



Board of County Commissioners
Dembi Estates Preliminary Plat SD2021-0032

FINDINGS, CONCLUSIONS LAW, AND ORDER

Findings of Fact

1. The applicant, Dan Lardie, Leavitt & Associates Engineers, Inc. is requesting approval of a **Preliminary Plat** for Dembi Estates Subdivision. The development consists of four (4) residential lots, one (1) road lot, and an Agriculture Only lot (Exhibit B).
2. The subject property is zoned "A" (Agricultural). A Conditional Rezone is considered currently with the plat for an "CR-R-R" (Conditional Rezone Rural Residential) zone amendment, case number CR2021-0006. The Planning and Zoning Commission is recommending the Board of County Commissioners deny the Conditional Rezone request.
3. The subject property is approximately 23.3 acres and is located at 8027 Lake Shore Drive, Nampa, ID in a portion of the SE ¼ of Section 15, T2N, R2W, BM, Canyon County, Idaho.
4. The property is not located within an Area of City Impact. The property is located adjacent to the Nampa's Area of City Impact and the City is recommending denial of the request.
5. The subject property is located within Nampa Meridian Irrigation District. The District responded that they require a filed Land Use Change Application to review prior to final plat and that there are easements on the property to the Burke Canal. (Exhibit G, Attachment 7d)
6. The development will be served by individual wells and septic systems.
7. Access to the public road system will be via Dembi Lane, a proposed private road. A waiver has been approved by Nampa Highway District No. 1 for access to Lake Shore Drive (Exhibit G, Attachment 7a). 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.
8. The subject property is located within Nampa Highway District No. 1 and Upper Deer Flat Fire District. Comments and requirements were provided by Nampa Highway District No. 1. (Exhibit G, Attachment 7a)
9. Post-development storm water run-off is to be contained with swales, ditches, and similar retention methods and is the responsibility of the property owner.
10. The development is not located in a floodplain (Flood Zone X).
11. Notice of the public hearing was provided in accordance with CCZO §07-05-01. The Agency notice was sent on July 26, 2023. A newspaper notice was published on July 26, 2023. Property owners within 600' were notified by mail on July 26, 2023 and a corrected notice on August 14, 2023. The property was posted on August 3, 2023.
12. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2021-0032.

Conclusions of Law

Pursuant to CCZO §07-17-09(5): Board Action

- A. *The board shall consider the commission's recommendation at a noticed public hearing.*
 - *On May 18, 2023, the Planning and Zoning Commission is recommending the Board of County Commissioners deny the Conditional Rezone request (Exhibit F).*
- 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.*

Standard of Review for Subdivision Plat:

- A. Idaho Code, Sections 67- 6513 (Subdivisions);
- B. Idaho Code, Section 31-3805 & 67-6537 (Water Rights/Irrigation Water Delivery);

- C. Idaho Code, Section 22-4503 (Right-to-Farm Act);
- D. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- E. Canyon County Zoning Ordinance (CCZO), Article 17 (Subdivision Regulations).
 - a. The preliminary plat was found to be complete by Keller Associates (Exhibit C, Attachment 3) subject to conditions of approval.

Order

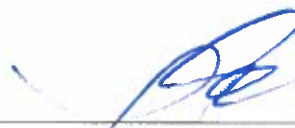
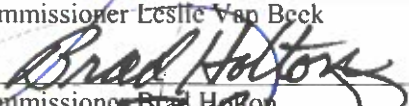
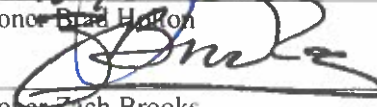
Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0032, the Board of County Commissioners **deny** the preliminary plat of Dembi Estates Subdivision. Reason for Decision, CCZO 07-17-09 (5) B: The request for a Conditional Rezone for the subject property is denied; therefore, the corresponding plat is also denied.

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

DATED this 5 day of Sept., 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

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

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Brad Horton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Chris Yamamoto, Clerk

By: 
Deputy

Date: 9-5-23