

**Canyon County Planning & Zoning Commission**  
**SD2022-0001 – Cloud Nine Estates Subdivision**

*Development Services Department*



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

SD2022-0011 – Cloud Nine Estates Preliminary Plat

**Findings**

1. The applicant requests approval of a Preliminary Plat, Cloud Nine Estates, resulting in a total of forty-four (44) residential lots, three (3) storm drainage lots and one (1) common lot served by public roads on 72.8 acres. The request includes a waiver of City of Star subdivision improvements. The subject parcels are located to the northeast of the intersection of Kingsbury Rd and Foothill Rd, Middleton, parcel R33827 is located in the NW ¼ of Section 02, T4N, R2W, BM, Canyon County, Idaho, and parcel R37624 is located in the SW ¼ of Section 35, 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 rezone was approved in March 2025 with a development agreement (CR2022-0003, Development Agreement No. 25-002 – Exhibit B.4.b of the Staff Report). General Plat Note #14 states there are no secondary dwellings without an approved conditional use permit.
3. The property is located in the Star area of city impact. Applicable Ordinances and Standards are shown in CCCO §09-19-09. The City of Star sent an approval of a requested waiver to waive the development requirements for street width, sidewalks and streetlights for the Cloud Nine Estates Subdivision (Exhibit C3 of the Staff Report). The Star Landscape Ordinance was not waived at this time. The City of Star Engineer will have a signature line on the Final Plat (Condition 14).
4. The subject property is not within an irrigation district. Irrigation water shall be supplied by a community water system (Attachment A). An update to plat note #1 will need to reflect a community water system.
5. The development will be served by individual septic systems (Attachment A, Plat Note #2). Southwest District Health has no concerns but did discuss the potential of having a community water system (Exhibit C.5 of the staff report).
6. Subdivision runoff will be maintained within the subdivision (Plat Notes #6, #12 and #13, Attachment A).
7. The development will take access from a newly built Kingsbury Road that is being extended South from the Kingsbury Road intersection with Lanktree Lane via a 100’ wide dedicated right-of-way. No direct lot access to Kingsbury Road is allowed. (See plat note #10) Six public roads along 56’ dedicated right-of-way will provide access to the subdivision lots. See Attachment A.
8. Middleton Star Fire District provided comments during the conditional rezone process with requirements for this development. Requirements for access and water supply are within their letter (Attachment C and Condition No. 5) Evidence of compliance shall be a written letter of approval provided to DSD from the Middleton Star Fire District for the development prior to the Board signing the Final Plat.
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. SD2022-0011.
11. Notice of the 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 17, 2025. Property owners within 600 feet were sent a notice on June 13, 2025. A notice was posted on the property on June 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);
- Idaho Code, Sections 31-3805 & 42-111 (Water Rights/Irrigation Water Delivery) and
- Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations);

The preliminary plat for Cloud Nine Estates 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.2f of the staff report) and recommended approval as revised.

The Planning and Zoning Commission waived the city subdivision requirements of street width, sidewalks and streetlights per CCCO 09-19-09(6).

### **Conditions of Approval**

- 1) All subdivision improvements (public or private roads, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioners’ signature on the final plat.
  - a. Construction plans/drawings shall be submitted per CCCO Section 07-17-11. Construction plans/drawings are to be reviewed and approved by the County Engineer prior to construction beginning.
  - b. At the time of final plat, Hillside Development shall show compliance with the Canyon County Code of Ordinance 07-17-33(1)C through F.
- 2) Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
- 3) Development shall comply with the requirements of the Highway District #4 (Attachment B). Evidence shall include written correspondence from the highway district prior to the first public hearing held for the preliminary plat and the highway district's signature on the final plat.
- 4) Development shall comply with Southwest District Health requirements. Evidence shall include written correspondence from Southwest District Health prior to the Board of County Commissioners' public hearing and Southwest District Health's signature on the final plat.
- 5) Development shall comply with Fire District requirements (Attachment C). Evidence shall include written correspondence from the Fire District prior to the Board of County Commissioners' signature on the final plat.
- 6) After preliminary plat approval, the applicant shall provide GIS data containing georeferenced lot line and roadway linework to be included in Development Services GIS mapping.
- 7) The recorded development agreement #25-025 shall be referenced on the final plat as a plat note.

- 8) Prior to the Board of County Commissioners public hearing on the Preliminary Plat, the applicant shall show the location of the bus stops and a safe route to planned stops to service the development per conditions in DA25-025.
- 9) Prior to the Board signing the final plat, a location shall be provided for a United States Postal Service community mailbox unless waived by the United States Postal Service.
- 10) Potable water shall be provided by a community water system. Plat note #1 (Attachment A) shall be changed to reflect domestic water and pressurized irrigation from community water system.
- 11) Draft CCR document shall be provided to DSD showing an Urban Wildland Interface Plan is included prior to the Board signing the final plat.
- 12) 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.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0011, the Planning & Zoning Commission **recommends approval** of the Preliminary Plat for Cloud Nine Estates to the Board of County Commissioners subject to the Conditions of Approval as enumerated herein.

RECOMMENDED FOR APPROVAL on this 7 day of August, 2025.

PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO



Robert Sturgill, Chairman

State of Idaho )

SS

County of Canyon County )

On this 7<sup>th</sup> day of August, in the year 2025, before me Caitlin Ross, 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: Caitlin Ross  
My Commission Expires: 5/7/2031

PRELIMINARY DEVELOPMENT PLAN / PRELIMINARY PLAT

**CLOUD NINE ESTATES**

PARCELS OF LAND BEING LOCATED IN THE SW 1/4 OF SW 1/4 OF SECTION 35, 1. S.W., R. 2W., AND NW 1/4 OF NW 1/4 OF SECTION 32, 1. S.W., R. 2W., 13M. CANYON COUNTY, IDAHO

JUNE 2025

- **BI NOMARKS**
- **BIOMARKS**

**DOI:** 10.1002/for

PRIMARY DEVELOPMENTAL TASKS

1. H. H. G. Oudejans, *Psychol. Sci.*, **1996**, *7*, 402-410.
2. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 411-418.
3. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 419-427.
4. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 428-435.
5. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 436-443.
6. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 444-451.
7. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 452-459.
8. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 460-467.
9. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 468-475.
10. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 476-483.
11. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 484-491.
12. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 492-499.
13. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 500-507.
14. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 508-515.
15. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 516-523.
16. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 524-531.
17. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 532-539.
18. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 540-547.
19. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 548-555.
20. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 556-563.
21. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 564-571.
22. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 572-579.
23. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 580-587.
24. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 588-595.
25. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 596-603.
26. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 604-611.
27. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 612-619.
28. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 620-627.
29. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 628-635.
30. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 636-643.
31. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 644-651.
32. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 652-659.
33. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 660-667.
34. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 668-675.
35. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 676-683.
36. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 684-691.
37. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 692-699.
38. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 700-707.
39. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 708-715.
40. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 716-723.
41. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 724-731.
42. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 732-739.
43. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 740-747.
44. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 748-755.
45. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 756-763.
46. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 764-771.
47. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 772-779.
48. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 780-787.
49. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 788-795.
50. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 796-803.
51. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 804-811.
52. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 812-819.
53. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 820-827.
54. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 828-835.
55. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 836-843.
56. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 844-851.
57. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 852-859.
58. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 860-867.
59. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 868-875.
60. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 876-883.
61. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 884-891.
62. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 892-899.
63. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 900-907.
64. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 908-915.
65. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 916-923.
66. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 924-931.
67. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 932-939.
68. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 940-947.
69. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 948-955.
70. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 956-963.
71. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 964-971.
72. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 972-979.
73. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 980-987.
74. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 988-995.
75. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 996-1003.
76. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 1004-1011.
77. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 1012-1019.
78. R. A. Proffitt, *Psychol. Sci.*, **1996**, *7*, 1020-1027.
79. R. A. Proffitt, *Psychol. Sci.*

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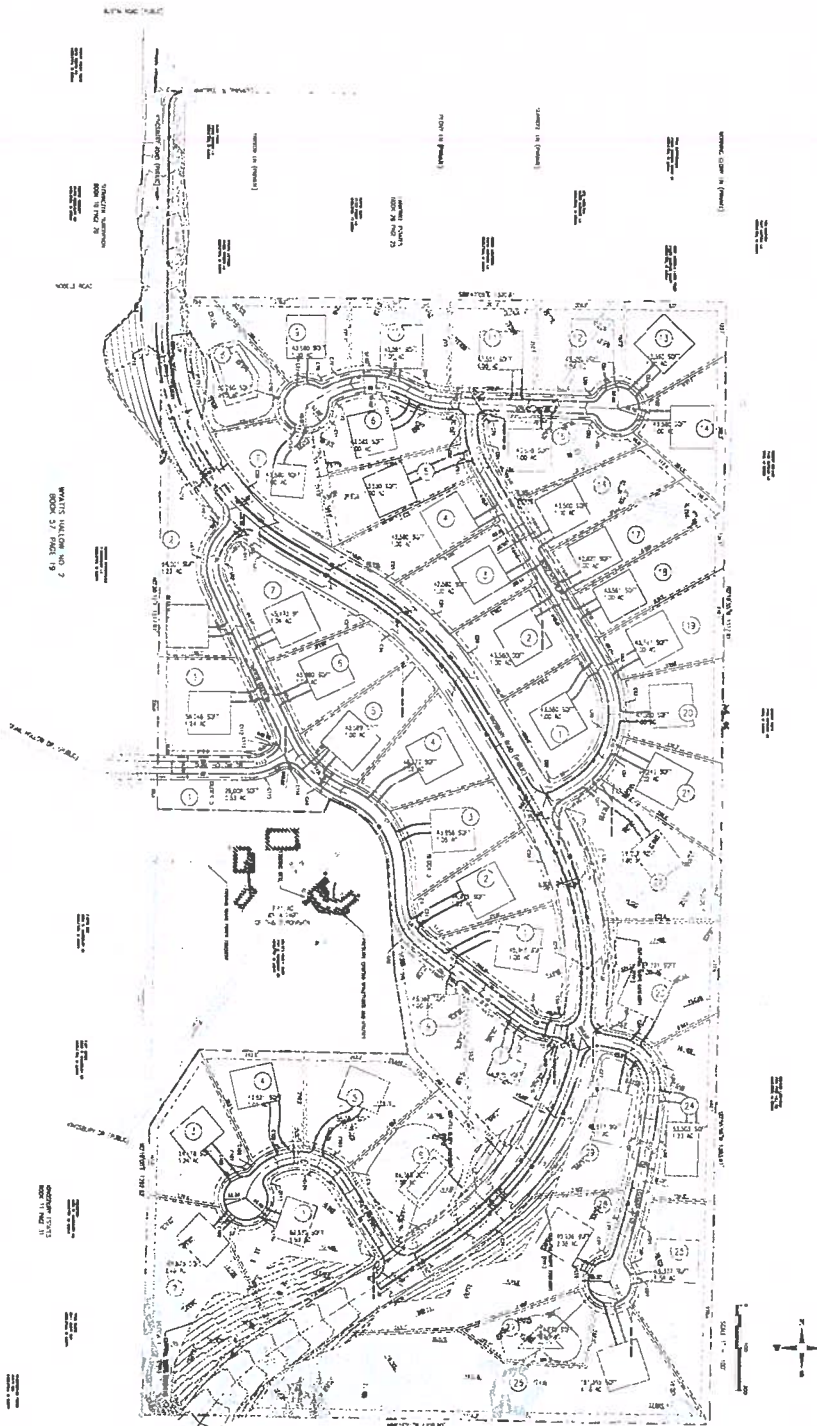
4000 Valley View Dr.  
 Suite 100  
 Dallas, TX 75244  
 (214) 343-1111  
 Fax: (214) 343-1112

To: Industrial  
 Group Energy  
 1400 T Street SE  
 Suite 400  
 Atlanta, GA 30316  
 Tel: 404 525 1812

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Final temperature	100	°C
Heating rate	10	°C/min
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Sample size	10 × 10 × 2	mm
Sample density	1.18	g/cm <sup>3</sup>
Sample thickness	2	mm
Sample width	10	mm
Sample length	10	mm
Sample shape	Rectangular	
Sample color	Black	
Sample texture	Smooth	
Sample surface	Polished	
Sample finish	Matte	
Sample material	Polycarbonate	
Sample grade	PC-100	
Sample origin	USA	
Sample manufacturer	General Electric	
Sample supplier	GE Plastics	
Sample distributor	GE Plastics	
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BEFORE DIGGING. CALL DIGLINE AT 1-800-342-1585

# PRELIMINARY PLAT FOR CLOUD NINE STAIRS

Group Order: Group 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 84

8412  
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COI DIMENSION  
PLAN VII: W

0.1.0

## Michelle Barron

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**From:** Chris Hopper <chopper@hwydistrict4.org>  
**Sent:** Tuesday, September 17, 2024 12:57 PM  
**To:** Michelle Barron  
**Cc:** Todd Lakey; nate.mitchell@ymail.com  
**Subject:** [External] CR2022-0003 Cloud Nine Estates  
**Attachments:** Kingsbury Rd- CU2022-0003 Cloud Nine Sub 9.17.24.pdf

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

Michelle-

Please see the attached comments from HD4 on the rezoned and prelim plat for Cloud Nine Estates. Please let me know if there are any questions.

Respectfully,

**Chris Hopper, P.E.**  
District Engineer



Highway District No. 4  
15435 Hwy 44  
Caldwell, Idaho 83607  
208-454-8135



September 17, 2024

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

LWD Development, Inc.  
c/o Borton-Lahey Law & Policy  
141 E. Carlton Avenue  
Meridian, Idaho 83642  
Attention: Todd Lahey, Representative

**RE: CR2022-0003 & SD2021-0059 Conditional Rezone and Preliminary Plat  
Cloud Nine Subdivision  
Parcels R37624 & R33827 aka O Kingsbury Rd**

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has received the agency notification for the above referenced Conditional Rezone and Preliminary Plat for Cloud Nine Subdivision, and offers the following comments on the matter:

### **General**

The subject property is located north of Foothill Rd along the east side of Kingsbury Rd (extended), and consists of approximately 73 acres. There is no public road access to the subject property:

- Kingsbury Rd to the south stops at Foothill Rd (300-ft from the subject property);
- Kingsbury Rd to the north stops at Lanktree Lane (460-ft from the subject property);
- Kingsbury Drive within Kingsbury Estates Subdivision to the west stops at the culdesac (260-ft from the subject property).

### **Background**

1. 2019 initial inquiries for development of property. No existing public access. Two public right-of-ways extend to the property:
  - Kingsbury Rd from the north via unimproved right-of-way through Slovianek Subdivision and Lanktree Estates Subdivision; and
  - Kingsbury Drive from the west via an unimproved right-of-way through Kingsbury Estates Subdivision.
2. July 2019 received reclassification application to open Kingsbury Rd south of Lanktree Lane to serve the property.
3. August 2019 initial reclassification hearing. HD4 board requests additional info on grading and adjacent property impacts
4. May 2021 2<sup>nd</sup> reclassification hearing. HD4 board considers 6 alternative alignments for Kingsbury Rd extension between Lanktree Lane and Foothill Rd. Recommends continued evaluation of two alternatives with 45 mph design speed and 8% maximum grade.
5. Dec 2023 3<sup>rd</sup> reclassification hearing. HD4 board approves reclassification of existing Kingsbury Rd right-of-way south of Lanktree Lane to Open Public Right-of-Way (Subject to Construction), subject to conditions:



- a. Applicants provide engineering plan for improvements to the right-of-way needed to serve the development within 12 months (by Jan 18, 2025).
- b. Applicants obtain permit from HD4 prior to construction
- c. Applicant to construct road improvements at their expense.
- d. Road improvements are intended for acceptance and maintenance by the District.
- e. Provide reasonable (> 60 days) notice to adjoining or adjacent property owners to remove personal property from existing right-of-way prior to construction.

### **Preliminary Plat**

The HD4 Board approved a preliminary plat for Cloud Nine Estates Subdivision dated October 4, 2023 at their December 6, 2023 meeting, subject to the following conditions:

- a. Construct Kingsbury Rd from existing Lanktree Lane into and through the development as a two-lane paved rural road. Provide grading and right-of-way to accommodate future 5-lane section as shown. Roadway to have a 45 mph design speed and 8% maximum grade.
- b. Determine details of southerly terminus of Kingsbury Rd during plan review to address details involving drainage and grading near the southerly property boundary.
- c. Construct internal public road improvements to meet ACCHD Standard Drawing SD-101 for a low-volume local road.
- d. Internal local road horizontal curves to have a minimum centerline radius of 200-feet to meet a 25 mph design speed.
- e. Provide slope easements for roadway cut/fill slopes that catch outside of the right-of-way.

### **Transportation Impacts**

Transportation impacts from the proposed 44-lot residential subdivision do not meet the threshold of 500 new trips/day or 50 peak hour trips which would require a traffic impact study. Impacts to the highway system caused by new vehicle trips from the development will be mitigated by dedication of public right-of-way, construction of public road improvements, transportation impact fees, or a combination of these means.

HD4 does not oppose the development request, but asks the Commission to include all conditions cited above in approval of this conditional rezone and preliminary plat.

Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.  
District Engineer

File: Kingsbury Rd- Cloud Nine Subdivision



# Middleton Star Fire Districts

Headquarters • 11665 W. State St., Suite B • Star, ID 83669 • (208) 286-7772 • [www.midstarfire.org](http://www.midstarfire.org)

DATE: September 9, 2024

TO: Canyon County Development Services  
Planning and Zoning

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Comment

PROJECT: Cloud Nine Estates  
Canyon County File: SD2022-0011 & CR2022-0003

The Middleton Rural Fire District and Star Fire Protection District has reviewed the documents found on the Canyon County website and plans provided by the applicant. Review comments are outlined below.

This application is for a subdivision with 44 single-family residential lots with a minimum lot size of 1-1.5 acres in size.

This development follows within the boundaries of the Middleton Rural Fire District and Star Fire Protection District. The north south boundary of the fire district is Willis Rd.

This development will be serviced by Station 52 located at 23585 Kingsbury Rd. Middleton, ID 83644. Station 52 is 1.1 miles from the development entrance at Foothill Rd with an estimated 2-minute travel time under normal driving conditions.

The Fire District(s) does not oppose the application subject to compliance with all the following code requirements and conditions of approval.

## CONDITIONS OF APPROVAL:

### 1. Water Supply

- a. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105)
  - i. The minimum fire-flow and flow duration for this development is 1,500 GPM for 2 hrs.
  - ii. This subdivision is not serviced by a municipal water system and is proposing individual wells. If sufficient fire flow cannot be provided, an alternative such as automatic residential fire sprinkler system would be considered as an equivalent.
  - iii. The applicant shall notify the fire department in writing with the water supply choice.
  - iv. The final water supply shall be noted on final plat.

### 2. Fire Apparatus Access

- a. The Fire District supports the proposed connection of Kingsbury Rd. The Kingsbury Rd improvements will enhance the safety of our community.
- b. The purposed main access roads meet the intent of the code for access and turnaround for the main development access for a subdivision with over 30 lots.
- c. Additional requirements for access to each individual lot listed in note #3.





# Middleton Star Fire Districts

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## 3. Fire Apparatus Access for each individual lot shall follow:

- i. All the lots are large enough to accommodate a structure beyond the distance. An approved 20' wide driveway shall be provided within 150ft of the far point of any residential structure.
- ii. Fire apparatus access roads shall extend to within 150ft of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
- iii. Dead-end fire apparatus access roads exceeding 150 ft in length shall be provided with an approved area for turning a fire apparatus. (IFC 503.2.5)
- iv. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 ft. (IFC 503.2.4)
- v. 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. (IFC D102.1)
- vi. Fire apparatus access roads shall not exceed 10 percent in grade (IFC D103.2)

## 4. Additional Comments

- a. Fire District Review and Permit will be required for each lot before the building permit is issued by Canyon County.
- b. It shall be the responsibility of the applicant to provide Canyon County Development Services with a copy of this letter.
- c. Any overlooked hazardous condition and/or violation of the International Building and/or Fire Code does not imply approval of such condition or violation.