



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 1.1-4.3-0.2 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).
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.
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.

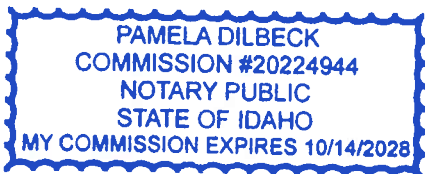
**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**


Robert Sturgill, Chairman

State of Idaho)
SS

County of Canyon County)

On this 19th 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