



FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER
Sleepy Hollow Subdivision #2 - SD2023-0008

Findings

1. The applicant, Kathryn/Christopher Phoenix, requests approval of a preliminary plat (short plat) for Sleepy Hollow Subdivision #2, subdividing a platted lot within Sleepy Hollow Subdivision. The proposal is a 3 Lot Subdivision consisting of two (2) residential lots and one (1) Private Road lot, on approximately 2.72 acres with 1.37 average lot size. The subject property, parcel R34484104 is located on 23117 White Oak Drive, Caldwell, ID in a part of the SE ¼ of section 03, T4N R3W BM, Canyon County, Idaho.
2. The subject property was rezoned to CR-R1 (Conditional Rezone – Single Family Residential) on May 19, 2022.
3. The minimum residential lot size of 1.36 acres.
4. The property is located within Middleton area of city impact.
5. The property has irrigation water rights.
6. The development will be served by individual well and septic systems.
7. Subdivision runoff will be maintained within the subdivision (Plat Note 8 & 9, Exhibit 2d of the staff report).
8. The development will be accessed via White Oak Drive, connecting to Shannon Circle, and then to Highway 44 (a public road).
9. Highway District 4: approved the proposed plan. The applicant shall comply with the requirements of HD#4 at the time of construction (Exhibit 4e of the staff report).
10. Middleton Fire District #1 did not provide any comments during the rezone, nor the preliminary plat application process.
11. The development is not located within a mapped floodplain (Flood Zone X).
12. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on June 14, 2024 (P&Z Commission) and November 7, 2024. The newspaper notice was published on August 27, 2024 (P&Z Commission) and November 12, 2024. Property owners were sent a notice on August 28, 2024 (P&Z Commission) and November 7, 2024.
13. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2023-0008.

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 (Exhibit A & B of the staff report):

- Idaho Code §67-6513 (Subdivisions);
- Idaho Code §50-1301 through 50-1329 (Platting);
- Idaho Code § 22-4503 (Right-to-Farm Act, Plat note #1);
- Idaho Code, §31-3805 (Irrigation), plat note #4;
- Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations); and

The preliminary plat was found to be consistent with the standards of review subject to conditions (Exhibit 2d).

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.
2. Finish grades at subdivision boundaries shall match existing finish grades. Storm water runoff shall be maintained on the subject property (Exhibit 2d).
3. The development shall comply with Southwest District Health requirements.
4. The development shall comply with Middleton Fire District requirements.
5. The development shall comply with requirements of Highway District 4.




Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2023-0008, the Board of Canyon County Commissioners **approves** the Preliminary Plat for Sleepy Hollow Subdivision #2 subject to the Conditions of Approval as enumerated herein.

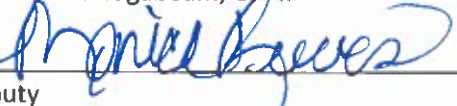
DATED this 11 day of December, 2024.

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 Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogaboam, Clerk

By: 
Deputy

Date: 12-11-24