



HEARING EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:

Tillman Ridge Subdivision - SD2026-0001

The Canyon County Hearing Examiner considers the following:

The applicant, Tillman LLC, represented by Ackerman-Estvold, requests approval of the Tillman Ridge Subdivision preliminary plat on Parcel R32862. The subdivision includes 49 residential lots and a common lot. The applicant is requesting a waiver of city subdivision requirements. The City of Caldwell requests that the subdivision meet city landscaping requirements.

The 62.11-acre property is adjacent to 15453 Karcher Road, Caldwell, also referenced as part of the NE¼ quarter of Section 16, T3N, R3W, BM, 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 SD2026-0001.

1. Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on September 17, 2026. JEPA notice was sent to the City of Caldwell on January 16, 2026. Property owners within 600 feet of the subject property boundaries were notified on September 17, 2026. A newspaper notice was published on September 22, 2026. The subject property was posted with a notice on September 22, 2026.
2. All exhibits can be found in the case staff report addendum dated August 20, 2026.

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(4) - Commission Review: A. 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.

B. Upon recommendation by the commission, the preliminary plat, together with the commission's recommendation, shall be transmitted to the board.

The application, SD2026-0001, was presented at a public hearing before the Canyon County Hearing Examiner on October 22, 2026. 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 Hearing Examiner decides as follows:

Table 1. Preliminary Plat Standards of Evaluation – CCCO §07-17-09

County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	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.
Analysis		The application was submitted on January 9, 2026. Preliminary plat summary and consistency review per CCCO §07-17-09(1)A through F was completed on September 29, 2026, based on the 4th revision (See Exhibit C.2a for details): <u>Summary of Review – Tillman Ridge Subdivision:</u> • <u>Total Acreage:</u> 62.11 acres (54.1 acres after public road dedication). • <u>Total Number of Lots:</u> 48 residential lots, 1 common lot for community wells and subdivision drainage pond. • <u>Zoning:</u> “CR-R-1” (Conditional Rezone - Single-Family Residential; RZ2022-0012, Exhibits C.5): ○ Development Agreement Condition #3 requires fire hydrants to be installed. The applicant finds that other options, based on the fire district review, allow fire sprinklers to be installed in each home in lieu of fire hydrants (Exhibits B.7 & C.2b). However, based on the signed findings and Board of County Commissioner minutes (Exhibit C.5), the Board required fire hydrants to be installed. Additionally, Caldwell Fire District requires hydrant notes to be added on the plat (Exhibit D.3). Therefore, conditions no. 1 & 7 have been included to ensure fire hydrants are shown, installed, and approved by the fire district prior to signing of the final plat. • <u>Roads/Access:</u> ITD permitted a right-in-right-out (RIRO) approach onto Karcher Road subject to right-of-way dedication. The second approach is located on Kimball Avenue using Vista Drive, a local public road, to access the 10th Avenue/Karcher intersection. Interior roads will be improved to meet HD4 local road requirements (Exhibit D.1). All roads are public and will be constructed per Highway District #4 and City of Caldwell standards (Plat Notes #7 & 8, Exhibit B.7). A stub road is provided to the south parcel to accommodate future development (Exhibit B.7). ○ Per Plat Note #10 (Exhibit B.7), no lot shall have direct access onto SH-55 (Karcher Road) or S. Kimball Avenue. ○ Per Plat Note #9 (Exhibit B.7), existing and proposed irrigation and utilities cannot encroach on S. Kimball Avenue. ▪ <i>The TIS reviewed and approved by HD4 and ITD, and analysis completed during the rezone, can be found in the RZ2022-0012 (See Exhibit C.5).</i> • <u>Area of City Impact:</u> City of Caldwell Planning and Engineering provided comments (Exhibit D.7). The city requires the development to meet city landscaping requirements. A landscaping buffer along Karcher Road. A 35-foot buffer is proposed within the SH-55 right-of-way and along the frontage of the internal public roads (Exhibit B.8). The city requests that the buffer extend 10 feet into the development to ensure landscaping remains if the SH-55 right-of-way is ever used for future expansions, which is not shown in the landscaping plan. <i>See Condition #4.</i> • <u>Water/ Sewage Disposal:</u> Water will be provided via a community water system. Two community wells will be located on Lot 5, Block 1 (Exhibit B.7). The water system shall be approved by Idaho Dept. of Environmental Quality and the City of Caldwell (Exhibit D.7b). Per plat note #2 (Exhibit B.7), individual septic systems will be provided subject to Southwest District Health review and approval (Exhibit D.4). • <u>Irrigation:</u> Irrigation will be provided via existing irrigation pumps located near the southeast corner of the subdivision. New irrigation piping will extend to each lot (See Sheet 5 of the preliminary plat (Exhibit B.7)). The applicant provided information demonstrating that the property has enough water

		rights and pumping capacity to serve the development (Exhibit B.4). Drainage: A drainage retention pond is proposed on Lot 5, Block 1 and within an easement on Lot 4, Block 3 (Exhibits B.3 & B.7). Per Plat Note #4 (Exhibit B.7), street storm drainage will be collected in the borrow areas adjacent to the streets and routed in the borrow to Lot 50, Block 1. Individual lots are required to maintain their own runoff onsite. Plat Note #11 requires the homeowner's association and underlying property owners to be responsible for the facility and its maintenance (Exhibit B.7). Utilities: Per plat notes #1 and 6 (Exhibit B.7), utilities and drainage easements, 5' wide at each interior lot line and 10' wide at public right-of-way and at subdivision exterior boundaries, are shown. Power, gas, and communications utilities layout will be designed by the corresponding utility company.
Criteria Met?	2	Acknowledgment: Upon receipt of the application, preliminary plat, and applicable fees, DSD shall acknowledge, sign, and date the application and deem it accepted.
Yes		
Analysis	On January 9, 2026, the application and plat were accepted by DSD (Exhibit B).	
Criteria Met?		Agency Review: 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, <u>approval of the preliminary plat by such department or agency will be considered to be granted.</u>
Yes	3	
Analysis	Affected agencies were notified on April 23, 2025 (courtesy notice) and April 30, 2026 (hearing notice). The following agency comments were received: Highway District #4 (Exhibit D.1): The property fronts SH-55/Karcher Road and Kimball Avenue. SH-55 is classified as a principal arterial. Kimball Avenue is classified as a local road. SH-55 is under construction, with improvements to be completed in 2027. The request is anticipated to generate 523 daily trips with 39 AM peak hour trips and 51 PM peak hour trips. The TIS did not identify any significant increases in delay from the development. Traffic mitigation for the development will be through right-of-way dedication, frontage improvements, and impact fees. Frontage improvements include Kimball Avenue/Vista Drive widening and runoff being captured on Block 3, Lot 4. Dedication of right-of-way includes the frontage along SH-55 and a 30' width along the frontage of Kimball Avenue. HD4 recommends approval subject to conditions that can be addressed at the time of final plat. <i>The TIS reviewed and approved by HD4 and ITD, and analysis completed during the rezone, can be found in the RZ2022-0012 (See Exhibit C.5).</i> Boise Project Board of Control (Exhibit D.2): Forest Canal lies within the boundary of the subject property. A federal easement of 25 feet northwest and 25 feet southwest of the Forest Canal's centerline. Development, landscaping, fencing, gates, and pathways must be located outside of the easement. Any piping or crossing of the canal must be approved in writing by the irrigation district. Caldwell Rural Fire District (Exhibit D.3): The district has reviewed and can approve the preliminary plat subject to meeting water supply, street identification, access road, and turnaround requirements. The nearest station is located at 12724 E. Ustick Road, Caldwell, approximately 2.7 miles from the development (response time of 6 minutes). An email was provided to the applicant stating fire hydrants are required unless each dwelling includes fire sprinklers (Exhibit C.2b.1). However, the last comment from the fire district requires fire hydrants to be noted on the plat (Exhibit D.3). Southwest District Health (Exhibit D.4): No concerns. Southwest District Health will make sure it complies with IDAPA requirements prior to signing the final plat (Condition #6). The property is outside a designated nitrate priority area, so a nutrient pathogen study is not required. Vallivue School District (Exhibit D.5): The development will be served by West Canyon Elementary School, Vallivue Middle School, and Vallivue High School. Based on growth projections, most Vallivue schools will have capacity issues by 2029. <i>As part of the analysis for RZ2022-0012, Vallivue School District identified that West Canyon</i>	

	<i>Elementary School does not/would not have capacity issues (See Exhibit C.5).</i> - Idaho Transportation Department (Exhibit D.6): A TIS was reviewed and approved. One full access approach onto SH-55 (Karcher Road) is requested. <i>See Condition #3a.</i> <i>The TIS reviewed and approved by HD4 and ITD, and analysis completed during the rezone, can be found in the RZ2022-0012 (See Exhibit C.5).</i> - City of Caldwell (Exhibit D.7): <i>See Table 3 of this report.</i>
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Table 2. Commission Review – CCCO §07-17-09(4)

Commission Review: A. 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 the action taken shall specify:		
County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	1	The ordinance and standards used in evaluating the application.
Analysis	A. Idaho Code Section 67-6513 (Subdivisions), B. Idaho Code Sections 50-1301 through 50-1329 (Platting), C. Idaho Code, Sections 31-3805 & 42-111 (Irrigation), and D. Canyon County Code of Ordinances (CCCO), Chapter 7, Article 17 (Subdivision Regulations).	
Criteria Met?	2	Recommendations for conditions of approval that would minimize adverse conditions, if any.
Yes		
Analysis	<i>See Order Section on Page 6 for conditions of approval.</i>	
Criteria Met?	3	The reasons for recommending the approval, conditional approval, modification, or denial.
Yes		
Analysis	<i>See Table 1 and Table 2, Sections 1 & 2.</i>	
Criteria Met?	4	If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.
Yes		
Analysis	Denial is not recommended due to the preliminary plat meeting all required standards, subject to conditions of approval.	

Table 3. Area of City Impact - Caldwell

County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	09-01-25(3)	The following procedures shall be adhered to in processing applications within the Caldwell area of city impact: (3) Subdivision Plat Applications: All subdivision plat applications shall be processed as provided for in this code, and as provided for in subsection 09-01-17(3) of this article. CCCO §09-01-25(3) Comprehensive Plan Amendment Proposals: Notice of all proposals to amend the county comprehensive plan, which may pertain to the Caldwell area of city impact but which do not originate from the city of Caldwell, shall be given to the city of Caldwell community development director at least thirty (30) calendar days prior to the first county public hearing at which such proposal is considered by the county, and the city of Caldwell may make a recommendation before or at said public hearing. After the city receives its initial thirty (30) days' notice, any further notice of

		proposed changes to the proposal will be provided to the City of Caldwell at least seven (7) days prior to the public hearing. If a recommendation is received by the county from the City of Caldwell, the recommendation shall be given consideration by the county, provided it is factually supported. Such recommendation shall not be binding on the county. If no recommendation is received, Canyon County may proceed without the recommendation of the City of Caldwell
Analysis		A JEPA (Joint Exercise of Power Agreement) notice was sent to the City of Caldwell on January 16, 2026, and September 22, 2026. The following comments were provided: - <u>City Planning (Exhibit D.7a)</u>: The requested development is inconsistent with the city's development plans for the area, but the city does not oppose the development due to the proximity to existing single-family development, subject to the development including a 35' street landscaping buffer in accordance with Caldwell City Code 10-02-09-5(11) along Karcher Road. - o The property is approximately 1,200 feet from city limits. The city comprehensive plan promotes a community and mixed-use centers, which promotes mixed-use development and higher-density residential (8-25 dwelling units per acre). - o City Code Section 10-02-09-5(11): <i>Additional Requirements for Buffers Along State & U.S. Highways: A. All parcels, in any zone, that have frontage along State/U.S. Highways shall install a thirty-five-foot (35') wide street landscape buffer that may contain a detached sidewalk and accompanying landscaping if no sidewalk or pathway exists but is identified in the transportation master plan or pathways master plan. B. Sidewalks within these buffers shall meet the following requirements: 1. Shall be detached from any roadway unless required to be attached by the Idaho Transportation Department or the City of Caldwell Engineering Department. 2. Shall be on a flat surface that is ADA accessible and is not sloped, bermed, or hilly such that ADA accessibility is hindered. 3. Shall be a minimum of ten (10) feet wide (unless an alternative is approved by the Engineering Department) and paved the full width, meeting surfacing and cross-section standards for sidewalks, as per the City Engineering Department.</i> ▪ The preliminary plat and landscaping plan (Exhibits B.7 & 8) were submitted to the City for review. The landscaping appears to be all in the ITD public right-of-way. The City requests that a condition be applied to ensure at least 10' of the 35' buffer is located within the development to ensure some landscaping buffer is retained if ITD expands SH-55 (Exhibit C.2a). See condition #4. - <u>City Engineering (Exhibit D.7b)</u>: The development proposes a community water system. "The applicant must work with the City of Caldwell to ensure the facility is designed and constructed to meet all operational requirements in addition to all master plan and design standards. The City will require the opportunity to comment on the design documents of the well and well house as well as issue final approval of all water infrastructure. The City will also require a preconstruction meeting with associated inspections." - o Chapter 38, Title 31, Idaho Code – 31-3805: "(2) For any subdivision that lies within the service area or area of city impact of a municipal provider, the following requirements apply: If a shared well or public water system is installed, it shall be designed to meet the requirements of that municipal provider and be planned to integrate with and connect to the municipal provider's system when appropriate. The requirements of this paragraph shall not apply if an agreement is reached with the municipal provider." ▪ "(b) The municipal provider shall be consulted in the design of the shared well or public water system to ensure proper integration; and (c) Upon connection to the municipal provider's system, the water rights associated with the subdivision's shared well or public water system shall be conveyed to the municipal provider."

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Hearing Examiner **recommends approval** of Case # SD2026-0001, the Tillman Ridge Subdivision Preliminary Plat, subject to the following conditions:

- 1) All subdivision improvements (public or private roads, irrigation, landscaping, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioners' signature on the final plat. Public roads and community water system cannot be bonded.
 - 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 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 home building) and Long-term O&M (via CC&Rs or other enforceable mechanisms) to ensure the continued function of drainage systems.
 - ii. Per DA25-118, fire hydrants shall be provided and must be included in the construction drawings and final plat.
- 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 (**Exhibit D.1**). Evidence shall include the final plat approval document and the highway district's signature on the final plat.
 - a. ITD review and approval of the final plat and construction drawings are required before the Board signs the final plat (**Exhibit D.6**). Evidence shall be written approval from ITD.
- 4) Development shall comply with the requirements and landscaping standards/conditions of the City of Caldwell (**Exhibit D.7**). Evidence shall include the city engineer's signature on the final plat.
- 5) 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.
- 6) Development shall comply with Southwest District Health requirements (**Exhibit D.4**). Evidence shall be Southwest District Health's signature on the final plat.
- 7) Development shall comply with access and fire hydrant requirements of the Fire District. Evidence shall include written correspondence from the Fire District before the Board of County Commissioners' signature on the final plat.
- 8) Per DA25-118, the recorded development agreement shall be noted on the final plat.
- 9) 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.
- 10) Prior to final plat signing, provide documents clearly assigning ownership and long-term operation and maintenance responsibility for the community wells, irrigation system, drainage common lot, and other shared facilities. All applicable requirements shall be incorporated into the final plat, construction drawings, and CC&Rs.
- 11) Before the hearing of the preliminary plat by the Board of County Commissioners, the following must be corrected (**Exhibit C.2a**):
 - a. Correct the lot count. The cover says 50 total, while Sheet 3 says 49 total. The average lot size differs too: 46,293 ft² on the cover vs. 46,342 ft² on Sheet 3.
 - b. Correct road details. Sheet 2 still depicts 3:1 gravel borrow slopes; Sheet 4 depicts 4:1. HD4 specifically required 4:1.
- 12) Development shall comply with irrigation district requirements (**Exhibit D.2**). A letter from Boise Project Board of Control approving the final plat shall be submitted prior to the Board of County Commissioners' signature on the final plat.

DATED this 22 day of October, 2026.

HEARING EXAMINER
CANYON COUNTY, IDAHO

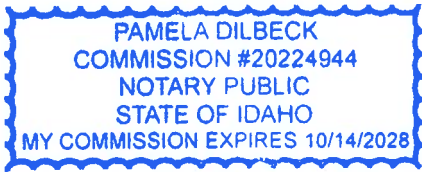
[Signature]
Jerome Mapp, Hearing Examiner

State of Idaho)

SS

County of Canyon County)

On this 22nd day of October, in the year 2026, before me Pamela Dilbeck, a notary public, personally appeared Jerome Mapp, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: Pamela Dilbeck

My Commission Expires: 10/14/2028