions subsequent to the original preparation date. The revision block shall be part of the title block which shall be placed along the right edge of the drawing sheet.	✓ Add the date.
8. Vicinity map drawn to scale, clearly showing proposed subdivision location in relationship to adjacent subdivisions, main arterial routes, collector streets, etc. <ul style="list-style-type: none"> <li>Check for consistency between pre-plat and vicinity map</li> </ul>	No vicinity Add it

C. EXISTING CONDITIONS DATA	Meets Code / Comments
1. 2 Foot Contours shown unless otherwise approved; show all areas in excess of 15% slope	NA
2. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes or other water features; direction of flow; location and extent of known areas subject to inundation.	Add it
3. Location, widths and names of all platted streets, railroads, utility rights of way of public record, public areas, permanent structures to remain including water wells and municipal corporation lines within or adjacent to the tract <ul style="list-style-type: none"> <li>Future use of remaining wells, if applicable</li> </ul>	Public Add it
4. Name, book and page numbers of any recorded adjacent subdivisions having a common boundary with the tract	✓
5. Existing zoning classification, by note <ul style="list-style-type: none"> <li>Proposed zoning, by note, if new zoning is being proposed concurrently with pre-plat application</li> </ul>	need Add it to the <u>note</u>
6. Approximate acreage of the tract, by note	need Add it to the <u>note</u>
7. Boundary dimensions of the tract	✓
8. Names and addresses of adjoining property owners within three hundred (300) feet of the exterior boundary of the tract	✓



D. PROPOSED CONDITIONS DATA	Meets Code / Comments
<p>1. Road layout, including location, width and proposed names of roads, alleys, pathways, easements, and roadway connections, if any, to an adjoining platted tract</p> <ul style="list-style-type: none"> <li>• Confirmation that highway district will allow proposed access if new access is on an arterial</li> <li>• Check alignment of stub streets with adjacent developments, if applicable</li> <li>• Private roads shall not have direct access to arterials or local roads within a platted subdivision (ACCHD 2020.040)</li> <li>• Private road names need to be reserved through DSD GIS. Private roads require a separate application.</li> <li>• Public road names must be checked for availability with DSD GIS</li> <li>• If typical sections are shown make sure they are consistent with what will be required</li> </ul>	<p>need to Add the Kingway (public)</p>
<p>2. Typical lot dimensions including curvilinear data to scale; each lot numbered individually; total number of lots by type and grand total. A private road must be a lot.</p> <ul style="list-style-type: none"> <li>• Curve table is present and matches data shown graphically</li> <li>• Minimum lot size</li> <li>• Average lot size (calculated as total residential area divided by the number of residential lots)</li> <li>• Check block numbering</li> <li>• Consider any phasing shown</li> </ul>	<p>need to add a <u>Detail</u> note to the plat -</p>
<p>3. Location, width and use of easements</p> <ul style="list-style-type: none"> <li>• Provide documentation of or reference to any existing easements, especially access easements for existing parcels that are part of the plat.</li> <li>• Show easements for all shared infrastructure</li> </ul>	<p>Add Easment</p>
<p>4. Designation of all land to be dedicated or reserved for public use with use indicated</p>	<p>/</p>
<p>5. If plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification and status of zoning change, if any</p>	<p>Add it to the lot note</p>
<p>6. If the proposed subdivision is part of a larger area intended for development, a development master plan of the entire area shall be provided.</p>	<p>NA</p>
<p>7. Appropriate information that sufficiently details the proposed development within any special development area such as hillside, PUD, flood plain, cemetery, manufactured home, large scale development, hazardous and unique areas of development</p> <ul style="list-style-type: none"> <li>• Check mapping layers for above special development items. Include wetland and natural drainage ways.</li> <li>• Consider recommended conditions related to special development areas and related reports</li> </ul>	<p>NA</p>



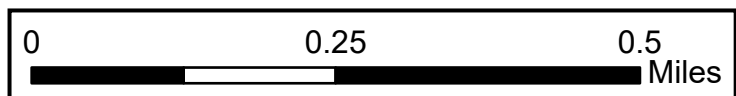
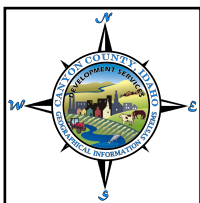
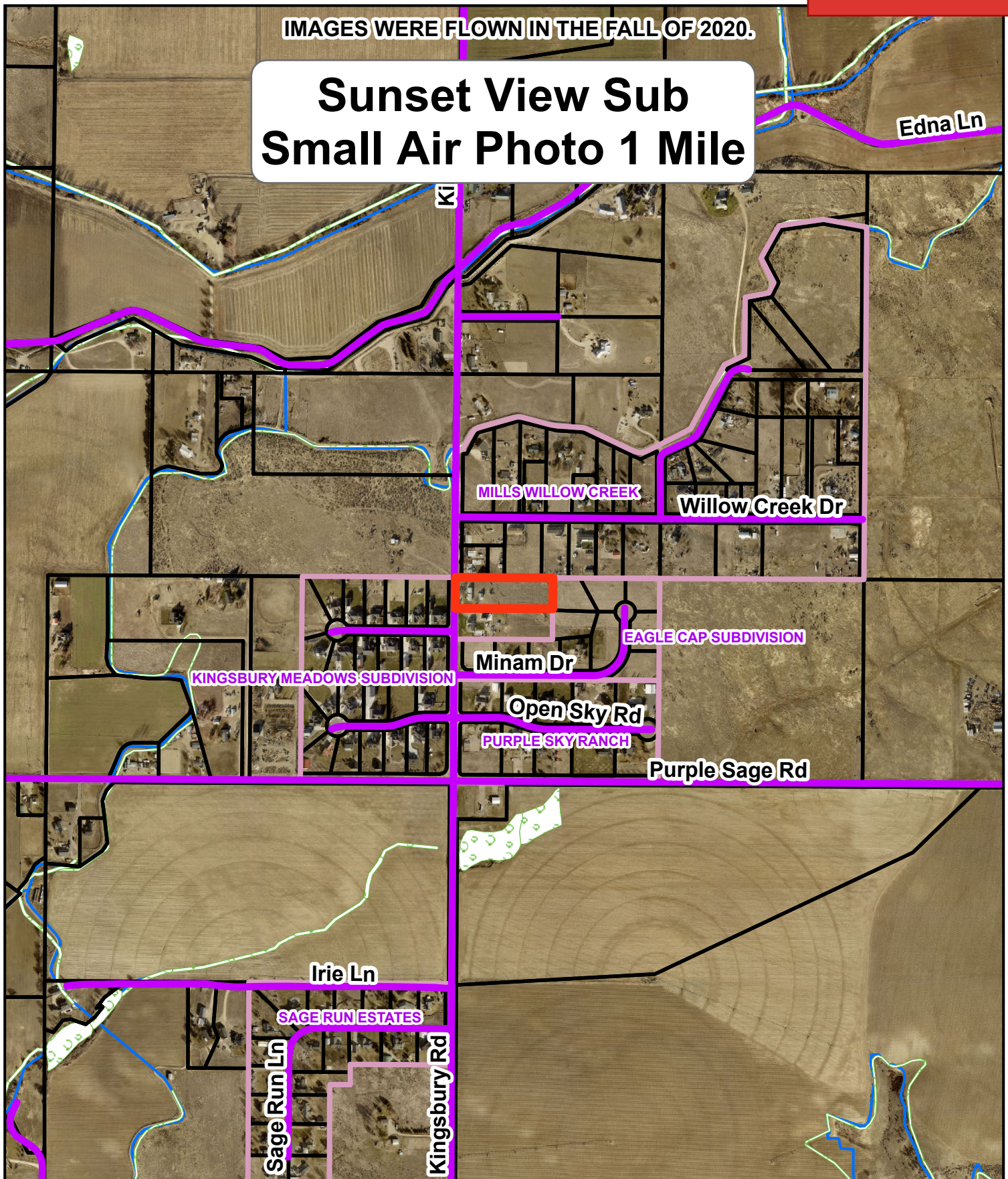
8. All roads must be labeled as either "private" or "public" behind or beneath the road name	need to label <sup>the</sup> local.
E. PROPOSED UTILITY METHODS	<u>Meets Code / Comments</u>
<p><b>1. Sewage:</b> A statement as to the type of proposed sanitary sewage facilities</p> <ul style="list-style-type: none"> <li>Preliminary location/layout of proposed sewage facilities</li> <li>Nutrient-Pathogen study if required by SWDH</li> <li>If sewage facilities will be shared, provide preliminary arrangements for future operation and maintenance of the facilities, including financial arrangements. Also include preliminary sewer plan. DSD should complete high level feasibility review of shared utilities</li> </ul>	Add it to the note plat.
<p><b>2. Water Supply:</b> A statement as to the type of proposed water supply facilities</p> <ul style="list-style-type: none"> <li>Preliminary location/layout of proposed potable water facilities</li> <li>If potable water facilities will be shared, provide preliminary arrangements for future operation and maintenance of the facilities, including financial arrangements. Also include preliminary potable water plan. DSD should complete high level feasibility review of shared utilities</li> </ul>	Add your plan to the note.
<p><b>3. Storm Water Disposal:</b> A statement as to the type of storm water disposal facilities which may include evidence as may be required relative to the design and operation of proposed storm water system</p> <ul style="list-style-type: none"> <li>Include statement that all storm water shall be retained on site, if appropriate</li> <li>Consider any required protection for roadside swales during home construction and/or long-term protection from landscaping, roadside parking, regrading/filling swale, ect</li> <li>Maintenance easements for storm drain facilities treating drainage from public roads should be in place</li> </ul>	Add your plan to the note
<p><b>4. Irrigation System:</b> A statement as to the proposed irrigation system, which may include evidence as may be required relative to the design and operation of any proposed irrigation system</p> <ul style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>Copies of the plans of the proposed distribution system for the lots and areas to be served in the proposed development; and</li> <li>Copies of the community association's or similar organization's documents which may be required precedent</li> </ul> </li> </ul>	Add your plan to the note

to the establishment of an irrigation distribution system within the proposed development.	
<b>5. Utility Easement:</b> The utility easement width shall be a minimum of ten (10) feet from the exterior boundaries and five (5) feet from the interior boundaries. Utility easements shall be shown graphically on the plat.	Add it
<b>GENERAL RECOMMENDED CONDITIONS</b>	
<ol style="list-style-type: none"> <li>1. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.</li> <li>2. Development shall comply with 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 highway district signature on the final plat.</li> <li>3. 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 Board of County Commissioner's signature on the final plat.</li> <li>4. Development shall comply with Southwest District Health requirements. Evidence shall include written correspondence from the Southwest District Health prior to the first public hearing held for the preliminary plat and Southwest District Health signature on the final plat.</li> <li>5. 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 Board of County Commissioner's signature on the final plat.</li> <li>6. After preliminary plat approval applicant shall provide GIS data containing georeferenced lot line and roadway linework to be included in Development Services GIS mapping. (Solo pre-plats only)</li> </ol>	



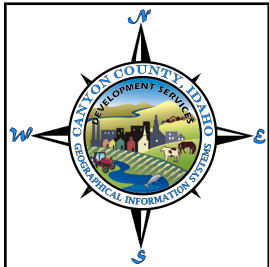
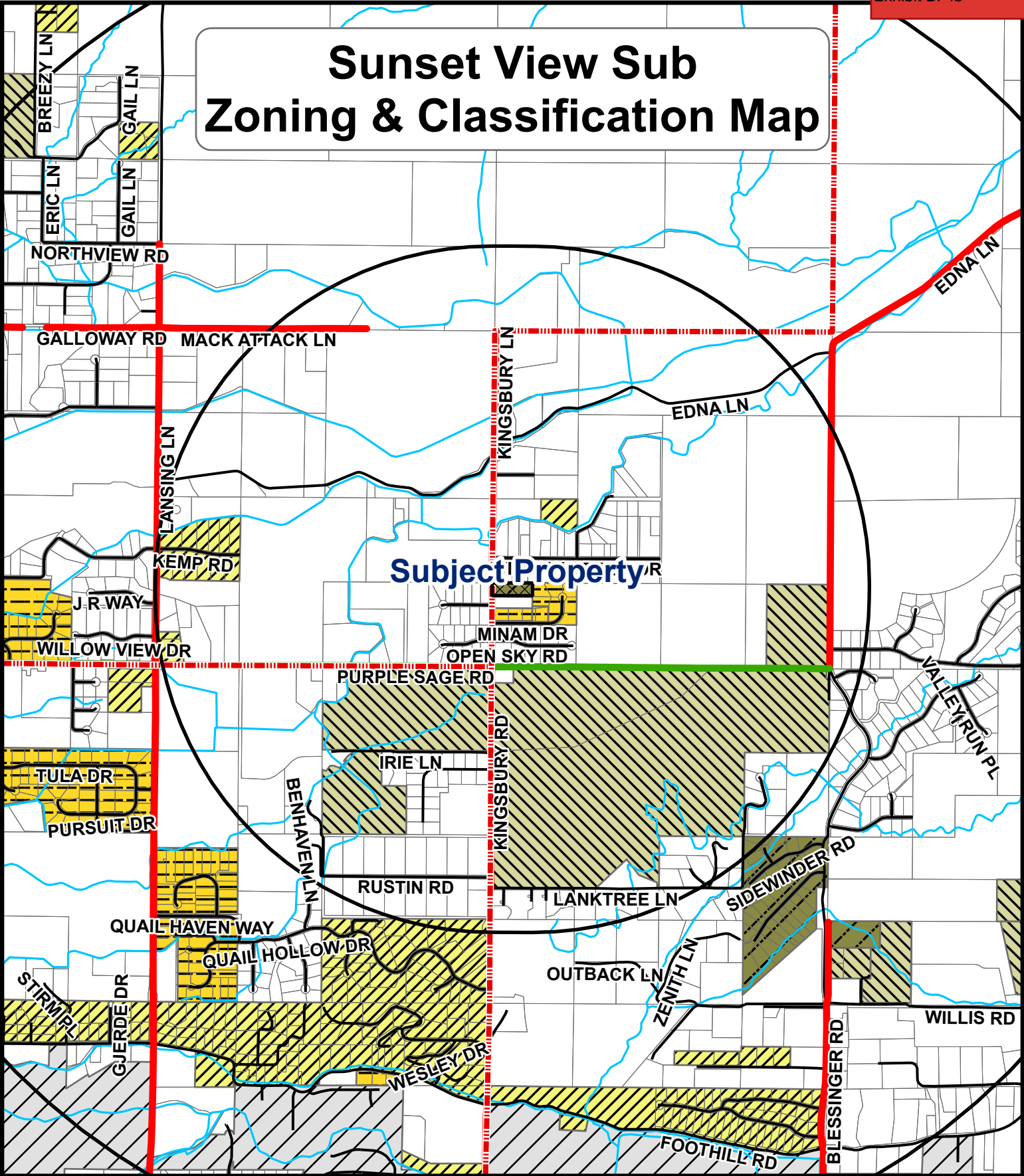
IMAGES WERE FLOWN IN THE FALL OF 2020.

# Sunset View Sub Small Air Photo 1 Mile

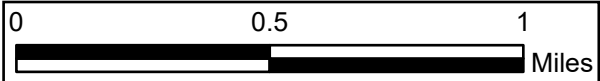




# Sunset View Sub Zoning & Classification Map



Current Zoning		ITD Functional Classification	
RR	CR-RR	C1	AG
R1	CR-R1	C2	Interstate
R2	CR-M1	CR-C2	Major Collector
C	M2	M1	Minor Arterial
		Minor Collector	Other Principal Arterials





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 HD4
    - 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 HD4. 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 HD4 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

---

**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 <[lriccio@hwydistrict4.org](mailto:lriccio@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 <[lriccio@hwydistrict4.org](mailto:lriccio@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*

**From:** Mark Johns <[mjohns126@gmail.com](mailto:mjohns126@gmail.com)>

**Sent:** Monday, February 3, 2025 11:22 AM

**To:** Lenny Riccio <[lriccio@hwylistrict4.org](mailto:lriccio@hwylistrict4.org)>

**Cc:** [rgray.cls@gmail.com](mailto:rgray.cls@gmail.com); Dalia Alnajjar <[Dalia.Alnajjar@canyoncounty.id.gov](mailto:Dalia.Alnajjar@canyoncounty.id.gov)>

**Subject:** Re: Sun View Lane Subdivision

Good morning Lenny,

Checking in on this snowy Monday morning to get your thoughts on my proposal email below.

Looking forward to hearing from you on this and keep moving forward as I'd really like to get my final approval on my project by spring this year as I've been in this process for a really long time now and am ready.

All the best,

Mark Johns

On Thu, Jan 30, 2025 at 2:37 PM Mark Johns <[mjohns126@gmail.com](mailto:mjohns126@gmail.com)> wrote:

Lenny,

Thanks for working on the tree scenario with me and providing some options that could work.

We will definitely have to come up with a solution that works so that the process can keep moving forward to get my final approval.

Thought for consideration :

If I was to put into writing that if for the need of any future road improvements, etc, that require the trees to be removed that I would remove them myself, at my cost. Additionally, the condition would run with the property indefinitely.

Please let me know your thoughts on this and we'll keep working towards a solution.

All the best,

Mark Johns

On Thu, Jan 16, 2025 at 12:17 PM Lenny Riccio <[lriccio@hwydistrict4.org](mailto:lriccio@hwydistrict4.org)> wrote:



Richard,

Regarding preliminary plat sheet 1, comment 1.a.ii:

1. Applicant shall remove all trees within the 40' ROW prior to **access permit issuance** from HD4
  - a. This will allow your client to receive final plat signature with the above condition

**OR**

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 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.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*

---

**From:** Lenny Riccio

**Sent:** Monday, January 6, 2025 8:31 AM

**To:** 'rgray.cls@gmail.com' <[rgray.cls@gmail.com](mailto:rgray.cls@gmail.com)>

**Cc:** 'Mark Johns' <[mjohns126@gmail.com](mailto:mjohns126@gmail.com)>; 'Dalia Alnajjar' <[Dalia.Alnajjar@canyoncounty.id.gov](mailto:Dalia.Alnajjar@canyoncounty.id.gov)>

**Subject:** Sun View Lane Subdivision

Richard,

Please see attached comments. Please pick up the mylar at the front desk and hold for your records since it may take some time to address all comments.

Regards,

Lenny Riccio, P.E.

Transportation Planner

Senior Assistant Engineer

Highway District No. 4

[www.hwylidistrict4.org](http://www.hwylidistrict4.org)

[15435 Hwy 44](#)

[Caldwell, ID 83607](#)

Phone: (208) 454-8135 Ext 117

Fax: (208) 454-2008

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**From:** Jennifer Almeida  
**Sent:** Wednesday, December 11, 2024 11:55 AM  
**To:** Dalia Alnajjar  
**Subject:** FW: [External] RE: Legal Notification / SD2023-0001 / Sun View Lane Subdivision



**Jennifer Almeida**

Office Manager  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-5957

Email: [Jennifer.Almeida@canyoncounty.id.gov](mailto:Jennifer.Almeida@canyoncounty.id.gov)

Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

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**From:** D3 Development Services <D3Development.Services@itd.idaho.gov>  
**Sent:** Wednesday, December 11, 2024 10:51 AM  
**To:** Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>  
**Subject:** [External] RE: Legal Notification / SD2023-0001 / Sun View Lane Subdivision

Hello,

After careful review of the transmittal submitted to ITD on December 9, 2024 regarding, SD2023-0001 Sun View Lane Subdivision, the Department has no comments or concerns to make at this time. This application does not meet thresholds for a Traffic Impact Study nor does it pose any safety concern. If you have any questions please contact Niki Benyakhlef at (208) 334-8337/ [Niki.Benyakhlef@itd.idaho.gov](mailto:Niki.Benyakhlef@itd.idaho.gov).

Thank you

*Mila Kinakh*

D3 Planning and Development  
Administrative Assistant



**From:** Jennifer Almeida <[Jennifer.Almeida@canyoncounty.id.gov](mailto:Jennifer.Almeida@canyoncounty.id.gov)>

**Sent:** Monday, December 9, 2024 12:52 PM

**To:** 'lgrooms@msd134.org' <[lgrooms@msd134.org](mailto:lgrooms@msd134.org)>; 'mgee@msd134.org' <[mgee@msd134.org](mailto:mgee@msd134.org)>; 'permits@starfirerescue.org' <[permits@starfirerescue.org](mailto:permits@starfirerescue.org)>; 'mitch.kiester@phd3.idaho.gov' <[mitch.kiester@phd3.idaho.gov](mailto:mitch.kiester@phd3.idaho.gov)>; 'anthony.lee@phd3.idaho.gov' <[anthony.lee@phd3.idaho.gov](mailto:anthony.lee@phd3.idaho.gov)>; 'chopper@hwydistrict4.org' <[chopper@hwydistrict4.org](mailto:chopper@hwydistrict4.org)>; 'developmentreview@blackcanyonirrigation.com' <[developmentreview@blackcanyonirrigation.com](mailto:developmentreview@blackcanyonirrigation.com)>; D3 Development Services <[D3Development.Services@itd.idaho.gov](mailto:D3Development.Services@itd.idaho.gov)>; Niki Benyakhlef <[Niki.Benyakhlef@itd.idaho.gov](mailto:Niki.Benyakhlef@itd.idaho.gov)>; ITDD3Permits <[ITDD3Permits@itd.idaho.gov](mailto:ITDD3Permits@itd.idaho.gov)>; Dalia Alnajjar <[Dalia.Alnajjar@canyoncounty.id.gov](mailto:Dalia.Alnajjar@canyoncounty.id.gov)>; Tom Crosby <[Tom.Crosby@canyoncounty.id.gov](mailto:Tom.Crosby@canyoncounty.id.gov)>; Cassie Lamb <[Cassie.Lamb@canyoncounty.id.gov](mailto:Cassie.Lamb@canyoncounty.id.gov)>; Code Enforcement <[CodeEnforcement@canyoncounty.id.gov](mailto:CodeEnforcement@canyoncounty.id.gov)>

**Subject:** Legal Notification / SD2023-0001 / Sun View Lane Subdivision

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Please see the attached agency notice. You are invited to provide written testimony or comments by **January 9, 2025** although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case.

The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Dalia Alnajjar at [dalia.alnajjar@canyoncounty.id.gov](mailto:dalia.alnajjar@canyoncounty.id.gov)

Thank you,



**Jennifer Almeida**

Office Manager

Canyon County Development Services Department

111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-5957

Email: [Jennifer.Almeida@canyoncounty.id.gov](mailto:Jennifer.Almeida@canyoncounty.id.gov)

Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

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**Dan Lister**

---

**From:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Sent:** Monday, December 9, 2024 2:06 PM  
**To:** Dalia Alnajjar  
**Subject:** [External] RE: Legal Notification / SD2023-0001 / Sun View Lane Subdivision  
**Attachments:** Sun View Lane Subdivision - Final Plat - #19110.jpg; Sun View Lane Subdivision - Mylar - #19110.jpg

Hi Dalia,

Request for comments.

- 1.) Will a Nutrient Pathogen Study be required? **A Nutrient Pathogen Study is NOT required for this development.**
- 2.) Will adequate sanitary systems be provided to accommodate the use? **Yes, test holes have been conducted and the type of septic system has been determined for lot 2, based on the approved Subdivision Engineering Report (SER) and associated plans and specifications.**
- 3.) Any concerns about the use or request for rezoning? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city? **Currently, there are no concerns about the rezoning with SWDH.**

See attached signed final plat.

Let me know if you have any questions.

Thank you,



Check out our new online self-service portal here! [PORTAL](#)

**Anthony Lee, RS/BS | Land Development Senior**  
 o 208.455.5384 | c 208.899.1285 | f 208.455.5300  
[anthony.lee@swdh.id.gov](mailto:anthony.lee@swdh.id.gov) | [SWDH.org](http://SWDH.org)  
 13307 Miami Ln., Caldwell, ID 83607

---

**From:** Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>  
**Sent:** Monday, December 9, 2024 12:52 PM  
**To:** 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; 'ITDD3PERMITS@ITD.IDAHO.GOV' <ITDD3PERMITS@ITD.IDAHO.GOV>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb

<Cassie.Lamb@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>

**Subject:** Legal Notification / SD2023-0001 / Sun View Lane Subdivision

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Please direct your comments or questions to Dalia Alnajjar at [dalia.alnajjar@canyoncounty.id.gov](mailto:dalia.alnajjar@canyoncounty.id.gov)

Thank you,



**Jennifer Almeida**

Office Manager

Canyon County Development Services Department

111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-5957

Email: [Jennifer.Almeida@canyoncounty.id.gov](mailto:Jennifer.Almeida@canyoncounty.id.gov)

Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

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## Dalia Alnajjar

---

**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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**PUBLIC RECORD NOTICE:** All communications transmitted within the Middleton Rural Fire District and Star Fire Protection District (midstarfire.org) E-mail system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 9-337 et seq.) and as such may be copied and reproduced by members of the public.



***Canyon County Planning & Zoning Commission***  
***SD2023-0001 – Sunset View Subdivision***

*Development Services Department*

**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 SW<sup>1</sup>/<sub>4</sub> 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 well 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 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 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 Commissioner’s signature on the final plat.
2. Director of DSD approval of the requested easement reduction shall be completed prior to the Board of County Commissioner’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 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 Commissioner 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 \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

\_\_\_\_\_  
Robert Sturgill, Chairman

State of Idaho )

SS

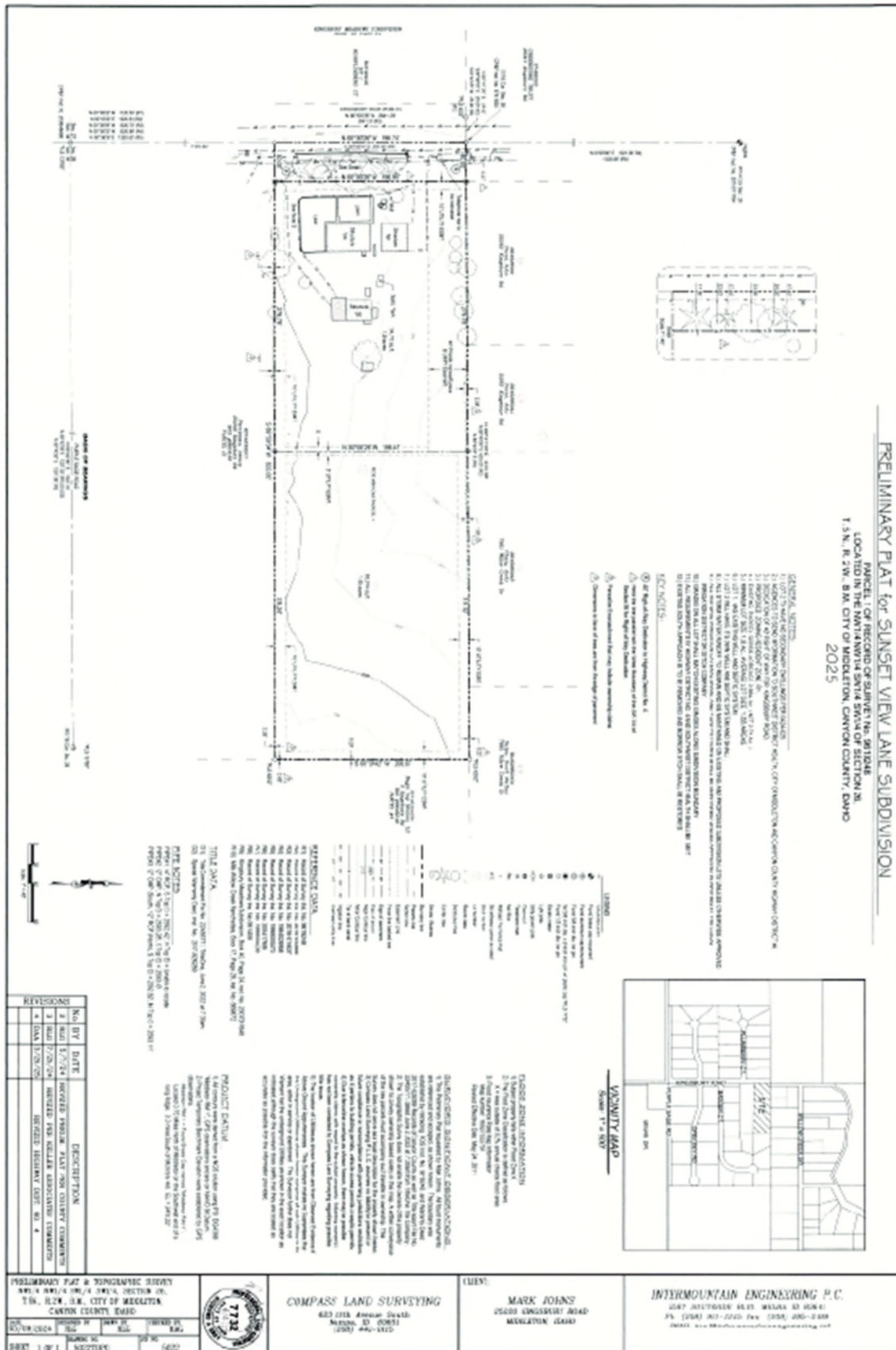
County of Canyon County )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2025, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, 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: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_





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 HD4
    - 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 HD4. 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

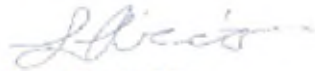
1. Change to, "The public streets and rights-of-ways shown on this plat are dedicated to the public forever."
2. Correct HD4 plat statement

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

---

**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 <[lriccio@hwydistrict4.org](mailto:lriccio@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 <[lriccio@hwydistrict4.org](mailto:lriccio@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.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*



ATTACHMENT C

**Dalia Alnajjar**

---

**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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PUBLIC RECORD NOTICE: All communications transmitted within the Middleton Rural Fire District and Star Fire Protection District (midstarfire.org) E-mail system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 9-337 et seq.) and as such may be copied and reproduced by members of the public.



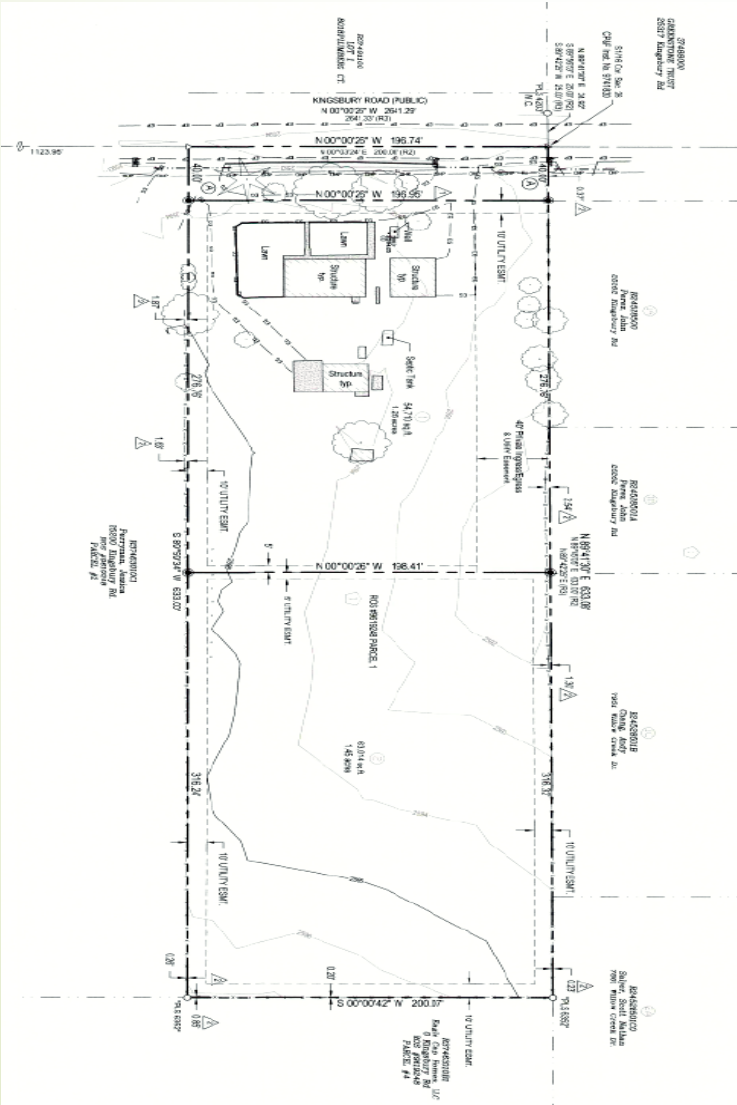
# Sunset View SUBDIVISION SD2023-0001

Planning and Zoning Commission  
April 17, 2025



# REQUEST

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. The plat consists of 2 residential lots.



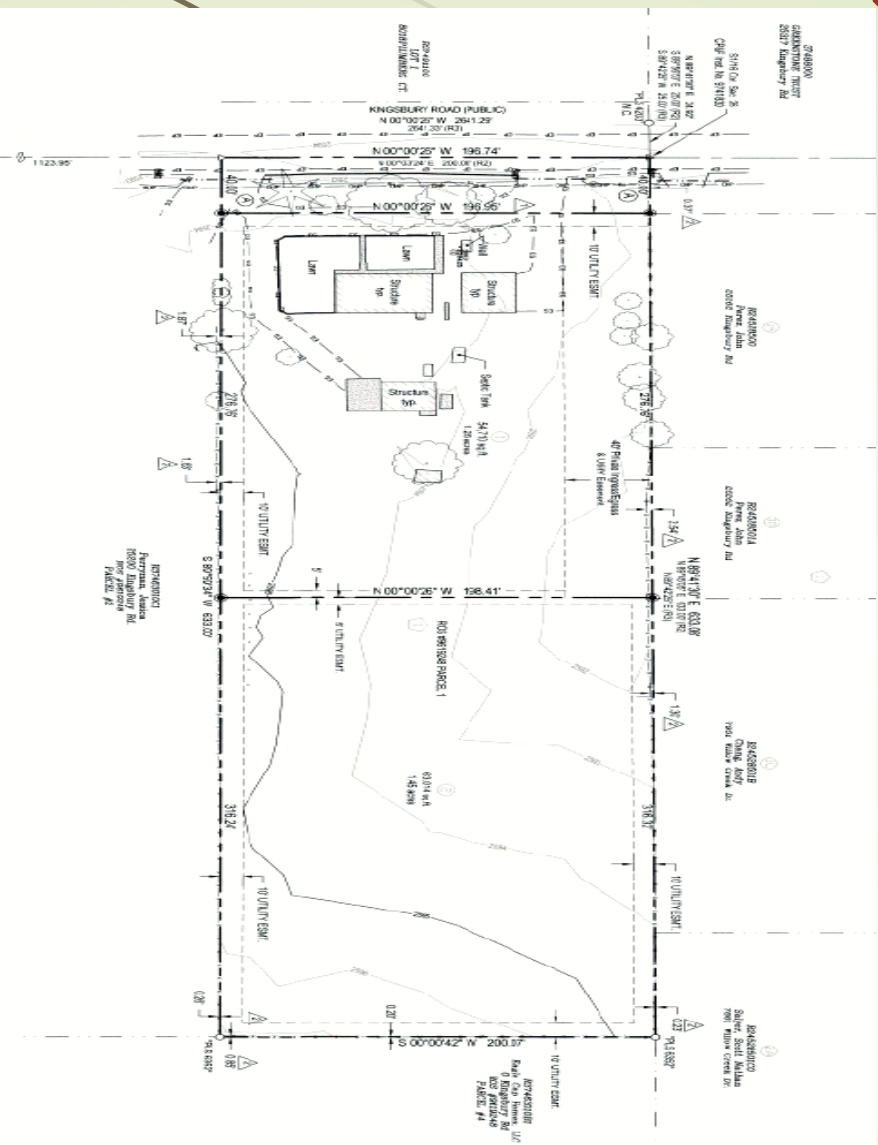
## CRITERIA: CCZO SECTION 07-17-09(4)

*“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 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.”*



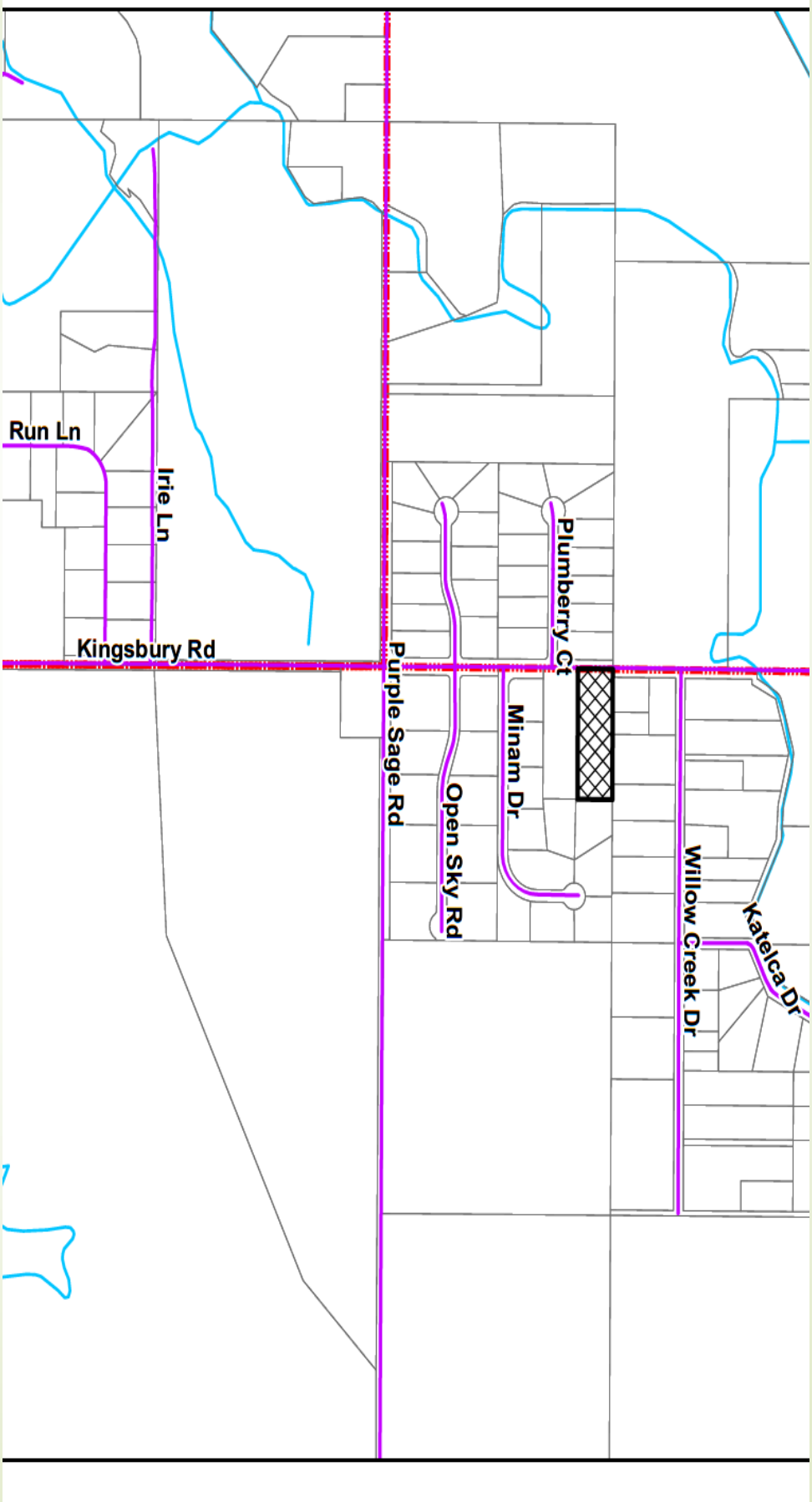




### Sunset View Subdivision (Exhibit 2d)

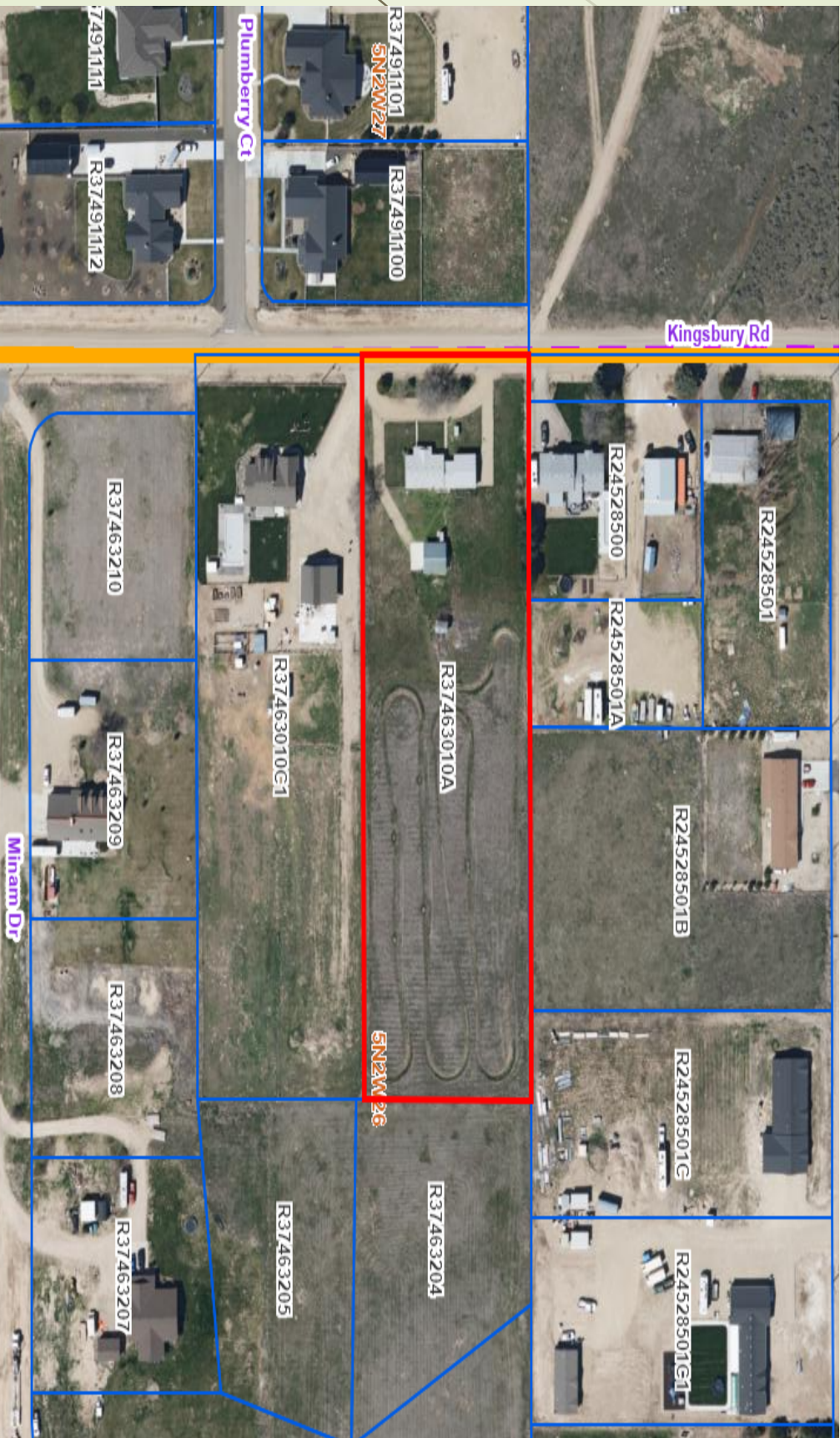
- ▶ **Total Acreage:** 2.9± acres (2.71 acres after right-of-way dedication).
- ▶ **Zoning:** "CR-R-1" (Condition Rezone – Single Family Residential, one-acre average minimum lot size). The zone was approved in 2024 (CR2023-0001).
- ▶ **Roads/Access:** The development will take access to Kingsbury public road via a 40' wide shared access and utility easement. Highway District #4 requires a 40' wide public right-of-way dedication.
- ▶ **Fire:** Middleton Fire District provided review comments March 14, 2025 (Exhibit D4). The final plat shall be conditioned to comply with the 2018 International Fire Code as administered by Middleton Fire District.
- ▶ **Area of City Impact:** The property is located within Star area of city of impact. No comment was received.
- ▶ **Water/ Sewage Disposal:** lot 1 has an existing domestic system, lot 2 shall establish its own individual wells and septic system. (Plat Note 6 & 7). SWDH Has no concerns.
- ▶ **Irrigation:** The land within this lot is not within an irrigation district. Irrigation water shall be supplied by individual wells (Plat Note 4).
- ▶ **Drainage:** Subdivision runoff and common area storm drainage facilities will be maintained by the property owners' association. Each property owner is responsible to maintain stormwater runoff on each lot (Plat note 8).





- Roads/Access: The development will take access to Kingsbury public road. Highway District #4 requires a 40' wide public right-of-way .
- Area of City Impact: Star City area of city impact.





# COMMENTS

## Comments received:

- County Engineers review recommending approval (Exhibit B.3)
- Idaho Transportation Department – no comments or concerns (Exhibit C.2)
- Southwest District Health – Subdivision Engineering Study approved for use of septic system (Exhibit C.3)
- Highway District #4 – HWY Board approved final plat (Exhibit C.1).
- Middleton Fire District - The final plat shall be conditioned to comply with the 2018 International Fire Code as administered by Middleton Fire District pr (Exhibit D4)..



# RECOMMENDATION

## Standards of review

- 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);
- Idaho Code, Sections 31-3805 & 42-111 (Exhibit A.6); and
- Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations)

## Conditions of Approval

- 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.
- Director of DSD approval of the requested easement reduction shall be completed prior to the Board of County Commissioners' signature on the final plat.
- 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).
- The development shall comply with Southwest District Health requirements.
- The development shall comply with Middleton Fire District requirements (Attachment C).
- The development shall comply with the requirements of Highway District 4 (Attachment B).
- 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.
- Plat corrections to the preliminary plat before going to the Board of County Commissioners for final decision:
  - Amend the title of the subdivision from "Sunset View Lane Subdivision" to "Sunset View Subdivision".
  - 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."





THANK YOU!

**EXHIBIT 4**

**Comments**

**Sunset View Sub. SD2023-0001**







# MIDDLETON RURAL FIRE DISTRICT

## OFFICE OF THE FIRE MARSHAL

DATE: July 7, 2025

TO: Mark Jones

CC: Canyon County P & Z

FROM: Victor Islas, Deputy Chief   Middleton Rural Fire District  
Victor Islas, Deputy Chief  
07/07/2025

FD FILE: FD: 2025-0202 Canyon Co: SD2020-0001

PROJECT: Sunset View Subdivision - Preliminary and Final Plat (Short Plat)

The Middleton Rural Fire District has reviewed the documents provided by the applicant for review/comment on the Sunset View Subdivision Preliminary and Final Plat (Short Plat)

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 Rd., Middleton, ID (R37463010A)

### 1. Codes

- a. This project can be serviced by the Middleton Rural Fire District and shall comply with the 2018 International Fire Code (IFC) and any codes set forth by Canyon County. The IFC establishes minimum requirements for life safety and property protection from fire, explosion, and other hazards in new and existing buildings and premises. It also ensures a reasonable level of safety for firefighters and emergency responders during operations.
- b. 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 Apparatus Access

- 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.
  - a. The plans submitted by the applicant have been reviewed and are consistent with the requirements for fire department access with the following conditions:
    1. Individual lot sizes are large enough and will require an approved 20ft wide driveway with turn-around. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface that can support the imposed load of fire apparatus weighing at least 75,000 pounds.

### 3. Water Supply

- a. Water supply requirements for firefighter operations will be followed as described in Appendix B of the 2018 International Fire Code unless agreed upon by the Fire District.
  - i. This subdivision is not served by a municipal water system and is proposing individual wells. If sufficient fire flow cannot be provided, an alternative such as automatic





# MIDDLETON RURAL FIRE DISTRICT

## OFFICE OF THE FIRE MARSHAL

residential fire sprinklers would be considered as an equivalent. A note shall be placed on the final plate indicating the source of water supply or sprinklers.

- a. *"An automatic fire sprinkler system installed per NFPA 13D may be accepted by the Fire Code Official as an alternative to providing the required fire flow."*
- b. Water supply options shall be provided to the fire district in writing before the final plat approval.

#### 4. Additional Comments

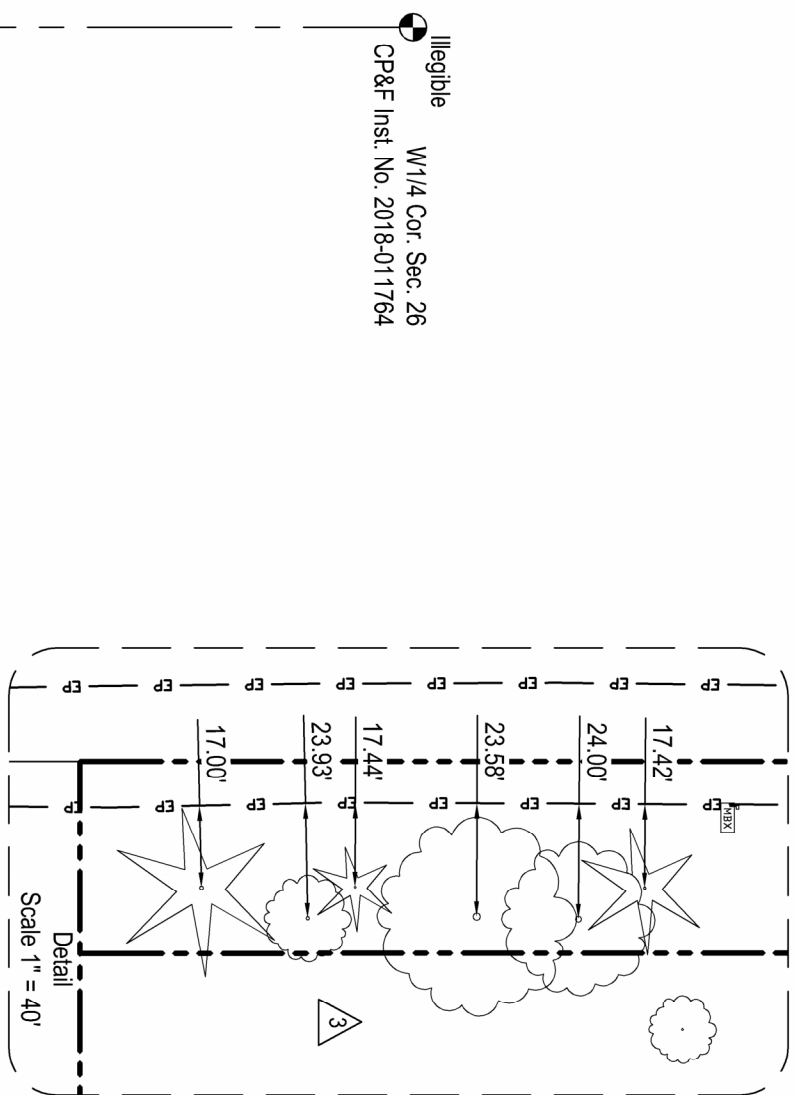
- a. No building permits shall be issued without fire district review and approval.

**EXHIBIT 5**

**Additional Information – Revised Preliminary Plat  
Sunset View Sub. SD2023-0001**

PRELIMINARY PLAT for SUNSET VIEW SUBDIVISION

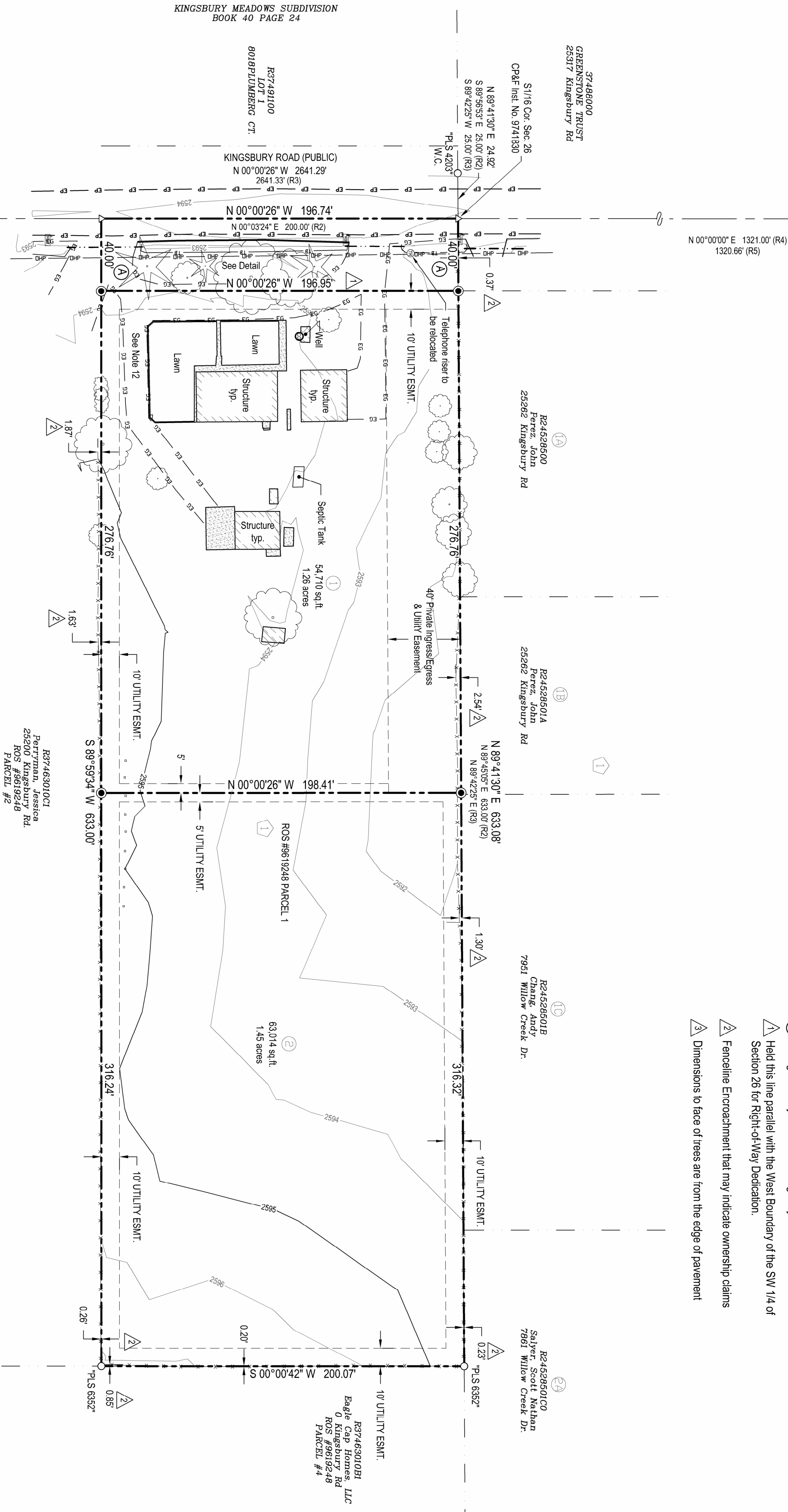
PARCEL 1 OF RECORD OF SURVEY NO. 9619248  
LOCATED IN THE NW1/4 NW1/4 SW1/4 SW1/4 OF SECTION 26,  
T. 5 N., R. 2 W., B.M., CITY OF MIDDLETON, CANYON COUNTY, IDAHO  
2025



- GENERAL NOTES:
- 1) NO SECONDARY RESIDENCES ON ANY LOT PER DA24-025.
  - 2) AGENCIES TO SEND INFORMATION TO SOUTHWEST DISTRICT HEALTH CITY OF MIDDLETON AND CANYON COUNTY HIGHWAY DISTRICT #4.
  - 3) DEDICATION OF 40' RIGHT OF WAY FOR KINGSBURY ROAD.
  - 4) PROPOSED ZONING RESIDENT ZONE R1.
  - 5) EXISTING PARCEL GROSS ACREAGE: 2.884 Ac. (NET 2.71 Ac.)
  - 6) MINIMUM LOT SIZE: 1.26 AC. AVERAGE LOT SIZE: 1.355 AREAS.
  - 7) LOT 1, HAS EXISTING WELL AND SEPTIC SYSTEM.
  - 8) LOT 2 WILL HAVE ITS OWN WELL AND SEPTIC SYSTEM AND SHALL.
  - 9) ALL STORM WATER RUNOFF TO REMAIN AND BE MAINTAINED ON EXISTING AND PROPOSED SUBDIVISION LOTS UNLESS OTHERWISE APPROVED.
  - 10) ALL HISTORIC IRRIGATION LATERAL, DRAIN, AND FLOW PATTERNS SHALL BE MAINTAINED UNLESS APPROVED IN WRITING BY THE LOCAL IRRIGATION DISTRICT OR DITCH COMPANY.
  - 11) ALL REQUIREMENTS BY HIGHWAY DISTRICT NO. 4 AND SOUTHWEST DISTRICT HEALTH SHALL BE MET.
  - 12) EXISTING SOUTH APPROACH IS TO BE REMOVED AND BORROW DITCH SHALL BE RESTORED.

KEY NOTES:

- KEY NOTES:
- 1) 40' Right-of-Way Dedication to Highway District No. 4.
  - 2) Held this line parallel with the West Boundary of the SW 1/4 of Section 26 for Right-of-Way Dedication.
  - 3) Fenceline Encroachment that may indicate ownership claims
  - 4) Dimensions to face of trees are from the edge of pavement



- LEGEND
- Calculated point
  - Found brass cap monument
  - Found aluminum cap monument
  - Found 5/8 inch dia. iron pin
  - Set 5/8 inch dia. x 24 inch iron pin w/ plastic cap "P.L.S. 7732"
  - Found 1/2 inch dia. iron pin
  - Electric meter
  - Light pole
  - Utility power pole
  - Cleanout
  - Telephone riser
  - Mail Box
  - Railroad Tie Fence Post
  - Set witness corner as noted
  - Block number
  - Lot number
  - Record data
  - Deciduous tree
  - Conifer tree
  - Strikes, Blushes
  - Boundary line
  - Property line
  - Section line
  - Easement Line
  - Fence line marked with
  - Edge of pavement
  - Edge of gravel
  - Major Centerline
  - Minor Centerline
  - Top of bank canal
  - Irrigation line
  - Overhead utility lines

REFERENCE DATA

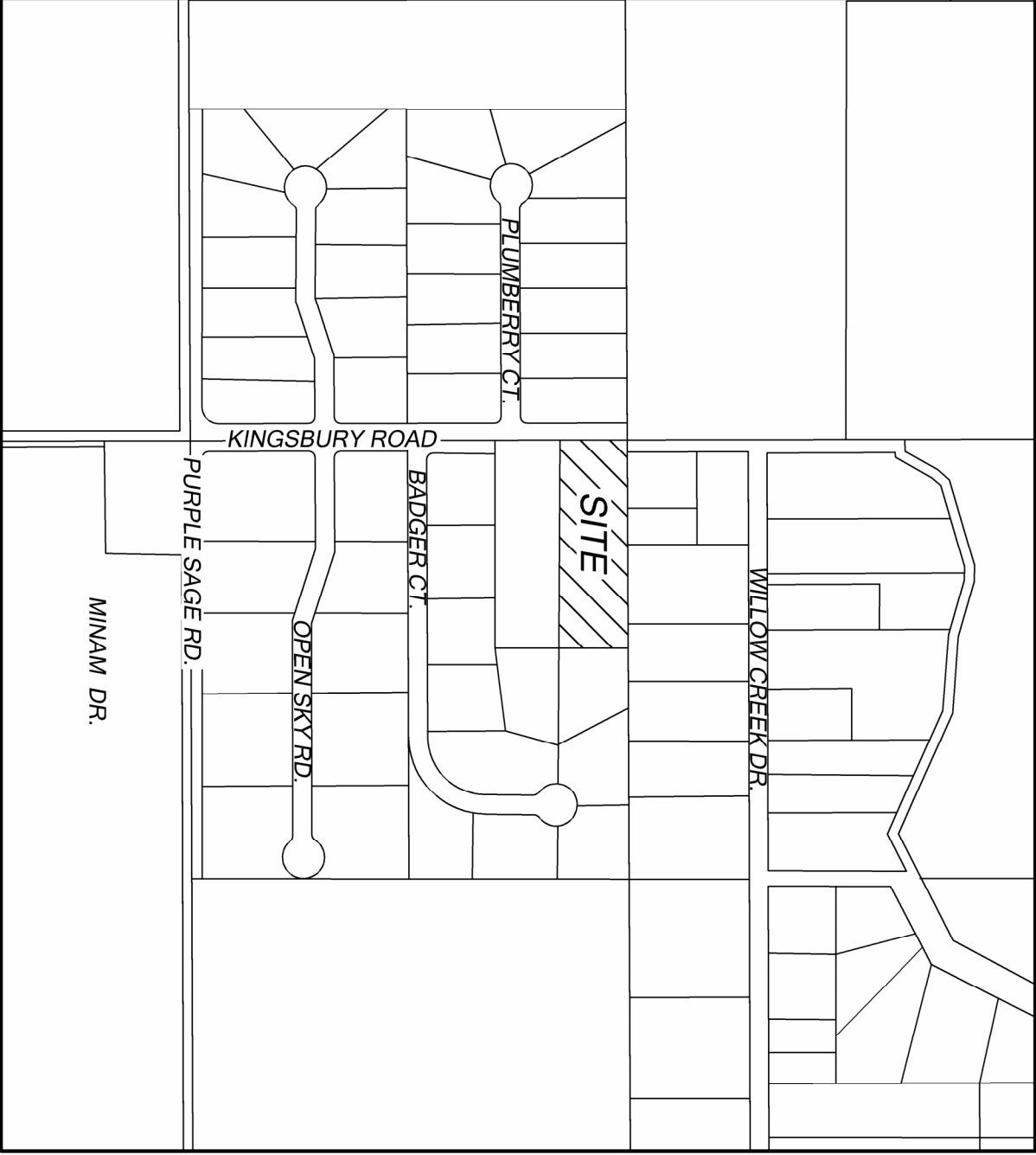
- REFERENCE DATA
- R1) Record of Survey Inst. No. 9619248
  - R2) Record of Survey Inst. No. 2016-043888
  - R3) Record of Survey Inst. No. 2016-014637
  - R4) Record of Survey Inst. No. 1984028858
  - R5) Record of Survey Inst. No. 1980000470
  - R6) Record of Survey Inst. No. 200417689
  - R7) Record of Survey Inst. No. 1998004239
  - R8) Record of Survey Inst. No. 991406
  - R9) Kingsbury Meadows Subdivision, Book 40, Page 24, Inst. No. 2007061948
  - R10) Mills Willow Creek Ranchettes, Book 17, Page 28, Inst. No. 869612

TITLE DATA

- TITLE DATA
- D1) Title Commitment File No. 22455771, TitleOne, June 2, 2022 at 7:30am.
  - D2) Special Warranty Deed, Inst. No. 2017-026289

PIPE NOTES

- PIPE NOTES
- PIPE#1: 14" RCP, S Top EI = 2592.42, N Top EI = Unable to locate
  - PIPE#2: 12" CMP, N Top EI = 2593.29, S Top EI = 2593.43
  - PIPE#3: 12" CMP (South), 12" RCP (North), S Top EI = 2592.82, N Top EI = 2593.11



VICINITY MAP

Scale: 1" = 500'

FLOOD ZONE INFORMATION

- FLOOD ZONE INFORMATION
- 1) Subject property falls within Flood Zone X
  - 2) The Flood Zone Classification is defined as follows:  
X = Area outside of 0.2% annual chance flood area
  - 3) Flood Insurance Rate Map information  
Map Number: 160200275C  
Revised Effective Date: May 24, 2011

SURVEYORS SIGNIFICANT OBSERVATIONS

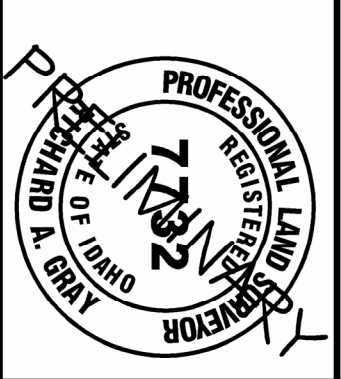
- SURVEYORS SIGNIFICANT OBSERVATIONS
- 1) This Preliminary Plat requested by Mark Johns. All found monuments are referenced and accepted, as shown herein. The boundary was established by retracing RCS Inst. No. 9619248, and Warranty Deed 2017-026289 Records of Canyon County, as well as Title report File No. 22455771, dated June 2, 2022 at 7:30am from TitleOne Title Company.
  - 2) The Topographic Survey does not enable the owners of the property shown to convey ownership based solely on this map. A written conveyance of the new parcels must accompany such transfer in ownership. This Survey does not serve as a legal description for the property shown herein.
  - 3) Compass Land Surveying P.L.L.C. assumes no liability for present or future compliance or noncompliance with governing jurisdictions restrictions as it pertains to building permits, vehicle access permits or septic permits.
  - 4) Due to fence line overlaps as shown herein, there may be possible ownership claims with regard to the subject property. Adjoining owner(s) has not been contacted by Compass Land Surveying regarding possible title issues.
  - 5) The location of Utilities as shown herein are from Observed Evidence of Above Ground Appurtenances. This Surveyor makes no Guarantees that the underground Utilities as shown herein comprise all such Utilities in the area, either in service or abandoned. This Surveyor further does not warrant that the underground Utilities are shown in the exact location as indicated, although the surveyor does certify that they are located as accurately as possible from the information provided.

PROJECT DATUM

- PROJECT DATUM
- 1) All contours were derived from a NGS solution using PID: 034398
  - 2) Title Commitment File No. 22455771, TitleOne, June 2, 2022 at 7:30am.
  - 3) GPS observations and are on NAD83 datum.
  - 4) Project Temporary Benchmark Elevation were established by GPS observations.
  - 5) Middleton RM 1 = Found Brass Cap marked "Middleton RM 1".
  - 6) Located 0.75 Miles North of Middleton on the Southwest end of a long Ridge. 0.3 miles South of McIntyre Hill. EL. = 2470.22'

REVISIONS			
No.	BY	DATE	DESCRIPTION
2	RLG	5/7/24	REVISED PRELIM PLAT PER COUNTY COMMENTS
3	RLG	7/26/24	REVISED PER KELLER ASSOCIATES COMMENTS
4	DAA	3/28/25	REVISED HIGHWAY DIST. NO. 4
5	DAA	6/17/25	REVISED PER COUNTY COMMENTS

PRELIMINARY PLAT & TOPOGRAPHIC SURVEY NW1/4 NW1/4 SW1/4 SW1/4, SECTION 26, T.5N., R.2W., B.M., CITY OF MIDDLETON, CANYON COUNTY, IDAHO			
DATE: 05/09/2024	DESIGNED BY: RLG	DRAWN BY: RLG	CHECKED BY: RAG
DRAWING NO. 5022TOPO		JOB NO. 5022	
SHEET 1 OF 1			



COMPASS LAND SURVEYING	
623 11th Avenue South	
Nampa, ID 83651	
(208) 442-0115	

CLIENT:
MARK JOHNS
25220 KINGSBURY ROAD
MIDDLETON, IDAHO

INTERMOUNTAIN ENGINEERING P.C.
2587 SOUTHSIDE BLVD. MELBA, ID 83641
Ph: (208) 941-1245 Fax: (208) 495-2469
EMAIL kurt@intermountainengineering.net

**EXHIBIT 6**

**Draft FCOs**

**Sunset View Sub. SD2023-0001**

**Board of County Commissioners**  
***SD2023-0001 – Sunset View Subdivision***

*Development Services Department*



**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 SW<sup>1</sup>/<sub>4</sub> of Section 26, T5N, R2W, BM, Canyon County, Idaho.
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. 7.
3. The property is located in the Star area of city impact. No comment was received from the City of Star. See Condition No. 6.
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 3.C.3 of the staff report addendum).
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/landscaping. See Attachment B and Condition No. 5.
8. Middleton Fire District provided review and approval of the plat, subject to building permit conditions (Attachment C).
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 Board of County Commissioners public hearing was provided in accordance with CCCO §07-05-01. Agency notice was provided on June 13, 2025. The newspaper notice was published on June 13, 2025. Property owners within 600 feet were sent a notice on June 13, 2025. A notice was posted on the property on June 12, 2025.

### **Conclusions of Law**

Per Section 07-17-09(5) of the Canyon County Code of Ordinances (CCCO):

- 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.*

Upon review of the preliminary plat, the Board concurs with the Planning and Zoning Commission (Exhibit 1 and 2 of the staff report addendum), finding that the preliminary 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 3.A.6 of the staff report addendum);
- Idaho Code, Sections 31-3805 & 42-111 (Exhibit 3.A.6 of the staff report addendum); 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. The County consulting engineer at Keller & Associates reviewed the preliminary plat (Exhibit 3.B.3 of the staff report addendum) 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 3.B.3 of the staff report addendum).
4. The development shall comply with Southwest District Health requirements.
5. The development shall comply with the requirements of Highway District 4 (Attachment B).
6. 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.
7. Prior to final plat signing by the Board, the final plat shall include a plat note stating, "All lots are subject to Development Agreement #24-025 (CR2023-0001). Per the development agreement, secondary residences are prohibited."
8. Prior to building permit issuance on Lot 2, a road user's maintenance agreement shall be recorded per CCCO Section 07-10-03(1)B3.



**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2023-0001, the Board of County Commissioners **approves** the preliminary plat for Sunset View Subdivision, subject to the Conditions of Approval as enumerated herein.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CANYON COUNTY BOARD OF COMMISSIONERS

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

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

Attest: Rick Hogaboam, Clerk

By: \_\_\_\_\_  
Deputy

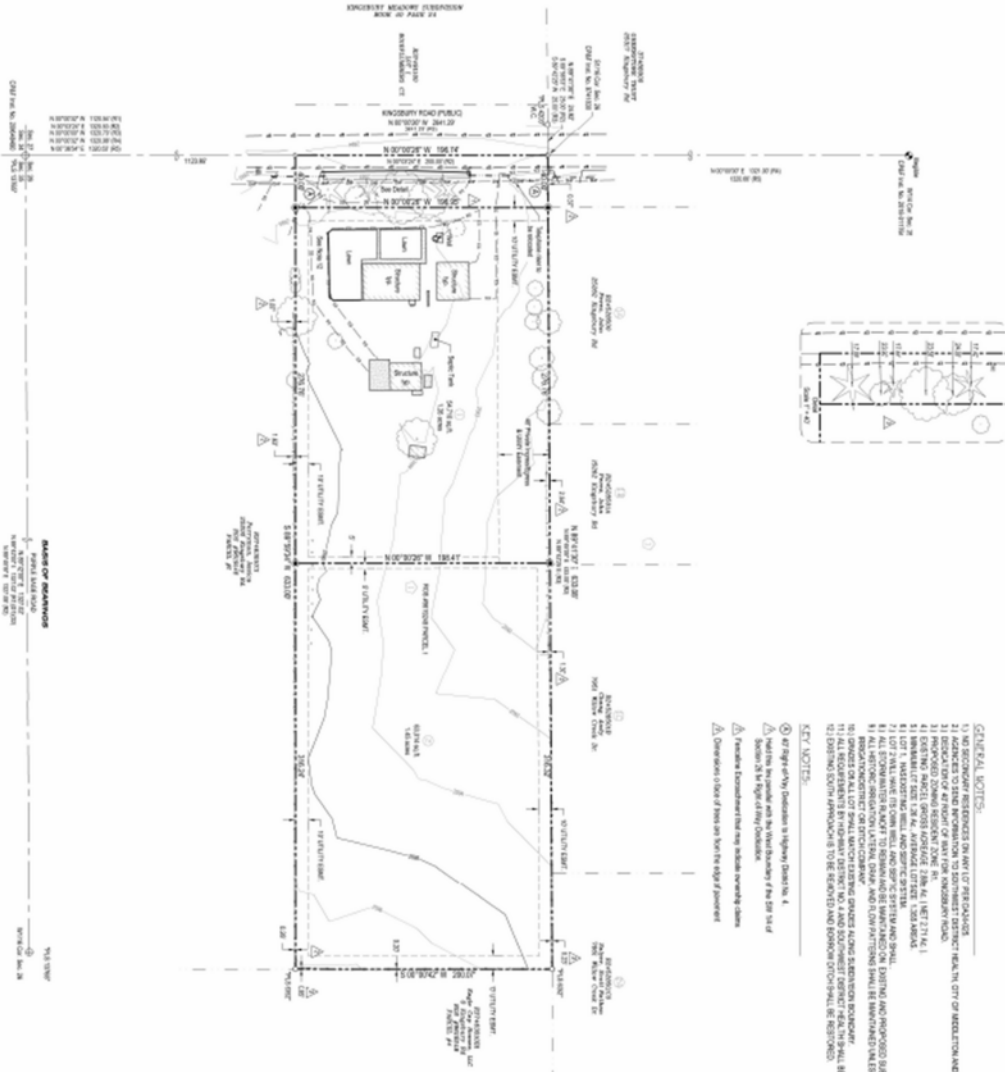
Date: \_\_\_\_\_

GENERAL NOTES:

- [illegible]

KEY WORDS:

- [illegible]



## Scale: 1" = 500'

1000 = 1000

**FLOOD ZONE INFORMATION**  
 11 Reduced property value after Flood Zone X

- 2) The Flood Zone Classification is defined as follows:  
X = Area outside of 0.2% annual chance flood zone  
2) Flood Insurance Rate Map Information:  
Map Number: 1602100279  
Effective Date: May 24, 2011

**SURVEYED SIGNIFICANT OBSERVATIONS**

[illegible]

PROJECT PARTIAL

11. All courts were tested twice in 2002 under using 700 nm D65 illuminant. The color difference between the two measurements was  $\Delta E^*_{ab}$  0.24. The color difference between the two measurements was  $\Delta E^*_{ab}$  0.24.

NO	BY	DATE	DESCRIPTION
2	RLD	5/7/24	REVISED PRISM PLAN PER COUNTY COMMENTS
3	RLD	5/28/24	REVISED PERI KELLER ASSOCIATES COMMENTS
4	DIA	7/26/25	REVISED HIGHWAY DIST NO. 4
5	DIA	6/17/25	REVISED PER COUNTY COMMENTS

RELINQUINARY PLAT & TOPOGRAPHIC SURVEY  
NW1/4 NW1/4 SW1/4 SW1/4, SECTION 28,  
T.5N., R.2W., B.M., CITY OF MIDDLETON,  
CANYON COUNTY, IDAHO



COMPASS LAND SURVEYING  
623 11th Avenue South  
Nampa, ID 83651  
(208) 442-0115

CLIENT:

MARK JOHNS  
25420 KINGSBURY ROAD  
MIDDLETON, IDAHO

**INTERMOUNTAIN ENGINEERING P.C.**  
2587 SOUTHSIDE BLVD. MELBA, ID 83641  
Ph: (208) 941-1245 Fax: (208) 495-2469  
EMAIL: [kurt@intermountainengineering.net](mailto:kurt@intermountainengineering.net)

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 HD4
    - 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 HD4. 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 HD4 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

---

**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 <[lriccio@hwydistrict4.org](mailto:lriccio@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 <[lriccio@hwydistrict4.org](mailto:lriccio@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.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*

ATTACHMENT C





**MIDDLETON RURAL FIRE DISTRICT**  
**OFFICE OF THE FIRE MARSHAL**

DATE: July 7, 2025

TO: Mark Jones

CC: Canyon County P & Z

FROM: Victor Islas, Deputy Chief   Middleton Rural Fire District  
Victor Islas, Deputy Chief  
10/1/2024

FD FILE: FD: 2025-0202 Canyon Co: SD2020-0001

PROJECT: Sunset View Subdivision - Preliminary and Final Plat (Short Plat)

The Middleton Rural Fire District has reviewed the documents provided by the applicant for review/comment on the Sunset View Subdivision Preliminary and Final Plat (Short Plat)

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 Rd., Middleton, ID (R37463010A)

1. Codes

- a. This project can be serviced by the Middleton Rural Fire District and shall comply with the 2018 International Fire Code (IFC) and any codes set forth by Canyon County. The IFC establishes minimum requirements for life safety and property protection from fire, explosion, and other hazards in new and existing buildings and premises. It also ensures a reasonable level of safety for firefighters and emergency responders during operations.
- b. 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 Apparatus Access

- 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.
  - a. The plans submitted by the applicant have been reviewed and are consistent with the requirements for fire department access with the following conditions:
    1. Individual lot sizes are large enough and will require an approved 20ft wide driveway with turn-around. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface that can support the imposed load of fire apparatus weighing at least 75,000 pounds.

3. Water Supply

- a. Water supply requirements for firefighter operations will be followed as described in Appendix B of the 2018 International Fire Code unless agreed upon by the Fire District.
  - i. This subdivision is not served by a municipal water system and is proposing individual wells. If sufficient fire flow cannot be provided, an alternative such as automatic



## MIDDLETON RURAL FIRE DISTRICT

### OFFICE OF THE FIRE MARSHAL

residential fire sprinklers would be considered as an equivalent. A note shall be placed on the final plat indicating the source of water supply or sprinklers.

- a. *"An automatic fire sprinkler system installed per NFPA 13D may be accepted by the Fire Code Official as an alternative to providing the required fire flow."*
- b. Water supply options shall be provided to the fire district in writing before the final plat approval.

#### 4. Additional Comments

- a. No building permits shall be issued without fire district review and approval.