

BLACK CANYON IRRIGATION DISTRICT

Development Review and Collaboration

"These are 50-100+ year decisions – let's get it right together"

Presented to Canyon County Commissioners
Caldwell, Idaho
February 6th 2024

Black Canyon Irrigation District Directors

Mike Wagner – Chairman
Piet Laan – Vice Chairman
John Hartman
Dan Surmeier
Chris Clelland
2/6/2024

District Manager: Carl Hayes

Legal Counsel:

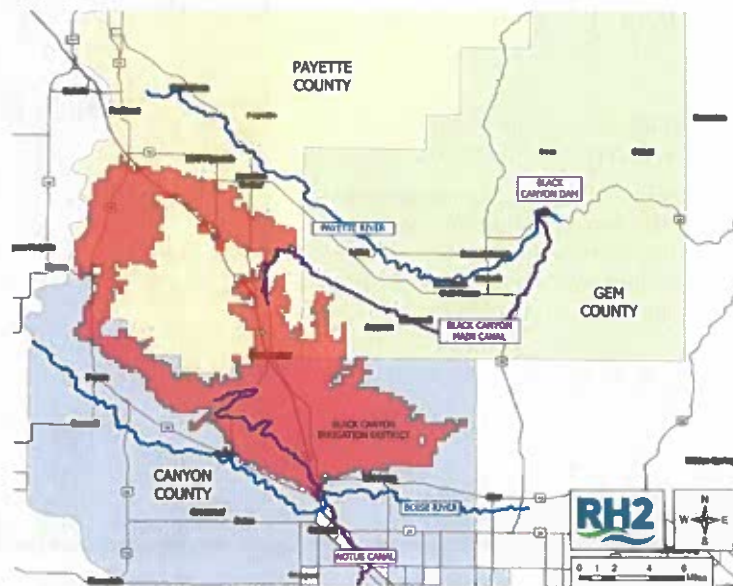
Sawtooth Law – Andy Waldera

District Engineer:

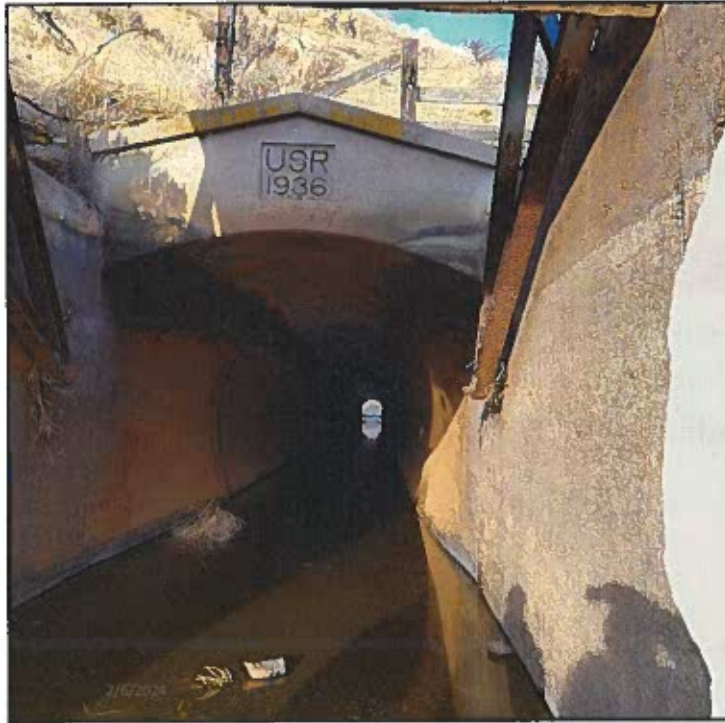
RH2 Engineering – Don Popoff P.E.

BCID Overview

- Over 60,000 acres of irrigated lands
- The District covers 3 counties (Gem / Payette / Canyon)
- Water into the District comes from the Notus Canal (Boise River drainage/return flows) / Black Canyon Dam (Payette River)



2/6/2024

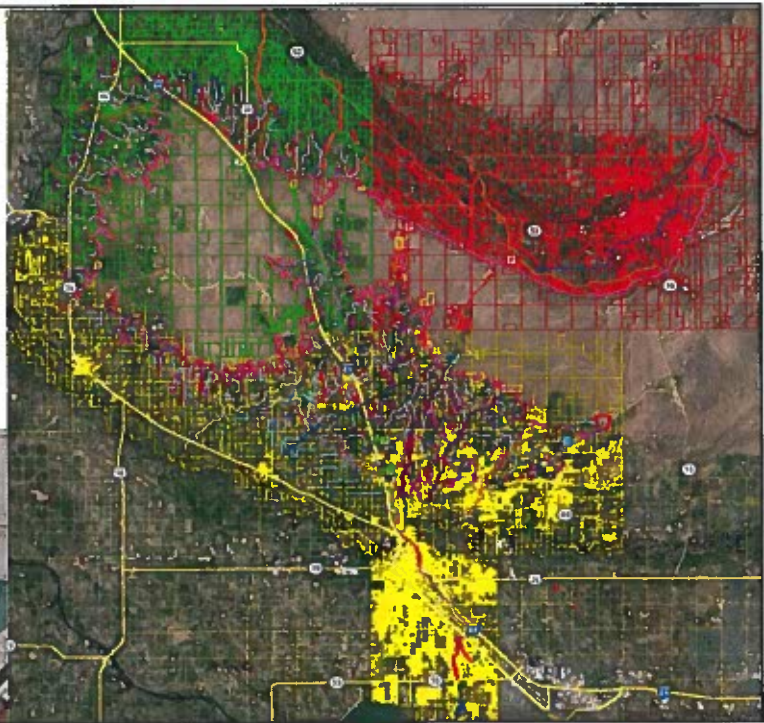


BCID Overview (Cont.)

- The District interacts on a regular basis with multiple government entities
 - Highway Districts (HD4 / Notus-Parma / Payette County Highway District)
 - Idaho Transportation Department (ITD)
 - Gem County Road and Bridge / Payette County Road and Bridge
 - Cities of Middleton / Caldwell
 - Canyon / Payette / Gem County P&Z departments
- Black Canyon is a Bureau of Reclamation District – Federal Involvement for nearly all easements/rights-of-way

District Facilities

- Over 1000 miles of open canals, ditches, laterals, and piped infrastructure
- The District's facilities are integrated across the current landscape typically following contour lines in some of the most rapidly developing areas currently occurring in the State of Idaho.



Legal Duties, Obligations and Protections

Title 42

- 42-1201 through 42-1204 (Duties)
 - 42-1102
 - 42-1207
 - 42-1209
 - Pioneer Irr. Dist. V. City of Caldwell, 153 Idaho 593, 597-599 (2012) (Judicial deference owed and self help)
- protections... "essential" and prior "written permission"

Title 67

- 67-6519(4) (Provide notice)
- 67-6528 (adopt and implement considering needs of local special purpose districts)

2/6/2024

Legal Duties, Obligations and Protections

Title 31

- 31-714
 - 31-801
 - 31-828
 - 31-3805
- County police powers
Payette County example
- (maximize and perpetuate surface water use for irrigation)

2/6/2024

Development Review Process – STEP 1 (cont.)



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Ave., Ste. 310, Caldwell, ID 83605 | Office: 208-454-7458
Development@canyonco.org | www.canyonco.org/dsd

AGENCY NOTIFICATION – RESPONSE REQUESTED

Case No.: RZ2021-0056 & SO2021-0059	RESPOND BY: MARCH 31, 2023
Address: R37597, R3706, R37605010, R37602010	Hearing Body: PZ Commission
Applicant: Middleton 187, LLC represented by Andorra (Zane Cradic, PE)	Transmission Date: 2/24/2023
Planner: Deb Root	Phone: 208-455-6034

Your agency is hereby notified that Canyon County Development Services has accepted an application:

Case No. RZ2021-0056 & SO2021-0059: Middleton 187, LLC is requesting a Conditional Rezone of approximately 217 acres from an "A" (Agricultural) zone to "CR-R1" (Single Family Residential) zone with municipal sewer and water subject to a pre-annexation agreement with the City of Middleton and development agreement with Canyon County. Also requested is approval of a preliminary plat, phasing plan, landscape, irrigation, drainage, and hillside development plans for Farmington Hills Subdivision. The proposed development contains 492 total lots: 421 residential lots with an average lot size of 12,780 sq. ft. and 71 common lots. The properties are designated "Residential" in the Canyon County 2020 Comprehensive Plan. The subject parcels R37605, R37605010, R37602010, R37597 are located north of Foothill Road between Lansing Lane and Duff Lane, Middleton, in a portion of the SW ¼ and the SE ¼ of Section 33, T5N, R2W, B4M, Canyon County, Idaho.

2/6/2024

Pre-plat Review –

- In many cases Pre-plat approval is requested along with Conditional Rezone or other land use actions.
- BCID requests that proponents apply with the District to get the District's Development process started. (Gets their project in the process.)
- It is important to have Developer's working with all agencies (in sync) on layout, changes, requirements, etc during the pre-plat stage.
- We have responded to notices (similar to this one) and have asked the County planner to please direct the applicant to submit application to the District prior to accepting the pre-plat document.
- **Key to review pre-plat. This is where significant changes need to occur for all agencies to avoid costly delays / changes.

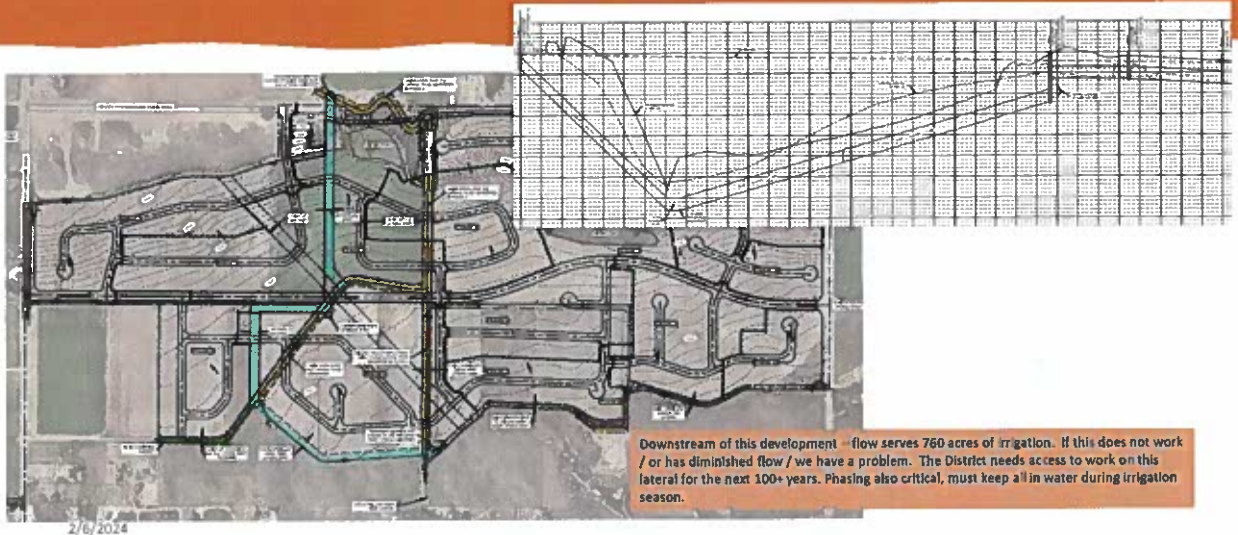
Development Review Process – STEP 1 (cont.)



492 Lots. Proposed moving a 36" Irrigation Siphon – 40' deep. This has to be reviewed during pre-plat, if what they are proposing doesn't work, this entire subdivision will need to be reworked.

2/6/2024

Development Review Process – STEP 1 (cont.)



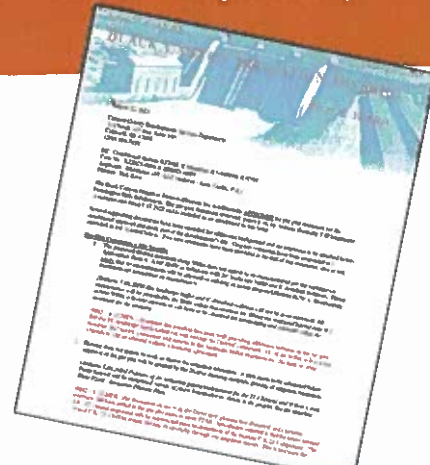
Development Review Process – STEP 1 (cont.)

District Pre-plat Review Response

The District provides letter response to pre-plat applications from the County.

Typical points covered:

- Verify they have applied and met with District (Requested prior to pre-plat concurrence.)
- Verify no encroachments on the District easements
- Notify the applicant they will need a license agreement to work in the District's ROW.
- Notify the applicant they can not work in the ROW during irrigation season (can not shut the water down).



If the District and County are not working together on these reviews, it's a disservice to the developers.

We are currently providing in-depth comments on pre-plat notices provided from the County. It's necessary to avoid conflict and encroachment.

Development Review Process – STEP 2

- Intake Application
- Fees for application are clearly defined and on Website.
- Pre-Development Meeting (like most agencies)
- Development Intake Quotation Provided to Applicant (Estimate of Costs for review based on project specifics.)

2/6/2024

Black Canyon Irrigation District

Phone: (208) 459-4341
474 High Street, Neta, Idaho 83656
Mailing address: P.O. Box 226, Neta, ID 83656

CLERK FORM

FOR INTERNAL USE ONLY:	
Received by:	
Date Received:	
BCID Application No.:	
Payment Amount / Check Number:	
Scheduled Intake Meeting Date:	

NEW PROJECT APPLICATION FORM:

Applicant is responsible for any fees plus reimbursement of costs incurred. The intake fee is **NON-REFUNDABLE**.

APPLICANT NAME: _____

MAILING ADDRESS: _____

PHONE: _____ EMAIL: _____

PROJECT LOCATION: (ALL INFORMATION REQUIRED)

PROJECT OR SUBDIVISION NAME: _____

ADDRESS: _____

PARCEL NUMBER(S): _____

SECTION: _____ TOWNSHIP: _____ RANGE: _____ COUNTY: _____

Check all that apply:	Non-Refundable Intake Fee:
<input type="checkbox"/> New Development - Parcel Change (Subdivision / Short Plat / other)	\$1000 + (additional costs incurred)
<input type="checkbox"/> Infrastructure Relocation / Bridge Crossing	
<input type="checkbox"/> Building Permit Review / Single Lot Split (Single Family not New Development)	\$300 + (additional costs incurred)
<input type="checkbox"/> New Tunnel Request	Cost of infrastructure + Admin.
<input type="checkbox"/> Irrigation Water Abandonment Transfer (Permanent)	\$300 + (additional costs incurred)
<input type="checkbox"/> Irrigation Water Abandonment Transfer (Temporary)	\$300 + (additional costs incurred)
<input type="checkbox"/> Crossing of Facilities (Driveway, etc.)	\$250 + (additional costs incurred)
<input type="checkbox"/> Utility Service Crossing (water, irrigation, sanitary sewer, fiber)	\$250 + (additional costs incurred)
<input type="checkbox"/> Other Work (fence, gate, pump station, water modeling, engineering, etc.)	Costs Incurred + Admin.

Note: The fee for the lay-out above and not otherwise specified is \$1000 + (additional costs incurred) if not otherwise specified.

Development Intake Quotation

- BCID provides each applicant with a formalized Development Intake Quotation, ahead of performing the work. To let them know what the assumed costs will be.
- This Development Intake Quotation is specifically tailored for the project.
- It is an estimate of costs perceived, broken down by category.
- This component is refundable.

Example

Base fee is:

Item	Base Fee	Complexity Adder	Total Review Cost	Notes
Initial Intake & Preliminary Review of Plan Documents	\$1,000	N/A	\$1,000	paid to District (not included in total below)
Irrigation Layout Review	\$300	N/A	\$300	Verify flow is not disturbed / system sizing / verify each lot has irrigation
Stormwater / Drain Review	N/A	N/A	N/A	Assumed none.
City Correspondence and Review	\$1,000	N/A	\$1,000	Coordination with plat reviews and revision comments.
ACROSS / Easements	N/A	N/A	N/A	Assumed no easements required
Legal	N/A	N/A	N/A	No legal assumed by District.
Mapping	\$0	N/A	\$0	None Assumed
Subtotal	\$1,300	N/A	\$1,300	
District Administration Fee 10%			\$130	
Development Review Total Fee Estimate			\$1,430	
Parcel Division Fee (\$1000 per newly created parcel)			to be collected and returned as flow of final plat	
Construction Inspection - Total Fee Estimate			20% of Construction	

Note: Rates shown are not indicative of actual costs

- All payments to be made to Black Canyon Irrigation District.
- Please note your development number in all correspondence

2/6/2024

Development Review Process – STEP 3

- Development Review Process, step by step, shown for each project.
- This list is posted on the website, and is provided to each applicant, during the pre-application meeting.
- The process provides step by step procedure, explicitly laying out the path for approval.

2/6/2024

Black Canyon Irrigation District Development Review Process

Project Name: [Blank] Reviewer: [Blank] Reviewer Title: [Blank]

Development/Project Name: [Blank] Reviewer: [Blank] Reviewer Title: [Blank]

2-2024-01

Step	Description	Responsible Party	Due Date	Notes
1	Developer provides Preliminary Planning Report (PPR) to the District.	Developer	10/1/2023	PPR is required with every initial application.
2	District staff reviews PPR and provides comments.	District Staff	10/15/2023	PPR is required with every initial application.
3	Developer responds to District staff comments.	Developer	10/30/2023	PPR is required with every initial application.
4	District staff reviews Developer's response and provides comments.	District Staff	11/10/2023	PPR is required with every initial application.
5	Developer provides final PPR to the District.	Developer	11/20/2023	PPR is required with every initial application.
6	District staff reviews final PPR and provides comments.	District Staff	12/10/2023	PPR is required with every initial application.
7	Developer provides final PPR to the District.	Developer	12/20/2023	PPR is required with every initial application.
8	District staff reviews final PPR and provides comments.	District Staff	1/10/2024	PPR is required with every initial application.
9	Developer provides final PPR to the District.	Developer	1/20/2024	PPR is required with every initial application.
10	District staff reviews final PPR and provides comments.	District Staff	2/10/2024	PPR is required with every initial application.

Project Tracking and Management

- The District has a robust tracking system for all developments that apply through the District Application process.
- Tracking is reviewed almost every Monday

BLD 1A-2022	BLD Project Number	Section Township Range	Black Canyon Irrigation District Development Review	Justification	Development Review Status	Current Status	Last Status Update Date
1	BLD SUB22-09	S04, T4N, R3W	TPA REC Hwy 66, FARMWAY	City of Middleton	Active	Sent comments back. Waiting to hear back	4/4/2023
2	BLD SUB22-10	S04, T4N, R3W	TPA REC Hwy 66, FARMWAY	City of Middleton	Active	Drafted request for additional review. R2 review underway.	1/5/2024
3	BLD SUB22-06	S16, T3N, R3W	Stadium Subdivision Phase 2	Canyon County	Active	Any questions asked for another letter to update the District's position - need to request funds	1/6/2024
4	BLD SUB22-11	S04, T4N, R3W	Countryside Sage Ranches	Canyon County	Complete	Project completion/Real Plot Approval letter sent on 2/2/2024. Project is closed out.	3/2/2024
5	BLD SUB22-01	S03, T3N, R3W	Harvey Ranch Estates	Canyon County	Active	Approval letter sent on 11/9/23. Need to provide supplemental letter; adding BOD assessment exhibit language and exhibit; updated water map	11/20/2023
6	BLD SUB22-12	S27, T3N, R3W	Santa Vista - West Farm	Canyon County	Waiting on Others	BLD sent R2 review comments, project just closed the review and sent with county commissioners. They requested reconsideration and haven't heard back yet.	10/24/2023
7	BLD SUB22-13	S03, T3N, R3W	Caliente Hills Phase 2	Canyon County	Complete	Completed	
8	BLD SUB22-02	S26, T3N, R3W	Harvey Ranch Phase 1	Canyon County	Waiting on Others	In construction. R2C reviewing water accounting.	1/6/2024
9	BLD SUB22-14	S03, T3N, R3W	Farview Hills	Canyon County; City of Middleton	Waiting on Others	Prepaid approval letter sent on 6/22/23	6/22/2023
10	BLD SUB22-08	S22, T3N, R3W	Blackstone Ranch	City of Middleton	Waiting on Others	waiting on DCA payment. R2C is reached to request payment.	6/21/2023
11	BLD SUB22-08	S26, T3N, R3W	El Paso Ranch	Geist County	Complete	Water accounting map finished. Closed out letter sent	
12	BLD SUB22-08	S26, T3N, R3W	Osborn Ranch	Geist County	Active	See new 1A for 2024	1/26/2024
13	BLD SUB22-08	S26, T3N, R3W	El Paso Reserve Ranch	Geist County	Complete	Water accounting maps and tables were provided and required for the District	
14	BLD SUB22-08	S26, T3N, R3W	El Paso Road	Geist County	Complete	Water accounting maps and tables were provided and required for the District	
15	BLD SUB22-15	S16, T3N, R3W	Stadium Subdivision No. 2 - Phase 1	Canyon County	Active	Any questions asked for another letter to update the District's position - need to request funds	1/6/2024
16	BLD SUB22-07	S26, T4N, R3W	Paradise - West Canal	City of Colwell	Paused	Waiting on DCA payment / no activity on project	4/4/2023
17	BLD SUB22-16	S22, T3N, R3W	Township Hills Farm	City of Colwell	Paused	No further action at the moment / no activity on project / project cancelled	4/4/2023
18	BLD SUB22-17	S04, T3N, R3W	Spring Hill Ranch	Canyon County	Complete	Finalized. final plat saved on the network	
19	BLD SUB22-20	S03, T3N, R3W	Green Hills Landing - Phase 1	Canyon County	Active	Approval letter sent 12/21/23. Need to wait until final letter; waiting for the District's response to the request for a second review. 1/26/2024	1/26/2024

2/6/2024

Communication with Other Entities

- Meet with HD4 on bi-monthly basis
- Meet with City of Middleton P&Z bi-monthly
- Met with Gem County P&Z – as needed basis
- Proactively met with Canyon County on August 14, 2023 – provided similar outlines of process / attempted to set-up regular meeting with P&Z staff like other entities.

2/6/2024

Example #1 –

What happens if we ignore irrigation / or allow Developers to take the most cost-effective route for them ...

• These are examples of pipelines that now meander through very compact neighborhoods, making replacement or maintenance very difficult and expensive. Houses have been built very close, driveways, sheds etc. are over the top of this infrastructure.

• Platted 2008

• This is what we are trying to avoid so in the future these lines can be maintained at a reasonable cost to the patrons, including the homeowners you see here.



2/6/2024

Example #2 – Encroachment

- Another example of what we are trying to avoid with Pre-plat review.
- Working with Developer's and planning departments, will keep us from having these types of issues.



2/5/2024

Example #3 – Design Review

- 2021 – 2023
- Developer designed replacement and relocation of District infrastructure.
- Minimal review performed – prior to RH2 involvement / should be simple design.
- Newly installed box.
- Water backs-up and overflows before it reaches the headgate.



2/5/2024

Example #4 – Disregard for Irrigation Easements

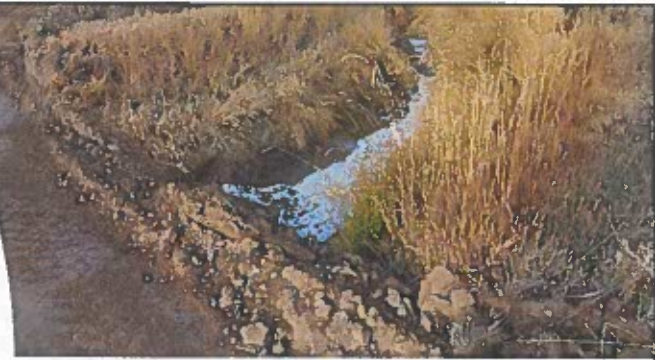
November 2022

- Contractor simply pushes in ditch, no permit or approval in place.
- Downstream is approximately 1000 acres of irrigated ground.

July 2023

- Contractor cuts back live unlined lateral bank. Claims he has approved County plans, and it's within the County's jurisdiction.

2/6/2024

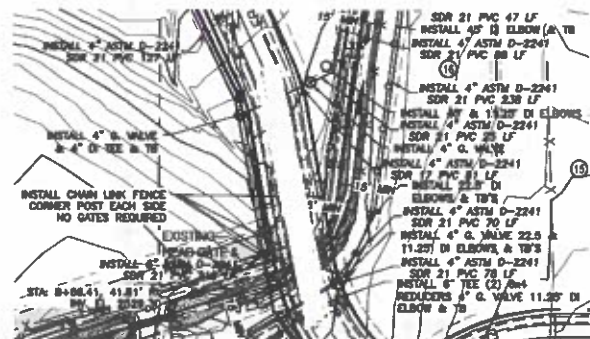


Example #5 – Why Multiple Reviews Occur and Costs go up

- Illegible plans
- Design by Review
- Incomplete plans / plan does not work / hydraulic grade lines are incorrect.
- Construction is not completed per ISPWC.



2/6/2024



When the process works well – ahead of pre-plat.

- Proponent received pre-plat approval from all agencies prior to pre-plat being accepted by County.
- This is how the process can work successfully.



2/6/2024

Why we need to Collaborate

- New Development and Irrigation have to co-exist. Irrigation serves new development provided that systems are protected and perpetuated.
- The District is not anti-development. The District works very hard to stay ahead of the County's process with completed reviews, in order to make something work for the Developer and still achieve lasting, reliable delivery to Irrigation District Patrons.
- The District has been pro-active in tackling the volume of Development applications
 - Tracks and responds to all Notifications within the District – Counties and Cities
 - Processes all new development with defined process
 - Provide clear step by step path for approval.
 - Provide estimate of review costs prior to moving forward.

Where does development most occur, whether starting a farm or building a residential subdivision?

Where there is reliable irrigation water supply -- that is the most valuable and desirable ground. Maintaining, protecting, and perpetuating irrigation water delivery systems is critical to maintaining productivity, desirability, and value.

Wrap Up

- Betterment for the Valley
- Development pays its own way
- We all rely on irrigation water and it benefits everyone in the community

2/6/2024

Questions



2/6/2024

