



**BOARD OF CANYON COUNTY COMMISSIONERS**  
**STAFF REPORT ADDENDUM**  
**Preliminary Plat: SD2022-0024**

**HEARING DATE:** September 18, 2024

**OWNER:** Joe Rumsey

**APPLICANT/REP:** Joe Rumsey  
TJ Wellard, PLS

**PLANNER:** Deb Root, Principal Planner

**CASE NUMBER:** SD2022-0024

**LOCATION:** R37877011B



**EXECUTIVE SUMMARY:**

**SD2022-0024:** The applicant, Joe Rumsey, is requesting approval of a preliminary plat, irrigation and drainage plan for Hornet Cove Subdivision, a seven (7) residential lot development with an average lot size of 2.08 acres. The 16.19 acres, R37877011B, is zoned “RR” (Rural Residential) and is located on Monarch Road, 200 feet south of the intersection of Swallowtail and Monarch Roads, Middleton, Idaho, and is a portion of Section 07-5N-3W SW B.M; Canyon County, Idaho.

The Planning and Zoning Commission heard this case on October 19, 2023 and forwarded it to the Board of County Commissioners with a recommendation of approval as conditioned. The applicant worked with Black Canyon Irrigation District to accurately locate the District’s buried irrigation facility and easement on the property. The proposed revised preliminary plat dated 3-11-24 reflects the easement location. BCID provided an updated review letter on July 19, 2024 for the revised plat (see Exhibit I).

The preliminary plat, irrigation and drainage plans (Exhibit B) are in substantial compliance with subdivision code §07-17-09 as conditioned. Specific drainage concerns at the southwest corner of the property to be addressed during the construction drawing phase of development prior to approval of the Final Plat (Exhibit J). The Planning and Zoning Commission expressed concerns regarding fire suppression and response times as Middleton Fire District had not reviewed the preliminary plat. Middleton Fire reviewed the proposed plat February 21, 2024 and provided proposed conditions for the development (see Exhibit G). On February 22, 2024 the applicant provided a written response to the Middleton Fire District indicating that each home will be required to install an NFPA-13-D fire suppression system and that the roads and driveways will meet the requirements of the fire district (Exhibit H). Staff has not received any public comments nor any additional agency comments regarding the proposed development plans for Hornet Cove Subdivision.

The developer continues to have concerns regarding the requirement to pave the proposed private road. The property was approved for a straight rezone to rural residential through application RZ2020-0007. Each lot, if approved, is eligible for a secondary residence in compliance with county codes providing for the potential of fourteen (14) residential dwellings to be constructed within the seven-lot

development. Currently, proposed Condition #9 requires that the developer pave the private road, Yellow Jacket Lane, to the minimum standards required by §07-10-03(3)A. As an alternative to Condition #9, the Board may consider restricting the residential development to one single-family residential unit on each parcel either through a final plat note on the face of the final plat or through specific deed restrictions. Alternatively, proposed Condition #9 could be removed or revised to require paving when the development exceeds 100 ADT (at the time the 11<sup>th</sup> residence is applied for). The homeowners' association or the individual lot owner would likely bear the burden of cost to bring the road into compliance with the zoning code at the time of development of that 11<sup>th</sup> unit. Staff also notes that in Exhibit G, Middleton Fire District indicates in proposed condition 3.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).”*

#### **COMMENTS:**

- Public:
  - No public comments were received prior to the Staff Report.
- Agencies:
  - Keller Associates – Engineering Review (3-31-23)– PZ Staff Report Exhibit 4
  - Southwest District Health – PZ Staff Report Exhibit 5
  - Notus Parma Highway District– PZ Staff Report Exhibits 11&12
  - Black Canyon Irrigation District – PZ Staff Report Exhibits 6 & 7
  - Middleton Fire District 2-21-24 – BOCC Addendum Exhibit G&H
  - Black Canyon Irrigation District – BOCC Addendum Exhibit I
  - County Engineer review email dated 4-5-23 and all Keller engineering reviews --BOCC Addendum Exhibit J

#### **DECISION OPTIONS:**

- The Board may **approve** the Preliminary Plat, irrigation and drainage plans as conditioned and/or as amended;
- The Board may **deny** the Preliminary Plat, irrigation and drainage plans and direct staff to provide findings that support the decision; or
- The Board may **continue the discussion** and request additional information on specific items.

#### **EXHIBITS:**

- Exhibit A: DRAFT BOCC FCOS
- Exhibit B: Hornet Cove Preliminary Plat, Irrigation & Drainage REV 3-11-24
- Exhibit C: PZ Recommended Findings, Conclusions and Order
- Exhibit D: PZ October 19, 2024 meeting minutes
- Exhibit E: Revised Applicant Letter of Intent dated 11-12-2023
- Exhibit F: Applicant Deed Restriction (inst. #2023-037216) dated 11-20-2023
- Exhibit G: Middleton Fire District PP review dated 2-21-2024
- Exhibit H: Applicant response 2-22-24 to Middleton Fire District PP review
- Exhibit I: BCID revised agency review dated July 19, 2024
- Exhibit J: Canyon County Engineer and contract engineering reviews
- Exhibit K: PZ STAFF REPORT and Exhibits inclusive of late exhibits 17-20 presented at hearing
- Exhibit 1: Parcel Tool

- Exhibit 2: Draft FCOs
- Exhibit 3: Hornet Cove Preliminary Plat
- Exhibit 4: Keller Associates – County Engineer Plat approval letter w/conditions
- Exhibit 5: SWDH
- Exhibit 6: Black Canyon Irrigation District (BCID) Initial response
- Exhibit 7: BCID lateral easement comments to staff
- Exhibit 8: Bureau of Reclamation Crossing Agreement for north crossing of lateral
- Exhibit 9: Applicant Irrigation Plan
- Exhibit 10: Yellow Jacket Lane
- Exhibit 11: Notus Parma Highway District review
- Exhibit 12: Storm Drainage proposed
- Exhibit 13: Small Ortho Aerial
- Exhibit 14: Slope % Hornet Cove
- Exhibit 15: Middleton Rural Fire rezone comments
- Exhibit 16: Rumsey letter
- Exhibit 17: Revised PP digital Irrigation dated 10-17-23
- Exhibit 17a: Revised PP digital Irrigation 10-17-23
- Exhibit 18: Comprehensive Irrigation Plan 10-16-23
- Exhibit 19: Irrigation Plan and drainage diagram 10-16-23
- Exhibit 20: Applicant well and septic plan 10-13-23
- Exhibit 21: Planning and Zoning Staff Presentation 10-19-23



**DRAFT 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).

### **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)

Upon review of the preliminary plat, the Board of County Commissioners find that the plat is consistent with the following subject to conditions of approval:

- 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).

The preliminary plat was found to be consistent with the standards of review as conditioned (Exhibit 3).

### **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.
  - a. Prior to installation of improvements, a construction, irrigation and drainage plan must be reviewed and approved by the county engineer.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modification shall be approved in writing by Black Canyon Irrigation District and Bureau of Reclamation. The development shall comply with Black Canyon Irrigation District requirements (Exhibit I dated 7-19-24). Evidence of approval shall be a letter from Black Canyon Irrigation District. Evidence shall be submitted prior to final plat approval by the Board of County Commissioners.
3. A crossing agreement with the Bureau of Reclamation for the crossing of the CGE 1.1-4.3-0.2 irrigation lateral that traverses the access frontage of Lot 5, Block 1, Hornet Cove Subdivision must be provided to Development Services prior to the BOCC signing the final plat.
4. Finish grades at subdivision boundaries shall match existing finish grades. Storm water runoff shall be maintained on the subject property (Exhibit 4).
5. The development shall comply with Southwest District Health requirements (Exhibit 5)
6. The development shall comply with Middleton Rural Fire District requirements (Exhibit G dated 2-21-24 or as amended by fire district). Evidence of approval shall be a letter from Middleton Rural Fire District. Evidence shall be submitted prior to final plat approval.
7. The development shall comply with requirements of the Notus-Parma Highway District as evidenced by signature on final plat mylar for highway district prior to final approval by the Board of County Commissioners.
8. The applicant shall clearly delineate the boundaries of the no-build area where slopes exceeding 15% on the preliminary and final plat. No structures shall be allowed within the no-build area.
9. The developer shall pave the private road, Yellow Jacket Lane, to the minimum standards required by 07-10-03(3)A. Table 1. The development as proposed in the rural residential zone is entitled to a primary and secondary residence per development lot equating to fourteen (14) residential units estimated to serve more than 100 ADT.
10. In accordance with irrigation plan requirements the developer shall provide a scalable irrigation plan that details delivery method, location, and easements for the proposed irrigation system.
11. Each lot access shall not disrupt the proposed open irrigation ditch delivery and waste system. Culverts shall be appropriately sized and installed not to affect downstream water users.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0024, the Board of County Commissioners **APPROVE** the Preliminary Plat, irrigation, and drainage plans for Hornet Cove Subdivision subject to the Conditions of Approval as enumerated herein.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

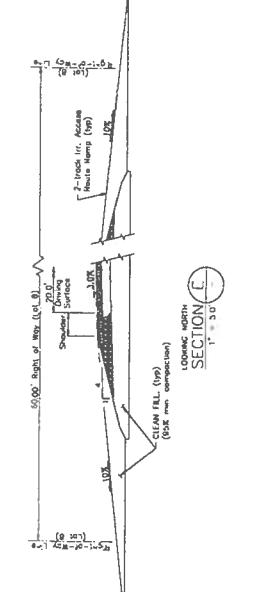
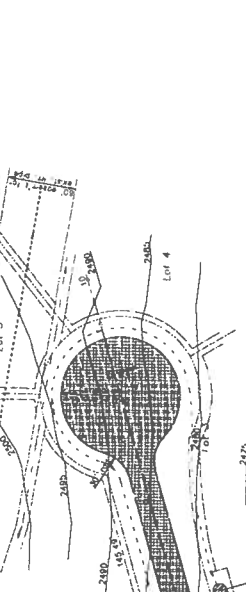
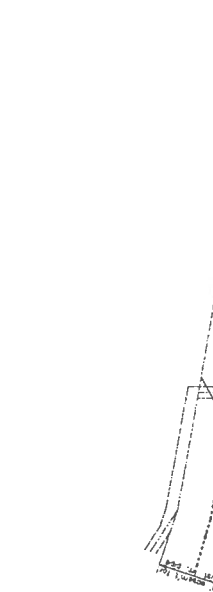
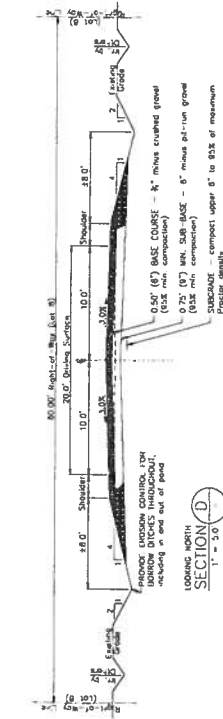
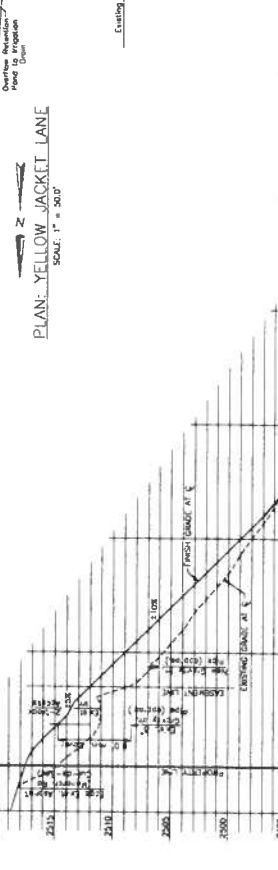
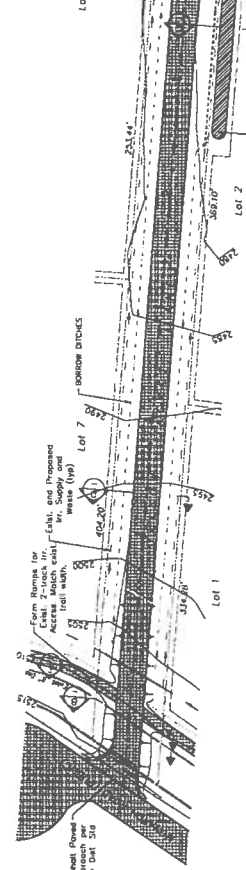
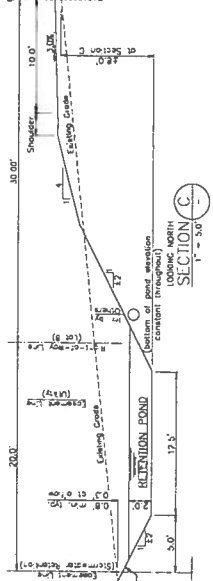
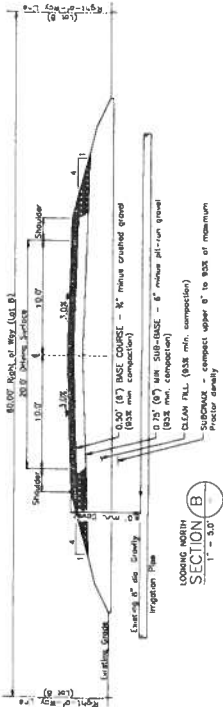
	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Rick Hogaboam, Clerk

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

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





NO.	BY	DATE	DESCRIPTION
1	RWCC	11/14/2024	Revised C-de-5 location and tr. 7 track center
2	RWCC	08/02/2024	Issue for COUNTY REVIEW (Revised 10/01/2023)
3	RWCC	05/02/2024	Issue for COUNTY REVIEW

**GENERAL NOTES:**

- The location of existing underground utilities shall be shown on an as-built plan. The Contractor shall determine the exact location of all existing underground utilities. A CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES.
- The Contractor shall verify the existing conditions and any discrepancy shall be brought to the immediate attention of the Engineer. Contact the Engineer at 208 455 3117 (local line).

**PROJECT NOTES:**

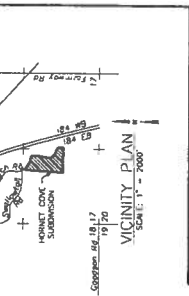
- The Contractor shall work with the City Engineer to locate:
  - the absolute width to provide a 20 ft. wide, stable, shoulder on each side of the road;
  - the location of each of the base courses and the possible location of easements or encroachments, with the view to the location of the proposed road;
  - the location of the proposed road;
  - the location of the proposed road;
  - the location of the proposed road;
- Three points are to be located for installation of the road centerline:
  - at the intersection of the proposed road with the existing road;
  - at the intersection of the proposed road with the existing road;
  - at the intersection of the proposed road with the existing road;
- Highly detailed details of the road and base courses shall be provided to the City Engineer. The Contractor shall be responsible for the construction and structure as directed by the Engineer. Even though the road is to be constructed on a 100-foot wide right-of-way, the existing pavement of Monarch Rd. shall be maintained in its existing condition. The longitudinal grades shown on the plans are to be maintained.
- The Contractor shall be responsible for the construction of the road and shall be responsible for the construction of the road and shall be responsible for the construction of the road.
- Provide MONARCH ROAD (Green) and YELLOW JACKET LANE (Yellow) as shown on the plans and as directed by the Engineer.

**GENERAL NOTES:**

- The Contractor shall work with the City Engineer to locate:
  - the absolute width to provide a 20 ft. wide, stable, shoulder on each side of the road;
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**DEVELOPER:**  
JOE RUMSEY  
75 So. Kings Rd.  
MADRID, ID, 83407  
208 880 9110

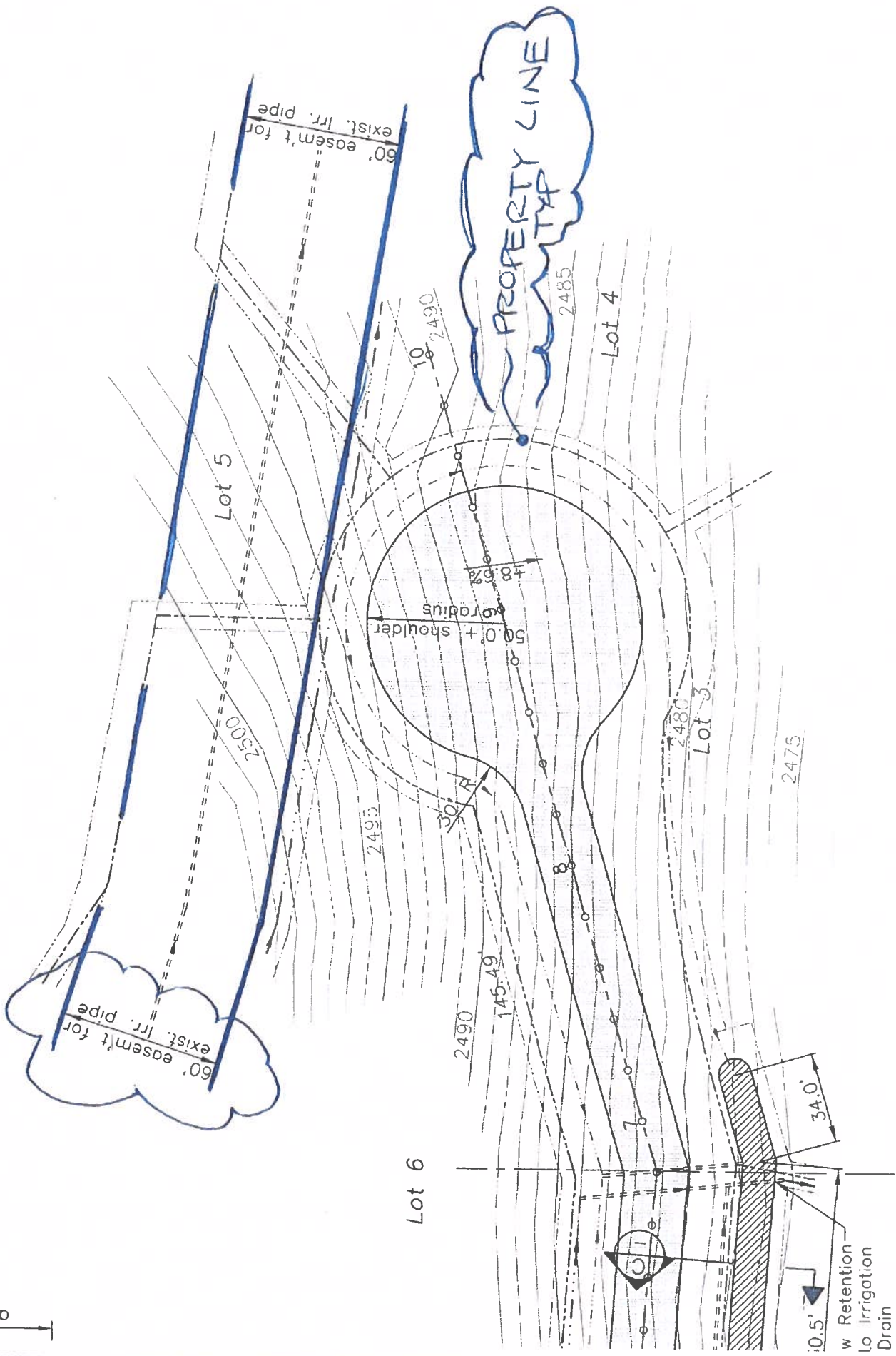
**ENGINEER:**  
Skinner  
Land Survey  
Professional Surveyors, P.C.  
1742 Sand Hollow Rd., Suite 100  
Caldwell, Idaho, 83407  
www.skinnerlandsurvey.com

**PROJECT:**  
HORNET COVE SUBDIVISION  
south end Monarch Rd, CALDWELL, ID

**CONSTRUCTION DRAWING OF PRIVATE ROAD**

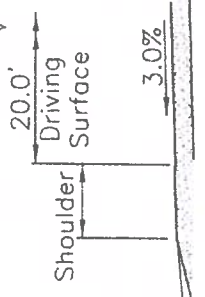
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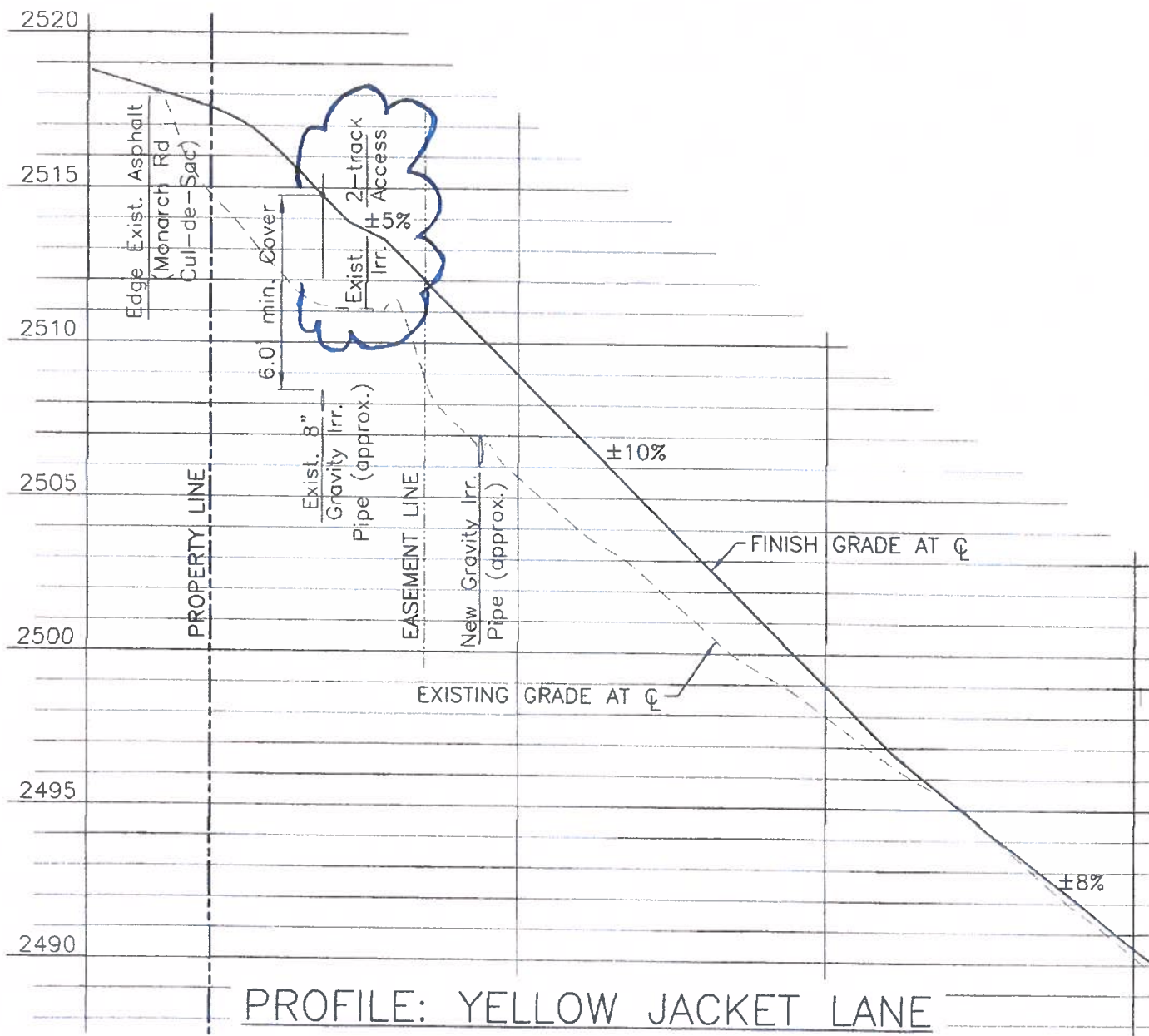
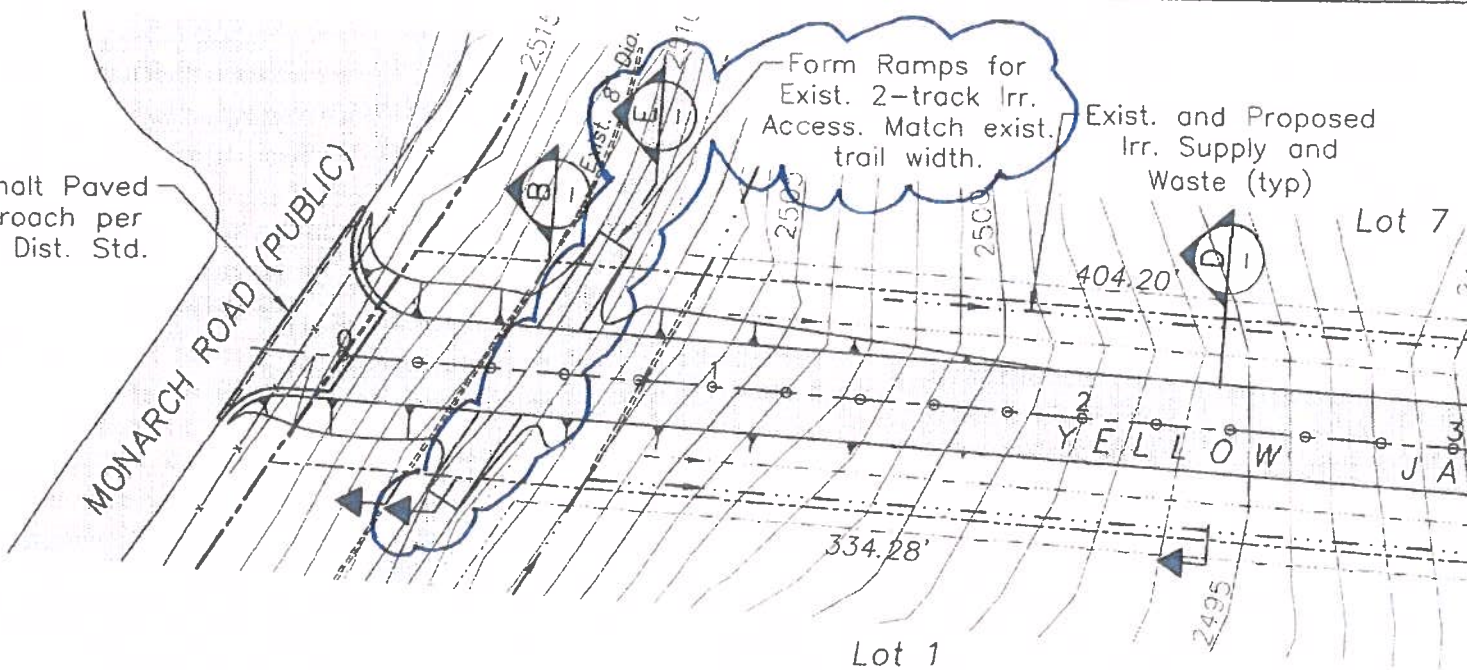
ght-of-Way Line (Lot 8)

60.00' Right of Way (Lot 8)



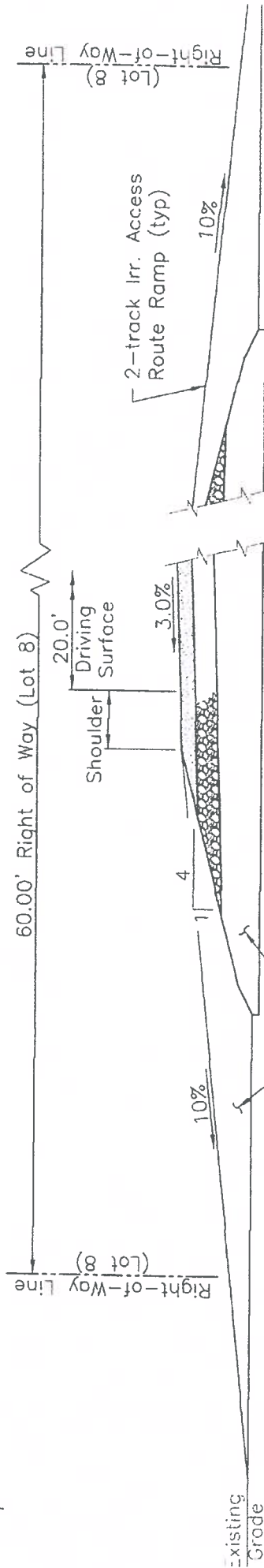
2-track Irr. Access Route Ramp (typ)

Asphalt Paved Approach per Hwy Dist. Std.



PROJECT NOTES:

3. The Developer shall work with the Contractor to finalize:
  - a. the shoulder width to provide a 20 ft wide, stable, compacted driving surface; and...
  - b. the thickness of each of the base courses and the possible addition of geotextiles or geogrids, with the view to providing the most economical, durable pavement; and...
  - c. the cross-slope of the cut-de-sac and
  - d. the 2-track irrigation access crossing near the north end of Yellow Jacket Lane, and ensure construction meets the Irrigation District's approval.



LOOKING NORTH  
SECTION E  
1" = 5.0'



**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.
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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 1, 2020. Newspaper notice was completed on July 22, 2020. Property owners within 300’ were notified by mail on July 15, 2020. The property was posted on or before July 28, 2020.

**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:*

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- 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 consistent with the following subject to conditions of approval:

- 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).

The preliminary plat was found to be consistent with the standards of review as conditioned (Exhibit 3).

### **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.
  - a. Prior to installation of improvements, a construction, irrigation and drainage plan must be reviewed and approved by the County engineer.
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7. The development shall comply with requirements of the Notus-Parma Highway District.
8. The applicant shall clearly delineate the boundaries of the no-build area where slopes exceeding 15% on the preliminary and final plat. No structures shall be allowed within the no-build area.
9. The developer shall pave the private road, Yellow Jacket Lane, to the minimum standards required by 07-10-03(3)A. Table 1. The development as proposed in the rural residential zone is entitled to a primary and secondary residence per development lot equating to fourteen (14) residential units estimated to serve more than 100 ADT.
10. In accordance with irrigation plan requirements the developer shall provide a scalable irrigation plan that details delivery method, location, and easements for the proposed irrigation system.

11. Each lot access shall not disrupt the proposed open irrigation ditch delivery and waste system. Separate culverts shall be appropriately sized and installed not to affect downstream water users. A culvert for roadside swale stormwater drainage/conveyance shall be installed for each residential lot. A separate culvert for the irrigation supply and/or waste water conveyance shall be installed for each residential lot. The crossings and culverts must meet fire district standards for access to each residential lot.
12. A road users' maintenance agreement shall be crafted and provided to Development Services staff for review and approval and then recorded by the developer prior to the Board of County Commissioners signing the final plat.
13. A water users' maintenance agreement shall be crafted and provided to Development Services staff for review and approval and must be recorded by the developer prior to the Board of County Commissioners signing the final plat. Method of delivery and operation must comply with the requirements of Black Canyon Irrigation District.
14. The developer shall establish a home owners' association to own and maintain Lot 8, Block 1 and any other common ownership properties within the Hornet Cove Subdivision.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0024, the Planning & Zoning Commission **recommends approval** of the Preliminary Plat, irrigation and drainage plans for Hornet Cove Subdivision to the Board of County Commissioners subject to the Conditions of Approval as enumerated herein.

**RECOMMENDED FOR APPROVAL** on this 19 day of October, 2023.

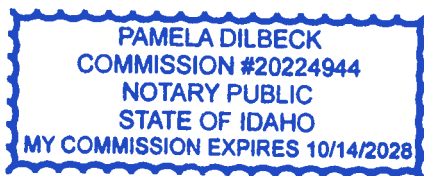
**PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO**

  
Robert Sturgill, Chairman

State of Idaho )  
SS

County of Canyon County )

On this 19<sup>th</sup> day of October, in the year 2023, before me Pamela Dilbeck, 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: Pamela Dilbeck  
My Commission Expires: 10/14/2028

*Rumsey*



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, October 19, 2023  
6:30 P.M.

---

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, Commissioner  
Miguel Villafana, Commissioner  
Geoff Mathews, Commissioner

Arrived and joined the meeting at 7:20 pm:

Matt Dorsey, Commissioner  
Patrick Williamson, Commissioner

Staff Members Present: Dan Lister, Principal Planner  
Debbie Root, Planner  
Amber Lewter, Hearing Specialist  
Jennifer Almeida, Office Manager

Chairman Robert Sturgill called the meeting to order at 6:32 p.m.

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

**Item 1A:**

**Case No. CU2023-0006- Babcock / Cope Sand and Gravel.** - Approval of revised FCO's.

**MOTION:** Due to a technical error and audio equipment failure, no audio was recorded for this case. The signed FCO's were approved and are available on record for case CU2023-0006 Babcock / Cope Sand and Gravel.

**Item 1B:**

**Case No. OR2022-0005 & CR2022-0001- Margaret Person / Steve Law-** Margaret Person, being represented by Steve Law, is requesting a (1) Comprehensive Plan Map Amendment to amend the future land use designation of approximately 10.66 acres from "agriculture" to "residential, (2) Conditional Rezone of approximately 10.66 acres from an "A" (Agricultural) zone to an "CR-R-1" (Conditional Rezone - Single-Family Residential) zone, and (3) a Development Agreement limited future development to seven buildable lots, a 1.3 acre average lot size. The subject property, R36963020 is located at 28753 Peckham Rd, Wilder, in the NW ¼ of Section 20, T4N, R5W, BM, Canyon County, Idaho.

Planner Dan Lister reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

EXHIBIT  
D

SCANNED

**Testimony:**

**STEVE LAW – Applicant (Representative) – IN FAVOR – 28753 Peckham Rd, Wilder, ID**

Mr. Law stated that the land does not have any current irrigation or water rights. Mr. Law feels that the land is a sandy hill and nothing will ever change unless his plan moves forward. Mr. Law addressed in regard to the area impact for growth, Mr. Law is aware of two other projects below his property, down by the river, that are currently going through the same process. Mr. Law explained that this is his second round going through this process, originally in 2005 – 2008 but the economy shut him down when he was on the final plat. Mr. Law wants to see the project move forward, he wants to live there himself and hopes to retire there.

Commissioner Nevill explained that staff recommended denial but did list a recommendation to get approval, the recommendation is to apply for a conditional rezone with a development agreement, agreeing to three lots. Commissioner Nevill asked Mr. Law how he felt about doing three 2-acre size lots. Mr. Law explained that it isn't feasible financially for him to proceed in the direction staff is recommending. Commissioner Nevill clarified the location of the access point for the property. Commissioner Nevill asked if the plan has another access point, Commissioner Nevill explained he is asking because the fire department normally likes to have two access points. Mr. Law stated there is not a plan for more than the one access point and that there isn't a capability either, due to a 7% incline that would be too steep for fire trucks. Commissioner Nevill asked Mr. Law if he saw the Fire District exhibit stating the Hammer Head is not acceptable and they would like a Cul-De-Sac. Mr. Law stated that he is fine doing a Cul-De-Sac and one is feasible.

Chairman Sturgill asked if Mr. Law were to do a Cul-De-Sac if it would reduce the lot size any further. Mr. Law stated that it would not.

Commissioner Sheets asked what the land is currently being used for. Mr. Law explained that the lot is not currently being used for anything, at the moment nothing is on the lot but weeds. Commissioner Sheets clarified with Mr. Law that the property doesn't have water rights and has never had water rights. Commissioner Sheets asked how Mr. Law plans on getting water to the properties. Mr. Law stated that it would be wells. Commissioner Sheets asked for clarification on the wells, if they will be individual wells used for domestic expanded use or limiting it to .5-acre irrigation ability. Mr. Law stated he is trying to keep the vegetation down only the lawns would need to be irrigated. Mr. Law stated that in the area there is existing wells.

**BOB ARNOLD – IN FAVOR – 14355 Battenberg, Boise, ID**

Mr. Arnold introduced himself as the Geotech of Record. Mr. Arnold made himself available for questions regarding soil or Geotech concerns.

**MOTION:** Commissioner Nevill moved to close public testimony on Case OR2022-0005 & CR2022-0001 seconded by Commissioner Sheets. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Sheets stated while looking at the Comprehensive Plan he agrees with the staff's findings and based on the staff report and the findings found during testimony the plan is not in favor of the comprehensive plan as well as not in character of the area. Commissioner Sheets would not be in favor for OR2022-0005. Commissioner Sheets moves for recommendation of denial. Seconded by Commissioner Nevill.

Commissioner Nevill stated important testimony came from staff by supporting their findings. For example, it is 2-miles from the nearest similar zone, knowing that transportation upgrade is not planned in the area and with the size of the lots being predominantly 5-6 acre lots. Commissioner Nevill pointed out that staff did give the recommendation for larger lots to get approval.

**MOTION:** Commissioner Sheets moved to deny Case OR2022-0005 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Nevill.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**MOTION:** Commissioner Sheets moved to deny Case CR2022-0001 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Mathews.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**Item 2A:**

**Case No. DA2023-0002- Dave & Cami Larsen and Terry Richards** – The applicants, Dave & Cami Larsen and Terry Richards, are requesting a development agreement modification to terminate development agreement #22-031 and revert the zoning from a “CR-R-1” (Conditional Rezone – Single Family Residential) zone to an “A” (Agricultural) zone. The request affects Parcels R37619010, R37619010A and R37619010B, approximately 31.89 acres. The property is located at 8771 Purple Sage Road. Middleton, also referenced as a portion of the NW¼ quarter of Section 34, T5W, R2W, BM, Canyon County, Idaho.

**Planner Debbie Root** reviewed the Staff report for the record.

Commissioner Sheets asked if any ground breaking has taken place, ground structures put in, or hard construction initiated that would make it less applicable to an agricultural zone. Planner Debbie Root explained the preliminary plat was not approved, the road construction hasn’t been started, and the crossing agreements needed significant upgrading for irrigation which has not been completed. Planner Debbie Root stated the only things that has been done are a road lot size reduction from 60 to 50 for the long lane that comes into the property and believes some removal of buildings, Planner Debbie root recommends verifying with the applicant. Commissioner Sheets asked if utility installation or significant infrastructure change has been made on the property. Planner Debbie Root informed that to her knowledge no utility installation or significant infrastructure change has occurred on the property.

**Testimony:**

**DAVE LARSEN – Applicant (Representative) – IN FAVOR – 24551 Benhaven Ln, Middleton, ID**

Mr. Larsen explained that Jerry was a great friend and they bought and bundled the property together but unfortunately Jerry had an accident in April 2023. Mr. Larsen wants Jerry’s wife and kids to be able to get out of the debt and move forward with their lives. Mr. Larsen states he is trying to do what is right for them and unbundle the properties so Jerry’s wife can sell her portion to move forward. Nothing has been done to the property other than taking out a manufactured home that was in bad condition as well as testing was completed for a new septic.

Commissioner Sheets asked Mr. Larsen what his plans are with the property due to the other party

wanting to sell. Mr. Larsen stated he is staying. Commissioner Sheets asked if Mr. Larsen is wanting to partner with anyone else to move forward with the development. Mr. Larsen explained that he is not wanting to move forward with developing. Commissioner Sheets clarified with Mr. Larsen that the request is to unbundle the property and rezone back to Agriculture. Mr. Larsen confirmed and stated there is no opposition from the neighbors.

**MOTION:** Commissioner Nevill moved to close public testimony on Case DA2023-0002 seconded by Commissioner Mathews. Voice vote, motion carried.

Planner Debbie Root clarified once the property is reverted back to AG the property owners may come back through and request to change the zone.

**DELIBERATION:**

Chairman Sturgill inquired if this case is an action for Planning and Zoning or will go forward to the Board of Canyon County Commissioners. Planner Debbie Root advised this case will go in front of the Board of Canyon County Commissioners.

**MOTION:** Commissioner Nevill moved to approve Case OR2023-0002 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Mathews.

Commissioner Sheets encouraged others to come forth if circumstances change and things aren't working for them.

Roll call vote: 5 in favor 0 opposed, motion passed.

**Commissioner Dorsey and Commissioner Williamson sworn in at 7:20 pm**

**Item 2B:**

**Case No. VAC2023-0002 – Emil Michael Siron** – The applicant, Emil Michael Siron, represented by Justin Smith of Sundown Woodwork, is requesting a plat vacation to remove a fifteen (15') access easement located on the east boundary of Parcel R37629103 (approx. 2.15 acres). The subject property is located at 24731 Blessinger Road, Star within Sage Canyon Estates Subdivision (Lot 4, Block 1), also referenced as a portion of the NW¼ of Section 36, T5N, R2W, BM, Canyon County, Idaho.

**Planner Debbie Root** reviewed the Staff report for the record.

Commissioner Sheets requested explanation on who the access benefits. Planner Debbie Root explained at the time of the development the Highway District required some shared access easement on certain lots. Planner Debbie Root stated that the Highway District provided access at a different location so the easement is not being used for the purpose intended. Commissioner Sheets asked if there is an easement document. Debbie Root confirmed that there is not and it is a platted easement reflected on the plat.

Commissioner Nevill had concerns regarding Idaho Power Transformer boxes. Planner Debbie Root advised there are a number of Idaho Power Transformer boxes for joint or shared use between the property owners and that the structure the applicant is trying to build still has to meet the setbacks and cannot build within five-foot easement of the transformer box.

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

**Testimony:**

**JUSTIN SMITH – Applicant (Representative) – IN FAVOR – 24735 Blessinger Rd, Star, ID**

Mr. Smith explained the access isn't being utilized and the power box is off site some. Mr. Smith stated everything he wanted to address staff has already stated.

Chairman Sturgill wanted clarification that the shop is going to be used for personal or business. Mr. Smith stated it is a personal shop. Chairman Sturgill inquired where Mr. Smith's business operates. Mr. Smith advised he works on site at the different locations.

**STEVE BURTON – IN FAVOR – 6915 Canyon Bird Ct, Star, ID**

Mr. Burton introduced himself as part of the architectural committee. Mr. Burton stood for any questions.

**MOTION:** Commissioner Williamson moved to close public testimony on Case VAC2023-0002 seconded by Commissioner Sheets. Voice vote, motion carried.

**DELIBERATION:**

**MOTION:** Commissioner Sheets moved to approve Case VAC2023-0002 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Mathews.

Roll call vote: 7 in favor 0 opposed, motion passed.

**Item 2C:**

**Case No. SD2022-0024- Joe Rumsey / Hornet Cove Subdivision**– 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 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 7-5N-3W SW B.M; Canyon County, Idaho.

Due to a technical error and audio equipment failure, no audio was recorded for this case. The P&Z Commission is a recommending body to the Board of County Commissioners on this SD2022-0024 Joe Rumsey / Hornet Cove Subdivision and there will be another public hearing held by the Board of County Commissioners where the final decision is made.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Nevill moved to approve the minutes from 9/7/2023, seconded by Commissioner Dorsey. Voice vote, motion carried.

**Due to a technical error and audio equipment failure, no audio was recorded for this case. The motion was recorded on paper by Hearing Specialist Amber Lewter.**

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

**ADJOURNMENT:**

**MOTION:** Commissioner Sheets moved to adjourn, seconded by Commissioner Mathews. Voice vote motion carried. Hearing adjourned at 9:21pm.

Due to a technical error and audio equipment failure, no audio was recorded for this case. The motion was recorded on paper by Hearing Specialist Amber Lewter.

Approved this 21<sup>st</sup> day of December, 2023



Brian Sheets, Vice Chairman

ATTEST



Amber Lewter, Hearing Specialist

## Debbie Root

---

**From:** Joe Rumsey <vetflyr@yahoo.com>  
**Sent:** Sunday, November 12, 2023 9:59 AM  
**To:** Debbie Root  
**Subject:** [External] Fw: Revised letter of intent Hornet Cove Subdivision  
**Attachments:** Revised Letter of Intent\_Hornet Cove Subdivision.docx

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

----- Forwarded Message -----

**From:** judy kleffner <jkleffner43@gmail.com>  
**To:** Joe Rumsey <vetflyr@yahoo.com>  
**Sent:** Sunday, November 12, 2023 at 09:57:32 AM MST  
**Subject:** Revised letter of intent Hornet Cove Subdivision

We are proposing a seven-lot subdivision called Hornet Cove Subdivision. The land is on the terminal end of Monarch Road, east of Swallowtail Road in the Middleton School and Fire District. The land has Black Canyon water rights; however, it is not farmable due to the slope and soil condition making irrigation nearly impossible.

The seven lots of the subdivision will have access by a single private road which will interface with the end of Monarch Road. The approach is engineered to the specifications of the Notus-Parma Highway District.

All lots will be approximately 2.08 acres and will have the 2.31 acre water rights. Each lot will have its own driveway, well and septic system. All irrigation drainage will be directed from each individual lot to the existing Conway Gulch drainage system.

In the twelve years I have owned and farmed the land, the dry, sandy nature of the soil has not allowed for any wastewater run-off. This type of soil is not conducive to farming.

Although irrigation is available to each lot, we have petitioned Black Canyon Irrigation District to relinquish those water rights in order to follow suit with the adjacent Butterfly Ridge subdivision. This will allow ease of construction and maintenance of each lot.

We have filed with the Canyon County recorder's office to impose a deed restriction for each lot in the subdivision to one, and only one, single family residence per lot which will also be reflected on the final plat.

EXHIBIT  
E  
Revised Letter of  
Intent

### QUITCLAIM DEED

FOR VALUE RECEIVED, Joseph Rumsey [Grantor] Joseph Rumsey does hereby convey, release, remise and forever quit claim unto Joseph Rumsey [Grantee] whose current address is: 75 South Kings Road Nampa, Idaho 83687 [Grantees Address] the following described premises:  
[Legal Description] To follow.

This document is designed to impose a DEED RESTRICTION for each lot (7) in the Hornet Cove Subdivision TO ONE AND ONLY ONE SINGLE FAMILY RESIDENCE PER LOT. If a lot owner or group of lot owners choose to challenge this DEED RESTRICTION, they will in return be forced to upgrade the road, Yellow Jacket Lane, to the current Canyon County Standards in order to accommodate the increase in automobile traffic as it nears the threshold of 100 trips per day.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: Nov 9, 2023

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

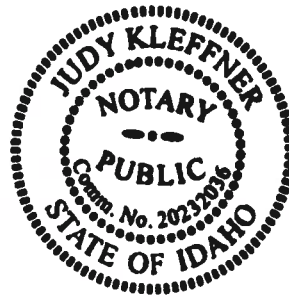
[Grantor's Name]

State of IDAHO, County of CANYON

This record was acknowledged before me on Nov 10, 2023 by

Joseph Rumsey

Judy Kleffner  
Signature of notary public  
Commission Expires: 5/10/29



2023-037216

RECORDED

11/20/2023 11:57 AM



CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pgs=2 PBRIDGES \$15.00  
DEED  
JOSEPH RUMSEY

EXHIBIT  
F

EXHIBIT A

This parcel consists of a portion of the SE ¼ SW ¼ and NE ¼ SW ¼ of Section 17 Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the southwest corner of the SW ¼ of said Section 17, a found 5/8 inch diameter rebar;

thence South 89° 56' 50" East along the south boundary of said SW ¼ a distance of 1726.19 feet to a ½ x 24 inch rebar set with a plastic cap stamped L.S. 3627;

thence North 03° 19' 37" East a distance of 1266.90 feet to the TRUE POINT OF BEGINNING, a ½ x 24 inch rebar set with a plastic cap stamped L.S. 3627;

thence continuing North 03° 19' 37" East a distance of 1319.05 feet to a ½ x 24 inch rebar set with a plastic cap stamped L.S. 3627;

thence North 36° 06' 24" East a distance of 10.17 feet to a found 5/8 inch diameter rebar on the boundary of the Butterfly Ridge Subdivision No. 2 (pending completion);

thence traversing said boundary as follows:

Southeasterly 23.19 feet along the arc of a curve to the left having a central angle of 07° 10' 50", a radius of 185.00 feet and a long chord which bears South 52° 41' 39" East a distance of 23.17 feet to a found 5/8 inch diameter rebar;

South 56° 17' 03" East a distance of 317.00 feet to a found 5/8 inch diameter rebar;

Southeasterly 57.32 feet along the arc of a curve to the left having a central angle of 41° 03' 04", a radius of 80.00 feet and a long chord which bears South 76° 48' 28" East a distance of 56.10 feet to a found 5/8 inch diameter rebar;

North 82° 40' 04" East a distance of 55.27 feet to a found 5/8 inch diameter rebar;

Southeasterly 153.60 feet along the arc of a curve to the right having a central angle of 95° 39' 27", a radius of 92.00 feet and a long chord which bears South 49° 30' 13" East a distance of 136.37 feet to a found 5/8 inch diameter rebar;

South 01° 40' 32" East a distance of 141.27 feet to a found 5/8 inch diameter rebar;

South 10° 04' 52" West a distance of 394.00 feet to a found 5/8 inch diameter rebar;

South 00° 08' 45" West a distance of 60.28 feet to a found 5/8 inch diameter rebar;

South 31° 43' 38" East a distance of 113.50 feet to a found 5/8 inch diameter rebar;

South 51° 34' 40" East a distance of 116.00 feet to a found 5/8 inch diameter rebar;

South 71° 16' 46" East a distance of 187.00 feet to a found 5/8 inch diameter rebar;

Southeasterly 58.16 feet along the arc of a curve to the right having a central angle of 70° 54' 04", a radius of 47.00 feet and a long chord which bears South 35° 49' 56" East a distance of 54.52 feet to a found 5/8 inch diameter rebar;

South 06° 16' 20" East a distance of 180.44 feet to a found 5/8 inch diameter rebar;

thence leaving said subdivision boundary bearing North 88° 26' 04" West a distance of 3.84 feet to a found ½ inch diameter rebar;

thence North 89° 56' 58" West a distance of 888.27 feet to the TRUE POINT OF BEGINNING, containing 16.196 acres, more or less, and being subject to all easements and rights-of-way of record or implied.



# Middleton Star Fire Districts

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

DATE: February 21, 2024  
TO: Joseph Rumsey  
CC: Canyon County Development Services  
FROM: Victor Islas, Deputy Chief  
SUBJECT: Fire District Comment Preliminary Plat  
PROJECT: Hornet Cove Subdivision  
Canyon County File: SD2022—0024

The Middleton Rural Fire District has reviewed the documents provided by Joseph Rumsey for our review on the Preliminary Plat of Hornet Cove Subdivision comments are as follows.

This application is for a subdivision with 7 single-family residential lots with a minimum lot size of 2.08 acres.

This development will be serviced by Station 53 located at 302 E. Main St., Middleton, ID. Station 53 is 10 miles from the development with an estimated 15-minute travel time under normal driving conditions.

Future station 54 is located at 26476 Harvey Rd., Caldwell, ID. Upon completion and complete staffing, station 54 will be 4.2 miles from the development with an estimated 7-minute travel time under normal driving conditions.

The Middleton Rural Fire District 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. 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.
    - ii. Water supply options shall be provided to the fire district in writing before the final plat approval.
    - iii. A note shall be placed on the final plat indicating the source of the water supply or sprinklers.

EXHIBIT  
G



# Middleton Star Fire Districts

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

## 2. Fire Apparatus Access

- a. The proposed "Yellow Jacket Ln" meets the intent of the code for access and turnaround for the main development access with less than 30 lots.

## 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.

EXHIBIT  
G  
PAGE 2

## Debbie Root

---

**From:** Victor Islas <vislas@midstarfire.org>  
**Sent:** Thursday, February 29, 2024 9:25 AM  
**To:** Debbie Root  
**Subject:** [External] Hornet Cove Subdivision SD2022-0024  
**Attachments:** Hornet Cove Response Letter.pdf

Attached is property owners response to my comments made on 2/21/2024.



**Victor Islas**

Deputy Chief | **Middleton Star Fire Districts**

**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)



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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  
H**

To: Middleton Star Fire Department

Regarding: Hornet Cove Subdivision in Caldwell, ID

File# SD2022-2024

Conditions of fire agency approval for Hornet Cove subdivision

The subdivision is not served by a municipal water source, therefore a NFPA-13-D residential sprinkler system will be installed and maintained by each homeowner and sourced by a domestic water well. A note in the legend of the final plat will indicate the source of the water will be a domestic well.

Each home will be serviced by a driveway that is 20 feet wide, not to exceed a grade of 10% and a 48-foot turnaround area no farther than 150 feet from the farthest point of the residential structure.

Joe Rumsey

02/25/2024

*Joe Rumsey*

Joe Rumsey

02 / 29 / 2024

EXHIBIT  
H

Title	Fire District Letter File# SD2022-2024
File name	Response to Fire ...# SD2022-2024.pdf
Document ID	88739326832f2578e08add3be2d1379a7e227702
Audit trail date format	MM / DD / YYYY
Status	• Signed

Document History



**02 / 28 / 2024**  
23:56:45 UTC

Sent for signature to Joe Rumsey (vetflyr@yahoo.com) from vislas@starfirerescue.org  
IP: 174.247.148.129



**02 / 29 / 2024**  
14:39:15 UTC

Viewed by Joe Rumsey (vetflyr@yahoo.com)  
IP: 174.27.150.216



**02 / 29 / 2024**  
14:40:01 UTC

Signed by Joe Rumsey (vetflyr@yahoo.com)  
IP: 174.27.150.216



COMPLETED

**02 / 29 / 2024**  
14:40:01 UTC

The document has been completed.

EXHIBIT  
H

## Debbie Root

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**From:** Don Popoff <dpopoff@rh2.com>  
**Sent:** Friday, July 19, 2024 2:16 PM  
**To:** Debbie Root  
**Cc:** Mike Meyers; Joe Rumsey; TJ Wellard; tyler@blackcanyonirrigation.com; Derick Corell  
**Subject:** [External] BCID SUB23-36 Hornet Cove Updated Agency Response Letter - Preliminary Plat Concurrence  
**Attachments:** BCID\_LTR\_Response\_SD2022-0024\_Rumsey\_7-19-24.pdf

Hi Deb,

Please see the Black Canyon Irrigation District's pre-plat concurrence for the proposed Hornet Cove subdivision.

I've updated our original comment letter to assist in retaining the remaining items once construction is completed and prior to Final Plat.

Please let me know if you have any questions or need comments in a different format.

We appreciate your assistance with getting this subdivision pre-plat corrected prior to moving forward.

Sincerely

Don

District Engineer

Black Canyon Irrigation District



**Donald Popoff PE**

Nampa Office Manager | RH2 Engineering, Inc.

16150 N. High Desert Street

Suite 201

Nampa, Idaho 83687

C: 208.807.0015

O: 208.563.2280

[dpopoff@rh2.com](mailto:dpopoff@rh2.com)

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

**From:** Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>

**Sent:** Monday, April 8, 2024 4:55 PM

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

**Subject:** Cking In: Hornet Cove -- Joe Ramsey

SD2022-0024

EXHIBIT

I

Don,

Just checking in to see where we are at with your review on Hornet Cove Subdivision. I received copy of preliminary plat showing the roadway having been moved to reflect the location of the underground piping.

Wanting to move ahead with the application.

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

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



July 19, 2024

Canyon County Development Services Department  
111 North 11<sup>th</sup> Ave. Suite 140  
Caldwell, ID 83605  
(208) 454-7458

RE: Preliminary Plat. Parcel R37877011B – **UPDATES**  
Case No. SD2022-0024 – Hornet Cove Subdivision  
Applicant: Joe Rumsey, TJ Wellard  
Planner: Debbie Root

The parcel is located approximately 1250 feet north of Goodson Road and just west of I-84. The development abuts the Butterfly Ridge No. 2 Subdivision in unincorporated Canyon County, Idaho.

The Black Canyon Irrigation District (District) has reviewed the applicant's revised preliminary plat document in response to the original comments provided to the County on August 17<sup>th</sup>, 2023. Upon review of this preliminary plat document, the District is providing preliminary plat concurrence approval with the following conditions and comments. **Please see the revisions made to this letter below in red text as of July 19, 2024:**

Site Specific Comments:

- The proponent will be required to fill out and submit a Development Intake Sheet found on our website (<https://blackcanyonirrigation.com/development>) prior to receiving the District's approval of this pre-plat document.  
*District's Comment 1/12/2024:*  
*The developer has completed an intake sheet and provided initial payment to the District.*  
**No further action is required for this item.**
- According to District records, there is a piped lateral (C.G.1.1-4.3-0.2) that is located on this parcel, centered in the District's easement. The lateral runs west to east across the top of the parcel and also north to south for the complete length of the parcel (vaguely similar to what is depicted on the applicant's sketch, PDF page 10). The pipeline is shown on District mapping to continue south off the proponent's parcel and delivers water to additional acreage to the south (this is not depicted on the applicants sketched map.)

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

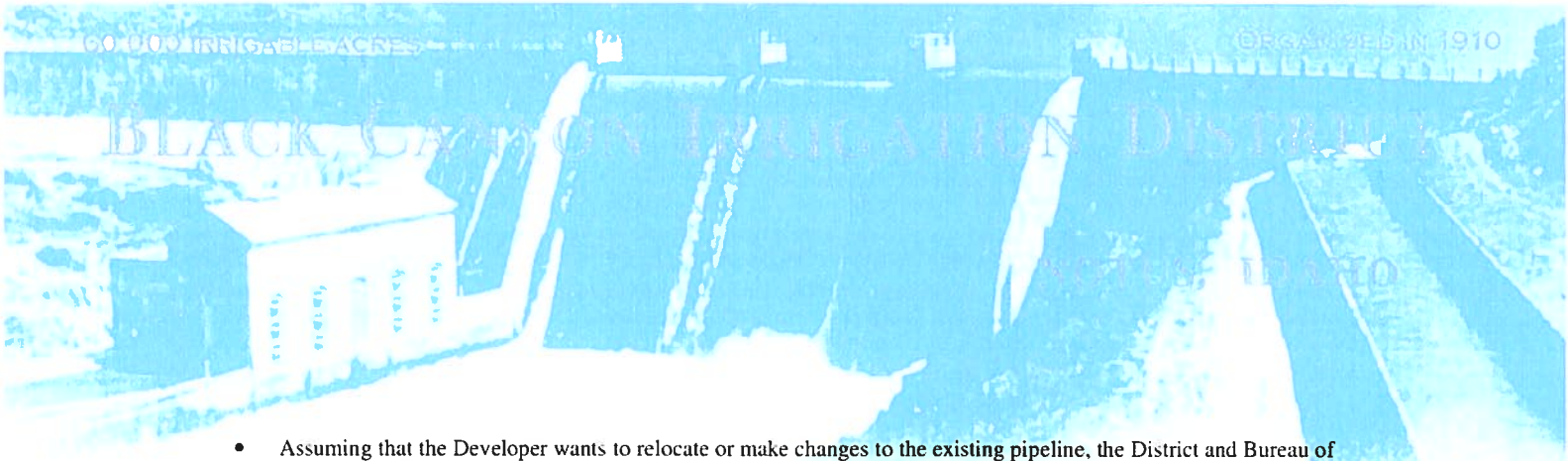
*District's Comment 1/12/2024:*

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

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

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

**EXHIBIT  
I**



- Assuming that the Developer wants to relocate or make changes to the existing pipeline, the District and Bureau of Reclamation (Bureau) will require a signed agreement be in place prior to any changes being made, or work being performed, to the sections of the C.G.1.1-4.3-0.2 or within its easement, and any appurtenant irrigation facilities that are affected by the proposed plat not listed in this letter.

District's Comment 7/19/2024:

The applicant has made contact with the Bureau of Reclamation and a license agreement has been drafted. The pipeline is not proposed to be moved. The driveway approach that crosses the C.G.1.1-4.3-0.2 lateral for lot #5 will need to be defined on the final plat. Once all improvements have been completed and all District requirements met, the District will review for signature. A final plat should not be issued until this item has been resolved.

- Separate irrigation accounts will be set up for each new parcel developed. An accounting of the irrigation water for each lot will be available for the developer to review. The Developer will be required to provide electronic line-work of the proposed pre-plat for assisting in setting these accounts up with the District. Fees for historical water accounting will be required by the District based on number of lots created. Current fees can be found on the District's website.

District's Comment 7/19/2024:

This item is still outstanding and will be reviewed prior to final plat once all improvements have been installed. A final plat should not be issued until this item has been resolved.

- The District/Bureau easement(s) will need to be recorded separately from the plat. The new easement(s) will require a legal exhibit and description signed by a licensed surveyor in the state of Idaho. Any new relocated pipelines or District's irrigation facilities must be within the easement, including all access roads.

District's Comment 7/19/2024:

This District will rely on the original easement document and the identification of the easement on the plat for this subdivision.

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

- Fencing per District policy will need to be constructed prior to the District approval of final plat.

District's Comment 7/19/2024:

Fencing will be **RECOMMENDED** to be constructed prior to the District approval of final plat.

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

- District access roads will be required to be installed per District policy prior to the District's approval of final plat.

District's Comment 7/19/2024:

Item will be reviewed for construction concurrence with District standards. Concurrence on completed construction will be provided to the County via letter once completed. A final plat should not be issued until this item has been resolved.

- The District/Bureau will require a crossing agreement to be in place prior to approval of construction plans for crossing the current pipeline easement with both Yellow Jacket Lane and the drainage catch ditch as depicted in the Developer's sketch.

District's Comment 7/19/2024:

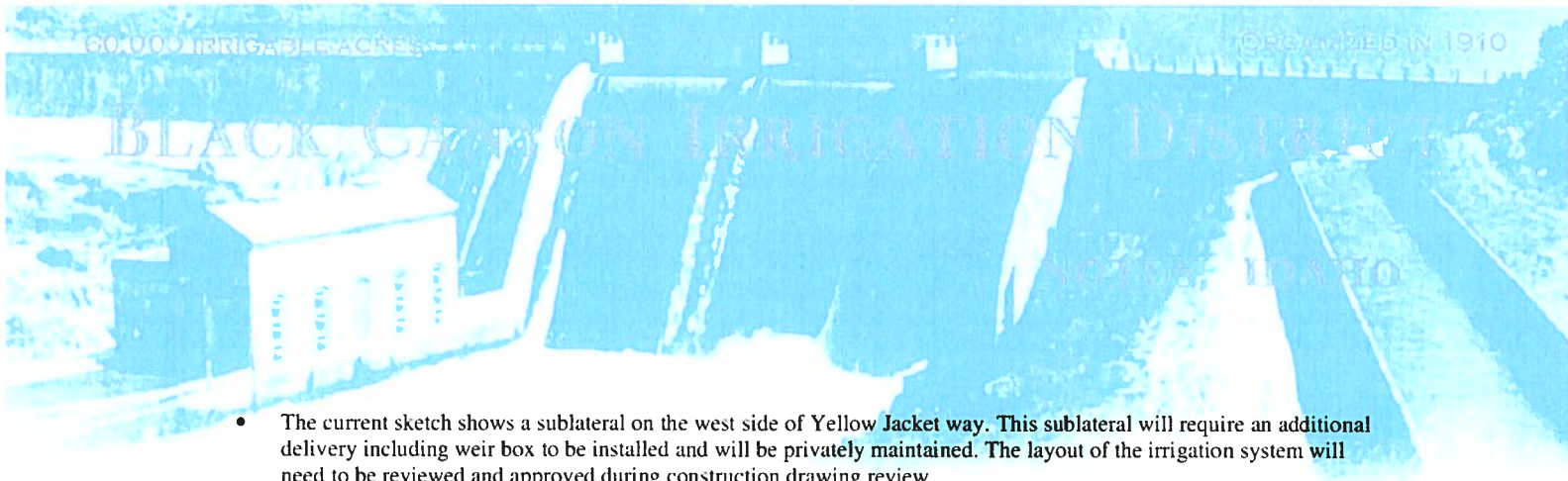
The applicant has made contact with the Bureau of Reclamation and a license agreement has been drafted. Once all improvements have been completed and all District requirements met, the District will review for signature. A final plat should not be issued until this item has been resolved.

- The District will require piping to be upgraded to meet District standards for all newly created travelled-ways. Depth of pipe and pipe material are specifically of concern that will need to be addressed.

District's Comment 7/19/2024:

Piping has been found to be extremely deep. No changes or upgrades to piping are currently required. If field conditions warrant upgrades during construction, they will be noted and resolved prior to acceptance of the project by the District.

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



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

District's Comment 7/19/2024:

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

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

General Comments:

- Any and all maintenance road right-of ways, lateral right-of ways and drainage right-of ways will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.
- As long as this property has irrigation water attached to it, an irrigation system with an adequate overflow needs to be installed to ensure the delivery of irrigation water to each lot and/or parcel of land entitled to receive irrigation water.
- Runoff and drainage from the proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

All of the above requirements need to be met, including any others that arise during future review. The District's website has additional information on Development review process, District's design standards and resolutions.

Thank You,

*Donald Popoff*

Donald Popoff P.E.  
District Engineer  
Black Canyon Irrigation District

CC: Tyler Chamberlain – Black Canyon Irrigation District  
Mike Meyers– Black Canyon Irrigation District  
Joe Rumsey – Developer  
Debbie Root – Canyon County  
TJ Wellard – Skinner Land Survey

Enclosures or Attachments:

Homet Cove Preliminary Plat (Stamped 3.11.24)



## Debbie Root

---

**From:** Devin Krasowski  
**Sent:** Wednesday, April 5, 2023 8:36 AM  
**To:** TJ Wellard  
**Cc:** 'Mike Hickman'; Debbie Root; Stephanie Hailey; 'Joe Rumsey'  
**Subject:** RE: Hornet Cove PP Review Letter / SD2022-0024

Morning TJ,  
I don't think my response made it to you yet. See below.  
Best,

--



Devin T. Krasowski, PE  
County Engineer  
Canyon County Development Services  
Office: (208) 455-5958  
Mobile: (208) 407-5757  
[devin.krasowski@canyoncounty.id.gov](mailto:devin.krasowski@canyoncounty.id.gov)

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

**PUBLIC RECORD NOTICE:** All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

**From:** Devin Krasowski  
**Sent:** Friday, March 31, 2023 12:19 PM  
**To:** Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>  
**Cc:** 'Mike Hickman' <mhickman@Kellerassociates.com>; Debbie Root <Debbie.Root@canyoncounty.id.gov>  
**Subject:** RE: Hornet Cove PP Review Letter / SD2022-0024

The pre plat (and preliminary irrigation plan) is approved by Engineering (with conditions) and ready for Planning to take over. Comment 1 needs to be addressed before the pre plat goes to hearing so it is clear that those slopes shall not be disturbed. Comments 2 through 5 can be addressed during final plat application with construction drawing submittal and review. For comments 6 through 8, in my opinion, it is best to get some indication from these entities that the preliminary plan for development is possible from their perspective prior to the first hearing on the preliminary plat case. That's what I would recommend to planning.

Regarding condition #3, this is fairly standard compared to ACCHD, IFC, and Ada County standards (for example). It doesn't need to be in our ordinance for it to be a recommended condition on the proposed improvements and we can

provide evidence to reinforce the recommendation if needed. However, I don't find it necessary to spend staff time on that at this point.

Thx,

--



Devin T. Krasowski, PE

County Engineer

Canyon County Development Services

Office: (208) 455-5958

Mobile: (208) 407-5757

[devin.krasowski@canyoncounty.id.gov](mailto:devin.krasowski@canyoncounty.id.gov)

Development Services Department (DSD)

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**PUBLIC RECORD NOTICE:** All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

**From:** Stephanie Hailey <[Stephanie.Hailey@canyoncounty.id.gov](mailto:Stephanie.Hailey@canyoncounty.id.gov)>

**Sent:** Friday, March 31, 2023 11:48 AM

**To:** Devin Krasowski <[Devin.Krasowski@canyoncounty.id.gov](mailto:Devin.Krasowski@canyoncounty.id.gov)>

**Cc:** 'Mike Hickman' <[mhickman@Kellerassociates.com](mailto:mhickman@Kellerassociates.com)>

**Subject:** Hornet Cove PP Review Letter / SD2022-0024

Please see below from TJ



Stephanie Hailey, CFM

Engineering Coordinator

Floodplain Manager

Canyon County Development Services

P(208) 454-7254

F(208) 454-6633

[stephanie.hailey@canyoncounty.id.gov](mailto:stephanie.hailey@canyoncounty.id.gov)

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

**From:** TJ Wellard <[tj@skinnerlandsurvey.com](mailto:tj@skinnerlandsurvey.com)>  
**Sent:** Friday, March 31, 2023 11:42 AM  
**To:** Stephanie Hailey <[Stephanie.Hailey@canyoncounty.id.gov](mailto:Stephanie.Hailey@canyoncounty.id.gov)>  
**Cc:** [vetflyr@yahoo.com](mailto:vetflyr@yahoo.com)  
**Subject:** [External] Re: Hornet Cove PP Review Letter / SD2022-0024

How many times is this going to be reviewed and why are the comments suggestions???? Does the plat meet code or not? Where is comment #3 coming from? I don't know where that is in the Code?

Thanks,

T.J. Wellard, PLS

## Skinner Land Survey

17842 Sand Hollow Road  
Caldwell, Idaho 83607  
208-454-0933  
[www.skinnerlandsurvey.com](http://www.skinnerlandsurvey.com)  
**ID PLS #15352, OR PLS #88835**

Privileged and Confidential Communication.

This electronic transmission, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC 2510-2521), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of the information received in error is strictly prohibited.

On Fri, Mar 31, 2023 at 11:29 AM Stephanie Hailey <[Stephanie.Hailey@canyoncounty.id.gov](mailto:Stephanie.Hailey@canyoncounty.id.gov)> wrote:

TJ & Joe,

Attached is Keller's review letter for the preliminary plat.



100 E Bower Street, Suite 110  
Meridian, ID 83642  
(208) 288-1992

March 31, 2023

Mr. Devin Krasowski  
Associate Engineer  
Development Services Department  
111 North 11<sup>th</sup> Ave. #140  
Caldwell, Idaho 83605

**Re: Hornet Cove Subdivision Preliminary Plat Application**

Dear Mr. Krasowski,

Keller Associates, Inc. has reviewed the Preliminary Plat for the Hornet Cove Subdivision dated March 21, 2023. 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:

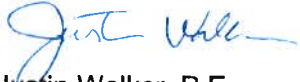
1. In the legend, "slopes greater than 15%" should be labeled as "No Build Zones" to be more concise. Additionally, the slopes greater than 15% hatching is hard to see on the plat with the other linework. We recommend making the hatching bolder to be more visible.
2. Provide more detail about erosion control measures on the borrow ditches. We recommend including rock dams as part of the measures to slow down velocities.
3. Unless otherwise approved by Canyon County, the maximum grade for a private road is 10% slope.
4. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
5. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
6. Plat shall comply with requirements of the local highway district.
7. Plat shall comply with irrigation district requirements.
8. Plat shall comply with Southwest District Health requirements.

We recommend that **the Preliminary Plat be APPROVED with the conditions listed above**. 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



100 E Bower Street, Suite 110  
Meridian, ID 83642  
(208) 288-1992

January 18, 2023

Ms. Stephanie Hailey  
Engineering Coordinator  
Development Services Department  
111 North 11<sup>th</sup> Ave. #140  
Caldwell, Idaho 83605

**Re: Hornet Cove Private Road Construction Drawings**

Dear Ms. Hailey,

Keller Associates, Inc. has reviewed the private road construction drawings for the Hornet Cove Subdivision dated August 9<sup>th</sup>, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17.

We recommend that the private road construction drawings be **APPROVED**. Any variance or waivers to the Canyon County standard, ordinances, or policies must be specifically approved in writing by the County. Approval of the above referenced construction drawings 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) 288-1992.

Sincerely,

**KELLER ASSOCIATES, INC.**

A handwritten signature in blue ink that reads "Justin Walker".

Justin Walker, P.E.  
County Engineer

cc: File



100 E Bower Street, Suite 110  
Meridian, ID 83642  
(208) 288-1992

January 17, 2023

Mr. Devin Krasowski  
Associate Engineer  
Development Services Department  
111 North 11<sup>th</sup> Ave. #140  
Caldwell, Idaho 83605

**Re: Hornet Cove Subdivision Preliminary Plat Application**

Dear Mr. Krasowski,

Keller Associates, Inc. has reviewed the Preliminary Plat for the Hornet Cove Subdivision dated April 15, 2022. 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:

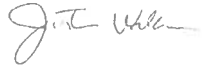
1. There are some areas along the east side of the development that appear to have slopes greater than 15%. These need to be identified and either marked as "No-build" areas or the information for a hillside development needs to be provided.
2. Provide a revision block. The revision block shall be part of the title block which shall be placed along the right edge of the drawing sheet.
3. Yellow Jacket Lane should be aligned to intersect with Monarch Road at a ninety degree angle.
4. The grade of the private road and driveway approaches shall not be greater than 10%.
5. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
6. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
7. Plat shall comply with requirements of the local highway district.
8. Plat shall comply with irrigation district requirements.
9. Plat shall comply with Southwest District Health requirements.

We recommend that **conditions 1 through 3 listed above be addressed prior to approval of the Preliminary Plat**. 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.**

A handwritten signature in black ink, appearing to read "Justin Walker".

Justin Walker, P.E.  
County Engineer

cc: File



<b>HEARING DATE:</b>	October 19, 2023
<b>OWNER:</b>	Joe Rumsey
<b>APPLICANT/REP:</b>	Joe Rumsey TJ Wellard, PLS
<b>PLANNER:</b>	Deb Root, Principal Planner
<b>CASE NUMBER:</b>	SD2022-0024
<b>LOCATION:</b>	R37877011B



**PROJECT DESCRIPTION:**

**SD2022-0024:** The applicant, Joe Rumsey, is requesting approval of a preliminary plat, irrigation and drainage plan for Hornet Cove Subdivision, a seven (7) residential lot development with an average lot size of 2.08 acres. The 16.19 acres, R37877011B, is zoned “RR” (Rural Residential) and is located on Monarch Road, 200 feet south of the intersection of Swallowtail and Monarch Roads, Middleton, Idaho, and is a portion of Section 07-5N-3W SW B.M; Canyon County, Idaho.

**PARCEL INFORMATION:** Exhibit 1 (*Parcel Tool Info*)

**PROJECT OVERVIEW**

Hornet Cove Subdivision:

- The applicant is proposing a gravel private road that contains slopes not to exceed 10% grade. Seven lots, each with the potential for a secondary residence, (possible 14 residences total) will exceed the 100 ADT potential and therefore the road is required to be paved based upon the “total dwellings entitled” within the development.
  - 07-10-03 Note 1.3. Trip generation per dwelling is 9.52 trips/day per ITE, "Trip Generation 9th Edition", rates for single-family detached housing. Total ADT for a private road is the total daily trips **for the total dwellings entitled** on properties using any segment of a private road.
  - 07-17-31 Required Improvements: (1) Road Improvements:  
While the subdivision code points developers back to code section 07-10-03 for construction standards and compliance, 07/17/31 (2) provides for the following: “The commission or hearing examiner may recommend and the Board may require improvements in the subdivision, for example curbs, gutters, sidewalks, streetlights, ribbon curbing, swales, and stormwater retention and disposal.”  
(4) “Other Improvements: All other improvements required as conditions of approval shall be completed.”
- Black Canyon Irrigation District (BCID) provided comment on August 17, 2023 on the proposed preliminary plat for Hornet Cove Subdivision (Exhibit 6). At that time BCID noted that the preliminary plat did not correctly identify and show the piped lateral (C.G.1.1-4.3-0.2) and easement. This easement affects the proposed residential lots. A crossing agreement will be

EXH  
K  
PZ STAFF  
REPORT

required with the Bureau of Reclamation (BOR) for proposed Lot 5, Block 1 to have legal access across the BOR easement and buried lateral. No structures can be placed within this easement.

- The applicant surveyor submitted a revised preliminary plat (10-2-2023) with the lateral easement located and graphically shown on the preliminary plat. Black Canyon Irrigation District (BCID) has not provided review comments for the revised plat at the time of the staff report.

*Staff recommends a condition that the preliminary plat not be scheduled for hearing with the Board of County Commissioners until BCID has reviewed and approved the revised preliminary plat submitted on October 2, 2023 and that the final plat should not be signed until a crossing/license agreement for the buried lateral C.G.1.1-4.3-0.2 on proposed Lot 5, Block has been approved and recorded.*

### **Hornet Cove Subdivision Preliminary Plat Summary: (Exhibit 3)**

---

**Zoning:** The subject property is zoned “R-R” (Rural Residential) via Case No. RZ2020-0007 Ord. No. 21-006 recorded as instrument #2021-010607.

**Acreage:** 16.197 acres

**Average residential lot size:** 2.08 acres

**Number of Residential lots:** 7

#### **Comprehensive Plan Alignment:**

The Future Land Use from the 2020 Comprehensive Plan Future Land Use Map is Residential.

#### **Access and Traffic:**

- Access to the public road system will be via Yellow Jacket Lane, a private road taking access to Monarch Road (Public). At the time of the Final Plat, a recorded Road User’s Maintenance Agreement (RUMA) will be required pursuant to CCZO 07-10-03(1)B3.
- The development will be served by a private road, Yellow Jacket Lane. The road name was approved by Tony Almeida on 7/15/2022 Case No. RD2022-0024.
- Notus Parma Highway District (NPHD) approved the proposed approach location. The applicant shall comply with the requirements of NPHD at the time of construction (Exhibit 11).
- The applicant has applied for and received approval from the Bureau of Reclamation for a crossing agreement of the CGE 1.1-4.0-0.2 Lateral (agreement no. 20-07-11-L5347) at the intersection of Monarch Road and Yellow Jacket Lane (Exhibit 8).
- Realignment of the lateral running on the subject property north to south also necessitates the need for the property owner/developer to obtain a crossing agreement from Yellow Jacket Lane across the buried lateral and easement lying within Lot 5, Block 1. It must have legal access in order for a residential building permit to be available. NOTE: *Staff recommends a condition requiring the crossing agreement be obtained prior to the Board of County Commissioners signing the Final Plat.*

#### **Facilities:**

- The property is not located within an area of city impact.

- **Individual septic** systems are proposed for each lot. Southwest District Health has approved the Subdivision Engineering Report. Sanitary Restrictions will be satisfied when they sign the final plat. (Exhibit 5)
- **Individual wells** are proposed for each lot. Notice was given to the Idaho Department of Water Resources for this Preliminary Plat, but no comments were received.
- **Surface irrigation** water is proposed to be delivered to each lot via an open irrigation ditch originating from the head gate on the Black Canyon Lateral near the northwest corner of the property (Exhibit 9). The applicant shall work with Black Canyon Irrigation District to meet the required water distribution account per lot set-up including providing line work for the platted lots as indicated in Exhibit 6. Note: *A condition should be placed to require the developer to provide a scalable irrigation plan that details delivery method, location, easements for the proposed irrigation system.*

**Essential Services:**

- All essential services were notified of the proposed subdivision. No comments were received for the preliminary plat.

**POTENTIAL IMPACTS:**

- The applicant is proposing a private gravel road within this development. If all residences entitled (primary and secondary) for the proposed seven (7) lots are considered; the development exceeds the 100 average daily trips (ADT) standard and the road should be paved per the CCZO 07-10-03 Private Road and Driveway Requirements. This should not be left to the eventual property owner(s) that may trigger the standard through development at a later time. Additionally, this development takes access through an adjacent development, Butterfly Ridge, that has paved public roads. Paving would be consistent with existing development.
  - o Staff recommends that the Planning and Zoning Commission Recommend to the BOCC to require paving of the private road prior to the signing of the Final Plat for Hornet Cove Subdivision. All entitlements would remain eligible.
- CCZO Section 07-17-31(2): *The commission or hearing examiner may recommend and the Board may require improvements in the subdivision, for example, curbs, gutters, sidewalks, streetlights, ribbon curbing, swales, and stormwater retention and disposal.*

**COMMENTS:**

- Public:
  - No public comments were received prior to the Staff Report.
- Agencies:
  - Keller Associates – County Engineer – Exhibit 4
  - Southwest District Health – Exhibit 5
  - Notus Parma Highway District– Exhibit 11&12
  - Black Canyon Irrigation District – Exhibit 6 & 7

### **RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Preliminary Plat. Staff is recommending approval of the application as conditioned and has provided findings of fact and conclusions of law for The Planning and Zoning Commission's consideration found in Exhibit 2.

### **DECISION OPTIONS:**

- The Planning and Zoning Commission may recommend **approval** of the Preliminary Plat to the Board of County Commissioners as conditions and/or amended;
- The Planning and Zoning Commission may recommend **denial** of the Preliminary Plat to the Board of County Commissioners and direct staff to return with findings that support the decision;  
or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

### **ATTACHMENTS/EXHIBITS:**

- Exhibit 1: Parcel Tool
- Exhibit 2: Draft FCOs
- Exhibit 3: Hornet Cove Preliminary Plat
- Exhibit 4: Keller Associates – County Engineer Plat approval letter w/conditions
- Exhibit 5: SWDH
- Exhibit 6: Black Canyon Irrigation District (BCID) Initial response
- Exhibit 7: BCID lateral easement comments to staff
- Exhibit 8: Bureau of Reclamation Crossing Agreement for north crossing of lateral
- Exhibit 9: Applicant Irrigation Plan
- Exhibit 10: Yellow Jacket Lane
- Exhibit 11: Notus Parma Highway District review
- Exhibit 12: Storm Drainage proposed
- Exhibit 13: Small Ortho Aerial
- Exhibit 14: Slope % Hornet Cove
- Exhibit 15: Middleton Rural Fire rezone comments
- Exhibit 16: Rumsey letter
- Exhibit 17: Existing and proposed irrigation plan 101723 page 1
- Exhibit 17a: Existing and proposed irrigation plan 101723 page 2
- Exhibit 18: Comprehensive Irrigation Plan 10-16-23
- Exhibit 19: Irrigation-drainage diagram 10-16-23
- Exhibit 20: Well and Septic proposal 10-13-23

# R37877011B PARCEL INFORMATION REPORT

7/19/2023 6:20:27 PM

**PARCEL NUMBER: R37877011B**

**OWNER NAME: RUMSEY JOE**

**CO-OWNER: RUMSEY JOSEPH HOWELL**

**MAILING ADDRESS: 75 S KINGS RD NAMPA ID 83687**

**SITE ADDRESS: 0 MONARCH RD**

**TAX CODE: 0330000**

**TWP: 5N RNG: 3W SEC: 17 QUARTER: SW**

**ACRES: 16.19**

**HOME OWNERS EXEMPTION: No**

**AG-EXEMPT: Yes**

**DRAIN DISTRICT: NOT In Drain Dist**

**ZONING DESCRIPTION: RR / RURAL RESIDENTIAL**

**HIGHWAY DISTRICT: NOTUS-PARMA HWY**

**FIRE DISTRICT: MIDDLETON FIRE**

**SCHOOL DISTRICT: MIDDLETON SCHOOL DIST**

**IMPACT AREA: NOT In Impact Area**

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

**FLU Overlay Zone Desc 2030:**

**FLU RR Zone Desc 2030:**

**FUTURE LAND USE 2030: AG**

**IRRIGATION DISTRICT: BLACK CANYON IRRIGATION DIST**

**FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0125F**

**WETLAND: Riverine**

**NITRATE PRIORITY: NO Nitrate Prio**

**FUNCTIONAL Classification: NOT In COLLECTOR**

**INSTRUMENT NO. : 2011011492**

**SCENIC BYWAY: NOT In Scenic Byway**

**LEGAL DESCRIPTION: 17-5N-3W SW TX 07353 IN NESW**

**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 SHERIFF'S 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.



**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 1, 2020. Newspaper notice was completed on July 22, 2020. Property owners within 300’ were notified by mail on July 15, 2020. The property was posted on or before July 28, 2020.

**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.”

Upon review of the preliminary plat, the Planning and Zoning Commission finds that the plat consistent with the following subject to conditions of approval:

- 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).

The preliminary plat was found to be consistent with the standards of review as conditioned (Exhibit 3).

### **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.
  - a. Prior to installation of improvements, a construction, irrigation and drainage plan must be reviewed and approved by the County engineer.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modification shall be approved in writing by Black Canyon Irrigation District and Bureau of Reclamation. The development shall comply with Black Canyon Irrigation District requirements. Evidence of approval shall be a letter from Black Canyon Irrigation District. Evidence shall be submitted prior to final plat approval.
3. A crossing agreement with the Bureau of Reclamation for the crossing of the CGE 1.1-4.0-0.2 irrigation lateral that bisects Lot 5, Block 1, Hornet Cove must be provided to Development Services prior to the BOCC signing the final plat.
4. Finish grades at subdivision boundaries shall match existing finish grades. Storm water runoff shall be maintained on the subject property (Exhibit 4).
5. The development shall comply with Southwest District Health requirements (Exhibit 5)
6. The development shall comply with Middleton Rural Fire requirements (Exhibit 15). Evidence of approval shall be a letter from Middleton Rural Fire District. Evidence shall be submitted prior to final plat approval.
7. The development shall comply with requirements of the Notus-Parma Highway District.
8. The applicant shall clearly delineate the boundaries of the no-build area where slopes exceeding 15% on the preliminary and final plat. No structures shall be allowed within the no-build area.
9. The developer shall pave the private road, Yellow Jacket Lane to the minimum standards required by 07-10-03(3)A. Table 1. The development as proposed in the rural residential zone is entitled to a primary and secondary residence per development lot equating to fourteen (14) residential units estimated to serve more than 100 ADT.
10. In accordance with irrigation plan requirements the developer shall provide a scalable irrigation plan that details delivery method, location, and easements for the proposed irrigation system.
11. Each lot access shall not disrupt the proposed open irrigation ditch delivery system. Culverts shall be appropriately sized and installed not to affect downstream water users.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0024, the Planning & Zoning Commission **recommends approval** of the Preliminary Plat Hornet Cove Subdivision to the Board of County Commissioners subject to the Conditions of Approval as enumerated herein.

**RECOMMENDED FOR APPROVAL** on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**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 2023, 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: \_\_\_\_\_





March 31, 2023

Mr. Devin Krasowski  
Associate Engineer  
Development Services Department  
111 North 11<sup>th</sup> Ave. #140  
Caldwell, Idaho 83605

**Re: Hornet Cove Subdivision Preliminary Plat Application**

Dear Mr. Krasowski,

Keller Associates, Inc. has reviewed the Preliminary Plat for the Hornet Cove Subdivision dated March 21, 2023. 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:

1. In the legend, "slopes greater than 15%" should be labeled as "No Build Zones" to be more concise. Additionally, the slopes greater than 15% hatching is hard to see on the plat with the other linework. We recommend making the hatching bolder to be more visible.
2. Provide more detail about erosion control measures on the borrow ditches. We recommend including rock dams as part of the measures to slow down velocities.
3. Unless otherwise approved by Canyon County, the maximum grade for a private road is 10% slope.
4. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
5. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
6. Plat shall comply with requirements of the local highway district.
7. Plat shall comply with irrigation district requirements.
8. Plat shall comply with Southwest District Health requirements.

We recommend that **the Preliminary Plat be APPROVED with the conditions listed above**. 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



Facilities Number: 011429

May 3, 2023

Rodney Clark  
17842 Sand Hollow Rd  
Caldwell, ID 83607

Re: Hornet Cove Subdivision

Mr. Clark,

Southwest District health has reviewed the subdivision engineering report (SER) and does approve the SER for the proposed Hornet Cove Subdivision, located in the *S ½ of Section 17, Township 5N, Range 3W, B.M.* The property is reported to be 16.19-acres. The proposed development includes seven (7) buildable lots with a minimum lot size of 1.72-acres. The SER was approved on May 3, 2023.

The Engineering Report and associated plans and specifications appear to meet applicable regulations. If changes are made in the design to the plat submitted to Southwest District Health at the time of this approval, re-engineering will be required.

Condition(s) of final subdivision approval:

- The final plat must be signed by the designated REHS/RS from Southwest District Health.

If you have questions, please contact me at 208.455.5384, or via e-mail: [anthony.lee@phd3.idaho.gov](mailto:anthony.lee@phd3.idaho.gov)

Sincerely,

Anthony Lee, REHS/RS  
Land Development Senior

Cc: Joe Rumsey (Owner)

***Healthier Together***

13307 Miami Lane ● Caldwell, ID 83607 ● (208) 455-5300 ● FAX (208) 454-7722

Exhibit  
5

# BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

August 17, 2023

Canyon County Development Services Department  
111 North 11<sup>th</sup> Ave. Suite 140  
Caldwell, ID 83605  
(208) 454-7458

RE: Preliminary Plat. Parcel R37877011B  
Case No. SD2022-0024 – Hornet Cover Subdivision  
Applicant: Joe Rumsey, TJ Wellard  
Planner: Debbie Root

The parcel is located approximately 1250 feet north of Goodson Road and just west of I-84. The development abuts the Butterfly Ridge No. 2 Subdivision in unincorporated Canyon County, Idaho.

The Black Canyon Irrigation District (District) has the following initial comments regarding this proposed preliminary plat. The District requests that all District requirements be met prior to rezone approval, preliminary plat approval, construction drawing approval and final plat approval.

#### Site Specific Comments:

- The proponent will be required to fill out and submit a Development Intake Sheet found on our website (<https://blackcanyonirrigation.com/development>) prior to receiving the District's approval of this pre-plat document.
- According to District records, there is a piped lateral (C.G.1.1-4.3-0.2) that is located on this parcel, centered in the District's easement. The lateral runs west to east across the top of the parcel and also north to south for the complete length of the parcel (vaguely similar to what is depicted on the applicant's sketch, PDF page 10). The pipeline is shown on District mapping to continue south off the proponent's parcel and delivers water to additional acreage to the south (this is not depicted on the applicants sketched map.)

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

- Assuming that the Developer wants to relocate or make changes to the existing pipeline, the District and Bureau of Reclamation (Bureau) will require a signed agreement be in place prior to any changes being made, or work being performed, to the sections of the C.G.1.1-4.3-0.2 or within its easement, and any appurtenant irrigation facilities that are affected by the proposed plat not listed in this letter.
- Separate irrigation accounts will be set-up for each new parcel developed. An accounting of the irrigation water for each lot will be available for the developer to review. The Developer will be required to provide electronic line-work of the proposed pre-plat for assisting in setting these accounts up with the District. Fees for historical water accounting will be required by the District based on number of lots created. Current fees can be found on the District's website.
- The District/Bureau easement(s) will need to be recorded separately from the plat. The new easement(s) will require a legal exhibit and description signed by a licensed surveyor in the state of Idaho. Any new relocated pipelines or District's irrigation facilities must be within the easement, including all access roads.

# BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

- Fencing per District policy will need to be constructed prior to the District approval of final plat.
- District access roads will be required to be installed per District policy prior to the District's approval of final plat.
- The District/Bureau will require a crossing agreement to be in place prior to approval of construction plans for crossing the current pipeline easement with both Yellow Jacket Lane and the drainage catch ditch as depicted in the Developer's sketch.
- The District will require piping to be upgraded to meet District standards for all newly created travelled-ways. Depth of pipe and pipe material are specifically of concern that will need to be addressed.
- The current sketch shows a sublateral on the west side of Yellow Jacket way. This sublateral will require an additional delivery including weir box to be installed and will be privately maintained. Layout of the irrigation system will need to be reviewed and approved during construction drawing review.

#### General Comments:

- Any and all **maintenance road right-of ways, lateral right-of ways and drainage right-of ways** will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.
- As long as this property has irrigation water attached to it, an irrigation system with an adequate overflow needs to be installed to ensure the delivery of irrigation water to each lot and/or parcel of land entitled to receive irrigation water.
- Runoff and drainage from the proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

All of the above requirements shall be met, including any others that arise during future review. The District's website has additional information on Development review process, District's design standards and resolutions.

Thank You,

*Donald Popoff*

Donald Popoff P.E.  
District Engineer  
Black Canyon Irrigation District

EMAIL: Black Canyon Irrigation 8/29/23

Hi Deb – Following up further on Hornet’s Cove Sub.

I have reviewed the easement language provided and see that the attached easement language does look like it covers the pipeline for Hornet’s Cove.

Quickly paraphrasing – please see below.

- Item #3 - This easement doc does not appear to provide or describe a specific width rather a sufficient width that is necessary for ingress and egress, for construction, maintenance etc etc). The District’s interpretation would be at least the same width minimum as which the District had prior.
- Item #5 – The Grantor shall not construct or permit to be constructed any house, structure, or obstruction on or over or interfering with the construction, maintenance, or operation of any pipeline or appurtenance constructed pursuant to the agreement. This is pretty clear.
- Item #7 - This easement document does say it vacates the existing easement. However, the original easement is a Bureau easement, so vacation of the Bureau’s easement would typically have to be done through the Bureau’s process (likely need the District’s attorney / Bureau to weigh in, as there is state law on this). This may or may not have formally been completed with the Bureau, we did not find record of this.

I think the best path forward, as mentioned to the proponent in the August 17<sup>th</sup> comments, is to have the proponent get this pipeline located and surveyed, then regroup on how they want to address.

I’m not a lawyer, but the language on this easement seems pretty clear to me, that no houses can be permitted on, over, or interfering with the pipeline operations.

Gets us back to square one to locate the pipeline.

I will bring this up with District Manager and District Attorney next time I connect with them.

My recommendation to the District is still to get this resolved now (per comments on August 17<sup>th</sup>), prior to moving forward with District concurrence on pre-plat.

Thanks

Don

District Engineer

Black Canyon Irrigation District



Donald Popoff PE

Nampa Office Manager | RH2 Engineering, Inc.

16150 N. High Desert Street

Suite 201

Nampa, Idaho 83687

C: 208.807.0015

O: 208.563.2280

[dpopoff@rh2.com](mailto:dpopoff@rh2.com)

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



# United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office

230 Collins Road

Boise, ID 83702-4520



IN REPLY REFER TO:

MSF-6118

2.2.3.19

**MAR 30 2022**

Mr. Joseph Rumsey  
75 S. Kings Road  
Nampa, ID 83687

Subject: Rumsey Use Authorization (Authorization) Contract No. 20-07-11-L5347, Roadway crossing the CGE 1.1-4.0-0.2 Lateral, NE¼SW¼ Section 17, T5N R3W, B.M., Payette Division, Boise Project, Idaho

Dear MrRumsey:

Enclosed for your records is an executed original of the above Agreement.

Please call Ms. Sandra Ferguson, Realty Specialist at 208-383-2206 if we can be of further assistance.

Sincerely,

Bryan Horsburgh  
Deputy Area Manager

Enclosure

Cc: Mr. Carl Hayes, Manager  
Black Canyon Irrigation District  
P. O. Box 226  
Notus, ID 83656

RETURN TO:  
Bureau of Reclamation  
Attn: MSF 6118  
230 Collins Road  
Boise, ID 83702

Contract No. 20-07-11-L5347

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
Payette Division- Boise Project, Idaho**

**USE AUTHORIZATION**

**THIS USE AUTHORIZATION**, hereinafter referred to as Authorization, made this 30 day of March, 2022, pursuant to the Act of Congress June 17, 1902 (32 Stat. 388; 43 U.S.C. §391), and acts amendatory thereof or supplementary thereto, collectively referred to as the Federal Reclamation Laws, specifically, Section 10 of the Reclamation Project Act of 1939 (53 Stat. 1196) and pursuant to regulations promulgated under 43 CFR Part 429, between the **UNITED STATES OF AMERICA**, hereinafter called the **United States**, represented by the official executing this Use Authorization, and JOSEPH RUMSEY.

WITNESSETH, THAT:

WHEREAS, in connection with the Payette Division-Boise Project, Idaho, the United States, by and through the Bureau of Reclamation, Department of the Interior, hereinafter referred to as Reclamation, has, pursuant to Federal Reclamation Laws, constructed, operates, and maintains certain irrigation works now or hereinafter authorized by Congress and referred to as project facilities; and

WHEREAS, said project facility, referred to as the CGE 1.1-4.0-0.2, is operated and maintained by the Black Canyon Irrigation District, hereinafter referred to as the District; and

WHEREAS, Reclamation and the District's primary concern is the continued safe and effective operation of said Federal facility; and

WHEREAS, RUMSEY desires to construct, install, operate and maintain a roadway crossing in and across said CGE 1.1-4.0-0.2 Lateral; for which Reclamation has exercised a right-of-way reserved to the United States for ditches and canals, for the CGE 1.1-4.0-0.2 Lateral. This ROW was obtained via the August 30, 1890 Ditches and Canal Act; and

WHEREAS, the proposed use has been reviewed for the purpose and location as stated herein.

NOW, THEREFORE, in consideration of the mutual covenants and following conditions, Reclamation and RUMSEY agree as follows:

1. LEGAL

The improvement(s) would cross the Federal facility in the following location:

In a portion of the NE¼SW¼ of Section 17, Township 5 North, Range 3 West, Boise Meridian, in the manner and at the location shown on the attached Exhibits A, B, C, D and E, attached hereto.

2. SUBJECT TO FEE OWNER APPROVAL

Unless RUMSEY is the underlying fee owner, RUMSEY will acquire the necessary permission from the underlying landowner.

3. FEES

The Applicant has provided an application to obtain this Use Authorization in conformance with Title 43 of the Code of Federal Regulations, Part 429 and a payment of \$100.00 for the application fee. In accordance with 43 CFR 429.18, Reclamation acknowledges that RUMSEY has paid to Reclamation the associated administrative costs. However, Reclamation reserves the right to recover additional and related administrative costs if the need arises for monitoring, to ensure compliance with the conditions noted above.

4. CONDITIONS

To ensure that the proposed project does not interfere with Reclamation's dominant interest, the following conditions must be adhered to:

a. Reclamation has a contract with the District to provide irrigation water. RUMSEY must ensure unrestricted flow and quality of water in the easement or right-of-way so that the proposed project does not interfere with Reclamation's or the District's ability to fulfill its contractual obligation to deliver water. RUMSEY shall coordinate with the District at least 7 days **prior** to the onset of implementation/construction. This office can be reached at Black Canyon Irrigation District, (208) 459-4141.

b. Any obstructions or impedance to the flow of project waters or damages to the property or interests of the United States or the District, caused by the requested use will be promptly addressed at RUMSEY's expense. Obstructions may occur from, but are not limited to, impacts from trees, shrubs, or other vegetation removal, erosion, rutting or other types of soil deterioration.

c. RUMSEY agrees that its use will not restrict access to, or diminish Reclamation's or the District's ability to, operate and maintain its facilities, nor will it interfere with Reclamation's ability to exercise full use and enjoyment of its dominate interest.

d. Reclamation has developed general guidelines for the proposed crossing of Reclamation facilities. Reclamation's *Engineering and O&M Guidelines for Crossings* publication can be found at <https://www.usbr.gov/pn/snakeriver/landuse/authorized/crossings.pdf>.

e. RUMSEY accepts the requested use location(s) in the existing condition as of the date of this document, RUMSEY shall keep the premises in a neat and orderly condition at all

f. Implementation/Construction, operation, and maintenance of the use and associated improvements is at RUMSEY's expense.

g. Implementation/Construction shall be halted immediately if Reclamation or the District determines that the conditions are not being followed, or if it becomes apparent that damage to the Federal interests may result from implementation/construction.

h. The requested use shall not interfere with the District, or any other authorized personnel, in the performance of their duties. If the operation, maintenance, or construction in the Federal easement or right-of-way for public works now or hereafter authorized by the Congress should require removal or relocation of the requested use, this removal or relocation will be at RUMSEY's expense.

i. RUMSEY agrees to indemnify the United States for, and hold the United States and all of its representatives harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or method of performing any construction, care, operation, maintenance, supervision, examination, inspection, or other activities of RUMSEY addressed in this Use Authorization. Reclamation and the District shall not be responsible for any loss or damage to property arising from issuance of this Use Authorization, including but not limited to damages to growing crops, animals, and machinery; or injury to RUMSEY's associates, officers, agents, employees, or any others who are on the premises; or for damages or interference caused by natural phenomena.

j. Should RUMSEY want to perform substantial reconstruction of the Federal facility identified in this Use Authorization, this will require specific permission **not** granted by this Use Authorization. RUMSEY shall submit an application for the requested use, with a complete project proposal to Reclamation no later than ninety (90) days prior to proposed construction. RUMSEY agrees to notify in writing and by phone the Middle Snake Field Office, Bureau of Reclamation, 230 N. Collins Road, Boise, ID 83702, (208) 383-2200. Reclamation will review the application for current Federal, State and local compliance and guidelines, including the National Environmental Policy Act. RUMSEY agrees to attend any on-site investigations if requested by Reclamation.

k. RUMSEY shall protect all survey monuments found within the easement or right-of-way. Survey monuments include, but are not limited to, General Land Office (GLO) and Bureau of Land Management (BLM) Cadastral Survey Corners, reference corners, witness points, geodetic benchmarks and triangulation stations, military control monuments, Reclamation markers, and any other survey monuments. In the event of obliteration or disturbance of any of the above, RUMSEY shall immediately report the incident, in writing, to Reclamation and the appropriate survey authority. Where GLO or BLM monuments or references are obliterated, RUMSEY shall coordinate with the BLM to restore the disturbed monument or references. RUMSEY shall provide a copy of any resultant survey to Reclamation. RUMSEY shall be responsible for all associated costs.

l. RUMSEY agrees not to allow contamination or pollution of Federal lands, waters, or facilities by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution from the requested use. RUMSEY agrees to comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and directives and standards, existing or hereafter enacted or promulgated, concerning any

hazardous material that will be used, produced, transported, stored, or disposed of on the site of the use. Upon discovery of any event which may or does result in contamination or pollution of Federal lands, waters, or facilities, RUMSEY agrees to initiate any necessary emergency measures to protect health, safety, and the environment, and shall report such discovery and full details of the actions taken to the Middle Snake Field Office, Bureau of Reclamation, 230 N. Collins Road, Boise, ID 83702, (208) 383-2200 and the Black Canyon Irrigation District, 226 Elgin Road, Notus, ID, 83656, (208) 459-4141. Reporting shall be within twenty-four (24) hours of occurrence or discovery of the action. Written documentation with full details of the event and the necessary emergency measures taken shall be sent no later than fifteen (15) days after the event. An emergency is any situation that requires immediate action to reduce or avoid endangering public health, safety, or the environment.

m. If any antiquities or other objects of archaeological, cultural, paleontological, historic, or scientific interest, including, but not limited to, historic or prehistoric ruins, human remains, funerary objects, and artifacts are encountered within the easement or right-of-way during implementation/construction, all ground disturbing activities must be stopped in the immediate area of the discovery site. RUMSEY must put forth a reasonable effort to protect and secure the discovery site, and should immediately notify Reclamation of the discovery. Reclamation will evaluate the discovery and notify RUMSEY when activity may resume.

n. If any threatened or endangered species are encountered during the implementation/construction, operation, or maintenance of the requested use, RUMSEY shall immediately stop all activities and immediately notify Reclamation. Reclamation will evaluate the situation and consult with the United States Fish and Wildlife Service as necessary to determine appropriate steps to avoid any effects to these species, including cessation of construction, operation, or maintenance.

o. Depending on the complexity of the proposed use, RUMSEY shall furnish Reclamation and the District a copy of the as-built drawing and/or survey upon completion of installation/construction as agreed upon by Reclamation and RUMSEY. The survey shall provide measured distances or other appropriate location information to show the exact location of the use.

p. This use authorization does not grant any water rights or rights-of-way. This use authorization does not supersede any existing easements, rights-of-way, or reservations.

q. RUMSEY acknowledges and agrees that this Use Authorization is not and shall not be interpreted as, the approval or authorization of any other use, encroachment or activity upon Project facilities or land except as expressly stated herein. In addition, the Use Authorization shall not in any way be construed as approval or authorization to construct, install, or modify of any facilities, which would permit, allow or enable discharge of storm water run-off into the facilities or works of the United States or the Board/District. Notwithstanding anything to the contrary contained in this Use Authorization, neither the United States nor the Board/District approves, authorizes, permits, allows, or accepts any non-agricultural stormwater discharge into any facility owned, operated, and/or maintained by the United States or the Board/District, whether it be through a pipe, conduit, culvert, canal, lateral, drain or other ditch, or surface or ground water, absent the United States' prior written permission and Board's/District's concurrence per Reclamation regulations and policy. RUMSEY acknowledges that the authorized works identified in this Use Authorization does not permit nor allow any nonagricultural water discharge to enter the facility.

r. RUMSEY is aware that if the aforementioned conditions are not followed and the project jeopardizes Reclamation's or the District's right and ability to operate and maintain the Federal facility, during construction, or at a later date, Reclamation will seek full and just compensation.

s. Each provision of this use authorization shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this use authorization shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of the use authorization as a whole

t. (1) The grantee agrees to indemnify the United States for, and hold the United States and all of its representatives harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or method of performing any construction, care, operation, maintenance, supervision, examination, inspection, or other activities of the grantee.

(2) The United States, acting through Reclamation, Department of the Interior, reserves rights to construct, operate, and maintain public works now or hereafter authorized by the Congress without liability for termination of the use authorization or other damage to the grantee's activities or facilities.

(3) Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization in the event of a natural disaster, a national emergency, a need arising from security requirements, or an immediate and overriding threat to public health and safety.

(4) Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization for activities other than existing authorized private exclusive recreational or residential use as defined under § 429.2 if Reclamation determines that any of the following apply:

(i) The use has become incompatible with authorized project purposes, project operations, safety, and security;

(ii) A higher public use is identified through a public process described at § 429.32(a)(1); or

(iii) Termination is necessary for operational needs of the project.

(5) Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization if Reclamation determines that the grantee has failed to use the use authorization for its intended purpose. Further, failure to construct within the timeframe specified in the terms of the use authorization may constitute a presumption of abandonment of the requested use and cause termination of the use authorization.

(6) Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization if the grantee fails to comply with all applicable Federal, State, and local laws, regulations, ordinances, or terms and conditions of any use authorization, or to obtain any required permits or authorizations.

(7) The Regional Director may, upon advice of the Solicitor, modify these terms and conditions with respect to the contents of the use authorization to meet local and special conditions.

u. Any activity deemed to be illegal on federal lands will be cause for immediate termination of the use authorization.

5. NOTICES

a. Notices served under this Use Authorization shall be in writing and may be delivered by personal delivery; via recognized delivery services such as United Parcel Services (UPS) or Federal Express (FedEx); or by deposit in the United States Mail, postage prepaid, as certified mail, return receipt requested, and addressed as follows:

UNITED STATES	APPLICANT	DISTRICT
Deputy Area Manager Bureau of Reclamation 230 Collins Road Boise, ID 83702 (208) 383-2200	Joseph Rumsey 75 S. Kings Rd. Nampa, ID 83687 (208) 890-9440	Manager Black Canyon Irrigation District P. O. Box 226 Notus, ID 83656 (208) 459-4141

b. Any notice delivered by personal delivery shall be deemed received by the addressee upon actual delivery. Any notice delivered by certified mail or delivery service shall be deemed received by the addressee on the third business day after deposit. The addresses to which notices are to be delivered may be changed by giving notice of such change in accordance with this paragraph. This paragraph shall apply where notice is required under this Use Authorization, and no specific requirements are set forth. Where this Use Authorization provides for a specific notice in a different manner, the more specific requirements shall prevail.

c. The parties hereby designate the Deputy Area Manager, Landowner, and Manager, as their respective authorized representatives for this Use Authorization. These individuals shall have authority to take any action allowed or required under this Use Authorization, on behalf of their employer. The parties may change their designated representatives at any time by giving notice of such change in accordance with this Article.

6. INCREASED COSTS

If the construction, operation, or maintenance of any or all of such structures and facilities of the United States across, over, under, or upon said right of way should be made more expensive by reason of the existence of improvements or works of RUMSEY thereon, such additional expense is to be estimated by the Reclamation, whose estimate is to be final and binding upon the parties hereto. RUMSEY will make payment thereof to the United States or any of its successors or assigns within (30) days after demand is made upon RUMSEY for payment of any such sums. As an alternative to payment, RUMSEY, at its sole cost and expense and within the time limits established by the United States, may remove or adapt its facilities constructed and operated by it on said right of way to accommodate the aforementioned structures and facilities of the United States. RUMSEY shall bear any costs incurred by the United States occasioned by the failure to remove or adapt its facilities within the time limits specified.

7. OFFICIALS NOT TO BENEFIT

No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

and within the time limits established by the United States, may remove or adapt its facilities constructed and operated by it on said right of way to accommodate the aforementioned structures and facilities of the United States. RUMSEY shall bear any costs incurred by the United States occasioned by the failure to remove or adapt its facilities within the time limits specified.

7. OFFICIALS NOT TO BENEFIT

No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

IN WITNESS WHEREOF, the parties hereto have executed this Use Authorization the day and year first above written.

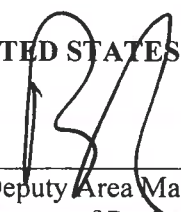
**APPLICANT**

**UNITED STATES OF AMERICA**

By

  
Joseph Rumsey

By

  
Deputy Area Manager  
Bureau of Reclamation  
230 Collins Road  
Boise, Idaho 83702-4520

Title Landowner/Applicant

**DISTRICT**

This Use Authorization has been considered and is hereby approved by the BLACK CANYON IRRIGATION DISTRICT the 2nd day of March, 2022

By

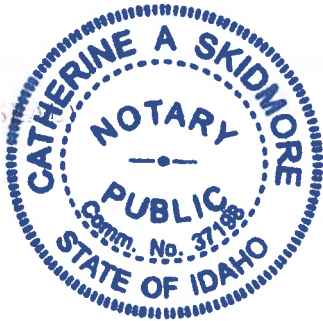
  
Manager

ACKNOWLEDGEMENT

STATE OF IDAHO )  
 )ss  
County of Canyon )

On this 2<sup>nd</sup> day of March, 2022 personally appeared before me, the undersigned notary, CARL HAYES, known to me to be the official of the BLACK CANYON IRRIGATION DISTRICT who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said DISTRICT, for the uses and purposes therein mentioned, and on oath stated that (s)he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



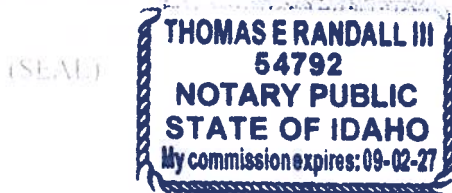
Catherine A Skidmore  
Notary Public in and for the  
State of ID  
Residing at Meridian, ID  
My commission expires 3-13-2026

ACKNOWLEDGEMENT

STATE OF )  
 )ss  
County of Canyon )

On this 25<sup>th</sup> day of March, 2022 personally appeared before me JOSEPH RUMSEY, known to me or identified to me on the basis of satisfactory evidence who executed the within and foregoing instrument and acknowledged that he/she signed said instrument for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



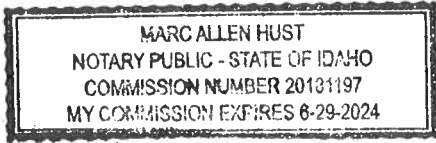
Thomas E Randall III  
Notary Public in and for the  
State of Idaho  
Residing at Nampa, ID  
My commission expires 09/02/27

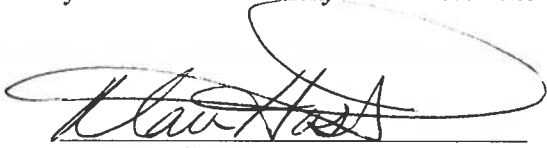
ACKNOWLEDGEMENT

STATE OF IDAHO    )  
                                  )ss  
County of Ada    )

On this 30 day of March, 2022 personally appeared before me BRYAN HORSBURGH, to me known to be the official of the **UNITED STATES OF AMERICA** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States for the uses and purposes therein mentioned, and on oath stated that (s)he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
\_\_\_\_\_  
Notary Public in and for the  
State of ID  
Residing at Boise  
My commission expires 6/29/2024

Project Hornet Cove Subdivision  
Feature Irrigation Lateral Crossing

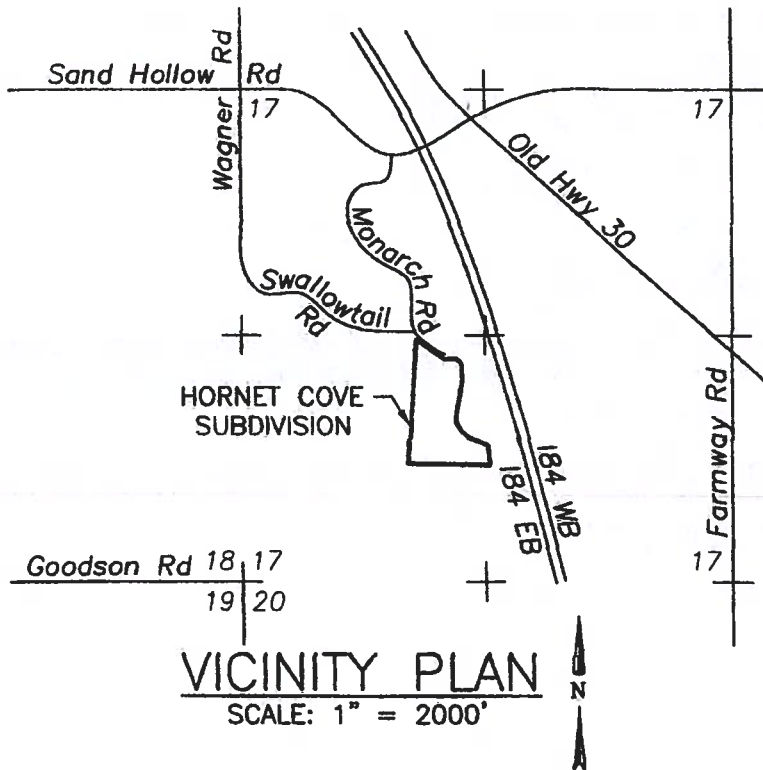
Contract No. FE0321  
Designed RWCC  
Revision 1

Sheet 1 of 4  
File No. \_\_\_\_\_  
Date SEP 2021  
Date 04 NOV 2021

# HORNET COVE SUBDIVISION

(at south end of Monarch Rd)  
Between SAND HOLLOW & GOODSON Rds,  
and between WAGNER & FARMWAY Rds,  
CALDWELL, ID

## CROSSING IRRIGATION LATERAL C1.1.4.3W



Rodney W C Clark  
Skinner Land Survey

Rev. 1 (04 NOV 2021): Revised per 01 November Site Meeting.  
Rev. 0 (13 OCT 2021): Issue for Irrigation District Review.

Exhibit A

Exhibit 8

**HORNET COVE SUBDIVISION  
IRRIGATION PIPE CROSSING**

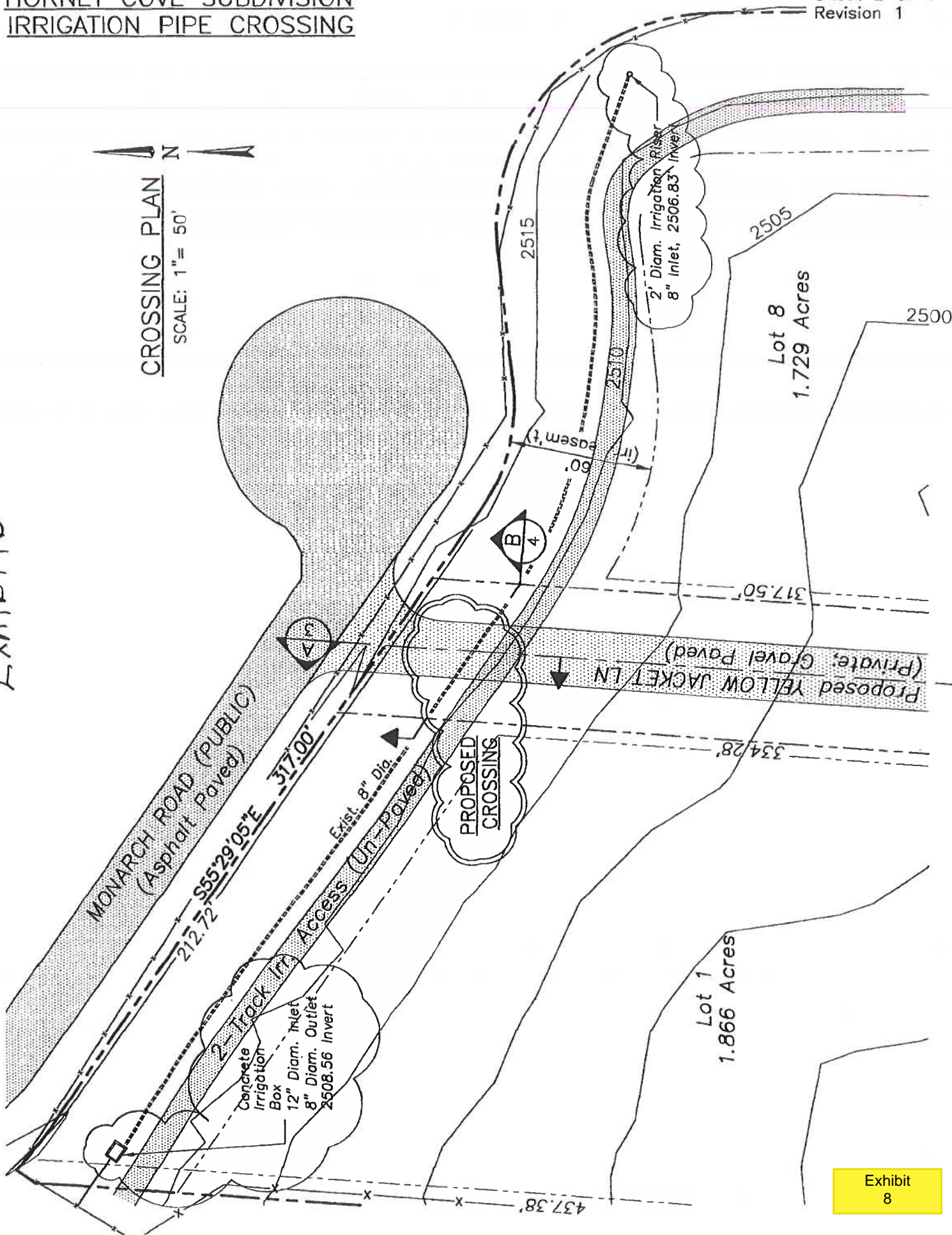
Sheet 2 of 4  
Revision 1



**CROSSING PLAN**

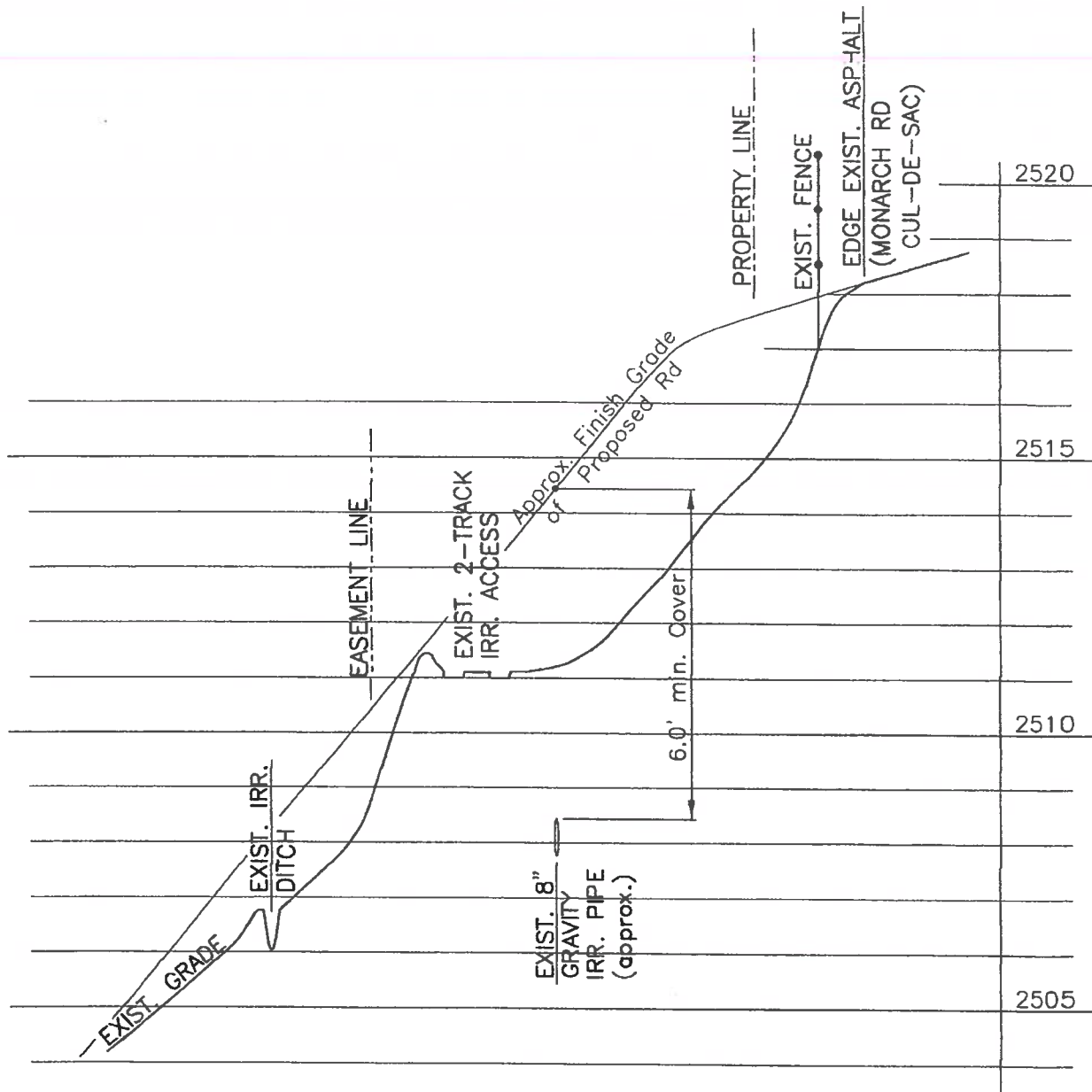
SCALE: 1" = 50'

*Exhibit B*



HORNET COVE SUBDIVISION  
IRRIGATION PIPE CROSSING

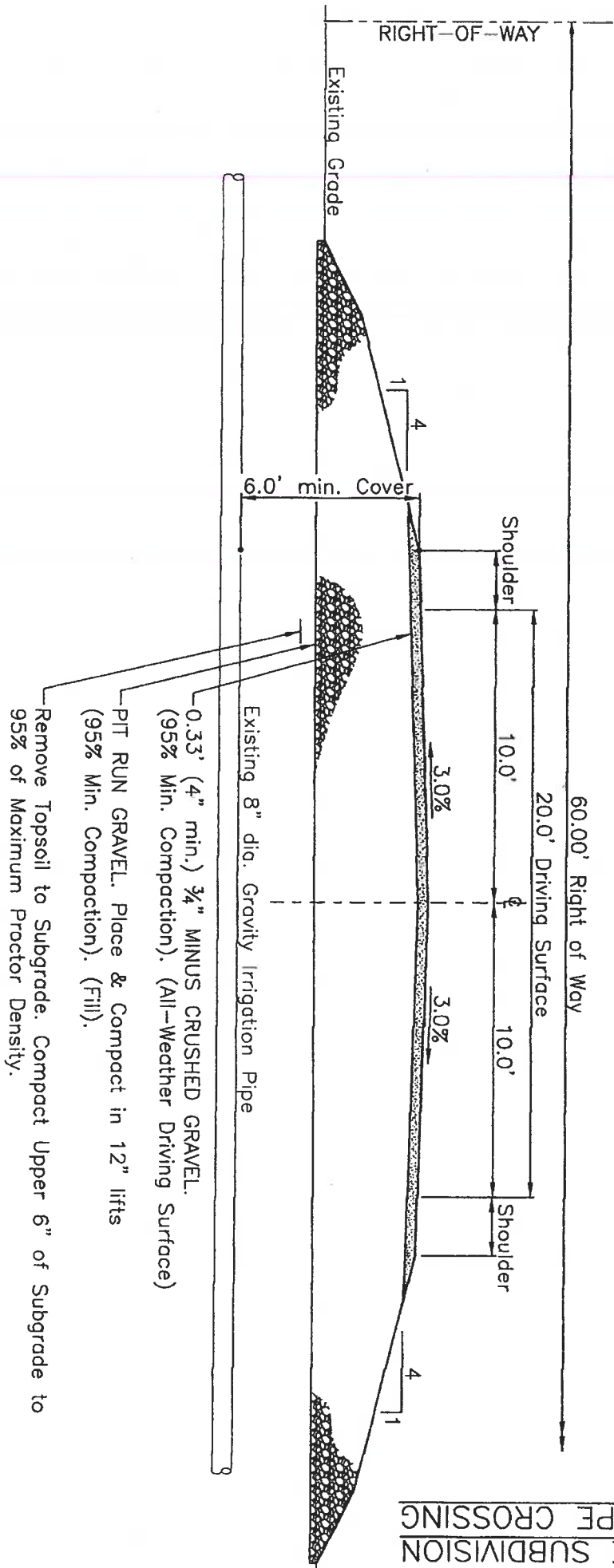
Sheet 3 of 4  
Revision 1



**A**  
2 Proposed **YELLOW JACKET LANE**  
SCALE: 1" = 30.0' HORIZONTAL  
1" = 3.0' VERTICAL

Exhibit C

HORNET COVE SUBDIVISION  
IRRIGATION PIPE CROSSING



- 0.33' (4" min.) ¾" MINUS CRUSHED GRAVEL. (95% Min. Compaction). (All-Weather Driving Surface)
- PIT RUN GRAVEL. Place & Compact in 12" lifts (95% Min. Compaction). (Fill).
- Remove Topsoil to Subgrade. Compact Upper 6" of Subgrade to 95% of Maximum Proctor Density.

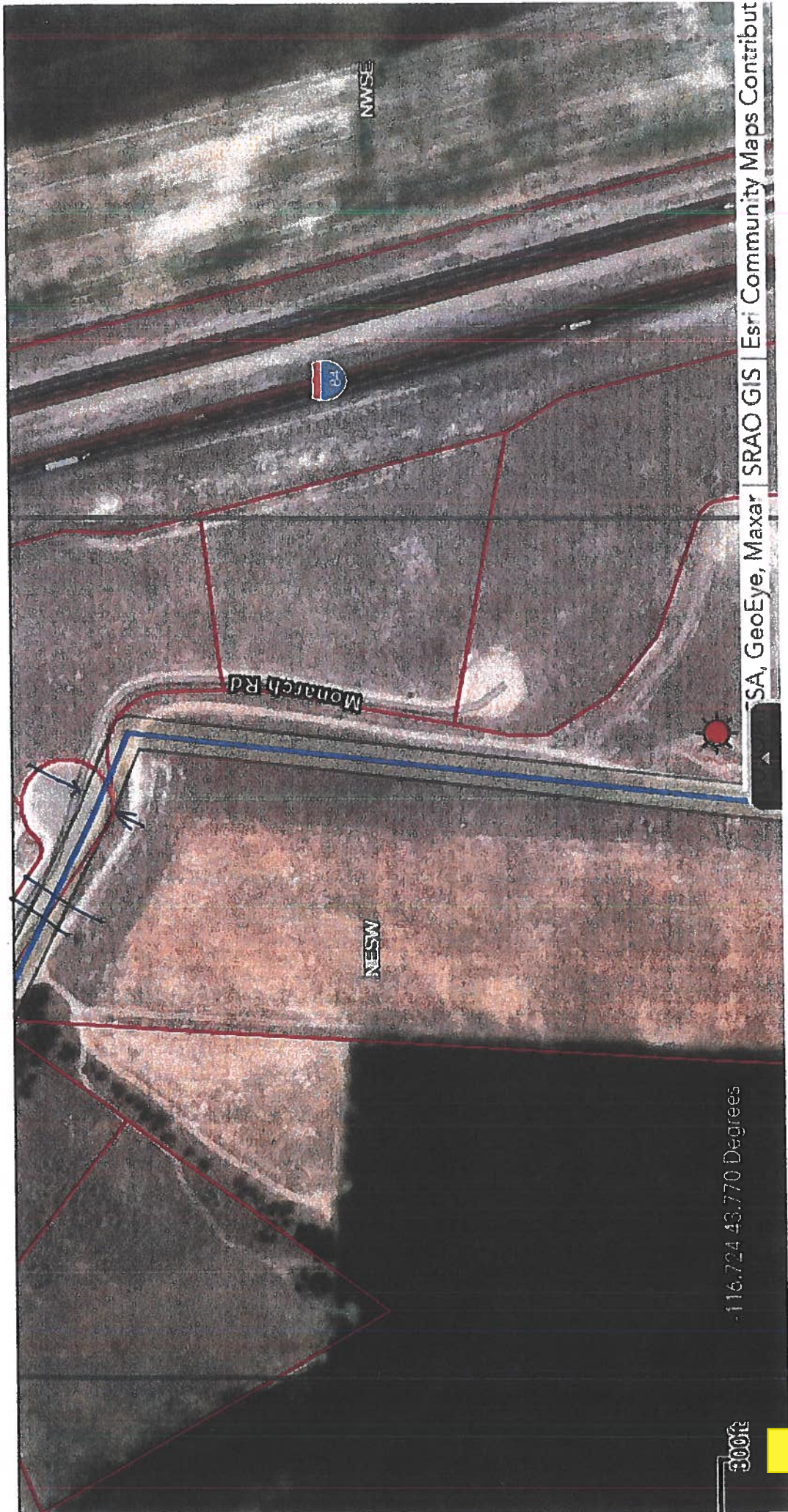
SECTION B  
1" = 5.0'

Exhibit D



SWNE

Place



NWSE

NESW

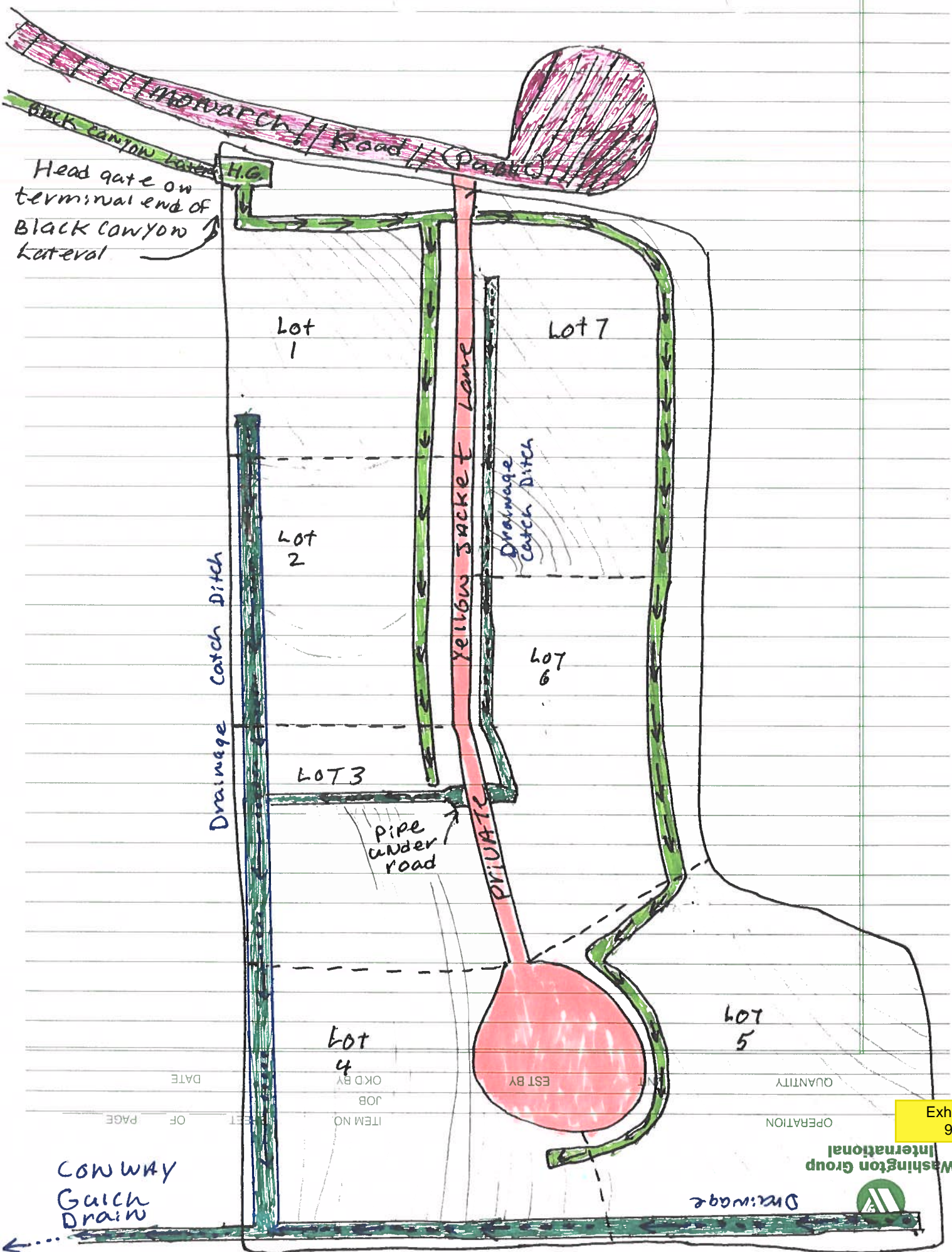
-116.724 48.770 Degrees

300ft

SA, GeoEye, Maxar SRAO GIS | Esri Community Maps Contribut

Exhibit E

Exhibit 8



DATE \_\_\_\_\_ OF \_\_\_\_\_ PAGE \_\_\_\_\_  
 ITEM NO. \_\_\_\_\_ JOB \_\_\_\_\_ OK'D BY \_\_\_\_\_ EST BY \_\_\_\_\_ QUANTITY \_\_\_\_\_ OPERATION \_\_\_\_\_

Exhibit  
9

Washington Group  
International



Drainage

COW WAY  
Gulch  
Drain

# 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) JOE RUMSEY (208) 890-9440  
Name Daytime Telephone Number  
75 S KINGS RD NAMPA, ID 83687  
Street Address City, State Zip

Representative Name TJ WELLARD (208) 454-0933 / TJ@SKINNERLANDSURVEY.COM  
Daytime Telephone Number / E-mail Address  
17842 SAND HOLLOW RD CALDWELL, ID 83607  
Street Address City, State Zip

Location of Subject Property: SAND HOLLOW RD x GOODSON RD CALDWELL  
Two Nearest Cross Streets or Property Address City

Assessor's Account Number(s): R 37877011 B0 Section 17 Township 5N Range 3W  
05N03W 174202

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.

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?

Irrigation: BLACK CANYON IRRIGATION

Drainage: CONWAY GULCH

3. How many acres is the property being subdivided? 16.197

4. What percentage of this property has water? 100 %

5. How many inches of water are available to the property? 15-20" DEPENDING ON WATER YEAR

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.

HEAD GATES COMES OUT OF BLACK CANYON CANAL AT RIGHT ANGLES, PASSES UNDER GROUND AND INTO PRE-EXISTING SURFACE DITCH THAT SERVICES ALL OF THE LOTS

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?

DRAINAGE IN A 200' X 20' COLLECTING POND

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)

SOIL FILTRATION

===== 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: *[Signature]* Date: 5/3/22  
Property Owner (Application Submitted)

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

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

## 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:

- 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:**

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

**Skinner Land Survey**  
Land Surveying & Engineering

Sheet 2 of 2

Project <u>Hornet Cove Subdivision</u>	Contract No. <u>FE0321</u>	File No. _____
Feature <u>Stormwater Management for Right-of-Way (Lot 8)</u>	Designed <u>RWCC</u>	Date <u>OCT 2021</u>
Item _____	Revision <u>0</u>	Date <u>09AUG2022</u>

**1. Purpose**

For the proposed gravel-paved Yellow Jacket Lane, running south from the existing asphalt-paved public Monarch Road: to control the additional run-off flow, to maintain local surface water and groundwater quality, and to control erosion and sedimentation resulting from a rainstorm with an expected return frequency of 100 years.

**2. Existing Conditions**

The Hornet Cove Subdivision property consists of 16.2 acres located between Notus and Middleton. There are no existing structures and the land is currently in use as irrigated rough pasture.

The property slopes to the south and west at slopes commonly 4 - 13%. Stormwater run-off from the side slopes of Monarch Road sheet flow at least to this property. Stormwater run-off within the property experiences some short term depression storage and infiltration due to the nature of the rough pasture. No evidence was found at the perimeter of the property of erosion or sedimentation from run-off.

**3. Proposed Site Development**

The property is to be divided into 7 residential lots of 2.08 acre average, on both sides of a road right-of-way lot of 1.636 acre. A gravel-paved access road and turnaround are proposed.

The plat designates that: "*Post development stormwater run-off from each lot is to be managed by landscaping measures, swales, ditches and similar retention methods, wholly on the lot generating the run-off. The design, construction, and maintenance of these facilities is to be the responsibility of each lot owner.*"

**This Calculation is only for managing stormwater on the right-of-way lot.**

**4. Stormwater Management**

*Method*

- The entire Lot 8 (1.636 acre), containing the road and turn around, plus an additional 30 ft strip x 1050 ft along the east, uphill side of the lot, were considered the catchment area for the retention of increased stormwater run-off for Lot 8.
- A 1 hr 100 yr additional stormwater run-off volume calculation was made.
- A Retention Area was sized for the low point and low side of Lot 8.

*Assumptions*

- 1hr 100 yr storm: 1.15 in/hr
- Gravel paving run-off coefficient: 0.40
- **Additional** run-off coefficient for gravel paving: **Use 0.40** (conservative)
- Use additional run-off coefficient of 0.40 for the entire catchment area (conservative)

*Design Analysis*

<u>Catchment Area</u>	= (1.636 acre x 43 560) + (30 ft x 1050 ft)	= 102 764 ft <sup>2</sup>
<u>1 hr 100 yr run-off volume</u>	= 0.40 x 1.15 in / 12 x 102 764	= 3939 ft <sup>3</sup>
<u>Retention Volume</u> (2 ft deep)	= 33 ft <sup>2</sup> x 164.5 ft = 5428 ft <sup>3</sup>	= 3939 + 37% <b>OK</b>

**5. Conclusion**

The construction of the gravel road, turn around area, borrow ditches and retention pond will reduce run-off within and from the subdivision.



# HORNET COVE SUBDIVISION

A PORTION OF THE S 1/2 OF SECTION 17,  
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN,  
CANTON 2022

BUTTERFLY RIDGE  
BOOK 38 PAGE 34

### NOTES:

- This development recognizes Section 22-5303, Idaho Code, Right to Farm, which states: "No agricultural operation, agricultural facility or expansion shall be considered to be a nuisance if it is conducted in accordance with the conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion is not a nuisance at the time it began operation. The provisions of this chapter shall not apply to any agricultural operation, agricultural facility or expansion thereof."
- Water for domestic purposes shall be supplied by single party wells. Sanitary restrictions designating areas reserved for well installation shall be subject to the approval of Southwest District Health.
- Sanitary restrictions designating areas reserved for well installation shall be subject to the approval of Southwest District Health.
- This development recognizes and is in compliance with Idaho Code 31-3805(1)(b) which states: "The design, construction and maintenance of these facilities is to be the responsibility of each lot owner."
- Finish grades of subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on subdivision property unless otherwise approved.
- No permanent structure shall be located closer than seventy feet (70') to district having jurisdiction unless the seventy foot (70') setback requirement.

### CURVE TABLE

NO	RADIUS	CENTRAL ANGLE	LENGTH	CHORD BEARING	CHORD
C1	185.00'	71.312°	51.31'	S51.52.59"E	23.30'
C2	80.00'	40.5811°	57.20'	S76.05.24"E	56.99'
C3	92.00'	95.4017°	153.62'	S48.40.42"E	136.39'
C4	47.00'	70.4632°	58.06'	S35.09.39"E	54.44'
C5	20.00'	77.1307°	26.38'	N52.27.51"W	23.88'
C6	70.00'	37.0245°	94.31'	N54.27.44"W	87.20'
C8	70.00'	26.5245°	324.33'	S31.29.43"W	102.86'

### LINE TABLE

NO	BEARING	LENGTH
L1	N35.04.01"E	10.02'
L2	N83.77.38"E	55.34'
L3	S09.50.00"W	60.24'
L4	N87.15.12"W	5.01'
L5	S55.728.06"E	34.73'
L7	S55.728.06"E	34.73'
L8	N15.51.18"W	13.00'
L9	N74.09.42"E	40.00'

18 | 17 | 1320.16'

19 | 20 | S89.09.13"E

W/Section 17

Corner

2009.04.24

2010.07.17

2010.07.17

2010.07.17

2010.07.17

2010.07.17

2010.07.17

2010.07.17

2010.07.17

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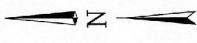
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2010.07.17



### LEGEND

- BRASS CAP MONUMENT - FOUND
- 5/8" REBAR - FOUND
- 1/2" x 24" REBAR - SET
- 1/2" x 24" REBAR - SET
- CALCULATED POINT
- SECTION/ALGOUT PART LINE
- LOT LINE
- INGRESS/EGRESS, UTILITY, IRRIGATION & DRAINAGE EASEMENT LINE

UNLESS OTHERWISE NOTED, EASEMENT MONUMENTS SHALL BE 2 FEET ON EACH SIDE OF INTERIOR LOT LINES AND 4 FEET ON EACH SIDE OF EXTERIOR LOT LINES. MONUMENTS THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S).

**Surveyor's Narrative:**  
This survey was performed at the request of Joe Ramsey to subdivide the property as shown. Section control and existing property corner monuments were located and used to establish the base of the property was then subdivided at the clients direction. The base of bearing and elevations for this survey was established by GNSS observations to the nearest millimeter. All bearings and distances are shown on an grid azimuth and all distances are ground of project elevation.



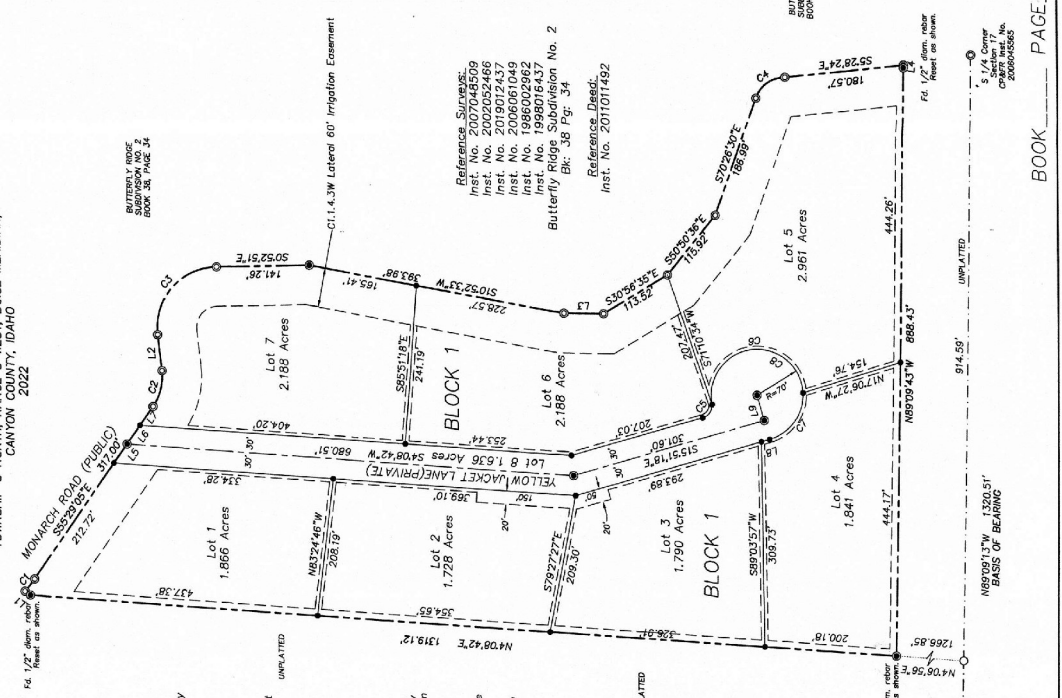
### REVISIONS

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2	

Sheet 1 of 2

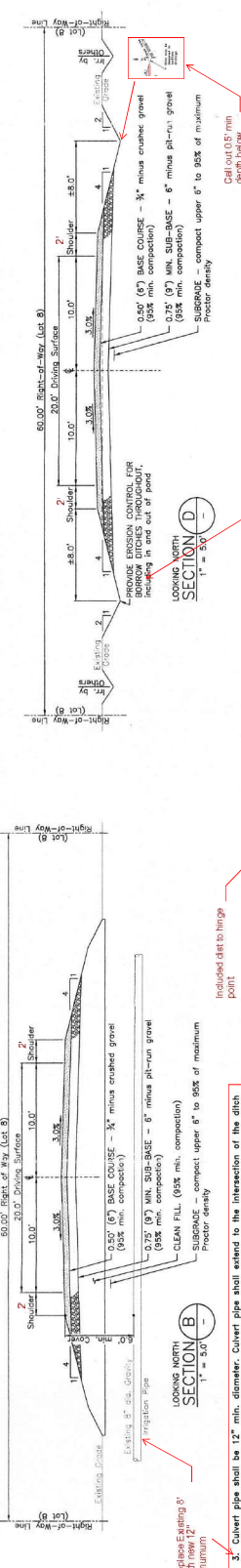
Drawn By: ZCL  
Date: June 18, 2022  
Surveyed By: KPL  
Job No. FE0321

**Skinner Land Survey**  
17842 Sand Hollow Road  
Caldwell, Idaho 83407  
(208) 454-1000  
www.skinnerlandsurvey.com



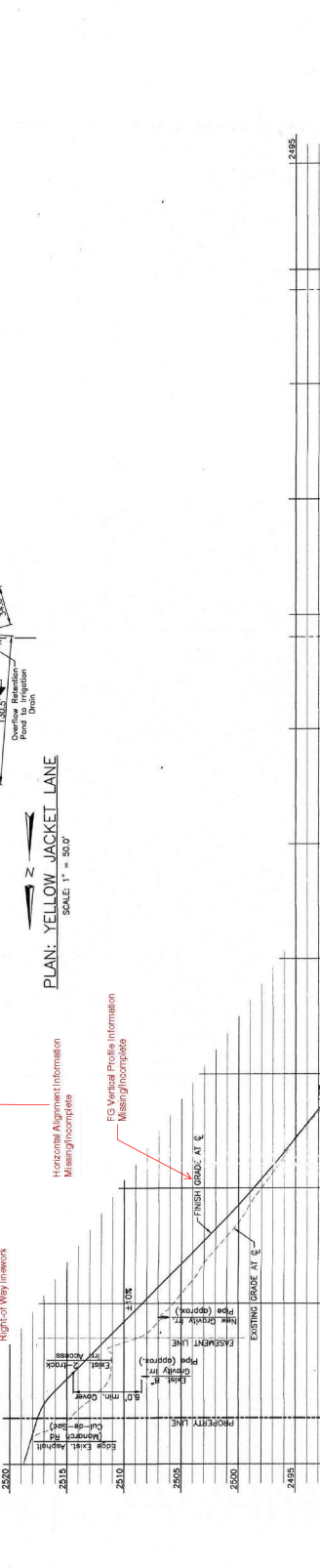
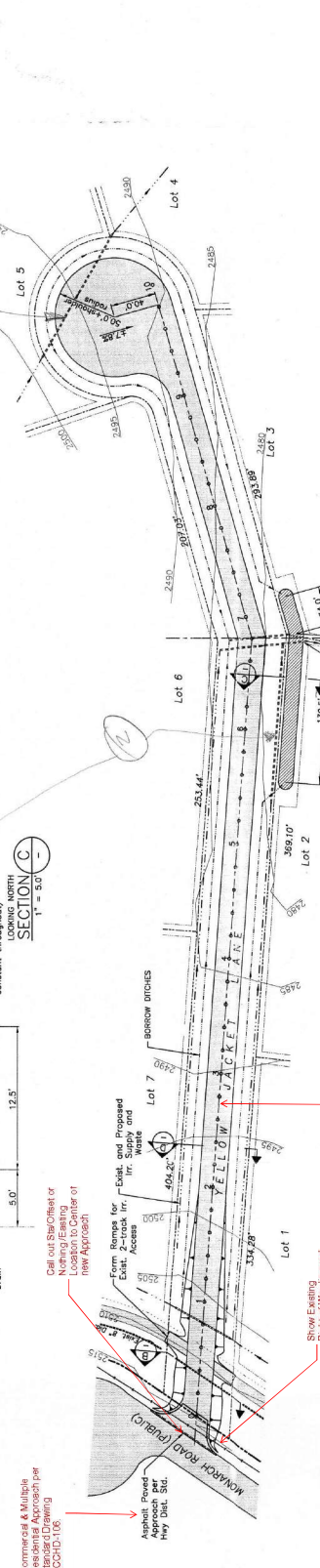
BOOK PAGE

18



**SECTION B**  
 1. Replace Existing 6" with new 12" Minimum  
 2. Curved pipe shall be 12" min. diameter. Curved pipe shall extend to the intersection of the ditch  
 3. Curved pipe shall be 12" min. diameter. Curved pipe shall extend to the intersection of the ditch  
 4. 0.50' (6") BASE COURSE - 1/4" minus crushed gravel (95% min. compaction)  
 5. 0.75' (9") MIN. SUB-BASE - 6" minus pit-run gravel (95% min. compaction)  
 6. CLEAN FILL (95% min. compaction)  
 7. SUBGRADE - compact upper 6" to 95% of maximum Proctor density

**SECTION C**  
 1. Included dirt to hinge point  
 2. Retention Pond  
 3. Stormwater Retention Pond  
 4. 10.00' Driving Surface  
 5. 30.00' Shoulder  
 6. 10.00' Driving Surface  
 7. 3.00' Shoulder  
 8. 10.00' Driving Surface  
 9. 3.00' Shoulder  
 10. 10.00' Driving Surface  
 11. 3.00' Shoulder  
 12. 10.00' Driving Surface  
 13. 3.00' Shoulder  
 14. 10.00' Driving Surface  
 15. 3.00' Shoulder



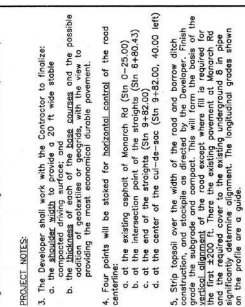
REV.	BY	DATE	DESCRIPTION
1	RWCC	09AUG2022	Issue for COUNTY REVIEW
2	RWCC	15AUG2022	Issue for DEVELOPER REVIEW

**GENERAL NOTES:**

- The location of existing underground utilities are shown in an approximate way only. The Contractor shall determine the exact location of all underground utilities before any excavation. The Contractor shall be fully responsible for any damage to existing utilities. The Contractor shall be responsible for any damage to existing utilities. The Contractor shall be responsible for any damage to existing utilities.
- The Contractor shall verify the existing conditions and any discrepancies shall be brought to the immediate attention of the Engineer. Contact the Engineer at 208 455 2112 (land line).

**PROJECT NOTES:**

- Gravel shall be placed with the Contractor to Engineer at the rate of 2000 cubic yards per 2000 cubic yards.
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**DEVELOPER**  
 JOE RUMSEY  
 75 So. Kings Rd.  
 Nampa, ID 83857  
 208 950 9440

**HORNET COVE SUBDIVISION**  
 south end Morch Rd, Caldwell, ID

**Skinner**  
 Land Survey  
 Fredrick Land Survey, P.C.  
 1717 Caldwell, Idaho, 83402  
 208 454 0858  
 www.skinnerlandsurvey.com

DATE: FEB 2021  
 SHEET NO: 1 OF 1  
 REV: 1



MELANIE SUB #2  
MELANIE SUB

IMAGES WERE FLOWN IN 2022/2023.

THE STADIUM SUBDIVISION

# Hornet Cove Subdivision Small Air Photo 1 Mile

Sand Hollow Rd

Gray Sage Rd

Wagner Rd

BUTTERFLY RIDGE #1

Monarch Rd

BUTTERFLY RIDGE #2

KIMBER RIDGE SUBDIVISION NO. 1

Old Hwy 30

THE STADIUM SUBDIVISION

OVERVIEW ACRES SUB

184WB

GOODSON SUB

Goodson Rd

Goodson Rd

ELM CREST SUB

Edenbrook Ln

Wagner Rd

Farmway Rd



	City Limits
	Wetlands

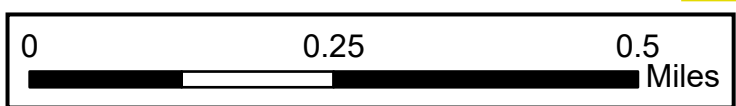
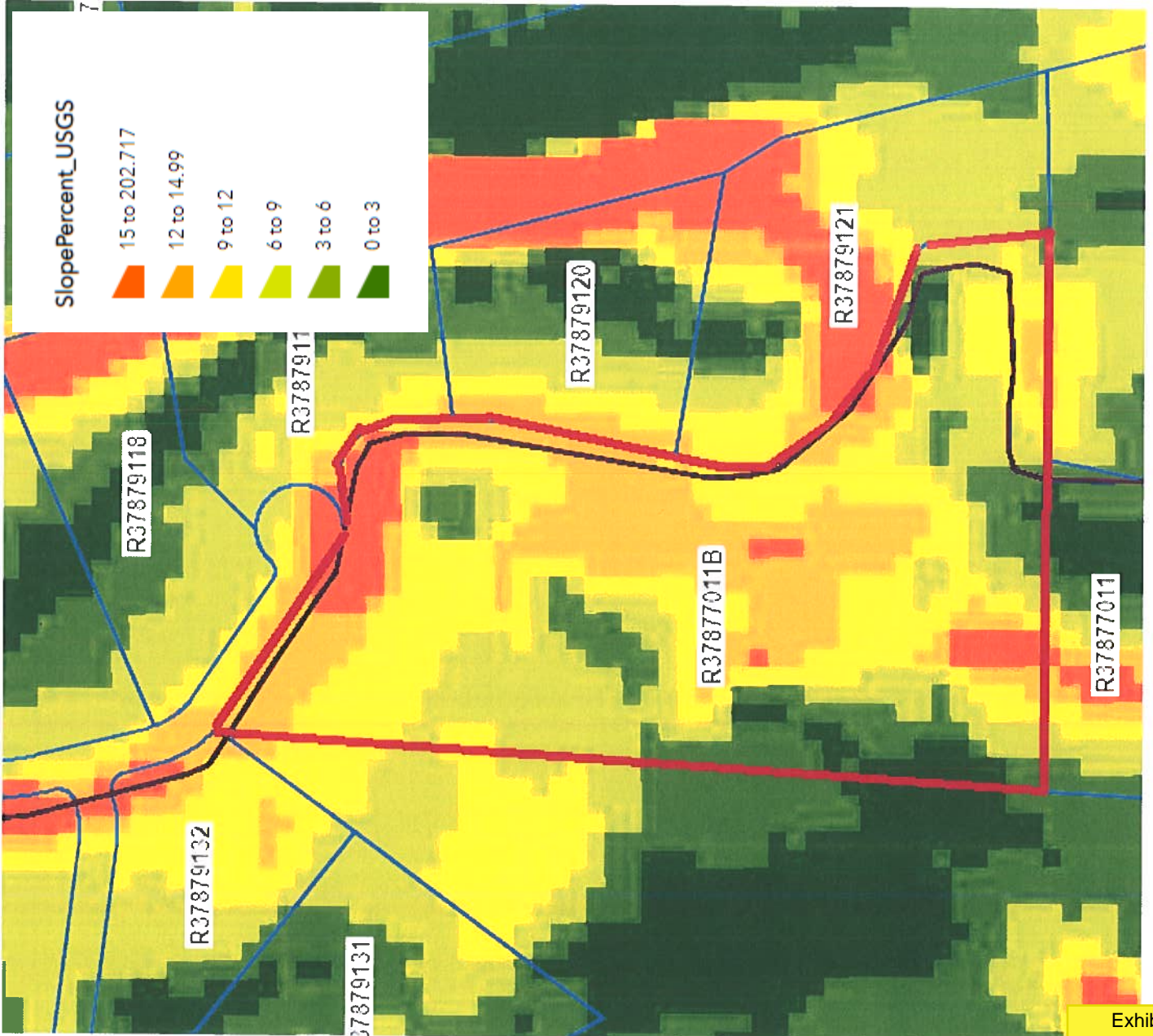


Exhibit  
13





*From the Office of Deputy Chief Victor Islas*

May 21, 2020

Canyon County  
Development Services Department  
111 N. 11th Avenue, Suite 140  
Caldwell, Idaho 83605

Re: Case # RZ2020-0007

To Whom It May Concern:

The Middleton Rural Fire District had reviewed the document sent via email by Canyon County Developmental Services dated 5/1/2020 for case RZ2020-007. Below you will find our response to the questions about Emergency Services.

1. Will essential services be provided to accommodate said use?
  - a. The Middleton Rural Fire District will provide Fire and EMS services to residents in this area.
  
1. Will services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?
  - a. Services will not be negatively impacted by this request.
  
1. What is the estimated response time to the subject property? Is the response time adequate for life safety concerns?
  - a. Utilizing Google Maps, this property will be 10.2 miles away from Middleton Fire Station 1, located at 302 E. Main Street in Middleton, Idaho.
  - b. The response time from Middleton Fire Station 1 under normal driving conditions is 14 minutes.
  - c. Please note that weather conditions, traffic congestions, and construction in the route of travel can affect response times. We strive to respond to all incidents in the safest and quickest manner utilizing our Mobile Data Computers and GPS Mapping with updated GIS data provided by Canyon County.

Additional Comments:

Any future building on these properties shall require Fire Department review for Access and Water Supply to each home. Fire District fees will apply. Requirements are set forth by the 2015 edition of the International Fire Code and the Authority Having Justification.

Access roads shall be provided and maintained following Appendix D and Section 503 of the 2015 International Fire Code. This shall include adequate roadway widths, signage, turnarounds, and turning radius for emergency apparatus.

**Middleton Rural Fire District  
302 E. Main Street  
Middleton, Idaho 83644**

**Station (208) 585-0050  
Fax (208) 585-6340  
www.middletonfire.org**

Exhibit  
15



*From the Office of Deputy Chief Victor Islas*

Additional Comments for RZ2020-0007 Continued:

The minimum fire flow and duration for one-and two-family dwellings shall be specified in Appendix B and Section 507 of the 2015 International Fire Code.

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.

If you have any questions or would like to discuss this letter in detail, please feel free to contact me at (208) 585-6650.

Sincerely,

A handwritten signature in blue ink that reads 'Victor E. Islas'.

Victor E. Islas  
Deputy Chief  
visals@middletonfire.org

Exhibit 15

**Middleton Rural Fire District**  
302 E. Main Street  
Middleton, Idaho 83644

**Station (208) 585-6650**  
**Fax (208) 585-6340**  
**www.middletonfire.org**

## **Hornet Cove Subdivision (SD2022-0024)**

**Parcel # R37877011B Section 7-5N-3W SW B.M: Canyon County, ID**

We are requesting approval of the preliminary plat for a seven-lot subdivision called Hornet Cove Subdivision. The land is on the terminal end of Monarch Road, east of Swallowtail Road in the Middleton School and Fire District. The land has Black Canyon water rights; however, it is not farmable on a commercial level due to the slope and soil condition making irrigation nearly impossible.

The seven lots of the subdivision will have access by a single private road which will interface with the end of Monarch Road. The Bureau of Reclamation currently has an easement on Hornet Cove land for an irrigation pipe along the north side of the property. The Bureau has granted an easement for a private road to cross said easement. The approach is engineered to the specifications of the Notus-Parma Highway District.

These will be single family homes that will be comparable and a continuation of the homes in Butterfly Ridge subdivision on the North side of Monarch Road. Each lot will have its own driveway, well and septic system. All lots will be approximately 2.08 acres and will have the 2.31 acre water rights. Irrigation water will come from an existing ditch that originates from a head gate in the northwest corner of the property. All irrigation drainage will be directed from each individual lot to the historical Conway Gulch drainage system. In the twelve years I have owned and farmed the land, the dry, sandy nature of the soil has not allowed for any wastewater run-off. This type of soil is not conducive to commercial farming.

Southwest District Health has reviewed the Subdivision Engineering report and has approved the SER for Hornet Cove Subdivision.

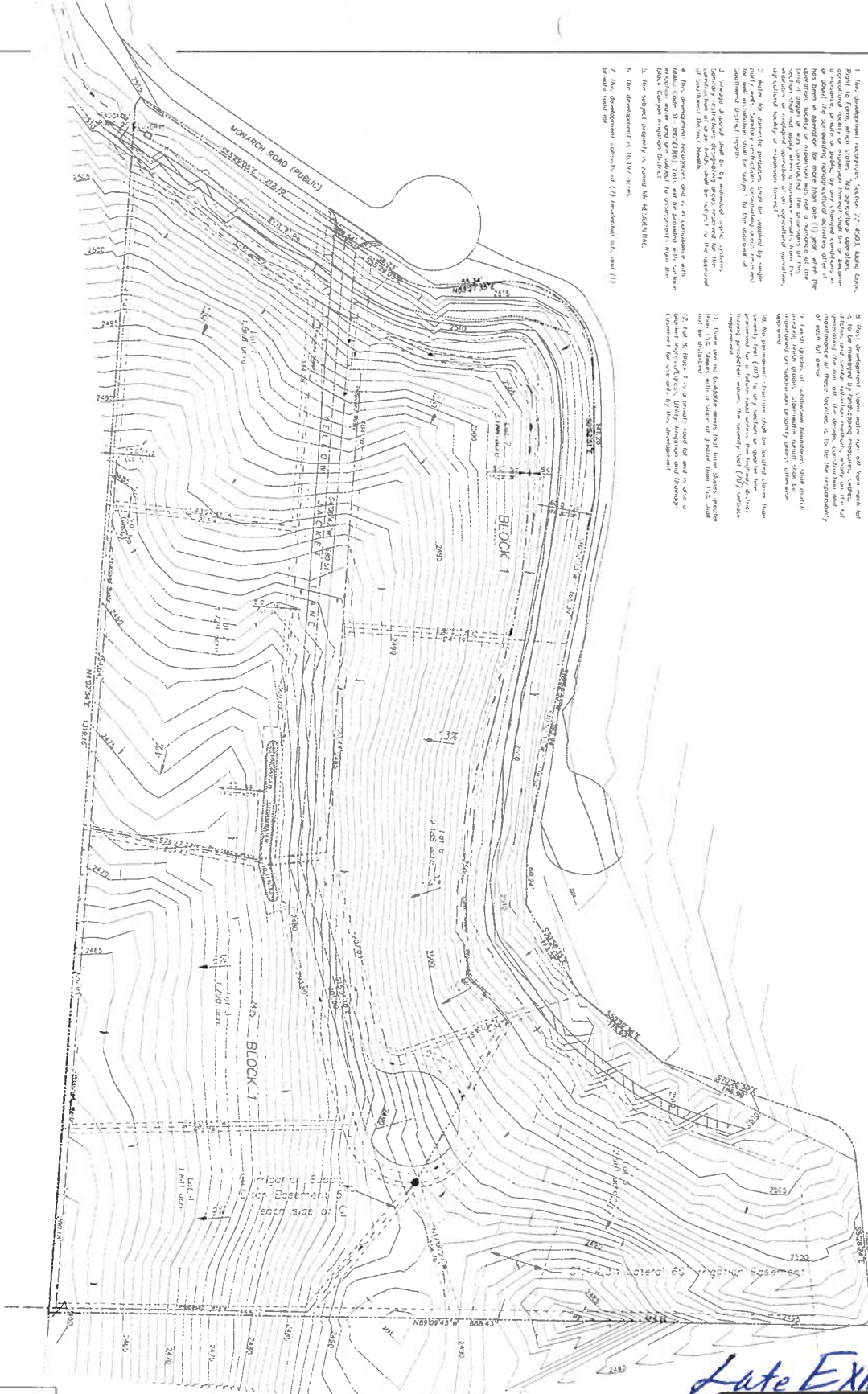
Joe Rumsey

Canyon County Hearing 09.07.23



**NOTES**

1. The development is subject to Section 22, 4001, Idaho Code.
2. Right of way, which shall be 30 feet wide, shall be provided for the use of the public. By any proposed subdivision, a minimum of 30 feet of right of way shall be provided for the use of the public.
3. The subdivision shall be subject to the approval of the Board of Commissioners of the State of Idaho.
4. The subdivision shall be subject to the approval of the Board of Commissioners of the State of Idaho.
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19. The subdivision shall be subject to the approval of the Board of Commissioners of the State of Idaho.
20. The subdivision shall be subject to the approval of the Board of Commissioners of the State of Idaho.



**EXISTING AND PROPOSED IRRIGATION PLAN**

SCALE: 1" = 50'

Symbol	Description
[Symbol]	Proposed Irrigation Canal
[Symbol]	Existing Irrigation Canal
[Symbol]	Irrigation Right of Way
[Symbol]	Water Right
[Symbol]	Other

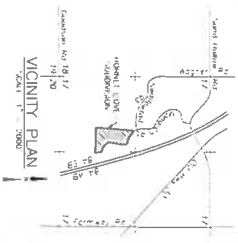
**HORNET COVE SUBDIVISION**  
 South and Monarch Rd., Caldwell, ID  
 IRRIGATION PLAN

DEVELOPER  
 JOE BOWEN  
 200 E. 10th St.  
 NAMPA, ID 83401  
 208.840.1440

DATE: 10/17/23

Scale: 1" = 50'

1 of 1



**LEGEND**

[Symbol]	Proposed Irrigation Canal
[Symbol]	Existing Irrigation Canal
[Symbol]	Irrigation Right of Way
[Symbol]	Water Right
[Symbol]	Other

*Late Exhibit*

**EXHIBIT**

*17a*

tabbler

*Rec. 10-17-23*

Comprehensive Irrigation Plan  
Hornet Cove 7 Lot Subdivision

Irrigation water allocation is 70 ac/ft. for Boise River flow and 38.5 ac/ft. for storage

- 14.0 acres allotted for irrigation
- Each lot will receive the portion of water allotment commiserate with the amount of the acreage

Lot 1 – 1.866 acres – 8.96 acre feet

Lot 2 – 1.728 acres – 8.29 acre feet

Lot 3 – 1.790 acres – 8.59 acre feet

Lot 4 – 1.841 acres – 8.84 acre feet

Lot 5 – 2.961 acres – 14.22 acre feet

Lot 6 – 2.188 acres – 10.50 acre feet

Lot 7 – 2.188 acres – 10.50 acre feet

An open ditch with buried pipe at each driveway will service each lot. This is the same ditch we, and prior land owners, have used for farming for years and works well.

An online registration is required by Black Canyon Irrigation District for water delivery.

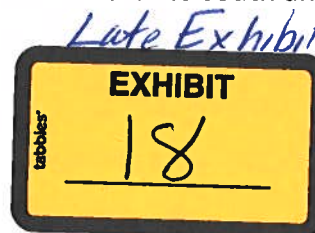
- The first lot owner will become the water master
- After three or more lots are sold, a new water master can be elected/appointed to the position by, and only by, lot owners
- The water master will be responsible for scheduling and placing water orders.

Each lot owner will maintain the ditch and piping starting at the end of the prior owner's property to the end of their property. Lot owner number one will maintain from the head gate to the end of their property. If a lot is vacant, the next landowner will maintain the ditch from the end of prior owned property, or the head gate, to the end of their property.

No lot owner can get more allotment of water than is needed to sufficiently irrigate their property as determined by the water master and the ditch rider.

Each lot owner will be responsible to procure the necessary supplies and labor to get water from their delivery point to their target area i.e., canvas damn, gated pipe, syphon tubes, etc.

There is no rise anywhere on this property, it is all fall from north to south and east to west toward the waste ditch.



*Rec 10-16-23  
Page 1*

Beyond Lot #5, the open ditch continues on to another property with one water user. I am the owner of this property, and am comfortable the water delivery to this lower ten acre piece will go smoothly.

All waste water will be picked up by a waste ditch that runs north to south on the west side of subdivision property to join the decades old Conway Gulch Drain.

Each lot owner will maintain the drainage system starting at the end of the prior owner's property to the end of their property. If a lot is vacant, the next landowner will maintain the drainage system from the end of prior owned property to the end of their property.

All buyers will be expected to read, understand and accept the conditions of the water user's agreement.



# HORNET COVE SUBDIVISION

A PORTION OF THE S 1/2 OF SECTION 17,  
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN,  
CANYON COUNTY, IDAHO  
2022

BUTTERFLY RIDGE  
SUBDIVISION NO. 7  
BOOK 38, PAGE 34

### NOTES:

- This development recognizes Section 22-4503, Idaho Code, Right to Farm, which states: "No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began operation." The purpose of this provision is to protect the public from nuisances resulting from the proprietor or negligent operation of an agricultural operation, agricultural facility or expansion thereof.
- Water for domestic purposes shall be supplied by single party wells. Sanitary restrictions designating areas reserved for the construction of drain fields shall be subject to the approval of Southwest District Health.
- Sewage disposal shall be by individual septic systems. Sanitary restrictions designating areas reserved for the construction of drain fields shall be subject to the approval of Southwest District Health.
- This development recognizes and is in compliance with Idaho Code 31-3805(1)(b). Lots will be provided with surface irrigation water and are subject to assessments from the Black Canyon Irrigation District.
- The subject property is zoned RR RESIDENTIAL.
- The development is 16,197 acres.
- This development consists of 7 residential lots and 1 private road lot.
- Post development storm water run-off from each lot is to be managed by landscaping measures, swales, ditches and similar retention methods, wholly on the lot generating the run-off. The design, construction and maintenance of these facilities is to be the responsibility of each lot owner.
- Finish grades of subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on subdivision property unless otherwise approved.
- No permanent structure shall be located closer than seventy feet (70') to any section or quarter line proposed for a future road unless the highway district having jurisdiction waives the seventy foot (70') setback requirement.

### CURVE TABLE

NO	RADIUS	CENTRAL ANGLE	LENGTH	CHORD	CHORD BEARING
C1	165.00'	71°13'12"	23.31'	551°52'59"E	23.30'
C2	80.00'	40°58'11"	57.20'	578°05'32"E	55.99'
C3	92.00'	95°40'17"	153.62'	548°40'42"E	136.39'
C4	47.00'	70°46'32"	58.06'	533°06'39"E	54.44'
C5	20.00'	77°13'07"	26.35'	85°47'51"W	24.96'
C6	70.00'	188°22'36"	230.15'	17°05'43"W	139.83'
C7	70.00'	77°02'36"	94.13'	154°22'46"W	87.20'
C8	70.00'	76°52'54"	324.29'	53°25'45"W	102.86'

### LINE TABLE

NO	BEARING	LENGTH
L1	N35°04'01"E	10.07'
L2	N83°27'35"E	55.34'
L3	S0°50'00"W	60.24'
L4	N87°45'12"W	4.01'
L5	S55°23'05"E	34.77'
L6	S55°23'05"E	34.77'
L7	S55°23'05"E	34.73'
L8	N15°53'18"W	13.00'
L9	N74°08'42"E	40.00'

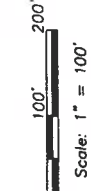
**EXHIBIT**

19

tabblar

*Late Exhibit*

**NOTE**  
PIPS UNDER DRIVENWAYS are 6" steel pipe NOT shown because where drivenway crosses to put driveway is under terminated BUTTERFLY RIDGE SUBDIVISION NO. 7 BOOK 38, PAGE 34



### LEGEND

- BRASS CAP MONUMENT - FOUND
  - 5/8" REBAR - FOUND
  - 5/8" x 24" REBAR - SET
  - 1/2" x 24" REBAR - FOUND
  - 1/2" x 24" REBAR - SET
  - CALCULATED POINT
  - PROPERTY BOUNDARY LINE
  - SECTION/ALLOTMENT PART LINE
  - LOT LINE
  - INGRESS/EGRESS, UTILITY, IRRIGATION & DRAINAGE EASEMENT LINE
- UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:  
10 FEET ALONG SUBDIVISION BOUNDARY  
5 FEET ON EACH SIDE OF INTERIOR LOT LINES  
EASEMENT WIDTH SHALL MATCH WITH THE LOT LINE PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S)

**Surveyor's Narrative:**  
This survey was performed at the request of Joe Ramsey to subdivide the property as shown. Section control and existing property corner monuments were located and held to establish the boundary. The property was then subdivided at the client's direction. The basis of bearing and elevations for this survey was established by GNSS observations, projected to the Idaho State Plane Coordinate system, West Zone, NAD83 datum. Elevations are NAVD83 datum. All bearings shown are on grid azimuth and all distances are ground or project elevation.



BUTTERFLY RIDGE  
SUBDIVISION NO. 7  
BOOK 38, PAGE 34

### REVISIONS

NO	DATE	DESCRIPTION
2		
1		

Skinner  
Land Survey  
17648 Sand Hollow Road  
Caldwell, Idaho 83607  
(208)-454-0933  
WWW.SKINNERLANDSURVEY.COM  
survey@skinnerlandsurvey.com

Sheet 1 of 2

Drawn By: ZCL  
Date: June 18, 2021  
Surveyed By: KPL  
Job No. FE0321

BOOK --- PAGE ---

Reg 10-16-23



# SD2022-0024

## HORNET COVE SUBDIVISION:

Request for Preliminary Plat Approval



EXHIBIT  
21

# SD2022-0024 Overview:

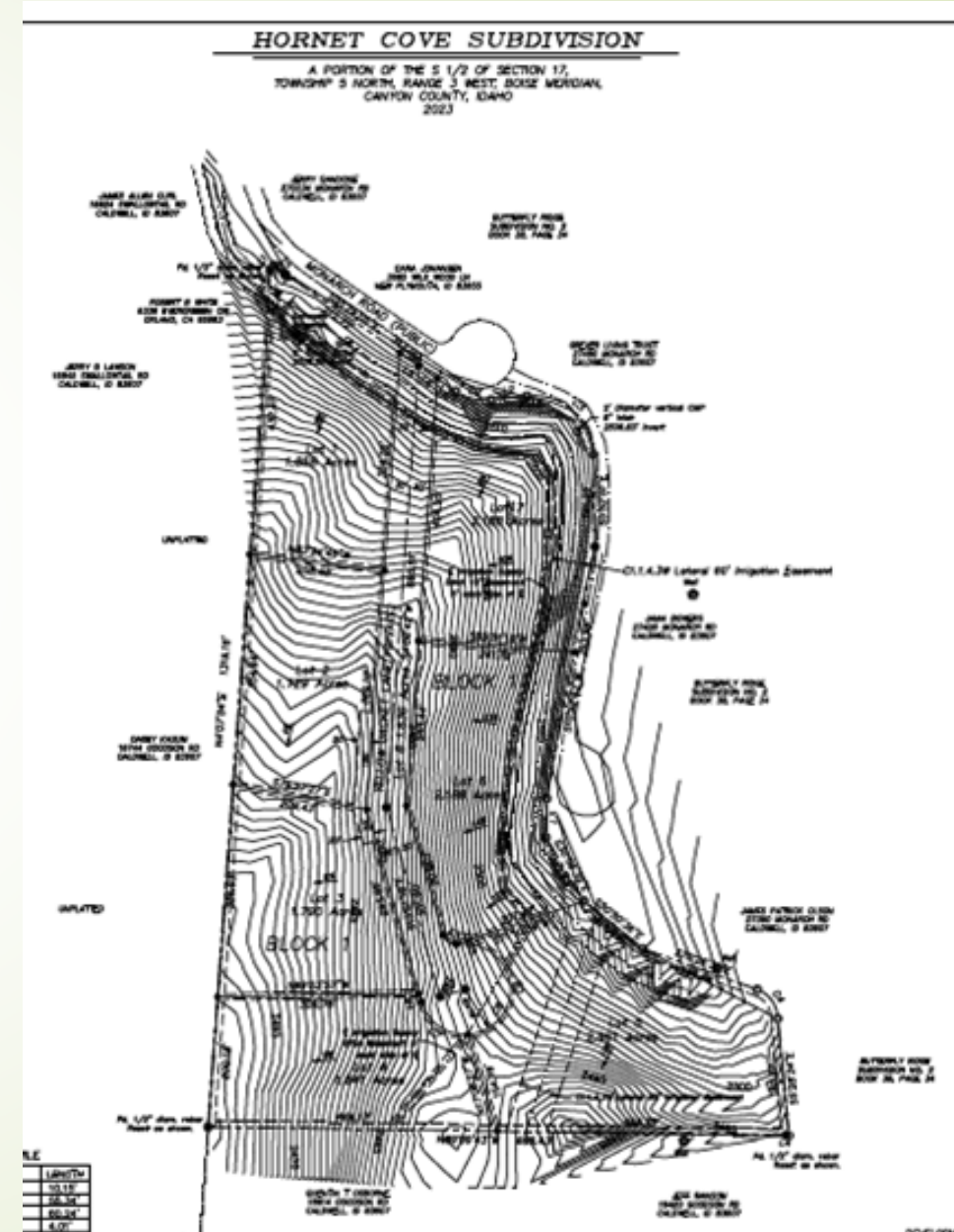
## HORNET COVE SUBDIVISION:

- Zoning: Rural Residential (RZ2020-0007)
- Acreage: 16.19 acres
- Average lot size: 2.08 acres
- Proposed Gravity Irrigation
- Proposed Private Road
- Access from Monarch Road (public)
- Black Canyon Irrigation District lateral (C.G.1.1-4.3-0.2) borders much of the property and bisects proposed Lot 5, Block 1. A crossing agreement must be obtained for Lot 5, Block 1 prior to the BOCC signing the Final Plat.



# SD2022-0024 Preliminary Plat:

- Notus Parma Hwy District approved of the access location for the proposed private road, Yellow Jacket Lane to Monarch Road. Monarch Road serves the adjacent development, Butterfly Ridge.
- Yellow Jacket Lane is proposed to be a private gravel road. Seven lots have entitlements for 14 total residences under the current zoning code and exceeding the potential 100 ADT. Yellow Jacket Lane should be paved. A condition has been recommended (#9)
- The County Engineer indicated that the drainage plan for the roadside swales should provide for erosion control details with rock dams as part of the measure to slow velocities.
- A crossing agreement is required for Lot 5, Block 1 to access the portion of the lot south and east of the buried lateral-CGE 1.1-4.3-0.2 . This agreement should be obtained prior to the



# SD2022-0024: Irrigation Plan

IRRIGATION PLAN: Title 31-3805 Delivery of Water

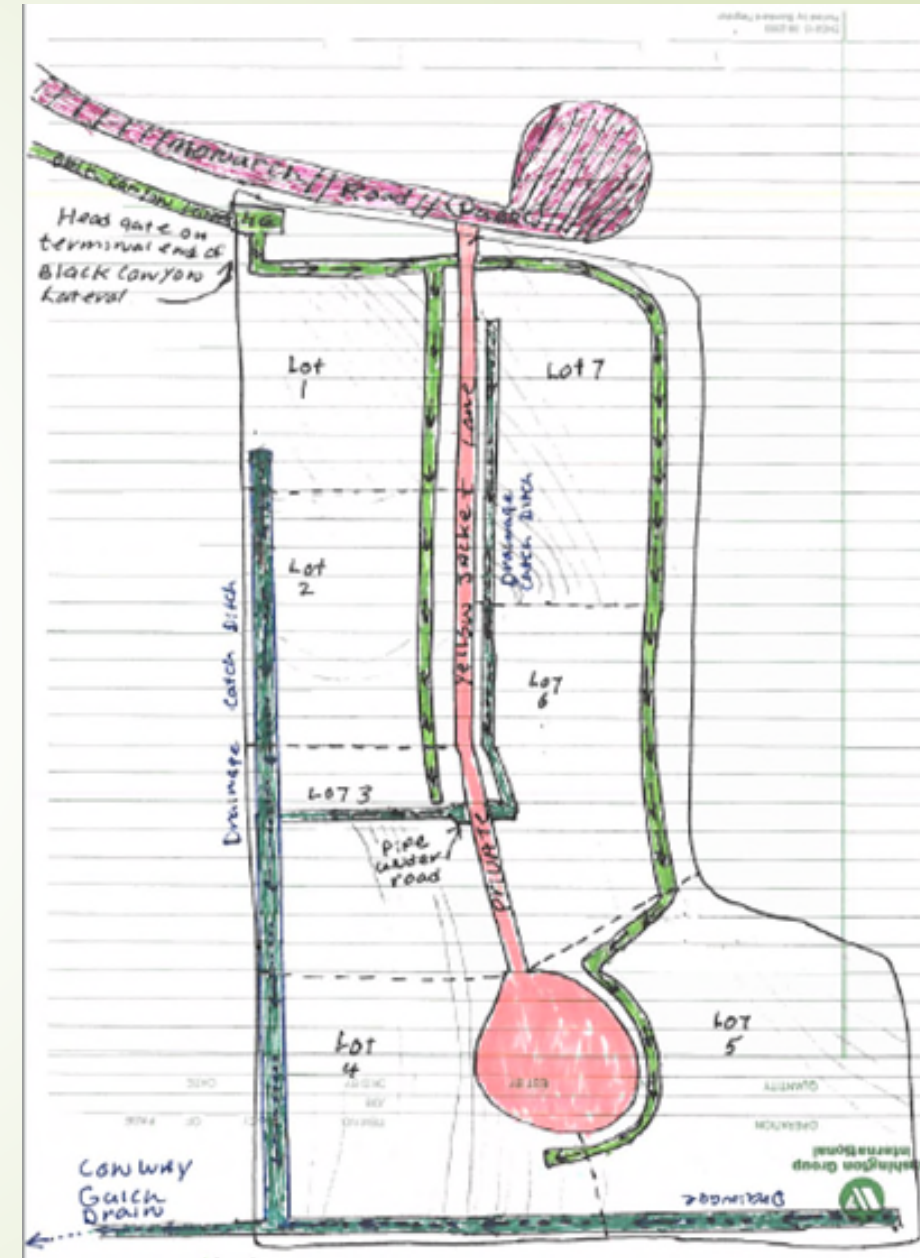
The property is located within BCID boundaries and surface water rights are available to the property. The rights have not been forfeited or transferred in accordance with state statute requirements.

Title 31-3805(iii) For proposed subdivisions located outside an area of city impact in counties with a zoning ordinance, the delivery system must be approved by the appropriate county zoning authority, and the county commission with the advice of the irrigation entity charged with the delivery of water to said lands.

The provided irrigation plan is not a scalable drawing and it lacks specific delivery details per lot. A condition has been placed for the applicant to provide a scalable plan that details delivery method, location, easements, for the irrigation plan on the proposed preliminary plat. Plan must comply with BCID requirements.

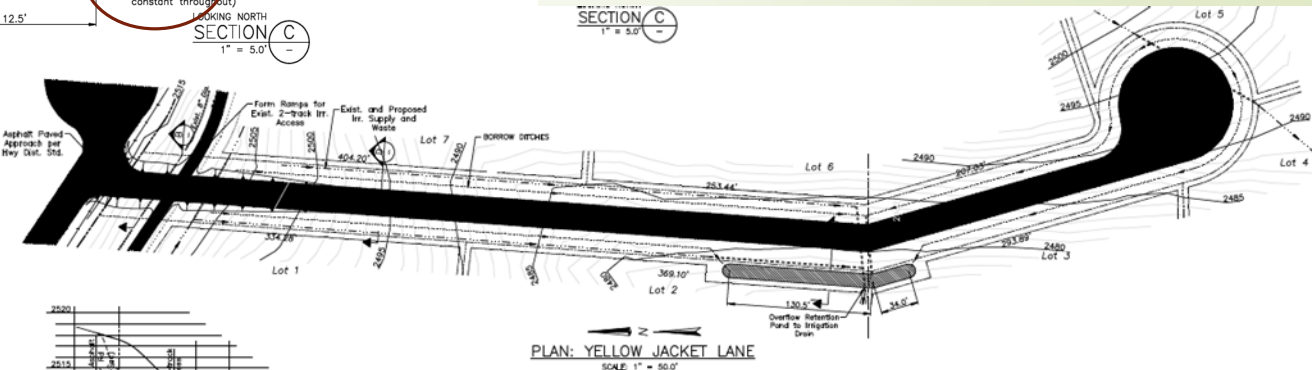
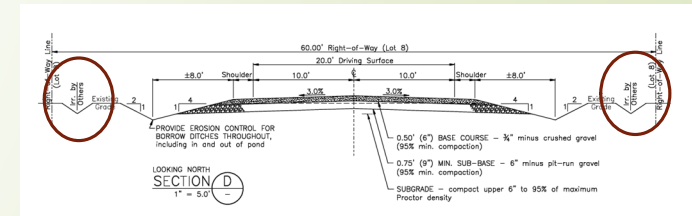
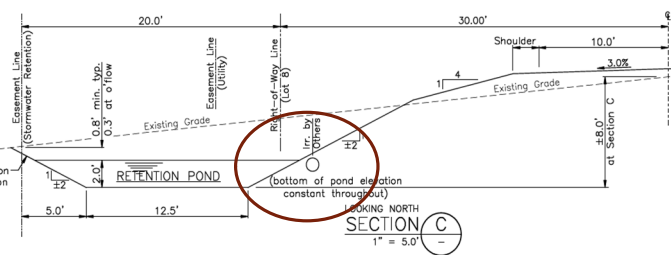
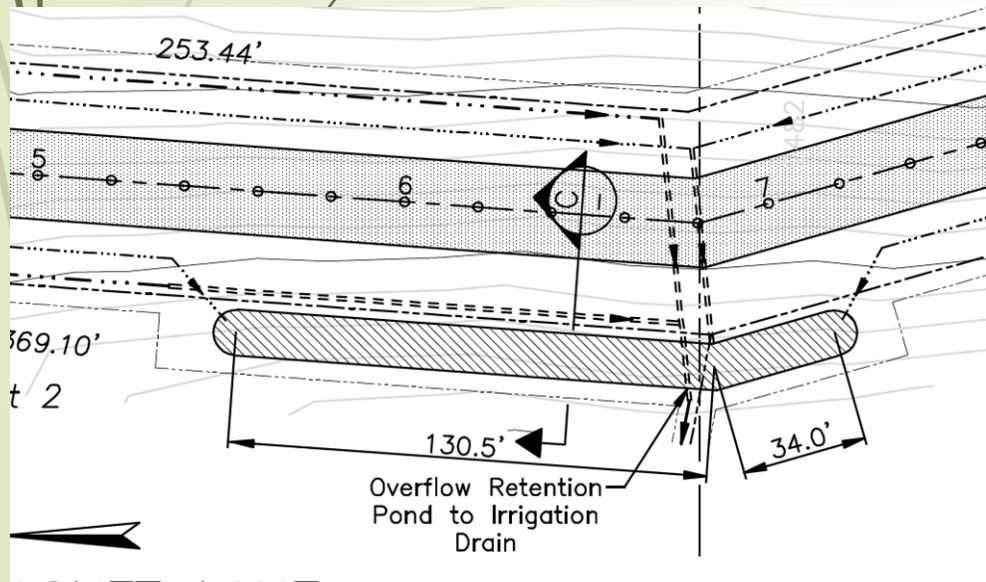
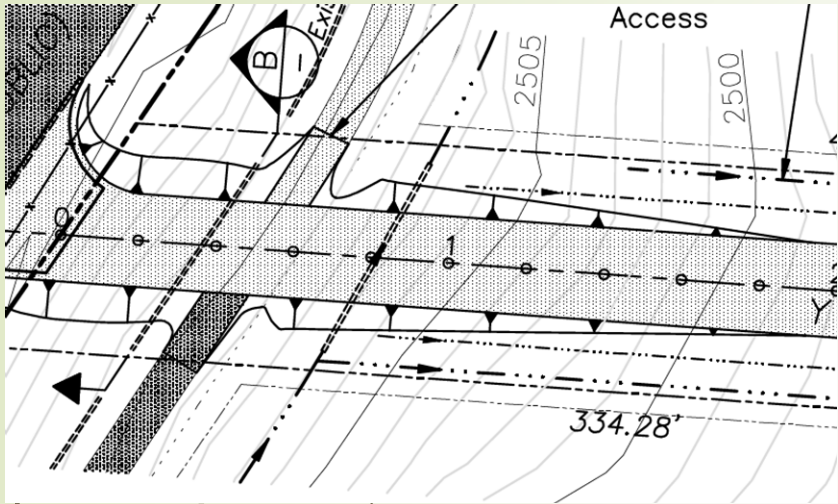
The applicant provided additional written detail (10-16-23) and pointed out irrigation details that are included on the construction drawings for Yellow Jacket Lane.

The plan should also address the irrigation delivery system and lot access (culvert crossings) from Yellow Jacket Lane. (#10 and #11). Vehicles must cross borrow ditch and then the separate irrigation ditch requiring the placement of two culverts to ensure storm drainage is separate from irrigation waters.



# SD2022-0024: Irrigation Plan

- The irrigation system is briefly indicated on this road construction plan (irrig. by others)
- The road plan notes do not call out any irrigation construction or details.
- The line triple dot with arrows are assumed to show surface irrigation ditch and irrigation tail water /drain catch ditch
- Double line is a buried irrigation pipe at road crossings and where surface irrigation crosses storm drainage (underground)—no clean outs indicated at intersections of underground piping



# SD2022-0024 Current Conditions: :

- 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, Sections 67-6509 and 67-6513 (Subdivisions, Hearings, Decisions);
  - Idaho Code, Sections 50-1301 through 50-1329 (Platting);
  - **Idaho Code, Section 31-3805 (Irrigation); does not currently comply and should be conditioned to meet all state, local and irrigation entity requirements and**
    - **If late exhibits are accepted describing and provided on separate irrigation plan with conditions for WUMA and separate culvert crossing for irrigation ditch from swale culverts as well as complying with Black Canyon Irrigation requirements as conditioned**
  - Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations).



# SD2022-0024 COMMISSION REVIEW HORNET COVE SUBDIVISION

- ▶ CCZO §07-17-09 (4) Preliminary Plat 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.
  - B. Upon recommendation by the commission, the preliminary plat, together with the commission's recommendation, shall be transmitted to the board. (Ord. 15-009, 4-23-2015)

# Hornet Cove conditions:

## ► 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.
  - a. Prior to installation of improvements, a construction, irrigation and drainage plan must be reviewed and approved by the County engineer.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modification shall be approved in writing by Black Canyon Irrigation District and Bureau of Reclamation. The development shall comply with Black Canyon Irrigation District requirements. Evidence of approval shall be a letter from Black Canyon Irrigation District. Evidence shall be submitted prior to final plat approval.
3. A crossing agreement with the Bureau of Reclamation for the crossing of the CGE 1.1-4.3-0.2 irrigation lateral that bisects Lot 5, Block 1, Hornet Cove must be provided to Development Services prior to the BOCC signing the final plat.
4. Finish grades at subdivision boundaries shall match existing finish grades. Storm water runoff shall be maintained on the subject property (Exhibit 4).

# Hornet Cove conditions:

5. The development shall comply with Southwest District Health requirements (Exhibit 5)
6. The development shall comply with Middleton Rural Fire **District** requirements (Exhibit 15). Evidence of approval shall be a letter from Middleton Rural Fire District. Evidence shall be submitted prior to final plat approval.
7. The development shall comply with requirements of the Notus-Parma Highway District.
8. The applicant shall clearly delineate the boundaries of the no-build area where slopes exceeding 15% on the preliminary and final plat. No structures shall be allowed within the no-build area.
9. The developer shall pave the private road, Yellow Jacket Lane, to the minimum standards required by 07-10-03(3)A. Table 1. The development as proposed in the rural residential zone is entitled to a primary and secondary residence per development lot equating to fourteen (14) residential units estimated to serve more than 100 ADT.

**Staff recommends that an additional condition be placed to require a road users' maintenance agreement (RUMA) for Yellow Jacket Lane. The RUMA shall be reviewed by staff and recorded by the developer prior to the Board of County Commissioners signing the final plat.**

# Hornet Cove conditions:

10. In accordance with irrigation plan requirements the developer shall provide a scalable irrigation plan that details delivery method, location, and easements for the proposed irrigation system.

*Staff Note: Late Exhibits \_\_\_\_\_ provides scalable plan as separate preliminary plat irrigation plan sheet as requested by staff. The plan is more clear and indicates easements, direction of flow, supply and drainage. The plan has not been reviewed and approved by BCID. In the original BCID response there is indication that an additional weir will be required for the new supply ditch that is located west of Yellow Jacket Lane. The development is conditioned to comply with BCID requirements in Condition #2.*

**Staff recommends that a separate Water User's Maintenance Agreement (WUMA) be submitted for review by staff for compliance with BCID conditions and irrigation plan compliance. The WUMA shall be recorded by the developer for Hornet Cove Subdivision. This should be a separate condition for this development. There are concerns (BCID and staff) about how water is checked-up and conveyed to each property.**

# Hornet Cove conditions:

11. Each lot access shall not disrupt the proposed open irrigation ditch delivery **and waste** system. Culverts shall be appropriately sized and installed not to affect downstream water users.

Staff Note: The irrigation ditch on the west side of Yellow Jacket Lane is proposed in an open irrigation ditch (does not currently exist) the ditch is located to the west of the roadside swale (where stormwater will be conveyed to the storm drainage area).

**Staff recommends that a condition be placed or revised requiring each lot at the time of residential development to place separate culverts (crossings) inclusive of one for the roadside swale and stormwater conveyance and an additional culvert for the irrigation system supply on the west side of the road and the “tail water” or “waste” ditch located on the east side of Yellow Jacket Lane. The culverts shall be appropriately sized to ensure that the stormwater and the irrigation waters can be conveyed downstream without disruption.**

# SD2022-0024 Recommendation

- ▶ The Planning and Zoning Commission **may recommend approval** of SD2022-0024 Hornet Cove Subdivision with recommended and or amended conditions to the Board of County Commissioners.
- ▶ The Planning and Zoning Commission **may recommend denial** of the request of SD2022-0024 Hornet Cove Subdivision to the Board of County Commissioners and request staff to revise findings to reflect the decision of the Commission and cite what actions, if any, the applicant could take to gain approval of the proposed subdivision.
- ▶ The Planning and Zoning Commission **may continue the discussion** and request additional information on specific items.

