

**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.


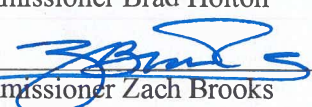
**Order**

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 11<sup>th</sup> day of July, 2025.

CANYON COUNTY BOARD OF COMMISSIONERS

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

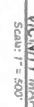
	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>did not participate</u> _____ Commissioner Brad Holton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Zach Brooks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

Attest: Rick Hogaboam, Clerk

By: J Ross  
Deputy

Date: 07.10.25

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



**TITLE DATA**  
 D1: The Chemistry of the 2010/11, 2009/10, and 2008/09  
 D2: Special Meeting 2008, Nov. 2011/2010

**FILE NOTES**  
 R01: H<sup>+</sup> = 0.02, 0.03, 0.04, 0.05, 0.06, 0.07, 0.08, 0.09, 0.10, 0.11, 0.12, 0.13, 0.14, 0.15, 0.16, 0.17, 0.18, 0.19, 0.20, 0.21, 0.22, 0.23, 0.24, 0.25, 0.26, 0.27, 0.28, 0.29, 0.30, 0.31, 0.32, 0.33, 0.34, 0.35, 0.36, 0.37, 0.38, 0.39, 0.40, 0.41, 0.42, 0.43, 0.44, 0.45, 0.46, 0.47, 0.48, 0.49, 0.50, 0.51, 0.52, 0.53, 0.54, 0.55, 0.56, 0.57, 0.58, 0.59, 0.60, 0.61, 0.62, 0.63, 0.64, 0.65, 0.66, 0.67, 0.68, 0.69, 0.70, 0.71, 0.72, 0.73, 0.74, 0.75, 0.76, 0.77, 0.78, 0.79, 0.80, 0.81, 0.82, 0.83, 0.84, 0.85, 0.86, 0.87, 0.88, 0.89, 0.90, 0.91, 0.92, 0.93, 0.94, 0.95, 0.96, 0.97, 0.98, 0.99, 1.00, 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.17, 1.18, 1.19, 1.20, 1.21, 1.22, 1.23, 1.24, 1.25, 1.26, 1.27, 1.28, 1.29, 1.30, 1.31, 1.32, 1.33, 1.34, 1.35, 1.36, 1.37, 1.38, 1.39, 1.40, 1.41, 1.42, 1.43, 1.44, 1.45, 1.46, 1.47, 1.48, 1.49, 1.50, 1.51, 1.52, 1.53, 1.54, 1.55, 1.56, 1.57, 1.58, 1.59, 1.60, 1.61, 1.62, 1.63, 1.64, 1.65, 1.66, 1.67, 1.68, 1.69, 1.70, 1.71, 1.72, 1.73, 1.74, 1.75, 1.76, 1.77, 1.78, 1.79, 1.80, 1.81, 1.82, 1.83, 1.84, 1.85, 1.86, 1.87, 1.88, 1.89, 1.90, 1.91, 1.92, 1.93, 1.94, 1.95, 1.96, 1.97, 1.98, 1.99, 2.00, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25, 2.26, 2.27, 2.28, 2.29, 2.30, 2.31, 2.32, 2.33, 2.34, 2.35, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41, 2.42, 2.43, 2.44, 2.45, 2.46, 2.47, 2.48, 2.49, 2.50, 2.51, 2.52, 2.53, 2.54, 2.55, 2.56, 2.57, 2.58, 2.59, 2.60, 2.61, 2.62, 2.63, 2.64, 2.65, 2.66, 2.67, 2.68, 2.69, 2.70, 2.71, 2.72, 2.73, 2.74, 2.75, 2.76, 2.77, 2.78, 2.79, 2.80, 2.81, 2.82, 2.83, 2.84, 2.85, 2.86, 2.87, 2.88, 2.89, 2.90, 2.91, 2.92, 2.93, 2.94, 2.95, 2.96, 2.97, 2.98, 2.99, 3.00, 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 3.26, 3.27, 3.28, 3.29, 3.30, 3.31, 3.32, 3.33, 3.34, 3.35, 3.36, 3.37, 3.38, 3.39, 3.40, 3.41, 3.42, 3.43, 3.44, 3.45, 3.46, 3.47, 3.48, 3.49, 3.50, 3.51, 3.52, 3.53, 3.54, 3.55, 3.56, 3.57, 3.58, 3.59, 3.60, 3.61, 3.62, 3.63, 3.64, 3.65, 3.66, 3.67, 3.68, 3.69, 3.70, 3.71, 3.72, 3.73, 3.74, 3.75, 3.76, 3.77, 3.78, 3.79, 3.80, 3.81, 3.82, 3.83, 3.84, 3.85, 3.86, 3.87, 3.88, 3.89, 3.90, 3.91, 3.92, 3.93, 3.94, 3.95, 3.96, 3.97, 3.98, 3.99, 4.00, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 4.09, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27, 4.28, 4.29, 4.30, 4.31, 4.32, 4.33, 4.34, 4.35, 4.36, 4.37, 4.38, 4.39, 4.40, 4.41, 4.42, 4.43, 4.44, 4.45, 4.46, 4.47, 4.48, 4.49, 4.50, 4.51, 4.52, 4.53, 4.54, 4.55, 4.56, 4.57, 4.58, 4.59, 4.60, 4.61, 4.62, 4.63, 4.64, 4.65, 4.66, 4.67, 4.68, 4.69, 4.70, 4.71, 4.72, 4.73, 4.74, 4.75, 4.76, 4.77, 4.78, 4.79, 4.80, 4.81, 4.82, 4.83, 4.84, 4.85, 4.86, 4.87, 4.88, 4.89, 4.90, 4.91, 4.92, 4.93, 4.94, 4.95, 4.96, 4.97, 4.98, 4.99, 5.00, 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, 5.20, 5.21, 5.22, 5.23, 5.24, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36, 5.37, 5.38, 5.39, 5.40, 5.41, 5.42, 5.43, 5.44, 5.45, 5.46, 5.47, 5.48, 5.49, 5.50, 5.51, 5.52, 5.53, 5.54, 5.55, 5.56, 5.57, 5.58, 5.59, 5.60, 5.61, 5.62, 5.63, 5.64, 5.65, 5.66, 5.67, 5.68, 5.69, 5.70, 5.71, 5.72, 5.73, 5.74, 5.75, 5.76, 5.77, 5.78, 5.79, 5.80, 5.81, 5.82, 5.83, 5.84, 5.85, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.95, 5.96, 5.97, 5.98, 5.99, 6.00, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 6.49, 6.50, 6.51, 6.52, 6.53, 6.54, 6.55, 6.56, 6.57, 6.58, 6.59, 6.60, 6.61, 6.62, 6.63, 6.64, 6.65, 6.66, 6.

**FLOOD-CELL INFORMATION**

[illegible]

**INTERMOUNTAIN ENGINEERING P.C.**  
2507 SOUTHERN BLVD MELBA, ID 83641  
Ph (208) 841-1245 Fax (208) 197-2460  
EMAIL Kurt@intermountainengineering.net





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**

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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 <[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  

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.