CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, Suite 310 ▪ Caldwell, Idaho ▪ 83605 ▪ (208) 454-7458
DSDInfo@canyonco.org • www.canyonco.org/dsd

Oaklee Estates No. 1 - Case No. SD2021-0054

Staff: Stephanie Hailey – Engineering Coordinator

Request:
BOCC signature on the **Final Plat** for Oaklee Estates No. 1, SD2021-0054.

Development Data:
- Zoned "R1" (Single-family Residential, RZ-PH2015-65)
- 17 Residential lots
- Public roads
- Pressurized irrigation
- Individual well
- Individual septic

Project Background:
The preliminary plat for Oaklee Estates Subdivision was approved by the Board of County Commissioners on September 21, 2020, subject to nine (9) conditions of approval (Exhibit A). **All conditions of approval have been met, as follows:**

- Condition #1: All subdivision improvements (public roads, grading, irrigation and drainage swales/ponds) and amenities shall be bonded or completed prior to final plat approval for each phase.

  a. Prior to installation of improvements, a construction plan must be reviewed and approved by the County engineer.

  b. As recommended by Idaho Department of Environmental Quality (Attachment D), an approved dust preventive and control plan and NPDES stormwater permit shall be acquired and submitted prior to any construction. **This condition has been met as shown on Exhibits B,C&E.**

- Condition #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 (Attachment C). Prior to final plat approval of each phases, the development shall comply with Black Canyon Irrigation District requirements which include the piping of the C-Line East Canal (Attachment B). **This condition has been met as shown on Exhibit C&F .**

- Condition #3: Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on the subject property (Attachment C). **This condition has been met as shown on Exhibit C.**

- Condition #4: The development shall comply with Southwest District Health requirements (Attachment C). **This condition had been met as shown on Exhibit D.**

- Condition #5: The development shall comply with Middleton Rural Fire District requirements (Attachment F). **This condition has been met as shown on Exhibit G.**

- Condition #6: The development shall comply with all requirements and conditions requested by Canyon Highway District #4 (Attachment E). **This condition has been met as shown on Exhibit D.**

- Condition #7: A Water User's Maintenance Agreement for all properties within the development shall be recorded with the County Recorder's office prior to final plat approval. **This condition has been met as shown on Exhibit I.**

- Condition # 8: Prior to final plat approval, a property boundary adjustment between Parcel R37513 and R37513013A shall be approved by Canyon County Development Services (Case #AD2020-0115). The result will relocate accessory structures onto Parcel R37513013A to match the configuration shown on the preliminary plat (Lot 1, Block 2). **This condition has been met as shown on Exhibit H.**

- Condition # 9: Prior to final plat approval, an easement reduction for the secondary emergency access shown on Lot 2, Block 2, shall be approved by Canyon County Development Services (Case #AD2020-0115).
  a. Black Canyon Irrigation District shall review the easement request to ensure the easement will not modify their existing maintenance road or canal without their consent. Applicable to Oaklee Estates No. 2
  b. The easement shall include a recorded road user's maintenance agreement between Parcel R37513013A and Lot 2, Block 2 of the Oaklee Estates Subdivision. . Applicable to Oaklee Estates No. 2
  c. Construction of the secondary access road shall meet Middleton Fire District and County standards. **This condition has been met as shown on Exhibit G.**

County Review:

County Engineering reviewed and approved the final plat and construction drawings (**Exhibit C)**, participated in a post construction site visit, and compiled evidence for condition compliance. The County Surveyor reviewed and signed the final plat.

Recommendation:

The Final Plat is in compliance with CCZO § 07-17-13. Staff recommends that the Board of County Commissioners sign the Final Plat for Oaklee Estates No. 1.

Exhibits:

- **Exhibit A:** BOCC Preliminary Plat FCOs
- **Exhibit B:** Engineer Certification of Completion (improvements)
- **Exhibit C:** Keller Associates
- **Exhibit D:** Final Plat
- **Exhibit E:** Dust Control Plan
- **Exhibit F:** BCID Engineer's Certification Letter
- **Exhibit G:** Middleton Fire District Letter
- **Exhibit H:** AD2020-0115
- **Exhibit I:** Recorded CCR's with/WUMA

Exhibit A

FINDINGS, CONCLUSIONS, & ORDER

Oaklee Estates Subdivision - SD2020-0003

Findings

1. Subdivision Maker Inc., representing Dale and Kathi Lee, is requesting approval of a preliminary plat (including irrigation and drainage plan) for Oaklee Estates Subdivision on Parcel R37513. The subdivision includes 36 residential lots with one (1) common lot (Attachment A). The subdivision will be developed in three phases. The 54.9 acre property is located near the Purple Sage Road and Gray Hawk Drive intersection in Middleton; also referenced as a portion of the SE¼ of Section 28, Township 5N, Range 2W; Canyon County, Idaho.
2. Existing accessory structures associated with Parcel R37513013A are located on the subject property. Prior to submittal of the first final plat, a property boundary adjustment must be completed in accordance with CCZO §07-10-17 to adjust the area with the existing accessory structures onto Parcel R37513013A.
3. The 54.9 acre property is zoned "R-1" (Single Family Residential, one acre average lot size, RZ-PH2015-65).
4. The average residential lot size of 1.3 acres.
5. The property is not located within an area of city impact.
6. The preliminary plat proposes to utilize water rights from Black Canyon Irrigation Distract (BCID) to provide pressurized irrigation to all lots. The pressure irrigation pump station is located on the designated common lot (Lot 3 Block 2, Attachment A). BCID does not oppose the request subject to the piping of C-Line East Canal which includes approval by the Bureau of Reclamation (Attachment B).
7. The development will be served by individual well and septic systems. The preliminary plat and nitrate pathogen study were reviewed by Southwest District Health.
8. The preliminary plat proposes drainage catchment and percolation by means of roadside swales, detention pond and lot grading. Four detention ponds are located in easements on Lots 10-12 of Block 1 and Lots 1, 8 and 9 of Block 2 (Attachment A).
9. Access into the subdivision is from Purple Sage Road. The subdivision will be served by internal public roads (Oakdale Court, Neighborlee Court and Basin Ranch Way). Pursuant to Canyon Highway District #4 (CHD4) comments, the agency approves the preliminary plat subject to conditions (Attachment E).
10. Middleton Rural Fire requires two separate apparatus access roads to serve subdivisions over 30 lots. A secondary access easement through Lot 2, Block 2 is proposed. Middleton Fire District approves the preliminary plat subject to conditions (Attachment F).
11. On July 16, 2020, the Planning and Zoning Commission recommended denial of the preliminary plat due to the lack of two separate apparatus access required by Middleton Fire and access/stub road requirements by Canyon Highway District #4. The applicant has revised the preliminary plat to meet Canyon Highway District #4 and Middleton Fire requirements.
12. The development is not located within a mapped floodplain (Flood Zone X).
13. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2020-0003.
14. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on August 12, 2020. Newspaper notice was published on August 16, 2020. Property owners within 300' were notified by mail on August 12, 2020. The property was posted on August 24, 2020.

Conclusions of Law

Pursuant to CCZO Section 07-17-09(5):

A. *The Board shall consider the Commission's recommendation at a noticed public hearing.*
   - On July 16, 2020, the Planning and Zoning Commission recommended denial of the preliminary plat due to the lack of two separate apparatus access required by Middleton Fire and access/stub road requirements by Canyon Highway District #4. The applicant has revised the preliminary plat to meet Canyon Highway District #4 and Middleton Fire requirements (Attachments E and 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.*

   - Subject to conditions of approval, the plat is consistent with the following:
     - Idaho Code, Section 67-6509 and 67-6513 (Subdivision, 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).

     Review was completed by Keller Associates (Attachment C). The review found the plat in compliance subject to correction to the secondary access easement. Conditions of approval have been included to ensure the secondary access meets County, Fire District and Irrigation District requirements prior to approval of the final plat.

Conditions of Approval

1. All subdivision improvements (public roads, grading, irrigation and drainage swales/ponds) and amenities shall be bonded or completed prior to final plat approval for each phase.
   a. Prior to installation of improvements, a construction plan must be reviewed and approved by the County engineer.
   b. As recommended by Idaho Department of Environmental Quality (Attachment D), an approved dust preventive and control plan and NPDES stormwater permit shall be acquired and submitted prior to any construction.
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 (Attachment C). Prior to final plat approval of each phases, the development shall comply with Black Canyon Irrigation District requirements which include the piping of the C-Line Ease Canal (Attachment B).
3. Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on the subject property (Attachment C).
4. The development shall iComply with Southwest District health requirements (Attachment C).
5. The development shall comply with Middleton Rural Fire District requirements (Attachment F).
6. The development shall comply with all requirements and conditions requested by Canyon Highway District #4 (Attachment E).
7. A Water User's Maintenance Agreement for all properties within the development shall be recorded with the County Recorder's office prior to final plat approval.
8. Prior to final plat approval, a property boundary adjustment between Parcel R37513 and R37513013A shall be approved by Canyon County Development Services (Case #AD2020-0115). The result will relocate accessory structures onto Parcel R37513013A to match the configuration shown on the preliminary plat (Lot 1, Block 2).

9. Prior to final plat approval, an easement reduction for the secondary emergency access shown on Lot 2, Block 2 shall be approved by Canyon County Development Services (Case #AD2020-0115).
    a. Black Canyon Irrigation District shall review the easement request to ensure the easement will not modify their existing maintenance road or canal without their consent.
    b. The easement shall include a recorded road user's maintenance agreement between Parcel R37513013A and Lot 2, Block 2 of the Oaklee Estates Subdivision
    c. Construction of the secondary access road shall meet Middleton Fire District and County standards.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2020-0003, the Board of County Commissioners **approves** the Preliminary Plat, Irrigation, and Drainage Plans for Oaklee Estates Subdivision subject to the conditions enumerated above.

APPROVED this 21 day of September, 2020.

	Yes	No	Did Not Vote
Commissioner Pamela White	✓		
Commissioner Tom Dale	✓		
Commissioner Leslie Van Beek			

Attest: Chris Yamamoto, Clerk

By: _____ Date: 9/21/20

Deputy

Exhibit B

Intermountain Engineering

3/15/24

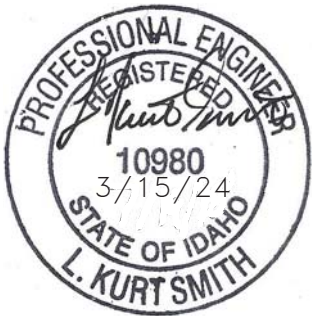
Canyon County Development Services Department
Stephanie Hailey
111 N. 11th Avenue
Caldwell, ID 83605

Re. Oaklee Estates Subdivision

Dear Mrs. Hailey

Intermountain Engineering has visited the above mentioned site and inspected the drainage system that has been constructed, as well as the grading along the boundary of the development. The construction was found in substantial compliance with the approved plans. The dust prevention and control plan was implemented during construction keeping the project in compliance to its requirements. The storm drain systems as constructed appear to be working as designed. It also appears Idaho power has also extended power to each or the proposed lots. If you have questions or need more information you can reach me at (208) 941-1245.

Sincerely
Intermountain Engineering P.C.



L. Kurt Smith, P.E.
President
cc.

KELLER ASSOCIATES

100 Bower Street, Suite 110
Meridian, ID 83642
(208) 288-1992

Exhibit C

October 5, 2022

Ms. Stephanie Hailey
Engineering Coordinator
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Oaklee Estates No. 1 Final Plat Application

Dear Ms. Hailey,

Keller Associates, Inc. has reviewed the Oaklee Estates No. 1 Final Plat dated July 25, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments that need to be addressed to satisfy County requirements:

1. The Curve Table on Sheet 2 shows Curve C2 a chord distance 105.83'; the description shows it 105.86'. Change to make them consistent.

We recommend that the final plat be **APPROVED with the conditions listed above. Please note that the County Surveyor may have additional comments prior to signature of the Final Plat mylar.** Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above-referenced Plat, when granted, does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 244-5065.

Sincerely,
KELLER ASSOCIATES, INC.

David Kinzer, PE/PLS
County Surveyor

cc: File

KELLER ASSOCIATES

100 E Bower Street, Suite 110
Meridian, ID 83642
(208) 288-1992

September 20, 2022

Ms. Stephanie Hailey
Engineering Coordinator
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Oaklee Estates Phases 1 & 2 Construction Drawings

Dear Ms. Hailey,

Keller Associates, Inc. has reviewed the construction drawings for the Oaklee Estates Phases 1 & 2 dated May 31, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order to satisfy the County's requirements:

1. Please provide plan approval letter from the appropriate irrigation district when available.

We recommend that the construction drawings be **APPROVED with the conditions listed above.** Any variance or waivers to the Canyon County standard, ordinances, or policies must be specifically approved in writing by the County. Approval of the above referenced construction drawings does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992.

Sincerely,

KELLER ASSOCIATES, INC.

David Kinzer, PE/PLS
County Surveyor

cc: File

BK _____ PG _____

Exhibit D

PLAT OF

OAKLEE ESTATES SUBDIVISION NO. 1

LOCATED IN A PORTION OF THE SW1/4 SE1/4 OF SECTION 28, T. 5 N., R. 2 W., B.M., CANYON COUNTY, IDAHO

W1/4 Cor. Sec 28 Illegible Bent CP&F Inst. No. 2007034564

E1/4 Cor. Sec 27 "PLS 944" CP&F Inst. No. 200261621

S1/16 Cor. Sec 28 Illegible

SURVEYOR'S NARRATIVE:

This Plat was requested by Dale & Kathi Lee to create a Subdivision. The Boundary Lines of this Parcel of Land for said Subdivsion Plat were established from Record information and found Monumentation as shown and described on Record of Survey Inst. No. 2020-040577.

NOTES:

See sheet 2 of 4 for all Notes regarding this plat.

LEGEND

- Calculated point
- Found brass cap monument
- Found aluminum cap monument
- Found 5/8 inch dia. iron pin
- Set 5/8 inch dia. x 24 inch iron pin w/ plastic cap "PLS 7732"
- Found 1/2 inch dia. iron pin
- Set 1/2 inch dia. x 24 inch iron pin w/ plastic cap "PLS 7732"
- Set 5/8 inch dia. x 24 inch iron pin w/ plastic cap "PLS 7732 W.C." (10' Offset, unless stated)
- Set 5/8 inch dia. x 24 inch iron pin w/ plastic cap "PLS 7732 R.M." (10' Offset, unless stated)
- Set 1/2 inch dia. x 24 inch iron pin w/ plastic cap "ESMT COR PLS 7732"
- Block number
- Lot number
- Boundary line
- Property line
- Section line
- Easement Line
- Centerline
- Lot line

Sec 29 W1/4 Cor. Sec 28 Illegible Bent CP&F Inst. No. 2007034564

CS 1/16

N 00°35'38" E 2642.90'

N 00°33'29" E 1045.73'

Sec 28 E1/4 Cor. Sec 27 "PLS 944" CP&F Inst. No. 200261621

N 00°36'29" E 1321.57'

Sec 28 S1/16 Cor. Sec 27 Illegible

N 00°36'12" E 1321.44'

0 50 100 200

Scale: 1" = 100'

UNPLATTED

25' Canal Right-of-Way per Idaho Code 42-1102

10' Canal Right-of-Way per Idaho Code 42-1102

C-LINE CANAL EAST

S 78°09'35" E 470.96'

S 47°21'53" E 283.60'

60' Bureau of Reclamation Right-of-Way

WILLOW CREEK RANCH ESTATES NO. 3 BOOK 20 PAGE 33

WILLOW CREEK RANCH ESTATES NO. 3 BOOK 33 PAGE 42

WILLOW CREEK RANCH ESTATES NO. 1 BOOK 20 PAGE 33

S 76°14'49" E 342.11'

S 08°28'18" W 251.32'

S 66°57'32" W 193.31'

N 89°54'40" W 247.75'

S 00°31'25" W 1046.73'

N 66°16'16" W 289.35'

N 44°37'04" W 498.95'

N 27°34'06" W 390.42'

N 17°39'03" E 312.96'

S 30°47'36" E 177.94'

Drainage Retention

Storm Drainage Retention area

Pump Station Location Easement

Canyon County Highway District #4 Right-of-Way Dedication Per Inst. No. _____

DALE LEE 9504 PURPLE SAGE RD. R3751301300

BASIN RANCH WAY (PUBLIC)

BASIN KID CT. (PUBLIC)

PURPLE SAGE RD. (PUBLIC)

DUFF LANE (PUBLIC)

LANSING LANE (PUBLIC)

GREY HAWK DR. (PUBLIC)

Lot	Area	Acres
1	83,227 sq.ft.	1.91 acres
2	55,853 sq.ft.	1.28 acres
3	55,961 sq.ft.	1.28 acres
4	51,552 sq.ft.	1.18 acres
5	60,951 sq.ft.	1.40 acres
6	53,054 sq.ft.	1.22 acres
7	44,878 sq.ft.	1.03 acres
8	45,219 sq.ft.	1.04 acres
9	50,237 sq.ft.	1.15 acres
10	48,444 sq.ft.	1.11 acres
11	44,343 sq.ft.	1.02 acres
12	50,261 sq.ft.	1.15 acres
13	43,322 sq.ft.	0.99 acres
14	45,040 sq.ft.	1.03 acres
15	52,451 sq.ft.	1.20 acres
16	56,743 sq.ft.	1.30 acres

S 89°23'04" E 1320.03'

W 1/16 Sec 28 & 33 Illegible CP&F Inst. No. 200114953

S 89°24'07" E 1320.16'

POINT OF BEGINNING

Sec 28 Sec 33 S1/4 No Cap CP&F Inst. No. 200224318

S 89°18'14" E 1319.30'

BASIS OF BEARINGS

Sec 28 Sec 33 E1/16 No Cap Bent CP&F Inst. No. 200358060

N 89°18'15" W 1319.52'

Sec 28 Sec 33 Sec 27 Sec 34 "PLS 944" CP&F Inst. No. 200358059

PROFESSIONAL LAND SURVEYOR REGISTERED 7732 07/25/22 STATE OF IDAHO RICHARD A. GRAY

REVISIONS	No.	BY	DATE	DESCRIPTION
	1	AW	01/21/22	Canyon Highway District #4 Comments
	2	AW	06/15/22	Canyon Highway District #4 Comments
	3	AW	07/13/22	New Lot Alignment and Easements

COMPASS LAND SURVEYING, PLLC
623 11th Avenue South Nampa, ID 83651
Office: (208) 442-0115

JN 3819 SHEET 1 OF 4 07/13/2022

Exhibit E

Dust Abatement Plan
Oaklee Estates Subdivision

General Statement: The plan to mitigate fugitive dust during road and utility installation at Oaklee Estates Subdivision is for the on-site owner, and the contractor to monitor activities disturbing soil, apply dust control water regularly to disturbed soils and stockpiles of materials susceptible to wind erosion, and prevent or manually remove track-out. Water supply for the water truck is through the City of Middleton. Specific Dust Control provisions in the Stormwater Pollution Prevention Plan follow.

4.5 Minimize Dust (IPDES CGP Parts 2.2.6.& 7.2.6)
Erosion and Sediment Control # 9 – Dust Controls
The following BMP outlines the method for dust control on the site.

DUST CONTROLS

Description: This BMP describes products and measures used for reducing or preventing wind erosion by protecting the soil surface, roughening the surface, and reducing the surface wind velocity. The site may be sprinkled with water until the surface is wet. Sprinkling is especially effective for dust control on haul roads and other traffic routes. Because the work will occur during the summer months, dust control will likely need to be applied daily and constant monitoring will be required.
Installation Schedule: Throughout the life of the project, summer of 2023.
Maintenance: Contractor Capital Paving
Inspection: At least every 14 days. Dust control requires constant attention: it is not a one-time or occasional activity. Dust control sprinkling may have to be done several times a day during hot, dry weather. Inspect dust control activities to ensure that dust control water is not creating non-stormwater discharges.
Responsible Staff: Darin Taylor - Subdivision Maker, LLC
Effective Date: June 15, 2022 – Final Completion

6.2 Site Stabilization Practice (IPDES CGP Parts 2.2.14 & 7.2.6.b.vi)
General
- The site will be permanently stabilized through landscaping and paving as shown in the project plans. Individual lots will either be seeded or temporarily stabilized depending on individual lot sales and expected construction schedule.
- Disturbed areas must be stabilized as soon as practicable. At a minimum, stabilization must take place when it becomes evident that active ground disturbance is either completed or will be halted for a period of 14 days or longer.

TEMPORARY NON-VEGETATIVE SURFACE STABILIZATION
☐Vegetative ☒Non-Vegetative ☒Temporary ☐Permanent
Description: This BMP will be used as part of this project to stabilize disturbed surfaces that will not continue to be actively worked by covering the disturbed area using plastic, Visqueen, geotextile fabric, organic soil tackifier and paper mulch, or by roughening the surface to stabilize the disturbed soil and is intended to reduce sediment runoff and control dust.

Installation Schedule: Stabilization will begin immediately following the conclusion of earth-disturbing activities or when no work in areas of disturbed ground is
expected for a period. This BMP should also be used in preparation for
storm events to prevent erosion of disturbed areas.
Responsible Staff: Darin Taylor - Subdivision Maker, LLC
Installation Date: June 15, 2022 – Final Stabilization

TEMPORARY VEGETATIVE SURFACE STABILIZATION

☒Vegetative ☐Non-Vegetative ☒Temporary ☐Permanent

Description: This BMP will be used as part of this project to stabilize any areas where earth-disturbing activities are expected to cease for an extended period. Under these circumstances, a temporary/cover crop will be planted to stabilize the soil and reduce sediment runoff and control dust.
Installation Schedule: Stabilization will begin immediately following the conclusion of earth-disturbing activities when it is expected or becomes evident work will not resume for an extended period.
Responsible Staff: Darin Taylor - Subdivision Maker, LLC
Installation Date: June 15, 2022 – Final Stabilization

Exhibit F

Intermountain Engineering

3/15/24

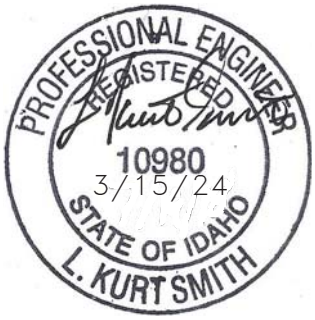
Black Canyon Irrigation District
Don Popoff, PE
RH2 Engineering
16150 N. High Desert Street, Suite 201
Nampa, ID 83687

Re. Oaklee Estates Subdivision

Dear Mr. Popoff

Intermountain Engineering has visited the above mentioned site and inspected the work that was done near the C-Line Canal East. The construction was found in substantial compliance with the approved phase 1 plans. If you have questions or need more information you can reach me at (208) 941-1245.

Sincerely
Intermountain Engineering P.C.



L. Kurt Smith, P.E.
President
cc.

Exhibit G

Middleton Star Fire Districts

Headquarters • 11665 W. State St., Suite B • Star, ID 83669 • (208) 286-7772 • www.midstarfire.org

April 29, 2024

Canyon County
Development Services Department
111 N. 11th Ave, Suite 140
Caldwell, ID 83605

PROJECT: OAKLEE Estates Subdivision - Canyon County File: SD2022-0003

To whom it may concern:

The Middleton Rural Fire District has reviewed the documents provided by Dale Lee for our review on the OAKLEE Estates comments are as follows.

Mr. Lee has submitted a signed letter in response to the fire district's comments. I have attached the letter to be added to the subdivision documents.

Please note that Mr. Lee as the developer is putting all requirements for life safety on the individual builder/homeowner of each lot.

Fire District Review and Permit will be required for each lot before the building permit is issued by Canyon County.

It shall be the responsibility of the applicant to provide Canyon County Development Services with a copy of this letter.

Any overlooked hazardous condition and/or violation of the International Building and/or Fire Code does not imply approval of such condition or violation.

If you have any questions, please or would like to discuss this letter in detail feel free to contact my office at (208) 286-7772.

Sincerely,

Victor Islas
Deputy Chief

Middleton Rural Fire District
302 Main Street
Middleton, ID 83644

April 1, 2024

Dear Victor Islas;

I am writing this letter, regarding anticipated approval of Phase 1, OAKLEE Estates Subdivision (SD 2020-0003). As we discussed on the phone, I as owner/developer of this subdivision, will not be building house, but rather selling lots to individual lot owners/owner builders, who will build their own home or a contractor who will build for an owner. All owners/builders shall comply with all Federal, State, and Local codes, including specifically, Fire codes and Fire-Flow requirements, as will be complied to through the Canyon County Building Permitting Process.

Thank You for your help and let me know if you need anything else.
Sincerely,

Dale T. Lee

Dale T. Lee
OAKLEE Estates
1(208) 989.7397

Exhibit H

UNOFFICIAL COPY

Director Decision
Property Boundary Adjustment

Development Services Department
Canyon County Zoning Ordinance §07-10-17

2022-040375
RECORDED
08/23/2022 02:40 PM
00720406202200403750010015
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=1 PBRIDGES $10.00
MISC
SUBDIVISION MAKER LLC

Case Number: **AD2020-0115**
Parcel #(s): **R37513, R37513014, R37513013, R37513013A**
Property Owner(s): Dale and Kathy Lee

Request: The applicants are requesting a property boundary adjustment affecting the property lines of four (4) contiguous parcels, R37513, R37513014, R37513013, & R37513013A. The parcels are zoned "R-1" (Single-Family residential). The request will locate accessory structures on parcels with residential structures, create a buffer from future development on R37513 and consolidate parcel R37513013 with R37513013A.

Property History: All of the subject parcels were rezoned from "A" (Agricultural) to "R-1" (Single-family residential) zone in 2017 (case RZ-PH2016-65). Preliminary approval of Oaklee Estates Subdivision (SD2020-0003) has been approved subject to this property boundary adjustment application being completed prior to the approval of final plat (SD2021-0054 No. 1 & SD2022-031 No. 2).

Findings Pursuant of CCZO §07-10-17: This property boundary adjustment request will not create eligibility for building permit nor any additional building permits. It does not result in the relocation of a building permit or provide for an administrative lot split. The affected parcels are not platted. The property line will not be adjusted more than 80-feet. Therefore, it will not cause injury, damage or a safety hazard to surrounding parcels. This property boundary adjustment does not create non-conforming parcels. This application with supporting documents is in substantial compliance with the requirements of the effective zoning ordinance §07-10-17.

The subject parcels will be adjusted in accordance with Record of Survey Instrument No. 2020-040577 as the following:

Parcel #:	Existing Acreage	New Acreage
Parcel R37513	54.90 ±	54.36 ± acres, residential permits available
Parcel R37513014	4.52 ±	4.81± acres w/existing residential structure
Parcel R37513013	1.00 ±	1.83 ± acres w/existing residential structure
Parcel R37513013A	0.24 ±	Merged together with R37513013.

DISCLAIMER: Parcels will not be adjusted by the Assessor's Office until deeds are recorded.

Decision: The application documents, including the metes and bounds description(s), and the record of survey complies with CCZO §07-10-17. Therefore, ***the property boundary adjustment is hereby APPROVED.***

Dan Lister, Planning Official — **Date** 9.19.22

State of Idaho)
SS
County of Canyon County)

On this 19th day of July, in the year of 2022, before me Jennifer D. Almeida, a notary public, personally appeared Dan Lister, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

JENNIFER D. ALMEIDA
COMMISSION #20221763
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 04/07/2028

Notary: Jennifer D Almeida
My Commission Expires: 4/7/28

UNOFFICIAL COPY

Exhibit I

2024-011245
RECORDED
04/15/2024 03:31 PM
00806417202400112450170175
RICK HOGABOAM
CANYON COUNTY RECORDER
Pgs=17 PBRIDGES $58.00
MISC
SUBDIVISION MAKER LLC

OAKLEE ESTATES SUBDIVISION CC&Rs

This Declaration of Covenants, Conditions and Restrictions for OAKLEE Estates Subdivision located in Canyon County, Idaho (Declaration and CC&Rs) is made and effective on April ___11___, 2024 by Dale Lee and Kathi Lee, husband and wife (Declarant).

ARTICLE I: NOTICE TO BUYERS

BEFORE acquiring an ownership interest in a Residential Lot in OAKLEE Estates Subdivision (Subdivision), you should read these CC&Rs and, at your expense, consult with an expert if you do not understand something in the CC&Rs or have questions.

By accepting a deed or ownership interest in a Residential Lot, the Owner agrees and consents to the following:

1) to be bound by each and every covenant, condition and restriction contained in these CC&Rs;

2) to comply with local, state and federal laws at all times when owning, possessing, and or using a Lot;

3) to require tenants, if any, to comply with these CC&Rs and local, state and federal laws;

4) portions of Subdivision Property that are not included in a recorded Subdivision final plat, i.e., vacant land contemplated as a future phase, are not subject to these CC&Rs until the land is included in a recorded Subdivision final plat;

5) to obtain Architectural Committee's written approval of a building contractor prior to commencing construction of any structure on a Residential Lot;

6) all Improvements and land uses of and on a Residential Lot are to be designed, constructed and used in such a manner as to promote compatibility between Residential Lots and minimize nuisances, and shall comply with all local, state and federal laws. Owners shall maintain improvements, especially exterior building condition, in a good, workable condition, and promptly provide maintenance to avoid deterioration and/or an unsightly condition.

7) to give Declarant a right-of-first refusal if an Owner desires to sell a Residential Lot before constructing a residence on the lot, i.e., the Owner covenants and agrees first to offer in writing to sell the Lot to the Declarant, for the same price and terms the Owner paid for the Lot, before offering to sell the Lot to another person (individual, entity, organization, or other), and Declarant in writing shall accept or

6.16 Fences and Other Buffers. See Section 8.5

6.17 Garages. All Dwelling Units at minimum shall have an attached three-car garage.

6.18 Grading. Each Residential Lot shall be graded to match adjacent grades at property boundaries so storm water remains on-site.

6.19 Landscaping – See Section 8.8.

6.20 Roofs. Roofs shall be of at least 4" in 12" pitch unless otherwise specifically noted and authorized by the Architectural Committee. No gravel roofs shall be permitted. Bay windows, broken rooflines, gables, hip roofs, etc. are encouraged to provide architectural variety. Shingles shall be, at a minimum, twenty-five (25) year architectural. Roofing samples shall be submitted to the Committee for approval prior to application of finish roofing materials.

6.21 Sewer Disposal. Each Owner is responsible to coordinate with and pay an excavator to obtain proper permits and install a septic tank and drain field on the Owner's Residential Lot according to applicable laws, rules and standards of the Southwest District Health Department. All bathroom, sink and toilet facilities shall be plumbed and located inside a Dwelling Unit or enclosed structure. Disposal of sewer or wastewater to other than the septic tank and drain field system is prohibited.

6.22 Utilities. Electric, natural gas, cable TV, fiber optics and other utilities regulated by the Public Utility Commission have the right to access, enter and work within public utility easements established according to state law along front, side and rear boundaries of each Residential Lot. According to state law, obstructions in a utility easement may be removed by a utility company without any liability, restoration or reimbursement to the Owner.

6.23 Irrigation. The Developer constructed a pressurized irrigation system-- a pumphouse, weed screen, pump, and mainline-- throughout the Subdivision with a service stub to each Residential Lot. The HOA shall use regular-assessment revenue to pay invoices from Black Canyon Irrigation District for irrigation water, Idaho Power for electricity to the pump, and to operate, maintain and repair the pressurized irrigation system. If filtering in addition to the weed screen at the pump station is desired, then each Owner is responsible to add filtering at the service stub to the Owner's Residential Lot.

ARTICLE VII. ARCHITECTURAL COMMITTEE

7.1 Creation and Non-liability. The Declarant hereby establishes an Architectural Committee, which shall have three (3) members appointed and unappointed at any time and for any reason, without liability, by the Declarant, as long as the Declarant is an Owner, and subsequently by Board of Directors. Neither the Committee nor its members shall be liable for claims, loss, damage or injury arising from Committee acts or omissions. A record of the Committee members' names, addresses and their terms of service shall be kept by the Association.

7.2 Members. Committee members may be the same individuals as one or more of the Board of Directors and shall be Owners residing on a Residential Lot and not have a past-due assessment, except the Committee members appointed by the Declarant may not be Owners. The initial Committee members are Dale Lee, Kathi Lee, and Mike Riggs. Committee members shall be compensated from the application review and record fees received. Each member who reviews and initials each page of the plans receives an equal share after subtracting the cost to make a copy of the application and plan set reviewed and acted on by the Committee. For example, a $50.00 fee would be reduced by the cost to scan or copy the plans, say $5.00, and the balance equally divided

10.4 Limited Assessments. If the Board of Directors determines an emergency exists, or to fund repair or replacement of HOA property that benefits Owners, the then the Board shall determine the approximate amount necessary to pay emergency or improvement expenses, levy a Limited Assessment against Residential Lots, and use Limited Assessment proceeds to pay emergency or improvement expenses. Lots that the Declarant owns are exempt from all Assessments for two years from the date of this Declaration. The Board shall apply unspent Limited Assessment proceeds to the next annual budget.

XI. COMPLIANCE AND ENFORCEMENT

11.1 Compliance - Estoppel Certificate. Upon receipt of a written request, the Association shall fill out a form provided by the requestor or provide a notarized written statement stating according to Association records: 1) whether a Residential Lot Owner's payment of assessments is current or past due with the past-due amount, and 2) whether compliant with or in violation of these CC&Rs.

11.2 Enforcement. These CC&Rs may be enforced by the Declarant, HOA, and or one or more Owners. The HOA is authorized and has the power to enforce these CC&Rs using any legal process, including mediation, arbitration, an action in law or equity (law suit) to recover damages or for negative or affirmative injunctive relief or both, exercising the power of contract lien, foreclosure and sale, employing a collection company, etc.

Each remedy is cumulative and not exclusive.

The failure to enforce a provision of the CC&Rs at any time shall not constitute a waiver of the right subsequently to enforce said provision.

Disputes may be resolved via binding arbitration by one arbitrator or a panel of three arbitrators agreed-to and equally paid-for by the disputing parties.

In any law suit, whether or not prosecuted to judgment, the prevailing party shall be entitled to an award of costs and reasonable attorney's fees. In the event of judgement against any person, the court may award injunction or mandate against any person for violation, require compliance as the court deems necessary, award such penalties, costs, and reasonable attorney's fees, and further relief as the court deems just and equitable.

11.3 Covenant to Comply with CC&Rs. By accepting a deed to a Residential Lot, each Owner hereby covenants and agrees to comply with these CC&Rs and, if non-compliant, to become compliant within a short reasonable time to minimize the damage, injury, and negative impact of non-compliance on other Owners and Residential Lots. If the Association incurs expense to enforce these CC&Rs against an Owner of a Residential Lot, then that Owner shall reimburse the Association for the expenses and pay all interest, Association collection costs and reasonable attorney's fees. The assessments, interest, collection costs and reasonable attorney's fees shall be a charge and continuing lien against a Residential Lot until paid-in-full, and also shall be an Owner's personal obligation that does not pass to successors.

11.4 Liens to Collect a Debt.

11.4.1 Creation. There is hereby created a claim of lien with power of sale on each Residential Lot to secure payment of any and all money owed to the HOA by the Residential Lot's Owner, together with interest thereon at the maximum rate permitted by law and all costs of collection and reasonable attorney's fees incurred by the HOA.

11.4.2 Claim of Lien. To secure payment and collect a debt through the lien and possible lien foreclosure processes, the HOA shall consult a qualified attorney and subsequently may record a lien against a Residential Lot and personal property owned by the Residential Lot's Owner. Upon recording a claim of lien in the land records of Canyon County, Idaho, all HOA assessments and other money owed to the HOA by a

12.7 Headings. Headings in this Declaration are used for reference and convenience only, and shall not be used to interpret a provision.

12.8 Binding Effect. These CC&Rs shall inure to the benefit of, and be binding on, the Declarant and their representatives, heirs, agents, successors, and assigns.

12.9 Time of Essence. Time is strictly of the essence with respect to each and every term, condition, and provision in this Declaration agreement, and the failure to timely perform any of the obligations hereunder will constitute a breach of this Declaration agreement by the party failing to perform.

IN WITNESS WHEREOF, the Declarant signs this 11 day of April, 2024.

DECLARANT

Dale T. Lee
Dale Lee

Kathi Lee
Kathi Lee

ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)
s.s.
County of Canyon)

On this 11 day of April, 2024, before me a notary public personally appeared DALE LEE and KATHI LEE personally known or proved to me on the basis of satisfactory evidence to be the persons whose names are ascribed to the within instrument and acknowledged to me that they signed this instrument.

DARIN J TAYLOR
COMMISSION #28807
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 12/07/2027

Dani J Taylor
Notary Public
Residing at: Middleton ID
My Commission Expires: Dec. 7, 2027

COMPASS LAND SURVEYING PLLC

Client: Dale Lee
Date: April 15, 2024
Job No.: 3819

EXHIBIT A

PROPERTY DESCRIPTION

A parcel of land being a portion of the SW 1/4 SE 1/4 of Section 28, Township 5 North, Range 2 West, Boise Meridian, Canyon County Idaho, more particularly described as follows:

BEGINNING at the Southwest corner of said SW 1/4 SE 1/4, (South 1/4 corner), which is being monumented with a found 5/8-inch diameter iron pin, from which the Southeast corner of said SW 1/4 SE 1/4, (East 1/16 corner common to sections 28 and 33), bears S. 89° 18' 14" E., a distance of 1319.30 feet;

Thence along the westerly boundary of said SW 1/4 SE 1/4, N. 00° 35' 04" E., a distance of 274.45 feet to a set 5/8-inch diameter iron pin stamped "CLS PLS 7732";

Thence leaving said westerly boundary, S. 89° 18' 14" E., a distance of 81.87 feet a set 5/8-inch diameter iron pin stamped "CLS PLS 7732";

Thence parallel with the westerly boundary of said SW 1/4 SE 1/4, N. 00° 35' 04" E., a distance of 156.78 feet to the centerline of the "C-Line Canal East", from which a 5/8-inch diameter iron pin Witness Corner stamped " WC PLS 7732" bears S. 00° 35' 04" W., a distance of 10.56 feet;

Thence along the centerline of said "C-Line Canal East" the following courses and distances:

Thence N. 71° 48' 10" E., a distance of 40.68 feet;

Thence N. 55° 27' 36" E., a distance of 65.67 feet to the beginning of a non-tangent curve left;

Thence a distance of 43.19 feet along the arc of said curve left, having a radius of 92.76 feet, a central angle of 26° 40' 42", the long chord of which bears N. 23° 09' 34" E., a distance of 42.80 feet;

Thence tangent to said curve, N. 08° 04' 45" E., a distance of 215.07 feet to the beginning of a non-tangent curve right;

Thence a distance of 117.41 feet along the arc of said curve right, having a radius of 75.14 feet, a central angle of 89° 31' 44", the long chord of which bears N. 53° 06' 45" E., a distance of 105.83 feet;

Thence tangent to said curve, S. 78° 09' 35" E., a distance of 470.96 feet to the beginning of a non-tangent curve left;

Thence a distance of 94.55 feet along the arc of said curve left, having a radius of 70.20 feet, a central angle of 77° 10' 21", the long chord of which bears N. 55° 21' 39" E., a distance of 87.57 feet;

Thence tangent to said curve, N. 17° 39' 03" E., a distance of 312.96 feet to the beginning of a non-tangent curve right;

623 11th Ave. South, Nampa, ID 83651 • T. (208) 442-0115 • C. (208) 608-2510 • rgray.cls@gmail.com

Thence a distance of 55.91 feet along the arc of said curve right, having a radius of 92.67 feet, a central angle of 34° 34' 13", the long chord of which bears N. 34° 45' 22" E., a distance of 55.07 feet;

Thence tangent to said curve, N. 53° 44' 20" E., a distance of 32.85 feet to the southerly boundary of Willow Creek Ranch Estates No. 3 as on file in Book 33 of Plats at Page 42 in the Office of the Recorder of Canyon County, Idaho;

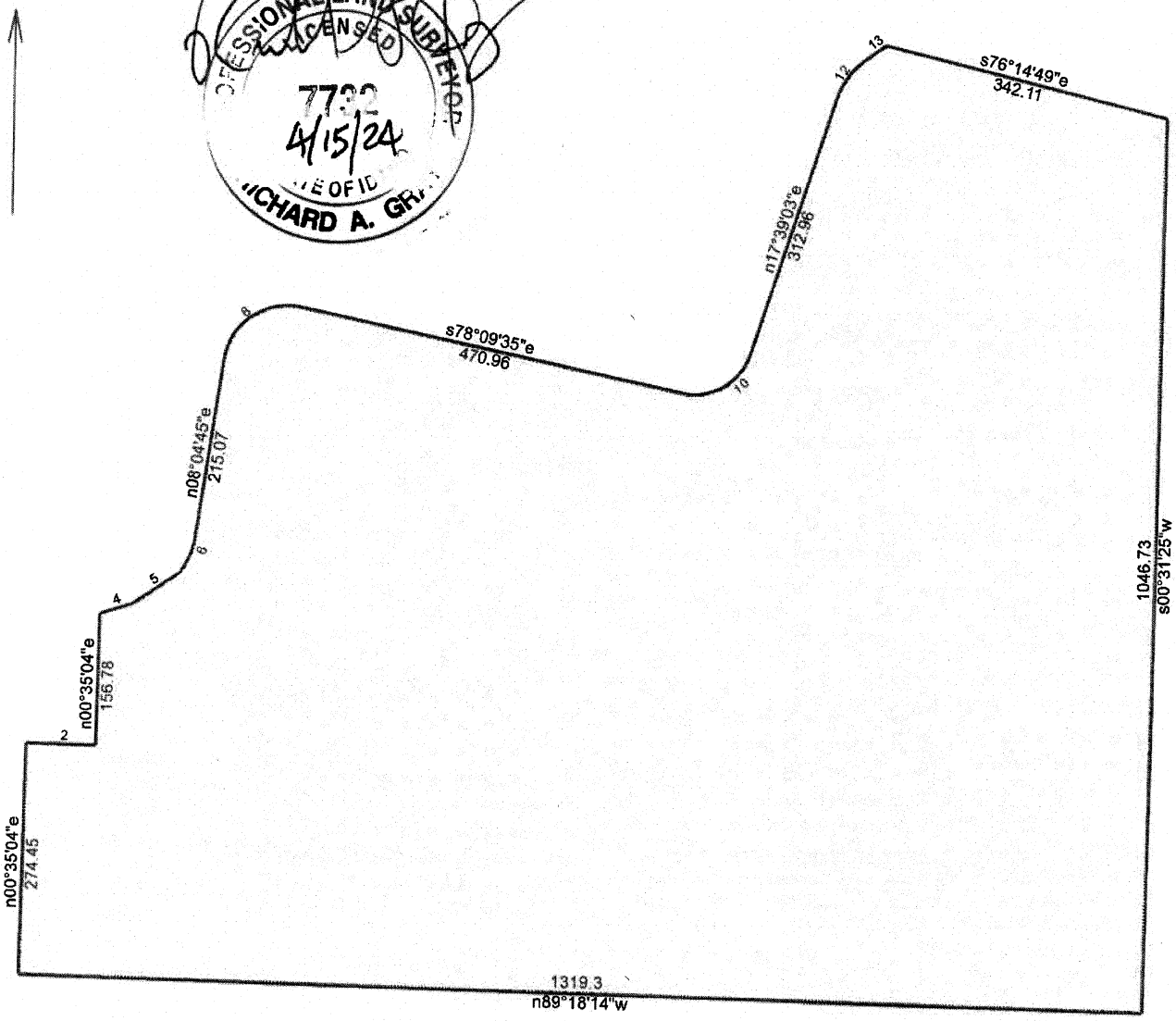
Thence along said southerly boundary, S. 76° 14' 49" E., a distance of 342.11 feet to a found 5/8 inch diameter iron pin with no cap marking the easterly boundary of said SW 1/4 SE 1/4 and being a portion of the westerly boundary of said Willow Creek Ranch Estates No. 3;

Thence along the easterly boundary of said SW 1/4 SE 1/4 which is also a portion of the westerly boundary of said Willow Creek Ranch Estates No. 3 and also being the westerly boundary of Willow Creek Ranch Estates No. 1 as on file in Book 20 of Plats at Page 33 in the Office of the Recorder of Canyon County, Idaho, S. 00° 31' 25" W., a distance of 1046.73 feet to a found 5/8 inch diameter iron pin with no cap marking the South East corner of said SW 1/4 SE 1/4, (East 1/16 corner common to sections 28 and 33);

Thence along the southerly boundary of said SW 1/4 SE 1/4, N. 89° 18' 14" W., a distance of 1319.30 feet to the **POINT OF BEGINNING**.

This parcel contains 24.44 acres more or less.





PROFESSIONAL LAND SURVEYOR LICENSED 7732 4/15/24 STATE OF IDAHO RICHARD A. GRAY

3819 - Oaklee Estates Sub No. 1

Scale: 1 inch= 200 feet	File: 3819 PHASE 1 CLOSURE 4-15-2024.ndp	4/15/2024

Tract 1: 24.4380 Acres, Closure: s09.1356e 0.01 ft. (1/438730), Perimeter=4671 ft.

01 n00.3504e 274.45
02 s89.1814e 81.87
03 n00.3504e 156.78
04 n71.4810e 40.68
05 n55.2736e 65.67
06 Lt, r=92.76, delta=026.4042, chord=n23.0934e 42.80
07 n08.0445e 215.07
08 Rt, r=75.14, delta=089.3144, chord=n53.0645e 105.83
09 s78.0935e 470.96
10 Lt, r=70.20, delta=077.1021, chord=n55.2139e 87.57
11 n17.3903e 312.96
12 Rt, r=92.67, delta=034.3413, chord=n34.4522e 55.07
13 n53.4420e 32.85
14 s76.1449e 342.11
15 s00.3125w 1046.73
16 n89.1814w 1319.3