



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Easy Flyer Subdivision - SD2025-0004

The Canyon County Board of County Commissioners considers the following:

The applicant, KM Engineering, representing Bonnie Vance Vermaas, requests approval of the preliminary plat for Easy Flyer Subdivision, consisting of seven (7) buildable lots on Parcels R37517 and R37519, approximately 20 acres, served by a public road.

The subject property is located at 9713 Galloway Road, Middleton; also referenced as a portion of the NW¼ of Section 28, T5N, R2W, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

- A. The record includes all testimony, the staff report, exhibits, and documents in Case File SD2025-0004.
1. All exhibits can be found in the case staff report dated November 20, 2025.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-17-09 (Preliminary Plat Criteria); and Idaho Code §67-6513.
- a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509.
2. Per CCCO §07-17-09(5) - Board Action: 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.

The application, SD2025-0004, was presented at a public hearing before the Canyon County Board of County Commissioners on November 20, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

Compliant			County Ordinance and Review – CCCO §07-17-09	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	(1)	<u>Application:</u> The applicant shall file with DSD a copy of the completed subdivision application form as prescribed by the director and a copy of the preliminary plat with data as required in this section, including, but not limited to, preliminary irrigation plans, the availability of irrigation water to the property, and a preliminary drainage plan. All applicable fees shall be paid at this time.
			<i>Analysis</i>	On March 20, 2025, the applicant submitted a preliminary plat application (Exhibit 3.A). See Exhibit 3.B.2a regarding review per CCCO §07-17-09(1)A through F.

				<u>Summary of Review – Easy Flyer Subdivision:</u> • <u>Total Acreage:</u> 20± acres (17.56 acres after public road right-of-way dedication). • <u>Total Number of Lots:</u> Seven (7). • <u>Zoning:</u> “CR-R-R (Condition Rezone – Rural Residential) subject to development agreement #25-020. The zone was approved in 2025 (CR2022-0022, Exhibits 3.B.4a & b). • <u>Roads/Access:</u> The development will take access to Galloway Road, a major collector, via internal public road, Vermass Drive (Exhibit 3.A.2 & 3). The road includes a future stub for future development of the parcel to the east. Road construction must be reviewed by Highway District #4 (HD4). ○ A portion of the public road is located on slopes greater than 15%. Grading and drainage will require HD4 review and approval. A condition is included to ensure that final road construction before final plat approval addresses roadway standards on hillsides (CCCO §07-17-33(1)D). <i>See memo from applicant regarding road development on hillside and how it complies with roadway standards</i> (Exhibit 3.A.4). • <u>Water/ Sewage Disposal:</u> Domestic water services for each lot will be provided by individual wells. Sewage treatment shall be provided by individual septic tanks and drain fields for each lot. (Preliminary Engineering Note 1, Exhibit 3.A.3 & A.6). • <u>Irrigation:</u> Irrigation water shall be supplied by individual wells (Exhibits 3.A.3, A.6 & A.7). • <u>Drainage:</u> Subdivision runoff and common area storm drainage facilities will be maintained by the property owners’ association. Each property owner is responsible for maintaining stormwater runoff on each lot (Exhibit 3.A.3 General Note 8). Storm drainage from roadways and lots will be collected in roadside swales and retained in stormwater infiltration ponds (Drainage & Engineering Notes 1 & 4, Exhibit 3.A.3).
☒	☐	☐	(2)	<u>Acknowledgment:</u> Upon receipt of the application, preliminary plat, and applicable fees, DSD shall acknowledge, sign, and date the application and deem it accepted.
			Analysis	On March 20, 2025, the application and plat were accepted by DSD (Exhibit 3.A).
☒	☐	☐	(3)	<u>Agency Review:</u> A: The DSD shall transmit one copy of the preliminary plat to county departments and any such other agencies that may have jurisdiction or an interest in the proposed subdivision for their review and recommendation. B. If no written reply is received from any of the various departments or interested agencies within thirty (30) calendar days from the date of notification, approval of the preliminary plat by such department or agency will be considered to be granted.
			Analysis	A. Affected agencies were notified on April 18, 2025, and July 11, 2025. <i>See Section 4 of this report for the list of agencies notified.</i> B. The following agency comments were received within 30 days of notification: a. <u>Idaho Dept. of Environmental Quality</u> (Exhibit 3.C.4): General list of items which DEQ may permit. If applicable, the applicant must contact DEQ. b. <u>Idaho Transportation Department</u> (Exhibit 3.C.2): No concerns

				c. <u>Southwest District Health (Exhibit 3.C.1)</u>: Not a nitrate priority area, so a Nutrient Pathogen Study is not required. Test holes have not been conducted. Hardpan is likely to be encountered with no signs of groundwater based on observation on neighboring lots. Irrigation canal/ditch flows north and south on the west side of the property. d. <u>Black Canyon Irrigation District (Exhibit 3.C.3)</u>: The applicant has complied with all requirements stated in the BCID rezone letter regarding the verification of nine irrigatable acres for the parcel. The subdivision application and plat demonstrate that the parcel has no water rights (existing water rights have been transferred). e. <u>Middleton Fire District (Exhibit 3.C.5)</u>: Station 52 is 5.9 miles away with a 9-minute travel time. Evidence of compliance shall be a written letter of approval provided to DSD from the Middleton Fire District for the development before the Board signs the Final Plat. f. <u>DSD Engineering (Exhibit 3.B.2b)</u>: The letter recommends approval subject to conditions regarding construction drawings, hillside development, and stormwater management plan. g. <u>Middleton School District, June 5, 2025 (Exhibit 3.B.2a)</u>: Bus stop location addressed per the development agreement condition (Exhibit 3.B.4b).
Compliant			Code Section	CCCO §07-17-09(5): BOCC Action
Yes	No	N/A	A	The board shall consider the commission's recommendation at a noticed public hearing.
☒	☐	☐	<i>Analysis</i>	The Hearing Examiner heard the case at a duly noticed public hearing held on August 18, 2025. After deliberation, the Hearing Examiner recommended approval subject to conditions (Exhibits 1 & 2).
Compliant			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.
☒	☐	☐	<i>Analysis</i>	A. Idaho Code Section 67-6513 (Subdivisions), B. Idaho Code Sections 50-1301 through 50-1329 (Platting), C. Idaho Code Section 22-4503 (Right-to-Farm Act), D. Idaho Code, Sections 31-3805 & 42-111 (Irrigation), and E. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations).
			2	The reasons for approval or denial.
☒	☐	☐	<i>Analysis</i>	The Board concurs with the Hearing Examiner (Exhibit 1 and 2) that the Easy Flyer Subdivision preliminary plat meets the applicable ordinances and standards, subject to conditions of approval (See Order below for list of conditions). <i>See the above section 07-17-09 (1) through (3) for evidence.</i>

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Board of County Commissioners **approve** Case # SD2025-0004, the Easy Flyer Subdivision Preliminary Plat, subject to the following conditions:

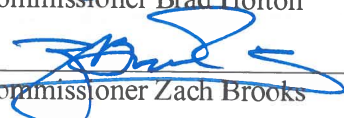
1. All subdivision improvements (public or private roads, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioners' signature on the final plat.
 - a. Construction plans/drawings shall be submitted per CCCO Section 07-17-11. Construction plans/drawings are to be reviewed and approved by the County Engineer prior to construction beginning.

- i. A final engineered grading and drainage plan per 07-17-33(1)D - F shall be submitted to DSD. Once reviewed and approved, and the road construction is completed, certification from a licensed engineer shall be submitted demonstrating that construction was completed per the final drainage and grading plan.
 - ii. A stormwater management plan shall be submitted prior to final plat signature by the Board. The plan shall address: Short-term construction protections (e.g., roadside swale protection during homebuilding), and Long-term O&M (via CC&Rs or other enforceable mechanisms) to ensure the continued function of drainage systems.
2. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
 3. Development shall comply with the requirements of the local highway district. Evidence shall include the highway district's signature on the final plat.
 4. Evidence shall include written correspondence from the Idaho Department of Water Resources (IDWR) ensuring water rights have been obtained before the Board of County Commissioners' signature on the final plat.
 5. Development shall comply with Southwest District Health requirements. Evidence shall be Southwest District Health's signature on the final plat.
 6. Development shall comply with Fire District requirements. Evidence shall include written correspondence from the Fire District before the Board of County Commissioners' signature on the final plat.
 7. Per DA25-020, the recorded development agreement shall be noted on the final plat, including that secondary residences are prohibited.
 8. Before the Board signs the final plat, an easement or common lot shall be added to provide a United States Postal Service community mailbox unless waived by the United States Postal Service.
 9. The final plat shall highlight areas where slopes over 15% exist and note that residential development is prohibited in the highlighted area.

DATED this 20th day of November, 2025.

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	☒	☐	☐
 Commissioner Brad Holton	☒	☐	☐
 Commissioner Zach Brooks	☒	☐	☐

Attest: Rick Hogaboam, Clerk

By: Uross
 Deputy

Date: 11.20.2025