



FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER

Hornet Cove Subdivision - SD2022-0024

Findings

1. The applicant, Joe Rumsey, is requesting approval of a preliminary plat, irrigation and drainage plans for Hornet Cove Subdivision, a seven (7) residential lot development with a 2.08 acre average residential lot size on parcel R37877011B containing approximately 16.19 acres. The property is zoned (RR) Rural Residential and is located on Monarch Road, 200 feet south of the intersection of Swallowtail and Monarch Roads, Middleton, ID. and is a portion of Section 07-5N-3W SW B.M; Canyon County, Idaho.
2. The 16.19 acre property is zoned "R-R" (Rural Residential, two acre average lot size; RZ2020-0007).
3. The average residential lot size of 2.08 acres.
4. The property is not located within an area of city impact.
5. The property has surface irrigation water rights. The developer shall provide irrigation water to each residential lot. The development shall comply with Black Canyon Irrigation District requirements.
6. The development will be served by individual well and septic systems.
7. Subdivision runoff will be maintained within the subdivision. Drainage will be routed through roadside swales to proposed stormwater drainage basins and individual property owners shall maintain stormwater on each individual lot post development (Note 8, Exhibit 3)
8. Seven lots within the subdivision will be served Yellow Jacket Lane, a private road. Also, the shared access easement requires a road user's maintenance agreement (CCZO Section 07-10-03(1)B3). The private road is currently proposed to be a gravel lane. Seven lots with a primary and secondary dwelling entitlement exceed the average daily trip threshold and should require a paved private road.
9. Notus-Parma Highway District does not oppose the request subject to conditions of approval (Exhibit 11). Notus Parma Highway District is a signatory on the final plat and the developer must comply with requirements for right of way dedication, approach location and construction, and drainage requirements.
10. Middleton Rural Fire provided comments during the rezone application process. Final plat review is required to ensure adequate access road design and that each lot can meet minimum fire flow requirements. The fire district will allow fire suppression system (NFPA 13D) to be installed to meet the water supply standards if the property owner chooses this option (Exhibit 15).
11. The development is not located within a mapped floodplain (Flood Zone X).
12. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2022-0024.
13. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on July 21, 2023 & July 27, 2023. Newspaper notice was completed on July 28, 2023. Property

owners within 300' were notified by mail on July 28, 2023. The property was posted on or before August 4, 2023.

14. The Planning and Zoning Commission heard this case on October 19, 2023 and forwarded the case to the Board of County Commissioners with a recommendation of approval as conditioned.
15. Notice of the Board of County Commissioners' public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on August 18, 2024. Newspaper notice was completed on August 16, 2024. Property owners within 300' were notified by mail on August 13, 2024. The property was posted on or before August 13, 2024.
16. The preliminary plat for Hornet Cove Subdivision was updated to reflect the correct location of a BCID buried lateral and easement after the Planning and Zoning hearing in accordance with §07-17-09 (1) C.2. and BCID requirements. The revised preliminary plat dated 3/11/24 was reviewed by BCID for compliance and BCID provided a revised review letter on 7/19/24 (see Staff Report Exhibit I).
17. The Board of County Commissioners considered this case on September 18, 2024, took public testimony and continued the hearing to provide additional time for the developer to provide a pressurized irrigation plan and to resolve overlapping irrigation district and road easements.
18. The developer received communication from Black Canyon Irrigation District that the overlapping irrigation easement and road easement were not a concern for BCID (Exhibit III Planning Division Addendum Continuance from Sept. 18, 2024 to June 24, 2025).
19. The developer provided an engineer's statement that there is sufficient grade for piping to deliver water at low pressure to each lot and that the horizontal and vertical alignment of the pipe route and location of each lot delivery will be finalized during construction. Additionally, each lot owner will be responsible for the onsite irrigation system (Exhibit IV Planning Division Addendum Continuance from Sept. 18, 2024 to June 24, 2025).
20. The hearing was scheduled for June 24, 2025. Agencies and property owners were re-noticed with the hearing date and time of the continuance for Hornet Cove Preliminary Plat, Case File SD2022-0024.
21. The Board of County Commissioners conducted the hearing on June 24, 2025 to consider the additional information provided by the developer including the engineer's statement and resolution to the overlapping easements. The BOCC did not reopen the public testimony.
22. The Board considered the additional exhibits and deliberated with a resulting motion denying the application and indicating that the applicant had not provided the requested documentation including a pressurized irrigation plan and a corrected plat for the overlapping easements. The Board indicated that the developer could seek approval by reapplying and providing a pressurized irrigation plan, the proposed road should be a public road, and an engineered drainage plan should be provided showing how drainage is being retained on each lot and on the development properties. Legal access shall also be provided to every lot within the proposed plat.

Conclusions of Law

Section 07-17-09(4)A of the Canyon County Zoning Ordinance (CCZO) states, "*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.”*

Section 07-17-09(5) Board Action reads as follows:

- A. The board shall consider the commission's recommendation at a noticed public hearing.
- B. The board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:
 1. The ordinance and standards used in evaluating the application;
 2. The reasons for approval or denial; and
 3. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

The Board reviewed the preliminary plat for conformance with the following ordinances and standards:

- Idaho Code, Sections 67-6509 and 67-6513 (Subdivisions, Hearings, Decisions);
- Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- Idaho Code, Section 31-3805 (Irrigation); and
- Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations).

Upon review of the preliminary plat for Hornet Cove Subdivision, the Board of County Commissioners finds that the preliminary plat as proposed is not consistent with the following codes and standards:

- Idaho Code, Section 31-3805 (Irrigation); and
- Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations).

The applicant did not provide a sufficient irrigation plan or drainage plan and has overlapping easements between the road lot right of way and the irrigation district's lateral easement. They also found that Lot 5, Block 1 did not have approved legal access—no license or permit from the Bureau of Reclamation to cross the buried lateral at the access point to Lot 5, was provided to DSD prior to the hearing.

Order

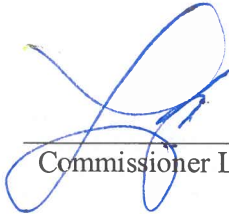


Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0024, the Board of County Commissioners **DENIES** the Preliminary Plat, Irrigation, and Drainage plans for Hornet Cove Subdivision.

In accordance with CCZO §071709(4)A4 the applicant could take the following actions to gain approval upon submission of a new preliminary plat application including:

- Provide an engineered grading and drainage plan showing how drainage will be maintained on each individual property and on the site.
- The applicant shall provide a pressurized irrigation plan for delivery of surface irrigation to each proposed lot within the development.
- The applicant shall provide for the road within the development to be a public road, meeting all standards and requirements of the highway district having jurisdiction.
- The applicant shall have license agreements with the irrigation district and the Bureau of Reclamation in place to address legal access to and for all lots within the proposed development.

DENIED this 29th day of July, 2025.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	<u>✓</u>	_____	_____
 _____ Commissioner Brad Holton	<u>X</u>	_____	_____
 _____ Commissioner Zach Brooks	<u>X</u>	_____	_____

Attest: Rick Hogaboam, Clerk

By: J Ross
Deputy

Date: 07.29.25